March 6, 2019

BB
PLANNING AND DEVELOPMENT  11:00 a.m.
COMMITTEE PUBLIC HEARING

CHAIRPERSON:             Representative McCarthy-Vahey

SENATORS:                 Cassano, Cohen, Somers

REPRESENTATIVES:          Arnone, Baker, Carney, Conley, Delnicki, Dubitsky, Gucker, Haines, Hall, Kokoruda, Michel, Rojas, Stafstrom, Zawistowski

REP. MCCARTHY-VAHEY (13RD): Today's Planning and Development hearing. Welcome to all of you. I will note there will be people in and out. As you know, there are a lot of people here today and we have a number of hearings so as you see members coming in and out, please understand. I'm going to turn it over for the announcements. Representative Zawistowski.

REP. ZAWISTOWSKI (61ST): Thank you, Madam Chair. In the interest of public safety, I'd like you to note the location of and access to the exits in the hearing room. The two doors through which you entered the room are the emergency exits and are marked with exit signs. In an emergency, the doors behind the legislators can also be used. In the event of an emergency, please walk quickly to the nearest exit. After exiting the room, proceed to the main stairs or follow the exit signs to one of the fire stairs. Please quickly exit the building and follow any instructions from the Capital Police. Do not delay and do not return unless and until you are advised it is safe to do so. In the event of a
lockdown announcement, please remain in the hearing room, stay away from the exit doors and seek concealment behind desks and chairs until an all-clear announcement is heard. Thank you.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative and do you have any further remarks before we begin?

REP. ZAWISTOWSKI (61ST): Yes, I just wanted to say welcome to everybody. We have a large number of bills today and I'm looking forward to hearing them.

REP. MCCARTHY-VAHEY (133RD): Wonderful. Yes, we do have a large number of bill so I, we will be doing our timekeeping today and with that, I would like invite our first speaker to the microphone. This morning, we have Representative Chris Rosario. Welcome.

REP. ROSARIO (128TH): Good morning. Good to see everybody up there. Once again, good morning. My name is Christopher Rosario. I'm the Representative for the 128th District in Bridgeport and I would like to thank the Chair people and ranking members of the Planning and Development Committee for allowing me to testify today in support of House Bill 6940, AN ACT AUTHORIZING EXTENDED LIQUOR SALES AND DESIGNATED NIGHTLIFE ENTERTAINMENT ZONES.

The purpose of this bill is to attract young people to the state by helping nightlife businesses compete with neighboring states. That would be achieved by extending liquor sales until 4 a.m. The revenue sharing program created to help allocate the fees generated by the extended use permit would be shared between the state and the local municipalities. I support this bill because we must do everything to
make this state and our cities as attractive as New York or Massachusetts or anywhere else in the tri-state area. In the search for more revenue, one of the areas I believe we must focus on is attracting young people to Connecticut. When you Google Search best nightlife in the tri-state area, the results that come up first are places in New York. It is understandable because New York is a very attractive city that is known for its nightlife. However, in a state that is between two major cities in the world, we must be able to compete with them. Bars and nightclubs in New York are able to serve alcohol until 4 a.m. while our bars must stop serving at 2 a.m. on weekends. Extended sales would make our nightlife establishments more attractive to stay in than travelling to New York, especially for young people from neighboring counties like Fairfield and New Haven counties.

Not only would our nightlife establishments benefit from this revenue of extended sales, but also our late night diners, restaurants, and other late night entertainment venues could receive benefit. I would like to thank the Chairs and ranking members of this committee and I'm open to any questions.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative. Are there questions from members? Representative Delnicki followed by Representative Zawistowski.

REP. DELNICKI (14TH): I'll yield to the ranking member.

REP. MCCARTHY-VAHEY (133RD): Representative Zawistowski.
REP. ZAWISTOWSKI (61ST): Thank you, Madam Chair. Thank you for coming in today. It's an interesting idea. Is this meant to be a municipal option?

REP. ROSARIO (128TH): Yes, it would have to have municipal approval and would be designated as so. The intent of this legislation is not have your local watering hole to be open until 4 a.m. It would be, if I could use an example, the Steel Point Harbor in Bridgeport, Blue Back Square West Hartford, and so on and so forth.

REP. ZAWISTOWSKI (61ST): Do you think this might hurt some of the institutions that are outside these districts? I mean I know that some of the cities may set them up, but you have smaller towns that may lose business because of this. Have you given some consideration to that?

REP. ROSARIO (128TH): Absolutely, if they decide to vote on it and create an entertainment zone. I'll give you a prime example. In Fairfield County, we've been dealing with this issue for a long time and it's actually a public safety issue. You have young folks or just folks in general that will travel to New York State for those extended service hours and now they're driving back late night whereas if we keep them in a state and work with our local law enforcement officials and ride-sharing companies and livery services, we'd be able to keep our streets safe and also, MGM up in Springfield. They are serving now until 4 a.m. so I know if local establishment in the Enfield area or the greater Hartford area that are losing business to Massachusetts and as Encore opens up in Boston, we could see our tribal institutions be impacted
because they're going to be serving until 4 a.m. as well.

REP. ZAWISTOWSKI (61ST): I think my concern on that is if you have a zone like this set up in Hartford, my concern would be whether or not it might hurt the bars in East Hartford or Manchester. I mean it might attract people to Hartford versus the surrounding towns.

REP. ROSARIO (128TH): Well, I'm willing to work with folks on this Committee. If folks in East Hartford want to designate a nightlife entertainment zone, they can do so.

REP. ZAWISTOWSKI (61ST): Could you explain a little bit more about the revenue-sharing arrangement with the towns and what the purpose is?

REP. ROSARIO (128TH): Well the purpose is you've got to apply for an extended permit and half that revenue would go to the state and half will stay in that local town.

REP. ZAWISTOWSKI (61ST): Would those funds be restricted for example, public safety?

REP. ROSARIO (128TH): Whatever the town decides to do so.

REP. ZAWISTOWSKI (61ST): Okay because I am also concerned, you had also mentioned about, and I'm not trying to give you a hard time here, this bill got my interest and I am concerned about some of the implications from drunk driving from outside the areas. If you have a town getting, say Hartford, getting funds that they may or not may not want to use for public safety, and all of a sudden somebody is drinking in the Hartford pubs and winds up
getting into an accident in Vernon because they've been drinking until 4 a.m., that is a problem for some of the surrounding towns. I mean I'm just concerned that you're creating a problem here for other communities outside the areas.

REP. ROSARIO (128TH): Well I'm hopeful that while working together with everybody at the table including law enforcement, that we can work with our ride-sharing companies and our livery services to make sure those options are available to avoid a situation like that.

REP. ZAWISTOWSKI (61ST): Well I thank you for your answers and I appreciate your time coming in here today. It's an interesting idea, but I do see some issues that need to be cleared up. Thank you very much.

REP. ROSARIO (128TH): Thank you so much, Representative.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative. Representative Delnicki followed by Representative Baker and then Arnone.

REP. DELNICKI (14TH): Thank you, Madam Chair and thank you for coming forward with this proposal here and I just want to try to get a better handle on the creation of nightlife entertainment zones. Would there be a population criteria of the community or would it be a situation where a community would petition to have a nightlife entertainment zones? What would the criteria actually be specifically? Any thoughts on that?

REP. ROSARIO (128TH): Thank you for the question. The criteria would be you know let's say, I just
want to use East Hartford. They have a new development. They want to make sure that it's -- it's a transient oriented development and they want to create that to be a vibrant place for millennials to come and live and work and they choose to designate that area as a nightlife entertainment zones so it doesn’t necessarily have to be a big city or a mid-city situation. It could be a small town if they want to designate an area to have as an entertainment zone.

REP. DELNICKI (14TH): The second question, and it goes back to something that the ranking member touched upon and that's the possible promotion of driving under the influence situations. Do you see that as an issue here? Because I could see where a community that didn’t have transit-oriented zones wanting to have something like this and they would have folks driving there typically and they imbibe, take too much, consume too alcohol. Would we have that unintended consequence do you think?

REP. ROSARIO (128TH): That can happen right now under our 2 a.m. circumstance. I actually, during my day job, I work for a law enforcement department. I work for the City of Shelton Police Department so I know all well to want to make sure we want to keep the public safe. That's why I want to make sure that we work with our local law enforcement officials at the state and local level so that we can provide ride-share available and livery service as well and extra law enforcement.

REP. DELNICKI (14TH): Now this would also probably entail changing the rules and the statutes pertaining to the liquor control authority, correct?
REP. ROSARIO (128TH): Correct.

REP. DELNICKI (14TH): And how do you think that's going to play out?

REP. ROSARIO (128TH): Well I'm willing to have this conversation.

REP. DELNICKI (14TH): Okay. Well it's certainly an interesting proposal and I know that they successfully do that in New York and for better or for worse, it hasn’t caused a real problem there. One last question. Have you gotten any feedback from Mothers' Against Drunk Driving?

REP. ROSARIO (128TH): I have not, but I'm willing to listen to them and hear them. I'm willing to listen to anybody.

REP. DELNICKI (14TH): That would probably be a good conversation to have just to find out what their concerns would be on this issue, but again, thank you for coming forward with the proposal and thank you for your testimony.

REP. ROSARIO (128TH): Not a problem. Thank you so much.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative Baker.

REP. BAKER (124TH): Thank you, Madam Chair. Good to see you, Representative Rosario.

REP. ROSARIO (128TH): Good to see you too.

REP. BAKER (124TH): Thank you for your creative ideas and innovative ideas. Just some clarification. So this legislation, you're asking that we as a legislative body give authority so that
towns and cities can designate certain areas for this to, for extended entertainment; is that correct?

REP. ROSARIO (128TH): Correct and it would be up to the town's approval and they would have to, their city council would have to vote on it.

REP. BAKER (124TH): Oh, okay. So a particular municipality, they will set their own criteria or creative type of, based on their towns, what they want you know legislation, ordinances or anything around this; is that correct?

REP. ROSARIO (128TH): Correct, Representative.

REP. BAKER (124TH): Okay. So have you gotten any feedback in terms of any of the law enforcement and how they might feel in terms of this extended entertainment district and how they might feel with you know DUI's or things like that or have you gotten any kind of feedback from them?

REP. ROSARIO (128TH): I have from local department that I work for and again, we want to make sure they're part of the conversation going forward.

REP. BAKER (124TH): So do you think that this will put more, if we designate these particular areas that would cause more overtime in a sense or if it did, would the businesses that would like to participate in it, would they help, you know foot the bill?

REP. ROSARIO (128TH): Representative, if it's outside overtime, the establishments will be paying for the overtime, not the town.
REP. BAKER (124TH): Okay, thank you, Rep, I appreciate that.

REP. ROSARIO (128TH): Thank you.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative. Representative Arnone.

REP. ARNONE (58TH): Thank you. So you mentioned Enfield. So Enfield's my district. We do have pressure from Massachusetts now with MGM. They are open later. They have also mass transit so they're actually bringing people over back and forth from the train stations. If something should happen in East Windsor, we're going to be sandwiched between to large mecca entertainment areas so we're, we're trying to develop our downtown right now with transit, trying to get a train station too if I can plug my town to get a train station. That would be a destination point. We would like to have Enfield be a destination point between the two places. As for the late alcohol, today with mass transit, you really cut down on the instances of people having to drive. We have our Magic Bus in town that actually loops our town and is able to take the younger generation today, which they want, is to have their mass transit to go to the train stations, go to New York, go to New Haven, go to Springfield. So with that system in place and if we can strengthen that system, I think we can also strengthen future DUI's in the country so we need mass transit to work with all these special downtown districts and I'd love to be a part of this conversation too.

REP. ROSARIO (128TH): Absolutely, Representative and we're trying to get the Barnum Station in
Bridgeport so maybe if we can link up we can push both our train stations.

REP. ARNONE (58TH): Deal.

REP. ROSARIO (128TH): Thank you.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative. Are there further questions from members of the Committee? I want to thank you for being here today. I know you have some, another meeting that you'll be heading off to speaking of train stations and mass transit so thank you for taking the time to be here with us today.

REP. ROSARIO (128TH): Thank you, Madam Chair.

REP. MCCARTHY-VAHEY (133RD): Next on our agenda today, we have Chris Lippke from the town of Canterbury. Welcome.

CHRIS LIPPKE: Good morning, thank you. Today I'm here to speak in support of House Bill 5886, AN ACT CONCERNING THE USE OF LOCAL CAPITAL IMPROVEMENT FUND GRANTS FOR REMOVAL OF CERTAIN TREES, and I would like to thank Senator Cassano, Representative McCarthy Vahey, Senator Champagne, Representative Zawistowski, and members of the Committee. My name is Chris Lippke and I am the First Selectman of the Town of Canterbury.

According to the state Department of Energy & Environmental Protection, major insect infestations of emerald ash borers and gypsy moths and several years of severe storms and drought have left countless damaged or dead trees along roadways, in parks, and other areas in our towns. Damaged, dead, and diseased trees can fall without warning, potentially causing injury and/or property damage.
Towns, electric utilities, DEEP, and the state Department of Transportation are removing dead and damaged trees, focusing on high-use areas where they pose public safety concerns.

Although a certain number of trees die or are damaged each year, the number of trees that need to be removed this year and in future years is unprecedented. Tree removal can cost between $500 to $1000 dollars per tree. Given the unanticipated number of trees that need to be removed, in a conservative estimate for the town of Canterbury just on our roadways alone, is in excess of 600 trees. Costs are quickly exceeding the amount budgeted for tree removal in many towns. Canterbury’s tree removal costs are significantly higher than previous years and are projected to reach hundreds of thousands of dollars to remove all the damaged trees resulting from these infestations and drought.

Some towns are relying on Town Aid Road funding to assist in removing trees along local roads and other areas where they may pose public safety concerns, which is permitted by law. However, towns that exhausted TAR funding for needed road projects may not have sufficient funding leftover for tree removal. We have been advised by the Office of Policy and Management that LoCIP funding cannot be used for tree removal. Under current law, LoCIP funds can only be used for municipal capital expenditure projects which are specifically categorized by statute.

To assist towns like Canterbury in funding necessary tree removal, I urge your support for HB5886 which will authorize the use of LoCIP funding for the
trimming, cutting or removal of any dead, extensively decayed or structurally weak tree or limb, or of any tree or limb reasonably in danger of falling, located on town property near municipal roads or buildings. This will be of tremendous assistance to towns like Canterbury in removing dead and damaged trees to protect the safety of the public.

Given the magnitude of the problem, in addition to assisting towns in funding tree removal, there are a number of other issues that must be addressed, including the need to assist towns and residents in identifying dead and damaged trees that should be removed; difficulties in finding qualified tree removal contractors that are available to do the work; public awareness regarding dangers involved in falling trees; and the need for additional equipment, such as bucket trucks, to cut down and remove trees and limbs.

I have been participating in an ad hoc committee with representatives from DEEP, Eversource, the University of Connecticut, the Council of Government, the Connecticut Council of Small Towns, CIRMA, and other first selectmen as well as department emergency management and Homeland Security to explore this issue. However, it is an issue that is not getting sufficient attention and I would encourage lawmakers to explore further opportunities to fully address these concerns.

I would also like to add and I'll go off script here, which usually gets me in trouble, that this bill as it's proposed is revenue neutral. We are just looking for a statutory change to allow us to expend LoCIP monies. We're not looking for an
increase in funding. It's just the ability to use those grants to help us remove these dead and dying trees to protect our residents. Thank you.

REP. MCCARTHY-VAHEY (133RD): Great. Thank you very much. Are there questions from members of the Committee? Senator Cassano.

SENATOR CASSANO (4TH): Welcome. Thank you for your testimony. You got me with that last piece on the revenue neutral and I fully understand where you're coming from. It's hard to come up here knowing that you have a need and there's no money available so, so we don't do the realistic thing. We say we'll try and make it work. One of the beauties of Connecticut, one of the reasons we invest in tourism and so on is our trees. I mean it's part of the beauty of the State of Connecticut. It doesn't make sense to me that we give up an intersection improvement that would be done in a local municipality through LoCIP for tree removal. It's not fair to the community. You probably need, for safety purposes, that intersection fixed or whatever it might be and I think most of the towns using their LoCIP funds would much rather use their money in that direction. I don't know in your discussions with DEEP or anybody else, has everybody proposed a set aside or thought of a way? I mean, as an example, for the parks we find ways of finding revenue to deal with that. Has there even been a thought of some kind of a statewide tree removal fund that you've heard of in your discussions here? Because this is much better than Yorktown obviously. We all suffered, some times of the year much worse, sometimes of the decade much worse depending on what bug did what. We know that, but LoCIP is not the
answer. It's unfair to the community that's going to get very few dollars for those local improvements which are generally most safety improvements so I'm probably going on a little too long. Have you heard of anything like that? And if not, I know CCM clearly is here. I'd be glad to work with CCM who we see every day anyways. Maybe there's a way we could find some kind of a set aside or find out what others are doing.

CHRIS LIPPKE: I'm going to say yes, we have had discussions about looking for alternative funding sources and whether it's been reaching out to you know the state for bond money to do this or whether it's been reaching out to, even utilizing our insurance companies to try to set up some sort of program to help us because at the end of the day, we are looking at that from a liability issue. When the trees fall, somebody's going to pay, but when it comes to using LoCIP, now all we are looking for on this bill is just the opportunity for the town to have that money if we choose to use it. Now, from my own perspective, I have a lot of projects I would rather use my LoCIP money for; however, this is not, this has gone beyond just a matter of aesthetics with the community.

It's also become a public safety issue where we are facing in towns like Canterbury and many towns, I'll say lower Windham County, northern New London County, through the Connecticut River Valley where we are seeing dead trees because of disease and infestations, estimates in some areas of up to ten trees or 60 trees per mile so we're seeing thousands of trees that have to come down. And so we've crossed into where it's a public safety issue where
if we have the storm and these trees come down, we will be looking at road closures for multiple days. We'll be looking at the people without power, the inability to get our EMT's or our fire department down these roads to assist our residents so again, from my perspective.

Yes, I can see what you're saying about LoCIP. I understand that all full well. I have a list in my office of projects I'd love to tackle, but I also need to look at the public safety and look at how I'm going to protect my residents, and this is just putting another tool in our toolbox so that when we've expended the money that we've already appropriated in our budget for tree removal, when we've used as much as TAR money as we can because we in Canterbury have been using our TAR money to take down trees, which is going to impact our ability now to repair bridges, to repave our roads, to repave any culverts and to take care of that necessary maintenance for our infrastructure. This is just putting another tool in our tool belt so that we do have that to turn to so we can have those resources available.

SENATOR CASSANO (4TH): Okay, thank you.

CHRIS LIPPKE: Thank you.


REP. ZAWISTOWSKI (61ST): Thank you, Madam Chair. Thank you for coming in here today. The dead and damaged tree removal is a serious issue. I travel all around the state a lot and in your area, you've got mostly gypsy moths and over in the west we've got emerald ash borers and it is a major issue. I
do agree with the Senator that it would be, really in a perfect world, we wouldn’t be using LoCIP funds for this, but absent anything else, I think the situation is enough, it's urgent enough that I think we may need to take a look at using the LoCIP funds. I really think that we need to keep all avenues, options open at this point. About how many trees -- I know Canterbury is not a huge town. How many trees are we talking about in Canterbury?

CHRIS LIPPKE: Well we're looking at a conservative estimate and my director of public works and his crew were out earlier this year and maybe I should backtrack. I'll give you the long story. [laughter] Early Spring last year I was driving around town and I'm looking, I said geez the trees are blooming late, they're budding late. A week later, the trees are budding late. Third week, I realized, no these trees are dead. And so we started working with UConn Extension, with DEEP and a whole alphabet soup of agencies that we sort of brought together to try to get some push on this and to move it forward and so we're looking at in Canterbury, in an assessment that was done by Tom Worthley out of UConn Ag, he was doing [inaudible - 00:24:22] he was coming up with some areas where you were having like 60 dead trees per mile. We did a conservative estimate in Canterbury, and we came up with, on our 70 miles of road, and this is just on road edges, over 600 trees that could fall into the road, that could impact, that could damage or block roads or kill people. So that's just on our road edge.

Now, if you get further into state, town-owned recreation land, we're going to have an impact with
that as well because you have dead trees and what we're looking at is, it's sort of the issue that DEEP addressed with the state forests is that it's very difficult to use your state forests for tourism if people are risking their health and safety going in and walking on the trails so that's another issue is oh, we're going to have to take out when we go further back you know and expand it out, but initially, we are looking at keeping our roads open and our roadways safe and our residents protected and that number came in at a conservative 600.

REP. ZAWISTOWSKI (61ST): And the roads, are these all town roads or [cross talk].

CHRIS LIPPKE: These are all town roads. We have two state roads, well I should three state roads, Route 14, Route 169, and Butts Bridge which are state roads and over the course of this summer, both Eversource and DOT have been very busy in cutting back the trees particularly on Route 14 and 169, but just on town-owned roads, it's 70 miles of road with approximately 600 trees, 600 plus trees.

REP. ZAWISTOWSKI (61ST): Okay. Thank you very much.

CHRIS LIPPKE: Thank you.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative. Representative Arnone followed by Representative Gucker.

REP. ARNONE (58TH): Thank you. So of the 600 trees, how many are a responsibility for Eversource? You touched on a little bit of Eversource clearing trees. So I know a lot of towns are doing that, that subtraction in trying to get Eversource to make
sure if it's around a power line, we don't want to pay for it.

CHRIS LIPPKE: Exactly, yes, no, we've been very, we've been very aggressive on that and pushing for the trees that are impacting Eversource power lines. No, these 600 are trees that are on town-owned property and are not on the power line side. These are trees that are really town responsibility to take down and to handle.

REP. ARNONE (58TH): Thank you.

CHRIS LIPPKE: Thank you.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative. Representative Gucker?

REP. GUCKER (138TH): Thank you for coming in today. This is actually a subject that Danbury has been dealing with. We had a fatality a couple of months ago just from a rotting dead tree that was along the state highway, no wind event, nothing, just came over. But could you see, we also went through tornadoes that came through our community last May. Could you see this program expanding to maybe this program expanding to maybe take down some of those what we call widow-makers or other trees that have fallen but not completely fallen?

CHRIS LIPPKE: In terms of your tornado damage, I think you've actually, and this is one of the things, in probably, about a year ago when I started working on these trees, I was talking with one of our first selectman. I said I'm trying to do something which is hard to do, we're trying to be proactive. After the tornadoes, it's very reactive and you end up getting emergency financing and the
funding and I think FEMA came in and they did offer up some funding for the towns to help with the tree removal and cleanup in that case. Again, if that funding could be expanded, that would be good. One of the areas that we have been pushing for is to look at trying to get some proactive funding from the likes of FEMA and Emergency Management to help us on this because really this is an emergency. It's a crisis waiting to happen and rather than trying to take care of it after the fact, we're trying to address it in front.

REP. GUCKER (138TH): Well I thank you for coming in with this and I look forward to seeing where it goes. Thank you, Madam Chair.

CHRIS LIPPKE: Thank you.

REP. MCCARTHY-VAYHE (133RD): Thank you, Representative Gucker. Representative Delnicki.

REP. DELNICKI (14TH): Thank you, Madam Chair and thank you for coming forward with that issue. It's interesting when you raise an issue like that, many communities that were victims of the October snowstorm that we had that devastated the central part of the State of Connecticut are now dealing with trees that are dying, that have become a hazard that they have to go back and take care of some eight years later because of the nature of that. So, if I understand your proposal correctly, you're not looking for additional LoCIP money, but what you are looking for is the latitude, the ability to utilize whatever LoCIP funds you receive to deal with this issue and if I understand you correctly, you would basically be looking to take down trees which would not be a normal maintenance type
function, to move trees that are actually dead that are causing a public hazard?

CHRIS LIPPKE: That is correct.

REP. DELNICKI (14TH): Because I understand where if it was just normal tree trimming, that would be a maintenance function and that's something that I could see where it would be a real stretch based on the definition of what a LoCIP improvement project means, but you're just looking for that latitude. You're looking to take the most dangerous ones out and to utilize that money and you would be re-prioritizing your projects based on, not additional funding, but based on existing funding that you have?

CHRIS LIPPKE: That is correct.

REP. DELNICKI (14TH): Okay. Well, it certainly is something that does make sense. Having been a municipal leader, I know what the problems are when it comes to dealing with things like that, especially the October snowstorm up our way in South Windsor. Thank you for coming forward today and thank you, Madam Chair for the opportunity to question the proponent.

CHRIS LIPPKE: Thank you.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative Delnicki. I will just add, I appreciate you being here today and understand your desire to have another took in your tool box. I think we all understand that. I share the hesitation Senator Cassano expressed and also, am sure that you are doing this as part of your conversation with that group, but looking at any
prevention efforts in terms of why this is happening, and I'm certain that you all and others are having those conversations, but it's really sad to see so many trees suffer this fate. So I appreciate your efforts and your time here today.

CHRIS LIPPKE: Well thank you and I will say, in conversations that I've had with both DEEP and with some professional arborists, we are looking at, in our region particularly, change in our forest landscape. Particularly hard hit in the northeastern part of the state were our old oak trees and so we are looking at what is going to be a change and we're not quite sure what is going to replace those old oak trees that are now you know dead, but nature has a way of giving us a new job to do every day and I appreciate your support on this and hope that we can move this bill forward. Thank you very much.

REP. MCCARTHY-VAHEY (133RD): Thank you. Thanks for being here today. Next on our list, we have Representative Gilchrest who is accompanied by Matt Hart. Welcome.

REP. GILCHREST (18TH): Good morning Representative McCarthy-Vahey and Senate Cassano, good to see you. I'm Jillian Gilchrest, State Representative for the 18th District of West Hartford, and I am here to oppose certain elements of Senate Bill 971 and I'm happy to be joined by the Town Manager of West Hartford, Matt Hart.

MATT HART: Good morning everyone. Thank you so much for the opportunity to be here. As Representative Gilchrest aid, my name is Matt Hart and I am the Town Manager for the Town of West
Hartford. I am here on behalf of my community as well as the communities of East Hartford and Wethersfield who have decided to co-endorse my testimony. As stated, we're here to testify in opposition to certain elements of Raised Senate Bill 971.

As originally drafted, sections two and three of this bill would effectively take away control of storm water systems from the member towns, there are eight member towns, and grant those to the MDC. Every municipality in the district regulates and manages storm water within its borders. Section two of this bill would cede that authority to the Medicare and we see that as very problematic in at least two respects.

First, this regulatory authority is unnecessary. The MDC already has it. They’ve got their own ordinances in place. They don’t need control over all of the sources of storm water in a municipality to prohibit this problem with infiltration. Secondly, while the MDC certainly has every interest in separating storm water from its sanitary lines, that is its primary focus. Compliance with the Connecticut Building Code, familiarity with local zoning, etc, those are within the MDC’s core competencies. That’s not their expertise and we don’t think they are the right place to vest this type of regulatory authority.

In addition, section three of the bill would extend the MDC’s authority even further and allow it to charge member towns a fee if storm water manages to infiltrate the sanitary lines. Now, we understand. We understand that infiltration of storm water into sanitary sewer lines, it's problem nationwide and
it's a problem in part because historically, you are allowed, homeowners were allowed to connect their storm water lines to the sanitary lines, and that happened for decades. It's no longer an accepted practice, but to give the MDC the unfettered discretion to assess this fee would really put the towns in a tenuous financial position.

So I'm sure you’ve noticed in my testimony I keep the fact referencing the bill as originally drafted. Our understanding is that the MDC has requested that the language be modified so that this is more optional, member towns could opt in. While we appreciate that effort, we still have grave concerns regarding the bill for a couple of reasons. One, we haven’t seen any evidence that any of the eight member towns have requested this legislation.

Again, we understand the problems with infiltration, but we think that it would make far more sense for the MDC to meet with the member towns in the district, talk about this problem and come up with a game plan. This bill was dropped on us with no consultation.

So in closing a couple more points. It would far too easy for this charter language, if it's approved, to become mandatory rather than voluntary at some point in the future. So on behalf of West Hartford, East Hartford, and Wethersfield, I would urge you to ensure that sections two and three of this bill are removed. We really see that as the only option at this point in time until we have had an opportunity to have a district-wide conversation. Thank you very much for the opportunity to testify to you today. I'm happy to take any questions you might have.
REP. MCCARTHY-VAHEY (133RD): Thank you, Mr. Hart and Representative Gilchrest for being with us today. Are there questions from members of the Committee? Representative Michel followed by Representative Delnicki.

REP. MICHEL (146TH): Thank you, Madam Chair. Thank you for testifying today. I just have a question cause I'm on a coastal city so I'm not sure how relevant it is and I've worked on issues with MS4 permitting, but you said the MDC would prefer to separate the storm water system from the waste water, um, waste treatment. In our city, when we did that, the MS4 permit suddenly became really a special one just for Stamford which became way more comprehensive and more difficult, although it doesn't seem that difficult in other angles. How would it affect Hartford if those two systems were separate?

MATT HART: Very good question, Representative, and as I stated during my testimony, you know West Hartford, we appreciate that this infiltration is a problem. It's a problem for our state, it's a problem nationwide and it's just because with changes in weather patterns, the volume of water post storm is just too great for a sanitary line to handle, it's overwhelming and it all flows downstream. It impacts the river, it impacts the wound, and it's impacting your community.

So the separation, you know at least in our view, it does need to occur, you know it needs to happen, but we need to come up with a plan to ensure that it's manageable. That it's manageable from an engineering perspective and that it's manageable from a financial perspective.
REP. MICHEL (146TH): Thank you. Thank you, Madam Chair.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative. Representative Delnicki followed by Senator Cassano.

REP. DELNICKI (14TH): Thank you, Madam Chair and thank you for coming forward with the testimony pertaining to this issue. Do you know if it was ever discussed at any of the Board of Director meetings for the metropolitan district? Cause I know West Hartford has what, four commissioners I think it is?

MATT HART: I believe this bill was discussed on Monday evening at the district's, I'm not sure if it was a committee meeting or a meeting of the full commission. I was informed of this bill by the MDC's new consumer advocate and really want to thank him for forwarding this onto us.

REP. DELNICKI (14TH): And just a side note, the consumer advocate by the sound of it has been paying dividends.

MATT HART: Oh I agree significantly and being from West Hartford, I really want to thank our new state Senator, Derek Slap for endorsing and moving that legislation forward to create that very important position.

REP. DELNICKI (14TH): And I'm pleased to say I had a little role in that also. South Windsor is not a member town, but we do receive water from the metropolitan district and of course, we were hit with that non-member-town surcharge that had to be reversed and led to non-member towns actually having
commissioners sitting on the board. Getting back to the possibility of an opt in. So are you totally opposed to having the possibility of an opt in for a community that would want that service, or you just don’t want that language at all?

MATT HART: At this point in time, totally opposed because I think we need to have the conservation as a district first so that we understand the import and the ramifications. After we've had the conversation, perhaps we can all get behind some proposed legislation to open the MDC's charter and create this type of service, but right now, I think that's very much premature especially looking at the history of the institution, it's relationship with the member towns, etc. You know we've got all of that to contend with as well.

REP. DELNICKI (14TH): Yeah, I'm somewhat familiar with the history of things that went on. I was with the district for 32 years and had the challenge of dealing with the issues of the waste water system and clean water system over in West Hartford so I'm familiar with it and familiar with the infiltration issues that most towns have. I'm assuming that you're going to have more conversations with your commission members so that they'll go back to the board and raise the issues and get the whole deal worked out one way or the other so that there is some level of communication there.

MATT HART: Yes, certainly.

REP. DELNICKI (14TH): Good deal. But section one you have no problem with?

MATT HART: Correct.
REP. DELNICKI (14TH): Just section two and three?

MATT HART: Yes.

REP. DELNICKI (14TH): Thank you. Thank you for coming forward with your testimony today. Thank you, Madam Chair.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative. Senator Cassano.

SENATOR CASSANO (4TH): Thank you. Welcome both of you in your new roles coming before us. It's nice to see you. Representative Delnicki hit one of my questions right on the head. Section one, I think section one is necessary and makes sense without doubt. You've indicate a willingness to discuss two and three. I would think one of the things we have done well with P&D is, with these types of issues, get everybody at the table and then tried to work something out and it's in our best interest as a committee, it's in the MDC's best interest to have the support, it's in the best interest of the member towns to do that so if you believe the member towns are willing to have that kind of a sit down, I think, I don't know if we can get it all done at this time, but I think section one fiscally needs to move forward and would be glad to have those conversations so that we can reach some kind of a compromise that makes sense because there are some parts of it that are good, make a lot of sense, you want too, but you want protections as well and I fully understand that so I would be glad to coordinate that if necessary. We've done it successfully where people get to the table, they make things happen so I'd like to leave that with you as a thought that you know let's get one out of
the way and maybe even before this term is over, we can reach an agreement on the others and seeing you're here to testify, I'll make you the point man to be in touch with the rest of the leaders of the eight towns and maybe we can set something up. Do you agree with that?

MATT HART: Yes, Senator, thank you very much. It's wonderful to see you again and section one of the bill we support. Again, we're concerned about sections two and three and I think when we have that districtwide conversation, we should look at other models around the country, you know how does this work best. That's just one issue that I think we need to talk about in an effort to resolve this larger problem.

SENATOR CASSANO (4TH): Thank you.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative. Other questions? I will just comment. I talk a lot about prevention and there are three social workers sitting right here and I really do appreciate the fact that you're willing to sit down altogether and I think that makes sense and I also appreciate the answer to the question, which was mine, about section one and the clarification that you are in support there so I look forward to ongoing conversations because you're right. I think they call them I and I, your business, is that right?

MATT HART: Yes.

REP. MCCARTHY-VAHEY (133RD): Those issues are incredibly important for all the communities and just for the future will be, you know increasingly important as we see these significant rainfall
events that are befalling our communities so thank you for your time and testimony today and I look forward to ongoing conversations.

REP. GILCHREST (18TH): Thank you.

MATT HART: Thank you.

REP. MCCARTHY-VAHEY (133RD): You're welcome. Next on the list we have Senator Logan with Heather La Torra and as Senator Logan is coming forward, I just want to point out that yesterday was a big birthday for Senator Logan so Happy Birthday! [laughter]

SENATOR LOGAN (17TH): That's right, thank you, the big 50.

REP. MCCARTHY-VAHEY (133RD): Well welcome.

SENATOR LOGAN (17TH): Thank you Chairs and other distinguished members of the Planning and Development Committee. As many of you know, I had the pleasure of co-chairing the committee the past there was sessions and it's great to be here before you today. I'm here to discuss in support of Bill 928, AN ACT CONCERNING THE RECOVERY OF ATTORNEY'S FEES AND ACTIONS FOR WRONGFUL PROPERTY TAX ASSESSMENT. The bill in itself has many good elements, but there are some parts of it that are of concern and here to I'm here to hopefully encourage you all to make adjustments to the language, to make it more palatable and to make sure that we don't have any unintended consequences.

For example, I would like to see some clarity in terms of the language to make sure that group homes and other residential services run by non-profits are exempt and remain exempt from property taxes. Please keep in mind that non-profits are explicitly
exempt from federal, state and local taxes for good reason and they provide essential services to residents so government doesn’t have to.

I'm here with Heather La Torra from Marrakech. They are out of Woodbridge. They have hundreds of employees and serve thousands of people throughout Connecticut and I will cede the rest of my time to Ms. La Torra.

HEATHER LA TORRA: Thank you so much. Good afternoon. Thank you for your time. I am Heather La Torra. I'm the President/CEO of Marrakech Incorporated. I'm celebrating my 33rd year there so I've been through this state for a long time providing services. Marrakech is a statewide non-profit organization. We support people with developmental disabilities, mental illness, young people in the DCF Foster Care Systems as well as others with similar issues for the past 48 years, and we support over 1000 people and we have about 750 staff.

