
OLR Bill Analysis

sSB 11

AN ACT CONCERNING CONNECTICUT RESILIENCY PLANNING AND PROVIDING MUNICIPAL OPTIONS FOR CLIMATE RESILIENCE.

TABLE OF CONTENTS:

SUMMARY

§§ 1-10 — RESILIENCY IMPROVEMENT DISTRICTS

Creates a framework authorizing municipalities to establish resiliency improvement districts to finance capital projects addressing climate change mitigation, adaptation, or resilience; allows municipalities to finance projects in these districts by designating incremental property tax revenue and specified savings generated in the district, imposing benefit assessments on real property in the district, and issuing bonds backed by these revenue streams and other sources; allows municipalities to fix property tax assessments in the district for up to 30 years

§§ 11-12, 18 & 25 — PLANS OF CONSERVATION AND DEVELOPMENT

Generally expands the information that must be included in local, regional, and the state's plans of conservation and development to include strategies for responding to and information related to climate change effects (e.g., increased precipitation or extreme heat)

§§ 13 & 26 — CIVIL PREPAREDNESS

Beginning October 1, 2028, requires the state's comprehensive civil preparedness plan and program to consider observed and projected climate trends related to certain situations; explicitly includes extreme heat in the state's definition of "major disaster" and incorporates prolonged or intense exposure to certain conditions as a circumstance triggering civil preparedness response

§ 14 — LOCAL EVACUATION OR HAZARD MITIGATION PLANS

Requires municipal evacuation or hazard mitigation plans to identify and address certain threats to sea level change (e.g., to critical infrastructure) and ways to avoid or reduce climate change's effects; requires use of geospatial data in identifying those threats

§ 15 — MUNICIPAL RESERVE FUNDS

Explicitly allows municipal reserve funds to cover expenditures intended to increase a capital improvement's resiliency against climate change impacts

§ 16 — TOWN AID ROAD

Expands the eligible uses of Town Aid Road program funds by adding construction, reconstruction, improvements, and maintenance to increase resiliency against increased precipitation, flooding, sea level rise, and extreme heat

§ 17 — MUNICIPAL CULVERT AND BRIDGE REPORT

Requires each municipality to submit an annual report to OPM, DOT, DEEP, and any applicable COG on its culverts and bridges

§§ 19-21 — STATE FIRE SAFETY AND BUILDING CODES

Requires at least five Code and Standards Committee members to be experienced in construction techniques that increase building resiliency to climate change effects; requires the education and training programs for code officials and certain professions to include construction technique information related to energy efficiency, GHG emissions, and building resiliency; requires amending the State Building Code to (1) include design and construction requirements related to GHG reduction and resiliency to climate change effects and (2) incorporate the most recent IECC

§ 22 — ZONING REGULATIONS

Requires that municipal zoning regulations (1) be designed to protect against sea level rise, extreme heat, and climate change and (2) provide for proper ways to mitigate and avoid the negative effects of sea level change; allows zoning regulations to (1) require or promote resilience and (2) give incentives for using flood-risk reduction building methods

§§ 22-23 & 36 — TRANSFER OF DEVELOPMENT RIGHTS SYSTEMS

Allows municipal zoning regulations to provide for (1) a regional TDR system and (2) sending and receiving sites in conjunction with a multi-town or regional TDR system; allows COGs to administer joint or multi-town TDR systems; allows two or more municipalities to set up a TDR bank; and sets criteria for eligible sending and receiving sites

§ 24 — PROPERTY FORTIFICATION WORKING GROUP

Requires the insurance commissioner, within available resources, to convene a working group to study homeowner and small business building fortification needs related to potential losses from natural disasters, hazards, and climate change; requires the working group to submit its findings and recommendations by January 1, 2025

§§ 27-31 — OPEN SPACE AND WATERSHED LAND ACQUISITION GRANT PROGRAM

Allows up to 5% of OSWA grants to reimburse for in-kind services or incidental expenses under certain circumstances; expands the circumstances under which OSWA grant funds may be used to restore or protect open space already owned by the applicant, such as when the land is in an environmental justice community; increases the membership of the Natural Heritage, Open Space and Watershed Land Acquisition Review Board to include two DEEP-appointed members who represent or are from certain communities, such as environmental justice areas; makes conforming changes (§§ 30 & 31)

§ 32 — STATE WATER PLAN UPDATE

Requires the state water plan's next update to (1) consider (a) the potential impact of climate change on water resource quality and (b) temperatures and precipitation information when identifying water quantities and qualities for various uses and (2) include recommendations and an implementation plan for reducing effects on water from climate change and extreme weather

§ 33 — WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REGULATION AND PERMIT REVIEW

On a 10-year basis beginning by the end of 2028, requires DEEP, DPH, and PURA to review and revise their water supply regulations and DEEP and DPH to review and

revise their sewage disposal system permitting processes and related regulations, all to include certain projections

§ 34 — EMINENT DOMAIN FOR FLOOD CONTROL IN BRIDGEPORT

Authorizes DEEP to acquire certain property in Bridgeport related to a flood control and protection project; prescribes a process for DEEP, if needed, to require the relocation or removal of public service facilities

§ 35 — CLIMATE RESILIENCY FUND REPORT

Requires the DEEP commissioner, in consultation with the insurance commissioner, to report to the Environment Committee on creating a coastal resiliency fund supported by a surcharge on certain insurance policies

BACKGROUND

SUMMARY

This bill makes changes in laws related to planning for and preparing against certain hazards and climate change (e.g., sea level rise, rising groundwater, extreme heat, drought, or flooding). Among other things, the bill:

1. creates a framework for municipalities to establish resiliency improvement districts;
2. requires updates to local, regional, and state plans of conservation and development, the state’s civil preparedness plan, and local evacuation or hazard mitigation plans;
3. requires (a) the state’s Code and Standards Committee to have people with experience in construction techniques related to building resiliency and (b) revisions to the State Building Code to include design and construction techniques related to greenhouse gas (GHG) reduction and resiliency;
4. allows municipal zoning regulations to provide for regional transfer of development rights systems; and
5. requires updates to the state water plan and reviews of water supply and sewage disposal system regulations to account for certain projections.

A section-by-section analysis follows below.

EFFECTIVE DATE: July 1, 2024, except the climate resiliency fund report provision is effective upon passage (§ 35).

§§ 1-10 — RESILIENCY IMPROVEMENT DISTRICTS

Creates a framework authorizing municipalities to establish resiliency improvement districts to finance capital projects addressing climate change mitigation, adaptation, or resilience; allows municipalities to finance projects in these districts by designating incremental property tax revenue and specified savings generated in the district, imposing benefit assessments on real property in the district, and issuing bonds backed by these revenue streams and other sources; allows municipalities to fix property tax assessments in the district for up to 30 years

Overview

The bill allows municipalities, through their legislative bodies, to establish a resiliency improvement district to finance capital projects meant to address climate change mitigation, adaptation, or resilience. It allows a municipality to finance projects in the district by (1) designating all or part of the new or incremental real property tax revenue and specified savings generated in the district for repaying the costs incurred to fund the projects; (2) imposing assessments on real property in the district benefiting from certain public improvements (i.e., benefit assessments); and (3) issuing bonds with up to 30-year terms backed by various sources, including these revenue streams, to pay project costs.

