



General Assembly

January Session, 2021

**Raised Bill No. 6611**

LCO No. 4762



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:  
(PD)

**AN ACT CONCERNING A NEEDS ASSESSMENT AND OTHER  
POLICIES REGARDING AFFORDABLE HOUSING AND  
DEVELOPMENT.**

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

1 Section 1. (NEW) (*Effective October 1, 2021*) (a) As used in this section:

2 (1) "Affordable housing unit" means a dwelling unit conveyed by a  
3 deed containing a covenant or restriction which shall require that such  
4 dwelling unit shall be sold or rented at, or below, a price which will  
5 preserve the unit as housing for a person or family whose income is less  
6 than or equal to eighty per cent of the lesser of the state median income  
7 or area median income, as determined by the United States Department  
8 of Housing and Urban Development, for the municipality in which such  
9 dwelling unit is located;

10 (2) "Age restricted unit" means a dwelling unit whose occupancy is  
11 limited to not more than one resident under the age of fifty-five;

12 (3) "Aggrieved party" means (A) an entity seeking to develop  
13 dwelling units that would count toward the achievement of a

14 municipality's fair share goal, (B) a nonprofit organization advocating  
15 (i) for a municipality's compliance with its fair share requirements under  
16 this section, or (ii) on behalf of lower and moderate income households  
17 in a planning region, (C) an individual who would qualify for a fair  
18 share unit, or (D) a municipality in the same planning region that is (i)  
19 not required to create a fair share plan, or (ii) has received a judgment  
20 of compliance pursuant to subsection (e) of this section and is meeting  
21 relevant benchmarks;

22 (4) "Extremely low income household" means a person or family  
23 whose income is less than or equal to thirty per cent of the lesser of the  
24 state median income or area median income, as determined by the  
25 United States Department of Housing and Urban Development;

26 (5) "Fair share unit" means a dwelling unit required pursuant to this  
27 section;

28 (6) "Low income household" means a person or family whose income  
29 is less than or equal to eighty per cent of the lesser of the state median  
30 income or area median income, as determined by the United States  
31 Department of Housing and Urban Development;

32 (7) "Mobile housing voucher" means (A) a voucher issued under the  
33 federal Housing Choice Voucher Program pursuant to 42 USC 1437f(o),  
34 as amended from time to time, (B) a certificate issued under the program  
35 of rental assistance for low-income families living in privately owned  
36 rental housing pursuant to section 8-345 of the general statutes, or (C)  
37 any similar government-supported voucher program;

38 (8) "Multifamily housing" means a residence that contains three or  
39 more dwelling units;

40 (9) "Municipal fair share base" means the portion of the regional need  
41 base of a planning region or combined planning regions allocated to a  
42 municipality located within such planning region or combined planning  
43 regions;

44 (10) "Municipal fair share goal" means the number of fair share units

45 allocated to a municipality;

46 (11) "Municipal fair share plan" means a municipality's plan to  
47 achieve its fair share goal, including (A) two-year, three-year, five-year  
48 and ten-year development benchmarks, and (B) zoning regulations  
49 amended, and a plan of conservation and development updated, to  
50 achieve such municipal fair share goal;

51 (12) "Planning region" has the same meaning as provided in section  
52 4-124i of the general statutes, but excluding any;

53 (13) "Regional need base" means an allocation to a planning region,  
54 based on an assessment of the state-wide need for affordable housing,  
55 of the number of fair share units in such region;

56 (14) "Supportive housing" means affordable housing units available  
57 to persons or families that qualify for assistance in accordance with  
58 section 17a-485c of the general statutes; and

59 (15) "Very low income household" means a person or family whose  
60 income is less than or equal to fifty per cent of the lesser of the state  
61 median income or area median income, as determined by the United  
62 States Department of Housing and Urban Development.

63 (b) (1) Not later than October 1, 2022, the Secretary of the Office of  
64 Policy and Management, in consultation with the Commissioner of  
65 Housing, shall complete an assessment of the state-wide need for  
66 affordable housing and determine the regional need base for each  
67 planning region. Such determination shall be based on (A) figures from  
68 the Comprehensive Housing Affordability Strategy data set published  
69 by the United States Department of Housing and Urban Development,  
70 or from a similar data, and (B) the number of persons or families in the  
71 state who pay greater than fifty per cent of their annual income for  
72 housing, which income is less than or equal to thirty per cent of the area  
73 median income, as determined by said department.

