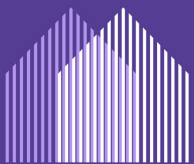


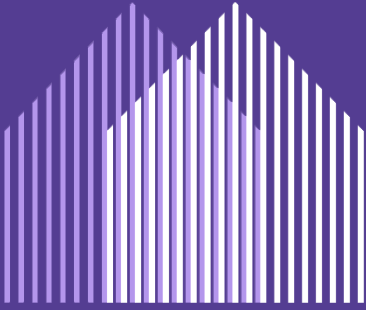
Public Act 21-29

Initial Findings



DESEGREGATE
CONNECTICUT

September 2023



DESEGREGATECT is a pro-homes coalition of over 75 nonprofits and neighborhood groups founded in June 2020, in the wake of George Floyd's murder, to expose the role land use policies play in Connecticut's staggering economic and racial segregation and to make significant structural change to address it.

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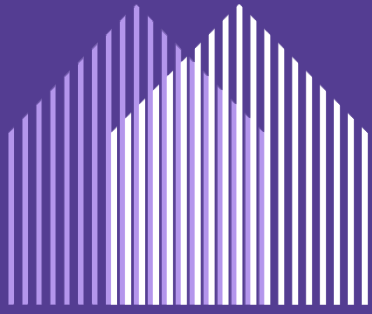
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Public Act 21-29

Initial Findings

Introduction

Since the Great Recession, homebuilding in Connecticut has not recovered or kept pace with population growth and demographic changes, creating a significant lack of homes and diversity of homes for many families and individuals across age, income, and background.

This is compounded by decades of exclusionary zoning policies that entrenched economic and racial segregation in Connecticut and have made the state ill-prepared to combat climate change. In the last few years, a growing pro-homes movement of advocacy groups, including DesegregateCT, have worked together to introduce local and state level land use reforms to address this series of converging crises. One of the most glaring land use policies in Connecticut is the overwhelming dominance of single-family zoning that allows only one home to be constructed on a lot; single-family zoning represents 91% of residential land in the state.¹

During the 2021 legislative session of the Connecticut General Assembly, this coalition helped pass into law House Bill 6107, now known as Public Act 21-29. This legislation, which included other significant land use reforms, required municipalities to permit accessory apartments or accessory dwelling units (ADUs) “as of right”, meaning a property owner can build an ADU through local administrative sign off, without requiring a special permit or going before a public hearing. ADUs, sometimes anachronistically referred to as “granny flats” are small, independent secondary homes located on the property of another primary home, sometimes attached or internal to the main building (ex: by converting an attic or basement) or sometimes unattached (ex: a garage or free-standing structure). As other states seek to address the housing crisis, ADUs have become a popular policy initiative to expand the supply of more affordable homes through “gentle density” without costing as much as a full dwelling or disrupting the existing built environment, particularly in single-family zones. For this reason, ADUs are sometimes pithily referred to as the “gateway drug” to more ambitious pro-homes reforms. Although a slight majority of communities in Connecticut allowed ADUs before 2021, many of their zoning regulations severely limited the potential for ADUs to address the state’s housing crisis.²

¹ desegregatect.org/atlas

² As will be discussed in Section IV, there are other barriers to the expansion of ADUs. In addition, please read our companion report for information on financing ADUs.

The goal of Public Act 21-29's ADU provision was to streamline the permitting process, encourage minimum size standards, deregulate restrictions that hampered the wide expansion of ADUs in Connecticut, and expand the intent of ADUs in local planning. The bill set out the following standards for municipalities: allow both attached and detached ADUs as of right; allow for an ADU to be a maximum of 1,000 square feet or 30% of the main dwelling; prohibit municipalities from setting age restrictions, blood relation requirements, or banning non-related tenants; and prohibit parking requirements greater than one space per ADU.³

