To allow public access, anyone may access a meeting by telephone, Zoom, and/or the City of Norwalk YouTube channel. Specific instructions and links can be found at www.norwalkct.org/meetings.

Members of the public can use a telephone to call in, attend, listen and comment during the meeting. However, they will not be able to see any of the meeting participants. Each meeting will use a unique Meeting/Webinar ID. For the current meeting, the **meeting ID is 828 7379 8981,** the **passcode is 377930** and the **call in number is 646-558-8656**. The information can also be found using the link above.

Upon written request not less than 24 hours prior to the meeting, a member of the public can request a physical location to attend this virtual meeting at City Hall. Such a member of the public will be provided access to a telephone so that they can attend the meeting in real time. The member of the public can call in, attend, listen and comment during the meeting. However, they will not be able to see any of the meeting participants. Each meeting will use a unique Meeting/Webinar ID. For the current meeting, the **meeting ID is 828 7379 8981,** the **passcode is 377930** and the **call in number is 646-558-8656**. The information can also be found using the link above. A set of instructions will be left with the telephone for the member of the public to use in order to access the meeting.

Members of the public who wish to "view the meeting live" and/or "provide live comments" can use the Zoom meeting platform by going to www.norwalkct.org/meetings and clicking on the "View/Participate Live on Zoom" link that is on the line with the meeting date and time. All participants will be muted upon entering the meeting. To speak, click the "raise your hand indicator" and you will called on by the host of the meeting during the public comment section.

Members of the public who wish to view the meeting, but are not participating, can view a live stream on the City of Norwalk YouTube channel. This stream is delayed by approximately 20 seconds. Please find the information using the link above. The meeting recording and minutes will be posted on the City of Norwalk website within seven (7) days after the meeting.

Members of the public who wish to provide public comment are encouraged to submit those via email in advance of the meeting. For these comments to be read into the record, they should be submitted at least three hours in advance of the meeting start time. Please email Brian Candela at bcandela@norwalkct.org to provide written public comment prior to the meeting.

COMMON COUNCIL ORDINANCE COMMITTEE SPECIAL MEETING

October 30, 2023
7:00 p.m. – By Videoconference and Teleconference

AGENDA

1. **ROLL CALL:**

2. **PUBLIC HEARING (possible action on):**

   - Discuss and vote on the Affordable Housing ordinance.

3. **PUBLIC HEARING DISCUSSION:**

4. **PUBLIC COMMENT:**

5. **ACCEPTANCE OF MINUTES:**

   - October 17, 2023 – regular meeting of the ordinance committee

6. **OLD BUSINESS:**

7. **NEW BUSINESS:**

8. **DISCUSSION ITEM:**

9. **ADJOURNMENT:**

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Special Meeting and Public Hearing on Monday, October 30, 2023 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on the Affordable Housing Ordinance. Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by October 27, 2023.

§ 1-1. Preamble; Purpose of the Affordable Housing Account.

A. The City of Norwalk ("~~Norwalk~~City") recognizes the wide-ranging benefits of adequate housing for all those seeking permanent shelter. Housing stability has been linked to positive life outcomes for children, greater neighborhood and community resilience, and better individual and community health.

B. There is a nationwide housing crisis – one that is even more acute here in Fairfield County – as the growth in housing units has not kept pace with population growth, making housing harder to find and more expensive. That burden falls hardest on individuals and families whose annual income are less than sixty percent of the statewide median.

C. Further, home ownership is widely recognized as an important mechanism by which individuals and families build wealth. It is not, however, a mechanism that has historically been equitably available and accessible to everyone. City ~~Norwalk~~ residents are still impacted by the historical legacy of explicitly racist housing private practices and public policies of past centuries, as well as the subtler forms of discrimination on the basis of race and income that persist today. Therefore, the City ~~Norwalk~~ is committed to being a city where everyone who wants to can affordably live here.

D. Moreover, how housing is designed, built, and renovated can have significant positive or negative effects on our environment, climate change, and flooding. Housing for a coastal city that will be significantly impacted by climate change must seek to limit its environmental impact and be built with climate resilience in mind.

E. The purpose and intent of this Chapter is as follows: (1) to create the "Affordable Housing Account"; and (2) to establish policies, procedures and application criteria ~~("Application Criteria")~~ of the Affordable Housing Account. In addition to such sums as may be directly appropriated by ~~Norwalk's~~ the Common Council for deposit into the Affordable Housing Account, this account shall be funded by fees received under the City ~~Norwalk~~ Workforce Housing Regulations. This account shall only be used for Qualified Expenditures ~~including construction, rehabilitation, improvement, maintenance, or repair of Affordable Housing~~ (as defined below) for low-and-moderate-income individuals and families and fostering the building of climate resilient Affordable Housing for rent and for purchase throughout the City~~Norwalk~~.

