PA10-139

SB302

House	5445-5448, 5497-5499	7
Housing	64, 66, 70-72, 113, 114, 231	8
Planning & Dev.	219-236, 261-265	23
Senate	2976, 3181-3182, 4104, 4124-4127	8
		46

H – 1089

CONNECTICUT
GENERAL ASSEMBLY
HOUSE

PROCEEDINGS
2010

VOL.53
PART 17
5315 – 5590

THE CLERK:

On page 28, Calendar 507, substitute for Senate Bill Number 302, AN ACT CONCERNING STATE FUNDING OF AFFORDABLE HOUSING LOCATED IN FIVE HUNDRED YEAR OLD FLOOD PLAINS, favorable reported, the Committee on Commerce.

DEPUTY SPEAKER GODFREY:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker. Mr. Speaker, I move for acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER GODFREY:

Question is on passage.

Representative Gentile.

REP. GENTILE (104th):

I'm sorry.

Mr. Speaker, the Clerk is in possession of LCO 5497. I ask that he call it and I be allowed to summarize.

DEPUTY SPEAKER GODFREY:

Mr. Clerk, please call LCO 4597, which will be designated House Amendment Schedule "A."

THE CLERK:

LCO Number 5497, House "A," offered by Representatives Sharkey, Roldan, et al.

DEPUTY SPEAKER GODFREY:

The gentlewoman would like leave to summarize. Is there any objection? Hearing none, Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker. Mr. Speaker, this is a strike all amendment. And basically what the amendment will do is it is a representation of negotiated language agreed upon with DEP, DECD, and housing advocates. And it gives all of them a level of comfort to maintain agency regulations and standards and protection and safety, and allows access to a potential federal pool of money of between 30 to 40 million dollars for economic development. I urge adoption.

DEPUTY SPEAKER GODFREY:

Question is on adoption. Will you remark?

Representative Miller, would you care to remark on House A?

Representative Miller, yes or no?

REP. L. MILLER (122nd):

Yes. Thank you, Mr. Speaker. I've got to get up and speak in favor of the amendment and caution the people that are sponsoring it to make sure that the elevation of these properties are at the right elevation because there is -- a five hundred year flood is nothing to sneeze at.

DEPUTY SPEAKER GODFREY:

Not enough sandbags. Thank you, ma'am -- Mr. Miller.

Will you remark further on House Amendment Schedule "A?"

Now let me try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, nay. The ayes have it. The amendment is adopted. Will you remark further on the bill as amended? Representative Gentile.

REP. GENTILE (104th):

No, Mr. Speaker, the adoption -- the amendment becomes the bill. I move for passage.

Mr. Speaker. I move for consent.

DEPUTY SPEAKER GODFREY:

Without objection, this item is moved to the consent calendar.

Mr. Clerk, 487.

THE CLERK:

On page 26, Calendar -- nope, not on page 26. It is on page 25, Calendar 487, Senate Bill Number 250, AN ACT CONCERNING ANATOMICAL GIFTS, favorable reporting, Committee on Judiciary.

DEPUTY SPEAKER GODFREY:

Representative Heinrich.

REP. HEINRICH (101st):

Thank you, Mr. Speaker. Mr. Speaker, I move acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER GODFREY:

The question is on passage and concurrence.

Representative Heinrich.

REP. HEINRICH (101st):

Thank you, Mr. Speaker. This bill is an important update to Connecticut's Uniform Anatomical Gift Act.

The Clerk is in possession of an amendment, LCO 4847, previously designated as Senate Amendment "A."

Representative Roy.

REP. ROY (119th):

Mr. Speaker, without objection, can I move this to consent?

DEPUTY SPEAKER GODFREY:

Without objection, this item is moved to the consent calendar.

Ladies and gentlemen, I'm going to call on Representative Olson to call today's consent calendar.

Representative Olson.

REP. OLSON (46th):

Thank you, Mr. Speaker. We are about to vote on today's lengthy consent calendar. The items we have moved to consent are:

Calendar Numbers 499, 487, 180, 507, 430, 396, 535, 497, 522, 517, 510, 155, 466 and 489. Thank you, Mr. Speaker.

SB108 SB302
SB250 HB5398
SB153 SB175
SB412 SB428
SB121 SB427
SB370 HB5420
SB354 SB272

DEPUTY SPEAKER GODFREY:

Thank you, madam. And as soon as we get this up on the board.

Representative Olson.

REP. OLSON (46th):

Thank you, Mr. Speaker. Actually, we have already voted on item 430. I want to thank

Representative Hamzy for being so diligent and watching the calendar. I make a motion to remove Item 4370 from the consent calendar. Thank you, Mr. Speaker. 86163

DEPUTY SPEAKER GODFREY:

I believe we have corrected the error.

As you can see, the consent calendar is on the board. Representative Olson has moved passage of the bills on the consent calendar.

Staff and guests, please come to the well of the house. Members, take your seats, the machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting today's consent calendar by roll call. Members to the Chamber.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board and make sure your votes were properly cast. If all the members have voted, the machine will be locked. Clerk, please announce the tally. Clerk, please announce the tally.

THE CLERK:

On today's consent calendar.

Total Number Voting	150
Necessary for Adoption	76
Those voting Yea	150
Those voting Nay	0
Those absent and not voting	1

SPEAKER DONOVAN:

The consent calendar passes.

Representative Olson.

REP. OLSON (46th):

Thank you, Mr. Speaker. I move to -- I move for the immediate transmission of all times acted upon that require further action in the Senate. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Motion for immediate transmittal to the Senate of all items acted upon needing further action. Any objection? Hearing none, the bills and items are immediately transmitted.

Will the Clerk please call Calendar 430 --

Will the Clerk please call Calendar 422.

THE CLERK:

On page 19, Calendar 422, Senate Bill Number 430,

S – 607

CONNECTICUT
GENERAL ASSEMBLY
SENATE

PROCEEDINGS
2010

VOL. 53
PART 10
2913 – 3250

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 23, Calendar 541, House Bill 5241, move to place that item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 32, Calendar 218, Senate Bill 302, move to place the item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Calendar page 33, Calendar 231, Senate Bill 292, move to place the item on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

THE CHAIR:

Excuse me sir there is an objection on the floor.

Senator Musto you have an objection on Calendar 231?

Could you please use your microphone sir?

calendar page 32, Calendar 218, Substitute for Senate Bill 302; Calendar 223, Substitute for Senate Bill 380; Calendar 230, Senate Bill 283; calendar page 33, Calendar 235, Substitute for Senate Bill 216; calendar page 34, Calendar 258, Substitute for Senate Bill 274; calendar page 35, Calendar 316, Substitute for Senate Bill 278; calendar page 36, Calendar 318, Substitute for Senate Bill 418 and calendar page 40, Calendar 546, Senate Resolution Number 17.

