

Bond Case Briefs

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SHORT TERM RENTALS - CONNECTICUT

9 Pettipaug, LLC v. Planning and Zoning Commission

Supreme Court of Connecticut - June 18, 2024 - A.3d - 349 Conn. 268 - 2024 WL 2982704

Homeowners sought review of decision of borough planning and zoning commission to approve a zoning amendment regulating short-term rentals of homes in borough that was a very small, largely seasonal community.

The Superior Court granted homeowners' motion for summary judgment after denying commission's motion to dismiss for lack of subject matter jurisdiction. Commission petitioned for certification to appeal, which was granted. The Appellate Court affirmed. Commission appealed.

The Supreme Court held that:

- Newspaper in which borough published notice of zoning changes satisfied the "substantial circulation" component of statutory notice requirement, and
- Borough's compliance with statutory notice requirement required dismissal of untimely zoning appeal.

Newspaper in which borough published notice of zoning amendment concerning short-term rentals of homes in borough was a newspaper having a substantial circulation in borough, under the "substantial circulation" component of statutory notice requirement for changes in zoning regulations, even though none of borough's 14 year-round households subscribed to newspaper and newspaper was not sold anywhere in borough, where newspaper focused on news items of general interest to borough residents, newspaper was readily available for purchase in commercial area of town in which borough was located, content of newspaper was readily accessible online, newspaper's website allowed free access to legal notices, and borough planning and zoning commission had a long history of using newspaper for its legal notices.

Borough's compliance with statutory publication requirement for notice of zoning amendment concerning short-term rentals of homes in borough required dismissal of homeowners' zoning appeal, which was untimely because it was commenced more than 15 days from the date that notice of the decision was published, without the benefit of the statutory savings provision.