



American Planning Association
Planning and Law Division

Making Great Communities Happen

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Filed at pdtestimony@cga.ct.gov

Chairman Cassano
Chairwoman McCarthy Vahey
Members of Connecticut General Assembly Planning & Development Committee
Legislative Office Building
300 Capitol Ave. #5100
Hartford, CT 06106

Re: Testimony in Support of SB 1024, An Act Concerning Zoning Authority, Certain Design Guidelines, Qualifications Of Certain Land Use Officials And Certain Sewage Disposal Systems

Dear Chairman Cassano, Chairwoman McCarthy Vahey, Vice Chairman Needleman, Vice Chairwoman Goupil, Ranking Member Senator Hwang, Ranking Member Zullo, and Members of the Committee:

On behalf of the Planning and Law Division of the American Planning Association, I am writing to encourage you to **support** SB 1024.

The Planning and Law Division is a professional membership organization composed of over 1,150 attorneys, planners, academics, students, and others across the United States. Our members' work lies at the intersection of urban and regional planning and the law. Fifteen of our members work and live in Connecticut, including our Immediate Past Chair, Evan J. Seeman, a land use attorney in Hartford. The Division is the leading intellectual and professional "home" for land use professionals nationwide—we host educational events led by experts in the field, produce periodic newsletters that cover the latest developments in land use law, and sponsor fellowship and writing programs to facilitate greater study of these topics. Recently, our educational work has focused on efforts to reform zoning laws to eradicate segregation and racism that has pervaded zoning law for decades. Although not all of our members are certified by the American Institute of Certified Planners, our work is guided by the principles set forth in the AICP Code of Ethics, including the following:

We shall seek social justice by working to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of the

disadvantaged and to promote racial and economic integration. We shall urge the alteration of policies, institutions, and decisions that oppose such needs.

We support SB 1024 because it is in furtherance of these principles.

The restrictiveness of Connecticut's zoning laws is an outlier relative to other states. According to a Brookings Institute report, Connecticut's metropolitan areas have the most restrictive land use laws of any metro areas in the entire country. Only 2% of the state's land allows for multifamily housing, while over 90% allows for single-family housing. As a result, Connecticut has substantially more residential segregation by race and income than the rest of the country, which is otherwise quite segregated.

SB 1024 addresses the problems of highly-restrictive and exclusionary land use regulations and removes uncertainty associated with land use decision-making. Discretionary land use procedures impose high costs on the production of much-needed forms of housing. Although our Division supports communities' voice in the development process, that input is best channeled through the planning process and in setting efficient, predictable rules. All too often, housing development—particularly that which includes more affordable forms of housing—is thwarted by project opponents and, sometimes, municipal officials, who are focused on maintaining community character at the cost of excluding those who cannot afford housing in their communities. At their worst, opponents focus on the *type of person* who is to reside in the development. But it is a core principle of zoning that land *uses*, and not a property's *users*, are the proper subjects of regulation.

SB 1024 balances the need to provide greater access to affordable forms of housing while ensuring that local governments maintain control over planning and zoning decisions. SB 1024 sets a very modest baseline for towns with transit and concentrated development. Similarly, the accessory dwelling unit and parking provisions stop far short of where the expert consensus on these issues lie, in favor of deference to municipalities. Nevertheless, these proposals represent important advancements that would bar the most unreasonable of regulations.

Connecticut's zoning laws drive sky-high legal costs for municipalities, property owners, and residents. Connecticut has more land use attorneys than any other state and more land use-related litigation than all but eight other states. While this result may drive more work to some of our members, it is bad for our clients—local governments and landowners alike. The reforms contained in SB 1024 mark a first step toward driving these costs down and making zoning rules that better serve the interests of Connecticut residents.

For the reasons set forth above, on behalf of the Division, I respectfully urge you to act favorably on SB 1024.

Sincerely,



Brian J. Connolly, Chair