



House of Representatives

General Assembly

File No. 229

February Session, 2022

Substitute House Bill No. 5209

House of Representatives, March 31, 2022

The Committee on Housing reported through REP. WILLIAMS of the 100th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING HOUSING AUTHORITY JURISDICTION.

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

1 Section 1. Section 8-39 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2022*):

3 The following terms, wherever used or referred to in this chapter,
4 [shall] have the following respective meanings, unless a different
5 meaning clearly appears from the context:

6 [(a)] (1) "Area of operation" [includes the municipality in which a
7 housing authority is created under the provisions of this chapter and
8 may include a neighboring municipality, provided the governing body
9 of such neighboring municipality agrees by proper resolution to the
10 extension of the area of operation to include such neighboring
11 municipality] means a municipal area of operation and, if adopted by a
12 housing authority, includes an expanded area of operation.

13 [(b)] (2) "Authority" or "housing authority" means any of the public

14 corporations created by section 8-40, as amended by this act, and the
15 Connecticut Housing Authority when exercising the rights, powers,
16 duties or privileges of, or subject to the immunities or limitations of,
17 housing authorities pursuant to section 8-121.

18 [(c)] (3) "Bonds" means any bonds, including refunding bonds, notes,
19 interim certificates, debentures or other obligations issued by the
20 authority pursuant to this chapter.

21 [(d)] (4) "Clerk" means the clerk of the particular city, borough or
22 town for which a particular housing authority is created.

23 (5) "Eligible developer" or "developer" means (A) a nonprofit
24 corporation; (B) any business corporation incorporated pursuant to
25 chapter 601 or any predecessor statutes thereto, having as one of its
26 purposes the construction, rehabilitation, ownership or operation of
27 housing, and having its articles of incorporation approved by the
28 Commissioner of Housing in accordance with regulations adopted
29 pursuant to section 8-79a or 8-84; (C) any partnership, limited
30 partnership, joint venture, trust, limited liability company or association
31 having as one of its purposes the construction, rehabilitation, ownership
32 or operation of housing, and having basic documents of organization
33 approved by the commissioner in accordance with regulations adopted
34 pursuant to section 8-79a or 8-84; (D) a housing authority; (E) a family
35 or person approved by the commissioner as qualified to own, construct,
36 rehabilitate, manage and maintain housing under a mortgage loan made
37 or insured under an agreement entered into pursuant to the provisions
38 of this chapter; or (F) a municipal developer.

39 (6) "Expanded area of operation" means an area in a municipality
40 adopted by a housing authority under section 8-40, as amended by this
41 act, other than the municipality in which the housing authority is
42 located.

43 [(e)] (7) "Families of low income" means families who lack the amount
44 of income which is necessary, as determined by the authority
45 undertaking the housing project, to enable them, without financial

46 assistance, to live in decent, safe and sanitary dwellings, without
47 overcrowding.

48 [(f)] (8) "Families of low and moderate income" means families who
49 lack the amount of income which is necessary, as determined by the
50 Commissioner of Housing, to enable them to rent or purchase moderate
51 cost housing without financial assistance as provided by this part and
52 parts II and III of this chapter.

53 (9) "Family" means a household consisting of one or more persons.

54 [(g)] (10) "Federal government" includes the United States of
55 America, the federal emergency administration of public works or any
56 other agency or instrumentality, corporate or otherwise, of the United
57 States of America.

58 [(h)] (11) "Governing body" means, for towns having a town council,
59 the council; for other towns, the selectmen; for cities, the common
60 council or other similar body of officials; and for boroughs, the warden
61 and burgesses.

62 [(i)] (12) "Housing project" means any work or undertaking [(1)] (A)
63 to demolish, clear or remove buildings from any slum area, which work
64 or undertaking may embrace the adaptation of such area to public
65 purposes, including parks or other recreational or community purposes;
66 or [(2)] (B) to provide decent, safe and sanitary urban or rural dwellings,
67 apartments or other living accommodations for families of low or
68 moderate income, which work or undertaking may include buildings,
69 land, equipment, facilities and other real or personal property for
70 necessary, convenient or desirable appurtenances, streets, sewers, water
71 service, parks, site preparation, gardening, administrative, community,
72 recreational, commercial or welfare purposes and may include the
73 acquisition and rehabilitation of existing dwelling units or structures to
74 be used for moderate or low rental units; or [(3)] (C) to accomplish a
75 combination of the [foregoing] purposes listed in subparagraphs (A)
76 and (B) of this subdivision. The term "housing project" also may [be
77 applied to] include the planning of the buildings and improvements, the

78 acquisition of property, the demolition of existing structures, the
79 construction, reconstruction, alteration and repair of the improvements
80 and all other work in connection therewith and may include the
81 reconstruction, rehabilitation, alteration, or major repair of existing
82 buildings or improvements which were undertaken pursuant to parts II
83 and VI of this chapter.

