



General Assembly

January Session, 2017

Committee Bill No. 752

LCO No. 4072



Referred to Committee on HOUSING

Introduced by:
(HSG)

AN ACT CONCERNING HOUSING SEGREGATION.

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

1 Section 1. Section 8-37s of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) The Commissioner of Housing shall monitor the progress of the
4 public and private sector toward meeting housing needs and shall
5 collect and annually publish data on housing production in the state.
6 In order to ensure a steady flow of information for the purposes of this
7 section, all municipalities shall submit to the commissioner a copy of
8 the monthly federal Bureau of the Census report on building permits
9 issued and public construction filed at the same time as such report is
10 filed with the federal Bureau of the Census.

11 (b) The Commissioner of Housing shall, in cooperation with state
12 agencies providing or supporting housing and, where possible,
13 relevant federal agencies providing or supporting housing, include in
14 the annual action plan submitted to the United States Department of
15 Housing and Urban Development under 24 CFR 91.320 or the report
16 required under section 8-37bb, as amended by this act, (1) a

17 comprehensive list of all state and federally subsidized housing in the
18 state; and (2) the results of the housing needs assessment by income
19 levels conducted pursuant to subsection (a) of this section.

20 (c) The list of state and federally subsidized housing described in
21 subsection (b) of this section shall be divided into three types as
22 follows: (1) Units owned by the state or federal government; (2) units
23 supported by a state or federal subsidy that is attached to the
24 development; and (3) units supported by a state or federal subsidy that
25 is attached to the unit's tenants.

26 (d) For each housing unit described in subdivision (1) or (2) of
27 subsection (c) of this section, the Commissioner of Housing shall
28 report by development, and, where necessary, unit type, the: (1)
29 Names of the housing development, the developer and the
30 development's management company; (2) census tract and physical
31 address of the housing development; (3) affordability income
32 requirements by unit; (4) number of units in the housing development;
33 (5) number of bedrooms per unit; (6) population served by the housing
34 development, including, but not limited to, elderly, non-age-restricted,
35 disabled or supportive types of housing; (7) government program
36 through which the housing development is funded and the amount of
37 such funding; (8) years of allocation and construction of the housing
38 development; (9) type of funding received by the housing
39 development, including, but not limited to, assistance for new
40 construction, substantial rehabilitation, loan, purchase or rental
41 assistance programs; (10) the number of affordable units with the same
42 income restrictions that the housing development will be adding,
43 reducing or replacing through rehabilitation funding, if any; (11)
44 number and identity of units that are handicapped or disability
45 accessible or adaptable pursuant to 42 USC 3602, 42 USC 3604 and 24
46 CFR 100.20 as amended from time to time; (12) percentage of units
47 supported by the United States Department of Housing and Urban
48 Development's Project Based Voucher Program; and (13) percentage of
49 units occupied by tenants receiving housing choice vouchers from the

50 United States Department of Housing and Urban Development.

51 (e) For each housing unit described in subdivision (3) of subsection
52 (c) of this section, the Commissioner of Housing shall report, by unit,
53 the following information in a manner that does not provide
54 personally identifiable information: (1) If relevant, the name of the
55 housing development, provided said development has more than ten
56 units; (2) the census tract of the unit; (3) the familial status of the unit's
57 household, including the total number of household members and, if
58 any children are present, the age of such children; (4) whether any
59 household member has a disability requiring a handicapped or
60 disability accessible or adaptable unit pursuant to 42 USC 3602, 42 USC
61 3604 and 24 CFR 100.20 as amended from time to time; and (5) for each
62 head of household, the (i) race; (ii) gender; (iii) ethnicity; (iv) income;
63 (v) marital status; and (vi) age of such person.

64 (f) Costs incurred by the Department of Housing as a result of
65 provisions of this section may be paid for by maximizing
66 administrative fees available to the Department of Housing for the
67 administration of United States Department of Housing and Urban
68 Development programs. One-fourth of such maximized fees may be
69 used for such costs on or before October 1, 2019, and one-eighth of
70 such maximized fees may be used for such costs after October 1, 2019.

