

PA 11-096

HB5585

House	4441-4473	33
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**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**PLANNING AND  
DEVELOPMENT  
PART 2  
288 – 627**

**2011**

MICHAEL PINTO: Thank you, Madam Chair.

Michael Pinto, 449 Central Avenue, New Haven, Connecticut. I represent the City of New Haven, and I administer what we refer to as the Assessment Deferral Program, which is the fixing of assessments in a rehabilitation area.

HB5595

The proposed amendment is design -- is requesting that we expand the allowable uses for new construction in -- as it currently stands, there is no limit as to -- or there's no prohibition on any particular use if you were rehabilitating and existing building. However, if it's new construction though, the -- it is limited to multi-family residential rental properties or cooperative -- cooperative housing.

We would -- we're simply requesting that we allow -- new construction of condominium -- residential condominiums, or commercial condominiums, commercial buildings, and mixed-use buildings that would be -- would -- unfortunately when -- when you improve or rehabilitate a property, there's an -- a corresponding increase in the assessment which usually leads to an increase in the taxes.

We are trying to -- we would like to -- the opportunity to -- eliminate or reduce that impediment to using property that -- for its highest and best use, and for -- for promoting business expansion in the -- the city of New Haven and statewide, and expanding the jobs base and -- by -- by -- removing some of that impediment, or that sort of -- at the outset there's that -- take away that -- that tax disincentive for -- by -- you know, for improving properties.

I'd like to stress that this will not affect the State treasury. In fact, it doesn't affect the -- I mean there's no negative impact on the -- one the State's fiscal situation. This is purely a local issue. And the way the statutes are written, and would be continued to be written, it does not -- it never reduce -- implementing this program never reduces the existing (inaudible), it simply phases in over a period of -- and the way we ran it in New Haven, to phase it in over a period of five years, the additional assessment attributable to the -- to the improvements.

We think this would be a -- a good pro-business, pro-jobs, and increase -- increasing the tax base, both in -- in cities like New Haven, but also encouraging smart growth in our smaller towns where we would allow a mix -- you know, allow mixed uses and harmonious uses in downtown areas, or Main Street areas, while also preserving open space in more -- in the outer areas and in rural areas.

REP. GENTILE: Thank you, sir.

For purposes of clarification, would you just mention the bill name for the record?

MICHAEL PINTO: Oh, I'm sorry. Yes, I'm sorry.

REP. GENTILE: Or the bill number?

MICHAEL PINTO: It is Proposed Bill H.B. 5585, AN ACT CONCERNING DESIGNATED REHABILITATION AREAS.

REP. GENTILE: Thank you.

Are there any questions from our committee members?

Thank you, sir.



John DeStefano, Jr.  
Mayor

**City of New Haven**  
Office of the Economic Development Administrator  
165 Church Street  
New Haven, Connecticut 06510



Kelly Murphy, AICP  
Economic Development  
Administrator

**MEMORANDUM**

**To:** Sen. Steve Cassano, 4<sup>th</sup> district; Hon. Linda Gentile, 104<sup>th</sup> District, Co-Chairs  
**From:** Kelly Murphy, AICP, Economic Development Administrator, City of New Haven  
**Date:** February 11, 2011  
**Re:** Amendment to Section 12-65e of the Connecticut General Statutes

**Testimony of Kelly Murphy, AICP**  
**Economic Development Administrator, City of New Haven**  
To the Continuing Legislative Committee on Planning and Development

**Proposed Bill No. HB- 5585: An Act Concerning Designated Rehabilitation Areas.**

I write to urge you to support the proposed amendment to the Section 12-65e of the general statutes which would expand the list of properties eligible for fixing of assessments in a Designated Rehabilitation Area to include new construction condominiums, mixed-use buildings, and commercial buildings. The amendment supports Governor Malloy's stated public policy goal of making the State of Connecticut more business friendly; promotes the principles of Smart Growth endorsed by this legislature; and provides an additional incentive in the statewide effort to expand the tax base and increase the state's jobs base.

