
OLR Bill Analysis

HB 6641

AN ACT CONCERNING THE REMOTE AND ONLINE PROVISION OF MUNICIPAL SERVICES.

SUMMARY

This bill makes numerous changes allowing municipal entities and other public agencies to conduct business electronically. Generally, the changes allow specified (1) notices and applications to be sent electronically and (2) hearings or meetings to be held using electronic equipment (§§ 7-15 & 17-28).

The bill also allows public agencies to hold meetings remotely under the Freedom of Information Act (FOIA) through conference call, videoconference, or other technology (§§ 2 & 29). It specifically allows municipalities to hold town meetings and budget adoption proceedings using electronic equipment (§§ 3-4 & 16).

The bill allows towns, cities, and boroughs, whenever they are required by the law or a charter to advertise a legal notice in a newspaper, to instead post the notice on their websites. It similarly allows town, city, borough, and district clerks, wherever they are required by the law or a charter to file a notice, to instead post the notice on their websites (§ 1).

Additionally, the bill requires town clerks to designate a website for paying recording fees (e.g., recording documents on the land records) and accept payments for these fees through the website in a manner they prescribe. It similarly imposes these requirements on registrars of vital statistics for vital records fees (e.g., birth certificates) (§§ 5 & 6). (Typically, the town clerk serves as the registrar of vital statistics.)

Lastly, the bill makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2021

§§ 2 & 29 — FOIA

Conducting Meetings

Under current law, FOIA's definition of "meeting" includes those held by electronic equipment, but it does not explicitly authorize, or establish procedures for, telephone or other remotely held meetings (see BACKGROUND).

The bill explicitly allows meetings to be held under FOIA using electronic equipment or simultaneously in-person and using electronic equipment. (Presumably, they can also hold in-person meetings.) It requires that meetings held using either of these methods provide opportunity for comment or testimony, voting, or other participation, as applicable. Additionally, it requires meeting participants (both agency members and the public) to state their name and title (if applicable) each time before speaking in a meeting conducted using electronic equipment.

Under the bill, "electronic equipment" means any technology facilitating real-time public access to and participation in meetings, including telephone, video, or other conferencing platforms.

Meeting Minutes

Under existing law, FOIA requires (1) public agencies to make meeting minutes available in the agency's office within seven days after the meeting and (2) public agencies, other than those of political subdivisions (e.g., municipalities), to post meeting minutes on their websites within this timeframe. The bill extends both of these requirements (and the exception to the website posting requirement) to any audio or video recording or transcript of a meeting. (However, the bill does not require agencies to record or transcribe meetings.)

Agendas for Regular Meetings

Under current law, FOIA requires state agencies to post agendas for regular meetings on their websites at least 24 hours before the meeting but it does not apply this requirement to political subdivisions. The bill instead requires all public agencies to post their meeting agendas on their websites. Under the bill, regular meeting agendas must also

include instructions for the public to (1) attend the meeting in person or electronically and (2) comment, vote, or otherwise participate, as applicable.

Notices of a Special Meeting

The bill similarly requires that the above instructions for meeting attendance and participation be included in any notice of a special meeting. (A special meeting is one held to consider business that (1) was unforeseen when scheduling regular meetings and (2) should be addressed before the next regular meeting.)

The bill allows notices of a special meeting to be electronically sent to a public agency's members rather than delivered to their homes as current law requires. Current law also allows members to waive delivery of the notice by filing a written waiver with the agency's clerk or secretary. The bill allows members to submit these waivers electronically.

§§ 3-4 & 16 — TOWN MEETINGS AND BOARD OF FINANCE PROCEEDINGS

The bill allows town meetings to be held under FOIA using electronic equipment or simultaneously in-person and using electronic equipment. (Presumably, they may also be held in-person). It requires that meetings held using either of these methods provide opportunity for comment or testimony, voting, or other participation, as applicable.

