



Senate

General Assembly

File No. 198

February Session, 2024

Substitute Senate Bill No. 11

Senate, April 2, 2024

The Committee on Environment reported through SEN. LOPES of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING CONNECTICUT RESILIENCY PLANNING AND PROVIDING MUNICIPAL OPTIONS FOR CLIMATE RESILIENCE.

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

1 Section 1. (NEW) (*Effective July 1, 2024*) As used in this section and
2 sections 2 to 10, inclusive, of this act unless the context otherwise
3 requires:

4 (1) "Captured assessed value" means the amount, as a percentage or
5 stated sum, of increased assessed value that is utilized from year to year
6 to finance project costs pursuant to the district master plan.

7 (2) "Clean energy project" means a renewable energy project that
8 utilizes Class I renewable sources, as defined in section 16-1 of the
9 general statutes.

10 (3) "Current assessed value" means the assessed value of all taxable
11 real property within a resiliency improvement district as of October first
12 of each year that the resiliency improvement district remains in effect.

13 (4) "District master plan" means a statement of means and objectives
14 prepared by the municipality, or two or more municipalities acting
15 jointly under an interlocal agreement, relating to a resiliency
16 improvement district that is designed to (A) reduce the risk of, or
17 exposure to, extreme events, hazards and the effects of climate change,
18 (B) support economic development, (C) provide housing opportunities
19 in existing residential areas, (D) improve or broaden the tax base, and
20 (E) construct or improve the physical facilities and structures necessary
21 for resilience projects, environmental infrastructure or clean energy
22 projects, or any combination thereof, as described in section 4 of this act.

23 (5) "Environmental infrastructure" has the same meaning as provided
24 in section 16-245n of the general statutes.

25 (6) "Financial plan" means a statement of the project costs and sources
26 of revenue required to accomplish the district master plan.

27 (7) "Increased assessed value" means the valuation amount by which
28 the current assessed value of a resiliency improvement district exceeds
29 the original assessed value of the resiliency improvement district. If the
30 current assessed value is equal to or less than the original assessed
31 value, there is no increased assessed value.

32 (8) "Increased savings" means the valuation amount by which the
33 current cost of any existing insurance premium, or other premium,
34 surcharge or other fee identified within the resiliency improvement
35 district may be reduced after the implementation of such district,
36 resulting in a monetary savings to a resident of, or a business located in,
37 such district.

38 (9) "Joint resiliency improvement district" means a resiliency
39 improvement district established by two or more contiguous
40 municipalities that have entered into an interlocal agreement in
41 accordance with sections 7-339a to 7-339l, inclusive, of the general
42 statutes.

43 (10) "Maintenance and operation" means all activities necessary to

44 maintain facilities after they have been developed and all activities
45 necessary to operate such facilities, including, but not limited to,
46 informational, promotional and educational programs and safety and
47 surveillance activities.

48 (11) "Municipality" means a town, city, borough, consolidated town
49 and city or consolidated town and borough.

50 (12) "Original assessed value" means the assessed value of all taxable
51 real property within a resiliency improvement district as of October first
52 of the tax year preceding the year in which the resiliency improvement
53 district was established by the legislative body of a municipality.

54 (13) "Project costs" means any expenditures or monetary obligations
55 incurred or expected to be incurred that are authorized by section 6 of
56 this act and included in a district master plan.

57 (14) "Resilience" has the same meaning as provided in section 16-243y
58 of the general statutes.

59 (15) "Resilience project" means a project, including a capital project,
60 that is designed and implemented to address climate change mitigation,
61 adaptation or resilience, including, but not limited to, the following:

62 (A) A project that mitigates the effects of river, bay or sea level rise,
63 or rising groundwater, including wetlands or marsh restoration,
64 riparian buffers, vegetated dunes, living shorelines, erosion control,
65 road elevation, levees or other flood structures;

66 (B) A project that mitigates the effects of extreme heat or the urban
67 heat island effect, including increasing shade, deploying building and
68 surface materials designed to reflect or absorb less heat, using pavement
69 materials designed to reflect or absorb less heat, constructing,
70 improving or modifying new or existing facilities or increasing access to
71 cooling opportunities;

72 (C) A project that mitigates the effects of drought, including the
73 repurposing of land for multiple uses, the reduction of impervious

74 surfaces, groundwater replenishment or groundwater storage, or a
75 combination of such uses; or

76 (D) A project intended to reduce the risk of flooding, including
77 structure elevation or relocation, wetlands restoration, flood easements
78 or bypasses, riparian buffers or levees.

79 (16) "Tax increment" means real property taxes assessed by a
80 municipality upon the increased assessed value of property in the
81 resiliency improvement district.

82 (17) "Resiliency improvement district" means an area wholly within
83 the corporate limits of one or more municipalities that has been
84 established and designated as such pursuant to section 2 of this act and
85 that is to be developed under a district master plan.

86 (18) "Tax year" means the period of time beginning on July first and
87 ending on the succeeding June thirtieth.

88 Sec. 2. (NEW) (*Effective July 1, 2024*) (a) Any municipality may, by
89 vote of its legislative body, establish a resiliency improvement district
90 located wholly within the boundaries of such municipality in
91 accordance with the requirements of this section and sections 3 to 10,
92 inclusive, of this act. If a municipality is governed by a home rule
93 charter, and such charter prohibits the establishment of a resiliency
94 improvement district, such municipality shall not establish such district.
95 Except as provided in subsection (d) of this section, the establishment of
96 a resiliency improvement district approved by such municipality shall
97 be effective upon the concurrent approval of such district and the
98 adoption of a district master plan pursuant to section 4 of this act.

99 (b) Within a resiliency improvement district, and consistent with the
100 district master plan, the municipality, in addition to powers granted to
101 such municipality under the Constitution of the state of Connecticut, the
102 general statutes, the provisions of any special act or sections 3 to 10,
103 inclusive, of this act shall have the following powers:

104 (1) To acquire, construct, reconstruct, improve, preserve, alter,

105 extend, operate or maintain property or promote development intended
106 to meet the objectives of the district master plan. The municipality may
107 acquire property, land or easements through negotiation or by other
108 means authorized for any municipality under the general statutes;

109 (2) To execute and deliver contracts, agreements and other
110 documents relating to the operation and maintenance of the resiliency
111 improvement district;

112 (3) To issue bonds and other obligations of the municipality in
113 accordance with the provisions set forth in section 8 of this act;

114 (4) Acting through its board of selectmen, town council or other
115 governing body of such municipality, to enter into written agreements
116 with a taxpayer that fixes the assessment of real property located within
117 a resiliency improvement district, provided (A) the term of such
118 agreement shall not exceed thirty years from the date of the agreement;
119 and (B) the agreed assessment for such real property plus future
120 improvements shall not be less than the assessment of the real property
121 as of the last regular assessment date without such future
122 improvements. Any such agreement shall be recorded in the land
123 records of the municipality. The recording of such agreement shall
124 constitute notice of the agreement to any subsequent purchaser or
125 encumbrancer of the property or any part of it, whether voluntary or
126 involuntary, and such agreement shall be binding upon any subsequent
127 purchaser or encumbrancer. If the municipality claims that the taxpayer
128 or a subsequent purchaser or encumbrancer has violated the terms of
129 such agreement, the municipality may bring an action in the superior
130 court for the judicial district in which the municipality is located to
131 enforce such agreement;

132 (5) To accept grants, advances, loans or other financial assistance
133 from the federal government, the state, private entities or any other
134 source, including, but not limited to, such funds as allowable from
135 sections 7-159d, 22a-498 and 25-85 of the general statutes, and undertake
136 any additional actions necessary or desirable to secure such financial
137 aid; and

138 (6) Upon such terms as the municipality determines, to furnish
139 services or facilities, provide property, lend, grant or contribute funds
140 and take any other action such municipality is authorized to perform for
141 any other purposes.

142 (c) The resiliency improvement district may be dissolved or the
143 boundaries of such district may be modified upon the vote of the
144 legislative body of the municipality, except that the resiliency
145 improvement district may not be dissolved nor may the boundaries of
146 the resiliency improvement district be decreased if any bonds or other
147 indebtedness authorized and issued by the municipality under sections
148 3 to 10, inclusive, of this act remain outstanding. Notwithstanding the
149 provisions of this subsection, outstanding obligation bonds of the
150 municipality secured solely by the full faith and credit of the
151 municipality shall not preclude the dissolution of, or the decrease of the
152 boundaries of, a resiliency improvement district.

153 (d) Two or more contiguous municipalities may enter into an
154 interlocal agreement in accordance with sections 7-339a to 7-339l,
155 inclusive, of the general statutes, to establish a joint resiliency
156 improvement district and adopt a district master plan for a district that
157 consists of contiguous properties partially located in each such
158 municipality. Such interlocal agreement shall be adopted prior to the
159 establishment of any such joint district and the adoption of a district
160 master plan for such district. A joint resiliency improvement district
161 shall be deemed established upon the concurrent approval of such
162 district and the adoption of a district master plan by the legislative
163 bodies of all of the municipalities participating in the interlocal
164 agreement.

165 (e) The interlocal agreement under which two or more contiguous
166 municipalities establish a joint resiliency improvement district shall
167 apportion any power, right, duty or obligation granted to, or required
168 of, any municipality under the provisions of sections 3 to 10, inclusive,
169 of this act among the municipalities participating in the interlocal
170 agreement.

171 (f) Nothing in this section shall be construed to limit the power
172 granted to a municipality pursuant to any provision of the general
173 statutes or any special act to offer, enter into or modify any tax
174 abatement for real property located in a resiliency improvement district
175 if such real property contains one or more units of affordable housing,
176 as defined in section 8-39a of the general statutes.

177 Sec. 3. (NEW) (*Effective July 1, 2024*) Prior to the establishment of a
178 resiliency improvement district and approval of a district master plan
179 for such district, the legislative body of the municipality, or the board of
180 selectmen in the case of a municipality in which the legislative body is a
181 town meeting, shall:

182 (1) Consider whether the proposed resiliency improvement district
183 and district master plan will contribute to the well-being of the
184 municipality or to the betterment of the health, welfare or safety of the
185 inhabitants of the municipality;

186 (2) Transmit the proposed district master plan to the planning
187 commission of the municipality, if any, requesting a study of the
188 proposed district master plan and a written advisory opinion, which
189 shall include a determination on whether the proposed plan is
190 consistent with the plan of conservation and development of the
191 municipality adopted under section 8-23 of the general statutes, as
192 amended by this act;

193 (3) Hold at least one public hearing on the proposal to establish a
194 resiliency improvement district and to adopt the proposed district
195 master plan. Notice of the hearing shall be published not less than ten
196 days prior to such hearing in a conspicuous place on the Internet web
197 site of the municipality, or the municipalities acting jointly pursuant to
198 an interlocal agreement, with the date and time such notice was so
199 posted, and such notice shall include (A) the date, time and place of such
200 hearing, (B) the legal description of the boundaries of the proposed
201 resiliency improvement district, and (C) the draft district master plan,
202 which plan shall be made available for physical review and posted
203 electronically on the Internet web site of any applicable municipality;

204 and

205 (4) Determine whether the proposed resiliency improvement district
206 meets the following conditions:

207 (A) The district contains an area that experiences or is likely to
208 experience adverse impacts from hazards or climate change, including,
209 but not limited to, sea level rise, rising groundwater, extreme heat,
210 drought or flooding;

211 (B) The district has been identified in a municipal hazard mitigation
212 plan, local plan of conservation and development, regional plan of
213 conservation and development or has been identified by another related
214 planning process;

215 (C) The plan demonstrates a reduction of risk in the district from such
216 identified adverse impacts from hazards or climate change;

217 (D) A portion of the real property within the district shall be suitable
218 for commercial, industrial, mixed-use or retail uses or transit-oriented
219 development;

220 (E) In the case of existing residential use, provides for the replacement
221 of, or renovation to, residential buildings in the district, if the district is
222 in a flood zone or within the boundaries of sea level rise as determined
223 by the requirements of section 25-680 of the general statutes, as
224 amended by this act, to include a height standard of not less than two
225 feet of freeboard above the base flood elevation, or as designated by the
226 state building code or municipal building requirements, whichever
227 imposes a greater height standard, and whether construction of or
228 renovation to commercial or industrial buildings shall be flood-proofed
229 or elevated;

230 (F) Provides for vehicle access to residential buildings in the district
231 if the district is in a flood zone or is impacted by sea level rise, pursuant
232 to section 25-680 of the general statutes, as amended by this act, at a
233 height of two feet above base flood elevation;

234 (G) The proposed district will not increase the vulnerability and risk
235 to properties adjacent to the district or increase the risk to other hazards
236 within the district; and

237 (H) The original assessed value of a proposed resiliency
238 improvement district plus the original assessed value of all existing tax
239 increment districts within the relevant municipalities may not exceed
240 ten per cent of the total value of taxable property within the
241 municipalities as of October first of the year immediately preceding the
242 establishment of the tax increment district. Excluded from the
243 calculation in this subparagraph is any tax increment district established
244 on or after October 1, 2015, that consists entirely of contiguous property
245 owned by a single taxpayer. For the purpose of this subdivision,
246 "contiguous property" includes a parcel or parcels of land divided by a
247 road, power line, railroad line or right-of-way.

248 Sec. 4. (NEW) (*Effective July 1, 2024*) (a) In connection with the
249 establishment of a resiliency improvement district, the legislative body
250 of a municipality shall adopt a district master plan for each resiliency
251 improvement district and a statement of the percentage or stated sum
252 of increased assessed value to be designated as captured assessed value
253 in accordance with such plan. Such legislative body shall adopt such
254 plan after receipt of a written advisory opinion from the planning
255 commission or combined planning and zoning commission of the
256 municipality pursuant to section 3 of this act or ninety days after such
257 request was made, whichever is earlier. The district master plan shall be
258 adopted at the same time that the resiliency improvement district is
259 established as part of the resiliency improvement district adoption
260 proceedings set forth in sections 2 to 10, inclusive, of this act.

261 (b) The district master plan shall include: (1) The legal description of
262 the boundaries of the resiliency improvement district; (2) a list of the tax
263 identification numbers for all lots or parcels within the resiliency
264 improvement district; (3) a description of the present condition and uses
265 of all land and buildings within the resiliency improvement district and
266 how the construction or improvement of physical facilities or structures

267 will reduce or eliminate risk from any existing or expected hazards; (4)
268 a description of the existing or expected hazards facing the district; (5) a
269 description of the public facilities, improvements or programs within
270 the resiliency improvement district anticipated to be undertaken and
271 financed in whole or in part; (6) in the event of existing residential use
272 within the resiliency improvement district, a plan for the rehabilitation,
273 construction or replacement of any such existing housing in accordance
274 with the state's consolidated plan for housing and community
275 development prepared pursuant to section 8-37t of the general statutes
276 and the state plan of conservation and development prepared pursuant
277 to chapter 297 of the general statutes, which plan shall also include
278 meaningful efforts to reduce displacement plans; (7) a financial plan in
279 accordance with subsection (c) of this section; (8) a plan for the proposed
280 maintenance and operation of the resiliency improvements after the
281 improvements are completed; and (9) the maximum duration of the
282 resiliency improvement district, which may not exceed a total of fifty tax
283 years beginning with the tax year in which the resiliency improvement
284 district is established.

285 (c) The financial plan in a district master plan shall include: (1) Cost
286 estimates for the public improvements and developments anticipated in
287 the district master plan; (2) cost estimates to support relocation or
288 temporary housing for displaced residents; (3) the maximum amount of
289 indebtedness to be incurred to implement the district master plan; (4)
290 sources of anticipated revenues, including, but not limited to, increased
291 savings, fees, assessments, grants or other sources; (5) a description of
292 the terms and conditions of any agreements, including any anticipated
293 savings agreements, assessment agreements, contracts or other
294 obligations related to the district master plan; (6) estimates of increased
295 assessed values and estimates of increased savings of the resiliency
296 improvement district; and (7) the portion of the increased assessed
297 values and increased savings to be applied to the district master plan as
298 captured assessed values and resulting tax increments in each year of
299 the plan.

300 (d) The district master plan may be amended from time to time by

301 the legislative body of each applicable municipality. Such legislative
302 body shall review the district master plan not less than once every ten
303 years after the initial approval of the resiliency improvement district
304 and the district master plan in order for the resiliency improvement
305 district and the district master plan to remain in effect, provided no such
306 district may be dissolved for the failure to comply with this section if
307 any bonds or other indebtedness authorized and issued by the
308 municipality under sections 2 to 10, inclusive, of this act remain
309 outstanding. With respect to any district master plan that includes
310 development that is funded in whole or in part by federal funds, the
311 provisions of this subsection shall not apply to the extent that such
312 provisions are prohibited by federal law.

313 Sec. 5. (NEW) (*Effective July 1, 2024*) (a) In the district master plan,
314 each applicable municipality may designate all or part of the tax
315 increment revenues generated from the increased assessed value and all
316 or part of any additional revenue resulting from the increased savings
317 of a resiliency improvement district for the purpose of financing all or
318 part of the implementation of the district master plan, and, in the case
319 of any existing or planned residential use in such district, the percentage
320 of such revenue necessary to rehabilitate, construct or replace dwellings
321 for such use and to preserve, increase or improve access to affordable
322 housing, as defined in section 8-39a of the general statutes, within the
323 municipality, either within or adjacent to such district. The amount of
324 tax increment revenues to be designated shall be determined by
325 designating the captured assessed value, subject to any assessment
326 agreements.

327 (b) On or after the establishment of a resiliency improvement district
328 and the adoption of a district master plan, the assessor of the
329 municipality in which such district is located shall certify the original
330 assessed value of the taxable real property within the boundaries of the
331 resiliency improvement district. Each year after the establishment of a
332 resiliency improvement district, the assessor shall certify the amount of
333 the (1) current assessed value; (2) amount by which the current assessed
334 value has increased or decreased from the original assessed value,

335 subject to any assessment agreements; and (3) amount of the captured
336 assessed value. Nothing in this subsection shall be construed to
337 authorize the unequal apportionment or assessment of the taxes to be
338 paid on real property in the municipality. Subject to any assessment
339 agreements, an owner of real property within the resiliency
340 improvement district shall pay real property taxes apportioned equally
341 with real property taxes paid elsewhere in such municipality.

342 (c) If a municipality has designated captured assessed value under
343 subsection (a) of section 4 of this act:

344 (1) Each applicable municipality shall establish a district master plan
345 fund that consists of: (A) A project cost account that is pledged to and
346 charged with the payment of project costs that are outlined in the
347 financial plan, including the reimbursement of project cost expenditures
348 incurred by a public body, which public body may be the municipality,
349 a developer, any property owner or any other third-party entity, and
350 that are paid in a manner other than as described in subparagraph (B)
351 of this subdivision; and (B) in instances of indebtedness issued by the
352 municipality in accordance with section 8 of this act to finance or
353 refinance project costs, a development sinking fund account that is
354 pledged to and charged with the (i) payment of the interest and
355 principal as the interest and principal fall due, including any
356 redemption premium; (ii) payment of the costs of providing or
357 reimbursing any provider of any guarantee, letter of credit, policy of
358 bond insurance or other credit enhancement device used to secure
359 payment of debt service on any such indebtedness; and (iii) funding any
360 required reserve fund;

361 (2) The municipality shall annually set aside all tax increment
362 revenues on captured assessed values and deposit all such revenues to
363 the appropriate district master plan fund account established under
364 subdivision (1) of this subsection in the following order of priority: (A)
365 To the development sinking fund account, an amount sufficient,
366 together with estimated future revenues to be deposited to the account
367 and earnings on the amount, to satisfy all annual debt service on the

368 indebtedness issued in accordance with section 8 of this act and the
369 financial plan, except for general obligation bonds of the municipality
370 secured solely by the full faith and credit of the municipality; and (B) to
371 the project cost account, all such remaining tax increment revenues on
372 captured assessed values;

373 (3) The municipality shall make transfers between district master
374 plan fund accounts established under subdivision (1) of this subsection,
375 provided the transfers do not result in a balance in either account that is
376 insufficient to cover the annual obligations of each respective account;

377 (4) The municipality may, at any time during the term of the
378 resiliency improvement district, by vote of the legislative body of the
379 municipality, return to the municipal general fund any tax increment
380 revenues remaining in either account established under subdivision (1)
381 of this subsection that exceeds those estimated to be required to satisfy
382 the obligations of the account after taking into account any transfer
383 made under subdivision (3) of this subsection; and

384 (5) Any account or fund established pursuant to subdivision (1) of
385 this subsection shall be audited annually by an independent auditor
386 who is a public accountant licensed to practice in this state and who
387 meets the independence standards included in generally accepted
388 government auditing standards. A report of such audit shall be open to
389 public inspection. Certified copies of such audit shall be provided to the
390 State Auditors of Public Accounts.

