



Ending Housing Segregation Step 2:

Balance where government-subsidized housing is located and ensure marketing happens across racial lines.

A. Assessment of Housing Need and Data Transparency on Subsidized Housing Investments

Sec. 8-37s. Commissioner to monitor housing needs and publish data on housing production. (a) The Commissioner of Housing shall monitor the progress of the public and private sector toward meeting housing needs and shall collect and annually publish data on housing production in the state. In order to ensure a steady flow of information for the purposes of this section, all municipalities shall submit to the commissioner a copy of the monthly federal Bureau of the Census report on building permits issued and public construction filed at the same time as such report is filed with the federal Bureau of the Census.

Change: Provides a subsection (a) to allow for further guidance in additional subsections.

(b) In accordance with the federal Fair Housing Act, sections 8-37cc and 8-37ee and the reporting requirements of sections 8-37bb, 8-37ff, 8-37qqq and this section, the Commissioner shall, in cooperation with other state agencies providing or supporting housing, and, where possible, relevant federal agencies, shall annually produce in the Annual Action Plan submitted to the U.S Department of Housing and Urban Development or the report required under CGS Sec. 8-37bb information including: (1) A comprehensive list of all state and federally subsidized housing in the state; and (2) results of a housing needs assessment by income levels pursuant to subsection (a) of this section. The commissioner shall compile this data based upon the information gathered pursuant to subdivisions (1) through (3) of this sub-section.

Change: Makes clear that providing assistance in addition to funding also triggers reporting. So, for example, tax credit-supported developments are included.

Change: Provides guidance on *existing* requirements to produce a comprehensive list of subsidized housing and a housing needs assessment.

(c) The list of all state and federally subsidized housing described in subsection (b) of this act shall be divided into three types: (1) physical units owned by housing authorities, state or federal government; (2) units supported by other subsidy that is attached to the physical development, such as the US Housing and Urban Development Housing Choice Voucher Program Project Based Vouchers or similar state-supported programs; and (3) federal or state subsidy that is tenant-based.

Change: Describes the types of housing for which reporting is required – physical units owned by a government entity, government subsidy supported units, and tenant-based subsidies.

(d) For each housing development owned by the state or federal government described in subsection (b) and for each physical unit supported by other government assistance, described in subsection (b), the Commissioner shall report, by development, and unit type where necessary: (1) development, developer, and management company's names; (2) location by physical address and census tract;

Change: Describes the data that must be collected for physical units owned or supported by government entities.

(3) affordability income requirements by unit; (4) number of units; (5) number of bedrooms per unit; (6) population served, including elderly, non age restricted, disability or supportive; (7) the program through which the development is funded and amount of funding provided; (8) the years of allocation and construction; (9) the type of funding, including new construction, substantial rehabilitation, loan, purchase or rental assistance; (10) if rehabilitation, the number of affordable units with the same income restrictions the development will be adding or reducing or replacing compared to units that were previously in the development (10) identify those units that are accessible or adaptable for people with mobility challenges, as defined by 42 USC 3602, 42 USC 3604, in conjunction with item (3), (4), (5), and (6) under this section; (11) number and identity of unites that are handicapped or disability accessible or adaptable pursuant to 42 USC 3602, 42 USC 3604 and 24 CFR 100.20 as amended from time to time, (12) the percentage of units in the development that are supported by the US Department of Housing and Urban Development's Housing Choice Voucher Project Based Voucher Program; and (13) the percentage of units occupied by tenants using the US Department of Housing and Urban Development's tenant-based Housing Choice Vouchers.

(e) For federal and state tenant-based subsidies described in subsection (b), the following information will be reported, in a manner that does not provide personally identifiable information: (1) if relevant, development name, if said development has more than 10 units, (2) census tract of the unit, (3) household familial status of the unit's household, including the total number of household members and, if children are present, the number of children and ages, (4) whether any household member has a disability and, if so, specifically indicating if that disability includes challenges to mobility requiring an accessible unit, and (5) for each head of household, the (i) race; (ii) gender; (iii) ethnicity; (iv) income; (v) marital status; and (vi) age of such person.

