

## General Assembly

## Substitute Bill No. 4

January Session, 2023



## AN ACT CONCERNING CONNECTICUT'S PRESENT AND FUTURE HOUSING NEEDS.

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

- Section 1. Section 47a-23 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):
- 3 (a) [When] Except as provided in subsection (f) of this section, when 4 the owner or lessor, or the owner's or lessor's legal representative, or the owner's or lessor's attorney-at-law, or in-fact, desires to obtain 5 6 possession or occupancy of any land or building, any apartment in any 7 building, any dwelling unit, any trailer, or any land upon which a trailer 8 is used or stands, and (1) when a rental agreement or lease of such 9 property, whether in writing or by parol, terminates for any of the 10 following reasons: (A) By lapse of time; (B) by reason of any expressed 11 stipulation therein; (C) violation of the rental agreement or lease or of 12 any rules or regulations adopted in accordance with section 47a-9 or 13 21-70; (D) nonpayment of rent within the grace period provided for 14 residential property in section 47a-15a, as amended by this act, or 21-83; 15 (E) nonpayment of rent when due for commercial property; (F) violation 16 of section 47a-11 or subsection (b) of section 21-82; (G) nuisance, as 17 defined in section 47a-32, or serious nuisance, as defined in section 18 47a-15 or 21-80; or (2) when such premises, or any part thereof, is

occupied by one who never had a right or privilege to occupy such premises; or (3) when one originally had the right or privilege to occupy such premises but such right or privilege has terminated; or (4) when an action of summary process or other action to dispossess a tenant is authorized under subsection (b) of section 47a-23c for any of the following reasons: (A) Refusal to agree to a fair and equitable rent increase, as defined in subsection (c) of section 47a-23c, (B) permanent removal by the landlord of the dwelling unit of such tenant from the housing market, or (C) bona fide intention by the landlord to use such dwelling unit as such landlord's principal residence; or (5) when a farm employee, as described in section 47a-30, or a domestic servant, caretaker, manager or other employee, as described in subsection (b) of section 47a-36, occupies such premises furnished by the employer and fails to vacate such premises after employment is terminated by such employee or the employer or after such employee fails to report for employment, such owner or lessor, or such owner's or lessor's legal representative, or such owner's or lessor's attorney-at-law, or in-fact, shall give notice to each lessee or occupant to quit possession or occupancy of such land, building, apartment or dwelling unit, at least three days before the termination of the rental agreement or lease, if any, or before the time specified in the notice for the lessee or occupant to quit possession or occupancy.

(b) The notice shall be in writing substantially in the following form: "I (or we) hereby give you notice that you are to quit possession or occupancy of the (land, building, apartment or dwelling unit, or of any trailer or any land upon which a trailer is used or stands, as the case may be), now occupied by you at (here insert the address, including apartment number or other designation, as applicable), on or before the (here insert the date) for the following reason (here insert the reason or reasons for the notice to quit possession or occupancy using the statutory language or words of similar import, also the date and place of signing notice). A.B.". If the owner or lessor, or the owner's or lessor's legal representative, attorney-at-law or attorney-in-fact knows of the presence of an occupant but does not know the name of such occupant,

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- the notice for such occupant may be addressed to such occupant as "John Doe", "Jane Doe" or some other alias which reasonably characterizes the person to be served.
  - (c) A copy of such notice shall be delivered to each lessee or occupant or left at such lessee's or occupant's place of residence or, if the rental agreement or lease concerns commercial property, at the place of the commercial establishment by a proper officer or indifferent person. Delivery of such notice may be made on any day of the week.
  - (d) With respect to a month-to-month or a week-to-week tenancy of a dwelling unit, a notice to quit possession based on nonpayment of rent shall, upon delivery, terminate the rental agreement for the month or week in which the notice is delivered, convert the month-to-month or week-to-week tenancy to a tenancy at sufferance and provide proper basis for a summary process action notwithstanding that such notice was delivered in the month or week after the month or week in which the rent is alleged to be unpaid.
  - (e) A termination notice required pursuant to federal law and regulations may be included in or combined with the notice required pursuant to this section and such inclusion or combination does not thereby render the notice required pursuant to this section equivocal, provided the rental agreement or lease shall not terminate until after the date specified in the notice for the lessee or occupant to quit possession or occupancy or the date of completion of the pretermination process, whichever is later. A use and occupancy disclaimer may be included in or combined with such notice, provided that such disclaimer does not take effect until after the date specified in the notice for the lessee or occupant to quit possession or occupancy or the date of the completion of the pretermination process, whichever is later. Such inclusion or combination does not thereby render the notice required pursuant to this section equivocal. Such disclaimer shall be in substantially the following form: "Any payments tendered after the date specified to quit possession or occupancy, or the date of the completion of the pretermination process if that is later, will be accepted for use and

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- occupancy only and not for rent, with full reservation of rights to continue with the eviction action."
- (f) No owner or lessor, and no owner's or lessor's legal representative,
  or the owner's or lessor's attorney-at-law or attorney-in-fact, shall,
  between December first and March first of any year, deliver or cause to
  be delivered a notice to quit possession for any reason set forth in this
  chapter or chapter 812, except for serious nuisance, as defined in section
- 94 Sec. 2. Section 47a-42 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):
- 96 (a) Whenever a judgment is entered against a defendant pursuant to 97 section 47a-26, 47a-26a, 47a-26b or 47a-26d for the recovery of 98 possession or occupancy of residential property, such defendant and 99 any other occupant bound by the judgment by subsection (a) of section 100 47a-26h shall forthwith remove himself or herself, such defendant's or occupant's possessions and all personal effects unless execution has 101 102 been stayed pursuant to sections 47a-35 to 47a-41, inclusive. If execution 103 has been stayed, such defendant or occupant shall forthwith remove 104 himself or herself, such defendant's or occupant's possessions and all 105 personal effects upon the expiration of any stay of execution. If the 106 defendant or occupant has not so removed himself or herself upon entry 107 of a judgment pursuant to section 47a-26, 47a-26a, 47a-26b or 47a-26d, 108 and upon expiration of any stay of execution, the plaintiff may obtain 109 an execution upon such summary process judgment, and the defendant 110 or other occupant bound by the judgment by subsection (a) of section 111 47a-26h and the possessions and personal effects of such defendant or other occupant may be removed by a state marshal, pursuant to such 112 113 execution, and delivered to the place of storage designated by the chief 114 executive officer for such purposes.
  - (b) Before any such removal, the state marshal charged with executing upon any such judgment of eviction shall give the chief executive officer of the town twenty-four [hours] hours' notice of the

