



General Assembly

Amendment

February Session, 2024

LCO No. 5392



Offered by:
REP. KAVROS DEGRAW, 17th Dist.

To: Subst. House Bill No. 5390

File No. 237

Cal. No. 178

"AN ACT CONCERNING TRANSIT-ORIENTED COMMUNITIES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (b) of section 8-1a of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective October*
5 *1, 2024*):

6 (b) As used in this chapter and section 2 of this act:

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

12 (2) "Affordable accessory apartment" means an accessory apartment
13 that is subject to binding recorded deeds which contain covenants or
14 restrictions that require such accessory apartment be sold or rented at,

15 or below, prices that will preserve the unit as housing for which, for a
16 period of not less than ten years, persons and families pay thirty per cent
17 or less of income, where such income is less than or equal to eighty per
18 cent of the median income;

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

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

28 (5) "Live work unit" means a building or a space within a building
29 used for both commercial and residential purposes by an individual
30 residing within such building or space;

31 ~~[(5)]~~ (6) "Middle housing" means duplexes, triplexes, quadplexes,
32 cottage clusters and townhouses;

33 ~~[(6)]~~ (7) "Mixed-use development" means a development containing
34 both residential and nonresidential uses in any single building; and

35 ~~[(7)]~~ (8) "Townhouse" means a residential building constructed in a
36 grouping of three or more attached units, each of which shares at least
37 one common wall with an adjacent unit and has exterior walls on at least
38 two sides.

39 Sec. 2. (NEW) (*Effective October 1, 2024*) (a) As used in this section and
40 sections 3 and 4 of this act:

41 (1) "Discretionary infrastructure funding" means any grant, loan or
42 other financial assistance program administered by the state under the
43 provisions of sections 4-66c, 4-66g, 4-66h and 8-13m to 8-13x, inclusive,
44 of the general statutes, or any grant, loan or financial assistance program

45 managed by the Secretary of the Office of Policy and Management, the
46 Commissioner of Economic and Community Development or the
47 Commissioner of Transportation, for the purpose of transit-oriented
48 development, as defined in section 13b-79o of the general statutes;

49 (2) "Downtown area" means a central business district or other
50 commercial neighborhood area of a municipality that serves as a center
51 of socioeconomic interaction in the municipality, characterized by a
52 cohesive core of commercial and mixed-use buildings, often
53 interspersed with civic, religious and residential buildings and public
54 spaces, that are typically arranged along a main street and intersecting
55 side streets and served by public infrastructure;

56 (3) "Middle housing development" means a residential building
57 containing not fewer than two dwelling units but not greater than nine
58 such units, including, but not limited to, townhomes, duplexes,
59 triplexes, perfect sixes and cottage clusters;

60 (4) "Perfect six" means a three-story residential building with a central
61 entrance containing two dwelling units per story;

62 (5) "Qualifying bus transit community" means any municipality that
63 has not less than one regular bus service station operating not less than
64 five days a week within a transit-oriented district adopted by such
65 municipality, provided such transit-oriented district is of reasonable
66 size, as determined by the secretary, or a consultant engaged by the
67 secretary, in accordance with the provisions of subsection (e) of this
68 section, and (A) includes land of such municipality located within a one-
69 half-mile radius of any such station, or (B) is located within a reasonable
70 distance, as determined by the secretary, or a consultant engaged by the
71 secretary, of any other transit service, a commercial corridor or a
72 downtown area of such municipality;

73 (6) "Qualifying rapid transit community" means any municipality
74 that has not less than one rapid transit station or a planned rapid transit
75 station, contained within a transit-oriented district adopted by such
76 municipality, provided such transit-oriented district is of reasonable

77 size, as determined by the secretary, or a consultant engaged by the
78 secretary, in accordance with subsection (e) of this section, and (A)
79 includes land of such municipality located within a one-half-mile radius
80 of any such station, or (B) is located within a reasonable distance, as
81 determined by the secretary, or a consultant engaged by the secretary,
82 of any other transit service, a commercial corridor or the downtown area
83 of such municipality;

84 (7) "Qualifying transit-oriented community" means any municipality
85 that is a qualifying rapid transit community or qualifying bus transit
86 community;

87 (8) "Rapid transit station" means any public transportation station
88 serving any rail or rapid bus route;

89 (9) "Regular bus service station" means any fixed location where a bus
90 regularly stops for the loading or unloading of passengers along a
91 defined route operating on a fixed schedule;

92 (10) "Secretary" means the Secretary of the Office of Policy and
93 Management, or the secretary's designee;

94 (11) "Transit-oriented district" means a collection of parcels of land in
95 a municipality designated by such municipality and subject to zoning
96 criteria designed to encourage increased density of development,
97 including mixed-use development; and

98 (12) "Zoning commission" means any zoning commission, any
99 planning commission in a municipality that has adopted a planning
100 commission but not a zoning commission, or combined planning and
101 zoning commission.

