



Substitute House Bill No. 6531

Public Act No. 21-34

AN ACT CONCERNING THE RIGHT TO COUNSEL IN EVICTION PROCEEDINGS, THE VALIDITY OF INLAND WETLANDS PERMITS IN RELATION TO CERTAIN OTHER LAND USE APPROVALS, AND EXTENDING THE TIME OF EXPIRATION OF CERTAIN LAND USE PERMITS.

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

Section 1. (NEW) (*Effective July 1, 2021*) (a) As used in this section:

(1) "Covered individual" means any party to a covered matter who is an income-eligible tenant, lessee or occupant, for residential purposes, of any land or building, any apartment in any building, any dwelling unit, any trailer or mobile manufactured home or any land upon which a trailer or mobile manufactured home is used or stands;

(2) "Covered matter" means any notice to quit delivered to, or any summary process action instituted against, a covered individual pursuant to chapter 832 or chapter 412 of the general statutes or any administrative proceeding against a covered individual necessary to preserve a state or federal housing subsidy or to prevent a proposed termination of the lease;

(3) "Designated organization" means any not-for-profit legal services organization that provides legal representation in a covered matter to a

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covered individual;

(4) "Administering entity" means the organization contracted by or party to a memorandum of agreement with the Judicial Branch to administer the right to counsel program in accordance with subsection (b) of this section;

(5) "Legal representation" means representation in a covered matter provided by a designated organization to a covered individual, and all legal advice, advocacy and assistance associated with such representation, subject to and in accordance with the Rules of Professional Conduct;

(6) "Income-eligible" means (A) having household income at or below eighty per cent of the state median income adjusted for family size, as determined by the United States Department of Housing and Urban Development, at the time of the request for representation; or (B) receiving one of the following types of public assistance: (i) Temporary Assistance for Needy Families, (ii) Supplemental Nutrition Assistance Program benefits, (iii) Medicaid, (iv) Supplemental Security Income, (v) refugee resettlement benefits, (vi) rental assistance under chapter 138a of the general statutes, or (vii) the federal Housing Choice Voucher Program, 42 USC 1437f(o);

(7) "Tenant", "landlord", "owner" and "dwelling unit" have the same meanings as provided in section 47a-1 of the general statutes;

(8) "Notice to quit" means any notice to quit possession or occupancy delivered pursuant to chapter 832 or chapter 412 of the general statutes to a lessee or occupant;

(9) "Lessee or occupant" means any tenant, lessee or occupant, for residential purposes, of any land or building, apartment in any building, dwelling unit, trailer or mobile manufactured home, or land upon which a trailer or mobile manufactured home is used or stands; and

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(10) "Right to counsel program" means the state-wide right to counsel program to provide legal representation to a covered individual in a covered matter established under this section.

(b) There is established a right to counsel program for the purpose of providing any covered individual with legal representation at no cost in a covered matter initiated on or after July 1, 2021. The Judicial Branch shall, using available federal funds, contract with or enter a memorandum of agreement with an administering entity to administer the right to counsel program. The administering entity, within the funding available to it for the right to counsel program, shall fund the provision of legal representation by designated organizations under this section. A designated organization may subcontract with a nonprofit or community organization to provide legal representation to a covered individual, and to provide tenant outreach and education. A designated organization shall, at a minimum: (1) Have substantial expertise in housing law and landlord tenant law and substantial experience furnishing free legal assistance to eligible individuals; (2) have a demonstrated history of serving the low-income community; (3) identify the geographic area in which such organization provides legal representation; (4) have a plan to reach and provide legal representation to income-eligible persons with limited English proficiency; and (5) provide appropriate supervision and training.

(c) The administering entity may receive funds or services from the state or federal government, corporations, associations or individuals to fund: (1) The provision of legal representation to covered individuals in covered matters; (2) the administration of the right to counsel program for the administering entity and designated organizations; and (3) tenant outreach and education.

(d) If the Judicial Branch receives state or federal funds pursuant to this section for the purpose of appointing additional housing mediators under section 47a-69 of the general statutes, the Judicial Branch shall

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appoint such additional housing mediators to facilitate the resolution of summary process actions.

