

Best Practices Guidelines

Land Use - updated 9/1//20 - added Executive Order 7000

<p>Critical Functions</p>	<p>The Land Use Office is a functioning combination of community commission/agency members) and municipal staff. Together, they are in place to support the residents of a given town in meeting that town's land use challenges and regulatory obligations, identifying opportunities for improved development and redevelopment, natural resource protections, and properly applying regulatory (wetlands, zoning, subdivision) mechanisms.</p> <p>A typical Land Use Office consists of the following staff positions: Town Planner(s), Zoning Enforcement Enforcement Officer(s), Wetlands Enforcement officer, Building Official(s) and administrative staff. These persons serve the Planning and Zoning Commission (some towns have these separated and two towns do not have a zoning commission), Inland Wetlands and Watercourses Agency, Conservation Commission (optional) and a Zoning Board of Appeals. The actions of the staff are governed by land use regulations, State Statute and town polices/procedures.</p> <p>In general this function(s) is responsible for accepting/processing applications, preparing the legal notices, reviewing all applications for completeness and compliance, preparing the meeting agenda, and organizing the actual meeting place. Statutorily this office covers a wide range of laws. These include:</p>
<p>Statutory Notes</p>	<ul style="list-style-type: none"> • Chapter 124 - Zoning • Sec. 8-1. Zoning commissions - Any municipality may, by vote of its legislative body, adopt the provisions of this chapter and exercise through a zoning commission the powers granted hereunder. .. • Sec. 8-3. Enforcement of regulations. • Sec. 8-4a. Zoning or Planning Commission May be Designated as Planning and Zoning commission • Sec. 8-6. Powers and Duties of Board of Appeals - The zoning board of appeals shall have the following powers and duties: (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of this chapter orregulation(2) to hear and decide all matters including special exceptions and special exemptions under section 8-2g upon which it is required to pass by the specific terms of the zoning bylaw, ordinance or regulation; and (3) to determine and vary the application of the zoningregulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such regulations would result in exceptional difficulty or unusual hardship ... • Sec. 22a-42. Municipal Regulation of Wetlands and Watercourses - To carry out and effectuate the purposes and policies of sections 22a-36 to 22a-45a [Inland Wetlands and Watercourses Act], inclusive, it is hereby declared to be the public policy of the state to require municipal regulation of activities affecting the wetlands and watercourses within the territorial limits of the various municipalities or districts.
<p>Executive Orders</p>	<p>7N-1 - Addressed social distancing in order to minimize COVID-19 exposure, amended and superseded by Executive Order 7D and now 7N-1</p> <p>Executive Order 7N Link: https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7N.pdf</p> <p>7B - Suspension of in-person open meeting requirements: The order modifies statutes regarding state and local government meetings that are required to permit members of the public to attend in-person and authorizes those meetings to be held remotely by conference call or videoconference, provided that the public is provided remote access to view or listen to the meetings and access materials for the meetings. Sec. 1-206, 225 and 226</p> <p>Executive Order 7B Link: https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7B.pdf</p> <p>7H-1 - Restrictions on workplaces for non-essential business: The order directs all non-essential businesses and not-for-profit entities in Connecticut to prohibit all in-person functions if they are able to, effective Monday, March 23, 2020 at 8:00 p.m. The governor is encouraging all businesses to employ, to the maximum extent possible, any telecommuting or work-from-home procedures that they can safely implement. The governor's order excludes any essential business or entity providing essential services or functions, such</p>

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as healthcare, food service, law enforcement, and similar critical services.

Executive Order 7H Link: <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7H.pdf>

71-19 - (See 7JJ-4 - Tolling of Land Use and Building Permits) Suspends, modifies, and clarifies certain municipal procedural requirements and time limitations regarding notice, commencement, and holding of public hearings, decisions, and appeals, including land use and other municipal boards. Specifically, General Statutes Chapters 14, 97a, 98, 103, 124, 126, 246, 368k, 440, 444, 446i, and the repealed Section 14-55, if and to the extent such repealed section is revived by current judicial action, and any related special act(s), and municipal charter, ordinance, resolution, or regulation (all such state and municipal laws and regulations being, collectively, the "Covered Laws"); any provision of such Covered Laws that establish procedural requirements for municipal decisions and that conflict with this order, is suspended and modified.

