



# Senate

General Assembly

**File No. 117**

February Session, 2010

Substitute Senate Bill No. 321

*Senate, March 25, 2010*

The Committee on Housing reported through SEN. GOMES of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE STATE'S CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT.***

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

1 Section 1. Section 8-37t of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 [(a) Not later than January 1, 2000, and every five years thereafter,  
4 the Commissioner of Economic and Community Development  
5 together with the Connecticut Housing Finance Authority, shall  
6 prepare a long-range state housing plan, which shall conform and be  
7 subject to the plan of conservation and development for the state  
8 adopted by the General Assembly. The plan shall: (1) Contain an  
9 assessment of the housing needs of households with incomes less than  
10 one hundred per cent of the average area median income, adjusted for  
11 family size, analyzed separately for households with incomes (A) less  
12 than twenty-five per cent of the area median income, (B) more than  
13 twenty-five per cent but not more than fifty per cent of the area  
14 median income, (C) more than fifty per cent but not more than eighty

15 per cent of the area median income, and (D) more than eighty per cent  
16 but not more than one hundred per cent of the area median income; (2)  
17 analyze the households served by the housing construction, substantial  
18 rehabilitation, purchase and rental assistance programs, including the  
19 number of households served by each program, the total amount of  
20 financial assistance provided to such households and the race of  
21 households served under such programs; (3) provide information on  
22 affirmative fair housing marketing activities and programs and an  
23 analysis of occupancy results of affirmative fair housing marketing  
24 plans and shall include data on the racial composition of the occupants  
25 and persons on the waiting list of each housing project which is  
26 assisted under any housing program established by the general  
27 statutes or special act or which is supervised by the commissioner or  
28 the Connecticut Housing Finance Authority; (4) set specific measurable  
29 goals for meeting identified housing needs; (5) outline strategies for  
30 meeting those goals; and (6) identify state, federal and private sector  
31 resources for affordable housing programs. The provisions of this  
32 section shall not be construed to require an occupant or applicant to  
33 disclose the race of such occupant or applicant on an application or  
34 survey form. The long-range plan shall be updated annually by an  
35 action plan that assesses the state's progress toward meeting housing  
36 needs contained in the long-range plan and recommends revised  
37 strategies, if deemed necessary. In preparing the long-range plan and  
38 subsequent action plans, the commissioner shall consult with  
39 representatives of those who use or benefit from state housing  
40 programs.

41 (b) The Department of Economic and Community Development  
42 shall submit the long-range housing plan to the General Assembly not  
43 later than January 1, 2000, and each action plan not later than January  
44 first of each subsequent year, after receiving public review and  
45 comment on the long-range plan and each action plan through written  
46 remarks and public hearings. The commencement date of each plan  
47 shall be the July first following the submission of the plan.]

48 The Commissioner of Economic and Community Development, in

49 consultation with the Connecticut Housing Finance Authority, shall  
50 prepare the state's consolidated plan for housing and community  
51 development in accordance with 24 CFR Part 91, as amended from  
52 time to time.

53 Sec. 2. Subsection (a) of section 8-2 of the general statutes is repealed  
54 and the following is substituted in lieu thereof (*Effective October 1,*  
55 *2010*):

56 (a) The zoning commission of each city, town or borough is  
57 authorized to regulate, within the limits of such municipality, the  
58 height, number of stories and size of buildings and other structures;  
59 the percentage of the area of the lot that may be occupied; the size of  
60 yards, courts and other open spaces; the density of population and the  
61 location and use of buildings, structures and land for trade, industry,  
62 residence or other purposes, including water-dependent uses as  
63 defined in section 22a-93, and the height, size and location of  
64 advertising signs and billboards. Such bulk regulations may allow for  
65 cluster development as defined in section 8-18. Such zoning  
66 commission may divide the municipality into districts of such number,  
67 shape and area as may be best suited to carry out the purposes of this  
68 chapter; and, within such districts, it may regulate the erection,  
69 construction, reconstruction, alteration or use of buildings or  
70 structures and the use of land. All such regulations shall be uniform  
71 for each class or kind of buildings, structures or use of land throughout  
72 each district, but the regulations in one district may differ from those  
73 in another district, and may provide that certain classes or kinds of  
74 buildings, structures or uses of land are permitted only after obtaining  
75 a special permit or special exception from a zoning commission,  
76 planning commission, combined planning and zoning commission or  
77 zoning board of appeals, whichever commission or board the  
78 regulations may, notwithstanding any special act to the contrary,  
79 designate, subject to standards set forth in the regulations and to  
80 conditions necessary to protect the public health, safety, convenience  
81 and property values. Such regulations shall be made in accordance  
82 with a comprehensive plan and in adopting such regulations the