(e) (1) There is established a working group to advise on matters and policies affecting the right to counsel program, to effectuate the right to counsel. The working group shall consist of the following members:

(A) Two appointed by the speaker of the House of Representatives;

(B) Two appointed by the president pro tempore of the Senate;

(C) One appointed by the majority leader of the House of Representatives;

(D) One appointed by the majority leader of the Senate;

(E) One appointed by the minority leader of the House of Representatives;

(F) One appointed by the minority leader of the Senate;

(G) The Commissioner of Housing, or the commissioner's designee;

(H) A representative of the administering entity; and

(I) A representative of the Judicial Branch.

(2) All initial appointments to the working group shall be made not later than thirty days after the effective date of this section. Members shall serve for a term of four years and may be reappointed or continue to serve until such member's successor is appointed. Any vacancy shall be filled by the appointing authority.

(3) The Commissioner of Housing, or the commissioner's designee, shall serve as chairperson of the working group. Such chairperson shall schedule the first meeting of the working group, which shall be held not later than sixty days after the effective date of this section. The

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chairperson shall convene the working group on a regular basis, but not less than three times per year.

(4) The Department of Housing shall provide administrative support to the working group.

(f) (1) The Judicial Branch, in consultation with the administering entity, working group and designated organizations, shall approve a one-page plain-language notice to inform a tenant of the rights under the right to counsel program. Not later than October 1, 2021, such notice shall be made available on the Judicial Branch's Internet web site and available to the public. Such notice shall include a phone number for accessing information and applying for assistance.

(2) On and after October 1, 2021, an owner, lessor, landlord, legal representative or agent of an owner, lessor or landlord, a housing authority or a housing subsidy program administrator, as applicable, shall attach a copy of the notice described under subdivision (1) of this subsection, to (A) a notice to quit delivered to a covered individual pursuant to chapter 832 or chapter 412 of the general statutes; (B) a summons and complaint for a summary process action pursuant to chapter 832 or chapter 412 of the general statutes; (C) a lease termination notice for a public or subsidized housing unit; and (D) a notice to terminate a state or federal housing subsidy.

(3) Any court notice scheduling a mediation or hearing that is sent to a self-represented party in a covered matter shall include plain language information about the availability of legal representation through the right to counsel program and a phone number for accessing information and applying for assistance.

(g) The administering entity, in consultation with the working group and designated organizations, shall determine how to phase in the right to counsel program based on all relevant factors, including, but not

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limited to: (1) The prioritization of certain groups of individuals by income, zip codes, census tracts or other priority criteria developed in consultation with the designated organizations and the working group; (2) the availability of program funding; (3) the number of trained legal services attorneys available to provide legal representation; and (4) the scope of the need for legal representation.

(h) Nothing in this section shall be construed to establish any right enforceable by a covered individual against a designated organization or the administering entity.

(i) Not later than January 1, 2023, and annually thereafter, the administering entity shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to housing and the Judicial Department. Such report shall include the following information: (1) The number of covered individuals provided legal representation pursuant to this section; (2) the extent of legal representation provided; (3) any outcomes achieved, such as the rates of tenant representation, tenant retention of housing or other appropriate outcome measures; and (4) the engagement and education of tenants.

Sec. 2. Subsection (d) of section 22a-42a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021, and applicable to permits issued on or after July 1, 2021*):

(d) (1) In granting, denying or limiting any permit for a regulated activity the inland wetlands agency, or its agent, shall consider the factors set forth in section 22a-41, and such agency, or its agent, shall state upon the record the reason for its decision. In granting a permit the inland wetlands agency, or its agent, may grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity which are designed to carry out the policy of

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sections 22a-36 to 22a-45, inclusive. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (A) prevent or minimize pollution or other environmental damage, (B) maintain or enhance existing environmental quality, or (C) in the following order of priority: Restore, enhance and create productive wetland or watercourse resources. Such terms may include restrictions as to the time of year in which a regulated activity may be conducted, provided the inland wetlands agency, or its agent, determines that such restrictions are necessary to carry out the policy of sections 22a-36 to 22a-45, inclusive. No person shall conduct any regulated activity within an inland wetland or watercourse which requires zoning or subdivision approval without first having obtained a valid certificate of zoning or subdivision approval, special permit, special exception or variance or other documentation establishing that the proposal complies with the zoning or subdivision requirements adopted by the municipality pursuant to chapters 124 to 126, inclusive, or any special act. The agency may suspend or revoke a permit if it finds after giving notice to the permittee of the facts or conduct which warrant the intended action and after a hearing at which the permittee is given an opportunity to show compliance with the requirements for retention of the permit, that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application. The applicant shall be notified of the agency's decision by certified mail within fifteen days of the date of the decision and the agency shall cause notice of their order in issuance, denial, revocation or suspension of a permit to be published in a newspaper having a general circulation in the town wherein the wetland or watercourse lies. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within ten days thereafter.