391 Sec. 6. (NEW) (*Effective July 1, 2024*) Costs authorized for payment
392 from a district master plan fund, established pursuant to section 5 of this
393 act shall be limited to:

394 (1) Costs of improvements made within the resiliency improvement
395 district, including, but not limited to, (A) capital costs, including, but not
396 limited to, (i) the acquisition or construction of land, improvements,
397 infrastructure, measures designed to improve resilience, environmental
398 infrastructure, clean energy projects, public ways, parks, buildings,
399 structures, railings, signs, landscaping, plantings, curbs, sidewalks,

400 turnouts, recreational facilities, structured parking, transportation
401 improvements, pedestrian improvements and other related
402 improvements, fixtures and equipment for public or private use, (ii) the
403 demolition, alteration, remodeling, repair or reconstruction of existing
404 buildings, structures and fixtures, (iii) environmental remediation, (iv)
405 site preparation and finishing work, and (v) all fees and expenses
406 associated with the capital cost of such improvements, including, but
407 not limited to, licensing and permitting expenses and planning,
408 engineering, architectural, testing, legal and accounting expenses; (B)
409 financing costs, including, but not limited to, closing costs, issuance
410 costs, reserve funds and capitalized interest; (C) real property assembly
411 costs; (D) costs of technical and marketing assistance programs; (E)
412 professional service costs, including, but not limited to, licensing,
413 architectural, planning, engineering, development and legal expenses;
414 (F) maintenance and operation costs; (G) administrative costs,
415 including, but not limited to, reasonable charges for the time spent by
416 municipal employees, other agencies or third-party entities in
417 connection with the implementation of a district master plan; and (H)
418 organizational costs relating to the planning and the establishment of
419 the resiliency improvement district, including, but not limited to, the
420 costs of conducting environmental impact and other studies and the
421 costs of informing the public about the creation of resiliency
422 improvement districts and the implementation of the district master
423 plan;

424 (2) Costs of improvements that are made outside the resiliency
425 improvement district but are directly related to or are made necessary
426 by the establishment or operation of the resiliency improvement district,
427 including, but not limited to, (A) that portion of the costs reasonably
428 related to the construction, alteration or expansion of any facilities not
429 located within the resiliency improvement district that are required due
430 to improvements or activities within the resiliency improvement
431 district, including, but not limited to, roadways, traffic signalization,
432 easements, sewage treatment plants, water treatment plants or other
433 environmental protection devices, storm or sanitary sewer lines, water
434 lines, electrical lines, improvements to fire stations and street signs; (B)

435 costs of public safety and public school improvements made necessary
436 by the establishment of the resiliency improvement district; and (C)
437 costs of funding to mitigate any adverse impact of the resiliency
438 improvement district upon the municipality and its constituents; and

439 (3) Costs related to environmental improvement projects developed
440 by the municipality related to the resiliency improvement district.

441 Sec. 7. (NEW) (*Effective July 1, 2024*) (a) (1) Notwithstanding any
442 provision of the general statutes, whenever a municipality constructs,
443 improves, extends, equips, rehabilitates, repairs, acquires or provides a
444 grant for any public improvements within a resiliency improvement
445 district or finances the cost of such public improvements, the proportion
446 of such cost or estimated cost of such public improvements and
447 financing thereof, as determined by the municipality, may be assessed
448 by the municipality, as a benefit assessment, in the manner prescribed
449 by such municipality, upon the real property within the resiliency
450 improvement district that is benefited by such public improvements.
451 The municipality may provide for the payment of such benefit
452 assessments in annual installments, not exceeding fifty years, and may
453 forgive such benefit assessments in any given year without causing the
454 remainder of installments of benefit assessments to be forgiven. Benefit
455 assessments on real property where buildings or structures are
456 constructed or expanded after the initial benefit assessment may be
457 assessed as if the new or expanded buildings or structures on such real
458 property existed at the time of the original benefit assessment.

459 (2) Any benefit assessment shall be adopted and revised by the
460 municipality not less than annually and not more than sixty days before
461 the beginning of the fiscal year. If any benefit assessment is assessed and
462 levied prior to the acquisition or construction of the public
463 improvements, the amount of any such assessment may be adjusted to
464 reflect the actual cost of such public improvements, including all
465 financing costs, once such public improvements are complete, if the
466 actual cost is greater than or less than the estimated costs.

467 (b) Before estimating and making a benefit assessment under

468 subsection (a) of this section, the municipality shall hold not less than
469 one public hearing on such municipality's schedule of benefit
470 assessments or any revision thereof. Notice of such hearing shall be
471 published not less than ten days before such hearing in a conspicuous
472 place on the Internet web site of the municipality, or the municipalities
473 acting jointly pursuant to an interlocal agreement, with the date and
474 time such notice was posted. The notice shall include (1) the date, time
475 and place of such hearing; (2) the boundaries of the resiliency
476 improvement district by legal description; (3) a statement that all
477 interested persons owning real estate or taxable property located within
478 the resiliency improvement district will be given an opportunity to be
479 heard at the hearing and an opportunity to file objections to the amount
480 of the assessment; (4) the maximum rate of assessments to be increased
481 in any one year; and (5) a statement indicating that the proposed list of
482 properties to be assessed and the estimated assessments against those
483 properties are available at the city or town office or at the office of the
484 assessor. The notice may include a maximum number of years the
485 assessments will be levied. Not later than the date of the publication, the
486 municipality shall make available to any member of the public, upon
487 request, the proposed schedule of benefit assessments. The procedures
488 for public hearing and appeal set forth in section 7-250 of the general
489 statutes shall apply for all benefit assessments made by a municipality
490 pursuant to this section, except that the board of finance, or the
491 municipality's legislative body if no board of finance exists, shall be
492 substituted for the water pollution control authority.

493 (c) A municipality may adopt ordinances apportioning the value of
494 improvements within a resiliency improvement district according to a
495 formula that reflects actual benefits that accrue to the various properties
496 because of the development and maintenance.

497 (d) A municipality may increase assessments or extend the maximum
498 number of years the assessments will be levied after notice and public
499 hearing is held pursuant to subsection (b) of this section.

500 (e) (1) Benefit assessments made under this section shall be collected

501 and enforced in the same manner as municipal taxes unless otherwise
502 provided in sections 2 to 10, inclusive, of this act. Benefit assessments
503 shall be due and payable at such times as are fixed by the municipality,
504 provided the municipality shall give notice of such due date not less
505 than thirty days prior to such due date by publication in a conspicuous
506 place on the Internet web site of each applicable municipality with the
507 date and time such notice was so posted and by mailing such notice to
508 the owners of the assessed real property at the last-known address of
509 any such owner. All revenues from any assessment under this section
510 shall be paid into the appropriate district master plan fund account
511 established under subsection (c) of section 5 of this act.

512 (2) If any property owner fails to pay any assessment or part of an
513 assessment on or before the date on which such assessment or part of
514 such assessment is due, the municipality shall have all the authority and
515 powers to collect the delinquent assessments vested in the municipality
516 by law to collect delinquent municipal taxes. Benefit assessments, if not
517 paid when due, shall constitute a lien upon the real property served and
518 a charge against the owners thereof, which lien and charge shall bear
519 interest at the same rate as delinquent property taxes. Each such lien
520 may be continued, recorded and released in the manner provided for
521 property tax liens and shall take precedence over all other liens or
522 encumbrances except a lien for property taxes of the municipality.

523 Sec. 8. (NEW) (*Effective July 1, 2024*) (a) For the purpose of carrying
524 out or administering a district master plan or other functions authorized
525 under sections 2 to 10, inclusive, of this act, a municipality is authorized,
526 subject to the limitations and procedures set forth in this section, to issue
527 from time to time bonds and other obligations of the municipality that
528 are payable solely from and secured by (1) the full faith and credit
529 pledge of the municipality; (2) a pledge of and lien upon any or all of
530 the income, proceeds, revenues and property of the projects within the
531 resiliency improvement district, including the proceeds of grants, loans,
532 advances or contributions from the federal government, the state or
533 other source; (3) all revenues derived under sections 5 and 7 of this act
534 received by the municipality; or (4) any combination of the methods in

535 subdivisions (1) to (3), inclusive, of this subsection. Except for bonds
536 secured by the full faith credit pledge of the municipality, bonds
537 authorized by this section shall not be included in computing the
538 aggregate indebtedness of the municipality.

539 (b) Notwithstanding the provisions of any other statute, municipal
540 ordinance or charter provision governing the authorization and
541 issuance of bonds generally by the municipality, any bonds payable and
542 secured as provided in this section shall be authorized by a resolution
543 adopted by the legislative body of the municipality. Such bonds shall,
544 as determined by the legislative body of the municipality or the
545 municipal officers who are designated such authority by such body, (1)
546 be issued and sold; (2) bear interest at the rate or rates determined by
547 the legislative body or its designee, including variable rates; (3) provide
548 for the payment of interest on the dates determined by the legislative
549 body or its designee, whether before or at maturity; (4) be issued at,
550 above or below par; (5) mature at such time or times not exceeding thirty
551 years; (6) have rank or priority; (7) be payable in such medium of
552 payment; (8) be issued in such form, including, without limitation,
553 registered or book-entry form, carry such registration and transfer
554 privileges and be made subject to purchase or redemption before
555 maturity at such price or prices and under such terms and conditions,
556 including the condition that such bonds be subject to purchase or
557 redemption on the demand of the owner thereof; and (9) contain such
558 other required terms and particulars.

559 (c) The municipality may require that the bonds issued hereunder be
560 secured by a trust agreement by and between the municipality and a
561 corporate trustee, which may be any trust company or bank having the
562 powers of a trust company within the state. The trust agreement may
563 contain covenants or provisions for protecting and enforcing the rights
564 and remedies of the bondholders as may be necessary, reasonable or
565 appropriate and not in violation of law or other provisions or covenants
566 that are consistent with sections 2 to 10, inclusive, of this act and which
567 the municipality determines in such proceedings are necessary,
568 convenient or desirable to better secure the bonds, or will tend to make

569 the bonds more marketable, and which are in the best interests of the
570 municipality. The pledge by any trust agreement shall be valid and
571 binding from time to time when the pledge is made. The revenues or
572 other moneys so pledged and then held or thereafter received by the
573 municipality shall immediately be subject to the lien of the pledge
574 without any physical delivery thereof or further act and the lien of the
575 pledge shall be valid and binding as against all parties having claims of
576 any kind in tort, contract or otherwise against the board, irrespective of
577 whether the parties have notice thereof. All expenses incurred in
578 carrying out such trust agreement may be treated as project costs. In case
579 any municipal officer whose signature or a facsimile of whose signature
580 shall appear on any bonds or coupons shall cease to be an officer before
581 the delivery of the obligations, the signature or facsimile shall
582 nevertheless be valid and sufficient for all purposes the same as if the
583 officer had remained in office until the delivery. Notwithstanding any
584 provision of the Uniform Commercial Code, neither this section, the
585 resolution of the municipality approving the bonds or any trust
586 agreement by which a pledge is created need be filed or recorded, and
587 no filing need be made under title 42a of the general statutes.

588 (d) While any bonds issued hereunder remain outstanding, the
589 existence of the resiliency improvement district and the powers and
590 duties of the municipality with respect to such resiliency improvement
591 district shall not be diminished or impaired in any way that will affect
592 adversely the interests and rights of the holders of the bonds. Any bonds
593 issued by a municipality pursuant to this section, except for general
594 obligation bonds of the municipality secured by the full faith and credit
595 pledge of the municipality, shall contain on their face a statement to the
596 effect that neither the state nor the municipality shall be obliged to pay
597 the principal of or the interest thereon, and that neither the full faith and
598 credit or taxing power of the state or the municipality is pledged to the
599 payment of the bonds. All bonds issued under this section shall have
600 and are hereby declared to have all the qualities and incidents of
601 negotiable instruments, as provided in title 42a of the general statutes.

602 (e) Any pledge made by a municipality pursuant to this section shall

603 be valid and binding from the time when the pledge is made, and any
604 revenues or other receipts, funds or moneys so pledged and thereafter
605 received by the municipality shall be subject immediately to the lien of
606 such pledge without any physical delivery thereof or further act. The
607 lien of any such pledge shall be valid and binding as against all parties
608 having claims of any kind in tort, contract or otherwise against the
609 municipality, irrespective of whether such parties have notice of such
610 lien.

611 (f) Bonds issued under this section are hereby made securities in
612 which all public officers and public bodies of the state and its political
613 subdivisions, all insurance companies, trust companies, banking
614 associations, investment companies, executors, administrators, trustees
615 and other fiduciaries may properly and legally invest funds, including
616 capital in their control and belonging to them and such bonds shall be
617 securities that may properly and legally be deposited with and received
618 by any state or municipal officer or any agency or political subdivision
619 of the state for any purpose for which the deposit of bonds of the state
620 is now or may hereafter be authorized by law. Bonds may be issued
621 under this section without obtaining the consent of the state and without
622 any proceedings or the happening of any other conditions or things
623 other than those proceedings, conditions or things that are specifically
624 required thereof by this section.

625 (g) Nothing in this section shall be construed to restrict the ability of
626 the municipality to raise revenue for the payment of project costs in any
627 manner otherwise authorized by law.

628 (h) As used in this section, "bonds" means any bonds, including
629 refunding bonds, notes, interim certificates, debentures or other
630 obligations.

631 Sec. 9. (NEW) (*Effective July 1, 2024*) The legislative body of each
632 applicable municipality may create an advisory board, whose members
633 include owners or occupants of real property located in or adjacent to a
634 resiliency improvement district. The advisory board may advise the
635 legislative body and any designated administrative entity on the

636 planning, construction and implementation of the district master plan
637 and maintenance and operation of the resiliency improvement district
638 after the district master plan is complete.

639 Sec. 10. (NEW) (*Effective July 1, 2024*) (a) Within a resiliency
640 improvement district, priority consideration shall be given in the
641 solicitation, selection and design of infrastructure projects designed to
642 increase resilience and that (1) utilize natural and nature-based
643 solutions intended to restore, maintain or enhance ecosystem services
644 and processes that maintain or improve on environmental quality in or
645 adjacent to the district, or (2) address the needs of environmental justice
646 communities, as defined in section 22a-20a of the general statutes, or of
647 vulnerable communities, as defined in section 16-243y of the general
648 statutes.

649 (b) To the extent that a resiliency project results in the demolition or
650 reduction of affordable housing, as defined in section 8-39a of the
651 general statutes, the municipality, the developer of the resiliency
652 project, a property owner or a third-party entity shall commit to replace
653 such affordable housing units within the district. The replacement of
654 such affordable housing shall occur not later than four years after such
655 demolition or reduction. If the replacement is not feasible within the
656 district boundaries, then such affordable housing shall be replaced
657 within a reasonable proximity to the district at a rate of not less than two
658 units for each unit that otherwise would have been replaced within the
659 district.

660 Sec. 11. Subsections (d) to (f), inclusive, of section 8-23 of the general
661 statutes are repealed and the following is substituted in lieu thereof
662 (*Effective July 1, 2024*):

663 (d) In preparing such plan, the commission or any special committee
664 shall consider the following: (1) The community development action
665 plan of the municipality, if any, (2) the need for affordable housing, (3)
666 the need for protection of existing and potential public surface and
667 ground drinking water supplies, (4) the use of cluster development and
668 other development patterns to the extent consistent with soil types,

669 terrain and infrastructure capacity within the municipality, (5) the state
670 plan of conservation and development adopted pursuant to chapter 297,
671 (6) the regional plan of conservation and development adopted
672 pursuant to section 8-35a, as amended by this act, (7) physical, social,
673 economic and governmental conditions and trends, (8) the needs of the
674 municipality including, but not limited to, human resources, education,
675 health, housing, recreation, social services, public utilities, public
676 protection, transportation and circulation and cultural and
677 interpersonal communications, (9) the objectives of energy-efficient
678 patterns of development, the use of solar and other renewable forms of
679 energy and energy conservation, (10) protection and preservation of
680 agriculture, (11) the most recent sea level change scenario updated
681 pursuant to subsection (b) of section 25-68o, as amended by this act,
682 [and] (12) the need for technology infrastructure in the municipality,
683 and (13) for any such plan adopted on or after October 1, 2026, the most
684 recent hazard and climate projections established by federal and state
685 authorities, including, but not limited to, the National Oceanic and
686 Atmospheric Administration, the Federal Emergency Management
687 Agency, the United States Environmental Protection Agency and The
688 University of Connecticut.

689 (e) (1) [Such] Any such plan of conservation and development
690 adopted prior to October 1, 2026, shall (A) be a statement of policies,
691 goals and standards for the physical and economic development of the
692 municipality, (B) provide for a system of principal thoroughfares,
693 parkways, bridges, streets, sidewalks, multipurpose trails and other
694 public ways as appropriate, (C) be designed to promote, with the
695 greatest efficiency and economy, the coordinated development of the
696 municipality and the general welfare and prosperity of its people and
697 identify areas where it is feasible and prudent (i) to have compact,
698 transit accessible, pedestrian-oriented mixed use development patterns
699 and land reuse, and (ii) to promote such development patterns and land
700 reuse, (D) recommend the most desirable use of land within the
701 municipality for residential, recreational, commercial, industrial,
702 conservation, agricultural and other purposes and include a map
703 showing such proposed land uses, (E) recommend the most desirable

704 density of population in the several parts of the municipality, (F) note
705 any inconsistencies with the following growth management principles:
706 (i) Redevelopment and revitalization of commercial centers and areas of
707 mixed land uses with existing or planned physical infrastructure; (ii)
708 expansion of housing opportunities and design choices to accommodate
709 a variety of household types and needs; (iii) concentration of
710 development around transportation nodes and along major
711 transportation corridors to support the viability of transportation
712 options and land reuse; (iv) conservation and restoration of the natural
713 environment, cultural and historical resources and existing farmlands;
714 (v) protection of environmental assets critical to public health and
715 safety; and (vi) integration of planning across all levels of government
716 to address issues on a local, regional and state-wide basis, (G) make
717 provision for the development of housing opportunities, including
718 opportunities for multifamily dwellings, consistent with soil types,
719 terrain and infrastructure capacity, for all residents of the municipality
720 and the planning region in which the municipality is located, as
721 designated by the Secretary of the Office of Policy and Management
722 under section 16a-4a, (H) promote housing choice and economic
723 diversity in housing, including housing for both low and moderate
724 income households, and encourage the development of housing which
725 will meet the housing needs identified in the state's consolidated plan
726 for housing and community development prepared pursuant to section
727 8-37t and in the housing component and the other components of the
728 state plan of conservation and development prepared pursuant to
729 chapter 297, and (I) consider allowing older adults and persons with a
730 disability the ability to live in their homes and communities whenever
731 possible. Such plan may: (i) Permit home sharing in single-family zones
732 between up to four adult persons of any age with a disability or who are
733 sixty years of age or older, whether or not related, who receive
734 supportive services in the home; (ii) allow accessory apartments for
735 persons with a disability or persons sixty years of age or older, or their
736 caregivers, in all residential zones, subject to municipal zoning
737 regulations concerning design and long-term use of the principal
738 property after it is no longer in use by such persons; and (iii) expand the

739 definition of "family" in single-family zones to allow for accessory
740 apartments for persons sixty years of age or older, persons with a
741 disability or their caregivers. In preparing such plan the commission
742 shall consider focusing development and revitalization in areas with
743 existing or planned physical infrastructure.

744 (2) Any such plan of conservation and development adopted on or
745 after October 1, 2026, shall (A) be a statement of policies, goals and
746 standards for the physical and economic development of the
747 municipality; (B) provide for a system of principal thoroughfares,
748 parkways, bridges, streets, sidewalks, multipurpose trails and other
749 public ways as appropriate; (C) be designed to promote, with the
750 greatest efficiency and economy, the coordinated development of the
751 municipality and the general welfare and prosperity of its people and
752 identify areas where it is feasible and prudent (i) to have compact,
753 transit accessible, pedestrian-oriented mixed use development patterns
754 and land reuse, and (ii) to promote such development patterns and land
755 reuse; (D) (i) include a climate change vulnerability assessment, based
756 on information from sources described in section 11 of this act which
757 shall consist of an assessment of existing and anticipated threats to and
758 vulnerabilities of the municipality that are associated with natural
759 disasters, hazards and climate change, including, but not limited to,
760 increased temperatures, drought, flooding, storm damage and sea level
761 rise, and the impacts such disasters and hazards may have on
762 individuals, communities, institutions, businesses, economic
763 development, public infrastructure and facilities, public health, safety
764 and welfare, (ii) identify goals, policies and techniques to avoid or
765 reduce such threats, vulnerabilities and impacts, and (iii) include a
766 statement describing any consistencies and inconsistencies identified
767 between such assessment and any existing or proposed municipal
768 natural hazard mitigation plan, floodplain management plan,
769 comprehensive emergency operations plan, emergency response plan,
770 post-disaster recovery plan, long-range transportation plan or capital
771 improvement plan in the municipality, and identifying and
772 recommending, where necessary, the integration of data from such
773 assessment into any such plans and any actions necessary to achieve

774 consistency and coordination between such assessment and any such
775 plans; (E) recommend the most desirable use of land within the
776 municipality for residential, recreational, commercial, industrial,
777 conservation, agricultural and other purposes and include a map
778 showing such proposed land uses that considers the threats,
779 vulnerabilities and impacts identified in the climate change
780 vulnerability assessment conducted pursuant to subparagraph (D)(i) of
781 this subdivision; (F) recommend the most desirable density of
782 population in the several parts of the municipality; (G) note any
783 inconsistencies with the following growth management principles: (i)
784 Redevelopment and revitalization of commercial centers and areas of
785 mixed land uses with existing or planned physical infrastructure; (ii)
786 expansion of housing opportunities and design choices to accommodate
787 a variety of household types and needs; (iii) concentration of
788 development around transportation nodes and along major
789 transportation corridors to support the viability of transportation
790 options and land reuse and reduction of vehicle mileage; (iv)
791 conservation and restoration of the natural environment, cultural and
792 historical resources and existing farmlands; (v) protection of
793 environmental assets critical to public health and safety; and (vi)
794 integration of planning across all levels of government to address issues
795 on a local, regional and state-wide basis; (H) make provision for the
796 development of housing opportunities, including opportunities for
797 multifamily dwellings, consistent with soil types, terrain and
798 infrastructure capacity, for all residents of the municipality and the
799 planning region in which the municipality is located, as designated by
800 the Secretary of the Office of Policy and Management under section 16a-
801 4a; (I) promote housing choice and economic diversity in housing,
802 including housing for both low and moderate income households, and
803 encourage the development of housing which will meet the housing
804 needs identified in the state's consolidated plan for housing and
805 community development prepared pursuant to section 8-37t and in the
806 housing component and the other components of the state plan of
807 conservation and development prepared pursuant to chapter 297; (J)
808 consider allowing older adults and persons with disabilities the ability

809 to live in their homes and communities whenever possible; (K) identify
810 infrastructure, including, but not limited to, facilities, public utilities and
811 roadways, that is critical for evacuation purposes and sustaining quality
812 of life during a natural disaster, and which shall be maintained at all
813 times in an operational state; (L) identify strategies and design
814 standards that may be implemented to avoid or reduce risks associated
815 with natural disasters, hazards and climate change; and (M) include
816 geospatial data utilized in preparing such plan or that is necessary to
817 convey information in such plan. Such plan may: (i) Permit home
818 sharing in single-family zones between up to four adult persons of any
819 age with a disability or who are sixty years of age or older, whether or
820 not related, who receive supportive services in the home; (ii) allow
821 accessory apartments for persons with a disability or persons sixty years
822 of age or older, or their caregivers, in all residential zones, subject to
823 municipal zoning regulations concerning design and long-term use of
824 the principal property after it is no longer in use by such persons; (iii)
825 expand the definition of "family" in single-family zones to allow for
826 accessory apartments for persons sixty years of age or older, persons
827 with a disability or their caregivers; and (iv) identify one or more areas
828 that are vulnerable to the impacts of climate change for the purpose of
829 prioritizing funding for infrastructure needs and resilience planning. In
830 preparing such plan the commission shall consider focusing
831 development and revitalization in areas with existing or planned
832 physical infrastructure. The commission or any special committee may
833 utilize information and data from any plan described in subparagraph
834 (D) of this subdivision in the preparation of such plan of conservation
835 and development, including a document coordinated by the applicable
836 council of governments with separate provisions for each applicable
837 municipality provided such information and data shall not be
838 incorporated by reference, but summarized and applied in such plan to
839 the specific policies, goals and standards of the subject municipality.

