



General Assembly

**Substitute Bill No. 7057**

January Session, 2017

\* \_\_\_\_\_HB07057HSGPD\_030817\_\_\_\_\_\*

**AN ACT CONCERNING AFFORDABLE HOUSING.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-30g of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) As used in this section and section 2 of this act:

4 (1) "Affordable housing development" means a proposed housing  
5 development which is (A) assisted housing, or (B) a set-aside  
6 development;

7 (2) "Affordable housing application" means any application made to  
8 a commission in connection with an affordable housing development  
9 by a person who proposes to develop such affordable housing;

10 (3) "Assisted housing" means housing which is receiving, or will  
11 receive, financial assistance under any governmental program for the  
12 construction or substantial rehabilitation of low and moderate income  
13 housing, and any housing occupied by persons receiving rental  
14 assistance under chapter 319uu or Section 1437f of Title 42 of the  
15 United States Code;

16 (4) "Commission" means a zoning commission, planning  
17 commission, planning and zoning commission, zoning board of

18 appeals or municipal agency exercising zoning or planning authority;

19 (5) "Municipality" means any town, city or borough, whether  
20 consolidated or unconsolidated;

21 (6) "Set-aside development" means a development in which not less  
22 than thirty per cent of the dwelling units will be conveyed by deeds  
23 containing covenants or restrictions which shall require that, for at  
24 least forty years after the initial occupation of the proposed  
25 development, such dwelling units shall be sold or rented at, or below,  
26 prices which will preserve the units as housing for which persons and  
27 families pay thirty per cent or less of their annual income, where such  
28 income is less than or equal to eighty per cent of the median income. In  
29 a set-aside development, of the dwelling units conveyed by deeds  
30 containing covenants or restrictions, a number of dwelling units equal  
31 to not less than fifteen per cent of all dwelling units in the  
32 development shall be sold or rented to persons and families whose  
33 income is less than or equal to sixty per cent of the median income and  
34 the remainder of the dwelling units conveyed by deeds containing  
35 covenants or restrictions shall be sold or rented to persons and families  
36 whose income is less than or equal to eighty per cent of the median  
37 income;

38 (7) "Median income" means, after adjustments for family size, the  
39 lesser of the state median income or the area median income for the  
40 area in which the municipality containing the affordable housing  
41 development is located, as determined by the United States  
42 Department of Housing and Urban Development; and

43 (8) "Commissioner" means the Commissioner of Housing.

44 (b) (1) Any person filing an affordable housing application with a  
45 commission shall submit, as part of the application, an affordability  
46 plan which shall include at least the following: (A) Designation of the  
47 person, entity or agency that will be responsible for the duration of any  
48 affordability restrictions, for the administration of the affordability

49 plan and its compliance with the income limits and sale price or rental  
50 restrictions of this chapter; (B) an affirmative fair housing marketing  
51 plan governing the sale or rental of all dwelling units; (C) a sample  
52 calculation of the maximum sales prices or rents of the intended  
53 affordable dwelling units; (D) a description of the projected sequence  
54 in which, within a set-aside development, the affordable dwelling  
55 units will be built and offered for occupancy and the general location  
56 of such units within the proposed development; and (E) draft zoning  
57 regulations, conditions of approvals, deeds, restrictive covenants or  
58 lease provisions that will govern the affordable dwelling units.

59 (2) The commissioner shall, within available appropriations, adopt  
60 regulations pursuant to chapter 54 regarding the affordability plan.  
61 Such regulations may include additional criteria for preparing an  
62 affordability plan and shall include: (A) A formula for determining  
63 rent levels and sale prices, including establishing maximum allowable  
64 down payments to be used in the calculation of maximum allowable  
65 sales prices; (B) a clarification of the costs that are to be included when  
66 calculating maximum allowed rents and sale prices; (C) a clarification  
67 as to how family size and bedroom counts are to be equated in  
68 establishing maximum rental and sale prices for the affordable units;  
69 and (D) a listing of the considerations to be included in the  
70 computation of income under this section.

