



General Assembly

January Session, 2021

Raised Bill No. 6521

LCO No. 3879



Referred to Committee on HOUSING

Introduced by:
(HSG)

AN ACT CONCERNING CHANGES TO ZONING AND AFFORDABLE HOUSING REQUIREMENTS CONCERNING ACCESSORY DWELLING UNITS AND PROHIBITING LIST-BACK AGREEMENTS.

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

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 Section 8-1aa of the general statutes is repealed and the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

3 As used in section 8-2, as amended by this act:

4 (1) "Traprock ridge" means Beacon Hill, Saltonstall Mountain,
5 Totoket Mountain, Pistapaug Mountain, Fowler Mountain, Beseck
6 Mountain, Higby Mountain, Chauncey Peak, Lamentation Mountain,
7 Cathole Mountain, South Mountain, East Peak, West Peak, Short
8 Mountain, Ragged Mountain, Bradley Mountain, Pinnacle Rock,
9 Rattlesnake Mountain, Talcott Mountain, Hatchett Hill, Peak Mountain,
10 West Suffield Mountain, Cedar Mountain, East Rock, Mount Sanford,
11 Prospect Ridge, Peck Mountain, West Rock, Sleeping Giant, Pond Ledge
12 Hill, Onion Mountain, The Sugarloaf, The Hedgehog, West Mountains,
13 The Knolls, Barndoor Hills, Stony Hill, Manitook Mountain, Rattlesnake
14 Hill, Durkee Hill, East Hill, Rag Land, Bear Hill, Orenaug Hills;

15 (2) "Amphibolite ridge" means Huckleberry Hill, East Hill, Ratlum
16 Hill, Mount Hoar, Sweetheart Mountain;

17 (3) "Ridgeline" means the line on a traprock or amphibolite ridge
18 created by all points at the top of a fifty per cent slope, which is
19 maintained for a distance of fifty horizontal feet perpendicular to the
20 slope and which consists of surficial basalt geology, identified on the
21 map prepared by Stone et al., United States Geological Survey, entitled
22 "Surficial Materials Map of Connecticut";

23 (4) "Ridgeline setback area" means the area bounded by (A) a line that
24 parallels the ridgeline at a distance of one hundred fifty feet on the more
25 wooded side of the ridge, and (B) the contour line where a ridge of less
26 than fifty per cent is maintained for fifty feet or more on the rockier side
27 of the slope, mapped pursuant to section 8-2, as amended by this act;

28 (5) "Development" means the construction, reconstruction, alteration,
29 or expansion of a building; [and]

30 (6) "Building" means any structure other than (A) a facility as defined
31 in section 16-50i or (B) structures of a relatively slender nature compared
32 to the buildings to which they are associated, including but not limited
33 to chimneys, flagpoles, antennas, utility poles and steeples; and

34 (7) "Accessory dwelling unit" means (A) a residential living unit that
35 is located within or attached to a single-family dwelling or is detached
36 from the single-family dwelling, and (B) that provides independent
37 living facilities for one or more persons and provisions for sleeping,
38 eating and cooking, including, but not limited to, having a sink and
39 range, and sanitation on the same parcel of land as such single-family
40 dwelling.

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

43 The zoning commission of each city, town or borough is authorized
44 to regulate, within the limits of such municipality, the height, number

45 of stories and size of buildings and other structures; the percentage of
46 the area of the lot that may be occupied; the size of yards, courts and
47 other open spaces; the density of population and the location and use of
48 buildings, structures and land for trade, industry, residence or other
49 purposes, including water-dependent uses, as defined in section 22a-93,
50 and the height, size, location, brightness and illumination of advertising
51 signs and billboards. Such bulk regulations may allow for cluster
52 development, as defined in section 8-18. Such zoning commission may
53 divide the municipality into districts of such number, shape and area as
54 may be best suited to carry out the purposes of this chapter; and, within
55 such districts, it may regulate the erection, construction, reconstruction,
56 alteration or use of buildings or structures and the use of land. All such
57 regulations shall be uniform for each class or kind of buildings,
58 structures or use of land throughout each district, but the regulations in
59 one district may differ from those in another district, and may provide
60 that certain classes or kinds of buildings, structures or uses of land are
61 permitted only after obtaining a special permit or special exception from
62 a zoning commission, planning commission, combined planning and
63 zoning commission or zoning board of appeals, whichever commission
64 or board the regulations may, notwithstanding any special act to the
65 contrary, designate, subject to standards set forth in the regulations and
66 to conditions necessary to protect the public health, safety, convenience
67 and property values. Such regulations shall be made in accordance with
68 a comprehensive plan and in adopting such regulations the commission
69 shall consider the plan of conservation and development prepared
70 under section 8-23. Such regulations shall be designed to lessen
71 congestion in the streets; to secure safety from fire, panic, flood and
72 other dangers; to promote health and the general welfare; to provide
73 adequate light and air; to prevent the overcrowding of land; to avoid
74 undue concentration of population and to facilitate the adequate
75 provision for transportation, water, sewerage, schools, parks and other
76 public requirements. Such regulations shall be made with reasonable
77 consideration as to the character of the district and its peculiar suitability
78 for particular uses and with a view to conserving the value of buildings
79 and encouraging the most appropriate use of land throughout such