Mr. President, I believe that completes the items placed on the Consent Calendar.

THE CHAIR:

The machine is open on the Consent Calendar.

THE CLERK:

The Senate is voting by roll call on the Consent Calendar. Will all senators please return to the chamber? The Senate is voting by roll on the Consent Calendar. Will all senators please return to the chamber?

THE CHAIR:

Senators please check the board to make certain that your vote is properly recorded. If all Senators have voted and all Senators votes are properly recorded, the machine will be locked

and the Clerk may take a tally.

THE CLERK:

Motion is on passage of Consent Calendar Number 1.

Total Number Voting	35
Those Voting Yea	35
Those Voting Nay	0
Those Absent, Not Voting	1

THE CHAIR:

Consent Calendar 1 is adopted.

Senator Looney.

SENATOR LOONEY:

Yes thank you, Mr. President.

Mr. President, I would yield the floor to any members for announcements or points of personal privilege.

THE CHAIR:

Are there announcements or points of personal privilege? Are there announcements or points of personal privilege?

Seeing none, Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

S – 610

CONNECTICUT
GENERAL ASSEMBLY
SENATE

PROCEEDINGS
2010

VOL. 53
PART 13
3842 – 4128

Mr. President, also, Substitute Senate Bill Number 302, move to place the item on the consent calendar.

THE CHAIR:

Motion on the floor to place this item on consent. Seeing no objection, so ordered.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Moving back, Mr. President, to -- Senate Agenda Number 4, previously adopted, move for suspension to take up an item on Senate Agenda Number 4 for purposes of placing it on the consent calendar.

THE CHAIR:

Without objection, sir?

Please proceed.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Mr. President, under -- on Senate Agenda Number 4 under Disagreeing Actions, Substitute Senate Bill Number 201. I move to place this item on the consent calendar.

THE CHAIR:

Motion on the floor to place item on the consent calendar. Without objection, so ordered.

SENATOR LOONEY:

Yes, thank you, Mr. President.

Calling from Agenda Number 4, Substitute for Senate Bill 201.

Senate Agenda Number 8, Substitute for House Bill 5398, Substitute for House -- Senate Bill 175, Substitute for Senate Bill 302.

Returning to the calendar -- beginning on calendar page 5, Calendar Number 315, House Bill 5264.

Calendar page 6, Calendar 378, Substitute for or -- correction -- House Bill 5197.

Calendar page 8, Calendar -- correction, returning back to page 5, Calendar 295, Substitute for House Bill 5114 -- correction, not Calendar 295, it's Calendar 294, House Bill 5391.

Returning to calendar page 6, Calendar Number 378, House Bill 5197.

Calendar page 8, Calendar Number 440, Substitute for House Bill 5113. Calendar page 441 -- Calendar 441, Substitute for House Bill 5109.

Calendar page 9, Calendar 444, House Bill 5500.

Calendar 5 -- 41 --

Calendar page 9, Calendar 444, House Bill 5500; Calendar 4555, House Bill 5202; Calendar 445, House Bill 5392; Calendar 450, House Bill 5529.

Calendar page 10, Calendar 461, House Bill 5207; Calendar 483, House Bill 5244.

Calendar 484, on page 11, House Bill 5383; Calendar 487, House Bill 5220; Calendar 488, House Bill 5297; Calendar 490, 5425 -- House; Calendar 496, House Bill 5497; Calendar 509, House Bill 5126.

Calendar page 14, Calendar 511, House Bill 5527; Calendar 514, House Bill 5426; Calendar 516, House Bill 5393.

Calendar page 15, Calendar 520, House Bill 5336; Calendar 521, House Bill 5424; Calendar 523, House Bill 5223; Calendar 525, House Bill 5255.

Calendar page 16, Calendar 531, House Bill 5004.

Calendar page 17, Calendar 533, House Bill 5436; Calendar 540, House Bill 5494; Calendar 543, House Bill 5399.

Calendar page 18, Calendar 544, House Bill 5434; Calendar 547, House Bill 5196; Calendar 548, House Bill 5533; Calendar 549, House Bill 5387; Calendar 550, House Bill 5471; Calendar 551, House Bill 5413; Calendar 552, House Bill 5163; Calendar 553, House Bill 5159.

Calendar page 19, Calendar 554, House Bill 5164.

Calendar page 20, Calendar 556, House Bill 5498; Calendar 557, House Bill 5270; 559, House Bill 5407; 562, House Bill 5253; and House Bill -- Calendar 563, House Bill 5340; Calendar 567, House Bill 5371; and Calendar 573, House Bill 5371.

Mr. President, I believe that completes the items --

THE CHAIR:

Mr. Clerk, could you please give me on Calendar 567, do you have 5516, sir?

THE CLERK:

What -- what calendar?

THE CHAIR:

567 on page 22.

THE CLERK:

It's 5516.

THE CHAIR:

Yes, sir. Okay.

Machine's open.

THE CLERK:

An immediate roll call vote has been ordered in the Senate on the consent calendar. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate on the consent calendar. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? Please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 2.

Total number voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President.

Mr. President -- Mr. President, before moving to adjourn, I would like to ensure the entire chamber will wish Laura Stefon, Senator McDonald's aide, my former intern, a happy birthday.

And with that -- and with that, Mr. President, I would move the Senate stand adjourn

JOINT
STANDING
COMMITTEE
HEARINGS

HOUSING
1 – 306

2010

ALBERTA WITHERSPOON: We just had a new election. We just got a new slate of officers --

REP. MORRIS: Okay.

ALBERTA WITHERSPOON: -- which RAB boards used to be called "voices" --

REP. MORRIS: All right.

ALBERTA WITHERSPOON: -- and once this had some tax problems, some federal tax problems, so they had to eradicate voices, and they -- they formed RAB, resident advisory board.

REP. MORRIS: Thank you very much.

ALBERTA WITHERSPOON: You're welcome.

REP. BUTLER: Thank you for raising this point.

ALBERTA WITHERSPOON: Thank you.

REP. BUTLER: Next, we'll have David Fink, followed by Patricia Hoyer.

DAVID FINK: Representative Green, Senator Gomes, members of the committee.

I'm David Fink, Policy Director for the Partnership for Strong Communities. We are a statewide housing policy organization that advocates and educates for an end to homelessness and creation of affordable housing and development of strong, vibrant communities.

