



National Association of Housing and Redevelopment Officials

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H.B. 6461 An Act Concerning the Selection of Tenant Commissioners

Conn-NAHRO understands and supports increased communication and engagement with the tenants of the Housing Authorities our members operate. HB6461 as it is written raises some serious concerns and this testimony is submitted with the idea of identifying and correcting many of those concerns, including the areas we believe need to be resolved in order for the bill to function properly. Conn-NAHRO supports enhancing the tenants input into the selection of the tenant commissioner. However HB 6461 has several problematic provisions that would outweigh the intended benefit of providing greater tenant participation in the selection of tenant commissioners of housing authorities therefore we oppose HB 6461 as currently drafted.

The problems with HB 6461 are:

- In conflict with federal requirements
- Needs to better balance the rights of municipal oversight with rights of tenants.
- Conflict of interest with voting on state program rents
- Needs to Define a bona fide tenant organization
- No resolution for potential minority representation conflict
- Cost of elections and disputed results- no funding for state programs
- HB 6461 allows tenant organization to directly appoint a commissioner without holding an election to get input from all tenants.

Does Not Follow Federal Requirements

The issue is that any housing authority that has a federal program is required to have their tenant commissioner be directly assisted by a federal program. Tenants from state programs are expressly prohibited from being the tenant commissioner by federal regulation. CFR § 964.410 specifically defines *a resident board member* to be a member that is *directly assisted* and the "direct assistance does not include any State financed housing assistance or Section 8 project-based assistance".

Conn-NAHRO believes the only manageable solution would be to seek an exemption from HUD or a change in the CFR to allow the tenant commissioner to be from a state financed program. In the meantime the candidate would need to comply with this requirement as all previously appointed commissioners would have. Other solutions including expanding the board to seven members if a non-complaint commissioner is appointed only further complicate the appointment process and unnecessarily complicate the process. This would also create large boards in small communities which could have difficulty finding members to serve and could lead to quorum issues.

Needs To Better Balance The Rights Of Municipal Oversight With Rights Of Tenants

Conn-NAHRO supports the compromise CCM offered, which suggested allowing the tenants to forward three names to the chief elected official to review and appoint from. This solution was rejected by the Housing Committee at the meeting called by the Speaker of the House. Conn-NAHRO still sees this as the best compromise which allows greater tenant participation than

presently exists and leaves the chief elected official with a group of qualified candidates to select from.

Since the municipality is ultimately responsible for the fiscal viability of the housing authority and is responsible for removal of commissioners it should have greater options presented to it

Conflict Of Interest With Voting On State Program Rents

Conn-NARHO still believes that the change made to CGS Section 8-41 by the legislature in response to the Connecticut Supreme Court ruling, that held there was a statutory and common law conflict of interest when tenants served as commissioners, should not be removed as this bill is proposing to do.

The change made to the law prevented the tenant commissioner from voting on rents. The legislature added this provision to resolve the 1973 Connecticut Supreme Court decision in Housing Authority of the City of New Haven v. Donald T Dorsey, Department of Community Affairs, et. al. Although this is not a significant issue in federal units, where by U.S. Department of Housing Regulations strictly regulate the rents, for state programs removing this requirement will create conflicts of interest that have been avoided for decades thanks to reforms in the 1970s.

Need To Define A Bona Fide Tenant Organization

The current bill lacks an adequate definition of a bona fide tenant organization. Conn-NAHRO would like to see regulations or language that will prevent a self-perpetuating board from existing. Conn-NAHRO wants to prevent a small group of residents who do not represent the residents at large from appointing each other.

Conn-NAHRO believes that the solution to create regulations to define the tenant organization as has been done by the federal government in the CFRs. Conn-NAHRO seeks language that would set a minimum participation level in the elections for the tenant organization to ensure that the tenant organization does represent the interests of the tenants housing authority wide and not just a handful who voted, similar to percentages set by municipalities for a referendum.

No Resolution For Potential Minority Representation Conflict

HB 6461 could allow for a candidate to be selected that would be in conflict with the State's minority representation statutes. Again Conn-NAHRO believes the only manageable solution would be for the candidates to be compliant with the minority representation requirements.

Cost Of Elections And Disputed Results- No Funding For State Programs

State financed housing programs and municipalities are not provided any subsidy to cover the costs of tenant elections or to resolve the results of a disputed election. While the bill's advocates have offered that nonprofits like the league of women's voters would host elections without any cost, there is no language guaranteeing this. Similarly we all know the cost of resolving disputed election results is high. Conn-NAHRO strongly believes language or regulations must be created to ensure the bill does not create an unfunded mandate that Towns and Housing Authority's alike would have to burden.

If an election result is challenged it is the Town that would incur the cost of resolving since the appointment process is the responsibility of the chief elected official. During these critical fiscal times the municipalities do no need another fiscal risk to be placed upon them.

HB 6461 Allows Tenant Organization To Appoint Commissioner Without Holding An Election

Finally HB 6461 has been presented as an opportunity for the residents to elect their representation and tagged to be as good as apple pie; however, the bill contains a provision that would allow the tenant organization to appoint the tenant commissioner without holding an election(lines 105-107). This provision seems to be contrary to the bills very intent.

In closing Conn-NAHRO firmly believes that use of CCM's compromise allowing the tenant organization to provide three names to the chief elected official in conjunction with successfully resolving the technical problems with the solutions provided by Conn-NAHRO that the answer to desired goal, to provide for greater tenant participation in the selection of the tenant commissioner, will be at hand.

Sincerely

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