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# Connecticut Housing Finance Authority

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Request for Proposals  
Statewide Housing  
Needs Assessment

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March 22, 2018

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**CONNECTICUT HOUSING FINANCE AUTHORITY  
REQUEST FOR PROPOSALS  
STATEWIDE HOUSING NEEDS ASSESSMENT**

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**CONNECTICUT HOUSING FINANCE AUTHORITY**  
**REQUEST FOR PROPOSALS**  
**STATEWIDE HOUSING NEEDS ASSESSMENT**

The Connecticut Housing Finance Authority (“CHFA”) requests proposals for a statewide housing needs assessment from qualified individuals or firms (“respondents”) having a presence or office in the State of Connecticut. CHFA will not reimburse for any expenses incurred in connection with this Request for Proposals (“RFP”) including, but not limited to, the cost of preparing the initial response and any additional information requested or travel expenses relating to an oral presentation. Please be advised that responses will be considered property of CHFA, are matters of public record, and may be disclosed by CHFA after the awarding of the contract.

**OVERVIEW**

CHFA, a body politic and corporate constituting a public instrumentality and political subdivision of the State of Connecticut, was created in 1969 and operates pursuant to [Chapter 134](#) of the Connecticut General Statutes, as amended. Our purpose is to help alleviate the shortage of affordable housing for low- and moderate-income families and persons in Connecticut by providing single-family mortgages, financing for rental housing, and mortgages for the purchase, development, and construction of housing.

For additional financial information, please reference CHFA’s website at [www.chfa.org](http://www.chfa.org).

**OBJECTIVES**

CHFA is looking for qualified individuals or entities to conduct a data-driven housing assessment of the current and future housing needs throughout the State of Connecticut (the “State”) that can be replicable by CHFA. Topic areas include but are not limited to the assessment of existing housing conditions, demographic, market demands (present and future), public access to infrastructure and transportation, job growth, and identification of critical market gaps and issues. The assessment should (1) analyze the gap between statewide housing inventory and the State’s current housing needs and projected housing for both rental and ownership over the next year, five years, ten years and fifteen years; and (2) identify how housing needs vary by relevant demographic characteristics, including but not limited to, income, age, familial status, disability status, and race.

In determining current and projected housing needs for the gap analysis described above, prioritization should be given to access to “affordable housing,” as defined in Connecticut General Statute section 8-39a, as 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.

CHFA will engage the services of the respondent or respondents that CHFA determines is the best qualified based upon the evaluation criteria set forth herein.

### **ELIGIBLE RESPONDENTS**

Respondents must meet the following requirements in order to be considered for qualification:

1. Have a presence or office in the State, plan to open an office within 45 days of selection, if awarded the contract, or partner with a firm/organization with a presence or office in Connecticut. Provide evidence that your firm is registered with the Connecticut Secretary of State's Office. If your firm currently is not registered with the Connecticut Secretary of State, please indicate whether your firm will so register if your firm is awarded the contract.
2. Have experience conducting housing needs assessments on a state-wide, regional, county, or large city scale.
3. Preference will be given to respondents who are American Institute of Certified Planners (AICP) certified, or led by an AICP Certified Planner.

### **SUBMISSION REQUIREMENTS**

CHFA requires that respondents provide a proposal which includes the following:

#### **Letter of Interest**

The cover letter must summarize the scope of work to be undertaken by the respondents. The cover letter must identify the primary contact person for this RFP. Please include a phone number, website, and email address. The letter must be signed by the authorized principal of the firm who can enter into a contract with CHFA.

#### **Explanation of Approach**

Respondents must provide a description of the technical approach to the project, including an outline of the sequence of tasks, major benchmarks, and milestone dates. CHFA is asking that respondents model their method using a data-driven approach outlined by the American Planning Association (APA) in its May/June 2017 and July/August 2017 Planning Advisory Service Memos by Mel Jones (the "PAS APA Memos"). The PAS APA Memos are attached here as Exhibit A and are reprinted for the exclusive use of CHFA with the express permission of the APA. The work should be replicable for future, five-year incremental updates by CHFA.

#### **Timeline of Deliverables**

Please provide an expected timeline of deliverables. Provide the estimated time it will take to complete portions of the housing needs assessment. Additionally, list the format in which the



needs assessment will be delivered (e.g. format in which data used for the needs assessment will be delivered to CHFA).

### **Past Work**

Respondents should provide a description of similar project experience related to the project and their approach. If possible, respondents should provide a sample of any past housing assessment report that they have authored. Please provide the contact information as references.

### **Resume(s)**

Respondents should provide a summary with resumes of key staff on the project team who will be directly involved in the project, including a designation of a single point of contact for coordination of the project. Resumes should be provided for those individuals who will have primary responsibility for performance of the work. Please provide AICP number with resumes when applicable.

### **Subcontracting**

Respondents should provide information on proposed services to be sub-contracted (if any), anticipated subcontractors, and anticipated costs for these services

### **Estimated Cost**

Please provide the estimated cost of the services to be provided under this proposal, including a budget with a breakdown of fees and costs.

### **Affirmative Action**

Submit specific information regarding your company's commitment to Affirmative Action. Please include at a minimum formal internal hiring practices and discussion of working relationships with women and minority owned companies. Please include your company's most recent Equal Employment Opportunity Commission report, if required to file.

### **Presence in Connecticut**

Describe your presence in Connecticut, if any. This may include information on the number of offices your firm maintains in Connecticut, the location of such offices, the number of Connecticut residents employed in those offices, payroll, and corporate taxes paid in Connecticut. Also, include any participation by your firm in any civic or other non-profit activities, including any charitable contributions that your firm made in Connecticut. If your firm currently is not registered with the Connecticut Secretary of State, please indicate whether your firm will so register if your firm is awarded this contract.

### **Litigation/Investigations**

Describe any and all material lawsuits, legal or administrative proceedings or governmental investigations, criminal actions or law enforcement activities (including those by federal, state or local authorities, or self-regulatory organizations) or non-routine inquiries or investigations relating to you, your firm, or any of your affiliates, including any proceedings to which you, your

firm, your affiliates or any of their respective officers, directors or employees are a named party or of which any of such has been the focus, that have occurred in the last three (3) years or that are currently threatened, including whether you, your firm, or any of your affiliates, or their respective officers, directors or employees have been censured by any regulatory body. Describe any such circumstances and advise whether these investigations or proceedings will affect you or your firm's ability to complete the proposed transaction and perform the services in this RFP.

#### **Removal from Accounts**

Describe whether your firm has ever been removed from an account prior to the expiration of its contract (i.e., been fired)? If so, please explain. If you wish, list the name of a third party with whom CHFA could discuss this termination.

#### **Compliance with CHFA and State Ethics Requirements**

Selected firms must comply with CHFA and State Ethics requirements, laws and regulations. Persons seeking to do business with CHFA are required to comply with the attached ethics statement and the applicable provisions of the Code of Ethics and Code of Ethics for Lobbyists incorporated therein by reference. The chief official of the bidder or vendor shall execute and submit with the proposal the attached certifications set forth on Exhibit C regarding Connecticut General Statutes sections 4-250 and 4-252a.

#### **Insurance**

Provide current documentation regarding your firm's general liability, workers' compensation, umbrella, and professional liability insurance in the amounts listed on Exhibit B.

#### **References**

Please provide as references, a minimum of three clients for whom your firm has performed similar and substantial services. Please include the name of the person to contact and his or her phone number. Please include as references any other State of Connecticut agencies or departments that have engaged your firm to perform services.

#### **Applicant Question**

What is the most important question that we have not asked you? Why should CHFA hire you or your firm instead of some other firm?

### **EVALUATION CRITERIA**

Evaluation of all qualified respondents will be completed by CHFA. CHFA has established a tentative schedule to advertise, receive, and review responses to this RFP. CHFA's evaluation criteria includes, but is not limited to:

1. An understanding of and technical approach to the project.

2. An assessment of the respondents' depth and capacity in terms of professional credentials, capacity, and experience.
3. Relative value of the services to be provided. Although cost is not the primary determining factor, it will be a strong consideration.
4. Estimated timeframe of deliverables.
5. The thoroughness of the response and compliance with the required format of this RFP.
6. Replicability (meaning, the ability of CHFA to replicate the housing study for future updates).

### **DIRECTIONS FOR SUBMISSION**

Responses to the Request for Proposals must be submitted electronically (not to exceed 25 MB) by 4:00 PM Eastern Daylight Savings Time on April 30, 2018 without exception, to Shelly Mondo at [RFP.RFQ@CHFA.ORG](mailto:RFP.RFQ@CHFA.ORG), to be deemed responsive and eligible for consideration. Faxed responses will not be considered. Please indicate on the subject line: "Statewide Housing Needs Assessment."

All inquiries should be directed to Shelly Mondo no later than April 16, 2018 at [RFP.RFQ@CHFA.ORG](mailto:RFP.RFQ@CHFA.ORG). Firms submitting a proposal should not contact members of the Board of Directors or other CHFA staff, which may be grounds for elimination from consideration.

### **DISCLAIMERS BY CHFA**

CHFA reserves the right to:

- a. Reject any and all proposals received in response to this request.
- b. Negotiate the fees contained in any proposal.
- c. Waive or modify any irregularities in proposals received.
- d. Request additional information as determined necessary or request some or all organizations responding to make oral presentations.
- e. Award contracts in any manner necessary to serve the best interest of CHFA and the State of Connecticut, without obligation to accept a proposal based upon the lowest fee schedule.
- f. Select multiple firms for the services described herein. No selected firm is guaranteed or ensured any number of contracts or proportion of business.

CHFA will contact those respondent(s) that applied with a decision on their eligibility after the evaluation process has been completed. Each approved firm will execute a contract satisfactory to CHFA and will agree that it will comply with the provisions of Connecticut General Statutes applicable to contracts with CHFA including, but not limited to, nondiscrimination and affirmative action provisions. The chief official of the firm awarded this contract shall execute the CHFA statutory provisions, affidavits and certifications, which are attached here as Exhibit D

for informational purposes. Failure to comply with the requirements of this RFP may result in CHFA's rejection of a proposal.

Thank you for your interest in CHFA. CHFA is an Affirmative Action/Equal Opportunity Employer.



American Planning Association

Making Great Communities Happen

May/June 2017

# PAS MEMO

## Data-Driven Housing Assessments and Action Plans, Part 1: The Data

By Mel Jones

Housing is a core component of our communities. Oldenburg (1989) deemed the home the “first place” in his discussion of communities and social environment. Academic research continually reaffirms and expands the importance of the home for stability, development, and security for both families and individuals.

Despite its importance, many communities assess their housing stock only on a development-by-development basis or in response to funding requirements such as consolidated planning for HUD. Local government staff often face barriers related to the accessibility of housing data or the challenge of combining estimates and information from multiple databases.

This *PAS Memo* is a guide to the most important publicly available housing data sources for planners. It offers some important notes about how to use them and ways in which each source contributes to a thorough housing needs assessment. Although this *Memo* will introduce some analytical techniques, a follow-up article (Part 2) will discuss analytical techniques in more depth and explore ways municipalities can use them to set goals, inform policymakers, and to develop or assess programs.

Planners can use the information in these articles to build a case for conducting regular housing needs assessments. Further, data and assessment techniques discussed in this and the subsequent *Memo* should be applicable in existing planning efforts, including comprehensive planning, transportation planning, economic development strategy, and required planning for HUD programs.

### What Is an Adequate Housing Supply?

There are number of vantage points from which to assess the availability, affordability, and appropriateness of the housing stock in a municipality or, often more appropriately, in a region that represents a housing market. Most homebuyers and renters search for units with their commute in mind, so commute sheds are good approximations of housing markets. The Census defines MSAs based on commuting patterns, so MSAs

provide a practical geography for housing analysis. Questions to ask include the following:

- Is the housing stock appropriate and affordable for the current residents of the jurisdiction?
- Is housing in the jurisdiction or region accessible for future residents? Think about residents who will age in place, growing families, changing demographics, and the workforce.
- Does the current housing stock (its number, composition, age, and location) pose any weaknesses or threats to the existing community or its future?

Each of these questions is related and each data source discussed below has information to help answer all three questions. For example, data from both the U.S. Census American Community Survey (ACS) and the U.S. Department of Housing and Urban Development (HUD) Consolidated Housing Affordability Strategy (CHAS) provides information on housing affordability for current residents, housing costs incurred by current residents, and thereby the affordability of the housing stock by county or county-equivalent jurisdictions. Housing cost measures and affordability estimates can be compared to data regarding market wages and salaries available from the U.S. Bureau of Labor Statistics (BLS) to assess which workers can access jurisdiction housing.

If large numbers of workers cannot afford to live in a particular jurisdiction, it follows that those workers commute. If transportation infrastructure is sufficient to handle the volume of commuting and there is enough affordable housing in nearby jurisdictions, traffic congestion should be minimal and there should be few households that are burdened by housing costs. However, if too little affordable and appropriate housing is available, a number of logical weaknesses and threats can follow. For example, if too much of the jurisdiction's work-

force has to commute too far, the region may first experience severe impacts on traffic congestion and later, the mismatch between housing and jobs may limit the economic growth of the jurisdiction as workers and employers begin to internalize commuting costs and relocate to or expand in more cost-effective places.

Alternatively, households may choose to accept housing cost burdens. HUD coined the term *cost burden* to describe households that need more affordable housing: cost-burdened families pay more than 30 percent of their income for housing and may have difficulty affording necessities such as food, clothing, transportation, and medical care (U.S. HUD 2017). It follows that such families have little extra income to invest in their property or save for emergencies. Cost burden among owners can lead to a deteriorating housing stock followed by lower property values. Cost-burdened renters may accept substandard housing conditions and thereby encourage the persistence of absentee ownership and property deterioration resulting in zoning and building code violations.

### Conducting a Housing Needs Assessment: What Should You Consider?

A housing needs assessment is a supply and demand analysis for housing. On the supply side, consider housing attributes like number of rooms or number of bedrooms, as well as the type of housing—particularly whether it is single-family or

multifamily, the age and condition of the building, its location, and its associated costs for the resident household. Keep in mind that the housing supply or *housing stock* is “sticky”; it cannot change quickly. Homes built decades ago to respond to housing needs at that time are still in use today. This sticky nature of housing is one reason that planning for future housing needs is so important.

On the other hand, demand is very fluid. Households can move from one house to another and from one jurisdiction to another relatively quickly. When assessing housing demand, the most important aspect of households to consider is what they can afford. Use household income and transportation costs to understand how much housing cost a household can afford.

Family type and other demographic attributes such as householder age and presence of children also help us to understand what kinds of housing local residents or workers are or will be looking for. For example, the entire nation is beginning to observe the new and shifting housing preferences of two huge generations: millennials, born from 1980 to 1997, and baby boomers, born from 1946 to 1964. The oldest millennials are buying their first homes while the youngest are going to college or just graduating and beginning their careers. Most baby boomers have already retired or are approaching retirement. If they are not already dealing with housing challenges related to aging, they are planning for the future and many of them are downsizing. As they downsize, developers are notic-

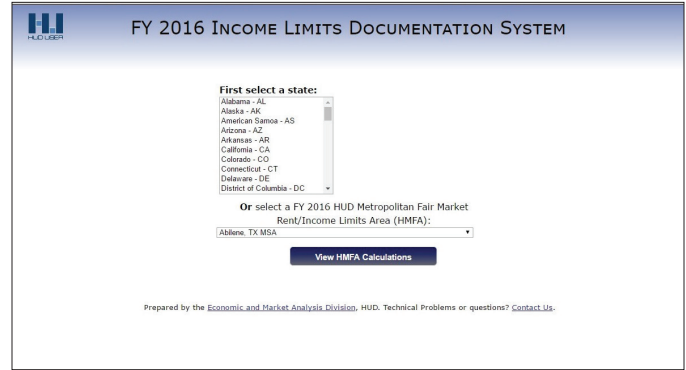
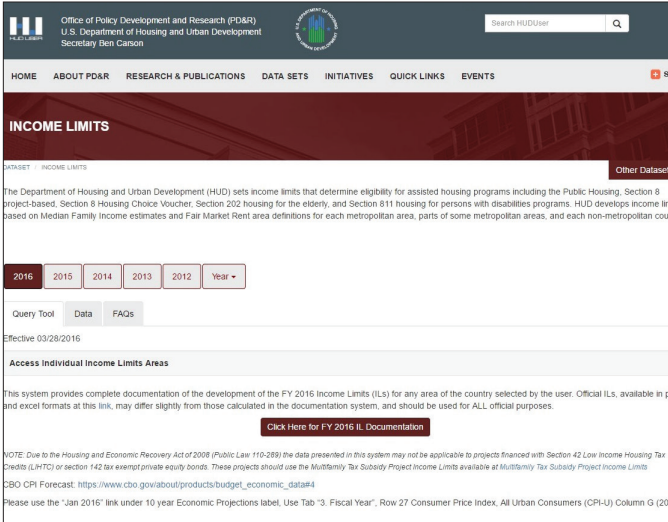
### Data Sources for Housing Need Assessments

The data sets listed below are the best publicly available sources of information to assess housing availability and housing needs. This *Memo* discusses them in more detail and suggests some basic analytical approaches.

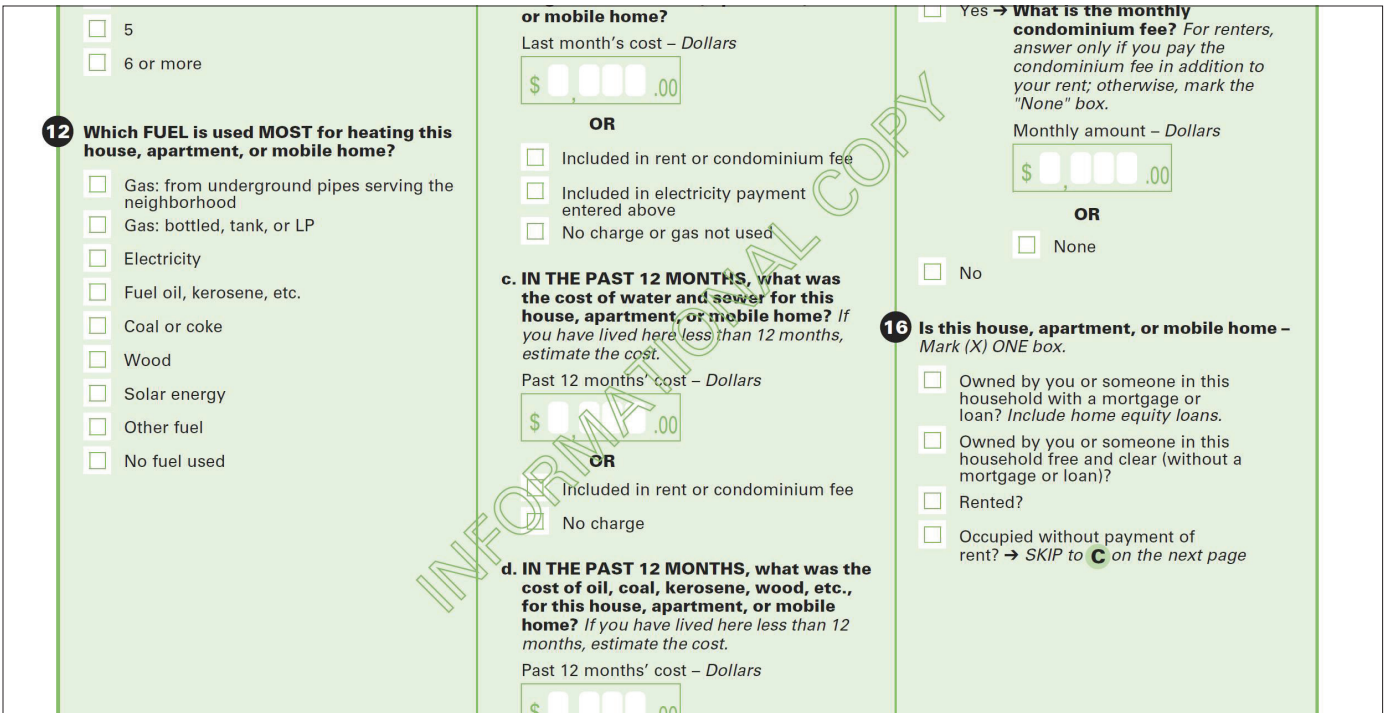
- **American Communities Survey (ACS)** is an ongoing survey of households conducted by the U.S. Census Bureau. The ACS provides information about characteristics of both individuals and households. The U.S. Census Bureau presents this information in published tables available in [American Factfinder](#).
- **Consolidated Housing Affordability Strategy (CHAS)** data is a special tabulation of the ACS sponsored by the U.S. Department of Housing and Urban Development. It provides estimates of households by income level and housing costs as well as information about the affordability and occupancy of the housing stock. The [CHAS query tool](#) provides easy-to-access summary data, and the full set of estimates is available for download.
- The **U.S. Bureau of Labor Statistics (BLS)** provides annual earnings data by occupation and industry. Analysts can use annual earnings data to determine how much housing the average employee in a particular occupation or industry can afford. The BLS [Occupational Employment Statistics \(OES\)](#) survey provides wage data for by occupation MSAs. The BLS [Quarterly Census of Employment and Wages \(QCEW\)](#) provides wage data by industry for counties and county-equivalent jurisdictions.
- The **Location Affordability Index (LAI)** from HUD and the U.S. Department of Transportation estimates of the percentage of a family’s income dedicated to the combined cost of housing and transportation in a specific location. This [interactive tool](#) allows users to choose among eight different family profiles, from a very low-income individual to a dual-professional family, to account for variations between households, neighborhoods, and regions and better analyze affordability.
- The **Longitudinal Employer-Household Dynamics (LEHD)** program is part of the Center for Economic Studies at the U.S. Census Bureau. The LEHD [OnTheMap](#) tool provides information about workers and commuting, including how many people live and work in a jurisdiction, how many people living in that jurisdiction commute out of the jurisdiction to work, and how many people commute in from other jurisdictions.