§ 1-2. Definitions.

For purposes of this Chapter, the following terms have the meanings indicated:

Affordable Housing
Housing whose annual cost for (a) rent and utilities or (b) the sum of mortgage payments, required insurance payments, utilities, and property taxes shall not exceed thirty (30%) percent of the gross annual income of a household with a gross income which does not exceed sixty (60%) percent of the state of Connecticut Median Income, as adjusted for family size, as published by the United States Census Bureau and periodically updated by the U.S. Department of Housing and Urban Development (HUD).

Entity
A company, corporation, limited liability company, partnership, association, syndicate, trust, joint venture, or other legal entity of any kind.

Individual
A natural person.

Majority Vote
The affirmative vote of at least a majority of the members of the Common Council, present and voting, at a duly held meeting of the Common Council at which a quorum is present.

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Qualified Expenditures
Funds used for the physical act of construction, rehabilitation, improvement, maintenance, or repair of an Affordable Housing building or structure. These include, but are not limited to, labor~~,~~ and materials~~, and utilities~~.

§ 1-3. Establishment of the Norwalk ~~Norwalk~~ Affordable Housing Account.

A. Pursuant to C.G.S. § 7-148(c)(2)(K), as amended, the City ~~Norwalk~~ does hereby create the Affordable Housing Account. This account shall only be used for Qualified Expenditures.

B. The continuation of the Affordable Housing Account shall be perpetual notwithstanding that from time to time said account may be unfunded. Funds in the Affordable Housing Account shall not lapse at the end of the City's ~~Norwalk's~~ fiscal year.

§ 1-4. Affordable Housing Account Committee; Committee Meetings~~; Power and Duties~~.

A. There shall be a Committee known as the "Affordable Housing Committee" ("Committee"). The Committee shall consist of seven members, two of whom shall be members of the Common Council. The members of the Committee who are members of the Common Council shall be appointed by a Majority Vote ~~Majority Vote~~ of the

Common Council. The Common Council members that serve on this Committee cannot reside in the same Council district. ~~The~~ No Common Council member~~s~~ ~~cannot~~ can serve on this Committee ~~if,~~ after the expiration of their term of office~~their two-year term has expired, they no longer are elected members of the Common Council~~. The third member of the Committee shall be the Director of Planning and Zoning ("P&Z Director"), or ~~his/her~~their designee. The fourth member of the Committee shall be the Chief of Community Services, or ~~his/her~~their designee. The remaining three members shall be appointed by the Mayor, with the approval of a Majority Vote ~~Majority Vote~~ of the Common Council. These three members shall be City ~~Norwalk~~ residents who either own or live in Affordable Housing. At least one of these three members shall be an owner of said Affordable Housing and at least one of these three members shall be residing in an Affordable Housing rental unit. Members appointed by the Mayor shall serve terms of three years each, and the terms shall be staggered. The terms of the initial members shall be as follows: one member with a term to expire June 30, 2024; one member with a term to expire June 30, 2025; and one member with a term to expire June 30, 2026. After the initial appointments, members appointed by the Mayor shall serve a term of three years. Each member of the Committee shall have one vote. All actions taken by the Committee shall be made at a duly held meeting of the Committee by a simple majority of the Committee members present. ~~With the exception of the Committee members who also serve on the Common Council, all other Committee members shall serve terms of four years each; provided, however, that the initial appointees shall have staggered terms so that two members shall serve for three years, and the three additional members shall serve for four years.~~ ~~After the initial appointments, each Committee member, with the exception of the Common Council members, shall serve a term of four years.~~ ~~Each member of the Committee shall have one vote. All actions taken by the Committee shall be made at a duly held meeting of the Committee by simple majority of a quorum of~~the ~~Committee members present.~~

B. The Committee shall meet monthly. Notwithstanding the foregoing, the Committee may suspend the monthly meeting during periods when no applications for expenditure from Affordable Housing Account funds are pending. All Committee meetings and decisions shall be open to the public and duly advertised, pursuant to the requirements of Connecticut General Statute Sections 1-225 to 1-232, as amended.

C. The Common Council shall have the power to remove a member of this Committee for ~~inefficiency,~~ neglect of duty~~,~~ or malfeasance, after an investigation, notice, and public hearing.

§ 1-5. Sources of funding; investments; limitations on use of fund.

A. In addition to such sums as may be directly appropriated by ~~Norwalk's~~ the Common Council for deposit into said Affordable Housing Account, if any, the City ~~Norwalk~~ is authorized to and shall deposit into said Affordable Housing Account all fees received heretofore and hereafter pursuant to the City ~~Norwalk~~ Workforce Housing Regulations of the City ~~Norwalk~~ Zoning Regulations, Section 118-1050, as amended ~~and revised~~.

