



General Assembly

**Amendment**

January Session, 2015

LCO No. 9083



Offered by:

REP. KUPCHICK, 132<sup>nd</sup> Dist.

REP. SREDZINSKI, 112<sup>th</sup> Dist.

To: Subst. Senate Bill No. 888

File No. 258

Cal. No. 652

(As Amended by Senate Amendment Schedule "A")

**"AN ACT CONCERNING ADEQUATE AND SAFE HOUSING FOR  
THE ELDERLY AND YOUNGER PERSONS WITH DISABILITIES."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (*Effective July 1, 2015*) (a) For purposes of this section,  
4 "elderly tenants" means tenants sixty-two years of age or older. The  
5 Commissioner of Housing, in consultation with the Commissioner of  
6 Mental Health and Addiction Services, the Department on Aging, the  
7 Department of Developmental Services, the Department of  
8 Rehabilitation Services and the Office of Protection and Advocacy for  
9 Persons with Disabilities, shall, within available appropriations,  
10 conduct a study of public housing in the state that houses both elderly  
11 tenants and younger tenants with disabilities. The study shall include,  
12 but not be limited to: (1) Recommendations concerning the feasibility

13 and means of providing comparable housing to tenants who are  
14 displaced due to units being reserved in such housing primarily for  
15 either the elderly or younger tenants with disabilities, (2)  
16 recommendations for the provision of additional support services  
17 needed for both elderly tenants and younger tenants with disabilities,  
18 (3) an estimate of any additional state appropriations needed to  
19 implement any recommendations pursuant to subdivisions (1) and (2)  
20 of this subsection, (4) an assessment of support services available to  
21 assist elderly tenants and younger tenants with disabilities and any  
22 gaps in such services, (5) a summary of the number of negative  
23 incidents between elderly tenants and younger tenants with  
24 disabilities from calendar years 2010 to 2014, inclusive, and the  
25 number of evictions related to such incidents, and (6)  
26 recommendations for changes to section 8-30g of the general statutes,  
27 as amended by this act, that will encourage additional housing  
28 opportunities for the elderly and younger tenants with disabilities.

29 (b) On or before December 1, 2015, the Commissioner of Housing  
30 shall report, in accordance with the provisions of section 11-4a of the  
31 general statutes, the findings of such study to the joint standing  
32 committee of the General Assembly having cognizance of matters  
33 relating to housing.

34 Sec. 2. Subsection (l) of section 8-30g of the general statutes is  
35 repealed and the following is substituted in lieu thereof (*Effective*  
36 *October 1, 2015*):

37 (l) (1) Notwithstanding the provisions of subsections (a) to (j),  
38 inclusive, of this section, the affordable housing appeals procedure  
39 established under this section shall not be applicable to an affordable  
40 housing application filed with a commission during a moratorium,  
41 which shall be the four-year period after (A) a certification of  
42 affordable housing project completion issued by the commissioner is  
43 published in the Connecticut Law Journal, or (B) after notice of a  
44 provisional approval is published pursuant to subdivision (4) of this  
45 subsection. Any moratorium that is in effect on October 1, 2002, is

46 extended by one year.

47 (2) Notwithstanding the provisions of this subsection, such  
48 moratorium shall not apply to (A) affordable housing applications for  
49 assisted housing in which ninety-five per cent of the dwelling units are  
50 restricted to persons and families whose income is less than or equal to  
51 sixty per cent of median income, (B) other affordable housing  
52 applications for assisted housing containing forty or fewer dwelling  
53 units, or (C) affordable housing applications which were filed with a  
54 commission pursuant to this section prior to the date upon which the  
55 moratorium takes effect.