102 (b) Any qualifying transit-oriented community shall be eligible for
103 prioritized discretionary infrastructure funding, provided such
104 community meets the eligibility criteria for the discretionary
105 infrastructure funding. Any funding provided on a priority basis
106 pursuant to this section shall be used exclusively for the development,

107 improvement, expansion, management or maintenance of
108 improvements located in a transit-oriented district. To receive such
109 funding on a priority basis, any such community, or any municipality
110 that is not a qualifying transit-oriented community but has adopted a
111 resolution pursuant to subsection (c) of this section, shall submit an
112 application for such funding to the secretary in a form developed by the
113 secretary. The secretary shall make recommendations to the state
114 agency responsible for administering such funding and, if priority
115 funding is permitted for such funding, such agency may prioritize any
116 qualifying transit-oriented community or municipality that has adopted
117 such a resolution for the receipt of such funding over any municipality
118 that is not a qualifying transit-oriented community or that has not
119 adopted such a resolution, based on the secretary's recommendations.
120 Nothing in this subsection shall be construed to limit the use of funding
121 received pursuant to this section if the use of such funding to improve,
122 expand, manage or maintain real property within a transit-oriented
123 district also benefits real property located outside of a transit-oriented
124 district.

125 (c) Any municipality that is not a qualifying transit-oriented
126 community shall be eligible for discretionary infrastructure funding on
127 a priority basis pursuant to this section if the legislative body of the
128 municipality adopts a resolution stating that such municipality intends
129 to enact zoning regulations that enable such municipality to become a
130 qualifying transit-oriented community. Such municipality shall enact
131 such zoning regulations not later than eighteen months after the
132 adoption of such resolution. If such municipality does not enact such
133 regulations within eighteen months after the adoption of such
134 resolution, unless the secretary grants an extension to such municipality
135 at the secretary's discretion, such municipality shall return any
136 discretionary infrastructure funding provided to such municipality on
137 a priority basis pursuant to this section and such municipality shall be
138 ineligible for discretionary infrastructure funding on a priority basis
139 until such municipality enacts zoning regulations that enable the
140 municipality to become a qualifying transit-oriented community.

141 Nothing in this section shall be construed to make a municipality that is
142 not a qualifying transit-oriented community ineligible for discretionary
143 infrastructure funding.

144 (d) The zoning commission of the municipality shall consult with the
145 inland wetlands agency of the municipality to establish the boundaries
146 of any transit-oriented district within the municipality. If any portion of
147 any such proposed district is located in an area over which such agency
148 exercises its authority, such commission shall collaborate with such
149 agency to determine whether any portion of such proposed district shall
150 allow for the as-of-right development of middle housing and mixed-use
151 developments.

152 (e) In determining whether a transit-oriented district is of reasonable
153 size, the secretary, or a consultant engaged by the secretary, in
154 consultation with the zoning commission of the municipality, shall (1)
155 determine whether the area of such district is adequate to support
156 greater density of development in an equitable manner, as determined
157 by the secretary, or a consultant engaged by the secretary, considering
158 the geographic characteristics of the municipality; (2) consider
159 municipal and regional housing needs; and (3) not require the inclusion
160 of the following lands in any such district: (A) Special flood hazard areas
161 designated on a flood insurance rate map published by the National
162 Flood Insurance Program, (B) wetlands, as defined in section 22a-29 of
163 the general statutes, (C) land designated for use as a public park, (D)
164 land subject to conservation or preservation restrictions, as defined in
165 section 47-42a of the general statutes, (E) coastal resources, as defined in
166 section 22a-93 of the general statutes, (F) areas necessary for the
167 protection of drinking water supplies, and (G) areas designated as likely
168 to be inundated during a thirty-year flood event by the Marine Sciences
169 Division of The University of Connecticut pursuant to the division's
170 responsibilities to conduct sea level change scenarios pursuant to
171 subsection (b) of section 25-68o of the general statutes. If deemed
172 necessary by the zoning commission to determine whether a transit-
173 oriented district is of reasonable size, such commission shall consult
174 with the inland wetlands agency of the municipality and any other

175 municipal agency deemed necessary by such commission to determine
176 whether such district is of reasonable size.

