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James S. Marpe, First Selectman

March 15, 2021

Planning and Development Committee
Connecticut General Assembly

Via email: pdtestimony@cga.ct.gov

Re: Senate Bill No. 1024 – *An Act Concerning Zoning Authority, Certain Design Guidelines, Qualifications of Certain Land Use Officials and Certain Sewage Disposal Systems*

Senate Chairman Cassano, House Chairwoman McCarthy-Vahey, Ranking Senator Hwang, Ranking House Member Zullo and members of the Planning and Development Committee:

I am writing to you to express my opposition to S.B. 1024 in its current form. I understand that this bill is intended to increase the supply of affordable housing, and while Westport shares this goal, we disagree with the assumptions in it – mainly, that municipalities will not encourage the building of affordable housing on their own; that state intervention is needed, and that local resident involvement and equity are not possible. Our experience with adopting local regulations to promote affordable housing and the resulting creation of that housing is evidence that these assumptions are misplaced. Our local requirement for a minimum 20% affordable set aside for all multi-family housing development is a specific example of one of several successful tools Westport has used for many years.

During the last several years, Westport, through its Planning and Zoning Commission, Board of Selectmen and other land-use bodies, has approved a dozen mixed income, multi-family projects, each with a minimum 20% deed restricted affordability, including projects adjacent to our train station (TOD) and Main Street. These range from boutique projects to townhome communities to large scale apartment complexes. Westport's Affordable Housing Subcommittee has approved measures to eliminate the cap on multifamily development in Westport, permit ADUs and accessory apartments as of right and has worked collaboratively with the Westport Housing Authority, ConnDot and the Department of Housing to spearhead the creation of a new and almost entirely affordable community designed specifically for families in central Westport.

These efforts should inform your evaluation of newer proposals for statewide zoning reform like S.B. 1024, which ignore the need for affordable housing and focus instead on “as of right” market rate multifamily housing. These proposed bills not only ignore the economic reality of home pricing in high opportunity towns, but their adoption will suffocate efforts in affluent communities to create actual affordable units via private sector development.

Connecticut is a small state with widely varying real estate prices, whether it be for single- or multi-family housing or the land they sit on. This dramatic difference across the State suggests that a statewide zoning reform mandating “as of right” development will not have the same impact in different municipalities. In communities like Westport where land is quite expensive per acre, even if the as of right zoning decreased the cost of a unit by 50%, it will still be expensive by commonly accepted affordability standards. Even worse, this would have the potential to drive down the value of existing housing stock, thus devaluing the most important investment of many of our residents.

I strongly encourage all of you to focus on the impact, not the intent, of these proposed regulations. S.B. 1024 will have an immediate adverse impact on the creation of affordable housing in many high opportunity zones. This appears to be the exact opposite of what you hope to accomplish as legislators. There is a better way forward.

Most communities have begun to work on the affordability plans required by 8-30j. These plans create a mechanism for cities and towns to map out future plans to create a diversity of housing in their community. Rather than force a one size fits all solution on widely disparate communities, you can:

- Allow municipalities the option to adopt or amend existing accessory apartment and accessory dwelling unit regulations while adhering to common sense guidelines.
- Allow municipalities the opportunity to craft the affordability plans required by 8-30j and include inclusionary housing, cottage clusters, as of right multifamily and/or housing development funds in ways that work to diversify housing in communities with varying access to public transportation, professional opportunities and jobs, sewers, soil quality, wetlands, coastal considerations and land costs.
- Allow municipalities to make thoughtful planning decisions regarding parking based on whether safe, pedestrian access exists to public transportation and critical amenities like grocery stores and schools.

In closing, I must note that Westport's participation in the Connecticut Conference of Municipalities (CCM) S.B. 1024 Working Group referenced in CCM's testimony does not represent an endorsement of that testimony. While there are many elements of the commentary we can support, and we acknowledge the positive efforts of the working group and CCM staff, we remain opposed to the overall solutions embedded in the draft legislation.

Local communities like Westport have worked hard to develop regulations that not only permit, but encourage, the creation of deed restricted affordable housing as a part of mixed-income, multifamily developments. As currently drafted, S.B. 1024 incentivizes applicants to bypass Westport's inclusionary zoning requirements, the result of which will limit the creation of new, affordable housing. Legislators should empower local communities to utilize a full range of strategies in their 8-30j affordability plans based on the knowledge of what will be most effective in their local communities.

Thank you for your consideration of my comments.

Sincerely,



James S. Marpe
First Selectman

CC: Sen. Will Haskell, Sen. Tony Hwang, Rep. Stephanie Thomas, Rep. Jonathan Steinberg