



House of Representatives

General Assembly

File No. 197

January Session, 2019

Substitute House Bill No. 7225

House of Representatives, March 28, 2019

The Committee on Housing reported through REP. MCGEE of the 5th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING PUBLIC HOUSING.

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

1 Section 1. Section 8-45 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) Each housing authority shall manage and operate its housing
4 projects in an efficient manner so as to enable it to fix the rentals for
5 dwelling accommodations at the lowest possible rates consistent with
6 providing decent, safe and sanitary dwelling accommodations, and no
7 housing authority shall construct or operate any such project for profit
8 or as a source of revenue to the municipality. To this end, an authority
9 shall fix the rentals for dwelling in its projects at no higher rates than it
10 finds to be necessary in order to produce revenues which, together
11 with all other available money, revenues, income and receipts of the
12 authority from whatever sources derived, will be sufficient [(a)] (1) to
13 pay, as the same become due, the principal and interest on the bonds
14 of the authority; [(b)] (2) to meet the cost of, and to provide for,
15 maintaining and operating the projects, including the cost of any

16 insurance, and the administrative expenses of the authority; and [(c)]
17 (3) to create, during not less than six years immediately succeeding its
18 issuance of any bonds, a reserve sufficient to meet the largest principal
19 and interest payments which will be due on such bonds in any one
20 year thereafter and to maintain such reserve.

21 (b) In the operation or management of housing projects an authority
22 shall, at all times, rent or lease the dwelling accommodations therein at
23 rentals within the financial reach of families of low income. The
24 authority, subject to approval by the Commissioner of Housing, shall
25 fix maximum income limits for the admission and for the continued
26 occupancy of families in such housing, provided such maximum
27 income limits and all revisions thereof for housing projects operated
28 pursuant to any contract with any agency of the federal government
29 shall be subject to the prior approval of such federal agency. The
30 Commissioner of Housing shall define the income of a family to
31 provide the basis for determining eligibility for the admission and for
32 the continued occupancy of families under the maximum income
33 limits fixed and approved. The definition of family income, by the
34 Commissioner of Housing, may provide for the exclusion of all or part
35 of the income of family members which, in the judgment of said
36 commissioner, is not generally available to meet the cost of basic living
37 needs of the family. No housing authority shall refuse to rent any
38 dwelling accommodation to an otherwise qualified applicant on the
39 ground that one or more of the proposed occupants are children born
40 out of wedlock.

41 (c) Each housing authority shall provide a receipt to each applicant
42 for admission to its housing projects stating the time and date of
43 application and shall maintain a list of such applications which shall be
44 a public record, as defined in section 1-200. The Commissioner of
45 Housing shall, by regulation adopted in accordance with the
46 provisions of chapter 54, provide for the manner in which such list
47 shall be created, maintained and revised, provided that following any
48 application period conducted by random lottery, nothing shall prohibit
49 a housing authority from maintaining an open waiting list and adding

50 applicants to such open waiting list in an order based on the date and
51 time that applications are received.

52 (d) No provision of this chapter shall be construed as limiting the
53 right of the authority to vest in an obligee the right, in the event of a
54 default by such authority, to take possession of a housing project or
55 cause the appointment of a receiver thereof or acquire title thereto
56 through foreclosure proceedings, free from all the restrictions imposed
57 by this chapter with respect to rental rates and tenant selection.

58 Sec. 2. Section 8-48 of the general statutes is repealed and the
59 following is substituted in lieu thereof (*Effective October 1, 2019*):

60 In the cases of any tenants who are the recipients of one hundred
61 per cent social services aid from the Department of Social Services of
62 the state or any municipality and who have no income from any other
63 source, rentals shall be fixed by each housing authority for the ensuing
64 rental year established by the authority based on one-half of the costs
65 and expenses set forth in subdivision (1) of subsection (a) of section 8-
66 45, as amended by this act, plus the full amount of costs and expenses
67 set forth in [subsections (b) and (c)] subdivisions (2) and (3) of said
68 [section] subsection as set forth in the operating statements of the
69 authority for the preceding fiscal year, which total amount shall be
70 divided by the total number of rooms contained in all low-rent
71 housing projects operated by such housing authority to establish the
72 rental cost per room per annum for such tenants, from which figure
73 shall be computed the rent per month per room. [Said] Such rentals
74 shall govern for [said] such rental year.