However, a compromise provision was inserted which allowed municipalities to "opt-out" of the ADU and parking provisions within the law. This process required two steps: first, two-thirds of the planning or zoning board had to affirmatively vote to opt-out; second, the municipality's highest governing body (ex. Town Council), also had to come to a two-thirds vote to opt-out – all before the deadline of January 1st, 2023.⁴

The initial findings in this report document how the ADU provision of Public Act 21-29 played out at the municipal level between the law's passage in June of 2021 to the opt-out deadline of January 1st, 2023.⁵ ⁶ The data (which can be found here) is the result of our efforts contacting local governments, reviewing minutes from public meetings, and reviewing municipal zoning codes. Though comprehensive, we highlight gaps in these initial findings where we were unable to confirm status at the time of publication. We sought to answer several questions: how many municipalities chose to opt-out of PA 21-29's ADU provision? Did these municipalities update and/or expand their ADU regulations in response? What local regulations are still in place that may restrict the construction of ADUs? What steps have municipalities that declined to opt-out taken to comply with or promote Public Act 21-29? This report will also demonstrate why including opt-out provisions created unnecessary work and confusion for local and state officials and should serve as evidence for avoiding opt-outs in future legislation. Finally, we briefly outline areas for follow up investigation and make recommendations for possible next steps for stakeholders to encourage more ADU construction.

³ Connecticut General Assembly Public Act 21-29, Section 6.1, a-e.

⁴ Ibid, Section 6.1, f.

⁵ We also tracked the opt-out process for the parking provisions, but plan to use that data in future reports.

⁶ This report is not a comprehensive review of the existing stock of ADUs in Connecticut. We did not track how many are currently built or how many are in the process of being permitted or constructed. Though municipalities track this information, there is not a state-level record that we are aware of to leverage in this report.

I: Municipal Actions on the ADU Provision in PA 21-29

In this section, we categorize the actions of all 169 of Connecticut’s municipalities related to the ADU opt-out provision in Public Act 21-29.⁷

The statute required that a municipality’s planning and zoning board (or combined board) intending to opt-out must: (1) hold a public hearing on the proposed opt-out, subject to the standard notice and timeframes for such hearings; (2) affirmatively decide by a two-thirds vote to opt out within the statutory time limit (generally within 65 days of the hearing’s completion); (3) state in the record the reasons for its decision; and (4) publish notice of the decision within 15 days in a newspaper that has substantial circulation in the municipality. The act requires the opt-out to be confirmed by a two-thirds vote of the highest municipal legislative body. The deadline to complete all of these official acts necessary to opt-out was January 1, 2023. Notably, the statute did not require that the municipality report their action to a state agency.

Our overall findings are as follows: 54 municipalities (32%) did not opt-out and are subject to the ADU provision of PA 21-29⁸; 115 municipalities (68%) did opt-out and are not subject to the ADU provision of PA 21-29.

PA 21-29 Status of all 169 Connecticut municipalities:

In: 54 Connecticut municipalities, or 32%, did not opt-out and are subject to the ADU provision.

Out: 115 municipalities, or 68%, did opt-out and are not subject to the ADU provision.

We determined these categories by first reviewing zoning codes, then reviewing planning and zoning board meeting minutes from June 2021 through February 2023 (in case municipalities took actions after the deadline, though we did not find any examples) to find evidence of actions related to PA 21-29. If we could not find a record of an official action (a public notice, a vote, or a discussion declining to opt-out), we contacted local officials, either a town planner or occasionally a planning or zoning board chair. Generally, finding publicly available evidence of a municipality’s decision to opt-out was relatively straightforward given the requirements of the public process⁹. It was more difficult to “prove” that a municipality did not opt-out and, in some cases, our only evidence was confirmation from a town official. There were several instances where we did not find evidence of an opt-out despite a local official expressing some awareness of opting-out, demonstrating that there remains confusion about the opt-out process overall. We have also outlined the instances where we remain unsure of a municipality’s status and will need to update. In these cases, we counted the municipality as having not opted-out, but it is likely that some have.

