

Raised Bill No. 184

February Session, 2020

LCO No. 1688



Referred to Committee on HOUSING

Introduced by: (HSG)

AN ACT INCREASING OPPORTUNITIES FOR WORKFORCE HOUSING DEVELOPMENT IN THE STATE.

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

- 1 Section 1. (NEW) (*Effective July 1, 2020*) (a) As used in this section:
- 2 (1) "Commissioner" means the Commissioner of Housing.
- 3 (2) "Eligible workforce housing development project" or "project"
- 4 means a project for the construction or substantial rehabilitation of
- 5 housing (A) located within an opportunity zone in this state, (B)
- 6 designated for certain professions that work within the municipality
- 7 where the project is located and for low and moderate income families
- 8 and persons, and (C) that may incorporate renewable energy
- 9 technology.
- 10 (3) "Substantial rehabilitation" means (A) the costs of any repair,
- 11 replacement or improvement to a building that exceeds fifteen per cent
- of the value of such building after the completion of all such repairs,
- 13 replacements or improvements, or (B) the replacement of two or more
- of the following: (i) Roof structures, (ii) ceilings, (iii) wall or floor

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- structures, (iv) foundations, (v) plumbing systems, (vi) heating and air conditioning systems, or (vii) electrical systems.
- 17 (4) "Opportunity zone" means an area designated pursuant to the Tax 18 Cuts and Jobs Act of 2017, P.L. 115-97.

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- (5) "Eligible developer" or "developer" means (A) a nonprofit corporation; (B) any business corporation incorporated pursuant to chapter 601 of the general statutes or any predecessor statutes to said chapter, having as one of its purposes the construction, rehabilitation, ownership or operation of housing, and having articles of incorporation approved by the commissioner in accordance with regulations adopted pursuant to section 8-79a or 8-84 of the general statutes; (C) any partnership, limited partnership, joint venture, trust, limited liability company or association having as one of its purposes the construction, rehabilitation, ownership or operation of housing, and having basic documents of organization approved by the commissioner in accordance with regulations adopted pursuant to section 8-79a or 8-84 of the general statutes; (D) a housing authority; (E) 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 (F) a municipal developer.
- (6) "Authority" or "housing authority" means any of the public corporations created by section 8-40 of the general statutes, 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 of the general statutes.
- (7) "Nonprofit corporation" means a nonprofit corporation incorporated pursuant to chapter 602 of the general statutes 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-

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- (8) "Municipal developer" means a municipality which has not declared by resolution a need for a housing authority pursuant to section 8-40 of the general statutes, 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.
- (9) "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 them to rent or purchase moderate cost housing without financial assistance.
 - (10) "Market rate" means the rental income that such property would most probably command on the open market as indicated by present rentals being paid for comparable space.
- (b) There is established a workforce housing development program administered by the Department of Housing under which persons or entities who make investments in eligible workforce housing development projects located in a federally designated opportunity zone (1) may be allowed a credit against any taxes due under chapter 228z of the general statutes in an amount equal to the amount specified by the commissioner under this section, (2) may be allowed a credit against any tax due under the provisions of chapter 207, 208, 209, 210, 211 or 212 of the general statutes equal to the amount specified by the Connecticut Housing Finance Authority pursuant to section 8-395 of the general statutes, as amended by this act, (3) shall be allowed an exemption from any fees under section 29-263 of the general statutes, as amended by this act, and (4) shall be assessed using the capitalization of net income method under section 12-63b of the general statutes, as amended by this act.
- (c) The Commissioner of Housing shall determine eligibility criteria for such program and establish an application process for the program.

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To the extent feasible, any eligible workforce development project shall incorporate renewable energy or other technology in order to lower utility costs for the tenants. Any eligible workforce housing development project once constructed or rehabilitated shall be rented as follows: (1) Fifty per cent of the units shall be rented at the market rate, (2) forty per cent of the units shall be rented to the workforce population designated by the municipality where such project is located at a rent not exceeding twenty per cent of the prevailing rent of the area where such development is located, and (3) ten per cent of the units shall be rented to families of low and moderate income receiving rental assistance under chapter 128 or 319uu of the general statutes or Section 1437f of Title 42 of the United States Code.