- a. **Any time deadlines** contained in the Covered Laws that may pass or expire during the public health and civil preparedness emergency declared by me on March 10, 2020 ("state of emergency") are **extended by an additional 90 days**
- b. If the **90-day demolition delay** required by Section 7-147j would commence or expire during the state of emergency, such period of delay shall be **extended for 90 days**.
- c. Any Covered Law requiring a municipality or agency to **publish any notice or notices** in a newspaper of general or substantial circulation **is suspended and modified** to allow a single notice to be **published electronically on a municipality's or agency's website**
- d. Any Covered Law requiring **any notice to be filed in the office of any municipal clerk**, including any town, city, borough, or district clerk, **is suspended and modified** to allow said notice to be **posted electronically on a municipality's website**,
- e. Any Covered Law requiring **direct or personal notice by mail from a municipality, agency or applicant** to any other person, agency, municipal clerk (including any town, city, borough, or district clerk), municipality, utility company or water company regarding the filing or pendency of any petition, application, or other proposal **is suspended** and modified to allow said notice requirement **to be satisfied by electronic mail notification**,
- f. Any Covered Law prescribing the procedure for any petition, including petition of **a decision**, to an agency or legislative body, is suspended and modified to allow **such petition to be signed electronically**
- g. Any Covered Law **prescribing the procedure for commencement of an appeal of a decision to the Superior Court** and associated service of process is **suspended and modified to permit any such appeal to be commenced by a proper officer by electronic mail notice**
- h. Any Covered Law **prescribing the procedure for commencement of an appeal of a decision to the Superior Court** and associated service of process is **suspended and modified to permit any such appeal to be commenced by a proper officer by electronic mail notice**
- i. Any Covered Law prescribing the procedure for commencement of an **appeal of a decision by a zoning enforcement officer or an agent for an inland wetland agency** is suspended and modified to permit **any such appeal to be commenced by regular mail or by electronic mail**

Land Use Clarification for Section 19:

- a. Land use applications and proceedings that are constrained by statutory deadlines will have those deadlines extended by up to an aggregate period of ninety (90) days in addition to any other statutory or regulatory extension provisions.
- b. Demolition delay timelines are extended by ninety (90) days
- c. Statutory or regulatory provisions requiring filings or publications of notices and other information are generally suspended to allow such filings or publications to be made on the municipality's website rather than in the town clerk's office or in a newspaper

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- d. Statutory or regulatory provisions requiring posting of physical signs are suspended (with one exception noted below)
- e. Statutory or regulatory provisions requiring personal notice by mail to individuals, other boards or commissions, other towns, regional planning organizations or other entities or persons may be made by electronic mail where possible. If electronic mail addresses are unknown for any such recipients, the party obligated to give the notice may (i) post a sign on the property indicating that an application is pending and giving relevant details or (ii) mail required notices to those individuals or entities at the address provided to them by the municipality.
- f. Statutory or regulatory provisions requiring the filing of any petition, including a petition for an appeal to a legislative body or agency, may be satisfied by electronic filings of and electronic signatures on such petitions
- g. Commencement of an appeal of a municipal decision to Superior Court which requires service on the town clerk or other town official or entity may be satisfied by service by electronic mail by the proper officer. The time period for filing an appeal has not been changed.
- h. The appeal of a decision of a zoning enforcement officer or an inland wetlands agent may be made by electronic mail rather than regular mail. The time period for filing such appeals has not been changed.
- i. The suspensions and modifications contained in Section 19 of Executive Order 71 would require the filing or delivery of the applicable confirmations, notices, appeals or other actions to be made within a reasonable time after the applicable office opens for public activity.

Executive Order 71 Link: <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-71.pdf>

7L-3 - Suspends restrictions on the re-employment of retired municipal employees: To enable municipalities to meet critical staffing needs caused by COVID-19 with skilled and experienced employees who require little to no additional training, the order modifies state statutes to allow certain retired employees who are in the municipal retirement system to work without any hourly or durational limitation while also continuing to receive retirement allowances. **Sec. 7-438(b). Continuation of retirement allowance upon other public employment. Participation in state retirement system. Reemployment by participating municipality.**

Executive Order 7L Link: <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7L.pdf>

7M-2 - Suspension of mandatory statutory filing requirements for Freedom of Information Act appeals and decisions by the Freedom of Information Commission: As many state offices transition to a telework environment, including the staff at the Freedom of Information Commission, this order suspends the time requirements for filing an appeal with the commission, and the requirement that the commission must hear and decide an appeal within one year after the filing of such appeal. - **Sec. 1-206. (Formerly Sec. 1-21i). Denial of access to public records or meetings. Appeals. Notice. Orders. Civil penalty. Petition for relief from vexatious requester. Service of process upon commission. Frivolous appeals. Appeal re state hazardous waste program records.(b) (1)**