74 (2) (A) Not later than October 1, 2022, the Secretary of the Office of  
75 Policy and Management, in consultation with the Commissioner of

76 Housing, shall determine, for each planning region, the municipal fair  
77 share base for each municipality within such planning region. Except as  
78 otherwise provided in subparagraph (B) of this subdivision, such  
79 determination shall be based on (i) such municipality's ratable assets as  
80 reflected by its equalized net grand list, computed in accordance with  
81 the provisions of section 10-261a of the general statutes, for residential,  
82 apartment, commercial, industrial, public utility and vacant land, (ii)  
83 median income differences among all municipalities in such planning  
84 region, based on data reported in the most recent United States  
85 decennial census or a similar source, (iii) the percentage of such  
86 municipality's population that is below the federal poverty threshold,  
87 based on data reported in such census or similar source, and (iv) the  
88 percentage of such municipality's population that lives in multifamily  
89 housing, based on data reported in such census or similar source.

90 (B) (i) In making any such determination, said secretary shall increase  
91 the municipal fair share base of a municipality if such municipality, in  
92 comparison to other municipalities in the same planning region, has  
93 more ratable assets, a higher median income, a lower percentage of its  
94 population that is below the federal poverty threshold or a lower  
95 percentage of its population that lives in multifamily housing.

96 (ii) If more than twenty per cent of a municipality's population is  
97 below the federal poverty threshold, said secretary shall not allocate any  
98 portion of the regional need base of a planning region to such  
99 municipality.

100 (iii) For a period of not longer than ten years after a municipality  
101 submits its municipal fair share plan to said secretary, in accordance  
102 with the provisions of subsection (d) of this section, the municipal fair  
103 share base of such municipality shall not exceed twenty per cent of the  
104 occupied dwelling units in such municipality.

105 (c) (1) The municipal fair share goal of a municipality shall be derived  
106 from the municipal fair share base determined in accordance with  
107 subsection (b) of this section.

108 (2) (A) Using the figure so derived under subdivision (1) of this  
109 subsection, each municipality shall calculate its fair share goal in  
110 accordance with the following parameters:

111 (i) At most forty per cent of fair share units may be resident-owned  
112 affordable housing units;

113 (ii) At least twenty per cent of fair share units shall be conveyed by  
114 deeds containing covenants or restrictions which shall require that such  
115 unit be sold or rented at, or below, prices which will preserve the units  
116 as housing for extremely low income households;

117 (iii) At least sixty-five per cent of fair share units shall be conveyed  
118 by deeds containing covenants or restrictions which shall require that  
119 such unit be sold or rented at, or below, prices which will preserve the  
120 units as housing for very low income households;

121 (iv) At most fifteen per cent of rental fair share units may be age  
122 restricted units;

123 (v) At least forty per cent of rental fair share units described in  
124 subparagraphs (A)(ii) to (A)(iv), inclusive, of this subdivision shall  
125 contain two or more bedrooms;

126 (vi) At least twenty-five per cent of rental fair share units described  
127 in subparagraphs (A)(ii) to (A)(iv), inclusive, of this subdivision shall  
128 contain three or more bedrooms;

129 (vii) At most ten per cent of fair share units described in  
130 subparagraphs (A)(i) to (A)(iv), inclusive, of this subdivision may be  
131 studio or efficiency dwelling units; and

132 (viii) A substantial portion of fair share units shall be located outside  
133 of census tracts in which the percentage of the population that is below  
134 the federal poverty threshold is higher than the percentage of such  
135 population in such municipality.

136 (B) For each development of fair share units described in

137 subparagraph (A) of this subdivision, such municipality shall (i) require  
138 that the entity developing such fair share units, or the management  
139 company of such units, submit to the municipality and the  
140 Commissioner of Housing an affirmative marketing plan that complies  
141 with the provisions of subsection (b) of section 8-37ee of the general  
142 statutes and any related regulations, and (ii) set forth the process by  
143 which such municipality shall verify that such affirmative marketing  
144 plan is carried out.