Since our inception, we operated traditional group homes for people with developmental disabilities; however, over the years we saw a huge need for safe, affordable housing for many people and to that end, we supported living, affordable housing to communities in which we serve. We currently operate 25 group homes for people with intellectual disabilities and youth with mental illness. We own 18 out of those throughout Connecticut including New Haven, Branford, East Haven, North Haven, Bridgeport, all the way to Harwinton and we own and operate HUD Housing for 17 people in New Haven, and we own 29 units of safe, affordable housing in New
Haven, West Haven and Waterbury, and Waterbury does tax our property there.

Besides homes, we own and rent a few buildings for programming in Waterbury, New Milford, West Haven and New Haven and according to the most recent mill rates, if we were to be charged property taxes, this would add up to $261,000 dollars per year. This equals the amount of one of our Work to Learn. We have two Work to Learn Programs for DCF youth, we have one in Bridgeport and one in New Haven. That would wipe out one whole program, it's the same exact expense, and the same amount also supports 14 families that we assist in services to keep their loved ones at home instead of costly residential placement and that's a program that's underfunded already, but that's a different testimony. I'm sure you would agree that we would have more success fundraising for family support than our DCF after school programming other than asking for donations to pay property taxes which we should be exempt from already. Critical funding is diverted away from direct service provision and to people in need when non-profits burdened by years of state budget cuts are forced to choose between costly litigation and paying property taxes that are exempt by state law.

We are explicitly exempt from federal, state and local taxes for good reason. We provide essential services to residents so the government doesn’t have to. I thank the Committee for raising this important bill and respectfully request that you pass the substitute language suggested by the alliance. Thank you so much.

REP. MCCARTHY-VAHEY (133RD): Thank you both for being here today. Are there questions from members
of the Committee? Questions. Thank you for being here and we will I know later today hearing further testimony and further suggested language so I appreciate your time today.

SENATOR LOGAN (17TH): Thank you.

HEATHER LA TORRA: Thank you.

REP. MCCARTHY-VAHEY (133RD): Next up, is Representative Phipps here? Oh, he is. Welcome, Representative Phipps with Linda Iovanna. Welcome.

REP. PHIPPS (100TH): All right. So good afternoon everyone. Thank you Chairs, I appreciate the opportunity. I have CEA Linda Iovanna, did I pronounce that correctly? Yes, I did, from MARC Committee Resources so I'm going to yield most of my time but I wanted to take a quick second to talk about why this bill is so important.

So I was looking on the list of events that MARC is putting on right there. So one of my favorite fundraisers that they put on is the tasting which is on May 4, I would encourage you to go, it's from 5 to 8. You can buy a ticket right online. There's a kickball tournament. There's a long laundry list of events that they have to do to fundraise in order to provide valuable services for individuals that have special needs and one of those reasons is because our state has continually made it harder and harder and in many ways divested from important organizations such as MARC Community Resources, and to have additional layers of, not only just bureaucracy but just unfairness when it comes to the tax code. It's just truly inequitable so what I would ask in support of this bill, for Senate Bill 928, this would allow the relief that they're
entitled to so that they can continue providing valuable community resources to some of our most vulnerable communities. So with that, I'll lend it to our CEO.

LINDA IOVANNA: Thank you and thank you for your help, Representative Phipps. So my name is Linda Iovanna and I'm the president and CEO of MARC Community Resources. We're not quite as big as Marrakech, we're about a $7-million-dollar organization. We're a private provider offering day vocational employment and residential services to people with intellectual and developmental disabilities all throughout Middlesex County and from Old Saybrook to Hartford.

We're midsize and we struggle like most providers to make ends meet. We are very appreciative of the support and the efforts of the legislature. So last year, MARC was denied tax exemption status on several group homes as well as two day programs owned and operated in Cromwell. This tax exemption status has forced many non-profits like MARC burdened by years of state budget cuts to choose between litigation and paying taxes on property. MARC has chosen to pursue legal means to maintain our tax exempt status. We have had to reappropriate funds stealing critical dollars from our essential services in order to cover unbudgeted and unfunded, for us it was $24,000 dollars in taxes and an additional $12,000 dollars in legal fees. While we have since received our quadrennial tax exemption on our day programs, we still await a pretrial date for tax exemption on our group homes.

Last week, I was left with no choice but to lay off our Chief Operating Office owing to deficits in
several programs. There are many causes to the escalating expenses including underfunded wage increases, significant increases to our fleet insurance, and unfunded tax litigation and taxation. The $36,000 that we paid in 2018 is more than the annual salary of a direct support service staff person. In fact, it's more than our assistant managers make and these are the people who directly provide the hands-on service to the most vulnerable participants in our programs.

Non-profits are explicitly exempt from taxes because they provide essential services to the most vulnerable people of the community. We are the safety net in the community. We empower people who are less fortunate to live to their best personal potential and we allow their family members to lead productive lives.

I thank the Committee and I also thank Representative Phipps for his assistance and for his support, and for raising this important bill and respectfully request that you pass the substitute language suggested by the alliance. So thank you very much for your time.

REP. MCCARTHY-VAHEY (133RD): Ms. Iovanna, thank you very much for being here today. Are there questions from members of the Committee? If there are no questions, I thank you both for being here.

LINDA IOVANNA: Thank you.

REP. PHIPPS (100TH): Thank you for the opportunity.

REP. MCCARTHY-VAHEY (133RD): Our next speaker is Representative Candelaria. I do not know if he is here with us so the next speaker is Christopher
Stone. Welcome. If you could turn on your microphone, please?

CHRIS STONE: Is that better. You think I should know better. Senator Champagne and Representative Zawistowski, thank you again for having me and I also want to especially thank Representative Rojas, my Representative, it's good to see you this afternoon. First of all, the good news is that there are many things that the MDC and at least three of the member towns that were represented here earlier today agree on. We agree that the consumer advocate has been an invaluable resource not only to the customers of the MDC but also to the MDC. We agree that four non-member members of our Board of Directors have been an invaluable resource to the MDC and to the people that they represent, and we also agree that section one of the bill, Senate Bill 971, is something that certainly would be a benefit to the MDC. It would bring us to be consistent with other municipalities that enjoy that particular provision set forth in Title 7 of the General Statutes. It's outlined in our testimony. It's in the first full paragraph of the second page really spells it out and I won't bother to read that testimony.

The real issue at hand as we see it is the infiltration and inflow of storm water, what I call clean water, into our sanitary sewer system. Not only would the MDC like to have that removed from the system to create greater capacity for sanitary sewage, we've been ordered to eliminate that from our system and whether that be in the seven-member towns other than the city of Hartford that have problems with sanitary sewer overflows, or the city.
of Hartford which is a combined sewer system, which was at once permitted and now is not, whether it's the city of Hartford and combined system and getting the storm water out of the sanitary sewer system.

We have been charged by both federal and state environmental agencies, EPA and DEEP, to correct a situation that's been existing for as long as the MDC has been in existence, since 1929, and even before that. And our ratepayers have stepped up to the plate and voted affirmatively on two referenda, to support the project. We anticipate a third in the next two or three years, and we anticipate spending upwards of $2.5 billion dollars to improve the sanitary sewer system in our region so it's a, it's a costly endeavor, it's a long-term endeavor on the MDC's part and but for the confidence and the support of our customer base, quite frankly it wouldn’t be happening.

So as to the bill itself, we've been talking about storm water infiltration since certainly the start of the Clean Water Project which is 2006, and we've been talking about it since then and most recently in the last two or three years, we've really had an emphasis on the problem that storm water presents. It's been before our board on any one of a number of occasions, this issue. The bill that you have before you, that you're considering, was the initial submission to this Committee. We have since submitted modified language which is attached to my testimony. We want to emphasize that it was never an intention of the MDC to provide for a mandate where municipalities would be relinquishing control of what is otherwise a municipal function over the
MDC; that's not our goal. Quite frankly, it's not our desire.

What we intended to do and what I think the amended language sets for is give our municipalities an option, a tool so to speak, so that when they're dealing with the storm water issue, when we're dealing with the storm water issue through the Clean Water Project, and when they have to deal with what's coming down the pike, which is compliance with the MS4 rules, that they have the ability, not the requirement, but the ability to look to the MDC as a regional entity to assist them in dealing with those issues so that was the original intent. We submitted modified language to reflect that intent and we have, I will tell you that while Mr. Hart and I or town manager Hart and I may disagree on what the intent was, we do agree to a person at the MDC amongst our 29 commissioners and 4 non-town commissioners, we value our relationship with our member towns and are non-member towns. We intend to keep talking with our member towns on this issue. It's an important issue and whether it's addressed this session or a subsequent session, I know my time is up, or a subsequent session, we're going to get it done and we're going to get it done with the cooperation and the consent of our member towns. So with that, I will end my testimony and thank you very much for having me and I'd be more than happy to answer any questions.

REP. MCCARTHY-VAHEY (133RD): Thank you, Mr. Stone. I think those were helpful remarks that you added at the end. Are there questions from members? Representative Arnone.
REP. ARNONE (58TH): Thank you. A couple of questions. First of all, this storm drainage and the MS4. So this is really two different separate issues. This is way I viewed this when I read the testimony and the bill. So right now, when you have infiltration coming into what 35 million gallons I think MDC deals with and it could almost double at times with rain storms?

CHRIS STONE: I'll just give you by way of an example and it doesn't matter which member town, but one of our member towns on a dry day, we get about 8 million gallons of sanitary sewage coming to our plant and this has been metered, coming into our plant from that down on a daily basis. During a wet weather event, that can increase up to 60-70 million gallons per day, almost ten-fold and when we're spending $2.5 million dollars, part of which is being, about half a billion dollars of which is being spent on expanding our treatment facility in the south into Hartford from an 80-million-gallon facility to a 200-million-gallon facility, when we've got 60-70 million coming just from one town, even with the expanded plant we're not, we're going to have overflows and that's the capacity issue. It's not just capacity at the treatment plant. It's a capacity within the pipe and every gallon of clean water that comes in is a gallon of sewage I can't handle.

REP. ARNONE (58TH): Right and it ends up into the Connecticut River.

CHRIS STONE: And it ends up somewhere where it shouldn't be.

REP. ARNONE (58TH): And down to the shoreline.
CHRIS STONE: It ends up somewhere, whether it's in peoples' basements or on the streets or in the -- it ends up somewhere it shouldn't be, absolutely.

REP. ARNONE (58TH): Who now is responsible in each member town to do the separation?

CHRIS STONE: I'm, I'm, the MDC, under the Clean Water Project, the consent order or consent decree, is responsible to separate the systems in Hartford, to make sure that there's a sanitary sewer and a storm sewer system in Hartford, originally permitted, now it's not. In the non-Hartford towns, the seven other towns, they have separated systems for the most part. What's happened is in some of these towns, inflow and infiltration, inflow is where rain leaders and sump pumps put clean water into the system. Infiltration is where we have a cracked pipe where we get ground water, but what's happened is that that's been permitted so they've been de facto CSO communities or sections of those communities and that's what we're trying to address here so it's their response -- storm water right now, absent what might happen with this bill, it's the seven-member, non-Hartford member towns that are responsible for storm water. We end up becoming responsible because it's being, as I think Mr. Hart pointed out, it's been allowed for years for these sump pumps and roof leaders and roof drains to put clean water into our sanitary store.

REP. ARNONE (58TH): So last question, the MS4 rules now are storm water discharge in a hole from each municipality so if you give them the option to treat or be responsible for storm waters cause we know that those are going to be increasing, from the federal government, newer rules where everything
goes into a catch basin that's discharged directly into a stream, we're going to have to test and make sure that each municipality is responsible for a grade of water quality that goes into our streams, so you would give them the option to contract basically or have you, the MDC, take that responsibility over for them.

CHRIS STONE: They would contract with us. All the details, this is enabling, so all the details that were discussed with some fears that might come about in terms of billing and charging, etc, would all be worked out ahead of time and it would be the municipalities' choice on whether they want us to do it or not. We have found and one of the greatest champions or regionalism in the state is Senator Cassano, has been for years, we have found that the MDC, and I'll toot our own horn somewhat, as a regional entity, we've provided uninterrupted public water service since we've started. There's never been a time in any kind of weather event where we've lost water services to our member towns or sanitary sewer services to each of our customers so we're, and we're proud of that. We think that as a regional entity, we have the infrastructure, the man and woman infrastructure and technology, engineering expertise to handle something like this. We don’t want to force it upon our member towns, we just want to make it available to them.

REP. ARNONE (58TH): Thank you very much. Option is good so --

CHRIS STONE: Option is good.

REP. ARNONE (58TH): Well yeah, in a municipality.
CHRIS STONE: And quite frankly, in fairness to Town Manager Hart, I could see where that original draft could’ve been read differently so --

REP. ARNONE (58TH): I agree.

CHRIS STONE: I don’t have a quarrel with our disagreement.

REP. ARNONE (58TH): Great. Thank you.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative. Representative Delnicki followed by Representative Michel.

REP. DELNICKI (14TH): Thank you, Madam Chair and thank you, Chris for coming out here today and discussing the issue and if you’ve already broached an issue, tell me, I just had to jump out for a moment and I missed the beginning of your testimony. At what point are the feds going to start levying fines on the district pertaining to the Clean Water Project?

CHRIS STONE: Well we hope never quite frankly because right now, we have a time table to comply. We're in compliance with the milestones that are set forth in the federal consent decree and the state consent order so it's all good. If, I'll just use this as an example, but if we don’t reach our goals on the inflow and infiltration issue, there is the possibility of a fine and if it's, whether that's a concentrated, if it's concentrated in one municipality, it's all eight municipalities that would be responsible for the fine. We're non-profit. We don’t, you know what we pay comes from our, our valued customers so we don’t, and we don’t think we're going to get there, to a point where
we're going to be fined. We have a great partner in the State of Connecticut through DEEP in terms of funding and plan review and long-term planning on the project, and we have a partner in EPA out of Boston who handles the SSO communities, the seven non-Hartford member towns so all is well with the Clean Water Project so I, it's, I can't answer the question of when fines might come in. Our hope is they don’t ever have to be used by either agency to force implementation.

REP. DELNICKI (14TH): Yeah, I only raise that question based on the fact that at some point in time, they're going to look the infiltration and they're going to say, hey, you guys have done work in Hartford, and you're continuing to do significant work in Hartford to correct the problem and we know Newington's got a relative serious problem and [cross talk].

CHRIS STONE: There's others --

REP. DELNICKI (14TH): An old system --

CHRIS STONE: There's others.

REP. DELNICKI (14TH): And East Hartford I wasn’t --

CHRIS STONE: East Hartford has a separated system that, it's pretty much self-sustaining and their storm water system is pretty vibrant so, but you hit on a point in terms of compliance. We need to show, demonstrate, in our opinion, to demonstrate the EPA and DEEP that we're doing all we can to address the I&I issue and whether it's inspecting homes, whether it's looking out for the issuance of permits on new buildings, putting in you know other things, we -- or proposing legislation that would give us the
opportunity, but not the mandate for towns to look to us to deal with the I&I and the storm water issue. These are all things that we think that we need to demonstrate and quite frankly, want to offer our towns in good faith, to make sure that if we have to defend an action by either one of those two entities to fine us, we have an answer for them.

REP. DELNICKI (14TH): So my next question is, it's an interesting one. So when do you plan on meeting with all the municipal leaders in the district to explain to them exactly what you're looking to do and where you're at and what you're proposing and whatever protections you're going to offer them so that they're not looking at it as something that they're going to be mandated to do because that's a big concern? I've seen that before.

CHRIS STONE: Well if I answer your question literally and I say immediately, then that would imply that we haven't, but we have met with them on, we try to meet quarterly with our member towns. Again, we've talked about the storm water issue since the inception of the Clean Water Project in 2006. We've dealt with issues we had. For example, a major issue in one of our member towns of a backup that was caused in large part by the inflow of storm water into the system. It took up capacity that caused a backup. We've been talking with, not only the member towns, but we've gone out into the municipalities to talk to the residents about what the problem is, what needs to be done to solve it or address it and what we can do as the MDC to help them get there so I don't want to, I'm not going to cede that to the town manager, that we haven't been having those conversations. We have. Do they need
to be more vibrant and more robust going forward? Clearly.

REP. DELNICKI (14TH): But I'm talking about specific legislation proposals because I put myself in the position of the mayor there and I say if I suddenly realize that there was a mandate, what is perceived as a mandate coming down, I would be upset about it especially if a conversation hadn't occurred, and that's why I'm saying you really need to sit down with each mayor, first selectman, whatever form of government they have, explain what you're offering, negotiate some guaranteed protections because people hate being forced to do anything, literally [cross talk] an opt in and everybody's comfortable with it and I think if you do that, you'll probably be able to come to some sort of resolution here and I offer to Senator Cassano, I'd be more than happy to be part of any conversation you're having to help broker some kind of a deal like that.

CHRIS STONE: My unusually short response to that is I agree.

REP. DELNICKI (14TH): Good. [laughter]

REP. MCCARTHY-VAHEY (133RD): Wonderful.

REP. DELNICKI (14TH): Man of few words today?

CHRIS STONE: Well at least in answer to that question, yes.

REP. DELNICKI (14TH): Section one looks like that's all set. I don't think anyone has any objection to that?
CHRIS STONE: Well I hope not. I haven’t heard any but I’m here to answer questions on the entire proposal but if anyone has a question, I’d be more than happy to answer.

REP. DELNICKI (14TH): And one question as to when the commissioners found about the proposal on the legislation?

CHRIS STONE: We meet with our, as you know, as a former employee, we have several sub-committees of the MDC. We have a committee on government who's aware of this proposal. I think they would’ve been preferred that we be clearer in the language in terms of not being mandatory and for that, I take responsibility for that, but it was never intended to be mandatory, but we are here so.

REP. DELNICKI (14TH): Which sub-committee would have handled the legislative proposal?

CHRIS STONE: Committee on Government.

REP. DELNICKI (14TH): Okay. Well thank you, thank you for coming up Chris and thank you, Madam Chair.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative Delnicki. Representative Michel.

REP. MICHEL (146TH): Thank you, Madam Chair. Thank you, Mr. Stone. Are you the same Chris Stone that used to work for the DEEP or?

CHRIS STONE: No, he's much taller and much more handsome than I am. [laughter]

REP. MICHEL (146TH): Yeah because I've been dealing with him in many storm water adventures.
CHRIS STONE: I used to get phone calls from somebody asking me where I was for a DEEP meeting and I said [cross talk].

REP. MICHEL (146TH): Yeah I'm thinking it's probably a conflict of interest if you're working for both. I have like more of a question about your handling, the MDC's handling of storm water. How do you filter to the best of your abilities the storm water as it enters the catch basin? Do you use like tub with filters or?

CHRIS STONE: Right now, that's a great question and you're, that's the MS4 rule right there all right?

REP. MICHEL (146TH): Yes.

CHRIS STONE: So in Hartford, because it's a combined system, we have one pipe serving both sanitary and storm water, we treat that. It comes through and we treat it at our plant in the South meadows of Hartford so that's, of all the municipalities, Hartford's probably best equipped to handle the MS4 issue, I wouldn't say problem, but the issue. And the other seven non-member towns, we're not responsible for storm water so when that comes down the pike, when that becomes a mandatory requirement that the storm water be collected, treated and properly disposed of, other than the way that they're disposing of it, that's going to be on the municipalities and that's in part what this bill is trying to do.

REP. MICHEL (146TH): Okay and okay, I think that's it because I'm just not familiar enough with the MDC so I need to study. Thank you very much.
CHRIS STONE: I'm available anytime you want to call we can definitely chat.

REP. MICHEL (146TH): Thank you. And you'll be the second Chris Stone in my rolodex.

CHRIS STONE: There you go. I don't know. Will I be number one or number two? [laughter]

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative Michel. Senator Cassano.

SENATOR CASSANO (4TH): Thank you very much, Chris, for coming and testifying. It sounds so simple. All we're trying to do is separate clean water and dirty water, but it's not quite simple.

CHRIS STONE: And it's very costly.

SENATOR CASSANO (4TH): Many of you in this room probably have been, particularly before the hurricane in New Orleans, if you wanted to see a mess with combined sewers, I don't care what block you stood on in the city of New Orleans, because of the combination of the water coming together on both of them, it was a disaster. New England has, because of our age being built before the rest of the country, we get a lot more of these issues up here and so on and it's been a challenge. I'm pleased first of all to see that pot one looks like it's going to move forward. I want to make sure that happens. I think you've indicated in agreement as others have we're long due to have some discussion on this and maybe work out something before this term is over to get sections two and three, maybe getting some kind of agreement.

Sitting at the table, usually you can get things
done and so I appreciate your willingness to do that and we'll try and set something up.

CHRIS STONE: Well you’ve been very good in the past in brokering those types of meetings and agreements. The consumer advocate was from you, the non-member-town membership was started with you so we appreciate your work on this as well. Let's make it work.

SENATOR CASSANO (4TH): Thank you.

REP. MCCARTHY-VAHEY (133RD): Thank you, Senator Cassano and I would concur with Senator Cassano. I thank you for your time here today and I look forward to helping move these conversations forward.

CHRIS STONE: Thank you and I hope I didn’t take too much of your time, thank you.

REP. MCCARTHY-VAHEY (133RD): Valuable conversation. So we have exceeded our one hour for elected and other officials. Next on the list is Diane Manning to be followed by Representative Candelora.

Welcome.

DIANE MANNING: Thank you. Good afternoon. I'm here testifying on Proposed Bill No. 5642. My name is Diane Manning, and I am President and CEO of United Services, Incorporated, which is a non-profit provider of behavioral health and social services in northeastern Connecticut. United Services is the DMHAS designated Local Mental Health Authority for the 21 towns in the area, as well as an outpatient and community based provider for children and families for DCF, the Domestic Violence services provider of two shelters, community and court-based services for victims, the Youth Service Bureau for
10 of the towns, and we developed The Center for Autism without state support when no services were available in the area as the incidence of Autism skyrocketed over the last several years.

Proposed Bill 5642 is intended to shed light on the funding disparity and the resulting lack of equitable services, which has developed over years of underfunding in the northeastern part of the state. United Services was formed 55 years ago when concerned citizens realized residents did not have access to basic community services and behavioral health treatment. Over the years, we have worked with our communities and partners in healthcare, education, law enforcement, and faith-based communities to cobble together efficient service systems that build on the strengths of each organization and community. We have formal and informal working relationships to ensure that we do the best we can for our communities with the resources available. However, we repeatedly receive less, or even no funding to provide services that are available throughout other parts of the state. When parity is discussed, geography counts too.

Let me provide you with a few specifics. In northeastern Connecticut, if you have an acute psychiatric issue, and you present to the hospital, there are few options except inpatient hospitalization, which you might not need, or return to your home or shelter without additional services. If you are not a danger to yourself or others, but you need intensive supports to return to your optimal functioning, there are no respite or brief care services available to you outside of the hospital. There are no crisis beds where your
medications can be adjusted, no Assertive Community Treatment Team to come to your residence daily to ensure that you are getting better. Though we have phone support 24/7 and 365 days a year, Mobile Crisis Services operate Monday through Friday 9 a.m. to 7 p.m. so that our first responders are left to deal with behavioral health crises nights and weekends, when even outpatient supports are not readily available. And please remember, the majority of our towns are served by volunteer fire and ambulance services, and the Connecticut State Police. All of these services also bear the brunt of our lack of equitable funding.

Transportation is another area that needs study, though every day we experience the results of a lack of public transportation in the area. Individuals who cannot drive frequently also cannot work, because the very limited routes and schedules mean that you cannot rely on public transportation to get to and from work. You also cannot use it to get to many primary and specialty health care services, since they are outside of the transportation service area. The result is that Windham County has the highest mortality rate for seven of ten cancers studied by the Institute for Health Metrics, and twice the rate of death from chronic respiratory disease as Fairfield County. Both measures can be traced to lack of access to health care screening and treatment.

The United Services currently provides Jail Diversion services for individuals arraigned in the Danielson Superior Court who are identified by either prosecutors or defense attorneys as having mental health issues which may contribute to acts
which find them in court. The Jail Diversion Clinician provides assessments, and recommends available alternatives to incarceration, including treatment, from all of the community providers in the area. However, the lack of resources in the northeast frequently leads to the judge deciding that the available resources are inadequate, and ordering the individual to jail “where at least I know someone is checking on them.”

REP. MCCARTHY-VAHEY (133RD): Ms. Manning, if you can summarize, that would be wonderful.

DIANE MANNING: This means if you are arrested in northeastern Connecticut, you could go to jail instead of getting community treatment services. This is unacceptable. There is a meme which has been circulated which renames the counties of Connecticut. Northeastern Connecticut, including Windham and eastern Tolland Counties, are known for UConn and "trees that fall and apparently don’t make a sound." We are also frequently known as "the quiet corner." Let me assure you, we are not quiet, but up to now we have been forgotten.

We are asking that you help us to remedy that, and not allow citizens of this state to be discriminated against because of where they live. I urge the Committee to support this bill to create a Task Force to study the data and funding issues, and to make recommendations to remedy this injustice. I can promise that the providers and residents of the area will step forward to help in the process. Thank you.

REP. MCCARTHY-VAHEY (133RD): Thank you. Thank you for all the important work you do for so many
communities as well. Are there questions from members of the Committee? Seeing none, I thank you for your testimony today. Representative Candelora to be followed by Donna Hamzy Carroccia from CCM. Welcome Representative.

REP. CANDELORA (86TH): Thank you Chairman McCarthy-Vahey and Chairman Cassano. I'm here to testify in favor of House Bill 6754. What this bill seeks to do is to clarify the language we passed a couple of years ago to allow for the reimbursement of Body-Worn cameras. Specifically, the language in the bill provides for 100 percent reimbursement if body-worn cameras were purchased in I think it was Fiscal Year 17 and 18. In my town, the equipment, they had entered into a purchase agreement. They had a contract, received all the equipment. The check was subsequently written a few days after July. Despite it being booked into the Fiscal Year 17-18, OPM denied 50 percent of that reimbursement grant because they interpret the language of purchase to be purchased and paid for. And so what I'm asking is that we clarify this language and probably even going forward, I've spoken with OPM on their policy of I guess sort of treating these applications as a, you know on a cash accounting basis versus accrual and most communities, I think all towns operate on an accrual basis so smaller towns that aren’t dealing with OPM on a regular basis, and don’t have opportunities for grant money, probably wouldn’t know that and that was I think the circumstance that my community had gotten into to. And so this might be something going forward that we would want to clarify in other pieces of legislation. I am submitting the testimony on behalf of myself and
Senator Cohen and with that, I would be happy to answer any questions.

REP. MCCARTHY-VAHEY (133RD): Wonderful. Thank you, Representative for such a timely testimony. are there questions from members of the Committee? Well I'd like to thank you for bringing this forward. I hope this is an issue that we can work together to resolve. It seems to make a lot of sense.

REP. CANDELORA (86TH): Thank you, I appreciate that.

REP. MCCARTHY-VAHEY (133RD): Thank you for your time today and with that, Donna Hamzy Carroccia and I hope that I'm getting your name right. I think maybe by the third time. Welcome.

DONNA HAMZY CARROCCIA: Thank you, Representative McCarthy-Vahey, Senate Cassano, Representative Baker and members of the Planning and Development Committee. My name is Donna Hamzy Carroccia and I am here testifying before you today on behalf of the Connecticut Conference of Municipalities (CCM). You were so close [laughs]. I'm going to be testifying before you on three bills. We've submitted multiple pieces of testimony so I'm happy to take questions on any piece of testimony we've submitted, but I will focus on three bills hopefully in my allotted time.

First Senate Bill 928, recovery of attorney's fees and actions for wrongful property tax assessment. CCM strongly opposes Senate Bill 928 in its current form. Frivolous property tax assessment appeals are occurring at a rapid rate and have for a very long time. Towns find themselves having to defend themselves or not having the resources to defend
themselves in these appeals and thus have to really file to pay these fees just because they don’t have the resources to continue into litigation. We specifically are opposed to providing the court an opportunity in statute provide for the reimbursement of attorney's fees and we believe that this is something that courts are already allowed to do and we cite a couple of court cases as examples. For example, in Zlotnick Construction Inc. versus the Town of Stratford in 2011, the court awarded $2000 dollars in attorney’s fees to the plaintiff. In addition, Brennan versus the City of New London and The Woodhall School versus the Town of Bethlehem, the courts granted attorney’s fees in both those cases under Statute 12-119.

Particularly CCM also would like to mention our cautioning of any expansion to this bill to provide for property tax exemptions for further properties in the state. As you all, and I testify before you, when I'm up here a lot to say that there are already over 75 types of property tax exemptions that are of course straining the property tax system in the state. We also are particularly concerned that this expansion language is also language that is pretty substantial and one that is not properly before you today and thus, does not properly offer the opportunity for public comment.

The second bill is House Bill 582, AN ACT ALLOWING MUNICIPALITIES TO ASSESS A FEE ON INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION FOR MUNICIPAL POLICE AND FIRE SERVICES. CCM strongly supports this bill; however, we support it with a possible or potential amendment. I have brought this amendment before in previous testimony. Specifically, we're
looking for the opportunity for towns to assess what we call a Community Public Safety and Infrastructure fee on all tax exempt property to recoup those costs for providing public safety and public works services to these properties. We think that would provide a significant benefit and relief to the property tax system.

Finally, House Bill 6749, AN ACT TO REORGANIZE THE ZONING ENABLING ACT AND PROMOTE MUNICIPAL COMPLIANCE. CCM had the pleasure of serving and participating in the Fair Housing Working Group over the last couple of months. We appreciate very much the opportunity to sit among that group and for them to provide us the opportunity in this bill, as opposed to last year's bill, to extend the timeframe by which municipalities are required to fulfill their obligations within the bill. However, we still remain concerned that there is a lack of recourse for those towns that may be found to be not in compliance under the bill, and particularly we are concerned with the autonomy that bill provides the Commissioner of the Department of Housing to make those decisions, especially considering under the bill and the previous bill that discretionary funds are threatened by noncompliance. So we are asking that the bill at least provide some more clarification in terms of what the criteria are for the Department of Housing to make such a decision and in addition to that, an opportunity for the town who might be found not in compliance to provide a recourse for those towns. I'll close with that and take any questions.
REP. MCCARTHY-VAHEY (133RD): Well, Ms. Hamzy Carroccia thank you very much for your testimony today and hopefully I have it now.

DONNA HAMZY CARROCCIA: That was perfect.

REP. MCCARTHY-VAHEY (133RD): Are there questions from members of the Committee? Representative Baker.

REP. BAKER (124TH): Thank you, Madam Chair. Thank you for coming out and sharing with us. I have a question in regard to Bill 928. You talk about, you know CCM thought that it would be a financial burden on cities to have to pay, pay back reimbursement, but what about when you have you know, you have citizens who have issues and they come forward and they felt like they have been wronged and they have to go through the channels and to hire an attorney and pay the money just to be able to clear their name and make sure things are right, you know, I mean what is your perspective on that? That's a lot of money and they're just struggling in some sense to just pay their taxes and then they have been assessed wrong and they have to be, you know.

DONNA HAMZY CARROCCIA: Thank you, Representative Baker for that question and certainly, CCM is you know we understand those concerns. We have in previous years requested that contingency fee agreements be prohibited within these types of assessment appeals, within that statute, and specifically because the reason why it has become so expensive is because there are a lot of out-of-state companies who are coming in and you know performing these services on a contingency basis which then allows them to sort of fulfill that obligation and
in some cases, frivolously, and the town again is inundated with a ton of these appeals and so has no resources and in fact, has to just settle in those cases. In the case of a citizen bringing their appeal, you know our feeling is that if the system was, did prohibit contingency fee agreements, it would lessen that burden on municipalities, and in addition, again, as I stated in my testimony, we do believe that the courts are authorized to award these fees and so if they feel as though, within that case, that it was manifestly excessive as is state in the legislation, that they can award those attorney's fees. I hope that answers your question.

REP. BAKER (124TH): Yes, somewhat, but thank you for clarifying.

DONNA HAMZY CARROCCIA: Thank you for the question.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative. Senator Cassano followed by Representative Arnone.

SENATOR CASSANO (4TH): Just a quick question. We have another bill that you're familiar with. The assessments are put in relative to this area obviously and the people are coming in here testifying particular on reassessments and so on, reevaluations, not certified to do so in Connecticut, not licensed in Connecticut and so on and I think those are the same people that we're talking about that are driving up the costs. If that bill is passed, would that make a difference on this particular bill because we would have people who are licensed and certified doing the testimony?

DONNA HAMZY CARROCCIA: Thanks for the question, Senator. You are familiar with this as it's been
before the committee a lot in recent years. So our, we strongly oppose municipalities being, or the courts in this case under the current language, attorney's fees being awarded; however, we do believe that the system can be mitigated through the prohibition of contingency fee agreements and to your point, those entities who are not attorneys, who are bringing forward these appeals, and in most cases frivolously that have now inundated the system which again, has strained resources for a lot of these assessors and municipalities.

SENATOR CASSANO (4TH): Yeah, and they’ve driven us to this point.

DONNA HAMZY CARROCCIA: Absolutely.

SENATOR CASSANO (4TH): Correct. Thank you.

REP. MCCARTHY-VAHEY (133RD): Thank you, Senator. Representative Arnone.

REP. ARONE (58TH): Thank you. On 5892, so it doesn’t go far enough.

DONNA HAMZY CARROCCIA: Yes.

REP. ARONE (58TH): So I think you would agree that municipalities are really struggling to find other options for property tax and the relief of property tax. I know there's a bill out there also for hospitals, outpatient hospitals to start taxing in lieu of, and not have PILOT funds because PILOT funds only pay about a third.

DONNA HAMZY CARROCCIA: Absolutely.

REP. ARONE (58TH): So again, this is a good start, but I think it actually could be expanded to other
forms of you know, even to charter schools and magnet schools.

DONNA HAMZY CARROCCIA: Yeah, thank you for that comment and we welcome the opportunity to be at the table when these conversations are had. I mean certainly we understand that this is a lot to ask and it's a new, it's a new proposal and so in this state, sometimes it's hard for change to happen, but we would certainly welcome the opportunity to have those discussions.

REP. ARONE (58TH): Thank you very much.

DONNA HAMZY CARROCCIA: Thank you.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative. No further questions? Thank you for being here with us today.

DONNA HAMZY CARROCCIA: Thank you very much.


KURT LANG: Good morning or afternoon, I'm not sure where we're at. I appreciate the opportunity --

REP. MCCARTHY-VAHEY (133RD): Please use your microphone. Just press the button. Did you press the button right there? There you go, perfect.

KURT LANG: How are we now?

REP. MCCARTHY-VAHEY (133RD): We can hear you now.

KURT LANG: Thank you very much for taking the time to listen to my testimony and the town of Hamden's testimony regarding the proposed bill 5892. If you could just allow me to thank Senate Looney,
Representatives D'Agostino, Porter, and Elliott for putting in this bill. I'd like to recognize Council Finance Chairman Pascarella who is with me as well as our chief assessor who's available to give comment or answer questions, as well as Counselor Famer and Counselor Garrett who are here in support, as well as our new legislative affairs director, Walter Morton, who some of you know.

REP. MCCARTHY-VAHEY (133RD): And if you could also introduce yourself as well for the record.

KURT LANG: Yes, I am Kurt Lang. I'm the mayor of the town of Hamden. We know the challenges that are facing the state budget and I believe that it's essential that municipalities and their leaders not only come to you with their hands out, but also come to you asking for additional tools. We're in this together. In this bill, you have the opportunity to empower municipalities to diversify their revenue streams, increase in revenue from service fees rather than just the progressive mill rate system that we have.

