

**THE PLANNING COMMITTEE
OF THE COMMON COUNCIL**

**125 East Avenue
P.O. Box 5125
Norwalk, CT 06856**

TO: MEMBERS, PLANNING COMMITTEE OF THE COMMON COUNCIL
FROM: NICK KYDES, CHAIRMAN
DATE: SEPTEMBER 26, 2013
RE: MEETING NOTICE

.....
The next scheduled meeting of the Planning Committee of the Common Council will be held on **Thursday, October 3rd, 2013 at 7:00 pm**, in Room 231 in Norwalk City Hall. Please Note the Time and Location.

**PLANNING COMMITTEE OF THE COMMON COUNCIL
October 3, 2013
7:00 PM**

A G E N D A

**PUBLIC HEARING – REVIEW CDBG PROGRAM PERFORMANCE FOR
PROGRAM YEAR 38 (JULY 1, 2012-JUNE 30, 2013)**

CALL TO ORDER

ROLL CALL

I. APPROVAL OF MINUTES – September 5, 2013

II. BUSINESS

A. SOUTH NORWALK

1. Day Street Option Agreement
 - (a) Review and act upon modifications being sought by the Norwalk Housing Authority

B. WALL STREET REDEVELOPMENT PLAN

1. Smith Street Draft Option Agreement
 - (a) Review and discuss Corporation Counsel comments

C. WEST AVENUE CORRIDOR REDEVELOPMENT PLAN

1. Academy Street Extension – Resolution

D. CDBG

1. Authorization to advance CAPER for 30-day comment period.

III. NEW BUSINESS

IV. OLD BUSINESS

ADJOURNMENT

**THE PLANNING COMMITTEE
OF THE COMMON COUNCIL**

**125 East Avenue
P.O. Box 5125
Norwalk, CT 06856**

TO: MEMBERS, PLANNING COMMITTEE OF THE NORWALK COMMON COUNCIL

FROM: TAMI STRAUSS, DIRECTOR OF COMMUNITY PLANNING AND DEVELOPMENT

DATE: SEPTEMBER 23, 2013

RE: CDBG PUBLIC HEARING REGARDING PROGRAM PERFORMANCE IN PY38

The Norwalk Redevelopment Agency (Agency), as administrator of the City of Norwalk's Community Development Block Grant Program (CDBG), is holding a public hearing to provide the public the opportunity to review CDBG program performance in Program Year 38 (July 1 2012 – June 30 2013). As illustrated in the accompanying attachment:

Program Year 38 Funding

In Program Year 38 (PY38), the City made \$935,749 available in CDBG funding. This amount was made possible by an \$849,889 entitlement allocation to the City as well as an additional \$135,110 from previous years' reprogramming and program income. The total was discounted by 5% to account for contingency.

Over PY38 the City allocated \$871,214 (or 93%) of the funds towards activities, delivered by 13 organizations and the Norwalk Redevelopment Agency, that furthered the city's progress towards meeting the Consolidated Plan goals of reducing or stabilizing housing costs, creating income stability, and ameliorating the impacts of the economic recession on families.

Unused City Neighborhoods and NEON funds have been extended. Unused YMCA and Summer Youth Employment funds were or will be reprogrammed in the current PY39.

PY38 funding directly served 5,500 beneficiaries 98% of whom were low-or moderate income.

Previous Years' Funding

In addition to PY38 funding, the city deployed \$682,156 in previous years' funding to support public facilities and homeownership assistance in the City's lowest income census tracts.

Assessment of Progress

The housing and community development activities undertaken from PY36-PY38 have made notable progress toward the accomplishment of Norwalk's Consolidated Plan 5-year objectives, leaving Norwalk well-positioned to fully achieve its stated targets by the end of the current Consolidate Plan period which ends June 30, 2015.

At the end of the third year of the 5-year Consolidated Plan period, the City has made extraordinary progress towards meeting its “high priority” goals, exceeding 100% of the goals set forth in Consolidated Plan. Several activities in the current PY39 have been funded to address the “medium priority” goals of domestic violence prevention and drug prevention of the Consolidated Plan, including grants to the Domestic Violence Crisis Center, Norwalk Police Activities League and Liberation Programs. By continuing to fund domestic violence, drug prevention and by making new grants for child care activities, Norwalk is well positioned to exceed all of the goals set forth in the 5 year plan.

CAPER

Each year, the Agency submits a Consolidated Annual Performance Evaluation Report (CAPER) to HUD. This report provides extensive detail on Norwalk’s CDBG performance during the program year. The October 3rd public hearing on the CAPER marks the start of the public comment period which ends on November 3, 2013. A draft of the CAPER can be found on the City of Norwalk accompanying this memo.

REQUESTED ACTION: Authorization to advance the CAPER for 30-day public comment.

ATTACHMENT A

Summary of Sources and Uses of Funds

SOURCES		
CDBG Award	\$ 849,889	
Reprogramming from Previous Years	\$ 93,999	
Program Income	\$ 41,111	
Contingency @ 5%	\$ (49,250)	
TOTAL	\$ 935,749	
USES		
13 Sub-recipients	\$ 264,630	
City Neighborhoods	\$ 375,148	
CDBG Program Administration	\$ 231,436	
TOTAL USES	\$ 871,214	
% of Award Expended	93%	
UNUSED FUNDS		STATUS
City Neighborhoods	\$ 26,310	Extended
Ben Franklin (NEON)	\$ 21,000	Extended
Summery Youth Employment	\$ 1,798	Reprogram in PY39
YMCA Projects	\$ 13,844	Reprogrammed in PY39 NOFA

Progress Towards Meeting the Goals of the Current Consolidated Plan

Objective	Strategy	Priority	PY36- PY40 Target Goal	Cumulative Performance PY36 - 38	Percent of PY40 Target Achieved as of June 30, 2013
Support Efforts to Stabilize or Reduce Housing Costs	Housing Rehabilitation	High	150	412	275%
	Energy Efficient Renovations	High			
	Preservation	High			
	First-time Homeownership	High			
	Placement Services	Medium			
	Tenant-based Rental Assistance	Medium			
	Rehabilitation Administration	High			
Support Efforts to Create Income Stability	Business Loans	High	5	5	100%
	Literacy/GED/Customized Job Training	High	150	303	202%
	Summer Youth Employment	High	250	491	196%
	Section 108-financed Activities	Medium	1	1	100%
	HOPE VI/Choice Neighborhoods Application	Medium	1	1	100%
	CN - Brownfield Remediation Sites	High	2	2	100%
	CN - Public Facilities/Infrastructure	High	5	5	100%
	CN - Econ. Dev/Tech. Assistance to Businesses	High	25	??	#VALUE!
Support Efforts to Ameliorate the Impacts of this Economic Depression on Families	Health/Mental Health Services	High	150	612	408%
	After-School Programming	High	500	824	165%
	Domestic Violence Prevention	Medium	250	0	0%
	Drug Prevention Education	Medium	250	0	0%
	Child Care Services	Medium	100	0	0%
	Basic Services	Medium	250	6606	2642%

* Awaiting final Economic Development information to complete this table

Program Year 38 CDBG Beneficiaries

			Beneficiaries	Grant Amount
	Support Efforts to Stabilize or Reduce Housing Costs			
Housing Rehabilitation	STAR	Boiler and generator at 2 STAR houses	11	\$ 20,600
	Keystone	Central Air at 12 Genoa Street	6	\$ 17,000
Rehabilitation Administration	Norwalk Redevelopment Agency / City Neighborhoods	Rehabilitation Administration	Area benefit	\$ 130,510
	Objective 2: Support Efforts to Create Income Stability			
Literacy/GED/Customized Job Training	Women's Business Development Council	Micro-Enterprise Assistance	43	\$ 40,000
Summer Youth Employment	City of Norwalk	Summer youth employment	176	\$ 18,202
City Neighborhoods	Norwalk Redevelopment Agency	Planning, public facilities	Area Benefit	\$ 244,638
	Objective 3: Support Efforts to Ameliorate the Impacts of this Economic Depression on Families			
Health/Mental Health Services	Domestic Violence Crisis Center	Medical Advocacy Project	511	\$25,000
	ElderHouse	Memory Care Program	50	\$25,000
After-School Programming	Maritime Aquarium	Junior Marine Biology Academy	19	\$ 4,164.00
	Mid Fairfield Child Guidance Center	Choices for Success	40	\$ 19,596.00
Basic Services	NEON	Bathroom renovations	0	\$ 3,345.00
	Norwalk Senior Center	Services for low income seniors	301	\$ 12,500.00
	City of Norwalk	Neighborhood Improvement Coordinator	Area benefit	\$ 21,223.00
	Carver Center	Fire Alarm and Security	265	\$ 40,000.00
	Norwalk Housing Authority	Automatic doors installation	4069	\$ 18,000.00
		Sub Total	5,491	\$ 639,778
		CDBG Administration		\$ 231,436
		Grand Total		\$ 871,214

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THE HOUR
Monday - Friday
7:30 am - 5:30 pm

DEADLINES
In-Colum 5:00 PM
One Publishing Day
Prior to Insertion

STATE 520-760 • TRANSPORTATION 105-108
3000-4000 • HELP WANTED 400-420 • MERCHANDISE 520-760



legal notices 1

LEGAL NOTICE SPECIFICATIONS AND BID FORMS

CRACK SEALING - WESTPORT PUBLIC SCHOOLS BID #14-002-BOE

Sealed bids will be received in the office of the Director of School Business Operations, Westport Public Schools, 110 Myrtle Avenue, 3rd Floor, Westport, CT no later than **OCTOBER 15, 2013 at 10:00 a.m.** for Crack Sealing as described herein. All bid envelopes shall be marked "BID #14-002-BOE CRACK SEALING - WESTPORT PUBLIC SCHOOLS."

Bid packages are available in the District Maintenance Office, One (1) Canal Street, Westport, CT starting on September 30, 2013, between the hours of 8:30 a.m. and 3:00 p.m. or on-line from our website: <http://www.westport.k12.ct.us>

LIQUOR PERMIT

Notice of Application
This is to give notice that I, WILSON F RODRIGUEZ 2 KENT RD NORWALK, CT have filed an application placarded 09/13/2013 with the Department of Consumer Protection for a CAFE LIQUOR PERMIT for the sale of alcoholic liquor on the premises at 120 NEW CANAAN AVE NORWALK, CT 06850-2643. The business will be owned by: WILSON RODRIGUEZ AND JOSE RODRIGUEZ Entertainment will consist of: Disc Jockeys. Objections must be filed by: 09/25/2013
WILSON F RODRIGUEZ

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PUBLIC COMMENT PERIOD ON ANNUAL CDBG REPORT TO HUD AND PUBLIC HEARING ON CDBG PROGRAM PERFORMANCE

On or about November 13, 2013, the Norwalk Redevelopment Agency, the administrator of the City of Norwalk's Community Development Block Grant (CDBG) funds, will submit to the US Department of Housing & Urban Development (HUD) its Consolidated Annual Performance Evaluation Report (CAPER) on the use of CDBG funds over the course of the July 1, 2012 - June 30, 2013 program year.

A public hearing reviewing CDBG program performance will be held on Thursday, October 3, 2013, at 7:00PM, in Room 231 of Norwalk City Hall, 125 East Avenue, Norwalk. Persons unable to attend the hearing are encouraged to submit written comments for the record no later than 5:00PM on October 2, 2013 to the Norwalk Redevelopment Agency, 125 East Avenue, Room 202, Norwalk, CT 06856-5125. The public is encouraged to contact Redevelopment Agency staff at (203)854-7702 or dyoung@norwalkct.org at least 24 hours in advance of the public hearing for information on physical accessibility, sign-language interpreters and/or language assistance.

In accordance with the provisions of 24 CFR 91.105(d), a draft of this report will be made available for public review and comment beginning at 12:00PM on October 4, 2013 and ending at noon on Monday, November 4, 2013. The drafted CAPER will be available at the Norwalk Redevelopment Agency, Room 202, City Hall, 125 East Avenue, Norwalk, CT 06851, the Norwalk Public Library at 1 Belden Avenue, the South Norwalk Branch Library at 10 Washington Street, the offices of Norwalk Economic Opportunity Now, Inc. (NEON) at 98 South Main Street and the Norwalk Housing Authority's administrative offices at 24 1/2 Monroe Street. The drafted CAPER will also be available at the Redevelopment Agency link on the City of Norwalk website: <http://www.norwalkct.org/index.aspx?nid=652>. Public comments should be submitted in writing to the Norwalk Redevelopment Agency no later than 9:00AM on Monday, November 4, 2013 to Darlene Young, Norwalk Redevelopment Agency, City Hall, 125 East Ave., Room 202, Norwalk, CT 06856-5125 or email at dyoung@norwalkct.org.

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9/19

5	6	6	1	3	7	8	4	2
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for sale



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services



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wanted



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for sale

PHONE HOURS

Monday - Friday
7:30 am - 5:30 pm

DEADLINES

In-Column 5:00 PM
One Publishing Day
Prior to Insertion

ESTATE 520-760 • TRANSPORTATION 105-108

3000-4000 • HELP WANTED 400-420 • MERCHANDISE 520-760



**1 automotive
for sale 105**

FORD

1997 Crown Victoria
All new tires! \$1000.
(203) 853-2240

SUBARU 2009 Outback
5 spd manual, 64,000
miles, clean inside and
out. \$14,000. Please
call (203) 803-9224

VOLVO

1998 V70 Wagon
Needs engine work.
Asking \$1800.
Call for details after
6pm 203-849-8511.

**sport utility
vehicles 120**

CHEVY 2012 Equinox -
Black, gray interior w/a
customized stereo sys-
tem. 20,000 miles.
Asking \$28,500. Call
203-223-1726.

motorcycles 170

HARLEY DAVIDSON
2002 Soft Tail Deuce -
Only 3,600 miles! Ask-
ing \$13,500. Call Rich,
203-667-6871.

**You should be
advertising in**
The Hour's Business
Service Directory. Get
high impact with over
43,000 readers daily and
prices to fit any budget.
The Hour 354-1100

motorcycles 170

**SUZUKI 2005
MODEL VL1500**

BETTER THAN NEW!
This is the bike you
want for long rides,
very comfortable! This
bike has only break in
miles - 537. I am nego-
tiable at \$5700.
CALL PAT
(203) 219-1527

tag sales 230

10 FAMILY TAG SALE

138 Water St., S. Nwtk
9/28 & 9/29; 9 - 4
Designer bags, hsehold,
jewelry, CD, clothes

3 FAMILY SALE
269 Rowayton Avenue,
Rowayton
Sept. 27 & Sept. 28
9am - 3pm
Collectibles

**6 PHEASANT LN.
NORWALK**

**Saturday 9/28
10AM-5PM.**

Household items, small
furniture, yard tools,
lamps, luggage, re-
cords, knick- knacks.

FRI & SAT; 10AM-4PM
301 Strawberry Hill Rd
Norwalk

Mostly household items
antiques & collectibles
Something for every-
one

tag sales 230

**GIGANTIC
TAG SALE**

Tons of women's,
men's and children's
clothes; purses, jew-
elry, shoes, girl's BR
set, household items,
toys, books, girl's bike,
and much much more!
Fri. & Sat., 9am- 5pm
Sun. 9am - 3pm
6 Rustic Lane, Norwalk
(Off Dry Hill)

GOOD STUFF/PRICES
Sat. 9/28; 10 - 4
398 Olmstead Hill Rd
Wilton. Ladders,
tools, hsehold, antiques

MOVING SALE

Fri 9/27 & Sat 9/28,
10am-5pm. 257
Rowayton Ave, Roway-
ton. Lots of good stuff!

MOVING SALE

Sat. 9/28 & Sun. 9/29,
9-3pm @ 20 Chipmunk
Lane (off West Norwalk
Road), Norwalk.
Household items, tools,
toys, books, blankets,
glasses, 100's of other
misc. items. Something
for everyone.

**MOVING
TAG SALE**

Sat. 9/28 & Sun. 9/29,
9-4 @ 77 Murray St.,
Norwalk. All must go!
Saturday, 9/28
9am - 4pm
11 Garfield St. Norwalk
Asian art, sofa, tables,
rugs, bakers cabinet

tag sales 230

MULTI FAMILY

Sat., 9/28; 9am - 3pm
14 Lancaster Dr., Nwtk
Household, holiday and
more! No early birds.

**MULTI FAMILY
TAG SALE**

36 Bettsworth Road
Norwalk
9/27 to 9/29; 9am-
5pm

MULTI-FAMILY - Furn,
knick knacks, HH/ kit.
items, piano, clothes
(plus size), kids items,
sm appl, dining table.
Sat. only. 9-2pm.
Noah's Ln Ext.

tag sales 230

**NORWALK
MOVING SALE**

West Lake Ct
Sat. 9/28, 9-4pm &
Sun. 9/29, 9-1pm.

Selling: pine round ta-
ble, hutch & breakfront,
full & queen beds, din-
ing table & chairs,
upst furn., closetsfull
of women's clothing,
costume jewelry, We-
ber grill, lots of kitchen
& h/h misc.

TAG SALE -Sat 9/28,
9am-3pm. 6 Rivergate
Woods, Wilton, Teacher
items, books, toys,
clothing etc.



CITY OF NORWALK BIDS INVITED

Bid #3336 - The City of Norwalk is soliciting bids for the reconstruction of the missing porch on the Lockwood Mathews Mansion Museum Gate Lodge Facility located within Mathews Park, 295 West Avenue, Norwalk, CT 06854 A pre-bid conference shall be held at 10:00am Wednesday, October 2, 2013 meeting at the main entrance area to Mathews Park site. The deadline for the submission of bids for this solicitation is 2:00pm, Wed., October 16, 2013

Bid information is available via the Internet. The City's website is located at <http://www.norwalkct.org>. Information about doing business with the City of Norwalk can be found within the "Business" tab listed on the main page of the website. The document number will be the same as the project number indicated above. Additional information is also available by contacting the Purchasing Department, Norwalk City Hall, 125 East Ave., P.O. Box 5125, Norwalk, Connecticut 06856-5125, Tel - (203) 854-7712, Fax - (203) 854-7817

legal notices 1

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Third Program Year DRAFT CAPER September 27, 2013

I. EXECUTIVE SUMMARY

The end of Program Year 38 (PY38) marks the close of the third year of the City of Norwalk's 2010-2014 Consolidated Plan for Housing and Community Development (ConPlan). Consistent with the current ConPlan, the City utilized CDBG funding to:

- Support efforts to stabilize or reduce housing costs
- To create income stability
- Ameliorate the impacts that the current economic recession is having on families.

In Program Year 38 (PY38), the City made \$935,749 available in CDBG funding. This amount was made possible by an \$849,889 entitlement allocation to the City as well as an additional \$135,110 from previous years' reprogramming and program income. The total was discounted by 5% to account for contingency.

In its 2012-2013 Action Plan for Housing and Community Development, the City of Norwalk projected the availability of nearly \$931,000 in funds for its PY38 Community Development Block Grant Program. The Annual Action Plan indicated 16 initiatives in the City of Norwalk to receive PY38 sub-awards expected to benefit over 1,000 households, more than 70% were expected to be low- or moderate-income.

Over PY38 the City allocated \$871,214 (or 93%) of the funds towards activities, delivered by 14 organizations that furthered the city's progress towards meeting the Consolidated Plan goals of reducing or stabilizing housing costs, creating income stability, and ameliorating the impacts of the economic recession on families. PY38 funding directly served 5,500 beneficiaries 98% of whom were low-or moderate income.

In addition to PY38 funding, the city invested \$682,156 of previous years' reprogrammed CDBG funding to support public facilities and homeownership assistance in the City's lowest income census tracts.

In total, the city deployed \$1,349,201 of its CDBG funding in PY38.

The housing and community development activities undertaken from PY36-PY38, detailed in the ensuing report, have made notable progress toward the accomplishment of Norwalk's Consolidated Plan 5-year objectives, leaving Norwalk positioned to fully achieve its stated targets by the end of the current Consolidate Plan period which ends June 30, 2015.

I. THREE-FIVE YEAR PLAN ASSESSMENT OF PROGRESS

In PY38, the City allocated CDBG funding in order to address the goals and objectives established in the City of Norwalk's current 5-year Consolidated Plan for Housing and Community Development (ConPlan) which was approved in May 2010 and covers Program Years 36-40.

At the end of PY38, the City was successful in outperforming its goals by an overall average of 313%.

The housing and community development activities undertaken from PY36-PY38 have made notable progress toward the accomplishment of Norwalk's Consolidated Plan 5-year objectives, leaving Norwalk well-positioned to fully achieve its stated targets by the end of the current Consolidate Plan period which ends June 30, 2015.

At the end of the third year of the 5-year Consolidated Plan period, the City has made significant progress towards meeting its "high priority" goals, exceeding 100% of the goals set forth in Consolidated Plan. Several activities in the current PY39 have been funded to address the "medium priority" goals of domestic violence prevention and drug prevention of the Consolidated Plan. By continuing to fund domestic violence, drug prevention and by making new grants for child care activities, Norwalk is positioned to exceed all of the goals set forth in the 5 year plan. The following table summarizes our progress through PYE 38.

Objective	Strategy	Priority	PY36-PY40 Target Goal	Cumulative Performance PY36 - 38	Percent of PY40 Target Achieved as of June 30, 2013	Expenditures in PY38	% of PY38 Expenditure Devoted to Each Strategy
Support Efforts to Stabilize or Reduce Housing Costs	Housing Rehabilitation	High	150	412	275%	\$ 168,110	26%
	Energy Efficient Renovations	High					
	Preservation	High					
	First-time Homeownership	High					
	Placement Services	Medium					
	Tenant-based Rental Assistance	Medium					
	Rehabilitation Administration	High					
Support Efforts to Create Income Stability	Business Loans	High	5	5	100%	\$ -	47%
	Literacy/GED/Customized Job Training	High	150	303	202%	\$ 40,000	
	Summer Youth Employment	High	250	491	196%	\$ 18,202	
	Section 108-financed Activities	Medium	1	1	100%	\$ -	
	HOPE VI/Choice Neighborhoods Application	Medium	1	1	100%	\$ -	
	CN - Brownfield Remediation Sites	High	2	2	100%	\$ 3,355	
	CN - Public Facilities/Infrastructure	High	5	5	100%	\$ 128,951	
	CN - Econ. Dev/Tech. Assistance to Businesses	High	25	33	132%	\$ 112,331	
Support Efforts to Ameliorate the Impacts of this Economic Depression on Families	Health/Mental Health Services	High	150	612	408%	\$ 50,000	26%
	After-School Programming	High	500	824	165%	\$ 23,760	
	Domestic Violence Prevention	Medium	250	0	0%	\$ -	
	Drug Prevention Education	Medium	250	0	0%	\$ -	
	Child Care Services	Medium	100	0	0%	\$ -	
	Basic Services	Medium	250	6606	2642%	\$ 95,068	
TOTAL						\$ 639,778	100%

Sources of CDBG Funds

The following table summarizes the resources that the City anticipated would be available in PY38 and the resources that the City actually received or was able to make available for commitment during this program year.

Incoming Funding*			
PY38 Entitlement per HUD estimate at 12/11/11			\$849,889.00
PY36 Reported Program Income	(Rec'd from 12/10 - 6/11)		\$121,536.07
Revolving Loan Fund			\$102,334.31
Non-revolving CDBG Income			\$19,201.76
PY37 Reported Program Income	(Rec'd from 7/11 - 11/11)		\$81,759.68
Revolving Loan Fund			\$64,850.44
Non-revolving CDBG Income			\$16,909.24
PY38 Anticipated Program Income			\$10,000.00
Revolving Loan fund			\$5,000.00
Non-revolving CDBG Income			\$5,000.00
Reprogramming			\$93,998.91
PY36 After School Continuum			\$15,178.87
PY36 City Summer Youth Employment			\$450.00
PY36 Rowayton Senior Housing			\$23,620.04
PY37 Elderhouse			\$17,800.00
PY28 NHS Loan			\$36,000.00
PY31 PAL Youth Program			\$950.00
	Sub-Total		\$984,998.91
	Minus 5% Contingency for Reserve/Cost Overruns		\$49,249.95
	Available		\$935,748.96

The City secured a \$2.85 million Section 108 loan guarantee in the program year that we is earmarked for the neighborhood revitalization component of the Norwalk Housing Authority's Washington Village Transformation Plan, for which a HUD Choice Neighborhoods application has been submitted. In PY38, a Section 108 application for a \$1.66 million loan guarantee was submitted to HUD that would help finance the redevelopment of the Globe Theater in Norwalk by a non-profit developer. The Globe Theater is a centerpiece in the City's Wall Street redevelopment area.

