



House of Representatives

General Assembly

File No. 347

January Session, 2021

Substitute House Bill No. 6606

House of Representatives, April 8, 2021

The Committee on Commerce reported through REP. SIMMONS, C. of the 144th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE COME HOME TO DOWNTOWN PROGRAM, THE RENOVATION OF HISTORIC MIXED-USE BUILDINGS IN THE STATE AND OUTDOOR DINING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) The Commissioner of Economic and
2 Community Development shall conduct a study relating to the
3 Connecticut Housing Finance Authority's Come Home to Downtown
4 program. Such study shall examine the scalability of such program. Not
5 later than February 1, 2022, the commissioner shall submit a report on
6 the results of such study to the joint standing committee of the General
7 Assembly having cognizance of matters relating to commerce, in
8 accordance with the provisions of section 11-4a of the general statutes.

9 Sec. 2. (*Effective from passage*) (a) There is established a task force to
10 study any impediments to the renovation of historic mixed-use
11 buildings located in municipalities, including, but not limited to,
12 distressed municipalities in the state. The task force shall (1) examine
13 any financing tools that may assist in the renovation of such buildings

14 and building safety codes that may be impediments to the renovation of
15 such buildings; and (2) consider whether the state should implement a
16 small real estate developer training program or a capacity building
17 program.

18 (b) The task force shall consist of the following members:

19 (1) Two appointed by the speaker of the House of Representatives;

20 (2) Two appointed by the president pro tempore of the Senate;

21 (3) One appointed by the majority leader of the House of
22 Representatives;

23 (4) One appointed by the majority leader of the Senate;

24 (5) One appointed by the minority leader of the House of
25 Representatives;

26 (6) One appointed by the minority leader of the Senate;

27 (7) The Commissioner of Economic and Community Development,
28 or the commissioner's designee;

29 (8) The Commissioner of Housing, or the commissioner's designee;

30 (9) The Banking Commissioner, or the commissioner's designee;

31 (10) The Commissioner of Administrative Services, or the
32 commissioner's designee; and

33 (11) Three persons appointed by the Governor.

34 (c) Any member of the task force appointed under subdivision (1),
35 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
36 of the General Assembly.

37 (d) All initial appointments to the task force shall be made not later
38 than thirty days after the effective date of this section. Any vacancy shall
39 be filled by the appointing authority.

40 (e) The speaker of the House of Representatives and the president pro
41 tempore of the Senate shall select the chairpersons of the task force from
42 among the members of the task force. Such chairpersons shall schedule
43 the first meeting of the task force, which shall be held not later than sixty
44 days after the effective date of this section.

45 (f) The administrative staff of the joint standing committee of the
46 General Assembly having cognizance of matters relating to commerce
47 shall serve as administrative staff of the task force.

48 (g) Not later than January 1, 2022, the task force shall submit a report
49 on its findings and recommendations to the joint standing committee of
50 the General Assembly having cognizance of matters relating to
51 commerce, in accordance with the provisions of section 11-4a of the
52 general statutes. The task force shall terminate on the date that it
53 submits such report or January 1, 2022, whichever is later.

54 Sec. 3. (*Effective from passage*) (a) As used in this section:

55 (1) "Applicable laws of the state" means chapters 14, 97a, 98, 124, 126,
56 242 and 541 of the general statutes, section 22a-27j of the general statutes
57 and any special act, municipal charter, ordinance, resolution or
58 regulation;

59 (2) "COVID-19" means the respiratory disease designated by the
60 World Health Organization on February 11, 2020, as coronavirus 2019,
61 and any related mutation thereof recognized by the World Health
62 Organization as a communicable respiratory disease;

63 (3) "COVID-19 signage" means any outdoor, noninternally
64 illuminated, nonanimated signage that is not more than fifteen square
65 feet in size and contains directions, social distancing instructions or
66 other signage that may customarily be displayed within a building,
67 including, but not limited to, menus or specials;

68 (4) "Food establishment" means a food establishment that is licensed
69 or permitted to operate pursuant to section 19a-36i of the general
70 statutes;

71 (5) "Local enforcement official" means a zoning administrator, or such
72 administrator's designee, or building code official, or such official's
73 designee;

74 (6) "Municipality" has the same meaning as provided in section 8-1a
75 of the general statutes; and

76 (7) "Outdoor activities" means outdoor food and beverage service or
77 outdoor displays of goods, which activities end at eleven o'clock p.m. or
78 earlier on Friday and Saturday nights and end at nine o'clock p.m. or
79 earlier on all other days of the week, or the display of COVID-19
80 signage, but does not mean live entertainment.

