STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7CC

PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC AND RESPONSE – MUNICIPAL FISCAL AUTHORITY, BENEFITS PROTECTION, ACCESS TO COURTS WITHOUT CERTAIN IN-PERSON ACTIONS

WHEREAS, on March 10, 2020, I issued a declaration of public health and civil preparedness emergencies, proclaiming a state of emergency throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed spread in Connecticut; and

WHEREAS, pursuant to such declaration, I have issued twenty-nine (29) executive orders to suspend or modify statutes and to take other actions necessary to protect public health and safety and to mitigate the effects of the COVID-19 pandemic; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the risk of severe illness and death from COVID-19 is higher for individuals who are 60 or older and for those who have chronic health conditions; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention and the Connecticut Department of Public Health recommend implementation of community mitigation strategies to increase containment of the virus and to slow transmission of the virus, including cancellation of gatherings of ten people or more and social distancing in smaller gatherings; and

WHEREAS, certain municipal charters, ordinances or resolutions require critical and time-sensitive town decisions necessary for the fiscal and public health and welfare of a municipality to be voted on in-person by referendum or town meeting, which increases the risk of transmission of COVID-19; and

WHEREAS, Executive Order 7S, Section 7, required municipal legislative bodies or boards of selectmen to authorize such municipalities' budget-making authorities to approve certain financial transactions, expenditures, or decisions, without the normally required in-person vote of residents or taxpayers; and

WHEREAS, certain additional essential and time-critical actions by municipalities may be required in order to maintain continuity of contracts, preserve the rights of municipalities and taxpayers, or safeguard the public welfare before it may be deemed safe to conduct widespread in-person authorization votes by residents or taxpayers; and

WHEREAS, Executive Order No. 7S, Section 11, provided an extension of certain time frames for holders of certain property interests related to non-judicial tax sales, describing such time frames in calendar days rather than numbers of months, and such time frames should be calculated in whole months; and

WHEREAS, counting federal stimulus payments as income or resources in determining eligibility for state-funded benefits and services during the current public health and civil preparedness emergency could harm the health and welfare of state residents by causing them to lose vital state-funded services, including healthcare and residential home care services, and could cause economic harm to the state's neediest residents by eliminating their basic assistance payments, which will make it more difficult for such residents to adhere to social distancing measures needed to slow the spread of COVID-19; and

WHEREAS, in consultation with the Chief Court Administrator on behalf of the Chief Justice of the Supreme Court and the Judicial Branch, I have determined that there exists a compelling state interest that courts conduct only essential business in order to minimize the spread of COVID-19; and

WHEREAS, in order to allow the efficient conduct of Court business and provide maximum access to the judicial system, the Judicial Branch has recommended procedures for conducting certain court business using alternatives to in-person presence; and

WHEREAS, the Secretary of the U.S. Department of Health and Human Services has concluded that, because of the COVID-19 public health emergency, patients who would ordinarily be able to choose to receive all care from in-network healthcare providers may no longer be able to receive such care only in-network; and

WHEREAS, the federal government has protected such patients by requiring that health care providers who receive a payment from the CARES Act Provider Relief Fund agree to charge patients for all care related to a possible or actual case of COVID-19 no more than what the patient would have otherwise been required to pay if the care had been provided by an in-network health care provider;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT:**

1. **Applicability of Executive Order 7S, Section 7 to Additional Critical and Time-Sensitive Municipal Fiscal Actions.** Executive Order No. 7S, Section 7, permitting a municipality's legislative body and budget-making authority to authorize certain

actions enumerated therein, by a majority vote of each such body, is amended to additionally include among the actions which such bodies may authorize by a majority vote of each such body: (i) the application for or acceptance of any grants, funding, or gifts; (ii) approval of collective bargaining agreements and legal settlements; (iii) the transfer of funds to or from capital or reserve accounts, (iv) the investment of funds pertaining to pensions, trusts, retirement programs or other post-employment benefit funds; or (v) any financial actions required by (a) a contract or agreement or (b) a court order or consent decree that require approval, provided that such legislative body (or board of selectmen, where applicable) and budget-making authority have each approved such action and have made specific findings that such action is necessary to permit the orderly operation of the municipality and that there is a need to act immediately during the public health and civil preparedness emergency in order to avoid endangering public health and welfare, prevent significant financial loss, or that action is otherwise necessary for the protection of persons and property within the municipality.

2. **Clarification of Time Periods Regarding Suspension and Modification of Non-Judicial Tax Sales Pursuant to Executive Order No. 7S, Section 11.** Because interest on redemptions pursuant to Section 12-157(f) of the Connecticut General Statutes is calculated by the month, not by the day, Executive Order No. 7S, Section 11, subsection (2) is amended to provide that for any sales held pursuant to Section 12-157 or Section 7-258 that were conducted prior to March 10, 2020, any six-month redemption period in General Statutes Section 12-157 which had not yet expired as of April 2, 2020 shall be extended by the number of whole months that is nearest to the duration of the public health and civil preparedness emergency, including any period of renewal of such public health and civil preparedness emergency.

