



General Assembly

Substitute Bill No. 1024

January Session, 2021



AN ACT CONCERNING ZONING AUTHORITY, CERTAIN DESIGN GUIDELINES, QUALIFICATIONS OF ZONING ENFORCEMENT OFFICERS AND CERTAIN SEWAGE DISPOSAL SYSTEMS.

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

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 Section 8-1a of the general statutes is repealed and the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

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

7 (b) As used in this chapter and section 5 of this act:

8 (1) "Accessory apartment" means a separate dwelling unit occupied
9 by a family, or a single housekeeping unit, that (A) is located on the
10 same lot as a principal dwelling unit of greater square footage, (B) has
11 cooking facilities, and (C) complies with or is otherwise exempt from
12 any applicable building code, fire code and health and safety
13 regulations;

14 (2) "Affordable accessory apartment" means an accessory apartment
15 that is subject to binding recorded deeds which contain covenants or

16 restrictions that require such accessory apartment be sold or rented at,
17 or below, prices that will preserve the unit as housing for which, for a
18 period of not less than ten years, persons and families pay thirty per cent
19 or less of income, where such income is less than or equal to eighty per
20 cent of the median income;

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

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

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

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

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

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

40 (a) Any municipality may, by ordinance, establish a schedule of
41 reasonable fees for the processing of applications by a municipal zoning
42 commission, planning commission, combined planning and zoning
43 commission, zoning board of appeals or inland wetlands commission.
44 Such schedule shall supersede any specific fees set forth in the general
45 statutes, or any special act or established by a planning commission

46 under section 8-26.

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

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

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

70 (j) A municipality, by vote of its legislative body or, in a municipality
71 where the legislative body is a town meeting, by vote of the board of
72 selectmen, may opt out of the provisions of this section and the
73 [provision] provisions of subdivision (5) of subsection [(a)] (d) of section
74 8-2, as amended by this act, regarding authorization for the installation
75 of temporary health care structures, provided the zoning commission or
76 combined planning and zoning commission of the municipality: (1) First
77 holds a public hearing in accordance with the provisions of section 8-7d

78 on such proposed opt-out, (2) affirmatively decides to opt out of the
79 provisions of said sections within the period of time permitted under
80 section 8-7d, (3) states upon its records the reasons for such decision,
81 and (4) publishes notice of such decision in a newspaper having a
82 substantial circulation in the municipality not later than fifteen days
83 after such decision has been rendered.

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

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

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

106 (3) Such zoning regulations may provide that certain classes or kinds
107 of buildings, structures or [uses] use of land are permitted only after
108 obtaining a special permit or special exception from a zoning
109 commission, planning commission, combined planning and zoning

110 commission or zoning board of appeals, whichever commission or
111 board the regulations may, notwithstanding any special act to the
112 contrary, designate, subject to standards set forth in the regulations and
113 to conditions necessary to protect the public health, safety, convenience
114 and property values. [Such]

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

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

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

136 (3) Be drafted with reasonable consideration as to the [character]
137 physical site characteristics and architectural context of the district and
138 its peculiar suitability for particular uses and with a view to [conserving
139 the value of buildings and] encouraging the most appropriate use of
140 land throughout [such] a municipality; [. Such regulations may, to the
141 extent consistent with soil types, terrain, infrastructure capacity and the

142 plan of conservation and development for the community, provide for
143 cluster development, as defined in section 8-18, in residential zones.
144 Such regulations shall also encourage]

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

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

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

160 (7) Be made with reasonable consideration for [their] the impact of
161 such regulations on agriculture, as defined in subsection (q) of section
162 1-1; [.]

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

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

168 (10) In any municipality that is contiguous to or on a navigable
169 waterway draining to Long Island Sound, (A) be made with reasonable
170 consideration for the restoration and protection of the ecosystem and
171 habitat of Long Island Sound; (B) be designed to reduce hypoxia,

172 pathogens, toxic contaminants and floatable debris on Long Island
173 Sound; and (C) provide that such municipality's zoning commission
174 consider the environmental impact on Long Island Sound coastal
175 resources, as defined in section 22a-93, of any proposal for development.