177 (f) Any qualifying transit-oriented community shall allow the
178 following developments as of right in any transit-oriented district: (1)
179 Middle housing developments; (2) developments that contain ten or
180 more dwelling units where not less than thirty per cent of such units
181 qualify as a set-aside development pursuant to section 8-30g of the
182 general statutes; and (3) developments on land owned by (A) the
183 municipality in which such land is located, (B) the state, (C) the public
184 housing authority of the municipality in which such district is located,
185 (D) any not-for-profit entity, and (E) any religious organization, as
186 defined in section 49-31k of the general statutes, if such development is
187 composed entirely of units that are subject to a deed restriction that
188 requires, for not less than forty years after the initial occupation of the
189 proposed development, that such units be sold or rented at, or below, a
190 cost in rent or mortgage payments equivalent to not more than thirty
191 per cent of the annual income of individuals and families earning sixty
192 per cent of the median income of the state or the area median income as
193 determined by the United States Department of Housing and Urban
194 Development, whichever is less. Notwithstanding the provisions of this
195 subsection, if a proposed development is required to have a public
196 hearing by the inland wetlands agency of the municipality, such
197 proposed development must receive such public hearing prior to such
198 development's approval.

199 (g) Each qualifying transit-oriented community shall require that any
200 proposed development within any transit-oriented district that contains
201 ten or more dwelling units that are not allowed as of right under
202 subsection (f) of this section be subject to (1) a deed restriction that
203 requires, for not less than forty years after the initial occupation of the
204 proposed development, that a percentage of dwelling units, as set forth
205 in subsection (h) of this section, be sold or rented at, or below, a cost in
206 rent or mortgage payments equivalent to not more than thirty per cent
207 of the annual income of individuals and families earning sixty per cent
208 of the median income of the state or the area median income as

209 determined by the United States Department of Housing and Urban
210 Development, whichever is less; or (2) a contribution agreement
211 pursuant to subsection (i) of this section.

212 (h) The percentage of deed-restricted dwelling units required
213 pursuant to subdivision (1) of subsection (g) of this section shall be
214 determined based upon sales market typologies as described in the most
215 recent Connecticut Housing Finance Authority Housing Needs
216 Assessment:

217 (1) Fifteen per cent for any municipality designated High
218 Opportunity/Heating Market;

219 (2) Fifteen per cent for any municipality designated High
220 Opportunity/Cooling Market;

221 (3) Ten per cent for any municipality designated Low
222 Opportunity/Heating Market; and

223 (4) Five per cent for any municipality designated Low
224 Opportunity/Cooling Market.

225 (i) Any qualifying transit-oriented community may establish a fund
226 into which the developer of a proposed development that is not allowed
227 as of right under subsection (f) of this section may contribute funds in
228 lieu of granting a deed restriction required pursuant to subdivision (1)
229 of subsection (g) of this section. The amount and duration of such
230 contributions shall be determined by the secretary and any contribution
231 agreement entered into pursuant to this subsection shall be approved
232 by the secretary. Any municipality that establishes a fund pursuant to
233 this subsection shall utilize the proceeds of such fund solely to develop
234 affordable housing in the municipality.

235 (j) Any municipality that adopts a transit-oriented district containing
236 a rapid transit station or regular bus service station on or before October
237 1, 2025, may apply, in a form and manner prescribed by the secretary,
238 for determination as a qualifying transit-oriented community. In

239 making such determination, the secretary, or a consultant engaged by
240 the secretary, shall determine if such municipality is in compliance with
241 the requirements of this section. Nothing in this section shall be
242 construed to (1) require that a municipality that has adopted a transit-
243 oriented district be determined to be a qualifying transit-oriented
244 community, or (2) authorize the secretary to deem a municipality a
245 qualifying transit-oriented community without the approval of such
246 municipality.

247 (k) Each qualifying transit-oriented community shall be eligible for
248 additional funding pursuant to any program administered by the
249 secretary if such community implements additional zoning criteria,
250 including, but not limited to, higher density development, greater
251 affordability of housing units than is required by subsection (h) of this
252 section, the development of public land or public housing, the
253 implementation of programs to encourage homeownership
254 opportunities within such community and any additional criteria
255 determined by the secretary.

