



General Assembly

**Substitute Bill No. 5475**

February Session, 2024



**AN ACT CONCERNING THE DEVELOPMENT OF HOUSING,  
CHALLENGES TO CERTAIN DECISIONS OF MUNICIPAL AGENCIES,  
AND THE CONVERSION OF VACANT NURSING HOMES INTO  
MULTIFAMILY HOUSING.**

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

1 Section 1. Section 22a-19 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2024*):

3 (a) (1) In any administrative, licensing or other proceeding, and in  
4 any judicial review thereof made available by law, except as provided  
5 in subsection (c) of this section, the Attorney General, any political  
6 subdivision of the state, any instrumentality or agency of the state or of  
7 a political subdivision thereof, any person, partnership, corporation,  
8 association, organization or other legal entity may intervene as a party  
9 on the filing of a verified pleading asserting that the proceeding or  
10 action for judicial review involves conduct which has, or which is  
11 reasonably likely to have, the effect of unreasonably polluting,  
12 impairing or destroying the public trust in the air, water or other natural  
13 resources of the state.

14 (2) The verified pleading shall contain specific factual allegations  
15 setting forth the nature of the alleged unreasonable pollution,  
16 impairment or destruction of the public trust in air, water or other

17 natural resources of the state and should be sufficient to allow the  
18 reviewing authority to determine from the verified pleading whether  
19 the intervention implicates an issue within the reviewing authority's  
20 jurisdiction. For purposes of this section, "reviewing authority" means  
21 the board, commission or other decision-making authority in any  
22 administrative, licensing or other proceeding or the court in any judicial  
23 review.

24 (b) In any administrative, licensing or other proceeding, the agency  
25 shall consider the alleged unreasonable pollution, impairment or  
26 destruction of the public trust in the air, water or other natural resources  
27 of the state and no conduct shall be authorized or approved which does,  
28 or is reasonably likely to, have such effect as long as, considering all  
29 relevant surrounding circumstances and factors, there is a feasible and  
30 prudent alternative consistent with the reasonable requirements of the  
31 public health, safety and welfare.

32 (c) (1) For the purposes of this subsection, (A) "residential building  
33 permit application" means any building permit application submitted  
34 in connection with the proposed construction or renovation of a  
35 structure that contains one or more dwelling units, and (B) "dwelling  
36 unit" has the same meaning as provided in section 47a-1.

37 (2) No person, partnership, corporation, association, organization or  
38 other legal entity may intervene as a party on the filing of a verified  
39 pleading in any administrative proceeding, or in any judicial review  
40 thereof pursuant to this section, if such proceeding or review concerns  
41 a residential building permit application unless such person,  
42 partnership, corporation, association, organization or other legal entity  
43 owns real property that abuts or is within a radius of one hundred feet  
44 of any portion of the land subject to such permit application.

45 Sec. 2. Subsection (b) of section 8-3 of the 2024 supplement to the  
46 general statutes is repealed and the following is substituted in lieu  
47 thereof (*Effective October 1, 2024*):

48 (b) Such regulations and boundaries shall be established, changed or

49 repealed only by a majority vote of all the members of the zoning  
50 commission, except as otherwise provided in this chapter. In making its  
51 decision the commission shall take into consideration the plan of  
52 conservation and development, prepared pursuant to section 8-23, and  
53 shall state on the record its findings [on] concerning the consistency of  
54 the proposed establishment, change or repeal of such regulations and  
55 boundaries with such plan. If a protest against a proposed change is  
56 filed at or before a hearing with the zoning commission, signed by the  
57 owners of twenty per cent or more of the area of the lots included in  
58 such proposed change, [or of the lots within five hundred feet in all  
59 directions of the property included in the proposed change,] such  
60 change shall not be adopted except by a vote of two-thirds of all the  
61 members of the commission.

62       Sec. 3. (NEW) (*Effective October 1, 2024*) (a) Notwithstanding any  
63 provision of chapter 440 of the general statutes, the legislative body of  
64 any municipality may, after consultation with the inland wetlands  
65 agency of such municipality established pursuant to section 22a-42 of  
66 the general statutes and holding a public hearing, adopt an ordinance  
67 identifying an area or areas of such municipality as (1) having existing  
68 commercial or retail uses and having water, sewer and other  
69 infrastructure adequate to support increased development in such area  
70 or areas, or (2) being appropriate for increased development under such  
71 municipality's plan of conservation and development. Such ordinance  
72 may provide that any proposed development in such area or areas need  
73 not be approved by the inland wetlands agency of such municipality,  
74 provided any such development shall be subject to a soil erosion and  
75 sediment control plan, as defined in section 22a-327 of the general  
76 statutes, approved by the agency designated to grant such approvals by  
77 the municipality.

78       (b) Any ordinance adopted by a municipality pursuant to this section  
79 shall be reviewed by such municipality not less than once every seven  
80 years to determine if the area or areas identified in such ordinance  
81 continue to meet the criteria set forth in subsection (a) of this section.

