



Making Great Communities Happen

Connecticut Chapter of the American Planning Association

**Testimony regarding HB 5482
AN ACT CONCERNING THE RECOMMENDATIONS
OF THE FAIR HOUSING WORKING GROUP
and HB 5045
AN ACT ESTABLISHING ACCOUNTABILITY FOR FAIR AND AFFORDABLE HOUSING
THROUGH ZONING REGULATIONS**

CCAPA supports the goals of the Fair Housing Working Group and of these bills to address the state's growing shortage of affordable housing by strengthening and enforcing municipal obligations to plan and zone for housing that meets the needs of Connecticut's residents. We do, however, see problems with the bills as currently drafted and would like to propose an alternative process that we think will more effectively enforce existing municipal housing obligations under CGS 8-2.

The statute directs municipalities to adopt zoning regulations that will "encourage the development of housing opportunities, including opportunities for multifamily housing, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region in which the municipality is located," and "promote housing choice and economic diversity in housing, including housing for both low and moderate income households." We are concerned that the process proposed in the bills underestimates the challenge that the Department of Housing will face in assessing municipal zoning regulations and other local policies impacting housing development and that the proposed review timeline would present significant uncertainty for municipalities as to whether they will be found compliant and eligible for discretionary state funding in 2019.

The Department of Housing and Connecticut's municipalities collectively lack critical baseline information to measure whether municipalities are adequately meeting their legal obligations under 8-2. In particular, we lack:

- 1) Guidance on how to determine local and regional housing need; and
- 2) Understanding of what criteria DOH staff would use to measure compliance, including how reviewers will balance the need for housing against other concerns, such as the capacity of available public infrastructure, proximity of a municipality to employment opportunities, and limitations on development capacity due to conditions such the presence of wetlands or difficult terrain.

CCAPA believes it is in the best interest of the state to develop a framework for the support of effective local planning and zoning that enables both state agency staff and municipalities to

understand whether local obligations are being met and how that determination will be made. We propose a three-year process that addresses these concerns and puts the state in a position to meaningfully enforce good local planning; a three-year timeline that would include time for the necessary building blocks of this process to be created and would position the proposed financial penalties for non-compliance to begin in Year 3.

Year 1:

- **Develop definition of “local and regional housing need.”** The Connecticut Housing Finance Authority is in the process of commissioning the preparation of a statewide housing needs assessment. The current description of this assessment is:
 - A data-driven housing assessment of the current and future housing needs throughout the State of Connecticut (the “State”) that can be replicable by CHFA. Topic areas include but are not limited to the assessment of existing housing conditions, demographic, market demands (present and future), public access to infrastructure and transportation, job growth, and identification of critical market gaps and issues. The assessment should (1) analyze the gap between statewide housing inventory and the State’s current housing needs and projected housing for both rental and ownership over the next year, five years, ten years and fifteen years; and (2) identify how housing needs vary by relevant demographic characteristics, including but not limited to, income, age, familial status, disability status, and race.¹
- We ask that DOH work with CHFA to expand the scope of the assessment to include measurements of statewide, regional, and local need that will provide guidance to municipalities and to DOH on the housing needs that municipalities must plan and zone to accommodate.

Year 2:

- In Year 2, DOH would **conduct its review of municipal plans and zoning regulations for an initial finding of compliance** using the guidance on local and regional housing needs prepared by CHFA in Year 1. Municipalities found during this initial review to be inadequately meeting their 8-2 obligations would not yet lose eligibility for discretionary funding; instead there would be a one-year grace period during which municipalities would have the opportunity to address deficiencies in their plans and zoning regulations and resubmit for a finding of compliance. Municipalities would also have a chance to dialogue with DOH reviewers on their findings for their community. We request that OPM staff with expertise in planning issues be included in DOH’s review process, as they would have the expertise to assess how land characteristics, such as soil quality and terrain, and applicable environmental regulations might affect the capacity of properties to accommodate housing.
- Municipalities would also have an opportunity in Year 2 to comment on the CHFA Housing Needs Assessment Findings for their local communities and to document how they plan to address local and regional housing needs.
- The activities of Year 2 allow DOH to develop their criteria for their reviews by going through the review process, in full, *before* funding to municipalities is at stake. A

¹Connecticut Housing Finance Authority Request For Proposals: Statewide Housing Needs Assessment.
https://www.chfa.org/assets/1/6/chfa_205-rfp-housing_needs_study_2-5-18.pdf

meaningful review of whether municipal zoning regulations enable real opportunities for different types of housing will be a complicated task. We don't believe that DOH will be able to identify all the various factors that they will need to review before they start the process: the review itself will be an education for the reviewers. Enabling the reviews to occur one year before funding is at stake gives the Department of Housing the time and flexibility it will need to develop meaningful review criteria, and will also enable municipalities to know how they are being judged before they potential lose eligibility for funding.

- Municipalities found non-compliant in Year 2 would have a year to resubmit before funding penalties apply. These communities would benefit from the process in that they would be able to look to peer communities for best practices as they revise their plans and regulations.

Year 3:

- **Funding penalties begin for non-compliance.** We ask that non-compliant municipalities be allowed to re-apply every 6 months until they achieve compliance. In this way, the process will encourage good planning instead of only penalizing non-compliant municipalities.
- Municipalities who are still found non-compliant and who do not receive a waiver from the Secretary of OPM would be ineligible for discretionary state funds at this time.

CCAPA understands that Connecticut is facing a growing housing crisis, and that all municipalities should be actively participating in seeking solutions. We believe that the above process is a workable and effective timeline for pushing municipalities to meet their existing 8-2 obligations and for building capacity among state agencies to identify what meaningful compliance with 8-2 looks like in Connecticut's towns and cities. CCAPA remains committed to active partnership with the Department of Housing and the State in support housing planning that meets the need of Connecticut's residents.

WHO WE ARE

The Connecticut Chapter of the American Planning Association (CCAPA) has over 420 members who are governmental and consulting planners, land use attorneys, citizen planners, and other professionals engaged in planning and managing land use, economic development, housing, transportation, and conservation for local, regional, and State governments, private businesses and other entities. CCAPA has long been committed to assisting the legislature and State agencies with developing and furthering responsible growth management principles. The American Planning Association is an independent, not-for-profit, national educational organization that provides leadership in the development of vital communities.

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