OLR Bill Analysis

HB 5474 (as amended by House "A," "B" and "C")*

AN ACT REQUIRING MUNICIPAL REPORTS CONCERNING RESIDENTIAL CONSTRUCTION APPROVAL TO THE OFFICE OF RESPONSIBLE GROWTH.

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Specifies that eligible units completed before a municipality's moratorium has begun, but that were not counted toward establishing its moratorium eligibility, may be counted toward qualifying for a subsequent moratorium

SUMMARY:

This bill makes various changes relating to housing development, rental housing, and blight and zoning requirements. A section-by-section analysis follows.

*House Amendment "A" strikes the underlying bill and replaces it with the below provisions (§§ 1–20), with the two exceptions below.

*House Amendment "B" adds the provision exempting certain vacant lots in subdivisions and resubdivisions from changes to municipal zoning regulations and maps (§ 501 HOUSE "B")

*House Amendment "C" adds the provision on moratoria from the 8-30g appeals procedure (§ 501 HOUSE "C")

EFFECTIVE DATE: October 1, 2024, unless otherwise noted below.

§ 1 — MUNICIPAL REPORTS TO DECD ON HOUSING PERMITTING AND DEMOLITION

Requires DECD to annually send each municipality a questionnaire on the number of residential building permit applications it approved and denied, including the number of proposed units

The bill requires the Department of Economic Development (DECD) commissioner to annually send each municipality a questionnaire on residential permit applications (i.e., subdivision, zoning permit, special permit, or site plan applications needed to build or renovate one or more dwelling units), which the municipality may choose to complete and return to the commissioner. The department must publish returned questionnaires on its website.

The questionnaire must include certain questions about residential permit applications submitted to or reviewed by the municipality's planning commission, zoning commission, or combined planning and zoning commission. Specifically, it must ask about the number of (1)

building permit applications submitted to these commissions, including the number of units they proposed building or renovating; (2) approved applications and proposed units; and (3) denied applications and proposed units. It must also include any other information about permit applications required by the DECD commissioner.

By law unchanged by the bill, every municipality must annually report by March 31 to DECD on the number of (1) new dwelling units permitted, including whether they are in single-family, two-to-four-family, or larger multifamily properties, and (2) dwelling units demolished. Under the bill, the commissioner must send the residential permit applications questions as a supplemental questionnaire.

§ 2 — DESIGN REVIEW PROCESS STUDY

Requires the majority leaders' roundtable group on affordable housing to study municipal design review processes required for residential developments and report its findings and recommendations to the legislature

PA 23-207, § 36, established the 24-member majority leaders' roundtable group on affordable housing and required it to study various topics related to promoting and developing affordable housing in the state. The bill requires this group to do a separate study on municipal design review processes required for residential developments and, by January 1, 2025, report its findings and recommendations to the Planning and Development and Housing committees. The study must at least do the following:

1. analyze the current required design review processes and their impact on affordable housing's cost and development time,

2. identify barriers within these processes that may hinder building or renovating affordable housing, and

3. examine successful models from other jurisdictions that have streamlined or eliminated these processes for affordable housing.

By law, and under the bill, "affordable housing" is that for which households earning no more than the federally determined area median income pay 30% or less of their annual income.

EFFECTIVE DATE: Upon passage

Background — Related Bill

sHB 5473 (File 417), favorably reported by the Planning and Development Committee, has a similar provision.

§ 3 — CONVERSIONS OF NURSING HOMES TO MULTIFAMILY HOUSING

Generally requires municipalities to allow vacant nursing homes to be converted to multifamily housing as long as they comply with zoning regulations and do not substantially impact public health and safety

The bill requires municipalities that exercise their zoning powers under the statutes (rather than a special act) to allow eligible nursing homes to be converted to multifamily housing, subject only to a "summary review" (see below). To be eligible, the (1) nursing home must be a freestanding structure and not a nonconforming use, and (2) owner must declare in writing to the municipality that the home has been vacant for at least 90 days immediately preceding the summary review application's submission.

Additionally, the nursing home conversion must not result in the structure's total demolition or in substantial alteration of its footprint. If it does, the bill allows the municipality to take a discretionary zoning action (e.g., a public hearing, variance, special permit, or special exemption).

