

PA12-146

HB5319

House	5762-5800, 5883-5902	59
Planning & Development	523-538, 613-615	19
<u>Senate</u>	<u>4446, 4497-4499</u>	<u>4</u>

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PLANNING AND
DEVELOPMENT
PART 2
342 -679**

2012

Seeing none, thank you for your testimony.

Representative Berger, lieutenant Dan Laver,
and Mike Gilmore.

REP. BERGER: Thank you, Senator Cassano,
Representative Gentile, chairs of the
Committee and Committee members. For the
purposes of the record, my name is
Representative Jeffrey Berger, representing
the 73rd assembly District, state of
Connecticut. With me here today is Lieutenant
Dan Lauer of Waterbury P.D., and Mike Gilmore
of the Waterbury development corporation which
is a quasi-developmental arm for economic
development in blight for the City of
Waterbury.

We are here to testify in support of House
Bill 5319, and we are very excited with the
committee's progress in looking at the issue
of blight, how it affects all of our
neighborhoods and quality of lives throughout
the state of Connecticut. And when we look at
blight, the additional fine mechanism that
you've incorporated into this legislation is
laudable. However, we feel that -- and
Lieutenant Lauer and Mr. Gilmore will give you
real-life circumstances, and they have
testimony -- that we really need to ramp it up
additionally by adding criminal penalty along
with a fining mechanism.

Lieutenant Lauer will explain that to you.
Mr. Gilmore will also explain it, as blight
coordinator in the city. And we feel that an
amendment would be appropriate in the
legislation in adding a little bit more teeth
to the fight against blight. And also as a
way of background, it should be noted that in
Waterbury the blight team now is housed within

the City of Waterbury Department of police. So, the blight with Lieutenant Lauer as head of that division, is tackling the blight issues on a daily basis.

So, thank you. If I could through the Chairs, introduce Lieutenant Lauer.

A VOICE: Thank you.

SENATOR CASSANO: Welcome.

LIEUNANT DANIEL LAUER: Good morning. Thank you for the opportunity to be here to speak today.

As Representative Berger alluded to, Waterbury has faced a perfect storm in the last several years of a diminished housing -- value of the Housing stock, absentee landlordism, and the stagnant economy. To that end we've had a lot of property owners that have walked away from their properties or are failing to maintain their properties where they took out -- they took on too much that they could chew and now they're falling behind. As a result we have -- especially in the inner-city areas of Waterbury, we have a lot of, of houses that are not being maintained.

And our current mechanism for enforcing this tool, our blight statute, our blight ordinance in Waterbury doesn't give much teeth to it. It's a, currently a civil penalty where if they, they don't pay it, there's not much remedy for us to move forward and, and to aggressively get them to comply with our orders to clean the properties. We hope to get this language back -- put back into the 7-148 so that we can have the option of, when we cite somebody, of making it a, a criminal penalty so we can get them directly into

housing court within seven days.

Currently we are using our housing statutes and our building code enforcement statutes, which sometimes have a lengthy process, and -- up to 30 days if not more, to get somebody into -- to before a hearing officer to, you know, to find out, you know, what they're doing with the property and to take action against it. With the criminal penalty we'll have them before a housing prosecutor within seven days, and that gives it much more teeth to, to what we were trying to do. And the ultimate goal obviously is to clean up the City of Waterbury. And just -- we feel like this statute will also help the other, you know, larger cities and counties get -- and towns that are facing the same issues.

So, I thank you again this morning for the opportunity to, to speak to you. I now defer to my colleague, Mike Gilmore, the neighborhood reinvestment specialist for the Waterbury development corporation.

MICHAEL GILMORE: Good morning. Thank you for the opportunity to be here.

Just to echo the sentiments of the two before me, I believe in 2009 under 7-148 of the State Code for blight, the criminal penalty was taken out. I can't tell you why it was taken out, but it was taken out. We would like it put back in. And like Lieutenant Lauer did say, it's a matter of time.

The fines are very nice. We'd like to increase fines, but our ultimate goal is to clean the properties and to get somebody in court within seven days after giving them proper notice. You can have them into court

within seven days and get that property cleaned. So, that's our ultimate goal. And before that, we were sending probably, average Waterbury, 20 housing court cases a week by the police department to housing court and getting these properties clean. And we're unable to send anybody to housing court from the police department as the bill is written now. So, we're just asking for that criminal language to be put back in.

Thank you.

REP. BERGER: We're also have -- the language has been provided to Committee members through our office. And we are also requesting that the new language take effect July 1 of 2012 as a recommendation to the Committee.

So, thank you.

SENATOR CASSANO: Questions of Committee members?
Representative Fritz.

REP. FRITZ: Thank you. I don't have an actual problem with what you're trying to do because I've seen so much on the news about what you're trying to do regarding blight in Waterbury. But if I could ask you a simple question -- now, don't get upset with me, Berger. I just, I just want to say if people are walking away from their homes because they can't afford them, how are you going to get the hundred dollar a day or the \$250 a day or the \$500 a day as the time goes on?

REP. BERGER: If I could defer, Representative, through the Chair, to either Lieutenant Lauer or Mike Gilmore in response to that.

LIEUNANT DANIEL LAUER: Representative, you know,

the ultimate goal -- we're not looking, we're not looking to pay the mortgage off for this, off of this, this (inaudible) or this statute. Our ultimate goal is to get the property cleaned and, you know, basically we find a lot of these landlords, they have the mechanism to clean, but they're thumbing their nose at us. And, you know, our goal is to send a message to these land -- these absentee landlords who are not Waterbury residents, who are from, you know, out of state most of the time, that Waterbury, you know, means business. And this ordinance will give us that ability to do that, to get these people into court where if they don't show for court, they will have a warrant for their arrest, you know.

And this is, this is an option. I'm not saying we're never going to use for every single case. We want to be able to have it where we have the, you know, the civil penalty in the criminal penalty where, for those cases that are so severe that we, you know, we feel the criminal penalty is, is required, that's when we'll, we'll use this -- that we'll use the statute.

REP. FRITZ: Thank you.

SENATOR CASSANO: Other questions?

MICHAEL GILMORE: If I may just also add to that is there's also a community court provision in the statute. So, if someone didn't have the money to pay the penalty, they can elect to choose community service to fulfill their penalty. So, they wouldn't be hitting them in the pocketbook.

SENATOR CASSANO: Representative Aman.

REP. AMAN: Yes. On the criminal charges, it is that -- the problem with people walking away from the property, from what I've heard from an, an awful lot of that. Also, when you have a lot of your absentee landlords are owning their property through some sort of corporate structure, who are you going to actually file when you've got a Delaware corporation who owns the tenement that you're concerned about to make this thing work?

MICHAEL GILMORE: We've had very good success -- well, we'll use Connecticut, for example, using the state of Connecticut concord system. Of course, when you're bringing someone to court, you cannot take an entity to court. There still is a question of a bank-owned property out of state that we're trying to work around to try to get the Secretary of State -- we could issue an order to a bank president. Like you said, Representative, I don't know if that would help. That's one part of it. But the in-town -- in-state landlords that are registered through LLCs, we have very good success rate of piercing that veil, that corporate veil and getting an entity into court using the state of Connecticut concord system through the Secretary of State.

Out of state is definitely still an issue, but we are tracking -- we do have just recently as a month ago a detective from the Waterbury police assigned to us who has some ways of finding people and tracking them down. So, that's what we're trying to do. But there still is an issue with out-of-state entities.

REP. AMAN: How much of a problem have you had actually figuring out who owns some of the abandoned properties? I know that we've

had -- even before this, we had one piece of land that it took us almost two years to figure out who owned it.

LIEUNANT DANIEL LAUER: Well, it is difficult. I mean, we've had some success in Waterbury now where we had an issue going back where we had a lot of our tax liens were sold off to a third-party vendor years ago. The city now has those tax liens back in our possession. So, that's been one thing that's been successful.

And, I mean, I joke around -- as Michael said, we have a, a full-time investigator assigned to our blight task force. And he was a homicide detective. And he said a lot of times it's easier to find, you know, a homicide, you know, criminal than it is to track some of these landlords down. But we are having success through our, you know, our national crime information databases to our Connecticut collect system and through other law enforcement tools that the general public does not have access to that we are using to track down these absentee landlords.

REP. AMAN: The units that you're talking about, I would presume those are in very bad shape, either abandoned or in terrible shape. What are you doing with the, the, the unit or the commercial building that is just basically a mess? That falls somewhere in between that \$500 would probably -- and a dumpster would clean it up if they got around to doing it. How are you handling that, which I think is probably the bigger problem or a major problem?

