



WORKING DRAFT

General Assembly

Amendment

January Session, 2021

LCO No. **8850**

Offered by:

REP. MCCARTHY VAHEY, 133rd Dist.

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 Section 8-1a of the general statutes is repealed and the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 5 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) "Live work unit" means a building, or space within a building, that
32 may be used jointly for commercial and residential purposes by a person
33 or persons living within such building or space and where the
34 commercial purposes are not authorized as customary and incidental
35 accessory home occupation use;

36 (6) "Middle housing" means duplexes, triplexes, quadplexes, cottage
37 clusters and townhouses;

38 (7) "Mixed-use development" means a development containing both
39 residential and nonresidential uses in any single building; and

40 (8) "Townhouse" means a residential building constructed in a

41 grouping of three or more attached units, each of which shares at least
42 one common wall with an adjacent unit and has exterior walls on at least
43 two sides.

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 Section 8-1c of the general statutes is repealed and the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

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

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

68 (c) No municipality may adopt a schedule of fees under subsection
69 (a) of this section that results in higher fees for (1) development projects
70 built using the provisions of section 8-30g, as amended by this act, or (2)
71 residential buildings containing four or more dwelling units, than for
72 other residential dwellings, including, but not limited to, higher fees per

73 dwelling unit, per square footage or per unit of construction cost.

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

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

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

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

104 (2) Such zoning commission may divide the municipality into

105 districts of such number, shape and area as may be best suited to carry
106 out the purposes of this chapter; and, within such districts, it may
107 regulate the erection, construction, reconstruction, alteration or use of
108 buildings or structures and the use of land. All [such] zoning regulations
109 shall be uniform for each class or kind of buildings, structures or use of
110 land throughout each district, but the regulations in one district may
111 differ from those in another district. [, and]

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

121 (b) Zoning regulations adopted pursuant to subsection (a) of this
122 section shall:

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

127 (2) Be designed to (A) lessen congestion in the streets; [to] (B) secure
128 safety from fire, panic, flood and other dangers; [to] (C) promote health
129 and the general welfare; [to] (D) provide adequate light and air; [to
130 prevent the overcrowding of land; to avoid undue concentration of
131 population and to] (E) protect the state's historic, tribal, cultural and
132 environmental resources; (F) facilitate the adequate provision for
133 transportation, water, sewerage, schools, parks and other public
134 requirements; [. Such regulations shall be made] (G) consider the impact
135 of permitted land uses on contiguous municipalities and on the
136 planning region, as defined in section 4-124i, in which such municipality

137 is located; (H) address significant disparities in housing needs and
138 access to educational, occupational and other opportunities; (I) promote
139 efficient review of proposals and applications; and (J) affirmatively
140 further the purposes of the federal Fair Housing Act, 42 USC 3601 et
141 seq., as amended from time to time;

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

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

157 (5) Promote housing choice and economic diversity in housing,
158 including housing for both low and moderate income households; [, and
159 shall encourage]

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

166 (7) Be made with reasonable consideration for [their] the impact of
167 such regulations on agriculture, as defined in subsection (q) of section
168 1-1; [.]

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

171 (9) Be made with reasonable consideration for the protection of
172 existing and potential public surface and ground drinking water
173 supplies; and

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

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

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

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

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

198 (4) Provide for incentives for developers who use [passive solar

199 energy techniques, as defined in subsection (b) of section 8-25, in
200 planning a residential subdivision development. The incentives may
201 include, but not be] (A) solar and other renewable forms of energy; (B)
202 combined heat and power; (C) water conservation, including demand
203 offsets; and (D) energy conservation techniques, including, but not
204 limited to, cluster development, higher density development and
205 performance standards for roads, sidewalks and underground facilities
206 in the subdivision; [. Such regulations may provide]

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

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

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

216 (8) Provide for floating zones, overlay zones and planned
217 development districts;

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

225 (10) In any municipality where a traprock ridge or an amphibolite
226 ridge is located, (A) provide for development restrictions in ridgeline
227 setback areas; and (B) restrict quarrying and clear cutting, except that
228 the following operations and uses shall be permitted in ridgeline setback
229 areas, as of right: (i) Emergency work necessary to protect life and

230 property; (ii) any nonconforming uses that were in existence and that
231 were approved on or before the effective date of regulations adopted
232 pursuant to this section; and (iii) selective timbering, grazing of
233 domesticated animals and passive recreation.

