



AN ACT CONCERNING HOUSING AUTHORITY JURISDICTION.

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

Section 1. Section 8-39 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

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

(a) "Area of operation" includes the municipality in which a housing authority is created under the provisions of this chapter and may include a neighboring municipality, provided the governing body of such neighboring municipality agrees by proper resolution to the extension of the area of operation to include such neighboring municipality.

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

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

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

(e) "Families of low income" means families who lack the amount of income which is necessary, as determined by the authority undertaking the housing project, to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

(f) "Families of low and moderate income" means families who lack the amount of income which is necessary, as determined by the Commissioner of Housing, to enable

25 them to rent or purchase moderate cost housing without financial assistance as
26 provided by this part and parts II and III of this chapter.

27 (g) "Federal government" includes the United States of America, the federal emergency
28 administration of public works or any other agency or instrumentality, corporate or
29 otherwise, of the United States of America.

30 (h) "Governing body" means, for towns having a town council, the council; for other
31 towns, the selectmen; for cities, the common council or other similar body of officials;
32 and for boroughs, the warden and burgesses.

33 (i) "Housing project" means any work or undertaking (1) to demolish, clear or remove
34 buildings from any slum area, which work or undertaking may embrace the adaptation
35 of such area to public purposes, including parks or other recreational or community
36 purposes; or (2) to provide decent, safe and sanitary urban or rural dwellings,
37 apartments or other living accommodations for families of low or moderate income,
38 which work or undertaking may include buildings, land, equipment, facilities and other
39 real or personal property for necessary, convenient or desirable appurtenances, streets,
40 sewers, water service, parks, site preparation, gardening, administrative, community,
41 recreational, commercial or welfare purposes and may include the acquisition and
42 rehabilitation of existing dwelling units or structures to be used for moderate or low
43 rental units; or (3) to accomplish a combination of the foregoing. The term "housing
44 project" also may be applied to the planning of the buildings and improvements, the
45 acquisition of property, the demolition of existing structures, the construction,
46 reconstruction, alteration and repair of the improvements and all other work in
47 connection therewith and may include the reconstruction, rehabilitation, alteration, or
48 major repair of existing buildings or improvements which were undertaken pursuant to
49 parts II and VI of this chapter.

50 (j) "Mayor" means, for cities, the mayor and, for boroughs, the warden.

51 (k) "Moderate rental" means a rental which, as determined by an authority with the
52 concurrence of the Commissioner of Housing, is below the level at which private
53 enterprise is currently building a needed volume of safe and sanitary dwellings for
54 rental in the locality involved; and "moderate rental housing project" means a housing
55 project, receiving state aid in the form of loans or grants, for families unable to pay
56 more than moderate rental. Such project may include the reconstruction, rehabilitation,
57 alteration, or major repair of existing buildings or improvements which were
58 undertaken pursuant to parts II or VI of this chapter.

59 (l) "Municipality" means any city, borough or town. "The municipality" means the
60 particular municipality for which a particular housing authority is created.

- 61 (m) "Obligee of the authority" or "obligee" includes any bondholder, trustee or trustees
62 for any bondholders, or lessor demising to the authority property used in connection
63 with a housing project, or any assignee or assignees of such lessor's interest or any part
64 thereof, and the state or federal government when it is a party to any contract with the
65 authority.
- 66 (n) "Real property" includes all lands, including improvements and fixtures thereon,
67 and property of any nature appurtenant thereto, or used in connection therewith, and
68 every estate, interest and right, legal or equitable, therein, including terms for years and
69 liens by way of judgment, mortgage or otherwise and the indebtedness secured by such
70 liens.
- 71 (o) "Rent" means the entire amount paid to an authority for any dwelling unit.
- 72 (p) "Shelter rent" means rent less any charges made by an authority for water, heat, gas
73 and electricity.
- 74 (q) "Slum" means any area where dwellings predominate which, by reason of
75 dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or
76 sanitary facilities, or any combination of these factors, are detrimental to safety, health
77 and morals.
- 78 (r) "State public body" means any city, borough, town, municipal corporation, district or
79 other subdivision of the state.
- 80 (s) "Veteran" has the meaning assigned by section 27-103 and includes any officer of the
81 United States Public Health Service detailed by proper authority to duty with any of the
82 armed forces and the spouse or widow or widower of such veteran, provided such
83 veteran shall have served for a period of ninety days or more in time of war after
84 December 7, 1941, and shall have resided in this state at any time continuously for two
85 years.
- 86 (t) "Family" means a household consisting of one or more persons.
- 87 (u) "Eligible developer" or "developer" means (1) a nonprofit corporation; (2) any
88 business corporation incorporated pursuant to chapter 601 or any predecessor statutes
89 thereto, having as one of its purposes the construction, rehabilitation, ownership or
90 operation of housing, and having articles of incorporation approved by the
91 commissioner in accordance with regulations adopted pursuant to section 8-79a or 8-84;
92 (3) any partnership, limited partnership, joint venture, trust, limited liability company
93 or association having as one of its purposes the construction, rehabilitation, ownership
94 or operation of housing, and having basic documents of organization approved by the
95 commissioner in accordance with regulations adopted pursuant to section 8-79a or 8-84;

(4) a housing authority; (5) a family or person approved by the commissioner as qualified to own, construct, rehabilitate, manage and maintain housing under a mortgage loan made or insured under an agreement entered into pursuant to the provisions of this chapter; or (6) a municipal developer.

