

DESEGREGATECT 2022 BILL: HB 5429

Activists pushed this bill last year and failed. The Governor currently has a task force looking at transit-oriented development, TOD, to redevelop state-owned parking lots into multi-unit housing. And here it is, another TOD bill.

WHAT'S IN BILL HB5429:

"As Of Right" Exponential Development of multifamily units

This bill: ...shall allow, "as of right," housing developments with a minimum overall AVERAGE GROSS density of fifteen dwelling units per acre located within a 1/2 mile radius of any passenger rail or commuter rail station or any bus rapid transit station... (lines 11-14) Here is a [link to help you visualize 15 units per acre density](#).

- This means **no public hearings, transparency, or public participation**. The ban on public hearings would in turn restrict or remove your current ability to intervene to raise environmental and historical preservation issues under Connecticut's Environmental Protection Act (22a-19).
- The bill would allow by right housing developments of any density on most land within a ½ mile radius of train and bus rapid transit stations, with a 65-day approval clock. **Land would not have to be zoned residential – this could take place on commercial and industrial land.**
- Essentially, this is a **loss of local control over 125 acres around each station**, which is often among the most valuable real estate in a municipality and a primary employment and retail center, **and its rezoning to residential**. There is no consideration in the bill of the centrality of commerce or jobs centers to TOD – yet without them, there is no TOD.
- Some areas within this radius would be excluded (roads, railways, steep slopes, wetlands and watercourses, parks, land subject to conservation easements, drinking water supply areas, flood-prone areas, and areas without public water and sewer).
- The bill does address the density of individual housing developments but rather sets a **"minimum overall average gross density"** for all housing developments within non-excluded areas in the ½ mile radius. It appears that the by right provision **would be mandatory until the "minimum overall average gross density" reaches 15 units per acre. Until then, municipalities would not be able to limit the density of any housing development** – so high rises would have by-right approval. (Note – this language is confusing, perhaps intentionally so.)
- This would go into effect October 1 OF THIS YEAR.

Limits Onsite Parking Requirements

Parking requirements in this bill state that developers are "not to exceed one parking spot for any studio or one-bedroom dwelling unit, and two parking spots for each dwelling unit that contains two or more bedrooms." (lines 17-21)

Lowers Affordable Housing percentage requirements on projects to 10% and if passed, State Law will supersede New Canaan's 15% affordability requirement

And this bill includes 8-30g projects but LOWERS the affordable percentage, saying, any development "which includes six or more dwelling units on one lot, shall set aside not less than 10% of the dwelling units in a manner that meets the requirements of (1) assisted housing as defined in 8-30g...(2) affordable housing as defined in 8-30g..." (lines 40-48) . New Canaan has a 15% affordable housing policy on development projects, which will not be able to be enforced if this bill passes.

- The bill would require any as-right development to be at least 10% affordable per §8-30g. **However, a 10% affordable set-aside will not appreciably get municipalities closer to the 10% threshold.**

Limits decision time to 65 days

And to boot, it says “the as-of-right permit application and review process for approval of housing...shall require that decision...be rendered not later than 65 days after receipt of such application by the applicable zoning official...” (lines 49-55)

- Sixty-five days may or may not be enough to consider all the complications of multi-unit developments. Apartment buildings are MUCH MORE COMPLEX than building a house. These buildings will use public water and public sewer, create traffic and have other impacts on neighbors, have important fire and safety codes, and more.

More Thoughts on this bill:

- This bill gives developers incredible leeway to build intense density around train stations, like mini-cities with high rises in the TOD area being the only way to meet the "minimum overall gross average density"
- “As-of-right” means, in effect, no public hearings. The bill doesn’t exempt inadequate sewer capacity, historic areas or a Town’s unique needs for open space preservation or infrastructure problems.
- Re: affordable housing, it is possible within this bill that 90% of what is developed is NOT affordable at all. Towns like New Canaan will still be exposed to the abuses of 8-30g. In fact, this bill will make it harder than ever get to the 10% threshold of affordable housing percentage of total housing stock.
- Bill makes no mention of local infrastructure capacity or historic areas or open space preservation. Many train stations are in our state’s coastal towns, what impact will this kind of forced density have on the natural environment?
- Small business and offices have clustered around our train stations. This bill pushing for high density housing will push up the price of already expensive real estate around our train stations, making it so that all we get are high-end luxury apartment buildings? Small businesses may struggle even more to stay where they are. Businesses may be forced out of the center of TOD with this bill, which is in direct contradiction with the intended purpose of transit oriented development.
- This kind of one-size-fits-all forced density by state lawmakers isn’t needed. Where it makes sense for transit-oriented development to happen, it is happening. See the area around Stamford’s train station.

Greenwich First Selectman Fred Camillo has submitted written testimony opposing HB5429, saying: "This proposal would alter the look of each area within a half mile of a downtown train station, devalue property, which is a person's greatest asset, decrease revenue from taxation, add to congested areas, and dramatically and negatively affect the ability of local zoning boards and residents to protect the architectural consistency and integrity of their neighborhoods."