⁷ For the purposes of this report, we have used a shorthand for opting-out of PA 21-29, but this refers only to the ADU provision. It is important to be clear that municipalities could only opt-out of two provisions of the law (ADUs and parking requirements). All municipalities must comply with all other components of the law.

⁸ Of these 54 municipalities, we have confirmed 40 but 14 remain unconfirmed at time of publication and are presumed to be subject to ADU provision of PA 21-29. Some may have opted out. These municipalities are noted in our list.

⁹ We generally found notices or minutes of a P&Z opting out, but did not always find the highest elected body doing the same.

II. Additional Municipal Actions on ADUs

In addition to tracking the binary opt-out process, we also tracked what, if any, additional actions municipalities took related to ADU regulations during the same period of June 2021 - February 2023, between passage of the law and the deadline to opt-out.

We wanted to determine if the law sparked a significant change in local approaches to ADUs even if a community opted-out. We will categorize these actions based on whether or not the municipality opted-out.

For context, prior to 2021, according to our Zoning Atlas, 17 municipalities did not have any ADU regulations: Bethlehem, Derby, East Hartford, East Haven, East Lyme, Franklin, Manchester, Meriden, Middlebury, Orange, Stamford, Vernon, Waterbury, Winchester, Windsor, Windsor Locks, and Woodstock.

Status of 17 Municipalities that Banned ADUs prior to PA 21-29

5 (Bethlehem, Manchester, Vernon, Winchester, and Windsor) did not opt-out and are subject to PA 21-29.

11 (Derby, East Hartford, East Haven, East Lyme, Franklin, Meriden, Middlebury, Orange, Waterbury, Windsor Locks, and Woodstock) opted out and continue to not allow ADUs.

1 (Stamford) opted out and passed local regulations to begin allowing ADUs.

Municipalities that are subject to PA 21-29 ADU's Provision (Did not opt-out)

Fifty-four municipalities have not opted-out of PA 21-29 and are subject to the law's ADU provision. This includes 5 municipalities that did not have ADUs regulations: Bethlehem, Manchester, Vernon, Winchester, and Windsor.¹⁰ All 5 are now subject to PA 21-29 but have not taken any other actions related to ADUs.

Within the remaining group of municipalities that did not opt out, we are unable to definitively determine how many affirmatively supported the law, did not complete the opt-out process in time for whatever reason, or have simply not confirmed their opt-out. Anecdotally, through conversations with various town planners, planning and zoning chairs, and reviewing meeting minutes, we learned that over 40 of these municipalities reviewed PA 21-29 and decided not to opt-out. In a handful of cases, we saw evidence that further review was recommended at a planning meeting, but we did not see follow up actions taken (votes or zoning amendments acted on in subsequent meetings.) In the remaining cases, we were unable to determine what led a municipality not to opt-out. We have no indication that a municipality took steps

¹⁰ Bethlehem is one of two municipalities that does not have zoning regulations. The other is Eastford, which does allow some ADUs and opted-out of PA 21-29.

to opt-out, but failed to do so (ie: there is no record of a body failing to obtain the required majority.) Finally, as previously stated, there were a handful of examples where an official from a municipality said they opted-out but could not recall when and we were unable to find any evidence. For the purposes of this report, they are considered to be subject to PA 21-29 until we receive confirmation.

To this last point, it is possible that at least some municipalities believe that they have opted-out but have not taken all of the steps outlined in the statute. There was no requirement to report an action on PA 21-29 to the state, so there is no definitive list to reference. Overall, further research is necessary to determine whether any of these 54 municipalities that are listed as subject to PA 21-29 have not been acting in compliance or have opted-out. However, we have not found evidence that a municipality subject to PA 21-29 has unlawfully denied an ADU application.