The bill imposes certain criteria for designating a resiliency improvement district that generally parallel those in existing law for designating a tax increment financing district. It specifies a process for establishing a resiliency improvement district that, among other things, requires a municipality to (1) consider the proposed district's contribution to the municipality and its residents, (2) determine whether it conforms with its plan of conservation and development, and (3) hold at least one public hearing on the proposal.

It requires a municipality's legislative body to adopt a master plan for the resiliency improvement district and prescribes the plan's components, including a financial plan that defines the costs and revenue sources required to accomplish the master plan. It also allows municipalities to fix property tax assessments in the district for up to 30

years.

To carry out a district master plan, the bill allows municipalities to issue bonds with up to 30-year terms backed by various sources, including (1) their full faith and credit (i.e., general obligation (GO) bonds); (2) the income, proceeds, revenues, and property within the district; and (3) tax increment revenues, increased savings, and benefit assessments.

Establishing the District (§ 2(a), (d) & (e))

The bill allows a municipality’s legislative body to establish a resiliency improvement district within the municipality’s boundaries subject to the bill’s requirements. (Under the bill, a “municipality” is a town, city, borough, consolidated town and city, or consolidated town and borough.) The district is effective when the legislative body approves it and adopts a district master plan, as described below. If the municipality operates under a charter that prohibits these districts, the bill prohibits the municipality from establishing one.

The bill also allows two or more contiguous municipalities to enter into an interlocal agreement to set up a district and adopt a district master plan for a district made up of contiguous properties partially located in each. They must adopt the agreement before they set up the district or plan according to the interlocal agreement law. The agreement must divide among the participating municipalities any power, right, duty, or obligation set out in the bill. As with other districts, joint districts are effective when the respective legislative bodies approve it and adopt a district master plan.

Advisory Board (§ 9)

The bill allows the legislative body of each applicable municipality to create a board to advise it and designated administrative entities on (1) planning, building, and implementing the district master plan and (2) maintaining and operating the district after the plan’s completion. The advisory board’s members must include people who own or occupy real property in or adjacent to the district.

Conditions for Approval (§ 3)

The bill requires municipalities (through their legislative bodies or board of selectmen if the legislative body is a town meeting) to take certain steps before establishing a district and approving a district master plan.

Planning Commission. The municipality must give the proposed district master plan to its planning commission, if it has one, and ask it to study the plan and issue a written advisory opinion, including a determination as to whether the plan is consistent with the municipality's plan of conservation and development.

Public Hearing. The municipality must hold at least one public hearing on the proposed district. It must publish notice of the hearing at least 10 days in advance in a conspicuous place on the municipality's website (or municipalities' websites, in the case of a joint district) and include (1) the hearing's date, time, and place; (2) a legal description of the proposed district's boundaries; and (3) the draft district master plan. The draft plan must also be (1) available for people to physically review it and (2) posted on each applicable municipality's website.

Approval Criteria. The municipality must determine whether the proposed district meets certain criteria. First, it must consider whether the proposed district and district master plan will contribute to the municipality's well-being or improve its residents' health, welfare, or safety.

In addition, it must determine whether the proposed district meets the following conditions:

1. it must contain an area that experiences, or is likely to experience, adverse impacts from hazards or climate change (e.g., sea level rise, rising groundwater, extreme heat, drought, or flooding);
2. it must have been identified in (a) a municipal hazard mitigation plan, (b) local or regional plan of conservation and development, or (c) another related planning process;

3. the plan must show that it reduces risks from these identified adverse impacts in the district;
4. a portion of its real property must be suitable for commercial, industrial, mixed-use, or retail uses or transit-oriented development; and
5. it must not increase the vulnerability and risk to adjacent properties or other hazards in the district.

If there are existing residential uses in the district, the proposed district must also provide for replacing or renovating these residential buildings under certain conditions. Specifically, if the district is in a flood zone or within the sea level rise boundaries in the sea level change scenario for Connecticut published by UConn's Marine Sciences Division, it must:

1. include a height standard of at least two feet of freeboard above the base flood elevation, or as designated by the state building code or municipal building requirements, whichever imposes a greater height standard, and indicate whether building or renovating commercial or industrial buildings must be flood-proofed or elevated; and
2. allow vehicles to access these buildings at a height of two feet above base flood elevation.

Lastly, the original assessed value of the proposed district (i.e., the value of all taxable real property in the district as of the prior October 1), plus the original assessed value of all of the existing tax increment districts within the relevant municipalities, cannot exceed 10% of the total value of taxable property in the municipalities as of the October 1 immediately before the district's establishment. This calculation does not include any districts consisting entirely of contiguous property owned by a single taxpayer (i.e., parcels divided by a road, power line, railroad line, or right-of-way).

Dissolving the District of Changing Its Boundaries (§ 2(c))

Under the bill, a municipality's legislative body may generally vote to dissolve a district or change its boundaries at any time. But it may not dissolve the district or decrease its boundaries if the district has any outstanding bonds, other than municipal GO bonds.

District Powers (§ 2(b) & (f))

Development. The bill authorizes a municipality, within a district and consistent with its district master plan, to:

1. acquire, construct, reconstruct, improve, preserve, alter, extend, operate, and maintain property or promote development to meet the plan's objectives (in doing so, it may acquire property, land, and easements through negotiation or by other legal means);
2. execute and deliver contracts, agreements, and other documents related to the district's operation and maintenance;
3. issue bonds and other obligations as the bill allows;
4. enter into fixed assessment agreements for real property in the district, subject to the restrictions described below;
5. accept grants, advances, loans, or other financial assistance from public or private sources and do anything necessary or desirable to secure such aid (the bill specifies that this funding includes funds from the Climate Change and Coastal Resiliency Reserve Fund, stormwater authorities, and flood prevention, climate resilience, and erosion control systems); and
6. according to terms it establishes, (a) provide services, facilities, or property; (b) lend, grant, or contribute funds; and (c) take any other action it is authorized to perform for other municipal purposes.

These powers are in addition to those the municipality has under the Constitution, the statutes, special acts, or the bill's other provisions.

Fixing Assessments in the District. The bill allows a municipality, through its board of selectmen, town council, or other governing body,

to enter into written agreements with a taxpayer to fix the assessment of real property in the district for up to 30 years. The property's fixed assessment, plus the value of any future improvements, cannot be less than its assessment as of the last regular assessment date without the future improvements.

Fixed assessment agreements must be recorded on the municipality's land records. This recording (1) constitutes notice to the property's subsequent purchasers or encumbrancers, whether they acquire the property voluntarily or involuntarily, and (2) is binding.

A municipality may bring an action in the Superior Court for the judicial district in which it is located to force a taxpayer to comply with the agreement's terms.

Tax Abatements for Affordable Housing in the District. The bill specifies that it does not limit a municipality's authority under the law to offer, enter into, or change any tax abatement for real property in the district if that property has at least one affordable housing unit. (By law, a unit is affordable if it costs a household no more than 30% of its income, for households making up to the median income of the town where the unit is located.)

District Master Plan (§ 4)

Requirement. The bill requires a municipality's legislative body to adopt a (1) "district master plan" for the district and (2) statement of the percentage or amount of "increased assessed value" that will be designated as "captured assessed value" under the plan, as described below. It must adopt the plan (1) at the same time it adopts the district, subject to the bill's procedures, and (2) after receiving the planning commission's (or combined planning and zoning commission's) written advisory opinion or 90 days after it requested the opinion, whichever comes first.

