

PA10-067

SB320

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properly recorded, the machine will be locked. Will  
the Clerk please take a tally.

THE CHAIR:

Motion is on passage, Senate Bill 125 as amended  
by Senate Amendment Schedule "A" and "B."

Total Number Voting	34
Those voting Yea	32
Those voting Nay	2
Those absent and not voting	2

THE CHAIR:

Bill is amended as passed.

Chambers, please stand at ease.

(At ease.)

THE CHAIR:

Would the Senate please be in order. And will  
the Clerk please return to call the calendar.

THE CLERK:

Return to calendar page 37, Calendar Number 107,  
File Number 131, substitute for Senate Bill 320, AN  
ACT CONCERNING THE SELECTION OF TENANT COMMISSIONERS,  
favorable report in Committee on Housing and Planning  
and Development. The Clerk is in possession of the  
amendment.

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The Chair recognizes Senator Gomes.

SENATOR GOMES:

Thank you, Mr. President. I move acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

On acceptance and passage, do you care to remark further?

SENATOR GOMES:

Yes, the Clerk has in his possession LCO 3822. If I could -- if he could call and I get a chance to summarize.

THE CHAIR:

Would the Clerk please call LCO 3822 and designate Senate "A."

THE CLERK:

LCO 3822 has been designated Senate Amendment  
Schedule "A." It's offered by Senator Gomes of the 23rd District.

THE CHAIR:

Senator Gomes has requested leave to summarize. Is there an objection? Seeing none, please proceed, Senator Gomes.

SENATOR GOMES:

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Thank you, Mr. President. All it says is it's an amendment in order to clarify who are the authorities within this bill to ascertain the elections.

THE CHAIR:

Thank you, Senator. Would you move adoption of the amendment?

SENATOR GOMES:

I move adoption of the amendment.

THE CHAIR:

All right. Are there further remarks on Senate "A"? Further remarks on Senate "A"?

Seeing none, the Chair will try your minds on Senate "A." All in favor of Senate Amendment Schedule "A," please indicate by say aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed say nay.

The ayes have it. Senate "A" is adopted.

Will you care to remark further on the bill as amended?

SENATOR GOMES:

Thank you, Mr. President. This bill -- all this bill does is give tenants of a complex of any housing

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the right to elect tenant commissioners from the members of the tenant association that is in existence at the time. What it amounts to is that they have a commissioner that appoint in these housing authorities and rather than have housing authorities be appointed by what it amounts to is either selectmen or the mayors of the city, they would like to have at least one representative housing commissioner to be on the authority in order to voice their votes -- or their -- or their concerns.

THE CHAIR:

Thank you, Senator. Further remarks on Senate "A"? Are there further remarks on Senate "A"?

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President, through you to the proponent of the bill, a question.

THE CHAIR:

Oh, I'm sorry. Chair is corrected. Senate "A" has already been adopted, so remarks should be directed to the bill as amended.

Senator McLachlan, your question is on the bill as amended.

SENATOR MCLACHLAN:

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On the underlying bill, yes, thank you.

THE CHAIR:

All right. Please proceed, sir.

SENATOR MCLACHLAN:

Thank you, and through you, Mr. President, a question to Senator Gomes.

Just for clarification housing authorities require representation of tenant commissioners. And I'll use as an example the Housing Authority of the City of Danbury who has a tenant commissioner, one of five. That tenant commissioner is a resident of the housing authority property, but that tenant commissioner is appointed by the mayor or chief-elected official of the City of Danbury, does this bill change that process at all? Through you, Mr. President.

THE CHAIR:

Senator Gomes.

SENATOR GOMES:

Through you, Mr. President, to the -- Senator McLachlan, yes, it does.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

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Thank you, Mr. President. And thank you for that answer, Senator Gomes, but, for clarification, if I may. The existing process requires tenant representation. So, in other words, the chief-elected official appoints five commissioners in this case, four are from the private sector, and one is a tenant commissioner. So that the chief-elected official selects a willing tenant of the housing authority to serve as a commissioner. Are you suggesting that this bill will take away the appointment authority of the chief-elected official as long as it is a tenant commissioner? Through you, Mr. President.

THE CHAIR:

Senator Gomes.

SENATOR GOMES:

What was the question now?

THE CHAIR:

Senator McLachlan, do you care to repeat your question?

SENATOR MCLACHLAN:

Yeah, I'll be glad to. Thank you, Mr. President.

In the case of the requirement -- a current requirement as is required, as I understand under HUD rules, there must be a tenant commissioner member of a

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housing authority. If currently existing, the tenant commissioner is appointed by the chief-elected official, does this bill change that current process? Through you, Mr. President.

THE CHAIR:

Senator Gomes.

SENATOR GOMES:

Yes, it does. Let me explain if I could. The tenant -- the tenant commissioner that you're talking about that is appointed by the mayor or any elected official in a city, be it a selectmen or whatever, he has the say so as to what tenant he appoints as commissioner. The tenants' association want the right to pick their person to represent them as commissioner.

THE CHAIR:

Senator McLachlan.

SENATOR GOMES:

Therefore, that is why we are advocating or they are advocating to have an election of the commissioner from the tenants.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

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Thank you, Mr. President. Thank you, Senator Gomes, for your answer. I -- I think that the process that we have -- and I'll only speak for the Housing Authority of the City of Danbury -- is working very well in that we have an outreach effort by the chief-elected official to Housing Authority tenants to identify individuals who are interested in serving. And that -- that identification process actually comes through the tenant association. So it is a -- frankly, a volunteer process, and if I'm not mistaken the current tenant commissioner of the Housing Authority of City of Danbury came from the tenant association, if I'm not mistaken was the past president. So I -- I would not be supportive of compelling the chief-elected official to follow a specific process as long as the tenants are represented on the housing authority and the chief-elected official has that appointment authority I think that should remain. So, in this case, I think I'll have to decline to support this bill. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further on the bill as amended?

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Senator Roraback.

SENATOR RORABACK:

Thank you, Mr. Chairman. I, too, rise in opposition to the bill. I've heard from one of the housing authorities in my district that they lack really the capacity to be election -- to be monitors of elections, to be certifiers of elections, and, quite frankly, I think it's healthy when there's a relationship between the chief elected official of a municipality and the housing authority. The appointment authority that they now hold enables that bridge to be built. Obviously, the chief-elected official is accountable to the community and to the tenants, and I've seen no reason that we should change from the system we have now. So I urge rejection of the bill. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator McKinney.

SENATOR MCKINNEY:

Mr. President, just to show that not all things divide along party lines, I rise in support of the measure before us. I understand that there may be some housing commissions that are concerned about

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holding these elections, but all of their bylaws account for an election process and it is something that they certainly know and are aware of and is in their bylaws, and they should be capable of handling this. And while I respect the right of mayor and first selectmen to make an appointment, they still have the overwhelming appointments here.

I think the right thing to do is that the tenant commissioner should be a tenant picked by the tenants. And I think that's the right way to do it, and I support the measure.

THE CHAIR:

Will you remark further?

SENATOR GOMES:

If I may elaborate on this situation.

THE CHAIR:

Senator Gomes.

SENATOR GOMES:

And thank you, thank -- through the -- through the president. The problem with the selection of -- of a tenant commissioner from the tenants is that I -- I understood that remarks that were made here that people come forth and willingly advocate to serve as tenant commissioners. But if you have three or four

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people come forth, then the mayor chooses them. That's not the choice of the tenants. They want their right to choose their own tenant commissioner, and they would like to do this through election. That's the only thing they are seeking.

THE CHAIR:

Thank you, Senator.

Will you remark further? Will you remark further? If not, the question before the chamber is the acceptance and passage of Senate Bill 320 as amended by Senate "A." If there are no further remarks to be contributed, the Chair would ask that the Clerk make an announcement that a roll call vote is in progress in the Senate.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

The machine is opened.

Senator Caligiuri? Senator Guglielmo?

Will all Senators please check the board to make

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certain that your vote is properly recorded. If all Senators have voted and if all Senators' votes are properly recorded, the machine will be locked, and the Clerk may take a tally.

THE CLERK:

Motion is on passage Senate Bill 320 as amended.

Total Number Voting	34
Those voting Yea	29
Those voting Nay	5
Those absent and not voting	2

THE CHAIR:

The bill as amended is passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. I believe the Clerk is in possession of Senate Agendas 2 and 3 for today's session.

THE CLERK:

Mr. President, the Clerk is in possession of Senate Agendas Number 2 and 3, dated Wednesday, April 21, 2010. Copies have been distributed.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

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return to the call of the Calendar.

And will the Clerk please call Calendar Number  
419.

THE CLERK:

On Page 21, Calendar 419, Substitute for  
Senate Bill Number 320, AN ACT CONCERNING THE  
SELECTION OF TENANT COMMISSIONERS, favorable report  
of the Committee on Planning and Development.

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

Thank you, Madam Speaker.

Madam Speaker, I move acceptance of the joint  
committee's favorable report and passage of the  
bill.

DEPUTY SPEAKER ORANGE:

The question is acceptance of the joint  
committee's favorable report and passage of the  
bill.

Will you remark?

Representative Green.

REP. GREEN (1st):

Yes, Madam Speaker.

Madam Speaker, this bill would empower tenants

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to have a voice on their tenant commissioners.

The Clerk should be in possession of LCO Number 3822, Senate Amendment "A." I ask that it be called and that I be allowed to summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO Number 3822 designated as Senate Amendment Schedule "A."

THE CLERK:

LCO Number 3822, Senate "A," offered by Senator Gomes and Representative Green.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the Chamber to summarize.

Is there objection? Is there objection?

Seeing none, Representative Green, please proceed.

REP. GREEN (1st):

Thank you, Madam Speaker.

Madam Speaker, this amendment is very simple. In some sections of the bill, we talk about the housing authority and we talk about the appointed authority. This just clarifies what authority we're talking about. I move for its adoption.

DEPUTY SPEAKER ORANGE:

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The question before the Chamber is on adoption of Senate Amendment "A."

Will you remark? Will you remark?

REP. GREEN (1st):

No further remarks.

DEPUTY SPEAKER ORANGE:

Will you remark further on, let me try your minds.

All those in favor, oh, no.

Will you remark further on Senate Amendment Schedule "A?" will you remark further on Senate "A?"

If not, let me try your minds. All those in favor please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

All those opposed, nay. The ayes have it.

The Amendment is adopted.

Will you care to remark further on the bill as amended? Representative Gibbons of the 150th. You have the floor, ma'am. Good afternoon.