7M-3 - Authorizing state agencies to extend statutory regulatory administrative deadlines by 90 days: The order allows flexibility in meeting statutory deadlines for filings, decisions, and notice in the many permitting and other applications and administrative hearings under the purview of state agencies, and requires agencies to post any changes on their web sites

Executive Order 7M Link: <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7M.pdf>

7V-1 - Safe workplaces in essential businesses: Requires the Department of Economic and Community Development to work in consultation with the Department of Public Health on the development of legally binding statewide rules prescribing additional protective measures that every workplace in Connecticut deemed essential – and any other business or nonprofit allowed to remain open – must follow. Such rules will be mandatory throughout the state.

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- Immediately upon Governor Lamont’s signing of this executive order, the Department of Economic and Community Development published the Safe Workplaces Rules for Essential Employers on its website, outlining guidance for these businesses. These rules go into effect immediately.
 - Nothing in such rules or this order shall supersede Executive Order No. 7S, Section 1, or the “Safe Stores” rules
- ✓ Go to DECD’s website for the most recent guidance: <https://portal.ct.gov/DECD/Content/Coronavirus-Business-Recovery/Safe-Workplace-Rules-for-Essential-Employers>

Executive Order 7V Link: <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7V.pdf>

7BB-1 - (Repealed and Replaced with EO 7NNN) Cloth face coverings or higher level of protection required in public wherever close contact is unavoidable - Each employee shall be required to wear a mask or other cloth material that covers his or her mouth and nose at all times while in the workplace. Towns shall issue such masks or cloth face coverings to their employees. In the event a town is unable to provide masks or cloth face coverings to employees because of shortages or supply chain difficulties, towns must provide the materials and CDC tutorial about how to create a cloth face covering, or compensate employees for the reasonable and necessary costs employees expend on such materials to make their own masks or cloth face coverings.

- Nothing in these rules shall require the use of a mask or cloth face covering by anyone for whom doing so would be contrary to his or her health or safety because of a medical condition.
- If a person declines to wear a mask or face covering because of a medical condition as described above, such person shall not be required to produce medical documentation verifying the stated condition.

Executive Order 7BB Link: <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7BB.pdf>

7JJ-4 - Tolling of Land Use and Building Permits. In order to ensure that land use and building permit holders may continue to diligently pursue permitted activities after the state of emergency, an approval or permit issued by a municipal land use agency or official pursuant to the **"Covered Laws" as defined in Section 19 of Executive Order 7I**, or by a municipal building official pursuant to Connecticut General Statutes Chapter 541 and valid as of March 10, 2020, **shall not lapse or otherwise expire during the state of emergency**, and the expiration date of the approval shall toll during the state of emergency. To the extent that any such approval contains or is subject to conditions, the agency or official may waive such conditions if an approval holder is not able to abide by the conditions as a result of the COVID-19 pandemic or protective measures taken in response to it, provided that such waiver shall not be unreasonably withheld. This section shall not apply to an approval or permit whose holder was in violation of the terms and conditions of the approval as of March 10, 2020 or who violates such terms and conditions during the state of emergency.

Executive Order 7JJ Link: <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7JJ.pdf>

7MM - 1 - Expedited Municipal Zoning Amendments. (Per EO 7000 - All provisions of Executive Order No. 7MM and any approvals issued under it shall be extended through November 12, 2020) In order to expedite changes to municipal laws, ordinances, or regulations and ensure greater flexibility for local governments to respond to COVID-19, Section 8-3b of the Connecticut General Statutes is suspended and modified to provide that, if a zoning administrator, chairperson of the zoning commission or planning and zoning commission, or chief elected official has made a finding that a proposal is necessary to respond to the COVID-19 pandemic, including but not limited to making changes to permit the Outdoor Activities described herein, such zoning administrator, chairperson, or chief elected official may place such proposal, or cause such proposal to be placed, on the public hearing agenda of a zoning commission or a planning and zoning commission, as applicable, and such commission shall conduct its public hearing and act on such proposal without being required to adhere to the requirements of Section 8-3b.