83 commission shall consider the plan of conservation and development  
84 prepared under section 8-23, as amended by this act. Such regulations  
85 shall be designed to lessen congestion in the streets; to secure safety  
86 from fire, panic, flood and other dangers; to promote health and the  
87 general welfare; to provide adequate light and air; to prevent the  
88 overcrowding of land; to avoid undue concentration of population and  
89 to facilitate the adequate provision for transportation, water, sewerage,  
90 schools, parks and other public requirements. Such regulations shall be  
91 made with reasonable consideration as to the character of the district  
92 and its peculiar suitability for particular uses and with a view to  
93 conserving the value of buildings and encouraging the most  
94 appropriate use of land throughout such municipality. Such  
95 regulations may, to the extent consistent with soil types, terrain,  
96 infrastructure capacity and the plan of conservation and development  
97 for the community, provide for cluster development, as defined in  
98 section 8-18, in residential zones. Such regulations shall also encourage  
99 the development of housing opportunities, including opportunities for  
100 multifamily dwellings, consistent with soil types, terrain and  
101 infrastructure capacity, for all residents of the municipality and the  
102 planning region in which the municipality is located, as designated by  
103 the Secretary of the Office of Policy and Management under section  
104 16a-4a. Such regulations shall also promote housing choice and  
105 economic diversity in housing, including housing for both low and  
106 moderate income households, and shall encourage the development of  
107 housing which will meet the housing needs identified in the [housing  
108 plan] state's consolidated plan for housing and community  
109 development prepared pursuant to section 8-37t, as amended by this  
110 act, and in the housing component and the other components of the  
111 state plan of conservation and development prepared pursuant to  
112 section 16a-26. Zoning regulations shall be made with reasonable  
113 consideration for their impact on agriculture. Zoning regulations may  
114 be made with reasonable consideration for the protection of historic  
115 factors and shall be made with reasonable consideration for the  
116 protection of existing and potential public surface and ground  
117 drinking water supplies. On and after July 1, 1985, the regulations shall

118 provide that proper provision be made for soil erosion and sediment  
119 control pursuant to section 22a-329. Such regulations may also  
120 encourage energy-efficient patterns of development, the use of solar  
121 and other renewable forms of energy, and energy conservation. The  
122 regulations may also provide for incentives for developers who use  
123 passive solar energy techniques, as defined in subsection (b) of section  
124 8-25, in planning a residential subdivision development. The  
125 incentives may include, but not be limited to, cluster development,  
126 higher density development and performance standards for roads,  
127 sidewalks and underground facilities in the subdivision. Such  
128 regulations may provide for a municipal system for the creation of  
129 development rights and the permanent transfer of such development  
130 rights, which may include a system for the variance of density limits in  
131 connection with any such transfer. Such regulations may also provide  
132 for notice requirements in addition to those required by this chapter.  
133 Such regulations may provide for conditions on operations to collect  
134 spring water or well water, as defined in section 21a-150, including the  
135 time, place and manner of such operations. No such regulations shall  
136 prohibit the operation of any family day care home or group day care  
137 home in a residential zone. Such regulations shall not impose  
138 conditions and requirements on manufactured homes having as their  
139 narrowest dimension twenty-two feet or more and built in accordance  
140 with federal manufactured home construction and safety standards or  
141 on lots containing such manufactured homes which are substantially  
142 different from conditions and requirements imposed on single-family  
143 dwellings and lots containing single-family dwellings. Such  
144 regulations shall not impose conditions and requirements on  
145 developments to be occupied by manufactured homes having as their  
146 narrowest dimension twenty-two feet or more and built in accordance  
147 with federal manufactured home construction and safety standards  
148 which are substantially different from conditions and requirements  
149 imposed on multifamily dwellings, lots containing multifamily  
150 dwellings, cluster developments or planned unit developments. Such  
151 regulations shall not prohibit the continuance of any nonconforming  
152 use, building or structure existing at the time of the adoption of such

153 regulations. Such regulations shall not provide for the termination of  
154 any nonconforming use solely as a result of nonuse for a specified  
155 period of time without regard to the intent of the property owner to  
156 maintain that use. Any city, town or borough which adopts the  
157 provisions of this chapter may, by vote of its legislative body, exempt  
158 municipal property from the regulations prescribed by the zoning  
159 commission of such city, town or borough; but unless it is so voted  
160 municipal property shall be subject to such regulations.

161 Sec. 3. Section 8-23 of the 2010 supplement to the general statutes, as  
162 amended by section 3 of public act 07-239, section 4 of public act 07-5  
163 of the June special session, section 17 of public act 08-182 and section 7  
164 of public act 09-230, is repealed and the following is substituted in lieu  
165 thereof (*Effective October 1, 2010*):

166 (a) (1) At least once every ten years, the commission shall prepare or  
167 amend and shall adopt a plan of conservation and development for the  
168 municipality. Following adoption, the commission shall regularly  
169 review and maintain such plan. The commission may adopt such  
170 geographical, functional or other amendments to the plan or parts of  
171 the plan, in accordance with the provisions of this section, as it deems  
172 necessary. The commission may, at any time, prepare, amend and  
173 adopt plans for the redevelopment and improvement of districts or  
174 neighborhoods which, in its judgment, contain special problems or  
175 opportunities or show a trend toward lower land values.

176 (2) If a plan is not amended decennially, the chief elected official of  
177 the municipality shall submit a letter to the Secretary of the Office of  
178 Policy and Management and the Commissioners of Transportation,  
179 Environmental Protection and Economic and Community  
180 Development that explains why such plan was not amended. A copy  
181 of such letter shall be included in each application by the municipality  
182 for discretionary state funding submitted to any state agency.

183 (b) On and after the first day of July following the adoption of the  
184 state Conservation and Development Policies Plan 2012-2017, in  
185 accordance with section 16a-30, a municipality that fails to comply

186 with the requirements of subsection (a) of this section shall be  
187 ineligible for discretionary state funding unless such prohibition is  
188 expressly waived by the secretary.