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eviction, stating the date, time and location of such eviction as well as a general description, if known, of the types and amount of property to be removed from the premises and delivered to the designated place of storage. Before giving such notice to the chief executive officer of the town, the state marshal shall use reasonable efforts to locate and notify the defendant of the date and time such eviction is to take place and of the possibility of a sale pursuant to subsection (c) of this section. Such notice shall include service upon each defendant and upon any other person in occupancy, either personally or at the premises, of a true copy of the summary process execution. Such execution shall be on a form prescribed by the Judicial Department, shall be in clear and simple language and in readable format, and shall contain, in addition to other notices given to the defendant in the execution, a conspicuous notice, in large boldface type, that a person who claims to have a right to continue to occupy the premises should immediately contact an attorney, and clear instructions as to how and where the defendant may reclaim any possessions and personal effects removed and stored pursuant to this section, including a telephone number that may be called to arrange release of such possessions and personal effects.

(c) Whenever the possessions and personal effects of a defendant are removed by a state marshal under this section, such possessions and effects shall be delivered by such marshal to the designated place of storage. The plaintiff shall pay the state marshal for such removal in accordance with the provisions of subsection (b) of section 52-261. Such removal and delivery shall be at the expense of the defendant and may be recovered by the plaintiff. If such possessions and effects are not reclaimed by the defendant and the expense of such storage is not paid to the chief executive officer [within] not later than fifteen days after such eviction, the chief executive officer shall sell the same at public auction, after using reasonable efforts to locate and notify the defendant of such sale and after posting notice of such sale for one week on the public signpost nearest to the place where the eviction was made, if any, or at some exterior place near the office of the town clerk. The chief executive officer shall deliver to the defendant the net proceeds of such

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- sale, if any, after deducting a reasonable charge for storage of such possessions and effects. If the defendant does not demand the net proceeds within thirty days after such sale, the chief executive officer shall turn over the net proceeds of the sale to the town treasury.
  - (d) Notwithstanding the provisions of this section, no state marshal may remove a defendant or occupant, or such defendant or occupant's possessions and effects, between December first and March first of any year unless the judgment of eviction binding upon such defendant or occupant to be executed by such marshal was entered due to serious nuisance, as defined in section 47a-15, by such defendant or occupant.
- Sec. 3. (NEW) (*Effective October 1, 2023*) (a) As used in this section, "tenant screening report" means a credit report, a criminal background report, an employment history report or a rental history report, or any combination thereof, used by a landlord to determine the suitability of a prospective tenant.
  - (b) No landlord may demand from a prospective tenant any payment, fee or charge for the processing, review or acceptance of any rental application, or demand any other payment, fee or charge before or at the beginning of the tenancy, except a security deposit pursuant to section 47a-21 of the general statutes or a fee for a tenant screening report as provided by subsection (c) of this section.
  - (c) A landlord may charge a fee for a tenant screening report concerning a prospective tenant if the fee for such tenant screening report is not more than the actual cost paid by the landlord for such report. The landlord shall waive any fee for such report if the prospective tenant provides the landlord with a copy of a tenant screening report concerning the prospective tenant that was conducted not later than thirty days after the prospective tenant's rental application and that is satisfactory to the landlord.
  - (d) A landlord may not collect a tenant screening report fee from a prospective tenant until the landlord provides the prospective tenant

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- with (1) a copy of the tenant screening report, and (2) a copy of the receipt or invoice from the entity conducting the tenant screening report concerning the prospective tenant.
- Sec. 4. Subsection (a) of section 47a-4 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October* 1, 2023):
- 189 (a) A rental agreement shall not provide that the tenant: (1) Agrees to 190 waive or forfeit rights or remedies under this chapter and sections 47a-191 21, 47a-23 to 47a-23b, inclusive, as amended by this act, 47a-26 to 47a-192 26g, inclusive, 47a-35 to 47a-35b, inclusive, 47a-41a, 47a-43 and 47a-46, 193 or under any section of the general statutes or any municipal ordinance 194 unless such section or ordinance expressly states that such rights may 195 be waived; (2) authorizes the landlord to confess judgment on a claim 196 arising out of the rental agreement; (3) agrees to the exculpation or 197 limitation of any liability of the landlord arising under law or to 198 indemnify the landlord for that liability or the costs connected 199 therewith; (4) agrees to waive his right to the interest on the security 200 deposit pursuant to section 47a-21; (5) agrees to permit the landlord to 201 dispossess him without resort to court order; (6) consents to the distraint 202 of his property for rent; (7) agrees to pay the landlord's attorney's fees 203 in excess of fifteen per cent of any judgment against the tenant in any 204 action in which money damages are awarded; (8) agrees to pay a late 205 charge prior to the expiration of the grace period set forth in section 47a-206 15a, as amended by this act, or to pay rent in a reduced amount if such rent is paid prior to the expiration of such grace period; (9) agrees to pay 207 208 a late charge on rent payments made subsequent to such grace period 209 in an amount exceeding the amounts set forth in section 47a-15a, as 210 amended by this act; or [(9)] (10) agrees to pay a heat or utilities 211 surcharge if heat or utilities is included in the rental agreement.
  - Sec. 5. Section 47a-15a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):
- 214 (a) If rent is unpaid when due and the tenant fails to pay rent within

