

## GENERAL OVERVIEW OF HB6107 PASSED BY THE HOUSE

The zoning bill passed by the Democrats in the House represents a foot in the door towards loss of local oversight of planning and zoning. Desegregate CT, an organization advocating for state control over zoning, stated it is “a step forward.” House Majority Leader Jason Rojas made similar comments on the floor of the House, stating that it is “not where he would want it to be” and there is more work to be done. House Minority Leader Vincent Candelora stated a top-down approach does not work, is a mistake and that this bill “missed the mark” on true reform to the shortcomings of 8-30g and CT169Strong agrees.

The bill (HB 6107) is not as overreaching as the initial proposals by Desegregate CT and other groups advocating for state control over municipal zoning, but it opens the door for future encroachment on home rule. Every Republican present opposed the measure as well as 8 Democrats and Boyd, Elliot, Hampton, Leeper and Walker did not cast a vote.

CT169Strong, our grassroots group, which has been advocating for our 169 municipalities and local decision making, would like to offer our point-of-view on what passed in the house. We believe further centralized power by Hartford will be attempted by Democrat legislators in the future and we must remain vigilant to keep zoning control local and in the hands of our communities. Residents’ property rights were violated in the 30 years with the implementation of 8-30g without properly addressing affordability and this bill does nothing to correct that.

### Accessory Apartments

Section 6 of the bill requires towns and cities to allow accessory apartment (also known as accessory dwelling units), attached or detached "as of right" – meaning that any home owner can build accessory apartment separate from the main home on any property by going to town hall and just getting the project signed off as written in the zoning regulations (similar to the process for a single-family home). There is no longer a special permit or public hearing requirement, so any concerns or input from neighbors and the public is no longer part of the process.

Lines 416-428 states that **if the town does not opt out of this provision (see below) then any existing section of a LOCAL municipality’s ZONING CODE WILL BECOME NULL AND VOID** and will follow the state rules until they adopt new standards in line with the state code and a municipality may not adopt additional standards beyond what is outlined in this section.

The accessory apartments, although many if not most could be rented at affordable rates will not be counted as part of the 10% affordable housing as per 8-30g requirements unless they are registered as “Deed Restricted” but the reality is that few, if any homeowners would want to impact the value of their homes by adding a “deed restriction” to their personal property. Yet again, **towns will not be given credit for any existing naturally affordable housing that is already available (and the new units that will be available through the allowance of accessory apartments)** since they will not be counted (in the numerator) towards the 10% 8-30g affordable threshold. On a positive note, the additional accessory apartments will not count against towns as total housing units either (not in the denominator in the 10% calculation.) *This was part of HB1024 Desegregate CT’s bill.*

### Parking Restrictions

Lines 295-298 in HB 6107 also sets limits on the number of parking spaces that can be required, capping the number of spaces required to one for studio and one-bedroom units and two spaces maximum for ALL units with two or more bedrooms for ALL housing in every municipality. *This was part of HB1024 Desegregate CT’s bill.*

### Municipal Opt-Out

In a small victory for municipalities, the bill includes an opt-out provision for the accessory apartment (lines 429-447) and parking requirements (lines 337-355). A municipality's zoning commission and its legislative body (i.e Board of Selectman, RTM or Town Council) can opt out if both decide to do so by a two-thirds vote.

**This threshold may be a high bar that some municipalities may not be able to get to locally, given the almost 2/3 majority of Democrats in the State Legislature may also be an issue locally as well.**

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### WORKING GROUP appointment and a "Fair Share" Study

The bill creates the "Commission on Connecticut's Development and Future" which is required to study and evaluate policies on zoning, affordable housing, and infrastructure. This commission, which will report back to various legislative committees, is a compromise substitute for the "Fair Share" affordable housing bill (HB 6611), which would have assigned numerical goals for each municipality and region among other bills.

### The working group is expanded from prior bill versions and is partly appointed by members of the elected legislature and Governor:

Two Appointed by Speaker of the House (Democrat):

1. Member of general assembly (may be named the first co-Chairperson)
2. Municipal Advocacy organization (CCM?)

Two Appointed by Senate President Pro Tempore (Democrat)

1. Member of general assembly (may be named the first co-Chairperson)
2. Expertise in state or local planning (CCAPA?)

Two Appointed by Majority Leader House (Democrat)

1. Expertise in State affordable housing policy (Partnership for Strong Communities?)
2. Town with population between 30,000 and 75,000

Two Appointed by Majority Leaders Senate (Democrat)

1. Expert in zoning policy (CAZEO?)
2. Expert in community development policy (Open Communities Alliance? DECD?)

Two appointed by minority leader of the House (Republican)

1. Expert in environment (CT Fund for the Environment? Council of Environmental Quality?)
2. Representative in municipal advocacy (COST?)

