2025 – HB 6944:(SUBSTITUTE LANGUAGE: LCO 6017) AN ACT REQUIRING A MUNICIPALITY TO INCLUDE CERTAIN INFORMATION IN ITS AFFORDABLE HOUSING PLAN
(bill concepts included as part of developer advocate OPEN COMMUNITIES ALLIANCE (OCA) doublespeak newly minted bill title: "TOWNS TAKE THE LEAD")

UPDATE FROM THE FAIR SHARE CONSULTANT'S STUDY: WHAT'S YOUR TOWN'S FAIR SHARE? AND WHY IS IT COMPLETELY UNREALISTIC?

LINK HERE for SPREADSHEET of 3 types of FAIR SHARE allocations (Tab 1) and how much development a town might need to rezone for under each version to create a "Realistic Opportunity" that the Fair Shares of Affordable Units will be built (Tab 2) and an explanation of Why MetroCOG and WestCOG were merged and analysis of the impact on allocations (Tab 3):

https://docs.google.com/spreadsheets/d/1vRhdlL26UrsCzuJOaca1jo1Gw9D4Jt_e/edit?usp=sharing&ouid=118061102363959473282&rtpof=true&sd=true

There are 3 options of fair shares for each town, and we do not know which one the legislators might go with:

FAIR SHARE ALLOCATION STUDY RESULTS:
1) The original Open Communities Alliance methodology, updated with more recent municipal data, allocation 120K units statewide. This bill twice in earlier sessions produced onerous, unworkable results and did not pass.

2) Uses the original methodology includes allocations to the poverty cities and also eliminates any caps on allocations to municipalities, while the original capped the allocations at 20%. Given that OCA only focuses on 4 highly correlated wealth factors, it creates unworkable allocations: 30 of 169 municipalities have allocations ranging from 20% of their existing housing stock to over 120% of all their current housing stock. Another 50 out of 169 municipalities have allocations from 10-20%, which is still above 8-30g's 10% affordability thresh hold and does not consider what already exists as affordable.

3) This uses a model created by National City Planner Experts who advised the study consultant and came up with a better model for allocations than the OCA models 1 & 2 above. Model 3 used 3 equally weighted criteria:
A) Recent housing growth of the municipality compared to the region
B) Affordability of the municipality compared to the region
C) Statewide proximity to jobs within a commuting distance of a 30 minute car ride or 1 hour train or rapid bus transit.
The 3rd version was favored by the city planners and shines a bright light on the disinvestment that has happened in some of CT's largest cities and the negative impact of CT's anti-business policies

high local property taxes and high energy costs. We expect many of the city legislators would balk at their HUGE allocations - over 5,000 units to Hartford or 6,800 to Bridgeport, etc. We have heard comments like "these cities lack the infrastructure to support such outsized development"- the truth is NO municipality has the infrastructure to support what is being suggested under any of the versions.

Tab 3 offers an analysis of the MetroCOG and WestCOG mergers. Majority leadership has stated that this is because the two COGS are tied together by proximity and there are only 6 municipalities in MetroCOG. True, but that's not the reason. The REAL reason is when the first version of Fair Share came out poverty city Bridgeport would get no allocations, giving that large city's allocations to the other MetroCOG municipalities created onerous allocations for Fairfield that were completely unworkable. Majority Leadership feared that Kristin McCarthy-Vahey, who was on Planning & Development Committee at that time, may lose her seat in Fairfield, so they decided to arbitrarily combine MetroCOG and WestCOG to force more of Bridgeport's allocations onto WestCOG's municipalities. The biggest losers were the larger non-poverty cities in WestCOG: Stamford, Norwalk, Danbury as well as Greenwich. This issue from 2020's original Fair Share highlights yet another key flaw with Fair Share, the regional approach for allocations was completely nonsensical right from the start. If you mapped all allocations and compared the results of municipalities in close proximity to each other, it is clear allocations are completely nonsensical and dependent on what COG you are in, and which larger cities are in your COG. Any borders between COGs are imaginary, and that is not a logical reason to do allocations by region, it never was.

