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## OLR Bill Analysis

### sHB 6107

#### ***AN ACT CONCERNING THE REORGANIZATION OF THE ZONING ENABLING ACT AND THE PROMOTION OF 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 their regulations to provide for, rather than encourage, a variety of housing development opportunities to meet local and regional needs;
2. requires their regulations to be designed to affirmatively further the purposes of the Federal Fair Housing Act;
3. eliminates a requirement that their regulations be made with reasonable consideration as to the “character” of a district; and
4. prohibits their regulations from imposing on mobile manufactured homes and associated lots conditions that are substantially different from those imposed on other residential developments.

The bill requires all municipalities that exercise zoning powers to demonstrate to the Office of Policy and Management (OPM) that their regulations provide varied housing development opportunities and promote housing choice and economic diversity in housing.

The bill also (1) requires municipalities to comply with existing law’s affordable housing planning requirement by June 1, 2022, (2) establishes additional related reporting requirements, and (3) requires the OPM secretary to convene a 13-member working group to study incentivizing and measuring compliance with (a) the affordable

housing planning requirement and (b) zoning requirements related to housing choice.

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

EFFECTIVE DATE: July 1, 2021

### **AFFORDABLE HOUSING PLANNING REQUIREMENT**

Existing law requires every municipality, at least once every five years, to prepare or amend and adopt an affordable housing plan specifying how the municipality will increase the number of affordable housing developments in its jurisdiction. The bill specifies that municipalities must prepare and adopt their first plans by June 1, 2022. The bill also requires municipalities to post their draft plan or updates online, even if they do not hold a public hearing on the draft plan or updates.

By June 1, 2022, the bill requires the OPM secretary, in consultation with the working group described below, to provide guidance to municipalities on demonstrating compliance with the affordable housing plan requirement. It requires municipalities to demonstrate compliance, as OPM prescribes, beginning June 1, 2023. If OPM does not prepare the guidance by June 1, 2022, the deadline for municipalities to begin demonstrating compliance with the law's provisions is extended by the length of the delay. Under the bill, municipalities must adopt their first plan by the same date that OPM's guidance is due.

The bill requires municipalities to submit their plans and evidence of compliance to OPM for posting on its website. Under current law, if a municipality does not comply with plan amendment deadlines, it must submit a letter to the housing commissioner explaining why. The bill instead requires them to submit the letter to OPM and, in providing this explanation, specify a date by which the plan will be amended.

The bill also authorizes municipalities to submit their affordable housing plans as part of their local plan of conservation and

development (POCD). Those doing so may submit their affordable housing plan early in order to coincide with a POCD submission, as long as their next submission is five years later. (POCDs are due only every 10 years.)

### **MUNICIPAL ZONING WORKING GROUP**

The bill requires the OPM secretary or her designee to convene and chair a 13-member working group to develop guidelines and incentives for municipalities to comply with (1) the affordable housing planning requirement (see above) and (2) the requirements that municipal zoning 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 working group must examine (1) how to determine compliance with these requirements and (2) the form and manner in which municipalities must provide evidence of compliance. It must make its recommendation to the OPM secretary by December 1, 2021. The secretary must submit a report, by March 1, 2022, to the Housing and Planning and Development committees on the working group’s recommendations, including any recommended legislation.

### ***Membership***

The OPM secretary, in consultation with the housing commissioner, must appoint the following working group members by August 30, 2021:

1. two with expertise in fair housing issues;
2. two with expertise in state or local planning;
3. two who represent municipal advocacy organizations, one each from the Connecticut Conference of Municipalities and the

Connecticut Council of Small Towns;

4. one with expertise in addressing homelessness in Connecticut;
5. one with expertise in state affordable housing policy;
6. one with expertise in the residential housing construction trade;
7. one who represents the Connecticut Association of Zoning Enforcement Officials;
8. one attorney with expertise in zoning practices that promote creating affordable housing opportunities; and
9. the housing commissioner and OPM secretary, or their designees.

## **REQUIREMENTS FOR MUNICIPALITIES THAT EXERCISE ZONING POWERS THROUGH A COMMISSION**

### ***Housing Opportunities***

Beginning June 1, 2023, the bill requires municipalities with a zoning commission or combined planning and zoning commission to demonstrate to the OPM secretary, at least once every five 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.

(It is unclear how this requirement will apply to municipalities with zoning regulations adopted under a special act, rather than CGS § 8-2, as they are not specifically subjected to these requirements by their zoning-enabling legislation.)

The OPM secretary must prescribe the form and manner of showing compliance after consulting the municipal zoning working group established by the bill (see above). The commissioner must provide

this guidance to municipalities by June 1, 2022.

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

***Housing Development Opportunities***

The bill requires zoning regulations adopted pursuant to CGS § 8-2 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.

## **BACKGROUND**

### ***Related Bill***

sSB 87 (File 181), favorably reported by the Housing Committee, makes many of the same technical changes to the Zoning Enabling Act and also prohibits regulations from (1) treating licensed group child care homes located in a residence differently than single or multifamily properties and (2) requiring a special permit or exception to operate either a family or group child care home located in a residence within a residential zone.

sSB 1024, favorably reported by the Planning and Development Committee, makes many of the same changes to the Zoning Enabling Act, but makes numerous other changes as well (e.g., allowing for the amortization of nonconforming uses and prohibiting minimum floor area requirements beyond those imposed by the health code).

sHB 6570, favorably reported by the Transportation Committee, similarly requires municipalities to adopt their first affordable housing plan by July 1, 2022, but also requires their plans to identify all parcels in the municipality that are state- or municipally-owned and are located within a half-mile radius of a passenger rail or bus rapid transit station.

## **COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 17      Nay 9      (03/31/2021)