



**HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.**

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*Your Home  
Is Our  
Business*

March 6, 2012

To: Senator Gary D. LeBeau, Co-Chairman  
Representative Jeffrey J. Berger, Co-Chairman  
Members of the Commerce Committee

From: Bill Ethier, Chief Executive Officer

Re: House Bill 5341, AAC Additional Business Rights Related to Zoning  
Enforcements

**The HBA of Connecticut is a professional trade association with almost 1,000 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.

**As long-time and daily users of our local land use approval (e.g., zoning) and building permit systems, we are very confused by HB 5341.**

While the goal of providing more transparency and notice regarding zoning issues during the building permit and certificate of occupancy (C.O.) processes seems reasonable, HB 5341 mixes up statutory authorities and jumbles the local officials that are charged with implementing different permits and approvals (e.g., planners, zoning enforcement officers, and building inspectors).

New subsection 8-3(f)(2) confuses statutory authorities. Building permits and certificates of occupancy are implemented pursuant to sec. 29-260 of the general statutes, not 8-3, and by municipal building inspectors under title 29, not zoning officials per 8-3. The limitation in 8-3(f) means that building inspectors cannot issue buildings permits or C.O.s under title 29 until they get a sign-off from zoning officials (e.g., the municipal planner or zoning enforcement officer, ZEO) that the building to be permitted or to receive a C.O. complies with zoning or is a valid nonconforming use. New subsections 8-3(f)(3) and (4), dealing with appeals from building permit or C.O. decisions, conflict with other current laws. Decisions on building permits and C.O.s are appealed to municipal Building Code Board of Appeals under 29-266, not to Zoning Boards of Appeal. And, lines 184 – 187 would have building permit decisions appealed after a ZBA to local zoning commissions. This, too, conflicts with title 29, whereby decisions of Building Code Board's of Appeal go to the State Codes and Standards Committee.

We do not know what situation prompted this legislation, but the "solution" provided in HB 5341 cannot be the answer. It would disrupt and confuse local permitting processes, which we're sure is not the proponent's intent. Thank you for considering our views on this important legislation.

*"Leading Our Members to Professional Excellence."*

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