



2009 Government Affairs Issues

Background: In Connecticut, it is far too difficult to get permits and approvals to develop housing and other types of economic development. The entire process, from local governments to state agencies, needs to be simplified, shortened and produce more certain outcomes.

- Address and streamline the Development Checklist produced for the Legislature's Blue Ribbon Task Force on Housing, a list of over 35 possible stops at the local level, 25 possible stops at the state level plus additional stops from utilities and the federal government.
- The HBA of CT submitted a list of 23 recommendations to fix our land use regulatory system to the Smart Growth Task Group. Make sure smart growth does not become no growth in our suburbs and rural towns, so that the entire marketplace is served by our land use laws. See www.hbact.org for the full list, some of which include:
 - Various ways to streamline and coordinate the approval process;
 - Prohibit the illegal expansion of performance bonds to cover municipal maintenance expenses. Unlike performance bonds, which guarantee that roads and utilities are completed, ongoing maintenance costs should be borne by the general tax base of a community.
 - Establish a land use court to produce more timely legal decisions and more consistent processes.
- Enact an extension of the current five-year time period by which all work in an approved subdivision, site plan or wetlands permit must be completed, giving applicants three extra years to deal with the extraordinary economic market downturn we now face.
- Fix the subdivision open space exaction language that allows a town to take a fee in-lieu-of land amounting to 10% of the value of property prior to subdivision approval (or combination of such value and actual land), but has no percentage limit on the taking of land by itself as open space. This subdivision open space requirement violates the Constitution but since no developer wants to risk taking on this litigation, it should be incumbent on the legislature to fix it.
- Correct the over-regulation of activities regarding wetlands and watercourses; CT's wetlands are already defined to cover the largest amount of ground of any wetland definition in the nation; there is rampant misunderstanding and misuse of the statutory concept of upland review areas; wetland agency members are largely uneducated about the job they are supposed to be doing, and the extent of and limitations on their authority; and legislators do not understand the extensive protection current law provides to these resources.
- Address 22a-19, CEPA interventions in administrative and legal proceedings, by limiting the timeframes under which environmental concerns are resolved, requiring an immediate "show cause" hearing to dismiss claims that do not raise legitimate environmental issues that are within the jurisdiction of and went unaddressed by the administrative body.
- Fix the green building code statute that has stopped commercial and residential construction.
- Adopt an exemption from real estate license requirements for a home builder's regular employees to match the exemption for the building company's owner and the employees of other entities.
- Address how insurance companies treat a general contractor's workers comp rating when using subcontractors who are sole proprietors that exclude themselves from coverage. Establish and clarify that no coverage is available from any carrier for any contractor who chooses to be exempt from coverage.
- Adopt "right to cure" legislation, i.e., allowing a builder or remodeler to cure a defect prior to a consumer having the right to bring a claim to court or to Consumer Protection.