



General Assembly

Amendment

January Session, 2025

LCO No. 9294



Offered by:

REP. RITTER, 1st Dist.
SEN. LOONEY, 11th Dist.
REP. ROJAS, 9th Dist.
SEN. DUFF, 25th Dist.
REP. FELIPE, 130th Dist.
SEN. MARX, 20th Dist.

REP. KAVROS DEGRAW, 17th Dist.
SEN. RAHMAN, 4th Dist.
REP. LUXENBERG, 12th Dist.
REP. SIMMS, 140th Dist.
REP. TURCO, 27th Dist.

To: House Bill No. 5002

File No. 222

Cal. No. 151

(As Amended)

"AN ACT CONCERNING HOUSING AND THE NEEDS OF HOMELESS PERSONS."

1 Strike sections 2 to 4, inclusive, in their entirety and renumber the
2 remaining sections and internal references accordingly

3 Strike subdivision (11) of subsection (b) of section 5 in its entirety and
4 substitute the following in lieu thereof:

5 "(11) Allow for the as-of-right development of a middle housing
6 development, as defined in section 22 of this act, on any lot that is zoned
7 for commercial use, except that such regulations may require a
8 determination that a site plan for such middle housing development
9 conforms with applicable zoning regulations and that public health and

10 safety will not be substantially impacted by such middle housing
11 development."

12 Strike subdivision (9) of subsection (d) of section 5 in its entirety and
13 substitute the following in lieu thereof:

14 "(9) Require [more than one parking space for each studio or one-
15 bedroom dwelling unit or more than two parking spaces for each
16 dwelling unit with two or more bedrooms, unless the municipality opts
17 out in accordance with the provisions of section 8-2p] a minimum
18 number of off-street motor vehicle parking spaces for any residential
19 development except as provided in section 6 of this act; or"

20 Strike section 6 in its entirety and substitute the following in lieu
21 thereof:

22 "Sec. 6. (NEW) (*Effective July 1, 2026*) (a) Except as provided in
23 subsection (b) of this section, no zoning enforcement officer, planning
24 commission, zoning commission or combined planning and zoning
25 commission shall reject an application for any development solely on
26 the basis that such development fails to conform with any requirement
27 for off-street parking unless such officer or commission finds that a lack
28 of such parking will have a specific adverse impact on public health and
29 safety.

30 (b) For any proposed residential development that contains twenty-
31 four or more dwelling units, as defined in section 47a-1 of the general
32 statutes, the proposed developer of such development shall submit to
33 the zoning enforcement officer, planning commission, zoning
34 commission or combined planning and zoning commission a parking
35 needs assessment that conforms with the requirements of subsection (c)
36 of this section. Such commission may condition the approval of such
37 development on the construction of off-street parking not exceeding one
38 hundred ten per cent of the parking requirements demonstrated by the
39 submitted needs assessment.

40 (c) A parking needs assessment submitted pursuant to this section

41 shall be paid for by the proposed developer and shall include an
42 analysis of (1) available existing public and private parking that may be
43 used by residents of the proposed development, (2) public
44 transportation options that may be used by residents of the proposed
45 development that mitigate the need for off-street parking, and (3)
46 current needs and projected future needs for off-street parking for such
47 proposed development."

48 Strike subdivisions (4) and (5) of subsection (a) of section 9 in their
49 entirety and substitute the following in lieu thereof:

50 "(4) "Developable land" means the area within the boundaries of a
51 municipality that feasibly can be developed into residential or mixed
52 uses, not including: (A) Land already committed to a public use or
53 purpose, whether publicly or privately owned; (B) existing parks,
54 recreation areas and open space that is dedicated to the public or subject
55 to a recorded conservation easement; (C) land otherwise subject to an
56 enforceable restriction on or prohibition of development; (D) wetlands
57 or watercourses as defined in chapter 440; and (E) areas exceeding one-
58 half or more acres of contiguous land that are unsuitable for
59 development due to topographic features, such as steep slopes;

