



## CONNECTICUT LEGAL SERVICES

A PRIVATE NONPROFIT CORPORATION

16 MAIN STREET, 2<sup>ND</sup> FLOOR, NEW BRITAIN, CT 06051

TELEPHONE (860) 225-8678

FAX (860) 225-6105

PUBLIC POLICY ADVOCATE  
*RAPHAEL L. PODOLSKY*  
DIRECT LINE:  
(860) 616-4472  
CELL: (860) 836-6355  
EMAIL: [RPODOLSKY@CONN  
LEGALSERVICES.ORG](mailto:RPODOLSKY@CONNLEGALSERVICES.ORG)

CLS ADMINISTRATIVE OFFICE  
62 WASHINGTON STREET  
MIDDLETOWN, CT 06457  
(860) 344-0447

KEVIN J. RASCH  
BOARD CHAIR

STEVEN D. EPPLER-EPSTEIN  
EXECUTIVE DIRECTOR

ANNE LOUISE BLANCHARD  
LITIGATION AND ADVOCACY  
DIRECTOR

CLS LAW OFFICES  
211 STATE STREET  
BRIDGEPORT, CT 06604

16 MAIN STREET  
NEW BRITAIN, CT 06051

153 WILLIAMS STREET  
NEW LONDON, CT 06320

20 SUMMER STREET  
STAMFORD, CT 06901

85 CENTRAL AVENUE  
WATERBURY, CT 06702

872 MAIN STREET  
WILLIMANTIC, CT 06226

SATELLITE OFFICES  
5 COLONY STREET  
MERIDEN, CT 06451

98 SOUTH MAIN STREET  
NORWALK, CT 06854

29 NAEK ROAD, SUITE 5A  
VERNON, CT 06066

### Planning and Development Committee

Public hearing – March 22, 2017

Testimony of Raphael L. Podolsky

#### **H.B. 7297 – Promotion of fair housing**

**SUPPORT**

Since the adoption of P.A. 91-362 in 1991 (now codified as C.G.S. 8-37cc), the Connecticut statutes have explicitly required the Department of Housing (DOH) and the Connecticut Housing Finance Authority (CHFA) to “affirmatively promote fair housing choice and racial and economic integration in all programs administered or supervised by such housing agency.” The courts have held, however, that, because mandatory statutes do not include an explicit right to sue, they do not give anyone a right to go to court to challenge the agency’s failure to comply with this mandate. Section 1 of this bill would provide that right.

Section 2 requires CHFA, in cooperation with DOH, to analyze, rental vs. ownership and by demographic characteristics, the gap between the state’s current housing inventory and the state’s projected housing need over the next 15 years. This will lay the groundwork for policy development in the future.

#### **H.B. 7298 – Statewide inclusionary zoning**

**SUPPORT IN CONCEPT**

This bill would require all towns in Connecticut to adopt inclusionary zoning affordability set-asides of at least 40 years for new residential construction of buildings with five or more units. The set-asides would be 15% of the units for households below 30% of median income OR 20% of the units for households below 60% of median income OR 30% of the units for households below 80% of median income. It permits developers of 1- to 4-unit buildings to make payments into a housing trust fund and allows DOH to provide financial aid to developers.

We support the concept that a portion of newly constructed housing should be subject to long-term affordability set-aside. Unlike planning requirements, which sometimes result in plans but no housing, inclusionary set-asides take advantage of “hot” markets where new housing is being created so as to assure that some affordability is included in housing growth. We think, however, that the Committee should proceed cautiously with this proposal, so as not to risk reducing rather than enhancing development. We also think that the Committee should review particular aspects of the proposal, including whether small properties should be exempted entirely rather than required to pay into a fund, whether a tiered approach similar to 8-30g would be preferable to the three alternative set-asides in the bill, and whether the various inclusionary approaches should be tied to other development incentives, such as density bonuses.