- (d) After the developer obtains the approval of the planning commission or combined planning and zoning commission of the municipality for the proposed workforce housing development project, the municipality may, not later than thirty days after such approval, adopt an ordinance designating the workforce population that one-third of the project shall be dedicated to, including, but not limited to, volunteer firefighters, teachers, police officers, emergency medical personnel or other professions of persons working in the municipality. If the municipality does not adopt an ordinance within such time period, the developer shall so designate the workforce population.
- (e) The Commissioner of Revenue Services shall grant a credit against any tax due under the provisions of chapter 228z of the general statutes in an amount equal to the amount specified by the Commissioner of Housing in any tax credit voucher issued by the commissioner pursuant to subsection (f) of this section.
- (f) The Commissioner of Housing shall administer a system of tax credit vouchers within the resources, requirements and purposes of this section, for business firms making cash contributions to an eligible workforce housing development project. Such vouchers may be used as a credit against the tax to which such business firm is subject under chapter 228z of the general statutes. For income years commencing on

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- or after January 1, 2021, to be eligible for approval, a workforce housing
- development project shall be scheduled for completion not more than
- three years from the date of approval. Each developer of a workforce
- 115 housing development project shall submit to the commissioner
- 116 quarterly progress reports and a final report upon completion, in a
- 117 manner and form prescribed by the commissioner. If a workforce
- 118 housing development project fails to be completed on or before three
- 119 years from the date of approval of such project, or at any time the
- 120 commissioner determines that a project is unlikely to be completed, the
- 121 commissioner may reclaim any remaining funds contributed by
- business firms and reallocate such funds to another eligible project.
- 123 (g) No business firm shall receive a credit pursuant to both this
- section and chapter 228a of the general statutes in relation to the same
- 125 cash contribution.
- (h) Nothing in this section shall be construed to prevent two or more
- business firms from participating jointly in one or more projects under
- the provisions of this section. Such joint projects shall be submitted, and
- acted upon, as a single project by the business firms involved.
- 130 (i) No tax credit shall be granted to any business firm for any
- individual amount contributed of less than two hundred fifty dollars.
- 132 (j) Any tax credit not used in the period during which the cash
- 133 contribution was made may be carried forward or backward for the five
- immediately succeeding or preceding income years until the full credit
- 135 has been allowed.
- 136 (k) The Commissioner of Housing shall adopt regulations in
- accordance with the provisions of chapter 54 of the general statutes to
- implement the provisions of this section.
- Sec. 2. Section 12-63b of the general statutes is repealed and the
- 140 following is substituted in lieu thereof (*Effective July 1, 2020*):
- 141 (a) The assessor or board of assessors in any town, at any time, when

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determining the present true and actual value of real property as provided in section 12-63, which property is used primarily for the purpose of producing rental income, exclusive of such property used solely for residential purposes, containing not more than six dwelling units and in which the owner resides, shall determine such value on the basis of an appraisal which shall include to the extent applicable with respect to such property, consideration of each of the following methods of appraisal: (1) Replacement cost less depreciation, plus the market value of the land, (2) capitalization of net income based on market rent for similar property, and (3) a sales comparison approach based on current bona fide sales of comparable property. The provisions of this section shall not be applicable with respect to any housing assisted by the federal or state government except any such housing for which the federal assistance directly related to rent for each unit in such housing is no less than the difference between the fair market rent for each such unit in the applicable area and the amount of rent payable by the tenant in each such unit, as determined under the federal program providing for such assistance. In the case of an eligible workforce housing development project, as defined in section 1 of this act, the assessor shall use the capitalization of net income method based on the actual rent received for the property.

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- (b) For purposes of subdivision (2) of subsection (a) of this section and, generally, in its use as a factor in any appraisal with respect to real property used primarily for the purpose of producing rental income, the term "market rent" means the rental income that such property would most probably command on the open market as indicated by present rentals being paid for comparable space. In determining market rent the assessor shall consider the actual rental income applicable with respect to such real property under the terms of an existing contract of lease at the time of such determination.
- Sec. 3. Section 8-395 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):
- 174 (a) As used in this section, (1) "business firm" means any business

