



General Assembly

February Session, 2022

Raised Bill No. 5204

LCO No. 1660



Referred to Committee on HOUSING

Introduced by:
(HSG)

***AN ACT CONCERNING A NEEDS ASSESSMENT AND FAIR SHARE
PLANS FOR MUNICIPALITIES TO INCREASE AFFORDABLE
HOUSING.***

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

- 1 Section 1. (NEW) (*Effective July 1, 2022*) (a) As used in this section:
- 2 (1) "Affordable housing unit" means a dwelling unit conveyed by an
3 instrument containing a covenant or restriction that requires such
4 dwelling unit be sold or rented at or below a price intended to preserve
5 such unit as housing for a low income household for the municipality in
6 which such dwelling unit is located;
- 7 (2) "Commissioner" means the Commissioner of Housing;
- 8 (3) "Dwelling unit" means any house or building, or portion thereof,
9 which is occupied, is designed to be occupied, or is rented, leased or
10 hired out to be occupied, as a home or residence of one or more persons;
- 11 (4) "Low income household" means a person or family with an annual
12 income less than or equal to eighty per cent of the lesser of the state

13 median income or area median income, as determined by the United
14 States Department of Housing and Urban Development;

15 (5) "Very low income household" means a person or family whose
16 income is less than or equal to fifty per cent of the lesser of the state
17 median income or area median income, as determined by the United
18 States Department of Housing and Urban Development;

19 (6) "Extremely low income household" means a person or family with
20 an annual income less than or equal to thirty per cent of the lesser of the
21 state median income or area median income, as determined by the
22 United States Department of Housing and Urban Development;

23 (7) "Multifamily housing" means a residential building that contains
24 three or more dwelling units;

25 (8) "Municipal fair share goal" means the portion of the minimum
26 need for affordable housing units in a planning region, as determined
27 pursuant to subsection (b) of this section, that is allocated to a
28 municipality located within such planning region;

29 (9) "Municipal fair share plan" means a municipality's plan to achieve
30 its municipal fair share goal;

31 (10) "Planning region" means a planning region of the state, as
32 defined or redefined by the Secretary of the Office of Policy and
33 Management or the secretary's designee under the provisions of section
34 16a-4a of the general statutes;

35 (11) "Secretary" means the Secretary of the Office of Policy and
36 Management; and

37 (12) "Supportive housing" means affordable housing units available
38 to persons or families who qualify for assistance in accordance with
39 section 17a-485c of the general statutes.

40 (b) (1) Not later than July 1, 2024, the secretary, in consultation with
41 the commissioner and, as may be determined by the secretary, experts,

42 advocates and organizations with expertise in affordable housing, fair
43 housing and planning and zoning, shall establish a methodology for (A)
44 determining the minimum need for affordable housing units in each
45 planning region; and (B) fairly allocating such need to the municipalities
46 in each planning region to ensure adequate housing choice. Such
47 methodology shall rely on figures from the Comprehensive Housing
48 Affordability Strategy data set published by the United States
49 Department of Housing and Urban Development, or from a similar
50 source as may be determined by the secretary.

51 (2) In developing the methodology described in subdivision (1) of this
52 subsection, the secretary shall consider (A) appropriate metrics of the
53 minimum need for affordable housing units in a planning region to
54 ensure adequate housing choice, including the number of extremely low
55 income households in the planning region; and (B) appropriate factors
56 for fairly allocating such need to the municipalities within each planning
57 region, including the municipality's compliance with the requirements
58 of sections 8-2 and 8-23 of the general statutes with regard to ensuring
59 housing diversity and opportunities for multifamily housing and
60 housing affordable to low and moderate income households.