Municipalities Not Subject to PA 21-29 (Opted Out)

After tracking the initial opt-out, we looked to see whether PA 21-29 motivated municipalities that chose to opt out to change their ADU regulations. Of the 115 municipalities that formally opted out, 29 responded with their own changes in ADU regulations during the period of our review that, broadly speaking, brought them more in line with state standards outlined in PA 21-29 (in some cases, they adopted almost identical regulations). Seventy-four did not change their ADU regulations during the period of our review. In addition, 11 municipalities that did not previously have ADU regulations continue not to allow them. One municipality, Stamford, did not have previous ADU regulations, opted-out of PA 21-29, and passed their own ADU regulations.

Bridgewater, Derby, and Seymour opted out but have not responded to us about changes in ADU regulations. Additionally, 7 municipalities have confirmed with us or listed publicly that they are currently in the process of updating their ADU regulations at the time of this publication.¹¹ Several have cited the Regional Plan Association's *Be My Neighbor* 2020 report as a guide for their process.

Between municipalities that are or are not subject to PA 21-29, we can determine that 84 out of 169 (50%) have expanded their allowance of ADUs between the passage of PA 21-29 and the deadline to opt out. This includes the 54 municipalities that did not opt-out and 30 municipalities that opted-out but amended their regulations. It should also be noted that another 29 municipalities (17%) that opted out have existing regulations that at least partially satisfy PA 21-29.¹² In total, we can state that 67% of municipalities, broadly speaking, allow ADUs after this time period close to what PA 21-29 intended.

As part of the opt-out process for PA 21-29, communities were required to list reasons for deciding to do so. We did not formally categorize these explanations, but several themes emerged in our review: "we don't want the state telling us what to do," "our regulations work for us," and "state regulations don't work in our community." In municipalities without ADU regulations, there was some discussion of adopting regulations and a handful of cases where resistance remains. An aversion to state oversight is not surprising to encounter in elected bodies at the local level, however, it remains a puzzling mindset given how many municipalities that opted out now have similar ADU guidelines to PA 21-29.

¹¹ East Hampton, East Haven, Meriden, Putnam, Sterling, Voluntown, Windsor Locks

¹² We determined this by including municipalities that have at least 30% of principal or 1000 SF for square footage; have 3 maximum required parking spots, if any required, per lot; allow both attached and detached: Andover, Avon, Barkhamsted, Beacon Falls, Bloomfield, Canterbury, Columbia, Durham, Easton, Essex, Fairfield, Granby, Greenwich, Hamden, Killingly, Litchfield, Mansfield, Middlefield, Montville, New Fairfield, New Hartford, Norfolk, Old Saybrook, Pomfret, Roxbury, Salisbury, South Windsor

III. Assessment of Municipal ADU Regulations

In addition to tracking the opt-out process for PA 21-29, we further analyzed each municipality's ADU regulations as of the summer of 2023. We paid particular attention to which municipalities most recently updated zoning regulations, but in general wanted to answer these questions:

- ▶ What is the primary intention of their ADU regulations, if denoted?
- ▶ Do they permit attached and detached ADUs?
- ▶ Is affordability required?¹³
- ▶ Is owner-occupancy required?
- ▶ Is there a minimum/maximum square footage of parcel size for the lot the ADU is built on?
- ▶ Which residential zones are ADUs allowed in as of right?
- ▶ How many total off-street parking spaces are required for the primary and ADU?
- ▶ When was the last time these regulations were updated?
- ▶ Do they have a financing program for ADUs?
- ▶ Any other important information we saw that did not fit under a specific category

We also highlight certain “poison pills” that include restrictive ordinances within municipalities’ ADU regulations that prevent the accessibility and affordability of building, producing, and renting out ADUs.¹⁴

Intention of ADUs

Tracking the intention of municipal ADU regulations offered an insight into the priority of the town or city and demonstrated a broad signal of if they view ADUs as a solution to the housing crisis or not. If the intent of a community was expressed to limit ADUs in some capacity (to blood relations, etc) this presents an opportunity to advocate for a change of approach even if someone is not an expert at the inner workings of regulations themselves. Our initial findings suggest there is still considerable work needed on this issue.

