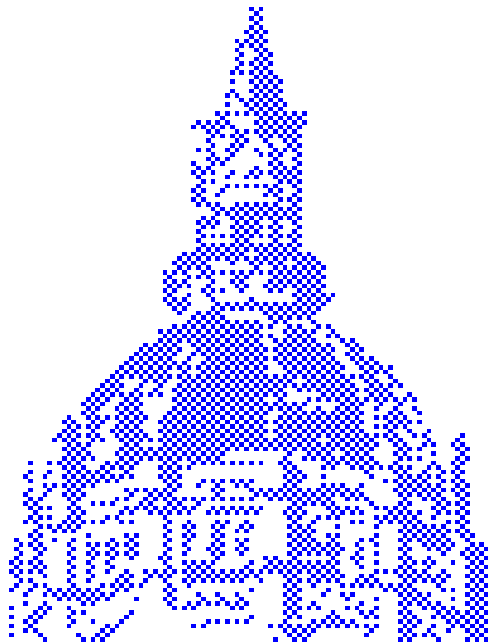


Office of Legislative Research  
Connecticut General Assembly



**MUNICIPALITIES**



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## **NOTICE TO READERS**

This report provides highlights of new laws affecting municipalities and municipal employees enacted during the 2012 regular and special legislative sessions. It does not include vetoed acts or acts that affect only one or a few municipalities.

Not all provisions of the acts are included here. Complete summaries are available on OLR's webpage:

<http://www.cga.ct.gov/olr/publicactsummaries.asp>.

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's Office, or the General Assembly's website: <http://www.cga.ct.gov/default.asp>.

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## **ANIMALS**

### ***Animal Control Officer Training***

[PA 12-108](#) requires new animal control officers (ACOs), including municipal ACOs, starting on or after July 1, 2012 to complete at least 80 hours of initial ACO training. It also requires all ACOs to complete at least six hours of continuing education training annually. The agriculture commissioner must (1) prescribe the initial ACO training curriculum, which must include specified topics; (2) reimburse costs for people participating in the initial ACO training; and (3) adopt regulations concerning the continuing education requirement.

EFFECTIVE DATE: Upon passage

### ***Payment Procedures for the Sterilization and Vaccination of Certain Animals***

The law establishes a voucher system for paying veterinarians who vaccinate and sterilize impounded, quarantined, or stray dogs and cats. By law, people acquiring an unspayed or unneutered dog or cat from a pound must pay the pound \$45 for a voucher to sterilize and vaccinate the animal. [PA 12-108](#) allows a pound to complete and

retain a voucher to have the animal sterilized and vaccinated before releasing it to the person adopting or buying it. It also allows a pound to complete and submit a voucher for a dog or cat that has not been adopted or bought and has pyometra, an infection of the uterus.

EFFECTIVE DATE: October 1, 2012

### ***Appeal of Certain Animal Restraint Orders***

[PA 12-21](#) makes a biting animal restraint order effective upon issuance and during an appeal to the commissioner.

By law, the agriculture commissioner or an animal control officer may order a biting dog, cat, or other animal restrained as he or she deems necessary. Any person aggrieved by an animal control officer's order may request a hearing before the commissioner within 14 days after the order is issued. The commissioner may affirm, modify, or revoke the order.

EFFECTIVE DATE: October 1, 2012

### ***Placement of Animals Seized in Animal Cruelty Cases***

[PA 12-20](#) expands the circumstances in which the agriculture commissioner or municipality may vest ownership of a neglected or cruelly treated

animal in a person or organization, and extends the pool of possible recipients.

EFFECTIVE DATE: October 1, 2012

## **ECONOMIC DEVELOPMENT**

### ***Brownfield Remediation and Development***

Among other things, [PA 12-183](#) (1) narrows the range of municipal entities eligible for grants under the Department of Economic and Community Development's (DECD) brownfields financing program and (2) allows loan proceeds to be used to develop affordable housing.

The act also makes many procedural changes to the Brownfield Liability Protection Program, which protects developers from liability to the state and third parties for cleaning up brownfields according to the program's requirements.

EFFECTIVE DATE: July 1, 2012

### ***Dissolving Municipal Redevelopment Agencies***

[PA 12-161](#) requires DECD approval for dissolving municipal redevelopment agencies that planned and implemented state-assisted projects. Under prior law, a municipality's legislative body could dissolve a redevelopment agency if doing so would make it easier to obtain

and process federal funds and promote the agency's statutory goal. Under the act, the legislative body may still dissolve the agency for these reasons, but it must first request DECD approval.

EFFECTIVE DATE: July 1, 2012

### ***Bond Authorization for Certain Economic Development Projects***

[PA 12-189](#) authorizes up to \$5 million in state general obligation (GO) bonds for grants to municipalities and nonprofits, including museums, for cultural and entertainment-related economic development projects.

