



General Assembly

Amendment

January Session, 2017

LCO No. 7389



Offered by:

REP. BUTLER, 72 nd Dist.	REP. YACCARINO, 87 th Dist.
SEN. SLOSSBERG, 14 th Dist.	REP. LAVIELLE, 143 rd Dist.
SEN. HWANG, 28 th Dist.	REP. DUNSBY, 135 th Dist.
REP. ROSE, 118 th Dist.	REP. WOOD, 141 st Dist.
REP. KUPCHICK, 132 nd Dist.	REP. HARDING, 107 th Dist.
REP. STANESKI, 119 th Dist.	REP. FLOREN, 149 th Dist.
REP. FERRARO, 117 th Dist.	REP. MCCARTHY VAHEY, 133 rd Dist.
REP. GRESKO, 121 st Dist.	REP. STEINBERG, 136 th Dist.
REP. DEVLIN, 134 th Dist.	REP. ADAMS, 146 th Dist.
REP. MCGORTY, 122 nd Dist.	REP. FREY, 111 th Dist.
REP. RUTIGLIANO, 123 rd Dist.	

To: Subst. House Bill No. 6880

File No. 179

Cal. No. 148

"AN ACT CONCERNING THE AFFORDABLE HOUSING LAND USE APPEALS PROCEDURE."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 8-30g of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

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

6 (1) "Affordable housing development" means a proposed housing

7 development which is (A) assisted housing, or (B) a set-aside
8 development;

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

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

18 (4) "Commission" means a zoning commission, planning
19 commission, planning and zoning commission, zoning board of
20 appeals or municipal agency exercising zoning or planning authority;

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

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

39 income;

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

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

46 (b) (1) Any person filing an affordable housing application with a
47 commission shall submit, as part of the application, an affordability
48 plan which shall include at least the following: (A) Designation of the
49 person, entity or agency that will be responsible for the duration of any
50 affordability restrictions, for the administration of the affordability
51 plan and its compliance with the income limits and sale price or rental
52 restrictions of this chapter; (B) an affirmative fair housing marketing
53 plan governing the sale or rental of all dwelling units; (C) a sample
54 calculation of the maximum sales prices or rents of the intended
55 affordable dwelling units; (D) a description of the projected sequence
56 in which, within a set-aside development, the affordable dwelling
57 units will be built and offered for occupancy and the general location
58 of such units within the proposed development; and (E) draft zoning
59 regulations, conditions of approvals, deeds, restrictive covenants or
60 lease provisions that will govern the affordable dwelling units.

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

71 and (D) a listing of the considerations to be included in the
72 computation of income under this section.

73 (c) Any commission, by regulation, may require that an affordable
74 housing application seeking a change of zone [shall] include the
75 submission of a conceptual site plan describing the proposed
76 development's total number of residential units and their arrangement
77 on the property and the proposed development's roads and traffic
78 circulation, sewage disposal and water supply.

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

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

102 (f) [Any] Except as provided in subsections (k) and (l) of this section,

103 any person whose affordable housing application is denied, or is
104 approved with restrictions which have a substantial adverse impact on
105 the viability of the affordable housing development or the degree of
106 affordability of the affordable dwelling units in a set-aside
107 development, may appeal such decision pursuant to the procedures of
108 this section. Such appeal shall be filed within the time period for filing
109 appeals as set forth in section 8-8, 8-9, 8-28 or 8-30a, as applicable, and
110 shall be made returnable to the superior court for the judicial district
111 where the real property which is the subject of the application is
112 located. Affordable housing appeals, including pretrial motions, shall
113 be heard by a judge assigned by the Chief Court Administrator to hear
114 such appeals. To the extent practicable, efforts shall be made to assign
115 such cases to a small number of judges, sitting in geographically
116 diverse parts of the state, so that a consistent body of expertise can be
117 developed. Unless otherwise ordered by the Chief Court
118 Administrator, such appeals, including pretrial motions, shall be heard
119 by such assigned judges in the judicial district in which such judge is
120 sitting. Appeals taken pursuant to this subsection shall be privileged
121 cases to be heard by the court as soon after the return day as is
122 practicable. Except as otherwise provided in this section, appeals
123 involving an affordable housing application shall proceed in
124 conformance with the provisions of [said] section 8-8, 8-9, 8-28 or 8-
125 30a, as applicable.

