I have reviewed HB 8002 in its enacted form and affirm that its enforcement now may constitute violations of the following Constitutional protections.

## VIOLATIONS OF THE NATIONAL CONSTITUTION FOR THE UNITED STATES OF AMERICA (1787) AND THE BILL OF RIGHTS (1791):

The following national Constitutional protections are binding upon all public officials of the State of Connecticut, including municipal authorities, under the national Constitution's Supremacy Clause and the incorporation doctrine. No state statute, ordinance, administrative rule, or institutional policy may lawfully supersede or diminish the rights protected herein. Moreover, any such statute, ordinance, etc., that is "repugnant to the Constitution is void, and that courts, as well as other departments, are bound by that instrument." *Marbury v. Madison* (1803).

a. First Amendment — freedom of speech, association, assembly, and petition
HB 8002 cannot be enforced in any manner that restricts the People's ability to speak publicly, peaceably assemble, express dissent, petition government for redress, or organize opposition to state-directed housing initiatives. Suppression, retaliation, or penalization for speech are not Constitutionally authorized and are therefore prohibited.

b. Fourth Amendment — security of persons, houses, papers, and effects
Nothing in the implementation or administration of this Public Act 25-1, also known as HB8002, or any similar state or regional program, shall be construed to authorize entry onto private property, inspection, data collection, mapping, monitoring, or surveillance without lawful process or the property owner's voluntary consent. All homes, lands, and effects remain protected against unreasonable searches and seizures consistent with the Fourth Amendment to the national Constitution and applicable law.

c. Fifth Amendment — due process and just compensation for takings.
Regulatory takings remain takings under the Constitution. No redirection of land use, appropriation of property value, or imposition of land-use burdens may occur without due process of law and just compensation, regardless of whether such burdens arise from administrative action or legislative enactment.

In *Sheetz v. County of El Dorado* (2024), the United States Supreme Court unanimously reaffirmed that the Takings Clause applies with full force to **legislative acts**, and that governments may not evade constitutional scrutiny by imposing land-use exactions or development conditions through generally applicable statutes rather than individualized permit decisions. A legislative act cannot compel property owners or municipalities to absorb uncompensated land-use burdens for public objectives merely by labeling them as zoning requirements, density standards, or statewide development policy.

Although HB 8002 does not on its face mandate rezoning, development, or property dedication, **any implementation or enforcement of the Act that imposes conditions of municipal**

**participation, regulatory approval, or funding eligibility on the acceptance of uncompensated land-use impacts, density obligations, or coerced land-use changes would be an unconstitutional taking as applied**, therefore requiring just compensation under the Fifth Amendment.

Accordingly, any application of a statute — including HB 8002 — that forces municipalities or inhabitants to bear uncompensated land-use obligations would be constitutionally defective and void as applied.

Sixth Amendment — right to confront and respond in legal controversy
Where any enforcement action, designation, penalty, or administrative determination is applied under HB 8002, affected parties must be permitted full opportunity to confront adverse claims, present evidence, and respond in a lawful forum.

e. Seventh Amendment — right to trial by jury
Property and land-use disputes arising under HB 8002 must allow trial by jury upon demand. Administrative adjudication cannot lawfully substitute for judicial process or deny due process under the Constitutions.

f. Ninth Amendment — reservation of unenumerated rights
The inherent rights of the People and the reserved powers of the towns are antecedent to government and cannot lawfully be diminished by statutory construction. Because statutes regulate privileges and not rights, no legislative act — including HB 8002 — may convert, redefine, abridge, or condition those inherent rights under color of law, regardless of whether they are enumerated in any statute.

g. Tenth Amendment — powers reserved to the People and the several states
Authority not delegated to the United States by the Constitution, nor prohibited by it to the States, is reserved to the States respectively, or to the people — including local self-governance over land use. HB 8002 may not be interpreted or enforced to eliminate municipal jurisdiction or subordinate local authority to centralized directive.

