

ZONING FOR EQUITY:

EXAMINING PLANNING AND ZONING IMPEDIMENTS
TO HOUSING AND SCHOOL DIVERSITY

VOLUME II

Including case studies of East Lyme,
Farmington, Guilford, Monroe, New Canaan,
North Branford, Old Saybrook, Shelton,
Simsbury, Stonington, Wallingford and Weston

MARCH
2022

Sam Giffin
Erin Boggs
Roger Maldonado
Peter Haberlandt



OPEN COMMUNITIES
ALLIANCE

The work that provided the basis for this publication was supported by funding under a Cooperative Agreement with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. The author and publisher are solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the Government.

Open Communities Alliance is a 501(c)(3) Connecticut-based civil rights non-profit working with an urban-suburban interracial coalition to advocate for access to opportunity, particularly through promoting balanced affordable housing development, including in thriving communities.



Table of Contents

Executive Summary	4
Introduction.....	5
Town Analyses	8
East Lyme.....	9
Farmington.....	11
Guilford	13
Monroe.....	15
New Canaan	17
North Branford	19
Old Saybrook.....	21
Shelton.....	23
Simsbury	25
Stonington.....	27
Wallingford.....	29
Weston.....	31
Recurring Themes for Multifamily Exclusion	33
Conclusion.....	61
Policy Recommendations.....	62
Appendix: Town Demographic and Housing Data Sources	63

Executive Summary

- **Across the board impediments to housing likely to be more affordable.** In all 12 towns reviewed (as was also true in the 12 towns studied in *Zoning for Equity: Volume I*), there are a multitude of major planning and zoning impediments to the creation of affordable housing and housing market affordability.
- **Hyper-focus on large-lot single-family homes in predominantly white non-Hispanic towns.** Each town is disproportionately non-Hispanic white, wealthy, and high-income compared to their urban neighbors, their counties, and the state. All towns reviewed dedicate the vast majority of residentially zoned land to more expensive, detached single-family homes where multifamily is typically not permitted.
- **Multifamily housing is banned everywhere except with permission.** Nowhere is multifamily housing (more than two units per structure) allowed without the discretion of Planning and Zoning Commissions.
- **Where multifamily is possible, it is generally in non-residential areas.** Towns treat multifamily housing as the exception to the “rule” of single-family housing; if it is allowed it is mostly in commercial or special districts such as overlay zones which are small and sporadically placed on zoning maps (and often at very low densities).
- **“Character” = Single-Family homes.** Town planning equates the need to preserve “character” with maintaining single-family predominance and limiting multifamily housing opportunities, pointing to risks of multifamily housing without evidence. When multifamily housing is allowed, great effort is made to physically and visually separate it from single-family homes.
- **The goal appears to be to limit housing for lower income families with children.** Town planning and zoning obstructs housing that is accessible to families with children (units with more bedrooms), favoring units with few bedrooms and age-restricted housing, particularly in their subsidized housing stock.
- **Exclusionary zoning functions to “hoard” educational resources.** Despite fiscal concerns from new housing bringing new students, each town has lower taxes, more school funding per student, and a lower proportion of students with high needs than their urban counterparts.

Towns Reviewed

East Lyme
Farmington
Guilford
Monroe
New Canaan
North Branford
Old Saybrook
Shelton
Simsbury
Stonington
Wallingford
Weston

Introduction

The power of towns to zone, delegated to them by the State of Connecticut, is of utmost importance to the future of affordable housing and efforts to ensure that desegregated housing options are available throughout the state. This much became clear in Open Communities Alliance's 2021 Report, *Zoning for Equity: Identifying Planning and Zoning Barriers to Affordable Housing*. That report took a holistic approach to analyzing twelve racially and economically segregated Connecticut suburbs and attempted to answer the following question: do planning and zoning policies encourage or impede the development of multifamily and affordable housing?

To answer this question, for all 12 towns, each planning document and every zoning regulation was analyzed to understand, zone-by-zone, how feasible it is to develop housing that could have a desegregating impact through generating greater housing affordability. The answer for all towns assessed was unequivocal: there are massive barriers imposed by planning and zoning that discourage and impede multifamily and affordable housing.

The breadth and complexity of the barriers identified provided the impetus for this next volume of *Zoning for Equity*, which builds off of the first report and analyzes twelve additional racially and economically segregated towns in Connecticut from a different perspective than the first volume. This report digs more deeply into several themes and policy impediments to the development of affordable housing that were identified in many, if not all, of the *Volume I* towns. This focused format is intended to allow for a deeper understanding of the major themes and policies that it drills down on and hopefully will inform policy changes at the local and state level. It seeks to explore the variety and consistency of these policies through examples in the twelve *Volume II* towns – namely, East Lyme, Farmington, Guilford, Monroe, New Canaan, North Branford, Old Saybrook, Shelton, Simsbury, Stonington, Wallingford, and Weston. Note, too, that the following examples are meant to illuminate the themes discussed and do not represent an exhaustive list of the ways that each town may exhibit the recurring impediments to housing diversity that are addressed in this report.

Towns Perceive and Treat Multifamily Housing¹ as a Non-Residential Use

One of the most consistent themes that arose in *Volume I*, albeit in many different forms, was the strikingly different (and consistently unfavorable) treatment that multifamily housing receives in zoning and planning documents compared to single-family housing. The degree and methods vary from town to town, but the difference is usually quite stark, compelling a deeper dive into this issue in the towns that were analyzed for this second volume. In all of the second volume towns, Open Communities Alliance discovered a myriad of ways that towns indicate that multifamily homes are categorically different from single-family homes or any other residential use, and subject multifamily housing proposals to greater scrutiny and more stringent regulations than single-family proposals.

In the treatment of residential and nonresidential uses in zoning regulations, plans of conservation and development, affordable housing plans, and other reports, multifamily housing often is treated more like nonresidential uses. In other words, many towns' planning and zoning documents appear to equate "residential" just with single-family housing. Rather than the planning and zoning documents handling multifamily like other residential uses, multifamily residences are accorded similar treatment to commercial or industrial uses. In that regard, multifamily housing is grouped with land uses which might be perceived as threats that may cause

"objectionable impacts" upon the preferred single-family "character" of the town. Some town planning and zoning documents explicitly lump multifamily housing in with such non-residential uses, while others distinguish multifamily housing from other residential uses more subtly. This section explores the various ways that the segregated towns with disproportionately few Black, Latino, and low-income households subordinate multifamily housing to single-family housing, thereby disfavoring a critical means of expanding affordability, increasing access to opportunity for low-income households, and reducing racial and ethnic segregation.

Defining Basic Zoning Terms

Single-Family Housing: Generally, refers to single-family homes, meaning single-family *detached* housing where one housing unit in one building is on one lot. But some single-family homes are *attached* (picture rowhouses). Thus, the Census defines single-family housing as separated from any other units by a ground to roof wall, with a separate heating system, with individual meters for public utilities, and without units above or below it.

Multifamily Housing: There is no standard definition for multifamily housing. Some planning and zoning documents refer to anything over one unit in a building as multifamily, and some use three or more, or even five or more, units in a building. In this research, multifamily housing is defined as housing that has three units or more and is not age-restricted (e.g. it allows residents who have children or not and welcomes seniors on an equal basis with all others).

¹ References to "multifamily" in this report include only new housing development that is not age-restricted. Age-restricted development and its favorable treatment relative to multifamily housing is discussed later in this report.

Fair Share Need and Affordable Housing Goals

The review of each town includes a map of the town within its region together with estimates of the regional need for affordable housing and an estimate of the number of units each town will need to plan and zone for to achieve its Fair Share of that regional need.

Fair Share Planning and Zoning is a system of modeled on a successful process in New Jersey, which would ensure that Connecticut can meet the need for affordable housing while incorporating local perspectives. Embodied in H.B. 5204, proposed during the 2022 legislative session, Fair Share Planning and Zoning assesses the regional need for affordable housing and distributes that regional need among towns based on a variety of factors that collectively account for their capacity to support and their current supplies of such housing. Each town is then entrusted with the task of planning and zoning to reach this goal.

Open Communities Alliance, in collaboration with David N. Kinsey, the planning expert responsible for the New Jersey Fair Share model, has developed a model for Connecticut that provides an example of what a Fair Share calculation might look like.² Providing a range for the number of actual housing units that would need to be planned and zoned reflects Open Communities Alliance's recommendation that certain housing types that are more expensive to build (units with 2, 3, 4 or more bedrooms, units affordable to very low-income households, supportive housing) may be incentivized by counting for more than one unit. This would reduce the overall number of units built in a town but likely increase the prevalence of these more difficult to develop housing types.

Overview of Zoning Districts and Housing Types

While there are numerous manifestations of this differential treatment of multifamily housing, simply looking at the high-level zoning structure in each town shows the overwhelming single-family focus in so-called "residential" districts. In the next section is a brief description of the housing types allowed in the residential zones in each town in this study.

Defining Basic Zoning Terms

As-of-right: (also known as "by-right") is a term referring to zoning regulations wherein certain developments are permissible simply because they comply with the applicable zoning regulations and do not require any discretionary action by Planning and Zoning Commissions. When regulations are not as-of-right, special permit processes can increase the time and expense to build housing and lead to it not being built at all.

Special Permit: Special permit requirements indicate that the town Planning and Zoning Commission must take discretionary action to approve an application. This often means lengthy public hearing and review processes and grants towns potentially subjective grounds for denying permits.

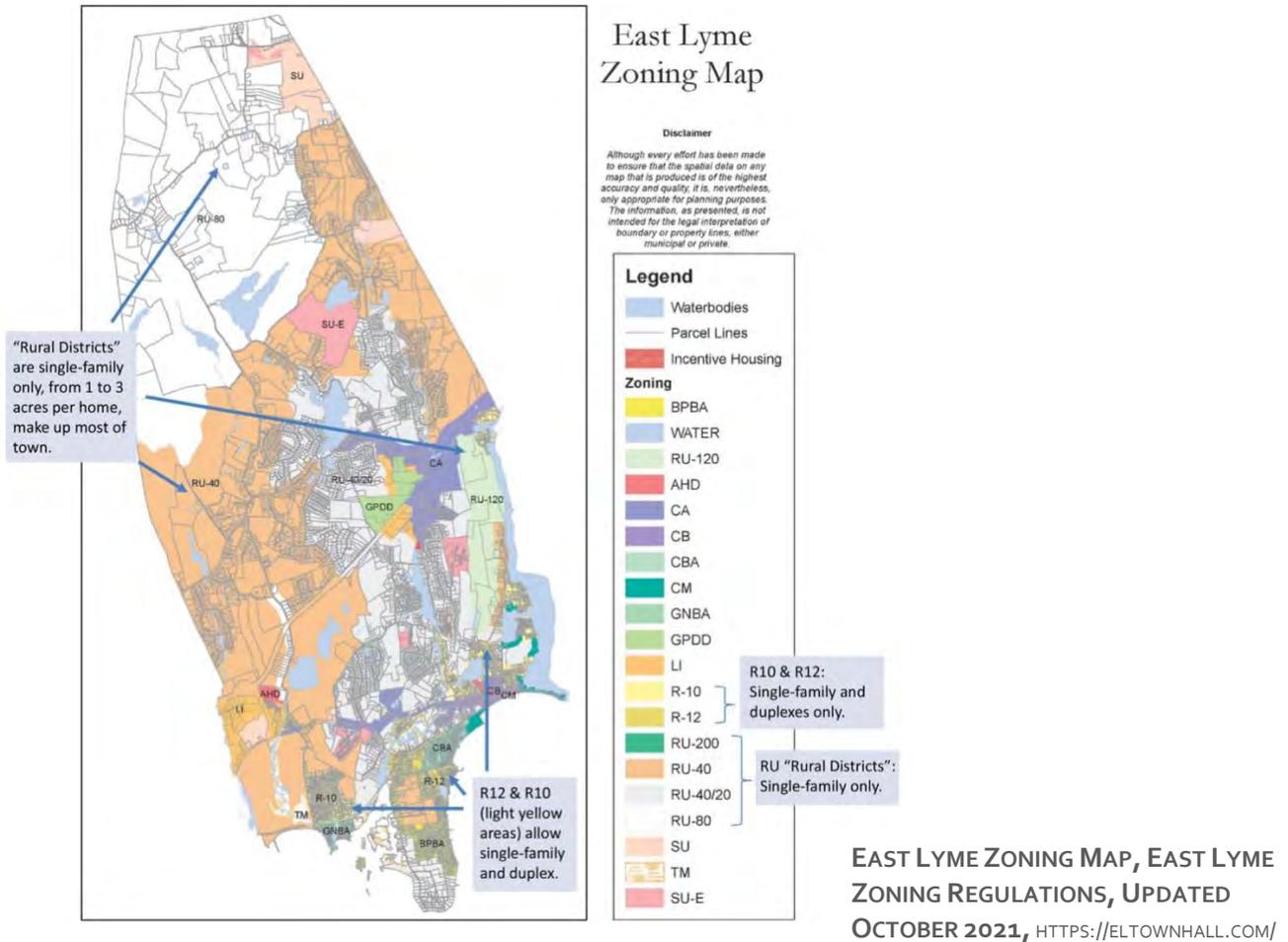
Zoning Permit: A zoning permit denotes that a proposal complies with local zoning regulations. It does not supersede Building Code, Public Health Code, Inland Wetlands regulations, etc.

² Fair Share Housing Model for Connecticut, 2020, prepared for and in collaboration with Open Communities Alliance by David N. Kinsey, PhD, PAICP, Kinsey & Hand, Princeton, NJ, November 2020. <https://www.ctoca.org/fairshare>.

Town Analyses

East Lyme

East Lyme is 82% white non-Hispanic, and 82% of the town's housing stock is single-family detached homes. Its largest residential zones, called "Rural Districts" that make up most of town (indicated by the "RU" prefix), allow single-family detached housing only, and require lots of up to two acres per home.³ East Lyme's R-12 and R-10 "Residence Districts" allow single-family and duplex housing as-of-right,⁴ but not multifamily.⁵ By contrast, multifamily housing is only permitted in the significantly smaller areas reserved for commercial, industrial, or special uses, as well as some overlay and floating districts with significant restrictions.⁶



³ See *id.* at Sections 3, 4 & 5.

⁴ "As-of-right" means development subject only to zoning staff administrative approval, with no public hearing or discretionary review processes that can draw out permitting and invite subjective and politically contentious input.

⁵ See East Lyme's Zoning Regulations, Sections 6.1 & 7.1.

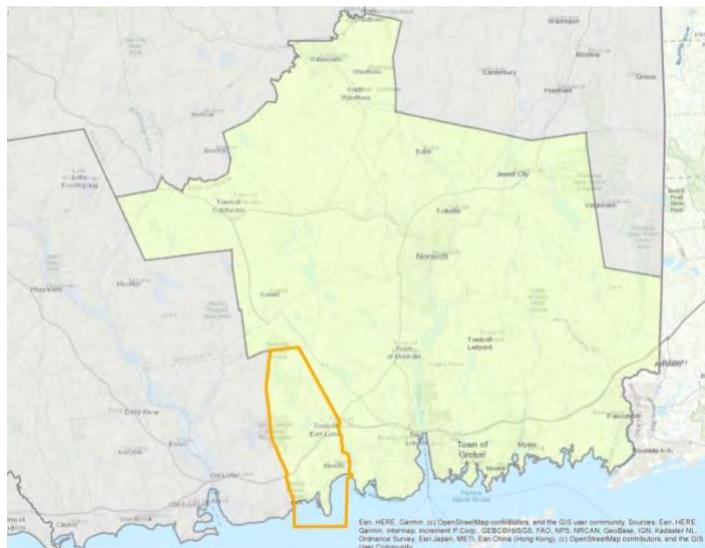
⁶ One of our major findings in *Zoning for Equity: Volume I* was that there are countless and complex ways that zoning regulations impede multifamily and affordable housing development, often working in tandem with one another. While many restrictions on the type and density of housing exist in each of these towns, *Volume II* focuses on specific themes of impediments and does not exhaustively list the many restrictions on multifamily housing in every commercial, industrial, special use or overlay zone. For examples of the many types of restrictions on multifamily housing in these zones, refer to *Zoning for Equity: Volume I*.

Town Demographic and Housing Data: East Lyme

Key Housing Data	East Lyme	New London	New London County	Connecticut
Total Housing Units	8,657	12,208	123,426	1,516,629
% Affordable (C.G.S. § 8-30g)	6.2%	22.8%	11.7%	11.6%
Median Home Value (Owned)	\$312,200	\$181,900	\$241,700	\$275,400
% Single-Family	82.2%	33.7%	68.6%	64.3%
% Two-Family	2.6%	18.9%	8.3%	8.2%
% 3-9 Units	5.4%	25.4%	12.0%	14.1%
% 10-19 Units	4.0%	6.1%	3.1%	3.8%
% 20+ Units	5.2%	15.6%	5.2%	8.8%
% Mobile Homes	0.6%	0.0%	2.7%	0.8%
2001-2017 Housing Permits	1,444	695	11,048	117,821
% Permits Single-Family	57.4%	100.0%	77.0%	68.7%
% Permits 5+ Units	39.4%	0.0%	18.6%	27.5%

Key Demographic Data	East Lyme	New London	New London County	Connecticut
Total Population	18,724	26,966	267,390	3,575,074
% White, Non-Hispanic	82.1%	44.9%	75.7%	66.9%
% Black, Non-Hispanic	3.5%	12.8%	5.2%	9.9%
% Hispanic, Any Race	6.2%	33.4%	10.6%	16.1%
% Asian, Non-Hispanic	5.8%	2.3%	4.1%	4.5%
% Population Below Poverty	6.6%	24.5%	9.4%	10.0%
Median Household Income	\$95,217	\$46,298	\$73,490	\$78,444

For sources see Appendix: Town Demographic and Housing Data Sources

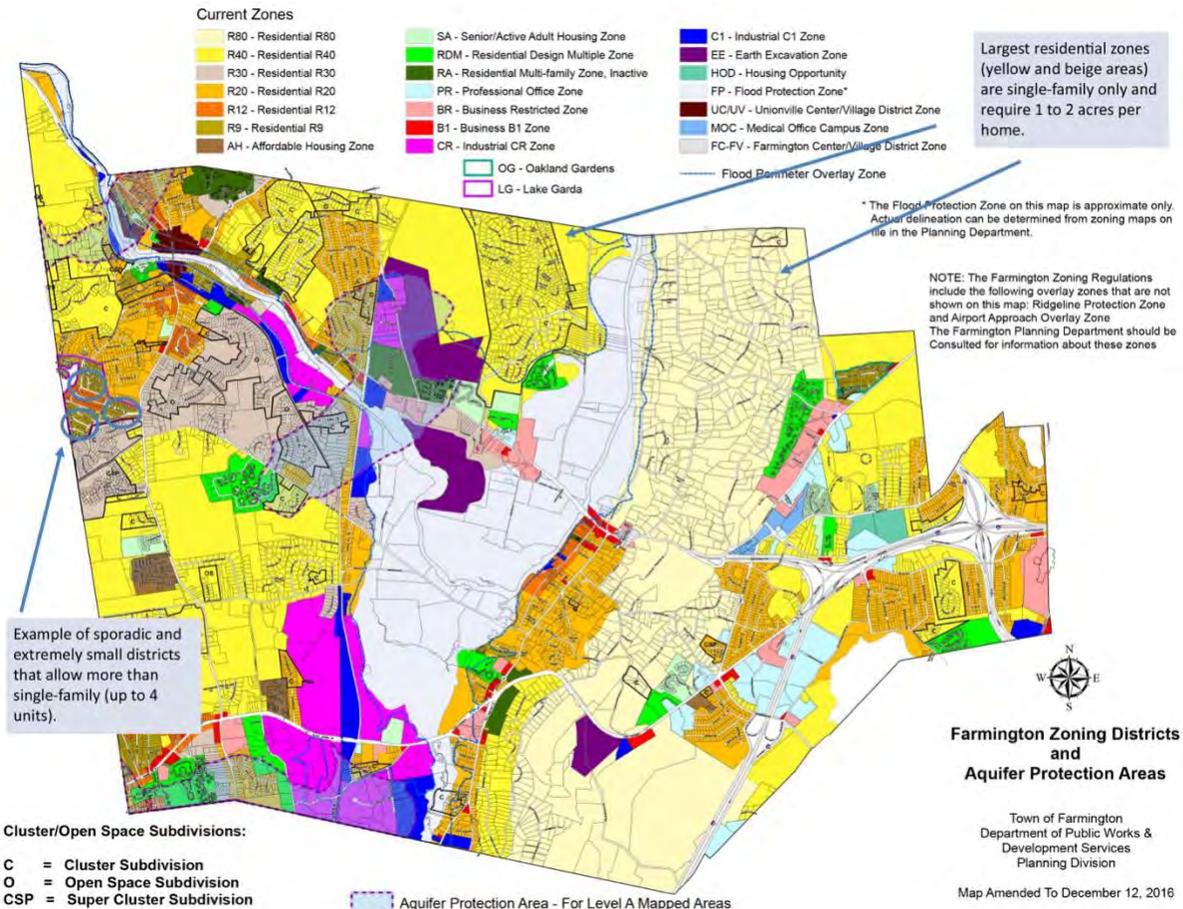


Regional Affordable Housing Need for Southeastern CT COG	East Lyme Fair Share Range (Units)
10,200	527 - 752

Farmington

Only 2.2% of the residents of Farmington are Black Non-Hispanic, compared with 9.9% of Hartford County and 11% in nearby New Britain. Still, with a poverty rate of 8.4% compared to 10% across Hartford County, Farmington is closer to reflecting the regional income diversity than many other towns reviewed in this assessment.

