



General Assembly

Amendment

February Session, 2016

LCO No. 6032



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5 session, is repealed and the following is substituted in lieu thereof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 to persons
71 and families whose income is equal to or less than eighty per cent of
72 median income, except that unrestricted units in a set-aside
73 development shall be awarded one-fourth point each. (B) Family units
74 restricted to persons and families whose income is equal to or less than
75 eighty per cent of median income shall be awarded one point if an
76 ownership unit and one and one-half points if a rental unit. (C) Family
77 units restricted to persons and families whose income is equal to or
78 less than sixty per cent of median income shall be awarded one and
79 one-half points if an ownership unit and two points if a rental unit. (D)
80 Family units restricted to persons and families whose income is equal
81 to or less than forty per cent of median income shall be awarded two

82 points if an ownership unit and two and one-half points if a rental
83 unit. (E) Restricted family units containing at least three bedrooms
84 shall be awarded an additional one-fourth point. (F) Elderly units
85 restricted to persons and families whose income is equal to or less than
86 eighty per cent of median income shall be awarded one-half point. [(F)]
87 (G) If at least sixty per cent of the total restricted units submitted by a
88 municipality as part of an application for a certificate of affordable
89 housing project completion are family units, any elderly units
90 submitted within such application shall be awarded an additional one-
91 half point. (H) Restricted family units located within an approved
92 incentive housing development, as defined in section 8-13m, as
93 amended by this act, shall be awarded an additional one-fourth point.
94 (I) A set-aside development containing family units which are rental
95 units shall be awarded additional points equal to twenty-two per cent
96 of the total points awarded to such development, provided the
97 application for such development was filed with the commission prior
98 to July 6, 1995. (J) If a mobile manufactured home is located in a mobile
99 manufactured home park that is consisting of land that is deed
100 restricted at the time of issuance of any of the loan for the purchase of
101 such land and such loan requires seventy-five per cent of units to be
102 set aside for persons with incomes equal to or less than eighty per cent
103 of median income and further requires that forty per cent of said
104 seventy-five per cent to be set aside for persons with incomes equal to
105 or less than sixty per cent of median income, each mobile
106 manufactured home unit located in such mobile manufactured home
107 park shall be awarded points as follows: One and one-half points shall
108 be awarded where a mobile manufactured home is occupied by a
109 lessee with an income equal to or less than eighty per cent of the
110 median income; two points shall be awarded when a mobile
111 manufactured home is occupied by a lessee with an income equal to or
112 less than sixty per cent of the median income; and one-fourth point
113 shall be awarded for the remaining units.

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

116 term was defined at the time of the affordable housing application, for
117 which a certificate of occupancy was issued after July 1, 1990, [or] (B)
118 newly subjected after July 1, 1990, to deeds containing covenants or
119 restrictions which require that, for at least the duration required by
120 subsection (a) of this section for set-aside developments on the date
121 when such covenants or restrictions took effect, such dwelling units
122 shall be sold or rented at, or below, prices which will preserve the
123 units as affordable housing for persons or families whose income does
124 not exceed eighty per cent of median income, (C) located within an
125 approved incentive housing development, as defined in section 8-13m,
126 as amended by this act, or (D) located on land in a mobile
127 manufactured home park that is deed restricted according to
128 subparagraph (l) of subdivision (6) of this subsection.

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

134 (9) A newly-constructed unit shall be counted toward a moratorium
135 when it receives a certificate of occupancy. A newly-restricted unit
136 shall be counted toward a moratorium when its deed restriction takes
137 effect.

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

144 (11) The commissioner shall, within available appropriations, adopt
145 regulations in accordance with chapter 54 to carry out the purposes of
146 this subsection. Such regulations shall specify the procedure to be
147 followed by a municipality to obtain a moratorium, and shall include

148 the manner in which a municipality is to document the units to be
149 counted toward a moratorium. A municipality may apply for a
150 moratorium in accordance with the provisions of this subsection prior
151 to, as well as after, such regulations are adopted.

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

156 (l) (1) Notwithstanding the provisions of subsections (a) to (j),
157 inclusive, of this section, the affordable housing appeals procedure
158 established under this section shall not be applicable to an affordable
159 housing application filed with a commission during a moratorium,
160 which shall be the four-year period after (A) a certification of
161 affordable housing project completion issued by the commissioner is
162 published in the Connecticut Law Journal, or (B) after notice of a
163 provisional approval is published pursuant to subdivision (4) of this
164 subsection. Any moratorium that is in effect on October 1, 2002, is
165 extended by one year.

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167 moratorium shall not apply to (A) affordable housing applications for
168 assisted housing in which ninety-five per cent of the dwelling units are
169 restricted to persons and families whose income is less than or equal to
170 sixty per cent of median income, (B) other affordable housing
171 applications for assisted housing containing forty or fewer dwelling
172 units, or (C) affordable housing applications which were filed with a
173 commission pursuant to this section prior to the date upon which the
174 moratorium takes effect.

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

177 (4) (A) The commissioner shall issue a certificate of affordable
178 housing project completion for the purposes of this subsection upon
179 finding that there has been completed within the municipality one or

180 more affordable housing developments which create housing unit-
181 equivalent points equal to the greater of two per cent of all dwelling
182 units in the municipality, as reported in the most recent United States
183 decennial census, or [fifty] seventy-five housing unit-equivalent points.

