

## Local Governance in Connecticut

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April 30, 2024 | 2024-R-0073

### Issue

This report (1) describes Dillon's Rule and Home Rule as theories of local government powers; (2) discusses home rule authority in Connecticut; and (3) lists charters for each municipality in the state, updating, in part, OLR Report [97-R-1307](#).

### Summary

The two prevailing theories of local governance power are Dillon's Rule and Home Rule. Dillon's Rule provides that local governments derive all their power from the state legislature; in contrast, Home Rule reserves some matters solely for local governance. In Connecticut, the municipal home rule authority is derived from both constitutional and statutory authority. Many municipalities create or amend their charter under the Home Rule Act and doing so affords them additional powers.

In Connecticut, municipalities either are incorporated via statute or established by charter. Of Connecticut's 169 municipalities, 113 have charters.

### Powers of Local Government

The two guiding theories of local governance are Dillon's Rule and Home Rule. These two theories describe the powers of local government in relation to state governments. Some states apply one, others apply a combination of both.

### *Dillon's Rule*

Dillon's Rule generally provides that local governments derive all their power solely from the state legislature. The rule is named after Iowa Supreme Court Justice John F. Dillon who asserted a theory of limited local government in 1868 cases in Iowa (*City of Clinton v. Cedar Rapids & Missouri*

*River R.R. Co.*, 24 Iowa 455, 475 (1868) and (*Merriam v. Moody's Executors*, 25 Iowa 163, 170 (1868)). In *Merriam*, the court held that local government only exercises powers (1) expressly granted by the state, (2) necessarily implied or necessarily incident to the powers expressly granted, and (3) crucial to the purpose of local government. This was later validated by the Supreme Court in *Atkin v. Kansas*, 191 U.S. 207 (1903). However, Dillon's Rule does not apply where the state constitution or statutes grant home rule authority.

## ***Home Rule***

In contrast to Dillon's Rule, Home Rule is a theory by which local entities are allowed a degree of autonomy with respect to matters of purely local concern. [As described by the National Conference of State Legislatures](#), home rule authority is generally granted by the state constitution or state statute. Home Rule implies that local government has its own separate realm of authority in certain areas that should not be infringed on by the state.

***Home Rule in Connecticut.*** In Connecticut, municipal home rule authority is derived from [Article Tenth of the state constitution](#) (i.e., the home rule provision) and [CGS §§ 7-187 to 7-201](#) (i.e., the Home Rule Act). Among other things, these provisions (1) limit the legislature's ability to enact special legislation concerning any individual town's powers, organization, terms of elective office, or form of government and (2) authorize municipalities to adopt and amend charters. Prior to adoption of Article Tenth and the Home Rule Act, a municipality could generally only take actions that were specifically allowed by statute or a special act that the legislature passed on the municipality's behalf.

A municipality that has a charter or adopts or amends its charter under the Home Rule Act has certain powers in addition to those granted to all municipalities by the state constitution and [chapter 98](#) of the statutes (in particular, [CGS § 7-148](#), as amended by [PA 23-207](#)). These additional powers are to: (1) manage, regulate, and control its finances and property; (2) regulate and provide for the sale, conveyance, transfer and release of its property; and (3) provide for the execution of contracts and evidences of indebtedness (i.e., issuance of bonds) ([CGS § 7-194](#)).

Home rule authority is often discussed in relation to whether the state, through its statutory authority, or a municipality, through its charter, have authority over a matter. In general, when local charter provisions conflict with state statute, the courts undertake a "statewide concern vs. local concern" analysis. In 2018, the Connecticut Supreme Court in *Cook-Littman v. Fairfield Board of Selectmen*, stated:

[I]n an area of local concern, . . . general statutory provisions must yield to municipal charter provisions governing the same subject matter. Our constitutional home rule provision . . . prohibits the legislature from encroaching on the local authority to regulate matters of purely local concern. . . . In contrast, matters that concern public health and safety, and other areas within the purview of a state’s police power, have traditionally been viewed as matters of statewide concern. Ultimately, a matter is of local concern when it relates to concerns that are of particular importance to the town itself or, put differently, impacts only the municipality itself and does not affect the interests of the rest of the state (([328 Conn. 758](#)), internal citations and quotation marks omitted).

## **Types of Local Government**

### ***Statutory Towns***

Towns and cities that do not have a charter generally were incorporated through statute, sometimes referred to as statutory towns. Incorporation by statute requires a special act by the legislature (e.g., Old Lyme was incorporated in 1855 via [special act](#)). However, a town may be created by the legislature through statute and still adopt their own charter (e.g., [West Haven](#)).

### ***Charter Towns***

In the municipal context, a charter is typically a legal document that establishes a municipality such as a town or city. Among other things, the charter may define the municipal government’s powers or organizational structure. Towns established by charters are often referred to as “charter towns.” In Connecticut, some municipalities have adopted or amended their local charter under the Home Rule Act and are referred to as “home rule” communities.

## **Charters by Municipality**

Of Connecticut’s 169 municipalities, 113 operate under charters, as shown in Table 1. Boroughs or other entities within municipalities may also have charters (e.g., [Danielson](#) in Killingly, [Jewett City](#) in Griswold, and [Woodmont](#) in Milford).

