

February 05, 2015

RE; Proposed HB 6128, 5056, 5057, 5576, 5578, 5805 and SB 403

I am here to briefly discuss health, safety and fairness issues regarding 8-30g.

On behalf of Fairfielders Protecting Land and Neighborhoods (FairPLAN), I speak in support of Proposed House Bill 6128.

FairPLAN urges the passage of proposed HB 6128 which in part states “set-aside developments shall be prohibited in all flood zones.” Under current regulations, 8-30g can be used by developers to build in areas of serious hazard due to flooding. A recently constructed 8-30g apartment building in Fairfield that resulted from an 8-30g appeal of a zoning denial sits in a “Special Flood Hazard Area,” one of the highest risk areas as defined by FEMA. This area was the site of Fairfield’s only known drowning by flooding. Since the 8-30g statute already allows denial of an appeal in cases of demonstrated health and safety risks, the legislative intent of the drafters of 8-30g should be further specified by adding a clause to 8-30g stating, “set-aside developments shall be prohibited in all flood zones as defined by FEMA.”

FairPLAN also asks that you add a clause to HB 6128 that prohibits 8-30g development in regulated areas of Inland Wetlands and Watercourses and a clause prohibiting development in watersheds that serve active drinking water supplies. An 8-30g development in a drinking water watershed was allowed in Ridgefield as the result of an 8-30g appeal, and such intrusions into drinking water watersheds are health and safety risks.

In all three of the suggested clauses, our written testimony cites state and federal definitions of hazard areas so there is no confusion and no room for judicial interpretation. We believe all these clauses are consistent with the legislative intentions of 8-30g.

On my own behalf, I support all of the proposed bills that reject the proposition of 8-30g that seniors are half persons and are worth only one half an equivalency point. 8-30g as written reduces the incentive to build senior housing and is one of the factors causing seniors to leave our state. I support proposed SB 403 which states in part, “that senior housing will be counted as affordable housing for the purpose of determining whether a municipality's housing stock includes ten per cent affordable housing units.” I also support proposed HB 5056 that prohibits age-restricted housing from being converted to affordable housing.” We have just been through this in Fairfield where renovation of a senior and disabled housing complex can only be funded if it converts to 8-30g which will reduce the number of seniors residing there in the future. Should 8-30g be allowed to strangle housing opportunities for seniors?

Other proposed bills such as HB 5057, 5576, 5578, 5805 offer similar changes to 8-30g to protect seniors. The sheer volume of proposed bills demonstrates just how widespread support is for fairness for our seniors. Seniors are not half persons, and they do not want the consequences of 8-30g as written to be a factor that forces them to move out of Connecticut.

signed,

Jan R. Reber