80 municipality. Such regulations may, to the extent consistent with soil
81 types, terrain, infrastructure capacity and the plan of conservation and
82 development for the community, provide for cluster development, as
83 defined in section 8-18, in residential zones. Such regulations shall also
84 encourage the development of housing opportunities, by including
85 opportunities for multifamily dwellings, consistent with soil types,
86 terrain and infrastructure capacity, and by allowing accessory dwelling
87 units by right for all residents of the municipality and the planning
88 region in which the municipality is located, as designated by the
89 Secretary of the Office of Policy and Management under section 16a-4a.
90 Such regulations shall also promote housing choice and economic
91 diversity in housing, including housing for both low and moderate
92 income households, and shall encourage the development of housing
93 which will meet the housing needs identified in the state's consolidated
94 plan for housing and community development prepared pursuant to
95 section 8-37t and in the housing component and the other components
96 of the state plan of conservation and development prepared pursuant to
97 section 16a-26. Zoning regulations shall be made with reasonable
98 consideration for their impact on agriculture, as defined in subsection
99 (q) of section 1-1. Zoning regulations may be made with reasonable
100 consideration for the protection of historic factors and shall be made
101 with reasonable consideration for the protection of existing and
102 potential public surface and ground drinking water supplies. On and
103 after July 1, 1985, the regulations shall provide that proper provision be
104 made for soil erosion and sediment control pursuant to section 22a-329.
105 Such regulations may also encourage energy-efficient patterns of
106 development, the use of solar and other renewable forms of energy, and
107 energy conservation. The regulations may also provide for incentives
108 for developers who use passive solar energy techniques, as defined in
109 subsection (b) of section 8-25, in planning a residential subdivision
110 development. The incentives may include, but not be limited to, cluster
111 development, higher density development and performance standards
112 for roads, sidewalks and underground facilities in the subdivision. Such
113 regulations may provide for a municipal system for the creation of
114 development rights and the permanent transfer of such development

115 rights, which may include a system for the variance of density limits in
116 connection with any such transfer. Such regulations may also provide
117 for notice requirements in addition to those required by this chapter.
118 Such regulations may provide for conditions on operations to collect
119 spring water or well water, as defined in section 21a-150, including the
120 time, place and manner of such operations. No such regulations shall
121 prohibit the operation of any family child care home or group child care
122 home in a residential zone. No such regulations shall prohibit the use of
123 receptacles for the storage of items designated for recycling in
124 accordance with section 22a-241b or require that such receptacles
125 comply with provisions for bulk or lot area, or similar provisions, except
126 provisions for side yards, rear yards and front yards. No such
127 regulations shall unreasonably restrict access to or the size of such
128 receptacles for businesses, given the nature of the business and the
129 volume of items designated for recycling in accordance with section 22a-
130 241b, that such business produces in its normal course of business,
131 provided nothing in this section shall be construed to prohibit such
132 regulations from requiring the screening or buffering of such receptacles
133 for aesthetic reasons. Such regulations shall not impose conditions and
134 requirements on manufactured homes having as their narrowest
135 dimension twenty-two feet or more and built in accordance with federal
136 manufactured home construction and safety standards or on lots
137 containing such manufactured homes which are substantially different
138 from conditions and requirements imposed on single-family dwellings
139 and lots containing single-family dwellings. Such regulations shall not
140 impose conditions and requirements on developments to be occupied
141 by manufactured homes having as their narrowest dimension twenty-
142 two feet or more and built in accordance with federal manufactured
143 home construction and safety standards which are substantially
144 different from conditions and requirements imposed on multifamily
145 dwellings, lots containing multifamily dwellings, cluster developments
146 or planned unit developments. Such regulations shall not prohibit the
147 continuance of any nonconforming use, building or structure existing at
148 the time of the adoption of such regulations or require a special permit
149 or special exception for any such continuance. Such regulations shall not

150 provide for the termination of any nonconforming use solely as a result
151 of nonuse for a specified period of time without regard to the intent of
152 the property owner to maintain that use. Such regulations shall not
153 terminate or deem abandoned a nonconforming use, building or
154 structure unless the property owner of such use, building or structure
155 voluntarily discontinues such use, building or structure and such
156 discontinuance is accompanied by an intent to not reestablish such use,
157 building or structure. The demolition or deconstruction of a
158 nonconforming use, building or structure shall not by itself be evidence
159 of such property owner's intent to not reestablish such use, building or
160 structure. Unless such town opts out, in accordance with the provisions
161 of subsection (j) of section 8-1bb, such regulations shall not prohibit the
162 installation of temporary health care structures for use by mentally or
163 physically impaired persons in accordance with the provisions of
164 section 8-1bb if such structures comply with the provisions of said
165 section. Any city, town or borough which adopts the provisions of this
166 chapter may, by vote of its legislative body, exempt municipal property
167 from the regulations prescribed by the zoning commission of such city,
168 town or borough; but unless it is so voted municipal property shall be
169 subject to such regulations.

170 Sec. 3. (NEW) (*Effective October 1, 2021*) Any zoning regulations
171 adopted pursuant to section 8-2 of the general statutes, as amended by
172 this act, concerning accessory dwelling units, as defined in section 8-1aa,
173 of the general statutes, as amended by this act:

174 (1) Shall allow one accessory dwelling unit by right without
175 additional requirements for lot size, lot coverage, frontage, space
176 limitations or other controls beyond what is required for a single-family
177 dwelling without an accessory dwelling unit; provided, a municipality
178 shall not be required to allow more than one accessory dwelling unit for
179 any single-family dwelling. An accessory dwelling unit may qualify for
180 housing unit-equivalent points for purposes of satisfying a
181 municipality's obligation under subsection (l) of section 8-30g of the
182 general statutes, as amended by this act, if the unit meets the criteria of
183 subdivision (6) of subsection (l) of section 8-30g of the general statutes,

184 as amended by this act, for rental units.

185 (2) Shall, for an accessory dwelling unit located within or attached to
186 a single-family dwelling, require that an interior door be provided
187 between the single-family dwelling and the accessory dwelling unit;
188 provided a municipality shall not require the interior door to remain
189 unlocked.