The bill requires the commission to review and decide on each application within 65 days after receiving it, but the applicant may agree to extensions up to an additional 65 days or withdraw its application.

Under the bill, "summary review" means able to be approved if it complies with zoning regulations and without requiring a public hearing, variance, special permit or exception, or any other discretionary zoning action, except for a determination that a site plan conforms with the applicable regulations (i.e., allowed "as of right") and that public health and safety will not be substantially impacted.

Background — Related Bill

sHB 5475 (File 419), reported favorably by the Planning and

Development Committee, has a similar provision.

§ 4 — SURPLUS STATE PROPERTY AS LOW AND MODERATE INCOME HOUSING

Requires OPM, when considering proposals for state surplus property, to prioritize any DOH plans to use the property for low- and moderate-income housing

By law, the Office of Policy and Management (OPM) secretary must notify state agencies (including departments and institutions) when state-owned land is available (CGS § 4b-21(b)). If an agency determines it can use the land for an agency-specific purpose, it must notify the secretary in writing within 30 days after receiving the notification and submit a plan for the land's use.

Current law requires the secretary to analyze any submitted plans to determine whether the land should be transferred to a submitting agency. The bill requires him to prioritize any Department of Housing (DOH) plan that proposes using the land to construct, rehabilitate, or renovate housing for people with low and moderate incomes. It requires the secretary to grant the transfer to DOH or state in writing any reason why the transfer is not feasible.

Unchanged by the bill, DOH may also submit plans to use land for an emergency shelter or transitional living facility for homeless people, but the bill does not require the secretary to prioritize these plans.

Background — Related Bill

sHB 5475 (File 419), reported favorably by the Planning and Development Committee, has an identical provision.

§ 5 — MUNICIPAL BLIGHT PENALTIES

Bases the maximum penalties municipalities may impose for blight violations in certain types of property on their square footage, rather than a flat amount

Under current law, municipalities may adopt blight ordinances that may be enforced through civil penalties the municipality sets, up to a maximum daily amount for each violation. These maximum amounts depend on whether the property is occupied or vacant and whether the penalty is for a third or subsequent violation (see below).

The bill retains current law's maximum penalties for residential

properties with six or fewer units but sets penalties for those with seven or more units and commercial properties based on the building's size (expressed as an amount per square foot). (It is unclear how penalties are assessed for mixed-use properties.)

The table below compares, for each property type, the maximum daily penalties municipalities may set under current law and the bill.

Table: Maximum Daily Blight Penalty

Building Type	*Current Law*	*Bill*
Residential (six or fewer units)		
Occupied	$150	$150
Vacant	250	250
Third or subsequent violation	1,000	1,000
Residential (7 to 39 units)	Same as above	10 cents per sq. ft.
Residential (40+ units)	Same as above	12 cents per sq. ft.
Commercial	Same as above	10 cents per sq. ft.

By law, a violation may count toward the three-violation threshold if the municipality previously issued a violation notice and (1) determined that the conditions creating the violation were previously resolved or (2) the conditions have not been resolved 120 days after the violation notice was given. A third violation may also be established if there are three conditions simultaneously on the property where each constitutes a violation.

Background — Related Bill

HB 5477 (File 421), reported favorably by the Planning and Development and Judiciary committees, has an identical provision.

§ 6 — FIXED ASSESSMENTS

Expands the ability of municipalities to freeze property tax assessments by (1) increasing, from 10 to 30 years, the maximum number of years that a freeze may last and (2) allowing them to freeze the assessments on personal property, rather than only real property

A property tax incentive under existing law allows municipalities to enter into an agreement with a taxpayer to freeze the assessed value of property developed or being developed for specified purposes. Freezing an assessment keeps the property's taxable value the same for

a set period even if improvements made to it or other factors increase its value (which would generally increase the taxes owed on it).

The bill increases, from 10 to 30 years, the maximum time period municipalities may freeze real property assessments (i.e., land and buildings, including the air space above) and also authorizes them to freeze assessments on personal property.

