



General Assembly

**Amendment**

January Session, 2009

LCO No. 6140

\*SB0100306140SRO\*

Offered by:  
SEN. DEBICELLA, 21<sup>st</sup> Dist.

To: Subst. Senate Bill No. 1003      File No. 697      Cal. No. 493

**"AN ACT CONCERNING AFFIRMATIVE ACTION PLANS, HOUSING  
DISCRIMINATION AND ATTORNEY'S FEES."**

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

3      "Sec. 501. Section 8-37ff of the general statutes is repealed and the  
4      following is substituted in lieu thereof (*Effective from passage*):

5      Not later than July 1, 2006, the Department of Economic and  
6      Community Development shall develop and maintain a  
7      comprehensive inventory of all assisted housing [, as defined in section  
8      8-30g,] in the state. The inventory shall identify all existing assisted  
9      rental units by type and funding source, and include, but not be  
10     limited to, information on tenant eligibility, rents charged, available  
11     subsidies, occupancy and vacancy rates, waiting lists and accessibility  
12     features. In order to assist the department in the completion of the  
13     inventory, all owners of such housing units, both public and private,  
14     shall report accessible housing units to the database established and  
15     maintained under section 8-119x.

16 Sec. 502. Subsection (a) of section 12-81bb of the general statutes is  
17 repealed and the following is substituted in lieu thereof (*Effective from*  
18 *passage*):

19 (a) As used in this section:

20 (1) "Residential property" means a single parcel of property on  
21 which is situated a single-family residence or a multi-family building;

22 (2) "Affordable housing deed restrictions" means deed restrictions  
23 filed on the land records of the municipality, containing covenants or  
24 restrictions that require such single-family residence or the dwelling  
25 units in such multi-family building to be sold or rented only to persons  
26 or families whose income is less than or equal to eighty per cent of the  
27 area median income or the state median income, whichever is less, and  
28 that shall constitute "affordable housing" within the meaning of section  
29 8-39a;

30 (3) "Long term" means a time period no shorter in duration than [the  
31 minimum time period for affordability covenants or restrictions in  
32 deeds pursuant to subsection (a) of section 8-30g] forty years; and

33 (4) "Binding" means not subject to revocation, either by the owner or  
34 a subsequent owner acting unilaterally, or by the owner or a  
35 subsequent owner acting jointly with others, until the expiration of the  
36 long-term deed restriction time period and enforceable for the  
37 duration of the long-term deed restriction time period both by the  
38 municipality and by any resident of the municipality.

39 Sec. 503. Section 32-1m of the general statutes is repealed and the  
40 following is substituted in lieu thereof (*Effective from passage*):

41 (a) Not later than February 1, 2006, and annually thereafter, the  
42 Commissioner of Economic and Community Development shall  
43 submit a report to the Governor and the General Assembly, in  
44 accordance with the provisions of section 11-4a. Not later than thirty  
45 days after submission of the report to the Governor and the General

46 Assembly, said commissioner shall post the report on the Department  
47 of Economic and Community Development's web site. Said report  
48 shall include, but not be limited to, the following information with  
49 regard to the activities of the Department of Economic and  
50 Community Development during the preceding state fiscal year:

51 (1) A brief description and assessment of the state's economy during  
52 such year, utilizing the most recent and reasonably available data, and  
53 including:

54 (A) Connecticut employment by industry;

55 (B) Connecticut and national average unemployment;

56 (C) Connecticut gross state product, by industry;

57 (D) Connecticut productivity, by industry, compared to the national  
58 average;

59 (E) Connecticut manufacturing activity;

60 (F) Identification of economic and competitive conditions affecting  
61 Connecticut's industry sectors, problems resulting from these  
62 conditions and state efforts to address the problems; and

63 (G) Any other economic information that the commissioner deems  
64 appropriate.

65 (2) A statement of the department's economic and community  
66 development objectives, measures of program success and standards  
67 for granting financial and nonfinancial assistance under programs  
68 administered by the department.