EFFECTIVE DATE: July 1, 2012

### ***Capital Region Development Authority***

[PA 12-147](#), as amended by [PA 12-1, June Special Session \(JSS\)](#), redesignates the quasi-public Capital City Economic Development Authority (CCEDA) as the Capital Region Development Authority (CRDA), preserving many of CCEDA's powers, duties, and functions, including the authority to issue bonds. It expands the area where the new authority can plan and implement projects and the types of projects it can undertake. [PA 12-1, JSS §§ 187-188](#) expands CRDA's purpose to include promoting and attracting in-state professional and amateur sports

and sporting events anywhere in Connecticut.

EFFECTIVE DATE: Upon passage, except the provisions in PA 12-1, JSS are effective July 1, 2012

### ***Main Street Investment Fund Program***

[PA 12-1, JSS § 208](#), makes administrative changes to the Main Street Investment Fund program, which provides grants to develop and improve commercial centers in relatively small towns. It allows the Office of Policy and Management (OPM) secretary to contract with a nonprofit entity to administer the program and use the funds to cover its reasonable administrative expenses.

EFFECTIVE DATE: Upon passage

### ***Urban Revitalization***

[PA 12-1, JSS § 197](#), requires the DECD commissioner, within existing DECD resources, to establish a pilot program in one or more distressed municipalities to foster revitalization and stabilization in city neighborhoods by facilitating the acquisition and renovation of one- to four-family homes and prioritizing owner-occupancy.

EFFECTIVE DATE: Upon passage

## **EDUCATION**

This report includes only a selection of the education-related acts affecting municipalities. Please refer to OLR Report [2012-R-0198](#) for summaries of all 2012 acts affecting education.

### ***Grants to Charter Schools***

[PA 12-116](#), as amended by [PA 12-2, JSS](#), requires the state to pay certain grants for state and local charter schools to the town where each school is located as an addition to the town's Education Cost Sharing (ECS) grant, and requires the towns to pay the amounts the education commissioner specifies to each charter school's fiscal authority.

EFFECTIVE DATE: July 1, 2012

### ***ECS Grants***

[PA 12-116](#) increases FY 13 ECS grants to 136 of the state's 169 towns. These grant increases total \$50 million. The act makes no changes in the ECS formula, although it imposes conditions for certain low-performing school districts to receive their grant increases.

EFFECTIVE DATE: July 1, 2012

### ***ECS Minimum Budget Requirement (MBR)***

[PA 12-116, §§ 59-62](#) requires any town receiving an ECS grant



increase to keep its FY 13 budgeted appropriation for education at the FY 12 level. But, it also allows a town (1) with no high school that is paying for fewer students to attend high school in other towns to reduce its education budget in both FY 12 and FY 13 by the full tuition payment reduction and (2) to reduce its education budget for FY 13 by up to 0.5% of its FY 12 budgeted appropriation for education to reflect half of any new documented and approved savings from (a) a regional collaboration or cooperative arrangement with other districts or (b) increased efficiencies within its school district.

For FY 13, [PA 12-1, JSS §§ 287-288](#), requires certain low-performing districts' budgeted appropriation for education to at least (1) equal its budgeted appropriation for education for FY 12 and (2) meet minimum local education funding percentages.

EFFECTIVE DATE: July 1, 2012

### ***Uniform System of Accounting and Chart of Accounts***

[PA 12-116](#) requires the State Department of Education (SDE) to develop and implement a uniform system of accounting for school revenues and expenditures that includes a chart of accounts for use at the school and school district level. By FY 15, school boards and other entities must use the chart

of accounts to file their annual financial reports with the state.

EFFECTIVE DATE: Upon passage

### ***Electoral Process for Reconstituted School Boards***

In cases where the State Board of Education authorizes the education commissioner to reconstitute a local board of education in a low-achieving district, [PA 12-116](#) requires him to notify local officials and the secretary of the state regarding the electoral process when the reconstitution starts and concludes. It suspends the board electoral process for the reconstitution period.

EFFECTIVE DATE: Upon passage

### ***Education Loan to Bridgeport***

[PA 12-1, JSS § 289](#), allows the education commissioner, with the OPM secretary's approval, to loan up to \$3.5 million to Bridgeport to cover education expenses incurred during FY 12. In return, the Bridgeport school board must select its school superintendent or chief financial officer from a pool of up to three candidates approved by the commissioner. The commissioner can also require the school district to meet additional improvement targets.

Bridgeport must repay the loan by June 30, 2015, but the education commissioner may (1)

allow repayment through reductions in Bridgeport's annual ECS grant and (2) forgive some or all of the loan under certain conditions.

EFFECTIVE DATE: July 1, 2012

### ***Information on School Choice Options***

**PA 12-116** requires each local board of education to post information about technical high schools, regional vo-ag centers, interdistrict magnet schools, charter schools, interdistrict student programs, and alternative high schools on its website.

