

# The Connecticut General Assembly

## Legislative Commissioners' Office

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## Memorandum

**To:** Legislative Regulation Review Committee  
**From:** Legislative Commissioners' Office  
**Committee Meeting Date:** January 23, 2024

<b>Regulation No:</b>	2023-31
<b>Agency:</b>	Department of Housing
<b>Subject Matter:</b>	Fair Housing Regulations
<b>Statutory Authority:</b> (copy attached)	8-37x, 8-37cc

	Yes or No
<b>Mandatory</b>	N
<b>Federal Requirement</b>	N
<b>Permissive</b>	Y

### For the Committee's Information:

### Substantive Concerns:

1. On page 3, in section 8-37ee-402(6), the definition of "entity" includes "a person, organization or individual who applies for or receives state financial assistance from a housing agency". This definition uses both the terms "person" and "individual" but does not define "person". Most statutory definitions of "person" already include individuals, so the department should clarify its

intended meaning of the term. In addition, the definition of "entity" would appear to make an individual tenant an "entity" if such tenant receives rental assistance from a housing agency, for example, through the rental assistance program. This meaning does not seem to comport with some of the requirements imposed upon entities within the proposed regulation, such as section 8-37ee-501 which requires entities to create affirmative fair marketing programs. The agency should clarify the definition of "entity" to avoid being overinclusive.

2. On page 3, in section 8-37ee-402(8), in the definition of "housing opportunity", the term "affordable housing" is used but is undefined. In other usages of the term "affordable housing" in the general statutes and existing regulations, criteria based on individual or family income are generally used to define affordability so it is unclear which of these would apply to the proposed regulation. Further, as used in this definition, it is difficult to ascertain the difference between "affordable housing" and a "rental subsidy" without additional clarification. The agency should either define or further clarify the term.
3. On page 3, in section 8-37ee-402(10), the phrase "persons who, in the main, are underrepresented in the area of the housing opportunity" is used and on page 5, in section 8-37ee-501(a), the phrase "underrepresented groups" is also used. It is unclear what these phrases mean since the regulation does not explain what form of representation is intended, for example, demographic percentage of certain individual characteristics, income levels, distinctions based on renters or homeowners or other such criteria. In addition, the use of the phrase "area of the housing opportunity" is unclear. The agency could use defined terms such as "Primary Metropolitan Statistical Area", "Metropolitan Statistical Area", or some other geographic unit of reference to clarify the intention behind "area of the housing opportunity". The agency should define or further clarify such phrases.
4. On page 3, in section 8-37ee-402(12), the definition of "new housing opportunity", uses the phrase "creation of a new subsidy program" which is ambiguous because it does not specify what type of subsidy would qualify, such as a rental subsidy to a tenant, a subsidy to an owner or a subsidy for a housing developer. The agency should further clarify its intent.
5. On page 4, in section 8-37ee-403(b)(1), the term "subdivisions" is undefined and is unclear because a simple division of land may not always qualify as a subdivision. For example, in section 8-18 of the general statutes, "subdivision" means "the division of a tract or parcel of land into three or more parts or lots made subsequent to the adoption of subdivision regulations by a zoning commission." The agency should either define or further clarify its use of the term.
6. On page 5, in section 8-37ee-501(a), and throughout the proposed regulation, the phrase "affordability restriction" is used but is undefined. It is unclear what type of restriction is intended to be included, whether it be a deed restriction, land use restriction agreement, trust, covenant or other type of mechanism and the agency should clarify its intended meaning.
7. On page 5, in section 8-37ee-501(a), on page 8, in section 8-37ee-601(b)(4), and on page 9, in section 8-37ee-602(a)(2), the phrase "persons of diverse groups" is used without a definition or explanation of what diversity means in this context, for example, racial, age, income, gender or other types of diversity based on characteristics or conditions of persons. Similarly, on page 10,

in section 8-37ee-604, the phrase "diverse housing development" is used without a definition or explanation of what diversity means in this context, for example, personal characteristics like race, age, income, gender or other characteristics, or whether diversity refers to characteristics of the housing development. The agency should define or further clarify the term "diverse" as used in the proposed regulation.

