



# Acts Affecting Municipalities

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July 3, 2017 | 2017-R-0122

Revised

## Notice to Readers

This report provides summaries of new laws (Public Acts and Special Acts) significantly affecting municipalities enacted during the 2017 regular session. OLR's other Acts Affecting reports, including Acts Affecting Education, Acts Affecting Crime and Public Safety, and Acts Affecting Town Clerks, are, or will soon be, available on OLR's website:

<https://www.cga.ct.gov/olr/actsaffecting.asp>.

Each summary indicates the Public Act (PA) or Special Act (SA) number. Not all provisions of the acts are included. The report does not include vetoed acts unless the veto was overridden.

Complete summaries of Public Acts are, or will soon be, available on OLR's website:

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

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## **Energy and Utilities**

### ***CMEEC and the Municipal Electric Consumer Advocate***

Several municipal electric utilities purchase electricity through the Connecticut Municipal Electric Energy Cooperative (CMEEC). A new law adds requirements on how and where CMEEC conducts its business and establishes the position of municipal electric consumer advocate. Additionally, it requires one of the people appointed to CMEEC's board by each member utility to be a ratepayer appointed by the legislative body of the municipality where the member utility operates.

The new law also (1) prohibits CMEEC from holding meetings, public hearings, or strategic retreats outside Connecticut and (2) requires CMEEC, its member utilities, and member utilities' municipalities to post notices, agendas, and minutes for meetings and public hearings on their websites ([PA 17-73](#), effective October 1, 2017, except for the provision on the municipal electric consumer advocate, which is effective upon passage).

### ***Commercial Property Assessed Clean Energy Program (C-PACE)***

This session, the legislature made several revisions to the C-PACE program, which provides financing for energy efficiency or renewable energy improvements on certain commercial properties in participating municipalities. Among other things, these revisions:

1. expand the purposes for which C-PACE financing may be provided;
2. specify that foreclosures on C-PACE liens are limited to late assessment payments and that liens for C-PACE payments that will become due in the future survive the foreclosure; and
3. specify that when a property with a C-PACE lien is subject to a property tax foreclosure or levy and sale, the lien for any late C-PACE payments will be extinguished but the lien for any future C-PACE payments will remain with the property ([PA 17-201](#), effective October 1, 2017).

### ***Consumer Advocate for Metropolitan District Commission (MDC) Customers***

A new law establishes an independent consumer advocate to advocate for and represent MDC customers in all matters that may affect them, including rates, water quality, water supply, and wastewater service quality. The state's consumer counsel must appoint the advocate, subject to certain qualifications, and MDC must pay the advocate's costs ([PA 17-1](#), effective upon passage).

## **Environment**

### ***Land Banks for Remediating Brownfields***

Contaminated industrial properties dot the state, but many communities lack the administrative and technical resources needed to clean them up and prepare them for new uses. A new law helps these communities tackle these properties by authorizing the Department of Economic and Community Development to certify new and existing nonprofit organizations as Connecticut Brownfield Land Banks (CBLB). A certified CBLB operates on a municipality's behalf, with access to the same brownfield remediation tools and incentives available to municipal agencies ([PA 17-214](#), effective July 1, 2017).

### ***Notification of Pesticide Application by Railroads***

A new law requires railroads that apply pesticides to any railroad right-of-way to (1) provide at least 21 days' notice of the application to the Department of Transportation (DOT) and each impacted municipality's chief elected official or board of selectmen and (2) file a vegetation management plan with DOT and the impacted municipalities by February 1 annually. Within 30 days of receiving such a plan, municipalities must post it on their websites, if they have one ([PA 17-230](#), § 12, effective October 1, 2017).

### ***Prohibition on Using Coal Tar Sealant***

This session, the legislature passed a law that bans using or applying sealants made from coal tar on state or local highways ([PA 17-113](#), effective October 1, 2017).

### ***Sale of Certain Water-Related Property***

A new law requires municipalities to have certain real property that includes or is part of a watershed, or encompasses a well or reservoir, appraised to determine its fair market value before selling it. It applies to such property with an assessed value of more than \$250,000, or whose value has not been assessed by the town.