III. ASSESSMENT OF ANNUAL PROGRESS

Affirmatively Furthering Fair Housing

The City of Norwalk continues to abide by the provisions of the Second Amended Consent Decree as negotiated with the NAACP and reference is made to the Second Amended Consent Decree in the case of Norwalk Branch NAACP v. City of Norwalk, Case No. B84641, U.S. District Court (CT) (March 6, 2004). The Fair Housing Advisory Commission (FHAC) Ordinance in the City of Norwalk provides for the formation of the Fair Housing Advisory Commission which was delegated the following duties, responsibilities and powers provided for under 59A-14 Duties:

- A. Monitor private and public housing practices for compatibility with fair housing objectives.
- B. Identify problem areas and make recommendations to the Mayor, Common Council and Housing Site Development Agency and other appropriate City agencies and commissions.
- C. Develop policy statements, internal and external communication techniques and recommended housing programs.
- D. Receive and review in a timely fashion the proposed budget for the Fair Housing Office, there after making any revisions to the budget it deems necessary or advisable and submitting such budget in a timely fashion consistent with the City's budget process for grant agencies.
- E. Receive and review the Fair Housing Officer's Annual Report. Upon acceptance of said report by the FHAC, said report shall be filed with the Mayor, the Housing Site Development Agency and any other appropriate City commissions or agencies.
- F. Participate and assist in the selection of any Fair Housing Officer as set forth in 59A-16A.
- G. Accept outside funds. The FHAC may, as permitted in the City Code and in a manner approved by the Finance Director solicit and accept outside funds, gifts or bequests, public or private, with the assistance of the Fair Housing Office, consistent with the purpose of the Commission, in order to finance its activities. The outside funds cannot be used to advance or pay the salary of the Fair Housing Officer. The City may reasonably consider the receipt of outside funds when considering the budget of the Fair Housing Office.

Under 59A-15 Fair Housing Officer of the Consent Decree it states that:

- A. There shall be a Fair Housing Officer who shall act as staff to the Fair Housing Advisory Commission in the pursuit of its duties as set forth above.

Based on the provisions of the City Ordinance referenced above the City fully funds and promotes the extensive and ongoing outreach efforts as provided

by the FHAC and its staff to affirmatively further fair housing within the city. In addition to the efforts outlined below the Fair Housing Office offers a wide variety of related print materials in hard copy, on the City's website and offers commentary in a quarterly local newspaper publication. The related print materials are translated in the primary languages spoken in Norwalk. The Fair Housing Office provides regular training to landlords and developers on fair housing topics such as technical compliance with the Fair Housing Act as it relates to property management, construction and architecture. Additionally community based training is also provided regularly that market the services provided by the Fair Housing Office and explain the rights of those that believe they have been victimized by illegal discrimination as addressed under the act. The Fair Housing Office has also advanced its outreach into more economically and socially isolated populations that reside within the City by engaging houses of worship in holding Fair Housing Informational sessions. A listing of specific Fair Housing Office events held during the review is provided in Appendix A.

The intake information provided by the Fair Housing Office during the review period indicates that over 2,394 claims were received. Of these twenty (20) or .008% of the claims were prepared for litigation, and of those seven (7) advanced to litigation. Of the 389 discrimination claims made to the Fair Housing Office in PY 38 family status was the leading complaint, followed by disability and marital status.

The City recognizes the Department's stated position "That the act of maintaining a Fair Housing Office which may or may not provide counseling, advocacy and outreach does not in itself constitute an AFFH action". The City also recognizes that activity reports recognizing such activities and inferences made by such an office might be differing with the indices of discrimination cases the Department has on file. While the local data may provide interesting ground level trending analysis in this regard the City is clear that it community development and land use planning in AFFH should be aligned with what HUD represents as the "accurate and timely data regarding discrimination complaints filed in the City which is readily available from the Office of Fair Housing and Equal Opportunity".

In response to the Department's Section 109 and AFFH Compliance review conducted in 2012 the City outlined for the Department its position that specific city commissions and associated departments have a direct responsibility associated with AFFH and the implementation of the mitigation measures to address the impediments as put forward in the City's Analysis of Impediments (AI). On February 28, 2012 the City via the Mayor directed the chairs of these commissions and the department heads of each responsible department to provide workable and implementable strategies to effectively address the impediments and policies that were consistent with the mitigation measures laid out in the plan. The City's focus in this regard was to hasten the implementation action that had yet to be done.

The City named the Fair Housing Office as the repository for the work being done by the other commissions and departments and expects from that office a summary report of process to be released online later this fall. The listing of assigned tasks and proposed departmental and commission approaches are contained in Appendix B.

Additionally, in response to the specific provision outlined in the Voluntary Compliance Agreement between the City of Norwalk and HUD, the City of Norwalk conducted a 4-factor analysis to assess the needs of limited English proficient (LEP) persons as they relate to their ability to access important city services and materials. Effective September 28, 2012, this provision brought Norwalk into compliance with Title VI of the Civil Rights Act of 1964. This compliance ensures that LEP persons are provided with access to appropriate assistance and city services, including fair housing.

While recognizing that the City as the Recipient is directly responsible for all CDBG related compliance issues, but desiring that the sub-grantees receiving CDBG funds also understand the AFFH requirement condition of the grant funding, the PY 39 sub-grantee contracts indicate that sub-grantees must submit a statement at the beginning of the program year explaining how their CDBG funded activity will affirmatively further fair housing choice and support the recommendations of the City's Analysis of Impediments. Further, they must provide a detailed year-end summary of how the Equal Opportunity and Fair Housing Policies and Procedures that were identified at the beginning of the program year were programmatically implemented.

The City is aware of and welcomes the proposed new rule for Affirmatively Furthering Fair Housing (AFFH). As the City advances forward in its land use and community development planning it has sought to more fully incorporate fair housing policy. For example the Zoning Commission is actively reviewing the City Inclusionary Zoning provisions by seeking comment and collaboration from the housing community and the City would do so on much broader basis if it fully understood the regional and national benchmarks and data tools necessary to facilitate the specific measurements of trends and changes over time that the Department is specifically seeking. In this regard the Department has been lacking on its provision of information electronically and as the City has directly determined offering differing advice as to what data sources it wishes its Recipients to work with in considering its AFFH progress. The City is actively involved in analyzing and comparing data in the following areas both locally and regionally with the South Western Regional Planning Agency:

- Emerging regional needs
- Cross referencing local Census Tract and FFIEC data
- Monitoring departmental and commission progress on the amelioration of the AI impediments

Analysis of Impediments

The City of Norwalk's Analysis of Impediments to Fair Housing Choice was approved by the Common Council on December 14, 2010. This document identifies the following four impediments and related recommendations regarding fair housing choice.

IMPEDIMENT ONE: DISCRIMINATION IN THE HOUSING MARKET

The review of demographic information, discrimination complaint data, and data obtained from interviews indicate that there is housing discrimination among persons in the protected classes. In the current economy, the incidences of discrimination focus on rental housing, and the focus of efforts in the immediate future should be upon aspects of discrimination in that market. In particular, discrimination among the protected classes should be the focus of the City's analysis concentrating on the top three indices of discrimination listed below.

- Race/color
- Disability
- Lawful source of income

Recommendations

- 1) Educate households and housing related organizations by disseminating Fair Housing law literature, conducting Fair Housing law seminars and training, and focusing public awareness campaigns about Fair Housing law in ethnic and minority neighborhoods, and among civic, social, religious, and special interest groups. The City is active in this regard, and these efforts should be continued and even expanded, including funding therefore, especially in the current, difficult economy.

Progressive Action PY38

- a. Task assigned to Fair Housing Office and the Norwalk Housing Authority (NHA)
- b. Fair Housing Office throughout PY 38 educated the community as to fair housing issues primarily with household and related housing organizations and by means of counseling, printed materials translated into relevant languages, print articles and commentary and training sessions.
- c. NHA provide for linkage between its residents and the Fair Housing Office and the Fair Rent Commission by incorporating them on their website, mailing fair housing brochures to every resident, hosted and promoted fair housing training sessions, paid for and resident advisory board participation in the Connecticut Housing Coalition Training

- 2) Provide Fair Housing materials and educational programs in Spanish, especially in neighborhoods and communities with high percentages of Spanish-speaking persons.

Progressive Action PY 38

- a. Task assigned Fair Housing Office and Norwalk Housing Authority (NHA)
 - b. Fair Housing Office continues to make its printed materials available in Spanish and was granted CDBG funding in PY 39 to conduct training sessions both electronically and in person in up to four languages.
 - c. NHA has provided interpreters as needed, it refers ESL program participants to ESL programs which provide the fundamentals of the English language and continue to employ a high degree of Spanish speaking persons as this is the largest segment of non-English speaking population living in NHA controlled units
- 3) Continue to conduct training sessions and information campaigns especially among rental property owners and managers, as well as apartment owner associations, and management companies.

Progressive Action PY 38

- a. Task assigned to the Fair Housing Office
 - b. Fair Housing Office continued its impressive training schedule through out PY 38 and scheduled information campaigns among rental property owners and managers as well as apartment owner associations and management companies.
- 4) Monitor Fair Housing complaints and issues across the various venues and organizations through which these complaints may be made in order to obtain a better picture of issues and problems.

Progressive Action PY 38

- a. Task assigned to the Fair Housing Office
 - b. The Fair Housing Office continued through PY 38 to communicate broadly to ensure that ANY housing discrimination complaints arising in Norwalk are appropriately report to the City's Fair Housing Office.
- 5) Increase housing choice alternatives for the disabled and families with children.

Progressive Action PY 38

- a. Task assigned to the Fair Housing Office, Redevelopment Agency and Housing Authority, Planning Commission and Zoning Commission
- b. Fair Housing Office held a training session with STAR, Inc.'s developmentally disabled clients to assist them in knowing their fair housing rights and what to do if they feel they have been discriminated against. Fair Housing Office provided training twice to architects, developers and others in the building industry as to the Fair Housing Act design and construction requirements
- c. The NHA through PY 38 has provided at its cost improvements to provide reasonable accommodation, NHA advise landlords involved in the Housing Choice Voucher Program that persons with disabilities must be permitted to make modifications to accommodate their needs, NHA was awarded funding in PY 39 for ADA accessibility improvements at 20 West Avenue, these improvement will be completed in 2014, the NHA 2013 Capital Fund also included ADA renovations to common areas at Roodner Court, additionally NHA throughout the program year applied for any new Housing Choice Vouchers that are made available by the Department, The Authority is in the process of conducting a long term viability analysis and plan for the rehabilitation of 200 family apartments at Colonial Village which includes additional ADA complaint units. The NHA continues to work in cooperation with the City through the Redevelopment Agency on the redevelopment of Washington Village the oldest public housing development remaining in the State of Connecticut. The intended redevelopment effort would increase the size of the housing units, complying with modern ADA accessibility requirements and those of the Fair Housing Act. Finally the NHA continued its two tier Housing Choice Voucher Payment standard to promote participants selecting housing in areas with lower crime and more economic, ethic and racial diversity thus de-concentrating poverty.
- d. The Redevelopment Agency (NRA) The Redevelopment Agency continued to support the development of new affordable housing, as well as the rehabilitation and placement of affordability deed restrictions on existing affordable housing, accessible to persons with disabilities and available to families with children.

Specific Action Related to Housing Choice Alternatives for Individuals with Disabilities

The Agency provided financial support (grants or low-interest loans) for low- and moderate-income homeowners in need of, but unable to afford, installations such as grab bars, wheel chair ramps, or other improvements which would have

the direct effect of making their homes more able to accommodate their disability. The Agency also provided such grants and/or low-interest loans to private landlords with tenants requiring reasonable accommodations.

The Agency will allocate \$30,000 in seed funding for a FY2014 pilot program through which it will provide grants of up to \$5,000 for reasonable accommodation issues. It will evaluate demand and available resources in consideration of program design for FY2015.

The program will be publicized through the Norwalk Senior Center, the Senior Services Coordinating Council, the City's Human Relations and Fair Rent Department, the Health Department and to recipients of Housing Choice (Section 8) Vouchers, many of whom are elderly and/or disabled.

Specific Action Related to Housing Choice Alternatives for Families with Children

The Agency continued to support the redevelopment of Washington Village through extensive technical and pre-development financial assistance provided by Agency staff and through efforts to identify equity resources to accomplish the project. This redevelopment will involve the replacement of 136 obsolete public housing units with 136 newly constructed public housing units, as well as an additional 137 units of tax credit and market rate units, replacing 31 three-bedroom units with larger three-bedrooms, and adding one additional three bedroom and four additional four-bedroom units. Those three- and four-bedroom units are designed to be family-friendly, being provided front stoops with direct access to the outside.

The Agency is processing the demand for affordable housing of more than two bedrooms by comparing Census data on income, household size and housing expenditures to the number of deed restricted units currently on the list it maintains for 8-30g. If demand is established, the Agency will increase its focus on the development or preservation of affordable housing having more bedrooms, which it will support through the policy advice it offers to the City and its related Commissions, through targeted housing rehabilitation loans in exchange for deed restrictions and through other investments or programs which would serve to increase the housing alternatives for families with children.

The Zoning Commission has adopted several amendments to the Building Zone Regulations which resulted in the approval of 1,335 new housing units including 140 new workforce housing units. While the Zoning Commission itself cannot

require that housing be built for specific groups of people the Commission believes its actions of expanding the overall housing inventory will broaden the housing choices for all types of people in the community. The Zoning Commission has also recently implemented innovative policies regarding accessory apartment regulations and will seek to continue this work in PY 39.

Similarly the Planning Commission has made recommendation to fund \$250,000 in Capital Budget funding for the purpose of advancing affordable housing. In the program year they proactively respond to referrals on land use decisions and requests for funding to construct additional housing units.

- 6) Convene focus groups, advocacy groups, community based organizations, real estate industry professionals, lenders, property owners, and government agency officials to review and assess fair housing issues. These groups should identify discriminatory practices, trends, or changes in these practices, focal points of discriminatory practice, and the means or methods to address them.

Progressive Action in PY 38

- a. Task assigned to the Fair Housing Office
 - b. It is the position of the Fair Housing Office that it represents a focus group of advocacy groups as its membership by ordinance requires representation from the City, NEON (a local advocacy group), the Norwalk Housing Authority, Connecticut Legal Services, Norwalk Housing Site Development Agency and the NAACP. The Fair Housing Office was established by ordinance to identify discriminatory practices, trends or changes and provide the means to effectively address them. While the Fair Housing Office reaches out to other groups beyond itself it is the municipal entity designated to advise the City, its Commissions, Committees, Departments and others on actions needed to address housing discrimination.
- 7) Related to the previous recommendation, ethnic, religious, and service groups should be educated about Fair Housing issues and encouraged to serve as conduits for information, questions, and complaint procedures for their membership. This will not only broaden the knowledge of Fair Housing practice in the City, but also provide more knowledge of the number and types of issues being confronted.

Progressive Action PY 38

- a. Task assigned to the Fair Housing Office
 - b. This type of educational outreach is part of the fundamental mission of the Fair Housing Office and it effectively fulfills the mission through various meeting and education outreach through the program year see attached appendix.
- 8) Update Fair Housing information regularly and adjust strategies and actions accordingly. In particular, the groups mentioned above should meet yearly or every eighteen months to review and update plans and programs.

Progressive Action PY 38

- a. Task assigned to the Fair Housing Office
 - b. Fair Housing Office contends this impediment mitigation is effectively addressed through the FHAC and its monthly meetings as stated above
- 9) The City should seek the resources to expand the data collection and analysis capabilities of the local fair housing entities with the Fair Housing Officer directing this effort.

Progressive Action PY 38

- a. Task assigned to the Fair Housing Office and the Redevelopment Agency
- b. The Fair Housing Office has not yet presented to the City a workable methodology to deal with this mitigation measure beyond indicating its oversight of Fair Housing issues, concerns and complaints which is not the basis of this mitigation measure which is focused more on data collection and analysis capabilities of those entities in the City that deal with fair housing issues which goes beyond just the Fair Housing Office as it extends to every federal contract that the City or its representatives enters into.
- c. The Redevelopment Agency in PY 38 sought funding for the review of existing Home Mortgage Disclosure Act data and comparison review to Census data on all classes protected under either federal or State Fair Housing law to determine whether the members of any protected class are disproportionately denied mortgages or refinancing, taking into account income discrepancies that may exist between various classes. Funding sources to be explored currently include the Local Initiatives Support Coalition, the National Development Council, Enterprise Community Partners, the Fairfield County Community Foundation, and the Department

of Housing and Urban Development's Fair Housing Initiatives Program.

IMPEDIMENT TWO: HOUSING AFFORDABILITY

While according to HUD "Housing affordability is not a proxy for fair housing". Thus actions taken in this regard according to the Department which actually AFFH are seemingly limited to providing equal opportunity and fair housing choice not simply affordability. That being said the Department would logically concur that the economic challenges that LMI households face regarding housing choices in Norwalk is a recognized impediment to both equal opportunity and housing choice as the affordable nature of the housing available to the LMI population restricts their social, economic and educational opportunities.

Recommendations

- 1) Continue to use federal and state funding resources and programs to address high priority housing needs for rehabilitation, preservation, and home ownership creation.

Progressive Action in PY 38

- a. Task assigned to the Redevelopment Agency and the Norwalk Housing Authority (NHA)
- b. The NHA monitors income de-concentration by development quarterly and where necessary, implements income skipping measures in compliance with HUD rules, the NHA reviews all NOFA's which might create, improve and sustain affordable housing or homeownership opportunities and actively prepares such proposals, the Authority provided in the program year homeownership preparation and financing through its FSS and Homeownership programs and it continued to provide the Housing Choice Voucher Homeownership Program to promote homeownership affordability.
- c. The Redevelopment Agency utilized the Community Development Block Grant funding available in a revolving loan program to addresses high priority housing needs of both rehabilitation and preservation. While a State grant for homeownership assistance was recently fully expended, the Agency continued to seek funding from other sources to reinstate this program which addressed the down payment issues that serve as a critical entry barrier to first time buyers into homes. The Agency did however pair up with the Housing Development Fund by providing the necessary capital to ensure LMI Homeownership Counseling to 33

families. Additionally, the Redevelopment Agency managed most of the Storm Sandy grant funding that came into the City for housing rehab ensuring that those who had documented losses could continue to maintain their housing standards and not slip further down in the LMI housing market as a result of the storm.

- 2) Continue to work with community based organizations, affordable housing developers, and housing advocacy groups to leverage resources for affordable housing preservation.

Progressive Action in PY 38

- a. Task assigned to the Redevelopment Agency
 - b. The Agency continued to partner with organizations such as the Housing Development Fund, Mutual Housing Association of Southwestern Connecticut, smaller affordable housing non-profit organizations, private developers, and others to leverage all available affordable housing resources.
 - c. As administrator of the City of Norwalk's CDBG program and the entity maintaining the City's 8-30g inventory of deed-restricted affordable housing units and the administrator of many of the grants and loans made with the intent of preserving the quality of Norwalk's existing affordable housing stock, the Agency collaborated with its partners to better document the cumulative annual effect of the extension of deed restrictions resulting from the loan and grant requirements which it administers. This will now be reported annually in the City's Consolidated Annual Performance Report to the Department. Further, the Agency is in process of finalizing the establishment of a discussion board via LinkedIn and Facebook to invite community based organizations and others to consolidate information on available resources, and to encourage them to quantify the various other resources, beyond CDBG which is currently well-documented, that have supported preservation initiatives or new development (i.e. LIHTC, DECD HOME funds, private foundation funding, etc.).
- 3) Work with the Zoning Commission to publicly review the effectiveness of the existing Inclusionary Zoning Regulation.

Progressive Action PY 38

- a. Task assigned to Zoning Commission
- b. In PY 38 the Zoning Commission sought public input on its inclusionary Workforce Housing Zoning Regulation which was adopted in 2007. The Commission, now having received

such input, is preparing a public workshop to discuss the results of its request for input on the regulation modifications.

- 4) Continue and, if possible, expand the City's housing rehabilitation programs to preserve and strengthen the City's base of affordable units, both owner-occupied and rental.

Progressive Action PY 38

- a. Task assigned to the Redevelopment Agency
- b. The Agency continually seeks funding for affordable housing from the CDBG program and from the City's Capital Budget, these resources are limited and highly subscribed, making any increased annual investments in the near future somewhat unlikely. However, the Agency did aggressively seek private resources to assist with the preservation of the City's existing affordable housing stock. Recent examples include an application and subsequent award from the One Region Funders Group for a study and the establishment of a pilot program focused on the preservation and affordability of the small, multifamily housing in close proximity to the South Norwalk Train Station; an application and subsequent award from the Robin Hood Foundation to provide housing rehabilitation grants to low and moderate-income residents impacted by Hurricane Sandy; and a funded application from the American Red Cross for funding to provide grants to address the unmet housing rehabilitation needs of houses damaged by Hurricane Sandy, as well as to carry out flood damage mitigation measures.

IMPEDIMENT THREE: ZONING, PLANNING, AND LAND USE ISSUES

This impediment deals with issues relating to the development of land including housing that is available to a wide range of persons and income levels in disparate locations. The de-concentration of poverty is one of the key objectives of the City's Consolidated Plan, but this goal should be balanced against the objective of higher-density development with access to transportation and employment centers.

Recommendations

- 1) Ensure that all City master planning works to provide appropriate housing density, mixed income integration, and is available to protected classes;

Progressive Action PY 38

- a. Task assigned to Planning Commission, Zoning Commission and Redevelopment Agency
 - b. Planning Commission is the primary author of the City's Plan of Conservation and Development (POCD) and uses that advisory document as a tool providing guidance in making land use decisions such as increasing density, providing Capital Budget funding for affordable housing. The POCD establishes the foundation from which the Commission's intent to encourage a diversity of housing choices for varied sector's of the community stems. Similarly the Zoning Commission cites the goals of the POCD in making its land use determination such as the TOD zoning modifications undertaken in the review period.
 - c. The Agency includes in the scope of its RFP's for planning studies having a housing component a required evaluation of how what is being considered or proposed supports appropriate housing density, mixed income integration and availability to protected classes. Agency staff is also processing a review of all existing Redevelopment Plans for an evaluation of the same.
- 2) Ensure that reasonable accommodation and disabled access issues are properly addressed.

Progressive Action PY 38

- a. Task assigned to Planning Commission, Zoning Commission and Housing Authority
 - b. The Housing Authority made before and during the program year special efforts to enable the disabled to access its housing units including securing new vouchers, providing preferences for the disabled and ensuring that its policies and procedures are supportive of the disabled as 13.6% of the population served in Family Public Housing and 26.3% in Senior Public Housing and 38.5% of the Housing Choice Voucher during the review period were people with disabilities. Additionally the Authority continued through the program year to implement HUD and CHRO approved reasonable accommodation.
- 3) Encourage the use of "visitability" and universal design principles, which exceed Federal and State accessibility requirements, in new housing construction. Encourage developers, housing advocacy groups, and other interested parties to conduct neighborhood outreach and information campaigns before submitting projects for review and approval.

Progressive Action taken in PY 38

- a. Task assigned to the Planning Commission, Zoning Commission and the Housing Authority
 - b. The Zoning Commission continued during the program year to refer all zoning application to the City Building Department for building compliance determinations as it relates to accessibility. On larger scale projects there are Code Enforcement (CEAC) Meeting for larger projects for larger new construction projects with all impacted departments. This collaborative process ensure that the resulting building design either meets or exceeds the accessibility provisions contained in the applicable codes. Similarly the Planning Commission supports this approach. It is recommended however going forward that the Fair Housing Office be part of such meetings.
 - c. The Housing Authority as previously stated makes special efforts in this regard given the corresponding percentage of their clients that are deemed to be disabled.
- 4) Encourage developers, housing advocacy groups, and other interested parties to conduct neighborhood outreach and information campaigns before submitting projects for review and approval.

