

REVISED DRAFT 06/03/2022

**COMMISSION ON CONNECTICUT'S
FUTURE AND DEVELOPMENT**

**REPORT OF THE AFFORDABLE HOUSING
PLANS WORKING GROUP**

Note: This document is an outline, and a discussion draft only. It has not been adopted in any way by the Working Group.

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ROSTER as of 04-04-22

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I. INTRODUCTION AND EXECUTIVE SUMMARY

The Affordable Housing Plans Working Group was created pursuant to Public Act 21-29, § 12. Its specific assigned task is: [Quote from statute]

The Working Group began meeting in March 2022. [¶ re chronology and topics of meetings]

[¶ re the timing issue: 8-30j June 2022 deadline vs. our report, late 2022]

II. WORKING GROUP'S SPECIFIED CRITERIA

A. Zoning Enabling Act, CGS § 8-2, as amended by Public Act 21-29

B. Affordable Housing Land Use Appeals Act, CGS 8-30g

C. State's Consolidated Housing Plan

D. State Plan of Conservation and Development as applicable to housing

III. RECOGNITION OF THE "TIMING ISSUE," § 8-30; REPORTS DUE JUNE 2022; LIST OF OTHER RECENT GUIDANCE ON AFFORDABLE HOUSING PLANS; HOW THIS REPORT IS DIFFERENT

A. Timing Issue: Municipal affordable housing reports due June 2022, but this report due 4th quarter 2022; recognition of issue and explanation that this report provides a way to evaluate existing reports; modify if necessary; and guide future reports.

B. How this report differs from prior guidance

1. Note recent guides such as 2020 Department of Housing/Regional Planning Agency; 2021-2022 work of Connecticut Regional Councils of government; national resources

2. Substantive changes in Connecticut law regarding affordable housing, 2021 – explained and incorporated into this guidance; *affordable housing plans at minimum, must comply with state law as revised*

3. Recommendations based on best practices and difficulties found in plans drafted 2021-2022 in response to General Statutes § 8-30j

vary considerably in approach and recommendations; greater uniformity and common criteria needed

- 4. Guidance and a menu of options/tools needed on adopting specific, concrete, achievable steps**
- 5. Specific checklist for plan evaluation and re-evaluation**

IV. UNDERSTANDING WHAT AFFORDABLE HOUSING IS AND WHY IT'S IMPORTANT

- A. “Affordable” is housing for which a household pays 30 percent or less of its income. Affordability is the relationship of households and incomes to housing prices in a town or region**
- B. Understand what 80% / 60% / 40% / 25% of area and state median income means in each municipality and region**
- C. Because Black/African American and Latino households generally have lower median incomes than white households in Connecticut, lowering housing costs is needed to create opportunities for greater geographic mobility to higher opportunity areas, as well as employment, services, and amenities.**

V. UNDERSTANDING BARRIERS TO CREATING AFFORDABLE HOUSING AND A HOUSING PLAN

- A. Connecticut ranks high nationally in economic and racial segregation; part of this pattern is the legacy of exclusionary zoning during the 1900s, but 2020 census data shows that the problem persists and by some measures has gotten worse since 2010.**
- B. Our statewide structure of each of 169 towns having separate land use authority encourages protection of *status quo* and parochialism**
- C. Opposition to lower income households is often based on stereotypes and misconceptions**
- D. Advocacy for “local control” of housing policy and land use regulation**
- E. Providing housing affordable to the lowest income households generally requires a government financial subsidy**

- F. Land use regulation can enable housing development, but does not guarantee it.**

VI. ACHIEVING BALANCE: UNDERSTANDING THAT PROMOTING AFFORDABLE HOUSING IS NOT “ONE SIZE FITS ALL,” AND SHOULD RESPECT ENVIRONMENTAL NEEDS

- A. Not every Connecticut municipality has a shortage of lower-cost housing**
- B. Same municipalities have taken substantial steps to promote affordable units**
- C. Some blatantly exclusionary practices have been prohibited or repealed**
- D. Affordable housing needs vary widely among urban-suburban-rural areas**
- E. Affordable housing is recognized as a regional issue**
- F. Single-family homes with open space remain highly desirable, and the predominant housing type in most of Connecticut**
- G. Higher density (units per acre) has impacts that need to be managed.**
- H. Water supply and sewage disposal, and costs to install public sewer and water, are major environmental and financial challenges in many towns**
- I. Open space creation and preservation are beneficial to public health; farmland preservation is a necessity**
- J. “Buildable land” is difficult to define (farmland, for example)**
- K. Affordable housing should incorporate energy efficiency, sustainability, and alternative energy to the extent possible, and should consider climate change and global warming impacts**
- L. Affordable housing development requires coordination with roads, traffic planning, public transportation**

