

## Attorneys:

- **Michael A. Ceccorulli**  
mceccorulli@pullcom.com  
860-424-4394
- **Lee D. Hoffman**  
lhoffman@pullcom.com  
860.424.4315
- **Gary B. O'Connor**  
goconnor@pullcom.com  
860.424.4366
- **Diane W. Whitney**  
dwhitney@pullcom.com  
860.424.4330

## Order 7I

### March 30, 2020

by Amanda G. Gurren

On March 21, 2020, Governor Lamont issued Executive Order No. 7I (the "Order"); Item No. 19, therein, modifies and/or suspends various procedural and statutory requirements regarding notice, commencement, and the holding of public hearings, decisions, and appeals in the State.

Item No. 19 applies to any person and/or entity that is—or might otherwise participate—in the process of submitting, reviewing, hearing, deciding, or appealing, *inter alia*, any municipal decision or action regarding petitions, applications or other proposals under various sections of the Connecticut General Statutes, including, Chapters 14 ("Freedom of Information Act"), 97a ("Historic Districts and Historic Properties"), 98 ("Municipal Powers"), 103 ("Municipal Sewerage Systems"), 124 ("Zoning"), 126 ("Municipal Planning Commissions"), 440 ("Wetlands and Watercourses"), 444 ("Coastal Management"), and 446i ("Water Resources") (collectively, the "Covered Laws").<sup>[1]</sup>

Pursuant to the Order, the Covered Laws' deadlines applicable to (1) the commencement or completion of any public hearing; (2) the rendering of any decision required to be made within a particular period; and, (3) the submission or reporting by any municipality to any agency or quasi-public agency of the State, are extended by an additional 90 days.

Moreover, Item No. 19 modifies various public notice requirements, including:

- Any Covered Law that requires notice to be filed in the office of any municipal clerk, including any town, city, borough, or district clerk, is modified to allow said notice to be posted electronically on a municipality's website. The deadline required for posting, however, remains unchanged. The posting must also remain visible on the municipality's or agency's web site until such action, meeting, or proceeding is complete, including applicable appeal(s) period.

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- Any Covered Law that requires a physical sign to be posted in relation to any zoning, inland wetlands, planning, or historic district petition, application or proposal, can be satisfied by the electronic posting on a municipality's website.
- Where any Covered Law requires direct or personal notice by mail from a municipality, agency or applicant to any other person, agency, municipality, utility company or water company, in relation to the filing or pendency of any petition, application, or other proposal, is modified to allow said notice requirement to be satisfied by electronic mail notification. The deadline for publication of the electronic notice, however, remains unchanged.

If electronic mailing addresses are not known or reasonably available to said municipality, agency, or applicant, the notice requirement can be satisfied by either of the following:

1. The posting of a physical, weatherproof sign of at least two (2) feet by three (3) feet in area, in a prominent location on the subject parcel of land. The sign must specify the existence of such petition, application, or proposal, and information regarding the date, time, and location of any hearings (including remote access details) related thereto. The sign must be posted for the duration for which notice is otherwise required by the Covered Laws.
  2. The mailing of letters (via regular U.S. mail) to addressees provided by a municipality or agency, where the noticing party has relied in good faith on the accuracy and completion of the respective list of addressees.
- Lastly, any Covered Law that prescribes the procedure for commencing an appeal of a decision by a zoning enforcement officer or an inland wetlands agent is modified to permit any such appeal to be commenced by regular mail or by electronic mail notice to the appropriate commission and/or agency. The time period to commence said appeal, however, remains unchanged.

[1] The Covered Laws also include any related special act(s), municipal charter(s), ordinance(s), resolution(s), and/or regulations thereto.

**Pullman & Comley attorneys have been closely monitoring the many developing implications of the COVID-19 pandemic for businesses and for professionals, including law firms. We have been responding, and will continue to respond, to a wide range of risk management questions. The firm's FOCUS page for the latest COVID-19 advisories may be found here.**

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