The proposed bill would significantly expand the tools available for reuse and redevelopment of urban lands. In many cases rehabilitation of existing structures is not feasible for financial, structural or other reasons. The proposed amendment would expand the development incentive where rehabilitation is not possible.

In the City of New Haven, we are faced with significant brownfields areas in which the existing structure would be prohibitively expensive to rehabilitate and vacant lands where a residential construction would not be an appropriate use. Under the current statutory limits, the redevelopment opportunity for such properties is severely restricted. Amending Section 12-65e would remove these types of barriers to the reuse of these types of properties and would spur investment and economic development in New Haven and cities and towns across the state.

Further, this amendment would promote growth in the tax base and the jobs base across Connecticut through the:

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Mayor John DeStefano, Jr. [www.infonewhaven.com](http://www.infonewhaven.com)

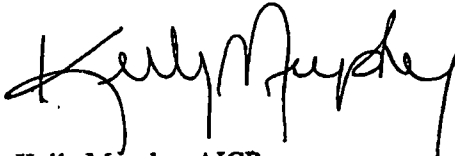
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- a) development of homeownership units in areas of with relatively high population densities including Connecticut's urban centers and neighborhoods as well as the town center areas of Connecticut's small towns;
- b) harmonious and integrated development in Connecticut's downtown and main street areas, particularly those areas surrounding and adjacent to Connecticut's historic greens and town centers, which have historically integrated commercial and residential uses;
- c) improved affordability of homeownership by increasing the available stock of ownership units; and
- d) harmonization of allowed uses for new construction with those allowed for rehabilitation of existing structures.

The amendment will not have any negative affect on the State Treasury. Further, the statute does not negatively impact a municipality's existing Grand List. The fixing of assessments merely reduces the tax impact on a property for a limited period of time, enabling a developer a period or lease-up or sales and the ability to profitably invest in Connecticut's cities and towns.

Thank you for your consideration and support on this important issue.

Very Truly Yours,



Kelly Murphy, AICP  
Economic Development Administrator, City of New Haven

**H – 1104**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2011**

**VOL.54  
PART 13  
4109 – 4473**

SPEAKER DONOVAN:

The bill is passed.

Will the Clerk please call Calendar Number 270.

THE CLERK:

On page 13, Calendar 270, House Bill Number 55  
-- I'm sorry -- 5585, AN ACT CONCERNING DESIGNATED  
REHABILITATION AREAS, favorable report of the  
Committee on Planning and Development.

(Deputy Speaker Ryan in the Chair.)

DEPUTY SPEAKER RYAN:

Representative Gentile of the 104th, chairman  
of Planning and Development Committee, please  
proceed.

REP. GENTILE (104th):

Good afternoon, Mr. Speaker. Thank you.

Mr. Speaker, I move for acceptance of the Joint  
Committee's favorable report and passage of the  
bill.

DEPUTY SPEAKER RYAN:

The question is acceptance of the Joint  
Committee's favorable report and passage of the  
bill.



Will you remark?

Representative Gentile.

REP. GENTILE (104th):

Certainly. Thank you, Mr. Speaker.

Mr. Speaker, this bill will expand the types of development that are eligible for a reduced property tax assessment in designated rehabilitation areas. Specifically, we've included brownfield sites in the legislation. It will give development incentives to rehabilitate existing structure which would otherwise be cost prohibitive, and I urge passage.

DEPUTY SPEAKER RYAN:

The question is acceptance to Joint Committee's favorable report and passage of the bill.

Will you remark further on the bill?

Representative Aman of the 14th.

REP. AMAN (14th):

Good -- good afternoon, Mr. Speaker.

This bill deals with a problem the municipalities have been having in redeveloping certain areas. And to get a legislative intent of the bill, I do have some questions to the proponent.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. AMAN (14th):

Yes, to the Chairman, this bill talks about new uses for properties for -- in the cities and brownfields. But the current law talks about the fact that a municipality may waive assessments on new multifamily rental housing or cooperative housing on property within the city. And my question is to the proponent, is she aware of any municipality that is currently using the current statute and the impact that that has had on the community.