There remain, however, significant restrictions on the development of multifamily housing. The vast majority of “Residential Districts” in Farmington exclusively allow single-family housing and ban multifamily homes, even by special permit.⁷ However, duplex housing and three-to-four-unit multifamily housing, respectively, are allowed in two smaller Residential Districts by special permit only, which requires a public hearing.⁸ Formerly, Farmington used a “Residential Apartment Zone” (RA Zone) to describe a district principally dedicated to multifamily housing, but it is apparently inactive, with “no application under RA Zone accepted after February 7, 1969.”⁹ Other than the Residential District allowing 3-4 unit housing by special permit, multifamily housing is only permitted in commercial, industrial, special use, overlay or floating districts with significant restrictions.



FARMINGTON ZONING MAP, AMENDED TO DECEMBER 12, 2016, WWW.FARMINGTON-CT.ORG

⁷ See Farmington’s Zoning Regulations, at Sections 1, 2, 4 & 6.

⁸ See *id.* at Sections 3, 5 & 12.

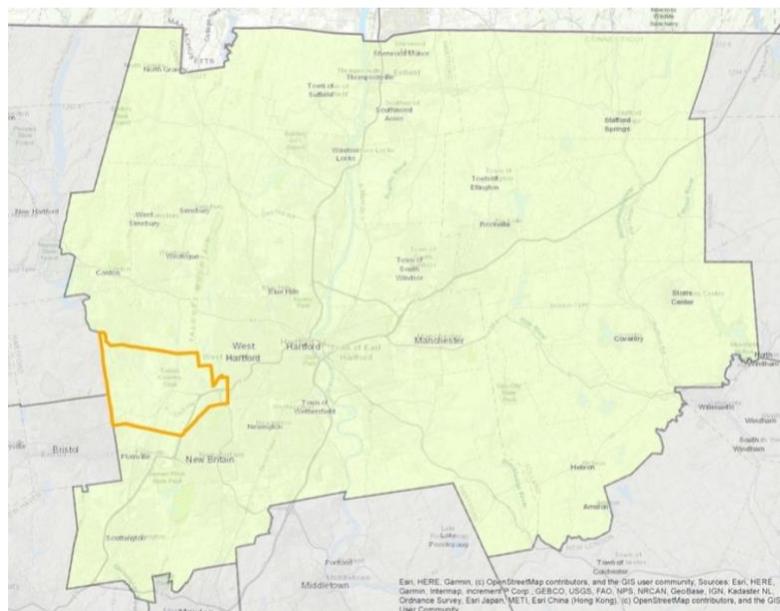
⁹ See Farmington’s Zoning Regulations, at Section 7.

Town Demographic and Housing Data: Farmington

Key Housing Data	Farmington	New Britain	Hartford County	Connecticut
Total Housing Units	10,975	31,800	379,602	1,516,629
% Affordable (C.G.S. § 8-30g)	7.9%	18.4%	14.4%	11.6%
Median Home Value (Owned)	\$332,000	\$160,800	\$240,600	\$275,400
% Single-Family	73.5%	34.1%	61.3%	64.3%
% Two-Family	3.6%	17.0%	7.8%	8.2%
% 3-9 Units	12.3%	30.7%	15.8%	14.1%
% 10-19 Units	2.6%	4.9%	4.4%	3.8%
% 20+ Units	7.9%	13.0%	10.2%	8.8%
% Mobile Homes	0.1%	0.2%	0.6%	0.8%
2001-2017 Housing Permits	1,097	637	25,219	117,821
% Permits Single-Family	82.0%	54.8%	69.1%	68.7%
% Permits 5+ Units	5.8%	7.7%	25.8%	27.5%

Key Demographic Data	Farmington	New Britain	Hartford County	Connecticut
Total Population	25,528	72,767	893,561	3,575,074
% White, Non-Hispanic	76.3%	40.0%	61.1%	66.9%
% Black, Non-Hispanic	2.2%	11.2%	12.9%	9.9%
% Hispanic, Any Race	6.5%	43.3%	18.0%	16.1%
% Asian, Non-Hispanic	12.3%	2.8%	5.3%	4.5%
% Population Below Poverty	8.4%	21.7%	10.8%	10.0%
Median Household Income	\$93,053	\$46,499	\$75,148	\$78,444

For sources see Appendix: Town Demographic and Housing Data Sources

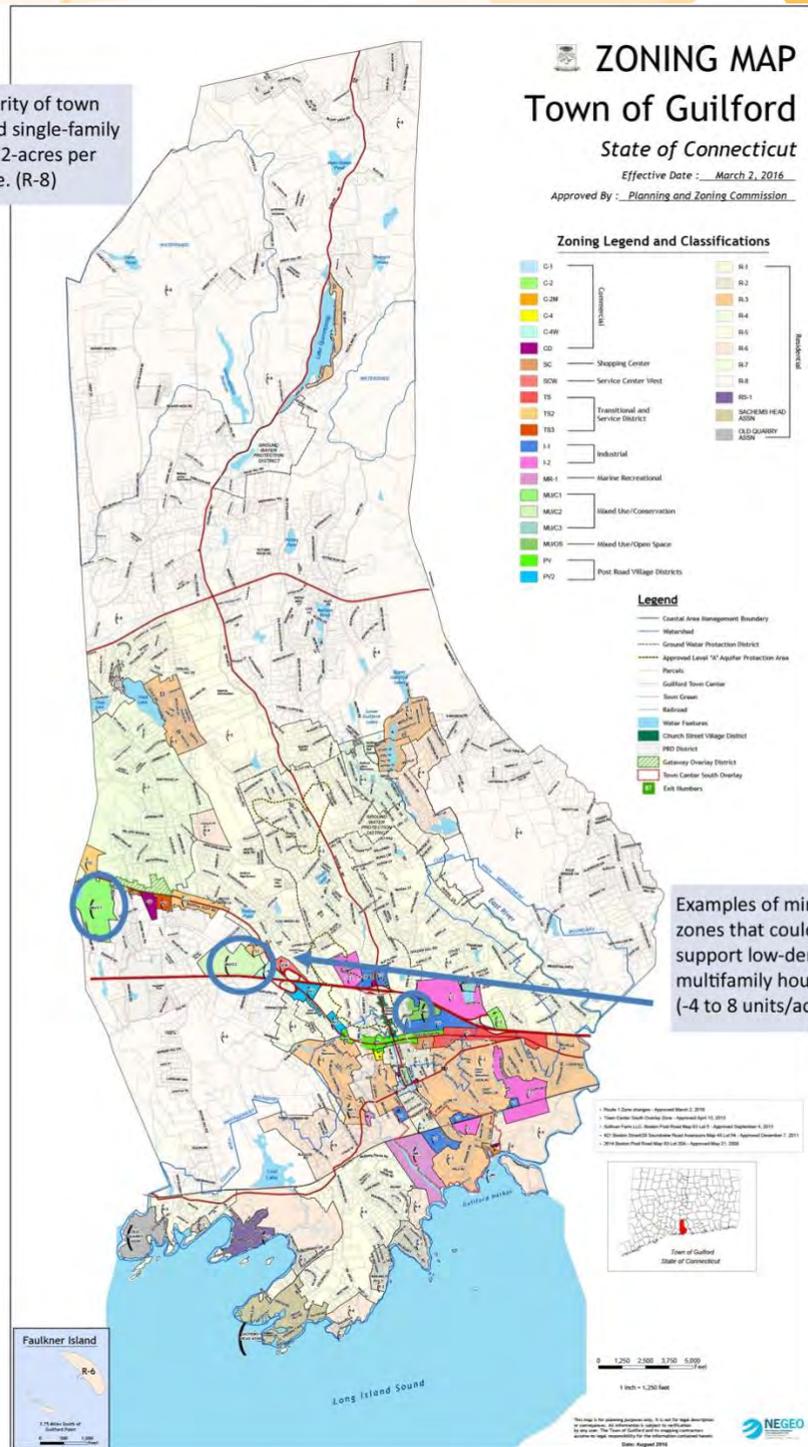


Regional Affordable Housing Need for Capitol Region	Farmington Fair Share Range (Units)
36,498	840 - 1,199

Guilford

Only 1% of people living in Guilford identify as Black and 89% of the homes are single-family houses. All eight "Residential Districts" in Guilford permit single-family and not multifamily housing.¹⁰ Multifamily housing is only permitted in commercial, industrial, mixed-use, overlay or floating districts with significant restrictions.

Majority of town zoned single-family only, 2-acres per home. (R-8)



Examples of miniscule zones that could support low-density multifamily housing (-4 to 8 units/acre).

GUILFORD ZONING MAP, EFFECTIVE DATE MARCH 2, 2016,
 WWW.CI.GUILFORD.CT.US

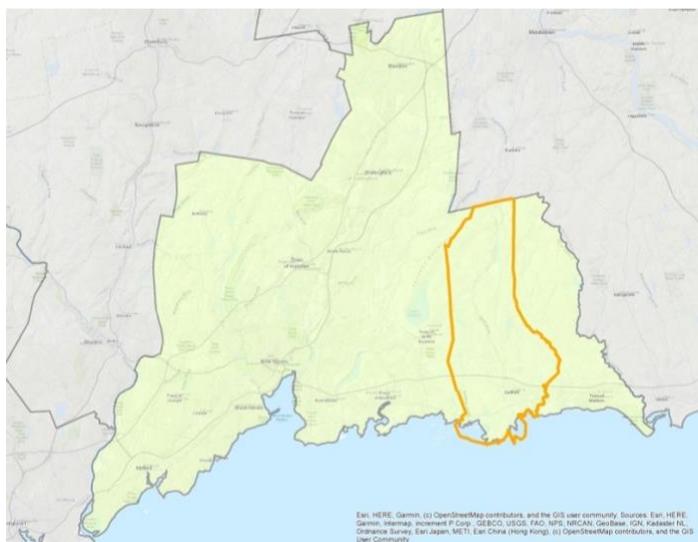
¹⁰ See Guilford's Zoning Regulations, at Section 273-16.

Town Demographic and Housing Data: Guilford

Key Housing Data	Guilford	New Haven	New Haven County	Connecticut
Total Housing Units	9,249	55,682	367,053	1,516,629
% Affordable (C.G.S. § 8-30g)	2.4%	32.1%	13.0%	11.6%
Median Home Value (Owned)	\$399,600	\$199,000	\$248,600	\$275,400
% Single-Family	88.9%	23.4%	58.9%	64.3%
% Two-Family	3.0%	18.4%	9.7%	8.2%
% 3-9 Units	4.8%	32.7%	16.5%	14.1%
% 10-19 Units	0.5%	5.7%	4.3%	3.8%
% 20+ Units	2.5%	19.7%	10.0%	8.8%
% Mobile Homes	0.3%	0.0%	0.5%	0.8%
2001-2017 Housing Permits	705	2,718	21,398	117,821
% Permits Single-Family	94.2%	28.1%	66.6%	68.7%
% Permits 5+ Units	5.8%	56.7%	29.3%	27.5%

Key Demographic Data	Guilford	New Haven	New Haven County	Connecticut
Total Population	22,216	130,331	857,513	3,575,074
% White, Non-Hispanic	88.3%	29.5%	62.9%	66.9%
% Black, Non-Hispanic	1.0%	31.2%	12.5%	9.9%
% Hispanic, Any Race	4.8%	31.2%	18.1%	16.1%
% Asian, Non-Hispanic	4.0%	4.9%	4.0%	4.5%
% Population Below Poverty	3.0%	26.5%	11.7%	10.0%
Median Household Income	\$111,870	\$42,222	\$69,905	\$78,444

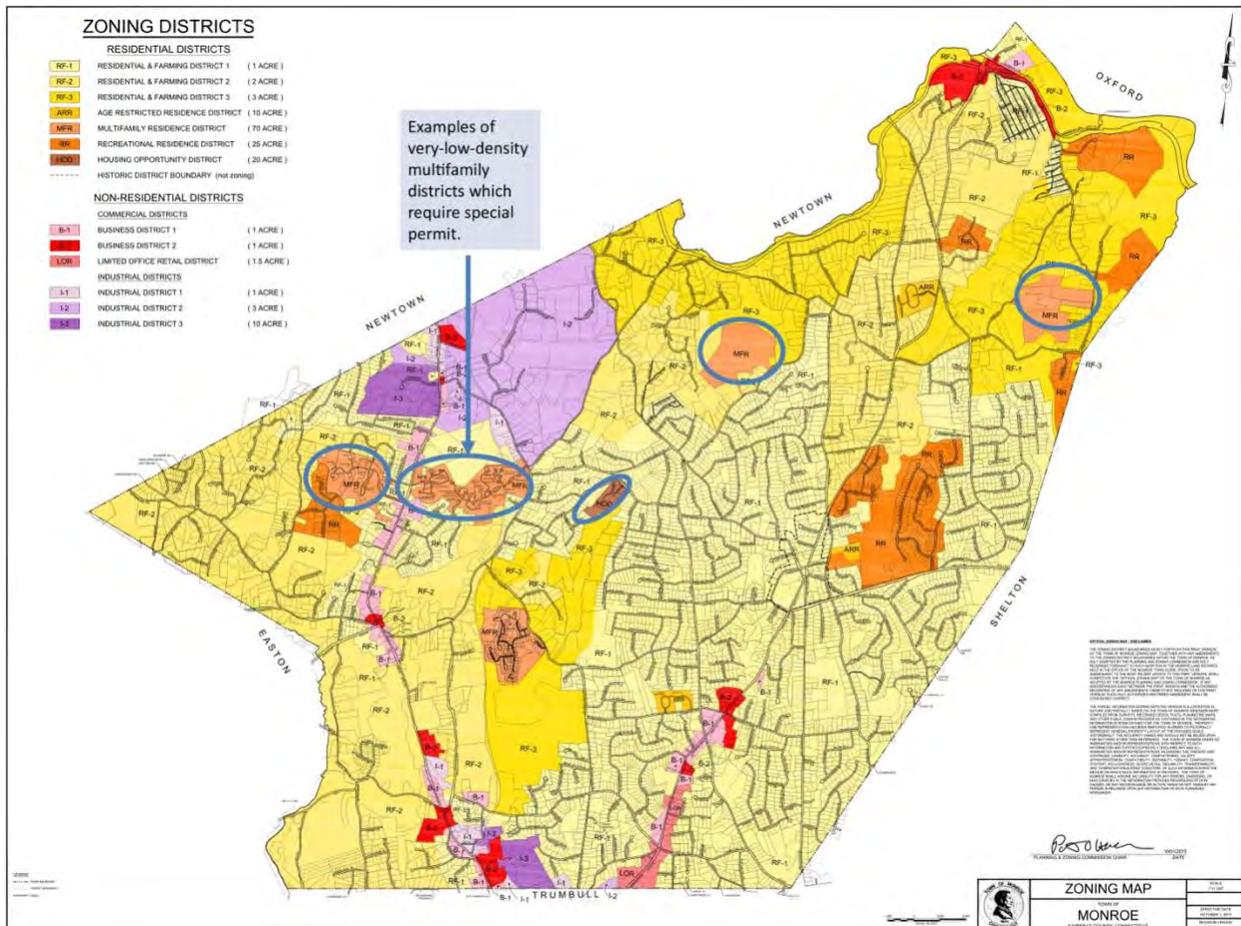
For sources see Appendix: Town Demographic and Housing Data Sources



Regional Affordable Housing Need for South Central COG	Guilford Fair Share Range (Units)
25,889	1,170 - 1,671

Monroe

Eighty-five percent of the residents of Monroe identify as white and 91% of the housing is single-family homes. The vast majority of Monroe’s land is zoned as “Residential and Farming Districts,” which allow single-family residential housing as-of-right but do not allow multifamily housing. Monroe also has a “Multifamily Residence District” and a “Housing Opportunity District” representing small, scattered areas in the town. However, despite their expressed purposes, multifamily housing in these districts requires a special exception permit and is limited to densities of 2.5 and 1.5 units per acre.¹¹



MONROE ZONING MAP, REVISED OCTOBER 1, 2015 WWW.MONROECT.ORG

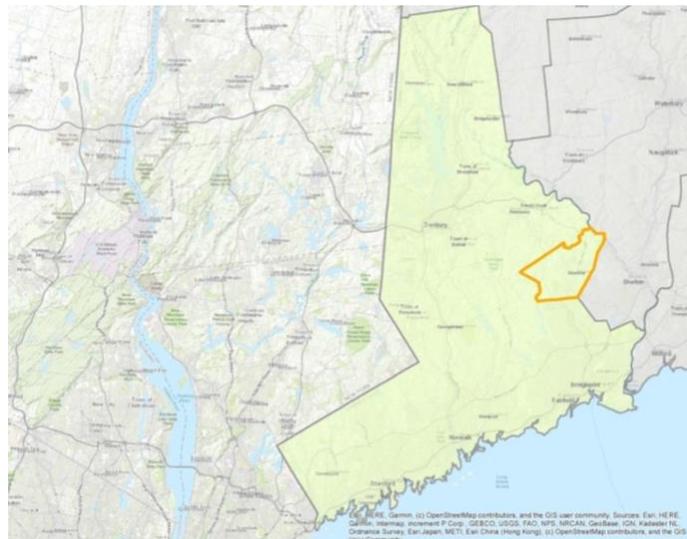
¹¹ See Monroe’s Zoning Regulations, at Article 10 and Article 3, Section 3.4.5.

Town Demographic and Housing Data: Monroe

Key Housing Data	Monroe	Bridgeport	Fairfield County	Connecticut
Total Housing Units	7,013	58,552	372,565	1,516,629
% Affordable (C.G.S. § 8-30g)	1.4%	20.4%	9.6%	11.6%
Median Home Value (Owned)	\$370,200	\$174,700	\$428,500	\$275,400
% Single-Family	91.2%	33.2%	64.1%	64.3%
% Two-Family	2.2%	17.5%	8.3%	8.2%
% 3-9 Units	5.4%	26.8%	12.5%	14.1%
% 10-19 Units	0.0%	6.5%	3.5%	3.8%
% 20+ Units	0.6%	15.8%	11.1%	8.8%
% Mobile Homes	0.5%	0.1%	0.4%	0.8%
2001-2017 Housing Permits	300	2,011	33,530	117,821
% Permits Single-Family	100.0%	34.3%	55.4%	68.7%
% Permits 5+ Units	0.0%	53.0%	40.7%	27.5%

Key Demographic Data	Monroe	Bridgeport	Fairfield County	Connecticut
Total Population	19,546	145,639	943,926	3,575,074
% White, Non-Hispanic	85.1%	20.1%	61.7%	66.9%
% Black, Non-Hispanic	1.7%	32.3%	10.6%	9.9%
% Hispanic, Any Race	6.6%	40.8%	19.7%	16.1%
% Asian, Non-Hispanic	4.4%	3.3%	5.3%	4.5%
% Population Below Poverty	3.2%	21.8%	8.9%	10.0%
Median Household Income	\$118,669	\$46,662	\$95,645	\$78,444

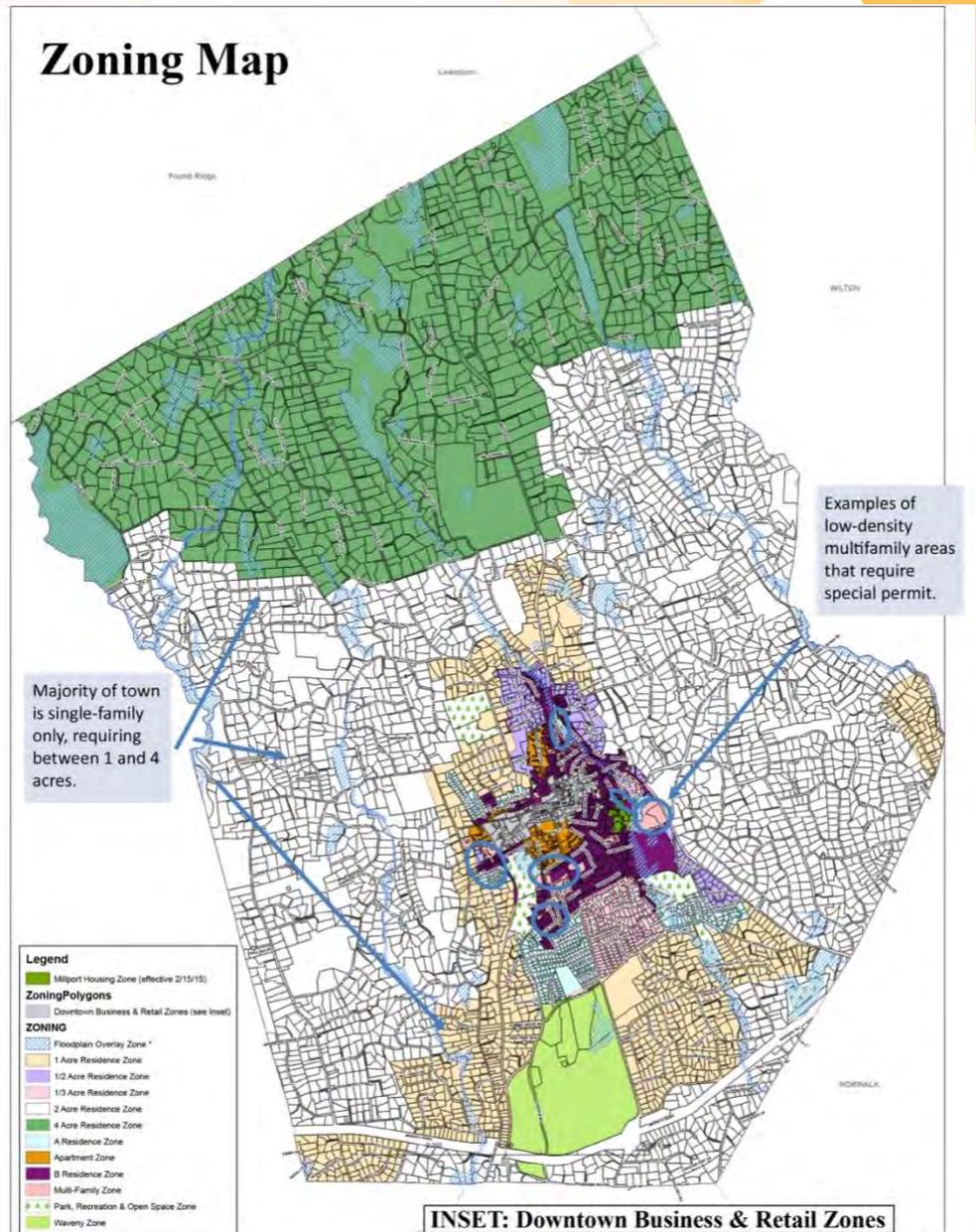
For sources see Appendix: Town Demographic and Housing Data Sources



Regional Affordable Housing Need for Metropolitan and Western Combined COG	Monroe Fair Share Range (Units)
35,365	828 - 1,182

New Canaan

Eighty-six percent of the residents of New Canaan identify as white non-Hispanic and 82% of the housing is single-family homes. In all of New Canaan’s “Residence Zones,” single-family homes are permitted as-of-right.¹² All other uses in residential zones require a special permit, including duplex housing, which is allowed only if it has existed already since before 1970, and elderly housing.¹³ Multifamily housing that is not age-restricted is only possible in special zones, commercial zones, or overlay zones, and only by special permit.



