

**Proposed Substitute
Bill No. 1024**

LCO No. 6278

**AN ACT CONCERNING ZONING AUTHORITY, CERTAIN DESIGN
GUIDELINES, QUALIFICATIONS OF CERTAIN LAND USE OFFICIALS
AND CERTAIN SEWAGE DISPOSAL SYSTEMS.**

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

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 Section 8-1a of the general statutes is repealed and the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

3 (a) "Municipality" as used in this chapter shall include a district
4 establishing a zoning commission under section 7-326. Wherever the
5 words "town" and "selectmen" appear in this chapter, they shall be
6 deemed to include "district" and "officers of such district", respectively.

7 (b) As used in this chapter and section 5 of this act:

8 (1) "Accessory apartment" means a separate dwelling unit occupied
9 by a family, or a single housekeeping unit, that (A) is located on the
10 same lot as a principal dwelling unit of greater square footage, (B) has
11 cooking facilities, and (C) complies with or is otherwise exempt from
12 any applicable building code, fire code and health and safety
13 regulations;

14 (2) "Affordable accessory apartment" means an accessory apartment
15 that is subject to binding recorded deeds which contain covenants or
16 restrictions that require such accessory apartment be sold or rented at,
17 or below, prices that will preserve the unit as housing for which, for a
18 period of not less than ten years, persons and families pay thirty per cent

19 or less of income, where such income is less than or equal to eighty per
20 cent of the median income;

21 (3) "As of right" means able to be approved in accordance with the
22 terms of a zoning regulation or regulations and without requiring that
23 a public hearing be held, a variance, special permit or special exception
24 be granted or some other discretionary zoning action be taken, other
25 than a determination that a site plan is in conformance with applicable
26 zoning regulations;

27 (4) "Cottage cluster" means a grouping of at least four detached
28 housing units, or live work units, per acre that are located around a
29 common open area;

30 (5) "Middle housing" means duplexes, triplexes, quadplexes, cottage
31 clusters and townhouses;

32 (6) "Mixed-use development" means a development containing both
33 residential and nonresidential uses in any single building; and

34 (7) "Townhouse" means a residential building constructed in a
35 grouping of three or more attached units, each of which shares at least
36 one common wall with an adjacent unit and has exterior walls on at least
37 two sides.

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

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

47 (b) A municipality may, by regulation, require any person applying
48 to a municipal zoning commission, planning commission, combined

49 planning and zoning commission, zoning board of appeals or inland
50 wetlands commission for approval of a development project to pay the
51 cost of reasonable fees associated with any necessary review by
52 consultants with expertise in land use of any particular technical aspect
53 of an application, such as regarding traffic or stormwater, for the benefit
54 of such commission or board. Any such fees shall be accounted for
55 separately from other funds of such commission or board and shall be
56 used only for expenses associated with the technical review by
57 consultants who are not salaried employees of the municipality or such
58 commission or board. Any amount of the fee remaining after payment
59 of all expenses for such technical review, including any interest accrued,
60 shall be returned to the applicant not later than forty-five days after the
61 completion of the technical review.

62 (c) No municipality may adopt a schedule of fees under subsection
63 (a) of this section that results in higher fees for (1) development projects
64 built using the provisions of section 8-30g, as amended by this act, or (2)
65 residential buildings containing four or more dwelling units, than for
66 other residential dwellings, including, but not limited to, higher fees per
67 dwelling unit, per square footage or per unit of construction cost.

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

70 (j) A municipality, by vote of its legislative body or, in a municipality
71 where the legislative body is a town meeting, by vote of the board of
72 selectmen, may opt out of the provisions of this section and the
73 [provision] provisions of subdivision (5) of subsection [(a)] (d) of section
74 8-2, as amended by this act, regarding authorization for the installation
75 of temporary health care structures, provided the zoning commission or
76 combined planning and zoning commission of the municipality: (1) First
77 holds a public hearing in accordance with the provisions of section 8-7d
78 on such proposed opt-out, (2) affirmatively decides to opt out of the
79 provisions of said sections within the period of time permitted under
80 section 8-7d, (3) states upon its records the reasons for such decision,
81 and (4) publishes notice of such decision in a newspaper having a

82 substantial circulation in the municipality not later than fifteen days
83 after such decision has been rendered.

