



Substitute House Bill No. 5521

Public Act No. 26-129

AN ACT CONCERNING STERILE CULTIVARS, APPLICATION REQUIREMENTS FOR THE USE OF CERTAIN MATERIALS AS FILL AND THE REVISION OF CERTAIN HOUSING-RELATED STATUTES.

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

Section 1. (NEW) (*Effective from passage*) On or before January 15, 2027, the Connecticut Agricultural Experiment Station shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the environment on the safety of the use and planting, import, transport, sale and purchase of sterile cultivars and the distribution of Japanese barberry in this state. In undertaking the considerations required by this section, the Connecticut Agricultural Experiment Station shall provide for a public comment period. Such report may include, but shall not be limited to, any recommendations concerning such cultivars and Japanese barberry, including any legislative recommendations.

Sec. 2. Subsection (c) of section 22a-209f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) (1) For purposes of this subsection: (A) "Beneficially reclaimed

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materials" means any of the following materials that may contain de minimis amounts of solid waste that is present incidentally in such materials, including any mixture of the following materials:

(i) Soil or dewatered sediment that does not exceed the criteria established by regulations adopted pursuant to section 22a-133k, including, but not limited to, criteria for any additional polluting substances for which criteria are not specified in such regulations;

(ii) Asphalt, brick, concrete or ceramic material, provided such material is virtually inert and poses no threat to pollute any groundwater or surface waters;

(iii) Casting sand;

(iv) Crushed recycled glass; or

(v) Street sweepings or catch basin clean-out materials.

"Beneficially reclaimed materials" does not include materials that contain any asbestos, polychlorinated biphenyls, persistent bioaccumulative toxins, hazardous waste or, unless approved by the commissioner in writing, pyrrhotite-containing concrete;

(B) "Soil" means unconsolidated geologic material overlying bedrock;

(C) "Dewatered sediment" means unconsolidated material occurring in a surface water body, with water removed;

(D) "Casting sand" means waste sand from the casting of metals, provided such sand is not hazardous waste;

(E) "Crushed recycled glass" has the same meaning as provided in section 22a-208z;

(F) "Hazardous waste" has the same meaning as provided in section

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22a-448;

(G) "Persistent bioaccumulative toxins" means long-lived chemicals that accumulate in the tissues of humans and that are toxic; and

(H) "Aquifer protection area" has the same meaning as provided in section 22a-354h.

(2) (A) The Commissioner of Energy and Environmental Protection may establish a pilot program for the beneficial use of beneficially reclaimed materials. The primary purpose of such program shall be to allow beneficially reclaimed materials to be used as fill when there is an engineering need for fill materials and to facilitate the reclamation or redevelopment of environmentally impaired or underutilized land.

(B) To implement the pilot program established pursuant to this subsection, the commissioner may issue no more than four authorizations, provided: (i) Such authorization does not allow an activity for which an individual or general permit has been issued; (ii) such authorization is not inconsistent with the requirements of the federal Resource Conservation and Recovery Act, 42 USC 6901 et seq.; (iii) such authorization is for single locations only and provides for not less than one hundred thousand cubic yards of beneficially reclaimed materials to be used as fill at such location; [(iv) that prior to the submission of an application for authorization in accordance with this subsection, each municipality in which beneficially reclaimed materials will be used as fill has issued all the necessary approvals specified in subdivision (4) of this subsection;] and [(v)] (iv) the commissioner finds that the beneficial use of beneficially reclaimed materials does not harm or present a threat to human health, safety or the environment.