I want to make no mistake. The University in Hamden, Quinnipiac, is an amazing institution. It's one that brings great value to the community. It brings the power of people, commerce and more. Because of this, I don't think that they should be taxed in the traditional way, in the traditional system or at traditional levels. That protection helps non-profits such as the University to have the additional funds to be so successful and to have more resiliency and sustainability than the municipalities in many ways. And it allows them to continue to be the employers, the commerce drivers and the centers for knowledge that we value.
That being said, they also put expense burden on municipalities and when the host municipalities reach a point where services may decline, then we all have a problem on both sides. The symbiotic relationship between a University and its host town is very apparent. Put simply, the current system sets us both to fail.

Quinnipiac University in Hamden has a value of over $214 million dollars. If we were to tax them at traditional rates and in traditional ways, we would be delivering to the town an additional $8 million dollars in taxes. We receive a little under $2 million dollars in our PILOT payments focus just on Quinnipiac and about $350,000 dollars that we have is an arrangement with the university that they give us a, as a voluntary contribution in some years, it's happened a couple of times.

So 20 percent of that amount of real estate and that lost tax revenue is a tough pill to swallow when you're trying to balance budgets in this date and age. This bill would allow on an opt-in basis and I think that's really one of the most important pieces of the puzzle, that this be allowed to be opt-in, allows towns the option to charge a public safety fee to generate some additional revenue and help to cover portions of the cost that the added 7000 students plus what a university or an institution of this magnitude brings into the municipality and the services which they utilize.

Even at the $500 dollars per student that’s proposed in the bill, the $3.5 million dollars using round numbers would still be just 43 percent of what they're taxable rate would be. To put it into perspective as well, it would be less than 1 percent
of the university's annual operating budget. It would be less than 1 percent of the university's trust. When I thought about these numbers, I don't say those to try to criticize the fact that they have a large budget and a large trust. These are good things for the university and for the town. They're growing and they're building. I say it instead because if we had 100 acres of land and were trying to encourage an institution to come into the town, and as part of an incentive package we were to say to them, we'll offer you 24/7, 365 police, medical, full public safety, full emergency management services, 1 percent of your annual operating budget. That would be an incentive package that we would use. It wouldn't be a penalty and when I look at it, I see it as that type of benefit specifically because we are able to provide the high level of service that we provide now, of course it harms the town, but it also harms the university. A less safe Hamden is a less safe Quinnipiac. A less safe Hamden, a less safe Quinnipiac has a direct impact on the number of students that go there and the families that attend.

REP. MCCARTHY-VAHEY (133RD): Mr. Lang, I'd ask you to sum up.

KURT LANG: Sure. I would like to thank you very much for allowing me the opportunity to speak to you. Counselor Pascarella would like to offer some comments and he's been up here before on a similar bill a few years back and then I am happy to answer any questions anyone might have or to follow up with any information that you might need.

REP. MCCARTHY-VAHEY (133RD): So your time is actually up so maybe we can have some answers
through Mr. Pascarella through the questions that we get from members of the Committee.

KURT LANG: Okay.


SENATOR CASSANO (4TH): I have to ask the question, have you done a fiscal analysis of the impact of the university on the town of Hamden?

KURT LANG: There's been a fiscal analysis on the positive end, on what the economic drivers are that's been provided by the university. We have not been able to, we don't really have a method to fully absorb what the expenses are to the town on the flip side. If you'd like to see a copy of that, we can certainly provide that as well.

SENATOR CASSANO (4TH): I ask that -- I was mayor of Manchester. We had Manchester Community College at the time I was mayor. We were a couple of hundred students. By the time I left, we were thousands of students. If I recall, the economic generator when I left was, just cleared the million-dollar mark. That was money spent in town, money on housing, money purchasing property and I understand where you're coming from the cost. The costs are overwhelming to municipalities but sometimes we're blindsided on the good aspects of having the presence of that university or a company or whatever it might be and that's where I get a little leery. It's a public obligation to provide safety services, police and fire and to have to pay for that to an entity that is generating literally millions of dollars for the community and thousands of jobs, the two don't go well for me and so I'm wondering if
there's some information that you have that might be different and I know you're losing neighborhoods to housing which come off the tax rolls and so on, that literally is an issue. It's been an issue for several years, I know. It seems that Quinnipiac is up here every year in not such a positive way, but it's not just Quinnipiac. It's across the country we have this situation and I don't know where that balances.

JIM PASCARELLA: Senator, thank you. I think you raise excellent points that there needs to be a balance. Obviously, the university has done tremendous positive, has had a tremendous positive impact on the town of Hamden. They’ve provided us essentially with an identity that we stand alone would not have. The idea, I mean when you mention Quinnipiac University is in Hamden, Connecticut, people immediately outside of the greater Hamden area recognize this is here. Obviously their investment in their athletic programs along with their academic programs is a tremendous source of pride for all of us in Hamden and balance is the key word. Currently, we don’t feel that it is balanced or we would not be here this morning.

In the sense that we do have the wealthiest institution in town, the wealthiest business in town, who does provide enormous services to the town and by virtue of their student population, they do purchase a lot of product in town, but at the same token, when you look at our largest taxpayers that at are on our tax rolls, they also hire a great many people who reside in the town, who purchase items in the town, who are part of our community so they pay 100 percent of the mill rate but under state law,
obviously an institution is exempt for such things. This is just one slice that we think would make sense in order to achieve the balance that you're actually referring to and there are aspects in our, what will be our submitted written testimony, that I think is very important for folks to understand.

I realize the young lady from CCM wanted to broaden this. Actually, amongst ourselves, we're really not terribly interested in broadening this. We'd like to keep it fairly specific because we don't want to be assessing institutions that may not be able to afford it, but there's three major pieces to this. One of them is that the, that we would exempt any university who maintains a certified police department. There are only two universities in Connecticut that maintain a certified police department and that is Yale and the University of New Haven. They would be exempt. Obviously it's opt-in for any other municipality, but I appreciate your thought, Senator, concerning what is the balance.

Our position in Hamden is that we don't really think at this moment of time, and it has not been balanced as a sense of the equity with the for-profit institutions or businesses in our community that pay 100 percent of taxes and in some ways, the university is doing better than they are.

SENATOR CASSANO (4TH): And I know you're not alone. This is a situation in other places with large universities and so on and so it is an issue that has to be looked so thank you for bringing it forward.

JIM PASCARELLA: Thank you.
REP. MCCARTHY-VAHEY (133RD): Thank you, Senate Cassano. Representative Rojas.

REP. ROJAS (9TH): Thank you, Madam Chair. Thank you both for coming up to testify. Certainly I've been involved in the conversations on this issue and in the need for some full disclosure, I work at Trinity College here in Hartford so I certainly understand. I'm echoing Senator Cassano's comments, trying to find that right balance about being responsible neighbors in the community recognizing that most of our property is nontaxable. Are there any property taxes that are paid by Quinnipiac?

KURT LANG: There are. There's a bill that was passed a few years back that, that allowed us to tax residential properties that were being used as student housing rentals owned by the university. It's somewhat of a unique situation. We have, I believe, between 60 and 80 depending on the year that are owned by the university and rented out as you know small dormitories.

REP. ROJAS (9TH): Are there any other states that have a PILOT program the way Connecticut does in which we reimburse communities at least partially for the cost of hosting non-profit institutions?

KURT LANG: I'm not familiar with, if they do or they don't in the different states. I go back to we only have that one tool you know in the mill rate. If we had you know a diversity level, a variety of different taxing tools we could have, you know an opportunity to perhaps produce revenue in different ways.

REP. ROJAS (9TH): And I think that's part of the challenge I think we face as an industry like
municipalities. We have tuition revenue. It's the one way we can raise revenue so I guess it would be up to us to raise tuition perhaps or make cuts which is certainly something that you guys have to do every day too when trying to balance a budget, but you know I just want to share that sentiment that you know, like you, we are constrained in that we are, we would have to raise the cost of families to attend our institutions. I know at Trinity, we invest quite a bit of money into the community and part of the concern I've always had about this, and of course I represent East Hartford and we have Goodwin College and I think my mayor would share your sentiment about there needs to be a greater balance between what Goodwin College in East Hartford can provide to East Hartford in terms of revenue, but also recognizing they are one of our biggest economic drivers in the community too, and I know that we all just got reports about the economic impact of hosting a Quinnipiac. I've got to imagine there's pretty significant buying power by the students and the staff and faculty there who support a lot of small businesses in your community which of course pay property taxes. But again, you know, I'm trying to find the right balance too in terms of, you know, I did the numbers roughly, I don't know how you came up with $500 dollars as opposed to 400 or 300 or 350.

JIM PASCARELLA: The cost currently based upon our approximate total budget of $27 million dollars for police and fire services. We divided that by the population of Hamden of 62,000. We came up with a per capita cost of $435.50 for the residents of Hamden for police and fire services.
REP. ROJAS (9TH): And do you have, I was trying to get even an idea of you know in the case of Trinity, how many police calls we get to Trinity. Do you have an idea of what kind of demands on fire and police services are placed on Hamden by Quinnipiac?

JIM PASCARELLA: We could certainly provide that information for you. It's, you know, as we all understand that when you need them, they have to be there, I mean, so it isn’t always proportionate. I mean you could have especially I mean there are you know, obviously when we send them in sometimes, it's more than one. I mean an incident is an incident so clearly, yes, we can certainly provide that data for you. And I understand again, the concept of balance, but I circle back that there are businesses in Hamden who employ nearly as many people as the university who reside in the community, who pay property taxes on their houses and who also you know frequent small businesses. However, they pay the full mill rate on the property that the business that they work in has so I mean when you, when you start to get down to an equitable situation, yes, a non-profit such as a university does provide an enormous economic engine for any particular municipality as the host, but at the same token, a 100 percent you know, a 100 percent waiver of all taxes isn’t particularly fair to even a residential house homeowner or the actual other businesses in the commercial sector that employ people, pay their benefits, give them retirement and then have to pay 100 percent of the taxation. Part of the situation, I guess this is where we're all in including Hartford I gather, but I mean a few years back we used to receive 75 percent on the PILOT, now we're down to under 30 so
this is, this is an issue that is becoming a greater issue for the municipality level because the state is really in no position to go back to those kinds of, that kind of funding.

REP. ROJAS (9TH): You know and to answer my own question, I don't think there is a state that provides PILOT so Connecticut is actually unique in the fact that we actually reimburse communities for a portion of this cost, cause no other state is doing that and I guess one has to wonder why one, there's no state taxed private colleges and non-profits, and two, why does Connecticut choose to reimburse you when no other state does.

KURT LANG: If I could add, the word balance, I think is important one and it was brought up by both you and the Senator. I'd just like to try to introduce one more word that I think is important to think of at the same time and that's a framework. The university is looking for a framework for how to develop an amount of money to contribute. We went through great consternation to try to find a formula that matched into the PILOT, but added a variety of different factors and we're trying to find a simplified method to come up with a reasonable amount and any consideration for you know a framework that is balanced would be helpful.

REP. ROJAS (9TH): Yeah, I absolutely, you know and I've thought about it and I think much to the chagrin of representatives from private college, I perhaps think a bit too much about it given that I work at a private institution, but I'm open to trying to find that balance. And you know I've often wondered is there a way to, much in the way that hospitals have to provide a community benefit
report, I wonder if there's an opportunity to get at having colleges kind of develop a community benefit report so that we can articulate what it is we are doing. So in the case of Trinity, we pay $700,000 dollars, we run a $700,000-dollar summer camp for 300 children from Hartford. I would hate to lose that, you know not that I don’t want to give you some money to fund town government, right, but we're providing a service to the families of Hartford, 300 kids and their families. I don't know how else we would pay for a bill like this.

I mean as much as we're rich on paper, we're just rich on paper cause I think you were referencing our endowments presumably. Obviously we use that as a way to generate revenue to fund our budget on a year-to-year basis and we're severely restricted in what we can do with endowment money so it's not like it's just like a fund balance where you can draw from it every now and then to do wonderful things so we're limited in that and the entire industry across the country was actually downgraded by all the credit agencies. All the private higher ed was recently downgraded because things aren’t as robust I think as things appear on paper in the entire industry, particularly private institutions and we all know what's happening in public institutions but for privates, you know our whole industry has been downgraded in terms of our credit worthiness because of the outlook for higher education in general and I think that's important for everybody to recognize that again, as much as we're rich on paper, we're not certainly rich in terms of our cash flow. But I wonder if there's an opportunity for at least us to show our community benefit and perhaps at least get some recognition for what we do contribute to the
community. You know we want an internet café that gets visited by 20,000 Hartford residents every year, right? That's $180,000-dollar expenditure on our part. We give out free degrees to police and fire. Maybe Trinity is unique in that regard. I'm sure other institutions are doing good things too, but let's, in terms of finding that balance, let's capture what we are doing on the positive end given that we're not paying, well we do pay about $500,000 thousand dollars in property taxes, but we don't foot the full bill for our presence in Hartford.

JIM PASCARELLA: Those are all excellent programs. Trinity should be applauded for them. The mayor and I are sort of sitting here trying to come up with an equivalent. We can't quite grasp that at this moment, but certainly we could put something together in conjunction with the university. I mean we've had, we've had, as everybody here knows, we've been kind of around the block a little bit with our relationship. We like to think that it is improving, but the fiscal reality facing our town right now I think is probably, and I understand what's happening in the general private institution system, but the financial realities facing Hamden I think are greater than that that would be facing the university at this particular time.

REP. ROJAS (9TH): No, and I am familiar cause I worked with your delegation on an issue last year to deal with your bond situation.

JIM PASCARELLA: Yeah, I mean so, I mean we're trying whatever we can at this point in time to maintain the same level of services we have been providing all 62,000 residents and maintain some degree of affordability with our mill rate as well
so I mean that's really a predominant reason why we're here.

REP. ROJAS (9TH): Sure, no, and I appreciate the opportunity to engage with you both. If only the state lived up to our end of the bargain in terms of providing the PILOT, but we already know where that is so thank you both for being here and I look forward to more conversation with you.

JIM PASCARELLA: Thank you.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative Rojas. Are there other questions from members of the Committee? If not, I thank you for coming before us. This is a sometimes difficult, but important conversation. As we go forward, I know we'll from others so I appreciate your input today. Is Representative Candelaria here? He is next on the list. Well, we'll see him when he comes in later. So we have Florence Villano followed by Erin Boggs. Welcome.

FLORENCE VILLANO: Good afternoon. Representative McCarthy-Vahey and Senator Cassano, members of the Planning and Development Committee, my name is Florence Villano. I am the Executive Director of the Connecticut Housing Coalition and I'm here today to talk about HB 679 and SB 928.

The Connecticut Housing Coalition represents a wide-ranging of community-based affordable housing activity across the state. Our more than 1000 members include nonprofit developers, human service agencies, resident associations, and other housing practitioners and advocates. Founded in 1981, the Coalition’s mission is to support equity and
opportunity by increasing access to quality affordable housing in Connecticut.

As a member of the Fair Housing Working Group, the Housing Coalition supports expanded access to affordable housing throughout the state. According to national estimates, Connecticut needs approximately 90,000 units of housing to house our low and moderate income residents. In order to reach this goal, affordable housing development must extend beyond our urban centers and inner-ring suburbs, which customarily are the sites of a significant number of rental properties. Spreading the development of for-profit and non-profit rental properties throughout Connecticut will ensure that working families, young parents and their children, retirees and new college graduates will have the ability to choose from a wider distribution of towns and cities to call home.

I don’t envy you your task. You must grapple with difficult budgetary decisions and at the same time, plan for a future in which Connecticut is competitive with the rest of New England and other population centers around the country. The Coalition understands this is no small task. At the same time, we face the burden of reducing income inequality and ensuring that Connecticut is home to a wide variety of residents. Town planning and zoning mandates and decisions frequently are parochial in nature, reflecting long-held beliefs about town cultures. Often local efforts to expand affordable housing have been met with resistance until local residents realize property values are not lowered by affordable housing, schools are not over-burdened, and crime rates do not rise. The
change in attitude takes time and cannot be moved by state mandate. Proposals founded on communication are important to ease rather than inflame peoples’ resistance.

We believe that the expansion of affordable rental units across the state would be better served by a series of incentives.

HB 6749 makes technical changes to Connecticut’s Zoning Enabling Act to help with compliance and makes clear that municipalities must comply with the law. Bringing about the full 90,000 units that we need will take effort and the will of individuals and entities at both the local and state levels; clear goals, clear communications, and clear expectations are needed throughout. That is why the Coalition concurs with the recommendation to remove Section 2 of the proposed change to the Zoning Enabling Act as submitted in Bill 6749 and we urge you to pass it with the substitute language, which I have also included with my testimony to make things a little bit easier.

REP. MCCARTHY-VAHEY (133RD): Thank you very much, Ms. Villano. Are there questions from members of the Committee? Much quieter here. So would like to talk a minute about the substitute language and/or the changes with Section 2?

FLORENCE VILLANO: Basically, the original language called for you know more of a stick than a carrot. So Section 2, the change to the language makes it more of a collaboration and not an imperative. We think that’s the better way to get cooperation with all communities.
REP. MCCARTHY-VAHEY (133RD): Thank you for clarifying that and thank you for being here with us today.

FLORENCE VILLANO: Yes, and if I could just say with regard to SB 928, that we support that as well and that in the affordable housing community, we have a similar problem where affordable non-profits that own affordable housing are supposed to be taxed at a lower rate and you're not tax exempt, but communities are holding them to fair market rents and it is making it impossible. They have the same problem with legal fees and the like.

REP. MCCARTHY-VAHEY (133RD): Thank you. Thanks for being here today and for that added input.

FLORENCE VILLANO: Thank you.


ERIN BOGGS: My name is Erin Boggs. I'm the Executive Director of Open Communities Alliance, a civil rights non-profit organization that promotes equitable access to housing across Connecticut. In particular, many of our policy goals involve increasing geographic opportunities for low-income families of color through a balanced approach to affordable housing and I appreciate the opportunity to testify today.

I'm here to testify in support of House Bill of 6749 and 6562 and apart from that, I will not go into detail on this, but we're also supportive of 6291.

So despite Connecticut's high levels of segregation and restrictive zoning in many suburban towns, our state and federal statutory infrastructure actually
provides a well thought out series of mechanisms to allow each town to take on a fair and sustainable share of affordable housing. This is bolstered by state and federal obligations requiring the state and through it, towns to actively promote integration and avoid fostering segregation. This is the state and federal Fair Housing Acts 8-37CC and a number of things.

Some other examples are 8-37T requires the state to produce an assessment of affordable housing need; 8-23 requires town plans of conservation and development that actually plan for meeting an appropriate share of the regional affordable housing need, and 8-2, the Zoning Enabling Act, requires town zoning ordinances provide for meeting such need. So there's actually a structure and a plan. The problems are there are a number of barriers with each mechanism.

Number one, the affordable housing need has not broken out into a regional need that towns can take a portion of. That is resolved if it's passed out of the Housing Committee and made into law by 6892, so that fits in with the structure of what we're trying to bolster right here. The second problem is municipal plans of conservation and development face two issues. While submitting a municipal plan of conservation and development is supposed to be the key to accessing state discretionary funding, in reality a town can just submit a letter explaining why it's not submitting a plan and they still get access to the discretionary funding. Also, plans of conservation and development submitted by towns are actually never reviewed by OPM and so there's no way
to check to see if they're complying with what the statute actually says. Big holes in the process.

The Zoning Enabling Act is written in a stream of consciousness fashion and is also ambiguous in many ways and confusing for the laypeople who comprise most zoning commissions. It does not adequately highlight four commissions at the state's fair housing obligation pass to towns as part of the state's delegation of zoning authority.

These two bills really address this and I'll just sum up by saying we do have some additional language for some of them that creates an expert panel to actually set the criteria here and it would be a balanced expert balance that includes municipalities, experts in land use and advocates. But if we enact these things, these changes represent decisive steps towards removing the barriers to opportunity and equity that we as a state have erected over decades. Bills consider today would further enshrine into our law the notion that Connecticut is not just a collection of exclusive communities, each town looking out for its own self-interest, but instead is one state with one set of shared values and principles. We care about the wellbeing of our neighbors, not just one door over but one town over as well.

We recognize that opportunity and growth are not a zero sum game, but instead the sum of all our shared efforts. In this spirit, we support the passage of these two bills.

REP. MCCARTHY-VAHEY (133RD): Thank you, Ms. Boggs, for being here today. Are there questions from members of the Committee? If not, I have a few.
Do you know currently how many towns have up-to-date plans of conservation and development that have been submitted to [cross talk]?

ERIN BOGGS: I don't know, I don't know. You know I've reviewed them over the years and there were definitely instances where towns hadn't submitted their plans and instances where their plans didn't even talk about affordable housing despite being obligated to do so within the statute.

REP. MCCARTHY-VAHEY (133RD): And that's actually my second question. In terms of affordable housing plans specifically because I believe some communities have a separate affordable housing plan separate and apart from the other plan so do you have any data in terms of how many communities do actually have affordable housing plans in place?

ERIN BOGGS: There was an obligation to create affordable housing plans that was passed, I think it was last year or the year before and you know those, I have not had time to sort of assess who's doing what on that. I think these two things could be incorporated, you know could be put together. It would be nice to reduce reporting and all kinds of other obligations but you know what we've discovered so far is that the plans under the Plan of Conservation and Development are not really in conformance with the statutory obligations.

REP. MCCARTHY-VAHEY (133RD): Thank you and can you talk a little bit more about the panel that you're referring to and what your hope is there with that and a little more in detail about who you would envision to be a part of that conversation?
ERIN BOGGS: Yeah, I think what is in the language that we have drafted so far, and I can provide that, that's actually not attached to my testimony, but we can provide that to the Committee, is that the panel for both purposes, for Plan of Conservation and Development and for the Zoning Enabling Act purpose, would be made up of representative from you know own representatives, two own representatives, two land use experts, and two advocacy experts who are knowledgeable in these areas and I think together, and I think this was really borne out by the work of the fair housing working group, together we can sit down and come up with some reasonable criteria to both figure out what a Plan of Conservation and Development should really include to ensure that it you know represents a thoughtful approach to what the town is going to do on affordable housing, and also what should be included in the town's zoning to make sure that it complies with 8-2.

REP. MCCARTHY-VAHEY (133RD): Thank you. If there are no, Representative Michel followed by Representative Arnone.

REP. MICHEL (146TH): Thank you, Madam Chair. Not to waste anybody's time, I just wanted to mention that in Stamford, the Board of Reps passed or actually accepted the petitioning against two applications, one from BLT, the developer that's controversial in Stamford and two, against the application from our zoning, Planning Board, sorry, and so that was the first victory in 15 years in favor of the people over the developers. I just wanted to mention this. Thank you.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative. Representative Arnone.
REP. ARNONE (58TH): So on the Conservation and Development, we have, we take it seriously in Enfield and we actually have a Commission that put a very extensive report out and I really had no idea that there were some loopholes to jump through on this. We take it seriously and I think every town should take it seriously and especially look at their fair housing into that plan so thank you for bringing this forward today.

ERIN BOGGS: Yeah, I mean you know the one example that I provide in testimony, you know we have all these requirements where under the statute you're supposed to be talking about including opportunities for multifamily dwellings and promoting economic diversity and then the sample town that's in there, and I'll share with you it's Westport, all they say, this is in addressing that, the entire report, it's a big long report and all it says is in recent years there have been land use applications for affordable housing and other developments which have been provocative and strengthened the residents' concerns about the changing character of the community. That's it. So I mean that's not operating under the letter or the spirit of 8-2 or the Plan of Conservation and Development structure.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative. Ms. Boggs, thank you for being here with us. Next on the list we have Kevin O'Connell followed by Gary McNamara.

KEVIN O'CONNELL: Thank you, Chairwoman McCarthy-Vahey, ranking member Zawistowski, Representative Baker and members of the Committee. My name is Kevin O'Connell. I'm the CEO for Geer Village Senior Village out in North Canaan, Connecticut.
I'm here today to speak in support of State Bill 928. This is an act concerning the recovery of attorney's fees and actions for wrongful property tax assessment and I'm not here to speak the specific language of the bill, but my own personal experience, our organizations' experience this past year.

For 80 years, Geer Village Senior Community has played an integral role in caring for the elderly in and around North Canaan, Connecticut and in fact, the whole northwest corner. Geer is very much a community unto itself. We have 320 employees, 230 some odd residents that live in the campus. We have thousands of visitors for outpatient services that come onto to our campus ever year. Since its beginnings, Geer has been functioning as a 501(c)(3) non-profit organization providing healthcare and housing for seniors. We provide care for some of the most vulnerable citizens in the state. We operate a skilled nursing facility, a medical model adult day center, a dial-a-ride program, HUD subsidized senior housing, a pharmacy, outpatient therapy and an assisted living. GEER even has a YMCA that exists on its campus for members of the community.

So it's no small surprise that back in December 2017, that without any warning, without any reason, without any notice in advance, the North Canaan assessor's office refused to recognize Geer's lawful tax exempt status which the town had appropriately recognized for 50 years prior. We received 15 new tax assessments totaling over $500,000 thousand dollars a year. This is in addition to the $25,000 dollars a year we make to the Canaan Fire District,
$33,000 dollars in taxes that we pay on undeveloped property that aren’t a part of our mission program.

So in recent years, it's been increasingly difficult for senior care providers across the country, especially so for non-profit providers. We, however, could not find a way to withstand this sort of a blow from the town. If the assessor's decision had not changed, Geer would have been forced to cut its services, to cut its workforce to such a degree that there was really no way we were going to survive. This is an 80-year-old institution that really, we would’ve been put out of business.

I think the most surprising part of it, we provide payroll for about 100 individuals that live in the community. That's about $300 million dollars a year, $600,000 dollars in goods and services that we purchase locally. This was going to hurt the town of North Canaan as much as it was going to hurt Geer. This surprise assessment was going to be devastating to us. We recognized that we had limited options to battle this. We had an appeals process that we could follow. That appeals process of course was going to require the assistance of legal counsel. It was going to require the assistance of representatives at the state level, industry leaders to advise us. We spent countless hours, weeks of prep for this appeal.

As we approached that date, I believe we were now in about March, April, I'm sorry of 2018, we were able to successfully argue and have 14 of those 15 assessments overturned. Ironically, in summary, that one assessment that remained was a tax on our dial-a-ride vehicles, arguably the most charitable thing that we do providing rides to the doctors, to
the pharmacy for seniors and those vehicles come through the 5310 Program through DOT so we really can't charge for those rides, it's a grant program so it would have been, fundamentally put that program out of commission and to this day, Geer still subsidizes that program for its loss.

So I want to thank you for your time today and I'm open to any questions.

REP. MCCARTHY-VAHEY (133RD): Mr. O'Connell, thank you for being here today. Are there questions? Representative Delnicki.

REP. DELNICKI (14TH): Thank you, Madam Chair. Could you tell us what this appeal process cost in real dollars for legal counsel?

KEVIN O'CONNELL: This appeals process on the very surface was approximately $40,000 thousand dollars. That $40,000 thousand dollars represents all the money we spend to subsidize the adult day center for a year. It represents a Certified Nurse's Aide salary for a year. It represents three months' worth of short-term rehab for a Canaan citizen that has no insurance so it's a pretty substantial amount and that doesn't factor in the time and the focus the staff spent you know providing this.

REP. DELNICKI (14TH): Do you have any feel for how much time the staff actually spent and what that would be in real cost?

KEVIN O'CONNELL: I know that it took myself, CFO, a number of administrative staff, I think we worked on this for a better part of six weeks and it was pretty much or sole focus. Like I said, this was going to put us out of business if we had not been
able to overturn this and one quick irony, if you know the process of how nursing homes get reimbursed through Medicaid, that was $300,000-thousand-dollar assessment alone on the nursing home would have gone right to our, our cost report which then would have been reflected in our Medicaid rate and who reimburses that? So the town's issue became our issue which would have become the state's issue so I just thank you for your time. I think this is a great representation of why 928 needs to be considered.

REP. DELNICKI (14TH): In a case like this, it calls for including, but not limited to the recovery of reasonable attorney's fees of such assessments is reduced by said court. Would $40,000 be what you would see as the reasonable attorney's fees, but not limited to that, or the additional time of the staff that worked with the attorney to get you the assessment appeal successfully judged?

KEVIN O'CONNELL: I mean you know so $40,000 dollars got us to the appeal. What the cost would’ve been after that to go to court, I can't even imagine. More than double I guess and I really can't venture to say but it would have been significant.

REP. DELNICKI (14TH): Well certainly food for thought and I appreciate you coming forward today and recounting your story and your situation there.

KEVIN O'CONNELL: Thank you.

REP. DELNICKI (14TH): Thank you. Thank you, Madam Chair.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative. Representative Arnone.
REP. ARNONE (58TH): Thank you. So towns typically hire assessment companies to come in and do their assessments. Do you see, how do you feel, is it the companies, is it the town's insisting on higher you know pushing that envelope to get a little more dollars out of you know the reassessments, how do you feel?

KEVIN O'CONNELL: You know I love the town of North Canaan. I love our community. I love the selectmen, everyone there. They have a tough job. They were facing half a million-dollar shortfall themselves. I understand the need to make sure they were collecting all the money they could legally collect. I think that this consultant assessor you know had a mission. I'm, I'm, this is my own opinion, but I think it was, they needed revenue and this was an opportunity to find that revenue. Just my opinion.

REP. ARNONE (58TH): And thank you for being honest on that. Being a former town councilor we've wrestled with these all the time and we do see differences in different companies that you hire so that also is something to look at I think in the future.

KEVIN O'CONNELL: And Representative, we were not unwilling to pay more taxes on the property we already pay taxes on. We were also probably willing to work with the town if they had actually come to us and talked to us or given us some pre-notice but to just get a $500,000-dollar tax bill out of nowhere? It's not reasonable.

REP. ARNONE (58TH): Thank you.

KEVIN O'CONNELL: Thank you.
REP. MCCARTHY-VAHEY (133RD): Thank you very much for being here with us today. Next, we have Gary McNamara followed by Gian-Carl Casa. Welcome.

GARY MCNAMARA: Madam Chair, thank you very much. Members of the Committee, I appreciate you allowing me the time. I'm here as Executive Director of Public Safety and Governmental Affairs for Sacred Heart University to strongly oppose House Bill 5892 regarding municipalities access to assess a fee on independent institutions of higher education for municipal police and fire services.

Just oftentimes left out of this discussion is the contribution that universities provide. We know that they provide a backend of students that are in our communities; however, just specifically from a Sacred Heart University perspective and public safety and what we do for the town of Fairfield, we provide 50 percent tuition discount for first responders to enroll in a Master's program at the university, we assist in developing and reviewing and instituting plans of mutual aid for Bridgeport, Fairfield and Trumbull when it comes to our facilities and their ability to access our facilities during any evacuation of school, personnel from their communities. We also participate in Connecticut DEMHS Region 1 Emergency Planning Team, again providing our services to that team as we look at this as a region. We really look at this as a partnership with the towns of Fairfield, Bridgeport and Trumbull and any of the surrounding region.

We also assist in developing and distributing vaccines or an area that emergency responders could distribute vaccines in case they needed the space.
WSHU radio station provides emergency broadcast messaging, all of this at no cost to local municipalities. At no cost, we are working with Fairfield, Westport and potentially other municipalities to form a joint 911 emergency communication center, again trying to collaborate with them and offering $1 million dollars in space at no cost to any of the municipalities.

Sacred Heart has assumed full financial responsibility for three traffic lights that surround our campus. We will, to mitigate the cost to the municipalities, we will fund any expenses in the repair, but we obtain all that maintenance. We recently worked with Bridgeport Police Department, they're going to a new computerized dispatch for computer reports and we provided at no cost to the Bridgeport Police Department computer skills training for all their supervisors. We have a state of the art resources in space and are now offering police training, which is important for public safety in leadership, investigations and frankly, a Fairfield County detective group is holding all of their training and their meetings at our facility.

Now the other part of the thing is how much resources does the university actually take from the town of Fairfield. First of all, it is important to note that we do have a Public Safety Department so we respond on a regular basis to some of the needs of our students and our faculty, in essence, probably the 10,000 or so people that frequent our community. We went back and researched over the last, well since 2009, all the emergency calls, fire and police, that have impacted the municipality responded to our campus and since 2009, the calls
for service that we have impacted Fairfield Public Safety is right around 1/2 of 1 percent. It sometimes fluctuates between 1/2 percent, sometimes a little below 1/2 percent meaning, just to give an example, the most recent year. The Town of Fairfield emergency calls were 51,289, 51,289. Of those calls for service, 297 of those, a whopping 297 out of 51,000 calls for service were to Sacred Heart University so it's important that we note the impact is certainly maybe something that we have to look at.

So with that being said, I offer an opportunity to answer questions.

REP. MCCARTHY-VAHEY (133RD): Thank you very much for being here with us today. Members of the Committee, are there questions? Representative Baker.

REP. BAKER (124TH): Thank you, Madam Chair. Thank you for coming out here and sharing. So you talk a little bit about providing a service of your public safety crew. Do you respond to any of the calls that might go out to for instance in Bridgeport to some of your off-campus housing or your dormitories that are actually off of the campus?

GARY MCNAMARA: So for the property that's Sacred Heart property, we respond, our public safety department does respond to calls for service. In fact, for the majority of them, we staff them so we have staff making sure that there's not trespassers and likewise some of those minor issues. On the weekends, we also support Bridgeport Police Department. We hire two Bridgeport police officers on an overtime basis that the university pays the
city of Bridgeport so that they can specifically patrol those specific areas within the north end of Bridgeport that are impacted by some of our students that don't reside on our property, but rent in the neighborhood so we provide that. In addition to that, our public safety officers to the extent that they can, will frequent those areas just to make observations and see whether there's anything that we can do as a university to correct some of the behavior that may be at times needs correcting.

REP. BAKER (124TH): So last year, could you give me an idea of what the response, the amount of calls that were responded in, to those outside of the campus facilities?

GARY MCNAMARA: Unfortunately, I don't have that information. I'm recently appointed to the job since October, not that I can't get that information for you, but I can certainly try to gather up the information over the last year, how many calls for service that our public safety responded to in that area, is that what you're asking?

REP. BAKER (124TH): Uh, yes.

GARY MCNAMARA: Okay.

REP. BAKER (124TH): And if you could do that on and off campus, I would appreciate that.

GARY MCNAMARA: Sure, yes.

REP. BAKER (124TH): Thank you for coming out here.

REP. MCCARTHY-VAHEY (133RD): Representative Rojas.

REP. ROJAS (9TH): Thank you, Madam Chair. Just a quick question. Based on what, I don't know your
enrollment, so what would it cost Sacred Heart based on the way the bill is structured right now?

GARY MCNAMARA: About $2.5 million dollars.

REP. ROJAS (9TH): And how large is Sacred Heart's budget?

GARY MCNAMARA: I would estimate it around 10,000 total staff, total students, so the population would be, maybe fulltime or fulltime undergrad would be about 5000 and I think we estimate to be 10,000.

REP. ROJAS (9TH): And I'd have to look at the bill more closely and they're just student headcount no matter what the way the bill is structured? Is it just based on straight headcount?

GARY MCNAMARA: That's my understanding.

REP. ROJAS (9TH): Okay, thank you very much.

REP. MCCARTHY-VAHEY (133RD): Thank you. Other questions from members of the Committee? So, Chief McNamara, hi. You'll always be Chief McNamara to me. In full disclosure, as Representative Rojas said, you were our Chief in Fairfield so you sit in a unique position having been the chief in the town and now working with the university and I'm wondering if you can share a little bit from your experience and perspective serving within the police department, what kind of impact when you were Chief you experienced then in terms of calls because we do have two universities in Fairfield and did that seem to be disproportionate or how that was handled when you were Chief in Fairfield?

