



General Assembly

February Session, 2024

Raised Bill No. 5390

LCO No. 64



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

AN ACT CONCERNING TRANSIT-ORIENTED COMMUNITIES.

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2 repealed and the following is substituted in lieu thereof (*Effective October*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" means able to be approved in accordance with the
18 terms of a zoning regulation or regulations and without requiring that
19 a public hearing be held, a variance, special permit or special exception
20 be granted or some other discretionary zoning action be taken, other
21 than a determination that a site plan is in conformance with applicable
22 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) As used in this section and
38 sections 3 and 4 of this act:

39 (1) "Coordinator" means the Responsible Growth Coordinator within
40 the Office of Policy and Management;

41 (2) "Discretionary infrastructure funding" means any grant, loan or
42 other financial assistance program administered by the state under the
43 provisions of section 4-66c, section 4-66h, sections 8-13m to 8-13x,
44 inclusive, subsection (g) of section 32-763 or section 32-765 of the general

45 statutes, or any grant, loan, or financial assistance program managed by
46 the Secretary of the Office of Policy and Management for the purpose of
47 transit-oriented development, as defined in section 13b-79o of the
48 general statutes;

49 (3) "Downtown area" means a central business district or other
50 commercial neighborhood area of a municipality that serves as a center
51 of socioeconomic interaction in the municipality, characterized by a
52 cohesive core of commercial and mixed-use buildings, often
53 interspersed with civic, religious and residential buildings and public
54 spaces, that are typically arranged along a main street and intersecting
55 side streets and served by public infrastructure;

56 (4) "Middle housing development" means a residential building
57 containing not fewer than two dwelling units but not greater than nine
58 such units, including, but not limited to, townhomes, duplexes,
59 triplexes, perfect sixes and cottage clusters;

60 (5) "Perfect six" means a three-story residential building with a central
61 entrance containing two dwelling units per story;

62 (6) "Qualifying bus transit community" means any municipality that
63 has not less than one regular bus service station operating not less than
64 five days a week within a transit-oriented district adopted by such
65 municipality, provided such transit-oriented district is of reasonable
66 size, as determined by the coordinator in accordance with the provisions
67 of subsection (e) of this section, and (A) includes land of such
68 municipality located within a one-half-mile radius of any such station,
69 or (B) is located within a reasonable distance, as determined by the
70 coordinator, of any other transit service, a commercial corridor or a
71 downtown area of such municipality;

72 (7) "Qualifying rapid transit community" means any municipality
73 that has not less than one rapid transit station or a planned rapid transit
74 station, contained within a transit-oriented district adopted by such
75 municipality, provided such transit-oriented district is of reasonable
76 size, as determined by the coordinator in accordance with subsection (e)

77 of this section, and (A) includes land of such municipality located within
78 a one-half-mile radius of any such station, or (B) is located within a
79 reasonable distance, as determined by the coordinator, of any other
80 transit service, a commercial corridor or the downtown area of such
81 municipality;

82 (8) "Qualifying transit-oriented community" means any municipality
83 that is a qualifying rapid transit community or qualifying bus transit
84 community;

85 (9) "Rapid transit station" means any public transportation station
86 serving rail or rapid bus routes;

87 (10) "Regular bus service station" means any fixed location where a
88 bus will regularly stop for the loading or unloading of passengers along
89 a defined route operating on a fixed schedule;

90 (11) "Transit-oriented district" means a collection of parcels of land in
91 a municipality designated by such municipality and subject to zoning
92 criteria designed to encourage increased density of development,
93 including mixed-use development and concentration of discretionary
94 infrastructure funding; and

95 (12) "Zoning commission" means any zoning commission, any
96 planning commission in a municipality that has adopted a planning
97 commission but not a zoning commission, or combined planning and
98 zoning commission.

