

**CITY OF NORWALK  
REDEVELOPMENT AGENCY  
REGULAR MEETING  
APRIL 13, 2010**

**ATTENDANCE:** Emil Albanese, Chairman; Commissioners Lisa Cooper, Randy Napoletano and Lori Torrano

**AGENCY COUNSEL:** Marc J. Grenier, Esq., David W. Stergas, Esq.

**STAFF:** Timothy T. Sheehan, Executive Director; Munro W. Johnson, Sr. Development Project Manager; Michael T. Moore, Sr. Community Development Project Manager; and John Slovak, NRA Comptroller; Tad Diesel, Director Marketing & Business Development; Margaret Suib, Fair Housing Officer

**OTHERS:** Dr. Ernest Swiger and interested residents

**CALL TO ORDER**

The Regular Meeting was called to order at 6:00 P.M by Chairman Albanese.

**ROLL CALL**

Mr. Albanese called the roll. A quorum was present.

**I. PUBLIC HEARING ON NORWALK'S ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING DRAFT REPORT**

Mr. Moore said the CDBG program is undertaking three planning documents associated with the administration of the program; a 5-year Consolidated Plan for Housing and Community Development, its Annual Action Plan for the upcoming program year, and a draft Analysis of Impediments to Fair Housing Choice. The AI is a document that explores policies and practices that prohibit equal access to housing and identifies sources of housing discrimination in Norwalk. The Agency has retained a consultant, Dr. Ernest Swiger, to undertake the due diligence, the research and the drafting of the document, which has now been drafted and is being made available for a 30-day comment period. As part of the process, the Agency is required to have a public hearing at which time it will hear comments regarding the draft.

Dr. Swiger was asked to introduce himself and give a description of the methodology of the document.

Dr. Swiger identified his firm as Swiger Consulting based in Stroudsburg, Pennsylvania, which performs various functions for communities and municipalities across the country, including

preparation of Consolidated Plans, preparation of Analysis of Impediments to Fair Housing, as well as doing other community development and economic type studies.

Each community that receives Community Development Block Grant funds is required to certify that they are doing everything they can to affirmatively further fair housing, or AFFH. The municipality has to make a written assertion that it is cognizant of and attempting to do everything it can to promote fair housing across the municipality jurisdiction. Subsequent to that, it is required to prepare an Analysis of Impediments to Fair Housing, which is a written document that assesses and lays out the situation, and then to act upon that document to do everything it can to remove as many impediments as possible. Finally, the municipality is to maintain records that verify its attempt to both analyze and eliminate impediments to fair housing.

The AI is described in a document prepared by HUD some years ago called the Fair Housing Planning Guide. Chapter 2 of that document sets out the various aspects and elements that are to be included. There are five elements, and different municipalities arrange them in different ways, but basically there is an introduction which lays out the legal background and purpose for the document; a section that defines the outreach efforts made to involve the community in the process and to understand how they are getting the information to the community; a community profile section that gives the basic background, such as demographic and economic characteristics of the community; a section where the data is presented on fair housing issues, complaints that have been placed, the loan application process and information about loan applications and denial rates; and a section that sums up all the findings and makes recommendations to try to eliminate the impediments to fair housing. Those recommendations are supposed to feed into the fair housing program documentation, which is a separate document in and of itself.

Among the jurisdictions he has worked with, Norwalk is more advanced and more active in the area of fair housing than other communities. It has a Fair Housing Officer and a Fair Housing Advisory Commission. Many communities lack this type of structure, and a lot of the fair housing issues are on sort of a catch as catch can basis, or may be handled by a regional organization.

Five recommendations were made at the end of the study. The first is to continue the outreach and education efforts that the community has already undertaken and expand those to the extent necessary. Although affordable housing is not an impediment to fair housing per se, the report talks about how affordable housing impacts fair housing issues and about making further efforts to deal with affordable housing. Related to that are a number of zoning and planning issues that need to be addressed. There is also the issue of “not in my backyard syndrome”, which is mentioned briefly, and also a general caveat to monitor lending.

The lending data over the last couple of years has been horrific because of the financial situation and the various crises with the banks. Loan rates are far down, so it is difficult to tell if there is any discrimination given the situation. The company just finished preparing an AI in San Bernardino County where only 17% of the loans applied for were approved. Norwalk’s rate is about 25% to 30%.

