



General Assembly

February Session, 2024

Raised Bill No. 5475

LCO No. 1772



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

***AN ACT CONCERNING THE DEVELOPMENT OF HOUSING AND
CHALLENGES TO CERTAIN DECISIONS OF MUNICIPAL AGENCIES.***

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

1 Section 1. Subdivision (1) of subsection (a) of section 8-8 of the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2024*):

4 (1) "Aggrieved person" means a person [aggrieved by] who claims to
5 have suffered (A) actual damage to real property owned by such person,
6 or (B) an impairment of such person's right, title or interest in real
7 property, resulting from a decision of a board and includes any officer,
8 department, board or bureau of the municipality charged with
9 enforcement of any order, requirement or decision of the board. [In the
10 case of a decision by a zoning commission, planning commission,
11 combined planning and zoning commission or zoning board of appeals,
12 "aggrieved person" includes any person owning land in this state that
13 abuts or is within a radius of one hundred feet of any portion of the land
14 involved in the decision of the board.]

15 Sec. 2. Section 8-7 of the general statutes is repealed and the following

16 is substituted in lieu thereof (*Effective October 1, 2024*):

17 The concurring vote of four members of the zoning board of appeals
18 shall be necessary to reverse any order, requirement or decision of the
19 official charged with the enforcement of the zoning regulations or to
20 decide in favor of the applicant any matter upon which it is required to
21 pass under any bylaw, ordinance, rule or regulation or to vary the
22 application of the zoning bylaw, ordinance, rule or regulation. An
23 appeal may be taken to the zoning board of appeals by any [person]
24 aggrieved person, as defined in section 8-8, as amended by this act, or
25 by any officer, department, board or bureau of any municipality
26 aggrieved. [and] Such appeal shall be taken within such time as is
27 prescribed by a rule adopted by said board, or, if no such rule is adopted
28 by the board, within thirty days, by filing with the zoning commission
29 or the officer from whom the appeal has been taken and with said board
30 a notice of appeal specifying the grounds thereof. Such appeal period
31 shall commence for an aggrieved person at the earliest of the following:
32 [(1)] Upon (1) receipt of the order, requirement or decision from which
33 such person may appeal, (2) [upon] the publication of a notice in
34 accordance with subsection (f) of section 8-3, or (3) [upon] actual or
35 constructive notice of such order, requirement or decision. The officer
36 from whom the appeal has been taken shall forthwith transmit to said
37 board all the papers constituting the record upon which the action
38 appealed from was taken. An appeal shall not stay any such order,
39 requirement or decision [which] that prohibits further construction or
40 expansion of a use in violation of such zoning regulations except to such
41 extent that the board grants a stay thereof. An appeal from any other
42 order, requirement or decision shall stay all proceedings in the action
43 appealed from unless the zoning commission or the officer from whom
44 the appeal has been taken certifies to the zoning board of appeals after
45 the notice of appeal has been filed that by reason of facts stated in the
46 certificate a stay would cause imminent peril to life or property, in
47 which case proceedings shall not be stayed, except by a restraining order
48 which may be granted by a court of record on application, on notice to
49 the zoning commission or the officer from whom the appeal has been

50 taken and on due cause shown. The board shall hold a public hearing
51 on such appeal in accordance with the provisions of section 8-7d. Such
52 board may reverse or affirm wholly or partly or may modify any order,
53 requirement or decision appealed from and shall make such order,
54 requirement or decision as in its opinion should be made in the premises
55 and shall have all the powers of the officer from whom the appeal has
56 been taken but only in accordance with the provisions of this section.
57 Whenever a zoning board of appeals grants or denies any special
58 exception or variance in the zoning regulations applicable to any
59 property or sustains or reverses wholly or partly any order, requirement
60 or decision appealed from, it shall state upon its records the reason for
61 its decision and the zoning bylaw, ordinance or regulation which is
62 varied in its application or to which an exception is granted and, when
63 a variance is granted, describe specifically the exceptional difficulty or
64 unusual hardship on which its decision is based. Notice of the decision
65 of the board shall be published in a newspaper having a substantial
66 circulation in the municipality and addressed by certified mail to any
67 person who appeals to the board, by its secretary or clerk, under [his]
68 such secretary or clerk's signature in any written, printed, typewritten
69 or stamped form, within fifteen days after such decision has been
70 rendered. In any case in which such notice is not published within such
71 fifteen-day period, the person who requested or applied for such special
72 exception or variance or took such appeal may provide for the
73 publication of such notice within ten days thereafter. Such exception or
74 variance shall become effective upon the filing of a copy thereof in the
75 (A) [in the] office of the town, city or borough clerk, as the case may be,
76 but, in the case of a district, in the offices of both the district clerk and
77 the town clerk of the town in which such district is located, and (B) [in
78 the] land records of the town in which the affected premises are located,
79 in accordance with the provisions of section 8-3d.