This *Memo* and Part 2 of this series describe the basic ways to use this data to conduct a housing needs assessment. Part 2 will provide important information about data reliability and additional analytical methods. This primer offers basic guidance in using this data in housing needs assessments, but these resources are very rich and the information they contain can be used in many ways.





Clockwise from right: Figure 1. The HUD USER Income Limits webpage (U.S. HUD PD&R 2017b); Figure 2. The HUD USER Income Limits Documentation webpage (U.S. HUD PD&R 2017a); Figure 3. 2016 ACS Questionnaire, Housing Question 16 (U.S. Census 2016).



ing a coincidence: many boomers are buying the houses that were built for millennials (Lawrence 2016; Rappaport 2015).

Publicly available data sources provide estimates that can help us understand the local and regional housing stock as well as the needs and preferences of local and regional households. This *Memo* will introduce resources from the ACS, CHAS, U.S. BLS, the Location Affordability Index (LAI), and Location Employment Household Dynamics (LEHD) OnTheMap (see sidebar for an overview).

To best utilize these resources, it is important to understand some common language, measurements, and benchmarks that will help you analyze the estimates provided. First, as discussed above, when a household cannot afford its current housing the household is considered *cost burdened*. Households that pay more than 30 percent of their income for hous-

ing are considered cost burdened and households that pay more than 50 percent of their income for housing are *severely cost burdened*. While cost-burdened households may have difficulty affording other necessities, severely cost-burdened household have to make tough choices between housing and other necessities like food and medical care. Both the ACS and CHAS data estimate the number of cost-burdened and severely cost-burdened households.

Next, HUD provides *income limits* annually by household size for Fair Market Rent/Income Areas. The income limits can be queried by county, metropolitan statistical area (MSA), or state. These limits act as functional definitions:

- *Extremely low-income households*: households with incomes less than 30 percent of area median income (AMI)

- *Very low-income households*: households with incomes greater than 30 percent of AMI, but less than 50 percent of AMI
- *Low-income households*: households with incomes greater than 50 percent of AMI and less than 80 percent of AMI
- *Moderate-income households*: households with incomes greater than 80 percent of AMI, but less than 100 percent or 120 percent of AMI. Definitions for moderate-income households are generally defined by local program requirements.

Although HUD only provides limits for one- to eight-person households at 30, 50, and 80 percent of AMI, you can use the methodological documentation found on HUD's [Income Limits](#) webpage (Figure 1) to calculate income limits for other income levels and household sizes. The organization of the HUD USER website changes often, however, so searching for "HUD Income Limits" in an internet search engine can be a more effective way to find this page than trying to navigate the HUD USER site.

Once you have reached the income limits site, choose the year corresponding to the data you are using. If you are using 2015 ACS estimates, use the 2015 income limits. If you are using 2009–2013 CHAS data, use the 2013 income limits. After you have chosen the appropriate year, click the button to navigate the [Income Limits Documentation](#) and choose your geography (Figure 2). To find methodological documentation, click on "explanation" under the "Very Low (50%) Income" heading or "click here" for years 2013 and earlier. Note that the method HUD uses to calculate income limits changes from year to year, so applying the methods used in 2014 will not produce the correct limits for 2015.

Last, both ACS and CHAS data tables use the term *tenure* to describe households' classification as renters or owners, including owners with a mortgage and owners without a mortgage. Although owner classifications refer to mortgage status, ACS has phrased the question from which this information is drawn more generally, so "mortgage" includes any home loan—for example, chattel loans for mobile and manufactured homes. Further, this ACS question asks if the owner owns their home "free and clear," which offers a more precise definition of "without a mortgage" that excludes other kind of home financing (Figure 3).

ACS survey questions can often help an analyst better interpret data tables by allowing the analyst to better use intuition about how a respondent may interpret the question. See the ["Questions on the Form and Why We Ask"](#) resource for further information.

### Using Publicly Available Data Resources

This section discusses some of the most useful public data resources available for housing needs assessments and provides some direction regarding their use and more valuable components. This information will help you familiarize yourself with the resources in the context of a housing needs assessment. After working with the data in the ways described below and in the next *Memo*, you should be well on the road to conducting a self-directed housing needs assessment. Overcoming the perceived inaccessibility of this data is a matter of familiarizing yourself with the language and format of these resources and

thereby building an intuition about how and where to look when you need additional information.

These resources are extremely useful but do not replace municipal administrative data. For example, the ACS provides an estimate of housing units by geography, but this *estimate* is developed from a sample and is therefore less accurate than local real estate assessment data, which provides a *census* or true *count* of residential housing units. In addition, data analysis can never replace the intuition planning staff have gained from working in a locality and interacting with residents and community stakeholders. Use that valuable intuition to guide your interpretation of the numbers while also using the numbers to guard against bias.

### American Community Survey (ACS)

The [ACS American Factfinder](#) tool will be your most accessible public resource for housing stock characteristics and offers a basic snapshot of the housing stock: age, type, tenure, and cost. The [ACS Public Use Microdata Sample \(PUMS\)](#) is a superior resource when the Public Use Microdata Area (PUMA) aligns with your jurisdiction or region of interest. A PUMA must have at least 65,000 people, so this data set is less useful for smaller or less densely populated areas. Further, PUMA boundaries are set by state data centers and may change over time, so PUMS data is often less useful for trend analysis.

The housing stock tables you will find most valuable from ACS are the following:

- **B25032: Tenure by Units in Structure.** Allows the reader to tabulate the number of occupied single-family homes, mobile homes, and the number of units in multifamily buildings by building size and determine what proportion of these units are rented versus owner occupied.
- **B25024: Units in Structure.** Provides similar information about housing type, but includes vacant units as well. Since this table is not nested by tenure, it may provide estimates that are more reliable. The follow-up article, Part 2, will discuss how to assess reliability of ACS estimates.
- **B25034: Year Structure Built.** Provides the number of units by the decade in which they were built. This data is self-reported by survey respondents who may not know exactly when their house or building was built, so this data may be less reliable than real estate assessment data.
- **B25127: Tenure by Year Structure Built by Units in Structure.** Allows the user to estimate the age of the housing stock and the proportion of the housing stock that was built in each decade by type (single-family, multifamily, and mobile homes). Note that the "mobile homes" category includes both mobile homes built before the 1976 HUD code and manufactured homes built to the 1976 HUD code. The table also nests year built and units in structure within tenure designations (renter or owner occupied), so by comparing the share of rented units within a particular year category to the share of rented units in the total occupied housing stock, you can tell if older, newer, or units built in a particular time period are



disproportionately renter- or owner-occupied. Part 2 of this *Memo* series will provide a more in-depth discussion of *disproportionality* and its application.

- **B25041: Bedrooms.** The number of bedrooms in a unit are the best measure of housing unit size available in the ACS. Although ACS also provides the number of rooms per unit, without knowing the size and type of room, “number of rooms” remains somewhat ambiguous. (Number of rooms is more relevant as the CHAS data applies it to calculate *overcrowding*, defined by HUD as more than one person per room. If a housing unit has more than 1.5 persons per room, HUD considers the unit *severely overcrowded*.) The number of bedrooms can be compared to family size to determine whether the housing stock has the potential to meet growing demand for specific unit types, such as 1-bedroom or efficiency (0-bedroom) units.
- **B25056: Contract Rent.** Provides the number of units by level of contract rent.
- **B25063: Gross Rent.** Provides the number of units by level of gross rent (contract rent and utilities).
- **B25064: Median Gross Rent.** Provides the median gross rent for the jurisdiction.
- **B25088: Median Selected Monthly Owner Costs (Dollars) by Mortgage Status.** Provides median owner costs for the selected geography for all owners, as well as subcategories of owners with a mortgage and owners without a mortgage.
- **B25087: Mortgage Status and Selected Monthly Owner Costs.** Provides the number of units by level of housing costs for owners with a mortgage and owners without a mortgage. Note that these owner costs include mortgage payment, taxes, insurance, and utilities.

The household tables you will find most valuable from the ACS are the following:

- **B19001: Households by income.** Provides number of households by income level for the selected geography.
- **B25070: Gross Rent as a Percentage of Household Income.** Provides the number of households by percentage of income spent on rent in 5 to 10 percent increments. This table can be used to find number of cost-burdened and severely cost-burdened renters, as defined above.
- **B25091: Mortgage Status by Selected Monthly Owner Costs as a Percentage of Household Income.** Provides the number of households by percentage of income spent on owner costs in 5 to 10 percent increments for both owners with a mortgage and owners without a mortgage. This table can be used to find number of cost-burdened and severely cost-burdened owners.
- **B25106: Tenure by Housing Costs as a Percentage of Household Income in the Past 12 Months.** Combines the information in the previous two tables.
- **B11016: Household Type by Household Size.** Provides an estimate of households by size (one person through seven or more people) for family (two or more related

individuals) and nonfamily households.

- **B25007: Tenure by Age of Householder.** Provides the number of households by tenure and the age of the householder (the person in whose name the housing unit is rented or owned and usually the person who responded to the survey).
- **B25011: Tenure by Household Type (Including Living Alone) and Age of Householder.** Provides similar information to the previous table but indicates the household type: married-couple family, family with a male householder and no wife present, nonfamily households, individuals living alone, etc.

Note that the more tables are nested, the smaller the sample the estimates are based on and the larger the margin of error. Highly nested tables such as table B25127 will have fewer reliable estimates and may be useful only in large or densely populated jurisdictions.

To access this data, navigate to [factfinder.census.gov](http://factfinder.census.gov) and choose “Advanced Search” from the menu bar at the top of the page (or choose “Advanced Search” and “SHOW ME ALL” from the left-hand menu). Then enter the table number in the search bar and choose your geography.

Note that the way you choose the geography may influence the data query. For example, choosing “Geography” and “MSA” as a subcategory of “State” will return data for the part of the MSA that is located within that state, not the entire MSA if the MSA crosses state boundaries. You can also select the sample you want to use, 1-year or 5-year, by filtering under “Topics” and “Dataset.” Once you become accustomed to the language of housing table titles, you will have more success searching for data by keyword.

### **Consolidated Housing Affordability Strategy (CHAS)**

The CHAS data offers unique housing affordability data and information about overcrowding that is not available in the ACS unless it is reconstructed from the PUMS data.

CHAS estimates allow the user to compare the number of housing units affordable to households within extremely low-, very low-, low-, and moderate-income categories to the number of households within each of these income categories. Housing units and households are sorted into these categories based on size, income, rent, and value or owner costs.

Further, CHAS provides estimates of occupant income, so the user can discern what proportion of units affordable to households in one income group are occupied by households in another income group. For instance, the user can discern how many housing units that are affordable to low-income households are occupied by households with incomes greater than the area median income. The market does not pair affordable units to the households that need them and households often choose to spend less than 30 percent of their income on housing, so if an appropriate unit is available for less, higher-income households that compete more effectively for housing based on income and credit or rental history will occupy housing units

Figure 4. Filtering CHAS data in a spreadsheet (Author).

that are affordable to lower-income households. These households effectively crowd out lower-income households. From another perspective, households that cannot find affordable housing because the supply is too limited may be “forced” to accept housing cost burdens to obtain housing at all. Hence, extremely low-income households often occupy housing that is affordable only to households in higher-income groups.

The most valuable CHAS tables are tables 3, 14A, 14B, 15A, 15B, and 15C. These tables can be used to identify housing affordability gaps based on the affordability of the stock, the occupancy of the stock, and the number of available (vacant for-rent and for-sale) units by affordability. For example, the total number of units affordable to very low-income households (households with incomes less than 50 percent of AMI) can be estimated by summing:

- Vacant affordable units
  - o **Table 14A, Estimate 4 (T14A\_est4):** the estimate of vacant, for-sale units that have complete kitchen and plumbing facilities (i.e., not including rented rooms or certain accessory units) with a home price affordable to households with incomes less than 50 percent of AMI
  - o **Table 14B, Estimate 4 (T14B\_est4):** the estimate of vacant, for-rent units that have complete kitchen and plumbing facilities with a rent that is affordable to households with incomes less than 30 percent of AMI
  - o **Table 14B, Estimate 8 (T14B\_est8):** the estimate of vacant, for-rent units that have complete kitchen and

plumbing facilities with a rent that is affordable to households with incomes greater than 30 percent of AMI, but less than 50 percent of AMI

- And occupied affordable units
  - o **Table 15A, Estimate 4 (T15A\_est4):** the estimate of owner-occupied units with a mortgage, complete kitchen and plumbing facilities, and a home value affordable to households with incomes less than 50 percent of AMI
  - o **Table 15B, Estimate 4 (T15B\_est4):** the estimate of owner-occupied units with no mortgage, complete kitchen and plumbing facilities, and a home value affordable to households with incomes less than 50 percent of AMI
  - o **Table 15C, Estimate 4 (T15C\_est4):** the estimate of renter-occupied units with complete kitchen and plumbing facilities and a rent affordable to households with incomes less than 30 percent of AMI
  - o **Table 15C, Estimate 25 (T15C\_est25):** the estimate of renter-occupied units with complete kitchen and plumbing facilities and a rent affordable to households with incomes greater than 30 percent of AMI, but less than 50 percent of AMI

Tabulations such as this one can be used to assess housing gaps, deficits, and surpluses. For example, the number of units affordable to very low-income households minus the number of very low-income households from Table 3 will give

the deficit or surplus in physical stock. However, this measure is somewhat arbitrary since not all units that are affordable to households making less than 50 percent of AMI are occupied by households making less than 50 percent of AMI.

You can account for occupancy by using the occupancy characteristics in tables 15A, 15B, and 15C. The number of units affordable to very low-income households, minus the number of affordable units occupied by households with incomes greater than 50 percent of AMI, minus the number of households with incomes less than 50 percent of AMI, provides a more operational estimate of the affordable housing deficit or surplus for very low-income households. Another simpler approach is to subtract the number of available (vacant) affordable units from the number of cost-burdened households in the corresponding income category. In many cases, this housing affordability gap measure is very close to the deficit number that accounts for occupancy.

CHAS data is far less accessible than the published ACS tables. To access the breadth of the CHAS data you will need to download the data from the [CHAS data download page](#) (click on the “Data” tab). The zip file available for download includes a data dictionary and a data file.

This data is most accessible when the files are combined and filtered in a spreadsheet program like Microsoft Excel. Copy and paste the estimates into the corresponding data dictionary tabs, transposing the data to align the estimates vertically with the jurisdictions displayed horizontally as column headers. In both files, each tab contains the data descriptions or estimates for a single table. Retain column headers for the data table when transposing as a way of checking that you have combined the two files correctly. See the highlighted columns in Figure 4.

Once you have combined the files, you can easily filter the data to acquire the desired estimate. Note that all CHAS tables are nested and contain totals, subtotals, and detailed estimates. Totals have the lowest margins of error because the estimates are constructed based on the largest samples; subtotals and detailed estimates have higher margins of error because they are constructed from smaller samples. Subtotals can be aggregated and detailed estimates can be aggregated, but combining subtotals with detailed estimates will lead to double counting.

### ***U.S. Bureau of Labor Statistics (BLS)***

The U.S. Bureau of Labor Statistics (BLS) provides information on worker earnings by occupation. You can use annual wages or earnings to determine the affordable monthly housing costs by occupation. Divide the annual wages or earnings by 12, representing 12 months in a year, to get an estimate of monthly earnings. Then multiply by 0.3 to estimate the maximum affordable monthly housing costs, equivalent to 30 percent of monthly income for a household with a single earner.

The BLS Employment and Wages from the [Occupational Employment Statistics](#) (OES) survey is the most useful data set for this type of analysis. Note that this data is available at the state and MSA levels. BLS groups jurisdictions that are nonmetropolitan areas into state subregions in this data set. MSA-level

data for wages is often the best resource for jurisdictions within an MSA because just as housing markets are not limited by jurisdictional boundaries, neither are wages. Since the Census designates MSAs based on commute-shed data, they are often a very good proxy for economic areas including housing markets and labor sheds with similar wage rates.

Many municipalities find it useful to compare wages in dominant occupations to rents in their municipality. A simple approach to this kind of analysis uses BLS OES data and the ACS tables mentioned above. Start with the BLS OES data for your MSA. Sort the data by Employment, from highest to lowest. Now isolate the top 10 occupations by employment. Use the annual median wage to calculate the maximum amount that someone in that occupation earning at the median can afford to pay for housing costs. Compare this number for each occupation to the median rent and owner costs in your jurisdiction. This comparison is a general indicator of whether or not employees in these occupations within your region can afford to live in your municipality. It may also be useful to compare the maximum affordable rent for two earners to the median rent or housing costs in your region, since many households include two workers.

You can use the same data to pinpoint occupations in which workers cannot earn enough to afford the median rent in your municipality. For this analysis, calculate the maximum affordable housing cost for all occupations using the annual 90th percentile wage for each occupation. Employees earning in the 90th percentile represent the highest earners in each occupation. Sort the data by maximum affordable rent, from lowest to highest. Those employees in occupations with median earnings that are too low to afford the median rent in your jurisdiction, even when earning in the 90th percentile, are likely to struggle or simply not be able to live in your jurisdiction. Those who could not afford the median when earning in the 90th percentile and doubled up (simulating a two-worker household with both workers earning at the same level) are even less likely to be able to live in your jurisdiction.

This analysis is particularly pertinent if the majority of housing units in a municipality are priced close to the median. ACS tables B25087 and B25063 give information on number of units by gross rent and owner costs. You can use these tables to get general information about the spread of the units in your jurisdiction. So, for example, comparing median wages to the median rent may indicate that certain occupations cannot afford the median-priced unit, but on further examination you find there are just as many lower-priced units as units priced near the median. In this case, it may be more prudent to compare median wages to a lower rent threshold to identify workers that might be excluded from your municipality by housing costs.

The [BLS Quarterly Census of Employment and Wages](#) (QCEW) is the best data set for jurisdictions located outside of an MSA. The QCEW provides employment, average weekly wage, and average annual pay by industry sector. Analysts can conduct a similar analysis comparing the maximum affordable housing costs of the average earner in an industry to the median housing costs (rent and/or owner costs) in a jurisdiction.



