



General Assembly

February Session, 2020

***Raised Bill No. 105***

LCO No. 1123



Referred to Committee on HOUSING

Introduced by:  
(HSG)

***AN ACT ESTABLISHING A RIGHT TO HOUSING.***

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

1 Section 1. (NEW) (*Effective October 1, 2020*) (a) There is established a  
2 right for every resident in this state to obtain adequate housing. Such  
3 right is available only insofar as it is implemented in accordance with  
4 other parts of the general statutes, state rules and regulations, federal  
5 law, the state Constitution and the United States Constitution.

6 (b) The components of such right are:

7 (1) Prevention of residents of the state from entering homelessness by  
8 providing assistance and services that include, but are not limited to,  
9 (A) payment of rent and utility arrearages, (B) legal support for  
10 residents facing eviction, and (C) connection to services that would  
11 address factors that could lead to homelessness; and

12 (2) Assistance for those residents who have become homeless by  
13 providing emergency accommodations in a clean and safe environment  
14 where such residents may stay until they can be found permanent  
15 housing, where to the extent feasible such emergency accommodations:

16 (A) Are in close proximity to the community where the residents lived  
17 previously, (B) provide access to supportive services, and (C) have no  
18 preconditions for access.

19 (c) All state agencies, as defined in section 1-79 of the general statutes,  
20 and each political subdivision of the state, shall:

21 (1) Consider the right to housing established under subsection (a) of  
22 this section and its components set forth in subsection (b) of this section  
23 when adopting or revising policies, regulations or grant criteria that  
24 implicate such right; and

25 (2) When implementing such policies, regulations or grant criteria,  
26 ensure that all residents are treated with dignity and respect to  
27 minimize the trauma of any resident experiencing or facing the prospect  
28 of homelessness.

29 Sec. 2. Section 4-166 of the general statutes is repealed and the  
30 following is substituted in lieu thereof (*Effective October 1, 2020*):

31 As used in this chapter and section 3 of this act:

32 (1) "Agency" means each state board, commission, department or  
33 officer authorized by law to make regulations or to determine contested  
34 cases, but does not include either house or any committee of the General  
35 Assembly, the courts, the Council on Probate Judicial Conduct, the  
36 Governor, Lieutenant Governor or Attorney General, or town or  
37 regional boards of education, or automobile dispute settlement panels  
38 established pursuant to section 42-181;

39 (2) "Approved regulation" means a regulation submitted to the  
40 Secretary of the State in accordance with the provisions of section 4-172;

41 (3) "Certification date" means the date the Secretary of the State  
42 certifies, in writing, that the eRegulations System is technologically  
43 sufficient to serve as the official compilation and electronic repository in  
44 accordance with section 4-173b;

45 (4) "Contested case" means a proceeding, including but not restricted  
46 to rate-making, price fixing and licensing, in which the legal rights,  
47 duties or privileges of a party are required by state statute or regulation  
48 to be determined by an agency after an opportunity for hearing or in  
49 which a hearing is in fact held, but does not include proceedings on a  
50 petition for a declaratory ruling under section 4-176, hearings referred  
51 to in section 4-168, as amended by this act, or hearings conducted by the  
52 Department of Correction or the Board of Pardons and Paroles;

53 (5) "Final decision" means (A) the agency determination in a  
54 contested case, (B) a declaratory ruling issued by an agency pursuant to  
55 section 4-176, or (C) an agency decision made after reconsideration. The  
56 term does not include a preliminary or intermediate ruling or order of  
57 an agency, or a ruling of an agency granting or denying a petition for  
58 reconsideration;

59 (6) "Hearing officer" means an individual appointed by an agency to  
60 conduct a hearing in an agency proceeding. Such individual may be a  
61 staff employee of the agency;

62 (7) "Intervenor" means a person, other than a party, granted status as  
63 an intervenor by an agency in accordance with the provisions of  
64 subsection (d) of section 4-176 or subsection (b) of section 4-177a;

65 (8) "License" includes the whole or part of any agency permit,  
66 certificate, approval, registration, charter or similar form of permission  
67 required by law, but does not include a license required solely for  
68 revenue purposes;

69 (9) "Licensing" includes the agency process respecting the grant,  
70 denial, renewal, revocation, suspension, annulment, withdrawal or  
71 amendment of a license;

72 (10) "Party" means each person (A) whose legal rights, duties or  
73 privileges are required by statute to be determined by an agency  
74 proceeding and who is named or admitted as a party, (B) who is  
75 required by law to be a party in an agency proceeding, or (C) who is

