
OLR Bill Analysis

sHB 7031

AN ACT INCLUDING ACCESSORY APARTMENTS WITHOUT AFFORDABILITY RESTRICTIONS IN THE CALCULATION OF THE THRESHOLD FOR EXEMPTION FROM THE AFFORDABLE HOUSING APPEALS PROCEDURE.

SUMMARY

Current law exempts a municipality from the affordable housing land use appeals procedure (CGS § 8-30g) if at least 10% of its total housing units consist of certain types of affordable housing, including legally approved “accessory apartments” subject to specified affordability restrictions for at least 10 years (i.e. generally deed-restricted as affordable to households earning no more than 80% of median income). This bill instead counts any accessory apartment toward the exemption threshold, regardless of whether it is subject to an affordability restriction. (While the bill eliminates a statutory requirement that the counted accessory apartments be legally approved, existing regulations also contain this requirement and thus it appears to still apply (see Conn. Agencies Regs., § 8-30g-2).)

The bill also eliminates a provision in current law that prevents certain newer accessory apartments from increasing a municipality’s base housing stock total (see below).

Under existing law, unchanged by the bill, an “accessory apartment” is a separate dwelling unit that (1) is located on the same lot as a principal dwelling unit of greater square footage; (2) has cooking facilities; and (3) complies with or is otherwise exempt from any applicable building code, fire code, and health and safety regulations (CGS § 8-1a).

EFFECTIVE DATE: July 1, 2025

CHANGE TO BASE HOUSING STOCK CALCULATION

The bill eliminates a provision in current law specifying that accessory apartments built or permitted after January 1, 2022, but not subject to a qualifying affordability restriction (see above), do not count toward a municipality's total number of housing units for the purpose of calculating an 8-30g exemption (see BACKGROUND).

In other words, while the bill may generally increase the number of housing units that count toward a municipality's exemption by counting all accessory apartments, it may also generally increase the number of units in its base housing stock total.

BACKGROUND***Affordable Housing Appeals List and CGS § 8-30g***

The Department of Housing (DOH) annually publishes a list identifying the housing stock in each municipality that qualifies as affordable housing under 8-30g for the purpose of establishing which municipalities are exempt from the appeals procedure. DOH uses data from the most recent U.S. decennial census to determine the total number of housing units in each municipality. Data on the number of affordable units comes from various sources (see CGS §§ 8-30g(k) & 8-37qqq(a)(2)(D); Conn. Agencies Regs., § 8-30g-2).

8-30g generally requires municipalities to defend their decisions to reject affordable housing development applications or approve them with restrictions that would have a substantial adverse impact on the project's viability or the affordability of income-restricted units. In traditional land use appeals, the appellant (e.g., developer) must convince the court that the municipality acted illegally or arbitrarily or abused its discretion. The 8-30g procedure instead places the burden of proof on municipalities.

Related Bills

HB 6950, reported favorably by the Housing Committee, changes the definition of "set-aside development" used in 8-30g.

sSB 12 (§ 2), reported favorably by the Housing Committee, makes

boards of education eligible for increases to their school construction grant reimbursement rate, beginning July 1, 2025, based on municipalities' affordable housing levels under 8-30g.

COMMITTEE ACTION

Housing Committee

Joint Favorable

Yea 13 Nay 5 (03/06/2025)