

Meeting Notes
Fair Housing Working Group
May 16, 2018

ATTENDEES: **Commissioner Evonne Klein**, Co-Chairperson of the Fair Housing Working Group and Commissioner of the Connecticut Department of Housing
Rep. Roland Lemar, Co-Chairperson of the Fair Housing Working Group
Rep. Larry Butler, Co-Chairperson of the Housing Committee
Kelly Sinko, Office of Policy and Management
Rafie Podolsky, Legal Assistance Resource Center of Connecticut
Jay Pottenger, Yale Law School
Subira Gordon, Connecticut Commission on Equity and Opportunity
Michelle Dumas Keuler, Connecticut Commission on Human Rights and Opportunity
Annette Sanderson, CONN-NAHRO
Bill Ethier, Home Builders and Remodelers Association of Connecticut

Commissioner Evonne Klein opened the meeting at 10:06am. She welcomed the members of the Working Group, provided introductory remarks, and asked each member to go around the room and introduce themselves for the record.

All present members of the Fair Housing Working Group introduced themselves.

Commissioner Klein invited Co-Chairperson Rep. Roland Lemar to provide introductory remarks.

Rep. Roland Lemar recapped two Planning and Development (P&D) Committee bills from this past legislative Session. They were [HB 5045](#) and [HB 5482](#). Rep. Lemar explained that 5482 failed in the P&D committee due to a missing member on the JF deadline. He further explain that HB 5045, as amended, failed in the Senate after passing the House on a party line vote. The measure failed in the senate due to a democratic senator, who opposed the measure, saying that she would filibuster the bill until Sine Die, the constitutionally imposed end of the legislative session. He noted that there was broad, bipartisan support for the measure otherwise and if it was called for a vote, it would have yielded both democratic and republican votes.

Rep. Larry Butler recapped two Housing (HSG) Committee bills from this last legislative session. [HB 5196](#) passed the committee with broad, bipartisan support but was not called in the House. He explained that the LCO attorney who drafted the bill included language that was not the Fair Housing Working Group's intention when they introduced the measure. He further explained that an amendment was discussed on the floor with stakeholders and amongst HSG Committee leadership—however they were unable to get an amendment called that would have moved the measure forward as it was originally intended. The next bill, [HB 5198](#), was heard in the HSG Committee—but it did not ultimately pass out of the committee to either the floor of the House or Senate. Rep. Butler noted that he felt it was important that this proposal have a public hearing, even though it was expected to be met with strong opposition—which it was. After the hearing Rep. Butler had mixed feelings about the bill and the Homebuilders Association provided JFS language based on feedback from the public. However, the Co-Chairs of the HSG Committee did not decide to place it on an agenda for final action—due to a lack of support. He said there could be a way to address a version of this bill in the future.

Commissioner Klein thanked Rep. Lemar and Rep. Butler for their overview. Looking ahead—she hoped that these measures would be more palpable and hoped that the HSG Committee would be rearranged next session to include more legislators whose ideologies align better with the promotion of fair and affordable housing policy in Connecticut.

Rep. Butler mentioned that with the new makeup of the committees in the 2017/2018 legislative sessions—meaning with the 2 Senate co-chairs and 1 House chair—that finding consensus in the passage of legislation had been a challenge.

Commissioner Klein proposed that HB 5482 and HB 5196 be resurrected next session. She also noted that if HB 5196 needed more work—DOH staff would be happy to help. When it came to HB 5198—she recommended keeping it as is but that the Homebuilder’s JFS language could be a good direction to go with this proposal as well.

Rep. Lemar mentioned, talking about HB 5482, that the Working Group may want to spell out certain language involving special permit provisions or some other statutorily defined criteria that would show municipalities how they would comply with any enforcement mechanisms that are proposed in C.G.S. 8-2.

Commissioner Klein said that the subgroup can meet to talk about this—again noting how we would expressly define criteria in statute for how the Commissioner of Housing would determine compliance with C.G.S. 8-2. She noted that, this way, municipalities will realize that the vast majority of them are already compliant—and would be so adverse to the measure.

Rafie Podolsky asked for clarification about whether all three components in HB 5482 would be reintroduced as one or separate bills. He also said that for anything the Working Group chooses to move forward—that we take a fresh look at the existing, proposed language and discuss what should be changed.

Commissioner Klein said that as changeover happens in the administration—this group should take it upon themselves to keep looking it over and actively prepare for the next session with the understanding that there could be new leadership at the Governor, Legislative, and Commissioner levels.

Bill Ethier said that we cannot predict what happens in November; though he said that we should examine the opponents of the existing proposals and see if we can change language in a way that will address their concerns ahead of time. He also echoed Rafie’s comment about not combining the components of HB 5482 into one bill—he favored putting them into separate bills. He thought that they would suffer the same fate if they’re introduced in the exact same fashion as they were this year.

Annette Sanderson said that CONN-NAHRO stands ready to provide background and information so that legislators can more appropriately consider what proposals come before them. She mentioned that her organization has been frustrated by that fact that not every legislator has taken the time to understand what it is their industry does.