SB317
SB302
HB5371

I'm here today to just testify briefly on three different bills than you heard before. The first, Senate Bill 321, AN ACT CONCERNING THE STATE'S CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT, is designed, as we

We believe S.B. 302, which is now before the Planning and Development Committee, is a more expansive and powerful tool to accomplish that goal, but we nonetheless support S.B. 317.

Finally, we cannot support Raised Bill 5371, AN ACT CONCERNING A PILOT PROGRAM FOR AFFORDABLE HOUSING REPLACEMENT. Allowing a replacement ratio of one new unit for two units that were sold, demolished or otherwise made unavailable could severely deplete the stock of affordable units.

While the criterion used in the bill might be well-meaning, allowing the one to two ratio only in municipalities where more than 10 percent of the housing stock is considered affordable under the definition of 8, 8-30g, it's a bad criterion.

Imagine allowing two units to be destroyed for every one created in such cities as Hartford, New Haven, Bridgeport, New Britain, where the affordable units total more than 10 percent, but where the supply remains short. That would be a big mistake.

And I thank you for the chance to testify. I'm happy to answer any questions.

REP. BUTLER: Thank you.

Are there any questions?

Representative Green.

REP. GREEN: Thank you, Mr. Chair.

SB317

Just some brief comments on the -- the three different bills that you commented on. Let me start with the last one first on the -- the pilot program for affordable housing.

needs to be some movement there, and so I think we'd have to look at that.

On the Senate Bill 317, which you support, Planning and Development has sent a Bill 302. Can you maybe just quickly tell me what might be one or two of the differences that, again, and at some point there's -- these two might merge, but that bill is more expansive and powerful --

DAVID FINK: Right. Well, I don't -- I don't --

REP. GREEN: -- but what might be one or two of the differences?

DAVID FINK: -- have them both in front me now, but I, as I recall, 302 sets out that the -- the commissioner of economic and community development is empowered to determine that development in the flood plain would not damage environmental quality or flood control efforts or otherwise threaten public health and safety. It's just a bit more expansive in -- in it's language. So -- but -- but both ideas are fine, and it's a good way to take -- make use of existing density and existing structures.

REP. GREEN: Okay. And on the other bill of the long-range, Senate Bill 321, the State's Consolidated Plan for Housing Community Development, and being a -- involved with all of these things, I think, do a lot of very good and positive work around housing, especially around information and research.

Do you find the reports from DECD about long-range paying and around housing -- the housing development -- to be useful? Do they tend to be outdated, and I -- I would like to make sure the state agency is really responding, I

think, to some of the real needs and some suggestions.

So there would -- how do you find just those reports -- and, again, we're trying to consolidate, we're trying to make sure the information is still useful -- do you find it that way?

DAVID FINK: I think that they have gotten better. I think in previous years, they -- they were a little out of date, and there was less planning and more just a recitation of statistics, which -- which are not -- I mean, they're valuable to have those numbers there.

I think DECD in the last few years has become a lot more responsive. They have sought comment. Our -- the Partnership for Strong Communities is working very closely with them. We have offered lots of comments, as has the Housing Coalition and other groups, and they've incorporated that information, and I think that the -- the plan this year is a much better plan than what was produced years ago.

I -- I guess, in working closely with them, we found that it's a very labor intensive effort. And if, as they say, they can combine in one consolidated plan good work, not have to spend as much time and spend the remaining time to -- to do more strategic planning, then that's fine, and I think it behooves the General Assembly to make sure that that will happen.

I -- I right now believe that the people in charge of DECD want that to happen, and I trust them. Of course, you know, commissioners change and other people change, and so I think you're right to be concerned that -- that there are standards set forth in

the legislation that will make sure that it's a usable document.

REP. GREEN: Thank you.

REP. BUTLER: Okay.

Are there any other questions?

Representative Morris.

REP. MORRIS: Yes, and be -- you know, bear with me as I try to frame -- frame the question. It's -- it's in response to the inquiry that Representative Green gave you, and -- and as I look at the legislation for the bill and thinking about the scenario where there may be, you know, 50 units of housing in a complex someplace that may be empty for ten years, which is a long period of time.

SB317

I don't know whether I should direct the question towards this gentleman or towards you, Mr. Chair. First, I'm not certain whether those houses are -- and I'm pretty sure -- I think I know the answer -- that they're probably included in -- in the number that that municipality is allowed to use as affordable housing under, you know, under the -- under the ordinance, right? Okay.

So if that's -- if that's the case, which -- which I have a problem with that, that's probably a bill I'll want to look at making a change to, he -- this -- this bill says that, you know, after a hearing, in order for you to do -- we're going to do this pilot, but one of the criteria would be that an -- an adequate supply of low- or moderate-income rental housing exists in the municipality in which the project is located. And I think about that line in -- in regard to this scenario.

And -- and I, you know, I can really sympathize with the desire to be able to handle it without having to go into court and without having to bring in lawyers, and I think that, you know, with more training, police officers will be able to -- to make those judgments more consistently, but I think it's really important to realize that they're nuance judgments.

It's not -- I mean, it's -- there's just no way, because life is so complicated. It's just not simple, and everybody's situations have -- have, you know, wrinkles to them that you -- you can't -- there's -- there's just not going to be an easy way -- you know, an on/off switch for something like this. It -- it will take training and time.

REP. BUTLER: All right. Well, thank you, and thanks to your testimony and those earlier. It's just helping everybody to understand this a lot better. Thank you.

SALLY ZANGER: Thank you.

REP. BUTLER: Okay. Is Neil Griffin here?

NEIL GRIFFIN: Good afternoon, Chairman Green, members of the Housing Committee.

My name is Neil Griffin. I'm the Vice President of Housing and Legislation for Connecticut-NAHRO, and I'm the Executive Director of the Glastonbury Housing Authority.

I'm here speaking on behalf of Conn-NAHRO's Executive Board and the member agencies. I'd like to express our support for Senate Bill 317, House Bill 5371, and our opposition to Senate Bill 318, House Bill 373, and Senate Bill 320.

HB5373
SB302

Conn-NAHRO would like to thank the Housing Committee's effort to preserve the affordable housing and low-income housing that's been previously developed in the 500-year flood plain. Senate Bill 317 will allow an opportunity to access not only state funds, but federal funds administered by the state as well in several communities throughout the state, including Bridgeport, Ansonia, Hartford, Stamford and Glastonbury. All have properties that exist in this flood plain. There's several others as well.

As mentioned before, (inaudible) think -- we think some of the language in Senate Bill 302, particularly the language that allows the exemption to any unit on the most current affordable housing appeals list, opens up the possibility to a larger spectrum of affordable and low-income housing, not only the state housing portfolio. So we'd urge the committee to look at that language as well.