Eligible Uses

Under current law and the bill, municipalities may freeze the assessments only on property used for specified purposes, including for office, retail, or manufacturing uses; warehouse, storage, or distribution; structured multilevel parking supporting a mass transit system; information technology; recreation facilities; transportation facilities; mixed use; and health systems.

Background — Related Bill

HB 5477 (File 421), reported favorably by the Planning and Development and Judiciary committees, has an identical provision.

§ 7 — SHORT-TERM RENTAL PROPERTIES

Explicitly authorizes municipalities to (1) adopt ordinances regulating the operation and use of short-term rental properties and requiring their licensure and (2) hire consultants to help them develop these ordinances

The bill explicitly authorizes municipalities, by vote of their legislative bodies, to adopt an ordinance regulating the operation and use of short-term rental properties and requiring their licensure. It also allows municipalities to hire consultants to help them develop these ordinances.

Under the bill, short-term rental properties are dwelling units or portions of them that are (1) the subject of a short-term rental (i.e., the transfer, for consideration, of occupancy in a furnished residence or similar accommodation for 30 days or less) and (2) not a hotel, bed and breakfast (B&B), motel, motor court, motor inn, or tourist court.

Background

Dwelling Units. "Dwelling units" are houses or buildings, or

portions of them, that are (1) occupied; (2) designed to be occupied; or (3) rented, leased, or hired out to be occupied, as a home or residence (CGS § 47a-1).

Hotels and B&Bs. By law, a "hotel" is any building regularly used and kept open as such to feed and lodge guests that (1) receives anyone who conducts themselves properly and is able and ready to pay for accommodations when available and (2) derives a major portion of its operating revenue from renting rooms and selling food. It includes apartment hotels but excludes B&Bs (CGS § 12-407(a)(16)).

"B&B" means any private operator-occupied house, other than a hotel or lodging house, with 12 or fewer rooms in which people are lodged for hire and a full morning meal is included in the rent (CGS § 12-407(a)(42)). A "lodging house" means any building or portion of one, other than a hotel, an apartment hotel, or a B&B, in which people are lodged for hire with or without meals, including motels, motor inns, furnished residences, and similar accommodations (CGS § 12-407(a)(17)).

Related Bill. sSB 335 (File 426), favorably reported by the Planning and Development Committee, has an identical provision.

§ 8 — MUNICIPAL LIENS FOR UNPAID ZONING VIOLATION FINES

Makes unpaid fines imposed under municipal ordinances setting penalties for violating local zoning regulations a lien on the affected real estate

By law, municipalities may adopt ordinances establishing penalties for violating local zoning regulations with fines of up to $150 for each day the violation continues. The bill makes unpaid fines imposed under these municipal ordinances a lien on the affected real estate from the date of the fine, just as existing law provides for unpaid blight fines. The lien takes precedence over all other liens filed after July 1, 1997, and encumbrances, except taxes. It can be continued, recorded, enforced, and released in the same way as a property tax lien.

§ 9 — ASSESSMENT OF CERTAIN AFFORDABLE HOUSING

Requires municipalities to assess properties used for housing only low- and moderate-income households based on the capitalized value of net rental income

The bill requires municipalities to assess properties used for housing only for low- and moderate-income households based on the capitalized value of "net rental income," rather than fair market value, if the property's rents or carrying charges are regulated by the federal or state government (or limited by a government agreement). Current law explicitly requires municipalities to do so if they have adopted an ordinance that classifies the property as this type of housing (see *Background*). By law, housing for only low- and moderate-income households is (1) constructed or rehabilitated with government assistance and (2) subject to certain government regulations or other occupancy restrictions based on specified household income limits (CGS § 8-202).

Under the bill, "net rental income" is the gross income of a property described above as limited by rents and carrying charges, minus operating expenses and property taxes. In other words, under the bill, municipalities must assess the properties described above based on actual rent received. All else being equal, a property with a lower gross income will also have a lower valuation. The law generally requires assessors to use each of the following three methods to determine rental properties' fair market value:

1. replacement cost less depreciation, plus the land's market value;
2. capitalization of net income based on market rent for similar property; and
3. comparable sales.