190 (3) Shall apply to the combination of the single-family dwelling and
191 an accessory dwelling unit the same municipal standards for maximum
192 occupancy per bedroom that are applicable to single-family dwellings.

193 (4) Shall require adequate parking to accommodate an accessory
194 dwelling unit.

195 (5) Shall require that an applicant for a permit to construct an
196 accessory dwelling unit to make adequate provisions for water supply
197 and sewage disposal for the accessory dwelling unit, but shall not
198 require separate systems for the single-family dwelling and accessory
199 dwelling units.

200 (6) May require owner occupancy of one of the dwelling units, but
201 shall not specify which unit the owner is required to occupy. A
202 municipality may require that the owner demonstrate that one of the
203 units is his or her principal place of residence.

204 (7) May establish standards for accessory dwelling units for the
205 purpose of maintaining the aesthetic continuity with the principal
206 dwelling unit as a single-family dwelling. A municipality may also
207 establish minimum and maximum sizes for an accessory dwelling unit,
208 provided the minimum size of such unit may not be less than seven
209 hundred and fifty square feet.

210 (8) Shall not require a familial relationship between the occupants of
211 an accessory dwelling unit and the occupants of the single-family
212 dwelling.

213 (9) Shall not limit an accessory dwelling unit to only one bedroom.

214 (10) Shall not allow subsequent condominium conveyance of any
215 accessory dwelling unit separate from that of the single-family dwelling
216 unless expressly authorized by the municipality.

217 (11) May prohibit accessory dwelling units associated with multiple
218 single-family dwellings attached to each other, including, but not
219 limited to, condominiums, planned unit developments and
220 townhouses.

221 Sec. 4. Subsection (b) of section 8-3 of the general statutes is repealed
222 and the following is substituted in lieu thereof (*Effective October 1, 2021*):

223 (b) Such regulations and boundaries shall be established, changed or
224 repealed only by a majority vote of all the members of the zoning
225 commission, except as otherwise provided in this chapter. In making its
226 decision the commission shall take into consideration the plan of
227 conservation and development, prepared pursuant to section 8-23, and
228 shall state on the record its findings on consistency of the proposed
229 establishment, change or repeal of such regulations and boundaries
230 with such plan. If a protest against a proposed change is filed at or before
231 a hearing with the zoning commission, signed by the owners of twenty
232 per cent or more of the area of the lots included in such proposed change
233 or of the lots within five hundred feet in all directions of the property
234 included in the proposed change, such change shall not be adopted
235 except by a majority vote of [two-thirds of] all the members of the
236 commission.

237 Sec. 5. Subsection (a) of section 8-30g of the general statutes is
238 repealed and the following is substituted in lieu thereof (*Effective October*
239 *1, 2021*):

240 (a) As used in this section and section 8-30j:

241 (1) "Affordable housing development" means a proposed housing
242 development which is (A) assisted housing, or (B) a set-aside
243 development;

244 (2) "Affordable housing application" means any application made to
245 a commission in connection with an affordable housing development by
246 a person who proposes to develop such affordable housing;

247 (3) "Assisted housing" means housing which is receiving, or will
248 receive, financial assistance under any governmental program for the
249 construction or substantial rehabilitation of low and moderate income
250 housing, and any housing occupied by persons receiving rental
251 assistance under chapter 319uu or Section 1437f of Title 42 of the United
252 States Code;

253 (4) "Commission" means a zoning commission, planning
254 commission, planning and zoning commission, zoning board of appeals
255 or municipal agency exercising zoning or planning authority;

256 (5) "Municipality" means any town, city or borough, whether
257 consolidated or unconsolidated;

258 (6) "Set-aside development" means a development in which not less
259 than thirty per cent of the dwelling units will be conveyed by deeds
260 containing covenants or restrictions which shall require that, for at least
261 [forty] thirty years after the initial occupation of the proposed
262 development, such dwelling units shall be sold or rented at, or below,
263 prices which will preserve the units as housing for which persons and
264 families pay thirty per cent or less of their annual income, where such
265 income is less than or equal to eighty per cent of the median income. In
266 a set-aside development, of the dwelling units conveyed by deeds
267 containing covenants or restrictions, a number of dwelling units equal
268 to not less than fifteen per cent of all dwelling units in the development
269 shall be sold or rented to persons and families whose income is less than
270 or equal to sixty per cent of the median income and the remainder of the
271 dwelling units conveyed by deeds containing covenants or restrictions
272 shall be sold or rented to persons and families whose income is less than
273 or equal to eighty per cent of the median income;

274 (7) "Median income" means, after adjustments for family size, the
275 lesser of the state median income or the area median income for the area

276 in which the municipality containing the affordable housing
277 development is located, as determined by the United States Department
278 of Housing and Urban Development; [and]

279 (8) "Commissioner" means the Commissioner of Housing; and

280 (9) "Accessory dwelling unit" has the same meaning as provided in
281 section 8-1aa, as amended by this act.

282 Sec. 6. Subsection (l) of section 8-30g of the general statutes is repealed
283 and the following is substituted in lieu thereof (*Effective October 1, 2021*):

284 (l) (1) Except as provided in subdivision (2) of this subsection, the
285 affordable housing appeals procedure established under this section
286 shall not be applicable to an affordable housing application filed with a
287 commission during a moratorium, which shall commence after (A) a
288 certification of affordable housing project completion issued by the
289 commissioner is published in the Connecticut Law Journal, or (B) notice
290 of a provisional approval is published pursuant to subdivision (4) of this
291 subsection. Any such moratorium shall be for a period of four years,
292 except that for any municipality that has (i) twenty thousand or more
293 dwelling units, as reported in the most recent United States decennial
294 census, and (ii) previously qualified for a moratorium in accordance
295 with this section, any subsequent moratorium shall be for a period of
296 five years. Any moratorium that is in effect on October 1, 2002, is
297 extended by one year.

