

March 2, 2026

Esteemed Chairs Felipe and Marx,  
Members of the Housing Committee:

On behalf of the Western Connecticut Council of Governments (WestCOG), I appreciate the opportunity to submit comments in **opposition** to Raised Bill 5364, *An Act Concerning Tiered Deed Restrictions*.

CGS §8-30g represents an extraordinary statutory mechanism. It authorizes a developer to override local zoning regulations if a municipality cannot meet a substantial evidentiary burden. That override authority has historically been paired with a significant public benefit: durable, long-term affordable housing. Bill 5364 materially weakens that exchange.

Under current practice, a set-aside development effectively produces 40 years of affordability on at least 30% of its units. Under this bill, a developer may obtain the same override authority while restricting those same 30% of units for only 20 years. The percentage of affordable units does not increase. The income targeting does not deepen. The override standard does not change.

What does change is duration. When measured properly—in affordable unit-years—the reduction is stark. A 100-unit development with 30 affordable units restricted for 40 years produces 1,200 affordable unit-years. The same development restricted for 20 years produces only 600 affordable unit-years. That is a 50% reduction in long-term affordability yield per approved project. The bill therefore allows the same zoning override leverage to generate half the long-term affordability.

Some may argue that shorter duration could improve project feasibility and increase production. However, the bill does not require any additional affordable units, deeper income targeting, or increased overall production in exchange for reduced durability. Any production benefit is speculative. The reduction in long-term affordability is certain.

Section 8-30g is not an ordinary zoning statute. It is a powerful override mechanism intended to advance durable affordable housing. If the General Assembly determines that duration requirements should be reduced, that decision should be accompanied by a corresponding recalibration of affordability percentage, income depth, or other measurable public benefit. This bill does not do so.

Bill 5364 reduces the long-term affordability secured through the 8-30g process without requiring additional public benefit in return. For these reasons, I urge your Committee to reject this bill. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Francis R. Pickering". The signature is written in a cursive style with a prominent horizontal line underlining the name.

Francis R. Pickering  
Executive Director