



CONNECTICUT CONFERENCE OF MUNICIPALITIES

900 Chapel St., 9th Floor, New Haven, CT 06510-2807 • Phone (203) 498-3000 • Fax (203) 562-6314 • www.ccm-ct.org

TESTIMONY

of the

CONNECTICUT CONFERENCE OF MUNICIPALITIES

to the

JUDICIARY COMMITTEE

March 24, 2006

The Connecticut Conference of Municipalities supports S.B. 672, “An Act Concerning Standards for the Denial on An Affordable Housing Application”.

S.B. 672 would be positive in terms of municipal control or influence over affordable housing applications. It would clarify that planning & zoning commissions may consider an applicant's failure to adhere to other requirements (e.g., the requirement to submit a wetlands application contemporaneously with a zoning application), and would allow such commissions to consider the effect of a denial by another agency (e.g., the wetlands agency denial) when rendering their own decisions.

This bill would broaden the matters that planning and zoning commissions may consider in rendering a decision re affordable housing applications. Of particular note are the provisions at lines 59-65, which appear to have been triggered by a decision in the case, *Bridgewater v. Carr*.

In *Bridgewater v. Carr*, the Connecticut Supreme Court rendered a decision that was a stretch. It concluded that the fact that (1) a wetlands application on the same project had been withdrawn and not re-submitted did not deprive the zoning commission of jurisdiction, and (2) the wetlands commission had denied a subsequent application (a denial that was upheld on appeal) was not an adequate basis for denying an affordable housing application. On the latter issue, the court engaged in some incredible contortions, suggesting that a denial is not really a denial and that there was always the possibility of a negotiated approval.

CCM urges the Committee to favorably report S.B. 672.

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If you have any questions, please call Ron Thomas or Gian-Carl Casa of CCM at (203) 498-3000.