EFFECTIVE DATE: July 1, 2012

### ***Study of Small District Issues***

**PA 12-116** requires SDE to study issues related to school districts with fewer than 1,000 students. It must consider (1) financial disincentives for each year a district spends 10% or more above the state per-student average cost; (2) financial incentives for such districts to consolidate; (3) the \$100-per-student ECS regional bonus and the effect of other state reimbursement bonuses for regional districts and cooperative arrangements; and (4) the MBR.

EFFECTIVE DATE: Upon passage

### ***Authorization Of State Grant Commitments For School Building Projects***

**PA 12-179** (1) authorizes \$344.5 million in state grant commitments for 20 new school construction projects of various types, (2) reauthorizes three previously authorized projects, (3) increases state grant commitments for various school construction projects by \$137.8 million, and (4) makes changes to previous state grant commitments for school construction projects that preclude the repayment or "claw-back" of \$3.5 million to the state, which will result in cost savings for various municipalities.

EFFECTIVE DATE: Upon passage

### ***Use of Restraint or Seclusion***

**PA 12-88** requires local school boards and other entities providing special education to children, when recording instances when seclusion or restraints are used on a child, to indicate whether the use of seclusion or restraints was in accordance with the child's individualized education program or whether the use of either action was an emergency.

EFFECTIVE DATE: July 1, 2012

## **Bond Authorizations for School Facilities and Programs**

[PA 12-189](#) authorizes state GO bonds for the following education facilities and programs:

1. \$25 million for alterations, repairs, improvements, technology, equipment, acquisition, and capital startup costs to expand availability of high-quality school models,
2. \$16 million for alterations, repairs, improvements, technology, and equipment in low-performing schools in targeted local and regional school districts;
3. \$13.6 million for interdistrict *Sheff* magnet schools; and
4. \$10 million for grants to towns and tax-exempt organizations for facility improvements and minor capital repairs to licensed school readiness programs and state-funded day care centers they operate.

EFFECTIVE DATE: July 1, 2012

## **ELECTIONS**

### ***Appointment of Primary Polling Place Officials***

[PA 12-49](#) lifts the requirement that primary polling place officials (i.e., moderators, deputy head moderators,

checkers, challengers, voting tabulator tenders, assistant registrars, and absentee ballot counters) live in the municipality or political subdivision holding the primary. It thus allows registrars of voters to appoint state electors to these positions, which they may already do for elections.

The law requires primary polling place officials to be enrolled members of the party holding the primary. The act retains this requirement, with one exception. It allows registrars to appoint a state elector, regardless of party enrollment, as a checker, challenger, voting tabulator tender, or assistant registrar if an insufficient number of party members consent to serve in the positions.

The act also requires registrars to train prospective primary polling place officials on how to perform their duties.

EFFECTIVE DATE: Upon passage

### ***Voting Rights***

[PA 12-56](#) changes election laws affecting voter registration, voting, and the statewide centralized voter registration system. Among other things, it:

1. allows eligible people to register to vote and cast a ballot on Election Day (i.e., the day of a regular state or municipal election);
2. establishes Election Day registration (EDR) procedures and eliminates

- the use of presidential ballots by current state residents since they may instead vote under the act's EDR provisions; and
3. requires the secretary of the state to establish and maintain an online system for (a) new voter registration applications and (b) changes to existing registrations;

EFFECTIVE DATE: July 1, 2013, except the online voter registration system is effective January 1, 2014.

## **ENERGY AND TELECOMMUNICATIONS**

### ***Siting Council***

[PA 12-165](#) requires telecommunications tower developers to begin consulting with potentially affected municipalities 90, rather than 60, days before applying to the Siting Council for a certificate approving a tower's location. It also expands the scope of this consultation.

It prohibits the council from approving a telecommunications tower's installation within 250 feet of a school or commercial child day care center unless (1) the municipality's chief elected official approves the location or (2) the council finds that it will not have a substantial adverse effect on the aesthetics or scenic quality of the school or day care center's neighborhood.

The act also (1) adds neighborhood concerns, including public safety, to the factors the council must consider when reviewing power plant applications; (2) allows the council to consider regional location preferences from municipalities neighboring the municipality subject to a siting certification; and (3) modifies how municipalities are reimbursed from the Municipal Participation Account for participating in council proceedings.

EFFECTIVE DATE: Upon passage for the municipal participation account provisions, and July 1, 2012 for the remaining provisions.

### ***Bond Authorization for Energy Microgrids***

[PA 12-189](#) authorizes up to \$25 million in state GO bonds to the Department of Energy and Environmental Protection (DEEP) to establish energy microgrids to support critical municipal infrastructure.

EFFECTIVE DATE: July 1, 2012

### ***Renewable Energy and Efficient Energy Finance Program***

[PA 12-189](#) replaces a municipal grant program for renewable energy and energy efficient generation sources with a broader financial assistance program for any entities

undertaking these types of projects.

