CONNECTICUT LAND USE LEGISLATION 2021

For the Capitol Region Council of Governments, Regional Planning Commission

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MAJOR PUBLIC LAND USE ACTS TO DATE

Public Act No. 21-29

AN ACT CONCERNING THE ZONING ENABLING ACT, ACCESSORY APARTMENTS, TRAINING FOR CERTAIN LAND USE OFFICIALS, MUNICIPAL AFFORDABLE HOUSING PLANS AND A COMMISSION ON CONNECTICUT'S DEVELOPMENT AND FUTURE.

Public Act No. 21-34

AN ACT CONCERNING THE RIGHT TO COUNSEL IN EVICTION PROCEEDINGS, THE VALIDITY OF INLAND WETLANDS PERMITS IN RELATION TO CERTAIN OTHER LAND USE APPROVALS, AND EXTENDING THE TIME OF EXPIRATION OF CERTAIN LAND USE PERMITS.

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MAJOR PUBLIC LAND USE ACTS TO DATE

Public Act No. 21-101

AN ACT CONCERNING THE DOWN PAYMENT ASSISTANCE PROGRAM, AFFORDABILITY INCENTIVE ZONES AND BONDS OF BOARD MEMBERS AND OTHER EMPLOYEES OF THE CONNECTICUT HOUSING FINANCE AUTHORITY.

Special Act No. 21-3

AN ACT CONCERNING THE OUTDOOR SALE OF GOODS AND PROVISION OF FOOD AND BEVERAGE SERVICE.

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Public Act No. 21-29: Key Provisions

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 Section 8-1c of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

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

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

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

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PUBLIC ACT 21-29: TAKEAWAYS AND ISSUES REGARDING SECTION 2

- Differentiates ordinances and regulations. Presumably, regulations would be passed by agencies normally responsible for pertinent land-use regulations, but reference to "municipality" creates possible issue.

- Fees set by regulation must be sequestered and excess must be returned to applicant within 45 days of completion of review. Issues:
  - Implies, but does not say, that prepayment of estimated fees may be required.
  - Refers to interest but does not specify whether fees *must* be placed in interest-bearing account.
  - Unclear what happens if consultant fails to submit invoices within 45 days of completion of review.

- The prohibition against "higher fees" for 8-30g developments and units with four or more dwelling units is not clearly written. Example" uncertain whether it would preclude a municipality from charging a higher *total* consulting fee for a building with four or more dwellings than for a single-family home.

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Public Act 21-29, Section 4: Reorganizes and amends Section 8-2 of the General Statutes.
Key Provisions

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

. . . .

(2) Be designed to (A) lessen congestion in the streets; [to] (B) secure safety from fire, panic, flood and other dangers; [to] (C) promote health and the general welfare; [to] (D) provide adequate light and air; [to prevent the overcrowding of land; to avoid undue concentration of population and to] (E) protect the state's historic, tribal, cultural and environmental resources; (F) facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; [. Such regulations shall be made] (G) consider the impact of permitted land uses on contiguous municipalities and on the planning region, as defined in section 4-124i, in which such municipality is located; (H) address significant disparities in housing needs and access to educational, occupational and other opportunities; (I) promote efficient review of proposals and applications; and (J) affirmatively further the purposes of the federal Fair Housing Act, 42 USC 3601 et seq., as amended from time to time;

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

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

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

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

Public Act 21-29, Section 4 (continued)

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

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

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

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

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

. . . .

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

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

. . . .

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Public Act 21-29, Section 4 (continued)

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

. . . .

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

(7) Establish for any dwelling unit a minimum floor area that is greater than the minimum floor area set forth in the applicable building, housing or other code;

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

(9) Require more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms, unless the municipality opts out in accordance with the provisions of section 5 of this act; or

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

Key Definitions for P.A. 21-29, Section 4

"Middle housing" means duplexes, triplexes, quadplexes, cottage clusters and townhouses

"Mixed-use development" means a development containing both residential and nonresidential uses in any single building

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Key Definitions for P.A. 21-29, Section 4

CGS § 21a-62b: “Cottage food operation” means any person who produces cottage food products only in the home kitchen of such person's private residential dwelling and only for sale directly to the consumer and who does not operate as a food service establishment pursuant to section 19a-36 or regulations adopted pursuant to section 21a-101, or a food retailer, distributor or manufacturer as defined in subsection (b) of section 21a-92 and section 21a-151;