84 [(j)] (13) "Mayor" means, for cities, the mayor and, for boroughs, the
85 warden.

86 [(k)] (14) "Moderate rental" means a rental which, as determined by
87 an authority with the concurrence of the Commissioner of Housing, is
88 below the level at which private enterprise is currently building a
89 needed volume of safe and sanitary dwellings for rental in the locality
90 involved; and "moderate rental housing project" means a housing
91 project, receiving state aid in the form of loans or grants, for families
92 unable to pay more than moderate rental. Such project may include the
93 reconstruction, rehabilitation, alteration, or major repair of existing
94 buildings or improvements which were undertaken pursuant to parts II
95 or VI of this chapter.

96 (15) "Mortgage" means a mortgage deed, deed of trust or other
97 instrument which constitutes a lien, whether first or second, on real
98 estate or on a leasehold under a lease having a remaining term, at the
99 time such mortgage is acquired, which does not expire for at least that
100 number of years beyond the maturity date of the obligation secured by
101 such mortgage as is equal to the number of years remaining until the
102 maturity date of such obligation.

103 (16) "Municipal area of operation" includes the municipality in which
104 a housing authority is created under the provisions of this chapter and
105 may include any other municipality, as provided in section 8-40, as
106 amended by this act.

107 (17) "Municipal developer" means a municipality which has not
108 declared by resolution a need for a housing authority pursuant to
109 section 8-40, as amended by this act, acting by and through its legislative

110 body, except that in any town in which a town meeting or representative
111 town meeting is the legislative body, "municipal developer" means the
112 board of selectmen if such board is authorized to act as the municipal
113 developer by the town meeting or representative town meeting.

114 [(l)] (18) "Municipality" means any city, borough or town. "The
115 municipality" means the particular municipality for which a particular
116 housing authority is created.

117 (19) "Nonprofit corporation" means a nonprofit corporation
118 incorporated pursuant to chapter 602 or any predecessor statutes
119 thereto, having as one of its purposes the construction, rehabilitation,
120 ownership or operation of housing and having articles of incorporation
121 approved by the Commissioner of Housing in accordance with
122 regulations adopted pursuant to section 8-79a or 8-84.

123 [(m)] (20) "Obligee of the authority" or "obligee" includes any
124 bondholder, trustee or trustees for any bondholders, or lessor demising
125 to the authority property used in connection with a housing project, or
126 any assignee or assignees of such lessor's interest or any part thereof,
127 and the state or federal government when it is a party to any contract
128 with the authority.

129 [(n)] (21) "Real property" includes all lands, including improvements
130 and fixtures thereon, and property of any nature appurtenant thereto,
131 or used in connection therewith, and every estate, interest and right,
132 legal or equitable, therein, including terms for years and liens by way of
133 judgment, mortgage or otherwise and the indebtedness secured by such
134 liens.

135 [(o)] (22) "Rent" means the entire amount paid to an authority for any
136 dwelling unit.

137 [(p)] (23) "Shelter rent" means rent less any charges made by an
138 authority for water, heat, gas and electricity.

139 [(q)] (24) "Slum" means any area where dwellings predominate
140 which, by reason of dilapidation, overcrowding, faulty arrangement or

141 design, lack of ventilation, light or sanitary facilities, or any combination
142 of these factors, are detrimental to safety, health and morals.

143 [(r)] (25) "State public body" means any city, borough, town,
144 municipal corporation, district or other subdivision of the state.

145 [(s)] (26) "Veteran" has the meaning assigned by section 27-103 and
146 includes any officer of the United States Public Health Service detailed
147 by proper authority to duty with any of the armed forces and the spouse
148 or widow or widower of such veteran, provided such veteran shall have
149 served for a period of ninety days or more in time of war after December
150 7, 1941, and shall have resided in this state at any time continuously for
151 two years.

152 [(t)] "Family" means a household consisting of one or more persons.