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

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

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

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

262 in accordance with federal manufactured home construction and safety
263 standards which are substantially different from conditions and
264 requirements imposed on] or (C) multifamily dwellings, lots containing
265 multifamily dwellings, cluster developments or planned unit
266 developments; [. Such regulations shall not prohibit]

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

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

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

293 (7) Establish for any dwelling unit a minimum floor area that is

294 greater than the minimum floor area set forth in the applicable building,
295 housing or other code;

296 (8) Place a fixed numerical or percentage cap on the number of
297 dwelling units that constitute multifamily housing over four units,
298 middle housing or mixed-use development that may be permitted in the
299 municipality;

300 (9) Require more than one parking space for each studio or one-
301 bedroom dwelling unit or more than two parking spaces for each
302 dwelling unit with two or more bedrooms, unless the zoning
303 commission or combined planning and zoning commission, as
304 applicable, of the municipality determines, by a two-thirds vote
305 following a properly noticed public hearing, that such regulations may
306 so require; or

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

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

320 [(b) In any municipality that is contiguous to Long Island Sound the
321 regulations adopted under this section shall be made with reasonable
322 consideration for restoration and protection of the ecosystem and
323 habitat of Long Island Sound and shall be designed to reduce hypoxia,
324 pathogens, toxic contaminants and floatable debris in Long Island
325 Sound. Such regulations shall provide that the commission consider the

326 environmental impact on Long Island Sound of any proposal for
327 development.

328 (c) In any municipality where a traprock ridge, as defined in section
329 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located the
330 regulations may provide for development restrictions in ridgeline
331 setback areas, as defined in said section. The regulations may restrict
332 quarrying and clear cutting, except that the following operations and
333 uses shall be permitted in ridgeline setback areas, as of right: (1)
334 Emergency work necessary to protect life and property; (2) any
335 nonconforming uses that were in existence and that were approved on
336 or before the effective date of regulations adopted under this section;
337 and (3) selective timbering, grazing of domesticated animals and
338 passive recreation.]

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

345 Sec. 5. (NEW) (*Effective October 1, 2021*) (a) Any zoning regulations
346 adopted pursuant to section 8-2 of the general statutes, as amended by
347 this act, shall:

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

353 (2) Allow accessory apartments to be attached to or located within the
354 proposed or existing principal dwelling, or detached from the proposed
355 or existing principal dwelling and located on the same lot as such
356 dwelling;

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

361 (4) Require setbacks, lot size and building frontage less than or equal
362 to that which is required for the principal dwelling, and require lot
363 coverage greater than or equal to that which is required for the principal
364 dwelling;

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

368 (6) Be prohibited from requiring (A) a passageway between any such
369 accessory apartment and any such principal dwelling, (B) an exterior
370 door for any such accessory apartment, except as required by the
371 applicable building or fire code, (C) any more than one parking space
372 for any such accessory apartment, or fees in lieu of parking otherwise
373 allowed by section 8-2c of the general statutes, (D) a familial, marital or
374 employment relationship between occupants of the principal dwelling
375 and accessory apartment, (E) a minimum age for occupants of the
376 accessory apartment, (F) separate billing of utilities otherwise connected
377 to, or used by, the principal dwelling unit, or (G) periodic renewals for
378 permits for such accessory apartments; and

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

386 (b) The as of right permit application and review process for approval
387 of accessory apartments shall require that a decision on any such
388 application be rendered not later than sixty-five days after receipt of

389 such application by the applicable zoning commission, except that an
390 applicant may consent to one or more extensions of not more than an
391 additional sixty-five days or may withdraw such application.