CGS § 21a-62b: “Cottage food products” means nonpotentially hazardous baked goods, jams, jellies and other nonpotentially hazardous foods produced by a cottage food operation. “Cottage food products” does not include maple syrup or honey

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PUBLIC ACT 21-29: TAKEAWAYS AND ISSUES REGARDING SECTION 4

- Arguably eliminates opportunity to consider regulations "to prevent the overcrowding of land" or "to avoid undue concentration of population"
- Affirmatively allows consideration of "tribal and cultural" resources, as well as environmental and historical resources. However, does not modify the Connecticut Environmental Protection Act to include those terms
- Requires regulations to consider and address local and regional housing needs and to "affirmatively further the purposes of the federal Fair Housing Act." Uncertain what courts might do if regulations found wanting.

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PUBLIC ACT 21-29: TAKEAWAYS AND ISSUES REGARDING SECTION 4

- Prohibits requiring “more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms, unless the municipality opts out in accordance with the provisions of section 5 of this act”

- Prohibits denial of any application on the basis of “(A) a district's character, unless such character is expressly articulated in such regulations by clear and explicit physical standards for site work and structures, or (B) the immutable characteristics, source of income or income level of any applicant or end user, other than age or disability whenever age-restricted or disability-restricted housing may be permitted.” [Issue – to what extent might this be deemed to affect landscaping or other “soft” regulations that are intended to preserve the ambiance of an area?

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PUBLIC ACT 21-29: TAKEAWAYS AND ISSUES REGARDING SECTION 4

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- Requires regulations to consider and address local and regional housing needs and to "affirmatively further the purposes of the federal Fair Housing Act." Uncertain what courts might do if regulations found wanting.

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PUBLIC ACT 21-29: TAKEAWAYS AND ISSUES REGARDING SECTION 4

- Eliminates opportunity to set minimum floor areas greater than those required by "the applicable building, housing or other code" [Issue - what other types of "codes" may be considered?]
- Prohibits placing "a fixed numerical or percentage cap on the number of dwelling units that constitute multifamily housing over four units, middle housing or mixed-use development that may be permitted in the municipality." [Issue - Not as clearly worded as it might be]
- Precludes prohibition of any cottage food operation in a residential zone. [Issue – what authority does municipality have to verify compliance with state requirements?]

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- **Public Act 21-29, Section 5**

- (NEW) (*Effective October 1, 2021*) The zoning commission or combined planning and zoning commission, as applicable, of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the provision of subdivision (9) of subsection (d) of section 8-2 of the general statutes, as amended by this act, regarding limitations on parking spaces for dwelling units, provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d of the general statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provision of said subsection within the period of time permitted under section 8-7d of the general statutes, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provision of subsection (d) of section 8-2 of the general statutes, as amended by this act.

Issue: The bill, as written, fails to repeat the reference to "subdivision (9) of subsection (d) in the final sentence. Although a possible implication might be that the municipality can opt out of *all* of subsection (d), a court would be unlikely to agree upon review of all of the related provisions of the act.

Public Act 21-29, Section 6

PERTINENT DEFINITIONS in SECTION 1

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

- "Affordable accessory apartment" means an accessory apartment that is subject to binding recorded deeds which contain covenants or restrictions that require such accessory apartment be sold or rented at, or below, prices that will preserve the unit as housing for which, for a period of not less than ten years, persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income;

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

Public Act 21-29, Section 6

(NEW) (*Effective January 1, 2022*) (a) Any zoning regulations adopted pursuant to section 8-2 of the general statutes, as amended by this act, shall:

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

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

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ISSUES:

- Not clear whether subsection (a) (1) requires commissions to designate areas in which ***more than one*** accessory apartment is allowed on a lot

- Problems may be created where an existing dwelling is already on a very small, nonconforming lot. Subsection (a)(2), as well as subsection (c) (discussed below) would seemingly allow an "as-of-right" detached dwelling even if it would badly exacerbate the existing nonconformities

Public Act 21-29, Section 6 (Cont.)

(NEW) (*Effective January 1, 2022*) (a) Any zoning regulations adopted pursuant to section 8-2 of the general statutes, as amended by this act, shall: . . . .

