



Testimony of Tia Murphy, AARP Connecticut

In support of Section 5 of S.B. 1024, An Act Concerning Zoning Authority, Certain Design Guidelines, Qualifications of Certain Land Use Officials and Certain Sewage Disposal Systems
Planning & Development Committee, March 15, 2021

Greetings, Senator Cassano, Representative McCarthy Vahey, Ranking Members, and Members of the Planning and Development Committee:

My name is Tia Murphy, and I am the Volunteer State President for AARP Connecticut. AARP is a nonpartisan, social mission organization with 38 million members nationwide and nearly 600,000 members here in Connecticut. We advocate on behalf of issues that impact older adults, and we appreciate the opportunity to offer our support for expanding access to accessory apartments as outlined in Section 5 of S.B. 1024, An Act Concerning Zoning Authority, Certain Design Guidelines, Qualifications of Certain Land Use Officials and Certain Sewage Disposal Systems.

A third of Americans, both homeowners and renters, pay more than what they can afford on housing, and one in four renters spends more than half of their income on housing.¹ When people spend increasingly high portions of their income on housing, it jeopardizes their ability to maintain their lifestyle and save for their futures as they age and in many cases results in the person/household being cost burdened or severely cost-burdened.²

Accessory apartments, sometimes called accessory dwelling units, or ADUs, have potential to improve the lives of older adults, family caregivers, and people of all ages. According to Connecticut's most recent State Plan on Aging (2020), "Between 2010 and 2040, Connecticut's age 65 and older population is on pace to increase by 57%. However, the projected growth of the population between the ages of 20 - 64 is less than 2%, and the age 19 and under population is projected to decline by 7%."³ As the demographics of our state undergo this unprecedented change, we need to make sure that our communities are able to quickly adapt to changing housing needs and preferences.

AARP's most recent Home and Community Preference Survey indicates that nearly seven in ten adults would like to remain in the community for as long as possible as they age, and 63% would like to stay in their current residence.⁴ Accessory apartments are small houses or apartments that exist on the same property lots as a single-family residence but still provide separate living quarters, and because they tend to be smaller and more affordable than single-family houses, they can be a good housing option for older adults who want to downsize but still live in a neighborhood setting. Accessory apartments are also good options for individuals who want to live near a caregiver (with caregivers occupying either the accessory apartment or the main residence) or who want to use their property to generate extra income. Furthermore, the current on-going pandemic has exposed the vulnerability of our older adults and have made us realize the importance of accessory apartments as they can provide a safe, comfortable alternative. Accessory apartments can fill a number of roles that homeowners may never have needed before, like providing a place for your aging parent to live instead of a nursing home, or for your boomerang kid to come back to when they've lost their job, or for you to work remotely.⁵

¹ <https://www.businessinsider.com/how-much-rent-afford-2017-6>

² Cost burden is defined as paying more than 30% of household income for housing (rent or mortgage, plus utilities). Severe cost-burden is defined as paying more than 50% of household income for housing, available at: https://www.huduser.gov/portal/pdredge/pdr_edge_featd_article_092214.html

³ <https://portal.ct.gov/-/media/AgingandDisability/AgingServices/State-Plans/2021-2023-CT-State-Plan-on-Aging.pdf>

⁴ https://www.aarp.org/content/dam/aarp/research/surveys_statistics/liv-com/2018/home-community-preferences-survey.doi.10.26419-2Fres.00231.001.pdf

⁵ <https://www.nytimes.com/2021/02/05/business/accessory-dwelling-units-parents.html>

People age 50-plus who would consider creating an accessory apartment say they would do so in order to:⁶

- Provide a home for a loved one in need of care (84%)
- Provide housing for relatives or friends (83%)
- Feel safer by having someone living nearby (64%)
- Have a space for guests (69%)
- Increase the value of their home (67%)
- Create a place for a caregiver to stay (60%)
- Earn extra income from renting to a tenant (53%)

An important component of S.B. 1024 is that it would allow construction of accessory apartments “by right.” This still allows for local authorities to make sure that ADU construction is within zoning and building codes without prolonging the process of construction, but it creates fewer opportunities for obstruction from neighbors and organizations who are opposed to new housing in an established neighborhood. In this way, creating an accessory apartment would be like building or remodeling a home or building any accessory structure. AARP supports “by right” construction of accessory apartments because it reduces costs and red tape but still leaves certain checks and balances in place to ensure that the accessory apartment is appropriate.

While we support the accessory apartment provisions of S.B. 1024, we would like to recommend the following amendments to further strengthen the bill:

- **Section 1 (b) (1)**, definition of “Accessory Apartments”, AARP Connecticut recommends the following revision:
 - "Accessory apartment" means a separate dwelling unit occupied by a family, or a single housekeeping unit, that (A) is located on the same lot as a principal dwelling unit of greater square footage, (B) has ~~cooking facilities,~~ **independent living facilities, that shall contain permanent provisions for living, sleeping, eating, cooking, and sanitation and a separate entrance** and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations;
- **Section 5(a)(3)** sets a maximum size standard of “not less than thirty per cent of the net floor area of the principal dwelling, or one thousand square feet, whichever is less, except that such regulations may allow a larger net floor area for such apartments.” Instead of defining a maximum or minimum size, **AARP Connecticut recommends that the requirement in relation to lot sizes be limited to that an accessory apartment be smaller than the primary dwelling unit.**
- **Section 5(a)(7)** allows municipalities to require owner occupancy or prohibit short-term rental or vacation stays. In relation to owner occupancy requirements, it is important to note that:
 - Owner occupancy covenants or conditions give pause to homeowners and institutions financing home purchases because of the limits they place on successive owners, who will not be able to rent out or lease their main house, which might be necessary as a result of a divorce, job transfer or death.
 - They can also make financial institutions reluctant to provide financing for construction of an accessory apartment, and because covenants or conditions serve as a restriction on a mortgage lender’s security interest in a property, lenders may withhold consent to any owner occupancy requirement that takes the form of a covenant.
 - The 2020 Model State ADU Act⁷ prohibits any form of owner occupancy provision because the practical impact of this requirement is to inhibit construction of most ADUs.
 - Aside from its effect on accessory apartment production, there is a problem with the logic and fairness of applying an owner occupancy standard to accessory apartments if there

⁶ *ibid*

⁷ <https://www.aarp.org/content/dam/aarp/livable-communities/housing/2021/AARP%20ADU%20Model%20State%20Act%20and%20Local%20Ordinance-0212021.pdf>

is no such requirement with single-family homes generally. If single-family homes can be rented out (by a nonresident owner), then what is the policy basis for requiring occupancy when there is an accessory apartment on the property?

- **AARP Connecticut recommends that municipalities not be allowed to place owner occupancy requirements.**

Thank you for the opportunity to testify in support of Section 5 of S.B. 1024. If you have any questions or would like additional information about our position, I can be reached at: tmurphy@arp.org. You can also get more information about our positions by reaching out to:

- Anna Doroghazi, Advocacy Director, AARP Connecticut: adoroghazi@arp.org
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