AN ACT CONCERNING THE REORGANIZATION OF THE ZONING ENABLING ACT AND THE PROMOTION OF MUNICIPAL COMPLIANCE.

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

Section 1. Section 8-2 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

(a) (1) The zoning commission of each city, town or borough is authorized to regulate, within the limits of such municipality: (A) the height, number of stories and size of buildings and other structures; (B) the percentage of the area of the lot that may be occupied; (C) the size of yards, courts and other open spaces; (D) the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, including water-dependent uses, as defined in section 22a-93; (E) the height, size, location, brightness and illumination of advertising signs and billboards. Such bulk regulations may allow for cluster development, as defined in section 8-18] except as provided in subsection (f) of this section.
(2) Such zoning commission may divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of this chapter; and, within such districts, it may regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land. All such zoning regulations shall be uniform for each class or kind of buildings, structures or use of land throughout each district, but the regulations in one district may differ from those in another district.

(3) Zoning regulations may provide that certain classes or kinds of buildings, structures or uses of land are permitted only after obtaining a special permit or special exception from a zoning commission, planning commission, combined planning and zoning commission or zoning board of appeals, whichever commission or board the regulations may, notwithstanding any special act to the contrary, designate, subject to standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values.

(b) Zoning regulations adopted pursuant to subsection (a) of this section shall:

(1) Be made in accordance with a comprehensive plan and in adopting such regulations the commission shall consider the plan of conservation and development prepared under section 8-23; such regulations shall be

(2) Be designed to (A) lessen congestion in the streets; (B) secure safety from fire, panic, flood and other dangers; (C) promote health and the general welfare; (D) provide adequate light and air; (E) prevent the overcrowding of land; (F) avoid undue concentration of population; (G) facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; and (H) affirmatively further the purposes of the federal Fair Housing Act, 42 USC 3601 et seq., as amended from time to time;
(3) Be made with reasonable consideration as to [the character of the
district and its peculiar] a district's suitability for particular uses and
with a view to conserving the value of buildings and encouraging the
most appropriate use of land throughout [such] a municipality. Such
regulations may, to the extent consistent with soil types, terrain,
infrastructure capacity and the plan of conservation and development
for the community, provide for cluster development, as defined in
section 8-18, in residential zones. Such regulations shall also encourage]

(4) Provide for the development of housing opportunities, including
opportunities for multifamily dwellings, consistent with soil types,
terrain and infrastructure capacity, for all residents of the municipality
and the planning region in which the municipality is located, as
designated by the Secretary of the Office of Policy and Management
under section 16a-4a. Such regulations shall also promote]

(5) Promote housing choice and economic diversity in housing,
including housing for both low and moderate income households, and
shall encourage]

(6) Provide for the development of housing which will meet the
housing needs identified in the state's consolidated plan for housing and
community development prepared pursuant to section 8-37t and in the
housing component and the other components of the state plan of
conservation and development prepared pursuant to section 16a-26.
Zoning regulations shall be]

(7) Be made with reasonable consideration for their impact on
agriculture, as defined in subsection (q) of section 1-1.]

(8) Provide that proper provisions be made for soil erosion and
sediment control pursuant to section 22a-329;

(9) Be made with reasonable consideration for the protection of
existing and potential public surface and ground drinking water
supplies; and
(10) In any municipality that is contiguous to Long Island Sound, (A) be made with reasonable consideration for the restoration and protection of the ecosystem and habitat of Long Island Sound; (B) be designed to reduce hypoxia, pathogens, toxic contaminants and floatable debris on Long Island Sound; and (C) provide that such municipality's zoning commission consider the environmental impact on Long Island Sound of any proposal for development.

(c) Zoning regulations adopted pursuant to subsection (a) of this section may:

(1) To the extent consistent with soil types, terrain and infrastructure capacity for the community, provide for cluster development, as defined in section 8-18;

(2) Be made with reasonable consideration for the protection of historic factors; and shall be made with reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies. On and after July 1, 1985, the regulations shall provide that proper provision be made for soil erosion and sediment control pursuant to section 22a-329. Such regulations may also encourage

(3) Encourage energy-efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation; [.

