

**LEGISLATIVE TESTIMONY ON HOUSE BILL NO. 5256
'AN ACT CONCERNING STATE FUNDED HOUSING
RECONSTRUCTION WITHIN A FLOODPLAIN'**

Presented by the Housing Authority of the City of Meriden

House Bill 5256 amends paragraph “h” of Connecticut General Statute (“CGS”) 25-68d to remove a prohibition against engineering a property out of the 100 Year Flood Plain (“YFP”) as defined by the Federal Emergency Management Agency (“FEMA”) using fill for the reconstruction of existing affordable housing.

Sometime today, you will be told in other testimony that there is a universe of about a half dozen communities with existing Housing Authority owned affordable housing, mostly federal public housing but not exclusively, that sits either in full or in part on land below the 100 YFP.

Mills Memorial Apartment (CT 11-1) is one of these affordable housing developments. It is a 140 unit federal family housing development consisting of three high rise and three low rise buildings on a roughly 2.5 acre parcel along a stretch of Harbor Brook that is covered and goes through a concrete culvert. The entire property sits below the 100 YFP.

Mills is at the end of its useful life of obsolete design and shows major signs of physical distress. It has failed its inspection conducted by the US Department of Housing & Urban Development’s (“HUD”) Real Estate Assessment Center (“REAC”) for the last several years.

The entire site sits just to the north of a major flood control project on a 14 acre site known as the HUB. This project, which includes mitigation actions not just on the HUB but along other portions of Harbor Brook, anticipates securing its permits from DEEP and the Army Corp of Engineers with the next 60 days. When complete, a major outcome will be that Mills will no longer be within the 100 YFP. However, the complete project will take a decade. The improvements to the New Haven to Springfield rail line will also be complete within essentially the same time frame, expanding Amtrak and commuter rail service.

The issues at Mills cannot wait a decade until actions by others remove the impediments to redevelopment. The prohibition against engineering the site out of the 100 YFP contained in CGS 25-68d is an impediment to preservation of existing affordable housing and as it now impacts the site, has created a property without value.

There is an opportunity for Mills to obtain a redevelopment grant from HUD. Earlier this year, a non-profit in Meriden was able to obtain a planning grant from the U.S. Department of Education called Promise Neighborhoods. This grant is for efforts to expand an “education zone” modeled on the Harlem Children’s Zone in New York.

One of the benefits of receiving a Promise Neighborhoods Grant is that Mills is now eligible for one of four set-asides in the new Choice Neighborhood Initiative (“CNI”) Planning Grant NOFA released this week. This is a high percentage, but the goal is not to obtain a planning grant. The goal is to obtain an implementation grant, which at the current time is worth \$30m.

The implementation grants for CNI are very competitive and rely heavily on “readiness to proceed” as a selection factor. The inability to use any of the current site because of the prohibition under paragraph “h” of CGS 25-68d for redevelopment of existing affordable within the 100 YFP makes onsite redevelopment impossible.

The current version of paragraph “h” was revised three years ago so that affordable properties above the 100 YFP but below the 500 YFP would be allowed to be “reconstructed” as an exempted activity. This allowed covered properties to apply for state administered funds under the DECD/CHFA Consolidated Application and to avoid the “Catch 22” that had up to that pointed existed of being deemed “not ready to proceed” because of a lack of proper permit – a permit that could only be obtained at the request of a state agency like DECD after it could act to support the project. No permit no support; no support no permit.

Mills would have to convince reviewers at HUD that a permit from DEEP was a certainty, a matter that would seem impossible to document, and that the 9 to 12 months to get such a permit would not jeopardize completion of implementation within the 60 months maximum allowed by the grant. Would it not make sense that a HUD reviewer would go in another direction than Mills. CNI, which is the successor program to the HOPE VI Program, is highly competitive with bigger cities than Meriden in States with more political play than Connecticut actively seeking these funds.

The Housing Authority of the City of Norwalk (“HACN”) has already obtained a CNI Planning for Washington Village, a federal public housing development located in South Norwalk and within a Transit Oriented District (“TOD”). But, Washington Village is also within the 100 YFP and it would seem that the Mills problem is also their problem.

By voting to approve HB 5256, the legislature will at least give Mills an opportunity to be competitive for resources that will result in an outcome that is an improvement over the status quo.

Whatever happens at Mills, the site is not going back to the days of cattails, fish and waterfowl. Stranding the property in a status that allows no opportunity for redevelopment harms the residents, in time will blight a resurgent Meriden downtown as obsolescence and physical age overtake the buildings, and raises issue of the loss of economic value of the property for affordable housing.

No doubt other testimony may speak to the public safety risks of housing within a 100 YFP or the risks of engineering one’s way to being above the 100YFP. Even with the change called for in HB 5256, municipal oversight would still review site plans. The existing statute would still limit the number of units to being no more than the maximum of the existing affordable housing. The economics of affordable housing will limit the scale of engineering. Local review will make certain that design provides for areas of refuge and public safety.