



# House of Representatives

General Assembly

**File No. 247**

January Session, 2011

House Bill No. 6413

*House of Representatives, March 28, 2011*

The Committee on Planning and Development reported through REP. GENTILE of the 104th Dist., Chairperson of the Committee on the part of the House, that the 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 Section 8-37t of the general statutes is repealed and the  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, 2011*):

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 *2011*):

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. No such regulations shall prohibit the use  
138 of receptacles for the storage of items designated for recycling in  
139 accordance with section 22a-241b or require that such receptacles  
140 comply with provisions for bulk or lot area, or similar provisions,  
141 except provisions for side yards, rear yards and front yards. No such  
142 regulations shall unreasonably restrict access to or the size of such  
143 receptacles for businesses, given the nature of the business and the  
144 volume of items designated for recycling in accordance with section  
145 22a-241b, that such business produces in its normal course of business,  
146 provided nothing in this section shall be construed to prohibit such  
147 regulations from requiring the screening or buffering of such  
148 receptacles for aesthetic reasons. Such regulations shall not impose  
149 conditions and requirements on manufactured homes having as their  
150 narrowest dimension twenty-two feet or more and built in accordance  
151 with federal manufactured home construction and safety standards or  
152 on lots containing such manufactured homes which are substantially

153 different from conditions and requirements imposed on single-family  
154 dwellings and lots containing single-family dwellings. Such  
155 regulations shall not impose conditions and requirements on  
156 developments to be occupied by manufactured homes having as their  
157 narrowest dimension twenty-two feet or more and built in accordance  
158 with federal manufactured home construction and safety standards  
159 which are substantially different from conditions and requirements  
160 imposed on multifamily dwellings, lots containing multifamily  
161 dwellings, cluster developments or planned unit developments. Such  
162 regulations shall not prohibit the continuance of any nonconforming  
163 use, building or structure existing at the time of the adoption of such  
164 regulations. Such regulations shall not provide for the termination of  
165 any nonconforming use solely as a result of nonuse for a specified  
166 period of time without regard to the intent of the property owner to  
167 maintain that use. Any city, town or borough which adopts the  
168 provisions of this chapter may, by vote of its legislative body, exempt  
169 municipal property from the regulations prescribed by the zoning  
170 commission of such city, town or borough; but unless it is so voted  
171 municipal property shall be subject to such regulations.

172 Sec. 3. Subsection (e) of section 8-23 of the general statutes is  
173 repealed and the following is substituted in lieu thereof (*Effective*  
174 *October 1, 2011*):

175 (e) (1) Such plan of conservation and development shall (A) be a  
176 statement of policies, goals and standards for the physical and  
177 economic development of the municipality, (B) provide for a system of  
178 principal thoroughfares, parkways, bridges, streets, sidewalks,  
179 multipurpose trails and other public ways as appropriate, (C) be  
180 designed to promote, with the greatest efficiency and economy, the  
181 coordinated development of the municipality and the general welfare  
182 and prosperity of its people and identify areas where it is feasible and  
183 prudent (i) to have compact, transit accessible, pedestrian-oriented  
184 mixed use development patterns and land reuse, and (ii) to promote  
185 such development patterns and land reuse, (D) recommend the most  
186 desirable use of land within the municipality for residential,

187 recreational, commercial, industrial, conservation and other purposes  
188 and include a map showing such proposed land uses, (E) recommend  
189 the most desirable density of population in the several parts of the  
190 municipality, (F) note any inconsistencies with the following growth  
191 management principles: (i) Redevelopment and revitalization of  
192 commercial centers and areas of mixed land uses with existing or  
193 planned physical infrastructure; (ii) expansion of housing  
194 opportunities and design choices to accommodate a variety of  
195 household types and needs; (iii) concentration of development around  
196 transportation nodes and along major transportation corridors to  
197 support the viability of transportation options and land reuse; (iv)  
198 conservation and restoration of the natural environment, cultural and  
199 historical resources and existing farmlands; (v) protection of  
200 environmental assets critical to public health and safety; and (vi)  
201 integration of planning across all levels of government to address  
202 issues on a local, regional and state-wide basis, (G) make provision for  
203 the development of housing opportunities, including opportunities for  
204 multifamily dwellings, consistent with soil types, terrain and  
205 infrastructure capacity, for all residents of the municipality and the  
206 planning region in which the municipality is located, as designated by  
207 the Secretary of the Office of Policy and Management under section  
208 16a-4a, (H) promote housing choice and economic diversity in  
209 housing, including housing for both low and moderate income  
210 households, and encourage the development of housing which will  
211 meet the housing needs identified in the [housing plan] state's  
212 consolidated plan for housing and community development prepared  
213 pursuant to section 8-37t, as amended by this act, and in the housing  
214 component and the other components of the state plan of conservation  
215 and development prepared pursuant to chapter 297. In preparing such  
216 plan the commission shall consider focusing development and  
217 revitalization in areas with existing or planned physical infrastructure.

