



# House of Representatives

## File No. 716

General Assembly

January Session, 2021

**(Reprint of File No. 541)**

Substitute House Bill No. 6107  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 24, 2021

**AN ACT CONCERNING THE ZONING ENABLING ACT, ACCESSORY APARTMENTS, TRAINING FOR CERTAIN LAND USE OFFICIALS, MUNICIPAL AFFORDABLE HOUSING PLANS AND A COMMISSION ON CONNECTICUT'S DEVELOPMENT AND FUTURE.**

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

1 Section 1. Section 8-1a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) "Municipality" as used in this chapter shall include a district  
4 establishing a zoning commission under section 7-326. Wherever the  
5 words "town" and "selectmen" appear in this chapter, they shall be  
6 deemed to include "district" and "officers of such district", respectively.

7 (b) As used in this chapter and section 6 of this act:

8 (1) "Accessory apartment" means a separate dwelling unit that (A) is  
9 located on the same lot as a principal dwelling unit of greater square  
10 footage, (B) has cooking facilities, and (C) complies with or is otherwise

11 exempt from any applicable building code, fire code and health and  
12 safety regulations;

13 (2) "Affordable accessory apartment" means an accessory apartment  
14 that is subject to binding recorded deeds which contain covenants or  
15 restrictions that require such accessory apartment be sold or rented at,  
16 or below, prices that will preserve the unit as housing for which, for a  
17 period of not less than ten years, persons and families pay thirty per cent  
18 or less of income, where such income is less than or equal to eighty per  
19 cent of the median income;

20 (3) "As of right" means able to be approved in accordance with the  
21 terms of a zoning regulation or regulations and without requiring that  
22 a public hearing be held, a variance, special permit or special exception  
23 be granted or some other discretionary zoning action be taken, other  
24 than a determination that a site plan is in conformance with applicable  
25 zoning regulations;

26 (4) "Cottage cluster" means a grouping of at least four detached  
27 housing units, or live work units, per acre that are located around a  
28 common open area;

29 (5) "Middle housing" means duplexes, triplexes, quadplexes, cottage  
30 clusters and townhouses;

31 (6) "Mixed-use development" means a development containing both  
32 residential and nonresidential uses in any single building; and

33 (7) "Townhouse" means a residential building constructed in a  
34 grouping of three or more attached units, each of which shares at least  
35 one common wall with an adjacent unit and has exterior walls on at least  
36 two sides.

37 Sec. 2. Section 8-1c of the general statutes is repealed and the  
38 following is substituted in lieu thereof (*Effective October 1, 2021*):

39 (a) Any municipality may, by ordinance, establish a schedule of  
40 reasonable fees for the processing of applications by a municipal zoning

41 commission, planning commission, combined planning and zoning  
42 commission, zoning board of appeals or inland wetlands commission.  
43 Such schedule shall supersede any specific fees set forth in the general  
44 statutes, or any special act or established by a planning commission  
45 under section 8-26.

46 (b) A municipality may, by regulation, require any person applying  
47 to a municipal zoning commission, planning commission, combined  
48 planning and zoning commission, zoning board of appeals or inland  
49 wetlands commission for approval of an application to pay the cost of  
50 reasonable fees associated with any necessary review by consultants  
51 with expertise in land use of any particular technical aspect of such  
52 application, such as regarding traffic or stormwater, for the benefit of  
53 such commission or board. Any such fees shall be accounted for  
54 separately from other funds of such commission or board and shall be  
55 used only for expenses associated with the technical review by  
56 consultants who are not salaried employees of the municipality or such  
57 commission or board. Any amount of the fee remaining after payment  
58 of all expenses for such technical review, including any interest accrued,  
59 shall be returned to the applicant not later than forty-five days after the  
60 completion of the technical review.

61 (c) No municipality may adopt a schedule of fees under subsection  
62 (a) of this section that results in higher fees for (1) development projects  
63 built using the provisions of section 8-30g, as amended by this act, or (2)  
64 residential buildings containing four or more dwelling units, than for  
65 other residential dwellings, including, but not limited to, higher fees per  
66 dwelling unit, per square footage or per unit of construction cost.

67 Sec. 3. Subsection (j) of section 8-1bb of the general statutes is repealed  
68 and the following is substituted in lieu thereof (*Effective October 1, 2021*):

69 (j) A municipality, by vote of its legislative body or, in a municipality  
70 where the legislative body is a town meeting, by vote of the board of  
71 selectmen, may opt out of the provisions of this section and the  
72 [provision] provisions of subdivision (5) of subsection [(a)] (d) of section

73 8-2, as amended by this act, regarding authorization for the installation  
74 of temporary health care structures, provided the zoning commission or  
75 combined planning and zoning commission of the municipality: (1) First  
76 holds a public hearing in accordance with the provisions of section 8-7d  
77 on such proposed opt-out, (2) affirmatively decides to opt out of the  
78 provisions of said sections within the period of time permitted under  
79 section 8-7d, (3) states upon its records the reasons for such decision,  
80 and (4) publishes notice of such decision in a newspaper having a  
81 substantial circulation in the municipality not later than fifteen days  
82 after such decision has been rendered.

83 Sec. 4. Section 8-2 of the general statutes is repealed and the following  
84 is substituted in lieu thereof (*Effective October 1, 2021*):

85 (a) (1) The zoning commission of each city, town or borough is  
86 authorized to regulate, within the limits of such municipality: [, the] (A)  
87 The height, number of stories and size of buildings and other structures;  
88 (B) the percentage of the area of the lot that may be occupied; (C) the  
89 size of yards, courts and other open spaces; (D) the density of  
90 population and the location and use of buildings, structures and land  
91 for trade, industry, residence or other purposes, including water-  
92 dependent uses, as defined in section 22a-93; [,] and (E) the height, size,  
93 location, brightness and illumination of advertising signs and  
94 billboards, [. Such bulk regulations may allow for cluster development,  
95 as defined in section 8-18] except as provided in subsection (f) of this  
96 section.

97 (2) Such zoning commission may divide the municipality into  
98 districts of such number, shape and area as may be best suited to carry  
99 out the purposes of this chapter; and, within such districts, it may  
100 regulate the erection, construction, reconstruction, alteration or use of  
101 buildings or structures and the use of land. All [such] zoning regulations  
102 shall be uniform for each class or kind of buildings, structures or use of  
103 land throughout each district, but the regulations in one district may  
104 differ from those in another district. [, and]

105       (3) Such zoning regulations may provide that certain classes or kinds  
106 of buildings, structures or [uses] use of land are permitted only after  
107 obtaining a special permit or special exception from a zoning  
108 commission, planning commission, combined planning and zoning  
109 commission or zoning board of appeals, whichever commission or  
110 board the regulations may, notwithstanding any special act to the  
111 contrary, designate, subject to standards set forth in the regulations and  
112 to conditions necessary to protect the public health, safety, convenience  
113 and property values. [Such regulations shall be]

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

116       (1) Be made in accordance with a comprehensive plan and in  
117 [adopting such regulations the commission shall consider]  
118 consideration of the plan of conservation and development [prepared]  
119 adopted under section 8-23; [ Such regulations shall be]

120       (2) Be designed to (A) lessen congestion in the streets; [to] (B) secure  
121 safety from fire, panic, flood and other dangers; [to] (C) promote health  
122 and the general welfare; [to] (D) provide adequate light and air; [to  
123 prevent the overcrowding of land; to avoid undue concentration of  
124 population and to] (E) protect the state's historic, tribal, cultural and  
125 environmental resources; (F) facilitate the adequate provision for  
126 transportation, water, sewerage, schools, parks and other public  
127 requirements; [ Such regulations shall be made] (G) consider the impact  
128 of permitted land uses on contiguous municipalities and on the  
129 planning region, as defined in section 4-124i, in which such municipality  
130 is located; (H) address significant disparities in housing needs and  
131 access to educational, occupational and other opportunities; (I) promote  
132 efficient review of proposals and applications; and (J) affirmatively  
133 further the purposes of the federal Fair Housing Act, 42 USC 3601 et  
134 seq., as amended from time to time;

135       (3) Be drafted with reasonable consideration as to the [character]  
136 physical site characteristics of the district and its peculiar suitability for

137 particular uses and with a view to [conserving the value of buildings  
138 and] encouraging the most appropriate use of land throughout [such] a  
139 municipality; [. Such regulations may, to the extent consistent with soil  
140 types, terrain, infrastructure capacity and the plan of conservation and  
141 development for the community, provide for cluster development, as  
142 defined in section 8-18, in residential zones. Such regulations shall also  
143 encourage]

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

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

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

159 (7) Be made with reasonable consideration for [their] the impact of  
160 such regulations on agriculture, as defined in subsection (q) of section  
161 1-1; [.]