75 Sec. 3. Section 8-72 of the general statutes is repealed and the
76 following is substituted in lieu thereof (*Effective October 1, 2019*):

77 (a) Each developer or housing authority shall manage and operate
78 its housing projects in an efficient manner so as to enable it to fix the
79 rentals for dwelling accommodations at the lowest possible rates
80 consistent with providing decent, safe and sanitary dwelling
81 accommodations, and no housing authority or nonprofit corporation

82 shall construct or operate any such project for profit. To this end an
83 authority or a nonprofit corporation shall fix the rentals for dwelling in
84 its projects at no higher rates than it finds to be necessary in order to
85 produce revenues which, together with all other available money,
86 revenues, income and receipts of the authority or nonprofit
87 corporation from whatever sources derived, will be sufficient [(a)] (1)
88 to pay, as the same become due, the principal and interest on the
89 bonds of the authority or nonprofit corporation; [(b)] and (2) to meet
90 the cost of, and to provide for, maintaining and operating the projects,
91 including the cost of any insurance, and the administrative expenses of
92 the authority or nonprofit corporation; provided nothing in this section
93 shall be construed as prohibiting any authority or nonprofit
94 corporation from providing for variable rentals based on family
95 income.

96 (b) In the operation or management of housing projects an authority
97 or nonprofit corporation shall, at all times, rent or lease the dwelling
98 accommodations therein at rentals within the financial reach of
99 families of low income. The Commissioner of Housing may establish
100 maximum income limits for admission and continued occupancy of
101 tenants, provided such maximum income limits and all revisions
102 thereof for housing projects operated pursuant to any contract with
103 any agency of the federal government shall be subject to the prior
104 approval of such federal agency. The Commissioner of Housing shall
105 define the income of a family to provide the basis for determining
106 eligibility for the admission, rentals and for the continued occupancy
107 of families under the maximum income limits fixed and approved. The
108 definition of family income, by the Commissioner of Housing, may
109 provide for the exclusion of all or part of the income of family
110 members which, in the judgment of said commissioner, is not
111 generally available to meet the cost of basic living needs of the family.
112 No housing authority or developer shall refuse to rent any dwelling
113 accommodation to an otherwise qualified applicant on the ground that
114 one or more of the proposed occupants are children born out of
115 wedlock.

116 (c) Each housing authority and developer shall provide a receipt to
117 each applicant for admission to its housing projects stating the time
118 and date of application and shall maintain a list of such applications,
119 which shall be a public record, as defined in section 1-200. The
120 Commissioner of Housing shall, by regulation adopted in accordance
121 with the provisions of chapter 54, provide for the manner in which
122 such list shall be created, maintained and revised, provided following
123 any application period conducted by random lottery, nothing shall
124 prohibit a housing authority from maintaining an open waiting list
125 and adding applicants to such open waiting list in an order based on
126 the date and time that applications are received.

127 (d) No provision of this part shall be construed as limiting the right
128 of the authority to vest in an obligee the right, in the event of a default
129 by such authority, to take possession of a housing project or cause the
130 appointment of a receiver thereof or acquire title thereto through
131 foreclosure proceedings, free from all the restrictions imposed by this
132 chapter with respect to rental rates and tenant selection.

133 (e) The Commissioner of Housing shall approve an operation or
134 management plan of each housing project, which shall provide an
135 income adequate for debt service, if any, administration, including a
136 state service charge, other operating costs and establishment of
137 reasonable reserves for repairs, maintenance and replacements,
138 vacancy and collection losses. Said commissioner shall have the right
139 of inspection of any housing during the period between the date on
140 which construction thereof begins and the date the state loan is fully
141 paid or, in the case of a grant, during the period for which any housing
142 project built pursuant to such grant is used for housing for families of
143 low and moderate income.

144 (f) An authority or developer shall semiannually submit to said
145 commissioner a sworn statement setting forth such information with
146 respect to the tenants and rentals for each housing project [hereunder]
147 in accordance with this section and the costs of operating each housing
148 project under its jurisdiction as said commissioner requires. Any

149 person who makes a false statement concerning the income of the
150 family for which application for admission to or continued occupancy
151 of housing projects is made may be fined not more than five hundred
152 dollars or imprisoned not more than six months, or both.

153 (g) With regard to a family who, since the last annual recertification,
154 received any public assistance or state-administered general assistance
155 and received earnings from employment, the authority or developer
156 shall not require any interim recertification due to an earnings
157 increase. At the annual recertification, the authority or developer shall
158 base rent levels on such family's average income throughout the
159 preceding twelve months. During the subsequent twelve-month
160 period, the authority or developer shall not require any interim
161 recertifications due to increased earnings from employment. However,
162 if a family's income has decreased, nothing in this section shall
163 preclude an interim recertification or recertification based on the
164 reduced income level.

