



General Assembly

Amendment

January Session, 2021

LCO No. 8977



Offered by:

REP. MCCARTHY VAHEY, 133rd Dist.
SEN. CASSANO, 4th Dist.
REP. GOUPIL, 35th Dist.
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To: Subst. House Bill No. 6107

File No. 541

Cal. No. 385

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 8-1a of the general statutes is repealed and the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

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

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

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

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

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

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

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

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

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

39 Sec. 2. Section 8-1c of the general statutes is repealed and the

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

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

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

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

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

71 (j) A municipality, by vote of its legislative body or, in a municipality

72 where the legislative body is a town meeting, by vote of the board of
73 selectmen, may opt out of the provisions of this section and the
74 [provision] provisions of subdivision (5) of subsection [(a)] (d) of section
75 8-2, as amended by this act, regarding authorization for the installation
76 of temporary health care structures, provided the zoning commission or
77 combined planning and zoning commission of the municipality: (1) First
78 holds a public hearing in accordance with the provisions of section 8-7d
79 on such proposed opt-out, (2) affirmatively decides to opt out of the
80 provisions of said sections within the period of time permitted under
81 section 8-7d, (3) states upon its records the reasons for such decision,
82 and (4) publishes notice of such decision in a newspaper having a
83 substantial circulation in the municipality not later than fifteen days
84 after such decision has been rendered.

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

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

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

105 land throughout each district, but the regulations in one district may
106 differ from those in another district. [, and]

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

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

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

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

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

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

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

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

161 (7) Be made with reasonable consideration for [their] the impact of
162 such regulations on agriculture, as defined in subsection (q) of section
163 1-1; [.]

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

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

168 supplies; and

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

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

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

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

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

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

199 limited to, cluster development, higher density development and
200 performance standards for roads, sidewalks and underground facilities
201 in the subdivision; [. Such regulations may provide]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

294 municipality;

295 (9) Require more than one parking space for each studio or one-
296 bedroom dwelling unit or more than two parking spaces for each
297 dwelling unit with two or more bedrooms, unless the municipality opts
298 out in accordance with the provisions of section 5 of this act; or

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

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

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

320 (c) In any municipality where a traprock ridge, as defined in section
321 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located the
322 regulations may provide for development restrictions in ridgeline
323 setback areas, as defined in said section. The regulations may restrict
324 quarrying and clear cutting, except that the following operations and
325 uses shall be permitted in ridgeline setback areas, as of right: (1)

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

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

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

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

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

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

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

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

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

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

390 (7) Be interpreted and enforced such that nothing in this section shall
391 be in derogation of (A) applicable building code requirements, (B) the
392 ability of a municipality to prohibit or limit the use of accessory
393 apartments for short-term rentals or vacation stays, or (C) other
394 requirements where a well or private sewerage system is being used,
395 provided approval for any such accessory apartment shall not be
396 unreasonably withheld.

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

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

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

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

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

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

448 Sec. 7. Subsection (k) of section 8-30g of the general statutes is
449 repealed and the following is substituted in lieu thereof (*Effective October*
450 *1, 2021*):

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

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

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

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

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

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

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

522 general statutes, (2) the interpretation of site plans, surveys, maps and
523 architectural conventions, and (3) the impact of zoning on the
524 environment, agriculture and historic resources.

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

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

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

551 For the purposes of this chapter: (1) "Acquire a sewerage system"
552 means obtain title to all or any part of a sewerage system or any interest
553 therein by purchase, condemnation, grant, gift, lease, rental or