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

397 (d) A municipality, special district, sewer or water authority shall not
398 (1) consider an accessory apartment to be a new residential use for the
399 purposes of calculating connection fees or capacity charges for utilities,
400 including water and sewer service, unless such accessory apartment
401 was constructed with a new single-family dwelling on the same lot, or
402 (2) require the installation of a new or separate utility connection
403 directly to an accessory apartment or impose a related connection fee or
404 capacity charge.

405 (e) If a municipality fails to adopt new regulations or amend existing
406 regulations by June 1, 2023, for the purpose of complying with the
407 provisions of subsections (a) to (d), inclusive, of this section, and unless
408 such municipality opts out of the provisions of said subsections in
409 accordance with the provisions of subsection (f) of this section, any
410 noncompliant existing regulation shall become null and void and such
411 municipality shall approve or deny applications for accessory
412 apartments in accordance with the requirements for regulations set
413 forth in the provisions of subsections (a) to (d), inclusive, of this section
414 until such municipality adopts or amends a regulation in compliance
415 with said subsections. A municipality may not use or impose additional
416 standards beyond those set forth in subsections (a) to (d), inclusive, of
417 this section.

418 (f) Notwithstanding the provisions of subsections (a) to (d), inclusive,
419 of this section, the zoning commission or combined planning and
420 zoning commission, as applicable, of a municipality, by a two-thirds

421 vote, may initiate the process by which such municipality opts out of
422 the provisions of said subsections regarding allowance of accessory
423 apartments, provided such commission: (1) First holds a public hearing
424 in accordance with the provisions of section 8-7d of the general statutes
425 on such proposed opt-out, (2) affirmatively decides to opt out of the
426 provisions of said subsections within the period of time permitted under
427 section 8-7d of the general statutes, (3) states upon its records the
428 reasons for such decision, and (4) publishes notice of such decision in a
429 newspaper having a substantial circulation in the municipality not later
430 than fifteen days after such decision has been rendered. Thereafter, the
431 municipality's legislative body or, in a municipality where the
432 legislative body is a town meeting, its board of selectmen, by a two-
433 thirds vote, may complete the process by which such municipality opts
434 out of the provisions of subsections (a) to (d), inclusive, of this section.

435 Sec. 6. Subsection (k) of section 8-30g of the general statutes is
436 repealed and the following is substituted in lieu thereof (*Effective October*
437 *1, 2021*):

438 (k) The affordable housing appeals procedure established under this
439 section shall not be available if the real property which is the subject of
440 the application is located in a municipality in which at least ten per cent
441 of all dwelling units in the municipality are (1) assisted housing, (2)
442 currently financed by Connecticut Housing Finance Authority
443 mortgages, (3) subject to binding recorded deeds containing covenants
444 or restrictions which require that such dwelling units be sold or rented
445 at, or below, prices which will preserve the units as housing for which
446 persons and families pay thirty per cent or less of income, where such
447 income is less than or equal to eighty per cent of the median income, (4)
448 mobile manufactured homes located in mobile manufactured home
449 parks or legally approved accessory apartments, which homes or
450 apartments are subject to binding recorded deeds containing covenants
451 or restrictions which require that such dwelling units be sold or rented
452 at, or below, prices which will preserve the units as housing for which,
453 for a period of not less than ten years, persons and families pay thirty
454 per cent or less of income, where such income is less than or equal to