145 (3) In addition to fair share units counted in accordance with the  
146 provisions of subdivision (2) of this subsection, fair share units may also  
147 be counted in accordance with the following standards:

148 (A) Each bedroom in a permanent supportive dwelling unit that is  
149 not age restricted shall be equivalent to one fair share unit;

150 (B) Each bedroom in a rental dwelling unit that (i) is conveyed by a  
151 deed containing covenants or restrictions which shall require that such  
152 unit be sold or rented at, or below, a price which will preserve the unit  
153 as housing for extremely low income households, (ii) is not age  
154 restricted, and (iii) contains two or more bedrooms, shall be equivalent  
155 to one fair share unit; and

156 (C) Each bedroom in a rental dwelling unit that (i) is conveyed by a  
157 deed containing covenants or restrictions which shall require that such  
158 unit be sold or rented at, or below, a price which will preserve the unit  
159 as housing for very low income households, (ii) is not age restricted, and  
160 (iii) contains two or more bedrooms, shall be equivalent to three-fourths  
161 of a fair share unit.

162 (4) No tenant-based government housing vouchers may be used by a  
163 municipality to achieve its municipal fair share goal.

164 (5) The municipal fair share goal of each municipality shall be  
165 recalculated every ten years in accordance with the provisions of  
166 subsection (b) of this section.

167 (d) (1) (A) Not later than October 1, 2023, each municipality in a

168 planning region to which the Secretary of the Office of Policy and  
169 Management has allocated any portion of the regional need base of such  
170 planning region shall submit to said secretary and the Commissioner of  
171 Housing the municipal fair share plan for such municipality. Any such  
172 submitted municipal fair share plan shall be considered complete only  
173 if it includes a copy of both the municipality's zoning regulations  
174 amended, and such municipality's plan of conservation and  
175 development updated, in accordance with the provisions of title 8 of the  
176 general statutes, to reflect changes necessary for such municipal fair  
177 share plan to create a realistic opportunity, as described in this  
178 subdivision, to achieve the municipal fair share goal of such  
179 municipality.

180 (B) The municipal fair share plan of a municipality shall not be  
181 considered to create a realistic opportunity for the achievement of the  
182 municipal fair share goal of such municipality unless:

183 (i) In the case of any development of housing affordable to persons  
184 and families of low and moderate income, such municipal fair share  
185 plan (I) requires that such development be proposed on a site that can  
186 actually be developed, is not subject to any deed restriction, historic  
187 district regulation or inland wetlands regulation and is not already  
188 occupied, absent an agreement to move an existing use, and (II)  
189 proposes a percentage of fair share units that is economically feasible;

190 (ii) In the case of any other development, such municipal fair share  
191 plan provides for funding by such municipality if other housing  
192 subsidies are not available; and

193 (iii) Such municipal fair share plan includes two-year, three-year,  
194 five-year and ten-year development benchmarks that, at least eighteen  
195 months before any such benchmark is to be met, (I) designate specific  
196 parcels within the municipality for affordable housing development, (II)  
197 specify the income targeting of any such development, and (III) identify  
198 the entity so developing any such parcel.

199 (2) (A) Each entity developing fair share units, or the management

200 company for such units, shall submit to the municipality and the  
201 Commissioner of Housing an affirmative marketing plan, as required  
202 by such municipality under subparagraph (B) of subdivision (2) of  
203 subsection (c) of this section. Not later than one month after receipt of  
204 such submission, said commissioner shall conspicuously post on the  
205 Internet web site of the Department of Housing such affirmative  
206 marketing plan.

207 (B) Each entity developing fair share units, or the management  
208 company for such units, shall certify to the municipality and the  
209 Commissioner of Housing, every two years, the income of the residents  
210 of such fair units. Each municipality shall review such certifications to  
211 monitor progress toward the achievement of the municipal fair share  
212 goal of such municipality.