The regulations may also provide]

(4) Provide for incentives for developers who use passive solar energy techniques, as defined in subsection (b) of section 8-25, in planning a residential subdivision development; [.

The incentives may include, but not be including, but not limited to, cluster development, higher density development and performance standards for roads, sidewalks and underground facilities in the subdivision; [.

Such regulations may provide]

(5) Provide for a municipal system for the creation of development rights and the permanent transfer of such development rights, which
may include a system for the variance of density limits in connection with any such transfer; [Such regulations may also provide]

(6) Provide for notice requirements in addition to those required by this chapter; [Such regulations may provide]

(7) Provide for conditions on operations to collect spring water or well water, as defined in section 21a-150, including the time, place and manner of such operations; [No such regulations shall prohibit] and

(8) In any municipality where a traprock ridge or an amphibolite ridge is located, (A) provide for development restrictions in ridgeline setback areas; and (B) restrict quarrying and clear cutting, except that the following operations and uses shall be permitted in ridgeline setback areas, as of right: (i) Emergency work necessary to protect life and property; (ii) any nonconforming uses that were in existence and that were approved on or before the effective date of regulations adopted pursuant to this section; and (iii) selective timbering, grazing of domesticated animals and passive recreation. As used in this subdivision, "traprock ridge", "amphibolite ridge" and "ridgeline setback area" have the same meanings as provided in section 8-1aa.

(d) Zoning regulations adopted pursuant to subsection (a) of this section shall not:

(1) Prohibit the operation of any family child care home or group child care home in a residential zone; [No such regulations shall prohibit]

(2) (A) Prohibit the use of receptacles for the storage of items designated for recycling in accordance with section 22a-241b or require that such receptacles comply with provisions for bulk or lot area, or similar provisions, except provisions for side yards, rear yards and front yards; [No such regulations shall] or (B) unreasonably restrict access to or the size of such receptacles for businesses, given the nature of the business and the volume of items designated for recycling in accordance with section 22a-241b, that such business produces in its normal course
of business, provided nothing in this section shall be construed to
prohibit such regulations from requiring the screening or buffering of
such receptacles for aesthetic reasons; [. Such regulations shall not
impose]

(3) Impose conditions and requirements on manufactured homes,
including mobile manufactured homes, having as their narrowest
dimension twenty-two feet or more and built in accordance with federal
manufactured home construction and safety standards or on lots
containing such manufactured homes, [which] including mobile
manufactured home parks, if those conditions and requirements are
substantially different from conditions and requirements imposed on
(A) single-family dwellings; [and] (B) lots containing single-family
dwellings; [. Such regulations shall not impose conditions and
requirements on developments to be occupied by manufactured homes
having as their narrowest dimension twenty-two feet or more and built
in accordance with federal manufactured home construction and safety
standards which are substantially different from conditions and
requirements imposed on] or (C) multifamily dwellings, lots containing
multifamily dwellings, cluster developments or planned unit
developments; [. Such regulations shall not prohibit]

(4) (A) Prohibit the continuance of any nonconforming use, building
or structure existing at the time of the adoption of such regulations; [or]
(B) require a special permit or special exception for any such
continuance; [. Such regulations shall not] (C) provide for the
termination of any nonconforming use solely as a result of nonuse for a
specified period of time without regard to the intent of the property
owner to maintain that use; [. Such regulations shall not] or (D)
terminate or deem abandoned a nonconforming use, building or
structure unless the property owner of such use, building or structure
voluntarily discontinues such use, building or structure and such
discontinuance is accompanied by an intent to not reestablish such use,
building or structure. The demolition or deconstruction of a
nonconforming use, building or structure shall not by itself be evidence
of such property owner's intent to not reestablish such use, building or
structure; unless such town opts out, in accordance with the provisions of subsection (j) of section 8-1bb, such regulations shall not prohibit and

(5) Prohibit the installation of temporary health care structures for use by mentally or physically impaired persons [in accordance with the provisions of section 8-1bb if such structures comply with the provisions of said section] pursuant to section 8-1bb, as amended by this act, unless the municipality opts out pursuant to subsection (j) of said section.