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

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

98 (2) Such zoning commission may divide the municipality into
99 districts of such number, shape and area as may be best suited to carry
100 out the purposes of this chapter; and, within such districts, it may
101 regulate the erection, construction, reconstruction, alteration or use of
102 buildings or structures and the use of land. All [such] zoning regulations
103 shall be uniform for each class or kind of buildings, structures or use of
104 land throughout each district, but the regulations in one district may
105 differ from those in another district. [, and]

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

115 (b) Zoning regulations adopted pursuant to subsection (a) of this
116 section shall: [be]

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

121 (2) Be designed to (A) lessen congestion in the streets; [to] (B) secure
122 safety from fire, panic, flood and other dangers; [to] (C) promote health
123 and the general welfare; [to provide adequate light and air; to prevent
124 the overcrowding of land; to avoid undue concentration of population
125 and to] (D) protect the state's historic, tribal, cultural and environmental
126 resources; (E) facilitate the adequate provision for transportation, water,
127 sewerage, schools, parks and other public requirements; [. Such
128 regulations shall be made] (F) consider the impact, including as to
129 housing affordability, of permitted land uses on contiguous
130 municipalities and on the planning region, as defined in section 4-124i,
131 in which such municipality is located; (G) combat discrimination and
132 take other meaningful actions that overcome patterns of segregation and
133 address significant disparities in housing needs and access to
134 educational, occupational and other opportunities; and (H) provide for
135 clear processes for, and efficient review of, development proposals;

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

145 (4) Provide for the development of housing opportunities, including
146 opportunities for multifamily dwellings, consistent with soil types,
147 terrain and infrastructure capacity, for all residents of the municipality

148 and the planning region in which the municipality is located, as
149 designated by the Secretary of the Office of Policy and Management
150 under section 16a-4a; [. Such regulations shall also promote]

151 (5) Promote housing choice and economic diversity in housing,
152 including housing for both low and moderate income households; [, and
153 shall encourage]

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

160 (7) Be made with reasonable consideration for their impact on
161 agriculture, as defined in subsection (q) of section 1-1; [.]

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

164 (9) Be made with reasonable consideration for the protection of
165 existing and potential public surface and ground drinking water
166 supplies; and

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

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

177 (1) To the extent consistent with soil types, terrain and water, sewer

178 and traffic infrastructure capacity for the community, provide for or
179 require cluster development, as defined in section 8-18;

180 (2) Be made with reasonable consideration for the protection of
181 historic factors; [and shall be made with reasonable consideration for
182 the protection of existing and potential public surface and ground
183 drinking water supplies. On and after July 1, 1985, the regulations shall
184 provide that proper provision be made for soil erosion and sediment
185 control pursuant to section 22a-329. Such regulations may also
186 encourage]

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

191 (4) Provide for incentives for developers who use [passive solar
192 energy techniques, as defined in subsection (b) of section 8-25, in
193 planning a residential subdivision development. The incentives may
194 include, but not be] (A) solar and other renewable forms of energy; (B)
195 combined heat and power; (C) water conservation, including demand
196 offsets; and (D) energy conservation techniques, including, but not
197 limited to, cluster development, higher density development and
198 performance standards for roads, sidewalks and underground facilities
199 in the subdivision; [. Such regulations may provide]

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

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

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

209 (8) Provide for floating zones, overlay zones and planned
210 development districts;

211 (9) Require estimates of vehicle miles traveled and vehicle trips
212 generated in lieu of level of service traffic calculations to assess (A) the
213 anticipated traffic impact of proposed developments; and (B) potential
214 mitigation strategies such as reducing the amount of required parking
215 for a development or requiring public sidewalks, crosswalks, bicycle
216 paths, bicycle racks or bus shelters, including off-site; and

217 (10) In any municipality where a traprock ridge or an amphibolite
218 ridge is located, (A) provide for development restrictions in ridgeline
219 setback areas; and (B) restrict quarrying and clear cutting, except that
220 the following operations and uses shall be permitted in ridgeline setback
221 areas, as of right: (i) Emergency work necessary to protect life and
222 property; (ii) any nonconforming uses that were in existence and that
223 were approved on or before the effective date of regulations adopted
224 pursuant to this section; and (iii) selective timbering, grazing of
225 domesticated animals and passive recreation.