Progressive Action taken in PY 38

- a. Task assigned to the Planning Commission, Zoning Commission and the Redevelopment Agency
 - b. Such actions were fully encouraged by the Planning and Zoning Commissions during the program year and advanced by the developing parties in the design development process.
 - c. Submissions of Agency design review approval for new larger scale construction projects require a neighborhood outreach plan and evidence that the objectives of the plan had been fulfilled and that the associated public comment be attached. The Agency, in its design review, will acknowledge and record a developer's compliance or noncompliance with this requirement, and such documentation is forwarded to the approval making bodies of the city.
- 5) Undertake a public outreach/education program

Progressive Action PY 38

- a. Task assigned to the Planning and Zoning Commissions
- b. Both the Planning and Zoning Commission held monthly meetings and public hearings in the program year which were fully noticed in the local paper. The Commissions also involve themselves in various events and workshops

throughout the year held to address community issues and will continue to foster such outreach

IMPEDIMENT FOUR: LENDING PRACTICES

This Analysis found that some minority groups did have higher rates of loan denial and loan withdrawal than other groups. The issue does not appear to have generated specific complaints. However, the City should, to the extent possible, ensure that persons seeking loans for home purchase or improvement are aware of lending practices and procedures.

Recommendations

- 1) Develop programs to foster conventional lending and banking services in underserved neighborhoods and to specific groups of persons.

Progressive Action PY 38

- a. Task assigned to Fair Housing Office
 - b. Unfortunately little progress was made on this mitigation measure during the program year as the Fair Housing Office does not see it as consistent with the duties and responsibilities assigned to it under their enabling ordinance, which is a correct interpretation in a common reading of said duties. The task is perhaps more appropriate placed with the Redevelopment Agency which actually does lending and could work with the National Development Council and the local banking community on the establishment of such a program in Norwalk in PY 39.
- 2) Work with nonprofits to expand financial literacy and credit counseling programs, especially in minority and lower-income neighborhoods.

Progressive Action PY 38

- a. Task assigned to the Redevelopment Agency and the Housing Authority
- b. The Agency continued to provide referrals, and funding when possible during the program year to the Housing Development Fund's first time homebuyer counseling program which offers financial counseling to LMI prospective buyers. The Agency also sought to partner with organizations such as Women's Business Development Center, or the University of Connecticut Cooperative Extension to offer financial literacy and credit counseling workshops for the public which would be held at the South Norwalk branch of the public library, the South Norwalk Community Center or one of several area churches.

- c. The Housing Authority works with its clients in this regard and conducts programs which include financial training and credit repair. It also financially prepares those clients that can for home ownership opportunities by offering a free Homeownership Training Program.
- 3) The significant discrepancy between lending to Hispanic homebuyers and other homebuyers is not explained by the data. This discrepancy should be examined further to understand the difference.

Progressive Action PY 38

- a. Task assigned to Fair Housing Office
 - b. The Fair Housing Office committed in the program year engage a partner and to assist them with such analysis as far as the law allows and report on same.
- 4) Assist residents who suspect lending discrimination in bringing complaints to the Connecticut Department of Banking and Attorney General's office for review and enforcement.

Progressive Action PY 38

- a. Task assigned to Fair Housing Office
 - b. The staff of the Fair Housing Office was appointed to the former state Attorney General's Anti-Predatory Lending Task Force and has worked with the State Department of Banking to tighten Connecticut's anti-predatory lending laws and as such continues to refer suspicious mortgages reported to the Fair Housing Office as needed.

The full Analysis of Impediments is available at the following link:
<http://www.norwalkct.org/DocumentCenter/View/3586>

2. Affordable Housing

The first goal of Norwalk's 2010-2014 Consolidated Plan is to support efforts to stabilize or reduce housing costs. The City of Norwalk strives to meet this high priority goal by fostering ownership, by working to preserve Norwalk's existing stock of affordable housing, and by investing in the rehabilitation of sub-standard housing units and placement services. The CDBG-funded activities undertaken in PY38 addressed a wide variety of housing needs, ranging from renovation of affordable housing units to support for first-time homeownership and preservation of existing affordable units.

Affordable Housing	
Con Plan 5-Year Goal	150
PY36-37 Actual	374
PY38 Goal	37
PY38 Actual	55
Progress towards 5 Year Goal	286%
Household Information for PY38	
Very Low Income HHs	36
Low Income HHs	13
Moderate Income HHs	3
Upper Income HHs	3
Total	55

Norwalk's 5-year goal in the affordable housing category was to serve 150 units in its effort to stabilize or reduce housing costs. In PY38 our goal was to assist 37 units. At the end of the program year, the City was successful in exceeding this goal, benefitting 55 households, 95% of which were very low income, low income and moderate income renter and owner households. Our 5-year progress to date indicates that we've outperformed our goal by

286%.

Other Affordable Housing and Affordable Housing Rehabilitation activities, accomplishments of which are not included in this numeric assessment, are described in Section 4 below.

PY38 Affordable Housing Activities:

Installation of Central Air Conditioning at Keystone Group Home:

Keystone was awarded \$17,000 in PY38 funding to install central air conditioning at Keystone's group home located at 12 Genoa Street. This residence provides housing for 6 very low-income adults suffering from psychiatric disabilities. The central air conditioning replaced numerous window air conditioning units which were both inefficient and expensive to operate.

Installation of a Replacement Boiler and an Emergency Generator at STAR Group Homes:

STAR was awarded \$20,600 to install a new efficient boiler at 28 Toilsome Avenue and an emergency generator at 3 Bayne Street. The boiler project replaced an inefficient boiler as well as doing away with electric heat in a portion of the residence. The generator project was in response to the sever storms this area has witnessed over the last few years. Residents had to be relocated during power outages and the basement flooded because the sump pumps did not operate. This flooding resulted in STAR having to replace the boiler and hot water heaters twice in a 2 year period. STAR serves individuals with intellectual and developmental disabilities. 11 very low income residents benefited from these projects.

Hurricane Sandy Relief Fund: The Redevelopment Agency, through its non-profit corporation North Walke, created a Sandy Relief Program to assist residents that had storm related issues. This initially was funded through the Robin Hood Foundation to assist renters and owners at or below 80% AMI. In PY38 Redevelopment Agency staff processed 38 applications from affected households. By June 30, 2013, nearly \$60,000 was disbursed to 18 households to address issues such as home repairs needed primarily due to flood waters or wind damage (damaged walls and insulation, electrical wiring, exterior doors, floor damage and roofing repair) and replacing or repairing

appliances generally needed due to flood damage and/or power surges (central air conditioner units, refrigerators, stoves, hot water heaters and furnaces). Some of the beneficiaries had not been able to occupy their homes prior to repairs being completed. In order to deploy 100% of the Robin Hood and other Hurricane relief funds directly to households, staff time, including marketing, outreach, intake, etc. was covered by Rehabilitation Administration funds, part of the City Neighborhoods program.

3. Homeless and other special needs

In Program Year 36, the City of Norwalk, in partnership with a diverse array of partners – private sector, social service agencies and Norwalk residents – facilitated the creation of the Greater Norwalk Ten Year Plan to Prevent and End Homelessness. This ten year plan identifies a three part strategy to provide the region's homeless population with increased access to housing options, supportive services and advocacy. Over the course of PY38, the City continued to improve organizational infrastructure and sought financial resources needed to implement the actions identified within the ten year plan.

Through its support to the Greater Norwalk Continuum of Care, the Agency aided numerous local agencies in their efforts to address worst-case housing needs for the homeless, formerly homeless and persons who are not homeless but in need of supportive housing.

4. Other actions regarding housing

In addition to the affordable housing activities above, actions undertaken to foster and maintain the City's supply of affordable housing in PY38 are:

City Neighborhoods

The City of Norwalk is in the midst of an ambitious planning and redevelopment effort that will substantially alter the City's urban corridor through the creation of additional mixed-income residential units as well as commercial and retail uses. Preservation of the urban neighborhood experience is critical to maintaining Norwalk's character. As these development plans unfold, the City has chosen to invest its community development resources in the City Neighborhoods Program which has the mission of making the City's urban core a more viable, connected and economically contributing urban neighborhood. One of the key programmatic goals of the City Neighborhoods Program is to maintain and expand the supply of safe, affordable housing throughout the City's urban core.

In PY38, the Norwalk Redevelopment Agency utilized a total of \$130,510 in CDBG funding to further the affordable housing goal of the City Neighborhoods Program. The Agency's activities as they relate to this goal are summarized in the following paragraphs:

Housing Rehabilitation Activity PY38	
	#
New Housing Rehabilitation Loan Applications Processed	3
New Housing Rehabilitation Loans Originated	1
Hurricane Sandy Relief Fund Inquiries / Applications Processed	38
Hurricane Sandy Relief Fund Grants Made	18
Rehabilitation Projects Managed	8
Rehabilitation Projects Managed / Units Assisted	146
Housing Quality Standards Inspections	2
Evaluating and Reducing Lead Based Paint Hazards	None requested in PY38

A description of each of the rehabilitation projects follows:

162 South Main Street: In PY38, a \$10,000 emergency loan was made to the owners of a 2-family residence to replace a furnace that had its heat exchanger fail allowing soot and carbon monoxide to circulate through the ductwork and left the tenant without heat. The existing ductwork system was cleaned and a new energy efficient gas furnace was installed. In an effort to allow a smaller, more efficient furnace, the windows were replaced with Energy Star rated vinyl windows.

Coach Run: The Redevelopment Agency assisted Coach Run Condominium in PY37 with a \$400,000 RLF loan to make needed improvements to the property including reroofing, replacing siding, improving drainage and repaving of driveways and parking spaces. During PY38 staff has been inspecting the work and advising the ad hoc building committee as well as preparing progress payments to the contractor. This finished project will result in the rehabilitation of 30 affordable housing units. The Agency's rehab revolving loan funds are drawn down over the course of the project as expenses are incurred. As of June 30, 2013, \$265,409 of this loan had been expended.

26 Haviland Street: In PY37, the Redevelopment Agency began a project on a two-family house at 26 Haviland Street. The efforts involved a Lead Paint Risk assessment, writing of specifications, committing to a loan of \$70,590 which closed in PY38 and procuring a qualified contractor. The project has been completed and entailed replacing the roof, minor kitchen and bathroom renovations, interior painting, some exterior repairs and painting, tree removal, new fencing, replacement of an existing boiler and two efficient A/C systems.

Miss Laura Raymond Homes: Over the course of PY38, Redevelopment Agency staff assisted the Board of Miss Laura Raymond Homes, a senior housing development of 49 units, with the procurement of contractors to replace the facility's existing through-wall air conditioning units with energy efficient units, new energy efficient lighting in common areas including the exterior and replacement of asphalt curbing damaged during snow plow operations. Redevelopment Agency staff also inspected these projects for

completion as well as quality of workmanship. Further, the Redevelopment Agency is advising the Board on upcoming renovations of an historic structure as well as a planned addition to the all purpose room at the complex. Staff assisted with the procurement of an engineer for the design of an emergency generator and reviewed the plans prior to bidding the project. Staff also assisted the board with the procurement of an engineer to design an efficient replacement boiler system to be bid out and installed in PY39.

Homeownership Assistance: PY38 marked the sixth and final year of the Homeownership Assistance Program of the North Walke Housing Corporation, which is a 501(c)3 subsidiary of the Redevelopment Agency. This program, which was capitalized with funding from the State of Connecticut Department of Economic and Community Development's HOME Program, provided down payment and closing cost assistance to income-eligible, first-time homebuyers. To date North Walke has received \$1,500,000 in grants to support this program. In PY38 North Walke initiated two loans, one for \$20,000 and one for \$30,000 for a total of 33 loans since inception. The program has made \$1,500,000 in loans and has leveraged over \$3,000,000 from other sources.

310 Ely Avenue: The Redevelopment Agency subsidized the purchase price (bought down the price) of 2 condominium units in PY38 to make them affordable to first time homebuyers in the 80% AMI income range. Previously unspent PY36 funds (IDIS ID 473) in the amount of \$126,000 helped facilitate the purchase of these homes.

Eight affordable townhomes were constructed at 310 Ely Avenue in 2009. This project was a partnership between the public and private sectors and the first owner-occupied project undertaken by the Agency. The economic downturn at the time resulted in 5 unsold units. The Norwalk Redevelopment Agency, in order to sustain the affordable ownership housing stock in the city, purchased the 5 townhomes at 310 Ely Avenue. The Norwalk Redevelopment Agency carried all of these units into 2012 when three units were sold to first-time LMI homeowners. Two units remain unsold.

Preservation of Units: The Redevelopment Agency worked to preserve 18 affordable condominium units by forgiven existing land loans in exchange for a 20 year extension of affordability restrictions on the units.

Public Service Activities: The Agency, through its City Neighborhoods Program, actively partners with local organizations to deliver services that further housing and community development needs. In PY38, the Agency collaborated with the Housing Development Fund to provide an affordable Housing Counseling Program. Funding for this initiative was from the City's Capital Budget Affordable Housing Program. \$26,000 of City funds was spent on this effort while assisting 33 households in the City's LMI census tracts.

Person-To-Person (previously Christian Community Action) assisted 10 very low income families with security deposit grants so they could obtain decent housing. Many of these beneficiaries would be homeless without this program and assistance. Funding came from a \$4,000 grant from the City's Capital Budget Affordable Housing Program.

Neighborhood Improvement Coordinator: In PY38, \$21,223 in CDBG funds were used to pay a portion of staff time for the City's Neighborhood Improvement Coordinator (NIC) who carries out a number of community improvement activities in Norwalk's low-moderate income census tracts. In addition to his community development activities the NIC assisted two future homeowners by performing housing quality standards (HQS) inspections. The purpose of these inspections is to ensure that the housing meets HUD standards, current building and fire codes, and to assess possible threats caused by lead paint.

Evaluating and Reducing Lead Based Paint Hazards: Lead levels are evaluated by Redevelopment Agency staff prior to the commencement of any rehabilitation project. Additionally, homeowners may use these funds to complete renovations that result in Lead-safe environments, though in PY38, none of the units served through the activities of the Rehab Program required Lead remediation.

The Norwalk Redevelopment Agency owns a XRF Lead Paint analyzing instrument which it shares with the Health Department. Additionally a staff member is licensed as a Lead Paint Inspector/Risk Assessor, a Lead Abatement Supervisor and a Lead Abatement Plan Designer. This helps to insure all Lead issues are addressed properly and safely following HUD guidelines as well as the States regulations.

The Norwalk Health Department educates residents on the risks of Lead exposure, provides evaluation services, and reports Lead exposure data obtained from local pediatricians to the State of Connecticut.

In addition to the Rehab Program, the Health Department and Redevelopment Agency are participants in a State-wide consortium, Lead Action for Medicaid Primary Prevention (LAMPP), which funds Lead-safe rehabilitation for qualifying households and conducts Lead-safe work practice training for contractors in the housing construction and renovation trades.

5. Leveraging resources

In order to maximize CDBG funding, the City works to align its CDBG resources with the highest priority needs identified in the ConPlan, concentrated in distressed neighborhoods and the city's low- and moderate-income census tracts. Through this targeted geographic focus, the City is

able to capitalize upon on other sources of public and private investments in the area.

The City and its associated agencies aggressively pursue other financial resources to address community needs. In PY38, the City was able to obtain a number of public and private resources that were leveraged by Federal resources from HUD in order to meet our objectives. Sources totaling a leverage of nearly \$4 million included:

These sources are:

- State of Connecticut Department of Economic and Community Development for brownfields remediation at the South Norwalk Train Station and 20 North Water Street
- The City of Norwalk Capital Budget
- Norwalk Redevelopment Agency cash on hand
- Robin Hood Foundation for Hurricane Sandy-related disaster relief for low- and moderate-income renters and homeowners
- City of Norwalk grant program
- In selecting outside agencies as sub-grantees to deliver activities that help Norwalk meet its goals, applicants must offer a cash match equivalent to the requested CDBG funding. This ensures that CDBG sub recipients are leveraging CDBG dollars with other public and private funding. In PY38, CDBG expenditures were matched \$2:\$1 for public services projects and \$1:\$1 for public facilities and housing projects.

6. Citizen Comments

The Notification of Funds Available (NOFA) for the PY38 program year was legally noticed and released on December 27, 2011. A public hearing regarding the City of Norwalk's PY38 CDBG program was legally noticed in Norwalk's daily news paper, *The Hour*, on January 20 and January 26, 2012 and held on February 2, 2012 during a meeting of the Planning Committee of the Norwalk Common Council. The public hearing was also listed on the City's calendar. A representative from each of the thirty-four organizations submitting an initial application was invited to present their proposal during this public hearing. Thirty-two organizations completed the full application. After review and careful consideration, the Planning Committee recommended sixteen of the programs for PY38 CDBG funding.

The programs and associated allocation recommendations were incorporated into the PY38 Annual Action Plan, which was legally noticed as available for public comment on March 6, 2012 and April 1, 2012. Four letters were received, one from the Fair Housing Advisory Commission requesting that the Common Council reconsider the proposal for Fair Housing Law Seminars and that a revision be made to the Affirmatively Furthering Fair Housing section

of the Action Plan narrative. The additional three letters were submitted on behalf of ElderHouse Adult Day Center's Memory Care program funding proposal. The citizen comments and associated responses were included in an attachment to the Annual Action Plan when submitted to HUD for approval.

A summary of citizen comments on the PY38 CAPER will be added following the close of the public comment period on this draft document. A public hearing to review the PY38 CDBG program performance and the public comment period for the drafted CAPER was noticed in Norwalk's daily news paper, *The Hour*, on September 19 and September 26, 2013 and included on the City's calendar. Each legal notice and/or announcement included instructions for how residents with limited English proficiency and/or physical or sensory disabilities could fully participate. On October 3, 2013, a public hearing will be held at a meeting of the Planning Committee of Norwalk's Common Council. Following the public hearing, a thirty day public comment period commences, lasting until November 3, 2013.

During the public comment period, a copy of the draft CAPER was made available at the Redevelopment Agency link on the City of Norwalk website and in hard copy at the Norwalk Redevelopment Agency, Room 202, City Hall, 125 East Avenue, the Norwalk Public Library at 1 Belden Avenue, the South Norwalk Branch Library at 10 Washington Street, the offices of Norwalk Economic Opportunity Now, Inc. (NEON) at 98 South Main Street and the Norwalk Housing Authority's administrative offices at 24½ Monroe Street. Agency staff will provide written responses to these comment letters within the fifteen working day period provided by the City's Citizen Participation Plan. Written comments and their responses will be included with the oral comments from the public hearing and attached to the CAPER which will be submitted to HUD and remain available at the Redevelopment Agency office and on the Redevelopment Agency link of the City of Norwalk website.

7. Self Evaluation

The housing and community development activities undertaken from PY36-PY38 have made notable progress toward the accomplishment of Norwalk's Consolidated Plan 5-year objectives, leaving Norwalk well-positioned to fully achieve its stated targets by the end of the current Consolidate Plan period which ends June 30, 2015.

At the end of the third year of the 5-year Consolidated Plan period, the City has made extraordinary progress towards meeting its "high priority" goals, exceeding 100% of the goals set forth in Consolidated Plan. Several activities in the current PY39 have been funded to address the "medium priority" goals of domestic violence prevention and drug prevention of the Consolidated Plan. By continuing to fund domestic violence, drug prevention

and by making new grants for child care activities, Norwalk is well positioned to exceed all of the goals set forth in the 5 year plan.

Objective	Strategy	Priority	PY36- PY40 Target Goal	Cumulative Performance PY36 - 38	Percent of PY40 Target Achieved as of June 30, 2013
Support Efforts to Stabilize or Reduce Housing Costs	Housing Rehabilitation	High	150	412	275%
	Energy Efficient Renovations	High			
	Preservation	High			
	First-time Homeownership	High			
	Placement Services	Medium			
	Tenant-based Rental Assistance	Medium			
	Rehabilitation Administration	High			
Support Efforts to Create Income Stability	Business Loans	High	5	5	100%
	Literacy/GED/Customized Job Training	High	150	303	202%
	Summer Youth Employment	High	250	491	196%
	Section 108-financed Activities	Medium	1	1	100%
	HOPE VI/Choice Neighborhoods Application	Medium	1	1	100%
	CN - Brownfield Remediation Sites	High	2	2	100%
	CN - Public Facilities/Infrastructure	High	5	5	100%
	CN - Econ. Dev/Tech. Assistance to Businesses	High	25	33	132%
Support Efforts to Ameliorate the Impacts of this Economic Depression on Families	Health/Mental Health Services	High	150	612	408%
	After-School Programming	High	500	842	168%
	Domestic Violence Prevention	Medium	250	0	0%
	Drug Prevention Education	Medium	250	0	0%
	Child Care Services	Medium	100	0	0%
	Basic Services	Medium	250	6606	2642%
TOTAL					

The City's specific accomplishments and a description of activities in PY38 are summarized in the following table.

			Beneficiaries / Goal	Beneficiaries PY38	Grant Amount PY38
Objective 1: Support Efforts to Stabilize or Reduce Housing Costs					
Housing Rehabilitation	STAR	Critical renovations to increase energy efficiency and provide greater access to suitable living conditions		11	\$ 20,600
	Keystone	Critical renovations to increase energy efficiency and provide greater access to suitable living conditions		6	\$ 17,000
Rehabilitation Administration	Norwalk Redevelopment Agency / City Neighborhoods	Continued administration of CDBG funded rehabilitation projects and administered the Hurricane Sandy Relief Program.		Area benefit	\$ 130,510
Objective 2: Support Efforts to Create Income Stability					
Literacy/GED/Customized Job Training	Women's Business Development	Entrepreneurial training, financial coaching and professional development programs for Norwalk residents and businesses.		43	\$ 40,000
Summer Youth Employment	City of Norwalk	Intensive job etiquette training for Norwalk youth ages 14-18		176	\$ 18,202
City Neighborhoods	Norwalk Redevelopment Agency	Planning and design of public facilities projects located in the City's urban core. Help advance the Choice Neighborhoods Initiative for the transformation of Washington Village. Remediation of brownfields sites at the South Norwalk train station and along West Avenue.		Area Benefit	\$ 214,213
Objective 3: Support Efforts to Ameliorate the Impacts of this Economic Depression on Families					
Health/Mental Health Services	Domestic Violence Crisis Center	Medical Advocacy Project provided health and wellness education for Norwalk Safe House residents and community clients.		511	\$25,000
	ElderHouse	Provided LMI seniors in need of dementia care with art, music and exercise therapy.		50	\$25,000
After-School Programming	Maritime Aquarium	4th and 5th grade LMI students were immersed in STEM disciplines		37	\$ 4,164.00
	Mid Fairfield Child Guidance Center	Expose LMI youth to STEM activities, literacy and academics to help close the achievement gap		40	\$ 19,596.00
Basic Services	NEON	Bathroom renovation at a community center for LMI youth. This project was not completed in PY38 due to instability and turnover at NEON.		0	\$ 3,345.00
	Norwalk Senior Center	Help LMI seniors survive the lingering effects of the economic downturn		301	\$ 12,500.00
	City of Norwalk	Engage LMI residents in the development of community support groups designed to improve the quality of life and create suitable living environments in Norwalk.		Area benefit	\$ 21,223.00
	Carver Center	New fire alarm and security system for the George Washington Carver Community Center (a HUD funded building).		265	\$ 40,000.00
	Norwalk Housing Authority	Installation of automatic doors at the Norwalk Housing Authority's central office.		4069	\$ 18,000.00

8. Monitoring

The Norwalk Redevelopment Agency is responsible for monitoring and evaluation CDBG program activities. The objectives of our monitoring activities are:

- Ensure that grant-funded activities comply with federal regulations governing administrative, financial and programmatic operations
- Ensure that, to the extent feasible, performance objectives are met within budget and on schedule
- Ensure that sub-grantees operate their programs in accordance with established program policies

Norwalk Redevelopment Agency performs a mid-year monitoring of all public service sub-grantees. In PY38, visits to sub-grantees were performed in December 2012. Prior to the visit, sub-grantees complete a self-evaluation form, indicating their success and challenges at the mid point of the grant. Each payment request by the sub-grantees requires a household beneficiary report as well as a brief narrative assessment of performance.

