



General Assembly

**Substitute Bill No. 6611**

January Session, 2021



**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 the occupancy of  
11 which is limited to not more than one resident under the age of fifty-  
12 five;

13 (3) "Aggrieved party" means (A) a developer seeking to construct  
14 dwelling units that would count toward the achievement of a  
15 municipality's municipal fair share goal, (B) a nonprofit organization  
16 advocating (i) for a municipality's compliance with its fair share

17 requirements under this section, or (ii) on behalf of lower and moderate  
18 income households in a planning region or combined planning region,  
19 as applicable, (C) an individual who would qualify for a fair share unit,  
20 or (D) a municipality in the same planning region or combined planning  
21 region, as applicable, that (i) is not required to create a fair share plan,  
22 or (ii) has received a judgment of compliance pursuant to subsection (e)  
23 of this section and is meeting relevant benchmarks;

24 (4) "Combined planning region" means the two planning regions of  
25 the state, as defined or redefined by the Secretary of the Office of Policy  
26 and Management or the secretary's designee under the provisions of  
27 section 16a-4a of the general statutes, in which the Connecticut  
28 Metropolitan Council of Governments and the Western Connecticut  
29 Council of Governments are established, respectively;

30 (5) "Extremely low income household" means a person or family  
31 whose income is less than or equal to thirty per cent of the lesser of the  
32 state median income or area median income, as determined by the  
33 United States Department of Housing and Urban Development;

34 (6) "Fair share unit" means a dwelling unit required pursuant to this  
35 section;

36 (7) "Low income household" means a person or family whose income  
37 is less than or equal to eighty per cent of the lesser of the state median  
38 income or area median income, as determined by the United States  
39 Department of Housing and Urban Development;

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

46 (9) "Multifamily housing" means a residential building that contains  
47 three or more dwelling units;

48 (10) "Municipal fair share base" means the portion of the regional  
49 need base of a planning region or combined planning region, as  
50 applicable, that is allocated to a municipality located within such  
51 planning region or combined planning region;

52 (11) "Municipal fair share goal" means the number of fair share units  
53 that are allocated to a municipality;

54 (12) "Municipal fair share plan" means a municipality's plan to  
55 achieve its municipal fair share goal, including (A) two-year, three-year,  
56 five-year and ten-year development benchmarks, and (B) zoning  
57 regulations amended, and a plan of conservation and development  
58 updated, to achieve such municipal fair share goal;

59 (13) "Planning region" means a planning region of the state, as  
60 defined or redefined by the Secretary of the Office of Policy and  
61 Management or the secretary's designee under the provisions of section  
62 16a-4a of the general statutes, but excludes the two such regions that  
63 constitute a combined planning region;

64 (14) "Regional need base" means an allocation to a planning region or  
65 combined planning region, as applicable, based on an assessment of the  
66 state-wide need for affordable housing, of the number of fair share units  
67 in such planning region or combined planning region;

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

71 (16) "Very low income household" means a person or family whose  
72 income is less than or equal to fifty per cent of the lesser of the state  
73 median income or area median income, as determined by the United  
74 States Department of Housing and Urban Development.

75 (b) (1) Not later than October 1, 2022, the Secretary of the Office of  
76 Policy and Management, in consultation with the Commissioner of  
77 Housing, shall complete an assessment of the state-wide need for

78 affordable housing and determine the regional need base for each  
79 planning region or combined planning region, as applicable. Such  
80 determination shall be based on (A) figures from the Comprehensive  
81 Housing Affordability Strategy data set published by the United States  
82 Department of Housing and Urban Development, or from a similar  
83 source, and (B) the number of persons or families in the state who pay  
84 greater than fifty per cent of their annual income for housing, which  
85 income is less than or equal to thirty per cent of the area median income,  
86 as determined by said department.

87 (2) (A) Not later than October 1, 2022, the Secretary of the Office of  
88 Policy and Management, in consultation with the Commissioner of  
89 Housing, shall determine, for each planning region or combined  
90 planning region, as applicable, the municipal fair share base for each  
91 municipality within such planning region or combined planning region.  
92 Except as otherwise provided in subparagraph (B) of this subdivision,  
93 such determination shall be based on (i) such municipality's ratable real  
94 and personal property as reflected by its equalized net grand list,  
95 computed in accordance with the provisions of section 10-261a of the  
96 general statutes, for residential, apartment, commercial, industrial,  
97 public utility and vacant land, (ii) median income differences among all  
98 municipalities in such planning region or combined planning region,  
99 based on data reported in the most recent United States decennial  
100 census or a similar source, (iii) the percentage of such municipality's  
101 population that is below the federal poverty threshold, based on data  
102 reported in such census or similar source, and (iv) the percentage of such  
103 municipality's population that lives in multifamily housing, based on  
104 data reported in such census or similar source.