8. On page 6, in section 8-37ee-501(f), entities are required to provide "translation of affirmative marketing materials into a language other than English", however, the provision does not specify how a language other than English should be decided for translation, nor does it specify when or upon whose request such translation should be made. The agency should clarify the provision.
9. On page 6, in section 8-37ee-502, the affirmative fair housing marketing plan is required to be made available at the sales or rental office of the entity "or the office where any housing opportunity is administered." This provision is ambiguous and overly broad because it does not restrict the requirement to the office where any housing opportunity is administered by the specific entity and, given the broad definition of entity, could result in requiring such plans to be available at entities that are not relevant to the particular housing opportunity at issue.
10. On page 7, in section 8-37ee-601(b)(3), and generally throughout the proposed regulation, the term "outreach" is undefined, and it is unclear the extent to which the usage of the terms "outreach", "outreach efforts", "outreach mechanism", "outreach materials", or "outreach organizations" have the same intended meaning as "marketing" or "advertising". The agency should define or further clarify its intended meaning for the terms, and to the extent that the other terms used have the same intended meaning, the agency should use the same terminology.
11. On page 8, in section 8-37ee-601(b)(6), and throughout the proposed regulation, the phrase "fair housing" is used without definition or explanation. This particular provision requires certain people such as the contact person of an entity to be "trained in fair housing". It is unclear in this context whether "fair housing" means, for example, state or federal fair housing laws, existing regulations, internal policies of state agencies, general principles or aspirational goals. The agency should either define the term "fair housing" for purposes of the proposed regulation or clarify the use of the term throughout the regulation.
12. On page 8, in section 8-37ee-601(b)(7), concerning follow-up meetings or reports from outreach organizations, the phrase "alternative approaches should be considered" is unclear because it is unclear whether it is the outreach organizations or the entity considering such alternative approaches and what other types of approaches might be permissible. The agency should rewrite the provision and use active voice to clarify its intent.
13. On page 10, in section 8-37ee-603(a), the regulation provides that if another funding program imposes different fair housing requirements on an entity, those requirements should be followed if "more stringent" than those imposed by the regulation. It is unclear what a "more stringent" requirement is without further explanation. Without further clarification, this provision may also raise federal preemption concerns to the extent a funding program requirement is deemed "more stringent" by a housing agency but conflicts with federal law.

14. On page 10, section 8-37ee-604, concerning the time period when affirmative marketing is required, uses the phrase "or at any time during the period of program administration", which appears to subsume the other time periods described in the section and is thus unclear. Similarly, on page 14, section 8-37ee-705(b), concerning the timing of periodic compliance reviews, uses the same phrase and, in addition, the placement of "whichever term is longer" in said subsection is confusing. It is unclear what the intent of the agency is concerning the interplay among the various time periods and these provisions should be clarified.
15. On page 12, in section 8-37ee-702(d), entities are required to collect data, but the type of data to be collected is not specified, and such collected data is to be "analyzed", but the type or scope of analysis is not specified. This provision should be clarified.
16. On page 12, in section 8-37ee-704(a), the proposed regulation provides that the housing agency may schedule a compliance meeting "If an entity fails to comply with the affirmative fair housing marketing requirements or it appears that the goals of the plan may not be achieved or that the implementation of the plan should be modified". This use of the term "compliance meeting" conflicts with its definition on page 2, in section 8-37ee-402(4), which defines a compliance meeting as being held for entities that fail to comply with the approved affirmative fair housing marketing plan or affirmative fair housing marketing requirements. The agency should either redefine "compliance meeting" to be consistent with its usage or consider deleting the definition.
17. On page 13, in section 8-37ee-704(d)(3), and throughout the proposed regulation, the term "participation" is used but not defined and its meaning cannot be determined from the context and should be clarified.
18. On page 15, in section 8-37ee-705(h), the phrase "invoke the terms of default of the entity's individual financial agreement with the housing agency" is unclear because it does not specify the type of default noncompliance would trigger and seems to assume all defaults under a broad range of financial agreements between entities and housing agencies would have the same effect or remedies.
19. On page 15, in section 8-37ee-707(a), the regulation requires entities to submit annual updates "consistent with the timing required for the submission of the annual report required by Section 8-68d of the Connecticut General Statutes". Section 8-68d of the general statutes only applies to housing authorities, whereas the definition of "entity" on page 3 in section 8-37ee-402(6) is much broader and would appear to include, for example, nonprofits that contract with a housing agency to administer assistance programs and it is unclear how entities that are not housing authorities would comply with this requirement.
20. On page 16, section 8-37ee-707(d) refers to "the fair housing requirements stated herein" and on page 18, in section 8-37ee-803(a), entities are required to create, maintain and revise waitlists "as hereinafter provided." It is unclear which other specific provisions of the proposed regulations are meant by these references and "herein" and "hereinafter" should be replaced with references to specific provisions of the regulation for clarity.

