

Racial Bias Case

By MATTHEW L. WALD

MOST of this town's 52.5 square miles are covered with expensive single-family homes, and town officials and residents like it that way. Even so, the Justice Department charged last week that the town's housing policy was racist. With United States Attorney Richard Blumenthal confirming last week that similar allegations were being investigated in other towns, the Glastonbury case could set an important precedent.

Mr. Blumenthal, speaking to reporters, declined to name the towns and would not say whether the Justice Department's investigation would lead to additional litigation.

Almost all of Glastonbury's 27,000 residents are white. The complaint filed in Federal District Court by the Justice Department noted that Hartford, five miles to the northeast, was 27.9 percent black and 7.5 percent Hispanic, according to the 1970 census.

Glastonbury, according to the Justice Department, "has pursued a policy and practice of preventing the development of racially integrated low- and moderate-income housing," by rejecting two proposals for such housing in 1978 and 1979 that were "anticipated to have substantial numbers of black and Hispanic residents." At the same time, the town was approving development of more expensive multifamily housing "whose residents are anticipated to be exclusively or predominantly white," the complaint said.

Town officials who rejected the proposal — thereby denying minority-group members rights they are guaranteed under the Fair Housing Act of 1968 — did so either because they themselves wished to keep blacks and Hispanics out, or "because of community opposition which is at least in part racially motivated," according to the complaint.

Richard S. Borden Jr., the town manager, denied the charges. "We disagree with the allegations contained in the complaint and feel the town has not discriminated and certainly does not have as an objective the exclusion of low- and moderate-income housing in the Town of Glastonbury," he said.

"Whatever was done was proper planning and zoning practice," said Harvey A. Katz, the town attorney. Mr. Katz contended that it would be up to the Justice Department to prove racist intent.

The remedies sought in the complaint are not specific. It would, for example, bar Glastonbury from "exercising its municipal powers in any manner which has the purpose or effect of excluding persons on account of race, color, or national origin," and calls for "all appropriate affirmative actions to correct the effects of its past discriminatory practices and insure the full enjoyment of the right to equal housing opportunity, including such affirmative steps as will lead to the development of an appropriate number of units of racially integrated low- and moderate-income housing."

In practice, if a judge ruled against Glastonbury, he might demand that the town produce a housing plan for his ap-

Could Set Precedent

proval, the way other cities found guilty of school segregation have been required to develop busing plans.

Proving discriminatory intent may be difficult.

"It's ludicrous," said T. James Murray Jr., the chairman of the Town Planning and Zoning Commission. "Glastonbury probably has the most sensitive record in providing housing for low- and moderate-income people in the greater Hartford area."

Mr. Murray listed a 199-unit public housing project with subsidized rents, and a church-sponsored development of about 50 units. In addition, he said, the town had approved 300 to 400 units of condominium housing that sold in the low \$20,000 range early in the last decade.

The two projects cited by the Justice Department, Mr. Murray and others said, were turned down for specific reasons that had nothing to do with who might move in. The minutes of Planning and Zoning Commission meetings and Town Council meetings that considered the projects — minutes that were examined by Justice Department lawyers last summer and may become part of the evidence against Glastonbury — included such objections as the lack of sidewalks and schools.

In at least one instance, a member of the audience at a hearing complained about "niggers" who might move in. Whether town officials were bowing to a racist sentiment in the community when they rejected the project is likely to be an issue in court.

According to Henry Kinne, a Republican member of the Town Council and its chairman in the late 70's when his party was in the majority, "There's three reasons, and it's hard to distinguish between them."

One is what he called "the no-growth syndrome." "The last people who come in want to be able to look at the cornfields," he said. "Just lately we've had some \$125,000 condominiums come in, and there's just as much wrath and talk and reasons why we don't want those in."

In addition, he said, "There are some economic feelings about poor people, and there are some racial feelings."

But even if "racial feelings," as Mr. Kinne put it, are proved, it remains to be seen whether they were a factor in the rejection of these projects.

According to Richard Eigen, the director of community development, the Federal Department of Housing and Urban Development had approved a "marketing program" for the apartments under which the town could "affirmatively market the housing within the confines of the community, for the first three or four months."

"The project would probably have been all white anyway. The Town Council knew that. I don't think the fact that the [Planning and Zoning] commission turned that down had anything to do with color," he said.

But Glastonbury — the tenth town in the nation to be sued for housing discrimination under this law — may be facing an unspoken issue, the violation of an agreement with a Federal agency. As a requirement of H.U.D.'s Community Development Block Grant Program, the town submitted a long-term development program, in which it committed itself to building more low-income housing.

"We said we'd do it, and we didn't do it," said Mr. Kinne. With the rejection of the two projects listed in the Justice Department's suits, H.U.D. cut off money to Glastonbury, which withdrew from the program.

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December 2, 1980

Justice Department Sues Yonkers, N.Y., Glastonbury, Conn., in Segregation Cases

By a WALL STREET JOURNAL Staff Reporter

WASHINGTON—The Justice Department charged Yonkers, N.Y., with maintaining segregated housing and a segregated school system.

It was the first time the government simultaneously had charged a community with both kinds of segregation, according to Walter Gorman, a department lawyer.

In a separate lawsuit, the department charged Glastonbury, Conn., a predominantly white suburb of Hartford, with preventing the development of integrated housing.

The two actions were the first of several desegregation lawsuits that Drew Days, head of the department's Civil Rights Division, has promised to file before the Carter administration leaves office. President-elect Ronald Reagan has been cooler toward desegregation efforts than Mr. Carter, and is opposed to forced busing plans to desegregate schools. Meanwhile, Congress is expected to pass this week legislation preventing the Justice Department from filing suits seeking school desegregation by busing.

The Yonkers suit charges the School Board with segregating black and Hispanic students—32% of the system's 23,000 students—from white pupils. It alleged the board was using site selection, assignment of faculty by race and alteration of zone lines to promote segregation.

