Legal Assistance Resource Center
❖ of Connecticut, Inc. ❖

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H.B. 5363 -- Affordable Housing Appeals Procedure (C.G.S. 8-30g)

Housing Committee Public Hearing – March 1, 2016
Testimony of Raphael L. Podolsky

Recommended Committee action:
NO OBJECTION IF BILL REMAINS UNCHANGED

The Affordable Housing Appeals Procedure (C.G.S. 8-30g) is a critically important affordable housing anti-exclusionary zoning and fair housing law which helps make it possible to build long-term affordable housing in suburban and outlying towns. It thereby helps expand housing opportunities available to households of low and moderate income, gives alternatives to families living in center cities, and increases the likelihood that all Connecticut towns will help meet regional housing needs. Its existence is essential to the implementation of municipal obligations under the Zoning Enabling Act (C.G.S. 8-2), which requires that all municipal zoning regulations "encourage the development of housing opportunities, including opportunities for multifamily dwellings" for residents of the town and the region and that they "promote housing choice and economic diversity in housing, including housing for both low and moderate income households" *[emphasis added]*.

Since its original adoption in 1989, the Act has undergone many amendments, including a full review and revision in 2000 based upon the report of the Blue Ribbon Commission on Affordable Housing. The changes contained in P.A. 00-206 significantly strengthened the affordability requirements of the Act, improved the information available to towns, and rewarded towns in which a substantial amount of new affordable housing is built with a moratorium from the Act. The affordability provisions are particularly important. First, unlike most statutes, which measure affordability based on area median income, 8-30g requires the use of the lower of area or state median income. This produces rental housing, particularly in lower Fairfield County, that is signficantly more affordable than is found in most of the rest of the housing market. Second, unlike statutes and ordinances that affordable set-asides be for households below 80% of median income, 8-30g requires that 15% of the units serve households below 60% of median income, a significantly deeper affordability requirement.

The Affordable Housing Appeals Procedure has proven itself repeatedly as a good, balanced law which helps reduce the negative impact of exclusionary zoning. At the same time, when zoning commissions have had good reason for turning down an affordable housing application, the commissions' decisions have been upheld by the

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courts. Commissions in fact win almost a third of appeals under the Act. In addition, the Act has made zoning commissions more willing to give serious consideration to affordable housing applications and has, in some cases, given formerly resistant towns the incentive necessary to take the initiative and affirmatively seek out ways to promote the development of affordable housing within their communities. We are now also seeing voluntary approvals of 8-30g applications in a number of towns – something was nearly unheard of twenty years ago.

Moreover, the moratorium provisions of the act have in fact served the purpose for which they were intended. They have incentivized towns to work with developers so as to allow the town to obtain a moratorium. Wilton and Ridgefield are the most recent towns to earn moratoriums, and Farmington has an application pending. Berlin, which is in its second moratorium, illustrates a related purpose. Once a town obtains a moratorium, it can seriously explore how to plan and shape development in a way that will ultimately lead to a second moratorium.

While it is always possible to improve any statute, we do not believe that "improvements" are necessary. There is no need to change the statute. Nevertheless, after close review of H.B. 5363, which is the same as S.B. 407 from the 2015 legislative session, we have decided that we are not in opposition to H.B. 5363 as long as it remains unchanged and other provisions weakening 8-30g are not added to it. The bill focuses primarily on the moratorium provisions, with adjustments for elderly housing in towns in which there has been substantial development of new affordable family housing and development of housing in incentive housing zones if it meets 8-30g affordability standards. The extra fractional point for three-bedroom units is actually an improvement in the law, as is the use of the lower-of-statewide-or-area-median-income definition in C.G.S. 8-13m. We are troubled by the small development exclusion and the reduction in the moratorium threshold, but we are not opposing them as long as they are not expanded.