GARY MCNAMARA: Sure so I think part of the discussion is always around partnerships. We valued
Fairfield University, we valued Sacred Heart University simply because they oftentimes could provide resources that we couldn’t provide for ourselves and they had the means to do that. But you have to look at what we're trying to accomplish. Are we just trying to raise funds for a municipality or are we trying to accomplish some real significant impact that the university in a negative light is having upon the town? The first part would be, calls for service aren’t there. I mean the significant drain on resources, at least from the example I gave is not there and I think what we always have to do is that partnership and that balance that we have to work through with the impact, sometimes negative in our neighborhood that university students can do and then at the same time, what the positive impacts are of that. So I always looked at it as the Chief of Police, not in an accusatory way, but in an accepting way to resolve problems. If we're trying to resolve the problem of a municipality not having enough funds, then that's one problem to address. If we're trying to say that the uniqueness that a university brings to a municipality creates issues that we have to resolve, then that's a whole other issue that we have to talk about.

We have to, I believe we have to understand what the problem is we're trying to resolve because if it's just an impact, I don’t necessarily think that Fairfield University at the time when I was Chief or Sacred Heart University had that draining impact that it was worrisome to public safety, that we had these massive institutions in town. We looked at it as partnerships, as resources, and we were thankful to have them in town. If it's to address some of
the unique problems it creates, throwing money at that problem certainly is not going to resolve some of those problems, and as pointed out in prior discussions, you can see that some universities have very strong partnerships and they recognize the unique position that they're in. I mean the PILOT program is designed to accomplish and accommodate some of what those concerns are raised as far as resources go, but at the same time, universities and in the case of Sacred Heart University, I just spoke about the public safety contributions. We hold classes on the weekend for underprivileged City of Bridgeport high school students, our Upward Bound Program that brings them in because they want to have pre-college training and we developed that at no cost.

There's a lot of other things that we touch upon our communities that oftentimes are left out of the discussion that are done because we understand the unique position that we're in. We want to contribute to our communities and at the same time, forgive me for being a little long, is it is an ecosystem where we talk about whether or not a university should pay more taxes or whether or not they should get more PILOT, we all understand that, but the contributions that we make and we certainly have statements as to what our students contribute to the municipalities around us, and how many students stay in the area because of the relationships that we believe are built on that.

So I look at it, to answer your question again, as the police chief, I looked at that as welcome partnerships and certainly not partnerships that we
didn’t have issues with, but we always seemed to work through those issues.

REP. MCCARTHY-VAHEY (133RD): Thank you for that. Do you happen to know, again given your two hats that you’ve worn, how many of our private universities in particular, do not have any kind of public safety force on campus?

GARY MCNAMARA: I would, just guessing that roll, I would say that every private institution has some sort of public safety. The amount and the ability would probably range from the conventional security officers to armed personnel and then you'll find some private universities that, as discussed earlier, have a sworn force protecting their campus.

REP. MCCARTHY-VAHEY (133RD): Thank you. Are there other questions from members of the Committee? Thank you for your time here today. It's always wonderful to see you. Gian-Carl Casa followed by Jay Devivo. Welcome.

GIAN-CARL CASA: My name is Gian-Carl Casa. I'm President & CEO of the Connecticut Community Nonprofit Alliance. I'm here to testify in support of Senate Bill 928 and ask you to amend and expand its purview. Nonprofits exist for the public benefit and they have to operate for specific charitable, education or religious purpose. Their mission is to improve the health and wellbeing of our local communities, enhance the quality of life and to serve the public good. In exchange, non-profits are exempt from property, income and sales tax, and they have access to tax-deductible contributions from individuals and corporations.
This is a social compact that dates back over 100 years.

Despite the fact that non-profits are exempted from property tax under Section 12-81 of the Statutes, some tax assessors have started to tax non-profits for property we believe is exempt and that's an important point. This is not an expansion of an exemption. It is an exemption that non-profits have and the proposals that we have before you are intended to make sure they get what they are due.

We know of 40 municipalities that assess non-profits for property tax. Two-thirds of ones who responded told us that property is being assessed for taxes after a history of being exempt, without undergoing a change of use. The only thing that changed was the way the assessor treated them. When that happens, funding that's needed to provide services is diverted away from those services. You've heard some examples today, you just heard the gentleman from Geer talk about $40,000 dollars in legal costs that is the equivalent of salaries for nurse's aides and three months of rehab. You heard earlier today somebody talk about another position that would be lost by paying taxes.

People who depend on community services would have nowhere to turn of funded is redirected away from direct care to taxes. The cuts would come at a time when the demand for community services is increasing. We have submitted to the Committee six proposals that we would ask you to consider as amendments to this bill which we believe in total address the challenges that nonprofits are facing because of this property tax situation across
Connecticut and I'm happy to answer any questions on those or on any matter. Thank you.

REP. MCCARTHY-VAHEY (133RD): Thank you very much for being with us today. Are there questions from members of the Committee? Representative Arnone.

REP. ARNONE (58TH): So your six proposals. Could you give us a little explanation of each proposal and why they're important?

GIAN-CARL CASA: Sure. The first proposal is to amend the statute to require towns to post the M-3 form on their website. Non-profits are required to fill out a form every four years. Sometimes, leadership of a non-profit changes, communities may have facilities in multiple towns. Requiring them to be posted online is a no-cost measure, it would make it a lot simpler and a lot more likely that the smaller non-profits in particular would be able to comply with the requirement. We have also asked that the law be changed to better define the apportionment of property used in part for charitable purposes and in part for non-charitable purposes. Right now, the apportionment is determined based on physical space provided that the property is primarily for exempt purposes. We think another way to look at it would be to talk about the time that is spent on the tax exempt purposes.

Thirdly, we would require assessors to provide a detailed reason for their denial of a charitable property tax exemption and do so in writing, and would require that assessors consider, not be guided by, but consider an organization’s federal tax status when determining whether or a not the property is exempt. The bill as written before you
allow non-profits to be awarded attorney's fees by a judge, and I want to underscore that this only occurs, according to current statute, in cases where property taxes were assessed and found to be manifestly excessive and could not have been arrived at except by disregarding the law. It's not just that a mistake was made. And we ask that you make changes concerning group homes. There is an ambiguity in the statutes, at least some people say there's an ambiguity in the statutes. We believe the statutes are clear. It says for subsidized housing is not tax exempt unless it's one of 5 or 6 things; an orphanage, a drug or alcohol treatment or rehabilitation facility, housing for persons who are homeless or with a mental health disorder, folks with intellectual or physical disability or victims of domestic violence, housing for ex-offenders moving back into the community, and short-term housing operated by charitable organizations where the average length of stay is less than six months.

The statute as is written says that the primary use of the property has to be one or more of the following, one or more, but now some folks have looked, some assessors have looked and have said, you can be of those four things, but if you're not short-term housing the way we define it as six months, you don’t meet the test in the statute. We think that's wrong and we want to clarify it.

REP. ARNONE (58TH): Thank you. So how widespread is this problem throughout the state? I've checked in my district and we're not that aggressive. So let me know, how many?

GIAN-CARL CASA: We know of 40 towns that have been doing it based on a survey we did last year and we
know not all of them are doing it. There was a forum on the topic in Norwich last year and there were some assessors who said they do not interpret the law that way and they're not going to do it so you know that's another issue that I think argues to making these kinds of clarifications because you have unequal and disparate application of the law depending on what town an organization is in.

REP. ARNONE (58TH): Thank you.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative. Are there other questions from members of the Committee? Gian-Carl, I have a question for you. Earlier in your testimony, you talked about disregarding the law versus interpretations of the law. My question really is, you're, what you're here today to do is to try and seek the clarification so that there isn't a question, whether it's an interpretation or what you perceive as disregarding and am I right about that?

GIAN-CARL CASA: Yes. We see all of these proposals, or this proposal in total as clarifying current law, not an expansion of property tax exemptions.

REP. MCCARTHY-VAHEY (133RD): Okay. Thank you. Are there other questions from members of the Committee? Thank you very much. I look forward to what I believe will be an ongoing conversation with you.

GIAN-CARL CASA: I'm sure there will be one. Thank you.

JAY DEVIVO: Hi, thank you for having me. My name is James DeVivo and I'm here today in support of proposed HB 6937, AN ACT REGULATING SHORT-TERM RENTALS. I'm here today not only representing my family, but also those of some of my neighbors who couldn't be here today, and I want to give you the perspective we have of neighbors of property that are engaging in short-term rentals. I'm talking about two incidents that go beyond just nuisance and quality of life, but to actual fear for safety of our family, and then propose some rules that this Committee might consider to prevent those incidents from happening in the future.

So the first such incident in the summer of 2017. There was a very large party. A lot of people appeared to be underage. There were people going from the party house to our little cul-de-sac which is across the street from that, back and forth all night to take drugs. At one point at 3 a.m. one person was intoxicated and disoriented, they thought our house was the party house and that they were being locked, and this man tried to break into our home and obviously, the police needed to be called.

There was another event in October where there were over 100 people from out of town jammed into this house. There was a similar situation with our cul-de-sac, packed with cars all night long. People were openly drinking and doing drugs right in front of our homes. The police said that their hands were tied because there was no noise ordinance. We were advised to sleep with our lights on because we're not exposed to the partygoers because we called the police and to install security cameras and take other measures to protect our families.
The next day our area was littered with alcohol bottles, empty marijuana bags, drug paraphernalia. So I'm sure everyone can agree that those are completely unreasonable circumstances that neighbors should have to contend with and notwithstanding the fact that I don’t necessarily believe that short-term rentals are appropriate everywhere, I do think that there are some rules that could be in place to reduce the likelihood of something like that happening again so there's five things that I hope this Committee would consider.

The first is that short-term rentals be limited to the property owner's primary residence, that short-term renters be prohibited from having parties or events on the property, third that they be not permitted to entertain guests at the property. There should be reasonable maximum number of people that can stay in a short-term rental, I believe the lesser of 8 people or the maximum that it comfortably sleeps is reasonable. And lastly, a maximum number of days that a property owner can rent their home out as a short-term rental, and I propose 15.

In order to ensure that these rules are adhered to, and to provide neighbors recourse if they are not, we believe it's important that prior to being allowed to write your property as a short-term rental, you need to register with either the state or the town, whomever will be governing this, to get a permit and there's a mechanism to track when the property is being rented, and finally, a feedback mechanism for neighbors so that there are recourses when the rules aren’t being adhered to or if the house becomes you know a nuisance property. So I
appreciate your consideration of this and I'm certainly happy to take any questions.

REP. MCCARTHY-VAHEY (133RD): Thank you for being here with us today and I'd like to thank you also for coming forward with ideas and solutions and I appreciate the situation that you and your family found yourself in. It was a difficult one and I recognize that and just want to recognize that you have solutions is wonderful. Are there questions from members of the Committee? Representative Baker followed by Representative Gucker.

REP. BAKER (124TH): Thank you, Madam Chair. Thank you for coming out there. Those are some excellent recommendations. Question for you. Have you reached out to your local zoning or municipalities board just to see if there's some things from a local, put some things in place, zoning?

JAY DEVIVO: Yes, we have. We've been trying to work with the town of Simsbury for the past year. As it stands now, those activities are not permitted. The town is not enforcing it. We've tried all of the, we've tried the Zoning Commissioner, we've tried the First Selectman's Office, the Town Manager and to be frank, they have not been particularly receptive to our concerns and we're quite honestly perplexed as to why that's the case, but yes, we did reach out to them and unfortunately, we haven't gotten very far.

REP. BAKER (124TH): My concern is that if we put something in place, some statutes and order in place, who's going to enforce that you know? It's going to run down to local enforcement to enforce whatever we put in place. I mean if your local
enforcement, your government is not, in some sense a deaf ear to your concerns, and if we put some things in place, it's going to be the same thing cause they're not going to you know to enforce them so I mean, what kind of proposals do you have, you know, that we can, what we can do?

JAY DEVIVO: Well I suppose the town might be more hard-pressed to not enforce State regulations as opposed to their own and I don't know, again, I don't know where this best sits, whether there should be some state regulations with towns having the option to do other things as well. My understanding is that sites like Airbnb are submitting taxes to the state for properties that are being rented so because of that, perhaps there's some data feed with respect to the individual properties that are being rented that would allow it to be done at a state level, not a local level, I don't know. That's just, that's just one thought, but you know if the, if the state does have something, you know maybe the town can ignore Jay DeVivo, but it's a lot more difficult to ignore this body, I hope [laughter].

REP. BAKER (124TH): Well to some degree, you know I understand and I sympathize with you in terms of that, but I'm just thinking in terms of you know from the State level, we put things in place, you know. Where's the enforcement going to come in if the local authorities are just not following through. I think that it's something that you know from a local perspective, zoning, and they can, it can be strongly more enforced from that perspective, but you know we can continue to talk and I appreciate the ideas, you know some of the things
that I didn’t think of but you know you brought them to my attention so I appreciate it, I really appreciate that so thank you and you know we can continue the dialogue on this.

JAY DEVIVO: Absolutely. Thank you.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative Baker. Representative Gucker followed by Representative Zawistowski and then Delnicki.

REP. GUCKER (138TH): I want to thank you for coming out and actually, Representative Baker stole most of my fire here. This is an issue in my district as well, but what it's coming down to again is a local zoning enforcement problem. I mean yeah, we could try to put some stringent laws here, but sadly, once we do a statewide law on this, it kind of restricts maybe some of those areas where they would like this so again, it kind of comes into I think local zoning, local enforcement. We will do everything, your suggestions are very good and they kind of gave myself some good ideas as well to help you with this cause nobody should be living under those conditions cause like I said, we're dealing with that in one of my, in one of my neighborhoods as well, but they are tackling on a local zoning enforcement issue.

So I would, as much as lobbying us up here to do as much as we can for you, also push your local municipality to say that something needs to be done because it just is, it's just not safe for yourself or your family and there were other concerns that were brought up in our local area that were different than yours. They didn’t have to do so much with wild parties. They had more to do with
fears of you know who's in your neighborhood doing what at what hours. So I wanna thank you for your testimony and I want to, I sympathize wholeheartedly with you cause this is something we are wrestling with as well, but again, I would keep the pressure on your local zoning and also your local police to say look, this is a safety issue, this is a public safety issue.

JAY DEVIVO: Yeah, to your point on the local police. The police have been supportive and they've been very sympathetic to our plight. There, you know their feedback to us was gee, our hands are tied. If there's nothing, if there's nothing that the state is doing, if there's nothing, you know though it's not permitted under the town regulations, the feedback I'm getting is because it's not expressly prohibited in those exact words, because short-term rentals weren’t anticipated when these regulations were drawn up, the police communicated to us that they're hard pressed to help us.

REP. GUCKER (138TH): Well again, I want to thank you for coming up and I want to encourage you to keep pushing and fighting for this because sadly, it's when the squeaky wheel gets the grease that maybe this is how we deal with some of this, but thank you again for your testimony.

JAY DEVIVO: My pleasure. Thank you for having me.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative Zawistowski.

REP. ZAWISTOWSKI (61ST): Thank you, Madam Chair and thank you for coming in here today and sharing your experiences. It sounds harrowing especially if you
have children. I'm sure it makes it a lot more difficult. What I'm really surprised about is that your local police couldn't do anything for breach of peace.

JAY DEVIVO: I don't understand why they couldn't. Admittedly, it was not, the house is set back and there wasn't a tremendous about noise; however, we have a small cul-de-sac of five homes and every square inch where you could place a car was, was taken up by people who were, had open container, in front of the police, they were even drinking out of open containers walking by the police vehicles and we said, but they're drinking and they said there's no ordinance, there's no open container ordinance. When we communicated that prior to that you know gee, before you got here, we saw them in the cars smoking pot, they said well, we didn't see it and even if we did, it's just a ticket so I was surprised that the police found that their hands were tied. They communicated to us in a conversation that we had with them separately that you know, we're in a different day and that it's more difficult you know for the police to, uh, to intervene in ways that they would've in the past, certainly you know what I recall from my youth.

REP. ZAWISTOWSKI (61ST): Is your cul-de-sac a private road or a public road?

JAY DEVIVO: Uh, it is not a private road. It is a, it is a public road at this time.

REP. ZAWISTOWSKI (61ST): Well it sounds like, sounds like a really untenable situation, but I do tend to go along with the other representatives who spoke. This is really more of a local matter
because I think it was Representative Baker that mentioned, even if we put in some kind of state regs, it's really up to the local enforcement, police to enforce it. I'm not sure it's going to make that much of a difference. What I would suggest is I, I live, I live nearby so I'm familiar with Simsbury. You have a town charter. You should be able to go in there, take a look and see what the options are for petitioning to get this onto an agenda for like the Board of Selectman or something and maybe push that way to get a municipal ordinance. I really think that might be the best, the first best route.

JAY DEVIVO: There was, there was talk of an ordinance. It was on agendas. The zoning person kept pushing it off the agenda. It was going back and forth between Board of Selectman and Zoning. We're perplexed as to why it appears the town is so unsympathetic to our point of view, and why they appear to be indulging, the, you know the type of activities that nobody wants, no one wants in their backyard no matter where you live. And it's been very frustrating. It's been a year of trying to figure out how to get the local folks to work with us and they've, they haven’t been, they haven’t been supportive you know, which kind of begs the question, so what recourse do we have? You know so what recourse do we have because --

REP. ZAWISTOWSKI (61ST): Is the, the house that's being rented, is it owner occupied or is it an investment property?

JAY DEVIVO: That's difficult to say because this person happens to own two homes in town and it's
unclear as to what's technically the primary residence.

REP. ZAWISTOWSKI (61ST): Have you talked to the owner of the house with, with this issue?

JAY DEVIVO: Yes.

REP. ZAWISTOWSKI (61ST): Okay. To no avail?

JAY DEVIVO: Correct.

REP. ZAWISTOWSKI (61ST): Okay. Well I certainly sympathize with your situation and I would, I would encourage you to really keep on pushing at the local level and we'll talk about it a little bit more in Committee but that's really your first line of defense, but, again, thank you for coming in here today.

JAY DEVIVO: Thank you for having me.

REP. ZAWISTOWSKI (61ST): Thank you, Madam Chair.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative Zawistowski. Representative Delnicki.

REP. DELNICKI (14TH): Thank you, Madam Chair and I finding myself in agreement with everyone else here pertaining to the fact that should be a solution locally. If you're getting no satisfaction at all from the zoning enforcement officer or Zoning, you need to go to what, First Selectman there, form of government?

JAY DEVIVO: We do First Selectman and now recently, a Town Manager as well.

REP. DELNICKI (14TH): Okay. You need to start showing up at virtually every town meeting and I'm
sure there must be a public input on the front end of the meeting probably?

JAY DEVIVO: Uh, Board of Selectman meetings do have public input. I did give public input at the front end of a Board of Selectman meeting. The Zoning meetings do not, there are particular agendas where an issue might be on the agenda. Most often, there's no public comment allowed and to my knowledge, there've been no meetings where public comment is permitted, but we've attended those.

REP. DELNICKI (14TH): Yeah, I think you need to push your Board of Selectman to come up with appropriate ordinances to regulate that kind of activity because we don’t even know if it is rented out per se and if this legislation were passed, it might not even be any help to you. That's the point and these are issues that typically, we had them in my community at one point in time and through appropriate ordinances and the police enforcing them, I have to ask the other question, do you have a resident state trooper or a regular police department?

JAY DEVIVO: We have a municipal police department.

REP. DELNICKI (14TH): Okay. Well, you have to get involved like I did years ago and force the issue at a Selectman's meeting and show up regularly, literally every meeting as I did on a couple of issues years back to the point where they ended up taking action just so they wouldn’t have to see me. Little did they know I would end up coming back and actually sitting on that Board. Local ordinances typically can solve that if we do something at the state level, which has been mentioned earlier, and
your local police department isn’t enforcing their local ordinances, they may not enforce this, whatever legislation we would pass which I'm surprised to hear that and I have a feeling that your police chief is probably going to get a copy of the testimony here at some point and want to solve the problem based on what's going on today with the public hearing.

JAY DEVIVO: And we've met with the police chief and he was very sympathetic to our plight and expressed, you know he expressed regret that they could not be more helpful than what they’ve been, but given the nature of what the town rules were, and perhaps what the instructions, they didn’t, to be clear, he did not communicate this or hint this, but I'm surmising perhaps from the instructions the department may have received from the town, I don't know if that's the case, you know things haven’t been enforced, but I appreciate all your points and I take them to hart and I certainly, you know we all will certainly continue to, continue to put pressure on the local officials to act, but I was hoping that they, you know that something might be done at the state level that you know could force their hand more effectively than I can.

REP. DELNICKI (14TH): Well I certainly appreciate you coming out here and testifying and relaying the story and I tend to think that they'll get the message back in Simsbury, that there is an issue there, and that's a number of eyes looking at that issue right now.

JAY DEVIVO: Thank you. I hope they do.

REP. DELNICKI (14TH): Thank you, Madam Chair.
REP. MCCARTHY-VAHEY (133RD): Thank you, Representative Delnicki. And if there are no further questions from members, I will say thank you and I'm happy to talk with you a little bit more offline in terms of supporting your efforts and talking about this further because I do think that though you're speaking to a very specific local issue, this is something that we know in places around the country, there have been ongoing issues, so I think it's something that we, it will come back in conversation whether locally or back here at the state level so I'm happy to speak with you further at some point.

JAY DEVIVO: Thank you very much. I really appreciate that.

REP. MCCARTHY-VAHEY (133RD): So next we have Dan Osborne. Welcome.

DAN OSBORNE: Good afternoon and good afternoon distinguished members of the Planning & Development Committee. My name is Daniel Osborne and I am the CEO of Gilead Community Services in Middletown where I have worked for the last 17 years. I am here today to support Senate Bill 928, AN ACT CONCERNING THE RECOVERY OF ATTORNEY’S FEES IN ACTIONS FOR WRONGFUL PROPERTY TAX ASSESSMENT. I also respectfully urge the Committee to amend the bill as recommended by the Connecticut Community Nonprofit Alliance and explained by Gian-Carl Casa just moments ago.

Gilead has been providing high quality mental health services in Middlesex County since 1968. Over our 50 years of providing quality services, we have owned several buildings used for the purpose of
providing various mental health services including case management, apartment services, residential supports and various clinical services. Currently, Gilead operates 18 different programs throughout the county, through 14 different separate sites, physical properties that we own. We serve a broad range of mental health conditions that vary in type and severity.

Gilead’s story as it relates to Property Tax Exemptions is, unfortunately, like many other non-profits in Connecticut, some of which you’ve heard from already today. For decades, we have been approved for property tax exemption at multiple sites in different towns throughout the county. This makes sense because our properties are owned by a charitable organization, Gilead, and used exclusively for charitable purposes. General Statute 12-81, specifically section (7)(B) could not be more clear that while subsidized or affordable housing is not subject to tax exemption, property with a primary use for and I'm quoting here, it's in antiquated language, but housing for mentally-handicapped individuals or persons with intellectual disability is tax exempt under subsection (iii) of 12-81 (7)(B).

Providing services for mentally handicapped, again antiquated language, but quoting the statute, persons is the primary use to which Gilead’s properties are dedicated. Nevertheless, on two occasions during the past several years, a tax assessor has made the determination to deny our application for tax exemption after years of approval and no change in use. We have followed the tax appeal guidelines and are now in a legal battle
that is diverting critical funding away from the direct services to people in desperate need for care. In addition, significant staff time and resources are committed to fighting this tax process.

Essentially, agencies like Gilead are forced to choose between costly litigation and paying taxes on property that is clearly exempt by state law. Gilead conservatively estimates, and actually, my testimony when I wrote it, we estimated $10,000 dollars in legal fees per year, I got a bill this morning that is going to bring that estimate to more like $25,000 dollars for this year. In addition, we are forced to pay the tax bills, under protest while the legal process plays out. So we're talking $35,000 to $40,000 dollars in unbudgeted expenses simply because of one assessor’s interpretation of a statute that goes against decades of precedent on this issue.

And it is important to note that this additional cost is for just one property. As I mentioned, we own 14 properties. That is scary math for an organization of our size and represents a significant risk to our ability to continue to provide essential care to individuals in need.

So I would like to leave you with two realities to contemplate. The first is that nonprofits are explicitly exempt from federal, state and local taxes for a reason; because they provide essential services for residents so that government does not have to. Nonprofits like Gilead serve the public good and, in exchange, are exempt from property, income and sales tax and have access to tax deductible contributions from individuals and
corporations. This practice that is more than 100 years old. Second, denials of tax exemption that in my opinion are erroneous, is not a victimless crime. The nonprofits suffer financial and productivity hardships that quite literally threaten our ability to maintain the level of service delivery that our missions and our contracts commit us to. This is a significant issue that I believe requires a thoughtful and a strong response. Thank you for raising this important bill and I respectfully ask again that you pass substitute language that has been suggested by the Connecticut Nonprofit Alliance.

REP. MCCARTHY-VAHEY (133RD): Thank you so much for your testimony today. Are there questions from members of the Committee? Questions? I just wanted to touch base on something you said in your testimony which was that you provide services that governments do not have to provide. So if you were a town employee at a town-owned facility, would there be taxes on your facility?

DAN OSBORNE: You're asking if I was a town employee, providing services from the town, so I think the point that I was trying to make is that our services are replacing those services and are providing that replaced service at a cost-effective you know purchasing price that is really based on this established practice. So our pricing would need to change if this was now going to be the new, so we are not funded at the same level as those other services that you're suggesting.

REP. MCCARTHY-VAHEY (133RD): But the town facility would not be paying property taxes obviously to the town.
DAN OSBORNE: Correct.

REP. MCCARTHY-VAHEY (133RD): Okay. I just wanted to emphasize that point. Representative Carney.

REP. CARNEY (23RD): Thank you very much, Madam Chairwoman. Dan, it's nice to see you again. I guess I just have, I have one question. Why - I know you have properties in several different communities. Why do you think there is such I guess a disagreement among assessors on how to assess your property taxes, your property values?

DAN OSBORNE: So as others have said, this definitely goes into opinion so I'll share mine, but it's certainly just my opinion. I think that we understand that there are pressures on municipalities and certainly were in the last, last fiscal year to identify additional sources of revenue and I think you know in scarce times, you know folks are looking under the cushions and anywhere they can to try to find additional revenue. As has been mentioned previously, there is, although we think it's very clear and it's been interpreted very, very clearly for many, many years, the language related to temporary has been interpreted as you know 3-6 months depending on the assessor and that has then been applied to essentially access the additional revenue inside the couch cushions based on the pressures that are applied so, and those are the forces that we believe are at work that are creating this. It is very clear to us that this was not the initial intention of this statute. I can't take credit for this, but our attorneys in fighting this process have made the point that the statute also describes orphanages because years ago, that was a common practice for caring for young
people and so the question was applied to our tax assessor. Do you really think the intention of this statute was to only apply a tax exemption status to orphanages that ask their children to leave after 3 months or 6 months of living and of course, the answer is no. So I think that's, some tax assessors are willing to embrace that you know uncomfortable sort of disparity of thought and move forward and others, in my opinion, have a more realistic interpretation of the statute.

REP. CARNEY (23RD): Thank you very much for that response. I almost think we need to have some sort of a uniform interpretation of this that has to apply to every assessor to try solve its problem, but I appreciate your testimony.


REP. BAKER (124TH): Thank you, Madam Chair. Thank you for coming out here and testifying. I wanted to just ask a question of you and I know in my city, and one of the things when I sat on the city council, one of the issues that we were having, we had a lot of non-profits. We had churches, we had a lot of tax exempt property and it started to put on a struggle on us and a burden on us. Would you be opposed because I know you shared that you know, you know a lot of municipalities and towns, they were you know, who saw it as a mechanism for them to make up the difference in revenue in terms of that. Would you be opposed to doing a percentage wise of taxes?

DAN OSBORNE: Yeah I mean every non-profit would have to answer that and some have found you know
their answer, but I, that would not be something that would, that would make, that would be fiscally possible for us right now. It would result in cutting services, so I think for us and being based in our mission is the number one priority. We would have to say that there is no fluff, there is no cushion and we would have to eliminate services and so therefore, we wouldn’t be in a position to be able to do that unfortunately.

REP. BAKER (124TH): I appreciate that. You know I just, you know, I just appreciate your honesty cause I think as you know, as we begin to move forward and everybody's trying to figure out how to tighten up their belts and try to do things creative and stuff so I appreciate you just coming out and sharing that. Thank you.

REP. MCCARTHY-VAHEY (133RD): Thank you, Representative Baker. Thank you very much for being here with us today. Next on the list is Michael Kaselouskas? Did I get that right? I'll find out in a minute followed by Rafie Podolsky.

MICHAEL KASELOUSKAS: It's good enough. Thank you, Madam Chair, I'm -- and another Representatives. I'm Mike Kaselouskas. I'm the Chief of Public Safety from the University of Hartford. I'm here in opposition to H.B. No. 5892. I've -- I've submitted a -- a lengthy written testimony. I'm just going to highlight -- highlight the written testimony and then take any questions, if -- if you don't mind.

So, just in relation to this -- to this bill on the municipalities assessing a $500 dollar fee for -- for each student, I put statistics in my written testimony. Just to give you an overview of that, my
department, on average for the -- for the 2016, 2017, and 2018 fiscal year, we -- we averaged at about 7,300 or so, 7,400 calls of service a year that my department responds to and -- and handles. Out of those calls, we don't -- we -- we don't normally resource or depend on municipalities for our response.

My department is trained to -- trained and equipped to handle all calls of service. We're -- we are an armed department. We're certified and medically trained, 90% of our -- over 300-acres is in the city of Hartford. I work closely with this -- with those municipalities, and -- and quite frankly, when we do need them for some calls of service based on their shortages and their department, sometimes they can't even respond.

So, just kind of highlighting that, just in year 2018 of the 7,300 calls that we had for calls of service, 96 of those calls were brought to local authorities, to the campus property, and only 70 calls of the 7,300 municipalities actually took a report; that could -- that included police and fire, both.

Just highlighting further in my testimony, that over the past three years, an average -- over the past three years, police and fire assistance at the University of Hartford averaged 117 calls per year, 117 calls per year, when the police department, themselves, take over 200 calls a day. So, we're -- we're using up resources from their police department, less than their -- almost half of what their calls of service are in one day, in one year.
So, just as a financial impact for -- for our university, had that -- had this bill be implemented, it would cost, we're figuring out over $2.22 million dollars that -- that -- that -- for services, again, that we're -- we're not really using based on -- on the training and response from my department themselves.

The benefits to the city, we do 50% tuition subsidy to students who graduate from the Hartford public schools, which averages about to $1.3 million dollars in tuition assistance each year to the city. I host and train municipalities in the area and invite those police departments, all the police departments to my training during the year as well, and assist in those.

My department -- my department operates at really at an accreditation standard. And I've had many studies of -- done on my department, and -- and we're at an accreditation standard. I just haven't gone to the accreditation standard themselves just because of financial issues, really. But we do operate at that standard, and I'm -- and I do -- and I pay my officers comparably almost to municipalities to -- after I invest in that training in my department, those competitive salaries so they're not leaving and going to municipalities. So I -- I don't want to [laughter] -- essentially the University has a great -- great benefit in that.

REP. MCCARTHY VAHEY (133RD): And if you can sum up, that would be wonderful.

MICHAEL KASELOUSKAS: Okay. So, that's the highlight again of my testimony -- it -- the -- the
written testimony. And I'll open it up for any questions, if you want.

REP. MCCARTHY VAHEY (133RD):  Thank you. Are there questions from members of the Committee? I would just ask -- Ms. Widness, thank you for being here as well. And I know you work with some of the other communities or at the other colleges and universities around the state. Is there anything unique, we've heard from a few or a couple here today, anything unique that, if others were here, that they might add?

JENNIFER WIDNESS: Yeah. I mean, I think every -- as you had asked and not, I can speak on behalf of the whole sector that every institution has a public safety department of one way or another probably appropriate for the size of the institution. And they are really using minimal resources at the municipal level. A lot of the schools, like somebody -- like Sacred Heart and others have testified, pay -- pay the local police force for overtime to utilize those services when they need them for a large event. Fairfield uses them to patrol on the weekends for the housing of the students at the Shore. So, I think we're really sensitive to the impact that we have.

And I just want to highlight, in my testimony, we noted that we just released an economic impact study today. Collectively, our economic impact of the state is $33 billion dollars. Quinnipiac with a loan to the city of Hamden is about $3 billion dollars.

And we also highlighted in our testimony, which someone had asked for on the Committee, is the
community benefits that we provide, is highlighted extensively in the testimony that I submitted to the Committee, so you can see for all of our member institutions that they're really positive community partners giving back as much as they can in a way that aligns with their mission.

And that, I think collectively, you know, Gary highlighted the -- what's -- well, you need to look at what issue we're trying to solve here. Is it a revenue issue for the cities, which it really sounds like it is, and that it probably shouldn't fall on the backs of nonprofit community service providers or higher ed institutions. We really need to address it collectively.

REP. MCCARTHY VAHEY (133RD): Thank you. And I appreciate your -- both of you, your testimony, and the comments that we've heard here today. We've heard the words balance and working together and keeping those conversations open between the communities. And I noticed, at the end of your testimony, just that you have not heard from the fire and police in the -- your three host communities in terms of excessive pressure and their perception of that. So, I think that that is really important that folks are working together. And you're right, we do have to, as a state, address some of those financial pressures. Did you want to comment further on that?

MICHAEL KASELOUSKAS: Just on that comment you just made. I mean, there's 911 calls that -- that don't go through my call center, that will go to the municipalities and they'll literally call -- call my department to handle those calls of service for them, because they can't respond. And we're
equipped and trained to do that. You know, 911 goes to -- out to the -- to the 911 call center. So -- so again, I'm taking calls of service that would normally go to them, on us that we're equipped and -- and prepared to -- to handle.

REP. MCCARTHY VAHEY (133RD): Well, thank you both for being here with us today. Next on the list, we have Rafie Podolsky followed by Sean Ghio.

RAPHAEL PODOLSKY: Thank you, Madam Chairwoman and members of the Committee. My name is Raphael Podolsky. I'm a lawyer with Connecticut Legal Services and I'm here on behalf of legal aid programs. There are two bills that I want to speak to. The first one is House Bill No. 6749, which is the one that deals with 8-2, the zoning enabling act. Essentially, with most of what the bill does, is that it reorganizes that act in a way that makes it readable and understandable by lay people, who are actually the people on zoning commissions and have to understand it. It also tries to group things by subject matter, so that all the things that deal with one particular subject are together. It -- it -- it has an overlay grouping. Also of what's required of a commission was permissive of a commission was prohibited to a commission. Now, I'm particularly interested in the -- in the housing pieces of that. And this bill comes out of a working group that was organized by the Commissioner of Housing about a year and a half or so ago.

The -- the bill -- so, as I said, the bulk of the bill is -- is technical reorganization. There are two changes that I think are not huge, but they're significant. Within that reorganization, one is to insert the -- the duty to affirmatively further Fair
Housing, which is already required by the Fair Housing Act.

And the second is, to not make the character of the district something different from all the many things that are already in the Zoning Enabling Act that are really about the character of the district. Density, building height, congestion, safety, historic factors, all those kinds of things are already there.