NEW CANAAN ZONING MAP, REVISED APRIL 15, 2015 WWW.NEWCANAAN.INFO

¹² See New Canaan’s Zoning Regulations, at Article 3.

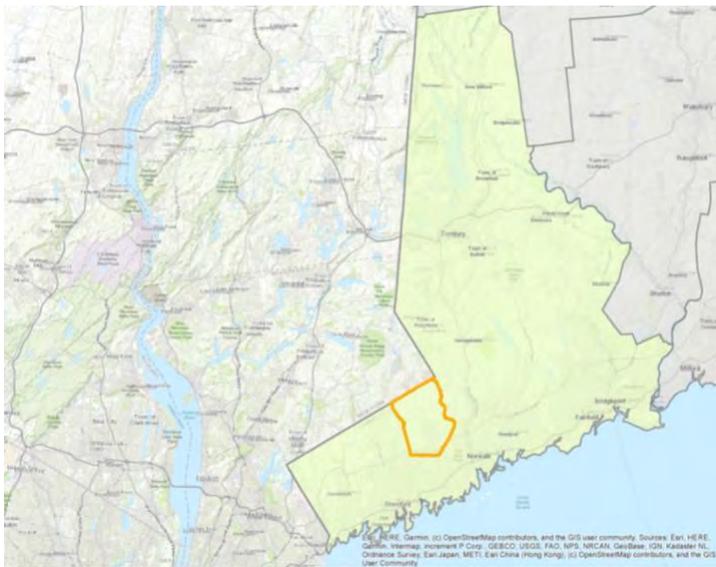
¹³ See *id.*

Town Demographic and Housing Data: New Canaan

Key Housing Data	New Canaan	Bridgeport	Fairfield County	Connecticut
Total Housing Units	7,655	58,552	372,565	1,516,629
% Affordable (C.G.S. § 8-30g)	2.9%	20.4%	9.6%	11.6%
Median Home Value (Owned)	\$1,355,800	\$174,700	\$428,500	\$275,400
% Single-Family	82.1%	33.2%	64.1%	64.3%
% Two-Family	3.0%	17.5%	8.3%	8.2%
% 3-9 Units	9.5%	26.8%	12.5%	14.1%
% 10-19 Units	2.5%	6.5%	3.5%	3.8%
% 20+ Units	2.7%	15.8%	11.1%	8.8%
% Mobile Homes	0.1%	0.1%	0.4%	0.8%
2001-2017 Housing Permits	720	2,011	33,530	117,821
% Permits Single-Family	100.0%	34.3%	55.4%	68.7%
% Permits 5+ Units	0.0%	53.0%	40.7%	27.5%

Key Demographic Data	New Canaan	Bridgeport	Fairfield County	Connecticut
Total Population	20,276	145,639	943,926	3,575,074
% White, Non-Hispanic	86.3%	20.1%	61.7%	66.9%
% Black, Non-Hispanic	1.5%	32.3%	10.6%	9.9%
% Hispanic, Any Race	5.3%	40.8%	19.7%	16.1%
% Asian, Non-Hispanic	5.0%	3.3%	5.3%	4.5%
% Population Below Poverty	3.2%	21.8%	8.9%	10.0%
Median Household Income	\$190,227	\$46,662	\$95,645	\$78,444

For sources see Appendix: Town Demographic and Housing Data Sources



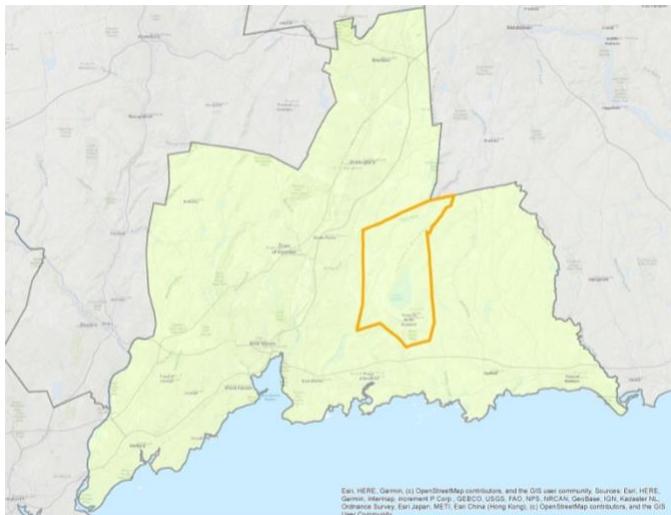
Regional Affordable Housing Need for Metropolitan and Western Combined COG	New Canaan Fair Share Range (Units)
35,365	945 - 1,350

Town Demographic and Housing Data: North Branford

Key Housing Data	North Branford	New Haven	New Haven County	Connecticut
Total Housing Units	5,855	55,682	367,053	1,516,629
% Affordable (C.G.S. § 8-30g)	2.2%	32.1%	13.0%	11.6%
Median Home Value (Owned)	\$291,000	\$199,000	\$248,600	\$275,400
% Single-Family	80.8%	23.4%	58.9%	64.3%
% Two-Family	3.3%	18.4%	9.7%	8.2%
% 3-9 Units	8.5%	32.7%	16.5%	14.1%
% 10-19 Units	0.8%	5.7%	4.3%	3.8%
% 20+ Units	5.9%	19.7%	10.0%	8.8%
% Mobile Homes	0.8%	0.0%	0.5%	0.8%
2001-2017 Housing Permits	288	2,718	21,398	117,821
% Permits Single-Family	98.6%	28.1%	66.6%	68.7%
% Permits 5+ Units	0.0%	56.7%	29.3%	27.5%

Key Demographic Data	North Branford	New Haven	New Haven County	Connecticut
Total Population	14,191	130,331	857,513	3,575,074
% White, Non-Hispanic	91.9%	29.5%	62.9%	66.9%
% Black, Non-Hispanic	2.2%	31.2%	12.5%	9.9%
% Hispanic, Any Race	3.4%	31.2%	18.1%	16.1%
% Asian, Non-Hispanic	0.9%	4.9%	4.0%	4.5%
% Population Below Poverty	2.5%	26.5%	11.7%	10.0%
Median Household Income	\$90,461	\$42,222	\$69,905	\$78,444

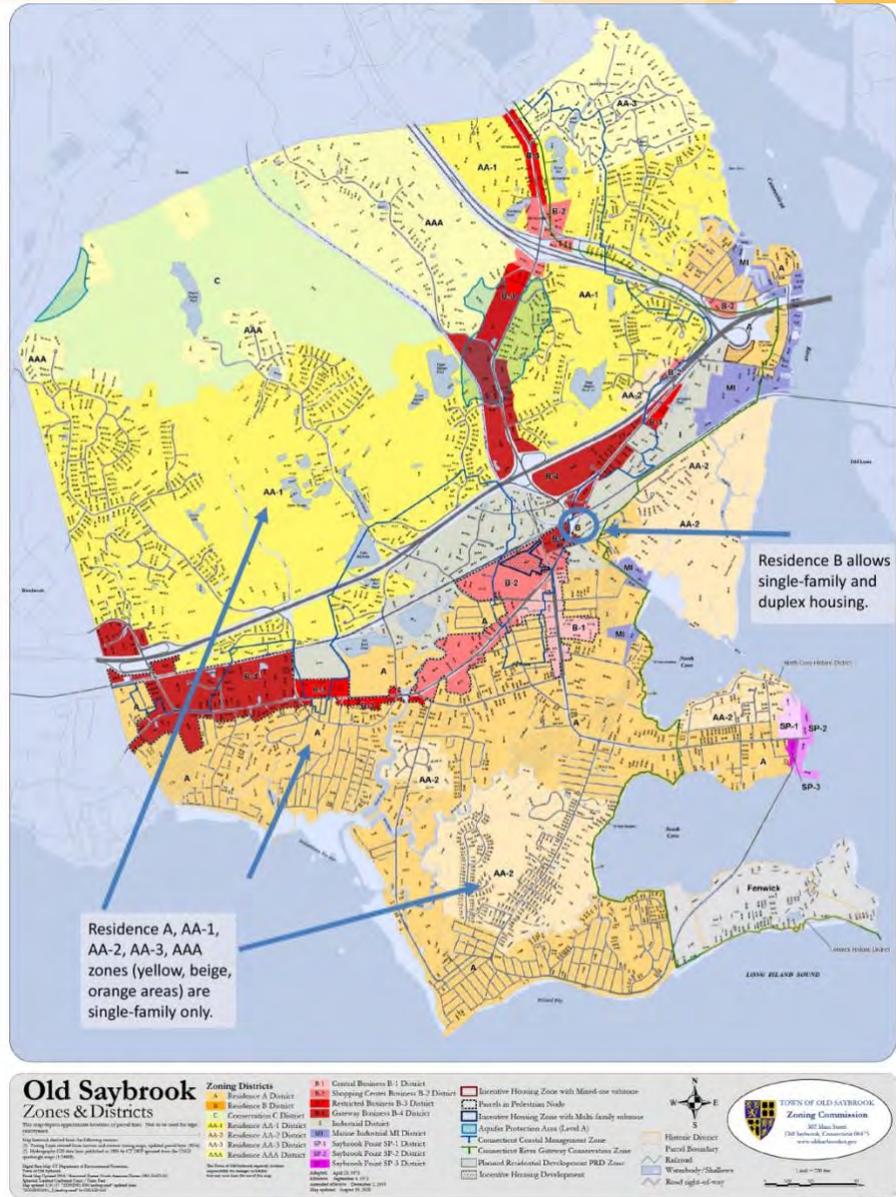
For sources see Appendix: Town Demographic and Housing Data Sources



Regional Affordable Housing Need for South Central COG	North Branford Fair Share Range (Units)
25,889	744 - 1,063

Old Saybrook

Close to 90% of the people residing in Old Saybrook identify as white non-Hispanic, compared to 74% in the region. Eighty-five percent of the homes in town are, and 89% of the housing permits issued since 2001 were for, single-family structures. The majority of "Residence Districts" in Old Saybrook allow single-family housing and prohibit all multifamily housing, while one Residence District allows single and duplex housing as-of-right and prohibits all larger multifamily housing.¹⁶ Other than this, multifamily housing is only permitted in commercial or special districts with significant restrictions.



OLD SAYBROOK ZONING MAP, UPDATED AUGUST 19, 2020
 WWW.OLDSAYBROOKCT.GOV

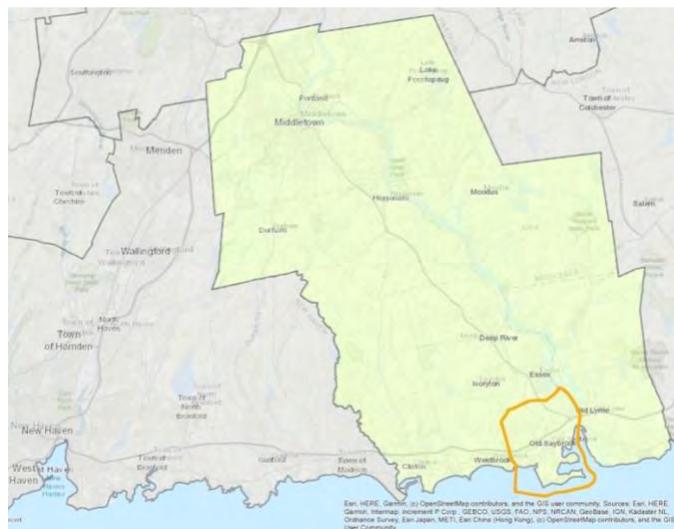
¹⁶ See Old Saybrook’s Zoning Regulations, at Sections 22, 23, 24, 25 & 26.

Town Demographic and Housing Data: Old Saybrook

Key Housing Data	Old Saybrook	New London	Middlesex County	Connecticut
Total Housing Units	5,735	12,208	76,327	1,516,629
% Affordable (C.G.S. § 8-30g)	2.8%	22.8%	8.9%	11.6%
Median Home Value (Owned)	\$382,700	\$181,900	\$286,800	\$275,400
% Single-Family	85.2%	33.7%	73.8%	64.3%
% Two-Family	3.7%	18.9%	6.0%	8.2%
% 3-9 Units	8.2%	25.4%	9.7%	14.1%
% 10-19 Units	2.0%	6.1%	3.6%	3.8%
% 20+ Units	0.2%	15.6%	5.9%	8.8%
% Mobile Homes	0.7%	0.0%	1.1%	0.8%
2001-2017 Housing Permits	428	695	7,983	117,821
% Permits Single-Family	88.6%	100.0%	79.1%	68.7%
% Permits 5+ Units	3.5%	0.0%	19.2%	27.5%

Key Demographic Data	Old Saybrook	New London	Middlesex County	Connecticut
Total Population	10,090	26,966	163,053	3,575,074
% White, Non-Hispanic	89.5%	44.9%	83.9%	66.9%
% Black, Non-Hispanic	0.5%	12.8%	4.9%	9.9%
% Hispanic, Any Race	5.8%	33.4%	6.2%	16.1%
% Asian, Non-Hispanic	2.1%	2.3%	3.0%	4.5%
% Population Below Poverty	3.9%	24.5%	6.9%	10.0%
Median Household Income	\$83,132	\$46,298	\$85,898	\$78,444

For sources see Appendix: Town Demographic and Housing Data Sources



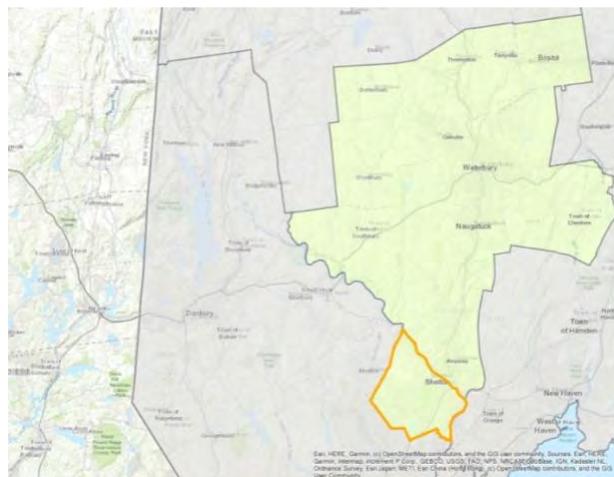
Regional Affordable Housing Need for Lower CT River COG	Old Saybrook Fair Share Range (Units)
5,283	249 - 356

Town Demographic and Housing Data: Shelton

Key Housing Data	Shelton	Bridgeport	Fairfield County	Connecticut
Total Housing Units	17,208	58,552	372,565	1,516,629
% Affordable (C.G.S. § 8-30g)	3.1%	20.4%	9.6%	11.6%
Median Home Value (Owned)	\$349,300	\$174,700	\$428,500	\$275,400
% Single-Family	78.1%	33.2%	64.1%	64.3%
% Two-Family	3.5%	17.5%	8.3%	8.2%
% 3-9 Units	9.9%	26.8%	12.5%	14.1%
% 10-19 Units	0.9%	6.5%	3.5%	3.8%
% 20+ Units	5.7%	15.8%	11.1%	8.8%
% Mobile Homes	1.9%	0.1%	0.4%	0.8%
2001-2017 Housing Permits	2,139	2,011	33,530	117,821
% Permits Single-Family	54.7%	34.3%	55.4%	68.7%
% Permits 5+ Units	44.4%	53.0%	40.7%	27.5%

Key Demographic Data	Shelton	Bridgeport	Fairfield County	Connecticut
Total Population	41,141	145,639	943,926	3,575,074
% White, Non-Hispanic	83.7%	20.1%	61.7%	66.9%
% Black, Non-Hispanic	1.6%	32.3%	10.6%	9.9%
% Hispanic, Any Race	8.8%	40.8%	19.7%	16.1%
% Asian, Non-Hispanic	4.3%	3.3%	5.3%	4.5%
% Population Below Poverty	5.1%	21.8%	8.9%	10.0%
Median Household Income	\$97,131	\$46,662	\$95,645	\$78,444

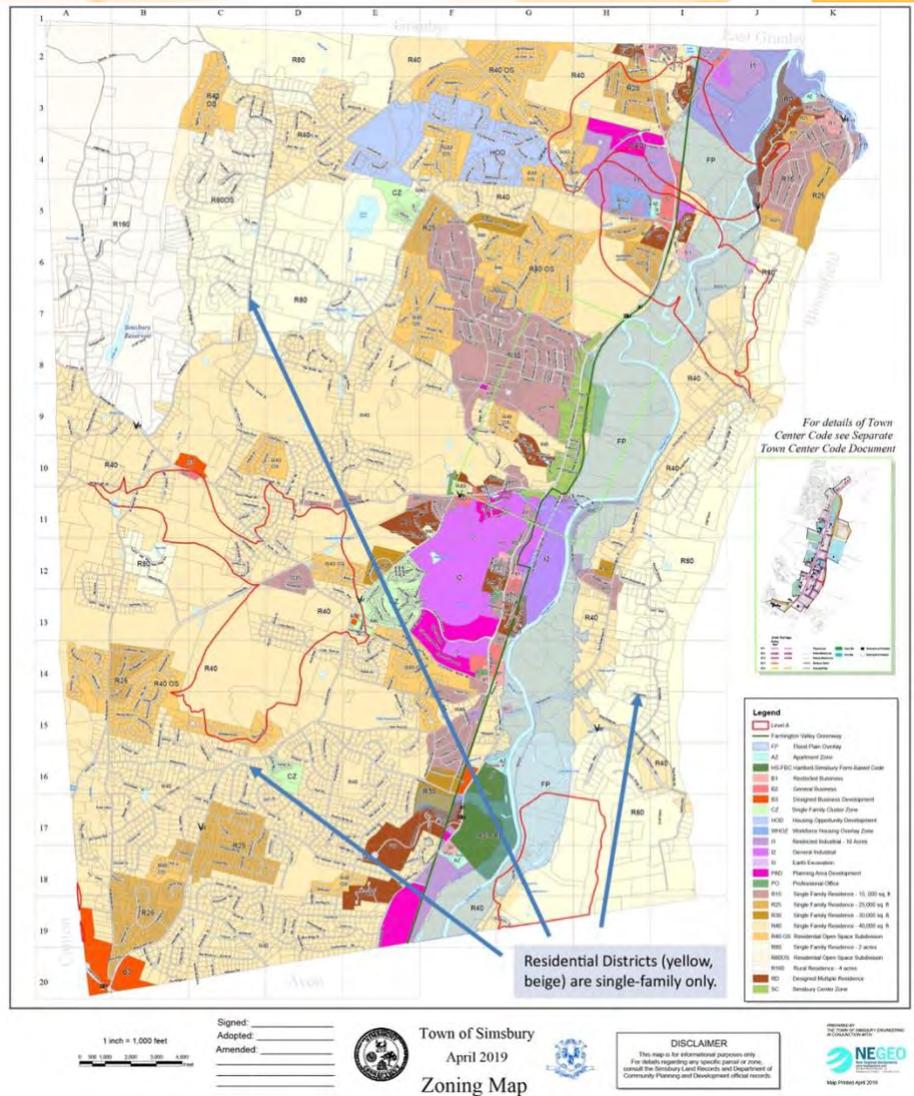
For sources see Appendix: Town Demographic and Housing Data Sources



Regional Affordable Housing Need for Naugatuck Valley COG	Shelton Fair Share Range (Units)
17,822	1,191 - 1,701

Simsbury

Eighty-seven percent of the residents of Simsbury identify as white non-Hispanic compared with 61% in Hartford County overall. Eighty-one percent of the housing stock is single-family, with a growing number of new units being created in multi-unit structures. Since 2001, 65% of permits were for structures of five units or more, though less than 5% of units are affordable according to the State. All "Residential Districts" in Simsbury allow single-family housing as-of-right and do not allow multifamily housing.¹⁸ Multifamily housing is only permitted in commercial, overlay or special districts with significant restrictions.