153 (u) "Eligible developer" or "developer" means (1) a nonprofit
154 corporation; (2) any business corporation incorporated pursuant to
155 chapter 601 or any predecessor statutes thereto, having as one of its
156 purposes the construction, rehabilitation, ownership or operation of
157 housing, and having articles of incorporation approved by the
158 commissioner in accordance with regulations adopted pursuant to
159 section 8-79a or 8-84; (3) any partnership, limited partnership, joint
160 venture, trust, limited liability company or association having as one of
161 its purposes the construction, rehabilitation, ownership or operation of
162 housing, and having basic documents of organization approved by the
163 commissioner in accordance with regulations adopted pursuant to
164 section 8-79a or 8-84; (4) a housing authority; (5) a family or person
165 approved by the commissioner as qualified to own, construct,
166 rehabilitate, manage and maintain housing under a mortgage loan made
167 or insured under an agreement entered into pursuant to the provisions
168 of this chapter; or (6) a municipal developer.

169 (v) "Mortgage" means a mortgage deed, deed of trust, or other
170 instrument which shall constitute a lien, whether first or second, on real
171 estate or on a leasehold under a lease having a remaining term, at the
172 time such mortgage is acquired, which does not expire for at least that

173 number of years beyond the maturity date of the obligation secured by
174 such mortgage as is equal to the number of years remaining until the
175 maturity date of such obligation.

176 (w) "Nonprofit corporation" means a nonprofit corporation
177 incorporated pursuant to chapter 602 or any predecessor statutes
178 thereto, having as one of its purposes the construction, rehabilitation,
179 ownership or operation of housing and having articles of incorporation
180 approved by the Commissioner of Housing in accordance with
181 regulations adopted pursuant to section 8-79a or 8-84.

182 (x) "Municipal developer" means a municipality, as defined in
183 subsection (l) of this section, which has not declared by resolution a need
184 for a housing authority pursuant to section 8-40, acting by and through
185 its legislative body, except that in any town in which a town meeting or
186 representative town meeting is the legislative body, "municipal
187 developer" means the board of selectmen if such board is authorized to
188 act as the municipal developer by the town meeting or representative
189 town meeting.]

190 Sec. 2. Section 8-40 of the general statutes is repealed and the
191 following is substituted in lieu thereof (*Effective October 1, 2022*):

192 (a) In each municipality of the state there is created a public body
193 corporate and politic to be known as the "housing authority" of the
194 municipality; provided such authority shall not transact any business or
195 exercise its powers [hereunder] under this section until the governing
196 body of the municipality by resolution declares that there is need for a
197 housing authority in the municipality, provided it shall find [(1)] that (1)
198 insanitary or unsafe inhabited dwelling accommodations exist in the
199 municipality, [or] (2) [that] there is a shortage of safe or sanitary
200 dwelling accommodations in the municipality available to families of
201 low income at rentals they can afford, or (3) [that] there is a shortage of
202 safe or sanitary dwelling accommodations in the municipality available
203 to families of moderate income at rentals they can afford. In determining
204 whether dwelling accommodations are unsafe or insanitary, [said] such
205 governing body may take into consideration the degree of

206 overcrowding, the percentage of land coverage, the light, air, space and
207 access available to the inhabitants of such dwelling accommodations,
208 the size and arrangement of the rooms, the sanitary facilities and the
209 extent to which conditions exist in such buildings which endanger life
210 or property by fire or other causes.

211 (b) The governing bodies of two or more municipalities may create a
212 regional housing authority, which shall have all the powers, duties and
213 responsibilities conferred upon housing authorities by this chapter and
214 chapter 130. The area of operation of such authority shall include the
215 municipalities for which such authority is created and any expanded
216 area of operation adopted by such authority. Such authority shall act
217 through a board of commissioners composed of two representatives
218 from each municipality appointed for terms of four years in the manner
219 provided in section 8-41.

220 (c) Any housing authority or regional housing authority established
221 pursuant to this section may adopt an expanded area of operation.

222 Sec. 3. Section 8-44b of the general statutes is repealed and the
223 following is substituted in lieu thereof (*Effective October 1, 2022*):

224 (a) Any housing authority created by section 8-40, as amended by this
225 act, shall have the power to establish and maintain a housing authority
226 police force, [the] except that no housing authority shall have the power
227 to establish or maintain a housing authority police force in an expanded
228 area of operation. The members of [which] any such housing authority
229 police force shall be employees of such housing authority and shall be
230 known as housing authority police officers. Housing authority police
231 officers shall be appointed by the local board, agency or person
232 empowered to appoint municipal police officers, subject to approval of
233 the housing authority. The requirements for appointment as a police
234 officer in the municipality in which the housing authority is located,
235 except for age and physical qualifications, shall be mandatory for
236 housing authority police officers in such municipality. No person shall
237 be appointed to such housing authority police force unless [he] such
238 person has been awarded a certificate attesting to [his] such person's

239 successful completion of an approved municipal police basic training
240 program, as provided in section 7-294e. The initial appointment shall be
241 for a probationary term upon completion of which the appointing
242 authority may promote such probationary officers to permanent status;
243 provided such promotion shall be in accordance with procedures
244 applicable to municipal police officers in the municipality and shall be
245 made subject to the approval of the housing authority. Housing
246 authority police officers shall have and exercise the powers and
247 authority conferred upon municipal police officers and shall be subject
248 to the ultimate supervision and control of the chief of police of the
249 municipality in which the housing authority operates.

