



General Assembly

**Amendment**

January Session, 2015

LCO No. 8821



Offered by:  
SEN. HWANG, 28<sup>th</sup> Dist.

To: Subst. House Bill No. 6757      File No. 880      Cal. No. 580

(As Amended by House Amendment Schedule "A")

**"AN ACT CONCERNING THE DISCLOSURE OF INFORMATION OF  
RENTAL HOUSING PROGRAM PARTICIPANTS."**

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

3      "Sec. 501. Section 8-30g of the general statutes is repealed and the  
4      following is substituted in lieu thereof (*Effective from passage*):

5      (a) As used in this section:

6      (1) "Affordable housing development" means a proposed housing  
7      development which is (A) assisted housing, or (B) a set-aside  
8      development;

9      (2) "Affordable housing application" means any application made to  
10     a commission in connection with an affordable housing development  
11     by a person who proposes to develop such affordable housing;

12 (3) "Assisted housing" means housing which is receiving, or will  
13 receive, financial assistance under any governmental program for the  
14 construction or substantial rehabilitation of low and moderate income  
15 housing, and any housing occupied by persons receiving rental  
16 assistance under chapter 319uu or Section 1437f of Title 42 of the  
17 United States Code;

18 (4) "Commission" means a zoning commission, planning  
19 commission, planning and zoning commission, zoning board of  
20 appeals or municipal agency exercising zoning or planning authority;

21 (5) "Municipality" means any town, city or borough, whether  
22 consolidated or unconsolidated;

23 (6) "Set-aside development" means a development in which not less  
24 than thirty per cent of the dwelling units will be conveyed by deeds  
25 containing covenants or restrictions which shall require that, for at  
26 least forty years after the initial occupation of the proposed  
27 development, such dwelling units shall be sold or rented at, or below,  
28 prices which will preserve the units as housing for which persons and  
29 families pay thirty per cent or less of their annual income, where such  
30 income is less than or equal to eighty per cent of the median income. In  
31 a set-aside development, of the dwelling units conveyed by deeds  
32 containing covenants or restrictions, a number of dwelling units equal  
33 to not less than fifteen per cent of all dwelling units in the  
34 development shall be sold or rented to persons and families whose  
35 income is less than or equal to sixty per cent of the median income and  
36 the remainder of the dwelling units conveyed by deeds containing  
37 covenants or restrictions shall be sold or rented to persons and families  
38 whose income is less than or equal to eighty per cent of the median  
39 income;

40 (7) "Median income" means, after adjustments for family size, the  
41 lesser of the state median income or the area median income for the  
42 area in which the municipality containing the affordable housing  
43 development is located, as determined by the United States

44 Department of Housing and Urban Development; and

45 (8) "Commissioner" means the Commissioner of Housing.

46 (b) (1) Any person filing an affordable housing application with a  
47 commission shall submit, as part of the application, an affordability  
48 plan which shall include at least the following: (A) Designation of the  
49 person, entity or agency that will be responsible for the duration of any  
50 affordability restrictions, for the administration of the affordability  
51 plan and its compliance with the income limits and sale price or rental  
52 restrictions of this chapter; (B) an affirmative fair housing marketing  
53 plan governing the sale or rental of all dwelling units; (C) a sample  
54 calculation of the maximum sales prices or rents of the intended  
55 affordable dwelling units; (D) a description of the projected sequence  
56 in which, within a set-aside development, the affordable dwelling  
57 units will be built and offered for occupancy and the general location  
58 of such units within the proposed development; and (E) draft zoning  
59 regulations, conditions of approvals, deeds, restrictive covenants or  
60 lease provisions that will govern the affordable dwelling units.

61 (2) The commissioner shall, within available appropriations, adopt  
62 regulations pursuant to chapter 54 regarding the affordability plan.  
63 Such regulations may include additional criteria for preparing an  
64 affordability plan and shall include: (A) A formula for determining  
65 rent levels and sale prices, including establishing maximum allowable  
66 down payments to be used in the calculation of maximum allowable  
67 sales prices; (B) a clarification of the costs that are to be included when  
68 calculating maximum allowed rents and sale prices; (C) a clarification  
69 as to how family size and bedroom counts are to be equated in  
70 establishing maximum rental and sale prices for the affordable units;  
71 and (D) a listing of the considerations to be included in the  
72 computation of income under this section.