LIEUNANT DANIEL LAUER: It is difficult because, I mean, we have a limited budget in terms of

what we can do in terms of what we can do to -- in term of demoing properties and boarding up properties. So, that's essentially what we will do if we identify a property that's an immediate nuisance. If we cannot identify a, a, owner or a landlord in a timely manner, the city goes in and does the process of boarding the property or tearing it down. That's the last resort.

Our first effort is to try to get the, the landlord there to try to get them on-site, to try to make contact with them. We actually had a success yesterday where we had a landlord that owns a commercial property that was not answering our calls or answering our, our, our orders via certified mail. We sent a uniformed officer and detective to their, their business which is in Bridgeport. It wasn't two hours, they were up there at the property, you know, boarding it up and removing graffiti, et cetera.

So, you know, we're trying to think outside the box a little bit and being creative in the ways we're trying to get some of these people on board to effectuate change in Waterbury. And I think we need to send a message that we're not going to sit back and let this happen whereas that has, you know, has been the, the -- kind of the, the image that I think Waterbury has portrayed in years past. It's a new day now in Waterbury and we're tackling this blight problem head on.

REP. AMAN: Yeah. I thank you very much for coming forward. I think when the Committee is looking at this going forward and looking at it as the criminal penalties and things, I would hate to see us lose the fines and the Judiciary Committee because of the criminal

charges. I think that's something the Chairs are going to have to talk to the Chairs of the Judiciary Committee to make sure that this doesn't die because we're, we're taking two steps when we should maybe only take one.

Thank you very much for coming forward.

LIEUNANT DANIEL LAUER: Thank you.

REP. BERGER: Representative Aman, in response to that, we have ongoing discussions with the Chairs of judiciary as this process moves through the legislative process.

SENATOR CASSANO: Senator Fasano.

SENATOR FASANO: Thank you. Thank you, Representative Berger, for bringing these gentlemen to us.

Representative Berger, do we have the language, the proposed criminal language? Do you have it there or do we have it in our packet someplace? Okay, we do have it --

REP. BERGER: Senator, yes. It's actually towards the end of section 7-148 C-7 H X V. It's really just the line that's added in. I think if we colorize it for you so the language change would be highlighted in green.

SENATOR FASANO: Okay. And does anybody, these gentlemen, know when the criminal language was removed? Is that recent, is that a long time ago, do you have any idea? We can look it up, but if you have it.

MICHAEL GILMORE: I believe it was 2009, Senator. And I could not -- or through research see any discussion of why it was taken out. You know,

usually when something's taken out, if it was union negotiation, you would have some scribbled writing down about it. I didn't see anything that maybe there was a reason. That's why I did bring it up that it was in there before just to let you know to put it back in.

You know, it's a two-prong approach. There's some guys that would -- land owners that own a big piece of property that a \$100 fine is just a cost of doing business. But if you bring them to court, it's a different option. So, that's the reason why both work and we like the option of both of them.

SENATOR FASANO: So, and this would apply to commercial as well as residential, correct?

MICHAEL GILMORE: Correct.

SENATOR FASANO: So, on the commercial side, if the property is owned by ABC Company, title is in ABC Company, you wouldn't really be able to enforce or criminal fine -- or arrest somebody because the company is not an entity which could be subject to arrest.

MICHAEL GILMORE: Well, if we find the principal of the company, we could go after that principal. And that's what we would look -- you're right, we could not cite an entity for a criminal procedure. But a principal of that company can be -- or a member can be taken to court.

SENATOR FASANO: And I don't know for sure, but let's assume that with the housing issues as Representative Fritz pointed out, you had somebody who was on the unemployment lines, couldn't afford the mortgage, maybe delayed their foreclosure as long as they could to

live there as long as they could, the house fell into disrepair, and now they could be subject to criminal charge even if they had the -- they would have not had the ability to repair or main -- fix the structure up in any way, shape or form because they fell on hard economic times. This would at least be out there that they could be arrested even though they didn't have the means in which to make the necessary repairs.

MICHAEL GILMORE: It's happened in the past and it's a misdemeanor summons process where you would go and you would see the prosecutor. And the prosecutor is, you know, at least in Waterbury and throughout the state there's the same supervising prosecutor throughout the whole state, does recognize that people do fall on hard times and has asked the City to step in on behalf.

If you don't have the wherewithal to do something, they would recognize that. And we've stepped in before and demolished properties because the people had no, no, no money to take the property down. We've gone in, we've cleaned properties. They have just demonstrated that they don't have the money. So, it goes back to both of your questions that if they lost everything and they proved that to the prosecutor, of course, the prosecutor is going to look for other ways because our ultimate goal is not to punish somebody, it's to get the property clean.

LIEUNANT DANIEL LAUER: Senator, if I, if I may add to it. Again, like Mike said, this is another tool in our tool belt, you know. We have -- you know, we want to be able to have the option of doing that because right now we just have the civil process which doesn't hold a

lot of teeth to it. And, you know, we'll -- when we analyze in Waterbury in particular, we analyze each property on a case-by-case basis. And we realize that some people have fallen on hard times.

SENATOR FASANO: Right.

LIEUNANT DANIEL LAUER: People can't afford to pay their mortgage, they've walked away from their houses. That's not who we're targeting with this initiative. Who we're targeting is, you know, the landlord who lives in, you know, New York or New Jersey somewhere that own 15 properties in Waterbury, does the bare minimum to maintain, you know, is difficult to get hold of, that's who we're really targeting in this initiative, not the mom and pop taxpayer who is trying to do their best.

SENATOR FASANO: And I'm with you on that. And, you know, if Representative Berger has more conversations with Judiciary, perhaps we can refine that so that those people who have really fallen on hard times and can't keep up with their mortgage payments because of the economy, those aren't the people that we want to use this. And although we all may have good intentions as we sit around this table, you guys testify, perhaps we can look at some language that can be used as a defense for these folks if they could demonstrate that they -- their neglectfulness is not due to other issues, but due to the inability to make these payments. I'd feel a lot more comfortable knowing that people are falling on a hard time and we're not just sort of -- and I know we would not want to do it here, but that maybe some other jurisdiction some other place may not see the difference that we see as being apparent and at least keep some hope

in this legislation (inaudible). I look forward to working with it, working with Judiciary on it.

I thank you guys for testifying.

Thank you very much.

LIEUNANT DANIEL LAUER: Thank you.

SENATOR CASSANO: Representative Smith.

REP. SMITH: Thank you again, Mr. Chairman. And through you to any one of the parties who are testifying.

And I agree 100 percent with you that blight is an issue. And once you clean up the blight, the neighborhood values pick up and crime goes down. There is so much more benefit to cleaning up the blight than leaving it the way it is. But I share the concerns of Senator Fasano and Representative Aman, some of the others around the dais here that, you know, there's no standard really other than the good discretion of the prosecutor or the good discretion of the police officer, you know, perhaps I'm going to give this guy a break or this one a break and not somebody else because they're having a bad day.

So, unless there is some type of standards or defense as it's indicated by Senator Fasano, I don't think I could support it with some type of defense that's outlined that would allow somebody who's lost their job, who has no other means of paying for the clean-up. You know, it just makes me a little bit concerned because you're really dealing with people who unintentionally have let their property go through no fault of their own. It's just the

times that we're all in. And we -- I don't think we want to give anybody a criminal record or be facing a criminal sanction because of that. Just rubs the wrong way, in my mind.

And I was looking up the language that's proposed, and I understand it's very preliminary, but I really don't see the distinction between the civil penalty and the criminal penalty. They both look fine as I read it.

Is there some type of -- is it a misdemeanor, is that the intent of the -- okay.

LIEUNANT DANIEL LAUER: Because it's over -- because it's over \$250, it would be considered a misdemeanor, I believe, from my knowledge of what I've been told by the housing prosecutor.

REP. SMITH: So, then, somebody would be facing a criminal violation, wouldn't have a potentially criminal record just because of their inability. So, I think we just need to clean that up before it moves forward.

LIEUNANT DANIEL LAUER: I agree a hundred percent, you know. And we don't want to add insult to injury to somebody that is already facing a tough time. And -- but, you know, what we're finding, Representative, is that those that, you know, are intentionally -- they know that we, that we don't have teeth in our -- in this blight ordinance and they're intentionally maintaining their property at a certain level or they're refusing to comply with our orders because they know that there's not much we can do about it other than having a civil process and going before a Waterbury hearing officer with, you know, with the possibility of, of a

judgment, you know, of a lien on their property. And for, as Michael said, that's just -- for them a lot of times it's the cost of doing business.