81 (b) Notwithstanding the provisions of section 8-3b of the general
82 statutes, for the period of time commencing on the effective date of this
83 section and ending June 30, 2022, if a zoning administrator, chairperson
84 of a zoning commission or planning and zoning commission or chief
85 elected official finds that a proposal is necessary to respond to the
86 COVID-19 pandemic, including, but not limited to, making changes to
87 permit outdoor activities, such zoning administrator, chairperson or
88 chief elected official may place such proposal or cause such proposal to
89 be placed on the public hearing agenda of a zoning commission or a
90 planning and zoning commission, as applicable, and such commission
91 shall conduct a public hearing and act on such proposal without
92 complying with the requirements of section 8-3b of the general statutes.

93 (c) Notwithstanding any provision of the applicable laws of the state,
94 for the period of time commencing on the effective date of this section
95 and ending June 30, 2022, any permit application for outdoor activities
96 shall be made to a local enforcement official, who shall review and make
97 a determination on each such application.

98 (d) (1) Notwithstanding any provision of the applicable laws of the
99 state, the zoning commission, planning and zoning commission or chief
100 elected official of each municipality, as applicable, shall allow any
101 licensee or permittee of a food establishment operating in such
102 municipality to engage in outdoor food and beverage service as an

103 accessory use of such food establishment's permitted use until June 30,
104 2022. Such accessory use shall be allowed as of right, subject only to any
105 required administrative site plan review to determine conformance with
106 zoning requirements not contemplated by this section.

107 (2) Any such licensee or permittee may engage in outdoor food and
108 beverage service (A) on public sidewalks and other pedestrian
109 pathways abutting the area permitted for principal use and on which
110 vehicular access is not allowed, (i) provided a pathway (I) constructed
111 in compliance with physical accessibility guidelines, as applicable,
112 under the federal Americans with Disabilities Act, 42 USC 12101, et seq.,
113 as amended from time to time, and (II) the length of the lot upon which
114 the area permitted for principal use is located, and not less than six feet
115 in width, not including any area on a street or highway, shall remain
116 unobstructed for pedestrian use, and (ii) subject to reasonable
117 conditions imposed by the municipal official or agency that issues right-
118 of-way or obstruction permits; (B) on off-street parking spaces
119 associated with the permitted use, notwithstanding any municipal
120 ordinance establishing minimum requirements for off-street parking;
121 (C) on any lot, yard, court or open space abutting the area permitted for
122 principal use, provided (i) such lot, yard, court or open space is located
123 in a zoning district where the operation of food establishments is
124 permitted, and (ii) the licensee or permittee obtains written
125 authorization to engage in such service from the owner of such lot, yard,
126 court or open space and provides a copy of such authorization to the
127 zoning commission; and (D) until nine o'clock p.m., or a time established
128 by the zoning regulations of the municipality, whichever is later.

129 (3) Nothing in this subsection shall require a municipality or local
130 enforcement official to (A) permit the sale or service of alcoholic
131 beverages by any licensee or permittee of a food establishment
132 operating in such municipality as a principal or accessory use anywhere
133 that such activity is not permitted as a principal or accessory use, or (B)
134 permit any licensee or permittee of a food establishment operating in
135 such municipality to operate an outdoor bar.