69 (3) An analysis of the economic development portfolio of the  
70 department, including:

71 (A) A list of the names, addresses and locations of all recipients of  
72 the department's assistance;

73 (B) The following information concerning each recipient of such  
74 assistance: (i) Business activities, (ii) standard industrial classification  
75 codes or North American industrial classification codes, (iii) number of  
76 full-time jobs and part-time jobs at the time of application, (iv) number  
77 of actual full-time jobs and actual part-time jobs during the preceding  
78 state fiscal year, (v) whether the recipient is a minority or woman-  
79 owned business, (vi) a summary of the terms and conditions for the  
80 assistance, including the type and amount of state financial assistance,  
81 job creation or retention requirements and anticipated wage rates, (vii)  
82 the amount of investments from private and other nonstate sources  
83 that have been leveraged by the assistance, (viii) the extent to which  
84 employees of the recipient participate in health benefit plans offered  
85 by such recipient, (ix) the extent to which the recipient offers unique  
86 economic, social, cultural or aesthetic attributes to the municipality in  
87 which the recipient is located or to the state, and (x) the amount of  
88 state investment;

89 (C) A portfolio analysis, including (i) an analysis of the wages paid  
90 by recipients of financial assistance, (ii) the average portfolio wage,  
91 median portfolio wage, highest and lowest portfolio wage, (iii)  
92 portfolio wage data by industry, and (iv) portfolio wage data by  
93 municipality;

94 (D) An investment analysis, including (i) total portfolio value, (ii)  
95 total investment by industry, (iii) portfolio dollar per job average, (iv)  
96 portfolio leverage ratio, and (v) percentage of financial assistance  
97 which was provided to high performance work organizations in the  
98 preceding state fiscal year; and

99 (E) An analysis of the estimated economic effects of the  
100 department's economic development investments on the state's  
101 economy, including (i) contribution to gross state product for the total  
102 economic development portfolio and for any investment activity  
103 occurring in the preceding state fiscal year, (ii) direct and indirect  
104 employment created by the investments for the total portfolio and for  
105 any investment activity occurring in the preceding state fiscal year, (iii)

106 productivity of recipients of financial assistance as a result of the  
107 department's investment occurring in the preceding state fiscal year,  
108 (iv) directly or indirectly increased property values in the  
109 municipalities in which the recipients of assistance are located, and (v)  
110 personal income.

111 (4) An analysis of the community development portfolio of the  
112 department, including:

113 (A) A list of the names, addresses and locations of all recipients of  
114 the department's assistance;

115 (B) The following information concerning each recipient of such  
116 assistance: (i) Amount of state investment, (ii) a summary of the terms  
117 and conditions for the department's assistance, including the type and  
118 amount of state financial assistance, and (iii) the amount of  
119 investments from private and other nonstate sources that have been  
120 leveraged by such assistance;

121 (C) An investment analysis, including (i) total active portfolio value,  
122 (ii) total investments made in the preceding state fiscal year, (iii) total  
123 portfolio by municipality, (iv) total investments made in the preceding  
124 state fiscal year categorized by municipality, (v) total portfolio  
125 leverage ratio, and (vi) leverage ratio of the total investments made in  
126 the preceding state fiscal year; and

127 (D) An analysis of the estimated economic effects of the  
128 department's economic development investments on the state's  
129 economy, including (i) contribution to gross state product for the total  
130 portfolio and for any investment activity occurring in the preceding  
131 state fiscal year, (ii) direct and indirect employment created by the  
132 investments for the total portfolio and for any investment activity  
133 occurring in the preceding state fiscal year, (iii) productivity of  
134 recipients of financial assistance as a result of the department's  
135 investment occurring in the preceding state fiscal year, (iv) directly or  
136 indirectly increased property values in the municipalities in which the  
137 recipients are located, and (v) personal income.

138 (5) A summary of the department's economic and community  
139 development marketing efforts in the preceding state fiscal year, a  
140 summary of the department's business recruitment strategies and  
141 activities in such year, and a summary of the department's efforts to  
142 assist small businesses and minority business enterprises in such year.

143 (6) A summary of the department's international trade efforts in the  
144 preceding state fiscal year, and, to the extent possible, a summary of  
145 foreign direct investment that occurred in the state in such year.

146 (7) Identification of existing economic clusters, the formation of new  
147 economic clusters, the measures taken by the commissioner during the  
148 preceding state fiscal year to encourage the growth of economic  
149 clusters and the amount of bond funds expended by the department  
150 during the previous fiscal year on each economic cluster.