71 Sec. 2. Section 8-37bb of the general statutes is repealed and the
72 following is substituted in lieu thereof (*Effective October 1, 2017*):

73 (a) On or before [December 31, 2013] July 31, 2018, and annually
74 thereafter, [each housing agency, except the Department of Housing,]
75 the Department of Housing, working in partnership with the
76 Connecticut Housing Finance Authority and with the cooperation of
77 other state and federal agencies providing, assisting or supporting
78 housing in the state, shall submit to the General Assembly, in
79 accordance with the provisions of section 11-4a, and make available on
80 the Department of Housing's Internet web site a report, for the year
81 ending the preceding [September] June thirtieth, which analyzes, [by

82 income group,] by housing development, demographic data for
83 households served by its housing construction, substantial
84 rehabilitation, purchase and rental assistance programs. Each report
85 shall analyze, by housing development, the households served under
86 each program by income group, race and ethnicity. [The analysis shall
87 provide information by housing development, if applicable, and by
88 program.] Each analysis shall include data, by housing development,
89 for all households (1) entering an agency program during the year
90 ending the preceding [September] June thirtieth, [and] (2) in occupancy
91 or receiving the benefits of an agency rental program the preceding
92 [September] June thirtieth, and (3) persons on the waiting list for an
93 agency rental program. The report [of the Connecticut Housing
94 Finance Authority] shall also identify, by census tract, and, where
95 relevant, housing development, the number, race and ethnicity of
96 households served in each program, [and] the total amount of financial
97 assistance provided to such households and the sources of such
98 assistance. The provisions of this section shall not be construed to
99 preclude a housing agency from reporting additional information on
100 programs it administers. [Each report submitted under this section
101 shall also analyze the efforts, and the results of such efforts, of each
102 agency in promoting fair housing choice and racial and economic
103 integration.] The provisions of this section shall not be construed to
104 require an occupant or applicant to disclose his race on an application
105 or survey form.

106 (b) Each report submitted [under this section shall also document
107 the efforts of the agency in promoting fair housing choice and racial
108 and economic integration and shall include data on the racial
109 composition of the occupants and persons on the waiting list of each
110 housing project which is assisted under any housing program
111 established by the general statutes or special act or which is supervised
112 by the agency. The provisions of this subsection shall not be construed
113 to require disclosure of such information by any occupant or person on
114 a waiting list] shall include one-year, five-year and ten-year targets for
115 prioritizing the development of subsidized housing in a manner

116 consistent with section 8-37ee, as amended by this act, and Title VIII of
117 the Civil Rights Act of 1968, as amended from time to time, including
118 stating specific percentages of the total state and federal subsidized
119 housing units to be located in the state by opportunity area, as defined
120 in section 8-348, as amended by this act, with the goal making the total
121 percentage of subsidized housing reflect the total population of the
122 state by opportunity area.

123 (c) [The report shall be submitted to the joint standing committee of
124 the General Assembly having cognizance of matters relating to
125 housing and, upon request, to any member of the General Assembly. A
126 summary of the report shall be submitted to each member of the
127 General Assembly if the summary is two pages or less and a
128 notification of the report shall be submitted to each member if the
129 summary is more than two pages. Submission shall be by mailing the
130 report, summary or notification to the legislative address of each
131 member of the committee or the General Assembly, as applicable] Each
132 report submitted under this section shall analyze the state's effort to
133 promote fair housing choice and racial and economic integration by:
134 (1) Identifying state and federal subsidized housing developments
135 located in census tracts with populations with less than fifty per cent
136 white, non-Hispanic residents and a poverty rate three times that of
137 the region; (2) determining whether each housing development,
138 regardless of the demographic served, is successfully marketing to
139 eligible persons within the region who are least likely to apply for
140 housing in the region; and (3) comparing the percentage of applicants,
141 occupants and persons on the waiting list least likely to apply to
142 performance in previous available years and to the percentage of
143 program-eligible persons of similar races and ethnicities living in the
144 region. The provisions of this subsection shall not be construed to
145 require disclosure of such information by any occupant or person on a
146 waiting list.

