



HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.
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March 2, 2009

To: Senator Eric Coleman, Co-Chairman
Representative Brendan Sharkey, Co-Chairman
Members of the Planning & Development Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: Raised Bill 6589, AAC Land Use Appeals

The HBA of Connecticut is a professional trade association with almost one thousand, three hundred (1,300) member firms statewide, employing tens of thousands of Connecticut citizens. Our members are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to this diverse industry. We also created and administer the Connecticut Developers Council, a professional forum for the land development industry in the state.

The HBA of Connecticut strongly supports RB 6589. Land use appeals to the courts take too long and are too expensive to achieve effective resolutions to land use disputes. Many land use abuses are not challenged by property owners or developers because going to court is just not a viable option. The current process serves only those who want to deny developments through delay.

Judges are generally good in reviewing land use appeals, but **a more defined set of judges with experience in land use matters would create more consistency in outcomes.** The different judicial districts also handle these administrative "record" appeals too differently. Some are relatively efficient while others are excruciatingly long and difficult. By definition, all the evidence has already been developed in an administrative appeal. Except in rare circumstances, the court is limited to the "record" of evidence that was put before the land use commission or agency. Therefore, administrative appeals should not take as long as they do. **A consistent policy and set of procedures that apply in all judicial districts would go a long way to streamline the appeal process.**

Toward these goals, RB 6589 is a very good start. **However, to achieve consistency across different judicial districts, we urge it be amended to add "applicable to all judicial districts" after "procedures" on line 11.**

Thank you for the opportunity to comment on this important legislation.