



House of Representatives

General Assembly

File No. 158

January Session, 2021

Substitute House Bill No. 6430

House of Representatives, March 29, 2021

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 HOUSING AUTHORITY JURISDICTION.

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

1 Section 1. Section 8-39 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 The following terms, wherever used or referred to in this chapter,
4 [shall] have the following respective meanings, unless a different
5 meaning clearly appears from the context:

6 [(a)] (1) "Area of operation" [includes the municipality in which a
7 housing authority is created under the provisions of this chapter and
8 may include a neighboring municipality, provided the governing body
9 of such neighboring municipality agrees by proper resolution to the
10 extension of the area of operation to include such neighboring
11 municipality] means a municipal area of operation and, if adopted by a
12 housing authority, includes an expanded area of operation.

13 [(b)] (2) "Authority" or "housing authority" means any of the public

14 corporations created by section 8-40, as amended by this act, and the
15 Connecticut Housing Authority when exercising the rights, powers,
16 duties or privileges of, or subject to the immunities or limitations of,
17 housing authorities pursuant to section 8-121.

18 [(c)] (3) "Bonds" means any bonds, including refunding bonds, notes,
19 interim certificates, debentures or other obligations issued by the
20 authority pursuant to this chapter.

21 [(d)] (4) "Clerk" means the clerk of the particular city, borough or
22 town for which a particular housing authority is created.

23 (5) "Eligible developer" or "developer" means (A) a nonprofit
24 corporation; (B) any business corporation incorporated pursuant to
25 chapter 601 or any predecessor statutes thereto, having as one of its
26 purposes the construction, rehabilitation, ownership or operation of
27 housing, and having its articles of incorporation approved by the
28 Commissioner of Housing in accordance with regulations adopted
29 pursuant to section 8-79a or 8-84; (C) any partnership, limited
30 partnership, joint venture, trust, limited liability company or association
31 having as one of its purposes the construction, rehabilitation, ownership
32 or operation of housing, and having basic documents of organization
33 approved by the commissioner in accordance with regulations adopted
34 pursuant to section 8-79a or 8-84; (D) a housing authority; (E) a family
35 or person approved by the commissioner as qualified to own, construct,
36 rehabilitate, manage and maintain housing under a mortgage loan made
37 or insured under an agreement entered into pursuant to the provisions
38 of this chapter; or (F) a municipal developer.

39 (6) "Expanded area of operation" means an area (A) adopted by a
40 housing authority; and (B) designated by the Department of Housing
41 pursuant to section 8-348 as a high or very high opportunity census
42 tract, provided any part of such census tract is located within ten miles
43 of the municipality in which the housing authority is located.

44 [(e)] (7) "Families of low income" means families who lack the amount
45 of income which is necessary, as determined by the authority

46 undertaking the housing project, to enable them, without financial
47 assistance, to live in decent, safe and sanitary dwellings, without
48 overcrowding.

49 [(f)] (8) "Families of low and moderate income" means families who
50 lack the amount of income which is necessary, as determined by the
51 Commissioner of Housing, to enable them to rent or purchase moderate
52 cost housing without financial assistance as provided by this part and
53 parts II and III of this chapter.

54 (9) "Family" means a household consisting of one or more persons.

55 [(g)] (10) "Federal government" includes the United States of
56 America, the federal emergency administration of public works or any
57 other agency or instrumentality, corporate or otherwise, of the United
58 States of America.

59 [(h)] (11) "Governing body" means, for towns having a town council,
60 the council; for other towns, the selectmen; for cities, the common
61 council or other similar body of officials; and for boroughs, the warden
62 and burgesses.

63 [(i)] (12) "Housing project" means any work or undertaking [(1)] (A)
64 to demolish, clear or remove buildings from any slum area, which work
65 or undertaking may embrace the adaptation of such area to public
66 purposes, including parks or other recreational or community purposes;
67 [or (2)] (B) to provide decent, safe and sanitary urban or rural dwellings,
68 apartments or other living accommodations for families of low or
69 moderate income, which work or undertaking may include buildings,
70 land, equipment, facilities and other real or personal property for
71 necessary, convenient or desirable appurtenances, streets, sewers, water
72 service, parks, site preparation, gardening, administrative, community,
73 recreational, commercial or welfare purposes and may include the
74 acquisition and rehabilitation of existing dwelling units or structures to
75 be used for moderate or low rental units; or [(3)] (C) to accomplish a
76 combination of the [foregoing] purposes listed in subparagraphs (A)
77 and (B) of this subdivision. The term "housing project" also may [be

78 applied to] include the planning of the buildings and improvements, the
79 acquisition of property, the demolition of existing structures, the
80 construction, reconstruction, alteration and repair of the improvements
81 and all other work in connection therewith and may include the
82 reconstruction, rehabilitation, alteration, or major repair of existing
83 buildings or improvements which were undertaken pursuant to parts II
84 and VI of this chapter.

