

Written Testimony of Jeffery J. O'Keefe
on Behalf of the Connecticut Council of Small Towns
Before the Housing Committee
of the Connecticut General Assembly
February 17, 2009

Good afternoon. My name is Jeffery J. O'Keefe, and I'm the Town Manager of East Hampton. I'm also a member of the Connecticut Council of Small Towns.

I would like to thank the Committee for holding these important hearings on the several housing related bills. It provides us with an opportunity to share with you our real-life experiences in dealing with some of the complications of these housing Bills, particularly as it relates to "smart growth" development initiatives.

East Hampton is a town of about 12,000 people. We are primarily a residential community with a limited commercial base in town, including firms that manufacture bells, paper boxes, and witch hazel, a product that some Committee members may be familiar with. We are also home to former Governor Bill O'Neill and his wife Nikki. Mrs. O'Neill sends her best wishes.

We are a growing community and continue to enjoy residential and commercial development growth. The problem, however is that the existing affordable housing statues allow developers, who may have been appropriately denied a development application, based on density and zoning regulations to petition to have the development classified as an "affordable housing" development exempting them from any of the Towns smart growth and zoning requirements. One might argue that this is indeed a "smart growth" oxymoron.

To provide you some direct insight to how this statue is misused, a developer in our Town submitted an application for a housing development. Based on the density and the inappropriate zoning of that development our planning and zoning commission denied the applicant. The applicant resubmitted the application now calling it "affordable housing" under the 8-30g language. They were then able to proceed with the development even though the zoning was not conducive for the developmental area. The same developer, now knowing how this statue works to their advantage, submitted another application to build a development. This time it was for a 127 condominium complex right smack in the middle of a residential zone, zoned for ½ to 2 acre lots. You could only imagine the community outcry! We fought this development based on public safety and water concerns, however we lost. Now another

developer is proposing a development, you guessed it, right in the middle of an inappropriate zoned area and this too will now be submitted as an “affordable” development application. None of this helps us develop our town in a master fashion or under “smart growth” planning concepts. The standard has become “just submit your project as an affordable housing application; the Town can’t do anything to stop you.”

I write to you in support of a Bill introduced by Representative Gail Hamm. H.B. 5525 would correct this often erroneous applied application of the affordable housing language under section 8-30g. I fully support the intent of the existing affordable housing statutes but take exception to the real world application of it. H.B. 5525 would align up extremely well with the newly introduced DECD “Affordable Housing Incentive Zone” program and I’m certain if passed would encourage a swarm of towns to get busy developing their incentive housing zones. Although, we have not yet adopted an “affordable housing incentive zone” we have been fortunate to receive a \$50,000 planning grant from the DECD to study and look at adopting some of these zones. How motivated we and other Towns would be, if we knew that we would be exempt from 8-30g language if we adopted these zones and actually incentivized affordable housing options.

By exempting Towns, who have actually adopted affordable housing incentive zones, you would strengthen “smart growth” development initiatives’, support local zoning regulations, encourage more affordable housing options and put to rest once and for all the abuses currently associated with this erroneous and outdated 8-30g language that developers have smartly grasped onto.

I fully hope that you will seriously consider this legislation that is being proposed. It is a win-win for all, even for developers who would now be incentivized to help the Towns grow their affordable housing options.

I fully support H.B. 5525 and hope you will too. Thank you for your time and consideration.