

**Proposed Substitute
Bill No. 6611**

LCO No. 6279

**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 fair share goal, (B) a nonprofit organization advocating
16 (i) for a municipality's compliance with its fair share requirements under
17 this section, or (ii) on behalf of lower and moderate income households
18 in a planning region or combined planning region, as applicable, (C) an

19 individual who would qualify for a fair share unit, or (D) a municipality
20 in the same planning region or combined planning region, as applicable,
21 that (i) is not required to create a fair share plan, or (ii) has received a
22 judgment of compliance pursuant to subsection (e) of this section and is
23 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 fair share goal, including (A) two-year, three-year, five-year
56 and ten-year development benchmarks, and (B) zoning regulations
57 amended, and a plan of conservation and development updated, to
58 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 fair share goal in
126 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 unit 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 unit 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) Each bedroom in a permanent supportive dwelling unit that is
168 not age restricted shall be equivalent to one fair share unit;

169 (B) Each bedroom in a rental dwelling unit that (i) is conveyed by a
170 deed containing covenants or restrictions which shall require that such
171 unit be sold or rented at, or below, a price which will preserve the unit
172 as housing for extremely low income households, (ii) is not age
173 restricted, and (iii) contains two or more bedrooms, shall be equivalent

174 to one fair share unit; and

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

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

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

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

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

203 (i) In the case of any development of housing affordable to persons
204 and families of low and moderate income, such municipal fair share

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

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

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

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

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

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

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

252 (e) (1) (A) A municipality that has timely submitted its complete
253 municipal fair share plan to the Secretary of the Office of Policy and
254 Management in accordance with the provisions of subparagraph (A) of
255 subdivision (1) of subsection (d) of this section may bring an action in
256 the superior court for the judicial district of Hartford, on the land use
257 litigation docket, for a finding that the municipal fair share plan of such
258 municipality creates a realistic opportunity for the achievement of the
259 municipal fair share goal of such municipality in ten or fewer years and
260 a judgment determining that such municipality is in compliance with
261 the provisions of this section, in accordance with the provisions of
262 subdivision (3) of this subsection. An aggrieved party may file a motion
263 to intervene in any such action and oppose such a determination if such
264 aggrieved party believes that the municipal fair share plan of such
265 municipality does not create such a realistic opportunity.

266 (B) If the court makes a finding that the municipal fair share plan of
267 such municipality creates a realistic opportunity for the achievement of
268 the municipal fair share goal of such municipality and enters a judgment
269 determining that such municipality is in compliance with the provisions

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

284 (C) Notwithstanding the court's entry of a judgment of compliance
285 pursuant to subparagraph (B) of this subdivision, such court shall
286 continue to exercise jurisdiction over the matter (i) to receive and
287 consider reports submitted by the municipality under said subdivision,
288 (ii) to hear any motion brought by an aggrieved party that such
289 municipality has failed to fulfill the requirements of its municipal fair
290 share plan according to the benchmarks described in subparagraph
291 (B)(iii) of subdivision (1) of subsection (d) of this section or otherwise
292 materially failed to comply with such municipal fair share plan, to
293 adjudicate any such motion and to order such relief as such court deems
294 appropriate to ensure prompt compliance with the provisions of this
295 section and remedy any such failure, and (iii) to grant an extension of
296 not more than ten years to a municipality, in accordance with the
297 provisions of subparagraph (A) of subdivision (4) of this subsection, for
298 the purpose of fulfilling such requirements, when such court finds the
299 interests of justice so require.

300 (2) (A) In the case of a municipality that has timely submitted its
301 complete municipal fair share plan to the Secretary of the Office of
302 Policy and Management in accordance with the provisions of
303 subparagraph (A) of subdivision (1) of subsection (d) of this section and

304 for which a judgment of compliance has not been entered pursuant to
305 subparagraph (B) of subdivision (1) of this section, or has not been
306 sought by such municipality, any aggrieved party may bring an action
307 in the superior court for the judicial district of Hartford, on the land use
308 litigation docket, for a finding that the municipal fair share plan of such
309 municipality does not create a realistic opportunity for the achievement
310 of the municipal fair share goal of such municipality in ten or fewer
311 years and a judgment determining that such municipality is not in
312 compliance with the provisions of this section.