(3) The commissioner may establish guidelines protective of public health, safety and the environment for such authorizations and for a letter of credit provided in accordance with this subsection and shall

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give public notice on the Department of Energy and Environmental Protection's Internet web site of such guidelines, or any subsequent revision of such guidelines, with an opportunity for submission of written comments by interested persons for a period of thirty days following the publication of such notice. The commissioner shall post a response to any comments received on the Department of Energy and Environmental Protection's Internet web site. At a minimum, any such guidelines shall contain a preference for use of environmentally impaired or underutilized locations, provided that any location for which an authorization is issued under this subsection shall:

(A) Be in an area (i) where the quality of the groundwaters of the state, as classified in regulations adopted pursuant to section 22a-426, and the classification maps adopted pursuant to said section, is either "GB" or "GC", and (ii) that is served by a public drinking water supply;

(B) Not be in an aquifer protection area; and

(C) Be operated in compliance with sections 22a-426-1 to 22a-426-9, inclusive, of the regulations of Connecticut state agencies and not adversely affect sensitive receptors or resources, including, but not limited to, public or private water supply wells, wetlands, floodplains, or threatened or endangered species.

(4) ~~[(Prior to the] The submission of an application for authorization in accordance with this subsection [, an applicant] shall [:(A) Obtain a] require the applicant to either (A) submit, or (B) indicate when such applicant reasonably estimates that it will have: (i) A valid certificate of zoning approval, special permit, special exception or variance, or other documentation, from each municipality in which beneficially reclaimed materials will be used as fill; ~~[(B) obtain a copy of] and (ii) a wetlands, aquifer protection, coastal site plan and any other required approval from each municipality. [; and (C) comply] Any such application shall additionally include proof of compliance with the process specified in~~~~

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subsection (b) of section 22a-20a, regardless of whether the location where beneficially reclaimed materials will be used as fill is located in an environmental justice community. [;]

(5) An application for authorization pursuant to this subsection shall be submitted on forms prescribed by the commissioner and shall include, at a minimum, the following information: (A) A plan for ensuring that only beneficially reclaimed materials that satisfy the requirements of this subsection are used as fill and a description of acceptability criteria for the beneficially reclaimed materials proposed for beneficial use at the subject location; (B) a plan describing the process for placing and recording the placement of beneficially reclaimed materials; (C) a plan for monitoring the waters of the state during the filling process and for a period of not less than thirty years after filling is complete; (D) a proposed letter of credit that conforms to the guidelines established by the commissioner pursuant to subdivision (3) of this subsection and the basis for the cost estimate used in such proposed letter of credit; (E) the qualifications of the environmental professionals intended to exercise oversight of all aspects of the proposed activities; (F) a redevelopment plan for the location where beneficially reclaimed materials will be placed, including engineering plans and drawings in support of such redevelopment; (G) a list of each municipal approval required for the proposed placement of beneficially reclaimed materials and a written copy of each such approval or a reasonable estimate of when such approval will be obtained, as applicable; and (H) any additional information required by the commissioner. Any such application shall be accompanied by a nonrefundable application fee of twenty-five thousand dollars.

(6) Notwithstanding section 22a-208a or any regulations adopted pursuant to section 22a-209, the issuance of an authorization under this subsection, or a modification of an authorization under this subsection when such modification is sought by the holder of an authorization,

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shall conform to the following procedures: (A) The Commissioner of Energy and Environmental Protection shall publish a notice of intent to issue an authorization on the Department of Energy and Environmental Protection's Internet web site. Such notice shall, at a minimum, include: (i) The name and mailing address of the applicant and the address of the location of the proposed activity; (ii) the application number; (iii) the tentative decision regarding the application; (iv) the type of authorization sought, including a reference to the applicable provision of the general statutes or regulations of Connecticut state agencies; (v) a description of the location of the proposed activity and any natural resources that will be affected by such activity; (vi) the name, address and telephone number of any agent of the applicant from whom interested persons may obtain copies of the application; (vii) the length of time available for submission of public comments to the commissioner; and (viii) any other additional information the commissioner deems necessary. There shall be a comment period of thirty days following the publication of such notice by the commissioner during which interested persons may submit written comments to the commissioner; (B) the commissioner shall post a response to any comments received on the Department of Energy and Environmental Protection's Internet web site; and (C) the commissioner may approve or deny such authorization based upon a review of the submitted information. Any authorization issued pursuant to this subsection shall define clearly the activity covered by such authorization and may include such conditions or requirements as the commissioner deems appropriate, including, but not limited to, investigation or remediation of a location prior to placement of beneficially reclaimed materials, operation and maintenance requirements, best management practices, qualifications and requirements for environmental professional exercising oversight, groundwater monitoring, compliance with fill management, closure, redevelopment or other plans, reporting and recordkeeping requirements, auditing by an independent party and a specified term. The commissioner shall require the posting of a letter of

