

Exclusionary Zoning In Suburban Connecticut: Old Fight, New Arena

By ANDREE BROOKS

REDDING, Conn. — Packed away in the northeast corner of Fairfield County, Conn. — the county recently named by the Suburban Action Institute, a civil rights organization, as “the most restrictive in the tristate area” — is this rustic town of some 7,000 people.

Redding is on the institute’s short list of what it considers “the most restricted” of them all in housing and zoning policies.

The people of Redding live in predominantly single-family houses on at least two-acre lots in 31 square miles of relatively unspoiled countryside. Two-thirds of the land in Redding is still open.

Civil rights activists find so much vacant space unconscionable. It could be better used, they believe, for low- and middle-income housing to help open up the more prosperous suburbs to the poor and minorities of the cities.

Redding argues that the state’s conservation and development plan intends that it retain the open space because 90 percent of the total area is set aside as wetlands or watershed for the City of Bridgeport. And there are some in-house apartments, it says, as well as two-family homes.

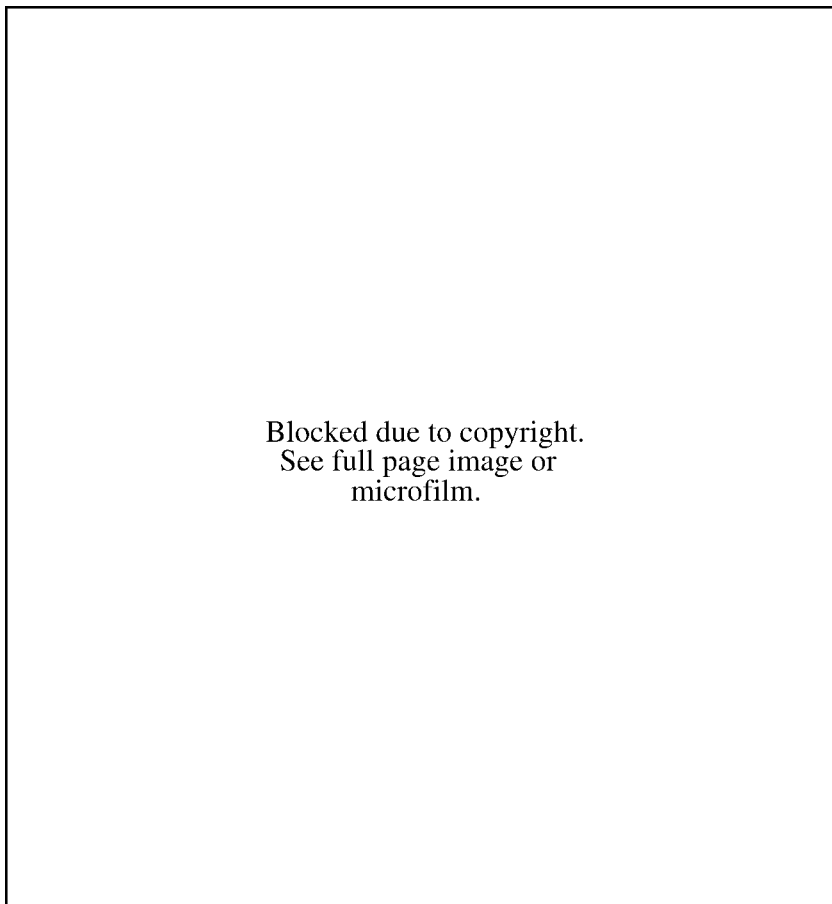
Currently, the average price of a home in Redding is \$130,000. Most residents are senior corporate executives or professionals, many living in the centuries-old homes and estates for which the town is noted.

Despite appearances, however, all is not tranquil in Redding. There is a bitter controversy here, and it may indicate the way the exclusionary zoning struggle will go in Connecticut.

In question is the refusal of the state and Federal Governments to reimburse Redding for the purchase of open space for recreational purposes. And beneath the friction over the funds is the issue of racial discrimination.

Does outside authority have the right to hold up the money indefinitely, forcing Redding to make what the town considers arbitrary changes in policy, totally out of line with reality? A ruling from the Department of the Interior is imminent.

The dispute is already being called a



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Two scenes, amid open land in Redding, Conn., and on streets of a condo village in Ridgefield, illustrate the main factors of a bitter controversy over pressure for higher density development.

test case because it is wholly unlike what has happened in suburban New York and New Jersey, where the exclusionary zoning battle has taken place in the courts.

In those cases the courts ruled that communities could not limit their housing to the needs of only one segment of the population.

In 1975 the New Jersey Supreme Court came down with its landmark decision ordering the town of Mount Laurel to open up its zoning and allow apartments for low-income people.

