



**HOME BUILDERS & REMODELERS ASSOCIATION  
OF CONNECTICUT, INC.**

3 Regency Drive, Suite 204, Bloomfield, CT 06002  
Tel: 860-216-5858 Fax: 860-206-8954 Web: [www.hbact.org](http://www.hbact.org)

*Your Home  
Is Our  
Business*

## **2013 State Legislative Session Wrap-Up**

June 24, 2013

The 2013 state legislative session was officially convened on January 9 and adjourned at midnight on June 5. While “in session” for five months, state legislators work on legislation practically the entire year. So, it is critically important that the HBRA of CT and its members engage legislators year-round to best impact how they vote on our issues.

The state legislature took on many controversial issues this year, the most emotionally charged being the legislative response to the Newtown Sandy Hook school shooting tragedy. Gun control took center stage but other responses dealt with mental health and school safety issues. In addition, changes to energy policy, numerous labor issues, including a hike in the minimum wage, adopting a new state budget and many other issues consumed much time. It was difficult to break through the “noise” of many advocates and the media searching for stories on these issues.

**While the HBRA of CT could not gain any ground on pursuing a property tax exemption for homes under construction and had to give up our legislation to codify a six-year building code adoption cycle (see HB 6524 below), we ended up winning every issue – pro and con – that we presented on our annual Home Building Industry Day at the Capitol (HBID).**

Our HBID occurs about midway through the session, after many bills have been weeded out or refined, and we present talking points to legislators on remaining bills we support and oppose. Congratulations go out to Bob Wiedenmann, Jr. who chairs our GA Committee and who inspired record attendance by our members on HBID. Many thanks to Bob, our record number of HBID sponsors and all members and staff who helped make a results-producing, successful day.

Our 2013 success continues the slow progress of regulatory reform and permit streamlining we’ve made over the past several years. However, despite our victories on HBID issues, much more needs to change in how the state treats the business community. We are way over our collective heads in spending too much on too many government programs. Speaking for our small business members, we don’t need government handouts; we need government to get out of our way. Big government, high tax and cost burdens, and – despite some progress made – a too difficult regulatory environment, Connecticut is in for a world of economic hurt that puts us behind the rest of the nation in far too many categories. While much work remains to be done to make our beautiful state a great place to own and run a business, the following is a brief summary of the major bills the HBRA of CT worked on or tracked. *The first three (SB 814, SB 1006, and SJR No. 58) were our top proactive priorities:*

### **BILLS THAT PASSED (signed or waiting to be signed by the Governor):**

**(HB = House Bill; SB = Senate Bill; PA = Public Act)**

- ◆ **[SB 814, PA 13-186](#)**, Amends the CT Environmental Protection Act, Section 22a-19, for the first time since its original adoption 41 years ago. The law allows anyone in the state to intervene in any permit proceeding to allege potential environmental harm may be caused by a proposed project. The amendment requires the intervention petition to include specific facts describing the nature of the alleged harm and facts that allow the permitting agency to determine whether the environmental issue raised is within its jurisdiction. This hard fought reform is intended to stop abusive or nuisance intervention petitions – i.e., those from competitors or NIMBYs who cannot allege any real environmental harm but just want to stop a development for other reasons. Legitimate and real environmental issues can still be raised under the amended law, as they should. (HBRA support; effective October 1, 2013).