Purpose. Under the bill, the "district master plan" is a statement of means and objectives prepared by the municipality, or municipalities acting under an interlocal agreement, relating to a district designed to

do the following:

1. reduce the risk of, or exposure to, extreme events, hazards, and climate change effects;
2. support economic development;
3. provide housing opportunities in existing residential areas;
4. improve or broaden the tax base; and
5. build or improve the physical facilities and structures needed for “resilience projects,” “environmental infrastructure,” or “clean energy projects.”

Under the bill, “resilience projects” are those (including capital projects) designed and implemented to address climate change mitigation, adaptation, or resilience. They include projects (1) mitigating the effects of river, bay, sea, or groundwater rise; extreme heat or the urban heat island effect; or drought and (2) meant to reduce flooding risk. (By law, “resilience” is the ability to prepare for and adapt to changing conditions and withstand and recover rapidly from deliberate attacks, accidents, or naturally occurring threats or incidents, such as those associated with climate change.)

“Environmental infrastructure” is structures, facilities, systems, services, and improvement projects related to water, waste and recycling, climate adaptation and resiliency, agriculture, land conservation, parks and recreation, and environmental markets such as carbon offsets and ecosystem services. “Clean energy projects” are renewal energy projects using Class I renewable sources (e.g., wind and solar).

Components. The district master plan must include:

1. a legal description of the district’s boundaries;
2. the tax identification numbers for its lots or parcels;
3. the present condition and uses of its land and buildings and how

- building and improving physical facilities or structures will reduce or eliminate risk from existing or expected hazards;
4. the district's existing or expected hazards;
 5. the public facilities, improvements, or programs anticipated to be financed in whole or part;
 6. if the district has existing residential housing, a housing plan to rehabilitate, build, or replace the housing, subject to the state's plan of conservation and development and consolidated plan for housing and community development, that includes meaningful efforts to reduce displacement plans;
 7. a plan for maintaining and operating the resiliency improvements after they are completed;
 8. the district's maximum duration, which cannot exceed 50 fiscal years, beginning with the year in which the district is established; and
 9. a financial plan, as described below.

Financial Plan Component. The bill requires the district master plan to include a financial plan that identifies the project costs and revenue sources required to accomplish the district master plan. The financial plan must contain:

1. cost estimates (a) for the anticipated public improvements and developments and (b) to support relocating or temporarily housing displaced residents;
2. the maximum amount of indebtedness to be incurred to implement the plan;
3. the anticipated revenue sources (e.g., increased savings, fees, assessments, grants, or other sources);
4. a description of the terms and conditions of any agreements, including any anticipated savings agreements, assessment

- agreements, contracts, or other obligations related to the master plan;
5. estimates of the district's increased assessed values and increased savings; and
 6. for each year, the (a) portion of the increased assessed values and savings that will be applied to the plan as captured assessed values and (b) resulting tax increments.

Amending and Reviewing the Master Plan. The bill (1) authorizes the legislative body of each applicable municipality to amend the master plan and (2) requires it to review the plan at least once every 10 years after its initial approval in order for the district and plan to remain in effect. (However, as long as any debt authorized and issued by the municipality under the bill's authority is outstanding, a district cannot be dissolved for failing to comply with this requirement.) The bill specifies that these provisions do not apply to plans that include development funded in whole or part by federal funds, if prohibited by federal law.

Tax Increment Revenues (§ 5)

In addition to imposing benefit assessments to finance projects, the bill allows municipalities to finance projects using the incremental (1) real property tax revenue generated in the district ("tax increment") and (2) savings to district residents or businesses resulting from the reduction of any existing insurance premium or other premium, surcharge, or fee after the district's implementation ("increased savings"). It also allows the municipality to use this revenue stream to repay the bonds issued to finance the projects, as described below.

Captured Assessed Value. The bill generally allows each applicable municipality to designate all or part of the district's tax increment and increased savings to finance all or part of the district's master plan. In the case of any existing or planned residential use in the district, it allows the municipality to use the percentage of this revenue and savings needed to (1) rehabilitate, build, or replace dwellings and (2)

increase or improve access to affordable housing within the municipality, either in or adjacent to the district.

Under the bill, the amount of tax increment revenue designated by the municipality is determined by the district's "captured assessed value," that is, the percentage or amount of the incremental increase in property values ("increased assessed value") that is used from year to year to finance the plan's project costs. The incremental increase in property values is the amount by which the value of the district's property as of October 1 of each year ("current assessed value") exceeds its value as of October 1 of the tax year before the district was established ("original assessed value"). The captured assessed value is subject to any fixed assessment agreements.

Once the municipality establishes the district and adopts its master plan, its assessor must certify the original assessed value of the taxable real property within the district's boundaries. The assessor must also annually certify the:

1. current assessed value of the district's taxable real property,
2. amount by which the current assessed value has increased or decreased from the original assessed value, and
3. amount of the captured assessed value.

Apportioning Property Taxes in the Municipality. The bill requires that property taxes paid by property owners within the district be apportioned equally with the property taxes paid by other property owners in the municipality located outside the district. It specifies that its provisions do not authorize the unequal apportionment or assessment of taxes on real property in the municipality.

District Master Plan Fund (§ 5(c))

Under the bill, municipalities that designate a percentage or amount of captured assessed value in their district master plans must establish a fund for depositing the resulting incremental tax revenues and paying project costs. They must also deposit in the fund any benefit assessments

imposed on real property in the district, as described below.

Account Structure. The fund must consist of a (1) project cost account and (2) development sinking fund account for any bonds issued to carry out or administer the district master plan. The bill authorizes the municipality to transfer funds between the accounts, as long as the transfers do not result in a balance in either account that is insufficient to cover its annual obligations.

The project cost account is pledged to and charged with paying project costs outlined in the financial plan, including reimbursing project cost expenditures incurred by a public body (e.g., the municipality, a developer, property owner, or other third-party entity), other than reimbursements paid with bond proceeds.

The development sinking fund account is pledged to and charged with (1) paying interest and principal on district bonds as they come due, including any redemption premium; (2) paying the costs of providing or reimbursing any entity that provides a guarantee, letter of credit, bond insurance policy, or other credit enhancement device used to secure debt service payments on district bonds; and (3) funding any required reserve fund.

Depositing Tax Increment Revenues. The municipality must annually set aside all tax increment revenues on captured assessed values and deposit the revenues in a specific order. The revenues must first go to the development sinking fund account, in an amount necessary to pay the annual debt service on the bonds issued (taking into account estimated future revenues that will be deposited to the account and earnings on this amount), excluding any GO bonds issued by the municipality that are backed solely by its full faith and credit. Any remaining revenues must go to the project cost account.

Excess Revenues. At any time during the district's term, the municipality's legislative body may vote to return to the municipality's general fund any tax increment revenues remaining in either account that exceed the amount necessary to pay the account's obligations. In doing so, it must take into account any transfers made between the

accounts.

Audit Requirement. The bill requires the district master plan fund and its accounts to be audited annually by an independent auditor according to generally accepted accounting principles. The audit report must be (1) open to public inspection and (2) provided to the Auditors of Public Accounts.

