



16 thereof if the commissioner finds, after a public hearing, that (1) the  
17 sale, lease, transfer or [destruction] demolition is in the best interest of  
18 the state, [and the municipality] the housing authority or nonprofit  
19 corporation or municipal developer in which the [project]  
20 development is located, (2) [an adequate] the supply of low or  
21 moderate income rental housing [exists] existing in the municipality in  
22 which the [project] development is located is sufficient to house any  
23 existing tenant who is displaced by the sale, lease, transfer or  
24 demolition, (3) the housing authority or nonprofit corporation or  
25 municipal developer has developed a plan for the sale, lease, transfer  
26 or [destruction] demolition of such [project] development or portion  
27 thereof in consultation with the residents of such [project]  
28 development and representatives of the municipality in which such  
29 [project] development is situated and has made adequate provision for  
30 said residents' and representatives' participation in such plan, and (4)  
31 any person who is displaced as a result of the sale, lease, transfer or  
32 [destruction] demolition will be relocated to a comparable dwelling  
33 unit of public or subsidized housing in the same or, with the consent of  
34 such person, another municipality or will receive a tenant-based rental  
35 subsidy and will receive relocation assistance under chapter 135. [The  
36 commissioner shall consider the extent to which the housing units  
37 which are to be sold, leased, transferred or destroyed will be replaced  
38 in ways which]

39 (b) (1) In addition to the requirements of subsection (a) of this  
40 section, if a plan will result in a reduction of units or a reduction in  
41 residential floor area of a housing development or portion thereof, the  
42 commissioner may approve the plan only if the commissioner finds,  
43 after the public hearing required by subsection (a) of this section, that  
44 (A) the reduction in the number of housing units or in the residential  
45 floor area in a housing development or portion thereof is de minimis;  
46 or (B) the reduction of units in the housing development or portion  
47 thereof results solely from the combination of two or more units for the  
48 purpose of creating larger units or handicapped-accessible units; or (C)  
49 the sale, lease, transfer or demolition will not reduce the amount of

50 total residential floor space in the housing development or portion  
51 thereof previously available for low or moderate income housing,  
52 provided that any on or off-site replacement housing units which are  
53 not rental housing will be restricted to low or moderate income use for  
54 a period of not less than thirty years and that the number of units  
55 which are not rental housing shall be not more than twenty-five per  
56 cent of the replacement housing units, except in distressed  
57 municipalities as defined in section 32-9p; or (D) the number of  
58 replacement housing units, on or off-site, is not less than the greater of  
59 (i) the number of occupied and vacant units in the development or  
60 portion thereof, or (ii) the most number of units in the development or  
61 portion thereof that were occupied at any time during the twenty-four  
62 months prior to the date of the board resolution authorizing the  
63 housing authority to proceed with the sale, lease, transfer or  
64 demolition of the housing development or portion thereof; or (E) there  
65 exists a pending or imminent threat of financial default or bankruptcy.  
66 In determining whether or not to approve a plan for a housing  
67 development or portion thereof which complies with the requirements  
68 of subsection (a) of this section and this subsection, the commissioner  
69 shall consider and shall make findings on the extent to which (i) the  
70 housing authority, nonprofit corporation or municipal developer has  
71 made good faith efforts to devise a plan which replaces all such  
72 housing units in the housing development or portion thereof; (ii) the  
73 plan in fact minimizes the loss of such housing units in the housing  
74 development or portion thereof to the greatest extent reasonably  
75 practicable in light of all surrounding circumstances, including an  
76 imminent threat of bankruptcy; and (iii) the income limits of the  
77 replacement housing do not exceed the programmatic income limits of  
78 the housing being sold, leased, transferred or demolished.  
79 Replacement housing may include, [but need not be limited to,] newly  
80 constructed housing, rehabilitation of rental or ownership housing  
81 which is abandoned or has been vacant for at least one year, or new  
82 federal, state or local tenant-based or project-based rental subsidies.  
83 Replacement housing may be located either in the municipality in  
84 which the development is located or in any other municipalities within

85 a thirty-five mile radius, which have a lower federal poverty level than  
86 the municipality in which the development is located.

87 (2) For the purposes of this section, a reduction in the number of  
88 housing units is de minimis if it will (A) result in the conversion of no  
89 more than five units to beneficial uses, such as a community center, a  
90 day care center or other ancillary uses, or (B) result in the loss of no  
91 more than five per cent of the housing units or five per cent of the  
92 residential floor area in the development or portion thereof, whichever  
93 is greater.

