



**State of Connecticut**  
**HOUSE OF REPRESENTATIVES**  
STATE CAPITOL  
HARTFORD, CONNECTICUT 06106-1591

**REPRESENTATIVE JONATHAN STEINBERG**  
136<sup>TH</sup> ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING  
ROOM 4020  
HARTFORD, CT 06106-1591

CAPITOL: 860-240-8585  
TOLL FREE: 800-842-8267  
HOME: 203-226-6749  
E-MAIL: Jonathan.Steinberg@cga.ct.gov

**MEMBER**  
TRANSPORTATION COMMITTEE  
ENERGY AND TECHNOLOGY COMMITTEE  
AGING COMMITTEE

**Testimony of Representative Jonathan Steinberg**  
**Housing Committee**  
**February 8, 2011**

**HB 5425: AN ACT REQUIRING AFFORDABLE HOUSING DEVELOPMENTS  
TO ADHERE TO PRINCIPLES OF SMART GROWTH**

Representative Butler, Senator Gomes and the distinguished members of the Housing Committee, thank you for the opportunity to testify on behalf of House Bill 5425, AN ACT REQUIRING AFFORDABLE HOUSING DEVELOPMENTS TO ADHERE TO PRINCIPLES OF SMART GROWTH.

The affordable housing statute, 8-30g, is a landmark commitment to promoting diversity in Connecticut's communities. It is a priority which we must never abandon.

In the years since the statute was originally written, there has been much discussion on the specifics of implementation and the ramifications of what might be described as another one-size-fits-all solution. Many municipalities have been concerned that the statute, no matter how consistently applied, disadvantages some communities much more than others.

The objective of this proposed bill is to strike a better balance between the goal of more affordable housing and practical considerations of neighborhood and community. This bill does not advocate for a comprehensive overhaul of 8-30g, as others have suggested. Rather, it seeks minor adjustments to the statute which will broaden the relevant criteria that a municipality may cite in contending that a particular project as designed is contrary to community interests.

Currently, the burden of proof when a project is contested rests with the municipality, which must establish that the proposed project violates basic standards of *health and safety*.

Such a narrow definition creates an imbalance which unfairly favors the developer. There are other relevant considerations which may render a development detrimental to community interests. Under the broad rubric of Smart Growth, planners have arrived at a number of fundamental principles consistent with sensible development. Among those are:

- **Encourage Community and Stakeholder Collaboration:** Growth can create great places to live, work and play – if it responds to a community’s own sense of how and where it wants to grow. Communities have different needs and will emphasize some smart growth principles over others. Smart Growth plans and policies developed without strong citizen involvement will at best not have staying power; at worst, they will be used to create unhealthy, undesirable communities.
- **Strengthen and Direct Development Towards Existing Communities:** Smart growth directs development towards existing communities already served by infrastructure, seeking to utilize the resources that existing neighborhoods offer.
- **Provide a Variety of Transportation Choices:** Providing people with more choices in housing, shopping, communities, and transportation is a key aim of smart growth. In response, communities are beginning to implement new approaches to transportation planning, such as better coordinating land use and transportation.\*

\* = Excerpted from Smart Growth Principles, Smart Growth Online website, maintained by the National Center for Appropriate Technology (NCAT).

While these principles are supportive of more intensive development, they also acknowledge other equally essential objectives, such as:

- Adequate available **infrastructure** (proximity to mass transit, availability of utilities, utilization of municipal services, etc.)
- Consideration of **environmental impact** (runoff and erosion, tree clearing, noise, etc.)
- **Scale and context** (coverage, setbacks, building height – neighborhood zoning and character)

8-30g effectively ignores the local context of a project’s siting and design, no matter how reasonable or appropriate municipal regulations may be. The result, in some cases, are projects that are overly intensive for the property or immediate neighborhood, are often located away from needed public transportation or sanitary infrastructure, or pose environmental risks that might otherwise be easily addressed by local conservation or zoning regulations.

It's interesting to note how rigorous are the state's requirements for approving placement of cell towers or wind turbines as compared to the relative "carte blanche" provided affordable housing developers under 8-30g, as long as the required percentage of affordable units are included.

By amending the statute to require adherence to these specific Smart Growth principles, we enable municipalities to present these critical potential impacts to the adjudicating authority as valid reasons to seek denial of a project or, at the least, significant modification of the development plan to address design shortcomings.

It should not be that difficult to fashion language, based on Smart Growth principles, which specifies those criteria that should be considered in any 8-30g appeal. Again, this bill will not undercut the objective or effectiveness of the statute for proposed projects designed to respect neighbors and communities. But it does require that changes to 8-30g be made so as to make the statute fairer to *all* Connecticut communities.