And we find the language on lines 122 through 124, which mentions "provided such units were built in compliance with the flood map at the time of construction" could create some confusion, since at the time of construction, most of these units in the 500-year flood plain wasn't much of a concern to anybody in the early seventies, fifties and sixties.

In light of the fact that a building permit was issued and the local zoning was looked at when they were constructed in the past act, we would suggest you look at that language, and we would urge you to consider removing it.

As for the House Bill 5371, we -- we believe it provides an opportunity to evaluate the redevelopment of various properties to

Testimony to the Housing Committee by
David Fink, Policy Director, Partnership for Strong Communities
Thursday, March 4, 2010

Representative Green, Senator Gomes, members of the Housing Committee,

I am David Fink, policy director of the Partnership for Strong Communities. We are a statewide housing policy organization that engages civic and political support to solve homelessness, create affordable housing and develop strong, vibrant communities.

I am here today to briefly comment on three bills before you.

The first, SB 321, An Act Concerning the State's Consolidated Plan for Housing and Community Development, is designed, as we understand, to allow the state's consolidated plan to offer a full blueprint for the state's coordinated housing goals, rather than continuing DECD to also have to produce a Long-Range State Housing Plan. DECD reports that data normally included in the Long-Range plan would be available in its annual report and confining blueprint for state housing policy in the consolidated plan would better focus attention on funding priorities and avoid conflicting timetables for achieving those priorities.

The Partnership is sympathetic to DECD's efforts to avoid duplication in its work and could support the change outlined in SB 321, but only if the Consolidated Plan comprehensively lays out a coordinated strategy for maximizing state and federal funds, in conjunction with CHFA, to produce housing at very low-, low- and moderate income levels, and supportive housing and housing plus services for people who are disabled, elderly and homeless.

In this era of scarce resorts, we would be the last to compel a resource-strapped agency to do work twice. But we want to ensure that nothing is lost in the effort to plan for Connecticut's many vital housing needs.

HB5371

We strongly support the second bill, SB 317, An Act Concerning Buildings Located Within the Five-Hundred-Year Floodplain. Such legislation, allowing state investment to rehabilitate existing affordable housing, will help preserve existing units at a time when the supply of affordable units is short. We believe SB302, now before the Planning and Development Committee, is a more expansive and powerful tool to accomplish that goal, but we nonetheless support SB317.

JOINT
STANDING
COMMITTEE
HEARINGS

PLANNING AND
DEVELOPMENT
PART 1
1 – 292

2010

SENATOR COLEMAN: Okay. Thank you.

REP. SHARKEY: Thank you.

Are there questions from members of the committee? If not, thank you.

I think it would be helpful as we're drafting the final version, to act or not act on this bill, if we could get some written testimony from the City about this.

We don't have any written testimony in front of us other than your oral testimony. So for other members of the committee, that will be helpful, and any other supporting documents you can provide us either from the rating agencies or from other sources.

CHRIS WOLF: Very good. Thank you very much for your time.

REP. SHARKEY: Thank you.

CHRIS WOLF: Appreciate it.

REP. SHARKEY: Next on our list is Neil Griffin followed by Andrew Daniels.

I noticed that you both are from the same organization. Do you want to testify at the same time? Or --

A VOICE: (inaudible).

REP. SHARKEY: Okay. Thank you.

NEIL GRIFFIN: Good afternoon, Representative Starkey, Senator Coleman -- Sharkey, excuse me -- and the members of the Planning and Development Committee. My name is Neil

SB302

Griffin. I'm the vice president of housing and legislation for Connecticut NAHRO, and I'm also the executive director of the Glastonbury Housing Authority.

Speaking on behalf of the Conn NAHRO's executive board and members, agencies, I would like to express support for Senate Bill 302.

Conn NAHRO strongly supports the committee's efforts to preserve Connecticut's low income and affordable housing that was developed within the 500 year floodplain. Some of the communities that are impacted by this include: Bridgeport, Ansonia, Hartford, Stamford and Glastonbury. And what this bill would allow for is access to state and federal funds administered by the state to allow for modernization efforts, rehabilitation efforts and to preserve the housing.

During our -- by way of our research we found that most of the towns in -- or all of the 177 towns in Connecticut participate in the National Flood Insurance Program. And in my written testimony we ask you to take a look at the language found in lines 138 through 143. But the requirement of a commissioner sign off; we found that type of sign off is occurring during the zoning process at the local municipality.

Part of their responsibilities as participating in the National Flood Insurance Program is to issue or deny floodplain development or building permits and to inspect all floodplain development to ensure that there's compliance with the ordinance and regulations.

We would hope that, you know, by either adding

an "or," or removing the commissioner requirement and putting it to the local level would probably -- would eliminate a duplicate of efforts that's already occurring during the formal zoning review of the building permit presently.

In the hopes of keeping my testimony brief, I'll leave it at that and -- any questions that you have.

REP. SHARKEY: To what degree are local housing authorities having this problem now? This came to our attention through some Legislators who expressed concerns about this. But previous to that I hadn't -- personally, I just hadn't heard much about it, so I'm interested in what the experience actually is.

NEIL GRIFFIN: I can speak for Glastonbury where we have a senior elderly on disabled property, where a portion of the property falls in the 500 year floodplain. We have been struggling to find resources to gap finance the rehabilitation of the property, which hasn't had any substantive repairs done to it since it was built in 1970.

It's at a point where it needs -- it's borderline on being in distress. And we're trying to remodel units that were built with 295 square feet in total size to make them a little more marketable.

So accessing -- without being in the 500 year floodplain, we can't access any CDBG home money or any other state money because of this prohibition of the 500 year floodplain and critical activities falling within it. So -- and this is occurring in other communities that have similar problems.

I believe Ansonia has a property it's looking to redevelop, which has also fallen in the 500 year floodplain. We're aware of Bridgeport having properties in the 500 year floodplain which will come up -- or need for remodeling money, if not already. Maybe they just haven't been exploring this option, because presently the consolidated application between CHFA and DECD to access money in past years has had a strict language; basically said, we will not consider an application if your property falls in the 500 year floodplain. So you didn't even get off the starting block.

And if you could, there's this readiness to proceed evaluation criteria in there, so that if you fell in the 500 year floodplain you would already be at a loss of competing for the scarce source of funds because you're not really ready to proceed.

REP. SHARKEY: Okay. And I think in a day and age when we're trying to encourage infill development and redevelopment of properties, you know, obviously Connecticut is home to a lot of mill properties and historic properties that were built intentionally, right? In -- next to rivers and in floodplains for commercial purposes. To have that kind of restriction, I think, unduly ties our hands.