SIMSBURY ZONING MAP, APRIL 2019, WWW.SIMSBURY-CT.GOV

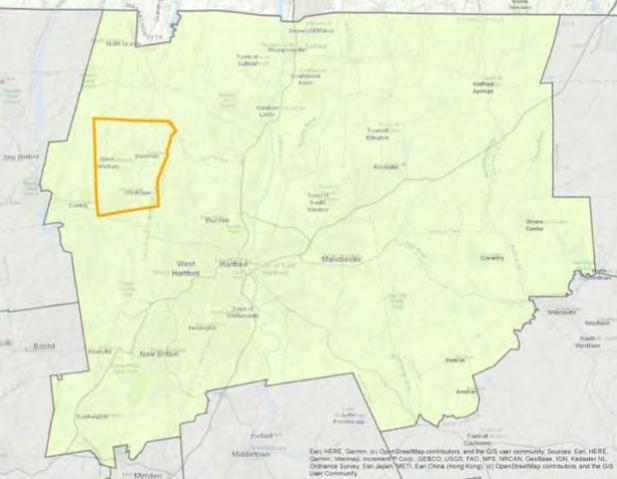
¹⁸ See Simsbury's Zoning Regulations, at Section 3.4.

Town Demographic and Housing Data: Simsbury

Key Housing Data	Simsbury	Hartford	Hartford County	Connecticut
Total Housing Units	9,971	54,753	379,602	1,516,629
% Affordable (C.G.S. § 8-30g)	4.7%	39.3%	14.4%	11.6%
Median Home Value (Owned)	\$332,800	\$165,300	\$240,600	\$275,400
% Single-Family	81.1%	17.3%	61.3%	64.3%
% Two-Family	2.8%	15.1%	7.8%	8.2%
% 3-9 Units	10.1%	35.9%	15.8%	14.1%
% 10-19 Units	3.0%	7.4%	4.4%	3.8%
% 20+ Units	2.9%	24.3%	10.2%	8.8%
% Mobile Homes	0.1%	0.0%	0.6%	0.8%
2001-2017 Housing Permits	1,147	1,549	25,219	117,821
% Permits Single-Family	34.0%	19.3%	69.1%	68.7%
% Permits 5+ Units	64.9%	49.8%	25.8%	27.5%

Key Demographic Data	Simsbury	Hartford	Hartford County	Connecticut
Total Population	24,799	123,088	893,561	3,575,074
% White, Non-Hispanic	87.2%	14.8%	61.1%	66.9%
% Black, Non-Hispanic	2.1%	35.5%	12.9%	9.9%
% Hispanic, Any Race	4.7%	44.3%	18.0%	16.1%
% Asian, Non-Hispanic	3.8%	2.7%	5.3%	4.5%
% Population Below Poverty	3.4%	28.1%	10.8%	10.0%
Median Household Income	\$123,905	\$36,278	\$75,148	\$78,444

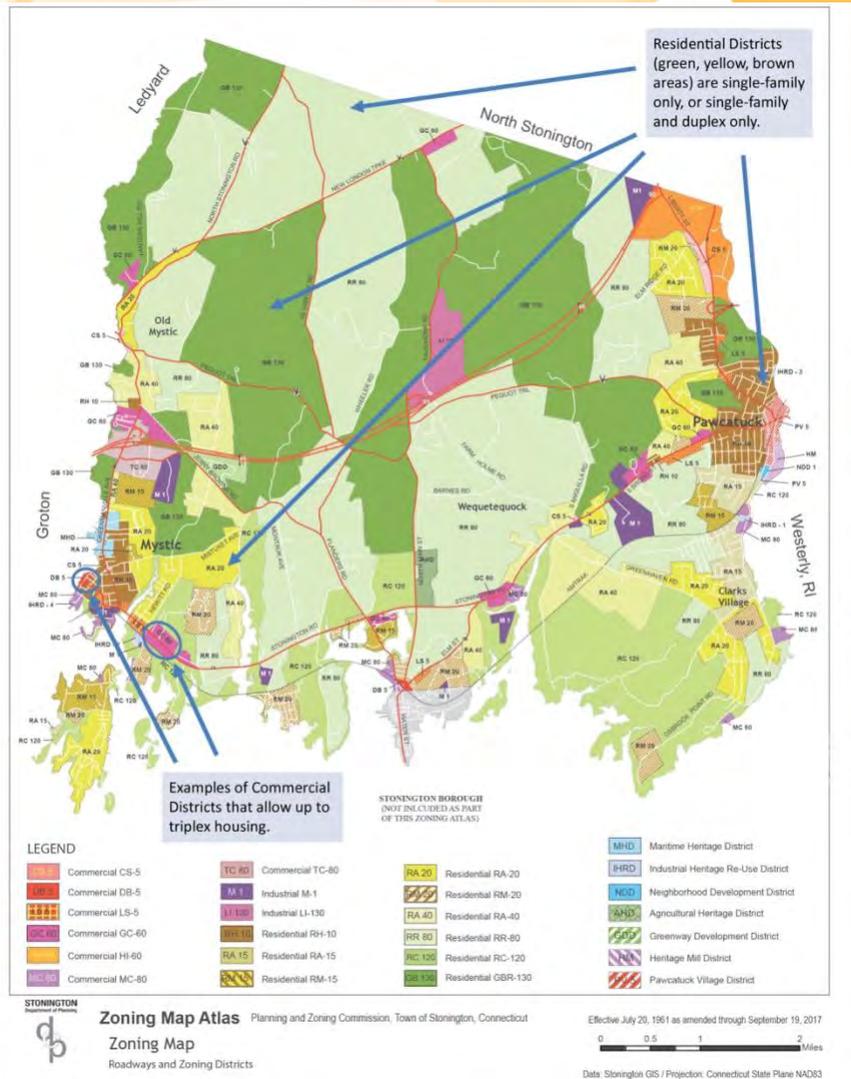
For sources see Appendix: Town Demographic and Housing Data Sources



Regional Affordable Housing Need for Capitol Region	Simsbury Fair Share Range (Units)
36,498	845 - 1,207

Stonington (and Borough of Stonington)

Ninety percent of Stonington residents identify as white non-Hispanic compared to 76% in the region. Stonington has a relatively higher percentage of low-density multi-unit residences compared to other towns with similar income characteristics. Still, Stonington’s housing diversity at higher densities falls short of New London County. All “Residential Districts” in Stonington allow single-family housing as-of-right and some allow duplex housing as-of-right, while none allow more than two-unit multifamily housing without a special permit, and the vast majority of residentially zoned land does not even allow special permit applications for multifamily housing.¹⁹ In the “Borough of Stonington,” which is separately chartered from the Town of Stonington and has a separate Planning and Zoning Commission and Zoning Regulations, “Residential Districts” allow single-family housing as-of-right and do not allow multifamily, except as conversions of buildings existing in 1981 – and such conversions are permitted only by special permit.²⁰



STONINGTON ZONING MAP, AMENDED THROUGH SEPTEMBER 19, 2017, WWW.STONINGTON-CT.GOV

¹⁹ See Stonington’s Zoning Regulations, at Section 5.1.2.

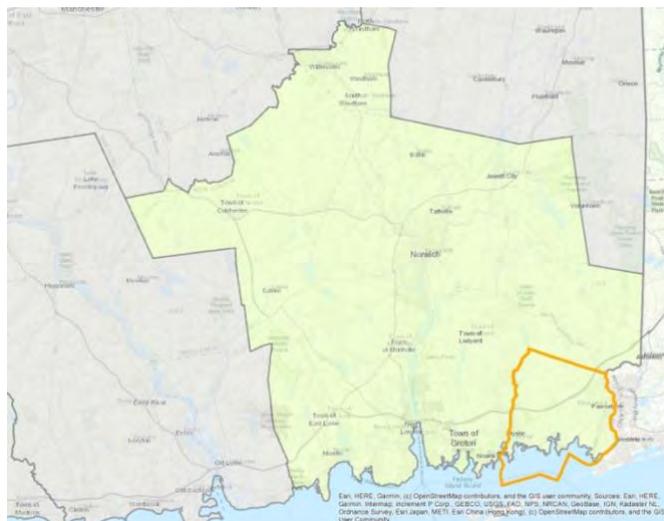
²⁰ See Borough of Stonington’s Zoning Regulations, at Article 5.

Town Demographic and Housing Data: Stonington

Key Housing Data	Stonington	New London	New London County	Connecticut
Total Housing Units	9,512	12,208	123,426	1,516,629
% Affordable (C.G.S. § 8-30g)	5.9%	22.8%	11.7%	11.6%
Median Home Value (Owned)	\$335,100	\$181,900	\$241,700	\$275,400
% Single-Family	71.3%	33.7%	68.6%	64.3%
% Two-Family	8.3%	18.9%	8.3%	8.2%
% 3-9 Units	12.6%	25.4%	12.0%	14.1%
% 10-19 Units	2.0%	6.1%	3.1%	3.8%
% 20+ Units	2.8%	15.6%	5.2%	8.8%
% Mobile Homes	2.9%	0.0%	2.7%	0.8%
2001-2017 Housing Permits	1,028	695	11,048	117,821
% Permits Single-Family	72.5%	100.0%	77.0%	68.7%
% Permits 5+ Units	26.7%	0.0%	18.6%	27.5%

Key Demographic Data	Stonington	New London	New London County	Connecticut
Total Population	18,445	26,966	267,390	3,575,074
% White, Non-Hispanic	90.1%	44.9%	75.7%	66.9%
% Black, Non-Hispanic	1.4%	12.8%	5.2%	9.9%
% Hispanic, Any Race	4.1%	33.4%	10.6%	16.1%
% Asian, Non-Hispanic	2.1%	2.3%	4.1%	4.5%
% Population Below Poverty	7.2%	24.5%	9.4%	10.0%
Median Household Income	\$81,667	\$46,298	\$73,490	\$78,444

For sources see Appendix: Town Demographic and Housing Data Sources

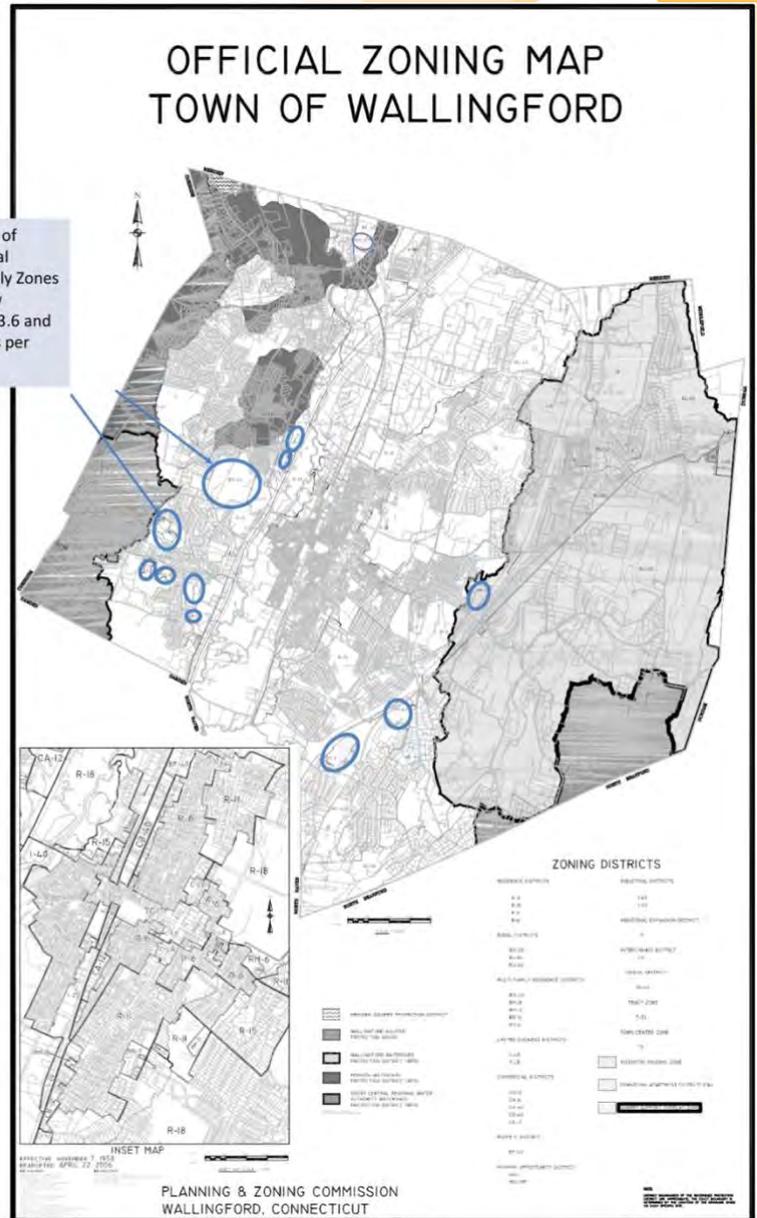


Regional Affordable Housing Need for Southeastern CT COG	Stonington Fair Share Range (Units)
10,201	523 - 748

Wallingford

Eighty-four percent of the residents of Wallingford identify as white non-Hispanic compared to 63% in the region more widely. While 68% of the housing stock is single-family, lower than some of the more exclusionary towns, this is still 10% above the single-family percentage for New Haven County, and with only 4.3% of the town's housing units identified as affordable under the state's affordable housing laws (22.5% of which are age-restricted), the multifamily housing that does exist is generally market rate.

The vast majority of Wallingford is zoned as "Residence Districts," allowing single-family housing as-of-right and not allowing multifamily housing except for "Municipal Housing for the elderly, when sponsored by the Housing Authority," "Affordable housing sponsored by a philanthropic, non-profit housing organization," and "Adaptive Re-Use to Multi-Family," and only under the special permit process.²¹ A few small and scattered areas within Wallingford are zoned separately as "Multi-Family Residence Districts," which do not allow single-family housing, ensuring the separation of housing types, and zoning permits are subject to Site Plan Approval.²² Other than this, multifamily housing is only permitted in commercial, overlay or special districts with significant restrictions.



²¹ See Wallingford's Zoning Regulations, at Section 4.

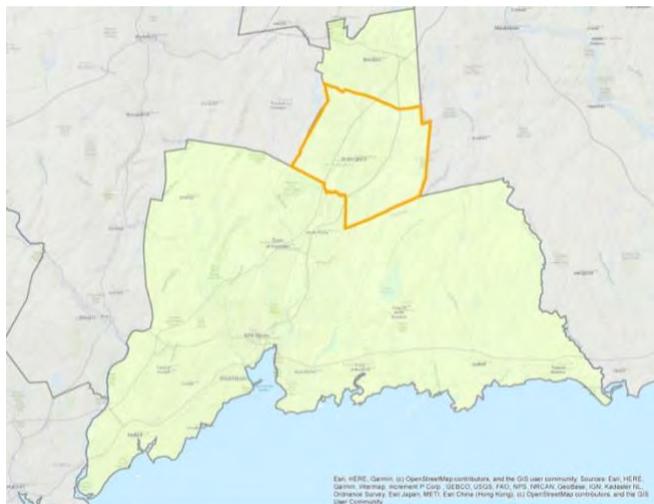
²² See *id.* at Section 4.14.

Town Demographic and Housing Data: Wallingford

Key Housing Data	Wallingford	New Haven	New Haven County	Connecticut
Total Housing Units	19,934	55,682	367,053	1,516,629
% Affordable (C.G.S. § 8-30g)	4.3%	32.1%	13.0%	11.6%
Median Home Value (Owned)	\$267,800	\$199,000	\$248,600	\$275,400
% Single-Family	68.0%	23.4%	58.9%	64.3%
% Two-Family	8.4%	18.4%	9.7%	8.2%
% 3-9 Units	10.6%	32.7%	16.5%	14.1%
% 10-19 Units	3.9%	5.7%	4.3%	3.8%
% 20+ Units	8.0%	19.7%	10.0%	8.8%
% Mobile Homes	1.1%	0.0%	0.5%	0.8%
2001-2017 Housing Permits	1,275	2,718	21,398	117,821
% Permits Single-Family	75.1%	28.1%	66.6%	68.7%
% Permits 5+ Units	17.6%	56.7%	29.3%	27.5%

Key Demographic Data	Wallingford	New Haven	New Haven County	Connecticut
Total Population	44,596	130,331	857,513	3,575,074
% White, Non-Hispanic	84.3%	29.5%	62.9%	66.9%
% Black, Non-Hispanic	1.5%	31.2%	12.5%	9.9%
% Hispanic, Any Race	8.4%	31.2%	18.1%	16.1%
% Asian, Non-Hispanic	4.7%	4.9%	4.0%	4.5%
% Population Below Poverty	5.3%	26.5%	11.7%	10.0%
Median Household Income	\$80,793	\$42,222	\$69,905	\$78,444

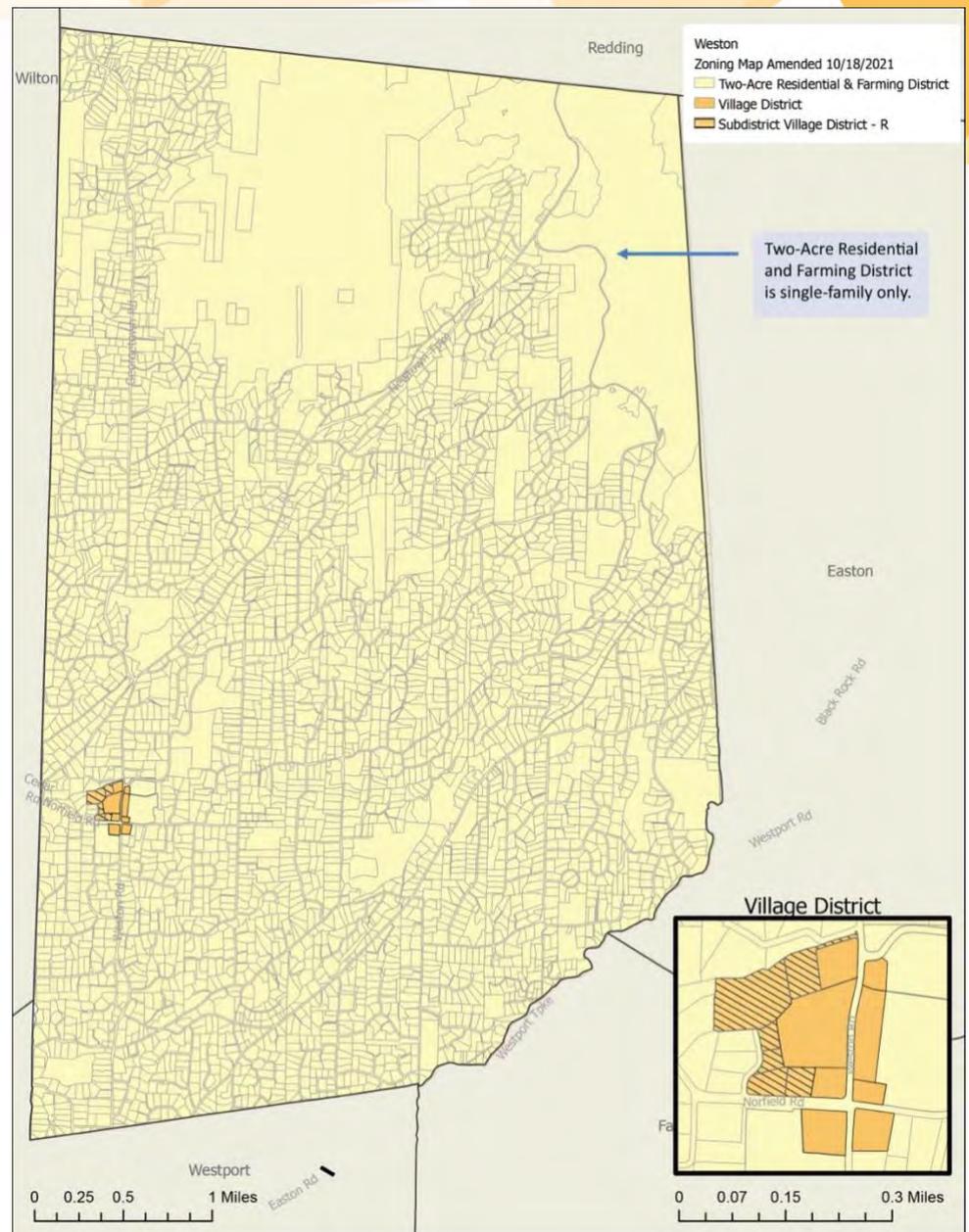
For sources see Appendix: Town Demographic and Housing Data Sources



Regional Affordable Housing Need for South Central COG	Wallingford Fair Share Range (Units)
25,889	1,374 - 1,962

Weston

Weston is 83% white non-Hispanic and only 1.7% of its residents identify as Black non-Hispanic. An astounding 99.6% of the residences are single-family homes. Nearly the entire land area of Weston is zoned as “Two Acre Residential & Farming District,” which allows single-family housing on two-acre lots as-of-right.²³ Recently, Weston created a Village District comprising a handful of parcels in the Town Center, which may allow mixed use development by special permit.²⁴



WESTON ZONING MAP, AMENDED OCTOBER 18, 2021, WWW.WESTONCT.GOV

²³ See Weston’s Zoning Regulations, at Section 321.

