
OLR Bill Analysis

sHB 5335

AN ACT CONCERNING THE DEVELOPMENT OF MIDDLE HOUSING.

SUMMARY

This bill permits municipal zoning regulations to allow middle housing developments “as-of-right” on lots zoned for residential use, commercial use, or mixed-use development (if the lot is served by a public sewage and water system). 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.

Lastly, the bill makes technical and conforming changes. It 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

can 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.

EFFECTIVE DATE: October 1, 2024

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 have at least 20,000 dwelling units, adopt an affordable housing plan, and apply for a second or subsequent moratorium.

COMMITTEE ACTION

Housing Committee

Joint Favorable

Yea 15 Nay 0 (03/07/2024)