



House of Representatives

General Assembly

File No. 155

February Session, 2010

Substitute House Bill No. 5374

House of Representatives, March 25, 2010

The Committee on Housing reported through REP. GREEN of the 1st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT PROMOTING AND SUSTAINING AFFORDABLE HOUSING IN CONNECTICUT AND CONCERNING REAL ESTATE LICENSING FOR NONPROFIT HOUSING CORPORATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-35a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) At least once every ten years, each regional planning agency
4 shall make a plan of conservation and development for its area of
5 operation, showing its recommendations for the general use of the area
6 including land use, housing, principal highways and freeways,
7 bridges, airports, parks, playgrounds, recreational areas, schools,
8 public institutions, public utilities, agriculture and such other matters
9 as, in the opinion of the agency, will be beneficial to the area. Any
10 regional plan so developed shall be based on studies of physical,
11 social, economic and governmental conditions and trends and shall be
12 designed to promote with the greatest efficiency and economy the
13 coordinated development of its area of operation and the general

14 welfare and prosperity of its people. Such plan may encourage energy-
15 efficient patterns of development, the use of solar and other renewable
16 forms of energy, and energy conservation. Such plan shall be designed
17 to promote abatement of the pollution of the waters and air of the
18 region and to promote and sustain affordable housing in the region.
19 The regional plan shall identify areas where it is feasible and prudent
20 (1) to have compact, transit accessible, pedestrian-oriented mixed use
21 development patterns and land reuse, and (2) to promote such
22 development patterns and land reuse and shall note any
23 inconsistencies with the following growth management principles: (A)
24 Redevelopment and revitalization of regional centers and areas of
25 mixed land uses with existing or planned physical infrastructure; (B)
26 expansion of housing opportunities and design choices to
27 accommodate a variety of household types and needs; (C)
28 concentration of development around transportation nodes and along
29 major transportation corridors to support the viability of
30 transportation options and land reuse; (D) conservation and
31 restoration of the natural environment, cultural and historical
32 resources and traditional rural lands; (E) protection of environmental
33 assets critical to public health and safety; and (F) integration of
34 planning across all levels of government to address issues on a local,
35 regional and state-wide basis. The plan of each region contiguous to
36 Long Island Sound shall be designed to reduce hypoxia, pathogens,
37 toxic contaminants and floatable debris in Long Island Sound.

38 (b) Before adopting the regional plan of conservation and
39 development or any part thereof or amendment thereto the agency
40 shall hold at least one public hearing thereon, notice of the time, place
41 and subject of which shall be given in writing to the chief executive
42 officer and planning commission, where one exists, of each member
43 town, city or borough. Notice of the time, place and subject of such
44 hearing shall be published once in a newspaper having a substantial
45 circulation in the region. Such notices shall be given not more than
46 twenty days or less than ten days before such hearing. At least sixty-
47 five days before the public hearing the regional planning agency shall
48 post the plan on the Internet web site of the agency, if any, and submit

49 the plan to the Secretary of the Office of Policy and Management for
50 findings in the form of comments and recommendations. By October 1,
51 2011, the secretary shall establish, by regulations adopted in
52 accordance with the provisions of chapter 54, criteria for such findings
53 which shall include procedures for a uniform review of regional plans
54 of conservation and development to determine if a proposed regional
55 plan of conservation and development is not inconsistent with the
56 state plan of conservation and development and the state economic
57 strategic plan. The regional planning agency shall note on the record
58 any inconsistency with the state plan of conservation and development
59 and the reasons for such inconsistency. Adoption of the plan or part
60 thereof or amendment thereto shall be made by the affirmative vote of
61 not less than a majority of the representatives on the agency. The plan
62 shall be posted on the Internet web site of the agency, if any, and a
63 copy of the plan or of any amendments thereto, signed by the
64 chairman of the agency, shall be transmitted to the chief executive
65 officers, the town, city or borough clerks, as the case may be, and to
66 planning commissions, if any, in member towns, cities or boroughs,
67 and to the Secretary of the Office of Policy and Management, or his
68 designee. The regional planning agency shall notify the Secretary of
69 the Office of Policy and Management of any inconsistency with the
70 state plan of conservation and development and the reasons therefor.

71 (c) The regional planning agency shall revise the plan of
72 conservation and development not more than three years after July 1,
73 2005.

74 (d) The regional planning agency shall assist municipalities within
75 its region and state agencies and may assist other public and private
76 agencies in developing and carrying out any regional plan or plans of
77 such regional planning agency. The regional planning agency may
78 provide administrative, management, technical or planning assistance
79 to municipalities within its region and other public agencies under
80 such terms as it may determine, provided, prior to entering into an
81 agreement for assistance to any municipality or other public agency,
82 the regional planning agency shall have adopted a policy governing

83 such assistance. The regional planning agency may be compensated by
84 the municipality or other public agency with which an agreement for
85 assistance has been made for all or part of the cost of such assistance.