21. On page 19, in section 8-37ee-804(b), entities are required to keep all waitlists "in an accessible place." Accessibility is not defined in this context, and it is unclear whether the storage space is meant to be accessible, or if the waitlists should be accessible by interested persons, or both. This provision should be clarified.
22. On page 20, in section 8-37ee-805(e), the phrase "added to the bottom of any existing waitlist" is unclear. If the intention is for subsequently created waitlists to have lower priority with respect to the existing waitlist, it should be clarified how; for example, through numerical order.
23. On page 22, section 8-37ee-809 states that a waitlist is a public record under the Freedom of Information Act and that every person has the right to inspect or receive a copy of the record under said Act. Additionally, on page 23 in section 8-37ee-901(c), the regulation has a similar provision declaring that a tenant selection plan is a public record. These provisions apply to entities, which since the definition of "entity" on page 3 in section 8-37ee-402(6) is very broad, would appear to apply the Freedom of Information Act and all of its requirements and penalties potentially to an entity that may not satisfy the definition of "public agency" under section 1-200 of the general statutes. There does not appear to be any existing statutory authority designating such documents as public records and arguably they would not be considered public records unless they are possessed by a public agency. The agency does not have the authority to expand the Freedom of Information Act to apply to entities that are not a public agency under the Freedom of Information Act, and these provisions should be clarified to avoid any apparent conflict with said Act.
24. On page 28, section 8-37ee-908(e) states that any "interested party" may purchase a copy of the transcript or recording of the hearing. Such term is undefined, so it is unclear whether hearing transcripts or recordings may be purchased by only parties to the hearing or by any person who has an interest in the outcome. The term should be defined or further clarified.
25. On page 29, section 8-37ee-908(h) states that petitions shall be "brought" by an applicant not more than seven days after an adverse decision against said applicant. In this context, "brought" is ambiguous because it does not clearly define what action formally initiates a timely appeal, i.e. mailing by the applicant, receipt by the department or some other action. This provision should be clarified.

### **Technical Corrections:**

1. Throughout the proposed regulation, the pages should be numbered, for proper form.
2. Throughout the proposed regulation, the use of capitalization in the catchlines should be consistent. For example, on page 5, in section 8-37ee-501, the words "affirmative fair marketing programs" are not capitalized, whereas on page 7, in section 8-37ee-601, the terms in the catchline are capitalized. Either method is correct, but the agency should pick one method and be consistent in its use throughout the regulation.

3. Throughout the proposed regulation, the passive voice is used when describing requirements imposed by these regulations. Wherever possible, the active voice should be used to clarify who is responsible for meeting such requirements and who may be responsible for determining compliance with or enforcing such requirements. For example, on page 4, in section 8-37ee-403(c), "Such waiver may only be granted" should be "The department shall only grant such waiver", for clarity.
4. Throughout the proposed regulation, there should not be any numeric gaps between the section numbers being added and the agency should reserve sections that are not being added currently to avoid any such gaps. For example, on page 4, after the last line of text, **"(NEW) Secs. 8-37ee-404 — 8-37ee-500. Reserved."** should be inserted. Reserved sections should also be inserted in a similar manner on pages 6, 10, 16 and 22 of the proposed regulation.
5. Throughout the proposed regulation, the agency should be consistent in how it depicts numeric time periods. For example, on page 7, in section 8-37ee-601(b)(3), the agency uses both numbers and words, e.g., "ten (10)", whereas on page 11, in section 8-37ee-702(a), only numbers are used, e.g., "90 days". Either method is correct, but the agency should pick one method and be consistent in its use throughout the regulation.
6. On pages 1 and 2, section 8-37ee-401 should be deleted as unnecessary, and the remaining sections and internal citations should be renumbered accordingly.
7. On page 2, in section 8-37ee-402(1), in the fifth line, "as set forth in" should be "as required by", for clarity.
8. On page 2, in section 8-37ee-402(2), in the first line, "with" should be "to", for clarity.
9. On page 2, in section 8-37ee-402(5), "State of Connecticut" should be deleted as unnecessary.
10. On page 3, in section 8-37ee-402(12), "affordable housing" should be inserted before "units", for clarity.
11. On page 4, in section 8-37ee-403(b)(2), "part of a single or multiple housing opportunities" should be "part of a single housing opportunity or multiple housing opportunities", for proper form.
12. On page 4, in section 8-37ee-403(c)(1) to (4), inclusive, the first word of each subdivision should be capitalized, for consistency, and in subdivision (1), "literal" should be "strict", for accuracy.
13. On page 5, in section 8-37ee-501, subsection designators (a) to (f), inclusive, should be subdivision designators (1) to (6), inclusive, respectively, for proper form, and in subsections (a) and (f), "an affirmative program" should be "a program" and "An affirmative marketing program" should be "A marketing program" for clarity, to avoid confusion with the defined term "affirmative fair housing marketing plan."