213 (C) The Commissioner of Housing shall, at least once every five years,  
214 conduct a random audit of each municipality's fair share units to  
215 determine whether the procedures set forth in the affirmative marketing  
216 plan for each development in such municipality are effective and  
217 whether the certifications of income are accurate. Said commissioner  
218 shall publish the findings of each such audit on the Internet web site of  
219 the Department of Housing.

220 (D) In the case of (i) an entity developing fair share units, the  
221 management company for such units or a municipality failing to comply  
222 with the provisions of this subdivision, or (ii) a showing that the  
223 certifications described in subparagraph (B) of this subdivision are  
224 inaccurate, the municipal fair share plan of such municipality shall be  
225 deemed out of compliance with the provisions of this section and such  
226 municipality shall not be entitled to the protections under subsection (e)  
227 of this section.

228 (e) (1) (A) A municipality that has timely submitted its complete  
229 municipal fair share plan to the Secretary of the Office of Policy and  
230 Management in accordance with the provisions of subparagraph (A) of  
231 subdivision (1) of subsection (d) of this section may bring an action in  
232 the superior court for the judicial district of Hartford, on the land use



233 litigation docket, for a finding that the municipal fair share plan of such  
234 municipality creates a realistic opportunity for the achievement of the  
235 municipal fair share goal of such municipality in ten or fewer years and  
236 a judgment determining that such municipality is in compliance with  
237 the provisions of this section, in accordance with the provisions of  
238 subdivision (3) of this subsection. An aggrieved party may file a motion  
239 to intervene in any such action and oppose such a determination if such  
240 aggrieved party believes that the municipal fair share plan of such  
241 municipality does not create such a realistic opportunity.

242 (B) If the court makes a finding that the municipal fair share plan of  
243 such municipality creates a realistic opportunity for the achievement of  
244 the municipal fair share goal of such municipality and enters a judgment  
245 determining that such municipality is in compliance with the provisions  
246 of this section, such municipality shall be immune from the provisions  
247 of subdivision (2) of this subsection and subsection (f) of this section for  
248 ten years or for the duration of such municipal fair share plan, subject  
249 to the provisions of subparagraph (C) of this subdivision. Any such  
250 judgment by the court shall require that such municipality submit  
251 reports, at least annually, to both the court for entry on the docket of the  
252 matter and the Secretary of the Office of Policy and Management. Each  
253 such report shall set forth all material facts concerning such  
254 municipality's progress toward fulfilling the requirements of its  
255 municipal fair share plan according to the benchmarks described in  
256 subparagraph (B)(iii) of subdivision (1) of subsection (d) of this section.  
257 The municipality shall publish each such report on its Internet web site  
258 and, upon receipt of such submission, said secretary shall also publish  
259 such report on the Internet web site of such office.

260 (C) Notwithstanding the court's entry of a judgment of compliance  
261 pursuant to subparagraph (B) of this subdivision, such court shall  
262 continue to exercise jurisdiction over the matter (i) to receive and  
263 consider reports submitted by the municipality under said subdivision,  
264 (ii) to hear any motion brought by an aggrieved party that such  
265 municipality has failed to fulfill the requirements of its municipal fair  
266 share plan according to the benchmarks described in subparagraph

267 (B)(iii) of subdivision (1) of subsection (d) of this section or otherwise  
268 materially failed to comply with such municipal fair share plan, to  
269 adjudicate any such motion and to order such relief as such court deems  
270 appropriate to ensure prompt compliance with the provisions of this  
271 section and remedy any such failure, and (iii) to grant an extension of  
272 not more than ten years to a municipality, in accordance with the  
273 provisions of subparagraph (A) of subdivision (4) of this subsection, for  
274 the purpose of fulfilling such requirements, when such court finds the  
275 interests of justice so require.

276 (2) (A) In the case of a municipality that has timely submitted its  
277 complete municipal fair share plan to the Secretary of the Office of  
278 Policy and Management in accordance with the provisions of  
279 subparagraph (A) of subdivision (1) of subsection (d) of this section and  
280 for which a judgment of compliance has not been entered pursuant to  
281 subparagraph (B) of subdivision (1) of this section, or has not been  
282 sought by such municipality, any aggrieved party may bring an action  
283 in the superior court for the judicial district of Hartford, on the land use  
284 litigation docket, for a finding that the municipal fair share plan of such  
285 municipality does not create a realistic opportunity for the achievement  
286 of the municipal fair share goal of such municipality in ten or fewer  
287 years and a judgment determining that such municipality is not in  
288 compliance with the provisions of this section.

