

OPINION

Housing affordability: Two New Year's resolutions for state

By Dwight Merriam



The lack of affordable housing in many Connecticut communities is more than a zoning or diversity issue, it is a human rights issue. A decent place to live in any of our 169 towns should not be a privilege of the wealthy — it should be a basic right of all residents of our state.

In many of our communities, teachers, law enforcement personnel and first responders cannot afford to live where they work and many young people

cannot afford to stay where they grew up. Ensuring that the elderly can continue to live in the communities where they have lived their lives and that young people can stay in the towns where they were raised helps create the diversity that makes a town a true community.

Exclusionary zoning laws and the lack of affordable housing in some Connecticut towns conspire to keep many people out. We have serious problems, but they can be solved — if the General Assembly has the will to do so. Since we cannot create more land, the only solution is to make the best use of the finite land within our borders.

The authority to regulate the use of land is fundamentally a state power, the so-called “police power” to protect and promote the public’s health, safety, and general welfare. It arises from the Tenth Amendment to the Constitution, which gives states the rights and powers “not delegated to the United States.”

Some lawmakers forget or ignore that the state is the sole source of the power to regulate land, partially because the state has granted local governments broad powers through charters and enabling legislation. In the name of home rule, some lawmakers deny that the General Assembly has the primary responsibility as to land use. Casting housing affordability as a “local issue” has enabled them to kick the can down the road for decades.

In 2020, the General Assembly should resolve to exercise its exclusive authority to address two of Connecticut's top land use issues:

1. Affordable Housing

The National Low-Income Housing Coalition ranks Connecticut 9th in the country in terms of wages required to afford a two-bedroom rental home without the household paying more than 30 percent of its income. Forty-one states are more affordable than Connecticut. That is shameful. Our state also has a half million renter households, many who need housing assistance.

The Affordable Housing Land Use Appeals law enacted 30 years ago allowed an override of local zoning for producing affordable housing but has so far produced just 5,000 units, a drop in the bucket. The appeals process can take over a decade and costs a small fortune. The law could be strengthened and should be kept, but we need additional solutions and we need them fast.

The General Assembly should do what Vermont, California, and Oregon have done at the state level and what Minneapolis and Seattle have done locally and mandate that anyone with a single-family home can add one or two additional units on their lot.

There are 1.4 million housing units in Connecticut and more than 800,000 are single-family detached homes. If the General Assembly would follow the lead of Vermont and the other states, Connecticut's 800,000 homeowners could produce over 100,000 new units, mostly affordable, without a dime of government money, no court appeals and no big lawyer bills.

The land, utilities, and site improvements are free because they are already there. If a mere 5 percent of those single-family homeowners created just one new unit inside their home or over their garage or with an addition or freestanding cottage, we would have 40,000 new housing units.

If another 5 percent were to decide to do two units on their large suburban and rural lots, we would have a total of 120,000 new homes and it would happen almost overnight and be better suited to the smaller households of today. The immediate increase in housing units would soften the housing market across the board, increasing affordability.

If Vermont, California, and Oregon can do it, why can't Connecticut?

2. State Land Use Regulations

The statues granting local governments the power to regulate land use are a mess, a hodgepodge of piecemeal legislation, often designed to promote narrow interests. Some statutory provisions have made Connecticut the laughingstock of the rest of the country including one law in the Connecticut General Statutes that protects a single landowner.

There is little integration of zoning and wetlands regulation, the procedural time limits are arcane, the process is exceedingly slow and requires heavyduty lawyering at almost every turn. None of the stakeholders — developers, local governments, neighbors, advocacy groups — are well-served.

In 2020, lawmakers should resolve to create a Blue-Ribbon Commission, bring in experts from around the country to help us completely redo the statutes so Connecticut can emerge from the Stone Age. Fifteen years ago, the American Planning Association developed model state enabling legislation called the Growing Smart program and issued a report of over 1,000 pages for all to use for free. A decade and half later, we are still stuck with our utterly dysfunctional enabling statute. The solutions exist and Connecticut should take advantage of them.

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