



Creating Great Communities For All

Connecticut Chapter of the American Planning Association

Testimony regarding

Proposed Bill No. 6107– AN ACT CONCERNING THE REORGANIZATION OF THE ZONING ENABLING ACT AND THE PROMOTION OF MUNICIPAL COMPLIANCE

CCAPA strongly supports this Proposed Bill, which affirmatively furthers the goals of the federal Fair Housing Act and brings greater clarity through the statute’s reorganization in **CGS §8-2**. Our organization supported the purpose and intent of a similar bill during the last legislative session but emphasized the importance affirmatively furthering fair housing goals, underscoring municipal responsibility for the required affordable housing plan, and defining the authority for State-level oversight. This Proposed Bill addresses those concerns that were not addressed in last year’s H.B. No. 5132.

CCAPA supports that the State-level oversight and authority is vested in the Office of Policy Management and that the municipal review of the affordable housing plan is at a five-year interval because of the nature of the fluctuating housing market and the nature of the affordable housing crisis. Further, we support the Office of Policy and Management convening a working group, charged with developing and recommending guidelines and incentives for municipal affordable housing plans. CCAPA believes that this would provide the guidance necessary to ensure that Connecticut’s municipalities are meeting their existing and proposed statutory responsibilities, as well as ensuring that the State is an active participant in this process to both assist municipalities and hold them accountable. The timeline, which also pushes the delivery date of the first municipal Affordable Housing Plan out to July 1, 2023, ensures that these requirements will proceed swiftly, and allows municipalities to incorporate housing in a more thoughtful and comprehensive way into their local plans.

CCAPA remains committed to active advocacy, at all levels of government and in the private sector, for the expansion of housing opportunities and furtherance of fair housing in Connecticut. We have greatly appreciated the opportunity to participate in the process of shaping this proposal over the last few years, and believe that this bill will continue the State’s progress toward that goal. We stand ready to continue to be a resource to the legislature in this ongoing effort.

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Testimony regarding

**Proposed Bill No. 6610– AN ACT CONCERNING THE PROVISION OF OUTDOOR FOOD
AND BEVERAGE SERVICE BY RESTAURANTS**

CCAPA supports the intent of the overall changes of **CGS §19a-31(i) to add language that** permanently legalizes some of the changes to restaurant operations that allowed overflow outdoor dining as part of the Governor's emergency orders during the COVID pandemic.

The increased outdoor dining areas during the past year have been widely embraced by both planners and the general public, and is a best planning practice that enlivens our community's commercial corridors and supports our local small businesses. **CCAPA supports Sec. 1(b) that adds new language** lessening the review threshold for approval as an administrative site plan review instead of a potential public hearing.. However, **CCAPA cautions** that, without knowing whether post-COVID driving patterns will return to previous pre-COVID levels, removing on-site parking spaces to accommodate outdoor dining as suggested in **Section (c)(1)(B) may result in potential adverse impacts**, depending on specific commercial corridor physical characteristics such as on-street parking supply, walkability or transit availability. Removing on-site parking spaces is best addressed within the local site plan approval suggested in lieu of state-wide regulation.

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**Proposed Bill No. 6611– AN ACT CONCERNING A NEEDS ASSESSMENT AND OTHER
POLICIES REGARDING AFFORDABLE HOUSING AND DEVELOPMENT**

CCAPA supports the concept and goals behind this Proposed Bill. This Bill would provide for an assessment of the need for affordable housing across and throughout the State. It would then create an allocation of this need to planning regions and municipalities resulting in affordable housing planning and zoning goals for each municipality as well as State support to meet affordable housing needs. It does not - in and of itself - make any direct changes to local policies or regulations. It instead establishes a big-picture goal and allows communities to develop tailored solutions.

This “fair share” approach to development of affordable housing is based on a model of local assessment that has been in place in New Jersey, and has contributed to the creation of tens of thousands of units of affordable housing in a similarly high-cost housing environment. Connecticut should strongly consider adopting this model.

Aside from our moral and ethical obligations to provide fair and equitable housing opportunities, evidence is clear that Connecticut’s high housing costs are a driver of its current economic stagnation. Dramatically expanding housing opportunities across the state is critical to attracting businesses to Connecticut and reducing the cost burden of so many of our current residents who could be spending more of their limited income on food, health care, education, and social advancement. A “fair share” approach, along with the provision of significant planning resources to towns and cities, can empower our communities to chart their own course toward a more equitable, more economically competitive state.

