
OLR Bill Analysis

sHB 5376

AN ACT CONCERNING AFFORDABLE HOUSING APPLICATIONS.

SUMMARY

Generally, under § 8-30g, local land use commissions (for example, zoning commissions) have the burden of showing that their decision on an affordable housing application was based on statutory criteria. This bill makes a change to § 8-30g by adding an additional ground for a local land use commission to defend its decision to reject or deem incomplete an affordable housing application.

Under the bill, regardless of the existing criteria, if an affordable housing application uses nonstandard, prefabricated, or proprietary construction assemblies, the commission may deny or deem incomplete the application because the applicant did not submit a preliminary life safety report. Under the bill, a qualifying preliminary life safety report must be prepared by a licensed professional engineer or fire protection engineer. It must certify that the proposed design can comply, without design modifications, with the state building and fire safety codes (including means of egress and fire-rated separations). The bill specifies that the local commission can require a third-party peer review of the report and charge the applicant for the costs.

EFFECTIVE DATE: October 1, 2026

DEFENDING AN APPEAL BROUGHT UNDER § 8-30G

Generally, under current law, if a commission's decision could be appealed under § 8-30g (see BACKGROUND), it may only reject or condition approval of an affordable housing development if necessary to protect substantial public interests. These include health, safety, or other matters the municipal commission may legally consider. The municipality must show that these interests clearly outweigh the need for affordable housing and cannot be protected by making reasonable

changes to the proposed development. The commission can also defend its decision by showing that the development is not government-assisted housing and will be in an industrial zone that does not permit residential uses.

Regardless of these requirements, the bill specifies that a commission can reject or deem incomplete an application if the applicant does not submit a qualifying life safety report or agree to the third-party review, under the conditions described above.

BACKGROUND

Affordable Housing Land Use Appeals Procedure (§ 8-30g)

The procedure generally requires municipal land use commissions to defend their decisions to reject affordable housing development applications or approve them with restrictions that would have a substantial adverse impact on the project's viability or the affordability of income-restricted units. (In traditional land use appeals, the appellant (for example, developer) must convince the court that the commission acted illegally or arbitrarily or abused its discretion.)

Generally, a prospective developer can use the appeals procedure to contest a commission's decision on an application if (1) fewer than 10% of the municipality's housing units are affordable, based on certain statutory criteria, and (2) the municipality has not qualified for a moratorium.

Related Bills

The Housing and Planning and Development committees favorably reported several bills impacting § 8-30g, including: sSB 338 (prohibits the allocation of housing unit equivalent (HUE) points after § 8-30g litigation, under certain circumstances); sHB 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); sHB 5364 (redefines "set-aside development" to reduce required affordability periods and

aligns HUE point allocations with them); sHB 5365 (modifies HUE point allocations, including for accessory apartments and certain deeply affordable housing); and sHB 5395 (allocates HUE points to modular and prefabricated homes that do not otherwise qualify for points).

sHB 5395, favorably reported by the Planning and Development Committee, generally requires all municipal zoning regulations to treat modular and prefabricated homes like traditionally built homes (“stick-built homes”).

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable Substitute

Yea 11 Nay 2 (03/12/2026)