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

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

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ISSUES:

- Subsection (3) illustrates an odd grammatical structure used in much of the act. "The regulations shall set a maximum floor area of not less than 30% or 1,000 sq. ft., whichever is less, but the regulations may allow a larger net floor area"
- Subsection (4) precludes municipalities from requiring accessory apartments to be behind the principal dwelling
- The second clause of subsection (4) is oddly worded – most regulations do not "require" single-family dwellings to have any amount of lot coverage; rather, they typically limit the amount of lot coverage for all structures.

Public Act 21-29, Section 6 (cont.)

(NEW) (*Effective January 1, 2022*) (a) Any zoning regulations adopted pursuant to section 8-2 of the general statutes, as amended by this act, shall: . . . .

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

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

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ISSUES:

- It may not always be clear whether a height, landscaping or architectural design standard can reasonably be said to "exceed" a parallel standard for single-family dwellings
- The second clause of subsection (3) is oddly worded – most regulations do not "require" single-family dwellings to have any amount of lot coverage; rather, they typically limit the amount of lot coverage for all structures.
- By eliminating the opportunity to require any relationship between the occupants of the two dwellings, the Act is effectively providing for duplex housing as of right.

Public Act 21-29, Section 6 (cont.)

(NEW) (*Effective January 1, 2022*) (a) Any zoning regulations adopted pursuant to section 8-2 of the general statutes, as amended by this act, shall: . . . .

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

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ISSUES:

It is not clear how much latitude subsection (7)(C) really provides for additional regulatory requirements in cases in which “a well or private sewerage system is being used.”

Public Act 21-29, Section 6 (cont.)

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

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

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

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ISSUES:

- The phrase “one or more extensions of not more than an additional sixty-five days” is ambiguous
- As noted above, subsections (a) and (c) suggest that detached accessory apartments could be required to be approved even if they badly exacerbate a nonconforming condition
- It is not clear why a separate utility connection or charge should be disallowed even when the accessory apartment would be a detached dwelling occupied by unrelated residents

Public Act 21-29, Section 6 (cont.)

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

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ISSUES:

The statement that “any noncompliant existing regulation shall become null and void” is highly problematic. For example, if the regulations simply failed to provide for accessory apartments, what portion of the regulations would have to be deemed “null and void”?

Public Act 21-29, Section 6 (cont.)

(f) Notwithstanding the provisions of subsections (a) to (d), inclusive, of this section, the zoning commission or combined planning and zoning commission, as applicable, of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the provisions of said subsections regarding allowance of accessory apartments, provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d of the general statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said subsections within the period of time permitted under section 8-7d of the general statutes, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provisions of subsections (a) to (d), inclusive, of this section, except that, on and after January 1, 2023, no municipality may opt out of the provisions of said subsections.

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ISSUES:

Given the ambiguities and concerns raised by the provisions of subsections (a) through (d), will there be many municipalities who choose NOT to opt out?

Other Provisions of Public Act 21-29

- Section 7: Amends CGS § 8-30g(k) to provide that accessory apartments built after Jan. 1, 2022 are not to be counted "for the purposes of calculating the total number of dwelling units in a municipality" unless they meet certain affordability requirements

- Section 8: Amends CGS § 8-3(e) as follows: (1) The zoning commission shall provide for the manner in which the zoning regulations shall be enforced, except that any person appointed as a zoning enforcement officer on or after January 1, 2023, shall be certified in accordance with the provisions of subdivision (2) of this subsection.
- (2) Beginning January 1, 2023, and annually thereafter, each person appointed as a zoning enforcement officer shall obtain certification from the Connecticut Association of Zoning Enforcement Officials and maintain such certification for the duration of employment as a zoning enforcement officer.

ISSUE: Does the phrase "annually thereafter" require annual renewal of certification (something CAZEO does not now require)?

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Other Provisions of Public Act 21-29

- Sec. 9. (NEW) (Effective from passage) (a) On and after January 1, 2023, each member of a municipal planning commission, zoning commission, combined planning and zoning commission and zoning board of appeals shall complete at least four hours of training. Any such member serving on any such commission or board as of January 1, 2023, shall complete such initial training by January 1, 2024, and shall complete any subsequent training every other year thereafter. Any such member not serving on any such commission or board as of January 1, 2023, shall complete such initial training not later than one year after such member's election or appointment to such commission or board and shall complete any subsequent training every other year thereafter. Such training shall include at least one hour concerning affordable and fair housing policies and may also consist of (1) process and procedural matters, including the conduct of effective meetings and public hearings and the Freedom of Information Act, as defined in section 1-200 of the general statutes, (2) the interpretation of site plans, surveys, maps and architectural conventions, and (3) the impact of zoning on the environment, agriculture and historic resources.