The suit also charged the city with appointing School Board members who opposed school desegregation.

The suit also charged the city and the Yonkers Community Development Agency with allocating almost all subsidized housing in minority communities.

The suit, filed in federal court in New York, asks that these local government agencies be barred from continuing the alleged discriminatory practices. It also asks that they be ordered to develop a housing integration plan and a school desegregation plan for the next school year.

The Glastonbury suit charges that the suburb refused to approve proposals to build housing for poor and middle-income persons, while endorsing multifamily housing for the wealthy. The suit says this violates the Fair Housing Act of 1968. It asks that the town, whose population is 27,000, be ordered to clear the way for construction of integrated housing for persons with lower incomes. The suit was filed in federal court in Hartford.

Responding to the Justice Department suit, Dr. Joan Raymond, superintendent of schools in Yonkers said:

"Regardless of whatever court action may result, it is our intention to continue to negotiate with the federal government to amicably resolve the matter."

The Associated Press reported the superintendent said, "We shall continue our work with the community towards meeting our stated objective of integrating the Yonkers public schools during the 1980-81 school year."

Johnson Products Says It Can't Collect Loan To Chief's Late Brother

By a WALL STREET JOURNAL Staff Reporter

CHICAGO—Johnson Products Co. says it can't collect on a \$59,718 loan it made to the late John E. Johnson, a former vice president of the company and brother of its chairman and chief executive officer, George E. Johnson.

Mr. Johnson also is executor of the estate of his brother, who died in June 1979.

The loan default and George Johnson's possibly conflicting roles were disclosed in

Steel Production Fell 0.8% in Latest Week

A WALL STREET JOURNAL NEWS Roundup

Steel production at the nation's mills last week fell 0.8% to 2,373,000 net tons, from 2,391,000 tons in the previous week, but was 4.5% above the 2,270,000 tons produced a year earlier.

The American Iron and Steel Institute said the nation's steel industry used 80.4% of its production capability last week, compared with 81% the previous week and 78.5% a year ago.

Separately, the institute reported that steel imports in October totaled 1,141,939

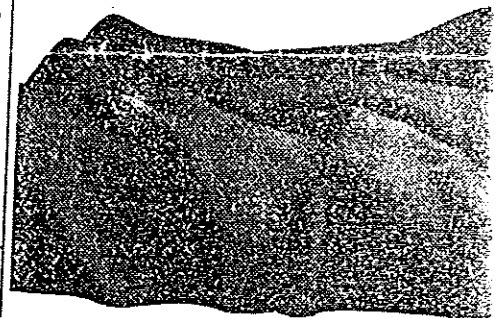
Southern Peru Corp. Can't Deliver Due to Strike

NEW YORK — Southern Peru Corp. said it couldn't meet obligations for 99% "blister" copper from its Cuajone mine and other Peru, due to a strike.

The curtailment affects deliveries of Peruvian government's copper to Ilo and direct shipments of copper to England, Japan and the U.S.

The strike began Nov. 12 at the 10,000-ton-a-year Cuajone mine and concentrates among the largest copper facilities in

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Philippine Airlines,
Asia's first airline, intro-
duces the last word in First
Class. On the last word





Town of Glastonbury

2108 MAIN STREET • GLASTONBURY, CONNECTICUT 06033 • (203) 633-5231

TOWN MANAGER

December 8, 1980

Mr. Raymond F. Robinson, Editor/Publisher
The Manchester Evening Herald
16 Brainard Place
Manchester, Connecticut 06040

Dear Mr. Robinson:

I read with great interest the observations contained in your editorial of December 3, 1980 entitled "Federal Harrassment". The editorial really does give a very candid and blunt summary of the entire problem of the U.S. Justice Department suing the Town of Glastonbury and other communities.

On both a personal and professional basis, I have to agree with your conclusion that it is patently unfair for HUD, through the U. S. Justice Department, to haul a town into court and accuse the town of racist motivation simply because people express their objection to a zone change and a Town Council agreed and declined to grant the change. In my view, to intimidate free expression by citizens at a public hearing is counter to the American Democratic process.

Very truly yours,

Richard S. Borden Jr.
Richard S. Borden Jr.
Town Manager

RSB:cm

Editorial Federal harassment

Those in Manchester who have been fighting federal control of town affairs probably can be most sympathetic with the people of Glastonbury who now face a lawsuit because the Justice Department again is indicting an entire community for racism.

Jimmy Carter's Justice Department has filed suit against Glastonbury contending decisions based on town zoning ordinances were racist motivated.

The lame-duck Justice Department is expanding its proven pattern of harassment by filing suit against another town.

Those, who during the recent Community Development Block Grant campaign claimed a yes vote would have no impact on town zoning, apparently have been proven wrong by this case in

Glastonbury.

The federal government, by suing the town, is again attempting to take local control out of local hands, placing zoning decisions in the hands of bureaucrats with no interest in the character of the town.

We are led to believe this suit is clear and simple harassment by the Justice Department.

A convincing case could be made, that the Justice Department, in the waning days of the Carter administration, is trying to set up a case load that could be used later to embarrass President-elect Reagan.

On Jan. 20, Reagan will take office with a new attorney general. The new Justice Department will have to decide whether or not it will pursue pending cases.

We think the Glastonbury

Opinion

suit is an attempt to place the Reagan Justice Department in a position where it could be accused of tolerating racism.

Much ado could, and probably will, be made of Reagan administration abandonment of suits that have racial overtones.

At first reading it could be made to appear the new president is following some kind of a new policy of the hated and remembered "Benign Neglect" of the Nixon administration.

Glastonbury, like Manchester, is not a community of racial hatred.

But the Justice Department is trying to make it

appear as if the control of local zoning and development by local people is some sinister plot to prevent racial minorities from finding homes in town.

The federal government is again trying to take more control of our daily lives away from elected local decision-makers and give it to bureaucrats who probably have little appreciation for the character of our communities.