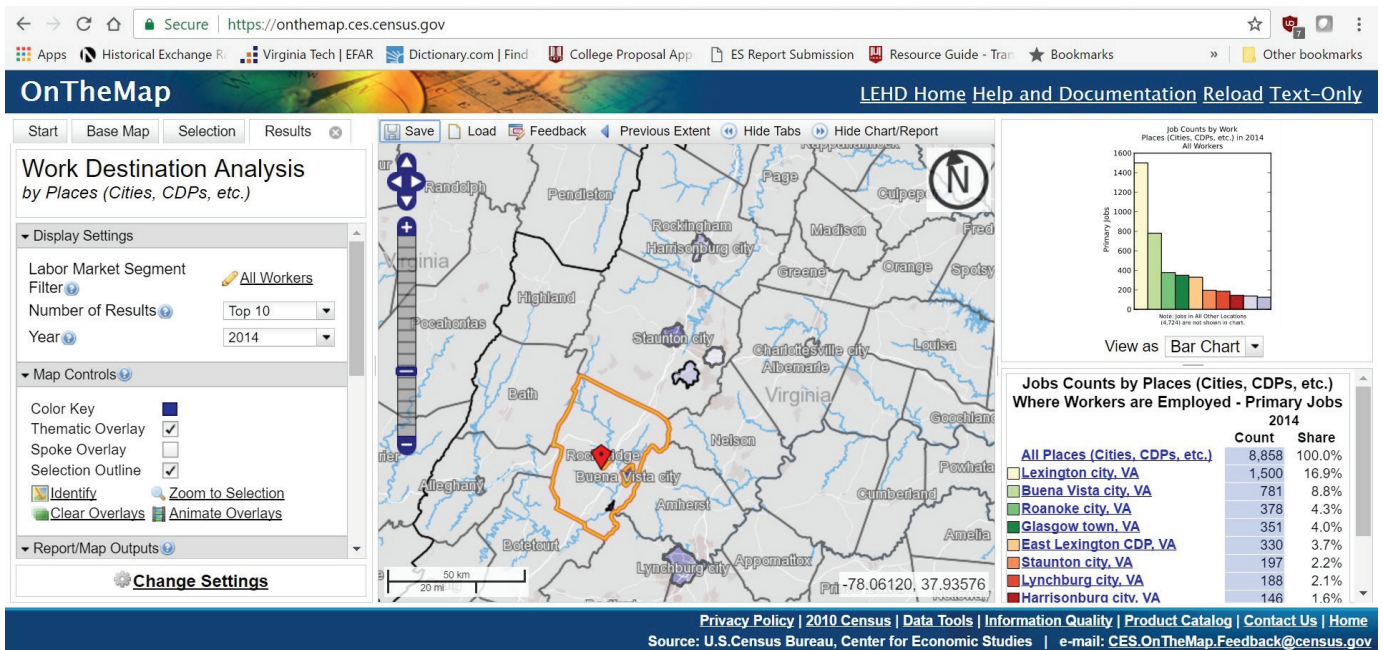
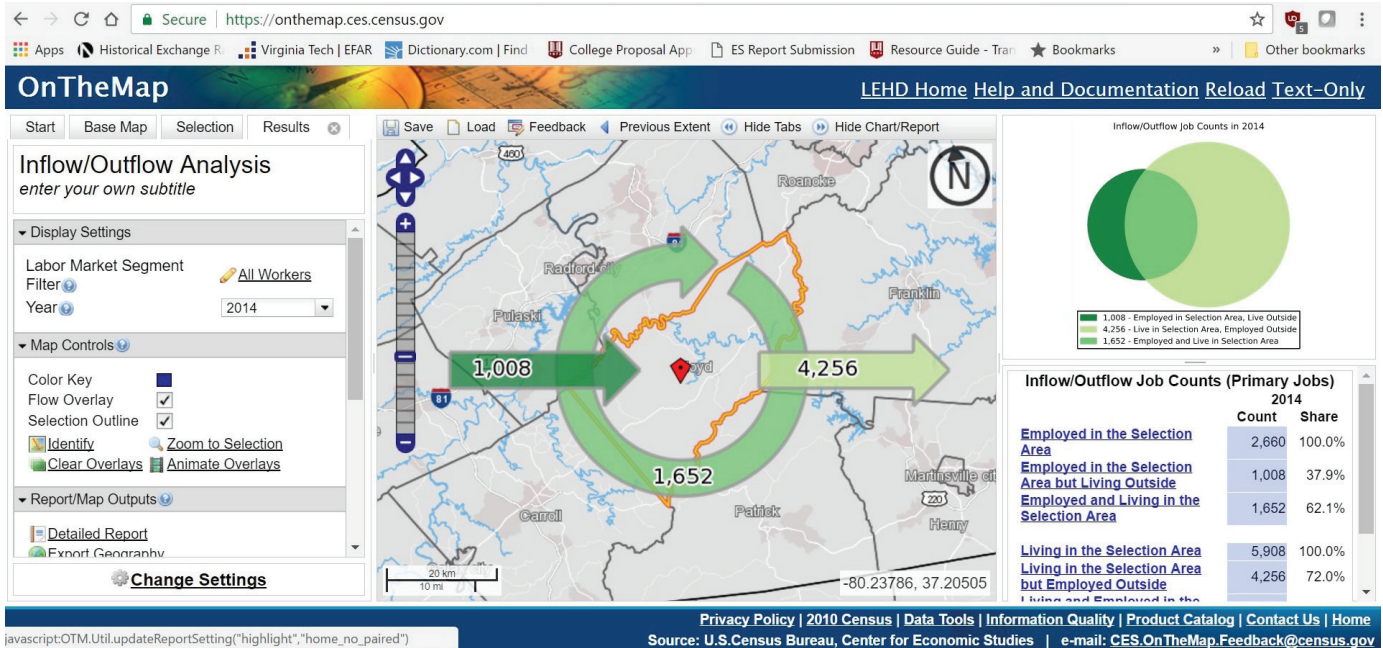


Figure 5. The Location Affordability Index portal (U.S. HUD & U.S. DOT 2017).

**Location Affordability Index (LAI) & OnTheMap**

HUD’s [Location Affordability Index](#) (LAI) is a simple measure of housing costs plus transportation costs as a percentage of income for the median-income family, plus the average housing and transportation cost for seven other household types as a percentage of average household income for that household type (Figure 5). In addition, HUD provides the LAI for renters, owners, and all households.

HUD breaks down the LAI into housing costs and transportation costs, so that users can better understand their jurisdiction’s LAI and how it compares to the LAI of other jurisdictions. If availability of affordable housing for workers is a concern in a particular jurisdiction, the problem may be alleviated by convenient, affordable transportation to neighboring jurisdictions or exacerbated by high transportation costs.



Top to bottom: Figure 6. OnTheMap “Inflow/Outflow” Analysis Tool (U.S. Census Bureau CES 2017); Figure 7. OnTheMap Destination Analysis Tool (U.S. Census Bureau CES 2017).

The U.S. Census Bureau’s Longitudinal Employer-Household Dynamics (LEHD) program [OnTheMap](#) tool provides information about workers and commuting. The “Inflow/Outflow” analysis provides estimates of how many people live and work in a jurisdiction, how many people living in that jurisdiction commute out of the jurisdiction to work, and how many people commute in from other jurisdictions (Figure 6). The “Destination” analysis shows where workers who live in the selected jurisdiction are commuting for work (Figure 7). The “Area Profile” also provides some useful estimates: workers by age, workers by level of earnings, and workers by industry sector. OnTheMap

data complements the LAI data and helps the analyst further investigate the dynamics of housing and transportation.

You can use LAI and OnTheMap data to detect additional weaknesses and threats due to housing affordability and appropriateness. Use the LAI to assess whether housing plus transportation costs might be an advantage or disadvantage in a given jurisdiction. If the LAI in a community is relatively high, use the LAI breakdown to see if housing or transportation is the larger contributor. If housing costs are a small part of household expenses but transportation costs are large, households may be choosing to live in a jurisdiction because the



housing is more appropriate for the members of their households. They may be trading high transportation costs for low housing costs. If the opposite is true—housing costs are high, but transportation costs are low—households may be willing to accept higher housing costs in the jurisdiction because they know they can save on transportation costs. However, high housing costs could also represent a threat. If housing costs are too high, workers in a given jurisdiction may choose to live elsewhere to access a higher quality of life or to be able to afford housing at all.

Commuting trends can shed light on the impact of housing and transportation costs. If relatively few residents live and work in a jurisdiction, but the jurisdiction has many out-commuters, then households may be choosing that jurisdiction because of the quality of life.

### Conclusion

This *Memo* provided a description of the most useful publicly available data resources for conducting a housing needs assessment. Part 2 of this series will continue this discussion by providing methods for assessing the reliability of the data described in this *Memo* and will introduce analytical techniques that may be useful as you undertake a housing needs assessment.

Much of a housing assessment may be descriptive in nature, with the intention being to profile the housing stock and households. The techniques presented in Part 2 will go a step further and demonstrate ways that you can compare estimates and extend your analysis to help your jurisdiction make policy and program decisions. Further, Part 2 will address policy and program decisions and action planning in more depth.

After working with the data in the ways described above and in the next *Memo*, you should be well on the road to conducting a self-directed housing needs assessment.

### About the Author

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# PAS MEMO

## Data-Driven Housing Assessments and Action Plans, Part 2: Analytical Techniques and Taking Action

By Mel Jones

Our communities' housing affects our residents' quality of life and the entire community's potential for economic growth. Inadequate housing can have consequences for residents' health, education, and economic mobility. Shortages of affordable and appropriate housing can have a variety of consequences for the entire community, including increased traffic congestion and limited economic growth. With so much at stake, communities need to conduct regular housing assessments and take action to promote and maintain housing stocks for households across the income spectrum.

This *PAS Memo* is a follow-up to "[Data-Driven Housing Assessments and Action Plans, Part 1: The Data](#)" (*PAS Memo*, May-June 2017). Part 1 introduced the most important publicly available housing data sources for planners. It provided important information about how to use the sources and ways in which each source contributes to a thorough housing needs assessment.

This *Memo* discusses analytical techniques in more depth and explores ways that municipalities can use these techniques to set goals, inform policymakers, and to develop or assess programs. It will prepare planners to analyze data and use their conclusions to help their communities meet housing needs. Data and assessment techniques discussed in this and the previous *Memo* should be applicable to existing planning efforts, including comprehensive planning, transportation planning, economic development strategies, and required planning for HUD programs.

### How to Analyze Publicly Available Data for a Housing Needs Assessment

This section introduces analytical techniques that may be useful as you undertake a housing needs assessment. Much of the assessment may be descriptive in nature, intended to provide a profile of the housing stock and the community's households. The techniques below go a step further and are

meant to demonstrate ways that you can compare estimates and extend your analysis to help your jurisdiction make policy and program decisions.

A housing needs assessment typically includes the following elements:

- a profile of the housing stock, the supply of housing in your community;
- a profile of households and the workforce, the primary sources of demand for housing in your community;
- an assessment of housing affordability and appropriateness; and
- an analysis of future need.

Other components of a housing needs assessment are often included based on individual community contexts. Common considerations include the following:

- Housing for particular populations (e.g., seniors, millennials, students, people with special needs, individuals and families who are experiencing homelessness)
- Housing conditions, where age or maintenance of housing is a concern
- Income or racial inequity
- Disaster preparedness

The techniques discussed in this *Memo* address the typical elements of a housing needs assessment.

### Data Reliability

The data discussed in Part 1 is useful only when the user understands its reliability. Jurisdictions with small populations will need to be particularly vigilant about assessing and interpreting data reliability, but all jurisdictions will find that some



**Example: Calculating Coefficient of Variation (CV)**

The estimate from the 2015 1-year ACS sample of units with gross rent from \$650 to \$699 in Montgomery County, Virginia, is 943. The MOE for this estimate is +/-443. Use the CV to assess the estimate's reliability:

$$SE = MOE/1.645 = 443/1.645 = 269.3$$

$$CV = \left( \frac{SE}{Estimate} \right) \times 100 = \left( \frac{269.3}{943} \right) \times 100 = 28.6\%$$

Since the CV is greater than 15 percent the estimate is not reliable, so it makes more sense to present the estimate as a range: there are between 500 and 1,386 units with gross rent between \$650 and \$699 in Montgomery County. However, ranges are only the best option in some cases. Another option is to aggregate estimates.

Also, note that the MOE will be lower for the 5-year pooled sample. In this case, none of the 1-year estimates from table B25063 for Montgomery County are reliable and no useful combinations have CVs below 15 percent. However, a number of the 5-year estimates, including the number of units with rent from \$650 to \$699, are reliable, so using the 5-year estimate is more prudent.

estimates provided by the American Community Survey (ACS) and the Consolidated Housing Affordability Strategy (CHAS) will not be reliable when examining characteristics of small subpopulations like severely overcrowded housing units or single-parent households.

The U.S. Census suggests using the Coefficient of Variation (CV) to test for reliability of the Census estimates and suggests the threshold of a CV no greater than 15 percent to allow for reliable data interpretation for state and local governments (Census 2009). This measure of reliability is applicable for both ACS estimates and CHAS estimates, since both are Census tabulations.

To calculate the CV for census estimates, first calculate standard error (SE) by dividing the Margin of Error (MOE) from the published tables by 1.645 (see example). Then divide the SE by the estimate from the published tables and multiply by 100 to convert to a percent. If the CV is greater than 15 percent, the estimate is not reliable. When an estimate is unreliable, you have two options: think of the estimate in terms of a range or combine the estimate with another estimate.

You may need to combine or aggregate estimates. For example, to tabulate all occupied single-family units built in the 1960s and 70s, you will need to combine two estimates from table B25127: owner-occupied "1, detached or attached" units built from 1960–1979 and renter-occupied "1, detached or attached" units built from 1960–1979.

The Census provides a formula for calculating the MOE for aggregated estimates: the square root of the sum of the squared MOEs (see example, p. 3) (U.S. Census Bureau 2009). Use the MOE of the combined estimates to calculate the CV as described above. The ACS handbook for state and local government users, [A Compass for Understanding and Using American Community Survey Data: What State and Local Governments Need to Know](#), provides more discussion regarding these techniques for assessing data reliability and many other helpful

resources.

Maintain the integrity of your analysis by working *within* datasets. Never use estimates from different years or datasets to figure percentages or other measures. Each set of estimates from each data source discussed in Part 1 has been created using a different sample or tabulation methodology, so using estimates from different sets in a mathematical equation is likely to create an inaccurate result. For example, to determine the percentage of occupied housing units use the estimates of occupied housing units and the total number of housing units from the same dataset, e.g., 2015 1-year ACS estimates. Using the number of housing units from a 5-year sample and the number of occupied units from the 1-year sample will create an incorrect, often bogus result. Similarly, only use reliable estimates to figure percentages and other measures.

**Housing Affordability: Cost-Burdened Households**

Use the number of households that are cost burdened to determine if there are current residents who need more affordable housing. HUD coined the term **cost burden** to describe households that need more affordable housing: "Families who pay more than 30 percent of their income for housing are considered cost burdened and may have difficulty affording necessities such as food, clothing, transportation and medical care" (U.S. HUD n.d.). Families who pay more than 50 percent of their income for housing are *severely* cost-burdened and have to make tough choices between housing and other necessities.

Start with the percentage of households that are cost burdened: the number of cost-burdened households from CHAS table 3 or ACS tables B25091 and B25070 divided by the total number of households. The ACS tables provide more recent data, but the CHAS tables will provide aggregations that are more convenient and therefore, that have lower margins of error. There is no ideal level of housing cost burden, but

**Example: Calculating MOE for Aggregated Estimates**

Extending the example above, the estimate from the 2015 5-year ACS sample of units with gross rent from \$650 to \$699 in Montgomery County, Virginia, is reliable, but the estimate of units with rent from \$700 to \$749 is not reliable. Use the equation below to see if a combination of these two estimates is reliable. The estimate from the 2015 5-year ACS sample of units with gross rent from \$650 to \$699 in Montgomery County is 975. The MOE for this estimate is +/-236. The estimate of units with gross rent from \$700 to \$649 is 1,051. The MOE for this estimate is +/-296. The MOE for the combined estimates is

$$MOE_{Combined} = \pm \sqrt{MOE_1^2 + MOE_2^2} = \pm \sqrt{236^2 + 296^2} = \pm 379$$

Note: The combined MOE equation can be solved in Microsoft Excel using the following syntax:

=SQRT(SUMSQ(236,296))

And, the CV indicates that the aggregate estimate is reliable.

$$SE = MOE/1.645 = 379/1.645 = 230$$

$$CV = \left( \frac{SE}{Estimate} \right) \times 100 = \left( \frac{230}{975+1051} \right) \times 100 = 11\%$$

understanding the context of housing cost burden can help a jurisdiction figure out if housing affordability is a problem or if providing more affordable housing may have advantages.

First, compare levels of cost burden over time to answer the question, "Is the level of cost burden getting worse or improving?" If you are using estimates from a 1-year sample in ACS, you can compare the level of cost burden on an annual basis. Less-populous jurisdictions may not have estimates from a 1-year sample because Census could not create an accurate estimate or could not maintain the privacy of respondents because of the small sample size. Using a 5-year sample from ACS or CHAS to plot estimates annually will result in a "smoothed" trend, so comparing estimates in 5-year increments may be more appropriate to determine the magnitude of change over time. If levels of cost burden are increasing, it is a sign that your municipality is becoming less affordable and households are beginning to struggle. Cities all over the country became less affordable over the past 5 years because housing costs, especially rents, increased faster than household incomes.

Next, compare levels of cost burden to nearby jurisdictions, a region overall such as an MSA, the state, or the nation. Ask, "Is our municipality more or less affordable than other municipalities or the overall geography of which our municipality is a part?" If your municipality has much higher levels of cost burden (5–10 percent difference) than neighboring jurisdictions or the region of which it is a part, there may be a shortage of affordable housing

and that shortage may result in related consequences.

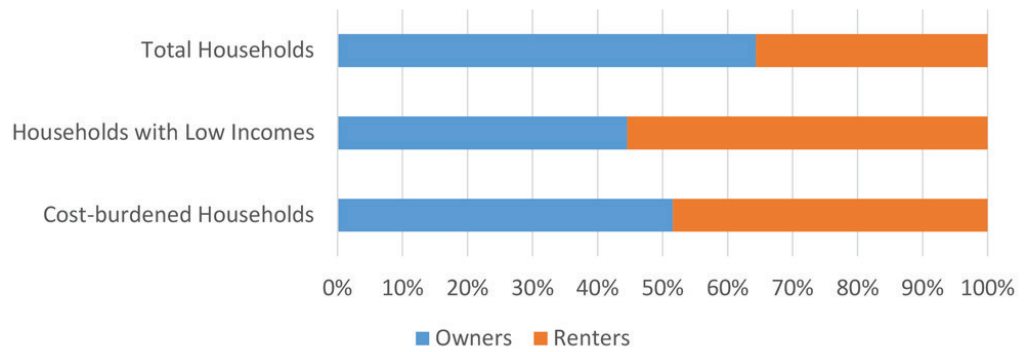
Examine the population of cost-burdened households to learn more about housing affordability challenges in your community and possible issues contributing to those challenges. Here are some questions that localities often find relevant.

- At what income levels are households cost burdened?
- Are renters or owners more likely to be cost burdened?
- Are particular age groups more likely to be cost burdened?

There are two ways to approach the first question: by using set income brackets provided in the ACS, table B25106, or by using the AMI categories provided in CHAS. There is value to using both approaches. The income brackets provided by ACS will make it easier to find an income threshold at which cost burden decreases. This threshold, if it exists in your municipality, may indicate a minimum level of income that is required to obtain housing affordably.

Alternatively, the CHAS data is more likely to show a smooth decrease in cost burden as levels of AMI increase because AMI levels take into consideration household size, income, and local costs (assuming that income is commensurate with housing costs at least to some degree). CHAS data is much more useful as a tool to determine the income levels of households in need. For example, jurisdictions with enough moderate- and

Figure 1. Proportion of owners and renters in the total population of households compared with affordability-related subpopulations in Virginia Beach, Virginia (Virginia Center for Housing Research tabulation of 2014 ACS PUMS 1-year data).



high-income housing may find that all cost-burdened households are households with extremely low income, less than 30 percent of AMI. Other municipalities may find that even moderate-income households making 80–120 percent of AMI struggle to find affordable housing.

The next two questions address levels of cost burden within subpopulations as well as disproportionality. First, use percentages within subpopulations to compare rates of cost burden. If 60 percent of renters are cost burdened, but only 40 percent of owners with a mortgage are cost burdened, then renters are cost burdened at higher rate than owners.

When comparing a single subpopulation to the entire population, disproportionality may be a more useful measure. For example, if households headed by a person 65 and older represent 40 percent of all households, but households headed by a person 65 and older represent 50 percent of cost-burdened households, senior households represent a disproportionately large part of the cost-burdened population. Disproportionality is a good approach to identifying subpopulations that experience excessive or unequal hardship.

Figure 1 shows the relative proportions of owners to renters in the entire population, in the low-income population, and in the cost-burdened population for the city of Virginia Beach, Virginia. By comparing the proportions of renters and owners among all households to the subpopulations—low-income and cost-burdened households—the graph shows that a disproportionately large share of renters have low household incomes (less than 80 percent of AMI) and that renters are disproportionately cost burdened.

### Housing Affordability Gap Analysis

The number of households that are cost burdened is the simplest and most straightforward measure with which to assess if there are households that need more affordable housing. Conducting a housing gap analysis using CHAS data is one of the most detailed and thorough ways of understanding the landscape of housing affordability in a given jurisdiction. Roughly, a housing affordability gap is the number of households that need more affordable housing (cost-burdened households) minus the number of vacant (available) affordable units. However, data is available in the CHAS to complete a far more nuanced analysis.

Use CHAS tables 14A, 14B, 15A, 15B, and 15C to conduct a

housing gap analysis. Tables 14 A and B provide the number of available units (vacant for-sale and vacant for-rent) by level of affordability. CHAS categorizes the units as affordable to particular income groups based on gross rent, value, or owner costs. Tables 15 A, B, and C categorize units based on affordability and the incomes of the occupants. You can use these tables to compare the affordability of the housing stock to the needs of jurisdiction households, and you can use information about the incomes of occupants to begin to understand housing affordability dynamics in more detail. Figure 2 (p. 5) shows CHAS data from tables 3, 14B, and 15C:

- renters with incomes between 30 and 50 percent of AMI that are *not* cost burdened,
- renters with incomes between 30 and 50 percent of AMI that are cost burdened,
- vacant rental units that are affordable to households with incomes between 30 and 50 percent of AMI, and
- occupied units that are affordable to households making between 30 and 50 percent of AMI by the income of the occupants.