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

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

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

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

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

201 (5) Provide for a municipal system for the creation of development
202 rights and the permanent transfer of such development rights, which

203 may include a system for the variance of density limits in connection
204 with any such transfer; [. Such regulations may also provide]

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

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

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

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

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

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

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

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

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

260 (4) (A) Prohibit the continuance of any nonconforming use, building
261 or structure existing at the time of the adoption of such regulations,
262 except as provided in subparagraph (D) of this subdivision; [or] (B)
263 require a special permit or special exception for any such continuance;
264 [. Such regulations shall not] (C) provide for the termination of any (i)

265 nonconforming use solely as a result of nonuse for a [specified period of
266 time without regard to the intent of the property owner to maintain that
267 use. Such regulations shall not] period of less than five years, or (ii)
268 residential nonconforming use, building or structure solely on the basis
269 of the demolition or deconstruction of such use, building or structure;
270 or (D) terminate or deem abandoned a nonconforming use, building or
271 structure unless (i) the property owner of such use, building or structure
272 voluntarily discontinues such use, building or structure and such
273 discontinuance is accompanied by an intent to not reestablish such use,
274 building or structure, [. The demolition or deconstruction of a
275 nonconforming use, building or structure shall not by itself be evidence
276 of such property owner's intent to not reestablish such use, building or
277 structure. Unless such town opts out, in accordance with the provisions
278 of subsection (j) of section 8-1bb, such regulations shall not prohibit] or
279 (ii) the zoning commission (I) declares, after notice of a cease and desist
280 order duly presented to the property owner in accordance with
281 applicable regulations and after a public hearing on such order, that a
282 nonresidential nonconforming use, building or structure in a residential
283 zone is inconsistent with the plan of conservation and development or
284 is a public nuisance, and (II) specifies a reasonable time for the
285 termination of such nonconforming use;

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

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

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

295 (8) Place a fixed numerical or percentage cap on the number of
296 dwelling units that constitute multifamily housing over four units,

297 middle housing or mixed-use development that may be permitted;

298 (9) Require more than one parking space for each studio or one-
299 bedroom dwelling unit or more than two parking spaces for each
300 dwelling unit with two or more bedrooms; or

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

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

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

322 (c) In any municipality where a traprock ridge, as defined in section
323 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located the
324 regulations may provide for development restrictions in ridgeline
325 setback areas, as defined in said section. The regulations may restrict
326 quarrying and clear cutting, except that the following operations and
327 uses shall be permitted in ridgeline setback areas, as of right: (1)

328 Emergency work necessary to protect life and property; (2) any
329 nonconforming uses that were in existence and that were approved on
330 or before the effective date of regulations adopted under this section;
331 and (3) selective timbering, grazing of domesticated animals and
332 passive recreation.]

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

339 Sec. 5. (NEW) (*Effective October 1, 2021*) (a) Any zoning regulations
340 adopted pursuant to section 8-2 of the general statutes, as amended by
341 this act, shall:

342 (1) Designate locations or zoning districts within the municipality in
343 which accessory apartments are allowed, provided at least one
344 accessory apartment shall be allowed as of right on each lot that contains
345 a single-family dwelling and no such accessory apartment shall be
346 required to be an affordable accessory apartment;

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

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

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

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

362 (6) Be prohibited from requiring (A) a passageway between any such
363 accessory apartment and any such principal dwelling, (B) an exterior
364 door for any such accessory apartment, except as required by the
365 applicable building or fire code, (C) any more than one parking space
366 for any such accessory apartment, or fees in lieu of parking otherwise
367 allowed by section 8-2c of the general statutes, (D) a familial, marital or
368 employment relationship between occupants of the principal dwelling
369 and accessory apartment, (E) a minimum age for occupants of the
370 accessory apartment, (F) separate billing of utilities otherwise connected
371 to, or used by, the principal dwelling unit, or (G) periodic renewals for
372 permits for such accessory apartments; and

373 (7) Be interpreted and enforced such that nothing in this section shall
374 be in derogation of (A) applicable building code requirements, (B) the
375 ability of a municipality to require owner occupancy or to prohibit or
376 limit the use of accessory apartments for short-term rentals or vacation
377 stays, or (C) other requirements where a private sewerage system is
378 being used, provided approval for any such accessory apartment shall
379 not be unreasonably withheld.

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

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

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

399 (e) If a municipality fails to adopt new regulations or amend existing
400 regulations by June 1, 2022, for the purpose of complying with the
401 provisions of this section, any noncompliant existing regulation shall
402 become null and void and such municipality shall approve or deny
403 applications for accessory apartments in accordance with the
404 requirements for regulations set forth in the provisions of this section
405 until such municipality adopts or amends a regulation in compliance
406 with this section. A municipality may not use or impose additional
407 standards beyond those set forth in this section.

