

**Connecticut Chapter of the American Planning Association (CCAPA)
Summary of Public Act 21-20 (HB 6107)**

HB 6107- AN ACT CONCERNING THE REORGANIZATION OF THE ZONING ENABLING ACT AND THE PROMOTION OF MUNICIPAL COMPLIANCE. *To (1) restructure the Zoning Enabling Act for clarity, (2) promote the purposes of the federal Fair Housing Act, (3) provide an administrative mechanism to promote compliance with municipal affordable housing plans, and (4) require the Secretary of the Office of Policy and Management to convene a working group to study municipal affordable housing plans and zoning regulations. Amended bill passed House 5/20 and Senate 5/27.*

3/31 JFS.

Includes the following provisions:

Accessory Dwelling Units: Directs that by January 1, 2023, zoning must allow one Accessory Dwelling Unit (ADU) alongside or within a single-family house, according to existing lot coverage and setback rules for single-family homes, without the need for a public hearing or special permit. Municipalities may opt out of this requirement through a two-step process requiring action by the Zoning Commission and Legislative Body (for municipalities where Town Meeting is the legislative body, the Board of Selectmen is authorized to approve the opt-out). ADUs created after January 1, 2022 will not make it harder for municipalities to reach the 8-30g 10% affordable threshold, as they will not count toward the "total housing units" denominator of that calculation. This provision will expand opportunities for lower-cost small unit housing across Connecticut, and give flexibility to homeowners with special housing needs or who could benefit from additional rental income. Makes clear that detached accessory dwelling units, if connected to the primary dwelling's septic system, do not create a "community wastewater system" for regulatory purposes.

Fair Fees for Multifamily and Affordable Housing Reviews: Directs that application review fees for applications for multifamily housing and/or 8-30g housing must not be disproportionately high compared to fees charged for applications for single-family housing. Municipalities are authorized to enact regulations permitting fees to cover the cost of necessary technical consultants.

Strengthens Obligation to Zone to Enable Housing Opportunities: Requires zoning to provide for opportunities for housing, including multifamily housing, and to allow for housing that meets the needs outlined in the State Plan of Conservation and Development and Consolidated Plan for Housing and Community Development. Previous language required that zoning merely "encourage" and "promote" such housing.

Required/Allowed Goals and Considerations: Updates the language of zoning enabling statute 8-2 to remove language allowing zoning to be used to "prevent the overcrowding of land and avoid undue concentration of population;" and requires that regulations be designed to protect historic, tribal, cultural, and environmental resources; consider impacts to adjacent

municipalities; address disparities in housing needs and access to opportunities including employment and education; promote efficient application review; and affirmatively further the purposes of the Federal Fair Housing Act. Affirmatively furthering fair housing generally refers to proactive actions to reduce barriers to fair housing. Any consideration of "character" must be to character defined with clear and explicit physical standards. Zoning may not be used to deny applications on the basis of the income level or source of income of an applicant or end user.

Evaluation of Traffic Impacts: Allows municipalities to measure traffic impacts by estimates of vehicle miles traveled (VMT) or vehicle trips generated by the proposed development, instead of or in addition to the standard "Level of Service" process, which can discourage new construction in urban areas and result in continued widening of roadways at a cost to conditions for pedestrians and transit users. The bill allows consideration of traffic mitigation strategies such as reducing the amount of required parking, or incorporating infrastructure for bicyclists, pedestrians, and transit riders.

Zoning Provisions Not Allowed: Zoning must not prohibit "Cottage Food" activities in residential zones (i.e, small-scale home-based food production), must not place a numerical or percentage cap on the total number of multifamily homes in a district, and must not establish minimum unit sizes that are larger than minimum unit size established by Building Code.

Reduced Parking Requirements: Directs that by default, required parking for housing shall not exceed 1 space per studio or 1-bedroom unit, or 2 spaces for larger housing units. Municipalities may opt out of this requirement through a two-step process as described above.

Explicit Authorities for Overlay Zones, Floating Zones, and Planned Development Districts, and Energy Conservation: Explicitly allows zoning to adopt regulations for overlay zones, floating zones, and planned development districts (which were not explicitly allowed in existing statute). Adds additional clean energy or conservation measures to items that zoning can encourage, and authorizes that zoning may require these measures.

Mobile Homes: Existing statute provides that regulations not treat manufactured homes substantially differently from other types of housing for the purpose of permitting. This bill adds mobile manufactured homes to this provision.

Certification of Zoning Enforcement Officers: Requires that Zoning Enforcement Officers be certified by the CT Association of Zoning Enforcement Officials (CAZEO) as of January 1, 2023.

Training for Planning and Zoning Commissioners: Requires P&Z Commissioners complete four hours of training every two years, to include one hour of training on fair and affordable housing. Commissioners must satisfy the initial training requirement by January 1, 2024 and within one year of election/appointment thereafter. OPM will establish guidelines for this training in collaboration with providers including CCAPA and UConn CLEAR. There is a

tracking and reporting requirement, but the bill does not provide for any penalties for noncompliance.

Affordable Housing Plans: States that municipalities must adopt Affordable Housing Plans by June 1, 2022, and every five years thereafter. This reiterates the Affordable Housing Plan requirement and schedule for adoption established in 2017. It also explicitly allows Affordable Housing Plans to be updated concurrently with the Plan of Conservation & Development (for one of the two five-year periods within the 10-year POCD cycle).

Commission on Connecticut's Housing Development and Future: Establishes a temporary commission to evaluate policies related to land use, conservation, housing affordability, and infrastructure. The Commission will submit two reports in 2022 and 2023 making recommendations for changes to zoning enabling statutes, to the process for adopting and implementation of State plans, and for guidance and incentives for municipal compliance with Affordable Housing Plan requirements and obligations to enable opportunities for housing, as well as measurement of compliance. The Commission will also make recommendations on sewage treatment regulations affecting housing, as well as model design guidelines and associated education and training on the guidelines.