



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

REPRESENTATIVE KIM FAWCETT
ASSISTANT MAJORITY LEADER
ONE HUNDRED THIRTY-THIRD ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING
ROOM 4033
HARTFORD, CT 06106-1591

CAPITOL: 860-240-8585
TOLL FREE: 1-800-842-8267
FAX: 860-240-0206
E-MAIL: Kim.Fawcett@cga.ct.gov

VICE CHAIRMAN
COMMITTEE ON CHILDREN

MEMBER
FINANCE, REVENUE & BONDING COMMITTEE
ENERGY AND TECHNOLOGY COMMITTEE

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Senator Bartolomeo, Representative Butler and Members of the Housing Committee, I want to thank you for setting aside this special day dedicated to hearing concerns and proposals regarding the 830-g affordable housing statute. It has been more than a decade since this assembly passed this landmark statute aimed at increasing the stock of affordable housing in our state. And not unlike any other legislation the implementation of the law has had unintended, even adverse, consequences in some communities.

There are two primary flaws with 830-g that I wanted to bring to your attention hoping that any action we might take this year would aim to not undermine 830-g's intent but actually further strengthen the law by focusing future development in the state where it makes the most sense.

The first problem is the fact that 830-g allows, even encourages, affordable development projects within all geographic areas of a town. There is no effort to direct these more dense projects closer to mass transit or main street shopping areas. We are starting to see a trend where we are likely over-developing areas of the state that the plan of Conservation and Development highlights as green spaces which are to be protected. The long-term plan of development that most regional planners are working towards in CT now focuses on TOD (transit oriented development) with a priority in developing multi-functional retail, office and residential community centers at and around transit locations. The incentives that 830-g offers (allowing private developers the opportunity to bypass local planning and zoning regulations in trade for building a percentage of affordable units) work to draw private developers out from targeted TOD areas into more rural/suburban communities. However, these places were never intended to be, and quite frankly are not suited like water, road or other municipal infrastructure, to be over-developed in this way.

Our proposal is to work side-by-side with the affordable housing advocates in an effort to craft an amendment to 830-g. This amendment would allow a town Planning and Zoning Commission the option of creating designated Incentive Housing Districts (IHD's) in geographic areas in the municipality that are

more strategically targeted as TOD communities of the future. These Districts would be in line with ongoing efforts of the Home CT project. Each municipality would therefore be emboldened to directly impact growth and development in their community. When such zones are created and approved by a local board, other geographic areas in the municipality would become exempt from traditional 830-g housing applications.

The other problem that has arisen with 830-g is the language that allows local boards to deny an application only if "Health and Safety" threats can be proven. This vague language has been left for the courts to define and current cases have found judges unwilling or unguided in what circumstances actually qualify as a true health or safety threat to a community. In my own community "health and safety" concerns that the local zoning boards deemed sufficient to turn down applications were overturned in court. These situations included intersections and roads being bogged down with density they were unsuited to handle, water infrastructure deemed insufficient to handle new projects and currently overcrowded schools that have no place to grow. So adding some clarifying language to this definition would help put applicants, zoning boards and courts on the same page.

In addition, I would urge members of the committee to consider and take reference of the State Plan for Conservation and Development. An amended copy of this long-term development plan for the state is before you again in 2013. This newly amended long-term development plan would reset the states development priorities for 2013-2018. In each of the six Growth Management Principles highlighted in the plan, the state is encouraged to focus development in areas with existing infrastructure, near transit and town centers, and to encourage Transit Oriented Development community centers. The current application of 830-g is not consistent with this call to action and is undermining the state's own plan to grow and develop in a manner that is thoughtful and strategic.

I have reached out to affordable housing advocates and am earnest in my desire to amend the current 830-g statute so our state can continue to grow its affordable and workforce housing. But this growth must come from building out CT in a way that adheres to the long term vision of Transit Oriented Communities and smart growth.

Thank you.

Kim Fawcett
State Representative
133rd District