408 Sec. 6. Subsection (k) of section 8-30g of the general statutes is
409 repealed and the following is substituted in lieu thereof (*Effective October*
410 *1, 2021*):

411 (k) The affordable housing appeals procedure established under this
412 section shall not be available if the real property which is the subject of
413 the application is located in a municipality in which at least ten per cent
414 of all dwelling units in the municipality are (1) assisted housing, (2)
415 currently financed by Connecticut Housing Finance Authority
416 mortgages, (3) subject to binding recorded deeds containing covenants
417 or restrictions which require that such dwelling units be sold or rented
418 at, or below, prices which will preserve the units as housing for which
419 persons and families pay thirty per cent or less of income, where such
420 income is less than or equal to eighty per cent of the median income, (4)
421 mobile manufactured homes located in mobile manufactured home
422 parks or legally approved accessory apartments, which homes or
423 apartments are subject to binding recorded deeds containing covenants

424 or restrictions which require that such dwelling units be sold or rented
425 at, or below, prices which will preserve the units as housing for which,
426 for a period of not less than ten years, persons and families pay thirty
427 per cent or less of income, where such income is less than or equal to
428 eighty per cent of the median income, or (5) mobile manufactured
429 homes located in resident-owned mobile manufactured home parks. For
430 the purposes of calculating the total number of dwelling units in a
431 municipality, accessory apartments built or permitted after January 1,
432 2022, but that are not described in subdivision (4) of this subsection,
433 shall not be counted toward such total number. The municipalities
434 meeting the criteria set forth in this subsection shall be listed in the
435 report submitted under section 8-37qqq. As used in this subsection,
436 "accessory apartment" [means a separate living unit that (A) is attached
437 to the main living unit of a house, which house has the external
438 appearance of a single-family residence, (B) has a full kitchen, (C) has a
439 square footage that is not more than thirty per cent of the total square
440 footage of the house, (D) has an internal doorway connecting to the main
441 living unit of the house, (E) is not billed separately from such main
442 living unit for utilities, and (F) complies with the building code and
443 health and safety regulations] has the same meaning as provided in
444 section 8-1a, as amended by this act, and "resident-owned mobile
445 manufactured home park" means a mobile manufactured home park
446 consisting of mobile manufactured homes located on land that is deed
447 restricted, and, at the time of issuance of a loan for the purchase of such
448 land, such loan required seventy-five per cent of the units to be leased
449 to persons with incomes equal to or less than eighty per cent of the
450 median income, and either (i) forty per cent of said seventy-five per cent
451 to be leased to persons with incomes equal to or less than sixty per cent
452 of the median income, or (ii) twenty per cent of said seventy-five per
453 cent to be leased to persons with incomes equal to or less than fifty per
454 cent of the median income.

455 Sec. 7. (*Effective July 1, 2021*) (a) Not later than September 1, 2021, the
456 Secretary of the Office of Policy and Management, or the secretary's
457 designee, shall convene and chair a working group to develop model

458 design guidelines for both buildings and context-appropriate streets
459 that municipalities may adopt, in whole or in part, as part of their zoning
460 or subdivision regulations. Such guidelines shall (1) identify common
461 architectural and site design features of building types used throughout
462 this state, (2) create a catalogue of common building types, particularly
463 those typically associated with housing, (3) establish reasonable and
464 cost-effective design review standards for approval of common building
465 types, accounting for topography, geology, climate change and
466 infrastructure capacity, (4) establish procedures for expediting the
467 approval of buildings or streets that satisfy such design review
468 standards, whether for zoning or subdivision regulations, and (5) create
469 a design manual for context-appropriate streets that complement
470 common building types.

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

475 (1) The Secretary of the Office of Policy and Management, or the
476 secretary's designee;

477 (2) The Commissioner of Housing, or said commissioner's designee;

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

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

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

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

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

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

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

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

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

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

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

517 Sec. 9. Section 7-245 of the general statutes is repealed and the

518 following is substituted in lieu thereof (*Effective October 1, 2021*):

