

## **H.B. 6107 -- Zoning reorganization and modernization**

### **Testimony of Raphael L. Podolsky**

Planning & Development Committee public hearing – March 15, 2021

**Recommended Committee action: APPROVAL OF THE BILL  
with amendment**

H.B. 6107 is substantially the same bill that passed the House with bipartisan support in 2019 (H.B. 6749) and passed the Planning and Development Committee in 2020 almost unanimously, with only one dissenting vote (H.B. 5132). It never reached the House floor because of the shutdown of the legislature due to the pandemic. It overlaps with some of the other zoning bills. If multiple bills are moved forward, some reconciliation would be necessary. H.B. 6107 consists of three primary elements:

- **Reorganization:** The bill reorganizes the Zoning Enabling Act into a form that will make it more comprehensible to both zoning commissioners (who are mostly lay people) and attorneys by grouping its many provisions into those the zoning commissions (a) must do, (b) may do, and (c) may not do.
- **Small but important changes:** The bill makes two substantive changes that are much smaller than some have been claiming. It (a) incorporates into the Zoning Enabling Act the existing federal requirement that zoning must affirmatively further the purpose of the federal Fair Housing Act and (b) deletes “character of the district” as an element of zoning separate from the other unchanged powers of zoning commissions. These objective elements of character of the district appear throughout 8-2, such as height and size of buildings (l. 5), lot coverage (l. 6), open space (l. 7), density, location, and use (l. 7-9 and l. 41-42), historic factors (l. 49-50), and many, many others, none of which are changed by this bill. There is also language in l. 155-156 of S.B. 1024 which could perhaps be substituted for this change.
- **Working group:** The bill creates a working group that includes CCM, COST, and the CT Association of Zoning Enforcement Officials to develop guidelines for zoning commission compliance with the existing housing provisions of the Zoning Enabling Act. It also requires municipalities every five years to show compliance with those guidelines.
- **Requested amendment:** The bill also includes in the working group’s assignment the development of guidelines for affordable housing plans under Section 8-30j. This is inappropriate, because a whole guidebook has already been developed by the Department of Housing and posted on its website. See

([https://portal.ct.gov/-/media/DOH/AHPP-Guidebook\\_RPA\\_120120.pdf](https://portal.ct.gov/-/media/DOH/AHPP-Guidebook_RPA_120120.pdf)). In addition, the requirement to produce an affordable housing plan was adopted in 2017, with a due date of 2022. There is no need or reason to delay its preparation beyond five years. We ask that it be separated from the requirements for the working group.

+

Raphael L. Podolsky \* Attorney and Policy Advocate \* Email [RPodolsky@ctlegal.org](mailto:RPodolsky@ctlegal.org) \* Phone 860-836-6355



Bridgeport | Middletown | New Britain  
New London | Stamford | Waterbury | Willimantic