136 (e) (1) Notwithstanding any provision of the applicable laws of the
137 state, for the period of time commencing on the effective date of this
138 section and ending June 30, 2022, any person who submits an
139 application to engage in outdoor activities in accordance with
140 subsection (c) of this section shall not be required to submit (A) plans
141 stamped by a licensed engineer, landscape architect or architect, (B) a
142 site survey, (C) a parking plan, (D) a traffic study or plan, (E) a sign plan,
143 (F) a soil erosion and sediment control plan, (G) a photometric lighting
144 plan, or (H) a stormwater management plan, provided such person
145 submits, at a minimum, a drawing or illustration, roughly to scale or
146 dimensioned and depicting with reasonable accuracy the outdoor area
147 that is proposed to be used and what is proposed to be placed, built or
148 erected in the outdoor area and a narrative that details any noise, waste
149 management, odor, light pollution and environmental impacts expected
150 for such outdoor area and an explanation regarding how such impacts
151 will be mitigated. The local enforcement official reviewing such
152 application may require an applicant to submit additional information
153 that he or she deems necessary to protect public health, safety or the
154 environment, provided such official shall consider the need for
155 expedited review of such applications.

156 (2) Notwithstanding any provision of the applicable laws of the state,
157 for the period of time commencing on the effective date of this section
158 and ending June 30, 2022, each local enforcement official shall approve,
159 approve with conditions or reject any application for outdoor activities
160 and notify each applicant of such decision in a manner prescribed by the
161 local enforcement official not later than (A) ten days after the receipt of
162 such application, or (B) ten days after the receipt of any additional
163 information requested by the local enforcement official pursuant to
164 subdivision (1) of this subsection. The failure of any local enforcement
165 official to provide such notice shall be deemed to be an approval of such
166 application.

167 (3) Notwithstanding any provision of the applicable laws of the state,
168 if a local enforcement official approves with conditions or rejects an
169 application pursuant to subdivision (2) of this subsection, the applicant

170 may appeal such decision, not later than seven days after the receipt of
171 notice of such decision, to the zoning commission, planning and zoning
172 commission or chief elected official of the municipality, as applicable. A
173 public hearing shall not be required for any such appeal.

174 (4) Notwithstanding any provision of the applicable laws of the state,
175 for the period of time commencing on the effective date of this section
176 and ending June 30, 2022, nothing in this subsection shall affect an
177 individual's right to submit a complaint to any relevant municipal
178 authority or the right of any such municipal authority to enforce
179 conditions associated with a permitted outdoor activity, impose fines or
180 issue a notice of violation or a cease and desist order.

181 (5) Notwithstanding any provision of the applicable laws of the state,
182 for the period of time commencing on the effective date of this section
183 and ending June 30, 2022, no fees shall be imposed for the filing of any
184 application to engage in outdoor activities.

185 (f) Notwithstanding any provision of the applicable laws of the state,
186 for the period of time commencing on the effective date of this section
187 and ending June 30, 2022, the zoning commission, planning and zoning
188 commission or chief elected official of each municipality shall allow any
189 licensee or permittee of a food establishment operating in such
190 municipality to engage in outdoor food and beverage service on any
191 nearby lot, zoning lot, street face or yard, provided the owner of any
192 such lot, street face or yard on which such outdoor activity is proposed
193 to take place provides written permission for such outdoor activity to
194 the local enforcement official and such lot, street face or yard is zoned
195 for commercial use or located in a commercial zoning district.

196 (g) (1) Notwithstanding any provision of the applicable laws of the
197 state, for the period of time commencing on the effective date of this
198 section and ending June 30, 2022, the zoning commission, planning and
199 zoning commission or chief elected official of each municipality shall
200 allow any licensee or permittee of a food establishment operating in
201 such municipality to engage in outdoor activities on public sidewalks or
202 other nonvehicular public rights-of-way, provided a six-foot clearance

203 for pedestrian passage is maintained and such food establishment
204 complies with any other reasonable restrictions imposed by the
205 municipal department with jurisdiction over sidewalk obstruction
206 permits.

207 (2) Notwithstanding any provision of the applicable laws of the state,
208 for the period of time commencing on the effective date of this section
209 and ending June 30, 2022, the Department of Transportation may allow
210 any licensee or permittee of a food establishment to engage in outdoor
211 activities on a nonvehicular portion of a state highway right-of-way,
212 provided the department may establish any conditions on such use, as
213 deemed necessary by the Commissioner of Transportation.