VII. CREATING AND IMPLEMENTING AN AFFORDABLE HOUSING PLAN COMMITTEE AND PROCESS

- A. Ideal group is 5-10 people; provide list of expertise/experience that is helpful**
- B. Experienced facilitator**
- C. Conducting a Housing Needs Assessment – what information to collect, what to look for**
 - 1. Number and type of households and housing units**
 - 2. Demographic trends and expectations**
 - 3. Defining and counting “housing-cost-burdened households;” Housing Authority wait lists**
 - 4. Utility costs**
 - 5. Transportation costs**
 - 6. What type of units are most needed to achieve affordability and diversity in housing types in the municipality?**
- D. Data collection can be regional, and Regional Councils of Government can provide assistance, but land use regulation is town-by-town, so plan must be formulated and adopted at municipal level;
Note: regional data should not be used to justify towns with little affordable housing from enabling more units**
- E. 6 to 12 month process is reasonable time period for a plan (and note goal is a “plan,” not a report)**
- F. Stakeholder representation is critical; stakeholders can be resources to the committee.**
- G. Committee should not be exclusively the town’s planning and zoning commission *per se*, but PZC communication and buy-in are essential.**
- H. Public education is critical; committee should focus on gathering information, building community support for its work, before turning to report drafting.**

- I. Important to decide early who will ultimately “adopt” the plan, how made available, how and where filed, such as with OPM and/or regional planning council [State law clarification may be needed]**
- J. Consider online vs. hybrid vs. in person meetings (as allowed by 2022 legislation)**
- K. Confirm which meetings are subject to Freedom of Information Act**
- L. Start by identifying existing resources and data such as current POCD; U.S. Census; Partnership for Strong Communities.**
- M. Focus on creating units.**
- N. Circulate a draft plan.**
 - 1. Understand the challenge of identifying specific locations**
 - 2. But be willing to be specific, concrete, prescriptive**
 - 3. Incentives for housing producers: tax breaks streamlined procedures, lower density**
- O. Final report/adoption/filing**
- P. After adoption: responsibility for implementation. Recognize that publicizing housing opportunities (sometimes called “affirmative fair marketing”) is essential to achieving diversity**
- Q. Ongoing review; timing of next revision.**

VIII. STATE LAW REQUIREMENTS FOR AFFORDABLE HOUSING

- A. Zoning Enabling Act, General Statutes § 8-2, as amended in 2021**
 - 1. Town plans at a minimum must comply with state land use law**
 - 2. Must allow multi-family housing**
 - 3. Must promote housing choice and economic diversity**
 - 4. Must “affirmatively further” purposes of federal Fair Housing Act – actively overcome segregation and exclusion**

5. **May not promote racial segregation (state Constitution)**
 6. **May not require excessive minimum floor area requirements – more than State Building Code and Public Health Code**
 7. **Must revise parking requirements to conform to 2021 legislation unless town opts out**
 8. **Must adopt rules for alternative dwelling units (ADU's), with opt-out**
 9. **May not impose caps on number or percent of multi-family units**
 10. **May not deny permit applications to “preserve town character”**
 11. **May not charge excessive fees for applications**
- B. Other, previously existing legal requirements**
1. **Limits on application fees**
 2. **Impacts on public schools and property tax collection are not legally relevant to land use permit decisions**
 3. **Plans of conservation and development contain affordability goals similar to state zoning law, though POCD's are generally advisory as to zoning**
 4. **Property owners have a right to convert rental housing to ownership, and vice versa**
 5. **Recognize that § 8-30g is not a housing production program, but a process and standard for court review of zoning denials of affordable housing proposals**
- C. Legal Caveats for Municipal Affordable Housing Plans**
1. **DOH's § 8-30g Ten Percent list is not a quota, goal, or measure of need**
 2. **A DOH-granted four-year moratorium from § 8-30g applications is not a long-term housing strategy**
 3. **Inclusionary zoning is a laudable goal but difficult to implement**

and administer, and sometimes an obstacle to private development

- 4. “Naturally occurring affordable housing” is a misnomer; all housing is highly regulated**
- 5. Connecticut’s 2007 Incentive Housing Zone program is an alternative to § 8-30g, underutilized**