250 (b) Notwithstanding the provisions of subsection (a) of this section,
251 any housing authority police force which existed prior to October 1,
252 1970, pursuant to Title 1 of Public Law 89-754, 80 Stat. 1255, the
253 Demonstration Cities and Metropolitan Development Act of 1966, and
254 which, for any reason, does not constitute a housing authority police
255 force pursuant to subsection (a) of this section, shall constitute a housing
256 authority police force pursuant to this subsection and the members of
257 any such police [~~forces~~] force may exercise the powers granted to such
258 members pursuant to this subsection. The members of such police force
259 may act, at the expense of the municipality, as special police officers
260 upon property owned or managed by any housing authority. Such
261 special police officers: (1) May arrest, without previous complaint and
262 warrant, any person for any offense in their jurisdiction, when such
263 person is taken or apprehended in the act or on the speedy information
264 of others; (2) when in the immediate pursuit of one who may be arrested
265 under the provisions of this subsection, may pursue such offender
266 outside of their jurisdiction into any part of the municipality to effect an
267 arrest; (3) shall be peace officers as defined in subdivision (9) of section
268 53a-3; (4) shall have the authority to serve criminal process within their
269 jurisdiction; (5) shall, when on duty, wear a uniform, distinct in color
270 from that worn by the police officers of the municipality; (6) shall, when
271 on duty, wear in plain view a shield, distinct in shape from that worn
272 by the police officers of the municipality which shall bear the words
273 "special police"; (7) shall complete a forty-hour basic training program

274 provided by the municipality within one hundred eighty days of June
275 27, 1983; and (8) shall take an oath of office.

276 Sec. 4. Section 8-50 of the general statutes is repealed and the
277 following is substituted in lieu thereof (*Effective October 1, 2022*):

278 An authority shall have the right to acquire by the exercise of the
279 power of eminent domain any real property that is not located in an
280 expanded area of operation which it deems necessary for its purposes
281 under this chapter after the adoption by [it] such authority of a
282 resolution declaring that the acquisition of such real property described
283 [therein] in such resolution is necessary for such purposes. An authority,
284 in its own name and at its own expense and cost, may prefer a petition
285 and exercise the power of eminent domain in the manner provided in
286 section 48-12 and acts supplementary thereto, except that a housing
287 authority's power of eminent domain shall not extend to an expanded
288 area of operation. Property already devoted to a public use may be
289 acquired, provided no real property belonging to the municipality, the
290 state or any political subdivision thereof may be acquired without its
291 consent.

292 Sec. 5. Section 8-45a of the general statutes is repealed and the
293 following is substituted in lieu thereof (*Effective October 1, 2022*):

294 A housing authority, as defined in [subsection (b) of] section 8-39, as
295 amended by this act, in determining eligibility for the rental of public
296 housing units may establish criteria and consider relevant information
297 concerning (1) an applicant's or any proposed occupant's history of
298 criminal activity involving: (A) Crimes of physical violence to persons
299 or property, (B) crimes involving the illegal manufacture, sale,
300 distribution or use of, or possession with intent to manufacture, sell, use
301 or distribute, a controlled substance, as defined in section 21a-240, or (C)
302 other criminal acts which would adversely affect the health, safety or
303 welfare of other tenants, (2) an applicant's or any proposed occupant's
304 abuse, or pattern of abuse, of alcohol when the housing authority has
305 reasonable cause to believe that such applicant's or proposed occupant's
306 abuse, or pattern of abuse, of alcohol may interfere with the health,

307 safety or right to peaceful enjoyment of the premises by other residents,
308 and (3) an applicant or any proposed occupant who is subject to a
309 lifetime registration requirement under section 54-252 on account of
310 being convicted or found not guilty by reason of mental disease or defect
311 of a sexually violent offense. In evaluating any such information, the
312 housing authority shall give consideration to the time, nature and extent
313 of the applicant's or proposed occupant's conduct and to factors which
314 might indicate a reasonable probability of favorable future conduct such
315 as evidence of rehabilitation and evidence of the willingness of the
316 applicant, the applicant's family or the proposed occupant to participate
317 in social service or other appropriate counseling programs and the
318 availability of such programs.