214 (h) (1) Notwithstanding any provision of the applicable laws of the
215 state, for the period of time commencing on the effective date of this
216 section and ending June 30, 2022, any municipal official having
217 jurisdiction over local roads, in consultation with each municipality's
218 local traffic authority, may close a local road to permit outdoor activities
219 without conducting a public hearing, provided, if such local road is used
220 for public transportation routes, such official shall consult with the
221 Department of Transportation.

222 (2) (A) Notwithstanding the provisions of section 14-298-262 of the
223 regulations of Connecticut state agencies, for the period of time
224 commencing on the effective date of this section and ending June 30,
225 2022, outdoor activities shall be considered a special event for the
226 purposes of said section.

227 (B) Notwithstanding any provision of the applicable laws of the state,
228 for the period of time commencing on the effective date of this section
229 and ending June 30, 2022, any municipality shall submit a request for a
230 special event permit to the Department of Transportation before closing
231 any part of a vehicular portion of a state highway right-of-way for
232 outdoor activities, in accordance with the provisions of section 14-298-
233 262 of the regulations of Connecticut state agencies. The Department of
234 Transportation shall expedite its review of any such request.

235 (i) Notwithstanding any provision of the applicable laws of the state,
236 nothing in this section shall not alter or affect a nonconforming use or
237 structure as provided in section 8-2 of the general statutes.

238 (j) Notwithstanding any provision of title 30 of the general statutes or
239 any provision of the regulations of Connecticut state agencies, for the
240 period of time commencing on the effective date of this section and
241 ending June 30, 2022, no entity that is licensed to serve alcoholic
242 beverages shall be required to obtain a patio or extension of use permit
243 to engage in outdoor activities, provided such entity: (1) Complies with
244 the provisions of this section; (2) complies with any rules for outdoor
245 dining, including, but not limited to, social distancing requirements
246 issued by the Department of Economic and Community Development
247 in response to the COVID-19 pandemic; (3) complies with any
248 municipal requirements related to outdoor dining or the sale of
249 alcoholic beverages that are consistent with the provisions of this
250 section; (4) complies with any provision of title 30 of the general statutes
251 or regulations of Connecticut state agencies regarding the prohibition of
252 the sale of alcohol to minors or intoxicated persons or regarding
253 restrictions on the times such entity may serve alcoholic beverages; (5)
254 only serves alcoholic beverages to customers who also consume food
255 prepared on such entity's premises or from a food truck located adjacent
256 to such entity's premises; (6) does not maintain an outdoor consumer
257 bar, as defined in section 30-62a of the general statutes; (7) does not
258 provide live entertainment, except that such entity may provide live
259 entertainment if such entertainment was previously permitted in such
260 entity's outdoor space or such entity obtains permission pursuant to this
261 section to provide outdoor entertainment and such entertainment
262 complies with any social distancing requirements issued by the
263 Department of Economic and Community Development in response to
264 the COVID-19 pandemic; and (8) if such entity is a caterer, only serves
265 alcoholic beverages at locations with on-premises permits for the service
266 of alcoholic beverages.

267 (k) The provisions of this section shall be liberally construed to
268 promote the continuation of outdoor dining, as permitted by Executive

269 Order No. 7MM of Governor Ned Lamont.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section

CE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

Section 2 establishes a fifteen-member task force to study any impediments to the renovation of historic mixed-use buildings located in municipalities, including, but not limited to, distressed municipalities in the state.

Not later than January 1, 2022, the task force shall submit a report on its findings and recommendations to commerce committee. The task force shall terminate on the date that it submits such report or January 1, 2022, whichever is later.

This bill has no fiscal impact for members of task forces as PA 17-236 prohibits transportation allowances.

Section 3 is materially the same as sHB 6610, as amended by House "A", which passed out of both the House and Senate and has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 6606

AN ACT CONCERNING THE COME HOME TO DOWNTOWN PROGRAM, THE RENOVATION OF HISTORIC MIXED-USE BUILDINGS IN THE STATE AND OUTDOOR DINING.

SUMMARY

The Office of Legislative Research does not analyze Special Acts.

COMMITTEE ACTION

Commerce Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/22/2021)