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OPINION

Opinion: Accessory apartments a great way to improve our housing stock

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Comments



A Connecticut home with an accessory apartment as seen in 2016.
File photo

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Connecticut leaders recently adopted the most significant zoning reforms in nearly a century. Everyone should understand the benefits of the law as passed.

It should be no surprise to anyone that where you live in Connecticut is largely tied to income and the housing options available. More than two-thirds of people of color live in only 15 of the state's 169 cities and towns. Income inequality and its segregative effects continues to grow. Over 90 percent of the land in the state is zoned for single-family homes. Towns have made single-family neighborhoods exclusive, by mandating that housing can only be built on one-acre and larger lots on 81 percent of residential land in the state. Moreover, even in towns that appear to allow multifamily housing, approval is made difficult with a public hearing process that is unnecessarily expensive and time-consuming.

Exclusionary zoning prevents both free-market and deed-restricted affordable housing from being built. It also limits housing development generally. In 2020 alone, building permits were up 24 percent nationally but down 20 percent in Connecticut.

In an attempt to reverse these trends, legislators passed Public Act 21-29 in June. It removes artificial barriers to housing in several ways. For example, the act requires that zoning laws affirmatively further fair housing, and it prevents towns from imposing large minimum-floor areas far beyond what health and safety require. It also calls for training to benefit local commissioners, something our local officials have shown they want. (Every two years, the Connecticut Bar Association sponsors a full-day seminar for local land-use officials, and this year 659 registered.) Over time, these and other provisions will help overcome the inertia of the decades when we could have done better in land-use planning and regulation.

Let's focus on a key component of the legislation, the legalization of accessory apartments in all residential single-family areas. (Accessory apartments are often described as garage apartments, in-law suites and granny flats.) In legalizing them, Connecticut legislators and housing activists took a page out of California's book, which legalized accessory apartments and saw a 11-fold increase in building permits. Connecticut property owners will be allowed to construct an accessory unit on their property to be occupied by a family member or to rent to others starting on Jan. 1, 2022.

Accessory apartments greatly benefit our towns: They create more consumers, increase property tax revenue, enable those with lower incomes (like essential workers) to live where they work, and help seniors age in place by supplementing their incomes. The act opens up housing opportunities for households excluded by single-family zoning without disrupting the look or feel of Connecticut communities. Our young adult children, empty nesters and retirees will have the chance to live in affordable, right-sized dwelling units most suited to their needs. The stock of larger homes will increase as households transition to accessory apartments. Homeowners creating accessory apartments will capitalize on the value in their property.

The act has an opt-out provision, a result of the give-and-take at the General Assembly, that lets towns, with a two-thirds vote of both the zoning commission and legislative body, turn their backs on the helpful new law. A few Connecticut towns have suggested they might opt out. That would be a mistake because the act has a lot to offer.

As the law is crafted, accessory apartments are limited to 30 percent of the principal dwelling or 1,000 square feet, whichever is smaller. (Thus they are not a “duplex.”) They can be located totally within an existing home — on a third floor, in a renovated garage or in a walk-out basement. Or they can be attached or free-standing. Towns also retain the right to require owner-occupancy of either the principal unit or accessory apartment. Accessory apartments must fully comply with the state building code and local architectural and physical standards. While the law eliminates the need for an expensive and potentially arbitrary public hearing, accessory apartments still must receive public health and safety approval and permits from town staffers.

PA 21-29 strikes a balance between innovative statewide progress and local control. We can't stop towns from opting out to perpetuate the status quo that in the end is not in anyone's best interest. But nearly all our towns are committed to improving housing in their communities. They won't opt out. They will choose to benefit by what the act provides: an effective means to improve on our housing stock, which is often physically, functionally and economically obsolescent. Accessory apartments will make our towns better in so many ways and should be embraced.

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