Eligible Costs (§ 6)

The bill limits the use of a district master plan fund to paying certain costs for (1) improvements made within the district, (2) improvements made outside the district that are directly related to or necessary for the district's establishment or operation, and (3) environmental improvement projects developed by the municipality that are associated with the district.

Improvements Made in the District. The bill allows the fund to pay the following costs for improvements made within the district:

1. capital costs, as described below;
2. financing costs, including closing and issuance costs, reserve funds, and capitalized interest;
3. real property assembly costs;
4. technical and marketing assistance program costs;
5. professional service costs, including licensing, architectural, planning, engineering, development, and legal expenses;
6. maintenance and operation costs (i.e., the cost of the activities necessary to maintain and operate facilities after their development, including informational, promotional, and education programs, as well as safety and surveillance activities);
7. administrative costs, including reasonable charges for the time municipal employees, other agencies, or third-party entities spend implementing a district master plan; and

8. organizational costs related to the district's planning and establishment, including the cost of conducting environmental impact studies, informing the public about the district, and implementing the district master plan.

Under the bill, capital costs include the cost of:

1. acquiring or constructing land, improvements, infrastructure, measures designed to improve resilience, environmental infrastructure, clean energy projects, public ways, parks, buildings, structures, railings, signs, landscaping, plantings, curbs, sidewalks, turnouts, recreational facilities, structured parking, transportation improvements, pedestrian improvements, and other related improvements, fixtures and equipment for public or private use;
2. demolishing, altering, remodeling, repairing, or reconstructing existing buildings, structures, and fixtures;
3. remediating environmental contamination;
4. preparing a site and finishing work; and
5. incurring associated fees and expenses, such as licensing, permitting, planning, engineering, architectural, testing, legal, and accounting expenses.

Improvements Made Outside the District. For improvements made outside the district that are directly related to or necessary for establishing or operating the district, the fund may pay the:

1. portion of the costs reasonably related to constructing, altering, or expanding facilities required due to improvements or activities within the district, including roadways, traffic signals, easements, sewage or water treatment plants or other environmental protection devices, storm or sanitary sewer lines, water lines, electrical lines, fire station improvement, and street signs;

2. costs of public safety and public school improvements made necessary by the district's establishment; and
3. costs of mitigating any of the district's adverse impacts on the municipality and its constituents.

Benefit Assessments (§ 7)

Funding Mechanism. Under the act, a municipality that constructs, improves, extends, equips, rehabilitates, repairs, acquires, provides a grant for public improvements in a district, or finances the cost of these public improvements may assess a proportion of these costs as a benefit assessment on real property in the district that benefits from these public improvements. It may, by ordinance, apportion the value of the improvements according to a formula that reflects the actual benefits accruing to the various properties because of the development and maintenance (presumably, the public improvements and their maintenance).

The municipality may (1) require property owners to pay the benefit assessments in annual installments for up to 50 years and (2) forgive the benefit assessments in any given year without affecting future installments. The municipality may assess buildings or structures constructed or expanded in the district after the initial benefit assessment is imposed as if they had existed at the time of the original benefit assessment.

Revising and Adopting the Assessments. The municipality must revise and adopt the assessments at least once a year within 60 days before the start of the fiscal year. If the municipality imposes the benefit assessments before acquiring or constructing the public improvements, it may subsequently adjust the assessments once the improvements are complete to reflect their actual cost.

Public Hearing and Notice Requirement. Before estimating and imposing a benefit assessment, the municipality must hold at least one public hearing on the payment schedule or any revisions to it. It must publish a notice of the hearing at least 10 days in advance in a

conspicuous place on the municipality's website (or municipalities' sites for joint districts). The notice must include:

1. the hearing's date, time, and place;
2. a legal description of the district's boundaries;
3. a statement that all interested property owners in the district will be given an opportunity to be heard at the hearing and file objections to the assessment amount;
4. the maximum assessment to be extended in any one year; and
5. a statement indicating that the proposed list of properties to be assessed and the estimated assessments against those properties are available at the town or assessor's office.

The notice may also include the maximum number of years that the assessments will be levied. The municipality must make the proposed benefit assessment schedule available to any member of the public, upon request, by the notice's publication date.

The bill generally applies the same statutory public hearing and appeal procedures to district benefit assessments as apply under existing law to municipal sewer system benefit assessments levied by water pollution control authorities (CGS § 7-250). It substitutes the municipality's board of finance (or legislative body if it has no board of finance) for the water pollution control authority for purposes of this process. The municipality must also follow this notice and hearing process when increasing benefit assessments or extending the number of years that they will be levied.

Collection and Enforcement. The municipality has the same powers to collect and enforce the benefit assessments as it does for municipal taxes. It must establish the payment due date and provide notice of the due date at least 30 days in advance by (1) publishing it in a conspicuous place on each applicable municipality's website (with the posting's date and time) and (2) mailing it to the last known address of the affected property owners. Assessment revenues must be paid into

the appropriate district master plan fund account.

Unpaid benefit assessments are liens against the property. Property owners must pay the same interest rate on delinquent assessments as on delinquent property taxes (1.5% per month or 18% per year). The liens (1) may be continued, recorded, and released in the same manner as property tax liens; (2) take precedence over all other liens and encumbrances, except those for municipal property taxes; and (3) may be enforced in the same way as property tax liens.

Bonds (§ 8)

To carry out or administer a district master plan or other functions under the bill's provisions, municipalities may issue bonds and other obligations (e.g., refunding bonds, notes, interim certificates, and debentures) backed by:

1. their full faith and credit (i.e., GO bonds);
2. the income, proceeds, revenues, and property within the district, including grants, loans, advances, or contributions from state, federal, or other sources;
3. tax increment and increased savings revenues and benefit assessments; or
4. any combination of these sources.

Under the bill, only the municipality's GO bonds count towards its bond cap.

The bill requires municipalities to authorize these bonds, without the state's consent, by resolution of its legislative body, regardless of any other statute, municipal ordinance, or charter provision governing municipal bond issuances. The municipality's legislative body, or the municipal officers to which the legislative body delegates authority for issuing the bonds, must determine:

1. how the bonds will be issued and sold;

2. their interest rates, including variable rates;
3. the term over which they will mature, which must be no more than 30 years;
4. when interest will be paid;
5. whether and under what terms bonds may be purchased or redeemed; and
6. all other issuing conditions.

It allows the municipality to secure the bonds by executing a trust agreement with a bank or trust company that contains reasonable provisions for protecting and enforcing bondholders' rights. Any pledge the municipality makes concerning such agreement is (1) valid and binding from the time it is made; (2) immediately subject to a lien without physical delivery of the money; and (3) valid and binding against all parties with claims against the board, regardless of whether the parties received specific notice of the lien. (It is unclear if this refers to the advisory board or some other entity.) It specifies that any expenses the municipality incurs in carrying out the trust agreement may be treated as project costs.

The bill assures bondholders that state and local entities may invest in the bonds and that the state will not limit or alter the district, or the municipality's powers and duties with respect to the district, until the bonds are repaid.

The bill specifies that its provisions do not restrict a municipality's ability to raise revenue to pay project costs by any other legal means.

Priority Projects (§ 10)

Under the bill, districts must prioritize the solicitation, selection, and design of infrastructure projects designed to increase resilience and that either:

1. use natural and nature-based solutions meant to restore, maintain, or enhance ecosystem services and processes that

maintain or improve environmental quality in or near the district
or

2. address the needs of environmental justice communities (i.e., distressed municipalities or areas where at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level) or vulnerable communities (i.e., populations that may be disproportionately affected by climate change).