298 (2) Such moratorium shall not apply to (A) affordable housing
299 applications for assisted housing in which ninety-five per cent of the
300 dwelling units are restricted to persons and families whose income is
301 less than or equal to sixty per cent of the median income, (B) other
302 affordable housing applications for assisted housing containing forty or
303 fewer dwelling units, or (C) affordable housing applications which were
304 filed with a commission pursuant to this section prior to the date upon
305 which the moratorium takes effect.

306 (3) Eligible units completed after a moratorium has begun may be

307 counted toward establishing eligibility for a subsequent moratorium.

308 (4) (A) The commissioner shall issue a certificate of affordable
309 housing project completion for the purposes of this subsection upon
310 finding that there has been completed within the municipality one or
311 more affordable housing developments which create housing unit-
312 equivalent points equal to (i) the greater of two per cent of all dwelling
313 units in the municipality, as reported in the most recent United States
314 decennial census, or fifty housing unit-equivalent points, or (ii) for any
315 municipality that has (I) adopted an affordable housing plan in
316 accordance with section 8-30j, (II) twenty thousand or more dwelling
317 units, as reported in the most recent United States decennial census, and
318 (III) previously qualified for a moratorium in accordance with this
319 section, one and one-half per cent of all dwelling units in the
320 municipality, as reported in the most recent United States decennial
321 census.

322 (B) A municipality may apply for a certificate of affordable housing
323 project completion pursuant to this subsection by applying in writing to
324 the commissioner, and including documentation showing that the
325 municipality has accumulated the required number of points within the
326 applicable time period. Such documentation shall include the location
327 of each dwelling unit being counted, the number of points each dwelling
328 unit has been assigned, and the reason, pursuant to this subsection, for
329 assigning such points to such dwelling unit. Upon receipt of such
330 application, the commissioner shall promptly cause a notice of the filing
331 of the application to be published in the Connecticut Law Journal,
332 stating that public comment on such application shall be accepted by the
333 commissioner for a period of thirty days after the publication of such
334 notice. Not later than ninety days after the receipt of such application,
335 the commissioner shall either approve or reject such application. Such
336 approval or rejection shall be accompanied by a written statement of the
337 reasons for approval or rejection, pursuant to the provisions of this
338 subsection. If the application is approved, the commissioner shall
339 promptly cause a certificate of affordable housing project completion to
340 be published in the Connecticut Law Journal. If the commissioner fails

341 to either approve or reject the application within such ninety-day
342 period, such application shall be deemed provisionally approved, and
343 the municipality may cause notice of such provisional approval to be
344 published in a conspicuous manner in a daily newspaper having general
345 circulation in the municipality, in which case, such moratorium shall
346 take effect upon such publication. The municipality shall send a copy of
347 such notice to the commissioner. Such provisional approval shall
348 remain in effect unless the commissioner subsequently acts upon and
349 rejects the application, in which case the moratorium shall terminate
350 upon notice to the municipality by the commissioner.

351 (5) For the purposes of this subsection, "elderly units" are dwelling
352 units whose occupancy is restricted by age, "family units" are dwelling
353 units whose occupancy is not restricted by age, and "resident-owned
354 mobile manufactured home park" has the same meaning as provided in
355 subsection (k) of this section.

356 (6) For the purposes of this subsection, housing unit-equivalent
357 points shall be determined by the commissioner as follows: (A) No
358 points shall be awarded for a unit unless its occupancy is restricted to
359 persons and families whose income is equal to or less than eighty per
360 cent of the median income, except that unrestricted units in a set-aside
361 development shall be awarded [one-fourth] one point each. (B) Family
362 units, including accessory dwelling units, restricted to persons and
363 families whose income is equal to or less than eighty per cent of the
364 median income shall be awarded one point if an ownership unit and one
365 and one-half points if a rental unit. (C) Family units, including accessory
366 dwelling units, restricted to persons and families whose income is equal
367 to or less than sixty per cent of the median income shall be awarded one
368 and one-half points if an ownership unit and two points if a rental unit.
369 (D) Family units, including accessory dwelling units, restricted to
370 persons and families whose income is equal to or less than forty per cent
371 of the median income shall be awarded two points if an ownership unit
372 and two and one-half points if a rental unit. (E) Restricted family units
373 containing at least three bedrooms shall be awarded an additional one-
374 fourth point. (F) Elderly units restricted to persons and families whose

375 income is equal to or less than eighty per cent of the median income shall
376 be awarded one-half point. (G) If at least sixty per cent of the total
377 restricted units submitted by a municipality as part of an application for
378 a certificate of affordable housing project completion are family units,
379 any elderly units submitted within such application shall be awarded
380 an additional one-half point. (H) Restricted family units located within
381 an approved incentive housing development, as defined in section 8-
382 13m, shall be awarded an additional one-fourth point. (I) A set-aside
383 development containing family units which are rental units shall be
384 awarded additional points equal to twenty-two per cent of the total
385 points awarded to such development, provided the application for such
386 development was filed with the commission prior to July 6, 1995. (J) A
387 mobile manufactured home in a resident-owned mobile manufactured
388 home park shall be awarded points as follows: One and one-half points
389 when occupied by persons and families with an income equal to or less
390 than eighty per cent of the median income; two points when occupied
391 by persons and families with an income equal to or less than sixty per
392 cent of the median income; and one-fourth point for the remaining units.

