



General Assembly

Substitute Bill No. 5473

February Session, 2024



AN ACT CONCERNING THE EXPANSION OF MUNICIPAL SEWERAGE SYSTEMS TO PROMOTE THE DEVELOPMENT OF HOUSING AND REQUIRING THE MAJORITY LEADERS' ROUNDTABLE GROUP ON AFFORDABLE HOUSING TO STUDY THE ELIMINATION OF MUNICIPAL DESIGN REVIEW PROCESSES.

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

1 Section 1. Section 7-245 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2024*):

3 For the purposes of this chapter:

4 (1) "Acquire a sewerage system" means obtain title to all or any part
5 of a sewerage system or any interest therein by purchase,
6 condemnation, grant, gift, lease, rental or otherwise;

7 (2) "Affordable housing deed restrictions" means deed restrictions
8 filed on the land records of the municipality containing covenants or
9 restrictions that require a dwelling unit or dwelling units to be sold or
10 rented at, or below, a price or rent equivalent to not more than thirty per
11 cent of the annual income of individuals and families earning not more
12 than eighty per cent of the median income in rent or mortgage payments
13 for such unit, for a period of not less than forty years;

14 (3) "Affordable housing development" means a development

15 containing ten or more dwelling units, as defined in section 47a-1,
16 provided not less than twenty per cent of such units are subject to
17 affordable housing deed restrictions, and any such unit subject to such
18 restrictions contains two or more bedrooms and is not age-restricted;

19 [(2) "alternative sewage treatment system"] (4) "Alternative sewage
20 treatment system" means a sewage treatment system serving one or
21 more buildings that utilizes a method of treatment other than a
22 subsurface sewage disposal system and that involves a discharge to the
23 groundwaters of the state;

24 [(3) "community sewerage system"] (5) "Community sewerage
25 system" means any sewerage system serving two or more residences in
26 separate structures which is not connected to a municipal sewerage
27 system or which is connected to a municipal sewerage system as a
28 distinct and separately managed district or segment of such system, but
29 does not include any sewerage system serving only a principal dwelling
30 unit and an accessory apartment, as defined in section 8-1a, located on
31 the same lot;

32 [(4) "construct a sewerage system"] (6) "Construct a sewerage system"
33 means to acquire land, easements, rights-of-way or any other real or
34 personal property or any interest therein, plan, construct, reconstruct,
35 equip, extend and enlarge all or any part of a sewerage system;

36 [(5) "decentralized system"] (7) "Decentralized system" means
37 managed subsurface sewage disposal systems, managed alternative
38 sewage treatment systems or community sewerage systems that
39 discharge sewage flows of less than five thousand gallons per day, are
40 used to collect and treat domestic sewage, and involve a discharge to
41 the groundwaters of the state from areas of a municipality;

42 [(6) "decentralized wastewater management district"] (8)
43 "Decentralized wastewater management district" means areas of a
44 municipality designated by the municipality through a municipal
45 ordinance when an engineering report has determined that the existing
46 subsurface sewage disposal systems may be detrimental to public health

47 or the environment and that decentralized systems are required and
48 such report is approved by the Commissioner of Energy and
49 Environmental Protection with concurring approval by the
50 Commissioner of Public Health, after consultation with the local
51 director of health;

52 [(7) "electronic equipment"] (9) "Electronic equipment" means any
53 technology that facilitates real-time communication between two or
54 more individuals, including, but not limited to, telephonic, video and
55 other conferencing platforms;

56 (10) "Median income" means, after adjustments for household size,
57 the lesser of the state median income or the area median income as
58 determined by the United States Department of Housing and Urban
59 Development;

60 (11) "Multifamily housing" has the same meaning as provided in
61 section 8-13m;

62 [(8) "municipality"] (12) "Municipality" means any metropolitan
63 district, town, consolidated town and city, consolidated town and
64 borough, city, borough, village, fire and sewer district, sewer district
65 and each municipal organization having authority to levy and collect
66 taxes;

67 [(9) "operate a sewerage system"] (13) "Operate a sewerage system"
68 means own, use, equip, reequip, repair, maintain, supervise, manage,
69 operate and perform any act pertinent to the collection, transportation
70 and disposal of sewage;

71 [(10) "person"] (14) "Person" means any person, partnership,
72 corporation, limited liability company, association or public agency;

73 [(11) "remediation standards"] (15) "Remediation standards" means
74 pollutant limits, performance requirements, design parameters or
75 technical standards for application to existing sewage discharges in a
76 decentralized wastewater management district for the improvement of

77 wastewater treatment to protect public health and the environment;

78 [(12) "sewage"] (16) "Sewage" means any substance, liquid or solid,
79 which may contaminate or pollute or affect the cleanliness or purity of
80 any water; and

81 [(13) "sewerage system"] (17) "Sewerage system" means any device,
82 equipment, appurtenance, facility and method for collecting,
83 transporting, receiving, treating, disposing of or discharging sewage,
84 including, but not limited to, decentralized systems within a
85 decentralized wastewater management district when such district is
86 established by municipal ordinance pursuant to section 7-247.