840 [(2)] (3) For any municipality that is contiguous to Long Island Sound,
841 such plan shall be (A) consistent with the municipal coastal program
842 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with
843 reasonable consideration for restoration and protection of the ecosystem

844 and habitat of Long Island Sound, and (C) designed to reduce hypoxia,
845 pathogens, toxic contaminants and floatable debris in Long Island
846 Sound.

847 (f) Such plan may show the commission's and any special
848 committee's recommendation for (1) conservation and preservation of
849 traprock and other ridgelines, (2) airports, parks, playgrounds and other
850 public grounds, (3) the general location, relocation and improvement of
851 schools and other public buildings, (4) the general location and extent
852 of public utilities and terminals, whether publicly or privately owned,
853 for water, light, power, transit and other purposes, (5) the extent and
854 location of public housing projects, (6) programs for the implementation
855 of the plan, including (A) a schedule, (B) a budget for public capital
856 projects, (C) a program for enactment and enforcement of zoning and
857 subdivision controls, building and housing codes and safety
858 regulations, (D) plans for implementation of affordable housing, (E)
859 plans for open space acquisition and greenways protection and
860 development, and (F) plans for corridor management areas along
861 limited access highways or rail lines, designated under section 16a-27,
862 as amended by this act, (7) proposed priority funding areas, (8) a land
863 use program that will promote the reduction and avoidance of risks
864 associated with natural disasters, hazards and climate change,
865 including, but not limited to, increased temperatures, drought, flooding,
866 hurricanes and sea level rise, (9) a program for the transfer of
867 development rights, which establishes criteria for sending and receiving
868 sites and technical details for the program consistent with the provisions
869 of section 8-2e, as amended by this act, and [(8)] (10) any other
870 recommendations as will, in the commission's or any special
871 committee's judgment, be beneficial to the municipality. The plan may
872 include any necessary and related maps, explanatory material,
873 photographs, charts or other pertinent data and information relative to
874 the past, present and future trends of the municipality. Any land use
875 program recommended pursuant to subdivision (8) of this subsection
876 may be a resiliency improvement district, as defined in section 1 of this
877 act.

878 Sec. 12. Subsection (i) of section 8-23 of the general statutes is repealed
879 and the following is substituted in lieu thereof (*Effective July 1, 2024*):

880 (i) (1) After completion of the public hearing, the commission may
881 revise the plan and may adopt the plan or any part thereof or
882 amendment thereto by a single resolution or may, by successive
883 resolutions, adopt parts of the plan and amendments thereto.

884 (2) Any plan, section of a plan or recommendation in the plan that is
885 not endorsed in the report of the legislative body or, in the case of a
886 municipality for which the legislative body is a town meeting or
887 representative town meeting, by the board of selectmen, of the
888 municipality may only be adopted by the commission by a vote of not
889 less than two-thirds of all the members of the commission.

890 (3) Upon adoption by the commission, any plan or part thereof or
891 amendment thereto shall become effective at a time established by the
892 commission, provided notice thereof shall be published in a newspaper
893 having a general circulation in the municipality prior to such effective
894 date.

895 (4) Not more than thirty days after adoption, any plan or part thereof
896 or amendment thereto shall be posted on the Internet web site of the
897 municipality, if any, and shall be filed in the office of the town clerk,
898 except that, if it is a district plan or amendment, it shall be filed in the
899 offices of both the district and town clerks.

900 (5) Not more than sixty days after adoption of the plan, the
901 commission shall submit a copy of the plan, including geospatial data
902 required pursuant to subparagraph (M) of subdivision (2) of subsection
903 (e) of this section, to the Secretary of the Office of Policy and
904 Management, [and] in a form and manner prescribed by the secretary.
905 The commission shall include with such copy a description of any
906 [inconsistency] inconsistencies between the plan adopted by the
907 commission and the regional plan of conservation and development
908 applicable to the municipality and the state plan of conservation and
909 development, and the reasons [therefor] for any such inconsistencies.

910 Sec. 13. Subdivisions (2) to (4), inclusive, of section 28-1 of the general
911 statutes are repealed and the following is substituted in lieu thereof
912 (*Effective July 1, 2024*):

913 (2) "Major disaster" means any catastrophe including, but not limited
914 to, any hurricane, tornado, storm, high water, wind-driven water, tidal
915 wave, tsunami, earthquake, volcanic eruption, landslide, mudslide,
916 snowstorm, extreme heat or drought, or, regardless of cause, any fire,
917 flood, explosion, or man-made disaster in any part of this state that, (A)
918 in the determination of the President, causes damage of sufficient
919 severity and magnitude to warrant major disaster assistance under the
920 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42
921 USC 5121 et seq., as amended from time to time, to supplement the
922 efforts and available resources of this state, local governments within
923 the state, and disaster relief organizations in alleviating the damage,
924 loss, hardship, or suffering caused by such catastrophe, or (B) in the
925 determination of the Governor, requires the declaration of a civil
926 preparedness emergency pursuant to section 28-9.

927 (3) "Emergency" means any occasion or instance for which, in the
928 determination of the Governor or the President, state or federal
929 assistance is needed to supplement state or local efforts and capabilities
930 to save lives and protect property, public health and safety or to avert
931 or lessen the threat of a disaster or catastrophe in any part of this state.

932 (4) "Civil preparedness" means all those activities and measures
933 designed or undertaken (A) to minimize or control the effects upon the
934 civilian population of major disaster or emergency, (B) to minimize the
935 effects upon the civilian population caused or which would be caused
936 by an attack upon the United States, (C) to deal with the immediate
937 emergency conditions which would be created by any such attack,
938 major disaster or emergency, and (D) to effectuate emergency repairs to,
939 or the emergency restoration of, vital utilities and facilities destroyed or
940 damaged by any such attack, major disaster or emergency. Such term
941 shall include, but shall not be limited to, (i) measures to be taken in
942 preparation for anticipated attack, major disaster, prolonged or intense

943 exposure to precipitation, drought, heat, fire, flooding or emergency,
944 including the establishment of appropriate organizations, operational
945 plans and supporting agreements; the recruitment and training of
946 personnel; the conduct of research; the procurement and stockpiling of
947 necessary materials and supplies; the provision of suitable warning
948 systems; the construction and preparation of shelters, shelter areas and
949 control centers; and, when appropriate, the nonmilitary evacuation of
950 the civilian population, pets and service animals; (ii) measures to be
951 taken during attack, major disaster, prolonged or intense exposure to
952 precipitation, drought, heat, fire, flooding or emergency, including the
953 enforcement of passive defense regulations prescribed by duly
954 established military or civil authorities; the evacuation of personnel to
955 shelter areas; the control of traffic and panic; and the control and use of
956 lighting and civil communication; and (iii) measures to be taken
957 following attack, major disaster, prolonged or intense exposure to
958 precipitation, drought, heat, fire, flooding or emergency, including
959 activities for firefighting; rescue, emergency medical, health and
960 sanitation services; monitoring for specific hazards of special weapons;
961 unexploded bomb reconnaissance; essential debris clearance;
962 emergency welfare measures; and immediately essential emergency
963 repair or restoration of damaged vital facilities.

964 Sec. 14. Section 25-680 of the general statutes is repealed and the
965 following is substituted in lieu thereof (*Effective July 1, 2024*):

966 (a) On and after October 1, 2019, in the preparation of any municipal
967 evacuation plan or hazard mitigation plan, such municipality shall
968 consider the most recent sea level change scenario updated pursuant to
969 subsection (b) of this section. On and after October 1, 2025, any such plan
970 shall identify and address (1) threats to surface transportation, critical
971 infrastructure and local land uses as a result of such sea level change,
972 and (2) actions, strategies and capital projects to avoid or reduce impacts
973 and risks resulting from climate change, including, but not limited to,
974 increased precipitation, flooding, sea level rise and extreme heat. Any
975 such surface transportation, critical infrastructure, local land uses,
976 actions, strategies and capital projects shall be identified in geospatial

977 data, as applicable, in addition to being identified in such plan, and such
978 data shall be made available to the Commissioner of Emergency
979 Services and Public Protection and the Secretary of the Office of Policy
980 and Management upon request. Such work may be conducted on a
981 regional basis.

982 (b) Within available resources and not less than once every ten years,
983 the Marine Sciences Division of The University of Connecticut shall
984 publish a sea level change scenario for the state based upon the sea level
985 change scenarios published by the National Oceanic and Atmospheric
986 Administration in Technical Report OAR CPO-1 and other available
987 scientific data necessary to create a scenario applicable to the state
988 coastline. Within available resources and not less than ninety days prior
989 to publishing such sea level change scenario by said Marine Sciences
990 Division, the division and the Department of Energy and Environmental
991 Protection shall conduct not less than one public hearing concerning
992 such update. Not later than sixty days after the last public hearing, the
993 Commissioner of Energy and Environmental Protection shall publish
994 the sea level change scenario for the state on the Internet web site of the
995 Department of Energy and Environmental Protection along with a
996 notice that any previous updates are superseded.

997 Sec. 15. Section 7-364 of the general statutes is repealed and the
998 following is substituted in lieu thereof (*Effective July 1, 2024*):

999 Upon the recommendation of the budget-making authority and
1000 approval by the legislative body, any part or the whole of such fund
1001 may be used for (1) capital and nonrecurring expenditures, but such use
1002 shall be restricted to the financing of all or part of the planning,
1003 construction, reconstruction or acquisition of any specific capital
1004 improvement, including, but not limited to, planning, construction,
1005 reconstruction or acquisition intended to increase the resiliency of a
1006 capital improvement against the impacts of climate change, including,
1007 but not limited to, increased precipitation, flooding, sea level rise and
1008 extreme heat, or the acquisition of any specific item of equipment, (2)
1009 costs associated with a property tax revaluation, and (3) costs associated

1010 with the preparation, amendment or adoption of a plan of conservation
1011 and development pursuant to section 8-23, as amended by this act.
1012 Upon the approval of any such expenditure, an appropriation shall be
1013 set up, plainly designated for the project, acquisition, revaluation or
1014 plan of conservation and development for which it has been authorized,
1015 and such unexpended appropriation may be continued until such
1016 project, acquisition, revaluation or plan of conservation and
1017 development is completed. Any unexpended portion of such
1018 appropriation remaining after such completion shall revert to said
1019 reserve fund.

1020 Sec. 16. Subsection (a) of section 13a-175a of the general statutes is
1021 repealed and the following is substituted in lieu thereof (*Effective July 1,*
1022 *2024*):

1023 (a) For each fiscal year there shall be allocated twelve million five
1024 hundred thousand dollars out of the funds appropriated to the
1025 Department of Transportation, or from any other source, not otherwise
1026 prohibited by law, to be used by the towns for (1) the construction,
1027 reconstruction, improvement [or] and maintenance of highways,
1028 sections of highways, bridges [or] and structures incidental to highways
1029 and bridges [or the improvement thereof,] including (A) construction,
1030 reconstruction, improvements and maintenance intended to increase
1031 resiliency against increased precipitation, flooding, sea level rise and
1032 extreme heat, and (B) the plowing of snow, [the] sanding of icy
1033 pavements, [the] trimming and removal of trees [, the] and installation,
1034 replacement and maintenance of traffic signs, signals and markings; [,
1035 for] (2) traffic control and vehicular safety programs, traffic and parking
1036 planning and administration, and other purposes and programs related
1037 to highways, traffic and parking; [, and for] and (3) the purposes of
1038 providing and operating essential public transportation services and
1039 related facilities.

1040 Sec. 17. (NEW) (*Effective July 1, 2024*) Not later than October 1, 2026,
1041 and annually thereafter, each municipality shall, in a form and manner
1042 prescribed by the Office of Policy and Management in consultation with

1043 the Departments of Transportation and Energy and Environmental
1044 Protection, submit a report concerning each culvert and bridge within
1045 the control and boundaries of such municipality, provided such work
1046 may be conducted on a regional basis. Such report shall (1) include, but
1047 need not be limited to, geospatial data pertaining to each culvert and
1048 bridge, the locational coordinates of each culvert and bridge, the age and
1049 dimensions of each culvert and bridge, and any additional information
1050 deemed necessary by the Office of Policy and Management, in
1051 consultation with the Departments of Transportation and Energy and
1052 Environmental Protection, and (2) be submitted to the Office of Policy
1053 and Management, the Departments of Transportation and Energy and
1054 Environmental Protection, and the regional of council of governments
1055 of which such municipality is a member, if applicable.

1056 Sec. 18. Subsections (a) and (b) of section 8-35a of the general statutes
1057 are repealed and the following is substituted in lieu thereof (*Effective July*
1058 *1, 2024*):

1059 (a) At least once every ten years, each regional council of
1060 governments shall make a plan of conservation and development for its
1061 area of operation, showing its recommendations for the general use of
1062 the area including land use, housing, principal highways and freeways,
1063 bridges, airports, parks, playgrounds, recreational areas, schools, public
1064 institutions, public utilities, agriculture and such other matters as, in the
1065 opinion of the council, will be beneficial to the area. Any regional plan
1066 so developed shall be based on studies of physical, social, economic and
1067 governmental conditions and trends and shall be designed to promote
1068 with the greatest efficiency and economy the coordinated development
1069 of its area of operation and the general welfare and prosperity of its
1070 people. Such plan may encourage resilient and energy-efficient patterns
1071 of development, land use strategies to reduce the impacts of climate
1072 change, the use of solar and other renewable forms of energy, and
1073 energy conservation. Such plan shall be designed to promote abatement
1074 of the pollution of the waters and air of the region. Such plan shall
1075 consider the need for technology infrastructure in the region. The
1076 regional plan shall identify areas where it is feasible and prudent (1) to

1077 have compact, transit accessible, pedestrian-oriented mixed use
1078 development patterns and land reuse, and (2) to promote such
1079 development patterns and land reuse and shall note any inconsistencies
1080 with the following growth management principles: (A) Redevelopment
1081 and revitalization of regional centers and areas of mixed land uses with
1082 existing or planned physical infrastructure; (B) expansion of housing
1083 opportunities and design choices to accommodate a variety of
1084 household types and needs; (C) concentration of development around
1085 transportation nodes and along major transportation corridors to
1086 support the viability of transportation options and land reuse; (D)
1087 conservation and restoration of the natural environment, cultural and
1088 historical resources and traditional rural lands; (E) protection of
1089 environmental assets or ecosystem services critical to public health and
1090 safety; and (F) integration of planning across all levels of government to
1091 address issues on a local, regional and state-wide basis. The plan of each
1092 region contiguous to Long Island Sound shall be designed to reduce
1093 hypoxia, pathogens, toxic contaminants and floatable debris in Long
1094 Island Sound. On and after October 1, 2025, such plan shall (i)
1095 demonstrate consistency with the regional long-range transportation
1096 plan, and the regional summary of the hazard mitigation plan in the case
1097 of a multi-jurisdiction hazard mitigation plan, and (ii) identify critical
1098 facilities in the region and include geospatial data relative to such
1099 facilities. Such geospatial information shall indicate location, address
1100 and general function of the infrastructure.

1101 (b) Before adopting the regional plan of conservation and
1102 development or any part thereof or amendment thereto the regional
1103 council of governments shall hold at least one public hearing thereon,
1104 notice of the time, place and subject of which shall be given in writing
1105 to the chief executive officer and planning commission, where one
1106 exists, of each member town, city or borough. Notice of the time, place
1107 and subject of such hearing shall be published once in a newspaper
1108 having a substantial circulation in the region. Such notices shall be given
1109 not more than twenty days or less than ten days before such hearing. At
1110 least sixty-five days before the public hearing the regional council of
1111 governments shall post the plan on the Internet web site of the council,

1112 if any, and submit the plan to the Secretary of the Office of Policy and
1113 Management for findings in the form of comments and
1114 recommendations. By October 1, 2011, the secretary shall establish, by
1115 regulations adopted in accordance with the provisions of chapter 54,
1116 criteria for such findings which shall include procedures for a uniform
1117 review of regional plans of conservation and development to determine
1118 if a proposed regional plan of conservation and development is not
1119 inconsistent with the state plan of conservation and development and
1120 the state economic strategic plan. The regional council of governments
1121 shall note on the record any inconsistency with the state plan of
1122 conservation and development and the reasons for such inconsistency.
1123 Adoption of the plan or part thereof or amendment thereto shall be
1124 made by the affirmative vote of not less than a majority of the
1125 representatives on the council. The plan shall be posted on the Internet
1126 web site of the council, if any, and a copy of the plan or of any
1127 amendments thereto, signed by the chairman of the council, shall be
1128 transmitted to the chief executive officers, the town, city or borough
1129 clerks, as the case may be, and to planning commissions, if any, in
1130 member towns, cities or boroughs, and to the Secretary of the Office of
1131 Policy and Management, or his or her designee. The geospatial data
1132 developed pursuant to subsection (a) of this section shall be made
1133 available to the Commissioner of Emergency Services and Public
1134 Protection or the Secretary of the Office of Policy and Management upon
1135 request. The regional council of governments shall notify the Secretary
1136 of the Office of Policy and Management of any inconsistency with the
1137 state plan of conservation and development and the reasons therefor.

1138 Sec. 19. Section 29-251 of the general statutes is repealed and the
1139 following is substituted in lieu thereof (*Effective July 1, 2024*):

1140 There shall be within the Department of Administrative Services a
1141 Codes and Standards Committee whose duty it shall be to work with
1142 the State Building Inspector in the enforcement of this part and the State
1143 Fire Marshal in the enforcement of part II of this chapter as set forth
1144 herein. The committee shall be composed of twenty-one members,
1145 residents of the state, appointed by the Commissioner of Administrative

1146 Services as follows: (1) Two shall be architects licensed in the state of
1147 Connecticut; (2) three shall be professional engineers licensed in the
1148 state of Connecticut, two of whom shall practice either structural,
1149 mechanical or electrical engineering but in no event shall both of such
1150 members represent the same specialty, and one of whom shall be a
1151 practicing fire protection engineer or mechanical engineer with
1152 extensive experience in fire protection; (3) two shall be builders or
1153 superintendents of construction, one of whom shall have expertise in
1154 residential construction and one of whom shall have expertise in
1155 nonresidential construction; (4) one shall be a public health official; (5)
1156 two shall be building officials; (6) two shall be local fire marshals; (7) one
1157 shall be a Connecticut member of a national building trades labor
1158 organization; (8) one shall have expertise in matters relating to energy
1159 efficiency; (9) four shall be public members, one of whom shall have
1160 expertise in matters relating to accessibility and use of facilities by
1161 persons with physical disabilities; (10) one shall be a contractor licensed
1162 to perform electrical work or a member of a state-wide electrical trades
1163 labor organization; (11) one shall be a contractor licensed to perform
1164 plumbing and piping work or a member of a state-wide plumbing
1165 trades labor organization; and (12) one shall be a contractor licensed to
1166 perform heating, piping and cooling work or a member of a state-wide
1167 heating and cooling trades labor organization. Each member, other than
1168 the public members described in subdivision (9) of this section, shall
1169 have had not less than ten years' practical experience in such member's
1170 profession or business. Not fewer than five members, who shall not be
1171 public members described in subdivision (9) of this section, shall have
1172 received training, certification or experience in construction techniques
1173 that increase the resilience of buildings and building elements against
1174 the impacts of climate change. The committee shall adopt regulations in
1175 accordance with the provisions of chapter 54 governing the procedure
1176 of the committee. Members who fail to attend three consecutive
1177 meetings or fifty per cent of all meetings during a calendar year shall be
1178 deemed to have resigned. The committee may, within the limits of
1179 appropriations provided therefor, employ such assistants as may be
1180 necessary to conduct its business.

1181 Sec. 20. Subsection (c) of section 29-251c of the general statutes is
1182 repealed and the following is substituted in lieu thereof (*Effective July 1,*
1183 *2024*):

1184 (c) The commissioner shall establish a program of education and
1185 training in the mechanics and application of the State Building Code and
1186 the Fire Safety Code conducted for any municipal or state code official,
1187 or any candidate for such positions, and a continuing educational
1188 program in the mechanics and application of the State Building Code
1189 and the Fire Safety Code for any architect, engineer, landscape architect,
1190 interior designer, builder, contractor or superintendent of construction
1191 doing business in this state. Such programs shall include education and
1192 training in construction techniques that maximize energy efficiency,
1193 minimize greenhouse gas emissions and increase the resilience of
1194 buildings and building elements against the impacts of climate change.