Change: Describes the data that must be collected for tenant-based subsidies. Virtually all of these data are already required to be kept by HUD and are kept by DOH for the Rental Assistance Program. The one exception is that disability information may not currently include a designation for mobility challenges.

B. Affirmatively Market Across Lines of Race & Income and Set Goals for Balancing Subsidized Housing Location

Sec. 8-37bb. Annual report re fair housing choice and racial and economic integration. (a) On or before ~~July~~ December 31, 2013, and annually thereafter, each ~~housing agency, except the Department of Housing, the Department of Housing, working in partnership with the Connecticut Housing Finance Authority, and with the cooperation with other state agencies providing, assisting, or supporting, financially or otherwise, housing, and, where possible, relevant federal agencies,~~ shall submit to the General Assembly ~~and make public on its website,~~ a report, for the year ending the preceding ~~September thirtieth~~ June 30th, ~~or include a section of its Consolidated Plan described in 8-37t in the year it is published and in the Annual Action Plan submitted to the U.S. of Housing and Urban Development, which analyzes, by development, demographic data for income group,~~ households served by its housing construction, substantial rehabilitation, purchase and rental assistance programs. Each report shall analyze, ~~by development,~~ the households served under each program by ~~income group,~~ race ~~and ethnicity.~~ The analysis shall provide ~~this~~ information by housing development, if applicable, and by program. Each analysis shall include data, ~~by development,~~ for all households (1) entering an agency program during the year ending the preceding ~~September thirtieth~~ June 30th, (2) in occupancy or receiving the benefits of an agency rental program the preceding ~~September thirtieth~~ June 30th and (3) ~~persons on the waiting list.~~ The report of the ~~Connecticut Housing Finance Authority~~ shall also identify, by census tract, ~~and, where relevant, development,~~ the number, ~~race, and ethnicity~~ of households served in each program, ~~and the total amount of financial assistance provided to such households, and the sources of that assistance.~~ Each report submitted under this section shall also analyze the efforts, and the results of such efforts, of each agency in promoting fair housing choice and racial and economic integration. The provisions of this section shall not be construed to require an occupant or applicant to disclose his race on an application or survey form.

Change: Changes the reporting deadline to July to better align with the fiscal year and other data reporting deadlines for the HUD.

Change: Reinserts DOH as an entity to which this obligation applies. When most housing programs were at DECD, the agency removed itself from this obligation and this carried over to the new DOH. Functionally, this means that any housing that is created without CHFA funds will now be reported and tenant-based programs like Housing Choice Vouchers and RAP will be included.

Change: Expands the scope of agencies that must cooperate in collecting this data to other agencies involved in affordable housing provision.

Change: Includes the option to fold this report into other reports that DOH is already obligated to submit to HUD, thereby potentially generating a cost savings.

Change: Provides guidance on the manner in which reporting on race, ethnicity, and development location should be provided, such that a fair housing analysis can be done.

Change: Provides specifics on how a fair housing assessment should be carried out. Currently, no real assessment is provided in this report, even though it is required.

~~(b) Each report submitted under this section shall also document the efforts of the agency in promoting fair housing choice and racial and economic integration and shall include data on the racial composition of the occupants and persons on the waiting list of each housing project which is assisted under any housing program established by the general statutes or special act or which is supervised by the agency. The provisions of this subsection shall not be construed to require disclosure of such information by any occupant or person on a waiting list.~~

Change: Removes portions of the obligations under this section which are duplicative of subsection (a) and folds remaining obligations into an amended subsection (a).

(b) Each report submitted shall state the state's one, five, and ten year targets for prioritizing subsidized housing development in a manner consistent with Section 8-37ee and Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601–3619, including stating specific percentages of the total state and federal subsidized housing units to be located across the state by opportunity area, as defined by section 8-348, with the goal of creating a balance of subsidized housing that assists with revitalizing struggling communities and creating housing choices in areas with lower levels of subsidized housing in a manner that affirmatively furthers fair housing.