71 (3) Any commission may deny an affordable housing application  
72 submitted on or after October 1, 2017, on the grounds that the  
73 proposed development contains twenty-five units or less and is more  
74 than two times the density of the zone in which the proposed  
75 development would be located, provided such zone is not in a transit-  
76 oriented district and the municipality where such zone is located has  
77 (A) five per cent or more of dwelling units that constitute affordable  
78 housing as calculated under the criteria set forth in subsection (k) of  
79 this section, and (B) at least two noncontiguous areas that are zoned  
80 for multifamily housing as of right.

81 (c) Any commission, by regulation, may require that an affordable

82 housing application seeking a change of zone [shall] include the  
83 submission of a conceptual site plan describing the proposed  
84 development's total number of residential units and their arrangement  
85 on the property and the proposed development's roads and traffic  
86 circulation, sewage disposal and water supply.

87 (d) For any affordable dwelling unit that is rented as part of a set-  
88 aside development, if the maximum monthly housing cost, as  
89 calculated in accordance with subdivision (6) of subsection (a) of this  
90 section, would exceed one hundred per cent of the Section 8 fair  
91 market rent as determined by the United States Department of  
92 Housing and Urban Development, in the case of units set aside for  
93 persons and families whose income is less than or equal to sixty per  
94 cent of median income, then such maximum monthly housing cost  
95 shall not exceed one hundred per cent of said Section 8 fair market  
96 rent. If the maximum monthly housing cost, as calculated in  
97 accordance with subdivision (6) of subsection (a) of this section, would  
98 exceed one hundred twenty per cent of the Section 8 fair market rent,  
99 as determined by the United States Department of Housing and Urban  
100 Development, in the case of units set aside for persons and families  
101 whose income is less than or equal to eighty per cent of median  
102 income, then such maximum monthly housing cost shall not exceed  
103 one hundred twenty per cent of such Section 8 fair market rent.

104 (e) For any affordable dwelling unit that is rented in order to  
105 comply with the requirements of a set-aside development, no person  
106 shall impose on a prospective tenant who is receiving governmental  
107 rental assistance a maximum percentage-of-income-for-housing  
108 requirement that is more restrictive than the requirement, if any,  
109 imposed by such governmental assistance program.

110 (f) [Any] Except as provided in subsections (k) and (l) of this section,  
111 any person whose affordable housing application is denied, or is  
112 approved with restrictions which have a substantial adverse impact on  
113 the viability of the affordable housing development or the degree of  
114 affordability of the affordable dwelling units in a set-aside

115 development, may appeal such decision pursuant to the procedures of  
116 this section. Such appeal shall be filed within the time period for filing  
117 appeals as set forth in section 8-8, 8-9, 8-28 or 8-30a, as applicable, and  
118 shall be made returnable to the superior court for the judicial district  
119 where the real property which is the subject of the application is  
120 located. Affordable housing appeals, including pretrial motions, shall  
121 be heard by a [judge] rotation of judges assigned by the Chief Court  
122 Administrator to hear such appeals. [To the extent practicable, efforts  
123 shall be made to assign such cases to a small number of judges, sitting  
124 in geographically diverse parts of the state, so that a consistent body of  
125 expertise can be developed. Unless otherwise ordered by the Chief  
126 Court Administrator, such] Such appeals, including pretrial motions,  
127 shall be heard by such assigned judges in the judicial district in which  
128 such judge is sitting. Appeals taken pursuant to this subsection shall be  
129 privileged cases to be heard by the court as soon after the return day as  
130 is practicable. Except as otherwise provided in this section, appeals  
131 involving an affordable housing application shall proceed in  
132 conformance with the provisions of [said] section 8-8, 8-9, 8-28 or 8-  
133 30a, as applicable.

134 (g) Upon an appeal taken under subsection (f) of this section, the  
135 burden shall be on the commission to prove, based upon the evidence  
136 in the record compiled before such commission, that the decision from  
137 which such appeal is taken and the reasons cited for such decision are  
138 supported by sufficient evidence in the record. The commission shall  
139 also have the burden to prove, based upon the evidence in the record  
140 compiled before such commission, that (1) (A) the decision is necessary  
141 to protect substantial public interests in health, safety or other matters  
142 which the commission may legally consider including, but not limited  
143 to, best planning practices and design standards; (B) such public  
144 interests clearly outweigh the need for affordable housing; and (C)  
145 such public interests cannot be protected by reasonable changes to the  
146 affordable housing development, [or] (2) (A) the application which  
147 was the subject of the decision from which such appeal was taken  
148 would locate affordable housing in an area which is zoned for

