AN ACT CONCERNING ZONING AUTHORITY, CERTAIN DESIGN GUIDELINES, QUALIFICATIONS OF ZONING ENFORCEMENT OFFICERS AND CERTAIN SEWAGE DISPOSAL SYSTEMS.

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

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 Section 8-1a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

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

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

(1) "Accessory apartment" means a separate dwelling unit occupied by a family, or a single housekeeping 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;

(2) "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;

(3) "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;

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

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

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

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

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 a development project 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 an 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.

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 Subsection (j) of section 8-1bb of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

(j) A municipality, by vote of its legislative body or, in a municipality where the legislative body is a town meeting, by vote of the board of selectmen, may opt out of the provisions of this section and the provisions of subdivision (5) of subsection [(a)] (d) of section 8-2, as amended by this act, regarding authorization for the installation of temporary health care structures, provided the zoning commission or combined planning and zoning commission of the municipality: (1) First holds a public hearing in accordance with the provisions of section 8-7d
on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said sections within the period of time permitted under section 8-7d, (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.

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

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

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

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

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

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

(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 provide adequate light and air; to prevent
the overcrowding of land; to avoid undue concentration of population
and to] (D) protect the state's historic, tribal, cultural and environmental
resources; (E) facilitate the adequate provision for transportation, water,
sewerage, schools, parks and other public requirements; [Such regulations shall be made] (F) consider the impact, including as to
housing affordability, of permitted land uses on contiguous
municipalities and on the planning region, as defined in section 4-124i,
in which such municipality is located; (G) combat discrimination and
take other meaningful actions that overcome patterns of segregation and
address significant disparities in housing needs and access to
educational, occupational and other opportunities; and (H) provide for
clear processes for, and efficient review of, development proposals;

(3) Be drafted with reasonable consideration as to the [character]
physical site characteristics and architectural context 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]

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

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

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

(10) In any municipality that is contiguous to or on a navigable
waterway draining to Long Island Sound, (A) be made with reasonable
consideration for the restoration and protection of the ecosystem and
habitat of Long Island Sound; (B) be designed to reduce hypoxia,
Substitute Bill No. 1024

pathogens, toxic contaminants and floatable debris on Long Island Sound; and (C) provide that such municipality's zoning commission consider the environmental impact on Long Island Sound coastal resources, as defined in section 22a-93, of any proposal for development.

(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]

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

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

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

(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 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

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

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

(1) Prohibit the operation of any family child care home or group
child care home in a residential zone; [No such regulations shall
prohibit]
(2) (A) Prohibit the use of receptacles for the storage of items designated for recycling in accordance with section 22a-241b or require that such receptacles comply with provisions for bulk or lot area, or similar provisions, except provisions for side yards, rear yards and front yards; [. No such regulations shall] or (B) unreasonably restrict access to or the size of such receptacles for businesses, given the nature of the business and the volume of items designated for recycling in accordance with section 22a-241b, that such business produces in its normal course of business, provided nothing in this section shall be construed to prohibit such regulations from requiring the screening or buffering of such receptacles for aesthetic reasons; [. Such regulations shall not impose]

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

(4) (A) Prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations, except as provided in subparagraph (D) of this subdivision; [or] (B) require a special permit or special exception for any such continuance; [. Such regulations shall not] (C) provide for the termination of any (i)
nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use. Such regulations shall not period of less than five years, or (ii) residential nonconforming use, building or structure solely on the basis of the demolition or deconstruction of such use, building or structure; or (D) terminate or deem abandoned a nonconforming use, building or structure unless (i) the property owner of such use, building or structure voluntarily discontinues such use, building or structure and such discontinuance is accompanied by an intent to not reestablish such use, building or structure. The demolition or deconstruction of a nonconforming use, building or structure shall not by itself be evidence of such property owner's intent to not reestablish such use, building or structure. Unless such town opts out, in accordance with the provisions of subsection (j) of section 8-1bb, such regulations shall not prohibit or (ii) the zoning commission declares, after notice of a cease and desist order duly presented to the property owner in accordance with applicable regulations and after a public hearing on such order, that a nonresidential nonconforming use, building or structure in a residential zone is inconsistent with the plan of conservation and development or is a public nuisance, and (II) specifies a reasonable time for the termination of such nonconforming use;

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

(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 required under the Public Health 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;

(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; 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.

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

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

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

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

Sec. 5. (NEW) (Effective October 1, 2021) (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;

(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;
(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

(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 require owner occupancy or to prohibit or limit the use of accessory apartments for short-term rentals or vacation stays, or (C) other requirements where a private sewerage system is being used, provided approval for any such accessory apartment shall not be unreasonably withheld.

(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.

(e) If a municipality fails to adopt new regulations or amend existing
regulations by June 1, 2022, for the purpose of complying with the
provisions 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 this section
until such municipality adopts or amends a regulation in compliance
with this section. A municipality may not use or impose additional
standards beyond those set forth in this section.