256 (l) (1) The secretary shall adopt guidelines concerning the
257 development of housing in any transit-oriented district adopted by a
258 qualifying transit-oriented community pursuant to this section,
259 including, but not limited to, parking requirements, lot size, lot
260 coverage, setback requirements, floor area ratio, height restrictions,
261 inclusionary zoning requirements and development impact fees.
262 Regulations adopted by a qualifying transit-oriented community
263 concerning the development of housing in any transit-oriented district
264 shall substantially comply with the guidelines adopted by the secretary.
265 The secretary, or a consultant engaged by the secretary, may offer
266 technical assistance to any qualifying transit-oriented community
267 concerning the adoption of such regulations.

268 (2) If a qualifying transit-oriented community seeks to adopt
269 regulations concerning the development of housing in a transit-oriented
270 district that substantially conflict with the guidelines adopted by the
271 secretary, such community shall seek an exemption from such

272 guidelines by submitting an application, in a form and manner
273 prescribed by the secretary, that specifies the reasons such community
274 seeks to adopt regulations that conflict with the guidelines adopted by
275 the secretary, except no community may seek an exemption from the
276 provisions of subsection (f) of this section. Not later than sixty days after
277 the submission of any such application, the secretary shall approve or
278 deny such exemption in writing. The secretary shall not unreasonably
279 withhold approval for any such exemption.

280 (3) If an application submitted pursuant to subdivision (2) of this
281 subsection is denied by the secretary, the transit-oriented community
282 that submitted the denied application may opt out of the provisions of
283 this section and no longer qualify for prioritized discretionary
284 infrastructure funding pursuant to this section, provided such
285 community shall return any discretionary infrastructure funding such
286 community received pursuant to this section.

287 (m) No qualifying transit-oriented community shall adopt
288 regulations concerning any transit-oriented district that conflict with
289 any guidelines adopted by the secretary concerning parking
290 requirements, lot size, lot coverage, setback requirements, floor area
291 ratio, height restrictions, inclusionary zoning requirements,
292 development impact fees or other guidelines adopted by the secretary
293 concerning the development of housing in any such district, unless the
294 secretary, in collaboration with the qualifying transit-oriented
295 community, approves such conflicting regulations based on local factors
296 identified by such community.

297 (n) Notwithstanding the provisions of subsection (b) of this section,
298 any qualifying transit-oriented community with one or more transit-
299 oriented districts that are located in priority funding areas, as defined in
300 section 16a-35c of the general statutes, shall be awarded discretionary
301 infrastructure funding by the agency administering any such funding at
302 a higher priority than a qualifying transit-oriented community without
303 such district located in such funding areas.

304 Sec. 3. (NEW) (*Effective from passage*) (a) There is established an
305 interagency council on housing development to advise and assist the
306 State Responsible Growth Coordinator in reviewing regulations,
307 developing guidelines and establishing programs concerning transit-
308 oriented districts to support the responsible growth of housing in the
309 state.

310 (b) The council shall consist of the following regular members: (1) The
311 State Responsible Growth Coordinator; (2) the Secretary of the Office of
312 Policy and Management, or the secretary's designee; (3) the
313 Commissioner of Housing, or the commissioner's designee; (4) the
314 Commissioner of Economic and Community Development, or the
315 commissioner's designee; (5) the Commissioner of Energy and
316 Environmental Protection, or the commissioner's designee; (6) the
317 Commissioner of Public Health, or the commissioner's designee; (7) the
318 Commissioner of Transportation, or the commissioner's designee; and
319 (8) the Chief Executive Officer of the Connecticut Housing Finance
320 Authority, or the chief executive officer's designee.

321 (c) In addition to the regular members set forth in subsection (b) of
322 this section, the council may consist of any ad hoc members that the
323 State Responsible Growth Coordinator determines would be necessary
324 to complete the work of the council.

325 (d) The chairperson of the council shall be the State Responsible
326 Growth Coordinator.