B. The Affordable Housing Account shall be in the sole custody of the City~~Norwalk~~. All or any part of the monies in said fund may be invested in any securities with appropriate liquidity in which public funds may be lawfully invested. All income derived from such investment shall be returned to the Affordable Housing Account and become a part thereof. The monies so invested shall at all times be subject to withdrawal for use as hereinafter set forth.

C. No sums contained in the Affordable Housing Account, including interest and dividends earned, shall be transferred to any other account within the City's ~~Norwalk's~~ budget. All funds ~~deposited in~~expended from the Affordable Housing Account ~~are~~ shall be subject to the deed restrictions imposed by the City ~~Norwalk~~ Workforce Housing Regulations of the City ~~Norwalk~~ Zoning Regulations, Section 118-1050, as amended ~~and revised~~, whatever the source of the funds.

§ 1-6. Expenditures from Affordable Housing Account.

A. The P&Z Director ~~of Planning and Zoning ("Director")~~ shall prepare Application Criteria, establishing the process, procedures, criteria, goals, rules, and requirements for application submission, review, and awards pursuant to subparagraph C~~C~~ of Section 1-6, and the mode, manner and means by which Affordable Housing Account funds may be used by any applicant. The Application Criteria shall be subject to a 30-day public comment period and hearing by the Committee. Following this 30-day public comment period and hearing, the Committee shall vote on the Application Criteria. If approved by the Committee, the ~~The~~ Application Criteria ~~as amended~~ shall be forwarded to the Common Council which shall approve or amend by Majority Vote the Application Criteria within 30 days after such referral. The Application Criteria, as approved, will become effective immediately thereafter. After the Common Council approves the Application Criteria, it shall be published on the City's website. ~~become effective on the 31st day following their adoption by the Committee and publication on the City's website.~~ The Application Criteria shall be reviewed and reapproved or amended, from time to time and, in any event, no less frequently than once every three (3) years by the Committee and the Common Council. -No application for Affordable Housing Account funds shall be accepted or funds held in the Affordable Housing Account be designated for a particular use or expenditure until the Application Criteria have been so adopted and published.

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~~A.~~B. [Pursuant to the Application Criteria, the P&Z Director shall, subject to the approval of the Common Council and the availability of funds in the Affordable Housing Account, periodically, and at least annually, solicit applications for such funds from interested Individual or Entity. Provided that the applications received in connection with such solicitation conform to the Application Criteria and this chapter, the P&Z Director shall forward a summary of such applications to the Common Council. The Common Council shall have the discretion to deny, in whole but not in part, such recommendation.]

~~B. Within 30 days of the Committee's adoption, reapproval or amendment of the Application Criteria, the Common Council may, at a regular or special meeting, amend the Application~~

~~Criteria for the current and immediately following fiscal year by a Majority Vote of the Common Council.~~

C. Pursuant to the Application Criteria, the Director shall, subject to the availability of funds in the Affordable Housing Account, at least annually solicit applications for such funds from any Individual or Entity interested in constructing, rehabilitating, maintaining, improving, or repairing Affordable Housing. These funds may only be used for Qualified Expenditures in accordance with this ~~ordinance~~ Chapter and the Application Criteria. Provided the applications received in connection with such solicitation conform with this ~~ordinance~~ Chapter and the Application Criteria, the Director shall forward the applications to the Committee for its review and recommendation(s) to the Common Council, originating in the Finance and Claims Committee thereof, for final action. Use of funds from the Affordable Housing Account to pay for Qualified Expenditures shall be in accordance with this ~~ordinance~~ Chapter and the Application Criteria~~, subject to any and all additional terms and conditions imposed by the Common Council in authorizing expenditures from the Affordable Housing Account~~. The Common Council shall have the discretion to deny, in whole but not in part, any application made pursuant to this ordinance.

D. Funds held in the Affordable Housing Account shall be used exclusively for Qualified ~~Qualifyieding~~ Expenditures.

E. No expenditure of funds from the Affordable Housing Account shall be approved except in accordance with the Application Criteria and the provisions of this ~~ordinance~~Chapter.

F. No expenditure of funds from the Affordable Housing Account shall be in excess of the available balance in the fund.

§ 1-7. ~~Norwalk~~ Affordable Housing Account Reporting.

~~Each January, the~~ The Committee shall, on an annual basis or as otherwise requested by the Common Council, prepare and deliver ~~, submit, and present an~~ a ~~annual~~ written report to the Common Council of the amount in the City's Affordable Housing Account, the deposits and expenditures therefrom, ~~concerning all deposits into the Affordable Housing Account, all expenditures therefrom,~~ and the status of each project awarded funds and not yet complete when the immediately prior annual report was issued.