3. **Exclusion of Federal Stimulus Payments in Evaluating Eligibility for State or Local Programs Financed in Whole or in Part Using State Funds.** Section 1-141 (a) of the Connecticut General Statutes is modified to provide that individual stimulus payments made pursuant to Section 2201 of Public Law 116-136 ("Coronavirus Aid, Relief, and Economic Security Act" or "CARES Act") shall not be counted as income or resources when determining eligibility for, or the amount of, benefits or services funded in whole or in part with state funds. Such exclusion shall apply to any such stimulus payment made or originally applied for the duration, including any period of renewal, of the public health and civil preparedness emergency.

4. **Alternative to Physical Presence in Court for Finding of Irretrievable Breakdown of Marriage.** Any requirement in Section 46b-51 of the Connecticut General Statutes requiring the physical presence in court of a party to a dissolution or legal separation prior to a finding that a marriage has broken down irretrievably is modified to permit the Court to accept not-in-person testimony from such parties sufficient to make such finding. Such testimony may take the form of, but is not

limited to, an affidavit made under oath stating that the marriage has broken down irretrievably. In cases where the parties have submitted an agreement as described in Section 46b-51(a)(2) of the Connecticut General Statutes, the Court may also accept such not-in-person testimony from the parties as the basis for making any other jurisdictional and factual findings that the court deems necessary or appropriate in order to enter a judgment of dissolution of marriage, without necessity of the physical presence in court of either party. Such waiver shall not be permitted in any case where a restraining order, issued pursuant to Section 46b-15, or a protective order, issued pursuant to Section 46b-38c, between the parties is in effect or an application for such an order is pending before the Court.

5. **Alternative to In-Person Waiver of Right to File Motion or Petition for Educational Support.** Any requirement contained in Section 46b-56c (b) (1) that a parent must be present in court for the Court to make findings sufficient to accept the parent's waiver of the right to file a motion or petition for educational support is modified to provide that such a waiver may be accepted upon submission of proof deemed sufficient by the Court that the parent fully understands the consequences of such waiver. Such modification shall not apply to any case where a restraining order, issued pursuant to Section 46b-15, or a protective order, issued pursuant to Section 46b-38c, between the parties is in effect or an application for such an order is pending before the Court.

6. **Alternative to Physical Appearance of Petitioner Regarding Decree of Dissolution After Entry of Decree of Legal Separation.** The requirement in Section 46b-65 (b) of the Connecticut General Statutes of the presence of the party seeking a decree dissolving a marriage at the time of the entry of such decree is modified to permit the Court to make such entry without requiring the presence of the party, except that in any case where a restraining order, issued pursuant to Section 46b-15, or a protective order, issued pursuant to Section 46b-38c, between the parties is in effect or an application for such an order is pending before the court, the presence of the party shall be required.

7. **Alternative to In Court Canvass Prior to Entrance of Final Agreement.** The requirement in Section 46b-66 (a) of the Connecticut General Statutes that the Court shall inquire into the financial resources and actual needs of the spouses and their respective fitness to have physical custody of or rights of visitation with any minor child prior to entry of a final order of dissolution or approval of a final agreement is modified to permit the Court to satisfy the inquiry requirement by accepting the submission of affidavits made under oath containing statements by the parties in a form and manner prescribed by the Court, provided such statements shall address each element of the court's inquiry as described in said section. Such modification shall not apply to any case where a restraining order, issued pursuant to Section 46b-

15, or a protective order, issued pursuant to Section 46b-38c, between the parties is in effect or an application for such an order is pending before the Court.

8. **Alternative to Physical Presence When Findings on the Record Required.** Whenever applicable law requires the court to make a specific finding on the record in a proceeding specified in Chapter 815j, 815y or 816 of the Connecticut General Statutes, that requirement is satisfied if the Court's written judgment, order or memorandum of decision includes such finding except in any case where a restraining order, issued pursuant to Section 46b-15, or a protective order, issued pursuant to Section 46b-38c, between the parties is in effect or an application for such an order is pending before the Court.

9. **Revised Financial Protections for People Covered by Insurance Who Receive Out-of-Network Health Care Services During the Public Health Emergency.** Sections 2(a) and 2(b) of Executive Order No. 7U are hereby repealed in their entirety. Such repeal shall be retroactive to the effective date of those respective Sections.

Unless otherwise specified herein, this order shall take effect immediately and remain in effect for the duration of the public health and civil preparedness emergency, unless earlier modified, extended or terminated.

Dated at Hartford, Connecticut, this 21st day of April, 2020.

Ned Lamont
Governor

By His Excellency's Command

Denise W. Merrill
Secretary of the State