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Testimony regarding
**Proposed Bill No. 6613– AN ACT CONCERNING ACCESSORY APARTMENTS, MIDDLE
HOUSING AND MULTIFAMILY HOUSING**

CCAPA supports diversifying Connecticut’s housing stock in order to address significant statewide housing affordability issues. This bill proposes changes to **CGS §8-2 that require** municipalities to adopt regulations to add accessory dwelling units, middle housing, and multi-family housing by changes to their local zoning, that once adopted, allow as-of-right site plan review applications rather than a public hearing requirement.

- **Section 3 adds language that requires** municipalities to designate areas within their communities for as-of-right accessory apartments for attached and detached units not to exceed one (1) unit per lot in addition to the existing single family residence. Local municipalities also need to adopt regulations and standards for these units, but the proposed bill establishes parameters for setbacks, unit size, and parking requirements.
- **Section 4 adds language for middle add mixed-use housing to require** municipalities to designate an as-of-right area for these uses within 50% a one-quarter (¼) mile radius of a primary commercial corridor area for municipalities with more than 7,500 people. The area calculation excludes public right-of-way areas, wetlands, and steep slopes. .

CCAPA recognizes accessory dwelling units or accessory apartments as an infill development “Best Practice” that other states and large municipal areas in California, Washington, Oregon, and Minnesota have adopted or are pending adoption of legislation in order to address housing affordability and housing diversity issues. CCAPA believes Connecticut would also benefit from adding these types of smaller scale housing opportunities. CCAPA also fully supports the proposed bill’s implementation of the middle and mixed-use housing requirements as appropriate for diversifying commercial districts, making these districts more walkable for all populations - especially potentially seniors. Its limited radius accommodates the compact commercial villages for the smaller of the 114 municipalities that would be required to develop this district. As stated with other proposals in this session, smaller communities with part-time planning staff may need additional capacity to evaluate the parcels where this district might be “landed” - whether through Regional Planning Agencies or other sources. We encourage that should this proposal proceed, the ultimate form of this bill include a provision for this local planning support.

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Testimony regarding

**Proposed Bill No. 1024 – AN ACT CONCERNING ZONING AUTHORITY, CERTAIN
DESIGN GUIDELINES, QUALIFICATIONS OF CERTAIN LAND USE OFFICIALS AND
CERTAIN SEWAGE DISPOSAL SYSTEMS**

CCAPA recognizes that this is a large bill that encompasses many, many things. CCAPA has been a strong advocate for many parts of this proposed bill in different ways, particularly with the need to re-format the structural changes that help clarify the state's Zoning Enabling Act in CGS §8-2, but also in regards to the review requirements for septic systems and required training for CT's land use commissions whose decisions have such long lasting impacts to our local built environments. Desegregate CT, who spearheaded the work behind this bill, has consolidated these ongoing recommendations with additional proposed initiatives to introduce as-of-right accessory dwelling units (ADU), middle-housing, and mixed-use development in order to address CT's serious housing affordability and lack of housing diversity issues.

- **8-1, Section 1 simply clarifies the language of laternew Sections by adding** definitions for accessory apartments, affordable accessory apts, as-of-right (no public hearing but site plan review), concentrated development, cottage cluster, live-work unit, Main Street corridor, middle housing, mixed-use developments, townhouses, and transit stations.

CCAPA supports proposed Section 8-1, subsection 2 that adds much needed capacity to planning departments by allowing for consulting fees for peer reviews, while also restricting higher fees for 8-30g projects or multi-family developments

- **8-1, Section 3 clarifies language** for previously approved temporary healthcare units

CCAPA strongly supports the changes to Section 8-2, subsection 4 that restructures the Zoning Enabling Act by organizing its parts into more digestible statutory language. CCAPA recognizes that municipalities have expressed concern for some of the content changes as follows:

- **Section (b)(3) that revises** the passage “zoning regulations shall be drafted with reasonable consideration as to the - REMOVES “character” and REPLACES with “physical site characteristics and architectural context” of districts and works in concert with **Section(d) (10) that prohibits denial based on “character” unless a district clearly defines the physical standards of that district or denial based on “immutable characteristics”** such as income level, age or disability for age-restricted or disability restricted housing. **CCAPA supports this proposed language.** The term “character” has long been ill-defined in state statute and the proposed language (requested for

clarification by the CT Bar Association among others) requires local municipalities to be more specific in providing standards for the physical and architectural characteristics that define certain districts.