Again, that's who we're targeting in this. We're not targeting the, the individual homeowner who has lost her job or has fallen on tough times. And I, and I agree that perhaps there should be some (inaudible) put into this statute that will reflect that.

REP. BERGER: Through the Chair to Representative Smith, if I could.

Is your suggestion, then, certainly being party to the law would be very helpful. And anything that you could craft that would get the Committee to a comfort level and expedite the process in moving it over to Judiciary, we would certainly encourage that and welcome that expertise. Because certainly the City of Waterbury and, I'm sure, many other communities around the state are not targeting those that are on hard times. We are dealing with a quality of life issue. And I know, speaking for Waterbury and their blight office, they have worked hand-in-hand with those owners that have not been able to, to be unable to clean their property up or have the wherewithal. Because we do also in the city have a community court where we have individuals that can go out in the municipality and do clean-up on the request of the blight officers. And those are people that are convicted of, of local crimes where, instead of a fine, they do community service. So, we do have other means and vehicles and options available to us that could be potentially crafted into legislation. Thank you.

REP. SMITH: Representative Berger, I'd be happy to work with you and members of the Judiciary which I'm heading to shortly. I have the pleasure of sitting on that Committee as well. Or Senator Fasano, whoever, whoever wants to help, I'm happy to work and draft up some language that might make this a workable bill.

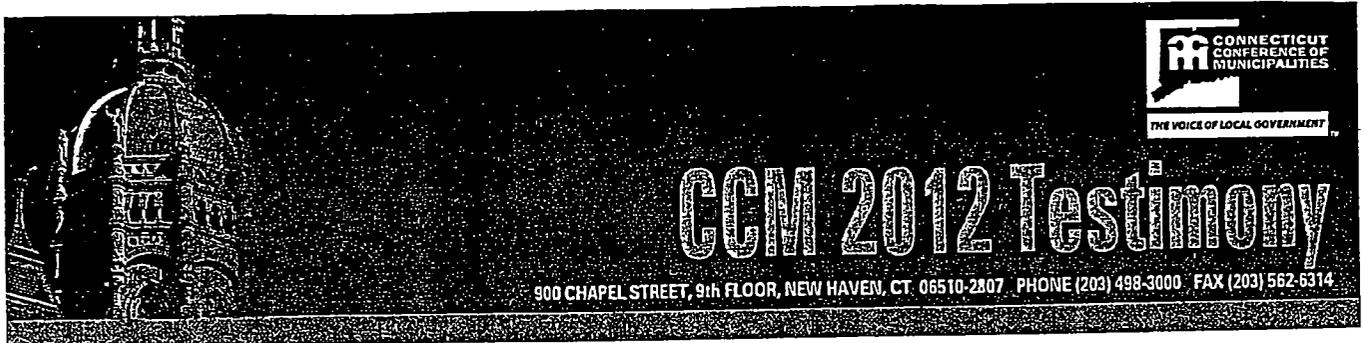
SENATOR CASSANO: In closing, I think it's, it's, it's important for people to recognize that there are ample notices -- I mean, it's not like you're going to fine somebody tomorrow. And usually there's two or three communications between those landlords and owners, and so on. There is a process that's, that's defined. It makes sense. The question is, which you run into -- and we saw the Worcester fire a few years ago, exactly the same thing where they didn't bother to respond. I think it was five firemen lost their lives in that. So, it, it's a much bigger issue than people think. It's not just a question of long grass or this or that. It's a serious issue that needs to be dealt with in its entirety. We'll do that.

Thank you very much.

Senator Kelly, and then Representative Bacchioni.

SENATOR KELLY: Good morning, Chairman Gentile, Ranking Member Aman, and members of the Committee. My name is Kevin Kelly. I'm State Senator from the 21st District which represents the towns of Monroe, Seymour, Shelton, and Stratford. Before I start, I'd like to take the opportunity to thank the Committee for raising this important bill and also for providing me the opportunity to come

HB 5316



PLANNING AND DEVELOPMENT COMMITTEE

February 22, 2012

The Connecticut Conference of Municipalities (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 the opportunity to testify on bills of interest to towns and cities.

H.B. 5319, "An Act Increasing Fines for Violations of Municipal Blight Ordinances"

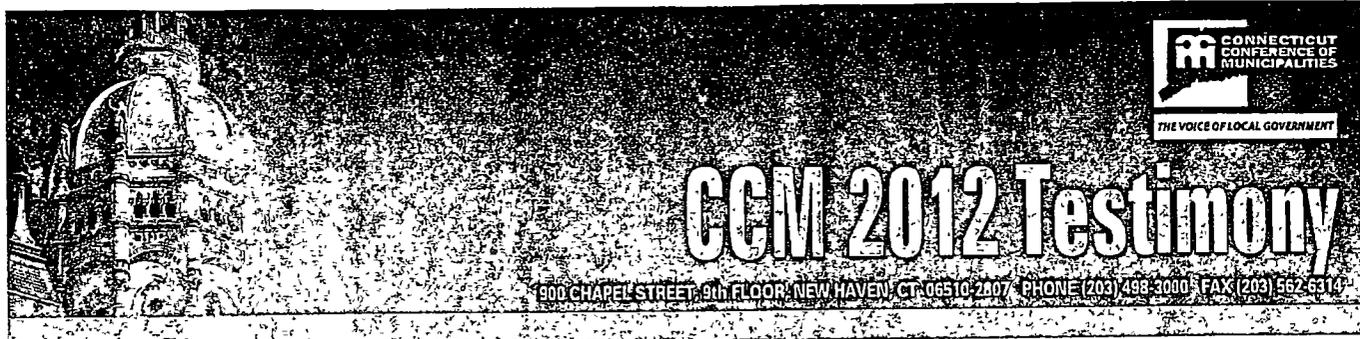
CCM supports this bill.

H.B. 5319 would be a tool towns and cities could use to curb blight and make communities more livable. It would allow communities to assume a greater role in ensuring the health and safety of residents.

CCM urges the Committee to favorably report this bill.

★ ★ ★ ★ ★

If you have any questions, please contact Ron Thomas at rthomas@ccm-ct.org, or via phone at (203) 498-3000.



PLANNING & DEVELOPMENT COMMITTEE

March 2, 2012

The Connecticut Conference of Municipalities (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 the opportunity to testify on bills of interest to towns and cities.

H.B. 5319, "An Act Concerning the Revision of Municipal Charters"

CCM supports this bill.

The objective of charter revision statutes should be to encourage such revisions where they are necessary or appropriate. The existing law may actually be preventing municipalities from appointing charter revision commissions. There are a number of municipalities that would be amenable to updating specific parts of their charters which have become outdated or problematic over time, but don't want to run the risk of opening it up to a wholesale re-write. (CCM knows of at least one town that has typos in its charter, but will not correct it for fear of opening a long, unnecessarily laborious process.)

By the same token, for those towns and cities which *do* want to open up their charters for a full-blown review, under the proposed language they could easily draft the commission's charging resolution accordingly.

This is a sound proposal that would remove some of the gridlock associated with charter reform.

CCM urges the Committee to favorably report this bill.

★ ★ ★ ★ ★

If you have any questions, please call Ron Thomas at rthomas@ccm-ct.org at (203) 498-3000.



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

REPRESENTATIVE JEFFREY J. BERGER
 SEVENTY THIRD ASSEMBLY DISTRICT

STATE CAPITOL
 ROOM 110
 HARTFORD CT 06106-1591
 HOME (203) 756-3440
 CAPITOL (860) 240-8585
 TOLL FREE 1(800) 842-8267
 FAX (860) 240-0206
 E-MAIL Jeffrey.Berger@cga.ct.gov

CHAIRMAN
 COMMERCE COMMITTEE

MEMBER
 FINANCE REVENUE AND BONDING COMMITTEE
 JUDICIARY COMMITTEE

**Rep. Jeffrey Berger
 Testifying with Lt. Dan Lauer of Waterbury PD
 and Mike Gilmore of Waterbury Development corp.**

**Testimony in support of HB 5319
 An Act Increasing Fines for Violations of Municipal Blight Ordinances
 March 2, 2012**

We are testifying in support of this legislation and also asking the committee to consider an amendment to the existing bill as specified below. The purpose of this proposed amendment to HB5319 is to add a criminal penalty to the existing civil blight statute in Section 7-148(c)(7)(H)(xv).

