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## OLR Bill Analysis

### sHB 5502

#### ***AN ACT CONCERNING STANDING TO APPEAL A ZONING DECISION AND ESTABLISHING CRIMINAL PENALTIES FOR VIOLATION OF MUNICIPAL BLIGHT ORDINANCES.***

#### **SUMMARY:**

Under current law, a person can appeal a zoning decision if he or she (1) is aggrieved by the decision or (2) owns land that abuts or is within 100 feet of land involved in the decision, which under case law includes land that meets these qualifications but is on the other side of the state's border. This bill restricts those who can appeal zoning decisions to people who own land in Connecticut. Generally, the bill applies to zoning decisions related to enforcement actions, special exceptions and exemptions, and variances.

By law, unchanged by the bill, a municipal officer, department, board, or bureau charged with enforcing board orders, requirements, or decisions who is aggrieved can also appeal.

The bill also requires towns that have housing blight ordinances to include in their implementing regulations provisions mandating (1) written notice to the property's owner or occupant of a violation and (2) a reasonable opportunity to remediate the conditions before any enforcement action. Under current law, an ordinance can establish fines of between \$10 and \$100 for each day a violation continues and, if the town establishes fines, requires a citation hearing process for people to pay and appeal the fines. The bill renames these fines as civil penalties.

The bill also imposes new fines of up to \$250 per day for a willful violation of a blight regulation after a person receives written notice and has a reasonable opportunity to remediate the conditions. This fine would not be subject to the citation hearing process and would require court proceedings.

EFFECTIVE DATE: October 1, 2012

## **BACKGROUND**

### ***Related Case—Zoning Appeals***

The Connecticut Supreme Court ruled that the statute granting the right of appeal to someone who owns land that abuts or is within 100 feet of land involved in zoning decision applies to people who own land outside Connecticut.

The court found the statute unclear. It stated that planning and zoning advances certain public interests and authorizes landowners near the subject land use to enforce compliance with zoning regulations through an appeals process. The court found no reason that the statute would intend to exempt out-of-state properties that might feel the greatest and most immediate effect of a proposed development. The court found that allowing those out of state to challenge the legality of a proposed project protects the interests of a municipality and its citizens in uniform and harmonious development and in public health and safety (*Abel v. Planning and Zoning Commission of the Town of New Canaan*, 297 Conn. 414 (2010)).

### ***Blight Ordinances***

By law, any unpaid fine imposed under a blight ordinance is a lien on the real estate from the date of the fine (CGS § 7-148aa). A town can also choose to include in its blight ordinance provisions that impose special assessments on the property (CGS § 7-148ff).

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 7 (04/02/2012)