85 [(j)] (13) "Mayor" means, for cities, the mayor and, for boroughs, the
86 warden.

87 [(k)] (14) "Moderate rental" means a rental which, as determined by
88 an authority with the concurrence of the Commissioner of Housing, is
89 below the level at which private enterprise is currently building a
90 needed volume of safe and sanitary dwellings for rental in the locality
91 involved; and "moderate rental housing project" means a housing
92 project, receiving state aid in the form of loans or grants, for families
93 unable to pay more than moderate rental. Such project may include the
94 reconstruction, rehabilitation, alteration, or major repair of existing
95 buildings or improvements which were undertaken pursuant to parts II
96 or VI of this chapter.

97 (15) "Mortgage" means a mortgage deed, deed of trust or other
98 instrument which constitutes a lien, whether first or second, on real
99 estate or on a leasehold under a lease having a remaining term, at the
100 time such mortgage is acquired, which does not expire for at least that
101 number of years beyond the maturity date of the obligation secured by
102 such mortgage as is equal to the number of years remaining until the
103 maturity date of such obligation.

104 (16) "Municipal area of operation" includes the municipality in which
105 a housing authority is created under the provisions of this chapter and
106 may include a neighboring municipality, as provided in section 8-40, as
107 amended by this act.

108 (17) "Municipal developer" means a municipality, which has not
109 declared by resolution a need for a housing authority pursuant to

110 section 8-40, as amended by this act, acting by and through its legislative
111 body, except that in any town in which a town meeting or representative
112 town meeting is the legislative body, "municipal developer" means the
113 board of selectmen if such board is authorized to act as the municipal
114 developer by the town meeting or representative town meeting.

115 [(l)] (18) "Municipality" means any city, borough or town. "The
116 municipality" means the particular municipality for which a particular
117 housing authority is created.

118 (19) "Nonprofit corporation" means a nonprofit corporation
119 incorporated pursuant to chapter 602 or any predecessor statutes
120 thereto, having as one of its purposes the construction, rehabilitation,
121 ownership or operation of housing and having articles of incorporation
122 approved by the Commissioner of Housing in accordance with
123 regulations adopted pursuant to section 8-79a or 8-84.

124 [(m)] (20) "Obligee of the authority" or "obligee" includes any
125 bondholder, trustee or trustees for any bondholders, or lessor demising
126 to the authority property used in connection with a housing project, or
127 any assignee or assignees of such lessor's interest or any part thereof,
128 and the state or federal government when it is a party to any contract
129 with the authority.

130 [(n)] (21) "Real property" includes all lands, including improvements
131 and fixtures thereon, and property of any nature appurtenant thereto,
132 or used in connection therewith, and every estate, interest and right,
133 legal or equitable, therein, including terms for years and liens by way of
134 judgment, mortgage or otherwise and the indebtedness secured by such
135 liens.

136 [(o)] (22) "Rent" means the entire amount paid to an authority for any
137 dwelling unit.

138 [(p)] (23) "Shelter rent" means rent less any charges made by an
139 authority for water, heat, gas and electricity.

140 [(q)] (24) "Slum" means any area where dwellings predominate

141 which, by reason of dilapidation, overcrowding, faulty arrangement or
142 design, lack of ventilation, light or sanitary facilities, or any combination
143 of these factors, are detrimental to safety, health and morals.

144 [(r)] (25) "State public body" means any city, borough, town,
145 municipal corporation, district or other subdivision of the state.

146 [(s)] (26) "Veteran" has the same meaning [assigned by] as provided
147 in section 27-103 and includes any officer of the United States Public
148 Health Service detailed by proper authority to duty with any of the
149 armed forces and the spouse or widow or widower of such veteran,
150 provided such veteran shall have served for a period of ninety days or
151 more in time of war after December 7, 1941, and shall have resided in
152 this state at any time continuously for two years.

153 [(t)] "Family" means a household consisting of one or more persons.

154 (u) "Eligible developer" or "developer" means (1) a nonprofit
155 corporation; (2) any business corporation incorporated pursuant to
156 chapter 601 or any predecessor statutes thereto, having as one of its
157 purposes the construction, rehabilitation, ownership or operation of
158 housing, and having articles of incorporation approved by the
159 commissioner in accordance with regulations adopted pursuant to
160 section 8-79a or 8-84; (3) any partnership, limited partnership, joint
161 venture, trust, limited liability company or association having as one of
162 its purposes the construction, rehabilitation, ownership or operation of
163 housing, and having basic documents of organization approved by the
164 commissioner in accordance with regulations adopted pursuant to
165 section 8-79a or 8-84; (4) a housing authority; (5) a family or person
166 approved by the commissioner as qualified to own, construct,
167 rehabilitate, manage and maintain housing under a mortgage loan made
168 or insured under an agreement entered into pursuant to the provisions
169 of this chapter; or (6) a municipal developer.