THE BOTTOM LINE:

- If towns want developers to fund building of their affordable fair shares, they would need to "upzone" for very extreme density. The bill language requires towns to REZONE to allow for much higher density in their municipalities to "allow a realistic opportunity" for their affordable units to get built by developers.
- For example, a town could require 20% of a project to be the affordable fair share units and the other 80% to be market value. Those additional 80% of market value would require the DOUBLING OF THE ENTIRE HOUSING STOCK IN MANY MUNICIPALITIES!
- In most areas of CT the WestCOG Gorman + York Affordable Housing Financing Study: https://westcog.org/affordable-housing-finance-study-2/ showed that such a high % affordable on any project won't pencil out without significant funding subsidies from the state. **Projects where the developers are expected to build all the affordable units won't get built unless the % of affordable is much lower.** Even allowing builds at 10% affordable and 90% market value will not pencil out in many areas of the state with limited access to jobs and an anemic local economy.
    - As the % affordable goes down on a project, the % and number of units of market value housing a town must rezone for goes up even higher
    - Takes municipalities even further away from that unattainable 10% affordable under the conflicting 8-30g law - Total units of housing (denominator) goes higher more quickly than the affordable units (numerator), decreasing the total % affordable
- **This bill was NEVER about creating affordability, but rather mandates to change zoning statewide for high density development. It is also written as a funding source for**

non-profit developer advocates like Open Communities Alliance by allowing them to sue for damages and tying the state and municipalities in unending litigation over what is a vague, undefined and arbitrary "realistic opportunity" for fair share units to be built.

- **With the current high development costs environment, is there such a thing as a "realistic opportunity"? Lumber (materials costs and possible tariffs), Lending (current high interest rates), Labor (limited number skilled workers to build the statewide units), Land (CT is 3rd smallest state & 4th most densely populated and infrastructure is lacking), Laws (there is some low hanging fruit here that would make more sense to address rather than the constant attacks on local zoning).**
- **Extreme housing increases (doubling of all housing stock in a municipality) under the 90% market rate and 10% affordable scenario (TAB 2) on projects would severely overwhelm existing public water and sewer and all other infrastructure leading to higher local property taxes and less affordability. The only winners would be the developers and the non-profits that would create a litigation quagmire.**
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The doubling of all housing stock in many municipalities was just as we had shown in our original Fair Share worksheets that was rejected in earlier legislative sessions. Who are we building all this housing for when population has been declining in CT? Here we are again with the same bad bill and fair share allocations. Fair Share by any version or by any other "doublespeak" new name (Towns Take the Lead) is still completely unworkable, it always was.

This bill is just another conflicting policy, like Work Live Ride, that just confuses municipalities with conflicting requirements, and mandates even deeper affordable units than under 8-30g's 10% threshold.

Developers can already override local zoning with 8-30g, but requires 30% affordable (1/2 at 80% and 1/2 at 60% of the lower of State or Area Median Income). Fair Share would now require 25% of units at 50% of Area Median Income requires even deeper affordable, and **given that so few affordable units were ever created under 8-30g statewide, it is unlikely any developers will actually decide to build the affordable without subsidies from the state and federal government!**

In much of CT there has been a lack of growth and opportunity due to:

1. **CT's anemic anti-business economy,**
2. **high energy prices by doubling the public benefits charges on electric bills since 2018 and**
3. **unfunded mandates on towns causing high local property taxes.**

FAIR SHARE is not about creating affordability, but rather just another attempt to force municipalities to upzone everywhere for unsustainable high density in their municipalities to benefit developer interests. Do not buy into the social justice narrative, because this policy does not create equity, or more affordability - it is just another way of mandating outsize out of scale

development statewide. It is unsustainable as all municipalities lack the necessary infrastructure funding from the state needed to support such extreme density development.

