



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

3 Regency Drive, Suite 204, Bloomfield, CT 06002  
Tel: 860-216-5858 Fax: 860-206-8954 Web: [www.hbact.org](http://www.hbact.org)

*Your  
Home Is  
Our  
Business*

March 5, 2016

To: Senator Catherine A. Osten and Representative Philip J. Miller, Co-Chairs  
Members of the Planning & Development Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: **HB 5485, AAC Municipal Taxation**  
**HB 5486, AA Prohibiting Zoning Commissions From Requiring Special Permits or Special Exceptions for Uses Made Nonconforming by New Zoning Regulations**

The HBRA of Connecticut is a professional trade association with about eight hundred (800) member firms statewide employing tens of thousands of CT's citizens. Our members are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to our diverse industry and to consumers. We build between 70% to 80% of all new homes and apartments in the state each year and engage in countless home remodeling projects.

**HB 5485, AAC Municipal Taxation**

**We support section two of this bill, but are concerned with the change in section 1** that changes the three year look-back period for potential tax liability due to a clerical omission or mistake. With this change at line 5, open-ended tax liability going back many years would be created. We urge you to not adopt this change in order to maintain some sense of finality and certainty for tax payers.

**HB 5486, AA Prohibiting Zoning Commissions From Requiring Special Permits or Special Exceptions for Uses Made Nonconforming by New Zoning Regulations**

We support HB 5486 and its inclusion in the zoning enabling act, CGS Sec 8-2, of the sentence at lines 110-112. Nonconforming uses and buildings are, by definition, as of right. While permission should be sought to expand or change a nonconforming use or building, no as-of-right use or building should have to seek permission to continue. In our experience, too many municipalities abuse their land use authorities by overusing the special permit or exception provisions of the statutes. Too many as-of-right uses of one's property, where there is specific statutory and limited discretion for local commission to review and deny such uses, are converted to open-ended discretionary decisions by requiring special permits or exceptions. HB 5486 should not only be approved but also expanded to prevent as-of-right applications, such as site plans and subdivisions, from being subjected to special permits or exceptions. This would bring more certainty to our land use system.

Thank you for this opportunity to comment on these issues.