60 (5) "Discretionary infrastructure funding" means any grant, loan or
61 other financial assistance program (A) administered by the state under
62 the provisions of sections 4-66c, 4-66g, 4-66h, 22a-477 to the extent said
63 section provides financial assistance for municipal drinking water or
64 sewerage system projects, or sections 8-13m to 8-13x, inclusive, or (B)
65 managed by the Secretary of the Office of Policy and Management, the
66 Commissioner of Economic and Community Development or the
67 Commissioner of Transportation, for the purpose of transit-oriented
68 development, as defined in section 13b-79o;"

69 Strike subdivision (13) of subsection (a) of section 9 in its entirety and
70 substitute the following in lieu thereof:

71 "(13) "Realistic opportunity" means utilizing (A) municipal powers,

72 including, but not limited to, adopting planning and zoning regulations,
73 and (B) municipal compliance implementation mechanisms, in order to
74 remove barriers and constraints for the construction, rehabilitation,
75 repair or maintenance of affordable housing units within a municipality
76 and the administrative burdens to construct, rehabilitate, repair or
77 maintain such affordable housing units on developable land for the
78 benefit of low-income households, including fees and hearings, and in
79 time frames that shall be consistent and comparable to those for single-
80 family homes;"

81 Strike subdivision (4) of subsection (e) of section 9 in its entirety and
82 substitute the following in lieu thereof:

83 "(4) Provide for the creation of a sufficient supply of the different
84 types of affordable housing units required for meeting twenty-five per
85 cent of the municipality's number of affordable housing units allocated
86 to such municipality pursuant to such municipality's affordable housing
87 allocation, including ensuring that:

88 (A) Not less than fifty per cent of the units are family units;

89 (B) Not less than twenty-five per cent of the units are rental units,
90 provided at least fifty per cent of such twenty-five per cent are family
91 units;

92 (C) Not more than twenty-five per cent of the units are restricted by
93 occupant age or disability; and

94 (D) Not more than twenty per cent of the units are studios or one-
95 bedroom units."

96 Strike section 10 in its entirety and substitute the following in lieu
97 thereof:

98 "Sec. 10. Section 4-68ii of the general statutes is repealed and the
99 following is substituted in lieu thereof (*Effective October 1, 2025*):

100 (a) As used in this section:

101 (1) "Affordable housing unit" means a dwelling unit conveyed by an
102 instrument containing a covenant or restriction that requires such
103 dwelling unit to be sold or rented at or below a price intended to
104 preserve such unit as housing for a low-income household;

105 (2) "Commission", "zoning commission" or "zoning authority" means
106 a zoning commission, planning commission, planning and zoning
107 commission, zoning board of appeals or other municipal agency
108 exercising zoning or planning authority;

109 (3) "Commissioner" means the Commissioner of Housing, unless
110 otherwise specified;

111 (4) "Dwelling unit" means any house or building, or portion thereof,
112 which is occupied, is designed to be occupied, or is rented, leased or
113 hired out to be occupied, as a home or residence of one or more persons;

114 (5) "Median income" is the state median income, as determined by the
115 United States Department of Housing and Urban Development;

116 (6) "Multifamily housing" means a residential building that contains
117 three or more dwelling units;

118 (7) "Municipal fair share allocation" means the portion of the
119 minimum need for affordable housing units in a planning region, as
120 determined pursuant to subsection (b) of this section, that is allocated to
121 a municipality located within such planning region;

122 (8) "Planning region" means a planning region of the state, as defined
123 or redefined by the Secretary of the Office of Policy and Management,
124 or the secretary's designee, under the provisions of section 16a-4a,
125 except the Metropolitan and Western planning regions shall be
126 considered a single planning region; and

127 (9) "Secretary" means the Secretary of the Office of Policy and
128 Management.

129 (b) (1) Not later than December 1, 2024, and every ten years thereafter,

130 the secretary, in consultation with the Commissioners of Housing and
131 Economic and Community Development and, as may be determined by
132 the secretary, experts, advocates, state-wide organizations that
133 represent municipalities, organizations with expertise in affordable
134 housing, fair housing and planning and zoning, shall establish a
135 methodology for each municipality's fair share allocation by:

136 (A) Determining the need for affordable housing units in each
137 planning region; and

138 (B) Fairly allocating such need to the municipalities in each planning
139 region considering the duty of the state and municipalities to
140 affirmatively further fair housing pursuant to section 8-2, as amended
141 by this act, and 42 USC 3608. Such methodology shall rely on data from
142 the Comprehensive Housing Affordability Strategy data set published
143 by the United States Department of Housing and Urban Development,
144 or from a similar source as may be determined by the secretary.