REP. GIBBONS (150th):

Good afternoon. Thank you, Madam Speaker. If

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I may, please, through you a couple of questions to the proponent of the amendment and the bill please.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. GIBBONS (150th):

Thank you. Through you, in Greenwich we have three different housing divisions, or three different housing groups. If there is nobody, they are not organized and I don't think the three of them are organized together.

How would they choose, through you, to the proponent of the bill.

Can you hear me now?

DEPUTY SPEAKER ORANGE:

Can hear you now.

REP. GIBBONS (150th):

Okay, thank you. Thank you, Madam Speaker. Through you, please, if there is more than one housing group in a town, do these three housing groups have to join together to elect a tenant commission?

Through you, please, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Green.

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REP. GREEN (1st):

Thank you, Madam Speaker. Madam Speaker, they do not have to join together, but in order to send a representative to the commissioners, they have to be in agreement by all three on how to elect that person.

It's really not the three tenant groups. It's all the members of the housing authority, all the residents, so that if they represent various developments, they would have to have a governing body to do the election so that all of the housing residents have a chance to vote.

DEPUTY SPEAKER ORANGE:

Representative Gibbons.

REP. GIBBONS (150th)

Thank you for that response. And again, through you, Madam Speaker, each housing authority does have a commissioner, I believe, or has somebody representing the tenants. How is that person currently chosen, please?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

That person is currently chosen by the appointing authority of that town, and based on the size of the number of commissioners, you may either have one tenant commissioner or two, based on the number of commissioners.

DEPUTY SPEAKER ORANGE:

Representative Gibbons.

REP. GIBBONS (150th):

Thank you. And one final question. How are the residents of the housing groups going to know that they are supposed to find an applicant to be a commissioner?

I've certainly seen the ones in our town are not all that organized or cohesive. How would one put one's name up, and how would the whole balloting process take place?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

Thank you, Madam Speaker, and thank you for those questions. They are very good questions.

What would happen is, two things would happen. The tenant association, regardless of whether

they're separate, they would have to have a structure that the housing authority agrees to and approves in terms of the body that will hold the election.

If there's no tenant organization, the other alternative way would be if the tenants organized themselves and petition the appointing authority, they could also maybe have an election because of the request by the tenants.

If those two things do not happen, the appointing authority continues to make the appointment.

DEPUTY SPEAKER ORANGE:

Representative Gibbons.

REP. GIBBONS (150th):

Thank you, Madam Speaker, and again, through you. Is there a defined amount of time by which the tenants must organize and hold an election and submit a name for the commissioner, please.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

There's no specific time. At the time that

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they are made aware by the appointing authority that there is an opening, they could begin the process.

So only if they are told by the appointing authority that the tenant commissioner's position is now open can they begin to have an election.

DEPUTY SPEAKER ORANGE:

Representative Gibbons.

REP. GIBBONS (150th):

Thank you, Madam Speaker, and I thank the good Representative for his responses. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, ma'am. Will you care to remark further on the bill as amended? Representative Santiago, you have the floor, sir.

REP. SANTIAGO (130th):

Thank you, Madam Speaker, a comment.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. SANTIAGO (130th):

Thank you. I rise in strong support of this bill because many of my constituents have contacted me and have urged me to support it, and I think with good reason.

Unfortunately, sometimes there have been instances where they feel that the appointing authority, usually the chief elected official, the person that they choose is actually beholden to that person and not the tenants themselves.

And what they're looking for here is the right to vote for the person who represents them on that commission, and to me I think that's just a democratic way of doing things.

I just ask that for those people here who have constituents that live in public housing, that they will support this, because they're giving them a voice in the process.

And for those who don't, I just ask them to do the right thing and support this bill. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on the bill as amended? Representative Miller.

REP. MILLER (122nd):

Thank you, Madam Speaker. Just a couple of questions to the proponent of the bill.

DEPUTY SPEAKER ORANGE:

Please proceed.

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REP. MILLER (122nd):

My community has a housing authority. We have five different facilities. If there should be an election, who will pick up the cost for initiating an election?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

Thank you, Madam Speaker. It is the responsibility of the housing authority to make sure that election happens. We have suggested to the housing authority that they may work with a third party to try to have them conduct an election, but again, it would be the housing authority's responsibility to make sure an election is held.

The cost of that is minimal, and again, the suggestion is that only if there has to be an election that's contested do you need a third party and that could be avoided.

DEPUTY SPEAKER ORANGE:

Representative Miller.

REP. MILLER (122nd):

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Yeah, thank you. And through you, Madam Speaker, this is mandatory for all the housing authorities throughout the State of Connecticut. It's not a voluntary type of organization, joining?

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

I apologize. I could not hear the question. If the fine gentleman could repeat the question.

DEPUTY SPEAKER ORANGE:

Representative Miller.

REP. MILLER (122nd):

Thank you, Madam Speaker. And I just am trying to find out whether this is a mandate on all housing authorities in the state.

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

Thank you, Madam Speaker. Madam Speaker, currently, the state requires and the feds require that all housing authorities have a tenant commissioner. So that is not a new mandate. That is the current law.

This is just simply saying the way that you

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can elect it, so it's not a mandate. It's something that is currently being done.

DEPUTY SPEAKER ORANGE:

Representative Miller.

REP. MILLER (122nd):

Thank you, Madam Speaker. And through you, Madam Speaker, does this in any way infringe upon the chief elected officer, not chief elected officer, but the mayor or the housing authority CEO, infringe on his authority to name people for the commission?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

Yes. This would be a major departure of the previous and current way that we select tenant commissioners. It will be taking the authority away from that appointed authority to the tenants. That is correct.

DEPUTY SPEAKER ORANGE:

Representative Miller.

REP. MILLER (122nd):

And lastly, through you, Madam Speaker, would

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there be a cloud of a conflict of interest should this individual vote with the association or against the association because he's going to be the recipient of an increase or a decrease in rent? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

Again, I apologize, Madam Speaker. I was unable to hear the question.

DEPUTY SPEAKER ORANGE:

Representative Green is having a problem hearing the question from his spot to Representative Miller, so if we could just be a little quiet. Thank you. Representative Miller, would you mind repeating your question, sir.

REP. MILLER (122nd):

Thank you, Madam Speaker. I just want to make sure that there's no conflict of interest, whoever that person would be serving as a tenant on the board of the housing authority.

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

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Thank you, Madam Speaker. Thank you for the question. All of the commissioners as well as the tenant commissioner will be guided by the federal rules that state that they could be a part of the decision making and like any commissioner, if there's a specific, direct, individual benefit for that commissioner, we would expect that person to recuse themselves, but they would be held to the same standards that the other commissioners.

DEPUTY SPEAKER ORANGE:

Representative Miller.

REP. MILLER (122nd):

Thank you. Thank you very much for your answers. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Will you care to remark further on the bill as amended? Representative Aman.

REP. AMAN (14th):

Thank you, Madam Speaker. In listening to people talking about this problem over the last few weeks, I've come to the conclusion that there's probably some differences not so much on what people trying to get representation, but basically on the size of the projects and the number of

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people living it.

And just so the proponent is understanding where I'm coming from, we have one housing authority in our town and they have two separate projects. Both of them are very small, 25; 30 units I think is the absolute maximum, but people living in them are either elderly, disabled or both, and having almost very little community involvement compared to many of the other housing authorities and people, the things they've been talking.

So that is a context of it. I do have some questions for the proponent of the bill.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. AMAN (14th):

Yes. You said that, I believe I understand, that the housing authority itself is the one that's supposed to run the election and bear the cost of running the election, whatever that cost, whether it be large or small.

Through you, Madam Chairman.

DEPUTY SPEAKER ORANGE:

Representative Green.

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REP. GREEN (1st):

Yes, Madam Speaker. Just so that my colleague would know, the elections minimally means that all tenants have to have a chance to know that there's a position open and that if anybody wants to run.

In some cases, and possibly in that size of a housing unit, there actually may be no one running, so there would be no election, as long as every tenant is notified that they have an opportunity.

So it can actually go from housing authorities having no election and a volunteer come in or somebody is selected to, in fact, have an election where the housing authority will be responsible to work, to provide the cost.

DEPUTY SPEAKER ORANGE:

Representative Aman.

REP. AMAN (14th):

Yes. Following up on that, it's probably fairly easy if you went door to door through our housing authority's projects to get the necessary signatures to require an election. I don't think that would be very difficult for someone to do. People love to have somebody come to the door and talk, and if given a piece of paper they will sign

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it no matter what it says.

So, but to follow up on the voting, is there any rule that says how much, any percentage of the residents must actually cast a ballot? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

There's no requirement on the number of people who need to cast a ballot, but you need at least 10 percent to hold an election of those residents that sign. So it's not a question of who votes. It's a question of whether or not they meet the requirement to hold the election.

DEPUTY SPEAKER ORANGE:

Representative Aman.

REP. AMAN (14th):

Following up on that, if my total units are approximately 60, so someone goes door to door and gets six or seven signatures, it's my understanding at this point that an election would be required.

If that individual was the only one to vote, they would be tenant representative no matter what the housing authority thought of the individual

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that wanted to come forward. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

Yes, and that's an error. If they got 10 percent to hold an election and they were the only candidate, they would probably win the election.

DEPUTY SPEAKER ORANGE:

Representative Aman.

REP. AMAN (14th):

The, currently in our town, the town council, which is the governing authority, has to make the appointments to the housing authority, and the method of picking the members of the housing authority is set by a combination of our town charter, which I believe in our case was written in the 1960s, and then if you follow, some clarifying ordinances, but the main part of it is in the original town charter that we have that we've been operating on now for close to 50 years.

The town charter does not cover this question of elections. They just say that they're going to be directly appointed.

And so my question is, it's the proponent's feeling that this law will override the town charters, which have a very particular legal status within the State of Connecticut.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

This will not override town charters. All housing authorities, the appointing authorities for the commissioners have to appoint a tenant commissioner. This is simply saying how to appoint that tenant commissioner. That is already the law.

DEPUTY SPEAKER ORANGE:

Representative Aman.

REP. AMAN (14th):

I'm not sure if that's exactly true or not only because while it does say that they have to appoint a tenant commissioner, in the previous discussion it was very clear that that election could come down to the municipal appointing authority having no choice as to who they appoint and I think that may well be in the conflict of the town charter.

But I'm sure that arises some attorneys who are much more versed in the law than I am will be the ones arguing about whether that should be done or not.

Going back to the election, it was said that the housing authority must run the election, and I'm wondering if there's any rules or guidelines regarding the fairness of the election, what needs to be publicized. Do rides to the polls or the equivalent have to be given?