151 (8) (A) A summary of the department's brownfield-related efforts  
152 and activities within the Office of Brownfield Remediation and  
153 Development established pursuant to subsections (a) to (f), inclusive,  
154 of section 32-9cc in the preceding state fiscal year, except for activity  
155 under the Special Contaminated Property Remediation and Insurance  
156 Fund program. Such efforts shall include, but not be limited to, (i) total  
157 portfolio investment in brownfield remediation projects, (ii) total  
158 investment in brownfield remediation projects in the preceding state  
159 fiscal year, (iii) total number of brownfield remediation projects, (iv)  
160 total number of brownfield remediation projects in the preceding state  
161 fiscal year, (v) total of reclaimed and remediated acreage, (vi) total of  
162 reclaimed and remediated acreage in the preceding state fiscal year,  
163 (vii) leverage ratio for the total portfolio investment in brownfield  
164 remediation projects, and (viii) leverage ratio for the total portfolio  
165 investment in brownfield remediation projects in the preceding state  
166 fiscal year. Such summary shall include a list of such brownfield  
167 remediation projects and, for each such project, the name of the  
168 developer and the location by street address and municipality and a  
169 tracking of all funds administered through or by said office;

170 (B) A summary of the department's efforts with regard to the  
171 Special Contaminated Property Remediation and Insurance Fund,  
172 including, but not limited to, (i) the number of applications received in  
173 the preceding state fiscal year, (ii) the number and amounts of loans  
174 made in such year, (iii) the names of the applicants for such loans, (iv)  
175 the average time period between submission of application and the  
176 decision to grant or deny the loan, (v) a list of the applications  
177 approved and the applications denied and the reasons for such  
178 denials, and (vi) for each project, the location by street address and  
179 municipality; and

180 (C) A summary of the department's efforts with regard to the dry  
181 cleaning grant program, established pursuant to section 12-263m,  
182 including, but not limited to, (i) information as to the number of  
183 applications received, (ii) the number and amounts of grants made  
184 since the inception of the program, (iii) the names of the applicants,  
185 (iv) the time period between submission of application and the  
186 decision to grant or deny the loan, (v) which applications were  
187 approved and which applications were denied and the reasons for any  
188 denials, and (vi) a recommendation as to whether the surcharge and  
189 grant program established pursuant to section 12-263m should  
190 continue.

191 (9) The following information concerning enterprise zones  
192 designated under section 32-70:

193 (A) A statement of the current goals for enterprise zones;

194 (B) A statement of the current performance standards to measure  
195 the progress of municipalities that have enterprise zones in attaining  
196 the goals for such zones;

197 (C) A report from each municipality that has an enterprise zone,  
198 which evaluates the progress of the municipality in meeting the  
199 performance standards established under section 32-70a; and

200 (D) An assessment of the performance of each enterprise zone based

201 on information collected under subparagraph (C) of this subdivision.

202 (10) With regard to the department's housing-development-related  
203 functions and activities:

204 (A) A brief description and assessment of the state's housing market  
205 during the preceding state fiscal year, utilizing the most recent and  
206 reasonably available data, and including, but not limited to, (i) a brief  
207 description of the significant characteristics of such market, including  
208 supply, demand and condition and cost of housing, and (ii) any other  
209 information that the commissioner deems appropriate;

210 (B) A comprehensive assessment of current and future needs for  
211 rental assistance under section 8-119kk for housing projects for the  
212 elderly and disabled, in consultation with the Connecticut Housing  
213 Finance Authority;

214 (C) An analysis of the progress of the public and private sectors  
215 toward meeting housing needs in the state, using building permit data  
216 from the United States Census Bureau and demolition data from  
217 Connecticut municipalities; and

218 [(D) A list of municipalities that meet the affordable housing criteria  
219 set forth in subsection (k) of section 8-30g, pursuant to regulations that  
220 the Commissioner of Economic and Community Development shall  
221 adopt pursuant to the provisions of chapter 54. For the purpose of  
222 determining the percentage required by subsection (k) of said section  
223 8-30g, the commissioner shall use as the denominator the number of  
224 dwelling units in the municipality, as reported in the most recent  
225 United States decennial census; and]

226 [(E)] (D) A statement of the department's housing development  
227 objectives, measures of program success and standards for granting  
228 financial and nonfinancial assistance under programs administered by  
229 said commissioner.

