



*Testimony of Open Communities Alliance  
Opposing all Bills that Weaken CGS Section 8-30g  
before the Housing Committee of the Connecticut Legislature  
February 16, 2017*

I would like to thank the leadership and members of the Housing Committee for this opportunity to testify. My name is Erin Boggs and I am the Executive Director of Open Communities Alliance (OCA), a non-profit civil rights organization that focuses on ensuring that low-income families of color have access to the wealth of opportunities in our state through a balanced approach to affordable housing creation. Today, I would like to address why it is imperative that the Affordable Housing Appeals Act in no way be weakened.

In 1926 the US Supreme Court decided a case that established municipal zoning as we know it. The predominant approach to zoning is known as *Euclidian* zoning. The case, *Euclid v. Ambler*, held that municipalities could be entrusted with the responsibility to make zoning decisions about residential versus commercial use, lot sizes, and units per acre.<sup>1</sup> What few people realize is that the very case that establishes our current system of zoning has exclusionary roots. In the District Court



Old Farms Crossing, Avon, CT –  
Governmentally Assisted

<sup>1</sup> *Village of Euclid, Ohio v. Ambler Realty Co.*, 272 U.S. 365 (1926).

case that led to the Supreme Court decision the judge wrote that,

*[t]he blighting of property values and the congesting of the population, whenever the colored or certain foreign races invade a residential section, are so well known as to be within the judicial cognizance.<sup>2</sup>*

We as a state and a country still struggle with the historical legacy of the kind of racist sentiment evident in Euclid.

Exclusionary zoning, along with racial covenants, redlining and many other policies supported by municipal and state governments created the race/place dynamics that we have today. These are thriving White suburbs that are increasingly growing older while lower income working families, disproportionately of color, are isolated in high poverty struggling urban areas.

The research is in and it is definitive – low-income children of all races fare better in mixed income environments. State policies that manufacture poverty concentration will result in isolating low-income families from the building blocks to opportunity – and will ultimately hurt the state as a whole in the form of additional social safety net expenditures, not to mention missed opportunities. The next potential Albert Einstein or Bill Gates really could be living in an under-resourced community somewhere in Connecticut.



Ferry Crossing, Old Saybrook, CT – Deed Restricted



Cobbs Mill Crossing, Glastonbury, CT – Governmentally Assisted



Jarvis Court, Fairfield, CT – Governmentally Assisted

<sup>2</sup> *Village of Euclid, Ohio v. Ambler Realty Co.*, 297 F. 307, 312-13 (N.D. Ohio 1924)

I will be blunt – people of color in Connecticut earn half or less of what White people earn.<sup>3</sup> Unless we create affordable housing opportunities in thriving communities children that are part of the only non-elderly demographic that is growing in Connecticut will be cut off from all the building blocks needed for success.<sup>4</sup> Exactly these children are our economic future, including the future of the very municipalities that are opposing CGS Sec. 8-30g. Efforts to revitalize struggling urban areas will only work on a large scale if some people who live there actually have a choice of other places to live. This creates voluntary poverty de-concentration.

If every town in Connecticut builds its fair share of affordable housing, new pockets of poverty concentration will not develop. The Affordable Housing Appeals Act is designed to inspire just this kind of development because it is set up as a percentage of the overall housing stock and no longer applies when towns meet the 10% threshold.



Westwoods Apartments, Farmington, CT – Governmentally Assisted



Fieldstone Crossing, Berlin, CT – Governmentally Assisted

<sup>3</sup> ACS 2006 to 2010 Table B19101H; ACS 2006 to 2010 Table B19101B

<sup>4</sup> Connecticut's Changing Demographics: Crisis or Opportunity? Presentation by Orlando Rodriguez, January 29, 2013 to the Council on Philanthropy, [http://3xa3sn2xtr6117bb6o2m6z wf8ea.wpengine.netdna-cdn.com/files/2013/01/CTCouncilPhilanthropy\\_29jan2013.pdf](http://3xa3sn2xtr6117bb6o2m6z wf8ea.wpengine.netdna-cdn.com/files/2013/01/CTCouncilPhilanthropy_29jan2013.pdf).



Instead of promoting the common good of more universally available and geographically balanced affordable housing throughout the state, virtually all of these bills would limit the efficacy of a statute that is working. Some of these bills are just downright exclusionary. For example, some of the proposals, which carve out special density thresholds and setbacks for affordable housing (S.B. 535) but not other similar multifamily developments, are highly problematic and likely violate the federal Fair Housing Act. Requiring affordability in perpetuity, while a promising concept on first blush, in fact creates a disincentive for development because it limits options for financing and refinancing (H.B. 6598). Increasing the requirement of the percentage of units that must be affordable makes it less likely that the housing will be built because it becomes financially unfeasible for the developer (H.B. 6589). In its original form, the Act only required 20% affordable units, not 30%. This already decreases the utility of the Act for developers. A further increase would be highly problematic.



Heritage Glen, Farmington, CT –  
Governmentally Assisted

The Affordable Housing Appeal Act went into effect in 1991. The towns that are now expressing concern about being subject to the Act have had 26 years to create the needed affordable housing. Study after study has shown that mixed income housing with a percentage of affordable units does not produce the parade of horrors so often predicted.<sup>5</sup>

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<sup>5</sup> For a comprehensive discussion, see Douglas Massey et al., *Climbing Mount Laurel: The Struggle for Affordable Housing and Social Mobility in an American Suburb*, Princeton University Press, 2013.

Beautiful mixed income developments have been created throughout Connecticut that help towns work towards the threshold outlined in the Act. I have included pictures of 8-30g-qualifying developments around the state throughout my testimony.

It is the concern of many communities that CGS Sec. 8-30g takes away local control over zoning. It does, when reasonable affordable housing development proposals are rejected by towns that do not have sufficient levels of affordable units. There is a way to address this – proactively work to generate suitable housing within your town to reach a moratorium or surpass the 10% threshold.

There are tools available to help towns that are seriously interested in building more affordable units. These include HOME CT, the Incentive Housing Zone Program, many programs run by the Department of Housing and the Connecticut Housing Authority and efforts undertaken by my organization, Open Communities Alliance. For example, we are working with national partners who will acquire existing multifamily developments and explore deed restricting 20% of units. We are also prepared to engage communities about the benefits of affordable housing as part of a larger effort to gain support for new 8-30g-qualifying projects, connect municipalities to responsible developers, and assist with the planning process. Many towns also don't realize that an increase in the number of people using the Housing Choice Voucher Program or Rental Assistance Program will count towards meeting the 10% threshold, although not a moratorium. Working with a housing authority to connect participants in these programs to available housing is one good step to take to proactively plan to be exempt from 8-30g.

I strongly urge the Housing Committee to hold strong on 8-30g. It is a matter of civil rights and housing choice and imperative for the future economic health of Connecticut.