14. On page 5, in section 8-37ee-501(b), "non-discrimination" should be "nondiscrimination", for proper form.
15. On page 5, in section 8-37ee-501(c), "of the entity" should be inserted after "agents,", for clarity and in subsection (e), before "Commission", "Connecticut" should be deleted as unnecessary.
16. On page 6, in section 8-37ee-501, "Entities shall provide" should be "Provide", for consistency.
17. On page 6, in section 8-37ee-502, in the third line, "indicating" should be "stating that", for clarity, and in the fourth line, "to comply" should be "complies", for proper form.
18. On page 7, in section 8-37ee-601, in the second catch line, "(7)" should be "(a)", for accuracy and "**Assessing Affirmative Marketing Needs**" should be moved left after "(a)", for proper form.
19. On page 7, in section 8-37ee-601(a), "group(s)" should be "group or groups", for proper form and in the last line, "Source documentation" should be "The documentation of any sources for such data", for clarity.
20. On pages 7 and 8, in section 8-37ee-601(b)(2) and (b)(4), subparagraph designators should be capitalized, for proper form. For example, in subsection (b)(2), "(a)" should be "(A)", for proper form.
21. On page 7, in section 8-37ee-601(b)(3), "of the housing opportunity" should be inserted after "general marketing", for clarity.
22. On page 8, in section 8-37ee-601(b)(4), in the second line, "I" should be "(E)", for proper form.
23. On page 8, in section 8-37ee-601(b)(5), in the third line, "who can" should be "and that can", for proper form; in the seventh line, "wo'en's" should be "women's", for proper form; in the ninth line, "and" should be "or", for accuracy; and in the tenth line, "subsection (4) of this section" should be "subdivision (4) of this subsection", for accuracy.
24. On page 8, in section 8-37ee-601(b)(6), in the third line, the comma after "fair housing officer" should be deleted, for proper form.
25. On page 8, in section 8-37ee-601(b)(7), "subsection (5) of this section" should be "subdivision (5) of this subsection", for accuracy.
26. On page 9, in section 8-37ee-602(a)(1) and throughout the proposed regulation, "should" should be "shall" in accordance with the committee's directive regarding mandates, except for three instances: On page 12 in section 8-37ee-704(a), and on page 25, in section 8-37ee-906(d), in the fifth and sixth lines, "should" should not be changed.
27. On page 9, in section 8-37ee-602(a)(4), "814C" should be "814c", for proper form.

28. On page 9, in section 8-37ee-602(c), "electronic media sites" should be "social media sites or Internet web sites", for clarity, and in the third line, "site" should be "property", for clarity.
29. On page 10, in section 8-37ee-603(c), "said" should be "such", for proper form.
30. On page 11, section 8-37ee-701 should be deleted as unnecessary and the subsequent sections renumbered accordingly.
31. On page 11, in section 8-37ee-702(a), in the second line, ", as required by section 8-37ee-901 of the Regulations of Connecticut State Agencies," should be inserted after "tenant selection plan", for clarity.
32. On page 11, in section 8-37ee-702(b), subdivision designator (1) should be deleted and the text following the designator moved up to the previous line after "conference", for proper form, and "most recent" should be inserted before "previously approved plan", for clarity.
33. On page 12, in section 8-37ee-702(d), in the second line, "from" should be deleted, for proper form; "waiting lists" should be "waitlists", for consistency; and in the last line, a comma should be inserted after "Statutes", for proper form.
34. On page 12, in section 8-37ee-703, in the first line, "Anyone may file complaints" should be "Any person may file a complaint or complaints", for clarity; in the third line, "will" should be "shall", in accordance with the committee's directive regarding mandates; and in the final line, after "complaint", "under this section" should be added, for clarity.
35. On page 12, in section 8-37ee-704(a), "to the housing agency" should be inserted after "it appears", for clarity.
36. On page 12, in section 8-37ee-704(b), in the second line, "plan's" should be added after "affirmative fair housing marketing", for accuracy and clarity, and in the fourth line, "its" should be "the entity's", for clarity.
37. On page 12, in section 8-37ee-704(c), in the final line, "the plan" should be "the affirmative fair housing marketing plan", for clarity.
38. On page 13, in section 8-37ee-704(d)(2), "photo" should be "a photograph", for proper form.
39. On page 13, in section 8-37ee-704(d)(5), before "employees", "the entity's" should be added, for clarity.
40. On page 13, in section 8-37ee-704(d)(7), before "staff", "the entity's" should be added, for clarity.
41. On page 13, in section 8-37ee-704(e), in the third and fourth lines, "or not" should be deleted, for proper form, and in the fifth line, "affirmative fair housing marketing" should be added before "plan", for clarity.

