

Environment Committee JOINT FAVORABLE REPORT

Bill No.: SB-11
AN ACT COORDINATING CONNECTICUT RESILIENCY PLANNING AND
Title: BROADENING MUNICIPAL OPTIONS FOR CLIMATE RESILIENCE.
Vote Date: 3/15/2024
Vote Action: Joint Favorable Substitute
PH Date: 2/28/2024
File No.:

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SPONSORS OF BILL:

REQUEST OF THE GOVERNOR PURSUANT TO JOINT RULE 9

REASONS FOR BILL:

Climate change will have many impacts on the state of Connecticut, not least the threat extreme weather poses on communities based on the water and their water supplies. A resiliency plan would help local municipalities to plan their future projects, and correct current risks, such that the impact of future weather can be blunted. This bill therefore seeks to provide a framework whereby the state can abate future flooding, drought, heat records, and other increasingly likely extreme weather.

SUBSTITUTE LANGUAGE:

The substitute language clarified the emergency provisions that the state operates under, allowing for plans to address excess fire heat etc. to function without the term climate change leading to confusion on the implementation of the bill.

RESPONSE FROM ADMINISTRATION/AGENCY:

Katie Dykes, Commissioner, Connecticut Department of Energy & Environmental Protection

DEEP believes this bill will help Connecticut's communities become more resilient to the impacts of climate change. DEEP highlighted specific elements of the bill:

1. Sections 19-21, strengthening building codes to help ensure Connecticut's future homes and buildings are prepared for a changing climate.
2. Sections 27-31, making open space and urban green and community garden grants more accessible to environmental justice communities.
3. Section 33, requiring CT DEEP to review and, if necessary, update water supply regulations and update regulations or permitting processes for sewage disposal to account for climate change.

4. Section 34, enabling the protection of an environmental justice community and critical power infrastructure from flooding in the South End of Bridgeport.

The funding will come from the Governor's budget allocation of \$5.75 million in ARPA funding. Specifically, this funding will be utilized for:

1. Development of a statewide resilience plan and resilience project design.
2. A statewide climate change vulnerability assessment.
3. Flood hydrologic modeling.
4. An extreme heat preparedness plan and capacity building effort.
5. Development and integration of local culvert mapping into statewide GIS resources.

The Governor's budget also includes \$5 million in bonds funds for the Microgrid, and Resilience Grant Loan Program administered by DEEP to provide additional resources for the grant program that – in consultation with DPH and the Department of Emergency Management and Homeland Security – would fund capital expenditures to address extreme heat in communities.

Jeffrey R. Beckham, Secretary, Office of Policy and Management

OPM focused on the provisions related to changes in existing planning and modernization of our infrastructure data, as well as the intergovernmental coordination necessary to address our vulnerabilities.

Existing Planning Processes: OPM state they have many different planning processes to meet local, state, and federal obligations. These identify local priorities, places for investment, and planning for capital expenditures.

Modernizing Our Infrastructure Data: OPM believe this bill could help create and centralize geospatial information systems data to better coordinate resiliency planning and maintenance of certain types of infrastructure.

Adding Optional Tools for Municipal Resilience: With consistent planning processes, OPM believe this section will allow communities to get to work addressing their risks. They have several tools that address impacts related to flooding and costal concerns such as Coastal Resiliency Reserve Funds, stormwater authorities, municipal flood prevention, climate resilience and erosion control boards.

Brenda Bergeron, Deputy Commissioner, Department of Emergency Services & Public Protection

The Deputy Commissioner commented specifically on three sections of the bill which will directly help the state mitigate the effect of climate change.

Section 13 modifies the civil preparedness statute to incorporate the dangerous and deadly impacts from extreme heat. The Governor's budget requested a \$5 million additional bond authorization for extreme heat capital projects.

Section 14 clarifies how municipal evacuation and hazard mitigation plans should consider sea level rise and requires that the analyses be available in Geographic Information Systems format. They suggest that geospatial information can be used in risk assessments, communication, and infrastructure planning.

Section 26 requires that our future State Response Framework, which is a major portion of the state's civil preparedness plan and program, continue to consider the impacts of climate trends on our preparedness planning. Actions listed in these plans support grants for federal funding. Preparedness, response, and recovery all depend on the best available information.

Michelle Gilman, Commissioner, Department Administrative Services

DAS state this proposal would memorialize the activities Governor Lamont directed in Executive Order 21-3; building code changes apply to new construction and meaningful alterations or replacements of existing building and structures. It requires DAS to incorporate certain climate resiliency changes into the building process and to maintain concurrency with the most recent energy efficiency standards.