86 Sec. 2. Section 20-329 of the general statutes is repealed and the
87 following is substituted in lieu thereof (*Effective October 1, 2010*):

88 The provisions of this chapter concerning the licensure of real estate
89 brokers and real estate salespersons shall not apply to: (1) Any person
90 who as owner or lessor performs any of the acts enumerated in section
91 20-311, with reference to property owned, leased or sought to be
92 acquired or leased by the person, or to the person's regular employees
93 who are employed as on-site residential superintendents or custodians,
94 with respect to the property so owned or leased or sought to be
95 acquired or leased when such acts are performed in the regular course
96 of, or incident to, the management of such property and the
97 investment therein; (2) any person acting as attorney-in-fact under a
98 duly executed power of attorney from the owner authorizing the final
99 consummation by performance of any contract for the sale, leasing or
100 exchange of real estate, or to service rendered by any attorney-at-law
101 in the performance of the attorney-at-law's duties as such attorney-at-
102 law; (3) a receiver, trustee in bankruptcy, administrator, executor or
103 other fiduciary, while acting as such, or any person selling real estate
104 under order of any court, or to a trustee acting under a trust
105 agreement, deed of trust or will, or the regular salaried employees
106 thereof; (4) witnesses in court as to the values of real estate; (5) persons
107 in the employ of the federal or state government or any political
108 subdivision thereof while acting in the course of such employment; (6)
109 any [employee of any] nonprofit housing corporation or any employee
110 of such corporation that (A) has been certified as a tax-exempt
111 organization under Section 501(c)(3) of the Internal Revenue Code of
112 1986, or any subsequent corresponding internal revenue code of the
113 United States, as from time to time amended, and manages a housing
114 project, [or] (B) manages a housing project assisted in whole or in part
115 by the federal government pursuant to Section 8 of The United States
116 Housing Act of 1937, as amended from time to time, [while] or (C)

117 manages a housing project receiving low-income housing credits from
 118 the federal government pursuant to Section 42 of said Internal
 119 Revenue Code, while such nonprofit housing corporation is managing
 120 such housing project or such employee is performing duties in the
 121 regular course of, or incidental to, the management of such housing
 122 project; (7) any person licensed to maintain or operate a mobile
 123 manufactured home park under chapter 412 who performs any of the
 124 acts enumerated in section 20-311, with reference to lots or mobile
 125 manufactured homes within the park or to the person's employees
 126 with respect to lots or mobile manufactured homes within such park
 127 when such acts are performed in the regular course of, or incidental to,
 128 the management of such property and the investment therein; (8)
 129 persons licensed as sellers of mobile manufactured homes under
 130 section 21-67; or (9) any person or such person's regular employee
 131 who, as owner, lessor, licensor, manager, representative or agent
 132 manages, leases, or licenses space on or in a tower, building or other
 133 structure for (A) "personal wireless services facilities" or facilities for
 134 "private mobile service" as those terms are defined in 47 USC 332,
 135 which facilities shall be unattended, and the installation and
 136 maintenance of related devices authorized by the Federal
 137 Communications Commission, and ancillary equipment used to
 138 operate such devices and equipment shelters therefor, in an area not to
 139 exceed three hundred sixty square feet for any one service established
 140 by the Federal Communications Commission in 47 CFR, as amended
 141 from time to time, by a provider of any such service, and (B) any right
 142 appropriate to access such facilities and connect or use utilities in
 143 connection with such facilities.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	8-35a
Sec. 2	October 1, 2010	20-329

Statement of Legislative Commissioners:

The new language in section 1 was moved from the end of subsection (a) to midway through the subsection, for internal consistency; in

section 2, a comma was added between "Code" and "while" in the new language in subdivision (6)(C), for clarity; and the title was adjusted to more accurately reflect the bill's contents.

HSG *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Consumer Protection, Dept.	GF - Revenue Loss	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which exempts certain non-profit housing corporation employees from real estate broker and salesperson requirements, results in a minimal General Fund revenue loss. The annual licensing fee for real estate brokers is \$566 and for salespeople it is \$285. The number of non-profit housing corporation employees who would be exempt is unknown, but it is anticipated to result in a minimal revenue loss.

Additionally, the bill stipulates the requirements for a regional planning agency's plan of conservation and development, which results in no state or municipal fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of applicants.

OLR Bill Analysis**sHB 5374*****AN ACT PROMOTING AND SUSTAINING AFFORDABLE HOUSING IN CONNECTICUT AND CONCERNING REAL ESTATE LICENSING FOR NONPROFIT HOUSING CORPORATIONS.*****SUMMARY:**

This bill exempts from the real estate broker and salesperson licensure requirements (administered by the Connecticut Real Estate Commission in the Department of Consumer Protection) a nonprofit housing corporation and its employees who manage a federal housing project under the Low-Income Housing Tax Credit (LIHTC) program. Current law exempts other employees whose nonprofit housing corporation owns its properties. A project financed under the LIHTC program is not owned directly by the nonprofit corporation, which sponsors the project and has responsibilities for its day-to-day management but owns it with a for-profit limited partner investor.

The bill also stipulates that a regional planning agency's (RPA) plan of conservation and development must be designed to promote and sustain affordable housing in the region.

EFFECTIVE DATE: October 1, 2010

BACKGROUND***RPA Plan of Conservation and Development***

The law requires RPAs to make a plan of conservation and development at least once every 10 years. A plan includes recommendations for land use, housing, transportation infrastructure, recreational and educational facilities, agriculture, and other uses beneficial to the area. The law specifies the goals of such plans and the process for adopting them, including public hearings.

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute

Yea 11 Nay 0 (03/11/2010)