



General Assembly

February Session, 2024

**Substitute Bill No. 5335**



**AN ACT CONCERNING THE DEVELOPMENT OF MIDDLE HOUSING.**

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

1 Section 1. Subsection (b) of section 8-1a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective October*  
3 *1, 2024*):

4 (b) As used in this chapter and section 2 of this act:

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

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

17 (3) "As of right" or "as-of-right" means able to be approved in  
18 accordance with the terms of a zoning regulation or regulations and

19 without requiring that a public hearing be held, a variance, special  
20 permit or special exception be granted or some other discretionary  
21 zoning action be taken, other than a determination that a site plan is in  
22 conformance with applicable zoning regulations;

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

26 (5) "Live work unit" means a building or a space within a building  
27 used for both commercial and residential purposes by an individual  
28 residing within such building or space;

29 [(5)] (6) "Middle housing" means duplexes, triplexes, quadplexes,  
30 cottage clusters and townhouses;

31 [(6)] (7) "Mixed-use development" means a development containing  
32 both residential and nonresidential uses in any single building; and

33 [(7)] (8) "Townhouse" means a residential building constructed in a  
34 grouping of three or more attached units, each of which shares at least  
35 one common wall with an adjacent unit and has exterior walls on at least  
36 two sides.

37 Sec. 2. (NEW) (*Effective October 1, 2024*) (a) Any zoning regulations  
38 adopted pursuant to section 8-2 of the general statutes may allow for the  
39 as-of-right development of middle housing on any lot that allows for  
40 residential use, commercial use or mixed-use development, provided  
41 such lot is served by a public sewage and water system.

42 (b) Any municipality that adopts zoning regulations that allow for  
43 the as-of-right development of middle housing as described in  
44 subsection (a) of this section shall be awarded one-quarter housing unit-  
45 equivalent point pursuant to subdivision (6) of subsection (l) of section  
46 8-30g of the general statutes, as amended by this act, for each dwelling  
47 unit, as defined in section 47a-1 of the general statutes, for which a  
48 certificate of occupancy has been issued by the municipality.

49 Sec. 3. Subdivision (6) of subsection (l) of section 8-30g of the general  
50 statutes is repealed and the following is substituted in lieu thereof  
51 (*Effective October 1, 2024*):

52 (6) For the purposes of this subsection, housing unit-equivalent  
53 points shall be determined by the commissioner as follows: (A) No  
54 points shall be awarded for a unit unless its occupancy is restricted to  
55 persons and families whose income is equal to or less than eighty per  
56 cent of the median income, except that (i) unrestricted units in a set-  
57 aside development shall be awarded [one-fourth] one-quarter point  
58 each; and (ii) dwelling units in middle housing developed as of right  
59 pursuant to section 2 of this act shall be awarded one-quarter point each.  
60 (B) Family units restricted to persons and families whose income is  
61 equal to or less than eighty per cent of the median income shall be  
62 awarded one point if an ownership unit and one and one-half points if  
63 a rental unit. (C) Family units restricted to persons and families whose  
64 income is equal to or less than sixty per cent of the median income shall  
65 be awarded one and one-half points if an ownership unit and two points  
66 if a rental unit. (D) Family units restricted to persons and families whose  
67 income is equal to or less than forty per cent of the median income shall  
68 be awarded two points if an ownership unit and two and one-half points  
69 if a rental unit. (E) Elderly units restricted to persons and families whose  
70 income is equal to or less than eighty per cent of the median income shall  
71 be awarded one-half point. (F) A set-aside development containing  
72 family units which are rental units shall be awarded additional points  
73 equal to twenty-two per cent of the total points awarded to such  
74 development, provided the application for such development was filed  
75 with the commission prior to July 6, 1995. (G) A mobile manufactured  
76 home in a resident-owned mobile manufactured home park shall be  
77 awarded points as follows: One and one-half points when occupied by  
78 persons and families with an income equal to or less than eighty per cent  
79 of the median income; two points when occupied by persons and  
80 families with an income equal to or less than sixty per cent of the median  
81 income; and one-fourth point for the remaining units.

82

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	8-1a(b)
Sec. 2	October 1, 2024	New section
Sec. 3	October 1, 2024	8-30g(1)(6)

**Statement of Legislative Commissioners:**

In Section 1(b)(3), "or as-of-right" was added for clarity.

**HSG**      *Joint Favorable Subst. -LCO*