And if there's a challenge about whether the election is going to be fair or not, we have a very large election enforcement commission here in the state to handle municipal elections, and while these are on a much smaller scale, how are those questions going to be addressed?

Just to go through them very quickly, it's regarding how they're publicized or campaigning for it, if there's any rules or regulations on that. If there's any accommodations that have to be made to get people to the polls, and if there's any challenges, and hopefully the proponent of the bill can just in general terms discuss the elections and all of the variety of things that we talk about in

this building to make sure elections are fair.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

Thank you, and if he has the bill in front of him, Lines 101 to Lines 118 clearly state that all elections have to be fair, all tenants have to have notice, and all tenants have to have sufficient methods to be able to vote.

Basically three things happen. The housing authority has to recognize the tenant group with legitimate bylaws and a governing structure that have to be recognized by the authority. If not, they can do the petition.

If they don't do it those two ways, then the appointing authority stays with, the appointment of the tenant commissioner stays with the appointing authority.

So it is actually not a mandate that, if those tenant organizations don't do those two things, nothing changes. That's the way it will go.

I had mentioned earlier that once the tenant organization has been recognized by the housing

authority, has been given notice that an opening on the commissioners is available and it's for a tenant commissioner, only then would the election begin. And only if there's an election, if there is a dispute, we would ask a third party to come in and conduct the election.

DEPUTY SPEAKER ORANGE:

Representative Aman.

REP. AMAN (14th):

Going back to what the housing authority's responsibility in the election is, is it the housing authority's responsibility just to provide a location and a method of counting the ballots fairly, or do they have any other objections as far as running the election or making accommodations, et cetera.

Who, is it the tenant's association responsibility to do those other things or is it the housing authority?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

Thank you, Madam Speaker. Madam Speaker, it

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is the intent of this legislation that the housing authority will be responsible to make sure it's a fair election. However, method they determine to monitor, account, or whatever, and that again, based on their approval that it's a legitimate election in the sense that the tenant groups have met those conditions, either the 10 percent or recognized by the housing authority, it is the housing authority's purpose to conduct and make sure it's a fair election, and it's also the intent that they do that in conjunction with the tenant association.

DEPUTY SPEAKER ORANGE:

Representative Aman.

REP. AMAN (14th):

Yes. I thank the proponent of this measure very much for his information, and I unfortunately, as I started, I said I think there's a problem with the small associations, the small housing authorities that operate pretty much on a very informal basis, and the very large ones.

And I think this is one of the times that I don't see an easy way of reconciling those differences and needs between the two different

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sizes of the organizations.

I do have a tremendous amount of sympathy for those coming from the larger cities that there are many, many tenants and they probably do need the right, somehow, to pick their commissioner because it impacts their lives so much.

But I think in our own smaller towns it will lead to more complications than it will solve. So I thank you very much, Madam Speaker for having me speak.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further? Representative Ayala of the 128th. You have the floor, sir.

REP. AYALA (128th):

Thank you, Madam Speaker. A question, through you, to the proponent of the bill.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. AYALA (128th):

Madam Speaker, through you to the proponent. Are there any term limits for these individuals that are going to be appointed, or excuse me, are going to be elected to these positions?

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

Thank you, Madam Speaker. I wouldn't say there's term limits. Each municipality has terms and they probably stagger for the different commissioners. That tenant commissioner, might, for example, have a two-year term or four-year. That would be up to the municipality in terms of what their structure is on in terms of the commissioners.

Whether or not there's term limits again might be something that each municipality has in their own bylaws.

DEPUTY SPEAKER ORANGE:

Representative Ayala.

REP. AYALA (128th):

Thank you, Madam Speaker. Once again, through you to the proponent of the bill. Are you saying, then, that home rule will apply in basis of any commissions or authorities that each individual city has?

In other words, if the appointment is a two-year appointment, that individual who wins the

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tenant election is appointed for those two years?  
Two years after that, he or she would then have to  
get reelected?

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

That is correct.

DEPUTY SPEAKER ORANGE:

Representative Ayala.

REP. AYALA (128th):

Thank you, Madam Speaker. A final question,  
through you, Madam Speaker to the proponent of the  
bill.

In Bridgeport, we actually have a pretty large  
housing authority and in many instances there are  
tenant associations to guide the individual places  
where folks live.

But we also have in Bridgeport, scattered  
housing, which is more or less families that live  
in single units or two-family house rental through  
the housing authority. Would those individuals who  
live in scattered housing have the opportunity if  
they so chose to run for election, although there  
is no tenant association for the scattered housing

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sites, would they be candidates for election?

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

Yes, they would be. All of the residents that have residency by the housing authority are eligible to participate regardless whether they're in large units, scattered sites, or any other program the housing authorities manage.

DEPUTY SPEAKER ORANGE:

Representative Ayala.

REP. AYALA (128th):

Thank you, Madam Speaker. At this point, instead of going on with all my further comments, I just want to thank the Chairman of Housing for his answers. They are more than adequate to the questions that I had, and I will also associate my comments with those of Representative Santiago, that I really believe this is a good Bill and we should all support it. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on the bill as amended? Will you care to remark? Representative Hetherington.

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REP. HETHERINGTON (125th):

Thank you, Madam Speaker. If I may ask the gentleman a question or two?

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. HETHERINGTON (125th):

Thank you. I'm just trying to understand the mechanics of this. Anybody who's going to run for election would have to be a member of the recognized tenants' association? Is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

No, that is not correct. Anyone that runs has to be a resident of the housing authority.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. And the route to nomination is, offers two possibilities, the petition system or nomination by a recognized tenant association. Is that correct?

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Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

That is correct.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. But in any case, all the residents have an opportunity to vote. That's correct, is it not?

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

It is required that all of the persons have notice for the election. They're not all required to vote.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. And this question is rather basic, and I apologize. I guess I should be aware of this.

But are the boards as currently constituted,

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do they have a designated number of seats for  
tenant nominees?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

Yes. Depending on the size of the housing  
authority, some are required to five commissioners  
and the larger authorities are required to have  
seven commissioners.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. And a proportion, or a portion of  
that number are tenant commissioners or is that  
five and seven the total number of tenant  
commissioners that would be on the board? Through  
you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Green.

REP. GREEN (1st):

Yes. I apologize, just to be clear. Yes, of  
the five commissioners, towns with five  
commissioners, one would have to be a tenant

commissioner. Of the towns that have seven commissioners, a minimum of two have to be tenant commissioners.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you very much, and I thank the gentleman for his responses. It seems like a reasonable proposal, and I look forward to seeing it go forward. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Care to remark further on the bill as amended?

Representative Mushinsky.

REP. MUSHINSKY (85th):

Thank you, Madam Speaker. I rise to support the bill as amended. It is strongly supported by residents of the Wallingford Housing Authority housing, and they have an experience of wishing to put one of their own people on the commission and didn't even know when there was an opening, and they were not solicited for an opening, and would have liked to have picked one of their own folks and sent them on to represent them.

So this is a democratic process. It's very

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much welcomed by the tenants of the housing  
authority properties and I hope the bill will pass.

Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, ma'am. Will you care to remark  
further on the bill as amended? Will you care to  
remark further on the bill as amended?

If not, 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 by roll call. Members to  
the chamber, please.

DEPUTY SPEAKER ORANGE:

Have all the Members voted? Have all the  
Members voted? If all the Members have voted,  
please check the board to determine that your vote  
is properly cast.

If all the Members have voted, the machine  
will be locked and the Clerk will take a tally.

And will the Clerk please announce the tally.

THE CLERK:

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Senate Bill 320 as amended by Senate "A" in  
concurrence with the Senate.

Total number Voting	146
Necessary for Passage	74
Those voting Yea	104
Those voting Nay	42
Those absent and not voting	5

DEPUTY SPEAKER ORANGE:

The bill as amended passes in concurrence with  
the Senate.

Will the Clerk please call Calendar Number  
415.

THE CLERK:

On Page 20, Calendar 415, Senate Bill Number  
244, AN ACT VALIDATING THE NOVEMBER 3, 2009

REFERENDUM IN THE TOWN OF COLUMBIA REGARDING  
REVISIONS TO THE CHARTER OF THE TOWN OF COLUMBIA,  
favorable report of the Committee on Planning and  
Development.

DEPUTY SPEAKER ORANGE:

Representative Drew, you have the floor, sir.  
Good afternoon.

REP. DREW (133rd):

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STANDING  
COMMITTEE  
HEARINGS**

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And I'd be happy to share with your staff the research my staff has done on visitability and both elderly services in the city and my office has done a lot of work on this. So we'd be happy to support you, and I'd be happy to take any questions.

REP. BUTLER: Thank you.

Are there any questions? Okay.

Well, thank you.

Next, we have Ana Estrada, followed by Alberta Witherspoon. Is Ana here?

ANA ESTRADA: Here.

REP. BUTLER: Okay.

ANA ESTRADA: Good afternoon, ladies and gentlemen of the house -- ladies and gentlemen of the Housing Committee.

My name is Ana Estrada. I live in Community Towers in Meriden, Connecticut. I am a tenant council member there at Community Towers. I am -- I am also a member of the Board of the Public Housing Resident Network. I have been a public housing resident for -- for over 15 years, both in New Jersey and -- and now here. I also served on our -- on the Tenant Council in Hudson Gardens in Jersey City, New Jersey, as well.

I come before you today to speak in favor of the Senate Bill 320, the selection of the tenant commissioners. I feel that this legislation is very, and I emphasize, very important in that it allows for the residents to elect their -- their resident

commissioners. And for this -- for this additional reason, I will let you know.

It allows for residents to determine who will best represent their interests through a democratic process and having a forum to hear from all the candidates. It also sends a clear message to the resident commissioner who their constituency is -- the residents. It gives residents the right to -- to not only all that the commissioner be accountable for, but to also support the commissioner who or she is working in their best interest.

Most important, this legislation will make residents on an ongoing part of the process and will give them a stronger voice in the policies that there -- that impact their lives. This is why I vote, and this is why we do voter registration and turnout in our building for local, state, national elections.

It is our right to determine who can be -- who can best represent -- represent us. This legislation is a continuation of that democratic process. So I want to thank you, and -- and that's me -- that's it for me.

If you have any questions or comments, I'd -- I'd --

REP. BUTLER: Excuse me. Are there any questions?

Representative Green.

REP. GREEN: Thank you.

Currently, do -- you say you're from Meriden?

ANA ESTRADA: Yes. I'm from Meriden, Connecticut.

REP. GREEN: Okay. Do you know how many commissioners you have on your housing commission now?

ANA ESTRADA: Right now, exactly, I don't know, because like I -- I've been in the PHR member, and I'm a lieutenant counselor. It's been like six months.