Who benefits from the bill's passage?
Non-profits like Open Communities Alliance (who may no longer continue getting federal funds to advocate against our municipalities) and opportunistic developers who will ensnare the state and municipalities in unending litigation, as has happened in New Jersey.

OUR ORIGINAL WRITEUP ON THE BILL LANGUAGE

LINK TO SUBMIT TESTIMONY IN HOUSING COMMITTEE:
https://www.cga.ct.gov/aspx/CGATestimonySub/CGAtestimonysubmission.aspx?comm_code=HSG
Public Hearing Date: Click 2/18/2025, 10:30AM Support or Oppose: OPPOSE
Bill Number: Click HB 6944
Bill Language: Revised LCO 6017:
https://www.cga.ct.gov/2025/hsgdata/sl/2025HB-06944-R00LCO06017HSG-SL.PDF
Original bill: https://www.cga.ct.gov/2025/TOB/H/PDF/2025HB-06944-R00-HB.PDF

LCO MINOR LANGUAGE CHANGE: Prior version required all AH Plans (per 8-30j) to be filed 7/1/2027, new language states "within five years after the date a previous affordable housing plan was adopted. (Good change, does not require all municipal AH plans to be filed in the same exact year.)

To Submit: Choose Cut and Paste into box provided or upload a PDF Doc (preferred) or Word Doc
OPPOSE-

- **Municipalities must submit 8-30j plans for 30 days for public comment and the Secretary of OPM must certify all local 8-30j plans in 90 days. THIS IS A STATE TAKEOVER OF ZONING - TAKING POWER AWAY FROM LOCALLY ELECTED OFFICIALS AND VESTING IT IN UNELECTED BUREAUCRATS AT THE OFFICE OF POLICY AND MANAGEMENT (OPM). OPM WOULD GET TO APPROVE OR REJECT ALL LOCAL ZONING. THIS IS A DEEP STATE TAKEOVER WITH NO ACCOUNTABILITY AND NO RECOURSE BY MUNICIPALITIES.**

- **Requires towns and cities in the upper 80% of the state's grand list (all but 34 of CT's 169 Municipalities) to update their 8-30j plans to create a "realistic opportunity" to develop an UNDISCLOSED allocation of affordable housing mandated on every municipality in CT.** This is just class warfare. All municipalities need plans to encourage development, especially cities where so much investment has been made by the state in existing infrastructure and their population has been hollowed out. How would the state's limited funding resources be allocated? Would the state deprioritize towns that are in the lower 20% of the grand list for funding resources over those qualifying in the upper 80%? The bill is not clear on how the state would decide to allocate funding. Could be discriminatory and target towns based solely on wealth factors, like the original Fair Share with no recognition of factors that may limit exponential development that would be mandated with the allocations of affordable units.

- **Non-profit and developer "Interested Parties" can sue the Secretary of OPM with burden of proof on the Secretary of OPM to show that a municipality's plan creates a "reasonable opportunity" to build the yet undisclosed affordable units mandated on every municipality. CAN ALSO EXTEND LAWSUITS ONTO MUNICIPALITIES!**

  "Interested party" = **an organization tax exempt by IRS, with mission to provide and advocate for increased access to & supply of housing for low income households - i.e. <80% of AMI** - or an entity that seeks to construct a housing development contributing to a municipality's affordable housing allocation (**developer**) may bring action to Superior Court to review conformity, with burden of proof on Secretary of OPM.
  What this bill really does is **manufacture standing**—giving outside organizations the ability to **sue towns indirectly into submission.** These nonprofits and developers are not being denied housing. These are advocacy groups, real estate developers, and special interests now get a **manufactured legal pathway** to override local zoning, **without even needing to prove harm.**

  Lines 152-154: "An interested party may bring an action in Superior Court to review the conformity with the provisions of this section of any approved priority affordable housing plan, or portion thereof or revision thereto" - THIS SECTION INCLUDES THE CREATION OF THE PLAN BY THE MUNICIPALITY AND THEIR ZONING. THE BILL DOES NOT CALL THE MUNICIPALITY OUT AS THE DEFENDANT BUT **A MUNICIPALITY CAN END UP GOING TO COURT BASED ON THE MUNICIPALITY'S ACTIONS**.