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Other Provisions of Public Act 21-29

- Sec. 9. (NEW) (Cont'd) (b) Not later than January 1, 2022, the Secretary of the Office of Policy and Management shall establish guidelines for such training in collaboration with land use training providers, including, but not limited to, the Connecticut Association of Zoning Enforcement Officials, the Connecticut Conference of Municipalities, the Connecticut Chapter of the American Planning Association, the Land Use Academy at the Center for Land Use Education and Research at The University of Connecticut, the Connecticut Bar Association, regional councils of governments and other nonprofit or educational institutions that provide land use training, except that if the secretary fails to establish such guidelines, such land use training providers may create and administer appropriate training for members of commissions and boards described in subsection (a) of this section, which may be used by such members for the purpose of complying with the provisions of said subsection.

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Other Provisions of Public Act 21-29

- Sec. 9. (NEW) (Cont'd) (c) Not later than March 1, 2024, and annually thereafter, the planning commission, zoning commission, combined planning and zoning commission and zoning board of appeals, as applicable, in each municipality shall submit a statement to such municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, affirming compliance with the training requirement established pursuant to subsection (a) of this section by each member of such commission or board required to complete such training in the calendar year ending the preceding December thirty-first.

ISSUES: What is the penalty for noncompliance? What if there are not enough trained members to constitute a quorum? Will the agencies be unable to proceed? Will their decisions be overturned?

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Other Provisions of Public Act 21-29

- Sec. 10: Amends CGS § 7-245 to provide that a "community sewerage system" "does not include any sewerage system serving only a principal dwelling unit and an accessory apartment, as defined in section 8-1a, as amended by this act, located on the same lot."

- Sec. 11: Amends CGS § 7-246 to provide that a water pollution control plan "may designate and delineate specific allocations of capacity to serve areas that are able to be developed for residential or mixed-use buildings containing four or more dwelling units."

- Sec. 12: Amends CGS § 8-30j to require copies of municipal affordable housing plans (due by 6/1/2022 and required to be revised every five years) to be submitted to the Office of Policy and Management and to post copies of any draft plans on the municipality's web site.

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Other Provisions of Public Act 21-29

- Sec. 13: Establishes a Commission on Connecticut's Development and Future
- Formed to evaluate policies related to land use, conservation, housing affordability and infrastructure
- Appointment authorities shall make good faith effort to reflect gender and racial diversity of the state
- Commission shall submit reports no later than 1/1/2022 and 1/1/2023 regarding various issues
- Issues to study shall include
    1) State POCD
    2) State consolidated plan for housing and development
    3) Guidelines and incentives for affordable housing plan compliance
    4) Alternative sewage systems
    5) Model design guidelines for buildings and streets

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Public Act 21-34 – Principal Land Use Provisions

- Amends CGS § 22a-42a(d)(2) as follows:

(2)(A) Any permit issued under this section for the development of property for which an approval is required under chapter 124, 124b, 126 or 126a shall (i) not take effect until each such approval, as applicable, granted under such chapter has taken effect, and (ii) be valid until the approval granted under such chapter expires or for ten years, whichever is earlier.

(Effective July 1, 2021, and applicable to permits issued on or after July 1, 2021):

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Public Act 21-34 – Principal Land Use Provisions

- Amends CGS § 8-3(m) to add a new subsection (2) as follows:

(2) Notwithstanding the provisions of this section, any site plan approval made under this section on or after July 1, 2011, but prior to the effective date of this section, that did not expire prior to March 10, 2020, except an approval made under subsection (j) of this section, shall expire not less than fourteen years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such site plan, provided no approval, including all extensions, shall be valid for more than nineteen years from the date the site plan was approved.

(Effective immediately)

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Public Act 21-34 – Principal Land Use Provisions

- Amends CGS § 8-26c(e) to add a new subsection (2) as follows:

Notwithstanding the provisions of this section, any subdivision approval made under this section on or after July 1, 2011, but prior to the effective date of this section, that did not expire prior to March 10, 2020, shall expire not less than fourteen years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such subdivision, provided no subdivision approval, including all extensions, shall be valid for more than nineteen years from the date the subdivision was approved.

