



## A Robinson+Cole Legal Update

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### New CT Zoning Laws Look to Increase Housing Diversity and Affordability

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Zoning laws are changing in Connecticut. The goal? To make housing more affordable and accessible for everyone.

Nearly a century ago, the Connecticut Legislature adopted the “Standard Zoning Enabling Act” (now Chapter 124 of the General Statutes), which authorizes municipalities to enact local zoning regulations. More than three decades ago, Connecticut adopted an affordable housing bill (Section 8-30g et seq. of the General Statutes), which aims to expand the stock of affordable housing by limiting the discretion of municipalities to deny proposals unless there are serious public health and safety concerns that cannot be mitigated.

For some time, there has been much debate as to the effectiveness of these statutes and whether further changes are needed to ensure that there is affordable and diverse housing accessible to all individuals. Much of the discussion has concerned: 1) recent reports suggesting that over 90 percent of land in Connecticut is zoned for single-family housing; 2) possible procedural and regulatory impediments to multifamily housing; and 3) the need for further education on such topics in order to advance fair/affordable housing for all. For example, research shows how traditional zoning regulations, which promote separation of uses and impose requirements for minimum amounts of parking, minimum lot sizes, maximum lot coverage, and density caps, among others, have increased the costs of development and acted as a barrier to affordability. As a result, many communities have grown frustrated with the lack of progress toward achieving a more diverse housing stock, which might include traditional multifamily housing, mixed-use development, and “missing middle” housing, which comprises a range of smaller, more affordable multi-unit or clustered housing types.

On June 10, 2021, Governor Lamont signed into law [Public Act No. 21-29](#) (the Act), which overhauls the Zoning Enabling Act and is intended to address these issues and further promote an increased housing supply made up of more diverse housing options, among other things. Key features of the Act related to housing are described below.

- **Goals of Zoning Enabling Act:** The Act revises several of the goals in the Zoning Enabling Act to “address significant disparities in housing needs and access to educational, occupational and other opportunities,” affirmatively furthering the purposes of the federal Fair Housing Act, 42 U.S.C. § 3601 et seq.; removes the requirement that zoning regulations prevent the overcrowding of land and avoid undue concentration of population; and replaces subjective considerations of “character” with objective considerations of “physical site characteristics” of the zoning district and its particular suitability for particular uses.
- **Accessory Apartments:** By January 1, 2023, municipalities must adopt or amend regulations to permit accessory apartments on the same lot as single-family homes of greater square footage (also known as accessory dwelling units or ADUs) as-of-right (i.e., without a public hearing and/or discretionary zoning review process, such as a variance, special permit or special exception) and cannot require more than one parking space for an ADU. ADUs must have a maximum net floor area of at least 30 percent of the net floor area of the principal building or 1,000 sq. ft., whichever is less, unless municipalities permit a larger net floor area. ADUs built or permitted after January 1, 2022 will not count toward a municipality’s base housing stock calculation for the 10 percent affordable threshold under Section 8-30g. Municipalities may opt out of this otherwise applicable requirement upon a 2/3 vote of their respective zoning commissions following a public hearing

during which they must state on the record the reasons for opting-out, and then receive an affirming 2/3 vote of their legislative bodies.

- **Parking Limitations:** Municipalities cannot require more than one parking space for each studio or one-bedroom unit or more than two parking spaces for each dwelling unit with two or more bedrooms, unless they opt out in accordance with the same procedure for ADU opt-out.
- **Fees for Multifamily & Affordable Housing Review:** Prohibits municipal authorities from charging higher land use application fees for (i) developments built under Section 8-30g or (ii) residential projects with more than four units, than for other residential projects. Allows municipalities to charge applicants for reasonable fees for a technical consultant engaged by a municipality in its review of a land use or wetlands application, such as regarding traffic or stormwater.
- **No Cap on Certain Dwelling Units:** Zoning regulations cannot place a fixed numerical or percentage cap on the number of dwelling units permitted in multifamily housing over four units, middle housing (defined as “duplexes, triplexes, quadplexes, cottage clusters and townhouses”) or mixed-use developments.
- **Affordable Housing Plans:** Reaffirms that municipalities must adopt Affordable Housing Plans by June 1, 2022, and amend the plans every five years thereafter. Affordable Housing Plans may be included as part of a plan of conservation and development under Section 8-23 if both are required to be submitted at the same time. The Affordable Housing Plan must specify how the municipality will increase the number of affordable housing developments within its jurisdiction.
- **Commission on Connecticut’s Development and Future:** Creates a temporary commission to evaluate land use, conservation, housing affordability, and infrastructure policies and to provide recommendations on whether further statutory changes are needed to address these policies.
- **Biennial Training for Land Use Commission Members:** Each member of a local planning commission, zoning commission, planning and zoning commission, or zoning board of appeals must complete at least four hours of training biennially starting on January 1, 2023, with at least one hour devoted to affordable and fair housing. Each board or commission will be required to submit a statement affirming its members’ compliance with the training requirement to its municipal legislative body, beginning on March 1, 2024.

Our team of lawyers and land use analysts are uniquely positioned to help you understand how these changes will affect development plans and local regulations. Do not hesitate to contact us today.

#### FOR MORE INFORMATION

Contact any lawyer or land use analyst from Robinson+Cole’s  
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