



State of Connecticut

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Testimony:

House Bill 5123: An Act Prohibiting the Use of Eminent Domain for Commercial Purposes (support)
&

House Bill 5273: An Act Concerning As Of Right Multifamily Housing Zones (opposition)
Planning & Development Committee

February 13, 2019

Senator Cassano, Representative McCarthy-Vahey, Senator Champagne, Representative Zawistowski, and distinguished members of the Committee, I write to testify in favor of HB 5123 and in opposition to HB 5273.

House Bill 5123: An Act Prohibiting the Use of Eminent Domain for Commercial Purposes

Eminent domain is a serious act that deprives people of property they rightfully own. Although it does provide compensation, the fact remains that it involves taking people's property, and in so doing disrupts lives, families, and businesses. For this reason, it is generally reserved for cases where a necessary public purpose is served: transportation, water supply, utilities, or possibly public education facilities.

This bill addresses the question of whether the development of income-producing properties in the name of economic development rises to a level of public necessity that would justify depriving people of property they rightfully own. Connecticut's very unfortunate experience with the *Kelo v. City of New London* case suggests that the answer is no.

HB 5123 would go a long way toward limiting the potential for abuse of property rights by clarifying the definition of situations in which the state can invoke its powers of eminent domain. I respectfully urge the Committee to support this well considered bill.

House Bill 5273: An Act Concerning As Of Right Multifamily Housing Zones

HB 5273 would allow state law to override the authority of municipalities to make their own zoning decisions in areas around transit stops.

CT municipalities have spent years meticulously developing plans of conservation and development and complex local zoning regulations. This bill would dictate zoning changes in every single town in the state with no regard for those local plans and regulations. In a case where there are multiple bus routes and train stations in downtown centers, the bill could substantially change the character of a town. It would impose one-size-fits-all zoning from the top down, with no approval by or even consultation with elected officials in the 169 affected towns. Further, it would set a dangerous precedent for state interference in the proceedings of local government.

There are many ways to encourage transit-oriented development. Force should not be one of them. I respectfully urge the Committee not to move this bill forward.