

What is the Affordable Housing Appeals Procedure? (Section 8-30g)

Enacted in 1990, the Affordable Housing Land Use Appeals Act allows housing developers willing to build housing with long-term affordability to low- and moderate-income households to challenge the town's failure to approve the proposal even when they do not meet a municipality's zoning regulations. At least 30% of units in a "set-aside" development must be priced so that people earning less than 80% or 60% of the state or area median income won't pay more than 30% of the applicable median income. §8-30g also applies to "assisted housing," meaning any proposal that is supported by government funds, such as low-income housing tax credits, DOH programs, and federal funding programs.

Zoning denial appeals under §8-30g place the burden of proof on the local zoning commission. The town can deny the application and sustain an appeal from the developer if it can show the development would significantly threaten public health or safety.

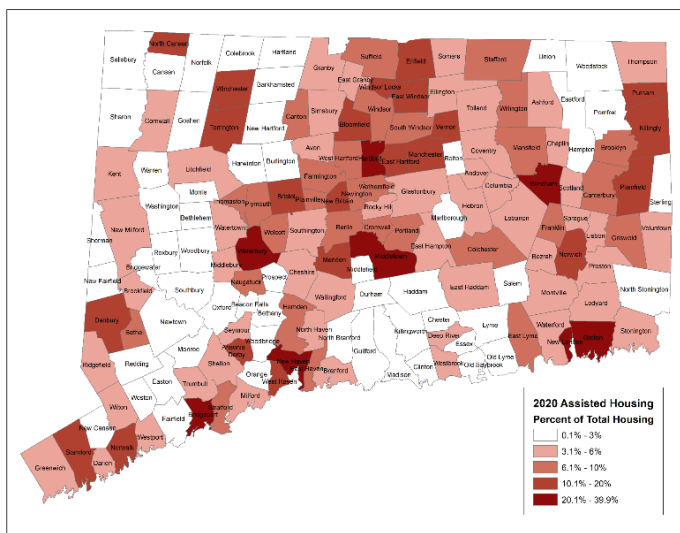
What Housing Counts Toward § 8-30g?

- Low- and moderate-income housing with governmental financial assistance.
- Housing with tenants who have rental vouchers.
- Housing with CHFA or USDA single family mortgages
- Housing with deed restrictions limiting the cost to low- and moderate-

What is the Affordable Housing Appeals List?

The Connecticut Department of Housing annually collects an Affordable Housing Appeals List that counts assisted housing for each municipality for purposing of determining exemption from §8-30g. **Municipalities with 10% or more of their housing units designated as assisted are exempt** from the act. The list is not a state determination that 10% of housing stock as affordable is a sufficient supply, nor is it a measure of the local need for affordable housing.

How has §8-30g worked since 1990?



More than 7,500 housing units with long-term affordability restrictions have been created through §8-30g. There have been about 180 court decisions involving about 110 development proposals. In recent years, developers have prevailed in about 75% of the cases. **In 2020, 31 municipalities are exempt from §8-30g with a total of 133,216 assisted housing units representing 76.5% of the state's supply of assisted housing.**

What is a Moratorium?

A moratorium provision added to the statute in 2000 encourages towns to work incrementally toward a more diverse housing supply. **Towns**

that add new Housing Equivalent Points equal to 2% of the town's housing stock can receive a 4-year exemption from the statute, giving towns time to plan and develop enough new affordable units to achieve additional moratoria and ultimately reach 10%.