At least 60 days before the sale, the municipality must publish the appraisal on its website. If there is no website, publication must be done in whatever manner the municipality deems practicable. Under the new law, a "municipality" is a town, consolidated town and city, or consolidated town and borough ([PA 17-238](#), § 13, effective July 1, 2017).

## ***Tree Trimming and Other Activities on Municipal Property***

A new law extends to municipal property, and makes several changes in, the laws on cutting or removing trees and shrubs on public roads and grounds. It also requires utility companies to comply with certain application and permit requirements when managing vegetation around utility equipment on municipal property. The law also applies to municipal property various bans on (1) pruning, removing, or defacing (e.g., posting notices on) trees or other natural objects and (2) distributing or discarding advertisements and other materials ([PA 17-117](#), effective upon passage).

## **Finance**

### ***Municipal Deficit Financing***

The state's municipal deficit financing law establishes conditions under which municipalities meeting certain criteria may issue bonds to cover a deficit or projected deficit. For purposes of these bonds, a new law temporarily excludes the impact of any refunding bonds in calculating a municipality's deficit or projected fiscal year deficit. It also excludes tax anticipation notes from the (1) types of debt obligations included under the municipal deficit financing law and (2) calculation of a municipality's projected fiscal year deficit under the law ([PA 17-147](#), §§ 49 & 50, effective upon passage).

### ***Municipal Employees' Retirement System (MERS) Pension Funding Bonds***

Municipalities participating in MERS must pay the unfunded costs of future pensions for employees brought into the system. Under a new law, qualifying municipalities may authorize bonds to pay all or part of this liability, according to specified procedures, rather than paying it in annual installments over a period of up to 30 years ([PA 17-107](#), effective July 1, 2017).

### ***Municipal Refunding Bond Maturity***

A new law temporarily allows municipalities, from July 1, 2017 until July 1, 2022, to issue refunding bonds with a maturity date of up to 30 years if their legislative bodies adopt a resolution to do so by a two-thirds vote. (Existing law generally limits municipal bond terms to 20 years.) Under the new law, the resolution approving the bonds may include a provision securing the refunding bonds by a statutory lien on all of the municipality's tax revenues ([PA 17-147](#), §§ 47 & 48, effective July 1, 2017).

## ***Self-Insured Municipalities' Right to Recover Health Expenses***

A new law gives self-insured towns, cities, and boroughs a lien on the part of judgments or settlements obtained by an employee or his or her covered dependent or family member for medical, hospital, and prescription expenses incurred due to a third-party's negligence or recklessness. The lien applies only to certain judgements or settlements and instances when a municipality incurs more than \$15,000 in medical, hospital, and prescription expenses ([PA 17-165](#), effective October 1, 2017).

## **Gambling**

### ***Additional Off-Track Betting (OTB) Facilities Authorized***

A new law increases the maximum number of authorized OTB facilities in the state from 18 to 24. Currently, 16 are operational. By law, the location of OTB facilities and the addition of simulcasting capability are subject to (1) Department of Consumer Protection (DCP) commissioner approval and (2) approval by the host town's legislative body ([PA 17-209](#), effective upon passage).

### ***Casino***

A new law authorizes the Mashantucket Pequot and Mohegan tribes, through a limited liability company jointly and exclusively owned by the tribes (i.e., MMCT Venture), to build and operate an East Windsor casino. The casino authorization is contingent on, among other things, the governor amending the current tribal agreements (e.g., compacts) and receiving approval from the legislature and the federal interior secretary. Once the casino is operational, MMCT must pay the state 25% of the revenue from both the video slot machines and table games. Of the 25% from the video slot machines, the bill requires \$4.5 million to be annually dispersed as grants to East Hartford, Ellington, Enfield, Hartford, South Windsor, and Windsor Locks ([PA 17-89](#), effective upon passage).