EFFECTIVE DATE: July 1, 2012

### ***GIS Data Sharing***

[PA 12-2, JSS § 155](#), requires electric companies to provide certain utility pole data to the geographic or geospatial information systems (GIS) analyst or coordinator, or other equivalent official, of any municipality, regional planning agency, regional council of elected officials, or regional council of governments who requests it.

EFFECTIVE DATE: Upon passage

## **ENVIRONMENT**

### ***Coastal Management Act and Shoreline Flood and Erosion Control Structures***

[PA 12-101](#) makes several changes in the Coastal Management Act and laws regulating certain activities in the state's tidal, coastal, or navigable waters. Among other things, it:

1. requires a municipal zoning commission to approve a coastal site plan for a shoreline flood and erosion control structure under certain circumstances;
2. requires a municipal zoning commission or the DEEP commissioner to propose structure

alternatives or mitigation measures and techniques if they deny a shoreline flood and erosion control structure application for certain reasons; and

3. replaces the statutory definition of "high tide line" with one for "coastal jurisdiction line."

EFFECTIVE DATE: October 1, 2012, except the provision concerning coastal site plans for shoreline flood and erosion control structures, which is effective upon passage.

### ***Validity Period for Inland Wetlands Permits***

Under prior law, an inland wetlands permit for a project that also required a zone change or site plan or subdivision approval was generally valid for up to five years from approval. [PA 12-151](#) instead ties the validity period for these permits to all types of planning and zoning approvals and makes it the same as the validity period for the corresponding planning and zoning approval, which can be up to 10 years.

The act also allows wetlands agencies to restrict the time of year in which a regulated activity may be conducted, if the agency, or its agent, determines that the restrictions are necessary to protect inland wetlands and watercourses.

EFFECTIVE DATE: October 1, 2012

## **Open Space**

[PA 12-152](#) requires the DEEP commissioner to consult with the agriculture and public health commissioners, Council on Environmental Quality, conservation organizations, municipalities, and regional planning agencies to prepare an open space preservation plan by December 15, 2012 and update the plan at least once every five years. It specifies what the plan must include and removes the requirement that the DEEP commissioner set an open space goal for municipalities and conservation organizations.

EFFECTIVE DATE: October 1, 2012

## **Phosphorous Reduction in State Waters**

[PA 12-155](#) adds phosphorus removal projects to those eligible for Clean Water Fund financing and requires the DEEP commissioner, or his designee, to work with specified municipalities to develop a state-wide strategy to reduce phosphorus in inland nontidal waters to comply with U.S. Environmental Protection Agency standards.

The act requires the DEEP commissioner to submit a report to the Planning and Development and Environment committees by January 1, 2013 on the strategy, including any recommendations for legislation to support it.

EFFECTIVE DATE: Upon passage for the strategy and October 1, 2012, for phosphorus removal funding.

## **Municipal Sewer Bonds**

[PA 12-2, JSS §§ 130-133](#) makes various changes to the laws allowing municipalities to issue bonds to acquire or build sewer systems.

EFFECTIVE DATE: October 1, 2012

## **Underground Storage Tank Cleanup Program**

[PA 12-1, JSS §§ 251-263](#) makes numerous changes to the underground storage tank petroleum cleanup program, which reimburses responsible parties, including municipalities, for environmental remediation costs they incur because of leaking commercial tanks. Among other things, it (1) creates a priority system for paying or reimbursing approved applications, (2) sets deadlines for filing applications based on an applicant's status (e.g., municipal, small station, and large station applicants), and (3) requires payments or reimbursements to be processed based on an applicant's status.

EFFECTIVE DATE: Upon passage

## **HOUSING**

### ***Blighted Housing***

**PA 12-146** requires towns that have housing blight ordinances to include in their implementing regulations provisions mandating (1) written notice to the property's owner and occupant of a violation and (2) a reasonable opportunity to remediate the conditions before any enforcement action.

Under prior law, an ordinance could establish fines of between \$10 and \$100 for each day a violation continued and, if the town established fines, require a citation hearing process for people to pay and appeal the fines. The act (1) renames these fines as civil penalties and (2) imposes new fines of up to \$250 per day for a willful violation of a blight regulation when it can be shown for each day, based on actual inspection of the property, that blighted conditions continued after a person received written notice and had a reasonable opportunity to remediate the conditions.

The act also allows new owners or occupants of a blighted property to request a 30-day extension with regard to these penalties.

EFFECTIVE DATE: October 1, 2012

### ***Public Housing Authority Conflict of Interest***

**PA 12-161** limits the statutory conflict of interest prohibition that applied to all housing authority commissioners and employees to only commissioners and executive and managerial employees.

EFFECTIVE DATE: July 1, 2012

### ***Incentive Housing Zone (IHZ) Program***

The state's Housing for Economic Growth Program authorizes grants to municipalities that choose to zone land for developing housing mainly where transit facilities, infrastructure, and complementary uses already exist or have been planned or proposed. A municipality may receive the grants only after it has established an IHZ and approved developments in the zone. **PA 12-189** authorizes up to \$2 million in state GO bonds for the grants.

