
OLR Bill Analysis

sSB 1313

AN ACT INCREASING HOUSING DEVELOPMENT WITHIN ONE-HALF MILE OF PUBLIC TRANSIT STATIONS.

SUMMARY

This bill requires most municipalities to allow proposed housing developments with a minimum density of 15 units per acre, as-of-right, within a one-half-mile radius of certain transit stations. The covered municipalities are those that exercise zoning authority under the statutes (i.e. CGS § 8-2), rather than pursuant to a special act.

The bill specifies certain land types that cannot be developed for housing as-of-right (e.g., those lacking sewer service or at a high risk of flooding). It establishes parameters for local zoning regulations on these housing developments and processing developers' applications.

The bill also makes a conforming change specifying that zoning regulations adopted under CGS § 8-2 cannot prohibit the housing developments that the bill requires be allowed as-of-right (§ 2).

EFFECTIVE DATE: October 1, 2025

QUALIFYING DEVELOPMENTS

Under the bill, a proposed housing development qualifies for as-of-right approval if it:

1. will be located within a half-mile radius of a passenger or commuter rail station or bus rapid transit station;
2. consists of age-unrestricted dwellings that are suitable for families with children (it is unclear whether this means units must have a certain number of bedrooms or meet other criteria); and
3. has a "minimum overall average gross density" of 15 dwellings

per acre. (While the bill uses the term “gross density,” it appears that by excluding certain land types from the bill’s requirements (see below), it is actually imposing a “net density” requirement.)

Density Calculation

Generally, for land use planning purposes, housing density is measured in two ways: gross density and net density.

The bill requires proposed developments to have a minimum overall average gross density of 15 dwellings per acre. This appears to mean that a proposal qualifies for as-of-right approval if it will have at least 15 units per acre. However, while the bill uses the term “gross density,” it also specifies that its requirements do not apply to specified land types (gross density is generally understood to be the quotient of dwelling units divided by total land area). It is unclear what this exclusion means in practice, and whether it creates a net density standard (net density is calculated by dividing the number of dwellings by the non-exempt land area).

At the same time, the bill allows a municipality with multiple stations to calculate the “overall average allowable gross density” across all of its stations. Because the bill imposes a minimum density requirement on developments, and does not appear to give municipalities authority to impose a density cap on developments, it is unclear what “allowable gross density” refers to, and what authority the bill grants municipalities.

Exempt Lands. The bill exempts certain lands from its as-of-right development requirements, seemingly requiring them to be subtracted from the gross area calculation for purposes of determining “minimum overall average gross density.” Presumably, only the portion of a parcel that qualifies as exempt land is subtracted.

Specifically, exempt lands are:

1. areas not served by water and sewer infrastructure;
2. roadways, railways, and public parkland (the bill does not define

these terms);

3. tidal wetlands and inland wetlands and watercourses, as defined in state law;
4. Long Island Sound and its coastal resources, as defined in the Coastal Management Act;
5. steep slopes of 15% or more in grade change within a single lot;
6. ledges (the bill does not define this term);
7. land subject to a conservation or preservation restriction (e.g., an easement);
8. areas necessary for the protection of drinking water supplies (presumably, to be determined by the municipality);
9. special flood hazard areas designated by the Federal Emergency Management Agency; and
10. areas likely to be inundated during a 30-year flood event, as delineated by the Connecticut Institute for Resilience & Climate Adaptation's sea level change scenarios.

APPROVAL PROCESS

Under the bill, if a housing development qualifies for an as-of-right approval, it means that the proposed development must be approved if it conforms to applicable zoning regulations, without any discretionary zoning action being taken and without needing a public hearing, variance, special permit, or special exception.

The bill requires the municipality to make a decision on a proposed development within 65 days of receiving the application. But the applicant may consent to one or more extensions of up to 65 days each, or may withdraw the application.

LOCAL REGULATIONS

The bill contemplates municipalities adopting regulations on some

aspects of these as-of-right housing developments. (But as described above, the bill appears to create a guaranteed minimum density for developers around transit stations without authorizing municipalities to establish a density cap.)

The bill broadly prohibits municipalities from using or imposing standards to discourage, through “unreasonable” costs or delays, the as-of-right housing developments. (The bill does not define “unreasonable.”) Municipalities cannot condition approval on the correction of a nonconforming use, structure, or lot.

The bill specifically subjects qualified developments to zoning regulations that impose parking requirements that do not exceed (1) one parking spot for each studio or one-bedroom dwelling or (2) two parking spots for each dwelling unit with two or more bedrooms.

Under the bill, if local regulations do not conform to the bill’s requirements by October 1, 2026, then (1) any noncompliant regulation is deemed void and (2) the municipality must approve or deny applications according to the bill’s requirements until it adopts compliant regulations.

BACKGROUND

Related Bills

sHB 6831, favorably reported by the Planning and Development Committee, makes municipalities that plan to adopt zoning regulations allowing certain housing developments to be built as-of-right in a transit-oriented district eligible for prioritization of infrastructure funding to be used within the district.

HB 7061, favorably reported by the Planning and Development Committee, prohibits municipal zoning regulations from imposing minimum off-street parking requirements on developments.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 12 Nay 8 (03/07/2025)