170 (v) "Mortgage" means a mortgage deed, deed of trust, or other
171 instrument which shall constitute a lien, whether first or second, on real
172 estate or on a leasehold under a lease having a remaining term, at the

173 time such mortgage is acquired, which does not expire for at least that
174 number of years beyond the maturity date of the obligation secured by
175 such mortgage as is equal to the number of years remaining until the
176 maturity date of such obligation.

177 (w) "Nonprofit corporation" means a nonprofit corporation
178 incorporated pursuant to chapter 602 or any predecessor statutes
179 thereto, having as one of its purposes the construction, rehabilitation,
180 ownership or operation of housing and having articles of incorporation
181 approved by the Commissioner of Housing in accordance with
182 regulations adopted pursuant to section 8-79a or 8-84.

183 (x) "Municipal developer" means a municipality, as defined in
184 subsection (l) of this section, which has not declared by resolution a need
185 for a housing authority pursuant to section 8-40, acting by and through
186 its legislative body, except that in any town in which a town meeting or
187 representative town meeting is the legislative body, "municipal
188 developer" means the board of selectmen if such board is authorized to
189 act as the municipal developer by the town meeting or representative
190 town meeting.]

191 Sec. 2. Section 8-40 of the general statutes is repealed and the
192 following is substituted in lieu thereof (*Effective October 1, 2021*):

193 (a) In each municipality of the state there is created a public body
194 corporate and politic to be known as the "housing authority" of the
195 municipality; provided such authority shall not transact any business or
196 exercise its powers [hereunder] under this section until the governing
197 body of the municipality by resolution declares that there is need for a
198 housing authority in the municipality, provided it shall find [(1)] that (1)
199 insanitary or unsafe inhabited dwelling accommodations exist in the
200 municipality, [or] (2) [that] there is a shortage of safe or sanitary
201 dwelling accommodations in the municipality available to families of
202 low income at rentals they can afford, or (3) [that] there is a shortage of
203 safe or sanitary dwelling accommodations in the municipality available
204 to families of moderate income at rentals they can afford. In determining
205 whether dwelling accommodations are unsafe or insanitary, [said] such

206 governing body may take into consideration the degree of
207 overcrowding, the percentage of land coverage, the light, air, space and
208 access available to the inhabitants of such dwelling accommodations,
209 the size and arrangement of the rooms, the sanitary facilities and the
210 extent to which conditions exist in such buildings which endanger life
211 or property by fire or other causes.

212 (b) The governing bodies of two or more municipalities may create a
213 regional housing authority, which shall have all the powers, duties and
214 responsibilities conferred upon housing authorities by this chapter and
215 chapter 130. The area of operation of such authority shall include the
216 municipalities for which such authority is created, provided, in the case
217 of a municipal area of operation that includes a neighboring
218 municipality, the neighboring municipality agrees by proper resolution
219 to the expansion of the area of operation to include such neighboring
220 municipality. Such authority shall act through a board of commissioners
221 composed of two representatives from each municipality appointed for
222 terms of four years in the manner provided in section 8-41.

223 (c) Any housing authority may adopt an expanded area of operation.

224 Sec. 3. Section 8-44b of the general statutes is repealed and the
225 following is substituted in lieu thereof (*Effective October 1, 2021*):

226 (a) Any housing authority created by section 8-40, as amended by this
227 act, shall have the power to establish and maintain a housing authority
228 police force, [the] except that no housing authority shall have the power
229 to establish or maintain a housing authority police force in an expanded
230 area of operation. The members of [which] any such police force shall
231 be employees of such housing authority and shall be known as housing
232 authority police officers. Housing authority police officers shall be
233 appointed by the local board, agency or person empowered to appoint
234 municipal police officers, subject to approval of the housing authority.
235 The requirements for appointment as a police officer in the municipality
236 in which the housing authority is located, except for age and physical
237 qualifications, shall be mandatory for housing authority police officers
238 in such municipality. No person shall be appointed to such housing

239 authority police force unless [he] such person has been awarded a
240 certificate attesting to [his] such person's successful completion of an
241 approved municipal police basic training program, as provided in
242 section 7-294e. The initial appointment shall be for a probationary term
243 upon completion of which the appointing authority may promote such
244 probationary officers to permanent status; provided such promotion
245 shall be in accordance with procedures applicable to municipal police
246 officers in the municipality and shall be made subject to the approval of
247 the housing authority. Housing authority police officers shall have and
248 exercise the powers and authority conferred upon municipal police
249 officers and shall be subject to the ultimate supervision and control of
250 the chief of police of the municipality in which the housing authority
251 operates.

