



Support Smart and Equitable Planning
An Act Requiring Municipal Plans of Conservation and Development to include Certain Provisions

Summary

The state of Connecticut is under a set of federal and state obligations to prevent segregation. These obligations pass to our towns as part of the delegation of zoning authority from the state to towns through a set of statutes. The municipal submission of Plans of Conservation and Development (POCDs) to the state should be one element of the process for ensuring that towns are fulfilling these fair housing obligations. Unfortunately, the current POCD process receives no real state oversight and most municipalities could use more guidance on this fair housing element. This proposal would create a true process through state review of and comment on municipal POCDs and reward compliant towns with discretionary funding.

The state of Connecticut's Plan of Conservation and Development statutory scheme requires the state, regional planning organizations, and municipalities to generate a planning structure to permit for environmental conservation and a variety of development, including development of affordable housing. As part of this regime, towns are required to submit municipal Plans of Conservation and Development to the state which must contain details on each town's plan for, among other things, making provision for multifamily and low- and moderate-income housing. In theory, municipal access to state discretionary funding is premised on complying with this planning regime. The challenges are:

(1) Nowhere in the Plan of Conservation and Development regime is the state required to review municipal plans and

(2) Towns can gain access to state discretionary funding if they either submit a municipal plan every 10 years OR just a letter to the state explaining why they are not submitting a plan.

This is a planning regime with no meaningful state oversight making it difficult for the state of Connecticut to fulfill its legal duty to oversee municipal zoning and ensure that the state as a whole complies with the federal Fair Housing Act. OCA proposes to bridge the gaps in the Plan of Conservation and Development regime by instituting state review of municipal plans and giving towns that comply with the regime's fair housing provisions access to state discretionary funds.

What the Plan of Conservation & Development Statute Says:

"(1) Such plan of conservation and development ... (G) make provision for the development of housing opportunities, including opportunities for multifamily dwellings... for all residents of the municipality and the planning region in which the municipality is located...(H) promote housing choice and economic diversity in housing, including housing for both low and moderate income households ..."CGS Sec. 8-23(e)

Sample Town POCD Response:

"In recent years, there have been land use applications for affordable housing and other developments which have been provocative and strengthened resident's concerns about the changing character of the community."

- ⇒ Fails to include opportunities for multifamily dwellings.
- ⇒ Fails to look at regional needs.
- ⇒ Fails to promote housing choice for low- and moderate-income families.

= NO PROBLEM UNDER CURRENT POCD SYSTEM