Two appointed by minority leader of the Senate (Republican)

1. Expert in homebuilding
2. Representative of COGS (WestCOG?)

Sixteen Chairpersons and ranking members of Planning & Development, Environment, Housing, Transportation (8 Dems, 8 Republicans)

Two appointed by the Governor (Democrat)

1. An attorney with experience in P&Z
2. An attorney with experience in fair housing

### Democrat majority appointed Bureaucrats also on the working group:

Secretary of OPM (will be the second Co-Chairperson)

5 Commissioners: Admin Services, Economic & Community Development, Energy & Environmental Protection, Housing and Commissioner of Transportation

### The WORKING GROUP is tasked with Recommendations for:

- 1) Statutory changes for developing, adopting/implementing Plan of Conservation & Development (POCD)
- 2) Statutory changes concerning the process for the state consolidated plan for housing and community development Sec 8-37t & implementation
- 3) Guidelines and incentives for compliance the affordable housing plans 8-30j
- 4) Alternative sewer treatment systems (capacity increases, changes of administrative jurisdiction)
- 5) Creation of Form Based Code that towns may adopt as a whole or in parts

### Thoughts on the working group:

**1. The group is not explicitly tasked with addressing the shortcomings of 8-30g. Why not?**

**2. Why are there more leaders in planning, zoning, etc from different size towns from across the state from different size towns not included in the working group? They have real experience in what works and what does not work with zoning, 8-30g and the nuance needed to create sound planning and zoning policy locally.**

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### **3. Will those with municipal experience be included as a subgroup outside the appointed members along with other experts in soils, sanitation, conservation and environmental issues to ensure policy will work for all sizes of towns?**

*This replaces working group provisions from HB 6611 Fair Share proposal, the working group in SB1024 Desegregate CT to create form-based code and working group is updated from the original working group detailed in the prior version of HB6107.*

#### **REMOVES "Character" of the Town**

The bill makes several changes to the Zoning Enabling Act (Section 8-2 of the general statutes) including the deletion in lines 137-138 of maintaining the "character" of a municipality as the basis for zoning regulations. Instead, the bill adds the phrase "**physical site characteristics**" as the replacement for character.

Lines 299-306 states municipalities may not: "...deny any land use application, including for any site plan approval, special permit, special exception or other zoning approval, on the basis of (A) a district's character, **unless such character is expressly articulated in such regulations by clear and explicit physical standards for site work and structures**, or (B) the immutable characteristics, source of income or income level of any applicant or end user, other than age or disability whenever age-restricted or disability-restricted housing may be permitted."

*This replaces provisions from HB 1024 Desegregate CT proposal.*

#### **Sewer Measures to Allow for Higher Density Development**

DPH to oversee alternative systems of up to 5,000 gallons per day. Towns to create a pollution control plan that outlines capacity, where future sewer service is planned, where it should be avoided, any community sewer areas, area designated for decentralized wastewater treatment. The new language in this bill plan may designate and delineate specific allocations of capacity to serve areas that are able to be developed for residential or mixed-use buildings containing four or more dwelling units. *This was mandated by the prior version in SB1024 and SB961 and the per day capacity was also higher in both bills.*

#### **Other Provisions in the Bill**

There are many other smaller provisions in the bill including training of staff, appointment of a zoning enforcement officer, water pollution control measures and allowing mobile homes and mobile home parks the same zoning rights as single-family homes. There are additional requirements on municipalities which border Long Island Sound and border navigable waterways which drain into the Sound. Also includes provisions for floating zones, solar and renewable energy and conservation language and towns may provide incentives to developers. Allows for vehicle miles traveled as well as level of service in traffic calculations in an effort to allow for greater density development.

#### **Additional sections of concern include:**

- Lines 48-57, it outlines fees that can be charged to developers and states they cannot be charged differently than for a single-family unit. Any unused fees must be returned to the developer. It is not clear from the language in this bill if it also applies to the "developer fee" charged by some municipalities that goes towards an affordable housing development fund.  
*This provision may eliminate one way that municipalities that do not receive seed money for affordable development from the state have used to help create affordable housing.*
- Lines 124-126, it deletes the lines: [to prevent the overcrowding of land; to avoid undue concentration of population and to] *The intention is to increase density statewide.*
- Lines 129-134, it adds: (G) consider the impact of permitted land uses on contiguous municipalities and on the planning region, as defined in section 4-124i, in which such

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municipality is located; (H) address significant disparities in housing needs and access to educational, occupational and other opportunities; (I) promote efficient review of proposals and applications; *This addition is reflective of provisions in many previous versions of zoning bills: would have allowed neighboring municipalities and others legal standing to sue other towns for non-compliance with affordable housing rules or fair share (HB6611 and SB1024) allow neighboring town's housing authorities to have standing in affordable housing development within a 10- or 15-mile radius (SB804 and SB1024 and others) create form-based code and allow as-of right development in downtowns and near transit (SB1024, SB804).*  
*This is concerning language signaling what will be "recommended" by this appointed working group!*

- Lines 139-140, deletes "conserving the value of buildings"
- Lines 246-251, mobile manufactured homes must be treated the same as single family homes
- Lines 286-287 allow cottage food industry in any residential zone
- Lines 288-290 cannot set a minimum floor area outside of code
- Lines 291-294 municipalities cannot cap the number of max units that are considered multifamily over four units, middle housing or mixed-use  
*Vague language does not make it clear if a town cannot cap the number of units per acre in a specific zone or of the gross total number of units of multifamily, middle housing or mixed use in a town cannot be capped. Needs further clarification.*

**We urge Connecticut residents to stay alert on our legislator's motives to continue to remove local control from our communities. The voice of the people is the checks and balances and they are elected to represent OUR interests. Please go to [CT169Strong.org](http://CT169Strong.org) for updates and information.**