



## **Zoning Practices in Connecticut**

**April 2022**

### **Connecticut Advisory Committee**

In December 2021, the Connecticut Advisory Committee to the U.S. Commission on Civil Rights (Commission) began its examination of zoning regulations in the state. It held three virtual briefings and one public forum in its investigation into whether zoning practices in Connecticut perpetuate racial segregation in the state.<sup>1</sup>

The Connecticut Committee has deemed it appropriate to issue an interim memorandum to the Commission due to the time-sensitive nature of pending legislation in the Connecticut General Assembly. Two bills regarding zoning reform or related topics were introduced during this legislative session.<sup>2</sup> One of these bills, HB 5204, “An Act Concerning a Needs Assessment and Fair Share Plans for Municipalities,” has moved through the Housing Committee and is on the calendar for consideration by the House of Representatives.<sup>3</sup>

The Committee would like to draw the Commission’s attention to this legislation before the General Assembly adjourns. HB 5204 would require a statewide assessment of affordable housing needs by planning regions and municipalities. Once completed, the assessment would outline specific affordable housing plans for each municipality.

#### **Background:**

During its examination, the Committee heard from government officials, advocates, members of the public and others. Consistent themes emerged from the participating speakers: patterns of

---

<sup>1</sup> The briefings were held on December 6, 2021, January 12, and 27, 2022. The public forum was February 15, 2022.

<sup>2</sup> House Bill 5429 and House Bill 5204. HB 5429, An Act Concerning Transit-Oriented Development, was proposed by Desegregate CT and received a public hearing in the Planning and Development Committee. The bill would require towns to allow for as-of-right housing within a short walk from train or bus stations, with specified affordability requirements and without strict parking mandates. HB 5429 was not voted out of committee and has died this session.

<sup>3</sup> This bill is modeled on New Jersey's fair share system and asks municipalities to plan for their fair share of the regional need for affordable housing over a ten-year period, allowing families earning up to 8 percent of median income to access housing at a reasonable cost. This model estimates the need for affordable housing by region, then allocates the regional need to towns based on per capita median income, town wealth, multifamily housing percentage, and poverty rate. Each municipality is then asked to zone to achieve their fair share allocation in ten years.

inequitable access to housing in high opportunity communities, challenges in developing affordable housing, impact of lack of affordable housing exacerbating other social inequities.<sup>4</sup>

Lack of affordable housing in high opportunity areas contributes to the racial segregation of Connecticut's communities. One advocate testified that Connecticut is among the most segregated states in the country.<sup>5</sup> Further testimony revealed that 75 percent of White households in Connecticut are located in high, very high, and moderate opportunity areas; 74 percent of Black households are located in the very lowest opportunity areas that represent only 3 percent of the land in the state. These disparities exist for other communities of color, which will be addressed in the Committee's report.

Many speakers highlighted how seemingly neutral zoning policies in municipalities perpetuate this segregation by making construction of affordable housing difficult or impossible. For example, one advocate highlighted that single family zoning makes up 91 percent of residential land in Connecticut.<sup>6</sup> Further, 81 percent of residential land requires at least an acre per single family home, and half of residential land in the state requires two acres.<sup>7</sup> These seemingly neutral acreage requirements make construction of housing more expensive and the construction of more affordable, multi-family housing, nearly impossible.

Additionally, 21 municipalities do not permit the construction of multifamily housing, and the overwhelming majority of municipalities (approximately 95 percent) require special permits for the construction of affordable housing.<sup>8</sup> The requirement for special permits creates a number of additional barriers to the construction of these developments.

One speaker also pointed out that, although municipalities are currently required to develop affordable housing plans due to legislation passed last session, there are no mandates for what needs to be included in the plan.<sup>9</sup> The requirement for municipalities to develop affordable housing do not have teeth in current practice.

A number of speakers highlighted that the type of housing being proposed for development often influences whether a project is approved. For example, some high opportunity towns have zoned more multi-family housing, but very little of it is affordable.<sup>10</sup> A majority of municipalities in the state require special permits for group homes and others in protected classes, such as children in

---

<sup>4</sup> Erin Boggs, Executive Director, Open Communities Alliance, Zoning in Connecticut, Briefing Before the Connecticut Advisory Committee to the U.S. Comm'n on Civil Rights, Dec. 6, 2021, transcript, p. 2 (hereafter cited as Connecticut December Briefing transcript).

<sup>5</sup> Id. High opportunity communities are municipalities with high performing schools, low levels of poverty, and other opportunity structures. *See also Law Insider* "Opportunity Area" means a census tract with a poverty rate less than 20 percent and existing federally subsidized housing stock less than 5 percent.