189 (c) In the preparation of such plan, the commission may appoint one  
190 or more special committees to develop and make recommendations for  
191 the plan. The membership of any special committee may include:  
192 Residents of the municipality and representatives of local boards  
193 dealing with zoning, inland wetlands, conservation, recreation,  
194 education, public works, finance, redevelopment, general government  
195 and other municipal functions. In performing its duties under this  
196 section, the commission or any special committee may accept  
197 information from any source or solicit input from any organization or  
198 individual. The commission or any special committee may hold public  
199 informational meetings or organize other activities to inform residents  
200 about the process of preparing the plan.

201 (d) In preparing such plan, the commission or any special  
202 committee shall consider the following: (1) The community  
203 development action plan of the municipality, if any, (2) the need for  
204 affordable housing, (3) the need for protection of existing and potential  
205 public surface and ground drinking water supplies, (4) the use of  
206 cluster development and other development patterns to the extent  
207 consistent with soil types, terrain and infrastructure capacity within  
208 the municipality, (5) the state plan of conservation and development  
209 adopted pursuant to chapter 297, (6) the regional plan of conservation  
210 and development adopted pursuant to section 8-35a, (7) physical,  
211 social, economic and governmental conditions and trends, (8) the  
212 needs of the municipality including, but not limited to, human  
213 resources, education, health, housing, recreation, social services, public  
214 utilities, public protection, transportation and circulation and cultural  
215 and interpersonal communications, (9) the objectives of energy-  
216 efficient patterns of development, the use of solar and other renewable  
217 forms of energy and energy conservation, and (10) protection and  
218 preservation of agriculture.

219 (e) (1) Such plan of conservation and development shall (A) be a  
220 statement of policies, goals and standards for the physical and  
221 economic development of the municipality, (B) provide for a system of  
222 principal thoroughfares, parkways, bridges, streets, sidewalks,  
223 multipurpose trails and other public ways as appropriate, (C) be  
224 designed to promote, with the greatest efficiency and economy, the  
225 coordinated development of the municipality and the general welfare  
226 and prosperity of its people and identify areas where it is feasible and  
227 prudent (i) to have compact, transit accessible, pedestrian-oriented  
228 mixed use development patterns and land reuse, and (ii) to promote  
229 such development patterns and land reuse, (D) recommend the most  
230 desirable use of land within the municipality for residential,  
231 recreational, commercial, industrial, conservation and other purposes  
232 and include a map showing such proposed land uses, (E) recommend  
233 the most desirable density of population in the several parts of the  
234 municipality, (F) note any inconsistencies with the following growth  
235 management principles: (i) Redevelopment and revitalization of  
236 commercial centers and areas of mixed land uses with existing or  
237 planned physical infrastructure; (ii) expansion of housing  
238 opportunities and design choices to accommodate a variety of  
239 household types and needs; (iii) concentration of development around  
240 transportation nodes and along major transportation corridors to  
241 support the viability of transportation options and land reuse; (iv)  
242 conservation and restoration of the natural environment, cultural and  
243 historical resources and existing farmlands; (v) protection of  
244 environmental assets critical to public health and safety; and (vi)  
245 integration of planning across all levels of government to address  
246 issues on a local, regional and state-wide basis, (G) make provision for  
247 the development of housing opportunities, including opportunities for  
248 multifamily dwellings, consistent with soil types, terrain and  
249 infrastructure capacity, for all residents of the municipality and the  
250 planning region in which the municipality is located, as designated by  
251 the Secretary of the Office of Policy and Management under section  
252 16a-4a, (H) promote housing choice and economic diversity in  
253 housing, including housing for both low and moderate income

254 households, and encourage the development of housing which will  
255 meet the housing needs identified in the [housing plan] state's  
256 consolidated plan for housing and community development prepared  
257 pursuant to section 8-37t, as amended by this act, and in the housing  
258 component and the other components of the state plan of conservation  
259 and development prepared pursuant to chapter 297. In preparing such  
260 plan the commission shall consider focusing development and  
261 revitalization in areas with existing or planned physical infrastructure.

262 (2) For any municipality that is contiguous to Long Island Sound,  
263 such plan shall be (A) consistent with the municipal coastal program  
264 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with  
265 reasonable consideration for restoration and protection of the  
266 ecosystem and habitat of Long Island Sound, and (C) designed to  
267 reduce hypoxia, pathogens, toxic contaminants and floatable debris in  
268 Long Island Sound.

269 (f) Such plan may show the commission's and any special  
270 committee's recommendation for (1) conservation and preservation of  
271 traprock and other ridgelines, (2) airports, parks, playgrounds and  
272 other public grounds, (3) the general location, relocation and  
273 improvement of schools and other public buildings, (4) the general  
274 location and extent of public utilities and terminals, whether publicly  
275 or privately owned, for water, sewerage, light, power, transit and other  
276 purposes, (5) the extent and location of public housing projects, (6)  
277 programs for the implementation of the plan, including (A) a schedule,  
278 (B) a budget for public capital projects, (C) a program for enactment  
279 and enforcement of zoning and subdivision controls, building and  
280 housing codes and safety regulations, (D) plans for implementation of  
281 affordable housing, (E) plans for open space acquisition and  
282 greenways protection and development, and (F) plans for corridor  
283 management areas along limited access highways or rail lines,  
284 designated under section 16a-27, (7) proposed priority funding areas,  
285 and (8) any other recommendations as will, in the commission's or any  
286 special committee's judgment, be beneficial to the municipality. The  
287 plan may include any necessary and related maps, explanatory

288 material, photographs, charts or other pertinent data and information  
289 relative to the past, present and future trends of the municipality.

