
OLR Bill Analysis

sHB 5365

AN ACT INCREASING CERTAIN HOUSING UNIT-EQUIVALENT POINTS.

SUMMARY

This bill modifies housing unit equivalent (HUE) point allocations under the affordable housing land use appeals procedure (CGS § 8-30g; see BACKGROUND – § 8-30g). Specifically, it (1) explicitly sets point allocations for certain accessory apartments (also known as accessory dwelling units or ADUs) and (2) increases current law’s point allocations for income-restricted family units (not age-restricted), including creating a new, higher-point allocation category for these units if they are restricted to households with incomes up to 20% of the median income. (Under existing law and the bill, “median income” means the lesser of the federally determined state or area median income, after family size adjustments.)

The table below shows HUE point allocations by unit type under current law and the bill.

Under existing law, a municipality is generally eligible for a four- or five-year moratorium (temporary suspension) from appeals taken under § 8-30g each time it shows it has added a certain amount of qualifying housing units to its housing stock, measured in HUE points (since July 1, 1990, for a first moratorium). The number of points required depends on certain factors, like the municipality’s size and whether it adopted certain zoning regulations or has qualified for a moratorium before.

EFFECTIVE DATE: October 1, 2026

HUE POINT ALLOCATIONS

Table: Base and Bonus HUE Points Under Current Law vs. HB 5365

Unit Type		Base HUE Value (per Unit) Current Law	Base HUE Value (per Unit) HB 5365
Market-rate unit in a set-aside development		0.25	No change
Certain middle housing dwelling units built under local option regulation		0.25	No change
Market-rate accessory apartment developed as of right (see below)		N/A	0.25
Accessory apartment subject to a deed restriction equivalent to the categories applicable to a family unit (80%, 60%, 40%, or 20% of median income)		Generally same as applicable family unit value	0.5 x applicable family unit value*
Owned family unit restricted to households earning no more than:	80% of median income	1.00	1.25
	60% of median income	1.50	1.75
	40% of median income	2.00	2.5
	20% of median income	2.00	2.75
Rented family unit restricted to households earning no more than:	80% of median income	1.50	1.75
	60% of median income	2.00	2.25
	40% of median income	2.50	3.00
	20% of median income	2.50	3.25
Owned or rented elderly unit restricted to households earning no more than 80% of the median income		0.50	No change
Owned or rented homes in resident-owned mobile manufactured home parks occupied by households earning 80% or less of the median income		1.50	No change
Owned or rented homes in resident-owned mobile manufactured home parks occupied by households earning 60% or less of the median income		2.00	No change
Owned or rented homes in resident-owned mobile manufactured home parks not otherwise eligible for points		0.25	No change
Unit Type		Bonus HUE Value Current Law	Bonus HUE Value HB 5365
Rental family units in a set-aside development, if the developer applied for local approval before July 6, 1995		Bonus equal to 22% of the total points awarded to the development	No change
Unit that is eligible for a base HUE allocation, as described above, and was constructed by (or with) a neighboring municipality's housing authority		0.25 per unit	No change
Accessory apartment subject to a deed restriction (see above) that is <u>developed as of right</u>		N/A	0.25 per apartment

*Under the bill, a deed-restricted accessory apartment is awarded half the points of a family unit with an

equivalent deed restriction; under current law, these accessory apartments generally are awarded the same HUE point allocation as the applicable family unit type

ACCESSORY APARTMENT-RELATED DEFINITIONS

Under existing law and 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. “As-of-right” means a project may be approved without requiring (1) a public hearing; (2) a variance, special permit, or special exception; or (3) other discretionary zoning action, other than a determination that a site plan conforms with applicable zoning regulations (CGS § 8-1a).

BACKGROUND

§ 8-30g

The affordable housing land use appeals procedure is a set of rules that allows developers to appeal to Superior Court local planning and zoning commission decisions denying affordable housing developments or approving them with costly conditions. In traditional zoning appeals, the developer must convince the court that the commission (municipality) acted illegally or arbitrarily, or abused its discretion, by rejecting the proposed development. The § 8-30g appeals procedure instead places the burden of proof on the municipality. Only municipalities in which less than 10% of the housing stock is affordable, and that have not qualified for a moratorium, are subject to the procedure.

Related Bills

The Housing, Insurance and Real Estate, and Planning and Development committees favorably reported several bills impacting § 8-30g, including: sSB 338 (prohibits the allocation of HUE points after § 8-30g litigation, under certain circumstances); HB 5362 (reduces the required affordability period for set-aside developments on municipal land, requires the court to stay appeals when a municipality applies for a moratorium, extends moratoria to align with housing growth plans, requires towns to report on affordable housing applications, and

clarifies middle housing HUE point allocations); HB 5364 (redefines “set-aside development” to reduce required affordability periods and aligns HUE point allocations with them); sHB 5376 (adds an additional ground for a local commission to defend its decision on an affordable housing application); and sHB 5395 (allocates HUE points to modular and prefabricated homes that do not otherwise qualify for points).

Additionally, the Planning and Development Committee favorably reported two bills impacting accessory apartments: sHB 5288 (renames “accessory apartments” as “accessory dwelling units”(ADUs), extends the law on allowing them as-of-right to more municipalities, and clarifies how they can be treated by utilities) and sHB 5507 (makes the same changes as sHB 5288 and eliminates the option to opt-out of the as-of-right ADU law, sets additional restrictions on municipal ADU regulations, and requires Department of Housing to develop a program promoting standardized ADU designs).

COMMITTEE ACTION

Housing Committee

Joint Favorable

Yea 17 Nay 1 (03/05/2026)