**PA 12-1, JSS §§ 122 & 181-181**, among other things, (1) increases the grant amount for each housing unit in the IHZ; (2) prohibits a municipality from receiving a subsequent grant until construction starts on the project for which it received an earlier grant; and (3) allows the OPM secretary to award grants for predevelopment funds to municipalities planning IHZs.

EFFECTIVE DATE: July 1, 2012

### ***Berlin Moratorium***

[PA 12-1, JSS § 129](#), extends by one year, the town of Berlin's current four-year moratorium from the affordable housing land use appeals procedure. It requires that one year be subtracted from the duration of the next moratorium that the town receives. By law, a town may qualify for a moratorium from this procedure by obtaining a certification from the DECD commissioner showing it meets a specific threshold of affordable housing units.

EFFECTIVE DATE: Upon passage

## **INSURANCE**

### ***Insurance Coverage for Perishable Food Donations***

[PA 12-123](#) requires insurers that sell commercial risk insurance policies or riders that cover food spoilage to cover to the same extent donations of perishable food to temporary emergency shelters, under certain circumstances and subject to several limitations.

Under specific conditions, the act exempts a food establishment that makes a donation under these provisions from liability for civil damages or criminal penalties resulting from the food's nature, age, condition, or packaging.

EFFECTIVE DATE: October 1, 2012

### ***Property and Casualty Insurance Statutes***

[PA 12-162](#) broadens the applicability of standard fire insurance policy provisions regarding the (1) period when a loss is payable after proof of loss, (2) period when a suit or action for the recovery of a claim must be commenced, and (3) definitions of actual cash value and depreciation.

It also specifies when insurers may impose a hurricane deductible in the policy instead of an overall policy deductible under homeowners and certain other policies issued or renewed on or after July 1, 2012. ([PA 12-2, JSS § 95](#) applies this requirement to policies issued on or after October 1, 2012, thus preventing its retroactive application.)

EFFECTIVE DATE: July 1, 2012, except that the hurricane deductibles provisions are effective October 1, 2012.

## **MISCELLANEOUS**

### ***Probate Court Operations***

[PA 12-66](#) exempts probate districts from various requirements on the safekeeping of records that currently apply to them as well as municipalities. These include that public records be bound; that originals be repaired, rebound, or renovated



as needed; and related provisions on the payment for such safekeeping.

EFFECTIVE DATE: October 1, 2012

### ***Fine Art Secured Lending License***

**PA 12-131** creates a new fine art secured lending license issued by towns and cities with provisions and requirements similar to those for pawnbrokers. These include the same penalties and similar requirements for licensing, identifying sellers, recording, reporting, and payments.

The act requires anyone (including a pawnbroker) who is in the business of loaning money on the deposit or pledge of fine art to obtain the new license. It makes a city or town's police chief or, for any city or town that does not have an organized local police department, the emergency services and public protection commissioner, the licensing authority.

EFFECTIVE DATE: October 1, 2012

### ***Museum Authority Over Loaned Property***

**PA 12-171** allows a museum, after giving required notice, to take ownership of certain property loaned to it if the lender fails to reclaim it after the loan agreement expires or, if there is no agreement or the loan is for an indefinite period, the property

is unclaimed and has been in the museum's possession for at least five years.

EFFECTIVE DATE: October 1, 2012

### ***Off-Track Betting (OTB)***

**PA 12-160** increases the number of OTB facilities that may operate as simulcasting facilities (i.e., televise OTB programs), from 15 to all 18 of the currently authorized OTB facilities. It does not specify the location of the three additional facilities.

EFFECTIVE DATE: October 1, 2012

### ***Project Labor Agreements (PLAs) for Certain Public Works Projects***

**PA 12-70** authorizes the state, its agencies and political subdivisions to require a PLA for public works projects when they determine it is in the public's interest to do so. It requires these entities to determine if a PLA is in the public's best interest before entering into a design-build contract of at least \$10 million to (1) build a new school or (2) renovate or reconstruct an existing public school. Under the act, a PLA is a pre-hire agreement covering the terms and conditions for everyone working on a specific public works project.

EFFECTIVE DATE: Upon passage

## **MUNICIPAL EMPLOYEES**

### ***Family and Medical Leave Benefits for Paraprofessionals***

Beginning when the labor commissioner adopts implementing regulations, [PA 12-43](#) reduces the number of work hours school paraprofessionals in educational settings need to qualify for family and medical leave benefits.

EFFECTIVE DATE: Upon passage

### ***Workers' Compensation for Firefighters***

[PA 12-126](#) extends workers' compensation coverage for mental or emotional impairment to a volunteer or paid uniformed municipal firefighter diagnosed with post-traumatic stress disorder (PTSD) that originates from the firefighter witnessing the death of another firefighter while engaged in the line of duty. To be eligible, the firefighter (1) must be diagnosed by a licensed and board certified mental health professional who determines the PTSD stems from witnessing the death of another firefighter and (2) is not subject to any other exclusion under workers' compensation law.

