



General Assembly

Amendment

January Session, 2025

LCO No. **9152**



Offered by:
REP. DUBITSKY, 47th 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 section 22 in its entirety and substitute the following in lieu
2 thereof:

3 "Sec. 22. (NEW) (*Effective October 1, 2025*) (a) As used in this section
4 and sections 23 and 24 of this act:

5 (1) "Discretionary infrastructure funding" has the same meaning as
6 provided in section 9 of this act;

7 (2) "Downtown area" means a central business district or other
8 commercial neighborhood area of a municipality that serves as a center
9 of socioeconomic interaction, characterized by a cohesive core of
10 commercial and mixed-use buildings, often interspersed with civic,
11 religious and residential buildings and public spaces, that are typically
12 arranged along a main street and intersecting side streets and served by

13 public infrastructure;

14 (3) "Middle housing development" means a residential building
15 containing not less than two dwelling units but not more than nine such
16 units, including, but not limited to, townhomes, duplexes, triplexes,
17 perfect sixes and cottage clusters;

18 (4) "Perfect six" means a three-story residential building with a central
19 entrance containing two dwelling units per story;

20 (5) "Qualifying bus transit community" means any municipality that
21 contains not less than one regular bus service station operating not less
22 than five days a week within a transit-oriented district adopted by such
23 municipality, provided such transit-oriented district is of reasonable
24 size, as determined by the secretary, or the secretary's designee, in
25 accordance with the provisions of subsection (e) of this section, and
26 either (A) includes land of such municipality located within a one-half-
27 mile radius of any such station, or (B) is located within a reasonable
28 distance, as determined by the secretary, or the secretary's designee, of
29 any other transit service, a commercial corridor or the downtown area
30 of such municipality;

31 (6) "Qualifying rapid transit community" means any municipality
32 that contains not less than one rapid transit station or a planned rapid
33 transit station, contained within a transit-oriented district adopted by
34 such municipality, provided such transit-oriented district is of
35 reasonable size, as determined by the secretary, or the secretary's
36 designee, in accordance with subsection (e) of this section, and either (A)
37 includes land of such municipality located within a one-half-mile radius
38 of any such station, or (B) is located within a reasonable distance, as
39 determined by the secretary, or the secretary's designee, of any other
40 transit service, a commercial corridor or the downtown area of such
41 municipality;

42 (7) "Qualifying transit-oriented community" means any municipality
43 that is a qualifying rapid transit community or qualifying bus transit

44 community;

45 (8) "Rapid transit station" means any public transportation station
46 serving any rail or rapid bus route;

47 (9) "Regular bus service station" means any fixed location where a bus
48 regularly stops, not less than once every sixty minutes during peak
49 operating hours, for the loading or unloading of passengers along a
50 defined route operating on a fixed schedule;

51 (10) "Secretary" means the Secretary of the Office of Policy and
52 Management, or the secretary's designee;

53 (11) "Transit-oriented district" means a collection of parcels of land in
54 a municipality designated by such municipality and subject to zoning
55 criteria designed to encourage increased density of development,
56 including mixed-use development and a concentration of developments
57 utilizing discretionary infrastructure funding; and

58 (12) "Zoning commission" means any zoning commission, a planning
59 commission in a municipality that has adopted a planning commission
60 but not a zoning commission or a combined planning and zoning
61 commission.

62 (b) A qualifying transit-oriented community or municipality that has
63 adopted a resolution pursuant to subsection (c) of this section shall be
64 eligible for the receipt of discretionary infrastructure funding on a
65 priority basis, provided such community meets the eligibility criteria for
66 the discretionary infrastructure funding. Any funding provided on a
67 priority basis pursuant to this section shall be used exclusively for the
68 development, renovation, expansion, management or maintenance of
69 improvements located in a transit-oriented district. To receive such
70 funding on a priority basis, any such community or municipality shall
71 submit an application for such funding to the secretary in a form
72 developed by the secretary. The secretary shall make recommendations
73 to the state agency responsible for administering or managing such
74 funding and, if priority funding is permitted for such funding, such

75 agency may prioritize such community or municipality for the receipt
76 of such funding over any municipality that is not a qualifying transit-
77 oriented community or that has not adopted a resolution pursuant to
78 subsection (c) of this section, based on the secretary's recommendations.
79 Nothing in this subsection shall be construed to limit the use of funding
80 received pursuant to this section if the use of such funding to develop,
81 renovate, expand, manage or maintain improvements within a transit-
82 oriented district also benefits real property located outside of a transit-
83 oriented district.

