

BY RIGHT & AS OF RIGHT TALKING POINTS

For New Zoning “By Right” or “As-Of-Right” Market Value Multi-family and Mixed-use Development within a ½ mile of Transit and within an ¼ mile of Downtown, Village Districts, Commercial Areas or Concentrated Residential or Commercial District

Sample Language or Concept:

*“Require fifty per cent of the area within a one-half mile radius of a bus rapid transit station or passenger railroad station (A) allow for the creation of **as-of-right** accessory apartments and residential buildings containing at least four dwelling units or mixed-use buildings that allow dwelling units, and (B) not be subject to mandatory minimum parking requirements.”*

OR

*Requires municipalities to allow “middle housing” **by right** (ll. 539-577) Middle housing is duplexes, triplexes, quadplexes, townhomes, and cottage clusters (high-density single family with a central open area)*

Note: inclusion of townhomes means no limit on number of units in complex

- Eliminates public hearings for middle housing*
- Required to be allowed by right in 50% of the area within ½ mile of every commuter rail or bus, bus rapid transit, and ferry terminal in a municipality*
- Required to be allowed by right in 50% of the area within ¼ mile of every commercial center, every concentrated residential or commercial district, or village district*
- Prohibits any height, setbacks, landscaping, or design standards that “adversely affect affordability”*

WHY THIS IS BAD:

1) There is no affordability tied to as-of-right market rate development. Because of Affordable Housing/8-30g’s highly regulated and costly filing and reporting requirements, builders are not incentivized to build affordable units. Builders will only focus on market rate projects and sell at the highest profit margins possible. The towns where exponential market value building occurs will move even further away from meeting 8-30g’s 10% affordable threshold since the number of market value units will by far exceed existing affordable housing development and there is no incentive for builders to develop affordable units.

2) As-of-right multifamily development takes away local decision making by town leaders that are directly accountable to the residents of that community. By eliminating public hearings, those most directly impacted by projects no longer have a voice. Those that have the most factual, evidenced based information on direct environmental and other impacts to the neighboring properties, like water runoff issues, no longer have a voice.

3) As-of-right market value multifamily development prohibits local P & Z from addressing any infrastructure impacts resulting from an individual project on neighbors or the towns. Currently P&Z Commissions can impose conditions on approval. In other states, like MA, recent Transit Oriented Development legislation allows towns to impose fees to address these very real impacts. Why would our state’s legislation not permit local P&Z to set conditions?

4) Advocates of market rate multifamily development say that these laws will come at no cost to the state, but there is a very real cost to the impacted towns with exponential market value development. Flooding the market with new inventory will result in greater infrastructure demands. Those infrastructure costs do not increase in a straight line, but can instead step up, like when you need to build a new fire station, buy a new fire truck, expand existing sewer systems once capacity is exceeded. The very real infrastructure impacts will be passed onto residents through higher mill rates and local property taxes, making towns less affordable to both renters and homeowners in the community.

- 5) Unfettered as-of-right market value multifamily development will encourage builders to max out the property coverage on each lot, resulting in greater stormwater runoff, or other potential environmental impacts and overwhelm neighboring properties, the towns' existing drainage systems and wastewater treatment.
- 6) As-of-right market value development puts preservation of historical homes, usually built in downtown areas, at risk of being torn down and replaced by multi-family homes, forever changing the landscape of towns.
- 7) Exponentially increasing housing stock with unrestricted market rate as-of-right multifamily development, especially in higher cost areas, like Fairfield County, will not drop home prices enough to create "affordable" workforce housing even as supply is greatly expanded. Builders can go into town hall, pull a permit to tear down a single family home on a lot and replace it with 4 or more units BY RIGHT - no public hearing, no conditions, no planning & zoning review before development. Tearing down one single family costing a developer \$1 million, will likely result in building 4+ new units selling at \$750K or more each.
- 8) The greatest barrier to affordability in all of Fairfield County is high land cost due to proximity to New York. WESTCOG.org reported that the greatest need for affordable housing is at the lowest end of the market and that is much harder to meet in higher property value towns that are closer to NYC. The affordable housing crisis in CT is really due to the lack of good employment opportunities in CT and poor economic and business public policy. Lack of good jobs means there is lower income and less residents can afford to buy or rent existing market value homes in the region.
- 9) Trying to compare transit oriented development in MA suburbs to CT is a false equivalent. The State of CT lacks cities with a larger population like NYC and Boston. CT lacks adequate local public transit (bus and subway service) and the infrequency of Metro North train service does not support transit oriented development. Suburban residents will continue to need vehicles for transportation. Few, if any, local residents can use Metro North as a mode of transport between nearby towns. If they did, like most other commuters, they would need a place to park. Most neighboring towns don't even have any public transit. Metro North is also very expensive per ride. The smaller suburban populations cannot expand local public transit due to a lack of demand.
- 10) CT suburbs with small populations and lack of adequate infrastructure and limited local public transportation, do not meet the criteria for transit oriented development. Adequate, affordable goods and services do not exist in most suburban downtowns. Public schools are often not located near downtowns or transit. Most residents of suburbs require a car for their daily routines. CT's larger cities in contrast do have the existing local transit, commuter transit and infrastructure in place and efforts should be made to improve vitality of all cities in CT. ONE SIZE DOES NOT FIT ALL!
- 11) Many suburban towns were settled over a century ago. The local roads are often not wide enough to allow for on-street parking with two way traffic. Forcing cars to park on-street will make the roads and sidewalks more dangerous for pedestrians and cyclists, cause unwanted congestion and forever impact the landscape of the towns. Eliminating parking requirements results in overbuilding and residents will not be able to find parking in downtowns to support shopping locally. This has a negative impact on local commercial businesses.
- 13) Allowing for mixed use development (retail, commercial, industrial, office and residential) in what is otherwise a single family residential neighborhood, overrides local zoning and will impact property values and will forever change the landscape of the communities.

14) Younger residents prefer to live in urban communities, not suburbs. What will be the market demand on transit and housing post-Covid? Will people still commute as often to work? Do suburbs need state mandated TOD development? Will suburban buyers and renters even prefer more single family housing to work from home instead of density multifamily market rate development? Why not focus on revitalizing CT cities instead to provide adequate housing for those that prefer higher density development?

The greatest challenge for CT is increasing the vitality of our state by bringing back industry, new jobs and higher paying salaries through business friendly public policy. Transit oriented development should be focused on revitalizing all of our cities, where housing stock and adequate public transportation and infrastructure already exists.