But Representative Aman.

REP. AMAN: Yes. Just for a little bit of clarification. The -- is it any part of the property that's within the 500 year floodplain that's causing the problem or is it that part, the structure, the insurable structures are within the 500 year floodplain, or is it both?

NEIL GRIFFIN: I believe it's both. Because of when they do a search on the property, they look at the whole property and as it falls into the 500 year floodplain. I believe in the case in Hartford -- Westbrook, I'm not sure if the building itself falls in the 500 year floodplain, but the -- a potion of the property does, in fact, fall in the 500 year floodplain.

So I know in Glastonbury we had a corner of one building involved until FEMA redesigned the flood maps last year. Now we lost -- or almost half the property has fallen into the 500 year floodplain due to the change in the map locations.

So to answer your question, I couldn't answer what they DEP's intent was, but it's our understanding that is even if a portion of the property, not so much if the insurable buildings fall into it, that it would have to go through the review process, which thereby prohibits you from really being ready to proceed.

REP. AMAN: So to take an extreme example, if you had a building that was a mile from the river, but the property itself stretched all the way down to the river, it would be ineligible for funding under this program or any other --

NEIL GRIFFIN: I believe it would at least have to go through the review process, which thereby essentially prevents you from proceeding anywhere. Yes.

REP. AMAN: Okay. Thank you very much.

NEIL GRIFFIN: You're welcome.

REP. SHARKEY: Thank you.

Representative Gentile.

REP. GENTILE: Thank you, Mr. Chair.

Neil, thank you for testimony and I appreciate you coming up to give it since Ansonia is involved in this. But I do have a question for you regarding the elimination of lines 138 to 143. Is it your understanding, as I heard you testify, that this is already occurring?

So -- and when you say that, do you mean that the commissioner is already signing off at the local level, or you want to give the authority to the local level?

NEIL GRIFFIN: I'm seeking to give the authority to the local level in speaking with our community development director and our inland wetlands waterway commission.

They're already reviewing this, the criteria asked for in the bill in evaluating it, the impact on the watershed and upstream. And this is part of their permitting process for us to do any work in there. And as we read, we found in the National Flood Insurance Program part of the municipal's responsibilities as participating in that is to administer these regulations locally.

REP. GENTILE: And if I understand it correctly, these communities that participate in the National Flood Insurance Program, are their standards not more strict?

NEIL GRIFFIN: They have to adhere to the local floodplain ledgers and regulations set by the

flood insurance program or the states, which ever are stricter.

REP. GENTILE: Thank you.

NEIL GRIFFIN: You're welcome.

REP. GENTILE: Thank you, Mr. Chair.

REP. SHARKEY: I just want to follow up on that, too. With regard to that language, is it possible, and maybe our LCOs can answer this, but when the language in the bill talks about the commissioner we know that in our system in Connecticut local wetlands agencies are a function of DEP. And therefore, when you refer to wetlands agencies, oftentimes there's -- they're used interchangeably.

Commissioner implies that it's the commissioner through the local wetlands agency. Is that perhaps what's being contemplated in this language? Or does it literally mean that the DEP commissioner needs to be --

NEIL GRIFFIN: Our concern would be at least to see clarification that if it was the intent for just the DECD commissioner, that they look at the other. If the intent was the latter, to allow the locals that they clarify that and clearly state that so that there's no --

REP. SHARKEY: So the -- I'm sorry. And so the commissioner to which this is referring is actually the DECD commissioner, not the DEP commissioner.

NEIL GRIFFIN: Correct. Sorry.

REP. SHARKEY: I'm sorry. Okay. Well that

actually clarifies it for me, too. Okay. Thank you.

Are there other questions for members of the committee -- from numbers of the committee? If not, thank you very much for your testimony.

NEIL GRIFFIN: Thank you. Have a good day.

REP. SHARKEY: Next is Andrew Daniels from NAHRO followed by Rudy Mazuroski.

SB302
SB317

ANDREW DANIELS: Good afternoon, Representative Sharkey, members of the Planning and Development Committee. My name is Andrew Daniels.

A small clarification is, I'm not here as an officer or official member of NAHRO. I am a consultant who does real estate development and I have an interest in public policy and this is an area, a specific issue that has come up as an impediment and barrier to some projects that I have been working on.

I'm going -- and have provided written comments. I'm going to more or less follow them in a certain sense, but to keep things moving along I'm going to paraphrase some of this information and then hopefully get to questions that are of interest to the members of the committee.

The way this actually became glaringly apparent as an issue or barrier was in the original version, the first-year version of the consolidated application, which is a joint submittal to the DECD and the housing finance agency.

DECD went out of its way in the instructions

to make clear that no project in a 100 year or 500 year floodplain would be eligible for review, and actually required legal opinion to the effect of that a project was not in a 100 year and 500 year floodplain.

This year there is a second iteration of this application process. That language is actually folded into the background, but the issue still remains, that based on Connecticut General Statutes 25-68d, a project is not eligible for funding from any state agency. Even federal funding administered by that agency, and in the case of DECD, that means federal home funds and CDBG funds that come to DECD, are also subject to the statute, whereas home funds and CDBG funds that come to an entitlement committee are in fact not subject to this requirement.

So all money, all funding of that kind that comes through DECD requires if a project is being proposed in a 500 year floodplain -- and as a point of clarification I would say that, if I understand the bill correctly, we're talking about projects between a 100 year and 500 year floodplain. If there's any ambiguity to that language or ambiguity in that understanding, I think it would be appropriate to -- I think it's a simple fix, but that is an important issue.

Generally speaking, what has happened is federal funds have gone to projects all over the state. There even are some state-funded affordable housing developments on the DECD appeals list that now fall in 500 year floodplains that are basically not eligible for state funding.

In terms of the preservation of existing

affordable housing, this becomes a huge impediment, in that while the primary funding mechanism used at this time is something known as the "Low-Income Housing Tax Credit," which is a federal tax credit program under Section 42 of the IRS code. When you structure these deals, there's always a gap. There's always a need for some monies to come in to fill a funding gap between the equity raised through the tax credit and whatever mortgage can be sustained by the property.

The primary source of gap filler is programs managed/administered by DECD. So it basically makes redevelopment of existing projects infeasible, and in some cases where the expansion of the supply is being looked at -- and I believe Representative Sharkey mentioned the notion of adaptive wreaths of mills and other property is our downtown infrastructure.