1195 Sec. 21. Section 29-256a of the general statutes is repealed and the
1196 following is substituted in lieu thereof (*Effective July 1, 2024*):

1197 (a) (1) The State Building Inspector and the Codes and Standards
1198 Committee shall revise the State Building Code to require that
1199 commercial and residential buildings and building elements be
1200 designed to provide optimum cost-effective energy efficiency over the
1201 useful life of the building and to incorporate the 2012 International
1202 Energy Conservation Code, not later than eighteen months after the
1203 publication of said code. [The provisions of this section shall not be
1204 construed to impose any new requirement for any renovation or
1205 construction of a state building that is subject to the requirements of
1206 section 16a-38k, regardless of whether such building has been granted
1207 an exemption under said section.]

1208 (2) On and after July 1, 2025, the State Building Inspector and the
1209 Codes and Standards Committee shall revise the State Building Code to
1210 (A) require that the buildings and building elements described in
1211 subdivision (1) of this subsection be designed to provide optimum
1212 greenhouse gas emission reduction and resiliency against the impacts of
1213 climate change over the useful life of the building, and (B) incorporate

1214 the most recent International Energy Conservation Code, not later than
1215 eighteen months after the publication of said code.

1216 (3) The provisions of this section shall not be construed to impose any
1217 new requirement for any renovation or construction of a state building
1218 that is subject to the requirements of section 16a-38k, regardless of
1219 whether such building has been granted an exemption under said
1220 section.

1221 (b) (1) Notwithstanding subsection (a) of this section, on and after
1222 July 1, 2010, the State Building Inspector and the Codes and Standards
1223 Committee, in consultation with the Commissioner of Administrative
1224 Services, shall revise the State Building Code to include provisions
1225 requiring certain buildings of or over a specified minimum size, that
1226 qualify as a new construction or a major alteration of a residential or
1227 nonresidential building, to meet or exceed optimum cost-effective
1228 building construction standards concerning the thermal envelope or
1229 mechanical systems, including, but not limited to, indoor air quality and
1230 water conservation, and the lighting and electrical systems of the
1231 building. [Such provisions]

1232 (2) Notwithstanding subsection (a) of this section, on and after July 1,
1233 2025, the State Building Inspector and the Codes and Standards
1234 Committee, in consultation with the Commissioner of Administrative
1235 Services, shall revise the State Building Code to include provisions
1236 requiring that the buildings described in subdivision (1) of this
1237 subsection meet or exceed optimum cost-effective building construction
1238 standards concerning the resiliency of such buildings to flood and wind
1239 hazards, the impacts of climate change and the most recent sea level
1240 change scenario updated pursuant to section 25-68o, as amended by this
1241 act.

1242 (3) The provisions included pursuant to subdivisions (1) and (2) of
1243 this subsection shall reference nationally accepted green building rating
1244 systems, including, but not limited to, the Leadership in Energy and
1245 Environmental Design rating system, the Green Globes USA design
1246 program, as established by the Green Building Initiative, the National

1247 Green Building Standard, as established by the National Association of
1248 Home Builders, or an equivalent rating system approved by the State
1249 Building Inspector and the Codes and Standards Committee. On and
1250 after July 1, 2025, such provisions shall reference nationally accepted
1251 resiliency standards, including, but not limited to, the Insurance
1252 Institute of Business & Home Safety's Fortified Construction Standard
1253 and any other applicable standards promulgated or endorsed by the
1254 United States Department of Energy, the Federal Emergency
1255 Management Agency or other relevant federal agencies. Such
1256 [requirements] provisions shall include a method for demonstrating
1257 compliance at the time of application for a certificate of occupancy,
1258 including, but not limited to, private third-party certification or
1259 verification of compliance with the relevant portions of such rating
1260 systems and resiliency standards, including, but not limited to, the
1261 energy, [and] environmental and climate resiliency portions.

1262 Sec. 22. Subsections (b) and (c) of section 8-2 of the 2024 supplement
1263 to the general statutes are repealed and the following is substituted in
1264 lieu thereof (*Effective July 1, 2024*):

1265 (b) Zoning regulations adopted pursuant to subsection (a) of this
1266 section shall:

1267 (1) Be made in accordance with a comprehensive plan and in
1268 consideration of the plan of conservation and development adopted
1269 under section 8-23, as amended by this act;

1270 (2) Be designed to (A) lessen congestion in the streets; (B) secure
1271 safety from fire, panic, flood, sea level rise, extreme heat, climate change
1272 and other dangers; (C) promote health and the general welfare; (D)
1273 provide adequate light and air; (E) protect the state's historic, tribal,
1274 cultural and environmental resources; (F) facilitate the adequate
1275 provision for transportation, water, sewerage, schools, parks and other
1276 public requirements; (G) consider the impact of permitted land uses on
1277 contiguous municipalities and on the planning region, as defined in
1278 section 4-124i, in which such municipality is located; (H) address
1279 significant disparities in housing needs and access to educational,

1280 occupational and other opportunities; (I) promote efficient review of
1281 proposals and applications; and (J) affirmatively further the purposes of
1282 the federal Fair Housing Act, 42 USC 3601 et seq., as amended from time
1283 to time;

1284 (3) Be drafted with reasonable consideration as to the physical site
1285 characteristics of the district and its peculiar suitability for particular
1286 uses and with a view to encouraging the most appropriate use of land
1287 throughout a municipality;

1288 (4) Provide for the development of housing opportunities, including
1289 opportunities for multifamily dwellings, consistent with soil types,
1290 terrain and infrastructure capacity, for all residents of the municipality
1291 and the planning region in which the municipality is located, as
1292 designated by the Secretary of the Office of Policy and Management
1293 under section 16a-4a;

1294 (5) Promote housing choice and economic diversity in housing,
1295 including housing for both low and moderate income households;

1296 (6) Expressly allow the development of housing which will meet the
1297 housing needs identified in the state's consolidated plan for housing and
1298 community development prepared pursuant to section 8-37t and in the
1299 housing component and the other components of the state plan of
1300 conservation and development prepared pursuant to section 16a-26;

1301 (7) Be made with reasonable consideration for the impact of such
1302 regulations on agriculture, as defined in subsection (q) of section 1-1;

1303 (8) Provide that proper provisions be made for soil erosion and
1304 sediment control pursuant to section 22a-329;

1305 (9) Be made with reasonable consideration for the protection of
1306 existing and potential public surface and ground drinking water
1307 supplies; [and]

1308 (10) In any municipality that is contiguous to or on a navigable
1309 waterway draining to Long Island Sound, (A) be made with reasonable

1310 consideration for the restoration and protection of the ecosystem and
1311 habitat of Long Island Sound; (B) be designed to reduce hypoxia,
1312 pathogens, toxic contaminants and floatable debris on Long Island
1313 Sound; and (C) provide that such municipality's zoning commission
1314 consider the environmental impact on Long Island Sound coastal
1315 resources, as defined in section 22a-93, of any proposal for development;
1316 and

1317 (11) Provide that proper provisions be made to mitigate and avoid
1318 potential negative impacts to public health, public welfare and the
1319 environment, due to sea level change, in consideration of the most
1320 recent sea level change scenario updated pursuant to section 25-68o, as
1321 amended by this act.

1322 (c) Zoning regulations adopted pursuant to subsection (a) of this
1323 section may:

1324 (1) To the extent consistent with soil types, terrain and water, sewer
1325 and traffic infrastructure capacity for the community, provide for or
1326 require cluster development, as defined in section 8-18;

1327 (2) Be made with reasonable consideration for the protection of
1328 historic factors;

1329 (3) Require or promote (A) energy-efficient patterns of development;
1330 (B) the use of distributed generation or freestanding solar, wind and
1331 other renewable forms of energy; (C) combined heat and power; [and]
1332 (D) energy conservation; and (E) resilience, as defined in section 16-
1333 243y;

1334 (4) Provide for incentives for developers who use (A) solar and other
1335 renewable forms of energy; (B) combined heat and power; (C) water
1336 conservation, including demand offsets; [and] (D) energy conservation
1337 techniques, including, but not limited to, cluster development, higher
1338 density development and performance standards for roads, sidewalks
1339 and underground facilities in the subdivision; and (E) flood-risk
1340 reduction building methods;

1341 (5) Provide for a municipal or regional system for the creation of
1342 development rights and the permanent transfer of such development
1343 rights, which may include a system for the variance of density limits in
1344 connection with any such transfer;

1345 (6) Provide for notice requirements in addition to those required by
1346 this chapter;

1347 (7) Provide for conditions on operations to collect spring water or
1348 well water, as defined in section 21a-150, including the time, place and
1349 manner of such operations;

1350 (8) Provide for floating zones, overlay zones and planned
1351 development districts;

1352 (9) Require estimates of vehicle miles traveled and vehicle trips
1353 generated in lieu of, or in addition to, level of service traffic calculations
1354 to assess (A) the anticipated traffic impact of proposed developments;
1355 and (B) potential mitigation strategies such as reducing the amount of
1356 required parking for a development or requiring public sidewalks,
1357 crosswalks, bicycle paths, bicycle racks or bus shelters, including off-
1358 site; [and]

1359 (10) In any municipality where a traprock ridge or an amphibolite
1360 ridge is located, (A) provide for development restrictions in ridgeline
1361 setback areas; and (B) restrict quarrying and clear cutting, except that
1362 the following operations and uses shall be permitted in ridgeline setback
1363 areas, as of right: (i) Emergency work necessary to protect life and
1364 property; (ii) any nonconforming uses that were in existence and that
1365 were approved on or before the effective date of regulations adopted
1366 pursuant to this section; and (iii) selective timbering, grazing of
1367 domesticated animals and passive recreation; and

1368 (11) Provide for sending and receiving sites in conjunction with any
1369 transfer of development rights program established pursuant to section
1370 8-2e, as amended by this act.

1371 Sec. 23. Section 8-2e of the general statutes is repealed and the

1372 following is substituted in lieu thereof (*Effective July 1, 2024*):

1373 (a) Any two or more municipalities which have adopted the
1374 provisions of this chapter or chapter 125a or which are exercising zoning
1375 power pursuant to any special act may, with the approval of the
1376 legislative body of each municipality, execute an agreement providing
1377 for a system of development rights and the transfer of development
1378 rights across the boundaries of the municipalities which are parties to
1379 the agreement. Such system shall be implemented in a manner
1380 approved by the legislative body of each municipality and by the
1381 commission or other body which adopts zoning regulations of each
1382 municipality. Such agreement may provide that such system be
1383 administered by a regional council of governments or other agency.

1384 (b) Any two or more municipalities that have executed an agreement
1385 pursuant to subsection (a) of this section may, by interlocal agreement,
1386 establish a transfer of development rights bank. Each such interlocal
1387 agreement shall (1) identify the receiving site, (2) include the local
1388 legislation governing development rights that has been adopted or is
1389 intended to be adopted by the municipality or municipalities in which
1390 the receiving site is located, (3) describe procedures for the termination
1391 of the transfer of development rights bank, and (4) describe the
1392 conversion ratio to be used in the receiving site, which may express the
1393 extent of additional development rights in any combination of units,
1394 floor area, height or other applicable development standards that may
1395 be modified by the municipality to provide incentives for the purchase
1396 of development rights.

1397 (c) Each receiving site identified pursuant to subsection (b) of this
1398 section shall (1) be eligible for connection with a public water system,
1399 (2) be located not more than one-half mile from public transportation
1400 facilities, as defined in section 13b-79kk, (3) not be located within the
1401 boundaries of core forest, as defined in section 16a-3k, (4) not be located
1402 within the boundaries of any area impacted by the most recent sea level
1403 change scenario updated pursuant to subsection (b) of section 25-68o, as
1404 amended by this act, and (5) be located above the five-hundred-year

1405 flood elevation.

1406 (d) Eligible sending sites may include, but need not be limited to, (1)
1407 core forest, as defined in section 13b-79kk, (2) land classified as farm
1408 land in accordance with section 12-107c, (3) agricultural land, as defined
1409 in section 22-3, (4) areas identified as containing habitat for endangered
1410 or threatened species pursuant to (A) federal law, (B) section 26-306 or
1411 26-308, or (C) a written determination of the United States Fish and
1412 Wildlife Service or a state and federally recognized tribe that such area
1413 is appropriate for the preservation of endangered or threatened species
1414 habitat, and (5) areas within the boundaries of any area impacted by the
1415 most recent sea level change scenario updated pursuant to subsection
1416 (b) of section 25-68o, as amended by this act, or a floodplain, as defined
1417 in section 25-68i.

1418 Sec. 24. (*Effective July 1, 2024*) (a) Not later than September 1, 2024, the
1419 Insurance Commissioner shall, within available resources, convene a
1420 working group to (1) study the needs of homeowners and small
1421 business owners with respect to the fortification of their homes and
1422 places of business against potential losses due to natural disasters,
1423 hazards and climate change, and (2) make recommendations concerning
1424 the feasibility of establishing a program to assist homeowners and small
1425 business owners in fortifying their homes and places of business against
1426 such losses. Such recommendations shall include, but need not be
1427 limited to, (A) the structure and oversight of such a program, (B)
1428 potential incentives that may be offered to such homeowners and small
1429 business owners for the fortification of such homes and places of
1430 business, especially in vulnerable communities, as defined in section 16-
1431 243y of the general statutes, and (C) the identification of funding sources
1432 for such program.

1433 (b) The working group shall consist of members appointed by the
1434 commissioner, who may have expertise in construction, insurance,
1435 natural disasters and hazards, emergency preparedness and climate
1436 change. The commissioner shall appoint two cochairpersons from
1437 among the members of the working group. The working group shall

1438 hold not less than one public forum to allow the public to provide input
1439 on the recommendations of the working group.

1440 (c) Not later than January 1, 2025, the working group shall submit a
1441 report of its findings and recommendations, in accordance with the
1442 provisions of section 11-4a of the general statutes, to the Governor and
1443 the joint standing committee of the General Assembly having
1444 cognizance of matters relating to insurance. The working group shall
1445 terminate upon submission of said report or January 1, 2025, whichever
1446 is later.

1447 Sec. 25. Section 16a-27 of the general statutes is repealed and the
1448 following is substituted in lieu thereof (*Effective July 1, 2024*):

1449 (a) The secretary, after consultation with all appropriate state,
1450 regional and local agencies and other appropriate persons, shall, prior
1451 to March 1, 2012, complete a revision of the existing plan and enlarge it
1452 to include, but not be limited to, policies relating to transportation,
1453 energy and air. Any revision made after July 1, 1995, shall take into
1454 consideration the conservation and development of greenways that
1455 have been designated by municipalities and shall recommend that state
1456 agencies coordinate their efforts to support the development of a state-
1457 wide greenways system. The Commissioner of Energy and
1458 Environmental Protection shall identify state-owned land for inclusion
1459 in the plan as potential components of a state greenways system.

1460 (b) Any revision made after August 20, 2003, shall take into account
1461 (1) economic and community development needs and patterns of
1462 commerce, and (2) linkages of affordable housing objectives and land
1463 use objectives with transportation systems.

1464 (c) Any revision made after March 1, 2006, shall (1) take into
1465 consideration risks associated with natural hazards, including, but not
1466 limited to, flooding, high winds and wildfires; (2) identify the potential
1467 impacts of natural hazards on infrastructure and property; and (3) make
1468 recommendations for the siting of future infrastructure and property
1469 development to minimize the use of areas prone to natural hazards,

1470 including, but not limited to, flooding, high winds and wildfires.

1471 (d) Any revision made after July 1, 2005, shall describe the progress
1472 towards achievement of the goals and objectives established in the
1473 previously adopted state plan of conservation and development and
1474 shall identify (1) areas where it is prudent and feasible (A) to have
1475 compact, transit accessible, pedestrian-oriented [mixed-use] mixed use
1476 development patterns and land reuse, and (B) to promote such
1477 development patterns and land reuse, (2) priority funding areas
1478 designated under section 16a-35c, and (3) corridor management areas
1479 on either side of a limited access highway or a rail line. In designating
1480 corridor management areas, the secretary shall make recommendations
1481 that (A) promote land use and transportation options to reduce the
1482 growth of traffic congestion; (B) connect infrastructure and other
1483 development decisions; (C) promote development that minimizes the
1484 cost of new infrastructure facilities and maximizes the use of existing
1485 infrastructure facilities; and (D) increase intermunicipal and regional
1486 cooperation.

1487 (e) Any revision made after October 1, 2008, shall (1) for each policy
1488 recommended (A) assign a priority; (B) estimate funding for
1489 implementation and identify potential funding sources; (C) identify
1490 each entity responsible for implementation; and (D) establish a schedule
1491 for implementation; and (2) for each growth management principle,
1492 determine three benchmarks to measure progress in implementation of
1493 the principles, one of which shall be a financial benchmark.

1494 (f) Any revision made after October 1, 2009, shall take into
1495 consideration the protection and preservation of Connecticut Heritage
1496 Areas.

1497 (g) Any revision made after December 1, 2011, shall take into
1498 consideration (1) the state water supply and resource policies
1499 established in sections 22a-380 and 25-33c, and (2) the list prepared by
1500 the Commissioner of Public Health pursuant to section 25-33q.

1501 (h) (1) Any revision made after October 1, 2019, and until the

1502 adoption of the state Conservation and Development Policies Plan,
1503 2025-2030, shall [(1)] (A) take into consideration risks associated with
1504 increased coastal flooding and erosion, depending on site topography,
1505 as anticipated in the most recent sea level change scenario updated
1506 pursuant to subsection (b) of section 25-68o, as amended by this act, [(2)]
1507 (B) identify the impacts of such increased flooding and erosion on
1508 infrastructure and natural resources, [(3)] (C) make recommendations
1509 for the siting of future infrastructure and property development to
1510 minimize the use of areas prone to such flooding and erosion, and [(4)]
1511 (D) take into consideration the state's greenhouse gas reduction goals
1512 established pursuant to section 22a-200a.

1513 (2) Any revision made after the adoption of the state Conservation
1514 and Development Policies Plan, 2025-2030 shall (A) take into
1515 consideration risks associated with (i) changes to the rate and timing of
1516 annual precipitation and increased average temperatures resulting in
1517 extreme heat, and (ii) increased flooding and erosion, depending on site
1518 topography, as anticipated in the most recent sea level change scenario
1519 updated pursuant to subsection (b) of section 25-68o, as amended by
1520 this act, and by other sources as deemed appropriate by the Secretary of
1521 Policy and Management, (B) identify the impacts of such extreme heat,
1522 drought and increased flooding and erosion on infrastructure and
1523 natural resources, (C) make recommendations for the siting of future
1524 infrastructure and property development to minimize the use of areas
1525 prone to such flooding and erosion, (D) make recommendations for land
1526 use strategies that minimize risks to public health, infrastructure and the
1527 environment, and (E) take into consideration the state's greenhouse gas
1528 reduction goals established pursuant to section 22a-200a.

1529 (i) Any revision made after October 1, 2016, shall take into
1530 consideration the need for technology infrastructure in the
1531 municipality.

1532 (j) Thereafter on or before March first in each revision year the
1533 secretary shall complete a revision of the plan of conservation and
1534 development, provided no revision year may be later than four years

1535 subsequent to the year in which the plan was last adopted in accordance
1536 with the process established in this chapter.

1537 Sec. 26. Section 28-5 of the general statutes is amended by adding
1538 subsection (h) as follows (*Effective July 1, 2024*):

1539 (NEW) (h) On and after October 1, 2028, the state civil preparedness
1540 plan and program established pursuant to subsection (b) of this section
1541 shall consider observed and projected climate trends relating to extreme
1542 weather events, drought, coastal and inland flooding, storm surge,
1543 wildfire, extreme heat and any other hazards deemed relevant by the
1544 commissioner.

1545 Sec. 27. Section 7-131d of the 2024 supplement to the general statutes
1546 is repealed and the following is substituted in lieu thereof (*Effective July*
1547 *1, 2024*):

1548 (a) There is established the protected open space and watershed land
1549 acquisition grant program. The program shall provide grants to
1550 municipalities and nonprofit land conservation organizations to acquire
1551 land or permanent interests in land for open space and watershed
1552 protection and to water companies, as defined in section 25-32a, to
1553 acquire and protect land which is eligible to be classified as class I or
1554 class II land, as defined in section 25-37c, after acquisition. All lands or
1555 interests in land acquired under this program shall be preserved in
1556 perpetuity predominantly in their natural scenic and open condition for
1557 the protection of natural resources while allowing for recreation
1558 consistent with such protection and, for lands acquired by water
1559 companies, allowing for the improvements necessary for the protection
1560 or provision of potable water.

1561 (b) Grants may be made under the protected open space and
1562 watershed land acquisition grant program established under subsection
1563 (a) of this section or under the Charter Oak open space grant program
1564 established under section 7-131t to match funds for the purchase of land
1565 or permanent interests in land which purchase meets one of the
1566 following criteria: (1) Protects land identified as being especially

1567 valuable for recreation, forestry, fishing, conservation of wildlife or
1568 natural resources; (2) protects land which includes or contributes to a
1569 prime natural feature of the state's landscape, including, but not limited
1570 to, a shoreline, a river, its tributaries and watershed, an aquifer,
1571 mountainous territory, ridgelines, an inland or coastal wetland, a
1572 significant littoral or estuarine or aquatic site or other important
1573 geological feature; (3) protects habitat for native plant or animal species
1574 listed as threatened or endangered or of special concern, as defined in
1575 section 26-304; (4) protects a relatively undisturbed outstanding
1576 example of a native ecological community which is now uncommon; (5)
1577 enhances and conserves water quality of the state's lakes, rivers and
1578 coastal water; (6) preserves local agricultural heritage; or (7) in the case
1579 of grants to water companies, protects land which is eligible to be
1580 classified as class I land or class II land after acquisition. [The
1581 commissioner may make a grant under the protected open space and
1582 watershed land acquisition grant program to a distressed municipality
1583 or a targeted investment community, as defined in section 32-9p, for
1584 restoration or protection of natural features or habitats on open space
1585 already owned by the municipality, including, but not limited to,
1586 wetland or wildlife or plant habitat restoration or restoration of other
1587 sites to a more natural condition, or replacement of vegetation, provided
1588 the total amount of grants to such municipalities for such purposes may
1589 not exceed twenty per cent of the total amount of grants made in any
1590 fiscal year.]