EFFECTIVE DATE: Upon passage and applicable to any claim filed on or after that date.

## **PLANNING AND ZONING**

### ***Appealing Zoning Decisions***

[PA 12-146](#) restricts to Connecticut landowners the abutting land owners who can appeal zoning decisions.

EFFECTIVE DATE: October 1, 2012

### ***Liability of Zoning Enforcement Officers***

[PA 12-47](#) eliminates the penalty of triple damages that, under prior law, a zoning enforcement official had to pay when a court found that the official levied a fine frivolously or without probable cause against a property owner. By eliminating this penalty, the act subjects a zoning enforcement official to the same liability as other municipal officials and employees.

EFFECTIVE DATE: October 1, 2012

### ***Financial Guarantees for Site Plan and Subdivision Improvements***

The law allows municipal land use commissions to require developers to post a bond or surety to guarantee that site plan and subdivision improvements are completed. [PA 12-182](#) amends the laws governing these guarantees in various ways. Among other things, the act:

1. eliminates references to bonds or surety, referring

- instead to these instruments as “financial guarantees;”
2. limits the types of site improvements and activities for which a zoning commission can require a guarantee;
  3. allows commissions to require guarantees to secure the maintenance of certain improvements for up to one year;
  4. allows, rather than requires, municipal planning and zoning commissions to accept surety bonds;
  5. creates an exception to the requirement that a developer post a bond before a certificate of occupancy is issued or lots are transferred; and
  6. prohibits commissions from requiring developers to establish a homeowners association or placing a deed restriction on the property to maintain approved site improvements.

Prior law allowed municipalities to enact ordinances prohibiting or regulating building permits for structures on lots that abut unaccepted streets, except for farm or accessory buildings that conform to the municipality's zoning or building regulations. The act bars such ordinances from also prohibiting buildings or structures on approved site plans

and subdivisions as long as the approvals have not expired.

EFFECTIVE DATE: Upon passage; the provisions concerning financial guarantees for site plan and subdivision approvals are applicable to approvals or extensions granted on or after that date.

### ***Notifying Regional Planning Agencies of Subdivision Applications***

[PA 12-27](#) allows municipal planning commissions to notify regional planning agencies about proposed subdivisions by e-mail, instead of certified mail.

EFFECTIVE DATE: October 1, 2012

### ***Municipal Solid Waste Facilities***

[PA 12-2](#) specifies that a municipality can regulate solid waste facility land use through zoning regulations but prohibits such regulations adopted under statute (CGS § 8-2) from effectively banning solid waste facility construction, alteration, or operation. (The act does not provide a similar prohibition for municipal zoning regulations adopted under a special act.) By law, a “solid waste facility” is a solid waste disposal area, volume reduction plant, transfer station, wood-burning facility, or biomedical waste treatment facility.

EFFECTIVE DATE: Upon passage

## ***Planning Regions***

[PA 12-1, JSS §§ 189-191](#), modifies the criteria for the OPM secretary's analysis of state planning regions and extends by two years, from January 1, 2012 to January 1, 2014, the deadline by which the secretary must complete an initial analysis of planning region boundaries and notify municipalities in regions slated for redesignation.

It also (1) makes the regional performance incentive account the source of funding for bonus pool payments to planning regions that voluntarily consolidate and (2) provides supplemental payments from the bonus pool to offset costs certain regional planning organizations incur to consolidate.

EFFECTIVE DATE: Upon passage, except the provisions concerning bonus payments are effective July 1, 2012.

## ***Penalty for Willfully Violating Zoning Regulations***

[PA 12-80](#) places a maximum prison sentence on the unclassified misdemeanor of willfully violating zoning regulations (§5, CGS § 8-12). Under prior law, this crime was punishable by up to 10 days in prison, a fine of \$ 100 to \$ 250 per day, or both for each day the zoning violation continues. The act caps the possible prison term at 30 days and deems this offense to be a class D

misdemeanor. By law, zoning violations that are not willful are punishable by a fine of \$10 to \$100 per day. The act makes these violations payable by mail, like infractions (§ 50).

(EFFECTIVE DATE: October 1, 2012

## **PUBLIC ASSISTANCE**

### ***Rental Rebate Application Period***

[PA 12-69](#) extends, from four to six months, the period for submitting applications under the rental rebate program for the elderly and people with total permanent disability. Under prior law, renters could apply from May 15 through September 15 each year for a rebate for the previous year. The act extends the application period to April 1 through October 1.

EFFECTIVE DATE: October 1, 2012

### ***Municipal Agent for the Elderly***

Current law requires municipalities to have an appointed municipal agent for the elderly if a local ordinance requires it. Agents assist elders in learning about community resources and filing for benefits, among other things. [PA 12-119](#) changes who a municipality may appoint as an agent and gives the agents discretion regarding their duties.