126 (g) Upon an appeal taken under subsection (f) of this section, the
127 burden shall be on the commission to prove, based upon the evidence
128 in the record compiled before such commission, that the decision from
129 which such appeal is taken and the reasons cited for such decision are
130 supported by sufficient evidence in the record. The commission shall
131 also have the burden to prove, based upon the evidence in the record
132 compiled before such commission, that (1) (A) the decision is necessary
133 to protect substantial public interests in health, safety or other matters
134 which the commission may legally consider; (B) such public interests
135 clearly outweigh the need for affordable housing; and (C) such public
136 interests cannot be protected by reasonable changes to the affordable

137 housing development, or (2) (A) the application which was the subject
138 of the decision from which such appeal was taken would locate
139 affordable housing in an area which is zoned for industrial use and
140 which does not permit residential uses; and (B) the development is not
141 assisted housing. [, as defined in subsection (a) of this section.] If the
142 commission does not satisfy its burden of proof under this subsection,
143 the court shall wholly or partly revise, modify, remand or reverse the
144 decision from which the appeal was taken in a manner consistent with
145 the evidence in the record before it.

146 (h) Following a decision by a commission to reject an affordable
147 housing application or to approve an application with restrictions
148 which have a substantial adverse impact on the viability of the
149 affordable housing development or the degree of affordability of the
150 affordable dwelling units, the applicant may, within the period for
151 filing an appeal of such decision, submit to the commission a proposed
152 modification of its proposal responding to some or all of the objections
153 or restrictions articulated by the commission, which shall be treated as
154 an amendment to the original proposal. The day of receipt of such a
155 modification shall be determined in the same manner as the day of
156 receipt is determined for an original application. The filing of such a
157 proposed modification shall stay the period for filing an appeal from
158 the decision of the commission on the original application. The
159 commission shall hold a public hearing on the proposed modification
160 if it held a public hearing on the original application and may hold a
161 public hearing on the proposed modification if it did not hold a public
162 hearing on the original application. The commission shall render a
163 decision on the proposed modification not later than sixty-five days
164 after the receipt of such proposed modification, provided, if, in
165 connection with a modification submitted under this subsection, the
166 applicant applies for a permit for an activity regulated pursuant to
167 sections 22a-36 to 22a-45, inclusive, and the time for a decision by the
168 commission on such modification under this subsection would lapse
169 prior to the thirty-fifth day after a decision by an inland wetlands and
170 watercourses agency, the time period for decision by the commission

171 on the modification under this subsection shall be extended to thirty-
172 five days after the decision of such agency. The commission shall issue
173 notice of its decision as provided by law. Failure of the commission to
174 render a decision within said sixty-five days or subsequent extension
175 period permitted by this subsection shall constitute a rejection of the
176 proposed modification. Within the time period for filing an appeal on
177 the proposed modification as set forth in section 8-8, 8-9, 8-28 or 8-30a,
178 as applicable, the applicant may appeal the commission's decision on
179 the original application and the proposed modification in the manner
180 set forth in this section. Nothing in this subsection shall be construed
181 to limit the right of an applicant to appeal the original decision of the
182 commission in the manner set forth in this section without submitting
183 a proposed modification or to limit the issues which may be raised in
184 any appeal under this section.