7MM-2 - Suspension and Modification of Certain Permitting and Approval Processes for Outdoor

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Activities. In order to prevent the potential transmission of COVID-19 in commercial establishments while allowing commercial establishments to operate in a manner that promotes social distancing and complies with my executive orders or any order issued by an executive agency or municipal official pursuant to the public health and civil preparedness emergency declared on March 10, 2020, including but not limited to any rules or guidelines issued by the Department of Economic and Community Development for operation of businesses during such emergency, any provision of Connecticut General Statutes Chapters 14, 97a, 98, 124, 126, 242, or 541 and Section 22a-27j, or any special act, municipal charter, ordinance, resolution, or regulation that conflicts with this Order (all such state and municipal laws and regulations being, collectively, the “Covered Laws”), is suspended and modified, as enumerated below, for the duration of this Order and as hereafter provided:

- a. **Expedited Municipal Review of Outdoor Dining and Retail.** Any Covered Law requiring an applicant to receive an approval or permit for outdoor food and beverage service, outdoor displays of goods, or COVID-19 Signage, which activities (other than COVID-19 Signage) end at 11 p.m. or earlier on Friday and Saturday nights and end at 9 p.m. or earlier all other days of the week (such activities being, the “Outdoor Activities”) is suspended to the extent that the Covered Law requires review and determination of any application for Outdoor Activities by a multi-member municipal agency or any by any entity other than an individual municipal official generally responsible for administrative enforcement of the relevant Covered Law, such as a zoning administrator or a building code official (such official and his or her designee being, the “Local Enforcement Official”), and modified to require all such reviews and determinations to be conducted only by the Local Enforcement Official.
 - i. **“COVID-19 Signage”** shall mean any outdoor, non-internally-illuminated, non-animated signage that is 15 square feet in size or smaller and contains directions, social distancing instructions, or other signage that might customarily be displayed within the building, including but not limited to menus or specials.
 - ii. **“Outdoor Activities”** shall not be deemed to include live entertainment, provided that nothing in this Order shall be deemed to prohibit an independent approval of live entertainment pursuant to local regulation.
- b. **Outdoor Dining and Retail Allowed During Emergency.** Any Covered Law that does not explicitly allow Outdoor Activities or that prohibits Outdoor Activities shall be deemed to allow such activities as an accessory use to any location where food or beverages are served or goods are sold, as applicable, subject to review and approval by the Local Enforcement Official and reasonable conditions imposed through Local Enforcement Official review, provided that nothing in this order shall require a municipality to permit the sale or service of alcoholic beverages as a principal or accessory use anywhere that such activity is not permitted as a principal or accessory use, and provided further than nothing in this Order shall permit the sale of alcoholic beverages for on-premise consumption independent of sale of food, or permit the operation of outdoor bars unless expressly permitted by further executive order or by rules or guidelines issued by the Department of Community and Economic Development pursuant to an executive order
- c. **Minimum Parking Lifted to Facilitate Outdoor Activities.** Any Covered Law requiring a minimum number of parking spaces or prohibiting Outdoor Activities from taking place in parking lots is suspended to the extent required to permit such Outdoor Activities alone or in conjunction with any other authorized activity, including any activity required to enable the response to the COVID-19 pandemic. Any Covered Law prohibiting Outdoor Activities from taking place in on-street parking spaces is modified to allow the Local Enforcement Official to permit this activity, consistent with the requirements of this Order.
- d. **Application Process.** Any Covered Law relating to applications for Outdoor Activities is suspended to the extent that it requires any of the following documents: plans stamped by a licensed engineer, landscape architect, or architect; site survey; parking plan; traffic study or plan; sign plan; soil erosion and sediment control plan; photometric lighting plan; or stormwater management plan; provided that the applicant has submitted, at a minimum, a drawing or illustration, roughly to scale or dimensioned and depicting with reasonable accuracy the outdoor area that is proposed to be used and what is proposed to be placed, built, or erected in the outdoor area, and a narrative (with or without accompanying illustrations) that explains any noise, waste management, odor, light pollution, and environmental impacts expected from same and how said impacts will be managed.