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

164 (9) Be made with reasonable consideration for the protection of  
165 existing and potential public surface and ground drinking water  
166 supplies; and

167 (10) In any municipality that is contiguous to or on a navigable  
168 waterway draining to Long Island Sound, (A) be made with reasonable  
169 consideration for the restoration and protection of the ecosystem and  
170 habitat of Long Island Sound; (B) be designed to reduce hypoxia,  
171 pathogens, toxic contaminants and floatable debris on Long Island  
172 Sound; and (C) provide that such municipality's zoning commission  
173 consider the environmental impact on Long Island Sound coastal  
174 resources, as defined in section 22a-93, of any proposal for development.

175 (c) Zoning regulations adopted pursuant to subsection (a) of this  
176 section may: [be]

177 (1) To the extent consistent with soil types, terrain and water, sewer  
178 and traffic infrastructure capacity for the community, provide for or  
179 require cluster development, as defined in section 8-18;

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

187 (3) Require or promote (A) energy-efficient patterns of development;  
188 [ ] (B) the use of distributed generation or freestanding solar, wind and  
189 other renewable forms of energy; [ ] (C) combined heat and power; and  
190 (D) energy conservation; [ . The regulations may also provide]

191 (4) Provide for incentives for developers who use [passive solar  
192 energy techniques, as defined in subsection (b) of section 8-25, in  
193 planning a residential subdivision development. The incentives may  
194 include, but not be] (A) solar and other renewable forms of energy; (B)  
195 combined heat and power; (C) water conservation, including demand  
196 offsets; and (D) energy conservation techniques, including, but not  
197 limited to, cluster development, higher density development and  
198 performance standards for roads, sidewalks and underground facilities

199 in the subdivision; [. Such regulations may provide]

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

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

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

209 (8) Provide for floating zones, overlay zones and planned  
210 development districts;

211 (9) Require estimates of vehicle miles traveled and vehicle trips  
212 generated in lieu of, or in addition to, level of service traffic calculations  
213 to assess (A) the anticipated traffic impact of proposed developments;  
214 and (B) potential mitigation strategies such as reducing the amount of  
215 required parking for a development or requiring public sidewalks,  
216 crosswalks, bicycle paths, bicycle racks or bus shelters, including off-  
217 site; and

218 (10) In any municipality where a traprock ridge or an amphibolite  
219 ridge is located, (A) provide for development restrictions in ridgeline  
220 setback areas; and (B) restrict quarrying and clear cutting, except that  
221 the following operations and uses shall be permitted in ridgeline setback  
222 areas, as of right: (i) Emergency work necessary to protect life and  
223 property; (ii) any nonconforming uses that were in existence and that  
224 were approved on or before the effective date of regulations adopted  
225 pursuant to this section; and (iii) selective timbering, grazing of  
226 domesticated animals and passive recreation.

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



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

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

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

260       (4) (A) Prohibit the continuance of any nonconforming use, building  
261 or structure existing at the time of the adoption of such regulations; [or]

262 (B) require a special permit or special exception for any such  
263 continuance; [. Such regulations shall not] (C) provide for the  
264 termination of any nonconforming use solely as a result of nonuse for a  
265 specified period of time without regard to the intent of the property  
266 owner to maintain that use; [. Such regulations shall not] or (D)  
267 terminate or deem abandoned a nonconforming use, building or  
268 structure unless the property owner of such use, building or structure  
269 voluntarily discontinues such use, building or structure and such  
270 discontinuance is accompanied by an intent to not reestablish such use,  
271 building or structure. The demolition or deconstruction of a  
272 nonconforming use, building or structure shall not by itself be evidence  
273 of such property owner's intent to not reestablish such use, building or  
274 structure; [. Unless such town opts out, in accordance with the  
275 provisions of subsection (j) of section 8-1bb, such regulations shall not  
276 prohibit]

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

284 (6) Prohibit the operation in a residential zone of any cottage food  
285 operation, as defined in section 21a-62b;

286 (7) Establish for any dwelling unit a minimum floor area that is  
287 greater than the minimum floor area set forth in the applicable building,  
288 housing or other code;

289 (8) Place a fixed numerical or percentage cap on the number of  
290 dwelling units that constitute multifamily housing over four units,  
291 middle housing or mixed-use development that may be permitted in the  
292 municipality;

293 (9) Require more than one parking space for each studio or one-

294 bedroom dwelling unit or more than two parking spaces for each  
295 dwelling unit with two or more bedrooms, unless the municipality opts  
296 out in accordance with the provisions of section 5 of this act; or

297 (10) Be applied to deny any land use application, including for any  
298 site plan approval, special permit, special exception or other zoning  
299 approval, on the basis of (A) a district's character, unless such character  
300 is expressly articulated in such regulations by clear and explicit physical  
301 standards for site work and structures, or (B) the immutable  
302 characteristics, source of income or income level of any applicant or end  
303 user, other than age or disability whenever age-restricted or disability-  
304 restricted housing may be permitted.

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

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

318 (c) In any municipality where a traprock ridge, as defined in section  
319 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located the  
320 regulations may provide for development restrictions in ridgeline  
321 setback areas, as defined in said section. The regulations may restrict  
322 quarrying and clear cutting, except that the following operations and  
323 uses shall be permitted in ridgeline setback areas, as of right: (1)  
324 Emergency work necessary to protect life and property; (2) any  
325 nonconforming uses that were in existence and that were approved on

326 or before the effective date of regulations adopted under this section;  
327 and (3) selective timbering, grazing of domesticated animals and  
328 passive recreation.]

329 [(d)] (f) Any advertising sign or billboard that is not equipped with  
330 the ability to calibrate brightness or illumination shall be exempt from  
331 any municipal ordinance or regulation regulating such brightness or  
332 illumination that is adopted by a city, town or borough, pursuant to  
333 subsection (a) of this section, after the date of installation of such  
334 advertising sign or billboard. [pursuant to subsection (a) of this section.]

335 Sec. 5. (NEW) (*Effective October 1, 2021*) The zoning commission or  
336 combined planning and zoning commission, as applicable, of a  
337 municipality, by a two-thirds vote, may initiate the process by which  
338 such municipality opts out of the provision of subdivision (9) of  
339 subsection (d) of section 8-2 of the general statutes, as amended by this  
340 act, regarding limitations on parking spaces for dwelling units,  
341 provided such commission: (1) First holds a public hearing in  
342 accordance with the provisions of section 8-7d of the general statutes on  
343 such proposed opt-out, (2) affirmatively decides to opt out of the  
344 provision of said subsection within the period of time permitted under  
345 section 8-7d of the general statutes, (3) states upon its records the  
346 reasons for such decision, and (4) publishes notice of such decision in a  
347 newspaper having a substantial circulation in the municipality not later  
348 than fifteen days after such decision has been rendered. Thereafter, the  
349 municipality's legislative body or, in a municipality where the  
350 legislative body is a town meeting, its board of selectmen, by a two-  
351 thirds vote, may complete the process by which such municipality opts  
352 out of the provision of subsection (d) of section 8-2 of the general  
353 statutes, as amended by this act.

354 Sec. 6. (NEW) (*Effective January 1, 2022*) (a) Any zoning regulations  
355 adopted pursuant to section 8-2 of the general statutes, as amended by  
356 this act, shall:

357 (1) Designate locations or zoning districts within the municipality in

358 which accessory apartments are allowed, provided at least one  
359 accessory apartment shall be allowed as of right on each lot that contains  
360 a single-family dwelling and no such accessory apartment shall be  
361 required to be an affordable accessory apartment;

362 (2) Allow accessory apartments to be attached to or located within the  
363 proposed or existing principal dwelling, or detached from the proposed  
364 or existing principal dwelling and located on the same lot as such  
365 dwelling;

366 (3) Set a maximum net floor area for an accessory apartment of not  
367 less than thirty per cent of the net floor area of the principal dwelling, or  
368 one thousand square feet, whichever is less, except that such regulations  
369 may allow a larger net floor area for such apartments;

370 (4) Require setbacks, lot size and building frontage less than or equal  
371 to that which is required for the principal dwelling, and require lot  
372 coverage greater than or equal to that which is required for the principal  
373 dwelling;

374 (5) Provide for height, landscaping and architectural design  
375 standards that do not exceed any such standards as they are applied to  
376 single-family dwellings in the municipality;

377 (6) Be prohibited from requiring (A) a passageway between any such  
378 accessory apartment and any such principal dwelling, (B) an exterior  
379 door for any such accessory apartment, except as required by the  
380 applicable building or fire code, (C) any more than one parking space  
381 for any such accessory apartment, or fees in lieu of parking otherwise  
382 allowed by section 8-2c of the general statutes, (D) a familial, marital or  
383 employment relationship between occupants of the principal dwelling  
384 and accessory apartment, (E) a minimum age for occupants of the  
385 accessory apartment, (F) separate billing of utilities otherwise connected  
386 to, or used by, the principal dwelling unit, or (G) periodic renewals for  
387 permits for such accessory apartments; and

388 (7) Be interpreted and enforced such that nothing in this section shall

389 be in derogation of (A) applicable building code requirements, (B) the  
390 ability of a municipality to prohibit or limit the use of accessory  
391 apartments for short-term rentals or vacation stays, or (C) other  
392 requirements where a well or private sewerage system is being used,  
393 provided approval for any such accessory apartment shall not be  
394 unreasonably withheld.