Now, the thing that -- that has created the most controversy about the bill, is the fact that this has been on the books for years, and yet it's known for it -- it's not enforced and there's no direct administrative enforcement mechanism. The bill that you have that was -- that came out of [inaudible - 03:20:18], uses language that -- that was in the original bill last year that was ultimately removed on the House floor. What this -- what you -- what I think you need to do, is to substitute something else for that language. The working group actually proposed something which, I thought, that was probably going to actually be put into the -- into this bill by the Committee. It wasn't. So I would ask you to take a look at that. And it's -- it's -- it's language that attempts to be inclusive in setting standards, bringing in municipalities, as well as advocates, and try -- so that -- and -- and actually includes also a year's delay in when it would start being enforced. And I think that may make what was not palatable last year, may make it acceptable.

The second bill I wanted to speak to is House Bill No. 7276, which deals with child daycare. We have a public policy of trying to encourage child daycare
in residential neighborhoods. And there's a zoning act -- a zoning statute, that says, you cannot, through zoning prevent -- keep -- home -- in -- in-home daycare out of a residential district. In other words, in a single family home or in a multi-family building, you cannot zone it out through the zoning laws.

We're particularly interested in Section 4 of the bill, because it addresses the problem we've seen, which is that the property owner, the landlord, when you have a renter who wants to do a home daycare, says you can't do it. I won't let you have -- even though you're licensed, I won't let you do it out of your -- out of your living room and out of your playroom, and that -- and that's allowed. I mean, the -- the landlord can do that. We've had -- we've had people who have been threatened with eviction because they did this. And yet it's countered to the public policy as -- if you apply it to renters, that would normally allow this and would protect it. And this bill -- this bill provides a protection for that.

There's one part of the bill we would ask you to take out, and that's Section 7. That's a provision that says the landlord can charge extra security deposit in -- in order to permit this. There is no cap on how much extra. It seems to me fairly obvious, all the landlord would have to do, is ask for three, four, five, six months of security and that's -- that's another way of saying that you can't do it.

So, prohibiting it in the lease, but permitting it through the use of the security deposit is really counterproductive. And it sort of counters the
policy in general, that -- that we don't allow
discrimination. We certainly don't allow
discrimination against families with children. If
this was a family that had four or five or six kids,
the landlord cannot in Connecticut add an extra
security deposit by saying, well, we know kids
damage property, so, instead of the two-month
maximum, you're going to have to give me three or
four months' security. That's not allowed in
Connecticut.

And so, this kind of go -- it -- it -- it may not be
prohibited in this context, but it really goes
against that grain that says we're not -- we're not
using the laws to add on through that system extra
cost for people where children are involved. I'd be
happy to answer any questions on either of those
bills, if you would like. Thank you very much.

REP. MCCARTHY VAHEY (133RD): Thank you very much
for being here with us. Are there questions from
members of the Committee? Representative? I have a
question for you actually. With respect to 7276 and
concerns that folks have expressed related to
community associations, condo associations or
homeowners associations, I wonder what your response
might be to that to those who are concerned that
they have a set of covenants and rules that they are
required to abide by and that this would then
override that.

RAPHAEL PODOLSKY: Well, I -- I guess there -- I --
I say two kinds of things. I mean, there -- there
are various parts of the bill that are severable.
And if you wanted to take some parts and not
other -- others, it's possible for the Committee to
do that. But in terms of the actual objection, it
seems to me it's the same objection as you would have saying in a multifamily building or a multifamily complex.

What -- what you're really doing is you're -- is you're -- you're sort of exploring in what way a state public policy effects people who might choose to do something different. And the -- the -- the -- the underlying notion -- the -- one of the things about this is it -- it requires it to licensed so that you're not talking simply about somebody deciding to have some extra people in the home. It's some -- it's -- presumably, it meets certain standards that are regulated by the state.

If you -- if you're saying is there a legal question about -- about whether you can override -- I don't know. I haven't really thought about that with -- but, I mean, we've certainly -- I don't -- I don't know. I mean, that's worth checking. But if it -- if you can override, then it can be overridden. If you can't override, then you would not be able to enforce this requirement to the extent that -- that -- that a regulatory statute could not override a preexisting -- other restriction.

I mean, in some ways that raises a bigger question of what happens when the law changes and how does it affect people, various arrangements that -- that were put in place under a prior law, to what extent is -- does that -- does that entity now have to comply with the new -- with the new rule that has been adopted, or to what extent can it claim that it's entitled to -- to essentially an exception based on the fact that it had already had something in place? And I think that probably, if you were to really research that, I think you would find there's
some things where the law says it overrides and sometimes where it says it doesn't override. I'm not sure if that's the question you were asking me.

REP. MCCARTHY VAHEY (133RD): I -- you're -- you're the first person I'm having the conversation with --

RAPHAEL PODOLSKY: Uh-huh.

REP. MCCARTHY VAHEY (133RD): -- and it's one that I think we would need to explore in terms of the impact and how that works legally. Yes.

RAPHAEL PODOLSKY: Yeah. I mean, I would say that you -- you -- you -- I would say you would want to explore it from the policy perspective of is there some reason why this -- why a rule of this sort should not apply because people are living in the condo rather than because they're living, say in an apartment building, or -- or other, you know, in -- in a complex of single family homes, rather than is it a legal issue. Because, as a legal issue, I think that issue will take care of itself. I mean, at -- at some point, somebody will determine whether they do or don't have to accommodate the -- the rules for this. But if you -- if that becomes a permanent block, then you'll never change it, because they'll never change the rule.

REP. MCCARTHY VAHEY (133RD): Well, thank you for your testimony today and for answering questions. And if there are no other questions, I --

RAPHAEL PODOLSKY: Uh-huh.

REP. MCCARTHY VAHEY (133rd): -- will call up Sean Ghio.

RAPHAEL PODOLSKY: Okay. Thank you very much.
REP. MCCAUNTHY VAHEY (133RD): Thank you. And Sean Ghio, followed by Amanda Kennedy. Welcome.

SEAN GHIO: Good afternoon, Madam Chairwoman and members of the Committee. My name is Sean Ghio. I'm Policy Director at Partnership for Strong Communities. We're a statewide nonprofit policy and advocacy organization dedicated to ending homelessness, expanding affordable housing, and building strong communities in Connecticut.

I'm also here as a member of the Fair Housing Working Group that you've heard about previously. And I'm here to request your -- the Committee's support for H.B. No. 6562 and -- and H.B. No. 6749 with amendments. [clearing throat] Excuse me.

I -- I won't -- Mr. Podolsky said much of what I would testify to, only in much better terms, so I'll leave -- I'll leave his testimony there. And I -- I think maybe I'd just use my time to offer a little context around housing, multi-family housing in particular in the state, affordable housing, and the disconnect between -- often between planning and actual development in communities.

I -- and I speak as a housing advocate but also as a -- a former local planner, having been involved in many comprehensive plans, understanding that planning does not build housing. That there are regulatory tools in the local communities that do that including zoning.

And I just want to give you some context. There's about more than a third of households in Connecticut are renters. And 80% of those households rent multi-family housing. You've heard previously that it's very difficult to develop anything other than
single family homes in the vast majority of our communities across the state. So, that's about 360,000 households that are living -- in Connecticut, that are living in multi-family housing. And that housing is predominantly very old. It's about -- 30% of that housing is at least 80 years old. The state has, for generations now, made it local policy across the state to not allow this housing. Yet, we know that there's a large number of households in the state that need to find rental housing. Local zoning has largely shut them out.

So, I would like to say, just in conclusion, and I'm happy to take any questions, that H.B. No. 6749 does not -- it mentions discretionary -- discretionary state funding but does not define that. So, I would recommend that maybe we look to define that in -- in the statute. I believe OPM has done that previously, has -- has issued guidance in previous years for other programs. So, that may be useful. Thank you and I'm happy to answer any questions.

REP. MCCARTHY VAHEY (133RD): Thank you, Mr. Ghio for being here today. Are there questions from members of the Committee? Representative Baker.

REP. BAKER (124TH): Thank you, Madam Chair. And as I was sitting, I listened to you elaborating on the -- the great -- the need to -- to -- for multiple housing units to -- for -- to fill them, you know. And I'm -- I'm just kind of thinking of -- of -- of -- of things that are going on. I think that, you know, and -- and this is more not of a question, it's more of a statement. I think that as we begin to look at the different municipalities and the needs, 'cause, you know, when I -- my area
will come to mind, we have, I -- I would say, 80% -- well, maybe not that much, but 70% of our -- our properties are -- are multi-family houses --

SEAN GHIO: Uh-huh.

REP. BAKER (124TH): -- and stuff. And -- and I -- and as I walk, and especially down in my district, which is almost close to 90%, I see a lot of -- of vacant apartments and stuff. One of the things that come to mind also, when I go up in a different part of the district, and I -- and I see, like, one family houses and -- and I see all these cars out there. And I'm wondering if this is, you know -- you know, an example. You have these universities that are rentin' them out. And that's -- so, my -- my -- more or less, my concern is, I -- I think this is more of a issue of local municipalities that -- that need to go into zoning and look at case by case, and say, what's going on in these areas. You know, why aren't some of these units being rented over here? Why are units being rented over here? And come up with some sort of mechanism in place to -- for that -- that particular municipality to -- to kind of like address those problems. So, I -- I didn't know if you wanted to elaborate on that, on -- on my thought on that.

SEAN GHIO: I apologize. I have hearing loss, so I don't -- I didn't catch a lot of that question. So, can you just restate it -- some of it.

REP. BAKER (124TH): So, what I was -- my -- one of my concerns was, is I look in different areas, and, especially in my district, you know, you have some of 'em that are multi-families, and you have some 'em with just one family, when the -- some of the
multi-family which is predominately my district you see a lot of vacant multi-family houses --

SEAN GHIO: Uh-huh.

REP. BAKER (124TH): -- you know. And then, you have other areas where, which is not my district, where you have one family houses and you see multiple cars out there. So I'm sure, you know, it could be possibly renting their rooms or -- or --

SEAN SHIO: Yeah.

REP. BAKER (124TH): -- whatever the case may be. So, my question to you is or -- or maybe you could just elaborate on that, is like, you know, from my thought process would be, most local municipalities -- you know, maybe they need to come up with more of a -- a -- a study of -- or -- or some kind of mechanism or structures in place to deal with those problems in that particular city, town, or whatever, as opposed to the state putting something. Because it -- it might be just an issue in -- in those areas, you know. And they have to figure out a way to address them so that they can have the proper housing, you know? So, I don't know if you wanted to elaborate --

SEAN GHIO: Uh-huh.

REP. BAKER (124TH): -- on that.

SEAN GHIO: I would -- I would, the -- the example you gave of -- of -- of single family home where it looks like it's actually functioning maybe as a rooming house, I think, that to me, when I hear stories like that, and that does happen and particularly, I think, maybe where you might see that in, like you mentioned, I think around
university towns or perhaps maybe in some Fairfield County towns where property values are -- it's getting very expensive.

And to me, when -- when you see things like that, that -- that along with other things like inability of -- of tenants to be able to secure year-long leases, those are signs that the market is trying to adapt to the fact that the towns -- that they're -- that they're not -- they're not creating the housing that's -- to -- to meet the demand. So, that to me, when I hear about a house that's perhaps, you know, serving as a rooming house, to me it shows that there's a demand that's not being met in that community for housing.

And again, just to go back to the -- the bills you're looking -- that are before you today, what I would say is that even the best of plans can easily be ignored. And I think what these -- these bills try to do is address that. This has been part of state law for a very long time without an -- an -- an effective mechanism for enforcement. And this is beginning of that conversation, I hope.

REP. BAKER (124TH): Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you, Representative Baker. Other members with questions? I have one for you, actually before you go. In your testimony, you note that you're particularly interested in the provision that requires towns to report on what they are doing to produce housing, including homes for low and moderate income people residing in the town and regions. And can you talk a little bit about the reporting requirement? Who shares the data with who and how that would be done?
SEAN GHIO: I'm sorry, can you repeat that last part?

REP. MCCARTHY VAHEY (133RD): If you can talk a little bit about the reporting requirement, so who is doing the reporting from a town or community and to whom would they be reporting?

SEAN GHIO: You know, I'm not -- I'm not exactly sure of what's laid out in the bill in terms of -- of that. But the -- I think -- and -- and -- and you're going to hear from the Connecticut Chapter of Planning Association, and -- and I think they'll have a lot of insight into the reporting from the local side. I would say, it's an issue on the stateside. I think you heard earlier from Ms. Boggs that Plans of Conversation and Development are, the state really doesn't have the capacity or hasn't had the capacity to really review those. And I think that is a -- that is a -- a concern, that -- with any reporting.

And I do think, just overall, we don't, as a state, have a good understanding of -- of the existing housing stock in our state. We rely and put an awful lot on the Census, and that is, by its nature, you know, not perfect. So, I don't think -- I think -- in -- not to dodge your question entirely, but I do think it's a resource concern that you bring up.

REP. MCCARTHY VAHEY (133RD): Well, I also -- I don't bring it up just as a resource concern. I was part of a -- the press conference yesterday and the testimony on mental health parody. And so, the way that they're approaching that is to collect data.

SEAN GHIO: Uh-huh.
REP. MCCARTHY VAHEY (133RD): So, sometimes it is helpful to have data collected --

SEAN GHIO: Yes.

REP. MCCARTHY VAHEY (133RD): -- in order to be able to document and make decisions going forward in terms of what happens. So, that's a little bit -- I asked a little bit to just tease out, you know, some of the mechanics of that. But I can certainly maybe talk to Amanda Kennedy or some others about that, as well.

SEAN GHIO: Yes.

REP. MCCARTHY VAHEY (133RD): Thank you --

SEAN GHIO: True.

REP. MCCARTHY VAHEY (133RD): -- for being here today.

SEAN GHIO: You're welcome.

REP. MCCARTHY VAHEY (133RD): And speaking of Amanda Kennedy, is she here? There is she. Amanda Kennedy, followed by Bill Lucey.

AMANDA KENNEDY: Thank you. Great Segway. I'm Amanda Kennedy. I am the Assistant Director at the Southeastern Connecticut Council of Governments, but I'm here speaking on behalf of the Connecticut Chapter of the American Planning Association. I think you've seen my -- my by Co-Chair, John Guskosky, has been up here a couple of times on other bills.

CCAPA has about 400 members across the state. Municipal planners, regional planners, consulting -- consulting planners, and people who are sort
otherwise affiliated with the planning field. We've submitted statements on House Bill Number 6749, the zoning bill, and House Bill Number 6562, the planning bill. And I'll just say a quick word on Airbnb at the end of this. But those two bills, there's really the same issue. You've heard a lot of testimony so far. It's all about how do you kind of make sure that towns meet their existing obligations to plan and zone for a diversity of housing that meets our statewide needs, and how you design an enforcement mechanism that works.

The Plan of Conservation and Development and Zoning statutes already both require towns to address housing. But there's no standards in place of any kind really on -- on -- for the towns to measure whether they are adequately meeting those statutory requirements or for anyone else to say whether or not they are. There's no commitment from any state agency thus far to take on that enforcement role. I think the Department of Housing has been kind of concerned about the staffing requirements that would come from taking on a regular review of plans to the point where they could hold towns accountable by restricting their eligibility for discretionary funding.

House Bill Number 6562, as I mentioned, doesn't really say anything new. Towns are already supposed to be ineligible for discretionary funding if they don't have current plans of conservation and development. And their plans are already supposed to plan for the provision of multi-family and low-income housing. So, it's real -- I mean, we support that bill but note that it -- it is the status quo
that we're asking to -- to actually be held accountable to.

House Bill Number 6562 adds that little stronger language on zoning has to promote an affirmatively furthering Fair Housing and promote housing diversity as opposed to just encourage. And it references two documents. The state's consolidated plan for housing and community development, and the state plan of conservation and development. That zoning is supposed to -- to -- to accommodate the housing that will meet the needs stated in the -- both of those documents. Thus far, those two documents have been really inadequate in terms of providing direct -- direct guidance to municipalities on what even the statewide need for housing is.

In my testimony, I mentioned a couple of the statistics that the -- the Department of Housing plan includes. That plan is really meant to satisfy HUD requirements. So, it does a great job of looking at specific housing needs of specific communities like housing for people with AIDS. But it doesn't tell you what the -- what do we need the housing market to deliver, how do we address our kind of existing need for affordable housing. There's a statement that there's -- we need 22,000 new affordable housing units every year just to satisfy the existing need. In my region, Southeastern, one in four households is low-income and in -- in housing that's affordable. You're asking me to --

REP. MCCARTHY VAHEY (133RD): To wrap up.

AMANDA KENNEDY: -- wrap up?
REP. MCCARTHY VAHEY (133RD): If we can -- I think --

AMANDA KENNEDY: Yep.

REP. MCCARTHY VAHEY (133RD): -- ask you a couple of questions.

AMANDA KENNEDY: So, as people have mentioned, the Fair Housing Working Group put together a proposal and no one's really gone through it. Basically, there -- there would be a working group put in place that, by 2020, would develop standards for review for zoning compliance and for the Affordable Housing Plans, which was a new requirement that went into statute in 2017 that -- that working group would develop a standard for review. In 2012, all the towns would have submitted their Affordable Housing plans per that -- that guidance material on what an affordable housing plan has to have. And then, really, after that, we would prefer that those affordable housing plans be part of the ongoing plan of conservation and development requirement, which is a ten-year cycle instead of all these additional documents in place. And also, it very importantly states that plans of conservation and development would go to OPM for review 65 days before they are considered for adoption by the town.

So, OPM would then have the obligation to review those plans for compliance. I'm going to submit a document on Airbnb regulation that was put together by the town of Stonington Planning Department, which I think, is going to be really helpful for all of you. In a nutshell, they felt that local ordinance was the way to go on regulating Airbnb, not zoning, for a couple different reasons. Okay.
REP. MCCARTHY VAHEY (133RD): Thank you, Ms. Kennedy --

AMANDA KENNEDY: Uh-huh.

REP. MCCARTHY VAHEY (133RD): -- for your testimony.
And I was going to ask you a little bit further about that when I know it's not the main reason you're here. But since we've had some testimony today, and it's --

AMANDA KENNEDY: Yeah.

REP. MCCARTHY VAHEY (133RD): -- not something that's been widely discussed here, I wondered if you could talk a little bit more about the Stonington --

AMANDA KENNEDY: Yeah. So, there's a --

REP. MCCARTHY VAHEY (133RD): [crosstalk]

AMANDA KENNEDY: -- couple issues. In 2017, Stonington looked at how they could better regulate Airbnb. A couple reasons they ultimately decided that ordinance was the way to go, and I should note, they haven't actually passed changes to their local ordinances to regulate Airbnb. So, it's still kind of an unresolved issue.

There's concern that if they were to pass zoning regulations, anyone currently using their properties for short-term rentals would be grandfathered and there would be no way to address that property if it was causing problems. Zoning doesn't -- generally doesn't -- also doesn't regulate tenure, whether it's -- some property is rented or owned. That's -- a lot of people think you can mandate a property be -- be owner occupied, but you really can't. And so it's really -- whether or not, it's really about
the frequency of the occupancy, and not that it is a rental property.

If they pass an local ordinance, then it that ordinance becomes applicable to all properties, not and there's no grandfathered grandfathering issue.

So, John Jason Vincent in Stonington can tell you a lot more about this issue, because he's looked into it. But he's got a great document that I'll pass along.


AMANDA KENNEDY: Yeah.

REP. MCCARTHY VAHEY (133RD): And we can pass --

AMANDA KENNEDY: Uh-huh.

REP. MCCARTHY VAHEY (133RD): -- that along to the folks in Simsbury, as well.

AMANDA KENNEDY: Yeah.

REP. MCCARTHY VAHEY (133RD): Are there other questions? Representative Arnone?

REP. ARNONE (58TH): On the [clearing throat], excuse me, on conservation and development, you -- you touched upon ways to police this in in a way to get communities to comply. And there are housing grants now that that do let communities encourage communities to have this plan. But in some communities, not need for just stress communities, they're the ones trying to get these grants in for housing and building more houses. So, it's easy for them, you know, to want these grants
and to comply. There's still other areas that's very difficult to try to make people, you know, towns comply because they may not need that housing or -- or may not even want that housing. So, it's hard to get, you know, a carrot and a stick together in these -- without having good legislation. So, that -- that's where I'm at and that's what I see on my side. In my district, I see the -- the want and the need for it. So, we have a good plan.

AMANDA KENNEDY: Uh-huh.

REP. ARNONE (58TH): Other districts don't have the want and the need, and they need a little push forward. So, that's -- any comment on that?

AMANDA KENNEDY: Yeah. So, the -- the kind of poster child for this issue is Westchester County in -- in New York, where HUD actually withheld their CDBG, Community Development Block Grant funds because many of the number of towns weren't promoting Fair Housing in their communities. And just to your point, some of those communities said fine, we don't want your CDBG funds. We're going to do what we're going to do. And they're -- it's been a very long process and they are actually now legally required to accommodate a certain number of housing units. But even if you have a penalty -- it -- a funding penalty, you might still have an issue where the town decides the funding penalty is not enough to overcome other -- other resistance.

REP. ARNONE (58TH): Yeah.

AMANDA KENNEDY: Yeah.

REP. ARNONE (58TH): Thank you.

AMANDA KENNEDY: Yeah.
REP. MCCARTHY VAHEY (133RD): Thank you, Representative. Any other further questions? Thank you, Ms. Kennedy for being with us today.

AMANDA KENNEDY: Thank you all.

REP. MCCARTHY VAHEY (133RD): And next, is Bill Lucey. And Mr. Lucey, followed by Stacey Marcin. Is Mr. Lucey here? Okay. So, Mr. Lucey is not here. Stacey Marcin? And -- and I believe you're also here with Mark Hampson, is that --

STACEY MARCIN: Can he --

REP. MCCARTHY VAHEY (133RD): -- correct?

STACEY MARCIN: -- join us?

REP. MCCARTHY VAHEY (133RD): Yes.

STACEY MARCIN: Can he join me?

REP. MCCARTHY VAHEY (133RD): If you would like to testify together, yes.

STACEY MARCIN: Thank you.

REP. MCCARTHY VAHEY (133RD): Welcome. And just be sure to both introduce yourselves, please.

STACEY MARCIN: Thank you. I will. I have to start by saying I'm not a representative, legislature, or CEO. I'm just a country innkeeper and mom. So [laughter] if I sound a little nervous, it's because I am. [laughter] My name is Stacey Marcin and I'm here with my husband, Mark Hampson, and we are here to show adamant support for Proposed House Bill Number 6937: AN ACT REGULATING SHORT-TERM RENTALS.

Fifteen years ago, we packed up our two-year-old son and our four-year-old daughter and moved from
Philadelphia to Northwest Connecticut to pursue our dream of being country innkeepers. Leaving behind lucrative -- lucrative careers and a loving extended family was not easy, but we wanted a more grounded and less hectic lifestyle for our small family. Fortunately, we found the ideal opportunity in Cornwall, Connecticut. As owners of the Cornwall Inn, we became involved in the schools, active in our church, volunteered on several community boards -- and volunteer on several community boards. We try our best to be the type of active community members small Connecticut towns need to thrive.

For the first decade, we were fortunate that our small business afforded us the opportunity to raise our family in such a great community and state. However, the influx of short-term rentals over the past five years have made it extremely difficult to sustain our business and virtually impossible to grow it. It is clear that small business opportunities for young families are significantly dwindling, in great part, due to short-term rentals in our community.

Our business, the Cornwall Inn, has been providing lodging for guests for over 100 years. There have always been challenges, but none have been as unfair and one-sided as the ability for a homeowner to use a residence for short-term daily rentals. While these owners are offering the same exact services as our business, they do not have to comply with the same regulations, inspections, insurance requirement, or tax regulations. With the internet and it's many lodging websites making it extraordinarily easy for homeowners to turn their
properties to lodging businesses, the competition has increased exponentially in the Northwest corner.

Never once, did we think, we would be competing with hundreds of homeowners for the same customers. We are not against competition. Competition is a good thing as it forces to constantly do our best. However, we are not competing on the same playing field with the unregulated short-term rentals. Because they do not have the expenses associated with following the same rules and complying with safety and health regulations, they could afford to offer rates that are dramatically less than ours. We pay close to $20,000 dollars a year to operate above board, putting us at an automatic disadvantage.

This unfair competition has negatively impacted our business so much that we considering closing our inn over winter months, as this is when many short-term rentals pop-up offering bargain basement rates, hijacking customers from legitimate lodging businesses. If these same owners are subject to the same rules and regulations, they may think twice about haphazardly listing their residences. At a minimum, they would be forced to increase their rates to cover their additional expenses, thus leveling the playing field.

We love our town. We love our state. Someday we hope to hand our business over to one of our children or to another young family looking to work and live in a close knit, hard-working community. Please consider passing Proposed House Bill Number 6937 so that our business can survive another 100 years.
REP. MCCARTHY VAHEY (133RD): Thank you very much. You look you wanted to say a few more words. But I -- I would just stop you there for a minute. I think we may have some questions from members of the Committee. But I do want to say it's wonderful to hear the Philadelphia in your voice. I grew up outside --

STACEY MARCIN: [Laughter] I thought I got --


STACEY MARCIN: I thought I got rid of it. [laughter]

REP. MCCARTHY VAHEY (133RD): No. I don't think you can, really. But are there questions from members of the Committee? Representative Michel, followed by Representative Arnone.

REP. MICHEL (146TH): Thank you, Madam Chair. Thank you for testifying. I was a sales rep and used to live literally half of the year on the road throughout the US and so I stayed in hotels. I didn't stay in Airbnb. But for example, when there was an ice storm in New Canaan, all the hotels were filled in New Canaan, but that's different, that's a different setting. So -- and my company just booked me in an Airbnb. And I was scared for my life in that -- that place, but that was just one experience. [laughter]

I -- I don't -- in all fairness, I -- I really appreciate you coming here and I respect your business. But -- but I don't -- I don't -- I don't see the -- I don't compare Airbnb to a hotel. When I want to go to a hotel, I go to a hotel. If I'm in a rush and I don't care about the amenities and I,
you know -- so, I don't put them at the same standard, necessarily. I -- I don't expect as much from an Airbnb as I would expect from a hotel or an inn, even better an inn. It sounds really good, by the way. But so can you comment on this maybe and --

STACEY MARCIN: Absolutely.

REP. MICHEL (146TH): Thank you.

STACEY MARCIN: And I appreciate your comment. Well, first of all, I'd like to say, we're not just talking about Airbnb's. It's -- it's homes that are listed on multiple internet websites, and because it's so easy to do so, there are -- the inventory is just incredible. And it's not the mom and pop looking, you know, that we're struggling through the economy and needed some extra income. These are businesses. These are -- these are people providing the same exact services that we do. They do put out breakfast. They do have people that greet you. They have concierge service -- services. They're -- you know, not all of them, but many of them have -- are growing to, you know, compete with -- with us.

And we're not saying get rid of them. We're just saying, level the playing field. Have them -- and I guess I was so perplexed and disheartened by the Committee's comments about enforcement.

We're a business. We register our business with the state. We -- we pay our sales and occupancy tax every month. We -- we, you know, file our registration. And I don't understand why that cannot be carried over to these businesses that are popping up all around. Why there isn't just a -- a registry. We have to comply with safety standards.
We -- we have had people that left and -- I don't want to say an Airbnb, but it was an Airbnb, to come stay with us that said, you know, they had to leave because the mold was so bad. So, they're -- they're taking away our business. They're not bringing new people to the area. They're taking away our business that we -- we are paying to acquire these customers and they're not meeting the same regulations that we have to.

REP. MICHEL (146TH): Yeah. So, I mean you guys are definitely regulated and taxed, I mean -- not like an Airbnb, I get that, and I -- I really do. Do you -- do you have like numbers? Like -- or how -- like, in terms of your business and maybe with a number and comparatively with the numbers of Airbnb popping up left and right in the last couple of years? Do you have anything that we could --

STACEY MARCIN: It --

REP. MICHEL (146TH): -- sort of look at?

STACEY MARCIN: I just looked that up. If you -- if you do a search, and this is just --

REP. MICHEL (146TH): Okay.

STACEY MARCIN: -- on Airbnb, not the other websites. If you do a search on Airbnb for --

REP. MICHEL (146TH): Areas like Cornwell --

STACEY MARCIN: -- Cornwell, Connecticut --

REP. MICHEL (146TH): Uh-huh.

STACEY MARCIN: -- 300 properties come up. Now, knowing the properties, they're not all -- they're not in Cornwell. Cornwell has 1,500 people. But
it's in the surrounding towns as well. And that is much different than -- and we did, as you all suggest -- suggested, we did go to our town. We spent two and a half years discussing this with our town.

And, in fact, the -- the Zoning Board of Appeals in our town ruled in our favor. They said you are absolutely correct. According to the regulations that are in place here, these properties are -- are going against the regulations. So, then we had to go to the Zoning Board, and they, basically said you're right, but we're not going to do anything about it. So, that's why we're here. [laughter] We thought, you know, if we can't get help from the town, we -- we thought this level, you know, why have rules and regulations if a town can just chose not to enforce them.

REP. MICHEL (146TH): So, I think you bring a very valid conversation to -- to the Committee. So, yeah, I did pop it up on Airbnb and it -- it was 137 homes.

STACEY MARCIN: Oh, yeah.

REP. MICHEL (146TH): Yeah. So that's -- that's quite a lot.

STACEY MARCIN: And that's just Airbnb, you know.

REP. MICHEL (146TH): Yeah.

STACEY MARCIN: There's -- you know, there are tons. And it's just the -- the mechanism has made it so easy. Anyone can go on their computer and in ten minutes list their home. And -- and it's profitable. So, you know, we live in the community where half of our populations are second homes. So,
in the wintertime, when it's always been a struggle to run any type of business, it's that much more difficult, because every second homeowner just lists their property for the winter when they're not using it, taking away again, all of our hard earned [laughter] customers, because they could offer a house for a $100 dollars a night, because to them it's a $100 dollars a night. They don't have to pay for anything extra.

REP. MICHEL (146TH): And -- and -- and how does this compare to the old -- old school bed and breakfast?

STACEY MARCIN: Well, the bed and breakfasts are licensed.

REP. MICHEL (146TH): They're licensed?

STACEY MARCIN: They have to go through the town and get regulated. They meet the same safety requirements. And that's all we're asking. And there was one -- one in our particular town, woman, who felt that was the right thing to do. So, she went and went through the process and -- and we send people her way now when we're full. We work together. But the majority are absentee landlords, they don't contribute anything to the community.

Another interesting point is because they're not there, they -- this whole underground -- labor force has been created. Because, you know, 100 homes are renting out -- renting -- doing -- providing daily accommodations to guests. Well, that involves greeting them, putting out breakfast, cleaning the house. They're not there to do it. So, they hire local people. They pay them cash. And that takes
away from our ability to hire people, because we pay payroll taxes. We -- you know, we have workers --

REP. MICHEL (146TH): Worker's comp?

STACEY MARCIN: -- compensation insurance. They're covered by labor laws. There's a whole network of workers that we cannot even tap, because we can't [laughter] compete with the people paying them cash. It's hard enough to get good workers in our neck of the woods. And this is making it even more difficult.

And if I could just say one last point, affordable housing, about I would say maybe a third of the houses, if not more of these homes, were rented to young -- to families in our area before this was a thing, these homes were used for housing -- housing for young families. And they had kids in our schools and they -- these renters contributed to the community. And now, there's no place for them because it is more lucrative for these homeowners to rent out their houses four weekends or three weekends a month than to have a family in there and pay a monthly rent. So, it's having an impact on that, as well.

REP. MICHEL (146TH): Thank you very much. Thank you, Madam Chair.

REP. MCCARTHY VAHEY (133RD): Thank you, Representative Michel. Representative Arnone.

REP. ARNONE (58TH): So, I think you covered just about everything on -- on the comparative side of what they're not doing and you are doing.

STACEY MARCIN: Uh-huh.
REP. ARNONE (58TH): Just one that I'd want to touch upon is public health. Now, what are you responsible for as an inn on public health? You know, what do -- what do you have to do that their not?

MARK HAMPSON: Mark Hampson, I'm co-owner of the Cornwall Inn. I just have a list here of the things that we have to do. We have commercial insurance. We have the health inspector. We have a boiler inspection. We have a pool inspection. We have a water inspection. We have the fire marshal inspection. We have the personal property tax, worker's compensation, and payroll taxes. So, we get inspected by the Torrington Health Department because we do have a restaurant.

And many of these lodging properties or businesses or short-term rentals, whatever you want to call 'em, are now providing food to their customers. They're just -- they're competing with one another now. So, some will offer breakfast. Some will offer snacks in the evenings. So, we have always offered food because we have a restaurant, and so we get inspected by the Health Department.

STACEY MARCIN: And people have suggested okay, well if you can't -- if you can't beat 'em, join them. And that has also happened in our area, too. Very large inns were sold, and the new owners bought them, made them residential, and just made them 100% Airbnb's so that they don't have to pay the taxes or cover the costs. But personally, my family lives there. And I'm [laughter] inviting guests to our place, I'm happy to have a safety inspection. I'm happy to know that a railing needs to be put up.
And I -- I would think anyone in this business should want to do that.

REP. ARNONE (58TH): So, my youngest daughter is a -- is a -- a you know, in the generation today where --

STACEY MARCIN: Uh-huh.

REP. ARNONE (58TH): -- they do that. They go to the -- these a lot. But when you explain the things that you have to do and they do not have to do, the stomach gets a little queasy.

STACEY MARCIN: Uh-huh.

REP. ARNONE (58TH): Because, you know, with the bed bugs explosion --

STACEY MARCIN: Uh-huh.

REP. ARNONE (58TH): -- in -- in the states, all over the country and, you know, these are real dangers that we need on a public -- more on a public health side. So, thank you very much for -- for your time. I appreciate it.

STACEY MARCIN: You're welcome. Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you, Representative Arnone. Representative Baker.

REP. BAKER (124TH): Thank you, Representative. So, my question to you is have you -- have you -- can -- have there been any incidents that have happened with some of these properties that have been rented out that -- that have been publicly reported that you can give me some ideas in how maybe the city has responded to it or didn't respond?
STACEY MARCIN: I don't know if there -- I mean, I know instances that I've heard of.

REP. BAKER (124TH): Uh-huh.

STACEY MARCIN: I just don't know if they were publicly reported.

REP. BAKER (124TH): Uh-huh.

STACEY MARCIN: We've had guests show up at our doorstep because they couldn't breathe in their Airbnb because it was just covered with mold.

REP. BAKER (124TH): Uh-huh.

STACEY MARCIN: We had another guest that came that left -- wanted to stay with us, that said she was fearful for her family because the deck that they -- part of the reason they booked it because it was a scenic deck --

REP. BAKER (124TH): Uh-huh.

STACEY MARCIN: -- was completely not stable.

REP. BAKER (124TH): Uh-huh.

STACEY MARCIN: So, we -- we have instances like this. But I don't know if they -- the one woman actually said to me, I -- I feel like I should write a letter, but I'm afraid because my sister, you know, is -- is renting it for a certain amount of months and there will be repercussions. And so, because it's such a small community --

REP. BAKER (124TH): Uh-huh.

STACEY MARCIN: -- and the -- the owners are considered to, you know, have money, be people of means --
REP. BAKER (124TH): Uh-huh.

STACEY MARCIN: -- and they have several homes, people are afraid to sort of go against [laughter] them, I guess.

REP. BAKER (124TH): So, how many actual inns are legitimate ones, you know, that are regulated in your area?

STACEY MARCIN: In our town --

REP. BAKER (124TH): Uh-huh.

STACEY MARCIN: -- we have -- now, our town has 1,500 full-time -- full-time residents and maybe another 1,500 weekenders. We have a country inn, that's us, we have a motel, and there is one legitimate bed and breakfast. And there are at least, in that -- in our particular town, at least 30 operating illegally.