The approval process is fairly straightforward. There is the public review and comment period, which they have entered into. There is a public hearing required, which they are doing this evening. The document does require approval by the governing body, whether it is the City Council, Commissioners, or whatever. It does need to have a resolution, approved by the governing body and signed by an appropriate official. Also, the document needs to be discussed in the annual report for the CDBG program. The AI needs to be referenced in a document called a Comprehensive Annual Performance Evaluation Report (CAPER), and needs to be periodically updated so that it is current and up to date in identifying issues and what is going to be done about those issues.

Next, Margaret Suib, Fair Housing Officer for the City of Norwalk, spoke on behalf of the Fair Housing Advisory Commission. She distributed written comments prepared by that Commission. In drafting the comments, she said the Commission looked at the HUD Fair Housing Guide, which is the road map written by HUD, and they also looked at the memo from HUD written in May 2009 regarding Westchester County's draft Analysis of Impediments and the lawsuit that was going on at the time. The Westchester case settled last summer/fall for \$60 million. Most of that is going toward building affordable housing in segregated communities in Westchester, but \$10 to \$20 million of it went to a fair housing group and their attorneys, so outside groups across the country are going to be looking at the case as perhaps a way to influence policy and make some money.

The first section, the introduction and definitions, is still a little rough in defining fair housing protected classes, and what an impediment is according to HUD is a little disjointed and a little inaccurate. There are also some inaccuracies in data and conclusions. For example, there is a chart that shows that Norwalk's population has decreased between 2000 and 2008, but later in the document it talks about a big increase in the population of Norwalk, including Latin American immigrants.

In addition, there are leaps which are problematic. For example, English is not the first language of immigrants from Latin America, but there is a leap then that assumes these people don't speak English. Data is needed to show how many people among the Latin American immigrants don't speak English or don't speak it well, and is there then discrimination that they are facing because they are from elsewhere or because they are not native English speakers? The data and conclusions aren't always in agreement.

One of the things HUD has said in both the planning guide and more recently is that they expect a community to look at historical patterns of segregation, the reasons for those patterns and what can be done about those patterns to try to desegregate communities. Norwalk, as most communities, has areas that are more predominately white, and areas that are more integrated, and some of that goes back to historical zoning issues. That history needs to be looked at to determine how the community became segregated and what can be done to address segregation issues. The Commission didn't feel that that issue was effectively or fully considered in this document as might be.

Norwalk has a Fair Housing Officer and a Fair Housing Advisory Commission and is a more active community in that regard. It is something they as a community are proud of and

something that should be highlighted better to HUD as to who they are, what they do, the projects they take on. It is okay to tell HUD that Norwalk is aggressive in this regard and is working on these issues. Again, some data is missing in the document, and she thinks they need to look for trends or patterns and provide a little more data.

There is a statement in the document that no fair housing cases were filed over the last two years, but that is not exactly right. Perhaps they got lost because they were filed by other entities, but Connecticut Legal Services filed cases that emanated from Norwalk Fair Housing, as did the Connecticut Fair Housing Center, as did private lawyers in state and federal courts. So there have been cases recently filed, and there have been cases recently settled.

Mr. Albanese thanked Ms. Suib and asked if she would come back another time after the Commissioners have had a chance to digest the report.

Ms. Nancy Burke said she is a member of the Fair Housing Advisory Committee, but is there speaking on her and her husband's behalf. Her big concern is, as a taxpayer, she thinks the document needs to be done really well, because she can't stand the thought of having a lawsuit that the City doesn't need and doesn't have the money for.

Joe Bidengill said he read the agenda on the website and saw that there was a public hearing, but he suspects hardly anyone in the public actually knows this public hearing is going on. He thinks the public needs to be better notified that the Agency is meeting to talk about a document that will become doctrine or policy of the City of Norwalk.

Fairness in impediments to discrimination in housing is a great concept and he condones it wholly. There should be no discrimination anywhere. He is a little disturbed how the document indicates that more affordable housing or lack thereof is an impediment to fairness, which he would take issue with. He thinks there is some advantage being taken in making a big political plug for affordable housing, which he doesn't think everybody in town agrees with. He hears all the time that Norwalk residents are paying more and more taxes where neighboring towns are flaunting the affordable housing limits and running at 2% while Norwalk is running at 11%, and not one word of that is in the document. All it says is Norwalk needs more affordable housing to reduce the impediments to fairness in housing.

Affordable housing is a political entitlement program where Norwalk residents subsidize households, reducing their property value by making them affordable. Whether it is a deeded thing that reduces their value because they are affordable units, or they pay less property taxes, it costs taxpayers money by shifting that tax burden to the rest of the tax paying population, so it is a social program in that regard. Any document that is written that is pushing for that is a political document, and that is what the document is, in his opinion.