It is another step in the kind of social engineering the federal department of Housing and Urban Development has made famous.

Towns are told they will

continue to control their own destiny. But when local decisions disagree with HUD, towns may expect to be hauled into court and accused of racist motivation.

We are convinced that those with prejudiced viewpoints are a small minority.

When acts and opinions of racial or ethnic hatred are expressed by individuals, those individuals should be held accountable.

But to indict an entire community because the town zoning ordinances do not comply with the grand social scheme of HUD is wrong and contrary to the American tradition.

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,)	CIVIL ACTION NO.
)	
Plaintiff,)	
)	
v.)	COMPLAINT
)	
TOWN OF GLASTONBURY, CONNECTICUT,)	
)	
Defendant.)	

Plaintiff, United States of America, alleges that: . . .

1. This is an action brought by the Attorney General on behalf of the United States of America pursuant to Title VIII of the Civil Rights Act of 1968, 42 U.S.C. §3601, et seq. (hereinafter the Fair Housing Act).

2. This Court has jurisdiction of this action pursuant to 28 U.S.C. §1345 and 42 U.S.C. §§3613 and 3617.

3. The defendant Town of Glastonbury is a municipality in the County of Hartford and State of Connecticut.

4. The Town of Glastonbury has a land area of approximately 53 square miles. It lies approximately five miles southeast of the City of Hartford, Connecticut, and is a residential suburb of Hartford.

5. In 1970 the population of the Town of Glastonbury consisted of approximately 27,000 persons, of whom more than 99% were white.

6. In 1970 the population of the City of Hartford consisted of approximately 158,000 persons, of whom approximately 27.9% were black and approximately 7.5% were hispanic.

7. The Town of Glastonbury exercises general municipal powers, including zoning and building permit authority, over the real property within its borders.

8. The defendant has pursued a policy and practice of preventing the development of racially integrated low and moderate income housing in Glastonbury. This policy and practice has been implemented, among other ways, as follows:

- a. By failing and refusing to grant the necessary approvals for the development of low and moderate income multi-family housing which is anticipated to have substantial numbers of black and hispanic residents (such as, for example, the "River Meadows" project in 1978, and the "Nye Road" project in 1979), while granting the necessary approvals for the development of higher income multi-family housing whose residents are anticipated to be exclusively or predominantly white;
- b. By failing and refusing to grant the necessary approvals for the development of low and moderate income multi-family housing which is anticipated to have substantial numbers of black and hispanic residents (such as, for example, the projects referred to in subparagraph 8(a), supra), because of community opposition which is at least in part racially motivated; and
- c. By failing and refusing adequately to meet its obligations with respect to low and moderate income family housing during the years when it was

participating in the federal Community
Development Block Grant program.

9. The low and moderate income housing units that would have been or would be developed in the absence of the policy and practice described in paragraph 8, supra, would be dwellings, as defined by 42 U.S.C. §3602(b).

10. The actions of the defendant described in paragraph 8, supra, have had the purpose and effect of limiting the opportunity for black and hispanic persons to obtain housing in the Town of Glastonbury and maintaining the Town's virtually all-white character.

11. The actions of the defendant described in paragraph 8, supra, constitute:

- a. A pattern or practice of resistance by the defendant to the full enjoyment of rights granted by the Fair Housing Act; and
- b. A denial to groups of persons of the rights granted by the Fair Housing Act, which denial raises an issue of general public importance.

Specifically, the defendant's conduct has denied housing and made housing unavailable to black and hispanic persons because of race, color, or national origin, in violation of 42 U.S.C. §3604(a), and has interfered with the exercise or enjoyment of rights granted to developers and potential residents by the Fair Housing Act, in violation of 42 U.S.C. §3617.

WHEREFORE, the plaintiff prays that this Court enter an order enjoining the defendant Town of Glastonbury, its officers, agents, employees, successors, and all those in active concert or participation with it or any of them, from:

- a. Engaging in any conduct which denies, abridges, or interferes with the exercise of any right secured by the Fair Housing Act;
- b. Exercising its municipal powers in any manner which has the purpose or effect of excluding persons on account of race, color, or national origin from residing in the Town of Glastonbury; and
- c. Failing or refusing to take all appropriate affirmative actions to correct the effects of its past discriminatory practices and ensure the full enjoyment of the right to equal housing opportunity, including such affirmative steps as will lead to the development of an appropriate number of units of racially integrated low and moderate income housing in the Town of Glastonbury.

Plaintiff further prays for such additional relief as the interests of justice may require, together with the costs and disbursements of this action.

BENJAMIN R. CIVILETTI
Attorney General

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Can Washington Remodel Glastonbury's Housing Policies?

Robert
Burns-Howard

The federal Justice Department's suit against Glastonbury has been settled. According to news reports, the town has agreed to a consent decree which requires the passage of a resolution stating that "Glastonbury welcomes people of all races, colors, creeds and national origins." The town also must provide substantial assistance to developers of low-income and multi-family housing.

Although the Glastonbury Town Council has not formally approved the consent decree, there is little doubt it will. The agreement permits the town to avoid the admission of any wrongdoing while continuing to chart its own housing development course. However, the town must take significant affirmative actions to increase its stock of affordable family dwelling units.

The affirmative actions required in the consent decree read like pages from the notebooks of regional housing advocates. They have the potential of affecting public opinion on lower-cost housing as nothing else has in recent years. But that potential still must be put into perspective.

Connecticut is a state steeped in the tradition of local autonomy. Complaints that suburban communities here have "zoned out the poor" have brought about little change.