- nine days thereafter or, in the case of a one-week tenancy, within four days thereafter, the landlord may terminate the rental agreement in accordance with the provisions of sections 47a-23 to 47a-23b, inclusive, as amended by this act. For purposes of this section, "grace period" means the nine-day or four-day time periods identified in this subsection, as applicable.
- 221 (b) If a rental agreement contains a valid written agreement to pay a 222 late charge in accordance with subsection (a) of section 47a-4, as 223 amended by this act, a landlord may assess a tenant such a late charge 224 on a rent payment made subsequent to the grace period in accordance 225 with this section. Such late charge may not exceed the lesser of (1) five 226 dollars per day, up to a maximum of twenty-five dollars, or (2) five per 227 cent of the delinquent rent payment or, in the case of a rental agreement 228 paid in whole or in part by a governmental or charitable entity, five per 229 cent of the tenant's share of the delinquent rent payment. The landlord 230 may not assess more than one late charge upon a delinquent rent 231 payment, regardless of how long the rent remains unpaid. Any rent 232 payments received by the landlord shall be applied first to the most 233 recent rent payment due.
- Sec. 6. Subsections (a) and (b) of section 47a-6a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):
  - (a) As used in this section, (1) "address" means a location as described by the full street number, if any, the street name, the city or town, and the state, and not a mailing address such as a post office box, (2) "dwelling unit" means any house or building, or portion thereof, which is rented, leased or hired out to be occupied, or is arranged or designed to be occupied, or is occupied, as the home or residence of one or more persons, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways or yards, (3) "agent in charge" or "agent" means one who manages real estate, including, but not limited to, the collection of rents and supervision of property, (4) "controlling participant" means [an

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individual or entity that exercises day-to-day financial or operational control] a natural person who is not a minor and who, directly or indirectly and through any contract, arrangement, understanding or relationship, exercises substantial control of, or owns greater than twenty-five per cent of, a corporation, partnership, trust or other legally recognized entity owning rental real property in the state, and (5) "project-based housing provider" means a property owner who contracts with the United States Department of Housing and Urban Development to provide housing to tenants under the federal Housing Choice Voucher Program, 42 USC 1437f(o).

(b) Any municipality may require the nonresident owner or projectbased housing provider of occupied or vacant rental real property to [maintain on file in the office of] report to the tax assessor, or other municipal office designated by the municipality, the current residential address of the nonresident owner or project-based housing provider of such property [,] if the nonresident owner or project-based housing provider is an individual, or the current residential address of the agent in charge of the building [,] if the nonresident owner or project-based housing provider is a corporation, partnership, trust or other legally recognized entity owning rental real property in the state. [In the case of a] If the nonresident owners or project-based housing [provider, such information providers are a corporation, partnership, trust or other legally recognized entity owning rental real property in the state, such report shall also include identifying information and the current residential address of each controlling participant associated with the property. [, except that, if such controlling participant is a corporation, partnership, trust or other legally recognized entity, the project-based housing provider shall include the identifying information and the current residential address of an individual who exercises day-to-day financial or operational control of such entity.] If such residential address changes, notice of the new residential address shall be provided by such nonresident owner, project-based housing provider or agent in charge of the building to the office of the tax assessor or other designated municipal office not more than twenty-one days after the date that the

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address change occurred. If the nonresident owner, project-based housing provider or agent fails to file an address under this section, the address to which the municipality mails property tax bills for the rental real property shall be deemed to be the nonresident owner, project-based housing provider or agent's current address. Such address may be used for compliance with the provisions of subsection (c) of this section.

- Sec. 7. (NEW) (Effective October 1, 2023) The Commissioner of Housing shall, within existing appropriations, develop standardized rental agreement forms that may be used by landlords and tenants in the state. Such forms shall contain the essential terms of a rental agreement between any landlord and any tenant, be designed to be easily read and understood and include plain language explanations of all terms and conditions of the agreement, including, but not limited to, rent, fees, deposits and other charges. The commissioner shall make such forms available in both English and Spanish and shall post such forms on the Department of Housing's Internet web site not later than July 1, 2024, and shall revise such forms from time to time, at the commissioner's discretion.
- Sec. 8. Section 47a-58 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):
  - (a) Any enforcing agency may issue a notice of violation to any person who violates any provision of this chapter or a provision of a local housing code. If an enforcing agency issues an order to a registrant, such order may be delivered in accordance with section 7-148ii, provided nothing in this section shall preclude an enforcing agency from providing notice in another manner permitted by applicable law. Such notice shall specify each violation and specify the last day by which such violation shall be corrected. The date specified shall not be less than three weeks from the date of mailing of such notice, provided that in the case of a condition, which in the judgment of the enforcing agency is or in its effect is dangerous or detrimental to life or health, the date specified shall not be more than five days from the date of mailing of

- such notice. The enforcing agency may postpone the last day by which a violation shall be corrected upon a showing by the owner or other responsible person that he has begun to correct the violation but that full correction of the violation cannot be completed within the time provided because of technical difficulties, inability to obtain necessary materials or labor or inability to gain access to the dwelling unit wherein the violation exists.
  - (b) When the owner or other responsible person has corrected such violation, the owner or other responsible person shall promptly, but not later than two weeks after such correction, report to the enforcing agency in writing, indicating the date when each violation was corrected. It shall be presumed that the violation was corrected on the date so indicated, unless a subsequent inspection by the enforcing agency again reveals the existence of the condition giving rise to the earlier notice of violation.
  - (c) Any person who fails to correct any violation prior to the date set forth in the notice of violation shall be subject to a cumulative civil penalty of five dollars per day for each violation from the date set for correction in the notice of violation to the date such violation is corrected, except that in any case, the penalty shall not exceed one hundred dollars per day and the total penalty shall not exceed seven thousand five hundred dollars. The penalty may be collected by the enforcing agency by action against the owner or other responsible person or by an action against the real property. An action against the owner may be joined with an action against the real property.
  - (d) In addition to the penalties specified in this section, the enforcing agency may enforce the provisions of this chapter or a local housing code by injunctive relief pursuant to chapter 916.
  - (e) (1) Any penalty imposed by an enforcing agency pursuant to the provisions of subsection (c) of this section, and remaining unpaid for a period of sixty days after its due date, shall constitute a lien upon the real property against which the penalty was imposed, provided a notice

