



Legislative & Rules Committee – Board of Representatives

Phil Berns, Co-Chair

Susan Nabel, Co-Chair

Committee Report

Date: Tuesday, December 28, 2021

Time: 7:00 p.m.

Place: *This meeting was held remotely.*

The Legislative & Rules Committee met as indicated above. In attendance were Co-Chairs Berns and Nabel, and Committee Member Reps. Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood. Also present were Reps. Coleman, de la Cruz, Goldberg, Morson, Summerville, and Tomas; Cindy Grafstein, Special Assistant to the Mayor; Chris Dellaselva, Law Department; Bill Napoletano, Assessor's Office; and Tom Cassone, Esq., Sol Kinraich, MLK Real Estate Management; and Justin Goldberg, Navarino Property Group, representing Spruce CT Owner LLC.

Co-Chair Nabel called the meeting to order at 7:01 p.m.

Item No.	Description	Committee Action
1. LR31.002	RESOLUTION and public hearing; Approving a Lease Agreement between the City of Stamford and Domus Kids, Inc. for 83 Lockwood Avenue, Stamford, CT. 12/08/21 – Submitted by Mayor Simmons 09/14/21 – Approved by Planning Board 11/10/21 – Approved by Board of Finance 4-1-0	Approved 6-2-1

Chair Nabel opened the public hearing. Kieran Edmondson spoke in support of the lease and Domus. There being no further speakers, the public hearing was closed.

Committee members discussed Item No. 1 with Ms. Grafstein and Mr. Dellaselva. Items discussed included the following:

- Domus had a lease and has occupied premises at 83 Lockwood Avenue, where it had the Trailblazers Academy and its offices
- In 2019, Domus informed the City that it would no longer be running Trailblazers and the building reverted back to the City
- Domus continued to use office space in the building for its offices and to run some community programs; CLC was also using space in the building
- The lease is retroactive to 2019 because Domus has been in the building and paying rent and insurance for the building
- The lease provides that the City can take over the building if there is a change in use
- The lease expires June 30, 2022; the lease will automatically renew for 1 year terms, but also can be terminated by either party on 60 days' notice
- Domus can lease out a portion of the premises on short term bases
- Domus can continue to use the building for its offices and to run community service programs on evenings and weekends; parts of the building remain unoccupied

- The City receives \$105,000 in rent, including Domus' rent plus the rent paid by CLC, which is a pass through to the City
- Domus is not being paid to manage the building; the budgeted expenses for maintenance of the building are \$200,000
- The City formerly used the building for storage but no longer does so
- The City requested the 60 day termination provision and Domus requested the automatic renewal in exchange
- The City can terminate the lease if the key people listed in the lease leave Domus
- Domus will enter into a sublease with CLC when the lease is signed
- The lease can't be partially terminated; if the City wanted to use part of the space, it would enter into a license agreement with Domus
- Domus is reimbursed for routine maintenance expenses; the City has the right to enter and inspect the building on reasonable notice
- Arrangements to use the space as a polling place would be made by the Registrar of Voters office
- A copy of the fully executed lease should be sent to the office once it is signed.
- It was noted that the resolution says 30th Board and this scrivener's error needs to be corrected
- This item had been submitted by the previous administration but was resubmitted by Mayor Simmons.

A motion to approve Item No. 1 was made, seconded and approved by a vote of 6-2-1 (Reps. Berns, Nabel, Florio, Jacobson, Matheny, and Miller in favor; Reps. Boeger and Sherwood opposed; Rep. Cottrell abstaining).

2. [LR31.001](#) ORDINANCE for publication; Concerning a Tax Abatement Agreement between the City of Stamford and Spruce CT Owner LLC for 115 Below Market Units Located at 72 Spruce Street, Stamford, CT.
12/08/21 – Submitted by Mayor Simmons **Approved 8-0-1**

Committee members discussed Item No. 2 with Mr. Dellaselva, Mr. Napoletano, Mr. Cassone, Mr. Kinraich and Mr. Goldberg. Items discussed include the following:

- This tax abatement is consistent with the terms of the abatement approved for St. John's Towers
- The City has the authority to abate real property taxes for property owners who provide low to moderate income housing pursuant to state law and the Code of Ordinances
- This agreement is for 40 years but can be extended to 90 years if the parties are in agreement and compliance with the terms of the agreement
- The taxes will be abated by 75%; the owners will rehabilitate the building which is in dire need of repairs;
- 132 units will be constructed, an expansion from the prior 89 – 115 will be available to low to moderate income families (27 will be for individuals at or below 50% of the area median income and 88 will be for individuals at or below 60% of the area median income)
- Under State law, the 75% tax abatement is to be used in specific ways to benefit the property
- The purchase of the property and CHFA financing are contingent on the 75% abatement
- The property was previously an abatement property and hasn't paid taxes since 2011. Under this agreement the \$1.7 million in back taxes will be brought current with no concessions; taxes will also be paid while the building is undergoing construction; the

abatement doesn't start until the building gets a C of O. The City will be collecting a good sum of money.

