



Land Use Brief

Volume 1, Issue 2

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2023 LEGISLATIVE LAND USE SUMMARY



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Background

The Connecticut General Assembly enacted a variety of land use changes during their 2023 Legislative Session. The purpose of this land use brief is to provide succinct information for land use staff and decision makers to stay engaged and informed. This issue covers:

Zoning Changes for:

- ⇒ Group and Family Child Care Homes
- ⇒ Community Residences
- ⇒ Motor Vehicle Dealers and Repair Uses
- ⇒ Zoning Enforcement Officer Certification

Planning Changes for:

- ⇒ Affordable Housing Plans
- ⇒ Planning Commission Alternates

Commission Changes for:

- ⇒ Training for Certain Land Use Officials

Municipal Changes for:

- ⇒ Blight Ordinances
- ⇒ Municipal Charter Powers regarding Land Use

The Naugatuck Valley Council of Governments' Land Use Brief is a resource for land use staff and commissioners to support local land use decision making.

The information provided within this brief is for informational purposes only.

NVCOG recommends reaching out to your municipal attorney prior to action.

Questions? Comments?
Suggestions for future
Land Use Briefs?

Contact SN Villalba,
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Group and Family Child Care Homes

[Public Act No. 23-142](#) | [OLR Bill Analysis](#)

Effective Date: October 1, 2023

Required Reporting Date: December 1, 2023,
and annually thereafter



Connecticut Office
of Early Childhood

State of CT—Photo Credit

Key Terms

Group child care home: [CGS Sec. 19a-77\(a\)\(2\)](#)

Family child care home: [CGS Sec. 19a-77\(a\)\(3\)](#)

Zoning Changes:

- [CGS Sec. 8-3j](#) was revised to prohibit any zoning regulation from treating any family child care home or group child care home, **located in a residence and licensed by the [Office of Early Childhood](#)**, in a manner different from single or multifamily dwellings.
- [CGS Sec. 8-2\(d\)](#) was revised to be consistent with CGS Sec. 8-3j. It also included a prohibition on requiring any special zoning permit or special zoning exception for such operation.

Note: The Office of Legislative Research's summary states that "special zoning permits and special zoning exceptions are synonymous."

Reporting Requirements:

- No later than December 1, 2023, and annually thereafter, each municipality shall submit to the Office of Policy and Management a sworn statement from their chief executive officer of the municipality stating that: (1) the municipality's zoning regulations are in compliance with CGS Sec. 8-3j and CGS Sec. 8-2(d) as amended by this act.
- If the municipality's zoning regulations are not compliant, the chief executive officer shall state the specific time frame within which the municipality will bring its zoning regulations into compliance.



Community Residences

Public Act No. 23-137

Effective Date: October 1, 2023

Zoning Changes:

- CGS Sec. 8-3e was revised to increase the allowable number of residents from six to eight or fewer persons for:
 - (1) Community residences that house persons with intellectual disability and necessary staff persons;
 - (2) Any child-care residential facility that houses children with mental or physical disabilities and necessary staff persons;
 - (3) Community residences that house persons receiving mental health or additional services and necessary staff persons; and
 - (4) Any residence that provides licensed hospice care, under specific considerations.

Note: CGS Sec. 8-3e does not allow for municipal zoning regulations to treat the above uses different from any single-family residence.

- CGS Sec. 8-3f was revised to allow the following uses to not require additional approval from the body exercising zoning powers to be sited within 1,000 feet of one another. The exempt uses include:
 - (1) A community residence that (A) houses eight or fewer persons with intellectual disability and necessary staff persons; or (B) houses eight or fewer persons receiving mental health or additional services and necessary staff persons, and
 - (2) A licensed child-care residential facility that houses eight or fewer children with mental or physical disabilities and necessary staff persons.



Affordable Housing Plans

[Public Act No. 23-137](#)

Effective Date: October 1, 2023

Planning Changes:

- [CGS Sec. 8-30j](#) was revised so that any plan submitted after October 1, 2023 shall specify how the municipality intends to:
 - (1) Increase the number of affordable housing developments in the municipality; and
 - (2) Improve the accessibility of affordable housing units for individuals with an intellectual disability or other developmental disabilities.

Note: The new consideration will be required for any initial plan submitted after October 1, 2023, as well as future 5-year amendments and/or new plans.



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Motor Vehicle Dealers and Repair Uses

[Public Act No. 23-40](#) | [OLR Bill Analysis](#)

Effective Date: July 1, 2023

Zoning Changes:

- [CGS Sec. 14-54](#) was revised to transfer the authority to issue motor vehicle dealer and repair certificates of approval from a municipality's Zoning Board of Appeals to its zoning enforcement official.
- The zoning enforcement official shall affirm that the proposed location and use of the property conform to the zoning regulations of such municipality.
- The certificate of approval shall be obtained from the municipality prior to submission to the State for a license.
- The certificate of approval requires approval from the local building official, local fire marshal, and the local zoning enforcement officer.
- **Exceptions:** The provisions shall not apply to: (1) a transfer of ownership to a spouse, child, brother, sister, or parent of a licensee, (2) a transfer of ownership to or from a corporation in which a spouse, child, brother, sister or parent of a licensee has a controlling interest, or (3) a change in ownership involving the withdrawal of one or more partners from a partnership.