319 Sec. 6. Subdivision (29) of section 12-412 of the 2022 supplement to
320 the general statutes is repealed and the following is substituted in lieu
321 thereof (*Effective October 1, 2022*):

322 (29) (A) Sales of and the storage, use or other consumption of tangible
323 personal property acquired for incorporation into or used and
324 consumed in the operation of housing facilities for low and moderate
325 income families and persons and sales of and the acceptance, use or
326 other consumption of any service described in subdivision (2) of section
327 12-407 that is used and consumed in the development, construction,
328 rehabilitation, renovation, repair or operation of housing facilities for
329 low and moderate income families and persons, provided such facilities
330 are constructed under the sponsorship of and owned or operated by
331 nonprofit housing organizations or housing authorities, as defined in
332 [subsection (b)] subdivision (2) of section 8-39, as amended by this act.
333 The nonprofit housing organization or housing authority sponsoring
334 the construction of or owning or operating such housing facility shall
335 obtain from the commissioner a letter of determination that the housing
336 facility has, to the satisfaction of said commissioner, met all the
337 requirements for exemption under this subsection. At the time of any
338 sale or purchase that is exempt under this subsection, the purchaser
339 shall present to the retailer a copy of the determination letter that was
340 issued to the nonprofit housing organization or housing authority

341 together with a certificate from the purchaser, in such form as the
342 commissioner may prescribe, certifying that the tangible personal
343 property or services that are being purchased from the retailer are to be
344 used or consumed exclusively for the purposes of incorporation into or
345 in the development, construction, rehabilitation, renovation, repair or
346 operation of the housing facility identified in the letter of determination.
347 For the purposes of this subsection, (i) "nonprofit housing organization"
348 means any organization which has as one of its purposes the
349 development, construction, sponsorship or ownership of housing for
350 low and moderate income families as stated in its charter, if it is
351 incorporated, or its constitution or bylaws, if it is unincorporated, and
352 which has received exemption from federal income tax under the
353 provisions of Section 501(c) of the Internal Revenue Code, as amended
354 from time to time, provided the charter of such organization, if it is
355 incorporated, or its constitution or bylaws, if unincorporated, shall
356 contain a provision that no officer, member or employee thereof shall
357 receive or at any future time may receive any pecuniary profit from the
358 operation thereof, except a reasonable compensation for services in
359 effecting the purposes of the organization; (ii) "housing facilities" means
360 facilities having as their primary purpose the provision of safe and
361 adequate housing and related facilities for low and moderate income
362 families and persons, notwithstanding that said housing provides other
363 dwelling accommodations in addition to the primary purpose of
364 providing dwelling accommodations for low and moderate income
365 families; (iii) "related facilities" means those facilities defined in
366 subsection (d) of section 8-243; and (iv) "low and moderate income
367 families" means those families as defined in subsection (h) of [said]
368 section 8-243.

369 (B) Sales of and the acceptance, use or other consumption of any
370 service described in subdivision (2) of section 12-407 that is used or
371 consumed in the development, construction, renovation or operation of
372 housing facilities for low and moderate income families and persons,
373 provided such facilities are owned or sponsored by a mutual housing
374 association, as defined in subsection (b) of section 8-214f, and operated
375 as mutual housing by such association at a location that was conveyed

376 to such association by the United States Secretary of Housing and Urban
377 Development prior to September 1, 1995.

378 Sec. 7. Section 8-389 of the general statutes is repealed and the
379 following is substituted in lieu thereof (*Effective October 1, 2022*):

380 Upon the incorporation of a successfully negotiated regional fair
381 housing compact into a regional plan of conservation and development
382 by a regional planning agency pursuant to section 8-386, the
383 Commissioner of Housing and the Connecticut Housing Authority may
384 give priority to any application for financial or technical assistance made
385 by a municipality, housing authority or eligible developer, as defined in
386 [subsection (u) of] section 8-39, as amended by this act, in connection
387 with any project located in a municipality which has approved the
388 regional fair housing compact pursuant to section 8-386.

389 Sec. 8. Subsection (i) of section 12-631 of the general statutes is
390 repealed and the following is substituted in lieu thereof (*Effective October*
391 *1, 2022*):

392 (i) "Families of low and moderate income" means families meeting
393 the criteria for designation as families of low and moderate income
394 established by the Commissioner of Housing pursuant to [subsection
395 (f)] subdivision (8) of section 8-39, as amended by this act.