76 granted status as a party under subsection (a) of section 4-177a;

77 (11) "Person" means any individual, partnership, corporation, limited  
78 liability company, association, governmental subdivision, agency or  
79 public or private organization of any character, but does not include the  
80 agency conducting the proceeding;

81 (12) "Personal delivery" means delivery directly to the intended  
82 recipient or a recipient's designated representative and includes, but is  
83 not limited to, delivery by electronic mail to an electronic mail address  
84 identified by the recipient as an acceptable means of communication;

85 (13) "Presiding officer" means the member of an agency or the hearing  
86 officer designated by the head of the agency to preside at the hearing;

87 (14) "Proposed final decision" means a final decision proposed by an  
88 agency or a presiding officer under section 4-179;

89 (15) "Proposed regulation" means a proposal by an agency under the  
90 provisions of section 4-168, as amended by this act, for a new regulation  
91 or for a change in, addition to or repeal of an existing regulation;

92 (16) "Regulation" means each agency statement of general  
93 applicability, without regard to its designation, that implements,  
94 interprets, or prescribes law or policy, or describes the organization,  
95 procedure, or practice requirements of any agency. The term includes  
96 the amendment or repeal of a prior regulation, but does not include (A)  
97 statements concerning only the internal management of any agency and  
98 not affecting private rights or procedures available to the public, (B)  
99 declaratory rulings issued pursuant to section 4-176, or (C) intra-agency  
100 or interagency memoranda;

101 (17) "Regulation-making" means the process for formulation and  
102 adoption of a regulation;

103 (18) "Regulation-making record" means the documents specified in  
104 subsection (b) of section 4-168b, as amended by this act, and includes  
105 any other documents created, received or considered by an agency

106 during the regulation-making process; and

107 (19) "Regulations of Connecticut state agencies" means the official  
108 compilation of all permanent regulations adopted by all state agencies  
109 subsequent to October 27, 1970, organized by title number, subtitle  
110 number and section number.

111 Sec. 3. (NEW) (*Effective October 1, 2020*) (a) For the purposes of this  
112 section, "landlord" and "tenant" have the same meanings as provided in  
113 section 47a-1 of the general statutes, "housing authority" has the same  
114 meaning as provided in section 8-39 of the general statutes, "shelter" has  
115 the same meaning as "temporary shelter" in section 10-253 of the general  
116 statutes and "low-income" has the same meaning as provided in section  
117 47-300 of the general statutes. Prior to or concomitant with the posting  
118 of a notice pursuant to section 4-168 of the general statutes, as amended  
119 by this act, each agency shall prepare a housing impact and regulatory  
120 flexibility analysis in which the agency shall identify:

121 (1) The types of housing potentially affected by the proposed  
122 regulation;

123 (2) Whether housing authorities, shelters, landlords, other housing  
124 providers, low-income residential property owners or tenants, in order  
125 to comply with the proposed regulation, may be required to: (A) Create,  
126 file or issue additional reports; (B) implement additional recordkeeping  
127 procedures; (C) provide additional administrative oversight; (D) hire  
128 additional employees; (E) hire or contract with additional professionals,  
129 including, but not limited to, lawyers, accountants, engineers, auditors  
130 or inspectors; (F) purchase any product or make any capital investment;  
131 (G) conduct additional training, audits or inspections; or (H) pay  
132 additional taxes or fees;

133 (3) Whether and to what extent the agency communicated with  
134 housing authorities, shelters, landlords, other housing providers, low-  
135 income residential property owners or tenants in developing the  
136 proposed regulation and the regulatory flexibility analysis, if applicable;

137 (4) Whether and to what extent the proposed regulation provides  
138 alternative compliance methods for housing authorities, shelters,  
139 landlords, other housing providers, low-income residential property  
140 owners or tenants that will accomplish the objectives of applicable  
141 statutes while minimizing any adverse impact on housing. Such  
142 methods shall be consistent with public health, safety and welfare and  
143 may include, but not be limited to:

144 (A) The establishment of less stringent compliance or reporting  
145 requirements for housing authorities, shelters, landlords, other housing  
146 providers, low-income residential property owners or tenants;

147 (B) The establishment of less stringent schedules or deadlines for  
148 compliance or reporting requirements for housing authorities, shelters,  
149 landlords, other housing providers, low-income residential property  
150 owners or tenants;

151 (C) The consolidation or simplification of compliance or reporting  
152 requirements for housing authorities, shelters, landlords, other housing  
153 providers, low-income residential property owners or tenants;

154 (D) The establishment of performance standards for housing  
155 authorities, shelters, landlords, other housing providers or low-income  
156 residential property owners to replace design or operational standards  
157 required in the proposed regulation; and

158 (E) The exemption of housing authorities, shelters, landlords, other  
159 housing providers, low-income residential property owners or tenants  
160 from all or any part of the requirements contained in the proposed  
161 regulation.

