



**HOME BUILDERS & REMODELERS ASSOCIATION
OF CONNECTICUT, INC.**

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*Your Home
Is Our
Business*

**PLANNING & DEVELOPMENT COMMITTEE
Public Hearing Testimony
March 15, 2021**

To: Chairpersons Rep. McCarthy Vahey, Sen. Cassano, Ranking Members Rep. Zullo, Sen. Hwang and distinguished Members of the Planning & Development Committee

From: Jim Perras, CEO

Regarding the Following Bills:

- H.B. 6107: AAC the Reorganization of the Zoning Enabling Act and the Promotion of Municipal Compliance **(Support)**
- H.B. 6611: AAC a Needs Assessment and Other Policies Regarding Affordable Housing and Development **(Oppose)**
- H.B. 6613: AAC Accessory Apartments, Missing Middle and Multifamily Housing **(Support)**
- S.B. 1026: AAC Training for Certain Planning and Zoning Regulations **(Support with Amendment)**
- S.B. 1027: AAC Accessory Dwelling Units and Zoning Regulations **(Support with Amendment)**

The Home Builders and Remodelers Association of Connecticut (HBRA-CT) is a professional trade association with nearly 900 hundred business members statewide, employing tens of thousands of Connecticut residents. Our association of small businesses is comprised of residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to our diverse industry. We build between 70% to 80% of all new homes and apartments in Connecticut each year and engage in countless home remodeling projects.

Thank you, for the opportunity to submit testimony on the following bills:

H.B. 6107: AAC the Reorganization of the Zoning Enabling Act and the Promotion of Municipal Compliance

This bill was crafted with input from housing advocates, municipal planners, residential construction industry and others. At its heart, it is a technical yet very important rewrite of the Zoning Enabling Act. CGS sec. 8-2, is the basis of all zoning in the state. It outlines the authority for zoning, what zoning must contain, what it may contain and what zoning cannot do. The current law's structure, with almost no breaks, runs on for three pages in the statute books. It is difficult to read even for experienced attorneys. Thus, many statutory zoning requirements and limitations are lost on most zoning commission members who are charged

with its implementation. A technical rewrite of 8-2 is long overdue and will provide clearer parameters for municipal commissions to conduct business within.

The bill's substantive changes to 8-2 of our statutes include its references to housing. It substitutes passive language for more affirmative language to further necessary housing development and reinforce our municipalities' Fair Housing obligations. It also requires municipalities to demonstrate that local zoning conforms with the Federal Fair Housing Act. Additionally, this bill removes "the characteristic of the district" from the statute which is a nebulous and relative phrase often used by towns to reject a multi-family development, for which, rejection would otherwise be indefensible. It should be noted, however that municipalities are not left without protections. Specific provisions remain in 8-2 that take into consideration factors that would together comprise the "Characteristic of the Community" including historic preservation, environmental impact, scale, location, and use.

Lastly, the bill includes the creation of a working group that would develop criteria by which municipalities must adhere to in order to comply with their existing affordable housing plan statutory requirements. To date, municipalities have been statutorily obligated to submit affordable housing plans to the state. However, towns were never given direction as to what a compliant plan would look like. This provision will be particularly helpful to smaller municipalities with limited resources. As such, the **HBRA-CT respectfully requests the Planning & Development Committee to support H.B. 6107.**

H.B. 6611: AAC a Needs Assessment and Other Policies Regarding Affordable Housing and Development.

The HBRA-CT appreciates the intent of this legislation and understands the need of increased production of a diverse array of housing. For decades, production has not met demand in the state of Connecticut. There is no doubt archaic zoning practices are in large part to blame and are a main contributing factor to Connecticut's growing housing affordability crisis. However, the HBRA-CT does not believe H.B. 6611 is the right approach to solving this problem. Development works best, when town planning commissions, with public input and support, create clear and well-articulated plans to meet unmet demand for a diverse array of housing, now, and into the future. After which, developers' partner with towns on projects that meet the criteria, thereby limiting the need for further public input as well as costly and prolonged permitting and approval processes. One need not look any further than New Rochelle, New York where robust public engagement, followed by thorough planning led to form based codes which turned a stagnant city into a walkable transit-oriented hub featuring an affordability housing requirement where significant development projects are taking on average, 60 to 90 days to get approved.¹ It can be done.