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entity authorized to do business in the state and subject to the corporation business tax imposed under chapter 208, or any company subject to a tax imposed under chapter 207, or any air carrier subject to the air carriers tax imposed under chapter 209, or any railroad company subject to the railroad companies tax imposed under chapter 210, or any regulated telecommunications service, express, cable or community antenna television company subject to the regulated telecommunications service, express, cable and community antenna television companies tax imposed under chapter 211, or any utility company subject to the utility companies tax imposed under chapter 212, [and] (2) "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 executive director of the Connecticut Housing Finance Authority in accordance with regulations adopted pursuant to section 8-79a or 8-84, (3) "workforce housing development project" or "project" means the construction or substantial rehabilitation of dwelling units for housing where ten per cent of the units are affordable housing, forty per cent of the units are rented to the workforce population designated by the developer, in consultation with the municipality where such project is located, at a rent not exceeding twenty per cent of the prevailing rent of the area where such development is located and fifty per cent of the units are rented at market rate and includes, but is not limited to, an eligible workforce housing development project, as defined in section 1 of this act, (4) "affordable housing" means housing for which persons and families pay thirty per cent or less of their annual income, where such income is less than or equal to the area median income for the municipality in which such housing is located, as determined by the United States Department of Housing and Urban Development, (5) "substantial rehabilitation" means (A) the costs of any repair, replacement or improvement to a building that exceeds fifteen per cent of the value of such building after the completion of all such repairs, replacements or improvements, or (B) the replacement of two or more of the following: (i) Roof structures, (ii) ceilings, (iii) wall or floor

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- structures, (iv) foundations, (v) plumbing systems, (vi) heating and air conditioning systems, or (vii) electrical systems, and (6) "market rate" means the rental income that such unit would most probably command on the open market as indicated by present rentals being paid for comparable space.
 - (b) The Commissioner of Revenue Services shall grant a credit against any tax due under the provisions of chapter 207, 208, 209, 210, 211 or 212 in an amount equal to the amount specified by the Connecticut Housing Finance Authority in any tax credit voucher issued by said authority pursuant to subsection (c) of this section.

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(c) The Connecticut Housing Finance Authority shall administer a system of tax credit vouchers within the resources, requirements and purposes of this section, for business firms making cash contributions to housing programs developed, sponsored or managed by a nonprofit corporation, as defined in subsection (a) of this section, which benefit low and moderate income persons or families which have been approved prior to the date of any such cash contribution by the authority, including, but not limited to, contributions used for a workforce housing development project. Such vouchers may be used as a credit against any of the taxes to which such business firm is subject and which are enumerated in subsection (b) of this section. For income years commencing on or after January 1, 1998, to be eligible for approval a housing program shall be scheduled for completion not more than three years from the date of approval. For income years commencing on or after January 1, 2021, to be eligible for approval, a workforce housing development project shall be scheduled for completion not more than three years from the date of approval. Each program or developer of a workforce housing development project shall submit to the authority quarterly progress reports and a final report upon completion, in a manner and form prescribed by the authority. If a program or workforce housing development project fails to be completed [after] on or before three years from the date of approval of the project, or at any time the authority determines that a program or project is unlikely to be completed, the authority may reclaim any remaining funds contributed

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- (d) No business firm shall receive a credit pursuant to both this section and chapter 228a in relation to the same cash contribution.
- (e) Nothing in this section shall be construed to prevent two or more business firms from participating jointly in one or more programs or projects under the provisions of this section. Such joint programs or projects shall be submitted, and acted upon, as a single program or project by the business firms involved.
- (f) No tax credit shall be granted to any business firm for any individual amount contributed of less than two hundred fifty dollars.
 - (g) Any tax credit not used in the period during which the cash contribution was made may be carried forward or backward for the five immediately succeeding or preceding income years until the full credit has been allowed.
 - (h) In no event shall the total amount of all tax credits allowed to all business firms pursuant to the provisions of this section exceed [ten] twenty million dollars in any one fiscal year, provided, each year until the date sixty days after the date the Connecticut Housing Finance Authority publishes the list of housing programs or workforce housing development projects that will receive tax credit reservations, two million dollars of the total amount of all tax credits under this section shall be set aside for permanent supportive housing initiatives established pursuant to section 17a-485c, and one million dollars of the total amount of all tax credits under this section shall be set aside for workforce housing, as defined by the Connecticut Housing Finance Authority through written procedures adopted pursuant to subsection (k) of this section. Each year, on or after the date sixty days after the date the Connecticut Housing Finance Authority publishes the list of housing programs or projects that will receive tax credit reservations, any unused portion of such tax credits shall become available for any housing program or project eligible for tax credits pursuant to this

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276 section.

