

# Connecticut General Assembly

## PLANNING AND DEVELOPMENT COMMITTEE

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March 2, 2011

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### REASONS TO PRESERVE CONN. GEN. STAT. § 8-30g, THE AFFORDABLE HOUSING LAND USE APPEALS ACT

This statement has been endorsed by the Connecticut Housing Coalition, the Partnership for Strong Communities, the Connecticut Fair Housing Center, the Home Builders Association of Connecticut, the Legal Assistance Resource Center of Connecticut, the Affordable Housing and Homelessness Committee of the Connecticut Bar Association, and the Connecticut Association of Realtors. It was presented to the Housing Committee on February 8, 2011 at a subject matter hearing on bills related to Conn. Gen. Stat. § 8-30g. It is presented today in opposition to Proposed House Bill 5479, an Act Concerning Consideration in Affordable Housing Appeals.

1. **Housing Production and Success.** During its 20 years as Connecticut law, § 8-30g has spurred the approval and construction or preservation of workforce housing that would not otherwise have been developed. Current counts, backed by the DECD "Ten Percent List," show approximately 4,700 units of housing that are subject to maximum price or rent restrictions that satisfy § 8-30g standards. In addition, approximately 5,500 units of lower-cost, market-rate housing have been built as part of "set aside" developments.

Across the state, there are § 8-30g success stories: beautifully-designed, well-constructed, and appropriately-situated homes, such as Olde Oak Village in Wallingford; Old Farms Crossing in Avon; Trumbull Townhomes; Avalon Bay in Wilton, Darien, Orange, and Trumbull; and West Hartford Interfaith Housing/Flagg Road in West Hartford.

2. **Clear Standards.** After 20 years, the standards used for evaluation of § 8-30g proposals are well-established and clear to judges, municipalities, land use boards, applicants, and consultants.

3. **Documented Denial Reasons Upheld In Court.** Whenever a municipal zoning commission has effectively documented a substantial health or safety reason to deny an affordable housing proposal, such as a lack of sewage disposal capacity, water supply, or emergency vehicle access, the courts have upheld that denial.

4. **Protection of Municipalities.** In 2000, the statute was amended to provide greater procedural protections for towns, to close loopholes, and to assure that § 8-30g developments provide a level of affordability not otherwise available in the communities covered by the statute. The amendments have worked as intended.

5. **Workforce Housing Need: Never Greater.** The need for housing that is affordable has never been greater. The declines in the cost of housing over the past three years have not come close to offsetting the 66 percent increase in prices from 2000-2007, and the cost of rental housing is rising while the supply is shrinking. Connecticut has lost more 25-34-year-old workforce than any state since 1990. The need for lower-cost, multi-family rental, along with record foreclosures, are leading to increases in homelessness.

6. **Approvals and Settlements.** Section 8-30g applications have been approved without a court appeal or settled during an appeal process. Recent examples include Garden Homes in Darien, Hillcrest Orchards in Southington, Meadowood in Simsbury, Metro Realty in Berlin, AvalonBay in Wilton, and Pelletier in East Hampton.

7. **Smart Growth Track Record.** Section § 8-30g developments, because of their location, density, and use of existing infrastructure, provide good examples of consistency with smart growth principles.

8. **Municipal Services And Fiscal Impacts.** In many cases, objectors to § 8-30g applications have predicted increases in crime, taxes, traffic, pollution, etc. These dire predictions have *not* come to pass. In fact, municipal leaders – First Selectmen, Police Chiefs, School Superintendents, and Town Planners – often praise § 8-30g developments as a social and fiscal benefit.

9. **Moratorium Provisions** are working as intended. The incentive point system, as well as the counting of accessory apartments and manufactured homes, have provided incentives that have been utilized. Trumbull, Berlin, and Darien have achieved moratoriums based on approving § 8-30g developments and several municipalities are within striking distance of doing so.

10. **Wetlands Protection.** Some have contended that § 8-30g compromises wetlands protection. To the contrary, § 8-30g does not apply to wetlands agencies. In fact, in 2008, three § 8-30g applications were *denied* due to wetlands encroachments, and the denials were upheld by the courts, applying existing wetlands law.

11. **Reducing Economic And Racial Barriers.** One of § 8-30g's original purposes was to reduce economic and racial barriers. While these results are difficult to measure, there is no doubt that § 8-30g has resulted in greater housing opportunities for lower income households in suburban communities.