



Making Great Communities Happen

Connecticut Chapter of the American Planning Association

Testimony regarding

Proposed H.B. No. 6562-- AN ACT REQUIRING MUNICIPAL PLANS OF CONSERVATION AND DEVELOPMENT TO INCLUDE CERTAIN PROVISIONS

CCAPA supports this proposed bill while noting that the bill would only highlight existing statutory requirements for municipal plans of conservation and development; requirements that are not currently monitored or enforced. Municipalities are already required to adopt plans of conservation and development or risk losing their eligibility for discretionary state funding, and those plans are already required by statute to provide opportunities for multifamily housing and economic diversity. Moreover, a law passed in 2017 mandates additional local planning for affordable housing. What's lacking is an effective review and certification process for these existing requirements. CCAPA wishes to emphasize the need for planning and technical capacity at both the local and state levels in order to accelerate the production of affordable housing. The Committee is encouraged to look at this bill in companion with service delivery mechanisms, including state-agency planning capacity and proposed regional development authorities.

CGS §8-23 outlines specific requirements for municipal plans of conservation and development, , including that plans shall (emphasis added):

(G) make provision for the development of housing opportunities, including opportunities for multifamily dwellings, ... for all residents of the municipality and the planning region in which the municipality is located... (H) promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and encourage the development of housing which will meet the housing needs identified in the state's consolidated plan for housing and community development prepared pursuant to section 8-37t and in the housing component and the other components of the state plan of conservation and development prepared pursuant to chapter 297, and (I) consider allowing older adults and persons with a disability the ability to live in their homes and communities.”

The statute lacks any provision for specific review of these required elements by any regional or state agencies, although municipal planning commissions are required prior to adoption of a plan to submit drafts to their Regional Council of Governments for review and comment. After adoption, the municipality must submit a copy of the plan to the Office of Policy and Management along with a description of any inconsistency between the municipal plan and the State Plan of Conservation and Development. Beyond noting the receipt of these Plans, the OPM is under no apparent obligation to review or provide guidance or feedback to the municipality.

In 2017, PA 17-170 added a new requirement for municipalities to adopt an “Affordable Housing Plan” every five years that “shall specify how the municipality intends to increase the number of affordable housing developments in the municipality.” The law defines an affordable housing development as a proposed housing development which is (A) assisted housing, or (B) a set-aside development. “Assisted housing” means housing which receives or will receive government assistance under various state and federal programs. “Set-aside development” is development where at least 30% of units are reserved for occupancy by residents earning less than 80% of the lesser of state or area median income who pay no more than 30% of their income towards housing. Municipalities who fail to amend their Affordable Housing Plan after five years “shall submit a letter to the Commissioner of Housing that explains why such plan was not amended.” No penalty was established for non-compliance. To date, the State has not issued guidance for the newly-required Affordable Housing Plan, committed to state review of the plans, or added an enforcement mechanism.

In order for municipalities to be held accountable to the existing statutory requirements of 8-2, the following would need be addressed:

- Staff at the Office of Policy and Management and/or Department of Housing would need to develop standards for the housing elements of plans of conservation and development and then review individual plans to certify their completeness.
- The referenced State Consolidated Plan for Housing and Community Development would need to provide more specific guidance as to housing need. Currently, the Consolidated Plan addresses housing needs experienced by specific populations of interest to federal programs but does a poor job providing guidance on overall need for multifamily housing or housing affordable to low- and moderate-income households. For example, at one point the document states that 50,000 additional housing units are needed to satisfy demand from 2015-2019. Later, it is stated that 22,000 new affordable units would be needed *per year* to meet the need for affordable housing over the same five-year time period.

We suggest that, at a minimum, the Office of Policy and Management, in partnership with the Department of Housing, develop a checklist of the required elements of Plans of Conservation and Development and commit to formally reviewing plan contents prior to certifying that municipalities have met the ten-year requirement and remain eligible for discretionary funding. The Committee is encouraged to consider additional mechanisms to improve planning capacity at both the local and state level.

The CCAPA is strongly committed to well organized and coordinated planning efforts between all levels of government, and would be pleased to work further with legislators and agency staff on implementation.

WHO WE ARE

The Connecticut Chapter of the American Planning Association (CCAPA) has over 420 members who are governmental and consulting planners, land use attorneys, citizen planners, and other professionals engaged in planning and managing land use, economic development, housing, transportation, and conservation for local, regional, and State governments, private businesses and other entities. CCAPA has long been committed to assisting the legislature and State agencies with developing and furthering responsible growth management principles. The APA is an independent, not-for-profit, national educational organization that provides leadership in the development of vital communities.

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