(Effective immediately)

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Public Act 21-34 – Principal Land Use Provisions

- Amends CGS § 8-26g(c) to add a new subsection (2) as follows:

(2) Notwithstanding the provisions of this section, for any subdivision of land for a project consisting of four hundred or more dwelling units and approved on or after July 1, 2011, but prior to the effective date of this section, that did not expire prior to March 10, 2020, any person, firm or corporation making such subdivision shall complete all work in connection with such subdivision not later than the date nineteen years after the date of approval of the plan for such subdivision. The commission's endorsement of approval on the plan shall state the date on which such nineteen-year period expires.

(Effective immediately)

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Public Act 21-34 – Principal Land Use Provisions

- Amends CGS § 22a-42a(g) to add a new subsection (2) as follows:

(2) Notwithstanding the provisions of subdivision (2) of subsection (d) of this section, any permit issued under this section on or after July 1, 2011, but prior to the effective date of this section, that did not expire prior to March 10, 2020, shall expire not less than fourteen years after the date of such approval. Any such permit shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances that requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no such permit shall be valid for more than nineteen years.

(Effective immediately)

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Public Act 21-34 – Principal Land Use Provisions

- Amends CGS § 8-3 to add a new subsection (c) as follows:

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, any special permit or special exception approval made under this section on or after July 1, 2011, but prior to the effective date of this section, that did not expire prior to March 10, 2020, and that specified a deadline by which all work in connection with such approval is required to be completed, shall expire not less than nineteen years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such special permit or special exception.

(Effective immediately)

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Public Act 21-34 – Principal Land Use Provisions

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- Amends CGS § 8-26e to add a new subsection (b) as follows:

(b) Notwithstanding the provisions of subsection (a) of this section, any special permit or special exception approval made under this section on or after July 1, 2011, but prior to the effective date of this section, that did not expire prior to March 10, 2020, and that specified a deadline by which all work in connection with such approval is required to be completed, shall expire not less than nineteen years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such special permit or special exception.

(Effective immediately)

Public Act 21-34 – Principal Land Use Provisions

- Section 9 adds the following new statutory provision:

(a) Notwithstanding the provisions of any special act or any site plan, subdivision or permit approval by a zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland wetlands agency pursuant to the provisions of any such special act that occurred on or after July 1, 2011, but prior to the effective date of this section, and that did not expire prior to March 10, 2020, such approval shall expire not less than fourteen years after the date of such approval and such commission, board or agency, as applicable, may grant one or more extensions of time to complete all or part of the work in connection with such approval, provided no approval, including all extensions, shall be valid for more than nineteen years from the date the site plan, subdivision or permit was initially approved. (Effective immediately)

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Public Act 21-34 – Principal Land Use Provisions

- Section 9 also adds the following new statutory provision:

(b) Notwithstanding the provisions of any special act or any special permit or special exception approval by a zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland wetlands agency pursuant to the provisions of any such special act that occurred on or after July 1, 2011, but prior to the effective date of this section, that did not expire prior to March 10, 2020, and that specified a deadline by which all work in connection with such approval is required to be completed, such approval shall expire not less than nineteen years after the date of such approval and such commission, board or agency, as applicable, may grant one or more extensions of time to complete all or part of the work in connection with such special permit or special exception approval.

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Special Act 21-3

Continues the COVID-19 responsive “fast-track system” for approval of outdoor service by food-service establishments.

Expires on March 31, 2022.

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Public Act 21-101

Allows CHFA to establish affordability incentive zones in municipalities which haven't achieved the 10% threshold under CGS 8-30g to incentivize purchase of homes within those municipalities using CHFA mortgages.

CHFA may utilize different lending guidelines and eligibility limits within those zones.

If a municipality is not within a zone designated by CHFA, it may make a request to be considered an affordability incentive zone

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Other Legislation

Special Act 21-13– Working Group for Protection and Preservation of Historic Properties **(effective from passage)**

- Empowers DECD to convene a working group to develop a plan for supporting and facilitating efforts by municipalities, historical societies and other nonprofit entities whose purposes include historic preservation to preserve buildings, structures, objects, sites and landmarks listed on the National Register of Historic Places or designated by a municipality as historically significant.
- Working group shall start no later than 9/1/2021 and report to the General Assembly no later than 2/1/2022

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Sec. 148. (NEW) (*Effective July 1, 2021*)

(a) As used in this section, "municipality" means any town, city or borough, consolidated town and city or consolidated town and borough, and a district establishing a zoning commission under section 7-326 of the general statutes.

