



General Assembly

January Session, 2007

Amendment

LCO No. 9453

HB0743409453HRO

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 (l) of section 8-30g of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective from*
5 *passage*):

6 (l) (1) 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 applicable to an affordable
9 housing application filed with a commission during a moratorium,
10 which shall be the three-year period after (A) a certification of
11 affordable housing project completion issued by the commissioner is
12 published in the Connecticut Law Journal, or (B) after notice of a
13 provisional approval is published pursuant to subdivision (4) of this
14 subsection.

15 (2) Notwithstanding the provisions of this subsection, such

16 moratorium shall not apply to (A) affordable housing applications for
17 assisted housing in which ninety-five per cent of the dwelling units are
18 restricted to persons and families whose income is less than or equal to
19 sixty per cent of median income, (B) other affordable housing
20 applications for assisted housing containing forty or fewer dwelling
21 units, or (C) affordable housing applications which were filed with a
22 commission pursuant to this section prior to the date upon which the
23 moratorium takes effect.

24 (3) Eligible units completed after a moratorium has begun may be
25 counted toward establishing eligibility for a subsequent moratorium.

26 (4) (A) The commissioner shall issue a certificate of affordable
27 housing project completion for the purposes of this subsection upon
28 finding that there has been completed within the municipality one or
29 more affordable housing developments which create housing unit-
30 equivalent points equal to the greater of two per cent of all dwelling
31 units in the municipality, as reported in the most recent United States
32 decennial census, or seventy-five housing unit-equivalent points.

33 (B) A municipality may apply for a certificate of affordable housing
34 project completion pursuant to this subsection by applying in writing
35 to the commissioner, and including documentation showing that the
36 municipality has accumulated the required number of points within
37 the applicable time period. Such documentation shall include the
38 location of each dwelling unit being counted, the number of points
39 each dwelling unit has been assigned, and the reason, pursuant to this
40 subsection, for assigning such points to such dwelling unit. Upon
41 receipt of such application, the commissioner shall promptly cause a
42 notice of the filing of the application to be published in the Connecticut
43 Law Journal, stating that public comment on such application shall be
44 accepted by the commissioner for a period of thirty days after the
45 publication of such notice. Not later than ninety days after the receipt
46 of such application, the commissioner shall either approve or reject
47 such application. Such approval or rejection shall be accompanied by a
48 written statement of the reasons for approval or rejection, pursuant to

49 the provisions of this subsection. If the application is approved, the
50 commissioner shall promptly cause a certificate of affordable housing
51 project completion to be published in the Connecticut Law Journal. If
52 the commissioner fails to either approve or reject the application
53 within such ninety-day period, such application shall be deemed
54 provisionally approved, and the municipality may cause notice of such
55 provisional approval to be published in a conspicuous manner in a
56 daily newspaper having general circulation in the municipality, in
57 which case, such moratorium shall take effect upon such publication.
58 The municipality shall send a copy of such notice to the commissioner.
59 Such provisional approval shall remain in effect unless the
60 commissioner subsequently acts upon and rejects the application, in
61 which case the moratorium shall terminate upon notice to the
62 municipality by the commissioner.

63 (5) For purposes of this subsection, "elderly units" are dwelling units
64 whose occupancy is restricted by age and "family units" are dwelling
65 units whose occupancy is not restricted by age.

66 (6) For purposes of this subsection, housing unit-equivalent points
67 shall be determined by the commissioner as follows: (A) No points
68 shall be awarded for a unit unless its occupancy is restricted to persons
69 and families whose income is equal to or less than eighty per cent of
70 median income, except that unrestricted units in a set-aside
71 development shall be awarded one-fourth point each. (B) Family units
72 restricted to persons and families whose income is equal to or less than
73 eighty per cent of median income shall be awarded one point if an
74 ownership unit and one and one-half points if a rental unit. (C) Family
75 units restricted to persons and families whose income is equal to or
76 less than sixty per cent of median income shall be awarded one and
77 one-half points if an ownership unit and two points if a rental unit. (D)
78 Family units restricted to persons and families whose income is equal
79 to or less than forty per cent of median income shall be awarded two
80 points if an ownership unit and two and one-half points if a rental
81 unit. (E) Elderly units restricted to persons and families whose income
82 is equal to or less than eighty per cent of median income shall be

83 awarded one-half point. (F) A set-aside development containing family
84 units which are rental units shall be awarded additional points equal
85 to twenty-two per cent of the total points awarded to such
86 development, provided the application for such development was filed
87 with the commission prior to July 6, 1995. (G) Each unit in an
88 affordable housing development that has a property line within two
89 hundred fifty feet of an interstate highway or a limited access state
90 highway, shall be awarded one-half point.

91 (7) Points shall be awarded only for dwelling units which were (A)
92 newly-constructed units in an affordable housing development, as that
93 term was defined at the time of the affordable housing application, for
94 which a certificate of occupancy was issued after July 1, 1990, or (B)
95 newly subjected after July 1, 1990, to deeds containing covenants or
96 restrictions which require that, for at least the duration required by
97 subsection (a) of this section for set-aside developments on the date
98 when such covenants or restrictions took effect, such dwelling units
99 shall be sold or rented at, or below, prices which will preserve the
100 units as affordable housing for persons or families whose income does
101 not exceed eighty per cent of median income.

102 (8) Points shall be subtracted, applying the formula in subdivision
103 (6) of this subsection, for any affordable dwelling unit which, on or
104 after July 1, 1990, was affected by any action taken by a municipality
105 which caused such dwelling unit to cease being counted as an
106 affordable dwelling unit.

107 (9) A newly-constructed unit shall be counted toward a moratorium
108 when it receives a certificate of occupancy. A newly-restricted unit
109 shall be counted toward a moratorium when its deed restriction takes
110 effect.

111 (10) The affordable housing appeals procedure shall be applicable to
112 affordable housing applications filed with a commission after a three-
113 year moratorium expires, except (A) as otherwise provided in
114 subsection (k) of this section, or (B) when sufficient unit-equivalent

115 points have been created within the municipality during one
116 moratorium to qualify for a subsequent moratorium.

117 (11) The commissioner shall, within available appropriations, adopt
118 regulations in accordance with chapter 54 to carry out the purposes of
119 this subsection. Such regulations shall specify the procedure to be
120 followed by a municipality to obtain a moratorium, and shall include
121 the manner in which a municipality is to document the units to be
122 counted toward a moratorium. A municipality may apply for a
123 moratorium in accordance with the provisions of this subsection prior
124 to, as well as after, such regulations are adopted."