



General Assembly

January Session, 2017

***Raised Bill No. 922***

LCO No. 4390



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:  
(PD)

***AN ACT CONCERNING TEMPORARY HEALTH CARE STRUCTURES.***

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

1 Section 1. (NEW) (*Effective October 1, 2017*) (a) For the purposes of  
2 this section:

3 (1) "Caregiver" means a relative, legal guardian or health care agent  
4 who is responsible for the unpaid care of a mentally or physically  
5 impaired person.

6 (2) "Mentally or physically impaired person" means a person who  
7 requires assistance, as certified in writing by a physician licensed in  
8 this state, with two or more activities of daily living, including, but not  
9 limited to, bathing, dressing, grooming, eating, meal preparation,  
10 shopping, housekeeping, transfers, bowel and bladder care, laundry,  
11 communication, self-administration of medication and ambulation.

12 (3) "Temporary health care structure" means a transportable  
13 residential structure that provides an environment in which a  
14 caregiver may provide care for a mentally or physically impaired

15 person and that (A) is primarily assembled at a location other than the  
16 site of installation, (B) has one occupant who is the mentally or  
17 physically impaired person, (C) is not larger than five hundred gross  
18 square feet, (D) is not placed on or attached to a permanent  
19 foundation, and (E) complies with the applicable provisions of the  
20 State Building Code, Fire Safety Code and Public Health Code.

21 (b) In any municipality that approves of such temporary health care  
22 structures by a vote of the town council or board of selectmen of such  
23 municipality, as applicable, a temporary health care structure shall be  
24 allowed as an accessory use in any single-family residential zoning  
25 district on a lot zoned for single-family detached dwellings that is  
26 owned by a caregiver or mentally or physically impaired person and  
27 used as his or her residence. Such structures shall comply with all  
28 setback requirements, coverage limits and maximum floor area ratio  
29 limitations that apply to accessory structures in such zoning district.

30 (c) No person shall install a temporary health care structure without  
31 first obtaining a permit from the municipality in which the structure  
32 will be installed, for which the municipality may charge a fee not to  
33 exceed one hundred dollars and an annual permit renewal fee not to  
34 exceed fifty dollars. The municipality shall not be required to hold a  
35 public hearing on the permit application and shall either approve or  
36 deny the permit not later than fifteen business days after the permit  
37 application is submitted to the municipality by the applicant. The  
38 municipality shall not deny the permit if the applicant provides proof  
39 of compliance with this section. The applicant shall send notice of the  
40 permit application, by certified or registered mail, to each person  
41 appearing of record as an owner of property which abuts the property  
42 upon which the temporary health care structure is proposed to be  
43 installed. The notice shall be sent not later than three business days  
44 after the permit application is submitted to the municipality by the  
45 applicant.

46 (d) The municipality may require a temporary health care structure

47 installed pursuant to this section to be accessible to emergency vehicles  
48 and be connected to water, sewer and electric utilities that serve the  
49 primary residence.

50 (e) Not more than one temporary health care structure shall be  
51 installed on a lot zoned for a single-family detached dwelling.

52 (f) No signage advertising or otherwise promoting the existence of  
53 the temporary health care structure shall be permitted either on the  
54 exterior of the structure or elsewhere on the lot.

55 (g) Following issuance of such permit, the municipality may require  
56 that the applicant provide written evidence of compliance with this  
57 section as long as the temporary health care structure remains on the  
58 property. Evidence of compliance may be obtained through an  
59 inspection by the municipality of the temporary health care structure  
60 at reasonable times convenient to the caregiver.

61 (h) Any temporary health care structure installed pursuant to this  
62 section shall be removed not later than one hundred twenty days after  
63 the mentally or physically impaired person no longer occupies the  
64 structure or no longer qualifies as a mentally or physically impaired  
65 person. Upon issuance of the permit authorizing such structure, the  
66 municipality may require the applicant to post a bond in an amount  
67 not exceeding fifty thousand dollars to ensure compliance with this  
68 subsection.

69 (i) The municipality may revoke a permit issued pursuant to  
70 subsection (c) of this section if the permit holder violates any provision  
71 of this section.

72 Sec. 2. Subsection (a) of section 8-2 of the general statutes is repealed  
73 and the following is substituted in lieu thereof (*Effective October 1,*  
74 *2017*):

75 (a) The zoning commission of each city, town or borough is

76 authorized to regulate, within the limits of such municipality, the  
77 height, number of stories and size of buildings and other structures;  
78 the percentage of the area of the lot that may be occupied; the size of  
79 yards, courts and other open spaces; the density of population and the  
80 location and use of buildings, structures and land for trade, industry,  
81 residence or other purposes, including water-dependent uses, as  
82 defined in section 22a-93, and the height, size and location of  
83 advertising signs and billboards. Such bulk regulations may allow for  
84 cluster development, as defined in section 8-18. Such zoning  
85 commission may divide the municipality into districts of such number,  
86 shape and area as may be best suited to carry out the purposes of this  
87 chapter; and, within such districts, it may regulate the erection,  
88 construction, reconstruction, alteration or use of buildings or  
89 structures and the use of land. All such regulations shall be uniform  
90 for each class or kind of buildings, structures or use of land throughout  
91 each district, but the regulations in one district may differ from those  
92 in another district, and may provide that certain classes or kinds of  
93 buildings, structures or uses of land are permitted only after obtaining  
94 a special permit or special exception from a zoning commission,  
95 planning commission, combined planning and zoning commission or  
96 zoning board of appeals, whichever commission or board the  
97 regulations may, notwithstanding any special act to the contrary,  
98 designate, subject to standards set forth in the regulations and to  
99 conditions necessary to protect the public health, safety, convenience  
100 and property values. Such regulations shall be made in accordance  
101 with a comprehensive plan and in adopting such regulations the  
102 commission shall consider the plan of conservation and development  
103 prepared under section 8-23. Such regulations shall be designed to  
104 lessen congestion in the streets; to secure safety from fire, panic, flood  
105 and other dangers; to promote health and the general welfare; to  
106 provide adequate light and air; to prevent the overcrowding of land; to  
107 avoid undue concentration of population and to facilitate the adequate  
108 provision for transportation, water, sewerage, schools, parks and other  
109 public requirements. Such regulations shall be made with reasonable