162 (c) Prior to the adoption of any proposed regulation that may have  
163 an adverse impact on housing authorities, shelters, landlords, other  
164 housing providers, low-income residential property owners or tenants,  
165 each agency shall notify the Department of Housing and the joint  
166 standing committee of the General Assembly having cognizance of  
167 matters relating to housing of its intent to adopt the proposed

168 regulation. Said department and committee shall advise and assist  
169 agencies in complying with the provisions of this section.

170 (d) The requirements contained in this section shall not apply to  
171 emergency regulations issued pursuant to subsection (g) of section 4-  
172 168 of the general statutes; regulations that do not affect housing  
173 authorities, shelters, landlords, other housing providers or tenants  
174 directly, including, but not limited to, regulations concerning the  
175 administration of federal programs.

176 Sec. 4. Subsection (a) of section 4-168 of the general statutes is  
177 repealed and the following is substituted in lieu thereof (*Effective October*  
178 *1, 2020*):

179 (a) Except as provided in subsections (g) and (h) of this section, an  
180 agency, not less than thirty days prior to adopting a proposed  
181 regulation, shall (1) post a notice of its intended action on the  
182 eRegulations System, which notice shall include (A) a specified public  
183 comment period of not less than thirty days, (B) a description  
184 sufficiently detailed so as to apprise persons likely to be affected of the  
185 issues and subjects involved in the proposed regulation, (C) a statement  
186 of the purposes for which the regulation is proposed, (D) a reference to  
187 the statutory authority for the proposed regulation, (E) when, where  
188 and how interested persons may obtain a copy of the small business  
189 impact and regulatory flexibility analysis required pursuant to section  
190 4-168a or the housing impact and regulatory flexibility analysis required  
191 pursuant to section 3 of this act, and (F) when, where and how interested  
192 persons may present their views on the proposed regulation; (2) post a  
193 copy of the proposed regulation on the eRegulations System; (3) give  
194 notice electronically to each joint standing committee of the General  
195 Assembly having cognizance of the subject matter of the proposed  
196 regulation; (4) prior to January 1, 2017, give notice electronically or  
197 provide a paper copy notice, if requested, to all persons who have made  
198 requests to the agency for advance notice of its regulation-making  
199 proceedings; (5) provide a paper copy or electronic version of the  
200 proposed regulation to persons requesting it; and (6) prepare a fiscal

201 note, including an estimate of the cost or of the revenue impact (A) on  
202 the state or any municipality of the state, and (B) on small businesses in  
203 the state, including an estimate of the number of small businesses  
204 subject to the proposed regulation and the projected costs, including,  
205 but not limited to, reporting, recordkeeping and administrative,  
206 associated with compliance with the proposed regulation and, if  
207 applicable, the regulatory flexibility analysis prepared under section 4-  
208 168a. The governing body of any municipality, if requested, shall  
209 provide the agency, within twenty working days, with any information  
210 that may be necessary for analysis in preparation of such fiscal note. On  
211 and after January 1, 2017, each such agency shall mail a paper copy of  
212 the notice posted pursuant to subdivision (1) of this subsection, not later  
213 than five days after posting such notice, to any person who has  
214 requested advance notice of the agency's regulation-making  
215 proceedings on or after October 1, 2016.

216 Sec. 5. Subsection (b) of section 4-168b of the general statutes is  
217 repealed and the following is substituted in lieu thereof (*Effective October*  
218 *1, 2020*):

219 (b) The regulation-making record shall contain at least: (1) The  
220 agency's notice of intent to adopt regulations; (2) any written analysis  
221 prepared for the proceeding upon which the regulation is based,  
222 including the regulatory flexibility analysis required pursuant to section  
223 4-168a or section 3 of this act, if applicable; (3) all comments submitted  
224 on the proposed regulation; (4) the official transcript, if any, of  
225 proceedings upon which the regulation is based or, if not transcribed,  
226 any audio recording or stenographic record of such proceedings, and  
227 any memoranda prepared by any member or employee of the agency  
228 summarizing the contents of the proceedings; (5) all official documents  
229 relating to the regulation, including the regulation submitted to the  
230 office of the Secretary of the State in accordance with section 4-172, a  
231 statement of the principal considerations in opposition to the agency's  
232 action, and the agency's reasons for rejecting such considerations, as  
233 required pursuant to section 4-168, as amended by this act, and the fiscal  
234 note prepared pursuant to subsection (a) of section 4-168, as amended

