

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 12-146—HB 5319

Planning and Development Committee

Judiciary Committee

**AN ACT CONCERNING PERSONS AGGRIEVED BY DECISIONS OF
MUNICIPAL LAND USE BOARDS AND THE PENALTIES FOR
VIOLATING MUNICIPAL BLIGHT ORDINANCES**

SUMMARY: The law allows a person to appeal a zoning or planning decision if he or she is aggrieved by it. Under prior law, this included any person that owned land that abutted or was within 100 feet of land involved in the decision, which under case law could have included land on the other side of the state's border. This act restricts the abutting land owners and owners within 100 feet who can appeal planning and zoning decisions to people who own land in Connecticut.

By law, unchanged by the act, an aggrieved municipal officer, department, board, or bureau charged with enforcing board orders, requirements, or decisions can also appeal.

The act requires towns that have housing blight ordinances to include in their implementing regulations provisions mandating (1) written notice to the property's owner and occupant of a violation and (2) a reasonable opportunity to remediate the conditions before any enforcement action.

Under existing law, a blight ordinance may establish fines of between \$10 and \$100 for each day a violation continues and, if the town establishes fines, require a citation hearing process for people to appeal the fines. The act renames these fines as civil penalties and makes a conforming change to the law imposing liens on property for unpaid blight penalties.

It also imposes a new state fine of up to \$250 per day for a willful violation of a blight regulation when it can be shown for each day, based on actual inspection of the property, that blighted conditions continued after a person received written notice and had a reasonable opportunity to remediate the conditions. This fine is not subject to the citation hearing process and requires court proceedings. The act allows new owners or occupants of a blighted property to request a 30-day extension from receipt of the notice with regard to these new penalties.

EFFECTIVE DATE: October 1, 2012

**MUNICIPAL ANTI-BLIGHT REGULATIONS AND NEW OWNERS OR
OCCUPANTS**

The act provides relief for new owners or occupants by requiring municipalities to grant them, upon request, a 30-day extension of the opportunity to remediate the property before they can be subject to the act's \$250 per day penalty. Under the act, new owners or occupants are people or entities who have taken title to, or occupied, respectively, a property within 30 days after the

OLR PUBLIC ACT SUMMARY

municipality issued the blight notice.

BACKGROUND

Related Case—Zoning Appeals

In 2010, 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 a 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 intended 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).

OLR Tracking: JRH:JO:PH:eh