Sec. 7-148(c)(7)(H)(xv) Make and enforce regulations for the prevention and remediation of housing blight, including regulations reducing assessments and authorizing designated agents of the municipality to enter property during reasonable hours for the purpose of remediating blighted conditions, provided such regulations define housing blight, and further provided such regulations shall not authorize such municipality or its designated agents to enter any dwelling house or structure on such property, and including regulations establishing a duty to maintain property and specifying standards to determine if there is neglect; prescribe civil and criminal penalties [fines] for the violation of such regulations. The civil penalty shall consist of not less than ten or more than one hundred dollars for each day that a violation continues and, if such penalties are prescribed, such municipality shall adopt a citation hearing procedure in accordance with section 7-152c[;]. The criminal penalty shall be a fine not to exceed two hundred and fifty dollars for each day that a violation continues,

We would also request that this new language take effect July 1, 2012 or on passage.

H – 1139

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2012**

**VOL.55
PART 17
5507 – 5828**

Will the Clerk please call Calendar Number 100.

THE CLERK:

On page 34, Calendar 100. House Bill number 5319, AN ACT INCREASING FINES FOR VIOLATIONS OF MUNICIPAL BLIGHT ORDINANCES, favorable report by the Committee on the judiciary.

SPEAKER DONOVAN:

Representative Jeffrey Berger, you have the floor, Sir.

REP. BERGER (73rd):

Yes, good afternoon, Mr. Speaker.

SPEAKER DONOVAN:

Good afternoon.

REP. BERGER (73rd):

Good to see you.

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

SPEAKER DONOVAN:

Questions on acceptance of the Joint Committee's favorable report and passage of the bill.

Will you remark?

REP. BERGER (73rd):

Yes. Thank you, Mr. Speaker.

The genesis of the bill that we're going to do

here today and to strike all amendment that will be shortly called is the work of many, many people. And, really, I think it's important that we highlight the individuals that were involved in this work.

To start off with, Representative Gentile in Planning and Development have been so important in us being able to move this through the legislative process through public hearings of Planning and Development. Certainly the issues located within the bill, having their cognizance in Planning and Development, her and Senator Cassano have been so very helpful along with the ranking members, Representative Aman and others in the Committee, to help with the bill.

Representative Smith on the Republican side, his knowledge of land law, his ability to be able to decipher through some of the important language, both at the State level and as, quite frankly, has -- other states have laws, and the importance of us to be able to have consistency throughout that process.

Representative Albis was involved because it was important to be able to not only look at large municipalities in the state of Connecticut that have to deal with blight, but also smaller municipalities,

such as East Haven, who has their own set of problems, to be able to deal with blight.

Representative Tong added important language into this bill, and Representative Grogins, instrumental in working with the urban issues that permeate our total state. The urban issues being so critical in dealing with blight, getting to the issue, dealing with quality of life, dealing with the economy and recession that have further highlighted the blight problem in the state of Connecticut and will be addressed in what we do here today.

The entire Waterbury delegation, obviously, really involved. Representative Butler with housing issues, the entire members of the delegation understand and get what the problem is. Because when you drive through Waterbury and you drive through larger municipalities, you see the devastating effect of what the recession in the economy has done to our quality of life in our neighborhoods. And what we do here today will allow us to create substance and power for those municipalities to be able to address those issues.

With that, Mr. Speaker, the Clerk is in possession of LCO 4758. If he could call and I be

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

7
May 4, 2012

allowed to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 4758 which will be designated House "A."

THE CLERK:

LCO 4758 House "A," offered by Representative Berger, Smith, et al.

SPEAKER DONOVAN:

The Representative seeks leave of the Chamber to summarize the amendment.

Any objection?

Hearing none, Representative, you may proceed.

REP. BERGER (73rd):

Yes, thank you, Mr. Speaker.

The strike all amendment that we are going to talk about now will become the bill and will do what I had said in my opening remarks. The underlying bill will make changes to zoning appeals and municipal blight laws. Through zoning appeals, the bill specifically addresses abutting property owner's right to appeal a zoning decision and limited to people who own or possess property in the state of Connecticut.

Now, under current law people who own land within 100 feet of land involved in the zoning decision can

appeal a decision without first proving to the court that he or she is aggrieved by that decision. Under the bill, an owner has the right if the abutting property is in Connecticut. That right would not extend to someone who owns land in New York that abuts land in Connecticut. It also extends the right to appeal without proving aggrievement to people who possess property, such as tenants, that is within 100 feet of people affected by a zoning decision as long as the property is possessed in Connecticut.

The municipal anti-blight regulation portion of the underlying bill. When enforcing an anti-blight regulation, the municipality must notify the property owner and occupant in writing and give them reasonable opportunity to remediate the blight conditions before taking enforcement actions. It renames the fines for violating this regulation and this section to civil penalties. The bill provides relief for new owners or occupants. It requires municipalities to grant them, upon request, a 30-day extension of the notice and opportunity to remediate the property.

The bill makes conforming changes to law, and the bill imposes a new State fine, up to \$250 per day for willfully violating municipal and anti-blight

regulations. The fines apply if the municipality notified the person and gave him or her reasonable opportunity to remediate the blight. The fine will then apply for each day the municipality can show, based on actual inspections, that the blighted conditions continued to exist after the person who was notified and given an opportunity to remediate did not remediate.

I move adoption.

SPEAKER DONOVAN:

Questions on adoption. Will you remark on the amendment?

Representative Smith on the amendment,
Representative Noujaim.

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker, and good afternoon to you, Sir. I just have a few questions for the proponent of the bill.

SPEAKER DONOVAN:

Please proceed, Sir.

REP. SMITH (108th):

Thank you.

You know, ladies and gentlemen, when this bill

first arrived in Planning and Development and subsequently moved to the Judiciary Committee, I had some serious concerns about the bill as it was drafted. I had concerns over the notice of the violations and how the landowner would receive the notices. We had concerns over the ability to cure the blight conditions and the due process rights of the homeowner. I had concerns about the recurring and unlimited penalties. I had concerns about foreclosed properties or properties under foreclosure.

But since those Committee meetings, I have had the opportunity to meet with Representative Berger and address a lot of these concerns. And what I would like to do now is just to kind of go through the bill and ask some questions to the proponent in order for the Chamber to be aware how those concerns were, in fact, addressed.

So, through you, Mr. Speaker, in order for the town to remedy a blight condition, must it have a blight ordinance in place that defines blight?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker, to the Representative. And, again, I thank him for his work and his leadership in this area.

It is the understanding of what we do here today with the strike-all amendment that the municipality will enforce and have in effect a local blight ordinance that would be the focus and direction of their legislative local body.

Through you.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Thank you, and -- thank you, Mr. Speaker.

Through you.

If there is a blight condition that does exist, must it be written notice that is sent to the occupant or the homeowner?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker.

That is correct.

SPEAKER DONOVAN:

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

12
May 4, 2012

Representative Smith.

REP. SMITH (108th):

Thank you.

And must the town provide reasonable opportunity to remediate prior to entering into an enforcement action?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, there is language that cites reasonable.

Through you.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

And can the town impose a fine if, in fact, the blight condition is not remedied?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker, they can through inspection of the property.

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

13
May 4, 2012

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

And what would be the amount of the fine?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, the fine could --
there's existing law for a fine structure, but there
is also increased fines and a civil penalty of \$250
per day.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

Representative Smith.

REP. SMITH (108th):

Thank you.

And through you, Mr. Speaker, the fines that are
currently under existing law, are they -- do they
range from \$10 to \$100 per day?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

14
May 4, 2012

REP. BERGER (73rd):

Through you, Mr. Speaker, yes.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Thank you.

And how long can those fines continue to be assessed?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Those fines can be assessed I believe through the legislation, up to the 61st day.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Actually, I did not see a time limit and it could be under existing law. It may be 60 days, but let's assume a fine is, in fact, imposed and the homeowner makes an attempt to remediate the blight condition. Will the fine continue to accrue during the remediation period?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, probably there's two components to that answer. That could be regulated through the local blight enforcement law that would be in place by that legislative body. If there was a reasonable effort by the individual that owns the property and/or tenant to remediate the blight condition, that potential fine -- time structure could be redesigned and/or terminated.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Thank you.

And having met with some of the enforcement officers from the City of Waterbury, it came to my understanding that typically once they see a blight condition, they would go to the property, knock on the door to identify the fact that there is a blighted condition, and make the homeowner aware of it and give the homeowner an opportunity to cure it. If they fail

to do that, then they'll reappear at the homeowner's door to issue a notice of the violation.

Is that your understanding?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, yes.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

And if the blight condition is not remedied, what is the process at that point?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker, the process would be that, again, the fines of -- the fine portion of the blighted condition would continue. And if there wasn't a resolution through further inspection, a civil penalty could be, could be cited where the housing court through the state of Connecticut could then be involved.

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

17
May 4, 2012

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Thank you.

