



General Assembly

Amendment

February Session, 2016

LCO No. 5956



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 (l) 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5 session,, is repealed and the following is substituted in lieu thereof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 (l) (1) Notwithstanding the provisions of subsections (a) to (j),
8 inclusive, of this section, the affordable housing appeals procedure
9 established under this section shall not be applicable to an affordable
10 housing application filed with a commission during a moratorium,
11 which shall be the four-year period after (A) a certification of
12 affordable housing project completion issued by the commissioner is
13 published in the Connecticut Law Journal, or (B) after notice of a
14 provisional approval is published pursuant to subdivision (4) of this
15 subsection. Any moratorium that is in effect on October 1, 2002, is
16 extended by one year.

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

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

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

35 (B) A municipality may apply for a certificate of affordable housing
36 project completion pursuant to this subsection by applying in writing
37 to the commissioner, and including documentation showing that the
38 municipality has accumulated the required number of points within
39 the applicable time period. Such documentation shall include the
40 location of each dwelling unit being counted, the number of points
41 each dwelling unit has been assigned, and the reason, pursuant to this
42 subsection, for assigning such points to such dwelling unit. Upon
43 receipt of such application, the commissioner shall promptly cause a
44 notice of the filing of the application to be published in the Connecticut
45 Law Journal, stating that public comment on such application shall be
46 accepted by the commissioner for a period of thirty days after the
47 publication of such notice. Not later than ninety days after the receipt
48 of such application, the commissioner shall either approve or reject
49 such application. Such approval or rejection shall be accompanied by a

50 written statement of the reasons for approval or rejection, pursuant to
51 the provisions of this subsection. If the application is approved, the
52 commissioner shall promptly cause a certificate of affordable housing
53 project completion to be published in the Connecticut Law Journal. If
54 the commissioner fails to either approve or reject the application
55 within such ninety-day period, such application shall be deemed
56 provisionally approved, and the municipality may cause notice of such
57 provisional approval to be published in a conspicuous manner in a
58 daily newspaper having general circulation in the municipality, in
59 which case, such moratorium shall take effect upon such publication.
60 The municipality shall send a copy of such notice to the commissioner.
61 Such provisional approval shall remain in effect unless the
62 commissioner subsequently acts upon and rejects the application, in
63 which case the moratorium shall terminate upon notice to the
64 municipality by the commissioner.

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

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

84 ownership unit and two and one-half points if a rental unit. (E)
85 Restricted family units containing at least three bedrooms shall be
86 awarded an additional one-fourth point. (F) Elderly units restricted to
87 persons and families whose income is equal to or less than eighty per
88 cent of median income shall be awarded one-half point. [(F)] (G) If at
89 least sixty per cent of the total restricted units submitted by a
90 municipality as part of an application for a certificate of affordable
91 housing project completion are family units, any elderly units
92 submitted within such application shall be awarded an additional one-
93 half point. (H) Restricted family units located within an approved
94 incentive housing development, as defined in section 8-13m, as
95 amended by this act, shall be awarded an additional one-fourth point.
96 (I) A set-aside development containing family units which are rental
97 units shall be awarded additional points equal to twenty-two per cent
98 of the total points awarded to such development, provided the
99 application for such development was filed with the commission prior
100 to July 6, 1995.

101 (7) Points shall be awarded only for dwelling units which were (A)
102 newly-constructed units in an affordable housing development, as that
103 term was defined at the time of the affordable housing application, or
104 newly financed by a Connecticut Housing Finance Authority
105 mortgage, for which a certificate of occupancy was issued after July 1,
106 1990, [or] (B) newly subjected after July 1, 1990, to deeds containing
107 covenants or restrictions which require that, for at least the duration
108 required by subsection (a) of this section for set-aside developments on
109 the date when such covenants or restrictions took effect, such dwelling
110 units shall be sold or rented at, or below, prices which will preserve
111 the units as affordable housing for persons or families whose income
112 does not exceed eighty per cent of median income, or (C) located
113 within an approved incentive housing development, as defined in
114 section 8-13m, as amended by this act.