554 otherwise; (2) "alternative sewage treatment system" means a sewage
555 treatment system serving one or more buildings that utilizes a method
556 of treatment other than a subsurface sewage disposal system and that
557 involves a discharge to the groundwaters of the state; (3) "community
558 sewerage system" means any sewerage system serving two or more
559 residences in separate structures which is not connected to a municipal
560 sewerage system or which is connected to a municipal sewerage system
561 as a distinct and separately managed district or segment of such system,
562 but does not include any sewerage system serving only a principal
563 dwelling unit and an accessory apartment, as defined in section 8-1a, as
564 amended by this act, located on the same lot; (4) "construct a sewerage
565 system" means to acquire land, easements, rights-of-way or any other
566 real or personal property or any interest therein, plan, construct,
567 reconstruct, equip, extend and enlarge all or any part of a sewerage
568 system; (5) "decentralized system" means managed subsurface sewage
569 disposal systems, managed alternative sewage treatment systems or
570 community sewerage systems that discharge sewage flows of less than
571 five thousand gallons per day, are used to collect and treat domestic
572 sewage, and involve a discharge to the groundwaters of the state from
573 areas of a municipality; (6) "decentralized wastewater management
574 district" means areas of a municipality designated by the municipality
575 through a municipal ordinance when an engineering report has
576 determined that the existing subsurface sewage disposal systems may
577 be detrimental to public health or the environment and that
578 decentralized systems are required and such report is approved by the
579 Commissioner of Energy and Environmental Protection with
580 concurring approval by the Commissioner of Public Health, after
581 consultation with the local director of health; (7) "municipality" means
582 any metropolitan district, town, consolidated town and city,
583 consolidated town and borough, city, borough, village, fire and sewer
584 district, sewer district and each municipal organization having
585 authority to levy and collect taxes; (8) "operate a sewerage system"
586 means own, use, equip, reequip, repair, maintain, supervise, manage,
587 operate and perform any act pertinent to the collection, transportation
588 and disposal of sewage; (9) "person" means any person, partnership,

589 corporation, limited liability company, association or public agency; (10)
590 "remediation standards" means pollutant limits, performance
591 requirements, design parameters or technical standards for application
592 to existing sewage discharges in a decentralized wastewater
593 management district for the improvement of wastewater treatment to
594 protect public health and the environment; (11) "sewage" means any
595 substance, liquid or solid, which may contaminate or pollute or affect
596 the cleanliness or purity of any water; and (12) "sewerage system" means
597 any device, equipment, appurtenance, facility and method for
598 collecting, transporting, receiving, treating, disposing of or discharging
599 sewage, including, but not limited to, decentralized systems within a
600 decentralized wastewater management district when such district is
601 established by municipal ordinance pursuant to section 7-247.

602 Sec. 11. Subsection (b) of section 7-246 of the general statutes is
603 repealed and the following is substituted in lieu thereof (*Effective October*
604 *1, 2021*):

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

623 periodic updates of such plan with the Commissioner of Energy and
624 Environmental Protection and shall manage or ensure the effective
625 supervision, management, control, operation and maintenance of any
626 community sewerage system or decentralized wastewater management
627 district not owned by a municipality.

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

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

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

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

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

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

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

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

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

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

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

685 (4) Two appointed by the majority leader of the Senate, one of whom
686 has expertise in zoning policy and one of whom has expertise in
687 community development policy;

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

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

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

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

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

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

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

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

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

713 (14) The Commissioner of Economic and Community Development,
714 or the commissioner's designee;

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

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

719 (17) The Commissioner of Transportation, or the commissioner's
720 designee.

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

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

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

741 (f) (1) Except as provided in subdivision (2) of this subsection, not
742 later than January 1, 2022, and not later than January 1, 2023, the

743 commission shall submit a report to the joint standing committees of the
744 General Assembly having cognizance of matters relating to planning
745 and development, environment, housing and transportation and to the
746 Secretary of the Office of Policy and Management, in accordance with
747 the provisions of section 11-4a of the general statutes, regarding the
748 following:

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

752 (B) Any recommendations for (i) statutory changes concerning the
753 process for developing and adopting the state's consolidated plan for
754 housing and community development prepared pursuant to section 8-
755 37t of the general statutes, and (ii) implementation of such plan;

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

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

775 or deny permits and approvals for such systems, with reference to daily
776 capacities of such systems, and (iii) the potential impacts of increasing
777 the daily capacities of such systems, including changes in administrative
778 jurisdiction over such systems and the timeframe for adoption of
779 regulations to implement any such changes in administrative
780 jurisdiction; and

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	8-1a
Sec. 2	<i>October 1, 2021</i>	8-1c
Sec. 3	<i>October 1, 2021</i>	8-1bb(j)
Sec. 4	<i>October 1, 2021</i>	8-2
Sec. 5	<i>October 1, 2021</i>	New section
Sec. 6	<i>January 1, 2022</i>	New section
Sec. 7	<i>October 1, 2021</i>	8-30g(k)
Sec. 8	<i>October 1, 2021</i>	8-3(e)
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>October 1, 2021</i>	7-245
Sec. 11	<i>October 1, 2021</i>	7-246(b)
Sec. 12	<i>from passage</i>	8-30j
Sec. 13	<i>from passage</i>	New section