



Yale Law School

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Hon. Gary Winfield, Co-Chair
Hon. Larry Butler, Co-Chair
Housing Committee, Connecticut General Assembly

RE: Proposed bills S.B. 123, S.B. 171, S.B. 172, S.B. 403, S.B. 407, H.B. 5055, H.B. 5056, H.B. 5057, H.B. 5254, H.B. 5306, H.B. 5576, H.B. 5577, H.B. 5578, H.B. 5579, H.B. 5580, H.B. 5581, H.B. 5582, H.B. 5802, H.B. 5803, H.B. 5804, H.B. 5805, H.B. 6126, H.B. 6127, H.B. 6128, H.B. 6129, H.B. 6130, H.B. 6131, H.B. 6135, H.B. 6139

Good evening. Thank you to the Housing Committee for the opportunity to testify before you. My name is Anika Singh Lemar. I am a clinical professor at the Yale Law School and, for over a decade, I have studied and written about land use planning laws across the country while also working as a practicing lawyer representing homeowners, municipalities, businesses, and not-for-profit institutions.

Since World War II, Connecticut's suburbs have seen greater growth in jobs and market rate housing than have our cities. But those suburban towns, using restrictive zoning codes, prohibit the development of low-cost housing. The Brookings Institute has found that our zoning codes are more restrictive here in Connecticut than anywhere else in the nation. The result is income-based segregation and, in areas of concentrated poverty, overburdened school systems that cannot possibly address the needs of all students when the majority of those students are low-income.

State law authorizes localities to regulate land use. Unfortunately, sometimes localities use that power to undermine state needs. Affordable housing is a prime example. The State of Connecticut needs housing that accommodates all of our workers. The State of Connecticut needs to educate all of the children in our state, not just a few.

But town needs are different. Towns need low-income *workers*, particularly given the growth of low-wage jobs in the suburbs. But they don't want low-income *residents*. And, when it comes to education, local officials in towns with the highest-performing school districts will happily admit to you that they have no interest in educating additional children, even if that would be best for our statewide economy.

Our suburbs' refusal to permit the creation of low-cost housing has kept supply low and prices high. 49% of Connecticut renters spend more than 30% of their income on housing and vacancy rates here in New Haven County are among the lowest in the nation.

8-30g is a response to this misalignment in incentives. It encourage towns to zone for something that we need across the state but something that towns rarely choose to build on their own:

**Affordable housing for our state's families
in locations that will not further concentrate poverty.**

The statute's intention is not to allow developers to dictate our towns' futures. The statute's intention is to enable our towns to take ownership of their own futures, but to require them to do so in a way that addresses a statewide dearth of affordable housing.

A few Connecticut towns, responding to 8-30g, have been proactive. But, though they have had 25 years, many others have not. It is not developers that are threatening these towns' futures. It is the towns that are threatening our state's future. In the 25 years since 8-30g went into effect and for decades prior to that, as they have built market rate units, strip malls, big box retail and often underused light industrial parks, they have largely failed to build affordable residential units. Here in New Haven County, as documented in recent report by DataHaven, while I am happy to say that we are consistently growing jobs here in New Haven, the fastest job growth in this region is happening in the far outer ring suburbs, in towns like Cheshire, North Branford and Wallingford. Since the early 1990s, those towns have added over 16,000 jobs and over 10,000 housing units. But just 5% of those new units are affordable. The average number of affordable units in those towns is just barely over 2%. Our housing production is not keeping up with job growth. And rather than using local resources to plan to accommodate affordable housing, towns have focused their budgets and their resources on fighting affordable housing.

While states like New Jersey and California have limited home rule in their effort to address local resistance to affordable housing, 8-30g, despite what they naysayers might say, honors home rule. It leaves planning and zoning in local hands. It simply requires that local planning and zoning take affordability into account.

Just get to 10%.

And, if you can't, get to 2% and enjoy a temporary moratorium from the statute, a moratorium that gives you breathing room to get to another 2%. That is it. When local governments resist that simple requirement, when they put up walls against housing for low-income families, only then does 8-30g give the market the tools necessary to step in and address our statewide need for affordable housing.

As the federal courts gut our civil rights statutes, 8-30g is the only reliable tool we have to fight segregation and the resulting achievement gap. Unfortunately, some of these amendments may seem reasonable but they would, intentionally or not, gut the statute. For example, giving a full moratorium point for elderly housing may sound reasonable but, in fact, it will simply result in towns restricting all of their affordable housing to elderly people and never providing the

workforce housing our economy needs. Elderly housing is important but it does nothing to address the needs of working class families and our state's appalling, worst-in-the-nation, achievement gap. It is worth noting that while elderly people are welcome in non-elderly developments, the opposite is not true. I am happy to address any of the other specific proposals if you have questions but, for now, let me just say that I have read them all and they all undermine 8-30g.

Ultimately, either we believe that all children should have access to high-performing schools or we don't. Either we believe that towns shouldn't be able to exclude, wall off working class and low-income people or we don't. The war against segregation and the achievement gap continues, 8-30g is the one of the very few weapons we have in that fight and weakening it with any of these proposals would set the State back in advancing our goals of equal opportunity and a thriving economy. I would be happy to answer any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anika Singh Lemar', with a stylized, cursive script.

Anika Singh Lemar