42. On page 13, in section 8-37ee-704(g), in the first line, "compliance meeting scheduled" should be "scheduled compliance meeting", for proper form, and in the third line, a comma should be added after "in writing", for proper form.
43. On page 14, in section 8-37ee-705(d)(1), in the next to last line, "in" should be deleted, for proper form.
44. On page 15, in section 8-37ee-705(h), the two instances of "will" should be "shall", in accordance with the committee's directive regarding mandates.
45. On page 15, in section 8-37ee-706(b), "Procedures" should be "Procedure", for accuracy.
46. On page 15, in section 8-37ee-707(a), in the second line, the extra space between "its" and "affirmative" should be deleted, for proper form.
47. On page 15, in section 8-37ee-707(b), "submitted under subsection (a) of this section" should be inserted after "Upon review of the information", for clarity.
48. On page 15, in section 8-37ee-707(c), "or as set forth" should be "or the time period set forth", for clarity.
49. On page 17, in section 8-37ee-801(a), "for any housing opportunity" should be inserted after "application period", for clarity, and in subsection (c) of said section, "for any housing opportunity during the application period" should be inserted after "apply", for clarity and consistency.
50. On page 17, in section 8-37ee-801(c), "Anyone" should be "Any person", for proper form.
51. On page 18, in section 8-37ee-802(b), in the third line, "entities" should be "the entity", for consistency.
52. On page 18, in section 8-37ee-802(c), in the second line, "limitation: substantiating that" should be "limitation, substantiating: that", for proper form.
53. On page 18, in section 8-37ee-803(b), in the fourth line, "will" should be "shall", in accordance with the committee's directive regarding mandates.
54. On page 19, in section 8-37ee-804, in subsection (a), "below" should be deleted, for proper form, and the table embedded within the section should be given a heading and specifically referenced where applicable within the section, for proper form.
55. On page 19, in section 8-37ee-805(a), "tenant" should be inserted before "applicant", for clarity.

56. On page 19, in section 8-37ee-805(b), in the first line, a comma should be inserted after "may", and in the second line, "Section 8-37ee-805(a)" should be "subsection (a) of this section," for proper form.
57. On page 20, in section 8-37ee-805(d), in the sixth line, "refuse to" should be "not", for clarity.
58. On page 20, in section 8-37ee-805(f), in the fifth line, a comma should be inserted after "apply", for proper form.
59. On page 20, in section 8-37ee-806(b), "below" should be deleted, for proper form, and in subsection (c), in the last line, "then" should be deleted, for proper form.
60. On page 21, in section 8-37ee-807(e), in the next to last line, "sections" should be "Section", for consistency, and in the last line, "and" should be "or", for accuracy.
61. On page 22, in section 8-37ee-809, "Every person" should be "Any person", for proper form.
62. On page 22, in section 8-37ee-901(a), in the second line, "they intend" should be "the entity intends", for clarity; throughout the subdivisions of subsection (a), the indenting should be consistent with the rest of the regulation, for proper form; in subsection (a)(1), "admission" should be "selection" for consistency and in subsection (a)(5), "Policy" should be "A policy", for proper form.
63. On page 23, in section 8-37ee-901(b), "initial" should be "most recent", for accuracy.
64. On page 23, in section 8-37ee-901(c), in the second line, "Every" should be "Any", for proper form.
65. On pages 23 and 24, in section 8-37ee-903, subsection designators "(c)" and "(d)" should be "(a)" and "(b)", respectively, for proper form and on page 23, in newly designated subsection (a), in the last line, "will" should be "shall" in accordance with the committee's directive regarding mandates.
66. On page 24, in section 8-37ee-904(a), in the second line, the comma after "first" should be deleted, for proper form, and in the third line, a comma should be inserted after "waitlist", for proper form.
67. On page 24, in section 8-37ee-906, in the second and third lines, "reason(s)" should be "reason or reasons", for proper form, in the fourth line, a comma should be inserted after "ineligibility", for proper form and in the fifth line "to allow the applicant to know and understand" should be "concerning", for clarity.
68. On page 25, in section 8-37ee-906(b), in the fourth line, ", below" should be "of the Regulations of Connecticut State Agencies", for proper form.

