TESTIMONY ON HB 6521
AN ACT CONCERNING CHANGES TO ZONING AND AFFORDABLE HOUSING REQUIREMENTS CONCERNING ACCESSORY DWELLING UNITS AND PROHIBITING LIST-BACK AGREEMENTS

via email to hsgtestimony@cga.ct.gov

By: Sara C. Bronin, Lead Organizer

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Dear Chair Lopes and Chair McGee, Vice Chair Anwar, Vice Chair Smith, Ranking Member Cicarella, Ranking Member Polletta, and Distinguished Members of the Connecticut General Assembly Joint Housing Committee:

Thank you for the opportunity to submit testimony on behalf of Desegregate Connecticut and our coalition partners. While the coalition supports the widespread development of accessory dwelling units as of right and appreciates the provisions in the bill that achieve this goal, I am testifying against certain provisions of HB 6521.

As you may know, Desegregate Connecticut is a coalition of individuals and 63 organizations who believe in creating abundant, diverse housing in service of equity, inclusive prosperity, and a cleaner environment. We have hosted dozens of educational events attended by thousands of people. Our team assembled a first-in-the-nation interactive Zoning Atlas map detailing all 2,622 zoning districts in our state and highlighting Connecticut's lack of affordable, diverse, and multifamily housing. Most importantly, we have conducted extensive outreach and solicited feedback, working with municipal leaders, planners, charitable organizations, social workers, community activists, and others to refine our ideas. With that in mind, we drafted legislative proposals to achieve three main goals: expand housing diversity, increase housing supply, and improve the development process.

Background on ADUs

One of our key proposals is that accessory dwelling units be legalized and allowed as of right on the same lot as any single-family home. ADUs are a naturally affordable, free-market housing solution that enable the creation of new housing without transforming existing neighborhoods. They cater to seniors, young adults, and multigenerational families; they also allow homeowners to increase property value by up to 50% and generate rental income that is particularly impactful for low and middle income homeowners. Finally, statewide legislation to

expand ADUs furthers racial equity. Across Connecticut, some of the most restrictive ADU regulations inhibit predominantly Black and Latino neighborhoods.

While 79.5% of towns in Connecticut allow ADUs in some capacity, stringent and inconsistent restrictions in many towns deter the development of ADUs in practice. Many municipalities require costly applications and a full public hearing, while still others disallow non-family renters or mandate the unit be attached to the principal dwelling. Evidence from across the country suggests that reform significantly expands ADU development: when California passed zoning legislation, for example, ADU permits saw an 11-fold increase.

To capitalize on the benefits of ADUs, DesegregateCT proposes ADUs be:

- Legalized and allowed as of right on the same lot as any single-family home.
- Allowed to be at least 30% of the area of the principal dwelling, or 1,000 square feet, whichever is less; with no minimum area greater than required by public health codes.
- Open to any occupants, not just family members or employees of the property owner.
- Either attached or detached to the principal dwelling unit.
- Considered part of the main unit for sewerage purposes, and not required to undergo expensive retrofits unless needed for safety.
- Not subject to parking mandates over one additional parking space per ADU.

In our proposal, towns would be empowered to create design guidelines, ban short-term rentals like AirBnB, and require owner occupancy in one of the units.

Discussion of this Bill

We appreciate that this bill would require all municipalities to zone for ADUs by right. However, there are a few barriers to ADUs that are embedded in the bill.

We start with a few thoughts about the definition of ADUs ("accessory apartments") in Sec. 1(7) of the bill. The definition does not use the term "principal dwelling," which is the more commonly used zoning term; and it does not indicate that an accessory apartment unit must be smaller than the larger principal dwelling. In addition, the definition requires an ADU to have "a sink and range," but we understand that from a zoning enforcement perspective, the broader term "cooking facilities" is preferable because it allows some discretion as to how an ADU may be equipped. The definition also does not indicate that ADUs must comply with (or be otherwise exempt from) applicable building codes, fire codes, and health and safety regulations. From a municipal standpoint, this clarification is important to ensuring that the definition of ADUs is not applied to units that happen to satisfy the criteria in the definition but do not satisfy, for example, the building code. Combining these suggestions into one definition, our coalition suggests defining ADUs as: "a separate dwelling unit occupied by a family or a single housekeeping unit that (A) is located on the same lot as a larger principal dwelling unit, (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code, and health and safety regulations."

We oppose provisions in HB 6521 which place undue constraints on ADU development, including Sec 3.(2) regarding interior doorways; Sec 3.(4) regarding parking requirements; Sec 3.(7) regarding a minimum unit size of 750 square feet; and Sec. 3(11) allowing towns to prohibit single-family housing within planned communities to have an ADU. We note that a 1988 Connecticut Supreme Court ruling, *Builders Service Corp v. Planning & Zoning Commission* (545 A.2d 530 (Conn. 1988)), does not allow government entities to establish a minimum unit size beyond what is otherwise required by the health code.

Of these constraints, we find Section 3.(4) to be particularly concerning as it allows municipalities to require "adequate" parking to accommodate ADUs. Parking requirements are often unnecessarily inflated and impede development, raise costs, and harm the environment. Some towns currently require two or even three spaces per ADU, in addition to parking for the principal dwelling. The lack of specificity in this section allows towns to continue this practice, making development of ADUs more challenging for homeowners. We instead propose that parking mandates be capped at one space per ADU.

Some of HB 6521 addresses and amends 8-30g of the general statutes. Some of the proposed amendments are duplicative. Already, deed-restricted ADUs can help towns fulfill their 8-30g obligations by adding to the "numerator" of the number of housing units allowed by 8-30g. We are unsure, therefore, why Sec. 3(1) states (in slightly different words) the ability of towns to count ADUs in the 8-30g numerator. From our coalition's perspective, the primary update needed for 8-30g with regard to ADUs is the removal of non-deed-restricted ADUs from towns' 8-30g "denominator." In our proposal, ADUs that are developed—but not deed-restricted—would be removed from the 8-30g count of total housing units, and thus not make it harder for towns with newly legalized ADUs to meet the 10% threshold.

In Sec. 6.l(7) and Sec. 7.l(6), the bill quadruples, from one-fourth to one, the number of points awarded to towns for qualifying ADUs. This is not something our coalition has discussed supporting. Neither have we discussed the proposal contained in Section 8, which would allow resale of 8-30g units after 5 years at inflated prices from the status quo. Similarly, we do not have comments on the remaining sections of the bill, other than to suggest that in lieu of convening a committee to determine which demographic figures are reliable, that the General Assembly consider the Census, the American Community Survey, and Data Haven, and the Partnership for Strong Communities' Housing Data Profiles, on whose figures we have relied.

In summary, while we appreciate efforts to expand the construction of accessory dwelling units, we oppose those provisions in HB 6521 that place undue constraints on ADU development and those which make the way 8-30g addresses ADUs more confusing, and less supportive of our state's housing goals.

Thank you for the opportunity to testify.