STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7JJ

PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC AND RESPONSE – MUNICIPAL GOVERNANCE MEASURES AND AUTHORIZATION FOR DEEP TO CONDUCT PROGRAMS THROUGH DISTANCE LEARNING

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 Connecticut; and

WHEREAS, pursuant to such declaration, I have issued thirty-six (36) 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 (DPH) recommend implementation of community mitigation strategies to increase slow transmission of the virus, including cancellation of gatherings of ten people or more and social distancing in smaller gatherings; and

WHEREAS, no vaccine is available to prevent or mitigate the health effects of COVID-19, and testing and contact tracing capabilities are not yet available in sufficient quantities to permit large gatherings in close quarters, especially indoors; and

WHEREAS, Executive Order No. 7S, Section 8, addressed tax relief claims that require municipalities to conduct specific duties, including but not limited to processing tax relief claims that require in-person meetings and application filing requirements for taxpayers who have attained age sixty-five or over or are totally disabled; and

WHEREAS, Sections 12-129n, 12-170v and 12-170w of the Connecticut General Statutes authorize municipalities to provide tax relief for taxpayers who have attained age sixty-five or over or are totally disabled; and

WHEREAS, the Department of Energy and Environmental Protection (DEEP) administers multiple programs that require education, testing, and certification, and such programs are necessary for the protection of public health, safety, and the environment or for safe conduct of regulated recreational and commercial activity; and

WHEREAS, in order to provide such programs and continuity of service during the COVID-19 pandemic, in a manner that protects public health by limiting in-person interactions that would increase the risk of transmission of COVID-19, it is necessary to conduct such education, testing, and certification activities remotely to the greatest degree practicable; 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; and

WHEREAS, the close contact and high attendance required for in-person voting through town meeting or referendum increases the risk of transmission of COVID-19 for voters and town officials, and will consume a significant quantity of critically needed personal protective equipment;

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 No. 7S, Section 8 - Suspension of Reapplication Filing Requirement for the Homeowners' Elderly/Disabled, Circuit Breaker Tax Relief Program and for the Homeowners' Elderly/Disabled Freeze Tax Relief Program**. The biennial filing requirements in Sections 12-129n and Sections 12-170v and 12-170w of the Connecticut General Statutes for any taxpayers who were granted the benefit for the Grand List year 2017 and who are required to recertify for the Grand List year 2019, are suspended and such taxpayers shall automatically maintain their benefits for the next biennial cycle ending in Grand List year 2021.

2. **Distance Learning and Remote Testing and Certification for DEEP Programs.** To limit the risk of transmission of COVID-19, by reducing in-person interactions, Titles 15, 22a, 23, and 26 of the Connecticut General Statutes are modified to authorize the Commissioner of Energy and Environmental Protection to issue any orders she deems necessary to facilitate registration for and participation in, classes and testing remotely using online methods or any other feasible means, including provision of any notice, conduct

of any classes, testing and certification required pursuant to these Titles, or regulations promulgated thereunder. The Department of Energy and Environmental Protection shall post a plan on its website to instruct the public how to register and participate in, classes and testing remotely and provide updated information on services conducted by its partners.

3. **Tolling of Land Use and Building Permits.** In order to ensure that land use and building permit holders may continue to diligently pursue permitted activities after the state of emergency, an approval or permit issued by a municipal land use agency or official pursuant to the "Covered Laws" as defined in Section 19 of Executive Order 7I, or by a municipal building official pursuant to Connecticut General Statutes Chapter 541 and valid as of March 10, 2020, shall not lapse or otherwise expire during the state of emergency, and the expiration date of the approval shall toll during the state of emergency. To the extent that any such approval contains or is subject to conditions, the agency or official may waive such conditions if an approval holder is not able to abide by the conditions as a result of the COVID-19 pandemic or protective measures taken in response to it, provided that such waiver shall not be unreasonably withheld. This section shall not apply to an approval or permit whose holder was in violation of the terms and conditions of the approval as of March 10, 2020 or who violates such terms and conditions during the state of emergency.

4. **Allowance of Suspension of In-Person Voting Requirements by Members of the Public for Critical and Time-Sensitive Municipal Decisions.** Notwithstanding any contrary provision of the Connecticut General Statutes, including Title 7, or any special act, municipal charter, ordinance or resolution that conflicts with this order, the legislative body of a municipality, or in a municipality where the legislative body is a town meeting other than a representative town meeting, the board of selectmen, after making specific findings that such action is necessary to permit the orderly operation of the municipality and that there is a need to act immediately and during the period of the declared public health and civil preparedness emergency, in order to avoid endangering public health and welfare or prevent significant financial loss, or that such action is otherwise necessary for the protection of persons and property within the municipality, may (i) adopt or amend ordinances or resolutions only as necessary to complete transactions deemed essential; (ii) approve, enter into or amend existing contracts or agreements deemed essential; or (iii) option, acquire, transfer, lease, dispose of or sell any real or personal property, or interest therein, as shall be deemed essential, with the exception of non-judicial tax sales or other property transfers that would result in the eviction of a residential tenant, without complying with any requirements for in-person approval by electors or taxpayers, including but not limited to, annual or special town meetings requiring votes or referenda. In so acting, the legislative body shall comply with open meeting requirements set forth in Executive Order No.

7B. All conditions precedent to any such approval, including without limitation, public notices, hearings or presentations, shall proceed in a manner as closely consistent with the applicable statutes, special acts, town charters, municipal ordinances, resolutions or procedures as possible, and in compliance with the open meeting provisions set forth in Executive Order No. 7B. The foregoing authority is not intended to apply to budgetary or similar essential non-budgetary financial actions which require the concurrent approval of the municipal budget-making authority and are subject to the provisions of Executive Order Nos. 7I, Section 13, 7S, Section 7, and 7CC, Section 1. Nothing in this order shall be construed to prohibit a municipality from conducting any in-person meeting, approval process, or referendum, provided such municipality first consults with local or state public health officials and conducts such meeting, approval process, or referendum in a way that significantly reduces the risk of transmission of COVID-19.

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 6th day of May, 2020.

Ned Lamont
Governor

By His Excellency's Command

Denise W. Merrill
Secretary of the State