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## OLR Bill Analysis

### sSB 1002 (File 429, as amended by Senate "A")\*

#### ***AN ACT CONCERNING ZONING ENFORCEMENT OFFICER CERTIFICATION.***

#### **SUMMARY**

This bill makes three unrelated changes to land use laws to:

1. clarify a requirement in existing law requiring zoning enforcement officers (ZEOs) to obtain certification from the Connecticut Association of ZEOs,
2. generally allow zoning commission or zoning board of appeals (ZBA) members to serve as alternates on a municipality's planning commission, and
3. exempt certain individuals with practical land use experience from training requirements applicable to land use board members and reduce the frequency of the training for non-exempt members.

The bill also makes technical and conforming changes.

\*Senate Amendment "A" adds the provisions on (1) planning commission alternates and (2) training requirements for land use board members.

EFFECTIVE DATE: October 1, 2023

#### **§ 1 — ZEO CERTIFICATION**

Current law has a certification requirement for certain ZEOs. The bill clarifies this requirement and applies it to ZEOs newly appointed beginning January 1, 2024.

Currently, beginning January 1, 2023, the law requires ZEOs working in municipalities that exercise zoning authority under the statutes to

obtain certification, without specifying a timeframe in which to do so, from the Connecticut Association of ZEOs and maintain it for the duration of their ZEO employment. The bill clarifies that ZEOs must become certified “as soon as practicable” after appointment.

In practice, the Connecticut Association of ZEOs generally requires, among other things, someone to have experience serving as a ZEO before it grants certification.

### **§ 501 — PLANNING COMMISSION ALTERNATES**

The bill allows zoning commission or ZBA members to serve as alternates on a municipality’s planning commission, so long as they recuse themselves from any appeal before the ZBA that they heard as an alternate on the planning commission.

Existing law, unchanged by the bill, prohibits planning commission or ZBA members from serving as alternates on the municipality’s zoning commissions or combined planning and zoning commissions (CGS § 8-1b).

### **§ 502 — TRAINING FOR CERTAIN LAND USE OFFICIALS**

Current law requires each member of a local planning commission, zoning commission, planning and zoning commission, or ZBA to complete at least four hours of training every other year (see BACKGROUND). The bill exempts from this requirement (1) land use enforcement officers and (2) Connecticut-licensed attorneys who served at least four years on one of these boards or commissions. The bill also eliminates the requirement that members complete training biennially, instead requiring them to complete the training once every four years or once per term, if their term is longer than four years.

The bill retains current law’s requirement for non-exempt members (1) serving on a board or commission as of January 1, 2023, to complete their initial training by January 1, 2024, and (2) not serving on January 1, 2023, to complete the training within one year after being elected or appointed to the board or commission.

By law and unchanged by the bill, each board or commission, starting

by March 1, 2024, must annually submit to its municipal legislative body (or board of selectmen, if a town meeting) a statement affirming its members' compliance with the law's training requirement.

## **BACKGROUND**

### ***Land Use Training***

The law requires the training for land use officials to include at least one hour on affordable and fair housing policies. Training may also cover:

1. process and procedural matters, including the conduct of effective meetings and public hearings and the Freedom of Information Act;
2. interpreting site plans, surveys, maps, and architectural conventions; and
3. the impact of zoning on the environment, agriculture, and historic resources.

### ***Zoning Enforcement***

Each municipality decides how its zoning regulations are enforced. In practice, the zoning or combined planning and zoning commission may reserve the enforcement power to itself, or it may be delegated to a ZEO. ZEOs may be responsible for (1) investigating zoning violations and issuing cease and desist orders and (2) reviewing and providing an advisory opinion on applications for special permits, site plans, subdivisions, and variances.

### ***Related Bill***

sSB 1004 (File 147), favorably reported by the Planning and Development Committee, contains identical provisions on planning commission alternates.

## **COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 21 Nay 0 (03/22/2023)