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

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

191 (k) [Notwithstanding the provisions of subsections (a) to (j),
192 inclusive, of this section, the] The affordable housing appeals
193 procedure established under this section shall not be available if the
194 real property which is the subject of the application is located in a
195 municipality in which at least ten per cent of all dwelling units in the
196 municipality are (1) assisted housing, [or] (2) currently financed by
197 Connecticut Housing Finance Authority mortgages, [or] (3) subject to
198 binding recorded deeds containing covenants or restrictions which
199 require that such dwelling units be sold or rented at, or below, prices
200 which will preserve the units as housing for which persons and
201 families pay thirty per cent or less of income, where such income is less
202 than or equal to eighty per cent of the median income, [or] (4) mobile
203 manufactured homes located in mobile manufactured home parks or

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

232 (l) (1) [Notwithstanding the provisions of subsections (a) to (j),
233 inclusive,] Except as provided in subdivision (2) of this [section]
234 subsection, the affordable housing appeals procedure established
235 under this section shall not be applicable to an affordable housing
236 application filed with a commission during a moratorium, which shall
237 [be the four-year period] commence after (A) a certification of

238 affordable housing project completion issued by the commissioner is
239 published in the Connecticut Law Journal, or (B) [after] notice of a
240 provisional approval is published pursuant to subdivision (4) of this
241 subsection. Any such moratorium shall be for a period of four years,
242 except that for any municipality that has previously qualified for a
243 moratorium in accordance with this section, any subsequent
244 moratorium shall be for a period of five years. Any moratorium that is
245 in effect on October 1, 2002, is extended by one year.

246 (2) [Notwithstanding the provisions of this subsection, such] Such
247 moratorium shall not apply to (A) affordable housing applications for
248 assisted housing in which ninety-five per cent of the dwelling units are
249 restricted to persons and families whose income is less than or equal to
250 sixty per cent of the median income, (B) other affordable housing
251 applications for assisted housing containing forty or fewer dwelling
252 units, or (C) affordable housing applications which were filed with a
253 commission pursuant to this section prior to the date upon which the
254 moratorium takes effect.

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

257 (4) (A) The commissioner shall issue a certificate of affordable
258 housing project completion for the purposes of this subsection upon
259 finding that there has been completed within the municipality one or
260 more affordable housing developments which create housing unit-
261 equivalent points equal to (i) the greater of two per cent of all dwelling
262 units in the municipality, as reported in the most recent United States
263 decennial census, or [seventy-five] fifty housing unit-equivalent points,
264 or (ii) for any municipality that has (I) adopted an affordable housing
265 plan in accordance with section 2 of this act, (II) twenty thousand or
266 more dwelling units, as reported in the most recent United States
267 decennial census, and (III) previously qualified for a moratorium in
268 accordance with this section, one and one-half per cent of all dwelling
269 units in the municipality, as reported in the most recent United States
270 decennial census.

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

301 (5) For the purposes of this subsection, "elderly units" are dwelling
302 units whose occupancy is restricted by age, [and] "family units" are
303 dwelling units whose occupancy is not restricted by age, and "resident-
304 owned mobile manufactured home park" has the same meaning as

305 provided in subsection (k) of this section.

306 (6) For the purposes of this subsection, housing unit-equivalent
307 points shall be determined by the commissioner as follows: (A) No
308 points shall be awarded for a unit unless its occupancy is restricted to
309 persons and families whose income is equal to or less than eighty per
310 cent of the median income, except that unrestricted units in a set-aside
311 development shall be awarded one-fourth point each. (B) Family units
312 restricted to persons and families whose income is equal to or less than
313 eighty per cent of the median income shall be awarded one point if an
314 ownership unit and one and one-half points if a rental unit. (C) Family
315 units restricted to persons and families whose income is equal to or
316 less than sixty per cent of the median income shall be awarded one and
317 one-half points if an ownership unit and two points if a rental unit. (D)
318 Family units restricted to persons and families whose income is equal
319 to or less than forty per cent of the median income shall be awarded
320 two points if an ownership unit and two and one-half points if a rental
321 unit. (E) Restricted family units containing at least three bedrooms
322 shall be awarded an additional one-fourth point. (F) Elderly units
323 restricted to persons and families whose income is equal to or less than
324 eighty per cent of the median income shall be awarded one-half point.
325 ~~[(F)]~~ (G) If at least sixty per cent of the total restricted units submitted
326 by a municipality as part of an application for a certificate of affordable
327 housing project completion are family units, any elderly units
328 submitted within such application shall be awarded an additional one-
329 half point. (H) Restricted family units located within an approved
330 incentive housing development, as defined in section 8-13m, as
331 amended by this act, shall be awarded an additional one-fourth point.
332 (I) A set-aside development containing family units which are rental
333 units shall be awarded additional points equal to twenty-two per cent
334 of the total points awarded to such development, provided the
335 application for such development was filed with the commission prior
336 to July 6, 1995. (J) A mobile manufactured home in a resident-owned
337 mobile manufactured home park shall be awarded points as follows:
338 One and one-half points when occupied by persons and families with