105 (B) (i) In making any such determination, said secretary shall increase  
106 the municipal fair share base of a municipality if such municipality, in  
107 comparison to other municipalities in the same planning region or  
108 combined planning region, as applicable, has more ratable real and  
109 personal property, a higher median income, a lower percentage of its  
110 population that is below the federal poverty threshold or a lower

111 percentage of its population that lives in multifamily housing.

112 (ii) If more than twenty per cent of a municipality's population is  
113 below the federal poverty threshold, said secretary shall not allocate any  
114 portion of the regional need base of a planning region or combined  
115 planning region, as applicable, to such municipality.

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

121 (c) (1) The municipal fair share goal of a municipality shall be derived  
122 from the municipal fair share base determined in accordance with the  
123 provisions of subsection (b) of this section.

124 (2) (A) Using the figure derived under subdivision (1) of this  
125 subsection, each municipality shall calculate its municipal fair share  
126 goal in accordance with the following parameters:

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

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

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

137 (iv) At most fifteen per cent of rental fair share units may be age-  
138 restricted units;

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

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

145 (vii) At most ten per cent of fair share units described in  
146 subparagraphs (A)(i) to (A)(iv), inclusive, of this subdivision may be  
147 dwelling units that combine the functionality of multiple rooms into one  
148 room, such as studio or efficiency units; and

149 (viii) A substantial portion, as jointly determined by the Secretary of  
150 the Office of Policy and Management and the Commissioner of  
151 Housing, of fair share units shall be located outside of census tracts in  
152 which the percentage of the population that is below the federal poverty  
153 threshold is higher than the percentage of such population in such  
154 municipality.

155 (B) For each development of fair share units described in  
156 subparagraph (A) of this subdivision, such municipality shall (i) require  
157 that the developer constructing such fair share units, or the property  
158 management company for such units, submit to the municipality and  
159 the Commissioner of Housing an affirmative marketing plan that  
160 complies with the provisions of subsection (b) of section 8-37ee of the  
161 general statutes and any related regulations, and (ii) set forth the process  
162 by which such municipality shall verify that such affirmative marketing  
163 plan is carried out.

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

167 (A) In the case of a dwelling unit in permanent supportive housing  
168 that is not an age-restricted unit, each bedroom shall be equivalent to  
169 one fair share unit;

170 (B) In the case of a rental dwelling unit that (i) is conveyed by a deed  
171 containing covenants or restrictions which shall require that such unit  
172 be sold or rented at, or below, a price which will preserve the unit as  
173 housing for extremely low income households, (ii) is not an age-  
174 restricted unit, and (iii) contains two or more bedrooms, each bedroom  
175 shall be equivalent to one fair share unit; and

176 (C) In the case of a rental dwelling unit that (i) is conveyed by a deed  
177 containing covenants or restrictions which shall require that such unit  
178 be sold or rented at, or below, a price which will preserve the unit as  
179 housing for very low income households, (ii) is not an age-restricted  
180 unit, and (iii) contains two or more bedrooms, each bedroom shall be  
181 equivalent to three-fourths of a fair share unit.

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

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

187 (d) (1) (A) Not later than October 1, 2023, each municipality in a  
188 planning region or combined planning region, as applicable, to which  
189 the Secretary of the Office of Policy and Management has allocated any  
190 portion of the regional need base of such planning region or combined  
191 planning region shall submit to said secretary and the Commissioner of  
192 Housing the municipal fair share plan for such municipality. Any such  
193 submitted municipal fair share plan shall be considered complete only  
194 if it includes a copy of both the municipality's zoning regulations  
195 amended, and such municipality's plan of conservation and  
196 development updated, in accordance with the provisions of title 8 of the  
197 general statutes, to reflect changes necessary for such municipal fair  
198 share plan to create a realistic opportunity, as described in this  
199 subdivision, to achieve the municipal fair share goal of such  
200 municipality.