147 (d) For the purposes of this section, the Department of Housing
148 shall define each housing development's region, provided such

149 definition shall include racially and ethnically concentrated areas of
150 poverty, which are made up of census tracts with populations with less
151 than fifty per cent white, non-Hispanic residents and a poverty rate
152 three times that of the region closest to the development.

153 Sec. 3. Section 8-37ee of the general statutes is repealed and the
154 following is substituted in lieu thereof (*Effective October 1, 2017*):

155 (a) Each [entity participating in any program administered by a
156 housing agency, as defined in section 8-37aa, under this title] state
157 agency providing or supporting housing, shall have an affirmative
158 duty to promote fair housing in each housing development that is
159 assisted or supervised under any provision of this title.

160 (b) Any entity [applying for financial] receiving assistance related to
161 the creation, rehabilitation or support, financial or otherwise, of
162 affordable housing under any program administered by a [housing
163 agency established by this title] state agency shall submit an
164 affirmative fair housing marketing plan to such [housing] agency for
165 its approval. Such plan shall have provisions for recruitment of an
166 applicant pool that includes residents of municipalities of relatively
167 high concentrations of minority populations. Each plan shall be posted
168 on the Department of Housing's Internet web site. [The housing
169 agency shall periodically review each plan to assure that to the extent
170 practicable such an applicant pool is created and may require that a
171 plan be revised by the entity submitting it.]

172 (c) The agency shall annually review the occupancy of each housing
173 development in the entity's plan to assure that such housing
174 development reflects the entity's plan to (1) affirmatively further fair
175 housing, and (2) market such development to the population of eligible
176 households least likely to apply for housing in the region. The results
177 of such annual review shall be included in the report required under
178 section 8-37bb, as amended by this act, and the consolidated plan for
179 housing and community development required under section 8-37t, as
180 amended by this act.

181 (d) If a housing development's occupants do not reflect the
182 population of eligible households least likely to apply for housing in
183 the region, future openings in such development shall be marketed
184 exclusively to such populations until such goal is achieved. A housing
185 development may obtain a waiver from this requirement if it can show
186 it made a good faith effort to comply. The Department of Housing may
187 apply sanctions in accordance with its regulations if a housing
188 development does not reach affirmatively marketing goals within
189 three years and nonperformance shall be a permissible reason for not
190 funding or working with the housing development's developer or
191 management company on future projects involving state support.

192 Sec. 4. Section 8-37t of the general statutes is repealed and the
193 following is substituted in lieu thereof (*Effective October 1, 2017*):

194 (a) The Commissioner of Housing, in consultation with the
195 Connecticut Housing Finance Authority and other state agencies
196 involved in the provision of housing to lower income populations,
197 shall prepare the state's consolidated plan for housing and community
198 development in accordance with 24 CFR Part 91, as amended from
199 time to time and Title VIII of the Civil Rights Act of 1968, as amended
200 from time to time.

201 (b) The consolidated plan shall state regional and geographical
202 housing production goals for meeting the housing needs of the
203 demographic groups identified in accordance with sections 8-37s and
204 8-37bb, as amended by this act, and as required by section 6 of this act
205 and 24 CFR Part 91.

206 (c) The consolidated plan shall delineate a strategy, including
207 identifying dedicated resources to meet the goals described in
208 subsection (b) of this section.

209 Sec. 5. Section 16a-27 of the general statutes is repealed and the
210 following is substituted in lieu thereof (*Effective October 1, 2017*):

211 (a) The secretary, after consultation with all appropriate state,
212 regional and local agencies and other appropriate persons, shall, prior
213 to March 1, 2012, complete a revision of the existing plan and enlarge it
214 to include, but not be limited to, policies relating to transportation,
215 energy and air. Any revision made after July 1, 1995, shall take into
216 consideration the conservation and development of greenways that
217 have been designated by municipalities and shall recommend that
218 state agencies coordinate their efforts to support the development of a
219 state-wide greenways system. The Commissioner of Energy and
220 Environmental Protection shall identify state-owned land for inclusion
221 in the plan as potential components of a state greenways system.