- of violation is recorded in the land records and indexed in the name of the property owner no later than thirty days after the penalty was imposed.
- 350 (2) Each such notice of violation shall be effective from the time of the 351 recording on the land records. Each lien shall take precedence over all 352 transfers and encumbrances recorded after such time.
- 353 (3) Any municipal lien pursuant to the provisions of this section may 354 be foreclosed in the same manner as a mortgage.
  - (4) Any municipal lien pursuant to this section may be discharged or dissolved in the manner provided in sections 49-35a to 49-37, inclusive.
  - (f) Any enforcing agency imposing a penalty pursuant to subsection (c) of this section shall maintain a current record of all properties with respect to which such penalty remains unpaid in the office of such agency. Such record shall be available for inspection by the public.
  - (g) Each enforcing agency empowered to enforce any provision of this chapter or any provision of a local housing code shall create and make available housing code violation complaint forms, written in both English and Spanish, for use by any occupant of a dwelling unit seeking to file a complaint against the owner of such unit, or other responsible party, concerning such violations.
- Sec. 9. (NEW) (Effective October 1, 2023) (a) As used in this section:
- 368 (1) "Commissioner" means the Commissioner of Housing.
  - (2) "Eligible workforce housing opportunity development project" or "project" means a project for the construction or substantial rehabilitation of rental housing (A) located within an opportunity zone in this state, (B) designated under subsection (e) of this section for certain professions that work within the municipality in which the project is located and for low and moderate income families and individuals, and (C) that may incorporate renewable energy technology

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and be transit-oriented.

- (3) "Substantial rehabilitation" means either (A) the costs of any repair, replacement or improvement to a building that exceeds twenty-five per cent of the value of such building after the completion of all such repairs, replacements or improvements, or (B) the replacement of two or more of the following: (i) Roof structures, (ii) ceilings, (iii) wall or floor structures, (iv) foundations, (v) plumbing systems, (vi) heating and air conditioning systems, or (vii) electrical systems.
- (4) "Opportunity zone" means an area designated as a qualified opportunity zone pursuant to the Tax Cuts and Jobs Act of 2017, P.L. 115-97, as amended from time to time.
- (5) "Eligible developer" or "developer" means (A) a nonprofit corporation; (B) any business corporation incorporated pursuant to chapter 601 of the general statutes, (i) that has as one of its purposes the construction, rehabilitation, ownership or operation of housing, and (ii) either certified under this section or that has articles of incorporation approved by the commissioner in accordance with regulations adopted pursuant to section 8-79a or 8-84 of the general statutes; (C) any partnership, limited partnership, limited liability partnership, joint venture, trust, limited liability company or association, (i) that has as one of its purposes the construction, rehabilitation, ownership or operation of housing, and (ii) either certified under this section or that has basic documents of organization approved by the commissioner in accordance with regulations adopted pursuant to section 8-79a or 8-84 of the general statutes; (D) a housing authority; or (E) a municipal developer.
- (6) "Authority" or "housing authority" means any of the public corporations created by section 8-40 of the general statutes, and the Connecticut Housing Authority when exercising the rights, powers, duties or privileges of, or subject to the immunities or limitations of, housing authorities pursuant to section 8-121 of the general statutes.

- (7) "Nonprofit corporation" means a nonprofit corporation incorporated pursuant to chapter 602 of the general statutes or any predecessor statutes thereto, that has as one of its purposes the construction, rehabilitation, ownership or operation of housing and that has articles of incorporation approved by the Commissioner of Housing in accordance with regulations adopted pursuant to section 8-79a or 8-84 of the general statutes or that is certified under this section.
- (8) "Municipal developer" means a municipality that has not declared by resolution a need for a housing authority pursuant to section 8-40 of the general statutes, acting by and through its legislative body. "Municipal developer" means the board of selectmen if such board is authorized to act as the municipal developer by the town meeting or representative town meeting.
  - (9) "Low and moderate income families and individuals" means families or individuals who lack the amount of income necessary, as determined by the Commissioner of Housing, to enable such families or individuals to rent mixed-income housing without financial assistance.
  - (10) "Market rate" means the rental income that such property would most probably command on the open market as indicated by current rentals in the opportunity zone being paid for comparable space.
  - (b) There is established a workforce housing opportunity development program to be administered by the Department of Housing under which individuals or entities who make cash contributions to an eligible developer for an eligible workforce housing opportunity development project located in a federally designated opportunity zone may be allowed a credit against the tax due under chapter 208 or 229 of the general statutes in an amount equal to the amount specified by the commissioner under this section. Any developer of a workforce housing opportunity development project shall be allowed an exemption from any fees under section 29-263 of the general statutes, as amended by this act, and any eligible workforce housing opportunity development project shall be assessed using the

capitalization of net income method under subsection (b) of section 12-63b of the general statutes, as amended by this act.

(c) The Commissioner of Housing shall determine eligibility criteria for such program and establish an application process for the program. The Department of Housing shall commence accepting applications for such program not later than January 1, 2024. A developer may apply to the Department of Housing for certification as a developer qualified to receive cash investments eligible for a tax credit pursuant to this section in a manner and form prescribed by the commissioner. To the extent feasible, any eligible workforce housing opportunity development project shall incorporate renewable energy or other technology in order to lower utility costs for the tenants and be transit-oriented. Any eligible workforce housing opportunity development project once constructed or substantially rehabilitated shall be rented as follows: (1) Fifty per cent of the units shall be rented at the market rate, (2) forty per cent of the units shall be rented to the workforce population designated under subsection (e) of this section, where such project is located at a rent not exceeding twenty per cent of the prevailing rent of the opportunity zone where such development is located, and (3) ten per cent of the units shall be rented to families or individuals of low and moderate income receiving rental assistance under chapter 128 or 319uu of the general statutes or 42 USC 1437f, as amended from time to time. The program shall provide for a method of selecting persons satisfying such income criteria to rent such units of housing from among a pool of applicants, which method shall not discriminate on the basis of race, creed, color, national origin, ancestry, sex, gender identity or expression, age or physical or intellectual disability.

(d) A workforce housing opportunity development project shall be scheduled for completion not more than three years after the date of approval by the Department of Housing. Each developer of a workforce housing opportunity development project shall submit to the commissioner quarterly progress reports and a final report upon completion, in a manner and form prescribed by the commissioner. If a

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workforce housing opportunity development project fails to be completed on or before three years from the date of approval of such project, or at any time the commissioner determines that a project is unlikely to be completed, the commissioner may request the Attorney General to reclaim any remaining funds contributed to the project by individuals or entities under subsection (b) of this section and, upon receipt of any such remaining funds, the commissioner shall reallocate such funds to another eligible project.

