AN ACT ESTABLISHING A RIGHT TO HOUSING.

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

Section 1. (NEW) (Effective October 1, 2020) (a) There is established a right for every resident in this state to obtain adequate housing. Such right is available only insofar as it is implemented in accordance with other parts of the general statutes, state rules and regulations, federal law, the state Constitution and the United States Constitution.

(b) The components of such right are:

(1) Preventing residents of the state who are at imminent risk of homelessness from entering homelessness by providing assistance and services that include, but are not limited to, (A) emergency financial assistance with paying rent, security deposits, utility costs and other household expenses and payment of rent and utility arrearages, (B) legal support for residents facing eviction, and (C) assistance with family reunification, housing searches and navigation and financial counseling;

(2) Assisting those residents who have become homeless by giving them priority access to available state and federally assisted low-income housing and rental assistance programs, including, but not limited to, any rapid rehousing or rapid exit programs, permanent supportive housing, state and federal public housing, federal housing choice
voucher program pursuant to 24 CFR 982, low-income housing financed
under section 8-395 of the general statutes and state rental assistance
under chapter 138a of the general statutes, with the type of assistance
provided to be determined by assessment of need; and

(3) To the extent that the number of residents of the state who are
homeless has been minimized, ensuring access to emergency financial
assistance, connections to services or rental assistance for households
that are severely burdened by rental payments and earning at or below
fifty per cent of the area median income.

(c) All state agencies, as defined in section 1-79 of the general statutes,
and each political subdivision of the state, shall:

(1) Consider the right to housing established under subsection (a) of
this section and its components set forth in subsection (b) of this section
when adopting or revising policies, regulations or grant criteria that
implicate such right; and

(2) When implementing such policies, regulations or grant criteria,
ensure that all residents are treated with dignity and respect to
minimize the trauma of any resident experiencing or facing the prospect
of homelessness.

(d) As used in this section, "homeless" has the same meaning as
provided in 42 USC 11302.

Sec. 2. Section 4-166 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective October 1, 2020):

As used in this chapter and section 3 of this act:

(1) "Agency" means each state board, commission, department or
officer authorized by law to make regulations or to determine contested
cases, but does not include either house or any committee of the General
Assembly, the courts, the Council on Probate Judicial Conduct, the
Governor, Lieutenant Governor or Attorney General, or town or
regional boards of education, or automobile dispute settlement panels
established pursuant to section 42-181;

(2) "Approved regulation" means a regulation submitted to the
Secretary of the State in accordance with the provisions of section 4-172;

(3) "Certification date" means the date the Secretary of the State
certifies, in writing, that the eRegulations System is technologically
sufficient to serve as the official compilation and electronic repository in
accordance with section 4-173b;

(4) "Contested case" means a proceeding, including but not restricted
to rate-making, price fixing and licensing, in which the legal rights,
duties or privileges of a party are required by state statute or regulation
to be determined by an agency after an opportunity for hearing or in
which a hearing is in fact held, but does not include proceedings on a
petition for a declaratory ruling under section 4-176, hearings referred
to in section 4-168, as amended by this act, or hearings conducted by the
Department of Correction or the Board of Pardons and Paroles;

(5) "Final decision" means (A) the agency determination in a
contested case, (B) a declaratory ruling issued by an agency pursuant to
section 4-176, or (C) an agency decision made after reconsideration. The
term does not include a preliminary or intermediate ruling or order of
an agency, or a ruling of an agency granting or denying a petition for
reconsideration;

(6) "Hearing officer" means an individual appointed by an agency to
conduct a hearing in an agency proceeding. Such individual may be a
staff employee of the agency;

(7) "Intervenor" means a person, other than a party, granted status as
an intervenor by an agency in accordance with the provisions of
subsection (d) of section 4-176 or subsection (b) of section 4-177a;

(8) "License" includes the whole or part of any agency permit,
certificate, approval, registration, charter or similar form of permission
required by law, but does not include a license required solely for revenue purposes;

(9) "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license;

(10) "Party" means each person (A) whose legal rights, duties or privileges are required by statute to be determined by an agency proceeding and who is named or admitted as a party, (B) who is required by law to be a party in an agency proceeding, or (C) who is granted status as a party under subsection (a) of section 4-177a;

(11) "Person" means any individual, partnership, corporation, limited liability company, association, governmental subdivision, agency or public or private organization of any character, but does not include the agency conducting the proceeding;

(12) "Personal delivery" means delivery directly to the intended recipient or a recipient's designated representative and includes, but is not limited to, delivery by electronic mail to an electronic mail address identified by the recipient as an acceptable means of communication;

(13) "Presiding officer" means the member of an agency or the hearing officer designated by the head of the agency to preside at the hearing;