218 (2) For any municipality that is contiguous to Long Island Sound,  
219 such plan shall be (A) consistent with the municipal coastal program  
220 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with  
221 reasonable consideration for restoration and protection of the

222 ecosystem and habitat of Long Island Sound, and (C) designed to  
223 reduce hypoxia, pathogens, toxic contaminants and floatable debris in  
224 Long Island Sound.

225 Sec. 4. Subsection (c) of section 8-37u of the general statutes is  
226 repealed and the following is substituted in lieu thereof (*Effective*  
227 *October 1, 2011*):

228 (c) In order to facilitate such coordination, the Connecticut Housing  
229 Finance Authority shall submit annually to the Commissioner of  
230 Economic and Community Development a projected twelve-month  
231 operating plan. Said plan shall be prepared in a manner so as to be  
232 consistent with the [five-year plan referred to in] state's consolidated  
233 plan for housing and community development prepared pursuant to  
234 section 8-37t, as amended by this act, as such plan is then in effect. Said  
235 plan shall include such matters as the authority determines are  
236 necessary and shall include, but not be limited to, production targets  
237 under each multifamily program of the authority, including targets for  
238 rental housing production for both elderly and nonelderly families in a  
239 proportion consistent with housing needs estimated pursuant to  
240 [section 8-37t] the state's consolidated plan for housing and  
241 community development; proposed new and expanded programs;  
242 proposed outreach activities to help serve areas of the state or  
243 segments of the population whose housing needs have been  
244 particularly underserved, and estimated level of subsidy needed to  
245 support the proposed level of production. The first such plan shall be  
246 submitted to the Commissioner of Economic and Community  
247 Development prior to January 1, 1981, and subsequent plans on each  
248 twelve-month anniversary thereof.

249 Sec. 5. Subsection (d) of section 8-206 of the general statutes is  
250 repealed and the following is substituted in lieu thereof (*Effective*  
251 *October 1, 2011*):

252 (d) The Commissioner of Economic and Community Development  
253 is authorized to do all things necessary to apply for, qualify for and  
254 accept any federal funds made available or allotted under any federal

255 act for any activities which may be pertinent to the purposes of this  
256 chapter and chapters 128, 129, 130, 135 and 136 and said commissioner  
257 shall administer any such funds allotted to the department in  
258 accordance with federal law. The commissioner may enter into  
259 contracts with the federal government concerning the use and  
260 repayment of such funds under any such federal act, the prosecution  
261 of the work under any such contract and the establishment of and  
262 disbursement from a separate account in which federal and state funds  
263 estimated to be required for plan preparation or other eligible activities  
264 under such federal act shall be kept. Said account shall not be a part of  
265 the General Fund of the state or any subdivision of the state. Unless  
266 otherwise required by federal law or regulation, any federal housing  
267 assistance funding made available at the state level shall be allocated in  
268 accordance with the [housing plan] state's consolidated plan for  
269 housing and community development prepared pursuant to the  
270 provisions of section 8-37t, as amended by this act. Such allocation  
271 shall, to the maximum extent possible, reflect the types and  
272 distribution of housing needs in all parts of the state and the resources  
273 required by the department, the Connecticut Housing Finance  
274 Authority or other appropriate agencies to meet those needs.

275 Sec. 6. Subsection (c) of section 22a-1b of the general statutes is  
276 repealed and the following is substituted in lieu thereof (*Effective*  
277 *October 1, 2011*):

278 (c) Each state department, institution or agency responsible for the  
279 primary recommendation or initiation of actions which may  
280 significantly affect the environment shall in the case of each such  
281 proposed action make a detailed written evaluation of its  
282 environmental impact before deciding whether to undertake or  
283 approve such action. All such environmental impact evaluations shall  
284 be detailed statements setting forth the following: (1) A description of  
285 the proposed action which shall include, but not be limited to, a  
286 description of the purpose and need of the proposed action, and, in the  
287 case of a proposed facility, a description of the infrastructure needs of  
288 such facility, including, but not limited to, parking, water supply,

289 wastewater treatment and the square footage of the facility; (2) the  
290 environmental consequences of the proposed action, including  
291 cumulative, direct and indirect effects which might result during and  
292 subsequent to the proposed action; (3) any adverse environmental  
293 effects which cannot be avoided and irreversible and irretrievable  
294 commitments of resources should the proposal be implemented; (4)  
295 alternatives to the proposed action, including the alternative of not  
296 proceeding with the proposed action and, in the case of a proposed  
297 facility, a list of all the sites controlled by or reasonably available to the  
298 sponsoring agency that would meet the stated purpose of such facility;  
299 (5) an evaluation of the proposed action's consistency and each  
300 alternative's consistency with the state plan of conservation and  
301 development, an evaluation of each alternative including, to the extent  
302 practicable, whether it avoids, minimizes or mitigates environmental  
303 impacts, and, where appropriate, a description of detailed mitigation  
304 measures proposed to minimize environmental impacts, including, but  
305 not limited to, where appropriate, a site plan; (6) an analysis of the  
306 short term and long term economic, social and environmental costs  
307 and benefits of the proposed action; (7) the effect of the proposed  
308 action on the use and conservation of energy resources; and (8) a  
309 description of the effects of the proposed action on sacred sites or  
310 archaeological sites of state or national importance. In the case of an  
311 action which affects existing housing, the evaluation shall also contain  
312 a detailed statement analyzing (A) housing consequences of the  
313 proposed action, including direct and indirect effects which might  
314 result during and subsequent to the proposed action by income group  
315 as defined in section 8-37aa and by race, and (B) the consistency of the  
316 housing consequences with the [long-range state housing plan adopted  
317 under] state's consolidated plan for housing and community  
318 development prepared pursuant to section 8-37t, as amended by this  
319 act. As used in this section, "sacred sites" and "archaeological sites"  
320 shall have the same meaning as in section 10-381.