94 (c) (1) The commissioner shall give the residents of the housing  
95 [project] development or portion thereof which is to be sold, leased,  
96 transferred or [destroyed] demolished written notice of said public  
97 hearing by first class mail not less than [ninety] thirty days before the  
98 date of the hearing. [Said] The housing authority, nonprofit  
99 corporation or municipal developer shall provide the commissioner  
100 with a list of the addresses of all residents of such housing  
101 development or portion thereof not more than ten days after the  
102 commissioner makes a request for the list.

103 (2) Any other person may receive notice of hearings under this  
104 section upon registration with the commissioner. The commissioner  
105 shall provide each such person with the same advance written notice  
106 of each public hearing as is provided to residents. Notice under this  
107 subdivision shall not provide such persons with any standing relative  
108 to the public hearing for the affected tenants and any comments made  
109 will not be considered by the commissioner in his decision.

110 (d) Any written approval or denial issued by the commissioner for  
111 the sale, lease, transfer or demolition of such housing development or  
112 portion thereof shall contain a statement of facts supporting the  
113 findings of the commissioner.

114 (e) (1) Each housing authority, nonprofit corporation or municipal  
115 developer which has received approval of a plan for such housing

116 development or portion thereof under this section shall submit a  
117 report, semiannually, to the commissioner and the tenants until the  
118 plan has been fully implemented. Such report shall be in narrative  
119 form and shall outline the progress in implementing the approved  
120 plan. Reports shall be due on or before July fifteenth and January  
121 fifteenth and shall cover the previous six months.

122 (2) The housing authority, nonprofit corporation or municipal  
123 developer shall notify the commissioner prior to any proposed change  
124 during implementation of the plan that reduces the total number of  
125 units or total residential floor area. No such change shall be  
126 implemented without the approval of the commissioner in accordance  
127 with all provisions of subsections (a) to (d), inclusive, of this section  
128 and, in the discretion of the commissioner, may result in withdrawal of  
129 the commissioner's approval.

130 (f) The commissioner shall maintain a list, by development address  
131 and number of units, of units that are sold, leased, transferred or  
132 demolished under this section.

133 (g) This section shall not apply to the sale, lease, transfer or  
134 [destruction] demolition of a housing [project] development pursuant  
135 to the terms of any contract entered into before June 3, 1988. This  
136 section shall not apply to phase I of Father Panik Village in Bridgeport,  
137 Elm Haven in New Haven, Pequonock Gardens Project in Bridgeport,  
138 Evergreen Apartments in Bridgeport, Quinnipiac Terrace/Riverview  
139 in New Haven, Dutch Point in Hartford, Southfield Village in  
140 Stamford and, upon approval by the United States Department of  
141 Housing and Urban Development of a HOPE VI revitalization  
142 application and a revitalization plan that includes at least the one-for-  
143 one replacement of low and moderate income units, Fairfield Court in  
144 Stamford. This section shall not apply to a sale, lease, transfer or  
145 demolition of a housing development by a housing authority,  
146 nonprofit corporation or municipal developer pursuant to a  
147 revitalization application and a revitalization plan filed with and  
148 approved by the United States Department of Housing and Urban

149 Development under the revitalization provisions of the HOPE VI  
150 program or successor revitalization programs or other similar  
151 programs.

152 (h) Nothing in this section shall be construed to require any housing  
153 authority, nonprofit corporation or municipal developer which  
154 reduced housing units or residential floor area prior to April 1, 2004, to  
155 include such units or residential floor area in any application  
156 submitted under this section, provided such reduction of units or  
157 residential floor area was undertaken pursuant to an approval issued  
158 by the United States Department of Housing and Urban Development  
159 or by the state Department of Economic and Community Development  
160 or its predecessor, it being the intention of this subsection to deem  
161 such approvals to have been granted in substantial compliance with  
162 this section.

163 (i) Nothing in this section shall supersede any municipal ordinance  
164 or other requirement that requires a greater number of replacement  
165 units than is required by this section, and any housing authority,  
166 nonprofit corporation or municipal developer affected by such an  
167 ordinance or other requirement shall comply with such ordinance or  
168 requirement and with this section. Any municipality which enacts  
169 such an ordinance shall be solely responsible for funding the  
170 implementation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	8-64a

**HSG**

**Joint Favorable C/R**

**PD**