



House of Representatives

File No. 626

General Assembly

January Session, 2021

(Reprint of File No. 171)

Substitute House Bill No. 6529
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 28, 2021

AN ACT CONCERNING HOUSING AUTHORITIES.

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

1 Section 1. Section 8-41 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) For purposes of this section, a "tenant of the authority" means a
4 tenant who lives in housing owned or managed by a housing authority
5 or who is receiving housing assistance in a housing program directly
6 administered by such authority. When the governing body of a
7 municipality other than a town adopts a resolution as described in
8 section 8-40, it shall promptly notify the chief executive officer of such
9 adoption. Upon receiving such notice, the chief executive officer shall
10 appoint five persons who are residents of said municipality as
11 commissioners of the authority, except that the chief executive officer
12 may appoint two additional persons who are residents of the
13 municipality if (1) the authority operates more than three thousand
14 units, or (2) upon the appointment of a tenant commissioner pursuant

15 to subsection (c) of this section, the additional appointments are
16 necessary to achieve compliance with 24 CFR 964.415 or section 9-167a.
17 If the governing body of a town adopts such a resolution, such body
18 shall appoint five persons who are residents of said town as
19 commissioners of the authority created for such town, except that such
20 body may appoint two additional persons who are residents of the town
21 if, upon the appointment of a tenant commissioner pursuant to
22 subsection (c) of this section, the additional appointments are necessary
23 to achieve compliance with 24 CFR 964.415 or section 9-167a. The
24 commissioners who are first so appointed shall be designated to serve
25 for a term of either one, two, three, four or five years, except that if the
26 authority has five members, the terms of not more than one member
27 shall expire in the same year. Terms shall commence on the first day of
28 the month next succeeding the date of their appointment, and annually
29 thereafter a commissioner shall be appointed to serve for five years
30 except that any vacancy which may occur because of a change of
31 residence by a commissioner, removal of a commissioner, resignation or
32 death shall be filled for the unexpired portion of the term. If a governing
33 body increases the membership of the authority on or after July 1, 1995,
34 such governing body shall, by resolution, provide for a term of five
35 years for each such additional member. The term of the chairman shall
36 be three years. At least one of such commissioners of an authority
37 having five members, and at least two of such commissioners of an
38 authority having more than five members, shall be a tenant or tenants
39 of the authority selected pursuant to subsection (c) of this section. If, on
40 October 1, 1979, a municipality has adopted a resolution as described in
41 section 8-40, but has no tenants serving as commissioners, the chief
42 executive officer of a municipality other than a town or the governing
43 body of a town shall appoint a tenant who meets the qualifications set
44 out in this section as a commissioner of such authority when the next
45 vacancy occurs. No commissioner of an authority may hold any public
46 office in the municipality for which the authority is created. A
47 commissioner shall hold office until said commissioner's successor is
48 appointed and has qualified. Not later than January 1, 2022, each
49 commissioner who is serving on said date and, thereafter, upon

50 appointment, each newly appointed commissioner who is not a
51 reappointment, shall participate in a training for housing authority
52 commissioners provided by the United States Department of Housing
53 and Urban Development. A certificate of the appointment or
54 reappointment of any commissioner shall be filed with the clerk and
55 shall be conclusive evidence of the legal appointment of such
56 commissioner, after said commissioner has taken an oath in the form
57 prescribed in the first paragraph of section 1-25. The powers of each
58 authority shall be vested in the commissioners thereof. Three
59 commissioners shall constitute a quorum if the authority consists of five
60 commissioners. Four commissioners shall constitute a quorum if the
61 authority consists of more than five commissioners. Action may be
62 taken by the authority upon a vote of not less than a majority of the
63 commissioners present, unless the bylaws of the authority require a
64 larger number. The chief executive officer, or, in the case of an authority
65 for a town, the governing body of the town, shall designate which of the
66 commissioners shall be the first chairman, but when the office of
67 chairman of the authority becomes vacant, the authority shall select a
68 chairman from among its commissioners. An authority shall select from
69 among its commissioners a vice chairman, and it may employ a
70 secretary, who shall be executive director, and technical experts and
71 such other officers, agents and employees, permanent and temporary,
72 as it requires, and shall determine their qualifications, duties and
73 compensation, provided, in municipalities having a civil service law, all
74 appointments and promotions, except the employment of the secretary,
75 shall be based on examinations given and lists prepared under such law,
76 and, except so far as may be inconsistent with the terms of this chapter,
77 such civil service law and regulations adopted thereunder shall apply
78 to such housing authority and its personnel. For such legal services as it
79 requires, an authority may employ its own counsel and legal staff. An
80 authority may delegate any of its powers and duties to one or more of
81 its agents or employees. A commissioner, or any employee of the
82 authority who handles its funds, shall be required to furnish an
83 adequate bond. The commissioners shall serve without compensation,
84 but shall be entitled to reimbursement for their actual and necessary

85 expenses incurred in the performance of their official duties.