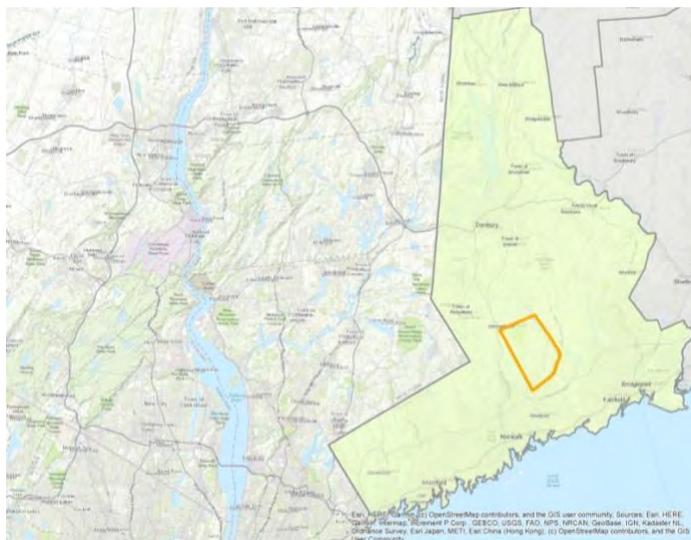
²⁴ See *id.* at Section 322.2.

Town Demographic and Housing Data: Weston

Key Housing Data	Weston	Bridgeport	Fairfield County	Connecticut
Total Housing Units	3,882	58,552	372,565	1,516,629
% Affordable (C.G.S. § 8-30g)	0.2%	20.4%	9.6%	11.6%
Median Home Value (Owned)	\$868,200	\$174,700	\$428,500	\$275,400
% Single-Family	99.6%	33.2%	64.1%	64.3%
% Two-Family	0.0%	17.5%	8.3%	8.2%
% 3-9 Units	0.4%	26.8%	12.5%	14.1%
% 10-19 Units	0.0%	6.5%	3.5%	3.8%
% 20+ Units	0.0%	15.8%	11.1%	8.8%
% Mobile Homes	0.0%	0.1%	0.4%	0.8%
2001-2017 Housing Permits	221	2,011	33,530	117,821
% Permits Single-Family	100.0%	34.3%	55.4%	68.7%
% Permits 5+ Units	0.0%	53.0%	40.7%	27.5%

Key Demographic Data	Weston	Bridgeport	Fairfield County	Connecticut
Total Population	10,287	145,639	943,926	3,575,074
% White, Non-Hispanic	83.2%	20.1%	61.7%	66.9%
% Black, Non-Hispanic	1.7%	32.3%	10.6%	9.9%
% Hispanic, Any Race	6.3%	40.8%	19.7%	16.1%
% Asian, Non-Hispanic	3.7%	3.3%	5.3%	4.5%
% Population Below Poverty	2.9%	21.8%	8.9%	10.0%
Median Household Income	\$222,535	\$46,662	\$95,645	\$78,444

For sources see Appendix: Town Demographic and Housing Data Sources



Regional Affordable Housing Need for Metropolitan and Western Combined COG	Weston Fair Share Range (Units)
35,365	420 - 600

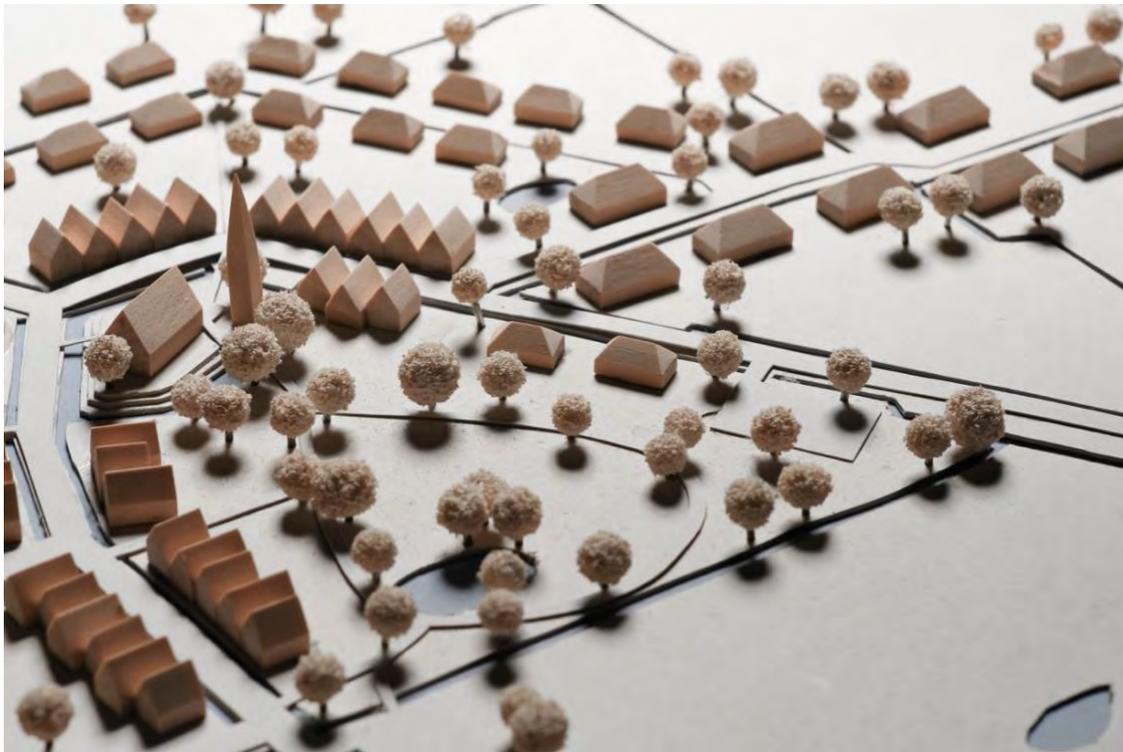
Recurring Themes for Multifamily Exclusions

Recurring Themes for Multifamily Exclusion

In summary, of the towns that were analyzed in this report, the vast majority have a category of zones called “residential” which are nearly exclusively single-family districts, though occasional residential districts allow two-, three-, or four-unit structures. In all towns, single-family housing is allowed without a complex and discretionary special permit and public hearing process, while no town in our study allows multifamily of greater than two units without a special permit. Multifamily housing of more than two units is not typically allowed at all in “residential districts,” and if it is possible, it is only through a special zoning designation such as a floating or overlay zone that requires a special permit process with a public hearing. As in the previous volume, Open Communities Alliance discovered excessive limitations that present barriers to the actual development of multifamily housing using these special districts.

The town planning and zoning regulations of these twelve towns regularly treated multifamily housing as the pariah of housing types – categorically distinguished, kept separate from, and routinely given second-class status relative to, the single-family housing that planning and zoning treats as the full extent of “residential” uses. In this section, we supplement the analyses we performed in *Zoning for Equity: Volume I* with a deeper dive into some recurring examples of such planning and zoning policies.

In all towns, single-family housing is allowed without a complex and discretionary special permit and public hearing process, while no town in our study allows multifamily of greater than two units without a special permit.

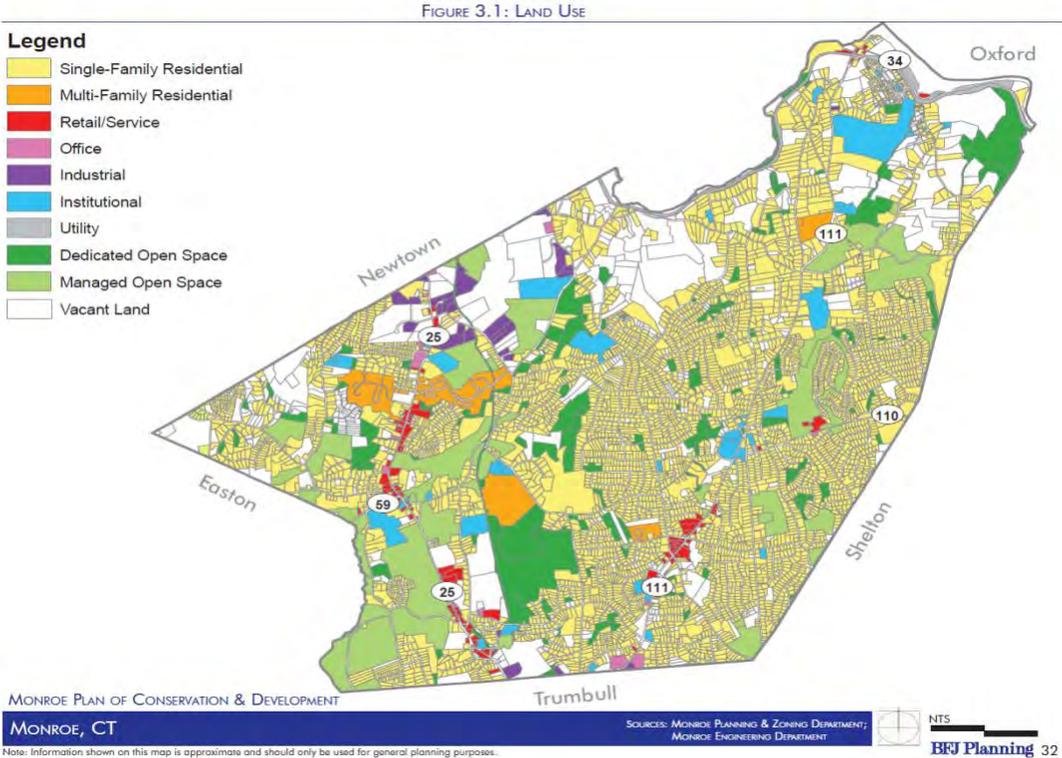


Very Little Land Made Available for Multifamily Development

As noted previously, multifamily housing of more than two units is not typically allowed at all in “residential districts,” and if it is possible, generally it is only through a special zoning designation such as a floating or overlay zone that requires a special permit process and public hearing. And as Open Communities Alliance observed in the previous volume of *Zoning for Equity*, even in the special districts supposedly created to facilitate multifamily housing, there are excessive limitations that present substantial barriers to such multifamily development actually occurring.

This lack of multifamily that is allowed in residential districts is in and of itself a powerful manifestation of how towns distinguish multifamily housing from a residential use. Perhaps if towns opened up substantial portions of land to multifamily housing in some form or fashion, it would be more difficult to conclude that the towns exclude multifamily housing from their residential planning and zoning.

But this was not the case in any town that was analyzed, which can be seen in the planning, zoning, and land use maps produced by said towns. For example, Monroe’s Land Use Map from the town’s 2010 Plan of Conservation and Development (POCD), shown below, demonstrates the separation of housing types and the sparse allotment of land available for multifamily housing.²⁵ While it seems the majority of the town’s land area (in yellow) is dedicated to single-family housing, just a few sporadic areas (in orange) are used for multifamily housing.

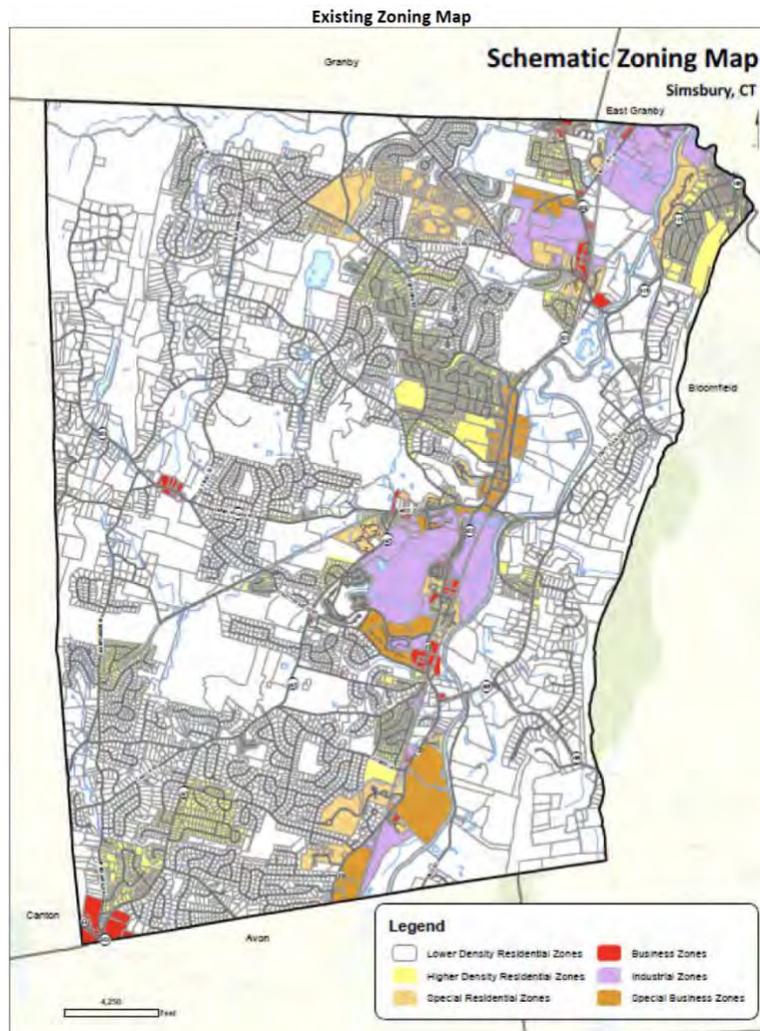


MONROE LAND USE MAP, PLAN OF CONSERVATION AND DEVELOPMENT, 2010 (PG. 32)

²⁵ See Monroe’s 2010 Plan of Conservation and Development, Figure 3.1 Land Use, at pg. 32.

This is typical of the towns in this analysis, with very little land area with multifamily housing as a potential designated land use. This pattern holds true even in towns like Simsbury that allow for multifamily housing through floating zones that could, in theory, be applied more widely throughout the town. Yet as can be seen in the “Existing Zoning Map” from Simsbury’s 2017 POCD, below, while 91% of Simsbury is zoned residential,²⁶ the vast majority of town (the white in the map) is set-aside for single-family housing, with only a few smatterings of yellow indicating “Higher Density” areas in town.

As noted, maps like those featured above are typical of the 12 towns in this volume, and they make manifest that the racially segregated areas that we studied have only permitted the development of multifamily housing – a critical tool for promoting affordability and racial integration – in a select few areas.



SIMSBURY SCHEMATIC ZONING MAP, PLAN OF CONSERVATION AND DEVELOPMENT, 2017 (PG. 15)

²⁶ See Simsbury Plan of Conservation and Development (2017), at 15.

Towns' attempts to explain their sporadic and minimal allowances for multifamily housing do not, in fact, provide adequate reasons for the categorical distinction between multifamily and single-family housing we see in their planning and zoning documents.

For example, East Lyme's 2020 POCD recommends "identifying areas for affordable housing that are convenient to multiple modes of transportation, town services and amenities including but not limited to schools, community spaces such as recreational areas and stores."²⁷ Aside from the fact that the POCD does not include plans for expanding public transportation (there appears to be a single inter-city bus line operated by the Southeast Area Transit District),²⁸ the POCD provides no justification as to the difference in needs or desires of the populations that might inhabit affordable housing that can explain such a locational restriction. Further, to include transportation options as a requirement for building housing in an area neglects the likelihood that public transportation depends on ridership and therefore must follow increases in population density and demand. This requirement can be a recipe to prevent housing development outside of where it currently exists, unless of course significant transportation improvements are planned in areas that do not have enough ridership to justify them currently. More broadly, when towns like East Lyme present a detailed and lengthy list of amenities as a prerequisite for sites to be considered for multifamily housing, that can severely constrain the areas where multifamily housing could be developed, significantly impeding the potential for affordable housing development.

We have also seen town planning be vaguer in attempting to articulate where multifamily should be situated, as in Guilford, where the POCD calls for "multifamily development in appropriate locations," and for "providing or supporting policies to provide infrastructure to targeted areas"²⁹ to allow for increased density. It is important to reemphasize that the "residential" single-family areas throughout town are not subject to these standards. And such non-specific planning not only makes it difficult to discern what precisely the town is looking for when designating areas for multifamily housing, but also opens the door to an innumerable list of purported concerns compounding one another and vastly reducing the area available for multifamily housing. As it turns out, Guilford's housing stock is nearly 90% single-family dwellings, suggesting that whatever criteria Guilford has deployed for targeting multifamily locations has resulted in inappropriately limited opportunities.

This observation as to the hindering effect of Guilford's metrics for assessing where multifamily would be "appropriate" is buttressed by data on the land and housing permits in the town. Despite these calls for increased housing diversity and density, the planning documents and zoning regulations also reflect a different ecosystem for housing development, one in which single-family is heavily favored. Guilford's Growth Management Strategies report from 2004 showed that 420 acres in town were developed or committed to multifamily use compared to 10,232 acres for single-family.³⁰ The same document declared that "there are about 8,000 acres in Guilford that may support future development and most of this land is zoned residential."³¹ Nonetheless, housing permit data shows that of the 705 housing units that were permitted in Guilford between 2001 and 2017, that 664 (94.2%) were for single-family housing.³² Guilford shows that open-ended standards for determining where multifamily housing supposedly would be appropriate can result in the same massive reduction in land area for multifamily housing as the more prescriptive approaches taken by other towns like East Lyme.

²⁷ See East Lyme's Plan of Conservation and Development (2020), at pg. 63.

²⁸ See <https://southeastareatransitdistrict.com/routes/route-map/>.

²⁹ See Guilford's Plan of Conservation and Development (2015), at pg. 33.

³⁰ See Guilford's Growth Management Strategies report (2004), at pg. 6.

³¹ See *id.* at pg. 8.

³² See Data Appendix.

"Character" and "Compatibility" Implicitly or Explicitly Used to Isolate Multifamily from Single-Family Neighborhoods

Broad rhetoric equating residential character with exclusively single-family zoning is widespread amongst the planning documents for the towns we studied. This type of vague planning language often provides signals about the differential consideration that multifamily housing receives and is used to justify cordoning off multifamily housing from areas dedicated to primarily (or, as is often the case, exclusively) single-family homes.

- ⇒ **East Lyme.** In East Lyme's Plan of Conservation and Development, the discussion of multifamily housing demonstrates the fear that multifamily housing would "Threaten East Lyme's predominantly single-family residential character."³³

Multifamily housing would "Threaten East Lyme's predominantly single-family residential character."

- *East Lyme Plan of Conservation and Development*

The most common use of language to separate single-family houses from multifamily housing is the use of the word "character." Whether it's "single-family" character, "small town" character, or "New England" character, this ambiguous and subjective term is often cited in POCDs and zoning regulations as justification for maintaining single-family predominance (and, to the extent multifamily is allowed, keeping it separate and apart from any single-family – or the so-called "residential" – areas).

Several towns' planning and zoning regulations discourage the development of any type of housing other than single-family housing in the name of preserving character. We provide some illustrative examples below.

- ⇒ **Monroe.** Monroe's 2021 POCD endorses the town's current, overwhelmingly single-family zoning: "Monroe's current zoning generally reflects the desired population density in different areas of Town. Any future development should be designed to preserve the Town's rural suburban character. The Town's zoning is dominated by single-family residential districts. These districts... cover approximately 80% of the Town's geography."³⁴ This simultaneously equates single-family predominance with the town's character and suggests that it need not change.
- ⇒ **Simsbury.** In Simsbury's 2017 POCD, a section called, "How We Want to Grow – Guide Residential Development," begins with the following goals: "Maintain residential character" and "Maintain the integrity of existing residential areas."³⁵ This suggests that resisting change to the overwhelmingly single-family housing stock (81.1%) is in line with the character and integrity of the town.
- ⇒ **Stonington (Town).** Stonington's Zoning Regulations are explicit about single-family housing being synonymous with desirable town character. The stated purpose of the Residential RA-20 and RA-15 Zones is "for areas that have been previously developed as single-family house lots

³³ See East Lyme's 2009 Plan of Conservation and Development at Section 3.1.2, at pg. 51-52.

³⁴ See Monroe's 2021 Plan of Conservation and Development, at pg. 27.