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credit to assure compliance with any authorization issued under this subsection, including, but not limited to, implementation of a closure plan and post-closure maintenance and monitoring.

(7) The commissioner may suspend or revoke any such authorization and may modify an authorization if such modification is not sought by the holder of an authorization, in accordance with the provisions of section 4-182 and the applicable rules of practice adopted by the department.

(8) Unless required by the federal Clean Water Act, a discharge permit under section 22a-430 shall not be required for a discharge authorized under this subsection. In addition, the soil reuse provisions of the state remediation standards, adopted pursuant to section 22a-133k, shall not apply to an activity authorized under this subsection.

Sec. 3. Subsection (d) of section 8-3n of the 2026 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2026*):

(d) Notwithstanding the provisions of this section, any municipality, as defined in section 7-148, may adopt not more than two conservation and traffic mitigation districts in which the municipality may require a minimum number of off-street motor vehicle parking spaces for a residential development that contains [~~fewer than sixteen~~] sixteen or fewer dwelling units, provided (1) no such district shall be larger than four per cent of a municipality's land area, (2) a municipality shall submit a property description of any such district adopted by the municipality to the Secretary of the Office of Policy and Management upon the adoption of such district, (3) any such zones may be contiguous, and (4) the municipality shall allow the proposed developer of such development to submit to the zoning enforcement officer, planning commission, zoning commission or combined planning and zoning commission a parking needs assessment that conforms with the

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requirements of subsection (c) of this section. If a parking needs assessment is submitted pursuant to subdivision (4) of this subsection, such officer or commission shall condition the approval of such development on the construction of off-street parking spaces not exceeding one such space for each studio or one-bedroom dwelling and two such spaces for each dwelling unit with two or more bedrooms, or the number of such spaces recommended for the development by the parking needs assessment submitted pursuant to this section, whichever results in the least required number of off-street parking spaces.

Sec. 4. Section 2-139 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established the majority leaders' roundtable group on affordable housing. The group shall study (1) existing affordable housing policies, programs and initiatives in the state, (2) the potential conversion of state properties into affordable housing developments, (3) successful models and best practices from other states or regions to inform potential policy recommendations, (4) the potential conversion of commercial properties such as hotels, malls and office buildings into residential buildings, and (5) any other topics related to the promotion and development of affordable housing in the state.

(b) The roundtable group shall consist of the following members:

(1) The cochairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to housing and planning and development;

(2) The majority leader of the Senate;

(3) The majority leader of the House of Representatives;

(4) Three appointed by the majority leader of the House of

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Representatives, one of whom has expertise in public housing, one of whom represents a regional council of governments, and one of whom represents a business advocacy organization or regional chamber of commerce;

(5) Three appointed by the majority leader of the Senate, one of whom has expertise in regional planning, one of whom has expertise in local planning and zoning, and one of whom has expertise in housing development;

(6) The Commissioner of Administrative Services, or the commissioner's designee;

(7) The Commissioner of Housing, or the commissioner's designee;

(8) The Commissioner of Economic and Community Development, or the commissioner's designee;

(9) The Commissioner of Transportation, or the commissioner's designee;

(10) The Responsible Growth Coordinator, or the coordinator's designee;

(11) The executive director of the Connecticut Housing Finance Authority, or the executive director's designee;

(12) A representative of the Connecticut Conference of Municipalities; and

(13) A representative of the Connecticut Council of Small Towns.

