

The Planning & Development Committee will be having a public hearing MONDAY, March 15, and there are a number of bills up for discussion that have proposed implications to insert state authority into local zoning and land use matters.

Here is the list of bills and the major threats they pose to Connecticut's current local control:

H.B. No. 6107 (RAISED) AN ACT CONCERNING THE REORGANIZATION OF THE ZONING ENABLING ACT AND THE PROMOTION OF MUNICIPAL COMPLIANCE

Starts us down the slippery slope of state oversight/mandates over local zoning control (if you open the door on state regulation, more rules will come in the future)

- What works in one town will not work in every town -
 - Removes "Character" reference as a reason for a town to refuse a development project - a word which only serves to describe a town's unique identity
 - Mandates numbers/percentages of affordable housing which are not achievable in all towns (density challenges, public transportation access, costs, implementing the new intricate rules into town official documents
 - Eliminates resident input, right to petition by forced compliance
 - Requires submittal of Fair Housing Plan/Plan of Conservation every 5 years, which is then posted online by OPM (Creating a readily available public record of town who do - or do not comply)
 - Requires municipality to post their draft affordable housing plans to their websites (if residents pose concerns to plan, this legislation still forces towns to comply with Federal Fair Housing)
- Creates a working group to study guidelines and incentives to comply with 8-30j
- Assumes municipalities are not working to improve housing options and opportunities on their own

H.B. No. 6611 (RAISED) AN ACT CONCERNING A NEEDS ASSESSMENT AND OTHER POLICIES REGARDING AFFORDABLE HOUSING AND DEVELOPMENT

- You tell me what is FAIR about the fair share housing plan
- State to determine "fair share" affordable housing plan for each region and a target "fair share base" for each town
- Substantial discretion is vested in Secretary of OPM to allocate obligations among towns above and beyond calculations based on grand list and census data
- Each town's "fair share goal" will have specific requirements: 40% or less owner-occupied, 20%+ restricted to extremely low income, 65%+ restricted to very low income, 15% or less age-restricted, 40%+ 2-bedrooms, 25%+ 3-bedrooms, 10% or less studio (discourages home ownership and upward mobility)
- Requires towns to identify specific parcels within town to locate "fair share" housing and to fund the same if other subsidies are not available
- Requires towns to file a lawsuit in Hartford to affirmatively prove that they have created a viable fair share program to avoid forced approval of housing development applications.
- Towns required to fund the expansion of sewer and other infrastructure to allow affordable housing development
- Puts immense burdens on CT towns to have attorneys draft and vet fair housing plans inclusive of these requirements and keep towns on the hook to foot legal bills, fines should anyone take legal action to say that the town has not fulfilled its "fair housing plan" responsibilities

[H.B. No. 6612](#) (RAISED) AN ACT CONCERNING PROTECTIONS FOR FAMILY CHILD CARE HOMES AND THE ZONING ENABLING ACT

- Several language changes from options to mandate
- Requires town to handle family child care homes consistent with single or multifamily dwellings - including in tenant/landlord situations
- Requires landlords to allow tenants to operate family child care homes in any leased properties
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[H.B. No. 6613](#) (RAISED) AN ACT CONCERNING ACCESSORY APARTMENTS, MIDDLE HOUSING AND MULTIFAMILY HOUSING

- Gives “as of right” approval to multifamily developments (meaning towns cannot refuse)
- **Specifies that non-compliance by Oct 1, 2021 renders local rules “null and void”** for
 - Incorporate rules for accessory apartments
 - Enable “as of right” multifamily housing on at least 50% of all of the land within a 1/4 mile radius of the primary commercial center in any town with a population of 7,500 or more. (AKA MOST TOWNS)
 - Must not require “correction” of any nonconforming uses on the property, contrary to long-standing zoning principles seeking to eliminate nonconformities

[S.B. No. 1024](#) (RAISED) AN ACT CONCERNING ZONING AUTHORITY, CERTAIN DESIGN GUIDELINES, QUALIFICATIONS OF CERTAIN LAND USE OFFICIALS AND CERTAIN SEWAGE DISPOSAL SYSTEMS