These Constitutional guarantees protect living men and women in their private capacities and cannot be displaced, limited, or reinterpreted by statute, regulatory guidance, administrative rule-making, or agency directive. No public policy supersedes Constitutional rights.

## VIOLATIONS OF THE CONNECTICUT CONSTITUTION

The following provisions of the Connecticut Constitution are binding and set limitations upon all state and municipal actors. No statute, including HB 8002, may supersede, infringe, or impair the Constitutional guarantees set forth in Article First and Article Tenth of the Connecticut Constitution of 1818. Any enforcement action, mandate, or policy contrary to these protections is ultra vires, legally null, and void of lawful authority.

Article Tenth of the Connecticut Constitution of 1818 mandates that all municipal powers shall be construed broadly in favor of the municipality. Towns — not the State — hold authority over local land use and zoning.

Article First of the Connecticut Constitution of 1818 — including Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, and 20, collectively secures the inherent rights of the people, protect property, guarantee due process, preserve local autonomy, and prohibit the creation of privileged legal classes.

§ 2 – All political power is inherent in the people.
HB 8002, if enacted contrary to the will and without the informed choice and consent of the people of Connecticut, will infringe upon the inherent sovereignty vested in the people as the source of governmental authority. Political power originates with the people and is delegated to government only conditionally; when government imposes mandates that override the expressed will and rights of the people, it acts ultra vires — beyond its legitimate authority.

§ 3 – No law shall be enacted to grant privileges or immunities to a class of entities.
HB 8002, **in its operation and effect**, creates preferential treatment and confers practical advantages upon certain entities, including housing authorities, developers, corporate contractors, and regional or state-affiliated planning bodies, while diminishing the participatory authority and standing of the People dwelling upon the land and of local municipal governments acting on their behalf.

Although HB 8002 does not explicitly declare such entities to be privileged on the face of the statute, its application will establish planning, inventory, and compliance frameworks that functionally elevate these entities by granting them **disproportionate influence, procedural access, and economic benefit** within the housing implementation process, while constraining the discretion of municipalities and the People.

By structuring housing policy in a manner that favors institutional and corporate actors and channels public authority through non-elected or quasi-governmental bodies, the Act legalizes the risk of creating **de facto classes of preferred beneficiaries**. This would be contrary to the equal protection guarantees of the national Connecticut Constitutions, which prohibit the creation of special privileges, immunities, or favored legal classes not equally available to the People.

§ 4 – Every man and woman may freely speak, write, and publish on all subjects.
State-directed and compelled housing mandates cannot lawfully be accompanied by procedural censorship or suppression of grassroots opposition. The People's right to openly and publicly oppose such policies is absolute and cannot be subordinated to administrative agencies, convenience or political agendas. Public policy cannot be contingent upon compelled silence.

§ 5 – Freedom of speech and press shall not be restrained.
No administrative or regulatory process connected with HB 8002 may impose gag orders, confidentiality directives, or restrictions on publication, comment, or reporting by the People, by inhabitants of the town, by private men and women, by town officials acting in their fiduciary

capacity, or by media representatives. Any attempt to limit public dissemination of information, documentation, or criticism regarding compelled housing mandates or related proceedings may constitute impermissible restraint on speech and press in violation of § 5. Freedom of speech is not merely the absence of censorship, but also the absence of retaliation for exercising the freedom of speech. Therefore, any penalization of officials, inhabitants, private persons, or whistleblowers who speak publicly about HB 8002 would be unconstitutional if applied.

§ 6 – Right of people to assemble and petition for redress.
Any enforcement or implementation of HB 8002 that restricts, chills, or impedes public assembly, organized peaceful protest, collective action, or community petitioning the housing placement or zoning decisions will violate § 6. The people retain the unqualified right to gather peaceably, to express opposition, and to formally petition their government for redress of grievances without interference, obstruction, or administrative penalty.