339 an income equal to or less than eighty per cent of the median income;
340 two points when occupied by persons and families with an income
341 equal to or less than sixty per cent of the median income; and one-
342 fourth point for the remaining units.

343 (7) Points shall be awarded only for dwelling units which [were] (A)
344 were newly-constructed units in an affordable housing development,
345 as that term was defined at the time of the affordable housing
346 application, for which a certificate of occupancy was issued after July
347 1, 1990, [or] (B) were newly subjected after July 1, 1990, to deeds
348 containing covenants or restrictions which require that, for at least the
349 duration required by subsection (a) of this section for set-aside
350 developments on the date when such covenants or restrictions took
351 effect, such dwelling units shall be sold or rented at, or below, prices
352 which will preserve the units as affordable housing for persons or
353 families whose income does not exceed eighty per cent of the median
354 income, (C) are located within an approved incentive housing
355 development, as defined in section 8-13m, as amended by this act, or
356 (D) are located in a resident-owned mobile manufactured home park.

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

362 (9) A newly-constructed unit shall be counted toward a moratorium
363 when it receives a certificate of occupancy. A newly-restricted unit
364 shall be counted toward a moratorium when its deed restriction takes
365 effect.

366 (10) The affordable housing appeals procedure shall be applicable to
367 affordable housing applications filed with a commission after a three-
368 year moratorium expires, except (A) as otherwise provided in
369 subsection (k) of this section, or (B) when sufficient unit-equivalent
370 points have been created within the municipality during one

371 moratorium to qualify for a subsequent moratorium.

372 (11) The commissioner shall, within available appropriations, adopt
373 regulations in accordance with chapter 54 to carry out the purposes of
374 this subsection. Such regulations shall specify the procedure to be
375 followed by a municipality to obtain a moratorium, and shall include
376 the manner in which a municipality is to document the units to be
377 counted toward a moratorium. A municipality may apply for a
378 moratorium in accordance with the provisions of this subsection prior
379 to, as well as after, such regulations are adopted.

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

386 Sec. 2. (NEW) (*Effective from passage*) (a) At least once every five
387 years, each municipality shall prepare or amend and adopt an
388 affordable housing plan for the municipality. Such plan shall specify
389 how the municipality intends to increase the number of affordable
390 housing developments in the municipality.

391 (b) The municipality may hold public informational meetings or
392 organize other activities to inform residents about the process of
393 preparing the plan. If the municipality holds a public hearing, at least
394 thirty-five days prior to the public hearing on the adoption, the
395 municipality shall file in the office of the town clerk of such
396 municipality a copy of such draft plan or any amendments to the plan,
397 and if applicable, post such draft plan on the Internet web site of the
398 municipality. After adoption of the plan, the municipality shall file the
399 final plan in the office of the town clerk of such municipality and, if
400 applicable, post the plan on the Internet web site of the municipality.

401 (c) Following adoption, the municipality shall regularly review and
402 maintain such plan. The municipality may adopt such geographical,

403 functional or other amendments to the plan or parts of the plan, in
404 accordance with the provisions of this section, as it deems necessary. If
405 the municipality fails to amend such plan every five years, the chief
406 elected official of the municipality shall submit a letter to the
407 Commissioner of Housing that explains why such plan was not
408 amended.