165 Sec. 4. Section 8-116a of the general statutes is repealed and the
166 following is substituted in lieu thereof (*Effective October 1, 2019*):

167 (a) The following provisions shall be applicable to housing for
168 elderly persons: (1) There shall be no requirement that the occupants of
169 such housing constitute families and housing may be provided in
170 separate dwelling units for elderly persons living alone; (2) housing for
171 elderly persons shall conform to standards established by the
172 Commissioner of Housing and shall be designed so as to alleviate the
173 infirmities characteristic of the elderly; (3) the authority, municipal
174 developer, nonprofit corporation or housing partnership, subject to
175 approval by the Commissioner of Housing, shall fix maximum
176 standard income and asset limits for admission to such housing; (4)
177 each housing authority, municipal developer, nonprofit corporation or
178 housing partnership shall provide a receipt to each applicant for
179 admission to its housing projects stating the time and date of
180 application and shall maintain a list of such applications, which shall
181 be a public record, as defined in section 1-200 and which shall be

182 created, maintained and revised in a manner which the Commissioner
183 of Housing shall, by regulation adopted in accordance with the
184 provisions of chapter 54, provide; and (5) any person who makes a
185 false statement concerning the income of the elderly person for whom
186 application for admission to a project under this part is made may be
187 fined not more than five hundred dollars or imprisoned not more than
188 six months, or both.

189 (b) Following any application period conducted by random lottery,
190 nothing shall prohibit a housing authority from maintaining an open
191 waiting list and adding applicants to such open waiting list in an order
192 based on the date and time that applications are received.

193 Sec. 5. Section 47a-6a of the general statutes is repealed and the
194 following is substituted in lieu thereof (*Effective October 1, 2019*):

195 (a) As used in this section, "address" means a location as described
196 by the full street number, if any, the street name, the city or town, and
197 the state, and not a mailing address such as a post office box, "dwelling
198 unit" means any house or building, or portion thereof, which is rented,
199 leased or hired out to be occupied, or is arranged or designed to be
200 occupied, or is occupied, as the home or residence of one or more
201 persons, living independently of each other, and doing their cooking
202 upon the premises, and having a common right in the halls, stairways
203 or yards, [and] "agent in charge" means one who manages real estate,
204 including, but not limited to, the collection of rents and supervision of
205 property, "controlling participant" means an individual or entity that
206 exercises day-to-day financial or operational control, and "project-
207 based housing provider" means a property owner who contracts with
208 the United States Department of Housing and Urban Development to
209 provide housing to tenants under the federal Housing Choice Voucher
210 Program, 42 USC 1437f(o).

211 (b) [Any municipality may require the] The nonresident owner or
212 project-based housing provider of occupied or vacant rental real
213 property [to] shall maintain on file in the office of the tax assessor, or
214 other municipal office designated by the municipality, the current

215 residential address of the nonresident owner or project-based housing
216 provider of such property, if the owner or provider is an individual, or
217 the current residential address of the agent in charge of the building, if
218 the nonresident owner or project-based housing provider is a
219 corporation, partnership, trust or other legally recognized entity
220 owning rental real property in the state. In the case of a project-based
221 housing provider, such information shall also include identifying
222 information and the current residential address of each controlling
223 participant associated with the property, except that if such controlling
224 participant is a corporation, partnership, trust or other legally
225 recognized entity, the project-based housing provider shall include the
226 identifying information and the current residential address of an
227 individual who exercises day-to-day financial or operational control of
228 such entity. If such residential address changes, notice of the new
229 residential address shall be provided by such nonresident owner or
230 agent in charge of the building to the office of the tax assessor or other
231 designated municipal office not more than twenty-one days after the
232 date that the address change occurred. If the nonresident owner or
233 agent fails to file an address under this section, the address to which
234 the municipality mails property tax bills for the rental real property
235 shall be deemed to be the nonresident owner or agent's current
236 address. Such address may be used for compliance with the provisions
237 of subsection (c) of this section.

238 (c) Service of state or municipal orders relating to maintenance of
239 such rental real property or compliance with state law and local codes
240 concerning such real property directed to the nonresident owner or
241 agent at the address on file, or deemed to be on file in accordance with
242 the provisions of this section, shall be sufficient proof of service of
243 notice of such orders in any subsequent criminal or civil action against
244 the owner or agent for failure to comply with the orders. The
245 provisions of this section shall not be construed to limit the validity of
246 any other means of giving notice of such orders that may be used by
247 the state or such municipality.

248 (d) Any person who violates any provision of this section shall have

249 committed an infraction.