So through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

To the best of my knowledge, I would -- I would assume that since this bill was proposed by Some of the New Haven delegation. I would assume that New Haven is currently taking advantage of some of our current laws.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Aman.

REP. AMAN (14th):

Yes. The current law talks about just multifamily rental and cooperative housing. The new area talks about common interest communities or mixed use commercial structures on such property. And I would appreciate if the proponent could define what type of projects a common interest community would be or a mixed use commercial would be and where they have been successful or unsuccessful around the State or the country.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

Mixed use, again, I'm assuming would be a combination of maybe some retail and residential that type thing and -- and certainly multifamily rentals.

DEPUTY SPEAKER RYAN:

Representative Aman.

REP. AMAN (14th):

Yes, just going on on that, the mixed use is

that something that we have seen, such as the apartments above a series of stores, or something along those lines that are being produced?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

That is correct.

DEPUTY SPEAKER RYAN:

Representative Aman.

REP. AMAN (14th):

Yes. The other thing is the common interest communities. Other than condominiums -- or is "condominiums" and "common use interest communities" interchangeable terms?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

Yes, I -- I would believe that it would be interchangeable and common interest might be like a coop type, as well as condo.

DEPUTY SPEAKER RYAN:

Representative Aman.

REP. AMAN (14th):

Yes, going on part of the language of the current but it does -- our current law -- but it does have an impact on this to the municipalities. When they're figuring out the assessment -- that I'll get to in a little while and the waivering of it -- is the cost of cleanup included in the items that will not be included in the assessment?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Mr. Speaker, the bill specifies that the municipality can fix the -- the property and rehabilitate the property and the assessment would be good for up to seven years. And the -- then the deferred -- then defer the increase assessment attributed to the improvements for up to 11 years.

DEPUTY SPEAKER RYAN:

Representative Aman.

REP. AMAN (14th):

Yes, Mr. Speaker, if the Chairman will look at

lines, I believe around, 28, 29, 30 of the bill. It talks that only the proportion of the increase resulting from such rehabilitation or construction shall be deferred. And I -- since the costs of cleaning up brownfields is so high, I -- I wanted to know if that cost of the cleanup is actually included in the assessment or in the land value, or is that up to the municipality and how are they going to look at that particular cost?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

That would be up to the municipality.

DEPUTY SPEAKER RYAN:

Representative Aman.

REP. AMAN (14th):

Yes. Going down a little bit further on the bill, they talk about a date fixed that the municipality can call for the completed rehabilitation or construction. And I understand that's a -- it's very important for the municipality to know if they're going to give it a deferral when

the project is going to be done, how it's going to be done, when people are going to start occupying it, but I also know that earlier in the session we had to deal with the fact that the economy today is not what people expected and projects are taking a long -- much longer -- time to be completed or occupied, et cetera.

And through you, Mr. Speaker, I just wanted to make sure that that date fixed by the municipality is something the municipality has control of, that they could change as economic conditions are -- go forward, or is it a date once the municipality passes an ordinance and says a project will be done a specific date it has to be done by that date?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

There -- there is flexibility in the bill. The municipality must agree to any changes.

DEPUTY SPEAKER RYAN:

Representative Aman.

REP. AMAN (14th):

Yes. There's -- there's also a part of the current language that is impacted by the amendment or by the changed language that talks about the continued use of the property for the purposes intended. And again, I would talk a little bit about the current economy and a mixed use zone where all of the good intentions was to have a variety of stores or offices, say, on the first floor, apartments above or condominiums above. But anybody walking through one of our lifestyle centers, malls, strip shopping centers, et cetera, today will see a tremendous number of vacant store fronts, vacant office fronts that, obviously, the developer doesn't want, the town doesn't want.

But I -- just again, for legislative intent if the developer or whoever it may be -- would they run into problems with their tax deferral if the use of the commercial spots, especially, were not occupied even though they were built? Would that violate the continued use section of this bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):



Thank you, Mr. Speaker.

Through you, the deferral is contingent on the continued use of the property for the specified purpose. However, that -- that deferral ends when the property is sold or transferred for other purposes unless the municipality agrees to the change.