³⁵ See Simsbury's 2017 Plan of Conservation and Development, at pg.90.

and which should be maintained as such to preserve the character of the Town.³⁶ When residential character signifies single-family housing, then multifamily housing is not being treated as residential at all. Indeed, the required special permit process for multifamily housing expressly charges the planning and zoning commission with assessing whether such housing would have a negative impact on “character” in weighing whether to approve any multifamily proposal. Additionally, in Stonington any development of more than 30 units requires an additional “Conceptual Evaluation,” which includes the “Impact on the capacity of the Town’s school system,” and “impacts on adjoining areas [such as] neighborhoods that physically, visually or aesthetically reduce property values or the residential character of the area through physical impacts or visual obstructions.”³⁷

⇒ **Shelton.** Shelton’s 2006 POCD decries the supposed over allowance of multifamily as a risk to town character: “By continuing to encourage multi-family development in one- and two-acre rural and suburban neighborhoods, Shelton is needlessly increasing the property tax burden on residents, negatively affecting rural character, and taking the City in an urban direction, more in keeping with Seymour and Derby than more rural Monroe or Oxford.”³⁸

The Plan goes so far as to make specific suggestions about how to stem the spread of multifamily housing. In a section called “Reduce the Intensity of Rural/Suburban Development,” the town refers to, “One of the most frequently cited public concerns during the planning process thus far... the overuse of the Planned Development Districts (PDD) and Planned Residence Districts (PRD)³⁹ for new residential developments, leading to unanticipated increases in density and conflicts in residential character.”⁴⁰ The issue, according to the town, is that the “PRD places too much emphasis on encouraging alternatives to single-family development and not enough emphasis on preserving open space,” and that “[d]espite allowing increases in density that make development incompatible with adjacent single-family and agricultural uses, there are no PRD standards for buffers between incompatible uses.”⁴¹

Shelton’s POCD has concrete – and extreme – suggestions for dealing with this purported issue. “If not eliminated as a tool altogether, the [Planning and Zoning Commission] should adjust the PRD regulations to require open space commensurate with the increases in density or limit the increased density to age-restricted housing that will have a positive fiscal impact on the City.”⁴² The reader is notified in the Implementation Schedule section in the 2017 update to Shelton’s POCD that the town has “complied” with the recommendation to “Eliminate the Use of PDD’s in Residential Districts.”⁴³

“By continuing to encourage multi-family development in one- and two-acre rural and suburban neighborhoods, Shelton is needlessly increasing the property tax burden on residents, negatively affecting rural character, and taking the City in an urban direction, more in keeping with Seymour and Derby than more rural Monroe or Oxford.”

- *Shelton Plan of Conservation and Development*

³⁶ See Stonington’s Zoning Regulations, at Section 3.4.

³⁷ See Stonington’s Zoning Regulations, at Section 6.3, pg. VI-3, VI-4.

³⁸ See Shelton’s 2006 Plan of Conservation and Development, at pg. 4-28.

³⁹ These district designations are applied to the Shelton Zoning Map within other zoning districts for individual development proposals in order to enable each planned development.

⁴⁰ See *id.* at 4-27.

⁴¹ See *id.* at 4-28.

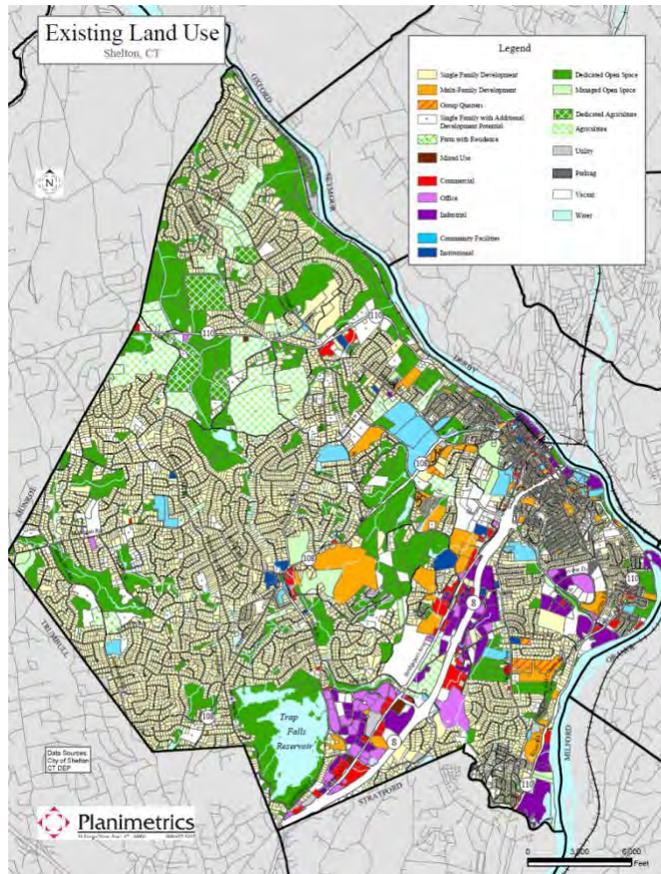
⁴² See *id.* at 4-28 & 4-29.

⁴³ See Shelton’s 2017 Update to the 2006 Plan of Conservation and Development, at pg. 17.

Indeed, a zoning amendment adopted in August 2017 eliminates the PRD and replaces it with regulations governing “Designed Residential Districts,” which are limited to single-family detached housing, and among other things “encourage the preservation... of the suburban character of the City of Shelton.”⁴⁴

Significantly, as of 2009 when the most recent publicly available assessment was completed, more than 2,700 acres of Shelton, or over 13% of its land area, was already designated as open space.⁴⁵ These steps represent not merely limitations on further multifamily housing development in the applicable single-family areas, but the outright elimination of two mechanisms for doing so – all in the name of the vague and undefined concepts of “character” and “compatibility”.

Comparing the Existing Land Use map from Shelton’s 2006 to its current zoning regulations demonstrates the success of such measures. The Existing Land Use Map (pictured right) contains a category of land called “Single Family with Additional Development Potential” but a substantial portion of the land with that designation (especially throughout the western half of town) remains R-1, and exclusively single-family residential.



SHELTON EXISTING LAND USE MAP, PLAN OF CONSERVATION AND DEVELOPMENT, 2006 (PG. 1-15)

⇒ **Farmington.** In Farmington, the 2007 POCD (amended in 2016) lists as a planning objective permitting higher density housing, “only in instances where... the development would be compatible with surrounding land uses.”⁴⁶ Land use in Farmington, like all the towns studied, is predominantly dedicated to single-family detached houses. Thus, this POCD language indicates that higher densities are not compatible in most of the town.

Farmington’s POCD goes further to suggest that where higher density active adult housing is currently allowed, “[d]ensities for this housing currently permitted under the zoning regulations should be reduced to a figure more compatible with surrounding single-family zoning districts.”⁴⁷ And more broadly, the POCD declares that “[p]arcel[s] of land, which are contiguous

⁴⁴ See Shelton’s Proposed Amendments to Zoning Regulations, 12/1/16, Rev. to 7/18/17, as adopted 8/8/17, effective 9/1/17.

⁴⁵ See the website of the Shelton Conservation Commission, available at <http://www.sheltonconservation.org/OS/OS%2omain.html>.

⁴⁶ See Farmington’s 2007 Plan of Conservation and Development (Amended 2016), at pg. 81.

⁴⁷ See *id.*

to existing residential neighborhoods should only be developed in a compatible manner. In measuring compatibility, consideration should be given to similarity of uses (type, density, scale)."⁴⁸ While Farmington's POCD does not specify what density would be "compatible" with such single-family zones, the repeated focus on aligning density levels in abutting areas with single-family zoning presents a clear signal that the town is looking to keep higher-density multifamily developments away from single-family neighborhoods.

Given that with greater density comes greater ability for cross-subsidization of units and thus greater ability to develop affordable housing, this reduces opportunities for affordable housing to be interwoven within Farmington's communities, and it furthers the false narrative that multifamily housing is not a residential use and must be separate from single-family, "residential" neighborhoods. Note, too, that since multifamily housing in Farmington generally requires a special permit, the Planning and Zoning commission could exercise the broad discretion that comes with special permit review to determine that the only "compatible" use in terms of type, density, and scale is single-family detached housing on large acreages, preventing multifamily housing in much of town.

"Parcel of land, which are contiguous to existing residential neighborhoods should only be developed in a compatible measure. In measuring compatibility, consideration should be given to similarity of uses (type, density, scale)."

- Farmington Plan of Conservation and

⁴⁸ See Farmington's 2007 Plan of Conservation and Development (Amended 2016) at pg. 118.

Other Generalized and Specific Supposed Negative Impacts Particular to Multifamily Housing

In preparing this report, we encountered many examples of towns pointing to assumed negative impacts from multifamily housing that supposedly do not exist with single-family housing, without any evidence to support such contentions. These ranged from non-particularized supposed harms (which, due to their vagueness, are inherently incapable of proof) to more concrete yet no less foundationless concerns that multifamily housing presents a special threat that single-family housing does not. Below are some salient examples of such wanting justifications for wholly differentiating between multi- and single-family uses.

- ⇒ **New Canaan** (*Vague, Non-Specific Harms from Multifamily Housing*). New Canaan's 2014 POCD sets a different standard for multifamily development than for single-family housing: "Multi-family (and/or higher density) developments should be discouraged in other areas unless there is some significant community benefit that will result."⁴⁹ The necessary implication of discouraging multifamily housing unless there were to be "some significant community" benefit is that such housing is normally a detriment to the community, thus requiring of a strong showing of community benefit to overcome this presumed harm. Beyond ignoring the many benefits that multifamily housing inherently provides to not only the community, but also the region – chief among which is the facilitation of affordable housing development and thus the facilitation of greater economic, racial and ethnic integration – the POCD is treating multifamily monolithically as always exhibiting some fixed, non-disclosed set of harms.
- ⇒ **Stonington** (*Multifamily as a Nuisance: Traffic, Light, and Property Values*). In Stonington's Zoning Regulations, the Neighborhood Development District's purpose includes "to promote diversified housing opportunities." However, the Zoning Regulations take pains to underscore that the "development of these sites are a sensitive matter to the Town and the neighborhoods being impacted," and "as such any decisions and determinations made with respect to these properties would require assurances for the Town and its residents that its existence and future plans will enhance, and not disrupt, the surrounding residential neighborhood."⁵⁰ This assumption of the disruptive capacity of multifamily housing may come into play during the special permit process, which requires that "no adverse effect will result to the character of the district, property values,... of the residents of the area or the Town."⁵¹

One reason that these planning and zoning documents do not provide evidence suggesting that any of these negative impacts might occur, may be that a substantial body of research has found that proximity to affordable housing developments has no effect, or a positive impact on nearby property values.⁵² This research, however, does not prevent Planning and Zoning Commissions from using the widespread misconception to assume a negative impact from higher density, multifamily, or affordable housing, and therefore to reject such proposals as part of a special permit process.

⁴⁹ See New Canaan's 2014 Plan of Conservation and Development, at pg. 66.

⁵⁰ See Stonington's Zoning Regulations, at Section 7.21.1.1, pg. VII-96.

⁵¹ See Stonington's Zoning Regulations, at Section 6.4, pg. VI-5.

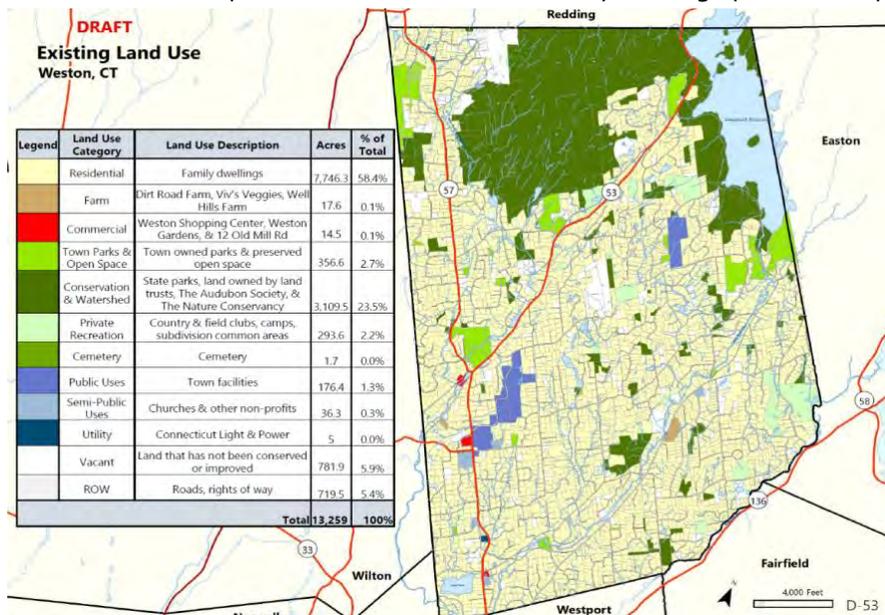
⁵² See, e.g., Deng, 2011; Santiago, Galster & Talian, 2001; Ellen, Schwartz, Voicu & Schill, 2007; Wardip, Williams & Hague, 2011; Albright, Derickson & Massey, 2013; Pollakowski, Ritchay & Weinrobe, 2005; Funderburg & MacDonald, 2010; Nguyen, 2005.

Misunderstanding How to Protect the Environment

Another common type of assumed negative impact is environmental, ignoring the environmental benefits of greater density and less sprawl.

⇒ **Weston.** Weston’s 2020 POCD states that “The Commission has also heard some concern about the ability to sustain cluster housing and multi-family housing from an environmental, water usage and waste perspective. These concerns need to be evaluated and will be addressed as new housing strategies are considered.”⁵³ The POCD also claims that “Development outside of Town Center beyond the current two-acre, single-family housing approach would however require a significant analysis of the effect of such development on the Town’s resources.”⁵⁴ Weston, however, gives no indication as to why the land outside of the Town Center (a mere 6.6 acres or about 0.04% of the town’s land) is so different from the vast majority of residentially zoned land in town. While Weston does not have a sewer system, depending on soil conditions, with modern community septic systems it is possible to build moderate density multifamily housing of at least eight units per acre.⁵⁵

Weston’s Affordable Housing Plan states that, “Based on a 2015 build-out analysis limited to large properties, Weston was identified as built-out community,” with space only for 85 new homes, but this analysis assumes no changes to the current two-acre, single-family zoning.⁵⁶ If the large properties in Weston are indeed “built-out,”⁵⁷ to increase affordable housing developments the town could look beyond large parcels and pursue zoning changes to ensure



WESTON DRAFT EXISTING LAND USE MAP, PLAN OF CONSERVATION AND DEVELOPMENT, 2020 (PG. D-53)

that there are opportunities for new types of housing as parcel ownership changes hands. If a parcel is currently used for single-family housing, changes to zoning could allow the current owner or a future purchaser to convert that single-family home into multiple units, and given soil conditions, could provide a density that could accommodate enough units to set aside some percentage as affordable. This does not mean that the purchaser could not simply leave the single-family home as it is but provides the opportunity for housing diversity and choice in town.

⁵³ See Weston’s Plan of Conservation and Development (2020).

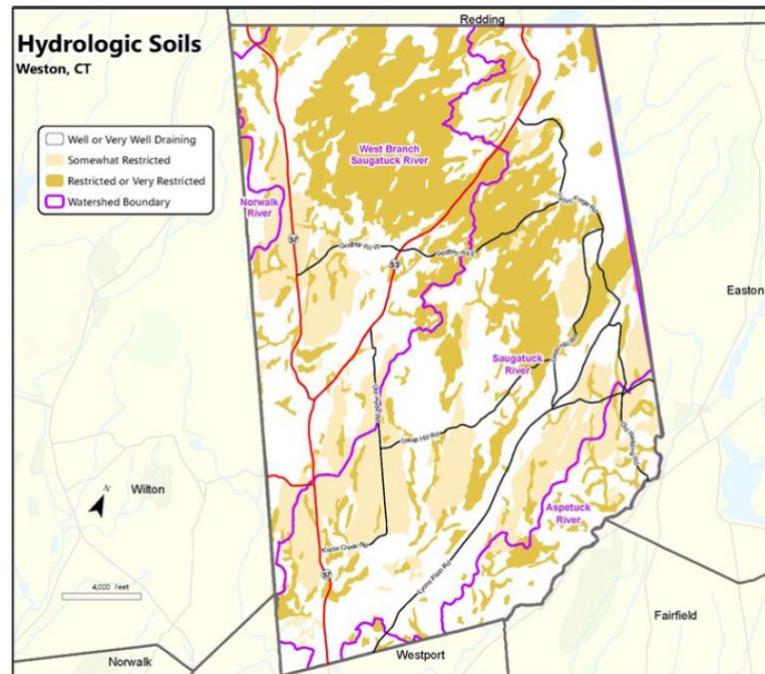
⁵⁴ See *id.*

⁵⁵ See Joseph D. Peznola. “Sewage Rules Create Gap in Housing Supply in Massachusetts: A Report Prepared for the Massachusetts Housing Partnership,” July 2015.

⁵⁶ See Weston’s 2021 Affordable Housing Plan, at pg. 8.

⁵⁷ The build out analysis was not found in a search of town documents.

The Weston Affordable Housing Plan’s Data Analysis and Needs Assessment includes a map of Hydrologic Soils in Weston provided by New England GeoSystems that shows a substantial amount of the town’s residentially-zoned land is “Well or Very Well Draining,” and a large amount is only “Somewhat Restricted.”⁵⁸ When compared to the Draft Existing Land Use map contained in the 2020 POCD, which shows over 780 acres of vacant land, there appears to be significant overlap of vacant land with soils that can support denser development.⁵⁹ This indicates that zoning changes might have an immediate impact through development on vacant land, in addition to adaptation of existing single-family uses to see an increase in affordable and multifamily housing.



WESTON AFFORDABLE HOUSING PLAN, DATA ANALYSIS AND NEEDS ASSESSMENT, MARCH 8, 2021, (PG. 13).

⁵⁸ See Weston’s 2021 Affordable Housing Plan Data Analysis and Needs Assessment, at pg. 13.

⁵⁹ See Weston’s 2020 Plan of Conservation and Development, at pg. D-53.

Physical and Visual Barriers Required Between Multifamily and Single-Family Housing

Some of the most powerful symbolic examples showing that towns perceive multifamily as nonresidential and as a threat to single-family homes are the physical and visual barriers that zoning regulations require of multifamily to ensure separation.

- ⇒ **Wallingford.** In Wallingford, the Open Space Planned Residential District can allow multifamily housing by special permit. Despite requiring massive acreages for all developments therein of at least five and up to 25 acres, creating a high likelihood of space between such developments and other uses, the regulations also mandate that a “landscaping buffer be required along all property boundaries and along all street lines... to protect property values... provide privacy from visual intrusion... and to improve the appearance of development within the town.”⁶⁰ Other zones allowing affordable housing are similarly perceived as a threat that can be mitigated by obscuring or hiding such development. Wallingford’s Incentive Housing Zone, which can be used to develop multifamily and affordable housing, requires that “All areas between the front of a building and the front property line that are not occupied by driveways, sidewalks or other approved hardscape, shall be landscaped with grass or other living ground cover, trees and shrubs.”⁶¹ Landscaping buffers are not required in residential, meaning single-family, zones throughout the town.

Wallingford’s Housing Opportunity District, which permits affordable housing but only single-family housing and only up to three units per acre, requires a landscaped buffer for the same list of potential risks to property values and visual intrusion.⁶² In this case, however, since multifamily housing is not allowed, the primary difference between this zone and single-family residential districts is that its residents are likely to have lower incomes, implying that affordability on its own requires physical and visual separation.

- ⇒ **Stonington.** Stonington’s Gateway Development District (GDD) which incorporates plans to accommodate a mix of commercial and residential uses, requires the Planning and Zoning Commission to consider “Harmony and compatibility with surrounding neighborhoods and land uses, including the incorporation of adequate buffers to protect abutting property values.”⁶³ This entails requiring “a buffer area between all uses of any area in the GDD which is used for other than single-family residential purposes which is abutting or directly across a street... from any lot used for residential proposes in a residential district exterior to the GDD.”⁶⁴ In combining all uses other than single-family, Stonington treats single-family as a residential use and multifamily as a nonresidential one, closer to a commercial use, which may visually intrude to residential dwellings. It is not just moderate or higher density multifamily, however, that single-family housing requires separation from. Stonington’s RR-80 and RR-40 Zones require 35-50 feet buffers for duplexes, putting them in the same buffer-requirement category as community facilities.⁶⁵ The RM-20, RM-13 and RH-10 all of which allow single-family and duplex housing, require a buffer only for duplex housing as well as “all new construction adjoining

⁶⁰ See Wallingford’s Zoning Regulations, at Section 4.3.D.4.

⁶¹ See Wallingford’s Zoning Regulations, at Section 4.23.L.

⁶² See *id.* at Section 4.19.E.4.

⁶³ See Stonington’s Zoning Regulations, at Section 7.23.2.2.

⁶⁴ See Stonington’s Zoning Regulations, at Section 7.23.6.7.

⁶⁵ See *id.* at Section 3.2.4.

single-family use or residential zone.”⁶⁶

- ⇒ **Simsbury.** Simsbury’s Housing Opportunity District only allows single-family (attached and detached) housing but requires a landscaping buffer between proposed units and “any existing off-site single-family detached dwellings on subdivided lots,”⁶⁷ essentially treating single-family affordable housing as a separate use from single-family, non-affordable housing. In addition, Simsbury’s Village Cluster Development Districts allow very limited, low density multifamily housing with site plan approval from the Zoning Commission.⁶⁸ Developments in this district must be at least 15 percent single-family units, at least 25 percent duplex units and the remainder can only be up to four units per structure. The minimum acreage needed for such a development is ten acres, and still, the regulations stipulate that “there shall be provided a minimum 100-foot landscaped area along the frontage of all public streets, and 50 feet along the remaining perimeter.”⁶⁹ While these buffers may not limit the feasibility of multifamily projects (that may be accomplished through the height, lot coverage, lot area and density restrictions), they serve as a demonstration of the lengths through which developers of multifamily must go to separate and obscure even low density development that includes any degree of multifamily housing.
- ⇒ **Old Saybrook.** Buffer requirements often present most explicitly that multifamily is treated as a nonresidential use. Old Saybrook’s Zoning Regulations require “lawn, shrubs and trees, including evergreen planting of the type, height, spacing and arrangement as, in the judgement of the [Zoning] Commission, will effectively screen the activity on the lot from the neighboring residential area,” but only for “Multi-family or non-residential use,” noting also that “There is no specific requirement for landscaping the buffer area” for single-family use.⁷⁰ Not only is multifamily in the same category as nonresidential uses, but it must be screened from visual intrusion into residential areas.