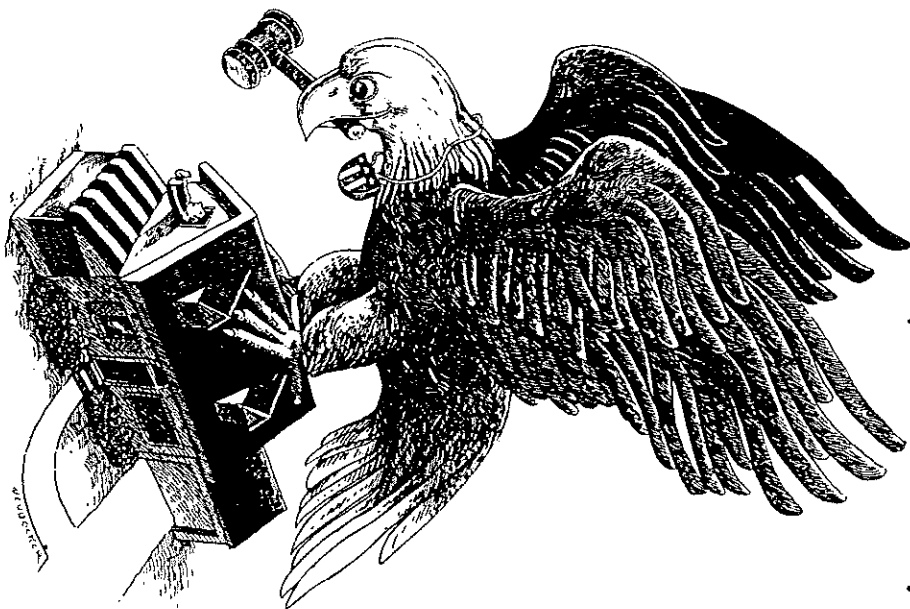
Housing advocates have worked strenuously in numerous sessions of the General Assembly to persuade legislators to amend

the state zoning enabling act to prohibit minimum house and lot size requirements, and to add language concerning "the citizen's need for a decent, affordable home" to the litany of issues (health, safety, property value, environmental concerns) already protected. To date, these attempts have failed.

In 1976, the Capitol Region Council of Governments initiated a plan for "fair share" housing development which encouraged communities to promote affordable dwelling units in concert. This was so that no single community would have to go it alone in housing, as Bloomfield did when it opened its doors to minority families during the 1960s. The fair share plan met many goals for development, but local opposition to proposals for low-, moderate- and even middle-income housing escalated in communities. The region entered a period of severe housing shortage at about the time the fair share plan had run its course.

Many other attempts to remove or reduce local barriers to housing development have been made since the late 1970s, but housing advocates traditionally have viewed the lawsuit as an if-all-else-fails option. Nevertheless, when the Justice Department announced it was suing Glastonbury, the move was seen as the expected result of a demonstrated unwillingness on the part of Connecticut suburban communities to approve proposals for affordable housing at a time when zone changes for up-per-income projects were common.

What does the settlement of the Glastonbury case really mean for housing opportunities?



And what do precedents in the lawsuit and the consent decree mean for housing development in Glastonbury's sister communities—in the Capitol Region and throughout Connecticut? Possibly a great deal. According to the consent decree, Glastonbury must undertake the following:

- The town will cooperate

for fear they would be accused of favoritism. This requirement would seem to establish a precedent which will allow communities to go the extra mile in assisting such development.

- The town will identify potential sites appropriate for multi-family and low- and moderate-income housing. Although the town is not required to initiate zone changes in reflection of such developmental appropriateness, it is clear that builders will be assisted by such information.

- The town is required to expedite the review and evaluation process for low- and moderate-income housing. In no other business is the saying "time is money" more valid than in housing construction. Streamlining of application processes has been a long-time goal of housing advocates.

- The town must sponsor educational meetings, seminars and conferences for housing professionals and local officials to acquaint them with fair housing laws, zoning regulations and incentives which might be available to developers of affordable units. Housing advocates have sponsored similar gatherings in recent years in the belief that information sharing between providers and regulators can go a long way in removing hurdles to housing production. Such communication is essential if affordable units are to be built.

- The town will offer incentives to developers of low- and moderate-rental housing. These incentives will include increased densities, tax abatements, relax-

ation of land use regulations and technical help in obtaining financing.

- The town will encourage developers of multi-family units to set aside a percentage of apartments for low- and moderate-income tenants. For a number of years, Farmington successfully has implemented a similar policy, not only in developing rental units, but also condominiums and single-family homes. Waiving fees, assistance in infrastructure and securing of subsidies has enabled Farmington developers to utilize the set-aside policy.

- The town will assist developers in affirmatively marketing low- and moderate-income units to minority tenants and other residents outside Glastonbury.

These actions required of Glastonbury reflect basic common sense. If a town wants affordable housing, it should make every effort to attract it.

If Glastonbury officials are sincere in their desire to implement the concepts in the consent decree, their success will offer other communities a model for affordable housing development. If they are not sincere, civil rights activist A. Boyd Hinds Jr. will have been right last week when he commented, "Everything (will be) the same in five years."

My money's on Glastonbury.

Robert Burns-Howard of Uxbridge is executive director of the Housing Coalition for the Capitol Region, an arm of the Capitol Region Council of Governments.

Correction

The Housing Coalition for the Capitol Region Inc. was incorrectly identified in the Nov. 24 op-ed page article, "Can Washington Remodel Glastonbury's Housing Policies?" It is an independent, nonprofit, tax-exempt organization that promotes housing opportunities in the

Nov. 30

The Hartford Courant

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EDITORIALS

An Unused Welcome Mat?

Glastonbury has agreed to put a welcome mat out for low-income home-seekers. The only problem is, the mat has no doorstep to go along with it.

The town struck a favorable deal in the consent decree that ends the Justice Department's discrimination suit. But there is little reason to believe that the agreement will produce any new homes for the poor.

No decision was reached on whether the virtually all-white community discriminated against low-income people, especially from minority groups, thereby violating the 1968 Fair Housing Act. The Justice Department raised its case after Glastonbury rejected two low-income housing proposals in 1978 and 1979, although other allegations of discrimination were also noted in court.