289 (B) (i) If such court finds that such municipal fair share plan does not  
290 create such a realistic opportunity, such court shall enter a judgment of  
291 noncompliance with the provisions of this section and order such relief  
292 as provided in subparagraph (C) of subdivision (4) of this subsection.

293 (ii) If such court finds that such municipal fair share plan creates such  
294 a realistic opportunity, such court shall enter a judgment of compliance  
295 with the provisions of this section and shall continue to exercise  
296 jurisdiction over the matter pursuant to subparagraph (C) of  
297 subdivision (1) of this section.

298 (3) In determining that a municipality is in compliance with the  
299 provisions of this section, the court shall consider the following indicia

300 of whether the municipal fair share plan of such municipality creates a  
301 realistic opportunity for the achievement of its municipal fair share goal  
302 during the ten-year period following the submission of such municipal  
303 fair share plan to the Secretary of the Office of Policy and Management,  
304 or such alternative time period as the court may authorize pursuant to  
305 this section:

306 (A) Substantial evidence of the realistic potential for the development  
307 of the number of fair share units in such municipality necessary to  
308 achieve its municipal fair share goal;

309 (B) Bona fide amendments to zoning regulations, including, but not  
310 limited to, the adoption of inclusionary zoning provisions, as described  
311 in section 8-2i of the general statutes, and other changes to policies and  
312 procedures that create a realistic opportunity for the development of fair  
313 share units required under the municipal fair share base;

314 (C) A preponderance of evidence that such regulations, policies and  
315 procedures demonstrate realistic potential for the development of  
316 affordable housing;

317 (D) Memoranda of understanding or other similar agreements  
318 between such municipality and any entity seeking to develop affordable  
319 housing within such municipality, which memoranda or agreements  
320 identify (i) specific parcels to be developed, and (ii) detailed  
321 affordability components and number of bedrooms to be counted as fair  
322 share units;

323 (E) Memoranda of understanding or other similar agreements  
324 between such municipality and any entity seeking to develop affordable  
325 housing within such municipality, which memoranda or agreements  
326 concern the transfer of municipally owned property;

327 (F) Applications submitted by entities seeking to develop affordable  
328 housing in such municipality for the federal Low Income Housing Tax  
329 Credit program under 26 USC 42, as amended from time to time, or  
330 other state or federal affordable housing funding sources, as well as

331 evidence of such municipality's support, including any zoning  
332 approval, for any such application;

333 (G) Efforts by the municipality to secure funding to expand sewer  
334 and other infrastructure related to the development of affordable  
335 housing, including, but not limited to, grant applications and bonding  
336 measures;

337 (H) A finding by the Commissioner of Housing through a random  
338 audit conducted pursuant to subparagraph (C) of subdivision (2) of  
339 subsection (c) of this section that entities seeking to develop affordable  
340 housing in such municipality are operating under current and effective  
341 affirmative marketing plans;

342 (I) Evidence of such municipality's commitment of municipally  
343 owned property and other municipal resources to support the  
344 achievement of the municipal fair share goal of such municipality; and

345 (J) Any provision of the municipal fair share plan of such  
346 municipality, or any other evidence, that such court may deem relevant  
347 in making the determination under this subdivision.

348 (4) (A) (i) In any action brought under this subsection for a  
349 determination of a municipality's compliance with this section, the court  
350 may grant an extension of not more than ten years beyond the duration  
351 of the municipal fair share plan of such municipality if such  
352 municipality demonstrates that creating a realistic opportunity to  
353 achieve its municipal fair share goal would be infeasible without  
354 substantial additional infrastructure, not including for public  
355 transportation that would be required to avoid risks to public health or  
356 address objectively verifiable physical infeasibility. The municipality  
357 shall demonstrate the infeasibility of creating such a realistic  
358 opportunity with specific evidence of any such risk or physical  
359 infeasibility.