222 (b) Any revision made after August 20, 2003, shall take into account
223 (1) economic and community development needs and patterns of
224 commerce, and (2) linkages of affordable housing objectives and land
225 use objectives with transportation systems.

226 (c) Any revision made after March 1, 2006, shall (1) take into
227 consideration risks associated with natural hazards, including, but not
228 limited to, flooding, high winds and wildfires; (2) identify the potential
229 impacts of natural hazards on infrastructure and property; and (3)
230 make recommendations for the siting of future infrastructure and
231 property development to minimize the use of areas prone to natural
232 hazards, including, but not limited to, flooding, high winds and
233 wildfires.

234 (d) Any revision made after July 1, 2005, shall describe the progress
235 towards achievement of the goals and objectives established in the
236 previously adopted state plan of conservation and development and
237 shall identify (1) areas where it is prudent and feasible (A) to have
238 compact, transit accessible, pedestrian-oriented mixed-use
239 development patterns and land reuse, and (B) to promote such
240 development patterns and land reuse, (2) priority funding areas
241 designated under section 16a-35c, and (3) corridor management areas
242 on either side of a limited access highway or a rail line. In designating

243 corridor management areas, the secretary shall make
244 recommendations that (A) promote land use and transportation
245 options to reduce the growth of traffic congestion; (B) connect
246 infrastructure and other development decisions; (C) promote
247 development that minimizes the cost of new infrastructure facilities
248 and maximizes the use of existing infrastructure facilities; and (D)
249 increase intermunicipal and regional cooperation.

250 (e) Any revision made after October 1, 2008, shall (1) for each policy
251 recommended (A) assign a priority; (B) estimate funding for
252 implementation and identify potential funding sources; (C) identify
253 each entity responsible for implementation; and (D) establish a
254 schedule for implementation; and (2) for each growth management
255 principle, determine three benchmarks to measure progress in
256 implementation of the principles, one of which shall be a financial
257 benchmark.

258 (f) Any revision made after October 1, 2009, shall take into
259 consideration the protection and preservation of Connecticut Heritage
260 Areas.

261 (g) Any revision made after December 1, 2011, shall take into
262 consideration (1) the state water supply and resource policies
263 established in sections 22a-380 and 25-33c, and (2) the list prepared by
264 the Commissioner of Public Health pursuant to section 25-33q.

265 (h) Any revision made after October 1, 2013, shall (1) take into
266 consideration risks associated with increased coastal erosion,
267 depending on site topography, as anticipated in sea level change
268 scenarios published by the National Oceanic and Atmospheric
269 Administration in Technical Report OAR CPO-1, (2) identify the
270 impacts of such increased erosion on infrastructure and natural
271 resources, and (3) make recommendations for the siting of future
272 infrastructure and property development to minimize the use of areas
273 prone to such erosion.

274 (i) Any revision made after October 1, [2016] 2018, shall [take into
275 consideration the need for technology infrastructure in the
276 municipality] include (1) an assessment of municipal and regional
277 racial and ethnic composition, (2) the percentage of regional affordable
278 housing needs that will be met within the municipality, (3) the
279 percentage of regional handicapped or disability accessible or
280 adaptable housing needs, as defined by 42 USC 3602, 42 USC 3604 and
281 24 CFR 100.20, as amended from time to time, that will be met within
282 the municipality, and (4) if the percentage of the regional housing
283 needs do not exist within the municipality, a description of the barriers
284 to meeting regional housing needs and the steps and timeline the
285 municipality will follow to overcome the identified barriers, meet such
286 housing needs and affirmatively further fair housing by October 1,
287 2028, in accordance with Title VIII of the Civil Rights Act of 1968, as
288 amended from time to time.

289 (j) Thereafter on or before March first in each revision year the
290 secretary shall complete a revision of the plan of conservation and
291 development.