230 (11) A presentation of the state-funded housing development

231 portfolio of the department, including:

232 (A) A list of the names, addresses and locations of all recipients of  
233 such assistance; and

234 (B) For each such recipient, (i) a summary of the terms and  
235 conditions for the assistance, including the type and amount of state  
236 financial assistance, (ii) the amount of investments from private and  
237 other nonstate sources that have been leveraged by the assistance, (iii)  
238 the number of new units to be created and the number of units to be  
239 preserved at the time of the application, and (iv) the number of actual  
240 new units created and number of units preserved.

241 (12) An analysis of the state-funded housing development portfolio  
242 of the department, including:

243 (A) An investment analysis, including the (i) total active portfolio  
244 value, (ii) total investment made in the preceding state fiscal year, (iii)  
245 portfolio dollar per new unit created, (iv) estimated dollars per new  
246 unit created for projects receiving an assistance award in the preceding  
247 state fiscal year, (v) portfolio dollars per unit preserved, (vi) estimated  
248 dollar per unit preserved for projects receiving an assistance award in  
249 the preceding state fiscal year, (vii) portfolio leverage ratio, and (viii)  
250 leverage ratio for housing development investments made in the  
251 preceding state fiscal year; and

252 (B) A production and preservation analysis, including (i) the total  
253 number of units created, itemized by municipality, for the total  
254 portfolio and projects receiving an assistance award in the preceding  
255 state fiscal year, (ii) the total number of elderly units created for the  
256 total portfolio and for projects receiving an assistance award in the  
257 preceding state fiscal year, (iii) the total number of family units created  
258 for the total portfolio and for projects receiving an assistance award in  
259 the preceding state fiscal year, (iv) the total number of units preserved,  
260 itemized by municipality, for the total portfolio and projects receiving  
261 an assistance award in the preceding state fiscal year, (v) the total  
262 number of elderly units preserved for the total portfolio and for

263 projects receiving an assistance award in the preceding state fiscal  
264 year, (vi) the total number of family units preserved for the total  
265 portfolio and for projects receiving an assistance award in the  
266 preceding state fiscal year, (vii) an analysis by income group of  
267 households served by the department's housing construction,  
268 substantial rehabilitation, purchase and rental assistance programs, for  
269 each housing development, if applicable, and for each program,  
270 including number of households served under each program by race  
271 and data for all households, and (viii) a summary of the department's  
272 efforts in promoting fair housing choice and racial and economic  
273 integration, including data on the racial composition of the occupants  
274 and persons on the waiting list of each housing project that is assisted  
275 under any housing program established by the general statutes or a  
276 special act or that is supervised by the department, provided no  
277 information shall be required to be disclosed by any occupant or  
278 person on a waiting list for the preparation of such summary. As used  
279 in this subparagraph, "elderly units" means dwelling units for which  
280 occupancy is restricted by age, and "family units" means dwelling  
281 units for which occupancy is not restricted by age.

282 (13) An economic impact analysis of the department's housing  
283 development efforts and activities, including, but not limited to:

284 (A) The contribution of such efforts and activities to the gross state  
285 product;

286 (B) The direct and indirect employment created by the investments  
287 for the total housing development portfolio and for any investment  
288 activity for such portfolio occurring in the preceding state fiscal year;  
289 and

290 (C) Personal income in the state.

291 (14) With regard to the Housing Trust Fund and Housing Trust  
292 Fund program, as those terms are defined in section 8-336m:

293 (A) Activities for the prior fiscal year of the Housing Trust Fund and

294 the Housing Trust Fund program; and

295 (B) The efforts of the department to obtain private support for the  
296 Housing Trust Fund and the Housing Trust Fund program.