327 (e) The council shall convene not later than July 1, 2024, and meet not
328 less than once every six months and more often upon the call of the
329 chairperson, to:

330 (1) Review and evaluate the plans, programs, regulations and policies
331 of state or quasi-public agencies for opportunities to combine efforts and
332 resources of such agencies to increase housing development;

333 (2) Develop consistent reporting methods concerning data and
334 documentation related to housing development;

335 (3) Provide a forum to develop approaches to housing growth that
336 balance both needs for conservation and development, including the
337 need for additional housing and economic growth, the protection of
338 natural resources and the maintenance and support for existing
339 infrastructure;

340 (4) Review existing discretionary grant programs to make
341 recommendations to state or quasi-public agencies concerning the
342 adherence of such programs with the goals established in the state plan
343 of conservation and development adopted under chapter 297 of the
344 general statutes. Such recommendations shall include, but need not be
345 limited to, methods to increase the development of deed-restricted
346 housing in transit-oriented districts and middle housing, as defined in
347 section 8-1a of the general statutes, as amended by this act; and

348 (5) Develop guidelines concerning the adoption and development of
349 transit-oriented districts within qualifying transit-oriented
350 communities, which shall include, but need not be limited to, (A)
351 prioritizing mixed-use and mixed-income developments, (B) increasing
352 the availability of affordable housing, (C) ensuring proper
353 environmental considerations in the development of such districts, with
354 an emphasis on the analysis of any potential impacts on environmental
355 justice communities, as defined in section 22a-20a of the general statutes,
356 (D) increasing ridership on mass transit systems, (E) increasing the
357 feasibility of walking, biking and utilizing other means of mobility other
358 than motor vehicle travel, (F) reducing the need for motor vehicle travel,
359 (G) maximizing developable land, (H) increasing the economic viability
360 of development projects, and (I) reducing the length of time necessary
361 to approve applications for development.

362 (f) Not later than October 1, 2025, the coordinator shall submit a
363 report, in accordance with the provisions of section 11-4a of the general
364 statutes, to the joint standing committees of the General Assembly
365 having cognizance of matters relating to planning and development and
366 housing, concerning the recommendations and guidelines developed by
367 the coordinator pursuant to subdivisions (5) and (6) of subsection (e) of

368 this section and shall publish such recommendations and guidelines on
369 the Internet web site of the Office of Policy and Management.

370 (g) Not later than October 1, 2025, and annually thereafter, the
371 coordinator shall submit a report, in accordance with the provisions of
372 section 11-4a of the general statutes, to the joint standing committees of
373 the General Assembly having cognizance of matters relating to planning
374 and development and housing, concerning the recommendations of the
375 council.

376 Sec. 4. (NEW) (*Effective October 1, 2024*) The Secretary of the Office of
377 Policy and Management may establish, within available appropriations,
378 a program to provide grants to any regional council of governments for
379 the development of projects related to public transit infrastructure,
380 bicycle infrastructure or pedestrian infrastructure.

381 Sec. 5. Subsection (f) of section 8-2o of the general statutes is repealed
382 and the following is substituted in lieu thereof (*Effective October 1, 2024*):

383 (f) Notwithstanding the provisions of subsections (a) to (d), inclusive,
384 of this section, the zoning commission or combined planning and
385 zoning commission, as applicable, of a municipality, by a two-thirds
386 vote, may initiate the process by which such municipality opts out of
387 the provisions of said subsections regarding the allowance of accessory
388 apartments, provided such commission: (1) First holds a public hearing
389 in accordance with the provisions of section 8-7d on such proposed opt-
390 out, (2) affirmatively decides to opt out of the provisions of said
391 subsections within the period of time permitted under section 8-7d, (3)
392 states [upon its] in the records of such commission the reasons for such
393 decision, and (4) publishes notice of such decision in a newspaper
394 having a substantial circulation in the municipality not later than fifteen
395 days after such decision has been rendered. Thereafter, the
396 municipality's legislative body or, in a municipality where the
397 legislative body is a town meeting, [its] such municipality's board of
398 selectmen, by a two-thirds vote, may complete the process by which
399 such municipality opts out of the provisions of subsections (a) to (d),

400 inclusive, of this section, except that, on and after January 1, 2023, no
401 municipality may opt out of the provisions of said subsections.

402 Sec. 6. Section 8-2o of the general statutes is amended by adding
403 subsection (g) as follows (*Effective October 1, 2024*):

404 (NEW) (g) Notwithstanding any prior action of the municipality to
405 opt out of the provisions of subsections (a) to (d), inclusive, of this
406 section, pursuant to subsection (f) of this section, any owner of real
407 property located within a transit-oriented district, as defined in section
408 2 of this act, who has owned real property in the municipality for not
409 fewer than three years may construct an accessory apartment as of right
410 on such real property."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	8-1a(b)
Sec. 2	<i>October 1, 2024</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>October 1, 2024</i>	New section
Sec. 5	<i>October 1, 2024</i>	8-2o(f)
Sec. 6	<i>October 1, 2024</i>	8-2o(g)