396 Sec. 9. Section 8-113a of the general statutes is repealed and the
397 following is substituted in lieu thereof (*Effective October 1, 2022*):

398 The following terms, wherever used or referred to in this part, [shall]
399 have the following respective meanings, unless a different meaning
400 clearly appears from the context:

401 [(a)] (1) "Authority" or "housing authority" means any of the public
402 corporations created by section 8-40, as amended by this act.

403 [(b)] "Municipality" means any city, borough or town. "The
404 municipality" means the particular municipality for which a particular
405 housing authority is created.

406 (c) "Governing body" means, for towns having a town council, the
407 council; for other towns, the selectmen; for cities, the common council
408 or other similar body of officials; and for boroughs, the warden and
409 burgesses.

410 (d) "Mayor" means, for cities, the mayor, and, for boroughs, the
411 warden. "Clerk" means the clerk of the particular city, borough or town
412 for which a particular housing authority is created.

413 (e) "Area of operation" shall include the municipality in which a
414 housing authority is created under the provisions of this chapter, and
415 may include a neighboring municipality, provided the governing body
416 of such neighboring municipality shall agree by proper resolution to the
417 extension of the area of operation to include such neighboring
418 municipality.]

419 (2) "Bonds" means any bonds, notes, interim certificates, certificates
420 of indebtedness, debentures or other obligations issued by the authority
421 pursuant to this chapter.

422 (3) "Elderly persons" means persons sixty-two years of age and over
423 who lack the amount of income that is necessary, as determined by the
424 authority or nonprofit corporation, subject to approval by the
425 Commissioner of Housing, to enable them to live in decent, safe and
426 sanitary dwellings without financial assistance as provided under this
427 part, or persons who have been certified by the Social Security Board as
428 being totally disabled under the federal Social Security Act or certified
429 by any other federal board or agency as being totally disabled.

430 (4) "Housing partnership" means any partnership, limited
431 partnership, joint venture, trust or association consisting of (A) a
432 housing authority, a nonprofit corporation or both, and (B) (i) a business
433 corporation incorporated pursuant to chapter 601 or any predecessor
434 statutes thereto, having as one of its purposes the construction,
435 rehabilitation, ownership or operation of housing, and having articles of
436 incorporation approved by the commissioner in accordance with
437 regulations adopted pursuant to section 8-79a or 8-84, (ii) a for-profit

438 partnership, limited partnership, joint venture, trust, limited liability
439 company or association having as one of its purposes the construction,
440 rehabilitation, ownership or operation of housing, and having basic
441 documents of organization approved by the commissioner in
442 accordance with regulations adopted pursuant to section 8-79a or 8-84,
443 or (iii) any combination of the entities included under subparagraphs
444 (B)(i) and (B)(ii) of this subdivision.

445 [(f)] (5) "Housing project" means any work or undertaking [(1)] (A) to
446 demolish, clear or remove buildings from any slum area, which work or
447 undertaking may embrace the adaptation of such area to public
448 purposes, including parks or other recreational or community purposes;
449 [(2)] (B) to provide decent, safe and sanitary urban or rural dwellings,
450 apartments or other living accommodations for elderly persons, which
451 work or undertaking may include buildings, land, equipment, facilities
452 and other real or personal property for necessary, convenient or
453 desirable appurtenances, streets, sewers, water service, parks, site
454 preparation, gardening, administrative, community, recreational or
455 welfare purposes; [(3)] (C) to provide a continuum of housing
456 comprising independent living accommodations, residential care,
457 intermediate housing facilities and skilled nursing care and facilities
458 with ready access to medical and hospital services; or [(4)] (D) to
459 accomplish a combination of the [foregoing] purposes specified in
460 subparagraphs (A) to (C), inclusive, of this subdivision. The term
461 "housing project" also may be applied to the planning of the buildings
462 and improvements, the acquisition of property, the demolition of
463 existing structures, the construction, reconstruction, alteration and
464 repair of the improvements and all other work in connection therewith.

465 [(g)] "Bonds" means any bonds, notes, interim certificates, certificates
466 of indebtedness, debentures or other obligations issued by the authority
467 pursuant to this chapter.

468 (h) "Real property" shall include all lands, including improvements
469 and fixtures thereon, and property of any nature appurtenant thereto,
470 or used in connection therewith, and every estate, interest and right,

471 legal or equitable, therein, including terms for years and liens by way of
472 judgment, mortgage or otherwise and the indebtedness secured by such
473 liens.