Housing and public facilities projects are monitored regularly by Agency staff members who manage the bid process, contractor selection, contract execution and compliance with all HUD regulations.

A sub-grant to NEON, in the amount of \$21,000, to upgrade the bathroom at the Ben Franklin School in Norwalk has been extended to PY39. The project was delayed due to turnover and instability at NEON. The project has gone out to bid and a contractor has been selected. At the time of this writing, we expect the project to be completed by year end.

The City is timely in its disbursements to sub-grantees.

IV. PROGRAM NARRATIVES

1. Assessment of Relationship of CDBG Funds to Goals and Objectives

The City and Agency allocated 100% of PY38 CDBG funding (non-administration) to activities addressing the current ConPlan's three objectives. Eighty-five percent (85%) of this non-administrative funding, or \$544,710, was allocated to high priority strategies. The relationship between the use of PY38 funding and the objectives and strategies established in the current ConPlan is illustrated in the following table.

Objective	Strategy	Priority	PY36-PY40 Target Goal	Cumulative Performance PY36 - 38	Percent of PY40 Target Achieved as of June 30, 2013	Expenditures in PY38	% of PY38 Expenditure Devoted to Each Strategy
Support Efforts to Stabilize or Reduce Housing Costs	Housing Rehabilitation	High	150	412	275%	\$ 168,110	26%
	Energy Efficient Renovations	High					
	Preservation	High					
	First-time Homeownership	High					
	Placement Services	Medium					
	Tenant-based Rental Assistance	Medium					
Support Efforts to Create Income Stability	Rehabilitation Administration	High	5	5	100%	\$ -	47%
	Business Loans	High					
	Literacy/GED/Customized Job Training	High					
	Summer Youth Employment	High					
	Section 108-financed Activities	Medium					
	HOPE VI/Choice Neighborhoods Application	Medium					
	CN - Brownfield Remediation Sites	High					
	CN - Public Facilities/Infrastructure	High					
Support Efforts to Ameliorate the Impacts of this Economic Depression on Families	CN - Econ. Dev/Tech. Assistance to Businesses	High	25	33	132%	\$ 112,331	26%
	Health/Mental Health Services	High	150	612	408%	\$ 50,000	
	After-School Programming	High	500	824	165%	\$ 23,760	
	Domestic Violence Prevention	Medium	250	0	0%	\$ -	
	Drug Prevention Education	Medium	250	0	0%	\$ -	
	Child Care Services	Medium	100	0	0%	\$ -	
TOTAL	Basic Services	Medium	250	6606	2642%	\$ 95,068	100%
						\$ 639,778	

Support Efforts to Stabilize or Reduce Housing Costs

The first objective of Norwalk's current ConPlan speaks to the need to respond to the overwhelming percentage of Norwalk households that are housing cost burdened. The ConPlan outlines seven strategies Norwalk employs to support efforts to stabilize or reduce housing costs from PY36-PY40, with a 5-year goal of 150 units.

Affordable Housing	
Con Plan 5-Year Goal	150
PY36-37 Actual	374
PY38 Goal	37
PY38 Actual	55
Progress towards 5 Year Goal	286%
Household Information for PY38	
Very Low Income HHs	36
Low Income HHs	13
Moderate Income HHs	3
Upper Income HHs	3
Total	55

In PY38, the City deployed just over 1/4 of funds towards meeting the goals of this objective. In PY38 our goal was to assist 37 units. At the end of the program year, the City was successful in exceeding this goal, benefitting 55 households, 95% of which were very low income, low income and moderate income renter and owner households. Our 5-year progress to date indicates that we've outperformed our goal by

286%.

Housing activities for PY38 are detailed in the Affordable Housing section above.

Support Efforts to Create Income Stability

Norwalk's second Consolidated Plan objective is to support efforts to create income stability. The City accomplishes this objective through investments in small business and redevelopment activities within its LMI neighborhoods. In PY38, the City allocated nearly one-half of its CDBG funds to redevelopment and business assistance activities that fostered economic opportunities and improved the physical environment in the City's Urban Core.

The Women's Business Development Center (WBDC) received \$40,000 and with that successfully provided entrepreneurial training, financial coaching and professional development programs for Norwalk residents and businesses. Participants were able to enroll in classes at Norwalk Community College, Norwalk Housing Authority and other local training sites. WBDC's overall goals of nurturing development of an entrepreneurial mindset, training beneficiaries to take control of their futures through education, and using newly-acquired skills and relationships as a means to achieving economic self-reliance and independence was imparted to 43 Norwalk participants. Of these participants, 70% were of extremely low- to moderate-income.

The City of Norwalk's Summer Youth Employment Program (SYEP) deployed \$18,202 to provide an intensive job etiquette training for Norwalk youth ages 14-18. The SYEP prepares young people for jobs via pre-employment workshops matches them with employment in their field of interest when possible, learn a skill, learn to navigate in a business environment contribute to the community, earn money and learn basic financial management. Career Resources, a non-profit organization provided week-long job etiquette workshops and life skills component based on the STRIVE program, a national job readiness model that has been extremely successful with both disadvantaged adults and youth. The SYEP provides a variety of critical short-term and long-term benefits unique to any summer program in the City and has impacted the lives of and provided employment opportunities for 176 Norwalk youth. Of those participants, 119 or 68% fall within the CDBG LMI guidelines.

The City Neighborhoods program is a major initiative to help make Norwalk's urban core a more viable, connected and economically contributing urban neighborhood by creating better housing choices, improving the physical environment and fostering social and economic opportunities for LMI persons. Over the course of PY38, the Norwalk Redevelopment Agency furthered City Neighborhood goals through the deployment of \$244,638 towards these projects with Area Benefit:

Brownfields Remediation: In PY38, the Norwalk Redevelopment Agency continued to administer two grants from the State of Connecticut DECD to remediate parcels of land at the South Norwalk Railroad Station (3 acres) and at 20 North Water Street (1.5 acres) in South Norwalk, bringing these projects to completion. Construction has begun of a mixed use development at 20 North Water Street. The total of the grants was \$520,000.

Public Facilities / Infrastructure: In PY38, the Norwalk Redevelopment Agency provided program delivery costs to several improvements in the urban corridor including planning and design work for pedestrian improvements at Landmark Square on Wall Street, improvements to Oyster Shell Park which officially opened in July 2013, lighting improvements on the Washington Street plaza in South Norwalk, and advancing the Section 108 loan guarantee application for the Globe Theater.

Economic Development: The Norwalk Redevelopment Agency provided program delivery services to 33 businesses entities within the City Neighborhoods target area. This assistance typically involved the provision of guidance on the incentive benefits to businesses seeking to expand or relocate within the City's state-designated Enterprise Zone. Guidance was also provided to businesses seeking working capital loans to maintain or expand their operations. A portion of the funds in this category was deployed to the National Development Council for consultation services to businesses. The National Development Council helps the Agency administer the Grow Norwalk Fund, a business loan fund initially funded with PY31 CDBG resources. No new loans were made in PY38.

Support Efforts to Ameliorate the Impacts of this Economic Depression on Families

The third Consolidated Plan objective acknowledges the need to invest in programs, facilities and initiatives which strengthen families impacted by the recent economic recession. In PY38, the City invested just over 1/4 of its CDBG program towards initiatives to help achieve our objectives in this category.

Health/Mental Health Activities

The Domestic Violence Crisis Center (DVCC) Medical Advocacy Project received \$25,000 to create and facilitate the Medical Advocacy Project (MAP). The MAP provides comprehensive education for healthcare professionals and first responders in Norwalk. MAP also provided health and wellness education and assessments for Norwalk Safe House residents and community clients via several partnerships that include the Norwalk Community Health Center, Norwalk Hospital and University of Connecticut Graduate Nursing Program. MAP significantly surpassed its estimated goal of providing 100 LMI victims of violence with mental health services. The DVCC MAP touched 411 families in PY38.

The ElderHouse Adult Day Care Center received \$25,000 for their Memory Care Program. Recent renovations at ElderHouse transformed the facility into a state-of-the art center that has improved handicapped accessibility,

enhanced security and program areas. These improvements enabled ElderHouse to offer a cutting-edge Memory Care Program by utilizing space uniquely designed to reduce sensory overload which is particularly overwhelming to people who suffer from dementia. The Memory Care program, facilitated by trained staff, features therapies in art, music and exercise designed to combat major symptoms of dementia by promoting social interaction, recall skills, as well as physical and mental stimulation. The Program also provided family caregivers help care for their loved ones with dementia in an effort to reduce related stress and provides family caregivers with the opportunity to rest or to work and maintain economic stability. 86% of the memory care program beneficiaries fell within the extremely low- to moderate-income guidelines.

After School Activities

The Maritime Aquarium at Norwalk received \$4,164 to administer a Junior Marine Biology Academy at Jefferson Elementary School. Fourth and Fifth grade students from traditionally underrepresented and underserved ethnic backgrounds were immersed in STEM disciplines (science, technology, engineering and mathematics) through a series of project-based, marine science classes and activities implemented during out-of-school-time and intended to supplement the formal science curriculum. All classes were aligned with the Connecticut Core Science Curriculum Framework for academic standards. This project represents a significant step towards institutionalizing this program at Jefferson Elementary, provides best practices for other schools while bolstering the Maritime Aquarium's outreach efforts and enhances its work with students within the surrounding community. 78% of student participants were in the extremely low- to moderate-income guidelines

The Mid Fairfield Child Guidance Center, Inc. received \$19,596 for their Choices for Success After School Program (Choices) for underserved students. "Choices" provides opportunities for economically disadvantaged youth to reach their full potential. At-risk youth are recruited in the sixth grade and are followed through high school on to their post-secondary educational pursuits. In addition, Choices for Success provides a long-term, comprehensive program that integrates the services of existing agencies and community volunteers to assist youth in developing a wide variety of skills that enable them to make positive decisions. The Program exposed middle and high school youth to STEM activities to acquaint them with career opportunities in STEM occupations with a focus on literacy and academics designed to help close the achievement gap between the program's participants and their more affluent counterparts. 95% of participant fall within the extremely-moderate income guidelines.

Basic Services

The Senior Services Coordinating Council Inc. (SSCC) received \$12,500 to facilitate a collaborative Critical Assistance Outreach project to help low income Norwalk seniors survive the lingering effects of the economic downturn. Along with the Norwalk Senior Center, SSCC conducted a

comprehensive city-wide search for under-served, low-income seniors unable to provide themselves with adequate fuel, food, medicines, other essentials and protection from abuse and neglect. Each of these agencies offered different services to collectively achieve their goals. SSCC assisted low income seniors with applications for all eligible financial benefit services, including food stamps (SNAP) energy assistance, homeowners tax relief, Medicaid, etc. The Norwalk Senior Center provided both congregate and home delivered meals programs. The SSCC has experienced a dramatic increase in the number of first-time calls from seniors who had never needed or used their services in the past, confirming the need for continued outreach, assistance and dissemination of information/ resources to both the elderly population and their families. The Critical Assistance outreach collaborative met 100% of its goal of touching the lives of 300 seniors, all of whom were extremely low-income.

The City of Norwalk received \$21,223 to cover a portion of the Neighborhood Improvement Coordinator's (NIC) salary. The NIC engaged residents of low- and moderate-income neighborhoods in the development of community support groups designed to improve the quality of life and create suitable living environments through specific projects. Issues such as litter, trash and graffiti removal and public space development, etc. were addressed and remediation was sought via the assistance and guidance from of the Mayor's Neighborhood Preservation Committee. The NIC continued to build working relationships with both the citizen groups representing Norwalk's neighborhoods and with businesses and corporations and administers programs to address the unique challenges facing these neighborhoods. There continued to be a great need to focus on volunteerism, community mobilization and personal accountability in the face of a stagnant economy to spur involvement and action that ultimately enhances municipal related services needed to ensure the health and vitality of low and moderate income communities.

The Carver Foundation of Norwalk received \$40,000 for the installation of a new fire alarm and security system for the George Washington Carver Community Center. The Carver Center is a public facility that was built through HUD funding and has been serving low- to moderate-income families in Norwalk for over 70 years through an array of programming including free after-school, GED classes, social, cultural and recreational programs and community events; all of which are centered around the mission of providing services and opportunities that empower youth to succeed in school and beyond. The Carver Center serves over 4,500 individuals each year and the upgrade/improvements of the wiring and electrical systems for fire alarm and security purposes was necessary to continue to provide a safe, secure and healthy place for youth, their families and the community. The Carver met 100% of both its target beneficiaries and extremely low- to moderate-income guidelines.

The Norwalk Housing Authority received \$18,000 for the installation of automatic doors at 24 1/2 Monroe Street, the Authority's Central Office. The NHA primarily serves low income residents, including underserved populations such as handicapped individuals, senior citizens and mothers or grandmothers/guardians with small children. The installation provided enhanced access and accommodations for those seeking basic services at the Authority. The project addressed improved accessibility for approximately 1,978 low-income Norwalk families.

2. Changes in Program Objectives

Norwalk's City Neighborhoods Program was established in 2007, to help make the City's urban core, which consists of the three largest LMI census tracts in the City, more viable, connected and economically contributing to those who choose to live and conduct business within it. To accomplish these objectives the program focuses on providing improved housing choices, an enhanced physical environment focused on pedestrian and transit improvements and fostering economic opportunity for LMI persons and economic assistance to the local businesses.

The program and its related staff work directly and indirectly with the area non-profit community, neighborhood groups, service institutions, businesses, city and resident associations to plan for, develop and invest in activities which contribute to unifying an urban core that has been scarred by decades of disinvestment, poorly executed urban renewal, economic isolation, poverty, crime, drugs, deteriorating infrastructure, and other signs of ongoing urban decay.

The program was launched with \$30 Million of non CDBG funding and today has a balance sheet of roughly \$20 Million which is the sum of additional federal, state and municipal grants combined with the non-municipal financial resources of the Norwalk Redevelopment Agency. This non-CDBG funding is used to address four primary CDBG goals and effectuate nine CDBG eligible outcome objectives. The four invest tranches of the City Neighborhoods Program include:

- Maintaining and expanding the inventory and available choices for safe, environmentally sustainable and affordable housing and providing the necessary education with regards to successful homeownership
- Assisting businesses to grow through microenterprise investments that create or retain sustainable employment opportunities for LMI persons, establish enhanced environmentally sustainable business models and those that compel new business innovation that benefits LMI job creation
- Enhancing public facilities and infrastructure related to transit connections, pedestrian circulation and open space enjoyed primarily by those that live or work in the target neighborhood

- Enhance the community and economic development capacity of the neighborhood, business, ethnic and social organizations that provide services to their respective constituents and positively impact the social and economic cohesion of the neighborhood

Consistent with its programmatic goals the City Neighborhoods Program has primarily funded activities which either directly serve low and moderate income persons or those that specifically service a neighborhood that is identified as a CDBG Target Area within the following census tracts 440, 441, 437. While these census tracts represent a variety of uses they are primarily residential in nature currently and are becoming more so as new or rehabilitated housing units are added to the neighborhood.

The Redevelopment Agency's resources are organized around a core of funding which includes but is not limited to CDBG. The Agency itself has various missions which are derived from a blend of community development programs of HUD and local planning and development priorities as articulated by the City's legislative body. The Agency's program delivery challenge is to pair its investments with the right funding resource that works best for the project being considered. Project eligibility for CDBG does not always mean CDBG is the best funding source as it use could over burden the project either through higher cost or regulation.

City Neighborhoods investments are primarily designed with the intent of having a long term impact on the identified urban neighborhood and the LMI population that lives and works within it. The program portfolio primarily involves direct capital investments which do not necessarily lend themselves well to the use of CDBG funding, but the related program delivery costs do. Therefore the City Neighborhoods program has significantly leveraged the CDBG investments in these projects by attempting to contain where possible the CDBG investment primarily to program delivery costs. PY 38 however represented an anomaly in that significant funding was returned to the entitlement account in PY 37 which required the direct investment of CDBG funds into capital projects as evidenced in the program summary.

3. Assessment of Efforts in Carrying Out Planned Actions

The Agency impartially reviews all requests for Certifications of Consistency and advances these requests to the Norwalk Common Council for approval. Once approved, Certifications of Consistency are executed by the Mayor and provided to the requesting organization or agency.

In PY38, the Greater Norwalk Continuum of Care submitted an application for HUD's SuperNOFA. All plans/applications from the Norwalk Continuum of Care for which Certifications of Consistency were requested were deemed to be consistent with the ConPlan and were granted these Certifications. Certifications of Consistency were provided for the following organizations:

- Human Services Council
- United Way of Coastal Fairfield Council
- Family and Children's Agency, Inc.
- Norwalk Housing Authority
- Mid Fairfield AIDS Project
- State of CT Division of Mental Health and Addiction Services
- Norwalk Emergency Shelter
- Hall-Brooke Behavioral Health Services

The City did not hinder the implementation of the ConPlan by action or by willful inaction. In the implementation of this plan and in the development of subsequent Action Plans and CAPERs, the city followed the processes and procedures stated in the ConPlan and encouraged the participation of citizens, community groups, public agencies and not-for-profit agencies.

4. Use of CDBG Funds for National Objectives

CDBG funds were solely used for the purpose of carrying out activities that met one of three national objectives, and used to benefit LMI persons, to address slum and blight conditions and meet urgent community needs. 98% of funding assisted LMI persons.

5. Anti-displacement and relocation – for activities that involve acquisition, rehabilitation or demolition of occupied real property:

In PY38, the City did not utilize its CDBG resources towards any activities that would involve relocating households, businesses, farms or non profit organizations from their dwellings or commercial enterprises.

CDBG funds were used for projects involving the rehabilitation of occupied residential property. All of the work was moderate in nature and did not result in the temporary or permanent relocation of occupants. Had displacement occurred as a result of these activities, the Agency would have complied with all requirements stated in the Uniform Relocation Act or Section 104(d) of the Housing and Community Development Act of 1974.

6. Low/Mod Job Activities

The Norwalk Redevelopment Agency did not engage in any activities in PY38 that necessitated the creation of new jobs. Job training and employment opportunities for LMI individuals were addressed through sub-grants to two organizations (described above):

The Women's Business Development Center (WBDC)

The City of Norwalk's Summer Youth Employment Program (SYEP)

7. Program Income Received

From July 2012 to June 2013, Norwalk Redevelopment Agency's CDBG Revolving Loan Fund (Fund 200) received \$321,412.33 in principal and interest payments, net of fees and other charges.

As of June 30, 2013, the Statement of Revenues and Expenditures for this Loan Fund 200 has \$41,314 interest income from notes and expenditures of \$41,314. The Balance Sheet for CDBG Revolving Loan Fund 200 has \$429,213 in cash and receivables, \$1,037,380 net loans receivable, and \$492,405 in net assets.

The City did not have any float-funded activities during PY38.

8. Prior Period Adjustments- where reimbursement was made this reporting period for expenditures (made in previous reporting periods) that have been disallowed, provide the following information:

In PY38, the City deployed \$682,156 from previous years' reprogrammed City Neighborhoods funds for public facilities and housing activities that continued into PY38.

	IDS ID	PY	\$
Public Facilities	433	34	\$231,626
Homeownership Assistance	473	36	\$126,000
Public Facilities	473	36	\$276,570
Residential Rehabilitation	493	37	\$271
Public Facilities	499	37	\$47,689

9. Loans and other receivables

The City has no float funded activities. The following table summarizes the loan status for various loan funds as of June 30, 2013.

	Deferred Loans		Amortized Loans	
	#	Balance	#	Balance
Norwalk Redevelopment Agency Residential Rehabilitation Revolving Loan Fund	7	\$ 447,815	36	\$ 2,291,330
Mutual Housing Residential Rehabilitation Revolving Loan Fund	2	\$ 59,795	5	\$ 211,799
Norwalk Redevelopment Agency Homeownership Assistance Non Revolving Loan Fund	10	\$ 183,277	23	\$ 410,396
National Development Council Grow Norwalk Fund (Small Business Loans)	0	\$ -	2	\$ 51,370
Norwalk Redevelopment Agency Urban Retail Loan Program (CDBG-R funded business loan program)	0	\$ -	4	\$ 130,008
TOTAL	19	\$ 690,887	70	\$ 3,094,903

10. Lump sum agreements

Neither the City nor the Agency has entered into lump sum agreements.

11. Neighborhood Revitalization Strategies-for grantees that have HUD approved neighborhood revitalization strategies

Norwalk does not have any Federally-designated Empowerment Zones or Enterprise Communities and does not receive Neighborhood Stabilization Program funds. Norwalk has a state-designated Enterprise Zone encompassing two Census Tracts in South Norwalk – 0441 and 0445. The Norwalk Redevelopment Agency responds to calls from businesses seeking to relocate in the Enterprise Zone, resulting in 3-4 relocations per year on average.

HOME

Norwalk does not receive HOME funds.

HOPWA

Norwalk does not receive HOPWA funds

ESG

Norwalk does not receive ESG funds



OFFICE OF THE MAYOR

RICHARD A. MOCCIA

MEMORANDUM

To: Torgny Astrom, Chairman, Planning Commission
Reverend Jeffrey A. Ingraham, Chairman, FHAC
Cesar Ramirez, Chairman, NHA
Felix Serrano, Chairman, Norwalk Redevelopment Agency
Emily Wilson, Chairman, Zoning Commission

From: Mayor Richard A. Moccia

Date: February 28, 2013

Re: Analysis of Impediments to Affirmatively Furthering Fair Housing

The City, as a recipient of federal funds from the United States Department of Housing and Urban Development (HUD), has a contractual obligation to affirmatively further fair housing. Following a four and a half month extensive compliance review conducted by HUD's Office of Fair Housing and Equal Opportunity (FHEO), I am pleased to note that the City is in compliance with its obligations. HUD, however, has recommended that the City quicken the pace at which it is implementing the recommended actions to overcome the accepted impediments to fair housing.

The Analysis of Impediments to Fair Housing Choice (*attached*) identifies local impediments and establishes appropriate mitigation measures as approved by the Common Council. The Commissions / Committees included in this memorandum, and their associated City departments and staffs, have direct responsibilities related to advancing those mitigation recommendations that the Common Council has approved as each have certain levels of implementation authority independent of the City's legislative or executive branches. Mindful of HUD's expressed concerns and the Common Council's approved plan, I am calling your attention to that responsibility and specifically asking that each commission chairman assess the approved mitigation actions which appropriately corresponds with their commission's duties and responsibilities on the City's behalf in this regard (*attached*).

In addition, within ninety (90) days of the date of this memorandum I ask that you submit to me in writing a workable implementation strategy. This response should provide a detailed strategy for implementation that outlines your commission's recommended programmatic methodology and the timeline by which your commission can complete the stated objective within your anticipated Fiscal Year 2014 budget.