145 (2) Notwithstanding the provisions of this section, on and after
146 October 1, 2025, until December 1, 2034, the secretary shall use the
147 "Alternative Approach A" methodology specified in Appendix A of the
148 Connecticut Fair Share Housing Study, Housing Needs Methodology
149 and Allocation, dated May 2025, to determine each municipality's
150 municipal fair share allocation, subject to the provisions of subdivision
151 (3) of this subsection;

152 (3) (A) Not later than January 1, 2026, each municipality required to
153 submit a priority affordable housing plan pursuant to subsection (e) of
154 section 8-30j, as amended by this act, shall submit to the majority
155 leader's roundtable established pursuant to section 2-139, in a form and
156 manner established by the majority leader's roundtable, an inventory
157 detailing vacant and developable land, as defined in section 8-30j, as
158 amended by this act, in such municipality and as part of such
159 submission, a municipality may propose an alternative municipal fair
160 share allocation. If no alternative municipal fair share allocation is
161 proposed by a municipality, the municipal fair share allocation for such

162 municipality shall be as set forth in subdivision (2) of this subsection.
163 For purposes of this subsection, "vacant" means land that is not
164 developed or land that lacks essential appurtenant improvements,
165 above and below water, required for such land to serve a useful
166 purpose, including land that may be an approved subdivision but is not
167 presently being physically improved or sold as lots.

168 (B) Not later than February 1, 2026, the majority leader's roundtable
169 shall analyze the information submitted pursuant to subparagraph (A)
170 of this subdivision and make recommendations on whether any
171 alternative municipal fair share allocations proposed by a municipality
172 should be approved by the General Assembly. The majority leader's
173 roundtable shall submit such recommendations, in accordance with the
174 provisions of section 11-4a, to the joint standing committee of the
175 General Assembly having cognizance of matters relating to housing,
176 which shall report its approval or disapproval of such
177 recommendations. Each house of the General Assembly, by resolution,
178 shall confirm or reject the recommendations. If either such house rejects
179 the recommendations, the recommendations shall be referred back to
180 the joint standing committee of the General Assembly having
181 cognizance of matters relating to housing for reconsideration.

182 [(2)] (4) The secretary shall ensure that the fair share allocation
183 methodology:

184 (A) Is designed with due consideration for the duty of the state and
185 each municipality to affirmatively further fair housing in accordance
186 with section 8-2, as amended by this act, and 42 USC 3608;

187 (B) Relies on appropriate metrics of the minimum need for affordable
188 housing units in a planning region to ensure adequate housing options,
189 including the number of households whose income is not greater than
190 thirty per cent of the area median income and whose housing costs
191 constitute fifty per cent or more of such household's income;

192 (C) Relies on appropriate factors for fairly allocating such need to

193 each municipality within each planning region, including a
194 municipality's compliance with the requirements of sections 8-2, as
195 amended by this act, and 8-23 with regard to promoting housing choice
196 and economic diversity in housing, including housing for both low and
197 moderate income households, and encouraging the development of
198 housing which meets the identified housing needs and the development
199 of housing opportunities, including opportunities for multifamily
200 housing, for all residents of the municipality and the planning region in
201 which the municipality is located;

202 (D) Does not assign a fair share allocation to any municipality with a
203 federal poverty rate of twenty per cent or greater based on data reported
204 in the most recent United States decennial census or similar source; and

205 (E) Increases the municipal fair share allocation of a municipality if
206 such municipality, when compared to other municipalities in the same
207 planning region, has:

208 (i) A greater dollar value of the ratable real and personal property, as
209 reflected by its equalized net grand list, calculated in accordance with
210 the provisions of section 10-261a, for residential, commercial, industrial,
211 public utility and vacant land;

212 (ii) A higher median income, based on data reported in the most
213 recent United States decennial census or similar source;

214 (iii) A lower percentage of its population that is below the federal
215 poverty threshold, based on data reported in such census or similar
216 source; or

217 (iv) A lower percentage of its population that lives in multifamily
218 housing, based on data reported in such census or similar source.