1591 (c) Grants may be made under the protected open space and
1592 watershed land acquisition grant program established under subsection
1593 (a) of this section for restoration or protection of natural features or
1594 habitats on open space already owned by a (1) distressed municipality,
1595 as defined in section 32-9p, (2) targeted investment community, as
1596 defined in section 32-222, (3) municipality, provided such open space is
1597 located in an environmental justice community, as defined in section
1598 22a-20a, or (4) nonprofit land conservation organization, provided such
1599 open space is located in a distressed municipality, targeted investment
1600 community or environmental justice community. Such restoration or
1601 protection may include, but need not be limited to, wetland, wildlife or

1602 plant habitat restoration or restoration of other sites to a more natural
1603 condition or replacement of vegetation. The total amount of grants
1604 made pursuant to this subsection shall not exceed twenty per cent of the
1605 total amount of grants made pursuant to the open space and watershed
1606 land acquisition grant program in any fiscal year.

1607 [(c) No] (d) (1) Except as provided in subdivision (2) of this
1608 subsection, no grant may be made under the protected open space and
1609 watershed land acquisition grant program established under subsection
1610 (a) of this section or under the Charter Oak open space grant program
1611 established under section 7-131t for: [(1)] (A) Land to be used for
1612 commercial purposes or for recreational purposes requiring intensive
1613 development, including, but not limited to, golf courses, driving ranges,
1614 tennis courts, ballfields, swimming pools and uses by motorized
1615 vehicles other than vehicles needed by water companies to carry out
1616 their purposes, provided trails or pathways for pedestrians, motorized
1617 wheelchairs or nonmotorized vehicles shall not be considered intensive
1618 development; [(2)] (B) land with environmental contamination over a
1619 significant portion of the property provided grants for land requiring
1620 remediation of environmental contamination may be made if
1621 remediation will be completed before acquisition of the land or any
1622 interest in the land and an environmental assessment approved by the
1623 Commissioner of Energy and Environmental Protection has been
1624 completed and no environmental use restriction applies to the land; [(3)]
1625 (C) land which has already been committed for public use, except as
1626 provided in subsection (c) of section 7-131g; [(4)] (D) development costs,
1627 including, but not limited to, construction of ballfields, tennis courts,
1628 parking lots or roadways; [(5)] (E) land to be acquired by eminent
1629 domain; or [(6)] (F) reimbursement of in-kind services or incidental
1630 expenses associated with the acquisition of land. This subsection shall
1631 not prohibit the continuation of agricultural activity, the activities of a
1632 water company for public water supply purposes or the selling of timber
1633 incidental to management of the land which management is in
1634 accordance with approved forest management practices provided any
1635 proceeds of such timber sales shall be used for management of the land.
1636 In the case of land acquired under this section which is designated as a

1637 state park, any fees charged by the state for use of such land shall be
1638 used by the state in accordance with the provisions of title 23.

1639 (2) Grants in a total amount not exceeding five per cent of the total
1640 amount of grants made pursuant to the open space and watershed land
1641 acquisition grant program in any fiscal year may be made to distressed
1642 municipalities, as defined in section 32-9p, targeted investment
1643 communities, as defined in section 32-222, nonprofit land conservation
1644 organizations and municipalities, for the purpose of reimbursement for
1645 in-kind services or incidental expenses associated with the acquisition
1646 of land, including, but not limited to, survey fees, appraisal costs and
1647 legal fees, provided such land is located in a distressed municipality,
1648 targeted investment community or environmental justice community,
1649 as defined in section 22a-20a.

1650 [(d)] (e) Any municipality or group of contiguous municipalities may
1651 apply to the Commissioner of Energy and Environmental Protection for
1652 a grant-in-aid of a program established to preserve or restrict to
1653 conservation or recreation purposes the use of open space land. Such
1654 grant shall be used for the acquisition of land, or easements, interests or
1655 rights therein, or for the development of such land, or easements,
1656 interests or rights therein, for purposes set forth in this section, or both,
1657 in accordance with a plan of development adopted by the municipal
1658 planning commission of the municipality within which the land is
1659 located. Any application for a grant-in-aid relating to land located
1660 beyond the territorial limits of the applying municipality shall be subject
1661 to approval of the legislative body of the municipality within whose
1662 territorial limits the land is located. A municipality applying for aid
1663 under this section, may designate its conservation commission as its
1664 agent to make such application.

1665 [(e)] (f) At closing, a permanent conservation easement, as defined in
1666 section 47-42, shall be executed for any property purchased with grant
1667 funds, which conservation easement shall provide that the property
1668 shall remain forever predominantly in its natural and open condition
1669 for the specific conservation, open space or water supply purposes for

1670 which it was acquired provided any improvements or changes to the
1671 property shall be supportive of such condition or purposes. The
1672 permanent conservation easement shall be in favor of the state acting
1673 through the Commissioner of Energy and Environmental Protection, or
1674 his designee, which may be a municipality or a land conservation
1675 organization. In the case of land acquired for water supply protection, a
1676 water company may hold an easement in conjunction with the state or
1677 a nonprofit entity to protect the water supply. Such permanent
1678 conservation easement shall also include a requirement that the
1679 property be made available to the general public for appropriate
1680 recreational purposes, the maintenance of which recreational access
1681 shall be the responsibility of the grantee provided such access shall not
1682 be required for land which will be classified as class I or class II land by
1683 a water company if such access is inconsistent with the provision of pure
1684 drinking water to the public. An exception to the provision of public
1685 recreational access may be made at the discretion of the Commissioner
1686 of Energy and Environmental Protection when provision for public
1687 access would be unreasonably detrimental to the wildlife or plant
1688 habitat or other natural features of the property or, for land where
1689 development rights have been purchased, would be disruptive of
1690 agricultural activity occurring on the land. Any instrument conveying
1691 an interest in land less than fee which interest is purchased under this
1692 section shall provide for the permanent preservation of the land and
1693 public access consistent with the land's use or protection and with any
1694 restrictions prescribed by the Department of Public Health in order to
1695 protect a public drinking water source.

1696 Sec. 28. Subsections (b) and (c) of section 7-131e of the general statutes
1697 are repealed and the following is substituted in lieu thereof (*Effective July*
1698 *1, 2024*):

1699 (b) There is established a Natural Heritage, Open Space and
1700 Watershed Land Acquisition Review Board to assist and advise the
1701 commissioner in carrying out the provisions of sections 7-131d to 7-
1702 131g, inclusive, as amended by this act, and sections 23-73 to 23-79,
1703 inclusive. Upon establishment of the review board and selection of a

1704 chairman under this section, the review board (1) shall provide
1705 comments on selection criteria, policies and procedures; (2) shall
1706 promote public participation; (3) shall provide guidance and conduct
1707 review of strategies for land protection, including strategies under
1708 section 23-8; (4) shall review and evaluate grant award policies and
1709 procedures; and (5) may provide comments on any application for
1710 funds not later than forty-five days after such application is submitted
1711 to the chairman. Upon establishment of the board, the commissioner
1712 shall take such comments into consideration in making any decisions
1713 regarding such grants.

1714 (c) The review board shall consist of [twenty-one] twenty-three
1715 members as follows: (1) The chairpersons and ranking members of the
1716 bonding subcommittee of the joint standing committee of the General
1717 Assembly having cognizance of matters relating to finance, revenue and
1718 bonding; (2) one member of the joint standing committee of the General
1719 Assembly having cognizance of matters relating to the environment,
1720 appointed by the speaker of the House of Representatives, and one
1721 member of the joint standing committee of the General Assembly
1722 having cognizance of matters relating to planning and development,
1723 appointed by the president pro tempore of the Senate, each of whom
1724 shall be ex-officio members of the board; (3) the Secretary of the Office
1725 of Policy and Management, or his designee; (4) a representative of the
1726 business community and a person experienced in issues relating to
1727 access to public facilities by persons with disabilities, appointed by the
1728 Governor; (5) one representative from an investor-owned water utility,
1729 appointed by the minority leader of the Senate; (6) one representative
1730 from a municipal water utility, appointed by the minority leader of the
1731 House of Representatives; (7) one representative from a regional water
1732 utility, appointed by the minority leader of the Senate; (8) one
1733 representative who is a realtor or attorney with a minimum of five
1734 [years] years' experience in real estate transfers, appointed by the
1735 speaker of the House of Representatives; one representative with a
1736 minimum of five [years] years' experience in the construction industry
1737 or land development, appointed by the president pro tempore of the
1738 Senate; (9) two representatives of interest groups primarily concerned

1739 with the conservation of river watershed regions, appointed one each
1740 by the majority leaders of the House of Representatives and the Senate;
1741 (10) three representatives from nonprofit organizations primarily
1742 concerned with environmental protection or natural resource
1743 conservation with a minimum of five [years] years' experience in land
1744 conservation and acquisition, appointed one each by the Governor, the
1745 speaker of the House of Representatives and the president pro tempore
1746 of the Senate; [and] (11) one chief elected official of a town with a
1747 population less than twenty thousand and one chief elected official of a
1748 town with a population greater than twenty thousand, appointed by the
1749 Governor; (12) one member who is a representative of a community of
1750 color, low-income community or community-based organization, or
1751 professor from a college or university in the state with expertise in
1752 environmental justice, appointed by the Commissioner of Energy and
1753 Environmental Protection; and (13) one member who resides in a United
1754 States census block group, as determined in accordance with the most
1755 recent United States decennial census, for which thirty per cent or more
1756 of the population consists of low-income persons who are not
1757 institutionalized and have an income below two hundred per cent of the
1758 federal poverty level, appointed by the Commissioner of Energy and
1759 Environmental Protection. The members, other than the members
1760 described in subdivisions (1), (2) and (3) of this subsection, shall serve
1761 terms of three years provided the terms of the members described in
1762 subdivisions (4) to (8), inclusive, of this subsection who are appointed
1763 in the year after July 1, 1998, shall expire on October 1, 1999, and further
1764 provided the terms of the members described in subdivisions (9) to (11),
1765 inclusive, of this subsection shall expire on October 1, 2000. The board
1766 shall elect a chairman from among its members and shall make such
1767 election on or before October 1, 1998. Members of the board shall serve
1768 until reappointed or replaced.

1769 Sec. 29. Subsection (a) of section 7-131g of the 2024 supplement to the
1770 general statutes is repealed and the following is substituted in lieu
1771 thereof (*Effective July 1, 2024*):

1772 (a) The Commissioner of Energy and Environmental Protection may

1773 make grants under the open space and watershed land acquisition
1774 program to: (1) Municipalities for acquisition of land for open space
1775 under subdivisions (1) to (6), inclusive, of subsection (b) of section 7-
1776 131d, as amended by this act, in an amount not to exceed sixty-five per
1777 cent of the fair market value of a parcel of land or interest in land
1778 proposed to be acquired; (2) municipalities for acquisition of land for
1779 class I and class II water supply protection under subdivision (5) of
1780 subsection (b) of said section 7-131d, in an amount not to exceed sixty-
1781 five per cent of such value; (3) nonprofit land conservation
1782 organizations for acquisition of land for open space or watershed
1783 protection under subdivisions (1) to (6), inclusive, of subsection (b) of
1784 said section 7-131d, in an amount not to exceed sixty-five per cent of
1785 such value; (4) water companies for acquisition of land under
1786 subdivision (7) of subsection (b) of said section 7-131d, in an amount not
1787 to exceed sixty-five per cent of such value provided if such a company
1788 proposes in a grant application that it intends to allow access to such
1789 land for recreational uses, such company shall seek approval of the
1790 Commissioner of Public Health for such access; and (5) distressed
1791 municipalities, as defined in section 32-9p or targeted investment
1792 communities, as defined in section [32-9p] 32-222, municipalities
1793 containing one or more environmental justice communities, as defined
1794 in section 22a-20a, or, with the approval of the chief elected official or
1795 governing legislative body of such a municipality or community, to a
1796 nonprofit land conservation organization or water company, for
1797 acquisition of land within that municipality or community, for open
1798 space under subdivisions (1) to (6), inclusive, of subsection (b) of said
1799 section 7-131d, in an amount not to exceed seventy-five per cent of such
1800 value or for performance of work in the restoration, enhancement or
1801 protection of resources in an amount not to exceed fifty per cent of the
1802 cost of such work. Applicants for grants under the program shall
1803 provide a copy of the application to the chairperson of the review board
1804 established under section 7-131e, as amended by this act. The board
1805 shall provide comments to the commissioner on pending applications
1806 as it deems necessary.

1807 Sec. 30. Subsection (a) of section 7-131e of the general statutes is

1808 repealed and the following is substituted in lieu thereof (*Effective July 1,*
1809 *2024*):

1810 (a) Grant award decisions under the protected open space and
1811 watershed land acquisition grant program established under section 7-
1812 131d, as amended by this act, or under the Charter Oak open space grant
1813 program established under section 7-131t shall be made by the
1814 Commissioner of Energy and Environmental Protection at least
1815 semiannually. All complete and eligible grant applications shall be acted
1816 upon by the commissioner as soon as practicable. A single project may
1817 receive a grant in more than one grant cycle, subject to future availability
1818 of funds and subject to the limitations set forth in this section and
1819 sections 23-78, 12-498 and 7-131d, as amended by this act. Up to five per
1820 cent of the grant funds may be used for administrative expenses
1821 including, but not limited to: (1) Contractors to assist the Department of
1822 Energy and Environmental Protection in the review and evaluation of
1823 grant proposals and baseline data collection for conservation easements;
1824 (2) appraisals or appraisal reviews; and (3) preparation of legal and
1825 other documents. Administrative expenses may not be used for staff
1826 salaries. Not later than September 1, 1998, for the protected open space
1827 and watershed land acquisition grant program established under
1828 section 7-131d, as amended by this act, and not later than September 1,
1829 2000, for the Charter Oak open space grant program account established
1830 under section 7-131t, the commissioner shall develop written guidelines
1831 and a ranking system for consistency and equity in the distribution of
1832 grant awards under the protected open space and watershed land
1833 acquisition grant program established under section 7-131d, as
1834 amended by this act, or under the Charter Oak open space grant
1835 program account established under section 7-131t based on the criteria
1836 listed in subsections (b), [and] (c) and (d) of section 7-131d, as amended
1837 by this act. Consistent with such criteria, additional consideration shall
1838 be given to: (A) Protection of lands adjacent to and complementary to
1839 adjacent protected open space land or class I or class II water company
1840 lands; (B) equitable geographic distribution of the grants; (C) proximity
1841 of a property to urban areas with growth and development pressures or
1842 to areas with open space deficiencies and underserved populations; (D)

1843 protection of land particularly vulnerable to development incompatible
1844 with its natural resource values including the protection of a public
1845 water supply source; (E) consistency with the state plan of conservation
1846 and development; (F) multiple protection elements, such as water
1847 quality and supply protection, scenic preservation and farmland
1848 preservation; (G) the extent to which the presence of already constructed
1849 buildings or other man-made improvements diminish or overshadow
1850 the natural resource value of a proposed acquisition, or its value relative
1851 to its cost; and (H) preservation of forest lands and bodies of water
1852 which naturally absorb significant amounts of carbon dioxide.

1853 Sec. 31. Subsection (a) of section 23-8b of the general statutes is
1854 repealed and the following is substituted in lieu thereof (*Effective July 1,*
1855 *2024*):

1856 (a) Any contract for the protection of open space entered into by the
1857 Commissioner of Energy and Environmental Protection with BHC
1858 Company, Aquarion or Kelda Group, jointly or individually, and The
1859 Nature Conservancy, for purchase of land or interests in land from said
1860 companies shall be on such terms and conditions as are approved by the
1861 commissioner. Such terms and conditions shall provide for the filing on
1862 the land records in the town in which the land is located, restrictions or
1863 easements that provide that all land or interest in land subject to such
1864 purchase is preserved in perpetuity in its natural and open condition for
1865 the protection of natural resources and public water supplies. Such
1866 restrictions or easements may allow only those recreational activities
1867 which are not prohibited in subsection [(c)] (d) of section 7-131d, as
1868 amended by this act, and shall allow for improvements and activities
1869 necessary only for land and natural resource management and safe and
1870 adequate potable water. Such permanent restrictions or easements shall
1871 be in favor of the State of Connecticut acting through the Commissioner
1872 of Energy and Environmental Protection. Such permanent restrictions
1873 or easements shall also include a requirement that the property be
1874 available to the general public for recreational purposes as permitted
1875 under subsection [(c)] (d) of section 7-131d, as amended by this act, and
1876 shall allow for the installation of such permanent fixtures as may be

1877 necessary to provide such permitted recreational activities. The
1878 Department of Energy and Environmental Protection and the state are
1879 hereby authorized to carry out and fulfill their obligations under any
1880 such contract. In addition to such rights as said companies may have
1881 pursuant to chapter 53, those rights in and to land or interests in land
1882 reserved by said companies in their conveyances to the state in
1883 accordance with the provisions of said contract shall be enforceable in
1884 equity.

1885 Sec. 32. (NEW) (*Effective July 1, 2024*) Notwithstanding the provisions
1886 of section 22a-352 of the general statutes, the Water Planning Council,
1887 as established pursuant to section 25-330 of the general statutes, shall,
1888 in undertaking the next periodic update to the state water plan in
1889 accordance with section 22a-352 of the general statutes: (1) Consider the
1890 potential impact of climate change on the quality of water resources, (2)
1891 take into account past conditions and predictions of future temperatures
1892 and precipitation when identifying the quantities and qualities of water
1893 that are available for public water supply, health, economic, recreation
1894 and environmental benefits on a regional basin scale considering both
1895 surface water and groundwater, and (3) include recommendations and
1896 an implementation plan to reduce impacts from climate change and
1897 extreme weather events on water quality and quantity.

1898 Sec. 33. (NEW) (*Effective July 1, 2024*) (a) Not later than December 31,
1899 2028, and every ten years thereafter, the Departments of Public Health
1900 and Energy and Environmental Protection and the Public Utilities
1901 Regulatory Authority shall each review their regulations pertaining to
1902 water supply and, in accordance with the provisions of chapter 54 of the
1903 general statutes, revise such regulations to incorporate the most
1904 concurrent projections on precipitation, temperature or other applicable
1905 conditions that could impact water quality, quantity and distribution.

1906 (b) Not later than December 31, 2028, and every ten years thereafter,
1907 the Departments of Public Health and Energy and Environmental
1908 Protection shall each review and revise their permitting processes for
1909 sewage disposal systems, and any attendant regulations, in accordance

1910 with the provisions of chapter 54 of the general statutes, to incorporate
1911 the most concurrent projections on precipitation, flooding, sea level rise
1912 or other applicable conditions that could impact public safety and
1913 environmental quality.

1914 Sec. 34. (NEW) (*Effective July 1, 2024*) (a) Notwithstanding any
1915 provision of the general statutes, the Commissioner of Energy and
1916 Environmental Protection may acquire, in the name of the state and for
1917 flood control and protection and associated public purposes, no more
1918 than 25.7 acres of real property, or interests or rights therein, by
1919 purchase, gift, devise or exchange, or may take the same by eminent
1920 domain in the manner provided in Part IV of chapter 238 of the general
1921 statutes, provided: (1) Such acquisition occurs prior to October 1, 2034;
1922 (2) the owner of any private property taken by eminent domain
1923 pursuant to this section shall be entitled to challenge the amount of
1924 compensation in accordance with section 13a-76 of the general statutes;
1925 and (3) such property or interest therein is located in a municipality that
1926 was incorporated in 1836 and has a population between one hundred
1927 forty thousand and one hundred fifty thousand as reported in the 2010
1928 federal decennial census and is necessary to construct a disaster relief,
1929 long-term recovery or infrastructure restoration project funded in 2016
1930 by the Community Development Block Grant-National Disaster
1931 Resilience program, 81 CFR 36557.

1932 (b) Whenever the Commissioner of Energy and Environmental
1933 Protection determines that the construction, operation, maintenance,
1934 repair or reconstruction of the property described in subdivision (3) of
1935 subsection (a) of this section or the flood control and protection
1936 improvements thereon, would necessitate the readjustment, relocation
1937 or removal of a public service facility, as defined in section 13a-126 of
1938 the general statutes, the commissioner may issue a readjustment,
1939 relocation or removal order to the company, corporation or
1940 municipality owning or operating such public service facility and such
1941 company, corporation or municipality shall readjust, relocate or remove
1942 such public service facility promptly, in accordance with such order,
1943 provided an equitable share of the cost of such readjustment, relocation

1944 or removal, including the cost of installing and constructing a public
 1945 service facility of equal capacity in a new location, shall be borne by the
 1946 state, within available appropriations, and calculated in accordance
 1947 with section 13a-126 of the general statutes, as applied to state highways
 1948 other than limited access highways.

