

Connecticut Environmental Protection Act process

Connecticut General Statutes 22a-19a:

The provisions of sections 22a-15 to 22a-19, inclusive, shall be applicable to the unreasonable destruction of historic structures and landmarks of the state, which shall be those properties (1) listed or under consideration for listing as individual units on the National Register of Historic Places (16 USC 470a, as amended) or (2) which are a part of a district listed or under consideration for listing on said national register and which have been determined by the State Historic Preservation Board to contribute to the historic significance of such district. If the plaintiff in any such action cannot make a prima facie showing that the conduct of the defendant, acting alone or in combination with others, has or is likely unreasonably to destroy the public trust in such historic structures or landmarks, the court shall tax all costs for the action to the plaintiff.

Under CGS 22a-19a, any individual or entity can seek legal recourse to stop the “unreasonable destruction” of a property listed or under consideration for listing on the National Register of Historic Places.

A property that is listed or *under consideration* for listing on the National Register of Historic Places is threatened with demolition, demonstrated through a demolition permit application, plan submitted to the local municipality, or other means.

If there is concern that the demolition is occurring when there exists a prudent and feasible alternative: Constituents can contact the State Historic Preservation Office to seek the Historic Preservation Council (HPC)’s request to refer the matter to the Office of the Attorney General (OAG), asking them to intercede to stop the destruction of the resource. For SHPO to begin an investigation into a matter, and to bring it before the HPC, there must be a threshold of community support for preservation of the historic resources. This threshold is a demonstrated outcry against the potential loss determined by SHPO and varies case to case.

If there is enough community outcry and concern, SHPO staff will begin an investigation, often in conjunction with their statutory nonprofit partner, Preservation Connecticut. Another party with a vested interest, such as a local preservation or historical group, can also serve alongside in this role. An investigation begins with contacting the property owner, scheduling a visit to tour the property, and with the assistance of a structure engineer and/or an historic architect contracted by Preservation Connecticut. The structural engineer will prepare a report based on their observations.

SHPO will then request current plans from the property owner, to see if there is an alternative to demolition that can satisfy the property owner’s goals. Preservation Connecticut will often contract with a historic architect if the building(s) in question would need to be altered or rehabilitated.

SHPO may also ask the opinion of the State Historic Preservation Review Board (SRB) as to whether the structure in question continues to retain enough integrity to continue to be listed on the National Register, either individually, or as a contributing resource to a historic district. The SRB meets quarterly, making it, in some cases, not possible to obtain the SRB's opinion prior to seeking the opinion of the HPC.

If no compromise can be found, and SHPO staff has determined that there is a potential alternative to demolition, SHPO can bring the matter to the Historic Preservation Council, with a motion requesting the assistance of the Office of the Attorney General (OAG) to stop the destruction of the property. HPC meetings are held the first Wednesday of every month.

Sample Motion:

The Connecticut Historic Preservation Council votes to request the assistance of the Office of the Attorney General to prevent the unreasonable destruction of the historic property at [Address, Municipality], Connecticut; pursuant to the provisions of Section 22a-19a of the Connecticut General Statutes.

Once the matter is to be brought before the HPC, an information packet based on the investigation is collated and given to the HPC for their review prior to the meeting. At the meeting, both the property owner and Preservation Connecticut will be provided an opportunity to demonstrate to the HPC that there is not/is an alternative to demolition, respectively. Each entity is given 20 minutes to present their plans for the property. Visual aids and materials, including but not limited to images, a pro forma, architectural drawings, engineering reports, construction estimates, etc., are permitted as part of the presentation.

Following presentations by both parties, members of the public are given the opportunity to speak in favor/ or against referring the matter to the OAG. Public testimony is given, alternating between individuals for, and individuals against, the motion. Depending on the number of members of the public who wish to give testimony, speaking allotment may range from 1 minute to 5 minutes.

After public testimony, the HPC will be given time for discussion. This is generally limited to approximately 20 minutes. Discussion can include questions directed at both Preservation Connecticut (or other interested party) and the property owner.

Subsequent to discussion, the HPC is asked by the Chair if they feel they have enough information to vote on the motion. If there is not, the matter can be tabled to another HPC meeting. If there is, the HPC votes to either refer the matter, or not.

If the matter is not referred to the OAG, the process is concluded. **Please note: This does not preclude any member of the public from seeking legal recourse on their own.**

If the matter is referred to the OAG, a letter is sent to the OAG from the Chair of the HPC requesting their assistance to prevent the unreasonable destruction of the historic resource. All materials that were presented at the HPC meeting, including a transcription of the meeting, are

added to the existing information packet, and submitted, along with the letter, to the OAG. After reviewing the materials, the OAG will decide to either intervene in the matter or not intervene. If the OAG decides to intervene, the OAG may initiate the appropriate legal proceedings. If it decides to not intervene, the process is concluded. **Please note: This does not preclude any member of the public from seeking legal recourse on their own.**



Todd Levine
Architectural Historian
[Connecticut Economic & Community Development](#)
Phone: 860-500-2337
Cell: 860-944-2352
todd.levine@ct.gov