EFFECTIVE DATE: Upon passage

## **PUBLIC HEALTH**

### ***Financial Assistance to Local Health Departments for Lead Poisoning Prevention***

[PA 12-202](#) establishes eligibility criteria for local health departments seeking funding from the Department of Public Health (DPH) to help finance lead poisoning prevention and remediation services. The act conditions a local department's funding eligibility on DPH approving its lead program, which must include case management, education, and environmental health components.

The act requires local health departments to use any funding they receive through the program for the lead poisoning prevention and control services specified in the act and other DPH-approved lead program purposes. It allows local health departments to provide these services directly or to contract for them.

EFFECTIVE DATE: October 1, 2012

### ***Massage Therapy Regulation***

[PA 12-64](#) extends regulation of the massage therapy field to people who employ massage therapists, not just the practitioners; expands the practices and services covered by advertising restrictions; and

authorizes the DPH commissioner to investigate complaints.

EFFECTIVE DATE: October 1, 2012

## **PUBLIC RECORDS**

### ***Residential Addresses of Certain Public Officials and Employees***

Prior law prohibited any state or municipal public agency from disclosing, under the Freedom of Information Act (FOIA), the residential addresses of certain public officials and employees (e.g., police and judges). [PA 12-3](#) narrows this prohibition.

Specifically, it (1) permits certain municipal and election-related documents to be disclosed without address redactions and (2) limits to the covered public officials' and employees' employing agency, instead of all public agencies, the requirement to keep his or her home address confidential in certain documents. It allows a covered individual to request address confidentiality from public agencies other than his or her employer and establishes procedures for these agencies to follow when receiving a FOIA request for certain records containing that individual's home address.

The act prohibits public agencies, public officials, or employees of public agencies from being penalized for violating the disclosure prohibition unless

the Freedom of Information Commission (FOIC) finds a willful and knowing violation. If the FOIC finds a willful and knowing violation, it may impose a civil penalty of between \$20 and \$1,000 against the agency, official, or employee.

**EFFECTIVE DATE:** Upon passage, except the provisions (1) limiting the disclosure prohibition to the employing agency, (2) authorizing nondisclosure requests to non-employing agencies, and (3) establishing procedures for non-employing agencies to follow are effective June 1, 2012.

### ***Recording Fees***

[PA 12-187](#) allows no more than 20 mortgage assignments per document to be recorded on the land records. It increases, from \$1 to \$2, the fee for recording a mortgage assignment after the first two assignments. It eliminates an outdated reference to a marginal notation of a mortgage assignment. The law authorizes town clerks to charge \$1 per page for a copy of any document recorded or filed in their offices. The act allows them to charge the fee for a copy in any format (e.g., CD-ROM or microfilm).

**EFFECTIVE DATE:** October 1, 2012

### ***Delayed Birth Registration***

[PA 12-163](#) changes the process for requesting a delayed

birth certificate, which is a birth certificate that is registered a year or more after a birth. Among other things, the act requires requests for delayed birth certificates to be filed with the DPH, rather than the town registrar of vital statistics. It requires DPH, rather than the town registrar, to prepare delayed birth certificates after such requests, including those prepared after a court order.

**EFFECTIVE DATE:** October 1, 2012

## **PUBLIC SAFETY**

### ***Traffic Stop Information***

[PA 12-74](#) suspends the duty of municipal police departments and the Department of Emergency Services and Public Protection (DESPP) (which includes the State Police) to record and report traffic stop information July 1, 2012. It requires them to resume recording the information starting July 1, 2013, and annually reporting summary data starting October 1, 2013, if new standardized methods are developed.

**EFFECTIVE DATE:** July 1, 2012

### ***Police Training and Eyewitness Identification Procedures***

[PA 12-111](#) refines police techniques for conducting eyewitness identifications of both

photographic and live lineups. It includes provisions on:

1. development, promulgation, and training functions performed jointly by the Police Officer Standards Council (POST) and the Division of State Police in DESPP;
2. police instructions and communications with eyewitnesses; and
3. new functions for the Eyewitness Identification Task Force.

EFFECTIVE DATE: Upon passage for the task force; July 1, 2012, for changes in the eyewitness identification procedures; and October 1, 2012, for the police officer training.

## ***Public Safety Data Network***

[PA 12-68](#) requires the (1) DESPP to establish a public safety data network (PSDN) in an electronic format for exchanging information among public safety and criminal justice entities and (2) Office of State-Wide Emergency Telecommunications to create technical and operational standards for the network's establishment.

EFFECTIVE DATE: Upon passage for the establishment of the PSDN; July 1, 2012 for the remaining provisions.

## ***Smoke and Carbon Monoxide Detectors and Alarms in Residential Buildings***

[PA 12-184](#) requires all one-family dwellings, instead of only those issued new occupancy building permits on or after October 1, 1978, to be equipped with smoke detection and warning equipment. It also requires all one- and two-family dwellings, instead of only those issued new occupancy building permits on or after October 1, 2005, to be equipped with carbon monoxide (CO) detection and warning equipment, unless they do not contain a fuel burning appliance, fireplace, or attached garage.