73 (c) Any commission, by regulation, may require that an affordable  
74 housing application seeking a change of zone shall include the  
75 submission of a conceptual site plan describing the proposed

76 development's total number of residential units and their arrangement  
77 on the property and the proposed development's roads and traffic  
78 circulation, sewage disposal and water supply.

79 (d) For any affordable dwelling unit that is rented as part of a set-  
80 aside development, if the maximum monthly housing cost, as  
81 calculated in accordance with subdivision (6) of subsection (a) of this  
82 section, would exceed one hundred per cent of the Section 8 fair  
83 market rent as determined by the United States Department of  
84 Housing and Urban Development, in the case of units set aside for  
85 persons and families whose income is less than or equal to sixty per  
86 cent of median income, then such maximum monthly housing cost  
87 shall not exceed one hundred per cent of said Section 8 fair market  
88 rent. If the maximum monthly housing cost, as calculated in  
89 accordance with subdivision (6) of subsection (a) of this section, would  
90 exceed one hundred twenty per cent of the Section 8 fair market rent,  
91 as determined by the United States Department of Housing and Urban  
92 Development, in the case of units set aside for persons and families  
93 whose income is less than or equal to eighty per cent of median  
94 income, then such maximum monthly housing cost shall not exceed  
95 one hundred twenty per cent of such Section 8 fair market rent.

96 (e) For any affordable dwelling unit that is rented in order to  
97 comply with the requirements of a set-aside development, no person  
98 shall impose on a prospective tenant who is receiving governmental  
99 rental assistance a maximum percentage-of-income-for-housing  
100 requirement that is more restrictive than the requirement, if any,  
101 imposed by such governmental assistance program.

102 (f) Any person whose affordable housing application is denied, or is  
103 approved with restrictions which have a substantial adverse impact on  
104 the viability of the affordable housing development or the degree of  
105 affordability of the affordable dwelling units in a set-aside  
106 development, may appeal such decision pursuant to the procedures of  
107 this section. Such appeal shall be filed within the time period for filing  
108 appeals as set forth in section 8-8, 8-9, 8-28 or 8-30a, as applicable, and

109 shall be made returnable to the superior court for the judicial district  
110 where the real property which is the subject of the application is  
111 located. Affordable housing appeals, including pretrial motions, shall  
112 be heard by a judge assigned by the Chief Court Administrator to hear  
113 such appeals. To the extent practicable, efforts shall be made to assign  
114 such cases to a small number of judges, sitting in geographically  
115 diverse parts of the state, so that a consistent body of expertise can be  
116 developed. Unless otherwise ordered by the Chief Court  
117 Administrator, such appeals, including pretrial motions, shall be heard  
118 by such assigned judges in the judicial district in which such judge is  
119 sitting. Appeals taken pursuant to this subsection shall be privileged  
120 cases to be heard by the court as soon after the return day as is  
121 practicable. Except as otherwise provided in this section, appeals  
122 involving an affordable housing application shall proceed in  
123 conformance with the provisions of said section 8-8, 8-9, 8-28 or 8-30a,  
124 as applicable.

125 (g) Upon an appeal taken under subsection (f) of this section, the  
126 burden shall be on the commission to prove, based upon the evidence  
127 in the record compiled before such commission, that the decision from  
128 which such appeal is taken and the reasons cited for such decision are  
129 supported by sufficient evidence in the record. The commission shall  
130 also have the burden to prove, based upon the evidence in the record  
131 compiled before such commission, that (1) (A) the decision is necessary  
132 to protect substantial public interests in health, safety or other matters  
133 which the commission may legally consider; (B) such public interests  
134 clearly outweigh the need for affordable housing; and (C) such public  
135 interests cannot be protected by reasonable changes to the affordable  
136 housing development, or (2) (A) the application which was the subject  
137 of the decision from which such appeal was taken would locate  
138 affordable housing in an area which is zoned for industrial use and  
139 which does not permit residential uses; and (B) the development is not  
140 assisted housing, as defined in subsection (a) of this section. If the  
141 commission does not satisfy its burden of proof under this subsection,  
142 the court shall wholly or partly revise, modify, remand or reverse the

143 decision from which the appeal was taken in a manner consistent with  
144 the evidence in the record before it.