- **Section (d)(7) and (8) that prohibit** a minimum unit size that differs from that required by Health Code and places a numerical cap or percentage cap on the number of dwelling units for multi-family that may be permitted, respectively. **CCAPA supports both these changes** as they both work towards allowing for more naturally occurring affordable housing. First, allowing smaller unit sizes will allow for lower priced units and second - provided a multi-family development meets the exterior building envelope requirements such as height, setbacks, parking, and other design features - not restricting the number or percentages of units or bedrooms within that envelope allows for smaller units that also decreases the potential rental or ownership cost.
- **CCAPA supports Section (d)(9)** that limits parking to 1 space for studio or 1-bedroom units and 2 spaces for anything larger than 2-bedroom units as most constructed multi-family developments tend to support these more realistic parking ratios.
- **CCAPA supports Section 5 that adds a new section that requires** municipalities to designate areas for as-of-right accessory apartments and establish standards for these units within the statutory parameters indicated that are similar to standards adopted by CT municipalities that allow these uses already. Accessory apartments have become a nationwide best practice for providing naturally occurring affordable housing both for extended family and single person or couple households and will be an important low-impact tool for providing more diverse housing options in our state.
- **CCAPA supports Section 6 that adds a new section that requires** municipalities to designate 50% of areas within a half-mile ($\frac{1}{2}$) of a primary transitstation for mixed-use development, and to allow multi-family or middle housing for 50% of the area within one-quarter ($\frac{1}{4}$) miles of a “concentrated development” area for municipalities with more than 7,500 people. CCAPA supports mixed-use corridors that provide walkability and added vitality to commercial districts.
- **CCAPA supports Section 8 that adds a new section that convenes** a working group to develop design guidelines that will be presented by Regional Planning Agencies and will count toward required training for commissioners. CCAPA appreciates that Planners have been designated to be a part of this working group.
- **CCAPA supports Section 9 that adds a new section that requires** 6 hours of annual training for land use boards and 3 hours for inland wetland agency commissioners, but specifically outlines what type of training is required within that 6 hours. CCAPA agrees in the training content for year one (1) for new commissioners, but cautions that training for following years may need less hours per year (perhaps 4) or more flexibility for content. CCAPA also highly recommends that the UCONN Clear program be recognized as a prominent content provider and that an on-line program be developed to aid in the flexibility of meeting this requirement.
- **Section 10 revises CGS §8-3, subsection (e) to require that** any person appointed as a zoning enforcement officer be certified by the CT Association of Zoning Enforcement Officers

(CAZEO). **CCAPA supports** the requirement that the local officials who are responsible for the interpretation and enforcement of complex regulations should have some formal certification of their qualifications. CCAPA further requests, however, that should a community be served by a Certified Planner in the ZEO role, this statute and CAZEO provide some accommodation or “fast track” toward certification. This accommodation recognizes the extensive education and experience that Certified Planners are required to demonstrate in the land use realm.

- **Section 11 revises CGS §7-245** to permit accessory apartments to be included as part of a singular single family residence septic system and not consider the accessory unit to create a “community system” that would otherwise require an extensive and unnecessarily complicated and costly permitting process.
- **Section 12 modifies Subsection (b) of CGS §7-246 to require** updated Water Pollution Control Authority Plans to determine capacity for areas designated for middle and mixed-use housing.
- **CCAPA supports the changes in Section 13 that modifies CGS §19a-35a** to allow the Department of Public Health to review alternative septic systems up to 7,500 gallons. This provision will streamline the permitting process that currently channels review through the Department of Energy and Environmental Protection. This is a path that has traditionally created significant delays and cost-uncertainty for potential developments.