If the resiliency project results in affordable housing being demolished or reduced, the municipality, resiliency project developer, property owner, or a third-party entity must commit to replacing these units in the district within four years. If this is not feasible within the district, then the units must be replaced reasonably close to the district at a rate of at least two units for each one that would have otherwise been replaced in the district.

§§ 11-12, 18 & 25 — PLANS OF CONSERVATION AND DEVELOPMENT

Generally expands the information that must be included in local, regional, and the state's plans of conservation and development to include strategies for responding to and information related to climate change effects (e.g., increased precipitation or extreme heat)

Plans of conservation and development are statements of development, resource management, and investment policies created by certain government entities. Municipalities and regional councils of government (COGs) must update their plans at least once every 10 years; the Office of Policy and Management (OPM) must submit an updated plan to the legislature for its approval once every five years (CGS §§ 8-23, 8-35a and 16a-24 et seq.).

The bill makes changes to each type of plan (i.e., local, regional, and state) to include strategies for responding and information related to climate change effects, as described below.

Local Plans (§§ 11 & 12)

Required Considerations. State law sets out what local planning commissions (or a special committee a commission appoints) must

consider when preparing local plans of conservation and development, including things like the municipality's needs; protecting and preserving agriculture; using development patterns that are consistent with the municipality's soil, terrain, and infrastructure capacity; the state and regional plans of conservation and development; and the most recent sea level change scenario. For plans adopted on or after October 1, 2026, the bill broadens the commissions' considerations to include the most recent hazard and climate projections from federal and state authorities, such as the National Oceanic and Atmospheric Administration (NOAA), Federal Emergency Management Agency (FEMA), the Environmental Protection Agency (EPA), and UConn.

Plan Purposes. State law sets the requirements for local plans of conservation and development. The bill adds to the mandated content by requiring plans, adopted beginning October 1, 2026, to:

1. include a climate change vulnerability assessment;
2. take into account identified threats, vulnerabilities, and impacts from the vulnerability assessment for the recommended most desirable land uses;
3. note inconsistencies with reducing vehicle mileage as a growth management principle;
4. identify infrastructure (e.g., facilities, public utilities, roadways) that is critical for evacuation and sustaining quality of life during a natural disaster and must always be operational;
5. identify strategies and design standards that may be used to avoid or reduce risks from natural disasters, hazards, and climate change; and
6. include geospatial data that is (a) used to prepare the plan or (b) needed to convey the plan's information.

The bill allows local plans of conservation and development to identify areas vulnerable to climate change effects to prioritize finding for infrastructure needs and resilience planning.

Under the bill, the climate change vulnerability assessment must (1) be based on information from the above-referenced state and federal authorities (i.e., NOAA, FEMA, EPA, and UConn) and (2) assess existing and anticipated threats to and vulnerabilities from natural disasters, hazards, and climate change (e.g., increased temperatures, drought, flooding, storm damage, and sea level rise). It must also assess the impacts of the disasters and hazards to individuals, communities, institutions, businesses, economic development, public infrastructure and facilities, public health, safety, and welfare.

Additionally, the assessment must:

1. identify goals, policies, and techniques to avoid or reduce the above threats, vulnerabilities, and impacts;
2. describe any consistencies and inconsistencies between the assessment and any existing or proposed municipal natural hazard mitigation plan, floodplain management plan, comprehensive emergency operations plan, emergency response plan, post-disaster recovery plan, long-range transportation plan, or capital improvement plan; and
3. identify and recommend any needed (a) integration of data from the assessment into these plans and (b) actions to make the assessment and plans consistent.

Lastly, the bill allows a planning commission or its special committee to use information and data from the plans that are compared for consistency as part of the vulnerability assessment (e.g., hazard mitigation or emergency response plans) when preparing the plan of conservation and development. This explicitly includes using a document the applicable COG coordinated with separate provisions for each municipality. However, this data cannot be incorporated by reference; the bill requires it to be summarized and applied in the plan to the municipality's specific policies, goals, and standards.

Optional Commission Recommendations. The bill similarly expands the topics for which commissions and special committees may

make recommendations in their plans. Existing law permits recommendations for things such as airports; parks; locations for public buildings, public utilities, public housing projects; programs to implement the plan; and priority funding areas.

The bill also permits recommendations for a (1) land use program to promote reducing and avoiding risks from natural disasters, hazards, and climate change and (2) transfer of development rights program, which sets criteria for sending and receiving sites and related technical details (see § 23 below). It specifies that the recommended land use program may be a resiliency improvement district, which the bill authorizes municipalities to establish (see §§ 1-10 above).

Plan Submission. Under existing law, the planning commission must submit a copy of the plan to OPM, along with a description of any inconsistencies between the plan and the state plan of conservation and development, within 60 days after adopting it. The bill requires that (1) the submission include the geospatial data used to prepare the plan, as prescribed by the OPM secretary and (2) the described inconsistencies include a comparison with the applicable regional plan of conservation and development.

Regional Plans (§ 18)

By law, regional conservation and development plans must, among other things, identify areas where it is feasible and prudent to promote compact, transit-accessible, pedestrian-oriented mixed use development patterns. They also note inconsistencies of those patterns with certain specified growth management principles, such as protecting environmental assets that are critical to public health and safety. The bill adds protecting ecosystem services to this principle.

Current law allows for regional plans of development to encourage energy-efficient development patterns, use of solar and other forms of renewable energy, and energy conservation. Under the bill, the plans may also include land use strategies to reduce climate change effects and the development patterns must be resilient in addition to energy efficient.

The bill also requires these plans, beginning October 1, 2025, to (1) show consistency with the regional long-range transportation plan and the regional summary of the hazard mitigation plan (where there is a regional hazard mitigation plan) and (2) identify critical facilities in the region along with geospatial data showing the facilities’ location, address, and general function. This data must be available to the Department of Emergency Services and Public Protection (DESPP) and OPM if either asks for it.

State Plan (§ 25)

The state plan of conservation and development (POCD) is a five-year plan to guide state agency action affecting land and water resources. OPM, through its secretary, prepares revisions to the plan and the law specifies numerous considerations and components the POCD must address and include (CGS § 16a-24 et seq.).

The bill broadens the required considerations and recommendations related to flooding and erosion beginning with POCDs adopted after the adoption of the 2025-2030 POCD, which is currently under development. Specifically, as shown in the table below, these later plans must also (1) consider risks from changes in the rate and timing of precipitation and increased average temperatures from extreme heat; (2) identify impacts from the extreme heat and drought; and (3) make land use strategy recommendations that minimize risks to public health, infrastructure, and the environment.