292 Sec. 6. (NEW) (*Effective October 1, 2017*) (a) The Office of Policy and
293 Management, in consultation with the Department of Housing,
294 regional councils of government and state civil rights and housing
295 experts, shall amend the state plan of conservation and development
296 adopted pursuant to chapter 297a to include in such plan (1) an explicit
297 statement of regional estimates for meeting the affordable housing
298 needs of the state as described in section 8-37t, as amended by this act,
299 and the need for handicapped accessible or adaptable housing as
300 defined by 42 USC 3602, 42 USC 3604 and 24 CFR 100.20, as amended
301 from time to time, and (2) an explicit statement delineating how the
302 state will affirmatively further fair housing in compliance with Title
303 VIII of the Civil Rights Act of 1968, as amended from time to time.

304 Sec. 7. Section 8-40 of the general statutes is repealed and the
305 following is substituted in lieu thereof (*Effective October 1, 2017*):

306 (a) In each municipality of the state there is created a public body
307 corporate and politic to be known as the "housing authority" of the
308 municipality; provided such authority shall not transact any business
309 or exercise its powers [hereunder] under this section until the
310 governing body of the municipality by resolution declares that there is
311 need for a housing authority in the municipality, provided it shall find
312 (1) that insanitary or unsafe inhabited dwelling accommodations exist
313 in the municipality, [or] (2) that there is a shortage of safe or sanitary
314 dwelling accommodations in the municipality available to families of
315 low income at rentals they can afford, or (3) that there is a shortage of
316 safe or sanitary dwelling accommodations in the municipality
317 available to families of moderate income at rentals they can afford. In
318 determining whether dwelling accommodations are unsafe or
319 insanitary, said governing body may take into consideration the
320 degree of overcrowding, the percentage of land coverage, the light, air,
321 space and access available to the inhabitants of such dwelling
322 accommodations, the size and arrangement of the rooms, the sanitary
323 facilities and the extent to which conditions exist in such buildings
324 which endanger life or property by fire or other causes.

325 (b) The governing bodies of two or more municipalities may create a
326 regional housing authority, which shall have all the powers, duties and
327 responsibilities conferred upon housing authorities by this chapter and
328 chapter 130. The area of operation of such authority shall include the
329 municipalities for which such authority is created. Such authority shall
330 act through a board of commissioners composed of two
331 representatives from each municipality appointed for terms of four
332 years in the manner provided in section 8-41.

333 (c) Notwithstanding the provisions of subsections (a) and (b) of this
334 section, any housing authority may elect to utilize the powers
335 conferred upon housing authorities in this chapter and chapter 130
336 over any opportunity area, as defined in section 8-348, as amended by
337 this act, within thirty miles of such authority's municipal borders.

338 Sec. 8. Subsection (a) of section 8-348 of the general statutes is
339 repealed and the following is substituted in lieu thereof (*Effective*
340 *October 1, 2017*):

341 (a) The Department of Housing shall, within existing resources of
342 the department and by utilizing at least sixty per cent of the
343 administrative fees available from the United States Department of
344 Housing and Urban Development, establish a residence mobility
345 counseling program to assist individuals or families in relocating their
346 residences to higher opportunity areas through education and support
347 services. The commissioner may contract with one or more nonprofit
348 corporations to provide such residence mobility counseling.
349 Individuals and families eligible for the residence mobility counseling
350 program shall currently have a certificate or voucher from either: (1)
351 The federal Housing and Urban Development Section 8 program, or
352 (2) the state rental assistance program. For purposes of this subsection,
353 "opportunity areas" means those areas designated as such using
354 opportunity mapping analysis that includes census tract level
355 assessment of educational, economic and neighborhood characteristics,
356 including education data and crime rates. The Department of Housing
357 shall make such opportunity mapping analysis available on the
358 Internet web site of the Department of Housing.

359 Sec. 9. Section 46a-71 of the general statutes is repealed and the
360 following is substituted in lieu thereof (*Effective October 1, 2017*):

361 (a) All services of every state agency shall be performed without
362 discrimination based upon race, color, religious creed, sex, gender
363 identity or expression, marital status, age, national origin, ancestry,
364 intellectual disability, mental disability, learning disability or physical
365 disability, including, but not limited to, blindness.

366 (b) No state facility may be used in the furtherance of any
367 discrimination, nor may any state agency become a party to any
368 agreement, arrangement or plan which has the effect of sanctioning
369 discrimination.