(14) "Proposed final decision" means a final decision proposed by an agency or a presiding officer under section 4-179;

(15) "Proposed regulation" means a proposal by an agency under the provisions of section 4-168, as amended by this act, for a new regulation or for a change in, addition to or repeal of an existing regulation;

(16) "Regulation" means each agency statement of general applicability, without regard to its designation, that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any agency. The term includes...
the amendment or repeal of a prior regulation, but does not include (A)
statements concerning only the internal management of any agency and
not affecting private rights or procedures available to the public, (B)
declaratory rulings issued pursuant to section 4-176, or (C) intra-agency
or interagency memoranda;

(17) "Regulation-making" means the process for formulation and
adoption of a regulation;

(18) "Regulation-making record" means the documents specified in
subsection (b) of section 4-168b, as amended by this act, and includes
any other documents created, received or considered by an agency
during the regulation-making process; and

(19) "Regulations of Connecticut state agencies" means the official
compilation of all permanent regulations adopted by all state agencies
subsequent to October 27, 1970, organized by title number, subtitle
number and section number.

Sec. 3. (NEW) (Effective October 1, 2020) (a) For the purposes of this
section, "landlord" and "tenant" have the same meanings as provided in
section 47a-1 of the general statutes, "housing authority" has the same
meaning as provided in section 8-39 of the general statutes and "low-
income" has the same meaning as provided in section 47-300 of the
general statutes. Prior to or concomitant with the posting of a notice
pursuant to section 4-168 of the general statutes, as amended by this act,
each agency shall prepare a housing impact and regulatory flexibility
analysis in which the agency shall identify:

(1) The types of housing potentially affected by the proposed
regulation;

(2) Whether housing authorities, landlords, other housing providers,
low-income residential property owners or tenants, in order to comply
with the proposed regulation, may be required to: (A) Create, file or
issue additional reports; (B) implement additional recordkeeping
procedures; (C) provide additional administrative oversight; (D) hire additional employees; (E) hire or contract with additional professionals, including, but not limited to, lawyers, accountants, engineers, auditors or inspectors; (F) purchase any product or make any capital investment; (G) conduct additional training, audits or inspections; or (H) pay additional taxes or fees;

(3) Whether and to what extent the agency communicated with housing authorities, landlords, other housing providers, low-income residential property owners or tenants in developing the proposed regulation and the regulatory flexibility analysis, if applicable;

(4) Whether and to what extent the proposed regulation provides alternative compliance methods for housing authorities, landlords, other housing providers, low-income residential property owners or tenants that will accomplish the objectives of applicable statutes while minimizing any adverse impact on housing. Such methods shall be consistent with public health, safety and welfare and may include, but not be limited to:

(A) The establishment of less stringent compliance or reporting requirements for housing authorities, landlords, other housing providers, low-income residential property owners or tenants;

(B) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for housing authorities, landlords, other housing providers, low-income residential property owners or tenants;

(C) The consolidation or simplification of compliance or reporting requirements for housing authorities, landlords, other housing providers, low-income residential property owners or tenants;

(D) The establishment of performance standards for housing authorities, landlords, other housing providers or low-income residential property owners to replace design or operational standards
required in the proposed regulation; and

(E) The exemption of housing authorities, landlords, other housing providers, low-income residential property owners or tenants from all or any part of the requirements contained in the proposed regulation.

(c) Prior to the adoption of any proposed regulation that may have an adverse impact on housing authorities, landlords, other housing providers, low-income residential property owners or tenants, each agency shall notify the Department of Housing, the Connecticut Housing Finance Authority, the United States Department of Housing and Urban Development and the joint standing committee of the General Assembly having cognizance of matters relating to housing of its intent to adopt the proposed regulation. The Department of Housing and said committee shall advise and assist agencies in complying with the provisions of this section.

(d) The requirements contained in this section shall not apply to emergency regulations issued pursuant to subsection (g) of section 4-168 of the general statutes; regulations that do not affect housing authorities, landlords, other housing providers or tenants directly, including, but not limited to, regulations concerning the administration of federal programs.

Sec. 4. Subsection (a) of section 4-168 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