(b) Any municipality may, by amendment to such municipality's zoning regulations or by local ordinance, (1) prohibit the establishment of a cannabis establishment, (2) establish reasonable restrictions regarding the hours and signage within the limits of such municipality, or (3) establish restrictions on the proximity of cannabis establishments to any of the establishments listed in subsection (a) of subdivision (1) of section 30-46 of the general statutes. The chief zoning official of a municipality shall report, in writing, any zoning changes adopted by the municipality regarding cannabis establishments pursuant to this subsection to the Secretary of the Office of Policy and Management and to the department not later than fourteen days after the adoption of such changes.

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DEFINITIONS

Sec. 1. (NEW) (*Effective July 1, 2021*)

"Cannabis establishment" means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter

Establishments mentioned in CGS § 30-46(a)(1):

“church, public or parochial school, convent, charitable institution, whether supported by private or public funds, hospital or veterans' home or any camp, barracks or flying field of the armed forces”

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Sec. 148. (NEW) (*Effective July 1, 2021*) (continued)

(c) Unless otherwise provided for by a municipality through its zoning regulations or ordinances, a cannabis establishment shall be zoned as if for any other similar use, other than a cannabis establishment, would be zoned.

(d) Any restriction regarding hours, zoning and signage of a cannabis establishment adopted by a municipality shall not apply to an existing cannabis establishment located in such municipality if such cannabis establishment does not convert to a different license type, for a period of five years after the adoption of such prohibition or restriction.

(e) Until June 30, 2024, no municipality shall grant zoning approval for more retailers or micro-cultivators than a number that would allow for one retailer and one micro-cultivator for every twenty-five thousand residents of such municipality, as determined by the most recent decennial census.

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Sec. 148. (NEW) (*Effective July 1, 2021*) (continued)

(f) On and after July 1, 2024, the Commissioner of Consumer Protection may, in the discretion of the commissioner, post on the Department of Consumer Protection's Internet web site a specific number of residents such that no municipality shall grant zoning approval for more retailers or micro-cultivators than would result in one retailer and one micro-cultivator for every such specific number of residents, as determined by the commissioner. Any such determination shall be made to ensure reasonable access to cannabis by consumers.

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Sec. 148. (NEW) (*Effective July 1, 2021*) (continued)

(g) For purposes of ensuring compliance with this section, a special permit or other affirmative approval shall be required for any retailer or micro-cultivator seeking to be located within a municipality. A municipality shall not grant such special permit or approval for any retailer or micro-cultivator applying for such special permit or approval if that would result in an amount that (1) until June 30, 2024, exceeds the density cap of one retailer and one micro-cultivator for every twenty-five thousand residents, and (2) on and after July 1, 2024, exceeds any density cap determined by the commissioner under subsection (f) of this section. When awarding final licenses for a retailer or micro-cultivator, the Department of Consumer Protection may assume that, if an applicant for such final license has obtained zoning approval, the approval of a final license for such applicant shall not result in a violation of this section or any other municipal restrictions on the number or density of cannabis establishments.

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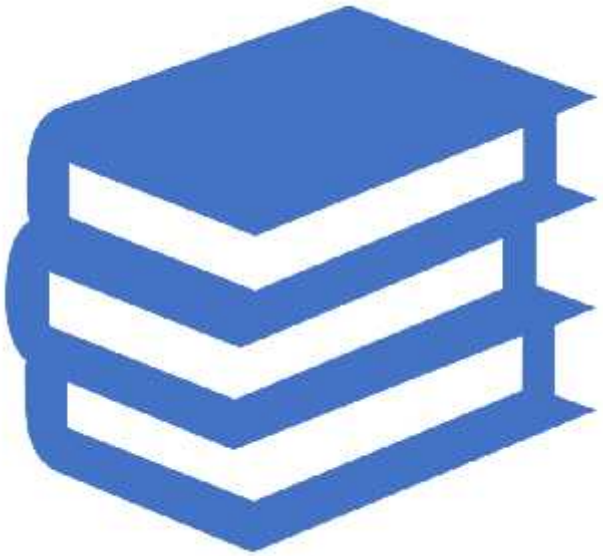
The Inevitable Caveats

- These slides are intended for educational and informational purposes only. Readers are advised to seek appropriate professional consultation before acting on any matters discussed in this presentation. These slides may be considered attorney advertising.



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