The bar on the left shows households that have incomes between 30 and 50 percent of AMI. Households in green are not cost burdened. Households in blue are cost burdened and need more affordable housing.

The right bar shows housing units. Units in blue are vacant, available units. The orange block shows the number of units that are occupied by residents with incomes lower than needed to afford the unit they live in. These occupants are likely to be cost burdened and may have been “forced” to accept higher priced units because there were no appropriate, affordable units available.

The gray block shows the number of units that are occupied by households with income between 30 and 50 percent of AMI. The yellow block shows housing units that are occupied by households making more than 50 percent of AMI.

The housing market does not match affordable units with households that need them, and many households prefer to spend much less than 30 percent of their income on housing. Households with higher incomes compete better for housing. They are more desirable to landlords and mortgage finance entities because they often have higher credit scores and longer rental histories; therefore, they can “crowd out” households

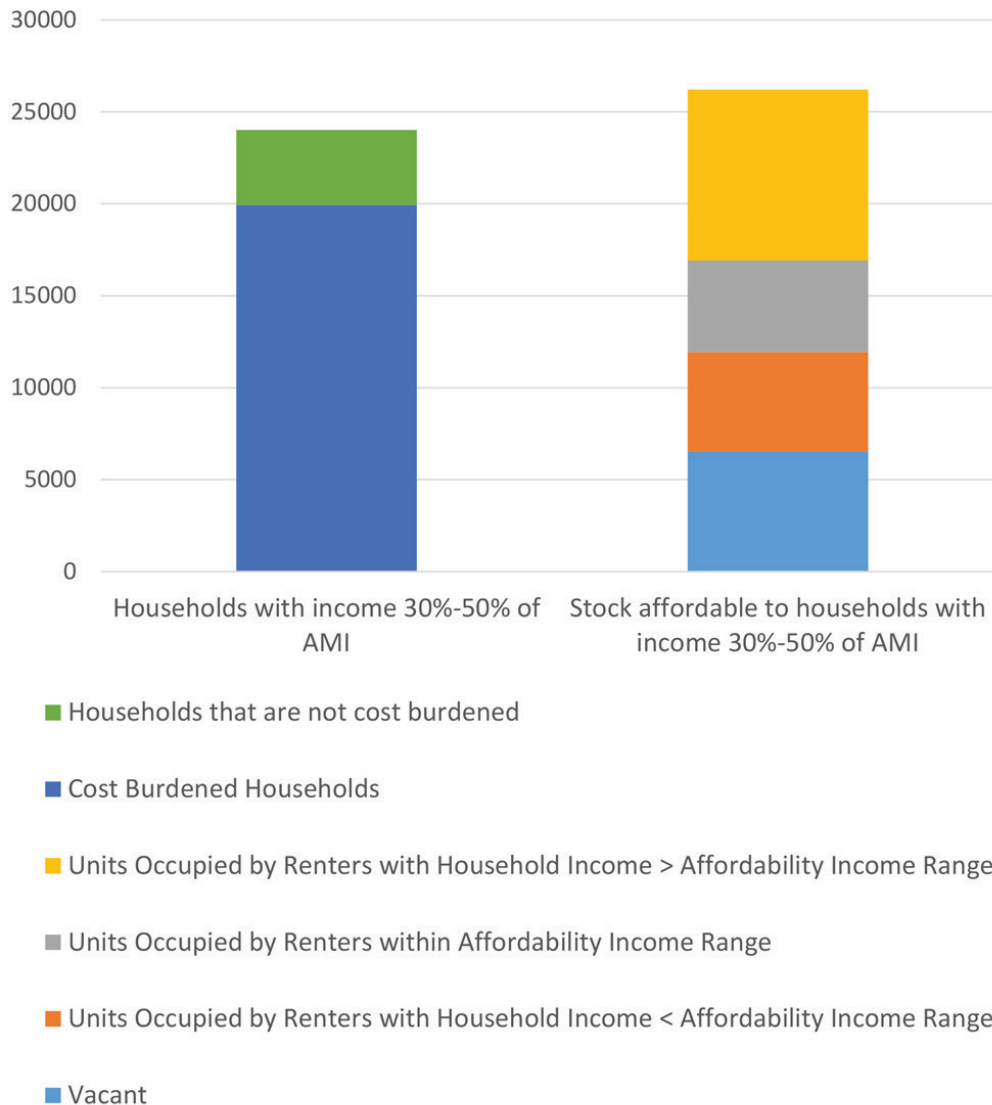


Figure 2. Rented/for-rent housing gap in the Richmond, Virginia, MSA (Virginia Center for Housing Research tabulation of 2009–2013 CHAS data).

with lower incomes.

In the example depicted in Figure 2, there is physically enough stock to accommodate households with incomes between 30 and 50 percent of AMI, but these households are effectively “crowded out” by households with higher incomes. Households with higher incomes may choose to live below their means for many reasons, but housing availability is the most relevant to this discussion. Households may choose to consume “less” housing if their desired housing is not available. If a locality works to provide housing that is desirable to household with higher incomes, those household may upgrade, freeing up lower-cost housing for households that need it.

### Appropriateness

Evaluating appropriateness requires the analyst to consider both supply and demand. In other words, an analyst must compare households to housing units. For example, let’s say you’ve used the strategies above to determine that households with lower incomes are more likely to be cost burdened and

that households making less than \$45,000 per year are disproportionately cost burdened. Based on what you know about your municipality you suspect that many of these households might be singles.

You can use ACS data to investigate your theory further. Use table B11016 to determine the number of 1-person households in your jurisdiction. Use table B25041 to get an estimate of the number of housing units with no bedrooms (efficiencies) and the number of units with one bedroom. Note that if information about the size of units is readily available in your municipality’s administrative data—e.g., assessment data or certificate of occupancy data—this count is likely to be more accurate (Keller et al. 2016), but remember to compare estimates and counts from the same year.

If you find that that there are far fewer small units than 1-person households, singles may be cost burdened because they cannot find an appropriately sized unit in your jurisdiction. You can continue your investigation of this topic by expanding the ACS tables you use beyond the ones discussed in this article.

**Calculation: Housing Appropriateness**

For example, the median annual income of 1-person households in the city of Richmond, Virginia, in 2015 was \$24,401, based on the 2015 ACS 1-year sample. A household earning \$24,401 annually can afford monthly housing costs or rent of

$$\text{Annual Income} \div 12 \times 0.30 = \$24,401 \div 12 \times 0.30 = \$610$$

Approximately 8,356 units rented for less than \$600 per month in Richmond, according to the 2015 ACS 1-year estimates provided in table B25063.

According to table B25009, there were approximately 23,073 1-person households renting in Richmond in 2015. If roughly half of these households earn below the median, it is unlikely that there are enough rental units with rents below \$610 to accommodate all 1-person households who need them.

For example, use table B19019, Median Household Income in the Past 12 Months by Household Size, to determine what the median 1-person household can afford: divide annual household income by 12 to get monthly income and then multiply by 30 percent (0.3) to determine the household's maximum affordable monthly housing cost. Then compare this number to the number of units available at that rent level from table B25063 (see example).

Comparing median affordable rent or housing costs of a subpopulation with median rent or housing costs for the jurisdiction can be a powerful tool. Many municipalities find it useful to compare wages in dominant occupations to rents in their municipality. A simple approach to this kind of analysis uses BLS data and the tables mentioned above.

Start with the BLS OES data for your MSA. Sort the data by employment, from highest to lowest. Then isolate the top 10 occupations by employment. Use the annual median wage to calculate the maximum amount someone in that occupation earning at the median can afford to pay for housing costs. Compare this number for each occupation to the median rent or owner costs in your jurisdiction. This comparison is a general indicator of whether or not employees in these occupations can afford to live in your municipality. It may also be useful to compare the maximum affordable rent for two earners to the median rent or housing costs in your region, because many households include two workers.

Use the same data to pinpoint occupations in which workers cannot earn enough to afford the median rent in your municipality. For this analysis, calculate the maximum affordable housing cost for all occupations using the annual 90th percentile wage for each occupation. Employees earning in the 90th percentile represent the highest earners in each occupation. Sort the data by maximum affordable rent, from lowest to highest. Those employees in occupations with earnings that are too low to afford the median rent in your jurisdiction even when earning in the 90th percentile are likely to struggle to live in your jurisdiction or simply not be able to live in your jurisdiction. Those who could not afford the median when earning in the 90th percentile and doubled up (simulating a two-worker household with both workers earning at the same

level) are even less likely to be able to live in your jurisdiction. This analysis is particularly pertinent if the majority of housing units in a municipality are priced close to the median.

Tables B25087 and B25063 give information on number of units by gross rent and owner costs. You can use these estimates to get general information about the spread of the units in your jurisdiction. So, for example, comparing median wages to the median rent may indicate that certain occupations cannot afford the median-priced unit, but on further examination you may find there are just as many lower-priced units as units priced near the median. In this case, it may be more prudent to compare median wages to a lower-rent threshold.

Location appropriateness of housing influences housing affordability and may affect the community and local infrastructure through associated transportation needs. You can use LAI data and On the Map data to detect weaknesses and threats due to housing affordability and location appropriateness.

Use the LAI to assess whether the housing plus transportation costs might be an advantage or disadvantage in a given jurisdiction. If the LAI in a community is relatively high, use the LAI breakdown to see if housing or transportation is the larger contributor. If housing costs are a small part of households' expenses but transportation costs are large, households may be choosing to live in the jurisdiction because the housing is more appropriate for the members of those households. They may be trading high transportation costs for low housing costs. If the opposite is true—housing costs are high but transportation costs are low—households may be willing to accept higher housing costs in the jurisdiction because they know they can save on transportation costs. However, high housing costs could also represent a threat.

If housing costs are too high, workers in a given jurisdiction may choose to live elsewhere to access a higher quality of life or to be able to afford housing at all. Commuting trends, available from On the Map, can shed light on the impact of housing and transportation costs. If relatively few residents live and work in a jurisdiction but the jurisdiction has many out-commuters, then households may be choosing that jurisdiction because of the quality of life. Conversely, if relatively few residents live and work in a jurisdiction but the



jurisdiction has many in-commuters, then households may be choosing to live elsewhere because their quality of life is better in another jurisdiction. If households are working and thereby earning in your jurisdiction but choosing to live elsewhere, they are likely spending the dollars that they earn at home and in a sense, extracting money from your jurisdiction. Further, high levels of commuting may strain municipal transportation infrastructure.

### **Taking Action**

This section discusses some of the most important steps planners and other municipal staff should consider as they take action based on the conclusions from a housing needs assessment. The discussion emphasizes the importance of stakeholder engagement, partnerships, and practicality as you set goals and take action. It includes an overview of useful policies and programs as well as an approach to tracking your success and monitoring housing needs over time.

### **Setting Goals**

There are three main considerations for setting housing-related goals. First, observe the market and be careful not to overbuild. Second, be practical: Understand the extent to which municipal resources will be available and consider how you can collaborate with builders, developers, and employers to extend municipal goals. Third, measure your success. This section will include a discussion of the first and second points. A discussion of how to monitor and evaluate efforts makes up the final section of this *Memo*.

First, understand that the market is fluid and does not match households to housing based on need. Unless housing units are income restricted or 55-and-older communities, housing units are not reserved for those households that need them. If your jurisdiction sets a goal to add an additional 100 units that are affordable to households with very low incomes, keep in mind that households with higher incomes may also demand more affordable housing and that higher-income households compete more effectively for the housing that they want. On the other hand, building housing that is more desirable for households with moderate incomes may free up housing for households with lower incomes.

Next, be careful not to overbuild. It takes time for the market to absorb units. If you find that there is a need for more units affordable to households with incomes between 30 and 80 percent of the area's median income—very low and low-income households—do not plan to build all of the units at once, flooding the market. Instead, focus on a combined effort of preserving units that are already affordable to this group and encouraging development of units that are affordable to this group along with units that might be more appealing to households with higher incomes that currently occupy units that might be affordable to this group. Municipalities can work with experienced developers that can gauge the market and its rate of absorption and thereby pace the rate of building so units can be sold or rented easily.

Being practical will help pace your building goals. Municipalities have limited resources and should not stretch staff too thin. Try a trial run to experience the effects of providing incen-

tives such as density bonuses for energy efficient, affordable housing. Small-scale, trial approaches may also be more palatable to the community and the elected officials who represent them. There are a few ways to approach an experiment: limit the area where a new policy and or program will be applied, limit the number of developments that can be built under a new policy or program, or limit the time for which a new policy or program will be available.

Many municipalities limit the availability of density bonuses to areas where they deem increased density to be most appropriate. Communities have implemented accessory dwelling unit ordinances in areas where they believe such a program will be most successful. If you implement a program or policy where you believe it will be most successful and it is successful, you may expand it. If it is not successful, you may need to adjust the policy or even go back to the drawing board. Alternatively, you can pilot a policy or program by making it available for a limited amount of time or allowing a limited number of units to be built under the program.

### **Engaging Stakeholders**

Explaining the data is one of the most important parts of a housing needs assessment. Your assessment will need buy-in from builders and developers, employers, and the community at large if it is going to be used to take action. You will also need to be able to make a case for action to your colleagues and to the elected officials who are responsible for local government and, sometimes, those who are responsible for state policy.

Builders and developers, employers, and households in your community are also great resources to help assess the validity of the data and your analysis. Ask builders and developers about their experience: what kinds of housing are in high demand and are there certain types of housing that are challenging to build? Ask employers if their employees have a hard time finding affordable, appropriate housing or if their employees must commute from other jurisdictions. Ask households in your community about their housing challenges. The conversations you have with each of these groups will help you better understand the data and improve your analysis. Further, you will collect anecdotes and stories that will help you explain the data and your analysis to others.

Finally, municipalities can collaborate with developers, nonprofits, employers, philanthropists, and volunteers to achieve housing goals. Engaging these groups at the beginning will make partnering to achieve housing goals more productive later on. Further, partnerships can extend programs and policies and make them more efficient and effective.

### **Builders and Developers**

Builders and developers can be allies as you interpret the housing needs assessment data. Ask them what they are experiencing in the market and use their insight to either question the data or validate it. Once you, your colleagues, and the elected officials for your community have a clear understanding of housing gaps and needs, be very clear about your goals and ensure that the local policies support those goals.

Reducing uncertainty and risk reduces costs for developers. If they know that a locality needs a particular type of housing and that the local government is going to support their efforts to build it, it is very likely that the locality can achieve its housing goals. The more information a locality can provide to developers about where residents want to see housing built, what type of housing they are looking for, what they want it to look like, etc., the more likely developers are to respond to the community's plans and goals. The more time developers have to spend revising designs or proposals and the more often they are turned down for rezoning because they don't have a clear idea of what the municipality is looking for, the less likely it becomes that the municipality will achieve its housing goals.

Finally, developers are indispensable partners in building affordable housing and housing for special populations. For example, municipalities should consider developing relationships with developers that have experience doing Low Income Housing Tax Credit (LIHTC) deals, so that your municipality can become more competitive and efficient at developing affordable housing with tax credit incentives. The more often your municipality works with a particular developer, the more efficiently and cost-effectively that developer will be able to do business in your community, and the more effectively your municipality will be able to respond to housing needs.

### **Employers**

Housing costs are among the top five factors affecting where households choose to live and work (Wardrip, Williams, and Hague 2011), so having enough affordable, appropriate housing to support the workforce is an important issue for employers, especially those who are thinking about expansion.

Employers look for the workforce they need within a particular commute shed, often 60 miles, in order to locate or expand in a particular locality or region. A job-housing imbalance can impede economic development by making it difficult for businesses to recruit and retain employees (Morrison and Monk 2006). Chakrabarti and Zhang (2015) find evidence that unaffordable housing has a significant and negative impact on local employment growth in their study of California cities. Slowed, stalled, or negative employment growth can in turn negatively affect businesses and communities.

Jonas, While, and Gibbs (2010) suggest that workforce housing, along with other major infrastructure, is a common problem for city-regions that are growth "hotspots." The Joint Center for Housing Studies and Center for Workforce Preparation (2005) report an example: Citistorage, Inc. in Brooklyn, New York, noticed that over the last 20 years many of its employees have had to move farther and farther away from work to find housing they can afford. Consequently, Citistorage had to reduce its working hours to offset longer commuting times in order to retain employees.

Further, if housing is affordable and appropriate, employers will experience less turnover. Costs associated with replacing employees include the search and recruitment of substitutes, selecting between candidates, orientation of the substitute, and job training (Ongori 2007).

Given the importance of housing for employees, the importance of employees to businesses, and the importance of businesses to communities, it makes sense to partner with employers to learn about their employees' needs and to offer complementary programs. For example, many employers offer down-payment assistance or other kinds of benefits to recruit and retain employees. Municipalities can partner with employers to provide programs such as assistance bringing homes up to code or funds to help upgrade the stock in particular areas. A combination of down-payment assistance and rehabilitation funds could make homeownership possible for many moderate-income households, including millennials and young professionals.

### **Staff and Elected Officials**

Staff and elected officials want to know how many residents and households cannot afford housing, how the lack of affordable housing impacts the community, and how housing cost burdens affect households.

First, explain the cost-burden measure: Households that pay more than 30 percent of their income for housing are cost burdened and may have to make choices between housing and other necessities like medical care, child care, clothing, and food. Further, households that are cost burdened have little money to save for emergencies and are not likely to have extra money for home maintenance or upgrades. Some cost-burdened renters may accept poor housing conditions to obtain housing at all. Willingness to accept poor housing conditions, either as a homeowner or as a renter, threatens the upkeep, quality, and marketability of the local housing stock.

Next, give more details about the cost-burdened households. For example, relying on your analysis of the BLS data, tell elected officials which workers likely struggle to afford housing. If municipal service workers or people who work at a primary employer in your area cannot afford housing, it is usually cause for concern. Seniors and families are also populations that draw particular concern. You can build stories, hypothetical or real, about people in your community who work in occupations that do not pay enough to allow them to comfortably afford housing in your jurisdiction. Explain how long they would have to work at their job or how much more they would need to make to afford the median rent. Answer questions like "Can they afford to live alone, or would they need a roommate?" "Can they afford to start a family in your community?" "Could they retire in your community?"

If there are people who work in your community that cannot afford to live there, ask yourself if their commute is a burden on the community and its infrastructure. If traffic congestion is a problem in your jurisdiction, a lack of affordable housing may be making everyone's life harder. Also consider the retail leakage that your community may be experiencing if workers are earning in your community but spending their paycheck where they live.

### **Community at Large**

The community at large will be more interested in examples and anecdotes than the data. Provide the number of house-

holds that are experiencing housing affordability or appropriateness challenges and then give stories about or examples of households that experience housing affordability or appropriateness challenges.

Your goal should be to help the community empathize with those who experience housing challenges and realize that the people who experience these challenges are very often important members of the community: policemen, firemen, other municipal employees, health service workers that staff doctor's offices and hospitals, the staff of their favorite restaurant or barber shop. Without including these people in the community by ensuring that they are able to find appropriate and affordable housing, the community cannot have the amenities it enjoys. As housing gaps worsen, businesses will not be able to find the employees they need and the growth or stability of the community will suffer.

The community will also have questions about how affordable housing or housing for special populations, if encouraged, will affect the community. It is best to rely on examples to dispel myths. You likely have some examples of attractive affordable housing, senior housing, or housing for people with special needs that works well in your community or in a nearby community. Find some examples and share them with interested citizens. To get some inspiration, read "Learning from Mount Laurel" by Douglas Massey (2012).

### **Your Tool Kit**

You have three categories of tools to provide housing needs: policy, programs, and partnerships. Your most powerful policy tool is zoning. Then, you can create programs that offer incentives for the provision of affordable housing and housing for special populations. Programs often complement municipal policies. Last, you can establish partnerships that make it easier to achieve your community's housing goals. The section above highlights the wide range of stakeholders you can partner with.

This section highlights the types of policies and programs that may be useful in your community. It is too short to provide in-depth descriptions of the policies and programs that have been successful for communities across the country. However, many resources describe these policies in detail and provide examples. HUD USER ([www.huduser.gov](http://www.huduser.gov)) is a great place to begin your search for more information.

### **Policy**

Inclusionary zoning is the most powerful policy tool with which to ensure that new housing developments address housing affordability gaps, but there are additional zoning tools and considerations that can support housing goals. Municipalities can employ a variety of zoning techniques to ensure that affordable housing and housing for special populations fits into their community, benefiting everyone and not isolating any one subpopulation.