(a) Except as provided in subsections (g) and (h) of this section, an agency, not less than thirty days prior to adopting a proposed regulation, shall (1) post a notice of its intended action on the eRegulations System, which notice shall include (A) a specified public comment period of not less than thirty days, (B) a description sufficiently detailed so as to apprise persons likely to be affected of the issues and subjects involved in the proposed regulation, (C) a statement of the purposes for which the regulation is proposed, (D) a reference to
the statutory authority for the proposed regulation, (E) when, where
and how interested persons may obtain a copy of the small business
impact and regulatory flexibility analysis required pursuant to section
4-168a or the housing impact and regulatory flexibility analysis required
pursuant to section 3 of this act, and (F) when, where and how interested
persons may present their views on the proposed regulation; (2) post a
copy of the proposed regulation on the eRegulations System; (3) give
notice electronically to each joint standing committee of the General
Assembly having cognizance of the subject matter of the proposed
regulation; (4) prior to January 1, 2017, give notice electronically or
provide a paper copy notice, if requested, to all persons who have made
requests to the agency for advance notice of its regulation-making
proceedings; (5) provide a paper copy or electronic version of the
proposed regulation to persons requesting it; and (6) prepare a fiscal
note, including an estimate of the cost or of the revenue impact (A) on
the state or any municipality of the state, and (B) on small businesses in
the state, including an estimate of the number of small businesses
subject to the proposed regulation and the projected costs, including,
but not limited to, reporting, recordkeeping and administrative,
associated with compliance with the proposed regulation and, if
applicable, the regulatory flexibility analysis prepared under section 4-
168a. The governing body of any municipality, if requested, shall
provide the agency, within twenty working days, with any information
that may be necessary for analysis in preparation of such fiscal note. On
and after January 1, 2017, each such agency shall mail a paper copy of
the notice posted pursuant to subdivision (1) of this subsection, not later
than five days after posting such notice, to any person who has
requested advance notice of the agency’s regulation-making
proceedings on or after October 1, 2016.

Sec. 5. Subsection (b) of section 4-168b of the general statutes is
repealed and the following is substituted in lieu thereof (Effective October
1, 2020):

(b) The regulation-making record shall contain at least: (1) The
agency's notice of intent to adopt regulations; (2) any written analysis
prepared for the proceeding upon which the regulation is based,
including the regulatory flexibility analysis required pursuant to section
4-168a or section 3 of this act, if applicable; (3) all comments submitted
on the proposed regulation; (4) the official transcript, if any, of
proceedings upon which the regulation is based or, if not transcribed,
any audio recording or stenographic record of such proceedings, and
any memoranda prepared by any member or employee of the agency
summarizing the contents of the proceedings; (5) all official documents
relating to the regulation, including the regulation submitted to the
office of the Secretary of the State in accordance with section 4-172, a
statement of the principal considerations in opposition to the agency's
action, and the agency's reasons for rejecting such considerations, as
required pursuant to section 4-168, as amended by this act, and the fiscal
note prepared pursuant to subsection (a) of section 4-168, as amended
by this act, and section 4-170, as amended by this act; (6) any petition for
the regulation filed pursuant to section 4-174; and (7) all comments or
communications between the agency and the legislative regulation
review committee. No audio recording of a hearing held pursuant to
section 4-168, as amended by this act, shall be posted on the
eRegulations System unless the Secretary of the State confirms that such
posting will not constitute a violation of any state or federal law
regarding accessibility for persons with disabilities. Any audio
recording of a hearing held pursuant to section 4-168, as amended by
this act, that is not posted on the eRegulations System shall be
maintained by the agency and made available to the public upon
request. If an agency determines that any part of the regulation-making
record is impractical to display or is inappropriate for public display on
the eRegulations System, the agency shall describe the part omitted in a
statement posted on the eRegulations System and shall maintain a copy
of the omitted material readily available for public inspection at the
principal office of the agency.

Sec. 6. Subdivision (1) of subsection (b) of section 4-170 of the general
statutes is repealed and the following is substituted in lieu thereof

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LCO No. 2265

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(Effective October 1, 2020):