393 (7) Points shall be awarded only for dwelling units which (A) were
394 newly-constructed units in an affordable housing development, as that
395 term was defined at the time of the affordable housing application, for
396 which a certificate of occupancy was issued after July 1, 1990, (B) were
397 newly subjected after July 1, 1990, to deeds containing covenants or
398 restrictions which require that, for at least the duration required by
399 subsection (a) of this section for set-aside developments on the date
400 when such covenants or restrictions took effect, such dwelling units
401 shall be sold or rented at, or below, prices which will preserve the units
402 as affordable housing for persons or families whose income does not
403 exceed eighty per cent of the median income, (C) are located within an
404 approved incentive housing development, as defined in section 8-13m,
405 or (D) are located in a resident-owned mobile manufactured home park.

406 (8) Points shall be subtracted, applying the formula in subdivision (6)
407 of this subsection, for any affordable dwelling unit which, on or after
408 July 1, 1990, was affected by any action taken by a municipality which

409 caused such dwelling unit to cease being counted as an affordable
410 dwelling unit.

411 (9) A newly-constructed unit shall be counted toward a moratorium
412 when it receives a certificate of occupancy. A newly-restricted unit shall
413 be counted toward a moratorium when its deed restriction takes effect.

414 (10) The affordable housing appeals procedure shall be applicable to
415 affordable housing applications filed with a commission after a three-
416 year moratorium expires, except (A) as otherwise provided in
417 subsection (k) of this section, or (B) when sufficient unit-equivalent
418 points have been created within the municipality during one
419 moratorium to qualify for a subsequent moratorium.

420 (11) The commissioner shall, within available appropriations, adopt
421 regulations in accordance with chapter 54 to carry out the purposes of
422 this subsection. Such regulations shall specify the procedure to be
423 followed by a municipality to obtain a moratorium, and shall include
424 the manner in which a municipality is to document the units to be
425 counted toward a moratorium. A municipality may apply for a
426 moratorium in accordance with the provisions of this subsection prior
427 to, as well as after, such regulations are adopted.

428 Sec. 7. Subsection (l) of section 8-30g of the general statutes, as
429 amended by section 4 of public act 17-170, is repealed and the following
430 is substituted in lieu thereof (*Effective October 1, 2022*):

431 (l) (1) Except as provided in subdivision (2) of this subsection, the
432 affordable housing appeals procedure established under this section
433 shall not be applicable to an affordable housing application filed with a
434 commission during a moratorium, which shall commence after (A) a
435 certification of affordable housing project completion issued by the
436 commissioner is published in the Connecticut Law Journal, or (B) notice
437 of a provisional approval is published pursuant to subdivision (4) of this
438 subsection. Any such moratorium shall be for a period of four years,
439 except that for any municipality that has (i) twenty thousand or more
440 dwelling units, as reported in the most recent United States decennial

441 census, and (ii) previously qualified for a moratorium in accordance
442 with this section, any subsequent moratorium shall be for a period of
443 five years. Any moratorium that is in effect on October 1, 2002, is
444 extended by one year.

445 (2) Such moratorium shall not apply to (A) affordable housing
446 applications for assisted housing in which ninety-five per cent of the
447 dwelling units are restricted to persons and families whose income is
448 less than or equal to sixty per cent of the median income, (B) other
449 affordable housing applications for assisted housing containing forty or
450 fewer dwelling units, or (C) affordable housing applications which were
451 filed with a commission pursuant to this section prior to the date upon
452 which the moratorium takes effect.

453 (3) Eligible units completed after a moratorium has begun may be
454 counted toward establishing eligibility for a subsequent moratorium.

455 (4) (A) The commissioner shall issue a certificate of affordable
456 housing project completion for the purposes of this subsection upon
457 finding that there has been completed within the municipality one or
458 more affordable housing developments which create housing unit-
459 equivalent points equal to (i) the greater of two per cent of all dwelling
460 units in the municipality, as reported in the most recent United States
461 decennial census, or seventy-five housing unit-equivalent points, or (ii)
462 for any municipality that has (I) adopted an affordable housing plan in
463 accordance with section 8-30j, (II) twenty thousand or more dwelling
464 units, as reported in the most recent United States decennial census, and
465 (III) previously qualified for a moratorium in accordance with this
466 section, one and one-half per cent of all dwelling units in the
467 municipality, as reported in the most recent United States decennial
468 census.

469 (B) A municipality may apply for a certificate of affordable housing
470 project completion pursuant to this subsection by applying in writing to
471 the commissioner, and including documentation showing that the
472 municipality has accumulated the required number of points within the

473 applicable time period. Such documentation shall include the location
474 of each dwelling unit being counted, the number of points each dwelling
475 unit has been assigned, and the reason, pursuant to this subsection, for
476 assigning such points to such dwelling unit. Upon receipt of such
477 application, the commissioner shall promptly cause a notice of the filing
478 of the application to be published in the Connecticut Law Journal,
479 stating that public comment on such application shall be accepted by the
480 commissioner for a period of thirty days after the publication of such
481 notice. Not later than ninety days after the receipt of such application,
482 the commissioner shall either approve or reject such application. Such
483 approval or rejection shall be accompanied by a written statement of the
484 reasons for approval or rejection, pursuant to the provisions of this
485 subsection. If the application is approved, the commissioner shall
486 promptly cause a certificate of affordable housing project completion to
487 be published in the Connecticut Law Journal. If the commissioner fails
488 to either approve or reject the application within such ninety-day
489 period, such application shall be deemed provisionally approved, and
490 the municipality may cause notice of such provisional approval to be
491 published in a conspicuous manner in a daily newspaper having general
492 circulation in the municipality, in which case, such moratorium shall
493 take effect upon such publication. The municipality shall send a copy of
494 such notice to the commissioner. Such provisional approval shall
495 remain in effect unless the commissioner subsequently acts upon and
496 rejects the application, in which case the moratorium shall terminate
497 upon notice to the municipality by the commissioner.

