

---

## OLR Bill Analysis

### sHB 6249

#### ***AN ACT LIMITING APPEALS UNDER THE CONNECTICUT ENVIRONMENTAL PROTECTION ACT.***

#### **SUMMARY**

The Connecticut Environmental Protection Act (CEPA) states that there is a public trust in the state's air, water, and other natural resources (see BACKGROUND). It allows any person, corporation, organization, or other legal entity to intervene in proceedings on, or judicial reviews of, conduct that has, or likely will, unreasonably (1) pollute or damage the state's natural resources or (2) destroy certain historic structures or landmarks (CGS §§ 22a-19 & -19a).

This bill allows parties to judicial reviews of proceedings on residential building permit applications to request an expedited hearing on the allegations of unreasonable pollution made by these intervening parties. Under the bill, if the judicial review is about a residential building permit application (to build or renovate a residential structure with at least one dwelling unit), any party to the judicial review may request an expedited hearing, which must be held within 30 days of the request.

At the hearing, all of the intervening parties must make a prima facie showing that the alleged unreasonable pollution is reasonably likely to occur. (A prima facie showing generally means the sufficient establishment of a fact or raising of a presumption, even though it may later be proven untrue.) Specifically, if an intervenor cannot make a prima facie showing that the conduct subject to the judicial review has, or likely will, unreasonably pollute, impair, or destroy the public trust, the matter is subject to dismissal. Under the bill, the court must make this determination as soon as practicable.

Under existing law, unchanged by the bill, parties seeking to

intervene in these proceedings or judicial reviews must file a verified (i.e. sworn to) pleading that makes specific, factual allegations.

EFFECTIVE DATE: October 1, 2025

## **BACKGROUND**

### ***Connecticut Environmental Protection Act Intervenors***

The state's 1971 Environmental Protection Act (otherwise known as CEPA) states that (1) there is a public trust in the state's air, water, and other natural resources; (2) each person is entitled to the protection of these resources; and (3) it is in the public interest to provide everyone with an adequate remedy to protect these resources from unreasonable pollution, impairment, or destruction (CGS § 22a-15).

## **COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea    19    Nay   14    (03/24/2025)