Under the terms of the deal, Glastonbury effectively agrees not to block new low-income housing at a time when interest rates remain prohibitively high and housing subsidy money has all but dried up.

The town will pass an unusual resolution welcoming people of all races, colors, creeds and national origins. In other words, Glastonbury will publicly acknowledge that it joins other enlightened people in opposition to bigotry.

Other parts of the agreement call for the

town to expedite low-income housing, although it will be up to Glastonbury to decide on specifics.

Local officials, who have consistently denied any intention to discriminate, have said they will not need to make many changes in housing development procedures.

The toothless agreement is further evidence that the federal government, under the current administration, has little interest in fighting discrimination cases. Last year, for example, the Justice Department decided not to appeal a federal court decision that cleared Manchester of racial discrimination.

The department has only filed two minor fair housing suits nationally in the past two years.

One can hope that skepticism about the Glastonbury agreement will prove unwarranted, that more low-income housing will be built in the town. Perhaps local officials will rise to the occasion and put meaning into their high-minded resolutions with aggressive, practical plans that will help ease housing problems for the poor in Greater Hartford.

But people will have every reason to doubt the town's sincerity if all it can show after the agreement is an untread-upon welcome mat.

Mem # 4C
11-23-82

Nov 17 3 04 PM '82

U.S. DISTRICT COURT
HARTFORD, CONN.

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,

Plaintiff

vs.

TOWN OF GLASTONBURY,
CONNECTICUT

Defendant

CIVIL ACTION NO.: H-80-770 *na*

NOVEMBER 17, 1982

CONSENT DECREE

The plaintiff United States, on December 1, 1980, instituted this action against the defendant Town of Glastonbury, pursuant to 42 U.S.C. §§3613 and 3617, seeking relief for alleged violations of the Fair Housing Act of 1968, 42 U.S.C. §3601 et seq.

The Town of Glastonbury maintains that it has pursued policies and practices supportive of and conforming with the Fair Housing Act, and denies that it has violated the Act's provisions.

The parties wish to avoid the uncertainty and expense of litigation. Accordingly, without an adjudication on the merits, the parties agree to resolve this case by entry of the following consent decree, the purpose of which is to promote equal housing opportunities within the Town for low and moderate-income families.

Findings of fact and conclusions of law are waived.

I. INJUNCTION

It is hereby ORDERED, ADJUDGED, and DECREED that the defendant Town of Glastonbury, Connecticut, its officers, officials, agents, servants, successors and all persons in active concert or participation with any of them, are hereby permanently enjoined from:

A. Engaging in any conduct which violates the Fair Housing Act and denies, abridges, or interferes with the exercise of any right secured by said Act; and

B. Exercising its municipal powers in any manner which has the purpose of excluding persons on account of race, color or national origin from developing, buying, leasing or residing in any housing in the Town of Glastonbury.

II. FAIR HOUSING PROGRAM

It is further ORDERED that the defendant Town of Glastonbury, its elected and appointed officials, employees and their successors shall undertake the following affirmative steps to encourage and aid in the full enjoyment of equal housing opportunity:

A. Assist Developers

(1) The Town shall cooperate with and aid any potential developer of or applicant for approval of proposed low or moderate-

income rental housing by providing all available information concerning such matters as the existence of sites for such housing, zoning procedures, environmental data, traffic patterns and roads, and existing and proposed public improvements and facilities, to the extent permitted by applicable Federal, State and Town laws and ordinances. To this end, the Town shall, within three (3) months after the entry of this decree, identify areas containing potential sites within its borders generally appropriate for the construction of multi-family rental housing for low and moderate-income families; and the Town shall provide such information, along with any information it has with respect to the availability of such sites, to potential developers and applicants. Identification of any such areas containing such potential sites shall not by itself change nor be construed as indicating a future change of the designation of the site's underlying zone existing at the time such identification is made; the usual procedure for effectuating zone changes shall remain applicable in all respects.

(2) The Town shall expedite to the extent permitted by applicable Federal, State and Town laws and ordinances, and reasonable under all attendant circumstances, the review and evaluation process for low and moderate-income rental housing

applications, the publication of all relevant notices, the arrangement of meetings with staff and appropriate officials and Town Boards and Commissions; and the scheduling of board or commission hearings and public hearings.

(3) The Town shall sponsor and conduct, through the Town Human Relations Commission, public and private educational meetings, seminars and conferences, for real estate brokers and agents, Town officials and employees with responsibilities under this decree, residents, and builders and developers, to acquaint such persons with the provisions of all Federal, State and Local fair housing laws; the zoning regulations; developer incentives which may be considered and allowed in appropriate applications; the procedures applicable to the proposed development and construction of low and moderate-income multi-family housing units within the Town; the generally appropriate and available areas having sites for such proposed development; and the provisions of this decree. Such meetings, seminars and conferences shall be offered and conducted at least bi-annually during the period within which this decree remains in force and effect.

(4) The Town shall encourage prospective developers of low and moderate-income rental housing to locate projects in Glastonbury by making it known to such developers, as outlined

above, at such time as an application is filed, or upon written or personal inquiry at the Office of Community Development, that the following incentives may be considered and allowed where the need for one or more such incentives is demonstrated in a particular development for which application has been made, and where such incentives would be appropriate and allowable under applicable State and Town laws and ordinances:

- (a) Increased densities;
- (b) Relaxation of other cost-increasing land use or zoning controls;
- (c) Tax abatements;
- (d) Assistance and support for prospective developers of low and moderate-income rental housing to help them obtain construction loans and other forms of financing and subsidies through meetings with, appearances before and correspondence with such agencies as the Connecticut Housing Finance Authority, the Connecticut State Department of Housing, and such other federal, state or private sources of funding or subsidy as may be available.

