



State of Connecticut
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Testimony in Support of House Bill 5326
Housing Committee
February 28, 2023

Chairs Luxenberg and Moore, Ranking Members Scott and Sampson, and Members of the Housing Committee, I appreciate this opportunity to offer testimony in support of **House Bill 5326: An Act Concerning the Affordable Housing Appeals Process and Removing the Municipal Opt-Out Deadline for Accessory Apartments.**

Affordable Housing is an ongoing and increasing concern throughout Connecticut. The current one-size-fits-all approach designed to promote the development of affordable housing in Connecticut has failed since its inception over three decades ago to produce meaningful changes in the affordable housing market. Increasingly, the affordable housing appeals process enshrined in Connecticut law is used as a weapon by developers to force developments into communities that are inconsistent with the physical characteristics and infrastructure capacity of those communities. Further, the current process violates a value held near and dear by the people of this state – the value of local control.

Worst of all, the current appeals process is unfair. By its narrow definition of "affordable housing," the current process wholly ignores vast swaths of real, existing, and available affordable housing in communities across the state. This disincentivizes construction of new affordable housing units and wrongfully punishes municipalities who in real numbers – not those derived from artificial statutory definitions -- offer much more affordable housing to their residents than the current law acknowledges.

We need a system that reflects the reality of housing that is affordable. Many towns and cities have more affordable housing than they are given credit for. The current definition of what qualifies as affordable housing is significantly inadequate. By only including subsidized housing or properties with deed restrictions, we exclude many properties that would otherwise qualify as affordable. This penalizes town with large numbers of affordable properties developed before 8-30g took effect, as well as those towns with properties that are affordable but do not technically fit within the definitions set forth in 8-30g. By counting more homes in this category, more towns would meet the 10% threshold required for an 8-30g moratorium. Towns would also be enabled and encouraged to build affordable housing that fits into their community in order to meet the threshold - which is precisely the goal of 8-30g.

The bill before you would expand the definition of what constitutes affordable housing for the purposes of current appeals processes. This change would make the law reflect reality and thus give towns and developers more opportunities to build affordable housing. In Connecticut, a one-size-fits-all approach to this problem has not worked. By narrowly defining "affordable housing" in statute, we have ensured that few, if any, smaller towns will ever be able to meet the statutory threshold which would protect them from an 8-30g override of their local zoning regulations. This is just not right.

Another aspect of this bill increases local control by removing the time limit on municipalities to opt out of accessory apartment regulations. Notably under current law, these accessory apartments do not qualify as affordable housing, so this change would not adversely impact the availability of affordable housing.

We are a state filled with small towns - and larger towns with a small-town feel. There are many people that want to live in larger cities - filled with restaurants and night life - where one can get around quite well with mass transportation. There are also people who prefer a little more space around them and enjoy the quiet and tranquility of small-town Connecticut. Our state provides all of those options. Consequently, we should not be forcing a state override of local zoning regulations because, as we have seen time and time again, what works in one community may not work in another.

Local control over zoning is an important part of preserving the small town feel that makes so many of our communities desirable. Local government is closer to the people it serves than the state government. The bill before you will enable and empower local control of local development while simultaneously encouraging the construction and development of affordable housing in those same newly empowered communities.

In conclusion, providing towns more latitude for what qualifies as "affordable housing" under the law enables development that fits the unique nature and needs of each respective municipality. Towns should be allowed to direct the development of their local areas as guided by the citizens who live there. A simple expansion in definition, as proposed by this bill, will create a system set up for success while encouraging the development and availability of affordable housing throughout the state. These are outcomes that are not only consistent with the goals of affordable housing and local control, but desirable for all citizens of our great state.

For these reasons, I urge the Housing Committee to pass House Bill 5326 so that it may be taken up by the full General Assembly.