



TOWN OF RIDGEFIELD
PLANNING AND ZONING DEPARTMENT
66 Prospect Street, Ridgefield, CT 06877 203-431-2766

February 7, 2013

Housing Committee of the CT General Assembly
Room 2700, Legislative Office Building
Hartford, CT 06106

Re: Proposed Bill No. 6118
AFFORDABLE HOUSING

To the Members of the Committee:

Representative John Frey of Ridgefield has proposed Bill No. 6118, "To require developers of affordable housing who file modifications of approved applications to make certain financial disclosures and to require such disclosures to remain confidential."

This bill has significant merit, because it seeks to correct a lack of fairness in the review process of affordable housing applications affecting municipalities.

Section 8-30g(f) of the Connecticut General Statutes states:

Any person whose affordable housing application is denied, or is approved with restrictions which have a substantial adverse impact on the viability of the affordable housing development or the degree of affordability of the affordable dwelling units in a set-aside development, may appeal such decision pursuant to the procedures of this section.

Section 8-30g(h) of the CGS states:

Following a decision by a commission to reject an affordable housing application or to approve an application with restrictions which have a substantial adverse impact on the viability of the affordable housing development or the degree of affordability of the affordable dwelling units, the applicant may, within the period for filing an appeal of such decision, submit to the commission a proposed modification of its proposal responding to some or all of the objections or restrictions articulated by the commission, which shall be treated as an amendment to the original proposal.

The issue here, and the unfairness to the local planning and zoning commission reviewing the application, is the refusal on the part of developers to disclose how the approval by the commission has had a "substantial adverse impact on the viability of the affordable housing development."

For example: A Planning and Zoning Commission may, upon review of the site plan, traffic impacts, available infrastructure, and other factors that it can legally consider, approve a lesser number of units than requested in an affordable housing application. If the Commission approves, for example, 50 units in the development instead of a request for 75, the developer may appeal the decision directly to the courts, or may re-submit the application under Sec. 8-30g(h) and attempt to prove that the 75-unit application was justified and should be approved.

However, developers have refused, upon direct request by the Commission during the public hearing process, to provide proof to the Commission that its decision to approve a lesser number of units “impacted the viability” of the development, in spite of the language in the Statutes.

The law allows the developer to claim that the development is not financially feasible with the lesser number of units, but the developer refuses to disclose details to prove his claim because it is “proprietary information”. The Commission is left to simply accept the developer’s claim.

The language of the law gives the developer a distinct and unfair advantage, and it needs to be corrected.

Proposed Bill No. 6118 seeks to correct this unfairness by requiring the developer to file financial disclosures to prove the claim of adverse impact to the viability of the affordable housing development. The Proposed Bill maintains fairness to the developer by proposing that such financial disclosures remain confidential, which can be accomplished through statutory language that allows review of this information in a court of law, with judiciary oversight.

I urge the Housing Committee to seriously consider this Proposed Bill No. 6118.

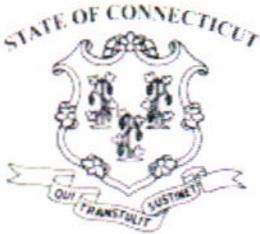
Thank you for your consideration.

Very truly yours,



Betty Brosius, MPA, AICP
Director of Planning, Ridgefield

cc: Rep. John Frey
Ridgefield Planning and Zoning Commission
First Selectman Rudy Marconi



General Assembly

Proposed Bill No. 6118

January Session, 2013

LCO No. 2432

Referred to Committee on HOUSING

Introduced by:

REP. FREY, 111th Dist.

AN ACT REQUIRING CERTAIN FINANCIAL DISCLOSURES TO BE FILED WITH ANY MODIFICATION OF AN APPLICATION TO CONSTRUCT AFFORDABLE HOUSING BASED ON ECONOMIC VIABILITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That section 8-30g of the general statutes be amended to require any developer, upon filing a proposed modification of a proposal to construct affordable housing based on an approval of the application with restrictions that have a substantial adverse impact on the viability of the affordable housing development, to submit evidence of the developer's financial status to the commission, and to further require the commission to hold such information as confidential and not subject to disclosure.

Statement of Purpose:

To require developers of affordable housing who file modifications of approved applications to make certain financial disclosures and to require such disclosures to remain confidential.