Only eighty-three (49%) municipalities indicated the intent of their ADU regulations in their code or official pronouncements. Sixty-seven of those municipalities spoke broadly about providing more affordable housing options. Many of these statements indicated the goal was providing affordable housing options for the elderly, young individuals, or small families. Other themes from this group included providing additional income particularly for elderly homeowners, providing smaller homes for smaller household sizes, and providing opportunities to bring young people to the community. A dozen indicated a desire to protect the character and property values of single-family zones by allowing ADUs

¹³ Chapter 126a - Affordable Housing Land Use Appeals. (2022). Ct.gov., Chapter 126a, Section 8-30g

¹⁴ NIMBY Restrictions Poison the Prospects of Accessory Dwelling Units to Address Housing Insecurity | Pace Environmental Law Review.

but regulating them tightly. Sixteen spoke specifically of providing non-income rental housing for blood relations and caregivers. Only one (New Haven) explicitly linked ADUs to providing environmentally friendly homes.

Allowing ADUs as-of-right

One hundred and thirty-five municipalities (80%) allow at least one ADU to be built as-of-right in at least some circumstances. However, only 70 municipalities (41%) allow ADUs as of right across all or most of their single family residential zones. Even in this smaller group, there are still significant nuances about occupancy and design requirements to qualify for as of right so it is still the exception that all ADUs are as-of-right in a given municipality. Thirty-two municipalities (19%) do not allow ADUs to be built as-of-right at all.¹⁵ Without as-of-right provisions, residents who seek to build or convert an ADU must go through an additional regulatory approval process, including acquiring a special permit from their municipality's planning or zoning board and going through a public hearing. This can be time consuming and onerous, often requiring hiring a land use attorney, which can ultimately result in limiting ADU development.

Many local officials contacted during our research claimed that the vast majority of ADU applications are approved through special permitting. We did not track municipal-level ADU permitting during this period to interrogate these statements, but it may be worth establishing a state-wide tracker to do so, as referenced earlier in this report. Still, taken at face value, these statements may be a strong argument for removing the special permitting process altogether. We must also acknowledge that the special permit process may deter some applications from the onset, but we don't have data on this possibility.

Occupancy requirements

Aside from overall cost, we have determined that occupancy requirements (including owner-occupancy, blood relation, caregiver, or age restrictions) are the biggest barrier to mass adoption of ADUs. However, they are not all equal. A number of advocates of ADUs view owner-occupancy restrictions as an unnecessary burden that raises the cost or reduces the likelihood of their construction. Others view the absence of owner-occupancy restrictions as a means for speculators or short-term rentals that may not increase the stock of homes. This may or may not be a conflation of unrelated issues that can be addressed in other regulations, but this political reality partly explains why owner-occupancy restrictions were not prohibited in PA 21-29. By itself, we determined that it is not as significant a barrier as when it is paired with or replaced by other occupancy restrictions.

Regardless of their PA 21-29 status, 113 (67%) municipalities require that the owner of the property reside in either the primary dwelling or the ADU. Only 24 (14%) do not require owner occupancy. It is important to break down the owner-occupancy category into two groups:

- 1.** one of the dwellings must be occupied by the property owner, but the other can be rented out to a tenant (75%).
- 2.** one of the dwellings must be owner-occupied, and the other can only be occupied by a family member (related by blood, marriage, or adoption), a domestic employee (ex., a caretaker), or in some cases, is restricted by age to only allow older people (25%).

In other words, 75% of municipalities that require owner occupancy otherwise do not restrict the residency of the other dwelling while around 25% restrict occupancy to blood and familial relation or have some restrictions based on age.¹⁶ This first group is a promising number, but the last group

¹⁵ There are two remaining towns that we have contacted for this information but have not yet returned with answers.

¹⁶ A handful in this age-restricted group have exceptions related to affordability requirements.

of municipalities that prohibit the availability of an ADU on the open rental market are missing an opportunity to address the shortage of housing in these municipalities and should be an area of focus for future organizing work.