99 (b) Any qualifying transit-oriented community shall be eligible for
100 discretionary infrastructure funding. To receive such funding, any such
101 community, or any municipality that is not a qualifying transit-oriented
102 community but has adopted a resolution pursuant to subsection (c) of
103 this section, shall submit an application for such funding to the
104 coordinator in a form developed by the coordinator. The coordinator
105 shall make recommendations to the state agency responsible for
106 administering such funding and such agency may prioritize any
107 qualifying transit-oriented community for the receipt of such funding

108 over any municipality that is not a qualifying transit-oriented
109 community or has not adopted a resolution pursuant to subsection (c)
110 of this section.

111 (c) Any municipality that is not a qualifying transit-oriented
112 community shall be eligible for discretionary infrastructure funding
113 pursuant to this section if the municipality, acting through the zoning
114 commission of such municipality, adopts a resolution stating that such
115 commission intends to enact zoning regulations that enable such
116 municipality to become a qualifying transit-oriented community. Such
117 commission shall enact such zoning regulations not later than eighteen
118 months after the adoption of such resolution. If such commission does
119 not enact such regulations within eighteen months after the adoption of
120 such resolution, unless the coordinator grants an extension to such
121 commission at the coordinator's discretion, such municipality shall
122 return any discretionary infrastructure funding received and shall not
123 be eligible for discretionary infrastructure funding until the zoning
124 commission of such municipality enacts zoning regulations that enable
125 the municipality to become a qualifying transit-oriented community.

126 (d) The zoning commission of the municipality shall consult with the
127 inland wetlands agency of the municipality to establish the boundaries
128 of any transit-oriented district within the municipality. If any portion of
129 any such proposed district is located in an area over which such agency
130 exercises its authority, such commission shall collaborate with such
131 agency to determine whether any portion of such proposed district shall
132 allow for the as-of-right development of middle housing and mixed-use
133 developments.

134 (e) In determining whether a transit-oriented district is of reasonable
135 size, the coordinator, in consultation with the zoning commission, shall
136 (1) determine whether the area of such district is adequate to support
137 greater density of development in an equitable manner, as determined
138 by the coordinator, considering the geographic characteristics of the
139 municipality; (2) consider municipal and regional housing needs; and
140 (3) not require the inclusion of the following lands in any such district:

141 (A) Special flood hazard areas designated on a flood insurance rate map
142 published by the National Flood Insurance Program, (B) wetlands, as
143 defined in section 22a-29 of the general statutes, (C) land designated for
144 use as a public park, (D) land subject to conservation or preservation
145 restrictions, as defined in section 47-42a of the general statutes, (E)
146 coastal resources, as defined in section 22a-93 of the general statutes, (F)
147 areas necessary for the protection of drinking water supplies, and (G)
148 areas designated as likely to be inundated during a thirty-year flood
149 event by the Marine Sciences Division of The University of Connecticut
150 pursuant to the division's responsibilities to conduct sea level change
151 scenarios pursuant to subsection (b) of section 25-68o of the general
152 statutes. If deemed necessary by the zoning commission to determine
153 whether a transit-oriented district is of reasonable size, such
154 commission shall consult with the inland wetlands agency of the
155 municipality and any other municipal agency deemed necessary by
156 such commission.

157 (f) Any qualifying transit-oriented community shall allow the
158 following developments as of right: (1) Middle housing developments,
159 if such development contains nine or fewer dwelling units; (2)
160 developments that contain ten or more dwelling units where not less
161 than thirty per cent of such units qualify as a set-aside development
162 pursuant to section 8-30g of the general statutes; and (3) developments
163 on land owned by (A) the municipality in which such land is located,
164 (B) the state, (C) any public housing authority, (D) any not-for-profit
165 entity, and (E) any religious organization, as defined in section 49-31k
166 of the general statutes, if such development is composed entirely of
167 units that qualify as a set-aside development pursuant to section 8-30g
168 of the general statutes and not less than fifty per cent of such units shall
169 be sold or rented at, or below, prices which will preserve the units as
170 housing for which persons and families pay thirty per cent or less of
171 their annual income, where such income is less than or equal to sixty per
172 cent of the area median income established by the United States
173 Department of Housing and Urban Development. Notwithstanding the
174 provisions of this subsection, if a proposed development is required to

175 have a public hearing in the inland wetlands agency of the municipality,
176 such proposed development must receive such public hearing prior to
177 such development's approval.