395 (b) The as of right permit application and review process for approval  
396 of accessory apartments shall require that a decision on any such  
397 application be rendered not later than sixty-five days after receipt of  
398 such application by the applicable zoning commission, except that an  
399 applicant may consent to one or more extensions of not more than an  
400 additional sixty-five days or may withdraw such application.

401 (c) A municipality shall not (1) condition the approval of an accessory  
402 apartment on the correction of a nonconforming use, structure or lot, or  
403 (2) require the installation of fire sprinklers in an accessory apartment if  
404 such sprinklers are not required for the principal dwelling located on  
405 the same lot or otherwise required by the fire code.

406 (d) A municipality, special district, sewer or water authority shall not  
407 (1) consider an accessory apartment to be a new residential use for the  
408 purposes of calculating connection fees or capacity charges for utilities,  
409 including water and sewer service, unless such accessory apartment  
410 was constructed with a new single-family dwelling on the same lot, or  
411 (2) require the installation of a new or separate utility connection  
412 directly to an accessory apartment or impose a related connection fee or  
413 capacity charge.

414 (e) If a municipality fails to adopt new regulations or amend existing  
415 regulations by January 1, 2023, for the purpose of complying with the  
416 provisions of subsections (a) to (d), inclusive, of this section, and unless  
417 such municipality opts out of the provisions of said subsections in  
418 accordance with the provisions of subsection (f) of this section, any  
419 noncompliant existing regulation shall become null and void and such  
420 municipality shall approve or deny applications for accessory

421 apartments in accordance with the requirements for regulations set  
422 forth in the provisions of subsections (a) to (d), inclusive, of this section  
423 until such municipality adopts or amends a regulation in compliance  
424 with said subsections. A municipality may not use or impose additional  
425 standards beyond those set forth in subsections (a) to (d), inclusive, of  
426 this section.

427 (f) Notwithstanding the provisions of subsections (a) to (d), inclusive,  
428 of this section, the zoning commission or combined planning and  
429 zoning commission, as applicable, of a municipality, by a two-thirds  
430 vote, may initiate the process by which such municipality opts out of  
431 the provisions of said subsections regarding allowance of accessory  
432 apartments, provided such commission: (1) First holds a public hearing  
433 in accordance with the provisions of section 8-7d of the general statutes  
434 on such proposed opt-out, (2) affirmatively decides to opt out of the  
435 provisions of said subsections within the period of time permitted under  
436 section 8-7d of the general statutes, (3) states upon its records the  
437 reasons for such decision, and (4) publishes notice of such decision in a  
438 newspaper having a substantial circulation in the municipality not later  
439 than fifteen days after such decision has been rendered. Thereafter, the  
440 municipality's legislative body or, in a municipality where the  
441 legislative body is a town meeting, its board of selectmen, by a two-  
442 thirds vote, may complete the process by which such municipality opts  
443 out of the provisions of subsections (a) to (d), inclusive, of this section,  
444 except that, on and after January 1, 2023, no municipality may opt out  
445 of the provisions of said subsections.

446 Sec. 7. Subsection (k) of section 8-30g of the general statutes is  
447 repealed and the following is substituted in lieu thereof (*Effective October*  
448 *1, 2021*):

449 (k) The affordable housing appeals procedure established under this  
450 section shall not be available if the real property which is the subject of  
451 the application is located in a municipality in which at least ten per cent  
452 of all dwelling units in the municipality are (1) assisted housing, (2)  
453 currently financed by Connecticut Housing Finance Authority

454 mortgages, (3) subject to binding recorded deeds containing covenants  
455 or restrictions which require that such dwelling units be sold or rented  
456 at, or below, prices which will preserve the units as housing for which  
457 persons and families pay thirty per cent or less of income, where such  
458 income is less than or equal to eighty per cent of the median income, (4)  
459 mobile manufactured homes located in mobile manufactured home  
460 parks or legally approved accessory apartments, which homes or  
461 apartments are subject to binding recorded deeds containing covenants  
462 or restrictions which require that such dwelling units be sold or rented  
463 at, or below, prices which will preserve the units as housing for which,  
464 for a period of not less than ten years, persons and families pay thirty  
465 per cent or less of income, where such income is less than or equal to  
466 eighty per cent of the median income, or (5) mobile manufactured  
467 homes located in resident-owned mobile manufactured home parks. For  
468 the purposes of calculating the total number of dwelling units in a  
469 municipality, accessory apartments built or permitted after January 1,  
470 2022, but that are not described in subdivision (4) of this subsection,  
471 shall not be counted toward such total number. The municipalities  
472 meeting the criteria set forth in this subsection shall be listed in the  
473 report submitted under section 8-37qqq. As used in this subsection,  
474 "accessory apartment" [means a separate living unit that (A) is attached  
475 to the main living unit of a house, which house has the external  
476 appearance of a single-family residence, (B) has a full kitchen, (C) has a  
477 square footage that is not more than thirty per cent of the total square  
478 footage of the house, (D) has an internal doorway connecting to the main  
479 living unit of the house, (E) is not billed separately from such main  
480 living unit for utilities, and (F) complies with the building code and  
481 health and safety regulations] has the same meaning as provided in  
482 section 8-1a, as amended by this act, and "resident-owned mobile  
483 manufactured home park" means a mobile manufactured home park  
484 consisting of mobile manufactured homes located on land that is deed  
485 restricted, and, at the time of issuance of a loan for the purchase of such  
486 land, such loan required seventy-five per cent of the units to be leased  
487 to persons with incomes equal to or less than eighty per cent of the  
488 median income, and either [(i)] (A) forty per cent of said seventy-five



489 per cent to be leased to persons with incomes equal to or less than sixty  
490 per cent of the median income, or [(ii)] (B) twenty per cent of said  
491 seventy-five per cent to be leased to persons with incomes equal to or  
492 less than fifty per cent of the median income.

493 Sec. 8. Subsection (e) of section 8-3 of the general statutes is repealed  
494 and the following is substituted in lieu thereof (*Effective October 1, 2021*):

495 (e) (1) The zoning commission shall provide for the manner in which  
496 the zoning regulations shall be enforced, except that any person  
497 appointed as a zoning enforcement officer on or after January 1, 2023,  
498 shall be certified in accordance with the provisions of subdivision (2) of  
499 this subsection.

500 (2) Beginning January 1, 2023, and annually thereafter, each person  
501 appointed as a zoning enforcement officer shall obtain certification from  
502 the Connecticut Association of Zoning Enforcement Officials and  
503 maintain such certification for the duration of employment as a zoning  
504 enforcement officer.

505 Sec. 9. (NEW) (*Effective from passage*) (a) On and after January 1, 2023,  
506 each member of a municipal planning commission, zoning commission,  
507 combined planning and zoning commission and zoning board of  
508 appeals shall complete at least four hours of training. Any such member  
509 serving on any such commission or board as of January 1, 2023, shall  
510 complete such initial training by January 1, 2024, and shall complete any  
511 subsequent training every other year thereafter. Any such member not  
512 serving on any such commission or board as of January 1, 2023, shall  
513 complete such initial training not later than one year after such  
514 member's election or appointment to such commission or board and  
515 shall complete any subsequent training every other year thereafter. Such  
516 training shall include at least one hour concerning affordable and fair  
517 housing policies and may also consist of (1) process and procedural  
518 matters, including the conduct of effective meetings and public hearings  
519 and the Freedom of Information Act, as defined in section 1-200 of the  
520 general statutes, (2) the interpretation of site plans, surveys, maps and

521 architectural conventions, and (3) the impact of zoning on the  
522 environment, agriculture and historic resources.

523 (b) Not later than January 1, 2022, the Secretary of the Office of Policy  
524 and Management shall establish guidelines for such training in  
525 collaboration with land use training providers, including, but not  
526 limited to, the Connecticut Association of Zoning Enforcement Officials,  
527 the Connecticut Conference of Municipalities, the Connecticut Chapter  
528 of the American Planning Association, the Land Use Academy at the  
529 Center for Land Use Education and Research at The University of  
530 Connecticut, the Connecticut Bar Association, regional councils of  
531 governments and other nonprofit or educational institutions that  
532 provide land use training, except that if the secretary fails to establish  
533 such guidelines, such land use training providers may create and  
534 administer appropriate training for members of commissions and  
535 boards described in subsection (a) of this section, which may be used by  
536 such members for the purpose of complying with the provisions of said  
537 subsection.

