AN ACT CONCERNING ZONING AUTHORITY, CERTAIN DESIGN GUIDELINES, QUALIFICATIONS OF CERTAIN LAND USE OFFICIALS AND CERTAIN SEWAGE DISPOSAL SYSTEMS.

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

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 Section 8-1a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

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

(b) As used in this chapter and sections 5 and 6 of this act:

(1) "Accessory apartment" means a separate dwelling unit occupied by a family, or a single housekeeping unit, that (A) is located on the same lot as a principal dwelling unit of greater square footage, (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations;
(2) "Affordable accessory apartment" means an accessory apartment that is subject to binding recorded deeds which contain covenants or restrictions that require such accessory apartment be sold or rented at, or below, prices that will preserve the unit as housing for which, for a period of not less than ten years, persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income;

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

(4) "Concentrated development" means any area defined by the United States Census Bureau with an aggregate population of at least five hundred persons per square mile, as determined by the most recent population estimate by the Department of Public Health;

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

(6) "Live work unit" means a building, or space within a building, that may be used jointly for commercial and residential purposes by a person or persons living within such building or space and where the commercial purposes are not authorized as customary and incidental accessory home occupation use;

(7) "Main street corridor" means a portion of any public road, not less than one-quarter of a mile and not more than three-quarters of a mile in length, that satisfies two of the following: (A) Is classified as an Other Principal Arterial or Minor Arterial by the Federal Highway Administration; (B) encompasses an intersection of (i) two state routes, or (ii) a state route and a federal route; (C) has at least fifty per cent of the frontage along such portion being used for office, retail, service,
mixed-used development or general commercial purposes; and (D) is served by public transportation;

(8) "Middle housing" means duplexes, triplexes, quadplexes, cottage clusters and townhouses;

(9) "Mixed-used development" means a development containing both residential and nonresidential uses in any single building;

(10) "Townhouse" means 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; and

(11) "Transit station" means a rail station, bus rapid transit station, ferry terminal or bus terminal.

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

(a) Any municipality may, by ordinance, establish a schedule of reasonable fees for the processing of applications by a municipal zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland wetlands commission. Such schedule shall supersede any specific fees set forth in the general statutes, or any special act or established by a planning commission under section 8-26.

(b) A municipality may, by regulation, require any person applying to a municipal zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland wetlands commission for approval of a development project to pay the cost of reasonable consulting fees for necessary peer review of particular technical aspects of an application, such as regarding traffic or stormwater, for the benefit of such commission or board. Any such fees shall be accounted for separately from other funds of such commission or board and shall be used only for expenses associated with the technical review by consultants who are not salaried employees of the
municipality or such commission or board. Any amount of the fee remaining after payment of all expenses for such technical review, including any interest accrued, shall be returned to the applicant not later than forty-five days after the completion of the technical review.

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

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

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

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

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

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

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

(b) Zoning regulations adopted pursuant to subsection (a) of this section shall; [be]

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

(2) Be designed to (A) lessen congestion in the streets; [to] (B) secure
safety from fire, panic, flood and other dangers; [to] (C) promote health and the general welfare; [to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to] (D) protect the state's historic, tribal, cultural and environmental resources; (E) facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; []. Such regulations shall be made] (F) consider the impact, including as to housing affordability, of permitted land uses on contiguous municipalities and on the planning region, as defined in section 4-124i, in which such municipality is located, (G) combat discrimination and take other meaningful actions that overcome patterns of segregation and address significant disparities in housing needs and access to opportunities, and (I) provide for clear processes for and efficient review of development proposals;

(3) Be drafted with reasonable consideration as to the [character] physical site characteristics and architectural context of the district and its peculiar suitability for particular uses and with a view to [conserving the value of buildings and] encouraging the most appropriate use of land throughout such municipality; []. Such regulations may, to the extent consistent with soil types, terrain, infrastructure capacity and the plan of conservation and development for the community, provide for cluster development, as defined in section 8-18, in residential zones. Such regulations shall also encourage]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) Require estimates of vehicle miles traveled and vehicle trips
generated in lieu of level of service traffic calculations to assess (A) the
anticipated traffic impact of proposed developments; and (B) 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; and
(10) In any municipality where a traprock ridge or an amphibolite ridge is located, (A) provide for development restrictions in ridgeline setback areas; and (B) restrict quarrying and clear cutting, except that the following operations and uses shall be permitted in ridgeline setback areas, as of right: (i) Emergency work necessary to protect life and property; (ii) any nonconforming uses that were in existence and that were approved on or before the effective date of regulations adopted pursuant to this section; and (iii) selective timbering, grazing of domesticated animals and passive recreation.

