Bill No.: SB-1107
Title: AN ACT CONCERNING THE TERMS OF THE BOARD OF TRUSTEES OF THE CONNECTICUT TRUST FOR HISTORIC PRESERVATION AND CONSTRUCTION INVOLVING HISTORIC STRUCTURES.
Vote Date: 3/29/2019
Vote Action: Joint Favorable Substitute
PH Date: 3/25/2019
File No.:

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SPONSORS OF BILL:
Government Administration and Elections Committee

REASONS FOR BILL:
Section 1 removes the term limits for the board of trustees of the Connecticut Trust for Historic Preservation. Section 2 creates an exemption to the Connecticut Environmental Protection Act, which allows parties to file suit or intervene in a proceeding to prevent the destruction of historic property or harm to the environment. The exemption applies to historic structures that have been vacant for at least 10 years and are in a municipality designated as distressed for 10 consecutive years and defined as an opportunity zone.

Substitute Language LCO No. 6731:
Section 2 lines 68 and 69 are amended to read on or after October 1, 2019, until October 1, 2022, lines 79-83 are added: This section shall not be construed to exempt such plan or project from the requirements concerning protection of the public trust in the air, water and other natural resources under sections 22a-25 to 22a-19, inclusive of the general statues.

Section 3 line 158 after 22a-19a as amended by: this act is s deleted.

RESPONSE FROM ADMINISTRATION/AGENCY:

David A. Lehman, Commissioner, Department of Economic and Community Development: Our office is opposed to this bill. The bill requests an amendment to the duties and responsibilities of the Historic Preservation Council (Section 10-49), the Commissioner of the Department of Energy and Environmental Protection (Section 22a-9) and the Commissioner of the Department of Economic and Community Development (section 32-1c.). The proposed act requests an exemption for individuals or municipalities who wish to
demolish, or otherwise significantly alter, a designated historic building meeting a narrowly defined set of conditions. The proposed bill would bypass the only procedurally-defined path forward for the rights of the public to seek remedy. The current review process only forces proponents to reconsider demolition if prudent and feasible alternatives are available. This legislation is not intended to halt development, but rather to preserve the places that community residents consider important to their own identity. We are opposed to providing this exemption because it does not respect the rights of the public or their interest in observing historic resources for future generations.

NATURE AND SOURCES OF SUPPORT:

**James Bellano, Director of Economic Development, Town of Windham:** The current State Historic Preservation review process poses potential threats to Opportunity Zone Development. The remedy calls for, in certain, narrow situations, an exemption from the broad discretion afforded the State Historic Preservation Office (SHPO) and the CT Historic Preservation Council’s (the Council) ability to refer matters to the Attorney General’s office under Chapter 439 of the Connecticut General Statutes, the Connecticut Environmental Protection Act (CEPA). My comments will focus on sections 22a-15 through 22a-19, inclusive (the Protection Act). Section 22a-19a places historic structures under the protections of CEPA. Without the requested exemption, a currently proposed development in Windham/Willimantic will be endangered as will future development opportunities that arise under similar circumstances. Our proposed change to the legislation is summarized: Buildings, 1) that have been chronically vacant and undevelopable for 10 or more years, 2) are in a distressed municipality and 3) lie within an Opportunity Zone shall be exempt from the strictures of the Protection Act.

NATURE AND SOURCES OF OPPOSITION:

**Fiedler, Katherine, Esp. Connecticut Fund for the Environment (CFE):** Citizens might have valid concerns regarding the destruction of unoccupied historical buildings – those structures exempted under this bill. By creating this exemption, SB 1107 predetermines that these concerns are not valid. CFE/Save the Sound urges this committee to not begin to undermine CEPA and to allow the procedures set forth within the Act to fully allow for citizen engagement. If this exemption is enacted, the doors will be opened for the General Assembly to continue to dangerously predetermine other projects and plans to be undeserving of public scrutiny, further eroding of CEPA and silencing the public.

**Falvey Mary, President, CT Preservation Action (CPA):** Although the language in this bill provides a narrower scope of impact than a similar bill raised earlier this session in the Planning and Development Committee (HB 6552), removing the protections afforded under the Connecticut Environmental Protection Act (CEPA) to any town can have irreversible, negative impacts.

**ALSO IN OPPOSITION:**
Bronin, Sara
Bruno, Gwen
Bryant, Tod-Heritage Resources
Burgess, Brian
Carnell, Marguerite
Cohen, Robert
Cook, William-National Trust for Historic Preservation
DeSmet, Jean
Delia, Joseph
Diamond, Mark, vice President-Historic Neighborhood Preservation Program
Ferrigno, Lynne
Frost, Jeremy
Fuoco, Rob Camp, Director-Sharing Nature
Glaser, Leah,
Gould, Ellen and Edward Gerber
Harrington, John
Haskell, Henry
Kahn, Renee-Historic Neighborhood Preservation Program
Kramer, Michele
LaTulipe, Suzanne
Lehman, David, Commissioner-Department of Economic and Community Development
Liptack, Angela
Livingston, Wendell Willis, President-Rowayton Historical Society
McMahon, Patrick, CEO-Connecticut Main St Center
Merrow, Susan, Chair-Connecticut Council on Environmental Quality
Montanaro, Jane, Executive Director-CT Trust for Historic Preservation
Munkittrick, Alain and Rosemary
Nelson, Sara
Norinsky, Judy, President-Historic Neighborhood Preservation, Stanford, CT
Norwalk Preservation Trust
Platt, Jr, Richard N.
Schmidt, Eileen
Sheen, Ashley
Sloat, Caroline-Connecticut Trust for Historic Preservation
Stockman, Peter and Terry
Wensinger, Arthur
White, Olivia-Connecticut Trust Historic Preservation
Wigren, Christopher
Wilkinson, Mary
Windham, Preservation Inc.
York, Bev

Reported by: Maureen O'Reilly
Assistant Clerk
Date: 4/12/19