



General Assembly

Amendment

January Session, 2021

LCO No. **8289**



Offered by:

REP. MCGEE, 5th Dist.

REP. POLLETTA, 68th Dist.

To: Subst. House Bill No. **6531**

File No. 172

Cal. No. 160

"AN ACT CONCERNING THE RIGHT TO COUNSEL IN EVICTION PROCEEDINGS."

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- 1 Change the effective date of section 1 to "Effective July 1, 2021"
 - 2 In line 16, strike "administering the" and insert "contracted by or
 - 3 party to a memorandum of agreement with the Judicial Branch to
 - 4 administer the right to counsel program in accordance with subsection
 - 5 (b) of this section;" in lieu thereof
 - 6 Strike lines 17 to 19, inclusive, in their entirety
 - 7 In line 20, strike "high-quality legal"
 - 8 In line 28, after "representation;" insert "or"
 - 9 In line 34, strike "or (C) being unable to secure legal representation
 - 10 with"
 - 11 Strike lines 35 to 37, inclusive, in their entirety

12 In line 54, strike ", which shall be"

13 In line 55, strike "administered by the administering entity"

14 In line 57, after "matter" insert "initiated on or after July 1, 2021. The
15 Judicial Branch shall, using available federal funds, contract with or
16 enter a memorandum of agreement with an administering entity to
17 administer the right to counsel program"

18 In line 69, before "(5)" insert "and"

19 In line 70, strike "training; and (6) incorporate paralegals," and insert
20 "training." in lieu thereof

21 Strike lines 71 and 72 in their entirety

22 In line 77, after "organizations;" insert "and"

23 In line 78, strike "; and (4) attorney training"

24 After line 78, insert the following:

25 "(d) The Judicial Branch may receive state or federal funds pursuant
26 to this section for the purpose of appointing additional housing
27 mediators under section 47a-69 of the general statutes to facilitate the
28 resolution of summary process actions."

29 Strike lines 79 to 91, inclusive, in their entirety and insert the
30 following in lieu thereof:

31 "(e) (1) There is established a working group to advise on matters and
32 policies affecting the right to counsel program, to effectuate the right to
33 counsel. The working group shall consist of the following members:

34 (A) Two appointed by the speaker of the House of Representatives;

35 (B) Two appointed by the president pro tempore of the Senate;

36 (C) One appointed by the majority leader of the House of
37 Representatives;

- 38 (D) One appointed by the majority leader of the Senate;
- 39 (E) One appointed by the minority leader of the House of
40 Representatives;
- 41 (F) One appointed by the minority leader of the Senate;
- 42 (G) The Commissioner of Housing, or the commissioner's designee;
- 43 (H) A representative of the administering entity; and
- 44 (I) A representative of the Judicial Branch.

45 (2) All initial appointments to the working group shall be made not
46 later than thirty days after the effective date of this section. Members
47 shall serve for a term of four years and may be reappointed or continue
48 to serve until such member's successor is appointed. Any vacancy shall
49 be filled by the appointing authority.

50 (3) The Commissioner of Housing, or the commissioner's designee,
51 shall serve as chairperson of the working group. Such chairperson shall
52 schedule the first meeting of the working group, which shall be held not
53 later than sixty days after the effective date of this section. The
54 chairperson shall convene the working group on a regular basis, but not
55 less than three times per year.

56 (4) The Department of Housing shall provide administrative support
57 to the working group."

58 In line 92, strike "(e)" and insert "(f)" in lieu thereof

59 In line 92, strike "administering entity" and insert "Judicial Branch" in
60 lieu thereof

61 In line 92, strike "advisory"

62 In line 93, strike "committee" and insert "administering entity,
63 working group"

- 64 In line 93, before "plain-" insert "one-page"
- 65 In line 95, strike "broadly" and after "made" insert "available on the
66 Judicial Branch's Internet web site and"
- 67 In line 96, strike "public and" and insert "public. Such notice"
- 68 In line 98, strike "An" and insert "On or after July 1, 2021, an"
- 69 In line 113, strike "(f)" and insert "(g)" in lieu thereof
- 70 In line 113, strike "advisory"
- 71 In line 114, strike "committee" and insert "working group" in lieu
72 thereof
- 73 In line 120, strike "advisory committee" and insert "working group"
74 in lieu thereof
- 75 In line 124, strike "(g)" and insert "(h)" in lieu thereof
- 76 In line 127, strike "(h)" and insert "(i)" in lieu thereof
- 77 In line 130, strike "committee" and insert "committees" in lieu thereof
- 78 In line 131, after "housing" insert "and the Judicial Department"
- 79 After the last section, add the following and renumber sections and
80 internal references accordingly:
- 81 "Sec. 501. Subsection (d) of section 22a-42a of the general statutes is
82 repealed and the following is substituted in lieu thereof (*Effective July 1,*
83 *2021, and applicable to permits issued on or after July 1, 2021*):
- 84 (d) (1) In granting, denying or limiting any permit for a regulated
85 activity the inland wetlands agency, or its agent, shall consider the
86 factors set forth in section 22a-41, and such agency, or its agent, shall
87 state upon the record the reason for its decision. In granting a permit the
88 inland wetlands agency, or its agent, may grant the application as filed
89 or grant it upon other terms, conditions, limitations or modifications of