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

204 (i) In the case of any development of housing affordable to persons  
205 and families of low and moderate income, such municipal fair share  
206 plan (I) requires that such development be proposed on a site that is  
207 capable of being developed in accordance with such municipality's  
208 regulations, is not subject to any deed restriction, historic district  
209 regulation or inland wetlands regulation and is not already occupied,  
210 absent an agreement to move the existing use that is already occupying  
211 such site, and (II) proposes a percentage of fair share units that is  
212 economically feasible, in accordance with guidance issued jointly by the  
213 Secretary of the Office of Policy and Management and the  
214 Commissioner of Housing;

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

218 (iii) Such municipal fair share plan includes two-year, three-year,  
219 five-year and ten-year development benchmarks that, at least eighteen  
220 months before any such benchmark is to be met, (I) designate specific  
221 parcels within the municipality for affordable housing development, (II)  
222 specify the income level of the population being targeted for any such  
223 development, and (III) identify the developer of each such parcel.

224 (2) (A) Each developer of fair share units, or the property  
225 management company for such units, shall submit to the municipality  
226 and the Commissioner of Housing an affirmative marketing plan, as  
227 required by such municipality under subparagraph (B) of subdivision  
228 (2) of subsection (c) of this section. Not later than one month after receipt  
229 of such submission, said commissioner shall conspicuously post on the  
230 Internet web site of the Department of Housing such affirmative  
231 marketing plan.



232 (B) Each developer of fair share units, or the property management  
233 company for such units, shall certify to the municipality and the  
234 Commissioner of Housing, every two years, the income of the residents  
235 of such fair share units. Each municipality shall review such  
236 certifications to monitor progress toward the achievement of the  
237 municipal fair share goal of such municipality.

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

245 (D) In the case of (i) a developer of fair share units, the property  
246 management company for such units or a municipality failing to comply  
247 with the provisions of this subdivision, or (ii) a showing that the  
248 certifications described in subparagraph (B) of this subdivision are  
249 inaccurate, the municipal fair share plan of such municipality shall be  
250 deemed out of compliance with the provisions of this section and such  
251 municipality shall not be entitled to the protections under subsection (e)  
252 of this section.

253 (e) (1) (A) A municipality that has timely submitted its complete  
254 municipal fair share plan to the Secretary of the Office of Policy and  
255 Management in accordance with the provisions of subparagraph (A) of  
256 subdivision (1) of subsection (d) of this section may bring an action in  
257 the superior court for the judicial district of Hartford, on the land use  
258 litigation docket, for a finding that the municipal fair share plan of such  
259 municipality creates a realistic opportunity for the achievement of the  
260 municipal fair share goal of such municipality in ten or fewer years and  
261 a judgment determining that such municipality is in compliance with  
262 the provisions of this section, in accordance with the provisions of  
263 subdivision (3) of this subsection. An aggrieved party may file a motion  
264 to intervene in any such action and oppose such a determination if such

265 aggrieved party believes that the municipal fair share plan of such  
266 municipality does not create such a realistic opportunity.

267 (B) If the court makes a finding that the municipal fair share plan of  
268 such municipality creates a realistic opportunity for the achievement of  
269 the municipal fair share goal of such municipality and enters a judgment  
270 determining that such municipality is in compliance with the provisions  
271 of this section, such municipality shall not be subject to the provisions  
272 of subdivision (2) of this subsection and subsection (f) of this section for  
273 ten years or for the duration of such municipal fair share plan, except as  
274 provided in subparagraph (C) of this subdivision. Any such judgment  
275 by the court shall require that such municipality submit reports, at least  
276 annually, to both the court for entry on the docket of the matter and the  
277 Secretary of the Office of Policy and Management. Each such report shall  
278 set forth all material facts concerning such municipality's progress  
279 toward fulfilling the requirements of its municipal fair share plan  
280 according to the benchmarks described in subparagraph (B)(iii) of  
281 subdivision (1) of subsection (d) of this section. The municipality shall  
282 publish each such report on its Internet web site and, upon receipt of  
283 such submission, said secretary shall also publish such report on the  
284 Internet web site of the Office of Policy and Management.