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- e. **Approval and Conditions.** Notwithstanding any contrary Covered Law, the Local Enforcement Official shall review and approve, approve with conditions consistent with any executive orders or rules issued pursuant to executive orders (including extending the hours of operation), or reject any complete Activities, and shall notify an applicant of such decision (including, but not limited to, emailed notice or certified mail) by the later of (i) ten days after actual receipt of the complete application, or (ii) ten calendar days after actual receipt of any additional materials required pursuant to the previous paragraph. Any failure of the Local Enforcement Official to act pursuant to the preceding sentence within such time period shall be deemed to be an approval of the application.
- f. **Appeals.** Notwithstanding any contrary Covered Law, if a Local Enforcement Official approves with conditions or rejects an application for an Outdoor Activity filed pursuant to this Order, the applicant may appeal such decision, within 7 days of receipt of notice of the decision (including, but not limited to, emailed notice or certified mail), to the planning and zoning commission or to the zoning commission, as applicable, but if the zoning commission is the town’s legislative body, to the planning commission, provided that any Covered Law that would require a public hearing for such appeal is suspended. Nothing in this Order shall suspend or modify an individual’s right to submit a complaint to the relevant municipal authority or the right of a municipal authority to enforce conditions associated with a permitted Outdoor Activity, impose fines and fees, or issue a notice of violation or a cease and desist order.
- g. **Shared Lots and Expanded Spaces.** Any Covered Law requiring Outdoor Activities to take place on the same lot, zoning lot, street face or yard as a principal use, or to take place only in certain yards, shall be modified to allow Outdoor Activities to take place on any nearby lot, zoning lot, street face, or yard, (contiguous or not), provided that written permission from the owner of any other lot or zoning lot on which such Outdoor Activity is proposed to take place is provided to the Local Enforcement Official and further provided that any nearby lot, zoning lot, or street face used for Outdoor Activities must include a commercial use or be located in a commercial zoning district.
- h. **Sidewalks and Non-Vehicular Rights of Way.** Any Covered Law prohibiting Outdoor Activities from taking place on public sidewalks or other non-vehicular public rights of way shall be suspended and modified to allow Outdoor Activities to take place therein, subject to a 6-foot clearance for pedestrian passage, and subject to reasonable conditions imposed by the municipal department with jurisdiction over sidewalk obstruction permits. Any Covered Laws prohibiting Outdoor Activities from taking place on a state highway right of way are modified to allow the State Department of Transportation (DOT) to issue a permit for such activities to take place in the non-vehicular portion of the state highway right of way pursuant to conditions imposed by the DOT.
- i. **Vehicular Rights of Way.** Any Covered Laws prohibiting Outdoor Activities from taking place on a local public road or vehicular right of way are modified to allow the municipal official with jurisdiction over local roads, after consulting with the municipality’s Local Traffic Authority and, if that local road is used for public transportation routes, consulting with the DOT, to close the road in order to permit Outdoor Activities without additional public hearings. Closure of any part of the vehicular portion of a state highway right of way shall not be permitted without a request from the municipality to the DOT pursuant to the Regulations of Connecticut State Agencies §14-298-262 for a Special Event Permit, provided that such Outdoor Activities shall be included in the definition of “special event” and the DOT shall use its best efforts to expedite review of any such request in furtherance of the purposes of this Order. Any Covered Laws prohibiting special event permits for the closure of a state highway are modified to authorize the DOT to issue such permits to allow Outdoor Activities pursuant to this Order. The automatic approval provisions of subsection 1(c) of this order shall not apply to this subsection.
- j. **No Nonconformity Rights Bestowed.** Any Covered Law that would provide nonconforming use or structure rights to any activity or structure permitted during the state of emergency pursuant to this Section 2 of this Order is suspended.
- k. **No Application, Building or Related Fees.** The Covered Laws are suspended to the extent they impose fees for applications filed pursuant to this Order for Outdoor Activities, and no fees for such applications shall be collected or be due and owed to the State or to any municipality for the duration of the emergency

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7 MM-3 - Liquor Service in Connection with Outdoor Dining. (modified by EO 7000-3) Title 30 of the Connecticut General Statutes, including Sections 30-22(a) and 30-22a(a), and any corresponding regulations or practices such as the requirement to file a patio or extension of use permit with the Department of Consumer Protection, are modified to the extent they conflict with, or create additional requirements on, the sale of alcoholic liquor by a liquor licensee so long as such licensee is (i) in compliance with Section 2 of this order and any executive order permitting outdoor dining; (ii) any rules for outdoor dining, including social distancing requirements, issued by the Department of Economic and Community Development (DECD); and (iii) any town or municipal requirements related to outdoor dining and liquor sales, as amended by Section 2 of this order. A liquor licensee who serves alcoholic liquor shall not be required to obtain a patio or extension of use permit provided that the licensee shall serve only the types of alcoholic liquor allowed by their permit type and shall abide by the following conditions:

- a. The licensee must comply with all other laws and regulations under Title 30, including prohibitions on sales to minors or intoxicated persons and restrictions on the times such sales may occur.
- b. Alcoholic liquor may be served only in connection with outdoor dining, which means food prepared on premises or at a food truck adjacent to the premises.
- c. There shall be no consumer bars, and all alcoholic beverages shall be served table-side.
- d. There shall be no live entertainment unless live entertainment was previously permitted in the outdoor space, or the licensee obtains permission pursuant to this order or underlying rules, and such entertainment complies with all other social distancing rules.
- e. For Caterer licensees, outdoor service is permitted only at locations with on-premise permits for which the licensee is hired as a bona fide caterer.
- f. For Clubs, outdoor dining is permitted only for members and their families and guests.
- g. If a licensee is permitted by local authorities to provide outdoor dining in space outside their permitted premises, including public sidewalks, parking lots or space owned by an adjacent business, such space shall be deemed to be part of the permitted premises for the duration of this order and the licensee shall be responsible for any liquor violations in that area.

