

February 21, 2023
Connecticut General Assembly
Planning and Development Committee
10 Capitol Avenue
Hartford, CT 06106

Subject: Testimony regarding SB 1002 Concerning Certification of Zoning Enforcement Officers

Co-Chairs: Rep. Kavros DeGraw, Sen. MD Rahman, and fellow committee members:

Thank you for the opportunity to submit this testimony on behalf of the Capital Council of Governments (CRCOG.) The Capitol Region Council of Governments (CRCOG) serves 38 municipalities and approximately one million residents within the Greater Hartford region.

A focus of CRCOG's Legislative Agenda is to seek legislation to promote service sharing between municipalities that will allow our member towns to provide local government services and maintain infrastructure more efficiently and effectively. Additional clarifications to the existing statute regarding certification of Zoning Enforcement Officers will provide needed certainty to CRCOG's 58-member delegation.

Currently, the language states that *Beginning January 1, 2023, and annually thereafter, each person appointed as a zoning enforcement officer shall obtain certification from the Connecticut Association of Zoning Enforcement Officials and maintain such certification for the duration of employment as a zoning enforcement officer.* The statute does not state by when certification must be obtained, and is unclear as to whether individuals working as ZEOs prior to January 1 must ever be certified. This ambiguity drove many current ZEOs to seek certification in 2022 ahead of the January 1 deadline, which CAZEO took steps to accommodate. As testimony from the Connecticut Chapter of the American Planning Association (CCAPA) notes, the ambiguity in the current language will leave municipalities open to potential legal contests from those questioning the authority of a ZEO who has not yet received certification.

We ask for clarification of the statute to more clearly define what is meant by "shall obtain certification" and "maintain such certification." As testimony from the Connecticut Association of Zoning Enforcement Officials (CAZEO) notes, the Office of Legislative Research through OPM believes the statute as currently written does not specifically require that any person *currently* appointed as a ZEO obtain certification by 1-1-23, instead it requires that any person who is appointed as a ZEO *on or after* 1-1-23 obtain certification. However, definitively clarifying this through a statutory update would provide additional certainty for municipalities with long serving ZEOs who have not yet obtained certification.

Lastly, many municipalities are uncertain how to best proceed going forward in hiring new ZEOs and recruiting new staff to the profession. Statutory clarification regarding ZEOs hired

on or after 1-1-23 and the legal standing of their rulings would provide greater certainty for municipalities and help mitigate the risk of potential litigation.

Please feel welcome to reach out to me with any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "M. W. Hart". The signature is written in a cursive, flowing style.

Matthew W. Hart
Executive Director, CRCOG