235 by this act, and section 4-170, as amended by this act; (6) any petition for  
236 the regulation filed pursuant to section 4-174; and (7) all comments or  
237 communications between the agency and the legislative regulation  
238 review committee. No audio recording of a hearing held pursuant to  
239 section 4-168, as amended by this act, shall be posted on the  
240 eRegulations System unless the Secretary of the State confirms that such  
241 posting will not constitute a violation of any state or federal law  
242 regarding accessibility for persons with disabilities. Any audio  
243 recording of a hearing held pursuant to section 4-168, as amended by  
244 this act, that is not posted on the eRegulations System shall be  
245 maintained by the agency and made available to the public upon  
246 request. If an agency determines that any part of the regulation-making  
247 record is impractical to display or is inappropriate for public display on  
248 the eRegulations System, the agency shall describe the part omitted in a  
249 statement posted on the eRegulations System and shall maintain a copy  
250 of the omitted material readily available for public inspection at the  
251 principal office of the agency.

252 Sec. 6. Subdivision (1) of subsection (b) of section 4-170 of the general  
253 statutes is repealed and the following is substituted in lieu thereof  
254 (*Effective October 1, 2020*):

255 (b) (1) No adoption, amendment or repeal of any regulation, except a  
256 regulation issued pursuant to subsection (g) of section 4-168, shall be  
257 effective until (A) an electronic copy of the proposed regulation  
258 approved by the Attorney General, as provided in section 4-169, and an  
259 electronic copy of the regulatory flexibility analysis as provided in  
260 section 4-168a and section 3 of this act are submitted to the standing  
261 legislative regulation review committee in a manner designated by the  
262 committee, by the agency proposing the regulation, (B) the regulation is  
263 approved by the committee, at a regular meeting or a special meeting  
264 called for the purpose, and (C) a certified electronic copy of the  
265 regulation is submitted to the office of the Secretary of the State by the  
266 agency, as provided in section 4-172, and the regulation is posted on the  
267 eRegulations System by the Secretary. (2) The date of submission for  
268 purposes of subsection (c) of this section shall be the first Tuesday of

269 each month. Any regulation received by the committee on or before the  
270 first Tuesday of a month shall be deemed to have been submitted on the  
271 first Tuesday of that month. Any regulation submitted after the first  
272 Tuesday of a month shall be deemed to be submitted on the first  
273 Tuesday of the next succeeding month. (3) The form of proposed  
274 regulations which are submitted to the committee shall be as follows:  
275 New language added to an existing regulation shall be underlined;  
276 language to be deleted shall be enclosed in brackets and a new  
277 regulation or new section of a regulation shall be preceded by the word  
278 "(NEW)" in capital letters. Each proposed regulation shall have a  
279 statement of its purpose following the final section of the regulation. (4)  
280 The committee may permit any proposed regulation, including, but not  
281 limited to, a proposed regulation which by reference incorporates in  
282 whole or in part, any other code, rule, regulation, standard or  
283 specification, to be submitted in summary form together with a  
284 statement of purpose for the proposed regulation. On and after October  
285 1, 1994, if the committee finds that a federal statute requires, as a  
286 condition of the state exercising regulatory authority, that a Connecticut  
287 regulation at all times must be identical to a federal statute or regulation,  
288 then the committee may approve a Connecticut regulation that by  
289 reference specifically incorporates future amendments to such federal  
290 statute or regulation provided the agency that proposed the Connecticut  
291 regulation shall submit for approval amendments to such Connecticut  
292 regulations to the committee not later than thirty days after the effective  
293 date of such amendment, and provided further the committee may hold  
294 a public hearing on such Connecticut amendments. (5) The agency shall  
295 also provide the committee with a copy of the fiscal note prepared  
296 pursuant to subsection (a) of section 4-168, as amended by this act. At  
297 the time of submission to the committee, the agency shall submit an  
298 electronic copy of the proposed regulation and the fiscal note to (A) the  
299 Office of Fiscal Analysis which, not later than seven days after receipt,  
300 shall submit an analysis of the fiscal note to the committee; and (B) each  
301 joint standing committee of the General Assembly having cognizance of  
302 the subject matter of the proposed regulation. No regulation shall be  
303 found invalid due to the failure of an agency to submit an electronic

304 copy of the proposed regulation and the fiscal note to each committee of  
305 cognizance, provided such regulation and fiscal note have been  
306 electronically submitted to one such committee.