DEPUTY SPEAKER RYAN:

Representative Aman.

REP. AMAN (14th):

Yes. I thank the proponent for -- for her answers.

I do know this bill especially came from New Haven that they have some parcels that are -- are in brownfields that do need to be developed. And the hope was that this would encourage it. We have done a variety of brownfields legislation over the last few years because it has been one of the most difficult things for our cities, especially, to deal with that they have vacant parcels of land and the cost of cleaning them up exceeds the value of the property. Also there has been questions about the liability on the brownfields. We have tried to address that.

You put all that together and it's been a reason why developers, whether they be nonprofit or profit, have avoided the very areas that we think are so important for their development. So hopefully this is another small piece that will help and assist in us developing our center core cities and returning them to a viability on the tax rolls.

I know some people are usually upset about tax deferment saying, oh, my God, we're giving away taxes for the next 10 years. But you've got to look at a lot of these parcels that are being discussed and there is either no taxes being collected because the assessment is so low because of the brownfields' problems or they're not being paid because there's no income coming from them or whatever. And so by giving them a tax deferral you're actually giving away money that isn't coming in. So usually it's a very good win for both the municipality, the developer and the community as a whole so will encourage my colleagues to vote for the bill.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Larry Miller of the 122nd. You

have the floor, sir.

REP. MILLER (122nd):

Thank you, Mr. Speaker.

Some questions to the proponent, through you,  
Mr. Speaker?

DEPUTY SPEAKER RYAN:

Please proceed.

REP. MILLER (122nd):

There are areas that have brownfields that are  
-- don't have waivers under 8-30g, the affordable  
housing statute. Can a developer apply for 8-30  
application and get a deferment on the property  
that's going to be rehabilitated? Is that something  
that could possibly happen?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

That I do not know. I don't -- this just --  
this just addresses designated rehabilitation areas  
and addresses the current legislation just adding  
brownfields to it.

DEPUTY SPEAKER RYAN:

Representative Miller.

REP. MILLER (122nd):

Yeah, the reason I ask is because many cities have a waiver under 8-30 and a lot of them don't -- for instance, Shelton which did have some brownfields downtown. If a guy comes in wants to take advantage of incentive housing credits and things of that sort, could he get a double hit on this, getting the incentive from the State and, as well, you know, getting a deferment on the -- on the taxes?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

I -- I don't believe I heard all of it but I -- to address his issue. This is just one -- another tool in the toolbox -- but the intent is not to bypass 8-30.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Does that answer your question, Representative Miller?

REP. MILLER (122nd):

Partly. And, again, not only, through you, Mr. Speaker, but 8-30 but there's incentives zone -- zones that we have put into place to help with development of land and to build more affordable housing. It's not 8-30g but incentive zones. Could they possibly get a developer that would take advantage of both? Again, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

Incentive zones are not addressed in this particular legislation.

DEPUTY SPEAKER RYAN:

Representative Miller.

REP. MILLER (122nd):

I know it's not addressed in this legislation, but I just wondered if a developer could apply for it.

But let's move on to something else. Common interest ownership -- banks frown upon this. I know there's a couple of facilities in Fairfield where the banks had a tremendous amount of problems of

people trying to sell their units because of the common interest designation. And the banks wanted a condominium-type designation. So do we encourage common interest ownership under this legislation?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

There is no encouragement in this legislation.

DEPUTY SPEAKER RYAN:

Representative Miller.

REP. MILLER (122nd):

Yeah, but I -- thank you, Mr. Speaker.

And I would be concerned if it was because, again, the banks did give some people a lot of trouble when they tried to sell their units in Fairfield in the Stratfield Road area. Several hundred units there and they're all common interest and one of the banks was just adamant about dealing with these people so I would certainly like to see that changed to just condominiums, which would be easier for the people to -- to deal with and the banks also to deal with.