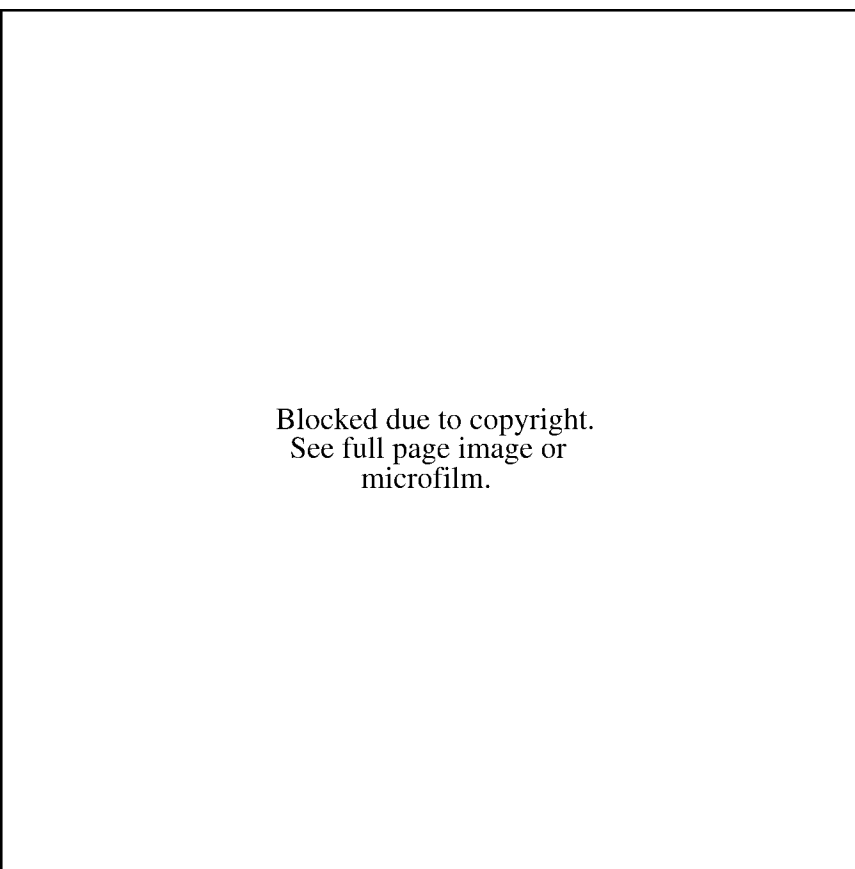
Last winter the New York Supreme Court made a similar ruling for New Castle in Westchester, until then a bastion of single-family homes. At the moment, on Long Island, two similar cases are pending.

The trouble with this approach, from the standpoint of the civil rights activists, is that much time has elapsed and so far nothing concrete has emerged in terms of actual housing for the poor. Or as George Frank, president of the Builders Institute of Westchester and Putnam Counties, put it recently, “Courts don’t build apartments.”

The battle in Connecticut is taking a different form altogether. As the first step of a much larger program aimed at the goal of equal housing opportunity, two separate reports were prepared and released in June by the Connecticut Commission on Human Rights and Opportunities together with the Suburban Action Institute.

Town by town, the facts were set forth, in detail. The reports were designed as a blueprint for upcoming legislative, administrative and economic action. The courts are not high on the groups’ priority list, as a result of delays elsewhere in the area.

Meanwhile, many Connecticut towns insist they have already begun a relaxation of zoning — the impetus coming not so much from civil rights concerns as from the needs of the elderly and the young, who have been lobbying for an opportunity to stay in these towns and



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therefore need apartments in which to live.

Also, prior to the release of the reports, Connecticut had already been pressing at the state level for more equal housing opportunity, by means of the process of economic review. And that is where Redding comes in.

In 1974, Redding applied for a \$414,900 Federal grant in recreation reimbursement funds, which it had understood would be forthcoming after it agreed to purchase open land in the town.

However, in line with an existing, Federally initiated, affirmative action procedure called "A-95 Review," this application was sent to the state Commission on Human Rights and Opportunities for its opinion on the town's general policies toward the poor and the minorities.

The commission labeled Redding's growth plan "discriminatory" — a move that has since led to a Federal investigation of local housing and land-use practices in Redding by the Office of Economic Opportunity. In April, the town submitted lengthy answers to 38 questions posed by the Federal Government.

"We feel we have fulfilled all their requirements but we still can't get a reply or the money," said Redding's First Selectman, Mary Anne Guitar. "We've always carefully lived by both state and Federal regulations. Yet they use the term 'vacant' in the most pejorative sense. Don't they understand watershed? Or the impossibility of having sewers and town water [needed to accommodate higher density housing] in an area like this? It's wrong to put labels on a town without fully appreciating what's really going on. Our state plan even wants us to stay this way."