REP. GREEN: Are you aware whether or not there's anyone from your tenant association that's on the --

ANA ESTRADA: No. I'm not aware right now.

REP. GREEN: Okay.

ANA ESTRADA: I do know that in New Britain, which I am doing work in there -- volunteer -- well, I volunteer there -- there is a -- a resident commissioner. Resident commissioner was selected by the mayor, not by the residents. I know that for a fact.

REP. GREEN: Uh-huh. Do you think it -- do you think it's a -- it's a difference -- if there was a tenant that was selected, it was selected by somebody, say, the local public official or the tenants, do you think that would make a difference?

ANA ESTRADA: It sure will. As a matter of fact, okay. I don't know who's the resident -- many of the resident commissioners from -- from here. But as a tenant council member in Jersey City, New Jersey, I knew who was my resident commissioner.

There was a situation where they were going to demolish a site. The -- the residents went to -- to speak to the resident commissioner. The resident commissioner did not do anything.

What happened was in follow was that the residents from that site went to the site where I used to live at, and we tried to help out. We -- there was no victory, but we did -- we did manage to do something about it.

REP. GREEN: So it sounds like you feel like a resident commissioner selected by the tenants might be more in tune where there's tenant needs and -- and stuff like that, and you feel sometimes a disconnect if it's appointed by someone else. Is that -- that the sense I'm getting?

ANA ESTRADA: Yes. That's how I feel. Yes, sir.

REP. GREEN: Okay. In terms of the commissioner meetings, I -- I know in towns that I represent, they're public meetings, and so residents can come. Do you ever attend any of your commissioner meetings in your town? I'm just trying to get a sense of do they allow the tenants to speak out? Do the tenants show up? Do the tenants participate even though they're not on the commission -- do they -- do they feel like they are heard?

ANA ESTRADA: Well, I did go two weeks ago to one (inaudible) council, but from my understanding and from what they told me, which I know I'm not supposed to, like Mr. Butler said, hearsay. But some of the residents did mention that sometimes the -- the resident commissioners don't even listen to them. So that's why I'm here.

REP. GREEN: And -- and let me ask one more question. Let's -- let's imagine that the tenants didn't -- well, currently, in a lot of towns, tenants do not select the commissioners. A lot of times commissioners do -- are -- are not residents of those --

ANA ESTRADA: Right.

REP. GREEN: -- those -- of those units. Do you ever -- have you heard through your association with the local official that makes the appointments would at least ask you if you had any candidates or anybody --

ANA ESTRADA: No.

REP. GREEN: -- that might be interested? Is there any communication sometimes from local officials? Have you ever felt that?

ANA ESTRADA: No. I haven't felt it.

REP. GREEN: No. Okay.

ANA ESTRADA: Thank you.

REP. GREEN: Thank you.

REP. BUTLER: Thank you.

ALBERTA WITHERSPOON: Good evening, ladies and gentlemen of the Housing Committee.

My name is Alberta Witherspoon. I live in McQueeney Towers in New Haven. I'm on the Board of Public Housing Resident Network. I've been a resident of public housing for 20 years. I'm in favor of the Senate Bill 320, THE SELECTION OF THE TENANT COMMISSIONERS, because it gives residents the right and the ability to determine who can best represent us.

I don't think that the decision can nor should be made by a mayor or town selectman. The purpose of a resident commissioner is to fight for the right of the tenant. Who better makes

that decision on who can best fight for and with us than residents?

We currently have a resident commissioner who does not fight for us and who votes in favor of everything that housing authority wants to do. I am not suggesting that she is a bad person. It is simply because residents do not have a voice in the current selection process.

At most, resident commissioner does view themselves as representative of and for residents. I believe that this attitude is indicative of the fact that residents does have a say in who their commissioner should be.

I strongly urge you to get this legislature passed and send a message to all public housing residents that we are not second class citizens and that our voice is important as is everyone else. Thank you.

Is there a question?

REP. BUTLER: Thank you.

Any questions?

Representative Green.

REP. GREEN: Yes. I just want to stay with some of the same line of questioning as with the other person.

Do -- again, I'm -- I'm assuming the commissioner has had regularly scheduled meetings and they're open to the public.

ALBERTA WITHERSPOON: Yes.

REP. GREEN: Do you ever attend any of those meetings, and then if you do, what's the sense of those commissioners listening to the tenants?

ALBERTA WITHERSPOON: Sometime you can tell they might respond or sometime they pass the buck back to housing executives. And sometime they listen, sometime they don't.

REP. GREEN: Have you ever felt that you -- you needed to -- to talk to them about something and that they were open to you or not open to you, I mean, in the sense that -- do you feel comfortable in going to them and saying, you know, hey, this unit over here or this group of units really need this, and there are some commissioners on there that say I really want to hear that, or, like sometimes when I see commission meetings, it's really just rubber stamping stuff. It's just -- you have the meeting and rubber stamp.

ALBERTA WITHERSPOON: Uh-huh.

REP. GREEN: But -- but sometimes you can find people that -- commissioners that really want to hear, really want to reach out. How do you feel about the New Haven commission? How many -- how many are there? I don't mean -- I have no idea what -- what's New Haven is like.

ALBERTA WITHERSPOON: Right now we have about -- we -- now we only have one resident commissioner. There was two. I think we have about six, including the chair.

REP. GREEN: You -- you said you thought you had two --

ALBERTA WITHERSPOON: We did have two --

REP. GREEN: -- residents.

ALBERTA WITHERSPOON: -- resident commissioner, but one of them had to step down.

REP. GREEN: Okay. And those positions is usually filled by the mayor. Is there any -- do you know if in the -- your bylaws or rules that -- that those two positions have to be tenants, or were they just happened to be what the mayor selected?

ALBERTA WITHERSPOON: No. They -- they -- the two positions was supposed to be residents.

REP. GREEN: Okay. So in New Haven's arrangements, two of the commissioners will be tenants of public housing.

ALBERTA WITHERSPOON: Well, they told us -- we were complaining, and we went to them, and we said that we should have another housing commissioner. They said because of some of the properties were demolished, that we didn't need two housing commissioners.

Since then, one of the properties have build back and they're in the process of -- they just did a ground breaking for the second one, so I think now is the time we should try to get the second resident commissioner.

REP. GREEN: Uh-huh.

ALBERTA WITHERSPOON: But to answer your question about how I feel, sometimes you can go to a -- a commissioner, and they'll listen, and then sometimes you can't -- you -- you can't get a feel of to what they're thinking.

REP. GREEN: Uh-huh. All right. Thank you.

ALBERTA WITHERSPOON: You're welcome.

REP. BUTLER: Representative Morris.

REP. MORRIS: Thank you, Mr. Chairman, and good afternoon.

The number of commissioners in New Haven is determined how?

ALBERTA WITHERSPOON: I'm not sure how it's determined -- how the commission is determined, but I do know that I think the mayor choose the commissioners and he also selects the resident commissioners.

REP. MORRIS: Okay. Because you're saying that -- that when one stepped down, I think I understood you, that they didn't -- they didn't replace that one?

ALBERTA WITHERSPOON: No. They didn't replace the -- the second commissioner, because they said that we had properties that were demolished and that I guess the need for two resident commissioner wasn't necessary. I'm not sure if that was legal, but that's what they told us.

REP. MORRIS: Right. So you don't know whether city charter -- if he's written a city charter or anything as to how they determine the number.

ALBERTA WITHERSPOON: No, but I promise you I find out.

REP. MORRIS: It's important to know. In terms of the tenant organizations, other than the voice that you have on that commission, it was appointed by the mayor, which obviously that's where the problem is, how do you -- how do you

think the voice of the tenant associations is respected, honored or listened to at all by the authorities?

ALBERTA WITHERSPOON: Well, we have a RAB board.

REP. MORRIS: A what board?

ALBERTA WITHERSPOON: Resident advisory board.

REP. MORRIS: Okay.

ALBERTA WITHERSPOON: And that's made up with all of the TRC members, all of the people from different units -- different complexes. They're resident leaders from different complexes. They -- they make the -- the committee which is called the RAB, resident advisory board, and when there is a concern, it goes to the RAB board and the RAB board presents it to housing authorities or to the Board of Commissioners.

REP. MORRIS: How often would you say those -- the recommendations that the RAB board makes to the housing authority is ever accepted?

ALBERTA WITHERSPOON: Some of them are accepted and some of them are not.

REP. MORRIS: When they're not accepted, are you given reasons that --

ALBERTA WITHERSPOON: We're given reasons and we try to take it back and try to do it in a different manner to -- to see would they accept it.

REP. MORRIS: All right. Thank you very much.

ALBERTA WITHERSPOON: Thank you.

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HOUSING COMMITTEE

March 4, 2010  
1:00 P.M.

REP. BUTLER: Okay. Before you leave, I have a couple of questions.

Do you know the length of service that they serve on this board?

ALBERTA WITHERSPOON: Well, I know one resident commissioner who served ten years, and that was the limit that she could serve.

REP. BUTLER: So there is a limitation on the service of commissioners?

ALBERTA WITHERSPOON: I -- I believe so, because she -- she served ten years, and after ten years she had to step down.

REP. BUTLER: So is that a requirement -- is there -- do you get to serve for like two terms of five years, or is it, you know, five terms of two years, or do you know how many --

ALBERTA WITHERSPOON: I'm not sure how -- how the selection process is, but I could find out.

REP. BUTLER: Okay. Well, the reason I ask is because in Waterbury where I'm from, I know that we have a resident commissioner and -- which is -- pretty much goes for the same process that you talked about that is selected by the mayor, but it has to be ratified by the board of alderman. Does your board of -- the mayor selects the person, but does that person come before the board of alderman to be approved?

ALBERTA WITHERSPOON: I don't believe so. I think it's just on the mayor's appointing.

REP. BUTLER: Really? Okay. Well, wow. That's what I call a strong mayor charter, but --

anyway, so I could understand your concern if that's the case.

ALBERTA WITHERSPOON: Uh-huh. Uh-huh.

REP. BUTLER: All right. Thank you for your testimony.

Is there -- okay, Representative Morris.

REP. MORRIS: I -- I'm sorry, Mr. Chairman, this gets interesting as we go along.

Has the RAB board ever expressed it's concern to your local -- to the commission, to the board of alderman or anyone regarding what appears to be its inability to be adequately represented by people that they feel are representing their interests? In other words, to do what this bill is saying to do?

ALBERTA WITHERSPOON: No, because residents just recently started to complain -- to complain about the resident commission.

REP. MORRIS: Okay. So there are -- they are complaining at this point?

ALBERTA WITHERSPOON: Yes. They are complaining, but no one has actually approached the mayor or -- or any other city official about the process.