Further separating multifamily and affordable housing from residential uses, residential housing types do not require similar protection of property values or from visual intrusion.

- ⇒ **Farmington.** Farmington requires that the R9 Multifamily Cluster and Designed Multiple Residence Zones, which allow low density multifamily of up to five units per acre, be separated by a buffer from adjacent properties in any of the zones that allow single-family housing as of right.⁷¹ Such a buffer must “be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier to a height of ten feet.”⁷² Nonetheless when such housing is adjacent to an affordable housing or non-residential zone, the Commission can reduce the buffer significantly.
- ⇒ **East Lyme.** Similarly, the East Lyme regulations allow the commission to reduce the size of a buffer in the Affordable Housing District by four times if the adjacent property is zoned for multifamily housing.⁷³

⁶⁶ See *id.* at Section 3.3.4.

⁶⁷ See Simsbury’s Zoning Regulations, at Section 8.2.D.

⁶⁸ See *id.* at Section 3.11.

⁶⁹ See *id.* at Section 3.12.

⁷⁰ See Old Saybrook’s Zoning Regulations, at Section 63.4.2.

⁷¹ See Farmington’s Zoning Regulations, at Article II, Section 20.B & 8.C.

⁷² See *id.*

⁷³ See East Lyme’s Zoning Regulations, at Section 32.4.7.

Density Limitations: Indirectly or Directly Limiting Multifamily and Affordable Housing

While many towns explicitly separate and restrict multifamily homes from single-family residences, some towns instead/also use density (units per acre) rather than housing type (single- versus multifamily) to distinguish allowable land uses and prevent multifamily and denser housing. It is worth taking a moment to understand the relationship between density and multifamily housing. Multifamily housing can be more affordable due to two main factors: 1) building efficiency: creating more units in one construction process; and/or 2) increased density: creating more units for sale or for rent on a given land area.

One or both of these efficiency factors can be reduced or limited through zoning regulations. For example, buildings with three or more stories can be more cost efficient per unit than one or two story buildings from a construction perspective, so height restrictions that eliminate three or more story buildings limit the building efficiency factor as well as the number of units that can be built on the land. Further, if there are excessive architectural, aesthetic, or other requirements on multifamily housing, this may greatly increase the cost of construction, meaning the building cost efficiency is reduced.

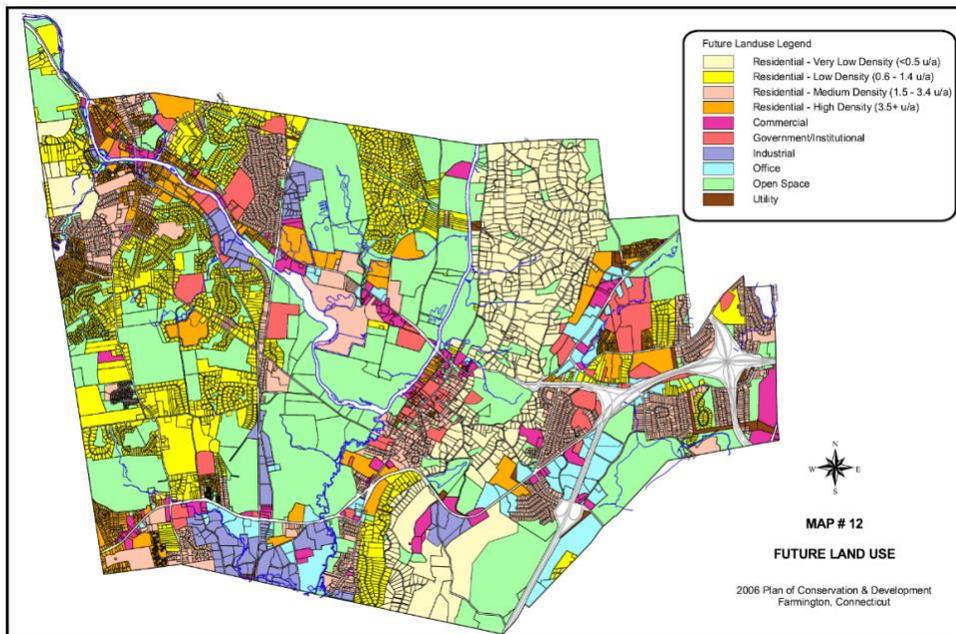


Densities & Building Typologies

EXAMPLES OF DEVELOPMENT PATTERNS AND CORRESPONDING DENSITIES, FROM *UNDERSTANDING DENSITY AND DEVELOPMENT INTENSITY*. LEAGUE OF CALIFORNIA CITIES – PLANNING COMMISSIONERS ACADEMY (PRESENTATION). MARCH 7, 2019

Similarly, building more units on a given piece of land reduces the relative cost of land per unit sold or rented, meaning each unit is more affordable to build, all else equal, and can be more affordable to the consumer. However, zoning provisions that restrict density can restrict this per unit efficiency. The zoning regulations we studied apply restrictions on both type and density, eliminating efficiencies and reducing opportunities for affordable housing development.

⇒ **Farmington.** Farmington’s Future Land Use Map from its 2006 POCD demonstrates how density planning, regardless of housing type, can severely limit higher density housing. In this map, the very limited orange areas are planned for “Residential – High Density”, which means 3.5 or more units per acre.⁷⁴ Three and a half units per acre could be accomplished with typical suburban single-family detached homes. Note in the graphic on the previous page that up to 12 units per acre represents the lowest density category described.

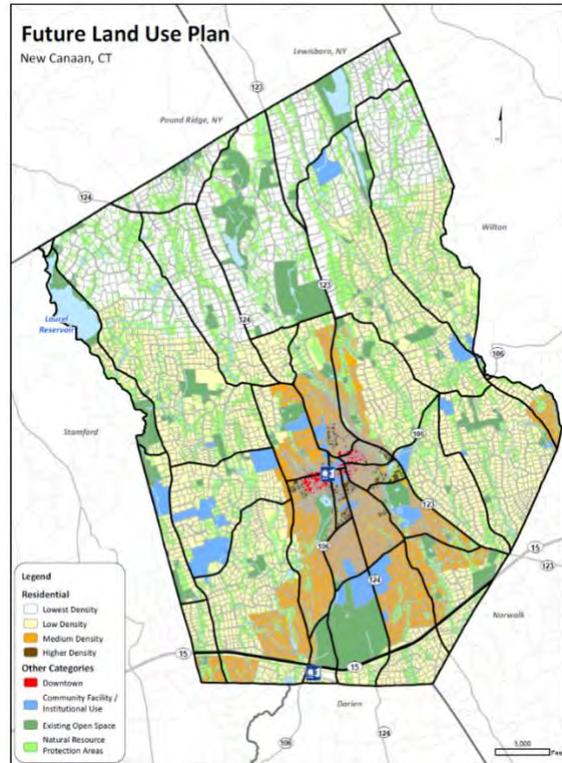


FARMINGTON FUTURE LAND USE MAP, PLAN OF CONSERVATION AND DEVELOPMENT, AMENDED 2016, (PG. 121).

⁷⁴ See Farmington’s 2006 POCD, at pg. 121.

⇒ **New Canaan.** Similarly, New Canaan shows its plans for “Higher Density” residential uses on the map to the right in dark brown, which is almost imperceptible compared to the Lowest, Low and Medium Density areas, which together comprise the majority of the town’s land area. The “Higher Density” designation is given to areas presently used for multi-family development. The next highest, “Medium Density,” comprises “areas where residential densities will generally be one unit per acre or higher,” which might be accomplished by single-family houses on large lots and could accurately be described as very low-density housing.⁷⁵

⇒ **North Branford.** Capping density can accomplish the same elimination of multifamily housing’s perceived influence on character (and also its actual influence on affordability). North Branford makes use of this by encouraging only less dense types of multifamily housing. Its 2019 POCD includes a recommendation to “Consider zoning regulation changes that distinguish between duplexes and larger multifamily housing developments. Consider modifying the regulations to be more permissive of duplexes, such as permitting them in the R-40 zone subject to special permit approval.”⁷⁶ Limits on density were just as common as limitations on housing type in the towns we studied.



NEW CANAAN FUTURE LAND USE PLAN, PLAN OF CONSERVATION AND DEVELOPMENT, 2014 (PG. 93).

Reducing the impediments to affordability requires both a diversity of housing types and diversity of allowable densities.

⁷⁵ See New Canaan’s POCD, at pg. 92.

⁷⁶ See North Branford’s 2019 POCD, at pg. 39.

Towns Favor Housing that is Inaccessible to Families with Children

Zoning for Equity: Volume I, highlighted a trend in many of the twelve towns that were analyzed. The affordable housing stock in several towns is disproportionately (often overwhelmingly) age-restricted, also known as elderly housing. In examining the planning and zoning documents of these twelve towns, this analysis seeks explanations for this imbalance. As in the first volume, Open Communities Alliance discovered myriad examples demonstrating both explicit and implicit preferences for senior-only affordable homes. This section presents a deeper look at the reasons and methods used to plan and zone in a way that impedes housing accessible to families with children.

The following data from the Connecticut Department of housing show that this trend is indeed present in nearly all of the towns in *Volume II*. In nine of the 12 towns studied, half or more of subsidized housing stock is age-restricted. It is important to note that people who are older can live in housing that is not elderly-only, so an increase in a town's overall housing stock can benefit seniors as well as families with children. The number of affordable housing units actually available to families with children is even more restricted than indicated here because it does not break out those units that are only one-bedrooms and studios, which are not ideal for families with children.

Town	Total Affordable Units (per §8-30g)	Total Governmentally "Assisted" – meaning Subsidized – Units (subcategory of "Affordable")	Percent of Subsidized Units that are Age- Restricted, Elderly
East Lyme	525	396	49.5%
Farmington	875	470	51.1%
Guilford	231	186	78.5%
Monroe	96	32	84.4%
New Canaan	222	175	23.4%
North Branford	125	62	50.0%
Old Saybrook	155	50	100.0%
Shelton	506	254	97.6%
Simsbury	432	289	38.1%
Stonington	561	441	51.2%
Wallingford	821	354	52.3%
Weston	8	-	0.0%
Total	4,557	2,709	55.4%

Note: Age-restriction information is only available for subsidized housing units; Source: DOH, 2019 Affordable Housing Appeals List/Governmentally Assisted Units

One might question why a focus on elderly housing is worth investigating, since affordable housing for the elderly is a good thing. While the documents that were analyzed will help illuminate many of the complex reasons this can be an issue, a high-level discussion is warranted at the outset. As the title of this section suggests, the issue is not that the housing is available to elderly residents, but that it is, by definition, not available to non-elderly households. In the absence of an abundance of affordable housing that is not restricted, the focus on elderly housing can leave few options for families with children for residing in a town. When a finite amount of subsidy is concerned, subsidies that are restricted to certain populations, necessarily leave less for other populations, so that towns' preferential treatment of elderly housing, particularly within subsidized housing, could reduce the subsidy available for families in the state.

As to the need for age-restricted housing, while some individuals may desire to live in exclusively elderly housing developments, many may prefer to live in age-integrated communities. In addition, restricting housing to seniors, a population that will increase and decrease depending on demographic trends, limits our collective ability to house different populations when other needs become proportionally greater. Further, while accessibility and other particular housing factors may be more important for elderly populations, the vast majority of elderly persons who live outside of age-restricted housing prefer to age in their homes.⁷⁷

As this analysis demonstrates, the evident preference for elderly housing over unrestricted multifamily housing on the part of many towns is critically important because it illuminates an aversion to housing types that are accessible to families with children, housing which is critical to undoing segregation and to furthering racial and economic equity, especially educational equity, in Connecticut.

⇒ **East Lyme.** For example, as the chart on the previous page shows, nearly half of the subsidized housing in East Lyme is reserved for elderly households. Nonetheless, it continues to see multifamily housing's primary purpose as for age restricted housing. Its 2009 POCD writes, "When planning for the location of future multifamily housing areas, the specific needs of the elderly community should be kept in mind....In developing new multifamily regulations, consideration should be given to allow alternative types of multifamily housing, such as PUDs (Planned Unit Developments) and congregate housing which could offer another type of affordable housing to senior citizens."⁷⁸ East Lyme makes it clear that it does not intend this housing to be age-integrated: "Special permit controls... should also incorporate guidelines for design, which preclude elderly housing from being easily converted to multifamily housing. That would include house design and number of bedrooms, as well as stipulations for homeowner associations."⁷⁹ Multifamily housing appears to be considered in another category altogether, one which is worth avoiding rather than encouraging with town planning policies.

"Special permit controls... should also incorporate guidelines for design, which preclude elderly housing from being easily converted to multifamily housing. That would include house design and number of bedrooms, as well as stipulations for homeowner associations."

- *East Lyme Plan of Conservation and Development*

⁷⁷ See Forum, Institute of Medicine (US) Food. Size and Demographics of Aging Populations. Providing Healthy and Safe Foods As We Age: Workshop Summary. National Academies Press (US), 2010; Housing America's Older Adults (2018). Joint Center for Housing Studies of Harvard University; MediaRoom. "AARP Survey Shows 8 in 10 Older Adults Want to Age in Their Homes, While the Number and Needs of Households Headed by Older Adults Grow Dramatically." Accessed February 18, 2022. <https://press.aarp.org/2021-11-18-AARP-Survey-Shows-8-in-10-Older-Adults-Want-to-Age-in-Their-Homes-While-Number-and-Needs-of-Households-Headed-Older-Adults-Grow-Dramatically>.

⁷⁸ See East Lyme's 2009 POCD, at pg. 55.

⁷⁹ See *id.*

Towns Use Fiscal Justifications such as Education Costs to Legitimize Policies That Limit Children

Many towns give clues to or are explicit about their intentions behind favoring age-restricted affordable housing.

⇒ **Farmington.** Farmington, in its 2018 Addendum to its POCD, in a section detailing inclusionary zoning as an option for creating more affordable housing, speaks positively about the potential of restricting multi-family housing to primarily one-bedroom units that would be unsuitable for families, thus ensuring minimal new student enrollment in town schools: "Multi-family would contribute significantly to the Farmington grand list, Requiring that the majority of the units be one (1) bedroom would greatly reduce the impact on Farmington schools."⁸⁰

⇒ **Guilford.** Guilford's "Growth Management Strategies" report describes efforts the town should undertake to "provide net tax revenue to a community," listing "age-restricted developments," "multifamily development with two or fewer bedrooms per unit," and "seasonal/vacation homes that do not typically result in school enrollment."⁸¹

"Multi-family would contribute significantly to the Farmington grand list, Requiring that the majority of the units be one (1) bedroom would greatly reduce the impact on Farmington schools."

- *Farmington Plan of Conservation and Development 2018 Addendum*

To the contrary, however, in Guilford's 2015 POCD, the section on housing affordability starts with more inclusive aspirations. "With Guilford's housing values amongst the highest in the region, the town should consider strategies to enhance the opportunities for younger people and families with modest incomes as well as seniors on fixed incomes to remain in Guilford."⁸² Later in a section on housing diversity, the POCD continues, "It is important for the town's growth to provide 'starter homes', apartments, and condominiums to encourage young people and families to come to Guilford. Diverse housing options allow these families to gain access into Guilford, and provide choices for other residents to stay in the community. Attracting young families can help to offset some of the declines in school population that has happened in the last several years, and provide new families to take over homes of "empty-nesters."⁸³

On the one hand, Guilford is seeking to avoid an increase an influx of school age children and on another to reverse a decline in school enrollment. One must ask whether the decline in enrollment could be in part due to planning and zoning policies that impede affordable housing for families with children.

The chart at the beginning of the previous section shows that 78.5% of the government assisted housing in Guilford is elderly restricted. Guilford is unique in that its Public Housing Authority is charged explicitly and exclusively with providing housing for the elderly.⁸⁴ This puts constraints

⁸⁰ See Farmington's Addendum to the Plan of Conservation and Development (2018) at Section 3-26 (page 113).

⁸¹ See "Growth Management Strategies" (2004), by the Guilford Planning Committee, at pg. 69.

⁸² See Guilford's Plan of Conservation and Development (2015), at pg. 42.

⁸³ See *id.* at pg. 44.

⁸⁴ Established by resolution adopted at Special Town Meeting 01/31/67.

on one of the most significant potential developers of affordable housing, one with unique access to important state and federal housing funding. This anti-family housing policy is further reinforced by Guilford's zoning regulations which include measures that restrict access to families. In Planned Residential Developments (PRD), which can be used to build affordable housing, there is a bedroom limit as opposed to a unit limit.⁸⁵ Since a developer can make a greater profit from more smaller units than from fewer larger units, this policy effectively incentivizes units with fewer bedrooms.

These examples are not unusual among the towns studied.

- ⇒ **New Canaan.** New Canaan's POCD suggests promoting "appropriate development" such as "Housing, particularly for 'empty nesters' and senior citizens."⁸⁶
- ⇒ **Shelton.** Shelton's POCD expands on the lengths that the town might have to go to in its regulations to limit the risk of children: "...the critical characteristic of such residential development lies in the limited number of school-age children residing in such facilities. In order to ensure a net positive tax gain to the City, the residential development must be of high quality design and construction and must restrict bedroom count by avoiding units having more than two (2) bedrooms and by limiting total bedroom count to an average of less than 1.5 bedrooms per dwelling unit in and [sic] given development. *It will be necessary to carefully screen rooms labeled 'dens' and 'studies' that might easily be converted to additional bedrooms at a later date* [emphasis added]."⁸⁷
- ⇒ **Simsbury.** Simsbury's POCD supports multifamily because the assumption is that it will not bring as many students: "Such housing can also be economic development to Simsbury. Multifamily developments generally result in far fewer school-children per unit than single-family homes and this means that these developments pay more in taxes than the residents require in terms of services."⁸⁸

⁸⁵ See Guilford's Zoning Regulations, at Section 273-83 (page 74).

⁸⁶ See New Canaan's Plan of Conservation and Development (2014), at pg. 38.

⁸⁷ See Shelton's Update to the Plan of Conservation and Development (2017), at page 8.

⁸⁸ See Simsbury's Plan of Conservation and Development, at page 86.

Preferential Treatment of Elderly & Smaller Housing Compared to Multifamily Housing in Zoning Regulations

While not all towns were explicit about impeding housing that could serve low-income families, often zoning regulations create a system that favors units with fewer bedrooms and elderly housing over non-age-restricted multifamily housing with more bedrooms. In some cases, zones allow only age-restricted housing, and when compared to zones that allow non-restricted housing, they allow more development-friendly conditions than for multifamily and affordable housing, even though elderly residents can live in accessible and affordable housing units that are not age-restricted. The following examples represent a sampling of zoning manifestations of this preference.

Increasing Permitted Densities for Age-Restricted Housing

- ⇒ **East Lyme.** East Lyme's Special Use District permits multifamily developments as long as the lot is at least 20 acres in size, yet elderly housing only requires a lot half the size.⁸⁹
- ⇒ **Wallingford.** In Wallingford's Housing Opportunity District (HOD-G), while multifamily affordable housing is allowed at 12 units per acre, if it is age-restricted the allowable density increases to 16 units per acre.⁹⁰
- ⇒ **Farmington.** Farmington's Designed Multiple Residence Zone, which can be used for multifamily housing, has a maximum net density of five units per acre and a minimum area of five acres to establish such a zone, while the Senior – Active Adult Housing Zone allows up to ten units per acre and does not have a minimum area requirement.⁹¹
- ⇒ **Stonington.** Stonington's Gateway Development District allows a 25% increase in density for "Age-Targeted Housing," meaning "independent living facilities for older persons (age 55 and above), assisted living facilities and convalescent homes," compared to "Conventional Residential (No Age Limits)."⁹²

Multifamily allowed only if Age-Restricted or Is Restricted by Conditions Not Required for Age-Restricted

While some towns have unique overlay or floating zones for elderly housing that can be used to permit age-restricted housing, many arbitrarily and without explanation require that multifamily housing in residential, commercial, or even affordable housing zones be age-restricted, or partly age-restricted or mixed use.

- ⇒ **East Lyme.** East Lyme allows elderly housing by special permit in its Commercial Districts, but does not allow non-age-restricted multifamily housing unless it makes up the lesser part of a commercial development.⁹³

⁸⁹ See East Lyme's Zoning Regulations, at Section 12.2.1.

⁹⁰ See Wallingford's Zoning Regulations, at Section 4.25.

⁹¹ See Farmington's Zoning Regulations, at Article 2: Sections 8.C.1; 8.C.2; 9.E.1.

⁹² See Stonington's Zoning Regulations, at Section 7.23.6.2.

⁹³ See East Lyme's Zoning Regulations, at Section 8.2.