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Zoning Enforcement Officer Certification, Planning Commission Alternates, and Training for Certain Land Use Officials

[Public Act No. 23-173](#) | [OLR Bill Analysis](#)

Effective Date: October 1, 2023

Zoning Enforcement Officer Certification Requirement: January 1, 2024

Zoning Enforcement Officer Certification Changes:

- [CGS Sec. 8-3\(e\)](#) was revised to require certification for certain ZEOs newly appointed on or after January 1, 2024. Enforcement officers shall maintain such certification for the duration of such person's employment as a zoning enforcement officer.



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Planning Commission Alternates Changes:

- [CGS Sec. 8-19a](#) was revised to allow zoning commission or zoning board of appeal members to serve as alternates on a municipality's planning commission. A zoning commission or zoning board of appeals member that is serving as an alternate on a municipality's planning commission **shall recuse himself or herself from participation in any appeal before the zoning board of appeals from a decision of the planning commission if such alternate member participated in such decision.**

Note: [CGS Sec. 8-1b](#) prohibits planning commission or zoning board of appeals members from serving as alternates on the municipality's zoning commission or combined planning and zoning commission.



Zoning Enforcement Officer Certification, Planning Commission Alternates, and Training for Certain Land Use Officials Continued

Training for Certain Land Use Officials Changes:

- CGS Sec. 8-4c was revised to exempt:

- (1) Land use enforcement officers, and
- (2) Connecticut-licensed attorneys who served at least four (4) years on a local planning commission, zoning commission, planning and zoning commission, or zoning board of appeals.

- In addition, the biennial requirement was eliminated, instead requiring applicable commissioners to complete the training once every four years or once per term, whichever is longer.

Note: CGS Sec. 8-4c(c) requires the planning commission, zoning commission, combined planning and zoning commission, and zoning boards of appeals in each municipality to submit a statement to such municipality's legislative body, or in a municipality where the legislative body is a town meeting, the board of selectmen, affirming compliance with the training requirements established by CGS Sec. 8-4c.



Historic Buildings of Connecticut—Photo Credit



Blight Ordinances

[Public Act No. 23-33](#) | [OLR Bill Analysis](#)

Effective Date: October 1, 2023

Ordinance Changes:

- [CGS Sec. 8-169aa](#) was revised to allow populations of fifteen thousand (15,000) or more to utilize a judicial process in which abandoned and blighted property receiverships can be used under specific conditions.

Note: The previous population requirement was 35,000.

- [CGS Sec. 7-148](#), [CGS Sec. 7-148jj](#), and [CGS Sec. 7-148o](#) were revised to expand municipal regulatory and police powers around public health and safety to include residential and commercial blight. Additional expansions include, but are not limited to:

- (1) A process for immediate enforcement action in the case of a violation at a property that is the third or more such blight violation at such property during the prior twelve-month period; and
- (2) Updated and increased civil penalties for violations.

Note: The statute reads, 'For the sole purpose of determining if a violation is the third or more such violation during the prior twelve-month period, "violation" means a violation of any municipal blight regulation for which the municipality has issued a notice of violation, and (I) in the determination of such municipality, the conditions creating such violation were previously cured, or (II) one hundred twenty days have passed from the notice of violation and the conditions creating such violation have not been cured. A third violation may also be established where three or more conditions constituting such violation exist at a property simultaneously.'



Modifications To Municipal Charter Powers Regarding Land Use

Public Act No. 23-205

Effective Date: Effective from passage

Municipal Power Changes:

- [Public Act No. 23-205 Section 158](#) established various substantive changes to municipal charter revisions for land use processes. Any proposed modification to a municipal charter should be reviewed to ensure alignment with the relevant statutes set forth in title 7 and 8 of the General Statutes for the following considerations:
 - (1) Petitions filed with a local legislative body or zoning board of appeals to challenge a decision of a planning commission, zoning commission or combined planning and zoning commission. Petition changes include, but are not limited to, the number of signatures required, the manner of obtaining such signatures, or the residency or location requirements concerning real property owned by persons signing any such petition;
 - (2) Regulations concerning planning commissions, zoning commissions or combined planning and zoning commissions;
 - (3) Voting, notice, or public hearing requirements to initiate or complete the process of eminent domain; and
 - (4) Voting, notice, or public hearing requirements concerning the disposition of municipal property.



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