



Acts Affecting Municipalities

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Notice to Readers

This report provides summaries of new laws (Public Acts and Special Acts) significantly affecting municipalities enacted during the 2018 regular session. OLR's other Acts Affecting reports, including Acts Affecting Education, Acts Affecting Taxes, and Acts Affecting Town Clerks, are, or will soon be, available on OLR's website: <https://www.cga.ct.gov/olr/actsaffecting.asp>.

Each summary indicates the Public Act (PA) or Special Act (SA) number. Not all provisions of the acts are included. The report does not include vetoed acts unless the veto was overridden. Complete summaries of Public Acts are, or will soon be, available on OLR's website: <https://www.cga.ct.gov/olr/olrsums.asp>. Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, House Clerk's Office, or General Assembly's website: <http://www.cga.ct.gov>.

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Education

Numerous new laws affect local schools, as described in OLR Report 2018-R-0143 (Acts Affecting Education). Among other things, these laws:

1. waive, for FY 18, the penalty for violating the prohibition on a municipality reducing its budgeted amount for education (i.e., the minimum budget requirement), as long as the municipality meets certain criteria ([PA 18-1](#)) and
2. allow the administrative services commissioner to deny a town's application for a school building project grant if the town designates a regional educational service center as the project manager in the application ([PA 18-138](#), § 9).

Elections

Several new laws affect elections, as described in OLR Report 2018-R-0146 (Acts Affecting Town Clerks and Elections). Below, we highlight two of these changes.

Counting Absentee Ballots

A new law requires that, within existing resources, absentee ballots cast at any election, primary, or referendum be counted at a central location in each municipality unless the registrars of voters agree to count them at the respective polling places. Previously, absentee ballots had to be counted at the polling places unless the registrars agreed to count them centrally ([PA 18-124](#), effective upon passage).

Election Day Registration Location

A new law requires town clerks to designate a location within each municipality for completing and processing election day registration applications if the registrars of voters fail to agree on one at least 31 days before the election ([PA 18-119](#), effective upon passage).

Employees

Municipal Employee Union Contracts and Volunteer Maintenance Services

A new law prohibits a municipality from entering into a collective bargaining agreement with a municipal employee union that limits the municipality's ability to accept volunteer building and grounds maintenance services, as long as allowing volunteers does not impact employees' wages or working conditions. The prohibition applies to contracts entered into on or after July 1, 2018 ([PA 18-81](#), § 59, effective July 1, 2018).

Notifying Employees of Freedom of Information Act (FOIA) Requests

A new law expands public agencies', including municipal agencies', duty under FOIA to notify employees of requests for access to their personnel, medical, or similar files. Specifically, if a public agency receives a request for these records, and it reasonably believes that disclosure would not constitute an invasion of privacy, it must (1) first disclose the records and (2) within a reasonable amount of time after disclosure, make a reasonable attempt to send to each employee involved and any collective bargaining representative, a written or electronic copy of the request, if applicable, or a brief description of the request ([PA 18-93](#), effective October 1, 2018).

Wage and Salary History

A new law generally prohibits employers, including the state and its political subdivisions, from asking, or directing a third party to ask, about a prospective employee's wage and salary history ([PA 18-8](#), effective January 1, 2019).

Wastewater Treatment Facility Operators

A new law establishes continuing education requirements for certified wastewater treatment facility operators. Specifically, they must annually obtain six hours of continuing education. They, and the facilities at which they work, must keep a record of the continuing education and make it available if the Department of Energy and Environmental Protection (DEEP) commissioner requests it ([PA 18-97](#), § 2, effective October 1, 2018).

Energy and Utilities

Delinquent Sewer Assessment Payments

A new law institutes a one year delay for foreclosure actions on liens held by water pollution control authorities (WPCAs). It also requires municipalities served by a Public Utilities Regulatory Authority (PURA)- regulated private water company and with a population of at least 100,000 to adopt ordinances that (1) restrict accelerated foreclosure proceedings for past due sewer fees, (2) lower the interest rate on such fees, (3) limit a WPCA assignee's ability to purchase a foreclosed property, and (4) set financial guidelines for commencing foreclosures.