252 (b) Notwithstanding the provisions of subsection (a) of this section,
253 any housing authority police force which existed prior to October 1,
254 1970, pursuant to Title 1 of Public Law 89-754, 80 Stat. 1255, the
255 Demonstration Cities and Metropolitan Development Act of 1966, and
256 which, for any reason, does not constitute a housing authority police
257 force pursuant to subsection (a) of this section, shall constitute a housing
258 authority police force pursuant to this subsection and the members of
259 any such police [forces] force may exercise the powers granted to such
260 members pursuant to this subsection. The members of such police force
261 may act, at the expense of the municipality, as special police officers
262 upon property owned or managed by any housing authority. Such
263 special police officers: (1) May arrest, without previous complaint and
264 warrant, any person for any offense in their jurisdiction, when such
265 person is taken or apprehended in the act or on the speedy information
266 of others; (2) when in the immediate pursuit of one who may be arrested
267 under the provisions of this subsection, may pursue such offender
268 outside of their jurisdiction into any part of the municipality to effect an
269 arrest; (3) shall be peace officers as defined in subdivision (9) of section
270 53a-3; (4) shall have the authority to serve criminal process within their
271 jurisdiction; (5) shall, when on duty, wear a uniform, distinct in color
272 from that worn by the police officers of the municipality; (6) shall, when
273 on duty, wear in plain view a shield, distinct in shape from that worn

274 by the police officers of the municipality which shall bear the words
275 "special police"; (7) shall complete a forty-hour basic training program
276 provided by the municipality within one hundred eighty days of June
277 27, 1983; and (8) shall take an oath of office.

278 Sec. 4. Section 8-50 of the general statutes is repealed and the
279 following is substituted in lieu thereof (*Effective October 1, 2021*):

280 An authority shall have the right to acquire by the exercise of the
281 power of eminent domain any real property that is not located in an
282 expanded area of operation which it deems necessary for its purposes
283 under this chapter after the adoption by [it] such authority of a
284 resolution declaring that the acquisition of such real property described
285 [therein] in such resolution is necessary for such purposes. An authority,
286 in its own name and at its own expense and cost, may prefer a petition
287 and exercise the power of eminent domain in the manner provided in
288 section 48-12 and acts supplementary thereto, except that a housing
289 authority's power of eminent domain shall not extend to an expanded
290 area of operation. Property already devoted to a public use may be
291 acquired, provided no real property belonging to the municipality, the
292 state or any political subdivision thereof may be acquired without its
293 consent.

294 Sec. 5. Section 8-45a of the general statutes is repealed and the
295 following is substituted in lieu thereof (*Effective October 1, 2021*):

296 A housing authority, as defined in [subsection (b) of] section 8-39, as
297 amended by this act, in determining eligibility for the rental of public
298 housing units may establish criteria and consider relevant information
299 concerning (1) an applicant's or any proposed occupant's history of
300 criminal activity involving: (A) Crimes of physical violence to persons
301 or property, (B) crimes involving the illegal manufacture, sale,
302 distribution or use of, or possession with intent to manufacture, sell, use
303 or distribute, a controlled substance, as defined in section 21a-240, or (C)
304 other criminal acts which would adversely affect the health, safety or
305 welfare of other tenants, (2) an applicant's or any proposed occupant's
306 abuse, or pattern of abuse, of alcohol when the housing authority has

307 reasonable cause to believe that such applicant's or proposed occupant's
308 abuse, or pattern of abuse, of alcohol may interfere with the health,
309 safety or right to peaceful enjoyment of the premises by other residents,
310 and (3) an applicant or any proposed occupant who is subject to a
311 lifetime registration requirement under section 54-252 on account of
312 being convicted or found not guilty by reason of mental disease or defect
313 of a sexually violent offense. In evaluating any such information, the
314 housing authority shall give consideration to the time, nature and extent
315 of the applicant's or proposed occupant's conduct and to factors which
316 might indicate a reasonable probability of favorable future conduct such
317 as evidence of rehabilitation and evidence of the willingness of the
318 applicant, the applicant's family or the proposed occupant to participate
319 in social service or other appropriate counseling programs and the
320 availability of such programs.