(e) Any city, town or borough which adopts the provisions of this chapter may, by vote of its legislative body, exempt municipal property from the regulations prescribed by the zoning commission of such city, town or borough [.] but unless it is so voted, municipal property shall be subject to such regulations.

[(b) In any municipality that is contiguous to Long Island Sound the regulations adopted under this section shall be made with reasonable consideration for restoration and protection of the ecosystem and habitat of Long Island Sound and shall be designed to reduce hypoxia, pathogens, toxic contaminants and floatable debris in Long Island Sound. Such regulations shall provide that the commission consider the environmental impact on Long Island Sound of any proposal for development.

(c) In any municipality where a traprock ridge, as defined in section 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located the regulations may provide for development restrictions in ridgeline setback areas, as defined in said section. The regulations may restrict quarrying and clear cutting, except that the following operations and uses shall be permitted in ridgeline setback areas, as of right: (1) Emergency work necessary to protect life and property; (2) any nonconforming uses that were in existence and that were approved on or before the effective date of regulations adopted under this section; and (3) selective timbering, grazing of domesticated animals and passive recreation.]
[(d)] (f) Any advertising sign or billboard that is not equipped with the ability to calibrate brightness or illumination shall be exempt from any municipal ordinance or regulation regulating such brightness or illumination that is adopted by a city, town or borough, pursuant to subsection (a) of this section, after the date of installation of such advertising sign or billboard. [pursuant to subsection (a) of this section.]

Sec. 2. Section 8-30j of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

(a) [At] (1) Not later than June 1, 2022, and at least once every five years thereafter, each municipality shall prepare or amend and adopt an affordable housing plan for the municipality and shall submit a copy of such plan to the Secretary of the Office of Policy and Management, who shall post such plan on the Internet web site of said office. Such plan shall specify how the municipality intends to increase the number of affordable housing developments in the municipality.

(2) If, at the same time the municipality is required to submit to the Secretary of the Office of Policy and Management an affordable housing plan pursuant to subdivision (1) of this section, the municipality is also required to submit to the secretary a plan of conservation and development pursuant to section 8-23, such plan of conservation and development may be included as part of such affordable housing plan. The municipality may, to coincide with its submission to the secretary of a plan of conservation and development, submit to the secretary an affordable housing plan early, provided the municipality's next such submission of an affordable housing plan shall be five years thereafter.

(b) The municipality may hold public informational meetings or organize other activities to inform residents about the process of preparing the plan and shall post a copy of any draft plan or amendment to such plan on the Internet web site of the municipality. If the municipality holds a public hearing, such posting shall occur at least thirty-five days prior to the public hearing. [On the adoption, the municipality shall file in the office of the town clerk of such municipality]
a copy of such draft plan or any amendments to the plan, and if applicable, post such draft plan on the Internet website of the municipality. After adoption of the plan, the municipality shall file the final plan in the office of the town clerk of such municipality and, if applicable, post the plan on the Internet website of the municipality.

(c) Following adoption, the municipality shall regularly review and maintain such plan. The municipality may adopt such geographical, functional or other amendments to the plan or parts of the plan, in accordance with the provisions of this section, as it deems necessary. If the municipality fails to amend and submit to the Secretary of the Office of Policy and Management such plan every five years, the chief elected official of the municipality shall submit a letter to [the Commissioner of Housing] the secretary that (1) explains why such plan was not amended, and (2) designates a date by which an amended plan shall be submitted.