Inclusionary zoning is the requirement that new housing developments include housing that is accessible to low- and moderate-income households. Inclusionary zoning promotes diversity and sends a clear message that a community values

residents that earn at all income levels. Municipalities should use inclusionary zoning to set a minimum requirement for affordable housing, keeping in mind that asking too much could discourage development all together. Many communities allow developers to pay cash in lieu of building or subsidizing affordable units, but allowing developers to pay to have affordable units built somewhere else may segregate households with lower incomes and cause harm to the community.

You can use floating zones to encourage high-priority housing. Floating zones are a set of criteria that developers or property owners can apply anywhere or in particular regions of your jurisdiction. The zoning criteria "float" until a property owner or developer wants to apply them in a particular place. This type of zoning allows for great flexibility in location but should be very specific regarding use, form, and design. For example (state law permitting), your municipality could design a floating zone for housing of which at least 20 percent of the units are designated for seniors with low and moderate incomes. The floating zone could require mixed use development and energy efficiency and universal design standards for the senior units. Municipalities can pair this type of zone with programmatic incentives (discussed in more depth below) to further support the development of high-priority housing.

Finally, being as specific as possible about housing goals and how the community would like to see them achieved removes the guesswork for developers and builders. Communities should add housing sections to their short- and long-range planning documents. Include as much detail as possible regarding where the community would like additional housing to be built, how much housing the community would like to add, what types of housing they would like to see (single family, single family attached, multifamily), what they would like the developments to be like, what they would like the buildings to look like, and the housing gaps the community is trying to target.

Remember that transportation availability and utilities affect the affordability of homes, so encouraging transportation-oriented development and energy-efficient homes will extend municipal efforts to provide appropriate, affordable housing that will stay affordable for longer. Ideally, your municipality will develop small-area plans that can help developers fully understand municipal visions.

### **Programs**

Municipalities can provide a variety of incentives to encourage builders and developers to address housing gaps. Density bonuses, tax abatement, fast-track reviews, and fast-track permitting are all valuable incentives that can make the provision of affordable housing a positive cash flow for developers.

Municipalities can provide additional density in exchange for income-restricted housing and other housing attributes like universal design and energy efficiency. However, the density must be over and beyond what developers can build by-right and, as some municipalities have learned the hard way, what developers know elected officials will approve through a rezoning process. That is, if developers know that elected officials are likely to allow additional density through a rezoning process without providing



affordable housing or other desired housing attributes, they will not find value in participating in the program.

Municipalities often provide real-estate tax abatement to nonprofit affordable housing developers and property managers to encourage housing for low-income households, but there are other financial incentives that can be useful as well. These include waiving hook-up fees for municipal utilities and waiving permitting fees. Fast-tracking zoning and permitting reviews and on-demand building inspections are also valuable incentives for builders.

Municipalities can also provide incentives to residents directly. These types of incentives often include financial incentives to make housing more appropriate. Municipal efforts that benefit residents directly can be as simple as providing a list of recommended contractors for accessibility modifications. If residents feel confident that they will not be cheated by a contractor, they are more likely to spend a portion of limited funds on home improvements. Some municipalities directly fund accessibility modifications for low-income seniors in their community.

Some municipalities offer down-payment assistance to allow moderate-income workers and renters to get a foothold in the community and begin building equity. Shared-equity programs are another option to help residents become homeowners. Land banks, land trusts, and housing trust funds are useful tools with which municipalities provide housing directly, provide shared-equity opportunities, and “bank” land as an investment in future affordable housing.

### Monitoring and Evaluation

Monitoring your progress and evaluating the results of your efforts are important parts of taking action to fill housing gaps, especially because housing demand and housing gaps are ever changing. In many communities, the housing affordability gap is growing so fast that it will take many years to close the gap before beginning to meet demand. Still, monitoring your success by measuring your progress toward goals and evaluating the effectiveness of programs will be an important aspect of maintaining community buy-in and showing stakeholders that your efforts are well organized and that you continue to consider their perspectives.

You will need to establish a baseline from which to track the success of the policies, programs, and partnerships that you have established after completing your housing needs assessment. Apply the insight you’ve gained from publicly available data to assess your jurisdiction’s housing inventory and answer the questions:

- Which market-rate developments or neighborhoods are affordable to households making low and moderate incomes?
- How many income-restricted units are in the municipality?
- Which affordable developments or neighborhoods are well located?
- Which units could be rehabilitated to provide appropriate and affordable housing?
- Which neighborhoods or housing types are becoming less desirable?

You may find municipal assessment data, zoning violation data, and subsidized housing data useful in this process, especially if your jurisdiction is very large, but it’s likely that you and your colleagues can answer these questions based simply on your knowledge of the jurisdiction you serve.

Using this inventory baseline, you can set goals for preservation, upgrades, and redevelopment. Combined with goals to add new inventory, you will have plenty to track, both changes from regular market forces and from the actions you take. You will be able to share the number of net new affordable and appropriate units that have been added and explain which units were lost, which units might have been lost without your efforts, and which units were added.

Over the long term you will be able to track whether your community is becoming more affordable and whether you are addressing the housing challenges experienced by individual households and the community as a whole, using the data discussed in this and the previous *Memo*. Keep in mind that if you are using 5-year pooled estimates from the ACS or CHAS, you will see little change in these estimates from year to year; it may be more prudent to measure change every five years. If your jurisdiction is larger or more densely populated, you may have access to ACS 1-year estimates, in which case you should see movement annually with the understanding that there is a one-and-a-half- to two-year lag in ACS data.

Tracking the number of cost-burdened households will be the easiest way to discern whether your community’s housing is becoming more affordable. Use the comparison of the occupation earnings to the median rent and median owner costs to assess the trajectory of the jobs-housing balance. Finally, use the CHAS data to monitor the affordable housing stock and to guide your continued efforts. Remember, the housing stock is sticky and changes far more slowly than the households in your community, so adjusting to meet housing needs will be an ongoing, ever-changing challenge.

### Conclusion

This *Memo* presents a number of techniques with which to analyze publicly available housing data and provides an overview of ways to take action based on the results of a housing needs assessment. In addition to the programs and policies that help municipalities respond to housing needs, this *Memo* discusses considerations for setting practical goals and engaging stakeholders, as well as approaches to monitoring and evaluating municipal efforts to address housing needs.

Housing influences household quality of life and the community at large. Further, it is deeply interconnected to other planning issues such as transportation and economic development. As such, elements of the housing needs assessment can and should be applied in comprehensive planning, transportation planning, economic development strategies, and required planning for HUD programs. The information provided in this *Memo* and the prior issue should help you in both carrying out a housing needs assessment and in using that analysis to inform a wide range of planning efforts to improve your community’s overall well-being.

## About the Author

**Mel Jones** is a research scientist with the Virginia Center for Housing Research at Virginia Tech. Jones leads housing affordability research at the center and conducts housing needs assessment for localities throughout Virginia. Recently she has completed analyses for the Richmond Regional Planning District Commission, Fairfax County, James City County, Central Appalachia, and the Virginia Housing Trust Fund. Jones has a Master of Urban Affairs and Planning degree and a master's degree in applied economics from Virginia Tech. Her areas of expertise include statistical and qualitative economic and policy analysis.

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Exhibit B

**Instructions: CHFA Insurance Requirements**

All contractors and vendors are required to provide proof of the required insurance coverage before entering the premises or commencing any work at any CHFA facility. Contractors and vendors must obtain, at their own expense, all the insurance required here, and acceptable evidence of such insurance must be properly furnished to, and approved by, CHFA.

All subcontractors are subject to the same requirements. It is the responsibility of the primary contractor or vendor to obtain acceptable evidence of insurance from subcontractors.

CHFA also requires that they be named as an additional insured on your general liability policy(ies). Your general liability policy must be endorsed with ISO Endorsement CG 20 10 (or equivalent) *or* ISO Endorsement CG 20 26 (or equivalent), *and* ISO Endorsement CG 20 37 (or equivalent) if so required. These form numbers must be specifically referenced on the certificate of insurance. If your insurance company uses a different form to provide CHFA with additional insured status on your policies, copies of those forms must be provided in advance with the insurance certificate for review and approval by CHFA. All coverage must be primary as to CHFA.

The proper name for the entity to be named as additional insured is: “Connecticut Housing Finance Authority, and/or related or affiliated entities.”

Evidence of compliance with these requirements is with the ACCORD form 25, “Certificate of Liability Insurance”, with 30 day notice of cancellation, plus copies of any required additional insured endorsements. Certificates should be sent to: Connecticut Housing Finance Authority, Attention: Legal Dept., 999 West St., Rocky Hill, CT 06067. Tel.: (860) 721-9501, Fax: (860) 721-0527.

Current insurance certificates must be furnished to CHFA at all times. Replacement certificates must be furnished *prior to the expiration or replacement* of referenced policies.

Required (if checked)	Type of Insurance	Standard Requirement
√	<b>Commercial General Liability</b>	<p><b>\$1,000,000</b> per occurrence/ <b>\$2,000,000</b> aggregate bodily injury/property damage.</p> <p>The CGL policy must include coverage for:</p> <ul style="list-style-type: none"> <li>• liability from premises and operations.</li> <li>• liability from products or completed operations.</li> <li>• liability from actions of independent contractors.</li> <li>• liability assumed by contract.</li> </ul> <p>All coverage provided to CHFA under this section must be primary.</p> <p>CHFA must be named as “additional insured” on your CGL policy with ISO form CG 20 10 or CG 20 26 or equivalent</p>
√	<b>Contractors or service vendors:</b>	<p>CHFA must <i>also</i> be named as “additional insured” on your CGL policy with form CG 20 37 or equivalent</p> <p>The Aggregate limit must apply per job/project.</p> <p>Products/completed operations must be carried for 2 years after completion of job/acceptance by owner.</p>
	<b>Automobile Liability</b>	<b>\$1,000,000</b> per accident for bodily injury/property damage, including hired & non-owned vehicles
√	<b>Workers' Compensation Employers Liability</b>	<p>Statutory</p> <p><b>\$1,000,000</b> each accident</p>
√	<b>Umbrella Liability</b>	<b>\$1,000,000</b> Excess over underlying limits described above.
√	<b>Professional Liability</b>	<b>\$1,000,000</b> per occurrence/ <b>\$1,000,000</b> aggregate

**Insurance Requirements**

Contractors or vendors working for and/or doing business with the Connecticut Housing Finance Authority (CHFA), or using CHFA facilities, shall agree as a condition of acceptance to furnish and perpetually maintain, at their own expense, for the duration of any project, work, contract or use of CHFA facilities the following policies of insurance covering the following items. Insurance must be primary and endorsed to be noncontributory by CHFA, must be written in an insurance company A.M. Best rated as “A-VII” or better, and CHFA must be endorsed to the policy as an additional insured (except Worker’s Compensation) unless this requirement is specifically waived in writing by CHFA. Contractors further agree that any subcontractor they intend to use on CHFA assigned work will be required to submit to the same indemnity and insurance requirements contained in this schedule. Contractor shall obtain insurance certificates stating that both Contractor and CHFA shall be endorsed to the subcontractor’s insurance policies as additional insured.

**Indemnification**

The contractor/vendor shall save harmless, indemnify, and in the event of claim, notification or suit will immediately defend CHFA and any related or subsidiary entities, their officers, employees and volunteers, from and against all loss, costs, damage, expense, claims or demands arising out of or caused or alleged to have been caused in any manner by the performance of work or use of facilities herein provided, including all suits, claims or actions of every kind or description brought against the CHFA either individually or jointly with the entity or organization for or on the account of any damage or injury to any person or persons or property, including the entity or organization’s employees or their property, caused or occasioned, or alleged to have been caused or occasioned in whole or in part by the entity or organization, including any subcontractor, their employees or agents.

**Certificates of Insurance**

Before starting any work, or commencing any use or occupancy of CHFA premises, the contractor or vendor shall furnish to CHFA a certificate of insurance indicating, specifically, the existence of those coverages and limits set forth as follows. CHFA must be named on the insurance certificate as “additional insured” for the coverage’s afforded, and a copy of the actual policy endorsement that adds CHFA as an additional insured must be attached to the certificate (Blanket additional insured endorsements are deemed acceptable). It is also the duty of contractor or vendor to provide renewal or replacement certificates and endorsements to CHFA upon renewal or new placement of any insurance policy which may expire or renew during the term of any project or engagement, and to give CHFA thirty (30) days notice of any cancellation or change in the terms of such policy or policies during the periods of coverage. Upon request of CHFA, the contractor or vendor shall furnish to CHFA for its examination and approval such policies of insurance with all endorsements, or copies thereof, certified by the agent of the insurance company.

The contractor or vendor agrees to forward a signed original of this Insurance Requirement signed by an authorized Officer or Agent for the contractor or vendor, to the care of: Connecticut Housing Finance Authority, **Theresa Calderone**, Assistant Counsel, 999 West St., Rocky Hill, CT 06067. Tel.: (860) 571-4389, Fax: (860) 721-0527, Email: [Theresa.Caldarone@CHFA.org](mailto:Theresa.Caldarone@CHFA.org), as an acknowledgement and acceptance to the terms and conditions stated herein and prior to the commencement of any work being performed.

\_\_\_\_\_  
Signed by (contractor or vendor)

\_\_\_\_\_  
(type/print name of contractor or vendor)

\_\_\_\_\_  
Date

TO BE SUBMITTED WITH RESPONSES

CERTIFICATION REGARDING CONNECTICUT GENERAL STATUTES § 4-250
Gift and Campaign Contribution Certification
(for contracts valued at \$50,000 or more in a calendar or fiscal year)

Contractor hereby swears as true to the best knowledge and belief of the person signing below

(1) That no gifts were made by (A) the Contractor, (B) any principals and key personnel of the Contractor, who participate substantially in preparing bids, proposals or negotiating state Contracts, or (C) any agent of the Contractor or principals and key personnel, who participate substantially in preparing bids, proposals or negotiating state Contracts to (i) any public official or employee of CHFA soliciting bids or proposals for the Contract, who participates substantially in preparation of bid solicitations or requests for proposals for the Contract or the negotiation or award of the Contract, or (ii) any public official or state employee of any other state agency who has supervisory or appointing authority over CHFA;

(2) That no such principals and key personnel of the Contractor or agent of the Contractor or principals and key personnel, knows of any action by the Contractor to circumvent such prohibition on gifts by providing for any other principals and key personnel, official, employee or agent of the Contractor to provide a gift to any such public official or state employee; and

(3) That the Contractor is submitting bids or proposals without fraud or collusion with any person.

Any bidder or proposer that does not make the certification required under (1) through (3) above shall be disqualified and CHFA shall award the contract to the next highest ranked proposer or the next lowest responsible qualified bidder or seek new bids or proposals.

(4) Contractor further swears and attests that the following are all contributions made by principals and key personnel of the Contractor to campaigns of candidates for state-wide public office or the General Assembly of the State of Connecticut:

Table with 4 columns: Name of Candidate, Contributor, Amount of Contribution, Date of Contribution. Includes a note to attach additional pages as required.

CERTIFICATION REGARDING CONNECTICUT GENERAL STATUTES § 4-252a
Prohibiting State Contracts with Entities Making Certain Investments in Iran

Is your principal place of business located outside of the United States?

Yes No

If yes, have you made a direct investment of twenty million dollars or more in the energy sector of Iran on or after October 1, 2013, as described in Section 202 of the Comprehensive Iran Sanctions Accountability and Divestment Act of 2010, or increased or renewed such investment on or after said date?

Yes No

Contractor agrees to update this certification not later than 30 days after the effective date of any change in the certification or upon submittal of any new bid or proposal for a large state contract, whichever is earlier. Contractor shall submit an accurate, updated certification not later than 14 days after the 12-month anniversary of the most recently filed certification or updated certification.

Subscribed and sworn to subject to the penalties of false statement, Connecticut General Statutes § 53a-157b.

\_\_\_\_\_  
Contractor Name  
Personnel

\_\_\_\_\_  
Signature of Principal or Key

\_\_\_\_\_  
Federal Employer ID Number or Social Security Number

\_\_\_\_\_  
Printed Name or Key Personnel

Sworn and subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public/Commissioner of the Superior  
Court

Revised 6/2014

**STATUTORY PROVISIONS, AFFIDAVITS AND CERTIFICATIONS**

RE: Contract ("Contract") by and between \_\_\_\_\_ ("Contractor") and CHFA.  
Contract Execution Date: \_\_\_\_\_, \_\_\_\_\_. I, \_\_\_\_\_, \_\_\_\_\_  
Name Title

of the Contractor, an entity duly formed and existing under the laws of the State of Connecticut hereby certify as follows:

I am over the age of eighteen (18) and understand and appreciate the obligations of an oath:

**CERTIFICATION RE: CONNECTICUT GENERAL STATUTES §§ 4a-60 AND 4a-60a, as amended, Nondiscrimination and Affirmative Action Provisions**

**(CHECK THE REPRESENTATION/CERTIFICATION THAT APPLIES)**

**(for contracts valued at less than \$50,000)**

I hereby represent that I am authorized to execute and deliver this representation on behalf of Contractor and that Contractor has a policy in place that complies with the nondiscrimination agreements and warranties of Connecticut General Statutes §§ 4a-60(a)(1) and 4a-60a(a)(1), as amended.

**(for contracts valued at \$50,000 or more)**  
**(CHOOSE ONE)**

I hereby certify that I am over the age of eighteen (18) and understand and appreciate the obligations of an oath, that I am authorized to execute and deliver this affidavit on behalf of Contractor and that Contractor has a policy in place and in effect that complies with the nondiscrimination agreements and warranties of Connecticut General Statutes §§ 4a-60(a)(1) and 4a-60a(a)(1), as amended.

**OR**

I hereby certify that the following is a true and correct copy of a resolution adopted on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_ by the governing body of Contractor in accordance with all of its documents of governance and management and the laws of \_\_\_\_\_, and further certify that such resolution has not been modified, rescinded or revoked, and is, at present, in full force and effect:

RESOLVED: That \_\_\_\_\_ hereby adopts as its policy the nondiscrimination agreements and warranties required under Connecticut General Statutes §§ 4a-60(a)(1) and 4a-60a(a)(1), as amended. In witness whereof, the undersigned has executed this certificate the day and date indicated below.

**OR**

I have reviewed the attached prior resolution. I certify that that the attached prior resolution complies with the nondiscrimination agreements and warranties of Connecticut General Statutes §§ 4a-60(a)(1) and 4a-60a(a)(1), as amended and the prior resolution remains in full force and effect on the date this documentation is submitted to CHFA. **(ATTACH COPY OF PRIOR RESOLUTION)**

FOR INFORMATIONAL PURPOSES ONLY



OR

I am an \_\_\_\_\_ or officer duly authorized to adopt company or corporate policy. I hereby certify that the company or corporate policy of the Contractor complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of Section 4a-60 and complies with the nondiscrimination agreement and warrant under subdivision (1) of subsection (a) of Section 4a-60a and is in effect on the date hereof. Contractor agrees to comply with §4a-60 and §4a-60a as amended and Civil Rights Acts of 1964 and 1968 and Executive Orders relating thereto, as applicable.

**NOTICE RE: CONNECTICUT GENERAL STATUTES § 31-57b  
Occupational Health and Safety Act Compliance**

Contractor is not in violation of, is in compliance with and will remain in compliance with Connecticut General Statutes § 31-57b.

**CERTIFICATION REGARDING CONNECTICUT GENERAL STATUTES § 4-250  
Gift and Campaign Contribution Certification  
(for contracts valued at \$50,000 or more in a calendar or fiscal year)**

Contractor hereby swears as true to the best knowledge and belief of the person signing below

(1) That no gifts were made by (A) the Contractor, (B) any principals and key personnel of the Contractor, who participate substantially in preparing bids, proposals or negotiating state Contracts, or (C) any agent of the Contractor or principals and key personnel, who participate substantially in preparing bids, proposals or negotiating state Contracts to (i) any public official or employee of CHFA soliciting bids or proposals for the Contract, who participates substantially in preparation of bid solicitations or requests for proposals for the Contract or the negotiation or award of the Contract, or (ii) any public official or state employee of any other state agency who has supervisory or appointing authority over CHFA;

(2) That no such principals and key personnel of the Contractor or agent of the Contractor or principals and key personnel, knows of any action by the Contractor to circumvent such prohibition on gifts by providing for any other principals and key personnel, official, employee or agent of the Contractor to provide a gift to any such public official or state employee; and

(3) That the Contractor is submitting bids or proposals without fraud or collusion with any person.

**Any bidder or proposer that does not make the certification required under (1) through (3) above shall be disqualified and CHFA shall award the contract to the next highest ranked proposer or the next lowest responsible qualified bidder or seek new bids or proposals.**

(4) Contractor further swears and attests that the following are all contributions made by principals and key personnel of the Contractor to campaigns of candidates for state-wide public office or the General Assembly of the State of Connecticut:

Name of Candidate	Contributor	Amount of Contribution	Date of Contribution
_____	_____	_____	_____
Name of Candidate	Contributor	Amount of Contribution	Date of Contribution

attach additional pages as required

Contractor agrees to update this affidavit on an annual basis.