REP. BAKER (124TH): Yeah. So, one more question. So, when you, I guess contacted the local authorities, was that the Zoning or was that the Building Department or -- or -- or --

MARK HAMPSON: Yes. Thank you for the question. In 2015, we started the process through our local Zoning Board, because I'm a bit of a nerd, so before we bought the property 15 years ago, I actually went to townhall and looked at the zoning and saw that you need certain things to become a bed and breakfast.

REP. BAKER (124TH): Uh-huh.

MARK HAMPSON: I just wanted to know who my competition might be in the future. So, I looked at the zoning regs and said that, okay, well, they're
going to need a permit, they're going to need inspections. And that's no problem. We can compete with them, because we're competing with the same type of regulations.

So, in 2015 we brought the city attention of our local Zoning Board, our zoning officer, and our elected officials were all involved. And seeking their help and guidance, thinking they would side with us, because it's clearly against the regulations, they -- they completely turned it against us and actually hired two attorneys and a town planner to fight us because they said we were wrong. So, our zoning officer said short-term rentals were allowed. So, we said, no, they're not, they're bed and breakfasts and so forth and so on.

So, eventually we applied for the Zoning Board of Appeals to get a hearing and we actually won that hearing.

REP. BAKER (124TH): Uh-huh.

MARK HAMPSON: They agreed with us and, eventually, the town attorney representing the town, agreed with us and said, these -- this type of activity is prohibited under our zoning regulations. So, we finally went back to the zoning officer and she said, well, I am not going to go enforce it.

STACEY MARCIN: We even wanted them to change the regulations then, you know, to make them -- I mean, ideally we wanted them to enforce the regulations that they had, because it does limit the number of bed and breakfasts that you can have. I mean, no small town could sustain a hundred grocery stores [laughter] or a hundred liquor stores. That's why zoning is there.
REP. BAKER (124TH): Uh-huh.

STACEY MARCIN: So, it's just been -- we went down every avenue and that's what brought us here.

REP. BAKER (124TH): So, basically it -- it falls back to enforcement. So, if we put something in place, who's going to enforce it on the local level? That's my -- my -- my concern, you know. And I -- I understand there should be some mechanism in place. But it's just, who's going to enforce this if --

STACEY MARCIN: I'll volunteer.

REP. BAKER (124TH): Thank you for coming out here and sharing your testimony.

STACEY MARCIN: Sure.

REP. BAKER (124TH): It was greatly appreciated.

STACEY MARCIN: Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you, Representative Baker. Representative Delnicki.

REP. DELNICKI (14TH): Thank you, Madam Chair. And thank you for coming forward with this situation you've got there. You addressed a number of burdens that you have that some of these wildcat bed and Airbnb's don't have. What are you paying in the total tax burden I'm wondering?

STACEY MARCIN: For sales -- sales and occupancy?

REP. DELNICKI (14TH): For -- for sales tax, property tax as a business, business tax, virtually every tax that you have to pay. Do you have a -- a gut feeling?
STACEY MARCIN: Well, the -- the -- the biggest expenditure is not a tax, it's the liability insurance and commercial liability.

REP. DELNICKI (14TH): Right. But I'm just trying to get a feel for all your different obligations you have as a legitimate businesses versus someone that is not doing it legitimately wouldn't have.

STACEY MARCIN: Right. So, we have to pay personal property tax on all of our purchases, on our equipment, on our supplies every year, so that amounts to about a thousand dollars a year. We have to pay the business privilege tax. That's about $250 dollars a year. Our -- we pay all of our employees are on the books. We pay payroll taxes, employer payroll taxes, of course, Worker's Compensation --

REP. DELNICKI (14TH): Uh-huh.

STACEY MARCIN: -- insurance. We have to pay for all the inspections. And not so much the -- some of the inspections, the pool and the licenses to have the pool, to have the boiler. But not only the hundred dollars here and there, the -- the -- the work we have to do to keep our property up to a certain level of certain standard could be, you know, an extraordinary expense.

MARK HAMPSON: Just to answer one question. We have to maintain commercial insurance, which these places don't. That is $11,000 dollars a year --

REP. DELNICKI (14TH): Uh-huh.

MARK HAMPSON: -- just for our property.
REP. DELNICKI (14TH): Which, of course, these other competitors of yours, because they're competing against you --

STACEY MARCIN: Yes. They are.

MARK HAMPSON: Yes.

REP. DELNICKI (14TH): -- don't have any of those obligations.

STACEY MARCIN: They do not.

MARK HAMPSON: That is correct.

REP. DELNICKI (14TH): Now, again, I'm -- I'm a bit surprised with the way that the local zoning enforcement officer --

MARK HAMPSON: So are we.

REP. DELNICKI (14TH): -- isn't doing their job.

MARK HAMPSON: Uh-huh.

REP. DELNICKI (14TH): And -- and we heard that in Simsbury, that there's issues there.

MARK HAMPSON: Uh-huh.

REP. DELNICKI (14TH): I know in my community, if anything [laughter], I get complaints about them being too -- too much by the book. And -- and -- and that's a valid concern when Representative Baker brings that up about it being enforced at the local level. But nonetheless, you know, I -- I listen to what you're going through, you're a legitimate business, you hire people, you employ people, you maintain a standard, a level of care, and your guests are all treated and are safe and you --

MARK HAMPSON: Uh-huh.
REP. DELNICKI (14TH): -- have the appropriate insurances. Which --

MARK HAMPSON: Uh-huh.

REP. DELNICKI (14TH): -- these other folks don't have. Is that fair?

MARK HAMPSON: That's correct.

STACEY MARCIN: Yes. It --

REP. DELNICKI (14TH): I -- I hate to say it, I'm wondering how you stay in business when you got folks that don't have to play by the same rules and aren't playing by --

MARK HAMPSON: Uh-huh.

REP. DELNICKI (14TH): -- the same rules.

STACEY MARCIN: It's tough.

MARK HAMPSON: For the first time in our history, we're thinking of closing next winter, which we've never done before. It's just, the winters are terrible. And like my wife said, all these people that have second homes in our area, they just put them into the short-term rental pool in the wintertime because they're not there. They may be there in the summer. They may be there in the spring. So, you just have -- there's too -- it's, you know, supply and demand. There's just too much in supply. I mean, it goes down to supply and demand.

STACEY MARCIN: And we feel that if there was just a simple registry, if they just had to fill out a form and pay a hundred dollars, half of these would drop off, just because they don't want to be bothered.
It's -- it's just the ease of which they could list their property, if they make a couple, you know, a -- a couple hundred bucks, a couple thousand dollars, it's gravy. But to us, that's -- they're not bringing new people to the -- to the area. These are people that would have had to have stayed with us, the motel, or the bed and breakfast if they wanted to ski at Mohawk. There's -- you know, there's limited -- there are limited places to stay because that's all the -- the area demands.

REP. DELNICKI (14TH): Right.

STACEY MARCIN: And with all of this plethora of -- of these illegal businesses popping up, it's killing --

REP. DELNICKI (14TH): Uh-huh.

STACEY MARCIN: -- the small businesses. We've seen several inns have to close up, as a result. So --

REP. DELNICKI (14TH): You know, it -- it's amazing. We make it tough for the small business person to do business in the state of Connecticut. The last thing we should be doing is making it that easy for competition to spring up and basically hurt the small businesses that are playing by the rules --

MARK HAMPSOHN: Uh-huh.

REP. DELNICKI (14TH): -- that are doing things right --

MARK HAMPSOHN: Uh-huh.

REP. DELNICKI (14TH): -- that are obeying all the laws, and treating their employees well.
MARK HAMPSÖN: Yeah. We -- in 2004, we had ten employees, we had -- the restaurant was open full-time. And, of course, 2008 came along and --

REP. DELNICKI (14TH): Right.

MARK HAMPSÖN: -- you know, the economy tanked, which -- which effected all businesses. But slowly it recovered and I was wondering why -- why are we so stagnant, and that's kind of the timeframe where short-term rentals --

REP. DELNICKI (14TH): Yeah.

MARK HAMPSÖN: -- evolved. So, there might have been, in 2008, a half a dozen in our area. Now, there's literally hundreds.

REP. DELNICKI (14TH): Wow.

MARK HAMPSÖN: And we are -- we just do private events now in our restaurant and we have -- we're down to two employees. That's it.

REP. DELNICKI (14TH): Wow.

MARK HAMPSÖN: So, our -- our future -- I mean, I had plans. There's three cabins on our property. I had plans to open them up for additional rooms. I had plans on opening the restaurant for many more hours, but we just can't do that now because we're -- we're just flatlined.

REP. DELNICKI (14TH): Thank you for your testimony. I wish you didn't have that predicament there and -- and everybody was playing by the rules. Thank you, Madam Chair.

STACEY MARCIN: Thank you.

MARK HAMPSÖN: Uh-huh.
REP. MCCARTHY VAHEY (133RD): Thank you, Representative Delnicki. And Representative Michel for the second time.

REP. MICHEL (146TH): Thank you, Madam Chair. Just as a follow up, it seems to me that if we don't protect your business, and I looked -- you -- by the way, you have more than four out of five stars. [laughter] So, you are an excellent business and that -- that's on Expedia. [laughter] But it seems to me, this is more of a remark than a -- a question but, by protecting you, it would basically protecting also the state's business. Because you are paying the state a lot of --

STACEY MARCIN: Uh-huh.

REP. MICHEL (146TH): -- these charges that you're paying that they don't have to pay. So --

STACEY MARCIN: [crosstalk].

REP. MICHEL (146TH): I just wanted to make it a point. Uh-huh.

STACEY MARCIN: And just to follow up on that, Airbnb, they worked it out with the state, I guess in --

MARK HAMPSON: 2016. So from 2008 to 2016, you know, nobody was paying any sales and occupancy tax.

STACEY MARCIN: So, now Airbnb --

MARK HAMPSON: So --

STACEY MARCIN: -- does require the --

MARK HAMPSON: Or the state --

STACEY MARCIN: -- the guest --
MARK HAMPSON: The state does.

STACEY MARCIN: -- to -- or the state requires Airbnb to collect the sales and use occupancy tax, which for the longest time, that we -- that was 15 percent right off the bat. Why would anyone ever stay with us [laughter] when they don't have to. But that's just Airbnb.

I've been told from the Representative of the Connecticut Lodging Association, that there are over 4,000 other short-term rentals that -- that do business just like us that are not part of Airbnb, and that's revenue that's all being missed.

REP. MICHEL (146TH): Thank you. Thank you very much. And I wish you good luck. And hopefully, we can take this conversation to the next level. Thank you.

STACEY MARCIN: Thank you.

MARK HAMPSON: Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you, Representative Michel. Representative Zawistowski.

REP. ZAWISTOWSKI (61ST): Thank you, Madam Chair. I thank you for coming in today. Actually, I just went online and tried to register for AB&B and -- and with HomeAway and, of course, I -- I wasn't going to do it without telling my husband. [laughter] But I mean, it's very easy and actually Airbnb and actually protects the -- the property owner. I mean, it -- it's just --

MARK HAMPSON: Uh-huh.

REP. ZAWISTOWSKI (61ST): -- they make it extremely easy.
MARK HAMPSON: Uh-huh.

REP. ZAWISTOWSKI (61ST): I think this is something that we need to discuss as a committee. And you know, in the meantime, just press forward locally until we can figure out what -- what we might wanna -- wanna do. So, thank you for coming in.

STACEY MARCIN: Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you, Representative. And I'll echo, I appreciate you staying here with us and having this conversation. You know, there are so many businesses that are being disrupted in the market place as technology changes and as our -- our frameworks change. And what you're bringing here today is the idea that you really do want that level playing field, which is understandable.

You're also bringing forth the conundrum of the local enforcement, and that, whether it's a local ordinance or a state law or a federal law, there still is enforcement that's required in order for it to be able to be effective in terms of providing that level playing field.

STACEY MARCIN: Uh-huh.

REP. MCCARTHY VAHEY (133RD): So, that's something that we'll have to continue to address and wrestle with as we face this issue. I think, again, as I said earlier, this is not going to be the end of this conversation, but it's --

STACEY MARCIN: Uh-huh.

REP. MCCARTHY VAHEY (133RD): -- the beginning. And I thank you for your time with us today.
STACEY MARCIN: Thank you very --

MARK HAMPSON: Thank --

STACEY MARCIN: -- much.

MARK HAMPSON: Thank you.

REP. MCCARTHY VAHEY (133RD): Next up, is Erin Kemple, followed by Andrea Bartin-Reeves.

ERIN KEMPLE: Good afternoon. My name is Erin Kemple. I'm the Executive Director of the Connecticut Fair Housing Center. We're a statewide organization that works to ensure that all of Connecticut residents have access to the housing of their choice.

I'm here today to testify in support of House Bill Number 6749 and Number 6762. You've already heard a great deal of testimony on both of these bills. So, I just wanted to -- I will rest on my written testimony, but I just wanted to give you a little bit of context as to why zoning regulations have such an impact on access to housing.

When the Fair Housing Act was passed by the Federal Government and later by Connecticut more than 50 years ago, it was designed to do two things. The first was to prevent individual acts of discrimination. And the second was to promote integration. It has been accepted and -- and written about extensively that the Fair Housing Act not fulfilled its second purpose, which was to promote integration. And one of the reasons for that is because of the zoning laws, not just in Connecticut, but throughout the country.
Zoning is being used to increase segregation and decrease integration in many different ways. In Connecticut, it can take the form of limiting density, requiring special permitting process, requiring large lot sizes, with some communities requiring as many as two acres for an individual unit, and preventing and limiting the placement of affordable housing in certain communities.

In fact, according to research done by the Connecticut Fair Housing Center, there are at least 20 cities and towns that do not have affordable housing zones, and over 90 municipalities that do not have any zones for multi-family housing. We are asking that the Connecticut legislature pass this bill, the House Bill Number 6749 in order to both simplify the 8-2, which is the zoning enabling act, and to ensure that communities are able to comply with it. It does not make really substantial changes in the law, but it does clarify the work that cities and towns need to do.

In conclusion, one of the questions that came up earlier is what were the suggested changes to the bill as it is currently written. The bill, as it is currently written, contains sanctions for communities that do not comply. The Connecticut Fair Housing Task Force is recommending that instead of implementing that section, it be replaced with a section that would, first perform a study in order to determine how best to get communities to comply and to define some of the terms under the zoning enabling statute. That suggested alternative is included in my testimony. And we would be happy to
work with this Committee to ensure that the bill is -- is accurate as it moves forward through the process here up at the legislature. Thank you very much and I'm happy to answer any questions.

REP. BAKER (124TH): Well, thank you for coming out here this afternoon, and just sharing some of that information with -- with -- with us. Does any members of the Committee have any questions? None.

ERIN KEMPLE: Thank you.

REP. BAKER (124TH): Well.

ERIN KEMPLE: Oh.

REP. BAKER: Oh, Representative Michel.

REP. MICHEL (146TH): Being French, I can't help but make remarks. [laughter] I just wanted to say we're -- I'm -- I'm from Stanford with the 146 --

ERIN KEMPLE: Uh-huh.

REP. MICHEL (146TH): -- and I can tell you that Affordable Housing there has been under serious attack. In the south end, which is part of my district --

ERIN KEMPLE: Uh-huh.

REP. MICHEL (146TH): -- we've seen developers pay their way out of Affordable Housing.

ERIN KEMPLE: Yes.

REP. MICHEL (146TH): And so, I appreciate you coming here and speaking in favor of those two bills. I think it's something that's very important for the state currently with -- Stanford is not the
only place where this is happening. So, thank you very much for coming and testifying.

ERIN KEMPLE: Thank you very much.

REP. BAKER (124TH): Thank you. Have a good afternoon. Next is Andrea Reeves. Okay. So, next, we have Jeff -- John Goodman.

JOHN GOODMAN: Thank you, members of the Committee for having me here today. I am thankful for your consideration of House Bill Number 5642, to create what we have come to refer in Northeast Connecticut as the "Forgotten Corner Task Force," which would take a vital first step in writing longstanding wrongs that, sadly, come too late for far too many residents in Northeast Connecticut.

My name is John Goodman and I appear before you today as an advocate for the people and families of Northeast Connecticut and as Director of Development and Communications for United Services, which is a nonprofit community behavioral health center for Northeast Connecticut. Although, the issues we discussed today are not of your making, the Governor and the General Assembly of Connecticut, are the ones now responsible for doing what is right and fair for residents of Connecticut.

The statistics and headlines speak for themselves. Year after year after year, studies such as the Robert Wood Johnson Foundation's "County Health Rankings" find that residing in Northeast Connecticut is hazardous to your health. Whether it's a question of behavioral health needs or a wide range of traumas that can devastate young lives and feed cycles of poverty and abuse, the per capita needs in Northeast Connecticut are higher than
elsewhere in the state, yet our per capita funding is lowest in the state. In other words, we find ourselves in the deepest hole but the state has offered only the shortest ladder.

Advocates and families in Northeast Connecticut have been calling, and crying out, for attention to these chronic funding disparities, which go beyond just the state's expectation that Northeast Connecticut get by on just one-sixth of the funding provided to other areas of the state.

The issues include state procurement policies that are increasingly "regionalized," in which the state often selects just one provider of vital human services in a "region," that our case is one-third the size of the state. This "one-size fits all" approach to procuring human services typically results in Northeast Connecticut having services available in theory or on paper, but not in reality. And how deep does this problem go? We don't claim to have the -- all the answers, but we do have very good questions. We sincerely hope that the General Assembly will approve this legislation to create a task force to promptly assess and, hopefully, address these serious issues of underfunding and over-regionalization that both serve as a barrier to rural Northeast Connecticut's access to care and costs the taxpayers significantly higher dollars in the wrong -- long run.

Questions like, is it right that the taxpayers in Northeast Connecticut, with the highest unemployment and the lowest per capita income, are effectively subsidizing so called "statewide" programs in Fairfield County that do not exist in Windham County? And why, in the last seven years, has the
state continuously declined to provide the same capital support for community behavioral health in Northeast Connecticut that they have given readily to other parts of the state?

Questions as to whether there are civil rights implications if the -- if state judges in Northeast Connecticut are forced to consider incarceration for defendants as the only option due to a lack of equitable access to treatment? Or questions as to whether geographic funding disparities impact the already medically underserved Hispanic and Latino communities residing -- residing in the Windham area, inviting action, potentially, by federal officials? There we go. Did you get most of that?

In the nationwide rural communities, like those in Northeast Connecticut, often have the highest rates of suicide and opioid overdoses, now more than doubling the annual lives lost to breast cancer, yet we are often overlooked for funding.

Now, I'd ask each of you if we did have an effective treatment for breast cancer, for example, would you commit to bringing that treatment, not just to the constituents of your districts, but to every resident of the state? I would hope the answer would be a resounding yes.

But when it comes to those families and individuals struggling with mental health, substance abuse, and other behavioral health challenges, that take lives in higher numbers, we already have effective treatments to help them. Yet, what we lack is the political will to access and -- to give them access to mental health treatment and give them that -- the
same priority that we would have, if we had a treatment for breast cancer.

In every crisis, there is often an opportunity, and while we ask for your help, we also invite you to be part of an exciting new vision for Northeast Connecticut, where we could, if given appropriate funding, develop 21st century solutions to decade-old problems, such as developing public and private partnerships to create new jobs that connect and transport rural residents to the services they need, and might not even know about, eliminating some of the biggest and longest standing barriers to rural care.

The people of Northeast Connecticut need and deserve your support. And we're already doing much less -- much more with much less than anyone else in the state. And I promise you, if you just give Northeast Connecticut the chance, and provide more equitable funding, we will amaze you with the good we -- we can do, and we can show the state how we can save both taxpayer lives and taxpayer dollars. Breaking the cycles of illness, poverty, and abuse, and helping families and individuals live the long and productive lives they were meant to lead.

So, we humbly ask you to support this legislation, and help us repair the family foundations that are crumbling in Northeast Connecticut. Thank you for your time.

REP. BAKER (124TH): Well, thank you for coming out here and sharing your testimony. Representative Zawistowski?
REP. ZAWISTOWSKI (61ST): Thank you, Mr. Chairman. And thank you for coming here today. Which town are you from?

JOHN GOODMAN: The Dayville area.

REP. ZAWISTOWSKI (61ST): Okay. As somebody who grew up in Stafford, I can certainly identify with some of the -- the -- the things that you're bringing up. A question for you, I know that this bill is -- aims to set up a task force. That's correct; right?

JOHN GOODMAN: Yes.

REP. ZAWISTOWSKI (61ST): What do you see as the most urgent need in Northeast Connecticut in terms of state resources?

JOHN GOODMAN: The adult mental health funding disparities are most serious. DMHAS provides grant funding to different areas of the state. And we provided some of our analysis based on public the information available to us and to you. And it seems pretty clear cut that we -- we receive one-sixth the funding of other parts of the state. We receive $3,000 dollars per capita per year. And, of course, this is the kind of the baseline grant foundation that we need to provide our -- our comprehensive community behavioral health services. Other areas of the state receive over $20,000 dollars per capita per year.

REP. ZAWISTOWSKI (61ST): Okay. Thank you very much. And thank you, Mr. Chairman.

REP. BAKER (124TH): Representative Michel.
REP. MICHEL (146TH): Thank you, Mr. Chair. Thank you for testifying today, Mr. Goodman. I -- I like the end of your -- particularly the end of your testimony, because you did bring up equity and -- oh, this is for a task force. Do you know -- I'm not sure, because you're mentioning numbers, do you know in the south -- southwestern, sorry, in my area, in Stamford, I know I've had numerous complaints from residents that DMHAS didn't -- defunding the mental health and the addiction boards, and then, merging them together into behavioral health boards. Do -- do -- do you know how much we are getting per capita in that region or that area of the state?

JOHN GOODMAN: That would probably be closer to the $20,000 dollars per capita per year, primarily, because it's a state operated local mental health authority, whereas Northeast Connecticut is a nonprofit operated local mental health authority.

REP. MICHEL (146TH): Alright. Because I think we -- we do share some sense of urgency in -- even in my area. I know that some crisis centers have actually -- no longer crisis centers, we don't have 24-hour crisis centers. So, I -- I would be in -- in favor of having a task force to -- to examine -- sorry, my French accent, to examine state funding surface disparity, but throughout the state and to make it equitable throughout the state. And I'm not -- I'm not disregarding your area, but I think there's various areas with different scenarios, with different like education, for example, this has formulas based on a grant. So then, in Stamford, you end up with $300 dollars per student, well until the changes, it -- I think it's supposed to go to
$600 dollars per student. And we have 1,6,000 students in high -- in public school. And then, the charter schools would get about, I think, $10,000 to $12,000 dollars per student with 400 students. So, if you calculate, they're receiving a similar amount. So, our public schools are pretty much suffering. And so, I -- I'm just trying to see if it would be fair to say that, throughout the state we should have a task force to look into these things for the entire state --

JOHN GOODMAN: Well, I think --

REP. MICHEL (146TH): -- in an equitable manner, of course.

JOHN GOODMAN: The -- the -- the inherent issue here is what -- what is available elsewhere in the state that is not available --

REP. MICHEL (146TH): Yes.

JOHN GOODMAN: -- in other areas. So, I think you really do have to take a look at what --

REP. MICHEL (146TH): Uh-huh.

JOHN GOODMAN: -- the so called statewide programs are. There are issues with federal money that comes in. For example, the emergency food and shelter programs and the federal government, a 30 year program.

In the last year, Fairfield County received more in one year than Windham County has in the 30 years of the existing federal program. And I assure you, we do have our fair share of homeless and other issues that we need to have addressed. So, I -- I would welcome that.
REP. MICHEL (146TH): Okay. Thank you. And I appreciate your testimony. Thank you.

JOHN GOODMAN: Thank you.

REP. MICHEL (146TH): Thank you, Mr. Chair.

REP. BAKER (124TH): Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman. Thanks for coming in. I know I've been involved in many of the meetings where this issue has come up. And it always raises the question to me, why? Why is Northeastern Connecticut getting so much less than everybody else? Do you have any idea?

JOHN GOODMAN: Well, it doesn't appear to be a formula, per se. There's -- there seem to be different -- that disparity between the $20,000 dollars per capita and $3,000 dollars per capita is an issue of program availability, funding for employees doing effectively the same job as a nonprofit sector.

And some of the is just -- I mean, this is a historic disparity that simply has not been a priority to -- to be addressed. For adult mental health, it goes back to the time when the state closed the different institutions. But overall the -- I mean, I think the -- it's, you know, simply a matter of knowing that while we're preaching to the choir with our own General Assembly delegation and we have 100% support, this is really a statewide issue. And so, we are appealing to others on the committee and in the General Assembly to right our historic wrongs. And it's -- ultimately it is costing the taxpayers much, much more, in the long run.
REP. DUBITSKY (47TH): Okay. Well, you -- each year this is -- each year or every couple of years, the legislature redoes our formulas for various grants. Education cost sharing is the most glaring one. And everybody always screams that the formula is not fair and they rejig it to try to make it fair. Is there a formula, with regard to the funding for -- for services that Northeastern Connecticut is just on the wrong end of the formula, or is there no formula?

JOHN GOODMAN: In a -- in a comprehensive fashion, there's no formula. The -- the figures that I have given you were kind of -- are cumulative numbers of different programs and different funding sources. However, that's all publicly available in the -- the public DMHAS budget, broken down by catchment area. And that's -- that's a very easy apples to apples comparison to make.

There are other issues that include some of the federal funding and the -- the regionalization that effectively, you know, on paper, Windham County and other surrounding areas might have access. But, you know, effectively telling someone they have to get down to New London for treatment because that's part of that one-third of the state region, means that they really don't have that access.

REP. DUBITOSKY (47TH): [crosstalk]

JOHN GOODMAN: It's not a simple -- it's a complex issue and that's probably going to be a complex answer.

REP. DUBITOSKY (47TH): So, from Windham County, they can't just get on the high speed rail and go to New London?
JOHN GOODMAN: I -- I favor a jetpack system, but that's a different legislation.

REP. DUBITOSKY (47TH): Now, this is to -- this task force is to -- to investigate the -- whether there's an inequitable amount going to Northeastern Connecticut of state funding and services; two different things. What are the services that are potentially being -- that -- that there's a potential disparity on? I understand funding, that's easy. What about services?

JOHN GOODMAN: Certainly. Well, in -- in Connecticut, as you know, we kind of a -- a two-tiered system within a two-tiered system when it comes to mental health funding. And so, it's a separate system for the children and a separate system for the adults. We're able to provide the emergency mobile response for adults.

As far as the city is concerned, we should -- someone else should come in and help the children. We simply always try to deal with patients as a family or as a patient centered unit. The Department of Children and Families, though, does go out of their way to try to have equitable funding in all their different regions.

Again, when you're talking a region the size of one-third of the state, yeah, on paper they can say, hey, region three gets the same funding as region five, but effectively, the Northeast Connecticut catchment system gets nothing. I mean if the -- you know, if -- if the program is being served, and that's the type of thing to look at. The Intensive Family Preservation Program went from a catchment area based program, where we were serving people in
Windham County, they moved to a regionwide system. And again, on paper, that program exists. But if you look at the -- the zip codes and put that into a heat map program, you probably see -- I'm relatively confident you'd see a -- a cluster of services based around the agency that might be providing that or other programs.

REP. DUBITOSKY (47TH): Okay. All right. Well, thank you for coming in. I very much appreciate it. And I thank you, Mr. Chairman.

JOHN GOODMAN: And thank you for your support.

REP. BAKER (124TH): Thank you, Representative. Yeah, as I was listening to your testimony, it kind of took me back to -- to my district where, you know, a lot of my constituents have a problem with the terms of the funding that they're getting an education on, and they feel like there's a great disparity. And I could show you the numbers of other districts and the number of mine. So, would it safe to say that -- that we should just do a disparity study as a whole in Connecticut? Because, you know, every city will -- will come up with their own, you know, where there been lack of funding, would -- would you say we need to do that from a state perspective?

JOHN GOODMAN: Well, again, to -- to better understand what Northeast Connecticut doesn't have, it's important to know what other areas of the state do have. So, effectively you would be conducting that type of a study. Again, I'd be, you know, probably concerned about, you know, even in raising the prospect of a task force, you know, there have
been many task forces that have not moved forward and worked to alleviate --

REP. BAKER (124TH): Uh-huh.

JOHN GOODMAN: -- problems even when addressed. So, I -- I -- I would like to keep the scope potentially focused on mental health funding --

REP. BAKER (124TH): Uh-huh.

JOHN GOODMAN: -- for children and families. That seems to be the biggest disparity. We've had a number of groups and community organizations come together to form NEAR, which is Northeast Connecticut Advocating for Resources. And -- and their mandate is to be focused on the mental health needs, because we hear many of the families crying out, saying, we -- we don't know where the services are. And if we do know where the services are, we can't get there. And so, we actually do have some ideas about public private partnerships using Lyft or Uber proprietary technology to have case managers help drive people around and have a -- for those who are eligible for subsidies. And that would actually create the -- the seed money to probably create a more comprehensive transient system for those who aren't even eligible for some type of public subsidy. And so, we'd effectively be using 21st century technology to kill two birds with one stone. Connect people with the services and to actually gettin' there.

REP. BAKER (124TH): So, when you did the last Census study, there wasn't enough data from that to -- to establish where the -- the lack of need was?
JOHN GOODMAN: No. No. There's actually very clear data on the adult mental health funding side and there's a lot of anecdotal information on the children's mental health side in terms of the -- the lack of program availability, even if it's available on paper. And so, those are some of the low hanging fruit that I think we can quickly identify in a tax force. If we're opening up to all types of health and human services, certainly it's worth a look. But the -- you know, I'd probably suggest that's a -- a -- a slightly different mandate that, you know, potentially could be a --

REP. BAKER (124TH): Yeah.

JOHN GOODMAN: -- benefit from other legislature, another tax force.

REP. BAKER (124TH): Okay. All right. Well, thank you for coming out here today. And -- and we look forward to just, you know, continue the dialog with you. Thank you.

JOHN GOODMAN: Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you very much, Representative Baker. Next up, we have Betsy Gara, followed by Tracey Walker. Welcome. Don't forget to turn on your microphone.

BETSY GARA: Sorry. My name is Betsy Gara. I'm the Executive Director of the Connecticut Council of Small Towns, which represents 110 smaller communities throughout Connecticut. And I've submitted testimony on a number of issues, but I'm only gonna talk to you on a couple of those.

First, I would like to add our support to House Bill Number 5886, which is trying to provide towns with
some flexibility to address issues relative to dead and damaged trees. In talking about this issue with foresters from DEEP and the University of Connecticut, the number of trees that are dead and damaged due to insect infestation, draught, severe weather conditions is unprecedented, and largely unanticipated. So, as a result, a lot of towns are struggling to pay for the cost of removal, which could cost up to a thousand dollars per tree.

So, what we're looking for is the window of time so that they can use those LoCIP funds to help pay for that removal, which poses a very significant public safety issue, most of these trees are located in parks or along roadways. And ash trees, for example, when they're dead, can collapse without warning. So, they do have to be removed. And again this will provide them with some assistance.

And I did want to just talk briefly on the two affordable housing bills, House Bill Number 6749 and House Bill Number 6562. COST is concerned about the sanctions included the bill, which would render municipality ineligible for discretionary funding if they fail to meet certain housing goals. And the concern is that the discretionary state funding are -- can be very critical to our communities.

So, for example, the Clean Water Fund funds critical environmental remediation program, storm water management issues addressing environmental compliance with phosphorous removal, nutrient removal and these are huge projects. They're important to complying with the environmental standards that are important to the public. And they're multi-year projects. So, if all of a sudden, the town needs up being ineligible for that
funding, it's a major concern. So, we oppose those provisions in both of the bills. Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you very much, Ms. Gara. Are there questions from members of the Committee? I actually have one. I know -- I know the day is long for many and I appreciate everyone who's here with us still and -- and those listening at home, as well. I just wanted to follow up on something -- a conversation earlier in the day related to the trees with Senator Cassano, and just expressing the concern about using those LoCIP funds for so many critical and important projects. And we heard earlier that it's just important to have another tool in the toolbox. How would you respond to that concern about the LoCIP funds and --

BETSY GARA: I understand Senator Cassano's concern. However, again, this was -- it -- it's an unprecedented event that we have this many dead and decaying trees. And I think, given the level of public safety concerns that are raised by the potential for these trees falling, I think it -- it's -- we're looking for -- again, for a limited window to be able to use those LoCIP funds to, then, remove those trees. You know, I think, part of it is that the Town Aid Road Funding, which is available for tree removal, is sometimes already committed at that -- at -- at certain points in the process. So, those funds are released in January and July. LoCIP funds are released in March and I think that timing may have something to do with why some towns may want to look to use their LoCIP funding for this.

REP. MCCARTHY VAHEY (133RD): Thank you for that answer. That's very helpful in terms of the timing
of the funding and also the timing of when work can be done, when it comes to trees. So, from a seasonal perspective, I appreciate that.

BETSY GARA: Right.

REP. MCCARTHY VAHEY (133RD): Another follow up with the affordable housing bills, and you know, I'm newer to this community -- or excuse, to this Committee --

BETSY GARA: -- and to the new to the COST community in terms of having direct conversations. So, when you're looking and talking with your member municipalities about creation of affordable housing plans or creating Affordable Housing Plans as part of the Plan of Conservation and Development --

BETSY GARA: Uh-huh.

REP. MCCARTHY VAHEY (133RD): -- what are some of the barriers that, just for the plan creation, do you about from them?

BETSY GARA: Well, I know you had asked a question earlier about how many towns have actually updated their Plans of Conservation and Development, so I looked on the OPM's website and, actually, there are 11 towns that are currently -- have not updated their plans. But those -- those plans just recently expired, so for example, one town it -- it expired in February, 2019. They have -- their Planning Director left after 18 years. And so, they're in the process, but it's not quite finalized.

In 2015, the state actually adopted legislation that restricts discretionary funding for towns that haven't updated their Plan of Conversation and Development. And so, there is already a very strong
incentive for those towns or sanctions for those towns to make sure that they get those updates down. So, I do think towns take this process very seriously. I know a number of towns, it may be all of them, but the ones that I'm familiar with actually do a survey of the public and they tried to engage the public in identifying goals that should be reflected in the plan.

OPM works with the towns to make sure that they're meeting all those goals and the regional councils of government also assist communities in making sure that their plans are up to date and in compliance with the various statues.

REP. MCCARTHY VAHEY (133RD): So, I appreciate that answer, but specific to affordable housing, because apparently, some communities have that as a specific part of their Plan of Conservation and Development, and other communities, like my own, actually, we have a separate Affordable Housing Plan, that's actually not necessarily part of the Plan of Conservation and Development. So, I'm wondering what barriers you hear from folks about creating specifically Affordable Housing Plans, whether they are standalone plans or part of [crosstalk].

BETSY GARA: I thought -- and I will have to check that towns will be required to do a separate Affordable Housing Plan, and update it every five years. So I need to check on that. But there are certain barriers that communities face in terms of affordable housing, such as whether or not they have sufficient water, sewer capacity, sometimes it's just a flat housing market, and nobody's approached them to do that, so there are number of reasons why they may have difficulty meeting those goals.
REP. MCCARTHY VAHEY (133RD): I -- so, I'm -- and earnestly asking, because I think it's -- I think it was Amanda Kennedy who testified earlier, just that difference between -- well, it may not have been Amanda, so forgive me if I'm misquoting Amanda, but the difference between planning and development and I'm not an affordable housing planner, but I served on our town's Bike and Pedestrian Committee, for example, and the first thing that we looked at doing was just creating a plan. And it wasn't until we had a plan in place, that we were able to start implementing some projects and development.