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- (i) No organization conducting a housing program or [programs] <u>project</u> eligible for funding with respect to which tax credits may be allowed under this section shall be allowed to receive an aggregate amount of such funding for any such program or [programs] <u>project</u> in excess of five hundred thousand dollars for any fiscal year.
- (j) Nothing in this section shall be construed to prevent a business firm from making any cash contribution to a housing program <u>or project</u> to which tax credits may be applied which cash contribution may result in the business firm having a limited equity interest in the program <u>or project</u>.
- (k) The Connecticut Housing Finance Authority, with the approval of the Commissioner of Revenue Services, shall adopt written procedures in accordance with section 1-121 to implement the provisions of this section. Such procedures shall include provisions for issuing tax credit vouchers for cash contributions to housing programs or projects based on a system of ranking housing programs. In establishing such ranking system, the authority shall consider the following: (1) The readiness of the project to be built; (2) use of the funds to build or rehabilitate a specific housing project or to capitalize a revolving loan fund providing low-cost loans for housing construction, repair or rehabilitation to benefit persons of very low, low and moderate income; (3) the extent the project will benefit families at or below twenty-five per cent of the area median income and families with incomes between twenty-five per cent and fifty per cent of the area median income, as defined by the United States Department of Housing and Urban Development; (4) evidence of the general administrative capability of the nonprofit corporation to build or rehabilitate housing; (5) evidence that any funds received by the nonprofit corporation for which a voucher was issued were used to accomplish the goals set forth in the application; and (6) with respect to any income year commencing on or after January 1, 1998: (A) Use of the funds to provide housing opportunities in urban areas and the impact of such funds on neighborhood revitalization; and (B) the extent to

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which tax credit funds are leveraged by other funds.

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- 310 (l) Vouchers issued or reserved by the Department of Housing under the provisions of this section prior to July 1, 1995, shall be valid on and after July 1, 1995, to the same extent as they would be valid under the provisions of this section in effect on June 30, 1995.
- 314 (m) The credit which is sought by the business firm shall first be 315 claimed on the tax return for such business firm's income year during 316 which the cash contribution to which the tax credit voucher relates was 317 paid.
- 318 Sec. 4. Section 29-263 of the general statutes is repealed and the 319 following is substituted in lieu thereof (*Effective July 1, 2020*):
 - (a) Except as provided in subsection (h) of section 29-252a and the State Building Code adopted pursuant to subsection (a) of section 29-252, after October 1, 1970, no building or structure shall be constructed or altered until an application has been filed with the building official and a permit issued. Such permit shall be issued or refused, in whole or in part, within thirty days after the date of an application. No permit shall be issued except upon application of the owner of the premises affected or the owner's authorized agent. No permit shall be issued to a contractor who is required to be registered pursuant to chapter 400, for work to be performed by such contractor, unless the name, business address and Department of Consumer Protection registration number of such contractor is clearly marked on the application for the permit, and the contractor has presented such contractor's certificate of registration as a home improvement contractor. Prior to the issuance of a permit and within said thirty-day period, the building official shall review the plans of buildings or structures to be constructed or altered, including, but not limited to, plans prepared by an architect licensed pursuant to chapter 390, a professional engineer licensed pursuant to chapter 391 or an interior designer registered pursuant to chapter 396a acting within the scope of such license or registration, to determine their compliance with the requirements of the State Building Code and,

LCO No. 1688 **11** of 15 where applicable, the local fire marshal shall review such plans to determine their compliance with the Fire Safety Code. Such plans submitted for review shall be in substantial compliance with the provisions of the State Building Code and, where applicable, with the provisions of the Fire Safety Code.