Upon your review, should you have any specific questions please email them to me directly. I look forward to seeing each commission's plan submitted timely for my further review and consideration. Finally, thank you for your continued service to the City of Norwalk and your most important work in assisting to further shape and improve our City's public policy regarding this important issue.

cc: Douglas Hempstead, President, Norwalk Common Council
Margaret K. Suib, Fair Housing Officer
Curtis Law, Executive Director, Norwalk Housing Authority
✓ Timothy Sheehan, Executive Director, Norwalk Redevelopment Agency
Mike Greene, Director, Planning and Zoning

Impediment Mitigation Implementation Measures By Commission

Impediment One – Discrimination in the Housing Market

- 1) Educate households and housing related organizations by disseminating Fair Housing law literature, conducting Fair Housing law seminars and training, and focusing public awareness campaigns about Fair Housing law in ethnic and minority neighborhoods, and among civic, social, religious, and special interest groups. [Fair Housing Advisory Commission/Norwalk Housing Authority]
- 2) Provide Fair Housing materials and educational programs in Spanish, especially in neighborhoods and communities with high percentages of Spanish-speaking persons [Fair Housing Advisory Commission/Norwalk Housing Authority]
- 3) Continue to conduct training sessions and information campaigns especially among rental property owners and managers, as well as apartment owner associations, and management companies. [Fair Housing Advisory Commission]
- 4) Monitor Fair Housing complaints and issues across the various venues and organizations through which these complaints may be made in order to obtain a better picture of issues and problems. [Fair Housing Advisory Commission]
- * 5) Increase housing choice alternatives for the disabled and families with children. [Planning Commission/Zoning Commission/Norwalk Redevelopment Agency /Norwalk Housing Authority]
- 6) Convene focus groups of advocacy groups, community based organizations, real estate industry professionals, lenders, property owners, and government agency officials to review and assess fair housing issues. These groups should identify discriminatory practices, trends, or changes in these practices, focal points of discriminatory practice, and the means or methods to address them. [Fair Housing Advisory Commission]
- 7) Related to the previous recommendation, ethnic, religious, and service groups should be educated about Fair Housing issues and encouraged to serve as conduits for information, questions, and complaint procedures for their membership. This will not only broaden the knowledge of Fair Housing practice in the City, but also provide more knowledge about the number and types of issues being confronted. [Fair Housing Advisory Commission]
- 8) Update Fair Housing information regularly and adjust strategies and actions accordingly. In particular, the groups mentioned above should meet yearly or every eighteen months to review and update plans and programs. [Fair Housing Advisory Commission]
- * 9) The City should seek the resources to expand the data collection and analysis capabilities of the local fair housing entities with the Fair Housing Officer directing this effort. [Fair Housing Advisory Commission/Norwalk Redevelopment Agency]

Impediment Two – Housing Affordability

- * 1) Continue to use federal and state funding resources and programs to address high priority housing needs for rehabilitation, preservation, and homeownership creation. [Norwalk Redevelopment Agency/Norwalk Housing Authority]
 - * 2) Continue to work with community based organizations, affordable housing developers, and housing advocacy groups to leverage resources for affordable housing preservation. [Norwalk Redevelopment Agency]
-

- 3) Publicly review the effectiveness of the existing Inclusionary Zoning Regulation. [Zoning Commission]
- * 4) Continue and, if possible, expand the City's housing rehabilitation programs to preserve and strengthen the City's base of affordable units, both owner-occupied and rental. [Norwalk Redevelopment Agency]

Impediment Three – Zoning, Planning, and Land Use Issues

- 1) Ensure that all City master planning works to provide appropriate housing density, mixed income integration, and is available to protected classes. [Planning Commission/Zoning Commission/Norwalk Redevelopment Agency]
- 2) Ensure that reasonable accommodation and disabled access issues are properly addressed. [Planning Commission/Zoning Commission/Norwalk Housing Authority]
- * 3) Encourage the use of "visitability" and universal design principles, which exceed Federal and State accessibility requirements, in new housing construction. . [Planning Commission/Zoning Commission/Norwalk Redevelopment Agency]
- * 4) Encourage developers, housing advocacy groups, and other interested parties to conduct neighborhood outreach and information campaigns before submitting projects for review and approval. [Planning Commission/Zoning Commission/Norwalk Redevelopment Agency]
- 5) Undertake a public outreach/education program. [Planning Commission/Zoning Commission]

Impediment Four – Lending Practices

- 1) Develop programs to foster conventional lending and banking services in underserved neighborhoods and to specific groups of persons. [Fair Housing Advisory Commission]
 - * 2) Work with nonprofits to expand financial literacy and credit counseling programs, especially in minority and lower-income neighborhoods. [Fair Housing Advisory Commission/Norwalk Redevelopment Agency/Norwalk Housing Authority]
 - 3) Examine the significant discrepancy between lending to Hispanic homebuyers and other homebuyers... [Fair Housing Advisory Commission]
 - 4) Assist residents who suspect lending discrimination in bringing complaints to the Connecticut Department of Banking and Attorney General's office for review and enforcement. [Fair Housing Advisory Commission]
-

May 23, 2013

Honorable Richard A. Moccia, Mayor
Norwalk City Hall
125 East Avenue
Norwalk, CT. 06851

Re: Planning Commission response to request for a workable implementation strategy for the
Analysis of Impediments to Fair Housing Choice

Dear Mayor Moccia;

In response to your request, the Norwalk Planning Commission discussed the following implementation measures to be taken to enforce the recommendations contained in the Analysis of Impediments to Fair Housing Choice and has authorized me to respond with the following recommended measures:

Implementation Strategy

- **Impediment One – Discrimination in the Housing Market**

Item 5. Increase housing choice alternatives for the disabled and families with children.

The Planning Commission has recommended approval of several recent amendments to the Building Zone Regulations which have resulted in the approval of 1,335 new housing units, including 140 new workforce housing units, since 2007. The Planning Commission has also approved \$250,000 per year in Capital Budget funds to promote the development of new low and moderate income housing. While the Planning Commission cannot require that housing be built for specific groups of people, the increased supply of housing assists in providing new housing choices for all types of people in the community, including the disabled and families with children. In addition, the Commission continues to advocate for the implementation of innovative policies such as Norwalk's accessory apartment zoning regulation which permit single family home owners to provide accessory apartments to anyone they choose (with no age or income restrictions). The Commission plans to continue to proactively respond to referrals on land use decisions and requests for funding to construct additional housing units.

- **Impediment Three – Zoning, Planning and Land Use issues**

Item 1. Ensure that all City master planning works to provide appropriate housing density, mixed income integration, and is available to protected classes.

In June 2008, the Planning Commission adopted a new Plan of Conservation & Development (POCD) and regularly uses this document for guidance in making land use decisions, including decisions on whether to amend the zoning regulations to allow increased density (see recently adopted Transit Oriented Development (TOD) zoning regulations) or to allocate additional capital budget funds for housing development (recommended \$250,000 in 2013 funding to be allocated to the Redevelopment Agency for new affordable housing). The Plan of Conservation & Development housing sections demonstrate the Commission's ongoing intent to encourage a diversity of housing types to serve all sectors of the community, including the disabled and families with children. (see attached excerpts from the housing section of the chapter on Balanced Economic Growth) The Planning Commission plans to continue to implement these policies in the upcoming year.

Item 2. Ensure that reasonable accommodation and disabled access issues are properly addressed.

Item 3. Encourage the use of "visitability" and universal design principles which exceed Federal and State accessibility requirements in new housing construction.

The Norwalk Planning Commission supports the Zoning Commission's action to refer all zoning permit applications to the Building Department, the City agency responsible for determining compliance with the appropriate building and accessibility codes. The Building Department holds Code Enforcement (CEAC) meetings to allow all City departments to meet and discuss the proposed design of larger developments with the applicant to ensure that the design meets or exceeds the accessibility requirements contained in applicable codes.

Item 4. Encourage developers, housing advocacy groups, and other interested parties to conduct neighborhood outreach and information campaigns before submitting projects for review and approval.

The Norwalk Planning Commission supports the Zoning Commission's action to encourage all developers to reach out to neighbors and community groups to obtain input and resolve issues in advance of the public hearing. The Planning Commission held multiple public workshops while drafting its 2008 Plan of Conservation and Development (POCD) and plans to hold additional outreach efforts prior to the adoption of a new Plan in 2018.

Item 5. Undertake a public outreach/education program.

The Norwalk Planning Commission holds monthly committee meetings and public hearings which are advertised at City Hall inviting public participation at its meetings. Legal notices are posted in the local paper in advance of each meeting and include the following text: "At this hearing, persons may appear and be heard and written communications received." The Planning Commission held a number of public workshops on various community issues; most recently on bicycle and sidewalk planning and the development of the working waterfront in South Norwalk. The Commission will continue public outreach in the upcoming year.

If you have any questions on the above response, please do not hesitate to contact me.

Very truly yours,

Torgny Astrom, Chair
Planning Commission

NORWALK
FAIR
HOUSING
ADVISORY
COMMISSION

May 3, 2013

The Honorable Richard A. Moccia, Mayor
City of Norwalk
125 East Ave., P.O. Box 5125
Norwalk, CT 06856-5125

RE: Your memo regarding Analysis of Impediments to Fair Housing Choice dated Feb. 28, 2013

Dear Mayor Moccia:

We received your referenced memorandum and are responding with actions/activities to address impediments to Fair Housing choice, the mandate of the Fair Housing Officer (FHO) and Fair Housing Advisory Commission (FHAC) under the Second Amended Consent Decree and City Ordinance.

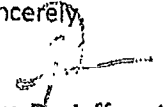
The detailed response you requested is attached. In summary, "yes", we will do almost all of the activities you requested and "yes", we can do all but one of them within the City operating budget we requested (totaling \$136,026: approximately \$130,000 in personnel costs, including benefits, taxes, etc., and approximately \$5,100 of operating funds).

We have only two concerns:

- (1) the FHAC's current recommended operating budget is \$128,315, which is \$2,611 less than needed for just personnel costs and omits all of the \$5,100 needed for operating. We seek your assistance in making sure our modest annual budget (\$136,026) is fully funded;
- (2) as to the Fair Housing law seminars (Impediment One, Item 1): this is the only item for which we need additional funds. For each of the last two years, we have sought federal CDBG funds for these Fair Housing law seminars. Last year, our plan was to conduct six seminars, in English, Spanish and Creole, but we received no funding. At that time, there was a stated interest that the programs be videotaped and viewable on-line, so this year, we applied for federal CDBG funds to do 3 seminars (in the 3 predominant languages) and to videotape and post them on our webpage. This year, we are not recommended for sufficient funding. Presenting programs and materials in 3 languages is expensive, as is videotaping. For that we need \$19,000. If we receive 30% less than needed, (\$14,000 is currently recommended) the FHAC will have to reduce the program accordingly.

Thank you and we look forward to continuing to work on Fair Housing matters in Norwalk.

Sincerely,


Rev. Dr. Jeffrey A. Ingraham, Chairman
(203) 838-3176 ext. 11

ATTACHMENT: SPECIFIC RESPONSES

Impediment One – Discrimination in the Housing Market:

Item 1: "Educate households and housing related organizations by disseminating Fair Housing law literature, conducting Fair Housing law seminars and training, and focusing public awareness campaigns about Fair Housing law in ethnic and minority neighborhoods, and among civic, social, religious and special interest groups. "

Response: Daily, we educate households and housing-related organizations. Our printed Fair Housing materials, in English and Spanish, are disseminated broadly. We intend to translate our materials into other prevalent languages as funds become available. The FHO does Fair Housing trainings at the Norwalk Housing Authority typically 3-4 times per year, for new Section 8 recipients. During FY 2012-13, she provided Fair Housing trainings to groups at Bethel AME Church, in the West Avenue area and Mt. Zion Church, on South Main Street, and this year, to the NAACP, at Calvary Baptist Church, on Concord Street. Each of these are examples of what is called for above – presenting in ethnic and minority neighborhoods, to civic, social, religious and special interest groups. In FY 2013-14, she will continue to do so and will report to you on activities as they occur. She is scheduled to provide Fair Housing training with STAR staff and clients (a special interest group for adults with developmental disabilities) and anticipates presenting to staff/clients at Keystone House and the Open Door Shelter.

As to Fair Housing law seminars, if the FHAC receives the funding requested (approximately \$19,000) we will present 3 seminars, in 3 languages, and videotape and post them on our web page. If we receive the \$14,000 currently recommended, the FHAC will determine the needed adjustments to the program.

Item 2: "Provide Fair Housing materials and educational programs in Spanish, especially in neighborhoods and communities with a high percentage of Spanish-speaking persons." Norwalk Fair Housing's materials are available and provided in Spanish. As to a program in Spanish, see commentary above.

Item 3: "Continue to conduct training sessions and information campaigns especially among rental property owners and managers as well as apartment owner associations and management companies." We do this on a regular basis and will continue.

Item 4: "Monitor Fair Housing complaints and issues across the various venues and organizations through which these complaints may be made in order to obtain a better picture of issues and problems". We will continue to communicate broadly and try to make sure that any complaints arising in Norwalk are reported/referred to Norwalk's Fair Housing Office.

Item 5: "Increase housing choice alternatives for the disabled and families with children." People with disabilities and families with children are both protected groups under Fair Housing laws, entitled to have housing choice, free from illegal discrimination. Educating these groups and housing providers serves to increase housing choice. We do this regularly and will continue to do so. As indicated above, a training session is scheduled with STAR clients to assist them in knowing their Fair Housing rights and what to do if they face housing discrimination. Further, with your assistance, we have twice provided education to architects, developers and others in the building trades, as to Fair Housing Act design and construction requirements (addressing accessibility for people with disabilities). Clearly, this item is a Fair Housing Office area of expertise, interest and endeavor. We are left off the list of entities to which it

is assigned. We request to be added to this list as we continue to discuss accessibility issues, including in design and construction, as mandated by the Fair Housing Act.

Item 6: "Convene focus groups of advocacy groups, community based organizations, real estate industry professionals, lenders, property owners and government agency officials to review and assess Fair Housing issues". As you know, the FHAC is structured with membership representing the Mayor (2 seats), NEON (a community advocacy organization), the Norwalk Housing Authority (a property owner and real estate industry professional organization), Connecticut Legal Services (community advocates/attorneys), Norwalk Redevelopment Agency (lenders and redevelopers), and the NAACP (community organization and advocacy group). The FHAC meets monthly. It already "... identifies discriminatory practices, trends, or changes in these practices, focal points of discriminatory practice and the means or methods to address them." Further, the FHAC advises the City and its Commissions, Committees, Departments and others, on actions needed to address housing discrimination. We will continue to serve the City in this manner, with 12 regularly scheduled meetings during the year, plus special meetings/events, including meetings with other groups regarding Fair Housing concerns.

Item 7: "Related to the previous recommendation, ethnic, religious and service groups should be educated about Fair Housing issues and encouraged to act as conduits for information, questions and complaint procedures for their membership ...". We know you are aware that the FHAC and FHO already do this, working regularly with groups such as the NAACP, various religious organizations in town, advocacy groups like Keystone, STAR, and more. Again, this is part of our fundamental mission and charge. We anticipate the usual 3-4 such educational meetings in FY 2013-14.

Item 8: "Update Fair Housing information regularly and adjust strategies and actions accordingly. In particular, the groups mentioned above should meet yearly or every eighteen months." The FHO and FHAC update Fair Housing information regularly, and will continue to do so as needed. See response above regarding meeting on a regular basis.

Item 9: "The City should seek the resources to expand data collection and analysis capabilities of the local fair housing entities with the Fair Housing Officer directing this effort." There is only one local Fair Housing entity, Norwalk's Fair Housing Office. To comply with this item, we will circulate a policy statement reminding city departments and outside social service entities that it is Norwalk's policy that all people with Fair Housing issues/concerns/complaints are to be referred to the FHO immediately.

Impediment Two - Housing Affordability

This impediment does not have any assigned tasks for the Norwalk Fair Housing Office. However, **item 3** is a Fair Housing matter, we are already working on it, and would like to have the FHAC added to the list of entities that will address this.

Item 3: "Publicly review the effectiveness of the existing Inclusionary Zoning Regulation". The Fair Housing Office has been invited and is in the process of working with Norwalk's Zoning Commission on its Workforce Housing regulation to make sure critical Fair Housing issues, especially integration, are addressed. The Second Amended Consent Decree mandates inclusionary zoning¹. Thus, the FHAC is already working on this issue and asks to be included among the entities assigned this work.

¹ See paragraph 14. "The Defendant, City of Norwalk, through its Common Council, will recommend to the Planning and Zoning Commissions of the City of Norwalk that new zoning ordinances be adopted to provide for

Impediment Three – Zoning, Planning and Land Use Issues

Item 1: “Ensure that all City master planning works to provide appropriate housing density, mixed income integration, and is available to protected classes”. This Impediment also does not have any assigned tasks for the FHAC. However, it refers to “mixed income integration” and “protected classes”. These are components of Fair Housing laws, and thus, the FHAC requests to be added to this item.

Item 2: “Ensure that reasonable accommodation and disabled access issues are properly addressed.” These are both Fair Housing issues. The FHAC should be added to Planning, Zoning and Norwalk Housing Authority Commissions/Boards as these terms are Fair Housing terms.

Item 3: “Encourage the use of ‘visitability’ and universal design principals which exceed Federal and State accessibility requirements, in new housing construction”. These defined terms originate in Fair Housing laws. Design and construction components apply to all “new multifamily housing construction” (since 1991), and increases access to housing for people with disabilities thereby furthering Fair Housing. This is classic Fair Housing and the FHAC requests to be among the groups listed as working on these items.

Impediment Four – Lending Practices

Item 1: “Develop programs to foster conventional lending and banking services in underserved neighborhoods”. As you recall, we inquired of you as to what role you envisioned for us, as we do not engage in banking or lending. If something other than “conventional lending and banking services” is envisioned, please let us know how we can contribute. Please remove the FHAC from this item.

Item 2: “Work with nonprofits to expand financial literacy and credit counseling programs, especially in minority and lower-income neighborhoods.” We also do not engage in financial literacy training or credit counseling programs. There are HUD-approved agencies that do. In our region, there is the Housing Development Fund in Stamford (already funded by the Redevelopment Agency for its first time homeownership program including financial literacy and credit counseling aspects). There are likely other HUD approved agencies in our area. We would suggest seeking input from HDF for these two items. Otherwise, the FHAC requests to be removed from this item.

Item 3: Examine the significant discrepancy between lending to Hispanic homebuyers and other homebuyers”. There are substantial legal limits to investigating discrepancies in lending. The FHAC will engage a partner of Norwalk Fair Housing’s to assist in the analysis of mortgage data, including lending discrepancies, as far as the law allows, and will report on same.

Item 4: “Assist residents who suspect lending discrimination in bringing complaints to the Connecticut Department of Banking and Attorney General’s office for review and enforcement”. The FHO was appointed to former Attorney General Blumenthal’s Anti-Predatory Lending Task Force and worked with the AG’s office and the Department of Banking to tighten Connecticut’s anti-predatory lending laws. The FHO has maintained this pathway for such referrals and continues to refer suspicious mortgages as needed.

appropriate density bonuses for new or substantially rehabilitated multifamily residential development, in which a percentage of units will be made available to low and moderate income persons.”



May 28, 2013

Honorable Richard A. Moccia, Mayor
City of Norwalk, Office of the Mayor
125 East Avenue
P.O. Box 5125
Norwalk, CT 06856-5125

CESAR RAMIREZ
Chairman

JEFFREY INGRAHAM
Vice Chairman

BERNADINE TATEM
Treasurer

BEVERLY KRIEGER
Commissioner

LARRY A. KATZ
Commissioner

CURTIS O. LAW
Executive Director

CANDACE E. MAYER
Deputy Director

LATTARULO LAW FIRM, LLC
General Counsel

UNITED WAY
COMMUNITY PARTNER

Subject: Norwalk Housing Authority's Draft Proposal to Respond to Analysis of Impediments to Affirmatively Furthering Fair Housing

Dear Mayor Moccia:

Enclosed please find Norwalk Housing Authority's proposed actions to continue to meet the City of Norwalk's obligation to affirmatively further fair housing as a recipient of federal funds from the Department of Housing and Urban Development.

We request that the attached strategy be reviewed prior to presenting it to the Board of Commissioners.

Norwalk Housing authority has worked diligently to affirmatively further fair housing and will certainly continue this commitment.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact me at 203-838-8471 extension 141. We are available to discuss these planned and proposed activities at your convenience.

Sincerely,


Curtis O. Law
Executive Director

Attachments

COL/nr

Cc: Norwalk Housing Authority Board of Commissioners

Housing Authority of the City of Norwalk
P.O. Box 508, 24 1/2 Monroe Street • Norwalk, Connecticut 06856-0508
Phone 203-838-8471 • Fax 203-838-6535 • TDD/TYY 1-800-545-1833 ext. 437
www.norwalkha.org
AN EQUAL OPPORTUNITY EMPLOYER

Norwalk Housing Authority's Draft Proposal to Respond to Analysis of Impediments to Affirmatively Furthering Fair Housing

Impediment One- Discrimination in the Housing Market

- 1. Educate household and housing related organizations by disseminating Fair Housing law literature, conducting Fair Housing law seminars and training, and focusing public awareness campaigns about Fair Housing law in ethnic and minority neighborhoods, and among civic, social, religious, and special interest groups.**

Norwalk Housing Authority has and will continue to work to educate households about Fair Housing among program applicants and participants in both the Public Housing and Housing Choice Voucher programs.

Specific actions NHA will undertake to continue to educate households include:

- a. NHA will continue to provide a link to Fair Housing and Fair Rent Commission on the NHA website.
- b. NHA has previously offered and will continue to provide announcements of requested trainings in NHA monthly newsletter.
- c. NHA has paid both conference registration and transportation to Connecticut Housing Coalition training for interested Resident Advisory Board members and will continue to do so in 2014.
- d. NHA will place Housing Choice Voucher and Public Housing labels on mailings that have been prepared and post marked by Fair Housing office.

- 2. Provide Fair Housing materials and educational programs in Spanish, especially in neighborhoods and communities with high percentages of Spanish-speaking persons.**

Specific actions NHA will undertake to continue to provide Fair Housing materials and educational programs in Spanish, especially in neighborhoods and communities with high percentages of Spanish-speaking persons include:

- a. NHA has and will continue to provide interpreters as needed
- b. Refer ESL program participants to ESL programs which provide the fundamentals of the English language, including the proper pronunciation of words, proper sentence structure, and the use of tenses in both written and verbal form thus supplementing knowledge of their native language at the Adult Education Program of the Board of Education, NEON and Norwalk Community College.
- c. Employ staff who speaks Spanish, the largest group of non-English speakers in Norwalk, in Public Housing, Housing Choice Voucher and Self Sufficiency areas.

- 5. Increase housing choice alternatives for the disabled and families with children.**

Norwalk Housing Authority's Draft Proposal to Respond to Analysis of Impediments to Affirmatively Furthering Fair Housing

Norwalk Housing Authority will continue to pursue opportunities to develop and rehabilitate additional affordable housing accessible to persons with disabilities and families with children.

Specific Action Related to Housing Choice Alternatives for Individuals with Disabilities and Families With Children include:

- a. Norwalk Housing Authority will continue to provide requested physical improvements in Public Housing. If these are deemed reasonable accommodations as most historically have been, there is no charge to the resident for these modifications. If the request is not a reasonable accommodation, the work will be completed if the resident pays for the work.
- b. In the Housing Choice Voucher Program, we advise participating landlords that persons with disabilities must be permitted to have modifications made to the apartment, at their expense to accommodate a disability. NHA's staff will refer persons needing modifications to Norwalk Redevelopment Agency for possible financial assistance.
- c. Norwalk Housing Authority requested Community Development Block Grant funds in 2013 of \$48,510 for 20 West Avenue improvements to meet the Americans With Disabilities Act that will be completed in 2014. Norwalk Housing Authority also plans to renovate the ramp at 20 West Avenue with 2013 Capital Funds to meet Americans with Disabilities Act, accessibility standards, pending HUD allocation.
- d. The proposed 2013 Capital Fund Program also includes renovations to common hallways at Roodner Court which has 196 apartments with 2 or more bedrooms occupied by families with children, pending HUD allocation.

In preparing the proposed 2014 Capital Fund Program in collaboration with NHA residents, we will continue to address rehabilitation that meets the needs of families with children, people with disabilities and the elderly, many of whom are disabled.

- e. As Norwalk Housing Authority has consistently done previously, we will apply for any new Housing Choice Vouchers that are made available by the Department of Housing and Urban Development whether vouchers for persons with disabilities or other vouchers.
- f. Norwalk Housing Authority will conduct a long term viability analysis and plan for rehabilitation of 200 family apartments at Colonial

Norwalk Housing Authority's Draft Proposal to Respond to Analysis of Impediments to Affirmatively Furthering Fair Housing

Village If the Department of Economic & Community Development support is forthcoming in 2013 or 2014. This will include planning for some units that are compliant with standards of the Americans with Disabilities Act for families with a person who is disabled.