69. On page 26, in section 8-37ee-907(a), in the first line, "each" should be "any", for clarity and in the fourth line, "The" should be "Such", for clarity; in subsection (b), "Section 8-37ee-907(b)(2) of the Regulations of Connecticut State Agencies" should be "subdivision (2) of this subsection", for proper form and in subsection (b)(3), "subdivision (2) of subsection (b) of this section" should be "subdivision (2) of this subsection", for proper form.
70. On page 27, in section 8-37ee-907(e), "to avail such persons with" should be "to permit such persons to avail themselves of", for clarity.
71. On page 27, in section 8-37ee-908(a), "The applicant shall be afforded a fair hearing by written policy of the entity" should be "Each entity shall afford a fair hearing to any applicant deemed to be ineligible for a housing opportunity administered by the entity and shall adopt a written policy concerning such hearings", for clarity.
72. On page 28, in section 8-37ee-908(f), in the first line, the catchline should be deleted, for consistency; in the fifth line, "accommodation" should be "accommodations", for accuracy and in the sixth line and on the first line of page 29, "tenant" should be "applicant", for consistency.
73. On page 29, in section 8-37ee-908(g), "Section 37-ee-908(g), below" should be "subsection (h) of this section", for accuracy and proper form.
74. On page 29, in section 8-37ee-908(h), "aggrieved applicant" should be "applicant who does not prevail at the hearing", for clarity.
75. On page 29, in section 8-37ee-909(a), in the second line, a comma should be inserted after "application", for proper form.
76. On page 30, in section 8-37ee-910, in the next to last line, "Sections" should be "Section" and "and" should be "or", for proper form.
77. On page 31, in section 8-45-16, ", inclusive," should be inserted after "8-37ee-809", for proper form. Similarly, on pages 31 and 32, in sections 3 to 6, inclusive, and on page 33, in section 7, "inclusive," should be inserted after "8-37ee-809", for proper form.
78. On page 32, in section 8-346-9, in the first line, "**Sec. 8-346-9. Waiting list**" should be inserted, and in subsection (b), the underlining should be removed, to accurately reflect the text of the existing regulation.
79. On page 33, in sec. 10, "to" should be "and" and ", inclusive," should be deleted, for proper form. The same changes should be made to sections 11 and 12.
80. The agency should also amend two additional sections, sections 8-30g-7 and 8-30g-1 of the Regulations of Connecticut State Agencies, which contain internal references to sections being repealed in this proposed regulation.

**Recommendation:**

<input type="checkbox"/>	Approval in whole
<input type="checkbox"/>	with technical corrections
<input type="checkbox"/>	with deletions
<input type="checkbox"/>	with substitute pages
<input type="checkbox"/>	Disapproval in whole or in part
<input checked="" type="checkbox"/>	Rejection without prejudice

**Reviewed by:** Jonathan Porzuc / Shannon McCarthy

**Date:** January 12, 2024

**Sec. 8-37x. Powers of Commissioner of Housing.** Housing authority purchases. Deferred payments of interest or principal. When commissioner deemed an eligible developer. Dissolution of eligible developer of state-financed property. Exceptions. Regulations. (a) As used in this section, "authority" or "housing authority" means any of the public corporations created by section 8-40 and the Connecticut Housing Authority when exercising the rights, powers, duties or privileges of, or subject to the immunities or limitations of, housing authorities pursuant to section 8-121, and "housing project" means a project developed or administered pursuant to chapter 128.