321 Sec. 6. Subdivision (29) of section 12-412 of the general statutes is
322 repealed and the following is substituted in lieu thereof (*Effective October*
323 *1, 2021*):

324 (29) (A) Sales of and the storage, use or other consumption of tangible
325 personal property acquired for incorporation into or used and
326 consumed in the operation of housing facilities for low and moderate
327 income families and persons and sales of and the acceptance, use or
328 other consumption of any service described in subdivision (2) of section
329 12-407 that is used and consumed in the development, construction,
330 rehabilitation, renovation, repair or operation of housing facilities for
331 low and moderate income families and persons, provided such facilities
332 are constructed under the sponsorship of and owned or operated by
333 nonprofit housing organizations or housing authorities, as defined in
334 [subsection (b)] subdivision (2) of section 8-39, as amended by this act.
335 The nonprofit housing organization or housing authority sponsoring
336 the construction of or owning or operating such housing facility shall
337 obtain from the commissioner a letter of determination that the housing
338 facility has, to the satisfaction of said commissioner, met all the
339 requirements for exemption under this subsection. At the time of any
340 sale or purchase that is exempt under this subsection, the purchaser

341 shall present to the retailer a copy of the determination letter that was
342 issued to the nonprofit housing organization or housing authority
343 together with a certificate from the purchaser, in such form as the
344 commissioner may prescribe, certifying that the tangible personal
345 property or services that are being purchased from the retailer are to be
346 used or consumed exclusively for the purposes of incorporation into or
347 in the development, construction, rehabilitation, renovation, repair or
348 operation of the housing facility identified in the letter of determination.
349 For the purposes of this subsection, (i) "nonprofit housing organization"
350 means any organization which has as one of its purposes the
351 development, construction, sponsorship or ownership of housing for
352 low and moderate income families as stated in its charter, if it is
353 incorporated, or its constitution or bylaws, if it is unincorporated, and
354 which has received exemption from federal income tax under the
355 provisions of Section 501(c) of the Internal Revenue Code, as amended
356 from time to time, provided the charter of such organization, if it is
357 incorporated, or its constitution or bylaws, if unincorporated, shall
358 contain a provision that no officer, member or employee thereof shall
359 receive or at any future time may receive any pecuniary profit from the
360 operation thereof, except a reasonable compensation for services in
361 effecting the purposes of the organization; (ii) "housing facilities" means
362 facilities having as their primary purpose the provision of safe and
363 adequate housing and related facilities for low and moderate income
364 families and persons, notwithstanding that said housing provides other
365 dwelling accommodations in addition to the primary purpose of
366 providing dwelling accommodations for low and moderate income
367 families; (iii) "related facilities" means those facilities defined in
368 subsection (d) of section 8-243; and (iv) "low and moderate income
369 families" means those families as defined in subsection (h) of said
370 section 8-243.

371 (B) Sales of and the acceptance, use or other consumption of any
372 service described in subdivision (2) of section 12-407 that is used or
373 consumed in the development, construction, renovation or operation of
374 housing facilities for low and moderate income families and persons,
375 provided such facilities are owned or sponsored by a mutual housing

376 association, as defined in subsection (b) of section 8-214f, and operated
377 as mutual housing by such association at a location that was conveyed
378 to such association by the United States Secretary of Housing and Urban
379 Development prior to September 1, 1995.

380 Sec. 7. Section 8-389 of the general statutes is repealed and the
381 following is substituted in lieu thereof (*Effective October 1, 2021*):

382 Upon the incorporation of a successfully negotiated regional fair
383 housing compact into a regional plan of conservation and development
384 by a regional planning agency pursuant to section 8-386, the
385 Commissioner of Housing and the Connecticut Housing Authority may
386 give priority to any application for financial or technical assistance made
387 by a municipality, housing authority or eligible developer as defined in
388 [subsection (u) of] section 8-39, as amended by this act, in connection
389 with any project located in a municipality which has approved the
390 regional fair housing compact pursuant to section 8-386.

391 Sec. 8. Subsection (i) of section 12-631 of the general statutes is
392 repealed and the following is substituted in lieu thereof (*Effective October*
393 *1, 2021*):

394 (i) "Families of low and moderate income" means families meeting
395 the criteria for designation as families of low and moderate income
396 established by the Commissioner of Housing pursuant to [subsection
397 (f)] subdivision (8) of section 8-39, as amended by this act.

398 Sec. 9. Section 8-113a of the general statutes is repealed and the
399 following is substituted in lieu thereof (*Effective October 1, 2021*):

400 The following terms, wherever used or referred to in this part, shall
401 have the following respective meanings, unless a different meaning
402 clearly appears from the context:

403 [(a)] (1) "Authority" or "housing authority" means any of the public
404 corporations created by section 8-40, as amended by this act.

