



# Acts Affecting Housing

By: Kristin Sullivan, Chief Analyst  
July 20, 2017 | 2017-R-0149

Revised

## Notice to Readers

This report summarizes laws affecting housing enacted during the 2017 regular session. OLR's other Acts Affecting reports, including Acts Affecting Real Estate and Acts Affecting Municipalities, are, or will soon be, available on OLR's website: <https://www.cga.ct.gov/olr/actsaffecting.asp>.

Each summary indicates the public act (PA) or special act (SA) number and effective date. Not all provisions of the acts are included. The report does not include vetoed acts, unless the legislature overrode the veto.

Complete summaries of all 2017 Public Acts are, or will soon be, available on OLR's website. Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, House Clerk's Office, or General Assembly's website: <http://www.cga.ct.gov>.

# Table of Contents

<b>Affordable Housing</b> .....	<b>4</b>
Changes to CGS § 8-30g (VETOED, VETO OVERRIDDEN).....	4
Municipal Affordable Housing Planning Requirement (VETOED, VETO OVERRIDDEN).....	4
<b>Home Safety</b> .....	<b>4</b>
Emergency Generators in Certain Housing Projects.....	4
Lead Abatement Interest Rate Reduction Program.....	5
Septic Systems.....	5
<b>Landlord and Tenant</b> .....	<b>5</b>
Regaining Possession of Rental Unit after Tenant's Death .....	5
Security Deposits of Tenants Who Turn Age 62 .....	5
Substitute Housing if Landlord Fails to Provide Essential Services .....	6
<b>Planning and Zoning</b> .....	<b>6</b>
Automatic Closure of Building Permits after Nine Years.....	6
Nonconforming Uses, Buildings, and Structures.....	6
<b>Seniors and Individuals with Disabilities</b> .....	<b>6</b>
Renters' Rebate Program .....	6
Study of Projects Serving Seniors and Individuals with Disabilities .....	7
Temporary Health Care Structures .....	7
<b>Miscellaneous</b> .....	<b>7</b>
Common Interest Community Association Rules.....	7
Community Housing Land Bank and Land Trust Projects.....	7
Prohibiting Disclosure of Identifying Information about Department of Housing Clients .....	8
Task Force on Certain Mortgages .....	8
Minor Changes .....	8

## **Affordable Housing**

### ***Changes to CGS § 8-30g (VETOED, VETO OVERRIDDEN)***

This session, the legislature made changes to the affordable housing land use appeals procedure ([CGS § 8-30g](#)), which requires municipalities to defend their decisions rejecting affordable housing development applications or approving them with costly conditions. By law, municipalities with a certain amount of affordable housing are exempt from the procedure. Additionally, municipalities are eligible for a temporary suspension of procedure (i.e., moratorium) each time they show they have added to their housing stock a certain number of affordable housing units since the last decennial census. Generally, the new law (1) makes it easier for municipalities to qualify for a moratorium by, among other things, expanding the unit types that count toward the moratorium calculation and (2) extends the length of moratoria for certain municipalities. It also changes how the law categorizes certain mobile manufactured homes for purposes of calculating exemptions and moratoria ([PA 17-170](#), effective upon passage, but certain provisions sunset in five years).

### ***Municipal Affordable Housing Planning Requirement (VETOED, VETO OVERRIDDEN)***

A new law requires each municipality, at least once every five years, to prepare or amend and adopt an affordable housing plan. The plan must specify how the municipality will increase the number of affordable housing developments in its jurisdiction ([PA 17-170](#), § 2, effective upon passage).

## **Home Safety**

### ***Emergency Generators in Certain Housing Projects***

A new law requires each privately owned, multifamily housing project in a municipality with a population of at least 130,000 but fewer than 135,000 to install and maintain at least one emergency power generator. The generator must be capable of providing a minimum of four hours of sufficient electrical power to each (1) unit for heating, water, lighting, and critical medical equipment and (2) passenger elevator.

The law defines “privately owned, multifamily housing project” as real property that (1) consists of, or encompasses, a building at least 15 stories high with dwelling units whose occupancy is restricted by age and (2) is subject, wholly or partially, to a mortgage insured under the federal National Housing Act ([PA 17-62](#), effective October 1, 2017).

## ***Lead Abatement Interest Rate Reduction Program***

A new law requires the Banking and Housing departments, within available appropriations, to study the development of a lead abatement interest rate reduction program that provides interest rate subsidies to certain owners who experience difficulty obtaining financing to abate lead. By January 1, 2018, the Banking and Housing commissioners must report their findings and recommendations to the Banking, Housing, and Planning and Development committees ([PA 17-236](#), § 20, effective upon passage).

## ***Septic Systems***

A new law increases the size of household and small commercial subsurface sewage disposal systems (generally, septic systems) over which the Department of Public Health and local health departments, rather than the Department of Energy and Environmental Protection, have jurisdiction. It extends this jurisdiction to systems with a capacity of up to 7,500 gallons per day, compared with the previous limit of up to 5,000 gallons per day ([PA 17-146](#), § 30, effective July 1, 2017).

## **Landlord and Tenant**

### ***Regaining Possession of Rental Unit after Tenant's Death***

A new law modifies the process by which a landlord may regain possession of a rental unit, without an eviction action, after the death of its sole tenant. Among other things, it (1) requires landlords to provide notice of intent to remove possessions to the tenant's emergency contact and his or her next of kin, if known, and (2) establishes a process for removing the tenant's belongings without a judgment. By law, landlords who follow this process are protected against an action for entering a dwelling unit without consent ([PA 17-22](#), effective October 1, 2017).

