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## **OLR Bill Analysis**

**sHB 6756**

### ***AN ACT CONCERNING CERTAIN APPEALS OF DETERMINATIONS MADE BY THE STATE HISTORIC PRESERVATION OFFICER.***

#### **SUMMARY**

This bill authorizes a municipality to appeal to the Department of Economic and Community Development (DECD) if it is aggrieved by a determination the State Historic Preservation Officer (SHPO) makes on the renovation or rehabilitation of a historic building or property. (It is unclear specifically what SHPO determinations this provision applies to or what standard determines whether a municipality is aggrieved.)

Under the bill, the municipality may appeal at a hearing before a DECD hearing officer under the Uniform Administrative Procedure Act (UAPA) (presumably as a contested case, see BACKGROUND). The bill requires the hearing officer, when making a decision, to consider the appropriate balance between historic preservation stewardship, economic development, and rehabilitation. Additionally, it requires that he or she make a final decision within 60 days after the hearing.

EFFECTIVE DATE: October 1, 2023

#### **BACKGROUND**

##### ***SHPO***

Federal regulations require each state' governor to designate a state historic preservation officer (36 C.F.R. § 61.4). SHPO is within DECD and administers federal and state historic preservation programs, including state historic preservation tax credits.

##### ***UAPA***

The UAPA sets deadlines and procedural requirements for "contested cases," which are proceedings in which the legal rights,

duties, or privileges of a party must be determined by an agency after an opportunity for hearing or in which a hearing is in fact held. Generally, this means the following:

1. an agency must render a final decision within 90 days after the close of evidence or the due date for filing briefs, whichever is later; and
2. a person aggrieved by an agency's final decision may appeal under CGS § 4-183 (generally, aggrieved parties have 45 days to appeal final decisions to Superior Court).

The UAPA also allows parties to petition for reconsideration and establishes procedures and deadlines for doing so. Under these procedures, a party in a contested case may petition an agency for reconsideration within 15 days after the issuance of a final decision.

### **COMMITTEE ACTION**

Commerce Committee

Joint Favorable

Yea 24 Nay 0 (03/14/2023)