



**TESTIMONY OF THE CONNECTICUT FAIR HOUSING CENTER IN  
SUPPORT OF H.B. No. 5045 AND H.B. No. 5482**

Thank you Representative Lemar, Senator Cassano, and Senator Logan. I appreciate the opportunity to explain the support of the Connecticut Fair Housing Center for H.B. 5084 and H.B. 5482. My name is Erin Kemple. I am the Executive Director of the Connecticut Fair Housing Center, a statewide non-profit that works to ensure that all people in Connecticut have equal access to housing opportunities.

This year marks the 50<sup>th</sup> anniversary of the passage of the federal Fair Housing Act. The Act was passed not only to eliminate housing discrimination, but to promote integration by requiring entities receiving federal financial assistance to affirmatively further fair housing. To affirmatively further fair housing we must reverse the federal, state, and local decisions which created and perpetuate the segregated neighborhoods we see today. Connecticut municipal zoning acts as a barrier to integrating our municipalities. Zoning may not appear exclusionary, but limited density requirements, special permitting processes, large per unit lot size requirements, and the exclusion of a variety of housing types effectively limit the development of affordable housing in many municipalities and prevent the integration of our State's neighborhoods. For example, in Connecticut, the municipalities with the highest number of people who are white have few, if any, areas zoned for multifamily housing. In addition, the relationships between common exclusionary zoning practices correlate with highly segregated communities across the State. As a result of these zoning practices Connecticut remains one of the most segregated states in the country with many of its citizens denied access to high

performing schools, grocery stores, thriving recreation, jobs, and transportation. H.B. No. 5045 and H.B. No. 5482 are efforts to reverse decades of segregation by strengthening the language of C.G.S. § 8-2 to enforce zoning policy that will require the development of affordable housing across Connecticut.

H.B. 5482, An Act Concerning the Recommendations of the Fair Housing Working Group, makes two changes to the zoning statutes that will promote integration in accordance with the mandates of the federal Fair Housing Act. First, H.B. 5482 makes technical changes to the Zoning Enabling Act (C.G.S. § 8-2) that will ensure compliance by municipalities. The amendments to C.G.S. § 8-2 are more understandable and make clear municipalities' obligation to comply with the law. Most importantly, H.B. 5482 adds an enforcement mechanism. If a municipality's zoning ordinances are not in compliance with C.G.S. § 8-2 then the municipality forfeits eligibility for discretionary state funding. Currently, there is a mandate for every municipality to create zones for multifamily housing, however the Center's exhaustive analysis of almost every municipal zoning ordinance in Connecticut shows that more than 20 cities and towns are non-compliant. Furthermore, over 90 municipalities do not have any zones for affordable housing. Most affordable housing and integrated housing initiatives fail to advance because of this lack of enforcement. H.B. 5482 attaches consequences for failure to comply with the requirements of C.G.S. § 8-2, and encourages municipalities to promote the development of affordable housing.

The Center supports inclusionary zoning as a necessary tool to promote integration because many cities and towns still fail to promote and develop affordable housing. Section 3 of H.B. 5482 is an inclusionary zoning statute that requires all new multifamily developments with more than 10 units to set aside at least 12% of the units as affordable housing. (This equals one

unit for every ten units of housing developed.) In exchange for the inclusion of affordable housing in a market rate development, developers are given density bonuses to ensure financial feasibility. According to research from Montgomery County Maryland where inclusionary zoning regulations permit as much as 30% of new housing stock as affordable, low and moderate income families thrive, especially school aged children, and school district performance does not suffer.<sup>1</sup> The inclusionary zoning statute proposed here requires that developers include only one third the amount required by Maryland.

There are several arguments made in opposition to inclusionary zoning. Many municipalities develop small units that appeal to millennials who are priced out of desirable housing markets, and seniors who might have to leave the towns where they raised their families. However sympathetic these appeals, the housing that results excludes Connecticut's neediest families with children from most municipalities. The United Way's most recent A.L.I.C.E. report reveals that there are 474,445 households – 35 percent of the state's total –that spend more than 40% of their income on housing.<sup>2</sup> H.B. 5482 requires developers who are building new units to include affordable housing and requires municipalities to comply with inclusionary zoning efforts. H.B. 5482 will help integrate Connecticut's neighborhoods, and provide access to housing opportunities for low and moderate income families.

H.B. 5482 is intended to provide opportunity for Connecticut's families in high opportunity areas. It is not intended to further burden municipalities that already have an extensive amount of affordable housing. Distressed municipalities, and census tracts with an adequate amount of affordable housing are exempt from the zoning requirements of H.B. 5482.

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<sup>1</sup> Swartzs, Heather. 2010 "Housing Policy is Schooling Policy" Century Foundation <https://tcf.org/assets/downloads/tcf-Schwartz.pdf>

<sup>2</sup> Hoopes, Stephanie. 2016. "United Way Asset Limited, Income Constrained, Employed 2016." Connecticut: United Way. <http://alice.ctunitedway.org/files/2014/11/2016-ALICE-Report-Update.pdf>.

Alternatively, if a housing development is proposed for a community that is limited in affordable housing that development would have to include affordable units, which gives families who are low and moderate-income access to housing they can afford in communities that have the amenities they want.

Developers will likely protest that mandating inclusion of affordable units will make a housing development unaffordable. Fortunately, there is now a way to test this assertion. The Grounded Solutions Network worked with affordable housing advocates, developers, and economists to create a calculator that explores the relationship between local incentives and the cost of development of mixed income housing to determine what combination of incentives make a mixed income development financially feasible. You can find it at <https://inclusionaryhousing.org/calculator/>. My work with the calculator revealed that giving density bonuses, like the one proposed here, or other incentives resulted in profitable housing developments that increase access to high opportunity neighborhoods that will integrate Connecticut. This legislation requires the creation of affordable housing while at the same time giving incentives to ensure that the development is financially feasible.

Finally, the Center supports H.B. 5045 which has many of the same provisions as those found in H.B. 5452. The Center urges passage of the provisions of H.B. 5045 and H.B. 5452 that are the same and passage of Section 3 of H.B. 5452 which creates inclusionary zoning in Connecticut.