



General Assembly

Amendment

January Session, 2007

LCO No. 9449

HB0743409449HRO

Offered by:
REP. MILLER, 122nd Dist.

To: House Bill No. 7434 File No. Cal. No. 732
**"AN ACT CONCERNING ECONOMIC DEVELOPMENT AND JOB
CREATION."**

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4 repealed and the following is substituted in lieu thereof (*Effective*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."