178 (g) Each qualifying transit-oriented community shall require that any
179 proposed development that contains ten or more dwelling units that are
180 not allowed as of right under subsection (f) of this section be subject to
181 (1) a deed restriction that requires, for not less than forty years after the
182 initial occupation of the proposed development, that a percentage of
183 dwelling units, as set forth in subsection (h) of this section, shall be sold
184 or rented at, or below, prices which will preserve the units as housing
185 for which persons and families that pay thirty per cent or less of their
186 annual income and where such income is less than or equal to eighty
187 per cent of the area median income established by the United States
188 Department of Housing and Urban Development; or (2) a contribution
189 agreement pursuant to subsection (i) of this section.

190 (h) The percentage of deed-restricted dwelling units required
191 pursuant to subdivision (1) of subsection (g) of this section shall be
192 determined based upon sales market typologies as described in the most
193 recent Connecticut Housing Finance Authority Housing Needs
194 Assessment:

195 (1) Fifteen per cent for any municipality designated High
196 Opportunity/Heating Market;

197 (2) Fifteen per cent for any municipality designated High
198 Opportunity/Cooling Market;

199 (3) Ten per cent for any municipality designated Low
200 Opportunity/Heating Market; and

201 (4) Five per cent for any municipality designated Low
202 Opportunity/Cooling Market.

203 (i) Any qualifying transit-oriented community may establish a fund
204 into which the developer of a proposed development that is not allowed

205 as of right under subsection (f) of this section may contribute funds to
206 qualify for such as-of-right approval. The amount and duration of such
207 contributions shall be determined by the coordinator and any
208 contribution agreement entered into pursuant to this subsection shall be
209 approved by the coordinator. Any municipality that establishes a fund
210 pursuant to this subsection shall utilize the proceeds of such fund solely
211 to develop affordable housing in the municipality.

212 (j) The coordinator shall determine any municipality's compliance
213 with the provisions of this section. The coordinator may consult with
214 the Commissioner of Housing to determine such compliance. Any
215 municipality that is not a qualifying rapid transit community or
216 qualifying bus transit community may be deemed a qualifying transit-
217 oriented community if the coordinator determines that such
218 municipality has adopted a transit-oriented district that contains any
219 rapid transit station or regular bus service station and is of a reasonable
220 size on or before October 1, 2025.

221 (k) Each qualifying transit-oriented community shall be eligible for
222 additional funding pursuant to any program administered by the
223 coordinator if such community implements additional zoning criteria,
224 including, but not limited to, higher density development, greater
225 affordability of housing units than is required by subsection (h) of this
226 section, the development of public land or public housing, the
227 implementation of programs to encourage homeownership
228 opportunities within such community and any additional criteria
229 determined by the coordinator.

230 (l) No qualifying transit-oriented community shall adopt regulations
231 concerning any transit-oriented district that conflict with any guidelines
232 adopted by the coordinator concerning parking requirements, lot size,
233 lot coverage, setback requirements, floor area ratio, height restrictions,
234 inclusionary zoning requirements, development impact fees or other
235 guidelines adopted by the coordinator concerning the development of
236 housing in any such district, unless the coordinator, in collaboration
237 with the qualifying transit-oriented community, approves such

238 conflicting regulations based on local factors identified by such
239 community.

240 (m) Notwithstanding the provisions of subsection (b) of this section,
241 transit-oriented districts located in priority funding areas, as defined in
242 section 16a-35c of the general statutes, shall be awarded discretionary
243 infrastructure funding by the agency administering any such funding
244 on a priority basis upon the request of a qualifying transit-oriented
245 community.

246 Sec. 3. (NEW) (*Effective from passage*) (a) There is established an
247 interagency council on housing development to advise and assist the
248 State Responsible Growth Coordinator in reviewing regulations,
249 developing guidelines and establishing programs to support the
250 responsible growth of housing in the state.