You know, the pattern of development in Connecticut is a colonial pattern of development. And river ways were the main transportation modes and so that's where a substantial amount of infrastructure exists.

Part of what this bill seems to be able to achieve is encouraging that kind of redevelopment, but that kind of redevelopment, that downtown smart growth, sustainable redevelopment in such a way as to, say, the outcome out the other side is some improvement. Some mitigation of investment in where whatever comes out the other side is better than what is there now in terms of total coverage; coverage being building, paving sidewalks and items of that kind.

In the prior testimony, Neil Griffin mentioned that Glastonbury, for which he is executive

director, you know, has some direct issues, but this issue pertains to many, many federally financed, privately owned as well as public housing developments, including Mill Apartments in Meriden -- Riverside Apartments in Ansonia, Marina Village in Bridgeport, properties along the Mill River Corridor in Stamford, et cetera, et cetera.

And it would be, I think, for this legislation to move forward because it at least opens up and creates an opportunity for communities to do planning, to look for these resources to help move these issues, whether its preservation or expansion of affordable housing in such a way as to also help address perhaps some downtown and/or central business core around river way type issues.

Besides the notion of perhaps clarifying that it is a 100 to 500 year floodplain, I would also like to support the earlier comment that from a mechanism, my read of the bill is it is the commissioner of DEP who is being spoken to, but there may well be an acceptable local mechanism with guidance provided by DEP, or to the extent that it is not already provided.

And then also to, actually another clarification that sort of came up was the notion of being absolutely clear that when we speak to this notion of 40 percent of units below 60 percent AMI and other definitions in here of what affordable means, that that be clearly targeted to the new project and not necessarily the old project.

REP. SHARKEY: Okay. If you could summarize, that would be helpful. If you could summarize your testimony.

ANDREW DANIELS: Yeah. And, you know, that would -- those are really the major points here. It is something that is, I think, an important bill.

And I would also point out that there's another Bill 317, which is analogous than that from a, sort of, breath of opportunity, this is a bill that covers more communities and more affordable housing and that it defines -- defined by the DECD appeals list. So it's the existing units that are being counted towards the percent goal.

REP. SHARKEY: Okay.

ANDREW DANIELS: Thank you very much.

REP. SHARKEY: Thank you.

Are there members -- are there questions from members of the committee?

Representative Gentile.

REP. GENTILE: Thank you, Mr. Chair.

Andrew, good afternoon. Thank you for being so patient this afternoon.

ANDREW DANIELS: Thank you.

REP. GENTILE: Appreciate you coming.

It's my understanding that this bill, 302, is broadly written so that it can impact any municipality in the state of Connecticut. It's purposely written that way, correct?

ANDREW DANIELS: Yes.
REP. GENTILE: Okay. And also, with regard to

funding at DECD, it's my understanding that this affects federal funds that DECD collects. Is that not right? Money that comes in from the federal government to DECD --

ANDREW DANIELS: Correct.

REP. GENTILE: -- for programs within the state of Connecticut. Okay.

So that being the case, if we're not allowed to redevelop these particular properties because of this limitation, what has happened with that money, or is happening with that money? Is it just sitting there and not being used?

ANDREW DANIELS: There is -- and I think I'm not sort of revealing something that is not generally known -- there is clearly a need for or in insufficient amount of money to develop affordable housing based on statewide demand, waiting lists and other indicators.

What may be a balancing issue here is there are existing developments that, in a matter of speaking, are going to be and are financially stranded and cannot be redeveloped, and may be able to be maintained and preserved on a much lower per unit cost than some of the ways this money is now targeted for new development, new construction, in some cases substantially higher per unit costs outside of areas. In some cases, involving not land in the 500 year floodplain, but certainly taking existing open space in other land.

There's a sort of notion here that would open up opportunities for communities, towns and cities to focus in on their more downtown cores as well as look at (inaudible) I think

is a crucial issue, it doesn't help to develop ten units of new affordable housing at the risk of losing 20 units of existing housing because they happen to be in a 500 year floodplain.

REP. GENTILE: Okay. And Mr. Chair, if I could follow that up?

With regard to downtowns, since many of our downtowns are built along a lot of our river ways, does this only afford to -- does this only apply to affordable housing or can it be used for any economic development?

In other words we know that research shows that we have to bring housing to our downtowns, but if we were going to rehab some of our factories for some retail, some commercial, some housing, does it apply to that as well?

ANDREW DANIELS: There's some language in the bill that talks about 80 percent of the developed footage being for residential, which means at least one fifth of the developed footage could be for retail.

Certainly, one of the classic models of development for affordable housing is units over retail. Recreating the sort of traditional downtown, slightly urban, but even in -- I'd say in terms of the town, their downtown is still following this pattern of development: Sidewalks, stoops, retail housing.

REP. GENTILE: Okay. And lastly, just for the record if I can, Mr. Chair?

I just want to make sure that it's perfectly

clear that this bill would not in any way compromise any kind of public safety. Is that correct?

ANDREW DANIELS: There will still be guidelines. You still need to be able to finance these properties. There's a substantial amount of due diligence. There's proper engineering that needs to get done.

But what it does do is break this current circle where, in order to apply for money to DECD, you have to be ready to proceed. But right now if you are in a 500 year floodplain you can't go directly to DEP to get the permit to address these issues and therefore, in essence, the circle, as it currently exists, means you're dead in the water.

You can't genuinely apply in a competitive process where the selecting agency has to kind of already handicap the fact; would they support you in going to an application to DEP? It adds a subjective element that we're looking to allow to be resolved before you even get to that point. If you can deal with it at the local level, if a project can go straight to DEP, these issues can be resolved. We're not looking to cut out the proper oversight. We're just --

REP. GENTILE: Thank you. I appreciate that.

Thank you, Mr. Chair.

SENATOR COLEMAN: Thank you.

Are there further questions?

Senator Fasano.

SENATOR FASANO: Thank you.

A question I have is, why is there a provision that says, not greater than 90 percent of the previous existing -- is it coverage?

ANDREW DANIELS: Yes.

SENATOR FASANO: And why -- I'm just trying to think that if you had one development and you tore it down and then you went 90 percent of that, and then five years later, for whatever reason, you tore it down and, you know, we keep going less. Every time you redevelop an area I'm just concerned, why is it important to have that 90 percent of the existing coverage? Is there a purpose?

ANDREW DANIELS: Well, I think that there's a balancing that's being offered here, Senator. The notion is you may have, let's say, an empty or abandoned or blighted commercial property or mill property. Odds are that if it had been serving an industrial or commercial use, it's basically a building and lots of lots of paving.