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- (b) On and after July 1, 1999, the building official shall assess an education fee on each building permit application. During the fiscal year commencing July 1, 1999, the amount of such fee shall be sixteen cents per one thousand dollars of construction value as declared on the building permit application and the building official shall remit such fees quarterly to the Department of Administrative Services, for deposit in the General Fund. Upon deposit in the General Fund, the amount of such fees shall be credited to the appropriation to the Department of Administrative Services and shall be used for the code training and educational programs established pursuant to section 29-251c and the educational programs required in subsections (a) and (b) of section 29-262. On and after July 1, 2000, the assessment shall be made in accordance with regulations adopted pursuant to subsection (d) of section 29-251c. All fees collected pursuant to this subsection shall be maintained in a separate account by the local building department. During the fiscal year commencing July 1, 1999, the local building department may retain two per cent of such fees for administrative costs incurred in collecting such fees and maintaining such account. On and after July 1, 2000, the portion of such fees which may be retained by a local building department shall be determined in accordance with regulations adopted pursuant to subsection (d) of section 29-251c. No building official shall assess such education fee on a building permit application to repair or replace a concrete foundation that has deteriorated due to the presence of pyrrhotite.
- (c) Any municipality may, by ordinance adopted by its legislative body, exempt Class I renewable energy source projects from payment of building permit fees imposed by the municipality.
- (d) Notwithstanding any municipal charter, home rule ordinance or

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special act, no municipality shall collect an application fee on a building permit application to repair or replace a concrete foundation that has 376 deteriorated due to the presence of pyrrhotite.

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- (e) Notwithstanding any municipal charter, home rule ordinance or special act, no municipality shall collect any fee for a building permit application for the construction or substantial rehabilitation of (1) an eligible workforce housing development project, as defined in section 1 of this act, or (2) a workforce housing development project, as defined in section 8-395, as amended by this act.
- Sec. 5. Section 12-81 of the 2020 supplement to the general statutes is amended by adding subdivision (80) as follows (Effective October 1, 2020, and applicable to assessment years commencing on or after October 1, 2020):
 - (NEW) (80) Any workforce housing development project, as defined in section 8-395, as amended by this act, to the extent of seventy per cent of its valuation for purposes of assessment in each of the seven full assessment years following the assessment year in which the construction or substantial rehabilitation, as defined in section 8-395, as amended by this act, is completed.
 - Sec. 6. (NEW) (Effective October 1, 2020) (a) On or before January first, annually, the Secretary of the Office of Policy and Management shall determine the amount due to each municipality in the state, in accordance with this section, as a state grant in lieu of taxes with respect to real property and improvements on such property that are partially exempt from taxation under subdivision (80) of section 12-81 of the general statutes, as amended by this act, to receive payments in lieu of taxes for such property and improvements, exclusive of any such property operated by the federal government.
 - (b) The grant payable to any municipality under the provisions of this section in the state fiscal year commencing July 1, 2022, and in each fiscal year thereafter, shall be equal to seventy per cent of the property taxes which, except for any exemption applicable to any such housing authority property under the provisions of chapter 128 of the general

LCO No. 1688 **13** of 15 statutes, would have been paid with respect to such exempt real property on the assessment list in such municipality for the assessment date two years prior to the commencement of the state fiscal year in which such grant is payable. The amount of the grant payable to each municipality in any year in accordance with this section shall be reduced proportionately in the event that the total of such grants in such year exceeds the amount appropriated for the purposes of this section with respect to such year.

Sec. 7. (NEW) (*Effective October 1, 2020*) The Connecticut Housing Finance Authority shall develop and administer a program of mortgage assistance for (1) developers for the construction or substantial rehabilitation of eligible workforce housing development projects, as defined in section 1 of this act, and (2) developers for the construction or substantial rehabilitation of workforce housing development projects, as defined in section 8-395 of the general statutes, as amended by this act. In making mortgage assistance available under the program, the authority shall utilize any appropriate housing subsidies. The terms of any mortgage assistance shall allow the mortgagee to realize a reasonable portion of the equity gain upon sale of the mortgaged property.

This act shall take effect as follows and shall amend the following		
sections:		
Section 1	July 1, 2020	New section
Sec. 2	July 1, 2020	12-63b
Sec. 3	July 1, 2020	8-395
Sec. 4	July 1, 2020	29-263
Sec. 5	October 1, 2020, and	12-81
	applicable to assessment	
	years commencing on or	
	after October 1, 2020	
Sec. 6	October 1, 2020	New section
Sec. 7	October 1, 2020	New section

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Statement of Purpose:

To establish the workforce housing development program in opportunity zones and to create additional opportunities for workforce housing development in other parts of the state using tax credits, fee waivers and property tax abatement.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

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