360 (ii) In any action brought under this subsection for a determination  
361 of a municipality's compliance with this section, the court may grant a

362 reduction in the municipal fair share goal of such municipality if such  
363 municipality establishes by clear and convincing scientific expert  
364 evidence that (I) such reduction is necessary due to topographical  
365 concerns or in order to protect extraordinary natural resources, and (II)  
366 an extension beyond the duration of the municipal fair share plan of  
367 such municipality would not be sufficient to address such topographical  
368 concerns or risk to such natural resources.

369 (B) In any action brought under this subsection for a determination  
370 of a municipality's compliance with this section, such municipality shall  
371 bear the burden of establishing that its municipal fair share plan satisfies  
372 the standard set forth in subparagraph (B) of subdivision (1) of  
373 subsection (d) of this section.

374 (C) In any action brought under this subsection for a determination  
375 of a municipality's compliance with this section, or on motion filed  
376 under subparagraph (A) of subdivision (1) of subsection (e) of this  
377 section, if the court finds that the municipal fair share plan of a  
378 municipality fails to satisfy the standard set forth in subparagraph (B)  
379 of subdivision (1) of subsection (d) of this section, (i) such court may  
380 order payment of the aggrieved party's attorneys' costs and fees and  
381 such other relief as such court deems appropriate to ensure prompt  
382 compliance with this section and remedy any such failure, (ii) in the case  
383 of an aggrieved party described under subparagraph (A) of subdivision  
384 (3) of subsection (a) of this section, such court may issue an order  
385 requiring that such municipality's planning commission, zoning  
386 commission or combined planning and zoning commission, as  
387 applicable, grant approval to allow a development to proceed, unless  
388 such municipality demonstrates to the court, and such court finds, that  
389 such development would present a significant risk to public health or  
390 safety and could not be reasonably modified to avoid such risk, and (iii)  
391 such court shall continue to exercise jurisdiction over the matter to  
392 enforce any judgment or order of such court and receive and consider  
393 any reports that such court may require such municipality to submit.

394 (f) (1) In the case of a municipality that fails to submit a municipal fair

395 share plan to the Secretary of the Office of Policy and Management, in  
396 accordance with the provisions of subsection (d) of this section, such  
397 municipality shall not be eligible to receive a certificate of affordable  
398 housing completion under subdivision (4) of subsection (l) of section 8-  
399 30g of the general statutes until not less than two years after the  
400 submission of such municipal fair share plan.

401 (2) (A) Any aggrieved party may bring an action in the superior court  
402 for the judicial district of Hartford, on the land use litigation docket, for  
403 a judgment determining that a municipality is not in compliance with  
404 the provisions of this section and an order of such relief as such court  
405 deems appropriate to ensure prompt compliance with the provisions of  
406 this section, including, but not limited to, temporary provisional relief,  
407 prompt creation and submission of a municipal fair share plan that  
408 complies with the provisions of this section and the appointment of an  
409 independent qualified expert or experts to create a municipal fair share  
410 plan for such municipality. If such aggrieved party is successful in any  
411 such action, such aggrieved party shall be awarded any attorneys' costs  
412 and fees, including, but not limited to, the costs of appellate review,  
413 remands or other judicial proceedings, as well as any monetary losses  
414 attributable to such municipality's failure to create and a municipal fair  
415 share plan.

416 (B) An aggrieved party described under subparagraph (A) of  
417 subdivision (3) of subsection (a) of this section may file an application  
418 with the superior court for the judicial district of Hartford, on the land  
419 use litigation docket, for an approval to allow a development to proceed.  
420 If, on such application, the court finds that (i) such development is not  
421 age restricted, (ii) at least fifteen per cent of the dwelling units in such  
422 development are affordable to very low income households, (iii) at least  
423 forty per cent of such affordable dwelling units have two or more  
424 bedrooms, and (iv) at least twenty-five per cent of such affordable  
425 dwelling units have three or more bedrooms, such court may order that  
426 such municipality's zoning commission, planning commission or  
427 combined planning and zoning commission, as applicable, grant  
428 approval to allow such development to proceed, unless such

429 municipality demonstrates that such development would present a  
430 significant risk to public health or safety and could not be reasonably  
431 modified to avoid such risk.