145 (h) Following a decision by a commission to reject an affordable  
146 housing application or to approve an application with restrictions  
147 which have a substantial adverse impact on the viability of the  
148 affordable housing development or the degree of affordability of the  
149 affordable dwelling units, the applicant may, within the period for  
150 filing an appeal of such decision, submit to the commission a proposed  
151 modification of its proposal responding to some or all of the objections  
152 or restrictions articulated by the commission, which shall be treated as  
153 an amendment to the original proposal. The day of receipt of such a  
154 modification shall be determined in the same manner as the day of  
155 receipt is determined for an original application. The filing of such a  
156 proposed modification shall stay the period for filing an appeal from  
157 the decision of the commission on the original application. The  
158 commission shall hold a public hearing on the proposed modification  
159 if it held a public hearing on the original application and may hold a  
160 public hearing on the proposed modification if it did not hold a public  
161 hearing on the original application. The commission shall render a  
162 decision on the proposed modification not later than sixty-five days  
163 after the receipt of such proposed modification, provided, if, in  
164 connection with a modification submitted under this subsection, the  
165 applicant applies for a permit for an activity regulated pursuant to  
166 sections 22a-36 to 22a-45, inclusive, and the time for a decision by the  
167 commission on such modification under this subsection would lapse  
168 prior to the thirty-fifth day after a decision by an inland wetlands and  
169 watercourses agency, the time period for decision by the commission  
170 on the modification under this subsection shall be extended to thirty-  
171 five days after the decision of such agency. The commission shall issue  
172 notice of its decision as provided by law. Failure of the commission to  
173 render a decision within said sixty-five days or subsequent extension  
174 period permitted by this subsection shall constitute a rejection of the  
175 proposed modification. Within the time period for filing an appeal on  
176 the proposed modification as set forth in section 8-8, 8-9, 8-28 or 8-30a,

177 as applicable, the applicant may appeal the commission's decision on  
178 the original application and the proposed modification in the manner  
179 set forth in this section. Nothing in this subsection shall be construed  
180 to limit the right of an applicant to appeal the original decision of the  
181 commission in the manner set forth in this section without submitting  
182 a proposed modification or to limit the issues which may be raised in  
183 any appeal under this section.

184 (i) Nothing in this section shall be deemed to preclude any right of  
185 appeal under the provisions of section 8-8, 8-9, 8-28 or 8-30a.

186 (j) A commission or its designated authority shall have, with respect  
187 to compliance of an affordable housing development with the  
188 provisions of this chapter, the same powers and remedies provided to  
189 commissions by section 8-12.

190 (k) Notwithstanding the provisions of subsections (a) to (j),  
191 inclusive, of this section, the affordable housing appeals procedure  
192 established under this section shall not be available if the real property  
193 which is the subject of the application is located in a municipality in  
194 which at least ten per cent of all dwelling units in the municipality are  
195 (1) assisted housing, or (2) currently financed by Connecticut Housing  
196 Finance Authority mortgages, or (3) subject to binding recorded deeds  
197 containing covenants or restrictions which require that such dwelling  
198 units be sold or rented at, or below, prices which will preserve the  
199 units as housing for which persons and families pay thirty per cent or  
200 less of income, where such income is less than or equal to eighty per  
201 cent of the median income, or (4) mobile manufactured homes located  
202 in mobile manufactured home parks or legally approved accessory  
203 apartments, which homes or apartments are subject to binding  
204 recorded deeds containing covenants or restrictions which require that  
205 such dwelling units be sold or rented at, or below, prices which will  
206 preserve the units as housing for which, for a period of not less than  
207 ten years, persons and families pay thirty per cent or less of income,  
208 where such income is less than or equal to eighty per cent of the  
209 median income. The municipalities meeting the criteria set forth in this