Table: Required POCD Contents Under Current Law and the Bill

<i>Current Law (2025-2030 POCD)</i>	<i>Future POCDs Under the Bill</i>
Consider risks due to increased coastal flooding and erosion (depending on site topography), based on the most recent sea level change scenario for Connecticut published by UConn’s Marine Sciences Division	Consider risks due to: <ul style="list-style-type: none"> increased flooding and erosion (depending on site topography), based on the most recent sea level change scenario for Connecticut published by UConn’s Marine Sciences Division and changes in the rate and timing of annual precipitation and increased average temperatures from extreme heat
Identify impacts from the increased flooding and erosion on infrastructure and natural	Identify impacts from the extreme heat, drought, and increased flooding and erosion

Current Law (2025-2030 POCD)	Future POCDs Under the Bill
resources	on infrastructure and natural resources
Make recommendations for siting future infrastructure and property development to minimize using areas prone to the flooding and erosion	Make recommendations for: <ul style="list-style-type: none"> • siting future infrastructure and property development to minimize using areas prone to the flooding and erosion and • land use strategies that minimize risks to public health, infrastructure, and the environment
Consider the state’s GHG reduction goals*	Consider the state’s GHG reduction goals*

*The Global Warming Solutions Act requires the state to reduce GHG emissions to certain levels, like 45% below 2001 emission levels by January 1, 2023, and 80% below 2001 emission levels by January 1, 2050. It also requires the state to reduce GHG emissions from electricity supplied to electric customers in the state to zero percent by January 1, 2040 (CGS § 22a-200a).

§§ 13 & 26 — CIVIL PREPAREDNESS

Beginning October 1, 2028, requires the state’s comprehensive civil preparedness plan and program to consider observed and projected climate trends related to certain situations; explicitly includes extreme heat in the state’s definition of “major disaster” and incorporates prolonged or intense exposure to certain conditions as a circumstance triggering civil preparedness response

By law, the DESPP commissioner must prepare a comprehensive state plan and program for civil preparedness (activities and measures to address certain disasters or emergencies), subject to the governor’s approval. Beginning October 1, 2028, the bill requires the plan and program to consider observed and projected climate trends related to extreme weather events, drought, coastal and inland flooding, storm surge, wildfire, extreme heat, and any other hazards the commissioner deems relevant.

Additionally, under current law, “civil preparedness” includes a range of activities and measures to be taken in anticipation of, during, and in response to an attack, major disaster, or emergency. The bill expands this definition to include prolonged or intense exposure to precipitation, drought, heat, fire, and flooding as a circumstance triggering action. It also expands what constitutes a “major disaster” by explicitly including extreme heat. By law, a “major disaster” is a catastrophe that either the President determines needs major disaster assistance or the governor determines requires a civil preparedness emergency declaration. The gubernatorial declaration authorizes the

governor to personally take direct operational control of state civil preparedness functions and take certain other actions (e.g., apply for federal financial assistance, clean up debris, take possession of certain property) (CGS §§ 28-9, -9b, -9c and -11). The law similarly allows, if there is a major disaster, the chief executive officer of the municipality in which it occurs to take actions to mitigate it (CGS § 28-8a).

§ 14 — LOCAL EVACUATION OR HAZARD MITIGATION PLANS

Requires municipal evacuation or hazard mitigation plans to identify and address certain threats to sea level change (e.g., to critical infrastructure) and ways to avoid or reduce climate change's effects; requires use of geospatial data in identifying those threats

Beginning October 1, 2025, the bill requires municipal evacuation plans and municipal hazard mitigation plans to identify and address (1) threats to surface transportation, critical infrastructure, and local land uses due to sea level change and (2) actions, strategies, and capital projects to avoid or reduce impacts and risks from climate change (e.g., increased precipitation, flooding, sea level rise, and extreme heat). The transportation, infrastructure, land uses, actions, strategies, and capital projects must be identified in geospatial data, as applicable, which must be provided to DESPP and OPM if they ask for it. This work may be done regionally.

§ 15 — MUNICIPAL RESERVE FUNDS

Explicitly allows municipal reserve funds to cover expenditures intended to increase a capital improvement's resiliency against climate change impacts

Existing law restricts the use of municipal reserve funds to specified purposes, including financing capital and nonrecurring expenditures to plan, construct, reconstruct, or acquire a specific capital improvement. The bill explicitly allows the funds to cover these expenditures when they are intended to increase a capital improvement's resiliency against climate change impacts (e.g., increased precipitation, flooding, sea level rise, and extreme heat).

As under existing law, reserve funds may also be used to (1) acquire a specific piece of equipment, (2) pay property tax revaluation costs, and (3) pay the costs associated with preparing, amending, or adopting a municipal plan of conservation and development. By law, the municipality's budget-making authority must recommend, and its

legislative body must approve, any expenditure from the reserve fund.

§ 16 — TOWN AID ROAD

Expands the eligible uses of Town Aid Road program funds by adding construction, reconstruction, improvements, and maintenance to increase resiliency against increased precipitation, flooding, sea level rise, and extreme heat

The bill expands the eligible uses of municipal Town Aid Road (TAR) program grants to include construction, reconstruction, improvements, and maintenance to increase resiliency against increased precipitation, flooding, sea level rise, and extreme heat.

By law, \$12.5 million of money appropriated to the Department of Transportation (DOT) is allocated each fiscal year for distribution under the TAR program. Currently, municipalities can use their TAR grant for a variety of activities like highway and bridge construction or maintenance, snow plowing and sanding, tree trimming or removal, installing traffic signs and signals, traffic control, vehicle safety programs, parking planning, and providing essential public transportation services and facilities.

§ 17 — MUNICIPAL CULVERT AND BRIDGE REPORT

Requires each municipality to submit an annual report to OPM, DOT, DEEP, and any applicable COG on its culverts and bridges

Beginning by October 1, 2026, the bill requires each municipality to annually submit a report on each culvert and bridge within its control and boundaries to OPM, DOT, the Department of Energy and Environmental Protection (DEEP), and any COG that it belongs to. However, the bill allows this work to be done on a regional basis.

Under the bill, the report must include each culvert and bridge's (1) geospatial data, (2) locational coordinates, and (3) age and dimensions. It must also have any other information determined necessary, and be in the format set by OPM in consultation with DOT and DEEP.

§§ 19-21 — STATE FIRE SAFETY AND BUILDING CODES

Requires at least five Code and Standards Committee members to be experienced in construction techniques that increase building resiliency to climate change effects; requires the education and training programs for code officials and certain professions to include construction technique information related to energy efficiency, GHG emissions, and building resiliency; requires amending the State Building Code to (1) include design

and construction requirements related to GHG reduction and resiliency to climate change effects and (2) incorporate the most recent IECC

Code and Standards Committee (§ 19)

The bill requires at least five members of the Department of Administrative Services' (DAS) Code and Standards Committee to be trained, certified, or experienced in construction techniques that increase the resilience of buildings (and their elements) to climate change effects.

By law, the committee works with the state building inspector and state fire marshal to enforce the state building and fire safety and fire codes. Each committee member, other than the public members, must have at least 10 years practical experience in his or her profession or business. The members include architects, certain trades contractors, engineers, construction superintendents, building officials, and local fire marshals.

Education & Training Program (§ 20)

By law, the DAS commissioner must establish (1) an education and training program in the mechanics and application of the state's building and fire safety codes for municipal and state code officials and candidates for those positions and (2) a continuing educational program on the same topic for architects, engineers, landscape architects, interior designers, builders, contractors, or construction supervisors doing business in Connecticut.

The bill requires that both programs include education and training in construction techniques that (1) maximize energy efficiency, (2) minimize GHG emissions, and (3) increase the resiliency of buildings (and their elements) to climate change effects.

