



HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.

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March 4, 2011

To: Senator Steve Cassano, Co-Chairman
Representative Linda M. Gentile, Co-Chairman
Members of the Planning and Development Committee

From: Bill Ethier, Chief Executive Officer

Re: Senate Bill 991, AAC Energy Efficient Subdivisions

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.

We oppose SB 991 as going too far in mandating that all subdivisions be “energy efficient” including the use of solar and other forms of renewable energy. Rather than this mandate, we urge you to consider the substitute language on the next page to facilitate the market’s voluntary creation of more energy efficient and cluster subdivisions.

The State Building Code currently requires energy efficient construction standards and these standards are constantly being ramped up as new model codes emerge. The new “energy efficient” patterns of development and other related requirements in subdivision regulations could include many unknown additional requirements imposed by local planning commissions. Yet, home buyers may want trees in close proximity to their homes, the shade from which can adversely affect solar access. Home buyers may also want a configuration of their home, due to site terrain, views, lot configuration or other matters that cannot accommodate passive solar access. In cases where passive solar access is not available, or even where it is, what other energy efficient requirements will be placed on developments? Travel time restrictions to workplaces? Proximity to mass transit? Use or reuse of certain construction or land development materials? The list of possible requirements in this new, unknown enabling authority is endless.

Rather than a mandate that is applicable to all subdivisions, energy efficient land development techniques should be encouraged through tax incentives or permitting incentives (e.g., bonus density, quicker approval) for using the ANSI approved National Green Building Standard (NGBS). The NGBS includes guidelines for conducting land development practices with green and sustainable techniques. It is designed to be voluntary and market driven and we firmly believe it will be more successful than regulatory mandates in accomplishing energy efficiency goals.

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In addition to incentives, another approach to encouraging “green” and “energy efficient” development techniques should be to remove their regulatory barriers. One such barrier is that developers who want to propose energy efficient and cluster subdivisions (i.e., to save open space) are often kicked out of the normal as-of-right subdivision process and into a special permit process that has even more delays and unlimited discretion on the part of local planning and zoning commissions. **Therefore, we offer the following language as a substitute to replace SB 991:**

Add a new subsection (d) to the subdivision statute, 8-25, to make energy efficient and cluster developments, i.e., subsection (b) and (c), as-of-right subdivisions, as follows:

“(NEW) (d) Notwithstanding any other provision of the general statutes, any energy-efficient development proposed under subsection (b) of this section or cluster development proposed under subsection (c) of this section shall be processed as an as-of-right application under subsection (a) of this section and not be processed as a special permit or special exception to a municipality’s subdivision regulations.”

The bill also requires an undefined new “analysis” by a subdivision applicant that the applicant has used passive solar energy techniques that would not significantly increase the cost of housing. Given that solar energy is largely not cost competitive at this time with other forms of energy use, how can this be accomplished?

In conclusion, beyond the requirements of the State Building Code for constructing buildings, we urge the committee to let the marketplace determine what types of further energy efficient development practices it wants (and wants to pay for). We do not need another vague layer of regulatory controls in our subdivision enabling statute.

Please do not support the bill as written. We urge you to replace the bill with the substitute language above.

Thank you for the opportunity to comment on this legislation.