297 (15) With regard to the department's energy conservation loan  
298 program:

299 (A) The number of loans or deferred loans made during the  
300 preceding fiscal year under each component of such program and the  
301 total amount of the loans or deferred loans made during such fiscal  
302 year under each such component;

303 (B) A description of each step of the loan or deferred loan  
304 application and review process;

305 (C) The location of each loan or deferred loan application intake site  
306 for such program;

307 (D) The average time period for the processing of loan or deferred  
308 loan applications during such fiscal year; and

309 (E) The total administrative expenses of such program for such  
310 fiscal year.

311 (16) A summary of the total social and economic impact of the  
312 department's efforts and activities in the areas of economic,  
313 community and housing development, and an assessment of the  
314 department's performance in terms of meeting its stated goals and  
315 objectives.

316 (b) Any annual report that is required from the department by any  
317 provision of the general statutes shall be incorporated into the annual  
318 report provided pursuant to subsection (a) of this section.

319 Sec. 504. Subsection (a) of section 51-344a of the general statutes is  
320 repealed and the following is substituted in lieu thereof (*Effective from*  
321 *passage*):

322 (a) Whenever the term "judicial district of Hartford-New Britain" or  
323 "judicial district of Hartford-New Britain at Hartford" is used or  
324 referred to in the following sections of the general statutes, it shall be  
325 deemed to mean or refer to the judicial district of Hartford on and after  
326 September 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-  
327 71a, 4-61, 4-160, 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-276a, [8-30g]  
328 9-7a, 9-7b, 9-369b, 10-153e, 12-208, 12-237, 12-268l, 12-312, 12-330m, 12-  
329 405k, 12-422, 12-448, 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-  
330 565, 12-572, 12-586f, 12-597, 12-730, 13b-34, 13b-235, 13b-315, 13b-375,  
331 14-57, 14-66, 14-67u, 14-110, 14-195, 14-311, 14-311c, 14-324, 14-331, 15-  
332 125, 15-126, 16-41, 16a-5, 17b-60, 17b-100, 17b-238, 17b-531, 19a-85, 19a-  
333 86, 19a-123d, 19a-425, 19a-498, 19a-517, 19a-526, 19a-633, 20-12f, 20-13e,  
334 20-29, 20-40, 20-45, 20-59, 20-73a, 20-86f, 20-99, 20-114, 20-133, 20-154,  
335 20-156, 20-162p, 20-192, 20-195p, 20-202, 20-206c, 20-227, 20-238, 20-247,  
336 20-263, 20-271, 20-307, 20-341f, 20-363, 20-373, 20-404, 20-414, 21a-55,  
337 21a-190i, 22-7, 22-64, 22-228, 22-248, 22-254, 22-320d, 22-326a, 22-344b,  
338 22-386, 22a-6b, 22a-7, 22a-16, 22a-30, 22a-34, 22a-53, 22a-60, 22a-62, 22a-  
339 63, 22a-66h, 22a-106a, 22a-119, 22a-167, 22a-180, 22a-182a, 22a-184, 22a-  
340 220a, 22a-220d, 22a-225, 22a-226, 22a-226c, 22a-227, 22a-250, 22a-255l,  
341 22a-276, 22a-285a, 22a-285g, 22a-285j, 22a-310, 22a-342a, 22a-344, 22a-  
342 361a, 22a-374, 22a-376, 22a-408, 22a-430, 22a-432, 22a-438, 22a-449f, 22a-  
343 449g, 22a-459, 23-5e, 23-65m, 25-32e, 25-36, 28-5, 29-143j, 29-158, 29-  
344 161z, 29-317, 29-323, 29-329, 29-334, 29-340, 29-369, 30-8, 31-109, 31-  
345 249b, 31-266, 31-266a, 31-270, 31-273, 31-284, 31-285, 31-339, 31-355a,  
346 31-379, 35-3c, 35-42, 36a-186, 36a-187, 36a-471a, 36a-494, 36a-587, 36a-  
347 647, 36a-684, 36a-718, 36a-807, 36b-26, 36b-27, 36b-30, 36b-50, 36b-71,  
348 36b-72, 36b-74, 36b-76, 38a-41, 38a-52, 38a-134, 38a-139, 38a-140, 38a-  
349 147, 38a-150, 38a-185, 38a-209, 38a-225, 38a-226b, 38a-241, 38a-337, 38a-  
350 470, 38a-620, 38a-657, 38a-687, 38a-774, 38a-776, 38a-817, 38a-843, 38a-  
351 868, 38a-906, 38a-994, 42-103c, 42-110d, 42-110k, 42-110p, 42-182, 46a-5,  
352 46a-56, 46a-100, 47a-21, 49-73, 51-44a, 51-81b, 51-194, 52-146j, 53-392d  
353 and 54-211a.