EFFECTIVE DATE: October 1, 2012

## ***Enhancing Emergency Preparedness and Response***

[PA 12-148](#), among other things, increases the frequency with which private and municipal utility companies must file emergency service restoration plans. It also:

1. requires DEEP, in consultation with the utility companies, the Department of Transportation (DOT), DESPP, and an association of municipalities, to develop a procedure for expedited road clearing for public safety personnel after an emergency by January 1, 2013, and
2. increases communication between the DOT, Public Utilities Regulatory Authority, municipalities, and utilities to coordinate roadwork and utility line undergrounding.

EFFECTIVE DATE: Upon passage

## **TAXATION**

### ***Jeopardy Collection of Taxes***

[PA 12-26](#) changes the process by which local tax collectors collect taxes that are assessed but not yet due (i.e., jeopardy tax collection).

The act also requires local tax collectors to notify in writing the (1) taxpayer and (2) municipality's chief elected official or chief executive officer



when beginning a jeopardy tax collection proceeding. The notice must explain in detail the basis for determining that the tax payment would be jeopardized by a delay.

EFFECTIVE DATE: October 1, 2012, and applicable to assessment years starting on or after that date.

### ***Property Tax on Partially Completed Construction***

[PA 12-157](#) explicitly authorizes municipalities to impose property taxes on structures that are partially completed or under construction.

EFFECTIVE DATE: October 1, 2012, and applicable to assessment years beginning on or after that date.

### ***Computer-Assisted Mass Appraisal (CAMA) Grants***

The CAMA program provides financial assistance to towns for costs associated with developing or modifying systems used for tax assessment and collection functions. [PA 12-189](#) authorizes up to \$38,500 in state GO bonds for these grants. [PA 12-1, JSS § 106](#), prohibits the OPM secretary from accepting or approving any applications for the program after June 30, 2012.

EFFECTIVE DATE: July 1, 2012

### ***Filing Deadline Waivers***

[PA 12-2, JSS §§ 3-12](#), allows certain taxpayers to receive property tax exemptions even though they missed the statutory deadlines for them. The exemptions are for manufacturing machinery and equipment, commercial trucks, and nonprofit organization property.

It also allows a taxpayer to receive a refund of the penalty assessed for failing to file a personal property declaration even though the taxpayer missed the deadline for filing the declaration.

EFFECTIVE DATE: Upon passage

### ***Personal Property Tax Audit Penalty***

By law, a local tax assessor can compel a taxpayer to testify or produce certain books and records as part of a personal property tax audit. Under prior law, taxpayers who failed to appear at the audit, refused to answer any pertinent question, or failed to produce the records were subject to a fine of up to \$100, up to 30 days in prison, or both. [PA 12-80](#) classifies this crime as a class D misdemeanor, which increases the maximum fine from \$100 to \$250 and maintains the maximum prison term of 30 days.

EFFECTIVE DATE: October 1, 2012

**Revaluation Phase-In for Decreases in Property Values**

**PA 12-2, JSS §§ 168-170**, allows municipalities to phase in post-revaluation decreases in property values using methods that are comparable to those the law allows for phasing in increases in property values.

EFFECTIVE DATE: July 1, 2012 and applicable to assessment years starting October 1, 2012.

**Manufacturing Transition Grants**

By law, the OPM secretary provides municipalities with manufacturing transition grants equal to the amount each received in FY 11 as a payment in lieu of taxes (PILOT) reimbursement for revenue losses from required property tax exemptions for eligible commercial vehicles and manufacturing machinery and equipment.

**PA 12-104** corrects a grant calculation error in Franklin’s manufacturing transition grant and makes a corresponding reduction, in aggregate grants for all municipalities. It also gives additional one-time grants of \$39,411 to Ledyard and \$62,954 to Montville.

EFFECTIVE DATE: Upon passage

**Ledyard and Montville Grant-in-Lieu of Taxes**

**PA 12-1, JSS § 98**, provides a grant-in-lieu of taxes to Ledyard and Montville, phased-in from 2012 to 2016, equal to 45% of the property tax value of the land that the federal government took into trust for the (1) Mashantucket Pequot Tribal Nation before June 8, 1999 or (2) Mohegan Tribe of Indians of Connecticut.

EFFECTIVE DATE: July 1, 2012

**TRANSPORTATION**

**New Office of State Traffic Administration**

**PA 12-132** creates an Office of State Traffic Administration (OSTA) within the state DOT as the successor to the State Traffic Commission (STC), transferring most of STC's duties and powers to OSTA.

EFFECTIVE DATE: July 1, 2012

**Town-Aid Road Program Funding**

**PA 12-189** authorizes up to \$30 million in special tax obligation bonds for the town-aid road grant program.

EFFECTIVE DATE: July 1, 2012

JH/RP:ro