



General Assembly

Amendment

February Session, 2016

LCO No. 5919



Offered by:
SEN. SLOSSBERG, 14th Dist.

To: Subst. House Bill No. 5340 File No. 773 Cal. No. 561

**"AN ACT CONCERNING THE REPLACEMENT OF HOUSING
PROJECTS BY HOUSING AUTHORITIES."**

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

3 "Sec. 501. Subsection (g) of section 8-30g of the general statutes, as
4 amended by section 1 of substitute house bill 5363 of the current
5 session, is repealed and the following is substituted in lieu thereof
6 (*Effective October 1, 2016*):

7 (g) Upon an appeal taken under subsection (f) of this section, the
8 burden shall be on the [commission] appellant to prove, based upon
9 the evidence in the record compiled before [such] the commission, that
10 the decision from which such appeal is taken and the reasons cited for
11 such decision are not supported by sufficient evidence in the record.
12 The [commission] appellant shall also have the burden to prove, based
13 upon the evidence in the record compiled before such commission,
14 that (1) (A) the decision is not necessary to protect substantial public
15 interests in health, safety or other matters which the commission may

16 legally consider; (B) such public interests do not clearly outweigh the
17 need for affordable housing; and (C) such public interests [~~cannot~~] can
18 be protected by reasonable changes to the affordable housing
19 development, or (2) (A) the application which was the subject of the
20 decision from which such appeal was taken would not locate
21 affordable housing in an area which is zoned for industrial use and
22 which does not permit residential uses; and (B) the development is
23 [~~not~~] assisted housing, as defined in subsection (a) of this section. If the
24 [~~commission~~] appellant does not satisfy its burden of proof under this
25 subsection, the court shall wholly or partly revise, modify, remand or
26 reverse the decision from which the appeal was taken in a manner
27 consistent with the evidence in the record before it.

28 Sec. 502. Subsection (g) of section 8-30g of the general statutes, as
29 amended by section 2 of substitute house bill 5363 of the current
30 session, is repealed and the following is substituted in lieu thereof
31 (*Effective October 1, 2021*):

32 (g) Upon an appeal taken under subsection (f) of this section, the
33 burden shall be on the appellant to prove, based upon the evidence in
34 the record compiled before the commission, that the decision from
35 which such appeal is taken and the reasons cited for such decision are
36 not supported by sufficient evidence in the record. The appellant shall
37 also have the burden to prove, based upon the evidence in the record
38 compiled before such commission, that (1) (A) the decision is not
39 necessary to protect substantial public interests in health, safety or
40 other matters which the commission may legally consider; (B) such
41 public interests do not clearly outweigh the need for affordable
42 housing; and (C) such public interests can be protected by reasonable
43 changes to the affordable housing development, or (2) (A) the
44 application which was the subject of the decision from which such
45 appeal was taken would not locate affordable housing in an area
46 which is zoned for industrial use and which does not permit
47 residential uses; and (B) the development is assisted housing, as
48 defined in subsection (a) of this section. If the appellant does not
49 satisfy its burden of proof under this subsection, the court shall wholly

50 or partly revise, modify, remand or reverse the decision from which
51 the appeal was taken in a manner consistent with the evidence in the
52 record before it."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2016</i>	8-30g(g)
Sec. 502	<i>October 1, 2021</i>	8-30g(g)