285 (C) Notwithstanding the court's entry of a judgment of compliance  
286 pursuant to subparagraph (B) of this subdivision, such court shall  
287 continue to exercise jurisdiction over the matter (i) to receive and  
288 consider reports submitted by the municipality under said  
289 subparagraph, (ii) to hear any motion brought by an aggrieved party  
290 that such municipality has failed to fulfill the requirements of its  
291 municipal fair share plan according to the benchmarks described in  
292 subparagraph (B)(iii) of subdivision (1) of subsection (d) of this section  
293 or otherwise materially failed to comply with such municipal fair share  
294 plan, to adjudicate any such motion and to order such relief as such  
295 court deems appropriate to ensure prompt compliance with the  
296 provisions of this section and remedy any such failure, and (iii) to grant  
297 an extension of not more than ten years to a municipality, in accordance

298 with the provisions of subparagraph (A) of subdivision (4) of this  
299 subsection, for the purpose of fulfilling such requirements, when such  
300 court finds the interests of justice so require.

301 (2) (A) In the case of a municipality that has timely submitted its  
302 complete municipal fair share plan to the Secretary of the Office of  
303 Policy and Management in accordance with the provisions of  
304 subparagraph (A) of subdivision (1) of subsection (d) of this section and  
305 for which a judgment of compliance has not been entered pursuant to  
306 subparagraph (B) of subdivision (1) of this subsection, or has not been  
307 sought by such municipality, any aggrieved party may bring an action  
308 in the superior court for the judicial district of Hartford, on the land use  
309 litigation docket, for a finding that the municipal fair share plan of such  
310 municipality does not create a realistic opportunity for the achievement  
311 of the municipal fair share goal of such municipality in ten or fewer  
312 years and a judgment determining that such municipality is not in  
313 compliance with the provisions of this section.

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

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

323 (3) In determining that a municipality is in compliance with the  
324 provisions of this section, the court shall consider the following factors  
325 indicating whether the municipal fair share plan of such municipality  
326 creates a realistic opportunity for the achievement of its municipal fair  
327 share goal during the ten-year period following the submission of such  
328 municipal fair share plan to the Secretary of the Office of Policy and  
329 Management, or such alternative time period as the court may authorize

330 pursuant to this section:

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

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

339 (C) A preponderance of evidence that such regulations, policies and  
340 procedures demonstrate realistic potential for the development of  
341 affordable housing;

342 (D) Memoranda of understanding or other similar agreements  
343 between such municipality and any developer seeking to construct  
344 affordable housing within such municipality, which memoranda or  
345 agreements identify (i) specific parcels to be developed, and (ii) detailed  
346 affordability components and number of bedrooms to be counted as fair  
347 share units;

348 (E) Memoranda of understanding or other similar agreements  
349 between such municipality and any developer seeking to construct  
350 affordable housing within such municipality, which memoranda or  
351 agreements concern the transfer of municipally-owned property;

352 (F) Applications submitted by developers seeking to construct  
353 affordable housing in such municipality for the federal Low Income  
354 Housing Tax Credit program under 26 USC 42, as amended from time  
355 to time, or other state or federal affordable housing funding sources, as  
356 well as evidence of such municipality's support, including any zoning  
357 approval, for any such application;

358 (G) Efforts by the municipality to secure funding to expand sewer  
359 and other infrastructure related to the development of affordable

360 housing, including, but not limited to, grant applications and bonding  
361 measures;

362 (H) A finding by the Commissioner of Housing through a random  
363 audit conducted pursuant to subparagraph (C) of subdivision (2) of  
364 subsection (d) of this section that developers seeking to construct  
365 affordable housing in such municipality are operating under current  
366 and effective affirmative marketing plans;

367 (I) Evidence of such municipality's commitment of municipally-  
368 owned property and other municipal resources to support the  
369 achievement of the municipal fair share goal of such municipality; and

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

373 (4) (A) (i) In any action brought under this subsection for a  
374 determination of a municipality's compliance with this section, the court  
375 may grant an extension of not more than ten years beyond the duration  
376 of the municipal fair share plan of such municipality if such  
377 municipality demonstrates that creating a realistic opportunity to  
378 achieve its municipal fair share goal would be infeasible without  
379 substantial additional infrastructure, not including for public  
380 transportation, that would be required to avoid risks to public health or  
381 address physical infeasibility, as determined by such court. The  
382 municipality shall demonstrate the infeasibility of creating such a  
383 realistic opportunity with specific evidence of any such risk to public  
384 health or physical infeasibility.