409 Sec. 3. Subdivision (12) of section 8-13m of the general statutes is
410 repealed and the following is substituted in lieu thereof (*Effective from*
411 *passage, and applicable to any final determination of eligibility for an*
412 *incentive housing zone or any grant that has not yet been approved under*
413 *section 8-13x of the general statutes as of the effective date of this section*):

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

419 Sec. 4. Subsection (l) of section 8-30g of the general statutes, as
420 amended by section 1 of this act, is repealed and the following is
421 substituted in lieu thereof (*Effective October 1, 2022*):

422 (l) (1) Except as provided in subdivision (2) of this subsection, the
423 affordable housing appeals procedure established under this section
424 shall not be applicable to an affordable housing application filed with a
425 commission during a moratorium, which shall commence after (A) a
426 certification of affordable housing project completion issued by the
427 commissioner is published in the Connecticut Law Journal, or (B)
428 notice of a provisional approval is published pursuant to subdivision
429 (4) of this subsection. Any such moratorium shall be for a period of
430 four years, except that for any municipality that has previously
431 qualified for a moratorium in accordance with this section, any
432 subsequent moratorium shall be for a period of five years. Any
433 moratorium that is in effect on October 1, 2002, is extended by one
434 year.

435 (2) Such moratorium shall not apply to (A) affordable housing
436 applications for assisted housing in which ninety-five per cent of the
437 dwelling units are restricted to persons and families whose income is
438 less than or equal to sixty per cent of the median income, (B) other
439 affordable housing applications for assisted housing containing forty
440 or fewer dwelling units, or (C) affordable housing applications which
441 were filed with a commission pursuant to this section prior to the date
442 upon which the moratorium takes effect.

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

445 (4) (A) The commissioner shall issue a certificate of affordable
446 housing project completion for the purposes of this subsection upon
447 finding that there has been completed within the municipality one or
448 more affordable housing developments which create housing unit-
449 equivalent points equal to (i) the greater of two per cent of all dwelling
450 units in the municipality, as reported in the most recent United States
451 decennial census, or ~~[fifty]~~ seventy-five housing unit-equivalent points,
452 or (ii) for any municipality that has (I) adopted an affordable housing
453 plan in accordance with section 2 of this act, (II) twenty thousand or
454 more dwelling units, as reported in the most recent United States
455 decennial census, and (III) previously qualified for a moratorium in
456 accordance with this section, one and one-half per cent of all dwelling
457 units in the municipality, as reported in the most recent United States
458 decennial census.

459 (B) A municipality may apply for a certificate of affordable housing
460 project completion pursuant to this subsection by applying in writing
461 to the commissioner, and including documentation showing that the
462 municipality has accumulated the required number of points within
463 the applicable time period. Such documentation shall include the
464 location of each dwelling unit being counted, the number of points
465 each dwelling unit has been assigned, and the reason, pursuant to this
466 subsection, for assigning such points to such dwelling unit. Upon
467 receipt of such application, the commissioner shall promptly cause a

468 notice of the filing of the application to be published in the Connecticut
469 Law Journal, stating that public comment on such application shall be
470 accepted by the commissioner for a period of thirty days after the
471 publication of such notice. Not later than ninety days after the receipt
472 of such application, the commissioner shall either approve or reject
473 such application. Such approval or rejection shall be accompanied by a
474 written statement of the reasons for approval or rejection, pursuant to
475 the provisions of this subsection. If the application is approved, the
476 commissioner shall promptly cause a certificate of affordable housing
477 project completion to be published in the Connecticut Law Journal. If
478 the commissioner fails to either approve or reject the application
479 within such ninety-day period, such application shall be deemed
480 provisionally approved, and the municipality may cause notice of such
481 provisional approval to be published in a conspicuous manner in a
482 daily newspaper having general circulation in the municipality, in
483 which case, such moratorium shall take effect upon such publication.
484 The municipality shall send a copy of such notice to the commissioner.
485 Such provisional approval shall remain in effect unless the
486 commissioner subsequently acts upon and rejects the application, in
487 which case the moratorium shall terminate upon notice to the
488 municipality by the commissioner.

