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Connecticut
still revolutionary

WRITTEN TESTIMONY FOR THE PLANNING AND DEVELOPMENT COMMITTEE 3/14/14

Evonne Klein, Commissioner
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Senator Osten, Representative Rojas and members of the committee. My name is Evonne Klein and I am the Commissioner of the Department of Housing (DOH). Thank you for the opportunity to submit testimony regarding House Bill 5511 – AN ACT GRANTING A MORATORIUM FROM THE AFFORDABLE HOUSING LAND USE APPEALS PROCESS UPON COMPLETION OF AN INCENTIVE HOUSING DEVELOPMENT.

For over two decades, the Affordable Housing Land Use Appeals Procedure (appeals procedure) has helped to create thousands of affordable housing units, directly and indirectly, while combating exclusionary zoning and furthering fair housing. There is no denying the need for these units in Connecticut. Housing costs continue to rise in the state, outpacing the increase in personal income. More than 39% of Connecticut households spend over 30% of their income on housing, primarily due to lack of affordable housing. This substantial financial burden prevents families from affording other critical needs such as healthcare, warm clothing, and nutritious food. It further inhibits individuals and families from saving money, forcing them into the precarious position of being one costly emergency away from becoming homeless.

A critical component of Governor Malloy's efforts to invest in the Connecticut economy is his commitment to increase access to safe, quality and affordable housing throughout the state. Since taking office in 2011, Governor Malloy has invested more than half of a billion dollars in affordable housing initiatives. The appeals procedure is a critical tool in advancing these initiatives, overcoming unnecessary and burdensome local barriers to the creation of affordable housing.

While all municipalities in Connecticut are required under section 8-2 of the general statutes to "encourage the development of housing opportunities, including opportunities for multifamily dwellings" and to "promote housing choice and economic diversity in housing, including housing for both low and moderate income households," they do not all honor this obligation. Municipalities with less than 10% affordable housing are subject to the appeals procedure. Only 31 municipalities meet this 10% threshold. The majority of the remaining 138 municipalities have less than 5% affordable housing in their communities.

When other public interests do not clearly outweigh the need for affordable housing, the appeals procedure enables the development of affordable units in communities that do not meet the 10% affordable housing threshold. This creates badly needed opportunities for low- to moderate-income individuals and families to live in communities where affordable options did not previously exist and where they have access to quality schools, safe streets, public transit, and employment opportunities. Unfortunately, local zoning barriers and the "not in my backyard" mentality would bar affordable housing

from many communities if the appeals procedure was not available as a vehicle towards generating affordable options.

Numerous well-designed, successful mixed-income developments have been realized through the appeals procedure, such as Old Farms Crossing in Avon, Oak Village in Wallingford, and Avalon Apartments in Darien. However, the appeals procedure is almost more effective through its indirect impact on municipalities. The 10% threshold encourages municipalities to consider devising affordable housing plans to meet affordable housing need in ways that best suit their individual communities. Several communities, such as Berlin, are spurred by Section 8-30g to actualize affordable housing plans, employing the 4 year moratorium as a window for producing low- and moderate-income housing that best fits into their community. The construction of affordable housing during one moratorium would then qualify them for another, allowing them to incrementally progress towards the 10% threshold during these exemption periods.

DOH strongly opposes House Bill 5511 because it weakens the appeals procedure by granting a 2 year moratorium for municipalities that have completed an incentive housing development consisting of at least 16 dwelling units. Under the Incentive Housing Zone program, the zone can be limited to cover only one development and only 20% of the units in a development must be affordable. Municipalities would then only have to construct 4 units of affordable housing to receive that 2 year exemption from the appeals procedure. A municipality currently qualifies for a moratorium each time the total number of affordable units equals 2% of their housing stock as of the last 10-year census or 75 unit-equivalent points, whichever is greater.

DOH strives to ensure that all Connecticut's citizens have access to safe, affordable housing. We know this housing forges vibrant, diverse communities, enabling low- to moderate-income young professionals to move back to their hometowns, seniors to remain in their communities, and Connecticut's workforce to live near their employment. DOH continues to travel around the state, meeting with local elected officials, housing authorities, planning and zoning personnel and commissioners, developers, and others to collaborate on local solutions on how to overcome impediments to the creation and preservation of affordable housing. However, overhauling the conversation that includes misconceptions and other local obstacles takes time. We need 8-30g, as is, to keep advancing this conversation forward, compelling communities to acknowledge the importance of affordable housing and to spur them into action.