87 Sec. 2. Section 7-246 of the general statutes is repealed and the
88 following is substituted in lieu thereof (*Effective October 1, 2024*):

89 (a) Any municipality may, by ordinance, designate its legislative
90 body, except where the legislative body is the town meeting, or any
91 existing board or commission, or create a new board or commission to
92 be designated, as the water pollution control authority for such
93 municipality. Any municipality located within the district of a regional
94 water authority or regional sewer district established under an act of the
95 General Assembly may designate such water authority or sewer district
96 as the water pollution control authority for such municipality, with all
97 of the powers set forth in this chapter for water pollution control
98 authorities, provided such water authority or sewer district agrees to
99 such designation. If a new board or commission is created, the
100 municipality shall, by ordinance, determine the number of members
101 thereof, their compensation, if any, whether such members shall be
102 elected or appointed, the method of their appointment, if appointed,
103 and removal and their terms of office, which shall be so arranged that
104 not more than one-half of such terms shall expire within any one year.
105 The water pollution control authority of the town within which there is
106 a city or borough shall not exercise any power within such city or
107 borough without the express consent of such city or borough, except
108 that such consent shall not be required for any action taken to comply

109 with a pollution abatement order issued by the Commissioner of Energy
110 and Environmental Protection.

111 (b) Each municipal water pollution control authority designated in
112 accordance with this section may prepare and periodically update a
113 water pollution control plan for the municipality. Such plan shall
114 designate and delineate the boundary of: (1) Areas served by any
115 municipal sewerage system; (2) areas where municipal sewerage
116 facilities are planned and the schedule of design and construction
117 anticipated or proposed; (3) areas where sewers are to be avoided; (4)
118 areas served by any community sewerage system not owned by a
119 municipality; (5) areas to be served by any proposed community
120 sewerage system not owned by a municipality; and (6) areas to be
121 designated as decentralized wastewater management districts. Such
122 plan may designate and delineate specific allocations of capacity to
123 serve areas that are able to be developed for residential or mixed-use
124 buildings containing four or more dwelling units. Such plan shall also
125 describe the means by which municipal programs are being carried out
126 to avoid community pollution problems and describe any programs
127 wherein the local director of health manages subsurface sewage
128 disposal systems. The authority shall file a copy of the plan and any
129 periodic updates of such plan with the Commissioner of Energy and
130 Environmental Protection and shall manage or ensure the effective
131 supervision, management, control, operation and maintenance of any
132 community sewerage system or decentralized wastewater management
133 district not owned by a municipality.

134 (c) (1) In any municipality in which single-family homes constitute
135 not less than fifty per cent of such municipality's housing stock, any
136 municipal water pollution control plan prepared by the water pollution
137 control authority of the municipality shall specify such municipality's
138 plan for providing sewer service to promote the development of
139 housing opportunities consistent with subdivisions (4) to (6), inclusive,
140 of subsection (b) of section 8-2, including such municipality's (A)
141 existing and planned sewer service area or areas, (B) existing or planned
142 lots that allow for use as multifamily housing, and (C) allocations for

143 specific daily sewage flow rates that may provide infrastructure to
144 support the development of multifamily housing. The water pollution
145 control authority of any municipality described in this subdivision shall
146 post such municipal water pollution control plan on the Internet web
147 site of such municipality.

148 (2) Any water pollution control plan described in subdivision (1) of
149 this subsection may be incorporated into such municipality's affordable
150 housing plan adopted pursuant to section 8-30j or plan of conservation
151 and development adopted pursuant to section 8-23.

152 (3) Each water pollution control plan shall be submitted to the
153 Secretary of the Office of Policy and Management. Any municipality
154 with a water pollution control plan that creates a realistic possibility, as
155 determined by the Secretary of the Office of Policy and Management, to
156 provide sewer service to support the development of housing in
157 conformance with the provisions of subparagraphs (C), (H) and (J) of
158 subdivision (2) of subsection (b) of section 8-2 and subdivisions (4) to
159 (6), inclusive, of subsection (b) of section 8-2, shall be eligible for funding
160 from the sustainable and equitable infrastructure support program
161 established pursuant to subdivision (d) of this section. The secretary
162 shall post each water pollution control plan submitted pursuant to this
163 subdivision on the Internet web site of the Office of Policy and
164 Management.