- **Superior Court can grant "legal and equitable relief" should the interested party prevail.**
  Ties up the court system, courts are not aware of unique circumstances that may prevent a municipality from achieving the burdensome mandated affordable units required.
  "**Legal and Equitable Relief" Includes: temporary or permanent injunctive relief, punitive damages, attorney's fees, court costs.** Attorney's fees are not contingent upon the amount of damages requested by or awarded to the complainant. **This creates an industry of suing the state and municipalities by interested parties.**
  The only ones that benefit are the lawyers and the nonprofit NGOs. CT needs more collaborative solutions for the state and orgs like MRDA to work with municipalities, not these external non-profits making an industry of lawsuits to validate their existence. It's time to walk away from these self-interested developer advocates that don't actually create more affordable units, just lawsuits and complicated policies that are too onerous and too contentious to be implemented.

- **FAIR SHARE ALLOCATIONS FROM THE FAIR SHARE STUDY ARE NOT YET AVAILABLE, SO WHY ARE LEGISLATORS HAVING A PUBLIC HEARING ON THIS BILL NOW THAT REFERS TO STATE MANDATED ALLOCATIONS OF AFFORDABLE HOUSING? WILL THE AFFORDABLE ALLOCATIONS BE WORKABLE OR ONEROUS?**
  The most recent **presentation in January** offered 3 scenarios for total Fair Share allocations (110,000 - 350,000 units of current affordable "housing need" for CT with virtually no population growth-factor expected in the state), but no details on allocations to individual

municipalities. The actual "structural need" per the report is for very deeply low income affordable and high end housing, not moderate housing!

In the past, the OCA's FAIR SHARE ALLOCATIONS based on 121K units of mandated affordable housing were so onerous (15-20% of all their current housing stock) that most municipalities would have to change their zoning and allow their entire housing stock to double! Since the gross numbers for the entire state are even larger in the study report, why would anyone expect the allocations to be any less onerous this time?
See our calculations of OCA's onerous past allocations:
https://tinyurl.com/CT169FairShare

- **"Realistic opportunity" means the possibility for affordable housing to be constructed for the benefit of low-income households in a time frame and with administrative burdens, including fees and hearings comparable to those for single-family homes, while considering financial feasibility and applicable municipal rules, policies and practices. This is completely unrealistic and assumes that every multifamily development has an equal impact as a single family home and should be "as of right."** A single-family development is nowhere as impactful as a multifamily development and the environmental and infrastructure implications are very different and must be thoughtfully considered as each project is very different in a multifamily development in size and scale and impacts.
  "As of Right" means developers can bypass the local Planning & Zoning Commission hearings that review each application and unique challenges of each parcel of land. Multi-family housing is vastly more complex than a single family home. (Imagine trying to escape from a fire on the third floor apartment building vs. your single family home). A more rigorous review process is required for these projects with higher standards and more complex building codes.

- **The bill is highly prescriptive on what can and cannot be built in every single municipality and favors high density rentals development above all. This may not be what is specifically needed in each municipality. It is too prescriptive and may not reflect the existing constraints on infrastructure and natural resources.**
  Must provide a "realistic opportunity" for development of affordable
  1. 20% of all units affordable to very low-income households (<= 50% of AMI) – very low income renters in some communities may not be able to as easily afford to live in expensive communities and may require a car to shop for groceries and other needs.
  2. 50% as rentals – does not create generational wealth, just rental serfdom
  3. 75% not restricted by age – with an aging population, why not encourage more senior housing with one floor living if that is what is needed to free up those homes?
  4. 50% not restricted by age and 2+ bedrooms - higher cost to build larger units.
  5. 80% 2+ bedrooms – higher cost to build larger units, household size is declining. Why are legislators encouraging building more expensive, larger units of housing?