### ***Charitable Gaming***

A new law generally transfers DCP's charitable gaming (e.g., bingo, bazaars, or raffles) investigation, oversight, and permitting functions to the municipalities where such gaming occurs. Specifically, it transfers these responsibilities to a municipality's chief of police or if there is no police department, the chief executive officer ([PA 17-231](#), effective on January 1, 2018).



## Grants and Aid

### ***Municipal Grant Portal***

Under a new law, the Office of Policy and Management (OPM) secretary must, within available appropriations, create and maintain the Municipal Grant Portal, a single electronic web portal on OPM's website for posting all state-funded municipal grant applications. The portal must include (1) all of the grant applications and municipal reimbursement request forms, (2) a searchable database for locating information about the grants, and (3) features encouraging municipalities to participate in the application process ([PA 17-183](#), effective upon passage).

### ***Regional Services Grant Payments***

For FY 17, a new law reduces, from \$3 million to \$2.25 million, the total amount of regional services grants allocated to regional councils of governments and transfers the difference (\$750,000) to the General Fund by June 30, 2017. The grants are funded through the Municipal Revenue Sharing Fund, and the grant amounts are based on a formula determined by the OPM secretary ([PA 17-51](#), § 1, effective upon passage).

### ***Remitting Certain For-Hire Transportation Fines to Municipalities***

A new law creates a regulatory structure for transportation network companies (TNCs) and makes various changes to taxi and livery service laws. Among other things, the law requires the state to remit 50% of the fines it collects from the following crimes to the municipality that issued the summons:

1. holding oneself out to be a TNC driver (class B misdemeanor);
2. operating or advertising a taxi service without a certificate (class A misdemeanor);
3. allowing an unauthorized person to drive a taxi (class A misdemeanor);
4. holding oneself out to be a livery vehicle operator without a permit (class B misdemeanor);  
and
5. holding oneself out to be a household goods carrier without a certificate (class B misdemeanor) ([PA 17-140](#), §§ 4 & 8-10, effective October 1, 2017, except for the TNC-related provision, which is effective January 1, 2018).

## ***Withholding of Grant Payments to MDC Member Municipalities***

A new law requires the OPM secretary to withhold and delay payment in lieu of taxes (PILOT) grants to any MDC member municipality that fails to pay its sewer use assessment to the district. It also bars any municipality that fails to timely pay an MDC sewer use assessment from receiving an early disbursement of their municipal revenue sharing grants ([PA 17-1](#), effective upon passage).

## **Land Use**

### ***Automatic Closure of Building Permits after Nine Years***

A new law automatically closes open building permits for one- and two-family homes and associated structures nine years after a municipality issues them, if a certificate of occupancy has not been granted for the buildings or structures. Under the new law, automatic closure serves as a bar to enforcement actions based on work started or completed pursuant to an open building permit. Municipalities and their officers and employees are not liable with respect to any claim related to an automatically closed building permit ([PA 17-176](#), effective October 1, 2017).

### ***Changes to CGS § 8-30g (VETOED, VETO OVERRIDDEN)***

This session, the legislature made changes to the affordable housing land use appeals procedure ([CGS § 8-30g](#)), which requires municipalities to defend their decisions rejecting affordable housing development applications or approving them with costly conditions. By law, municipalities with a certain amount of affordable housing are exempt from the procedure. Additionally, municipalities are eligible for a temporary suspension of procedure (i.e., moratorium) each time they show they have added to their housing stock a certain number of affordable housing units since the last decennial census. Generally, the new law (1) makes it easier for municipalities to qualify for a moratorium by, among other things, expanding the unit types that count toward the moratorium calculation and (2) extends the length of moratoria for certain municipalities. It also changes how the law categorizes certain mobile manufactured homes for purposes of calculating exemptions and moratoria ([PA 17-170](#), effective upon passage, but certain provisions sunset in five years).

### ***Municipal Affordable Housing Planning Requirement (VETOED, VETO OVERRIDDEN)***

A new law requires each municipality, at least once every five years, to prepare or amend and adopt an affordable housing plan. The plan must specify how the municipality will increase the number of affordable housing developments in its jurisdiction ([PA 17-170](#), § 2, effective upon passage).

