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**Statement of William J. Cibes, Jr.  
To the Housing Committee, February, 2013  
Concerning the Affordable Housing Appeals Act**

My name is William Cibes. As a State Representative from the 39<sup>th</sup> District, I was privileged to be an author of the Affordable Housing Land Use Appeals Act in 1989. As House Chair of the Finance Committee that year, I was privileged to be able to facilitate its adoption. As Chair of the Steering Committee of HOMEConnecticut, I was privileged to advocate for the enactment of the Incentive Housing Zone legislation in 2007. (Although I should add that I am today speaking as an individual, not authorized to represent the views of HOMEConnecticut.)

Throughout my career as a public official and a public policy advocate, I have consistently sought ways to eliminate exclusionary zoning, whether de jure or de facto, and to make available to all Connecticut residents, regardless of income, housing that they can afford in locations that enable them to have access to jobs and their children to have access to a quality education.

I want to associate myself with the statement that is being presented to you today by Atty. Tim Hollister, on behalf of a number of organizations. The testimony of David Fink, of the Partnership for Strong Communities, also reflects my views. I accordingly do not need to repeat what they have said.

I do, however, want to follow up on two points that they made.

1. I said on the floor of the House, during the debate on adoption of what was to be codified as Section 8-30g, that because appeals would be heard in Superior Court, by a small number of judges, and not by a board of lay appointees, a set of judicially created standards – concerning what substantial public interests would conclusively outweigh the need for affordable housing – would be developed: a rule of law, if you will. “I think that as judicial decisions develop, we will learn more and more about what ‘substantial public interests’ are judged . . . to be.” That projection has been vindicated. As Atty. Hollister concludes, “After 22 years, the standards used for evaluation of Section 8-30g proposals are well-established and clear to judges, municipalities, land use boards, applicants, and consultants.”

2. If municipalities are concerned that they will lose control of their land use as a consequence of the application of Section 8-30g, they now have an alternative path to production of affordable housing: the creation of Incentive Housing Zones, under the authority of Chapter 124b of the General Statutes. (Sections 8-13m through 8-13x) By adopting Incentive Housing Zones, and then encouraging the actual building of housing within the IHZ, a municipality can determine where developments containing appropriate shares of affordable housing are located, permit mixed-use development, and adopt design standards to ensure that construction is complementary to neighboring buildings and structures, and complies with scale and proportion and other design requirements. All while increasing the supply of affordable housing, enabling teachers, police officers, firefighters, caregivers, public works employees, groundskeepers, and other working family members to live in the communities where they work.

However, it also needs to be said that without the existence of Section 8-30g, many municipalities might feel little motivation to adopt Incentive Housing Zones. So the preservation in statute of Section 8-30g is essential to the ultimate success of the IHZ program.