So, I think, my question really is -- and I would love, if you would be willing to look into that and have some further conversation about, what some of those barriers are to creating the plan itself as opposed to what you were speaking to, I think, was more the actual development and the creation of affordable housing. So --

BETSY GARA: I'd be happy to do that.

REP. MCCARTHY VAHEY (133RD): That would be great. Thank you.

BETSY GARA: Thank you.

REP. MCCARTHY VAHEY (133RD): Any other members? Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Madam Chair. Thank you for coming in. I just wanted to talk to you quickly about the House Bill Number 5886, regarding the use of LoCIP funds for tree removal. I have been at a number of COG meetings in Eastern Connecticut, and I know it may be hard for some people to realize the -- the extent of the
devastation in Eastern Connecticut, but, you know, some of my towns, they've logged literally thousands of trees that are in danger just -- just along the roads that are in danger of -- of coming down on the roads and -- and being a hazard. And you -- you figure a couple thousand trees, at a thousand dollars a pop, will be a couple million dollars in a town with a total budget including education of $7 or $8 million dollars. That -- that's a -- a real huge hit. And I know, one of the -- it's one of the priorities that I've been told about by my towns. And I've been asked to try to move this. Have you heard from other small towns around the state about the same thing?

BETSY GARA: We've heard from a number of towns that this is a big issue. In fact, one town conducted a survey of the trees along their roadway and one in seven, along the roadway, was dead or severely damaged because of the insect infestation. A lot of towns do have ash trees that they plant along the roadside. And you know, again, those are in danger of collapsing once they're dead. It -- and it -- it's scary. I mean, it's really frightening when you're driving down the road to know that those could collapse at any second. So, towns are working really hard to try to address the problem, in addition to funding. However, the tree removal contractors are extremely busy. They're working with residents. They're working with the utilities and the communities. And it's hard to find somebody that's available to do that, particularly, if you're a smaller town, because they prefer to use -- to work with the, you know, the larger contracts where they have more funding, etcetera.
REP. DUBITSKY (47TH): Right. And now, well, I know a lot of the towns, you know, if -- if you're from a large town or -- or a city, you would expect that they would have tree removal equipment, bucket trucks, things like that. But, you know, some of the small towns, they don't have a bucket truck.

BETSY GARA: They don't, and that is one of the issues we actually reference in our testimony, is that we used to have the Intertown Capital Equipment Program, which assisted towns -- groups of towns in sharing the purchase of equipment. And this is actually something that would be very helpful, because there is equipment, particularly in rural communities, that can be used to help clear these trees very quickly. And there's only one truck in the state that can do that, and again it's available to use in rural communities, because it's just the nature of how it removes the trees. But it would be great to be able to have something like that or have access to that.

REP. DUBITSKY (47TH): Right. Well, even -- even if there were an equipment sharing program, everybody needs a truck at the same time, is --

BETSY GARA: Well, they don't necessarily need it at the same time because it -- they may be able to -- in communities that are in the same region may be able to share that equipment and -- and remove those trees much more quickly, than if they're waiting for the opportunity to hire a tree removal contractor.

REP. DUBITOSKY (47TH): Yeah.

BETSY GARA: So --
REP. DUBITSKY (47TH): Now, in Eastern Connecticut, our big issue was the gypsy moths. You walk through the woods and literally hear them munching away, the sound was like -- very -- very loud.

BETSY GARA: Uh-huh.

REP. DUBITOSKY (47TH): In the Western part of the state, did they have gypsy moths? Did they have the ash borer? Do you know?

BETSY GARA: I -- the towns in Killingworth, Haddam, that region of the state, it's been a combination. But I think, because they have a lot of ash trays along the roadways, that's what's been a significant problem but it's -- it's been a mix.

REP. DUBITSKY (47TH): Okay. Well, thank you. Thank you for supporting that bill. And thank you for coming in and testifying. Appreciate it.

BETSY GARA: Happy to do so. Thank you.

REP. DUBITSKY (47TH): Thank you, Madam chair.

REP. MCCARTHY VAHEY (133RD): Thank you, Representative Dubitsky. With that, thank you Ms. Gara for being here.

BETSY GARA: Thank you.

REP. MCCARTHY VAHEY (133RD): Next on our list is, Tracey Walker. Welcome, Tracey, and followed by Marshall Collins.

TRACEY WALKER: Good afternoon, and thank -- thank you for allowing me to testify in support of Senate Bill Number 928 and add my voice to those asking that you amend the language with the suggested
language from the Connecticut Community Non-profit Alliance.

I'm Tracey Walker. I'm the CEO of Journey Found, a nonprofit, providing essential services to adults with intellectual disabilities in North, Central and Southeastern Connecticut. We primarily are a residential services provider. We operate 28 residential settings, and in those settings, we happen to own ten of those properties.

In the recent years, we have had the experience of being made to pay taxes at real estate closings. When we have, purchased our assumed ownership of the homes we have been made to pay the real estate taxes at the time of the closing to a tune of the total of $17,500 dollars.

The four communities involved, the explanation invariably was, one of two of things; the non-profit we were assuming it from had not filed the paperwork to get the exception from the -- for cells, and/or we were buying it from a private individual who was not tax except. We were able to work with those four communities and get ourselves off subsequent tax rolls. But many of my colleagues in other community nonprofits across the state, have not been as fortunate in those kinds of situations.

If we were to be taxed on the ten properties that we own, that would be approximately $48,000 dollars a year. And that would $48,000 dollars a year that would have to come out of fundraised dollars, because our state contracts do not allow us to pay taxes from our state contract dollars. I don't have many donors that would find it really nice to give me $5,000 dollars to pay property taxes, they would
much rather see those going to service -- to services. And that $48,000 dollars for Journey Found represents about 2,000 hours of direct support to individuals in need of that support.

You know, many of my colleagues have explained sort of the relationship -- dynamic relationship between nonprofits and the communities. And we, of course, live in that same kind of relationship. And we establish those kinds of relationships in good faith and we work for the common good. And I feel that, if we allow assessors to pick and choose which nonprofits pay taxes and which don't, then we're just going to be operating outside of the statute and the initial intent of the statute, and undermine an already under-resourced system. And I also believe, that the language recommended by the Alliance will help clarify some of those things, so that this situation no longer occurs.

REP. MCCARTHY VAHEY (133RD): Thank you for your testimony today.

TRACEY WALKER: Okay. Thanks.

REP. MCCARTHY VAHEY (133RD): Are there questions from members of the Committee? Representative Dubitsky.

REP. DUBITOSKY (47TH): Thank you, Madam chair. Thank you coming in.

TRACEY WALKER: Uh-huh.

REP. DUBITOSKY (47TH): Now, I -- I just want to make sure that, now this -- this bill is only looking for attorney's fees on wrongful assessments, right, not excessive assessments?
TRACEY WALKER: Yes, I believe that to be the case.

REP. DUBITSKY (47TH): Okay. So -- so, this wouldn't affect your general bread and butter, you know, the Assessor said my house is worth x; I think it's worth y?

TRACEY WALKER: Well, it would have in the situations that I described before where we ended up paying tax, if we could have gotten attorney fees back, then it might have been worth fighting it at the time of the closing. But it was less to pay the taxes than it would've been to pay the legal fees to fight that at the time -- at the time our real estate closings.

REP. DUBITSKY (47TH): Right. But this bill only affects Connecticut General Statues 12-119, right, which is wrongful assessment? It doesn't affect 12-117A, which is excessive assessment?

TRACEY WALKER: That -- that I'm not sure about --

REP. DUBITSKY (47TH): Okay.

TRACEY WALKER: -- that particular question.

REP. DUBITSKY (47TH): Well, that -- that sort of appears because it -- it -- it's only -- it -- it -- it's only amending that one section and the wrongful assessment is very different than -- than the excessive. So, you know, just a -- a regular bread and butter tax appeal this does not appear to have any effect on, is that your understanding?

TRACEY WALKER: So, I really didn't focus on that portion of the bill, per se. I was support -- supporting the Alliance's substitution language that they -- that they recommended to clarify the
language in the bill so assessors would not be making the determination that any nonprofit should be receiving those taxes, because there have been communities --

REP. DUBITOSKY (47TH): Okay.

TRACEY WALKER: -- in which they've been picking and choosing which nonprofits should pay the tax and which don't.

REP. DUBITOSKY (47TH): Okay. Thank you. Thank you for coming in.

TRACEY WALKER: Uh-huh.

REP. DUBITOSKY (47TH): Appreciate it. Thank you, Madam chair.

REP. MCCARTHY VAHEY (133RD): Thank you, Representative. If there are no further questions, thank you very much --

TRACEY WALKER: Thank you.

REP. MCCARTHY VAHEY (133RD): -- for your testimony today and for staying here with us. Next, we have Marshall Collins followed by Chas Ryan. And Mr. Collins, welcome. It appears that you are accompanied by someone else.

MARSHALL COLLINS: Yes, thank you --

REP. MCCARTHY VAHEY (133RD): Please --

MARSHALL COLLINS: -- very much. My name is Marshall Collins, and I'm the counsel for the Connecticut Associate of Assessing Officers. They kind of took the team approach to the testimony today. David Deitsch, the Assessor from Waterbury filed some testimony on 9/28. He's the Co-Chairman
of the Legislative Committee. John Chaponis, the Assessor from Colchester filed testimony on 5745, the variable mill rate bill. And with me today is the Co-Chairperson of the CAAO's Legislative Committee, Jennifer Lineweaver, who's the Assessor in Groton.

All I'm going to say is I'm going to turn it over here, 'cause she wanted -- there's been so much testimony on 9/28 and the -- the Alliance six proposals and so forth. CAAO wanted to respond to that and answer some of the questions that you guys have brought up, some good issues that have been brought up. We do agree -- CAAO does agree with CCM that this is a much bigger issue, the whole role of nonprofits, you can hear with issues of ease for services on universities and so forth. There's a lot to be considered. CAAO is at the heart of that and they're willing to -- to help and work with you guys. They are -- the responsible for the methodology. They don't raise revenue. They certify a Grant List and so forth.

So I'm going to turn this over to Jennifer and -- because she's the substantive person, and she can really answer your questions and go from there on six points from the alliance.

JENNIFER LINWEAVER: Hi, thank you so much. The Alliance has proposed to post -- they would like to require that that's supposed to be M4 quadrennial online. Most towns already do this. CAAO has tried to be proactive. We have -- now have it on our homepage, so it's in a direct location. Anybody can go online to CAAO and print out the form. So, we have addressed that.
They have asked for a better definition of apportionment, that it not be by space but by the time used for their charitable purpose. We see that as adding more room for gray area, because we're not -- how would you quantify that? We can -- we can measure space that's being used for a noncharitable purpose that might be owned by a tax exempt entity, but trying to quantify it by time, we could see that leading to more problems.

They have also asked for more detailed reason for denial. We don't find that that's necessary legislatively; many of us already do that. And at any point after we sign our Grand List, any taxpayer can come and speak to their Assessor and ask for more -- you know, sit down conversation.

They are asking that we consider a 501(3)(C) status. We already do that and that's part of what we asked for in the quadrennial process. However, the law does not state that, just by virtue of being a 501(3)(C), means that your tax exempt. Nonprofits -- it has been said earlier today, that nonprofits are explicitly tax exempt. Our statutes are based on use. So, the property has to be used for a charitable purpose, as defined in our statutes. Not every property that a nonprofit owns will be exempt. If they own vacant land, that vacant land is not going to be exempt, unless it's for, you know, a stated purpose, like a -- like a conservation trust. If a -- if a church owns an apartment building, that's not going to be exempt.

We -- it's been stated that Assessors need to find revenue or that we're being placed under pressure to find revenue. What happen in 2015 is, we, as an organization, looked at our form and it used to be a
one-page form. It -- it was very antiquated. We changed our form so that we could get better information, more detailed information. I think we all can agree that the nonprofits, they expand, they are much more complicated these days. Now, our form is seven pages. It allows us to get the data and the information that we need to make informed decisions. The first time that that form was implemented was in 2017, which is the most recent quadrennial filing.

The Alliance has stated that two-thirds lost their exemption with no change in use. Of the 40 that were polled for that, 24 of those didn't file. Assessors don't have any jurisdiction. If you don't file, we can't grant the exemption. They have the opportunity to come in. They can -- they can pay $35 dollars as the late filing fee, and still be granted that exemption, if they get in in time.

It's also being stated, I think with GEER, they complained about attorney's fees. In that situation, GEER never went to court. They went to the Board of Assessment Appeals. So, our question would be, does that mean that anybody that goes to the Board of Assessment Appeals, would be reimbursed on attorney's fees? We feel that group homes is a policy decision; that -- that's not our task. We feel that the statute is -- is clear as it's written right now. If the average length of -- of stay is less than six months, then you're exempt. If -- if the legislature wants to change that, then we'll abide by whatever statute, you know, and -- and law you put in place.

REP. MCCARTHY VAHEY (133RD): Thank you for your testimony today. Any questions from members of the
Committee? Any questions. I have a couple questions for you, just in terms of the last piece. which the -- the six month's question --

JENNIFER LINEWEAVER: Yes.

REP. MCCARTHY VAHEY (133RD): -- which is, I think, a little confusing --

JENNIFER LINEWEAVER: Uh-huh.

REP. MCCARTHY VAHEY (133RD): -- right? Because certainly, for folks who have intellectual and development disabilities, who are living in a group home, the intent is not for it to be a temporary situation in the way that, for example, for an orphanage was.

JENNIFER LINEWEAVER: Uh-huh.

REP. MCCARTHY VAHEY (133RD): And it sounds like there -- there's some difference of interpenetration among Assessors. Can you speak to that a little bit?

JENNIFER LINEWEAVER: I can only speak to how the statute's written. The statute, as it's written, is clear. I -- you're correct, that some Assessors do not necessarily administrate the same way. Not every group home is the same. So, there could be instances, in that, but as an organization, we feel that it's a policy decision. And -- and we'd follow whichever policy was in place.

REP. MCCARTHY VAHEY (133RD): So, if you could just clarify for me --

JENNIFER LINEWEAVER: Yes.
REP. MCCARTHY VAHEY (133RD): -- if the statute, as written is clear, what is clear with that statute?

JENNIFER LINEWEAVER: If the average length of stay, is less than six months, then they're exempt. If it's for -- if it's for longer term housing, then it's not.

REP. MCCARTHY VAHEY (133RD): So, then what you're saying is the clarity in the statute, as you read it, is, and I say that, only because we have --

JENNIFER LINEWEAVER: I understand.

REP. MCCARTHY VAHEY (133RD): -- a Supreme --

JENNIFER LINEWEAVER: Yeah.

REP. MCCARTHY VAHEY (133RD): -- Court of the United States, because --

JENNIFER LINEWEAVER: Yeah.

REP. MCCARTHY VAHEY (133RD): -- people do the read the law differently, so --

JENNIFER LINEWEAVER: Sure.

REP. MCCARTHY VAHEY (133RD): But as you are saying it's clear because in the case of a group home where there were -- would be folks who would be living there for longer than six months --

JENNIFER LINEWEAVER: Yeah.

REP. MCCARTHY VAHEY (133RD): -- that that property would not be exempt based on the current reading of the statute.

JENNIFER LINEWEAVER: Correct
REP. MCCARTHY VAHEY (133RD): That's -- that's -- okay. So, I'm hearing you correctly. Okay. Well, any other questions from members of the Committee? Thank you very much for taking time to be here with us today.

MARSHALL COLLINS: And it was her first time testifying before you, so thank you. [laughter]

REP. MCCARTHY VAHEY (133RD): Oh, well wonderful. You did a --

JENNIFER LINEWEAVER: Thank you so much for your time.

REP. MCCARTHY VAHEY (133RD): -- you did a great job. And I -- as I've said to some other groups here today, I look forward to ongoing conversation as I know --

JENNIFER LINEWEAVER: We will.

REP. MCCARTHY VAHEY (133RD): -- we will be in conversation with this.

JENNIFER LINEWEAVER: We will.

REP. MCCARTHY VAHEY (133RD): Thank you. Next up, we have Chas Ryan followed by Kate Czaplinski.

CHARLES RYAN: Good afternoon.

REP. MCCARTHY VAHEY (133RD): Welcome.

CHARLES RYAN: My name is Charles Ryan. I'm an attorney in Watertown, Connecticut. Thank you for having me today. I'm also here on behalf of CAI and our Legislative Action Committee of the Community Associate Institution. We're a nonprofit. We're actually multi-national at this time, but we have a Connecticut Chapter located in Glastonbury. And we
are here to protect the interests of Common Interest Communities.

So, I'm going to talk condominiums and condominium law. And I know it's a very exciting topic for everybody, but it is my life. I -- I do not live in a condo. I live in a single-family home in Prospect. But my representation of condos takes up all day and evenings, throughout -- throughout the week. In any event, this is concerning Raised House Bill Number 7276, but specifically, Sections 5 and 6. Those are the only two sections that I want to speak on and that I'm opposed to on behalf of CAI.

The issue is whether a condominium association and planned community, a co-op, whether those entities and I refer them to as condominiums just for simplicity, whether they can restrict the ability of someone to operate a daycare center, childcare in those -- in their single-family homes. And we are opposed to that.

There's a few issues that are really important. Condominiums are community living. When you're buying a condo, it's not like a subdivision of single-family homes. You actually have a legal interest with your neighbors. What you do affects them and it can affect them financially, right, as well as legally, and that's important.

There's a lot of liability that goes along with this and we just don't have the insurance set up to handle children coming from outside of the community into -- into the community to have a daycare facility.

That -- the reality of the situation is that we will have -- we have pools in our communities, we don't
have insurance to cover that. Homeowners don't have the insurance available to them for that in most cases. And we've discussed this issue with our own members of the Insurance Committee with NCAI and there's a lot of liability of it.

One thing that happens a lot in my career is that I get complaints from owners, their upstairs neighbor is too loud and we have to deal with nuisance and whatnot, and sometimes there's lawsuits filed, and we don't have insurance for that, all right? A lot of times the DNO insurance doesn't provide coverage and owners are left paying out of pocket.

I can only imagine adding to that, all right, for -- for unit owners a business interruption, all right, when the person upstairs is being loud and instead of just waking someone up from sleeping, they're waking up infants from sleeping, all right, where the neighbor next door is being loud. So, now we have business interruption that we need to start being concerned with, interfering with their -- with those contracts. That's a concern that all of us at CI have on behalf of the condos.

Each condo should be able to determine if it wants to allow any childcare from outside being brought into the community whether it's going to allow business uses of their units, all right. This -- this bill as proposed doesn't give the association that ability. It doesn’t give the homeowners that ability.

The last point I -- I just want to point out, if I may, is that we also have housing for older persons the Housing for Older Persons Act was enacted by Bill Clinton back in the early '90s, and it
recognizes -- US Congress recognizes that some people don't want to live in communities with children and this bill does not make any exception whatsoever for those. We have 55+ communities and we also have 62 and older communities here in Connecticut and that's a concern. But I do thank you for your time.

REP. MCCARTHY VAHEY (133RD): Thank you so much for hanging in here with us today and for your testimony. Are there questions from members of the committee? Representative Arnone.

REP. ARNONE (58TH): So local zoning laws, you're still bound by local zoning laws to build, you know, everything but the internal funding of -- of the units. How do you -- how do you justify that when -- when there's -- the -- the area may be zoned for childcare? How -- how do you justify being exception to the rule?

CHARLES RYAN: Sure, the exception to the rule is the style and living. It's really important to recognize that, if a unit -- if there's something that happens in a unit or outside of a unit, all right, your neighbors are going to be financially on the hook and responsible, if there's a lawsuit. That is extremely important, because, as I said, I live in a single-family home. If I do something on my property that -- that affects my family or if someone gets hurt, I have insurance, I'm the only one affected by that. Just by way of example, there's someone there, the child is either unfortunately hit by a car. These are very dense communities, for the most part, so they're hit by a car, they slip and fall on ice, you know, these
added things that could occur, our insurance premiums are going to go up.

In Connecticut, the Associations Insurance is primary, not the unit owner's insurance. That's a big distinction. If you own a condominium unit, all right, and you have damage to your unit, all right, or if there's liability insurance and you have insurance for that yourself, as an owner, our policy, the Master Policy, that commercial policy is primary. We absolutely cannot look to you first, it comes on us. There's no subrogation rights. There's no liability to you. And [inaudible - 05:11:46], we're the ones that pay. So, that means that your neighbors end up paying that added cost. They -- they pay for deductibles, if it's property damage, and -- and -- and increased premiums, and they also pay for increased premiums in a liability since as there's no deductibles.

So, it's' -- it's different because you're affecting your neighbors. And these are dense communities. I mean I -- I represent a number of associations where it's unit stacked upon units, you know, three, four, five, six stories high, it -- it -- it's not made for commercial use. Single-family homes, even some of the communities that are setup, you hear the term pud a lot, it's not really proper, but people think of these homeowner's associations where they look like a single-family home but maybe the roads are common. It -- it -- you know, there it's a different -- there's a different issue there, depending on how they're set up. But this doesn't crave out any exceptions. And -- and to have your neighbor -- it's already difficult to win in an condo, but to have your neighbor have a commercial
use of a residential unit, that's going to put you and your home at risk, you know, what -- I don't what the equality there is. It's tough, it really is.

REP. ARNONE (58TH): Thank you.

CHARLES RYAN: Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you, Representative Arnone. Representative Gucker.

REP. GUCKER (138TH): Good afternoon. Thanks for waiting us out. On a different vein, I know many of the cluster developments that get built also go under a association, so to speak. I don't want to call it a condo association, but it's like a homeowner's association. would this concern also go with that scenario?

CHARLES RYAN: Oh, one of the -- [laughter] I guess it's one of the misunderstandings in -- in Connecticut is that a -- a condominium, people think of townhouse style or stacked. The Common Interest Ownership Act provides three types of common interest communities, and that's what this bill addresses. We have condos, co-ops, and planned communities. Put co-ops aside for a minute. The only difference between a condo -- a condominium and a planned community is who owns the common elements. It's a distinction without a distinction. It really -- it's a marketing ploy from the early '80s. So, what that means is that, what's a unit and what's a common element is only determined by the declaration. It doesn't matter. It can be a lot of land or it can be the interior of your wall. It doesn't matter if the units touch. All right? I've got units that are set up both ways. Why that's
important is because unit owners are responsible for their units. The association is responsible for the common elements. All right?

So, in your scenario, it's going to depend, all right, on how it's set up. I have associations that are setup as freestanding communities; they look like a subdivision. You wouldn't even know that they're condominiums or planned communities. But when you read their documents, you -- you look to the boundaries of the units. Some of those, it's the exterior of the unit. Okay? So, the unit is possibly the whole building, but that means that the association is still responsible for the grounds. But in others, it's a lot of land, it looks like a subdivision. It looks literally like a plot of land and that is the unit.

So, in that scenario, where the unit owner owns, all right, as part of their unit, the whole piece of land where their one home is situated, a distinction can be drawn there. All right? You're still going to have to deal with the roadways. Is their adequate parking? Do we have too much congestion to -- to handle, you know, drop-offs and pick-ups and -- and things like that, because they're real.

And the other issue you're still going to have is, do have a clubhouse? Do they have a -- a -- you know, a gym? Do they have a pool where there's added areas that we have risks? And it really comes down to risks. And the insurance in Connecticut, when it comes to condominiums, it's -- it's difficult to obtain as it is. There's about six insurance companies that write insurance for condo associations, about six; thousands for homeowners, but -- but six that -- at least in market, right.
And it's so difficult, they're already adding exclusions for different things. The premiums are going up. To add this risk, I'm fearful that it would cause premiums to go up which cause common charges to go up. And what happens with that, is the values of the properties, they go down, you know. There's -- but when common charges go up, it's more expensive to own the property and the values go down. It's the same as if your homeowner's insurance goes up or your taxes go up.

So, you -- it's not simple to just carve out one exception and say, well, these -- these planned communities can be excepted. It would have to be a -- it would have to be -- it would have to be identified as a certain type of community where, you know, they have a whole plot of land that is the unit, but the association could still restrict those -- those uses from being -- I'll -- I'll say -- those people from using other facilities, and then, I think you're going to run into a discrimination issue, if you do that. But if it's a commercial use, you might be able to get around that. How's that for a long winded answer?

REP. GUCKER (138TH): All right. Well -- well, isn't there something that lawyers get paid by the words, so I think you made your payroll in that -- in that statement, but thank you.

CHARLES RYAN: I wish. [laughing]

REP. MCCARTHY VAHEY (133RD): Thank you Representative Gucker. And I just have one comment, when you gave your example about the upstairs neighbors being louder and waking up the baby, I was
thinking about the kids upstairs and the neighbor is downstairs, so that must be the mom perspective.

CHARLES RYAN: It -- the -- the only difference would be the commercial interruption is what I was more concerned of. And I will tell you, I have -- I have two cases pending right now where downstairs has sued upstairs. And because they said that the value of my unit has been lessened, [inaudible - 05:17:16] insurance won't step in. They've said it's -- oh, no, that's property damage, we exclude that, but then our property coverage says that's not a covered loss, you haven't damaged any property. So, now they're left paying an attorney privately.

REP. MCCARTHY VAHEY (133RD): Interesting. Well, thank you very much for being here today and testifying.

CHARLES RYAN: Thank you.

REP. MCCARTHY VAHEY (133RD): Next, we have Kate Czapinski from the Kennedy Center and followed by Jeff Shaw.

KATE CZAPLINSKI: Thank you so much.

REP. MCCARTHY VAHEY (133RD): Welcome.

KATE CZAPLINSKI: Good afternoon, I'm Kate Czapinski. You said my name perfectly. Thank you. [laughter] And I am the Director of Development and Communication at The Kennedy Center, which is 501(C)(3) not-for-profit corporation. We provide a range of essential and necessary services to more than 2,200 individuals with diverse disabilities each year. So, on behalf of The Kennedy Center, I am here supporting S.B. No. 928. And I respectfully urge this Committee to please
amend the bill as the CT Community Nonprofit Alliance has recommended.

Now, in just a few weeks The Kennedy Center will celebrate 68 years serving your most vulnerable constituents. Our history of community impact includes opening the first group home in the state of Connecticut back in 1964. Now, it's a legacy we’re proud to have built upon, and we're now operating 17 group homes which serve 91 individuals in eight cities and towns.

Now, unfortunately, despite our tax-exempt status, municipal taxes are being levied on seven of those homes, and those are located in Bridgeport, Fairfield, Stratford, and Oxford. Our -- in total our 2019 bill totals $77,000 dollars. Now, that's $77,000 dollars that's diverted way from the 41 men and women who are living in those homes, each who have growing and diverse needs.

Now, this tax burden is compounded by years of cuts and revenue stagnation from state rate reimbursements. We are, unfortunately, at point in choosing which services to discontinue and, therefore, which vulnerable people we can no longer support.

If other towns and cities, in which we own property, including Milford, Hamden, Trumbull, and Monroe follow suit, those would depend on our community services, would have nowhere to turn when resources are redirected from their direct support to pay for property taxes.

Now, I ask for your support today to continue our 68-year legacy of providing critical services to your constituents. This is but one crucial piece to
making community service providers, like The Kennedy Center, financially whole and ensuring that services are delivered where needed the most. I thank the Committee for raising this important bill and again respectfully request you pass the substitute language suggested by the Alliance. Thank you so much.

REP. MCCARTHY VAHEY (133RD): Thank you for being here today, and for getting that in there in under three minutes. That's really --

KATE CZAPLINSKI: [laughter]

REP. MCCARTHY VAHEY (133RD): -- well done.

KATE CZAPLINSKI: That was my goal. [laughter]

REP. MCCARTHY VAHEY (133RD): So, I -- members have questions? I have a couple for you.

KATE CZAPLINSKI: Sure.

REP. MCCARTHY VAHEY (133RD): It's funny I almost used The Kennedy Center as an example when I was speaking earlier, so it's nice to see you here. And I know of the amazing work that are you doing in the community --

KATE CZAPLINSKI: Thank you.

REP. MCCARTHY VAHEY (133RD): -- like so many of the other providers who have been here today. You mentioned and forgive me if I missed this in your testimony, the four -- there are four communities where you are being taxed, is that similar to other providers, is that a new tax?

KATE CZAPLINSKI: Yeah, so I can say just looking at the past, I have the past two years in front of me,
I -- we weren't charged in some of these properties last year. This is a 2019 thing, so it seems like more and more of these municipalities are starting to levy these taxes where in the past, we've been listed as exempt.

REP. MCCARTHY VAHEY (133RD): Okay. Thank you for --

KATE CZAPLINSKI: Uh-huh.

REP. MCCARTHY VAHEY (133RD): -- that clarification. Any further questions? Thank you for being here with us today.

KATE CZAPLINSKI: Thank you. Thank you so much.

REP. MCCARTHY VAHEY (133RD): Next up, we have Jeff Shaw, followed by Chris Fryxell. Welcome.

JEFF SHAW: Good afternoon, Representative McCarthy Vahey, Representative Zawistowski, and members of the Committee. My name is Jeff Shaw. I'm Senior Director of Public Policy and Advocacy for the Alliance.

The Alliance supports House Bill Number 6563: AN ACT ESTABLISHING A GRANT PROGRAM TO ASSIST MUNICIPALITIES AND CENSUS OUTREACH PROGRAMS. The bill proposes to establish a grant program to assist local communities in outreach for the United States Census 2020. Every ten years, the US Census Bureau undertakes a monumental task of counting all people living in the United States and recording basic information such as age, sex, and race. The framers of the Constitution chose population to be the basis for sharing political power, so the goal of each ten-year census is to count everyone once in the
right place to — to determine fair representation. So, there's a lot at stake in the Census.

First, Connecticut's Congressional representation is based on population, so, if each person is not counted, the population declines. And with other states' populations growing, Connecticut could be in jeopardy of losing a Congressional seat.

Second, Connecticut receives more than $7.9 billion dollars per year in federal funds, from everything from healthcare, education, housing, childcare, food assistance, roads, public works programs. If people are not counted, those dollars will decrease, yet the need will remain, putting more pressure on local governments and nonprofits to provide those services.

Finally, census data is used for planning. Local governments use the Census for public safety and emergency preparedness. Businesses use census data to decide where to build factories, offices, and store. Developers use the Census to build new homes and revitalize old neighborhoods.

So, one of the problems in getting a complete count in 2019, is that there is a broad distrust of government and people may be hesitant to give information to government employees. As trusted voices in their communities, nonprofits have the ability to help make sure every person is counted. Nonprofits have volunteers, Board members, and other people who donate their time, live in the same community, have relationships with neighborhood leaders, faith-based organizations and agencies that provide services that foster trust. Therefore, we urge the Committee to expand the proposed grant
program to allow community nonprofits to be eligible for census outreach grants.

Civic engagement is embedded into the mission and activities of most community nonprofits. Similar to voter registration and education, the Alliance encourages all 169 towns to have a Complete Count Committee and to invite nonprofits to serve on those committees. As background -- Complete Count Committees aim to coordinate census outreach efforts, maximum resources, and encourage collaboration among local community leaders. In fact, the Alliance was appointed to the Connecticut Complete Count Committee by Lieutenant Governor last month.

In closing, all local and state leaders, including nonprofits, have a responsibility to ensure a complete count in the Census 2020, dedicating additional resources for this pursuit is an investment in the future of Connecticut. Thank you for your time and consideration.

REP. MCCARTHY VAHEY (133RD): Thank you very much, Mr. Shaw. Questions from members of the Committee? Representative Arnone?

REP. ARNONE (58TH): Very important to have an accurate census, especially with homeless populations that are so hard to -- to count. So how would you recommend -- you did touch a little bit upon how much -- you know, where this money would go? You know, are we going to have physical people at -- at food shelves and --

JEFF SHAW: Uh-huh.

REP. ARNONE (58TH): -- and food banks?
JEFF SHAW: Yeah.

REP. ARNONE (58TH): What are your thoughts on that?

JEFF SHAW: Sure, I think there's going to be -- it's going to be a mixed approach between having people on -- on the ground in each neighborhood, a mix of marketing, promotional materials, any community event having -- you know, tabling, so that people get used to seeing census, you know, the -- the Census form, or seeing even the promotion of -- of -- of the -- of the endeavor, making sure there's culturally competent and different language forms and marketing materials available for different communities. And again, just kind of goin' back to my testimony, you know, nonprofits really are trusted voices and people in those communities they really understand the communities and are really in a -- the best position to serve and to -- and -- and to reach out to the people that live in those communities. So it's -- it's -- it's a mixed -- it's a mixed approach.

REP. ARNONE (58TH): Right. And especially the -- the part just to get people to fear of --

JEFF SHAW: Yeah.

REP. ARNONE (58TH): -- of -- of telling them exactly why we need to be counted and what good it's going to be for your town. So, it's a -- it's an important advertising and -- and media --

JEFF SHAW: Yes.

REP. ARNONE (58TH): -- part in all languages --

JEFF SHAW: Right.
REP. ARNONE (58TH): -- that I think is probably a top -- top choice of this good bill. Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you, Representative Arnone. Representative Zawistowski.

REP. ZAWISTOWSKI (61ST): Thank you, Madam Chair. Thank you for coming in today. It is important to make sure that everybody is counted. A question for you, have -- have you identified this -- any source for the grant funds?

JEFF SHAW: So, right now, there's a lot of interest in the nonprofit community to do that, to support some of the programming, outreach programs that is. But, you know, those dollars are sort of -- it's a question of how far they'll go and how much will be available. In other states, there's a lot of different proposals in terms of having a state grant dollars be available, and then having some private dollars match it. So it's sort of a -- a partnership approach there.

And again, you know, there's a lot of different legislation pending in other states with different ranges of population and how much the state -- state funding would actually go towards this work and would get distributed through, again, local communities between the towns, some town officials, and -- and community nonprofits.

REP. ZAWISTOWSKI (61ST): Okay. Yeah -- yeah, our -- our Committee here can't exactly set aside funds for it, but we can only make recommendations --

JEFF SHAW: Sure.
REP. ZAWISTOWSKI (61ST): And -- you know, there -- there -- it may be possible if this goes -- if it goes forward, it would have to within available appropriations, which is always a sticking point, as well. So, thank you very much. Thank you, Madam Chair.

REP. MCCARTHY VAHEY (133RD): Thank you, Representative Zawistowski. I was going to ask a similar question --

REP. ZAWISTOWSKI (61ST): Yeah.

REP. MCCARTHY VAHEY (133RD): -- in terms of your thoughts about the funding, but I did want to say thank you for being here to testify on this bill, and it definitely is an important issue. Question that I have is, what -- were the non-profits involved the last time we did this, during the last counting?

JEFF SHAW: You know, when you do something every ten years, it's hard to kind of remember sometimes, so it was before my time in this role, and I would like to -- I don't want to, you know, make up an answer I don't know the -- the answer to. But I -- I would have to imagine, they were, to the degree, I don't -- I don't know.

I do know that sort of nationwide, I think there's an estimated 25 million more people than from ten years to count. So, you know, just the -- the -- there probably will -- there's more of a need probably to include nonprofits and to provide resources for them to help with this, again, enormous undertaking.
REP. MCCARTHY VAHEY (133RD): Well, I will say, I'm certainly glad that you and others are part of the group that the Lieutenant Governor has appointed. I know, I, myself, have a [inaudible - 05:28:26] in my district, where it's --

JEFF SHAW: Yeah.

REP. MCCARTHY VAHEY (133RD): -- some of the more difficult to count members of our population. And I think it really is critical, as you point out, to all of us in the state to assure that we're receiving our proper share of federal resources alone, besides all the other important issues that are related.

So, thank you for taking the time to testify before us. And we'll -- we'll have to continue the conversation, certainly. The funding is always the big question here in the building. So, thank you very much, Mr. Shaw.