474 (i) "Obligee of the authority" or "obligee" shall include any
475 bondholder, trustee or trustees for any bondholders, or lessor demising
476 to the authority property used in connection with a housing project, or
477 any assignee or assignees of such lessor's interest or any part thereof,
478 and the state government when it is a party to any contract with the
479 authority.

480 (j) "State public body" means any city, borough, town, municipal
481 corporation, district or other subdivision of the state.]

482 [(k)] (6) "Rent" means the entire amount paid to a local authority,
483 nonprofit corporation or housing partnership for any dwelling unit.

484 [(l)] (7) "Shelter rent" means "rent" as defined [herein] in this section,
485 less any charges made by a local authority, nonprofit corporation or
486 housing partnership for water, heat, gas, electricity and sewer use
487 charges.

488 [(m) "Elderly persons" means persons sixty-two years of age and over
489 who lack the amount of income which is necessary, as determined by
490 the authority or nonprofit corporation, subject to approval by the
491 Commissioner of Housing, to enable them to live in decent, safe and
492 sanitary dwellings without financial assistance as provided under this
493 part, or persons who have been certified by the Social Security Board as
494 being totally disabled under the federal Social Security Act or certified
495 by any other federal board or agency as being totally disabled.

496 (n) "Housing partnership" means any partnership, limited
497 partnership, joint venture, trust or association consisting of (1) a housing
498 authority, a nonprofit corporation or both and (2) (A) a business
499 corporation incorporated pursuant to chapter 601 or any predecessor
500 statutes thereto, having as one of its purposes the construction,
501 rehabilitation, ownership or operation of housing, and having articles of

502 incorporation approved by the commissioner in accordance with
503 regulations adopted pursuant to section 8-79a or 8-84, (B) a for-profit
504 partnership, limited partnership, joint venture, trust, limited liability
505 company or association having as one of its purposes the construction,
506 rehabilitation, ownership or operation of housing, and having basic
507 documents of organization approved by the commissioner in
508 accordance with regulations adopted pursuant to section 8-79a or 8-84
509 or (C) any combination of the entities included under subparagraphs
510 (A) and (B) of this subdivision.]

511 Sec. 10. Subsection (a) of section 8-116c of the general statutes is
512 repealed and the following is substituted in lieu thereof (*Effective October*
513 *1, 2022*):

514 (a) An elderly person [, as defined in subsection (m) of section 8-113a,]
515 shall not be eligible to move into a housing project [, as defined in
516 subsection (f) of section 8-113a,] if the person (1) is currently using illegal
517 drugs, (2) is currently abusing alcohol and has a recent history of
518 disruptive or dangerous behavior and whose tenancy (A) would
519 constitute a direct threat to the health or safety of another individual; or
520 (B) would result in substantial physical damage to the property of
521 another, (3) has a recent history of disruptive or dangerous behavior and
522 whose tenancy (A) would constitute a direct threat to the health and
523 safety of another individual; or (B) would result in substantial physical
524 damage to the property of another, or (4) was convicted of the illegal
525 sale or possession of a controlled substance, as defined in section 21a-
526 240, within the prior twenty-four-month period.

527 Sec. 11. Section 8-116d of the general statutes is repealed and the
528 following is substituted in lieu thereof (*Effective October 1, 2022*):

529 Any elderly person [, as defined in subsection (m) of section 8-113a,]
530 who applies for and is accepted for admission to a housing project
531 pursuant to this part or part VII of this chapter or pursuant to any other
532 state or federal housing assistance program may terminate the lease or
533 rental agreement for the dwelling unit that he or she occupies at the time
534 of such acceptance, without the penalty or liability for the remaining

535 term of the lease or rental agreement, upon giving thirty days' written
536 notice to the landlord of such dwelling unit.

537 Sec. 12. Section 8-119h of the general statutes is repealed and the
538 following is substituted in lieu thereof (*Effective October 1, 2022*):