And through you, Mr. Speaker, under -- we have some designations in part of my district, PUD, planned unit development, and I'm wondering if, again, can the developer take advantage of the -- of this legislation also and then take advantage of it on the local level when there's a designation, like a PUD, for the developer to come in and maybe get a density bonus by rehabilitating the property?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

Since it is the responsibility of the local legislative body to adopt a resolution designating a rehabilitation area, if a PUD is within that designated area, then I would assume that it would be eligible. But, again, it is the local legislative body that is responsible for designating the area and adopting a resolution to do so.

REP. MILLER (122nd):

Thank you.

DEPUTY SPEAKER RYAN:

Representative Miller.

REP. MILLER (122nd):

And thank you, Mr. Speaker.

I think that's all the questions I have. And I do thank that gentlelady for her answers.

I just want to make sure that we don't double up on some of these things that the developer is smart enough to come in and take advantage. He should be held to one or the other not into two different areas. If we're going to pass this legislation to them a break, that's what he should take.

So thank you very much, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

The good Representative from Bolton, Representative Sawyer of -- of the 55th.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

Brownfields have shown up in just about every one of our districts, I think, sadly. And they are some of the most difficult pieces of property to be able to move, to be able to encourage developers to come in and take a serious look at. So I'm very pleased that this came out in this particular bill. And if, through you, Mr. Speaker, a question,



through you, to the proponent of the amendment?

DEPUTY SPEAKER RYAN:

Please proceed.

REP. SAWYER (55th):

Thank you.

And, Chairwoman, in the instance where a town has already given a seven-year deferment and -- on a piece of property and it happens to be -- fall into this category, would the town be able to give a second one if the land has transferred hands?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

No, the deferment ends when the property is sold or transferred unless, of course, the municipality agrees to it.

DEPUTY SPEAKER RYAN:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

. That qualifier at the end, I think, is -- is very important for legislative intent.

Certainly, in this tough economy, we know that pieces of property have not moved but some properties have become at a much lower cost and they are very enticing to -- to certain developers. And this particular type of enticement of having a deferred tax situation is huge. But if they, say, a piece property is at the end of a seven-year stint and perhaps has lapsed, it is important to note here for legislative intent that the town may give a second seven-year deferment to a new owner of a property. It's under the town's discretion.

So thank you very much, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Hetherington of the 125th.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker.

If I may to the proponent a few questions?

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker.

I -- I realize that the word "fix" is part of existing language but what does "fix" mean? Fix the

assessment of the property? Does that mean freeze  
the assessment?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

That would mean set, set the assessment.

REP. HETHERINGTON (125th):

Okay.

DEPUTY SPEAKER RYAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you.

Through you, Mr. Speaker.

Set as to maintain the assessment at -- at the  
existing level?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

That is correct. Once the assessment rate is  
set then, yes, it would be set for the initial  
seven-year period.

DEPUTY SPEAKER RYAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you.

In the first line of -- of the language that would be added by this bill the clause "if such properties of brownfields defined," so forth, then there's a comma and then it says "new multirental housing," does that -- does that mean that this kind of housing that's described in the succeeding clause that is multifamily rental housing, cooperative housing, is -- is that -- is that restrictive in the sense that that kind of housing would have to be only situated on a brownfield, as defined in statute?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

Can I ask what line the good gentleman is referring to of the bill?

DEPUTY SPEAKER RYAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you.

It's actually -- I'm sorry I didn't open the PDF version here, but it's the --it's just the -- 1, 2, 3, 4 -- the fourth line of Section 1. If -- if that is sufficient to identify it?

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

I think what the good gentleman is referring to is -- if I understand the question correctly, you were -- he is asking if this refers to brownfields, or is just limited to brownfields?

DEPUTY SPEAKER RYAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker.

Actually, it's line 9 I find but it -- yes, I -- I think what the proponent has responded is correct. It says "if such property is a brownfield, comma, new multifamily rental housing, cooperative housing, common interest communities," does that -- does that mean that those kinds of housing would be

permitted or encompassed within this provision only if the property were also a brownfield?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

No. It does not mean that it's only limited to brownfield. It means that it can be any one of those, as well as a brownfield site, provided that it is part of a designated rehabilitation area, which, again, goes back to the local legislative body would have to designate the rehab area.