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

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

231 (2) (A) Prohibit the use of receptacles for the storage of items
232 designated for recycling in accordance with section 22a-241b or require
233 that such receptacles comply with provisions for bulk or lot area, or
234 similar provisions, except provisions for side yards, rear yards and front
235 yards; [. No such regulations shall] or (B) unreasonably restrict access to
236 or the size of such receptacles for businesses, given the nature of the
237 business and the volume of items designated for recycling in accordance
238 with section 22a-241b, that such business produces in its normal course
239 of business, provided nothing in this section shall be construed to
240 prohibit such regulations from requiring the screening or buffering of

241 such receptacles for aesthetic reasons; [. Such regulations shall not
242 impose]

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

259 (4) (A) Prohibit the continuance of any nonconforming use, building
260 or structure existing at the time of the adoption of such regulations
261 except as provided in subparagraph (D) of this subdivision; [or] (B)
262 require a special permit or special exception for any such continuance;
263 [. Such regulations shall not] (C) provide for the termination of any (i)
264 nonconforming use solely as a result of nonuse for a [specified period of
265 time without regard to the intent of the property owner to maintain that
266 use. Such regulations shall not] period of less than five years, or (ii)
267 residential nonconforming use, building or structure solely on the basis
268 of the demolition or deconstruction of such use, building or structure;
269 or (D) terminate or deem abandoned a nonconforming use, building or
270 structure unless (i) the property owner of such use, building or structure
271 voluntarily discontinues such use, building or structure and such
272 discontinuance is accompanied by an intent to not reestablish such use,
273 building or structure, [. The demolition or deconstruction of a
274 nonconforming use, building or structure shall not by itself be evidence

275 of such property owner's intent to not reestablish such use, building or
276 structure. Unless such town opts out, in accordance with the provisions
277 of subsection (j) of section 8-1bb, such regulations shall not prohibit] or
278 (ii) the zoning commission (I) declares, after notice of a cease and desist
279 order duly presented to the property owner in accordance with
280 applicable regulations and after a public hearing on such order, that a
281 nonresidential nonconforming use, building or structure in a residential
282 zone is inconsistent with the plan of conservation and development or
283 is a public nuisance, and (II) specifies a reasonable time for the
284 termination of such nonconforming use;

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

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

292 (7) Establish for any dwelling unit a minimum floor area that is
293 greater than required under the Public Health Code;

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

297 (9) Require more than one parking space for each studio or one-
298 bedroom dwelling unit or more than two parking spaces for each
299 dwelling unit with two or more bedrooms; or

300 (10) Be applied to deny any land use application, including for any
301 site plan approval, special permit, special exception or other zoning
302 approval, on the basis of (A) a district's character unless such character
303 is expressly articulated in such regulations by clear and explicit physical
304 standards for site work and structures, or (B) the immutable
305 characteristics, source of income or income level of any applicant or end

306 user, other than age or disability whenever age-restricted or disability-
307 restricted housing may be permitted.

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

313 [(b) In any municipality that is contiguous to Long Island Sound the
314 regulations adopted under this section shall be made with reasonable
315 consideration for restoration and protection of the ecosystem and
316 habitat of Long Island Sound and shall be designed to reduce hypoxia,
317 pathogens, toxic contaminants and floatable debris in Long Island
318 Sound. Such regulations shall provide that the commission consider the
319 environmental impact on Long Island Sound of any proposal for
320 development.

321 (c) In any municipality where a traprock ridge, as defined in section
322 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located the
323 regulations may provide for development restrictions in ridgeline
324 setback areas, as defined in said section. The regulations may restrict
325 quarrying and clear cutting, except that the following operations and
326 uses shall be permitted in ridgeline setback areas, as of right: (1)
327 Emergency work necessary to protect life and property; (2) any
328 nonconforming uses that were in existence and that were approved on
329 or before the effective date of regulations adopted under this section;
330 and (3) selective timbering, grazing of domesticated animals and
331 passive recreation.]

