



HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.
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*Your Home
Is Our
Business*

March 1, 2010

To: Senator Eric Coleman and Representative Brendan Sharkey, Co-Chairs,
and members of the Planning and Development Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: RB 226, AAC Zoning Enforcement Officers

The HBA of Connecticut is a professional trade association with 1,100 member firms statewide, employing tens of thousands of Connecticut citizens. Our members are residential and commercial builders, land developers, home improvement contractors, trade contractors, suppliers and those businesses and professionals that provide services to our diverse industry. We estimate that our members build 70% to 80% of all new homes and apartments in the state.

We do not support RB 226 as written. While we are not worried about the vast majority of zoning enforcement officials ("ZEOs") who conduct their jobs in a fair and reasonable manner, we are concerned about those officials who might abuse their authority. Litigation to overturn or undo unreasonable or excessive enforcement actions is often not a viable option for most property owners, including most builders. The statute should provide protection against these abuses.

Currently, the treble damages provision of C.G.S. sec. 12a(c) provides a deterrent to only frivolous actions by a ZEO or actions taken without probable cause. Unlike building officials, who must be licensed by the state, ZEOs have no licensing or registration requirement. Yet having the authority to charge someone with a violation of the law is a serious matter. The deterrent of the treble damages sanction in 12a(c) protects not only builders and land developers but all property owners. If there are only a few cases where ZEOs have abused their authority maybe it is because the treble damages sanction is in the law. Moreover, in order for the treble damages sanction to be invoked, the aggrieved recipient of an alleged unjustified fine has to bring a civil action against the ZEO. This is not going to be done except for the most outrageous abuses of authority. The majority of ZEOs who are professional and carry out their duties in a fair and reasonable manner do not have to be concerned with C.G.S § 12a(c). **Nonetheless, if some change to this law is to go forward, we strongly urge you to not repeal all of 8-12a(c), but rather to delete only the word "treble" at line 18. This will maintain in the law simple damages as some deterrent to ZEOs who may take enforcement actions frivolously or without probable cause.**

We urge you to not pass RB 226 as written and thank you for the opportunity to comment on this legislation.