The notion is that -- and there are some economics involved -- that if you're going to take advantage of the door being opened in this bill, that at minimum you need to come back such that the coverage is reduced somehow. That you go through the expense of taking, from a design perspective, mitigating the problems created by all the paving in a flood zone.
The possibility could be that, if anything, that number could be higher, but at least there's a bite being taken back. That somehow out the other end the property is going to be better suited. It will have green space that,

for instance, absorbs flood and dissipates the flood or it will have, you know, some kind of design done to it that one way or another -- because right now the property could be serving no use but still exacerbate what happens in a 500 year flood, which by the way is a flood that -- isn't a flood that happens every 500 years. It is a statistical model that is .02 percent of that kind of flood at any given year. But anyways. Sorry.

SENATOR FASANO: So if -- to avoid the scenario where it's, you know, one year, then eight years later it's another 90 percent, would it be objectionable if it was 90 percent of these -- of the existing coverage, or -- I'm just making up numbers. Okay.

ANDREW DANIELS: Yeah.

SENATOR FASANO: 90 percent of existing coverage are not less than 65 percent of the entire parcel or something. You see what I'm trying to say?

So you get your green way, but every time you go to redevelop it you don't have to keep cutting back 90 percent because under a theoretical mathematical model you could --

ANDREW DANIELS: Understood. What I'd like to actually bring up is that most affordable housing financing in this state, if you're using the tax credit program run by CHFA, it would be 40 years before you could redevelop the site given certain guarantees.

And odds are you'd have -- most of these deals are structured. Many of them are done under 99 year round leases.

SENATOR FASANO: So I don't have to worry about -- won't lose any sleep over it?

ANDREW DANIELS: Well -- but at the same time I think you raise a valid point about this notion of, you know, shrinking it, but the investment that would go in, just from the financing viewpoint, you've got decades before that can be basically paid off and redeveloped. But your point is well taken.

SENATOR FASANO: Thank you.

Thank you, Mr. Chairman.

REP. SHARKEY: Thank you.

Are there any other questions from members of the committee?

I just noticed from your testimony that to make a point you don't -- all you have to do is cite the names of the different projects that are subject to this restriction such as Marina Village, Mills Apartments and Riverside Apartments. I think it speaks for itself.

So I appreciate your testimony. Thank you.

ANDREW DANIELS: Thank you very much.

REP. SHARKEY: Next is Rudy Mazuroski followed by Bill Ethier.

I should just mention, as we're -- and this is no reflection on the previous speaker, but I neglected at the opening of the public hearing to just mention that we do have a three-minute rule, generally.

We don't have an awful lot folks on the public

State of Connecticut
HOUSE OF REPRESENTATIVES
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE LINDA M. GENTILE
ONE HUNDRED FOURTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING
ROOM 4100
HARTFORD, CT 06106-1591
CAPITOL: (860) 240-8522
TOLL FREE: 1-800-842-8267
FAX: (860) 240-0206
E-mail: Linda.Gentile@cga.ct.gov

ASSISTANT MAJORITY LEADER

VICE CHAIRMAN
PUBLIC HEALTH COMMITTEE

MEMBER
COMMERCE COMMITTEE
PLANNING AND DEVELOPMENT COMMITTEE

Planning and Development Committee
LOB Room 2100
Hartford, CT 06106

Dear Honorable Members of the Planning and Development Committee:

I respectfully request that the Planning and Development Committee give a Joint Favorable report to Senate Bill 302: AN ACT CONCERNING STATE FUNDING OF AFFORDABLE HOUSING LOCATED IN A FIVE-HUNDRED-YEAR FLOOD PLAIN.

Senate Bill 302 would permit the use of State funds for the purposes of redevelopment of existing affordable housing within a 500 year flood plain. This bill can potentially impact any municipality in Connecticut, since Connecticut has an industrial history.

We are a colonial state and most of our cities and towns are built on waterways making this legislation particularly important. Municipalities that would benefit from this legislation include but are not limited to: Ansonia, East Hartford, Glastonbury, Meriden and Stratford.

If you have any questions, or if you would like to discuss this request please feel free to call me.

Respectfully Submitted,

Linda M. Gentile

Linda M. Gentile
State Representative, 104th District

Public Testimony on SB 302

AN ACT CONCERNING STATE FUNDING OF AFFORDABLE HOUSING LOCATED IN A FIVE-HUNDRED-YEAR FLOOD PLAIN.

PLANNING AND DEVELOPMENT COMMITTEE

FRIDAY, MARCH 5, 2010

Good Afternoon.

My name is Andrew Daniels. I am an affordable housing development consultant with an interest in public policy.

I am here today in support of SB 302.

At the current time, a project, in this case a housing project is ineligible for any funding administered by a state agency unless that state agency requests and is granted a permit by Connecticut Department of Environmental Protection (DEP) pursuant to the Connecticut General Statutes codified at 25-68d. This includes even federal funding that is administered by a state agency. Federal funding programs do not as a matter of statute, regulation or guidance generally prohibit funding within a 500 year flood plain. This added requirement is unique to Connecticut. I have not been able to identify another state in which such a barrier to the use of federal funds is imposed.

In the case of a competitive application or grant process for affordable housing, the impact of the current statutory framework means that a project in a 500 year flood plain cannot be considered for funding. Such project cannot be considered "ready to proceed" in advance of the DEP permit.

Readiness to proceed is a critical evaluation factor in the Consolidated Application process designed by the Connecticut Housing Finance Authority (CHFA) and the Connecticut Department of Economic and Community Development (DECD) to access funding from the Low Income Housing Tax Credit (LIHTC) Program, the HOME Program, the CT Housing Tax Credit, the Next Steps Program and the CHFA ITA Mortgage Program et alia. In fact as part of the instructions in the first version of the Consolidated Application, DECD explicitly stated that any project proposed within a 500 year flood plain would not be considered for funding and required a legal opinion letter to that effect. The Consolidated Application is only in its second year of use and while it appears the explicit language has been removed, the issue remains and raises question as to how DECD will evaluate any application for a project within a 500 year flood plain. Passage of SB 302 would make the issue of a level competitive footing for application within and without of a 500 year flood plain moot.

SB317

It is important to note that CHFA, which is not a state agency within the meaning of CGS 25-68d, does not have this restriction. This is a good thing. If the restriction did apply, the CHFA single family mortgage program would not be able to lend to income qualified purchasers purchasing property within a 500 Year Flood Plain. Imagine what the impact would be if low interest home purchase loans were unavailable within a 500 year flood plain or if each mortgage required a DEP permit. Why should this barrier apply to multifamily affordable housing finance?

