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Connecticut Cities, Towns Cutting Red Tape Amid COVID-19 Crisis

Sara C. Bronin

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Connecticut Cities, Towns Cutting Red Tape Amid COVID-19 Crisis

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By Sara C. Bronin | March 23, 2020 at 05:04 PM

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Sara C. Bronin, a professor at the University of Connecticut School of Law and chairwoman of the Hartford Planning and Zoning Commission.

Over the last two weeks, Gov. Ned Lamont has issued two executive orders that have brought sweeping changes to the way municipalities across Connecticut function in the COVID-19 era.

Before discussing the details of these orders, it's important to understand what's at stake. Town halls are shuttered across the state or have temporarily limited many services. At the same time, municipalities are legally required to take certain actions, such as holding public hearings, issuing permits, or deciding on land use applications. The COVID-19 emergency has already had a profound economic impact. If local governments cannot safely conduct the people's business, the economic and social impact will be even greater.

The first issue the governor dealt with was the most important: eliminating the requirement that public meetings be conducted in person. Now such meetings can proceed online or by phone, as long as materials are posted online in advance and a recording or transcription of the meeting is posted afterward. Consider how this directive plays out in the context of local zoning approvals. Without such a clear directive, New York City, Miami, and Denver have all canceled critical zoning meetings. Meanwhile, Connecticut cities such as Hartford haven't skipped a beat; our planning and zoning commission is all set for this week's e-meeting.

In the more recent order, the biggest change was the extension by 90 days of many different timelines for municipal decision-making. Again using zoning as an example, this extension gives breathing room to applicants whose time to receive a decision is expiring. It also gives municipalities some time to get e-meeting technology up and running.

Another big change relates to municipal obligations to provide newspaper notices, which are suspended for the duration of the state of emergency. Instead, a municipality can publish materials to its website. Posted materials must remain visible, from the first date publication would have been required through the running of any appeals period.

This change is a temporary blow to newspaper budgets. But it may actually increase public participation. According to one source, about 87% of Connecticut residents have access to the Internet, more than subscribe to newspapers. Even the Judicial Branch has moved its legal notices entirely online.

Another set of changes relates to legal requirements to serve municipal clerks in person as part of a lawsuit or to file documents with a municipal clerk. These requirements are suspended, as long as a municipality identifies the name and email address of the person to which both kinds of notices will be served. Filings that would otherwise have to be made in municipal offices (including the clerk's) must be made within a reasonable time after the office reopens.

In addition, the governor has suspended requirement for mailed notice, provided there is an email alternative. If an email isn't known, the mailed notice requirement can be satisfied in two other ways. The governor has suspended any municipal requirements for the physical posting of signs, which is most applicable to land use, and has extended the time that someone has to wait to demolish a historic building to 180 days.

Some might say the overrides of local laws violate sovereignty. But as I've argued in my scholarship, local governments are creatures of the state, and in some cases it is entirely appropriate for a higher authority to step in. COVID-19 is one of those situations.

To learn more about these sweeping changes, join me on a [webinar](https://attendee.gotowebinar.com/register/7519128319998034700) (<https://attendee.gotowebinar.com/register/7519128319998034700>) with UConn's Center for Land Use Education and Research on Thursday morning. Or tune in to our Planning and Zoning Commission [meeting](https://planhartford.com/public-hearings/key_dates#10512) (https://planhartford.com/public-hearings/key_dates#10512) Tuesday night, where you can watch us muddle through our first meeting under the new executive orders.

Now that we are able to meet online, we have the chance to keep at least one application benefiting Hartford families moving: a site plan for a brand-new soccer field in historic Colt Park. Hopefully by the time the field opens, the worst of the current crisis will be in the rear-view mirror.

Sara C. Bronin is a professor at the University of Connecticut School of Law and chairs the Hartford Planning and Zoning Commission.

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