1949 Sec. 35. (*Effective from passage*) Not later than January 1, 2025, the
 1950 Commissioner of Energy and Environmental Protection, in consultation
 1951 with the Insurance Commissioner, shall submit a report, in accordance
 1952 with the provisions of section 11-4a of the general statutes, to the joint
 1953 standing committee of the General Assembly having cognizance of
 1954 matters relating to the environment on the requirements to create a
 1955 climate resiliency fund that is funded by a surcharge on insurance
 1956 policies issued in this state for property damage, general liability,
 1957 business interruption, and any other form of business loss or similar
 1958 mechanism in relation to fossil fuel projects. Such report shall include,
 1959 but not be limited to, an inventory of relevant fossil fuel projects,
 1960 recommendations for structuring any such assessment and fund, and
 1961 mechanisms to ensure maximum compliance with such assessment. For
 1962 purposes of this section, "fossil fuel project" means any project intended
 1963 to facilitate or expand the exploration, extraction, processing, exporting,
 1964 transporting other than by truck, storage, or any other significant action
 1965 with respect to oil, natural gas or coal and includes, but is not limited to,
 1966 the construction of any infrastructure related to such activities
 1967 including, but not limited to, wells, pipelines, terminals, refineries or
 1968 utility-scale generation facilities.

1969 Sec. 36. Section 8-2f of the general statutes is repealed. (*Effective July*
 1970 *1, 2024*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	New section
Sec. 2	<i>July 1, 2024</i>	New section
Sec. 3	<i>July 1, 2024</i>	New section
Sec. 4	<i>July 1, 2024</i>	New section

Sec. 5	<i>July 1, 2024</i>	New section
Sec. 6	<i>July 1, 2024</i>	New section
Sec. 7	<i>July 1, 2024</i>	New section
Sec. 8	<i>July 1, 2024</i>	New section
Sec. 9	<i>July 1, 2024</i>	New section
Sec. 10	<i>July 1, 2024</i>	New section
Sec. 11	<i>July 1, 2024</i>	8-23(d) to (f)
Sec. 12	<i>July 1, 2024</i>	8-23(i)
Sec. 13	<i>July 1, 2024</i>	28-1(2) to (4)
Sec. 14	<i>July 1, 2024</i>	25-68o
Sec. 15	<i>July 1, 2024</i>	7-364
Sec. 16	<i>July 1, 2024</i>	13a-175a(a)
Sec. 17	<i>July 1, 2024</i>	New section
Sec. 18	<i>July 1, 2024</i>	8-35a(a) and (b)
Sec. 19	<i>July 1, 2024</i>	29-251
Sec. 20	<i>July 1, 2024</i>	29-251c(c)
Sec. 21	<i>July 1, 2024</i>	29-256a
Sec. 22	<i>July 1, 2024</i>	8-2(b) and (c)
Sec. 23	<i>July 1, 2024</i>	8-2e
Sec. 24	<i>July 1, 2024</i>	New section
Sec. 25	<i>July 1, 2024</i>	16a-27
Sec. 26	<i>July 1, 2024</i>	28-5(h)
Sec. 27	<i>July 1, 2024</i>	7-131d
Sec. 28	<i>July 1, 2024</i>	7-131e(b) and (c)
Sec. 29	<i>July 1, 2024</i>	7-131g(a)
Sec. 30	<i>July 1, 2024</i>	7-131e(a)
Sec. 31	<i>July 1, 2024</i>	23-8b(a)
Sec. 32	<i>July 1, 2024</i>	New section
Sec. 33	<i>July 1, 2024</i>	New section
Sec. 34	<i>July 1, 2024</i>	New section
Sec. 35	<i>from passage</i>	New section
Sec. 36	<i>July 1, 2024</i>	Repealer section

ENV *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:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Insurance Dept.	IF - Potential Cost	Up to \$40,000	None
Department of Energy and Environmental Protection	GF - See Below	See Below	See Below
Treasurer, Debt Serv.	GF - Potential Cost/Revenue	See Below	See Below

Note: GF=General Fund; IF=Insurance Fund

Municipal Impact: None Below

Explanation

The bill results in various impacts that are described below.

Sections 1-10 establish and outline the powers of resiliency improvement districts that are similar to increment financing districts. The sections permit municipalities to establish these resiliency improvement districts and provide guidelines for how they can be used. The impact of these sections is dependent on how municipalities use the districts.

The sections require municipalities that establish a resiliency improvement district to first develop a district master plan and financial plan. This results in a potential cost to municipalities to develop these plans. There is an additional, minimal cost to municipalities that choose to establish these districts associated with holding a public hearing. A municipality may also incur costs by issuing bonds for various economic development projects.

The sections also allow municipalities to fix the assessment of certain properties within a resiliency improvement district. This would preclude any grand list growth resulting from an increase in the assessment of the property.

Municipalities may also impose benefits assessments on real property in the district that benefits from public improvements. This may result in a potential revenue gain to municipalities that is dependent on what the change in assessed value is as a result of the improvements.

The sections require municipalities to: (1) replace any affordable housing units within the district that are demolished or reduced as a result of a resiliency improvement project, or (2) replace two units for each affordable unit that was demolished or reduced if they have to be relocated outside of the district boundary. This results in a potential cost to municipalities to the extent that affordable housing units are demolished.

Sections 11 and 12 make changes to the requirements that must be included in municipalities' Plans of Conservation and Development (POCDs), including a climate change vulnerability assessment and use of geospatial (GIS) data, among others. These sections require any POCDs adopted after October 1, 2026, to include these new requirements.¹

Beginning in FY 26, this may result in costs of up to \$20,000 for various municipalities to include the new requirements in their POCDs. Costs to municipalities will depend on what is needed to meet these requirements and may include technology, programs for GIS data, or consultants.

These provisions may also result in a revenue loss to various municipalities to the extent they are unable to adopt the POCDs with the new requirements. Failure to do so, consistent with current law,

¹ Under current law, municipalities are required to update their plan of conservation and development at least once every ten years.

results in a municipality becoming ineligible for discretionary state funding.²

Section 15 expands allowable uses of municipal reserve funds. This may result in a municipality using its reserve funds more quickly beginning in FY 25.

Section 16 expands allowable uses of Town Aid Road (TAR) grants to include building, improving, and maintaining resiliency for roads, bridges, and related structures that may be impacted by increased precipitation, flooding, sea level rise, and extreme heat. This may result in a municipality using its TAR grant more quickly beginning in FY 25.

Section 17 requires each municipality to submit a report of the culverts and bridges located within the municipality and outlines what must be included in the report, including geospatial data and any other information required by the Office of Policy and Management (OPM). This may result in a cost to various municipalities, likely beginning in FY 26, that is dependent on what information must be included in the report.

Sections 22, 23, and 36 permit and outline the requirements for municipal zoning regulations to allow for a regional transfer of development rights system. Any fiscal impact is dependent on how land is used as a result.

Sections 27-31 make various changes to bond-funded programs, including the Open Space and Watershed Land Acquisition Program (OSWA) administered by DEEP.³ Future General Fund debt service costs may be incurred sooner under the bill to the degree that it causes authorized GO bond funds to be expended or to be expended more rapidly than they otherwise would have been. The bill does not change

² Discretionary state funding includes, but is not limited to, any source of funding that a state agency administers through a competitive process. This may include: the Urban Action Program and Small Town Economic Assistance Program.

³ No change is anticipated to the portion of OSWA that is funded through the Community Investment Account.

GO bond authorizations relevant to the program.

These sections result in a potential revenue gain to various municipalities beginning in FY 25 to the extent they qualify for the grant under the expanded eligibility.

Section 34 authorizes the Department of Energy and Environmental Protection (DEEP) to acquire up to 25.7 acres of property for the Resilient Bridgeport flood control project and to ensure relocations of utilities as needed. The section reduces the state share of utilities relocations by up to 50 percent, which may result in a one-time state savings of up to approximately \$1.5 million when the project occurs in the next several years. The property acquisitions are expected to have a cost within the next few years; however, it is anticipated that both the state share of the utilities relocations and the acquisitions will be paid with federal funds.

The section also requires relocation of some utilities, including electric, which results in a potential rate increase. This legislation moves up to one-half of the cost of utility relocation from the state to utility companies which will be recovered through the normal rate process. The extent of the impact will depend on the number of utilities required to be relocated and the total cost for that relocation.

Section 35 requires DEEP, in consultation with the Insurance Department (DOI), to report on establishing a coastal resiliency fund to be supported by a surcharge on certain insurance policies. This may result in a one-time cost to DOI of up to \$40,000 in FY 25 for consultants to assist the department in recommending a fund and surcharge design to maximize compliance.

The bill includes various other requirements that do not result in a fiscal impact to the state or municipalities.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, how municipalities choose

to use the resiliency improvement districts, and the terms of any bonds issued.

OLR Bill Analysis**sSB 11****AN ACT CONCERNING CONNECTICUT RESILIENCY PLANNING
AND PROVIDING MUNICIPAL OPTIONS FOR CLIMATE
RESILIENCE.**

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SUMMARY§§ 1-10 — RESILIENCY IMPROVEMENT DISTRICTS

Creates a framework authorizing municipalities to establish resiliency improvement districts to finance capital projects addressing climate change mitigation, adaptation, or resilience; allows municipalities to finance projects in these districts by designating incremental property tax revenue and specified savings generated in the district, imposing benefit assessments on real property in the district, and issuing bonds backed by these revenue streams and other sources; allows municipalities to fix property tax assessments in the district for up to 30 years

§§ 11-12, 18 & 25 — PLANS OF CONSERVATION AND
DEVELOPMENT

Generally expands the information that must be included in local, regional, and the state's plans of conservation and development to include strategies for responding to and information related to climate change effects (e.g., increased precipitation or extreme heat)

§§ 13 & 26 — CIVIL PREPAREDNESS

Beginning October 1, 2028, requires the state's comprehensive civil preparedness plan and program to consider observed and projected climate trends related to certain situations; explicitly includes extreme heat in the state's definition of "major disaster" and incorporates prolonged or intense exposure to certain conditions as a circumstance triggering civil preparedness response

§ 14 — LOCAL EVACUATION OR HAZARD MITIGATION PLANS

Requires municipal evacuation or hazard mitigation plans to identify and address certain threats to sea level change (e.g., to critical infrastructure) and ways to avoid or reduce climate change's effects; requires use of geospatial data in identifying those threats

§ 15 — MUNICIPAL RESERVE FUNDS

Explicitly allows municipal reserve funds to cover expenditures intended to increase a capital improvement's resiliency against climate change impacts

§ 16 — TOWN AID ROAD

Expands the eligible uses of Town Aid Road program funds by adding construction, reconstruction, improvements, and maintenance to increase resiliency against increased precipitation, flooding, sea level rise, and extreme heat

§ 17 — MUNICIPAL CULVERT AND BRIDGE REPORT

Requires each municipality to submit an annual report to OPM, DOT, DEEP, and any applicable COG on its culverts and bridges

§§ 19-21 — STATE FIRE SAFETY AND BUILDING CODES

Requires at least five Code and Standards Committee members to be experienced in construction techniques that increase building resiliency to climate change effects; requires the education and training programs for code officials and certain professions to include construction technique information related to energy efficiency, GHG emissions, and building resiliency; requires amending the State Building Code to (1) include design and construction requirements related to GHG reduction and resiliency to climate change effects and (2) incorporate the most recent IECC

§ 22 — ZONING REGULATIONS

Requires that municipal zoning regulations (1) be designed to protect against sea level rise, extreme heat, and climate change and (2) provide for proper ways to mitigate and avoid the negative effects of sea level change; allows zoning regulations to (1) require or promote resilience and (2) give incentives for using flood-risk reduction building methods

§§ 22-23 & 36 — TRANSFER OF DEVELOPMENT RIGHTS SYSTEMS

Allows municipal zoning regulations to provide for (1) a regional TDR system and (2) sending and receiving sites in conjunction with a multi-town or regional TDR system; allows COGs to administer joint or multi-town TDR systems; allows two or more municipalities to set up a TDR bank; and sets criteria for eligible sending and receiving sites

§ 24 — PROPERTY FORTIFICATION WORKING GROUP

Requires the insurance commissioner, within available resources, to convene a working group to study homeowner and small business

building fortification needs related to potential losses from natural disasters, hazards, and climate change; requires the working group to submit its findings and recommendations by January 1, 2025

§§ 27-31 — OPEN SPACE AND WATERSHED LAND ACQUISITION GRANT PROGRAM

Allows up to 5% of OSWA grants to reimburse for in-kind services or incidental expenses under certain circumstances; expands the circumstances under which OSWA grant funds may be used to restore or protect open space already owned by the applicant, such as when the land is in an environmental justice community; increases the membership of the Natural Heritage, Open Space and Watershed Land Acquisition Review Board to include two DEEP-appointed members who represent or are from certain communities, such as environmental justice areas; makes conforming changes (§§ 30 & 31)

§ 32 — STATE WATER PLAN UPDATE

Requires the state water plan's next update to (1) consider (a) the potential impact of climate change on water resource quality and (b) temperatures and precipitation information when identifying water quantities and qualities for various uses and (2) include recommendations and an implementation plan for reducing effects on water from climate change and extreme weather

§ 33 — WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REGULATION AND PERMIT REVIEW

On a 10-year basis beginning by the end of 2028, requires DEEP, DPH, and PURA to review and revise their water supply regulations and DEEP and DPH to review and revise their sewage disposal system permitting processes and related regulations, all to include certain projections

§ 34 — EMINENT DOMAIN FOR FLOOD CONTROL IN BRIDGEPORT

Authorizes DEEP to acquire certain property in Bridgeport related to a flood control and protection project; prescribes a process for DEEP, if needed, to require the relocation or removal of public service facilities

§ 35 — CLIMATE RESILIENCY FUND REPORT

Requires the DEEP commissioner, in consultation with the insurance commissioner, to report to the Environment Committee on creating a coastal resiliency fund supported by a surcharge on certain insurance policies

BACKGROUND

SUMMARY

This bill makes changes in laws related to planning for and preparing against certain hazards and climate change (e.g., sea level rise, rising groundwater, extreme heat, drought, or flooding). Among other things, the bill:

1. creates a framework for municipalities to establish resiliency improvement districts;
2. requires updates to local, regional, and state plans of conservation and development, the state's civil preparedness plan, and local evacuation or hazard mitigation plans;
3. requires (a) the state's Code and Standards Committee to have people with experience in construction techniques related to building resiliency and (b) revisions to the State Building Code to include design and construction techniques related to greenhouse gas (GHG) reduction and resiliency;
4. allows municipal zoning regulations to provide for regional transfer of development rights systems; and
5. requires updates to the state water plan and reviews of water supply and sewage disposal system regulations to account for certain projections.

A section-by-section analysis follows below.

EFFECTIVE DATE: July 1, 2024, except the climate resiliency fund report provision is effective upon passage (§ 35).

§§ 1-10 — RESILIENCY IMPROVEMENT DISTRICTS

Creates a framework authorizing municipalities to establish resiliency improvement districts to finance capital projects addressing climate change mitigation, adaptation, or resilience; allows municipalities to finance projects in these districts by designating incremental property tax revenue and specified savings generated in the district, imposing benefit assessments on real property in the district, and issuing bonds backed by these

revenue streams and other sources; allows municipalities to fix property tax assessments in the district for up to 30 years

Overview

The bill allows municipalities, through their legislative bodies, to establish a resiliency improvement district to finance capital projects meant to address climate change mitigation, adaptation, or resilience. It allows a municipality to finance projects in the district by (1) designating all or part of the new or incremental real property tax revenue and specified savings generated in the district for repaying the costs incurred to fund the projects; (2) imposing assessments on real property in the district benefiting from certain public improvements (i.e., benefit assessments); and (3) issuing bonds with up to 30-year terms backed by various sources, including these revenue streams, to pay project costs.

The bill imposes certain criteria for designating a resiliency improvement district that generally parallel those in existing law for designating a tax increment financing district. It specifies a process for establishing a resiliency improvement district that, among other things, requires a municipality to (1) consider the proposed district's contribution to the municipality and its residents, (2) determine whether it conforms with its plan of conservation and development, and (3) hold at least one public hearing on the proposal.

It requires a municipality's legislative body to adopt a master plan for the resiliency improvement district and prescribes the plan's components, including a financial plan that defines the costs and revenue sources required to accomplish the master plan. It also allows municipalities to fix property tax assessments in the district for up to 30 years.

To carry out a district master plan, the bill allows municipalities to issue bonds with up to 30-year terms backed by various sources, including (1) their full faith and credit (i.e., general obligation (GO) bonds); (2) the income, proceeds, revenues, and property within the district; and (3) tax increment revenues, increased savings, and benefit assessments.

Establishing the District (§ 2(a), (d) & (e))

The bill allows a municipality's legislative body to establish a resiliency improvement district within the municipality's boundaries subject to the bill's requirements. (Under the bill, a "municipality" is a town, city, borough, consolidated town and city, or consolidated town and borough.) The district is effective when the legislative body approves it and adopts a district master plan, as described below. If the municipality operates under a charter that prohibits these districts, the bill prohibits the municipality from establishing one.

The bill also allows two or more contiguous municipalities to enter into an interlocal agreement to set up a district and adopt a district master plan for a district made up of contiguous properties partially located in each. They must adopt the agreement before they set up the district or plan according to the interlocal agreement law. The agreement must divide among the participating municipalities any power, right, duty, or obligation set out in the bill. As with other districts, joint districts are effective when the respective legislative bodies approve it and adopt a district master plan.

Advisory Board (§ 9)

The bill allows the legislative body of each applicable municipality to create a board to advise it and designated administrative entities on (1) planning, building, and implementing the district master plan and (2) maintaining and operating the district after the plan's completion. The advisory board's members must include people who own or occupy real property in or adjacent to the district.

Conditions for Approval (§ 3)

The bill requires municipalities (through their legislative bodies or board of selectmen if the legislative body is a town meeting) to take certain steps before establishing a district and approving a district master plan.

Planning Commission. The municipality must give the proposed district master plan to its planning commission, if it has one, and ask it

to study the plan and issue a written advisory opinion, including a determination as to whether the plan is consistent with the municipality's plan of conservation and development.

Public Hearing. The municipality must hold at least one public hearing on the proposed district. It must publish notice of the hearing at least 10 days in advance in a conspicuous place on the municipality's website (or municipalities' websites, in the case of a joint district) and include (1) the hearing's date, time, and place; (2) a legal description of the proposed district's boundaries; and (3) the draft district master plan. The draft plan must also be (1) available for people to physically review it and (2) posted on each applicable municipality's website.

Approval Criteria. The municipality must determine whether the proposed district meets certain criteria. First, it must consider whether the proposed district and district master plan will contribute to the municipality's well-being or improve its residents' health, welfare, or safety.

In addition, it must determine whether the proposed district meets the following conditions:

1. it must contain an area that experiences, or is likely to experience, adverse impacts from hazards or climate change (e.g., sea level rise, rising groundwater, extreme heat, drought, or flooding);
2. it must have been identified in (a) a municipal hazard mitigation plan, (b) local or regional plan of conservation and development, or (c) another related planning process;
3. the plan must show that it reduces risks from these identified adverse impacts in the district;
4. a portion of its real property must be suitable for commercial, industrial, mixed-use, or retail uses or transit-oriented development; and
5. it must not increase the vulnerability and risk to adjacent

properties or other hazards in the district.

If there are existing residential uses in the district, the proposed district must also provide for replacing or renovating these residential buildings under certain conditions. Specifically, if the district is in a flood zone or within the sea level rise boundaries in the sea level change scenario for Connecticut published by UConn's Marine Sciences Division, it must:

1. include a height standard of at least two feet of freeboard above the base flood elevation, or as designated by the state building code or municipal building requirements, whichever imposes a greater height standard, and indicate whether building or renovating commercial or industrial buildings must be flood-proofed or elevated; and
2. allow vehicles to access these buildings at a height of two feet above base flood elevation.

Lastly, the original assessed value of the proposed district (i.e., the value of all taxable real property in the district as of the prior October 1), plus the original assessed value of all of the existing tax increment districts within the relevant municipalities, cannot exceed 10% of the total value of taxable property in the municipalities as of the October 1 immediately before the district's establishment. This calculation does not include any districts consisting entirely of contiguous property owned by a single taxpayer (i.e., parcels divided by a road, power line, railroad line, or right-of-way).

Dissolving the District of Changing Its Boundaries (§ 2(c))

Under the bill, a municipality's legislative body may generally vote to dissolve a district or change its boundaries at any time. But it may not dissolve the district or decrease its boundaries if the district has any outstanding bonds, other than municipal GO bonds.

District Powers (§ 2(b) & (f))

Development. The bill authorizes a municipality, within a district

and consistent with its district master plan, to:

1. acquire, construct, reconstruct, improve, preserve, alter, extend, operate, and maintain property or promote development to meet the plan's objectives (in doing so, it may acquire property, land, and easements through negotiation or by other legal means);
2. execute and deliver contracts, agreements, and other documents related to the district's operation and maintenance;
3. issue bonds and other obligations as the bill allows;
4. enter into fixed assessment agreements for real property in the district, subject to the restrictions described below;
5. accept grants, advances, loans, or other financial assistance from public or private sources and do anything necessary or desirable to secure such aid (the bill specifies that this funding includes funds from the Climate Change and Coastal Resiliency Reserve Fund, stormwater authorities, and flood prevention, climate resilience, and erosion control systems); and
6. according to terms it establishes, (a) provide services, facilities, or property; (b) lend, grant, or contribute funds; and (c) take any other action it is authorized to perform for other municipal purposes.

These powers are in addition to those the municipality has under the Constitution, the statutes, special acts, or the bill's other provisions.

Fixing Assessments in the District. The bill allows a municipality, through its board of selectmen, town council, or other governing body, to enter into written agreements with a taxpayer to fix the assessment of real property in the district for up to 30 years. The property's fixed assessment, plus the value of any future improvements, cannot be less than its assessment as of the last regular assessment date without the future improvements.

Fixed assessment agreements must be recorded on the municipality's land records. This recording (1) constitutes notice to the property's subsequent purchasers or encumbrancers, whether they acquire the property voluntarily or involuntarily, and (2) is binding.

A municipality may bring an action in the Superior Court for the judicial district in which it is located to force a taxpayer to comply with the agreement's terms.