80 Sec. 3. Section 22a-43 of the general statutes is repealed and the
81 following is substituted in lieu thereof (*Effective October 1, 2024*):

82 (a) The commissioner, or any person [aggrieved by] who claims to
83 have suffered (1) actual damage to real property owned by such person,

84 or (2) an impairment of such person's right, title or interest in real
85 property, resulting from any regulation, order, decision or action made
86 pursuant to sections 22a-36 to 22a-45, inclusive, by the commissioner, a
87 district or municipality or any person owning or occupying land
88 [which] that abuts any portion of land within, or is within a radius of
89 ninety feet of, the wetland or watercourse involved in any regulation,
90 order, decision or action made pursuant to said sections may, within the
91 time specified in subsection (b) of section 8-8, from the publication of
92 such regulation, order, decision or action, appeal to the superior court
93 for the judicial district where the real property or land affected is
94 located, and if located in more than one judicial district to the court in
95 any such judicial district. [Such appeal]

96 (b) An appeal under this section shall be made returnable to the court
97 in the same manner as that prescribed for civil actions brought to the
98 court, except that the record shall be transmitted to the court within the
99 time specified in subsection (i) of section 8-8. If the inland wetlands
100 agency or its agent does not provide a transcript of the stenographic or
101 [the] sound recording of a meeting where the inland wetlands agency
102 or its agent deliberates or makes a decision on a permit for which a
103 public hearing was held, a certified, true and accurate transcript of a
104 stenographic or sound recording of the meeting prepared by or on
105 behalf of the applicant or any other party shall be admissible as part of
106 the record. A person who files an appeal under this section claiming to
107 have suffered actual damage to real property owned by such person
108 shall provide a written and signed opinion of a qualified hydrologist
109 stating that such damage has occurred as a result of such regulation,
110 order, decision or action. Such opinion shall be appended to the
111 pleading that initiates an appeal to the Superior Court pursuant to this
112 section. For the purposes of this section, "qualified hydrologist" means
113 an individual who has obtained a master's or higher degree from an
114 accredited institution of higher education in a hydrology-related field
115 and has five or more years of professional-level experience in a field
116 related to hydrology.

117 (c) Notice of [such] an appeal under this section shall be served upon

118 the inland wetlands agency and the commissioner, provided, for any
119 such appeal taken on or after October 1, 2004, service of process for
120 purposes of such notice to the inland wetlands agency shall be made in
121 accordance with subdivision (5) of subsection (b) of section 52-57. The
122 commissioner may appear as a party to any action brought by any other
123 person within thirty days from the date such appeal is returned to the
124 court. The appeal shall state the reasons upon which it is predicated and
125 shall not stay proceedings on the regulation, order, decision or action,
126 but the court may on application and after notice grant a restraining
127 order. Such appeal shall have precedence in the order of trial.

128 [(b)] (d) The court, upon the motion of the person who applied for
129 such order, decision or action, shall make such person a party defendant
130 in the appeal. Such defendant may, at any time after the return date of
131 such appeal, make a motion to dismiss the appeal. At the hearing on
132 such motion to dismiss, each appellant shall have the burden of proving
133 such appellant's standing to bring the appeal. The court may, upon the
134 record, grant or deny the motion. The court's order on such motion may
135 be appealed in the manner provided in subsection (p) of section 8-8.

136 [(c)] (e) The proceedings of the court in the appeal may be stayed by
137 agreement of the parties when a mediation conducted pursuant to
138 section 8-8a commences. Any such stay shall terminate upon conclusion
139 of the mediation.

140 [(d)] (f) No appeal taken under subsection (a) of this section shall be
141 withdrawn and no settlement between the parties to any such appeal
142 shall be effective unless and until a hearing has been held before the
143 Superior Court and the court has approved such proposed withdrawal
144 or settlement.

145 [(e)] (g) There shall be no right to further review except to the
146 Appellate Court by certification for review in accordance with the
147 provisions of subsection (o) of section 8-8.