(c) Any member of the roundtable group appointed under subdivision (1), (2), (3) or (4) of subsection (b) of this section may be a member of the General Assembly.

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(d) All initial appointments to the roundtable group shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The majority leader of the Senate and the majority leader of the House of Representatives shall be the chairpersons for the roundtable group. The chairpersons shall schedule the first meeting of the roundtable group, which shall be held not later than sixty days after the effective date of this section.

(f) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to housing shall serve as administrative staff of the roundtable group.

(g) Not later than January 1, 2024, and annually on January first thereafter until January 1, 2026, the roundtable group shall submit a report on its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to housing, in accordance with the provisions of section 11-4a. The roundtable group shall terminate on June 30, 2026.

Sec. 5. Section 8-13ii of the 2026 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2026*):

(a) There is established a Council on Housing Development to advise and assist the State Responsible Growth Coordinator in reviewing regulations, developing guidelines and establishing programs concerning the growth of housing in the state, and to approve or modify any municipal housing growth plan or regional housing growth plan if the Secretary of the Office of Policy and Management has not acted on such plan in the time provided in section 8-13bb₂ or 8-13cc, as applicable.

(b) The council shall consist of the following regular members: (1) The Governor, or the Governor's designee; (2) the State Responsible Growth

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Coordinator; (3) the Secretary of the Office of Policy and Management, or the secretary's designee; (4) the Commissioner of Housing, or the commissioner's designee; (5) the Commissioner of Energy and Environmental Protection, or the commissioner's designee; (6) the Commissioner of Economic and Community Development, or the commissioner's designee; (7) the Commissioner of Transportation, or the commissioner's designee; (8) the executive director of the Connecticut Housing Finance Authority, or the executive director's designee; (9) the executive director of the Connecticut Municipal Development Authority, or the executive director's designee; (10) the president pro tempore of the Senate, or the president's designee; (11) the majority leader of the Senate, or the majority leader's designee; (12) the speaker of the House of Representatives, or the speaker's designee; (13) the majority leader of House of Representatives, or the majority leader's designee; (14) the minority leader of the Senate, or the minority leader's designee; (15) the minority leader of the House of Representatives, or the minority leader's designee; (16) one individual appointed by the [chairperson of the majority leaders' roundtable group on affordable housing from the Senate] president pro tempore of the Senate; and (17) one individual appointed by the [chairperson of the majority leaders' roundtable group on affordable housing from the House of Representatives] speaker of the House of Representatives.

(c) The chairpersons of the council shall be (1) the president pro tempore of the Senate, or the president's designee, and (2) the speaker of the House of Representatives, or the speaker's designee.

(d) The administrative staff of the Connecticut Municipal Development Authority shall serve as the administrative staff of the council.

(e) The council shall convene not later than January 1, 2026, and meet not less than once every six months thereafter, and more often upon the call of a chairperson, to:

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

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

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

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

(5) Develop guidelines, in consultation with the Secretary of the Office of Policy and Management and consistent with the requirements of subsection (j) of section 8-13hh, concerning the adoption and development of transit-oriented districts within qualifying transit-oriented communities; and

(6) Review applications for grants-in-aid under the housing growth program established pursuant to section 8-13jj, including any supporting materials submitted by an applicant in connection with such application, that have been submitted by the secretary to the council pursuant to section 8-13jj.

(f) Not later than January 1, 2027, the council shall submit a report, in accordance with the provisions of section 11-4a, to the joint standing

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committees of the General Assembly having cognizance of matters relating to planning and development and housing, concerning the recommendations and guidelines developed by the council pursuant to subdivisions (4) and (5) of subsection (e) of this section or any other recommendations of the council. The coordinator shall publish such recommendations and guidelines on the Internet web site of the Office of Policy and Management.