This new law also requires PURA to establish a program to regulate the charges, assessments, and lien processes of the WPCAs located in these large municipalities. It (1) creates a \$4 annual surcharge for the customers in these municipalities to help pay for the program and (2) requires a report to the legislature on the program's status and any recommendations for legislation ([PA 18-174](#), effective July 1, 2018).

Municipal Utilities and Rate Design Studies

A new law specifies a deadline for municipal utilities to determine whether to implement various rate design standards (e.g., time of day rates and seasonal rates). Prior law required them to do so within two years, but did not specify when the two-year time frame began. The new law requires them to do so by July 1, 2018, if they did not do so by July 1, 2017 ([PA 18-18](#), effective upon passage).

Reporting Nonpayment of Utility Services

A new law increases, from 60 to 120, the number of days after a residential customer becomes delinquent before certain utilities, including municipal utilities, may report the customer's nonpayment to credit rating agencies. The affected utilities include municipal utilities that provide electric, gas, or water service ([PA 18-116](#), effective October 1, 2018).

Environment

Brownfield Remediation

A new law allows municipalities to offer a property tax abatement to people and entities that intend to acquire and remediate a brownfield (i.e., prospective purchasers), an incentive they may already offer to the brownfield's current owner. It also expands the range of state programs under which a current or prospective owner may remediate the brownfield.

Existing law authorizes state grants to municipalities, among others entities, that acquire and remediate brownfields. The new law modifies the conditions for receiving these grants by establishing a procedure through which the state specifies which remediation program a municipality must participate in, with exceptions ([PA 18-85](#), most provisions effective October 1, 2018).

Glass Recycling Pilot Program

A new law requires DEEP, if requested by a municipality, to authorize a two-year pilot program for glass collection that is separate from the curbside recycling collection program. The new law requires the DEEP commissioner to report to the legislature on the program, including any legislative recommendations related to it ([PA 18-181](#), § 12, effective October 1, 2018).

Sea Level Change Projections

A new law integrates sea level change projections, determined by UConn's Marine Sciences Division as an update of existing federal projections, into various municipal and state planning documents, such as state and municipal plans of conservation and development and municipal evacuation or hazard mitigation plans. It also applies these projections to the state's coastal management and flood management laws ([PA 18-82](#), effective upon passage).

Sewage Spill Notice

The legislature passed a law requiring operators of sewage treatment plants, water pollution control facilities, related pumping stations, collections systems, or other public sewage works, to electronically report to DEEP within two hours of becoming aware of a sewage spill. And if the spill exceeds 5,000 gallons, they must also notify the chief elected municipal official where the spill occurred and the municipality must then notify the public and downstream public officials. The new law imposes civil or criminal penalties, depending on the severity of the violation, for failing to report as required ([PA 18-97](#), § 2, effective upon passage).

Grants, Aid, and Municipal Finance

Amending Budget Adoption Dates

Generally, to amend a charter, a municipality must (1) ask the General Assembly to make the change in the municipality's special act charter or (2) in the case of home rule charters, establish a charter revision commission and comply with statutory procedures. A new law authorizes municipal legislative bodies to, by a two-thirds vote, amend budget adoption dates in their charters

(e.g., budget presentation and referenda deadlines). The law's authorization applies regardless of conflicting (1) special act, charter, or home rule ordinance provisions or (2) statutes on municipalities, local taxes, public schools, or boards of education ([PA 18-12](#), effective upon passage).

Bond Act Funding

This year's bond act makes several general obligation bond funding authorizations that apply to municipalities. Among other things, it:

1. authorizes up to \$10 million in additional bond funding for the school security infrastructure competitive grant program administered by the Department of Education;
2. authorizes up to \$5.5 million in new bonding for the Office of Policy and Management (OPM) to provide grants to reimburse municipalities for revenue loss from enterprise zone property tax exemptions;
3. increases, by \$2.5 million, an existing bond authorization for grants to public libraries for construction or other improvements; and
4. increases, by \$3 million, the existing bond authorization for the bikeway, pedestrian walkway, recreational trail, and greenway grant program administered by DEEP ([PA 18-178](#), §§ 15, 19, 26, & 36, effective July 1, 2018).