<https://www.lawinsider.com/dictionary/opportunity-community>

<sup>6</sup> Sarah Bronin, Founder/Lead Organizer, Desegregate Connecticut, Connecticut December Briefing transcript, p. 7.

<sup>7</sup> Id.

<sup>8</sup> Erin Kemple, Executive Director, Connecticut Fair Housing Center, Connecticut Briefing transcript, p. 12.

<sup>9</sup> John Guzkowski, Government Relations Chair, City Planner, Private Planning Consultant, American Planning Association, Connecticut Jan. 12 Briefing transcript, p. 4.

<sup>10</sup> Geoffrey Sager, President, Metro Realty Group, Connecticut Jan. 12 Briefing transcript, p. 13.

DCF custody.<sup>11</sup> These types of exclusionary policies have a tangible effect on not only the lives of individuals and their access to housing, but statewide systems.<sup>12</sup>

Finally, there is simply not enough affordable housing in the state. Testimony revealed that Connecticut is short by approximately 120 thousand affordable housing units to meet current need.<sup>13</sup> The problem will only worsen as the need for affordable housing continues to grow in the state.

Speakers in our briefings were consistent in testifying as to how these inequitable opportunities for individuals and families perpetuate segregation in Connecticut. Under the status quo, some municipalities employ land use regulations to exclude housing that is affordable for low-to-moderate income households.

### **Preliminary Observations and Recommendations:**

It is important to note that this memorandum is preliminary and may not be inclusive of all testimony received to date. The Committee intends to submit a more comprehensive report to the Commission, including formal findings and recommendations, at the conclusion of its examination in the spring/summer of 2022. However, due to the time-sensitive nature and the movement of the House bill, the Committee is advising the Commission on this important civil rights topic.

The consensus of the Connecticut Advisory Committee is that HB 5204 is a step in the right direction toward addressing racial segregation of Connecticut's communities exacerbated by the statewide housing problems identified during its investigation.

This memo was unanimously approved by the Committee at its April 7, 2022, meeting.<sup>14</sup>

---

<sup>11</sup> Erin Kemple, December Connecticut Briefing transcript, p. 13.

<sup>12</sup> Kathy Flaherty, Exec. Director, Connecticut Legal Rights Project, Connecticut Jan. 27 Briefing transcript, p. 7. Ms. Flaherty testified that one of the most significant barriers to discharge from psychiatric facilities in the state is the lack of affordable housing available upon discharge.

<sup>13</sup> Erin Boggs, Connecticut December Briefing transcript, p. 2.

<sup>14</sup> Saud Anwar and Michael Werner, members of the Connecticut Advisory Committee, did not take part in the drafting or approval of the memorandum.

**Connecticut Advisory Committee to the  
U.S. Commission on Civil Rights**

**David McGuire**, *Chair*, West Hartford

**Venesia Hurtubise**, *Vice Chair*, Hartford

**Ingrid Alvarez-DiMarzo**, New Fairfield

**Saud Anwar**, South Windsor

**Anthony Ciolli**, West Hartford

**Christine W. Corgel**, Westport

**Charles Gardner**, Sandy Hook

**Mark Gius**, Southington

**Melanie S. Rausch**, Bethany

**Cheryl Sharp**, Cheshire

**Stephanie L. Storms**, Stratford

**John M. Tanski**, South Glastonbury

**Susan D. Toliver**, Stamford

**Michael D. Werner**, East Haddam

**Olivia S. White**, Essex

**Connecticut Advisory Committee to the  
United States Commission on Civil Rights**



**U. S. Commission on Civil Rights Contact**

---

USCCR Contact                      Regional Programs Unit  
   U.S. Commission on Civil Rights  
   230 S. Dearborn, Suite 2120  
   Chicago IL, 60604  
   (312) 353-8311

*This interim advisory memorandum is the work of the Connecticut Advisory Committee to the U.S. Commission on Civil Rights. The interim report, which may rely on studies and data generated by third parties, is not subject to an independent review by Commission staff. Advisory Committee reports to the Commission are wholly independent and reviewed by Commission staff only for legal and procedural compliance with Commission policies and procedures. Advisory Committee reports are not subject to Commission approval, fact-checking, or policy changes. The views expressed in this memorandum and the findings and recommendations contained herein are those of a majority of the Advisory Committee members and do not necessarily represent the views of the Commission or its individual members, nor do they represent the policies of the U.S. Government.*