SB 302 is a bill which can achieve two major objectives:

1) **It removes a statutory and regulatory barrier to the preservation of existing affordable housing.** There are a large number of existing affordable units that can be found within the current FEMA designations of 500 year flood plain areas. Most of these units are federally funded units. This should be no surprise as federal housing program have never found the issue of a 500 year flood plain to be an issue of sufficient risk to prevent development of affordable housing.
2) **It promotes the redevelopment of existing infrastructure both to increase the supply of affordable housing and to mitigate the negative impact that existing infrastructure has on a flood plain.** Many of Connecticut's Cities and Towns were established along waterways or in relation to water supplies. This should be no surprise given the colonial era history of Connecticut's pattern of development.

The manner in which SB 302 achieves these goals is rather simple.

- The Bill establishes that existing affordable housing that is not located in a 100 year flood plain is eligible for funding. The definition of "existing affordable housing" are those units counted in the annual DECD census of units included on the DECD Housing Appeals List, that is those unit that count to meeting the 10% level which exempts a community from being subject to CGS 8-30g.
- It encourages through the development of affordable multifamily the mitigation of existing physical infrastructure that exacerbates the issue of flood control. In short by providing an ability to get direct approval from DEP of exceptions to CGS 25-68d it breaks the circle on needing to be ready to proceed to get a competitive funding award and needing to have been awarded state funding to have the funding agency support to get the DEP permit.
- It is only for affordable housing development that meets income targeting and primary residential uses that line up with the LIHTC Program and are consistent with other state and federal funding mechanisms including other forms of state and federal tax credit.
- Only when a project falls within the definitions applicable to adaptive re-use of existing infrastructure (e.g. rehab of a former commercial building along a river way into housing) or new construction that replaces obsolete and abandoned infrastructure, can a project benefit from the changes promoted in SB 302.
- Nothing in SB 302 promotes or allows the development of affordable housing in otherwise pristine open space within a 500 year flood plain.
- It put all cities and towns on a equal footing in terms of being able to access funding for affordable housing within already developed 500 year flood plain, which in Connecticut often means real estate with some relationship to water. Passage of SB 302 can help municipalities unlock value by permitting redevelopment in moribund commercial areas.
- The type of redevelopment that SB 302 can foster would in many cases be based on smart growth and sustainable development principles. Train lines in particular run along river ways and many existing downtown whether city or town have a "mill river" that may have developable land outside of a 100 year flood plain but not a 500 year flood plan that is within walking distance to a train station or close to recreation. Uncapping this kind of

value improves the Grand List. Perhaps in significant ways for small communities by helping to revive and repopulate central business districts or remove commercial blight through adaptive re-use or outright removal of deteriorated infrastructure.

There is another Bill SB 317 which has some parallel elements to SB 302. However, on a close review, SB 317 is narrower in its intent and narrower in its benefits. In short, SB 317 functions as a "grandfather" clause for properties that are now within a 500 year flood plain based on revisions to FEMA maps but were not at time of original construction located in a 500 year flood plain. SB 317 would strand known affordable housing properties, mostly federally financed, in communities such as Stamford (along the Mill River Corridor), Bridgeport (Marina Village), Meriden (Mills Apartments and the neighborhoods surrounding the "Hub", Ansonia (Riverside Apartments), and Glastonbury. SB 302 addresses preservation and smart growth redevelopment opportunities for affordable housing while SB 317 provides a narrow "fix" that maintains the substantial barrier issues that CGS 25-68d creates for a broader universe of impacted communities.

There are several ways by which SB could be improved or enhanced. These items speak to clarifications or "issues around the edges" of the Bill:

1) Add language that makes clear that the income targeting and portion of the project required being residential applies to the NEW PROJECT only. CGS 8-64a already speaks to a hearing process for redevelopment programs for existing affordable housing that may result in few units than baseline. SB 302 is about a new project that may or may not be part of larger replacement housing program. It is also about reduction of infrastructure within a 500 year flood plain achieved through redevelopment.
2) Consider an approach that can reduce the administrative burden on DEP by requiring DEP to issue design guidance or best practices information and letting the local municipal Commissions do the leg work on a site by site basis. There are already Inland or Coastal Waterway Commissions or their equivalent in most Connecticut communities. Do not create an administrative pipeline for which the State is not ready to staff and move requests on a fast track.

I thank the Committee for the opportunity to speak today. I once again ask for passage of SB 302.

Connecticut Chapter
National Association of Housing and Redevelopment Officials
P. O. Box 822
Canton, CT 06019
Phone: (860) 508-4896
www.conn-nahro.org

Testimony of
Neil J. Griffin Jr.
Vice President of Housing and Legislation
Submitted to Housing Committee
March 4, 2010

Good-afternoon my name is Neil Griffin and I am the Vice President of Housing & Legislation for Conn-NAHRO and the Executive Director of the Glastonbury Housing Authority. Conn-NAHRO represents over 112 Connecticut housing authorities and other non-profit and community development member agencies. Member agencies have the responsibility of effectively managing or administering housing for 150,000 families/individuals and over 62,000 housing units in Connecticut.

Speaking on behalf of Conn-NAHRO's Executive Board and member agencies I would like to express support for: SB 302

SB 302 An Act Concerning State Funding Of Affordable Housing Located In A Five-Hundred-Year Flood Plain.

Conn-NAHRO strongly supports the Committee's efforts to preserve Connecticut's low income housing that was developed within the 500 Year Flood Plain. The proposed exemption will allow existing low income and affordable properties not only to access State funds but federal funds administered by the State, thereby allowing the properties to fund the much needed capital improvements or the adaptive reuse of existing structures.

We urge the Committee to explore removing the language found on lines 138 through 143 of the bill or adding the language that would allow for a commissioner *or local municipal authority having jurisdiction to sign off.*. This section requires the commissioner to sign off on a series of conditions. In as much that all towns in Connecticut participate in the National Flood Insurance Program(NFIP) and it is a responsibility of the local municipality as part of their participation in the NFIP to issue or deny floodplain development or building permits and to inspect all floodplain development to assure compliance with ordinances and regulations. Local floodplain measures must meet or exceed the regulations set by the NFIP, or state standards if more restrictive.[1]

The language included in the raised bill would require the commissioner to duplicate the efforts already undertaken by the local municipal zoning approval process. At a time DEP staff resources are under great duress achieving their numerous responsibilities and when the legislature is seeking *more* ways to reduce government spending and streamline processes, we believe the elimination of lines 138-143 would contribute to this goal with the desired floodplain impact review being performed locally.

[1] State of Connecticut DEP "NFIP Roles and Responsibilities" August 2009