In other words, would a citation, then, have to be issued by a local enforcement agent in order to bring this to a higher level?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, yes.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

And is the citation process that we just discussed, is that similar to what's under current law for current violations for municipal building and code violations, things of that nature?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, yes.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Once the citation is issued, does that bring it to the Superior Court level?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, that is correct.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

And I thought I heard in your opening comments that in order for it to get to this level, which would be at the Superior Court level and in front of a prosecutor, there would have to be shown that the failure to remedy the blight was, in fact, willful; is that correct?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, yes.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Is there a time frame in which the town would have to wait before issuing a citation?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker.

In that language, there is language that cites 30 days.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

And in order for the citation to actually be issued, must there be a determination that the, the time frame is reasonable under the circumstances?

For instance, in speaking with some of the enforcement agents from the City of Waterbury, sometimes there are immediate efforts needed to be made to remedy the blight, such as a health issue. Sometimes it's just a pile of junk that may not be a

health issue, but, in fact, needs to be remedied over time.

So, is there some language in the bill that would address that situation?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker, there is language that addresses that. I don't have the specific line, but I know that it is in there.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Thank you.

And I heard you mention that there is a \$250 fine per day. Now, does there have to be an actual inspection of the property in order for the \$250 fine to, in fact, be enforced?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

21
May 4, 2012

Yes, through you, Mr. Speaker, there has to be actual inspection of the property.

Through you.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker.

So, let's go through a little scenario. So, on Monday the enforcement agent goes to the site and issues a citation and says there is now a \$250 fine that's imposed. The enforcement officer goes back to the property on Friday, and between Monday and Friday nothing was done. So, on Friday, after reinspection, does the inspection officer have to reissue a new fine, or does it continue to accrue from Monday to Friday at \$250 per day?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker.

The fine will apply for each day the municipality can show based on those actual inspections that there is a -- there is a condition that would need to be

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

22
May 4, 2012

remediated with blight.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

So, in other words, if the inspector failed to go back out on Tuesday, Wednesday and Thursday, there would be no fine issued for those days. Is that accurate?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, yes.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker.

In order for it to actually get to the court level, the prosecutor must show that the homeowner had actual notice. Is that accurate?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

23
May 4, 2012

REP. BERGER (73rd):

Through you, Mr. Speaker, yes.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

And does the home -- does the prosecutor also have to find that there was a reasonable opportunity to remediate the blight?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, yes.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Thank you.

And if a bank recently took title to the property through a foreclosure, or if an individual purchased a property, whether it by -- be a foreclosure or otherwise, is there an opportunity for that new owner of the property to have an tension of time by which to remediate the blight?

Through you, Mr. Speaker.

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

24
May 4, 2012

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker. There is language for extension and for a right to appeal.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Thank you.

And is there a -- once the penalty is imposed by the \$250 citation, does that become a priority lien similar to what's in existence under current law?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, yes.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

And would that also be true for the initial fine imposed by the town prior to the citation being issued?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, I'm not quite sure if it would be. That would generate from a municipal housing and blight regulation. Potentially could be lienable, but not to the level of a civil penalty.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Thank you very much. And I thank Representative Berger for his efforts here to bring this blight bill before us today.

I represent many towns where thankfully there's not a lot of blight issues, but I'm most happy to get involved with this and try to come up with a law that would be helpful to towns such as I represent, and also be helpful to the cities around the state of Connecticut that unfortunately have to suffer through blight. Because I think blight, no matter where it exists, it's a stain on the state of Connecticut. It hurts the neighbors. It hurts the property values,

and ultimately hurts the state.

So, I think this is a good bill. I think it gives the homeowners an opportunity to remedy the blight on a local level. If they fail to do it on a local level, then enforcement penalties could be assessed on a state level, but the idea is ultimately to remedy the blight so that the neighborhoods retain their value.

So, I'm happy to support the bill today, Mr. Speaker, and I urge my colleagues to do the same. Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Good afternoon to you, Sir.

SPEAKER DONOVAN:

Good afternoon, Sir.

REP. NOUJAIM (74th):

Mr. Speaker, I rise in support of this amendment which will become the bill. During one of our delegation meetings, which we normally hold before session, Representative Berger circulated this idea to

us and the entire work will be re-delegation along with the Senators as well, did support it. And I would like to also thank not only Representative Berger and the delegation, but also Representative Smith for making it better.

Mr. Speaker, nothing is perfect. There are couple issues in here in this bill that are not really very adequate, but they are okay, which is just the renter in a condominium complex would have the same type of authority and responsibility as any owner, per se. But nothing perfect in life. This is a good bill, and I hope that we can all support it. And Waterbury is very important to us. Every city is very important to us. And quite honestly, I am tired of seeing lots of blight in our city, lots of blight in our neighborhood, and I am hoping that this will help our municipality and the authority of our municipality to clean our neighborhood and make it a better place to live.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

I rise in support of the bill. I'm going to only really have one question and kind of tease it out. I, too, when this thing came before judiciary, had some of the same concerns expressed by Representative Smith. And in particular, implication of due process rights. I notice in an opportunity to be heard before a blight officer, the city comes in and says, "Hey, we're going to fine you, or something's wrong with your property."

The only open question I have is the one if I may pose through you to the Representative.

SPEAKER DONOVAN:

Please proceed, Sir.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

And through you, I'm happy to see that we've added some language using the magic words, notice and an opportunity to at least remedy. My initial concern, the judiciary, however, was also a notice and an opportunity to be heard contesting a determination of blight.

Now, through you, and I think you've probably answered this indirectly when you were discussing the

issue with Representative Smith, I just want to be clear on the record that if a citation is issued and the homeowner goes to Superior Court and says, "I do not deserve to be cited this fine," that among one of the other reasons they could say "I am not guilty" is contesting a condition of blight. Is that accurate?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, that would certainly be his right.

SPEAKER DONOVAN:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

I thank the gentleman for his response. I think that's important to make sure that's out there for some of the reasons we mentioned at judiciary. There actually have been some relatively important Supreme Court Connecticut cases dealing with conditions of blight and how a town deals with it because it does

impact property rights.

So, I thank the gentleman and Representative Smith for making this a better bill, and I intend to support it.

SPEAKER DONOVAN:

Thank you, Sir.

Representative Aman.

REP. AMAN:

Thank you, and good morning, Mr. Speaker.

SPEAKER DONOVAN:

Good afternoon, Sir.

REP. AMAN (14th):

I think the prior questioning answered most of the things about the bill and that, but I do have a couple of questions on it.

On the first section dealing with Planning and Zoning and appeals, it talks about owning or possessing. And I'm not sure what is meant by the word "possessing." And I'm using that as reference because if you look down around line 32, they talk about owner and occupant, and I'm just trying to understand if that's just two different sections of the law and the intent is pretty much the same. Or if there is a different meaning of that word, possessing

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

31
May 4, 2012

in line 13.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker, to the
Representative.

The lines 12 through 14 deal with a section of
the zoning board of appeals which deal with aggrieved
individuals. Farther down in that section deals with
the written notification to that aggrieved person who
possesses that property within the state of
Connecticut.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. AMAN (14th):

I'm just trying to figure out what it means when
you possess land in the state of Connecticut, how you
can possess land without owning it.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Aman -- Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker.

Possession could be through tenant occupancy.

Through you, Mr. Speaker.

REP. AMAN (14th):

I thank you for that. When it gets down to, again in that 31, 34, notification, we've run into some of the problems with notifications of the legal entity when it comes to, say, a condominium project and all of a sudden you're saying you have to give legal notice by certified mail to the owner. And all of a sudden we discovered we had to send out a thousand certified letters because -- when the intent really was to send one to the management company.

And, so, I'm looking at this and saying when it talks to any violation to the owner and occupant of the property, what I'm a little concerned about is that the City of Waterbury is looking at a 200-unit apartment building and saying, "We've got to send out 200 notices, not -- one, which was our intention." And I'm just wondering if somewhere in the language this has been addressed.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

33
May 4, 2012

REP. BERGER (73rd):

Yes, through you, Mr. Speaker.

Certainly, and that's a good example by Representative Aman. It is the intent of the legislation that if it were a condominium complex of 200 or more, it would not be reasonable to send out to 200. There would be notification to their property management group that would oversee, and is on record for that complex, and also to the association, probably its executive board, and one notification.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Aman.

REP. AMAN (14th):

Okay. If it was an apartment complex, how -- would the tenants have the right to be notified on this that they would each individually have to be notified? Or, again, is it just the owner of the property?