**FOR INVESTMENT SERVICES  
DISCLOSURE OF THIRD PARTY FEES CONNECTICUT GENERAL STATUTES §3-13j**

Contractor hereby swears and attests that all third party fees\* attributable to the Contract **whenever paid** are as follows:

Name of Payee	Dollar amount of value of non-cash compensation & date	Fee arrangement	Specific services performed by payee

(attach additional pages as required)

**\*Third party fees includes, but is not limited to: management fees, placement agent fees, solicitation fees, referral fees, promotion fees, introduction or matchmaker fees and due diligence fees or as otherwise defined in Connecticut General Statutes Section 3-13j or any amendments thereto.**

**AFFIDAVIT AND CERTIFICATION REGARDING CONNECTICUT GENERAL STATUTES § 4a-81  
Consultant Affidavit**

**(for contracts valued at \$50,000 or more in any calendar or fiscal year)**

Contractor hereby swears and attests as true to the best knowledge and belief of the person signing below that no consulting agreement as defined in Connecticut General Statutes § 4a-81 has been entered into in connection with the Contract, except as follows:

For each consultant, list the name of the consultant, the consultant's firm, the basic terms of the consulting agreement, a brief description of the services provided, and an indication as to whether the consultant is a former state employee or public official. If the consultant is a former state employee or public official, indicate his or her former agency and the date such employment terminated.

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_

attach additional pages as required

Contractor hereby agrees to amend this affidavit whenever any new consulting agreement is entered into during the term of the Contract. Failure to comply will result in disqualification.

Contractor hereby acknowledges receipt of:

- SEEC Form 10, Notice of Connecticut General Statutes § 9-612(g)(2)
- CHFA Ethics Statement
- Whistleblowing, Connecticut General Statutes § 4-61dd

FOR INFORMATIONAL PURPOSES ONLY



**SEEC FORM 10**

CONNECTICUT STATE ELECTIONS ENFORCEMENT COMMISSION  
 Rev. 1/11  
 Page 1 of 3



**Notice to Executive Branch State Contractors and Prospective State Contractors of Campaign Contribution and Solicitation Limitations**

*Acknowledgement of Receipt of Explanation of Prohibitions for Incorporation in Contracting and Bidding Documents*

This notice is provided under the authority of Connecticut General Statutes §9-612(g)(2), as amended by P.A. 10-1, and is for the purpose of informing state contractors and prospective state contractors of the following law (italicized words are defined on the reverse side of this page).

**CAMPAIGN CONTRIBUTION AND SOLICITATION LIMITATIONS**

No *state contractor, prospective state contractor, principal of a state contractor or principal of a prospective state contractor*, with regard to a *state contract or state contract solicitation* with or from a state agency in the executive branch or a quasi-public agency or a holder, or principal of a holder of a valid prequalification certificate, shall make a contribution to (i) an exploratory committee or candidate committee established by a candidate for nomination or election to the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer, (ii) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (iii) a party committee (which includes town committees).

In addition, no holder or principal of a holder of a valid prequalification certificate, shall make a contribution to (i) an exploratory committee or candidate committee established by a candidate for nomination or election to the office of State senator or State representative, (ii) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (iii) a party committee.

On and after January 1, 2011, no state contractor, prospective state contractor, principal of a state contractor or principal of a prospective state contractor, with regard to a state contract or state contract solicitation with or from a state agency in the executive branch or a quasi-public agency or a holder, or principal of a holder of a valid prequalification certificate, shall knowingly solicit contributions from the state contractor's or prospective state contractor's employees or from a *subcontractor or principals of the subcontractor* on behalf of (i) an exploratory committee or candidate committee established by a candidate for nomination or election to the office of Governor, Lieutenant Governor, Attorney General, State Comptroller, Secretary of the State or State Treasurer, (ii) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (iii) a party committee.

**NOTICE TO INFORM**

State contractors and prospective state contractors are required to inform their principals of the above prohibitions, as applicable, and the possible penalties and other consequences of any violation thereof.

**PENALTIES FOR VIOLATIONS**

Contributions or solicitations of contributions made in violation of the above prohibitions may result in the following civil and criminal penalties:

**Civil penalties**—Up to \$2,000 or twice the amount of the prohibited contribution, whichever is greater, against a principal or a contractor. Any state contractor or prospective state contractor which fails to make reasonable efforts to comply with the provisions requiring notice to its principals of these prohibitions and the possible consequences of their violations may also be subject to civil penalties of up to \$2,000 or twice the amount of the prohibited contributions made by their principals.

**Criminal penalties**—Any knowing and willful violation of the prohibition is a Class D felony, which may subject the violator to imprisonment of not more than 5 years, or not more than \$5,000 in fines, or both.

**CONTRACT CONSEQUENCES**

In the case of a state contractor, contributions made or solicited in violation of the above prohibitions may resulting the contract being voided.

In the case of a prospective state contractor, contributions made or solicited in violation of the above prohibitions shall result in the contract described in the state contract solicitation not being awarded to the prospective state contractor, unless the State Elections Enforcement Commission determines that mitigating circumstances exist concerning such violation.

The State shall not award any other state contract to anyone found in violation of the above prohibitions for a period of one year after the election for which such contribution is made or solicited, unless the State Elections Enforcement Commission determines that mitigating circumstances exist concerning such violation.

# SEEC FORM 10

CONNECTICUT STATE ELECTIONS ENFORCEMENT COMMISSION

Rev. 1/11

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## DEFINITIONS

"State contractor" means a person, business entity or nonprofit organization that enters into a state contract. Such person, business entity or nonprofit organization shall be deemed to be a state contractor until December thirty-first of the year in which such contract terminates. "State contractor" does not include a municipality or any other political subdivision of the state, including any entities or associations duly created by the municipality or political subdivision exclusively amongst themselves to further any purpose authorized by statute or charter, or an employee in the executive or legislative branch of state government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person's capacity as a state or quasi-public agency employee.

"Prospective state contractor" means a person, business entity or nonprofit organization that (i) submits a response to a state contract solicitation by the state, a state agency or a quasi-public agency, or a proposal in response to a request for proposals by the state, a state agency or a quasi-public agency, until the contract has been entered into, or (ii) holds a valid prequalification certificate issued by the Commissioner of Administrative Services under section 4a-100. "Prospective state contractor" does not include a municipality or any other political subdivision of the state, including any entities or associations duly created by the municipality or political subdivision exclusively amongst themselves to further any purpose authorized by statute or charter, or an employee in the executive or legislative branch of state government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person's capacity as a state or quasi-public agency employee.

"Principal of a state contractor or prospective state contractor" means (i) any individual who is a member of the board of directors of, or has an ownership interest of five per cent or more in, a state contractor or prospective state contractor, which is a business entity, except for an individual who is a member of the board of directors of a nonprofit organization, (ii) an individual who is employed by a state contractor or prospective state contractor, which is a business entity, as president, treasurer or executive vice president, (iii) an individual who is the chief executive officer of a state contractor or prospective state contractor, which is not a business entity, or if a state contractor or prospective state contractor has no such officer, then the officer who duly possesses comparable powers and duties, (iv) an officer or an employee of any state contractor or prospective state contractor who has *managerial or discretionary responsibilities with respect to a state contract*, (v) the spouse or a *dependent child* who is eighteen years of age or older of an individual described in this subparagraph, or (vi) a political committee established or controlled by an individual described in this subparagraph or the business entity or nonprofit organization that is the state contractor or prospective state contractor.

"State contract" means an agreement or contract with the state or any state agency or any quasi-public agency, let through a procurement process or otherwise, having a value of fifty thousand dollars or more, or a combination or series of such agreements or contracts having a value of one hundred thousand dollars or more in a calendar year, for (i) the rendition of services, (ii) the furnishing of any goods, material, supplies, equipment or any items of any kind, (iii) the construction, alteration or repair of any public building or public work, (iv) the acquisition, sale or lease of any land or building, (v) a licensing arrangement, or (vi) a grant, loan or loan guarantee. "State contract" does not include any agreement or contract with the state, any state agency or any quasi-public agency that is exclusively federally funded, an education loan, a loan to an individual for other than commercial purposes or any agreement or contract between the state or any state agency and the United States Department of the Navy or the United States Department of Defense.

"State contract solicitation" means a request by a state agency or quasi-public agency, in whatever form issued, including, but not limited to, an invitation to bid, request for proposals, request for information or request for quotes, inviting bids, quotes or other types of submittals, through a competitive procurement process or another process authorized by law waiving competitive procurement.

"Managerial or discretionary responsibilities with respect to a state contract" means having direct, extensive and substantive responsibilities with respect to the negotiation of the state contract and not peripheral, clerical or ministerial responsibilities.

"Dependent child" means a child residing in an individual's household who may legally be claimed as a dependent on the federal income tax of such individual.

"Solicit" means (A) requesting that a contribution be made, (B) participating in any fund-raising activities for a candidate committee, exploratory committee, political committee or party committee, including, but not limited to, forwarding tickets to potential contributors, receiving contributions for transmission to any such committee or bundling contributions, (C) serving as chairperson, treasurer or deputy treasurer of any such committee, or (D) establishing a political committee for the sole purpose of soliciting or receiving contributions for any committee. Solicit does not include: (i) making a contribution that is otherwise permitted by Chapter 155 of the Connecticut General Statutes; (ii) informing any person of a position taken by a candidate for public office or a public official, (iii) notifying the person of any activities of, or contact information for, any candidate for public office; or (iv) serving as a member in any party committee or as an officer of such committee that is not otherwise prohibited in this section.

"Subcontractor" means any person, business entity or nonprofit organization that contracts to perform part or all of the obligations of a state contractor's state contract. Such person, business entity or nonprofit organization shall be deemed to be a subcontractor until December thirty first of the year in which the subcontract terminates. "Subcontractor" does not include (i) a municipality or any other political subdivision of the state, including any entities or associations duly created by the municipality or political subdivision exclusively amongst themselves to further any purpose authorized by statute or charter, or (ii) an employee in the executive or legislative branch of state government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person's capacity as a state or quasi-public agency employee.

"Principal of a subcontractor" means (i) any individual who is a member of the board of directors of, or has an ownership interest of five per cent or more in, a subcontractor, which is a business entity, except for an individual who is a member of the board of directors of a nonprofit organization, (ii) an individual who is employed by a subcontractor, which is a business entity, as president, treasurer or executive vice president, (iii) an individual who is the chief executive officer of a subcontractor, which is not a business entity, or if a subcontractor has no such officer, then the officer who duly possesses comparable powers and duties, (iv) an officer or an employee of any subcontractor who has *managerial or discretionary responsibilities with respect to a subcontract with a state contractor*, (v) the spouse or a *dependent child* who is eighteen years of age or older of an individual described in this subparagraph, or (vi) a political committee established or controlled by an individual described in this subparagraph or the business entity or nonprofit organization that is the subcontractor.

**SEEC FORM 10**

CONNECTICUT STATE ELECTIONS ENFORCEMENT COMMISSION

Rev. 1/11

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**ACKNOWLEDGEMENT OF RECEIPT**

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE (mm/dd/yyyy)

**NAME OF SIGNER**

First Name

MI

Last Name

Suffix

**TITLE**

**COMPANY NAME**

FOR INFORMATIONAL PURPOSES ONLY

Additional information may be found on the website of the State Elections Enforcement Commission,

[www.ct.gov/seec](http://www.ct.gov/seec)

Click on the link to "Lobbyist/Contractor Limitations"



## CONNECTICUT HOUSING FINANCE AUTHORITY ETHICS STATEMENT

The Connecticut Housing Finance Authority ("CHFA") was created in 1969 by the State legislature as a quasi-public agency of the State of Connecticut. Its purpose is to help alleviate the shortage of affordable housing for low and moderate-income families and persons in Connecticut, and when appropriate, to promote or maintain the economic development of the State through employer-assisted housing efforts.

CHFA administers a multi-billion dollar portfolio of housing related financing in the State resulting primarily from its loan programs for both single and multifamily housing. These programs are financed by the proceeds of tax exempt and taxable bonds issued by CHFA together with State funds it administers and its own funds. CHFA has significant interaction with the State and private financial markets and has relationships with both nonprofit and for profit developers of housing. It is important that the CHFA Board of Directors and its employees and persons doing business or seeking to do business with CHFA understand and comply at all times with CHFA's ethical standards in the performance of their duties and conduct of their business.

It is the policy of the Connecticut Housing Finance Authority that its employees and members of its Board of Directors will comply with all laws and regulations pertaining to the conduct of CHFA's business and administration of its programs and that they will do so with the highest standards of ethical behavior. Those with whom CHFA does business are expected to similarly comply with applicable laws and regulations and standards. Any breach or deviation from applicable laws and regulations or standards will result in appropriate disciplinary action including but not limited to termination of employment and sanctions as required by CHFA and state law.

The CHFA Board of Directors and all CHFA employees are subject to the Code of Ethics for Public Officials, Connecticut General Statutes Chapter 10, Part 1, §§1-79 through 1-89 as amended ("Code of Ethics") in the discharge of their duties, including, but not limited to, the following provisions:

- Gifts - In general, acceptance of gifts from anyone doing business with or seeking to do business with CHFA or from persons known to be a registered lobbyist or lobbyist's representative is prohibited
- Financial Benefit - use of office for financial benefit of the individual, certain family members or associated businesses is prohibited
- Outside Employment - outside employment which may impair independence of judgment or induce disclosure of confidential information is prohibited (Note: Connecticut General Statutes § 8-244(b) provides notwithstanding the provisions of any other law to the contrary, it shall not constitute a conflict of interest for a trustee, director, partner or officer of any person, firm or corporation, or any individual having a financial interest in a person, firm or corporation, to serve as a member of the authority, provided such trustee, director, partner, officer or individual shall abstain from deliberation, action or vote by the authority in specific respect to such person, firm or corporation.)
- Financial Disclosure - filing of financial disclosure statements with the State Ethics Commission is required by certain employees and the Board of Directors
- Post-State Employment - accepting employment with parties to contracts or regulated parties upon leaving CHFA is restricted (Note: Connecticut General Statutes § 1-84b(c) provides exceptions for members or former members of the boards or commissions who serve ex officio, who are required by statute to represent the regulated industry or who are permitted by statute to have a past or present affiliation with the regulated industry.)

Members of the Board of Directors and all CHFA employees are provided a copy of the Code of Ethics. Additionally, CHFA employees are subject to the provisions of the CHFA employee handbook as amended ("Employee Handbook") including, but not limited to:

- Provisions limiting conflicts of interest and requiring filing of a statement with the President-Executive Director regarding any outside employment (§107)
- Requiring gifts with a value of \$10 to be returned or directed to CHFA (§107)
- Prohibiting acceptance of meals or entertainment from those in a position to benefit from CHFA decisions, contracts or financing (§107)
- Limitations on outside employment including prohibiting conducting outside business or employment during working hours or using CHFA facilities or resources to conduct any business other than CHFA official business (§108)
- Requiring compliance with the Code of Ethics (§701)

Copies of this Ethics Statement, the Code of Ethics and Employee Handbook are provided to employees and to each new employee prior to the commencement of employment with CHFA. Employees are required to sign a statement acknowledging receipt of the Code of Ethics and Employee Handbook and agreeing to comply with their requirements.

Employees who leave CHFA are required to comply with the Code of Ethics provisions regarding post-employment and are reminded of these during an exit interview with CHFA's Human Resources staff.

Breaches of any of the provisions of the Code of Ethics or Employee Handbook or other governing laws or regulations will result in disciplinary action up to and including dismissal, in addition to sanctions provided by state law.

CHFA has designated as its Ethics Liaison its General Counsel. The Ethics Liaison is an available resource to CHFA employees regarding statutory and regulatory compliance and questions regarding ethical standards; however, questions concerning the applicability or enforcement of the Code of Ethics are to be directed to the State of Connecticut Ethics Commission.

Persons doing business with or seeking to do business with CHFA will be provided with a copy of this Ethics Statement and are required to comply with the applicable provisions of the Code of Ethics and the Code of Ethics for Lobbyists, Connecticut General Statutes §§1-91 through 1-101 and other governing laws and regulations including, but not limited to:

- Restrictions on gift giving (§1-84(f),(m))
- Employment (§1-84(g), 1-84b(c)(3))
- Reporting (§1-84(o))

and are required to comply with requirements of Connecticut General Statutes §3-13j and §3-13i regarding disclosure of third party fees and finders fees and §§4-250 through 4-252 regarding affidavits and certifications for large state contracts.

## WESTLAW

Connecticut General Statutes Annotated

Title 4a. Administrative Services (Refs & Annos)

Chapter 58. Purchases and Printing (Refs & Annos)

### § 4a-60. Nondiscrimination and affirmative action provisions in awarding agency, municipal public works and q...

Connecticut General Statutes Annotated | Title 4A. Administrative Services | Effective: October 1, 2015 (Approx. 4 pages)  
Effective: October 1, 2015

C.G.S.A. § 4a-60

#### § 4a-60. Nondiscrimination and affirmative action provisions in awarding agency, municipal public works and quasi-public agency project contracts

Currentness

(a) Every contract to which an awarding agency is a party, every quasi-public agency project contract and every municipal public works contract shall contain the following provisions:

(1) The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, ancestry, sex, gender identity or expression, intellectual disability, mental disability or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the state of Connecticut; and the contractor further agrees to take affirmative action to insure that applicants with job-related qualifications are employed and that employees are treated when employed without regard to their race, color, religious creed, age, marital status, national origin, ancestry, sex, gender identity or expression, intellectual disability, mental disability or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved;

(2) The contractor agrees, in all solicitations or advertisements for employees placed by or on behalf of the contractor, to state that it is an "affirmative action-equal opportunity employer" in accordance with regulations adopted by the Commission on Human Rights and Opportunities;

(3) The contractor agrees to provide each labor union or representative of workers with which such contractor has a collective bargaining agreement or other contract or understanding and each vendor with which such contractor has a contract or understanding, a notice to be provided by the Commission on Human Rights and Opportunities advising the labor union or workers' representative of the contractor's commitments under this section, and to post copies of the notice in conspicuous places available to employees and applicants for employment;

(4) The contractor agrees to comply with each provision of this section and sections 46a-68e and 46a-68f and with each regulation or relevant order issued by said commission pursuant to sections 46a-56, 46a-68e, 46a-68f and 46a-86; and

(5) The contractor agrees to provide the Commission on Human Rights and Opportunities with such information requested by the commission, and permit access to pertinent books, records and accounts, concerning the employment practices and procedures of the contractor as relate to the provisions of this section and section 46a-56.

(b) If the contract is a public works contract, municipal public works contract or contract for a quasi-public agency project, the contractor agrees and warrants that he or she will make good faith efforts to employ minority business enterprises as subcontractors and suppliers of materials on such public works or quasi-public agency project.

(c) (1) Any contractor who has one or more contracts with an awarding agency or who is a party to a municipal public works contract or a contract for a quasi-public agency project, where any such contract is valued at less than fifty thousand dollars for each year of the contract, shall provide the awarding agency, or in the case of a municipal public works or quasi-public agency project contract, the Commission on Human Rights and Opportunities, with a written or electronic representation that complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section, provided if there is any change in such representation, the contractor shall provide the updated representation to the awarding agency or commission not later than thirty days after such change.

(2) Any contractor who has one or more contracts with an awarding agency or who is a party to a municipal public works contract or a contract for a quasi-public agency project, where any such contract is valued at fifty thousand dollars or more for any year of the contract, shall provide the awarding agency, or in the case of a municipal public works or quasi-public agency project contract, the Commission on Human Rights and Opportunities, with any one of the following:

(A) Documentation in the form of a company or corporate policy adopted by resolution of the board of directors, shareholders, managers, members or other governing body of such contractor that complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section;

(B) Documentation in the form of a company or corporate policy adopted by a prior resolution of the board of directors, shareholders, managers, members or other governing body of such contractor if (i) the prior resolution is certified by a duly authorized corporate officer of such contractor to be in effect on the date the documentation is submitted, and (ii) the head of the awarding agency, or a designee, or in the case of a municipal public works or quasi-public agency project contract, the executive director of the Commission on Human Rights and Opportunities or a designee, certifies that the prior resolution complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section; or

(C) Documentation in the form of an affidavit signed under penalty of false statement by a chief executive officer, president, chairperson or other corporate officer duly authorized to adopt company or corporate policy that certifies that the company or corporate policy of the contractor complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section and is in effect on the date the affidavit is signed.