90 the regulated activity which are designed to carry out the policy of
91 sections 22a-36 to 22a-45, inclusive. Such terms may include any
92 reasonable measures which would mitigate the impacts of the regulated
93 activity and which would (A) prevent or minimize pollution or other
94 environmental damage, (B) maintain or enhance existing environmental
95 quality, or (C) in the following order of priority: Restore, enhance and
96 create productive wetland or watercourse resources. Such terms may
97 include restrictions as to the time of year in which a regulated activity
98 may be conducted, provided the inland wetlands agency, or its agent,
99 determines that such restrictions are necessary to carry out the policy of
100 sections 22a-36 to 22a-45, inclusive. No person shall conduct any
101 regulated activity within an inland wetland or watercourse which
102 requires zoning or subdivision approval without first having obtained
103 a valid certificate of zoning or subdivision approval, special permit,
104 special exception or variance or other documentation establishing that
105 the proposal complies with the zoning or subdivision requirements
106 adopted by the municipality pursuant to chapters 124 to 126, inclusive,
107 or any special act. The agency may suspend or revoke a permit if it finds
108 after giving notice to the permittee of the facts or conduct which warrant
109 the intended action and after a hearing at which the permittee is given
110 an opportunity to show compliance with the requirements for retention
111 of the permit, that the applicant has not complied with the conditions or
112 limitations set forth in the permit or has exceeded the scope of the work
113 as set forth in the application. The applicant shall be notified of the
114 agency's decision by certified mail within fifteen days of the date of the
115 decision and the agency shall cause notice of their order in issuance,
116 denial, revocation or suspension of a permit to be published in a
117 newspaper having a general circulation in the town wherein the
118 wetland or watercourse lies. In any case in which such notice is not
119 published within such fifteen-day period, the applicant may provide for
120 the publication of such notice within ten days thereafter.

121 (2) (A) Any permit issued under this section for the development of
122 property for which an approval is required under chapter 124, 124b, 126
123 or 126a shall (i) not take effect until each such approval, as applicable,

124 granted under such chapter has taken effect, and (ii) be valid until the
125 approval granted under such chapter expires or for ten years, whichever
126 is earlier.

127 (B) Any permit issued under this section for any activity for which an
128 approval is not required under chapter 124, 124b, 126 or 126a shall be
129 valid for not less than two years and not more than five years. Any such
130 permit shall be renewed upon request of the permit holder unless the
131 agency finds that there has been a substantial change in circumstances
132 which requires a new permit application or an enforcement action has
133 been undertaken with regard to the regulated activity for which the
134 permit was issued, provided no permit may be valid for more than ten
135 years.

136 Sec. 502. Subsection (m) of section 8-3 of the general statutes is
137 repealed and the following is substituted in lieu thereof (*Effective July 1,*
138 *2021, and applicable to permits issued on or after July 1, 2021*):

139 (m) Notwithstanding the provisions of this section, any site plan
140 approval made under this section prior to July 1, 2011, that has not
141 expired prior to May 9, 2011, except an approval made under subsection
142 (j) of this section, shall expire not less than [nine] fourteen years after the
143 date of such approval and the commission may grant one or more
144 extensions of time to complete all or part of the work in connection with
145 such site plan, provided no approval, including all extensions, shall be
146 valid for more than [fourteen] nineteen years from the date the site plan
147 was approved.

148 Sec. 503. Subsection (e) of section 8-26c of the general statutes is
149 repealed and the following is substituted in lieu thereof (*Effective July 1,*
150 *2021, and applicable to permits issued on or after July 1, 2021*):

151 (e) Notwithstanding the provisions of this section, any subdivision
152 approval made under this section prior to July 1, 2011, that has not
153 expired prior to May 9, 2011, shall expire not less than [nine] fourteen
154 years after the date of such approval and the commission may grant one
155 or more extensions of time to complete all or part of the work in

156 connection with such subdivision, provided no subdivision approval,
157 including all extensions, shall be valid for more than [fourteen] nineteen
158 years from the date the subdivision was approved.

159 Sec. 504. Subsection (c) of section 8-26g of the general statutes is
160 repealed and the following is substituted in lieu thereof (*Effective July 1,*
161 *2021, and applicable to permits issued on or after July 1, 2021*):

162 (c) Notwithstanding the provisions of this section, for any
163 subdivision of land for a project consisting of four hundred or more
164 dwelling units and approved prior to July 1, 2011, that has not expired
165 prior to May 9, 2011, any person, firm or corporation making such
166 subdivision shall complete all work in connection with such subdivision
167 not later than the date [fourteen] nineteen years after the date of
168 approval of the plan for such subdivision. The commission's
169 endorsement of approval on the plan shall state the date on which such
170 [fourteen-year] nineteen-year period expires.

171 Sec. 505. Subsection (g) of section 22a-42a of the general statutes is
172 repealed and the following is substituted in lieu thereof (*Effective July 1,*
173 *2021, and applicable to permits issued on or after July 1, 2021*):

174 (g) Notwithstanding the provisions of subdivision (2) of subsection
175 (d) of this section, any permit issued under this section prior to July 1,
176 2011, that has not expired prior to May 9, 2011, shall expire not less than
177 [nine] fourteen years after the date of such approval. Any such permit
178 shall be renewed upon request of the permit holder unless the agency
179 finds that there has been a substantial change in circumstances that
180 requires a new permit application or an enforcement action has been
181 undertaken with regard to the regulated activity for which the permit
182 was issued, provided no such permit shall be valid for more than
183 [fourteen] nineteen years."

This act shall take effect as follows and shall amend the following sections:

Sec. 501	<i>July 1, 2021, and applicable to permits issued on or after July 1, 2021</i>	22a-42a(d)
Sec. 502	<i>July 1, 2021, and applicable to permits issued on or after July 1, 2021</i>	8-3(m)
Sec. 503	<i>July 1, 2021, and applicable to permits issued on or after July 1, 2021</i>	8-26c(e)
Sec. 504	<i>July 1, 2021, and applicable to permits issued on or after July 1, 2021</i>	8-26g(c)
Sec. 505	<i>July 1, 2021, and applicable to permits issued on or after July 1, 2021</i>	22a-42a(g)