State Building Code Revisions (§ 21)

Energy Efficiency. The bill requires the state building inspector and Codes and Standards Committee, beginning July 1, 2025, to amend the State Building Code to (1) require that the commercial and residential buildings and building elements the law already requires to be designed with optimum cost-effective energy efficiency also be designed for

optimum GHG emission reduction and resiliency against climate change impacts over the buildings' useful lives and (2) incorporate the most recent International Energy Conservation Code (IECC), no later than 18 months after its publication.

As under existing law, the bill specifies that these requirements cannot be read to impose any new requirement for renovating or constructing state buildings subject to green building standards (CGS § 16a-38k), regardless of whether the building was given an exemption.

The IECC is a model building code that sets minimum energy efficiency standards for new construction. The State Building Code currently incorporates the 2021 IECC. The 2024 IECC is expected to be published in 2024.

Construction Standards. The bill requires the state building inspector and the Code and Standards Committee, beginning July 1, 2025, and in consultation with the DAS commissioner, to amend the State Building Code to require that certain buildings meet or exceed optimum cost-effective building construction standards for resiliency to flood and wind hazards, climate change effects, and the most recent sea level change scenario UConn's Marine Science Division publishes at least every 10 years. These requirements apply to buildings over a specified minimum size that are new construction or a major alteration that existing law requires must at least meet optimum cost-effective construction standards for the thermal envelope or mechanical systems.

Additionally, the bill requires:

1. the new resiliency standards to reference nationally accepted green building rating systems, as existing law already requires for the thermal envelope or mechanical system standards and
2. both standards to reference nationally accepted resiliency standards like the Insurance Institute of Business & Home Safety's Fortified Construction Standard any other applicable standards publicized or endorsed by the U.S. Department of Energy, FEMA, or other relevant federal agencies.

As under existing law, the new requirements must have a way to show compliance with them when a person applies for a building occupancy certificate.

§ 22 — ZONING REGULATIONS

Requires that municipal zoning regulations (1) be designed to protect against sea level rise, extreme heat, and climate change and (2) provide for proper ways to mitigate and avoid the negative effects of sea level change; allows zoning regulations to (1) require or promote resilience and (2) give incentives for using flood-risk reduction building methods

Required Provisions

The bill requires that zoning regulations adopted under the Zoning Enabling Act (as opposed to a special act) be designed to protect against sea level rise, extreme heat, and climate change. The law already requires that they be designed to protect from fire, panic, flood, and other dangers.

It additionally requires that the regulations include proper ways to mitigate and avoid the potential negative effects of sea level change on public health, public welfare, and the environment. In doing so, the regulations must consider the most recent sea level change scenario for Connecticut published by UConn’s Marine Sciences Division.

Optional Provisions

The bill allows zoning regulations to require or promote resilience (i.e., the ability to prepare for and adapt to changing conditions and withstand and recover rapidly from deliberate attacks, accidents, or naturally occurring threats or incidents, such as those associated with climate change). It also allows them to give incentives for developers who use flood-risk reduction building methods.

§§ 22-23 & 36 — TRANSFER OF DEVELOPMENT RIGHTS SYSTEMS

Allows municipal zoning regulations to provide for (1) a regional TDR system and (2) sending and receiving sites in conjunction with a multi-town or regional TDR system; allows COGs to administer joint or multi-town TDR systems; allows two or more municipalities to set up a TDR bank; and sets criteria for eligible sending and receiving sites

Municipal or Regional TDR Systems

A transfer of development rights (TDR) system involves separating the right to develop land from the land itself, a process that makes the

development right a marketable credit. These systems usually involve designating (1) preservation areas (i.e., sending sites) where building is restricted and (2) development areas (i.e., receiving sites) where developers can exceed permitted densities if they buy development rights from owners in the preservation areas. Existing law allows (1) a single municipality to establish a TDR system through its zoning regulations and (2) two or more municipalities to enter into an agreement for a joint or multi-town TDR system.

The bill allows municipalities to provide for (1) a regional TDR system through their zoning regulations, just as existing law allows for municipal TDR systems, and (2) sending and receiving sites in conjunction with a multi-town or regional TDR system. The bill also allows COGs or other agencies to administer these joint or multi-town TDR systems.

As under current law for municipal TDR systems, the bill allows regional TDR systems to vary density limits in connection with a transfer. It also eliminates the current requirement that a TDR system adopted through zoning regulations require both parties (transferors and transferees) to apply jointly for the transfer.

TDR Banks

The bill allows two or more municipalities that have entered into a TDR agreement to enter into an interlocal agreement to set up a TDR bank. (The bill does not specify a TDR bank's purposes or duties.) These interlocal agreements must:

1. identify the receiving site and include the local development rights legislation that has been or will be adopted by the municipality or municipalities where these sites are located,
2. describe procedures for terminating the TDR bank, and
3. describe the conversion ratio to be used in the receiving site.

Under the bill, the conversion ratio may express the extent of additional development rights in any combination of units, floor area,

height, or other applicable development standards that the municipality may modify to create incentives for purchasing development rights.

Eligible Receiving Sites. Under the bill, each of these receiving sites must be:

1. eligible to connect with a public water system,
2. within one-half mile from public transportation facilities (e.g., rail and bus stations) and above the 500-year flood elevation,
3. outside the boundaries of core forest (i.e., unfragmented forest last that is at least 300 feet from the boundary between forest land and non-forest land, as determined by the DEEP commissioner), and
4. outside the boundaries of any area impacted by the state's most recent sea level change scenario.

Eligible Sending Sites. The bill specifies that eligible sending sites may include:

1. core forest or agricultural land,
2. farm land classified under the "PA 490 program" (which allows eligible land to be assessed for property tax purposes based on its current use, rather than its fair market, value),
3. areas identified as containing habitat for endangered or threatened species (as identified under state or federal law or a written determination of the U.S. Fish and Wildlife Service or state and federally recognized tribe), and
4. areas within the boundaries of a floodplain or area impacted by the state's most recent sea level change scenario.

§ 24 — PROPERTY FORTIFICATION WORKING GROUP

Requires the insurance commissioner, within available resources, to convene a working group to study homeowner and small business building fortification needs related to potential losses from natural disasters, hazards, and climate change; requires the working group to submit its findings and recommendations by January 1, 2025

The bill requires the insurance commissioner, by September 1, 2024, and within available resources, to convene and appoint members to a working group to study the fortification needs of homeowners and small business owners against potential losses from natural disasters, hazards, and climate change.

The working group must also make recommendations on the feasibility of creating a program to help these owners fortify their homes and places of business against these losses. The recommendations must include:

1. the program's structure and oversight;
2. potential incentives for homeowners and small business owners to fortify homes and places of business, particularly in vulnerable communities (i.e., populations that may be disproportionately impacted by climate change); and
3. identified program funding sources.

The bill requires the working group to hold at least one public forum to receive input on the recommendations.

Under the bill, the working group's members must have expertise in construction, insurance, natural disasters and hazards, emergency preparedness, and climate change. The insurance commissioner appoints the group's chairpersons from among its members.

The bill requires the working group to submit a report with its findings and recommendations to the governor and Insurance and Real Estate Committee by January 1, 2025. The working group ends when it submits the report or January 1, 2025, whichever is later.

