

# Planning and Development Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-1002

**Title:** AN ACT CONCERNING ZONING ENFORCEMENT OFFICER CERTIFICATION

**Vote Date:** 3/22/2023

**Vote Action:** Joint Favorable Substitute

**PH Date:** 2/17/2023

**File No.:**

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

## **SPONSORS OF BILL:**

Planning and Development Committee

## **REASONS FOR BILL:**

This bill extends by one year, until January 1, 2024, the effective date of a requirement (set by PA 21-29) specifying that zoning enforcement officers (ZEOs) appointed in municipalities that exercise zoning authority under the statutes be certified by the Connecticut Association of ZEOs (CAZEO).

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

None expressed.

## **NATURE AND SOURCES OF SUPPORT:**

[Charles Grant, First Selectman, Town of Franklin:](#) Supports this bill

Requests that further clarification regarding certification requirements and date clarification be written into the bill. See written testimony for details.

[John Guskowski, Govt. Relations Officer, Connecticut Chapter of the American Association of Planning \(CCAPA\):](#) Recommends substitute language on this bill

It is important to note that this language, as written, does not specifically require that any person currently appointed as a ZEO obtain certification by January 1, 2023. It instead requires that any person who is appointed as a ZEO on or after that date obtain certification. Further, there is no specific guidance given in the Statute about either the appropriate timeframe for final acquisition of such certification nor the legal/enforcement ramifications for

failure to do so. Barring further clarification of these two elements in the Statutes, these questions will likely play out in the courts, when targets of enforcement orders challenge the authority of a Zoning Officer to issue or enforce those orders. This is not a problem with the current statutory language identifying January 1, 2023, as the trigger date. It is instead a lack of specific definition of what is meant by “shall obtain certification” and “maintain such certification.” The General Assembly could certainly provide some guidance on these, and it is our recommendation that such clarifying language should be provided.

**Matthew W. Hart, Executive Director, Capitol Region Council of Governments (CRCOG):** Requests language changes

Concerns regarding some ambiguity with certification requirements and dates. See written testimony for details.

**Fred B. Allyn III, Mayor, Town of Ledyard:** Supports this bill

Supports this bill but suggests some language changes that are noted in written testimony.

#### **NATURE AND SOURCES OF OPPOSITION:**

**Michael Glidden, President / Legislative Liaison, CT Association of Zoning Enforcement Officials (CZEO):** Opposes this bill

It is important to note that the language in this bill does not specifically require that any person currently appointed as a ZEO obtain certification by 1-1-23, it requires that any person who is appointed as a ZEO on or after 1-1-23 obtain certification. The interpretation of this language was not developed solely by CAZEO and has been further supported by the Office of Legislative Research through the Office of Policy and Management. See written testimony for suggested language changes.

#### **Anonymous:**

I am a Connecticut resident and I oppose all these upcoming bills.

**Reported by: Robert Mayne**

**Date: March 27, 2023**