(3) No awarding agency, or in the case of a municipal public works contract, no municipality, or in the case of a quasi-public agency project contract, no entity, shall award a contract to a contractor who has not provided the representation or documentation required under subdivisions (1) and (2) of this subsection, as applicable. After the initial submission of such representation or documentation, the contractor shall not be required to resubmit such representation or documentation unless there is a change in the information contained in such representation or documentation. If there is any change in the information contained in the most recently filed representation or updated documentation, the contractor shall submit an updated representation or documentation, as applicable, either (A) not later than thirty days after the effective date of such change, or (B) upon the execution of a new contract with the awarding agency, municipality or entity, as applicable, whichever is earlier. Such contractor shall also certify, in accordance with subparagraph (B) or (C) of subdivision (2) of this subsection, to the awarding agency or commission, as applicable, not later than fourteen days after the twelve-month anniversary of the most recently filed representation, documentation or updated representation or documentation, that the representation on file with the awarding agency or commission, as applicable, is current and accurate.

(d) For the purposes of this section, "contract" includes any extension or modification of the contract, "contractor" includes any successors or assigns of the contractor, "marital status" means being single, married as recognized by the state of Connecticut, widowed, separated or divorced, and "mental disability" means one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders", or a record of or regarding a person as having one or more such disorders. For the purposes of this section, "contract" does not include a contract where each contractor is (1) a political subdivision of the state, including, but not limited to, a municipality, unless the contract is a municipal public works

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contract or quasi-public agency project contract, (2) any other state, as defined in [section 1-267](#), (3) the federal government, (4) a foreign government, or (5) an agency of a subdivision, state or government described in subdivision (1), (2), (3) or (4) of this subsection.

(e) For the purposes of this section, "minority business enterprise" means any small contractor or supplier of materials fifty-one per cent or more of the capital stock, if any, or assets of which is owned by a person or persons: (1) Who are active in the daily affairs of the enterprise, (2) who have the power to direct the management and policies of the enterprise, and (3) who are members of a minority, as such term is defined in subsection (a) of [section 32-9n](#); and "good faith" means that degree of diligence which a reasonable person would exercise in the performance of legal duties and obligations. "Good faith efforts" shall include, but not be limited to, those reasonable initial efforts necessary to comply with statutory or regulatory requirements and additional or substituted efforts when it is determined that such initial efforts will not be sufficient to comply with such requirements.

(f) Determination of the contractor's good faith efforts shall include, but shall not be limited to, the following factors: The contractor's employment and subcontracting policies, patterns and practices; affirmative advertising, recruitment and training; technical assistance activities and such other reasonable activities or efforts as the Commission on Human Rights and Opportunities may prescribe that are designed to ensure the participation of minority business enterprises in public works projects.

(g) The contractor shall develop and maintain adequate documentation, in a manner prescribed by the Commission on Human Rights and Opportunities, of its good faith efforts.

(h) The contractor shall include the provisions of subsections (a) and (b) of this section in every subcontract or purchase order entered into in order to fulfill any obligation of a contract with the state, and in every subcontract entered into in order to fulfill any obligation of a municipal public works contract or contract for a quasi-public agency project, and such provisions shall be binding on a subcontractor, vendor or manufacturer, unless exempted by regulations or orders of the Commission on Human Rights and Opportunities. The contractor shall take such action with respect to any such subcontract or purchase order as the commission may direct as a means of enforcing such provisions, including sanctions for noncompliance in accordance with [section 46a-56](#); provided, if such contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the commission regarding a state contract, the contractor may request the state of Connecticut to enter into any such litigation or negotiation prior thereto to protect the interests of the state and the state may so enter.

#### Credits

(1958 Rev., § 4-114a; 1965, June Sp.Sess., P.A. 366, § 1, eff. June 29, 1965; 1967, P.A. 284; 1973, P.A. 73-279, § 3; 1974, P.A. 74-68; 1976, P.A. 76-8; 1978, P.A. 78-148, § 8; 1982, P.A. 82-358, § 7, eff. July 1, 1982; 1983, P.A. 83-569, § 8, eff. July 1, 1983; 1984, P.A. 84-412, § 3, eff. July 1, 1984; 1984, P.A. 84-418; 1988, P.A. 88-351, § 2, eff. April 1, 1989; 1989, P.A. 89-253, § 2, eff. July 1, 1989; 2007, P.A. 07-142, § 9, eff. June 25, 2007; 2009, P.A. 09-158, § 1, eff. June 30, 2009; 2011, P.A. 11-55, § 3; 2011, P.A. 11-129, § 20; 2011, P.A. 11-229, § 3; 2015, June Sp.Sess., P.A. 15-5, § 63.)

C. G. S. A. § 4a-60, CT ST § 4a-60

The statutes and Constitution are current through General Statutes of Connecticut, Revision of 1958, Revised to January 1, 2017.

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Connecticut General Statutes Annotated  
Title 4a. Administrative Services (Refs & Annos)  
Chapter 58. Purchases and Printing (Refs & Annos)

§ 4a-60a. Provisions re nondiscrimination on the basis of sexual orientation required in awarding agency, muni...

Connecticut General Statutes Annotated | Title 4A. Administrative Services | Effective: October 1, 2015 (Approx. 3 pages)  
Effective: October 1, 2015

C.G.S.A. § 4a-60a

§ 4a-60a. Provisions re nondiscrimination on the basis of sexual orientation required in awarding agency, municipal public works and quasi-public agency project contracts

Currentness

- (a) Every contract to which an awarding agency is a party, every contract for a quasi-public agency project and every municipal public works contract shall contain the following provisions:
- (1) The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of sexual orientation, in any manner prohibited by the laws of the United States or of the state of Connecticut, and that employees are treated when employed without regard to their sexual orientation;
  - (2) The contractor agrees to provide each labor union or representative of workers with which such contractor has a collective bargaining agreement or other contract or understanding and each vendor with which such contractor has a contract or understanding, a notice to be provided by the Commission on Human Rights and Opportunities advising the labor union or workers' representative of the contractor's commitments under this section, and to post copies of the notice in conspicuous places available to employees and applicants for employment;
  - (3) The contractor agrees to comply with each provision of this section and with each regulation or relevant order issued by said commission pursuant to [section 46a-56](#); and
  - (4) The contractor agrees to provide the Commission on Human Rights and Opportunities with such information requested by the commission, and permit access to pertinent books, records and accounts, concerning the employment practices and procedures of the contractor which relate to the provisions of this section and [section 46a-56](#).
- (b) (1) Any contractor who has one or more contracts with an awarding agency or who is a party to a municipal public works contract or a contract for a quasi-public agency project, where any such contract is valued at less than fifty thousand dollars for each year of the contract, shall provide the awarding agency, or in the case of a municipal public works or quasi-public agency project contract, the Commission on Human Rights and Opportunities, with a written representation that complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section.
- (2) Any contractor who has one or more contracts with an awarding agency or who is a party to a municipal public works contract or a contract for a quasi-public agency project, where any such contract is valued at fifty thousand dollars or more for any year of the contract, shall provide such awarding agency, or in the case of a municipal public works or quasi-public agency project contract, the Commission on Human Rights and Opportunities, with any of the following:
- (A) Documentation in the form of a company or corporate policy adopted by resolution of the board of directors, shareholders, managers, members or other governing body of



such contractor that complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section;

(B) Documentation in the form of a company or corporate policy adopted by a prior resolution of the board of directors, shareholders, managers, members or other governing body of such contractor if (i) the prior resolution is certified by a duly authorized corporate officer of such contractor to be in effect on the date the documentation is submitted, and (ii) the head of the awarding agency, or a designee, or in the case of a municipal public works or quasi-public agency project contract, the executive director of the Commission on Human Rights and Opportunities or a designee, certifies that the prior resolution complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section; or

(C) Documentation in the form of an affidavit signed under penalty of false statement by a chief executive officer, president, chairperson or other corporate officer duly authorized to adopt company or corporate policy that certifies that the company or corporate policy of the contractor complies with the nondiscrimination agreement and warranty under subdivision (1) of subsection (a) of this section and is in effect on the date the affidavit is signed.

(3) No awarding agency, or in the case of a municipal public works contract, no municipality, or in the case of a quasi-public agency project contract, no entity, shall award a contract to a contractor who has not provided the representation or documentation required under subdivisions (1) and (2) of this subsection, as applicable. After the initial submission of such representation or documentation, the contractor shall not be required to resubmit such representation or documentation unless there is a change in the information contained in such representation or documentation. If there is any change in the information contained in the most recently filed representation or updated documentation, the contractor shall submit an updated representation or documentation, as applicable, either (A) not later than thirty days after the effective date of such change, or (B) upon the execution of a new contract with the awarding agency, municipality, or entity, as applicable, whichever is earlier. Such contractor shall also certify, in accordance with subparagraph (B) or (C) of subdivision (2) of this subsection, to the awarding agency or commission, as applicable, not later than fourteen days after the twelve-month anniversary of the most recently filed representation, documentation or updated representation or documentation, that the representation on file with the awarding agency or commission, as applicable, is current and accurate.

(4) For the purposes of this section, "contract" includes any extension or modification of the contract, and "contractor" includes any successors or assigns of the contractor. For the purposes of this section, "contract" does not include a contract where each contractor is (A) a political subdivision of the state, including, but not limited to, a municipality, unless the contract is a municipal public works contract or quasi-public agency project contract, (B) any other state, as defined in [section 1-267](#), (C) the federal government, (D) a foreign government, or (E) an agency of a subdivision, state or government described in subparagraph (A), (B), (C) or (D) of this subdivision.

(c) The contractor shall include the provisions of subsection (a) of this section in every subcontract or purchase order entered into in order to fulfill any obligation of a contract with the state, and in every subcontract entered into in order to fulfill any obligation of a municipal public works contractor contract for a quasi-public agency project, and such provisions shall be binding on a subcontractor, vendor or manufacturer unless exempted by regulations or orders of the Commission on Human Rights and Opportunities. The contractor shall take such action with respect to any such subcontract or purchase order as the commission may direct as a means of enforcing such provisions, including sanctions for noncompliance in accordance with [section 46a-56](#); provided, if such contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the commission regarding a state contract, the contractor may request the state of Connecticut to enter into any such litigation or negotiation prior thereto to protect the interests of the state and the state may so enter.

#### Credits

(1991, P.A. 91-58, § 16; 1991, P.A. 91-407, § 8, eff. July 2, 1991; 2007, P.A. 07-142, § 10, eff. June 25, 2007; 2009, P.A. 09-158, § 2, eff. June 30, 2009; 2011, P.A. 11-229, § 4; 2015, June Sp.Sess., P.A. 15-5, § 64.)

C. G. S. A. § 4a-60a, CT ST § 4a-60a



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Connecticut General Statutes Annotated

Title 31. Labor

Chapter 557. Employment Regulation (Refs & Annos)

§ 31-57b. Awarding of contracts to occupational safety and health law violators prohibited

Connecticut General Statutes Annotated Title 31. Labor (Approx. 2 pages)

C.G.S.A. § 31-57b

§ 31-57b. Awarding of contracts to occupational safety and health law violators prohibited

Currentness

No contract shall be awarded by the state or any of its political subdivisions to any person or firm or any firm, corporation, partnership or association in which such persons or firms have an interest (1) which has been cited for three or more wilful or serious violations of any occupational safety and health act or of any standard, order or regulation promulgated pursuant to such act, during the three-year period preceding the bid, provided such violations were cited in accordance with the provisions of any state occupational safety and health act or the Occupational Safety and Health Act of 1970,<sup>1</sup> and not abated within the time fixed by the citation and such citation has not been set aside following appeal to the appropriate agency or court having jurisdiction or (2) which has received one or more criminal convictions related to the injury or death of any employee within the three-year period preceding the bid. Any person who knowingly provides false information concerning the information required pursuant to this section shall be assessed a civil penalty of not less than five hundred dollars nor more than five thousand dollars and shall be disqualified from bidding on or participating in a contract with the state or any of its political subdivisions for five years from the date of the final determination that the information is false. Any political subdivision or any state agency receiving false information pursuant to this section shall notify the Commissioner of Administrative Services and, upon receipt of such notice, the commissioner shall conduct a hearing in accordance with the provisions of chapter 54.<sup>2</sup> Upon a determination that false information was provided, the commissioner shall impose a civil penalty in accordance with the provisions of this section. Such civil penalty shall be paid to the Treasurer or to an official of the political subdivision, as the case may be. Any civil penalty imposed pursuant to this section may be collected in a civil proceeding by any official of a political subdivision authorized to institute civil actions or, in the case of the state, by the attorney general, upon complaint of the Commissioner of Administrative Services.

Credits

(1989, P.A. 89-367, § 6.)

Footnotes

1 29 U.S.C.A. § 651 et seq.

2 C.G.S.A. § 4-166 et seq.

C. G. S. A. § 31-57b, CT ST § 31-57b

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Connecticut General Statutes Annotated  
 Title 4. Management of State Agencies  
 Chapter 55C. Large State Contracts: Certifications (Refs & Annos)

**§ 4-250. Definitions**

Connecticut General Statutes Annotated Title 4. Management of State Agencies Effective: October 1, 2013 (Approx. 2 pages)  
 EFFECTIVE: OCTOBER 1, 2013

C.G.S.A. § 4-250

§ 4-250. Definitions

Currentness

As used in sections 4-250 to 4-252, inclusive:

- (1) "Gift" has the same meaning as provided in [section 1-79](#), except that the exclusion in [subparagraph \(L\) of subdivision \(5\) of section 1-79](#) for a gift for the celebration of a major life event does not apply;
- (2) "Quasi-public agency", "public official" and "state employee" have the same meanings as provided in [section 1-79](#);
- (3) "State agency" means any office, department, board, council, commission, institution or other agency in the executive, legislative or judicial branch of state government;
- (4) "Large state contract" means an agreement or a combination or series of agreements between a state agency or a quasi-public agency and a person, firm or corporation, having a total value of more than five hundred thousand dollars in a calendar or fiscal year, for (A) a project for the construction, alteration or repair of any public building or public work, (B) services, including, but not limited to, consulting and professional services, (C) the procurement of supplies, materials or equipment, (D) a lease, or (E) a licensing arrangement. The term "large state contract" does not include a contract between a state agency or a quasi-public agency and a political subdivision of the state;
- (5) "Principals and key personnel" means officers, directors, shareholders, members, partners and managerial employees; and
- (6) "Participated substantially" means participation that is direct, extensive and substantive, and not peripheral, clerical or ministerial.

**Credits**

(2004, P.A. 04-245, § 2, eff. June 1, 2004; 2007, P.A. 07-213, § 2, eff. July 10, 2007; 2013, P.A. 13-244, § 23.)

C. G. S. A. § 4-250, CT ST § 4-250

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Connecticut General Statutes Annotated  
 Title 4. Management of State Agencies  
 Chapter 55C. Large State Contracts: Certifications (Refs & Annos)

§ 4-252. Certifications

Connecticut General Statutes Annotated Title 4. Management of State Agencies Effective: October 1, 2011 (Approx. 2 pages)  
 EFFECTIVE: OCTOBER 1, 2011

C.G.S.A. § 4-252

§ 4-252. Certifications

Currentness

(a) On and after July 1, 2006, no state agency or quasi-public agency shall execute a large state contract unless the state agency or quasi-public agency obtains the written or electronic certification described in this section. Each such certification shall be sworn as true to the best knowledge and belief of the person signing the certification, subject to the penalties of false statement. If there is any change in the information contained in the most recently filed certification, such person shall submit an updated certification either (1) not later than thirty days after the effective date of any such change, or (2) upon the submittal of any new bid or proposal for a large state contract, whichever is earlier. Such person shall also submit to the state agency or quasi-public agency an accurate, updated certification not later than fourteen days after the twelve-month anniversary of the most recently filed certification or updated certification.

(b) The official or employee of such state agency or quasi-public agency who is authorized to execute state contracts shall certify that the selection of the most qualified or highest ranked person, firm or corporation was not the result of collusion, the giving of a gift or the promise of a gift, compensation, fraud or inappropriate influence from any person.

(c) Any principal or key personnel of the person, firm or corporation submitting a bid or proposal for a large state contract shall certify:

(1) That no gifts were made by (A) such person, firm, corporation, (B) any principals and key personnel of the person, firm or corporation, who participate substantially in preparing bids, proposals or negotiating state contracts, or (C) any agent of such person, firm, corporation or principals and key personnel, who participates substantially in preparing bids, proposals or negotiating state contracts, to (i) any public official or state employee of the state agency or quasi-public agency soliciting bids or proposals for state contracts, who participates substantially in the preparation of bid solicitations or requests for proposals for state contracts or the negotiation or award of state contracts, or (ii) any public official or state employee of any other state agency, who has supervisory or appointing authority over such state agency or quasi-public agency;

(2) That no such principals and key personnel of the person, firm or corporation, or agent of such person, firm or corporation or principals and key personnel, knows of any action by the person, firm or corporation to circumvent such prohibition on gifts by providing for any other principals and key personnel, official, employee or agent of the person, firm or corporation to provide a gift to any such public official or state employee; and

(3) That the person, firm or corporation is submitting bids or proposals without fraud or collusion with any person.

(d) Any bidder or proposer that does not make the certification required under this section shall be disqualified and the state agency or quasi-public agency shall award the contract to the next highest ranked proposer or the next lowest responsible qualified bidder or seek new bids or proposals.

(e) Each state agency and quasi-public agency shall include in the bid specifications or request for proposals for a large state contract a notice of the certification requirements of this section.

**Credits**

(2004, P.A. 04-245, § 4, eff. June 1, 2004; 2011, P.A. 11-229, § 2.)

C. G. S. A. § 4-252, CT ST § 4-252

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## WESTLAW

Connecticut General Statutes Annotated

Title 3. State Elective Officers

Chapter 32. Treasurer

## § 3-13j. Third party fees in investments by Treasurer or quasi-public agencies

Connecticut General Statutes Annotated Title 3. State Elective Officers (Approx. 2 pages)

C.G.S.A. § 3-13j

## § 3-13j. Third party fees in investments by Treasurer or quasi-public agencies

Currentness

(a) Prior to the Treasurer entering into a contract for investment services, as defined in [section 9-612](#), any person or entity who would be a party to that contract shall disclose to the Treasurer, in writing, all third party fees attributable to such contract. Such disclosure shall be made by firms providing such services and shall be in a sworn affidavit in a manner and form prescribed in regulations which shall be adopted by the Treasurer, in accordance with the provisions of chapter 54,<sup>1</sup> not later than three months after May 3, 2000. Information disclosed under this subsection shall be made available for public inspection in accordance with the Freedom of Information Act, as defined in [section 1-200](#).

(b) Prior to any quasi-public agency, as defined in [section 1-120](#), entering into a contract for investment services, as defined in [section 9-612](#), any person or entity who would be a party to that contract shall disclose to the quasi-public agency entering into the contract, in writing, all third party fees attributable to such contract. Such disclosure shall be made by firms providing such services and shall be in a sworn affidavit in a manner and form as prescribed in procedures which shall be adopted by each such agency, in accordance with the provisions of chapter 12,<sup>2</sup> not later than three months after May 3, 2000. Information disclosed under this subsection shall be made available for public inspection in accordance with the Freedom of Information Act, as defined in [section 1-200](#).

(c) For purposes of this section and [section 3-13k](#), "third party fees" includes, but is not limited to, management fees, placement agent fees, solicitation fees, referral fees, promotion fees, introduction or matchmaker fees, and due diligence fees.

(d) Any person who violates any provision of this section shall be liable for a civil penalty not to exceed two thousand dollars for each violation.

(1) The Attorney General, upon complaint of the Treasurer, may bring an action in the superior court for the judicial district of Hartford to recover such penalty for a violation of this section which affects a fund of the state. Any penalty imposed under this section for a violation which affects any such fund shall be paid to the Treasurer who shall deposit such moneys in such fund.

(2) Any quasi-public agency, as defined in [section 1-120](#), may bring an action in the superior court to recover such penalty for a violation of this section which affects any fund under the control of such agency. Any penalty imposed under this section for a violation which affects any such fund shall be paid to such agency which shall deposit such moneys in such fund.

**Credits**

(2000, P.A. 00-43, § 5, eff. May 3, 2000.)

**Footnotes**

1 C.G.S.A. § 4-166 et seq.

2 C.G.S.A. § 1-120 et seq.

C. G. S. A. § 3-13j, CT ST § 3-13j

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Connecticut General Statutes Annotated  
Title 4a. Administrative Services (Refs & Annos)  
Chapter 58. Purchases and Printing (Refs & Annos)

**§ 4a-81. Contracts for goods and services over fifty thousand dollars. Affidavit by bidder or vendor re consultin...**

Connecticut General Statutes Annotated Title 4A. Administrative Services Effective: October 1, 2011 (Approx. 2 pages)  
EFFECTIVE: OCTOBER 1, 2011

C.G.S.A. § 4a-81

§ 4a-81. Contracts for goods and services over fifty thousand dollars.  
Affidavit by bidder or vendor re consulting agreements. Failure to submit.  
Disqualification

Currentness

(a) No state agency or quasi-public agency shall execute a contract for the purchase of goods or services, which contract has a total value to the state of fifty thousand dollars or more in any calendar or fiscal year, unless the state agency or quasi-public agency obtains the affidavit described in subsection (b) of this section.

