



General Assembly

Amendment

January Session, 2015

LCO No. 8947



Offered by:

REP. KUPCHICK, 132nd Dist.

REP. SREDZINSKI, 112th Dist.

To: Senate Bill No. 892

File No. 34

Cal. No. 513

"AN ACT CONCERNING HOUSING DEVELOPMENTS WITHIN INCENTIVE HOUSING ZONES."

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

3 "Sec. 501. Subsection (l) of section 8-30g of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2015*):

6 (l) (1) Notwithstanding the provisions of subsections (a) to (j),
7 inclusive, of this section, the affordable housing appeals procedure
8 established under this section shall not be applicable to an affordable
9 housing application filed with a commission during a moratorium,
10 which shall be the four-year period after (A) a certification of
11 affordable housing project completion issued by the commissioner is
12 published in the Connecticut Law Journal, or (B) after notice of a
13 provisional approval is published pursuant to subdivision (4) of this

14 subsection. Any moratorium that is in effect on October 1, 2002, is
15 extended by one year.

16 (2) Notwithstanding the provisions of this subsection, such
17 moratorium shall not apply to (A) affordable housing applications for
18 assisted housing in which ninety-five per cent of the dwelling units are
19 restricted to persons and families whose income is less than or equal to
20 sixty per cent of median income, (B) other affordable housing
21 applications for assisted housing containing forty or fewer dwelling
22 units, or (C) affordable housing applications which were filed with a
23 commission pursuant to this section prior to the date upon which the
24 moratorium takes effect.

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

27 (4) (A) The commissioner shall issue a certificate of affordable
28 housing project completion for the purposes of this subsection upon
29 finding that there has been completed within the municipality one or
30 more affordable housing developments which create housing unit-
31 equivalent points equal to the greater of two per cent of all dwelling
32 units in the municipality, as reported in the most recent United States
33 decennial census, or seventy-five housing unit-equivalent points.

34 (B) A municipality may apply for a certificate of affordable housing
35 project completion pursuant to this subsection by applying in writing
36 to the commissioner, and including documentation showing that the
37 municipality has accumulated the required number of points within
38 the applicable time period. Such documentation shall include the
39 location of each dwelling unit being counted, the number of points
40 each dwelling unit has been assigned, and the reason, pursuant to this
41 subsection, for assigning such points to such dwelling unit. Upon
42 receipt of such application, the commissioner shall promptly cause a
43 notice of the filing of the application to be published in the Connecticut
44 Law Journal, stating that public comment on such application shall be
45 accepted by the commissioner for a period of thirty days after the

46 publication of such notice. Not later than ninety days after the receipt
47 of such application, the commissioner shall either approve or reject
48 such application. Such approval or rejection shall be accompanied by a
49 written statement of the reasons for approval or rejection, pursuant to
50 the provisions of this subsection. If the application is approved, the
51 commissioner shall promptly cause a certificate of affordable housing
52 project completion to be published in the Connecticut Law Journal. If
53 the commissioner fails to either approve or reject the application
54 within such ninety-day period, such application shall be deemed
55 provisionally approved, and the municipality may cause notice of such
56 provisional approval to be published in a conspicuous manner in a
57 daily newspaper having general circulation in the municipality, in
58 which case, such moratorium shall take effect upon such publication.
59 The municipality shall send a copy of such notice to the commissioner.
60 Such provisional approval shall remain in effect unless the
61 commissioner subsequently acts upon and rejects the application, in
62 which case the moratorium shall terminate upon notice to the
63 municipality by the commissioner.

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

67 (6) For purposes of this subsection, housing unit-equivalent points
68 shall be determined by the commissioner as follows: (A) No points
69 shall be awarded for a unit unless its occupancy is restricted to persons
70 and families whose income is equal to or less than eighty per cent of
71 median income, except that unrestricted units in a set-aside
72 development shall be awarded one-fourth point each. (B) Family units
73 restricted to persons and families whose income is equal to or less than
74 eighty per cent of median income shall be awarded one point if an
75 ownership unit and one and one-half points if a rental unit. (C) Family
76 units restricted to persons and families whose income is equal to or
77 less than sixty per cent of median income shall be awarded one and
78 one-half points if an ownership unit and two points if a rental unit. (D)

79 Family units restricted to persons and families whose income is equal
80 to or less than forty per cent of median income shall be awarded two
81 points if an ownership unit and two and one-half points if a rental
82 unit. (E) Elderly units restricted to persons and families whose income
83 is equal to or less than eighty per cent of median income shall be
84 awarded one-half point. (F) A set-aside development containing family
85 units which are rental units shall be awarded additional points equal
86 to twenty-two per cent of the total points awarded to such
87 development, provided the application for such development was filed
88 with the commission prior to July 6, 1995. (G) An incentive housing
89 development, as defined in section 8-13m, containing family units
90 which are rental units shall be awarded additional points equal to one
91 hundred per cent of the total points awarded to such development.

92 (7) Points shall be awarded only for dwelling units which were (A)
93 newly-constructed units in an affordable housing development, as that
94 term was defined at the time of the affordable housing application, for
95 which a certificate of occupancy was issued after July 1, 1990, [or] (B)
96 newly subjected after July 1, 1990, to deeds containing covenants or
97 restrictions which require that, for at least the duration required by
98 subsection (a) of this section for set-aside developments on the date
99 when such covenants or restrictions took effect, such dwelling units
100 shall be sold or rented at, or below, prices which will preserve the
101 units as affordable housing for persons or families whose income does
102 not exceed eighty per cent of median income, or (C) located within an
103 approved incentive housing development, as defined in section 8-13m.

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

109 (9) A newly-constructed unit shall be counted toward a moratorium
110 when it receives a certificate of occupancy. A newly-restricted unit
111 shall be counted toward a moratorium when its deed restriction takes

112 effect.

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

119 (11) The commissioner shall, within available appropriations, adopt
120 regulations in accordance with chapter 54 to carry out the purposes of
121 this subsection. Such regulations shall specify the procedure to be
122 followed by a municipality to obtain a moratorium, and shall include
123 the manner in which a municipality is to document the units to be
124 counted toward a moratorium. A municipality may apply for a
125 moratorium in accordance with the provisions of this subsection prior
126 to, as well as after, such regulations are adopted."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2015	8-30g(l)