- Flagged as the bill which “asks for everything Desegregate CT wanted”
- Lays out what kinds of fees zoning authorities can and cannot charge:
 - Developers/people applying for projects must foot the consulting fees (especially important in smaller towns who do not employ/contract professional consultants)
 - Municipalities may not adopt a higher schedule of fees for development projects built using 8-30g or for residential building containing four or more units even if the project is vastly more complex than what the town is accustomed to reviewing
- Imposes incredibly strict and specific rules on where development can and cannot occur:
 - Must protect states historic, tribal, cultural and environmental resources
 - Must consider impact to housing affordability, permitted land uses in the town and in other surrounding towns and the region, combat discrimination and segregation, etc.
 - Demands consideration of energy efficiency, including use of alternative energy sources (wind, solar)
 - Specifically permits types of zones - floating, overlay and planned development (***Not necessarily a bad thing, already used by many towns***)

- Forbids denial of applications based on immutable characteristics, source of income or income level
- Creates designated locations where accessory apartments are allowed, attached or not, AND specifies lot size, setbacks, frontage, and floor area allowances for said spaces
- Requires onerous details in municipality's plan
 - Estimates of vehicle miles traveled and vehicle trips generated instead of level of service traffic calculations
- Limits reasons development projects can be refused
 - Changes "character" to "physical site characteristics and architectural context"
 - Adds mobile manufactured homes to prohibition of imposing conditions and requirements
 - Significantly changes current and long-standing zoning principles regarding "nonconforming uses" which go far beyond affordable housing considerations and creates a complex new process that towns must follow
 - Eliminates prohibition of operation of a cottage food operation in a residential zone
 - Reduces the minimum floor area for a unit
 - Removes cap on number of units that constitute multifamily housing over four units, middle housing or mixed-use development
 - Specifies minimum parking space requirements and prohibiting towns from establishing their own requirements
- Puts immense burdens on CT towns to have attorneys draft and vet revised zoning regulations inclusive of these requirements
- Establishes substantial annual training requirements for land use commissioners and prohibits members who have not satisfied the requirements from voting on applications, creating potential havoc with the local permitting process

S.B. No. 1026 (RAISED) AN ACT CONCERNING TRAINING FOR CERTAIN PLANNING AND ZONING OFFICIALS

- Allows municipalities to require 4+ hours training per year for ALL zoning board members. No carry over, many attorneys who already do this kind of training (for which there are LIMITED opportunities – 1x every other year, would not be able to carry this over for their local board requirements)

S.B. No. 1027 (RAISED) AN ACT CONCERNING ACCESSORY DWELLING UNITS AND ZONING REGULATIONS

- Sets parameters by which accessory dwelling units will be required "as of right" can be counted towards 8-30g requirement.
- Requires each town's zoning regulations to encourage development of housing opportunities for all residents of the planning region of which it is a part
- Reduces current 2/3 vote to simple majority vote to adopt a protested zoning regulation or zoning district change. This goes far beyond affordable housing – protest petitions can be used to require a supermajority vote to approve a zone change for any commercial or industrial use that may be proposed that requires a regulation or a map

change. It would make it easier to site any objectionable use (crematorium, gas station, factory, etc.) near residential properties and is not targeted to affordable housing in any way.

- Prohibits partial assessment of construction of multi-family housing developments until they are completed, depriving towns of needed property tax revenues

Not on your list, but HB 6610 (RAISED) AN ACT CONCERNING THE PROVISION OF OUTDOOR FOOD AND BEVERAGE SERVICE BY RESTAURANTS also goes well beyond traditional state-local zoning boundaries. There is probably no other statute that mandates a particular use as a permitted as-of-right accessory use. Also, the definition of “food establishment” in CGS 19a-36i is MUCH broader than just restaurants. It also blurs municipal department authority – zoning commissions do not control what is allowed on a public sidewalk. There are no ADA or building code requirements. The 9 pm cutoff option applies unless regulations require otherwise. Maybe Hartford, but I am not aware of any town zoning regulations that set a closing time for restaurants.