(5) The Town shall encourage prospective developers of multi-unit rental housing to set aside 15 to 20 percent of their

units for rental to low and moderate-income tenants at a below market rental by making it known to such developers, as outlined above, at such time as an application is filed, or upon written or personal inquiry at the Office of Community Development, that appropriate incentives such as those described in paragraph II(A)(4) above, may be considered and allowed where the need for one or more such incentives is demonstrated in a particular development for which application has been made, and where such incentives would be appropriate and allowable under applicable State and Town laws and ordinances.

(6) Nothing in this decree is to be construed as preventing the Town from exercising its discretion, consistent with the purpose of this decree and applicable state laws and town ordinances, as to which incentives, if any, shall be granted in any particular case. The Town shall make the availability of the various incentives known to prospective developers, who then may apply to the appropriate Town body for the consideration of a request for a particular incentive.

(7) The Town shall inform developers that low and moderate income rental units produced with assistance provided pursuant to this decree must be affirmatively marketed in an effort to attract tenants of all races, colors and national

origins.

(8) The Town, through its Human Relations Commission, or other appropriate designated agency, shall implement an affirmative marketing plan in an effort to attract tenants of all races, colors and national origins, and assist developers of low and moderate-income rental units in their affirmative marketing efforts, as follows:

(a) Publicize to the Hartford area minority community the availability of housing opportunities for all persons regardless of race, color, or national origin by placing advertisements in the Hartford Courant and in at least one local newspaper which circulates principally in the Hartford area minority community, at such times as rental units in public housing are available or are anticipated to become available. The advertisements shall appear in such size and frequency as is compatible with budgetary restraints;

(b) Contact the Hartford Housing Authority, as well as outreach or social services oriented organizations which serve the Hartford area minority community, for referrals of prospective tenants at such times as vacancies in public or privately owned low and moderate-income rentals are known to exist or are anticipated; and

(c) Refer such prospective minority tenants to the Town's Public Housing Authority and to the managers of privately-owned buildings in which low and moderate-income rental units are located and are known or anticipated to be available.

(d) Insofar as the Glastonbury Housing Authority and its units are herein concerned, the obligations hereunder are subject to and may otherwise be limited by the H.U.D. regulations and H.U.D. approved policies and agreements applicable thereto, and also to the waiting lists already in place at the time of entry of this decree.

B. Enact a Fair Housing Resolution

Within thirty (30) days of the entry of this decree, the Town shall enact a Fair Housing Resolution welcoming persons of all races, colors, creeds and national origins to reside in the Town and setting forth a policy of nondiscrimination in all aspects of housing within its borders.

III. COMPLIANCE REPORTS AND INSPECTION OF RECORDS

It is further ORDERED that:

A. Within four (4) months after the entry of this decree, and every four (4) months thereafter for the period

for which this decree remains in force and effect, the Town shall serve on counsel for plaintiff a report containing the following information:

(1) Documentation of the Town's activities conducted pursuant to paragraph II(A) (3);

(2) Copies of all affirmative advertising placed pursuant to paragraph II(A) (8);

(3) A list of each private housing complex by project name, address, size (number of units), and developer to which the provisions of paragraph II(A) (5) have been applied;

(4) The name, address, and phone number of each developer of low and moderate-income housing who has applied to the Town for the incentives offered to such developers pursuant to paragraph II(A) (4), or who has inquired in writing for information regarding such incentives;

(5) A list of each multi-family P.A.D. complex of over Twenty (20) units by project name, address, size (number of units), and developer, approved by the Town's zoning authority.

B. The Town shall maintain and retain until the expiration of this decree any and all records which are the source of, or contain, any information pertinent to its responsibilities under this decree. The United States shall be permitted if

it deems it necessary to conduct inspections of such records to ascertain the Town's compliance with the provisions of this decree.

IV. RETENTION OF JURISDICTION AND DISSOLUTION

The Court shall retain jurisdiction of this case for purposes of observing compliance for a period of two years, it being understood that during such time the plaintiff shall have the right to move the Court for appropriate relief should the defendant be in violation of this decree.

This decree shall be dissolved by its own terms two years after its entry without the need for application or motion of counsel, and the Court shall thereafter be divested of jurisdiction as to this matter.

Nov. 17, 1982

M. Joseph Blumfeld
UNITED STATES DISTRICT JUDGE

The undersigned apply for and consent to the entry of this Order:

For the Defendant,
Town of Glastonbury

For the Plaintiff,
United States of America

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THE GLASTONBURY TOWN COUNCIL:

Henry A. Kinne
Henry A. Kinne, Chairman

Sonya F. Googins
Sonya F. Googins

George P. Adamson
George P. Adamson

Richmond Perley
Richmond Perley
Marcia Erley
Marcia Erley

Allen Pfeffer
Allen Pfeffer

Richard S. Borden Jr.
Richard S. Borden Jr., Town Manager

Walter J. Cusson
Walter J. Cusson
William E. Ferris
William E. Ferris
Lois A. Muraro
Lois A. Muraro

... While 2 Glastonbury Projects Lose Out

By KRISTINA GOODNOUGH
Courant Staff Writer

GLASTONBURY — Two separate housing projects failed to win federal rental subsidies from the Capitol Region Council of Governments' Housing Committee Tuesday.

The subsidies would have covered rents beyond what tenants could afford. An individual's subsidy covers a rent exceeding 25 percent of the renter's income.

One project, 74 units proposed for 12 acres on Pratt Street, was placed on a backup list to receive the subsidy if other approved projects fail to go forward, according to Karen Ferrer, CRCOG's director of hous-

ing and community development. However, she said it is unlikely the other projects won't proceed.

A second project, 170 townhouses proposed for 25 acres near Hebron Avenue and Addison Road, was turned down because of the size, Ferrer said. "We felt it was unreasonable for a suburb."

But Carl Payne of Harrisburg, Pa., who was proposing the 170-unit project, said that failure to win the subsidy will "kill" the project. Payne has an option on the land, which is owned by the Glastonbury Dyeing and Finishing Co.

