OLR Bill Analysis
sHB 6335

AN ACT CONCERNING LAND USE APPEALS.

SUMMARY
This bill (1) allows an aggrieved party to withdraw a land use appeal without a court hearing and (2) eliminates a requirement that the court approve land use settlements.

By law, with some exceptions, any person aggrieved by a municipal zoning board’s decision (e.g., a decision to approve or deny a site plan), may appeal to the Superior Court for the judicial district in which the municipality is located, regardless of any right to appeal to a municipal zoning board of appeals. Under current law, the proposed withdrawal or settlement of such an appeal is not effective unless the Superior Court holds a hearing and approves it.

Under the bill, the Superior Court must permit the withdrawal of a land use appeal without a hearing, unless a defendant files a written objection within 30 days after the withdrawal is filed. If the defendant files a timely objection, the bill requires the court to hold a hearing to determine whether it will allow the withdrawal.

For settlements, the bill eliminates the requirement for a hearing and the court’s approval for it to be effective.

EFFECTIVE DATE: October 1 2019

BACKGROUND
Aggrieved Person
“Aggrieved person” is a person aggrieved by a decision of a board and includes any officer, department, board or bureau of the municipality charged with enforcement of any order, requirement or decision of the board. For decisions by a zoning commission, planning
commission, combined planning and zoning commission, or zoning board of appeals, “aggrieved person” includes any person owning land that abuts or is within 100 feet of the land involved in the board’s decision.

**Board**

By law, “board” means a municipal zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or other board or commission, or the chief elected official of a municipality.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea  23  Nay  12  (04/12/2019)