250 Sec. 6. Section 47a-6b of the general statutes is repealed and the
251 following is substituted in lieu thereof (*Effective October 1, 2019*):

252 Notwithstanding the provisions of section 51-164p, any
253 municipality may by ordinance adopted by its legislative body
254 establish a civil penalty for a violation of section 47a-6a, as amended
255 by this act, provided the amount of such civil penalty shall be not more
256 than [two] five hundred [fifty] dollars for the first violation and not
257 more than one thousand dollars for any subsequent violation. Any
258 person who is assessed a civil penalty pursuant to this section may
259 appeal therefrom to the Superior Court. An appeal shall be instituted
260 not later than thirty days after the mailing of notice of such assessment
261 by filing a petition to reopen assessment, together with an entry fee in
262 an amount equal to the entry fee for a small claims case pursuant to
263 section 52-259, at the Superior Court facility designated by the Chief
264 Court Administrator, which shall entitle such person to a hearing in
265 accordance with the rules of the judges of the Superior Court.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	8-45
Sec. 2	<i>October 1, 2019</i>	8-48
Sec. 3	<i>October 1, 2019</i>	8-72
Sec. 4	<i>October 1, 2019</i>	8-116a
Sec. 5	<i>October 1, 2019</i>	47a-6a
Sec. 6	<i>October 1, 2019</i>	47a-6b

HSG *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 20 \$	FY 21 \$
Various Municipalities	Revenue Gain	Less than \$5,000	Less than \$5,000

Explanation

The bill results in a revenue gain, estimated to be less than \$5,000 annually, to municipalities. It increases by \$250 the fine for a first offense of a municipal ordinance requiring rental property owners to file their current residential address with the municipality in which the property is located.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of fines levied.

OLR Bill Analysis**sHB 7225*****AN ACT CONCERNING PUBLIC HOUSING.*****SUMMARY**

This bill requires nonresident rental property owners and project-based housing providers (PBHPs) to file the landlord's or agent's current residential address with the municipality in which the properties are located. Current law gives municipalities the option of requiring only nonresident rental property owners or their agents to file. The bill also requires PBHPs to file additional identifying information about their owners.

Under the bill, as is the case under the current local option address filing requirement, violations of the filing requirements are an infraction and municipalities may, by ordinance, establish a civil penalty for them. The bill increases the maximum penalty for a first violation from \$250 to \$500. As under current law, subsequent violations are subject to a maximum penalty of \$1,000.

Additionally, the bill prohibits Department of Housing (DOH) regulations concerning public housing authority (PHA) waitlists from prohibiting PHAs from maintaining their waiting lists using a first-come first-serve method after holding a lottery-based application period.

EFFECTIVE DATE: October 1, 2019

LANDLORD REGISTRY (§§ 5 & 6)

Under the bill, nonresident owners of vacant and occupied rental properties and PBHPs (i.e., property owners who contract with the U.S. Department of Housing and Urban Development to rent some or all of the units in their housing development to low income

individuals and families) must file their current residential addresses with the municipality's tax assessor or other municipally designated office. If a rental or housing project's owner is a business entity, such as a corporation, partnership, or trust, the owner may instead file the residential address of the agent in charge (i.e., the individual who collects rents or supervises the property).

PBHPs must additionally identify the individuals and entities that exercise day-to-day financial or operational control of the property (i.e., controlling participants) and provide a current residential address for each. If a PBHP's controlling participant is a business entity, the PBHP must provide the identifying information and residential address for a natural person who has financial or operational control over the business, as well. Residential addresses must include a full street address and cannot be a mailing or post office box address.

As is the case under the current local option address filing requirement, when the state or town serves orders to the provider, owner, or agent at the address on file concerning (1) rental property maintenance or (2) compliance with state law and local codes, that action is sufficient proof of service in any subsequent criminal or civil action against the owner or agent for failure to comply with the orders.

Similarly, if the nonresident owner or agent fails to file his or her address or update it within 21 days of moving, the address to which the municipal tax assessor mails the property tax bills for the property is deemed to be his or her current residential address.

PUBLIC HOUSING AUTHORITY WAIT LISTS (§§ 1-4)

Existing law requires the DOH commissioner to establish, by regulation, the manner in which PHAs that provide elderly, low- or moderate-income housing may create, maintain, and revise their waiting lists. Under current agency regulations for state-funded public housing units, PHAs may only order applicants using either a lottery or a point system, which gives applicants who meet certain criteria preferential placement.

This bill specifies that the regulations cannot prohibit PHAs, following an application period conducted by random lottery, from maintaining an open waiting list and adding applicants in the order they receive them (i.e., first-come, first-served).

It also makes conforming changes.

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute

Yea 14 Nay 0 (03/07/2019)