The requirement applies to property used primarily to produce rental income, except for (1) owner-occupied residential properties with six or fewer units and (2) certain federally or state-subsidized housing (CGS § 12-63b).

Background

Tax Abatement for Low- and Moderate-Income Housing. The law allows municipalities to adopt ordinances (1) reducing all or part of the property taxes on housing for only low- or moderate-income

households and (2) classifying properties as eligible for abatement. The abatement must be made under a contract between the municipality and the housing's owner that, among other things, specifies how the owner will use the money saved from the abatement (CGS 8-215). It also allows DOH to enter into contracts with municipalities to reimburse them for the abatements (CGS § 8-216).

Related Bill. HB 5158 (File 34), reported favorably by the Housing Committee, has similar provisions.

§§ 10-12 — MIDDLE HOUSING DEVELOPMENTS

Awards municipalities points towards a moratorium under the 8-30g appeals procedure for each middle housing dwelling unit that is built if they have adopted zoning regulations allowing as-of-right middle housing developments

The bill allows municipal zoning regulations to allow middle housing developments "as of right" on lots zoned for residential use, commercial use, or mixed-use development. It also awards any municipality that adopts this type of zoning regulation points towards a moratorium under the CGS § 8-30g affordable housing land use appeals procedure ("8-30g appeals procedure") for each middle housing dwelling unit that is built.

Under the bill, a municipality is awarded 0.25 housing unit equivalent (HUE) points for each of these middle housing units for which the municipality issues a certificate of occupancy (see *Background*). Under current law, HUE points are generally not awarded for market-rate units unless they are in housing developments with a specified percentage of other deed-restricted units meeting certain affordability requirements (these market-rate units are awarded 0.25 points each). Under the bill, middle housing units need not be subject to any affordability restrictions to qualify for HUE points.

The bill prohibits any municipality from repealing or substantially modifying its zoning regulations for as-of-right middle housing development during a moratorium from the 8-30g appeals procedure if it qualified for the moratorium based in part on HUE points awarded under the bill.

Lastly, the bill defines "live work unit" to clarify existing law's definition of "cottage cluster," which is a group of at least four detached housing units or live work units (per acre) located around a common open area. Under the bill, a live work unit is a building, or space within it, that the occupant uses for both residential and commercial purposes.

By law, (1) middle housing is duplexes, triplexes, quadplexes, townhouses, and cottage clusters; and (2) housing developed as of right may be approved if it complies with zoning regulations, without requiring a public hearing, variance, special permit or exception, or any other discretionary zoning action, except for a determination that a site plan conforms with the applicable regulations.

Background

Moratoria From 8-30g Appeals Procedure. By law, a municipality is generally eligible for a temporary suspension of the 8-30g appeals procedure (i.e., a moratorium) each time it shows it has added a certain number of affordable housing units over the applicable time period (since July 1, 1990, for first moratoria). To be granted a moratorium, a municipality must achieve the greater of (1) 75 HUE points or (2) HUE points equaling more than 2% of their total housing stock, as determined by the most recent decennial census. However, the law provides an exception for certain municipalities. Under the exception, the 2% threshold drops to 1.5% for municipalities that (1) have at least 20,000 dwelling units, (2) adopt an affordable housing plan, and (3) apply for a second or subsequent moratorium.

Related Bill. sHB 5335 (File 109), reported favorably by the Housing Committee, has similar provisions.

§ 13 — RAP MAXIMUM RENT LEVELS

Requires DOH, for the purposes of setting maximum RAP rent levels, to use the fair market rent figure under the federal HCV program if it is higher than RAP's maximum allowable rent for the housing unit

Current law requires the DOH commissioner to set maximum rent levels under the Rental Assistance Program (RAP; see *Background*) in a way that promotes the program's use in all municipalities. The bill specifies that if the fair market rent for a housing unit under the federal

Housing Choice Voucher (HCV) program is higher than the maximum allowable rent for the unit under RAP, DOH must use the HCV figure for the purposes of RAP.

The bill also specifies that for the purposes of RAP, "housing" or "housing unit" means any house or building, or portion of one, that is occupied, designed to be occupied, or rented, leased, or hired out to be occupied, exclusively as a home or residence for at least one person.

