



TOWN OF WESTPORT
PLANNING & ZONING DEPARTMENT
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
Phone (203) 341-1030, Fax (203) 454-6145
www.westportct.gov

TESTIMONY BEFORE
THE CONNECTICUT GENERAL ASSEMBLY
HOUSING COMMITTEE
ON THE AFFORDABLE HOUSING LAND USE APPEALS LAW (8-30g)

FEBRUARY 8, 2011

Good Morning:

My name is Laurence Bradley. I am the Planning & Zoning Director for the Town of Westport a position that I have held for 5½ years. Prior to my tenure in Westport, I served as the Assistant Town Planner for Greenwich. I have been asked to speak to you today about the Affordable Housing Land Use Appeals Law, aka 8-30g.

8-30g is a well intentioned legislation that has gone awry. 8-30g has been around for 23 years and during that time it has been amended nearly a dozen times. Well, the time has come again to examine this regulation and make some sorely needed changes.

First, the statute needs to have requirements added to it that to insure that all projects that proposed under it result in the creation of affordable housing. You might ask *"How can a regulation that is designed to foster the creation of affordable housing actually result in no additional affordable units?"* The answer is simple: **8-30g has no requirement that affordable housing actually be constructed.** In my experience, developers often propose an 8-30g project to threaten a municipality into a settlement. Towns agree to settlement with no affordable units out of fear of an out of scale, out of character and overly burdensome development, There are times when developer has no real intention of building any affordable

housing. 8-30g has been used a club to get market rate units constructed without any affordable units as towns agree to settlements for fear of something worse. I have personally seen this happen twice and am aware that it happens in other places as well. The ability to settle an 8-30g appeal without the construction of even one affordable unit defeats the entire purpose for which it was created in the first place.

Second, 8-30g requires that the affordability criteria be based upon the state or area median which ever is lower. In places like Fairfield County, this has the effect of almost always forcing out the middle class. Teachers, First Responders and municipal employees are often caught in the middle. They often make more than the State Median Income (SMI) but due to the high cost of living can not afford to live in the communities that they serve. Thus, they are forced to travel long distances on a daily basis, which is not only a strain on them personally but creates traffic and other unintended environmental issues. Frankly, it's just wasteful. **By allowing even a portion of units under 8-30g to be counted at the Area Median Income (AMI) instead of SMI it would be a win-win for all concerned.**

Third, the Affordable Housing Land Use Appeals regulations only require a 40 year deed restriction for affordability. While 40 years may seem like a long time, all it really does is "Kick the can down the road" for the next generation to deal with. There are number of multi-family developments in Westport that were constructed in the 1970's and 80's. If these were 8-30g developments, they would now become coming of age and thus leading to the need for more affordable units to built to replace those that would be lost as they became market rate units. The Town of Westport, the Westport Housing Authority and other local non-profits have create a good number of affordable housing units that will remain affordable, well beyond 40 years. **Units that are deed restrict for more than 40 years should be given "extra credit" as they will be affordable not only for this generation but for generations to come.**

Finally, a number of the bills are being presented here today that call for either a total repeal or modification of 8-30g. While I am not an advocate for repeal, I do believe that change is needed. Of the 169 municipalities in Connecticut 31 have met the burden of 10% affordable housing. Of the 31 municipalities only 4 (Bridgeport, Danbury, Norwalk and Stamford) are located in Fairfield County. Thus after 23 years, it would seen that no new municipalities have been able to meet this burden in Fairfield County. This indicates to me that change is needed. Some of the new bills introduced this year offer new approaches to the application of this law; such as: more

focus on creating environmentally sensitive projects, allowing more units to be counted such as in-law and elderly apartments that are age restricted not just income restricted and requiring 8-30g projects to address infrastructure and Smart Growth principals. All of these would result in positive modifications to the existing regulations that will benefit the developers, the municipalities and the State at large. Connecticut is suffering from a 'brain drain' as cost of housing continues to be a problem. Making sensible changes to this law could likely have the effect of more units being constructed, more communities embracing as opposed to fighting these developments and the result could be beneficial for all concerned.

I urge to consider making some sensible and practical changes to **"a well intentioned regulation that has gone awry"**. The benefits to be gained are enormous. This is an opportunity for real positive change that should not be allowed slip away.

Thank you for the opportunity to address your committee.

Respectfully submitted

Laurence Bradley, AICP
Town of Westport
Planning & Zoning Director

