



## State of Connecticut

### HOUSE OF REPRESENTATIVES STATE CAPITOL

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*Testimony by Representative John Shaban  
Before the Housing Committee  
On House Bills 5314 and 5315  
February 14, 2013*

Good morning Chairmen Bartolomeo and Butler, Ranking Members McKinney and Miller, and members of the Housing Committee. I am Representative Shaban and I would like to thank this committee for letting me present my testimony in support of House Bill 5314, AN ACT EXEMPTING CERTAIN MUNICIPALITIES FROM THE AFFORDABLE HOUSING LAND USE APPEALS PROCEDURE, and House Bill 5315, AN ACT CONCERNING AFFORDABLE HOUSING.

On behalf of the Towns of Easton, Redding and Weston – and by extension all small towns throughout our state – I urge the committee to support proposed bills HB 5314 and 5315.

These proposed bills seek to limit the unintended and unfair zoning-busting effect created by Connecticut's Affordable Housing Act (The Act), but at the same time, still further the laudable goals of the act – creating housing opportunities for moderate income working families near their places of work. Unfortunately, The Act has been misused by some developers as a tool to leverage inappropriate developments on and in small towns, developments that do little to advance the purposes of The Act.

My proposals:

HB 5314: That section 8-30g of the general statutes be amended to exempt municipalities with populations of less than fifteen thousand from the affordable housing land use appeals procedure. The goal here is straightforward. Small towns are small for a reason – e.g., they are often far from mass transit and commercial centers, and thus have small schools and low density, non-commercial land use customs. Allowing developers to use The Act as pretext to bust zoning is unfair, and unproductive.

HB 5315: That section 8-30g of the general statutes be amended to require developers to (1) produce evidence that a proposed affordable housing development will not result in harm to the environment, and (2) demonstrate how such development will be connected to mass transit and commercial areas. This seeks to shift the evidentiary burden back to the developer to demonstrate that the project will cause no harm to the environment, and that the proposed development is close to mass transit and commercial centers. The current statutory presumption in favor of affordable housing developments imposes an unfair reverse burden on towns (should they oppose the project) to prove that the development will harm the environment. The goal of this proposal is to thwart developers from using The Act (as they have) as a pretext to bust zoning and place ill-suited higher density developments in rural areas.

Thank you for allowing me to testify on House Bills 5314 and HB 5315. I urge your support for this common sense measure.

Sincerely,

Rep. John Shaban