



# House of Representatives

General Assembly

**File No. 241**

January Session, 2025

Substitute House Bill No. 7031

*House of Representatives, March 25, 2025*

The Committee on Housing reported through REP. FELIPE of the 130th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT INCLUDING ACCESSORY APARTMENTS WITHOUT AFFORDABILITY RESTRICTIONS IN THE CALCULATION OF THE THRESHOLD FOR EXEMPTION FROM THE AFFORDABLE HOUSING APPEALS PROCEDURE.**

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

1 Section 1. Subsection (k) of section 8-30g of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
3 *2025*):

4 (k) The affordable housing appeals procedure established under this  
5 section shall not be available if the real property which is the subject of  
6 the application is located in a municipality in which at least ten per cent  
7 of all dwelling units in the municipality are (1) assisted housing, (2)  
8 currently financed by Connecticut Housing Finance Authority  
9 mortgages, (3) subject to binding recorded deeds containing covenants  
10 or restrictions which require that such dwelling units be sold or rented  
11 at, or below, prices which will preserve the units as housing for which  
12 persons and families pay thirty per cent or less of income, where such  
13 income is less than or equal to eighty per cent of the median income, (4)  
14 mobile manufactured homes located in mobile manufactured home

15 parks, [or legally approved accessory apartments,] which homes [or  
 16 apartments] are subject to binding recorded deeds containing covenants  
 17 or restrictions which require that such dwelling units be sold or rented  
 18 at, or below, prices which will preserve the units as housing for which,  
 19 for a period of not less than ten years, persons and families pay thirty  
 20 per cent or less of income, where such income is less than or equal to  
 21 eighty per cent of the median income, [or] (5) mobile manufactured  
 22 homes located in resident-owned mobile manufactured home parks, or  
 23 (6) accessory apartments. [For the purposes of calculating the total  
 24 number of dwelling units in a municipality, accessory apartments built  
 25 or permitted after January 1, 2022, but that are not described in  
 26 subdivision (4) of this subsection, shall not be counted toward such total  
 27 number.] The municipalities meeting the criteria set forth in this  
 28 subsection shall be listed in the report submitted under section 8-37qq.  
 29 As used in this subsection, "accessory apartment" has the same meaning  
 30 as provided in section 8-1a, and "resident-owned mobile manufactured  
 31 home park" means a mobile manufactured home park consisting of  
 32 mobile manufactured homes located on land that is deed restricted, and,  
 33 at the time of issuance of a loan for the purchase of such land, such loan  
 34 required seventy-five per cent of the units to be leased to persons with  
 35 incomes equal to or less than eighty per cent of the median income, and  
 36 either (A) forty per cent of [said] such seventy-five per cent to be leased  
 37 to persons with incomes equal to or less than sixty per cent of the  
 38 median income, or (B) twenty per cent of [said] such seventy-five per  
 39 cent to be leased to persons with incomes equal to or less than fifty per  
 40 cent of the median income.

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

Section 1	July 1, 2025	8-30g(k)
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**Statement of Legislative Commissioners:**

The title was changed.

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

*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:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 26 \$</b>	<b>FY 27 \$</b>
Various Municipalities	Potential Savings	See Below	See Below

## **Explanation**

The bill allows all accessory apartments to be counted toward a moratorium under the affordable housing appeals procedure. This results in a potential savings to municipalities beginning in FY 26 for legal costs to the extent that more municipalities are awarded a moratorium.<sup>1,2</sup>

## **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

*Sources: Department of Housing Affordable Housing Appeals List*

<sup>1</sup> Several municipalities reported spending up to \$215,000 on legal costs, appeals, and litigations related to CGS 8-30g projects within the past two years.

<sup>2</sup> As of 2024, 28 towns had at least 10% affordable housing.

**OLR Bill Analysis****sHB 7031*****AN ACT INCLUDING ACCESSORY APARTMENTS WITHOUT AFFORDABILITY RESTRICTIONS IN THE CALCULATION OF THE THRESHOLD FOR EXEMPTION FROM THE AFFORDABLE HOUSING APPEALS PROCEDURE.*****SUMMARY**

Current law exempts a municipality from the affordable housing land use appeals procedure (CGS § 8-30g) if at least 10% of its total housing units consist of certain types of affordable housing, including legally approved “accessory apartments” subject to specified affordability restrictions for at least 10 years (i.e. generally deed-restricted as affordable to households earning no more than 80% of median income). This bill instead counts any accessory apartment toward the exemption threshold, regardless of whether it is subject to an affordability restriction. (While the bill eliminates a statutory requirement that the counted accessory apartments be legally approved, existing regulations also contain this requirement and thus it appears to still apply (see Conn. Agencies Regs., § 8-30g-2).)

The bill also eliminates a provision in current law that prevents certain newer accessory apartments from increasing a municipality’s base housing stock total (see below).

Under existing law, unchanged by the bill, an “accessory apartment” is a separate dwelling unit that (1) is located on the same lot as a principal dwelling unit of greater square footage; (2) has cooking facilities; and (3) complies with or is otherwise exempt from any applicable building code, fire code, and health and safety regulations (CGS § 8-1a).

EFFECTIVE DATE: July 1, 2025

**CHANGE TO BASE HOUSING STOCK CALCULATION**

The bill eliminates a provision in current law specifying that accessory apartments built or permitted after January 1, 2022, but not subject to a qualifying affordability restriction (see above), do not count toward a municipality's total number of housing units for the purpose of calculating an 8-30g exemption (see BACKGROUND).

In other words, while the bill may generally increase the number of housing units that count toward a municipality's exemption by counting all accessory apartments, it may also generally increase the number of units in its base housing stock total.

**BACKGROUND*****Affordable Housing Appeals List and CGS § 8-30g***

The Department of Housing (DOH) annually publishes a list identifying the housing stock in each municipality that qualifies as affordable housing under 8-30g for the purpose of establishing which municipalities are exempt from the appeals procedure. DOH uses data from the most recent U.S. decennial census to determine the total number of housing units in each municipality. Data on the number of affordable units comes from various sources (see CGS §§ 8-30g(k) & 8-37qqq(a)(2)(D); Conn. Agencies Regs., § 8-30g-2).

8-30g generally requires municipalities to defend their decisions to reject affordable housing development applications or approve them with restrictions that would have a substantial adverse impact on the project's viability or the affordability of income-restricted units. In traditional land use appeals, the appellant (e.g., developer) must convince the court that the municipality acted illegally or arbitrarily or abused its discretion. The 8-30g procedure instead places the burden of proof on municipalities.

***Related Bills***

HB 6950, reported favorably by the Housing Committee, changes the definition of “set-aside development” used in 8-30g.

sSB 12 (§ 2), reported favorably by the Housing Committee, makes boards of education eligible for increases to their school construction grant reimbursement rate, beginning July 1, 2025, based on municipalities’ affordable housing levels under 8-30g.

**COMMITTEE ACTION**

Housing Committee

Joint Favorable

Yea 13    Nay 5    (03/06/2025)