
OLR Bill Analysis

sHB 6749 (as amended by House "A")*

AN ACT TO REORGANIZE THE ZONING ENABLING ACT AND PROMOTE MUNICIPAL COMPLIANCE.

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 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;
1. requires the regulations to provide for, rather than encourage, a variety of housing development opportunities to meet local and regional needs;
2. requires the regulations to be designed to affirmatively further the purposes of the Federal Fair Housing Act;
3. eliminates a requirement that the regulations be made with reasonable consideration as to the "character" of a district; and
4. 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 (1) requires municipalities to comply with existing law's affordable housing planning requirement by January 1, 2021, and (2) requires the housing commissioner to convene a nine-member working group to study municipal zoning and affordable housing planning requirements related to housing choice.

Lastly, the bill makes minor, technical, and conforming changes.

*House Amendment "A" (1) removes the discretionary funding penalty imposed on municipalities whose regulations fail to comply with the bill's requirements, (2) modifies the composition of the working group and its study's focus and deadlines, (3) requires the Department of Housing commissioner to adopt regulations, and (4) makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2019

AFFORDABLE HOUSING PLANNING REQUIREMENT DEADLINE

Existing law requires every municipality, at least once every five years, to prepare or amend and adopt an affordable housing plan. The plan must specify how the municipality will increase the number of affordable housing developments in its jurisdiction. Under the bill, municipalities must prepare and adopt a plan and submit it to the Department of Housing commissioner by January 1, 2021.

MUNICIPAL ZONING AND AFFORDABLE HOUSING PLAN WORKING GROUP

The bill requires the housing commissioner to convene a 9-member working group to study the requirements of and incentives to comply with municipal (1) affordable housing plans and (2) zoning regulations to:

1. provide for 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; and
2. promote housing choice and economic diversity in housing, including housing for low- and moderate-income households.

The working group must examine (1) how to determine municipal

compliance with zoning regulation and affordable housing plan requirements and the form and manner of evidence of such compliance, and (2) potential compliance incentives. The working group must provide its findings to the commissioner, who must report by June 1, 2020 to the Planning and Development Committee on the working group's study and recommendations, including any recommended legislation.

Membership

The housing commissioner must appoint the following working group members by August 30, 2019:

1. two with expertise in fair housing issues;
2. two with expertise in state or local planning;
3. one with expertise in addressing homelessness in Connecticut;
4. two who represent a municipal advocacy organization (one each from the Connecticut Council of Municipalities and Connecticut Council of Small Towns);
5. one with expertise in the residential housing construction trade; and
6. the Office of Policy and Management (OPM) secretary or her designee.

REQUIREMENTS FOR MUNICIPALITIES THAT ZONE UNDER THE STATUTES (CGS § 8-2)

Municipal Compliance

Beginning June 1, 2021, the bill requires municipalities to demonstrate to the housing commissioner, at least once every 10 years, 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 housing commissioner must prescribe the form and manner of showing compliance after consulting the working group established by the bill. The commissioner must provide such guidance to municipalities by June 1, 2020. If the commissioner's guidance is delayed past the deadline, the municipalities' reporting deadline is extended for the same amount of time.

Additionally, the bill requires the commissioner, after consulting with the working group, to adopt regulations that establish (1) the form and manner in which municipalities must demonstrate compliance and (2) an incentive structure.

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 adopted pursuant to CGS § 8-2 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. The bill removes references to manufactured home developments.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 13 Nay 9 (03/25/2019)

Housing Committee

Joint Favorable

Yea 7 Nay 5 (04/24/2019)