(b) (1) Any principal or key personnel of a person, firm or corporation who submit bids or proposals for a contract described in subsection (a) of this section shall attest in an affidavit as to whether any consulting agreement has been entered into in connection with any such contract. Such affidavit shall be required if any duties of the consultant included communications concerning business of a state or quasi-public agency, whether or not direct contact with a state agency, state or public official or state employee was expected or made. As used in this section, "consulting agreement" means any written or oral agreement to retain the services, for a fee, of a consultant for the purposes of (A) providing counsel to a contractor, vendor, consultant or other entity seeking to conduct, or conducting, business with the state, (B) contacting, whether in writing or orally, any executive, judicial, or administrative office of the state, including any department, institution, bureau, board, commission, authority, official or employee for the purpose of solicitation, dispute resolution, introduction, requests for information, or (C) any other similar activity related to such contracts. "Consulting agreement" does not include any agreements entered into with a consultant who is registered under the provisions of chapter 10<sup>1</sup> as of the date such affidavit is submitted in accordance with the provisions of this section.

(2) Such affidavit shall be sworn as true to the best knowledge and belief of the person signing the certification on the affidavit and shall be subject to the penalties of false statement.

(3) Such affidavit shall include the following information for each consulting agreement listed: The name of the consultant, the consultant's firm, the basic terms of the consulting agreement, a brief description of the services provided, and an indication as to whether the consultant is a former state employee or public official. If the consultant is a former state employee or public official, such affidavit shall indicate his or her former agency and the date such employment terminated.

(4) After the initial submission of such affidavit, the principal or key personnel of the person, firm or corporation shall not be required to resubmit such affidavit unless there is a change in the information contained in such affidavit. If there is any change in the information contained in the most recently filed affidavit required under this section, the principal or key personnel of a person, firm or corporation who submit bids or proposals for a contract described in subsection (a) of this section shall submit an updated affidavit either (A) not later than thirty days after the effective date of any such change, or (B) upon the submittal of any new bid or proposal, whichever is earlier.

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(c) Each state agency and quasi-public agency shall include a notice of the affidavit requirements of this section in the bid specifications or request for proposals for any contract that is described in subsection (a) of this section.

(d) In the event that a bidder or vendor refuses to submit the affidavit required under subsection (b) of this section, such bidder or vendor shall be disqualified and the state agency or quasi-public agency shall award the contract to the next highest ranked vendor or the next lowest responsible qualified bidder or seek new bids or proposals.

**Credits**

(2005, P.A. 05-287, § 51, eff. July 13, 2005; 2011, P.A. 11-229, § 5.)

**Footnotes**

1 [C.G.S.A. § 1-79 et seq.](#)

C. G. S. A. § 4a-81, CT ST § 4a-81

The statutes and Constitution are current through General Statutes of Connecticut, Revision of 1958, Revised to January 1, 2017.

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## WESTLAW

## Connecticut General Statutes Annotated

## Title 4. Management of State Agencies

## Chapter 55C. Large State Contracts: Certifications (Refs &amp; Annos)

**§ 4-252a. Certification re whether making certain investments in Iran**

Connecticut General Statutes Annotated | Title 4. Management of State Agencies | Effective: October 1, 2013 (Approx. 2 pages)  
EFFECTIVE: OCTOBER 1, 2013

C.G.S.A. § 4-252a

## § 4-252a. Certification re whether making certain investments in Iran

## Currentness

(a) For purposes of this section, "state agency" and "quasi-public agency" have the same meanings as provided in [section 1-79](#), "large state contract" has the same meaning as provided in [section 4-250](#) and "entity" means any corporation, general partnership, limited partnership, limited liability partnership, joint venture, nonprofit organization or other business organization whose principal place of business is located outside of the United States, but excludes any United States subsidiary of a foreign corporation.

(b) No state agency or quasi-public agency shall enter into any large state contract, or amend or renew any such contract with any entity who (1) has failed to submit a written certification indicating whether or not such entity has made a direct investment of twenty million dollars or more in the energy sector of Iran on or after October 1, 2013, as described in Section 202 of the Comprehensive Iran Sanctions, Accountability and Divestment Act of 2010,<sup>1</sup> or has increased or renewed such investment on or after said date, or (2) has submitted a written certification indicating that such entity has made such an investment on or after October 1, 2013, or has increased or renewed such an investment on or after said date. Each such certification shall be sworn as true to the best knowledge and belief of the entity signing the certification, subject to the penalties of false statement.

(c) Each state agency and quasi-public agency shall include in the bid specifications or request for proposals for a large state contract a notice of the certification requirements of this section. Prior to submitting a bid or proposal for a large state contract, each bidder or proposer who is an entity shall submit a certification that such bidder or proposer has or has not made an investment as described in subsection (b) of this section.

(d) Any entity who makes a good faith effort to determine whether such entity has made an investment described in subsection (b) of this section shall not be subject to the penalties of false statement pursuant to this section. A "good faith effort" for purposes of this subsection includes a determination that such entity is not on the list of persons who engage in certain investment activities in Iran created by the Department of General Services of the state of California pursuant to Division 2, Chapter 2.7 of the California Public Contract Code.<sup>2</sup> Nothing in this subsection shall be construed to impair the ability of the state agency or quasi-public agency to pursue a breach of contract action for any violation of the provisions of the contract.

(e) The provisions of this section shall not apply to any contract of the Treasurer as trustee of the Connecticut retirement plans and trust funds, as defined in [section 3-13c](#), provided nothing in this subsection shall be construed to prevent the Treasurer from performing his or her fiduciary duties under [section 3-13g](#).

**Credits**

(2013, P.A. 13-162, § 1.)

**Footnotes**

1 [22 U.S.C.A. § 8532.](#)

2 [West's Ann.Cal.Pub.Con.Code § 2200 et seq.](#)

C. G. S. A. § 4-252a, CT ST § 4-252a

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NOTES OF DECISIONS (18)

- Adverse personnel action
- Confidential information
- Damages
- Duty to publish report
- Reinstatement to former position
- State department or agency construed
- Subpoenas
- Validity

Connecticut General Statutes Annotated  
 Title 4. Management of State Agencies  
 Chapter 48. Organization of State Agencies

§ 4-61dd. Whistle-blowing. Disclosure of information to Auditors of Public Accounts. Investigation by Attorney General.

Connecticut General Statutes Annotated | Title 4. Management of State Agencies | Effective: July 1, 2015 (Approx. 5 pages)  
 Proposed Legislation

Effective: July 1, 2015

C.G.S.A. § 4-61dd

§ 4-61dd. Whistle-blowing. Disclosure of information to Auditors of Public Accounts. Investigation by Attorney General. Rejection of complaint. Complaints re retaliatory personnel actions. Report to General Assembly. Large state contractors. Posting of notice. Definitions. State shellfish grounds lessees

Currentness

(a) Any person having knowledge of any matter involving corruption, unethical practices, violation of state laws or regulations, mismanagement, gross waste of funds, abuse of authority or danger to the public safety occurring in any state department or agency or any quasi-public agency, as defined in section 1-120, or any person having knowledge of any matter involving corruption, violation of state or federal laws or regulations, gross waste of funds, abuse of authority or danger to the public safety occurring in any large state contract, may transmit all facts and information in such person's possession concerning such matter to the Auditors of Public Accounts. The Auditors of Public Accounts shall review such matter and report their findings and any recommendations to the Attorney General. Upon receiving such report, the Attorney General shall make such investigation as the Attorney General deems proper regarding such report and any other information that may be reasonably derived from such report. Prior to conducting an investigation of any information that may be reasonably derived from such report, the Attorney General shall consult with the Auditors of Public Accounts concerning the relationship of such additional information to the report that has been issued pursuant to this subsection. Any such subsequent investigation deemed appropriate by the Attorney General shall only be conducted with the concurrence and assistance of the Auditors of Public Accounts. At the request of the Attorney General or on their own initiative, the auditors shall assist in the investigation.

(b) (1) The Auditors of Public Accounts may reject any complaint received pursuant to subsection (a) of this section if the Auditors of Public Accounts determine one or more of the following:

- (A) There are other available remedies that the complainant can reasonably be expected to pursue;
- (B) The complaint is better suited for investigation or enforcement by another state agency;
- (C) The complaint is trivial, frivolous, vexatious or not made in good faith;
- (D) Other complaints have greater priority in terms of serving the public good;
- (E) The complaint is not timely or is too long delayed to justify further investigation; or
- (F) The complaint could be handled more appropriately as part of an ongoing or scheduled regular audit.

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(2) If the Auditors of Public Accounts reject a complaint pursuant to subdivision (1) of this subsection, the Auditors of Public Accounts shall provide a report to the Attorney General setting out the basis for the rejection.

(3) If at any time the Auditors of Public Accounts determine that a complaint is more appropriately investigated by another state agency, the Auditors of Public Accounts shall refer the complaint to such agency. The investigating agency shall provide a status report regarding the referred complaint to the Auditors of Public Accounts upon request.

(c) Notwithstanding the provisions of [section 12-15](#), the Commissioner of Revenue Services may, upon written request by the Auditors of Public Accounts, disclose return or return information, as defined in [section 12-15](#), to the Auditors of Public Accounts for purposes of preparing a report under subsection (a) or (b) of this section. Such return or return information shall not be published in any report prepared in accordance with subsection (a) or (b) of this section, and shall not otherwise be redisclosed, except that such information may be redisclosed to the Attorney General for purposes of an investigation authorized by subsection (a) of this section. Any person who violates the provisions of this subsection shall be subject to the provisions of subsection (g) of [section 12-15](#).

(d) The Attorney General may summon witnesses, require the production of any necessary books, papers or other documents and administer oaths to witnesses, where necessary, for the purpose of an investigation pursuant to this section or for the purpose of investigating a suspected violation of subsection (a) of [section 4-275](#) until such time as the Attorney General files a civil action pursuant to [section 4-276](#). Upon the conclusion of the investigation, the Attorney General shall where necessary, report any findings to the Governor, or in matters involving criminal activity, to the Chief State's Attorney. In addition to the exempt records provision of [section 1-210](#), the Auditors of Public Accounts and the Attorney General shall not, after receipt of any information from a person under the provisions of this section or [sections 4-276 to 4-280](#), inclusive, disclose the identity of such person without such person's consent unless the Auditors of Public Accounts or the Attorney General determines that such disclosure is unavoidable, and may withhold records of such investigation, during the pendency of the investigation.

(e) (1) No state officer or employee, as defined in [section 4-274](#), no quasi-public agency officer or employee, no officer or employee of a large state contractor and no appointing authority shall take or threaten to take any personnel action against any state or quasi-public agency employee or any employee of a large state contractor in retaliation for (A) such employee's or contractor's disclosure of information to (i) an employee of the Auditors of Public Accounts or the Attorney General under the provisions of subsection (a) of this section; (ii) an employee of the state agency or quasi-public agency where such state officer or employee is employed; (iii) an employee of a state agency pursuant to a mandated reporter statute or pursuant to subsection (b) of [section 17a-28](#); or (iv) in the case of a large state contractor, an employee of the contracting state agency concerning information involving the large state contract; or (B) such employee's testimony or assistance in any proceeding under this section.

(2) (A) Not later than ninety days after learning of the specific incident giving rise to a claim that a personnel action has been threatened or has occurred in violation of subdivision (1) of this subsection, a state or quasi-public agency employee, an employee of a large state contractor or the employee's attorney may file a complaint against the state agency, quasi-public agency, large state contractor or appointing authority concerning such personnel action with the Chief Human Rights Referee designated under [section 46a-57](#). Such complaint may be amended if an additional incident giving rise to a claim under this subdivision occurs subsequent to the filing of the original complaint. The Chief Human Rights Referee shall assign the complaint to a human rights referee appointed under [section 46a-57](#), who shall conduct a hearing and issue a decision concerning whether the officer or employee taking or threatening to take the personnel action violated any provision of this section. The human rights referee may order a state agency or quasi-public agency to produce (i) an employee of such agency or quasi-public agency to testify as a witness in any proceeding under this subdivision, or (ii) books, papers or other documents relevant to the complaint, without issuing a subpoena. If such agency or quasi-public agency fails to produce such witness, books, papers or documents, not later than thirty days after such order, the human rights referee may consider such failure as supporting evidence for the complainant. If, after the hearing, the human rights referee finds a violation, the referee may award the aggrieved employee reinstatement to the employee's former position, back pay and reestablishment of any

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employee benefits for which the employee would otherwise have been eligible if such violation had not occurred, reasonable attorneys' fees, and any other damages. For the purposes of this subsection, such human rights referee shall act as an independent hearing officer. The decision of a human rights referee under this subsection may be appealed by any person who was a party at such hearing, in accordance with the provisions of [section 4-183](#).

(B) The Chief Human Rights Referee shall adopt regulations, in accordance with the provisions of chapter 54,<sup>1</sup> establishing the procedure for filing complaints and noticing and conducting hearings under subparagraph (A) of this subdivision.

(3) As an alternative to the provisions of subdivision (2) of this subsection: (A) A state or quasi-public agency employee who alleges that a personnel action has been threatened or taken may file an appeal not later than ninety days after learning of the specific incident giving rise to such claim with the Employees' Review Board under [section 5-202](#), or, in the case of a state or quasi-public agency employee covered by a collective bargaining contract, in accordance with the procedure provided by such contract; or (B) an employee of a large state contractor alleging that such action has been threatened or taken may, after exhausting all available administrative remedies, bring a civil action in accordance with the provisions of subsection (c) of [section 31-51m](#).

(4) In any proceeding under subdivision (2) or (3) of this subsection concerning a personnel action taken or threatened against any state or quasi-public agency employee or any employee of a large state contractor, which personnel action occurs not later than two years after the employee first transmits facts and information concerning a matter under subsection (a) of this section or discloses information under subdivision (1) of this subsection to the Auditors of Public Accounts, the Attorney General or an employee of a state agency or quasi-public agency, as applicable, there shall be a rebuttable presumption that the personnel action is in retaliation for the action taken by the employee under subsection (a) of this section or subdivision (1) of this subsection.

(5) If a state officer or employee, as defined in [section 4-141](#), a quasi-public agency officer or employee, an officer or employee of a large state contractor or an appointing authority takes or threatens to take any action to impede, fail to renew or cancel a contract between a state agency and a large state contractor or between a large state contractor and its subcontractor, in retaliation for the disclosure of information pursuant to subsection (a) of this section or subdivision (1) of this subsection to any agency listed in subdivision (1) of this subsection, such affected agency, contractor or subcontractor may, not later than ninety days after learning of such action, threat or failure to renew, bring a civil action in the superior court for the judicial district of Hartford to recover damages, attorney's fees and costs.

(f) Any employee of a state or quasi-public agency or large state contractor, who is found by the Auditors of Public Accounts, the Attorney General, a human rights referee or the Employees' Review Board to have knowingly and maliciously made false charges under subsection (a) of this section, shall be subject to disciplinary action by such employee's appointing authority up to and including dismissal. In the case of a state or quasi-public agency employee, such action shall be subject to appeal to the Employees' Review Board in accordance with [section 5-202](#), or in the case of state or quasi-public agency employees included in collective bargaining contracts, the procedure provided by such contracts.

(g) On or before September first, annually, the Auditors of Public Accounts shall submit, in accordance with the provisions of [section 11-4a](#), to the clerk of each house of the General Assembly a report indicating the number of matters for which facts and information were transmitted to the auditors pursuant to this section during the preceding state fiscal year and the disposition of each such matter.

(h) Each contract between a state or quasi-public agency and a large state contractor shall provide that, if an officer, employee or appointing authority of a large state contractor takes or threatens to take any personnel action against any employee of the contractor in retaliation for such employee's disclosure of information to any employee of the contracting state or quasi-public agency or the Auditors of Public Accounts or the Attorney General under the provisions of subsection (a) or subdivision (1) of subsection (e) of this section, the contractor shall be liable for a civil penalty of not more than five thousand dollars for each offense, up to a maximum of twenty per cent of the value of the contract. Each violation shall be a separate and distinct offense and in the case of a continuing violation each calendar day's continuance of the violation shall be deemed to



be a separate and distinct offense. The executive head of the state or quasi-public agency may request the Attorney General to bring a civil action in the superior court for the judicial district of Hartford to seek imposition and recovery of such civil penalty.

(i) Each state agency or quasi-public agency shall post a notice of the provisions of this section relating to state employees and quasi-public agency employees in a conspicuous place that is readily available for viewing by employees of such agency or quasi-public agency. Each large state contractor shall post a notice of the provisions of this section relating to large state contractors in a conspicuous place which is readily available for viewing by the employees of the contractor.

(j) No person who, in good faith, discloses information in accordance with the provisions of this section shall be liable for any civil damages resulting from such good faith disclosure.

(k) As used in this section:

(1) "Large state contract" means a contract between an entity and a state or quasi-public agency, having a value of five million dollars or more; and

(2) "Large state contractor" means an entity that has entered into a large state contract with a state or quasi-public agency.

(l) (1) No officer or employee of a state shellfish grounds lessee shall take or threaten to take any personnel action against any employee of a state shellfish grounds lessee in retaliation for (A) such employee's disclosure of information to an employee of the leasing agency concerning information involving the state shellfish grounds lease, or (B) such employee's testimony or assistance in any proceeding under this section.

(2) (A) Not later than ninety days after learning of the specific incident giving rise to a claim that a personnel action has been threatened or has occurred in violation of subdivision (1) of this subsection, an employee of a state shellfish grounds lessee or the employee's attorney may file a complaint against the state shellfish grounds lessee concerning such personnel action with the Chief Human Rights Referee designated under [section 46a-57](#). Such complaint may be amended if an additional incident giving rise to a claim under this subdivision occurs subsequent to the filing of the original complaint. The Chief Human Rights Referee shall assign the complaint to a human rights referee appointed under [section 46a-57](#), who shall conduct a hearing and issue a decision concerning whether the officer or employee taking or threatening to take the personnel action violated any provision of this subsection. The human rights referee may order a state shellfish grounds lessee to produce (i) an employee of such lessee to testify as a witness in any proceeding under this subdivision, or (ii) books, papers or other documents relevant to the complaint without issuing a subpoena. If such state shellfish grounds lessee fails to produce such witness, books, papers or documents, not later than thirty days after such order, the human rights referee may consider such failure as supporting evidence for the complainant. If, after the hearing, the human rights referee finds a violation, the referee may award the aggrieved employee reinstatement to the employee's former position, back pay and reestablishment of any employee benefits for which the employee would otherwise have been eligible if such violation had not occurred, reasonable attorneys' fees and any other damages. For the purposes of this subsection, such human rights referee shall act as an independent hearing officer. The decision of a human rights referee under this subsection may be appealed by any person who was a party at such hearing, in accordance with the provisions of [section 4-183](#).

(B) The Chief Human Rights Referee shall adopt regulations, in accordance with the provisions of chapter 54, establishing the procedure for filing complaints and noticing and conducting hearings under subparagraph (A) of this subdivision.

(3) As an alternative to the provisions of subdivision (2) of this subsection, an employee of a state shellfish grounds lessee who alleges that a personnel action has been threatened or taken may, after exhausting all available administrative remedies, bring a civil action in accordance with the provisions of subsection (c) of [section 31-51m](#).

(4) In any proceeding under subdivision (2) or (3) of this subsection concerning a personnel action taken or threatened against any employee of a state shellfish grounds lessee, which personnel action occurs not later than two years after the employee first transmits facts and information to an employee of the leasing agency concerning the state shellfish grounds lease, there shall be a rebuttable presumption that the personnel

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action is in retaliation for the action taken by the employee under subdivision (1) of this subsection.

#### Credits

(1979, P.A. 79-599, § 1; 1983, P.A. 83-232; 1985, P.A. 85-559, § 5; 1987, P.A. 87-442, § 1, eff. Sept. 1, 1987; 1989, P.A. 89-81, § 3; 1997, P.A. 97-55; 1998, P.A. 98-191, § 1, eff. July 1, 1998; 2002, P.A. 02-91, § 1, eff. June 3, 2002; 2004, P.A. 04-58, §§ 1, 2; 2005, P.A. 05-287, § 47, eff. July 13, 2005; 2006, P.A. 06-196, § 26, eff. June 7, 2006; 2009, P.A. 09-185, § 2; 2009, Sept.Sp.Sess., P.A. 09-5, § 16, eff. Oct. 5, 2009; 2011, P.A. 11-48, § 17; 2014, P.A. 14-217, § 17, eff. June 13, 2014; 2014, P.A. 14-227, § 1, eff. June 13, 2014; 2015, June Sp.Sess., P.A. 15-5, § 117, eff. July 1, 2015.)

#### Notes of Decisions (18)

#### Footnotes

1 [C.G.S.A. § 4-166 et seq.](#)

C. G. S. A. § 4-61dd, CT ST § 4-61dd

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