84 (c) A municipality that is not a qualifying transit-oriented community
85 shall be eligible for discretionary infrastructure funding on a priority
86 basis pursuant to this section if the legislative body of the municipality
87 adopts a resolution stating that such municipality intends to enact
88 zoning regulations that enable such municipality to become a qualifying
89 transit-oriented community, provided such municipality meets the
90 eligibility criteria for the discretionary infrastructure funding. Such
91 municipality shall enact such zoning regulations not later than eighteen
92 months after the adoption of such resolution. If such municipality does
93 not enact such regulations within eighteen months after the adoption of
94 such resolution, unless the secretary grants an extension to such
95 municipality at the secretary's discretion, such municipality shall return
96 any discretionary infrastructure funding provided to such municipality
97 on a priority basis pursuant to this section and such municipality shall
98 be ineligible for discretionary infrastructure funding on a priority basis
99 until such municipality enacts zoning regulations that enable the
100 municipality to become a qualifying transit-oriented community.
101 Nothing in this section shall be construed to make a municipality that is
102 not a qualifying transit-oriented community ineligible for discretionary
103 infrastructure funding.

104 (d) The zoning commission of the municipality shall consult with the
105 inland wetlands agency of the municipality to establish the boundaries
106 of any proposed transit-oriented district within the municipality. If any
107 proposed activity in such proposed district may be a regulated activity,

108 as defined in section 22a-38 of the general statutes, such commission
109 shall collaborate with such agency to determine whether such proposed
110 activity would constitute a regulated activity for which a permit is
111 required.

112 (e) In determining whether a transit-oriented district is of reasonable
113 size, the secretary, or the secretary's designee, in consultation with the
114 zoning commission of the municipality, shall (1) determine whether the
115 area of such district is adequate to support greater density of
116 development in an equitable manner, as determined by the secretary, or
117 the secretary's designee, considering the geographic characteristics of
118 the municipality; (2) consider municipal and regional housing needs;
119 and (3) not require the inclusion of the following lands in any such
120 district: (A) Special flood hazard areas designated on a flood insurance
121 rate map published by the National Flood Insurance Program, (B)
122 wetlands, as defined in section 22a-38 of the general statutes, (C) land
123 designated for use as a public park, (D) land subject to conservation or
124 preservation restrictions, as defined in section 47-42a of the general
125 statutes, (E) coastal resources, as defined in section 22a-93 of the general
126 statutes, (F) areas necessary for the protection of drinking water
127 supplies, and (G) areas designated as likely to be inundated during a
128 thirty-year flood event by the Marine Sciences Division of The
129 University of Connecticut pursuant to the division's responsibilities to
130 conduct sea level change scenarios pursuant to subsection (b) of section
131 25-68o of the general statutes. The zoning commission may consult with
132 any other agency of the municipality to determine whether a transit-
133 oriented district is of reasonable size.

134 (f) (1) A qualifying transit-oriented community shall allow the
135 following developments as of right in any transit-oriented district: (A)
136 Middle housing developments, if such development contains nine or
137 fewer dwelling units; (B) developments that contain ten or more
138 dwelling units where not less than thirty per cent of such units qualify
139 as a set-aside development pursuant to section 8-30g of the general
140 statutes, as amended by this act; and (C) developments on land owned

141 by (i) the municipality in which such land is located, (ii) the state, (iii)
142 the public housing authority of the municipality in which such district
143 is located, (iv) any not-for-profit entity, and (v) any religious
144 organization, as defined in section 49-31k of the general statutes, if such
145 development is composed entirely of units that are subject to a deed
146 restriction that requires, for not less than forty years after the initial
147 occupation of the proposed development, that such units be sold or
148 rented at, or below, a cost in rent or mortgage payments equivalent to
149 not more than thirty per cent of the annual income of individuals and
150 families earning sixty per cent of the median income of the state or the
151 area median income as determined by the United States Department of
152 Housing and Urban Development, whichever is less.

153 (2) A qualifying transit-oriented community shall allow, as of right,
154 the conversion of any residential development or commercial
155 development into any development described in subdivision (1) of
156 subsection (f) of this section on any lot located in a transit-oriented
157 district.

158 (3) Notwithstanding the provisions of this subsection, if a proposed
159 development is required to have a public hearing by the inland wetlands
160 agency of the municipality, such proposed development must receive
161 such public hearing prior to such development's approval.

162 (g) Each qualifying transit-oriented community shall require that any
163 proposed development within any transit-oriented district that contains
164 ten or more dwelling units that are not allowed as of right under
165 subsection (f) of this section be subject to (1) a deed restriction that
166 requires, for not less than forty years after the initial occupation of the
167 proposed development, that a percentage of dwelling units, as set forth
168 in subsection (h) of this section, be sold or rented at, or below, a cost in
169 rent or mortgage payments equivalent to not more than thirty per cent
170 of the annual income of individuals and families earning sixty per cent
171 of the median income of the state or the area median income as
172 determined by the United States Department of Housing and Urban
173 Development, whichever is less; or (2) a contribution agreement

174 pursuant to subsection (i) of this section.

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

180 (1) Ten per cent for any municipality designated High
181 Opportunity/Heating Market;

182 (2) Ten per cent for any municipality designated High
183 Opportunity/Cooling Market; and

184 (3) Five per cent for any municipality designated Low
185 Opportunity/Heating Market.

