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## **OLR Bill Analysis**

### **SB 361**

#### ***AN ACT CONCERNING FEES IN LIEU OF SIDEWALK REQUIREMENTS.***

#### **SUMMARY**

This bill broadly allows municipal planning and zoning commissions to include provisions in their zoning and subdivision regulations allowing a developer to pay a fee in lieu of sidewalk construction (FILOS), under certain conditions. The authority extends to commissions regardless of any conflicting special acts. (Some municipalities exercise land use powers under a special act, rather than the statutes.)

In practice, some Connecticut municipalities have interpreted state law as allowing FILOS provisions in zoning regulations. State law does not allow FILOS provisions in subdivision regulations.

EFFECTIVE DATE: October 1, 2026

#### **FILOS PROVISIONS ALLOWED**

The bill allows planning and zoning commissions to include FILOS provisions in their regulations. This means that local zoning or subdivision regulations may include provisions allowing an applicant (developer) to ask to pay a fee instead of complying with regulations on public sidewalk construction and maintenance. But commissions may accept a FILOS only if the sidewalk required by regulations would be unnecessary or impractical for the proposed development.

Under the bill, FILOS regulations must include a formula or schedule for setting the fee. Regulations may limit when a developer can ask to pay a FILOS by specifying that the commission will only consider them in certain areas of the town.

***Using Collected Fees***

Any collected FILOS must be put in a fund that is only used to pay for public sidewalk construction and maintenance. Municipalities must approve spending from the fund in the same way they approve other capital projects.

The bill specifies that (1) income earned on deposited FILOS accrues to the fund and (2) the fund cannot be used for operating expenses or be deemed part of the municipality's general fund.

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable

Yea 13    Nay 8    (03/13/2026)