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

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

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

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

(4) (A) Prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations except as provided in subparagraph (D) of this subdivision; or (B) require a special permit or special exception for any such continuance; [...]. Such regulations shall not provide for the termination of any (i) nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use. Such regulations shall not period of less than five years, or (ii) residential nonconforming use, building or structure solely on the basis of the demolition or deconstruction of such use, building or structure; or (D) terminate or deem abandoned a nonconforming use, building or structure unless (i) the property owner of such use, building or structure voluntarily discontinues such use, building or structure and such discontinuance is accompanied by an intent to not reestablish such use, building or structure. [...]. The demolition or deconstruction of a nonconforming use, building or structure shall not by itself be evidence of such property owner's intent to not reestablish such use, building or structure. Unless such town opts out, in accordance with the provisions of subsection (j) of section 8-1bb, such regulations shall not prohibit or (ii) the zoning commission (I) declares, after notice of a cease and desist order duly presented to the property owner in accordance with applicable regulations and after a public hearing on such order, that a nonresidential nonconforming use, building or structure in a residential zone is inconsistent with the plan of conservation and development or is a public nuisance, and (II) specifies a reasonable time for the termination of such nonconforming use;
(5) Prohibit the installation of temporary health care structures for use by mentally or physically impaired persons [in accordance with the provisions of section 8-1bb if such structures comply with the provisions of said section] pursuant to section 8-1bb, as amended by this act, unless the municipality opts out pursuant to subsection (j) of said section;

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

(7) Establish for any dwelling unit a minimum floor area that is greater than required under the Public Health Code;

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

(9) Require 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; or

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

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

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

(c) In any municipality where a traprock ridge, as defined in section 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located the regulations may provide for development restrictions in ridgeline setback areas, as defined in said section. The regulations may restrict quarrying and clear cutting, except that the following operations and uses shall be permitted in ridgeline setback areas, as of right: (1) Emergency work necessary to protect life and property; (2) any nonconforming uses that were in existence and that were approved on or before the effective date of regulations adopted under this section; and (3) selective timbering, grazing of domesticated animals and passive recreation.

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

(g) Any aggrieved party alleging that the zoning regulations of a municipality are noncompliant with the provisions of subsection (b) or (d) of this section or section 5 or 6 of this act, may file an application in the superior court for the judicial district in which such municipality is located to enjoin the enforcement of such regulations. If such court finds that such municipality failed to comply with the provisions of either of said subsections or either of said sections, as applicable, such court may issue an injunction for such purpose.

Sec. 5. (NEW) (Effective October 1, 2021) (a) Any zoning regulations adopted pursuant to section 8-2 of the general statutes, as amended by this act, shall:
(1) Designate locations or zoning districts within the municipality in which accessory apartments are allowed, provided at least one accessory apartment shall be allowed as of right on each lot that contains a single-family dwelling and no such accessory apartment shall be required to be an affordable accessory apartment;

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

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

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

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

(6) Be prohibited from requiring (A) a passageway between any such accessory apartment and any such principal dwelling, (B) an exterior door for any such accessory apartment, except as required by the applicable building or fire code, (C) any more than one parking space for any such accessory apartment, or fees in lieu of parking otherwise allowed by section 8-2c of the general statutes, or (D) a familial, marital or employment relationship between occupants of the principal dwelling and accessory apartment, (E) a minimum age for occupants of the accessory apartment, (F) separate billing of utilities otherwise connected to, or used by, the principal dwelling unit, or (G) periodic renewals for permits for such accessory apartments; and
(7) Be interpreted and enforced such that nothing in this section shall be in derogation of (A) applicable building code requirements, (B) the ability of a municipality to require owner occupancy or to prohibit or limit the use of accessory apartments for short-term rentals or vacation stays, or (C) other requirements where a private sewerage system is being used, provided approval for any such accessory apartment shall not be unreasonably withheld.