370 (c) Any state agency funding or administering housing shall
371 affirmatively promote fair housing choice and racial and economic
372 integration in all programs it administers or supervises.

373 [(c)] (d) Each state agency shall analyze all of its operations to
374 ascertain possible instances of noncompliance with the policy of
375 sections 46a-70 to 46a-78, inclusive, and shall initiate comprehensive
376 programs to remedy any defect found to exist.

377 [(d)] (e) Every state contract or subcontract for construction on
378 public buildings or for other public work or for goods and services
379 shall conform to the intent of section 4a-60.

380 Sec. 10. Subsection (c) of section 46a-86 of the general statutes is
381 repealed and the following is substituted in lieu thereof (*Effective*
382 *October 1, 2017*):

383 (c) In addition to any other action taken under this section, upon a
384 finding of a discriminatory practice prohibited by section 46a-58, 46a-
385 59, 46a-64, 46a-64c, 46a-71, as amended by this act, 46a-81b, 46a-81d or
386 46a-81e, the presiding officer shall determine the damage suffered by
387 the complainant, which damage shall include, but not be limited to, the
388 expense incurred by the complainant for obtaining alternate housing
389 or space, storage of goods and effects, moving costs and other costs
390 actually incurred by the complainant as a result of such discriminatory
391 practice and shall allow reasonable attorney's fees and costs. The
392 amount of attorney's fees allowed shall not be contingent upon the
393 amount of damages requested by or awarded to the complainant.

394 Sec. 11. Section 46a-99 of the general statutes is repealed and the
395 following is substituted in lieu thereof (*Effective October 1, 2017*):

396 Any person claiming to be aggrieved by a violation of any provision
397 of sections 46a-64c, 46a-70 to 46a-78, inclusive, or sections 46a-81h to
398 46a-81o, inclusive, may petition the Superior Court for appropriate
399 relief and said court shall have the power to grant such relief, by

400 injunction or otherwise, as it deems just and suitable, including any
 401 relief which a presiding officer may grant in a proceeding under
 402 section 46a-86 or which the court may grant in a proceeding under
 403 section 46a-89.

404 Sec. 12. Subsection (b) of section 46a-70a of the general statutes is
 405 repealed and the following is substituted in lieu thereof (*Effective*
 406 *October 1, 2017*):

407 (b) The Judicial Branch shall comply with the provisions of
 408 subsection (b) of section 46a-68, section 46a-68g, subsections (a), (b)
 409 and (c) of section 46a-70, subsections (a), (b) and [(d)] (e) of section 46a-
 410 71, as amended by this act, subsections (a) and (c) of section 46a-77,
 411 subsections (a), (b) and (c) of section 46a-81h and section 46a-81i.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	8-37s
Sec. 2	<i>October 1, 2017</i>	8-37bb
Sec. 3	<i>October 1, 2017</i>	8-37ee
Sec. 4	<i>October 1, 2017</i>	8-37t
Sec. 5	<i>October 1, 2017</i>	16a-27
Sec. 6	<i>October 1, 2017</i>	New section
Sec. 7	<i>October 1, 2017</i>	8-40
Sec. 8	<i>October 1, 2017</i>	8-348(a)
Sec. 9	<i>October 1, 2017</i>	46a-71
Sec. 10	<i>October 1, 2017</i>	46a-86(c)
Sec. 11	<i>October 1, 2017</i>	46a-99
Sec. 12	<i>October 1, 2017</i>	46a-70a(b)

Statement of Purpose:

To (1) increase the publication of data on housing production; (2) develop projections of regional affordable housing needs; (3) require municipal planning for reaching recommended apportionment of affordable housing needs; (4) involve the state and other stakeholders in developing regional housing need estimates for municipalities; (5) increase data transparency on subsidized housing investments; (6) provide housing authorities with the option to expand housing

authority jurisdiction; (7) increase the amount of funding used on mobility counseling; and (8) integrate subsidized housing by requiring marketing across lines of race and income.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. WINFIELD, 10th Dist.

S.B. 752