IX. MENU OF LAND USE REGULATIONS TO REVIEW FOR WAYS TO PROMOTE AFFORDABLE UNITS

A. Zoning Regulation

- 1. Density: amend regulations, rezone larger lots; focus on design, not units/acre**
- 2. Reconsider definition of “buildable land” – review excessive reductions for slopes, wetlands**
- 3. Reduce minimum lot size**
- 4. Reduce open space set-aside requirements; cluster developments**
- 5. Review town-wide balance between single-family and multi-family; single-family construction and rehabilitation; assist households with building wealth**
- 6. Review preserving existing units vs. rehab vs. new construction**
- 7. Avoid specifying profit vs. non-profit vs. governmental developer / owner / sponsor**
- 8. Focus on where and how the most-needed types of units can be provided: lowest income brackets; units for families**
- 9. Design standards – understand limits of government authority**
- 10. Review unnecessary procedural requirements such as special permits**
- 11. Review industrial / commercial / retail / institutional zones – and under utilized buildings such as office above retail.**

- 12. Separate “light industrial” where housing may be appropriate from “heavy industrial”**
- 13. Promote mixed use zoning: consider “live-work-shop-play” areas**
- 14. Enable “middle housing” – 2-4-6-8 units on lot zoned for single-family home:**
 - Reduce minimum lot size**
 - Replace side yards with maximum lot depth and width**
 - Allow higher density**
 - Allow more housing types**
 - Revise structure requirements**
 - Reduce or eliminate floor area requirements**
 - Reduce or eliminate parking**
 - Allow on-site septic consistent with Public Health Code; allow alternative treatment systems**
 - Reduce or eliminate open space requirements**
 - Allow middle housing as-of-right in residential zones**
 - Set standards for infill**
- 15. Enabling transit oriented development (2022 bill that did not pass)**
- 16. Understand “fair share” housing-goal and implementation methods; set an overall “reach” numerical goal for next five years**
- 17. Energy efficiency, sustainability, climate change, disaster resilience, solar – essential environmental policies that should not be incompatible with affordable housing**
- 18. Visibility: rarely a valid reason to deny; eliminate “shall be fully screened” for multi-family use**

19. **Historic districts – opportunities to preserve and convert, add on**
 20. **Review coastal regulation lots of coastal zone land is safely developable**
 21. **Reduce setbacks, buffers**
 22. **Expedited permitting process**
 23. **Incentives for most needed types of units such as low income rental; units for disabled**
 24. **Note role of “value engineering” – how to bring down unit cost of construction plans**
- B. Review subdivision requirements**
1. **Open space**
 2. **Private roads**
 3. **Performance bonds**
 4. **“Minimum square”**
 5. **Cul-de-sac rules**
- C. Wetlands and upland review areas: review for excessive procedural and substantive rules**
- D. Sewage disposal options and requirements**
1. **Planning and environmental benefits of sewers**
 2. **Municipal sewer system plan as a way to facilitate multi-family and middle housing**
 3. **Alternative treatment systems – where available**
 4. **Community septic systems**
 5. **Importance of septic system maintenance**

- E. Direct municipal financial investment in housing development such as affordable housing trust fund**

X. SUMMARY OF RECOMMENDATIONS

- A. Forming and conducting a group**
- B. Group education**
- C. Understand state law requirements**
- D. Understand barriers**
- E. Revise the POCD**
- F. Revise existing land use regulations**
- G. Other corrective, prescriptive actions**
- H. Making specific recommendations**
- I. Implementation**
- J. Revisiting the plan periodically**

XI. POTENTIAL CHANGES/CLARIFICATIONS TO STATE LAW TO ASSIST WITH AFFORDABLE HOUSING PLANS

- A. Coordination with POCD?**
- B. Who adopts plan?**
- C. [What else?]**

Appendices (citation to key sources in text)

- 1. CGS 8-2**
- 2. CGS 8-30g**
- 3. Public Act 21-29**
- 4. Excerpt, State Consolidated Housing Plan**

- 5. Excerpt, State Plan of Conservation and Development (2022) – housing**
- 6. Existing resources/publication for affordable housing plans**
- 7. Resources regarding affordable housing finance**