455 eighty per cent of the median income, or (5) mobile manufactured
456 homes located in resident-owned mobile manufactured home parks. For
457 the purposes of calculating the total number of dwelling units in a
458 municipality, accessory apartments built or permitted after January 1,
459 2022, but that are not described in subdivision (4) of this subsection,
460 shall not be counted toward such total number. The municipalities
461 meeting the criteria set forth in this subsection shall be listed in the
462 report submitted under section 8-37qqq. As used in this subsection,
463 "accessory apartment" [means a separate living unit that (A) is attached
464 to the main living unit of a house, which house has the external
465 appearance of a single-family residence, (B) has a full kitchen, (C) has a
466 square footage that is not more than thirty per cent of the total square
467 footage of the house, (D) has an internal doorway connecting to the main
468 living unit of the house, (E) is not billed separately from such main
469 living unit for utilities, and (F) complies with the building code and
470 health and safety regulations] has the same meaning as provided in
471 section 8-1a, as amended by this act, and "resident-owned mobile
472 manufactured home park" means a mobile manufactured home park
473 consisting of mobile manufactured homes located on land that is deed
474 restricted, and, at the time of issuance of a loan for the purchase of such
475 land, such loan required seventy-five per cent of the units to be leased
476 to persons with incomes equal to or less than eighty per cent of the
477 median income, and either [(i)] (A) forty per cent of said seventy-five
478 per cent to be leased to persons with incomes equal to or less than sixty
479 per cent of the median income, or [(ii)] (B) twenty per cent of said
480 seventy-five per cent to be leased to persons with incomes equal to or
481 less than fifty per cent of the median income.

482 Sec. 7. Subsection (e) of section 8-3 of the general statutes is repealed
483 and the following is substituted in lieu thereof (*Effective October 1, 2021*):

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

489 (2) Beginning January 1, 2023, and annually thereafter, each person
490 appointed as a zoning enforcement officer shall obtain certification from
491 the Connecticut Association of Zoning Enforcement Officials and
492 maintain such certification for the duration of employment as a zoning
493 enforcement officer.

494 Sec. 8. (NEW) (*Effective from passage*) (a) On and after January 1, 2023,
495 each member of a municipal planning commission, zoning commission,
496 combined planning and zoning commission and zoning board of
497 appeals shall complete at least four hours of training. Any such member
498 serving on any such commission or board as of January 1, 2023, shall
499 complete such initial training by January 1, 2024, and shall complete any
500 subsequent training every other year thereafter. Any such member not
501 serving on any such commission or board as of January 1, 2023, shall
502 complete such initial training not later than one year after such
503 member's election or appointment to such commission or board and
504 shall complete any subsequent training every other year thereafter. Such
505 training shall include at least one hour concerning affordable and fair
506 housing policies and may also consist of (1) process and procedural
507 matters, including the conduct of effective meetings and public hearings
508 and the Freedom of Information Act, as defined in section 1-200 of the
509 general statutes, (2) the interpretation of site plans, surveys, maps and
510 architectural conventions, and (3) the impact of zoning on the
511 environment, agriculture and historic resources.

512 (b) Not later than January 1, 2022, the Secretary of the Office of Policy
513 and Management shall establish guidelines for such training in
514 collaboration with land use training providers, including, but not
515 limited to, the Connecticut Association of Zoning Enforcement Officials,
516 the Connecticut Conference of Municipalities, the Connecticut Chapter
517 of the American Planning Association, the Land Use Academy at the
518 Center for Land Use Education and Research at The University of
519 Connecticut, the Connecticut Bar Association, regional councils of
520 governments and other nonprofit or educational institutions that
521 provide land use training, except that if the secretary fails to establish
522 such guidelines, such land use training providers may create and

523 administer appropriate training for members of commissions and
524 boards described in subsection (a) of this section, which may be used by
525 such members for the purpose of complying with the provisions of said
526 subsection.

527 (c) Not later than March 1, 2024, and annually thereafter, each
528 planning commission, zoning commission, combined planning and
529 zoning commission and zoning board of appeals shall submit a
530 statement to the legislative body of the municipality for such
531 commission or board affirming compliance with the training
532 requirement established pursuant to subsection (a) of this section by
533 each member of such commission or board required to complete such
534 training in the calendar year ending the preceding December thirty-first.

