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January 18, 2023

Ridgefield Planning & Zoning Commission
Town Hall Annex
66 Prospect Street
Ridgefield, CT 06877

RECEIVED

JAN 18 2023

PLANNING & ZONING
COMMISSION

RE: PROPOSED INCLUSIONARY ZONING REGULATION

Dear Commission Members:

Having appeared before this Commission many times over the last 25 years, I understand the hard work that goes into this volunteer position and how often that hard work is not only unrewarded, but punished. The intent of this letter is to provide constructive criticism, not to condemn this Commission or its work on the important issue of affordable housing-- there is a housing crisis in this country, including this region, and it needs to be addressed. I will note that while these comments are my own, they are based on input from clients and colleagues who live or work in Ridgefield and have more relevant knowledge and experience than most. Each of these comments and concerns are independent and can be summarized as follows:

1. The Proposed Regulation is a Phase-Out of Single Family Neighborhoods. This Commission's proposed regulation targets conventional subdivisions by imposing an affordability requirement on single family developments larger than three (3) lots by requiring the builder to set aside affordable units or pay a punitive "buy-out" fee that bears no relationship to the value of the land being developed. This provision threatens the very type of single family development that built and sustains Ridgefield, forcing builders to find significant additional revenue streams from each project. Unfortunately, that leaves three basic options: Paying less for land; selling market units for a higher price; or creating more units. The only option a builder can control is creating more units, which means higher density developments will become the norm and, once that happens, the days of the conventional subdivision will be over. By way of example, instead of eight (8) two-acre lots on twenty (20) acres in the R-AA Zone, the same 20 acres may yield 20 or more smaller cluster homes with shared septic systems and driveways and, under the Affordable Housing Land Use Appeals Statute, Connecticut General Statutes §8-30g,

(the “Affordable Housing Land Use Appeals Statute”) without regard to local regulations. While this may increase the number of affordable units under state affordable mandates, the trade-off is that the conventional subdivision of land that defines Ridgefield will become infeasible. Since people will always need housing and builders will always need to build, that doesn’t mean that development will stop, but rather, that it will change.

2. The Affordable Buy-Out Penalty Must Be Based on the Value of the Land. Part of the threat to conventional subdivisions is the buyout penalty for affordable units in single family developments. The penalty is based on an income index, not the value of the land itself and land values have been much more volatile over the last several decades than median income. Both this Commission and the Connecticut Legislature understood this important issue when it created the open space requirement under the subdivision regulations and the enabling legislation. For open space, a donation in lieu of open space is equal to ten percent (10%) of the value to the land being subdivided. If forced to pay an exorbitant fee that is not based on land value, the developer will be forced to create additional revenue, which means more units. A related but distinct issue is the risk of depletion of existing affordable or “starter” homes stock in an environment where new land development becomes too expensive. Many single family home builders stick to single family projects. If subdivision lots become too expensive or become multi-family projects, those builders would be forced to target existing homes for knock-down or flip projects, which would result in additional upward pressure on existing home prices, exacerbating the very affordable housing pressures it seeks to address with its proposal.

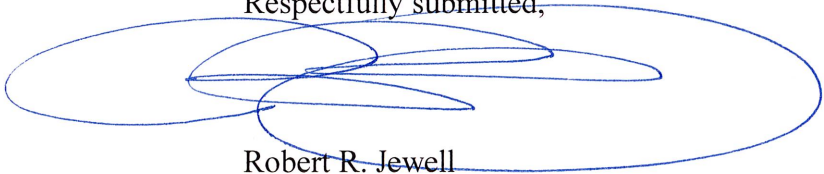
3. The Affordability Income Limits Should Be Based on Danbury-Area Median Income. This Commission uses the same income limits as the Affordable Housing Land Use Appeals Statute in its affordability restrictions instead of using the higher area median income index. Both the state and federal governments are active in the affordable housing arena. The stated goal of housing advocates and the legislation that these groups have proposed is to encourage migration of residents with low and moderate incomes into more affluent towns like Ridgefield in an effort to equalize educational and other opportunities. This is a noble goal as a child’s future in this world depends entirely too much upon the zip code in which that child’s parents make their home. That said, unlike the state and federal governments, our local government is responsible for more local matters. This Commission, being a part of our local government, should be looking at our local affordable housing needs, which are different in kind than those being address on the state and national level. One of our local affordability goals should be workforce housing, including affordable housing for teachers, firefighters and police officers, because having the people who educate our children and those who keep us safe living in our town twenty-four hours a day provides an immeasurable benefit. Another focus should be resident retention, whether that means making it affordable for older residents to remain in town or allowing the kids who were raised to remain or return here as adults. A town’s residents are its culture and without continuity, a town becomes just another name on a map. The simple fact is that the proposed statewide income limitations are often too low to protect these local residents. Accordingly, as this Commission enters the affordable housing arena, it should be championing solutions to help local voters.

4. The Commission Should Review and Revise Existing Affordable Housing Incentives. The Commission is proposing this new regulation independently of its existing regulations. There are density bonuses and affordable housing incentives throughout our existing Zoning Regulations. These incentives can be an important tool in addressing affordable housing needs and goals, but they are rarely if ever used. Instead of ignoring these existing incentives, they should be analyzed and modified so they become feasible alternatives state regulations such as the Affordable Housing Land Use Appeals Statute.

5. Affordable Housing Projects Work Best with Large Projects. The simple fact is that, based on infrastructure and development costs, the economics of multi-family housing developments under the Affordable Housing Land Use Appeals Statute work better and better as the number of units increases. When faced with these applications, a zoning commission has to weigh any opposition it may have against the developer's statutory advantage on appeal should the commission condition or deny an application. Ridgefield has been lucky and hasn't faced many of these *pyrrhic* battles, but we will, whether under existing laws and those drawn up in the future. It is important to develop a local alternative to these broader mandates otherwise the town and this Commission will risk minimizing its role in the land planning process, becoming an inconvenient stop on the way to a judicial approval with little meaningful input on anything that gets built.

Please consider these comments and suggestions in your deliberations, but note they are not exhaustive and that once you open this genie's bottle, there may be no easy way to stuff it back in there.

Respectfully submitted,

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke, positioned above the name Robert R. Jewell.

Robert R. Jewell