82       Sec. 4. (NEW) (*Effective October 1, 2024*) (a) For the purposes of this  
83 section, (1) "as of right" has the same meaning as provided in subsection  
84 (b) of section 8-1a of the general statutes, (2) "dwelling unit" has the same  
85 meaning as provided in section 47a-1 of the general statutes, (3)  
86 "multifamily housing" has the same meaning as provided in section 8-  
87 13m of the general statutes, and (4) "nursing home" has the same  
88 meaning as provided in section 19a-490 of the general statutes.

89       (b) Any zoning regulations adopted by a municipality pursuant to  
90 section 8-2 of the general statutes shall allow for the conversion of any  
91 nursing home into multifamily housing as of right, provided (1) such  
92 nursing home is a freestanding facility, and (2) the owner of such  
93 nursing home has declared, in writing to the municipality, that such  
94 nursing home has been vacant for a period of not less than ninety days  
95 immediately preceding the submission of the as of right permit  
96 application to the planning commission, zoning commission or  
97 combined planning and zoning commission of the municipality.

98       (c) The as-of-right permit application and review process for the  
99 approval of the conversion of a nursing home into multifamily housing  
100 shall require that a decision on any such application be rendered not  
101 later than sixty-five days after receipt of such application by the  
102 planning commission, zoning commission or combined planning and  
103 zoning commission, except an applicant may consent to one or more  
104 extensions of not more than an additional sixty-five days or may  
105 withdraw such application.

106       Sec. 5. Subsection (c) of section 4b-21 of the general statutes is  
107 repealed and the following is substituted in lieu thereof (*Effective October*  
108 *1, 2024*):

109       (c) (1) Not later than thirty days after receipt of such notification from  
110 the secretary, the following agencies shall determine and notify the  
111 secretary in writing if the land, improvement or interest serves the  
112 following needs: [(1)] (A) The Commissioner of Economic and  
113 Community Development, whether it can be used or adapted for

114 economic development or exchanged for property that can be used for  
115 economic development; [(2)] (B) the Commissioner of Transportation,  
116 whether it can be used for transportation purposes; [(3)] (C) the  
117 Commissioner of Energy and Environmental Protection, whether it can  
118 be used for open space purposes or to otherwise support the  
119 department's mission; [(4)] (D) the Commissioner of Agriculture,  
120 whether it can be used for farming or agricultural purposes; [(5)] (E) the  
121 Commissioner of Veterans Affairs, whether it can be used for veterans'  
122 housing; [(6)] (F) the Commissioner of Children and Families, whether  
123 it can be used to support the department's mission; [(7)] (G) the  
124 Commissioner of Developmental Services, whether it can be used to  
125 support the department's mission; [(8)] (H) the Commissioner of  
126 Administrative Services, whether it can be used to house state agencies  
127 or can be leased; and [(9)] (I) the Commissioner of Housing, whether it  
128 can be used as an emergency shelter or transitional living facility for  
129 homeless persons, or used for the construction, rehabilitation or  
130 renovation of housing for persons and families of low and moderate  
131 income.

132 (2) Not later than thirty days after receipt of such notification from  
133 the secretary [, any] pursuant to subdivision (1) of this subsection: (A)  
134 Any state agency, department or institution that is interested in utilizing  
135 the land, improvement or interest shall submit a plan to the secretary  
136 that sets forth the proposed use for the land, improvement or interest  
137 and a budget and timetable for such use, and (B) if the Commissioner of  
138 Housing determines that the land, improvement or interest may be used  
139 for the construction, rehabilitation or renovation of housing for persons  
140 and families of low and moderate income, the commissioner shall  
141 submit a plan to the secretary for any such use of the land, improvement  
142 or interest that includes a budget and timetable for any such use.

143 (3) If one or more agencies, departments or institutions submit a plan  
144 for such land, improvement or interest to the secretary [within such  
145 thirty-day period] as specified in subdivision (2) of this subsection, the  
146 secretary shall analyze such agency, department or institution plan or  
147 plans and determine whether custody and control of the land,

148 improvement or interest shall be transferred to one of such agencies,  
149 departments or institutions, in which case the agency, department or  
150 institution having custody of the land, improvement or interest shall  
151 make such transfer, provided if the Commissioner of Housing submits  
152 a plan for the use of such land, improvement or interest for the  
153 construction, rehabilitation or renovation of housing for persons and  
154 families of low and moderate income, the secretary shall prioritize the  
155 review of the commissioner's plan and grant the transfer of the land,  
156 improvement or interest to the commissioner unless the secretary states  
157 in writing any reason why such transfer is not feasible.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	22a-19
Sec. 2	October 1, 2024	8-3(b)
Sec. 3	October 1, 2024	New section
Sec. 4	October 1, 2024	New section
Sec. 5	October 1, 2024	4b-21(c)

**Statement of Legislative Commissioners:**

In Section 1(c)(2), "or review" was added after "such proceeding" for accuracy, and "identified in" was changed to "subject to" for accuracy; and in Section 3(a)(2), "in" was changed to "under" for clarity.

**PD**      *Joint Favorable Subst.*