

FOR IMMEDIATE RELEASE

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**MAJOR CIVIL RIGHTS/AFFORDABLE HOUSING LAWSUIT TO BE FILED
AGAINST TOWN OF WOODBRIDGE, CT**

**Connecticut Zoning Enabling Act, Fair Housing Act, and Constitutional Challenges to be Filed by
Residents, Civil Rights Advocates, and Affordable Housing Developer Against Woodbridge, CT's Exclusionary
Zoning**

New Haven, CT (August 30, 2022) – Today, a group of organizations and individuals will file a major civil rights lawsuit in state court against the Town of Woodbridge, CT, a suburb adjacent to New Haven, challenging its zoning regulations on several legal grounds.

The suit claims that Woodbridge's zoning violates the state's Zoning Enabling Act and Fair Housing Act, as well as the due process, equal protection, and anti-segregation clauses of the state Constitution. The plaintiffs allege that Woodbridge has violated all of these laws by barring a wide variety of multifamily housing in a manner that particularly harms Black and Latino families and households relying on government subsidized housing, all of whom have disproportionately lower incomes and therefore a greater need for affordable housing compared to white households. Woodbridge's restrictive zoning also denies current residents the opportunity to live in a diverse community. The Town's policies bar multifamily housing of three units or more in 98.4% of Woodbridge's residential land area and requires burdensome special exception review in the remaining 1.6% for all forms of multifamily housing.

The plaintiffs seek a host of remedies including an overhaul of the town's planning and zoning and affirmative steps to remedy its ongoing history of disparately impactful and segregative zoning policies.

"For decades, Woodbridge's zoning has erected unjustifiable barriers preventing lower and moderate income families, who are disproportionately families of color, from moving to town. Woodbridge's unduly restrictive zoning fails to address the stark regional need for affordable housing, disparately harms Black and Latino households, and deepens economic and racial segregation in the area. We are grateful to be working to right these wrongs with a stellar team of pro bono attorneys from WilmerHale, the Lawyers' Committee for Civil Rights Under Law, and Hinckley Allen, as well as deeply committed students and faculty from Yale Law School," said **Erin Boggs, founding Executive Director of OCA**, a statewide civil rights organization dedicated to addressing housing segregation and its impacts.

Among the plaintiffs is Open Communities Trust, LLC (OCT), an affordable housing development trust launched by the Hartford-based civil rights nonprofit Open Communities Alliance (OCA). OCT is leasing and has an option to purchase property in Woodbridge for building a multifamily, mixed-income residential structure that would include affordable housing. Other plaintiffs include 2 Orchard Road LLC, the owner of the property, and two

Woodbridge residents – Sally Connolly and Cary Gross – who are harmed by the lack of racial and economic diversity in their town.

“Woodbridge’s exclusionary zoning practices have meant that my family is deprived of the opportunity to live in a community that reflects the diversity of the region,” said **Alana Rosenberg, a resident of Woodbridge**.

“Zoning regulations that drive up housing prices leave many households rent-burdened, making it difficult for these households to afford other essentials such as groceries, health care, and school supplies. Such regulations contravene Connecticut law that requires all towns in Connecticut to provide equal access to housing opportunities,” said **Alan Schoenfeld of WilmerHale**, a highly respected international law firm representing the plaintiffs pro bono.

“While the lack of affordable housing has been an issue in Connecticut for many years, the dramatic spike in housing costs in the wake of the COVID-19 pandemic has put an even finer point on just how much a lack of affordable housing is impacting lower- and moderate-income households throughout the state and worsening racial and economic segregation between towns like Woodbridge and the handful of cities that are compelled to host virtually all of the state’s affordable housing,” added **Anika Singh Lemar, a Clinical Professor at Yale Law School**, who, along with her students, represents the plaintiffs and was central to the 2020 request for planning and zoning changes submitted to Woodbridge.