538 (c) Not later than March 1, 2024, and annually thereafter, the planning  
539 commission, zoning commission, combined planning and zoning  
540 commission and zoning board of appeals, as applicable, in each  
541 municipality shall submit a statement to such municipality's legislative  
542 body or, in a municipality where the legislative body is a town meeting,  
543 its board of selectmen, affirming compliance with the training  
544 requirement established pursuant to subsection (a) of this section by  
545 each member of such commission or board required to complete such  
546 training in the calendar year ending the preceding December thirty-first.

547 Sec. 10. Section 7-245 of the general statutes is repealed and the  
548 following is substituted in lieu thereof (*Effective October 1, 2021*):

549 For the purposes of this chapter: (1) "Acquire a sewerage system"  
550 means obtain title to all or any part of a sewerage system or any interest  
551 therein by purchase, condemnation, grant, gift, lease, rental or  
552 otherwise; (2) "alternative sewage treatment system" means a sewage

553 treatment system serving one or more buildings that utilizes a method  
554 of treatment other than a subsurface sewage disposal system and that  
555 involves a discharge to the groundwaters of the state; (3) "community  
556 sewerage system" means any sewerage system serving two or more  
557 residences in separate structures which is not connected to a municipal  
558 sewerage system or which is connected to a municipal sewerage system  
559 as a distinct and separately managed district or segment of such system,  
560 but does not include any sewerage system serving only a principal  
561 dwelling unit and an accessory apartment, as defined in section 8-1a, as  
562 amended by this act, located on the same lot; (4) "construct a sewerage  
563 system" means to acquire land, easements, rights-of-way or any other  
564 real or personal property or any interest therein, plan, construct,  
565 reconstruct, equip, extend and enlarge all or any part of a sewerage  
566 system; (5) "decentralized system" means managed subsurface sewage  
567 disposal systems, managed alternative sewage treatment systems or  
568 community sewerage systems that discharge sewage flows of less than  
569 five thousand gallons per day, are used to collect and treat domestic  
570 sewage, and involve a discharge to the groundwaters of the state from  
571 areas of a municipality; (6) "decentralized wastewater management  
572 district" means areas of a municipality designated by the municipality  
573 through a municipal ordinance when an engineering report has  
574 determined that the existing subsurface sewage disposal systems may  
575 be detrimental to public health or the environment and that  
576 decentralized systems are required and such report is approved by the  
577 Commissioner of Energy and Environmental Protection with  
578 concurring approval by the Commissioner of Public Health, after  
579 consultation with the local director of health; (7) "municipality" means  
580 any metropolitan district, town, consolidated town and city,  
581 consolidated town and borough, city, borough, village, fire and sewer  
582 district, sewer district and each municipal organization having  
583 authority to levy and collect taxes; (8) "operate a sewerage system"  
584 means own, use, equip, reequip, repair, maintain, supervise, manage,  
585 operate and perform any act pertinent to the collection, transportation  
586 and disposal of sewage; (9) "person" means any person, partnership,  
587 corporation, limited liability company, association or public agency; (10)

588 "remediation standards" means pollutant limits, performance  
589 requirements, design parameters or technical standards for application  
590 to existing sewage discharges in a decentralized wastewater  
591 management district for the improvement of wastewater treatment to  
592 protect public health and the environment; (11) "sewage" means any  
593 substance, liquid or solid, which may contaminate or pollute or affect  
594 the cleanliness or purity of any water; and (12) "sewerage system" means  
595 any device, equipment, appurtenance, facility and method for  
596 collecting, transporting, receiving, treating, disposing of or discharging  
597 sewage, including, but not limited to, decentralized systems within a  
598 decentralized wastewater management district when such district is  
599 established by municipal ordinance pursuant to section 7-247.

600 Sec. 11. Subsection (b) of section 7-246 of the general statutes is  
601 repealed and the following is substituted in lieu thereof (*Effective October*  
602 *1, 2021*):

603 (b) Each municipal water pollution control authority designated in  
604 accordance with this section may prepare and periodically update a  
605 water pollution control plan for the municipality. Such plan shall  
606 designate and delineate the boundary of: (1) Areas served by any  
607 municipal sewerage system; (2) areas where municipal sewerage  
608 facilities are planned and the schedule of design and construction  
609 anticipated or proposed; (3) areas where sewers are to be avoided; (4)  
610 areas served by any community sewerage system not owned by a  
611 municipality; (5) areas to be served by any proposed community  
612 sewerage system not owned by a municipality; and (6) areas to be  
613 designated as decentralized wastewater management districts. Such  
614 plan may designate and delineate specific allocations of capacity to  
615 serve areas that are able to be developed for residential or mixed-use  
616 buildings containing four or more dwelling units. Such plan shall also  
617 describe the means by which municipal programs are being carried out  
618 to avoid community pollution problems and describe any programs  
619 wherein the local director of health manages subsurface sewage  
620 disposal systems. The authority shall file a copy of the plan and any  
621 periodic updates of such plan with the Commissioner of Energy and

622 Environmental Protection and shall manage or ensure the effective  
623 supervision, management, control, operation and maintenance of any  
624 community sewerage system or decentralized wastewater management  
625 district not owned by a municipality.

626 Sec. 12. Section 8-30j of the general statutes is repealed and the  
627 following is substituted in lieu thereof (*Effective from passage*):

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

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

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

654 municipality.] After adoption of the plan, the municipality shall file the  
655 final plan in the office of the town clerk of such municipality and [, if  
656 applicable,] post the plan on the Internet web site of the municipality.

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

666 Sec. 13. (*Effective from passage*) (a) There is established a Commission  
667 on Connecticut's Development and Future within the Legislative  
668 Department, which shall evaluate policies related to land use,  
669 conservation, housing affordability and infrastructure.

670 (b) The commission shall consist of the following members:

671 (1) Two appointed by the speaker of the House of Representatives,  
672 one of whom is a member of the General Assembly not described in  
673 subdivision (7), (8), (9) or (10) of this subsection and one of whom is a  
674 representative of a municipal advocacy organization;

675 (2) Two appointed by the president pro tempore of the Senate, one of  
676 whom is a member of the General Assembly not described in  
677 subdivision (7), (8), (9) or (10) of this subsection and one of whom has  
678 expertise in state or local planning;

679 (3) Two appointed by the majority leader of the House of  
680 Representatives, one of whom has expertise in state affordable housing  
681 policy and one of whom represents a town with a population of greater  
682 than thirty thousand but less than seventy-five thousand;

683 (4) Two appointed by the majority leader of the Senate, one of whom

684 has expertise in zoning policy and one of whom has expertise in  
685 community development policy;

686 (5) Two appointed by the minority leader of the House of  
687 Representatives, one of whom has expertise in environmental policy  
688 and one of whom is a representative of a municipal advocacy  
689 organization;

690 (6) Two appointed by the minority leader of the Senate, one of whom  
691 has expertise in homebuilding and one of whom is a representative of  
692 the Connecticut Association of Councils of Governments;

693 (7) The chairpersons and ranking members of the joint standing  
694 committee of the General Assembly having cognizance of matters  
695 relating to planning and development;

696 (8) The chairpersons and ranking members of the joint standing  
697 committee of the General Assembly having cognizance of matters  
698 relating to the environment;

699 (9) The chairpersons and ranking members of the joint standing  
700 committee of the General Assembly having cognizance of matters  
701 relating to housing;

702 (10) The chairpersons and ranking members of the joint standing  
703 committee of the General Assembly having cognizance of matters  
704 relating to transportation;

705 (11) Two appointed by the Governor, one of whom is an attorney  
706 with expertise in planning and zoning and one of whom has expertise  
707 in fair housing;

708 (12) The Secretary of the Office of Policy and Management;

709 (13) The Commissioner of Administrative Services, or the  
710 commissioner's designee;

711 (14) The Commissioner of Economic and Community Development,

712 or the commissioner's designee;

713 (15) The Commissioner of Energy and Environmental Protection, or  
714 the commissioner's designee;

715 (16) The Commissioner of Housing, or the commissioner's designee;  
716 and

717 (17) The Commissioner of Transportation, or the commissioner's  
718 designee.

719 (c) Appointing authorities, in cooperation with one another, shall  
720 make a good faith effort to ensure that, to the extent possible, the  
721 membership of the commission closely reflects the gender and racial  
722 diversity of the state. Members of the commission shall serve without  
723 compensation, except for necessary expenses incurred in the  
724 performance of their duties. Any vacancy shall be filled by the  
725 appointing authority.

726 (d) The speaker of the House of Representatives and the president  
727 pro tempore of the Senate shall jointly select one of the members of the  
728 General Assembly described in subdivision (1) or (2) of subsection (b) of  
729 this section to serve as one cochairperson of the commission. The  
730 Secretary of the Office of Policy and Management shall serve as the other  
731 cochairperson of the commission. Such cochairpersons shall schedule  
732 the first meeting of the commission.