Manisha Juthani, Commissioner, Connecticut Department of Public Health

DPH recognizes the impacts of climate change on public health, which is felt most acutely by: those living with chronic health conditions, people of low wealth, people of color, children, and the elderly. Of upmost concern for DPH is the future sustainability and health of our drinking water supply. Section 32 of this bill addresses this concern by requiring the State Water Planning Council to include additional considerations in their next update that relate to the impacts of climate change on water resources. Section 33 requires DPH to review and update regulations related drinking water every ten years, with an initial review of all regulations required to be completed by 2028.

Jared Kosky, Deputy Commissioner, Connecticut Insurance Department

The Department realizes the importance of improving climate event resiliency in Connecticut. Connecticut experienced at least 15 disaster declarations over the past 25 years and 13 of those since 2020. As reported by the insurance industry for major storms Sandy, Irene, and Alfred insurers paid approximately \$1.1 billion for Connecticut losses. Section 24 directs the Insurance Commissioner to convene a working group comprised of a broad group of stakeholders to study the need for fortification of Connecticut homes and small businesses to protect against potential losses due to natural disasters, hazards, and climate change. The working group is charged with formulating a recommendation regarding the structure and feasibility of a program to assist homeowners and small businesses with such fortification, potential incentives for fortification activities and funding sources to support the program.

James Desantos, Legislative Liaison and Associate Director of Regulatory Policy, The Connecticut Green Bank

The Green Bank's stated mandate is to include environmental infrastructure and a recognition that finance as a tool for the public sector can be successfully leveraged to catalyze and increase private investment in and deployment of clean energy and environmental infrastructure.

Sections 1–10 creates a purely optional infrastructure financing tool for municipalities associated with Tax Incremental Financing (TIF) districts. The language also introduces a key definition "increased savings", meaning the valuation amount by which the current cost of any existing insurance premium, or other premium, surcharge, or other fee identified within the resiliency improvement district, results in a monetary savings to a resident of, or a business located in, such district. The Green Bank believe the other sections of the bill will help to increase resilience in Connecticut's built environment, reducing risk for commercial and residential building owners, tenants, and the municipalities where they reside.

NATURE AND SOURCES OF SUPPORT:

Samantha Dynowski, State Director, Sierra Club Connecticut

Sierra Club supports the bill but asks to consider the role the insurance industry in Connecticut plays in climate change, to include language that will address this issue, and contribute to climate greater resiliency for vulnerable low-income communities. They believe

in a surcharge on fossil fuel premiums to fund climate resilience projects in low-income vulnerable communities and for low-income residents to afford insurance.

Cathy Fletcher, Planner 1, City of Bridgeport

The planner believes this bill provides for sound and forward-looking planning to address climate change issues, the impact of which are being felt throughout the state and nowhere more strongly than within our coastal communities. Section 34 of the bill will provide DEEP with the power to acquire certain specific properties in Bridgeport's South End in advancement of the Resilient Bridgeport Project, a comprehensive flood control project designed to protect the South End. The South End is home to the University of Bridgeport, Sikorsky Manufacturing, the Freeman Homes, Seaside Park, and several key power installations. This bill will allow DEEP to continue to be an active partner and drivers in this project.

Nathan Frohling, Director of External Affairs, The Nature Conservancy

The Nature Conservancy believe this bill will change the way we prepare and respond to the impacts of climate change, accounting for extreme climatic events, updating materials and resources, and adding methods for municipalities to plan for climate and adapt to become more resilient. They mention sections 27–31, regarding changes to the Open Space and Watershed Land Acquisition and the Urban Green and Community Garden grant programs. They believe these amendments help remove barriers that make it difficult for many communities to take advantage of available funding.

Betsy Gara, Executive Director, COST

COST supports provisions in the bill which will provide municipalities with additional tools and resources in addressing the need for greater climate resiliency. A Resiliency Improvement District will help position municipalities to proactively respond to rising sea level and flooding concerns, but COST has concerns with the provisions of the bill which would impose additional administrative burdens on municipalities. The Governors proposed budget includes an additional \$5 million for the microgrid & resiliency grant program, along with \$5.7 million in ARPA funds. COST believe the bill should clarify that these funds may be available to municipalities to update POCD's to comply with the new requirements.

Elizabeth Gara, Connecticut Water Works Association

The association supports provisions which:

- 1) require, if the state water plan is updated, to consider past conditions and predictions of future temperature and precipitation;
- 2) require DPH, DEEP, PURA to review and, if necessary, update water supply regulations to account for climate change.