- (e) The developer shall obtain the approval of the zoning commission, as defined in section 8-13m of the general statutes, of the municipality and of any other applicable municipal agency for the proposed workforce housing opportunity development project. After all such approvals are granted, the municipality may, not later than thirty days after such approval, by vote of its legislative body or, in a municipality where the legislative body is a town meeting, by vote of the board of selectmen, designate the workforce population that forty per cent of the project shall be dedicated to. Such designation may include volunteer firefighters, teachers, police officers, emergency medical personnel or other professions of persons working in the municipality. If the municipality does not vote within such time period, the developer shall designate the workforce population.
- (f) For taxable income years commencing on or after January 1, 2025, the Commissioner of Revenue Services shall grant a credit against the tax imposed under chapter 208 or 229 of the general statutes, other than the liability imposed by section 12-707 of the general statutes, in an amount equal to the amount specified by the Commissioner of Housing in a tax credit voucher issued by the Commissioner of Housing pursuant to subsection (g) of this section.
- (g) (1) The Commissioner of Housing shall administer a system of tax credit vouchers within the resources, requirements and purposes of this section, for individuals and entities making cash contributions to an eligible developer for an eligible workforce housing opportunity development project. Such voucher may be used as a credit against the

- tax to which such individual or entity is subject under chapter 208 or 229
  of the general statutes, other than the liability imposed by section 12-707
  of the general statutes.
- 508 (2) In no event shall the total amount of all tax credits allowed to all individuals or entities pursuant to the provisions of this section exceed five million dollars in any one fiscal year.
  - (3) No tax credit shall be granted to any individual or entity for any individual amount contributed of less than two hundred fifty dollars.
    - (4) Any tax credit not used in the taxable income year during which the cash contribution was made may be carried forward or backward for the five immediately succeeding or preceding taxable or income years until the full credit has been allowed.
- 517 (5) If an entity claiming a credit under this section is an S corporation 518 or an entity treated as a partnership for federal income tax purposes, the 519 credit may be claimed by the entity's shareholders or partners. If the 520 entity is a single member limited liability company that is disregarded 521 as an entity separate from its owner, the credit may be claimed by such 522 limited liability company's owner, provided such owner is subject to the 523 tax imposed under chapter 208 or 229 of the general statutes.
  - (h) The Commissioner of Housing shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of this section, including, but not limited to, the conditions for certification of a developer applying for assistance under this section.
  - Sec. 10. Section 12-63b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023, and applicable to assessment years commencing on or after October 1, 2023*):
    - (a) The assessor or board of assessors in any town, at any time, when determining the present true and actual value of real property as provided in section 12-63, which property is used primarily for the

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purpose of producing rental income, exclusive of such property used solely for residential purposes, containing not more than six dwelling units and in which the owner resides, shall determine such value on the basis of an appraisal which shall include to the extent applicable with respect to such property, consideration of each of the following methods of appraisal: (1) Replacement cost less depreciation, plus the market value of the land, (2) capitalization of net income based on market rent for similar property, and (3) a sales comparison approach based on current bona fide sales of comparable property. The provisions of this section shall not be applicable with respect to any housing assisted by the federal or state government except any such housing for which the federal assistance directly related to rent for each unit in such housing is no less than the difference between the fair market rent for each such unit in the applicable area and the amount of rent payable by the tenant in each such unit, as determined under the federal program providing for such assistance.

- (b) In the case of an eligible workforce housing opportunity development project, as defined in section 9 of this act, the assessor shall use the capitalization of net income method based on the actual rent received for the property.
- [(b)] (c) For purposes of subdivision (2) of subsection (a) of this section and, generally, in its use as a factor in any appraisal with respect to real property used primarily for the purpose of producing rental income, the term "market rent" means the rental income that such property would most probably command on the open market as indicated by present rentals being paid for comparable space. In determining market rent the assessor shall consider the actual rental income applicable with respect to such real property under the terms of an existing contract of lease at the time of such determination.
- Sec. 11. Section 8-395 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1*, 2023):
- 566 (a) As used in this section, (1) "business firm" means any business

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entity authorized to do business in the state and subject to the corporation business tax imposed under chapter 208, or any company subject to a tax imposed under chapter 207, or any air carrier subject to the air carriers tax imposed under chapter 209, or any railroad company subject to the railroad companies tax imposed under chapter 210, or any regulated telecommunications service, express, cable or community antenna television company subject to the regulated telecommunications service, express, cable and community antenna television companies tax imposed under chapter 211, or any utility company subject to the utility companies tax imposed under chapter 212, [and] (2) "nonprofit corporation" means a nonprofit corporation incorporated pursuant to chapter 602 or any predecessor statutes thereto, having as one of its purposes the construction, rehabilitation, ownership or operation of housing and having articles of incorporation approved by the executive director of the Connecticut Housing Finance Authority in accordance with regulations adopted pursuant to section 8-79a or 8-84, (3) "workforce housing development project" or "project" means the construction or substantial rehabilitation of dwelling units for rental housing where (A) ten per cent of the units are affordable housing, (B) forty per cent of the units are rented to the workforce population designated by the developer, in consultation with the municipality where such project is located, at a rent not exceeding twenty per cent of the prevailing rent of the area where such development is located, and (C) fifty per cent of the units are rented at a market rate and includes, but is not limited to, an eligible workforce housing opportunity development project, as defined in section 9 of this act, (4) "affordable housing" means rental housing for which persons and families pay thirty per cent or less of their annual income, where such income is less than or equal to the area median income for the municipality in which such housing is located, as determined by the United States Department of Housing and Urban Development, (5) "substantial rehabilitation" means either (A) the costs of any repair, replacement or improvement to a building that exceeds twenty-five per cent of the value of such building after the completion of all such repairs, replacements or improvements, or (B) the replacement of two or more