86 (b) The authority shall designate a tenant organization as the
87 recognized jurisdiction-wide tenant organization only if (1) the
88 members of the governing board of such tenant organization were
89 elected through a jurisdiction-wide election, and (2) such tenant
90 organization satisfies the requirements for elected jurisdiction-wide
91 resident councils pursuant to regulations promulgated by the United
92 States Department of Housing and Urban Development, except that a
93 tenant of the authority shall be eligible to vote in any election for the
94 governing board of such tenant organization and to serve on the
95 governing board of such tenant organization without regard to whether
96 such tenant receives or lives in housing that receives federal assistance.
97 Any tenant organization that has been designated by the authority as
98 the recognized jurisdiction-wide tenant organization may select tenants
99 for appointment as tenant commissioner in accordance with subsection
100 (c) of this section.

101 (c) (1) Not less than sixty days before the appointment of any tenant
102 commissioner or the expiration of the term of any tenant commissioner,
103 whichever is earlier, the housing authority shall notify all tenant
104 organizations comprised of tenants residing within units owned or
105 managed by such housing authority and all tenants of such authority of
106 such pending appointment or expiration of term. The notice shall
107 include information concerning procedures by which tenants may
108 petition for an election pursuant to this subsection.

109 (2) The appointee as tenant commissioner shall be selected by a fair
110 election of the tenants of the authority if, not more than thirty days after
111 the authority notifies such tenants of a pending appointment or
112 expiration of term pursuant to subdivision (1) of this subsection, ten per
113 cent of the tenants of the authority or seventy-five tenants of the
114 authority, whichever is less, petition the authority for an election.

115 (3) If the tenants of the authority have not petitioned for an election
116 pursuant to subdivision (2) of this subsection, then the appointee as

117 tenant commissioner shall be selected by the recognized jurisdiction-
118 wide tenant organization, if any, by means provided for in the by-laws
119 adopted by such tenant organization. Such means may include, without
120 limitation, a fair election by the tenants of the authority or selection by
121 the governing board of such tenant organization.

122 (4) If an appointee as tenant commissioner has not been selected by
123 an election of the tenants of the authority or by other means pursuant to
124 the by-laws adopted by the recognized jurisdiction-wide tenant
125 organization by the date ninety days after the date the housing authority
126 provides notice of a pending appointment or expiration of term
127 pursuant to subdivision (1) of this subsection, then the appointing
128 authority shall select the appointee. In making such selection, the
129 appointing authority shall consider any tenant recommended by any
130 tenant organization within its jurisdiction or the jurisdiction-wide
131 tenant organization.

132 (5) The housing authority shall provide all tenants of the authority
133 with written notice of any election conducted pursuant to this
134 subsection or subsection (b) of this section not later than thirty days
135 before the date of such election. For any election conducted pursuant to
136 this subsection for an authority having more than five commissioners,
137 the housing authority may establish qualifications for the second tenant
138 commissioner as necessary to achieve compliance with 24 CFR 964.415
139 or section 9-167a.

140 (d) For any election conducted pursuant to subsection (c) of this
141 section, the housing authority shall use its best efforts to secure an
142 impartial entity to administer such election. To the extent practicable,
143 such impartial entity shall be selected with the agreement of the
144 recognized jurisdiction-wide tenant organization, if any. In the event of
145 a dispute concerning the procedure for or results of such election, any
146 person may petition the entity administering such election for a
147 resolution of such dispute.

148 (e) Notwithstanding any provision of subsection (a) of this section or

149 any other provision of the general statutes, a commissioner of an
150 authority may serve as a justice of the peace or a registrar of voters.

151 Sec. 2. Section 8-68f of the general statutes is repealed and the
152 following is substituted in lieu thereof (*Effective October 1, 2021*):

