

## Home Builders & Remodelers Association of Connecticut, Inc.

### **CONCERNS HB 6880, Affordable Housing Land Use Appeals (8-30g)**

**(Passed Housing 10-3)**

HB 6880 makes changes to the four-year moratorium from 8-30g that municipalities may obtain by the production of affordable units. Under existing law, a variety of moratorium points are awarded to a municipality for different types of units.

HB 6880 adds points for income restricted family units of 3 bedrooms or more, for certain restricted elderly units, and for new Incentive Housing Zone communities that have affordability levels matching those of 8-30g. All these changes sunset back to existing law after five years.

- These changes are fine as is, but we're concerned that this bill will be used as a vehicle for any of the damaging proposals contained in SB 535 below or other bills that did not make it out of the Housing Committee. **Please oppose any amendments to HB 6880.**

### **Please OPPOSE SB 535, Revising Affordable Housing Land Use Appeals, Requirements for 8-30g Applications and Municipal Moratoriums**

**(Passed Housing 10-3)**

SB 535 makes many changes to 8-30g that severely weaken this state housing statute. Not one change in this bill would produce more affordable housing units in the state.

Many of the provisions in SB 535 will reintroduce uncertainty and create years of further litigation to sort out and clarify. Overall, after 26 years of experience, what 8-30g means as applied to specific situations is well understood by most developers and municipalities and by the courts. This experience is why in the past 2-3 years there have been more settlements and approvals without appeal than ever before. If a municipality receives an 8-30g application that it thinks is "too much" then deny it or approve with conditions that take care of municipal concerns. Any legitimate reason for denial will be upheld in court.

- **Section 1 makes many changes to 8-30g that provide new ways to deny 8-30g applications, upsets the judicial review of applications on appeal, and creates new ways for municipalities to avoid 8-30g through easier attainment of moratoriums.**
- **Section 2 mandates all municipalities adopt affordable housing plans that must include inclusionary zoning. But inclusionary zoning requirements can so disrupt a housing marketplace that all housing production could be shut down.** It requires a new housing development to restrict a percentage of units for lower income groups and, therefore, requires the market rate units to subsidize the affordable units. It is the wrong way to promote affordability. The P&D Committee did not bring to a vote an inclusionary housing bill due to lack of support. It should not be in this bill.
- **Section 3 amends the Incentive Housing Zone (IHZ) act by lowering affordability levels to "the lesser of the state median income or" the area median income.** While this seems to support more affordability, the IHZ act is designed to engage housing developers with municipalities to produce more housing, but the lower income targets in this provision will make it more difficult to make a profit, especially in high housing cost areas such as Fairfield County. Thus, overall, it could produce less interest in IHZs. At least in HB 6880 above, this same change sunsets after five years.