C.G.S. 8-30g has established itself as a workforce housing statute that speaks directly to Connecticut's housing crisis, which is reflected in the difficulties of 25- to 35-year-olds finding housing they can afford. It is well known that, in suburban and outlying towns, persons who work in the town -- from teachers and police officers to nurses and secretaries -- often cannot afford to live in the town. This makes preservation of 8-30g as a strong statute all the more important. I urge you not to weaken the statute and to assure that it will continue to operate at full strength.

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A Brief Summary of the Affordable Housing Appeals Procedure

March 1, 2016

What is the Affordable Housing Appeals Procedure?

It is an anti-exclusionary zoning statute designed to promote the construction of low- and moderate-income housing in suburban and outlying towns. It is sometimes referred to as the "Affordable Housing Land Use Appeals Act" and is also known by its statutory citation of Section 8-30g. It was adopted in 1989 upon the recommendation of the Blue Ribbon Commission on Housing and was revised in 2000 in accordance with the recommendations of a second study commission, known as the Blue Ribbon Commission on Affordable Housing. The act is a "builder's remedy," in that it ordinarily comes into play only when someone proposes to build a specific housing development and the local zoning or planning commission either rejects the application or imposes conditions which make the deed-restricted units uneconomic.

How does the act change zoning law?

It operates by changing the burden of proof on a zoning appeal, if the housing proposed to be built satisfies the affordability standards of the act. In general, the burden in an appeal from a zoning or planning commission is on the applicant to show that the commission has acted illegally or arbitrarily. In cases to which the Affordable Housing Appeals Procedure applies, the burden of proof is shifted to the commission to show four things:

- That the commission's decision is supported by sufficient evidence in the record;
- That the decision is necessary to protect substantial public interests in health, safety, or other matters which the commission may legally consider;
- That those public interests clearly outweigh the need for affordable housing, and
- That those public interests cannot be protected by reasonable changes to the proposed development.

If the commission offers such changes, the act permits the developer to submit a revised plan responding to those changes.

It thus follows from the act that the mere fact that the proposal fails to comply with the zone is not a sufficient basis to sustain a denial under the act. Otherwise a town could simply use density limits in its zoning ordinances to exclude entirely or to limit the ability to create low-cost housing in the town. The act instead requires the commission to show why the public interests which underlie the zone clearly outweigh the need for affordable housing.

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To what towns does the act apply?

The act excludes towns in which an exceptionally large percentage of the dwelling units are either government-assisted or deed-restricted. The percentage used is 10% of the town's dwelling units, a percentage which was taken from a similar Massachusetts law. The practical effect is to exclude from the act approximately 30 towns which are most heavily impacted by government-assisted housing. The 10% threshold is neither a goal nor a mandate -- it simply determines which towns are subject to the act and which are not. The Department of Housing prepares the exempt list annually. The most recent list exempts 31 towns. In addition, since 2000 the act has had a provision by which non-exempt towns in which a substantial amount of qualifying housing has been built in recent years can obtain a four-year moratorium from application of the act. The moratorium formula gives extra weight to non-age-restricted housing, rental housing, and housing targeted to families with relatively lower incomes (e.g., under 60% of median income rather than under 80% of median income). At present, Ridgefield and Wilton are in their first moratorium, Berlin is in its second moratorium, and Farmington has an application pending for a second moratorium. Trumbull has had two moratoria and Darien has had one. A number of other towns are approaching moratorium eligibility.

Who is eligible to use the act?

The act may be used by either non-profit developers or for-profit developers. The proposed development must be either "assisted housing" or a "set-aside development." "Assisted housing" is a development that is built using state, federal, or local governmental assistance. Most developments built by non-profit developers are assisted housing. Developments may also use federal low-income tax credits, the CHFA housing tax credit program, or other governmental assistance programs which are open to for-profit developers. A "set-aside development" is one in which a certain percentage of the units is deed-restricted to assure their affordability. Because no governmental assistance is involved, the market rate units must be priced so as to provide an internal subsidy to the deed-restricted units. Since the act was first adopted, the affordability requirements have been tightened. At present, for a proposed development to meet the act's deed restriction requirements, the following conditions must be met:

- At least 15% of the units must be restricted to households with incomes below 60% of state median income (or area median income, if that is lower).
- An additional 15% of the units must be restricted to households with incomes below 80% of state median income (or area median income, if that is lower). In other words, at least 30% of the units in the development must be deed-restricted.
- The restrictions must last for at least 40 years.