DEPUTY SPEAKER RYAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Well, through you, Mr. Speaker.

I -- I'm sorry, I don't mean to belabor this point unnecessarily but in 2, Subdivision 2 starts off "if such property is a brownfield," okay, then it goes on to enumerate the kinds of housing that would be acceptable. It sounds like it would have to be a brownfield to enable the expanded range of housing that would be permitted under this

provision. If -- if I've made myself clear. Is that -- is that right?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

I think if you go back another line under Subsection 1, it's -- it refers to new multifamily rental housing or cooperative housing or if such a property is a brownfield and then goes back to new multifamily, rental housing, cooperative housing or mixed use or commercial.

REP. HETHERINGTON (125th):

Okay. But --

DEPUTY SPEAKER RYAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker.

Well -- again, I apologize for belaboring this if it's unnecessary, but let me just ask it in this way. Do -- do you have more -- a wider range of possible housing if you're building on a brownfield than you would if you were not building on a

brownfield? Does this create more opportunities if you're utilizing a brownfield?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

Yes. This creates more opportunity and allows another tool in the toolbox.

DEPUTY SPEAKER RYAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Okay. I -- I thank the gentlelady for her patience in responding to this and I -- that gives me a better understanding of this.

Thank you very much, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, sir.

Representative Bacchiochi of the 52nd.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker.

A few questions to the proponent of the bill, please.

DEPUTY SPEAKER RYAN:



Please proceed.

REP. BACCHIOCHI (52nd):

Thank you.

Through you, Mr. Speaker.

Is it not possible for towns to allow this tax  
fix without this proposed bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

That I do not know. I would assume that it  
would be up to the local legislative body whether or  
not they would allow for tax fixes on particular  
pieces of property.

DEPUTY SPEAKER RYAN:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you.

That -- and I do appreciate that the -- the  
good Chairwoman doesn't exactly know but I am --  
that makes me curious as it -- do we need this  
legislation in order to allow towns to do -- such a  
thing?

And I also wanted to touch upon what the speaker before me was asking about it. It seems that the rehabilitation areas are only allowed to do two things to qualify for the fix, which is to build multifamily or cooperative housing, but a brownfield is allowed five items. And I'm wondering what the -- what the thinking was, basically, why we are expanding for brownfields but not for rehabilitation areas?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

My thought on that would be that since brownfields do present a whole host of other challenges, this is just another way of stimulating jobs and creating opportunity for housing.

DEPUTY SPEAKER RYAN:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you.

And along that line if we are trying to stimulate the opportunities, I'm also wondering why

we're limiting -- what can be done on a brownfield to these five or six items and why we're not leaving it open for the municipality to decide what's really needed if outside of five -- these five items.

Like for an example, Mr. Speaker, why wouldn't a park or a parking lot or a private school be considered acceptable on brownfields if that's what the town actually needed?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

Could I have the good lady repeat that again, please?

DEPUTY SPEAKER RYAN:

Representative Bacchiochi, would you repeat the question?

REP. BACCHIOCHI (52nd):

I'd be happy to. I wondering if we are trying to put more tools in the toolbox as to what could be done on brownfields, there are some municipalities that may not need cooperative housing or mixed use commercial but may need in that particular spot a

parking lot or a garage of some sort. And I'm wondering why we are limiting what can be done on a brownfield to a few specified items and not leaving it up to the municipality to determine what is really the highest and best use of said property?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

This bill does not address that. This bill is -- is just addressing legislation that is currently in place and allows it to brownfields. But I do believe that last year our brownfields redevelopment bill addressed that specific issue and there is legislation in the brownfields bill that we passed last year that would allow the highest and best use.

DEPUTY SPEAKER RYAN:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

I'm sorry, Mr. Speaker, but I am confused.

I understand the bill before us allows towns to fix an assessment if an owner makes an application to do one of five specific things which would be to

build multifamily housing, cooperative housing, condos, mixed use development or commercial development. It's my understanding that the bill before us would only allow a municipality to offer the tax abatement if one of those five items specifically was being built or -- the property was being used for one of those five specific items.