Sec. 3. (NEW) (Effective July 1, 2020) (a) (1) The Secretary of the Office of Policy and Management, or the secretary's designee, shall convene and chair a working group to develop and recommend to the secretary guidelines and incentives for compliance with (A) the requirements for affordable housing plans prepared pursuant to section 8-30j of the general statutes, as amended by this act, and (B) subdivisions (4) to (6), inclusive, of subsection (b) of section 8-2 of the general statutes, as amended by this act. The working group shall also make recommendations to the secretary as to how such compliance should be determined, as well as the form and manner in which evidence of such compliance should be demonstrated.

(2) The working group shall consist of the following members, who shall be appointed by the Secretary of the Office of Policy and Management, in consultation with the Commissioner of Housing, not later than sixty days after the effective date of this section:

(A) The Secretary of the Office of Policy and Management, or the secretary's designee;
(B) The Commissioner of Housing, or the commissioner's designee;

(C) Two representatives with expertise in fair housing issues;

(D) Two representatives with expertise in state or local planning;

(E) Two representatives of municipal advocacy organizations, one of whom is from the Connecticut Conference of Municipalities and one of whom is from the Connecticut Council of Small Towns;

(F) One representative with expertise in addressing homelessness in the state;

(G) One representative with expertise in state affordable housing policy;

(H) One representative with expertise in the residential housing construction trade; and

(I) One attorney with expertise in zoning practices that promote the creation of affordable housing opportunities.

(3) Not later than December 1, 2020, the working group convened pursuant to this subsection shall provide its recommendations to the Secretary of the Office of Policy and Management. Not later than March 1, 2021, the secretary shall submit a report regarding such recommendations, including any recommended legislation, to the joint standing committees of the General Assembly having cognizance of matters relating to planning and development and to housing, in accordance with section 11-4a of the general statutes.

(b) (1) Not later than June 1, 2021, the Secretary of the Office of Policy and Management, in consultation with the working group convened pursuant to subsection (a) of this section, shall provide guidance to municipalities regarding the demonstration of compliance with section 8-30j of the general statutes, as amended by this act, and subdivisions (4) to (6), inclusive, of subsection (b) of section 8-2 of the general statutes, as amended by this act.
(2) Not later than June 1, 2022, and at least once every five years thereafter, each municipality that has a zoning commission or a combined planning and zoning commission shall demonstrate, in a form and manner prescribed by the Secretary of the Office of Policy and Management, compliance with subdivisions (4) to (6), inclusive, of subsection (b) of section 8-2 of the general statutes, as amended by this act. The secretary shall post on the Internet web site of said office all evidence submitted by a municipality to demonstrate compliance in accordance with this subdivision.

(3) Not later than June 1, 2027, and at least once every five years thereafter, each municipality shall demonstrate, in a form and manner prescribed by the Secretary of the Office of Policy and Management, compliance with section 8-30j of the general statutes, as amended by this act, except that, if the provision of guidance by the secretary as to said section under subdivision (1) of this subsection is delayed beyond June 1, 2021, the time for satisfying the requirement to demonstrate such compliance shall be extended by the length of time of any such delay. The secretary shall post on the Internet web site of said office all evidence submitted by a municipality to demonstrate compliance in accordance with this subdivision.

Sec. 4. Subsection (j) of section 8-1bb of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

(j) A municipality, by vote of its legislative body or, in a municipality where the legislative body is a town meeting, by vote of the board of selectmen, may opt out of the provisions of this section and the [provision] provisions of subdivision (5) of subsection [(a)] (d) of section 8-2, as amended by this act, regarding authorization for the installation of temporary health care structures, provided the zoning commission or combined planning and zoning commission of the municipality: (1) First holds a public hearing in accordance with the provisions of section 8-7d on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said sections within the period of time permitted under section 8-7d, (3) states upon its records the reasons for such decision,
and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered.

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**Statement of Purpose:**
To (1) restructure the Zoning Enabling Act for clarity, (2) promote the purposes of the federal Fair Housing Act, (3) provide an administrative mechanism to promote compliance with municipal affordable housing plans, and (4) require the Secretary of the Office of Policy and Management to convene a working group to study municipal affordable housing plans and zoning regulations.

[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.]