321 Sec. 7. Subdivision (4) of section 25-231 of the general statutes is  
322 repealed and the following is substituted in lieu thereof (*Effective*  
323 *October 1, 2011*):

324 (4) "Major state plan" means any of the following: The master  
 325 transportation plan adopted pursuant to section 13b-15, the plan for  
 326 development of outdoor recreation adopted pursuant to section 22a-21,  
 327 the solid waste management plan adopted pursuant to section 22a-211,  
 328 the state-wide plan for the management of water resources adopted  
 329 pursuant to section 22a-352, the state-wide environmental plan  
 330 adopted pursuant to section 22a-8, the historic preservation plan  
 331 adopted under the National Historic Preservation Act, 16 USC 470 et  
 332 seq., the state-wide facility and capital plan adopted pursuant to  
 333 section 4b-23, [the long-range state housing plan adopted] the state's  
 334 consolidated plan for housing and community development prepared  
 335 pursuant to section 8-37t, as amended by this act, the water quality  
 336 management plan adopted under the federal Clean Water Act, 33 USC  
 337 1251 et seq., any plans for managing forest resources adopted pursuant  
 338 to section 23-20 and the Connecticut River Atlantic Salmon Compact  
 339 adopted pursuant to section 26-302;

340 Sec. 8. Subdivision (1) of subsection (b) of section 32-1o of the  
 341 general statutes is repealed and the following is substituted in lieu  
 342 thereof (*Effective October 1, 2011*):

343 (1) Ensure that the plan is consistent with (A) the text and locational  
 344 guide map of the state plan of conservation and development adopted  
 345 pursuant to chapter 297, (B) the [long-range state housing plan  
 346 adopted] state's consolidated plan for housing and community  
 347 development prepared pursuant to section 8-37t, as amended by this  
 348 act, and (C) the transportation strategy adopted pursuant to section  
 349 13b-57g;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	8-37t
Sec. 2	<i>October 1, 2011</i>	8-2(a)
Sec. 3	<i>October 1, 2011</i>	8-23(e)
Sec. 4	<i>October 1, 2011</i>	8-37u(c)
Sec. 5	<i>October 1, 2011</i>	8-206(d)

Sec. 6	<i>October 1, 2011</i>	22a-1b(c)
Sec. 7	<i>October 1, 2011</i>	25-231(4)
Sec. 8	<i>October 1, 2011</i>	32-1o(b)(1)

**PD**      *Joint Favorable*

---

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:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 12 \$</b>	<b>FY 13 \$</b>	<b>FY 15\$</b>
Department of Economic & Community Development	GF - Savings	None	None	15,000

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

This bill results in savings of \$15,000 every five years by eliminating the requirement that the Department of Economic and Community Development prepare a long range housing plan with a supplemental action plan every five years for the General Assembly. The \$15,000 savings are associated with costs for staff, printing, public notice, and public hearing costs in the years for which a plan would be due.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue every five years beginning in 2015 subject to inflation.

**OLR Bill Analysis****HB 6413*****AN ACT CONCERNING THE STATE'S CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT.*****SUMMARY:**

This bill repeals the requirements that the (1) 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) 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. municipal zoning regulations and plans of conservation and development;
2. CHFA's operating plan to coordinate housing policy and activities;
3. the allocation of federal housing assistance grants;
4. state department, institution, and agency evaluations of environmental impacts;
5. river commission management plans; and

6. DECD's state economic strategic plan.

EFFECTIVE DATE: October 1, 2011

### **LONG-RANGE STATE HOUSING PLAN**

The bill eliminates the long-range (five-year) housing plan which, under current law, must conform to the State Plan of Conservation and Development. The long-range plan must:

1. assess the housing needs of households below the area median income;
2. describe affirmative fair housing marketing plans;
3. examine the racial composition of occupants of, and the waiting list for, each assisted housing project;
4. state quantifiable goals to meet housing needs and outline strategies for achieving these goals;
5. consider the demographics of households served by state housing programs, including the number of households, total assistance, and racial diversity; and
6. identify public and private sector resources for affordable housing programs.

The bill also eliminates the annual action plan that DECD and CHFA prepare in conjunction with the long-range plan. Current law requires DECD to (1) consult with people who participate in state housing programs while preparing any of these plans and (2) hold public hearings for all long-range and action plans before the commissioner submits them to the General Assembly.

### **BACKGROUND**

#### ***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**

Planning and Development Committee

Joint Favorable

Yea 20 Nay 0 (03/07/2011)