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- of the following: (i) Roof structures, (ii) ceilings, (iii) wall or floor structures, (iv) foundations, (v) plumbing systems, (vi) heating and air conditioning systems, or (vii) electrical systems, and (6) "market rate" means the rental income that such unit would most probably command on the open market as indicated by present rentals being paid for comparable space in the area where the unit is located.
- (b) The Commissioner of Revenue Services shall grant a credit against [any] the tax [due] imposed under [the provisions of] chapter 207, 208, 209, 210, 211 or 212 in an amount equal to the amount specified by the Connecticut Housing Finance Authority in any tax credit voucher issued by said authority pursuant to subsection (c) of this section.
  - (c) The Connecticut Housing Finance Authority shall administer a system of tax credit vouchers within the resources, requirements and purposes of this section, for business firms making cash contributions to housing programs developed, sponsored or managed by a nonprofit corporation, as defined in subsection (a) of this section, which benefit low and moderate income persons or families which have been approved prior to the date of any such cash contribution by the authority, including, but not limited to, contributions for a workforce housing development project. Such vouchers may be used as a credit against any of the taxes to which such business firm is subject and which are enumerated in subsection (b) of this section. For taxable or income years commencing on or after January 1, 1998, to be eligible for approval a housing program shall be scheduled for completion not more than three years from the date of approval. For taxable or income years commencing on or after January 1, 2024, to be eligible for approval, a workforce housing development project shall be scheduled for completion not more than three years from the date of approval. Each program or developer of a workforce housing development project shall submit to the authority quarterly progress reports and a final report upon completion, in a manner and form prescribed by the authority. If a program or workforce housing development project fails to be completed [after] on or before three years from the date of approval of

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- 635 <u>the project</u>, or at any time the authority determines that a program <u>or</u> 636 <u>project</u> is unlikely to be completed, the authority may reclaim any 637 remaining funds contributed by business firms and reallocate such 638 funds to another eligible program <u>or project</u>.
- (d) No business firm shall receive a credit pursuant to both this section and chapter 228a in relation to the same cash contribution.
  - (e) Nothing in this section shall be construed to prevent two or more business firms from participating jointly in one or more programs or projects under the provisions of this section. Such joint programs or projects shall be submitted, and acted upon, as a single program or project by the business firms involved.
- (f) No tax credit shall be granted to any business firm for any individual amount contributed of less than two hundred fifty dollars.
  - (g) Any tax credit not used in the [period] <u>taxable income year</u> during which the cash contribution was made may be carried forward or backward for the five immediately succeeding or preceding <u>taxable or</u> income years until the full credit has been allowed.
  - (h) In no event shall the total amount of all tax credits allowed to all business firms pursuant to the provisions of this section exceed ten million dollars in any one fiscal year, provided, each year until the date sixty days after the date the Connecticut Housing Finance Authority publishes the list of housing programs or workforce housing development projects that will receive tax credit reservations, two million dollars of the total amount of all tax credits under this section shall be set aside for permanent supportive housing initiatives established pursuant to section 17a-485c, and one million dollars of the total amount of all tax credits under this section shall be set aside for workforce housing, as defined by the Connecticut Housing Finance Authority through written procedures adopted pursuant to subsection (k) of this section. Each year, on or after the date sixty days after the date the Connecticut Housing Finance Authority publishes the list of

- 666 housing programs <u>or projects</u> that will receive tax credit reservations, 667 any unused portion of such tax credits shall become available for any 668 housing program <u>or project</u> eligible for tax credits pursuant to this 669 section.
  - (i) No organization conducting a housing program or [programs] <u>project</u> eligible for funding with respect to which tax credits may be allowed under this section shall be allowed to receive an aggregate amount of such funding for any such program or [programs] <u>project</u> in excess of five hundred thousand dollars for any fiscal year.
  - (j) Nothing in this section shall be construed to prevent a business firm from making any cash contribution to a housing program or project to which tax credits may be applied which cash contribution may result in the business firm having a limited equity interest in the program or project.
  - (k) The Connecticut Housing Finance Authority, with the approval of the Commissioner of Revenue Services, shall adopt written procedures in accordance with section 1-121 to implement the provisions of this section. Such procedures shall include provisions for issuing tax credit vouchers for cash contributions to housing programs or projects based on a system of ranking housing programs. In establishing such ranking system, the authority shall consider the following: (1) The readiness of the project to be built; (2) use of the funds to build or rehabilitate a specific housing project or to capitalize a revolving loan fund providing low-cost loans for housing construction, repair or rehabilitation to benefit persons of very low, low and moderate income; (3) the extent the project will benefit families at or below twenty-five per cent of the area median income and families with incomes between twenty-five per cent and fifty per cent of the area median income, as defined by the United States Department of Housing and Urban Development; (4) evidence of the general administrative capability of the nonprofit corporation to build or rehabilitate housing; (5) evidence that any funds received by the nonprofit corporation for which a voucher was issued were used to accomplish the goals set forth in the application; and (6) with respect to

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- any income year commencing on or after January 1, 1998: (A) Use of the funds to provide housing opportunities in urban areas and the impact of such funds on neighborhood revitalization; and (B) the extent to which tax credit funds are leveraged by other funds.
  - (l) Vouchers issued or reserved by the Department of Housing under the provisions of this section prior to July 1, 1995, shall be valid on and after July 1, 1995, to the same extent as they would be valid under the provisions of this section in effect on June 30, 1995.
- 707 (m) The credit which is sought by the business firm shall first be claimed on the tax return for such business firm's <u>taxable</u> income <u>or</u> year during which the cash contribution to which the tax credit voucher relates was paid.
- Sec. 12. Section 29-263 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):
  - (a) Except as provided in subsection (h) of section 29-252a and the State Building Code adopted pursuant to subsection (a) of section 29-252, after October 1, 1970, no building or structure shall be constructed or altered until an application has been filed with the building official and a permit issued. Such application shall be filed in person, by mail or electronic mail, in a manner prescribed by the building official. Such permit shall be issued or refused, in whole or in part, within thirty days after the date of an application. No permit shall be issued except upon application of the owner of the premises affected or the owner's authorized agent. No permit shall be issued to a contractor who is required to be registered pursuant to chapter 400, for work to be performed by such contractor, unless the name, business address and Department of Consumer Protection registration number of such contractor is clearly marked on the application for the permit, and the contractor has presented such contractor's certificate of registration as a home improvement contractor. Prior to the issuance of a permit and within said thirty-day period, the building official shall review the plans of buildings or structures to be constructed or altered, including, but not

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limited to, plans prepared by an architect licensed pursuant to chapter 390, a professional engineer licensed pursuant to chapter 391 or an interior designer registered pursuant to chapter 396a acting within the scope of such license or registration, to determine their compliance with the requirements of the State Building Code and, where applicable, the local fire marshal shall review such plans to determine their compliance with the Fire Safety Code. Such plans submitted for review shall be in substantial compliance with the provisions of the State Building Code and, where applicable, with the provisions of the Fire Safety Code.

