

2015 LEGISLATION

NOTE: The following are excerpts from 2015 Public Acts. For the entire Public Act language please see: www.cga.ct.gov

1. **Public Act No. 15-68** (Substitute House Bill No. 6942)

AN ACT VALIDATING THE ACTION OF A MUNICIPAL ASSESSOR, EXTENDING THE FILING DEADLINE FOR CERTAIN PROPERTY TAX EXEMPTIONS AND CONCERNING NOTICE REQUIREMENTS FOR ZONING APPLICANTS.

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

Sec. 2. Subsection (a) of section 8-7d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) In all matters wherein a formal petition, application, request or appeal must be submitted to a zoning commission, planning and zoning commission or zoning board of appeals under this chapter, a planning commission under chapter 126 or an inland wetlands agency under chapter 440 or an aquifer protection agency under chapter 446i and a hearing is required or otherwise held on such petition, application, request or appeal, such hearing shall commence within sixty-five days after receipt of such petition, application, request or appeal and shall be completed within thirty-five days after such hearing commences, unless a shorter period of time is required under this chapter, chapter 126, chapter 440 or chapter 446i. Notice of the hearing shall be published in a newspaper having a general circulation in such municipality where the land that is the subject of the hearing is located at least twice, at intervals of not less than two days, the first not more than fifteen days or less than ten days and the last not less than two days before the date set for the hearing. In addition to such notice, such commission, board or agency may, by regulation, provide for additional notice. Such regulations shall include provisions that the notice be mailed to persons who own land that is adjacent to the land that is the subject of the hearing or be provided by posting a sign on the land that is the subject of the hearing, or both. For purposes of such additional notice, (1) proof of mailing shall be evidenced by a certificate of mailing, [and] (2) the person who owns land shall be the owner indicated on the property tax map or on the last-completed grand list as of the date such notice is mailed, and (3) a title search or any other additional method of identifying persons who own land that is adjacent to the land that is the subject of the hearing shall not be required. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing, any person or persons may appear and be heard and may be represented by agent or by attorney. All decisions on such matters shall be rendered not later than sixty-five days after completion of such hearing, unless a shorter period of time is required under this chapter, chapter 126, chapter 440 or chapter 446i. The petitioner or applicant may consent to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five days, or may withdraw such petition, application, request or appeal.

EXPLANATION: The Inland Wetlands and Watercourses Act, sec. 22a-42a, mandates that public hearings be held in accordance with the provisions of Connecticut General Statute sec. 8-7d. Section 8-7d states that notice of the public hearing is to be mailed to adjoining property owners,

or provided by posting a sign on the land that is subject to the hearing, or both. Public Act 15-68 allows municipalities to forego a title search when attempting to contact adjacent land owners.

2. **Public Act No. 15-85** (Substitute Senate Bill No. 1033)

AN ACT CONCERNING COURT OPERATIONS AND THE CLAIM AGAINST THE STATE OF LORI CALVERT.

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

Sec. 3. Subsection (a) of section 22a-43a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) The court, after a hearing, may reverse or affirm, wholly or partly, or may revise, modify or remand the decision from which the appeal was taken in a manner consistent with the evidence in the record before it. If upon appeal pursuant to section 22a-43, the court finds that the action appealed from constitutes the equivalent of a taking without compensation, [it] the court (1) shall set aside the action or [it] may modify the action so that it does not constitute a taking, [In both instances the court] and (2) shall remand the order to the inland wetland agency for action not inconsistent with its decision.

EXPLANATION: For appeals from a municipal inland wetlands agency, the law allows the court to set aside the agency's action or modify it if the action constitutes a taking without compensation. In other circumstances, the bill allows the court, after a hearing, to reverse, affirm, modify, or return the decision in a manner consistent with the evidence in the record.