290 (g) (1) A plan of conservation and development or any part thereof  
291 or amendment thereto prepared by the commission or any special  
292 committee shall be reviewed, and may be amended, by the  
293 commission prior to scheduling at least one public hearing on  
294 adoption.

295 (2) At least sixty-five days prior to the public hearing on adoption,  
296 the commission shall submit a copy of such plan or part thereof or  
297 amendment thereto for review and comment to the legislative body or,  
298 in the case of a municipality for which the legislative body of the  
299 municipality is a town meeting or representative town meeting, to the  
300 board of selectmen. The legislative body or board of selectmen, as the  
301 case may be, may hold one or more public hearings on the plan and  
302 shall endorse or reject such entire plan or part thereof or amendment  
303 and may submit comments and recommended changes to the  
304 commission. The commission may render a decision on the plan  
305 without the report of such body or board.

306 (3) At least thirty-five days prior to the public hearing on adoption,  
307 the commission shall post the plan on the Internet web site of the  
308 municipality, if any.

309 (4) At least sixty-five days prior to the public hearing on adoption,  
310 the commission shall submit a copy of such plan or part thereof or  
311 amendment thereto to the regional planning agency for review and  
312 comment. The regional planning agency shall submit an advisory  
313 report along with its comments to the commission at or before the  
314 hearing. Such comments shall include a finding on the consistency of  
315 the plan with (A) the regional plan of conservation and development,  
316 adopted under section 8-35a, (B) the state plan of conservation and  
317 development, adopted pursuant to chapter 297, and (C) the plans of  
318 conservation and development of other municipalities in the area of  
319 operation of the regional planning agency. The commission may  
320 render a decision on the plan without the report of the regional

321 planning agency.

322 (5) At least thirty-five days prior to the public hearing on adoption,  
323 the commission shall file in the office of the town clerk a copy of such  
324 plan or part thereof or amendment thereto but, in the case of a district  
325 commission, such commission shall file such information in the offices  
326 of both the district clerk and the town clerk.

327 (6) The commission shall cause to be published in a newspaper  
328 having a general circulation in the municipality, at least twice at  
329 intervals of not less than two days, the first not more than fifteen days,  
330 or less than ten days, and the last not less than two days prior to the  
331 date of each such hearing, notice of the time and place of any such  
332 public hearing. Such notice shall make reference to the filing of such  
333 draft plan in the office of the town clerk, or both the district clerk and  
334 the town clerk, as the case may be.

335 (h) (1) After completion of the public hearing, the commission may  
336 revise the plan and may adopt the plan or any part thereof or  
337 amendment thereto by a single resolution or may, by successive  
338 resolutions, adopt parts of the plan and amendments thereto.

339 (2) Any plan, section of a plan or recommendation in the plan that is  
340 not endorsed in the report of the legislative body or, in the case of a  
341 municipality for which the legislative body is a town meeting or  
342 representative town meeting, by the board of selectmen, of the  
343 municipality may only be adopted by the commission by a vote of not  
344 less than two-thirds of all the members of the commission.

345 (3) Upon adoption by the commission, any plan or part thereof or  
346 amendment thereto shall become effective at a time established by the  
347 commission, provided notice thereof shall be published in a  
348 newspaper having a general circulation in the municipality prior to  
349 such effective date.

350 (4) Not more than thirty days after adoption, any plan or part  
351 thereof or amendment thereto shall be posted on the Internet web site

352 of the municipality, if any, and shall be filed in the office of the town  
353 clerk, except that, if it is a district plan or amendment, it shall be filed  
354 in the offices of both the district and town clerks.

355 (5) Not more than sixty days after adoption of the plan, the  
356 commission shall submit a copy of the plan to the Secretary of the  
357 Office of Policy and Management and shall include with such copy a  
358 description of any inconsistency between the plan adopted by the  
359 commission and the state plan of conservation and development and  
360 the reasons therefor.

361 (i) Any owner or tenant, or authorized agent of such owner or  
362 tenant, of real property or buildings thereon located in the  
363 municipality may submit a proposal to the commission requesting a  
364 change to the plan of conservation and development. Such proposal  
365 shall be submitted in writing and on a form prescribed by the  
366 commission. Notwithstanding the provisions of subsection (a) of  
367 section 8-7d, the commission shall review and may approve, modify  
368 and approve or reject the proposal in accordance with the provisions of  
369 subsection (g) of this section.

370 Sec. 4. Subsection (d) of section 8-206 of the general statutes is  
371 repealed and the following is substituted in lieu thereof (*Effective*  
372 *October 1, 2010*):

373 (d) The Commissioner of Economic and Community Development  
374 is authorized to do all things necessary to apply for, qualify for and  
375 accept any federal funds made available or allotted under any federal  
376 act for any activities which may be pertinent to the purposes of this  
377 chapter and chapters 128, 129, 130, 135 and 136 and said commissioner  
378 shall administer any such funds allotted to the department in  
379 accordance with federal law. The commissioner may enter into  
380 contracts with the federal government concerning the use and  
381 repayment of such funds under any such federal act, the prosecution  
382 of the work under any such contract and the establishment of and  
383 disbursement from a separate account in which federal and state funds  
384 estimated to be required for plan preparation or other eligible activities

385 under such federal act shall be kept. Said account shall not be a part of  
386 the General Fund of the state or any subdivision of the state. Unless  
387 otherwise required by federal law or regulation, any federal housing  
388 assistance funding made available at the state level shall be allocated in  
389 accordance with the [housing plan] state's consolidated plan for  
390 housing and community development prepared pursuant to the  
391 provisions of section 8-37t, as amended by this act. Such allocation  
392 shall, to the maximum extent possible, reflect the types and  
393 distribution of housing needs in all parts of the state and the resources  
394 required by the department, the Connecticut Housing Finance  
395 Authority or other appropriate agencies to meet those needs.