CCAPA deeply believes that the overall principles that are represented by this multi-faceted bill are soundly based in good planning and national best practices. The proposed bill will help to move Connecticut forward in ways that help to create better capacity, more educated decision makers and practitioners, and sets the regulatory and design foundation to create great communities for all within our local communities while addressing larger state issues such as housing affordability and diversity.

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Proposed Bill No. 1025– AN ACT CONCERNING SHORT-TERM RENTAL PROPERTIES

CCAPA supports this Proposed Bill. This Bill would define and create a regulatory framework for short-term rental properties, popularized by AirBnB and other companies, that have proliferated widely across the state in the last decade. While much of Connecticut, particularly shoreline communities, benefit greatly from seasonal and short-term influxes of tourists, local Zoning Commissions and Zoning Officers have struggled with defining, regulating, and enforcing these properties for several years. This Proposed Bill provides much-needed structure to this issue.

While local Zoning Regulations control the use of land, the matter of regulation of the duration and terms of that use have been a challenge. In theory, a short-term rental should function like a standard single-family residence in terms of traffic, noise, wastewater demand, and other factors of land use. Often, the reality is different, and short-term rental properties are overloaded, creating public health, safety, and other nuisances for the neighborhood and community. Enforcement, at a zoning level, can often be tricky, and much delayed.

Having the Department of Consumer Protection charged with the registration and oversight of short-term rentals will help codify and control the basic standards for these properties. This will ensure sufficient tracking, monitoring, insurance, community compliance, impact management, and overall control of these properties. The regulatory assistance and guidance from the State as provided in this Bill will greatly support and bolster local efforts to manage this difficult yet important land use.

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Testimony regarding
**Proposed Bill No. 1026– AN ACT CONCERNING TRAINING FOR CERTAIN PLANNING
AND ZONING OFFICIALS**

CCAPA supports this Proposed Bill. Currently, there are no mandated requirements for training or continuing education for those Planning, Zoning, or Zoning Board of Appeals members who are responsible for making some of the most consequential decisions for the future of our communities. While we recognize that many of these officials are popularly elected by their municipality's voters and thus answerable to their electorate, the influence they have is far too vast to be endowed without a baseline of knowledge of land use review rudimentary skills such as reading site and architectural plans and the basic legal constructs that regulate these commissions and their decisions.

We recognize that many communities, especially smaller towns, struggle to recruit quality volunteers for local commissions and are thus reluctant to add to the time-commitment burden. However, the proposed training is minimal: a total of four hours per year. A disciplined commission could accomplish this with a single half-day session or spread out across several regularly-schedule meetings. The benefits, on the other hand, are substantial. Ensuring the public that their local land use decision-makers have a solid baseline of the understanding of their role will also go a long way to bolstering support and trust in local processes. The added value of educating commissioners regarding their statutory and legal requirements and avoiding unnecessary lawsuits due to commissioner misconduct or lack of this knowledge is also significant. The integrity of our planning and zoning regulations and procedures are far too important to continue without a solid baseline of trust and that trust starts with education. We applaud our local planning and zoning commissioners for their public service and we firmly believe that the continuing education requirement would simply allow them to be better prepared for this important work. We urge the passage of this proposal.

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**Testimony regarding
Proposed Bill No. 1027– AN ACT CONCERNING ACCESSORY DWELLING UNITS AND
ZONING REGULATIONS**

CCAPA opposes this Proposed Bill. This Bill would allow municipalities to qualify for a subsequent affordable housing moratorium under the provisions of the Affordable Housing Appeals Act (CGS Sect. 8-30g) without having to demonstrate the actual creation of additional housing, simply by completing the statutorily-required Affordable Housing Plan per CGS Sect. 8-30j. Further, the Bill would allow non-income-restricted accessory apartments to qualify as “affordable” for purposes of Sect. 8-30g accounting.

The entire purpose of both of these statutes is to encourage and provide for additional housing opportunities. This Bill would directly circumvent that purpose, and essentially allow towns “off the hook” for participating in this statewide, shared responsibility and to earn credit for the creation of “affordable” units that have no assurance of ongoing affordability to the residents and families who need them. Qualification for a moratorium in Sec. 8-30g should continue to be available only to those communities who have taken real steps forward in the development of housing, not simply for fulfilling a separate obligation to produce a plan. Planning is an important first step, to be sure. It does not, however, constitute the completion of the larger goal.

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