

Planning and Development Committee

JOINT FAVORABLE REPORT

Bill No.: HB-5045

AN ACT ESTABLISHING ACCOUNTABILITY FOR FAIR AND AFFORDABLE

Title: HOUSING THROUGH ZONING REGULATIONS.

Vote Date: 3/26/2018

Vote Action: Joint Favorable

PH Date: 3/16/2018

File No.:

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SPONSORS OF BILL:

Representative Joe Aresimowicz, Representative Matthew Ritter, Senator Martin M. Looney, Senator Bob Duff Representative Geraldo C. Reyes, Representative Roland J. Lemar, Representative Jason Rojas

REASONS FOR BILL:

This bill was the result of one of the recommendations of the fair housing working group. It amends the enabling zoning act that allows towns to regulate their own zoning. Under current state statute passed in 1993, all municipalities are required to have standing zoning ordinances in place for multi-family (two or more family houses) and mixed-income housing. As of 2018 several municipalities remain not in compliance with this statute. This bill would incentivize the passing of a multi-family housing ordinance by tying some state discretionary funds to the passage of this type of ordinance. It also makes need technical and clarifying changes and updates to the zoning enabling statute.

RESPONSE FROM ADMINISTRATION/AGENCY:

Commissioner Evonne Klien, Department of Housing:

Commissioner Klien provided testimony in support of HB 5045. She explained that along with substantial changes the bill also provides long overdue changes to the 8-2 statute which will provide for an easier understanding of what the duties and responsibilities are for local zoning commissions. The bill would also allow the state to enforce zoning rules already in place specifically the multi-family and affordable housing requirements. Currently, municipalities are required to zone for multi-family homes. As of last year, 27 municipalities remained not in compliance. Similarly, many municipalities require one or more acres for each dwelling unit making affordable or multi-family housing extremely expensive to the point of impossible. The commissioner describes these practices as exclusionary, meaning they are designed to restrict people from living in those communities. This bill would increase inclusivity in the

state by requiring the compliance with state statute as a condition for a community's receipt of discretionary funds.

Subira Gordon, Executive Director, Commission on Equity and Opportunity(CEO):

Subira Gordon on behalf of the Commission on Equity and Opportunity provided testimony in favor of HB 5045. She stated in her testimony that Connecticut remains an extremely segregated state. It is CEO's position that this bill would provide steps towards remedying that issue by reaffirming the role of zoning commissions in Connecticut to "Affirmatively Further Fair Housing" and by "mandating towns to provide for housing – including multifamily housing – that will meet regional needs under the state plan". The last requirement would come with monetary incentives through the use of state discretionary funds.

Tanya A. Hughes, Executive Director, Commission on Human Rights and Opportunity (CHRO):

CHRO submitted testimony in support of HB 5045. They state in written testimony that HB 5045 changes to state statute to promote housing choice and economic diversity in housing through provisions which would require local zoning commissions to affirmatively further fair housing and comply with the state statute that requires every municipality to zone for multi-family and mixed-income housing. They state further that "Municipalities will be encouraged to effectively work on fair housing not only through the development of affordable housing but also through the thoughtful implementation of their existing programs."

NATURE AND SOURCES OF SUPPORT:

Bill Either, Chief Executive Officer, Home Builders, and Remodelers Association of CT(HBRA):

Bill Either on behalf of the HBRA stated strong support for the provisions in HB 5045. He stated that several of the changes the bill makes to the CGS 8-2 zoning enabling act statute is long overdue and provide essential clarification for zoning officials. He states that although those provisions are technical, they are still significant and will have substantial benefits for streamlining the zoning process.

Bill Either further states that the substantive changes in the bill include the removal of the "the character of the district" section of the 8-2 statute which has provided zoning commissions grounds for denying many permits without legitimate safety or infrastructure concerns. The bill adds a provision that requires zoning commissions "to affirmatively further fair housing" which would bring the statute into compliance with federal statutes. Bill Either suggests that better wording for this section would be "further the purposes of the Fair Housing Act, 42 USC 3601 et seq." which may provide broader clarification on the goals for fair housing.

Erin Boggs, Executive Director of the Open Communities Alliance (OCA):

Erin provided testimony in support of HB 5045. She stated that the bill provides common-sense changes to the CGS 8-2 "the zoning enabling act." HB 5045 would bring state statute into compliance with the federal law requiring municipalities "to affirmatively further fair housing" this change makes state statute unambiguous. The second change the bill would make to 8-2 would be to provide an enforcement mechanism by making it a requirement that

a municipality complies with state zoning laws for the city or town to be eligible for specific discretionary state funding.