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

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

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

(e) If a municipality fails to adopt new regulations or amend existing regulations by June 1, 2022, for the purpose of complying with the provisions of this section, any noncompliant existing regulation shall become null and void and such municipality shall approve or deny applications for accessory apartments in accordance with the requirements for regulations set forth in the provisions of this section until such municipality adopts or amends a regulation in compliance
Sec. 6. (NEW) (Effective October 1, 2021) (a) Any zoning regulations adopted pursuant to section 8-2 of the general statutes, as amended by this act, shall allow as of right and with no minimum parking requirements for dwelling units:

(1) Mixed-used developments with at least four dwelling units, mixed-used developments with at least four live work units and multifamily housing with at least four dwelling units (A) at a minimum density of fifteen units per acre, and (B) in at least fifty per cent of the lot area served by water and sewer infrastructure and within a one-half-mile radius of any municipality's primary transit station. In the case of the zoning obligations described in this subparagraph, a municipality may satisfy up to fifty per cent of such obligations in the area between a one-half-mile radius and a one-mile radius of such transit station only if the land zoned to satisfy such obligations is located only a public right of way that directly connects to such transit station with adequate sidewalks, crosswalks and other similar pedestrian facilities; and

(2) Multifamily housing or at least two types of middle housing (A) in any municipality with (i) concentrated development, or (ii) a minimum population of seven thousand five hundred in the preceding calendar year, and (B) in at least fifty per cent of the lot area within a one-quarter-mile distance from at least one main street corridor. If any such municipality does not have a clearly identifiable main street corridor, such municipality shall allow as of right multifamily housing or at least two types of middle housing in contiguous land encompassing an area of one-quarter square miles.

(b) The calculation of lot area as described in subparagraph (B) of subdivision (1) of subsection (a) of this section and subparagraph (B) of subdivision (2) of subsection (a) of this section shall include the square footage of total lot area, excluding roadways, sidewalks, railways, regulated inland wetlands and watercourses areas, steep slopes of fifteen per cent or more in grade change with a single lot, ledges, special
flood hazard areas defined by the Federal Emergency Management Agency, wetlands, as defined in section 22a-29 of the general statutes, public parkland, coastal resources, as defined in section 22a-93 of the general statutes, areas necessary for the protection of drinking water supplies and areas likely to be inundated during a thirty-year flood event, as identified by the Connecticut Institute of Climate Resilience and Adaptation at The University of Connecticut pursuant to section 25-68o of the general statutes.

(c) For any development or housing allowed under subsection (a) of this section that includes ten or more residential units, at least ten percent of such residential units shall be an affordable housing development, as defined in section 8-30g of the general statutes, as amended by this act.

(d) The as of right permit application and review process for approval of housing that is described in this section shall require that a decision on any such application be rendered not later than sixty-five days after receipt of such application by the applicable zoning commission, except that an applicant may consent to one or more extensions of not more than an additional sixty-five days or may withdraw such application.

(e) If a municipality fails to adopt new regulations or amend existing regulations by June 1, 2022, for the purpose of complying with the provisions of this section, any noncompliant existing regulation shall become null and void and such municipality shall approve or deny applications for housing described in this section in accordance with the requirements for regulations set forth in the provisions of this section until such municipality adopts or amends a regulation in compliance with this section.

(f) A municipality shall not (1) use or impose standards that discourage through unreasonable costs or delays the development of housing described in this section, or (2) condition the approval of such housing on the correction of a nonconforming use, structure or lot.

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

(k) The affordable housing appeals procedure established under this section shall not be available if the real property which is the subject of the application is located in a municipality in which at least ten per cent of all dwelling units in the municipality are (1) assisted housing, (2) currently financed by Connecticut Housing Finance Authority mortgages, (3) subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income, (4) mobile manufactured homes located in mobile manufactured home parks or legally approved accessory apartments, which homes or apartments are subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which, for a period of not less than ten years, persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income, or (5) mobile manufactured homes located in resident-owned mobile manufactured home parks. For the purposes of calculating the total number of dwelling units in a municipality, accessory apartments built or permitted after January 1, 2022, but that are not described in subdivision (4) of this subsection shall not be counted toward such total number. The municipalities meeting the criteria set forth in this subsection shall be listed in the report submitted under section 8-37qqq. As used in this subsection, "accessory apartment" [means a separate living unit that (A) is attached to the main living unit of a house, which house has the external appearance of a single-family residence, (B) has a full kitchen, (C) has a square footage that is not more than thirty per cent of the total square footage of the house, (D) has an internal doorway connecting to the main living unit of the house, (E) is not billed separately from such main living unit for utilities, and (F) complies with the building code and health and safety regulations] has the same meaning as provided in section 8-1a, as
amended by this act, and "resident-owned mobile manufactured home
park" means a mobile manufactured home park consisting of mobile
manufactured homes located on land that is deed restricted, and, at the
time of issuance of a loan for the purchase of such land, such loan
required seventy-five per cent of the units to be leased to persons with
incomes equal to or less than eighty per cent of the median income, and
either (i) forty per cent of said seventy-five per cent to be leased to
persons with incomes equal to or less than sixty per cent of the median
income, or (ii) twenty per cent of said seventy-five per cent to be leased
to persons with incomes equal to or less than fifty per cent of the median
income.