385 (ii) In any action brought under this subsection for a determination  
386 of a municipality's compliance with this section, the court may grant a  
387 reduction in the municipal fair share goal of such municipality if such  
388 municipality establishes by clear and convincing evidence,  
389 substantiated by expert scientific proof, that (I) such reduction is  
390 necessary due to limitations resulting from the topography of the

391 municipality or in order to protect extraordinary natural resources, such  
392 as any rare or unique natural phenomena, and (II) an extension beyond  
393 the duration of the municipal fair share plan of such municipality would  
394 not be sufficient to address such limitations or risk to such natural  
395 resources.

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

401 (C) In any action brought under this subsection for a determination  
402 of a municipality's compliance with this section, or on motion filed  
403 under subparagraph (A) of subdivision (1) of subsection (e) of this  
404 section, if the court finds that the municipal fair share plan of a  
405 municipality fails to satisfy the standard set forth in subparagraph (B)  
406 of subdivision (1) of subsection (d) of this section, (i) such court may  
407 order payment of the aggrieved party's attorneys' costs and fees and  
408 such other relief as such court deems appropriate to ensure prompt  
409 compliance with this section and remedy any such failure, (ii) in the case  
410 of an aggrieved party described under subparagraph (A) of subdivision  
411 (3) of subsection (a) of this section, such court may issue an order  
412 requiring that such municipality's planning commission, zoning  
413 commission or combined planning and zoning commission, as  
414 applicable, grant approval to allow a development to proceed, unless  
415 such municipality demonstrates to the court, and such court finds, that  
416 such development would present a significant risk to public health or  
417 safety and could not be reasonably modified to avoid such risk, and (iii)  
418 such court shall continue to exercise jurisdiction over the matter to  
419 enforce any judgment or order of such court and receive and consider  
420 any reports that such court may require such municipality to submit.

421 (f) (1) In the case of a municipality that fails to submit a municipal fair  
422 share plan to the Secretary of the Office of Policy and Management, in  
423 accordance with the provisions of subsection (d) of this section, such

424 municipality shall not be eligible to receive a certificate of affordable  
425 housing completion under subdivision (4) of subsection (l) of section 8-  
426 30g of the general statutes until not less than two years after the  
427 submission of such municipal fair share plan.

428 (2) (A) Any aggrieved party may bring an action in the superior court  
429 for the judicial district of Hartford, on the land use litigation docket, for  
430 a judgment determining that a municipality is not in compliance with  
431 the provisions of this section and an order of such relief as such court  
432 deems appropriate to ensure prompt compliance with the provisions of  
433 this section, including, but not limited to, temporary injunctive relief,  
434 timely creation and submission of a municipal fair share plan that  
435 complies with the provisions of this section and the appointment of one  
436 or more independent qualified individuals with expertise in land use to  
437 create a municipal fair share plan for such municipality. If such  
438 aggrieved party is successful in any such action, such aggrieved party  
439 shall be awarded any attorneys' costs and fees, including, but not  
440 limited to, the costs of appellate review, remands or other judicial  
441 proceedings as well as any monetary losses attributable to such  
442 municipality's failure to create a municipal fair share plan, such as any  
443 lost opportunity to develop fair share units for sale.

444 (B) An aggrieved party described under subparagraph (A) of  
445 subdivision (3) of subsection (a) of this section may file an application  
446 with the superior court for the judicial district of Hartford, on the land  
447 use litigation docket, for an approval to allow a development to proceed.  
448 If, on such application, the court finds that (i) such development is not  
449 age restricted, (ii) at least fifteen per cent of the dwelling units in such  
450 development are affordable to very low income households, (iii) at least  
451 forty per cent of such affordable dwelling units have two or more  
452 bedrooms, and (iv) at least twenty-five per cent of such affordable  
453 dwelling units have three or more bedrooms, such court may order that  
454 such municipality's zoning commission, planning commission or  
455 combined planning and zoning commission, as applicable, grant  
456 approval to allow such development to proceed, unless such

457 municipality demonstrates that such development would present a  
458 significant risk to public health or safety and could not be reasonably  
459 modified to avoid such risk.