(b) On and after July 1, 1999, the building official shall assess an education fee on each building permit application. During the fiscal year commencing July 1, 1999, the amount of such fee shall be sixteen cents per one thousand dollars of construction value as declared on the building permit application and the building official shall remit such fees quarterly to the Department of Administrative Services, for deposit in the General Fund. Upon deposit in the General Fund, the amount of such fees shall be credited to the appropriation to the Department of Administrative Services and shall be used for the code training and educational programs established pursuant to section 29-251c and the educational programs required in subsections (a) and (b) of section 29-262. On and after July 1, 2000, the assessment shall be made in accordance with regulations adopted pursuant to subsection (d) of section 29-251c. All fees collected pursuant to this subsection shall be maintained in a separate account by the local building department. During the fiscal year commencing July 1, 1999, the local building department may retain two per cent of such fees for administrative costs incurred in collecting such fees and maintaining such account. On and after July 1, 2000, the portion of such fees which may be retained by a local building department shall be determined in accordance with regulations adopted pursuant to subsection (d) of section 29-251c. No building official shall assess such education fee on a building permit application to repair or replace a concrete foundation that has deteriorated due to the presence of pyrrhotite.

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- (c) Any municipality may, by ordinance adopted by its legislative body, exempt Class I renewable energy source projects from payment of building permit fees imposed by the municipality.
  - (d) Notwithstanding any municipal charter, home rule ordinance or special act, no municipality shall collect an application fee on a building permit application to repair or replace a concrete foundation that has deteriorated due to the presence of pyrrhotite.
- (e) Notwithstanding any municipal charter, home rule ordinance or special act, no municipality shall collect any fee for a building permit application for the construction or substantial rehabilitation of (1) an eligible workforce housing opportunity development project, as defined in section 9 of this act, or (2) a workforce housing development project, as defined in section 8-395, as amended by this act.
  - Sec. 13. (NEW) (Effective October 1, 2023, and applicable to assessment years commencing on or after October 1, 2023) The legislative body of any municipality or, in a municipality where the legislative body is a town meeting, the board of selectmen may, by ordinance, exempt from real property tax any workforce housing development project, as defined in section 8-395 of the general statutes, as amended by this act, to the extent of seventy per cent of its valuation for purposes of assessment in each of the seven full assessment years following the assessment year in which the construction or substantial rehabilitation, as defined in section 8-395 of the general statutes, as amended by this act, is completed.
  - Sec. 14. (NEW) (*Effective October 1, 2023*) (a) Beginning with the fiscal year commencing July 1, 2025, the Secretary of the Office of Policy and Management shall pay a state grant in lieu of taxes to any municipality that has opted to partially exempt from real property tax a workforce housing development project under section 13 of this act and submitted an application for such grant. A municipality shall apply for such grant annually on a form and in a manner prescribed by the secretary. On or before January first, annually, the Secretary of the Office of Policy and

Management shall determine the amount due to such municipality, in accordance with this section.

(b) Any grant payable to any municipality that applies for a grant under the provisions of this section shall be equal to seventy per cent of the property taxes that, except for any exemption applicable to any such housing authority property under the provisions of chapter 128 of the general statutes, would have been paid with respect to such exempt real property on the assessment list in such municipality for the assessment date two years prior to the commencement of the state fiscal year in which such grant is payable, for a maximum of seven assessment years. The amount of the grant payable to each municipality in any year in accordance with this section shall be reduced proportionately in the event that the total of such grants in such year exceeds the amount appropriated for the purposes of this section with respect to such year.

Sec. 15. (NEW) (Effective October 1, 2023) The Connecticut Housing Finance Authority shall develop and administer a program of mortgage assistance for (1) developers for the construction or substantial rehabilitation of eligible workforce housing opportunity development projects, as defined in section 9 of this act, and (2) developers for the construction or substantial rehabilitation of workforce housing development projects, as defined in section 8-395 of the general statutes, as amended by this act. In making mortgage assistance available under the program, the authority shall utilize any appropriate housing subsidies.

Sec. 16. (Effective from passage) The Department of Housing shall, within available appropriations, conduct a study on methods to (1) increase housing options for apprentices and other newly hired employees, and (2) enable such apprentices and other newly hired employees to reside in the municipalities in which they work. Not later than January 1, 2024, the Commissioner of Housing shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to housing. Such report shall

- include recommendations on methods to increase such housing options and any legislation necessary to implement such recommendations.
- Sec. 17. (NEW) (Effective October 1, 2023) (a) As used in this section:
- (1) "Affordable housing deed restrictions" means deed restrictions filed on the land records of the municipality, containing covenants or restrictions that require the dwelling units in a multifamily building to be sold or rented only to low-income residents;
- 836 (2) "Environmental justice community" has the same meaning as 837 provided in section 22a-20a of the general statutes;
- (3) "Family violence" has the same meaning as provided in section 46b-38a of the general statutes; and
- (4) "Low-income resident" means, after adjustments for family size, individuals or families whose income is not greater than eighty per cent of (A) the state median income, or (B) the area median income, whichever is less, for the area in which the resident resides, as determined by the United States Department of Housing and Urban Development.
  - (b) The Commissioner of Energy and Environmental Protection, in coordination with the Commissioner of Housing, shall establish a pilot program to provide grants for retrofitting projects for multifamily residences built before 1980 and located in environmental justice communities that (1) improve the energy efficiency of such residences, including, but not limited to, the installation of heat pumps, solar power generating systems, improved roofing, storm doors and windows and improved insulation, or (2) remediate health and safety concerns, such as mold, vermiculite, asbestos, lead and radon.
  - (c) On and after January 1, 2024, the Commissioner of Energy and Environmental Protection shall accept applications, in a form to be specified by the commissioner, from any owner of a residential dwelling unit for a grant under the program. Any such grant may be awarded to