733 (e) The commission may accept administrative support and technical  
734 and research assistance from outside organizations and employees of  
735 the Joint Committee on Legislative Management. The cochairpersons  
736 may establish, as needed, working groups consisting of commission  
737 members and nonmembers and may designate a chairperson of each  
738 such working group.

739 (f) (1) Except as provided in subdivision (2) of this subsection, not  
740 later than January 1, 2022, and not later than January 1, 2023, the  
741 commission shall submit a report to the joint standing committees of the



742 General Assembly having cognizance of matters relating to planning  
743 and development, environment, housing and transportation and to the  
744 Secretary of the Office of Policy and Management, in accordance with  
745 the provisions of section 11-4a of the general statutes, regarding the  
746 following:

747 (A) Any recommendations for statutory changes concerning the  
748 process for developing, adopting and implementing the state plan of  
749 conservation and development;

750 (B) Any recommendations for (i) statutory changes concerning the  
751 process for developing and adopting the state's consolidated plan for  
752 housing and community development prepared pursuant to section 8-  
753 37t of the general statutes, and (ii) implementation of such plan;

754 (C) Any recommendations (i) for guidelines and incentives for  
755 compliance with (I) the requirements for affordable housing plans  
756 prepared pursuant to section 8-30j of the general statutes, as amended  
757 by this act, and (II) subdivisions (4) to (6), inclusive, of subsection (b) of  
758 section 8-2 of the general statutes, as amended by this act, and (ii) as to  
759 how such compliance should be determined, as well as the form and  
760 manner in which evidence of such compliance should be demonstrated.  
761 Nothing in this subparagraph may be construed as permitting any  
762 municipality to delay the preparation or amendment and adoption of  
763 an affordable housing plan, and the submission of a copy of such plan  
764 to the Secretary of the Office of Policy and Management, beyond the  
765 date set forth in subsection (a) of section 8-30j of the general statutes, as  
766 amended by this act;

767 (D) (i) Existing categories of discharge that constitute (I) alternative  
768 on-site sewage treatment systems, as described in section 19a-35a of the  
769 general statutes, (II) subsurface community sewerage systems, as  
770 described in section 22a-430 of the general statutes, and (III)  
771 decentralized systems, as defined in section 7-245 of the general statutes,  
772 as amended by this act, (ii) current administrative jurisdiction to issue  
773 or deny permits and approvals for such systems, with reference to daily

774 capacities of such systems, and (iii) the potential impacts of increasing  
775 the daily capacities of such systems, including changes in administrative  
776 jurisdiction over such systems and the timeframe for adoption of  
777 regulations to implement any such changes in administrative  
778 jurisdiction; and

779 (E) (i) Development of model design guidelines for both buildings  
780 and context-appropriate streets that municipalities may adopt, in whole  
781 or in part, as part of their zoning or subdivision regulations, which  
782 guidelines shall (I) identify common architectural and site design  
783 features of building types used in urban, suburban and rural  
784 communities throughout this state, (II) create a catalogue of common  
785 building types, particularly those typically associated with housing, (III)  
786 establish reasonable and cost-effective design review standards for  
787 approval of common building types, accounting for topography,  
788 geology, climate change and infrastructure capacity, (IV) establish  
789 procedures for expediting the approval of buildings or streets that  
790 satisfy such design review standards, whether for zoning or subdivision  
791 regulations, and (V) create a design manual for context-appropriate  
792 streets that complement common building types, and (ii) development  
793 and implementation by the regional councils of governments of an  
794 education and training program for the delivery of such model design  
795 guidelines for both buildings and context-appropriate streets.

796 (2) If the commission is unable to meet the January 1, 2022, deadline  
797 set forth in subdivision (1) of this subsection for the submission of the  
798 report described in said subdivision, the cochairpersons shall request  
799 from the speaker of the House of Representatives and president pro  
800 tempore of the Senate an extension of time for such submission and shall  
801 submit an interim report.

802 (3) The commission shall terminate on the date it submits its final  
803 report or January 1, 2023, whichever is later.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2021</i>	8-1a
Sec. 2	<i>October 1, 2021</i>	8-1c
Sec. 3	<i>October 1, 2021</i>	8-1bb(j)
Sec. 4	<i>October 1, 2021</i>	8-2
Sec. 5	<i>October 1, 2021</i>	New section
Sec. 6	<i>January 1, 2022</i>	New section
Sec. 7	<i>October 1, 2021</i>	8-30g(k)
Sec. 8	<i>October 1, 2021</i>	8-3(e)
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>October 1, 2021</i>	7-245
Sec. 11	<i>October 1, 2021</i>	7-246(b)
Sec. 12	<i>from passage</i>	8-30j
Sec. 13	<i>from passage</i>	New section

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** See Below

The bill makes a variety of changes regarding municipal planning and zoning enforcement and administration.

There is a potential revenue gain to municipalities by allowing them to assess technical consultant fees on certain land use projects. Any revenue gain would vary based on the schedule adopted by a municipality. This revenue gain is potentially offset by a potential revenue loss associated with the bill's prohibition on setting different sets of fees on applications for various types of residential housing projects. Any revenue loss would only occur if a municipality was currently assessing two sets of fees and chose to lower the higher fees as a result of the bill.

The bill also establishes the Commission on Connecticut's Development and Future and requires it to complete a report regarding planning issues in the State. The bill specifies that the Commission members may not receive compensation except for necessary expenses resulting from their duties.

Other provisions of the bill have no fiscal impact to municipalities as they do not change the cost of administering any local zoning regulation.

House "A" strikes the underlying bill and results in the above identified fiscal impact.

***The Out Years***

The ongoing above identified fiscal impact would continue into the future subject to the fee schedules adopted by municipalities.

## OLR Bill Analysis

### sHB 6107 (as amended by House "A")\*

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

### TABLE OF CONTENTS:

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*General Assembly*

#### [§§ 1, 6, 7 & 10 — AS OF RIGHT ACCESSORY APARTMENTS](#)

*Requires municipalities that zone under CGS § 8-2 to adopt or amend regulations to allow ADUs as of right on the same lot as single-family homes unless they follow the bill's opt-out process; specifies that these units will not count toward a municipality's base housing stock calculation for purposes of the Affordable Housing Land Use Appeals Procedure (CGS § 8-30g); modifies the definition of ADU for purposes of the appeals procedure; specifies the addition of an ADU on a lot does not make the sewerage system a "community sewerage system"*

#### [§ 2 — APPLICATION AND TECHNICAL CONSULTANT FEES](#)

*Limits municipal authority to charge disproportionality higher land use application fees for larger residential projects; authorizes municipalities to charge technical consultant fees*

#### [§§ 3 & 4 — CGS § 8-2: REORGANIZATION AND MINOR CHANGES](#)

*Reorganizes the Zoning Enabling Act (CGS § 8-2, which applies to municipalities exercising zoning powers under the statutes) and makes minor, technical, and conforming changes*

#### [§ 4 — CGS § 8-2: REQUIRED GOALS AND CONSIDERATIONS](#)

*Eliminates a requirement that zoning regulations be (1) designed to prevent overcrowding and undue population concentration and (2) made with reasonable consideration as to the "character" of a district; requires regulations provide for varied housing opportunities and affirmatively further the purposes of the federal Fair Housing Act; requires regulations to be designed to protect historic, tribal, cultural, and environmental resources*

#### [§§ 4 & 5 — CGS § 8-2: PROHIBITED PROVISIONS](#)

*Prohibits regulations from (1) prohibiting cottage food operations in a residential zone or (2) establishing minimum floor area requirements for buildings; limits local authority to (1) require the provision of parking spaces or (2) place a cap on the number of dwellings in multifamily, middle, or mixed-use developments*

#### [§ 4 — CGS § 8-2: OPTIONS FOR PROMOTING CONSERVATION](#)

*Expands the energy conservation tools and renewable energy types a municipality can require or promote*

*Prohibits regulations from imposing on mobile manufactured homes and associated lots conditions that are substantially different from those imposed on other residential developments*

#### § 8 — ZONING ENFORCEMENT OFFICER CERTIFICATION

*Beginning January 1, 2023, requires all appointed ZEOs to obtain and maintain certification from the state's professional ZEO association*

#### § 9 — BIENNIAL TRAINING FOR CERTAIN LAND USE OFFICIALS

*Requires local planning and zoning officials to complete at least four hours of training biennially*

#### § 11 — WATER POLLUTION CONTROL PLANS

*Allows WPCAs to add information about sewer system capacity for certain areas to municipal water pollution control plans*

#### § 12 — AFFORDABLE HOUSING PLANNING REQUIREMENT

*Specifies that municipalities must prepare and adopt their first plans by June 1, 2022; requires plans to be submitted to OPM*

#### § 13 — COMMISSION ON CONNECTICUT'S DEVELOPMENT AND FUTURE

*Establishes a commission within the Legislative Department to evaluate policies related to land use, conservation, housing affordability, and infrastructure*

#### BACKGROUND

*Information on the Affordable Housing Land Use Appeals Procedure and related bills*

\*House Amendment "A" strikes the underlying bill and replaces it with some provisions that are similar to those in the original bill, with regard to certain changes to the Zoning Enabling Act and affordable housing planning requirement; makes other changes to the Zoning Enabling Act that were not in the underlying bill; and adds the provisions related to accessory apartments, technical consultant fees, zoning enforcement officer certification, biennial training for certain land use officials, water pollution control plans, and the Commission on Connecticut's Development and Future.