149 industrial use and which does not permit residential uses; and (B) the  
150 development is not assisted housing, as defined in subsection (a) of  
151 this section, or (3) the application which was the subject from which  
152 such appeal was taken concerns affordable housing that is (A) twenty-  
153 five units or less, and (B) more than two times the density of the zone  
154 in which the proposed development would be located, provided such  
155 zone is not in a transit oriented district and the municipality where  
156 such zone is located satisfies the criteria specified in subdivision (3) of  
157 subsection (b) of this section. If the commission does not satisfy its  
158 burden of proof under this subsection, the court shall wholly or partly  
159 revise, modify, remand or reverse the decision from which the appeal  
160 was taken in a manner consistent with the evidence in the record  
161 before it.

162 (h) Following a decision by a commission to reject an affordable  
163 housing application or to approve an application with restrictions  
164 which have a substantial adverse impact on the viability of the  
165 affordable housing development or the degree of affordability of the  
166 affordable dwelling units, the applicant may, within the period for  
167 filing an appeal of such decision, submit to the commission a proposed  
168 modification of its proposal responding to some or all of the objections  
169 or restrictions articulated by the commission, which shall be treated as  
170 an amendment to the original proposal. The day of receipt of such a  
171 modification shall be determined in the same manner as the day of  
172 receipt is determined for an original application. The filing of such a  
173 proposed modification shall stay the period for filing an appeal from  
174 the decision of the commission on the original application. The  
175 commission shall hold a public hearing on the proposed modification  
176 if it held a public hearing on the original application and may hold a  
177 public hearing on the proposed modification if it did not hold a public  
178 hearing on the original application. The commission shall render a  
179 decision on the proposed modification not later than sixty-five days  
180 after the receipt of such proposed modification, provided, if, in  
181 connection with a modification submitted under this subsection, the  
182 applicant applies for a permit for an activity regulated pursuant to

183 sections 22a-36 to 22a-45, inclusive, and the time for a decision by the  
184 commission on such modification under this subsection would lapse  
185 prior to the thirty-fifth day after a decision by an inland wetlands and  
186 watercourses agency, the time period for decision by the commission  
187 on the modification under this subsection shall be extended to thirty-  
188 five days after the decision of such agency. The commission shall issue  
189 notice of its decision as provided by law. Failure of the commission to  
190 render a decision within said sixty-five days or subsequent extension  
191 period permitted by this subsection shall constitute a rejection of the  
192 proposed modification. Within the time period for filing an appeal on  
193 the proposed modification as set forth in section 8-8, 8-9, 8-28 or 8-30a,  
194 as applicable, the applicant may appeal the commission's decision on  
195 the original application and the proposed modification in the manner  
196 set forth in this section. Nothing in this subsection shall be construed  
197 to limit the right of an applicant to appeal the original decision of the  
198 commission in the manner set forth in this section without submitting  
199 a proposed modification or to limit the issues which may be raised in  
200 any appeal under this section.

201 (i) Nothing in this section shall be deemed to preclude any right of  
202 appeal under the provisions of section 8-8, 8-9, 8-28 or 8-30a.

203 (j) A commission or its designated authority shall have, with respect  
204 to compliance of an affordable housing development with the  
205 provisions of this chapter, the same powers and remedies provided to  
206 commissions by section 8-12.

207 (k) [Notwithstanding the provisions of subsections (a) to (j),  
208 inclusive, of this section, the] The affordable housing appeals  
209 procedure established under this section shall not be available if the  
210 real property which is the subject of the application is located in a  
211 municipality in which at least ten per cent of all dwelling units in the  
212 municipality are (1) assisted housing, or (2) currently financed by  
213 Connecticut Housing Finance Authority mortgages, or (3) subject to  
214 binding recorded deeds containing covenants or restrictions which  
215 require that such dwelling units be sold or rented at, or below, prices