396 Sec. 5. Subsection (c) of section 22a-1b of the general statutes is  
397 repealed and the following is substituted in lieu thereof (*Effective*  
398 *October 1, 2010*):

399 (c) Each state department, institution or agency responsible for the  
400 primary recommendation or initiation of actions which may  
401 significantly affect the environment shall in the case of each such  
402 proposed action make a detailed written evaluation of its  
403 environmental impact before deciding whether to undertake or  
404 approve such action. All such environmental impact evaluations shall  
405 be detailed statements setting forth the following: (1) A description of  
406 the proposed action which shall include, but not be limited to, a  
407 description of the purpose and need of the proposed action, and, in the  
408 case of a proposed facility, a description of the infrastructure needs of  
409 such facility, including, but not limited to, parking, water supply,  
410 wastewater treatment and the square footage of the facility; (2) the  
411 environmental consequences of the proposed action, including  
412 cumulative, direct and indirect effects which might result during and  
413 subsequent to the proposed action; (3) any adverse environmental  
414 effects which cannot be avoided and irreversible and irretrievable  
415 commitments of resources should the proposal be implemented; (4)  
416 alternatives to the proposed action, including the alternative of not  
417 proceeding with the proposed action and, in the case of a proposed  
418 facility, a list of all the sites controlled by or reasonably available to the

419 sponsoring agency that would meet the stated purpose of such facility;  
420 (5) an evaluation of the proposed action's consistency and each  
421 alternative's consistency with the state plan of conservation and  
422 development, an evaluation of each alternative including, to the extent  
423 practicable, whether it avoids, minimizes or mitigates environmental  
424 impacts, and, where appropriate, a description of detailed mitigation  
425 measures proposed to minimize environmental impacts, including, but  
426 not limited to, where appropriate, a site plan; (6) an analysis of the  
427 short term and long term economic, social and environmental costs  
428 and benefits of the proposed action; (7) the effect of the proposed  
429 action on the use and conservation of energy resources; and (8) a  
430 description of the effects of the proposed action on sacred sites or  
431 archaeological sites of state or national importance. In the case of an  
432 action which affects existing housing, the evaluation shall also contain  
433 a detailed statement analyzing (A) housing consequences of the  
434 proposed action, including direct and indirect effects which might  
435 result during and subsequent to the proposed action by income group  
436 as defined in section 8-37aa and by race, and (B) the consistency of the  
437 housing consequences with the [long-range state housing plan adopted  
438 under] state's consolidated plan for housing and community  
439 development prepared pursuant to section 8-37t, as amended by this  
440 act. As used in this section, "sacred sites" and "archaeological sites"  
441 shall have the same meaning as in section 10-381.

442 Sec. 6. Section 25-231 of the general statutes is repealed and the  
443 following is substituted in lieu thereof (*Effective October 1, 2010*):

444 As used in sections 25-230 to 25-238, inclusive:

445 (1) "Approved river corridor management plan" means a river  
446 corridor management plan approved by the commissioner pursuant to  
447 section 25-235;

448 (2) "Commissioner" means the Commissioner of Environmental  
449 Protection or his agent;

450 (3) "Local drainage basin" means a local drainage basin as

451 referenced on a map entitled "Natural Drainage Basins of Connecticut",  
452 published by the Department of Environmental Protection, 1981;

453 (4) "Major state plan" means any of the following: The master  
454 transportation plan adopted pursuant to section 13b-15, the plan for  
455 development of outdoor recreation adopted pursuant to section 22a-21,  
456 the solid waste management plan adopted pursuant to section 22a-211,  
457 the state-wide plan for the management of water resources adopted  
458 pursuant to section 22a-352, the state-wide environmental plan  
459 adopted pursuant to section 22a-8, the historic preservation plan  
460 adopted under the National Historic Preservation Act, 16 USC 470 et  
461 seq., the state-wide facility and capital plan adopted pursuant to  
462 section 4b-23, [the long-range state housing plan adopted] the state's  
463 consolidated plan for housing and community development prepared  
464 pursuant to section 8-37t, as amended by this act, the water quality  
465 management plan adopted under the federal Clean Water Act, 33 USC  
466 1251 et seq., any plans for managing forest resources adopted pursuant  
467 to section 23-20 and the Connecticut River Atlantic Salmon Compact  
468 adopted pursuant to section 26-302;

469 (5) "Member municipality" means a municipality which is a member  
470 of a river commission established pursuant to section 25-232;

471 (6) "Person" means person, as defined in section 22a-2;

472 (7) "River advisory board" means any of the following: The Five  
473 Mile River Commission established pursuant to section 15-26a, the  
474 Connecticut River Gateway Commission established pursuant to  
475 section 25-102e, the Connecticut River Assembly established pursuant  
476 to section 25-102dd, the Bi-State Pawcatuck River Commission  
477 established pursuant to section 25-161, the Niantic River Gateway  
478 Commission established pursuant to section 25-109e, the Housatonic  
479 Estuary Commission established pursuant to section 25-170, the  
480 Farmington River Coordinating Committee established pursuant to the  
481 National Wild and Scenic Rivers Act, 16 USC 1274 et seq., the Shepaug-  
482 Bantam River Board established pursuant to sections 25-102pp and 25-  
483 102qq or a river committee established pursuant to section 25-203;