#### **§§ 1, 6, 7 & 10 — AS OF RIGHT ACCESSORY APARTMENTS**

*Requires municipalities that zone under CGS § 8-2 to adopt or amend regulations to allow ADUs as of right on the same lot as single-family homes unless they follow the bill's opt-out process; specifies that these units will not count toward a municipality's base housing stock calculation for purposes of the Affordable Housing Land Use Appeals Procedure (CGS § 8-30g); modifies the definition of ADU for purposes of the appeals*

*procedure; specifies the addition of an ADU on a lot does not make the sewerage system a "community sewerage system"*

### **Definitions**

Under the bill, an "accessory apartment" (also referred to as an accessory dwelling unit or "ADU") means a separate dwelling unit that (1) is located on the same lot as a principal dwelling unit of greater square footage; (2) has cooking facilities; and (3) complies with or is otherwise exempt from any applicable building code, fire code, and health and safety regulations.

The bill specifies that "as of right" means able to be approved without requiring a public hearing; a variance, special permit, or special exception; or other discretionary zoning action, other than a determination that a site plan conforms with applicable zoning regulations.

### **Regulation Adoption Requirement**

The bill requires municipalities that exercise powers under CGS § 8-2 (the Zoning Enabling Act) to adopt regulations (1) allowing one ADU as of right on each lot that contains a single-family dwelling and (2) designating other areas where ADUs are allowed. But bill also creates an opt-out process, as described below.

The bill specifies that municipalities cannot require as of right ADUs sharing a lot with a single-family home to be preserved for lower-income families.

If a municipality does not opt-out, the bill requires it to amend or adopt ADU zoning regulations by January 1, 2023, and specifies that those that do not must review ADU permit applications in accordance with the bill's regulation requirements until the regulations are amended or adopted. A municipality may not use or impose additional standards beyond those set forth in the bill. The bill deems noncompliant regulations to be null and void.

### **Opt-Out Process**

Until January 1, 2023, the bill allows municipalities, by a two-thirds



vote of their zoning commission or combined planning and zoning commission, to opt out of the bill's as of right ADU provisions. To do so, the municipality's zoning or combined planning and zoning commission must:

1. first hold a public hearing on the proposed opt-out, subject to the standard notice and timeframes for such hearings;
2. affirmatively decide to opt out within the statutory time limit (generally within 65 days of the hearing's completion);
3. state in the record the reasons for its decision; and
4. publish notice of the decision within 15 days in a newspaper that has substantial circulation in the municipality.

The bill requires the opt-out to be confirmed by a two-thirds vote of the municipal legislative body (or if it is a town meeting, the board of selectmen).

### ***As of Right Permitting***

The bill requires regulations to establish an as of right permit application and review process for ADUs. The process must require the zoning or planning and zoning commission to decide within 65 days after application unless an applicant approves an extension or extensions of up to 65 days total or withdraws the application.

Under the bill, municipalities cannot condition ADU approval on the correction of a nonconforming use, structure, or lot or require fire sprinklers unless they are also required in the principal dwelling or by the fire code.

### ***Regulation Contents***

Under the bill, the ADU zoning regulations must:

1. allow attached and detached ADUs and ADUs contained within the principal dwelling unit;

2. set a maximum net floor area for ADUs that is the lesser of (a) at least 30% of the principal dwelling's net floor area or (b) 1,000 square feet (but regulations may allow a larger net floor area for ADUs);
3. require setbacks, lot size, and building frontage less than or equal to that which is required for the principal dwelling;
4. require lot coverage greater than or equal to that which is required for the principal dwelling; and
5. provide for height, landscaping, and architectural design standards that do not exceed standards applied to single-family dwellings in the municipality.

Regulations cannot require:

1. a passageway between the ADU and principal dwelling;
2. an exterior door for an ADU, except as required by the applicable building or fire code;
3. more than one parking space for the ADU or fees in lieu of parking;
4. a familial, marital, or employment relationship between the principal dwelling unit's occupants and the ADU's occupants;
5. a minimum age for ADU occupants;
6. separate billing of utilities otherwise connected to, or used by, the principal dwelling unit; or
7. periodic ADU permit renewal.

The bill further specifies that it does not supersede applicable building code requirements or other requirements where a well or private sewerage system is being used, so long as approval for any such accessory apartment shall not be unreasonably withheld.

Additionally, the bill prohibits municipalities, special districts, and sewer or water authorities from (1) considering an ADU to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU was constructed with a new single-family dwelling on the same lot or (2) requiring the installation of a new or separate utility connection directly to an ADU or imposing a related connection fee or capacity charge.

Under current law, a community sewer system is generally a sewer system service for at least two residences in separate structures that is not connected to a municipal sewer system. The bill specifies that a “community sewerage system” does not include a system serving only a principal dwelling and ADU located on the same lot.

The bill does not prevent municipalities from prohibiting or limiting the use of ADUs for short-term rentals or vacation stays.

### ***Housing Stock Calculation Under CGS § 8-30g***

By law, the Department of Housing (DOH) must promulgate annually a list identifying the housing stock in each municipality that qualifies as affordable housing under the Affordable Housing Land Use Appeals Procedure (see BACKGROUND). The list, based on Census data, provides this information as a percentage of the total housing stock in the municipality (CGS §§ 8-30g(k) & 8-37qqq(a)(2)(D)). The bill specifies that ADUs built or permitted after January 1, 2022, but are not subject to deed restrictions that qualify them as affordable housing, will not increase a municipality’s base (market-rate) housing stock calculation. Thus, as of right ADUs will not increase the amount of affordable housing that a municipality must have to obtain or maintain an exemption or moratorium from the procedure. (Presumably, municipalities will provide DOH with information on ADUs to be excluded from the base housing stock calculation.)

The bill also aligns the definition of “accessory apartment” under the appeals procedure with bill’s definition of ADU.

EFFECTIVE DATE: January 1, 2022 for the main ADU provisions (§ 6) and October 1, 2021, for the conforming changes (§§ 1, 7 & 10).

## **§ 2 — APPLICATION AND TECHNICAL CONSULTANT FEES**

*Limits municipal authority to charge disproportionality higher land use application fees for larger residential projects; authorizes municipalities to charge technical consultant fees*

Current law allows municipalities to set by ordinance reasonable fees for processing applications submitted to the planning, zoning, or planning and zoning commission; the zoning board of appeals; or inland wetlands commission. The bill prohibits adopting a fee schedule that imposes higher fees on developments built following an appeal brought under the Affordable Housing Land Use Appeals Procedure (CGS § 8-30g). It also prohibits using a fee schedule charging more because a residential building has more than four units, including higher fees per unit, per square footage, or per unit of construction cost.

The bill additionally allows municipalities to adopt regulations establishing reasonable technical consultant fees for applications made to the abovementioned boards and commissions. The fees must be used to pay consultants who have expertise in land use to review particular technical aspects of an application (e.g., traffic or stormwater) for the benefit of the commission or board.

The fees must be accounted for separately and may only be used for technical review costs. The fees cannot be used to pay a consultant who is a salaried employee of the municipality, commission, or board. Leftover amounts, including any interest accrued, must be returned to the applicant within 45 days after the review is complete.

EFFECTIVE DATE: October 1, 2021

## **§§ 3 & 4 — CGS § 8-2: REORGANIZATION AND MINOR CHANGES**

*Reorganizes the Zoning Enabling Act (CGS § 8-2, which applies to municipalities exercising zoning powers under the statutes) and makes minor, technical, and conforming changes*

The bill makes various minor, technical, and conforming changes to the Zoning Enabling Act, which applies to municipalities that exercise

zoning powers under the statutes (as opposed to a special act).

Among these, the bill specifies that when a municipality is contiguous to, or on a navigable waterway that drains to, Long Island Sound, its regulations must consider a proposed development's environmental impact on Long Island Sound's "coastal resources" (as defined in the Coastal Management Act), rather than impacts on Long Island Sound generally. By law, "coastal resources" means coastal waters and their natural resources, related marine and wildlife habitat, and adjacent shorelands (CGS § 22a-93).

The bill specifically authorizes municipalities to use a vehicle's miles traveled and vehicle trips generated standard instead of, or in addition to, a "level of service" traffic calculation when assessing (1) a proposed development's anticipated traffic impact and (2) potential mitigation strategies such as reducing the amount of required parking for a development or requiring public sidewalks, crosswalks, bicycle paths, bicycle racks, or bus shelters (including off-site).

