



Testimony in Opposition to HB 6890

Submitted by Bryce Chinault, Director of External Affairs

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Thank you for the opportunity to testify before the Planning and Development Committee in opposition to [HB 6890: An Act Concerning Qualifying Transit-Oriented Communities](#). My name is Bryce Chinault, and I am the Director of External Affairs for Yankee Institute, a non-profit public policy organization in Hartford dedicated to empowering Connecticut residents to forge a better future for themselves and their families.

Yankee Institute **opposes** HB 6890 because the bill places expansive zoning authority in an unelected government official, increases state spending, and imposes further central planning on local development. The bill would give priority funding state discretionary grants based on standards that are not consistent with [state law](#) or [planning best practices](#) in the definition of transit-oriented development (TOD), which calls for a mix of uses and development within a half mile of high-quality transit.

To receive grants for the expansion of transportation systems or public sewer and water services, providing brownfield remediation, or “other related investments,” municipalities with at least one passenger rail or rapid bus transit station that has over 60,000 residents would need to rezone for 30 dwelling units per acre; if under 60,000 then 20 dwelling units per acre. Municipalities with any bus stop with over 25,000 residents would need to rezone for 20 dwelling units per acre; if under 25,000 then 15 dwelling units per acre. Even municipalities without a transit service of any kind would need to rezone for 10 dwelling units per acre if a “neighboring community” does have one.

Any municipality that fits these definitions, which is nearly every town and city in Connecticut, would need to fundamentally change their housing development in order for the state to support its effort to clean up any previous contamination sites under brownfield remediation or for the expansion of public infrastructure. This may disincentivize local communities from making informed investments in these areas even though the evidence does not suggest that TOD is viable in most of the state as residents will only walk or take transit to jobs, services, and retail if those uses are also in walking distance of their homes and transit stations.

Many of the terms in the bill will be defined by a “coordinator” in a new and expanded Office of Responsible Growth. This unelected position would have the authority to determine if a municipality is located with a “reasonable distance” of a “qualifying bus transit community,” what a “reasonable size” is for a municipality to be required to increase the density of its housing, what “discretionary infrastructure funds” should be allocated to municipalities for various developments, and what constitutes “excessive lot sizes,” amongst other discretions. This individual, that is not elected by any Connecticut voters, would be able to change housing density in a municipality if they decide the location fits within an arbitrary distance from a “qualifying bus transit community.” This shift in policymaking in Connecticut would wrest planning and zoning decisions out of the hands of locally elected officials who most directly reflect the preferences of local communities.

The bill also does not provide for local public input into these determinations, nor for an appeals process. The bill does not clarify whether the municipality would be legally accountable for these determinations (e.g., should other property owners or residents file a lawsuit to contest them). The bill does not waive sovereign immunity on the part of the state, so the municipality may be the respondent — over decisions it did not take — in such an event. The bill also, oddly, does not require that these determinations be consistent with the State Plan of Conservation and Development. There is also no consideration for the effect the intended changes will have on municipal staffing and response times for fire and police services.

Additionally, new developments would be required to set aside a certain percentage of units as affordable under §8-30g according to “typologies as described in the most recent Connecticut Housing Finance Authority Needs Assessment”:

- 20% in designated “High Opportunity/Strong Market” municipalities
- 18% in designated “High Opportunity/Weak Market” municipalities
- 12% in designated “Low Opportunity/Strong Market” municipalities
- 5% in designated “Low Opportunity/Weak Market” municipalities
- 0% in designated “Low Development Activity” municipalities

The bill does not provide for municipalities to provide either input into the methodology to develop these designations or a process to contest them.

As a clear way to reshape local communities, municipalities that do not opt in would lose priority under state funding. This may negatively affect those municipalities and their residents in ways beyond just the immediate zoning concerns in this bill — will these municipalities also be less likely to access the Drinking Water State Revolving Fund, the Public Water System Improvement Grant Program, the Clean Water Fund, the Urban Act, the Small Town Economic Assistance Program, etc.? Again, much of this being determined by an unelected “coordinator.”

Any municipality that adopts a resolution to abide by the bill’s regulations and fails to implement them in a timely fashion would have to return “any discretionary infrastructure funding”, unless the “coordinator” — alone — grants an extension. The bill effectively

requires a municipal legislative body to predetermine future decisions by a local zoning commission. Unless provided by special act, municipal legislative bodies do not have this authority.

Municipalities that implement “specific additional bonus zoning criteria” beyond what is outlined in the bill shall be eligible for additional funding based on the “coordinator’s” discretion. The bill does not specify what these “specific” criteria are, as they are to be determined by the “coordinator.”

HB 6890 gives too much discretion to the “coordinator” of a new state agency within the Office of Policy Management and attempts to reshape every community in Connecticut. Yankee Institute encourages the Planning and Zoning Committee to oppose the raised bill.

Respectfully submitted,

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