61 (3) The methodology established by the secretary pursuant to
62 subdivision (1) of this subsection shall increase the municipal fair share
63 goal of a municipality if such municipality, when compared to other
64 municipalities in the same planning region, has (A) more ratable real
65 and personal property, as reflected by its equalized net grand list,
66 calculated in accordance with the provisions of section 10-261a of the
67 general statutes, for residential, commercial, industrial, public utility
68 and vacant land; (B) a higher median income, based on data reported in
69 the most recent United States decennial census or a similar source; (C) a
70 lower percentage of its population that is below the federal poverty
71 threshold, based on data reported in such census or similar source; or
72 (D) a lower percentage of its population that lives in multifamily
73 housing, based on data reported in such census or similar source.

74 (4) (A) Not later than July 1, 2024, and every ten years thereafter, the

75 secretary, in consultation with the commissioner, shall, using the
76 methodology established pursuant to this subsection, determine the
77 minimum need for affordable housing units for each planning region
78 and a municipal fair share goal for each municipality within each
79 planning region.

80 (B) No municipal fair share goal determined pursuant to
81 subparagraph (A) of this subdivision shall exceed twenty per cent of the
82 occupied dwelling units in such municipality.

83 (c) (1) Not later than July 1, 2024, the secretary, in consultation with
84 the commissioner and, as may be determined by the secretary, experts,
85 advocates and organizations with expertise in affordable housing, fair
86 housing and planning and zoning, shall establish (A) a process by which
87 municipalities shall be required to develop, adopt, and submit to the
88 secretary and the commissioner municipal fair share plans setting forth
89 the actions the municipality will take to achieve its municipal fair share
90 goal; (B) the required contents and timing for submission of such plans;
91 (C) requirements to ensure that each municipal fair share plan provides
92 for the creation of a sufficient supply of the different types of deed-
93 restricted affordable housing required for meeting the minimum need
94 for affordable housing units to ensure adequate housing choice,
95 including sufficient allocations of (i) rental units, (ii) units that will be
96 available to families, including units with two or three, or more
97 bedrooms, (iii) units that will be affordable to very low income
98 households and extremely low income households, and (iv) supportive
99 housing units; and (D) policies ensuring that no municipal fair share
100 plan creates, in the determination of the secretary, undue concentrations
101 of households below the federal poverty threshold in the applicable
102 planning region.

103 (2) Not later than July 1, 2024, and every ten years thereafter, the
104 secretary, in consultation with the commissioner and, as may be
105 determined by the secretary, experts, advocates and organizations with
106 expertise in affordable housing, fair housing and planning and zoning,
107 shall publish and appropriately disseminate technical assistance

108 materials to aid municipalities in preparing to comply with the
109 requirements of this section and shall arrange for the provision of
110 technical assistance briefings, trainings, webinars and such other
111 guidance as the secretary deems necessary.

112 (d) Not later than January 1, 2025, and every ten years thereafter, each
113 municipality shall prepare and adopt a municipal fair share plan that
114 creates a realistic opportunity for achieving the municipality's fair share
115 goal, in accordance with the process established pursuant to subsection
116 (c) of this section.

117 Sec. 2. (NEW) (*Effective July 1, 2022*) Not later than January 1, 2026,
118 the secretary, in consultation with the commissioner and, as may be
119 determined by the secretary, experts, advocates and organizations with
120 expertise in affordable housing, fair housing and planning and zoning,
121 shall submit a report to the joint standing committees of the General
122 Assembly having cognizance of matters relating to housing and
123 planning and development, in accordance with section 11-4a of the
124 general statutes, concerning (1) implementation of the provisions of
125 section 1 of this act; (2) the status of municipalities' performance of the
126 obligations established by section 1 of this act; and (3) recommendations
127 regarding implementation, compliance and enforcement of section 1 of
128 this act, including, but not limited to, consideration of approaches used
129 in other states for implementing and ensuring compliance with similar
130 obligations.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	New section
Sec. 2	<i>July 1, 2022</i>	New section

Statement of Purpose:

To require (1) an assessment of the state-wide need for affordable housing and an allocation of such need to planning regions and municipalities, (2) the creation of affordable housing plans for each municipality, and (3) a study concerning the municipalities' performance in meeting the requirements of such plans.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]