Sec. 8. (Effective July 1, 2021) (a) Not later than September 1, 2021, the
Secretary of the Office of Policy and Management, or the secretary's
designee, shall convene and chair a working group to develop 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. Such guidelines shall (1) identify common
architectural and site design features of building types used throughout
this state, (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 such design review
standards, whether for zoning or subdivision regulations, and (5) create
a design manual for context-appropriate streets that complement
common building types.

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

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

(3) The Commissioner of Transportation, or said commissioner's designee;

(4) Two representatives with expertise in fair housing issues or affordable housing advocacy;

(5) Two representatives with expertise in state, regional or local planning;

(6) Two representatives with expertise in architecture or design;

(7) One representative of the Connecticut Conference of Municipalities; and

(8) One representative with expertise in the housing construction trade.

(c) Not later than April 1, 2022, the working group convened pursuant to this section shall submit a report proposing the model design guidelines for both buildings and context-appropriate streets that such group developed to the joint standing committee of the General Assembly having cognizance of matters relating to planning and development, in accordance with section 11-4a of the general statutes. Not later than April 1, 2022, the Secretary of the Office of Policy and Management shall post such model design guidelines with any necessary revisions on the Internet web site of the Office of Policy and Management for use and adoption by municipalities of this state.

(d) Not later than June 1, 2021, the regional councils of government shall collectively develop and implement an education and training program for delivery of such model design guidelines for both buildings and context-appropriate streets. Each regional council of governments shall report its activities relative to such program as part of the annual report required under section 4-66r of the general statutes.

Sec. 9. (NEW) (Effective October 1, 2021) (a) (1) (A) Except as provided
in subdivision (2) of this subsection, beginning January 1, 2022, and annually thereafter, each member of a zoning, planning or combined planning and zoning commission or a zoning board of appeals who serves on such commission or board for more than six months in a calendar year shall complete not less than six hours of training in Connecticut land use law and general planning principles during such calendar year. Such training shall consist of (i) not less than one hour concerning process and procedural matters, including the conduct of effective meetings and public hearings and the Freedom of Information Act, as defined in section 1-200 of the general statutes, (ii) not less than one hour concerning the interpretation of site plans, surveys, maps and architectural conventions, (iii) not less than one hour concerning the impact of zoning on the environment, agriculture and historic resources, and (iv) not less than two hours concerning affordable and fair housing policies.

(B) Beginning January 1, 2022, and annually thereafter, each member of an inland wetlands agency who serves on such agency for more than six months in a calendar year shall complete not less than three hours of training in Connecticut land use law and general planning principles during such calendar year. Such training shall consist of (i) not less than one hour concerning process and procedural matters, including the conduct of effective meetings and public hearings and the Freedom of Information Act, as defined in section 1-200 of the general statutes, and (ii) not less than one hour concerning the interpretation of site plans, surveys, maps and architectural conventions.

(2) In the case of any member of any such commission, board or agency who is certified by the American Institute of Certified Planners, such member shall be exempt from the training requirements under subdivision (1) of this section.

(b) (1) Except as provided in subdivision (2) of this subsection, not later than January 1, 2022, the Secretary of the Office of Policy and Management shall establish guidelines for such training in collaboration with land use training providers, including, but not limited to, the
Connecticut Association of Zoning Enforcement Officials, the Connecticut Conference of Municipalities, the Connecticut Chapter of the American Planning Association, the Connecticut Bar Association, regional councils of governments and other nonprofit or educational institutions that provide land use training.

(2) In the case that said secretary fails to establish such guidelines, such land use training providers may create and administer appropriate training for members of commissions, boards and agencies described in subsection (a) of this section, which may be used by such members for the purpose of complying with the provisions of said subsection.

(c) Not later than February 1, 2022, and annually thereafter, each municipality in which such commission, board or agency is located shall verify the compliance by each member of such commission, board or agency with the requirements of this section in a form and manner prescribed by the Office of Policy and Management.

(d) Any member of a commission, board or agency described in subsection (a) of this section who fails to comply with the provisions of said subsection for the preceding calendar year or portion of such year exceeding six months, whichever is applicable, shall be ineligible to vote on matters that come before such commission, board or agency until such member demonstrates that such member has so complied.

