



Connecticut

Connecticut Chapter of the American Planning Association

Government Relations Chairman: Christopher S. Wood, AICP
Phone: 203 558-0654 woodplanning@charter.net www.ccapa.org

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PLANNING AND DEVELOPMENT COMMITTEE

RSB – 39: AN ACT CONCERNING ENFORCEMENT OF SUBDIVISION REGULATIONS

SUMMARY: RSB-39 would authorize planning or planning and zoning commissions to designate an officer to enforce subdivision regulations.

ANALYSIS: The proposed bill authorizes, but does not require, the adoption of regulations providing for enforcement of subdivision regulations and the designation of an existing enforcement officer as the enforcement officer for subdivision regulations. Most municipalities already enforce subdivision regulations through a combination of zoning and wetlands enforcement and bonding of public improvements.

FISCAL IMPACT: This bill could create incremental costs for municipalities if additional duties are assigned to existing staff eventually requiring additional staff time. However, such costs are expected to be minimal.

CCAPA POSITION: **CCAPA** endorses the discretionary authority to explicitly define subdivision enforcement procedures and designation of an enforcement officer.

The proposed legislation does not provide for any personal liability for enforcement actions found by a court to be in error, as is the case with zoning regulations enforcement but not inland wetlands and watercourses regulations enforcement. **CCAPA** believes that the “treble damages” clause of CGS 8-12a discourages municipalities from adopting an efficient and effective enforcement procedure that would save legal costs and expedite enforcement resolution.

CCAPA recommends that the Committee consider this opportunity to revisit Section 8-12a and remove the treble damages clause as it applies to zoning regulations enforcement. In any event, such a threat should not be considered for addition to this legislation as it would only discourage the adoption of the intended enforcement procedures.