Commissioner Klein then noted the reformation of the subgroup that will focus on **Inclusionary Zoning**. Volunteers for this group included: **Commissioner Evonne Klein, Kelly Sinko, Dan Arsenault, Subira Gordon, and Rafie Podolsky.**

Commissioner Klein then noted the reformation of the subgroup that will focus on **Housing Authority Jurisdiction**. Volunteers for this group included: **Commissioner Evonne Klein, Dan Arsenault, and Annette Sanderson**

Commissioner Klein mentioned that other members of the Working Group can join these and other subgroups as well.

Moving on to the subcommittee presentations, in the order of the agenda:

SUPPORT PROGRAMS subcommittee did not meet.

DATA COLLECTION AND ANALYSIS subcommittee did meet, but no one was available to report at this time.

ENVIRONMENTAL REGULATION subcommittee met— Bill Ethier reporting.

Bill mentioned that while no formal meeting was held, there was a legislative proposal that was introduced this session to address this very topic. It was [SB 342](#), which was raised in the Environment (ENV) Committee. He provided an overview of the bill and mentioned that the goal of this measure was to get DEEP to move the needle forward a little bit. He said the purpose was, provided there is no increase in the size of a proposed development, that DEEP shall approve the systems that have been proposed at the site to accommodate the septic needs of a proposed development. He said these processes are a barrier to development, but are opposed by environmental activists. The Homebuilders offered substitute language in the ENV committee—but was not accepted by the committee. He said that a legislator mentioned they were more concerned about their environmental score card than promoting economic development.

When prompted about reforming the Environmental Regulation subcommittee, Bill Ethier noted that he is retiring at the end of the year and Jim Perras will be the new Chief Executive Officer of the Homebuilders going forward. He mentioned that he will be starting soon and he will defer to him about whether he joins the Working Group. Bill noted that John from the APA is aware of these issues—and may want to join that subcommittee.

When asked by Commissioner Klein, **Subira Gordon** mentioned that she could facilitate a meeting on this as long as there are other people who will sit on the subcommittee that have specific expertise on this topic.

Rep. Lemar mentioned that the benefit of starting this Working Group earlier on is that we can do more extensive outreach to environmental groups and others before we finalize a product.

PLANNING subcommittee did meet; but no one was available to report at this time.

PROCESS AND PROCEDURES subcommittee did not meet.

Commissioner Klein said that we're planning to meet every four weeks—through the summer. So the subgroups still have time to refine their work.

Jay Pottenger mentioned that it would be a good idea to understand what went wrong in the last few weeks of the 2018 legislative session—as it pertains to the proposal put forth by the Fair Housing Working Group. He noted that, while there are interests out there that are not excited about this agenda—these issues will define what happens in the next election.

Rafie Podolsky said that we need to think about where opposition has been—and determine if that opposition is obstructive, or if there could be reasonable accommodations made to the proposals. He noted that CCM was in the audience, and they could be an example of a group that could be added to the Working Group and that we do still have the substantive proposals from last session from which we can work. Rafie also said the Working Group could talk to environmental groups, or other municipal advocacy groups—but that the Working Group should give some thought as to how we want that to happen. He continued, in regard to the new committees—he asked if the subcommittee leads could ensure the broader Working Group is aware of what will be discussed at each of their meetings. That way other members could choose to be a part of future meetings.

Commissioner Klein mentioned that we can expand notices to the full membership.

Bill Ethier asked for a reminder on what each of the subgroups are all about—**THOSE NOTES ARE ATTACHED.**

Rep. Lemar said that we need to change the dialogue and let the public know that there are barriers to certain places. There are “Steel plates” around certain towns and cities. He provided an example; that CCM largely opposed zoning reform—but that opposition started depleting once we had more conversations with them as session progressed. He also thought that we should consider inviting CCM to join our group.

Jay Pottenger thanked the co-chairs for their ongoing work with draft state regulations, etc.

Commissioner Klein mentioned inviting CCM or another group to present before the Working Group. She asked if members would be amendable—they agreed. CCM, COST, Municipal Leaders could come to address the Working Group to talk about zoning, fair housing, and other issues.

Rafie Podolsky asked the Co-chairs to keep this in mind—that these groups may want to come in to tell us what’s wrong with what we’re doing. He suggested that the Working Group may want to frame the hearing in a way that will accomplish the goals of promoting desegregation, but where those groups are also comfortable. He wanted to get to a point where these groups could help us move this agenda forward. For the purpose of that conversation, may want to have a set number of people/organizations present to us with a specific purpose.

Rep. Butler said that on HB 5196—we look at the couple of sentences that were drafted in error—to fix the issues early on next session. And he noted that for HB 5198—that we look at the last draft that Bill Ethier presented to the HSG Committee Co-Chairs (in the form of JFS language) as the logical starting point next session.

DATE AND TIME OF NEXT MEETING: June 20, 2018 at 2pm in LOB Room 2B

Commissioner Klein noted that Dan would send out who signed up for what committee (**attached to these notes**)—and what was the purpose of each subgroup (**included in the attached meeting notes from 2/21/18 are the discussions of each subcommittee’s purpose**).

Michelle Dumas Keuler said that, for the purpose of any presentation or public hearing the Working Group schedules, that it was important to narrow the list down to a few folks who would address the group. This could allow us to narrow why certain groups are actually opposed to these proposals.

Commissioner Klein adjourned the Fair Housing Working Group at 11:12am.