**“Advocacy and Knowledge that Solves our Industry’s Problems & Builds Connecticut’s Economy”**

- ◆ [SB 1006, PA 13-279](#), Creates more regulatory accountability by requiring state agency staff to disclose the source of their statutory and regulatory authority for permitting, enforcement and other business and land use requirements or restrictions. It is intended to prevent “rogue” agency staff from regulating businesses and landowners without specific statutory authority. (HBRA support; effective October 1, 2013).
- ◆ [Sen. Joint Resolution No. 58](#), A resolution by the legislature adopting the [2013-2018 State Plan of Conservation & Development \(POCD\)](#), specifically referencing an endorsement cover letter attached to the POCD that restricts state agencies from making funding and permit decisions that rely solely on the locational guide map that is in the POCD. In the past, decisions based solely on the map by some state agencies, particularly the Dept. of Energy & Environmental Protection, have stopped economic and housing development projects for no legitimate reason (HBRA support; effective Oct.1, 2013).
- ◆ [SB 963, PA 13-257](#), Extends the expiration dates of approvals for on-site sewage disposal systems with design flows of less than 5K gallons per day to match the 2011 permit extension legislation (i.e., PA 11-5, an HBRA initiative that year). It affects those approvals obtained prior to July 1, 2011, and which have not yet expired on the effective date of this legislation, and since most septic systems have one-year expiration dates, the practical impact is to extend permits for only small alternative treatment systems. The intent is to give extra time to developers to build out under the continuing difficult CT economy (HBRA support; effective upon passage – the date the Governor signs the bill).
- ◆ [HB 5149, Special Act 13-18](#), requires the Dept. of Consumer Protection to study the feasibility of changing the registration of home improvement contractors (HICs) to a program that tests and licenses HICs, and report back to the legislature by July 1, 2014 (i.e. after the next legislative session). We opposed the original bill that required HIC licensing due to problems identifying who to test (registered HICs are often companies, not individuals), what to test (there are almost 30,000 HICs in the state from painters and landscapers to whole addition general contractors with a wide variety of educational needs), and the failure to identify the specific problems in the industry that would be addressed by testing and licensing (e.g., how would workmanship issues, the most frequent consumer complaint, be addressed by testing and licensing?). (HBRA welcomes the study; effective July 1, 2013).
- ◆ [HB 6360, PA 13-298](#), A massive bill with 67 sections that implements the Governor’s Comprehensive Energy Strategy (CES). The bill impacts many areas of energy production, distribution and efficiency ([see the legislature’s bill analysis online](#)). The HBRACT commented on the draft CES last fall ([see our comments online](#)). The final legislation does not include provisions requiring energy benchmarking and consumption disclosure in the private sector. (HBRA tracked; effective upon passage, with some exceptions).
- ◆ [HB 6451, PA 13-288](#), Requires employers that become subject to the state’s unemployment law to electronically notify the labor commissioner within 30 days after becoming subject to the law (it includes employers who acquire other businesses and its employees). Establishes a \$50 penalty per violation of the notice requirement. The new law also establishes a \$25 penalty for employers that fail to submit their required quarterly wage reports under a proper state UC registration number. See related bill HB 6452. (HBRA tracked; effective October 1, 2013).
- ◆ [HB 6452, PA 13-141](#), Requires all employers subject to the state’s unemployment law to electronically file their quarterly wage reports unless they obtain an annual waiver, based on undue hardship, from the labor department. See related HB 6451. (HBRA tracked; effective October 1, 2013).
- ◆ [HB 6453, PA 13-43](#), Changes foamed-in-place insulation material definition to allow tri-polomer material to be used in Connecticut. (HBRA support; effective May 28, 2013).
- ◆ [HB 6481, PA 13-9](#), Amends sec 8-13a of the statutes to extend the protection applicable to nonconforming buildings to nonconforming structures – a response to CT Sp Ct case of [Tine v. Lebanon](#) (2013), which ruled a deck attached to a building did not fall within the statute’s protection. (HBRA tracked, effective May 20, 2013).

- ◆ [HB 6524, PA 13-146](#), Adds three members to the state's Codes and Standards Committee (CSC), which writes the State Building Code, expanding the CSC from 18 to 21 members. These new members, from the licensed trades (electrical work, plumbing work, and heating/AC work), can be union or nonunion representatives. The idea in the original bill – to codify a six-year building code adoption cycle – was not pursued by agreement among the HBRAC, trades groups, the Dept. of Construction Services and the Governor's office. The bargain was that alternative legislation to require the automatic adoption of the NEC (Nat'l Electrical Code) every three years would also not be pursued. However, while not part of the agreement, an amendment struck all the original language and added the three members to CSC. The Dept. and the Governor's office worked against the amended bill, but it passed nonetheless. (effective October 1, 2013, ... if the Governor signs it).
- ◆ [HB 6651, PA 13-308](#), Another massive bill with 37 sections, makes significant changes to the state's brownfields (contaminated property) program. Various brownfield funds are consolidated into an account managed by DECD (Dept of Economic & Community Development), new liability relief measures are adopted, and it modifies when a property owner must notify DEEP (Dept. of Energy & Environmental Protection) concerning certain contamination close to sensitive populations. The HBRA tracked this bill since we opposed provisions in SB 1082, another brownfields bill, which died. (effective on various dates).
- ◆ [HB 6653, PA 13-209](#), The bill makes many, although minor, favorable and agency cost saving changes to various environmental laws. We strongly opposed one section in the original bill – our top opposition priority on our Day at the Capitol – that would have essentially put DEEP in charge of local WPCAs (water pollution control authorities). That section was removed by the Planning & Development Committee and no amendment was filed to put it back in. (HBRAC supports final bill; effective October 1, 2013).