Budget Act Provisions Affecting Municipal Aid

The budget revision act makes three major changes to municipal aid by:

1. providing \$2.9 million in ECS funding for students displaced by Fall 2017 Caribbean hurricanes;
2. prohibiting OPM from achieving any budgeted savings through municipal aid reductions, and eliminating a specific lapse in the original FY 19 budget that was to be achieved through municipal aid reductions (this municipal aid lapse was to be distributed based on the cost of the Renters' Rebate Program in each municipality); and
3. effectively increasing the overall amount for motor vehicle property tax grants by \$15.7 million by basing the grant calculation on FY 18 mill rates, rather than their FY 15 mill rates (see below).

Overall, the revised FY 19 budget increases municipal aid by about \$21 million over original FY 19 amounts ([PA 18-81](#), most provisions effective July 1, 2018).

Funding for Lead Abatement and Structural Repairs

A new law requires the Department of Public Health (DPH) to annually notify municipal health departments of any available Healthy Home funds, which may be used to fund residential lead abatement activities and provide grants to certain homeowners in New Haven and Woodbridge with homes that are structurally damaged by subsidence or water infiltration. These funds, which are distinct from the Healthy Homes bond authorization (see [PA 18-52](#) and [PA 18-178](#), § 37), come from a portion of the \$12 homeowner insurance surcharge the new law creates ([PA 18-160](#), effective upon passage and January 1, 2019, and [PA 18-179](#), effective January 1, 2019).

Increased Surcharge for Certain Moving Violations

A new law increases, from \$15 to \$20, the additional fee paid by people who violate specified motor vehicle laws and regulations, such as speeding and reckless driving. By law, the state must remit this fee to the municipalities in which the violations occur ([PA 18-164](#), § 24, effective October 1, 2018).

Lapse of Certain Town Aid Road Funds

Beginning June 30, 2018, a new law (1) effectively eliminates a Department of Transportation (DOT) account that was available to towns to defray the cost of repairing damage to roads, bridges, and dams caused by a natural disaster and (2) transfers the account's current balance (\$871,792) to the state's Special Transportation Fund ([PA 18-167](#), § 1, effective upon passage).

Motor Vehicle Property Tax Grants

A new law makes several changes related to the motor vehicle property tax cap. It (1) lists the motor vehicle property tax grant amounts municipalities and districts will receive in FY 19; (2) changes the grant formula beginning in FY 20 to reflect updated municipal motor vehicle mill rates; and (3) eliminates supplemental motor vehicle property tax grants after FY 18 ([PA 18-81](#), §§ 23 & 24, effective July 1, 2018).

Municipal Revenue Sharing Account (MRSA) Diversion

The budget adjustment act delays, until FY 22, the sales and use tax revenue diversion to MRSA.

The FY 18-19 budget suspended the diversion of sales tax revenue to MRSA for FYs 18 and 19, but retained the corresponding use tax diversion to the account. The act suspends the use tax diversion for such years, thus aligning the two provisions ([PA 18-81](#), §§ 62-63, effective July 1, 2018, and applicable to sales occurring on or after July 1, 2018).

Renters' Rebate Program

A new law eliminates the requirement under the Renters' Rebate Program that OPM annually recover from each municipality 50% of the cost of issuing rebates, up to \$250,000. It thus shifts responsibility for funding the program entirely back to the state ([PA 18-81](#), § 34, effective July 1, 2018).

State Assistance for Designated Tier III and IV Municipalities

A new law imposes several new conditions and requirements on state financial assistance for designated tier III and IV municipalities, designations signifying the highest degrees of financial distress and state oversight and control. Among other things, it also (1) requires the legislature to perform specific oversight tasks related to these municipalities and (2) specifies criteria for changing a tier III municipality's designation to tier IV ([PA 18-157](#), effective upon passage).

Land Use

Agricultural Land Preservation

By law the agriculture commissioner, with State Properties Review Board approval, may purchase or receive as a gift fee simple title to agricultural real property or the personal property related to it. Prior law required the commissioner to sell the property as soon as practicable, but keep its development rights. A provision in a new law also allows the commissioner to sell the development rights, in addition to the property, if the purchaser is a municipality or a certain type of nonprofit organization ([PA 18-181](#), § 5, effective October 1, 2018).