535 Sec. 9. Section 7-245 of the general statutes is repealed and the
536 following is substituted in lieu thereof (*Effective October 1, 2021*):

537 For the purposes of this chapter: (1) "Acquire a sewerage system"
538 means obtain title to all or any part of a sewerage system or any interest
539 therein by purchase, condemnation, grant, gift, lease, rental or
540 otherwise; (2) "alternative sewage treatment system" means a sewage
541 treatment system serving one or more buildings that utilizes a method
542 of treatment other than a subsurface sewage disposal system and that
543 involves a discharge to the groundwaters of the state; (3) "community
544 sewerage system" means any sewerage system serving two or more
545 residences in separate structures which is not connected to a municipal
546 sewerage system or which is connected to a municipal sewerage system
547 as a distinct and separately managed district or segment of such system,
548 but does not include any sewerage system serving only a principal
549 dwelling unit and an accessory apartment, as defined in section 8-1a, as
550 amended by this act, located on the same lot; (4) "construct a sewerage
551 system" means to acquire land, easements, rights-of-way or any other
552 real or personal property or any interest therein, plan, construct,
553 reconstruct, equip, extend and enlarge all or any part of a sewerage
554 system; (5) "decentralized system" means managed subsurface sewage
555 disposal systems, managed alternative sewage treatment systems or

556 community sewerage systems that discharge sewage flows of less than
557 five thousand gallons per day, are used to collect and treat domestic
558 sewage, and involve a discharge to the groundwaters of the state from
559 areas of a municipality; (6) "decentralized wastewater management
560 district" means areas of a municipality designated by the municipality
561 through a municipal ordinance when an engineering report has
562 determined that the existing subsurface sewage disposal systems may
563 be detrimental to public health or the environment and that
564 decentralized systems are required and such report is approved by the
565 Commissioner of Energy and Environmental Protection with
566 concurring approval by the Commissioner of Public Health, after
567 consultation with the local director of health; (7) "municipality" means
568 any metropolitan district, town, consolidated town and city,
569 consolidated town and borough, city, borough, village, fire and sewer
570 district, sewer district and each municipal organization having
571 authority to levy and collect taxes; (8) "operate a sewerage system"
572 means own, use, equip, reequip, repair, maintain, supervise, manage,
573 operate and perform any act pertinent to the collection, transportation
574 and disposal of sewage; (9) "person" means any person, partnership,
575 corporation, limited liability company, association or public agency; (10)
576 "remediation standards" means pollutant limits, performance
577 requirements, design parameters or technical standards for application
578 to existing sewage discharges in a decentralized wastewater
579 management district for the improvement of wastewater treatment to
580 protect public health and the environment; (11) "sewage" means any
581 substance, liquid or solid, which may contaminate or pollute or affect
582 the cleanliness or purity of any water; and (12) "sewerage system" means
583 any device, equipment, appurtenance, facility and method for
584 collecting, transporting, receiving, treating, disposing of or discharging
585 sewage, including, but not limited to, decentralized systems within a
586 decentralized wastewater management district when such district is
587 established by municipal ordinance pursuant to section 7-247.

588 Sec. 10. Subsection (b) of section 7-246 of the general statutes is
589 repealed and the following is substituted in lieu thereof (*Effective October*

590 1, 2021):

591 (b) Each municipal water pollution control authority designated in
592 accordance with this section may prepare and periodically update a
593 water pollution control plan for the municipality. Such plan shall
594 designate and delineate the boundary of: (1) Areas served by any
595 municipal sewerage system; (2) areas where municipal sewerage
596 facilities are planned and the schedule of design and construction
597 anticipated or proposed; (3) areas where sewers are to be avoided; (4)
598 areas served by any community sewerage system not owned by a
599 municipality; (5) areas to be served by any proposed community
600 sewerage system not owned by a municipality; and (6) areas to be
601 designated as decentralized wastewater management districts. Such
602 plan may designate and delineate specific allocations of capacity to
603 serve areas that are able to be developed for residential or mixed-use
604 buildings containing four or more dwelling units. Such plan shall also
605 describe the means by which municipal programs are being carried out
606 to avoid community pollution problems and describe any programs
607 wherein the local director of health manages subsurface sewage
608 disposal systems. The authority shall file a copy of the plan and any
609 periodic updates of such plan with the Commissioner of Energy and
610 Environmental Protection and shall manage or ensure the effective
611 supervision, management, control, operation and maintenance of any
612 community sewerage system or decentralized wastewater management
613 district not owned by a municipality.