§ 7 – Inviolability of personal property, papers, and possessions.
Any compulsory home inspections, administrative searches, GIS surveying, spatial data mapping, document demands, data collection, or unconsented access to private property arising from HB 8002 or associated enforcement mechanisms constitute violations of § 7. The Constitution protects individuals against unauthorized governmental intrusion into their homes, land, and personal effects; no administrative body may compel entry, inspection, data acquisition, mapping, or seizure without due process and explicit, individualized, and informed choice. Data extraction from private property — whether physical, photographic, remote-sensing, or geospatial — triggers Constitutional protection and cannot be executed without individualized due process.

§ 8 – Due process required in all prosecutions and property matters.
Any enforcement action, mandate, penalty, or property-related directive arising from HB 8002 that is imposed without full judicial due process — including notice, opportunity to be heard, evidentiary review, and the right to appeal — would constitute a violation of § 8. Administrative or executive actions cannot replace or bypass judicial process, nor may the state penalize individuals or municipalities without lawful and Constitutional adjudication before a competent court.

§ 9 – Protection against coercive penalties and governmental overreach.
The enforcement of HB 8002 will be construed to be unconstitutional commandeering *as applied*, insofar as it requires municipalities to participate in, administer, or conform to a state-directed housing planning and land-inventory framework that foreseeably compels local governments—under threat of withheld funding, administrative override, or coercive incentive—to implement policies contrary to the will, interests, or consent of the People dwelling upon the land.

Although HB 8002 does not on its face mandate rezoning or compel approval of specific development projects, if implemented, it will establish inventory, reporting, and planning mechanisms that operate as **regulatory leverage**, effectively conditioning municipal decision-making and exposing towns to legal, financial, or administrative consequences for non-alignment with centralized housing objectives.

Local zoning authority and land-use decisions are reserved to the People of each municipality under the Connecticut Constitution and the Home Rule Act and may not be displaced through indirect coercion, conditional compliance regimes, or state-directed planning mandates administered through regional planning bodies, housing councils, or non-elected external entities.

The zoning powers of municipalities derive from the consent of their local inhabitants — private men and women — and cannot be subordinated to centralized command, regulatory pressure, or compelled administrative participation that functions to override local self-governance in practice, even where such compulsion is not explicit on the face of the statute.

Administrative Delegation and Separation of Powers Concern:
This notice is provided so that executive oversight may ensure that statutory implementation remains confined to constitutionally permissible execution of law and does not devolve into policy formation by administrative or external actors outside the legislative process.

Article First, § 10 of the Connecticut Constitution guarantees that every person shall have a remedy by due course of law for injury done to person or property. This provision constrains legislative action and prohibits statutes, **as applied**, from denying meaningful judicial recourse, restricting standing, or rendering remedies illusory by insulating governmental or quasi-governmental actors from accountability. Any application of HB 8002 that directly or indirectly forecloses access to the courts or deprives injured parties an effective remedy would implicate this constitutional guarantee and require judicial review.

While HB 8002 does not explicitly bar access to the courts, **it establishes statewide determinations, classifications, and land inventories that may be invoked in judicial proceedings to foreclose factual disputes**, thereby increasing the risk that municipalities, inhabitants, landholders, or property stewards are deprived of a meaningful opportunity to be heard through accelerated or summary judicial dispositions.

Any statutory scheme that operates to predetermine factual conclusions, shift evidentiary burdens, or substitute centralized planning determinations for case-specific judicial inquiry, undermines the constitutional guarantee of a full and fair hearing. Judicial remedy must remain real and effective, not procedural in name only.

No statute may lawfully shield housing authorities, developers, contractors, regional planning bodies, or administrative agencies from judicial review or accountability when their actions result in injury to property, diminution of value, unlawful tax burden shifting, or other concrete harms. The legislature possesses no authority to create protected classes of actors immune from challenge, nor to deny access to remedy on coerced compliance with state-directed planning objectives.