§ 1-8. Conflict of Interest.

No Officer or Employee of the City~~Norwalk~~, or any member of their immediate family, may receive a financial benefit from or have a direct or indirect personal or financial conflict of interest in any Person that receives finds from the Affordable Housing Account. Terms used in this Section, not otherwise defined in this Chapter, shall have the meanings given in Section 32-3 of the ~~Norwalk~~ City Code, as the same may be amended.

Dated at Norwalk, Connecticut this ______ day of October 2023.

ATTEST: Irene T. Dixon ____________________________

Irene Dixon, City Clerk

THE HOUR: Please publish once on Friday, October 20, 2023

Legal Notice of Public Hearing

Notice is hereby given that the Common Council Ordinance Committee will hold a Special Meeting and Public Hearing on Monday, October 30, 2023 at 7:00 p.m. by way of videoconference/teleconference for the purpose of discussing and voting on the Affordable Housing Ordinance. Please check the Ordinance Committee agenda for additional details and instructions about how to attend this Public Hearing by way of videoconference/teleconference. The Ordinance Committee agenda will be posted on the City website by October 27, 2023.

§ 1-1. Preamble; Purpose of the Affordable Housing Account.

- The City of Norwalk ("City") recognizes the wide-ranging benefits of adequate housing for all those seeking permanent shelter. Housing stability has been linked to positive life outcomes for children, greater neighborhood and community resilience, and better individual and community health.
- There is a nationwide housing crisis – one that is even more acute here in Fairfield County – as the growth in housing units has not kept pace with population growth, making housing harder to find and more expensive. That burden falls hardest on individuals and families whose annual income are less than sixty percent of the statewide median.
- Further, home ownership is widely recognized as an important mechanism by which individuals and families build wealth. It is not, however, a mechanism that has historically been equitably available and accessible to everyone. City residents are still impacted by the historical legacy of explicitly racist housing private practices and public policies of past centuries, as well as the subtler forms of discrimination on the basis of race and income that persist today. Therefore, the City is committed to being a city where everyone who wants to can affordably live here.
- Moreover, how housing is designed, built, and renovated can have significant positive or negative effects on our environment, climate change, and flooding. Housing for a coastal city that will be significantly impacted by climate change must seek to limit its environmental impact and be built with climate resilience in mind.
- The purpose and intent of this Chapter is as follows: (1) to create the "Affordable Housing Account"; and (2) to establish policies, procedures and application criteria of the Affordable Housing Account. In addition to such sums as may be directly appropriated by the Common Council for deposit into the Affordable Housing Account, this account shall be funded by fees received under the City Workforce Housing Regulations. This account shall only be used for Qualified Expenditures (as defined below) for low-and-moderate-income individuals and families and fostering the building of climate resilient Affordable Housing for rent and for purchase throughout the City.

§ 1-2. Definitions.

For purposes of this Chapter, the following terms have the meanings indicated:

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Housing whose annual cost for (a) rent and utilities or (b) the sum of mortgage payments, required insurance payments, utilities, and property taxes shall not exceed thirty (30%) percent of the gross annual income of a household with a gross income which does not exceed sixty (60%) percent of the state of Connecticut Median Income, as adjusted for family size, as published by the United States Census Bureau and periodically updated by the U.S. Department of Housing and Urban Development (HUD).

Entity
A company, corporation, limited liability company, partnership, association, syndicate, trust, joint venture, or other legal entity of any kind.

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A natural person.

Majority Vote
The affirmative vote of at least a majority of the members of the Common Council, present and voting, at a duly held meeting of the Common Council at which a quorum is present.

Qualified Expenditures
Funds used for the physical act of construction, rehabilitation, improvement, maintenance, or repair of an Affordable Housing building or structure. These include, but are not limited to, labor and materials.

§ 1-3. Establishment of the Norwalk Affordable Housing Account.

- Pursuant to C.G.S. § 7-148(c)(2)(K), as amended, the City does hereby create the Affordable Housing Account. This account shall only be used for Qualified Expenditures.
- The continuation of the Affordable Housing Account shall be perpetual notwithstanding that from time to time said account may be unfunded. Funds in the Affordable Housing Account shall not lapse at the end of the City's fiscal year.

§ 1-4. Affordable Housing Account Committee; Committee Meetings.

