

Summary Analysis of: State of Connecticut

Governor Lamont

EXECUTIVE ORDER 7I

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Section 19 of Executive Order 7I applies to Planning, Zoning, combined Planning and Zoning, Zoning Boards of Appeal, Inland Wetlands Boards or Commissions, and Historic District Commissions, and other commissions as well.

Extensions For Action:

Section 19 provides that, notwithstanding any statutes or town charter or ordinances to the contrary, any deadline in the land use process may be extended by up to a total of 90 days without the consent of the Applicant.

For any particular application:

Using an example of a standard land use application requiring a public hearing, the 90 days can be allocated, for instance, to the 65 day period to start the public hearing, to the 35 day time limit to complete a public hearing, and/or to the 65 day (35 for wetlands) time period to decide an application.

A land use Commission or Board may not add 90 days to each of these three timeframes. If an applicant has already agreed to some or all of a 65 day extension currently allowed by statute, nevertheless, the Commission or Board can add the 90 days and allocate them as needed.

Example: If an applicant agreed to an additional 35 days to close a public hearing, then the Commission or Board could, if need be, add all 90 days to that, and take a total of 160 days to close the public hearing. (The original statutory 35 days plus 35 by Applicant Extension plus 90 = 160 in this example).

The Commission or Board does not need to exhaust Applicant extensions prior to using and allocating the 90 days of extension permitted by the Executive Order. Of course, the Commission or Board may still ask an Applicant for extensions to add to any timeframe extensions.

The use and allocation of the up to 90 days of extension does require Commission or Board action.

Publishing Legal Notices

Going forward, any notices of hearings and decisions do not need to be published in the newspaper.

The required notice can be published just once on the “municipality’s or agency’s website, provided the earlier deadline required for posting notice is maintained.” What does this mean?

For instance, General Statutes Section 8-7d provides for legal notice of an application public hearing as follows:

“Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the land that is the subject of the hearing is located at least twice, at intervals of not less than two days, **the first not more than fifteen days or less than ten days** and the last not less than two days before the date set for the hearing.”

Under this Executive Order, the notice posted on the website for a hearing needs to be posted between 10-15 days beforehand, because that is the “earlier” of the two normally required publication dates.

The notice that is posted on the website must be left posted on the website until completion of the public hearing or action or meeting or proceeding for which the notice is posted.

Notice of a decision by a Commission or Board shall remain posted on the website until any appeal period has expired.

Any notice that would normally be filed in the Town Clerk’s office does not need to be so filed. It only needs to be posted on the website and must remain posted on the website until completion of the public hearing or action or meeting or proceeding for which the notice is posted or until any appeal period has expired. Again, depending upon the type of notice required to be filed with the Town Clerk. The timeframe or deadline for posting on the website rather than filing in the office of the Town Clerk does not change. The deadlines are the same as they are now.

The requirement of posting signs on property is suspended and is satisfied by the posting of the notice on the website as described above for a public hearing.

This Executive Order has a provision dealing with the requirements, for certain applications, of mailed notices.

In the event of any petitions that are permitted, for instance, to contest a zone change, these petitions may utilize electronic signatures and electronic filing of the petition. Timeframes have not been changed.

For any appeals to be filed in Court from a Town Land Use agency decision, the marshal may serve the Town Clerk electronically. The Town and Town Clerk must identify an email address

to which such electronic service of process may be sent on the Town website. Appeals must still be timely filed.

Appeals of decisions of the Zoning Enforcement Officer or Wetlands Enforcement Officer may be commenced by electronic mail or regular mail. The timeframes for such an appeal remain unchanged.

Lastly, within a reasonable time after “the reopening of the relevant office”, that office must:

- 1) make printed or electronic confirmations (records) “of all modifications, extensions, notices, and decisions in the permanent office records.”
- 2) Any document required to be filed in the Town Clerk’s office must be filed and/or recorded if applicable; and
- 3) The Department Head of an agency which accepts or administers applications may “waive any rules, regulations, or policies related to the requirement that applications to such agency be submitted in paper copy or in duplicate.”

For more information on some of these provisions or for specific advice on such items as, for instance, the alternative requirements for mailed personal notice of applications, please do not hesitate to contact me.