



House of Representatives

General Assembly

File No. 214

January Session, 2023

Substitute House Bill No. 6646

House of Representatives, March 27, 2023

The Committee on Planning and Development reported through REP. KAVROS DEGRAW of the 17th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING CERTIFICATES OF APPROVAL FOR MOTOR VEHICLE DEALERSHIPS AND REPAIR SHOPS.

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

1 Section 1. Section 14-54 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 Any person who desires to obtain a license for dealing in or repairing
4 motor vehicles shall first obtain and present to the commissioner a
5 certificate of approval [of the location for which such license is desired
6 from the board or authority designated by local charter, regulation or
7 ordinance of the town, city or borough wherein the business is located
8 or is proposed to be located, except that in any town or city having a
9 zoning commission, combined planning and zoning commission and a
10 board of appeals, such certificate shall be approved by the board of
11 appeals] from the planning commission of the municipality where such
12 license is desired, affirming that the proposed location and use of the
13 property conform to the municipality's zoning regulations. In addition

14 thereto, such certificate shall be approved by the local building official
15 and local fire marshal. The provisions of this section shall not apply to
16 (1) a transfer of ownership to a spouse, child, brother, sister or parent of
17 a licensee, (2) a transfer of ownership to or from a corporation in which
18 a spouse, child, brother, sister or parent of a licensee has a controlling
19 interest, or (3) a change in ownership involving the withdrawal of one
20 or more partners from a partnership.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	14-54

PD *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**

The bill, which requires the municipal planning commission to determine if new motor vehicle repair shops or dealerships comply with a municipality's zoning regulations, does not result in a fiscal impact as it is not expected to change the number of such approvals any municipality makes or denies.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sHB 6646*****AN ACT CONCERNING CERTIFICATES OF APPROVAL FOR MOTOR VEHICLE DEALERSHIPS AND REPAIR SHOPS.*****SUMMARY**

With limited exceptions, the law requires a business applying for a motor vehicle dealer's or repairer's license from the Department of Motor Vehicles to submit a certificate of approval from the municipality where the business intends to locate. (These certificates indicate the municipality has determined the location is suitable and has also been approved by the local building official and fire marshal.) This bill transfers authority to issue certificates of approval from the municipality's zoning board of appeals (or, if the municipality does not have one, the entity designated by local law) to its planning commission or, presumably, combined planning and zoning commission if it has one (see BACKGROUND).

Under the bill, the planning commission must determine whether the proposed location and use complies with the municipality's zoning regulations. Current law provides no criteria that the zoning board of appeals, or other designated municipal entity, must consider when reviewing these applications (see BACKGROUND).

By law unchanged by the bill, individuals who are aggrieved by decisions about certificates of approval may appeal to the Superior Court after exhausting all administrative remedies (CGS §§ 14-57 & 4-183).

EFFECTIVE DATE: October 1, 2023

BACKGROUND

Planning Commissions

By law, municipalities may, but are not required to, establish a planning commission. The primary function of planning commissions is subdivision review and approval, but they also prepare the local plan of conservation and development and offer an opinion on certain municipal improvements (e.g., street widening, park relocations, school siting), among other things (CGS § 8-19 et seq.). (Planning commissions established by a special act of the legislature, rather than pursuant to the general statutes, may have different powers.)

Under current law, planning commissions do not generally interpret or enforce zoning regulations as those functions are reserved for the zoning commission and, in some cases, the zoning enforcement officer (CGS § 8-1 et seq.).

Combined Planning and Zoning Commissions

The law generally allows municipalities that have a planning commission to convert it to a combined planning and zoning commission, which assumes all the powers of the planning commission as well as the zoning commission (CGS § 8-4a).

Certificate of Approval Suitability Criteria

Prior to its repeal in 2003, a state statute provided suitability criteria and required that these criteria be considered when reviewing certificate of approval applications. These criteria included, among other things, the proposed location relative to schools, churches, traffic conditions, and the effect on public traffic (CGS § 14-55, repealed by PA 03-265; see also *One Elmcroft, LLC v. Stamford Zoning Board of Appeals*, 337 Conn. 806 (2021)).

Related Bill

sHB 6748, favorably reported out of the Transportation Committee, also transfers authority for issuing these certificates of approval from the zoning board of appeals but instead transfers it to the zoning enforcement official (rather than the planning commission).

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 21 Nay 0 (03/10/2023)