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

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

65 (B) A municipality may apply for a certificate of affordable housing  
66 project completion pursuant to this subsection by applying in writing  
67 to the commissioner, and including documentation showing that the  
68 municipality has accumulated the required number of points within  
69 the applicable time period. Such documentation shall include the  
70 location of each dwelling unit being counted, the number of points  
71 each dwelling unit has been assigned, and the reason, pursuant to this  
72 subsection, for assigning such points to such dwelling unit. Upon  
73 receipt of such application, the commissioner shall promptly cause a  
74 notice of the filing of the application to be published in the Connecticut  
75 Law Journal, stating that public comment on such application shall be  
76 accepted by the commissioner for a period of thirty days after the  
77 publication of such notice. Not later than ninety days after the receipt

78 of such application, the commissioner shall either approve or reject  
79 such application. Such approval or rejection shall be accompanied by a  
80 written statement of the reasons for approval or rejection, pursuant to  
81 the provisions of this subsection. If the application is approved, the  
82 commissioner shall promptly cause a certificate of affordable housing  
83 project completion to be published in the Connecticut Law Journal. If  
84 the commissioner fails to either approve or reject the application  
85 within such ninety-day period, such application shall be deemed  
86 provisionally approved, and the municipality may cause notice of such  
87 provisional approval to be published in a conspicuous manner in a  
88 daily newspaper having general circulation in the municipality, in  
89 which case, such moratorium shall take effect upon such publication.  
90 The municipality shall send a copy of such notice to the commissioner.  
91 Such provisional approval shall remain in effect unless the  
92 commissioner subsequently acts upon and rejects the application, in  
93 which case the moratorium shall terminate upon notice to the  
94 municipality by the commissioner.

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

98 (6) For purposes of this subsection, housing unit-equivalent points  
99 shall be determined by the commissioner as follows: (A) No points  
100 shall be awarded for a unit unless its occupancy is restricted to persons  
101 and families whose income is equal to or less than eighty per cent of  
102 median income, except that unrestricted units in a set-aside  
103 development shall be awarded one-fourth point each. (B) Family units  
104 restricted to persons and families whose income is equal to or less than  
105 eighty per cent of median income shall be awarded one point if an  
106 ownership unit and one and one-half points if a rental unit. (C) Family  
107 units restricted to persons and families whose income is equal to or  
108 less than sixty per cent of median income shall be awarded one and  
109 one-half points if an ownership unit and two points if a rental unit. (D)  
110 Family units restricted to persons and families whose income is equal

111 to or less than forty per cent of median income shall be awarded two  
112 points if an ownership unit and two and one-half points if a rental  
113 unit. (E) Elderly units restricted to persons and families whose income  
114 is equal to or less than eighty per cent of median income shall be  
115 awarded one-half point. (F) A set-aside development containing family  
116 units which are rental units shall be awarded additional points equal  
117 to twenty-two per cent of the total points awarded to such  
118 development, provided the application for such development was filed  
119 with the commission prior to July 6, 1995. (G) An incentive housing  
120 development, as defined in section 8-13m, containing family units  
121 which are rental units shall be awarded additional points equal to one  
122 hundred per cent of the total points awarded to such development.

123 (7) Points shall be awarded only for dwelling units which were (A)  
124 newly-constructed units in an affordable housing development, as that  
125 term was defined at the time of the affordable housing application, for  
126 which a certificate of occupancy was issued after July 1, 1990, [or] (B)  
127 newly subjected after July 1, 1990, to deeds containing covenants or  
128 restrictions which require that, for at least the duration required by  
129 subsection (a) of this section for set-aside developments on the date  
130 when such covenants or restrictions took effect, such dwelling units  
131 shall be sold or rented at, or below, prices which will preserve the  
132 units as affordable housing for persons or families whose income does  
133 not exceed eighty per cent of median income, or (C) located within an  
134 approved incentive housing development, as defined in section 8-13m.

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

140 (9) A newly-constructed unit shall be counted toward a moratorium  
141 when it receives a certificate of occupancy. A newly-restricted unit  
142 shall be counted toward a moratorium when its deed restriction takes  
143 effect.

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

150 (11) The commissioner shall, within available appropriations, adopt  
 151 regulations in accordance with chapter 54 to carry out the purposes of  
 152 this subsection. Such regulations shall specify the procedure to be  
 153 followed by a municipality to obtain a moratorium, and shall include  
 154 the manner in which a municipality is to document the units to be  
 155 counted toward a moratorium. A municipality may apply for a  
 156 moratorium in accordance with the provisions of this subsection prior  
 157 to, as well as after, such regulations are adopted."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	New section
Sec. 2	<i>October 1, 2015</i>	8-30g(l)