

March 15, 2023

Dear Honorable Chairpersons Rahman and Kavros DeGraw, Ranking Members Fazio and Zullo, Vice Chairs Needleman and Chafee, and all other distinguished Members of the Planning and Development Committee of the Connecticut General Assembly:

Thank you for the opportunity to speak to you today. My name is Alexis Harrison, and I am president of CT169Strong, a grassroots nonpartisan group committed to the 169 towns and cities in our great State. I also serve on my local planning and zoning board in Fairfield. I am asking you to oppose HB 6890, the Work Live Ride bill.

The bill's proponents have positioned it as a "Transit Oriented Communities" bill. But, TOD projects include a mix of housing, retail, and commercial development to provide more walkable, vibrant communities accessible to transit stations. This bill seems to focus on adding housing density, just giving lip service to mixed use

TOD's have been quite successful in Fairfield and elsewhere, and TOD has been an important part of our planning. Towns that are already planning or implementing TOD in a manner that suits their community, and don't need to "opt in" and they shouldn't be penalized for taking initiative on their own. The bill fails to provide the specifics needed for towns to assess the costs and benefits of opting in versus not opting in. Unfortunately, it appears that those specifics, such as what is deemed a "reasonable size" for a TOD under the bill, would not be known until after a town that opts in.

This is because the central authority to interpret the law is the "coordinator", a powerful new position to be created within the Office of Responsible Growth within the Office of Policy and Management in Hartford. The coordinator is such an important bureaucratic position that it is mentioned 22 times in the bill. The coordinator would determine the size of the TOD, the state's funding for TOD improvements, whether the Town is acting in compliance with the new law, and presumably whether the State would be able to claw back funds if the Town falls out of compliance.

There are many rural towns and especially watershed towns that don't have any demand for transit, and they are often on septic so can't accommodate adding density without jeopardizing the drinking water supply.

But many of these towns fall within the bill's definition of a transit "adjacent" community, so they are not exempt from the bill. Some have no bus or rail at all, and others have low levels of transit service ranging from only demand response to regional bus service with 2-hour headways. These conditions would clearly not lend themselves to TOD. In fact, these rural towns would be better served by passing laws to support family farms to prevent them from being sold for development.

As drafted, HB-6890 is not an incentive-driven approach to support the development of TOD communities as indicated in the bill 's statement of purpose. Instead, it uses a stick approach to shut certain municipalities out of receiving critical infrastructure funding if they do not meet the rigid definition of a Transit-Oriented Community contained in the bill.

For example, municipalities that don't opt in risk being denied State brownfield remediation funds. This is a terrible and harmful penalty to the environmental health of our entire State and specially to the most disadvantaged of our communities which is where many brownfields are located. According to the Connecticut Department of Energy and Environmental Protection (DEEP), the distribution of the EPA funding through the auspices of DEEP is a critical component of cleaning up these inner-city properties.

It appears that the bill does not allow public hearings, which would be a fundamental change to how towns and cities conduct land use planning and permitting. The bill does not appear to prohibit public hearings, but that may be inferred from the mandatory language and control afforded to the coordinator to determine development criteria and compliance. If hearings were held, then the PZC would have its hands tied or risk a finding of non-compliance.

This bill is not a carrot and stick approach but a stick and stick approach. Rather than coercing Towns to commit to a land development scheme that offloads critical decisions to a State bureaucrat, the State should provide resources to guide towns and cities.

Sincerely,

Alexis Harrison