- g. With continued partnership from the City of Norwalk through the Norwalk Redevelopment Agency, Norwalk Housing Authority will seek to assist the selected developer Trinity Financial, Inc. or directly apply for funding to implement the Choice Neighborhood Transformation Plan for Washington Village, either with a HUD Choice Neighborhood Implementation Grant or other funding, including Sandy Disaster Recovery Assistance that may become available. The plan includes replacement of all 136 public housing apartments and an additional 137 market rate or tax credit apartments as well as community and open space. These proposed apartments will be nearly one third larger than existing apartments built to 1940 standards and include contemporary amenities. Washington Village residents have fully supported the Transformation Plan.
- h. Will continue two tier Housing Choice Voucher Payment standard to promote participants selecting housing in areas with lower crime and more economic, ethnic and racial diversity, thus promoting the deconcentration of poverty.

Impediment Two-Housing Affordability

- 1. *Continue to use federal and state funding resources and programs to address high priority housing needs for rehabilitation, preservation, and homeownership creation.***

In the past, NHA has consistently sought and used all available funding resources for public housing rehabilitation and creation of homeownership.

Specific actions NHA will undertake to continue to use federal and state funding resources and programs to address high priority housing needs for rehabilitation, preservation, and homeownership creation include:

- a. The NHA monitors income deconcentration by development quarterly and where necessary implements income skipping measures to deconcentrate poverty in accordance with HUD rules.
- b. The NHA reviews all NOFAs which might create, improve and sustain affordable housing or affordable homeownership and actively prepares proposals.
- c. The NHA continues to provide homeownership preparation and financing through its FSS and Homeownership programs.
- d. The NHA will continue implementation of Housing Choice Voucher Homeownership Program to promote homeownership affordability.

Norwalk Housing Authority's Draft Proposal to Respond to Analysis of Impediments to Affirmatively Furthering Fair Housing

- e. The NHA will seek to implement Washington Village Choice Neighborhood Transformation Plan through Hurricane Sandy Disaster Recovery Funds, Choice Neighborhood Implementation Grant or other available funding.
- f. The NHA will conduct long term assessment of Colonial Village viability and substantial rehabilitation of the existing 200 apartments with continued Section 8 subsidization.
- g. The NHA will continue to offer free credit repair to assist participants with possible homeownership.
- h. The NHA will continue to offer free certified Homeownership Training Program required by many subsidized homeownership programs.
- i. We will continue the Norwalk Housing Foundation Scholarship Program to increase education earnings and housing opportunities by breaking the cycle of generation after generation needing subsidized housing.

Impediment Three- Zoning, Planning and Land Use Issues

2. *Ensure that reasonable accommodation and disabled access issues are properly addressed.*

Specific actions NHA will undertake to continue to ensure that reasonable accommodation and disabled access issues are properly addressed include:

- a. The NHA has made special efforts to enable the disabled to access housing including securing new vouchers, providing preferences for the disabled and ensuring that its policies and procedures are supportive of the disabled. While 10% of the City's population of residents with income less than 80% of the area median income are people with disabilities, the percentage of the population served in Family Public Housing is 13.36%, Senior Public Housing is 26.27% and Housing Choice Voucher is 38.50% for the period 4/1/2012 through 3/31/2013.
- b. Continue to Implement HUD and CHRO approved Reasonable Accommodation Policy.

Impediment Four- Lending Practices

1. *Work with nonprofits to expand financial literacy and credit counseling programs, especially in minority and lower-income neighborhoods.*

Specific actions NHA will undertake to continue to expand financial literacy and credit counseling programs, especially in minority and lower-income neighborhoods include:

- a. The NHA conducts programs for its clients which includes financial training and credit repair.

**Norwalk Housing Authority's Draft Proposal to Respond to Analysis of
Impediments to Affirmatively Furthering Fair Housing**

- b. NHA will continue to offer free credit repair to assist participants with possible homeownership.
- c. NHA will continue to offer free certified Homeownership Training Program required by many subsidized homeownership programs

NORWALK DEVELOPMENT AGENCY

TO: MAYOR MOCCIA
FROM: COMMISSIONERS, NORWALK REDEVELOPMENT AGENCY
DATE: MAY 28, 2013
RE: IMPLEMENTATION STRATEGY FOR ACHIEVING RECOMMENDATIONS OF ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

Per your memorandum of February 28th, the Norwalk Redevelopment Agency offers the following detailed strategy for implementation of those recommendations of the City's Analysis of Impediments to Affirmatively Furthering Fair Housing which relate to the mission and responsibilities of the Redevelopment Agency.

Impediment One – Discrimination in the Housing Market

Recommendation 5: Increase housing choice alternatives for disabled and families with children

The Redevelopment Agency will continue to support the development of new affordable housing, as well as the rehabilitation and placement of affordability deed restrictions on existing affordable housing, accessible to persons with disabilities and available to families with children.

Specific Action Related to Housing Choice Alternatives for Individuals with Disabilities

The Agency will provide financial support (grants or low-interest loans) for low- and moderate-income homeowners in need of, but unable to afford, installations such as grab bars, wheel chair ramps, or other improvements which would have the direct effect of making their homes more able to accommodate their disability. The Agency will also provide such grants and/or low-interest loans to private landlords with tenants requiring reasonable accommodations.

The Agency will allocate \$30,000 in seed funding for a FY2014 pilot program through which it will provide grants of up to \$5,000. It will evaluate demand and available resources in consideration of program design for FY2015.

The program will be publicized through the Norwalk Senior Center, the Senior Services Coordinating Council, the City's Human Relations and Fair Rent Department, the Health Department and to recipients of Housing Choice (Section 8) Vouchers, many of whom are elderly and/or disabled.

Specific Action Related to Housing Choice Alternatives for Families with Children

The Agency will continue to support the redevelopment of Washington Village through technical assistance provided by Agency staff and through efforts to identify funding resources to accomplish the project. This redevelopment will involve the replacement of 136 obsolete public housing units with 136 newly constructed public housing units, as well as an additional 137 units of otherwise affordable and also market rate units, replacing 31 three-bedroom units with larger three-bedrooms, and adding one additional three bedroom and four additional four-bedroom units. Those three- and four-bedroom units are designed to be family-friendly, being provided front stoops with direct access to the outside.

The Agency will also analyze the demand for affordable housing of more than two bedrooms by comparing Census data on income, household size and housing expenditures to the number of deed restricted units currently on the list it maintains for 8-30g. If significant demand is established, the Agency will increase its focus on the development or preservation of affordable housing having more bedrooms, which it will support through the policy advice it offers to the City and its related Commissions, through targeted housing rehabilitation loans in exchange for deed restrictions and

through other investments or programs which would serve to increase the housing alternatives for families with children.

Recommendation 9: The City should seek the resources to expand the data collection and analysis capabilities of the local fair housing entities

Specific Action Related to Housing Choice Alternatives for Individuals with Disabilities

The Redevelopment Agency will seek funding for the review of existing Home Mortgage Disclosure Act data and comparison review to Census data on all classes protected under either federal or State Fair Housing law to determine whether the members of any protected class are disproportionately denied mortgages or refinancing, taking into account income discrepancies that may exist between various classes. Funding sources to be explored will include the Local Initiatives Support Coalition, the National Development Council, Enterprise Community Partners, the Fairfield County Community Foundation, and the Department of Housing and Urban Development's Fair Housing Initiatives Program.

Impediment Two – Housing Affordability

Recommendation 1: Continue to use federal and state funding resources and programs to address high priority housing needs for rehabilitation, preservation, and homeownership creation

The Agency has been, and will continue to be, highly proactive in this regard. The Agency utilizes Community Development Block Grant funding in a revolving loan program through which it addresses the high priority housing needs of both rehabilitation and preservation. While a State grant for homeownership assistance was recently fully expended, the Agency will continue to seek funding from other sources to reinstate this program which addressed the down payment issues that serve as a critical barrier to getting first time buyers into homes.

Recommendation 2: Continue to work with community based organizations, affordable housing developers, and housing advocacy groups to leverage resources for affordable housing preservation

As it has done for the past several decades, the Agency will continue to partner with organizations such as the Housing Development Fund, Mutual Housing Association of Southwestern Connecticut, smaller affordable housing non-profit organizations, private developers, and others to leverage all available resources.

As administrator of the City of Norwalk's CDBG program and the entity maintaining the City's 8-30g inventory of deed-restricted affordable housing units and the administrator of many of the grants and loans made with the intent of preserving the quality of Norwalk's existing affordable housing stock, the Agency will work with its partners to better document the cumulative annual effect of the extension of deed restrictions resulting from the loan and grant requirements which it administers. This will be reported annually in the City's Consolidated Annual Performance Report to the Department of Housing and Urban Development.

Further, the Agency will create a discussion board via LinkedIn to invite community based organizations and others to consolidate information on available resources, and to encourage them to quantify the various other resources, beyond CDBG which is currently well-documented, that have supported each preservation initiative or new development (i.e. LIHTC, DECD HOME funds, private foundation funding, etc.)

Recommendation 4: Continue and, if possible, expand the City's housing rehabilitation programs to preserve and strengthen the City's base of affordable units, both owner-occupied and rental

While the Agency continually seeks funding for affordable housing from the CDBG program and from the City's capital budget, these resources are both limited and highly subscribed, making any increased annual investments in the near future somewhat unlikely. That said, however, the Agency has been aggressively seeking private resources to assist with the preservation of the City's existing affordable housing stock. Recent examples include an application and subsequent award to/from the One Region Funders Group for a study and the establishment of a pilot program focused on the preservation of the quality and affordability of the small, multifamily housing in close proximity to the South Norwalk Train Station; an application and subsequent award to/from the Robin Hood Foundation to provide housing rehabilitation grants to low and moderate-income residents impacted by Hurricane Sandy; and a pending application to the American Red Cross for funding to provide grants to address the unmet housing rehabilitation needs of houses damaged by Hurricane Sandy, as well as to carry out flood damage mitigation measures.

Impediment Three – Zoning, Planning, and Land Use Issues

Recommendation 1: Ensure that all City master planning works to provide appropriate housing density, mixed income integration, and is available to protected classes

Moving forward, the Agency will include in the scope for each request for proposals for planning studies having a housing component a required evaluation of how what is being considered or proposed supports appropriate housing density, mixed income integration and availability to protected classes.

Further, Agency staff will undertake a review of all existing Redevelopment plans for an evaluation of the same.

Recommendation 3: Encourage developers, housing advocacy groups, and other interested parties to conduct neighborhood outreach and information campaigns before submitting projects for review and approval

With submissions of Agency design review approval, developers will be required to provide a neighborhood outreach plan and evidence that the objectives of the plan had been fulfilled and that the associated public comment be attached. The Agency, in its design review, will acknowledge and record a developer's compliance or noncompliance with this requirement, and such documentation will be forwarded to the approval making bodies of the city.

Impediment Four – Lending Practices

Recommendation 1: Work with nonprofits to expand financial literacy and credit counseling programs, especially in minority and lower-income neighborhoods

The Agency will continue to provide referrals, and funding when possible, to the Housing Development Fund's first time homebuyer counseling program which offers financial counseling to low- and moderate-income prospective buyers.

The Agency will also seek to partner with organizations such as Women's Business Development Center, or the University of Connecticut Cooperative Extension to offer financial literacy and credit counseling workshops for the public which would be held at the South Norwalk branch of the public library, the South Norwalk Community Center or one of several area churches.

May 24, 2013

Honorable Richard A. Moccia, Mayor
Norwalk City Hall
125 East Avenue
Norwalk, CT. 06851

Re: Zoning Commission response to request for a workable implementation strategy for the
Analysis of Impediments to Fair Housing Choice

Dear Mayor Moccia;

In response to your request, at a recent meeting the Norwalk Zoning Commission discussed the following implementation measures to implement the recommendations contained in the Analysis of Impediments to Fair Housing Choice adopted in December 2010. On behalf of the Zoning Commission, the following measures are proposed as part of our ongoing effort to reduce impediments to Fair Housing choice in the City of Norwalk:

Zoning Commission
Recommended Implementation Strategy

- Impediment One – Discrimination in the Housing Market

Item 5. Increase housing choice alternatives for the disabled and families with children.

The Zoning Commission has adopted several recent amendments to the Building Zone Regulations which have resulted in the approval of 1,335 new housing units, including 140 new workforce housing units. (see attached list) While the Zoning Commission cannot require that housing be built for specific groups of people, the Commission believes that the increased supply of housing will provide new housing choices for all types of people in the community, including the disabled and families with children. In addition, the Commission has implemented a variety of innovative policies over the years; including the adoption of accessory apartment regulations which permit single family home owners to provide accessory apartments to anyone they choose (with no age, income or other types of restrictions). The Commission plans to continue these efforts in the upcoming year.

- Impediment Two – Housing Affordability

Item 3. Publicly review the effectiveness of the existing Inclusionary Zoning Regulation.

The Norwalk Zoning Commission recently sent letters to various community representatives to request their public input on its inclusionary Workforce Housing Regulation, which was adopted in January 2007. (see attached letter) The Commission believes that the Workforce Housing regulations contribute to the City's supply of fair housing by providing lower cost units within market rate developments. The Commission plans to hold a public workshop later this year to discuss the results of its request for input on the current Workforce Housing Regulation.

- Impediment Three – Zoning, Planning and Land Use issues

Item 1. Ensure that all City master planning works to provide appropriate housing density, mixed income integration, and is available to protected classes.

The Zoning Commission regularly cites the goals and policies contained in the Plan of Conservation & Development (POCD) for guidance in making land use decisions, including its decision to amend the zoning regulations to allow increased density in the vicinity of the South Norwalk Railroad Station (see recently adopted Transit Oriented Development (TOD) zoning regulations and attached excerpts from the POCD). These actions demonstrate the Commission's ongoing intent to encourage a diversity of housing types to serve all sectors of the community, including the disabled and families

with children. The Zoning Commission regularly encourages developers to address community needs; whether with new sidewalks, more street trees or additional workforce housing units and will continue to implement these policies and practices in the upcoming year.

Item 2. Ensure that reasonable accommodation and disabled access issues are properly addressed.

Item 3. Encourage the use of “visitability” and universal design principles which exceed Federal and State accessibility requirements in new housing construction.

In accordance with the City Code, the Zoning Commission refers all zoning applications to the Building Department, the City agency responsible for determining compliance with the appropriate building and accessibility codes. The Building Department regularly holds Code Enforcement (CEAC) meetings with all City departments involved in the review of new developments to discuss the proposed building and site design with the applicant. This collaborative process ensures that the resulting proposed design meets (or exceeds) the accessibility requirements contained in applicable codes. The Code Enforcement team will continue to work with property owners and developers to incorporate universal design principles and accessibility requirements in new housing construction in the upcoming year.

Item 4. Encourage developers, housing advocacy groups, and other interested parties to conduct neighborhood outreach and information campaigns before submitting projects for review and approval.

The Zoning Commission encourages all developers to reach out to neighbors and community groups early in the design development process to obtain input and resolve issues in advance of the public hearing. The Commission frequently adds conditions of approval to require that the proposed plans be revised to address concerns raised by public speakers, such as the addition of sidewalks, the enclosure of trash receptacles and other modifications deemed necessary to address site concerns and respond to neighborhood issues.

Item 5. Undertake a public outreach/education program.

The Zoning Commission holds monthly meetings and public hearings which are advertised in the local paper and at City Hall inviting public participation at its meetings. Legal notices are posted in the classified section of the local paper in advance of each meeting and include the following text: “At this hearing, persons may appear and be heard and written communications received.” The Zoning Commission also participates in various events and workshops throughout the year held to address community issues. The Commission will continue its public outreach efforts in the upcoming year.

If you have any questions on the above response, please do not hesitate to contact me.

Very truly yours,

Emily Wilson, Chair
Zoning Commission

APPENDIX A

Actions taken by the Fair Housing Office (FHO) during PY38 to Affirmatively Further Fair Housing include:

COMMUNITY OUTREACH

- Presentations during PY 38 to numerous groups including public housing residents, housing providers, real estate professionals, senior citizens, parent groups, advocates, faith-based groups, a disability rights group (STAR, an organization serving adults with developmental disabilities), Norwalk Branch NAACP, Ward B Democrats, SoNo Alliance (neighborhood group) and others.
- Wrote quarterly newspaper columns on various Fair Housing topics. During PY38, the topics included: (1) "Fair Housing Advisory Commission's 25th Anniversary Event: Celebrating Triumphs and Identifying Challenges; (2) "Norwalk's Fair Housing Officer Re-Elected Chairperson of the Fair Housing Association of CT, Inc."; (3) "Fair Housing: An American Social Contract Providing for Our Pluralism", a column contrasting what happens in diverse societies like Egypt, which do not have institutional structures to accommodate pluralism, as opposed to America.
- Conducted annual Fair Housing luncheon celebrating Norwalk Fair Housing's 25th Anniversary with a panel discussion entitled "Celebrating Triumphs and Identifying Challenges". The distinguished panel including Timothy M. Robison, Acting Region 1 [New England] Director, HUD's Office of Fair Housing & Equal Opportunity; Robert Zamlowski, Esq., Human Rights Attorney III, Connecticut Commission On Human Rights & Opportunities; Richard Tenenbaum, Esq., Connecticut Legal Services; and Timothy Bennett Smyth, Esq., Conn. Fair Housing Center. Topics discussed included reasonable accommodations for people with disabilities, the new state and federal law protections for members of the LGBT communities, the history of Norwalk Fair Housing, and the roles of the City, NAACP and FHAC in Norwalk in ending housing discrimination, addressing segregation, and more;
- The FHO maintains a webpage on City of Norwalk's website, educating residents about Fair Housing laws and providing information regarding Fair Housing events and is available to the public on a drop-in or appointment basis Monday through Friday between the hours of 8:30 and 5:00 p.m.

EDUCATION

- During PY38, the Fair Housing Officer made educational presentations regarding Fair Housing and Landlord/Tenant laws to the Roodner Court (public housing) Tenant Association;
- Organized and collaborated with HUD, DECD, CHRO and CT Fair Housing Center to plan and provide state-wide FHO trainings, with two in June, 2012, in Windham and Hartford, and two additional trainings in the fall, in New London, and Waterbury. Each was well attended with participants requesting that trainings occur more frequently;
- Conducted 3-4 Fair Housing presentations during the year at Section 8 participant meetings (when invited by Norwalk's Housing Authority) and at least annually at NHA public meetings concerning housing practices that pertain to Fair Housing matters (including domestic violence, disability, and more); met with the general

public including residents, community leaders, attorneys, city personnel regarding current Fair Housing issues

- Informed Norwalk residents and City officials through the quarterly publication of a Fair Housing newspaper column (described above) in the City's newspaper on the state of Fair Housing in Norwalk.

ADVOCACY

The FHO is an active member and Chairperson of the Board of Directors of the Fair Housing Association of Connecticut, Inc., Connecticut's state-wide membership Fair Housing organization. The FHO advocates cases of housing discrimination by seeking resolution with housing providers and filing housing discrimination complaints as necessary. She advocates for Fair Housing considerations in city and public housing authority policies, practices and procedures. She also works with other advocates in drafting proposed legislation benefiting protected classes including Fair Housing and landlord/tenant laws. She assists housing authority residents in informal meetings and hearings as needed when Fair Housing issues are involved. During PY38, numerous housing discrimination cases were brought and resolved and/or filed with the state administrative agency (CHRO) or in the state or federal courts. As to affordable housing, the FHO and FHAC continue to advocate for more affordable housing throughout Norwalk and for better inclusionary zoning practices to encourage more and fully integrated affordable housing, including drafting a proposed regulation and commenting on other proposals.

DISCRIMINATION DATA

In her role as an advocate for Norwalk residents facing Fair Housing issues, the Fair Housing Officer provided information and/or referral services to 2,394, up slightly from the prior year's 2,362 and up significantly the previous year's 2,205. The trend was less landlord/tenant inquiries and greatly increased discrimination reports or concerns. It is categorized as follows:

	<u>FY 2011-12</u>	<u>FY 2012-13</u>
Lease/Security Deposit/Utilities/Repairs	1,139	1,135
Eviction	796	658
Discrimination	262	389
Source of Income	18	34
Family Status	26	64
National Origin	31	37
Marital Status	28	43
Disability	27	51
Sexual Orientation	2	18
Age	14	22
Religion	35	35
Race	35	25

During PY38, most Fair Housing claims were resolved without necessity of filing litigation with an enforcement body. Twenty (20) matters were prepared for litigation. Seven (7) could not be resolved and those cases were advanced to litigation.

A sample of this year's Fair Housing cases include:

1. Adult with developmental disability. Neighbor and condo board attempting to hold him to higher standard than other residents regarding safety issues, and threatening enforcement action for plumbing problems when similar problems encountered by non-disabled residents did not result in threats or enforcement;
2. Several cases of apartment or condominium residents with physical disabilities requesting assigned parking spots near their units, initially refused because parking is otherwise unassigned; in each case FHO resolved with assignment of parking spots as a reasonable accommodation;
3. Reasonable accommodation from PHA for resident with traumatic brain injury – FHO resolved;
4. Condominium not permitting outside use of common areas by children; FHO resolved short of litigation;
5. Adult with medical condition resulting in not having any hair being told to 'grow some hair' by housing provider which wanted hair for drug testing – FHO objected and requested reasonable accommodation which was granted;
6. Reasonable accommodation from PHA – transfer – for family with child with severe breathing problems – needs environment without smoke/no common hallways with smoke – FHO working on/matter pending;
7. (2) reasonable accommodations for persons with disabilities (hospitalized/nursing home residents) who need to be released from lease due to disability, with due notice to landlord, and without penalty – FHO resolved;
8. Reasonable accommodation – live in aide initially refused (FHO resolved)
9. Sexual orientation/disability discrimination case (FHO resolved)
10. Child with physical disability case – reasonable accommodation request for project based Section 8 housing provider (FHO resolved);
11. Adult with developmental disability, landlord trying to get him to agree to waive security deposit based upon perception of failure to understand rights (waiver illegal in CT) – FHO resolved;
12. National origin discrimination complaint – FHO settled;
13. Families with children cases (4) – 2 went to hearing at CHRO and settled in complainant's favor; 2 were resolved by FHO. One recent settlement included renewal of tenant's lease for 1 year, free rent for 6 months, \$15,000 in damages, training for the landlord/management company and other relief.

**CITY OF NORWALK
PLANNING COMMITTEE OF THE COMMON COUNCIL
REGULAR MEETING
SEPTEMBER 5, 2013**

ATTENDANCE: Nicholas Kydes, Chair; Michael Geake, David McCarthy, Matthew Miklave; Douglas Hempstead (7:32 p.m.); Carvin Hilliard (7:32 p.m.)

STAFF: Timothy Sheehan, Redevelopment Agency Director

CALL TO ORDER.

Mr. Kydes called the meeting to order at 7:30 p.m.

ROLL CALL.

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

PUBLIC PARTICIPATION.

There was no one present from the public.

I. APPROVAL OF MINUTES – JULY 15, 2013 SPECIAL MEETING.

**** MR. MCCARTHY MOVED THE MINUTES OF THE JULY 15, 2013 SPECIAL MEETING.**

Mr. Hempstead and Mr. Hilliard joined the meeting at 7:32 p.m.

Mr. Miklave said that he was not clear about whether the Committee had taken action on the Academy Street Extension and said he wanted to present a resolution to the Council. Mr. Kydes agreed with Mr. Miklave and said that he would like to have a resolution prepared for the Committee to debate. Mr. Sheehan said that he would like some direction on how the resolution should be prepared.

**** THE MOTION TO APPROVE THE MINUTES OF THE JULY 15, 2013 SPECIAL MEETING AS SUBMITTED PASSED UNANIMOUSLY.**

**** MR. MIKLAVE MOVED TO SUSPEND THE RULES TO AMEND THE AGENDA TO ADD AN ITEM REGARDING THE ACADEMY STREET EXTENSION.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Miklave said that he recollected that there was a fairly high cost associated with the project. Mr. Hempstead pointed out that the project had changed in size and scope and the traffic study

was no longer accurate. He said that there would need to be more discussion by the Committee and updated information. Discussion followed.

Mr. Sheehan said that the resolution could start with the fact that the Agency was starting with seeking guidance from the Committee, and lay out both the positive and negative points. This was agreeable to all.

II. BUSINESS.

A. CDBG -

1. Proposed Amendment to PY39 Annual Action Plan to Account for Greater than Anticipated PY39 CDBG Funding.

(a) Approve advancing Proposed Substantial Amendment to the full Common Council for its review and consideration of approval.