484 (8) "River corridor" means any river, river segment or river system,  
485 together with its floodplains, wetlands and uplands, contributing  
486 overland runoff to such river, river segment or river system;

487 (9) "River commission" means a river commission established  
488 pursuant to section 25-232;

489 (10) "River system" means a river, its tributaries and any lands  
490 draining into such river or its tributaries;

491 (11) "Secretary" means the Secretary of the Office of Policy and  
492 Management or his agent;

493 (12) "State rivers assessment database" means the state-wide  
494 assessment of the state's rivers prepared by the commissioner pursuant  
495 to subdivision (3) of subsection (d) of section 25-102qq;

496 (13) "State plan for conservation and development" means the state  
497 plan for conservation and development prepared pursuant to part I of  
498 chapter 297;

499 (14) "Subregional drainage basin" means a subregional drainage  
500 basin as referenced on a map entitled "Natural Drainage Basins of  
501 Connecticut", published by the Department of Environmental  
502 Protection, 1981;

503 (15) "Water-dependent use" means a use which, by its nature or  
504 function, requires direct access to, or location in or immediately  
505 adjacent to, water and which therefore cannot be located upland, and  
506 includes such recreational uses as riverside trails and bicycle paths;

507 (16) "Use" means agriculture, public and private water supply,  
508 power generation, waste assimilation, transportation, recreation,  
509 including, but not limited to, boating, swimming, fishing, camping and  
510 hiking and residential, commercial, industrial and other water-  
511 dependent uses; and

512 (17) "Resource" means any riparian waters of the state, related

513 fisheries and wildlife habitat and adjacent shorelands, both developed  
514 and undeveloped; any vegetation, fish and wildlife; endangered and  
515 threatened species, species of special concern and essential habitat  
516 identified by the commissioner pursuant to chapter 495; tidal and  
517 inland wetlands; unique geologic features; scenic areas; forest lands, as  
518 defined in section 23-65f; agricultural lands, as defined in section 22-  
519 26bb; and archaeological and other historical resources.

520 Sec. 7. Section 32-1o of the 2010 supplement to the general statutes is  
521 repealed and the following is substituted in lieu thereof (*Effective*  
522 *October 1, 2010*):

523 (a) On or before July 1, 2009, and every five years thereafter, the  
524 Commissioner of Economic and Community Development, within  
525 available appropriations, shall prepare an economic strategic plan for  
526 the state in consultation with the Secretary of the Office of Policy and  
527 Management, the Commissioners of Environmental Protection and  
528 Transportation, the Labor Commissioner, the executive directors of the  
529 Connecticut Housing Finance Authority, the Connecticut Development  
530 Authority, the Connecticut Innovations, Inc., the Commission on  
531 Culture and Tourism and the Connecticut Health and Educational  
532 Facilities Authority, and the president of the Office of Workforce  
533 Competitiveness, or their respective designees, and any other agencies  
534 the Commissioner of Economic and Community Development deems  
535 appropriate.

536 (b) In developing the plan, the Commissioner of Economic and  
537 Community Development shall:

538 (1) Ensure that the plan is consistent with (A) the text and locational  
539 guide map of the state plan of conservation and development, adopted  
540 pursuant to chapter 297, (B) the [long-range state housing plan,  
541 adopted] state's consolidated plan for housing and community  
542 development prepared pursuant to section 8-37t, as amended by this  
543 act, and (C) the transportation strategy adopted pursuant to section  
544 13b-57g;

545 (2) Consult regional councils of governments, regional planning  
546 organizations, regional economic development agencies, interested  
547 state and local officials, entities involved in economic and community  
548 development, stakeholders and business, economic, labor, community  
549 and housing organizations;

550 (3) Consider (A) regional economic, community and housing  
551 development plans, and (B) applicable state and local workforce  
552 investment strategies;

553 (4) Assess and evaluate the economic development challenges and  
554 opportunities of the state and against the economic development  
555 competitiveness of other states and regions; and

556 (5) Host regional forums to provide for public involvement in the  
557 planning process.

558 (c) The strategic plan required under this section shall include, but  
559 not be limited to, the following:

560 (1) A review and evaluation of the economy of the state. Such  
561 review and evaluation shall include, but not be limited to, a sectoral  
562 analysis, housing market and housing affordability analysis, labor  
563 market and labor quality analysis, demographic analysis and include  
564 historic trend analysis and projections;

565 (2) A review and analysis of factors, issues and forces that impact or  
566 impede economic development and responsible growth in Connecticut  
567 and its constituent regions. Such factors, issues or forces shall include,  
568 but not be limited to, transportation, including, but not limited to,  
569 commuter transit, rail and barge freight, technology transfer,  
570 brownfield remediation and development, health care delivery and  
571 costs, early education, primary education, secondary and  
572 postsecondary education systems and student performance, business  
573 regulation, labor force quality and sustainability, social services costs  
574 and delivery systems, affordable and workforce housing cost and  
575 availability, land use policy, emergency preparedness, taxation,

576 availability of capital and energy costs and supply;

577 (3) Identification and analysis of economic clusters that are growing  
578 or declining within the state;