The bill specifies that regulations may provide for floating zones, overlay zones, and planned development districts. (Connecticut courts have held that CGS § 8-2 implicitly grants municipalities the power to use these techniques.)

The bill also makes technical and conforming changes to the temporary health care structure law (§ 3).

EFFECTIVE DATE: October 1, 2021

#### **§ 4 — CGS § 8-2: REQUIRED GOALS AND CONSIDERATIONS**

*Eliminates a requirement that zoning regulations be (1) designed to prevent overcrowding and undue population concentration and (2) made with reasonable consideration as to the "character" of a district; requires regulations provide for varied housing opportunities and affirmatively further the purposes of the federal Fair Housing Act; requires regulations to be designed to protect historic, tribal, cultural, and environmental resources*

##### **Required Goals**

The bill eliminates the requirement that zoning regulations be designed to prevent the overcrowding of land and avoid undue

concentration of population.

The bill requires that regulations be designed to do the following:

1. protect the state's historic, tribal, cultural, and environmental resources;
2. consider the impact of permitted land uses on contiguous municipalities and the planning region;
3. address significant disparities in housing needs and access to educational, occupational, and other opportunities;
4. affirmatively further the purposes of the federal Fair Housing Act; and
5. promote efficient review of proposals and applications.

#### ***Consideration of Character***

Current law requires that zoning regulations be made with (1) reasonable consideration as to the character of the district and its peculiar suitability for particular uses and (2) a view toward conserving the buildings' value and encouraging the most appropriate use of land throughout a municipality. The bill instead requires that regulations be drafted with reasonable consideration as to the physical site characteristics of the district with a view toward encouraging the most appropriate use of land throughout a municipality.

The bill also specifies that regulations cannot be applied to deny a land use application (including site plans, special permits or exceptions, or other zoning approval) based upon:

1. a district's character unless the character is expressly articulated in regulations with clear and explicit physical standards for site work and structures or
2. the immutable characteristics, source of income, or income level of an applicant or end user (other than age or disability, in the

case of age-restricted or disability-restricted housing).

### ***Providing Housing Opportunities***

In addition to the housing-related provisions above, the bill requires zoning regulations to provide for, rather than encourage, the development of housing opportunities for all residents of the municipality and local planning region, including opportunities for multifamily dwellings, consistent with soil types, terrain, and infrastructure capacity.

The bill requires zoning regulations to expressly allow, rather than encourage, housing that meets the needs identified in the state's Consolidated Plan for Housing and Community Development and Plan of Conservation and Development.

EFFECTIVE DATE: October 1, 2021

### **§§ 4 & 5 — CGS § 8-2: PROHIBITED PROVISIONS**

*Prohibits regulations from (1) prohibiting cottage food operations in a residential zone or (2) establishing minimum floor area requirements for buildings; limits local authority to (1) require the provision of parking spaces or (2) place a cap on the number of dwellings in multifamily, middle, or mixed-use developments*

The bill prohibits zoning regulations from:

1. prohibiting cottage food operations (i.e., operations in which food products are prepared in a private residential dwelling's home kitchen and for sale directly to the consumer) in a residential zone;
2. establishing minimum floor area requirements for buildings that are greater than those required under applicable building, housing, or other code; or
3. placing a fixed numerical or percentage cap on the number of dwelling units permitted in multifamily housing over four units, middle housing, or mixed-use developments.

Under the bill, "middle housing" refers to duplexes, triplexes,

quadplexes, cottage clusters, and townhouses. A “cottage cluster” is a grouping of at least four detached housing units or live work units, per acre, that are located around a common open area. (The bill does not define live work unit.) A “mixed-use development” is a development containing residential and nonresidential uses in a single building. A “townhouse” is a residential building constructed in a grouping of three or more attached units, each of which shares at least one common wall with an adjacent unit and has exterior walls on at least two sides.

The bill also prohibits regulations from requiring more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms unless the municipality opts out.

The bill allows municipalities, by a two-thirds vote of their zoning commission or combined planning and zoning commission, to opt out of the bill's parking provision. To do so, the municipality's zoning or combined planning and zoning commission must:

1. first hold a public hearing on the proposed opt-out, subject to the standard notice and timeframes for such hearings;
2. affirmatively decide to opt out within the statutory time limit (generally within 65 days of the hearing's completion);
3. state in the record the reasons for its decision; and
4. publish notice of the decision within 15 days in a newspaper that has substantial circulation in the municipality.

The bill requires the opt-out to be confirmed by a two-thirds vote of the municipal legislative body (or, if it is a town meeting, the board of selectmen).

EFFECTIVE DATE: October 1, 2021

#### **§ 4 — CGS § 8-2: OPTIONS FOR PROMOTING CONSERVATION**



*Expands the energy conservation tools and renewable energy types a municipality can require or promote*

Current law allows zoning regulations to encourage the use of certain energy conservation tools, including solar. The bill instead allows the regulations to require or promote these and expands them to include distributed generation or freestanding wind and combined heat and power.

The bill also expands the conservation tools that municipalities can incentivize developers' use of to include any solar and other renewable forms of energy; combined heat and power; water conservation, including demand offsets; and other energy conservation techniques.

EFFECTIVE DATE: October 1, 2021

*Prohibits regulations from imposing on mobile manufactured homes and associated lots conditions that are substantially different from those imposed on other residential developments*

The bill prohibits zoning regulations adopted pursuant to CGS § 8-2 from imposing on manufactured homes, including mobile homes, built to federal standards and with a narrowest dimension of 22 feet or more, and associated lots and parks, conditions that are substantially different from those imposed on (1) single-family dwellings and associated lots; (2) multifamily dwellings; or (3) lots with multifamily dwellings, cluster developments, or planned unit developments.

Under current law, manufactured homes and lots cannot be treated substantially differently from single-family dwellings and lots with single-family dwellings. Additionally, manufactured home developments cannot be treated substantially differently from multifamily dwellings or lots with multifamily dwellings, cluster developments, or planned unit developments. The bill removes references to manufactured home developments.

EFFECTIVE DATE: October 1, 2021

## **§ 8 — ZONING ENFORCEMENT OFFICER CERTIFICATION**

*Beginning January 1, 2023, requires all appointed ZEOs to obtain and maintain certification from the state's professional ZEO association*

Beginning January 1, 2023, and annually thereafter, the bill requires zoning enforcement officers (ZEOs) to obtain certification from the Connecticut Association of ZEOs. The requirement applies to existing employees and to newly appointed ZEOs working in municipalities that exercise zoning authority under the statutes. The bill requires ZEOs to maintain certification for the duration of their employment as ZEOs. (It appears that the bill authorizes un-certified ZEOs to be appointed, but it requires them to obtain certification as soon as practicable. In practice, the Connecticut Association of ZEOs requires an individual to have at least two years' experience before it grants certification, among other requirements.)

By law, each municipality decides how its zoning regulations are enforced. In practice, the zoning or combined planning and zoning commission may reserve the enforcement power to itself, or it may be delegated to a ZEO. ZEOs may be responsible for (1) investigating zoning violations and issuing cease and desist orders and (2) reviewing and providing an advisory opinion on applications for special permits, site plans, subdivisions, and variances.

EFFECTIVE DATE: October 1, 2021

## **§ 9 — BIENNIAL TRAINING FOR CERTAIN LAND USE OFFICIALS**

*Requires local planning and zoning officials to complete at least four hours of training biennially*

Beginning January 1, 2023, the bill requires each member of a local planning commission, zoning commission, planning and zoning commission, or zoning board of appeals, to complete at least four hours of training biennially.

Members serving on a board or commission as of January 1, 2023, must complete their initial training by January 1, 2024. Members not serving on January 1, 2023, must complete the training within one year after being elected or appointed to the board or commission.

The initial and subsequent training must include at least one hour on affordable and fair housing. Training may also cover:

1. process and procedural matters, including the conduct of effective meetings and public hearings and the Freedom of Information Act;
2. the interpretation of site plans, surveys, maps, and architectural conventions; and
3. the impact of zoning on the environment, agriculture, and historic resources.

By January 1, 2022, the bill requires the Office of Policy and Management secretary to establish guidelines for the training in collaboration with land use training providers, including the Connecticut Association of Zoning Enforcement Officials, the Connecticut Conference of Municipalities, the Connecticut Chapter of the American Planning Association, the Land Use Academy at UConn's Center for Land Use Education and Research, the Connecticut Bar Association, regional councils of governments, and other nonprofit or educational institutions that provide land use training. If the secretary fails to establish the guidelines, then land use training providers may create and administer appropriate training.

The bill requires each board or commission, starting by March 1, 2024, to annually submit to its municipal legislative body (or board of selectmen, if a town meeting) a statement affirming its members' compliance with the bill's training requirement.