405 [(b) "Municipality" means any city, borough or town. "The

406 municipality" means the particular municipality for which a particular
407 housing authority is created.

408 (c) "Governing body" means, for towns having a town council, the
409 council; for other towns, the selectmen; for cities, the common council
410 or other similar body of officials; and for boroughs, the warden and
411 burgesses.

412 (d) "Mayor" means, for cities, the mayor, and, for boroughs, the
413 warden. "Clerk" means the clerk of the particular city, borough or town
414 for which a particular housing authority is created.

415 (e) "Area of operation" shall include the municipality in which a
416 housing authority is created under the provisions of this chapter, and
417 may include a neighboring municipality, provided the governing body
418 of such neighboring municipality shall agree by proper resolution to the
419 extension of the area of operation to include such neighboring
420 municipality.]

421 (2) "Bonds" means any bonds, notes, interim certificates, certificates
422 of indebtedness, debentures or other obligations issued by the authority
423 pursuant to this chapter.

424 (3) "Elderly persons" means persons sixty-two years of age and over
425 who lack the amount of income which is necessary, as determined by
426 the authority or nonprofit corporation, subject to approval by the
427 Commissioner of Housing, to enable them to live in decent, safe and
428 sanitary dwellings without financial assistance as provided under this
429 part, or persons who have been certified by the Social Security Board as
430 being totally disabled under the federal Social Security Act or certified
431 by any other federal board or agency as being totally disabled.

432 (4) "Housing partnership" means any partnership, limited
433 partnership, joint venture, trust or association consisting of (A) a
434 housing authority, a nonprofit corporation or both, and (B) (i) a business
435 corporation incorporated pursuant to chapter 601 or any predecessor
436 statutes thereto, having as one of its purposes the construction,

437 rehabilitation, ownership or operation of housing, and having articles of
438 incorporation approved by the commissioner in accordance with
439 regulations adopted pursuant to section 8-79a or 8-84, (ii) a for-profit
440 partnership, limited partnership, joint venture, trust, limited liability
441 company or association having as one of its purposes the construction,
442 rehabilitation, ownership or operation of housing, and having basic
443 documents of organization approved by the commissioner in
444 accordance with regulations adopted pursuant to section 8-79a or 8-84,
445 or (iii) any combination of the entities included under subparagraphs
446 (B)(i) and (B)(ii) of this subdivision.

447 [(f)] (5) "Housing project" means any work or undertaking [(1)] (A) to
448 demolish, clear or remove buildings from any slum area, which work or
449 undertaking may embrace the adaptation of such area to public
450 purposes, including parks or other recreational or community purposes;
451 [(2)] (B) to provide decent, safe and sanitary urban or rural dwellings,
452 apartments or other living accommodations for elderly persons, which
453 work or undertaking may include buildings, land, equipment, facilities
454 and other real or personal property for necessary, convenient or
455 desirable appurtenances, streets, sewers, water service, parks, site
456 preparation, gardening, administrative, community, recreational or
457 welfare purposes; [(3)] (C) to provide a continuum of housing
458 comprising independent living accommodations, residential care,
459 intermediate housing facilities and skilled nursing care and facilities
460 with ready access to medical and hospital services; or [(4)] (D) to
461 accomplish a combination of [the foregoing] purposes specified in
462 subparagraphs (A) to (C), inclusive, of this subdivision. The term
463 "housing project" also may be applied to the planning of the buildings
464 and improvements, the acquisition of property, the demolition of
465 existing structures, the construction, reconstruction, alteration and
466 repair of the improvements and all other work in connection therewith.

467 [(g)] "Bonds" means any bonds, notes, interim certificates, certificates
468 of indebtedness, debentures or other obligations issued by the authority
469 pursuant to this chapter.

470 (h) "Real property" shall include all lands, including improvements
471 and fixtures thereon, and property of any nature appurtenant thereto,
472 or used in connection therewith, and every estate, interest and right,
473 legal or equitable, therein, including terms for years and liens by way of
474 judgment, mortgage or otherwise and the indebtedness secured by such
475 liens.

476 (i) "Obligee of the authority" or "obligee" shall include any
477 bondholder, trustee or trustees for any bondholders, or lessor demising
478 to the authority property used in connection with a housing project, or
479 any assignee or assignees of such lessor's interest or any part thereof,
480 and the state government when it is a party to any contract with the
481 authority.

482 (j) "State public body" means any city, borough, town, municipal
483 corporation, district or other subdivision of the state.]

484 [(k)] (6) "Rent" means the entire amount paid to a local authority,
485 nonprofit corporation or housing partnership for any dwelling unit.