(2) (A) Any permit issued under this section for the development of property for which an approval is required under chapter 124, 124b, 126

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or 126a shall (i) not take effect until each such approval, as applicable, granted under such chapter has taken effect, and (ii) be valid until the approval granted under such chapter expires or for ten years, whichever is earlier.

(B) Any permit issued under this section for any activity for which an approval is not required under chapter 124, 124b, 126 or 126a shall be valid for not less than two years and not more than five years. Any such permit shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no permit may be valid for more than ten years.

Sec. 3. Subsection (m) of section 8-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(m) (1) Notwithstanding the provisions of this section, any site plan approval made under this section prior to July 1, 2011, that has not expired prior to May 9, 2011, except an approval made under subsection (j) of this section, shall expire not less than nine years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such site plan, provided no approval, including all extensions, shall be valid for more than fourteen years from the date the site plan was approved.

(2) Notwithstanding the provisions of this section, any site plan approval made under this section on or after July 1, 2011, but prior to the effective date of this section, that did not expire prior to March 10, 2020, except an approval made under subsection (j) of this section, shall expire not less than fourteen years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such site plan, provided no

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approval, including all extensions, shall be valid for more than nineteen years from the date the site plan was approved.

Sec. 4. Subsection (e) of section 8-26c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) (1) Notwithstanding the provisions of this section, any subdivision approval made under this section prior to July 1, 2011, that has not expired prior to May 9, 2011, shall expire not less than nine years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such subdivision, provided no subdivision approval, including all extensions, shall be valid for more than fourteen years from the date the subdivision was approved.

(2) Notwithstanding the provisions of this section, any subdivision approval made under this section on or after July 1, 2011, but prior to the effective date of this section, that did not expire prior to March 10, 2020, shall expire not less than fourteen years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such subdivision, provided no subdivision approval, including all extensions, shall be valid for more than nineteen years from the date the subdivision was approved.

Sec. 5. Subsection (c) of section 8-26g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) (1) Notwithstanding the provisions of this section, for any subdivision of land for a project consisting of four hundred or more dwelling units and approved prior to July 1, 2011, that has not expired prior to May 9, 2011, any person, firm or corporation making such

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subdivision shall complete all work in connection with such subdivision not later than the date fourteen years after the date of approval of the plan for such subdivision. The commission's endorsement of approval on the plan shall state the date on which such fourteen-year period expires.

(2) Notwithstanding the provisions of this section, for any subdivision of land for a project consisting of four hundred or more dwelling units and approved on or after July 1, 2011, but prior to the effective date of this section, that did not expire prior to March 10, 2020, any person, firm or corporation making such subdivision shall complete all work in connection with such subdivision not later than the date nineteen years after the date of approval of the plan for such subdivision. The commission's endorsement of approval on the plan shall state the date on which such nineteen-year period expires.

Sec. 6. Subsection (g) of section 22a-42a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) (1) Notwithstanding the provisions of subdivision (2) of subsection (d) of this section, any permit issued under this section prior to July 1, 2011, that has not expired prior to May 9, 2011, shall expire not less than nine years after the date of such approval. Any such permit shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances that requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no such permit shall be valid for more than fourteen years.

(2) Notwithstanding the provisions of subdivision (2) of subsection (d) of this section, any permit issued under this section on or after July 1, 2011, but prior to the effective date of this section, that did not expire

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prior to March 10, 2020, shall expire not less than fourteen years after the date of such approval. Any such permit shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances that requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no such permit shall be valid for more than nineteen years.

Sec. 7. Section 8-3c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) If an application for a special permit or special exception involves an activity regulated pursuant to sections 22a-36 to 22a-45, inclusive, the applicant shall submit an application to the agency responsible for administration of the inland wetlands regulations no later than the day the application is filed for a special permit or special exception.