JEFF SHAW: Thank you.

REP. MCCARTHY VAHEY (133RD): Next, Mr. Fryxell, followed by Wendy Bury. Welcome.

CHRIS FRYXELL: Thank you, Representative McCarthy Vahey, Representative Zawistowski, and members of the Planning and Development Committee. My name is Chris Fryxell. I am the President of the Associated Builders and Contractors of Connecticut. CT ABC is a statewide trade association of 200 members that represent merit shop contractors. We would like to thank you for raising House Bill Number 7207: AN ACT CONCERNING THE APPROVAL OF CERTAIN NEW MUNICIPAL CONSTRUCTION PROJECTS.
For those of you on a committee last year, this -- this bill may look familiar. This is a simple, but important, bill that would require municipalities to hold public hearings on proposed construction projects with an estimated value of more than $25 million dollars. Such public hearings would be required before the legislative body of municipality could vote to approve these high dollar construction projects.

This is all about transparency. It would ensure that members of the public, who are funding the project, would have an opportunity to weigh in on these proposed construction projections.

To be clear, we are not suggesting that this would have to be a stand-alone public hearing in any way. This could certainly be a part of an existing meeting that the town would be having. So, we don't intend for this to add any cost to municipalities. And, in fact, the vast majority of municipalities are already doing this and -- and in some cases have ordinances that are -- that require public hearings on -- on lower dollar projects. So, most towns wouldn't -- wouldn't be affected by this at all.

So, that's it. I -- I submitted some written testimony, as well. And again, this -- this bill did pass through Committee and passed through Senate unanimously last year, and I think just ran out of time. So, thank you very much for your time. And -- and with that, I'll happily take any questions.

REP. MCCARTHY VAHEY (133RD): Thank you, Mr. Fryxell. Are there questions from members? Representative Arnone.
REP. ARNONE (58TH): So on -- you said $25 million?

CHRIS FRYXELL: Yes, sir.

REP. ARNONE (58TH): So, how many towns do you -- do you think that don't have to go to referendum for that kind of money?

CHRIS FRYXELL: Well, it's -- it's -- I don't know how many towns don't have a requirement that they have a public hearing. I know that most do, whether or not they're required to do so or not. So, it's more a question of, I would say, really a very small percentage of towns don't -- don't practice that. And -- and in some cases they do, some cases they don't. So -- so, it's even a -- a percentage of, you know, a -- a small number of towns that these projects are -- are moving forward without public comment.

REP. ARNONE (58TH): Well, yeah. Thanks

REP. MCCARTHY VAHEY (133RD): Thank you, Representative Arnone. Representative Zawistowski.

REP. ZAWISTOWSKI (61ST): Thank you, Madam Chair. And thank you for coming in today and for the long wait.

CHRIS FRYXELL: Yeah.

REP. ZAWISTOWSKI (61ST): Yeah, I mean I -- it -- this is a -- this is a proposal that -- that we supported in Committee very -- very highly last year. It's not just transparency, as you mentioned, but common sense. And I was going to ask you about whether or not you felt this is a mandate. But when you mentioned that you could roll this into another -- another --
CHRIS FRYXELL: Uh-huh.

REP. ZAWISTOWSKI (61ST): -- hearing and not just necessarily have a separate hearing, at least that's the way that -- that -- I'm not sure it's the way it -- it's written but it's the way we -- we'd like to interpret it. But that would be very helpful. But anyway, thank you for coming in and -- and bringing this -- this common sense proposal.

CHRIS FRYXELL: Yeah. Thank you. And -- and, you know, certainly not our intention to -- to add any burden -- burden to towns. In fact, we're trying to do the opposite. So, absolutely, could be part of an -- an existing hearing of some kind.

REP. MCCARTHY VAHEY (133RD): Thank you, Representative Zawistowski. Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Madam Chair. And thanks for coming in. Now, this only applies to municipal projects; right? It doesn't mean, like, if Wal-Mart wants to come into town, this -- this bill would not affect that?

CHRIS FRYXELL: That's right. These would be taxpayer funded projects, so municipal construction projects. That's right.

REP. DUBITSKY (47TH): Okay. Now, the -- the public hearing testimony doesn't seem to be online at the moment.

CHRIS FRYXELL: Uh-huh.

REP. DUBITSKY (47TH): Could you just tell me why the homebuilders are interested in seeing this happen?
CHRIS FRYXELL: So, we are not homebuilders. ABC is mostly commercial/industrial contractors.

REP. DUBITSKY (47TH): Okay.

CHRIS FRYXELL: So, really it's because there are instances and, again, they're -- they're few and far between that projects go forward. And certain decisions are made regarding either contracts or -- or pre-contract agreements, I'll say, that are very -- have a large effect on the project and even perhaps the cost of the project. And at times, the public doesn't have the opportunity to weigh in pro or con on -- on those sorts of things.

REP. DUBITSKY (47TH): Okay. Is it your feeling that your members would be disadvantaged in some way, if their -- if -- if one of their projects was approved without a public hearing?

CHRIS FRYXELL: So, for example, there are project labor agreements that sometimes towns enter into, and when those are placed on a large project, such as a school or -- or a library then, yes, non-union or merit shop contractors are often precluded at least de facto precluded from bidding on those projects.

REP. DUBITSKY (47TH): Okay. So this -- so, having a public hearing would alleviate that how?

CHRIS FRYXELL: Well, it -- it wouldn't necessarily alleviate it, but the fact is that most people don't know what a project labor agreement is. So, in those cases, it -- it's -- it's our position, and I think the facts bear it out, that something like a project labor agreement, and this isn't just about that, but in this instance, could increase the cost
to taxpayers by -- by quite a bit. And so, just the transparency about what is, I'll let taxpayers come forward or business owners in town come forward and -- and speak for or against it and how it might affect them, because that is a -- a pretty significant piece of any contract on a large -- again, a large construction project.

REP. DUBITSKY (47TH): Okay. When is it that you submitted your written testimony?

CHRIS FRYXELL: Yesterday.


CHRIS FRYXELL: Thank you.

REP. DUBITSKY (47TH): Thank you, Madam Chair.

REP. MCCARTHY VAHEY (133RD): Thank you Representative Dubitsky. And Representative Dubitsky thanks for pointing that out. I was also going to note that, for some reason, it is not in the system.

CHRIS FRYXELL: Uh-huh.

REP. MCCARTHY VAHEY (133RD): So, if you have an extra copy and submit it to the Clerk now or we can just double check that --

CHRIS FRYXELL: Sure.

REP. MCCARTHY VAHEY (133RD): -- so that we make sure that your testimony is online. That would be great.

CHRIS FRYXELL: Thank you very much.
REP. MCCARTHY VAHEY (133RD): Thank you so much for your time here today. Next, we have Wendy Bury, followed by Carrie Dyer. Welcome.

WENDY BURY: Good evening. Thank you. It is -- it's almost evening -- it's almost evening. Thank you all for being here. My name is Wendy Bury. I'm the Executive Director of the Southeastern Connecticut Cultural Coalition. We're a nonprofit organization that serves more than 500 arts, cultural, and creative business in New London County and its surrounding areas. We urge the Committee to support S.B. No. 928 and amend the bill as the Connecticut Community Alliance has recommended.

The Cultural Coalition serves as the voice of the cultural sector and serves as the liaison between the cultural sector and leadership entities, invested in regional revitalization. And we provide core services to connect, strength, and advocate for the cultural community. We serve sole proprietors, artists, small businesses, volunteer-run organizations, historical societies, historical sites, professionally staffed museums, tourists attractions, art centers, museums, and more. It's a diverse cross section of the nonprofit and for-profit world in the arts and cultural sector.

Our office is located in the City of Norwich. We serve more than 200 small, medium and large nonprofit organizations, that's 40% of our total partners.

In March of 2018, our organization and more than 30 other nonprofits located in the City of Norwich were denied our tax-exempt status and assessed taxes on our properties, most for the first time in their
history without any change in use. Over the course of the next few months, it became evident that, while the criteria utilized by Assessors to determine exemption is the same, the statute regarding nonprofit property tax exemption is murky, at best. And therefore, Assessors can interpret and improve or deny nonprofit exemptions differently. In other words, what is property tax exempt in one town, may not be in another town, and vice versa. Further, communication standards and practices between Assessors and nonprofits in their towns regarding property tax exemption, varies as well.

Our organization was established in 2013 and we have maintained federal, state, and local nonprofit status since then. We're a very young organization. And we filed our M-3 quadrennial filing in the -- in November of 2017, and in March of 2018 we were denied that. I have submitted testimony with longer detailed administrative pieces of that testimony, so this is just an abbreviated version. But ours was denied and we didn't know why.

Our organization is comprised of a staff of two [laughter] and we rent a small office space in a co-work space. We were facing a $760 dollar tax bill on the property that we own, which is minimal. But some of the organizations that we work with and serve were facing thousands of dollars of taxes. There was no notice of change in how the exemptions were determined. There was no information about the reasons for denial. And to add to the confusion, the Assessor had stated publicly that this was part of an effort to boost the local tax base.

We learned that one of our peer organizations that we work closely, Norwich Arts Center, was facing
$16,000 dollar tax bill on the building that they have owned and operated for years. They own a three-story historic building in downtown Norwich, that has two community art galleries on the first floor, offices on the second floor, and a 134-seat performance space on third floor. And for the first time, they were denied their tax exemption status, but given no reason why, not in the paperwork or in any communication.

As a regional umbrella organization that we serve hundred -- that serves hundreds of nonprofits, most small to medium-size, the Cultural Coalition decided that we would go to court, if needed, because of the precedent setting nature of this decision, and to help and protect and defend, not only our own organization but also those we serve. We also decided we would host a public information session and better educate ourselves about the law, the process, and the requirements for nonprofits.

As part of that work, we personally contacted legal experts and the Assessors in nearly every town in New London County. And we asked about their policies and their practices, their interpretation of the statute, and the outcomes of their quadrennial filing review. We were stunned to learn that the variations between towns and the potential impact this could have on arts and cultural nonprofits in our region and state. We spoke with the media, we fielded questions, and we spoke with our leadership.

In the end, following a meeting with the Assessor and a second review, the Assessor's office reinstated our property tax exemption for us and also the Norwich Arts Center. And some other
organizations' decisions were reversed, as well, prior to lawsuits being filed. These lawsuits would've cost taxpayers thousands and precious -- nonprofits precious dollars were averted. And for three months, our organizations were completely sidetracked by this issue. I'll skip to the bigger part.

REP. MCCARTHY VAHEY (133RD): Thank you.

WENDY BURY: Yeah.

REP. MCCARTHY VAHEY (133RD): If you could sum up, that would be great.

WENDY BURY: I -- I just will add two -- two quick points. One is the nonprofit that this -- this kind of discussion about property tax and exemption really has stemmed originally around universities and hospitals as a larger issue. But I want to -- just mindful that arts and cultural organizations are largely nonprofit organizations and anything that happens to the large organizations or all nonprofits is essentially going to affect all arts and cultural -- or most of the arts and cultural organizations.

In New London County -- in actually Connecticut, it's $800 million dollars of economic impact from the nonprofit arts and cultural organizations. In New London County, alone, it's $168 million dollars contributed to the local economy -- to the state's economy. The New London County nonprofit arts and cultural organizations actually have more economic impact than the entire state of Vermont, the entire state of Delaware, and the entire state of Maine. So, we just urge you to pass this -- to support this bill and the amended language provided.
REP. MCCARTHY VAHEY (133RD): Thank you very much for being here to testify.

WENDY BURY: Sure.

REP. MCCARTHY VAHEY (133RD): Are there questions from members of the Committee? I have a question --

WENDY BURY: Sure.

REP. MCCARTHY VAHEY (133RD): -- for you. We heard about a number of folks who had failed to file the forms, and many of whom I believe were in your area. So, is that accurate --

WENDY BURY: Yes --

REP. MCCARTHY VAHEY (133RD): -- from your --

WENDY BURY: -- it is.

REP. MCCARTHY VAHEY (133RD): -- [crosstalk] as well?

WENDY BURY: What we found out though, along -- because we did, we -- we found that there were definitely some that didn't file, some that didn't file correctly, some that had missing paperwork. But when we called all the Assessors in their region, what we found out was, they had very different processes of contacting the nonprofits. Some do not have the files available on their websites. Some of the organizations -- most of the Assessors in most of the towns in our region, go above and beyond what is required to reach their nonprofits and let them know the form is due, it was incomplete, can you give me more information. That didn't happen in Norwich, whatever was in the form or whatever was missing, there was no second review given, no information requested, no contact made.
And so, the decisions were simply, denied. In other towns, that's not the case.

REP. MCCARTHY VAHEY (133RD): Thank you for that.

WENDY BURY: Sure.

REP. MCCARTHY VAHEY (133RD): Without any further questions, thanks for being here today with us. And next, we have Carrie Dyer followed by Damion Williams. Welcome.

CARRIE DYER: Thank you. Good evening, Madam Chair and members of Committee. My name is Carrie Dyer and I am Chief Operating Officer at Reliance Health, Inc., here to testify in favor of the language proposed by the Connecticut Community Nonprofit Alliance regarding Senate Bill Number 928, similar to our -- to Wendy and the others that have recently spoke before me. Reliance Health is a private nonprofit mental health organization with offices in Norwich and residential properties throughout Eastern Connecticut.

Last year we were surprised to discover that five of our six properties in Norwich were denied tax exempt status, resulting in a tax bill totaling over $40,000, the approximate equivalent of one full-time employee. Initial inquires with the city were inclusive and legal counsel was retained. I'll add we did submit our paperwork, it was on time. After much research and discussion, a meeting was arranged with the Norwich Tax Assessor. We reviewed in detail the propose and use of each property to determine whether or not the exemption should apply. After providing thorough documentation beyond what the M-3 form requires, the exhibits to substantiate
our claims -- we were granted tax exempt status for each of our Norwich properties.

While the conclusion was a positive one, the process was costly, both fiscally and in terms of public perception. We incurred non-recoverable expenses of $75 hundred dollars in attorneys, $422 dollars for a recording fee and hours of personnel time allotted to resolving this potentially devastating situation.

Additionally, the antagonistic dynamic created negative media coverage and public perception. Our organization has a moral obligation to aid our community in exist strictly for charitable purposes. Our services bolster those provided by the city and our done in thoughtful collaboration. Providing clarify and removing inconsistencies and subjectivity from this process would be greatly beneficial to both municipalities and nonprofits.

I thank the Committee in raising this important bill, and respectfully request that you pass the substitute language suggested by the Alliance. Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you very much for your testimony. Are there questions from members of the Committee? I would like to just call to attention or emphasize what you said is, again, what you -- many have said about providing clarity, because I think that there are questions on both sides. And so, that is something that we can do to help make sure that some of these situations are not happening in the future.

CARRIE DYER: Absolutely.
REP. MCCARTHY VAHEY (133RD): So, thank you very much for being here today.

CARRIE DYER: Thank you.

REP. MCCARTHY VAHEY (133RD): Next, we have Damion Williams, followed by Jason Guyot. Welcome.

DAMION WILLIAMS: Welcome. Good -- good evening, Committee members. My name is Damion Williams. I am a -- an -- CFO of Futures Incorporated. We a provider of services to individuals with intellectual disabilities. And I am here in support of Senate Bill Number 928: AN ACT CONCERNING RECOVERY OF ATTORNEY'S FEES.

I concur with much of the testimony you heard today from many of the providers. We've also had challenges in the past with regard to tax exemption. In our case, our challenges started back in 2013, probably longer than many of the other providers. I know Representative Dubitsky had questioned one of the other providers whether it was a matter of excessive tax or -- or -- or being taxed at all.

So, with our case, I think part of the challenge for us was that we were -- we were denied simply based on the use. And in our case, we were never given proper vetting to -- to even present our use. We were simply told that we were not providing the service in accordance with our mission. And therefore, we would not be allotted our tax exemption. We ultimately went to court, and -- and fought it through mediation. We were able to successfully gain our tax exemption. But this was only after spending approximately $20,000 dollars on attorney's fees. So, it was a long process, a two-year process. We were ultimately granted our
tax exemption, but we never did receive any -- any refund for those attorney's fees. So we're here today in support of this bill. And hopefully, you know, something can be done.

REP. MCCARTHY VAHEY (133RD): Thank you so much for testimony. Are there questions from members of the Committee? Seeing none. Thank you for being here before us and hanging in with us --

DAMION WILLIAMS: Thank you.

REP. MCCARTHY VAHEY (133RD): -- throughout today. Next, we have Jason Guyot, followed by Stan Soby.

JASON GUYOT: Good evening --

REP. MCCARTHY VAHEY (133RD): Welcome.

JASON GUYOT: -- Madam Chair and other members of the Committee. My name is Jason Guyot. I currently serve as the Senior Vice President of Resort Operations and Development at Foxwoods Resort Casino. I appear before you today in support of House Bill Number 6940: AN ACT AUTHORIZING EXTENDED LIQUOR SALES IN DESIGNATED NIGHTLIFE ENTERTAINMENT ZONES.

We are grateful for the opportunity to support the proposed bill because it is a critical step towards achieving greater parity and economic competitiveness for Connecticut's entertainment venue's located in designated nightlife entertainment zones, and for the many vibrant entertainment venues located on our Tribal land at Foxwoods Resort Casino.

As a full-service resort that caters to both domestic and international clientele, Foxwoods
Resort Casino aggressively competes with gaming facilities in New Jersey, New York, and Pennsylvania for the very same clientele. With the advent of expanding gaming competition just to the north in Massachusetts, we once again find ourselves at a competitive disadvantage because of Connecticut's historically narrow liquor service hours.

Just last year, Massachusetts recognized the importance of its entertainment venues to the health of its economy and acted to extend liquor service to 4:00 a.m. As you are all aware, the entertainment and gaming industries are laser focused, not only on their clientele's safe enjoyment of their venues, but also on the perceived weakness of their competition.

The success and vibrancy of Foxwoods Resort Casino and Mohegan Sun are just as important -- just as important to the residents of Connecticut as they are to our own Tribal members because of our respective agreements with the state. In 2017, alone the Mashantucket Pequot Tribal Nation and Mohegan Tribe jointly contributed nearly $271 million dollars to the General Fund for distribution to Connecticut's cities and towns. From the time that those agreements were executed between our nations and the State of Connecticut, our slot arrangements have yielded almost $8 billion dollars. While extending liquor service hours to 24 hours would be optimal, we firmly believe that extended liquor -- liquor hours to 4:00 a.m. will increase our slot revenue to the state.

As you know, our success is your success and the state's success. So, we retrospectively request that you advance House Bill Number 6940 to support
all of Connecticut's entertainment venues' health and success by extending liquor service hours to 4:00 a.m. So, thank you for your time today. I'd be happy to answer any other questions.


REP. ARNONE (58TH): So quick -- I don't know if you're really the right person to answer this --

JASON GUYOT: Sure.

REP. ARNONE (58TH): -- but in those zones, if you had a package store or grocery store, what would happen to those businesses?

JASON GUYOT: I really --

REP. ARNONE (58TH): Would they be up -- up to 4:00 is all -- all bar?

JASON GUYOT: I really don't have the answers to that question. But I believe as -- as the bill states, you know, those entertainment zones would be designated, and there would be a fee for being in that zone. So, I don't know -- exactly know what the process would be for defining those zones.

REP. ARNONE (58TH): Thank you.

JASON GUYOT: You're welcome.

REP. MCCARTHY VAHEY (133RD): Thank you, Representative Arnone. Representative Gucker.

REP. GUCKER (138TH): Thank you for staying here this afternoon.

JASON GUYOT: You're welcome.
REP. GUCKER (138TH): Do you think that with establishing these zones, that it would then foster other places to want to expand this? In other words, local nightclubs, bars, whatever, that would not be in this entertainment zone, feeling like they're not getting the same opportunities?

JASON GUYOT: I mean, I think potentially, it's all how the bill is drafted and how it proceeds. But I do believe, you know, we are at a competitive disadvantage with our surrounding states when you look at New York, New Jersey, and Massachusetts in our industry, and that's really all I speak to today, in gaming specifically, they have extended hours, which puts us at a distinct disadvantage to competing. And so, what we're seeing is a lot of those revenues go across the border, as people drive through the state or avoid coming north from New York in order to enjoy some of the entertainment venues that we currently have.

REP. GUCKER (138TH): Right. Thank you.

JASON GUYOT: You're welcome.

REP. MCCARTHY VAHEY (133RD): Thank you Representative. If there are no further questions, thank you for being here with us today.

JASON GUYOT: Thank you. Thank you for your time.

REP. MCCARTHY VAHEY (133RD): Next, we have Stan Soby, followed by Natalie Vieira. Welcome.

STAN SOBY: Thank you. Good afternoon, Madam Chair and members of the Committee. I'm Stan Soby. I'm Vice President for Public Policy and External Affairs at Oakhill. Oakhill has been providing services to people with disabilities for 125 years
through education, assistive technology programs, and advocacy. We support people at every stage of life. We have over 20 distinct programs and 152 program sites, classrooms, and homes in 77 towns in Connecticut. We employ 1,700 people to help successfully meet the needs of close to 30,000 people with disabilities in a year.

We're here in support of Senate Bill Number 928, and the language proposed by the Alliance to amend the bill.

When -- just in the interest of time, I'll point out that this process, after years of funding -- of funding cuts and flat rates is not only costly to us, but his owner is deprived of -- non-profits not frivolous, you know, for us our -- our experience is two municipalities that have been recognizing our status and considering us tax exempt, no longer do so. Our forms are filed on time. There was no change in the charitable use. The cost to us in taxes is $32,653.96.

In addition to three towns that were already taxing us, our property tax liability in total this year is $82,976 dollars and change. At the new minimum wage of $14.75 for our direct support staff, these tax dollars represent the equivalent of 5,619 hours of direct service. It also represents a potential loss in the marketplace -- the economic gain in the marketplace when those dollars are wages and they're spent locally. So, where's the win for a municipality in that.

Other than the rates that the state pays for our services and the donations that are made on a charitable basis, nonprofits like Oakhill have no
payor mix, no other source of revenue to cover these costs.

In -- in sum, we would hope that you would pass this bill, because it can help preserve the social contact that has been referenced, and has made such a difference to people in need for over 100 years. Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you, Mr. Soby for your succinct and on-point testimony. Are there questions from members of the Committee? I would just comment your putting that in terms of service hours was a powerful statement, so thank for that.

STAN SOBY: Thank you, Madam Char.

REP. MCCARTHY VAHEY (133RD): And thank you for being here with us today. Next is Natalie Vieria, followed by Susan Brosseau. Welcome.

NATALIE VIEIRA: Hi, good evening, members of the Planning and Development Committee. My name is Natalie Vieria, and I'm the Policy Associate at a nonprofit called All Our Kin. All Our Kin has 20 years of experience training and supporting home-based childcare providers, what I'll refer to as family and group childcare providers, giving them tools and resources to run high-quality childcare businesses that transform opportunities for thousands of Connecticut's youngest children and their families.

And I am testifying in support of House Bill Number 7276: AN ACT CONCERNING CERTAIN GROUP CHILDCARE AND FAMILY CHILDCARE HOMES. I'll just summarize my points today, because I submitted a really [laughter] detailed version of my testimony, along
with a policy report prepared by the Yale Law Clinic in support of House Bill Number 7276. I do urge you to review that testimony, as it includes stories from individual childcare providers who would greatly benefit from this piece of legislation.

Connecticut faces an acute shortage of licensed childcare. When families lack access to high-quality, affordable care, parents struggle to participate in the workforce and children miss out on the nurturing early learning opportunities that lay the critical foundation for success. According to Connecticut's Office of Early Childhood, Connecticut lacks 51,000 licensed childcare slots for our infant and toddler population. And the OEC has identified increasing the state's supply of licensed care is a critical priority.

Protecting and prompting family and group childcare is a key strategy for increasing the state's supply of care. Family and group childcare, which are home-based childcare businesses, licensed by the state, are particularly well-positioned to meet the state's demand for infant and toddler care. They offer nurturing individualized care in small residential environments that parents tend to prefer to larger childcare centers for their youngest children. And as a result, parents go to work knowing that their children are safe, loved, and learning. And family childcare programs generate significant economic returns, according to a study by UConn Center for Economy Analysis, for every $1 dollar we invest in licensing home-based childcare providers, $15 to $20 dollars is returned to the regional economy.
And yet, what we've seen in our 20 years of doing this work, is that family and group childcare providers face significant housing and zoning barriers to starting, maintaining, or expanding their businesses.

House Bill Number 7276 would strengthen these housing and zoning protections, following the example of states like California and New York that have already taken steps to do this.

And through Section 8 of the Bill, we attempt to take a balanced approach, recognizing the liability concerns of landlords and residential associations. And I will just say, that after Chas Ryan's testimony earlier today, I did step out and talk to him. I'll admit that, while I know childcare very, very well, I do not know the ins and outs of liability and insurance with condominium associations. And we're definitely open to ongoing conversations in looking at which parts of the bill may need to be modified, while still preserving the intent.

I just want to use the reminder of my time to call attention to a specific section of the bill that I'd like to have removed. As written, Section 7 of the Bill would allow a landlord to collect a security deposit in excess of two months' rent in the case of a tenant operating a family or group childcare program. We want this section removed, as it would essentially prohibit the operation of a childcare program, which is really in -- in opposition to the intent of the bill.

I urge you to support this Bill. It will reduce barriers to childcare in Connecticut and is an
important step towards ensuring that high-quality, affordable childcare is accessible to all Connecticut children and families who need it. Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you so much for your testimony today. Are their questions from members of the Committee? Representative Stafstrom.

REP. STAFSTROM (129TH): Thank you, Madam Chair. Not so much question, just a comment. I actually am fortunate to have the All --

NATALIE VIEIRA: Uh-huh.

REP. STAFSTROM (129TH): -- Our Kin facility in West End, Bridgeport, in my district. And have been able to visit it many, many, many times. And just for the Committee's benefit, I want to vouch for the fine work that you guys are doing as an organization bringing high-quality childcare to some of the most impoverished sections of our state, and -- and making sure that all folks have an opportunity to receive training that want to in order to provide childcare. And -- and it really is a -- a phenomenal service and phenomenal program you are running in terms of getting folks who, you know, have the time, have the ability, and -- and have the desire to provide childcare services for the basic training and skillset they need in order to, you know, become entrepreneurs --

NATALIE VIEIRA: Uh-huh.

REP. STAFSTROM (129TH): -- and -- and be able to open up their own homes for the benefit of -- of their friends and neighbors, and -- and social context in my cases that might not otherwise have
access so that other folks can -- can get to work. And, you know, I think -- I think it's all too often in this building, we -- we talk about sort of creating jobs and -- and job creation and the barriers to that, and one of the issues that doesn't get talked about nearly enough is that it's hard to go to work if they have to be home taking care of a child.

NATALIE VIEIRA: Uh-huh.

REP. STAFSTROM (129TH): -- and, you know, you are -- you are a -- a amazing cog in that cycle of being able to get folks to be able to go to work, because of the -- the services you're providing. So, I just want to thank you all the work that All Our Kin does and -- and so many organizations like you out there, but in particular, like I said, the work you're doing in Bridgeport, and certainly for sticking it out all day today to be able to testify. So thanks so much.

NATALIE VIEIRA: Thank you.

REP. MCCARTHY VAHEY (133RD): Thank you, Representative Stafstrom. And Natalie, I just wanted to point out, that we do not have your testimony up online quite yet --

NATALIE VIEIRA: Okay.

REP. MCCARTHY VAHEY (133RD): -- so if there were two or three other things that you said you had some detailed testimony including some information from the Yale Law Clinic --

NATALIE VIEIRA: Yes.
REP. MCCARTHY VAHEY (133RD): -- are there any other things you want to highlight for us from your testimony?

NATALIE VIEIRA: Sure, yeah I actually have like a 30-page document that I had attempted to submit. So, I'll make --

REP. MCCARTHY VAHEY (133RD): Okay.

NATALIE VIEIRA: -- sure --

REP. MCCARTHY VAHEY (133RD): A couple other things.

NATALIE VIEIRA: Yes. [laughter] I'll make sure that that gets submitted, [laughter] which is why I wanted to summarize today.

REP. MCCARTHY VAHEY (133RD): But maybe just, you know, one or --

NATALIE VIEIRA: Sure.

REP. MCCARTHY VAHEY (133RD): -- two other bullet points that you might want to emphasize that we weren't able to scan here today.

NATALIE VIEIRA: Yeah, totally. One thing that I want to emphasize is that we're talking about two distinct types of home-based care. One is family childcare which is a small, small setting up to six full-time children. And the other is group home childcare. And that is between seven and 12 children in a -- a residential setting.

And as the current law stands, family childcare is exempt from local municipal zoning regulations, which is great. We create this sort of artificial distinction between family and group childcare. And so, group childcare programs, which have the ability
to serve more children are just a tremendous community asset, and are kind of the logical next step for family childcare providers who have ten parents on their waitlist, for example, are subject to these local zoning regulations. And a lot of times this creates huge, huge barriers. I will say that there's a similar bill to this bill that went through the Housing Committee, it's House Bill Number 6291. And a lot of testimony was submitted on that bill that includes some stories from childcare providers who have faced these zoning barriers in opening group childcare homes. And so, I would encourage you to look at that, as well. But we didn't quite have our act together [laughter] as much in terms of getting people to come out and testify on this bill. But they're so similar in intent, that I think that will help inform testimony on this specific piece of legislation.

REP. MCCARTHY VAHEY (133RD): I appreciate that, so that we can take a look at some of that, as well.

NATALIE VIEIRA: Uh-huh.

REP. MCCARTHY VAHEY (133RD): And I will certainly appreciate looking at the document. I think the members of this Committee are probably going to get tired of hearing the fact that I'm a social worker by training. And prevention is absolutely critical, and it begins with early, early care from a lot of people have to go back to work when their children are certainly four -- four weeks old. And I know, I am a person who benefitted from both family and group in-home care as a critical part of my children's growing up. And I know how important it is. I also know, as Representative Stafstrom noted,
particular to Bridgeport, folks -- constituents I have who are --

NATALIE VIEIRA: Uh-huh.

REP. MCCARTHY VAHEY (133RD): -- working with some organizations in Bridgeport, to create jobs, one of the big barriers that they're facing is accessible childcare in the community, particularly for folks who do not have transportation.

NATALIE VIEIRA: Uh-huh.

REP. MCCARTHY VAHEY (133RD): So, those neighbor options where people can provide care in their homes, of course, in a licensed setting, and I think that's the other thing that's important to emphasize here is, one of the benefits of this Bill, is that we're encouraging folks to go through the licensure process to assure that the level and quality of care is good and that we're providing those healthy, safe and strong places for our children to be. So, I thank you for the time that you've spent here with us. And appreciate further conversation on this.

NATALIE VIEIRA: Could I just respond to that comment quickly?

REP. MCCARTHY VAHEY (133RD): Sure.

NATALIE VIEIRA: I'll say that in addition to being a critical support for families who lack access to transportation, providing non-traditional hour care is another huge, huge benefit of these home-based programs. That is a need that's just not being filled by centers. And the other thing, I'll say is, that when parents are going to work, they're leaving their children somewhere. And if we're not
doing more to remove barriers to licensed care, those children are still in care.

REP. MCCARTHY VAHEY (133RD): Uh-huh.

NATALIE VIEIRA: But we can do nothing to assess the health and safety of those -- those settings. So, I appreciate that comment.

REP. MCCARTHY VAHEY (133RD): Well, I certainly appreciate your response, because you're absolutely right. But some of those children are being left in care and some are not --

NATALIE VIEIRA: Uh-huh.

REP. MCCARTHY VAHEY (133RD): -- and depending on their ages as they get older. And so, we run the risk of putting children at risk when we don't have those care options available --

NATALIE VIEIRA: That's right.

REP. MCCARTHY VAHEY (133RD): -- for them. So, thank you so much --

NATALIE VIEIRA: Thank you.

REP. MCCARTHY VAHEY (133RD): -- for being here today. Susan Brosseau, who is the last person on our list today. Congratulations.

SUSAN BROSSEAU: Thank you.

REP. MCCARTHY VAHEY (133RD): And welcome.

SUSAN BROSSEAU: And can I point out, I was third from last on Friday night, so I'm trying --

REP. MCCARTHY VAHEY (133RD): Oh --

SUSAN BROSSEAU: -- not to take this --
REP. MCCARTHY VAHEY (133RD): -- wow.

SUSAN BROSSEAU: -- personally, but -- [laughter] I'm just going to put that out there.

REP. MCCARTHY VAHEY (133RD): In this case, we're a lottery. I don't know if that was a lottery as well?

SUSAN BROSSEAU: It was a lottery, too. But --

REP. MCCARTHY VAHEY (133RD): Oh my goodness.

SUSAN BROSSEAU: But still -- but still.

REP. MCCARTHY VAHEY (133RD): Well, we're glad to see you here.

SUSAN BROSSEAU: Thank you. My name is Susan Brosseau. I am the Chief Financial Officer of Ädelbrook Behavior and Developmental Services. I live and vote in Hebron. I support Senate Bill Number 928, which I'm calling the property tax bill. But I specifically urge the Committee to amend the bill as the Alliance has recommended as described by Gian-Carl Casa today. This relates to the less than six months provision for group homes that you've heard several times today. And I'm going to abbreviate the -- the rest of my -- my -- my testimony here.

Ädelbrook Behavior and Developmental Services is a multi-service agency, specializing in autism spectrum disorder, developmental services, and behavioral health treatment. We operate congregate residential services, including two group extension homes, three therapeutic group homes, and eight CRS and CLA homes. And we also have schools.
At Ädelbrook, of the 13 group homes that I just listed, that we currently operate, four were assessed property tax this fiscal year. But the remaining homes could be assessed in the near future, if more municipalities jump on this bandwagon. Each operating budget for these group homes is developed with EDS or DCF by combining the projective levels of service for each resident based on their observed level -- levels of needs and their functioning. There is no provision in these budgets for property taxes, it's simply not there. However, in July 2018, we were assessed property taxes at four of our group home residences and we needed to quickly develop a plan to address this problem.

So, first, we paid what we were assessed under protest, and we did that in order to avoid a lien being placed on the properties. The tax was $25,000 in total that we paid for these homes. But this is only the tip of the iceberg and this is what really worries me. This could easily quadruple for Ädelbrook, if all the towns in which we operate homes, decide to also assess the property tax.

In future years we could be assessed over $100,000 dollars in payments for property taxes that, could instead, provide first of all, all the services for one of our group home residents for over six months, or another way of thinking about it, the wages for three direct care staff for a full year. So that's what we could also get out of $100,000 dollars.

Second, and also to try to address this ourselves, the best way we could because we were blindsided by these taxes, we filed our -- our quadrennial reports. We had never been assessed taxes before. It was literally just bills that came in the mail.
And we tried to work initially with the Tax Assessors in the towns ourselves without -- without benefit.

So second, we hired an attorney, at our own expense, to assist us in appealing these taxes. And we'll probably go to court to fight them. And again, these are just expenses that divert funding from the direct services that we would rather provide.

I thank the Committee very much for raising this important bill and respectfully request that you pass the substitute language suggested by the Alliance. Thank you.

REP. MCCARTHY VAHEY (133RD): Well, thank you for sticking it out both today and also on Friday night.

SUSAN BROSSEAU: [crosstalk]

REP. MCCARTHY VAHEY (133RD): It's very admirable and a clear sense of your commitment to what you're doing. Questions from members of the Committee? If not, thank so much for --

SUSAN BROSSEAU: Sure.

REP. MCCARTHY VAHEY (133RD): -- being here with us today. Are there any other members of the public who would like to be heard today? If not, I will adjourn this -- today's Planning and Development Hearing. Thanks so much everyone.