



General Assembly

**Amendment**

January Session, 2005

LCO No. 5915

\*HB0643105915HRO\*

Offered by:

REP. MILLER, 122<sup>nd</sup> Dist.

REP. ROWE, 123<sup>rd</sup> Dist.

REP. HARKINS, 120<sup>th</sup> Dist.

REP. BIELAWA, 2<sup>nd</sup> Dist.

To: House Bill No. 6431

File No. 362

Cal. No. 290

**"AN ACT CONCERNING THE DISPOSAL OF HOUSING  
PROJECTS BY HOUSING AUTHORITIES."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsection (g) of section 8-30g of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective*  
5 *October 1, 2005*):

6 (g) Upon an appeal taken under subsection (f) of this section, the  
7 burden shall be on the commission to prove, based upon the evidence  
8 in the record compiled before such commission that the decision from  
9 which such appeal is taken and the reasons cited for such decision are  
10 supported by sufficient evidence in the record. The commission shall  
11 also have the burden to prove, based upon the evidence in the record  
12 compiled before such commission, that (1) (A) the decision is necessary

13 to protect substantial public interests in (i) health including, but not  
14 limited to, water supply and sewage disposal, (ii) safety, [or]  
15 including, but not limited to, fire detectors, fire suppression systems,  
16 and accessibility of town fire equipment needed for buildings of more  
17 than two stories within the development, and (iii) other matters which  
18 the commission may legally consider, including, but not limited to, the  
19 height of buildings within the development relative to other buildings  
20 on properties adjoining the development, and the impact of the  
21 development on school and other public works construction projects  
22 that will be necessary to accommodate the development; (B) such  
23 public interests clearly outweigh the need for affordable housing; and  
24 (C) such public interests cannot be protected by reasonable changes to  
25 the affordable housing development, or (2) (A) the application which  
26 was the subject of the decision from which such appeal was taken  
27 would locate affordable housing in an area which is zoned for  
28 industrial use and which does not permit residential uses, and (B) the  
29 development is not assisted housing, as defined in subsection (a) of  
30 this section. If the commission does not satisfy its burden of proof  
31 under this subsection, the court shall wholly or partly revise, modify,  
32 remand or reverse the decision from which the appeal was taken in a  
33 manner consistent with the evidence in the record before it."