

Planning and Development Committee

JOINT FAVORABLE REPORT

Bill No.: HB-5271

AN ACT CONCERNING THE PROVISION OF OUTDOOR FOOD AND
Title: BEVERAGE SERVICES AND OUTDOOR DISPLAYS OF GOODS.

Vote Date: 3/11/2022

Vote Action: Joint Favorable Substitute

PH Date: 3/4/2022

File No.: 8

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SPONSORS OF BILL:

Rep. Brian T. Smith, 48th Dist.

REASONS FOR BILL:

This bill aims to extend the application of certain temporary provisions concerning the permitting of outdoor food and beverage services and outdoor displays of goods until April 30, 2023, and delay the application of certain permanent provisions concerning the permitting of outdoor food and beverage services until May 1, 2023. The goal of this bill is to provide temporary relief to businesses negatively impacted by the Covid-19 pandemic and to continue to serve residents that are uncomfortable dining indoors.

RESPONSE FROM ADMINISTRATION/AGENCY:

None Expressed.

NATURE AND SOURCES OF SUPPORT:

The following speakers voiced conditional support dependent on the inclusion of language that prohibits businesses, in expanding outdoors, from violating the Americans with Disability Act (ADA) and the civil rights of Connecticut residents. The speakers testified that while the bill covers these points specifically, the issue lies in the establishment's application of the provisions. The speakers recommended educating businesses, providing oversight and enforcement, or revoking or suspending permits as potential penalties for documented violations.

- Don Ciota, Chairman, Ridgefield Commission for Accessibility
- Marc Anthony Gallucci, Chief Advocate, Center for Disability Rights
- Jeff Holland, New Canaan Resident

The following speakers voiced support for the bill proposal, as it provides temporary relief that is crucial to the survival of businesses negatively impacted by the Covid-19 pandemic. They spoke of added business growth, community engagement, the ability to serve customers that are uncomfortable eating indoors, and additional time to evaluate and revise zoning regulations as benefits of the bill proposal.

- Mark S. Barnhart, Director of Community & Economic Development, Fairfield
- Rep. Dorinda Borer, 115th Dist.
- Betsy Gara, Executive Director, CT Council of Small Towns
- John Guskowski, Government Relations Committee, CT Chapter of the American Planning Association
- Brian O'Connor, Director of Public Policy, Connecticut Conference of Municipalities
- Manuel Romero, Olea Restaurant

Scott Dolch, President & CEO, Connecticut Restaurant Association: Mr. Dolch testified that restaurants and businesses faced additional challenges this past winter with the emergence of the Omicron variant, worker shortages, food supply chain issues, and record-high inflation. Mr. Dolch supports the passage of the bill, as he believes the expansion of outdoor dining options for an additional year is an important measure for the industry. This will ensure that restaurants that have continued to adapt to new challenges can survive.

Garrett Sheehan, President & CEO, Greater New Haven & Quinnipiac Chambers of Commerce: Mr. Sheehan testified that supporting restaurants that have adapted to the changing business landscape will further the investment the state receives back. Mr. Sheehan supports the passage of the bill, as it will provide flexibility for recovering restaurants, support the retention of foodservice jobs, and ensure that those uncomfortable eating indoors have other options.

NATURE AND SOURCES OF OPPOSITION:

Tony Phillips, ADA Coordinator: Mr. Phillips testified that the addition of outdoor dining locations negatively impacts individuals with disabilities by blocking pathways, sidewalks, and parking spaces. Although Mr. Phillips is in favor of helping small businesses, those that utilize the outdoor dining legislation often fail to meet ADA compliance and inadvertently violate the civil rights of Connecticut residents. Mr. Phillips opposes the bill proposal to extend the application of provisions permitting outdoor food and beverage services and outdoor displays of goods, and he recommends that local police and parking enforcement agencies fine businesses or landlords that block accessible parking spaces.

Reported by: Lindsay Dickinson

Date: 3/15/2022