Taxpayers in Norwalk are paying for the 11% affordable housing, but the surrounding communities benefit hugely from it at Norwalk taxpayer's expense, because they come to Norwalk and use its big box retailers and all its commercial development. And the irony of it, in his opinion, is the point is made in the document that 39% of homeowners in Norwalk are severely cost burden and 44% of renters are severely cost burden. The report says that 54% of

households are in low income categories, so if you add more affordable housing to Norwalk, you shift that tax burden out to people that are struggling to pay their taxes and pay their bills. These very households cited in the document are being penalized not only here in Norwalk, but in the entire region, because Norwalk is the only town that does its share. The developers want more affordable housing because they want subsidized workers to work in their malls and whatever, the Norwalk Hospital wants work force housing for their nurses and doctors, and who uses Norwalk Hospital? Residents from Wilton, Westport, New Canaan. Are they helping to pay for the affordable housing, the work force housing of the Norwalk Hospital? They are not. So it makes no sense to talk about adding more affordable housing, while lamenting the plight of all the residents that are severely cost burden. There is no discussion in the document on what the cost or the impact is on that.

Ms. Torrano said she did notice the chart that shows a 2008 decrease in population and yet elsewhere in the report it talks about a significant increase in population.

Dr. Swiger said the figures in the table are from the 2008 American Community Survey, and he suspects that the 2008 figures are the more accurate and certainly more correct.

At 6:25 P.M. Mr. Albanese closed the public hearing.

## II. APPROVAL OF MINUTES – March 9, 2010, Regular Meeting

**\*\* MS. TORRANO MOVED TO APPROVE THE MINUTES OF THE  
MARCH 9, 2010 REGULAR REDEVELOPMENT AGENCY  
MEETING.  
\*\* MS. COOPER SECONDED.  
\*\* THE MOTION PASSED UNANIMOUSLY.**

## III. FINANCE

### 1. NRA Operating Financial Statements – February 2010

Mr. Slovak reported on the financial statements as follows:

Total revenues including interest income and miscellaneous revenues for the month ending February 28, 2010 for Norwalk Redevelopment Agency are \$127,329.

Total expenditures for the month ending February 28, 2010 for Norwalk Redevelopment Agency are \$128,207.

This results in a month ending February 28, 2010 operating deficit of (\$878) for Norwalk Redevelopment Agency.

**\*\* MS. TORRANO MOVED TO ACCEPT THE FINANCE  
REPORT AS PRESENTED.  
\*\* MR. NAPOLETANO SECONDED THE MOTION.  
\*\* THE MOTION PASSED UNANIMOUSLY.**

#### IV. BUSINESS

##### **A. Globe Acquisition**

1. Approve Contract of Sale
2. Update on due diligence and 108 loan execution

**\*\* MS. TORRANO MOVED TO CLOSE THE MEETING AT 6:25 P.M.  
AND GO INTO EXECUTIVE SESSION FOR THE PURPOSE OF  
REAL ESTATE NEGOTIATIONS  
\*\* MS. COOPER SECONDED THE MOTION.  
\*\* THE MOTION PASSED UNANIMOUSLY.**

(Executive Session)

**\*\* MS. TORRANO MOVED TO COME OUT OF EXECUTIVE SESSION  
AT 7:21 P.M.  
\*\* MR. NAPOLETANO SECONDED THE MOTION.  
\*\* THE MOTION PASSED UNANIMOUSLY.**

Mr. Albanese said he will entertain a motion for approval of the Contract for Sale of the Globe Theater.

Hearing no motion, the motion failed.

##### **B. Norwalk Economic Development Corporation (NEDC)**

1. Agency appointment of Commissioner Torrano to become a Director of the NEDC

**\*\* MS. ALBANESE MOVED TO APPOINT COMMISSIONER LORI  
TORRANO TO BECOME A DIRECTOR OF THE NEDC.  
\*\* MR. NAPOLETANO SECONDED.  
\*\* THE MOTION PASSED UNANIMOUSLY.**

#### V. NEW BUSINESS (None.)

#### IV. OLD BUSINESS (None.)

### **ADJOURNMENT**

There being no further Old or New Business, upon motion duly made by Mr. Napolitano, seconded by Ms. Cooper, the Norwalk Redevelopment Agency meeting was adjourned at 7:24 P.M.

Respectfully submitted,

Karen Pacchiana