



## **Guidance concerning questions related to PA 17-155 AN ACT CONCERNING TEMPORARY HEALTH CARE STRUCTURES**

**In response to questions concerning the new Temporary Health Care Structure Law, CCAPA has researched and offers the following guidance to our members. For more information, please review the Fact Sheet available at <http://www.ccapa.org/legislative/current-session/>.**

### **What is the process for DPH approving connections to septic systems?**

Property owners must seek an exception from DPH to hook up a second structure to a single system. See the [July 27, 2017 letter](#) from DPH regarding temporary health care structures, the [DPH Circular Letter](#), and [Exception](#) application. The July 27 letter indicates that DPH will be treating a temporary health care structures as an additional bedroom for B100a compliance purposes.

### **How can municipalities comply with the 15-day approval period limit if Wetlands or Health Department applications take more than 15 days?**

The statute is silent on this, but it is expected that the process would be similar to Special Zoning Permits or Subdivision applications when faced with Wetlands delays. Case law has indicated that the statutory review period goes into a sort of suspended-animation while the other regulatory bodies are doing their review. The statute simply indicates that the Zoning component of this review cannot take more than 15 days.

\*\*\*It is hoped that as these structures become more of a known quantity in Connecticut, the Health District review and approval will become more routine and rapid.\*\*\*

### **How much do temporary health care structures cost?**

Cost varies. Units can be custom built, prebuilt, or modular. One company, ECHO Cottages LTD, builds modular units in the Hudson Valley for sale or lease and has installed them in sites in NY, DE, and PA. Their units cost about \$60,000 to purchase, plus installation, or about \$1300 per month to rent. Installation usually costs about \$10,000. Remember to allow for the cost of removal when the unit is no longer needed.

### **Can my town pass setback regulations for THCs that are different from other accessory uses?**

Yes and no. Yes- if the Town passes a differential setback requirement for temporary health care structures between now and October 1, 2017, then upon that date, THCs would be subject to those differential setbacks (i.e. a 100 sf shed has a different setback than a 400 sf residential unit, etc.). If the Town makes no change between now and October 1 in the Zoning Regulations, the setbacks in place at that point would control. Alternatively, if the setback differentiation was the only issue of concern, the Town could pretty readily just opt-out using the statute's procedure and pass their own slightly modified version of these regulations.



### **How can the state dictate land use policies for my town?**

Local zoning in Connecticut is enabled by state statute. Statutes dictate the process and jurisdiction of local planning commissions to establish land use regulation. There are numerous state statutes dealing with specific land uses that have warranted laws that establish a consistent statewide policy. Examples: group homes (must allow), family child care homes (must not treat differently from single family). The THC statute is different in that the law establishes a default regulation which municipalities have the option of replacing with a local regulation.

### **Is there any guidance on the type and form of bond that municipalities are authorized to require?**

No. Similar to many other requirements of Zoning or Subdivision Regulations, the municipality is empowered to require a performance or maintenance bond to ensure that the promised activity is properly implemented. In this case, the municipality is allowed some surety that the THCS is removed by the owner when no longer needed. The form of the bond and process is not addressed in the statute, but presumably could follow other municipal regulations, which often require a letter of credit, insurance certificate, or cash bond.

### **When do municipalities have to opt out by?**

Municipalities wishing to opt out should do so before the law becomes effective October 1, 2017. Municipalities may also opt out after October 1 but must approve valid temporary health care structure applications until an opt-out has been finalized.

### **Do both the Zoning Commission and Legislative Body (council, board of selectmen, etc.) have to approve an opt-out?**

Yes. There are two entities that need to participate in the opt-out procedure: the Zoning Commission and Selectmen/Legislative Body). If for some reason the Zoning Commission wishes to opt-out but the Board of Selectman (or Town Council) wishes to keep the regulations in place (or vice-versa), the statute will continue to apply to the municipality. In other words, either body can block an opt-out.

### **-Disclaimer-**

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