460 (g) (1) Except as provided in subdivision (2) of this section, whenever  
461 the Secretary of the Office of Policy and Management or the  
462 Commissioner of Housing, or both, fail to perform any duty required of  
463 said secretary or commissioner, as applicable, under the provisions of  
464 this section, any aggrieved party described under subparagraphs (A) to  
465 (C), inclusive, of subdivision (3) of subsection (a) of this section may  
466 bring an action in the superior court for the judicial district of Hartford,  
467 on the land use litigation docket, for an order (A) that said secretary or  
468 commissioner, as applicable, comply with the provisions of this section,  
469 and (B) of such relief as such court deems necessary or appropriate to  
470 ensure prompt compliance with the provisions of this section, including,  
471 but not limited to, permanent or temporary injunctive relief and  
472 attorneys' costs and fees.

473 (2) In the case of any action brought pursuant to subdivision (1) of  
474 this subsection in which multiple aggrieved parties described under  
475 subparagraph (B) of subdivision (3) of subsection (a) of this section file  
476 motions to intervene in such action, the court may limit the number of  
477 intervenors in such action if such court makes a finding on the record  
478 that such intervenor or intervenors adequately represent the public  
479 interest and the interests of lower and moderate income households in  
480 a planning region or combined planning region, as applicable, in  
481 accordance with the provisions of sections 9-7 to 9-10, inclusive, of the  
482 Connecticut Practice Book.

483 (h) (1) In the case of a municipality for which the municipal fair share  
484 base has been reduced, other than in accordance with the provisions of  
485 subparagraph (B)(iii) of subdivision (2) of subsection (b) of this section,  
486 the number of fair share units represented by such reduction shall be  
487 allocated to each other municipality in the same planning region or  
488 combined planning region, as applicable, in proportion to the regional  
489 need base excluding the municipality for which the municipal fair share



490 base has been reduced.

491 (2) (A) Any need for fair share units identified through the  
492 assessment completed by the Secretary of the Office of Policy and  
493 Management, in consultation with the Commissioner of Housing,  
494 pursuant to subdivision (1) of subsection (b) of this section that is unmet  
495 after the allocation of such units to municipalities shall be met by the  
496 state through (i) the issuance of new mobile housing vouchers to  
497 address half of such unmet need, and (ii) the offering of subsidies for  
498 the construction of new affordable housing in which thirty per cent of  
499 the dwelling units are affordable to very low income households.

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

505 (ii) For any new construction under subparagraph (A) of this  
506 subdivision, a developer seeking to construct affordable housing in a  
507 municipality may file an application with the superior court for the  
508 judicial district of Hartford, on the land use litigation docket, for an  
509 approval to allow a development to proceed. If, on such application,  
510 such court finds such development furthers the purposes of this section,  
511 such court may issue an order requiring that such municipality's zoning  
512 commission, planning commission or combined planning and zoning  
513 commission, as applicable, grant approval to allow such development  
514 to proceed.

515 (C) No such construction subsidy described in subparagraph (A) of  
516 this subdivision may be used (i) within a municipality in which twenty  
517 per cent or more of such municipality's population is below the federal  
518 poverty threshold, or (ii) within a census tract in which the percentage  
519 of the population that is below the federal poverty threshold is higher  
520 than the percentage of such population in the state.

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

**Statement of Legislative Commissioners:**

In Subsecs. (a)(3)(A), (a)(12) and (c)(2)(A), "fair share goal" was changed to "municipal fair share goal" for consistency; in Subsec. (c)(2)(A)(ii) and (iii), "such unit" was changed to "such units" for accuracy; in Subsec. (c)(3), "permanent supportive dwelling unit" was changed to "dwelling unit in permanent supportive housing" in Subpara. (A) for consistency, and Subparas. (A) to (C) were reworded for clarity and consistency; in Subsec. (d)(2)(B), "residents of such fair units" was changed to "residents of such fair share units" for consistency; in Subsec. (e)(1), "web site of such office" was changed to "web site of the Office of Policy and Management" in Subpara. (B) for clarity, and "said subdivision" was changed to "said subparagraph" in Subpara. (C) for accuracy; in Subsec. (e)(2)(A), "subdivision (1) of this section" was changed to "subdivision (1) of this subsection" for accuracy; in Subsec. (e)(3)(H), "subsection (c)" was changed to "subsection (d)" for accuracy; in Subsec. (g), "subdivision (2) of subsection (a)" was changed to "subdivision (3) of subsection (a)" throughout for accuracy; and in Subsec. (h)(2)(B)(i), "age restricted" was changed to "age-restricted units" for consistency.

**PD**      *Joint Favorable Subst.*