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

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

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

346 (2) Allow accessory apartments to be attached to or located within the
347 proposed or existing principal dwelling, or detached from the proposed
348 or existing principal dwelling and located on the same lot as such
349 dwelling;

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

354 (4) Require setbacks, lot size and building frontage less than or equal
355 to that which is required for the principal dwelling, and require lot
356 coverage greater than or equal to that which is required for the principal
357 dwelling;

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

361 (6) Be prohibited from requiring (A) a passageway between any such
362 accessory apartment and any such principal dwelling, (B) an exterior
363 door for any such accessory apartment, except as required by the
364 applicable building or fire code, (C) any more than one parking space
365 for any such accessory apartment, or fees in lieu of parking otherwise
366 allowed by section 8-2c of the general statutes, (D) a familial, marital or
367 employment relationship between occupants of the principal dwelling
368 and accessory apartment, (E) a minimum age for occupants of the

369 accessory apartment, (F) separate billing of utilities otherwise connected
370 to, or used by, the principal dwelling unit, or (G) periodic renewals for
371 permits for such accessory apartments; and

372 (7) Be interpreted and enforced such that nothing in this section shall
373 be in derogation of (A) applicable building code requirements, (B) the
374 ability of a municipality to require owner occupancy or to prohibit or
375 limit the use of accessory apartments for short-term rentals or vacation
376 stays, or (C) other requirements where a private sewerage system is
377 being used, provided approval for any such accessory apartment shall
378 not be unreasonably withheld.

379 (b) The as of right permit application and review process for approval
380 of accessory apartments shall require that a decision on any such
381 application be rendered not later than sixty-five days after receipt of
382 such application by the applicable zoning commission, except that an
383 applicant may consent to one or more extensions of not more than an
384 additional sixty-five days or may withdraw such application.

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

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

398 (e) If a municipality fails to adopt new regulations or amend existing
399 regulations by June 1, 2022, for the purpose of complying with the
400 provisions of this section, any noncompliant existing regulation shall

401 become null and void and such municipality shall approve or deny
402 applications for accessory apartments in accordance with the
403 requirements for regulations set forth in the provisions of this section
404 until such municipality adopts or amends a regulation in compliance
405 with this section. A municipality may not use or impose additional
406 standards beyond those set forth in this section.

407 Sec. 6. Subsection (k) of section 8-30g of the general statutes is
408 repealed and the following is substituted in lieu thereof (*Effective October*
409 *1, 2021*):

410 (k) The affordable housing appeals procedure established under this
411 section shall not be available if the real property which is the subject of
412 the application is located in a municipality in which at least ten per cent
413 of all dwelling units in the municipality are (1) assisted housing, (2)
414 currently financed by Connecticut Housing Finance Authority
415 mortgages, (3) subject to binding recorded deeds containing covenants
416 or restrictions which require that such dwelling units be sold or rented
417 at, or below, prices which will preserve the units as housing for which
418 persons and families pay thirty per cent or less of income, where such
419 income is less than or equal to eighty per cent of the median income, (4)
420 mobile manufactured homes located in mobile manufactured home
421 parks or legally approved accessory apartments, which homes or
422 apartments are subject to binding recorded deeds containing covenants
423 or restrictions which require that such dwelling units be sold or rented
424 at, or below, prices which will preserve the units as housing for which,
425 for a period of not less than ten years, persons and families pay thirty
426 per cent or less of income, where such income is less than or equal to
427 eighty per cent of the median income, or (5) mobile manufactured
428 homes located in resident-owned mobile manufactured home parks. For
429 the purposes of calculating the total number of dwelling units in a
430 municipality, accessory apartments built or permitted after January 1,
431 2022, but that are not described in subdivision (4) of this subsection shall
432 not be counted toward such total number. The municipalities meeting
433 the criteria set forth in this subsection shall be listed in the report
434 submitted under section 8-37qqq. As used in this subsection, "accessory

435 apartment" [means a separate living unit that (A) is attached to the main
436 living unit of a house, which house has the external appearance of a
437 single-family residence, (B) has a full kitchen, (C) has a square footage
438 that is not more than thirty per cent of the total square footage of the
439 house, (D) has an internal doorway connecting to the main living unit
440 of the house, (E) is not billed separately from such main living unit for
441 utilities, and (F) complies with the building code and health and safety
442 regulations] has the same meaning as provided in section 8-1a, as
443 amended by this act, and "resident-owned mobile manufactured home
444 park" means a mobile manufactured home park consisting of mobile
445 manufactured homes located on land that is deed restricted, and, at the
446 time of issuance of a loan for the purchase of such land, such loan
447 required seventy-five per cent of the units to be leased to persons with
448 incomes equal to or less than eighty per cent of the median income, and
449 either (i) forty per cent of said seventy-five per cent to be leased to
450 persons with incomes equal to or less than sixty per cent of the median
451 income, or (ii) twenty per cent of said seventy-five per cent to be leased
452 to persons with incomes equal to or less than fifty per cent of the median
453 income.