Not all of these municipalities adopted their charters pursuant to the Home Rule Act. The legislature granted some municipalities charters by special act, prior to the enactment of the constitutional provision in 1965 and Home Rule Act in 1957. For more information on home rule and special act charters, see OLR Report [2017-R-0117](#).

**Table 1: Connecticut Municipal Charters**

Municipalities With Charters	Municipalities Without Charters
<a href="#">Andover</a>	Ashford
<a href="#">Ansonia</a>	Barkhamsted
<a href="#">Avon</a>	Beacon Falls
<a href="#">Berlin</a>	Bethany
<a href="#">Bethel</a>	Bethlehem
<a href="#">Bloomfield</a>	Bozrah
<a href="#">Bolton</a>	Bridgewater
<a href="#">Branford</a>	Brooklyn
<a href="#">Bridgeport</a>	Canaan
<a href="#">Bristol</a>	Canterbury
<a href="#">Brookfield</a>	Chaplin
<a href="#">Burlington</a>	Chester
<a href="#">Canton</a>	Colebrook
<a href="#">Cheshire</a>	Cornwall
<a href="#">Clinton</a>	Deep River
<a href="#">Colchester</a>	East Granby
<a href="#">Columbia</a>	East Haddam
<a href="#">Coventry</a>	Eastford
<a href="#">Cromwell</a>	Easton
<a href="#">Danbury</a>	Essex
<a href="#">Darren</a>	Franklin
<a href="#">Derby</a>	Goshen
<a href="#">Durham</a>	Griswold
<a href="#">East Hampton</a>	Hampton
<a href="#">East Hartford</a>	Hartland
<a href="#">East Haven</a>	Harwinton
<a href="#">East Lyme</a>	Kent
<a href="#">East Windsor</a>	Lisbon
<a href="#">Ellington</a>	Litchfield
<a href="#">Enfield</a>	Lyme
<a href="#">Fairfield</a>	Morris
<a href="#">Farmington</a>	New Fairfield
<a href="#">Glastonbury</a>	New Hartford
<a href="#">Granby</a>	Norfolk
<a href="#">Greenwich</a>	North Canaan
<a href="#">Groton</a>	North Stonington
<a href="#">Guilford</a>	Old Lyme
<a href="#">Haddam</a>	Pomfret

Table 1 (continued)

Municipalities With Charters	Municipalities Without Charters
<a href="#">Hamden</a>	Preston
<a href="#">Hartford</a>	Redding
<a href="#">Hebron</a>	Roxbury
<a href="#">Killingly</a>	Salisbury
<a href="#">Killingworth</a>	Scotland
<a href="#">Lebanon</a>	Sharon
<a href="#">Ledyard</a>	Sherman
<a href="#">Madison</a>	Sprague
<a href="#">Manchester</a>	Stafford
<a href="#">Mansfield</a>	Sterling
<a href="#">Marlborough</a>	Thomaston
<a href="#">Meriden</a>	Thompson
<a href="#">Middlebury</a>	Union
<a href="#">Middlefield</a>	Voluntown
<a href="#">Middletown</a>	Warren
<a href="#">Milford</a>	Washington
<a href="#">Monroe</a>	Wilmington
<a href="#">Montville</a>	Woodstock
<a href="#">Naugatuck</a>	
<a href="#">New Britain</a>	
<a href="#">New Canaan</a>	
<a href="#">New Haven</a>	
<a href="#">Newington</a>	
<a href="#">New London</a>	
<a href="#">New Milford</a>	
<a href="#">Newtown</a>	
<a href="#">North Branford</a>	
<a href="#">North Haven</a>	
<a href="#">Norwalk</a>	
<a href="#">Norwich</a>	
<a href="#">Old Saybrook</a>	
<a href="#">Orange</a>	
<a href="#">Oxford</a>	
<a href="#">Plainfield</a>	
<a href="#">Plainville</a>	
<a href="#">Plymouth</a>	
<a href="#">Portland</a>	
<a href="#">Prospect</a>	

Table 1 (continued)

Municipalities With Charters	Municipalities Without Charters
<a href="#">Putnam</a>	
<a href="#">Ridgefield</a>	
<a href="#">Rocky Hill</a>	
<a href="#">Salem</a>	
<a href="#">Seymour</a>	
<a href="#">Shelton</a>	
<a href="#">Simsbury</a>	
<a href="#">Somers</a>	
<a href="#">Southbury</a>	
<a href="#">Southington</a>	
<a href="#">South Windsor</a>	
<a href="#">Stamford</a>	
<a href="#">Stonington</a>	
<a href="#">Stratford</a>	
<a href="#">Suffield</a>	
<a href="#">Tolland</a>	
<a href="#">Torrington</a>	
<a href="#">Trumbull</a>	
<a href="#">Vernon</a>	
<a href="#">Wallingford</a>	
<a href="#">Waterbury</a>	
<a href="#">Waterford</a>	
<a href="#">Watertown</a>	
<a href="#">Westbrook</a>	
<a href="#">West Hartford</a>	
<a href="#">West Haven</a>	
<a href="#">Weston</a>	
<a href="#">Westport</a>	
<a href="#">Wethersfield</a>	
<a href="#">Wilton</a>	
<a href="#">Winchester</a>	
<a href="#">Windham</a>	
<a href="#">Windsor</a>	
<a href="#">Windsor Locks</a>	
<a href="#">Wolcott</a>	
<a href="#">Woodbridge</a>	
<a href="#">Woodbury</a>	

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