

March 12, 2024

Esteemed Chairs Kavros Degraw and Rahman,
Members of the Planning and Development Committee:

The Western Connecticut Council of Governments (WestCOG) appreciates the opportunity to comment on Raised Bill 416, *An Act Concerning the Conversion of Commercial Real Property to Residential Use*. WestCOG **opposes** this bill.

This bill would force municipalities to allow any commercial property to be converted, as of right, whether in part or in full to residential use, regardless of its suitability for such use. Under this bill, a municipality would have to allow, for instance, a gas station, a dry cleaner, or an indoor firing range – or part of any of those – to be converted to housing if that is what the property owner desires. Moreover, in such a conversion, a municipality could not require that an owner bring the property up to current zoning, either for commercial or residential use.¹ Under this bill, a municipality would not be able to condition conversion of the gas station, dry cleaner, or firing range to housing on the cleanup of contamination on the property.

This is a recipe for chaos – and for substandard living arrangements.

Note that state law (CGS §8-30g) already enables applicants to have most zoning set aside for the conversion of any commercial property to residential use. However, unlike this bill:

- §8-30g is only available to projects where 30% of the housing units are affordable. Bill 416 has zero affordability requirements. A foreseeable outcome of this bill if enacted as drafted would be a shift in residential conversions of commercial properties from projects with an affordability set-aside to ones with no set-aside.
- §8-30g does not set aside all zoning. Regulations that protect “public interests in health, safety or other matters which the commission may legally consider” may remain in effect. In contrast, Bill 416 does not protect health or safety concerns beyond what is in the state building code, fire safety code, or fire prevention code. This leaves out a range of concerns, including flooding, air and noise pollution, and environmental contamination.

The largest impediment to the conversion of commercial properties to residential is not zoning but financial viability. While Bill 416 does not address this reality, other bills before the legislature do – and they do so without creating the problems illustrated above. Most notable among these bills is Raised Bill 6, which would create state tax credit vouchers for conversion of commercial space to homes. I urge your Committee members not to advance Bill 416, but instead to join the range of sponsors and supporters behind Bill 6.

¹ Lines 18-20 do not clarify whether the prohibition on conditioning the approval on the correction of nonconformities applies to the current or future use; without such language, one would have to assume it applies to both.

Thank you for your consideration.

A handwritten signature in black ink, reading "Francis Pickering". The signature is written in a cursive style with a long horizontal stroke at the bottom.

Francis R. Pickering
Executive Director