



General Assembly

**Substitute Bill No. 6529**

January Session, 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 Section 8-41 of the general statutes is repealed and the  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. Any person employed by a housing authority  
82 on October 1, 2021, shall submit to a state and national criminal history  
83 records check conducted in accordance with the provisions of section  
84 29-17a, and, thereafter, any prospective employee hired on or after said  
85 date by an authority, shall submit to such criminal history records check  
86 prior to commencing employment with the authority. Upon receipt of  
87 the criminal history records check information, the housing authority  
88 may deny a person employment only upon conducting an  
89 individualized assessment in good faith and considering whether (A)

90 there is a substantial nexus between the circumstances of the person's  
91 criminal history record information, as defined in section 54-142g, and  
92 employment with the housing authority, taking into account the specific  
93 facts of the criminal history record information and the essential  
94 functions and specific circumstances of the job, (B) there is substantial  
95 evidence that the person has not been rehabilitated, and (C) insufficient  
96 time has elapsed since the acts underlying the criminal history record  
97 information. A commissioner, or any employee of the authority who  
98 handles its funds, shall be required to furnish an adequate bond. The  
99 commissioners shall serve without compensation, but shall be entitled  
100 to reimbursement for their actual and necessary expenses incurred in  
101 the performance of their official duties.

102 (b) The authority shall designate a tenant organization as the  
103 recognized jurisdiction-wide tenant organization only if (1) the  
104 members of the governing board of such tenant organization were  
105 elected through a jurisdiction-wide election, and (2) such tenant  
106 organization satisfies the requirements for elected jurisdiction-wide  
107 resident councils pursuant to regulations promulgated by the United  
108 States Department of Housing and Urban Development, except that a  
109 tenant of the authority shall be eligible to vote in any election for the  
110 governing board of such tenant organization and to serve on the  
111 governing board of such tenant organization without regard to whether  
112 such tenant receives or lives in housing that receives federal assistance.  
113 Any tenant organization that has been designated by the authority as  
114 the recognized jurisdiction-wide tenant organization may select tenants  
115 for appointment as tenant commissioner in accordance with subsection  
116 (c) of this section.

117 (c) (1) Not less than sixty days before the appointment of any tenant  
118 commissioner or the expiration of the term of any tenant commissioner,  
119 whichever is earlier, the housing authority shall notify all tenant  
120 organizations comprised of tenants residing within units owned or  
121 managed by such housing authority and all tenants of such authority of  
122 such pending appointment or expiration of term. The notice shall

123 include information concerning procedures by which tenants may  
124 petition for an election pursuant to this subsection.

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

131 (3) If the tenants of the authority have not petitioned for an election  
132 pursuant to subdivision (2) of this subsection, then the appointee as  
133 tenant commissioner shall be selected by the recognized jurisdiction-  
134 wide tenant organization, if any, by means provided for in the by-laws  
135 adopted by such tenant organization. Such means may include, without  
136 limitation, a fair election by the tenants of the authority or selection by  
137 the governing board of such tenant organization.

138 (4) If an appointee as tenant commissioner has not been selected by  
139 an election of the tenants of the authority or by other means pursuant to  
140 the by-laws adopted by the recognized jurisdiction-wide tenant  
141 organization by the date ninety days after the date the housing authority  
142 provides notice of a pending appointment or expiration of term  
143 pursuant to subdivision (1) of this subsection, then the appointing  
144 authority shall select the appointee. In making such selection, the  
145 appointing authority shall consider any tenant recommended by any  
146 tenant organization within its jurisdiction or the jurisdiction-wide  
147 tenant organization.

148 (5) The housing authority shall provide all tenants of the authority  
149 with written notice of any election conducted pursuant to this  
150 subsection or subsection (b) of this section not later than thirty days  
151 before the date of such election. For any election conducted pursuant to  
152 this subsection for an authority having more than five commissioners,  
153 the housing authority may establish qualifications for the second tenant  
154 commissioner as necessary to achieve compliance with 24 CFR 964.415

155 or section 9-167a.

156 (d) For any election conducted pursuant to subsection (c) of this  
157 section, the housing authority shall use its best efforts to secure an  
158 impartial entity to administer such election. To the extent practicable,  
159 such impartial entity shall be selected with the agreement of the  
160 recognized jurisdiction-wide tenant organization, if any. In the event of  
161 a dispute concerning the procedure for or results of such election, any  
162 person may petition the entity administering such election for a  
163 resolution of such dispute.

164 (e) Notwithstanding any provision of subsection (a) of this section or  
165 any other provision of the general statutes, a commissioner of an  
166 authority may serve as a justice of the peace or a registrar of voters.

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

169 Each housing authority which receives financial assistance under any  
170 state housing program, and the Connecticut Housing Finance Authority  
171 or its subsidiary when [said] such authority or subsidiary is the  
172 successor owner of housing previously owned by a housing authority  
173 under part II or part VI of this chapter, shall, for housing which it owns  
174 and operates, (1) provide each of its tenants with a written lease, (2)  
175 provide each tenant, at the time the tenant signs an initial lease and,  
176 annually thereafter, contact information for the management of the  
177 housing authority, the local department of public health and the  
178 Commission on Human Rights and Opportunities, and a notice of a  
179 tenant's rights, (3) adopt a procedure for hearing tenant complaints and  
180 grievances, [(3)] (4) adopt procedures for soliciting tenant comment on  
181 proposed changes in housing authority policies and procedures,  
182 including changes to its lease and to its admission and occupancy  
183 policies, and [(4)] (5) encourage tenant participation in the housing  
184 authority's operation of state housing programs, including, where  
185 appropriate, the facilitation of tenant participation in the management  
186 of housing projects. If such housing authority or the Connecticut

187 Housing Finance Authority or its subsidiary operates both a federal and  
188 a state-assisted housing program, it shall use the same procedure for  
189 hearing tenant grievances in both programs. The Commissioner of  
190 Housing shall adopt regulations in accordance with the provisions of  
191 chapter 54 to establish uniform minimum standards for the  
192 requirements in this section.

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

195 (a) Each housing authority shall submit a report to the Commissioner  
196 of Housing and the chief executive officer of the municipality in which  
197 the authority is located not later than March first, annually. The report  
198 shall contain (1) an inventory of all existing housing owned or operated  
199 by the authority, including the total number, types and sizes of rental  
200 units and the total number of occupancies and vacancies in each housing  
201 project or development, and a description of the condition of such  
202 housing, (2) a description of any new construction projects being  
203 undertaken by the authority and the status of such projects, (3) the  
204 number and types of any rental housing sold, leased or transferred  
205 during the period of the report which is no longer available for the  
206 purpose of low or moderate income rental housing, (4) the results of its  
207 annual audit conducted in accordance with subsection (b) of this section,  
208 and [(4)] (5) such other information as the commissioner may require by  
209 regulations adopted in accordance with the provisions of chapter 54.

210 (b) The commissioners of the authority shall annually contract with a  
211 firm of certified public accountants to undertake an independent  
212 financial audit of the authority in accordance with generally accepted  
213 auditing 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

**HSG**      *Joint Favorable Subst.*