
OLR Bill Analysis

HB05045

AN ACT ESTABLISHING ACCOUNTABILITY FOR FAIR AND AFFORDABLE HOUSING THROUGH ZONING REGULATIONS.

SUMMARY

This bill reorganizes the municipal zoning powers statute (CGS § 8-2) and, for municipalities exercising zoning powers under this statute, it:

1. requires them to demonstrate, or risk losing discretionary state funding, that their regulations comply with the bill's requirements concerning the (a) provision of varied housing development opportunities and (b) promotion of housing choice and economic diversity in housing;
2. requires the regulations to provide for, rather than encourage, a variety of housing development opportunities to meet local and regional needs;
3. requires the regulations to be designed to affirmatively further fair housing (which the bill does not define, see BACKGROUND);
4. eliminates a requirement that the regulations be made with reasonable consideration as to the "character" of a district; and
5. prohibits the regulations from imposing on mobile manufactured homes and associated lots conditions that are substantially different from those imposed on other residential developments.

The bill also makes minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2018

MUNICIPAL COMPLIANCE

Beginning July 1, 2019, the bill requires municipalities that exercise zoning powers pursuant to the statutes to demonstrate to the housing commissioner at least once every five years, in a form and manner she prescribes, that their regulations:

1. provide for a variety of housing development opportunities that meet state and local needs, as the bill requires (see “Housing Development Opportunities,” below); and
2. promote housing choice and economic diversity in housing, including housing for low- and moderate-income households.

The commissioner must notify the Office of Policy and Management secretary if a municipality does not demonstrate compliance. Such municipalities are deemed ineligible for discretionary state funding until (1) the housing commissioner notifies the secretary that they are in compliance or (2) the secretary expressly waives their ineligibility.

HOUSING DEVELOPMENT OPPORTUNITIES

The bill requires zoning regulations to provide for, rather than encourage, the development of:

1. housing opportunities for all residents of the municipality and local planning region, including opportunities for multifamily dwellings, consistent with soil types, terrain, and infrastructure capacity, and
2. housing that meets the needs identified in the state’s Consolidated Plan for Housing and Community Development and Plan of Conservation and Development.

MANUFACTURED HOMES

The bill prohibits zoning regulations from imposing on manufactured homes, including mobile homes, built to federal standards and with a narrowest dimension of 22 feet or more, and associated lots and parks, conditions that are substantially different from those imposed on:

1. single family dwellings and associated lots;
2. multifamily dwellings; or
3. lots with multifamily dwellings, cluster developments, or planned unit developments.

Under current law, (1) manufactured homes and lots cannot be treated substantially differently from single family dwellings and lots with single family dwellings and (2) manufactured home developments cannot be treated substantially differently from multifamily dwellings or lots with multifamily dwellings, cluster developments, or planned unit developments. Under the bill, manufactured home developments are no longer specifically addressed.

BACKGROUND

Related Federal Law

The federal Fair Housing Act (FHA) directs federal agencies, including the Department of Housing and Urban Development (HUD), to administer their programs to “affirmatively further” the FHA’s goals of promoting fair housing and equal opportunity (42 U.S.C. 3608).

In 2015, HUD released a final rule on affirmatively furthering fair housing applicable to HUD grantees. When it takes full effect in 2020, it will require grantees to (1) analyze local fair housing needs and set goals for meeting them and (2) report to HUD on such assessments.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 12 Nay 10 (03/26/2018)