



State of Connecticut

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*Testimony by Representative Charles Ferraro
Before the Housing Committee
House Bills 5804, 5805, 6126, 6127, 6129, 6130
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 HB 5804, 5805, 6126, 6127, 6129, 6130, and speak on the subject of 8-30g.

I should point out at the on-set of my testimony that no one is opposed to affordable housing. I certainly understand the need for it. The question for me, however, becomes whether or not the current Affordable Housing Appeals Act 8-30g as it currently reads is fair and equitable for each and every municipality. Is this really a one size fits all legislation that should be administrated unilaterally across all municipalities?

In Connecticut, the state legislature adopted The Affordable Housing Land Use Appeals Act of 1990, 8-30g, which expressively reverses the burden of proof when a municipality denies a developer's application to construct affordable housing. Under the act a municipality that denies a developer's application to construct affordable housing carries the burden of proving that its action is justified by showing that it was "necessary to protect substantial public interest in health and safety and that such public interest clearly outweigh the need for public housing". Connecticut communities in which at least 10% of the housing stock is affordable to low and moderate income families, are exempt from the application of this statute. Obviously, this act was created to help relieve the shortage of affordable housing within the state. Some of the problems inherent in this one size fits all solution are:

1. Not all municipalities have the same need for affordable housing construction. The demand is different depending on the specific demographics of each municipality. I am recommending that this committee consider different threshold requirements for smaller suburban municipalities from those required in larger urban centers.
2. Some classifications of specific housing stock are assigned different housing unit equivalent points which make it more difficult for certain municipalities to achieve the 10 percent threshold for affordable housing stock. I am recommending that the committee consider raising the assigned point value to 1 point across the board.
3. When a developer applies to build a unit that has a 70 – 30 percent affordable housing ratio where 30 percent of the units qualify for affordable housing these ratios are only required to be maintained for 40 years after which the owner / developer are to free to charge whatever they want. I am recommending that this committee increase the ratio of units required to be affordable housing compatible. In this way municipalities can achieve the minimum threshold requirements for housing stock easier.
4. When developers are granted the ability to build affordable housing complexes through the appeals process they are exempt from the municipality's planning and zoning regulations and the resultant construction is often times not consistent with protecting the public interests with regards to health and safety. This can result in a development that is so tight that emergency vehicles can't access the property, sidewalks are under-constructed thereby not being adequate for pedestrian passage or, there are not adequate setbacks with regards to distance from existing structures resulting in less privacy from encroaching multi-story affordable housing units. I am recommending that this committee consider these public safety and health situations and at the very least consider setting reasonable setbacks.

5. Some municipalities have properties that are older and meet the income thresholds for affordable housing but are not deed restricted. Milford for example has thousands of units that charge around \$400.00 per month but they are older construction and are not deed restricted and aren't counted into the formula for affordable housing. If these units were counted in Milford would exceed the Affordable Housing threshold and in fact would be approaching 20 percent and would qualify for an exemption from the statute. I am recommending that this committee consider carving out the deed restricted language from the statute which would push towns like Milford over the threshold and enable it to qualify for an exemption under the affordable housing act.

6. Some municipalities like Milford are disproportionately affected by 8-30g, because they are so well suited for 8-30g applications. In Milford's case they are so well sewered and have more on and off ramps than any other municipality in the state. Currently, Milford has six different Affordable Housing applications: 1. West Ave / Bic Road (over 250 units); 2. Wheelers Farm Road; 3. Gulf and Cherry Street; 4. North Street; 5. Pond Point and 6. West Main Street.

Thank you for holding this hearing on the many issues associated with 8-30g. I wish to express my support the above mentioned bills and ask for the committee's favorable action.

Sincerely,

Rep. Charles Ferraro