



State of Connecticut

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Testimony in support of

HB 5802: An Act Concerning the Responsible Growth of Affordable Housing

Housing Committee

February 5, 2015

Senator Winfield, Representative Butler, Senator Hwang, Representative Kupchick, and distinguished members of the Housing Committee, thank you for this opportunity to testify in support of the bills related to the 8-30g statute being heard this evening. While I cite HB 5802 in my testimony, my remarks are also applicable to HB 6128 and HB 6145.

HB 5802 would exempt any municipality from the 8-30g affordable housing land use appeals procedure if it demonstrates substantial progress over regular intervals toward the ten per cent affordable housing threshold. I believe this would strengthen, not weaken, the force of the 8-30g statute by fostering the development of affordable housing, while incentivizing and enabling towns that have not met the ten percent threshold to increase their affordable housing stock on their own terms, in ways that respect their local character and zoning and environmental regulations.

Section 8-30g of the general statutes recognized Connecticut's need for affordable housing and attempted to address it through changes to the appeals process for municipal zoning decisions. Ideally, it would have led to a balanced approach to affordable housing on the local level – one that would have required municipalities to provide badly needed affordable housing and would have allowed them to do this while respecting their local planning objectives. Unfortunately, however, that has not been the case. Too often, because of 8-30g, developers have been able to override local zoning plans in ways that adversely affect the character, appearance, traffic patterns, planning, and other aspects important to communities' quality of life.

Under the current circumstances, many towns are devoting more time and resources to fighting developers' proposals than to partnering actively and constructively with them to identify and plan locations for affordable housing that would be consistent with local zoning plans and offer residents the best quality of life, with, among other things, nearby mass transit facilities, convenient access to schools, and adequate open space.

This means that, too often, developers and attorneys are the only real beneficiaries of the 8-30g statute. Municipalities are thwarted in preserving their unique physical character, and in sustaining their carefully crafted plans for zoning and conservation and development, while the intent of the statute, to increase affordable housing stock throughout the state, is not being fulfilled.

Instead of encouraging and fostering the development of affordable housing, 8-30g has become a means of punishing towns for failing to do something they cannot possibly accomplish. For example, no matter how hard it tries, no town whose affordable housing stock today represents 3% of its total housing can reach the 10% threshold overnight. It will need several years to do so. Yet in the intervening years, it is still exposed to legal challenges under 8-30g. This situation accomplishes nothing and, in fact, leads to significant expenditures of taxpayer dollars.

A much more constructive and dynamic scenario would exempt from 8-30g challenges towns that are demonstrably working consistently over time toward the 10% threshold by designating affordable housing zones, actively soliciting developers to purchase properties, potentially taking advantage of Connecticut's affordable housing incentive program, and adhering to a clear schedule for construction. This would both incentivize an increase in affordable housing, fulfilling the original promise of the statute, and allow towns to control their own destiny. Under this scenario, no one loses. Affordable housing increases, economic opportunity for its residents expands, and Connecticut's smaller communities protect the integrity of their character and zoning regulations.

That is the premise of HB 5802, and of the other bills I cited early in my testimony. I hope that the Committee will give its full attention and consideration to these proposals. They respond directly to the serious concerns about economic opportunity that several of our urban colleagues have shared with me and at the same time will go far toward preserving the character and quality of life of Connecticut's communities.

A handwritten signature in black ink, appearing to read 'G. Lavielle', written in a cursive style.

Representative Gail Lavielle,
143rd District