



**Town of Fairfield**  
Office of the First Selectwoman

**Brenda L. Kupchick**  
First Selectwoman  
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March 3, 2022

RE: CGS 8-30g - THE AFFORDABLE HOUSING LAND USE APPEALS PROCEDURE

To: Senator Williams, Senator Lopes, Representative Polletta, Representative Cicarella and distinguished members of the Housing Committee

While studies can sometimes be useful, on the topic of 8-30g, I believe the leaders of Connecticut's Towns and Cities know how to improve the statute, what is lacking is the consensus amongst legislators to make meaningful changes. Having spent many years as the Ranking Member on your esteemed committee, and now having served over two years as First Selectwoman of Fairfield, I have a very well rounded perspective to share.

I support the spirit of 8-30g and efforts to create affordable housing in my community and throughout the State. It is vitally important that we provide a full range of housing options, and that we have housing that is affordable to our young people, our working families and our senior populations. However, I have also seen the unintended consequences of this law, as some developers have used it to threaten towns and to try to subvert land use regulations. Consequently, I believe that the 8-30g statute is flawed and in serious need of reform. My concerns and suggestions are as follows:

- 1. The "one size fits all", ten-percent goal is unrealistic and unattainable for the vast majority of communities.*

In the thirty years since the law was enacted, there has been little to no change in the number of communities that have attained the ten percent goal. As an example, according to the latest data, Fairfield has 21,648 dwelling units, of which 608 units (2.81%) meet the State's criteria for affordable housing. To reach the ten percent threshold, Fairfield would need to produce or newly deed restrict an additional 1557 below market rate units, which would translate into an additional 5,190 units overall based on the 30% set aside for 8-30g developments. That is clearly not attainable nor wedded in reality. Under my leadership, the Town has acquired property and is working toward the goal to build our own affordable housing but for Fairfield, like most communities throughout this State, the ten percent goal is neither realistic nor attainable.

- 2. Communities should receive proper credit for the affordable housing units that they have developed regardless of when they were placed into service.*

CGS 8-30g does provide temporary relief from unwanted set aside developments in the form of a moratorium, which communities can apply for, provided that they have been able to amass and document housing unit equivalency points (HUEP) equal to the greater of two percent (2%) of all dwelling units or seventy-five (75) HUEP. In the case of Fairfield, a moratorium would require 433 housing unit equivalency points. However, communities can only count affordable units that were constructed or newly deed restricted after 1990. Unfortunately, this threshold date unfairly impacts communities like Fairfield that took an early leadership position in developing affordable housing.

Fairfield had developed more than 200 units of affordable housing prior to 1990. The Town first adopted an Affordable Housing Plan in 1989, and worked creatively to address the issue of housing affordability. The Town converted a former school, creating forty units of elderly housing. The Town partnered with several non-profits to create additional affordable housing opportunities, providing tax abatements and/or pre-development financing to facilitate their development. The Town appropriated funds and developed affordable ownership housing on town-owned property adjoining a public park. None of these affordable housing developments—all of which are deed-restricted in perpetuity—count toward the Town's moratorium threshold only because they were built too early. That needs to change.

- 3. Towns should not be discouraged from meeting the affordable housing needs of their growing elderly populations.*

People are living longer than at any point in history. Coupled with the advancing retirement age of the baby boom generation, communities need flexibility to respond to the housing needs of their residents, including their elderly populations. While communities should be encouraged and rewarded for developing non-age restricted rental units, efforts to provide additional affordable housing opportunities for our growing elderly populations should not be discouraged either; rather they should be awarded one housing unit equivalency point as well. Much has changed since 1990. While there remains a need to develop more housing options for young people and families, the State also needs to be responsive to changing demographics and the housing needs of our elderly residents.

- 4. There needs to be better incentives in place to encourage communities to work together and to create affordable housing.*

In Fairfield, we have made strides in developing affordable housing, including enactment of inclusionary zoning which requires that all developments of ten or more dwelling units set aside not less than ten percent of those units as affordable to persons or families with incomes at or below eighty percent of the area median income. The Town has established a dedicated Housing Trust Fund and enacted an inclusionary zoning fee on all new construction or building additions, which in the three years since inception has raised \$1.5 million toward the creation and preservation of affordable housing units. The Town has created a transit-oriented development overlay zone around the Fairfield Metro Center station which allows multi-story, mixed use developments with increased residential densities of up to fifty bedrooms per acre with reduced parking requirements. Fairfield is trying to do its part, but I believe the State would be even more successful if it were to create better incentives. Why not provide meaningful relief from set-aside developments under

CGS 8-30g in exchange for the enactment and production of affordable units in incentive housing zones? And, why not encourage towns and cities to work together to address this issue by establishing regional compacts that would apportion affordable housing units fairly but also in a way that encourages development in areas suitable for such development and discourages greenfield development?

There is a need for more affordable housing in many parts of this State. But, CGS 8-30g is flawed and in need of common sense reform. I appreciate the opportunity to provide testimony on this important topic but we have all the information we need, 8-30g is being used in a predatory fashion and is clearly not adding the amount of affordable housing it was intended to do.

Thank you for your consideration.

Sincerely,



Brenda Kupchick  
First Selectwoman