Sec. 10. Subsection (e) of section 8-3 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

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

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

Sec. 11. Section 7-245 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective October 1, 2021):

For the purposes of this chapter: (1) "Acquire a sewerage system"
means obtain title to all or any part of a sewerage system or any interest
therein by purchase, condemnation, grant, gift, lease, rental or
otherwise; (2) "alternative sewage treatment system" means a sewage
treatment system serving one or more buildings that utilizes a method
of treatment other than a subsurface sewage disposal system and that
involves a discharge to the groundwaters of the state; (3) "community
sewerage system" means any sewerage system serving two or more
residences in separate structures which is not connected to a municipal
sewerage system or which is connected to a municipal sewerage system
as a distinct and separately managed district or segment of such system,
except that in the case of a residence that is an accessory apartment, as
defined in section 8-1a, such residence shall include the larger principal
dwelling unit located on the same lot; (4) "construct a sewerage system"
means to acquire land, easements, rights-of-way or any other real or
personal property or any interest therein, plan, construct, reconstruct,
equip, extend and enlarge all or any part of a sewerage system; (5)
"decentralized system" means managed subsurface sewage disposal
systems, managed alternative sewage treatment systems or community
sewerage systems that discharge sewage flows of less than [five] seven
thousand five hundred gallons per day, are used to collect and treat
domestic sewage, and involve a discharge to the groundwaters of the
state from areas of a municipality; (6) "decentralized wastewater
management district" means areas of a municipality designated by the
municipality through a municipal ordinance when an engineering
report has determined that the existing subsurface sewage disposal
systems may be detrimental to public health or the environment and
that decentralized systems are required and such report is approved by
the Commissioner of Energy and Environmental Protection with
concurring approval by the Commissioner of Public Health, after
consultation with the local director of health; (7) "municipality" means any metropolitan district, town, consolidated town and city, consolidated town and borough, city, borough, village, fire and sewer district, sewer district and each municipal organization having authority to levy and collect taxes; (8) "operate a sewerage system" means own, use, equip, reequip, repair, maintain, supervise, manage, operate and perform any act pertinent to the collection, transportation and disposal of sewage; (9) "person" means any person, partnership, corporation, limited liability company, association or public agency; (10) "remediation standards" means pollutant limits, performance requirements, design parameters or technical standards for application to existing sewage discharges in a decentralized wastewater management district for the improvement of wastewater treatment to protect public health and the environment; (11) "sewage" means any substance, liquid or solid, which may contaminate or pollute or affect the cleanliness or purity of any water; and (12) "sewerage system" means any device, equipment, appurtenance, facility and method for collecting, transporting, receiving, treating, disposing of or discharging sewage, including, but not limited to, decentralized systems within a decentralized wastewater management district when such district is established by municipal ordinance pursuant to section 7-247.

Sec. 12. Subsection (b) of section 7-246 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

(b) Each municipal water pollution control authority designated in accordance with this section may prepare and periodically update a water pollution control plan for the municipality. Such plan shall designate and delineate the boundary of: (1) Areas served by any municipal sewerage system; (2) areas where municipal sewerage facilities are planned and the schedule of design and construction anticipated or proposed; (3) areas where sewers are to be avoided; (4) areas served by any community sewerage system not owned by a municipality; (5) areas to be served by any proposed community sewerage system not owned by a municipality; [and] (6) areas to be
designated as decentralized wastewater management districts; and (7) specific allocations of capacity to serve areas that are able to be developed for residential or mixed-use buildings containing four or more dwelling units. Such plan shall also describe the means by which municipal programs are being carried out to avoid community pollution problems and describe any programs wherein the local director of health manages subsurface sewage disposal systems. The authority shall file a copy of the plan and any periodic updates of such plan with the Commissioner of Energy and Environmental Protection and the Commissioner of Housing, and shall manage or ensure the effective supervision, management, control, operation and maintenance of any community sewerage system or decentralized wastewater management district not owned by a municipality.

