



House of Representatives

General Assembly

File No. 261

February Session, 2026

Substitute House Bill No. 5391

House of Representatives, March 31, 2026

The Committee on Planning and Development reported through REP. KAVROS DEGRAW of the 17th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE ENFORCEMENT OF ZONING REGULATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-12 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2026*):

3 If any building or structure has been erected, constructed, altered,
4 converted or maintained, or any building, structure or land has been
5 used, in violation of any provision of this chapter or of any bylaw,
6 ordinance, rule or regulation made under authority conferred [hereby]
7 by any provision of this chapter or by any special act, any official having
8 jurisdiction, in addition to other remedies, may institute an action or
9 proceeding to prevent such unlawful erection, construction, alteration,
10 conversion, maintenance or use or to restrain, correct or abate such
11 violation or to prevent the occupancy of such building, structure or land
12 or to prevent any illegal act, conduct, business or use in or about such
13 premises. Such bylaws, ordinances, rules or regulations shall be

14 enforced by the officer or official board or authority designated therein,
15 who shall be authorized to cause any building, structure, place or
16 premises to be inspected and examined and to order in writing the
17 remedying of any condition found to exist therein or thereon in violation
18 of any provision of the regulations made under authority of the
19 provisions of this chapter or, when the violation involves grading of
20 land, the removal of earth or soil erosion and sediment control, to issue,
21 in writing, a cease and desist order to be effective immediately. [The]
22 Notwithstanding the provisions of any bylaw, ordinance, rule or
23 regulation made under authority conferred by any provision of this
24 chapter or by any special act, the owner or agent of any building or
25 premises where a violation of any provision of such bylaws, ordinances,
26 rules or regulations has been committed or exists, or the lessee or tenant
27 of an entire building or entire premises where such violation has been
28 committed or exists, or the owner, agent, lessee or tenant of any part of
29 the building or premises in which such violation has been committed or
30 exists, or the agent, architect, builder, contractor or any other person
31 who commits, takes part or assists in any such violation or who
32 maintains any building or premises in which any such violation exists,
33 shall be fined not less than ten dollars or more than one hundred dollars
34 for each day that such violation continues; but, if the offense is wilful,
35 the person convicted thereof shall be fined not less than one hundred
36 dollars or more than two hundred fifty dollars for each day that such
37 violation continues, or imprisoned not more than ten days for each day
38 such violation continues not to exceed a maximum of thirty days for
39 such violation, or both; and the Superior Court shall have jurisdiction of
40 all such offenses, subject to appeal as in other cases. [Any]
41 Notwithstanding the provisions of any bylaw, ordinance, rule or
42 regulation made under authority conferred by any provision of this
43 chapter or by any special act, any person who, having been served with
44 an order to discontinue any such violation, fails to comply with such
45 order [within] not later than ten days after such service, or having been
46 served with a cease and desist order with respect to a violation involving
47 grading of land, removal of earth or soil erosion and sediment control,
48 fails to comply with such order immediately, or continues to violate any

49 provision of the bylaws, ordinances, rules or regulations made under
50 authority of the provisions of this chapter or any special act specified in
51 such order shall be subject to a civil penalty not to exceed two thousand
52 five hundred dollars, payable to the treasurer of the municipality. In any
53 criminal prosecution under this section, the defendant may plead in
54 abatement that such criminal prosecution is based on a zoning bylaw,
55 ordinance, rule or regulation which is the subject of a civil action
56 wherein one of the issues is the interpretation of such bylaw, ordinance,
57 rule or [regulations] regulation, and that the issues in the civil action are
58 such that the prosecution would fail if the civil action results in an
59 interpretation different from that claimed by the state in the criminal
60 prosecution. If the court renders judgment for such municipality and
61 finds that the violation was wilful, the court shall allow such
62 municipality its costs, together with reasonable attorney's fees to be
63 taxed by the court. The court before which such prosecution is pending
64 may order such prosecution abated if it finds that the allegations of the
65 plea are true.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2026	8-12

PD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 27 \$	FY 28 \$
Various Municipalities	Potential Revenue Gain	See Below	See Below

Explanation

The bill allows municipalities that exercise zoning authority under a special act to enforce regulations in the same way as municipalities that exercise zoning authority under the state statutes, including the enforcement of criminal and civil penalties. This results in a potential revenue gain to these municipalities beginning in FY 27 to the extent that the state statutes allow for the enforcement of greater fines than the special act that their zoning authority is derived from.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of municipalities that choose to change how they enforce zoning regulations and the number of civil penalties enforced.

OLR Bill Analysis**sHB 5391*****AN ACT CONCERNING THE ENFORCEMENT OF ZONING REGULATIONS.*****SUMMARY**

This bill authorizes municipalities that exercise zoning authority under a special act to enforce their regulations in the same way (under CGS § 8-12) as municipalities that exercise zoning authority under the statutes can. For example, under the bill, the zoning enforcement authority in a municipality zoning under a special act can enforce local regulations by asking the court (1) for an injunction; (2) to impose criminal penalties, including imprisonment; or (3) to impose a civil penalty of up to \$2,500 (see BACKGROUND for information on these and other remedies extended to municipalities zoning under a special act).

The bill also makes minor, technical, and conforming changes. These changes include specifying that municipalities may exercise zoning enforcement powers under CGS § 8-12 regardless of conflicting bylaws, ordinances, rules, or regulations.

EFFECTIVE DATE: October 1, 2026

BACKGROUND***Zoning Enforcement Under CGS § 8-12***

By law, a municipality's zoning enforcement authority may issue written orders to remedy conditions on a property that violate zoning regulations (including related bylaws, ordinances, and rules). The authority may also issue cease-and-desist orders for violations involving land grading, soil removal, or soil erosion or sediment control.

CGS § 8-12 subjects a person to a civil penalty of up to \$2,500 if he or

she (1) has been served with a written order and fails to comply with it within 10 days, (2) has been served with a cease-and-desist order and fails to comply immediately, or (3) continues to violate the specific regulation identified in the order. In addition, the court can grant the municipality injunctive relief if a person subject to an order does not comply with it.

In addition to these penalties for violating an order, a violation of the underlying regulations is subject to civil and criminal penalties. Ordinarily, violations are subject to a court-imposed fine of between \$10 and \$100 per day. However, if the violation is willful, the violator is subject to a fine of between \$100 and \$250 per day, imprisonment of up to 10 days for each day of the violation (up to a maximum of 30 days), or both. A willful violator may also be responsible for the municipality’s costs and attorney’s fees.

(In addition to the enforcement powers described above, existing law allows any municipality to enact an ordinance setting fines of up to \$150 per day for zoning violations, if the municipality also has a local citation hearing procedure (CGS § 8-12a).)

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 21 Nay 0 (03/13/2026)