Such injuries include, but are not limited to, **unlawful tax burden shifting arising from development incentive structures**, where existing property owners are compelled to absorb increased mill rates or assessments as a result of preferential treatment granted to favored projects.

Accordingly, **any application of HB 8002 that operates to deny timely, effective judicial relief—whether by foreclosing evidentiary disputes, constraining standing, or pressuring courts toward summary disposition—would violate Article First, § 10 of the Connecticut Constitution and thus be unconstitutional if applied.**

§ 11 – Right to trial by jury preserved.
Any civil enforcement action, penalty, fine, or adjudicative dispute arising from the application or enforcement of HB 8002 that affects property rights, land-use determinations, tax obligations, or municipal authority must preserve the right to trial by jury in a court of competent and lawful jurisdiction upon request. Administrative tribunals or regulatory bodies may not displace the judiciary nor deny individuals with property interests, trustees, taxpayers, or municipalities the right to have contested factual matters heard before a jury of their peers.

The constitutional guarantee of trial by jury protects private men and women dwelling upon the land, as well as towns acting in their governmental capacity, from unilateral administrative determinations and from the substitution of agency adjudication for judicial process. This fundamental safeguard ensures that disputes affecting property, land use, and civil liability are resolved according to community standards and constitutional process, and may not be waived, abridged, or eliminated by administrative design or regulatory delegation.

§ 12 – No retroactive law or bill of attainder shall be passed.
If HB 8002 or its enforcement applies new zoning mandates, density allowances, or housing compliance obligations retroactively to pre-existing property owners, established neighborhoods, or historically zoned districts, such application would violate § 12. Property owners cannot be penalized or disadvantaged for conditions, usages, or lawful configurations that existed prior to the enactment of this statute.

§ 13 – No person shall be attainted or exiled.
Expulsions, dispossessions, or compelled relocations resulting from administrative or executive action — without individualized judicial process or adjudication — would constitute constructive exile, prohibited under Article First, § 13 of the Connecticut Constitution. Where the government exercises coercive power over a living man or woman's claim to home, land, or property status without judicial review or due process, such action is incompatible with fundamental Constitutional guarantees. Government has no lawful authority to relocate peaceful inhabitants of private property except through judicial due process by verdict lawfully rendered in a competent court of law and by trial by jury of their peers.

§ 16 – Eminent domain must be for public use and with just compensation.
The State may not designate parcels of publicly-owned land within municipal boundaries for development in a manner that excludes or overrides the participation of the municipality or its inhabitants. State land is held in trust for the people of Connecticut and cannot be used as a mechanism to bypass local zoning, ignore community standards, or facilitate private development interests without public consent.

The State holds public land only as a steward and cannot appropriate or utilize such land for central planning or high-density developments in defiance of the local community whose territory surrounds it. Public land cannot be used as a platform for imposing housing density against local objection.

If the State wants housing, it should build it first on State-owned land in Hartford and New Haven — not on borrowed pieces of Easton, Brookfield, or Woodstock, etc.

§ 17 – No hereditary privileges or honors.
HB 8002 must not be administered in a manner that grants ongoing preferential treatment, exclusive contracting opportunities, or de facto privileged status to specific developers, corporate entities, NGOs (Non-Governmental Organizations), planning authorities, or any other entities. The national and Connecticut Constitutions forbid the creation of enduring classes of favored beneficiaries who receive ongoing economic advantage, access, or priority in public development without equal opportunity for all inhabitants and municipalities.

If zoning authority and development rights become concentrated in recurring private hands, this establishes a new economic nobility, contrary to § 17's mandate that no special class of entities be elevated above the People dwelling upon the land.

§ 18 – Equal protection under the law.
HB 8002 cannot lawfully create unequal legal or financial treatment between private developers and the People dwelling upon the land. The bill enables select developers to obtain preferential tax arrangements such as PILOT ("Payment in Lieu of Taxes"), as well as additional state-funded subsidies, abatements, and incentive programs that may cover up to 75% of their development costs. Meanwhile, private men and women, landholders, and inhabitants of the town face increasing mill rates, service fees, and infrastructure taxation to support the resulting unlawful expansion. As already stated, equal protection of the law forbids granting a privileged financial class of corporate beneficiaries while imposing disproportionate burdens on local property holders and the People of the town.