489 (5) For the purposes of this subsection, "elderly units" are dwelling
490 units whose occupancy is restricted by age, "family units" are dwelling
491 units whose occupancy is not restricted by age, and "resident-owned
492 mobile manufactured home park" has the same meaning as provided
493 in subsection (k) of this section.

494 (6) For the purposes of this subsection, housing unit-equivalent
495 points shall be determined by the commissioner as follows: (A) No
496 points shall be awarded for a unit unless its occupancy is restricted to
497 persons and families whose income is equal to or less than eighty per
498 cent of the median income, except that unrestricted units in a set-aside
499 development shall be awarded one-fourth point each. (B) Family units
500 restricted to persons and families whose income is equal to or less than
501 eighty per cent of the median income shall be awarded one point if an

502 ownership unit and one and one-half points if a rental unit. (C) Family
503 units restricted to persons and families whose income is equal to or
504 less than sixty per cent of the median income shall be awarded one and
505 one-half points if an ownership unit and two points if a rental unit. (D)
506 Family units restricted to persons and families whose income is equal
507 to or less than forty per cent of the median income shall be awarded
508 two points if an ownership unit and two and one-half points if a rental
509 unit. (E) [Restricted family units containing at least three bedrooms
510 shall be awarded an additional one-fourth point. (F)] Elderly units
511 restricted to persons and families whose income is equal to or less than
512 eighty per cent of the median income shall be awarded one-half point.
513 [(G) If at least sixty per cent of the total restricted units submitted by a
514 municipality as part of an application for a certificate of affordable
515 housing project completion are family units, any elderly units
516 submitted within such application shall be awarded an additional one-
517 half point. (H) Restricted family units located within an approved
518 incentive housing development, as defined in section 8-13m, as
519 amended by this act, shall be awarded an additional one-fourth point.
520 (I)] (E) A set-aside development containing family units which are
521 rental units shall be awarded additional points equal to twenty-two
522 per cent of the total points awarded to such development, provided
523 the application for such development was filed with the commission
524 prior to July 6, 1995. [(J)] (G) A mobile manufactured home in a
525 resident-owned mobile manufactured home park shall be awarded
526 points as follows: One and one-half points when occupied by persons
527 and families with an income equal to or less than eighty per cent of the
528 median income; two points when occupied by persons and families
529 with an income equal to or less than sixty per cent of the median
530 income; and one-fourth point for the remaining units.

531 (7) Points shall be awarded only for dwelling units which (A) were
532 newly-constructed units in an affordable housing development, as that
533 term was defined at the time of the affordable housing application, for
534 which a certificate of occupancy was issued after July 1, 1990, (B) were
535 newly subjected after July 1, 1990, to deeds containing covenants or

536 restrictions which require that, for at least the duration required by
537 subsection (a) of this section for set-aside developments on the date
538 when such covenants or restrictions took effect, such dwelling units
539 shall be sold or rented at, or below, prices which will preserve the
540 units as affordable housing for persons or families whose income does
541 not exceed eighty per cent of the median income, [(C) are located
542 within an approved incentive housing development, as defined in
543 section 8-13m,] or [(D)] (C) are located in a resident-owned mobile
544 manufactured home park.

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

550 (9) A newly-constructed unit shall be counted toward a moratorium
551 when it receives a certificate of occupancy. A newly-restricted unit
552 shall be counted toward a moratorium when its deed restriction takes
553 effect.

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

560 (11) The commissioner shall, within available appropriations, adopt
561 regulations in accordance with chapter 54 to carry out the purposes of
562 this subsection. Such regulations shall specify the procedure to be
563 followed by a municipality to obtain a moratorium, and shall include
564 the manner in which a municipality is to document the units to be
565 counted toward a moratorium. A municipality may apply for a
566 moratorium in accordance with the provisions of this subsection prior
567 to, as well as after, such regulations are adopted."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	8-30g
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage, and applicable to any final determination of eligibility for an incentive housing zone or any grant that has not yet been approved under section 8-13x of the general statutes as of the effective date of this section</i>	8-13m(12)
Sec. 4	<i>October 1, 2022</i>	8-30g(1)