“Connecticut law requires towns to zone to promote housing choice and economic diversity, taking account of regional housing needs. Woodbridge’s zoning does the opposite, effectively erecting walls around the town that inevitably result in racial and economic exclusion and segregation that is not in the interest of any Woodbridge or Connecticut resident,” added **Mira Netsky, Yale Law School Class of 2023**.

“While building on a strong legacy of civil rights legislation and jurisprudence, this case represents the first time that segregating zoning practices in Connecticut have been challenged in such a fundamental way,” said **Thomas Silverstein of the Lawyers’ Committee for Civil Rights Under Law**.

Woodbridge’s recent zoning amendments in response to OCT’s September 2020 proposal to amend the Town’s zoning continued the Town’s long history of failing to provide meaningful opportunities for multifamily and affordable housing development. Likewise, Woodbridge has taken no meaningful action to plan and zone for a fair portion of its region’s need for affordable housing.

“Woodbridge’s ongoing failure to bring its zoning in compliance with state law represents a huge missed opportunity for the Town to move past its exclusionary history, participate fully in the regional housing market, and evolve into a thriving and equitable community,” said **Richard Freedman of the Garden Homes Fund**.

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A press conference will be held today at 10 a.m. Details below.

WHO:

Erin Boggs, Open Communities Alliance

Constance Royster, Open Communities Alliance and Area Resident

Richard Freedman, Garden Homes Fund

Martha Ferson, WilmerHale

Mira Netsky, Jerome Frank Legal Services Organization, Yale Law School

Tom Silverstein, Lawyers' Committee for Civil Rights Under Law

Rev. Bonita Grubbs, Christian Community Action

WHEN:

TODAY, TUESDAY

August 30, 2022

10 a.m.

WHERE:

State Courthouse

121 Elm Street

New Haven, CT 06510

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Open Communities Alliance (OCA) is a Connecticut-based civil rights nonprofit organization that promotes access to opportunity for all people through education, organizing, advocacy, research, and partnerships. OCA's ambitious mission of unwinding Connecticut's history of government-perpetuated segregation focuses on reducing social, economic, and health disparities experienced by low-income families of color and generating access to "opportunity" by establishing pathways to affordable housing in thriving communities. For more information, please visit ctoca.org.

WilmerHale, an international law firm of nearly 1,000 lawyers, represents clients ranging from some of the world's most successful companies to individuals and organizations of limited means who receive free legal help as part of the firm's enduring commitment to its pro bono work. For more information, please visit <https://www.wilmerhale.com/en>.

Attorney **Timothy Hollister**, a land use attorney with Hinckley Allen & Snyder, in its Hartford office, acts as advisor to the legal team. For more information, please visit <https://www.hinckleyallen.com/people/timothy-s-hollister/>.

The Garden Homes Fund is a Stamford, Connecticut-based private charitable foundation focused on expanding affordable housing opportunities in Connecticut and the owner of 2 Orchard Road LLC. For more information, please visit <https://www.gardenhomesmanagement.com>.

The Lawyers' Committee for Civil Rights Under Law (Lawyers' Committee), a nonpartisan, nonprofit organization, was formed in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to address racial discrimination. The principal mission of the Lawyers' Committee for Civil Rights Under Law is to secure, through the rule of law, equal justice for all, particularly in the areas of voting rights, criminal justice, fair housing and

community development, economic justice, educational opportunities, and hate crimes. For more information, please visit <https://lawyerscommittee.org>.

The Jerome N. Frank Legal Services Organization (LSO) provides legal representation to individuals and organizations in need of legal services but unable to afford private attorneys. Students, supervised by Law School faculty members and participating attorneys, interview clients, write briefs, prepare witnesses, try cases, negotiate settlements, draft documents, participate in commercial transactions, draft legislation and regulatory proposals, and argue appeals in state and federal courts, including the U.S. Court of Appeals for the Second Circuit and the Connecticut Supreme Court. For more information, please visit <https://law.yale.edu/studying-law-yale/clinical-and-experiential-learning/jerome-n-frank-legal-services-organization-lso>.