216 which will preserve the units as housing for which persons and  
217 families pay thirty per cent or less of income, where such income is less  
218 than or equal to eighty per cent of the median income, or (4) mobile  
219 manufactured homes located in mobile manufactured home parks or  
220 legally approved accessory apartments, which homes or apartments  
221 are subject to binding recorded deeds containing covenants or  
222 restrictions which require that such dwelling units be sold or rented at,  
223 or below, prices which will preserve the units as housing for which, for  
224 a period of not less than ten years, persons and families pay thirty per  
225 cent or less of income, where such income is less than or equal to  
226 eighty per cent of the median income, or (5) mobile manufactured  
227 homes located in resident-owned mobile manufactured home parks.  
228 The municipalities meeting the criteria set forth in this subsection shall  
229 be listed in the report submitted under section 8-37qqq. As used in this  
230 subsection, "accessory apartment" means a separate living unit that (A)  
231 is attached to the main living unit of a house, which house has the  
232 external appearance of a single-family residence, (B) has a full kitchen,  
233 (C) has a square footage that is not more than thirty per cent of the  
234 total square footage of the house, (D) has an internal doorway  
235 connecting to the main living unit of the house, (E) is not billed  
236 separately from such main living unit for utilities, [and] (F) complies  
237 with the building code and health and safety regulations, and  
238 "resident-owned mobile manufactured home park" means a mobile  
239 manufactured home park consisting of mobile manufactured homes  
240 located on land that is deed restricted at the time of issuance of a loan  
241 for the purchase of such land where such loan requires (i) seventy-five  
242 per cent of units to be set aside for persons with incomes equal to or  
243 less than eighty per cent of median income, and (ii) forty per cent of  
244 said seventy-five per cent to be set aside for persons with incomes  
245 equal to or less than sixty per cent of median income.

246 (l) (1) [Notwithstanding the provisions of subsections (a) to (j),  
247 inclusive, of this section] Except as provided in subdivision (2) of this  
248 subsection, the affordable housing appeals procedure established  
249 under this section shall not be applicable to an affordable housing



250 application filed with a commission during a moratorium, which shall  
251 be the four-year period [after] commencing when (A) a certification of  
252 affordable housing project completion issued by the commissioner is  
253 published in the Connecticut Law Journal, or (B) [after] notice of a  
254 provisional approval is published pursuant to subdivision (4) of this  
255 subsection. Any moratorium that is in effect on October 1, 2002, is  
256 extended by one year.

257 (2) [Notwithstanding the provisions of this subsection, such] Such  
258 moratorium shall not apply to (A) affordable housing applications for  
259 assisted housing in which ninety-five per cent of the dwelling units are  
260 restricted to persons and families whose income is less than or equal to  
261 sixty per cent of median income, (B) other affordable housing  
262 applications for assisted housing containing forty or fewer dwelling  
263 units, or (C) affordable housing applications which were filed with a  
264 commission pursuant to this section prior to the date upon which the  
265 moratorium takes effect.

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

268 (4) (A) The commissioner shall issue a certificate of affordable  
269 housing project completion for the purposes of this subsection upon  
270 finding that there has been completed within the municipality one or  
271 more affordable housing developments which create housing unit-  
272 equivalent points equal to (i) the greater of two per cent of all dwelling  
273 units in the municipality, as reported in the most recent United States  
274 decennial census, or seventy-five housing unit-equivalent points, or (ii)  
275 for any municipality that has adopted an affordable housing plan in  
276 accordance with section 2 of this act, the greater of one and three-  
277 fourths per cent of all dwelling units in the municipality, as reported in  
278 the most recent United States decennial census, or fifty housing unit-  
279 equivalent points.

280 (B) A municipality may apply for a certificate of affordable housing  
281 project completion pursuant to this subsection by applying in writing

282 to the commissioner, and including documentation showing that the  
283 municipality has accumulated the required number of points within  
284 the applicable time period. Such documentation shall include the  
285 location of each dwelling unit being counted, the number of points  
286 each dwelling unit has been assigned, and the reason, pursuant to this  
287 subsection, for assigning such points to such dwelling unit. Upon  
288 receipt of such application, the commissioner shall promptly cause a  
289 notice of the filing of the application to be published in the Connecticut  
290 Law Journal, stating that public comment on such application shall be  
291 accepted by the commissioner for a period of thirty days after the  
292 publication of such notice. Not later than ninety days after the receipt  
293 of such application, the commissioner shall either approve or reject  
294 such application. Such approval or rejection shall be accompanied by a  
295 written statement of the reasons for approval or rejection, pursuant to  
296 the provisions of this subsection. If the application is approved, the  
297 commissioner shall promptly cause a certificate of affordable housing  
298 project completion to be published in the Connecticut Law Journal. If  
299 the commissioner fails to either approve or reject the application  
300 within such ninety-day period, such application shall be deemed  
301 provisionally approved, and the municipality may cause notice of such  
302 provisional approval to be published in a conspicuous manner in a  
303 daily newspaper having general circulation in the municipality, in  
304 which case, such moratorium shall take effect upon such publication.  
305 The municipality shall send a copy of such notice to the commissioner.  
306 Such provisional approval shall remain in effect unless the  
307 commissioner subsequently acts upon and rejects the application, in  
308 which case the moratorium shall terminate upon notice to the  
309 municipality by the commissioner.