I understand that one of the real reasons behind this, putting the occupant in -- it was on a single-family home, and that's real easy. You got one person -- one owner, one person. Most likely the enforcement officer is directly talking to the tenant

of the property. But I'm just looking at if the City of Waterbury has a system in place or something they envision for notification to, again, a larger apartment complex or even like a strip shopping center where you might have 20 or 30 different tenants and it would be almost very difficult for the citing officer to determine actually who was the tenant, you know, when they get the various legal entities that do this sort of work.

And, again, I know it's a practical problem that I got to believe that the Waterbury enforcement officers have looked at and believe that there's a solution to. And I am asking the Representative if he knows, but I would not be surprised at the answer that this is within the enforcement bureau and their standard procedures.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker, probably be twofold.

You'd have a couple of things in play. The local municipal blight ordinance would -- could have a

notification process on the first part which would -- and if that enforcement were not completed would kick in a civil penalty at some point. But really, the target here is to have the owner of the strip mall or the owner of the five or six or 10-unit building to have the notification, where it would be incumbent upon him to keep the property clean, obviously to maintain it, not to be an absentee landlord.

And also, interesting enough, the City of Waterbury now just recently, probably about two months ago, established a reporting process where if an individual owns a piece of property and it's not on record, that they need to notify the City of Waterbury of their ownership and the location of the principal owners of that property. So, if these situations do exist, there's a process in place to be able to get to the person, to notify them as an owner so, then, he could remediate the blight.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Aman.

REP. AMAN (14th):

I thank the Representatives for answer. It does look like it's been well thought out for that. One of

the concerns that I had and the whole Committee had when it was coming through and it was one of the times that we had talked about work in progress, and it actually has worked out as a work in progress and been taken care of, was the finance system. Because the way the bill was originally drafted, you could end up with a situation that the fines were growing so rapidly that they exceeded the value of the property. And the goal is obviously to get the property cleaned up, not take title and kick people out of their homes.

So, I believe that the appeal period, the waivers, the way it can be worked out does encourage individuals to clean up their property, encourages the absentee landlord to clean up his property, and addresses the problems that we had in Committee.

So, I will be supporting the bill when it comes out.

SPEAKER DONOVAN:

Thank you, Sir.

Representative Williams.

REP. WILLIAMS (68th):

Thank you, Mr. Speaker, and good afternoon.

SPEAKER DONOVAN:

Good afternoon, Sir.

REP. WILLIAMS (68th):

Through you, if I may, just a question to the proponent of the amendment, please.

SPEAKER DONOVAN:

Please proceed, Representative.

REP. WILLIAMS (68th):

Thank you, Mr. Speaker.

Thank you, Representative Berger, for bringing this out. I know a lot of hard work went into this. I know that your city, the City of Waterbury, has a blight issue. And appreciate the fact that you and other members of the delegation are attempting to address that.

Just going back a little bit to this issue of renters and specifically in lines 32 through 34, the written notice issue is designed to provide a reasonable opportunity for the owner and occupant to remediate the blighted conditions prior to any enforcement.

I'm thinking about the situation perhaps of a large apartment complex where there may be occupants of units who may want to remediate the issue, but it certainly isn't their property. And the owner of a large property management company or whoever the

property owner is, for that matter, may not be dealing with the blight issue that's being cited here.

Is the occupant of one of those units now going to be a party to this, even if they want to remediate the issue, through you?

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker.

I think it's important to understand that, that that was a concern obviously through the whole debate and discussion. But if an individual property owner had a blighted situation outside of his unit, say, and the abutting individuals were, you know, adversely affected by that, that would be covered under the inspection process of the blighted officer. So, it's just not a situation where they would not go out to the property, inspect it, knock on that person's door, and give them a reasonable amount of time to be able to take care of that blighted property.

If that situation continued to exist, then the circuit breaker, so to speak, would kick in on notification to owner and notification for potential fine, dollar fine and/or potential civil penalties.

And there are time frames that would kick in accordingly.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Maynard -- I mean, Representative Williams. Sorry.

REP. WILLIAMS (68th):

Thank you, Mr. Speaker, and through you to Representative Berger.

So, I guess the -- more specifically my question, though, is is the occupant liable for the blight of the owner of the apartment complex, through you?

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Through you, Mr. Speaker, no.

SPEAKER DONOVAN:

Representative Williams.

REP. WILLIAMS (68th):

Thank you, Mr. Speaker, and I thank the gentleman for his answers.

SPEAKER DONOVAN:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. Good afternoon.

SPEAKER DONOVAN:

Good afternoon, Sir.

REP. MINER (66th):

Mr. Speaker, if I could, a few questions to the proponent of the amendment, please.

SPEAKER DONOVAN:

Please proceed.

REP. MINER (66th):

Thank you, Mr. Speaker.

Mr. Speaker, in Section 1, again back to the area talking about possession, lines 13 and 14, it appears to me in my read of this that this deals with zoning, Planning and Zoning, zoning board of appeals decisions. So, when we're talking about the aggrieved person, am I correct that this is not aggrieved with respect to blight? It's aggrieved with respect to any decision that may have come out from a Planning and Zoning Commission, combined Planning and Zoning Commission, zoning board of appeals?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Mr. Speaker, that would -- that would be yes.

Through you.

SPEAKER DONOVAN:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

The reason that I ask for that distinction is I get all the effort that's been put into trying to create a right of a neighbor who generally may have to live within these conditions, that it may not be the property owner who lives out of state that gets the phone call or has to live with that junk car next door. It's the renter. But it appears to me that the way this has been drafted, it actually provides that renter a great amount of standing in the case of all those other zoning, zoning board of appeals decisions. And I'm wondering whether that was the intent of this language.

Through you.

SPEAKER DONOVAN:

Representative Berger.

Representative Sharkey, for what reasons do you rise?

REP. SHARKEY (88th):

Mr. Speaker, I would move that we pass this bill temporarily.

SPEAKER DONOVAN:

Motion is for pass temporarily on this matter.

Any objection?

Hearing none, the House -- this bill is passed temporarily.

I want to have the attention of the Chamber. We are about to have a memorial in recognition of one of our members. So, I asked the members to take their seats. Staff and guests, please come to the well of the House. And I ask that we have silence in the Chamber.

(Moment of Silence.)

SPEAKER DONOVAN:

Thank you.

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

Mr. Speaker, I move for the suspension of our rules for the immediate consideration of House

H – 1140

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2012**

**VOL.55
PART 18
5829 – 6187**

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

125
May 4, 2012

and I thank you for the 12 years I've had here.

(Speaker Donovan in the Chair.)

SPEAKER DONOVAN:

State Representative Lile Gibbons, thank you for your wonderful years of service.

Are there any announcements or introductions?

Representative Berger?

REP. BERGER (73rd):

Yes, Mr. Speaker. Before I move on to the next bill quickly, I wanted to take the time to the Chamber to introduce Cathy Salemi's granddaughter Caitlin Doran. And if this Chamber could please give her a resounding round of applause and appreciation.

Thank you. Great to see you.

As you can see, she's overwhelmed by the presence of this Chamber.

SPEAKER DONOVAN:

Will the Clerk please call Calendar 100.

THE CLERK:

On page 34, Calendar 100, House Bill Number 5319,
AN ACT INCREASING FINES FOR VIOLATIONS OF MUNICIPAL
BLIGHT ORDINANCES, favorable report by the Committee

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

126
May 4, 2012

on the Judiciary.

SPEAKER DONOVAN:

Representative Jeff Berger. Nice to see you,
Sir.

REP. BERGER (73rd):

Good to see you and good afternoon, Mr. Speaker.

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

SPEAKER DONOVAN:

Questions on acceptance of the Joint Committee's
favorable report and passage of the bill.

Will you remark?

REP. BERGER (73rd):

Yes. Thank you, Mr. Speaker.

Previously when we discussed this bill, there was
an amendment called LCO Number 4758. I would like to
move to withdraw that amendment.

Through you, Mr. Speaker.

(Deputy Speaker Kirkley-Bey in the Chair.)

DEPUTY SPEAKER KIRKLEY-BEY:

First you need to call the amendment, Sir.

REP. BERGER (73rd):

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

127
May 4, 2012

I did.

DEPUTY SPEAKER KIRKLEY-BEY:

The Clerk will call LCO 4758.

THE CLERK:

LCO 4758, previously designated as House "A"

offered by Representative Berger and Representative
Smith, et al.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Berger.

REP. BERGER (73rd):

Yes, thank you, Madam Speaker.

And, again, I would ask for the Chamber's
indulgence in withdrawal of that amendment.

DEPUTY SPEAKER KIRKLEY-BEY:

Is there any objection? Is there any objection?

Hearing none, so ordered.

REP. BERGER (73rd):

Thank you, Madam Speaker.