### ***Security Deposits of Tenants Who Turn Age 62***

A new law requires landlords, at a tenant's request, to return any portion of a security deposit that exceeds one month's rent if the tenant turned age 62 after paying the deposit ([PA 17-236](#), § 17, effective October 1, 2017).

## ***Substitute Housing if Landlord Fails to Provide Essential Services***

A new law allows tenants to procure reasonable substitute housing 48 hours, rather than two business days, after a landlord fails to provide required essential services such as heat, hot water, or electricity. The tenant must properly notify the landlord and specify the breach. The protection applies only when the landlord's failure is not caused by conditions beyond his or her control ([PA 17-171](#), effective October 1, 2017).

## **Planning and Zoning**

### ***Automatic Closure of Building Permits after Nine Years***

A new law automatically closes open building permits, nine years after a municipality issues them, for one- or two-family homes and associated structures if a certificate of occupancy has not been granted. Under the new law, automatic closure serves as a bar to enforcement actions based on work started or completed pursuant to an open building permit ([PA 17-176](#), effective October 1, 2017).

### ***Nonconforming Uses, Buildings, and Structures***

This session, the legislature clarified the law's protections for nonconforming uses, buildings, and structures by specifying that municipal zoning regulations cannot terminate them or deem them abandoned unless the property owner voluntarily discontinues the nonconforming use, building, or structure with the intent not to reestablish it. The new law also specifies that demolishing or deconstructing a nonconforming use, building, or structure is not, by itself, evidence of an owner's intent to abandon the use, building, or structure ([PA 17-39](#), effective July 1, 2017).

## **Seniors and Individuals with Disabilities**

### ***Renters' Rebate Program***

The renters' rebate program provides rental reimbursement for Connecticut renters who are elderly or living with a disability and who meet income qualifications. A new law adjusts the program's payment schedule by delaying, from September 30 to October 15, the date by which the Office of Policy and Management (OPM) must approve applications, and eliminating the requirement that OPM approve payments within 120 days after receiving applications ([PA 17-222](#), effective July 1, 2017).

## ***Study of Projects Serving Seniors and Individuals with Disabilities***

A new law requires the Department of Housing (DOH), together with other relevant agencies, to study three state-funded housing projects serving seniors and individuals with disabilities and report its findings to the legislature by March 1, 2018. The study must examine several issues related to co-housing these populations, including the difference in rent paid by each population, incidents involving both populations that led to evictions, and available and needed support services ([SA 17-19](#), effective upon passage).

## ***Temporary Health Care Structures***

A new law gives families and caregivers the option of installing temporary health care structures on residential property, thus allowing seniors and people with disabilities to remain in their communities while receiving care. It does so by establishing conditions under which property owners may place these structures on residential property to care for qualifying individuals. It prohibits municipal zoning regulations from barring these structures, unless the municipality follows a specified process to opt out of the requirements ([PA 17-155](#), effective October 1, 2017).

## **Miscellaneous**

### ***Common Interest Community Association Rules***

The Common Interest Ownership Act (CIOA) allows unit owner associations of common interest communities to adopt rules apart from their declarations and bylaws. A new law narrows CIOA's definition of "rule" and clarifies the permissible scope of these rules. It specifies that these rules regulate (1) conduct occurring within the common interest community or (2) the use, maintenance, repair, replacement, modification, or appearance of the common interest community ([PA 17-224](#), effective October 1, 2017).

### ***Community Housing Land Bank and Land Trust Projects***

A new law expands the ability of nonprofit housing developers to transfer property acquired under DOH's Community Housing Land Bank and Land Trust Program. It allows them to convey land or transfer interest in it, not just the structures and improvements situated on the land, to eligible families or limited equity cooperatives as long as the structures and improvements are used to provide affordable housing. Under the new law, when a nonprofit developer conveys property to another nonprofit developer or entity, the sale proceeds must be returned to the program for deposit in its fund ([PA 17-240](#), § 4, effective October 1, 2017).

## ***Prohibiting Disclosure of Identifying Information about Department of Housing Clients***

A new law establishes protections for personal information about people who apply for, receive assistance from, or participate in DOH programs (i.e., “clients”). With certain exceptions, it prohibits employees and contractors of state, municipal, and quasi-public agencies from soliciting, disclosing, receiving, or using any personal information about DOH clients. It similarly prohibits them from authorizing, knowingly permitting, participating in, or acquiescing in the use of this personal information ([PA 17-177](#), effective upon passage).

## ***Task Force on Certain Mortgages***

A new law establishes an eight-member task force to study methods to prevent the issuance of mortgages to persons with excessive blight fines or who have violated nuisance abatement laws. The task force must report its findings and recommendations to the Banking Committee by July 1, 2018 ([PA 17-236](#), § 18, effective upon passage).

## ***Minor Changes***

In addition to the acts summarized above, the following acts make minor changes affecting housing:

1. [PA 17-126](#) (makes privileged, with respect to assignment for trial, actions to foreclose a municipal tax or blight lien that are commenced on or after January 1, 2018) and
2. [PA 17-99](#) (makes changes affecting the court venue for housing matters).

KS:bs