It is also important to note that the 54 municipalities that did not opt-out of PA 21-29 are counted in this section. Many of them already had owner-occupancy requirements prior to PA 21-29, which are allowed to remain in place under the law, though any other occupancy requirements were voided. We did not see any instances where owner-occupancy was removed or amended.

Attached and detached

PA 21-29 requires municipalities to allow both attached and detached ADUs¹⁷. Ninety-nine (59%) municipalities allow both attached and detached ADUs to be built, created, or converted in their regulations, including the 54 municipalities subject to PA 21-29. This is the most permissive, and allows residents to choose to build a new, detached structure or convert an existing attached or detached structure. Forty-four (26%) towns allow only attached ADUs, which limits the options for ADU development of a property owner. There were some exceptions to this binary: 6 municipalities had special designations, meaning that they may allow both but with further restrictions. For example, Lyme allows both attached and detached, but detached ADUs require a special permitting process. Three towns, notably, allow only detached ADUs. Lastly, three towns did not denote which categories they allow, but presumably, they permit both attached and detached.

Note: As previously stated, this report did not attempt to track the existing or permitted inventory of ADUs in Connecticut, so we do not know the breakdown of attached or unattached ADU production in CT. We recommend pursuing this datapoint as part of a state-wide tracker.

Parking requirements

Off-street parking requirements can be another “poison pill” that serves to decrease ADU production. PA 21-29 allowed towns to require one off-street parking spot¹⁸ for the ADU in addition to the amount already required for the primary dwelling, typically two spots. It follows then, that requiring two to three spots would be reasonable; of the ninety-nine towns that have a parking requirement listed, sixty-three municipalities fall under this designation. Thirty-three require four to five spots, which may be infringing on ADU development in their towns. The remaining three either have no set parking requirements, or the number depends on the situation. Fifty-six towns did not specify how many spots are required for ADUs, if any are required beyond “adequate off-street parking”.

Note: This section pertains only to the parking requirements within the ADU provision and does not address the separate opt-out provision of PA 21-29, which we have not included in this report.

Overly restrictive maximum square footage

Although there is no universally accepted standard for the ideal number of square footage that would allow ADUs of a reasonable size to be built affordably, PA 21-29 set minimum square footage at 1,000 square feet, or 30% of the square footage of the principal dwelling, whichever is less.¹⁹ Municipalities with notably smaller square footage maximums are worth pointing out, as they may make the

¹⁷ Connecticut General Assembly Public Act 21-29, Section 6A-2

¹⁸ Connecticut General Assembly Public Act 21-29, Section 6A-6c

¹⁹ Connecticut General Assembly Public Act 21-29, Section 6A-3

construction of ADUs unviable. West Haven, Simsbury, Sharon, Farmington, East Haddam, Colchester, Bristol, Ashford, Berlin, East Granby, and Plymouth each have maximum square footage requirements of seven hundred square feet or less.

Affordability requirements

Less than 1% of municipalities had affordability requirements (ie. deed restrictions limiting income levels of occupants) attached to their ADUs and in most of these cases, they applied to non-blood relation tenants. Allowing market-rate non-related homerenters is a positive outcome for ADU regulations and will increase the housing options in many communities and the attractiveness of building them for homeowners. It is also unlikely, without additional financing assistance, that many ADUs would be built if affordability requirements are required for non-related homerenters.

However, at various points during the passage of PA 21-29 and in subsequent legislative sessions, legislators have raised the possibility of allowing ADUs to count towards a municipality's 8-30g affordable housing calculations. The statute currently excludes ADUs from being counted towards the base number of 8-30g calculations, which prevents ADUs from working against the percent of affordable homes counted. We do not support counting ADUs towards the total of affordable homes in these calculations if they are not deed-restricted. We recommend that the state creates a program to provide homeowners with financing assistance towards the development of ADUs and potentially additional financing if the home is then deed-restricted, which could count as a bonus home towards the affordable housing calculations.

IV. Additional Observations from Key Stakeholders

In this section, we wish to communicate a selection of qualitative data points members of our team gathered as they met with stakeholders and public officials in a number of Connecticut's cities and towns in order to provide additional analysis on the PA 21-29 process.