219 [(3)] (5) (A) Not later than December 1, 2024, and every ten years
220 thereafter, the secretary, in consultation with the Commissioners of
221 Housing and Economic and Community Development, shall, using the
222 methodology established pursuant to this subsection, determine the

223 minimum need for affordable housing units for each planning region
224 and a municipal fair share allocation for each municipality within each
225 planning region.

226 (B) No municipal fair share allocation determined pursuant to
227 subparagraph (A) of this subdivision shall exceed twenty per cent of the
228 occupied dwelling units in such municipality.

229 (c) [The] Not later than January 1, 2035, and every ten years
230 thereafter, the secretary shall submit the methodology established
231 pursuant to subsection (b) of this section to the joint standing
232 committees of the General Assembly having cognizance of matters
233 relating to planning and development and housing, in accordance with
234 the provisions of section 11-4a, and each chamber of the General
235 Assembly for approval."

236 Strike section 20 in its entirety and substitute the following in lieu
237 thereof:

238 "Sec. 20. Subsection (g) of section 8-30g of the general statutes is
239 repealed and the following is substituted in lieu thereof (*Effective October*
240 *1, 2025*):

241 (g) Upon an appeal taken under subsection (f) of this section, the
242 burden shall be on the commission to prove, based upon the evidence
243 in the record compiled before such commission, that the decision from
244 which such appeal is taken and the reasons cited for such decision are
245 supported by sufficient evidence in the record. The commission shall
246 also have the burden to prove, based upon the evidence in the record
247 compiled before such commission, that (1) (A) the decision is necessary
248 to protect substantial public interests in health, safety or other matters
249 which the commission may legally consider; (B) such public interests
250 clearly outweigh the need for affordable housing; and (C) such public
251 interests cannot be protected by reasonable changes to the affordable
252 housing development, or (2) (A) the application which was the subject
253 of the decision from which such appeal was taken would locate

254 affordable housing in an area which is zoned for industrial use and
255 which does not permit residential uses; and (B) the development is not
256 assisted housing. If the commission does not satisfy its burden of proof
257 under this subsection, the court shall wholly or partly revise, modify,
258 remand or reverse the decision from which the appeal was taken in a
259 manner consistent with the evidence in the record before it. In addition,
260 if the court finds, after a hearing, that the commission's decision denying
261 an affordable housing application or approving such application with
262 restrictions which have a substantial adverse impact on the viability of
263 the affordable housing development or the degree of affordability of the
264 affordable dwelling units in a set-aside development was made in bad
265 faith or to cause undue delay, the court may award reasonable attorney's
266 fees to the person who filed the appeal under subsection (f) of this
267 section, provided the total number of units in the affordable housing
268 development or affordable dwelling units in the set-aside development
269 ordered by the court to be built is at least ninety per cent of the units
270 proposed in the original application of such person to the commission."

271 Strike section 30 in its entirety and renumber the remaining sections
272 and internal references accordingly

273 Change the effective date of section 31 to "Effective January 1, 2026"

274 Strike section 32 in its entirety and substitute the following in lieu
275 thereof:

276 "Sec. 32. Section 7-148b of the general statutes is repealed and the
277 following is substituted in lieu thereof (*Effective July 1, 2025*):

278 (a) For purposes of this section and sections 7-148c to 7-148f,
279 inclusive, "seasonal basis" means housing accommodations rented for a
280 period or periods aggregating not more than one hundred twenty days
281 in any one calendar year, [and] "rental charge" includes any fee or
282 charge in addition to rent that is imposed or sought to be imposed upon
283 a tenant by a landlord, and "municipality" means a town, city or
284 consolidated town and city.