Background

Rental Assistance Program. RAP is a DOH-funded program that helps very low-income families afford decent, safe, and sanitary housing in the private market. Recipients of RAP certificates may choose any private rental housing that meets the program requirements.

Related Bill. sHB 5336 (File 110), § 1, reported favorably by the Housing Committee, requires DOH to assess housing assistance payments under the federal HCV program and attempt to equalize housing assistance payments under state housing voucher programs to the HCV standards.

§ 14 — TAX INCREMENT DISTRICT FUNDING FOR AFFORDABLE HOUSING RENOVATION

Authorizes municipalities to use tax increment district funds to renovate certain 8-30g deed-restricted affordable housing in exchange for the owner renewing the development's affordability restrictions

By law, municipalities that have adopted a tax increment district generally must establish a "district master plan fund" (see *Background*). Current law limits the use of the fund to paying for specified categories of expenses, including costs (1) of certain improvements made in the district, or outside the district that are directly related to or necessary for establishing or operating the district, and (2) related to economic development, environmental improvements, or employment training associated with the district.

The bill allows municipalities to also use the fund for improvement costs outside the district for renovating or rehabilitating certain 8-30g "set-aside developments" (i.e., deed-restricted affordable housing; see

Background). A municipality may do so if the (1) development's affordability deed restrictions will expire in three years or less and (2) improvement costs are paid based on an agreement between the municipality and the development's owner that the owner will renew the deed restrictions for at least 40 years.

Background

Affordable Housing Developments. By law, an affordable housing development under 8-30g means "assisted housing" or a "set-aside development." The former is generally certain government-assisted housing or housing occupied by people receiving rental assistance. The latter is a development in which, for at least 40 years after initial occupancy, at least 30% of the units are deed-restricted based on specified household income limits.

8-30g requires commissions to defend their decisions to reject affordable housing applications or approve them with costly conditions. In traditional land use appeals, the developer must prove that the municipality acted illegally, arbitrarily, or abused its discretion. The 8-30g procedure instead places the burden of proof on municipalities.

Tax Increment Districts. Existing law allows municipalities, through their legislative bodies, to establish a tax increment district (generally known as a tax increment financing (TIF) district) to finance economic development projects in eligible areas (CGS § 7-339cc et seq.). It requires them to adopt a district master plan for the district and a statement of the percentage or amount of increased assessed value that will be designated as "captured assessed value" under the plan (i.e., the percentage or amount of the incremental increase in property values that is used from year to year to finance the plan's project costs). Municipalities generally must establish a "district master plan fund" for depositing incremental tax revenues and paying project costs. They must also deposit any benefit assessments imposed on real property in the district.

Related Bill. sHB 5337 (File 65), § 3, reported favorably by the Housing Committee, has the same provisions.

§ 15 — RAP REPORTING REQUIREMENTS

Expands the information that the DOH commissioner must include in her annual reports on the RAP program

Existing law requires the DOH commissioner, in consultation with other agency commissioners, to annually report to the Appropriations, Housing, Human Services, and Public Health committees on the number of departmental clients and, of those, the number who have been RAP recipients (see § 13 *Background*). The report must (1) detail voucher utilization under the RAP program and (2) establish targets to ensure that the program's resources are allocated according to legislative intent.

The bill specifies that the annual report's voucher information must reflect utilization at the time of the report. It also requires that the report include the number of (1) applicants (a) on any rental certificate waitlist, (b) from any waitlist who received a certificate in the prior year, and (c) added to any waitlist during the prior year; and (2) applications submitted when any waitlist was last open. It must also include the date of the last opening on any waitlist.

§§ 16 & 17 — NOTICE OF RENT INCREASES

Requires landlords to provide residential tenants with at least 45 days' written notice of proposed rent increases, or an amount of notice that equals the full length of the lease for tenants with lease terms of one month or less

The bill prohibits rent increases for residential dwelling units from being effective unless the landlord provides the tenant written notice of the proposed increase at least 45 days before it takes effect. For leases with a term of one month or less, the notice must equal the full length of the lease. The bill specifies that (1) a tenant's failure to respond to the notice does not constitute his or her agreement to the proposed increase and (2) it does not allow landlords to increase rent during the term of a rental agreement or alter any notice requirements on rent increases federal law imposes.