A. There shall be a Committee known as the "Affordable Housing Committee" ("Committee"). The Committee shall consist of seven members, two of whom shall be members of the Common Council. The members of the Committee who are members of the Common Council shall be appointed by a Majority Vote of the Common Council. The Common Council members that serve on this Committee cannot reside in the same Council district. No Common Council member can serve on this Committee after the expiration of their term of office. The third member of the Committee shall be the Director of Planning and Zoning ("P&Z Director"), or their designee. The fourth member of the Committee shall be the Chief of Community Services, or their designee. The remaining three members shall be appointed by the Mayor, with the approval of a Majority Vote of the Common Council. These three members shall be City residents who either own or live in Affordable Housing. At least one of these three members shall be an owner of said Affordable Housing and at least one of these three members shall be residing in an Affordable Housing rental unit. Members appointed by the Mayor shall serve terms of three years each, and the terms shall be staggered. The terms of the initial members shall be as follows: one member with a term to expire June 30, 2024; one member with a term to expire June 30, 2025; and one member with a term to expire June 30, 2026. After the initial appointments, members appointed by the Mayor shall serve a term of three years. Each member of the Committee shall have one vote. All actions taken by the Committee shall be made at a duly held meeting of the Committee by a simple majority of the Committee members present.

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The affirmative vote of at least a majority of the members of the Common Council, present and voting, at a duly held meeting of the Common Council at which a quorum is present.

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- Pursuant to C.G.S. § 7-148(c)(2)(K), as amended, the City does hereby create the Affordable Housing Account. This account shall only be used for *Qualified Expenditures*.

- The continuation of the Affordable Housing Account shall be perpetual notwithstanding that from time to time said account may be unfunded. Funds in the Affordable Housing Account shall not lapse at the end of the City's fiscal year.

§ 1-4. Affordable Housing Account Committee; Committee Meetings.

A. There shall be a Committee known as the "Affordable Housing Committee" ("Committee"). The Committee shall consist of seven members, two of whom shall be members of the Common Council. The members of the Committee who are members of the Common Council shall be appointed by a Majority Vote of the Common Council. The Common Council members that serve on this Committee cannot reside in the same Council district. No Common Council member can serve on this Committee after the expiration of their term of office. The third member of the Committee shall be the Director of Planning and Zoning ("P&Z Director"), or their designee. The fourth member of the Committee shall be the Chief of Community Services, or their designee. The remaining three members shall be appointed by the Mayor, with the approval of a Majority Vote of the Common Council. These three members shall be City residents who either own or live in Affordable Housing. At least one of these three members shall be an owner of said Affordable Housing and at least one of these three members shall be residing in an Affordable Housing rental unit. Members appointed by the Mayor shall serve terms of three years each, and the terms shall be staggered. The terms of the initial members shall be as follows: one member with a term to expire June 30, 2024; one member with a term to expire June 30, 2025; and one member with a term to expire June 30, 2026. After the initial appointments, members appointed by the Mayor shall serve a term of three years. Each member of the Committee shall have one vote. All actions taken by the Committee shall be made at a duly held meeting of the Committee by a simple majority of the Committee members present.

B. The Committee shall meet monthly. Notwithstanding the foregoing, the Committee may suspend the monthly meeting during periods when no applications for expenditure from Affordable Housing Account funds are pending. All Committee meetings and decisions shall be open to the public and duly advertised, pursuant to the requirements of Connecticut General Statute Sections 1-225 to 1-232, as amended.

C. The Common Council shall have the power to remove a member of this Committee for neglect of duty or malfeasance, after an investigation, notice, and public hearing.

§ 1-5. Sources of funding; investments; limitations on use of fund.

- In addition to such sums as may be directly appropriated by the Common Council for deposit into said Affordable Housing Account, if any, the City is authorized to and shall deposit into said Affordable Housing Account all fees received heretofore and hereafter pursuant to the City Workforce Housing Regulations of the City Zoning Regulations, Section 118-1050, as amended.

- The Affordable Housing Account shall be in the sole custody of the City. All or any part of the monies in said fund may be invested in any securities with appropriate liquidity in which public funds may be lawfully invested. All income derived from such investment shall be returned to the Affordable Housing Account and become a part thereof. The monies so invested shall at all times be subject to withdrawal for use as hereinafter set forth.

- No sums contained in the Affordable Housing Account, including interest and dividends earned, shall be transferred to any other account within the City's budget. All funds expended from the Affordable Housing Account shall be subject to the deed restrictions imposed by the City Workforce Housing Regulations of the City Zoning Regulations, Section 118-1050, as amended, whatever the source of the funds.

§ 1-6. Expenditures from Affordable Housing Account.