454 Sec. 7. (*Effective July 1, 2021*) (a) Not later than September 1, 2021, the
455 Secretary of the Office of Policy and Management, or the secretary's
456 designee, shall convene and chair a working group to develop model
457 design guidelines for both buildings and context-appropriate streets
458 that municipalities may adopt, in whole or in part, as part of their zoning
459 or subdivision regulations. Such guidelines shall (1) identify common
460 architectural and site design features of building types used throughout
461 this state, (2) create a catalogue of common building types, particularly
462 those typically associated with housing, (3) establish reasonable and
463 cost-effective design review standards for approval of common building
464 types, accounting for topography, geology, climate change and
465 infrastructure capacity, (4) establish procedures for expediting the
466 approval of buildings or streets that satisfy such design review
467 standards, whether for zoning or subdivision regulations, and (5) create
468 a design manual for context-appropriate streets that complement
469 common building types.

470 (b) The working group shall consist of the following members, who
471 shall be appointed by the Secretary of the Office of Policy and
472 Management, in consultation with the Commissioner of Housing, not
473 later than sixty days after the effective date of this section:

474 (1) The Secretary of the Office of Policy and Management, or the
475 secretary's designee;

476 (2) The Commissioner of Housing, or said commissioner's designee;

477 (3) The Commissioner of Transportation, or said commissioner's
478 designee;

479 (4) Two representatives with expertise in fair housing issues or
480 affordable housing advocacy;

481 (5) Two representatives with expertise in state, regional or local
482 planning;

483 (6) Two representatives with expertise in architecture or design;

484 (7) One representative of the Connecticut Conference of
485 Municipalities; and

486 (8) One representative with expertise in the housing construction
487 trade.

488 (c) Not later than April 1, 2022, the working group convened
489 pursuant to this section shall submit a report proposing the model
490 design guidelines for both buildings and context-appropriate streets
491 that such group developed to the joint standing committee of the
492 General Assembly having cognizance of matters relating to planning
493 and development, in accordance with section 11-4a of the general
494 statutes. Not later than April 1, 2022, the Secretary of the Office of Policy
495 and Management shall post such model design guidelines with any
496 necessary revisions on the Internet web site of the Office of Policy and
497 Management for use and adoption by municipalities of this state.

498 (d) Not later than June 1, 2021, the regional councils of government

499 shall collectively develop and implement an education and training
500 program for delivery of such model design guidelines for both buildings
501 and context-appropriate streets. Each regional council of governments
502 shall report its activities relative to such program as part of the annual
503 report required under section 4-66r of the general statutes.

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

506 (e) (1) The zoning commission shall provide for the manner in which
507 the zoning regulations shall be enforced, except that any person
508 appointed as a zoning enforcement officer on and after January 1, 2023,
509 shall be certified in accordance with the provisions of subdivision (2) of
510 this subsection.

511 (2) Beginning January 1, 2023, and annually thereafter, each person
512 appointed as a zoning enforcement officer shall obtain certification from
513 the Connecticut Association of Zoning Enforcement Officials and
514 maintain such certification for the duration of employment as a zoning
515 enforcement officer.

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

518 For the purposes of this chapter: (1) "Acquire a sewerage system"
519 means obtain title to all or any part of a sewerage system or any interest
520 therein by purchase, condemnation, grant, gift, lease, rental or
521 otherwise; (2) "alternative sewage treatment system" means a sewage
522 treatment system serving one or more buildings that utilizes a method
523 of treatment other than a subsurface sewage disposal system and that
524 involves a discharge to the groundwaters of the state; (3) "community
525 sewerage system" means any sewerage system serving two or more
526 residences in separate structures which is not connected to a municipal
527 sewerage system or which is connected to a municipal sewerage system
528 as a distinct and separately managed district or segment of such system,
529 except that in the case of a residence that is an accessory apartment, as
530 defined in section 8-1a, such residence shall include the larger principal