Tax Abatements for Affordable Housing in the District. The bill specifies that it does not limit a municipality's authority under the law to offer, enter into, or change any tax abatement for real property in the district if that property has at least one affordable housing unit. (By law, a unit is affordable if it costs a household no more than 30% of its income, for households making up to the median income of the town where the unit is located.)

District Master Plan (§ 4)

Requirement. The bill requires a municipality's legislative body to adopt a (1) "district master plan" for the district and (2) statement of the percentage or amount of "increased assessed value" that will be designated as "captured assessed value" under the plan, as described below. It must adopt the plan (1) at the same time it adopts the district, subject to the bill's procedures, and (2) after receiving the planning commission's (or combined planning and zoning commission's) written advisory opinion or 90 days after it requested the opinion, whichever comes first.

Purpose. Under the bill, the "district master plan" is a statement of means and objectives prepared by the municipality, or municipalities acting under an interlocal agreement, relating to a district designed to do the following:

1. reduce the risk of, or exposure to, extreme events, hazards, and climate change effects;
2. support economic development;

3. provide housing opportunities in existing residential areas;
4. improve or broaden the tax base; and
5. build or improve the physical facilities and structures needed for “resilience projects,” “environmental infrastructure,” or “clean energy projects.”

Under the bill, “resilience projects” are those (including capital projects) designed and implemented to address climate change mitigation, adaptation, or resilience. They include projects (1) mitigating the effects of river, bay, sea, or groundwater rise; extreme heat or the urban heat island effect; or drought and (2) meant to reduce flooding risk. (By law, “resilience” is the ability to prepare for and adapt to changing conditions and withstand and recover rapidly from deliberate attacks, accidents, or naturally occurring threats or incidents, such as those associated with climate change.)

“Environmental infrastructure” is structures, facilities, systems, services, and improvement projects related to water, waste and recycling, climate adaptation and resiliency, agriculture, land conservation, parks and recreation, and environmental markets such as carbon offsets and ecosystem services. “Clean energy projects” are renewal energy projects using Class I renewable sources (e.g., wind and solar).

Components. The district master plan must include:

1. a legal description of the district’s boundaries;
2. the tax identification numbers for its lots or parcels;
3. the present condition and uses of its land and buildings and how building and improving physical facilities or structures will reduce or eliminate risk from existing or expected hazards;
4. the district’s existing or expected hazards;
5. the public facilities, improvements, or programs anticipated to be

-
- financed in whole or part;
6. if the district has existing residential housing, a housing plan to rehabilitate, build, or replace the housing, subject to the state's plan of conservation and development and consolidated plan for housing and community development, that includes meaningful efforts to reduce displacement plans;
 7. a plan for maintaining and operating the resiliency improvements after they are completed;
 8. the district's maximum duration, which cannot exceed 50 fiscal years, beginning with the year in which the district is established; and
 9. a financial plan, as described below.

Financial Plan Component. The bill requires the district master plan to include a financial plan that identifies the project costs and revenue sources required to accomplish the district master plan. The financial plan must contain:

1. cost estimates (a) for the anticipated public improvements and developments and (b) to support relocating or temporarily housing displaced residents;
2. the maximum amount of indebtedness to be incurred to implement the plan;
3. the anticipated revenue sources (e.g., increased savings, fees, assessments, grants, or other sources);
4. a description of the terms and conditions of any agreements, including any anticipated savings agreements, assessment agreements, contracts, or other obligations related to the master plan;
5. estimates of the district's increased assessed values and increased savings; and

6. for each year, the (a) portion of the increased assessed values and savings that will be applied to the plan as captured assessed values and (b) resulting tax increments.

Amending and Reviewing the Master Plan. The bill (1) authorizes the legislative body of each applicable municipality to amend the master plan and (2) requires it to review the plan at least once every 10 years after its initial approval in order for the district and plan to remain in effect. (However, as long as any debt authorized and issued by the municipality under the bill's authority is outstanding, a district cannot be dissolved for failing to comply with this requirement.) The bill specifies that these provisions do not apply to plans that include development funded in whole or part by federal funds, if prohibited by federal law.

Tax Increment Revenues (§ 5)

In addition to imposing benefit assessments to finance projects, the bill allows municipalities to finance projects using the incremental (1) real property tax revenue generated in the district ("tax increment") and (2) savings to district residents or businesses resulting from the reduction of any existing insurance premium or other premium, surcharge, or fee after the district's implementation ("increased savings"). It also allows the municipality to use this revenue stream to repay the bonds issued to finance the projects, as described below.

Captured Assessed Value. The bill generally allows each applicable municipality to designate all or part of the district's tax increment and increased savings to finance all or part of the district's master plan. In the case of any existing or planned residential use in the district, it allows the municipality to use the percentage of this revenue and savings needed to (1) rehabilitate, build, or replace dwellings and (2) increase or improve access to affordable housing within the municipality, either in or adjacent to the district.

Under the bill, the amount of tax increment revenue designated by the municipality is determined by the district's "captured assessed

value,” that is, the percentage or amount of the incremental increase in property values (“increased assessed value”) that is used from year to year to finance the plan’s project costs. The incremental increase in property values is the amount by which the value of the district’s property as of October 1 of each year (“current assessed value”) exceeds its value as of October 1 of the tax year before the district was established (“original assessed value”). The captured assessed value is subject to any fixed assessment agreements.

Once the municipality establishes the district and adopts its master plan, its assessor must certify the original assessed value of the taxable real property within the district’s boundaries. The assessor must also annually certify the:

1. current assessed value of the district’s taxable real property,
2. amount by which the current assessed value has increased or decreased from the original assessed value, and
3. amount of the captured assessed value.

Apportioning Property Taxes in the Municipality. The bill requires that property taxes paid by property owners within the district be apportioned equally with the property taxes paid by other property owners in the municipality located outside the district. It specifies that its provisions do not authorize the unequal apportionment or assessment of taxes on real property in the municipality.

District Master Plan Fund (§ 5(c))

Under the bill, municipalities that designate a percentage or amount of captured assessed value in their district master plans must establish a fund for depositing the resulting incremental tax revenues and paying project costs. They must also deposit in the fund any benefit assessments imposed on real property in the district, as described below.

Account Structure. The fund must consist of a (1) project cost account and (2) development sinking fund account for any bonds issued

to carry out or administer the district master plan. The bill authorizes the municipality to transfer funds between the accounts, as long as the transfers do not result in a balance in either account that is insufficient to cover its annual obligations.

The project cost account is pledged to and charged with paying project costs outlined in the financial plan, including reimbursing project cost expenditures incurred by a public body (e.g., the municipality, a developer, property owner, or other third-party entity), other than reimbursements paid with bond proceeds.

The development sinking fund account is pledged to and charged with (1) paying interest and principal on district bonds as they come due, including any redemption premium; (2) paying the costs of providing or reimbursing any entity that provides a guarantee, letter of credit, bond insurance policy, or other credit enhancement device used to secure debt service payments on district bonds; and (3) funding any required reserve fund.

Depositing Tax Increment Revenues. The municipality must annually set aside all tax increment revenues on captured assessed values and deposit the revenues in a specific order. The revenues must first go to the development sinking fund account, in an amount necessary to pay the annual debt service on the bonds issued (taking into account estimated future revenues that will be deposited to the account and earnings on this amount), excluding any GO bonds issued by the municipality that are backed solely by its full faith and credit. Any remaining revenues must go to the project cost account.

Excess Revenues. At any time during the district's term, the municipality's legislative body may vote to return to the municipality's general fund any tax increment revenues remaining in either account that exceed the amount necessary to pay the account's obligations. In doing so, it must take into account any transfers made between the accounts.

Audit Requirement. The bill requires the district master plan fund

and its accounts to be audited annually by an independent auditor according to generally accepted accounting principles. The audit report must be (1) open to public inspection and (2) provided to the Auditors of Public Accounts.

Eligible Costs (§ 6)

The bill limits the use of a district master plan fund to paying certain costs for (1) improvements made within the district, (2) improvements made outside the district that are directly related to or necessary for the district's establishment or operation, and (3) environmental improvement projects developed by the municipality that are associated with the district.

Improvements Made in the District. The bill allows the fund to pay the following costs for improvements made within the district:

1. capital costs, as described below;
2. financing costs, including closing and issuance costs, reserve funds, and capitalized interest;
3. real property assembly costs;
4. technical and marketing assistance program costs;
5. professional service costs, including licensing, architectural, planning, engineering, development, and legal expenses;
6. maintenance and operation costs (i.e., the cost of the activities necessary to maintain and operate facilities after their development, including informational, promotional, and education programs, as well as safety and surveillance activities);
7. administrative costs, including reasonable charges for the time municipal employees, other agencies, or third-party entities spend implementing a district master plan; and
8. organizational costs related to the district's planning and

establishment, including the cost of conducting environmental impact studies, informing the public about the district, and implementing the district master plan.

Under the bill, capital costs include the cost of:

1. acquiring or constructing land, improvements, infrastructure, measures designed to improve resilience, environmental infrastructure, clean energy projects, public ways, parks, buildings, structures, railings, signs, landscaping, plantings, curbs, sidewalks, turnouts, recreational facilities, structured parking, transportation improvements, pedestrian improvements, and other related improvements, fixtures and equipment for public or private use;
2. demolishing, altering, remodeling, repairing, or reconstructing existing buildings, structures, and fixtures;
3. remediating environmental contamination;
4. preparing a site and finishing work; and
5. incurring associated fees and expenses, such as licensing, permitting, planning, engineering, architectural, testing, legal, and accounting expenses.

Improvements Made Outside the District. For improvements made outside the district that are directly related to or necessary for establishing or operating the district, the fund may pay the:

1. portion of the costs reasonably related to constructing, altering, or expanding facilities required due to improvements or activities within the district, including roadways, traffic signals, easements, sewage or water treatment plants or other environmental protection devices, storm or sanitary sewer lines, water lines, electrical lines, fire station improvement, and street signs;

2. costs of public safety and public school improvements made necessary by the district's establishment; and
3. costs of mitigating any of the district's adverse impacts on the municipality and its constituents.

Benefit Assessments (§ 7)

Funding Mechanism. Under the act, a municipality that constructs, improves, extends, equips, rehabilitates, repairs, acquires, provides a grant for public improvements in a district, or finances the cost of these public improvements may assess a proportion of these costs as a benefit assessment on real property in the district that benefits from these public improvements. It may, by ordinance, apportion the value of the improvements according to a formula that reflects the actual benefits accruing to the various properties because of the development and maintenance (presumably, the public improvements and their maintenance).

The municipality may (1) require property owners to pay the benefit assessments in annual installments for up to 50 years and (2) forgive the benefit assessments in any given year without affecting future installments. The municipality may assess buildings or structures constructed or expanded in the district after the initial benefit assessment is imposed as if they had existed at the time of the original benefit assessment.

Revising and Adopting the Assessments. The municipality must revise and adopt the assessments at least once a year within 60 days before the start of the fiscal year. If the municipality imposes the benefit assessments before acquiring or constructing the public improvements, it may subsequently adjust the assessments once the improvements are complete to reflect their actual cost.

Public Hearing and Notice Requirement. Before estimating and imposing a benefit assessment, the municipality must hold at least one public hearing on the payment schedule or any revisions to it. It must publish a notice of the hearing at least 10 days in advance in a

conspicuous place on the municipality's website (or municipalities' sites for joint districts). The notice must include:

1. the hearing's date, time, and place;
2. a legal description of the district's boundaries;
3. a statement that all interested property owners in the district will be given an opportunity to be heard at the hearing and file objections to the assessment amount;
4. the maximum assessment to be extended in any one year; and
5. a statement indicating that the proposed list of properties to be assessed and the estimated assessments against those properties are available at the town or assessor's office.

The notice may also include the maximum number of years that the assessments will be levied. The municipality must make the proposed benefit assessment schedule available to any member of the public, upon request, by the notice's publication date.

The bill generally applies the same statutory public hearing and appeal procedures to district benefit assessments as apply under existing law to municipal sewer system benefit assessments levied by water pollution control authorities (CGS § 7-250). It substitutes the municipality's board of finance (or legislative body if it has no board of finance) for the water pollution control authority for purposes of this process. The municipality must also follow this notice and hearing process when increasing benefit assessments or extending the number of years that they will be levied.

Collection and Enforcement. The municipality has the same powers to collect and enforce the benefit assessments as it does for municipal taxes. It must establish the payment due date and provide notice of the due date at least 30 days in advance by (1) publishing it in a conspicuous place on each applicable municipality's website (with the posting's date and time) and (2) mailing it to the last known address of

the affected property owners. Assessment revenues must be paid into the appropriate district master plan fund account.

Unpaid benefit assessments are liens against the property. Property owners must pay the same interest rate on delinquent assessments as on delinquent property taxes (1.5% per month or 18% per year). The liens (1) may be continued, recorded, and released in the same manner as property tax liens; (2) take precedence over all other liens and encumbrances, except those for municipal property taxes; and (3) may be enforced in the same way as property tax liens.

Bonds (§ 8)

To carry out or administer a district master plan or other functions under the bill's provisions, municipalities may issue bonds and other obligations (e.g., refunding bonds, notes, interim certificates, and debentures) backed by:

1. their full faith and credit (i.e., GO bonds);
2. the income, proceeds, revenues, and property within the district, including grants, loans, advances, or contributions from state, federal, or other sources;
3. tax increment and increased savings revenues and benefit assessments; or
4. any combination of these sources.

Under the bill, only the municipality's GO bonds count towards its bond cap.

The bill requires municipalities to authorize these bonds, without the state's consent, by resolution of its legislative body, regardless of any other statute, municipal ordinance, or charter provision governing municipal bond issuances. The municipality's legislative body, or the municipal officers to which the legislative body delegates authority for issuing the bonds, must determine:

1. how the bonds will be issued and sold;
2. their interest rates, including variable rates;
3. the term over which they will mature, which must be no more than 30 years;
4. when interest will be paid;
5. whether and under what terms bonds may be purchased or redeemed; and
6. all other issuing conditions.

It allows the municipality to secure the bonds by executing a trust agreement with a bank or trust company that contains reasonable provisions for protecting and enforcing bondholders' rights. Any pledge the municipality makes concerning such agreement is (1) valid and binding from the time it is made; (2) immediately subject to a lien without physical delivery of the money; and (3) valid and binding against all parties with claims against the board, regardless of whether the parties received specific notice of the lien. (It is unclear if this refers to the advisory board or some other entity.) It specifies that any expenses the municipality incurs in carrying out the trust agreement may be treated as project costs.

The bill assures bondholders that state and local entities may invest in the bonds and that the state will not limit or alter the district, or the municipality's powers and duties with respect to the district, until the bonds are repaid.

The bill specifies that its provisions do not restrict a municipality's ability to raise revenue to pay project costs by any other legal means.

Priority Projects (§ 10)

Under the bill, districts must prioritize the solicitation, selection, and design of infrastructure projects designed to increase resilience and that either:

1. use natural and nature-based solutions meant to restore, maintain, or enhance ecosystem services and processes that maintain or improve environmental quality in or near the district or
2. address the needs of environmental justice communities (i.e., distressed municipalities or areas where at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level) or vulnerable communities (i.e., populations that may be disproportionately affected by climate change).

If the resiliency project results in affordable housing being demolished or reduced, the municipality, resiliency project developer, property owner, or a third-party entity must commit to replacing these units in the district within four years. If this is not feasible within the district, then the units must be replaced reasonably close to the district at a rate of at least two units for each one that would have otherwise been replaced in the district.

§§ 11-12, 18 & 25 — PLANS OF CONSERVATION AND DEVELOPMENT

Generally expands the information that must be included in local, regional, and the state's plans of conservation and development to include strategies for responding to and information related to climate change effects (e.g., increased precipitation or extreme heat)

Plans of conservation and development are statements of development, resource management, and investment policies created by certain government entities. Municipalities and regional councils of government (COGs) must update their plans at least once every 10 years; the Office of Policy and Management (OPM) must submit an updated plan to the legislature for its approval once every five years (CGS §§ 8-23, 8-35a and 16a-24 et seq.).

The bill makes changes to each type of plan (i.e., local, regional, and state) to include strategies for responding and information related to climate change effects, as described below.

Local Plans (§§ 11 & 12)

Required Considerations. State law sets out what local planning commissions (or a special committee a commission appoints) must consider when preparing local plans of conservation and development, including things like the municipality's needs; protecting and preserving agriculture; using development patterns that are consistent with the municipality's soil, terrain, and infrastructure capacity; the state and regional plans of conservation and development; and the most recent sea level change scenario. For plans adopted on or after October 1, 2026, the bill broadens the commissions' considerations to include the most recent hazard and climate projections from federal and state authorities, such as the National Oceanic and Atmospheric Administration (NOAA), Federal Emergency Management Agency (FEMA), the Environmental Protection Agency (EPA), and UConn.

Plan Purposes. State law sets the requirements for local plans of conservation and development. The bill adds to the mandated content by requiring plans, adopted beginning October 1, 2026, to:

1. include a climate change vulnerability assessment;
2. take into account identified threats, vulnerabilities, and impacts from the vulnerability assessment for the recommended most desirable land uses;
3. note inconsistencies with reducing vehicle mileage as a growth management principle;
4. identify infrastructure (e.g., facilities, public utilities, roadways) that is critical for evacuation and sustaining quality of life during a natural disaster and must always be operational;
5. identify strategies and design standards that may be used to avoid or reduce risks from natural disasters, hazards, and climate change; and
6. include geospatial data that is (a) used to prepare the plan or (b) needed to convey the plan's information.

The bill allows local plans of conservation and development to identify areas vulnerable to climate change effects to prioritize finding for infrastructure needs and resilience planning.

Under the bill, the climate change vulnerability assessment must (1) be based on information from the above-referenced state and federal authorities (i.e., NOAA, FEMA, EPA, and UConn) and (2) assess existing and anticipated threats to and vulnerabilities from natural disasters, hazards, and climate change (e.g., increased temperatures, drought, flooding, storm damage, and sea level rise). It must also assess the impacts of the disasters and hazards to individuals, communities, institutions, businesses, economic development, public infrastructure and facilities, public health, safety, and welfare.

Additionally, the assessment must:

1. identify goals, policies, and techniques to avoid or reduce the above threats, vulnerabilities, and impacts;
2. describe any consistencies and inconsistencies between the assessment and any existing or proposed municipal natural hazard mitigation plan, floodplain management plan, comprehensive emergency operations plan, emergency response plan, post-disaster recovery plan, long-range transportation plan, or capital improvement plan; and
3. identify and recommend any needed (a) integration of data from the assessment into these plans and (b) actions to make the assessment and plans consistent.

Lastly, the bill allows a planning commission or its special committee to use information and data from the plans that are compared for consistency as part of the vulnerability assessment (e.g., hazard mitigation or emergency response plans) when preparing the plan of conservation and development. This explicitly includes using a document the applicable COG coordinated with separate provisions for each municipality. However, this data cannot be incorporated by

reference; the bill requires it to be summarized and applied in the plan to the municipality's specific policies, goals, and standards.

Optional Commission Recommendations. The bill similarly expands the topics for which commissions and special committees may make recommendations in their plans. Existing law permits recommendations for things such as airports; parks; locations for public buildings, public utilities, public housing projects; programs to implement the plan; and priority funding areas.

The bill also permits recommendations for a (1) land use program to promote reducing and avoiding risks from natural disasters, hazards, and climate change and (2) transfer of development rights program, which sets criteria for sending and receiving sites and related technical details (see § 23 below). It specifies that the recommended land use program may be a resiliency improvement district, which the bill authorizes municipalities to establish (see §§ 1-10 above).

Plan Submission. Under existing law, the planning commission must submit a copy of the plan to OPM, along with a description of any inconsistencies between the plan and the state plan of conservation and development, within 60 days after adopting it. The bill requires that (1) the submission include the geospatial data used to prepare the plan, as prescribed by the OPM secretary and (2) the described inconsistencies include a comparison with the applicable regional plan of conservation and development.

Regional Plans (§ 18)

By law, regional conservation and development plans must, among other things, identify areas where it is feasible and prudent to promote compact, transit-accessible, pedestrian-oriented mixed use development patterns. They also note inconsistencies of those patterns with certain specified growth management principles, such as protecting environmental assets that are critical to public health and safety. The bill adds protecting ecosystem services to this principle.

Current law allows for regional plans of development to encourage

energy-efficient development patterns, use of solar and other forms of renewable energy, and energy conservation. Under the bill, the plans may also include land use strategies to reduce climate change effects and the development patterns must be resilient in addition to energy efficient.

The bill also requires these plans, beginning October 1, 2025, to (1) show consistency with the regional long-range transportation plan and the regional summary of the hazard mitigation plan (where there is a regional hazard mitigation plan) and (2) identify critical facilities in the region along with geospatial data showing the facilities’ location, address, and general function. This data must be available to the Department of Emergency Services and Public Protection (DESPP) and OPM if either asks for it.

State Plan (§ 25)

The state plan of conservation and development (POCD) is a five-year plan to guide state agency action affecting land and water resources. OPM, through its secretary, prepares revisions to the plan and the law specifies numerous considerations and components the POCD must address and include (CGS § 16a-24 et seq.).

The bill broadens the required considerations and recommendations related to flooding and erosion beginning with POCDs adopted after the adoption of the 2025-2030 POCD, which is currently under development. Specifically, as shown in the table below, these later plans must also (1) consider risks from changes in the rate and timing of precipitation and increased average temperatures from extreme heat; (2) identify impacts from the extreme heat and drought; and (3) make land use strategy recommendations that minimize risks to public health, infrastructure, and the environment.