The deed-restricted units must be priced so that the total housing cost for the occupants, including utilities, will not exceed 30% of the income reflected in the appropriate category. If the deed-restricted units are rental units, their price must also not exceed 100% of the Section 8 fair market rent (for 60% units) or 120% of the Section 8 fair market rent (for 80% units).

-- Prepared by Raphael L. Podolsky

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Summary of major changes made to the Affordable Housing Appeals Procedure by P.A. 00-206

March 1, 2016

In 1999, the General Assembly created a broad-based Blue Ribbon Commission on Affordable Housing, which reviewed the Affordable Housing Appeals Procedure (C.G.S. 8-30g) and presented a package of recommendations to the General Assembly, most of which were adopted as part of P.A. 00-206. They resulted in significant changes in the act which were supported both by housing advocates and by municipalities. The three major changes were:

- Greater affordability of deed-restricted units: P.A. 00-206 significantly tightened the affordability standards which a developer must meet to use C.G.S. 8-30g. This was win-win because it assured that 8-30g applications would provide housing of greater affordability. In particular, the act:

    - Raised the percentage of units which must be deed-restricted from 25% to 30% of all units.
    - Raised the proportion of the deed-restricted units which must be for households with incomes below 60% of median from 10% of all units to 15% of all units, i.e., to half of the deed-restricted units. The remaining deed-restricted units must serve households below 80% of median income.
    - Increased the duration of the affordability restrictions from 30 years to 40 years.
    - Restricted maximum rents for below-60% units to 100% of the Section 8 fair market rents (FMRs) and for below-80% units to 120% of the Section 8 FMRs. This results in significant lowering of maximum rents in most of the state, as compared with the pre-2000 statute.
    - Restricted maximum sales prices for deed-restricted ownership units by requiring DECD to set a maximum down payment (DECD set that maximum at 20% of the purchase price).

- Greater information to the towns: P.A. 00-206 allowed towns to require more information from developers in the application process. In particular, it requires the developer to provide a detailed affordability plan, including draft zoning regulations, deed restrictions, marketing plans, construction sequences, etc. It requires the developer to designate an entity to enforce the affordability restrictions. It allows towns to require a conceptual site plan. It clarifies the town's authority to use its zoning enforcement powers to assure that an affordability plan is complied with.

- Moratorium on applications: P.A. 00-206 allowed towns in which a substantial amount of qualifying affordable housing is built to receive a three-year (subsequently amended to four-year) moratorium from applications under the act. A moratorium requires "housing equivalent-points" equal to 2% of the town's housing stock since the effective date of C.G.S. 8-30g in 1990. Cumulative bonus points are given for rental housing (an extra half point) and for units targeted to below-60% households (an extra half point), so the number of affordable units produced can equal well less than 2% of the town's units. Fractional bonus points are given for the market-rate units in an affordable housing development. Because a moratorium is attainable, the act encourages towns to be proactive and to seek affordable housing development which maximizes the number of points received. At present, Ridgefield and Wilton have moratoria, and Farmington has an application pending.

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Summary of moratorium provisions of C.G.S. 8-30g

March 1, 2016

The four-year moratorium is designed to encourage towns subject to C.G.S. 8-30g to promote the development of new rental housing for families and to target that housing to households with incomes below 60% of median. It is equally available to all towns in which fewer than 10% of the housing units are government-subsidized or deed-restricted, including towns which are well below the 10% level.

How many housing units are required for a moratorium?