A law that transfers public wealth upward to private development interests while extracting additional revenue from private men and women is financial discrimination and would violate the foundational principle of equal protection.

§ 19 – Right to justice without sale, denial, or delay.
Any enforcement or appeals mechanism under HB 8002 that forces the People to navigate administrative tribunals, regional boards, or bureaucratic review prior to accessing the judicial system leads to an unconstitutional delay or denial of justice under § 19. Justice must not be made contingent upon administrative exhaustion, financial capacity, or procedural obstruction. The People dwelling upon the land retain the right to timely judicial recourse without being forced into prolonged administrative dependency.

§ 20 – Equal protection extended to race, religion, sex, and physical ability.
HB 8002 must not be enforced in a manner that creates disparate impact upon individuals or communities based on race, religion, sex, age, disability, or other protected classifications. If the law's implementation results in discriminatory treatment — either by imposition of burdens or selective availability of benefits — such outcomes violate the equal protection guarantees of § 20.

Policies that disproportionately displace low-income families, seniors on fixed incomes, or disabled individuals, or that reshape community demographics through indirect coercion or economic displacement, violate the spirit and letter of § 20.

> Article Tenth of the Connecticut Constitution, supported by the specific provisions of Article First as cited herein (including §§ 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, and 20), affirms that municipalities retain sovereign authority over local land use and zoning within their borders.

In *Sheetz v. County of El Dorado* (2024), the United States Supreme Court unanimously reaffirmed that the Takings Clause applies with full force to **legislative enactments**, not only to discretionary or administrative permit decisions. The Court held that government may not impose **land-use exactions or development conditions** through generally applicable legislation in order to evade constitutional scrutiny under the Fifth Amendment. A taking does not cease to be a taking merely because it is imposed by statute rather than by individualized administrative action.

While HB 8002 does not on its face impose permit exactions or require dedications of property, it establishes a statewide land-use inventory and planning framework that, **if applied to compel municipalities or inhabitants to accept uncompensated land-use burdens, density obligations, or coerced rezoning as a condition of compliance**, would implicate the Takings Clause as articulated in *Sheetz*.

Accordingly, to the extent HB 8002 is implemented or enforced in a manner that conditions municipal participation, funding eligibility, or regulatory approval on the acceptance of uncompensated land-use impacts or development burdens, such application would represent an unconstitutional taking requiring just compensation and would be void **as applied**.

## OBLIGATION OF PUBLIC OFFICIALS TO THE CONSTITUTION

Under Article Ninth of the Connecticut Constitution (1818), all executive and judicial officers are subject to impeachment for breach of the duties of their office. When an officer enforces a statute that would be unconstitutional if applied, such enforcement may constitute misconduct in office because an unconstitutional act **"is absolutely void"** (*Vanhorne's Lessee v. Dorrance*, 2 U.S. 304 (1795)) and because any law "repugnant to the Constitution is void" (*Marbury v. Madison*, 5 U.S. 137 (1803)).

The U.S. Supreme Court has repeatedly held that an unconstitutional act **"confers no rights; it imposes no duties; it affords no protection"** (*Norton v. Shelby County*, 118 U.S. 425 (1886)).

Therefore, the enforcement of such an act by any public official is **ultra vires, void ab initio, outside the scope of lawful authority, and contrary to the officer's constitutional oath**.

Because **"no state legislator or executive or judicial officer can war against the Constitution and remain within the law"** (*Cooper v. Aaron*, 358 U.S. 1 (1958)), any officer who attempts to enforce an unconstitutional mandate act without lawful authority, without jurisdiction, and without the protections of any immunity.