Change: Requires the state to identify one-, five-, and ten-year targets to reach a goal of balanced subsidized housing placements that support various types of development in order to affirmatively further fair housing.

(c) Each report submitted under this section shall also analyze the state's efforts to promote fair housing choice and racial and economic integration, including but not limited to (i) providing an analysis of where state and federal affordable housing, identified in section 8-37t, is located by census tract poverty level, White non-Hispanic percentage, opportunity level as defined by Sec. 8-348, and status as a Racially and Ethnically Concentrated area of Poverty, as defined by census tracts with populations under 50% White non-Hispanic and with a poverty rate that is three times that of the state, (ii) by assessing the data delineated in subsection (a), determine whether each development, regardless of the demographic served, is successfully marketing to eligible persons within the region, as defined in subsection (c), who are least likely to apply, as defined by the regulations of the Department of Housing, by comparing progress over the most recent year in increasing the percentage of applicants, occupants, and persons on the waiting list least likely to apply to performance in previous available years and to the percentage of program-eligible persons of similar races and ethnicities living in the region. The provisions of this subsection shall not be construed to require disclosure of personally identifying information by any occupant or person on a waiting list.

Change: Provides guidance on metrics for assessing progress on fair housing goals, including the location of subsidized housing and outcomes of affirmative marketing.

Change: Requires the assessment affirmative marketing performance by race and ethnicity to regional demographics as defined by the Department of Housing.

(d) For the purposes of this statute, a development's region will be defined by the Department of Housing, but must include the Racially and Ethnically Concentrated areas of Poverty, as defined by census tracts with populations under 50% White non-Hispanic and with a poverty rate that is three times that of the state, closest to the development.

Change: Ensures that each region of the state, as defined by the Department of Housing, includes racially- and ethnically-concentrated areas of poverty.

Sec. 8-37ee. Establishment of affirmative duty for entities participating in programs assisted or supervised by state housing agencies to promote fair housing. (a) ~~Each entity participating in any program~~ Each state agency providing or supporting housing, ~~administered by a housing agency, as defined in section 8-37aa, under this title~~ shall have an affirmative duty to promote fair housing in each housing development that is assisted or supervised under any provision of this title.

Change: Ensures that the duty to affirmatively further fair housing extends to all state agencies providing or supporting housing. This would encompass agencies with housing programs beyond CHFA and DOH (the only agencies originally subject to the requirement), such as DCF (e.g. the CHAP Program) and DMHAS (e.g. 1600 units of Rental Assistance).

(b) Any entity ~~receiving applying for financial assistance~~ related to the creation, rehabilitation or support, financial or otherwise, of affordable housing under any program administered by a ~~state agency~~ housing agency established by this title shall submit an affirmative fair housing marketing plan to such ~~housing agency~~ for its approval. Such plan shall have provisions for recruitment of an applicant pool that reflects by race and ethnicity the percentage of the population of eligible households least likely to apply in the region, as defined by the Department of Housing. ~~includes residents of municipalities of relatively high concentrations of minority populations. The housing agency shall periodically review each plan to assure that to the extent practicable such an applicant pool is created and may require that a plan be revised by the entity submitting it.~~

Change: Expands affirmative marketing obligations to agencies that are involved in the delivery of affordable housing beyond just DOH and CHFA.

(c) Each development's plan shall be posted on the Department of Housing's website and, pursuant to the analysis in section 8-37bb, the housing agency shall annually review each development's occupancy to assure that it reflects efforts to affirmatively further fair housing and effective marketing to the population of eligible households least likely to apply in the region, as defined by the Department of Housing. The results of the annual review will be included in the reports required under section 8-37bb or 8-37t.

Change: Requires posting of the affirmative marketing plans of housing providers receiving state funding on DOH's website to allow for transparency.