Current law does not require landlords to give tenants advance notice of an expected rent increase for a lease renewal, though a lease agreement may have provisions requiring this notice.

EFFECTIVE DATE: October 1, 2024, and applicable to rental agreements entered, renewed, or extended after that date.

Background — Related Bill

HB 5156 (File 21), reported favorably by the Housing Committee, (1) expands the list of prohibited provisions for residential rental agreements by explicitly prohibiting any that require a tenant to pay a mid-lease rent increase unless the landlord gives the tenant at least 60 days' written notice and (2) prohibits landlords from beginning a lapse of time eviction because a tenant refuses to accept a rent increase for a renewed or extended rental agreement unless the tenant received at least 60 days' written notice of the proposed increase.

§ 18 — HOUSING CHOICE VOUCHER PROGRAM TASK FORCE

Establishes a 12-member task force to study the federal HCV program and its implementation in the state, including any disparate impacts the program has on the development of at-risk children and youth or families

The bill establishes a 12-member task force to study the federal HCV program and its implementation in the state, including any disparate impacts the program has on the development of at-risk children and youth or families.

Membership, Initial Appointments, and Vacancies

Task force members may be General Assembly members and must include (1) the Housing Committee chairpersons and ranking members, or their designees; (2) two each appointed by the minority leaders of the House and Senate; and (3) one each appointed by the four other legislative leaders. The legislative leaders must make their initial task force appointments within 30 days after the bill's passage and appointing authorities fill vacancies.

Chairpersons, Meetings, and Reporting Requirement

The bill requires the House speaker and Senate minority leader to each select a task force member to serve as a chairperson. The chairpersons must schedule the task force's first meeting and hold it within 60 days of the bill's passage. The Housing Committee's administrative staff serves as that of the task force.

The bill requires the task force to report on its findings and recommendations by January 16, 2025, to the Housing Committee and the state's congressional delegation. The task force terminates when it submits this report or on January 16, 2025, whichever is later.

Background

HCV Program. The HCV program is the federal government's main program for helping very low-income families afford private market housing (42 U.S.C. § 1437f(o)). Eligible households that are issued a housing voucher must find housing that meets the program's requirements. The Department of Housing and Urban Development (HUD) funds the program and it is administered locally by public housing authorities (PHAs) and statewide by DOH.

Related Bill. SB 142 (File 15), § 2, reported favorably by the Housing Committee, has the same provisions.

§§ 19 & 20 — HOUSING ENVIRONMENTAL IMPROVEMENT LOAN AND GRANT FUND AND RETROFIT PILOT PROGRAM

Expands DEEP's multi-family housing retrofit pilot program by allowing (1) it to offer grants in addition to loans and (2) the department to contract with quasi-public agencies to administer the fund that finances the program; limits the amount of bond funding DEEP may use for the grants and extends certain program-related deadlines; revises the program's eligibility requirements

Grant Funding

Current law requires the Department of Energy and Environmental Protection (DEEP), in collaboration with DOH, to start one or more pilot programs that gives financing for qualifying retrofit projects in multi-family homes located in environmental justice communities or alliance districts (e.g., energy efficiency projects or projects to address health concerns). This financing is currently funded through the Housing Environmental Improvement Revolving Loan Fund, with $125 million in general obligation (GO) bonds authorized to capitalize the fund.

The bill allows DEEP to provide grants under the program but caps the amount of bond funds that may be used for the grants at $20 million. The bill correspondingly renames the fund as the "Housing Environmental Improvement Revolving Loan and Grant Fund."

Additionally, it allows DEEP to enter into contracts with quasi-public agencies to administer the fund, in addition to nonprofit corporations as under current law.