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

(k) The affordable housing appeals procedure established under this
section shall not be available if the real property which is the subject of
the application is located in a municipality in which at least ten per cent
of all dwelling units in the municipality are (1) assisted housing, (2)
currently financed by Connecticut Housing Finance Authority
mortgages, (3) subject to binding recorded deeds containing covenants
or restrictions which require that such dwelling units be sold or rented
at, or below, prices which will preserve the units as housing for which
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, (4)
mobile manufactured homes located in mobile manufactured home
parks or legally approved accessory apartments, which homes or
apartments are subject to binding recorded deeds containing covenants
or restrictions which require that such dwelling units be sold or rented
at, or below, prices which will preserve the units 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, or (5) mobile manufactured
homes located in resident-owned mobile manufactured home parks. For
the purposes of calculating the total number of dwelling units in a
municipality, accessory apartments built or permitted after January 1,
2022, but that are not described in subdivision (4) of this subsection,
shall not be counted toward such total number. The municipalities
meeting the criteria set forth in this subsection shall be listed in the
report submitted under section 8-37qqq. As used in this subsection,
"accessory apartment" means a separate living unit that (A) is attached
to the main living unit of a house, which house has the external
appearance of a single-family residence, (B) has a full kitchen, (C) has a
square footage that is not more than thirty per cent of the total square
footage of the house, (D) has an internal doorway connecting to the main
living unit of the house, (E) is not billed separately from such main
living unit for utilities, and (F) complies with the building code and
health and safety regulations has the same meaning as provided in
section 8-1a, as amended by this act, and "resident-owned mobile
manufactured home park" means a mobile manufactured home park
consisting of mobile manufactured homes located on land that is deed
restricted, and, at the time of issuance of a loan for the purchase of such
land, such loan required seventy-five per cent of the units to be leased
to persons with incomes equal to or less than eighty per cent of the
median income, and either (i) forty per cent of said seventy-five per cent
to be leased to persons with incomes equal to or less than sixty per cent
of the median income, or (ii) twenty per cent of said seventy-five per
cent to be leased to persons with incomes equal to or less than fifty per
cent of the median income.

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

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

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

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

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

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

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

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

(7) One representative of the Connecticut Conference of
Municipalities; and
(8) One representative with expertise in the housing construction trade.

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

(d) Not later than June 1, 2021, the regional councils of governments shall collectively develop and implement an education and training program for delivery of such model design guidelines for both buildings and context-appropriate streets. Each regional council of governments shall report its activities relative to such program as part of the annual report required under section 4-66r of the general statutes.

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

(e) (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.

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

For the purposes of this chapter: (1) "Acquire a sewerage system" means obtain title to all or any part of a sewerage system or any interest therein by purchase, condemnation, grant, gift, lease, rental or otherwise; (2) "alternative sewage treatment system" means a sewage treatment system serving one or more buildings that utilizes a method of treatment other than a subsurface sewage disposal system and that involves a discharge to the groundwaters of the state; (3) "community sewerage system" means any sewerage system serving two or more residences in separate structures which is not connected to a municipal sewerage system or which is connected to a municipal sewerage system as a distinct and separately managed district or segment of such system, except that in the case of a residence that is an accessory apartment, as defined in section 8-1a, such residence shall include the larger principal dwelling unit located on the same lot; (4) "construct a sewerage system" means to acquire land, easements, rights-of-way or any other real or personal property or any interest therein, plan, construct, reconstruct, equip, extend and enlarge all or any part of a sewerage system; (5) "decentralized system" means managed subsurface sewage disposal systems, managed alternative sewage treatment systems or community sewerage systems that discharge sewage flows of less than [five] seven thousand five hundred gallons per day, are used to collect and treat domestic sewage, and involve a discharge to the groundwaters of the state from areas of a municipality; (6) "decentralized wastewater management district" means areas of a municipality designated by the municipality through a municipal ordinance when an engineering report has determined that the existing subsurface sewage disposal systems may be detrimental to public health or the environment and that decentralized systems are required and such report is approved by the Commissioner of Energy and Environmental Protection with concurring approval by the Commissioner of Public Health, after consultation with the local director of health; (7) "municipality" means any metropolitan district, town, consolidated town and city, consolidated town and borough, city, borough, village, fire and sewer
district, sewer district and each municipal organization having authority to levy and collect taxes; (8) "operate a sewerage system" means own, use, equip, reequip, repair, maintain, supervise, manage, operate and perform any act pertinent to the collection, transportation and disposal of sewage; (9) "person" means any person, partnership, corporation, limited liability company, association or public agency; (10) "remediation standards" means pollutant limits, performance requirements, design parameters or technical standards for application to existing sewage discharges in a decentralized wastewater management district for the improvement of wastewater treatment to protect public health and the environment; (11) "sewage" means any substance, liquid or solid, which may contaminate or pollute or affect the cleanliness or purity of any water; and (12) "sewerage system" means any device, equipment, appurtenance, facility and method for collecting, transporting, receiving, treating, disposing of or discharging sewage, including, but not limited to, decentralized systems within a decentralized wastewater management district when such district is established by municipal ordinance pursuant to section 7-247.