210 subsection shall be listed in the report submitted under section 8-  
211 37qqq. As used in this subsection, "accessory apartment" means a  
212 separate living unit that (A) is attached to the main living unit of a  
213 house, which house has the external appearance of a single-family  
214 residence, (B) has a full kitchen, (C) has a square footage that is not  
215 more than thirty per cent of the total square footage of the house, (D)  
216 has an internal doorway connecting to the main living unit of the  
217 house, (E) is not billed separately from such main living unit for  
218 utilities, and (F) complies with the building code and health and safety  
219 regulations.

220 (l) (1) Notwithstanding the provisions of subsections (a) to (j),  
221 inclusive, of this section, the affordable housing appeals procedure  
222 established under this section shall not be applicable to an affordable  
223 housing application filed with a commission during a moratorium,  
224 which shall be the four-year period after (A) a certification of  
225 affordable housing project completion issued by the commissioner is  
226 published in the Connecticut Law Journal, or (B) after notice of a  
227 provisional approval is published pursuant to subdivision (4) of this  
228 subsection. Any moratorium that is in effect on October 1, 2002, is  
229 extended by one year.

230 (2) Notwithstanding the provisions of this subsection, such  
231 moratorium shall not apply to (A) affordable housing applications for  
232 assisted housing in which ninety-five per cent of the dwelling units are  
233 restricted to persons and families whose income is less than or equal to  
234 sixty per cent of median income, (B) other affordable housing  
235 applications for assisted housing containing forty or fewer dwelling  
236 units, or (C) affordable housing applications which were filed with a  
237 commission pursuant to this section prior to the date upon which the  
238 moratorium takes effect.

239 (3) Eligible units completed after a moratorium has begun may be  
240 counted toward establishing eligibility for a subsequent moratorium.

241 (4) (A) The commissioner shall issue a certificate of affordable

242 housing project completion for the purposes of this subsection upon  
243 finding that (1) there has been completed within the municipality one  
244 or more affordable housing developments which create housing unit-  
245 equivalent points equal to the greater of two per cent of all dwelling  
246 units in the municipality, as reported in the most recent United States  
247 decennial census, or seventy-five housing unit-equivalent points; or (2)  
248 existing housing stock within the municipality creates housing unit-  
249 equivalent points equal to the greater of two per cent of all dwelling  
250 units in the municipality, as reported in the most recent United States  
251 decennial census, or seventy-five housing unit-equivalent points.

252 (B) A municipality may apply for a certificate of affordable housing  
253 project completion pursuant to this subsection by applying in writing  
254 to the commissioner, and including documentation showing that the  
255 municipality has accumulated the required number of points within  
256 the applicable time period. Such documentation shall include the  
257 location of each dwelling unit being counted, the number of points  
258 each dwelling unit has been assigned, and the reason, pursuant to this  
259 subsection, for assigning such points to such dwelling unit. Upon  
260 receipt of such application, the commissioner shall promptly cause a  
261 notice of the filing of the application to be published in the Connecticut  
262 Law Journal, stating that public comment on such application shall be  
263 accepted by the commissioner for a period of thirty days after the  
264 publication of such notice. Not later than ninety days after the receipt  
265 of such application, the commissioner shall either approve or reject  
266 such application. Such approval or rejection shall be accompanied by a  
267 written statement of the reasons for approval or rejection, pursuant to  
268 the provisions of this subsection. If the application is approved, the  
269 commissioner shall promptly cause a certificate of affordable housing  
270 project completion to be published in the Connecticut Law Journal. If  
271 the commissioner fails to either approve or reject the application  
272 within such ninety-day period, such application shall be deemed  
273 provisionally approved, and the municipality may cause notice of such  
274 provisional approval to be published in a conspicuous manner in a  
275 daily newspaper having general circulation in the municipality, in

276 which case, such moratorium shall take effect upon such publication.  
277 The municipality shall send a copy of such notice to the commissioner.  
278 Such provisional approval shall remain in effect unless the  
279 commissioner subsequently acts upon and rejects the application, in  
280 which case the moratorium shall terminate upon notice to the  
281 municipality by the commissioner.

