



General Assembly

**Raised Bill No. 892**

January Session, 2015

LCO No. 3034



Referred to Committee on HOUSING

Introduced by:  
(HSG)

**AN ACT CONCERNING HOUSING DEVELOPMENTS WITHIN  
INCENTIVE HOUSING ZONES.**

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

1 Section 1. Subdivision (2) of section 8-13m of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2015*):

4 (2) "Building permit payment" means the one-time payment, made  
5 pursuant to section 8-13s, as amended by this act, for each qualified  
6 [housing unit located within an] incentive housing development for  
7 which a building permit has been issued by the municipality.

8 Sec. 2. Subsection (b) of section 8-13n of the general statutes is  
9 repealed and the following is substituted in lieu thereof (*Effective*  
10 *October 1, 2015*):

11 (b) An incentive housing zone shall satisfy the following  
12 requirements:

13 (1) The zone shall be consistent with the state plan of conservation  
14 and development and be located in an eligible location.

15 (2) The regulations of the zone shall permit, as of right, incentive  
16 housing development.

17 (3) The minimum allowable density for incentive housing  
18 development, per acre of developable land, shall be: (A) Six units per  
19 acre for single-family detached housing; (B) ten units per acre for  
20 duplex or townhouse housing; and (C) twenty units per acre for  
21 multifamily housing, [provided that a municipality whose population  
22 as determined by the most recent federal decennial census is less than  
23 five thousand, when] except that the commissioner may waive any  
24 requirement under this subdivision and subdivision (4) of this  
25 subsection upon the request of a municipality that is applying to the  
26 commissioner for a letter of eligibility under section 8-13q. [ may  
27 request approval of minimum as of right densities of not less than four  
28 units per acre for single-family detached housing, not less than six  
29 units per acre for duplex or townhouse housing, and not less than ten  
30 units per acre for multifamily housing.] In making such request, the  
31 municipality shall [provide the Commissioner of Housing with] (i)  
32 provide the commissioner with evidence of sewage disposal, water  
33 supply, traffic safety or other existing, substantial infrastructure  
34 limitations that prevent adoption of the minimum densities set forth in  
35 this subdivision, or (ii) demonstrate that the land to be zoned for the  
36 incentive housing development is owned or controlled by the  
37 municipality or an agency thereof, or a land trust, housing trust fund  
38 or nonprofit housing agency or corporation. If the proposed incentive  
39 housing zone otherwise satisfies the requirements of this section, the  
40 commissioner may issue the requested letter of eligibility. [A  
41 municipality may request a waiver of the density requirements of this  
42 subdivision and the commissioner may grant a waiver if the  
43 municipality demonstrates in the application that the land to be zoned  
44 for incentive housing development is owned or controlled by the  
45 municipality itself, an agency thereof, or a land trust, housing trust  
46 fund or a nonprofit housing agency or corporation. The proposed  
47 incentive housing zone regulation shall require, in an enforceable  
48 manner, that one hundred per cent of the proposed residential units

49 will be subject to an incentive housing restriction, and the proposed  
50 incentive housing zone will otherwise satisfy the requirements of this  
51 section.]

52 (4) In order to qualify for financial incentive payments set forth in  
53 section 8-13s, as amended by this act, the regulations of an incentive  
54 housing zone concerning the minimum as of right densities set forth in  
55 subdivision (3) of this subsection shall constitute an increase of at least  
56 twenty-five per cent above the density allowed by the underlying  
57 zone, notwithstanding the provisions of said section 8-13s with regard  
58 to zone adoption and building permit payments, except that the  
59 commissioner may waive any requirement under this subdivision if  
60 the municipality submits evidence set forth in subdivision (3) of this  
61 subsection.

62 (5) The minimum densities prescribed in subdivision (3) of this  
63 subsection shall be subject only to site plan or subdivision procedures,  
64 submission requirements and approval standards of the municipality,  
65 and shall not be subject to special permit or special exception  
66 procedures, requirements or standards.

67 (6) An incentive housing zone may consist of one or more subzones,  
68 provided each subzone and the zone as a whole comply with the  
69 requirements of sections 8-13m to 8-13x, inclusive, as amended by this  
70 act.

71 (7) The land area of an incentive housing zone shall not exceed ten  
72 per cent of the total land area in the municipality. The aggregate land  
73 area of all incentive housing zones and subzones in a municipality  
74 shall not exceed twenty-five per cent of the total land area in the  
75 municipality.

76 Sec. 3. Subsection (b) of section 8-13s of the general statutes is  
77 repealed and the following is substituted in lieu thereof (*Effective*  
78 *October 1, 2015*):

79 (b) Subject to the availability of funds, the commissioner shall issue

80 to the municipality a one-time building permit payment for each  
 81 building permit for [a residential housing unit in] an approved  
 82 incentive housing development upon submission by a municipality to  
 83 the commissioner of proof of issuance of such building permit and  
 84 after determining that (1) no appeal from or challenge to such building  
 85 permit has been filed or is pending, and (2) such building permit was  
 86 issued for housing in an incentive housing development not later than  
 87 five years after the date of the final adoption of incentive housing zone  
 88 regulations by the zoning commission in accordance with the  
 89 provisions of subsection (b) of section 8-13q. The amount of payment  
 90 shall be up to [two thousand] one hundred fifty thousand dollars for  
 91 each multifamily, [housing unit, duplex unit or townhouse unit and up  
 92 to five thousand dollars for each single-family detached unit] duplex,  
 93 townhouse or single-family housing development, provided such  
 94 payments shall be used for infrastructure related to the proposed  
 95 development within the approved incentive housing zone. Such  
 96 payment shall be made by the commissioner after receipt of proof of  
 97 the issuance of building permits and verification of the absence of any  
 98 appeal or challenge.

99 Sec. 4. Section 8-13x of the general statutes is repealed and the  
 100 following is substituted in lieu thereof (*Effective October 1, 2015*):

101 Within available appropriations, the Commissioner of Housing may  
 102 make grants to municipalities, nonprofit housing assistance  
 103 organizations or nonprofit housing development organizations in  
 104 order to support technical assistance planning, predevelopment,  
 105 development, construction and management of housing developments  
 106 within approved incentive housing zones. The commissioner may  
 107 adopt regulations, in accordance with the provisions of chapter 54, to  
 108 implement the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	8-13m(2)

Sec. 2	<i>October 1, 2015</i>	8-13n(b)
Sec. 3	<i>October 1, 2015</i>	8-13s(b)
Sec. 4	<i>October 1, 2015</i>	8-13x

**HSG**      *Joint Favorable*