148 Sec. 4. Subsection (b) of section 8-3 of the 2024 supplement to the
149 general statutes is repealed and the following is substituted in lieu

150 thereof (*Effective October 1, 2024*):

151 (b) Such regulations and boundaries shall be established, changed or
152 repealed only by a majority vote of all the members of the zoning
153 commission, except as otherwise provided in this chapter. In making its
154 decision the commission shall take into consideration the plan of
155 conservation and development, prepared pursuant to section 8-23, and
156 shall state on the record its findings [on] concerning the consistency of
157 the proposed establishment, change or repeal of such regulations and
158 boundaries with such plan. If a protest against a proposed change is
159 filed at or before a hearing with the zoning commission, signed by the
160 owners of twenty per cent or more of the area of the lots included in
161 such proposed change, [or of the lots within five hundred feet in all
162 directions of the property included in the proposed change,] such
163 change shall not be adopted except by a vote of two-thirds of all the
164 members of the commission.

165 Sec. 5. (NEW) (*Effective October 1, 2024*) Notwithstanding any
166 provision of chapter 440 of the general statutes, the legislative body of
167 any municipality may adopt an ordinance exempting any proposed
168 development from review by the inland wetlands agency of such
169 municipality established pursuant to section 22a-42 of the general
170 statutes if such project is located in an area or areas of such municipality
171 identified by the municipality as (1) having existing commercial or retail
172 uses and having water, sewer and other infrastructure adequate to
173 support increased development in such area or areas, or (2) being
174 appropriate for increased development in such municipality's plan of
175 conservation and development.

176 Sec. 6. (NEW) (*Effective October 1, 2024*) (a) For the purposes of this
177 section, (1) "as of right" has the same meaning as provided in subsection
178 (b) of section 8-1a of the general statutes, (2) "dwelling unit" has the same
179 meaning as provided in section 47a-1 of the general statutes, (3)
180 "multifamily housing" has the same meaning as provided in section 8-
181 13m of the general statutes, and (4) "nursing home" has the same
182 meaning as provided in section 19a-490 of the general statutes.

183 (b) Any zoning regulations adopted by a municipality pursuant to
184 section 8-2 of the general statutes shall allow for the conversion of any
185 nursing home into multifamily housing as of right, provided (1) such
186 nursing home is a freestanding facility, and (2) the owner of such
187 nursing home has declared, in writing to the municipality, that such
188 nursing home has been vacant for a period of not less than ninety days
189 immediately preceding the submission of the as of right permit
190 application to the planning commission, zoning commission or
191 combined planning and zoning commission of the municipality.

192 (c) The as of right permit application and review process for the
193 approval of the conversion of a nursing home into multifamily housing
194 shall require that a decision on any such application be rendered not
195 later than sixty-five days after receipt of such application by the
196 planning commission, zoning commission, or combined planning and
197 zoning commission, except that an applicant may consent to one or
198 more extensions of not more than an additional sixty-five days or may
199 withdraw such application.

200 Sec. 7. (*Effective October 1, 2024*) The Commissioner of Housing, in
201 consultation with the Office of Policy and Management, shall conduct a
202 study of the unused real property owned by the state, excluding any
203 unused real property reserved for conservation or other specific
204 purposes, to determine the suitability of such unused properties for
205 development to improve affordable housing opportunities for residents
206 in the state. Not later than January 1, 2025, the commissioner shall
207 submit a report, in accordance with the provisions of section 11-4a of the
208 general statutes, to the joint standing committee of the General
209 Assembly having cognizance of matters relating to housing containing
210 the findings of such study and any recommended legislation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	8-8(a)(1)
Sec. 2	<i>October 1, 2024</i>	8-7
Sec. 3	<i>October 1, 2024</i>	22a-43

Sec. 4	<i>October 1, 2024</i>	8-3(b)
Sec. 5	<i>October 1, 2024</i>	New section
Sec. 6	<i>October 1, 2024</i>	New section
Sec. 7	<i>October 1, 2024</i>	New section

Statement of Purpose:

To (1) require that a person claiming to be aggrieved by certain decisions of municipal commissions, agencies or boards demonstrate actual damage or an impairment of right, title or interest to such person's real property, (2) remove the right of protest against certain zoning changes by persons who do not own lots affected by such changes, (3) allow municipalities to adopt ordinances which exempt developments in certain areas from review by the inland wetlands agencies of such municipalities, (4) allow the conversion of vacant nursing homes into multifamily housing as of right, and (5) require the Commissioner of Housing to conduct a study of certain unused real property owned by the state to determine the suitability of such real property to improve affordable housing opportunities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]