



State of Connecticut

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Addendum **HB5363: An Act Concerning The Affordable Housing Land Use Appeals** **Procedure** **Housing Committee** **March 1, 2016**

Dear Chairman Butler, Chairman Winfield, Ranking Members Kupchick and Hwang, and esteemed members of the Housing Committee,

Below testimony is in addition to the testimony I submitted to the Housing Committee on 3/1/2016.

After reading the written testimony given by other members of the Milford delegation, I feel compelled to weigh-in on testimony given by Senator Slossberg asking for the committee to *amend the appeals procedure to specify that the Court shall allow lay person testimony submitted with the appropriate foundation of personal knowledge to have the same probative weight as high priced experts employed by the developer should the planning and zoning commission find that to be the case.*

This amendment to the language is a "fair" ask of the committee for two reasons—

1. It doesn't change the Appeals Procedure, the burden of proof for denial remains solely with the municipality.
2. It does recognize that "local" knowledge from those living around a proposed development has merit in the decision to deny a proposal, and ensures the public's voice is not drowned out by experts who are not vested in the community.

I ask for your consideration in support of this amendment to HB5363.

Respectfully submitted,

Pam Staneski
Representative, 119th District



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Testimony in Support of

HB5363: An Act Concerning The Affordable Housing Land Use Appeals Procedure Housing Committee

March 1, 2016

Good day Chairman Butler, Chairman Winfield, Vice Chair Rose, Ranking Members Representative Kupchick, Senator Hwang, and distinguished members of the Housing Committee.

I want to thank the committee for the opportunity to address you today on HB5263: AN ACT CONCERNING THE AFFORDABLE HOUSING LAND USE APPEALS PROCEDURE.

Much has transpired in my community since I sat before you last year —our temporary moratorium on 8-30g projects ended, allowing developers to resume submitting building plans under the guidelines of Section 8-30g of the Connecticut General Statutes. My summer was spent attending Planning and Zoning meetings listening to neighbors express their concerns to our Planning and Zoning Board regarding several of the applications.

And, while I sit here today asking for modifications to the AFFORDABLE HOUSING LAND APPEALS PROCEDURE, I need you to know that this has nothing to do with "affordable housing" and everything to do with land use and the blatant disregard by aggressive builders.

Our community *is* a caring community that supports our local homeless shelter and its mutual housing apartment program through local fundraisers. Our community *is* a caring community that supported saving and relocating Ryder Park, a mobile home complex, when the property was sold to put in a large shopping center. Our community *is* a caring community as shown through the many apartments and homes that rent below market rates (and have for many years), but cannot be included towards moratorium numbers because they are not deed-restricted. Our community *is* a community that embraces affordable housing in the way that the 8-30g statutes were intended, but not the way it has been abused by aggressive developers.

And, our community *is* feeling a bit beaten up as well. Section 8-30g allows any person to use the statute to file an affordable housing application, but while we have had some large applications of 180+ units or more, our community has been inundated with applications in neighborhoods where the developer looks to place six to eight units on postage size lots with four or less of the units meeting the 80% or 60% income level. Because building plans submitted under the 8-30g process usurp local zoning ordinances, it gives developers an extra bargaining chip where they can choose the density and the location of the development

What does that mean? In our community, it has come to mean that a developer will purchase a single family home, tear it down, and “force-fit” a 3-story development on an acre or less. This practice leads to ill will towards the developers and no faith in the permitting process or local zoning boards (whose hands are tied by 8-30g appeals process).

As I expressed last year, there has to be a better way. I believe that **HB5363** is a start in addressing the reckless abuse of the appeal procedure by developers who use it to over-develop single-family zoned lots in a manner that is not consistent with smart growth principles. **Line 190**, exempting any project from the appeals procedure if it **contains less than four affordable dwelling units** is a great start; however, I question whether, in the scenario of postage stamp lot development, aggressive developers will get around the 4 unit minimum by adding a level to the building to help absorb the additional affordable unit. This would create a logistical nightmare as there may be limited space for extra vehicles from the addition of units added by the developer building up. I ask for the committee to consider modification of the language to include:

- Limit the height of certain developments (small lots) to conform with local height zoning
- *Or,*
- Limit the use of the housing appeals procedure to proposals that are to be built on 1 acre or more.

I also appreciate the change in language to count affordable housing that is developed in an Incentive Housing Zone and would ask that the same consideration should be given to government housing built at **any time** with or without deed restrictions as this housing represents the original intent of the legislation to provide affordable housing. In our community, government housing provides affordable options for many; however, because it is not deed-restricted, it cannot be counted under moratorium rules.

I reiterate that our community has been pro-active in providing affordable housing for all—a homeless shelter (the only one between Stamford and New Haven), protection of a mobile home park (same rent for years), senior housing, disabled-senior housing, 32.72% of low and moderate income households (according to HUD and Census Bureau data). And, more recently, our city was the recipient of a grant to study from the Department of Housing to study and plan for an incentivized housing zone.

We are cognizant of our responsibility to provide housing, what we ask is for some protection from aggressive builders who use the well-intended statute in a divisive fashion.

Let’s stop using the “stick” to whip communities into compliance. I would prefer a much more open approach that encourages developers to work **with** municipalities to make development decisions.

I thank you for your time and consideration of my suggested amendments to the language of HB5363.

Respectfully,

Pam Staneski
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