519 For the purposes of this chapter: (1) "Acquire a sewerage system"
520 means obtain title to all or any part of a sewerage system or any interest
521 therein by purchase, condemnation, grant, gift, lease, rental or
522 otherwise; (2) "alternative sewage treatment system" means a sewage
523 treatment system serving one or more buildings that utilizes a method
524 of treatment other than a subsurface sewage disposal system and that
525 involves a discharge to the groundwaters of the state; (3) "community
526 sewerage system" means any sewerage system serving two or more
527 residences in separate structures which is not connected to a municipal
528 sewerage system or which is connected to a municipal sewerage system
529 as a distinct and separately managed district or segment of such system,
530 except that in the case of a residence that is an accessory apartment, as
531 defined in section 8-1a, such residence shall include the larger principal
532 dwelling unit located on the same lot; (4) "construct a sewerage system"
533 means to acquire land, easements, rights-of-way or any other real or
534 personal property or any interest therein, plan, construct, reconstruct,
535 equip, extend and enlarge all or any part of a sewerage system; (5)
536 "decentralized system" means managed subsurface sewage disposal
537 systems, managed alternative sewage treatment systems or community
538 sewerage systems that discharge sewage flows of less than [five] seven
539 thousand five hundred gallons per day, are used to collect and treat
540 domestic sewage, and involve a discharge to the groundwaters of the
541 state from areas of a municipality; (6) "decentralized wastewater
542 management district" means areas of a municipality designated by the
543 municipality through a municipal ordinance when an engineering
544 report has determined that the existing subsurface sewage disposal
545 systems may be detrimental to public health or the environment and
546 that decentralized systems are required and such report is approved by
547 the Commissioner of Energy and Environmental Protection with
548 concurring approval by the Commissioner of Public Health, after
549 consultation with the local director of health; (7) "municipality" means
550 any metropolitan district, town, consolidated town and city,
551 consolidated town and borough, city, borough, village, fire and sewer

552 district, sewer district and each municipal organization having
553 authority to levy and collect taxes; (8) "operate a sewerage system"
554 means own, use, equip, reequip, repair, maintain, supervise, manage,
555 operate and perform any act pertinent to the collection, transportation
556 and disposal of sewage; (9) "person" means any person, partnership,
557 corporation, limited liability company, association or public agency; (10)
558 "remediation standards" means pollutant limits, performance
559 requirements, design parameters or technical standards for application
560 to existing sewage discharges in a decentralized wastewater
561 management district for the improvement of wastewater treatment to
562 protect public health and the environment; (11) "sewage" means any
563 substance, liquid or solid, which may contaminate or pollute or affect
564 the cleanliness or purity of any water; and (12) "sewerage system" means
565 any device, equipment, appurtenance, facility and method for
566 collecting, transporting, receiving, treating, disposing of or discharging
567 sewage, including, but not limited to, decentralized systems within a
568 decentralized wastewater management district when such district is
569 established by municipal ordinance pursuant to section 7-247.

570 Sec. 10. Subsection (b) of section 7-246 of the general statutes is
571 repealed and the following is substituted in lieu thereof (*Effective October*
572 *1, 2021*):

573 (b) Each municipal water pollution control authority designated in
574 accordance with this section may prepare and periodically update a
575 water pollution control plan for the municipality. Such plan shall
576 designate and delineate the boundary of: (1) Areas served by any
577 municipal sewerage system; (2) areas where municipal sewerage
578 facilities are planned and the schedule of design and construction
579 anticipated or proposed; (3) areas where sewers are to be avoided; (4)
580 areas served by any community sewerage system not owned by a
581 municipality; (5) areas to be served by any proposed community
582 sewerage system not owned by a municipality; [and] (6) areas to be
583 designated as decentralized wastewater management districts; and (7)
584 specific allocations of capacity to serve areas that are able to be

585 developed for residential or mixed-use buildings containing four or
586 more dwelling units. Such plan shall also describe the means by which
587 municipal programs are being carried out to avoid community pollution
588 problems and describe any programs wherein the local director of
589 health manages subsurface sewage disposal systems. The authority
590 shall file a copy of the plan and any periodic updates of such plan with
591 the Commissioner of Energy and Environmental Protection and the
592 Commissioner of Housing, and shall manage or ensure the effective
593 supervision, management, control, operation and maintenance of any
594 community sewerage system or decentralized wastewater management
595 district not owned by a municipality.