Bill Lucey, Long Island Soundkeeper, Save the Sound

Save the Sound commend the call out for nature-based solutions as the first consideration to flooding, storm surge, and sea level rise mitigation. It is their belief that nature-based solutions are by far the cheapest alternative (e.g., not building in floodplains, riparian zones, or within the anticipated sea level rise range in the first place). They believe this bill sets us on the path that one day we will be able to relax when a hurricane passes through knowing that houses are built to proper code; the only damage waves will cause is shifting sand dunes, floodwaters will casually loiter in wetlands, bioswales will double as parks and open space, and our urban streets will be covered in tree canopies.

Lori Brown, Executive Director, Connecticut League of Conservation Voters

CTLCV aligns their comments with the written testimonies of Nathan Frohling (The Nature Conservancy and Robert LaFrance (Audubon CT), and they urge legislators to support the bill.

Azia Dehkan, Executive Director, CT Roundtable on Climate & Jobs

The Roundtable believe there is no one-size-fits-all solution to resiliency challenges, so resiliency planning must occur at the neighborhood level; Connecticut needs comprehensive, proactive, localized planning to address resiliency challenges to counter climate change.

Robert LaFrance, Audubon's Director of Policy for Connecticut

The testifier supports this comprehensive and thoughtful bill, but ask that DEEP and OPM consider including provisions for bird friendly buildings and that bird friendly glass be included in any updates to the State Building Code. They would like to be appointed to the working group that will be put together by the Insurance Department.

Amy Blaymore Paterson, Executive Director, Connecticut Land Conservation Council

The Council urges the Committee to approve SB 11, which provides new tools, strengthens existing programs and policies, and fosters increased local, regional, and state coordination to help prepare for and respond to short and long-term impacts of the changing climate, which are growing in severity across all landscapes.

Maggie Favretti, Co-founder, Director, Alliance Mystic River Watershed

The Alliance request that the language be changed to ensure equitable access to the safety benefits provided by the bill.

James O'Donnell, Ph.D, Professor of Marine Sciences and Executive Director, Connecticut Institute of Resilience and Climate Adaption, UCONN

The testifier provided a review on the science behind climate change, as well as lending support to the concept of infrastructure investment by the state to help protect against costly impacts from meteorological events.

John Guskowski, Co-Chair Government Relations Committee, CT Chapter of the American Planning Association

The Association expresses the belief that lines 734-752, concerning the implementation of a Plan of Conservation and Development, could prove costly to municipalities if conducted individually. They suggest allowing vulnerability models from the Connecticut Institute for Resilience and Adaptation to provide for methodological consistency.

Matthew W. Hart, Executive Director, Capitol Region Council of Governments

CROG suggest changes and some concerns to the following sections of the bill:
Section 1-10: CRCOG notes that some of their communities use tax assessment agreements to attract investment and that a tax-increment financing district might be less viable for them.
Section 18: CRCOG expresses concerns around lines 1064-1068 on the issue of Plans of Conservation and Development. The group express concerns at the need for a regional POCD to be consistent with three types of plans, and the impact this will have on consistency reviews for local POCDs. They also express confusion as to the requirement for "geospatial data", as it is their belief that the excessive data required could be costly to acquire.

Matthew Hoey, First Selectman, Town of Guilford

The Selectman provides a summary of Guilford's risk to extreme weather and the towns POCD, with the 2015 plan seeking to conserve natural infrastructure.

Melissa Kops, Board Member, Build Green CT

The testifier hones in on sections 19-21 of the bill, providing a summary of the section and seeking to clarify sections of it which they believe are being misconstrued by opposition. They note that any standards are subject to review and amendment, as national standards are not blindly adopted. They also express the belief that the state be up to date with the IECC standard is not unreasonable, the codes and standard committee should consider the findings of the insurance working group.

Eliza Paterson, Policy Associate, Working Lands Alliance

The Alliance supports the bill for its following of recommendations by the Working and Natural Lands subgroups. They note section 10 for its ability to improve the communities of the most vulnerable to climate change in the state.

Anna Shugrue, NECCOG Regional Planner II

NECCOG suggest that the bill incorporate regional COGs into the bill. It is their belief that this would allow for existing regional plans to form the framework for new ones. They specifically call out sections 1-10 for the added benefit of shared vulnerabilities between towns being addressed by the COGs, and section 14, 17, and 18 for the ability of regional GIS analysis on sea level rise to be shared amongst different municipalities, as well as geolocation of culverts, bridges, and critical infrastructure.

Denise Savageau, President, Connecticut Association Conservation Districts

The CACD provides a rough summary of the bill, with suggested language changes provided for sections 11-12 concerning local POCDs. They also heavily emphasize their belief of the need for an updated State Water Plan to address climate change and emerging contaminant concerns.