Unlike, S.B. 2014 which the HBRA-CT fully supports, H.B. 6611 does not appear to strike that proper balance. In addition, the HBRA-CT believes the one size fits all development requirements found in H.B. 6611, may make development impractical without heavy subsidies and incentives. Thereby making the kind of development in the more suburban and rural areas of the state this legislation contemplates more difficult to achieve. **As such, the**

¹ [https://formbasedcodes.org/new-zoning-makes-new-rochelles-vision-reality/#:~:text=New%20Rochelle%20took%20a%20form,is%20permitted%20across%20all%20zones\).](https://formbasedcodes.org/new-zoning-makes-new-rochelles-vision-reality/#:~:text=New%20Rochelle%20took%20a%20form,is%20permitted%20across%20all%20zones).)

HBRA-CT respectfully requests that the Planning & Development Committee reject H.B. 6611.

H.B. 6613: AAC Accessory Apartments, Missing Middle and Multifamily Housing

If enacted, H.B. 6613 would allow Accessory Dwelling Units (ADUs) as-of-right on single-family lots. Because of their size, ADUs can offer another method by which Connecticut can develop naturally occurring affordable housing with very little impact. However, because of strict zoning in many towns, to date, the potential for ADUs has never had an opportunity to be fully realized. Allowing for ADUs as-of-right is a simple way allow for more diverse housing which will serve to offset our exploding housing affordability crisis. Construction of ADUs will increase property values for those that invest in them and will create more economic activity for small business builders and remodelers. As such, the HBRA-CT supports H.B.6613.

S.B. 1026: AAC Training for Certain Planning and Zoning Regulations

If enacted, S.B. 1026 would allow towns to require members of planning and zoning commissions to complete four hours of training annually, at least two of which must include training on housing alternatives or affordable housing. The HBRA-CT along with its coalition partners at HomeCT recommend this bill be amended to increase the minimum hours of training to five hours annually and require all members of planning and zoning commissions in Connecticut meet this minimum standard. We further recommend the bill be amended to direct the state to develop such a training curriculum, to be administered in-person and online. As such, **the HBRA-CT asks the Planning & Development Committee to pass S.B. 1026 with amendments.**

S.B 1027: AAC Accessory Dwelling Units and Zoning Regulations

The HBRA-CT appreciates the intent of the bill. However, we recommend the ADU provisions found in this legislation should be amended to more closely resemble the ADU provisions found in both H.B. 6613 and S.B. 1024 as they are much less restrictive in nature. The HBRA-CT is intrigued by the provisions found in this bill that would place a higher point value for income restricted ADUs regarding a town's 8-30g affordable housing obligations and takes the position that these provision merit further review and consideration. Lastly, the **HBRA-CT is in strong support of Section 7**, found in S.B. 1027 which limits a town's ability to collect higher property tax assessments for 1-4 family homes under construction. This section would allow higher assessments to occur upon the earliest of three triggers including; when a certificate of occupancy is issued, when a home is first used as a residence or when a deed transfers to the first buyer. If enacted, Section 9 of this bill will:

1. Have minimal revenue impact on municipalities, because most of the "under-construction" assessment dollars come from commercial construction which this section does not impact.
2. Have a positive financial impact on local budgets by removing a disincentive to the start of construction on new homes. More homes will be started and sold in the same tax year to produce more revenue for towns (this is especially true in a strong housing market like we are currently experiencing).
3. Tie the collection of higher assessments and taxes to the use of municipal services when families are living in the homes. Prior to habitation these properties have limited

impact on municipal services. There are no children in the local school system or families using municipal parks until homes are used for their intended use.

Higher tax assessments on homes under construction (or even completed homes) prior to issuance of a C.O., occupancy as a residence or deed transfer are a big financial hit to small businesses that do not generate income until the sale of the home closes and transfers are made to the buyer. This legislation would allow small businesses better use of their own capital so that they can move to the next project quicker thereby helping our industry keep up with demand much more efficiently. As such, the **HBRA-CT supports S.B. 1027 with amendments.**