



**HOME BUILDERS & REMODELERS ASSOCIATION
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*Your Home
Is Our
Business*

**Planning & Development Committee
Public Hearing
Testimony
02/12/2019**

To: Chairman Cassano, Chairwoman McCarth-Vahey, Ranking Members Zawistowski, Champagne and distinguished members of the Planning & Development Committee.

From: Jim Perras, CEO Home Builders & Remodelers Association of Connecticut

- Re:
1. Testimony in opposition of **HB 6756: An Act Concerning Open Space Conservation in Cluster Developments**
 2. Testimony in partial support of **HB 5273: An Act Concern as of Right Multifamily Housing Zones.**
 3. Testimony in partial support of **HB 6562: An Act Requiring Municipal Plans of Conservation and Development to Include Certain Provisions**

The Home Builders and Remodelers Association of Connecticut (HBRA-CT) is a professional trade association with over eight hundred business members statewide, employing tens of thousands of Connecticut residents. Our association of small businesses is comprised of residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to our diverse industry. We build between 70% to 80% of all new homes and apartments in Connecticut each year and engage in countless home remodeling projects.

Please Oppose House Bill 6756: An Act Concerning Open Space Conservation in Cluster Developments

While the preservation of wetlands and open space are always laudable goals, said goals should also be properly balanced with safe, affordable and sustainable housing needs.

Cluster development is a method of subdivision planning that clusters the dwellings and structures in one area of the subdivision and leaves the rest of the area undeveloped. It allows the developer to preserve the most vulnerable or critical area of the parcel and to build on the portion best suited for dwellings; it also can be used to minimize the portion of the parcel that will be cleared and minimize the area of impervious surfaces. By law at least one-third of the land in a cluster development must remain as open space to be used exclusively for recreational, conservation and agricultural purposes, although municipalities may require more than one-third on any particular development.

If enacted, **HB 6756**, would restrict the developer of a cluster development from including existing wetland and watercourse areas located in a proposed development in the calculation of open space percentage allocation for the purpose of determining eligibility for certain incentives. In proposed developments where wetlands exist, this would severely curtail development and in most cases make the project financially infeasible for the developer. Consequently, in cases where clusters have an affordability component, this bill

may inadvertently assist towns which intentionally seek to shirk their obligations under the CT Fair Housing Act. We should not give unscrupulous actors yet another tool to further discriminatory, anti-growth policies.

This bill would reduce the availability of useable land and raise the price of land that's left. Connecticut already has some of the highest land prices in the country and developable land is incredibly scarce. Additionally, Connecticut has one of the oldest housing stocks in the country. Our industry has been producing new residential units at recession levels since 2009. New residential construction is being produced at only a fraction of what is needed to maintain Connecticut's current housing stock numbers. If enacted, **HB 6756** will exacerbate our affordability problems and only serve to exacerbate these negative housing trends.

For these reasons, we respectfully request that the Planning & Development Committee please oppose **HB 6756**.

Please Support House Bill 5273: An Act Concerning as of Right Multifamily Housing Zones

If enacted, **HB 5273** would establish as of right multifamily housing zones within one-half mile of all fixed route transit stops. This would undoubtedly assist in spurring affordable housing development in areas that are ideally situated for their locations and available amenities. However, it is always preferable to encourage and incentive municipalities and developers to work together to achieve state and local affordable housing objectives. Even with "as of right" zoning, the reality is a town can find ways to dissuade a developer from taking on an affordable housing through public hearings, delay tactics, etc.

In order to truly see the benefit this legislation as intended, it would be incumbent upon this legislative body to also remove the discretion that has crept into "as-of-right" development approvals and make "as-of-right" truly what it was intended to be. "As of right" approvals (i.e., subdivision and site plan applications), were designed by state statutes to be quick and certain reviews of proposed projects that meet the adopted regulations of a municipality, but they are routinely and intentionally delayed ad nauseum by too many communities. Regulations are purposely written with vague language or catch-all subjective provisions to thwart the "as of right" intention of the legislature. And, these as-of-right developments should not be frustrated by requiring them to seek special permits or special exceptions, which come with much greater discretion to condition or deny. The use of special permits or special exceptions, especially when connected to as-of-right applications, should be severely curtailed if not prohibited in order to bring more certainty to the development approval process.

For these reasons, we respectfully request that the Planning & Development Committee support **HB 5273** and include language that strengthens the "as of right" designation.

Please Support House Bill 6562: An Act Requiring Municipal Plans of Conservation and Development Include Certain Provisions

If enacted, **HB 6562** would require municipal planning commissions to include in plans of conservation and development provisions for multifamily housing and the promotion of housing choice and economic diversity in consideration of the state's housing needs in order for municipalities to be eligible for discretionary state funding. Currently, municipalities are mandated to routinely update their plans of conservation and development (POCD). However, there is no review process, nor is there any incentive for a town to meet its affordable housing needs as identified under the Fair Housing Act.

The HBRA-CT is supportive of this legislation. Although, it is somewhat unclear that this bill would actually increase the production of new affordable housing units. As written, discretionary spending would be tied to the incorporation of affirmative affordable housing goals into the POCD but not necessarily tied to achieving said goals. Similar to testimony provided above on HB 5273, a town that doesn't want to meet its affordable housing responsibilities will find ways to thwart development of these projects within its boarder. We

encourage policymakers to alternatively seek ways in which the state can incentivize and encourage municipalities to willingly work together with developers to identify and streamline affordable housing projects that are mutually beneficial to all.

For these reasons, we respectfully request that the Planning & Development Committee support **HB 6562** while simultaneously exploring methods to encourage rather than compel the development of affordable housing.

Thank you, for the opportunity to provide testimony on and **HB 6756, HB 5273 and HB 6562.**