115 (8) Points shall be subtracted, applying the formula in subdivision
116 (6) of this subsection, for any affordable dwelling unit which, on or
117 after July 1, 1990, was affected by any action taken by a municipality

118 which caused such dwelling unit to cease being counted as an
119 affordable dwelling unit.

120 (9) A newly-constructed unit shall be counted toward a moratorium
121 when it receives a certificate of occupancy. A newly-restricted unit
122 shall be counted toward a moratorium when its deed restriction takes
123 effect.

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

130 (11) The commissioner shall, within available appropriations, adopt
131 regulations in accordance with chapter 54 to carry out the purposes of
132 this subsection. Such regulations shall specify the procedure to be
133 followed by a municipality to obtain a moratorium, and shall include
134 the manner in which a municipality is to document the units to be
135 counted toward a moratorium. A municipality may apply for a
136 moratorium in accordance with the provisions of this subsection prior
137 to, as well as after, such regulations are adopted.

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

142 (l) (1) Notwithstanding the provisions of subsections (a) to (j),
143 inclusive, of this section, the affordable housing appeals procedure
144 established under this section shall not be applicable to an affordable
145 housing application filed with a commission during a moratorium,
146 which shall be the four-year period after (A) a certification of
147 affordable housing project completion issued by the commissioner is
148 published in the Connecticut Law Journal, or (B) after notice of a
149 provisional approval is published pursuant to subdivision (4) of this

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

152 (2) Notwithstanding the provisions of this subsection, such
153 moratorium shall not apply to (A) affordable housing applications for
154 assisted housing in which ninety-five per cent of the dwelling units are
155 restricted to persons and families whose income is less than or equal to
156 sixty per cent of median income, (B) other affordable housing
157 applications for assisted housing containing forty or fewer dwelling
158 units, or (C) affordable housing applications which were filed with a
159 commission pursuant to this section prior to the date upon which the
160 moratorium takes effect.

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

163 (4) (A) The commissioner shall issue a certificate of affordable
164 housing project completion for the purposes of this subsection upon
165 finding that there has been completed within the municipality one or
166 more affordable housing developments which create housing unit-
167 equivalent points equal to the greater of two per cent of all dwelling
168 units in the municipality, as reported in the most recent United States
169 decennial census, or [fifty] seventy-five housing unit-equivalent points.

170 (B) A municipality may apply for a certificate of affordable housing
171 project completion pursuant to this subsection by applying in writing
172 to the commissioner, and including documentation showing that the
173 municipality has accumulated the required number of points within
174 the applicable time period. Such documentation shall include the
175 location of each dwelling unit being counted, the number of points
176 each dwelling unit has been assigned, and the reason, pursuant to this
177 subsection, for assigning such points to such dwelling unit. Upon
178 receipt of such application, the commissioner shall promptly cause a
179 notice of the filing of the application to be published in the Connecticut
180 Law Journal, stating that public comment on such application shall be
181 accepted by the commissioner for a period of thirty days after the

182 publication of such notice. Not later than ninety days after the receipt
183 of such application, the commissioner shall either approve or reject
184 such application. Such approval or rejection shall be accompanied by a
185 written statement of the reasons for approval or rejection, pursuant to
186 the provisions of this subsection. If the application is approved, the
187 commissioner shall promptly cause a certificate of affordable housing
188 project completion to be published in the Connecticut Law Journal. If
189 the commissioner fails to either approve or reject the application
190 within such ninety-day period, such application shall be deemed
191 provisionally approved, and the municipality may cause notice of such
192 provisional approval to be published in a conspicuous manner in a
193 daily newspaper having general circulation in the municipality, in
194 which case, such moratorium shall take effect upon such publication.
195 The municipality shall send a copy of such notice to the commissioner.
196 Such provisional approval shall remain in effect unless the
197 commissioner subsequently acts upon and rejects the application, in
198 which case the moratorium shall terminate upon notice to the
199 municipality by the commissioner.