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- an owner of a residential dwelling unit that is (1) subject to binding affordable housing deed restrictions, (2) not owner-occupied, and (3) occupied by a tenant, or if vacant, to be occupied by a tenant not more than one hundred eighty days after the award of such grant. If such dwelling unit is not occupied within one hundred eighty days of the award of the grant, the owner shall return any funds received by the owner under such grant to the commissioner.
  - (d) The Commissioner of Energy and Environmental Protection shall prioritize the awarding of grants for projects that benefit any resident or prospective resident who is (1) a low-income resident, (2) a veteran, (3) a victim of family violence, or (4) experiencing homelessness or who has experienced homelessness.
  - (e) The commissioner shall exclude from the program any owner of a residential dwelling unit determined by the commissioner to be in violation of chapter 830 of the general statutes.
  - (f) The commissioner shall seek to expend the funds appropriated to the Department of Energy and Environmental Protection for the pilot program equally on an annual basis for the term of the pilot program.
  - (g) On or before October 1, 2027, the commissioner shall file a report, in accordance with the provisions of section 11-4a of the general statutes, with the joint standing committee of the General Assembly having cognizance of matters relating to housing (1) analyzing the success of the pilot program, and (2) recommending whether a permanent program should be established in the state and, if so, any proposed legislation for such program.
  - (h) The pilot program established pursuant to this section shall terminate on September 30, 2028.
  - Sec. 18. (*Effective from passage*) The Commissioner of Housing shall, within available appropriations, establish a pilot program to provide temporary housing for (1) persons experiencing homelessness, or (2) veterans who need respite care. Such program shall be implemented in

- 890 not fewer than three municipalities, each with a population of not less 891 than seventy-five thousand, and shall provide not fewer than twenty 892 housing units for eligible persons who need respite care because they 893 are recovering from injury or illness. The commissioner shall establish 894 eligibility criteria for persons eligible to participate in the pilot program. 895 The commissioner may contract with one or more nonprofit 896 organizations to administer the program. Not later than January 1, 2025, 897 the commissioner shall submit a report on the pilot program, in 898 accordance with the provisions of section 11-4a of the general statutes, 899 to the joint standing committee of the General Assembly having 900 cognizance of matters relating to housing. The pilot program shall 901 terminate on January 1, 2025.
- Sec. 19. (*Effective from passage*) (a) There is established a task force to study the potential growth of affordable housing in the state through the conversion of underutilized commercial and retail properties, including, but not limited to, shopping malls, hotels and warehouses, into such housing.
- 907 (b) The task force shall consist of the following members:
- (1) Two appointed by the speaker of the House of Representatives, one of whom represents an affordable housing advocacy organization;
- 910 (2) Two appointed by the president pro tempore of the Senate, one of 911 whom represents a community development corporation;
- 912 (3) One appointed by the majority leader of the House of 913 Representatives;
- 914 (4) One appointed by the majority leader of the Senate;
- 915 (5) One appointed by the minority leader of the House of 916 Representatives, who represents retail or commercial property owners;
- 917 (6) One appointed by the minority leader of the Senate, who 918 represents a local chamber of commerce;

- 919 (7) The Commissioner of Housing, or the commissioner's designee; 920 and
- 921 (8) The Commissioner of Economic and Community Development, 922 or the commissioner's designee.
- 923 (c) Any member of the task force appointed under subdivision (1), 924 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member 925 of the General Assembly.
- 926 (d) All initial appointments to the task force shall be made not later 927 than thirty days after the effective date of this section. Any vacancy shall 928 be filled by the appointing authority.
  - (e) The speaker of the House of Representatives and the president pro tempore of the Senate shall select the chairpersons of the task force from among the members of the task force. Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section.
- 934 (f) The administrative staff of the joint standing committee of the 935 General Assembly having cognizance of matters relating to housing 936 shall serve as administrative staff of the task force.
- 937 (g) Not later than January 1, 2024, the task force shall submit a report 938 on its findings and recommendations to the joint standing committee of 939 the General Assembly having cognizance of matters relating to housing, 940 in accordance with the provisions of section 11-4a of the general statutes. 941 The task force shall terminate on the date that it submits such report or 942 January 1, 2024, whichever is later.
- 943 Sec. 20. (Effective July 1, 2023) The sum of six hundred million dollars is appropriated to the Department of Energy and Environmental Protection from the General Fund, for the fiscal year ending June 30, 946 2024, for providing grants for retrofitting projects for multifamily 947 residences pursuant to the pilot program established under section 17 948 of this act.

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This act shall take effect as follows and shall amend the following		
sections:		
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Section 1	October 1, 2023	47a-23
Sec. 2	October 1, 2023	47a-42
Sec. 3	October 1, 2023	New section
Sec. 4	October 1, 2023	47a-4(a)
Sec. 5	October 1, 2023	47a-15a
Sec. 6	October 1, 2023	47a-6a(a) and (b)
Sec. 7	October 1, 2023	New section
Sec. 8	October 1, 2023	47a-58
Sec. 9	October 1, 2023	New section
Sec. 10	October 1, 2023, and	12-63b
	applicable to assessment	
	years commencing on or	
	after October 1, 2023	
Sec. 11	October 1, 2023	8-395
Sec. 12	October 1, 2023	29-263
Sec. 13	October 1, 2023, and	New section
	applicable to assessment	
	years commencing on or	
	after October 1, 2023	
Sec. 14	October 1, 2023	New section
Sec. 15	October 1, 2023	New section
Sec. 16	from passage	New section
Sec. 17	October 1, 2023	New section
Sec. 18	from passage	New section
Sec. 19	from passage	New section
Sec. 20	July 1, 2023	New section

**HSG** Joint Favorable Subst.

APP Joint Favorable