579 (4) An analysis of targeted industry sectors in the state that (A)  
580 identifies those industry sectors that are of current or future  
581 importance to the growth of the state's economy and to its global  
582 competitive position, (B) identifies what those industry sectors need  
583 for continued growth, and (C) identifies, those industry sectors current  
584 and potential impediments to growth;

585 (5) A review and evaluation of the economic development structure  
586 in the state, including, but not limited to, (A) a review and analysis of  
587 the past and current economic, community and housing development  
588 structures, budgets and policies, efforts and responsibilities of its  
589 constituent parts in Connecticut; and (B) an analysis of the  
590 performance of the current economic, community and housing  
591 development structure, and its individual constituent parts, in meeting  
592 its statutory obligations, responsibilities and mandates and their  
593 impact on economic development and responsible growth in  
594 Connecticut;

595 (6) Establishment and articulation of a vision for Connecticut that  
596 identifies where the state should be in five, ten, fifteen and twenty  
597 years;

598 (7) Establishment of clear and measurable goals and objectives for  
599 the state and regions, to meet the short and long-term goals established  
600 under this section and provide clear steps and strategies to achieve  
601 said goals and objectives, including, but not limited to, the following:  
602 (A) The promotion of economic development and opportunity, (B) the  
603 fostering of effective transportation access and choice including the use  
604 of airports and ports for economic development, (C) enhancement and  
605 protection of the environment, (D) maximization of the effective  
606 development and use of the workforce consistent with applicable state  
607 or local workforce investment strategy, (E) promotion of the use of

608 technology in economic development, including access to high-speed  
609 telecommunications, and (F) the balance of resources through sound  
610 management of physical development;

611 (8) Prioritization of goals and objectives established under this  
612 section;

613 (9) Establishment of relevant measures that clearly identify and  
614 quantify (A) whether a goal and objective is being met at the state,  
615 regional, local and private sector level, and (B) cause and effect  
616 relationships, and provides a clear and replicable measurement  
617 methodology;

618 (10) Recommendations on how the state can best achieve goals  
619 under the strategic plan and provide cost estimates for implementation  
620 of the plan and the projected return on investment for those areas;

621 (11) A review and evaluation of the operation and efficacy of the  
622 urban jobs program established pursuant to sections 32-9i to 32-9l,  
623 inclusive, enterprise zones established pursuant to section 32-70,  
624 railroad depot zones established pursuant to section 32-75a, qualified  
625 manufacturing plants designated pursuant to section 32-75c,  
626 entertainment districts established pursuant to section 32-76 and  
627 enterprise corridor zones established pursuant to section 32-80. The  
628 review and evaluation of enterprise zones shall include an analysis of  
629 enterprise zones that have been expanded to include an area in a  
630 contiguous municipality or in which there are base or plant closures;  
631 and

632 (12) Any other responsible growth information that the  
633 commissioner deems appropriate.

634 (d) On or before July 1, 2009, and every five years thereafter, the  
635 Commissioner of Economic and Community Development shall  
636 submit an economic development strategic plan for the state to the  
637 Governor for approval. The Governor shall review and approve or  
638 disapprove such plan not more than sixty days after submission. The

639 plan shall be effective upon approval by the Governor or sixty days  
640 after the date of submission.

641 (e) Upon approval, the commissioner shall submit the economic  
642 development strategic plan to the joint standing committees of the  
643 General Assembly having cognizance of matters relating to commerce,  
644 planning and development, appropriations and the budgets of state  
645 agencies and finance, revenue and bonding. Not later than thirty days  
646 after such submission, the commissioner shall post the plan on the web  
647 site of the Department of Economic and Community Development.

648 (f) The commissioner from time to time, may revise and update the  
649 strategic plan upon approval of the Governor. The commissioner shall  
650 post any such revisions on the web site of the Department of Economic  
651 and Community Development.

652 Sec. 8. Section 8-37u of the general statutes is repealed and the  
653 following is substituted in lieu thereof (*Effective October 1, 2010*):

654 (a) The Commissioner of Economic and Community Development  
655 shall work with regional planning agencies, regional councils of  
656 elected officials, regional councils of governments, municipalities and  
657 municipal agencies, housing authorities and other appropriate  
658 agencies for the purpose of coordinating housing policy and housing  
659 activities, provided such coordination shall not be construed to restrict  
660 or diminish any power, right or authority granted to any municipality,  
661 agency, instrumentality, commission or any administrative or  
662 executive head thereof in accordance with the other provisions of the  
663 general statutes to proceed with any programs, projects or activities.

664 (b) The Commissioner of Economic and Community Development  
665 shall coordinate on an ongoing basis the activities and programs of  
666 state agencies or quasi-state authorities which have a major impact on  
667 the cost, production or availability of housing, provided, such  
668 coordination shall not be construed to restrict or diminish any power,  
669 right or authority granted to any such agency or authority, or of any  
670 administrative or executive head thereof in accordance with the other

671 provisions of the general statutes, to proceed with any programs,  
672 projects or activities, except as specifically provided in this section.

