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To: Housing Committee of the General Assembly of the State of Connecticut
From: Don Bergmann, 32 Sherwood Drive, Westport CT 06880
(203) 226 8712 E Mail: donlbergmann@sbcglobal.net
Former Member of Westport's Representative Town Meeting
Re: Public Hearing on "8-30g"

I BELIEVE 8-30G NEEDS TO BE REVISITED, REVISED OR REPEALED. A LAW THAT WILL NEVER SUCCEED IN ATTAINING ITS GOAL, 10% AFFORDABLE HOUSING IN ALL CONNECTICUT TOWNS, SUGGESTS THE NEED FOR CHANGE. THE PRESENT LAW FRUSTRATES SUPPORT FOR GOVERNMENT AND RESULTS IN NEVER ENDING CONFLICTS AND CONFRONTATION, RESULTING IN A WASTE OF EFFORT AND RESOURCES. IN FACT THE RANCOR AND CONFLCTS THAT INHERENTLY RESULTS FROM 8-30G COULD ACTUALLY WORK AGAINST THE EFFORT TO EXPAND AFFORDABLE HOUSING.

Below in an outline form are my questions and thoughts on 8-30g. PLEASE ALSO BE SURE TO READ MY CONCLUDING PARAGRAPH.

BACKGROUND AND HISTORY

- (I) Is 8-30g working and how is any judgment as to "working" made?
- (II) If not working, e.g. 10% not being attained, the focus should be on what can be attained and how to accomplish that.
- (III) Any changes should reasonably reflect the realities of diverse towns, including the realities of the locations of those towns in Connecticut.
- (IV) Why are dwellings that existed before the passage of the law not relevant under 8-30g?
- (V) Why is the percentage of affordable housing that existed in a town before the passage of the law not relevant?
- (VI) How should population changes in towns be relevant? Should a town with population growth or population reduction be subject to a different analysis as to an affordability goal? It seems that should be relevant, though the consequences of that relevance might be viewed in disparate ways.
- (VII) One size fits all is likely always to be doomed to failure, rancor and wasted resources.

PURPOSE AND CERTAIN ELEMENTS

- (i) 10% will always be unattainable in many communities.
- (ii) Expiration dates as to affordability deed restriction should be either eliminated completely or reduced to be less burdensome, particularly in the case of affordable units in single family houses that seek to add a rental unit.
- (iii) Consideration should be given to increasing the 30% requirement. If Connecticut is serious about change, why not make the affordability component 50%? Developers will always figure out a way to make a profit, they always do.
- (iv) The total number of affordable units in existence should be credited under 8-30g, not just those first coming into existence after the initial passage of the legislation.

- (v) A "carrot", rather than a "stick" approach should be considered, as has been suggested by some legislators.
- (vi) Assuming that the moratorium concept is retained, consider some relief from 8-30g if there are adopted supporting efforts by Towns that reflect a commitment to affordable housing, irrespective of whether or not affordable units are constructed. For example,
 - A. Local regulations that mandate affordable housing in all new multi-family housing developments, and
 - B. Provisions in local taxes that reduce real property taxes for developments and single family houses that provide for affordable housing.
- (vii) Provide that greater credit is given for affordable houses than multi-family units. Such a change is likely to reduce the rancor over the law in general and also could reduce the likelihood of large multi-family complexes being proposed and built in a single family residence zone.
- (viii) Consider adding other factors that can be used to object to an 8-30g project, or at least used to cause a developer to make modifications. For example,
 - A. Impacts upon school population,
 - B. Traffic impacts of a certain level similar to the CT DOT standards that rate traffic impacts from projects within CT DOT jurisdiction,
 - C. Loss of open space, and
 - D. Changes in uses in zones, such as the introduction of commercial into a residential zone.

SERIOUS CONSIDERATION SHOULD BE GIVEN TO REPEALING 8-30G AND ESTABLISHING AN OVERSIGHT BODY TO ASSESS THE IMPACTS. IT COULD WELL TURN OUT THAT MORE AFFORDABLE HOUSING IN CONNECTICUT WILL RESULT, INCLUDING IN THE WEALTHY TOWNS, THAN ACTUALLY OCCURRED UNDER 8-30G. THAT RESULT COULD OCCUR SIMPLY BECAUSE MOST COMMUNITIES WANT A DIVERSE ECONOMIC BASE AND WILL FOSTER THAT OUTCOME IN THEIR RESPECTIVE WAYS. THE WORLD HAS CHANGED SINCE THE PASSAGE OF 8-30G. IN ADDITION, AND PROBABLY MOST IMPORTANTLY, 8-30G HAS PRODUCED SUCH ADVERSE REACTIONS IN MANY TOWNS THAT IT ACTS AS A DETERRENT TO THE GOOD WILL EFFORTS TO ACHIEVE GREATER ECONOMIC DIVERSITY. THE PEOPLE OF CONNECTICUT ARE GOOD PEOPLE. I SUGGEST THAT THE ASSEMBLY AND THE GOVERNOR GIVE SERIOUS CONSIDERATION TO LETTING THOSE GOOD QUALITIES PRODUCE GREATER ECONOMIC DIVERSITY IN CONNECTICUT TOWNS BY REPEALING 8-30G. IF, AFTER, SAY FIVE YEARS, THE RESULTS ARE INADEQUATE, WITH PARTICULAR ATTENTION TO A COMPARISON OF PERIODS DURING WHICH 8-30G WAS IN EFFECT AND THIS FIVE YEAR PERIOD, THEN A LEGISLATIVE APPROACH CAN ONCE AGAIN BE ADDRESSED. THAT WILL ALSO HAVE THE BENEFIT OF "STARTING OVER". "STARTING OVER" IS LIKELY TO PRODUCE BETTER LEGISLATION THAN THE PRESENT 8-30G.

Thank you,
Don Bergmann