A four-year moratorium on applications under C.G.S. 8-30g is available when newly constructed or newly deed-restricted units generate "housing equivalent unit points" equal to 2% of the town's housing stock (but not less than 75 such points). Any such units created after July 1, 1990 (when 8-30g became effective) may be counted. Eligible units must be restricted to households with incomes below 80% of median income. Each such non-elderly dwelling unit counts as one "point," except that the value of a dwelling unit is increased by an additional half point if:

* The unit is rental rather than ownership, or
* The unit is restricted to households below 60% of median income, or
* The unit is restricted to households below 40% of median income.

These extra half-points are cumulative. For example, a non-elderly rental unit counts as 2 unit points if restricted to a household below 60% of median income and 2.5 unit points if restricted to a household below 40% of median income. Units for elderly persons count as half a point. Market rate units in an 8-30g development count as one-fourth of a point. Thus, a 50-unit government-assisted family rental development for households below 60% of median income will count as 100 points. A 50-unit complex under 8-30g in which 30% of the units (i.e., 15 units) are deed-restricted in accordance with 8-30g will count as 35.25 points if rental and 27.75 points if ownership.

A moratorium does not apply to assisted-housing developments containing 40 or fewer units or in which 95% or more of the units are for households below 60% of median income.

Can a moratorium be renewed?

If, during the course of a moratorium, a town generates sufficient additional housing equivalent points to qualify for another moratorium (2% of the housing stock but not less than 75 points), the moratorium will be extended for an additional four years. Qualifying units in the pipeline but not yet completed at the time of the first moratorium and qualifying units built or deed-restricted during the first moratorium may be counted toward a second moratorium.

■ Prepared by Raphael L. Podolsky

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Common Myths about the Affordable Housing Appeals Procedure

March 1, 2016

Myth: The act has been substantially unchanged since its original adoption in 1989.
Fact: A Blue Ribbon Commission on Affordable Housing was created in 1999 to review the act and produced extensive recommendations, which were adopted by the General Assembly in 2000. Those changes addressed numerous municipal concerns. In particular, they significantly increased the affordability requirements of housing built under the act, expanded the information available to towns, clarified the mechanisms to enforce affordability, and authorized moratoriums from the act for towns in which substantial affordable housing qualifying under the act had been built. Criticisms based on pre-2000 applications should not be assumed to still apply to post-2000 applications.

Myth: The act requires towns to have 10% of their housing units affordable.
Fact: There is no such requirement. The 10% exemption from the act, which was borrowed from Massachusetts' version of this statute, is a way to exempt towns which already have a large amount of government-assisted or deed-restricted housing. There is no obligation of any town to reach the 10% level and no state goal expecting towns to do so. It is instead merely a mechanism to determine which towns are subject to the act.

Myth: Towns that are well below the 10% exemption are locked into the act forever and can never get out.
Fact: The 2000 amendments, as subsequently modified, allow towns with a high level of affordable housing construction to obtain a four-year moratorium from applications under the act. The moratorium is based on "housing unit-equivalent points" which give bonuses for rental housing and for housing targeted to households below 60% of median income, so that many units will count for more than one point. A town, no matter how far below the 10% exemption, can get a moratorium by earning housing unit-equivalent points equal to 2% of its housing stock. Ridgefield is currently in a moratorium and is expected soon to have generated enough additional 8-30g-eligible affordable housing to be eligible for a second moratorium when the first one expires. Berlin is in its second moratorium. Farmington has an application pending for a first moratorium. We believe that a number of other towns are only one or two developments away from a moratorium.

Myth: The moratorium does not allocate points fairly.
Fact: The moratorium is carefully designed to encourage towns to make provision for low and moderate income family rental housing, which is the type of affordable housing that is most needed yet least likely to be approved by suburban towns. The moratorium uses "bonus" points to give extra credit for such housing. Thus, family housing receives more points than elderly housing and an extra half point is added

for rental housing, units for households below 60% of median income, and units for households below 40% of median income. Because of the bonus point system, one way that a town can move quickly toward a moratorium is to work with a non-profit developer for the development of family rental units, all of which will be affordable and many of which will be for households below 60% of median income.