- ⇒ **Monroe.** Monroe’s Affordable Housing District, is exclusively for age-restricted housing.⁹⁴
- ⇒ **Stonington.** Stonington’s “Residential Use Growth Management” regulations set an annual limit on the number of applications for five or more units that can be permitted but excepts “housing for the elderly.”⁹⁵ According to Stonington’s Zoning Regulations, the purpose of the Highway Interchange Zone is to encourage “the development of high quality commercial office, retail, light industrial development and age-restricted housing surrounding the interchanges of Interstate-95 with Routes 2,49, and 78,” while making no mention of non-age-restricted multifamily housing.⁹⁶
- ⇒ **Old Saybrook.** Old Saybrook’s Residence A district does not allow any multifamily housing except that it allows nonprofit elderly housing as a special exception use.⁹⁷
- ⇒ **New Canaan.** New Canaan’s Residence Zones, while not allowing ordinary multifamily homes, may allow by special permit “Multi-family dwelling(s) specifically designed for and occupied by persons over fifty-five (55) years of age.”⁹⁸

Bedroom Limits

Additionally, zoning regulations can prevent family occupancy without relying on age restrictions. Towns can use bedroom limits and unit size restrictions to make the housing that can be developed inaccessible for families with children to dis-incentivize the building of such housing or to control the supply of such housing and limit the size of the families who could occupy it. Restricting unit size in the form of the number of bedrooms was one of the most common practices among these towns that have a limiting impact on access for families with children.

- ⇒ **East Lyme.** In East Lyme’s Affordable Housing District, multifamily housing density is reduced as the number of bedrooms increases, from eight units per acre for one-bedrooms to just 5 units per acre for three-bedrooms.⁹⁹ This incentivizes building smaller units which are not accessible to families with children.
- ⇒ **Farmington.** Farmington’s Designed Multiple Residence Zone allows a discretionary increase in density for developments in which 50% of the dwelling units are one-bedroom units.¹⁰⁰
- ⇒ **North Branford.** North Branford’s Multiple Dwelling Cluster Developments are capped by bedroom, incentivizing more smaller units.¹⁰¹ The town’s Business Districts cap the number of bedrooms in multifamily homes at two.¹⁰²
- ⇒ **Shelton.** Shelton’s Central Business District allows “high density multifamily residential units”

⁹⁴ See Monroe’s Zoning Regulations, at Section 5.3.4.B.

⁹⁵ See Stonington’s Zoning Regulations, at Section 7.8.4.

⁹⁶ See Stonington’s Zoning Regulations, at Section 4.9.

⁹⁷ See Old Saybrook’s Zoning Regulations, at Section 24.2.6.

⁹⁸ See New Canaan’s Zoning Regulations, at Section 3.2.C.2.

⁹⁹ See East Lyme’s Zoning Regulations, at Section 32.4.3.

¹⁰⁰ See Farmington’s Zoning Regulations, at Section 8.C.14.a.

¹⁰¹ See North Branford’s Zoning Regulations, at Section 42.A.7.6.2.d.

¹⁰² See North Branford’s Zoning Regulations, at Section 42.5.1.C.

as part of a mixed-use development with no more than two bedrooms.¹⁰³

- ⇒ **Old Saybrook.** Old Saybrook’s Planned Residential Development Zone, which could be used for low density multifamily up to eight units per acre, prohibits units with more than two bedrooms.¹⁰⁴
- ⇒ **New Canaan.** New Canaan’s Business Zones cap the number of bedrooms in mixed-use multifamily developments at two.¹⁰⁵
- ⇒ **Wallingford.** Wallingford’s Zoning Regulations penalize larger units in the Downtown Apartment (DA) District by reducing the number of units per acre allowed as the number of rooms in each unit increases, from 35 units per acre for one room units, down to ten units per acre if units contain five or more rooms.¹⁰⁶
- ⇒ **Weston.** Weston’s Village District Regulations restrict the residential units in mixed-use developments to two bedrooms or less.¹⁰⁷

¹⁰³ See Shelton’s Zoning Regulations, at Section 36.5.

¹⁰⁴ See Old Saybrook’s Zoning Regulations, at Section 55.6.2.A.

¹⁰⁵ See New Canaan’s Zoning Regulations at Section 4.3.D.1.

¹⁰⁶ See Wallingford’s Zoning Regulations, at Section 4.7.B.b.

¹⁰⁷ See Weston’s Zoning Regulations, at Section 3.22.a.xiii.

Town Fiscal Fears Ring Hollow in Regional Comparisons

When understood in a regional sense, the avoidance of increases in school enrollment appears unjustified, both educationally and fiscally.

- ⇒ **Guilford/New Haven Comparison.** Guilford, compared to nearby New Haven, has a far smaller percentage of students in several need categories. The New Haven School District population is made up of 17.3% English Language Learners, 15.6% Students with Disabilities, and is 65.9% Free and Reduced Price Eligible students.¹⁰⁸ Guilford’s school district enrollment is, by comparison, 2.1% English Language Learners, 11.5% Students with Disabilities, and 13.3% Eligible for Free and Reduced Lunch. Despite the relatively modest needs of the school district, Guilford spent \$19,123 per student during the 2019-2020 school year, while with far greater student needs, the New Haven School District spent only \$16,929 per student.¹⁰⁹

Table: District Per Pupil Expenditure and Student Need Categories with Regional Urban Comparisons, 2019-2020

Public School District	Federal Funds Per Pupil	State, Local, Other Funds Per Pupil	Total Per Pupil Expenditure	% English Learners	% Eligible for Free and Reduced Price Lunch	% Students with Disabilities
Bridgeport	\$1,020	\$13,699	\$14,718	20.3	71.5	18.7
Monroe	\$268	\$18,066	\$18,334	1.1	12.6	13.1
New Canaan	\$241	\$21,744	\$21,985	1.1	-	12.6
Shelton	\$307	\$15,466	\$15,773	5.5	30.9	15.0
Weston	\$254	\$23,338	\$23,592	0.8	2.5	11.6
New London	\$1,210	\$15,289	\$16,498	21.6	81.1	17.8
East Lyme	\$299	\$17,754	\$18,053	1.9	22.8	15.8
Old Saybrook	\$374	\$21,041	\$21,416	5.7	27.5	14.6
Stonington	\$484	\$19,154	\$19,638	0.7	27.0	15.8
New Haven	\$1,484	\$15,444	\$16,929	17.3	65.9	15.6
Guilford	\$287	\$18,837	\$19,123	2.1	13.3	11.5
North Branford	\$540	\$18,490	\$19,031	0.9	24.0	15.4
Wallingford	\$280	\$18,644	\$18,924	5.9	32.8	16.0
New Britain	\$892	\$13,275	\$14,168	17.0	73.6	21.7
Farmington	\$267	\$17,283	\$17,551	4.3	17.3	12.0
Hartford	\$949	\$16,548	\$17,496	21.2	79.3	19.7
Simsbury	\$322	\$17,670	\$17,992	1.5	14.7	14.8

Sources: School Year 2019-20, <https://ctschoolfinance.org/issues/spending>; School year 2019-2020, Profile and Performance Reports, <https://edsight.ct.gov/SASPortal/main.do>.

The fiscal situation in these towns tells a similar story. Guilford is a small town compared to New Haven, but the property values in Guilford show that the town has access to a disproportionate share of taxable assets for the size of its population. Guilford is home to nearly five billion dollars’ worth of property, compared to nearly 12 billion in New Haven.¹¹⁰ Since Guilford’s population is about one sixth that of New Haven, the town has an assessed Equalized Net Grand List of

¹⁰⁸ See School year 2019-2020, Profile and Performance Reports, available at <https://edsight.ct.gov/SASPortal/main.do>.

¹⁰⁹ See School Year 2019-20 spending data, available at <https://ctschoolfinance.org/issues/spending>.

¹¹⁰ See 2019 Grand List, available at <https://portal.ct.gov/OPM/IGPP/Publications/Equalized-Net-Grand-List-By-Town>.

\$219,228 per person, compared to \$90,461 in New Haven.¹¹¹ This enables Guilford to maintain a relatively low tax rate of 32.31 mills compared to New Haven’s 43.88 mills, and yet still spend over two thousand dollars more per pupil than New Haven.¹¹²

Table: Town Assets and Mill Rates with Regional Urban Comparisons

Town	Population	Mill Rate (Real Property), 2021	Total Equalized Net Grand List, 2019	Equalized Net Grand List Per Capita, 2019
Bridgeport	145,639	53.99	\$ 11,354,459,050	\$ 77,963.04
Monroe	19,546	35.48	\$ 3,176,321,139	\$ 162,504.92
New Canaan	20,276	18.16	\$ 10,430,282,373	\$ 514,415.19
Shelton	41,141	22.42	\$ 7,319,857,732	\$ 177,921.24
Weston	10,287	32.37	\$ 3,184,290,535	\$ 309,545.11
New London	26,966	38.19	\$ 2,282,298,423	\$ 84,636.15
East Lyme	18,724	28.36	\$ 3,476,753,904	\$ 185,684.36
Old Saybrook	10,090	20.05	\$ 3,402,728,103	\$ 337,237.67
Stonington	18,445	23.36	\$ 4,442,709,950	\$ 240,862.56
New Haven	130,331	43.88	\$ 11,789,933,691	\$ 90,461.47
Guilford	22,216	32.31	\$ 4,870,370,408	\$ 219,228.05
North Branford	14,191	33.58	\$ 2,023,444,113	\$ 142,586.44
Wallingford	44,596	29.19	\$ 6,714,365,812	\$ 150,559.82
New Britain	72,767	50.50	\$ 4,450,468,320	\$ 61,160.53
Farmington	25,528	27.97	\$ 5,577,584,810	\$ 218,488.91
Hartford	123,088	74.29	\$ 7,482,907,669	\$ 60,793.15
Simsbury	24,799	37.09	\$ 3,775,735,149	\$ 152,253.52

Sources: FY 2021 Mill Rates. CT Office of Policy and Management. <https://portal.ct.gov/OPM/IGPP/Publications/Mill-Rates>; Equalized Net Grand List by Town (2019). CT Office of Policy and Management. <https://portal.ct.gov/OPM/IGPP/Publications/Equalized-Net-Grand-List-By-Town>.

If the intentions to limit school age children from moving to town are successful, it is logical that the segregation apparent in a town’s population will extend to segregation in its schools. The Census estimates that 1% of Guilford’s population identified as Black, while the school enrollment percentage for Black students was suppressed because the number of students was fewer than six, meaning the percentage could not be more than 0.1%.¹¹³ With nearby New Haven’s public school district at 36.4% Black, it is not hard to believe that housing policy that encouraged housing accessible to families with children would decrease the degree of school and residential segregation in Guilford. In all of these towns, the racial segregation in population was substantially present in the school district racial makeup as well. In a state with some of the highest residential segregation levels in the country,¹¹⁴ the lack of educational opportunities, which appears to at least in part stem from the lack of housing opportunities, creates and perpetuates inequity in our housing and education systems.

¹¹¹ See *Id.*

¹¹² See CT Office of Policy and Management mill rate data, available at <https://portal.ct.gov/OPM/IGPP/Publications/Mill-Rates>.

¹¹³ See Data Appendix.

¹¹⁴ See Frey, William H. “Black-White Segregation Edges Downward since 2000, Census Shows.” *Brookings* (blog), December 17, 2018. <https://www.brookings.edu/blog/the-avenue/2018/12/17/black-white-segregation-edges-downward-since-2000-census-shows/>.

Table: Student Enrollment by Race and Urban Comparisons, 2019-2020

Public School District	% American Indian or Alaskan Native	% Asian	% Black or African American	% Hispanic or Latino of any race	% Native Hawaiian or Other Pacific Islander	% Two or More Races	% White
Bridgeport	0.7%	2.4%	32.3%	51.4%	0.2%	1.1%	12.0%
Monroe	*	5.0%	2.1%	10.9%	*	3.5%	78.4%
New Canaan	*	7.0%	1.6%	5.1%	*	3.9%	82.2%
Shelton	*	5.5%	6.9%	16.9%	*	3.2%	67.3%
Weston	0.0%	5.1%	1.8%	6.9%	0.0%	5.7%	80.4%
New London	*	1.2%	17.6%	52.1%	*	11.5%	16.8%
East Lyme	*	8.9%	1.6%	7.6%	*	5.3%	76.3%
Old Saybrook	0.0%	3.6%	*	12.6%	*	2.8%	79.8%
Stonington	*	2.1%	1.3%	6.0%	*	4.2%	85.9%
New Haven	0.2%	2.5%	36.4%	46.7%	0.1%	1.8%	12.4%
Guilford	0.0%	4.3%	*	7.6%	*	4.1%	82.8%
North Branford	*	1.9%	2.1%	7.9%	0.0%	*	86.6%
Wallingford	0.2%	5.0%	2.1%	18.2%	0.1%	1.7%	72.7%
New Britain	*	2.3%	11.1%	66.7%	*	3.4%	16.4%
Farmington	0.1%	22.4%	4.7%	8.6%	0.0%	4.2%	60.0%
Hartford	0.4%	4.4%	29.4%	54.4%	0.2%	2.1%	9.2%
Simsbury	*	7.1%	5.8%	9.5%	*	4.3%	73.2%

Note: Fewer than 6 enrolled is noted as "*" to protect student privacy; Source: Profile and Performance Reports (2019-2020). EdSight - Connecticut State Department of Education. <https://edsight.ct.gov/SASPortal/main.do>

These fiscal arguments fall flat on other grounds as well.

⇒ **East Lyme.** East Lyme, a town with a similar prevalence of and focus on elderly housing, notes in its 2009 Affordable Housing Plan that "school enrollments are declining despite the population growth," and are "projected to decline in Connecticut through 2020."¹¹⁵ Further dispelling the school spending arguments, the section on *Public Misconceptions vs. Reality* writes that, "While East Lyme school enrollments have declined, staffing and expenses have increased. School officials will testify that the drivers of school expenses have been health care insurance, energy, transportation and special education costs, not enrollments."¹¹⁶

These fiscal and school resource disparities, when coupled with racial segregation, if not addressed, risk maintaining and further reinforcing stark racial opportunity gaps and reifying racial inequality in our regions.¹¹⁷ The widespread fear of adding students to these communities (1) ignores that increases in

¹¹⁵ See East Lyme's Affordable Housing Plan (2009), at pg. 12.

¹¹⁶ See *id.*

¹¹⁷ Research indicates that this is indicative of a statewide problem. According to the Connecticut School and State Finance Project, "Districts that educate the greatest percentages of economically disadvantaged students, English Learners, and students with disabilities also educate the largest number of these higher-need students. These districts also tend to have

enrollment are not causing increases in expenditures; (2) ignores that new housing development increases the local property tax base and benefits the economy in myriad ways; and (3) ignores the reality that nearby urban school systems are serving a dramatically higher proportion of student need populations with less money to spend per pupil. Without comparable student spending and student needs, the planning and zoning practices that seek to prevent increases in students is a policy to hoard wealth at the expense of social and economic equality.

larger percentages of BIPOC students. However, the districts serving these students often do not receive funding that reflects the needs of their student populations. This inequity occurs due to the varying ability of communities in Connecticut to pay local education costs. Ultimately, this has resulted in a consistent mismatch between district needs and district resources, with districts that serve larger populations of higher-need students receiving less funding than their lower-need peers. Additionally, Connecticut's higher-need, lower-wealth districts tend to serve more BIPOC students than the state's lower-need, higher-wealth districts." School and State Finance Project. (2020). Racial Disparities in Connecticut Education Funding. New Haven, CT: Author. Retrieved from <http://ctschoolfinance.org/resources/uploads/files/Racial-Disparities-in-CT-Education-Funding.pdf>.

Conclusion

As historian and education expert Richard Rothstein laid out in the preface to *The Color of Law: A Forgotten History of How Our Government Segregated America*, his National Book Award-winning examination of residential segregation, "...African Americans were unconstitutionally denied the means and the right to integrate middle-class neighborhoods, and because this denial was state-sponsored, the nation is obligated to remedy it." Here in Connecticut, where many groups, including Blacks, Latinos, single-parent households, households with a person with a disability, and others, are disproportionately lower income and have less wealth than other households, the functional ban through government-sponsored zoning on the development of housing for families that is more affordable has profound implications on where they can live.

These types of municipal policies are troubling because they run contrary to federal law, but also run afoul of state land use laws and the state Constitution. Zoning is a power delegated by the state of Connecticut to towns by the Zoning Enabling Act, C.G.S. § 8-2 and most towns opt to oversee their zoning in accordance with this law. The Zoning Enabling Act lays out town powers and obligations with regard to zoning. These include authority over Euclidean considerations, like building heights and lot sizes, and permit consideration of other issues, like soil types and environmental considerations. The Act also includes several very clear provisions addressing affordable and multifamily housing, including:

Such regulations shall also encourage the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region in which the municipality is located, as designated by the Secretary of the Office of Policy and Management under section 16a-4a.

Such regulations shall also promote housing choice and economic diversity in housing, including housing for both low and moderate income households

[Such regulations] . . . shall encourage the development of housing which will meet the housing needs identified in the state's consolidated plan for housing and community development prepared pursuant to section 8-37t and in the housing component and the other components of the state plan of conservation and development prepared pursuant to section 16a-26.

Despite these strong laws, numerous zoning codes – including those reviewed in this report – contain significant barriers to the development of multifamily and affordable housing.

Lastly, creating immense barriers severely limiting middle and lower-income families with children from residing in well-resourced towns is counter-productive for the economic health of the state of Connecticut and for the very towns themselves. The population that is growing in our state is the population of color, so it is in the greater interest of the state to ensure that Black, Latino and other children of color have access to high quality education, both in communities that have been predominately communities of color over the last several decades, and by ensuring access to housing in communities that are home to our highest performing schools. Affordable housing opportunities everywhere also mean that families will have greater disposable income to save to buy a home or for retirement or college, but also to spend in our local economy.

It is imperative that the 12 towns spotlighted here, as well as many others and the state itself, take intentional steps to not only end policies disincentivizing affordable housing for families with children, but also counter their staggering decades-long impact.

Policy Recommendations

The findings in this report point to just a few practices that would need to be addressed to significantly expand access to affordable housing across Connecticut. Policies that address the core of the issue must recognize that the impediments that exist in planning and zoning are diverse and complex. No single change to zoning or planning will solve the problem. This is why Open Communities Alliance recommends the statewide adoption of Fair Share legislation that provides enforceable goals for towns, giving towns the agency to design and execute a plan with local buy-in and support from the state as needed. However, our history has shown that towns cannot be left to their own devices in terms of setting the goals.

Segregation is deeply rooted in our history and is currently cemented in place by planning and zoning. Fair Share is an opportunity to begin to reverse the impacts of this harmful past and present of Connecticut housing policies. There are myriad benefits to this approach, in addition to the fact that a Fair Share system has successfully led to over 70,000 units of affordable housing construction in suburban New Jersey.¹¹⁸

With Fair Share, municipalities can bring their own expertise and ingenuity to the process of re-imagining their planning and zoning to foster greater inclusion and diversity. The planning and zoning solutions that can be brought to bear towards achieving a town's fair share are more numerous than the impediments. Towns can creatively employ Inclusionary Zoning, a zoning tool sanctioned by the state that allows towns to require that within a zoning district, a certain percentage of units in each development are rented or sold at an affordable price to low-income households, creating a mixed-income development. Towns must carefully design the affordable percentage based on housing market demand and ensure that zoning regulations allow sufficient density that developers are able to produce enough market rate units to internally subsidize the affordable units. With Inclusionary Zoning as a tool, the potential of land can be unlocked by increasing the allowable density for mixed-income housing which produces affordable housing units through market activity and without government subsidy.

Towns can sponsor or support affordable housing developments in numerous ways, from gifting town-owned land to an affordable housing developer to working with its Public Housing Authority to develop mixed income housing using federal funding. Municipalities can also tailor solutions to their community's needs and resources, focusing on farmworker housing in rural areas, connecting to transportation hubs in others, and scaling housing to match the scale of the community.

The benefits of fair share to state and local economies cannot be overstated. Open Communities Alliance estimates that if a Fair Share system were adopted in Connecticut and resulted in similar housing types to New Jersey, that in ten years, Fair Share would lead to tens of billions of dollars in income for Connecticut residents, tens of billions of dollars in state and local tax revenue, and tens of thousands of jobs.¹¹⁹

Despite all of these benefits, we cannot lose sight of the fact that more than half a century after the Civil Rights Movement, Connecticut is still deeply segregated, separated and unequal. Fair Share would take a significant step towards addressing one of the major roots of the problem.

¹¹⁸ The Fair Share Housing Center of New Jersey projects that at least that many units of affordable housing are soon to be developed through municipal Fair Share Plans.

¹¹⁹ These estimates are based on "The Economic Impact of Home Building in Connecticut: Income, Jobs and Taxes Generated," from the National Association of Home Builders, April 2019.

Appendix: Town Demographic and Housing Data Sources

Data	Source
Total Housing Units	Census ACS 2019 5-year estimates, Table B25024
Percent Affordable	Connecticut Department of Housing Website. https://portal.ct.gov/DOH/DOH/Programs/Affordable-Housing-Appeals-Listing
Median Home Value Owned	Census ACS 2019 5-year estimates, Table DP04
Number of Units in Structure	Census ACS 2019 5-year estimates, Table B25024
Construction Permits	DECD; https://portal.ct.gov/DECD/Content/About_DECD/Research-and-Publications/01_Access-Research/Exports-and-Housing-and-Income-Data
Population and Race / Ethnicity	Census ACS 2019 5-year estimates, Table B03002
Poverty Rate	Census ACS 2019 5-year estimates, Table S1701
Median Household Income	Census ACS 2019 5-year estimates, Table S1901