Moving on, the Clerk is in possession of
Amendment LCO Number 4919. I ask that he call and I
be allowed to summarize.

DEPUTY SPEAKER KIRKLEY-BEY:

Will the Clerk please call LCO 4919?

THE CLERK:

LCO 4919, house B offered by Representative
Berger, Smith, et al.

DEPUTY SPEAKER KIRKLEY-BEY:

The Representative has asked leave to summarize.

Is there any objection to summarization?

If not, please proceed, Sir.

REP. BERGER (73rd):

Yes, thank you, Madam Speaker.

Just for the Chamber's indulgence, this is the new amendment which addresses some of the previous concerns on the blight ordinance that was discussed here in the Chamber previously as the first bill that was out of the gate here today. It was discussed and we had a Q and A, and I move adoption.

DEPUTY SPEAKER KIRKLEY-BEY:

The question before us is on adoption of house Schedule "A".

Will you remark further on the amendment that is before us? Will you remark further on the amendment that is before us?

Representative Wright, you have the floor, Sir.

REP. WRIGHT (41st):

Thank you, Madam Speaker.

I rise briefly to address Section 1 of the

amendment. I believe that our law should continue to provide a remedy to out-of-state property owners who are otherwise statutorily aggrieved by a land use decision in Connecticut, and that those persons should remain within the class of persons that the appeal provisions of Section 8-8 and the related land use statutes were intended to protect. And for that reason, I will be voting no on this amendment and the underlying bill if the amendment passes.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Ma'am.

Representative Smith, you have the floor.

REP. SMITH (108th):

Thank you, Madam Speaker. Quick question to the proponent of the amendment, please.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Berger, prepare yourself.

Representative Smith, please proceed.

REP. SMITH (108th):

I'm just wondering with the new amendment, how the new amendment changes from the amendment that was entered or put into the record this morning.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Madam Speaker, to the Representative.

Specifically through lines 12 through 15, we removed the word "possession" and left in "this state." So, aggrieved person is invalid and possession of property has been removed.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

And that was the only change in the amendment.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Berger.

REP. BERGER (73rd):

Through you, Madam Speaker, yes.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

Thank you, and thank the gentleman for his answer.

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

131
May 4, 2012

DEPUTY SPEAKER KIRKLEY-BEY:

Will you remark further? Will you remark further on the amendment that is before us?

Representative Ackert, you have the floor, Sir.

REP. ACKERT (8th):

Thank you, Madam Speaker, and through you a couple questions on the amendment.

DEPUTY SPEAKER KIRKLEY-BEY:

Prepare yourself, Berger.

Please proceed, Sir.

REP. ACKERT (8th):

Thank you.

Earlier in the discussion earlier --

Through you, Madam Speaker, to the proponent.

DEPUTY SPEAKER KIRKLEY-BEY:

Please proceed, sir.

REP. ACKERT (8th):

Thank you, Madam Speaker.

A couple questions on the amendment, and one of those would start the fines again that the town could possess in terms of if they have the blight law, we had heard earlier it could be from 10 to \$100 a day with a cap of 61 days. Is that how I heard that earlier?

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

132
May 4, 2012

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Madam Speaker.

For a moment I had a flash back. I thought I was in the caucus room, but I'm okay now.

Through you to the good Representative, that is correct, yes.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ackert.

REP. ACKERT (8th):

Thank you. And then the piggyback on that, is the State potentially -- potentially \$250 per inspection or possibly a day? Is there a cap on that?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Berger.

REP. BERGER (73rd):

Through you -- through you, Madam Speaker, yes.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ackert.

What was the answer, Representative Berger?

REP. BERGER (73rd):

Through you, Madam Speaker, there would be a cap, yes.

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

133
May 4, 2012

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Madam Speaker.

So, essentially it would be approximately -- probably the same time frame. Is it the 61 days, through you?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Madam Speaker.

This would -- the 61 days primarily centers on the local blight ordinances that could be adhered to to the property through the municipality. The \$250 fine is subject to the housing court through the judicial branch. And the extent or cap is outlined, but the extent or enforcement of the civil penalty would be through the State Court, Housing Court.

Through you, Madam.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Madam Speaker.

And then in lines 72 through 75, the liens that

can be placed, if these are not paid on the property, it says, "Each such lien shall take precedence over all other liens." Does that mean potentially this blight ordinance lien would supersede -- would be the number one lien on the property, through you, Madam Speaker, to the good gentleman?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Madam Speaker.

Through current law that exists, this lien would not supersede, say, in reference to the Representative's sample the first mortgage. So, this lien would not supersede a first mortgage holder or first position mortgage and/or refinance.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Madam Speaker.

So, to continue the clarifications, it obviously wouldn't be the first mortgage holder, maybe the second mortgage holder. Let's say there's a mechanics lien on the property for work that was done that a

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

135
May 4, 2012

contractor, somebody may have had. Would it supersede that lien?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Berger.

REP. BERGER (73rd):

Through you, Madam Speaker, I believe it would.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Madam Speaker. And those are the questions.

Thank you to the good gentleman.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Representative Carter, you have the floor, sir.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker -- Madam Speaker. Question to the proponent of the amendment.

DEPUTY SPEAKER KIRKLEY-BEY:

Please proceed, sir.

REP. CARTER (2nd):

Thank you, Madam Speaker.

In Section 2 of the amendment it talks about the

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

136
May 4, 2012

written notification given to the municipality. Do the regulations that we're referring to cover how those written notices will be delivered, through you, Madam Speaker?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Berger.

REP. BERGER (73rd):

Yes, through you, Madam Speaker, the written notification on the municipality side could be through a site visit, written notification, and/or through mail or certified mail.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Madam Speaker.

I was also curious, is there anything in the regulations would allow E-mail with confirmation, through you, Madam Speaker?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Berger.

REP. BERGER (73rd):

Through you, Madam Speaker, no.

DEPUTY SPEAKER KIRKLEY-BEY:

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

137
May 4, 2012

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Madam Speaker. My questions were answered.

Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Will you remark? Will you remark further on the amendment that is before us? Will you remark further on the amendment before us?

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER KIRKLEY-BEY:

Those opposed nay.

REPRESENTATIVES:

Nay.

DEPUTY SPEAKER KIRKLEY-BEY:

The ayes have it. The amendment is adopted.

Will you remark further on the bill as amended?

Will you remark further on the bill as amended?

If not, staff and guests, please come to the well

-- oh, Representative Butler.

REP. BUTLER (72nd):

Thank you very much, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

You're welcome.

REP. BUTLER (72nd):

Yes, I'd like to speak on this bill. I'd just like to share with my colleagues that this bill is going to help municipalities deal with a very important issue. And this goes far beyond the quality of life issues that people have in their various neighborhoods dealing with blight. It addresses and helps us enable municipalities to actually take an active role on doing something about this important issue.

Now, I know that some cities and towns are actually working more on this on an immediate level. Know that New Britain and Waterbury both are really trying to get ahead of the curve and really aggressively attack blight, but it's more important than just these urban cities. It's important to the state because these cities oftentimes request a lot of money from the State to help them with this endeavor. And if we give them the tools to help address this issue, over time there will be less of a need for

these municipalities to request funds from the State. And I'm sure that's something that everyone in this Chamber would be interested in seeing.

So, for all those reasons, I would like to thank Chairman Berger and everyone who worked on the bill and the amendments, for their diligent work on this bill.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Representative.

Representative Sampson, you have the floor, sir.

REP. SAMPSON (80th):

Good morning, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Good morning.

REP. SAMPSON (80th):

I want to start by thanking all of the folks that continue to work on this legislation since the first time that we saw it in the Judiciary Committee. At the time I thought it had quite a few issues and it seems that most of them have been cleared up, in my mind. But I still have one lingering question that we touched on just a moment ago, and it has to do with the way liens are going to be applied.

Through you, Madam Speaker, could I ask the proponent of the bill a question or two?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Berger, please prepare yourself.

Representative Sampson, please proceed.

REP. SAMPSON (80th):

Thank you, Madam Speaker.

In I think it's lines, right around 70 through 75, the very end of the amendment that is now the bill, we talk about how each lien that is applied is going to be applied in the manner similar to property tax liens, and they shall take precedence over all other liens. And I know we just spoke about this, but I'd like to clarify that is indeed the case that in the order of precedence of liens applied, it would be a tax lien, then any particular blight lien as this legislation would stipulate, and then any mortgages.

Through you, Madam Speaker, is that correct, to the proponent?

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Berger.

REP. BERGER (73rd):

Through you, Madam Speaker, yes.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Madam Speaker. And I thank the proponent for that answer.