EFFECTIVE DATE: Upon passage

## **§ 11 — WATER POLLUTION CONTROL PLANS**

*Allows WPCAs to add information about sewer system capacity for certain areas to municipal water pollution control plans*

The bill allows municipal water pollution control authorities (WPCAs) to delineate in the water pollution control plans they create

the specific capacity allocations to serve developable areas for residential or mixed-use buildings with at least four dwelling units.

By law, these plans delineate areas such as those (1) served by the municipal sewerage system, (2) where sewerage facilities are planned, and (3) where sewers should be avoided. The plans also describe municipal programs to avoid pollution problems and manage subsurface sewage disposal.

EFFECTIVE DATE: October 1, 2021

## **§ 12 — AFFORDABLE HOUSING PLANNING REQUIREMENT**

*Specifies that municipalities must prepare and adopt their first plans by June 1, 2022; requires plans to be submitted to OPM*

Existing law requires every municipality, at least once every five years, to prepare or amend and adopt an affordable housing plan specifying how the municipality will increase the number of affordable housing developments in its jurisdiction. The bill specifies that municipalities must prepare and adopt their first plans by June 1, 2022. The bill also requires municipalities to post their draft plan or updates online, even if they do not hold a public hearing on the draft plan or updates. It eliminates a requirement that the draft plan or amendment be filed with the town clerk.

The bill requires municipalities to submit their plans to OPM for posting on its website. Under current law, if a municipality does not comply with plan amendment deadlines, it must submit a letter to the housing commissioner explaining why. The bill instead requires them to submit the letter to OPM and, in providing this explanation, specify a date by which the plan will be amended.

The bill also authorizes municipalities to submit their affordable housing plans as part of their local plan of conservation and development (POCD). Those doing so may submit their affordable housing plan early in order to coincide with a POCD submission, so long as their next submission is five years later. (POCDs are due only every 10 years.)

EFFECTIVE DATE: Upon passage

### **§ 13 — COMMISSION ON CONNECTICUT'S DEVELOPMENT AND FUTURE**

*Establishes a commission within the Legislative Department to evaluate policies related to land use, conservation, housing affordability, and infrastructure*

The bill establishes a Commission on Connecticut's Development and Future within the Legislative Department to evaluate policies related to land use, conservation, housing affordability, and infrastructure.

The bill specifies the commission may accept administrative support and technical and research assistance from outside organizations and employees of the Joint Committee on Legislative Management. The co-chairpersons may establish working groups consisting of commission members and nonmembers and may designate a chairperson of each working group.

#### **Membership**

The commission consists of the following members:

1. two appointed by the House speaker, one who is a legislator and one who is a representative of a municipal advocacy organization;
2. two appointed by the Senate president pro tempore, one who is a legislator and one who has expertise in state or local planning;
3. two appointed by the House majority leader, one who has expertise in state affordable housing policy and one who represents a town with a population over 30,000 but less than 75,000;
4. two appointed by the Senate majority leader, one who has expertise in zoning policy and one with expertise in community development policy;
5. two appointed by the House minority leader, one who has expertise in environmental policy and one who represents a municipal advocacy organization;

6. two appointed by the Senate minority leader, one who represents the Connecticut Association of Councils of Governments and one with expertise in homebuilding;
7. two appointed by the governor, one who is an attorney with expertise in planning and zoning and one who has expertise in fair housing;
8. the chairs and ranking members of the Planning and Development, Environment, Housing, and Transportation committees;
9. the administrative services, economic and community development, energy and environmental protection, housing, and transportation commissioners, or their designees; and
10. the OPM secretary.

The House speaker and Senate president pro tempore cannot appoint as their legislative appointees a chair or ranking member of the Planning and Development, Environment, Housing, or Transportation committee. The bill requires appointing authorities, in cooperation with one another, to make a good faith effort to ensure that, to the extent possible, the commission's membership closely reflects Connecticut's gender and racial diversity.

Members serve without compensation, except for necessary expenses incurred in the performance of their duties. Appointing authorities must fill any vacancy.

The House speaker and Senate president pro tempore must jointly select one of their legislative appointments to serve as one of the chairpersons. The OPM secretary serves as the other chairperson. The chairpersons are responsible for scheduling the first commission meeting.

### ***Responsibilities***

By January 1, 2022, and again by January 1, 2023, the commission must submit a report to the planning and development, environment, housing, and transportation committees and to the OPM secretary regarding:

1. recommendations for statutory changes concerning the process for developing, adopting, and implementing the state plan of conservation and development and state's consolidated plan for housing and community development;
2. recommendations for guidelines and incentives for compliance with the law's (a) affordable housing planning requirement (see above, § 11) and (b) requirement under the Zoning Enabling Act that zoning regulations provide opportunities for developing varied housing opportunities, promote housing choice and economic diversity in housing, and expressly allow for housing to be developed that meets the needs identified in the state's consolidated plan for housing and community development and plan of conservation and development;
3. recommendations as to how such compliance should be determined, as well as the form and manner in which evidence of such compliance should be demonstrated;
4. (a) existing categories of discharge that constitute alternative on-site sewage treatment systems, subsurface community sewerage systems, and decentralized systems; (b) current administrative jurisdiction to issue or deny permits and approvals for such systems (with reference to daily capacities of such systems); and (c) the potential impacts of increasing the daily capacities of such systems, including changes in administrative jurisdiction over such systems and the timeframe for adopting regulations to implement these changes; and
5. development of (a) model design guidelines for both buildings and context-appropriate streets that municipalities may adopt, in whole or in part, as part of their zoning or subdivision

regulations as described below and (b) and implementation by the regional councils of governments of an education and training program for delivering the model design guidelines.

Under the bill, the report on model design guidelines must provide guidelines that:

1. identify common architectural and site design features of building types used throughout Connecticut;
2. create a catalogue of common building types, particularly those typically associated with housing;
3. establish reasonable and cost-effective design review standards for approval of common building types, accounting for topography, geology, climate change, and infrastructure capacity;
4. establish procedures for expediting the approval of buildings or streets that satisfy these design review standards, whether for zoning or subdivision regulations; and
5. create a design manual for context-appropriate streets that complements common building types.

The bill specifies that the provision requiring the commission to provide recommendations for ensuring compliance with the state's affordable housing planning requirement should not be construed to change municipalities' obligation to adopt or amend their plans on-time.

If the commission is unable to meet the first reporting deadline (January 1, 2022), the co-chairpersons must request an extension from the House speaker and Senate president pro tempore and shall submit an interim report. The commission terminates when it submits its final report, or January 1, 2023, whichever is later.

EFFECTIVE DATE: Upon passage



## **BACKGROUND**

*Information on the Affordable Housing Land Use Appeals Procedure and related bills*

### ***Affordable Housing Land Use Appeals Procedure (CGS § 8-30g)***

The procedure requires municipal planning and zoning agencies (“municipalities”) to defend their decisions to reject affordable housing development applications or approve them with costly conditions. In traditional land use appeals, the developer must convince the court that the municipality acted illegally, arbitrarily, or abused its discretion. The procedure instead places the burden of proof on municipalities.

With limited exceptions, developers can use the appeals procedure to contest a municipality’s decision on an affordable housing development application submitted to a municipality if (1) fewer than 10% of the municipality’s housing units are affordable, based on certain statutory criteria, and (2) the municipality has not qualified for a moratorium (i.e., a temporary suspension of procedure following a relatively rapid increase in affordable housing stock).

By law, DOH annually publishes a list of housing stock in each municipality that qualifies as affordable housing.

### ***Related Bills***

sSB 87 (File 181), favorably reported by the Housing Committee, makes many of the same technical changes to the Zoning Enabling Act and also prohibits regulations from (1) treating licensed group child care homes located in a residence differently than single or multifamily properties and (2) requiring a special permit or exception to operate either a family or group child care home located in a residence within a residential zone.

sSB 961 (File 558), favorably reported by the Planning and Development Committee, shifts, from DEEP to DPH, regulatory authority over (1) alternative on-site sewage treatment systems with daily capacities of between 5,000 and 7,500 gallons and (2) small community sewage systems with daily capacities of up to 10,000 gallons.

sSB 1024 (File 560), favorably reported by the Planning and Development Committee, makes many of the same changes to the Zoning Enabling Act, but it makes other changes as well (e.g., allowing for the amortization of nonconforming uses).

sSB 1026 (File 561), favorably reported by the Planning and Development Committee, requires each member of a local planning commission, zoning commission, planning and zoning commission, or zoning board of appeals to complete at least five hours of training within one year after being elected or appointed to the board or commission.

sHB 6570 (File 414), favorably reported by the Transportation Committee, similarly requires municipalities to adopt their first affordable housing plan by July 1, 2022, but also requires their plans to identify all parcels in the municipality that are state- or municipally-owned and are located within a half-mile radius of a passenger rail or bus rapid transit station.

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 17    Nay 9    (03/31/2021)