165 (d) The Secretary of the Office of Policy and Management shall,
166 within available appropriations, establish and administer the
167 sustainable and equitable infrastructure support program. Funds from
168 such program shall be available (1) to any developer of an affordable
169 housing development for costs relating to sewerage system connection
170 fees; (2) to any developer of an affordable housing development for
171 costs relating to any infrastructure improvements to a municipal
172 sewerage system necessary to support such development; (3) to any
173 municipality determined to be eligible by the secretary pursuant to
174 subdivision (3) of subsection (c) of this section to support sewer
175 infrastructure development and expansion and technical assistance

176 concerning municipal sewer expansion, including sewer infrastructure
177 improvement and expansion grant writing; and (4) for one-time
178 planning grants not exceeding thirty-five thousand dollars per
179 municipality to any municipality seeking to update such municipality's
180 water pollution control plan to conform with the requirements of
181 subsection (c) of this section. Funds from the program shall be awarded
182 by the secretary, at the secretary's discretion, on a competitive basis,
183 with priority given to developers or municipalities based on (A) cost
184 efficiency of a proposed development, (B) for a municipality, the
185 percentage of a municipality's housing stock that will be served by the
186 municipality's water pollution control plan, and (C) for a municipality,
187 the extent to which such plan advances the purposes of subparagraphs
188 (C), (H) and (I) of subdivision (2) of subsection (b) of section 8-2 and
189 subdivisions (4) to (6), inclusive, of subsection (b) of section 8-2.

190 [(c)] (e) Any municipal sewer authority in existence prior to October
191 1, 1978, shall be deemed to be the water pollution control authority of
192 such municipality unless the legislative body of the municipality, by
193 ordinance, determines otherwise, and such water pollution control
194 authority shall be deemed the successor to such sewer authority for all
195 of the purposes of this chapter. All acts of any such sewer authorities
196 from October 1, 1978, to June 1, 1979, are validated. The provisions of
197 this subsection shall not apply to any action pending in any court or any
198 right of appeal under this chapter existing on June 1, 1979.

199 Sec. 3. (*Effective from passage*) The majority leaders' roundtable group
200 on affordable housing, established pursuant to section 2-139 of the
201 general statutes, shall conduct a study concerning the potential
202 elimination of any municipal design review process required in
203 connection with residential developments. The study shall include, but
204 need not be limited to, (1) an analysis of current required design review
205 processes and the impact of such processes on the cost and development
206 time of affordable housing, as defined in section 8-39a of the general
207 statutes, (2) the identification of barriers within such design review
208 processes that may hinder the construction or renovation of such
209 affordable housing, and (3) the examination of successful models from

210 other jurisdictions that have streamlined or eliminated such design
211 review processes for such affordable housing. Not later than January 1,
212 2025, the roundtable group shall submit a report, in accordance with the
213 provisions of section 11-4a of the general statutes, on its findings and
214 any recommendations to the joint standing committees of the General
215 Assembly having cognizance of matters relating to planning and
216 development and housing.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	7-245
Sec. 2	October 1, 2024	7-246
Sec. 3	from passage	New section

Statement of Legislative Commissioners:

In Section 2(c)(1), "each" was changed to "any" for conformance with drafting standards, and "adopted by such" was changed to "prepared by the water pollution control authority of the" for consistency; in Section 2(c)(1)(C), "Any municipality that adopts a water pollution control plan pursuant to this subdivision shall post such" was changed to "The water pollution control authority of any municipality described in this subdivision shall post such municipal water pollution control" for clarity and consistency; in Section 2(c)(2), "required to be adopted pursuant to" was changed to "described in" for accuracy; in Section 2(c)(3), "available through" was changed to "from" for conciseness; in Section 2(d)(1), "to cover any" was changed to "for costs relating to" for clarity; in Section 2(d)(2), "to cover the cost of" was changed to "for costs relating to" for clarity; in Section 2(d)(3), "subdivision (3) of subsection (b)" was changed to "subdivision (3) of subsection (c)" for accuracy; and in Section 2(d)(4), "per municipality" was added after "thirty-five thousand dollars" for clarity; and "the requirements of" was added before "subsection (c)" to conform with drafting standards.

PD *Joint Favorable Subst.*