310 (5) For the purposes of this subsection, "elderly units" are dwelling  
311 units whose occupancy is restricted by age, [and] "family units" are  
312 dwelling units whose occupancy is not restricted by age and "resident-  
313 owned mobile manufactured home park" has the same meaning as  
314 provided in subsection (k) of this section.

315 (6) For the purposes of this subsection, housing unit-equivalent  
316 points shall be determined by the commissioner as follows: (A) No  
317 points shall be awarded for a unit unless its occupancy is restricted to  
318 persons and families whose income is equal to or less than eighty per  
319 cent of median income, except that (i) unrestricted units in a set-aside  
320 development shall be awarded one-fourth point each, and (ii) units  
321 receiving financial assistance under any governmental program for the  
322 construction or substantial rehabilitation of low and moderate income  
323 housing shall be awarded one point if an ownership unit and one-half  
324 points if a rental unit, provided such units are not otherwise awarded  
325 points under this subdivision. (B) Family units restricted to persons  
326 and families whose income is equal to or less than eighty per cent of  
327 median income shall be awarded one point if an ownership unit and  
328 one and one-half points if a rental unit. (C) Family units restricted to  
329 persons and families whose income is equal to or less than sixty per  
330 cent of median income shall be awarded one and one-half points if an  
331 ownership unit and two points if a rental unit. (D) Family units  
332 restricted to persons and families whose income is equal to or less than  
333 forty per cent of median income shall be awarded two points if an  
334 ownership unit and two and one-half points if a rental unit. (E)  
335 Restricted family units containing at least three bedrooms shall be  
336 awarded an additional one-fourth point. (F) Elderly units restricted to  
337 persons and families whose income is equal to or less than eighty per  
338 cent of median income shall be awarded one-half point. ~~[(F)]~~ (G) If at  
339 least fifty per cent of the total restricted units submitted by a  
340 municipality as part of an application for a certificate of affordable  
341 housing project completion are family units, any elderly units  
342 submitted within such application shall be awarded an additional one-  
343 fourth point. (H) Restricted family units located within an approved  
344 incentive housing development, as defined in section 8-13m, as  
345 amended by this act, shall be awarded an additional one-fourth point.  
346 (I) A set-aside development containing family units which are rental  
347 units shall be awarded additional points equal to twenty-two per cent  
348 of the total points awarded to such development, provided the  
349 application for such development was filed with the commission prior

350 to July 6, 1995. (J) A mobile manufactured home in a resident-owned  
351 mobile manufactured home park shall be awarded points as follows:  
352 One and one-half points shall be awarded where a mobile  
353 manufactured home is restricted to persons and families with an  
354 income equal to or less than eighty per cent of the median income; two  
355 points shall be awarded when a mobile manufactured home is  
356 restricted to persons and families with an income equal to or less than  
357 sixty per cent of the median income; and one-fourth point shall be  
358 awarded for the remaining units. (K) In the calculating of points under  
359 this subdivision for any assisted housing that is restricted to both  
360 nonelderly disabled persons and elderly persons, as defined in section  
361 8-113a, whose income is equal to or less than eighty per cent median  
362 income, the points awarded for such units shall be evenly divided with  
363 one-half of the units being awarded points in accordance with  
364 subparagraph (B) of this subdivision and the remainder of the units  
365 being awarded points in accordance with subparagraph (F) of this  
366 subdivision.