498 (5) For the purposes of this subsection, "elderly units" are dwelling
499 units whose occupancy is restricted by age, "family units" are dwelling
500 units whose occupancy is not restricted by age, and "resident-owned
501 mobile manufactured home park" has the same meaning as provided in
502 subsection (k) of this section.

503 (6) For the purposes of this subsection, housing unit-equivalent
504 points shall be determined by the commissioner as follows: (A) No
505 points shall be awarded for a unit unless its occupancy is restricted to
506 persons and families whose income is equal to or less than eighty per

507 cent of the median income, except that unrestricted units in a set-aside
508 development shall be awarded [one-fourth] one point each. (B) Family
509 units, including accessory dwelling units, restricted to persons and
510 families whose income is equal to or less than eighty per cent of the
511 median income shall be awarded one point if an ownership unit and one
512 and one-half points if a rental unit. (C) Family units, including accessory
513 dwelling units, restricted to persons and families whose income is equal
514 to or less than sixty per cent of the median income shall be awarded one
515 and one-half points if an ownership unit and two points if a rental unit.
516 (D) Family units, including accessory dwelling units, restricted to
517 persons and families whose income is equal to or less than forty per cent
518 of the median income shall be awarded two points if an ownership unit
519 and two and one-half points if a rental unit. (E) Elderly units restricted
520 to persons and families whose income is equal to or less than eighty per
521 cent of the median income shall be awarded one-half point. (F) A set-
522 aside development containing family units which are rental units shall
523 be awarded additional points equal to twenty-two per cent of the total
524 points awarded to such development, provided the application for such
525 development was filed with the commission prior to July 6, 1995. (G) A
526 mobile manufactured home in a resident-owned mobile manufactured
527 home park shall be awarded points as follows: One and one-half points
528 when occupied by persons and families with an income equal to or less
529 than eighty per cent of the median income; two points when occupied
530 by persons and families with an income equal to or less than sixty per
531 cent of the median income; and one-fourth point for the remaining units.

532 (7) Points shall be awarded only for dwelling units which (A) were
533 newly-constructed units in an affordable housing development, as that
534 term was defined at the time of the affordable housing application, for
535 which a certificate of occupancy was issued after July 1, 1990, (B) were
536 newly subjected after July 1, 1990, to deeds containing covenants or
537 restrictions which require that, for at least the duration required by
538 subsection (a) of this section for set-aside developments on the date
539 when such covenants or restrictions took effect, such dwelling units
540 shall be sold or rented at, or below, prices which will preserve the units

541 as affordable housing for persons or families whose income does not
542 exceed eighty per cent of the median income, or (C) are located in a
543 resident-owned mobile manufactured home park.

544 (8) Points shall be subtracted, applying the formula in subdivision (6)
545 of this subsection, for any affordable dwelling unit which, on or after
546 July 1, 1990, was affected by any action taken by a municipality which
547 caused such dwelling unit to cease being counted as an affordable
548 dwelling unit.

549 (9) A newly-constructed unit shall be counted toward a moratorium
550 when it receives a certificate of occupancy. A newly-restricted unit shall
551 be counted toward a moratorium when its deed restriction takes effect.

552 (10) The affordable housing appeals procedure shall be applicable to
553 affordable housing applications filed with a commission after a three-
554 year moratorium expires, except (A) as otherwise provided in
555 subsection (k) of this section, or (B) when sufficient unit-equivalent
556 points have been created within the municipality during one
557 moratorium to qualify for a subsequent moratorium.

558 (11) The commissioner shall, within available appropriations, adopt
559 regulations in accordance with chapter 54 to carry out the purposes of
560 this subsection. Such regulations shall specify the procedure to be
561 followed by a municipality to obtain a moratorium, and shall include
562 the manner in which a municipality is to document the units to be
563 counted toward a moratorium. A municipality may apply for a
564 moratorium in accordance with the provisions of this subsection prior
565 to, as well as after, such regulations are adopted.

566 Sec. 8. (NEW) (*Effective October 1, 2021*) Notwithstanding the
567 requirements of subdivision (6) of subsection (a) of section 8-30g of the
568 general statutes, as amended by this act, the owner of a dwelling unit
569 that is counted as part of a set-aside development under said section,
570 after living in such dwelling unit full time as the owner's primary
571 residence for a period of not less than five years, upon sale of the
572 dwelling unit, shall receive twenty-five per cent of any appreciation in

573 the value of the unit above the original purchase price plus the value of
574 any capital improvements to the dwelling unit up to five per cent of the
575 original purchase price; thereafter, for every five years during which the
576 owner lives full time in the dwelling unit, upon sale, the owner shall
577 receive an additional twenty-five per cent of the appreciation in the
578 value of the unit plus the value of any capital improvements to the
579 dwelling unit up to five per cent of the original purchase price. Upon
580 expiration of the deed restriction on the dwelling unit, or upon sale of
581 the dwelling unit when an owner has lived in the unit full time for at
582 least twenty consecutive years, the owner shall be entitled to receive one
583 hundred per cent of any appreciation of the value of that unit above the
584 original purchase price. Regardless of whether the owner sells the unit
585 in the set-aside development after a period of five years or more, the
586 town shall retain the housing unit-equivalent points originally awarded
587 by the Commissioner of Housing for the purpose of establishing
588 eligibility for a moratorium pursuant to subsection (l) of section 8-30g of
589 the general statutes, as amended by this act.

