



# House of Representatives

General Assembly

**File No. 238**

February Session, 2024

Substitute House Bill No. 5392

*House of Representatives, April 3, 2024*

The Committee on Planning and Development reported through REP. KAVROS DEGRAW of the 17th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT EXEMPTING CERTAIN VACANT LOTS FROM CONFORMANCE WITH CHANGES IN ZONING REGULATIONS.***

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

1 Section 1. Subsection (b) of section 8-26a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective October*  
3 *1, 2024*):

4 (b) (1) Notwithstanding the provisions of any general or special act  
5 or local ordinance, when a change is adopted in the zoning regulations  
6 or boundaries of zoning districts of any town, city or borough, no lot or  
7 lots shown on a subdivision or resubdivision plan for residential  
8 property which has been approved, prior to the effective date of such  
9 change, by the planning commission of such town, city or borough, or  
10 other body exercising the powers of such commission, and filed or  
11 recorded with the town clerk, shall be required to conform to such  
12 change.

13 (2) (A) Any construction on a vacant lot shown on a subdivision or  
14 resubdivision plan approved before, on or after June 1, 2004, shall not  
15 be required to conform to a change in the zoning regulations or  
16 boundaries of zoning districts in a town, city or borough adopted after  
17 the approval of the subdivision or resubdivision. Notwithstanding  
18 subdivision (1) of this subsection, any construction on an improved lot  
19 shown on a subdivision or resubdivision plan approved before, on or  
20 after June 1, 2004, shall be required to conform to a zoning change  
21 adopted subsequent to said lot becoming an improved lot.

22 (B) Notwithstanding the provisions of subsection (a) of section 8-25  
23 and subsection (a) of section 8-26, any vacant lot that is depicted on a  
24 subdivision or resubdivision plan that has been recorded on or before  
25 October 1, 2024, in the land records of the municipality in which such  
26 vacant lot is located, if the recorded chain of title for such vacant lot  
27 references such subdivision or resubdivision plan, shall not be required  
28 to conform to a change in the zoning regulations or the boundaries of  
29 zoning districts in such municipality that is adopted after the approval  
30 or recording of the subdivision or resubdivision plan.

31 (C) Notwithstanding the provisions of subsection (a) of section 8-25  
32 and subsection (a) of section 8-26, any vacant lot that is depicted on a  
33 subdivision or resubdivision plan that, prior to the adoption of zoning  
34 regulations, has been recorded on or before October 1, 2024, in the land  
35 records of the municipality in which such vacant lot is located, shall not  
36 be required to conform to a change in the zoning regulations or the  
37 boundaries of zoning districts in such municipality that is adopted after  
38 the approval or recording of the subdivision or resubdivision plan if  
39 such vacant lot conformed at any time with any zoning regulations that  
40 would have applied to such vacant lot if such vacant lot was depicted  
41 on a subdivision or resubdivision plan recorded after the adoption of  
42 zoning regulations.

43 [(B)] (D) For purposes of this subsection, (i) a lot shall be deemed  
44 vacant until the date a building permit is issued with respect thereto and  
45 a foundation has been completed in accordance with such building

46 permit but shall not be deemed vacant if any structures on such lot are  
 47 subsequently demolished, and (ii) a lot shall be deemed improved after  
 48 the date a building permit is issued with respect thereto and a  
 49 foundation has been completed in accordance with such building  
 50 permit.

51 (3) This subsection shall not alter or affect a nonconforming use or  
 52 structure as provided in section 8-2.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	8-26a(b)

**Statement of Legislative Commissioners:**

In Subdivs. (2)(B) and (2)(C), "or" was changed to "and" for accuracy.

**PD** Joint Favorable Subst. -LCO

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*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** See below

### **Explanation**

The bill exempts vacant lots from zoning restrictions beginning in FY 25. Any fiscal impact to municipalities will be dependent on what the vacant lots are used for as a result.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** The annualized ongoing fiscal impact identified above would continue into the future subject to any changes in property values.

**OLR Bill Analysis****sHB 5392*****AN ACT EXEMPTING CERTAIN VACANT LOTS FROM CONFORMANCE WITH CHANGES IN ZONING REGULATIONS.*****SUMMARY**

This 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.

EFFECTIVE DATE: October 1, 2024

**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.

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable  
Yea 21 Nay 0 (03/15/2024)