354 Sec. 505. Section 8-13t of the general statutes is repealed and the  
355 following is substituted in lieu thereof (*Effective from passage*):

356 (a) A zoning commission shall prescribe, consistent with the  
357 provisions of sections 8-13m to 8-13x, inclusive, the form of an  
358 application for approval of an incentive housing development. The  
359 time for and procedures for receipt and processing of applications  
360 shall be as provided in chapters 124 and 126, as applicable. A zoning  
361 commission or its agent may, to the extent allowed by the Freedom of  
362 Information Act, conduct one or more preliminary or preapplication  
363 planning or workshop meetings with regard to an incentive housing  
364 zone or development. A zoning commission shall conduct a public  
365 hearing in connection with an application for site plan or subdivision  
366 approval of an incentive housing development.

367 (b) The regulations of an incentive housing zone may require the  
368 applicant for approval of an incentive housing development to pay the  
369 cost of reasonable consulting fees for peer review of the technical  
370 aspects of the application for the benefit of the zoning commission.  
371 Such fees shall be accounted for separately by the municipality from  
372 other moneys and used only for expenses associated with the technical  
373 review of the application by consultants who are not otherwise  
374 salaried employees of the municipality or the zoning commission. Any  
375 amount in the account remaining after payment of all expenses for  
376 technical review, including any interest accrued, shall be returned to  
377 the applicant not later than forty-five days after the completion of the  
378 technical review.

379 (c) The regulations of the incentive housing zone may provide for  
380 the referral of a site plan or subdivision application to other agencies,  
381 boards or commissions of the municipality for comment. If a site plan  
382 or subdivision application is referred to another agency, board or  
383 commission, such agency, board or commission shall provide any  
384 comments within the time period contained in section 8-7d that is  
385 applicable to such application. The provisions of this section shall not  
386 be construed to affect any other referral required by the general  
387 statutes.

388 (d) An incentive housing development shall be approved by the

389 zoning commission subject only to conditions that are necessary to (1)  
390 ensure substantial compliance of the proposed development with the  
391 requirements of the incentive housing zone regulations, design  
392 standards and, if applicable, subdivision regulations; or (2) mitigate  
393 any extraordinary adverse impacts of the development on nearby  
394 properties. An application may be denied only on the grounds: (A) The  
395 development does not meet the requirements set forth in the incentive  
396 housing zone regulations; (B) the applicant failed to submit  
397 information and fees required by the regulations and necessary for an  
398 adequate and timely review of the design of the development or  
399 potential development impacts; or (C) it is not possible to adequately  
400 mitigate significant adverse project impacts on nearby properties by  
401 means of conditions acceptable to the applicant.

402 (e) The duration and renewal of an approval of an incentive housing  
403 development shall be governed by subsection (i) of section 8-3,  
404 subsection (j) of section 8-3, section 8-26c or section 8-26g, as  
405 applicable. The time to complete the work approved shall be extended  
406 (1) by the time required to adjudicate to final judgment any appeal  
407 from a decision of the commission on an incentive housing  
408 development site plan or subdivision plan or any required coordinate  
409 permit; (2) by the zoning commission if the applicant is actively  
410 pursuing other permits needed for the development; (3) if there is  
411 other good cause for the failure to complete such work; or (4) as  
412 provided in an approval for a multiphase development.

413 [(f) An applicant for approval of an incentive housing development  
414 within an approved incentive housing zone may not make such an  
415 application utilizing the provisions of section 8-30g.]

416 [(g)] (f) Approval of or amendment to regulations or design  
417 standards for an incentive housing zone or subzone, or site plan or  
418 subdivision approval of an incentive housing development, may be  
419 appealed to the Superior Court pursuant to the provisions of section 8-  
420 8 or 8-28.

421       Sec. 506. Sections 8-30g and 8-30h of the general statutes are  
422   repealed. (*Effective from passage*)"