

Scaled-back Zoning Legislation Advances in Connecticut General Assembly

by [Cate Hewitt](#)

April 3, 2021 April 3, 2021

HARTFORD — The state legislature’s Planning and Development Committee approved a scaled-down version of zoning legislation proposed by [Desegregate CT](#) in an 8-hour zoom session Wednesday.

Missing from S.B. 1024, was section 6, which included new rules regarding transit oriented development, language that allowed “as of right” mixed-use and multifamily developments within one-half mile of a town’s primary transit station. Section six also would have allowed multifamily housing or at least two types of “middle housing” within one-quarter mile of at least one main street corridor in towns with a population of at least 7,500.

Also absent from the approved legislation was section 4-G, which would have allowed private parties to sue towns in superior court for noncompliance with zoning laws. Under 4-G, a lack of compliance could have resulted in an injunction against a municipality.

The compromise legislation would still eliminate the consideration of “character” from zoning regulations.

Also included in section 4-2(G) is language requiring zoning regulations to “combat discrimination and take other meaningful actions that overcome patterns of segregation and address significant disparities in housing needs and access to opportunities.”

The legislation would also extend the threshold for sewage disposal without DEEP permitting from 5,000 to 7,500 gallons per day for a development and require a town’s water pollution control authority to allocate capacity for areas “able to be developed for residential or mixed-use buildings containing four or more dwelling units.”

The legislation would also include the formation of “a working group to develop model design guidelines for buildings and context-appropriate streets.”

State Rep. Kimberly Fiorello, R-Greenwich, said she understood that the public would have the opportunity to weigh in on rules developed by the working group, but was troubled by the lack of opportunity to offer public testimony on local zoning decisions.

“It does have the impact of dramatically reducing — with intention — the local neighborhood zoning public hearings,” she said.

State Sen. Norm Needleman, D-Essex, said he supported the new legislation, but expected more changes before the bill reached a final draft, given the complexity of the issues involved. Needleman said that municipalities should have the first option to solve these problems, but that the economic inequality in the state had become too great.

“If you go to CCM’s data report, you have some communities where the adjusted grand list per capita is \$8,000 and then you have others where it’s \$700 or \$670,000. It’s a huge disparity,” he said.

Needleman said that state involvement was necessary at some point.

“There have been a lot of attempts to talk about changes, but there have been more eyes on the status quo. Clearly, if we can agree that there’s a problem then the status quo just can’t exist. I think that we’re at an inflection point here in Connecticut and we have an opportunity to do something.

The committee also approved [H.B. 6611](#), the “Fair Share Bill,” which would establish regional needs for affordable housing and create goals and schedules for implementation, town by town, with a mechanism for enforcement.

The secretary of the Office of Policy and Management, in consultation with the state commissioner of housing, would also be tasked with an assessment of the statewide need for affordable housing and determine regional needs.

The assessment would be based on a calculation that would take into account the equalized net grand list, median income, the percentage of municipalities with populations below the federal poverty line and the percentage of a town’s population living in multifamily housing.

State Rep. Roland Lemar, D-New Haven, said the bill will provide the opportunity to collect and assess data statewide.

“I don’t think it’s designed simply for Fairfield County or New Haven, it actually is a statewide goal that recognizes all of the variables of each individual town,” he said.

Rep. Doug Dubitsky, R-Chaplin, objected to the choice of the secretary of the Office of Policy and Management and the commissioner of housing as the final arbiters.

“If I can put that into layman’s terms, these two individuals are going to determine how many low income housing units the state needs and then essentially, distribute them among the regions of state,” said Dubitsky.

The committee also approved S.B. 1066, which McCarthy Vahey said is a placeholder bill “designed for municipal issues that may come up.”

Dubitsky said he objected to dummy bills that are used solely for use as a vehicle for later bills that are put together after the public hearing process is over, “circumventing the public’s ability to see what the legislature is doing and to comment on it.”

Zullo said that it was important to deescalate the rhetoric of the debate.

“We need to keep working to strike a balance between the need for meaningful local control, and the role of the state, frankly, in leveraging zoning, to promote a diverse and affordable housing stock and housing opportunities,” he said.

Betsy Gara, executive director of the Connecticut Council of Small Towns (COST), said her organization appreciated the efforts of the committee to address concerns that the bills aimed to override local zoning laws with a one-size-fits all approach.

“Lawmakers stripped out provisions which would have mandated that towns allow multifamily housing as of right, without benefit of a public hearing or adequate local review,” Gara said. “This recognizes that fast track as-of-right approvals don’t provide towns or the public with the opportunity to fully consider how developments may impact water resources, traffic safety, parking issues, wastewater capacity, and other public health and safety issues.”

Desegregate CT held a news conference on the north steps of the State Capitol on Thursday, where Sara Bronin, the leader of the group, said she was looking forward to continuing the conversation and the possibility of restoring some of the transit oriented development and main street provisions to the final bill.

“We think that together these provisions, which would create two to four family units, would help to fill what we think is a missing gap in Connecticut’s housing stock. They’ll create not only more housing but more jobs, more opportunities, more revenues for state and local governments, and they’ll provide an alternative to the sprawl disruption,” she said. “With that, I just wanted to say I’m very confident that this legislature will meet the moment of this bold and comprehensive legislation and we’ll find a way to enable the construction of new housing that is desperately needed. We urge swift action, not just on the zoning reform proposals but on the array of proposals that are before the legislative legislature this year.”