Raphael Podolsky, Connecticut Legal Services:

Raphael Podolsky provided testimony in support of HB 5045. He stated that contrary to popular belief zoning is entirely a state function which has been delegated to local municipalities through the CGS 8-2 statute. He states that this statute already comes with some requirements zoning commissions are supposed to satisfy. This bill does not add any additional requirement but simply clarifies and enforces what zoning commissions are already required to do.

CT Voices for children:

CT Voices for children provided testimony in support of HB 5045. They stated that normal assertions about youth opportunity disparities are usually tied economic inequality. However, the CT voices for children discovered based on their studies that racial segregation in communities was also a factor limiting certain children's opportunities. They further stated that Connecticut has a history of zoning regulations which contribute to highly segregated towns. This bill would require towns to abide state fair housing laws and zone for mixed income and multi-family housing which may have the benefit of reducing segregation in communities in CT.

Jeremy Aron-Dine, member of the Housing Clinic at Yale Law School:

Jeremy Aron-Dine provided testimony in support of HB 5045. He states in written testimony that several towns in the state provide no zoning regulation for multi-unit developments appropriate for low or medium income families with children. Several other require exceedingly large minimum lot requirements that make it difficult to place these types of units. He states that this status quo requires a change as a study of Connecticut housing put out last fall found that whites are five times more likely to live in high opportunity census tracts in Connecticut when compared to minorities.

Other Sources of Support:

Erin Kemple, Executive Director, Connecticut Fair Housing Center:

Rich David, Supportive Housing Works:

Dara Kovel, President Beacon Communities Development:

Melissa Kaplan-Macey, Connecticut Director, Regional Plan Association:

NATURE AND SOURCES OF OPPOSITION:

Betsy Gara Executive Director Connecticut Council of Small Towns (COST):

Betsy Gara on behalf of COST provided testimony in opposition to HB-5045. She stated in written testimony that the bill would unfairly penalize towns that by tying discretionary funding to the state's affordable housing efforts. She stated that these funds are essential to providing important infrastructure in small towns, infrastructure which assist with issues of public safety, public health, and the environment.

Betsy also stated opposition to the provisions of the bill that would remove portions of the existing statute that allow the denial of housing developments by neighborhood or community character. She contests that historic districts are important communities that must be protected for the heritage value it provides. This, as well as federal protections for clean water and environmental preservation, provide challenging obstacles to the fast growth of affordable housing.

Connecticut Conference of Municipalities (CCM):

CCM provided testimony in opposition to HB 5045. They stated in written testimony that they had concerns about removing permissive language from the existing statute. They noted this is a direct attack on local zoning authority. Instead, they suggested that zoning commissions know what is best for their communities and should be allowed to encourage development in their respective ways. They stated that providing a one size fits all requirements on local zoning may end up stifling the growth the state is looking to encourage.

Francis Pickering Western Connecticut Council of Government (WestCOG):

In written testimony, Francis Pickering on behalf of WestCOG stated that the bill fails to consider that, due to differences in infrastructure availability and environmental constraints, the feasibility, ease, and cost of homes can vary dramatically throughout the state, including among nearby and otherwise comparable municipalities.

Mr. Pickering also suggests that housing cost and transportation cost are inversely related. He states “higher-priced homes that are on transit lines or close to jobs may be affordable to low- and middle-income households due to the savings of not having to use a vehicle.” Finally, he argues that CT suffers currently from job sprawl meaning that people must commute to work sometimes over long distances. Although this bill would increase the number of housing available in the state near jobs, this type of solution may result in an economic depression for an area when a large employer leaves, examples of such can be seen happening currently for many communities in the Midwest.

Samuel S. Gold, Executive Director, Lower Connecticut River Valley Council of Governments (RiverCOG):

Sam Gold on behalf of RiverCOG submitted testimony in opposition to HB 5045. He stated in written testimony that although his organization stands in support of increasing Connecticut’s housing stock, they believe this bill goes too far. Sam Gold suggests a better course of action would be to have “DOH promulgate a standard for assessing municipal need and compliance, and municipalities are given sufficient time to comply” Sam Gold further state’s in his written testimony that.

There is a spatial mismatch between where jobs exist and where affordable housing can be found in most of our state. Property taxation on equipment and other issues create incentives for employers to move out of cities and to municipalities with low mill rates. These municipalities typically do not have much workforce housing, or the infrastructure to support denser housing, which is typically more affordable. The lack of nearby housing options forces workers to commute some distance to work, straining our road network and public transportation systems, and costing workers significant amounts of their pay. This process also leads to the hemorrhaging of grand lists in cities, and the duplicative sprawl of development into rural and natural areas. The reorganization of our economy away from the cities, towards communities not as well suited to support denser, more affordable housing

Other Sources of Opposition

Eric Treaster

Reported by: Wade Packer

Date: 4/09/2018