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February 4, 2015

Dear Committee:

I cannot attend your hearing on affordable housing issues in New Haven due to a prior commitment.

I do, however, wish to register my strong objection to the affordable housing statute, section 8-30g, certainly in its present format and probably even with any additional minor modifications which might be proposed. From its implementation, the affordable housing statute was at best "new-speak" for a device allowing developers to "break zoning." The minor modifications added over the years have perhaps slightly increased the burden on developers attempting financial gain at the expense of local zoning, but they have not eliminated the problem.

As an attorney and as a former First Selectman of Easton from 1997 to 2007, having been involved and interested in affordable housing applications, I am sad to say that I have seen few, if any, affordable housing projects, certainly in towns without commercial development, where the true intention (or more importantly result) of the application was to provide more affordable housing for those who need it rather than to allow more intensive land use for the financial benefit of the developer of the property.

Without going into detail, the most recent applications for affordable housing in Easton provide an example. Not satisfied with the granting of an as-of-right subdivision, the developer sought an "affordable housing development" which would have substantially increased the intensity of the use on its property. When that attempt failed, an appeal ensued. While the appeal was pending, the developer subsequently applied for another "affordable housing development" on the property which would have been a less substantial increase in density than the original application, but still more than was allowed under the town's zoning, based on an argument that the inclusion of 20 accessory apartments out of 48 units constituted an affordable housing application. The application has been denied, and may well be appealed, but all of this burdens the town's volunteers on the planning and zoning and conservation commissions and other public officials and costs the town in terms of the fees for attorneys and experts. Well, one might ask, "Why not? Isn't that part of the affordable housing statute?"

It is indeed, but it should not be. The Easton property in question lies in the watershed between two reservoirs which provide a significant portion of the water for other municipalities in Fairfield County. Aquarion which oversees the water supply and others have come out against the development. There are no sewers or public water available for the development. There is no public transportation accessible to the development. There is virtually no nearby shopping. What little "affordable housing" there is in town through existing accessory apartments is not fully utilized. The town should not be forced to expend its resources as the statute requires bearing the burden of supporting the denial of an "affordable housing" project which never should have been made, and I dare to hazard a guess that if tomorrow the town offered to settle by an amendment to its zoning regulations which would allow a more intensive development on the property with no affordable housing, the developer would find that to be acceptable.

The best solution to the affordable housing statute is not to tweak it further in a wink to those which it burdens unnecessarily, but either to repeal it and start anew with a statute that encourages affordable housing where there is infrastructure to support it or to completely exempt towns where there is not.

Thank you for your consideration and your service.

Bill Kupinse

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