Change: Provides additional guidance on DOH and CHFA's existing obligations to assess affirmative marketing results and clarifies that this should occur annually.

(d) If a development's occupants do not reflect, by percentage, the population of eligible households least likely to apply in the region, as defined by the Department of Housing, in consultation with the Department of Housing the development shall submit an updated affirmative marketing plan designed to ensure effective marketing to those least likely to apply. The development will submit monthly tenant demographic reports to the Department of Housing until such time its occupancy reflects the demographics eligible households of the region by race and ethnicity. A development may obtain a waiver from this requirement if it can demonstrate it made a good faith effort to comply. The Department of Housing shall apply sanctions in accordance with its regulations if a development does not reach affirmatively marketing goals within three years and non-performance shall be a permissible reason for not funding or working with the development's developer or management company on future projects involving state support.

Change: Creates concrete regime for implementing affirmative marketing requirements in a robust manner, including defined penalties for non-compliance. This also provides a waiver if a developer finds it impossible to comply after making a good-faith effort.

C. Permit out-of-jurisdiction housing authority replacement housing when aligned with tenant wishes

Sec. 8-64a. Disposal of housing project by housing authority. No housing authority that receives or has received any state financial assistance may sell, lease, transfer or destroy, or contract to sell, lease, transfer or destroy, any housing project or portion thereof in any case where such project or portion thereof would no longer be available for the purpose of low or moderate income rental housing as a result of such sale, lease, transfer or destruction, except (a) if a desire for greater geographic housing choices is indicated by responses to a tenant survey, the housing authority may construct, purchase or support replacement units in high or very high opportunity census tracts within the state of Connecticut, as defined by section 8-348, within 30 miles of its municipal borders or

Change: Updates 2016 amendment to ensure that tenant desire for greater housing choices is considered when developing replacement housing, and authorize housing authorities to respond to this desire.

(b) the Commissioner of Housing may grant written approval for the sale, lease, transfer or destruction of a housing project if the commissioner finds, after a public hearing, that (1) the sale, lease, transfer or destruction is in the best interest of the state and the municipality in which the project is located, (2) an adequate supply of low or moderate income rental housing exists in the municipality in which the project is located, (3) the housing authority has developed a plan for the sale, lease, transfer or destruction of such project in consultation with the residents of such project and representatives of the municipality in which such project is situated and has made adequate provision for said residents' and representatives' participation in such plan, and (4) any person who is displaced as a result of the sale, lease, transfer or destruction will be relocated to a comparable dwelling unit of public or subsidized housing in the same municipality or will receive a tenant-based rental subsidy and will receive relocation assistance under chapter 135. The commissioner shall consider the extent to which the housing units that are to be sold, leased, transferred or destroyed will be replaced in ways that may include, but need not be limited to, newly constructed housing, rehabilitation of housing that is abandoned or has been vacant for at least one year, or new federal, state or local tenant-based or project-based rental subsidies. The commissioner shall give the residents of the housing project or portion thereof that is to be sold, leased, transferred or destroyed written notice of said public hearing by first class mail not less than ninety days before the date of the hearing. Said written approval shall contain a statement of facts supporting the findings of the

commissioner. This section shall not apply to the sale, lease, transfer or destruction of a housing project pursuant to the terms of any contract entered into before June 3, 1988. The commissioner shall not impose a one-for-one replacement requirement on King Court in East Hartford. This section shall not apply to phase I of Father Panik Village in Bridgeport, Elm Haven in New Haven, Pequonnock Gardens Project in Bridgeport, Evergreen Apartments in Bridgeport, Quinnipiac Terrace/Riverview in New Haven, Dutch Point in Hartford, William V. Begg Apartments in Waterbury, Southfield Village in Stamford and, upon approval by the United States Department of Housing and Urban Development of a HOPE VI revitalization application and a revitalization plan that includes at least the one-for-one replacement of low and moderate income units, Fairfield Court in Stamford.