REP. MORRIS: So the complaint is primarily internal to the RAB board right now?

ALBERTA WITHERSPOON: Yes. Yes, it is.

REP. MORRIS: Do you think the RAB board feels empowered to -- at all to make that complaint?

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HOUSING COMMITTEE

March 4, 2010  
1:00 P.M.

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.

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

9B317  
9B302  
HB5371

Next, we'll have Patricia Hogan, followed by Dorian Kreindler and Raphael Podolsky.

PATRICIA HOGAN: Good afternoon, Co-Chair Representative Green, Senator Ed Gomes and committee members.

My name is Patricia Hogan, and I'm a resident of Eastside Terrace, an elderly/disabled state housing complex in Wallingford. I'm an organizer of the Wallingford Tenant Council and the Wallingford Housing Authority Tenant Commissioner and an active member of the Connecticut Public Housing Resident Network (inaudible).

I am here today to speak in support of Senate Bill 320, a bill that calls for TENANT REPRESENTATION IN THE SELECTION OF TENANT COMMISSIONERS.

A year-long renovation of my premises spurred me to begin attending monthly Wallingford Housing Association, known as WHA, board meetings where I was appalled at the astonishing lack of input, feedback and consideration according to the residents. As a result, I began organizing a town-wide tenant organization and later became tenant commissioner.

In the process of my appointment, the lack of a resident voice in decision making or any subsequent recourse was even more astounding. I found that the politics de jour has supplanted the appointing of tenant commissioners who truly represent the tenants' best interest, with one sanctioned and manipulated by housing authorities and political parties as the swing vote.

Even though a number of residents and community members supported me as their representative and attended the election meetings, only the democratic town committee and town council had any vote in electing them, and the proposed resident candidates basically are strangers to their appointers.

Besides this process, disallowing any resident participation in the choice of the only commissioner who can truly identify with the residents, this practice further increases the resident alien nation futility and disempowerment.

On behalf of tenant commissioners statewide who are surrounded by board members who are often out of touch with how their decisions actually impact the residents' living conditions and their quality of life, I strongly urge you to adopt this bill and offer a voice to some of your most valuable constituent populations.

Thank you for hearing my testimony today.

REP. BUTLER: Are there any questions?

Thank you. Thank you for your testimony.

Next, we have Dorian Kreindler.

DORIAN KREINDLER: Good afternoon, committee members. My name is Dorian Kreindler, and I live at McKenna Court, an elderly disabled federal housing complex overseen by the Wallingford Housing Authority. I am co-organizer of the Wallingford Tenant Council and an active member of the Connecticut Public Housing Resident Network. I'm here today to speak in support of Senate Bill 320, which

calls for tenant representation in the selection of tenant commissioners.

After meeting as part of the McKenna Court Resident Committee with the WHA executive director to institute certain changes that were important to myself and my neighbors without success, I attended a WHA Board of Commissioners meeting on May 28th, 2009, where matters concerning my complex were being addressed.

There I met Pat Hogan, also a WHA tenant, who likewise was seeking the betterment of conditions at her complex. We joined forces at that time to form a representative resident organization, the Wallingford Tenant Council.

Knowing Pat's commitment to provide an effectual voice for all WHA residents which previously has not existed with management, I could not help but be intensely dismayed at the exclusion of tenants from participation in electing a tenant commissioner, as well as the election process itself, where commissioner appointments are, by statute, based on political affiliations rather than competence, concern for tenants' welfare or righteous stewardship.

And no one is potentially better equipped than a tenant commissioner appointed of, by and for the tenants to capture these inequities and vanquish the second class citizenship and disempowerment of residents. Unlike all other commissioners, the tenant commissioner has a special view enabling its bearer to reconcile a management and resident perspective within one position.

Pat Hogan exemplifies the best leadership attributes and commitment a tenant

commissioner can have, yet despite her amazing progress, and if I might add in the face of formidable obstacles, within only a few months of acquiring the position, she is now in danger of having her term cut short next October due to the unfairness of the current system.

The adoption of Senate Bill 320 would constitute a quantum leap in readdressing the lack of tenant commissioners who serve as true voices for their charges -- while additionally I propose you consider mandating a minimum of two tenant commissioners per every housing board -- and I believe your support of this bill would improve not only the lot of public housing residents, but the management of public housing properties statewide.

Thank you for allowing me this opportunity to speak my heart to you today. God bless you all.

REP. BUTLER: Are there any questions?

Thank you.

DORIAN KREINDLER: Thank you.

REP. BUTLER: And forgive me for the pronunciation of your name, as those who follow. Please forgive me.

Raphael Podolsky.

RAPHAEL PODOLSKY: Thank you very much.

I'm Raphael Podolsky. I'm a lawyer with the Legal Assistance Research Center in Hartford, part of the legal aid programs. I've submitted written testimony on six bills. I'm really going to spend my time speaking about

HB5371 SB320  
HB5369 HB5370  
HB5373 SB319

RAPHAEL PODOLSKY: Yes. Yes. I mean, I think that's -- when you -- when the legislature does pilot projects or demonstration projects, presumably the reason for doing it on that basis is because you expect to learn something from it and figure out where to go from there, and -- and so -- and specifically pilots need to be fairly discrete and -- so that you can actually look at how they work.

REP. BUTLER: Okay. Well, thank you.

Are there any other questions? All right.

Thank you for your testimony.

RAPHAEL PODOLSKY: Thank you very much.

REP. BUTLER: Next, we have Jeffrey Freiser, followed by Mary-Ann Langton.

JEFFREY FREISER: Thank you, (inaudible) Chairman, (inaudible), Chairman Green, members of the committee.

My name is Jeffrey Freiser. I am Executive Director of the Connecticut Housing Coalition. I'll quickly testify on several bills before you, and I've submitted more detailed written testimony.

First, we offer our strong support of S.B. 320 CONCERNING THE ELECTION OF TENANT COMMISSIONERS. As you've heard already, all across Connecticut, there are residents of public housing who are actively involved in making their communities better places to live. They care deeply. They work hard trying to improve the conditions of public housing, and this bill will give them the right to elect tenant commissioners under particular circumstances.

HB 5397  
HB 5371  
SB 318

With -- we have concern also that S.B. 318, AN ACT CONCERNING CERTAIN HOUSING STATUTES, in particular, Section 5 -- we would urge your deletion. The remainder of the bill, we would welcome to have you move that forward. It is worthy.

But Section 5 would make for-profit developers eligible for the state's predevelopment loan program, I assume with the good intention of trying to incentivize for-profits to build affordable housing, and if we were having -- if there was a period of growing state resources, you know, we may want to create yet a new incentive program.

But right now what you'd be doing is taking desperately needed resources from nonprofits and housing authorities and municipal developers who are currently eligible for the program, and making those scarce resources available for for-profits who, I believe, really should be taking a risk with those predevelopment expenses in exchange for the ability to make a profit.

With the bill, I would just point out that I -- I could offer some quick responses to questions that came up earlier, in particular, the size of a -- of a board -- the a board of commissioners of the housing authority.

SB320

The current statute says that the board shall be five members, one of which must be a tenant commissioner unless there's more than 3,000 units. So our largest cities can move up to a seven-member board, and if they choose to do that, there would be two tenant commissioners. And there are elections currently across the state for -- within resident councils.

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

determine if the two for one replacement plan has merit. At a time when there's -- required to leverage many sources of financing, there's a clear need to lessen the subsidy demand.

We think the concept in 5371 is worthy of pursuit. It can open up the opportunity for mixed income where you may be -- be able to put 50 percent of the units back in as low income and affordable and maybe mix in some affordable or market rate or homeownership opportunities to help finance the property. At a minimum, it would certainly be worth some further evaluation.

Senate Bill 320, we -- we speak in opposition of. We believe that the Connecticut General Statutes provides a mechanism to allow recommendations to be submitted by the tenant commissioners now and requires the municipality to review those submissions in their determination for a tenant commissioner.

We believe the -- removing the appointment from the ultimate oversight agency, which is the chief elected official, removes the core principal of accountability to the person that has the cognizance of oversight of that commission.

And there is a little bit of a concern of the unfunded mandate of holding -- the cost of holding an election. Would that be borne by the municipality or by the housing authority? Those are our concerns with Senate Bill 320.

Senate Bill 318 -- we would like to see some language that would place the Housing Committee as the Oversight Committee in conjunction with some appointed housing practitioners keeping in the spirit of the existing statute.

115  
cip/gbr

HOUSING COMMITTEE

March 4, 2010  
1:00 P.M.

NEIL GRIFFIN: Thank you.

REP. BUTLER: Next, we will have Kim McLaughlin, followed by Joe Oros. Kim -- you didn't hear the "Kim McLaughlin" as you walked in the door.

KIM MCLAUGHLIN: Good afternoon. My name is Kim McLaughlin. I'm an organizer with a -- a statewide organization of public housing residents independent democratic organization called Public Housing Resident Network. And as has been testified before by our members this afternoon, the organization is in favor of the changes that are proposed in Senate Bill 320.

I want to share two stories with you in my experience as an organizer with the organization doing home visits with residents in many cities, and the stories I want to tell you are indicative of how the application of the current statutes are not producing the intended results, which is representation of the tenants on the commission that -- that is responsible for making the decisions in the -- in the conduct of the -- of the housing authority.

One we call fishing for tenant commissioners, which we've seen in several cities. Because the law says that the -- either the mayor or the town council in smaller cities is responsible for appointing the tenant commissioner, I've done visits where people literally have had -- had either -- their neighbor has gotten a letter or -- or they've seen a letter asking someone to be a tenant commissioner. They have no idea what it's about.

In particular, the other day, I was in a city where there's an open tenant commissioner position, and what I was told was that the neighbor across the street had gotten a letter because two of them had showed up at an election activity, you know, meet the candidates for mayor in the fall.

One -- they were asked what their party affiliation was when they -- the two of them attended. One was the party of the current mayor, and the other was -- was the opposite party and -- and the one that was the right party got the letter.

Luckily, she didn't want to run. The residents there didn't think that she would be good at all, because they said she was a screamer and a yeller, but obviously, that's indicative of someone who is being asked to sit in a very responsible position who has no idea what that position is about and yet has the ability to say "yes," be appointed and -- and then be in that position. That's a problem for the other residents who live in that community.

The others -- the other story I want to tell you is a devastating -- it was a devastating to watch, where residents who sat in commission meetings and watched decisions being voted on about the demolition of the building that they lived in at that time, they watched their resident commissioner, who was a very nice person, but very weak and felt that she had to vote with the other commissioners who were powerful people in her city, and they watched her vote to demolish the buildings that they lived in knowing that that meant they would be displaced. They had no voice in it. They were never talked to by the resident commissioner.