Mr. Sheehan said that the Committee members had spent substantial time on the amendment and that a public comment period had been held. There had been no comments submitted during the comment period.

**** MR. MCCARTHY MOVED TO APPROVE THE FOLLOWING:**

1. PROPOSED AMENDMENT TO PY39 ANNUAL ACTION PLAN TO ACCOUNT FOR GREATER THAN ANTICIPATED PY39 CDBG FUNDING.

(A) APPROVE ADVANCING PROPOSED SUBSTANTIAL AMENDMENT TO THE FULL COMMON COUNCIL FOR ITS REVIEW AND CONSIDERATION OF APPROVAL.

**** THE MOTION PASSED UNANIMOUSLY.**

2. Status of Sub-recipient Contracts and Entitlement.

Mr. Sheehan said that about 15 contracts had come back in to date and there were two groups that were about to have Board meetings.

He added that there had been a log jam in terms of receiving the funding from Washington. This is causing a delay in signing the contracts, but does not allow the recipient additional time to complete the work. He then reviewed the details concerning the timeline for funding draw downs.

Mr. Sheehan said that the Fair Housing Commission had some concerns about their funding. He then reviewed the details that were included in the memo from the Fair Housing Advisory Commission with the Committee. Discussion followed about the scoring of the application and other issues concerned with this application.

Mr. Miklave said that if the Commission could not do the program that they proposed with the funds allocated, they should consider to do some fund raising. If that doesn't work, then the money should be redirected to another project. Mr. Sheehan said that the Fair Housing Commission had not signed the contract and that no funds had been expended. Further discussion followed about the application and the proposed project.

Mr. Kydes asked Mr. Sheehan if the Redevelopment Agency could do the project. Mr. Sheehan said that the Council would have to vote on allowing the modification to their request. Mr. Miklave said that it was a poor precedent to take this to the Council. The Agency was administering the program after a complicated review.

Mr. Miklave asked about the conflict of interest in the letter. Mr. Sheehan said that there was confusion about the Fair Housing Officer being paid for giving seminars.

Mr. Kydes said that he would support Mr. Miklave's recommendation that the Committee would not take any action because there was no request. Mr. Hilliard asked for clarification on the role of the Agency in this type of situation. Mr. Kydes said that he was in agreement with the letter dated August 21st from Mr. Sheehan to Reverend Ingraham regarding this issue.

3. Request for a Public Hearing regarding the PY39 CAPER to be held on October 3, 2013 at 7:00 p.m.

**** MR. MIKLAVE MOVED TO APPROVE THE REQUEST FOR A PUBLIC HEARING REGARDING THE PY39 CAPER TO BE HELD ON OCTOBER 3, 2013 AT 7:00 P.M.
** THE MOTION PASSED UNANIMOUSLY.**

B. Harbor Loop Trail.

- 1. Reassignment of Contract with Stantec.**
- 2. Proposed Contract Amendment.**

**** MR. MIKLAVE MOVED TO APPROVE THE FOLLOWING:**

**ADVANCE TO THE COMMON COUNCIL FOR REVIEW AND APPROVAL
THE REASSIGNMENT OF THE STANTEC CONSULTING GROUP
CONTRACT FOR WATERFRONT PUBLIC ACCESS DESIGN &
CONSTRUCTIONS DOCUMENTS FOR THE YANKEE DOODLE BRIDGE
LINK DATED FEBRUARY 1, 2013 FOR A TOTAL AMOUNT NOT TO EXCEED
\$45,500 FROM PLANNING AND ZONING COMMISSION ACCOUNT NO. 0912
3310 5777 C0467 TO THE NORWALK REDEVELOPMENT AGENCY CAPITAL
BUDGET ACCOUNT NO. 019 09010 5777 C0467.**

AND

**ADVANCE TO THE COMMON COUNCIL FOR REVIEW AND APPROVAL
THE PROPOSED AMENDMENT TO THE EXISTING STANTEC CONSULTING
GROUP CONTRACT INCLUDING THE SCOPE OF WORK DETAILED IN THE
STANTEC SCOPE OF WORK AND FEE PROPOSAL DATED AUGUST 26, 2013
FOR AN AMOUNT NOT TO EXCEED \$40,000.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT.

**** MR. MCCARTHY MOVED TO ADJOURN.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services

**THE PLANNING COMMITTEE
OF THE COMMON COUNCIL**

**125 East Avenue
P.O. Box 5125
Norwalk, CT 06856**

MEMORANDUM

TO: MEMBERS OF THE PLANNING COMMITTEE

FROM: TIM SHEEHAN, STAFF

DATE: SEPTEMBER 27, 2013

**RE: MODIFICATION REQUEST OPTION TO PURCHASE
AGREEMENT 13 AND 20 DAY STREET**

As the members of this Committee recall, the Common Council authorized the terms of the above referenced Option Agreement in the spring of 2013. While touring the properties on April 13, 2013, both the Authority and the Agency presented information to the Committee that the City would have to be flexible in considering the funding sources by which the Option Agreement could be executed by the Housing Authority. At that meeting, it was made known to the Committee that funding was emerging from HUD known as CDBG-DR, which was being provided to the State of Connecticut to assist with the impacts of Storm Sandy and mitigation measures to prevent future devastation and loss. The Committee was informed that both the City of Norwalk and particularly the Washington Village redevelopment effort was very well positioned to secure significant project funding from this resource and that application to such would be much less competitive than the Choice Neighborhoods Implementation Grant Program also administered by HUD. Since that time, many discussions have occurred with the State, and the Norwalk Housing Authority has been positioned within the Connecticut Department of Housing to receive upwards of \$15 million from this source. Additionally, discussions have been had with the Connecticut Housing Finance Authority (CHFA) to secure the requisite volume of 9% tax credits necessary to make the first phase of the Washington Village redevelopment effort financially feasible and Trinity Financial has been given the green light by DOH to submit these applications with the NHA.

Given the competitive nature of these funding sources, both DOH and CHFA want to ensure that the projects being advanced are effectively ready to commence construction within a reasonable timeframe. They require evidence of zoning approval, site control and committed equity as well as all building plans and specifications. Technically the executed Option Agreement between the parties for the parcels does not get us there because NHA's ability to execute the Option is conditioned upon **only** the award of a Choice Neighborhood Implementation Grant from HUD. Thus, in order to satisfy the

requirements of the State funder, the modification requested by the NHA is being requested. It should be made clear, however, that nothing else in the document changes and that the existing conditions remain in force and effect even if the Council is inclined to approve the requested modification.

ACTION:

The Planning Committee of the Common Council has reviewed and considered the Norwalk Housing Authority's request for a modification to the executed Option to Purchase Agreement by and between the City of Norwalk and the Norwalk Housing Authority and approves moving such modification to the Common Council for approval.

**AMENDMENT TO
OPTION TO PURCHASE
AGREEMENT
BY AND BETWEEN
THE CITY OF NORWALK
AND
NORWALK HOUSING AUTHORITY**

This AMENDMENT made on this _____ day of _____, 2013 by and between the City of Norwalk, Connecticut acting herein by its Mayor, Richard A. Moccia, duly authorized (hereinafter “the City”) and the Housing Authority of the City of Norwalk acting herein by its Executive Director, Curtis O. Law, duly authorized (hereinafter the “NHA”), amending that certain Option to Purchase Agreement By and Between the City of Norwalk and the Norwalk Housing Authority regarding the granting of an option to purchase certain real property owned by the City (the “Agreement”).

WHEREAS, NHA has prepared an application to HUD for a Choice Neighborhood Implementation Grant (hereinafter the “Implementation Grant”) in response to a Notice of Funds Availability issued by HUD, to fund the actual implementation of the Transformation Plan to redevelop the Washington Village public housing complex and transform the surrounding community (the work in pursuit of the Transformation Plan is hereinafter referred to as the “Project”); and

WHEREAS, the parties understand that the application for the Implementation Grant may not result in an award based upon this initial application and that the likelihood of such an award would be increased in a subsequent application if any portion of the redevelopment was underway and/or completed; and

WHEREAS, the parties have agreed upon a mutual goal of undertaking the broad revitalization of the Washington Village neighborhood of South Norwalk in order to positively transform the community and redevelop the public housing structures located there; and

WHEREAS, the NHA, in conjunction with its developer, may elect to apply for financing of the Project, or any portion thereof, through the Low Income Housing Tax Credit Program (“LIHTC”), or other such financing source in order to begin the work in connection with the Project; and

WHEREAS, the purpose of this Amendment is to modify the terms and conditions under which the City will transfer the Property (identified in the Agreement as 13 Day Street and 20 Day Street, Norwalk) to NHA for purposes of the Project.

NOW, THEREFORE, in consideration of the payment to the City by NHA of the sum of \$1.00, and for other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged), the parties have agreed as follows:

1. Paragraph 4 of the Agreement is hereby amended and restated as follows: The City hereby agrees to convey the Property to NHA for purposes of the Project, upon receipt of written notice from NHA, signed by its Executive Director or designee duly authorized by the Board of Commissioners expressing its intent to exercise this Option, and that it has:

- a) been awarded the Implementation Grant referenced above or
- b) obtained Hurricane Sandy Relief funds and/or funding through the Low Income Housing Tax Credit Program, CHFA and/or DOH sufficient to complete Phase I of the Project.

Such written notice (the "Notice of Intent to Exercise Option") shall include a copy of the signed Grant Agreement with HUD for the CNI Implementation Grant, or evidence of LIHTC award and Hurricane Sandy Relief Funds, and shall be sent to the Mayor as provided in Paragraph 10 below no later than one hundred eighty (180) days following execution of the Grant Agreement by NHA. The Property shall be conveyed by quit claim deed.

In consideration for the granting of the right to exercise the option based upon subsection (b) above, NHA represents and warrants that:

- a) It's Board of Commissioners has approved the site plan contained in the application submitted to HUD for the Implementation Grant;
- b) It's Board of Commissioners has approved the predevelopment budget set forth in that certain Memorandum of Understanding By and Between NHA and Trinity Financial dated on _____ (hereinafter the "MOU");
- c) It's Board of Commissioners will, upon receipt of HUD approval to commence construction on Phase I of the Project, seek authority to decommission and demolish the public housing units necessary to complete this phase of construction;
- d) It's Board of Commissioners has, in accordance with the MOU, agreed to undertake all necessary environmental testing and remediation at the Property and the Washington Village site in order to obtain HUD approval for the Project; and
- e) It's Board of Commissioners shall approve a financing plan and related timetables for construction upon receipt of such financing from sources other than the Implementation Grant.

2. All other terms and conditions of the Agreement remain in full force and effect except as modified herein.

Witnesses' Signatures

NORWALK HOUSING AUTHORITY

By: _____

Curtis O. Law
Its Executive Director
Duly Authorized

Date Signed: _____

STATE OF CONNECTICUT)

) ss: Norwalk

COUNTY OF FAIRFIELD)

On this _____ day of _____, 2013, before me, the undersigned officer, personally appeared CURTIS O. LAW, who acknowledged himself to be the Executive Director of the Housing Authority of the City of Norwalk, and that he as such Executive Director, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Housing Authority of the City of Norwalk by himself as Executive Director.

In Witness Whereof, I hereunder set my hand and official seal.

Notary Public
Commission of the Superior Court

APPROVED AS TO FORM:
OFFICE OF CORPORATION COUNSEL

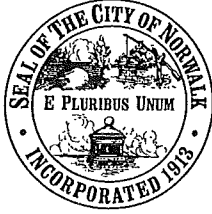
By: _____

CITY OF NORWALK

AUG 29 2013

LAW DEPARTMENT

CITY HALL, P.O. Box 798
NORWALK, CONNECTICUT 06856-0798



TELEPHONE
(203) 854-7750
FAX: (203) 854-7901

August 29, 2013

Candace E. Mayer, Deputy Director
Norwalk Housing Authority
24-1/2 Monroe Street
South Norwalk, Connecticut 06854

Re: Option to Purchase Agreement – 13 Day Street and 20 Day Street

Dear Ms. Mayer:

I have enclosed a fully-executed copy of the Agreement referenced above.

If you have any questions, please contact me.

Very truly yours,

Diane Beltz-Jacobson
Assistant Corporation Counsel

DBJ/ia
Enclosure

c: Timothy T. Sheehan, Executive Director, Redevelopment Agency (w/enclosure) ✓
Tad Diesel, Mayor's Director of Marketing & Business Development
Mayor Richard A. Moccia
Donna Lattarulo, Esq. (w/enclosure)

**OPTION TO PURCHASE
AGREEMENT
BY AND BETWEEN
THE CITY OF NORWALK
AND
NORWALK HOUSING AUTHORITY**

This Agreement made on this 16th day of August, 2013 by and between the City of Norwalk, Connecticut acting herein by its Mayor, Richard A. Moccia, duly authorized (hereinafter "the City") and the Housing Authority of the City of Norwalk acting herein by its Executive Director, Curtis O. Law, duly authorized (hereinafter the "NHA") granting the option to purchase certain real property owned by the City.

WHEREAS, the parties have agreed upon a mutual goal of undertaking the broad revitalization of the Washington Village neighborhood of South Norwalk in order to positively transform the community and redevelop the public housing structures located there; and

WHEREAS, NHA has been awarded a 2010 Choice Neighborhood Initiative Planning Grant from the United States Department of Housing and Urban Development (hereinafter "HUD"), to fund the development of a comprehensive Transformation Plan targeting Washington Village (the work in pursuit of the Transformation Plan is hereinafter referred to as the "Project"); and

WHEREAS, NHA will prepare an application to HUD for a Choice Neighborhood Implementation Grant (hereinafter the "Implementation Grant") in response to a Notice of Funds Availability issued by HUD, to fund the actual implementation of the Transformation Plan; and

WHEREAS, the parties understand that the application for the Implementation Grant will require that NHA present evidence that it has full site control of the real properties required to undertake any phase of the Project; and

WHEREAS, certain real property included within the scope of the Project, and over which the NHA must have control to implement the project, is currently owned by the City; and

WHEREAS, the purpose of this Agreement is to establish the terms and conditions under which the City will transfer the Property (as defined below) to NHA for purposes of the Project.

NOW, THEREFORE, in consideration of the payment to the City by NHA of the sum of \$1.00, and for other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged), the parties have agreed as follows:

1. The real property subject to this Agreement is identified as 13 Day Street and 20 Day Street, Norwalk, and also known as District 2, Lot 58, Block 46 and District 2, Lot 60, Block 1, respectively (hereinafter collectively referred to herein as the

“Property” more specifically described on Schedules A and B attached hereto). The Property is currently owned by the City of Norwalk.

2. The City hereby gives NHA the exclusive right and option to purchase the Property to be incorporated into the Project pursuant to the terms and conditions set forth in this Agreement.

3. The Option hereby granted shall expire upon the earlier of the following and no later than one hundred eighty (180) days after NHA’s execution of the Grant Agreement with HUD, unless otherwise extended by the parties:

- (i) NHA is notified by HUD that it will not be awarded the Implementation Grant after NHA has submitted no more than two (2) applications to HUD; or
- (ii) December 31, 2018; or
- (iii) The failure of NHA to obtain any required approvals by the U.S. Department of Housing and Urban Development; or
- (iv) The failure of NHA to obtain financing to complete the Project; or
- (v) NHA determines that it is not in its best interest to acquire the Property following its due diligence review; or
- (vi) The Option is not exercised by NHA in compliance with the terms hereof within one hundred eighty (180) days from the date NHA executes a written Grant Agreement with HUD for the funding of the Project.

In the event that the Option expires as provided in this Section 3, the Option Agreement shall automatically terminate without further action by either party. Upon such termination, the parties shall have no rights or responsibilities to the other under or arising out of this Agreement. Notwithstanding the above the parties agree that, upon such expiration and termination as provided above, the parties shall execute a notice of release document which Release shall be recorded on the Norwalk Land Records acknowledging the expiration of the Option and the release of each party from any and all responsibilities arising hereunder

4. The City hereby agrees to convey the Property to NHA for purposes of the Project, upon receipt of written notice from NHA, signed by its Executive Director or designee duly authorized by the Board of Commissioners, that it has been awarded the Implementation Grant referenced above and expressing its intent to exercise this Option. Such written notice (the “Notice of Intent to Exercise Option”) shall include a copy of the signed Grant Agreement and shall be sent to the Mayor as provided in Paragraph 10 below no later than one hundred eighty (180) days following execution of the Grant Agreement by NHA. The Property shall be conveyed by quit claim deed.

5. The parties agree and acknowledge that the time lines stated in this Agreement are of the essence and shall be observed and enforced without delay. If any party requests an extension of time, such extension shall be granted only by agreement expressed in a signed, written amendment hereto.

6. Recording of Option. The City may record this document on the Norwalk Land Records.

7. Closing. In the event the NHA exercises this Option to purchase it must provide to the City the following prior to the transfer taking place: (1) reasonable proof that it has obtained and has in place adequate financing to complete the Project as approved in accordance with an approved Transformation Plan and (2) a copy of the signed, written Grant Agreement with HUD. The proposed closing date shall be set forth in NHA's written Notice of Intent to Exercise Option sent to the City. The parties shall mutually agree upon the actual date and time for the closing. In no event shall such date be later than one hundred eighty (180) days following the execution of the Grant Agreement between HUD and NHA for the Implementation Grant. The parties further acknowledge and agree that the exercise of the Option is expressly conditioned on NHA obtaining: (i) written determination, on the basis of a federally required environmental review (and an approval of the request for release of funds and approval of the responsible entity's certification, if applicable) that the purchase of the Property may proceed in accordance with 24 CFR Part 58 or 24 CFR Part 50, as applicable; and (ii) all necessary approvals from the U.S. Department of Housing and Urban Development, including Site and Neighborhood Standards review and acquisition approval, and NHA will not exercise the Option unless the foregoing conditions are satisfied. The foregoing shall be accomplished within the time periods set forth in Section 3 of this Agreement.

8. Purchase Price. The purchase price for the Property shall be \$1.00 payable by NHA to the City at closing. As additional consideration for this Option, NHA shall be responsible for general maintenance of the property throughout the effective period of this Option. Such maintenance responsibilities shall include but not be limited to mowing, clearing of litter and general safeguarding of the Property; provided, however, that all risk of loss or damage to the Property by fire or other casualty shall remain with the City until Closing.

9. Title. The City agrees to deliver title to the Property by standard Quit Claim deed. The parties further acknowledge and agree that the exercise of the Option is expressly conditioned on NHA obtaining a satisfactory title search on the Property, within the time periods set forth in Section 3 of this Agreement.

10. The City represents to NHA that to the best of its knowledge and information:

(i) The Property is not subject to any leases, tenancies, subleases or other occupancy rights, recorded or unrecorded, written or oral. Any relevant changes after the date hereof shall be updated and set forth on a revised Schedule D prior to Closing.

(ii) The entering into this Agreement (and the sale of the Property to NHA) (i) shall not constitute a violation or breach by The City of: (x) any contract, agreement, understanding or instrument to which it is a party or by which the City or the Property is subject or bound; or (y) any judgment, order, writ, injunction or decree issued against or imposed upon them; and (ii) will not result in the violation of any applicable law, order, rule or regulation of any governmental or quasi-governmental authority.

(iii) There are no (i) claims, actions, suits, condemnation actions or proceedings pending or, to the best of the City's knowledge, threatened against the City or the Property, which would materially and adversely affect the Property, or (ii) violations of any law, statute, government regulations or requirement, which would materially and adversely affect the Property.

11. The City will cooperate with the NHA in providing reasonable access to books, records and other documentation in City's possession or control for review, including but not limited to, any leases and related documents, working drawings, plans and specifications, surveys, site plans, engineering reports, insurance policies, service contracts, management contracts, real estate tax receipts, environmental inspection and remediation reports and annual operating statements. Access to the above referenced items shall be provided to NHA within a reasonable time after the effective date of this Option.

12. The City will provide reasonable access to the Property for such physical inspections and appraisals as may be reasonably required by the NHA, which inspections and appraisals shall be conducted at the NHA's sole cost and expense. NHA agrees not to cause any material damage to the Property in the course of any inspections of the Property and to reasonably restore the Property if any material damage occurs. NHA shall provide the City with reasonable prior notice of any inspection or testing of the Property, and shall provide the City with such evidence of insurance of the person(s) performing such inspection or testing as the City may reasonably require prior to entry onto the Property. The City shall have the right to be present at any such inspection or testing and to require NHA and/or its contractors and consultants to execute a license agreement in accordance with the City's prevailing practice and pursuant to which it shall agree to indemnify and defend the City from and against any losses, claims, damages and suits that may arise out of its activities, except that NHA shall in no event become liable for any remediation required as a result of existing conditions on the Property in the event that the Option is not exercised.

13. NHA's due diligence review will include, but not be limited to, engineering, zoning, environmental and hazardous waste reviews, and any other matters as the NHA shall reasonably deem appropriate.

14. NHA will be responsible for arranging an Owner's Policy of Title Insurance without exceptions, other than those approved in writing by the NHA at the time that NHA provides notice to the City that it elects to go forward with the purchase of the Property.

15. The City and NHA agree that neither party was represented by a broker in this transaction.

16. The City agrees to maintain the Property in the same condition as currently exists as the Property, acts of God, and the forces of nature excepted, until Closing or until this Option Agreement terminates subject to NHA's fulfillment of its obligation to maintain the Property throughout the term of this Option as set out in paragraph 8.

17. The City will advise the NHA of any known or existing violations of any law or regulation regarding the Property.

18. Notices and General Conditions.

a) A notice, demand, or other communications under this Agreement by any party shall be deemed sufficiently given or delivered if hand delivered or if sent by registered or certified mail, postage prepaid, return receipt requested, as follows:

(i) Notices to the City must be addressed to the Mayor at 125 East Avenue, P.O. Box 5125, Norwalk, Connecticut, 06856-5125, with a copy to Corporation Counsel at 125 East Avenue, P.O. Box 798, Norwalk, Connecticut 06856-0798 or at such other address as the City may, from time to time, designate in writing and forward to the NHA as provided in this Section;

(ii) Notices to the NHA, must be addressed to its Executive Director at 24 ½ Monroe Street, Norwalk, Connecticut 06854, with a copy to Donna M. Lattarulo, Esq., Lattarulo Law Firm, LLC, 304 Main Avenue, # 329, Norwalk, Connecticut 06851.

b) The provisions of this Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

c) This Agreement shall be construed under and governed by the laws of the State of Connecticut.

d) If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the requirements of applicable laws, regulations, statutes, municipal charters and codes.

e) Any right or remedy which any party to this Agreement may have under this Agreement, or any of its provisions, may be waived in writing by such party without execution of a new or supplementary Agreement. Any such waiver shall not affect any other rights not specifically waived. If any party to this Agreement does not exercise or delays in exercising or exercises only in part any of its respective rights and/or remedies set forth in this Agreement for the curing or remedying of any default or breach of covenant or condition, or any other right or remedy, in no event shall such non-exercise, delay or partial exercise be construed as a waiver of full action by such party or a waiver of any subsequent default or breach of covenant or condition.

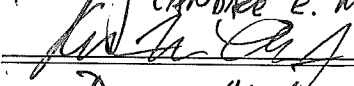
f) This Agreement may be amended only by a written document, duly executed by the parties hereto, evidencing the mutual agreement of the parties to such an amendment.

g) This Agreement will be effective only upon the approval by the Norwalk Common Council of the Transformation Plan contained in NHA's application to HUD for the Implementation Grant. Any substantive change in the Transformation Plan or the scope of the Project not otherwise required by or resulting from the application of HUD regulations must be

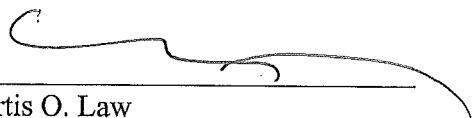
reviewed by the Norwalk Common Council and approved by a majority vote of its members, and such approval shall be evidenced by an affirmation statement duly executed by the City. This Option Agreement may not be exercised if either the Transformation Plan or the scope of the Project is at any time, substantially changed without such consent of the Norwalk Common Council evidenced as stated above.

h) A substantial change to the plan is considered to be a twenty percent (20%) change in any material component of the proposed Plan.