Presumably, the bill's provisions allowing voting through electronic equipment apply only to votes taken at the town meeting itself and do not extend to votes taken at an adjourned town meeting (i.e., a referendum).

The bill also allows municipal boards of finance to hold specified meetings and hearings using electronic equipment or simultaneously in person and using electronic equipment. It applies to (1) public hearings on the proposed annual budget, (2) the board's meeting at which it votes on a recommended budget, and (3) the board's meeting to lay a tax on the grand list. (It also appears to apply to the town meeting at which the budget is voted on.)

As with town meetings, the bill requires boards of finance holding hearings or meeting using electronic equipment to provide opportunity for comment or testimony, voting, or other participation, as applicable.

§§ 7-15 & 17-28 — ELECTRONIC TRANSACTIONS BY MUNICIPAL PROGRAMS AND ENTITIES

The bill makes numerous changes allowing municipal entities or programs to conduct business or otherwise operate using electronic means, as shown in Table 1. Generally, the changes allow specified (1) notices and applications to be sent electronically and (2) hearings or meetings to be held using electronic equipment.

The bill defines "electronic equipment" for these purposes as any technology facilitating real-time communication between two or more individuals, including telephone, video, or other conferencing platforms.

Table 1: Electronic Transactions Authorized by Bill

§	Municipal Entity or Program	Action	Electronic Option Allowed by Bill
8-9	Discriminatory practices board	Hearing on alleged discriminatory practice	Allows hearing to be conducted by electronic equipment
10	Municipal revenue-sharing agreements	Opportunity for public participation in the negotiations between the municipalities	Specifies that public participation may be in person, writing, or by electronic equipment
11	Foreclosed residential property registration	Registration with municipal clerk of a residential property on which a plaintiff commences a foreclosure action	Allows registration to be completed electronically in a manner the clerk prescribes
		Notice to clerk by plaintiff of any change in the registration information	Allows plaintiff to provide this information by email
		Registration with clerk of a residential property by the person to whom title vests in a foreclosure action (or registration update if the person is the plaintiff	Allows registration or update to be sent by email

		in the action)	
		Notice to clerk by registrant of any change in the registration information	Allows registrant to provide this information by email
12	Parking violation hearings	Notice to vehicle owner or operator of fines, penalties, costs, or fees for alleged parking violations	Allows notice to be sent to the owner's or operator's email address if known
		Request by owner or operator for a hearing before a parking violation hearing officer	Allows owners and operators to make this request by email
		Hearing	Allows hearing to be held in person or by electronic equipment
13-15	Municipal water pollution control authority	Public hearing on sewerage system connection and use charges	Allows hearing to be conducted by electronic equipment Requires that hearing notice be published on municipality's website, rather than in a newspaper as current law requires
		Charges that are finalized or revised after the public hearing	Requires that copy of the charges be published on municipality's website, rather than in a newspaper as current law requires (the bill retains existing law's requirement that it also be filed in the municipal clerk's office)
		Public hearings on orders issued to building owners to (1) connect the building to an available sewerage system or (2) construct and connect the building to an alternative sewage treatment system	Allows hearing to be conducted by electronic equipment
17	Local land use boards	Subdivision or zoning regulations adopted by board	Requires board to publish regulations on its website, in addition to making printed copies available at a reasonable price as existing law requires
18-19	Boards of	Appeals to board by taxpayers	Allows taxpayers to file

