



General Assembly

January Session, 2011

Committee Bill No. 5479

LCO No. 4904

04904HB05479PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING CONSIDERATIONS IN AFFORDABLE HOUSING APPEALS.

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

1 Section 1. Subsection (g) of section 8-30g of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (g) Upon an appeal taken under subsection (f) of this section, the
5 burden shall be on the commission to prove, based upon the evidence
6 in the record compiled before such commission that the decision from
7 which such appeal is taken and the reasons cited for such decision are
8 supported by sufficient evidence in the record. The commission shall
9 also have the burden to prove, based upon the evidence in the record
10 compiled before such commission, that (1) (A) the decision is necessary
11 to protect substantial public interests in health, safety, or other matters
12 which the commission may legally consider; (B) such public interests
13 clearly outweigh the need for affordable housing; and (C) such public
14 interests cannot be protected by reasonable changes to the affordable
15 housing development, [or] (2) (A) the application [which] that was the
16 subject of the decision from which such appeal was taken would locate

17 affordable housing in an area which is zoned for industrial use and
18 which does not permit residential uses, and (B) the development is not
19 assisted housing, as defined in subsection (a) of this section, or (3) (A)
20 the application that was the subject of the decision from which such
21 appeal was taken would locate affordable housing on a lot that is
22 unbuildable pursuant to the commission's regulations in effect at the
23 time such application is filed, and (B) such lot cannot be made
24 buildable due to natural conditions of the property. If the commission
25 does not satisfy its burden of proof under this subsection, the court
26 shall wholly or partly revise, modify, remand or reverse the decision
27 from which the appeal was taken in a manner consistent with the
28 evidence in the record before it.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	8-30g(g)

Statement of Purpose:

To amend the criteria a judge must consider in an appeal of a denial of an affordable housing application.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. REYNOLDS, 42nd Dist.; SEN. PRAGUE, 19th Dist.

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