
OLR Bill Analysis

sHB 5174

AN ACT CONCERNING TEMPORARY SHELTER UNITS FOR PERSONS EXPERIENCING HOMELESSNESS OR REFUGEES LOCATED ON REAL PROPERTY OWNED BY RELIGIOUS ORGANIZATIONS.

SUMMARY

This bill requires zoning regulations in certain municipalities to allow, as of right, federally tax-exempt religious organizations to install and maintain on their property temporary shelter units for refugees and people experiencing homelessness, subject to certain conditions and limitations. The bill's requirement applies to municipalities (i.e., towns, cities, boroughs, and consolidated towns and cities and towns and boroughs) with at least 25,000 residents, based on the most recent decennial census, that adopt zoning regulations under the statutes (as opposed to a special act).

The bill authorizes municipalities to, among other things, (1) require the units to meet certain size and structural specifications; (2) prohibit more than eight of these units on a single lot and within 1,000 feet of cemeteries or schools; and (3) limit individuals' occupancy to 12 consecutive months. It sets the timeframe within which municipalities must review and approve applications for the units (generally 65 days). And it prohibits municipalities and certain other entities from requiring separate utility connections or related charges for the units.

Under the bill, if an impacted municipality does not amend or adopt new zoning regulations to comply with the bill by July 1, 2025, its noncompliant regulations are voided. Municipalities may not use or impose additional standards on these units' installation and maintenance beyond those set in the bill.

EFFECTIVE DATE: October 1, 2024

REFUGEES

Under the bill, a “refugee” is anyone (1) located in Connecticut who was admitted to the country under the Immigration and Nationality Act’s federal refugee admissions program and (2) who is outside their country of origin because of feared persecution, conflict, generalized violence, or other circumstances that significantly disturbed public order.

TEMPORARY SHELTER UNITS

The bill defines these units as nonpermanent, commercially prefabricated accessory structures designed to be easily dismantled or removed, excluding motor vehicles, tarps, tents, and other nonrigid materials. It requires that they be an accessory use to a house of religious worship owned by the religious organization. It also specifies that its provisions do not limit a religious organization from using all or part of any building on their property to provide temporary shelter for refugees or people experiencing homelessness.

The bill explicitly subjects these units to building and fire codes but exempts them from any State Building Code provision that effectively limits the duration of their use. It also authorizes municipalities to set additional requirements and limitations for these units, as described below.

Density, Size, and Occupancy Limitations

Municipalities may (1) prohibit more than eight temporary shelter units on a single lot and (2) set their maximum size at up to 400 square feet. They may also prohibit (1) more than one family or two unrelated people from occupying a unit and (2) anyone from occupying the unit for longer than 12 consecutive months.

Permissible Locations

Municipalities may (1) prohibit these units from being installed within 1,000 feet of any cemetery or elementary or secondary school (public or private) and (2) require they be set back at least 10 feet from any adjacent property the organization does not own.

Municipalities may also require that (1) any outdoor storage of occupants' personal belongings be blocked from public view by a wall or fence at least six feet tall and (2) the entire outdoor and parking area of the property where they are installed have exterior lighting.

Structural and Facilities Requirements

Municipalities may require that these units (1) be structurally sound, protect occupants from the elements, and pose no threat to their health and safety; (2) have working heating and cooling equipment; and (3) have enough electrical sources to allow the safe use of lighting and personal electrical appliances and devices.

They may also require the religious organizations installing temporary shelter units to provide enough male and female toilets and shower facilities to accommodate their occupants (including at least one toilet and shower for every eight occupants per gender).

PERMIT APPLICATION AND REVIEW PROCESS

The bill requires an as-of-right permit application and review process for approving these units. By law, and under the bill, "as of right" means able to be approved without requiring (1) a public hearing; (2) a variance, special permit, or special exception; or (3) other discretionary zoning action, other than a determination that a site plan conforms with applicable zoning regulations.

It requires municipalities to issue their decisions on applications within 65 days after the applicable zoning commission receives an application, unless the applicant agrees to one or more extensions of up to an additional 65 days or withdraws their application. They may not condition the unit's approval on the correction of a nonconforming use, structure, or lot. (A nonconforming use is a property use that legally exists at the time a zoning restriction prohibiting or limiting it is adopted. The term also generally applies to lots and structures that do not comply with zoning regulations.)

UTILITY CONNECTIONS

The bill prohibits municipalities, special districts, and sewer and

water authorities from:

1. considering a temporary shelter unit to be a new residential use for calculating utility connection fees or capacity charges, including for water or sewer service, and
2. requiring new or separate utility connections directly to a unit or imposing related connection fees or capacity charges.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 14 Nay 7 (03/22/2024)