"The option was conditioned on obtaining the subsidy," Payne said. "Without the subsidy, we have the right to terminate the option. I don't

want to be pinned down now, but there is a pretty good chance we will terminate it."

The smaller project had been proposed by Circle Co. of New Haven. The site is the same one selected three years ago by another developer for a 71-unit project, which was rejected by town officials.

Defeat of that project is generally considered to have been the catalyst for the federal government's contention that the town was willfully excluding poor families. In December the Justice Department sued the town over the question of discrimination.

Housing Committee members Tuesday expressed reluctance to subsidize a project on that site after

the rejection of the earlier project.

Robert Basine, attorney for the Circle Co., refused comment on the loss of the subsidy until he talked to his clients.

When the project was proposed earlier this month, Basine said that private housing was a possibility if the developers failed to receive the subsidy. A preliminary public hearing on the project is scheduled for April 15.

CRCOG had applications for more than three times the \$950,000 in subsidies available to it, Ferrer said.

The Housing Committee allocated subsidies to five projects, one in Enfield, one in Farmington, another in Manchester and two in Hartford.

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Also testifying for be former town Dire tagliata, a liberal De cy Carr, executive di chester Area Confer

Social psycholog Clark will testify the tion of hostility towai ers' the number of might otherwise mov For Manchester's closely watched cas to summon a host of

Hartford Courant April 1, 1981

3/15/83

Town To Submit Housing Report

Glastonbury Outlines Efforts to U.S. In Move Stemming From Bias Suit

By JAN TOMAS
Courant Correspondent

GLASTONBURY — Town Manager Richard S. Borden Jr. will send the U.S. Justice Department the town's first report Tuesday on its efforts to attract low- and moderate-priced housing.

The report will be very thin. "We're still organizing," Borden said last week. "We should be able to beef up the next reports."

The statement is the first in a two-year series of reports to be delivered to the Justice Department every four months under the terms of a consent decree the town signed Nov. 17, settling a Justice Department housing discrimination suit against Glastonbury.

The Justice Department charged the town has been guilty of racial bias in its housing and land-use policies. The suit was filed after the town rejected two proposals for low-income housing in 1978 and 1979.

In the decree, the town promised to encourage minority residents to move to the nearly all-white town and to assist developers of low-income or multi-family housing.

In its first report, the town will tell the Justice Department that it:

- Conducted a lottery in February to select two moderate-income buyers for new condominiums being offered at below-market rates under a new Planning and Zoning Commission policy. The condominiums will be sold for \$62,500, while the 21 other units in the development will be priced at more than \$70,000.

- Drew up a map of Glastonbury that designates areas that developers might consider for multi-family housing. The areas are close to commercial centers in the north and south parts of

town, where utilities are accessible.

- Adopted a resolution that welcomes minorities into the community and encourages developers to provide housing for low- and moderate-income families.

- Began a revision of the Planned Area of Development, which designates where high-density development is permitted. The revision would increase the number of areas where such development is possible.

- Discussed the possibility of offering tax abatements to induce development of low-priced or moderately priced housing. A tax abatement was given for a recently constructed elderly housing complex of 110 units.

- Organized three fair-housing workshops for developers, real estate agents and prospective renters or buyers. The workshops will be held in April.

The town says it has taken positive action on four of the five major requirements of the consent decree. It has not been able to attract developers of multi-family rental housing for moderate- or low-income people.

Although town officials feel pressured by the federal government to comply with the consent decree, they say such housing cannot be built until the economy improves. Federal housing subsidies for multi-family housing are practically non-existent, developers and planners say, and, without them, construction is economically unfeasible.

"If you could count the apartments built (excluding those for the elderly) in the last five years in the 25-town area around Hartford, you'd be astonished" how low it is, Kenith Leslie, the town

planner, said. "That's the key: Rental housing stock is not economically viable."

The town hasn't moved on the most difficult problem it must solve, changing its zoning to encourage low- and moderate-income housing development.

Town Council Chairman Henry Kinne said last week that controversy is sure to surround the action of a subcommittee of Town Council members and planning officials charged with revising density regulations.

Increasing density around the commercial centers "is about all we can do. We can't affect the market very much," Kinne said.

Kinne said one factor that might make it easier for residents to accept changes that would result in construction of low- and moderate-income housing is that all of those who move into that housing would not be from out of town. Many of those who need affordable housing are residents — young couples who grew up in town and now want to buy their own homes.

While town officials say they are committed to fair housing

that residents will accept for low-income housing.

There was considerable neighborhood opposition to development of 42 units of moderately priced condominiums in South Hollow. The Town Council approved the development the action was overturned in court.

Hartford Superior Court Judge Arnold Aronson ruled in December that the eight-acre project could not be developed because it had not been designated an area allowing high-density development.

There have been other instances in the past few years which residents have opposed high-density, moderately priced housing.

Residents have successfully opposed three housing proposals that would grant residents federal Section 8 rent subsidies would require the development of two projects that would have included single-family, moderately priced houses.