This remains a lingering concern for me because you might have a private sale or one person holds the note on a piece of property to another person. And essentially because that person does not take care of the property, the amount of a lien could become quite substantial and may preclude, in the case of a foreclosure sale, the original owner or the person holding note get the property amount for their property.

I'm going to continue to listen to the debate, but I want to just make everyone aware that that is, indeed, a concern that we should be addressing.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Representative Ackert, you have the floor, sir.

REP. ACKERT (8th):

Thank you, Madam Speaker. And just a comment through you.

DEPUTY SPEAKER KIRKLEY-BEY:

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

142
May 4, 2012

Please proceed.

REP. ACKERT (8th):

Yeah, just the same -- piggyback on that. I understand and I can, first of all say, I understand the value of this legislation in terms of helping those communities, all of our communities that happen to have blight ordinances and care about their neighbors and the look much our communities. The only concern that I truly have is the order of which the assessment or the fine is put in terms of liens. And for that reason and that only reason would I be in opposition to this bill.

So, thank you, Madam Chair. Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, Sir.

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

Representative Grogins, you have the floor,
Ma'am.

REP. GROGINS (129th):

Thank you, Madam Speaker.

Through you, Madam Speaker --

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

143
May 4, 2012

DEPUTY SPEAKER KIRKLEY-BEY:

Good afternoon.

REP. GROGINS (129th):

I just want to applaud Representative Berger's efforts on this very important piece of legislation. As representing the City of Bridgeport which is plagued by blighted properties and absentee landlords that often can't be located, it can take years in the process to resolve these issues with blight. And sometimes we enter into the foreclosure process, and that can take years to clean up a property and/or sell a property. And it brings down the quality of life of residents in the neighborhood and the property values. And when you have many of these properties, that really brings down the quality of life of all the residents in the city and the ability city -- the ability of the city to attract economic development.

So, I know that there was an agreement of all the parties and I think this is a very important piece of legislation, and I urge my colleagues to vote for it.

Thank you.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you.

Will you remark further on the bill as amended?

smj/law/djp/gbr
HOUSE OF REPRESENTATIVES

144
May 4, 2012

Will you remark further on the bill as amended?

If not, staff and guests, please come to the well. 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 taking a roll call vote. Members to the Chamber, please.

DEPUTY SPEAKER KIRKLEY-BEY:

Have all members voted? Have all members voted? Please check the board to see your vote has been properly cast. The machine will be locked.

The machine will be locked and the Clerk will prepare the tally. The Clerk will please announce the tally.

THE CLERK:

House Bill 5319 as amended by House B.

Total number voting	142
Necessary for passage	72
Those voting yea	129
Those voting nay	13
Those absent and not voting	9

DEPUTY SPEAKER KIRKLEY-BEY:

The bill as amended passes.

S - 648

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2012**

**VOL. 55
PART 13
3941 - 4222**

rgd/tmj/gdm/gbr
SENATE

267
May 9, 2012

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Also calendar page 8, Calendar 482, House Bill 5106, move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 19, Calendar 489, House Bill 5248, move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 21, Calendar 504, House Bill 5319, move to place the item on the consent calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 21, Calendar 505, House Bill 5328, move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

rgd/tmj/gdm/gbr
SENATE

318
May 9, 2012

(HB 5283)

On page 3, Calendar 240, House Bill 3283; page 3, Calendar 299, House Bill 5437; page 5, Calendar 349, Senate Bill 374; page 6, Calendar 375, House Bill 5440; page 6, 362, House Bill 5011.

On page 7, Calendar 376, House Bill 5279; on page 7, 387, House Bill 5290; on page 8, 394, House Bill 5032; on page 8, 396, House Bill 5230.

Also on page 8, Calendar 398, House Bill 5241; on page 8, Calendar 393, House Bill 5307; on page 9, Calendar 403, House Bill 5087; on page 9, Calendar 406, House Bill 5276; on page 9, 407, House Bill 5484; on page 11, Calendar 424, House Bill 5495; on page 12, Calendar 435, House Bill 5232; on page 13, Calendar 5 -- excuse me Calendar 450, House Bill 5447; on page 14, Calendar 455, House Bill 3 -- I'm sorry -- House Bill 5353.

On page 14, Calendar 453, House Bill 5543; on page 14, Calendar 459, House Bill 5271; on page 15, Calendar 464, House Bill 5344; on page 15, Calendar 465, House Bill 5034; on page 16, Calendar 469, House Bill 5038; on page 17, Calendar 475, House Bill 5550; on page 17, Calendar 474, House Bill 5233; on page 17, Calendar 477, House Bill 5421.

Page 18, 480, House Bill 5258; on page 18, Calendar 479, House Bill 5500; page 18, Calendar 482, House Bill 5106; on page 18, Calendar 483, House Bill 5355; on page 19, Calendar 489, House Bill 5248; on page 19, Calendar 488, House Bill 5321; on page 20, Calendar 496, House Bill 5412.

On page 21, Calendar 504, House Bill 5319; page 21, Calendar 505, House Bill 5328; on page 22, Calendar 508, House Bill 5365; on page 22, Calendar 510, House Bill 5170; on page 23, Calendar 514, House Bill 5540; on page 23, Calendar 517, House Bill 5521.

Page 24, Calendar 521, House Bill 5343; page 24, Calendar 518, House Bill 5298; page 24, Calendar 523, House Bill 5504; page 29, Calendar 355, Senate Bill 418; on page 13, Calendar 444, 5037; and Calendar 507, House Bill 5467.

THE CHAIR:

Senator -- Senator Suzio.

SENATOR SUZIO:



State of Connecticut

SENATE CLERK'S OFFICE
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591
(860) 240-0500

GAREY E. COLEMAN
CLERK OF THE SENATE
ERNEST J. COTNOIR
ASSISTANT SENATE CLERK

TIMOTHY B. KEHOE
PERMANENT ASSISTANT
CLERK OF THE SENATE

Bills placed on the Consent Calendar on May 9, 2012

5358
5148
5394
5326
5025
5534
5539
5320
5462
5394
5511
5283
5437
374
5011
5440
5279
5290
5307
5032
5230
5241
5087
5276
5484
5495
5232
5447
5543
5353
5271
5344
5038



State of Connecticut

SENATE CLERK'S OFFICE
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591
(860) 240-0500

GAREY E COLEMAN
CLERK OF THE SENATE
ERNEST J COTNOIR
ASSISTANT SENATE CLERK

TIMOTHY B KEHOE
PERMANENT ASSISTANT
CLERK OF THE SENATE

- 5233
- 5550
- 5258
- 5106
- 5355
- 5521
- 5248
- 5412
- 5319
- 5328
- 5365
- 5170
- 55440
- 5521
- 5298
- 5343
- 5504
- 418
- 5037
- 5467
- 5022
- 5259
- 5496
- 5360



State of Connecticut

SENATE CLERK'S OFFICE
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591
(860) 240-0500

GAREY E. COLEMAN
CLERK OF THE SENATE
ERNEST J. COTNOIR
ASSISTANT SENATE CLERK

TIMOTHY B. KEHOE
PERMANENT ASSISTANT
CLERK OF THE SENATE

Bills from Senate Agenda Number 3 from the May 9th Senate Session that were placed on the Consent Calendar

HB5304
HB 5342

rgd/tmj/gdm/gbr
SENATE

319
May 9, 2012

Good evening, Madam President.

I just want to clarify. I thought I heard the Clerk call House Bill 5034? Is that on the consent calendar?

THE CHAIR:

Do you know what page that is, sir?

SENATOR SUZIO:

No I -- he was reading so fast, Madam, I couldn't get it.

THE CHAIR:

It's -- yes it's 53 -- I don't know.

SENATOR SUZIO:

5034.

THE CHAIR:

5034, yes sir.

SENATOR SUZIO:

I object to that being put on the consent calendar, Madam President.

THE CHAIR:

Okay, that will be removed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Yes, just seeing that -- ask to remove that item from the consent calendar.

THE CHAIR:

So ordered.

rgd/tmj/gdm/gbr
SENATE

320
May 9, 2012

At this time we'll call a roll call vote on the consent calendar.

Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Coleman, we need your vote, sir.

Senator Kissel, Senator Kissel. Senator Kissel, will you vote on the consent calendar please?

All members have voted?

If all members have voted, the machine will be closed.

Mr. Clerk, will you call the amendment -- I meant the tally.

THE CLERK:

On today's consent calendar.

Total Number Voting	36
Necessary for Adoption	19
Those Voting Yea	36
Those Voting Nay	0
Those Absent and Not Voting	0

THE CHAIR:

The consent calendar has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I believe the Clerk is in possession of Senate Agenda Number 6 for today's session.