



Testimony of W. Wyatt Bosworth  
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Before the Committee on Planning & Development  
Hartford, CT  
March 15, 2021

**Senate Bill No. 1024: An Act Concerning Zoning Authority, Certain Design Guidelines, Qualifications Of Certain Land Use Officials And Certain Sewage Disposal Systems**

My name is Wyatt Bosworth and I am assistant counsel for CBIA, the Connecticut Business and Industry Association. CBIA is Connecticut's largest business organization, with thousands of member companies, small and large, representing a diverse range of industries from across the state. Ninety-five percent of our member companies are small businesses, with less than 100 employees.

**CBIA has serious concerns about SB 1024, AAC Zoning Authority, Certain Design Guidelines, Qualifications Of Certain Land Use Officials And Certain Sewage Disposal Systems.**

Connecticut law currently prevents municipal zoning regulations from prohibiting the continuance of a nonconforming use that was legal when the regulations were adopted or amended, and prohibits municipalities from placing a time limit on the continuation of a nonconforming use. Furthermore, Connecticut law permits municipalities to regulate a nonconforming use as long as they do not unreasonably interfere with the right to continue the use. Only if (1) the municipality determines, via its police powers, that the nonconforming use directly imperils public health or safety, or (2) the property owner voluntarily discontinues such use, may the municipality strip a property owner of nonconforming use status.

Simply put, Connecticut has long recognized the importance of protecting nonconforming uses and greatly restricts municipalities from stripping that classification; a classification many CBIA member companies utilize to operate their businesses.

This bill, if enacted, will change this longstanding tradition and threaten the future viability of small businesses throughout this state that operate under a nonconforming use status. For example, the bill authorizes municipalities to terminate nonconforming uses if:

[T]he zoning commission (I) declares, after notice of a cease and desist order duly presented to the property owner in accordance with applicable regulations and after a public hearing on such order, that a nonresidential conforming use, building or structure in a residential zone *is inconsistent with the plan of conservation and development or is a public nuisance*, and (II) specifies a reasonable time for the termination of such nonconforming use.<sup>1</sup> (emphasis added)

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<sup>1</sup> Senate Bill No. 1024, CGA 2021 Legislative Session, Lines 296-303

Section 8-23 of the Connecticut General Statutes requires each municipality to prepare or amend and adopt a plan of conservation and development (POCD) every ten years.<sup>2</sup> The language above essentially allows a municipality, through the development and enactment of a POCD, to initiate the termination process for nonconforming uses and thus strip small businesses of that status.

This is dangerous to small businesses, as Connecticut law has provided strong protections for nonconforming uses for decades that (1) requires municipalities to recognize nonconforming uses; and (2) only allows a municipality to terminate such use if the owner abandons the property, changes the use of the property, or threatens the health or safety of the community.

Allowing municipalities to discontinue a nonconforming use simply because a POCD conflicts with that status is dangerous for small businesses operating under that status and playing by the existing rules for maintaining that status.

CBIA urges the committee to remove all lines relevant to nonconforming uses under this bill. Thank you for your consideration.

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<sup>2</sup> Municipal Plans of Conservation and Development, Guidance for Maintaining Eligibility for Discretionary State Funding, Office of Policy and Management  
<https://portal.ct.gov/OPM/IGPP-MAIN/Responsible-Growth/Conservation-and-Development-Policies-Plan/Municipal-Plans-of-Conservation-and-Development>.