486 [(l)] (7) "Shelter rent" means "rent" as defined [herein] in this section,
487 less any charges made by a local authority, nonprofit corporation or
488 housing partnership for water, heat, gas, electricity and sewer use
489 charges.

490 [(m) "Elderly persons" means persons sixty-two years of age and over
491 who lack the amount of income which is necessary, as determined by
492 the authority or nonprofit corporation, subject to approval by the
493 Commissioner of Housing, to enable them to live in decent, safe and
494 sanitary dwellings without financial assistance as provided under this
495 part, or persons who have been certified by the Social Security Board as
496 being totally disabled under the federal Social Security Act or certified
497 by any other federal board or agency as being totally disabled.

498 (n) "Housing partnership" means any partnership, limited
499 partnership, joint venture, trust or association consisting of (1) a housing
500 authority, a nonprofit corporation or both and (2) (A) a business

501 corporation incorporated pursuant to chapter 601 or any predecessor
502 statutes thereto, having as one of its purposes the construction,
503 rehabilitation, ownership or operation of housing, and having articles of
504 incorporation approved by the commissioner in accordance with
505 regulations adopted pursuant to section 8-79a or 8-84, (B) a for-profit
506 partnership, limited partnership, joint venture, trust, limited liability
507 company or association having as one of its purposes the construction,
508 rehabilitation, ownership or operation of housing, and having basic
509 documents of organization approved by the commissioner in
510 accordance with regulations adopted pursuant to section 8-79a or 8-84
511 or (C) any combination of the entities included under subparagraphs
512 (A) and (B) of this subdivision.]

513 Sec. 10. Subsection (a) of section 8-116c of the general statutes is
514 repealed and the following is substituted in lieu thereof (*Effective October*
515 *1, 2021*):

516 (a) An elderly person [, as defined in subsection (m) of section 8-113a,]
517 shall not be eligible to move into a housing project [, as defined in
518 subsection (f) of section 8-113a,] if the person (1) is currently using illegal
519 drugs, (2) is currently abusing alcohol and has a recent history of
520 disruptive or dangerous behavior and whose tenancy (A) would
521 constitute a direct threat to the health or safety of another individual or
522 (B) would result in substantial physical damage to the property of
523 another, (3) has a recent history of disruptive or dangerous behavior and
524 whose tenancy (A) would constitute a direct threat to the health and
525 safety of another individual or (B) would result in substantial physical
526 damage to the property of another, or (4) was convicted of the illegal
527 sale or possession of a controlled substance, as defined in section 21a-
528 240, within the prior twenty-four-month period.

529 Sec. 11. Section 8-116d of the general statutes is repealed and the
530 following is substituted in lieu thereof (*Effective October 1, 2021*):

531 Any elderly person [, as defined in subsection (m) of section 8-113a,]
532 who applies for and is accepted for admission to a housing project
533 pursuant to this part or part VII of this chapter or pursuant to any other

534 state or federal housing assistance program may terminate the lease or
535 rental agreement for the dwelling unit that he or she occupies at the time
536 of such acceptance, without the penalty or liability for the remaining
537 term of the lease or rental agreement, upon giving thirty days' written
538 notice to the landlord of such dwelling unit.

539 Sec. 12. Section 8-119h of the general statutes is repealed and the
540 following is substituted in lieu thereof (*Effective October 1, 2021*):

541 Upon preliminary approval by the State Bond Commission pursuant
542 to the provisions of section 3-20, the state, acting by and through the
543 Commissioner of Housing, may enter into a contract or contracts with
544 an authority, a municipal developer, a nonprofit corporation or a
545 housing partnership for state financial assistance for a congregate
546 housing project, in the form of capital grants, interim loans, permanent
547 loans, deferred loans or any combination thereof for application to the
548 development cost of such project or projects. A contract with an
549 authority, a municipal developer, a nonprofit corporation or a housing
550 partnership may provide that in the case of any loan made in
551 conjunction with any housing assistance funds provided by an agency
552 of the United States government, if such housing assistance funds
553 terminate prior to complete repayment of a loan made pursuant to this
554 section, the remaining balance of such loan may be converted to a capital
555 grant or decreased loan. Any such state assistance contract with an
556 authority, a municipal developer, a nonprofit corporation or a housing
557 partnership for a capital grant or loan entered into prior to the time
558 housing assistance funds became available from an agency of the United
559 States government, may, upon the mutual consent of the commissioner
560 and the authority, municipal developer, nonprofit corporation or
561 housing partnership, be renegotiated to provide for a loan or increased
562 loan in the place of a capital grant or loan or a part thereof, consistent
563 with the above conditions. Such capital grants or loans shall be in an
564 amount not in excess of the development cost of the project or projects,
565 including, in the case of grants or loans financed from the proceeds of
566 the state's general obligation bonds issued pursuant to any
567 authorization, allocation or approval of the State Bond Commission