#### **BILLS THAT DIED**

*(A sampling, to give the reader a flavor of what the HBRAC must tackle in legislative session):*

- ◆ **Many bills** (over 30) would have repealed or restricted use of 8-30g, Affordable Housing Appeals Act applications (**HBRA opposed all these bills**);
- ◆ **SB 54**, Would have required private employers who have employees on state welfare to allow such employees to participate in a new state-run retirement savings system, creating paperwork burdens on employers and, eventually, possible contributions to the system. CT would have been the first state to adopt this system (**HBRA opposed, joining a large coalition of business interests against the bill**);
- ◆ **SB 319**, Would have prevented mandatory alternative dispute resolution clauses in home improvement and new home construction contracts from being enforced against consumers (**HBRA opposed**);
- ◆ **SB 344**, Would have prohibited independent contractor classification if worker paid hourly, is provided tools or is supervised, a "solution" to the worker misclassification issue that is not workable for the construction industry (**HBRA opposed**);
- ◆ **SB 352**, Would have transferred jurisdiction over septic systems from health districts to WPCAs (**HBRA opposed**);
- ◆ **SB 598**, Would have eliminated the real estate conveyance tax portion payable to the state (**HBRA supported**);
- ◆ **SB 926**, Would have increased penalties on employers due to false or misleading wage and hour declarations, i.e., worker misclassification; Senate leadership filed amendment to make penalties even higher (**HBRA opposed**);
- ◆ **SB 1007**, Would have added minor improvements to CT's paid sick leave law adopted in 2012 (**HBRA supported**);
- ◆ **SB 1075**, Would have created unworkable mandates for construction firms of all sizes to report all non-wage payments over \$600/yr to DRS (**similar to the federal 1099 form**) but without a corporate

exemption and including payments for just materials and equipment. Intended to track all flows of money in the construction industry to address worker misclassification issues, but this bill doesn't address the real issue, i.e., the difficulty of the Labor Dept's one-size, fits-all ABC Test (**HBRA strongly opposed**);

- ◆ **SB 1082**, A high priority for DEEP, would have greatly lowered the standards by which property is designated a "significant environmental hazard" against the advice of brownfield experts, municipalities and the business community (**HBRA opposed; see HB 6651 that did pass**);
- ◆ **HB 5019**, Would have created a first time home buyer tax credit; We provided NAHB data to backup positive effects on home buying activity to Commerce Committee leadership (**HBRA supported**);
- ◆ **HB 5135**, Would have authorized impact fees on affordable housing (**HBRA opposed**);
- ◆ **HB 5144**, Would have eliminated the exemption from regulatory and permitting requirements for water supply system distribution mains (**HBRA opposed**);
- ◆ **HB 5242**, Would have expanded the fee in-lieu-of open space program to allow payments by developers to municipalities so municipalities can build sidewalks elsewhere in the municipality, i.e., essentially authorized extortion (**HBRA opposed**);
- ◆ **HB 5682**, Would have established a new dual priority for mechanics liens, with higher priority for those filing a Notice of Commencement of Work with town clerks (**HBRA opposed**);
- ◆ **HB 6301**, Would have required that CT adopt every version of Nat'l Electrical Code (NEC) (**HBRA opposed**);
- ◆ **HB 6577**, Would have attempted to capture the value of home construction contracts on lots already transferred to a buyer for conveyance tax purposes (**HBRA opposed**).

The HBRA of CT addressed many other bills than noted above. We tracked almost 200 that would have some impact on the diverse land development, home building and remodeling industries. And we worked on some adverse proposals to keep them from being introduced or being scheduled for a public hearing (effectively killing a bill). All our testimony is noted on our web site. Go to [www.hbact.org](http://www.hbact.org), click on "2013 State Legislative Session" under the Government Affairs menu.

**Most importantly**, members should welcome the opportunity to get involved and get to know their state legislators. They WILL make better decisions when they get to know YOU. Each HBRA member has a state Representative who serves in the 151-member State House, and a state Senator who serves in the 36-member State Senate. **Get involved in politics, too.** Support the candidates you think will best represent your interests in Hartford – through money and your time. Simply ask your candidate how you can help. And then vote and get your family, work colleagues and friends to vote. **Good policy starts with politics, and politics starts with you.**

Please do not hesitate to contact Bill Ethier, CEO for the HBRA of CT at [bethier@hbact.org](mailto:bethier@hbact.org) or 860-216-5858 with any questions or comments about our advocacy work.