	assessment appeals	aggrieved by a municipal assessor's actions	appeals by email in a manner the board prescribes
		Board may meet to reduce a taxpayer's assessment	Allows boards to hold these hearings and meetings using electronic equipment
		The taxpayer, or the taxpayer's attorney or agent, must appear at a hearing before the board before it can reduce the assessment	Deems the taxpayer, attorney, or agent to have appeared at the hearing if he or she attends using electronic equipment
20	Tax assessors and boards of assessment appeals	Notice to Office of Policy and Management (OPM) of deadline extensions to assessors' or boards' duties granted by the municipal chief executive officer	Allows notice to be provided by email in a manner the OPM secretary prescribes
		Request by municipality to OPM for a revaluation delay	Eliminates requirement that supporting information provided by board of assessment appeals and chief executive officer be in writing
		Notice to taxpayers of assessment increases in municipalities for which OPM authorizes a revaluation delay	Allows notice to be sent by email
21-22	Renters' Rebate program	Rebate applications filed with municipal assessor	Allows applications to be filed electronically in a manner the OPM secretary prescribes
		Appeals filed with OPM by persons aggrieved by assessor's decision	Allows appeals to be filed electronically in a manner the secretary prescribes
23	Property tax freeze for seniors	Program applications	Requires that applications be made in writing or electronically in a manner the municipal assessor prescribes
		Applicants' income tax returns	Allows taxpayers to present an electronic copy of the return
		Biennial notice by municipal assessor to program participants of reapplication requirements (by law, program participants must reapply to the program biennially)	Allows assessors to provide notice electronically at the taxpayer's option
24-25	Property tax circuit breaker	Affidavit filed with municipal assessor stating applicant's	Allows affidavit to be filed electronically in a manner the

	for seniors and homeowners with disabilities	income	assessor prescribes
		Program application	Allows application to be submitted by email in a manner the OPM secretary or municipal assessor (as applicable) prescribes
		Biennial notice by municipal assessor to program participants of reapplication requirements (by law, program participants must reapply to the program biennially)	Allows assessors to provide notice electronically at the taxpayer's option
		Notice by grantee to municipal assessor of a property transfer by a grantor who was previously approved for the circuit breaker	Allows grantee to provide notice by email in a manner the assessor prescribes
		Notice by tax collector to grantee of any additional tax due	Allows tax collector to provide notice by email at the grantee's option
		Application to assessor for a grant in lieu of a property tax reduction	Allows applicant to submit application by email in a manner the assessor prescribes
		Appeal to the OPM secretary by a person aggrieved by an assessor's decision	Allows person to appeal by email in a manner the secretary prescribes
		26-27	Municipal building permits
Permit applications containing plans and specifications previously approved by the state building inspector	Allows applications to be filed in person, by mail, or by email, in a manner the building official prescribes		
28	Municipal building officials	Appeals filed with municipal board of appeals by persons aggrieved by the building official's decision	Allows appeals by email in a manner the board prescribes
		Appeals filed with municipal chief executive officer when there is no board of appeals	Allows appeals by email in a manner the chief executive officer prescribes

BACKGROUND

Related Bills

sHB 6651, sSB 183 (File 441), and sSB 1074, reported favorably by the Government Administration and Elections Committee, authorize remote meetings under similar conditions as those in the bill.

sHB 6448, reported favorably by the Planning and Development Committee, authorizes remote meetings while also requiring agencies to make their meetings (including in-person meetings) accessible to the public through electronic equipment.

Telephone Meetings Under FOIA

Although FOIA currently does not explicitly authorize telephone or other remotely held meetings, its definition of "meeting" includes those held by electronic equipment (CGS § 1-200(2)).

In its only advisory opinion on the subject, the Freedom of Information Commission (FOIC) advised that public agencies conducting business over the phone must comply with FOIA's open meeting requirements. According to FOIC, agencies must make sure that the public has "access to the entire proceedings taking place during the course of a meeting."

Specifically, the commission advised that the meeting must comply with at least the following:

1. members of the public who want to attend the meeting must be accommodated at a place where the greatest number of participating agency members are located;
2. people attending the meeting, including members of the public, must be able to see and inspect copies of any physical or demonstrable materials presented or used; and
3. all those attending the meeting, at whatever location, must be able to hear and identify adequately all participants in the proceedings, including individual remarks and votes (Advisory Opinion 41, 1980).

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 17 Nay 9 (03/31/2021)