Myth: The units built under the act are not affordable.

Fact: The 2000 amendments increased the affordability requirements to assure that developments built under the act will always have a substantial number of units that are priced well below the typical units in the town's housing market and will be guaranteed affordable for an extended period of time. In an 8-30g set-aside development, at least 30% of the units must be deed-restricted for at least 40 years. Half of those units must be for households below 60% of median income. Median income is the lower of the median for the area or for the state. The application of the statewide median in lower Fairfield County has had a significant impact in producing greater affordability. The cost of rental units cannot exceed a formula based on Section 8 fair market rents. For example, in an 8-30g development in lower Fairfield County, 15% of the units, if they are two-bedroom, must rent for less than $1,166 per month including heat and utilities (which is about $900 per month if the tenant pays his or her own heat and utilities. The cost of ownership units must be based on realistic estimates of interest rates and the cost of insurance, taxes, heat, and utilities. They cannot assume a down payment of more than 20%.

Myth: Hardly any affordable housing units have been built under the act.

Fact: It is estimated that at least 4,000 income-restricted units have been built directly under the act, many of them in developments in which also contained low-cost market rate units. In addition, many other affordable units have been approved by municipalities because of the existence of the act. In recent years, for example, approvals and settlements have taken place in Bethany, Wallingford, New Canaan, Madison, and Simsbury, just to name a few.

Myth: Towns can defend an affordable housing appeal only if the town can prove that the proposal will have an adverse impact on health or safety.

Fact: The act requires the court to balance housing need against any "substantial public interests in health, safety, or other matters which the commission may legally consider" *[emphasis added]*. Commissions can, as a result, defend a decision on any ground that is a proper basis for a zoning or planning commission decision. Those grounds are contained primarily in C.G.S. 8-2. The courts have, in 8-30g cases, sustained commission decisions on such non-health and safety grounds as open space and the unique architectural characteristics of the area.

Myth: **The act prevents consideration of environmental concerns.**

Fact: To the contrary, the act requires applicants for 8-30g developments to obtain from environmental agencies with jurisdiction the same environmental approvals as are required for any other development. The act does not apply to or affect the standards of the decisions of wetlands or conservation commissions. It does not apply to the decisions of historic district commissions or similar entities. It does not apply to requirements, whether by permit or otherwise, imposed by state agencies,

such as the Department of Environmental Protection, the Department of Public Health, or the State Traffic Commission. It applies only to decisions of zoning and planning commissions. As a result, even if a developer could successfully challenge a zoning or planning denial through 8-30g, it could not build anything without other necessary approvals. Those approvals must be obtained using the same legal standards that apply to all other applications to those bodies. In addition, to the extent that a planning or zoning commission can legally consider environmental factors in its own decision, the court may take them into consideration in the weighing process in an appeal under 8-30g.

Myth: The Affordable Housing Appeals Procedure is not adequate as an affordable housing policy for the Connecticut.

Fact: The act was never intended to substitute for a state housing policy. It is one very essential piece of a policy, but it is not supposed to be the whole policy. At the time it was adopted, the state created two new municipal incentive programs – the Connecticut Housing Partnership and the Region Fair Housing Compact program – both of which came with financial incentives to participating towns. The state was also at that time bonding more than $100 million per year for grants and reduced-rate loans to promote affordable housing development. Until recently, the funding for all of those programs had disappeared or been radically reduced, and the two incentive programs have been dormant for years. The act is most effective when it is used in conjunction with state programming that encourages towns to act voluntarily, such as the HOME Connecticut (Incentive Housing Zone) program.

Myth: The only people who use the act are for-profit developers.

Fact: The act is available to both non-profit and for-profit developers. The first case under 8-30g to reach the Supreme Court was brought by a local interfaith non-profit in West Hartford. The reduction of the state's financial commitment to affordable housing in the 1990's has been the principal factor which has limited more active application by the non-profit community.