285 (b) Any [town, city or borough] municipality may, and [any town,
286 city or borough] each municipality with a population of [twenty-five]
287 fifteen thousand or more, as determined by the most recent decennial
288 census, shall, through its legislative body, adopt an ordinance that (1)
289 creates a fair rent commission, (2) establishes or joins the municipality
290 in a joint fair rent commission pursuant to subsection (d) of this section,
291 or (3) joins the municipality in a regional fair rent commission pursuant
292 to subsection (e) of this section. Any such commission shall make
293 studies and investigations, conduct hearings and receive complaints
294 relative to rental charges on housing accommodations, except those
295 accommodations rented on a seasonal basis, within its jurisdiction,
296 which term shall include mobile manufactured homes and mobile
297 manufactured home park lots, in order to control and eliminate
298 excessive rental charges on such accommodations, and to carry out the
299 provisions of sections 7-148b to 7-148f, inclusive, as amended by this act,
300 section 47a-20 and subsection (b) of section 47a-23c. The commission, for
301 such purposes, may compel the attendance of persons at hearings, issue
302 subpoenas and administer oaths, issue orders and continue, review,
303 amend, terminate or suspend any of its orders and decisions. The
304 commission may be empowered to retain legal counsel to advise it.

305 (c) Any [town, city or borough] municipality required to create a fair
306 rent commission pursuant to subsection (b) of this section shall adopt
307 an ordinance creating [such] a fair rent commission, or joining a joint
308 fair rent commission or regional fair rent commission, on or before [July
309 1, 2023] January 1, 2028. No municipality required to create a fair rent
310 commission pursuant to subsection (b) of this section that has created a
311 fair rent commission prior to July 1, 2025, shall abolish such commission
312 before January 1, 2028, unless such municipality joins a joint fair rent
313 commission or regional fair rent commission pursuant to this section.
314 Not later than thirty days after the adoption of such ordinance, the chief
315 executive officer of such [town, city or borough] municipality shall (1)
316 notify the Commissioner of Housing that such commission has been
317 created or joined by such municipality, and (2) transmit a copy of the
318 ordinance adopted by the [town, city or borough] municipality to the

319 commissioner.

320 (d) [Any two] Two or more [towns, cities or boroughs not subject to
321 the requirements of subsection (b) of this section] contiguous
322 municipalities may, [through their legislative bodies, create] by
323 concurrent ordinances adopted by their legislative bodies, establish a
324 joint fair rent commission. Any municipality that is contiguous to a
325 municipality that is a member of an existing joint fair rent commission
326 may become a member of such joint fair rent commission upon the
327 adoption of an ordinance by such municipality's legislative body. Any
328 municipality that is a member of a joint fair rent commission may, by
329 vote of its legislative body, elect to withdraw from such commission,
330 provided such withdrawing municipality creates its own fair rent
331 commission or joins another joint fair rent commission or regional fair
332 rent commission in compliance with the requirements of this section.

333 (e) A regional council of governments formed pursuant to section 4-
334 124j may establish a regional fair rent commission. Any municipality
335 that is a member of such council may join such regional fair rent
336 commission upon the adoption of an ordinance by such municipality's
337 legislative body. Any regional fair rent commission shall prescribe a
338 form and manner in which complaints to such commission shall be
339 made.

340 (f) Upon the request of a party to a matter pending before a regional
341 fair rent commission, a meeting or a portion of a meeting during which
342 the participation of such party is required shall be conducted by means
343 of electronic equipment, as defined in section 1-200, in conjunction with
344 an in-person meeting of such commission."

345 Strike section 33 in its entirety and renumber the remaining sections
346 and internal references accordingly

347 Strike section 40 in its entirety and substitute the following in lieu
348 thereof:

349 "Sec. 40. (*Effective from passage*) The majority leaders' roundtable

350 group on affordable housing, established pursuant to section 2-139 of
351 the general statutes, shall review the potential issues and benefits of
352 changing the exemption threshold provided in subsection (k) of section
353 8-30g of the general statutes from a percentage of certain dwelling units
354 located in a municipality to a flat numerical value. Not later than
355 February 1, 2026, the roundtable group shall submit a report, in
356 accordance with the provisions of section 11-4a of the general statutes,
357 on its findings and any recommendations to the joint standing
358 committee of the General Assembly having cognizance of matters
359 relating to housing."