## ***Nonconforming Uses, Buildings, and Structures***

This session, the legislature clarified the law's protections for nonconforming uses, buildings, and structures by specifying that municipal zoning regulations cannot terminate them or deem them abandoned unless the property owner voluntarily discontinues the nonconforming use, building, or structure with the intent not to reestablish it. The new law also specifies that demolishing or deconstructing a nonconforming use, building, or structure is not, by itself, evidence of intent to abandon ([PA 17-39](#), effective July 1, 2017).

## ***Temporary Health Care Structures***

A new law establishes conditions under which property owners may place temporary health care structures on residential property to care for individuals with qualifying mental or physical impairments. It prohibits municipal zoning regulations from barring such structures unless the municipality follows a specified process to opt out of the requirements ([PA 17-155](#), effective October 1, 2017).

## **Police and Public Safety**

### ***Body Cameras***

A new law expands an OPM grant program that reimburses municipalities for, among other things, purchasing body cameras for use by municipal police departments. Generally, it expands the types of equipment and law enforcement personnel eligible for the program and extends the program by one year, to FY 19. But under the new law, reimbursement is provided within available resources.

With respect to municipal police departments that use body cameras, existing law requires their use when interacting with the public in a law enforcement capacity, with certain exceptions (e.g., encounters with informants). The new law additionally requires that they be used in accordance with the department's policy for using body cameras, if the policy is adopted in accordance with guidelines issued by the Department of Emergency Services and Public Protection commissioner and Police Officer Standards and Training Council.

Lastly, the legislature established a 26-member task force to examine the use of body cameras by state and municipal police. It must report its findings and recommendations to the legislature by February 1, 2018 ([PA 17-225](#), effective upon passage for the grant program and task force provisions and October 1, 2017 for the policy provision).

## ***Fire Apparatus Safety and Testing***

A new law requires municipal and volunteer fire departments to maintain their pump and aerial fire apparatus components in compliance with the National Fire Protection Association standard 1911, which sets minimum requirements for inspecting, maintaining, testing, and retiring fire apparatus. It also requires such departments to maintain their fire apparatus in compliance with specified federal regulations concerning safety, maintenance, and inspections. Existing state regulations already require compliance with the same federal regulations ([PA 17-175](#), effective October 1, 2017).

## ***Police Reports***

A new law requires law enforcement units to inform the Police Officer Standards and Training Council if they know that a former police officer is applying for a police job after the officer was dismissed for malfeasance or serious misconduct calling into question his or her fitness to serve, or retired or resigned during an investigation of such ([PA 17-180](#), effective October 1, 2017).

## ***Police Training in Autism***

A new law requires each police review and basic or field training program conducted or administered on and after January 1, 2018, by the State Police, Police Officer Standards and Training Council, or a municipal police department, to include techniques for handling incidents, such as wandering, that involve juveniles with autism spectrum disorder or nonverbal learning disorder. The requirement applies only if the curriculum for such techniques is available at no cost to the Division of State Police from (1) higher education institutions, health care professionals, or advocacy organizations concerned with juveniles who have these disorders or (2) a collaboration of such institutions, professionals, or organizations ([PA 17-166](#), effective October 1, 2017).

## ***Tribal Police Departments and Mutual Aid Agreements***

Under a new law, the Mohegan Tribe and Mashantucket Pequot Tribe may enter into police mutual aid agreements with municipalities on the same terms and conditions as municipalities can already do with each other under existing law. The authorization is valid as long as the tribal-state memoranda establishing the authority of the tribal police departments remain in effect ([PA 17-4](#), effective October 1, 2017).

## **Property Tax**

### ***Increased Income Threshold for Local Option Disabled Veterans' Exemption***

By law, municipalities have the option to increase the additional property tax exemption for income-qualified, 100% disabled veterans from two times a veteran's base exemption to three times that amount. A new law increases the maximum qualifying income for this local option exemption from (1) \$18,000 to \$21,000, for single veterans, and (2) \$21,000 to \$24,000 for married veterans ([PA 17-189](#), § 2, effective October 1, 2017, and applicable to assessment years beginning on or after that date).