- **Municipalities then have 12 months to amend zoning to create a "reasonable opportunity" for the development of their (yet to be disclosed) state mandated affordable units.**
  Municipal Regulations shall require:

1) Identify zones and parcels in municipality sufficient to build allocation of affordable as of right. **THIS MEANS MUNICIPALITIES MUST REZONE TO ALLOW AT LEAST 80-90% MARKET VALUE UNITS, WITH THE REMAINING 10-20% AS THE MANDATED AFFORDABLE. THIS IS AN EXTREME HIGH-DENSITY REQUIREMENT! MEANS MOST MUNICIPALITIES WILL HAVE TO DOUBLE THEIR HOUSING UNITS IN THEIR MUNICIPALITY!** SEE CT169STRONG'S FAIR SHARE ALLOCATIONS BY TOWN FOR PRIOR VERSIONS OF THE FAIR SHARE BILL: **https://tinyurl.com/CT169FairShare**
2) Permitted density of such zones and parcels – **while towns can set their permitted density, in order to meet the affordable needed, they would need to allow 1,000s of units of market value to be built to get the private sector to build the units.**
3) Changes to municipal processes and procedures to allow creation of affordable – **very vague**
4) Explanation of meeting obligations or why unable to meet them – **NO CRITERIA OR PROCESS DETAILED ON HOW TO GET EXEMPTION FROM THE ALLOCATION**
5) Additional criteria by Secretary of OPM – **UNDISCLOSED MANDATES TO BE SET BY THE SECRETARY OF THE OPM, NO RECOURSE, AN ONEROUS STICK.**

- **Rentals do not create generational wealth, but this bill rather encourages builders to develop high density rentals to build and run, leaving municipalities to overcome the burdens on existing infrastructure, environmental impacts and rising local property taxes.** CT is already the 3rd highest in the U.S property taxes. Only NJ has adopted FAIR SHARE since 1970's and they have the highest property taxes in the U.S.

- **Municipalities with Approved Priority Affordable Housing Plans that have changed their zoning within the 12 months can be "prioritized" for discretionary funding resources. Like DesegregateCT's Work Live Ride, this bill looks to tie up discretionary funding programs:**
  municipal grants in aid,
  small town economic assistance program bonds (STEAP),
  Main Street Investment Funds, and
  Incentive Housing Zones.
  Those municipalities in the lower 20% while "prioritized" could in actuality be "deprioritized" when funding resources are severely limited and all the focus is going to mandating housing development and expansion.

- Per Open Communities Alliance, the 34 municipalities that are in the bottom 20% of Grand List include: ***Ansonia, Bridgeport, Bristol, Brooklyn, Chaplin, Derby, East Hartford, East Haven, Enfield, Danbury, Griswold, Hartford, Killingly, Manchester, Mansfield, Meriden, Montville, Naugatuck, New Britain, New Haven, New London, North Stonington, Norwich, Plainfield, Putnam, Scotland, Sprague, Sterling, Thompson, Torrington, Waterbury, West Haven, Winchester, Windham***
  The municipalities that are in the bottom 20% include poverty towns and rural communities that are "prioritized" for funding resources, but when funding resources are limited already, will there be any funding for these two important groups over those in the upper 80% that

would qualify as “priority affordable housing plans?” Why is this even included in the bill? When so much of the state’s funding has already gone into transit, public water and sewer and infrastructure for these larger poverty cities in CT, what they truly need are more opportunities for economic development. Rural communities already lack the resources and population to help fund these needs themselves. This is just bad public policy.

- **Bill does not consider the lack of infrastructure and impacts on natural resources = bad policy only focused on grand list for targeted prioritization of development.**

- **This is just more of the same top-down onerous undisclosed mandates while holding potential funding opportunities hostage against municipalities.**