



HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.

3 Regency Drive, Suite 204, Bloomfield, CT 06002
Tel: 860-216-5858 Fax: 860-206-8954 Web: www.hbact.org

*Your Home
Is Our
Business*

March 25, 2011

To: Senator Eric D. Coleman and Representative Gerald M. Fox, and members of the Judiciary Committee

From: Bill Ethier, Chief Executive Officer

Re: SB 1030, AAC An Appeal of a Decision of a Zoning Board of Appeals

The HBA of Connecticut is a professional trade association with 1,100 member firms statewide, employing tens of thousands of Connecticut citizens. Our members, all small businesses, 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. Our members build 70% to 80% of all new homes and apartments in the state each year.

The HBA of Connecticut's strongly supports SB 1030. Our members are extensive users of our land use system. Our collective experience, in terms of the volume of applications filed before zoning, planning and inland wetland commissions, zoning boards of appeal, and water pollution control authorities, is unparalleled. Based on our experience, we can say with abundant confidence:

“Delays are the Deadliest form of Denial!”

And, those who oppose economic and housing development know it. Each month that goes by, a developer is making payments to a bank, spending dollars to keep their business going, hoping that the next month they'll get their final approval. Opponents do not have to win their case; just delay final approval long enough for the developer to give up.

Our members often must overcome opposition that is not grounded in any reasonable interpretation of applicable regulations or development standards. We face NIMBY's, as well as NOPE's (Not On Planet Earth), CAVE's (Citizens Against Virtually Everything), and BANANA's (Build Absolutely Nothing Anywhere Near Anything). The delays caused by these individuals and groups cost applicants countless dollars and lost opportunities when projects are abandoned (or not even started) due to unjustified delays. These appeals from local commission approvals also cost municipalities unnecessary legal expenses and lost tax revenues from the future development potential.

Taking an appeal of a land use decision is an easy, low expense way to cause substantial further delay for land use applications because such appeals have little adverse consequences to the plaintiff. Legitimate appeals to correct a bad decision are not jeopardized by SB 1030, but the bill will force litigants to think twice before abusing the legal system to try to bleed an economic or housing development proposal to death. **We strongly urge you to vote favorably on SB 1030 to greatly improve the “end-game” that is too-often played by development opponents.** We urge you to not become a NIMTO (Not In My Term of Office). Thank you for raising this bill and considering our comments.

“Leading Our Members to Professional Excellence”

Serving the Residential Development & Construction Industry Through Advocacy, Education & Networking