### ***Leased Municipal Property***

A new law expands the property tax exemption for municipal property to include real and personal property leased to a municipality that is used for a public purpose and located in the municipality, including taxable motor vehicles ([PA 17-199](#), effective October 1, 2017).

### ***New Property Tax Exemptions***

Under a new law, certain household electronic devices and paint coloring and mixing machinery and equipment are exempt from property tax ([PA 17-105](#), §§ 10 & 11, effective October 1, 2017, and applicable to assessment years beginning on or after that date).

### ***Optional Municipal Property Tax Exemptions***

Two new laws allow municipalities, with their legislative body's approval, to provide a property tax exemption to (1) a parent or surviving spouse of a service member killed in action while performing active military duty with the U.S. Armed Forces (i.e., a "Gold Star" parent or surviving spouse) and (2) certain veterans who do not qualify for certain state veteran property tax exemptions (i.e., wartime, disabled, and severe service-related exemptions) ([PA 17-65](#) and [PA 17-189](#), effective October 1, 2017, and applicable to assessment years beginning on or after that date).

### ***Tax Lien Actions***

A new law makes privileged, with respect to assignment for trial, actions to foreclose a municipal tax lien that are commenced on or after January 1, 2018 ([PA 17-126](#), effective January 1, 2018).

## **Public Health**

### ***Crematory Location***

Existing law allows crematories (1) anywhere within an established cemetery with at least 20 acres if the cemetery has been operating for at least five years and (2) in other locations approved by the local zoning commission, chief elected official, or legislative body. Starting July 1, 2017, a new law prohibits locating a new crematory within 500 feet of residential structures or property unless the crematory's owner also owns the residential property ([PA 17-146](#), § 16, effective July 1, 2017).

### ***Lead Abatement***

A new law requires the Banking and Housing departments, within available appropriations, to study the development of a lead abatement interest rate reduction program that provides interest rate subsidies to certain property owners who have difficulty obtaining financing to abate lead. The Banking and Housing commissioners must report their findings to the legislature by January 1, 2018 ([PA 17-236](#), § 20, effective upon passage).

### ***Local Emergency Medical Services (EMS) Plans***

A new law makes changes concerning municipalities' EMS plans. Among other things, it:

1. requires municipalities to update their plans at least every five years, rather than when they determine necessary;
2. specifies certain information that must be included in the plans' performance standards;
3. requires the Department of Public Health (DPH) to give at least 120 days' notice to a municipality before beginning its evaluation of the municipality's revised plan; and
4. modifies the process for developing performance improvement plans for primary service area responders rated as failing ([PA 17-84](#), effective October 1, 2017).

Another new law clarifies requirements concerning first responders by specifying that municipalities must amend their EMS plans to require that at least one EMS provider likely to arrive first on the scene of a medical emergency carry an opioid antagonist and complete training on how to administer it. The new law also extends the date, from October 1, 2016 to October 1, 2017, by which municipalities must amend these plans to include this requirement ([PA 17-131](#), § 11, effective July 1, 2017).

## ***Septic Systems***

A new law increases the size of household and small commercial subsurface sewage disposal systems (generally, septic systems) over which DPH and local health departments, rather than the Department of Energy and Environmental Protection, have jurisdiction, from a maximum capacity of 5,000 gallons per day to 7,500 gallons per day ([PA 17-146](#), § 30, effective July 1, 2017).

## **Miscellaneous**

### ***Assistant Registrars of Vital Statistics***

A new law removes the statutory cap on the number of assistant registrars a town's elected, appointed, or ex-officio registrar of vital statistics may appoint. Prior law allowed up to four such appointments per town. By law, assistant registrars may exercise the same powers and duties as the registrar ([PA 17-46](#), effective October 1, 2017).