Now the good Chairwoman mentioned that there's a bill out there -- so maybe I'm unaware of previous law -- that would allow a municipality to also offer the tax fix if the land was being used for something other than the five items I just mentioned. So what I'm trying to determine is -- and I'm hoping this to be true because I believe municipalities know better that we do what they actually need. So I'm trying to determine, Mr. Speaker, if something other than one of those five items could qualify for the tax abatement through the municipality?

Through you, Mr. Speaker?

DEPUTY SPEAKER RYAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

Yes, it is my understanding that this is just

an expansion of the previous legislation that was done through -- of brownfields last year. And this just expands it to these five -- five items but that the municipality can, in fact, allow it for highest and best use for other uses.

DEPUTY SPEAKER RYAN:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

So for legislative intent, in addition to these five items, if a municipality should want to or need to put a parking lot in -- on a brownfield, that would also qualify for the town's consideration for the fix that is discussed in this -- this proposed bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

No.

DEPUTY SPEAKER RYAN:

Excuse me, Representative Gentile.

REP. GENTILE (104th):

That's all right, Mr. Speaker. I get confused sometimes, too.

Yes. It is my understanding that through the previous brownfields legislation, as long as it qualifies under the Brownfields Remediation Act that we passed last year, that would qualify. Yes.

DEPUTY SPEAKER RYAN:

This time, Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker.

And I thank the good Chairwoman for that answer.

I think it is somewhat confusing. I know it was to me that we were limiting the brownfields use to these five specific items when many municipalities and especially urban areas probably would benefit and choose to do, perhaps, something other than one of these five items. So I -- I hope that as we go forward it will be clear to others that the brownfield remediation is not limited to these five items in order to qualify.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative Bacchiochi.

Will you remark further on the bill? Will you remark further on the bill?

If not, will staff and guests please come to the well of the House. Will the members please take their 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 RYAN:

Have all members voted? Have all members voted? Will the members please check the board to determine if their vote is properly cast.

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

The Clerk will please announce the tally.

THE CLERK:

House Bill 5585.

Total Number voting 145

Necessary for passage 73

Those voting Yea 145

Those voting Nay 0

Those absent and not voting 6

DEPUTY SPEAKER RYAN:

The bill passes.

Are there any announcements or points of



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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2011**

**VOL. 54  
PART 21  
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SENATE

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Moving now to calendar page 22, Calendar 563,  
House Bill Number 6600.

Madam President, move to place the item on the  
Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Continuing calendar page 22, Calendar 564,  
House Bill Number 6598.

Madam President, move to place this item on the  
Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

An additional item on calendar page 22:  
Calendar 566, House Bill Number 5585.

Move to place the item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

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Mr. Clerk.

THE CLERK:

Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CLERK:

Madam President, the items placed...

THE CHAIR:

I would ask the Chamber to be quiet please so we can hear the call of the Calendar for the Consent Calendar.

Thank you.

Please proceed, Mr. Clerk

THE CLERK:

Madam President, the items placed on the first Consent Calendar begin on calendar page 5, Calendar 336, House Bill 5697.

Calendar page 7, Calendar 421, Substitute for House Bill 6126.

Calendar page 8, Calendar 449, Senate Bill 1149.

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Calendar page 10, Calendar 470, Substitute for House Bill 5340. Calendar 474, Substitute for House Bill 6274. Calendar 476, House Bill 6635.

Calendar page 12, Calendar 499, Substitute for House Bill 6638. Calendar 500, House Bill 6614. Calendar 508, House Bill 6222.

Calendar page 13, Calendar 511, House Bill 6356. Calendar 512, Substitute for House Bill 6422. Calendar 514, House Bill 6590. Calendar 515, House Bill 6221. Calendar 516, House Bill 6455.

Calendar page 14, Calendar 517, House Bill 6350. Calendar 519, House Bill 5437. Calendar 522, House Bill 6303.