Executive Order 7MM Link: <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7MM.pdf>

7QQ-6 - Clarification that Commissioner Orders Issued Pursuant to the Governor's Executive Orders Are Not Regulations Subject to the UAPA. Section 4-166(16) of the Connecticut General Statutes is modified to clarify that the definition of a regulation does not include any amendment or repeal of an existing regulation and any directive, rule, guidance, or order issued by a Commissioner or Department Head pursuant to a Governor's Executive Order during the existing civil preparedness and public health emergency and any renewal or extension thereof. Notwithstanding Sections 4-166 to 189, inclusive, of the Connecticut General Statutes, any Commissioner or Department Head, as permitted or directed by any such Governor's executive order, may modify or suspend any regulatory requirements adopted by the Commissioner or Department Head that they deem necessary to reduce the spread of COVID-19 and to protect the public health. This section applies to all orders that have been issued since the declaration of public health and civil preparedness emergencies on March 10, 2020 and for the duration of the public health and civil preparedness emergency, including any period of renewal of such emergency declaration.

Executive order 7QQ Link - <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7QQ.pdf>

7NNN - 1 - Executive Order No. 7BB, Section 2, issued on April 17, 2020, is repealed. Effective immediately, any person in a public place in Connecticut, whether indoors or outdoors, who does not maintain a safe social distance of approximately six feet from every other person shall cover their mouth and nose with a mask or cloth face-covering. In addition, individuals shall use a mask or cloth face covering when using the services of any taxi, car, livery, ride-sharing or similar service, or any means of mass public transit, or while within any semi-enclosed transit stop or waiting area.

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<p>Continuity Issues</p>	<ul style="list-style-type: none"> • Safety - Workplace safety is now the “new normal” and will - for the foreseeable future change the workplace. The Land Use functions operates in both the field and the office. • Staffing - Municipalities have varying configurations for their land use functions. Larger towns often have extensive staff and specialization - while smaller communities rely on part-time multi-purpose staffing. The pandemic has the possibility of disrupting the pool of qualified inspectors - causing delays to an already stressed system. <ul style="list-style-type: none"> ✓ Inter-local agreements (7-339a to 7-339l, inclusive) require endorsement of the town’s legislative body • Public Interactions - Some things can be done remotely and others may require in person meetings. The challenge in the short and long-term is having in place the capacity to serve the public while protecting office staff. • Routine Functions - Regulation Update, Permit Applications and Process, Inspections and Enforcement, Planning (i.e. POCDs and)Hearings • Statutory Rigidity making quick responses to the pandemic difficult

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Staffing

- Towns may consider either an inter-municipal agreement or mutual aid agreement with a neighboring community to either share staff or “piggyback” various town staffing with a community with more capacity. Before exercising this option, municipalities should consult with their bargaining units to meet any staffing challenges to ensure proper coordination in accordance with the terms of existing bargaining agreements and all applicable laws including but not limited to the Teachers Negotiations Act and the Municipal Employees Relation Act..
- Regional councils of government should be assembling rosters of qualified inspectors who can fill in as independent contractors on an as-needed basis to fill vacancies or work loads of member towns.
 - ✓ Avoids need for inter-town agreements
 - ✓ Independent contractors used to fill temporary need should be allowed through E.O. so as not to conflict with local collective bargaining agreements
 - ✓ COGs must engage and involve bargaining unit representatives to be part of any regional staffing.
- Towns with either staffing capacity issues or a temporary interruption in staffing due to COVID-19 could bridge such situations utilizing their regional council of governments (COGs). The nine regional COGs either have the staffing capacity or the ability to “staff up” to perform most town functions. COGs have the statutory authority (8-31b) to provide most any function a town may need. COGs already provide dozens of services otherwise performed individually by towns on a shared or regional basis. COGs must engage and involve bargaining unit representatives to be part of any regional staffing.
- Utilizing Executive Order 7L-3 municipalities are allowed to re-hire retired municipal employees - allowing communities third experienced staff. Before exercising this option, municipalities should consult with their bargaining units to meet any staffing challenges to ensure proper coordination in accordance with the terms of existing bargaining agreements.