186 (i) Any municipality that has adopted a transit-oriented district
187 before October 1, 2025, shall be eligible for the receipt of discretionary
188 infrastructure funding on a priority basis for developments in such
189 district, regardless of whether such municipality is a qualifying transit-
190 oriented community, provided such municipality meets the eligibility
191 criteria for the discretionary infrastructure funding. Nothing in this
192 section shall be construed to (1) require that a municipality that has
193 adopted a transit-oriented district be determined to be a qualifying
194 transit-oriented community, or (2) authorize the secretary to deem a
195 municipality a qualifying transit-oriented community without the
196 approval of such municipality.

197 (j) Each qualifying transit-oriented community shall be eligible for
198 additional funding pursuant to any program administered by the
199 secretary if such community implements additional zoning criteria,
200 including, but not limited to, higher density development, greater
201 affordability of housing units than is required in subsection (h) of this
202 section, the development of public land or public housing, the
203 implementation of programs to encourage homeownership
204 opportunities within such community and any additional criteria

205 determined by the secretary.

206 (k) (1) The secretary, in consultation with the interagency council on
207 housing development established pursuant to section 24 of this act, shall
208 develop guidelines concerning transit-oriented districts within
209 qualifying transit-oriented communities, including, but not limited to,
210 prioritizing mixed-use and mixed-income developments; increasing the
211 availability of affordable housing; ensuring appropriate environmental
212 considerations in the development of such districts, with an emphasis
213 on the analysis of any potential impacts on environmental justice
214 communities, as defined in section 22a-20a of the general statutes;
215 increasing ridership of mass transit systems; increasing the feasibility of
216 walking, biking and utilizing other means of mobility other than motor
217 vehicle travel; reducing the need for motor vehicle travel; maximizing
218 the availability of developable land; increasing the economic viability of
219 development projects; reducing the length of time to approve
220 applications for development; lot size; lot coverage; setback
221 requirements; floor area ratio; height restrictions; and inclusionary
222 zoning requirements. Such guidelines may include model ordinances,
223 regulations or bylaws that may be adopted by a municipality pursuant
224 to section 8-2 of the general statutes, as amended by this act. Except as
225 provided in subdivision (2) of this subsection, regulations developed by
226 a qualifying transit-oriented community concerning transit-oriented
227 districts within such community shall substantially comply with the
228 guidelines adopted by the secretary. The secretary, or the secretary's
229 designee, may offer technical assistance to any qualifying transit-
230 oriented community concerning the adoption of such regulations.

231 (2) If a qualifying transit-oriented community seeks to adopt
232 regulations concerning a transit-oriented district that do not
233 substantially comply with the guidelines developed pursuant to
234 subdivision (1) of this subsection, or subsection (f) or (g) of this section,
235 such community shall seek an exemption by submitting an application,
236 in a form and manner prescribed by the secretary, that specifies the
237 reasons such community seeks to adopt regulations that do not

238 substantially comply with the guidelines developed by the secretary, or
239 subsection (f) or (g) of this section, except no community may seek an
240 exemption from the provisions of subsection (f) or (g) of this section
241 unless the secretary determines such community is a qualifying transit-
242 oriented community pursuant to subsection (i) of this section. Not later
243 than sixty days after the receipt of any such application, the secretary
244 shall approve or deny such exemption in writing. The secretary shall not
245 unreasonably withhold approval for any such exemption.

246 (3) If an application submitted pursuant to subdivision (2) of this
247 subsection is denied by the secretary, the transit-oriented community
248 that submitted such application may opt out of the provisions of this
249 section and no longer qualify for discretionary infrastructure funding
250 on a priority basis pursuant to this section, provided such community
251 shall return any discretionary infrastructure funding such community
252 received pursuant to this section.

253 (l) Notwithstanding the provisions of subsection (b) of this section,
254 any qualifying transit-oriented community with one or more transit-
255 oriented districts located in an activity zone, as identified in the state
256 plan of conservation and development adopted under chapter 297 of the
257 general statutes for the years 2025 to 2030, inclusive, shall be awarded
258 discretionary infrastructure funding by the agency administering any
259 such funding at a higher priority than a qualifying transit-oriented
260 community without any such district located in any such zone.

261 (m) The secretary, or the secretary's designee, may provide a
262 municipality with an interpretation or written guidance concerning
263 whether zoning regulations adopted or proposed to be adopted by such
264 municipality, if such regulations apply to a transit-oriented district,
265 comply with the requirements of section 8-2 of the general statutes, as
266 amended by this act. Nothing in this subsection shall be construed to
267 allow the secretary to impose any additional requirement upon any such
268 district or municipality that is not specified in this section or section 8-2
269 of the general statutes, as amended by this act.

270 (n) Notwithstanding the provisions of subsections (a) to (m),
271 inclusive, of this section, any municipality with a population of not more
272 than seven thousand five hundred shall be entitled to discretionary
273 infrastructure funding on a priority basis in the same manner as such
274 funding is available to a qualifying transit-oriented community."