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

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

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

(y) "Expanded area of operation" includes areas designated by the Department of Housing pursuant to section 8-348 as high or very high opportunity census tracts, which are located outside the area of operation, provided any part of such census tract is located within thirty miles of the municipality in which the housing authority is located.

Sec. 2. Section 8-40 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

In each municipality of the state there is created a public body corporate and politic to be known as the "housing authority" of the municipality; provided such authority shall not transact any business or exercise its powers hereunder until the governing body of the municipality by resolution declares that there is need for a housing authority in the municipality, provided it shall find (1) that insanitary or unsafe inhabited dwelling accommodations exist in the municipality or (2) that there is a shortage of safe or sanitary dwelling accommodations in the municipality available to families of low income at rentals they can afford or (3) that there is a shortage of safe or sanitary

dwelling accommodations in the municipality available to families of moderate income at rentals they can afford. In determining whether dwelling accommodations are unsafe or insanitary, said governing body may take into consideration the degree of overcrowding, the percentage of land coverage, the light, air, space and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes. The governing bodies of two or more municipalities may create a regional housing authority, which shall have all the powers, duties and responsibilities conferred upon housing authorities by this chapter and chapter 130. The area of operation of such authority shall include the municipalities for which such authority is created, and any such authority may adopt an expanded area of operation. Such authority shall act through a board of commissioners composed of two representatives from each municipality appointed for terms of four years in the manner provided in section 8-41.

Sec. 3. Section 8-44b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(a) Any housing authority created by section 8-40, as amended by this act, shall have the power to establish and maintain a housing authority police force, ~~[the]~~ except that no housing authority shall have the power to establish or maintain a housing authority police force in an expanded area of operation. The members of ~~[which]~~ any such police force shall be employees of such housing authority and shall be known as housing authority police officers. Housing authority police officers shall be appointed by the local board, agency or person empowered to appoint municipal police officers, subject to approval of the housing authority. The requirements for appointment as a police officer in the municipality in which the housing authority is located, except for age and physical qualifications, shall be mandatory for housing authority police officers in such municipality. No person shall be appointed to such housing authority police force unless ~~[he]~~ such person has been awarded a certificate attesting to ~~[his]~~ such person's successful completion of an approved municipal police basic training program, as provided in section 7-294e. The initial appointment shall be for a probationary term upon completion of which the appointing authority may promote such probationary officers to permanent status; provided such promotion shall be in accordance with procedures applicable to municipal police officers in the municipality and shall be made subject to the approval of the housing authority. Housing authority police officers shall have and exercise the powers and authority conferred upon municipal police officers and shall be subject to the ultimate supervision and control of the chief of police of the municipality in which the housing authority operates.

(b) Notwithstanding the provisions of subsection (a) of this section, any housing authority police force which existed prior to October 1, 1970, pursuant to Title 1 of Public Law 89-754, 80 Stat. 1255, the Demonstration Cities and Metropolitan

Development Act of 1966, and which, for any reason, does not constitute a housing authority police force pursuant to subsection (a) of this section, shall constitute a housing authority police force pursuant to this subsection and the members of such police forces may exercise the powers granted to such members pursuant to this subsection. The members of such police force may act, at the expense of the municipality, as special police officers upon property owned or managed by any housing authority. Such special police officers: (1) May arrest, without previous complaint and warrant, any person for any offense in their jurisdiction, when such person is taken or apprehended in the act or on the speedy information of others; (2) when in the immediate pursuit of one who may be arrested under the provisions of this subsection, may pursue such offender outside of their jurisdiction into any part of the municipality to effect an arrest; (3) shall be peace officers as defined in subdivision (9) of section 53a-3; (4) shall have the authority to serve criminal process within their jurisdiction; (5) shall, when on duty, wear a uniform, distinct in color from that worn by the police officers of the municipality; (6) shall, when on duty, wear in plain view a shield, distinct in shape from that worn by the police officers of the municipality which shall bear the words "special police"; (7) shall complete a forty-hour basic training program provided by the municipality within one hundred eighty days of June 27, 1983; (8) shall take an oath of office.

Sec. 4. Section 8-50 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

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