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

(b) Each municipal water pollution control authority designated in accordance with this section may prepare and periodically update a water pollution control plan for the municipality. Such plan shall designate and delineate the boundary of: (1) Areas served by any municipal sewerage system; (2) areas where municipal sewerage facilities are planned and the schedule of design and construction anticipated or proposed; (3) areas where sewers are to be avoided; (4) areas served by any community sewerage system not owned by a municipality; (5) areas to be served by any proposed community sewerage system not owned by a municipality; [and] (6) areas to be designated as decentralized wastewater management districts; and (7) 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. Such plan shall also describe the means by which municipal programs are being carried out to avoid community pollution problems and describe any programs wherein the local director of health manages subsurface sewage disposal systems. The authority shall file a copy of the plan and any periodic updates of such plan with the Commissioner of Energy and Environmental Protection and the Commissioner of Housing, and shall manage or ensure the effective supervision, management, control, operation and maintenance of any community sewerage system or decentralized wastewater management district not owned by a municipality.

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

(a) Notwithstanding the provisions of chapter 439 and sections 22a-430 and 22a-430b, not later than January 1, 2022, the Commissioner of Public Health shall, [within available appropriations,] pursuant to section 19a-36, establish and define categories of discharge that constitute alternative on-site sewage treatment systems with capacities of [five] seven thousand five hundred gallons or less per day and subsurface community sewerage systems with capacities of seven thousand five hundred gallons or less per day. After the establishment of such categories, said commissioner shall have jurisdiction [, within available appropriations,] to issue or deny permits and approvals for such systems and for all discharges of domestic sewage to the groundwaters of the state from such systems. Said commissioner shall, pursuant to section 19a-36, [and within available appropriations,] establish minimum requirements for alternative on-site sewage treatment systems and subsurface community sewerage systems under said commissioner's jurisdiction, including, but not limited to: (1) Requirements related to activities that may occur on the property; (2) changes that may occur to the property or to buildings on the property that may affect the installation or operation of such systems; and (3) procedures for the issuance of permits or approvals by said
commissioner, a local director of health, or a sanitarian licensed pursuant to chapter 395. A permit or approval granted by said commissioner, such local director of health or such sanitarian for an alternative on-site sewage treatment system or subsurface community sewerage system pursuant to this section shall: (A) Not be inconsistent with the requirements of the federal Water Pollution Control Act, 33 USC 1251 et seq., the federal Safe Drinking Water Act, 42 USC 300f et seq., and the standards of water quality adopted pursuant to section 22a-426, as such laws and standards may be amended from time to time, (B) not be construed or deemed to be an approval for any other purpose, including, but not limited to, any planning and zoning or municipal inland wetlands and watercourses requirement, and (C) be in lieu of a permit issued under section 22a-430 or 22a-430b. For purposes of this section, "alternative on-site sewage treatment system" means a sewage treatment system serving one or more buildings on a single parcel of property that utilizes a method of treatment other than a subsurface sewage disposal system and that involves a discharge of domestic sewage to the groundwaters of the state, and "subsurface community sewerage system" means a community sewerage system, as defined in section 7-245, as amended by this act, that involves a discharge of domestic sewage to the groundwaters of the state.

(b) In establishing and defining categories of discharge that constitute alternative on-site sewage treatment systems and subsurface community sewerage systems pursuant to subsection (a) of this section, and in establishing minimum requirements for such systems pursuant to section 19a-36, said commissioner shall consider all relevant factors, including, but not limited to: (1) The impact that such systems or discharges may have individually or cumulatively on public health and the environment, (2) the impact that such systems and discharges may have individually or cumulatively on land use patterns, and (3) recommendations regarding responsible growth made to said commissioner by the Secretary of the Office of Policy and Management through the Office of Responsible Growth established by Executive Order No. 15 of Governor M. Jodi Rell.
The Commissioner of Energy and Environmental Protection shall retain jurisdiction over any alternative on-site sewage treatment system or subsurface community sewerage system not under the jurisdiction of the Commissioner of Public Health. The provisions of title 22a shall apply to any such system not under the jurisdiction of the Commissioner of Public Health. The provisions of this section shall not affect any permit issued by the Commissioner of Energy and Environmental Protection prior to [July 1, 2007] January 1, 2022, and the provisions of title 22a shall continue to apply to any such permit until such permit expires.

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

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

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

**Statement of Legislative Commissioners:**
In Section 4(a)(3), "uses" was changed to "[uses] use" for consistency; in Section 4(b)(7), "their impact" was changed to "[their] the impact of such regulations" for clarity; in Section 7(d), "councils of government" was changed to "councils of governments" for consistency; and in Section 8(e)(1), "on and after" was changed to "on or after" for accuracy.
PD     Joint Favorable Subst.