Safety

- Land Use Office can remain open during regular business hours for employees ONLY - public should not be allowed in town halls
- Rank and file public employees are a resource that must be used when discussing, planning or implementing
- safety protocols and to assist in determining safe practices for public interactions.. To not the people who will be staffing worksites is shortsighted, may compromise their safety and will only lead to future problems.
 - ✓ Guidance, per Executive Order 7V-1 must be adhered to : guidance: <https://portal.ct.gov/DECD/Content/Coronavirus-Business-Recovery/Safe-Workplace-Rules-for-Essential-Employers>
 - ✓ Place posters that encourage hand hygiene to help stop the spread at the entrance to your workplace and in other workplace areas where they are likely to be seen.
 - ✓ Ensure that all employees who do not speak English as their first language are aware of procedures by communicating the procedures, either orally or in writing, in their native or preferred language.
 - ✓ Each employee is , per Executive Order 7BB-1, required to wear a mask or other cloth material that covers his or her mouth and nose at all times while in the workplace. Towns shall issue such masks or cloth face coverings to their employees. In the event a town is unable to provide masks or cloth face coverings to employees because of shortages or supply chain difficulties, towns must provide the materials and CDC tutorial about how to create a cloth face covering, or compensate employees for the reasonable and necessary costs employees expend on such materials to make their own masks or cloth face coverings.
 - ✓ Segment the workspace into discrete zones. Prohibit employees from entering into zones where they are not required to be to perform their jobs
 - ✓ To the extent workstations or equipment must be shared, employees should be provided CDC compliant disinfectant to disinfect work areas before finishing their shift. During this work, employees must sanitize the work areas upon arrival, throughout the workday, and immediately before departure. The Town should provide alcohol-based wipes for this purpose.

Best Practices Guidelines

Land Use - updated 9/1//20 - added Executive Order 7000

Suggested Best Practices

- ✓ To the extent workstations or equipment must be shared, employees should be provided CDC compliant disinfectant to disinfect work areas before finishing their shift. During this work, employees must sanitize the work areas upon arrival, throughout the workday, and immediately before departure. The Town should provide alcohol-based wipes for this purpose.
- ✓ In the field, in addition to normal safety gear, inspectors should adhere to all applicable CDC recommended protections.

Permits

- Online submission of permits drawings, license information and applications via permit portal or email from town website
- If paper is the only method, mail-in applications only
- Payments received via online portal or mail-in checks
- Grant permits conditionally subject to post-construction inspection
- Provided to PE-stamped applications and drawings certifying compliance with relevant codes

Inspections/Enforcement

- Inspections still occur post-construction, but installation process is not delayed due to periodic inspections, and contractor bears risk
- f exterior only, conduct as normal with proper distancing
- If interior - utilize virtual inspections - Virtual inspections are conducted between a customer and Town/City inspector by using a video call on a smart phone or tablet. Generally:
 - ✓ Inspection complexity will be determined by the inspector.
 - ✓ For inspections deemed too complex for virtual completion, the Town/City may accept, at the municipalities's discretion, third-party inspections.
 - ✓ Customers must have a smartphone or tablet connected to WiFi or 4G wireless service with Google Duo (all devices), FaceTime (Apple OS devices), or Microsoft Teams (all devices) to host the video call.
 - ✓ Third party engineers or third party agencies must obtain approval prior to conducting a virtual inspection. Town should have procedures for such approval.
 - ✓ The inspector will determine if additional fee(s) for re-inspection is required.
- Many municipalities have e-permitting/inspection systems. Communities without such should consider such program (For example: Muncity 5, CentralSquare, [form.com](#), ProntoForms, Permit-LV, Accela Building Civic Application or AuditUtopia) as a means to expedite the process and protect inspectors

Collaborate and Communicate

- ✓ Communicate Routinely with boards and commissions- by phone or video-conference - board and commission chairs, elected officials (local and state) - **Keep in mind and adhere to ALL applicable FOIA Statutes, Regulations, Rulings and Policies.**

