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Chairs Cassano and McCarthy-Vahey
Ranking Members Hwang and Zullo
All other elected Senators and Representatives
who are members of the Planning and
Development Committee

Ladies and Gentlemen:

My testimony relates to S.B. Nos. 1024 and 1027 and H.B. No.. 6611.

For what it is worth, I am a land use attorney practicing in Newtown. As such I often propose amendments to the local zoning regulations to meet the needs of clients, in a manner which will take into account the impact of the change on the residents as a whole. I seek to avoid unintended consequences while still solving my client's problem.

In a way this is not too different from what you do as legislators. Good legislation seeks to identify a problem and offer a solution which does not have unintended consequences. The negative impact of a solution to a problem should not outweigh the benefit of the solution.

These three bills are a case in point, but I only have the time and space for a few observations..

H.B. No. 1027, Section 4, lines 223-236, proposes to remove the two-thirds super majority for approval of a proposal when there is a protest meeting the statutory requirements and replace it with a simple majority. That change removes any impact whatsoever from the "protest" so why would anyone bother to protest? The existing requirement has prevented countless unwise changes in zoning regulations or classifications where the proposal would have a significant impact on the owners in the immediate vicinity. It is a balancing function for the commission. If the proposal is a good one on the merits the commission members should recognize it a such and act accordingly, but if it is a bad proposal this super majority gives the adjacent landowners a powerful way to demonstrate it.

While this is a specific problem easily fixed, the overall problem is the bills' massive mandates they seek to impose on lives of Connecticut citizens. One size does not fit all, and any legislation which ignores economic forces is bad legislation.

As I read H.B. No. 6611, a “regional need base” will determine whether the mandates of the act, and its alleged benefits, will apply to a municipality, but a really poor municipality will not benefit if it has more than 20% of its population below the federal poverty level. The irony is that the poorest will benefit if these mandated projects are built. Why would you remove the incentive to place new housing in poor neighborhoods? You cannot force people to live where they do not want to live; all you can do is remove barriers, if barriers exist.

I do not like the removal of local control of land use decisions, but everyone testifying is complaining about that. A major, even an existential flaw in the most mandate intensive bills, is the involvement of the courts. I cannot imagine the judiciary acting as an administrative agency enforcing the mandates in all the towns where an overactive special interest group wants to file a complaint in superior court. There are more lines in H.B. No. 6611 devoted to the court’s enforcing the mandates of the bill than in the substance of the bill itself.

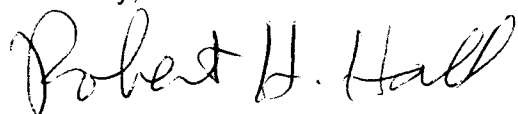
I will close with an observation on the language used in lines 226 and 246 of H.B. No. 6611. If the mandates are so bad and excessive that a municipality needs “protections” from them, something is terribly wrong. If a favorable court decision on compliance means the municipality is “immune” from the more onerous sections of the act, the persons or entities behind the drafting of this act knew the reaction of their constituents would be massively negative.

You could call these bills “Field of Dreams” bills. “If you build it they will come.” But the way these bills are written it will be at the expense of creating anger rather than a welcoming attitude. You have seen the anger with 8-30g projects. This will be 10 times worse.

Is there a problem with inequality of wealth and income? Of course. This will be true in any free society. This cannot be solved by issuing unworkable, judicially imposed mandates. It can only be solved by encouraging economic conditions which provide an incentive to work and earn a good living.

Thank you for reading this.

Sincerely,

A handwritten signature in cursive script that reads "Robert H. Hall". The signature is written in black ink and is positioned above the printed name.

Robert H. Hall