614 Sec. 11. Section 8-30j of the general statutes is repealed and the
615 following is substituted in lieu thereof (*Effective from passage*):

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

623 (2) If, at the same time the municipality is required to submit to the
624 Secretary of the Office of Policy and Management an affordable housing
625 plan pursuant to subdivision (1) of this subsection, the municipality is
626 also required to submit to the secretary a plan of conservation and
627 development pursuant to section 8-23, such affordable housing plan
628 may be included as part of such plan of conservation and development.
629 The municipality may, to coincide with its submission to the secretary
630 of a plan of conservation and development, submit to the secretary an
631 affordable housing plan early, provided the municipality's next such
632 submission of an affordable housing plan shall be five years thereafter.

633 (b) The municipality may hold public informational meetings or
634 organize other activities to inform residents about the process of
635 preparing the plan and shall post a copy of any draft plan or amendment
636 to such plan on the Internet web site of the municipality. If the
637 municipality holds a public hearing, such posting shall occur at least
638 thirty-five days prior to the public hearing. [on the adoption, the
639 municipality shall file in the office of the town clerk of such municipality
640 a copy of such draft plan or any amendments to the plan, and if
641 applicable, post such draft plan on the Internet web site of the
642 municipality.] After adoption of the plan, the municipality shall file the
643 final plan in the office of the town clerk of such municipality and [, if
644 applicable,] post the plan on the Internet web site of the municipality.

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

654 Sec. 12. (NEW) (*Effective from passage*) (a) There is established the
655 Commission on Connecticut's Development and Future to evaluate

656 policies related to land use, conservation, housing affordability and
657 infrastructure.

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

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

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

667 (3) One appointed by the majority leader of the House of
668 Representatives who has expertise in state affordable housing policy;

669 (4) One appointed by the majority leader of the Senate who has
670 expertise in zoning policy;

671 (5) One appointed by the minority leader of the House of
672 Representatives who has expertise in environmental policy;

673 (6) One appointed by the minority leader of the Senate who is a
674 representative of the Connecticut Association of Councils of
675 Governments;

676 (7) The chairpersons and ranking members of the joint standing
677 committee of the General Assembly having cognizance of matters
678 relating to planning and development;

679 (8) The chairpersons and ranking members of the joint standing
680 committee of the General Assembly having cognizance of matters
681 relating to the environment;

682 (9) The chairpersons and ranking members of the joint standing
683 committee of the General Assembly having cognizance of matters

684 relating to **housing;**

685 (10) The chairpersons and ranking members of the joint standing
686 committee of the General Assembly having cognizance of matters
687 relating to **transportation;**

688 (11) The Secretary of the Office of Policy and Management, or the
689 secretary's designee;

690 (12) The Commissioner of Administrative Services, or the
691 commissioner's designee;

692 (13) The Commissioner of Energy and Environmental Protection, or
693 the commissioner's designee;

694 (14) The Commissioner of Housing, or the commissioner's designee;
695 and

696 (15) The Commissioner of Transportation, or the commissioner's
697 designee.

698 (c) Appointing authorities, in cooperation with one another, shall
699 make a good faith effort to ensure that, to the extent possible, the
700 membership of the commission closely reflects the gender and racial
701 diversity of the state. Members of the commission shall serve without
702 compensation, except for necessary expenses incurred in the
703 performance of their duties. Any vacancy shall be filled by the
704 appointing authority.