673 (c) In order to facilitate such coordination, the Connecticut Housing  
674 Finance Authority shall submit annually to the Commissioner of  
675 Economic and Community Development a projected twelve-month  
676 operating plan. Said plan shall be prepared in a manner so as to be  
677 consistent with the [five-year plan referred to in] state's consolidated  
678 plan for housing and community development prepared pursuant to  
679 section 8-37t, as amended by this act, as such plan is then in effect. Said  
680 plan shall include such matters as the authority determines are  
681 necessary and shall include, but not be limited to, production targets  
682 under each multifamily program of the authority, including targets for  
683 rental housing production for both elderly and nonelderly families in a  
684 proportion consistent with housing needs estimated pursuant to  
685 [section 8-37t] the state's consolidated plan for housing and  
686 community development; proposed new and expanded programs;  
687 proposed outreach activities to help serve areas of the state or  
688 segments of the population whose housing needs have been  
689 particularly underserved, and estimated level of subsidy needed to  
690 support the proposed level of production. The first such plan shall be  
691 submitted to the Commissioner of Economic and Community  
692 Development prior to January 1, 1981, and subsequent plans on each  
693 twelve-month anniversary thereof.

694 (d) In the event the commissioner determines that the Connecticut  
695 Housing Finance Authority has not complied with the requirements of  
696 subsection (c) of this section, he shall file a report with the Secretary of  
697 the Office of Policy and Management setting forth the items of the plan  
698 which are inconsistent with the five-year plan and setting forth those  
699 recommendations which in his opinion would result in such plan  
700 being consistent with the five-year plan. In the event that the Secretary  
701 of the Office of Policy and Management concurs with the  
702 Commissioner of Economic and Community Development, he shall  
703 convene a panel of the Commissioner of Economic and Community  
704 Development, the chairman of the Connecticut Housing Finance

705 Authority and the Secretary of the Office of Policy and Management,  
 706 which panel shall resolve the inconsistencies. Nothing contained in  
 707 this section shall limit the right or obligation of the Connecticut  
 708 Housing Finance Authority to comply with the provisions of or  
 709 covenants contained in any contract with or for the benefit of the  
 710 holders of any bonds, notes or other obligations evidencing  
 711 indebtedness of such authority.

712 (e) The Connecticut Housing Finance Authority shall, to the  
 713 maximum extent practical, conduct its business according to the plan  
 714 approved by the commissioner.

715 (f) The Commissioner of Economic and Community Development  
 716 shall consult with the Commissioner of Agriculture with regard to the  
 717 policies, activities, plans and programs specified in this section and the  
 718 impact on and degree of protection provided to agricultural land by  
 719 such policies, activities, plans and programs.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	8-37t
Sec. 2	October 1, 2010	8-2(a)
Sec. 3	October 1, 2010	8-23
Sec. 4	October 1, 2010	8-206(d)
Sec. 5	October 1, 2010	22a-1b(c)
Sec. 6	October 1, 2010	25-231
Sec. 7	October 1, 2010	32-1o
Sec. 8	October 1, 2010	8-37u

**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.

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**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 11 \$
Department of Economic & Community Development	GF - Savings	15,000

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill, which eliminates the requirement that the Department of Economic and Community Development (DECD) and Connecticut Housing Finance Authority prepare a long range housing plan every five years, results in a savings to DECD of \$15,000 for staff, printing, public notice and public hearing costs in FY 11.

**The Out Years**

The annualized ongoing fiscal impact identified above would occur every five years into the future subject to inflation.

**OLR Bill Analysis****sSB 321*****AN ACT CONCERNING THE STATE'S CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT.*****SUMMARY:**

This bill repeals the requirements that (1) the Department of Economic and Community Development (DECD) and the Connecticut Housing Finance Authority (CHFA) prepare a long-range state housing plan every five years and submit it to the General Assembly and (2) the DECD commissioner annually supplement each five-year plan with an action plan that assesses whether DECD and CHFA are meeting their goals. The bill replaces the long-range plan with the Consolidated Plan for Housing and Community Development DECD currently prepares every five years in consultation with CHFA for the U.S. Department of Housing and Urban Development (HUD) in order to qualify for federal housing program funding.

Information required in the two plans is similar and, in some cases, duplicative. Under the bill, the consolidated plan that replaces the long-range state housing plan is used in connection with:

1. the housing components of the municipal and state plans of conservation and development;
2. the allocation of federal housing assistance grants;
3. state department, institution, and agency evaluations of environmental impacts; and
4. DECD's state economic strategic plan.

EFFECTIVE DATE: October 1, 2010

**BACKGROUND*****Long-Range State Housing Plan***

Under current law, the long-range (five-year) housing plan must assess the housing needs of households below the area median income and describe affirmative fair housing marketing plans. The long-range plan must examine the racial composition of occupants of and the waiting list for each assisted housing project. It must also (1) state quantifiable goals to meet housing needs and outline strategies for achieving these goals; (2) consider the demographics of households serviced by state housing programs, including the number of households, total assistance, and racial diversity; and (3) identify public and private sector resources for affordable housing programs.

The annual action plan may, if necessary, include new strategies for achieving the goals outlined in the long-term plan. While preparing any of these plans, DECD must consult with people who participate in state housing programs. The department must hold public hearings for all long-range and action plans before the commissioner submits them to the General Assembly.

***Consolidated Plan for Housing and Community Development***

Every five years, DECD prepares the HUD-required consolidated housing plan that includes a housing and homeless needs assessment, housing market analysis, a strategic plan and an action plan, and certification and monitoring assurances. The HUD-required plan covers the following formula grant programs: (1) the Community Development Block Grant program, (2) the Emergency Shelter Grants, (3) the HOME Investment Partnership program, and (4) the Housing Opportunities for Persons with AIDS program. The federal department requires states to develop their plans in consultation with the public and with citizen participation (24 CFR §§ 91.300-91.330).

**COMMITTEE ACTION**

Housing Committee

Joint Favorable Substitute

Yea 11    Nay 0    (03/11/2010)