Some of these comments have been referenced in earlier sections of this report and will be elaborated on in the final concluding section where we make recommendations. Here are the major themes that emerged from these conversations:

- ▶ **Many residents may not be aware of their municipality's ADU regulations:**
The deputy planner in Fairfield, a town planner for many eastern towns, an official from South Windsor, and an official from Vernon each stated that public awareness and education will be a key aspect for encouraging ADU development.
- ▶ **Lack of affordability of construction and application/permit costs are major barriers to ADU development.**
In all discussions, monetary costs and financing came up as a key barrier to ADU construction in Connecticut. Particularly during the spike of inflation post-pandemic, construction costs have increased dramatically while a shortage in materials and labor remains a constant problem for the construction industry.
- ▶ **PA 21-29 resulted in an increase, albeit very minor, in ADU applications.** Particularly in lower Fairfield County, Greenwich, Westport, and Fairfield all mentioned significant increase in interest and applications. Others noted that they have not seen a change yet.
- ▶ **State mandates continue to receive mixed responses at the local level.**
Some conversations indicated a slight antagonism between local planners and the idea of state-mandated reforms. A few responded positively towards the opt-out provisions of PA 21-29, and indicated a further positive response towards future legislation that would include the ability to opt-out or adhere to town-specific regulations. Though many communities appeared to be unaware of some of the steps required.
- ▶ **There are commonalities across different towns' ADU regulations.**
Most towns require the surface area of the ADU to be 25% - 35% of the primary dwelling. The vast majority require owner-occupancy. There was a concern in some conversations that without owner-occupancy, there is no difference between a primary dwelling with an ADU, and a duplex. This question may require further research.
- ▶ **Builders were not heavily involved in the creation of local ADU regulations.**
One of the indirect goals of statewide ADU regulations was to standardize design, construction, and permitting costs to lower the overall cost of ADU production. This was not a common talking point seen when municipalities were reviewing PA 21-29. If the goal is to produce a significant amount of ADUs, builders are a key voice to consult in crafting regulations.
- ▶ **Other zoning reforms around duplexes and triple deckers were raised as having a bigger impact on affordability.**
At least some planners thought it was more important to push for other types of lower density missing middle zoning rather than hope ADUs would result in wide adoption.

Conclusion

It is our hope that reviewing the municipal response to the ADU provision of Public Act 21-29 will assist planners and policymakers in improving local and state level policies to encourage more ADU construction and will assist homebuilders, homeowners, and homerenters in determining where they can benefit from ADUs right now or soon.

We also hope to assist pro-homes advocates in continuing to promote ADUs as a critical tool in a much larger toolkit to solve the state's enduring housing crisis. It is clear that PA 21-29 and the efforts of the law's supporters have elevated ADUs into the mainstream at the state and local levels and have led to a meaningful expansion of regulations across the state. The basic fact that 67% of municipalities now have generally more permissive ADU regulations at the end of this process is a significant victory for Connecticut.

It is also our hope to highlight where additional research, advocacy, and organizing is needed to remove regulatory and financial barriers to the production of ADUs. The political lead up to the passage of PA 21-29 and the confusing opt-out process following it demonstrated the political and policy limitations continuing to hold Connecticut back from taking even incremental steps to addressing the housing crisis, let alone tackling the deeper challenges our collective land use policies present to economic growth and environmental sustainability. If municipal leaders and many state leaders continue to have a knee-jerk resistance to state planning efforts, then we will all continue to see these problems fester or worsen. Creating state-wide standards in certain circumstances such as ADUs will lower costs for municipal governments, property owners, and contractors. That argument alone should outweigh more abstract concerns.

