



General Assembly

February Session, 2002

Amendment

LCO No. 4332

HB0543404332HD0

Offered by:

REP. FLAHERTY, 8th Dist.
SEN. FINCH, 22nd Dist.
REP. MILLER, 122nd Dist.
REP. AMANN, 118th Dist.
SEN. SOMMA, 16th Dist.
REP. BOUCHER, 143rd Dist.
REP. ROY, 119th Dist.

REP. DICKMAN, 132nd Dist.
REP. ROWE, 123rd Dist.
REP. COLLINS, 117th Dist.
REP. HARKINS, 120th Dist.
SEN. SMITH, 14th Dist.
SEN. GUNTHER, 21st Dist.
SEN. MCKINNEY, 28th Dist.

To: Subst. House Bill No. 5434

File No. 261

Cal. No. 162

**"AN ACT CONCERNING THE AFFORDABLE HOUSING LAND USE
APPEALS PROCEDURE."**

1 Strike section 3 in its entirety and substitute the following in lieu
2 thereof:

3 "Sec. 3. Subsection (k) of section 8-30g of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2002*):

6 (k) Notwithstanding the provisions of subsections (a) to (j),
7 inclusive, of this section, the affordable housing appeals procedure
8 established under this section shall not be available if the real property
9 which is the subject of the application is located in a municipality in

10 which at least ten per cent of all dwelling units in the municipality are
11 (1) assisted housing, or (2) currently financed by Connecticut Housing
12 Finance Authority mortgages, or (3) subject to binding recorded deeds
13 containing covenants or restrictions which require that such dwelling
14 units be sold or rented at, or below, prices which will preserve the
15 units as housing for which persons and families pay thirty per cent or
16 less of income, where such income is less than or equal to eighty per
17 cent of the median income, or (4) mobile manufactured homes located
18 in mobile manufactured home parks or legally-approved accessory
19 apartments, which homes or apartments are subject to binding
20 recorded deeds containing covenants or restrictions which require that
21 such dwelling units be sold or rented at, or below, prices which will
22 preserve the units as housing for which, for a period of not less than
23 ten years, persons and families pay thirty per cent or less of income,
24 where such income is less than or equal to eighty per cent of the
25 median income. The Commissioner of Economic and Community
26 Development shall, pursuant to regulations adopted under the
27 provisions of chapter 54, promulgate a list of municipalities which
28 satisfy the criteria contained in this subsection and shall update such
29 list not less than annually. For the purpose of determining the
30 percentage required by this subsection, the commissioner shall use as
31 the denominator the number of dwelling units in the municipality, as
32 reported in the most recent United States decennial census. As used in
33 this subsection, "accessory apartment" means a separate living unit
34 that (A) is attached to the main living unit of a house, which house has
35 the external appearance of a single-family residence, (B) has a full
36 kitchen, (C) has a square footage that is not more than thirty per cent of
37 the total square footage of the house, (D) has an internal doorway
38 connecting to the main living unit of the house, (E) is not billed
39 separately from such main living unit for utilities, and (F) complies
40 with the building code and health and safety regulations.

41 Sec. 4. Section 8-30g of the general statutes is amended by adding
42 subsection (m) as follows (*Effective October 1, 2002*):

43 (NEW) (m) The commissioner shall, pursuant to regulations

44 adopted in accordance with the provisions of chapter 54, promulgate
45 model deed restrictions which satisfy the requirements of this section.
46 A municipality may waive any fee which would otherwise be required
47 for the filing of any long-term affordability deed restriction on the land
48 records."