- This project has obtained unanimous planning board approval, unanimous zoning board approval, unanimous tax abatement committee approval, and CHFA approval for the financing of this project
- The building was an 89 unit co op building 30 of which units are completely unoccupied and might not be habitable and will be converted to a 132 unit building, 115 of which will be affordable to low and medium income individuals and families
- 27 of the units for residents at or below 50% of the area median income will be in perpetuity whether or not this tax abatement agreement is extended
- There is support for this among the current residents, as well as the neighbors
- Construction must be completed by 2023
- MLK Real Estate Capital is an investment firm that invests in affordable housing across the country
- The building needs significant repairs and the building has not had the financial wherewithal to make the repairs
- The coop form of this building was through a federal program to encourage home ownership; most residents only invested a token amount, so there would no scenario under which the residents would sell their units
- The building will convert to a rental property and the current owners will become renters within the property
- Rents will be calculated based upon the individual tenant's income based on formulas set by the federal government
- The abated funds must go back into the maintenance of the building
- This is a \$45 million capitalization; CHFA and the tax credit equity investor have stringent debt service coverage ratio requirements and revenues are constrained by the rents, which all limit the profitability of the project
- Rent is not based upon the value of the units, but on an individual's income
- Owners will be able to stay in the building for 7 years with no increase in their rent; after that, their rent would reset to a maximum of 30% of their income
- Renters will be required to show proof of income annually
- If Spruce CT were to exit this venture **after purchase**, a future owner would be obligated to the same restrictions
- The low income housing tax credit universe was created in order to incentivize for profit companies to invest in affordable housing projects
- There are operational reserves set aside to cover operational shortfalls; if the shortfalls exceeded the reserves, CHFA would take over the property;
- They have spoken to every resident in the building and the whole intent of the partnership was to ensure that the residents can stay at the property
- The partnership had purchased the mortgage from Fannie Mae and was close to foreclosing, but after meeting with the Coop board and the president of the Coop, former Rep. Lila Wallace, they decided that foreclosing was the wrong thing to do, and after meeting with the owners, they determined to create this structure

A motion to approve Item No. 2 was made, seconded and approved by a vote of 8-0-1 (Reps. Berns, Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, and Miller in favor; Rep. Sherwood abstaining).

3. LR31.004 APPROVAL Amendment to the Board of Representatives Rules of Procedure to Amend Section I.C.3 to Include Two Temporary Tellers, One From Each Party, if Possible. **Approved, as amended, 9-0-0**
12/08/21 – Submitted by Reps. Miller, Nabel and Sherwood

A motion to approve Item No. 3, an amendment to Section I.C.3 of the rules of procedure as follows:

Appointment of a two Temporary Tellers

was made and seconded. A motion to amend the language to include one of each from different parties, if possible was made and seconded.

Committee members discussed that this amendment is to bring the rules into conformance with Board practice.

The motion to approve Item No. 3, with the amendment was approved by a vote of 9-0-0 (Reps. Berns, Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

4. [LR31.005](#) APPROVAL Amendment to the Board of Representatives Rules of Procedure to Amend Section I.C.8 to specify that One Teller and One Alternate Teller Should Be From Each Party if Possible. **Approved 9-0-0**
12/08/21 – Submitted by Rep. Sherwood

A motion to approve Item No. 4, an amendment to Section I.C.8 of the Rules of Procedure as follows:

Appointment by the President of two Tellers and two Alternate Tellers, one of each from different parties, if possible.

was made, seconded and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

5. [LR31.006](#) APPROVAL Amendment to the Board of Representatives Rules of Procedure to Amend Section II.B.1 to Remove Reference to Postage Allowance. **Held 6-3-0**
12/08/21 – Submitted by Rep. Sherwood

A motion to hold Item No. 5 in order to determine if a postage allowance can be reinstated was made, seconded and approved by a vote of 6-3-0 (Reps. Berns, Boeger, Cottrell, Jacobson, Matheny, and Sherwood in favor; Reps. Nabel, Florio and Miller opposed).