251 (b) The council shall consist of the following regular members: (1) The
252 State Responsible Growth Coordinator; (2) the Secretary of the Office of
253 Policy and Management, or the secretary's designee; (3) the
254 Commissioner of Housing, or the commissioner's designee; (4) the
255 Commissioner of Economic and Community Development, or the
256 commissioner's designee; (5) the Commissioner of Energy and
257 Environmental Protection, or the commissioner's designee; (6) the
258 Commissioner of Public Health, or the commissioner's designee; (7) the
259 Commissioner of Transportation, or the commissioner's designee; and
260 (8) the Chief Executive Officer of the Connecticut Housing Finance
261 Authority, or the chief executive officer's designee.

262 (c) In addition to the regular members set forth in subsection (b) of
263 this section, the council may consist of any ad hoc members that the
264 State Responsible Growth Coordinator determines would be necessary
265 to complete the work of the council.

266 (d) The chairperson of the council shall be the State Responsible
267 Growth Coordinator.

268 (e) The council shall convene not later than July 1, 2024, and meet not

269 less than once every six months and more often upon the call of the
270 chairperson, to:

271 (1) Review and evaluate the plans, programs, regulations and policies
272 of state or quasi-public agencies for opportunities to combine efforts and
273 resources of such agencies to increase housing development;

274 (2) Develop consistent reporting methods concerning data and
275 documentation related to housing development;

276 (3) Provide a forum to develop approaches to housing growth that
277 balance both needs for conservation and development, including the
278 need for additional housing and economic growth, the protection of
279 natural resources and the maintenance and support for existing
280 infrastructure;

281 (4) Review existing discretionary grant programs to make
282 recommendations to state or quasi-public agencies concerning the
283 adherence of such programs with the goals established in the state plan
284 of conservation and development adopted under chapter 297 of the
285 general statutes. Such recommendations shall include, but need not be
286 limited to, methods to increase the development of deed-restricted
287 housing in transit-oriented districts and middle housing, as defined in
288 section 8-1a of the general statutes, as amended by this act;

289 (5) Develop recommendations for municipalities concerning zoning
290 and land use policies designed to increase housing in such
291 municipalities. Such recommendations may include model ordinances,
292 regulations or bylaws that may be adopted by any municipality
293 pursuant to section 8-2 of the general statutes; and

294 (6) Develop guidelines concerning the adoption and development of
295 transit-oriented districts, which shall include, but need not be limited to,
296 (A) prioritizing mixed-use and mixed-income developments, (B)
297 increasing the availability of affordable housing, (C) ensuring proper
298 environmental considerations in the development of such districts, with
299 an emphasis on the analysis of any potential impacts on environmental

300 justice communities, as defined in section 22a-20a of the general statutes,
301 (D) increasing ridership on mass transit systems, (E) increasing the
302 feasibility of walking, biking and utilizing other means of mobility other
303 than motor vehicle travel, (F) reducing the need for motor vehicle travel,
304 (G) maximizing developable land, (H) increasing the economic viability
305 of development projects, and (I) reducing the length of time necessary
306 to approve applications for development.

307 (f) Not later than October 1, 2025, the coordinator shall submit a
308 report, in accordance with the provisions of section 11-4a of the general
309 statutes, to the joint standing committees of the General Assembly
310 having cognizance of matters relating to planning and development and
311 housing, concerning the recommendations and guidelines developed by
312 the coordinator pursuant to subdivisions (5) and (6) of subsection (e) of
313 this section and shall publish such recommendations and guidelines on
314 the Internet web site of the Office of Policy and Management.

315 (g) Not later than October 1, 2025, and annually thereafter, the
316 coordinator shall submit a report, in accordance with the provisions of
317 section 11-4a of the general statutes, to the joint standing committees of
318 the General Assembly having cognizance of matters relating to planning
319 and development and housing, concerning the recommendations of the
320 council.