- The P&Z Director shall prepare Application Criteria, establishing the process, procedures, criteria, goals, rules, and requirements for application submission, review, and awards pursuant to subparagraph C of Section 1-6, and the mode, manner and means by which Affordable Housing Account funds may be used by any applicant. The Application Criteria shall be subject to a 30-day public comment period and hearing by the Committee. Following this 30-day public comment period and hearing, the Committee shall vote on the Application Criteria. If approved by the Committee, the Application Criteria shall be forwarded to the Common Council which shall approve or amend by Majority Vote the Application Criteria within 30 days after such referral. The Application Criteria, as approved, will become effective immediately thereafter. After the Common Council approves the Application Criteria, it shall be published on the City's website. The Application Criteria shall be reviewed and reapproved or amended, from time to time and, in any event, no less frequently than once every three (3) years by the Committee and the Common Council. No application for Affordable Housing Account funds shall be accepted or funds held in the Affordable Housing Account be designated for a particular use or expenditure until the Application Criteria have been so adopted and published.

- [Pursuant to the Application Criteria, the P&Z Director shall, subject to the approval of the Common Council and the availability of funds in the Affordable Housing Account, periodically, and at least annually, solicit applications for such funds from interested Individual or Entity. Provided that the applications received in connection with such solicitation conform to the Application Criteria and this chapter, the P&Z Director shall forward a summary of such applications to the Common Council. The Common Council shall have the discretion to deny, in whole but not in part, such recommendation.]

- Pursuant to the Application Criteria, the Director shall, subject to the availability of funds in the Affordable Housing Account, at least annually solicit applications for such funds from any Individual or Entity interested in constructing, rehabilitating, maintaining, improving, or repairing Affordable Housing. These funds may only be used for Qualified Expenditures in accordance with this Chapter and the Application Criteria. Provided the applications received in connection with such solicitation conform with this Chapter and the Application Criteria, the Director shall forward the applications to the Committee for its review and recommendation(s) to the Common Council, originating in the Finance and Claims Committee thereof, for final action. Use of funds from the Affordable Housing Account to pay for Qualified Expenditures shall be in accordance with this Chapter and the Application Criteria. The Common Council shall have the discretion to deny, in whole but not in part, any application made pursuant to this ordinance.

- Funds held in the Affordable Housing Account shall be used exclusively for Qualified Expenditures.

- No expenditure of funds from the Affordable Housing Account shall be approved except in accordance with the Application Criteria and the provisions of this Chapter.

- No expenditure of funds from the Affordable Housing Account shall be in excess of the available balance in the fund.

§ 1-7. Affordable Housing Account Reporting.

The Committee shall, on an annual basis or as otherwise requested by the Common Council, prepare and deliver a written report to the Common Council of the amount in the City's Affordable Housing Account, the deposits and expenditures therefrom, and the status of each project awarded funds and not yet complete when the immediately prior annual report was issued.

§ 1-8. Conflict of Interest.

No Officer or Employee of the City, or any member of their immediate family, may receive a financial benefit from or have a direct or indirect personal or financial conflict of interest in any Person that receives finds from the Affordable Housing Account. Terms used in this Section, not otherwise defined

Mayor shall serve terms of three years each, and the terms shall be staggered. The terms of the initial members shall be as follows: one member with a term to expire June 30, 2024; one member with a term to expire June 30, 2025; and one member with a term to expire June 30, 2026. After the initial appointments, members appointed by the Mayor shall serve a term of three years. Each member of the Committee shall have one vote. All actions taken by the Committee shall be made at a duly held meeting of the Committee by a simple majority of the Committee members present.

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- No sums contained in the Affordable Housing Account, including interest and dividends earned, shall be transferred to any other account within the City's budget. All funds expended from the Affordable Housing Account shall be subject to the deed restrictions imposed by the City Workforce Housing Regulations of the City Zoning Regulations, Section 118-1050, as amended, whatever the source of the funds.

§ 1-6. Expenditures from Affordable Housing Account.

- The P&Z Director shall prepare Application Criteria, establishing the process, procedures, criteria, goals, rules, and requirements for application submission, review, and awards pursuant to subparagraph C of Section 1-6, and the mode, manner and means by which Affordable Housing Account funds may be used by any applicant. The Application Criteria shall be subject to a 30-day public comment period and hearing by the Committee. Following this 30-day public comment period and hearing, the Committee shall vote on the Application Criteria. If approved by the Committee, the Application Criteria shall be forwarded to the Common Council which shall approve or amend by Majority Vote the Application Criteria within 30 days after such referral. The Application Criteria, as approved, will become effective immediately thereafter. After the Common Council approves the Application Criteria, it shall be published on the City's website. The Application Criteria shall be reviewed and reapproved or amended, from time to time and, in any event, no less frequently than once every three (3) years by the Committee and the Common Council. No application for Affordable Housing Account funds shall be accepted or funds held in the Affordable Housing Account be designated for a particular use or expenditure until the Application Criteria have been so adopted and published.