Alan J. Siniscalchi, President, CACIWC

The CACIWC expresses support for the bill, especially sections 1-10, 11, 12, 18, 25, & 27-31.

Tom Swan, Executive Director of the Connecticut Citizen Action Group

The testifier expresses support for the bill, with specific notes towards sections 19-21, 33, and 34. They also address the concern of longer-term funding for resiliency, expressing the belief that ARP funding allows fossil fuel companies to pass expenses on to taxpayers. They suggest a 2% surcharge on insurance policies for fossil fuel infrastructure in the state to fund future resiliency efforts.

Brenda Watson, Executive Director, North Harford Partnership

The testifier expressed support for the bill, providing a summary of the current problems facing the state, the reasoning behind the bill, and a summary of each section of the bill.

Terri Eickel, Executive Director, IREJN

The testifier expresses support for the bill.

NATURE AND SOURCES OF GENERAL COMMENTS:

Lindsey Seti, Advocacy Manager, CCM

CCM express confusion at sections 1-10 and the option to create Tax Increment Financing Districts, which in their belief clashes with section 11-35 which impose costly mandates on cities and towns trying to take advantage of these districts. They also express concern at sections 11 & 12 for what they believe to be demanding requirements for localities to produce vulnerability assessments, which may require additional staffing from either additional in-house or external consultants. They believe that in-house expertise in engineering, planning, and technical employees is reduced due to excessive training requirements, as expanded in sections 19-21 of the bill.

NATURE AND SOURCES OF OPPOSITION:

JIM HECKMAN, GENERAL COUNSEL, CT REALTORS

The CT Realtors object to the mandates with the adoption of the model International Energy Code within 18 months of their publication. They believe the adopting of new codes related to climate change would require considerable changes in how properties are constructed in Connecticut. They feel that the mandate to adopt the code could have the opposite effect of the business community's goal to make Connecticut homes more affordable. They also oppose the provision providing a state agency with eminent domain authority. There is also always an issue of whose property is taken with eminent domain along with how large a volume of renters or homeowners may be forced out of the communities where they live. CTR does support the Governor's effort to address the topic of climate change, but request the General Assembly consider how specific legislative obligations would impact other industries.

Peter Myers, Public Policy Associate, CBIA

CBIA has concerns on sections 20 and 21 of the bill. Section 20 imposes additional education requirements for our state's building inspectors. They feel that with our state currently experiencing a workforce shortage, any additional licensing or education requirements should not be enacted. Section 21 would require that the state adopt the newest Energy Star and Fortified Building Standards with every new code revision. This would price people out of homeownership and have a negative impact on the commercial industry as it will add to the cost of new construction for businesses looking to grow in our state.

Robert Wiedenmann, Chairman, Home Builders and Remodelers Association

The association has concerns on section 21 of the proposed bill requiring the adoption of the most recent International Energy Conservation Code within 18 months of publication. It is unclear to them if the Codes and Standards Committee will be allowed to alter this code in any way. At the very least, they believe the Codes and Standards Committee should be allowed, preferably required, to evaluate the cost implications of any proposed changes to the state building code. Section 21 of the proposed bill also requires new homes to be built to "Fortifies Construction Standards". They believe meeting these standards significantly increases the cost of design, inspection, and construction of new homes to meet the various standards. They further question the necessity of the standards, with questions as to the purpose and extend that they will be implemented.

Jim Perras, CEO, HBRA-CT

While sharing the goal of promoting safety and quality in residential construction, they believe that the provisions outlined in SB11 are impractical and may likely have unintended consequences, especially in the current housing crisis. They urge the committee to consider a more balanced and collaborative approach that considers the industry's capacity for adaptation and ensures that any regulatory changes are realistic, reasonable, and beneficial for all stakeholders.

Alysha Gardner, Senior Policy Analyst, Partnership for Strong Communities

Notwithstanding the positive intent, the Partnership have strong concerns about the unintended consequences of this bill. They believe it gives too much authority to municipalities to designate entire areas within their town boundaries as set-aside areas for no development, and even gives them the authority to remove existing residential neighborhoods. They believe there are virtually no legal limitations on the Resiliency Improvements District; especially how large they can be, where they are located, and what types of development can be restricted. They believe there are not sufficient safeguards in this bill to prevent towns from using their powers to prevent or delay the construction of affordable or lower-cost housing for reasons only tangentially related to environmental concerns.

Christopher Paulin

The testifier expressed opposition to the bill.

Reported by: Judy Ganswindt

Date: Apr 1st, 2024