6. [LR31.007](#) APPROVAL Amendment to the Board of Representatives Rules of Procedure to Amend Section III.B.1 to Remove Redundant Language Referring to Ex-Officio Members. **Approved 9-0-0**
12/08/21 – Submitted by Rep. Sherwood

A motion to approve Item No. 6, an amendment to Section III.B.1 of the Rules of Procedure as follows:

The Steering Committee shall be composed of the President, the Clerk, the Majority Leader, the Minority Leader, and the Chairs and Co-Chairs of each of the other Standing Committees. The President may appoint additional members. ~~Vice Chairs not on Steering shall be ex-officio members of the Committee.~~ A Vice-Chair shall act as Committee Chair and have the right to vote at any particular Steering Committee meeting in the absence of the Chair or of both of the Co-Chairs. Unless otherwise designated by the President, Co-Chairs of a committee shall be entitled to ½ vote. In the absence of one of the Co-Chairs at a steering meeting, the other Co-Chair shall be entitled to a full vote at that Steering meeting. A quorum of Steering shall consist of sufficient members to constitute a majority of the total votes on Steering. In the event of the absence of the President, the Majority Leader shall act as chair of the Steering Committee. In the event of the absence of both the President and the Majority Leader, where a quorum is present, members of the Steering Committee will elect a temporary Chair.

was made, seconded and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

7. [LR31.008](#) APPROVAL Amendment to the Board of **Held 8-1-0**
Representatives Rules of Procedure to Amend Section
IV.E.3.iii. to Permit a Member of the Public to Speak on
a Topic which was the Subject of a Prior Public Hearing
if they did not Speak at the Public Hearing.
12/08/21 – Submitted by Rep. Sherwood

A motion to approve Item No. 7 to amend Section IV.E.3.iii. of the Rules of Procedure as follows

Speakers shall sign in prior to the start of the meeting, indicating their name. Speakers may address any topic including items discussed in a prior public hearing, as long as the speaker did not address the item during the public hearing which has not been subject to a prior public hearing of either the Board or a Board committee.

was made and seconded.

Committee members discussed this item extensively, including whether this change would be difficult to administer, that members of the public can always submit written comments; whether this would limit individuals from speaking on items without public hearings, and whether it would give members of the public two bites at the apple.

A motion to amend Item No. 7 to state that speakers may address any topic was made and seconded.

Co-Chair Nabel stated that she would like to get a legal opinion as to whether there was any issue raised by allowing people to speak at the Board meeting after the Board held a legally noticed public hearing.

A motion to hold Item No. 7 was made, seconded and approved by a vote of 8-1-0 (Reps. Berns, Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, and Miller in favor; Rep. Sherwood opposed).

8. [LR31.009](#) APPROVAL Amendment to the Board of Representatives Rules of Procedure to Amend Section III B: Steering Committee, to Require Draft Ordinances to be Submitted in Writing Through the Board Office to the Legal Department for Review/Editing prior to Submission to the Steering Committee.
12/08/21 – Submitted by Reps. Miller and Nabel **Held 9-0-0**

A motion to hold Item No. 8 was made, seconded and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

9. [LR31.010](#) APPROVAL Amendment to the Board of Representatives Rules of Procedure to Amend Section III B: Steering Committee to Require Members who wish to Add Their Names as Sponsor of an Item to do so Within 48 Hours of the Item Being Placed on the Steering Agenda.
12/08/21 – Submitted by Reps. Miller and Nabel **Held 9-0-0**

10. [LR31.011](#) APPROVAL Amendment to the Board of Representatives Rules of Procedure to Amend Section V: Rules of Procedure to require all Ordinances and Resolutions Considered and Approved by the Board of Representatives to use Only Non-Gendered Language (based on [Res. No. 3900](#)).
12/08/21 – Submitted by Reps. Miller and Nabel **Held 9-0-0**

11. [LR31.012](#) APPROVAL Amendment to the Board of Representatives Rules of Procedure to Amend Section V: Rules of Procedure to require Representatives participating by computer during a virtual meeting to be visible on screen during any voting procedure and when speaking on an item at either Committee or full Board meetings, with an exemption for Representatives participating by telephone.
12/08/21 – Submitted by Reps. Miller and Nabel **Held 9-0-0**

A motion to hold Item Nos. 9 through 11 was made, seconded and approved by unanimous voice vote (Reps. Berns, Nabel, Boeger, Cottrell, Florio, Jacobson, Matheny, Miller, and Sherwood in favor).

Co-Chair Nabel adjourned the meeting at 11:01 p.m.

Respectfully submitted,
Susan Nabel, Co-Chair

This meeting is on [video](#).