Witnesses' Signatures

 CANDACE E. MAREN
 DONNA M. LATTARULO

NORWALK HOUSING AUTHORITY

By: 

Curtis O. Law
Its Executive Director
Duly Authorized

Date Signed: 8-14-13

STATE OF CONNECTICUT)

) ss: Norwalk

COUNTY OF FAIRFIELD)

On this 14th day of August, 2013, before me, the undersigned officer, personally appeared CURTIS O. LAW, who acknowledged himself to be the Executive Director of the Housing Authority of the City of Norwalk, and that he as such Executive Director, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Housing Authority of the City of Norwalk by himself as Executive Director.

In Witness Whereof, I hereunder set my hand and official seal.


Notary Public DONNA M. LATTARULO
Commission of the Superior Court

APPROVED AS TO FORM:
OFFICE OF CORPORATION COUNSEL

By: 

**THE PLANNING COMMITTEE
OF THE COMMON COUNCIL**

**125 East Avenue
P.O. Box 5125
Norwalk, CT 06856**

MEMORANDUM

TO: PLANNING COMMITTEE MEMBERS

FROM: TIM SHEEHAN, STAFF

DATE: SEPTEMBER 27, 2013

RE: SMITH STREET OPTION AGREEMENT

On July 30, 2013 Committee staff forwarded a memo from the Chairman seeking Corporation Counsel review of the Option Agreement document that the Committee reviewed and deliberated with regards to the Smith Street Option. The Chairman's memo sought Corporation Counsel to put the document which the Committee was comfortable with in an executable legal form and provide it back to the Committee within sixty days for advancement to the Common Council for approval.

As expressed by the Committee, the Chairman's memo raised concerns with the approach Corporation Counsel traditionally seeks regarding contracts in which the Council approves the business terms, but the final legal form is left to Corporation Counsel to determine. The Chairman also asked to be informed if Corporation Counsel had any concerns with the stated approach to advancing this document in such a manner.

On August 30, 2013 Agency Counsel was provided a response from Corporation Counsel regarding the Smith Street Option. It should be noted that the Agency is not a party to this agreement and therefore its counsel has no standing. The email identifies the LDA for the Head of the Harbor project. This was not the document that was submitted to Corporation Counsel by the Committee Chairman for review. Agency counsel is however attempting refocus of Corporation Counsel's review on the intended Option Agreement as advanced by the Committee on July 30th.

ACTION:

No action required.

Sheehan, Timothy

From: Marc Grenier [MGrenier@dandvllaw.com]
Sent: Friday, September 27, 2013 1:13 PM
To: Beltz-Jacobson, Diane
Cc: Maslan, Robert; Moccia, Richard; Sheehan, Timothy
Subject: RE: LDA Smith Street-Head of the Harbor
Attachments: Option Agmt Head of Harbor.pdf; 7-30-13 memo Kydes-Corp Counsel.pdf

Diane, I talked to Tim as I believe that Nick Kydes had forwarded to your office the attached memorandum and option agreement for review.

Please advise as to which document the City wants to enter into for this transaction. I would like to make sure we are all on the same page.

Thanks, marc

Marc J. Grenier, Esq.
Managing Partner
DePanfilis & Vallerie, LLC
25 Belden Avenue
P.O. Box 699
Norwalk, CT 06852
(o) (203) 846-9585
(f) (203) 847-2849

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From: Beltz-Jacobson, Diane [mailto:DBeltzJacobson@norwalkct.org]
Sent: Friday, August 30, 2013 2:16 PM
To: Marc Grenier
Cc: Maslan, Robert; Moccia, Richard; Sheehan, Timothy
Subject: LDA Smith Street-Head of the Harbor

Marc: I am providing you with Corporation Counsel's comments on the LDA for the Head of the Harbor project below:

1. *Technical matter:* The reference to the Plan is not consistent on page 2. You define it as the "Wall Street Redevelopment Plan" and use the term consistently *except* for the 5th and 10th (last) WHEREAS paragraphs where it is referred to as the "Redevelopment Plan". Please correct this.
2. **Article 1, paragraph 1.3** defines the term "Architect" as the "firm of The Sullivan Group". This does not appear to be a full legal name and there is no address to identify the firm. As well, I did not see this name listed with Secretary of State – please confirm the exact name and include an address for the firm.
3. **Article 2 Section 2.2 in paragraphs A and D** --outlines the construction process and sets a time limit for the Common Council to act on a proposal and a Material Change as "ten(10)

days after its next regularly scheduled meeting". This time period is not practical because the Council can only act *at* a regular meeting; it cannot take any action after a meeting. Thus, it is not possible for the Council to act 10 days following a regular meeting. Additionally, before a matter gets on to the Council agenda it must be discussed at a committee of the Council. The committees meet only once a month and Council meetings are held the second and fourth Tuesdays of the month. Thus, the date when a matter is scheduled for a committee meeting has an impact on the date when it goes on to the Council agenda. Moreover, the 10 day timeline does not allow for instances where the Council tables an item or sends it back to a committee before acting on it. Our suggestion is to replace this provision with language that obligates the Council to act "within a reasonable period of time."

4. **Article, Section 2.2 Paragraphs A and B** also requires the Council to provide in writing the reasons for a disapproval. This is also an impractical requirement as the deciding vote is based on a consensus of the members, each of whom may have their own individual reasons for their position. For this reason we ask that this be removed. Same appears in **Part II Section 302**.
5. **Article 2 Section 2.3** states that "the City agrees to abandon" the specified portion of Smith Street. Because the abandonment process is complicated and involves action on the part of freeholders and a vote of the Council, the City cannot control the outcome and ensure that the actual abandonment will be authorized. Rather, it can agree to commence and pursue the process necessary for abandoning the street. Similarly, the preconditions for conveying Smith Street to the redeveloper should include that the roadway abandonment be completed by the necessary process.
6. the language state that "the City will convey its interests in the Smith Street Property".
7. Because there are costs associated with pursuing the abandonment process regardless of whether or not the abandonment is actually approved, the Redeveloper's obligation to pay these costs/fees should not be conditioned by the provision... "if said abandonment is approved"- (6 lines up from bottom of paragraph at top of page 12). Delete this language.
8. **Sections 2.3 and 2.6** state that the City shall exercise its authority and power under Section 8-133a of the Gen Statutes regarding the readjustment and relocation of "public service facilities". However, the authority granted by this statute, is for the Redevelopment Agency to act . There is no mention of the City. As a reference, the 95/7 LDA requires the Redevelopment Agency to act in accordance with the same statute for the relocation of utility services- subject to the approval of all governmental authorities with jurisdiction over such, including the Public Works Department. I have attached a provision form this LDA for your reference as the language may be helpful in revising this provision.
9. **Article 2 Section 2.4 paragraph 3** (page 13) The City is not in a position to guarantee that title to the property "shall be marketable and insurable." Recall that in the cases of old streets, in particular, we may not have a clear chain of title and, in some cases, we have only a right of public passage. Please delete this statement.
10. **Article 2 Section 2.4 paragraph 7** (page 13) In the second line up from the bottom following "obligated to perform any remedial work..." insert: "or any other responsibility or liability".
11. **Article V- and Part II Article II Section 203** -Note that the current process within the City is for a permit application and License Agreement. Therefore the paragraph should include a reference to executing a permit as well as a License Agreement- as the 2 are tied together. -I believe that the Developer may have already been involved in this process.
12. **Article IX**-Please revise the last sentence to read as follows: *This covenant shall be included in any and all deeds, leases and other instruments, transferring any interests in any portion of the Project Property.*
13. **Article XII- Insurance**- This is not the most current or complete statement of the City's insurance requirements. I have attached our current requirements. Please replace with this attached.

PART II

14. **Article IV Section 401 (c) and Section 802.** A more current statement of anti- discrimination should include gender and sexual orientation in the list of prohibitions.
15. **Article V. Section 501-**The introductory paragraph on the second to last line should be revised to state:"for the purpose of redevelopment of the Property *in accordance with the approved Redevelopment Plans...*".
16. **Section 504-**The notice to the City, discussed under (a) should be required to be in writing.
17. **Article VII- Section 702 and 703-** Why are the termination provisions and remedies limited to "Prior to Conveyance"? These events and all other events of a default by Redeveloper can occur at any time and this should be reflected in the Agreement. Also, these sections should provide that the City be entitled to deduct from the Security Account any amount outstanding (accounts due and unpaid) at the time of termination and any damages owed from the redeveloper. That is a legitimate purpose of the Security Account. As written, the City must return the Security Account in full without any consideration for such losses. Importantly, there is no provision for collection of any damages incurred as a result of a breach of the LDA. The Security Account should also be available in the event that the City elects to cure a defect or redeem the mortgage.—See attached language on this as a remedy in the event of a default.
18. There should be a notice provision specifying the method of providing notice and the addresses where such notices should be sent.
19. **Section 707.** On the first line the words "the City" are repeated.
20. **Section 704.** Why is there no provision for the City to have title to the Smith Street Property revert back to it in the event that the redeveloper does not perform? Construction of the Infrastructure Improvements is noted to be the consideration for the conveyance. And, the conveyance is made subject to the terms and conditions of the Agreement. Thus it would be logical for the property to revert back to the City in the event that Redeveloper fails to comply with or perform its obligations.

I am happy to work with you to make these revisions as soon as possible in order to finalize this matter.

Diane Beltz-Jacobson, Esq.
 Assistant Corporation Counsel
 City of Norwalk
 P.O. Box 798
 Norwalk, Connecticut 06852-0798
 203-854-7750

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INSURANCE RIDER

The Contractor shall provide and maintain insurance coverage related to its services in connection with the Project in compliance with the following requirements.

The insurance required shall be written for not less than the scope and limits of insurance specified hereunder, or required by applicable federal, state and/or municipal law, regulation or requirement, whichever coverage requirement is greater. It is agreed and understood that the scope and limits of insurance specified hereunder are minimum requirements and shall in no way limit or preclude the City from requiring additional limits and coverage to be provided under the Contractor's policies.

A. Minimum Scope and Limits of Insurance:

Workers' Compensation: With respect to all operations the Contractor performs, it shall carry workers' compensation insurance in accordance with the requirements of the laws of the State of Connecticut, and employer's liability limits of One Hundred Thousand Dollars (\$100,000.00) coverage for each accident, One Hundred Thousand Dollars (\$100,000.00) coverage for each employee by disease, Five Hundred Thousand (\$500,000.00) policy limit coverage for disease.

Commercial General Liability: With respect to all operations the Contractor performs it shall carry Commercial General Liability insurance providing for a total limit of One Million Dollars (\$1,000,000.00) coverage per occurrence for all damages arising out of bodily injury, personal injury, property damage, products/completed operations, and contractual liability coverage for the indemnification obligations arising under this Agreement. The annual aggregate limit shall not be less than Two Million Dollars (\$2,000,000.00).

Automobile Liability: With respect to each owned, non-owned, or hired vehicles the Contractor shall carry Automobile Liability insurance providing One Million Dollars (\$1,000,000.00) coverage per accident for bodily injury and property damage. If the contractor is a Hazardous Waste Hauler (trucker) or responsible for the removal of hazardous materials, then Automobile Liability in the amount of Five Million Dollars (\$5,000,000.00) combined single limit is required.

Environmental Liability: If applicable based on the Contractor's Scope of Work, the Contractor is required to provide environmental and remediation insurance in the amount of Five Million Dollars (\$5,000,000.00) per claim limit and Ten Million Dollars (\$10,000,000.00) annual aggregate limit. The policy shall be written on a follow form coverage wording to its underlying Schedule of insurance.

The policy shall be written on a follow form coverage wording to its underlying Schedule of insurance.

Errors and Omissions/Professional Liability: With respect to any damage caused by an error, omission or any negligent or wrongful act of the Contractor or any subcontractor or subconsultant in connection with any professional services performed under this Agreement the Contractor shall carry One Million Dollars (\$1,000,000.00) coverage per claim.

"Tail" Coverage: If any of the required liability insurance is on a "claims made" basis, "tail" coverage will be required at the completion of the Project for a duration of twenty-four (24) months, or the maximum time period reasonably available in the marketplace. Contractor shall furnish certification of "tail" coverage as described or continuous "claims made" liability coverage for twenty-four (24) months following Project completion. Continuous "claims made" coverage will be acceptable in lieu of "tail" coverage, provided its retroactive date is on or before the effective date of this Agreement. If continuous "claims made" coverage is used, Contractor shall be required to keep the coverage in effect for a duration of not less than twenty-four (24) months from the date of final completion of the Project.

Acceptability of Insurers: The Contractor's policies shall be written by insurance companies licensed to do business in the State of Connecticut, with an AM Best rating of A-VII, or otherwise acceptable to the City.

Subcontractors: The Contractor shall require all subcontractors to provide the same "minimum scope and limits of insurance" as required herein, with the exception of Errors and Omissions/Professional Liability insurance, unless Errors and Omissions/Professional Liability insurance is applicable to the Work performed by the subcontractor. All Certificates of Insurance shall be provided to the City's Corporation Counsel as required herein.

Aggregate Limits: Any aggregate limits must be declared to and be approved by the City. It is agreed that the Contractor shall notify the City whenever fifty percent (50%) of the aggregate limits are eroded during the required coverage period. If the aggregate limit is eroded for the full limit, the Contractor agrees to reinstate or purchase additional limits to meet the minimum limit requirements stated herein. Any premium for such shall be paid by the Contractor.

Deductibles and Self-Insured Retentions: Any deductible or self-insured retention must be declared to and approved by the City.

All deductibles or self-insured retentions are the sole responsibility of the Contractor to pay and/or to indemnify.

Notice of Cancellation or Nonrenewal: Each insurance policy required shall be endorsed to state that coverage shall not be suspended, voided, cancelled, or reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

Waiver of Governmental Immunity: Unless requested otherwise by the City, the Contractor and its insurer shall waive governmental immunity as defense and shall not use the defense of governmental immunity in the adjustment of claims or in the defense of any suit brought against the City.

Additional Insured: The liability insurance coverage, except Errors and Omissions, Professional Liability, or Workers' Compensation, if included, required for the performance of the Project shall include the City as an Additional Insured with respect to the Contractor's activities to be performed under this Agreement. Coverage shall be primary and non-contributory with any other insurance and self-insurance.

Certificate of Insurance: As evidence of the insurance coverage required by this Agreement, the Contractor shall furnish Certificate(s) of Insurance to Corporation Counsel's Office prior to the Contractor's commencement of services under this Agreement. The Certificate(s) will specify all parties who are endorsed on the policy as Additional Insureds (or Loss Payees). The Certificates and endorsements for each insurance policy are to be signed by a person authorized by the insurer to bind coverage on its behalf. Renewals of expiring Certificates shall be filed thirty (30) days prior to expiration. The City

reserves the right to require complete, certified copies of all required policies at any time.

All insurance documents required should be mailed to the City of Norwalk Corporation Counsel, P. O. Box 798, Norwalk, Connecticut 06856-0798.

Waiver of requirements: The Corporation Counsel may vary these insurance requirements at Corporation Counsel's sole discretion if Corporation Counsel determines that the City's interests will be adequately protected by the provision of different types or other amounts of coverage.

City and Agency Remedies for Redeveloper Default.

In the event of the occurrence of an Event of Default by the Redeveloper under this Agreement which has not been resolved after all efforts at dispute resolution in accordance with this Agreement:

A. If the Event of Default consists only of the failure of Redeveloper to commence or complete the Phase I Improvements in a timely fashion (which failure is not excused by an Infeasibility Determination, by *force majeure* or by some other provision of this Agreement), the City and the Agency may terminate this Agreement;

B. If the Event of Default consists of the failure or refusal of the Redeveloper to fulfill any material monetary obligation under this Agreement, or to fulfill in any material respect any of its material obligations under this Agreement (other than commencement or completion of the Phase I Improvements in a timely fashion) then the City and the Agency may (i) utilize the amount of the Security Deposit then on deposit in the Security Account to cure such Event of Default, without terminating this Agreement, whereupon the Redeveloper shall replenish such Security Account upon demand by the Agency or (ii) terminate this Agreement and either retain, as liquidated damages, any amounts then on deposit with the City in the Security Account as security for the performance of the Redeveloper's obligations under this Agreement or, alternatively, seek to recover for damages suffered by the City and/or the Agency directly resulting from the Event of Default and may continue to hold, against such damages, the amounts then on deposit in the Security Account.

**THE PLANNING COMMITTEE
OF THE COMMON COUNCIL**

**125 East Avenue
P.O. Box 5125
Norwalk, CT 06856**

MEMORANDUM

TO: ATTORNEY ROBERT MASLAN, CORPORATION COUNSEL
FROM: NICHOLAS KYDES, PLANNING COMMITTEE CHAIR
DATE: JULY ³⁰~~23~~, 2013
RE: SMITH STREET OPTION AGREEMENT



The Planning Committee of the Common Council has reviewed and favorably considered the general business terms contained in the attached Draft Option to Purchase Agreement by and between the City of Norwalk and the Head of the Harbor South, LLC for a portion of Smith Street requiring conveyance to the developer to allow the intended project to be constructed as provided in the attached site plan. The Committee seeks to advance a final Option Agreement document to the Council for its approval.

The Committee understands that in order for this to occur the attached document must first be advanced to your Department for its review. After its review, your Department will make the requisite changes necessary in order to make it an executable document from the City's perspective. If the Committee's understanding of this process is correct, please consider the document so forwarded to your Department. The Committee seeks your office's modifications as they relate to final form of the attached document within sixty days of the above referenced date.

The return document your Department provides to the Committee will be assumed to be in its final form and agreed to by the parties. Neither I nor the members of the Committee are comfortable with the Common Council making approvals and authorization in the general sense which then become subject to final documents that are prepared by Corporation Counsel, but are never formally approved by the Council. It is my belief and that of the Committee that the process proposed here will better inform the Council as to the approved final document and will hasten the execution of such documents by the Mayor once approved by the Common Council as they will no longer require lengthy additional review by your office, assuming no further modifications have been made to the document once returned to the Committee. This process will also prevent situations in which modifications are made without your Department's knowledge that are ultimately not acceptable to the City.

Should your Department have any concerns regarding the Committee's approach in this regard or if you believe the timeline provided is inadequate for it to produce the requested work product, I ask that you provide to me these concerns in writing with a copy to my fellow Planning Committee members.

OPTION TO PURCHASE AGREEMENT

By and Between

THE CITY OF NORWALK, CONNECTICUT

AND

HEAD OF THE HARBOR SOUTH, LLC, Redeveloper

WALL STREET AREA DEVELOPMENT PARCEL 3

NORWALK, CONNECTICUT

DATED: _____, 2013

Approved by Norwalk Common Council on _____, 2013

**Deleted: F:\Head of the
Harbor\Option Agreement\Part I-Draft
#1 (3).doc**

**THE PLANNING COMMITTEE
OF THE COMMON COUNCIL**

**125 East Avenue
P.O. Box 5125
Norwalk, CT 06856**

TO: MEMBERS, PLANNING COMMITTEE OF THE COMMON COUNCIL
FROM: SUSAN SWEITZER, SENIOR PROJECT MANAGER
RE: ACADEMY STREET EXTENSION
DATE: SEPTEMBER 27, 2013

.....

At the September 5, 2013 Planning Committee meeting, the members requested the Norwalk Redevelopment Agency staff to draft a Resolution in which the Planning Committee could recommend an action on the Academy Street extension to the full Council. Attached is that requested Resolution with two options for recommended action: (A) a commitment to advance the planning of the proposed Academy Street Extension as an anticipated future infrastructure investment on the part of the City or (B) a recommendation not to commit to advancing the proposed Academy Street Extension at this time.

ACTION REQUESTED: **Approval to advance Resolution of the Norwalk Common Council recommending : A. The City of Norwalk via its Common Council seeks to reserve space for and advance the planning of the proposed Academy Street Extension as an anticipated future infrastructure investment on the part of the City and in so doing recommends separate action be taken through appropriate Council Committees relative to an appropriation of \$200,000 to undertake the initial design and engineering of the intended roadway alignment.**

or

B. The Common Council of the City of Norwalk acknowledges the importance of the West Avenue Corridor revitalization, but is not committed to immediately advancing the proposed Academy Street Extension project at this time understanding that taking no action presently could preclude or further complicate the City's future consideration thereof.

A RESOLUTION OF THE NORWALK COMMON COUNCIL

Sponsored by Council Members of the Planning Committee Nick Kydes, Michael Geake, Doug Hempstead, Carvin Hilliard, Dave McCarthy, Matt Miklave and Warren Pena.

Whereas, the Norwalk Redevelopment Agency has sought formal guidance from the City with regards to its level of commitment in advancing the proposed Academy Street Extension;

Whereas, the Redevelopment Agency's need to establish the City's commitment is predicated of the fact that development in the area is being undertaken currently and if such plans are to advance the reservation of space for the potential roadway as well as its design needs to be undertaken in the short term before private development obscures its feasibility;

Whereas, on June 27, 2006, the Norwalk Common Council adopted the *West Avenue Corridor Redevelopment Plan* which speaks to the need for potential future infrastructure improvements including Academy Street to relieve potential traffic congestion and improve area throughput occurring as a result of the anticipated redevelopment projects; said Plan places increased significance on pedestrian/bicycle accessibility which was a focus of the Academy Street Extension;

Whereas, on March 27, 2012, the Norwalk Common Council approved the *Norwalk Connectivity Master Plan*, which confirms the community commitment to improved linkages and alternative route connections throughout the West Avenue Corridor which included the Academy Street Extension;

Whereas, The professional consultants working on both West Avenue, Wall Street and Reed Putnam Projects have indicated that the proposed Academy Street Extension would be beneficial to an integrated district with a complete network of streets and blocks rather than a sequence of large redevelopment projects spread along a single central corridor and would help set neighborhood context and scale;

Whereas; the extension of Academy Street has been discussed as a secondary access providing a circulation option from Mathews Park north to Wall Street for vehicles, pedestrians and cyclists increasing the interdependency for the development projects for residents and visitors alike and Academy Street would function as a transition from higher density centers along West Avenue to the lower scale neighborhood to the east;

Whereas, current conceptual layouts for the Academy Street extensions as prepared by Tighe & Bond require two property acquisitions for the southern end valued at approximately \$2,700,000 and at least that many acquisitions for the northern end, the non public right away portions of such acquisitions could be sold back the private market recouping some level of City's acquisition cost however the ability to traditionally

purchase these properties is uncertain and could be meaningfully more than estimated fair market value;

Whereas; Tighe & Bond's Opinion of Probable Cost estimates the total cost of construction of both extensions to be \$1,521,877 although the construction schedules for the north and south ends could be phased over up to four fiscal years;

Whereas; in 2014 the first phases of the Waypointe project will be completed immediately adding an estimated 458 residential units and almost 60,000 SF retail to the Corridor; Planned additional Waypointe phases and future 95/7 and Wall Street redevelopment will increase retail and residential traffic, triple the residential population and add a 5,000 car parking supply to the area increasing demand on the existing traffic circulation on West Avenue and limiting the availability of acquisition sites for roadway improvements in the future;

Now, therefore, be it resolved by the Common Council of the City of Norwalk that:

- A. The City of Norwalk via its Common Council seeks to reserve space for and advance the planning of the proposed Academy Street Extension as an anticipated future infrastructure investment on the part of the City and in so doing recommends separate action be taken through appropriate Council Committees relative to an appropriation of \$200,000 to undertake the initial design and engineering of the intended roadway alignment.

or

- B. The Common Council of the City of Norwalk acknowledges the importance of the West Avenue Corridor revitalization, but is not committed to immediately advancing the proposed Academy Street Extension project at this time understanding that taking no action presently could preclude or further complicate the City's future consideration thereof.

Adopted by the Common Council of the City of Norwalk on _____.

Richard A. Moccia, Mayor

Doug Hempstead, Council President

Fred Bondi

Anna Duleep

Michael K. Geake

Carvin J. Hilliard

John E. Igneri

Bruce Kimmel

Nicholas Kydes

Sarah Mann

Matthew T Miklave

Jerry Petrini

Michelle Maggio, Majority Leader

David T. McCarthy

Warren A. Pena

David Watts, Minority Leader