The real issue is local autonomy, according to Jim Grehan, executive director of the Housatonic Valley Council of Elected Officials, one of 15 regional planning councils in Connecticut and

the one whose area includes Redding. Rather than waiting to be hauled into court, Mr. Grehan says, Connecticut towns like Redding might take the initiative. "We might just go to court ourselves to uphold our right to decide our own land use," he said.

Local autonomy is characterized by Paul Davidoff, director of the Suburban Action Institute, as "camouflage," and by Arthur Green, Connecticut commissioner on human rights, as a "smoke screen" for continued restrictive practices.

But local politicians and officials feel it could prove a most effective delaying factor, especially considering the current national mood against what is viewed as outside interference in local affairs. Even Mr. Davidoff agrees that this is no longer a time of confrontation politics, as it was in the 1960's when he started out.

Thus Mr. Davidoff and Commissioner Green, aware of such obstacles and also of the delays court action would entail, view the stepping up of the use of A-95 as a more realistic way to bring pressure for change.

They note that towns are increasingly relying on state and Federal funds for such needs as sewerage treatment plants, pollution control projects, transportation, housing projects, social service programs and open space acquisition and recreation. A delay or even the threat of a delay can, they believe, provide considerable leverage.

Also high on the list of upcoming action, particularly favored by the Suburban Action Institute, is a program of persuasion, with more public discussions on the reports planned. The idea is one of "heightening awareness," as Mr. Davidoff puts it.

"We did not do reports in other states," explained Mr. Davidoff. "We went straight to court. And I now have a real sense that we came on too hard — too belligerently — in those early days and consequently may have lost potential friends. Perhaps it reflects

the attitudes of the time. Today I prefer to try to change this evil through dialogue and education."

Mr. Davidoff has already begun his talks. One of the earliest meetings was with the builders and developers whose interests, he feels, are very close to his own.

Robert Cohn, the builders' lobbyist in Hartford, described a meeting that took place in mid-July as a "productive, exploratory session."

"There is a lot of common ground," he said. "He approaches the matter from a philosophical viewpoint. Ours is economic."

Civil rights and civil liberties groups have also expressed interest, and together with representatives of black and hispanic organizations and the labor unions, Mr. Davidoff hopes for a broad coalition. He also plans to open a New Haven office in the fall.

Such action and dialogue is in harmony with a list of recommendations offered by Mr. Green in his segment of the report entitled, "The Status of Equal Housing Opportunity (in Connecticut.)" A 36-point "action list" suggests legislation to update and review the Zoning Enabling Act to insure that the state will take more of a lead role in the future to monitor local zoning practices; broader public financial assistance to help minorities own homes; allocation of greater resources to carry out the work of A-95 review, and an increased effort to make the Federal Government "even more responsible to our commission's comments on A-95."

There has been widespread criticism of the Suburban Action Institute and its particular report, which was devoted wholly to zoning practices.

One of the problems stems from the fact that almost simultaneously with the release of the report in June came accusations that the institute was biased because it owned a valuable 256-acre tract of waterfront property at Candlewood Lake. Local officials charge this was a blatant conflict of in-

terest that discredits the impartiality of the report.

The institute says it purchased the land in October in the hope of creating a public recreation area, although the two towns in which the land is situated — New Fairfield and Sherman — say they do not want such a park. This local view, plus controversy over appraisals of the land value, has meant the state now refuses to become involved at any price. It had expressed interest in the past.

Late in July, adding another layer of controversy, the Hartford Federal Savings and Loan, which holds \$3,485,000 worth of mortgage loans on the property, initiated foreclosure proceedings. It said the institute was failing to meet payments.

In Ridgefield, an adjacent town to Redding (where the institute initiated a test case in the late 1960's to force apartment zoning,) the mere mention of its name now provokes a "violent" reaction, according to Lewis Fossi, Ridgefield's First Selectman. "We don't subscribe to their philosophy that we should take care of the poor of the cities," he says. "We're going to take care of our town first."

The 1960's action was dropped before a court decision was ever made, but since then multi-family housing has been permitted in Ridgefield, and so residents bitterly resent the institute's classification of the town as "restricted."

Meanwhile, a relaxation of zoning continues apace — regardless. And many people in these suburban towns feel that the "graying of America" may do the job in the end more effectively and more painlessly than pressure from any number of civil rights organizations.

This has already been so in New Canaan. And most recently, consideration for the elderly was a major mitigating factor in Westport's decision to allow apartment zoning.