596 Sec. 11. Section 19a-35a of the general statutes is repealed and the
597 following is substituted in lieu thereof (*Effective October 1, 2021*):

598 (a) Notwithstanding the provisions of chapter 439 and sections 22a-
599 430 and 22a-430b, not later than January 1, 2022, the Commissioner of
600 Public Health shall, [within available appropriations,] pursuant to
601 section 19a-36, establish and define categories of discharge that
602 constitute alternative on-site sewage treatment systems with capacities
603 of [five] seven thousand five hundred gallons or less per day and
604 subsurface community sewerage systems with capacities of seven
605 thousand five hundred gallons or less per day. After the establishment
606 of such categories, said commissioner shall have jurisdiction [, within
607 available appropriations,] to issue or deny permits and approvals for
608 such systems and for all discharges of domestic sewage to the
609 groundwaters of the state from such systems. Said commissioner shall,
610 pursuant to section 19a-36, [and within available appropriations,]
611 establish minimum requirements for alternative on-site sewage
612 treatment systems and subsurface community sewerage systems under
613 said commissioner's jurisdiction, including, but not limited to: (1)
614 Requirements related to activities that may occur on the property; (2)
615 changes that may occur to the property or to buildings on the property
616 that may affect the installation or operation of such systems; and (3)
617 procedures for the issuance of permits or approvals by said

618 commissioner, a local director of health, or a sanitarian licensed
619 pursuant to chapter 395. A permit or approval granted by said
620 commissioner, such local director of health or such sanitarian for an
621 alternative on-site sewage treatment system or subsurface community
622 sewerage system pursuant to this section shall: (A) Not be inconsistent
623 with the requirements of the federal Water Pollution Control Act, 33
624 USC 1251 et seq., the federal Safe Drinking Water Act, 42 USC 300f et
625 seq., and the standards of water quality adopted pursuant to section
626 22a-426, as such laws and standards may be amended from time to time,
627 (B) not be construed or deemed to be an approval for any other purpose,
628 including, but not limited to, any planning and zoning or municipal
629 inland wetlands and watercourses requirement, and (C) be in lieu of a
630 permit issued under section 22a-430 or 22a-430b. For purposes of this
631 section, "alternative on-site sewage treatment system" means a sewage
632 treatment system serving one or more buildings on a single parcel of
633 property that utilizes a method of treatment other than a subsurface
634 sewage disposal system and that involves a discharge of domestic
635 sewage to the groundwaters of the state, and "subsurface community
636 sewerage system" means a community sewerage system, as defined in
637 section 7-245, as amended by this act, that involves a discharge of
638 domestic sewage to the groundwaters of the state.

639 (b) In establishing and defining categories of discharge that constitute
640 alternative on-site sewage treatment systems and subsurface
641 community sewerage systems pursuant to subsection (a) of this section,
642 and in establishing minimum requirements for such systems pursuant
643 to section 19a-36, said commissioner shall consider all relevant factors,
644 including, but not limited to: (1) The impact that such systems or
645 discharges may have individually or cumulatively on public health and
646 the environment, (2) the impact that such systems and discharges may
647 have individually or cumulatively on land use patterns, and (3)
648 recommendations regarding responsible growth made to said
649 commissioner by the Secretary of the Office of Policy and Management
650 through the Office of Responsible Growth established by Executive
651 Order No. 15 of Governor M. Jodi Rell.

652 (c) The Commissioner of Energy and Environmental Protection shall
 653 retain jurisdiction over any alternative on-site sewage treatment system
 654 or subsurface community sewerage system not under the jurisdiction of
 655 the Commissioner of Public Health. The provisions of title 22a shall
 656 apply to any such system not under the jurisdiction of the
 657 Commissioner of Public Health. The provisions of this section shall not
 658 affect any permit issued by the Commissioner of Energy and
 659 Environmental Protection prior to [July 1, 2007] January 1, 2022, and the
 660 provisions of title 22a shall continue to apply to any such permit until
 661 such permit expires.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	8-1a
Sec. 2	<i>October 1, 2021</i>	8-1c
Sec. 3	<i>October 1, 2021</i>	8-1bb(j)
Sec. 4	<i>October 1, 2021</i>	8-2
Sec. 5	<i>October 1, 2021</i>	New section
Sec. 6	<i>October 1, 2021</i>	8-30g(k)
Sec. 7	<i>July 1, 2021</i>	New section
Sec. 8	<i>October 1, 2021</i>	8-3(e)
Sec. 9	<i>October 1, 2021</i>	7-245
Sec. 10	<i>October 1, 2021</i>	7-246(b)
Sec. 11	<i>October 1, 2021</i>	19a-35a

Statement of Legislative Commissioners:

In Section 4(a)(3), "uses" was changed to "[uses] use" for consistency; in Section 4(b)(7), "their impact" was changed to "[their] the impact of such regulations" for clarity; in Section 7(d), "councils of government" was changed to "councils of governments" for consistency; and in Section 8(e)(1), "on and after" was changed to "on or after" for accuracy.

PD Joint Favorable Subst.