



NEW HAVEN CITY PLAN DEPARTMENT
165 CHURCH STREET, NEW HAVEN, CT 06510
TEL (203) 946-6378 newhavenct.gov/cityplan

December 15, 2023

Honorable Tyisha Walker-Myers, President
Michael B Smart, City Clerk
Board of Alders of the City of New Haven
165 Church Street
New Haven, CT 06510

RE: ORDER OF THE BOARD OF ALDERS OF THE CITY OF NEW HAVEN TO AMEND THE NEW HAVEN ZONING ORDINANCE SECTION 22: ACCESSORY DWELLING UNITS INCLUDING REMOVING THE OWNER OCCUPANCY REQUIREMENT, ALLOWING DETACHED AND ATTACHED ADUS OUTSIDE OF THE EXISTING BUILDING ENVELOPE, ELIMINATING THE MINIMUM LOT SIZE REQUIREMENT AND AMENDING SETBACK REQUIREMENTS FOR ADUS

Dear President Walker-Myers and Mr. Michael Smart;

The City Plan Department of the City of New Haven is pleased to present you and the honorable members of the Board of Alders with this Petition/Application to update the current ordinance regarding Accessory Dwelling Units (ADUs) through a text amendment to the zoning ordinance. This proposal implements the previously envisioned components of Phases 2 and 3 as presented to the Board of Alders in 2021. New Haven has led the state on reforms including the ADU Ordinance and Inclusionary Zoning Ordinance that reduce barriers to housing creation. This proposal represents an important next step toward the City's goal of creating more affordable, accessible housing options while preserving the fabric of our historic neighborhoods and building equity and income streams for property owners.

When the current ADU ordinance was initially adopted in 2021, it was envisioned as the first phase toward more comprehensively reducing barriers to ADU creation. The first iteration of the ordinance restricts as-of-right ADUs to those in which either the ADU or the principal structure is occupied by the property owner and allows ADUs only within the envelope of existing buildings. Examples of ADUs that are currently as-of-right include converting a third floor into a new unit, fitting out a basement unit or converting an existing garage into a unit. If approved, the currently proposed text amendment will implement Phase 2 by removing the owner occupancy requirement for ADUs, as well as Phase 3 by expanding the ordinance to allow detached and attached ADUs outside of the building envelope of existing structures. We are further proposing to eliminate the minimum lot size for ADUs, and align ADU setbacks with those of "accessory structures." We are proposing no change to the zones where ADUs are permitted: RM-1, RM-2, RS-1 and RS-2 zones.

This proposal is informed by limited data we have collected regarding the effectiveness of the current ADU Ordinance in creating new housing since 2021. The City Plan office has documented the creation of 11 ADUs having been permitted since the passage of the ADU Ordinance, but all have required

additional relief before the Board of Zoning Appeals. The ADU Ordinance in its current form resulted in no new housing units built as-of-right. This is consistent with experiences of other municipalities that have implemented ADU ordinances where owner occupancyⁱ, design restrictions, and regulatory processesⁱⁱ are documented barriers to new housing creation through ADUs.

In addition to lifting the owner occupancy requirement and allowing ADUs outside of the existing building envelopes, this proposed text change also includes eliminating the minimum lot size for ADUs and aligns the setback standards with those of ‘accessory buildings’ while maintaining compliance with building and fire codes. These measures will reduce known regulatory barriers to building housing on small, currently non-conforming lots. An additional 4,258 parcels in RM and RS zones under 4,000 square feet would become eligible to create ADUs (18% of 23,370 parcels) if the proposed ADU meets all other dimensional requirements. The dimensional guidelines proposed in this phase support cohesive integration of ADUs within existing neighborhoods including height restrictions, prohibiting ADUs in front yards, and prohibiting subdivision of parcels with an ADU.

In other cities, zoning-based reforms supporting housing creation have significantly tempered rental increases. (New Haven has experienced a staggering 30% increase in rents between 2017 and 2023ⁱⁱⁱ and nearly 58% of all renters are “cost burdened.”^{iv}) ADUs in particular provide opportunities for elderly homeowners to stay in their homes with an additional income stream and open more affordable opportunities for small households or single people. The initial recommendation to allow ADUs in the New Haven Zoning Ordinance (NHZO) emerged from the work of the Affordable Housing Task Force (AHTF), recognizing the need for more housing options at all scales and in all neighborhoods. They stated in 2021: *“The Board of Alders, on the advice of the City Plan Commission and its Staff, should implement zoning changes to permit a wider range of affordable housing options including expanded permitting of rooming houses, allowance for accessory dwelling units, ease minimum lot area requirements; increase in density allowances and more.”* The recommendations to remove barriers to ADU creation are also in alignment with the 2023 “Breaking Ground” policy report by Elm City Communities which recommends eliminating parking requirements, shrinking the minimum lot size, and ending owner-occupancy restrictions for ADUs, the Regional Plan Association’s [“Be My Neighbor” Report](#)^v and the AARP’s [Future of Housing Report](#).^{vi} This is also consistent with Public Act 21-29 passed by the Connecticut Legislature in 2021 which directed that municipalities must allow one Accessory Dwelling Unit (ADU) alongside or within a single-family house, according to existing lot coverage and setback rules for single-family homes, without the need for a public hearing or special permit.

It is with great pleasure that I offer this zoning update for consideration, and our department looks forward to presenting this application to you and the Board of Alders.

Very best,

A handwritten signature in dark ink, appearing to read 'Laura Brown', with a stylized, flowing script.

Laura Brown, Executive Director

CC: Albert Lucas, Director of Legislative Services

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- ⁱ Lemar, A.S. (2022). How owner-occupancy regulations are contributing to the housing crisis. Brookings. Retrieved from <https://www.brookings.edu/articles/how-owner-occupancy-regulations-are-contributing-to-the-housing-crisis/>
- ⁱⁱ Volker & Handy. (2022). Exploring Homeowners' Openness to Building Dwelling Units in the Sacramento Metropolitan Area. Retrieved from <https://www.tandfonline.com/doi/full/10.1080/01944363.2022.2036222>
- ⁱⁱⁱ Viederman, W. (2023). Breaking Ground Solutions to Advance Housing Affordability in New Haven. Elm City Communities. Retrieved from <https://elmcitycommunities.org/breaking-ground-report-2023/>
- ^{iv} South Central Regional Council of Governments (2021). 2021 Housing Snapshot City of New Haven. Retrieved from <https://scrcog.org/wp-content/uploads/2021/10/New-Haven-SCRCOG-Housing-Factsheets-2021.pdf>
- ^v Regional Plan Association. Be My Neighbor. Retrieved from <https://rpa.org/work/reports/be-my-neighbor>
- ^{vi} AARP. FUTURE OF HOUSING Addressing Housing Challenges Across the U.S. for Aging Communities. Retrieved from <https://futureofhousing.aarp.org/>