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February 4, 2015

VIA EMAIL

Senator Winfield, Representative Butler, Senator Hwang, Representative Kupchick  
and Distinguished Members of the Housing Committee  
State of Connecticut  
165 Church Street, 2<sup>nd</sup> Floor  
New Haven, CT 06511

Re: Proposed H.B. Nos. 5802, 6128, 6129, 6135 and 6145

Dear Co-Chairs Winfield and Butler, Ranking Members Kupchick and Hwang and Committee  
Members:

I am a land use attorney admitted to practice law in both Connecticut and New York, I reside in Wilton, Connecticut and I would like to give testimony in my individual capacity in support of Proposed H.B. Nos. 5802, 6128, 6129, 6135 and 6145. Although I support all the bills to be considered on February 5, 2015, I primarily support Proposed H.B. Nos. 5802, 6128, 6129, 6135 and 6145 (the "Proposed Bills").

Although the current Section 8-30g's goal of increasing affordable housing is laudable, its implementation is flawed and as a result, the goal still remains unattainable in many municipalities. Section 8-30g has been a failure for both the non-exempt municipalities and for those throughout our State in need of affordable housing. The Proposed Bills offer a new approach for increasing affordable housing that will benefit both non-exempt municipalities and those in need of affordable housing.

Section 8-30g has been a failure for the simple reason that it has failed to further a significant increase in affordable housing. There are many reasons for this.

First, instead of benefitting those in need of affordable housing, 8-30g only really benefits developers. While intended as a statutory shield, developers use 8-30g as a sword to propose ill-conceivable and unworkable developments. As some developers only concern is turning a profit, many affordable housing developers simply cram the most units on a parcel without considering basic planning principles in developing greater density housing, such as providing sufficient open space or recreational areas for future residents. It would be

inconceivable for developers to propose such deficient developments for market rate multi-family developments, especially in many non-exempt municipalities where recreational space is a necessity given the lack of access to public amenities. But since profit and not good planning principles often govern, it is the residents of these unworkable affordable housing developments that will suffer as they will be forced to live in these developments lacking critical open space and recreational areas.

Second, as Section 8-30g: (1) essentially negates local zoning codes and eradicates the vast majority of local planning authority, including local authority to designate multi-family or greater density zoning districts and local mandates for set-aside open space and recreational areas; and (2) puts the developers and their profits (and not good planning) in control, municipalities fight to prevent these ill-conceived developments. These issues are often contested in the court system with municipalities expending countless resources on litigation. These resources could be better spent in growing and developing responsible affordable housing that will both make sense for communities and benefit those in need of affordable housing.

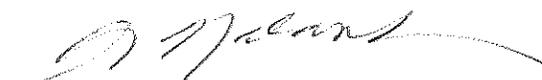
Without a new approach for dealing with affordable housing, the status quo will continue. The Proposed Bills offer a new approach with the goal of increasing affordable housing developments that make good planning sense. Instead of being an opponent to unworkable developments, municipalities become a partner to appropriate development. For example, it is not appropriate to have 30 units in a one-acre zoning district on a rural one-acre lot surrounded by one-acre single family homes miles away from any public amenities. In contrast, such a development would make greater sense – for the community and for its future residents – closer to a business-type district near public amenities and a train station. The Proposed Bills' goal is to give some planning authority back to local municipalities who are in the best position to make planning determinations about the best locations for higher density housing, while at the same time furthering the goal of increasing affordable housing.

Also, under the current statutory scheme, 8-30g has a chilling effect as in an effort to prevent ill-conceived affordable housing developments municipalities will continue to resist improvements to sewer and water infrastructure. Numerous Court decisions have upheld the denial of affordable housing developments based upon the unavailability of public water or sewer. These cases reinforce that one way to prevent ill-conceived affordable housing developments is for non-exempt municipalities to continue to not provide or to not expand water and sewer. I believe that we can all agree that this does not benefit the State or its residents.

The Proposed Bills offer an alternative to what is clearly not working to meet the goals of increasing affordable housing. Thank you for your consideration.

Respectfully yours,

SILVERBERG ZALANTIS LLP



Katherine Zalantis