531 dwelling unit located on the same lot; (4) "construct a sewerage system"
532 means to acquire land, easements, rights-of-way or any other real or
533 personal property or any interest therein, plan, construct, reconstruct,
534 equip, extend and enlarge all or any part of a sewerage system; (5)
535 "decentralized system" means managed subsurface sewage disposal
536 systems, managed alternative sewage treatment systems or community
537 sewerage systems that discharge sewage flows of less than [five] seven
538 thousand five hundred gallons per day, are used to collect and treat
539 domestic sewage, and involve a discharge to the groundwaters of the
540 state from areas of a municipality; (6) "decentralized wastewater
541 management district" means areas of a municipality designated by the
542 municipality through a municipal ordinance when an engineering
543 report has determined that the existing subsurface sewage disposal
544 systems may be detrimental to public health or the environment and
545 that decentralized systems are required and such report is approved by
546 the Commissioner of Energy and Environmental Protection with
547 concurring approval by the Commissioner of Public Health, after
548 consultation with the local director of health; (7) "municipality" means
549 any metropolitan district, town, consolidated town and city,
550 consolidated town and borough, city, borough, village, fire and sewer
551 district, sewer district and each municipal organization having
552 authority to levy and collect taxes; (8) "operate a sewerage system"
553 means own, use, equip, reequip, repair, maintain, supervise, manage,
554 operate and perform any act pertinent to the collection, transportation
555 and disposal of sewage; (9) "person" means any person, partnership,
556 corporation, limited liability company, association or public agency; (10)
557 "remediation standards" means pollutant limits, performance
558 requirements, design parameters or technical standards for application
559 to existing sewage discharges in a decentralized wastewater
560 management district for the improvement of wastewater treatment to
561 protect public health and the environment; (11) "sewage" means any
562 substance, liquid or solid, which may contaminate or pollute or affect
563 the cleanliness or purity of any water; and (12) "sewerage system" means
564 any device, equipment, appurtenance, facility and method for
565 collecting, transporting, receiving, treating, disposing of or discharging

566 sewage, including, but not limited to, decentralized systems within a
567 decentralized wastewater management district when such district is
568 established by municipal ordinance pursuant to section 7-247.

569 Sec. 10. Subsection (b) of section 7-246 of the general statutes is
570 repealed and the following is substituted in lieu thereof (*Effective October*
571 *1, 2021*):

572 (b) Each municipal water pollution control authority designated in
573 accordance with this section may prepare and periodically update a
574 water pollution control plan for the municipality. Such plan shall
575 designate and delineate the boundary of: (1) Areas served by any
576 municipal sewerage system; (2) areas where municipal sewerage
577 facilities are planned and the schedule of design and construction
578 anticipated or proposed; (3) areas where sewers are to be avoided; (4)
579 areas served by any community sewerage system not owned by a
580 municipality; (5) areas to be served by any proposed community
581 sewerage system not owned by a municipality; [and] (6) areas to be
582 designated as decentralized wastewater management districts; and (7)
583 specific allocations of capacity to serve areas that are able to be
584 developed for residential or mixed-use buildings containing four or
585 more dwelling units. Such plan shall also describe the means by which
586 municipal programs are being carried out to avoid community pollution
587 problems and describe any programs wherein the local director of
588 health manages subsurface sewage disposal systems. The authority
589 shall file a copy of the plan and any periodic updates of such plan with
590 the Commissioner of Energy and Environmental Protection and the
591 Commissioner of Housing, and shall manage or ensure the effective
592 supervision, management, control, operation and maintenance of any
593 community sewerage system or decentralized wastewater management
594 district not owned by a municipality.

