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December 11, 2022

Ridgefield Planning & Zoning Commission
66 Prospect Street
Ridgefield CT 06877

Re: Opposing Mandatory Inclusionary Zoning Laws-December 27, 2022, Meeting

To the Commission:

It was reported by Ridgefield Press that PZC intends to take up "Inclusionary Zoning" at its Zoom Meeting on December 27, with the intention of amending the Town's Zoning Regulation to require any future project in any zoning district in town consist of minimum 15% "subsidized housing."

Those who follow PZC meetings may remember a senior member recently declaring that PZC can do "whatever it damn well pleases... and we don't have to listen to the public" and that he favored mandatory requirements on any developer who "wanted to partake of the privilege of building in Ridgefield." These comments were favorably greeted by PZC's Chairman, who is spearheading the new legislation, and at least four other commissioners. Presently, no text of the proposed legislation has been posted.

- I seriously question PZC's good faith in scheduling this important item during the holidays.
- *Inclusionary zoning (IZ) is a policy under which local governments require or incentivize real estate developers to provide some below-market-rate housing units in new housing developments.* [Hamilton, E. George Mason University, Mercatus Center, 2019](#) . The word "inclusionary" implies that Ridgefield's present Zoning Regulation is "exclusionary," which is repugnant.
- IZ is a method of exercising socialist control over private property, an essential "means of production" (Marx, K. *Das Kapital*, 1867-1894), in order to effectuate a political policy. Here, it does not even correspond to an immediate local problem. There is no evidence of a housing "emergency," and there are no "unhoused people" in the Town of Ridgefield.
- IZ a socialistic form of "central planning," a method which has conclusively been shown not only to be ineffective, but which also leads to more overburdening control, eventually "social tyranny-the slow but inevitable consequence of reducing private

property will reduce a free people to serfdom. (Hayek, K. "The Road to Serfdom," 1944). The senior commissioner's statements, quoted above, are eerie examples of similar statements made across Europe in the second decade of the 20th century.

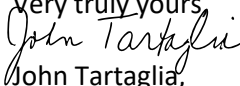
- Despite PZC's best intentions, such legislation will create price and market distortions, and aggravate any "affordability" issue it erroneously perceives: Requiring a developer to sell or rent one housing unit for every six at a price below construction cost will inevitably lead the developer to sell the other five for a higher price to cover the mandate, thus raising real estate values overall and defeating the stated intention of increasing affordable housing (["Inclusionary Zoning Hurts More than it Helps," Hamilton, E. George Mason University, Mercatus Center, Feb. 2021.](#)

Finally, such mandates raise unsettled questions on (1) the limits of government "taking" of private property without just compensation under the Fifth Amendment, *cf. Murr. V. Wisconsin, June 23, 2017, US Sup CT, No. 15-214*, and (2) the *ex post facto* windfalls, inequities and/or deprivations that will likely occur via pocket "prior non-conforming" uses created by such legislation.

One need only stroll down Main Street and look in the window of the myriad Real Estate Broker's office, study the Grand List or read the Town's Annual Budget, or listen to the endless local cheerleading about how great our local school district is, how safe our town is, to realize the importance of the free market value of real estate to Ridgfield.

As a thirteen year resident with more than passing experience in the ownership, development, construction, sale, and rental of real property, including large multi-family "affordable" apartments in major urban areas, I strongly urge PZC to reject mandatory IZ.

Thank you for your attention and cooperation.

Very truly yours,

John Tartaglia,
December 4, 2022

Attached:
Excel Spreadsheet: Market v. Subsidized Limits & Divergence