367 (7) Points shall be awarded only for dwelling units which were (A)  
368 newly-constructed units in an affordable housing development, as that  
369 term was defined at the time of the affordable housing application, for  
370 which a certificate of occupancy was issued after July 1, 1990, [or] (B)  
371 newly subjected after July 1, 1990, to deeds containing covenants or  
372 restrictions which require that, for at least the duration required by  
373 subsection (a) of this section for set-aside developments on the date  
374 when such covenants or restrictions took effect, such dwelling units  
375 shall be sold or rented at, or below, prices which will preserve the  
376 units as affordable housing for persons or families whose income does  
377 not exceed eighty per cent of median income, (C) located within an  
378 approved incentive housing development, as defined in section 8-13m,  
379 as amended by this act, or (D) located on land in a resident-owned  
380 mobile manufactured home park that contains mobile manufactured  
381 homes.

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

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

387 (9) A newly-constructed unit shall be counted toward a moratorium  
388 when it receives a certificate of occupancy. A newly-restricted unit  
389 shall be counted toward a moratorium when its deed restriction takes  
390 effect.

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

397 (11) The commissioner shall, within available appropriations, adopt  
398 regulations in accordance with chapter 54 to carry out the purposes of  
399 this subsection. Such regulations shall specify the procedure to be  
400 followed by a municipality to obtain a moratorium, and shall include  
401 the manner in which a municipality is to document the units to be  
402 counted toward a moratorium. A municipality may apply for a  
403 moratorium in accordance with the provisions of this subsection prior  
404 to, as well as after, such regulations are adopted.

405 (m) The commissioner shall, pursuant to regulations adopted in  
406 accordance with the provisions of chapter 54, promulgate model deed  
407 restrictions which satisfy the requirements of this section. A  
408 municipality may waive any fee which would otherwise be required  
409 for the filing of any long-term affordability deed restriction on the land  
410 records.

411 Sec. 2. (NEW) (*Effective October 1, 2017*) (a) At least once every four  
412 years, each municipality shall prepare or amend and adopt an  
413 affordable housing plan for the municipality. Such plan shall specify

414 how the municipality intends to increase the number of affordable  
415 housing developments in the municipality and shall include, but need  
416 not be limited to, inclusionary zoning, as defined in section 8-2i of the  
417 general statutes.

418 (b) The municipality may hold public informational meetings or  
419 organize other activities to inform residents about the process of  
420 preparing the plan. If the municipality holds a public hearing, at least  
421 thirty-five days prior to the public hearing on the adoption, the  
422 municipality shall file in the office of the town clerk of such  
423 municipality a copy of such draft plan or any amendments to the plan,  
424 and if applicable, post such draft plan on the Internet web site of the  
425 municipality. After adoption of the plan, the municipality shall file the  
426 final plan in the office of the town clerk of such municipality and, if  
427 applicable, post the plan on the Internet web site of the municipality.

428 (c) Following adoption, the municipality shall regularly review and  
429 maintain such plan. The municipality may adopt such geographical,  
430 functional or other amendments to the plan or parts of the plan, in  
431 accordance with the provisions of this section, as it deems necessary. If  
432 the plan is not amended every four years, the chief elected official of  
433 the municipality shall submit a letter to the Commissioner of Housing  
434 that explains why such plan was not amended.

435 Sec. 3. Subdivision (12) of section 8-13m of the general statutes is  
436 repealed and the following is substituted in lieu thereof (*Effective*  
437 *October 1, 2017, and applicable to any final determination of eligibility for an*  
438 *incentive housing zone or grant that has not yet been approved under section*  
439 *8-13x of the general statutes as of October 1, 2017*):

440 (12) "Median income" means, after adjustments for household size,  
441 the lesser of the state median income or the area median income as  
442 determined by the United States Department of Housing and Urban  
443 Development for the municipality in which an approved incentive  
444 housing zone or development is located.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	8-30g
Sec. 2	<i>October 1, 2017</i>	New section
Sec. 3	<i>October 1, 2017, and applicable to any final determination of eligibility for an incentive housing zone or grant that has not yet been approved under section 8-13x of the general statutes as of October 1, 2017</i>	8-13m(12)

**Statement of Legislative Commissioners:**

In Section 1(l)(6), "occupied by" changed to "restricted to" for the purposes of accuracy and consistency.

**HSG**

*Joint Favorable Subst. C/R*

PD