Sec. 13. Section 19a-35a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

(a) Notwithstanding the provisions of chapter 439 and sections 22a-430 and 22a-430b, not later than January 1, 2022, the Commissioner of Public Health shall, [within available appropriations,] pursuant to section 19a-36, establish and define categories of discharge that constitute alternative on-site sewage treatment systems with capacities of [five] seven thousand five hundred gallons or less per day and subsurface community sewerage systems with capacities of seven thousand five hundred gallons or less per day. After the establishment of such categories, said commissioner shall have jurisdiction [, within available appropriations,] to issue or deny permits and approvals for such systems and for all discharges of domestic sewage to the groundwaters of the state from such systems. Said commissioner shall, pursuant to section 19a-36, [and within available appropriations,] establish minimum requirements for alternative on-site sewage treatment systems and subsurface community sewerage systems under said commissioner's jurisdiction, including, but not limited to: (1) Requirements related to activities that may occur on the property; (2) changes that may occur to the property or to buildings on the property that may affect the installation or operation of such systems; and (3)
procedures for the issuance of permits or approvals by said
commissioner, a local director of health, or a sanitarian licensed
pursuant to chapter 395. A permit or approval granted by said
commissioner, such local director of health or such sanitarian for an
alternative on-site sewage treatment system or subsurface community
sewerage system pursuant to this section shall: (A) Not be inconsistent
with the requirements of the federal Water Pollution Control Act, 33
USC 1251 et seq., the federal Safe Drinking Water Act, 42 USC 300f et
seq., and the standards of water quality adopted pursuant to section
22a-426, as such laws and standards may be amended from time to time,
(B) not be construed or deemed to be an approval for any other purpose,
including, but not limited to, any planning and zoning or municipal
inland wetlands and watercourses requirement, and (C) be in lieu of a
permit issued under section 22a-430 or 22a-430b. For purposes of this
section, "alternative on-site sewage treatment system" means a sewage
treatment system serving one or more buildings on a single parcel of
property that utilizes a method of treatment other than a subsurface
sewage disposal system and that involves a discharge of domestic
sewage to the groundwaters of the state, and "subsurface community
sewerage system" means a community sewerage system, as defined in
section 7-245, as amended by this act, that involves a discharge of
domestic sewage to the groundwaters of the state.

(b) In establishing and defining categories of discharge that constitute
alternative on-site sewage treatment systems and subsurface
community sewerage systems pursuant to subsection (a) of this section,
and in establishing minimum requirements for such systems pursuant
to section 19a-36, said commissioner shall consider all relevant factors,
including, but not limited to: (1) The impact that such systems or
discharges may have individually or cumulatively on public health and
the environment, (2) the impact that such systems and discharges may
have individually or cumulatively on land use patterns, and (3)
recommendations regarding responsible growth made to said
commissioner by the Secretary of the Office of Policy and Management
through the Office of Responsible Growth established by Executive
Order No. 15 of Governor M. Jodi Rell.
(c) The Commissioner of Energy and Environmental Protection shall retain jurisdiction over any alternative on-site sewage treatment system or subsurface community sewerage system not under the jurisdiction of the Commissioner of Public Health. The provisions of title 22a shall apply to any such system not under the jurisdiction of the Commissioner of Public Health. The provisions of this section shall not affect any permit issued by the Commissioner of Energy and Environmental Protection prior to [July 1, 2007] January 1, 2022, and the provisions of title 22a shall continue to apply to any such permit until such permit expires.

(d) A permit or approval denied by the Commissioner of Public Health, a local director of health or a sanitarian pursuant to subsection (a) of this section shall be subject to an appeal in the manner provided in section 19a-229.

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

| Section 1 | October 1, 2021 | 8-1a  |
| Sec. 2    | October 1, 2021 | 8-1c  |
| Sec. 3    | October 1, 2021 | 8-1bb(j) |
| Sec. 4    | October 1, 2021 | 8-2  |
| Sec. 5    | October 1, 2021 | New section |
| Sec. 6    | October 1, 2021 | New section |
| Sec. 7    | October 1, 2021 | 8-30g(k) |
| Sec. 8    | July 1, 2021 | New section |
| Sec. 9    | October 1, 2021 | New section |
| Sec. 10   | October 1, 2021 | 8-3(e) |
| Sec. 11   | October 1, 2021 | 7-245 |
| Sec. 12   | October 1, 2021 | 7-246(b) |
| Sec. 13   | October 1, 2021 | 19a-35a |

Statement of Purpose:
To (1) allow municipalities to require that land use applicants pay the costs of any technical review of applications, (2) make several changes to the Zoning Enabling Act, (3) establish requirements for zoning regulations concerning accessory apartments, mixed-use developments and multifamily housing, (4) convene a working group to develop
model design guidelines for buildings and context-appropriate streets, 
(5) require certain qualifications of certain land use officials, and (6) 
address the jurisdiction and capacities of certain sewage disposal 
systems.

[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.]