590 Sec. 9. Subsection (a) of section 12-53a of the general statutes is
591 repealed and the following is substituted in lieu thereof (*Effective October*
592 *1, 2021*):

593 (a) (1) Completed new construction of real estate completed after any
594 assessment date shall be liable for the payment of municipal taxes based
595 on the assessed value of such completed new construction from the date
596 the certificate of occupancy is issued or the date on which such new
597 construction is first used for the purpose for which same was
598 constructed, whichever is the earlier, prorated for the assessment year
599 in which the new construction is completed. Said prorated tax shall be
600 computed on the basis of the rate of tax applicable with respect to such
601 property, including the applicable rate of tax in any tax district in which
602 such property is subject to tax following completion of such new
603 construction, on the date such property becomes liable for such prorated
604 tax in accordance with this section.

605 (2) [Partially] Except as provided in subdivision (3) of this subsection,

606 partially completed new construction of real estate shall be liable for the
607 payment of municipal taxes based on the assessed value of such
608 partially completed new construction as of October first of the
609 assessment year.

610 (3) Notwithstanding any provision of the general statutes or special
611 act, municipal charter or ordinance, land, including, but not limited to,
612 individual parcels of land, lots in an approved subdivision or land that
613 is the subject of an approved site plan, on which a one, two, three or four
614 family residential dwelling is planned for construction, is under
615 construction or has been constructed, shall be assessed exclusive of the
616 value of such dwelling prior to the date (A) a certificate of occupancy is
617 issued for such dwelling, (B) on which such dwelling is first used for the
618 purpose for which it was constructed, or (C) on which title to such
619 dwelling is conveyed to a buyer who intends to use such dwelling for
620 the purpose for which it was constructed, whichever is earlier.

621 Sec. 10. Section 20-311 of the general statutes is repealed and the
622 following is substituted in lieu thereof (*Effective October 1, 2021*):

623 As used in this chapter and section 11 of this act, unless the context
624 otherwise requires:

625 (1) "Real estate broker" or "broker" means (A) any person,
626 partnership, association, limited liability company or corporation which
627 acts for another person or entity and for a fee, commission or other
628 valuable consideration, lists for sale, sells, exchanges, buys or rents, or
629 offers or attempts to negotiate a sale, exchange, purchase or rental of, an
630 estate or interest in real estate, or a resale of a mobile manufactured
631 home, as defined in subdivision (1) of section 21-64, or collects or offers
632 or attempts to collect rent for the use of real estate, and (B) any person,
633 partnership, association, limited liability company or corporation
634 employed by or on behalf of the owner or owners of lots or other parcels
635 of real estate, at a stated salary, upon commission, upon a salary and
636 commission basis or otherwise to sell such real estate, or any parts
637 thereof, in lots or other parcels, and who sells or exchanges, or offers,

638 attempts or agrees to negotiate the sale or exchange of, any such lot or
639 parcel of real estate;

640 (2) "Real estate salesperson" or "salesperson" means a person
641 affiliated with any real estate broker as an independent contractor or
642 employed by a real estate broker to list for sale, sell or offer for sale, to
643 buy or offer to buy or to negotiate the purchase or sale or exchange of
644 real estate, or to offer for resale, a mobile manufactured home, as
645 defined in subdivision (1) of section 21-64, or to lease or rent or offer to
646 lease, rent or place for rent any real estate, or to collect or offer or attempt
647 to collect rent for the use of real estate for or on behalf of such real estate
648 broker, or who offers, sells or attempts to sell the real estate or mobile
649 manufactured homes of a licensed broker, or acting for another as a
650 designated seller agent or designated buyer agent, lists for sale, sells,
651 exchanges, buys or rents, or offers or attempts to negotiate a sale,
652 exchange, purchase or rental of, an estate or interest in real estate, or a
653 resale of a mobile manufactured home, as defined in subsection (a) of
654 section 21-64, or collects or offers or attempts to collect rent for the use
655 of real estate, but does not include employees of any real estate broker
656 whose principal occupation is clerical work in an office, or janitors or
657 custodians engaged principally in that occupation;

658 (3) "Engaging in the real estate business" means acting for another
659 and for a fee, commission or other valuable consideration in the listing
660 for sale, selling, exchanging, buying or renting, or offering or attempting
661 to negotiate a sale, exchange, purchase or rental of, an estate or interest
662 in real estate or a resale of a mobile manufactured home, as defined in
663 subdivision (1) of section 21-64, or collecting upon a loan secured or to
664 be secured by a mortgage or other encumbrance upon or transfer of real
665 estate;

666 (4) "Person" means any individual, partnership, association, limited
667 liability company or corporation;

668 (5) "Commission" means the Connecticut Real Estate Commission
669 appointed under the provisions of section 20-311a;

670 (6) "Designated agency" means the appointment by a real estate
671 broker of one or more brokers or salespersons affiliated with or
672 employed by the real estate broker to solely represent a buyer or tenant
673 as a designated buyer's agent and appoint another to represent a seller
674 or landlord as a designated seller's agent in a transaction;

675 (7) "Designated buyer agent" means a broker or salesperson
676 designated by the real estate broker with whom the broker or
677 salesperson is affiliated or employed to solely represent a named buyer
678 or tenant client of the real estate broker during the term of a buyer
679 representation agreement or authorization;

680 (8) "Designated seller agent" means a broker or salesperson
681 designated by the real estate broker with whom the broker or
682 salesperson is affiliated or employed to solely represent a named seller
683 or landlord client of the real estate broker during the term of a listing
684 agreement or authorization; [and]

685 (9) "Commercial real estate transaction" means any transaction
686 involving the sale, exchange, lease or sublease of real property other
687 than real property containing any building or structure occupied or
688 intended to be occupied by no more than four families or a single
689 building lot to be used for family or household purposes; and

690 (10) "List-back agreement" means a written agreement between a
691 party and a real estate broker by which the parties agree that following
692 the initial sale or rental of an estate or interest in real estate, the real
693 estate broker shall have the exclusive listing of any or all future sales or
694 rentals of such estate or interest.