Public Meetings

- ✓ Consistent with Executive orders - ALL meetings should be conducted utilizing an online video platform
- ✓ Not all residents have WiFi or Internet connections - Meetings should also be played live on local cable access channels and have telephone dial-in option.
- ✓ Community Notification System is a mass notification product that many communities use to provide urgent information to their residents. While the primary use of such systems is to convey emergency information can and should be used to notify residents of a range of developments - including community meetings.
- ✓ Review, with the communities IT division or consultant, security, capacity
- ✓ Any minutes created should reflect the fact that the meeting is being held remotely as the result of the publicly declared state emergency necessitating remote meetings. This should be done to ensure that any

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Suggested Best Practices	<p>✓ subsequent search of the record (perhaps years down the line) it will be clear why such actions were taken.</p> <p>Sample Process/Procedure (adapted from MetroCOG)</p> <p>Notice is hereby given that this remote electronic public meeting shall:</p> <ol style="list-style-type: none">1. Permit the public to view or listen anonymously, and when permitted, participate in real-time;2. Be recorded and posted to _____'s website within 7 days;3. Be made available to the public within a reasonable time (at _____'s offices or upon written request. <p>In addition to standard parliamentary procedure as outlined on this agenda, the following special rules shall apply to all participants:</p> <ul style="list-style-type: none">✓ Please "mute" your microphone so as reduce background noise at any time you are not speaking.✓ Prior to speaking on each occasion, each speaker shall clearly state their name and title for the record.✓ The use of chat features are prohibited and will not be considered during the meeting if in use. <p>Notice is hereby given that only ____ participants may access this remote electronic public meeting at any one time.</p> <p>Access is granted solely by the _____ technology on first access basis and is not within the control of the _____. While it is anticipated that this participant limit will be sufficient, should the participants reach said limit, the meeting may be adjourned and continued at a later date using technology appropriate to ensure all members of the public may participate.</p> <p>GUIDELINES FOR PUBLIC PARTICIPATION IN REMOTE ELECTRONIC MEETINGS</p> <p>Anyone who desires to address the Council must adhere to the following rules of participation:</p> <ul style="list-style-type: none">✓ The _____ welcomes all public participation but asks that all comments be limited to items listed on the meeting agenda.✓ Please state your name and address for the record prior beginning your comment.✓ The _____ presiding officer will limit each comment to __ minutes in order to accommodate all members of the public that wish to speak. The presiding officer may allow additional time at their discretion.✓ Written comments or statements on any topic within the purview of the body are always welcome and will be provided to all _____ members.✓ Please be advised that immediate replies to questions/comments should not be expected.
Resources	<ul style="list-style-type: none">• COVID-19 Public Health Emergency Resources, CT Chapter of APA - https://ct.planning.org• Recommended Reads during COVID-19: A Curated List of News and Information of Interest to Land Use Professionals - https://urbanland.uli.org/covid-19/recommended-reads-during-covid-19-a-curated-list-of-news-and-information-of-interest-to-land-use-professionals/• Office of the State Building Inspector - https://portal.ct.gov/DAS/Office-of-State-Building-Inspector/Office-of-State-Building-Inspector• Connecticut Building Officials Association (CBOA) - http://www.ctbuildingofficial.org• Certified Commercial Property Inspectors Association (CCPIA) - https://ccpia.org• COVID-19: A Guide For Commercial Property Inspectors - https://ccpia.org/covid-19-a-guide-for-commercial-property-inspectors/#standards-specific-to-commercial• Virtual site visits help control infection on project sites https://www.bdcnetwork.com/virtual-site-visits-help-control-infection-project-sites• Town Of West Hartford Video Inspection Guide: https://www.westhartfordct.gov/civacx/filebank/blobload.aspx?BlobID=41458

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Resources

- **Charrettes go virtual: A state-of-the-art process helps a community stay-the-course during COVID-19, Michigan State University** - <https://www.canr.msu.edu/news/charrettes-go-virtual-a-state-of-the-art-process-helps-a-community-stay-the-course-during-covid-20>
- **Pandemics Are Also an Urban Planning Problem, City Lab** - <https://www.citylab.com/design/2020/03/coronavirus-urban-planning-global-cities-infectious-disease/607603/>

The Advisory Commission on Intergovernmental Relations (ACIR) is a 24-member agency of the State of Connecticut created in 1985 to study system issues between the state and local governments and to recommend solutions as appropriate. The membership is designed to represent the state legislative and executive branches, municipalities and other local interests, and the general public.

The role of ACIR, as contained in Section 2-79a of the Connecticut General Statutes, is to: (1) serve as a forum for consultation between state and local officials; (2) conduct research on intergovernmental issues; (3) encourage and coordinate studies of intergovernmental issues by universities and others; and (4) initiate policy development and make recommendations to all levels of government.

For Further Information, Please Contact:

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