



General Assembly

**Substitute Bill No. 6606**

January Session, 2021



**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.