### ***Autonomous Vehicles (AVs) Pilot Program***

A new law requires OPM, in consultation with specified agencies, to establish a pilot program to allow manufacturers to test AVs in up to four municipalities. Municipalities must apply to the OPM secretary to participate in the program, and he must select (1) one municipality with a population of between 120,000 and 124,000, as listed in the 2010 census (i.e., Stamford) and (2) one municipality with a population of at least 100,000, as listed in the 2010 census ([PA 17-69](#), effective upon passage).

### ***Blight Fines and Nuisance Abatement***

A new law makes privileged, with respect to assignment for trial, actions to foreclose a blight lien that are commenced on or after January 1, 2018 ([PA 17-126](#), effective January 1, 2018).

Another new law establishes an eight-member task force to study methods to prevent the issuance of mortgages to persons with excessive blight fines or who have violated nuisance abatement laws. The task force must report its findings and recommendations to the legislature by July 1, 2018 ([PA 17-236](#), § 18, effective upon passage).

### ***Deferred Compensation Plans***

Starting January 1, 2019, a new law requires companies that administer certain 403(b) retirement plans offered by a political subdivision of the state (including towns, cities, boroughs, and special taxing districts) to disclose the (1) fee ratio and return, net of fees, for each investment under the

plan and (2) fees paid to anyone who provides investment advice to plan participants directly or through publications or writings. The administrators must make the disclosures to each plan participant upon enrollment and annually thereafter ([PA 17-142](#), effective October 1, 2017).

### ***Filing False Records***

A new law makes it a crime, punishable as a class D felony, to file a false record on a municipal land record or under the Uniform Commercial Code and gives victims a cause of action to petition the court to have such a record invalidated ([PA 17-99](#), §§ 46-49, effective January 1, 2018).

### ***Itinerant Vendor License***

A new law eliminates municipalities' specific authority to license itinerant vendors ([CGS § 21-27](#) et seq.). An itinerant vendor is anyone who does not have a permanent place of business in Connecticut for at least nine months a year; offers to sell goods; and rents, leases or occupies any building or structure in order to sell these goods ([PA 17-75](#), § 5, effective January 1, 2018).

### ***Municipal Commercial Drone Regulations***

A new law generally prohibits municipalities from regulating commercial drones, except as allowed under state or federal law and to the extent the regulations do not conflict with the Connecticut Airport Authority's policies and procedures. It creates an exception for municipal water companies enacting and enforcing regulations concerning drone use over the municipality's public water supply and certain watershed and off-watershed land ([PA 17-52](#), effective upon passage).

### ***Prohibiting Disclosure of Identifying Information About Department of Housing (DOH) Clients***

A new law establishes protections for personal information about people who apply for, receive assistance from, or participate in DOH programs (i.e., "clients"). Generally and with certain exceptions, it prohibits employees and contractors of state, municipal, and quasi-public agencies from soliciting, disclosing, receiving, or using any personal information about DOH clients. It similarly prohibits them from authorizing, knowingly permitting, participating in, or acquiescing in the use of this personal information ([PA 17-177](#), effective upon passage).

### ***Recording Trust Instruments***

A new law establishes the validity of conveyance of interest in real property by, or to, trusts and trustees and requires town clerks to index an instrument by the name of the trust and trustee identified in the instrument if the grantor, grantee, releasor, releasee, assignor, assignee, transferor, or transferee is a trust ([PA 17-99](#), § 50, effective October 1, 2017).



### ***Sale of Excess DOT Property***

A new law eliminates a requirement that DOT offer its excess property to the municipality where it is located before selling it at auction. Another state law, unaffected by the new legislation, requires any state agency selling land to notify a municipality's chief executive officer and state legislators of its availability before selling it ([PA 17-230](#), effective October 1, 2017).

### ***Veteran Status Discrimination***

A new law prohibits discrimination on the basis of a veteran's status in employment, public accommodations, the sale or rental of housing, the granting of credit, and other laws over which the Commission on Human Rights and Opportunities (CHRO) has jurisdiction. A veteran aggrieved by an alleged discriminatory practice may file a complaint with CHRO ([PA 17-127](#), effective October 1, 2017).

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