



General Assembly

Amendment

February Session, 2000

LCO No. 4838

Offered by:

REP. FLAHERTY, 8th Dist.

REP. GOOGINS, 31st Dist.

To: Subst. House Bill No. 5107

File No. 459

Cal. No. 364

***"An Act Implementing The Recommendations Of The
Blue Ribbon Commission To Study Affordable Housing
Regarding The Affordable Housing Appeals Procedure."***

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- 1 In line 1, before "Section 8-30g" insert "Section 1."
 - 2 In line 44, strike "fifty" and insert in lieu thereof "forty"
 - 3 In line 80, after "shall" insert ", within available appropriations,"
 - 4 In line 149, place an opening bracket in front of "(1)"
 - 5 In line 150, place a closing bracket after "(A)"
 - 6 In line 151, place brackets around the semi-colon after "record" and
 - 7 insert in lieu thereof a period
 - 8 Strike line 152 in its entirety and insert the following:
 - 9 "The commission shall also have the burden to prove, based upon
 - 10 the evidence in the record compiled before such commission, that (1)
 - 11 (A) the decision is necessary to protect"

- 12 In line 154, strike "(ii)" and insert in lieu thereof "(B)"
- 13 In line 155, strike "regional"
- 14 In line 155, strike "(iii)" and insert in lieu thereof "(C)"
- 15 In line 186, strike "within sixty-five days of" and insert in lieu
16 thereof "not later than sixty-five days after"
- 17 In line 260, after "after" insert "(A)"
- 18 In line 262, after "Journal" insert "or (B) after notice of a provisional
19 approval is published pursuant to subdivision (4) of this subsection"
- 20 In line 274, after "(4)" insert "(A)"
- 21 After line 280, insert the following:
- 22 "(B) A municipality may apply for a certificate of affordable housing
23 project completion pursuant to this subsection by applying in writing
24 to the commissioner, and including documentation showing that the
25 municipality has accumulated the required number of points within
26 the applicable time period. Such documentation shall include the
27 location of each dwelling unit being counted, the number of points
28 each dwelling unit has been assigned, and the reason, pursuant to this
29 subsection, for assigning such points to such dwelling unit. Upon
30 receipt of such application, the commissioner shall promptly cause a
31 notice of the filing of the application to be published in the Connecticut
32 Law Journal, stating that public comment on such application shall be
33 accepted by the commissioner for a period of thirty days after the
34 publication of such notice. Not later than ninety days after the receipt
35 of such application, the commissioner shall either approve or reject
36 such application. Such approval or rejection shall be accompanied by a
37 written statement of the reasons for approval or rejection, pursuant to
38 the provisions of this subsection. If the application is approved, the
39 commissioner shall promptly cause a certificate of affordable housing
40 project completion to be published in the Connecticut Law Journal. If
41 the commissioner fails to either approve or reject the application

42 within such ninety-day period, such application shall be deemed
43 provisionally approved, and the municipality may cause notice of such
44 provisional approval to be published in a conspicuous manner in a
45 daily newspaper having general circulation in the municipality, in
46 which case, such moratorium shall take effect upon such publication.
47 The municipality shall send a copy of such notice to the commissioner.
48 Such provisional approval shall remain in effect unless the
49 commissioner subsequently acts upon and rejects the application, in
50 which case the moratorium shall terminate upon notice to the
51 municipality by the commissioner."

52 In line 301, after "point." insert the following: "(F) A set-aside
53 development containing family units which are rental units shall be
54 awarded additional points equal to twenty-two per cent of the total
55 points awarded to such development, provided the application for
56 such development was filed with the commission prior to July 6, 1995."

57 In line 327, before "The" insert "(11)"

58 In line 328, after "shall" insert ", within available appropriations,"

59 In line 332, after "moratorium." insert the following:

60 "A municipality may apply for a moratorium in accordance with the
61 provisions of this subsection prior to, as well as after, such regulations
62 are adopted."

63 After line 332, insert the following:

64 "Sec. 2. (NEW) (a) As used in this section:

65 (1) "Residential property" means a single parcel of property on
66 which is situated a single-family residence or a multi-family building
67 in which the owner is an occupant;

68 (2) "Affordable housing deed restrictions" means deed restrictions
69 filed on the land records of the municipality, containing covenants or
70 restrictions that require such single-family residence or the dwelling

71 units in such multi-family building to be sold or rented only to persons
72 or families whose income is less than or equal to eighty per cent of the
73 area median income or the state median income, whichever is less, and
74 that shall constitute "affordable housing" within the meaning of section
75 8-39a of the general statutes;

76 (3) "Long term" means a time period no shorter in duration than the
77 minimum time period for affordability covenants or restrictions in
78 deeds pursuant to subsection (a) of section 8-30g of the general
79 statutes; and

80 (4) "Binding" means not subject to revocation, either by the owner or
81 a subsequent owner acting unilaterally, or by the owner or a
82 subsequent owner acting jointly with others, until the expiration of the
83 long-term deed restriction time period and enforceable for the
84 duration of the long-term deed restriction time period both by the
85 municipality and by any resident of the municipality.

86 (b) Any municipality may, by ordinance adopted by its legislative
87 body, provide property tax credits to owners of residential property
88 who place long-term, binding affordable housing deed restrictions on
89 such residential property in accordance with the provisions of this
90 section."