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

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

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

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

333 (B) Bona fide amendments to zoning regulations, including, but not
334 limited to, the adoption of inclusionary zoning provisions, as described
335 in section 8-2i of the general statutes, and other changes to policies and

336 procedures that create a realistic opportunity for the development of fair
337 share units required under the municipal fair share base;

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

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

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

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

357 (G) Efforts by the municipality to secure funding to expand sewer
358 and other infrastructure related to the development of affordable
359 housing, including, but not limited to, grant applications and bonding
360 measures;

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

366 (I) Evidence of such municipality's commitment of municipally

367 owned property and other municipal resources to support the
368 achievement of the municipal fair share goal of such municipality; and

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

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

384 (ii) In any action brought under this subsection for a determination
385 of a municipality's compliance with this section, the court may grant a
386 reduction in the municipal fair share goal of such municipality if such
387 municipality establishes by clear and convincing evidence,
388 substantiated by expert scientific proof, that (I) such reduction is
389 necessary due to limitations resulting from the topography of the
390 municipality or in order to protect extraordinary natural resources, such
391 as any rare or unique natural phenomena, and (II) an extension beyond
392 the duration of the municipal fair share plan of such municipality would
393 not be sufficient to address such limitations or risk to such natural
394 resources.

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

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

420 (f) (1) In the case of a municipality that fails to submit a municipal fair
421 share plan to the Secretary of the Office of Policy and Management, in
422 accordance with the provisions of subsection (d) of this section, such
423 municipality shall not be eligible to receive a certificate of affordable
424 housing completion under subdivision (4) of subsection (l) of section 8-
425 30g of the general statutes until not less than two years after the
426 submission of such municipal fair share plan.

427 (2) (A) Any aggrieved party may bring an action in the superior court
428 for the judicial district of Hartford, on the land use litigation docket, for
429 a judgment determining that a municipality is not in compliance with
430 the provisions of this section and an order of such relief as such court
431 deems appropriate to ensure prompt compliance with the provisions of
432 this section, including, but not limited to, temporary injunctive relief,
433 timely creation and submission of a municipal fair share plan that

434 complies with the provisions of this section and the appointment of one
435 or more independent qualified individuals with expertise in land use to
436 create a municipal fair share plan for such municipality. If such
437 aggrieved party is successful in any such action, such aggrieved party
438 shall be awarded any attorneys' costs and fees, including, but not
439 limited to, the costs of appellate review, remands or other judicial
440 proceedings as well as any monetary losses attributable to such
441 municipality's failure to create a municipal fair share plan, such as any
442 lost opportunity to develop fair share units for sale.

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

459 (g) (1) Except as provided in subdivision (2) of this section, whenever
460 the Secretary of the Office of Policy and Management or the
461 Commissioner of Housing, or both, fail to perform any duty required of
462 said secretary or commissioner, as applicable, under the provisions of
463 this section, any aggrieved party described under subparagraphs (A) to
464 (C), inclusive, of subdivision (2) of subsection (a) of this section may
465 bring an action in the superior court for the judicial district of Hartford,
466 on the land use litigation docket, for an order (A) that said secretary or
467 commissioner, as applicable, comply with the provisions of this section,

468 and (B) of such relief as such court deems necessary or appropriate to
469 ensure prompt compliance with the provisions of this section, including,
470 but not limited to, permanent or temporary injunctive relief and
471 attorneys' costs and fees.

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

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

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

499 (B) (i) Only dwelling units affordable to very low income households
500 may count toward the state's new construction obligation under

501 subparagraph (A) of this subdivision. Dwelling units constructed under
502 said subparagraph shall not be age restricted and may be resident-
503 owned affordable housing units.

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

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

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