

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 5475, *The Development of Housing and Challenges to Certain Decisions of Municipal Agencies*. WestCOG strongly **opposes** this bill.

- Sections 1 and 2 of the bill would dramatically narrow the range of persons who may appeal local land use and inland wetlands decisions. Specifically, only persons who own or have an interest in real property that has been damaged or impaired by a decision could appeal. **This would exclude renters from appealing land use and inland wetlands decisions.** Ownership of real property is not necessary to be invested in a community, nor is it to be adversely impacted by local decisions. Urban renewal and gentrification, both of which resulted in mass dislocation of renters, in part resulted from local land use decisions; similarly, inland wetlands decisions can prevent – or produce – floods that damage the property of renters. **Conditioning access to appeals and the court system based on property ownership is unsupportable and regrettably evocative of a time when only property owners could vote.**
- Section 3 would further restrict access by requiring persons claiming real property damage resulting from the action of an inland wetlands agency to hire a “qualified hydrologist.” **This would eliminate recourse for property owners who cannot afford a hydrologist –** yet it may be lower-income persons who are most likely to suffer the consequences of improper or poor decisions.
- Section 4 would eliminate the ability of neighbors to protest a rezoning and compel a supermajority vote of the commission; only the owners of the properties subject to the rezoning would be able to protest. Given that most rezonings are initiated at the request of the owners of the properties to be rezoned, these protests may be few and far between. **This removes the ability of the people most likely to be adversely impacted by a zone change to be heard.**
- Section 5 would allow any municipality to exempt “any proposed development” in areas that have public water and sewer, or that the local Plan of Conservation and Development deems “appropriate for increased development”, from wetlands agency review. **This would set back decades of environmental progress, returning the state to an era where filling wetlands, with no consideration of the ecological impacts, was the norm, and where neighbors and downstream properties were flooded as a consequence.** Connecticut’s wetlands framework is already among the weakest in the region; this could put Connecticut dead last in the nation – a scandal and an embarrassment to the state.

- Section 6 would require municipalities to allow the conversion of freestanding, vacant nursing homes into multifamily housing by right. While the concept may sound reasonable, differences between nursing homes and multifamily housing may impact such conversion. For instance, many nursing residents may not drive; accordingly, nursing homes may not have adequate parking to support working households. Given these considerations, a special permit process that evaluates the ability of the facility to be converted into multifamily housing may be more appropriate than “as of right.” Additionally, while the bill does require that the nursing home be vacant for ninety days prior to any conversion, the bill provides no protections to existing nursing home residents. Without such protections, **the bill may incentivize non-vacant nursing home to close, thus becoming vacant (and displacing residents, who are among the state’s most vulnerable)** in the process, to convert to multifamily housing.
- Section 7 of the bill would direct the state to evaluate the potential for the development of affordable housing on unused state property. This is unobjectionable.

Given these serious concerns, I urge your Committee not to advance this bill.

Thank you for your consideration.

A handwritten signature in black ink that reads "Francis R. Pickering". The signature is written in a cursive style with a large, sweeping initial "F".

Francis R. Pickering
Executive Director