One project, Tara Hills, development of single-family housing for moderate-income people, approved and completed in

See Glastonbury, Page C2

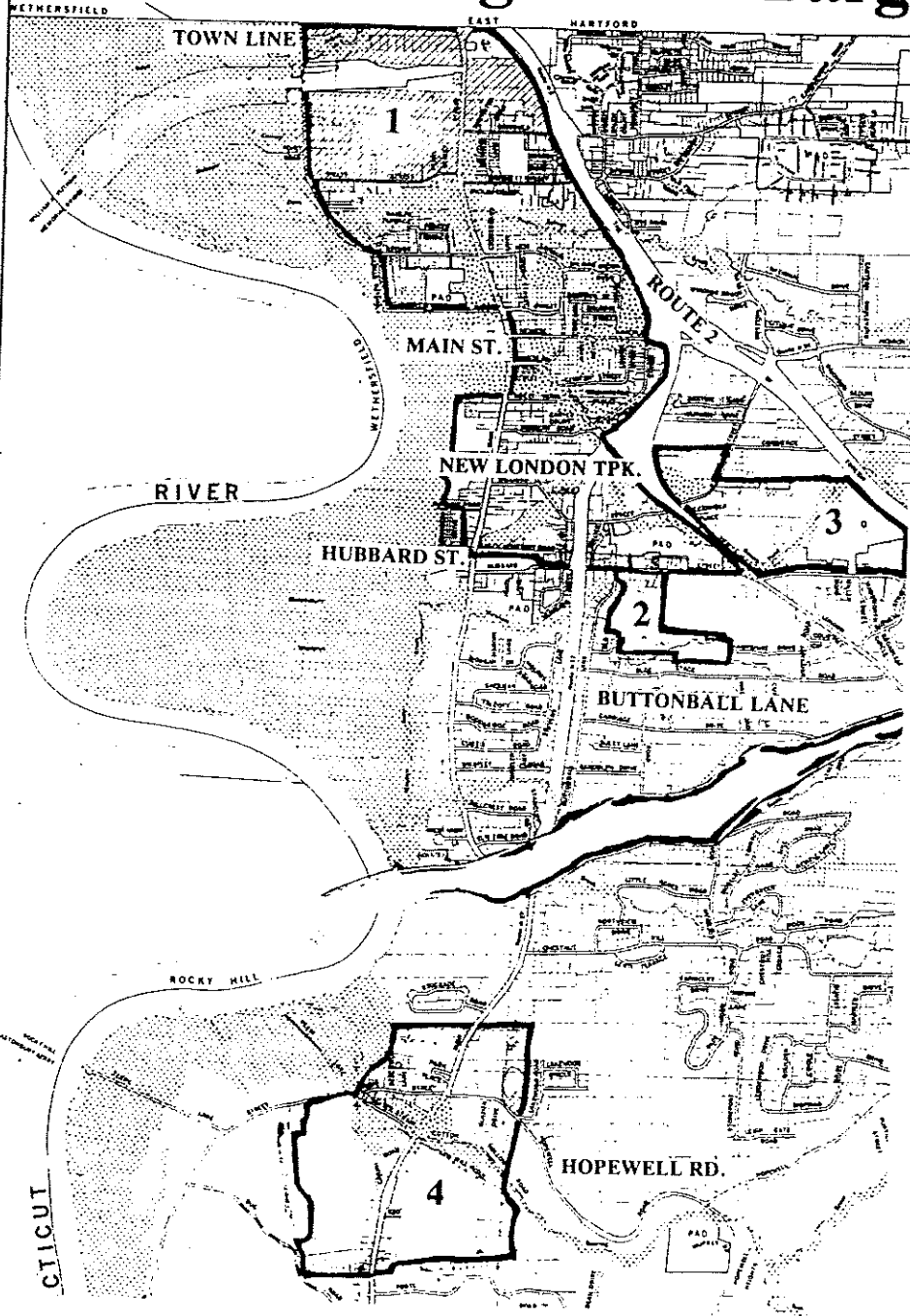
Courant

2/15/83

**TOWN OF GLASTONBURY,
CONN.**

In conjunction with the Town of Glastonbury's continuing policy of encouraging a variety of housing types, the town has identified and mapped several areas containing potential sites for the construction of multi-family rental housing for residents of all income levels. The town encourages all potential housing developers to contact the Glastonbury Community Development Office at 2155 Main St., Glastonbury, telephone 659-2711, ext. 216, to arrange for a review of the mapped sites, or to discuss a specific development proposal.

Housing Areas Targeted



Areas designated by the town as potentials for multi-family rental units are indicated above with heavy outlines. The largest of the four areas (1) is bounded on the north by the town line, on the east by New London Turnpike, on the south by Hubbard Street, and on the west by Main Street—including the Pezzente PAD—up to Welles Street, Phelps Street, and Naubuc Avenue.

The smaller area just below (2) covers acreage behind homes on Buttonball Lane and Olde Stage Road, cutting back around the high school to Hubbard Street.

The third area in the center (3) is bound on the west by New London Turnpike, on the south by Neipsic Road, on the east by Route 2, and north by Oak Street and a line near Commerce Street.

In South Glastonbury, the area (4) is designated along property lines rather than streets and is harder to define. It's bound on the north by Stockade Road homes, on the south by Foote Road homes, on the east in a north/south line just east of St. Augustine's Church property, and on the west by an uneven line from Dug Road north to Tryon Street and the Stockade line.

The town has developed a map showing several areas containing potential sites for multi-family rental housing for all income level residents. The map, and encouragement for developers to consider Glastonbury, is being circulated in area trade papers.

"Theoretically, we could draw a big circle around the town and say there are sites available," Town Manager Dick Borden explained. "What we have done is shown those areas where our present zoning indicates a possible higher density and where roads and utilities are in place."

There is to be no effort, Borden said, to designate specific sites. "If there's a for sale sign up, or if someone calls and asks us to pass the word along that his property is on the market, then we'll advise potential developers of those sites," Borden said. "But we would never indicate that so-and-so's property would be a good spot and urge the developer to go knocking on doors."

The purpose of the map is to carry out the spirit of the agreement reached with the U.S. Justice Department last December in the housing lawsuit settlement. The town stated that it would continue to encourage developers to construct lower and moderate income housing; the map and legal advertisements being placed are simply an emphasis of this point, Borden said.

The designated areas are taken directly from the existing zoning map, with no changes or additions, but the 'potential areas' could provide a surprise or two for those who live in those neighborhoods and aren't aware of the possible higher density provisions.

Any developer proposals made in response to this promotion will be given the same thorough review under existing regulations and zoning laws that all other proposals receive, Borden assures.

2/24/83

Glastonbury Citizen

HARTFORD COURANT

10-25-84

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