Implementation Date

The bill delays the program's implementation by one year, from July 1, 2024, to July 1, 2025, and makes conforming changes to the following:

1. the date DEEP must start accepting applications (from July 1, 2024, to July 1, 2025);

2. DEEP's reporting deadline to the Housing Committee (from October 1, 2027, to October 1, 2028); and

3. the pilot program's termination date (from September 30, 2028, to September 30, 2029).

Additionally, current law authorizes $125 million in GO bonds for the program ($50 million for FY 24 and $75 million for FY 25). The bill delays the $75 million authorization to FY 26.

Eligibility

Under current law, to be eligible for pilot program financing, a dwelling unit must be currently occupied by a tenant or will be occupied within 180 days after DEEP awards the owner financing. Owners must repay DEEP all the funds he or she receives under the program if this timeframe is not met. Additionally, units cannot be owner-occupied.

The bill eliminates these conditions and instead extends eligibility to owners of residential dwelling units as defined in state law.

Lastly, the bill expands the definition of "low-income resident" applicable to the program or programs to also include any other definition of this term used in state programs utilizing federal funding, as the DEEP commissioner determines. Under current law, low-income residents are households with an income of no more than 60% of the state median income or 80% of the federally determined area median income adjusted for family size. As under existing law, DEEP must

prioritize financing for projects benefitting current or prospective low-income residents.

Background — Related Bill

sSB 301 (File 345), §§ 2 & 3, reported favorably by the Energy and Technology Committee, has similar provisions.

§ 501 HOUSE "B" — VACANT LOTS

Exempts certain vacant lots in subdivisions and resubdivisions from changes to municipal zoning regulations and maps

The bill exempts certain vacant lots in subdivisions and resubdivisions from changes to municipal zoning regulations and maps.

First, it exempts vacant lots shown on a subdivision or resubdivision plan (e.g., map) from changes adopted after the plan was approved or recorded if the (1) plan was recorded on or before October 1, 2024, and (2) lot's recorded chain of title references the plan.

Second, for vacant lots shown on a subdivision or resubdivision plan that was both recorded on or before October 1, 2024, and before the respective municipality adopted zoning regulations, the bill exempts these lots from changes adopted after the plan was approved or recorded if the lot conformed at any time with any applicable zoning regulations that were subsequently adopted.

Under the bill, these exemptions apply regardless of the laws that:

1. prohibit subdividing land until a subdivision plan has been approved by the local planning commission and recording subdivision plans unless they are approved by the planning commission and

2. require that subdivisions and resubdivisions that existed on a map or plan before a municipality adopted zoning regulations be submitted for the planning commission's approval.

The bill's exemptions are in addition to others under existing law, including one for lots in approved subdivision and resubdivision plans for residential property that exempts them from changes in zoning

regulations and maps after the plans are filed and recorded in the land records. Existing law also exempts any construction on vacant lots shown in an approved subdivision or resubdivision plan from changes adopted after the plan's approval.

Background

Subdivisions and Resubdivisions. A "subdivision" is the division of a tract or parcel of land into three or more parts or lots made after a planning commission has adopted subdivision regulations for the purpose of selling or building development, whether immediate or future (excluding development for municipal, conservation, or agricultural purposes). It includes a "resubdivision," which is generally a change in a map of an approved or recorded subdivision or resubdivision for certain purposes (CGS § 8-18).

Vacant Lots. By law, a lot is considered "vacant" until a building permit is issued for it and its foundation completed. However, it is not considered "vacant" if any structures on it are subsequently demolished.

Related Bill. HB 5392 (File 238), favorably reported by the Planning and Development Committee, has an identical provision.

§ 501 HOUSE "C" — MORATORIA FROM 8-30G APPEALS PROCEDURE

Specifies that eligible units completed before a municipality's moratorium has begun, but that were not counted toward establishing its moratorium eligibility, may be counted toward qualifying for a subsequent moratorium

The bill specifies that eligible units completed before a municipality's 8-30g moratorium begins, but that were not counted toward establishing its moratorium eligibility, may be counted toward qualifying for a subsequent moratorium. Under existing law, unchanged by the bill, eligible units completed after a municipality's moratorium begins may be counted toward qualifying for a subsequent moratorium (see §§ 10-12 *Background*).

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable
Yea 13 Nay 8 (03/22/2024)