(b) The zoning commission or combined planning and zoning commission of any municipality shall hold a public hearing on an application or request for a special permit or special exception, as provided in section 8-2, and on an application for a special exemption under section 8-2g. Such hearing shall be held in accordance with the provisions of section 8-7d. The commission shall not render a decision on the application until the inland wetlands agency has submitted a report with its final decision to such commission. In making its decision the zoning commission shall give due consideration to the report of the inland wetlands agency. Such commission shall decide upon such application or request within the period of time permitted under section 8-7d. Whenever a commission grants or denies a special permit or special exception, it shall state upon its records the reason for its decision. Notice of the decision of the commission shall be published in a newspaper having a substantial circulation in the municipality and addressed by certified mail to the person who requested or applied for a special permit or special exception, by its secretary or clerk, under his

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signature in any written, printed, typewritten or stamped form, within fifteen days after such decision has been rendered. In any case in which such notice is not published within such fifteen-day period, the person who requested or applied for such special permit or special exception may provide for the publication of such notice within ten days thereafter. Such permit or exception shall become effective upon the filing of a copy thereof (1) in the office of the town, city or borough clerk, as the case may be, but, in the case of a district, in the offices of both the district clerk and the town clerk of the town in which such district is located, and (2) in the land records of the town in which the affected premises are located, in accordance with the provisions of section 8-3d.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, any special permit or special exception approval made under this section on or after July 1, 2011, but prior to the effective date of this section, that did not expire prior to March 10, 2020, and that specified a deadline by which all work in connection with such approval is required to be completed, shall expire not less than nineteen years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such special permit or special exception.

Sec. 8. Section 8-26e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The planning commission of any municipality shall hold a public hearing on an application or request for a special permit or special exception, as provided in section 8-2. Any such public hearing shall be held in accordance with the provisions of section 8-7d. Such commission shall decide upon such application or request within the period of time permitted under section 8-26d. Whenever a commission grants or denies a special permit or special exception, it shall state upon its records the reason for its decision. Notice of the decision of the commission shall be published in a newspaper having a substantial circulation in the

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municipality and addressed by certified mail to the person who requested or applied for a special permit or special exception, by its secretary or clerk, under his signature in any written, printed, typewritten or stamped form, within fifteen days after such decision has been rendered. In any case in which such notice is not published within such fifteen-day period, the person who requested or applied for such a special permit or special exception may provide for the publication of such notice within ten days thereafter. Such permit or exception shall become effective upon the filing of a copy thereof (1) in the office of the town, city or borough clerk, as the case may be, but, in the case of a district, in the offices of both the district clerk and the town clerk of the town in which such district is located, and (2) in the land records of the town in which the affected premises are located, in accordance with the provisions of section 8-3d.

(b) Notwithstanding the provisions of subsection (a) of this section, any special permit or special exception approval made under this section on or after July 1, 2011, but prior to the effective date of this section, that did not expire prior to March 10, 2020, and that specified a deadline by which all work in connection with such approval is required to be completed, shall expire not less than nineteen years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such special permit or special exception.

Sec. 9. (NEW) (*Effective from passage*) (a) Notwithstanding the provisions of any special act or any site plan, subdivision or permit approval by a zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland wetlands agency pursuant to the provisions of any such special act that occurred on or after July 1, 2011, but prior to the effective date of this section, and that did not expire prior to March 10, 2020, such approval shall expire not less than fourteen years after the date of such approval

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and such commission, board or agency, as applicable, may grant one or more extensions of time to complete all or part of the work in connection with such approval, provided no approval, including all extensions, shall be valid for more than nineteen years from the date the site plan, subdivision or permit was initially approved.

(b) Notwithstanding the provisions of any special act or any special permit or special exception approval by a zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland wetlands agency pursuant to the provisions of any such special act that occurred on or after July 1, 2011, but prior to the effective date of this section, that did not expire prior to March 10, 2020, and that specified a deadline by which all work in connection with such approval is required to be completed, such approval shall expire not less than nineteen years after the date of such approval and such commission, board or agency, as applicable, may grant one or more extensions of time to complete all or part of the work in connection with such special permit or special exception approval.