



**HOME BUILDERS & REMODELERS ASSOCIATION  
OF CONNECTICUT, INC.**

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*Your Home  
Is Our  
Business*

February 16, 2017

To: Senators Hwang and Slossberg, and Representative Butler, Co-Chairs  
Representative Kupchick, Ranking Member  
Members of the Housing Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: **Opposition to all bills regarding the Affordable Housing Land Use  
Appeals Act (CGS 8-30g)**

The HBRA of Connecticut is a professional trade association with about eight hundred (800) member firms statewide employing tens of thousands of CT's citizens. Our members, all small businesses, are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to our diverse industry and to consumers.

We build between 70% to 80% of all new homes and apartments in the state each year and engage in countless home remodeling projects. However, housing construction in Connecticut is on life support. See the housing permit chart at the end of this testimony. In particular, see the line with markers, indicating new 1&2 family home permits. This number for 2016 is the lowest since CT began recording permit numbers.

**We strongly support 8-30g as a sound and rational statewide housing policy.** It is necessary to overcome historical practices (both intentional and unintentional) by too many municipalities that have denied opportunities for people to live in more affordable housing. There have been too many municipalities that have misused the broad land use authority the state has provided to them through the zoning, planning and subdivision enabling acts.

**We strongly oppose any additional changes that would further weaken the usefulness of the act in providing needed housing for Connecticut's citizens.** We hope our position on the act will be considered in the committee's discussions on this important topic and its review of the thirty (30) bills on today's agenda. We also endorse the joint statement on the Benefits and Track Record of the act submitted to you today by multiple housing advocates.

**The need for more affordable housing in Connecticut remains as severe as it has ever been.** Many of our communities have extremely high housing costs. The disparity between the wealthy and poor in Connecticut is pronounced as high housing costs continue to represent a significant barrier to movement of households to different communities. The high cost of housing is also a drag on the general economy as it is one of several factors that businesses will look at in determining whether to locate or expand in Connecticut. Remember – Homes Are Where Jobs Go at Night, and housing is a driving economic force that produces many jobs. See [www.hbact.org/HomesDoPay](http://www.hbact.org/HomesDoPay).

**Vision: "Building CT's Economy, Communities and Better Lives One Home at a Time"**  
**Mission: "Using Effective Advocacy and New Knowledge to Solve Our Member's Problems."**

**The Affordable Housing Appeals Act is just one method, albeit a very important one, of obtaining more affordable housing than what might otherwise be obtained.**

The act is a vital part of the overall affordable housing effort since it provides help in obtaining necessary, but often difficult and elusive, land use approvals, which are made even more difficult by pervasive NIMBY attitudes towards new housing of all kinds and misunderstandings or misperceptions about “affordable housing.” The act serves as a critical counter balance to these attitudes and misconceptions, as well as to the heavy burden of regulations that stifles housing development across CT (See: <http://www.hbact.org/RegulatoryHurdlesInCT>).

The land use review process for new development of any kind is severely broken in this state and, absent a complete rewrite of our land use statutes that reflects balanced growth and the importance of housing at all price points in every municipality, the act is the only statutory tool available to new housing developers to bring some reason to our land use challenges where and when land use boards resist new home communities.<sup>1</sup> And, in this regard, we categorically reject the notion that developers who file an 8-30g application pursuant to the law are “threatening” a community. Filing an 8-30g application is not abuse by a developer.

The diversity of housing opportunities the act helps to create is especially important in encouraging citizens who work in a municipality to be able to live in that municipality. Where this goal is accomplished, people then enjoy better commutes to and from work and traffic congestion and air pollution are decreased, as are work stress and absenteeism.

**The act is not a mandate on municipalities.** The act (even before the weakening amendments passed between 1995 and 2000) does not prevent the denial of a project. The act merely says to communities that if you want to deny an affordable housing application, then show some public health or safety reason to justify the denial. The courts consistently uphold denials of 8-30g projects based on these and other reasons, such as adverse impacts to wetlands and the environment.

All land use policies applicable to planning, zoning, subdivision, wetlands and many other areas are implemented by municipalities pursuant to state adopted enabling acts. The latitude afforded municipalities under these state enabling acts is broad and very difficult to challenge. When such broad authority is implemented in a way that harms statewide goals to promote economic and housing development (e.g., thru exclusionary zoning practices), it is incumbent on the state to control or limit the exercise of the broad authority it granted in order to serve important state policies. That’s exactly what 8-30g does.

**There is nothing wrong with a state policy that supports the production of housing that is more affordable than would be otherwise produced under our current land use**

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<sup>1</sup> We also have been staunch supporters of the Incentive Housing Program (HOME CT). While this act, too, is critically necessary to the development of affordable housing in CT, we caution against creating an additional “incentive” to use it so a municipality can avoid the policy goal of 8-30g. If you pursue such a trade-off, at the very least the incentive housing development must be of significant size and experience the actual construction of housing units, not just the approval of an incentive housing zone.

**approval system, a policy constrained by the overriding protection of the public's health and safety.** We believe that municipalities should be held meaningfully accountable, both socially and legally, for their land use decisions. Any weakening of the standards for denial of 8-30g applications or providing municipalities more ways to escape the act's goal ignores the current realities of the act's implementation and the dire need for more housing across CT.

**Finally, if you want the for-profit building industry to assist in the creation of more affordable housing – and we confidently submit the state does need us to accomplish this goal – then please do no more harm to this important housing statute.**

Thank you for the opportunity to express our views on this important topic.

