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Testimony by Representative Pam Staneski
Before the Housing Committee
House Bill 5578 and 5582
February 5, 2015

Good evening Chairmen Butler and Winfield, Ranking Members Hwang and Kupchick, and members of the Housing Committee. Thank you for allowing me the opportunity today to testify in favor of both HB 5578, 5582, and on the subject of 8-30g.

Thank you so much for making the hour drive to New Haven tonight as I know you were in Hartford just a few hours ago holding another Public Hearing. Your dedication does not go unnoticed. I do have specific bills before the committee; however, I will speak in generalities tonight.

You have heard and will continue to hear throughout this evening about the impact that the current affordable housing law, 8-30g has had on our communities, and I am guessing by the number of attendants present that the testimony will be more about the exploitation by developers to create large structures in neighborhoods of single-family homes.

First, let me say, this has little to do with low-income housing and everything to do with land use and the blatant disregard by aggressive developers who use the housing land use appeal procedure to circumvent local planning and zoning decisions. An appeal process that currently places the burden of proof on the town to prove that it acted legally when or if it denies the development. The cost of the appeal, especially in these economic times pushes towns to give in to the developer leaving neighbors to hire their own attorneys to challenge the appeal. But there again, the developer has deep enough pockets and usually wins the waiting game. This is exactly what is happening in Milford. In December of 2013, an application to construct 22 residential units (as a condos) under 8-30g was denied by our local P&Z for several reasons—increased traffic, not in compliance with the Plan of Conservation and Development, which targets higher density projects near the train station and on other transit-oriented corridors, and water and drainage concerns.

Not one person in the abutting neighborhood is against housing, but they ask—there must be a better way. Instead, they hire expense attorneys and, in this case, are awaiting a court date in May.

I do not think this is or was the intent when the law was written that builders and developers could use the appeals process to circumvent the zoning regulations that would not otherwise allow the construction.

I would encourage the committee to review the 10% threshold, as it does not take into account the differences between towns and their respective capacity for development. It does not take into account water supply, and it doesn't take into account a community's inventory of accessory apartments, and it could be made better by applying a full housing – unit equivalent point to senior housing.

I believe the goal of the affordable housing statute was to encourage affordable housing. I think it is incumbent on the state to encourage developers to work with municipalities to make development decisions. Thank you for holding this hearing on 8-30g. I wish to express my support of the both HB 5578 and 5582 and ask the committee's favorable action.

Sincerely,

Rep. Pam Staneski