432 (g) (1) Except as provided in subdivision (2) of this section, whenever  
433 the Secretary of the Office of Policy and Management or the  
434 Commissioner of Housing, or both, fail to perform any duty required of  
435 said secretary or commissioner, as applicable, under the provisions of  
436 this section, any aggrieved party described under subparagraphs (A) to  
437 (C), inclusive, of subdivision (2) of subsection (a) of this section may  
438 bring an action in the superior court for the judicial district of Hartford,  
439 on the land use litigation docket, for an order (A) that said secretary or  
440 commissioner, as applicable, comply with the provisions of this section,  
441 and (B) of such relief as such court deems necessary or appropriate to  
442 ensure prompt compliance with the provisions of this section, including,  
443 but not limited to, permanent or temporary provisional relief and  
444 attorneys' costs and fees.

445 (2) In the case of any action brought pursuant to subdivision (1) of  
446 this subsection in which multiple aggrieved parties described under  
447 subparagraph (B) of subdivision (2) of subsection (a) of this section file  
448 motions to intervene in such action, the court may limit the number of  
449 intervenors in such action if such court makes a finding on the record  
450 that such intervenor or intervenors adequately represent the public  
451 interest and the interests of lower and moderate income households in  
452 a planning region.

453 (h) (1) In the case of a municipality for which the municipal fair share  
454 base has been reduced, other than in accordance with the provisions of  
455 subparagraph (B)(iii) of subdivision (2) of subsection (b) of this section,  
456 the number of fair share units represented by such reduction shall be  
457 allocated to each other municipality in the same planning region in  
458 proportion to the regional need base excluding the municipality for  
459 which the municipal fair share base has been reduced.

460 (2) (A) Any need for fair share units identified through the  
461 assessment completed by the Secretary of the Office of Policy and

462 Management, in consultation with the Commissioner of Housing,  
463 pursuant to subdivision (1) of subsection (b) of this section that is unmet  
464 after the allocation of such units to municipalities shall be met by the  
465 state through (i) the issuance of new mobile housing vouchers to  
466 address half of such unmet need, and (ii) the offering of subsidies for  
467 the construction of new affordable housing in which thirty per cent of  
468 the dwelling units are affordable to very low income households.

469 (B) (i) Only dwelling units affordable to very low income households  
470 may count toward the state's new construction obligation under  
471 subparagraph (A) of this subdivision. Dwelling units constructed under  
472 said subparagraph shall not be age restricted and may be resident-  
473 owned affordable housing units.

474 (ii) For any new construction under subparagraph (A) of this  
475 subdivision, an entity seeking to develop affordable housing in a  
476 municipality may file an application with the superior court for the  
477 judicial district of Hartford, on the land use litigation docket, for an  
478 approval to allow a development to proceed. If, on such application,  
479 such court finds such development furthers the purposes of this section,  
480 such court may issue an order requiring that such municipality's zoning  
481 commission, planning commission or combined planning and zoning  
482 commission, as applicable, grant approval to allow such development  
483 to proceed.

484 (C) (i) The state shall appropriate funds, at levels above current  
485 funding and over ten-year periods, for mobile housing vouchers and  
486 construction subsidies described in subparagraph (A) of this  
487 subdivision, except that federal moneys, over and above current  
488 allocations, may be directed toward providing funding for such  
489 vouchers and subsidies.

490 (ii) No such construction subsidy described in subparagraph (A) of  
491 this subdivision may be used (I) within a municipality in which twenty  
492 per cent or more of such municipality's population is below the federal  
493 poverty threshold, or (II) within a census tract in which the percentage  
494 of the population that is below the federal poverty threshold is higher



495 than the percentage of such population in the state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	New section

**Statement of Purpose:**

To provide for (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 planning and zoning goals for each municipality, (3) the implementation schedule for such goals, (4) enforcement of such goals, and (5) state support to meet affordable housing needs beyond those met through such goals.

*[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.]*