- [Pursuant to the Application Criteria, the P&Z Director shall, subject to the approval of the Common Council and the availability of funds in the Affordable Housing Account, periodically, and at least annually, solicit applications for such funds from interested Individual or Entity. Provided that the applications received in connection with such solicitation conform to the Application Criteria and this chapter, the P&Z Director shall forward a summary of such applications to the Common Council. The Common Council shall have the discretion to deny, in whole but not in part, such recommendation.]

- Pursuant to the Application Criteria, the Director shall, subject to the availability of funds in the Affordable Housing Account, at least annually solicit applications for such funds from any Individual or Entity interested in constructing, rehabilitating, maintaining, improving, or repairing Affordable Housing. These funds may only be used for Qualified Expenditures in accordance with this Chapter and the Application Criteria. Provided the applications received in connection with such solicitation conform with this Chapter and the Application Criteria, the Director shall forward the applications to the Committee for its review and recommendation(s) to the Common Council, originating in the Finance and Claims Committee thereof, for final action. Use of funds from the Affordable Housing Account to pay for Qualified Expenditures shall be in accordance with this Chapter and the Application Criteria. The Common Council shall have the discretion to deny, in whole but not in part, any application made pursuant to this ordinance.

- Funds held in the Affordable Housing Account shall be used exclusively for Qualified Expenditures.

- No expenditure of funds from the Affordable Housing Account shall be approved except in accordance with the Application Criteria and the provisions of this Chapter.

- No expenditure of funds from the Affordable Housing Account shall be in excess of the available balance in the fund.

§ 1-7. Affordable Housing Account Reporting.

The Committee shall, on an annual basis or as otherwise requested by the Common Council, prepare and deliver a written report to the Common Council of the amount in the City's Affordable Housing Account, the deposits and expenditures therefrom, and the status of each project awarded funds and not yet complete when the immediately prior annual report was issued.

§ 1-8. Conflict of Interest.

No Officer or Employee of the City, or any member of their immediate family, may receive a financial benefit from or have a direct or indirect personal or financial conflict of interest in any Person that receives finds from the Affordable Housing Account. Terms used in this Section, not otherwise defined in this Chapter, shall have the meanings given in Section 32-3 of the City Code, as the same may be amended.

Dated at Norwalk, Connecticut this ______ day of October 2023.

ATTEST: ______________________________

Irene Dixon, City Clerk

THE HOUR: Please publish once on Friday, October 20, 2023

CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
OCTOBER 17, 2023
BY VIDEOCONFERENCE AND TELECONFERENCE

ATTENDANCE: Lisa Shanahan, Chair; Edwin Camacho, James Frayer, Josh Goldstein (7:17 p.m.); Brian Meek; Nora Niedzielski Eichner (7:14 p.m.)

STAFF: Corporation Counsel: Brian Candela, Tayisha Toms

CALL TO ORDER

Ms. Shanahan called the meeting to order at 7:07 p.m.

ROLL CALL:
Ms. Shanahan called the Roll and acknowledged those in attendance as indicated above.

PUBLIC HEARING

Ms. Shanahan announced that there would not be a public hearing as the notice was not posted in the newspaper.

PUBLIC COMMENT:
Public comments are not verbatim and represent a summarization of statements unless otherwise noted. Speakers are Norwalk residents unless otherwise noted.

Ms. Diane Lauricella asked for a clarification to the minutes of last month of her comments regarding Affordable Housing 'attached dwelling units' should be 'attached and detached accessory units'. The Chapter 9 item on the relationship of sale of City property it is important to assessment of the true market value of property in particular to a recent item concerning wetlands item in Rowayton where ¼ acre property was added to home ownership that would enhance the value of their land. She asks to add wording to the ordinance to avoid undervalue and to add as a caveat or standard 'an appraisal as an assessment for fair market value on property for sale.'

ADMINISTRATION

APPROVAL OF MINUTES – September 12, 2023

Ms. Shanahan requested the change as requested by Ms. Lauricella to correct her comment as noted during Public Comments.

** MR. FRAYER MOVED TO APPROVE THE MINUTES AS AMENDED WITH CHANGE AS NOTED.
** MOTION PASSED WITH ONE ABSTENTION (MEEK)

Ms. Shanahan used the Chair prerogative to amend the agenda to change the order of business to skip over Blight Prevention 58A and to have discussion of sale of City property next on the agenda. She noted that this would be introductory discussion only with public hearing to be rescheduled.