Billboard Brightness Regulations

A new law specifically authorizes municipalities exercising zoning powers under CGS § 8-2 to regulate the brightness and illumination of advertising signs and billboards. But it exempts advertising signs and billboards from such a zoning regulation on brightness or illumination if they (1) are not equipped to calibrate brightness or illumination and (2) were installed before the regulation or ordinance was adopted ([PA 18-28](#), effective July 1, 2018).

Classification of Farm Land under the PA 490 Program

A new law requires tax assessors to approve applications to classify as farm land any land that meets the farm land criteria under the PA 490 program, even if the parcel or portion thereof does not meet municipal zoning regulation standards concerning minimum acreage requirements for residential or agricultural parcels. Under the PA 490 program, property classified as farm land must be assessed at its current use value, rather than its fair market value ([PA 18-176](#), effective October 1, 2018 and applicable to assessment years beginning on or after that date).

Continuance of a Nonconforming Use, Building, or Structure

A new law clarifies Connecticut case law by prohibiting municipal zoning authorities from requiring a special permit or special exception for the continuance of a nonconforming use, building, or structure (i.e., a property use that legally exists at the time a zoning restriction prohibiting or limiting it is adopted) ([PA 18-132](#), effective July 1, 2018).

Police & Public Safety

Chemical Facility Emergency Plans

A new law requires, by January 1, 2019, owners or operators of certain facilities with hazardous chemicals to update the facility's hazard mitigation plan and any applicable evacuation plan to address risks of flooding, severe weather, or sea level rise. Updated plans must be submitted to the applicable local emergency planning committee to determine if changes to the community's plans for chemical emergencies are needed ([PA 18-181](#), § 7, effective October 1, 2018).

Dam Emergency Action Plans

A new law allows an owner of a high or significant hazard dam or similar structure, including a municipality, to update its emergency action plan by amending only the parts that changed, rather than by providing a new, complete plan as required under prior law. Existing law and regulation

requires that these plans must be (1) updated at least biennially or when a significant change occurs, and (2) provided to DEEP and the municipalities that may be affected in an emergency ([PA 18-113](#), effective October 1, 2018).

Electronic Proof of Automobile Insurance

A new law allows a person to present an automobile insurance identification card electronically on a cell phone or other electronic device, instead of in paper form, to law enforcement officers and the Department of Motor Vehicles commissioner. It exempts the state, a municipality, and their agencies or employees from liability for any damage to a device handed over for the purpose of displaying such an electronic identification card ([PA 18-108](#), effective October 1, 2018).

Law Enforcement Recording Equipment Grant Program Expansion

A new law expands the types of equipment eligible for reimbursement, within available resources, under a law enforcement recording equipment grant program administered by OPM. It also extends the deadline, from the end of FY 17 to the end of FY 18, to purchase digital data storage devices or services eligible for reimbursement ([PA 18-107](#), effective upon passage).

Minimum Standards and Practices for Administering and Managing Law Enforcement

Under a new law, the Police Officer Standards and Training Council (POST) and the Department of Emergency Services and Public Protection commissioner, within available appropriations, must jointly develop, adopt, and revise minimum standards and practices for administering and managing law enforcement units, including municipal police departments. Beginning January 1, 2019, the law requires such units to adopt and maintain (1) these standards and practices or (2) a higher level of accreditation standards developed by POST or the Commission on Accreditation for Law Enforcement Agencies, Inc. The law prohibits a civil action from being brought against a law enforcement unit for damages arising from failure to adopt and maintain such minimum standards and practices ([PA 18-161](#), § 2, effective January 1, 2019).

Police Escorts for Oversize Load Transport Pilot Program

A new law requires DOT to establish a one-year pilot program (beginning July 1, 2018) to allow vehicles to transport certain oversize loads (e.g., motor homes, modular homes) on limited access highways (other than I-95) during daylight hours. DOT may grant permits for such travel only if (1) the transporting vehicle has three police vehicle escorts and (2) the travel does not obstruct DOT's or any municipality's construction or maintenance activities ([PA 18-167](#), § 10, effective upon passage).

Police Pursuits

A new law requires POST to develop and promulgate standardized forms for (1) reporting each police pursuit and (2) submitting annual reports on such pursuits. Beginning January 1, 2019, the law requires local police chiefs to require each police officer who engages in a pursuit to report the pursuit using the form. Beginning January 31, 2020, it also requires local police chiefs to submit an annual report to POST, using the form, regarding pursuits by their police officers ([PA 18-161](#), § 3, effective October 1, 2018).

