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## **OLR Bill Analysis**

### **HB 7004 (as amended by House "A")\***

#### ***AN ACT CONCERNING MUNICIPAL ISSUES.***

#### **SUMMARY**

This bill expands when people can petition for a town referendum to reverse a Department of Energy and Environmental Protection (DEEP) commissioner decision on whether to grant a permit to a facility in an environmental justice (EJ) community (see BACKGROUND). It does so by (1) making this process available in municipalities with populations up to 16,000, based on the most recent decennial census (rather than only those with populations up to 10,000) and (2) allowing referenda to challenge the commissioner's approval of a facility. Under current law, only denials may be challenged in this way.

Under existing law, an elector or voter of a municipality with a population below the set threshold can petition for a town referendum on the DEEP commissioner's denial of a permit. An affirmative vote at the referendum constitutes a reversal of the commissioner's decision (meaning a permit is approved even if the commissioner denied it). Under the bill, a referendum may also challenge and reverse approvals (meaning the permit is denied).

The bill also makes two technical changes in a statute on interlocal agreements between municipalities.

\*House Amendment "A" adds the EJ community provisions.

EFFECTIVE DATE: Upon passage, except the interlocal agreement technical changes are effective July 1, 2025.

#### **BACKGROUND**

The state's EJ law (CGS § 22a-20a) generally requires applicants seeking to construct, expand, or site certain facilities in EJ communities to engage in a public participation process. It also, once the DEEP

commissioner adopts applicable regulations, allows for the denial of a facility permit if the reviewing authority (DEEP or the Connecticut Siting Council, as applicable) finds that approving it would yield adverse cumulative environmental or public health stressors that are higher than those in other communities in the state, county, or other geographic unit used for comparison.

By law, an EJ community is (1) any U.S. census block group, as determined by the most recent census, for which at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level or (2) a distressed municipality.

### **COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable

Yea    17      Nay    3      (03/07/2025)