321 Sec. 4. (NEW) (*Effective October 1, 2024*) There is established an
322 account to be known as the "public water and sewer rehabilitation or
323 expansion account" which shall be a separate, nonlapsing account
324 within the General Fund. The account shall contain any moneys
325 required by law to be deposited in the account. Moneys in the account
326 shall be expended by the State Responsible Growth Coordinator for the
327 purposes of rehabilitating or expanding public water and sewerage
328 infrastructure for any transit-oriented district established by a
329 municipality pursuant to section 2 of this act. Proceeds from such
330 account may be provided to any qualifying rapid transit community, a
331 bus transit community or any owner of real property in a development
332 approved for such funding at the discretion of the coordinator located

333 within a transit-oriented district.

334 Sec. 5. (NEW) (*Effective October 1, 2024*) The State Responsible Growth
335 Coordinator may establish, within available appropriations, a program
336 to provide grants to any regional council of governments for the
337 development of projects related to public transit infrastructure, bicycle
338 infrastructure or pedestrian infrastructure.

339 Sec. 6. Subsection (a) of section 8-169tt of the 2024 supplement to the
340 general statutes is repealed and the following is substituted in lieu
341 thereof (*Effective October 1, 2024*):

342 (a) As used in this section, "housing growth zone" means (1) any area
343 within a municipality in which applicable zoning regulations adopted
344 pursuant to section 8-2 are designed to facilitate substantial
345 development of new dwelling units consistent with subsection (c) of this
346 section, or (2) any transit-oriented district established by a municipality
347 pursuant to section 2 of this act. Any housing growth zone shall
348 encompass an entire development district and may include areas
349 outside such district.

350 Sec. 7. Subsection (f) of section 8-2o of the general statutes is repealed
351 and the following is substituted in lieu thereof (*Effective October 1, 2024*):

352 (f) Notwithstanding the provisions of subsections (a) to (d), inclusive,
353 of this section, the zoning commission or combined planning and
354 zoning commission, as applicable, of a municipality, by a two-thirds
355 vote, may initiate the process by which such municipality opts out of
356 the provisions of said subsections regarding the allowance of accessory
357 apartments, provided such commission: (1) First holds a public hearing
358 in accordance with the provisions of section 8-7d on such proposed opt-
359 out, (2) affirmatively decides to opt out of the provisions of said
360 subsections within the period of time permitted under section 8-7d, (3)
361 states [upon its] in the records of such commission the reasons for such
362 decision, and (4) publishes notice of such decision in a newspaper
363 having a substantial circulation in the municipality not later than fifteen
364 days after such decision has been rendered. Thereafter, the

365 municipality's legislative body or, in a municipality where the
 366 legislative body is a town meeting, [its] such municipality's board of
 367 selectmen, by a two-thirds vote, may complete the process by which
 368 such municipality opts out of the provisions of subsections (a) to (d),
 369 inclusive, of this section, except that, on and after January 1, 2023, no
 370 municipality may opt out of the provisions of said subsections.

371 (g) Notwithstanding any prior action of the municipality to opt out
 372 of the provisions of subsections (a) to (d), inclusive, of this section,
 373 pursuant to subsection (f) of this section, any owner of real property
 374 located within a transit-oriented district, as defined in section 2 of this
 375 act, who has owned real property in the municipality for not fewer than
 376 three years may construct an accessory apartment as of right on such
 377 real property.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	8-1a(b)
Sec. 2	<i>October 1, 2024</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>October 1, 2024</i>	New section
Sec. 5	<i>October 1, 2024</i>	New section
Sec. 6	<i>October 1, 2024</i>	8-169tt(a)
Sec. 7	<i>October 1, 2024</i>	8-2o(f)

Statement of Purpose:

To (1) provide financial incentives for municipalities that adopt certain transit-oriented development policies and to coordinate related state funds through the Office of Responsible Growth, (2) establish the interagency council on housing development, (3) direct the State Responsible Growth Coordinator to establish a fund for the expansion of water and sewerage infrastructure, (4) to allow the coordinator to provide additional funding for certain infrastructure projects, and (5) to include transit-oriented districts in the definition of housing growth zones.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]