



State of Connecticut

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Housing Committee Testimony

In Support of H.B. 5562 AA Repealing The Affordable Housing Land Use Appeals Process

February 8th 2011

Senator Gomes, Representative Butler, Senator McKinney, Representative Miller and members of the Housing Committee:

My name is Terrie Wood and I am a state representative for Norwalk and Darien. Thank you for allowing me to testify on behalf of HB 5562 an Act to Repeal 8-30g the Affordable Housing Legislation. I bring this bill forward at the request of many constituents in the district that I represent. I want to be clear that we support developing affordable housing for all the reasons that 8-30g was written. What we propose by introducing this bill is that we look at the current legislation enacted in 1989 and see what is working with this law and what needs to be adjusted to make the legislation more effective.

Darien recently qualified for a legal moratorium for the next 4 years. The moratorium proves our sincere efforts to provide affordable housing in Darien. Since the legislation was enacted, 22 years ago, there have been only 4 communities that have qualified for a moratorium. We are doing what we can to address this important issue and are pleased to have been granted this moratorium

Here are some of the issues with the law as it is currently written. First, 8-30g is an unfunded mandate on municipalities. Since it was written into statue only a handful of towns in the state have met the goal of building enough affordable housing to qualify under the mandated requirement. Twenty-one years and a handful of towns.....that does not seem like successful legislation.

What has happened is that many towns, 35 at current count, are in litigation with developers who are seeking to thwart local zoning laws. This legislation has allowed a large number of developers, or people who parade as developers, to hijack the process for personal financial gain. This was clearly not the goal of this law but that is how it is often being used today. This needs to be addressed. It has cost countless communities millions of dollars defending the right to develop their town appropriately. Millions of dollars that could have been used for affordable housing. In this economy it is imperative that this be fixed.

Second, one size does not fit all. The same legislation that is good for Lebanon may not be beneficial in Litchfield. Each town has different characteristics such as cost of land, percentage of remaining developable land, environmental needs and amount of impervious surface. It's crucial that individual towns be able to locally control their development with regard to affordable housing.

Third...when a developer circumvents local zoning using this law the number of units that a town must build to reach the minimum is increased exponentially. It will be very difficult for towns that are densely developed to ever reach the goal. You get permission to bust open zoning to build 40 units, 12 of which are affordable, but the denominator for 10% has risen by 28 units. The numbers simply don't work. A town can never get ahead of the game.

We ask you to support all of us working together to look at the fundamental fairness of this legislation. It is not working to achieve it's intended goal. Let's address the inequities and advocate for the right kind of legislation that helps towns develop affordable housing and does not hamper them with unintended consequences. There are a number of things we can do to amend this legislation and to make it work. This law does not make sense and our job as legislators is to make laws that make sense.

Thank you for listening to these thoughts and I look forward to a continuing dialogue on this issue.