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

203 (6) For purposes of this subsection, housing unit-equivalent points
204 shall be determined by the commissioner as follows: (A) No points
205 shall be awarded for a unit unless its occupancy is restricted, except for
206 assisted housing units or units currently financed by Connecticut
207 Housing Finance Authority mortgages, to persons and families whose
208 income is equal to or less than eighty per cent of median income,
209 except that unrestricted units in a set-aside development shall be
210 awarded one-fourth point each. (B) Family units restricted to persons
211 and families whose income is equal to or less than eighty per cent of
212 median income shall be awarded one point if an ownership unit and
213 one and one-half points if a rental unit. (C) Family units restricted to
214 persons and families whose income is equal to or less than sixty per
215 cent of median income shall be awarded one and one-half points if an

216 ownership unit and two points if a rental unit. (D) Family units
217 restricted to persons and families whose income is equal to or less than
218 forty per cent of median income shall be awarded two points if an
219 ownership unit and two and one-half points if a rental unit. (E)
220 [Restricted family units containing at least three bedrooms shall be
221 awarded an additional one-fourth point. (F)] Elderly units restricted to
222 persons and families whose income is equal to or less than eighty per
223 cent of median income shall be awarded one-half point. [(G) If at least
224 sixty per cent of the total restricted units submitted by a municipality
225 as part of an application for a certificate of affordable housing project
226 completion are family units, any elderly units submitted within such
227 application shall be awarded an additional one-half point. (H)
228 Restricted family units located within an approved incentive housing
229 development, as defined in section 8-13m, as amended by this act, shall
230 be awarded an additional one-fourth point. (I)] (F) A set-aside
231 development containing family units which are rental units shall be
232 awarded additional points equal to twenty-two per cent of the total
233 points awarded to such development, provided the application for
234 such development was filed with the commission prior to July 6, 1995.

235 (7) Points shall be awarded only for dwelling units which were (A)
236 newly-constructed units in an affordable housing development, as that
237 term was defined at the time of the affordable housing application, or
238 newly financed by a Connecticut Housing Finance Authority
239 mortgage, for which a certificate of occupancy was issued after July 1,
240 1990, or (B) newly subjected after July 1, 1990, to deeds containing
241 covenants or restrictions which require that, for at least the duration
242 required by subsection (a) of this section for set-aside developments on
243 the date when such covenants or restrictions took effect, such dwelling
244 units shall be sold or rented at, or below, prices which will preserve
245 the units as affordable housing for persons or families whose income
246 does not exceed eighty per cent of median income. [, or (C) located
247 within an approved incentive housing development, as defined in
248 section 8-13m, as amended by this act.]

249 (8) Points shall be subtracted, applying the formula in subdivision

250 (6) of this subsection, for any affordable dwelling unit which, on or
 251 after July 1, 1990, was affected by any action taken by a municipality
 252 which caused such dwelling unit to cease being counted as an
 253 affordable dwelling unit.

254 (9) A newly-constructed unit shall be counted toward a moratorium
 255 when it receives a certificate of occupancy. A newly-restricted unit
 256 shall be counted toward a moratorium when its deed restriction takes
 257 effect.

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

264 (11) The commissioner shall, within available appropriations, adopt
 265 regulations in accordance with chapter 54 to carry out the purposes of
 266 this subsection. Such regulations shall specify the procedure to be
 267 followed by a municipality to obtain a moratorium, and shall include
 268 the manner in which a municipality is to document the units to be
 269 counted toward a moratorium. A municipality may apply for a
 270 moratorium in accordance with the provisions of this subsection prior
 271 to, as well as after, such regulations are adopted."

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