153 Each housing authority which receives financial assistance under any
154 state housing program, and the Connecticut Housing Finance Authority
155 or its subsidiary when [said] such authority or subsidiary is the
156 successor owner of housing previously owned by a housing authority
157 under part II or part VI of this chapter, shall, for housing which it owns
158 and operates, (1) provide each of its tenants with a written lease, (2)
159 provide each tenant, at the time the tenant signs an initial lease and,
160 annually thereafter, contact information for the management of the
161 housing authority, the local department of public health and the
162 Commission on Human Rights and Opportunities, and a copy of the
163 guidance concerning rights and responsibilities of landlords and tenants
164 that is posted on the Internet web site of the Judicial Branch, (3) adopt a
165 procedure for hearing tenant complaints and grievances, [(3)] (4) adopt
166 procedures for soliciting tenant comment on proposed changes in
167 housing authority policies and procedures, including changes to its
168 lease and to its admission and occupancy policies, and [(4)] (5)
169 encourage tenant participation in the housing authority's operation of
170 state housing programs, including, where appropriate, the facilitation
171 of tenant participation in the management of housing projects. If such
172 housing authority or the Connecticut Housing Finance Authority or its
173 subsidiary operates both a federal and a state-assisted housing program,
174 it shall use the same procedure for hearing tenant grievances in both
175 programs. The Commissioner of Housing shall adopt regulations in
176 accordance with the provisions of chapter 54 to establish uniform
177 minimum standards for the requirements in this section.

178 Sec. 3. Section 8-68d of the general statutes is repealed and the
179 following is substituted in lieu thereof (*Effective October 1, 2021*):

180 (a) Each housing authority shall submit a report to the Commissioner

181 of Housing and the chief executive officer of the municipality in which
 182 the authority is located not later than March first, annually. The report
 183 shall contain (1) an inventory of all existing housing owned or operated
 184 by the authority, including the total number, types and sizes of rental
 185 units and the total number of occupancies and vacancies in each housing
 186 project or development, and a description of the condition of such
 187 housing, (2) a description of any new construction projects being
 188 undertaken by the authority and the status of such projects, (3) the
 189 number and types of any rental housing sold, leased or transferred
 190 during the period of the report which is no longer available for the
 191 purpose of low or moderate income rental housing, (4) the results of its
 192 annual audit conducted in accordance with subsection (b) of this section,
 193 and [(4)] (5) such other information as the commissioner may require by
 194 regulations adopted in accordance with the provisions of chapter 54.

195 (b) In addition to the audits required under sections 4-231 and 7-932,
 196 the commissioners of the authority shall annually contract with a firm
 197 of certified public accountants to undertake an independent financial
 198 audit of the authority in accordance with generally accepted auditing
 199 standards.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	8-41
Sec. 2	October 1, 2021	8-68f
Sec. 3	October 1, 2021	8-68d

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

The bill establishes an annual auditing requirement for housing authorities and expands the information that housing authorities must provide to tenants.

This has no fiscal impact on the state or municipalities. Local housing authorities are quasi-government agencies that are created by municipalities. Housing authorities are not financially dependent on the municipalities that create them, nor are those municipalities required to financially support them.

House "A" 1) eliminates the underlying bill's provision requiring housing authority employees to submit to background checks, 2) expands the information housing authorities must provide to tenants, and 3) makes a technical change. These changes result in the above identified fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6529 (as amended by House "A")******AN ACT CONCERNING HOUSING AUTHORITIES.*****SUMMARY**

This bill imposes an annual auditing requirement on local and regional housing authorities and the Connecticut Housing Authority, if it operates as a housing authority. (In practice, only local housing authorities are subject to the bill's provisions.)

The bill requires (1) existing housing authority commissioners to participate in federal Department of Housing and Urban Development (HUD) commissioner training by January 1, 2022, and (2) new commissioners to participate in the training upon appointment (§ 1).

Finally, the bill also requires housing authorities receiving state assistance and the Connecticut Housing Finance Authority (CHFA) (if it or its subsidiaries are successor owners to housing previously owned by a local authority) to annually provide tenants, beginning when they sign their initial lease, (1) contact information for the authority's management, local public health department, and Commission on Human Rights and Opportunities and (2) a copy of the guidance concerning landlords' and tenants' responsibilities that the Judicial Branch posts on its website (§ 2).

EFFECTIVE DATE: October 1, 2021

*House Amendment "A" (1) removes provisions in the underlying bill requiring background checks and limiting how they are used in the hiring process and (2) requires CHFA to provide tenants a copy of Judicial Branch guidance, rather than a notice of tenant rights.

ANNUAL AUDIT

The bill requires local housing authorities to annually contract with an independent certified public accountant for a financial audit. The audit results must be included in an authority’s annual report that existing law requires it to submit to the housing commissioner and the chief executive officer of the municipality where it is located.

The bill specifies that the audit described above is in addition to certain audits required by existing law. Specifically, existing law requires:

1. the housing commissioner to ensure local housing authorities are audited biennially, with the authority covering the audit’s costs, if the commissioner requires it (CGS § 7-392(d)); and
2. housing authorities to audit themselves if they have annual revenue of more than \$1 million and spend more than \$300,000 in a fiscal year (CGS § 4-231).

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute

Yea 11 Nay 4 (03/11/2021)