Property Tax

Several new laws affect property taxes, as described in OLR Report 2018-R-0142 (Acts Affecting Taxes). Among other things, these provisions:

1. allow municipalities to provide a residential property tax credit for certain donations to a charitable nonprofit organized exclusively to support municipal services ([PA 18-49](#), § 10);
2. exempt from the property tax certain tangible personal property owned by a business organization, if the business has owned it for 10 full assessment years and its original value did not exceed \$250 ([PA 18-79](#));
3. expand the types of technologies that qualify for a property tax exemption for class I renewable energy sources ([PA 18-50](#), § 27);
4. extend certain property tax exemptions to veterans who received other than an honorable discharge and have a qualifying condition (i.e., post-traumatic stress disorder or traumatic brain injury or having experienced sexual trauma) ([PA 18-47](#), §§ 11-14);
5. allow municipalities that provide certain optional veteran property tax exemptions to increase the income thresholds for eligibility ([PA 18-102](#));
6. clarify a local option tax exemption for veterans ([PA 18-72](#), § 43; and
7. require taxpayers claiming a property tax exemption for machinery and equipment used by retailers to color or mix paint for sale in the state to apply annually to local assessors ([PA 18-136](#), § 2).

Additionally, a new law eliminates a process through which local tax assessors could receive from the Department of Motor Vehicles (DMV) certain identifying information about taxable motor vehicles registered out-of-state in order to add such vehicles to a municipality's grand list ([PA 18-164](#), § 14, effective upon passage). The process was initially established in the FY 18-19 budget act ([PA 17-2](#), § 556, June Special Session).

Public Health

Emergency Medical Services (EMS) Data

Existing law requires the public health commissioner to report to the Emergency Medical Services Advisory Board on specified EMS call data categorized by municipality, such as the total number of calls by each ambulance service and the call response times. A new law requires the commissioner to report the data annually, starting by December 31, 2018.

It also requires the commissioner, with the board's recommendation, to adopt for use in trauma data collection the most recent version of specified national standards and guidelines ([PA 18-168](#), § 17, effective October 1, 2018).

Itinerant Food Vendor Licensure Reciprocity

Under a new law, the Department of Public Health (DPH) commissioner must collaborate with local health directors to develop a process allowing for reciprocal licensing of itinerant food vending establishments that (1) have a valid license or permit from a local health director and (2) seek to operate in a different municipality. By January 1, 2019, the commissioner must report to the legislature on the reciprocity process they develop. By February 1, 2019, the commissioner and each local health director must implement such licensure by reciprocity ([PA 18-169](#), § 5, effective upon passage).

Model Food Code Implementation Date

A new law extends by six months, from July 1, 2018, to January 1, 2019, the date by which DPH must adopt and administer the federal Food and Drug Administration's (FDA) Food Code, and any published supplements, as the state's food code for regulating food establishments. Currently, DPH (through local health departments) regulates these establishments under the Public Health Code.

The new law also makes certain changes to food code definitions, such as specifying that if a class 1 establishment offers for sale commercially prepackaged, precooked food that is time or temperature controlled and heated, it must be served within four hours after heating ([PA 18-168](#), §§ 20-23 & 46-49, effective October 1, 2018).

Municipal and District Health Departments

A new law expands a health district's powers to include the ability to join an existing health district. Existing law already allows municipalities to join or form a district health department ([PA 18-168](#), §§ 58-60, effective October 1, 2018).

Opioid Antagonist Program

A new law authorizes prescribers and pharmacists authorized to prescribe naloxone to enter into an agreement with a law enforcement agency, emergency medical service provider, government agency, or community health organization concerning the distribution and administration of opioid antagonists. Among other things, the new law requires the prescribers and pharmacists to provide training to the individuals who will distribute or administer opioid antagonists under such an agreement ([PA 18-166](#), § 3, effective July 1, 2018).