568 made prior to July 1, 1990, administrative or other cost or expense to be
 569 incurred by the state in connection therewith, as approved by said
 570 commissioner. In anticipation of final payment of such capital grants or
 571 loans, the state, acting by and through said commissioner and in
 572 accordance with such contract, may make temporary advances to the
 573 authority, municipal developer, nonprofit corporation or housing
 574 partnership for preliminary planning expense or other development
 575 cost of such project or projects. Any loan provided pursuant to this
 576 section shall bear interest at a rate to be determined in accordance with
 577 subsection (t) of section 3-20. Any such authority, municipal developer,
 578 nonprofit corporation or housing partnership may, subject to the
 579 approval of the Commissioner of Housing, contract with any other
 580 person approved by the Commissioner of Housing for the operation of
 581 a project undertaken pursuant to this part. As used in this section,
 582 "housing partnership" has the same meaning as provided in [subsection
 583 (n) of] section 8-113a, as amended by this act.

584 Sec. 13. Section 8-119l of the general statutes is repealed and the
 585 following is substituted in lieu thereof (*Effective October 1, 2021*):

586 The state, acting by and through the Commissioner of Housing, may
 587 enter into a contract or contracts with an authority, a municipal
 588 developer, a nonprofit corporation or a housing partnership for state
 589 financial assistance in the form of a grant-in-aid for an operating cost
 590 subsidy for state-financed congregate housing projects developed
 591 pursuant to this part. In calculating the amount of the grant-in-aid, the
 592 commissioner shall use adjusted gross income of tenants. As used in this
 593 section, "adjusted gross income" means annual aggregate income from
 594 all sources minus fifty per cent of all unreimbursable medical expenses.
 595 As used in this section, "housing partnership" has the same meaning as
 596 provided in [subsection (n) of] section 8-113a, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	8-39
Sec. 2	<i>October 1, 2021</i>	8-40

Sec. 3	<i>October 1, 2021</i>	8-44b
Sec. 4	<i>October 1, 2021</i>	8-50
Sec. 5	<i>October 1, 2021</i>	8-45a
Sec. 6	<i>October 1, 2021</i>	12-412(29)
Sec. 7	<i>October 1, 2021</i>	8-389
Sec. 8	<i>October 1, 2021</i>	12-631(i)
Sec. 9	<i>October 1, 2021</i>	8-113a
Sec. 10	<i>October 1, 2021</i>	8-116c(a)
Sec. 11	<i>October 1, 2021</i>	8-116d
Sec. 12	<i>October 1, 2021</i>	8-119h
Sec. 13	<i>October 1, 2021</i>	8-119l

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: None

Explanation

There is no fiscal impact resulting from the bill, which permits housing authorities to extend into expanded areas of operation within 10 miles of their original jurisdiction.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6430*****AN ACT CONCERNING HOUSING AUTHORITY JURISDICTION.*****SUMMARY**

By law, municipal and regional housing authorities exercise certain powers, such as developing and operating affordable housing projects and administering tenant-based voucher programs (e.g., Section 8). Current law requires that housing authorities exercise these powers within their area of operation. This bill authorizes them to operate outside of their municipal or regional boundaries by adopting an expanded area of operation.

In doing so, the bill appears to allow housing authorities to exercise the same powers in the expanded area of operation as they may currently exercise in their area of operation, subject to certain limitations. Specifically, the bill prohibits housing authorities, in an expanded area of operation, from (1) establishing or maintaining a police force or (2) acquiring property by eminent domain.

The bill defines an "expanded area of operation" as an area (1) adopted by a housing authority and (2) designated by the Department of Housing (DOH) under its mobility counseling program as a high- or very high-opportunity census tract (see BACKGROUND). It requires that any part of the census tract be located within 10 miles of the municipality in which the initial housing authority is located.

Lastly, the bill makes several technical and conforming changes, including (1) redefining "area of operation" to broadly mean a municipal area of operation and, if adopted, an expanded area of operation and (2) eliminating obsolete definitions.

EFFECTIVE DATE: October 1, 2021

BACKGROUND

Mobility Counseling Program - Opportunity Areas

State law requires DOH, within existing resources, to operate a residence mobility counseling program to help certain individuals and families relocate to higher opportunity areas through education and support services. “Opportunity areas” are those designated as such using opportunity mapping analysis that incorporates a census tract level assessment of educational, economic, and neighborhood characteristics, including education data and crime rates. DOH must make the mapping analysis available on its website.

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute

Yea 11 Nay 4 (03/11/2021)