(b) The Commissioner of Housing may: (1) Collect and correlate information regarding housing projects of authorities in the state and upon request to furnish the authorities, in matters of common interest, information, advice and the services of expert personnel; (2) study state-wide needs for the elimination of substandard housing to stimulate state and city planning involving housing, and otherwise to study housing needs, both rural and urban, and to formulate proposals for meeting these needs; (3) study methods of encouraging investment of private capital in low rent housing; (4) study the necessity, feasibility and advantage of the use of state credit by way of loan or subsidy to assist the financing of housing projects for persons of low income; and (5) accept grants-in-aid of any of said commissioner's powers made pursuant to the provisions of any state or federal law and, for the purpose of complying with the requirements or recommendations of any such law, to prepare such plans and specifications and to make such studies, surveys, reports or recommendations concerning existing or contemplated housing conditions or projects in the state as may be necessary or appropriate.

(c) Notwithstanding any other provision of the general statutes, the Commissioner of Housing may, after conducting a public bidding process as provided in section 8-44, enter into a master contract or contracts with local, regional or state-wide suppliers of labor, supplies, materials, services or personal property on behalf of one or more housing authorities operating state-financed housing programs or projects. The commissioner may, in said commissioner's discretion, with respect to partially completed state-financed programs or projects or in the event of emergencies affecting human health, safety, welfare and life or endangering property, waive the bidding requirement and threshold of said section 8-44.

(d) The Commissioner of Housing may designate as said commissioner's agent any deputy commissioner or any employee to exercise such authority of the commissioner as

said commissioner delegates for the administration of any applicable statute or regulation.

(e) As used in this subsection, "troubled loan" means a loan in which payments of interest or principal, or both interest and principal, (1) are delinquent under the terms of a loan agreement, or (2) may become delinquent under conditions which exist which would reasonably lead the Commissioner of Housing to believe that a borrower would be unable to repay the loan. Said commissioner may authorize the deferred payments of interest or principal, or both interest and principal, or a portion thereof, in the case of a troubled loan made by the commissioner under any provision of the general statutes or special acts if said commissioner determines the deferral to be in the best interests of the state. Such determination shall be in writing and shall include a statement of the reasons why the deferral is in the best interests of the state. Any deferral made under the provisions of this section shall be subject to the approval of the State Bond Commission.

(f) Upon an action by the Commissioner of Housing to preserve the state's interest in any contract for financial assistance that results in the state acquiring title to any housing property, the commissioner shall be deemed to be an eligible developer, as defined in section 8-39, for the purposes of operating the property and receiving state or federal financial assistance on behalf of the property or the operation of the property.

(g) The Commissioner of Housing, in consultation with the executive director of the Connecticut Housing Finance Authority, upon the lawful dissolution of any eligible developer of property financed with a loan, grant or any combination thereof from the state, may (1) accept ownership of property owned by such a developer in the name of the state and dispose of such property to an eligible developer for a price and upon terms that the commissioner deems proper, provided such action shall preserve the property as housing for very low, low or moderate income persons; or (2) after approval by the Secretary of the Office of Policy and Management, allow such property to participate in any programs that the commissioner operates, in order to preserve the property as housing for very low, low or moderate income persons. For purposes of this subsection, "housing" includes facilities and amenities incidental and pertinent to the provision of affordable housing and intended primarily to serve the residents of the affordable housing development, including, but not limited to, a community room, a laundry room, day care space, a computer center, a management center or playground.

(h) Notwithstanding the provisions of subsection (g) of this section, the Commissioner of Housing shall allow the continued use of: (1) The Saint Joseph's Residence for Mothers and

Children, located in Bridgeport, which is utilized as a day care center; (2) the House of Bread, located in Hartford, which is utilized as a community day care center and corporate offices; and (3) the Rainbow Court Cooperative, located in Middletown, which is utilized as rental units for lower income persons.

(i) The Commissioner of Housing may adopt regulations, in accordance with the provisions of chapter 54, to carry out the purposes of the Department of Housing as established by statute.

**Sec. 8-37cc. Housing agencies to serve households with incomes less than fifty per cent of area median income and to promote fair housing choice and racial and economic integration.** (a) Each housing agency, as defined in section 8-37aa, shall, within available resources and to the extent practicable, serve households with incomes less than fifty per cent of the area median income, including households with incomes less than twenty-five per cent of the area median income. In administering its programs each housing agency shall attempt to serve households in the lower range of the income group for which the housing program was developed.

(b) Each housing agency shall affirmatively promote fair housing choice and racial and economic integration in all programs administered or supervised by such housing agency.