** MR. FRAYER MOVED TO CHANGE THE ORDER OF THE AGENDA AS NOTED.
** MOTION PASSED UNANIMOUSLY.

<u>Discuss Section 9-3: Procedure for sale of City property.</u>

Ms. Tyisha Toms introduced the item and provided background information to the proposed changes to the ordinance as red-lined in the agenda attachment regarding a public hearing requirement for personal property and conveyance of tax. She explained redundancy with state statute, and thresholds of value for surplus property for a public hearing in accordance with public hearing past practice.

Ms. Niedzielski Eichner asked what the purpose of a public hearing is, and Ms. Toms explained the context depends on the nature of the hearing and the attendees involved to provide an opportunity to participate in the process with the valuation of the property sale.

Mr. Meek questioned the issue of conveyance tax and provided the example of Hatch & Bailey that the sale shortchanged the City as the tax was excluded from the value. Ms. Toms replied that it is statutory, and exemption based on where this applies if the City is purchasing from a private party sale. Mr. Meek questioned fair market value, and Ms. Toms clarified that the City does not lose as they do not pay conveyance tax in determine it doesn't change the value based on transaction cost.

There was discussion on how this is within the scope of the section on sale of property not the purchase price in relation to private sale in a reduction of the assessed value and protection for the City. Ms. Shanahan noted that this is beyond the scope of the discussion of the ordinance, and this could be added to a future agenda for sale of the property to the City if this is a part of another ordinance.

Mr. Frayer asked about the posting of items on the site mentioned as publicsurplus.com. Ms. Toms explained that it is for the establishment of competitive value or opening bid on the item for sale, and the starting bid is the appraised value that is the baseline, and it goes from there.

Ms. Shanahan noted that this is an introductory discussion, and the addition of establishment of fair market value. Ms. Toms referred to examples of a fire truck and police boat where public hearings followed the ordinance.

Ms. Niedzielski Eichner noted that as with other items, this could be referred to the Common Council for review, and there was further discussion on the determination of threshold levels.

Ms. Shanahan thanked the Committee members for the feedback and noted that she will pull together the comments from tonight's discussion to Ms. Toms for additions to the draft ordinance recommended changes.

OLD BUSINESS:
Discuss and vote on resending the Affordable Housing Ordinance to public hearing.

Ms. Shanahan reported that the notice of public hearing was sent to the newspaper as customary procedure, but it was not published; therefore, this provides an opportunity to have further discussion. She noted that after a review of proposed changes, the next step would be to schedule a special meeting on October 30 to hold the public hearing.

Mr. Candela provided the proposed changes and reviewed the wording and definitions as red-lined on the ordinance attachments contained in the agenda packet. He noted that goal with revisions to the ordinances is to be as similar and consistent as possible across the many ordinances and proposed charter revision drafts.

There was discussion on application criteria for expenses and to create a broad framework that sets goals for construction and a 30-day comment period to provide public the opportunity for participation. Mr. Candela explained this was established application criteria for developers to set aside funds to affordable housing that the City of Norwalk is aligned with Planning & Zoning requirements. The Common Council then approves the application criteria after public comment and Committee review, that provides a mechanism for it to be forwarded to Common Council.

Ms. Niedzielski Eichner commented that she did not want this to be structured to have to forward to Common Council oversight, and not slow things down and not have it sit after the Committee has done the work with review.

Mr. Candela noted that the proposed changes will be sent to legal notice for public hearing on October 30.

Mr. Meek asked that section 1.2 is setting thresholds here for qualifications that could avoid house flipping or equity for means testing, define income, landlord depreciation, and could result in potential loopholes that could be exploited.

Ms. Niedzielski Eichner noted that she had emailed Mr. Meek on these changes and clarified that the ordinance was created for a broad framework within guidelines for development. She added that this cannot control the individuals set criteria levels for construction of housing. She added that the controls would be done at the level of hard cost of construction, that administer lotteries and managed by guidelines on what funds are to be used at a more granular level than the ordinance could not possibly attach all the evaluation of applications can be done, and complex equity questions and increased value to the City.

There was further discussion on the current P&Z regulations and the rationale behind the proposed changes that align with state guidelines widely used with City, state and federal funds for the common definitions used with existing funds for intended project approvals.

Mr. Meek noted the cause is noble although the definitions can be stronger as they vary for better protections for the City to avoid games that certain developers play. Ms. Niedzielski Eichner noted it is all deed restrictions as included and embedded in P&Z guidelines.

** MR. CAMACHO MOVED TO APPROVE THE PROPOSED ORDINANCE CHANGES FOR LEGAL NOTICE FOR PUBLIC HEARING AT A SPECIAL MEETING DATE OF OCTOBER 30, 2023.

** MOTION PASSED UNANIMOUSLY.

ADJOURNMENT

** MR. GOLDSTEIN MOVED TO ADJOURN THE MEETING.

** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Telesco Secretarial Services