307 Sec. 7. Subsection (c) of section 29-252b of the general statutes is  
308 repealed and the following is substituted in lieu thereof (*Effective October*  
309 *1, 2020*):

310 (c) Prior to the adoption of the State Building Code and any  
311 amendments thereto, the State Building Inspector shall (1) post any  
312 proposed code, a statement of purpose for which the proposed code is  
313 proposed, a fiscal note associated with compliance with the proposed  
314 code prepared pursuant to section 4-168, as amended by this act, and [a]  
315 the regulatory flexibility [analysis] analyses prepared pursuant to  
316 section 4-168a and section 3 of this act on the Internet web site of the  
317 Department of Administrative Services, (2) give notice electronically to  
318 the joint standing committee of the General Assembly having  
319 cognizance of matters relating to public safety and security, (3) give  
320 notice to any person who has requested the State Building Inspector for  
321 advance notice of its proposed code adoption proceedings, (4) provide  
322 for a public comment period of forty-five days following the posting of  
323 such proposed code, fiscal note and regulatory flexibility analysis, and  
324 (5) hold a public hearing on the proposed code not less than twenty nor  
325 more than thirty-five days after such posting.

326 Sec. 8. Subsection (c) of section 29-291e of the general statutes is  
327 repealed and the following is substituted in lieu thereof (*Effective October*  
328 *1, 2020*):

329 (c) Prior to the adoption of the State Fire Prevention Code and any  
330 amendments thereto, the State Fire Marshal shall (1) post any proposed  
331 code, a statement of purpose for which the proposed code is proposed,  
332 a fiscal note associated with compliance with the proposed code  
333 prepared pursuant to section 4-168, as amended by this act, and [a] the  
334 regulatory flexibility [analysis] analyses prepared pursuant to section 4-  
335 168a and section 3 of this act on the Internet web site of the Department

336 of Administrative Services, (2) give notice electronically to the joint  
337 standing committee of the General Assembly having cognizance of  
338 matters relating to public safety and security, (3) give notice to any  
339 person who has requested the State Fire Marshal for advance notice of  
340 the proposed code adoption proceedings, (4) provide for a public  
341 comment period of forty-five days following the posting of such  
342 proposed code, fiscal note and regulatory flexibility analysis, and (5)  
343 hold a public hearing on the proposed code not less than twenty nor  
344 more than thirty-five days after such posting.

345       Sec. 9. Subsection (c) of section 29-292a of the general statutes is  
346 repealed and the following is substituted in lieu thereof (*Effective October*  
347 *1, 2020*):

348       (c) Prior to the adoption of the Fire Safety Code and any amendments  
349 thereto, the State Fire Marshal shall (1) post any proposed code, a  
350 statement of purpose for which the proposed code is proposed, a fiscal  
351 note associated with compliance with the proposed code prepared  
352 pursuant to section 4-168, as amended by this act, and [a] the regulatory  
353 flexibility [analysis] analyses prepared pursuant to section 4-168a and  
354 section 3 of this act on the Internet web site of the Department of  
355 Administrative Services, (2) give notice electronically to the joint  
356 standing committee of the General Assembly having cognizance of  
357 matters relating to public safety and security, (3) give notice to any  
358 person who has requested the State Fire Marshal for advance notice of  
359 the proposed code adoption proceedings, (4) provide for a public  
360 comment period of forty-five days following the posting of such  
361 proposed code, fiscal note and regulatory flexibility analysis, and (5)  
362 hold a public hearing on the proposed code not less than twenty nor  
363 more than thirty-five days after such posting.

364       Sec. 10. (*Effective from passage*) The Secretary of the Office of Policy  
365 and Management shall create a standard form for agencies to use when  
366 preparing a housing impact and regulatory flexibility analysis pursuant  
367 to section 3 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	New section
Sec. 2	<i>October 1, 2020</i>	4-166
Sec. 3	<i>October 1, 2020</i>	New section
Sec. 4	<i>October 1, 2020</i>	4-168(a)
Sec. 5	<i>October 1, 2020</i>	4-168b(b)
Sec. 6	<i>October 1, 2020</i>	4-170(b)(1)
Sec. 7	<i>October 1, 2020</i>	29-252b(c)
Sec. 8	<i>October 1, 2020</i>	29-291e(c)
Sec. 9	<i>October 1, 2020</i>	29-292a(c)
Sec. 10	<i>from passage</i>	New section

***Statement of Purpose:***

To establish a right to housing for all residents of the state.

*[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.]*