

Definition of Transit Community Middle Housing Development

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Issue

What is a “transit community middle housing development” for purposes of the laws on local zoning authority?

Summary

A transit community middle housing (TCMH) development is a residential building with two to nine dwelling units. A variety of multi-family building styles could be built as a TCMH development. The law specifies that a building in any of the following styles, among others, could qualify: townhouses, duplexes, triplexes, perfect sixes, and cottage clusters. There is no requirement in law that a TCMH development be located near existing or planned transit infrastructure ([CGS § 8-13hh\(a\)\(3\)](#)).

While the law defines “perfect six” for purposes of the TCMH development definition, the other listed styles are not defined by an applicable statute. (Another law, which does not apply for purposes of defining a TCMH development, defines “townhouse” and “cottage cluster.” This law, [CGS § 8-1a](#), applies only to Chapter 124 (that is, [CGS §§ 8-1](#) through [8-13a](#)) and a handful of other specified laws.)

TCMH development is a term that first appeared in Connecticut law following the passage of [PA 25-1, November Special Session](#). State law also defines “middle housing” (duplexes, triplexes, quadplexes, cottage clusters, and townhouses) but does not set a floor or cap on the number of dwelling units in these developments. The term is used in various zoning and housing laws that are generally distinct from the TCMH development laws discussed below ([CGS § 8-1a](#)).

Background: Laws Referencing TCMH Developments

The term TCMH development is used in three laws: the law on (1) transit-oriented communities (“Work Live Ride”); (2) approving TCMH developments under a summary review process; and (3) § 8-30g [moratoria](#). These provisions are briefly summarized below.

Transit-Oriented Community Law

The law creates a framework in which a municipality’s eligibility for certain grants, loans, and incentives is tied to its designation as a qualifying transit-oriented community. Broadly, a municipality can qualify by adopting zoning regulations creating a transit-oriented district around a transit station or downtown area. The applicable zoning regulations for the district must allow, among other things, TCMH developments as of right ([CGS § 8-13hh\(e\)\(1\) & \(2\)](#)).

Summary Review and Associated § 8-30g Incentive

By law, municipal zoning regulations must allow a TCMH development or mixed-use development, subject only to a summary review, on any parcel zoned for commercial or mixed-use development. Under a “summary review,” a project that complies with local zoning regulations is approvable without a public hearing, variance, special permit or exception, or other discretionary zoning action (other than a review of a site plan for regulatory compliance and a determination that public health and safety will not be substantially impacted).

And under another provision, if a municipality’s regulations allow TCMH developments, subject only to a summary review, on any parcel that allows for residential use, then any dwelling units built under this local option are eligible for points toward an § 8-30g moratorium (0.25 point per unit). A moratorium is a temporary suspension of the affordable housing land use appeals procedure (CGS § 8-30g). Generally, a municipality is eligible for a moratorium each time it shows it has added a certain amount of qualifying affordable housing units over the applicable period, measured in housing unit equivalent (HUE) points ([CGS §§ 8-2s, 8-3o & 8-30g\(l\)\(6\)](#)).

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