

## MEMORANDUM

To: Municipal Clients of Halloran and Sage, LLP

From: Mark Branse, Municipal Land Use Group

Subject: Model regulations in response to Public Act 25-1 (Nov. Special Session)

Announcement of March 11, 2026 Workshop with Tyche Planning and Policy Group and Halloran & Sage, LLP

Date:

There are many elements of the new Public Act 25-1, An Act Concerning Housing Growth (the “Act”), aka House Bill 8002, which was signed by the Governor late last year. Most of these involve new planning requirements, options for new types of overlay zones, and special rules for required parking. However, this Memorandum addresses two of the provisions in the Act that will require zoning regulation modifications, if you wish to adopt them, before these provisions become effective on July 1, 2026.

### Transit community middle housing development

Section 16 of the Act requires municipalities to allow “transit community middle housing development” on any lot that is zoned for commercial or mixed-use development. Such a development is defined as follows: ““Transit community middle housing development” means a residential building containing not less than two dwelling units but not more than nine such units, including, but not limited to, townhouses, duplexes, triplexes, perfect sixes and cottage clusters.” Such development must be permitted by “summary review,” which essentially means approval as of right by the zoning enforcement officer, without a public hearing or any discretionary criteria. The zoning enforcement officer will be required to approve such developments just like a single-family home, based only on specific, clear, non-discretionary criteria contained in the zoning regulations. The problem is that larger buildings can have larger visual impacts on a community. We’ve all seen well-designed multi-family developments that harmonize with their surroundings, and we’ve seen ones that don’t. Note that this requirement is unrelated to Conn. Gen. Stats. §8-30g, and thus applies to *all* municipalities, and not just those that haven’t reached their 10% affordable housing goal. Note also that, despite the name, these housing developments need not be located in transit-oriented or transit-adjacent communities or districts.

Attached is a starting point for the kinds of specific, formulaic criteria that zoning regulations will have to contain if a municipality wants to control the design of the multi-family dwellings that will be allowed by summary review. *These should be considered as illustrative only.* I have tried to address the typical design criteria that most municipalities seek in new buildings that are larger than a typical single-family dwelling. You will note that there are numerous blanks which your local zoning commission can

fill in with the values that you think are appropriate for your community. You also don't have to adopt any or all of these. As I said, these are purely illustrative to get a discussion started and to give you an example of the level of specificity that will be required for your zoning enforcement officer to administer these new requirements.

For those communities that have village districts under Gen. Stats. §8-2j, it is my opinion that your village architect or architectural review committee will still have the jurisdiction to review the removal or renovation of existing buildings and the construction of new ones, as per existing law, but instead of advising the zoning commission, the advice will be provided to the zoning enforcement officer. The extent to which the zoning enforcement officer will have the discretion to heed such advice remains unclear.

### Mixed Use Developments

Section 11 of the Act allows municipalities to prohibit residential use on the ground floor of mixed-use buildings which contain more than 10 dwelling units. I have provided sample language to implement that provision. Most municipalities want to maintain street-level commercial activity to create the synergy needed for a successful commercial retail area, and thus want residential uses only on upper floors. However, the prohibition of ground floor residential uses is purely optional and not a requirement of the Act.

We expect that there will be clarifications and minor amendments to the Act in the upcoming legislative session, and that the Office of Policy and Management will promulgate regulations and information to guide municipalities in the implementation of the Act. In the meantime, these are regulation amendments that you should at least consider and determine if they are in keeping with your municipality's Plan of Conservation and Development and other land use policies.

In cooperation with Tyche Planning and Policy Group, Halloran & Sage will be co-hosting a webinar on Public Act 25-1 on March 11, 2026 at 7 pm. An announcement of that webinar is attached. We hope to see you there.

Attachments:           Model Regulations

H.B. 8002 Webinar Announcement