695 Sec. 11. (NEW) (*Effective October 1, 2021*) (a) No real estate broker shall
696 enter into a list-back agreement with another party.

697 (b) Any list-back agreement entered into in violation of subsection (a)
698 of this section shall be void ab initio and unenforceable in law or in
699 equity.

700 Sec. 12. Section 20-325 of the general statutes is repealed and the
701 following is substituted in lieu thereof (*Effective October 1, 2021*):

702 Any person who engages in the business of a real estate broker or real
703 estate salesperson without obtaining a license as provided in this
704 chapter shall be fined not more than [one] ten thousand dollars or
705 imprisoned not more than six months or both, and shall be ineligible to
706 obtain a license for one year from the date of conviction of such offense,
707 except that the commission or Commissioner of Consumer Protection
708 may grant a license to such person within such one-year period upon
709 application and after a hearing on such application.

710 Sec. 13. (*Effective from passage*) (a) The chairpersons of the joint
711 standing committee of the General Assembly having cognizance of
712 matters relating to housing shall convene a working group to identify
713 how communities of color and Section 8 voucher holders can better
714 learn of available rental units.

715 (b) The working group shall consist of the following members:

716 (1) Two appointed by the speaker of the House of Representatives;

717 (2) Two appointed by the president pro tempore of the Senate;

718 (3) One appointed by the majority leader of the House of
719 Representatives;

720 (4) One appointed by the majority leader of the Senate;

721 (5) One appointed by the minority leader of the House of
722 Representatives;

723 (6) One appointed by the minority leader of the Senate; and

724 (7) The Commissioner of Housing, or the commissioner's designee.

725 (c) Any member of the working group appointed under subdivision
726 (1), (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
727 of the General Assembly.

728 (d) All initial appointments to the working group shall be made not
729 later than thirty days after the effective date of this section. Any vacancy
730 shall be filled by the appointing authority.

731 (e) The chairpersons of the joint standing committee of the General
732 Assembly having cognizance of matters relating to housing shall serve
733 as the chairpersons of the working group. Such chairpersons shall
734 schedule the first meeting of the working group, which shall be held not
735 later than sixty days after the effective date of this section.

736 (f) The administrative staff of the joint standing committee of the
737 General Assembly having cognizance of matters relating to housing
738 shall serve as administrative staff of the working group.

739 (g) Not later than February 1, 2022, the working group shall submit a
740 report on its findings and recommendations to the joint standing
741 committee of the General Assembly having cognizance of matters
742 relating to housing, in accordance with the provisions of section 11-4a
743 of the general statutes. The working group shall terminate on the date
744 that it submits such report or on February 1, 2022, whichever is later.

745 Sec. 14. (*Effective from passage*) (a) The chairpersons of the joint
746 standing committee of the General Assembly having cognizance of
747 matters relating to housing shall convene a working group to identify
748 the best source of reliable demographic data including biracial and
749 multiracial persons to be able to improve knowledge of the actual
750 diversity in households and municipalities.

751 (b) The working group shall consist of the following members:

752 (1) Two appointed by the speaker of the House of Representatives;

753 (2) Two appointed by the president pro tempore of the Senate;

754 (3) One appointed by the majority leader of the House of
755 Representatives;

756 (4) One appointed by the majority leader of the Senate;

757 (5) One appointed by the minority leader of the House of
 758 Representatives;

759 (6) One appointed by the minority leader of the Senate; and

760 (7) The Commissioner of Housing, or the commissioner's designee.

761 (c) Any member of the working group appointed under subdivision
 762 (1), (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
 763 of the General Assembly.

764 (d) All initial appointments to the working group shall be made not
 765 later than thirty days after the effective date of this section. Any vacancy
 766 shall be filled by the appointing authority.

767 (e) The chairpersons of the joint standing committee of the General
 768 Assembly having cognizance of matters relating to housing shall serve
 769 as the chairpersons of the working group. Such chairpersons shall
 770 schedule the first meeting of the working group, which shall be held not
 771 later than sixty days after the effective date of this section.

772 (f) The administrative staff of the joint standing committee of the
 773 General Assembly having cognizance of matters relating to housing
 774 shall serve as administrative staff of the working group.

775 (g) Not later than February 1, 2022, the working group shall submit a
 776 report on its findings and recommendations to the joint standing
 777 committee of the General Assembly having cognizance of matters
 778 relating to housing, in accordance with the provisions of section 11-4a
 779 of the general statutes. The working group shall terminate on the date
 780 that it submits such report or on February 1, 2022, whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	8-1aa
Sec. 2	<i>October 1, 2021</i>	8-2(a)
Sec. 3	<i>October 1, 2021</i>	New section
Sec. 4	<i>October 1, 2021</i>	8-3(b)

Sec. 5	<i>October 1, 2021</i>	8-30g(a)
Sec. 6	<i>October 1, 2021</i>	8-30g(l)
Sec. 7	<i>October 1, 2022</i>	8-30g(l)
Sec. 8	<i>October 1, 2021</i>	New section
Sec. 9	<i>October 1, 2021</i>	12-53a(a)
Sec. 10	<i>October 1, 2021</i>	20-311
Sec. 11	<i>October 1, 2021</i>	New section
Sec. 12	<i>October 1, 2021</i>	20-325
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>from passage</i>	New section

Statement of Purpose:

To require municipalities to allow accessory dwelling units and to prohibit list-back agreements.

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