OLR Bill Analysis
sSB 1107

**AN ACT CONCERNING THE TERMS OF THE BOARD OF TRUSTEES OF THE CONNECTICUT TRUST FOR HISTORIC PRESERVATION AND CONSTRUCTION INVOLVING HISTORIC STRUCTURES.**

**SUMMARY**

Current law permits interventions to prevent the unreasonable destruction of certain historic properties by either (1) the attorney general, at the request of the Historic Preservation Council, or (2) any party that would not otherwise have standing, filing suit under the state's Environmental Protection Act (see BACKGROUND). This bill creates a three-year exemption from these interventions for certain historic properties located in towns that meet the bill's criteria.

Beginning October 1, 2019 and ending October 1, 2022, the exception would apply to any new construction plan or project of a private or municipal entity alone, or in combination, that proposes to rebuild, remove, demolish, move, or raze a historic structure, on the condition that the historic structure has been continuously vacant for at least 10 years and is located within:

1. a municipality having a population under 30,000 and designated as distressed for the past ten consecutive years, and

2. a designated opportunity zone (see BACKGROUND).

Based on the most recent Department of Public Health (DPH) population figures (2017) and the most recent distressed municipalities and opportunity zone lists, Ansonia, New London, Putnam, and Windham appear to meet all three criteria.

While the bill specifies that its provisions cannot be construed to exempt such plan or project from the requirements concerning
protection of the public trust in the air, water, and other natural resources under the Protection Act, it exempts historic structures from this protection.

The bill also amends the special act that created the Connecticut Trust for Historic Preservation by removing term limits for its board of trustees. Currently, a trustee who has served two consecutive terms is ineligible for re-appointment until the next annual meeting following the end of his or her term.

Finally, the bill makes technical changes.

EFFECTIVE DATE: October 1, 2019, except the provisions concerning term limits of the board of trustees are effective immediately.

BACKGROUND

Connecticut Environmental Protection Act

The Protection Act allows parties that would not otherwise have standing, even if it does not specifically harm them or affect their property, to oppose the unreasonable destruction of historic properties or actions that may cause harm to the environment to intervene to prevent such destruction or harm.

The act grants this intervention right to any individual or legal entity, political subdivision of the state, state agency, or the attorney general, allowing them to file a Superior Court action seeking declaratory and equitable relief against any person or entity that proposes to unreasonably destroy historic structures and landmarks or harm the environment. The historic properties protected by the law are those properties (1) listed, or under consideration for listing, as individual units on the National Register of Historic Places or (2) that contribute to the historical significance of a district listed, or under consideration for listing, on the Register.

The law establishes a similar right of intervention in any administrative, licensing, or other proceeding, or judicial review of such proceedings, by pleading that the action will, or likely will,
unreasonably destroy historic properties or harm the environment. Notably, unlike interventions aimed at preventing environmental harm, a party intervening to prevent a historic property’s unreasonable destruction is liable for any costs if it cannot make a prima facie showing that the action will, or likely will, destroy the property (CGS §§ 22a-14 to 22a-20).

**Distressed Municipalities**

The economic and community development commissioner annually ranks municipalities based on their relative economic and fiscal distress and designates the top 25 as “distressed municipalities.” State agencies use the designation as a criterion for awarding state assistance. It also includes the portion of any municipality that is eligible for designation as an enterprise zone (CGS § 32-9p).

In 2018, the commissioner designated the following municipalities as distressed: Ansonia, Bridgeport, Bristol, Chaplin, Derby, East Hartford, East Haven, Enfield, Griswold, Hartford, Meriden, Montville, Naugatuck, New Britain, New Haven, New London, Norwich, Preston, Putnam, Sprague, Torrington, Waterbury, West Haven, Winchester, and Windham.

**Federal Opportunity Zone Program**

The federal Opportunity Zone program, created as part of the 2017 federal Tax Cuts and Jobs Act (P.L. 115-97), is designed to spur economic development and job creation in distressed communities by providing federal tax benefits for private investments in the zones. The program’s tax benefits are available to investors that reinvest gains earned on prior investments in a qualified opportunity zone fund that invests in zone businesses.

Connecticut has 72 opportunity zones in 27 municipalities that were approved by the U.S. Treasury Department in 2018.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute
Yea  9  Nay  6  (03/29/2019)