

Home Builders & Remodelers Association of Connecticut, Inc.

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Support HB 5045, Accountability for Fair & Affordable Housing Through Zoning

A technical rewrite of 8-2 is long overdue. CGS sec. 8-2 is the basis of all zoning in the state, both its authority and limitations. The current law's structure, with almost no breaks, runs on for pages. It is difficult to read even for experienced attorneys. Thus, all the statutory zoning requirements and limitations are lost on most zoning commission members who are charged with its implementation.

Most of the deleted and additional language in 5045 (which is almost identical to sections 1&2 of 5482) simply reorganizes existing language into appropriate new subsections, as follows:

- Subsection (a) is the authority to enact zoning in our municipalities;
- Subsection (b) outlines what zoning shall include;
- Subsection (c) outlines what zoning may include;
- Subsection (d) outlines what zoning shall not include;
- Subsection (e) contains the existing municipal exemption provisions; and
- Subsection (f) creates new enforcement authority to ensure municipal compliance with certain housing provisions in the zoning authority delegated to them by the state.

Please adopt the technical rewrite so that all stakeholders, especially zoning commissions, will better understand what zoning must have, may have and cannot have.

There are only four substantive changes to CGS 8-2 contained in 5045. We urge you to adopt all:

1. At lines 44-45, a goal of zoning is inserted, i.e., that zoning shall be designed to ... "affirmatively further fair housing." **This is not new and, therefore, not heavy-handed, because federal law already requires local zoning to affirmatively further fair housing. We suggest changing lines 44-45 to say, "affirmatively further fair housing, as defined by the Fair Housing Act, 42 USC 3601 et seq."**
2. At line 46, "the character of the district ..." is deleted from 8-2. **This is a critically important change to bring more certainty to zoning regulations and decisions by local commissions.** The character of a zoning district, or of a whole community, is too vague and subjective, creates uncertainty for permit applicants and is too easy a standard – really because it is no standard at all – to justify denying anything a zoning commission doesn't like.
3. At lines 55 and 64, current law, which says zoning regulations shall "encourage" the development of certain housing opportunities, is changed in both places to slightly stronger language, "provide for" such development. **It is intended to get more municipalities to open up to more multifamily and affordable housing than is currently done.**
4. The final substantive change to 8-2 (lines 203-215) requires municipalities to inform OPM every five years how it has complied with housing elements ALREADY REQUIRED (for last 27 years) to be part of its zoning regulations. The penalty on municipalities for failing to demonstrate such compliance is ineligibility for discretionary state funding. **It is this last provision that has generated the most opposition as heavy-handed from cities and towns. We urge you to not sacrifice all the other positive changes to 8-2 contained in HB 5045 (or sections 1&2 of HB 5482) if you decide to not adopt this enforcement penalty.**

HB 5045 makes positive changes to our zoning enabling act. It not only is a long overdue technical rewrite that creates much needed clarity but also adopts a few important substantive changes that will foster the production of more affordable housing opportunities in more communities.