705 (d) The speaker of the House of Representatives and the president
706 pro tempore of the Senate shall jointly select one of the members of the
707 General Assembly described in subdivision (1) or (2) of subsection (b) of
708 this section to serve as one cochairperson of the commission. The
709 Secretary of the Office of Policy and Management, or the secretary's
710 designee, shall serve as the other cochairperson of the commission. Such
711 cochairpersons shall schedule the first meeting of the commission.

712 (e) **The commission may accept administrative support and technical**

713 and research assistance from outside organizations. The cochairpersons
714 may establish, as needed, working groups consisting of commission
715 members and nonmembers and may designate a chairperson of each
716 such working group.

717 (f) (1) Except as provided in subdivision (2) of this subsection, not
718 later than January 1, 2022, and annually thereafter, the commission shall
719 submit a report to the joint standing committees of the General
720 Assembly having cognizance of matters relating to planning and
721 development, environment, housing and transportation and to the
722 Secretary of the Office of Policy and Management, in accordance with
723 the provisions of section 11-4a of the general statutes, regarding the
724 following:

725 (A) Any recommendations for statutory changes concerning the
726 process for developing, adopting and implementing the state plan of
727 conservation and development;

728 (B) Any recommendations (i) for guidelines and incentives for
729 compliance with (I) the requirements for affordable housing plans
730 prepared pursuant to section 8-30j of the general statutes, as amended
731 by this act, and (II) subdivisions (4) to (6), inclusive, of subsection (b) of
732 section 8-2 of the general statutes, as amended by this act, and (ii) as to
733 how such compliance should be determined, as well as the form and
734 manner in which evidence of such compliance should be demonstrated;

735 (C) (i) Existing categories of discharge that constitute (I) alternative
736 on-site sewage treatment systems, as described in section 19a-35a of the
737 general statutes, and (II) subsurface community sewerage systems, as
738 described in section 22a-430 of the general statutes, (or "decentralized
739 systems" as defined in 7-245?.) (ii) current administrative jurisdiction to
740 issue or deny permits and approvals for such systems, with reference to
741 daily capacities of such systems, and (iii) the potential impacts of
742 increasing the daily capacities of such systems, including changes in
743 administrative jurisdiction over such systems and the timeframe for
744 adoption of regulations to implement any such changes in

745 administrative jurisdiction; and

746 (D) (i) Development of model design guidelines for both buildings
 747 and context-appropriate streets that municipalities may adopt, in whole
 748 or in part, as part of their zoning or subdivision regulations, which
 749 guidelines shall (I) identify common architectural and site design
 750 features of building types used in urban, suburban and rural
 751 communities throughout this state, (II) create a catalogue of common
 752 building types, particularly those typically associated with housing, (III)
 753 establish reasonable and cost-effective design review standards for
 754 approval of common building types, accounting for topography,
 755 geology, climate change and infrastructure capacity, (IV) establish
 756 procedures for expediting the approval of buildings or streets that
 757 satisfy such design review standards, whether for zoning or subdivision
 758 regulations, and (V) create a design manual for context-appropriate
 759 streets that complement common building types, and (ii) development
 760 and implementation by the regional councils of governments of an
 761 education and training program for the delivery of such model design
 762 guidelines for both buildings and context-appropriate streets.

763 (2) If the commission is unable to meet the deadline set forth in
 764 subdivision (1) of this subsection for the submission of the report
 765 described in said subdivision, the cochairpersons shall request from the
 766 speaker of the House of Representatives and president pro tempore of
 767 the Senate an extension of time for such submission and shall submit an
 768 interim report."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	8-1a
Sec. 2	October 1, 2021	8-1c
Sec. 3	October 1, 2021	8-1bb(j)
Sec. 4	October 1, 2021	8-2
Sec. 5	October 1, 2021	New section
Sec. 6	October 1, 2021	8-30g(k)
Sec. 7	October 1, 2021	8-3(e)

Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>October 1, 2021</i>	7-245
Sec. 10	<i>October 1, 2021</i>	7-246(b)
Sec. 11	<i>from passage</i>	8-30j
Sec. 12	<i>from passage</i>	New section