Overdose Data

Under a new law, on and after January 1, 2019, any hospital or emergency medical services (EMS) personnel that treats a patient for an opioid overdose must report such overdose to the Department of Public Health (DPH). Starting by January 1, 2020, DPH must provide the data to the municipal or district health department that has jurisdiction over the location where the overdose occurred, or, if the location is unknown, the location in which the hospital or EMS personnel treated the patient, as DPH, in its discretion, deems necessary to develop preventive initiatives. Under the act, such data must remain confidential in accordance with existing law for records provided to DPH ([PA 18-166](#), § 5, effective July 1, 2018).

Miscellaneous

Abandoned Cemetery Lots

For plot contracts entered into after June 30, 2018, a new law changes the procedure that towns and mutual nonstock cemetery associations or corporations use to recover burial plots for which assessed charges remain unpaid. Among other things, the new law reduces, from 10 to one, the minimum number of years that assessments on a burial plot must remain unpaid before a cemetery association may sell the unused portion of such plot ([PA 18-87](#), effective July 1, 2018).

Digital Parcel Data

By May 1, 2019, a new law requires each municipality that possesses or contracts for services to create or maintain a digital parcel file (e.g., property boundaries) to annually transmit the file to its regional council of government (COG) or, for towns that are not COG members, to the OPM secretary. Each COG must annually provide a list of non-compliant and exempt municipalities to OPM and the Planning and Development Committee ([PA 18-175](#), effective upon passage).

Electric Bicycles (E-bikes)

A new law classifies e-bikes into three categories and generally requires them to be treated like regular bicycles. Existing law grants municipalities authority to regulate regular bicycles, as long as the ordinances do not conflict with state laws or regulations. The new law extends this authority to allow municipalities to regulate e-bikes (e.g., adopting registration requirements).

With exceptions, unless prohibited by local ordinance, e-bikes may be used where regular bicycles are used ([PA 18-165](#), effective October 1, 2018).

Increased Convenience Fee for Processing DMV Transactions

By law, the DMV commissioner may authorize municipalities or contractors (e.g., AAA) to process specified transactions, such as driver's license and registration renewals. A new law increases, from \$5 to \$8, the maximum convenience fee that any authorized entity may charge to process these transactions ([PA 18-164](#), § 23, effective July 1, 2018).

Increased Fee for Various Permits and Filings

A new law increases the fees municipalities must charge for various permits and filings. Among others, it increases the fees for liquor permit filings (from \$2 to \$20), filing a document (from \$5 to \$10), survey or map filing and indexing (from \$10 to \$20), and marriage licenses (from \$30 to \$50) ([PA 18-136](#), §§ 3-6, effective July 1, 2018).

Neighborhood Revitalization Zones (NRZs)

With certain exceptions, a new law requires municipalities to defend and indemnify NRZ planning committees and NRZ (implementation) committees and their members in any civil action arising out of an act, error, or omission made while exercising the committee or members' responsibilities for developing or implementing a NRZ strategic plan ([PA 18-110](#), effective July 1, 2018).

Opportunity Zones

The federal Tax Cuts and Jobs Act of 2017 allows state chief executive officers to nominate low-income communities for designation as a qualified opportunity zone and establishes tax incentives for investing in the designated zones through a qualified fund.

A new law requires the Department of Economic and Community Development commissioner to (1) conduct a study identifying best practices for marketing the benefits of qualified opportunity zones in order to increase investment in distressed census tracts and municipalities and (2) report to the legislature by January 1, 2019 ([PA 18-49](#), § 21, effective upon passage).

Task Force on Transportation for Persons with Disabilities, Seniors, and Veterans

A new law establishes a task force to study issues with publicly-funded transportation for individuals with disabilities, older adults, and veterans. The study must include (1) other states' best practices, (2) services and public transportation fare discounts currently available, (3) current and anticipated transportation needs, and (4) ways Connecticut can provide more cost-effective, efficient, and reliable transportation. The task force must report its findings to the legislature by January 1, 2019 ([SA 18-3](#), effective upon passage).

Vexatious FOIA Requests

A new law establishes a procedure under which public agencies may petition the Freedom of Information Commission (FOIC), under penalty of false statement, for relief from “vexatious requesters.” Relief may include an order that the agency need not comply with future requests from the requester for a period of up to one year. It also adds to the factors (e.g., repetitious or cumulative requests or appeals) that FOIC must consider when determining whether to hear certain appeals of agency decisions brought under FOIA ([PA 18-95](#), effective October 1, 2018).

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