Table: Required POCD Contents Under Current Law and the Bill

<i>Current Law (2025-2030 POCD)</i>	<i>Future POCDs Under the Bill</i>
Consider risks due to increased coastal flooding and erosion (depending on site topography), based on the most recent sea	Consider risks due to: <ul style="list-style-type: none"> increased flooding and erosion (depending on site topography), based

Current Law (2025-2030 POCD)	Future POCDs Under the Bill
level change scenario for Connecticut published by UConn’s Marine Sciences Division	on the most recent sea level change scenario for Connecticut published by UConn’s Marine Sciences Division and <ul style="list-style-type: none"> • changes in the rate and timing of annual precipitation and increased average temperatures from extreme heat
Identify impacts from the increased flooding and erosion on infrastructure and natural resources	Identify impacts from the extreme heat, drought, and increased flooding and erosion on infrastructure and natural resources
Make recommendations for siting future infrastructure and property development to minimize using areas prone to the flooding and erosion	Make recommendations for: <ul style="list-style-type: none"> • siting future infrastructure and property development to minimize using areas prone to the flooding and erosion and • land use strategies that minimize risks to public health, infrastructure, and the environment
Consider the state’s GHG reduction goals*	Consider the state’s GHG reduction goals*

*The Global Warming Solutions Act requires the state to reduce GHG emissions to certain levels, like 45% below 2001 emission levels by January 1, 2023, and 80% below 2001 emission levels by January 1, 2050. It also requires the state to reduce GHG emissions from electricity supplied to electric customers in the state to zero percent by January 1, 2040 (CGS § 22a-200a).

§§ 13 & 26 — CIVIL PREPAREDNESS

Beginning October 1, 2028, requires the state’s comprehensive civil preparedness plan and program to consider observed and projected climate trends related to certain situations; explicitly includes extreme heat in the state’s definition of “major disaster” and incorporates prolonged or intense exposure to certain conditions as a circumstance triggering civil preparedness response

By law, the DESPP commissioner must prepare a comprehensive state plan and program for civil preparedness (activities and measures to address certain disasters or emergencies), subject to the governor’s approval. Beginning October 1, 2028, the bill requires the plan and program to consider observed and projected climate trends related to extreme weather events, drought, coastal and inland flooding, storm surge, wildfire, extreme heat, and any other hazards the commissioner deems relevant.

Additionally, under current law, “civil preparedness” includes a range of activities and measures to be taken in anticipation of, during, and in response to an attack, major disaster, or emergency. The bill expands this definition to include prolonged or intense exposure to

precipitation, drought, heat, fire, and flooding as a circumstance triggering action. It also expands what constitutes a “major disaster” by explicitly including extreme heat. By law, a “major disaster” is a catastrophe that either the President determines needs major disaster assistance or the governor determines requires a civil preparedness emergency declaration. The gubernatorial declaration authorizes the governor to personally take direct operational control of state civil preparedness functions and take certain other actions (e.g., apply for federal financial assistance, clean up debris, take possession of certain property) (CGS §§ 28-9, -9b, -9c and -11). The law similarly allows, if there is a major disaster, the chief executive officer of the municipality in which it occurs to take actions to mitigate it (CGS § 28-8a).

§ 14 — LOCAL EVACUATION OR HAZARD MITIGATION PLANS

Requires municipal evacuation or hazard mitigation plans to identify and address certain threats to sea level change (e.g., to critical infrastructure) and ways to avoid or reduce climate change’s effects; requires use of geospatial data in identifying those threats

Beginning October 1, 2025, the bill requires municipal evacuation plans and municipal hazard mitigation plans to identify and address (1) threats to surface transportation, critical infrastructure, and local land uses due to sea level change and (2) actions, strategies, and capital projects to avoid or reduce impacts and risks from climate change (e.g., increased precipitation, flooding, sea level rise, and extreme heat). The transportation, infrastructure, land uses, actions, strategies, and capital projects must be identified in geospatial data, as applicable, which must be provided to DESPP and OPM if they ask for it. This work may be done regionally.

§ 15 — MUNICIPAL RESERVE FUNDS

Explicitly allows municipal reserve funds to cover expenditures intended to increase a capital improvement’s resiliency against climate change impacts

Existing law restricts the use of municipal reserve funds to specified purposes, including financing capital and nonrecurring expenditures to plan, construct, reconstruct, or acquire a specific capital improvement. The bill explicitly allows the funds to cover these expenditures when they are intended to increase a capital improvement’s resiliency against climate change impacts (e.g.,

increased precipitation, flooding, sea level rise, and extreme heat).

As under existing law, reserve funds may also be used to (1) acquire a specific piece of equipment, (2) pay property tax revaluation costs, and (3) pay the costs associated with preparing, amending, or adopting a municipal plan of conservation and development. By law, the municipality's budget-making authority must recommend, and its legislative body must approve, any expenditure from the reserve fund.

§ 16 — TOWN AID ROAD

Expands the eligible uses of Town Aid Road program funds by adding construction, reconstruction, improvements, and maintenance to increase resiliency against increased precipitation, flooding, sea level rise, and extreme heat

The bill expands the eligible uses of municipal Town Aid Road (TAR) program grants to include construction, reconstruction, improvements, and maintenance to increase resiliency against increased precipitation, flooding, sea level rise, and extreme heat.

By law, \$12.5 million of money appropriated to the Department of Transportation (DOT) is allocated each fiscal year for distribution under the TAR program. Currently, municipalities can use their TAR grant for a variety of activities like highway and bridge construction or maintenance, snow plowing and sanding, tree trimming or removal, installing traffic signs and signals, traffic control, vehicle safety programs, parking planning, and providing essential public transportation services and facilities.

§ 17 — MUNICIPAL CULVERT AND BRIDGE REPORT

Requires each municipality to submit an annual report to OPM, DOT, DEEP, and any applicable COG on its culverts and bridges

Beginning by October 1, 2026, the bill requires each municipality to annually submit a report on each culvert and bridge within its control and boundaries to OPM, DOT, the Department of Energy and Environmental Protection (DEEP), and any COG that it belongs to. However, the bill allows this work to be done on a regional basis.

Under the bill, the report must include each culvert and bridge's (1) geospatial data, (2) locational coordinates, and (3) age and dimensions.

It must also have any other information determined necessary, and be in the format set by OPM in consultation with DOT and DEEP.

§§ 19-21 — STATE FIRE SAFETY AND BUILDING CODES

Requires at least five Code and Standards Committee members to be experienced in construction techniques that increase building resiliency to climate change effects; requires the education and training programs for code officials and certain professions to include construction technique information related to energy efficiency, GHG emissions, and building resiliency; requires amending the State Building Code to (1) include design and construction requirements related to GHG reduction and resiliency to climate change effects and (2) incorporate the most recent IECC

Code and Standards Committee (§ 19)

The bill requires at least five members of the Department of Administrative Services' (DAS) Code and Standards Committee to be trained, certified, or experienced in construction techniques that increase the resilience of buildings (and their elements) to climate change effects.

By law, the committee works with the state building inspector and state fire marshal to enforce the state building and fire safety and fire codes. Each committee member, other than the public members, must have at least 10 years practical experience in his or her profession or business. The members include architects, certain trades contractors, engineers, construction superintendents, building officials, and local fire marshals.

Education & Training Program (§ 20)

By law, the DAS commissioner must establish (1) an education and training program in the mechanics and application of the state's building and fire safety codes for municipal and state code officials and candidates for those positions and (2) a continuing educational program on the same topic for architects, engineers, landscape architects, interior designers, builders, contractors, or construction supervisors doing business in Connecticut.

The bill requires that both programs include education and training in construction techniques that (1) maximize energy efficiency, (2) minimize GHG emissions, and (3) increase the resiliency of buildings

(and their elements) to climate change effects.

State Building Code Revisions (§ 21)

Energy Efficiency. The bill requires the state building inspector and Codes and Standards Committee, beginning July 1, 2025, to amend the State Building Code to (1) require that the commercial and residential buildings and building elements the law already requires to be designed with optimum cost-effective energy efficiency also be designed for optimum GHG emission reduction and resiliency against climate change impacts over the buildings' useful lives and (2) incorporate the most recent International Energy Conservation Code (IECC), no later than 18 months after its publication.

As under existing law, the bill specifies that these requirements cannot be read to impose any new requirement for renovating or constructing state buildings subject to green building standards (CGS § 16a-38k), regardless of whether the building was given an exemption.

The IECC is a model building code that sets minimum energy efficiency standards for new construction. The State Building Code currently incorporates the 2021 IECC. The 2024 IECC is expected to be published in 2024.

Construction Standards. The bill requires the state building inspector and the Code and Standards Committee, beginning July 1, 2025, and in consultation with the DAS commissioner, to amend the State Building Code to require that certain buildings meet or exceed optimum cost-effective building construction standards for resiliency to flood and wind hazards, climate change effects, and the most recent sea level change scenario UConn's Marine Science Division publishes at least every 10 years. These requirements apply to buildings over a specified minimum size that are new construction or a major alteration that existing law requires must at least meet optimum cost-effective construction standards for the thermal envelope or mechanical systems.

Additionally, the bill requires:

1. the new resiliency standards to reference nationally accepted green building rating systems, as existing law already requires for the thermal envelope or mechanical system standards and
2. both standards to reference nationally accepted resiliency standards like the Insurance Institute of Business & Home Safety's Fortified Construction Standard any other applicable standards publicized or endorsed by the U.S. Department of Energy, FEMA, or other relevant federal agencies.

As under existing law, the new requirements must have a way to show compliance with them when a person applies for a building occupancy certificate.

§ 22 — ZONING REGULATIONS

Requires that municipal zoning regulations (1) be designed to protect against sea level rise, extreme heat, and climate change and (2) provide for proper ways to mitigate and avoid the negative effects of sea level change; allows zoning regulations to (1) require or promote resilience and (2) give incentives for using flood-risk reduction building methods

Required Provisions

The bill requires that zoning regulations adopted under the Zoning Enabling Act (as opposed to a special act) be designed to protect against sea level rise, extreme heat, and climate change. The law already requires that they be designed to protect from fire, panic, flood, and other dangers.

It additionally requires that the regulations include proper ways to mitigate and avoid the potential negative effects of sea level change on public health, public welfare, and the environment. In doing so, the regulations must consider the most recent sea level change scenario for Connecticut published by UConn's Marine Sciences Division.

Optional Provisions

The bill allows zoning regulations to require or promote resilience (i.e., the ability to prepare for and adapt to changing conditions and withstand and recover rapidly from deliberate attacks, accidents, or naturally occurring threats or incidents, such as those associated with climate change). It also allows them to give incentives for developers

who use flood-risk reduction building methods.

§§ 22-23 & 36 — TRANSFER OF DEVELOPMENT RIGHTS SYSTEMS

Allows municipal zoning regulations to provide for (1) a regional TDR system and (2) sending and receiving sites in conjunction with a multi-town or regional TDR system; allows COGs to administer joint or multi-town TDR systems; allows two or more municipalities to set up a TDR bank; and sets criteria for eligible sending and receiving sites

Municipal or Regional TDR Systems

A transfer of development rights (TDR) system involves separating the right to develop land from the land itself, a process that makes the development right a marketable credit. These systems usually involve designating (1) preservation areas (i.e., sending sites) where building is restricted and (2) development areas (i.e., receiving sites) where developers can exceed permitted densities if they buy development rights from owners in the preservation areas. Existing law allows (1) a single municipality to establish a TDR system through its zoning regulations and (2) two or more municipalities to enter into an agreement for a joint or multi-town TDR system.

The bill allows municipalities to provide for (1) a regional TDR system through their zoning regulations, just as existing law allows for municipal TDR systems, and (2) sending and receiving sites in conjunction with a multi-town or regional TDR system. The bill also allows COGs or other agencies to administer these joint or multi-town TDR systems.

As under current law for municipal TDR systems, the bill allows regional TDR systems to vary density limits in connection with a transfer. It also eliminates the current requirement that a TDR system adopted through zoning regulations require both parties (transferors and transferees) to apply jointly for the transfer.

TDR Banks

The bill allows two or more municipalities that have entered into a TDR agreement to enter into an interlocal agreement to set up a TDR bank. (The bill does not specify a TDR bank's purposes or duties.) These interlocal agreements must:

1. identify the receiving site and include the local development rights legislation that has been or will be adopted by the municipality or municipalities where these sites are located,
2. describe procedures for terminating the TDR bank, and
3. describe the conversion ratio to be used in the receiving site.

Under the bill, the conversion ratio may express the extent of additional development rights in any combination of units, floor area, height, or other applicable development standards that the municipality may modify to create incentives for purchasing development rights.

Eligible Receiving Sites. Under the bill, each of these receiving sites must be:

1. eligible to connect with a public water system,
2. within one-half mile from public transportation facilities (e.g., rail and bus stations) and above the 500-year flood elevation,
3. outside the boundaries of core forest (i.e., unfragmented forest last that is at least 300 feet from the boundary between forest land and non-forest land, as determined by the DEEP commissioner), and
4. outside the boundaries of any area impacted by the state's most recent sea level change scenario.

Eligible Sending Sites. The bill specifies that eligible sending sites may include:

1. core forest or agricultural land,
2. farm land classified under the "PA 490 program" (which allows eligible land to be assessed for property tax purposes based on its current use, rather than its fair market, value),
3. areas identified as containing habitat for endangered or

threatened species (as identified under state or federal law or a written determination of the U.S. Fish and Wildlife Service or state and federally recognized tribe), and

4. areas within the boundaries of a floodplain or area impacted by the state's most recent sea level change scenario.

§ 24 — PROPERTY FORTIFICATION WORKING GROUP

Requires the insurance commissioner, within available resources, to convene a working group to study homeowner and small business building fortification needs related to potential losses from natural disasters, hazards, and climate change; requires the working group to submit its findings and recommendations by January 1, 2025

The bill requires the insurance commissioner, by September 1, 2024, and within available resources, to convene and appoint members to a working group to study the fortification needs of homeowners and small business owners against potential losses from natural disasters, hazards, and climate change.

The working group must also make recommendations on the feasibility of creating a program to help these owners fortify their homes and places of business against these losses. The recommendations must include:

1. the program's structure and oversight;
2. potential incentives for homeowners and small business owners to fortify homes and places of business, particularly in vulnerable communities (i.e., populations that may be disproportionately impacted by climate change); and
3. identified program funding sources.

The bill requires the working group to hold at least one public forum to receive input on the recommendations.

Under the bill, the working group's members must have expertise in construction, insurance, natural disasters and hazards, emergency preparedness, and climate change. The insurance commissioner appoints the group's chairpersons from among its members.

The bill requires the working group to submit a report with its findings and recommendations to the governor and Insurance and Real Estate Committee by January 1, 2025. The working group ends when it submits the report or January 1, 2025, whichever is later.

§§ 27-31 — OPEN SPACE AND WATERSHED LAND ACQUISITION GRANT PROGRAM

Allows up to 5% of OSWA grants to reimburse for in-kind services or incidental expenses under certain circumstances; expands the circumstances under which OSWA grant funds may be used to restore or protect open space already owned by the applicant, such as when the land is in an environmental justice community; increases the membership of the Natural Heritage, Open Space and Watershed Land Acquisition Review Board to include two DEEP-appointed members who represent or are from certain communities, such as environmental justice areas; makes conforming changes (§§ 30 & 31)

OSWA Grant Expansion (§§ 27 & 29)

The Open Space and Watershed Land Acquisition Program (OSWA), which DEEP administers, generally gives state grants to municipalities, land trusts, and water companies to buy land to be preserved as open space in perpetuity.

The bill allows for up to 5% of the total amount of OSWA program grants in any fiscal year to be made to distressed municipalities, targeted investment communities, land trusts, and municipalities to reimburse for in-kind services or incidental expenses to acquire land (e.g., survey fees, appraisal costs, legal fees) that is located in a distressed municipality, targeted investment community, or an environmental justice community.

Current law allows DEEP, under the OSWA program, to give grants to distressed municipalities and targeted investment communities to restore or protect natural features or habitats on open space land they already own. The bill expands the eligibility of these grants to (1) municipalities that seek to restore or protect open space in an environmental justice community and (2) land trusts that seek to restore or protect open space that is in a distressed municipality, targeted investment community, or an environmental justice community. As under existing law, the total amount of the grants that DEEP makes for this purpose cannot exceed 20% of all OSWA grants made in any fiscal

year.

The bill caps the amount of program grants to municipalities with environmental justice communities at 75% of the land value or 50% of the costs of work to restore, enhance, or protect resources. This is the same percentage available under existing law for distressed municipalities, targeted investment communities, land trusts, and water companies.

By law, an “environmental justice community” is (1) a distressed municipality or (2) any U.S. census block group, as determined by the most recent census, for which at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level.

Natural Heritage, Open Space and Watershed Land Acquisition Review Board (§ 28)

The bill increases, from 21 to 23, the membership of the Natural Heritage, Open Space and Watershed Land Acquisition Review Board. Both members are appointed by the DEEP commissioner. One must represent a community of color, low-income community, or community-based organization, or be a professor from a college or university in Connecticut with environmental justice experience. The other must live in a U.S. census block group, as determined by the most recent census, for which at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level.

By law, this board is responsible for helping and advising the DEEP commissioner carry out the requirements of the OSWA and Recreation and Natural Heritage Trust programs, the latter of which is generally tasked with acquiring land for public use that represents the state’s ecological diversity, is essential habitat for endangered or threatened species, or is of unusual natural interest. Board members serve three-year terms.

§ 32 — STATE WATER PLAN UPDATE

Requires the state water plan's next update to (1) consider (a) the potential impact of climate change on water resource quality and (b) temperatures and precipitation information when identifying water quantities and qualities for various uses and (2) include recommendations and an implementation plan for reducing effects on water from climate change and extreme weather

The bill requires the next update to the state water plan to consider (1) the potential impact of climate change on water resource quality and (2) past conditions and predictions of future temperatures and precipitation when identifying available quantities and qualities of surface water and groundwater that are for public water supply, health, economic, recreation, and environmental benefits on a regional basin scale. It must also include recommendations and an implementation plan to reduce effects on water quality and quantity from climate change and extreme weather events.

By law, the Water Planning Council (WPC) is responsible for preparing and periodically updating the state water plan, which is used to manage the state's water resources. The WPC is comprised of the DEEP and Department of Public Health (DPH) commissioners, the Public Utilities Regulatory Authority (PURA) chairperson, and the OPM secretary, or their designees. Adoption of the plan, and revisions to it, involves (1) an opportunity for the public to review the plan, attend a public hearing on it, and submit written comments; (2) legislative review, which may include a public hearing; and (3) approval by the governor if the legislature does not timely approve it (i.e., within 24 months after its original submission) (CGS §§ 25-33o and 22a-352).

§ 33 — WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM REGULATION AND PERMIT REVIEW

On a 10-year basis beginning by the end of 2028, requires DEEP, DPH, and PURA to review and revise their water supply regulations and DEEP and DPH to review and revise their sewage disposal system permitting processes and related regulations, all to include certain projections

The bill requires DEEP, DPH, and PURA to each (1) review their respective regulations on water supply and (2) revise them to include the most concurrent projections on precipitation, temperature, and other conditions that could impact water quality, quantity, and distribution.

The bill also requires DEEP and DPH to each review and revise their sewage disposal system permitting processes and related regulations to include the most concurrent projections on precipitation, flooding, sea level rise, and other conditions that could impact public safety and environmental quality.

These efforts must be done every 10 years, beginning by December 31, 2028.

§ 34 — EMINENT DOMAIN FOR FLOOD CONTROL IN BRIDGEPORT

Authorizes DEEP to acquire certain property in Bridgeport related to a flood control and protection project; prescribes a process for DEEP, if needed, to require the relocation or removal of public service facilities

The bill authorizes DEEP to acquire by purchase, gift, devise, exchange, or eminent domain up to 25.7 acres of real property (or its interests or rights) in Bridgeport for flood control and protection and related public purposes. The acquisition must be necessary to build a disaster relief, long-term recovery, or infrastructure restoration project funded by a 2016 Community Development Block Grant for natural disaster resilience (i.e., the Resilient Bridgeport project).

Under the bill, the acquisition must occur before October 1, 2034, and the owner of any private property subject to eminent domain may challenge the amount of compensation involved in Superior Court.

If the DEEP commissioner determines that the property or its flood control and protection improvement's construction, operation, maintenance, repair, or reconstruction would need a public service facility (e.g., power lines or pipelines) to be readjusted, relocated, or removed, she may issue an order to do so to the company, corporation, or municipality that owns or operates it.

After receiving the order, the public service facility must be promptly readjusted, relocated, or removed, but the state must, within available appropriations, pay an equitable share of the cost to do so, including the cost to install and construct a public service facility of equal capacity in a new location. The bill specifies that the equitable share is calculated in

the same way that DOT calculates the equitable share for the same actions with respect to state highways, but not limited access highways.

§ 35 — CLIMATE RESILIENCY FUND REPORT

Requires the DEEP commissioner, in consultation with the insurance commissioner, to report to the Environment Committee on creating a coastal resiliency fund supported by a surcharge on certain insurance policies

The bill requires the DEEP commissioner, by January 1, 2025, and in consultation with the insurance commissioner, to submit a report to the Environment Committee about the requirements for creating a coastal resiliency fund that is funded by (1) a surcharge on insurance policies for property damage, general liability, business interruption, and any other type of business loss or (2) a similar mechanism related to fossil fuel projects.

Under the bill, the report must include (1) an inventory of relevant fossil fuel projects, (2) recommendations for structuring the fund and the assessment, and (3) ways to ensure maximum assessment compliance. “Fossil fuel projects” include those intended to facilitate or expand exploring, extracting, processing, exporting, or transporting (excluding by truck), storing, or taking other significant action related to oil, natural gas, or coal. This explicitly includes building infrastructure for these activities like wells, pipelines, terminals, refineries, or utility-scale generation facilities.

BACKGROUND

Related Bill

sHB 5004, § 17, favorably reported by the Environment Committee, requires local plans of conservation and development to evaluate environmental sustainability and climate resiliency.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 23 Nay 11 (03/15/2024)