282 (5) For purposes of this subsection, "elderly units" are dwelling units  
283 whose occupancy is restricted by age and "family units" are dwelling  
284 units whose occupancy is not restricted by age.

285 (6) For purposes of this subsection, housing unit-equivalent points  
286 shall be determined by the commissioner as follows: (A) No points  
287 shall be awarded for a unit unless its occupancy is restricted to persons  
288 and families whose income is equal to or less than eighty per cent of  
289 median income, except that unrestricted units in a set-aside  
290 development shall be awarded one-fourth point each. (B) Family units  
291 restricted to persons and families whose income is equal to or less than  
292 eighty per cent of median income shall be awarded one point if an  
293 ownership unit and one and one-half points if a rental unit. (C) Family  
294 units restricted to persons and families whose income is equal to or  
295 less than sixty per cent of median income shall be awarded one and  
296 one-half points if an ownership unit and two points if a rental unit. (D)  
297 Family units restricted to persons and families whose income is equal  
298 to or less than forty per cent of median income shall be awarded two  
299 points if an ownership unit and two and one-half points if a rental  
300 unit. (E) Elderly units restricted to persons and families whose income  
301 is equal to or less than eighty per cent of median income shall be  
302 awarded one-half point. (F) A set-aside development containing family  
303 units which are rental units shall be awarded additional points equal  
304 to twenty-two per cent of the total points awarded to such  
305 development, provided the application for such development was filed  
306 with the commission prior to July 6, 1995.

307 (7) Points shall be awarded only for dwelling units which were (A)  
308 newly-constructed units in an affordable housing development, as that

309 term was defined at the time of the affordable housing application, for  
310 which a certificate of occupancy was issued after July 1, 1990, or (B)  
311 newly subjected after July 1, 1990, to deeds containing covenants or  
312 restrictions which require that, for at least the duration required by  
313 subsection (a) of this section for set-aside developments on the date  
314 when such covenants or restrictions took effect, such dwelling units  
315 shall be sold or rented at, or below, prices which will preserve the  
316 units as affordable housing for persons or families whose income does  
317 not exceed eighty per cent of median income.

318 (8) Points shall be subtracted, applying the formula in subdivision  
319 (6) of this subsection, for any affordable dwelling unit which, on or  
320 after July 1, 1990, was affected by any action taken by a municipality  
321 which caused such dwelling unit to cease being counted as an  
322 affordable dwelling unit.

323 (9) A newly-constructed unit shall be counted toward a moratorium  
324 when it receives a certificate of occupancy. A newly-restricted unit  
325 shall be counted toward a moratorium when its deed restriction takes  
326 effect.

327 (10) The affordable housing appeals procedure shall be applicable to  
328 affordable housing applications filed with a commission after a three-  
329 year moratorium expires, except (A) as otherwise provided in  
330 subsection (k) of this section, or (B) when sufficient unit-equivalent  
331 points have been created within the municipality during one  
332 moratorium to qualify for a subsequent moratorium.

333 (11) The commissioner shall, within available appropriations, adopt  
334 regulations in accordance with chapter 54 to carry out the purposes of  
335 this subsection. Such regulations shall specify the procedure to be  
336 followed by a municipality to obtain a moratorium, and shall include  
337 the manner in which a municipality is to document the units to be  
338 counted toward a moratorium. A municipality may apply for a  
339 moratorium in accordance with the provisions of this subsection prior  
340 to, as well as after, such regulations are adopted.

341 (m) The commissioner shall, pursuant to regulations adopted in  
342 accordance with the provisions of chapter 54, promulgate model deed  
343 restrictions which satisfy the requirements of this section. A  
344 municipality may waive any fee which would otherwise be required  
345 for the filing of any long-term affordability deed restriction on the land  
346 records."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>from passage</i>	8-30g