539 Upon preliminary approval by the State Bond Commission pursuant
540 to the provisions of section 3-20, the state, acting by and through the
541 Commissioner of Housing, may enter into a contract or contracts with
542 an authority, a municipal developer, a nonprofit corporation or a
543 housing partnership for state financial assistance for a congregate
544 housing project, in the form of capital grants, interim loans, permanent
545 loans, deferred loans or any combination thereof for application to the
546 development cost of such project or projects. A contract with an
547 authority, a municipal developer, a nonprofit corporation or a housing
548 partnership may provide that in the case of any loan made in
549 conjunction with any housing assistance funds provided by an agency
550 of the United States government, if such housing assistance funds
551 terminate prior to complete repayment of a loan made pursuant to this
552 section, the remaining balance of such loan may be converted to a capital
553 grant or decreased loan. Any such state assistance contract with an
554 authority, a municipal developer, a nonprofit corporation or a housing
555 partnership for a capital grant or loan entered into prior to the time
556 housing assistance funds became available from an agency of the United
557 States government, may, upon the mutual consent of the commissioner
558 and the authority, municipal developer, nonprofit corporation or
559 housing partnership, be renegotiated to provide for a loan or increased
560 loan in the place of a capital grant or loan or a part thereof, consistent
561 with the above conditions. Such capital grants or loans shall be in an
562 amount not in excess of the development cost of the project or projects,
563 including, in the case of grants or loans financed from the proceeds of
564 the state's general obligation bonds issued pursuant to any
565 authorization, allocation or approval of the State Bond Commission
566 made prior to July 1, 1990, administrative or other cost or expense to be
567 incurred by the state in connection therewith, as approved by said
568 commissioner. In anticipation of final payment of such capital grants or

569 loans, the state, acting by and through said commissioner and in
 570 accordance with such contract, may make temporary advances to the
 571 authority, municipal developer, nonprofit corporation or housing
 572 partnership for preliminary planning expense or other development
 573 cost of such project or projects. Any loan provided pursuant to this
 574 section shall bear interest at a rate to be determined in accordance with
 575 subsection (t) of section 3-20. Any such authority, municipal developer,
 576 nonprofit corporation or housing partnership may, subject to the
 577 approval of the Commissioner of Housing, contract with any other
 578 person approved by the Commissioner of Housing for the operation of
 579 a project undertaken pursuant to this part. As used in this section,
 580 "housing partnership" has the same meaning as provided in [subsection
 581 (n) of] section 8-113a, as amended by this act.

582 Sec. 13. Section 8-119l of the general statutes is repealed and the
 583 following is substituted in lieu thereof (*Effective October 1, 2022*):

584 The state, acting by and through the Commissioner of Housing, may
 585 enter into a contract or contracts with an authority, a municipal
 586 developer, a nonprofit corporation or a housing partnership for state
 587 financial assistance in the form of a grant-in-aid for an operating cost
 588 subsidy for state-financed congregate housing projects developed
 589 pursuant to this part. In calculating the amount of the grant-in-aid, the
 590 commissioner shall use adjusted gross income of tenants. As used in this
 591 section, "adjusted gross income" means annual aggregate income from
 592 all sources minus fifty per cent of all unreimbursable medical expenses.
 593 As used in this section, "housing partnership" has the same meaning as
 594 provided in [subsection (n) of] section 8-113a, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	8-39
Sec. 2	<i>October 1, 2022</i>	8-40
Sec. 3	<i>October 1, 2022</i>	8-44b
Sec. 4	<i>October 1, 2022</i>	8-50
Sec. 5	<i>October 1, 2022</i>	8-45a

Sec. 6	<i>October 1, 2022</i>	12-412(29)
Sec. 7	<i>October 1, 2022</i>	8-389
Sec. 8	<i>October 1, 2022</i>	12-631(i)
Sec. 9	<i>October 1, 2022</i>	8-113a
Sec. 10	<i>October 1, 2022</i>	8-116c(a)
Sec. 11	<i>October 1, 2022</i>	8-116d
Sec. 12	<i>October 1, 2022</i>	8-119h
Sec. 13	<i>October 1, 2022</i>	8-119l

HSG *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

There is no fiscal impact resulting from the bill, which permits housing authorities to extend into expanded areas of operation outside their original jurisdiction.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 5209

AN ACT CONCERNING HOUSING AUTHORITY JURISDICTION.

SUMMARY

This bill allows housing authorities to adopt expanded areas of operation in any other municipalities and exercise their powers in them (e.g., developing and operating affordable housing projects). Current law limits their areas of operation to (1) within the boundaries of the municipality in which they were created and (2) neighboring municipalities whose governing bodies have approved it.

Under the bill, housing authorities may exercise the same powers in an expanded area of operation that they currently do in their area of operation, subject to certain limitations. Specifically, the bill prohibits housing authorities, in an expanded area of operation, from (1) establishing or maintaining a housing authority police force or (2) acquiring property by eminent domain.

Under existing law, unchanged by the bill, the governing bodies of two or more municipalities may create a regional housing authority. The bill also allows regional housing authorities to adopt an expanded area of operation.

Finally, the bill makes numerous technical and conforming changes, including reorganizing statutes and eliminating redundant and obsolete definitions.

EFFECTIVE DATE: October 1, 2022

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute

Yea 11 Nay 4 (03/15/2022)