(b) (1) No adoption, amendment or repeal of any regulation, except a regulation issued pursuant to subsection (g) of section 4-168, shall be effective until (A) an electronic copy of the proposed regulation approved by the Attorney General, as provided in section 4-169, and an electronic copy of the regulatory flexibility [analysis] analyses as provided in section 4-168a and section 3 of this act are submitted to the standing legislative regulation review committee in a manner designated by the committee, by the agency proposing the regulation, (B) the regulation is approved by the committee, at a regular meeting or a special meeting called for the purpose, and (C) a certified electronic copy of the regulation is submitted to the office of the Secretary of the State by the agency, as provided in section 4-172, and the regulation is posted on the eRegulations System by the Secretary. (2) The date of submission for purposes of subsection (c) of this section shall be the first Tuesday of each month. Any regulation received by the committee on or before the first Tuesday of a month shall be deemed to have been submitted on the first Tuesday of that month. Any regulation submitted after the first Tuesday of a month shall be deemed to be submitted on the first Tuesday of the next succeeding month. (3) The form of proposed regulations which are submitted to the committee shall be as follows: New language added to an existing regulation shall be underlined; language to be deleted shall be enclosed in brackets and a new regulation or new section of a regulation shall be preceded by the word "(NEW)" in capital letters. Each proposed regulation shall have a statement of its purpose following the final section of the regulation. (4) The committee may permit any proposed regulation, including, but not limited to, a proposed regulation which by reference incorporates in whole or in part, any other code, rule, regulation, standard or specification, to be submitted in summary form together with a statement of purpose for the proposed regulation. On and after October 1, 1994, if the committee finds that a federal statute requires, as a condition of the state exercising regulatory authority, that a Connecticut regulation at all times must be identical to a federal statute or regulation,
then the committee may approve a Connecticut regulation that by
reference specifically incorporates future amendments to such federal
statute or regulation provided the agency that proposed the Connecticut
regulation shall submit for approval amendments to such Connecticut
regulations to the committee not later than thirty days after the effective
date of such amendment, and provided further the committee may hold
a public hearing on such Connecticut amendments. (5) The agency shall
also provide the committee with a copy of the fiscal note prepared
pursuant to subsection (a) of section 4-168, as amended by this act. At
the time of submission to the committee, the agency shall submit an
electronic copy of the proposed regulation and the fiscal note to (A) the
Office of Fiscal Analysis which, not later than seven days after receipt,
shall submit an analysis of the fiscal note to the committee; and (B) each
joint standing committee of the General Assembly having cognizance of
the subject matter of the proposed regulation. No regulation shall be
found invalid due to the failure of an agency to submit an electronic
copy of the proposed regulation and the fiscal note to each committee of
cognizance, provided such regulation and fiscal note have been
electronically submitted to one such committee.

Sec. 7. Subsection (c) of section 29-252b of the general statutes is
repealed and the following is substituted in lieu thereof (Effective October
1, 2020):

(c) Prior to the adoption of the State Building Code and any
amendments thereto, the State Building Inspector shall (1) post any
proposed code, a statement of purpose for which the proposed code is
proposed, a fiscal note associated with compliance with the proposed
code prepared pursuant to section 4-168, as amended by this act, and [a]
the regulatory flexibility [analysis] analyses prepared pursuant to
section 4-168a and section 3 of this act on the Internet web site of the
Department of Administrative Services, (2) give notice electronically to
the joint standing committee of the General Assembly having
cognizance of matters relating to public safety and security, (3) give
notice to any person who has requested the State Building Inspector for
advance notice of its proposed code adoption proceedings, (4) provide
for a public comment period of forty-five days following the posting of
such proposed code, fiscal note and regulatory flexibility analysis, and
(5) hold a public hearing on the proposed code not less than twenty nor
more than thirty-five days after such posting.

Sec. 8. Subsection (c) of section 29-291e of the general statutes is
repealed and the following is substituted in lieu thereof (Effective October
1, 2020):

(c) Prior to the adoption of the State Fire Prevention Code and any
amendments thereto, the State Fire Marshal shall (1) post any proposed
code, a statement of purpose for which the proposed code is proposed,
a fiscal note associated with compliance with the proposed code
prepared pursuant to section 4-168, as amended by this act, and [a] the
regulatory flexibility [analysis] analyses prepared pursuant to section 4-
168a and section 3 of this act on the Internet web site of the Department
of Administrative Services, (2) give notice electronically to the joint
standing committee of the General Assembly having cognizance of
matters relating to public safety and security, (3) give notice to any
person who has requested the State Fire Marshal for advance notice of
the proposed code adoption proceedings, (4) provide for a public
comment period of forty-five days following the posting of such
proposed code, fiscal note and regulatory flexibility analysis, and (5)
hold a public hearing on the proposed code not less than twenty nor
more than thirty-five days after such posting.

Sec. 9. Subsection (c) of section 29-292a of the general statutes is
repealed and the following is substituted in lieu thereof (Effective October
1, 2020):

(c) Prior to the adoption of the Fire Safety Code and any amendments
thereto, the State Fire Marshal shall (1) post any proposed code, a
statement of purpose for which the proposed code is proposed, a fiscal
note associated with compliance with the proposed code prepared
pursuant to section 4-168, as amended by this act, and [a] the regulatory
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flexibility [analysis] analyses prepared pursuant to section 4-168a and section 3 of this act on the Internet web site of the Department of Administrative Services, (2) give notice electronically to the joint standing committee of the General Assembly having cognizance of matters relating to public safety and security, (3) give notice to any person who has requested the State Fire Marshal for advance notice of the proposed code adoption proceedings, (4) provide for a public comment period of forty-five days following the posting of such proposed code, fiscal note and regulatory flexibility analysis, and (5) hold a public hearing on the proposed code not less than twenty nor more than thirty-five days after such posting.

Sec. 10. (Effective from passage) The Secretary of the Office of Policy and Management shall create a standard form for agencies to use when preparing a housing impact and regulatory flexibility analysis pursuant to section 3 of this act.

This act shall take effect as follows and shall amend the following sections:

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