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Office of The Attorney General
State of Connecticut

June 5, 2012

The Honorable Ronald F. Angelo, Jr.
Deputy Commissioner
Department of Economic and Community Development
505 Hudson Street
Hartford, Connecticut 06106

Dear Deputy Commissioner Angelo:

You have requested a legal opinion on whether a Connecticut municipal housing authority is authorized to act as a housing authority throughout the entire State of Connecticut. I conclude that a Connecticut municipal housing authority may only act as a housing authority within the geographical boundaries of the particular municipality forming the subject municipal housing authority, or, in the case of a regional housing authority, within the geographical boundaries of the two or more municipalities forming the subject regional housing authority.[1]

Housing authorities in Connecticut are creatures of statute, *Connelly v. Housing Authority of the City of New Haven*, 213 Conn. 354, 361 (1990), and the statutes governing the creation and powers of public housing authorities constitute a pervasive regulatory scheme, see Atty. Gen. Op. 2011-06. Conn. Gen. Stat. § 8-40 authorizes the creation of public housing authorities and provides that:

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

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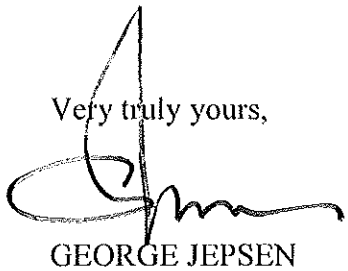
[1] Although there appears to be no express prohibition in Connecticut statute against every Connecticut municipality coming together to form one "regional" housing authority serving every municipality in the State, no such regional housing authority exists.

> safe or sanitary dwelling accommodations *in the municipality* available to families of moderate income at rentals they can afford. In determining whether dwelling accommodations are unsafe or insanitary, said governing body may take into consideration the degree of overcrowding, the percentage of land coverage, the light, air, space and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes. The *governing bodies of two or more municipalities* may create a regional housing authority, which shall have all the powers, duties and responsibilities conferred upon housing authorities by this chapter and chapter 130. *The area of operation of such authority shall include the municipalities for which such authority is created.*

Conn. Gen. Stat. § 8-40 (emphasis added).

The above statutory language makes clear that a housing authority is created by and operates within the geographical boundaries of the municipality, or, in the case of a regional housing authority, municipalities which create the subject housing authority. *See also City of Norwich v. Housing Authority of Town of Norwich*, 216 Conn. 112, 122-23 (1990) (holding that public housing authorities are creatures of both the state and the municipality creating the authority). Nothing in § 8-40 suggests that one municipality may create and operate a housing authority outside its geographical boundaries (or the boundaries of a partner municipality with which it creates a regional housing authority) and such an interpretation would contravene long standing Connecticut law. *See Baker v. Norwalk*, 152 Conn. 312, 315 (1965) (holding that a municipality is a creature of the state and can exercise only such powers as are expressly granted to it). Therefore, it is my legal opinion that a Connecticut municipal housing authority may only act as a housing authority within the geographical boundaries of the particular municipality forming the subject municipal housing authority, or, in the case of a regional housing authority, within the geographical boundaries of the two or more municipalities forming the subject regional housing authority.

Very truly yours,



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