ADUs are an incremental step and just one of many policy tools necessary to address the housing crisis, economic inequality, and climate change. As demonstrated by the number of state legislatures around the country that have passed even more expansive ADU regulations than PA 21-29, a growing consensus has emerged: ADUs are affordable homes (either naturally occurring or potentially deed-restricted) that can be built in or near existing housing stock more cheaply, particularly in the 91% of Connecticut residential land zoned for single-family housing exclusively. "Gentle density" like ADUs will not solve Connecticut's housing crisis single handedly, but these kinds of ideas represent a necessary step towards building a winning pro-homes coalition of larger changes. This report shows that we have not fully completed that step through PA 21-29's opt-out provision.²⁰ As stated in the introduction, we hope this report demonstrates the folly of including an opt-out provision. It created unnecessary work and confusion across the board and undermined the positive outcomes that state-wide standards can have for reducing time and cost for ADU construction. Further ADU legislation, programs, and advocacy efforts that target financing opportunities and "poison pill" regulations outlined in this report are needed to help significantly increase the presence of ADUs in Connecticut's single-family zone districts and to build the broader comfort with more pro-homes reforms that our state desperately needs.

²⁰ Accessory dwellings offer one solution to the affordable housing problem. (2021, January 7). Washington Post.

Recommendations for future research, advocacy, or organizing

- ▶ Confirm instances of inconclusive data
- ▶ Confirm compliance with PA 21-29 for subject municipalities
- ▶ Create a statewide database to track ADUs
- ▶ Create local programming to promote ADUs to homeowners and homerenters
- ▶ Investigate claims that most ADU applications receive special permits
- ▶ Study the creation of a state financing programs to encourage construction of deed-restricted ADUs
- ▶ Reach out to builder community for insights into model designs and standards

PA 21-29 ADU Provision List

In: 54

Bethlehem*
 Bolton*
 Bridgeport
 Canton
 Chester
 Clinton
 Colchester
 Cromwell
 Deep River
 Eastford
 East Granby*
 East Haddam*
 East Windsor
 Ellington
 Essex
 Goshen
 Groton
 Guilford
 Haddam
 Hampton
 Hartford
 Hartland*
 Hebron
 Killingworth*
 Madison*
 Manchester
 Marlborough
 Morris
 New Haven

Out: 115

Andover
 Ansonia
 Ashford
 Avon
 Barkhamsted
 Beacon Falls
 Berlin
 Bethany
 Bethel
 Bloomfield
 Bozrah
 Branford
 Bridgewater
 Bristol
 Brookfield
 Brooklyn
 Burlington
 Columbia
 Canaan
 Canterbury
 Chaplin
 Cheshire
 Colebrook
 Cornwall
 Coventry
 Danbury
 Darien
 Derby
 Durham
 East Hampton
 East Hartford
 East Haven
 Easton
 East Lyme
 Enfield
 Fairfield
 Farmington
 Franklin
 Glastonbury
 Granby
 Greenwich
 Griswold
 Hamden
 Harwinton
 Kent
 Killingly
 Lebanon
 Ledyard
 Lisbon
 Litchfield
 Lyme
 Mansfield
 Meriden
 Middlebury
 Middlefield
 Middletown
 Milford
 Monroe
 Montville
 Naugatuck
 New Britain
 New Canaan
 New Fairfield
 New Hartford
 New London
 New Milford
 Newington
 Norfolk
 North
 Branford
 North Haven
 Norwalk
 Norwich
 Old Lyme
 Old Saybrook
 Orange
 Oxford
 Plainfield
 Plainville
 Pomfret
 Preston
 Prospect
 Putnam
 Redding
 Roxbury
 Salem
 Salisbury
 Seymour
 Sharon
 Shelton
 Sherman
 Simsbury
 Somers
 South Windsor
 Southington
 Sprague
 Stafford
 Stratford
 Stamford
 Sterling
 Stonington
 Thomaston
 Trumbull
 Union
 Wallingford
 Warren
 Washington
 Waterbury
 Watertown
 West Haven
 Weston
 Westport
 Willington
 Wilton
 Windsor Locks
 Woodstock

**indicates unconfirmed, presumed subject to PA 21-29*



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