184 (B) A municipality may apply for a certificate of affordable housing
185 project completion pursuant to this subsection by applying in writing
186 to the commissioner, and including documentation showing that the
187 municipality has accumulated the required number of points within
188 the applicable time period. Such documentation shall include the
189 location of each dwelling unit being counted, the number of points
190 each dwelling unit has been assigned, and the reason, pursuant to this
191 subsection, for assigning such points to such dwelling unit. Upon
192 receipt of such application, the commissioner shall promptly cause a
193 notice of the filing of the application to be published in the Connecticut
194 Law Journal, stating that public comment on such application shall be
195 accepted by the commissioner for a period of thirty days after the
196 publication of such notice. Not later than ninety days after the receipt
197 of such application, the commissioner shall either approve or reject
198 such application. Such approval or rejection shall be accompanied by a
199 written statement of the reasons for approval or rejection, pursuant to
200 the provisions of this subsection. If the application is approved, the
201 commissioner shall promptly cause a certificate of affordable housing
202 project completion to be published in the Connecticut Law Journal. If
203 the commissioner fails to either approve or reject the application
204 within such ninety-day period, such application shall be deemed
205 provisionally approved, and the municipality may cause notice of such
206 provisional approval to be published in a conspicuous manner in a
207 daily newspaper having general circulation in the municipality, in
208 which case, such moratorium shall take effect upon such publication.
209 The municipality shall send a copy of such notice to the commissioner.
210 Such provisional approval shall remain in effect unless the
211 commissioner subsequently acts upon and rejects the application, in
212 which case the moratorium shall terminate upon notice to the
213 municipality by the commissioner.

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

217 (6) For purposes of this subsection, housing unit-equivalent points
218 shall be determined by the commissioner as follows: (A) No points
219 shall be awarded for a unit unless its occupancy is restricted to persons
220 and families whose income is equal to or less than eighty per cent of
221 median income, except that unrestricted units in a set-aside
222 development shall be awarded one-fourth point each. (B) Family units
223 restricted to persons and families whose income is equal to or less than
224 eighty per cent of median income shall be awarded one point if an
225 ownership unit and one and one-half points if a rental unit. (C) Family
226 units restricted to persons and families whose income is equal to or
227 less than sixty per cent of median income shall be awarded one and
228 one-half points if an ownership unit and two points if a rental unit. (D)
229 Family units restricted to persons and families whose income is equal
230 to or less than forty per cent of median income shall be awarded two
231 points if an ownership unit and two and one-half points if a rental
232 unit. (E) [Restricted family units containing at least three bedrooms
233 shall be awarded an additional one-fourth point. (F)] Elderly units
234 restricted to persons and families whose income is equal to or less than
235 eighty per cent of median income shall be awarded one-half point. [(G)
236 If at least sixty per cent of the total restricted units submitted by a
237 municipality as part of an application for a certificate of affordable
238 housing project completion are family units, any elderly units
239 submitted within such application shall be awarded an additional one-
240 half point. (H) Restricted family units located within an approved
241 incentive housing development, as defined in section 8-13m, as
242 amended by this act, shall be awarded an additional one-fourth point.
243 (I)] ~~(F)~~ A set-aside development containing family units which are
244 rental units shall be awarded additional points equal to twenty-two
245 per cent of the total points awarded to such development, provided
246 the application for such development was filed with the commission
247 prior to July 6, 1995. [(J) If a mobile manufactured home is located in a

248 mobile manufactured home park that is consisting of land that is deed
249 restricted at the time of issuance of any of the loan for the purchase of
250 such land and such loan requires seventy-five per cent of units to be
251 set aside for persons with incomes equal to or less than eighty per cent
252 of median income and further requires that forty per cent of said
253 seventy-five per cent to be set aside for persons with incomes equal to
254 or less than sixty per cent of median income, each mobile
255 manufactured home unit located in such mobile manufactured home
256 park shall be awarded points as follows: One and one-half points shall
257 be awarded where a mobile manufactured home is occupied by a
258 lessee with an income equal to or less than eighty per cent of median
259 income; two points shall be awarded when a mobile manufactured
260 home is occupied by a lessee with an income equal to or less than sixty
261 per cent of median income; and one-fourth point shall be awarded for
262 the remaining units.]

263 (7) Points shall be awarded only for dwelling units which were (A)
264 newly-constructed units in an affordable housing development, as that
265 term was defined at the time of the affordable housing application, for
266 which a certificate of occupancy was issued after July 1, 1990, or (B)
267 newly subjected after July 1, 1990, to deeds containing covenants or
268 restrictions which require that, for at least the duration required by
269 subsection (a) of this section for set-aside developments on the date
270 when such covenants or restrictions took effect, such dwelling units
271 shall be sold or rented at, or below, prices which will preserve the
272 units as affordable housing for persons or families whose income does
273 not exceed eighty per cent of median income. [, or (C) located on land
274 in a mobile manufactured home park that is deed restricted according
275 to subparagraph (J) of subdivision (6) of this subsection.]

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

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 283 shall be counted toward a moratorium when its deed restriction takes
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 286 affordable housing applications filed with a commission after a three-
 287 year moratorium expires, except (A) as otherwise provided in
 288 subsection (k) of this section, or (B) when sufficient unit-equivalent
 289 points have been created within the municipality during one
 290 moratorium to qualify for a subsequent moratorium.

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 294 followed by a municipality to obtain a moratorium, and shall include
 295 the manner in which a municipality is to document the units to be
 296 counted toward a moratorium. A municipality may apply for a
 297 moratorium in accordance with the provisions of this subsection prior
 298 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, 2016	8-30g(1)
Sec. 502	October 1, 2021	8-30g(1)