595 Sec. 11. Section 19a-35a of the general statutes is repealed and the
596 following is substituted in lieu thereof (*Effective October 1, 2021*):

597 (a) Notwithstanding the provisions of chapter 439 and sections 22a-
598 430 and 22a-430b, not later than January 1, 2022, the Commissioner of

599 Public Health shall, [within available appropriations,] pursuant to
600 section 19a-36, establish and define categories of discharge that
601 constitute alternative on-site sewage treatment systems with capacities
602 of [five] seven thousand five hundred gallons or less per day and
603 subsurface community sewerage systems with capacities of seven
604 thousand five hundred gallons or less per day. After the establishment
605 of such categories, said commissioner shall have jurisdiction [, within
606 available appropriations,] to issue or deny permits and approvals for
607 such systems and for all discharges of domestic sewage to the
608 groundwaters of the state from such systems. Said commissioner shall,
609 pursuant to section 19a-36, [and within available appropriations,]
610 establish minimum requirements for alternative on-site sewage
611 treatment systems and subsurface community sewerage systems under
612 said commissioner's jurisdiction, including, but not limited to: (1)
613 Requirements related to activities that may occur on the property; (2)
614 changes that may occur to the property or to buildings on the property
615 that may affect the installation or operation of such systems; and (3)
616 procedures for the issuance of permits or approvals by said
617 commissioner, a local director of health, or a sanitarian licensed
618 pursuant to chapter 395. A permit or approval granted by said
619 commissioner, such local director of health or such sanitarian for an
620 alternative on-site sewage treatment system or subsurface community
621 sewerage system pursuant to this section shall: (A) Not be inconsistent
622 with the requirements of the federal Water Pollution Control Act, 33
623 USC 1251 et seq., the federal Safe Drinking Water Act, 42 USC 300f et
624 seq., and the standards of water quality adopted pursuant to section
625 22a-426, as such laws and standards may be amended from time to time,
626 (B) not be construed or deemed to be an approval for any other purpose,
627 including, but not limited to, any planning and zoning or municipal
628 inland wetlands and watercourses requirement, and (C) be in lieu of a
629 permit issued under section 22a-430 or 22a-430b. For purposes of this
630 section, "alternative on-site sewage treatment system" means a sewage
631 treatment system serving one or more buildings on a single parcel of
632 property that utilizes a method of treatment other than a subsurface
633 sewage disposal system and that involves a discharge of domestic

634 sewage to the groundwaters of the state, and "subsurface community
635 sewerage system" means a community sewerage system, as defined in
636 section 7-245, as amended by this act, that involves a discharge of
637 domestic sewage to the groundwaters of the state.

638 (b) In establishing and defining categories of discharge that constitute
639 alternative on-site sewage treatment systems and subsurface
640 community sewerage systems pursuant to subsection (a) of this section,
641 and in establishing minimum requirements for such systems pursuant
642 to section 19a-36, said commissioner shall consider all relevant factors,
643 including, but not limited to: (1) The impact that such systems or
644 discharges may have individually or cumulatively on public health and
645 the environment, (2) the impact that such systems and discharges may
646 have individually or cumulatively on land use patterns, and (3)
647 recommendations regarding responsible growth made to said
648 commissioner by the Secretary of the Office of Policy and Management
649 through the Office of Responsible Growth established by Executive
650 Order No. 15 of Governor M. Jodi Rell.

651 (c) The Commissioner of Energy and Environmental Protection shall
652 retain jurisdiction over any alternative on-site sewage treatment system
653 or subsurface community sewerage system not under the jurisdiction of
654 the Commissioner of Public Health. The provisions of title 22a shall
655 apply to any such system not under the jurisdiction of the
656 Commissioner of Public Health. The provisions of this section shall not
657 affect any permit issued by the Commissioner of Energy and
658 Environmental Protection prior to [July 1, 2007] January 1, 2022, and the
659 provisions of title 22a shall continue to apply to any such permit until
660 such permit expires.

661 (d) A permit or approval denied by the Commissioner of Public
662 Health, a local director of health or a sanitarian pursuant to subsection
663 (a) of this section shall be subject to an appeal in the manner provided
664 in section 19a-229.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2021</i>	8-1a
Sec. 2	<i>October 1, 2021</i>	8-1c
Sec. 3	<i>October 1, 2021</i>	8-1bb(j)
Sec. 4	<i>October 1, 2021</i>	8-2
Sec. 5	<i>October 1, 2021</i>	New section
Sec. 6	<i>October 1, 2021</i>	8-30g(k)
Sec. 7	<i>July 1, 2021</i>	New section
Sec. 8	<i>October 1, 2021</i>	8-3(e)
Sec. 9	<i>October 1, 2021</i>	7-245
Sec. 10	<i>October 1, 2021</i>	7-246(b)
Sec. 11	<i>October 1, 2021</i>	19a-35a