



TESTIMONY IN OPPOSITION TO
SB 938 AAC LAND USE APPEALS

March 2, 2021

To: Honorable Committee Co-Chairs Sen. Winfield and Rep. Stafstrom, Vice-Chairs Sen. Kasser and Rep. Blumenthal, Ranking Members Sen. Kissel and Rep. Fishbein and Members of the Judiciary Committee

From: Lori Brown, Executive Director, CT League of Conservation Voters

On behalf of the CT League of Conservation Voters (CTLCV), thank you for the opportunity to submit testimony in strong **opposition to SB 938**. T

This legislation is a repeat attempt to undermine our state's bedrock environmental law, THE CT ENVIRONMENTAL PROTECTION ACT (CEPA).

It is common practice for developers to sue towns that reject permits for proposals that would unreasonably damage the environment. Often, the towns do not have the financial resources to match the developer's legal challenge, and the town is forced to settle.

This bill would permit parties who are appealing land use decisions to withdraw their appeals prior to a hearing in Superior Court. Current law requires that a hearing be held before withdrawal (likely due to a settlement). SB 938 removes the opportunity for a public hearing unless the defendant in the appeal (i.e., the land use agency) objects to the withdrawal.

While the bill appears on its face to streamline the judicial process, this hurts potential intervenors, and especially CEPA intervenors, by depriving them of the opportunity to be heard on land use cases. Developers will have the opportunity to strike deals with planning and zoning bodies while cutting out potential intervenors and without establishing a public record.

CEPA Intervenor can also provide important information to the parties that can help inform a negotiated settlement and minimize the project's environmental damage. The purpose of this bill is to reduce public input for the sole benefit of the developer. **The single hearing which is currently mandated is necessary to hold land use authorities accountable and is an important tool for environmental groups to participate as parties advocating on behalf of the environment.**

We urge you to oppose any legislation that seeks to bypass our core environmental protection laws and vote to REJECT SB 938. Thank you for considering these comments as you deliberate this legislation.

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