Those are just two examples of why the change in the statute is -- would be very good. We found -- our organization has found that, and one of the reasons that we do organizing is that we believe, and we found that those -- when you have a voice in the decisions that affect your lives, you are much more inclined to become a participatory and positive member of the community that you live in and work for improvements in that community.

We believe that franchised individuals have a greater incentive to help improve their neighborhood, and in this country, obviously, we consider the vote, the right to vote, as representation for somebody of your choice, to be a basic right of franchise in our democracy.

That's what this bill is about. It's very simple. We believe that it would really improve, it would help to improve, it would help to give residents the ability to improve their community.

The -- the other thing, very quickly, that I just would like to say, is that -- two things. One -- and I -- I will be quick -- one is that the support of the organization for this bill has nothing to do with the -- with that -- with individual commissioners because there's an understanding that no system is perfect.

As I like to say to people that I talk to, you know, we've all met the minister who ran off with the head of the choir or with the church treasury. You know, it doesn't mean churches are bad, right? The institution is not the problem. They are individuals.

So the idea here is not that there's -- and I'm -- I'm responding to what I saw as some questions about particular commissioners in particular cities. The concept is that the system needs to be one that gives residents much more of a voice and the feeling that they have a stake in their community -- much more franchise.

The other quick thing that I want to do is respond to --

REP. BUTLER: Final thoughts, please --

KIM MCLAUGHLIN: Yes. This is it.

REP. BUTLER: -- because it's getting too -- a little late --

KIM MCLAUGHLIN: And this has to do with --

REP. BUTLER: -- and we have a lot of people to testify, please.

KIM MCLAUGHLIN: -- House Bill 5371. It's just information for your -- with respect to House Bill 5371, my understanding is that there has -- there have definitely been some flexibility in that law in the city of Stamford, in particular with respect to Saint John's Towers.

So it's not as if one for one replacement doesn't -- doesn't meet -- you know, that there -- there can't be some flexibility in the system, but the -- the protections are very important.

So thank you.

REP. BUTLER: Thank you.

**Stratford Housing Authority  
295 Everett Street  
Stratford, Connecticut 06615  
Phone (203) 375-4483 Fax (203) 375-9449**

Date: March 4, 2010

To: Connecticut State Committee on Housing

Re: Written Testimony Regarding SB 320

From: Kevin S. Nelson  
Executive Director  
Stratford Housing Authority  
295 Everett Street  
Stratford, Connecticut 06615

I am writing in opposition to Senate Bill 320 regarding the election of tenant commissioners through a tenant election. It is one thing to recognize a tenant organization and to have that organization recommend tenants for appointment to the local public housing authority, but it is an entirely different matter to have the tenant organization become the appointing authority. It puts the Authority Board in the position of serving two masters.

The oversight of the public housing authority rests with the municipality. It is effected through the appointment of a Board of Commissioners. In the case of the Town of Stratford, it is the Town Council that appoints members to the Stratford Housing Authority Board.

The Housing Authority Board is a policy-making board charged with setting the business course for the Authority. The day-to-day activities are carried out by staff. This means that the position of Tenant Commissioner is one of representing the interests of tenants through policy. All Commissioners, including the Tenant Commissioner, must constantly balance the interests of the tenants with the overall best interests of the Authority as a business. The Tenant Commissioner position then, is not one of day-to-day resident advocacy.

It is my understanding that this bill was prompted, at least in part, by one case where a "popular tenant commissioner" may be removed due to a change in the political landscape (one would think that the popularity of this tenant commissioner meant that the municipal appointing authority did its job by selecting an appropriate and qualified tenant to serve on the board). I would respond that the fact that a housing authority commissioner can be replaced due to a change in political climate affects all commissioners, not just tenant commissioners. To reduce this appointment to a popularity vote as opposed to a vetted selection performed by the municipal authority would do more harm than good. Popular choices are not always the best choices. Most tenants are residents in good standing but

many are not. What would happen if a tenant not in good standing gets elected and has a vendetta against the Authority? What would happen if a tenant is elected and then has to be evicted for a lease violation? How long would the election process take to make the replacement? What happens if a bad tenant commissioner keeps getting re-elected because the tenant is popular with the tenant population? In the case of a tenant commissioner election, would the municipality be able to bring an action against the tenant organization for any failure on the part of the tenant commissioner? Would it even be able to remove the tenant commissioner?

It is my understanding also that this bill was prompted by concerns of the Public Housing Resident Network that, across the state, tenant commissioners vary widely in their inclination and ability to represent the interests of the tenants. I would respond by urging the committee to ask the proponents of this bill to "make the case". I have been an Executive Director in Public Housing since 1981 and am unaware of any widespread concern regarding the representative abilities of tenant commissioners, and no such concern has been expressed in Stratford. Further, the Stratford Housing Authority, on more than one occasion, has had the tenant commissioner serve as its Chairperson. This is a testament to the quality of tenant commissioners appointed by our municipality.

To restate, the Tenant Commissioner position is not one of day-to-day resident advocacy. Day-to-day resident advocacy is accomplished in a variety of ways. Residents can first and foremost come to the scheduled Board of Commissioner meetings. They can also respond and provide input on the Agency Plans, rules and regulations and other documents advertised for public comment. They can communicate through their resident organizations. Tenants are also ably represented through a variety of legal, fair housing and other organizations that protect their interests.

Since the municipality bears the burden and consequences of oversight, appointments to the Housing Authority board should rest with it. And since tenants, and tenant organizations, currently have a right to petition the appointing authority on behalf of a candidate for appointment as a Commissioner, I see no compelling reason to change the current successful process.

I wish to thank the members of the Committee and the Legislature for the difficult work that you do, the difficult decisions you make, your attention to this very important issue and the opportunity to comment.

Respectfully submitted.



900 Chapel St., 9th Floor, New Haven, Connecticut 06510-2907  
Phone (203) 498-3000 • Fax (203) 562-8314 • [www.ccm-ct.org](http://www.ccm-ct.org)

THE VOICE OF LOCAL GOVERNMENT

**TESTIMONY**  
of the  
**CONNECTICUT CONFERENCE OF MUNICIPALITIES**  
to the  
**HOUSING COMMITTEE**

March 4, 2010

CCM is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 90% of Connecticut's population. We appreciate this opportunity to testify before you on issues of concern to towns and cities.

**Raised Senate Bill 320, "An Act Concerning the Selection of Tenant Commissioners."**

SB 320 would allow tenants residing in units owned or managed by a housing authority to form a tenant organization that would recommend tenants for appointment to tenant commissioner.

CCM supports greater tenant participation in the selection of tenant commissioners of housing authorities. However, such appointments should not reduce municipal appointments.

## ## ##

If you have any questions, please contact Donna Hamzy, Legislative Associate  
via email [dhamzy@ccm-ct.org](mailto:dhamzy@ccm-ct.org) or via phone (203) 498-3000.

Housing Committee  
Public Hearing, March 4, 2010  
Re: Senate Bill # 320

Testimony submitted by : Ana Estrada, 55 Willow Street, Meriden, CT  
06450

Good afternoon ladies and gentlemen of the Housing Committee. My name is Ana Estrada. I live in Community Towers in Meriden, Connecticut. I am a tenant council board member at Community Towers and I am also a board member of the Public Housing Resident Network. I have been a public housing resident for over 15 years both in New Jersey and now here in Connecticut. I also served on our Tenant Council at Hudson Gardens in Jersey City, New Jersey as well.

I come before you today to speak in favor of Senate Bill # 320 – The selection of Tenant Commissioners. I feel this legislation is **very important** in that it allows for residents to elect their resident commissioner and for these additional reasons;

- it allows for residents to determine who will best represent their interests through a democratic process and having a forum to hear from all the candidates
- it sends a clear message to the resident commissioner who their constituency is; **the residents**.
- It gives residents the right to not only hold that commissioner accountable, but to also support that commissioner when he/she is working in their best interests.
- Most importantly this legislation will make residents an ongoing part of the process and will give them a stronger VOICE in the policies that impact their lives!

This is why I vote and this is why we do voter registration and turn - out in our building for local, state and national elections. It is our right to determine who can best represent us. This legislation is a continuation of that democratic process.

Thank you.

Housing Committee  
Public Hearing, March 4, 2010  
Re: Senate Bill # 320

Testimony submitted by: Alberta Witherspoon, 358 Orange Street, New Haven, CT  
06511

Good afternoon ladies and gentlemen of the Housing Committee. My name is Alberta Witherspoon. I live in McQueeney Towers in New Haven, CT. I am a board member of the Public Housing Resident Network. I have been a resident of public housing for 20 years.

I am in favor of Senate Bill # 320 – The selection of Tenant Commissioners because it gives us residents the right and ability to determine who can best represent us. I don't think that decision can nor should be made by a mayor or town selectman.

The purpose of a resident commissioner is to fight for the rights of tenants. Who better to make that decision on who can best fight for and with us than residents?

We currently have a resident commissioner who does not fight for us and who votes in favor of everything our housing authority wants to do. I am not suggesting she is a bad person. It is simply because residents do not have a voice in the current selection process that most resident commissioners don't view themselves as representatives of and for residents. I believe this attitude is indicative of the fact that residents don't have a say in who their commissioner should be.

I strongly urge you to get this legislation passed and send a message to all public housing residents that we are not second class citizens and that our voice is as important as everyone else.

Thank you.

**Connecticut 2010 Legislature  
Housing Committee  
Public Hearing  
March 4, 2010  
RE: Senate Bill 320**

**Submitted by: Patricia Hogan, 39 Eastside Terrace, Wallingford, CT 06492  
Wallingford Housing Authority Tenant Commissioner**

My name is Patricia Hogan, and I am a resident of Eastside Terrace, an elderly/disabled state housing complex in Wallingford. I am an organizer of the Wallingford Tenant Council and Wallingford Housing Authority Tenant Commissioner and an active member of the Connecticut Public Housing Resident Network. I am here today to speak in support of Senate Bill 320, a bill that calls for tenant representation in the selection of tenant commissioners.

A yearlong renovation of my premises spurred me to begin attending monthly WHA Board meetings, where I was appalled at the astonishing lack of input, feedback, and consideration accorded residents. As a result I began organizing a town-wide tenant organization and later become tenant commissioner. In the process of my appointment the lack of a resident voice in decision-making or any subsequent recourse was even more astounding. I found that the politics du jour have supplanted the appointing of tenant commissioners who truly represent tenants' best interests with ones sanctioned and manipulated by housing authorities and political parties as the swing votes. Even though a number of residents and community members supported me as their representative and attended the election meetings, only the Democratic Town Committee and Town Council had any vote in electing me, and the proposed resident candidates basically are strangers to their appointers. Besides this process disallowing any resident participation in the choice of the only commissioner who could truly identify with residents, this practice further increases their alienation, futility, and disempowerment.