Calendar page 15, Calendar 523, Substitute for House Bill 6499. Calendar 524, House Bill 6490. Calendar 525, House Bill 5780. Calendar 526, House Bill 6513. Calendar 527, Substitute for House Bill 6532.

Calendar page 16, Calendar 528, House Bill 6561. Calendar 529, Substitute for House Bill 6312. Calendar 530, Substitute for House Bill 5032. Calendar 532, House Bill 6338.

Calendar page 17, Calendar 533, Substitute for House Bill 6325. Calendar 534, House Bill 6352.

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Calendar 536, House Bill 5300. Calendar 537, House  
Bill 5482.

calendar page 18, Calendar 543, House Bill 6508.

Calendar 544, House Bill 6412. Calendar 546,  
Substitute for House Bill 6538. Calendar 547,  
Substitute for House Bill 6440. Calendar 548,  
Substitute for House Bill 6471.

Calendar page 19, Calendar 550, Substitute for  
House Bill 5802. Calendar 551, House Bill 6433.  
Calendar 552, House Bill 6413. Calendar 553,  
Substitute for House Bill 6227.

Calendar page 20, Calendar 554, Substitute for  
House Bill 5415. Calendar 557, Substitute for House  
Bill 6318. Calendar 558, Substitute for House Bill  
6565.

Calendar page 21, Calendar 559, Substitute for  
House Bill 6636.

Calendar page 22, Calendar 563, Substitute for  
House Bill 6600. Calendar 564, Substitute for House  
Bill 6598. Calendar 566, House Bill 5585.

Calendar page 23, Calendar 568, Substitute for  
House Bill 6103. Calendar 570, Substitute for House  
Bill 6336. Calendar 573, Substitute for House Bill  
6434.

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Calendar page 24, Calendar 577, Substitute for  
House Bill 5795.

Calendar page 25, Calendar 581, House Bill  
6354.

Calendar page 26, Calendar 596, Substitute for  
House Bill 6282. Calendar 598, Substitute for House  
Bill 6629.

Calendar page 27, Calendar 600, House Bill  
6314. Calendar 601, Substitute for House Bill 6529.  
Calendar 602, Substitute for House Bill 6438.  
Calendar 604, Substitute for House Bill 6639.

Calendar page 28, Calendar 605, Substitute for  
House Bill 6526. Calendar 608, House Bill 6284.

Calendar page 30, Calendar number 615,  
Substitute for House Bill 6485. Calendar 616,  
Substitute for House Bill 6498.

Calendar page 31, Calendar 619, Substitute for  
House Bill 6634. Calendar 627, Substitute for House  
Bill 6596.

Calendar page 32, Calendar 629, House Bill  
5634. Calendar 630, Substitute for House Bill 6631.  
Calendar 631, Substitute for House Bill 6357.  
Calendar 632, House Bill 6642.

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Calendar page 33, Calendar 634, Substitute for  
House Bill 5431. Calendar 636, Substitute for  
House, correction, House Bill 6100.

Page 34, Calendar 638, Substitute for House  
Bill 6525.

Calendar page 48, Calendar 399, Substitute for  
Senate Bill 1043.

Calendar page 49, Calendar 409, Substitute for  
House Bill 6233. Calendar 412, House Bill 5178.  
Calendar 422, Substitute for House Bill 6448.

Calendar page 52, Calendar 521, Substitute for  
House Bill 6113.

Madam President, that completes the item placed  
on the first Consent Calendar.

THE CHAIR:

Thank you, sir.

We call for another roll call vote. And the  
machine will be open for Consent Calendar number 1.

THE CLERK:

The Senate is now voting by roll on the Consent  
Calendar. Will all Senators please return to the  
Chamber. The Senate is now voting by roll on the  
Consent Calendar, will all Senators please return to  
the Chamber.

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Senator Cassano, would you vote, please, sir.

Thank you.

Well, all members have voted. All members have voted. The machine will be closed, and Mr. Clerk, will you call the tally?

THE CLERK:

Motion is on option Consent Calendar Number 1.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 1 has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

We might stand at ease for just a moment as we prepare the next item..

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)