

Will it be the Roaring Twenties for Multi-Family in Connecticut?

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In many ways, it is a great time for multi-family housing development in Connecticut. Pent-up demand, years of under-production due to restrictive zoning, “dinosaurs” available for conversion, demographic changes, low interest rates, and an influx of new residents due to the pandemic are among the factors that have built interest in multi-family projects to a level I have not seen in several years.



gobble up municipal services and overburden the public school system, while contributing little in property taxes - all of which has been disproven by data and actual experience. Attempts at statewide zoning reform typically run headlong into the mantra of home rule and other obstacles.

And so it was this legislative session. Riding the strongest momentum in decades, several zoning reform bills were introduced, but considerable political opposition to statewide zoning mandates was mounted. A bill requiring all towns to create their “fair share” of affordable housing did not receive a vote. Only one made it through - HB 6107, which has been signed into law as Public Act No. 21-29.

In my own practice alone, I am currently working on or have recently obtained approvals for new apartment proposals in Connecticut towns as diverse as Mansfield, Groton, Bloomfield, Simsbury, Rocky Hill, Cromwell, Cheshire, New Haven, Monroe, Norwalk and Stamford. Many of the civil engineering firms and other professionals with whom we work likewise report going gangbusters on multi-family.

Some expected that the COVID-19 pandemic would drive demand so much toward single-family homes that interest in multi-family investment would dry up for a while. It didn't happen. Instead, demand for both products has increased, and apartment vacancy rates remain low, as Connecticut simply has not produced enough housing units and choices to keep up with demand over the last three decades. Many if not most of our towns have seen no new apartment creation since the late 1980's.

Maybe there is something else going on, as well. The national conversation on race and equity that has occurred over the past year has clearly impacted the housing dynamic in our state. There now appears to be more acceptance of multi-family and affordable housing than I have witnessed since I began working as a lawyer in 1994. I have recently watched suburban zoning commissions amend their regulations to promote affordable housing development, voluntarily add an affordable component to their multi-family chapter, and approve construction of large-scale apartment communities with hundreds of units. Advocates like Desegregate CT have argued forcefully that zoning reform is a critical step toward achieving racial equity in our state.

But old notions linger. There are still those Connecticut residents and commissioners who assume that rental housing will harm property values and their town's “character,” generate crime,

Among other things, HB 6107 permits accessory dwelling units as of-right, caps parking requirements at one parking space for studio/one bedroom units and two parking spaces for two or more bedrooms, prohibits minimum floor areas greater than the building code requires, substitutes physical standards for “character” as a reason to deny an application, and requires zoning regulations to affirmatively further fair housing. It also limits application fees for multi-family housing to the level of other residential dwellings, but authorizes towns to require applicants to pay for a zoning commission's review consultants.

A late change to the bill allows a town to opt out of the parking limits and accessory dwelling unit provisions by a two-thirds vote of its zoning commission and legislative body. Another removed a mandate to allow multi-family housing by right near transit stations. Undoubtedly these changes were political necessities to gain passage.

While the bill as adopted did not achieve everything that zoning reform advocates wanted, as a total package it is an important step forward in a state that historically has been very reluctant to take any zoning power away from its towns. Perhaps the times are a-changin' again. With an improving and reopening economy, a nudge from the state, and strong demand for a variety of reasons, all signs at the start of the decade are that for multi-family developers, the twenties will indeed roar.

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