On behalf of tenant commissioners statewide, who are surrounded by Board members who are often out of touch with how their decisions actually impact the residents' living conditions and quality of life, I strongly urge you to adopt this bill and offer a voice to some of your most vulnerable constituent populations.

Thank you for hearing my testimony today. Sincerely, Patricia Hogan

Connecticut 2010 Legislature  
Housing Committee  
Public Hearing, March 4, 2010  
RE: Senate Bill 320

Submitted by: **Dorian Kreindler, 1 McKenna Court, Wallingford, CT 06492**  
**Wallingford Housing Authority Tenant**

My name is Dorian Kreindler, and I live at McKenna Court, an elderly/disabled federal housing complex overseen by the Wallingford Housing Authority (WHA). I am co-organizer of the Wallingford Tenant Council and an active member of the Connecticut Public Housing Resident Network. I am here today to speak in support of Senate Bill 320, which calls for tenant representation in the selection of tenant commissioners.

After meeting as part of a McKenna Court resident committee with the WHA Executive Director to institute certain changes that were important to myself and my neighbors without success, I attended a WHA Board of Commissioners meeting on May 28, 2009, where matters concerning my complex were being addressed. There I met Pat Hogan, also a WHA tenant, who likewise was seeking the betterment of conditions at her complex. We joined forces at that time to form a representative resident organization, the Wallingford Tenant Council.

Knowing Pat's commitment to provide an effectual voice for all WHA residents, which previously had not existed with management, I could not help but be intensely dismayed at the exclusion of tenants from participation in electing a tenant commissioner, as well as the election process itself wherein commissioner appointments are, by statute, based on political affiliations rather than competence, concern for tenants' welfare, or righteous stewardship. And no one is potentially better equipped than a tenant commissioner appointed of, by, and for the tenants to counter these inequities and vanquish the second-class citizenship and disempowerment of residents. Unlike all other commissioners, the tenant commissioner has a special view enabling its bearer to reconcile a management and resident perspective in one position. Pat Hogan exemplifies the best leadership attributes and commitment a tenant commissioner can have, yet despite her amazing progress within only a few months of acquiring the position, she is in danger of having her term cut short next October due to the unfairness of the current system.

Your adoption of Senate Bill 320 would constitute a quantum leap in redressing the lack of tenant commissioners who serve as true voices for their charges—while additionally I propose you consider mandating a minimum of two tenant commissioners per every housing board—and I believe your support of this bill would improve not only the lot of public housing residents but the management of public housing properties statewide.

Thank you for allowing me this opportunity to speak my heart to you today. God bless you all.

# Legal Assistance Resource Center of Connecticut, Inc.

44 Capitol Avenue, Suite 301 ♦ Hartford, Connecticut 06106  
(860) 278-5688 x203 ♦ (860) 836-6355 cell ♦ (860) 278-2957 fax ♦ RPodolsky@larcc.org

## S.B. 320 -- Selection of tenant commissioners

Housing Committee public hearing – March 4, 2010

Testimony of Raphael L. Podolsky

**Recommended Committee action: ADOPTION OF THE BILL**

Under Connecticut law, every housing authority board is required to have a least one commissioner who is a tenant of the housing authority (there must be at least two tenants if the board has more than five members). A tenant member is also required by federal law if the housing authority has any federally-subsidized public housing. The purpose of these requirements is to make sure that tenants have an effective voice in decision-making by the housing authority. Unfortunately, in most towns the appointment of the tenant commissioner is treated as a political appointment, in the same manner as other local board appointments, and the tenant who is appointed is rarely representative of the views of public housing tenants as a whole. As a result, the purpose of both state and federal law is being frustrated.

This bill corrects that situation by requiring:

- If a town-wide recognized public housing tenant association exists, it must be allowed to select the tenant commissioner, either through an election in which all public housing tenants can vote or, if its by-laws provide, by other means (e.g., a selection by the association's board of directors). We believe that there are only a small number of towns with town-wide housing tenant associations (i.e., representing all public housing projects within the town), so we do not expect this provision to be used frequently.
- If there is no town-wide tenant association, then the housing authority must hold an election upon receipt of a petition from the lesser of 10% of public housing residents or 75 such residents.
- If no such petition is filed, then the appointing authority must give all public housing tenant associations in its buildings an opportunity to recommend names and must consider them in making an appointment to the housing authority board (which is similar to the status quo).

Federal law also requires that the tenant commissioner be fully equal in authority to the other members of the board. S.B. 320 also brings the Connecticut statute into compliance with that requirement by eliminating the prohibition of the tenant commissioner's voting on rent increases.

It is our understanding that the Connecticut Housing Coalition and the Public Housing Resident Network are proposing some language changes to the bill. We support those changes and urge the Committee to incorporate them into a substitute bill.

S.B. 320 – AAC The Selection of Tenant Commissioners

Notes on Proposed Substitute Language  
Submitted by  
Connecticut Housing Coalition and  
Connecticut Public Housing Resident Network

- Inclusion of Section 8 Tenants – Federal rules allow any tenant “directly assisted” by the housing authority to serve as a tenant commissioner and to participate in the election of a tenant commissioner. “Directly assisted” is defined to include Section 8 recipients. (See 24 CFR 964.410, 24 CFR 964.415 and 24 CFR 964.420.) S.B. 320 should similarly enfranchise all tenants of a housing authority, including Section 8 tenants, rather than only tenants who live in housing owned or managed by the authority.
- Full Role for Tenant Commissioner – Federal rules (24 CFR 964.430) require that a tenant commissioner have the right to fully participate in all board decisions. Connecticut law (C.G.S. Sec. 8-41(a)) currently restricts this participation. S.B. 320 should eliminate this discriminatory practice.
- Jurisdiction-wide Tenant Organizations – A tenant organization may represent all tenants of a housing authority or only tenants in a single development. S.B. 320 should distinguish between these two types of tenant organizations, and provide only to a jurisdiction-wide tenant organization the power to select a tenant commissioner through a means provided in its by-laws.
- Petition for Election – An election of tenant commissioner should be available by petition of 10% of all tenants or 75 tenants, whichever is less, recognizing that the 10% threshold may be difficult to achieve in a large housing authority.
- Third Party to Administer Election – It is common for a third party, such as the League of Women Voters or the Public Housing Resident Network, to administer a tenant election. S.B. 320 should encourage the use of a third party, agreeable to the tenants, to eliminate any appearance of bias in the conduct of an election by a housing authority.

*For further information:*

*Jeffrey Freiser  
Executive Director  
Connecticut Housing Coalition  
30 Jordan Lane  
Wethersfield, CT 06109  
860-563-2943 x12  
[jeff@ct-housing.org](mailto:jeff@ct-housing.org)*

DRAFT 2 – 3/2/10

Proposed Substitute LanguageS.B. 320 – AAC The Selection of Tenant Commissioners

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 8-41 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) When the governing body of a municipality other than a town adopts a resolution as described in section 8-40, it shall promptly notify the chief executive officer of such adoption. Upon receiving such notice, the chief executive officer shall appoint five persons who are residents of said municipality as commissioners of the authority, except that where the authority operates more than three thousand units the chief executive officer may appoint two additional persons who are residents of the municipality. If the governing body of a town adopts such a resolution, such body shall appoint five persons who are residents of said town as commissioners of the authority created for such town. The commissioners who are first so appointed shall be designated to serve for a term of either one, two, three, four or five years, except that if the authority has five members, the terms of not more than one member shall expire in the same year. Terms shall commence on the first day of the month next succeeding the date of their appointment, and annually thereafter a commissioner shall be appointed to serve for five years except that any vacancy which may occur because of a change of residence by a commissioner, removal of a commissioner, resignation or death shall be filled for the unexpired portion of the term. If a governing body increases the membership of the authority on or after July 1, 1995, such governing body shall, by resolution, provide for a term of five years for each such additional member. The term of the chairman shall be three years. At least one of such commissioners of an authority having five members, and at least two of such commissioners of an authority having more than five members, shall be a tenant or tenants of the authority selected pursuant to subsection (c) of this section [who live in housing owned or managed by such authority, if any exists, provided that any such tenant shall have resided in such housing for more than one year or is a tenant who previously resided in such housing for more than one year and is receiving housing assistance in a housing program directly administered by such authority and provided further that no such tenant shall have the authority to vote on any matter concerning the establishment or revision of the rents to be charged in any housing owned or managed by such authority]. If, on October 1, 1979, a municipality has adopted a resolution as described in section 8-40, but has no tenants serving as commissioners, the chief

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executive officer of a municipality other than a town or the governing body of a town shall appoint a tenant who meets the qualifications set out in this section as a commissioner of such authority when the next vacancy occurs. No commissioner of an authority may hold any public office in the municipality for which the authority is created. A commissioner shall hold office until his successor is appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk and shall be conclusive evidence of the legal appointment of such commissioner, after he has taken an oath in the form prescribed in the first paragraph of section 1-25. The powers of each authority shall be vested in the commissioners thereof. Three commissioners shall constitute a quorum if the authority consists of five commissioners. Four commissioners shall constitute a quorum if the authority consists of more than five commissioners. Action may be taken by the authority upon a vote of not less than a majority of the commissioners present, unless the bylaws of the authority require a larger number. The chief executive officer, or, in the case of an authority for a town, the governing body of the town, shall designate which of the commissioners shall be the first chairman, but when the office of chairman of the authority becomes vacant, the authority shall select a chairman from among its commissioners. An authority shall select from among its commissioners a vice chairman, and it may employ a secretary, who shall be executive director, and technical experts and such other officers, agents and employees, permanent and temporary, as it requires, and shall determine their qualifications, duties and compensation, provided, in municipalities having a civil service law, all appointments and promotions, except the employment of the secretary, shall be based on examinations given and lists prepared under such law, and, except so far as may be inconsistent with the terms of this chapter, such civil service law and regulations adopted thereunder shall apply to such housing authority and its personnel. For such legal services as it requires, an authority may employ its own counsel and legal staff. An authority may delegate any of its powers and duties to one or more of its agents or employees. A commissioner, or any employee of the authority who handles its funds, shall be required to furnish an adequate bond. The commissioners shall serve without compensation, but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties.

