



Making Great Communities Happen

Connecticut Chapter of the American Planning Association

SB 922: AN ACT CONCERNING TEMPORARY HEALTHCARE STRUCTURES

This [act](#) approves temporary health care structures (aka “granny pods”) as allowable accessory units in single-family zones, unless a municipality opts-out of the statute. A municipality’s regulations regarding lot setbacks, coverage, etc., would apply to a temporary health care structure just as they would to another accessory structure such as a garage or shed. Per the statute, a participating municipality must approve or deny a permit within 15 business days after application, but cannot deny a permit if the applicant provides proof of compliance with the statute and applicable building and public health codes.



What is a Temporary Health Care Structure?

A Temporary Health Care Structure is a portable residential structure intended for occupation by an impaired person requiring caregiver assistance. It offers an alternative for an impaired residents who might otherwise have to enter a nursing home to obtain handicapped-accessible housing on their caregiver’s property.

The statute defines temporary health care structures as: primarily assembled off-site, not built or placed on a permanent foundation, no more than 500 square feet in size, and in

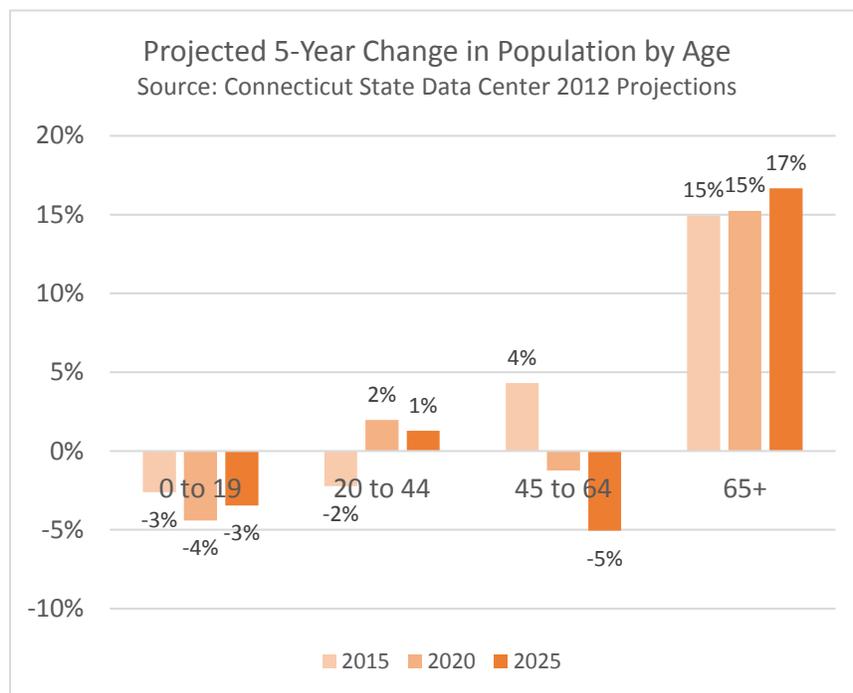


ECHO Cottages, built in the Hudson Valley, are approximately 450 square feet and include a kitchen/sitting area, bathroom and bedroom, washer and dryer, dishwasher, built-in convection microwave, electric stove, refrigerator with top mount freezer, and a 5’ barrier-free shower with grab bars. echocottages.com

compliance with the applicable provisions of the State Building Code, Fire Safety Code, and Public Health Code. Per the statute, the temporary health care structure must be an occupied by an impaired person, may be subject to annual permit renewal, and must be removed within 120 days of the impaired person vacating the unit. The caregiver living on the property must be a relative, legal guardian, or health care agent responsible for the unpaid care of a mentally or physically impaired person. Only one temporary health care structure is permitted per lot.

Why Was This Statute Put Into Place?

The statute was enacted to enable the introduction of a new type of housing unit which will be an important option for Connecticut's aging households seeking affordable, handicapped-accessible housing close to caretakers and/or family. Residents aged 65 and older will be the fastest-growing segment of Connecticut's population over the next several decades as the baby boomer generation enters retirement. Most seniors want to stay in their homes as they age but may face sudden and unexpected health problems for which their current homes are inadequate. This statute enables municipalities to provide a fast-



tracked approval process for installing temporary health care structures that make them a viable alternative to nursing home care, expensive and permanent home modifications or additions, or relocating to housing further from care. Connecticut joins Minnesota, North Carolina, Tennessee, and Virginia in passing state legislation to enable this new type of housing.

Regulatory Process Outlined by Statute

Individuals seeking to install a temporary health care structure must apply for a permit from the municipality in which it will be installed. As part of the permit application, applicants must:

- Provide a statement by a Connecticut-licensed physician confirming that an occupant of the structure is impaired. *Impairment is defined as needing assistance with two of five categories of daily living (see below).
- Applicants must send notice of the permit application to abutting property owners within three days of submitting the application.

Municipalities may:

- Require the structures to be accessible to emergency vehicles and connected to private water or septic systems or water, sewer, and electric utilities serving the primary residence.
- Require permittees to post a bond of up to \$50,000 to ensure compliance (i.e. removal when no longer needed).
- Submit confirmation annually that a structure is compliant (i.e. still occupied by an impaired person)
- Charge an initial permitting fee of up to \$250 and an annual re-certification fee of up to \$100; and inspect the structures, at reasonable times convenient to the caregiver, to ensure compliance;
- Revoke a permit if the permittee violates any of the bill's requirements.

Municipal Opt-Out Provision

The statute provides for municipalities to opt-out in order to prevent the installation of temporary health care structures or to allow municipalities time to develop their own framework for regulating temporary health care structures. Opting out is a two-step process: first, requiring the Planning and Zoning Commission to vote to opt-out; and then the municipality's legislative body to vote to opt-out (e.g. City Council, Board of Selectmen). The Planning and Zoning Commission action must be preceded by a public hearing. The Commission must state on the record the reasons for opting out, and publish notice of its decision in a newspaper having substantial circulation. If a municipality has previously opted-out, opting in requires either the Planning and Zoning Commission or legislative body to reverse its former action.

For More Information:

CCAPA Government Relations Co-Chairs:

Amanda Kennedy & John Guskowski, govrel@ccapa.org

Companies specializing in elder accessory housing:

Echo Cottages Ltd., Hudson Valley, NY: www.echocottages.com

MEDCottage, Blacksburg, VA: <http://www.medcottage.com>

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