OLR Bill Analysis

sHB 5475

AN ACT CONCERNING THE DEVELOPMENT OF HOUSING, CHALLENGES TO CERTAIN DECISIONS OF MUNICIPAL AGENCIES, AND THE CONVERSION OF VACANT NURSING HOMES INTO MULTIFAMILY HOUSING.

SUMMARY

This bill narrows the applicability of certain land use procedures. Specifically, it:

1. eliminates individuals' and organizations' standing to intervene, under the Connecticut Environmental Protection Act, in proceedings on residential building permit applications unless they own real property that abuts, or is within 100 feet of, the land that is the subject of the application;

2. narrows who may file a protest petition on changes to zoning regulations or district boundaries; and

3. allows municipalities to adopt ordinances identifying certain areas that could support increased development and exempting developments in those areas from inland wetlands agency approval requirements.

Separately, the bill also facilitates certain proposals to convert unused properties to housing by requiring:

1. municipalities to allow vacant nursing homes to be converted to multifamily housing as of right and

2. the Office of Policy and Management to prioritize Department of Housing proposals to develop low and moderate income housing on state land that another agency no longer needs.

EFFECTIVE DATE: October 1, 2024.

§ 1 — CONNECTICUT ENVIRONMENTAL PROTECTION ACT INTERVENORS

The Connecticut Environmental Protection Act states that there is a public trust in the state's air, water, and other natural resources (see BACKGROUND). It allows any person, corporation, organization, or other legal entity to intervene in proceedings on, or judicial reviews of, conduct that could unreasonably (1) pollute or damage the state's natural resources or (2) destroy certain historic structures or landmarks (CGS §§ 22a-19 & -19a).

Under the bill, if the proceeding or review is about a residential building permit application (i.e., to construct or renovate a residential structure), individuals and organizations may only intervene if they own real property that abuts, or is within 100 feet from, the land the application is about.

Under existing law, unchanged by the bill, parties seeking to intervene must file a verified (i.e., sworn to) pleading that makes specific, factual allegations.

§ 2 — PROTEST PETITIONS ON ZONING CHANGES

By law, a zoning commission cannot vote on a proposal to establish or change a zoning regulation or district boundary until it holds a public hearing on it. Generally, the proposal is adopted if a simple majority of the zoning commission members vote in favor of it. However, the threshold is raised to a two-thirds majority vote if a valid protest petition is filed at or before the public hearing.

Under current law, to be valid, a protest petition may be signed by the owners of at least 20% of (1) the area of the lots included in the proposed change or (2) the lots within 500 feet in all directions of the property included in the proposed change. The bill eliminates the latter option.

§ 3 — ORDINANCES TO EXEMPT CERTAIN DEVELOPMENTS FROM INLAND WETLANDS AGENCY REVIEW

The bill allows municipalities, through their legislative bodies, to adopt ordinances identifying one or more areas in their respective

municipality that (1) have commercial or retail uses and adequate water, sewer, and other infrastructure to support increased development or (2) are appropriate for increased development under the municipality's plan of conservation and development. The ordinances may specify that proposals for developments in identified areas do not need inland wetlands agency approval if they have erosion and sediment control plans that the municipality or soil and water conservation district, as applicable, has approved.

The bill requires each legislative body to consult with its inland wetlands agency and hold a public hearing before adopting the ordinance, and to review the ordinance at least every seven years to see if the identified area still meets the bill's requirements. It allows them to adopt these ordinances even if they conflict with the state laws governing wetlands and watercourses.

§ 4 — CONVERSIONS OF NURSING HOMES TO MULTIFAMILY HOUSING ALLOWED AS OF RIGHT

The bill requires municipalities that exercise their zoning powers under the statutes (rather than a special act) to allow eligible nursing homes to be converted to multifamily housing as of right. To be eligible, the nursing home must (1) be a freestanding facility and (2) have been vacant for at least 90 days before the conversion application was submitted to the planning, zoning, or combined planning and zoning commission ("commission"). The nursing home's owner must declare in writing to the municipality that the nursing home meets the bill's vacancy requirement.

The bill requires the commission to review and decide on each as-of-right conversion application within 65 days after receiving it, but the applicant may agree to extensions, up to an additional 65 days, or withdraw its application.

By law, "as of right" means housing can be approved if it complies with zoning regulations, without requiring a public hearing, variance, special permit or exception, or any other discretionary zoning action, except for a determination that a site plan conforms with the applicable regulations.

§ 5 — SURPLUS STATE PROPERTY AS LOW AND MODERATE INCOME HOUSING

By law, the Office of Policy and Management secretary must notify state agencies (including departments and institutions) when state-owned land is available (CGS § 4b-21(b)). If an agency determines it can use the land for an agency-specific purpose, which the law sets for each agency, it must notify the secretary in writing within 30 days after receiving the notification and submit a plan for the land's use.

If multiple agencies submit plans, under current law, the secretary must analyze the plans and determine whether the land should be transferred to one of them. Under the bill, the secretary must prioritize any Department of Housing (DOH) plan that proposes using it to construct, rehabilitate, or renovate housing for people with low and moderate incomes. It requires the secretary to grant the transfer to the DOH or state in writing any reason why the transfer is not possible.

Unchanged by the bill, DOH may also submit plans to use land for an emergency shelter or transitional living facility for homeless people, but the bill does not require the secretary to prioritize these plans.

BACKGROUND

Connecticut Environmental Protection Act

The state's 1971 Environmental Protection Act (otherwise known as the Connecticut Environmental Protection Act) states that (1) there is a public trust in the state's air, water, and other natural resources; (2) each person is entitled to the protection of these resources; and (3) it is in the public interest to provide everyone with an adequate remedy to protect these resources from unreasonable pollution, impairment, or destruction (CGS § 22a-15).

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute
Yea 12 Nay 8 (03/22/2024)