



House of Representatives

General Assembly

File No. 401

February Session, 2024

Substitute House Bill No. 5174

House of Representatives, April 10, 2024

The Committee on Planning and Development reported through REP. KAVROS DEGRAW of the 17th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

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

- 1 Section 1. (NEW) (*Effective October 1, 2024*) (a) As used in this section:
- 2 (1) "As of right" has the same meaning as provided in section 8-1a of
- 3 the general statutes;
- 4 (2) "Municipality" has the same meaning as provided in subsection
- 5 (a) of section 7-148 of the general statutes;
- 6 (3) "Refugee" means any person located in the state who has been
- 7 admitted to the United States under the federal refugee admissions
- 8 program established pursuant to the Immigration and Nationality Act
- 9 and who is outside their country of origin for reasons of feared
- 10 persecution, conflict, generalized violence or other circumstances that

11 have significantly disturbed public order;

12 (4) "Religious organization" has the same meaning as provided in
13 section 49-31k of the general statutes; and

14 (5) "Temporary shelter unit" means a nonpermanent commercially
15 prefabricated accessory structure that is designed to be easily
16 dismantled or removed, but does not include tarps, tents, other nonrigid
17 materials or motor vehicles.

18 (b) In each municipality with a population of twenty-five thousand
19 or more, as determined by the most recent decennial census, any zoning
20 regulations adopted pursuant to section 8-2 of the general statutes by
21 such municipality shall allow the installation and maintenance of
22 temporary shelter units to provide shelter for persons experiencing
23 homelessness or refugees upon any real property owned by a religious
24 organization as of right, provided any such temporary shelter unit shall
25 be an accessory use to a house of religious worship owned by such
26 organization. A municipality may:

27 (1) Prohibit the installation of more than eight temporary shelter units
28 on any single lot;

29 (2) Prescribe a maximum size of four hundred square feet for any
30 temporary shelter unit;

31 (3) Require that each temporary shelter unit be structurally sound,
32 protect occupants from the elements and not pose a threat to the health
33 and safety of any occupant;

34 (4) Require that each temporary shelter unit be equipped with
35 necessary heating and cooling equipment in proper operating condition;

36 (5) Require that each temporary shelter unit have sufficient electrical
37 sources to permit the safe use of personal electrical appliances and
38 devices and lighting fixtures in the unit;

39 (6) Prohibit the occupancy of any shelter unit by more than one family

40 or two unrelated individuals;

41 (7) Prohibit any individual from occupying a temporary shelter unit
42 for a period exceeding twelve consecutive months;

43 (8) Prohibit the installation of any temporary shelter unit within one
44 thousand feet of any public or private elementary or secondary school
45 or cemetery;

46 (9) Require any religious organization that installs a temporary
47 shelter unit on the real property of such organization to provide
48 sufficient numbers of male and female toilets and shower facilities to
49 accommodate the occupants of any such unit, including (A) a minimum
50 of one toilet for every eight such occupants per gender, and (B) a
51 minimum of one shower for every eight such occupants per gender;

52 (10) Require that any temporary shelter unit be set back not less than
53 ten feet from any adjacent real property not owned by the religious
54 organization;

55 (11) Require that any outdoor storage of the personal belongings of
56 any occupant of a temporary shelter unit be obscured from public view
57 by a minimum six-foot-tall wall or fence; and

58 (12) Require the illumination by exterior lighting of the entire outdoor
59 and parking area of the property upon which any temporary shelter unit
60 is installed.

61 (c) The as-of-right permit application and review process for
62 approval of any temporary shelter unit shall require that a decision on
63 any such application be rendered not later than sixty-five days after
64 receipt of such application by the applicable zoning commission, except
65 that an applicant may consent to one or more extensions of not more
66 than an additional sixty-five days or may withdraw such application.

67 (d) Nothing in this section shall be interpreted to exempt a temporary
68 shelter unit from any applicable provision of any building code or fire
69 code, except no provision of the State Building Code that would have

70 the effect of limiting the duration of the permitted use of a temporary
71 shelter unit shall apply to such unit.

72 (e) Nothing in this section shall be interpreted to limit a religious
73 organization from using any building, or portion of a building, located
74 on real property owned by such organization to provide temporary
75 shelter for persons experiencing homelessness or refugees.

76 (f) A municipality shall not condition the approval of a temporary
77 shelter unit on the correction of a nonconforming use, structure or lot.

78 (g) A municipality, special district, sewer or water authority shall not
79 (1) consider a temporary shelter unit to be a new residential use for the
80 purposes of calculating connection fees or capacity charges for utilities,
81 including water and sewer service, or (2) require the installation of a
82 new or separate utility connection directly to a temporary shelter unit
83 or impose a related connection fee or capacity charge.

84 (h) If a municipality fails to adopt new zoning regulations or amend
85 existing zoning regulations by July 1, 2025, for the purpose of complying
86 with the provisions of subsections (b) to (g), inclusive, of this section,
87 any noncompliant existing zoning regulation shall become void. No
88 municipality shall use or impose additional standards concerning the
89 installation and maintenance of temporary shelter units to provide
90 shelter for persons experiencing homelessness or refugees upon any real
91 property owned by a religious organization beyond those standards set
92 forth in subsections (b) to (g), inclusive, of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	New section

Statement of Legislative Commissioners:

In Subsec. (a)(4), "of the general statutes" was added for consistency with standard drafting conventions; in Subsec. (b)(7), "an individual" was changed to "any individual" for clarity; in Subsec. (h), "zoning" was added before "regulations" and "regulation" throughout for clarity, and after "additional standards", "concerning the installation and

maintenance of temporary shelter units to provide shelter for persons experiencing homelessness or refugees upon any real property owned by a religious organization" was added for accuracy, and "standards" was added after "beyond those" for clarity.

PD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: See Below

Explanation

The bill exempts certain temporary shelters from zoning restrictions for towns with a population of 25,000 or more beginning in FY 25.¹ Any fiscal impact to municipalities will be dependent on how the temporary shelters are used. The bill has no impact on municipalities with a population of less than 25,000.

The Out Years

State Impact: None

Municipal Impact: The annualized ongoing fiscal impact identified above would continue into the future subject to the number of temporary shelters.

¹ According to the U.S. Census Bureau population estimates, in 2022 there were 45 towns in Connecticut with a population of 25,000 or greater.

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)