110 consideration as to the character of the district and its peculiar  
111 suitability for particular uses and with a view to conserving the value  
112 of buildings and encouraging the most appropriate use of land  
113 throughout such municipality. Such regulations may, to the extent  
114 consistent with soil types, terrain, infrastructure capacity and the plan  
115 of conservation and development for the community, provide for  
116 cluster development, as defined in section 8-18, in residential zones.  
117 Such regulations shall also encourage the development of housing  
118 opportunities, including opportunities for multifamily dwellings,  
119 consistent with soil types, terrain and infrastructure capacity, for all  
120 residents of the municipality and the planning region in which the  
121 municipality is located, as designated by the Secretary of the Office of  
122 Policy and Management under section 16a-4a. Such regulations shall  
123 also promote housing choice and economic diversity in housing,  
124 including housing for both low and moderate income households, and  
125 shall encourage the development of housing which will meet the  
126 housing needs identified in the state's consolidated plan for housing  
127 and community development prepared pursuant to section 8-37t and  
128 in the housing component and the other components of the state plan  
129 of conservation and development prepared pursuant to section 16a-26.  
130 Zoning regulations shall be made with reasonable consideration for  
131 their impact on agriculture, as defined in subsection (q) of section 1-1.  
132 Zoning regulations may be made with reasonable consideration for the  
133 protection of historic factors and shall be made with reasonable  
134 consideration for the protection of existing and potential public surface  
135 and ground drinking water supplies. On and after July 1, 1985, the  
136 regulations shall provide that proper provision be made for soil  
137 erosion and sediment control pursuant to section 22a-329. Such  
138 regulations may also encourage energy-efficient patterns of  
139 development, the use of solar and other renewable forms of energy,  
140 and energy conservation. The regulations may also provide for  
141 incentives for developers who use passive solar energy techniques, as  
142 defined in subsection (b) of section 8-25, in planning a residential  
143 subdivision development. The incentives may include, but not be

144 limited to, cluster development, higher density development and  
145 performance standards for roads, sidewalks and underground facilities  
146 in the subdivision. Such regulations may provide for a municipal  
147 system for the creation of development rights and the permanent  
148 transfer of such development rights, which may include a system for  
149 the variance of density limits in connection with any such transfer.  
150 Such regulations may also provide for notice requirements in addition  
151 to those required by this chapter. Such regulations may provide for  
152 conditions on operations to collect spring water or well water, as  
153 defined in section 21a-150, including the time, place and manner of  
154 such operations. No such regulations shall prohibit the operation of  
155 any family child care home or group child care home in a residential  
156 zone. No such regulations shall prohibit the use of receptacles for the  
157 storage of items designated for recycling in accordance with section  
158 22a-241b or require that such receptacles comply with provisions for  
159 bulk or lot area, or similar provisions, except provisions for side yards,  
160 rear yards and front yards. No such regulations shall unreasonably  
161 restrict access to or the size of such receptacles for businesses, given  
162 the nature of the business and the volume of items designated for  
163 recycling in accordance with section 22a-241b, that such business  
164 produces in its normal course of business, provided nothing in this  
165 section shall be construed to prohibit such regulations from requiring  
166 the screening or buffering of such receptacles for aesthetic reasons.  
167 Such regulations shall not impose conditions and requirements on  
168 manufactured homes having as their narrowest dimension twenty-two  
169 feet or more and built in accordance with federal manufactured home  
170 construction and safety standards or on lots containing such  
171 manufactured homes which are substantially different from conditions  
172 and requirements imposed on single-family dwellings and lots  
173 containing single-family dwellings. Such regulations shall not impose  
174 conditions and requirements on developments to be occupied by  
175 manufactured homes having as their narrowest dimension twenty-two  
176 feet or more and built in accordance with federal manufactured home  
177 construction and safety standards which are substantially different

178 from conditions and requirements imposed on multifamily dwellings,  
179 lots containing multifamily dwellings, cluster developments or  
180 planned unit developments. Such regulations shall not prohibit the  
181 continuance of any nonconforming use, building or structure existing  
182 at the time of the adoption of such regulations. Such regulations shall  
183 not provide for the termination of any nonconforming use solely as a  
184 result of nonuse for a specified period of time without regard to the  
185 intent of the property owner to maintain that use. Such regulations  
186 shall not prohibit the installation of temporary health care structures  
187 for use by mentally or physically impaired persons in accordance with  
188 the provisions of section 1 of this act if such structures comply with the  
189 provisions of said section and the municipality approves of such  
190 structures by a vote of the town council or board of selectmen for such  
191 municipality, as applicable. Any city, town or borough which adopts  
192 the provisions of this chapter may, by vote of its legislative body,  
193 exempt municipal property from the regulations prescribed by the  
194 zoning commission of such city, town or borough; but unless it is so  
195 voted municipal property shall be subject to such regulations.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	New section
Sec. 2	<i>October 1, 2017</i>	8-2(a)

**Statement of Purpose:**

To allow municipalities to permit residents to install temporary health care structures on their property.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*