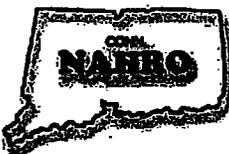
(b) Tenants of the authority may form a tenant organization that shall have the power to recommend or designate tenants for appointment as tenant commissioner in accordance with subsection (c) of this section. Upon the election of the governing board of a tenant organization, such organization may request to be recognized by the authority as an official tenant organization representing some or all tenants of the authority. If the election of the governing board was conducted fairly and with sufficient notice of the election, the authority shall recognize the tenant organization as an official tenant organization.

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[(b)] (c) Any tenant organization composed of tenants [residing within units owned or managed by] of the [appointing] authority may indicate to the appointing [such] authority its desire to be notified of any pending appointment of any such commissioner. A reasonable time before appointing any such commissioner, the [appointing] authority shall notify any such tenant organization [and, in making such appointment, such authority shall consider tenants suggested by such tenant organizations]. If a tenant organization has been recognized by the housing authority as an official tenant organization representing all of the tenants of the authority, then the appointee to tenant commissioner shall be selected by (1) a fair election by the tenants of the authority, provided all such tenants received sufficient notice of such election, or (2) other means provided for in the by-laws adopted by such tenant organization, including, but not limited to, selection by its governing board. If no tenant organization has been recognized by the authority as an official tenant organization representing all of the tenants of the authority but ten per cent of the tenants of the authority or 75 of such tenants, whichever is less, petition the housing authority for an election, then the appointee to tenant commissioner shall be selected by a fair election by the tenants of the authority. If a tenant commissioner is not selected by other means pursuant to this subsection, then the appointing authority shall select the appointee to tenant commissioner. In making such selection, the appointing authority shall consider any tenants suggested by tenant organizations. No such appointment shall be effective until the provisions of this subsection have been complied with. In conducting an election pursuant to this subsection, an authority shall use its best efforts to select a third party to administer such election, and such third party shall be selected to the extent possible with mutual agreement of any official tenant organizations representing tenants of the authority.

[(c)] (d) Notwithstanding any provision of subsection (a) of this section or any other provision of the general statutes [to the contrary], a commissioner of an authority may serve as a justice of the peace or a registrar of voters.

(e) For purposes of this section, a "tenant of the authority" means a tenant who lives in housing owned or managed by such authority or is receiving housing assistance in a housing program directly administered by such authority.



**Connecticut Chapter  
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**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 317 and HB5371

I would also like to express Conn-NAHRO's opposition to SB320, SB318 and HB5373.

**SB 317 An Act Concerning Building Located Within the Five-Hundred Year Floodplain**

Conn-NAHRO supports the Housing 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.

We urge the Committee to explore allowing the exemption to any unit on the most current Affordable Housing Appeals List. By changing the language on line 121 from "state housing loan portfolio" to "part of the most current affordable housing appeals list" the Committee will allow for the preservation of a full range of affordable housing, not just the state housing loan portfolio. This would include DECD, CHFA, HUD and Rural Development financed low income and affordable units.

Finally we believe the language on lines 122 – 124 that states "provided such units were built in compliance with the flood map in place at the time of construction" could cause some confusion. Since the units were constructed and building permits were issued at the time of construction the properties would have been in compliance with all zoning requirements including flood plain requirements that were in effect at the time of construction. Therefore we would urge the Committee to consider removing this language.

**HB 5371 An Act Concerning A PILOT Program for Affordable Housing Replacement**

Conn-NAHRO supports HB5371. The concept of allowing properties to be redeveloped without one for one replacement supports the option of redeveloping properties as mixed income properties where some units would be at market rate and others would remain low and moderate income units. Income mixing would take a limited percentage of the units to be rented at market rate thereby reducing the subsidy needs for the property. This would achieve two desired outcomes at one time, the de-concentration of poverty, sought by HUD, and the reduction on subsidy demands sought by all funding sources.

Understandably there is always concern for the loss of a low income or a moderate income housing unit; however if there is a flat out requirement of one for one replacement it could lead to a failure for many plans to rehabilitate dilapidated housing. At a time when property owners are required to leveraging many sources of financing and a there is a clear need to lessen the subsidy demand of each property HB 5371 is a concept worthy of pursuit.

#### HB 5373 An Act Concerning Establishing Residency for Tenants

Conn-NAHRO opposes the language in HB 5373. While we agree the purpose of the bill is a well intended one, without some serious changes to the summary process statutes this bill as proposed would complicate evictions for unauthorized occupants significantly.

We do believe the bill should provide some better clarification, therefore we respectfully submit our comments for your consideration.

Lines 1-3 should be rewritten in a manner not to obstruct an eviction for a situation where an existing tenant adds an unauthorized occupant. By requiring an unauthorized occupant to be on the lease to establish residency it creates a circular logic. This will complicate an eviction by making it more difficult to prove the person has established residence in such unit if it can be argued that they have not established residency since they are not on the lease. We would recommend something to the effect of "*Occupations by a person of a dwelling unit shall be insufficient to provide the right or privilege to occupy such premise unless (1)...*"

Line 4 should probably say, "*unless... (2) such person qualifies as a dependent under the Internal Revenue Code.*" and should also add: "*...or a natural child of a tenant of such unit under the age of majority.*"

Line 5-6 his should probably say, "*Any person who occupies a dwelling unit but does not establish residence pursuant to (1) or (2) above shall be considered, for the purposes of CGS §47a-23(a)(2) and (3), someone who never had a right or privilege to occupy such premises; or who may have originally had the right or privilege to occupy such premises but such right or privilege has terminated.*"

#### SB 320 An Act Concerning The Selection of Tenant Commissioners

Conn-NAHRO opposes SB 320. Presently the Connecticut General Statutes provide a mechanism that allows for recommendations to be submitted by tenant associations. Furthermore the burden of oversight of the Authority rests with the appointing municipal authority. To remove their ability to select members of the commission, for which they have the ultimate oversight of, removes a core principal of accountability. Finally the bill creates an unfunded mandate; the cost of holding an election would ultimately be incurred by the Authority or municipality.



Housing Committee  
Public Hearing  
March 4, 2010

Testimony of Jeffrey Freiser,  
 Executive Director, Connecticut Housing Coalition

**Support:**

S.B. 317 - AAC BUILDINGS LOCATED WITHIN THE FIVE-HUNDRED-YEAR FLOODPLAIN.

S.B. 320 - AAC THE SELECTION OF TENANT COMMISSIONERS.

H.B. 5369 - AAC FORECLOSURE MEDIATION.

H.B. 5370 - AN ACT AUTHORIZING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS OF MODERATE RENTAL HOUSING OPERATED BY THE HARTFORD HOUSING AUTHORITY.

H.B. No. 5372 - AAC ACCESSIBLE HOUSING.

H.B. 5374 - AAC PROMOTING AND SUSTAINING AFFORDABLE HOUSING IN CONNECTICUT.

H.B. 5397 - AAC REAL ESTATE LICENSING FOR NONPROFIT HOUSING CORPORATIONS.

**Conditional support – if amended:**

S.B. 318 - AAC CHANGES TO CERTAIN HOUSING STATUTES.

**Oppose:**

H.B. 5371 - AAC A PILOT PROGRAM FOR AFFORDABLE HOUSING REPLACEMENT.

H.B. 5373 - AAC ESTABLISHING RESIDENCY FOR TENANTS.

The Connecticut Housing Coalition represents the broad, vibrant network of community-based affordable housing activity across the state. Our more than 250 member organizations include nonprofit developers, human service agencies, resident associations, and diverse other housing practitioners and advocates. Founded in 1981, the Coalition works to expand housing opportunity and to increase the quantity and quality of affordable housing in Connecticut.

► S.B. 320 – AAC The Selection of Tenant Commissioners

Each housing authority in the state is governed by a board of commissioners, usually comprised of five members, although the largest housing authorities (with more than 3000 units) may have seven-member boards. C.G.S. Section 8-41 requires that one commissioner of a five-member board be a tenant of the housing authority, and that two commissioners of a seven-member board be tenants.

All across Connecticut, residents of public housing are actively involved in making their communities better places to live. They care deeply and work hard to improve the conditions of public housing. They want their children to live in an environment that is safe and decent. And they expect that a tenant who is serving on the housing authority's board of commissioners will truly provide a tenant's voice, offering the tenants' perspective in the deliberations of the local

authority. Public housing tenants want and deserve the right to elect the tenant commissioner who is supposed to represent them.

S.B. 320 provides an option, in particular circumstances, for the election of tenant commissioners. If residents have joined together in a tenant council that encompasses all of the developments of a housing authority, they should be allowed to hold an election for tenant commissioner. If there is not an authority-wide resident council, but a sufficient number of residents petition for an election, then too residents should be able to hold an election.

We expect that, at most housing authorities, tenant commissioners will continue to be appointed through the current procedures. But where tenants seek to participate, and when they want to choose who will represent them, they should have a right to an election.

Included with this testimony is recommended substitute language for S.B. 320, intended to clarify the election process and conform state statute to federal requirements.

► H.B. 5397 – AAC Real Estate Licensing for Nonprofit Housing Corporations

Under Connecticut's real estate licensing law, you do not need a license to rent out apartments in a building that you own. The definition of a real estate broker is "any person, partnership, association, limited liability company or corporation which acts for another person or entity..." (C.G.S. Sec. 20-311).

The law is ambiguous, however, when applied to a nonprofit housing corporation that develops housing using the federal Low Income Housing Tax Credit program. These tax credits are the most important source of federal assistance for affordable rental housing. Federal statute sets aside 10% of the credits for nonprofit sponsors. However, a nonprofit sponsor that utilizes federal tax credits to finance a project must create a separate ownership entity, a limited partnership with tax credit investors. The nonprofit sponsors the project, serves as the general partner (perhaps through a subsidiary), has full management responsibility and all of the risk associated with the housing development. In every way, the nonprofit is managing the housing for itself. Under the clear intent of our real estate licensing law, the nonprofit should not need a license.

H.B. 5397 would provide a specific, narrow licensing exemption for nonprofit-sponsored tax credit projects, eliminating the confusion created by the limited partnership ownership form.

The current situation is particularly difficult because most housing nonprofits cannot comply with the licensing requirement of Section 20-312(b), which at (3)(B) requires for a nonstock corporation that "one or more real estate brokers constitute at least fifty-one per cent of the members of the nonstock corporation." Housing nonprofits are typically neighborhood-based organizations whose boards are broadly representative of the local community, making the 51% standard impractical if not impossible.

At this time, we also plan to seek an administrative remedy, through an opinion from the Real Estate Commission. However, given the ambiguity in the current law, we urge passage of H.B. 5397 to provide a clear exemption.