§§ 27-31 — OPEN SPACE AND WATERSHED LAND ACQUISITION GRANT PROGRAM

Allows up to 5% of OSWA grants to reimburse for in-kind services or incidental expenses under certain circumstances; expands the circumstances under which OSWA grant funds may be used to restore or protect open space already owned by the applicant, such as when the land is in an environmental justice community; increases the membership of the Natural Heritage, Open Space and Watershed Land Acquisition Review Board to include

two DEEP-appointed members who represent or are from certain communities, such as environmental justice areas; makes conforming changes (§§ 30 & 31)

OSWA Grant Expansion (§§ 27 & 29)

The Open Space and Watershed Land Acquisition Program (OSWA), which DEEP administers, generally gives state grants to municipalities, land trusts, and water companies to buy land to be preserved as open space in perpetuity.

The bill allows for up to 5% of the total amount of OSWA program grants in any fiscal year to be made to distressed municipalities, targeted investment communities, land trusts, and municipalities to reimburse for in-kind services or incidental expenses to acquire land (e.g., survey fees, appraisal costs, legal fees) that is located in a distressed municipality, targeted investment community, or an environmental justice community.

Current law allows DEEP, under the OSWA program, to give grants to distressed municipalities and targeted investment communities to restore or protect natural features or habitats on open space land they already own. The bill expands the eligibility of these grants to (1) municipalities that seek to restore or protect open space in an environmental justice community and (2) land trusts that seek to restore or protect open space that is in a distressed municipality, targeted investment community, or an environmental justice community. As under existing law, the total amount of the grants that DEEP makes for this purpose cannot exceed 20% of all OSWA grants made in any fiscal year.

The bill caps the amount of program grants to municipalities with environmental justice communities at 75% of the land value or 50% of the costs of work to restore, enhance, or protect resources. This is the same percentage available under existing law for distressed municipalities, targeted investment communities, land trusts, and water companies.

By law, an “environmental justice community” is (1) a distressed municipality or (2) any U.S. census block group, as determined by the

most recent census, for which at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level.

Natural Heritage, Open Space and Watershed Land Acquisition Review Board (§ 28)

The bill increases, from 21 to 23, the membership of the Natural Heritage, Open Space and Watershed Land Acquisition Review Board. Both members are appointed by the DEEP commissioner. One must represent a community of color, low-income community, or community-based organization, or be a professor from a college or university in Connecticut with environmental justice experience. The other must live in a U.S. census block group, as determined by the most recent census, for which at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level.

By law, this board is responsible for helping and advising the DEEP commissioner carry out the requirements of the OSWA and Recreation and Natural Heritage Trust programs, the latter of which is generally tasked with acquiring land for public use that represents the state's ecological diversity, is essential habitat for endangered or threatened species, or is of unusual natural interest. Board members serve three-year terms.

§ 32 — STATE WATER PLAN UPDATE

Requires the state water plan's next update to (1) consider (a) the potential impact of climate change on water resource quality and (b) temperatures and precipitation information when identifying water quantities and qualities for various uses and (2) include recommendations and an implementation plan for reducing effects on water from climate change and extreme weather

The bill requires the next update to the state water plan to consider (1) the potential impact of climate change on water resource quality and (2) past conditions and predictions of future temperatures and precipitation when identifying available quantities and qualities of surface water and groundwater that are for public water supply, health, economic, recreation, and environmental benefits on a regional basin scale. It must also include recommendations and an implementation

plan to reduce effects on water quality and quantity from climate change and extreme weather events.

By law, the Water Planning Council (WPC) is responsible for preparing and periodically updating the state water plan, which is used to manage the state's water resources. The WPC is comprised of the DEEP and Department of Public Health (DPH) commissioners, the Public Utilities Regulatory Authority (PURA) chairperson, and the OPM secretary, or their designees. Adoption of the plan, and revisions to it, involves (1) an opportunity for the public to review the plan, attend a public hearing on it, and submit written comments; (2) legislative review, which may include a public hearing; and (3) approval by the governor if the legislature does not timely approve it (i.e., within 24 months after its original submission) (CGS §§ 25-33o and 22a-352).

§ 33 — WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REGULATION AND PERMIT REVIEW

On a 10-year basis beginning by the end of 2028, requires DEEP, DPH, and PURA to review and revise their water supply regulations and DEEP and DPH to review and revise their sewage disposal system permitting processes and related regulations, all to include certain projections

The bill requires DEEP, DPH, and PURA to each (1) review their respective regulations on water supply and (2) revise them to include the most concurrent projections on precipitation, temperature, and other conditions that could impact water quality, quantity, and distribution.

The bill also requires DEEP and DPH to each review and revise their sewage disposal system permitting processes and related regulations to include the most concurrent projections on precipitation, flooding, sea level rise, and other conditions that could impact public safety and environmental quality.

These efforts must be done every 10 years, beginning by December 31, 2028.

§ 34 — EMINENT DOMAIN FOR FLOOD CONTROL IN BRIDGEPORT

Authorizes DEEP to acquire certain property in Bridgeport related to a flood control and protection project; prescribes a process for DEEP, if needed, to require the relocation or removal of public service facilities

The bill authorizes DEEP to acquire by purchase, gift, devise, exchange, or eminent domain up to 25.7 acres of real property (or its interests or rights) in Bridgeport for flood control and protection and related public purposes. The acquisition must be necessary to build a disaster relief, long-term recovery, or infrastructure restoration project funded by a 2016 Community Development Block Grant for natural disaster resilience (i.e., the Resilient Bridgeport project).

Under the bill, the acquisition must occur before October 1, 2034, and the owner of any private property subject to eminent domain may challenge the amount of compensation involved in Superior Court.

If the DEEP commissioner determines that the property or its flood control and protection improvement's construction, operation, maintenance, repair, or reconstruction would need a public service facility (e.g., power lines or pipelines) to be readjusted, relocated, or removed, she may issue an order to do so to the company, corporation, or municipality that owns or operates it.

After receiving the order, the public service facility must be promptly readjusted, relocated, or removed, but the state must, within available appropriations, pay an equitable share of the cost to do so, including the cost to install and construct a public service facility of equal capacity in a new location. The bill specifies that the equitable share is calculated in the same way that DOT calculates the equitable share for the same actions with respect to state highways, but not limited access highways.

§ 35 — CLIMATE RESILIENCY FUND REPORT

Requires the DEEP commissioner, in consultation with the insurance commissioner, to report to the Environment Committee on creating a coastal resiliency fund supported by a surcharge on certain insurance policies

The bill requires the DEEP commissioner, by January 1, 2025, and in consultation with the insurance commissioner, to submit a report to the Environment Committee about the requirements for creating a coastal resiliency fund that is funded by (1) a surcharge on insurance policies

for property damage, general liability, business interruption, and any other type of business loss or (2) a similar mechanism related to fossil fuel projects.

Under the bill, the report must include (1) an inventory of relevant fossil fuel projects, (2) recommendations for structuring the fund and the assessment, and (3) ways to ensure maximum assessment compliance. “Fossil fuel projects” include those intended to facilitate or expand exploring, extracting, processing, exporting, or transporting (excluding by truck), storing, or taking other significant action related to oil, natural gas, or coal. This explicitly includes building infrastructure for these activities like wells, pipelines, terminals, refineries, or utility-scale generation facilities.

BACKGROUND

Related Bill

sHB 5004, § 17, favorably reported by the Environment Committee, requires local plans of conservation and development to evaluate environmental sustainability and climate resiliency.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 23 Nay 11 (03/15/2024)