Myth: Developers who take appeals under the act always win.

Fact: Taking an appeal is far from an automatic win for an applicant. Towns have won almost one-third of appeals. The record is clear that, when a town shows strong reasons for a denial, it usually wins the appeal.

Myth: The act unfairly counts only government-assisted and deed-restricted units as affordable.

Fact: The 10% count of units to determine exemption from the act does not purport to be a count of all housing units in the town that are "affordable." It is a count of government-assisted and deed-restricted units. In virtually every town, 10% of the housing is affordable in the lay sense of the word. Apart from practical problems in determining the affordability of market-rate units (affordability determinations require information as to both the cost of the housing and the income of the occupants), the inclusion of market-rate units would require a substantially different percentage to be used for the exemption – probably in the 80% range. The fact is that the 10% exemption reasonably identifies those towns in which application of the act is unnecessary. There are now 31 towns which are exempt from the act.

Myth: The act does not recognize accessory apartments.

Fact: The act recognizes all government-assisted and deed-restricted units. Accessory apartments subject to ten-year deed restrictions are counted toward the 10% exemption. It is important to recognize, however, that accessory apartments with short-term deed restrictions (unlike the 40-year deed restrictions required of developers under the act) may well not provide any true affordable housing at all, because many of them are not offered for rent on the housing market. It may be very helpful to a family to have a small accessory unit for a family member who might otherwise simply live in the house; but, unless the unit is advertised and made available generally to the public, it has a minimal impact on a town's housing market.

Myth: The act allows developers to use the threat of the act to get other concessions from zoning commissions.

Fact: The 2000 amendments have converted such threats to little more than posturing. The enhanced affordability requirements established in 2000, which now require a significant internal subsidy between the market-rate and the deed-restricted units, have the practical effect of limiting the profitability of an 8-30g development. Developers who are not serious about producing affordable housing are not likely to find its development sufficiently attractive financially. A town which thinks it is being leveraged should simply tell the developer to build affordable housing and not allow the threat of affordable housing (which is a benefit to the town, not a harm) to lead the town to approve some other kind of development which it does not want.

Myth: Zoning arises from a town's home rule powers.

Fact: The court cases are clear that all zoning power is vested in the state, not in the towns. Zoning is delegated to towns under strict limitations, many of which are contained in the Zoning Enabling Act (Section 8-2 of the General Statutes). For example, under Section 8-2, zoning ordinances are required to promote economic diversity in housing, including housing for both moderate and low income households, are required to encourage opportunities for multi-family dwellings, and are required to encourage such opportunities for residents of the region in which the town is located and not merely for residents of the town. Even before the Affordable Housing Appeals Procedure was adopted, the Connecticut Supreme Court had ruled that it is illegal for towns to use their zoning powers to exclude low-cost housing. Section 8-30g is one mechanism for implementing the mandatory requirements of zoning contained in Section 8-2 but often ignored by the towns.

Myth: A developer can designate the highest quality units as market-rate units and the lowest quality units as set-aside units.

Fact: The courts have held that market-rate and set-aside units must be substantially similar in an 8-30g development.

– Prepared by Raphael L. Podolsky

Affordability requirements for 8-30g deed-restricted rental units -- 2015

Maximum 8-30g monthly apartment rent by region

(including heat and utilities)

	60% *(15% of units)*		80% *(15% of units)*	
	2-BR	3-BR	2-BR	3-BR
Waterbury	$ 938	$1084	$1174	$1445
Windham County	$ 953	$1116	$1143	$1424
New Haven-Meriden	$ 997	$1152	$1330	$1537
Bridgeport	$1129	$1305	$1506	$1740
New London-Norwich	$1057	$1319	$1268	$1623
Hartford	$1144	$1336	$1372	$1710
Milford-Ansonia	$1166	$1347	$1498	$1797
Litchfield County	$1030	$1305	$1236	$1566
Southern Middlesex Co.	$1166	$1347	$1456	$1797
Colchester-Lebanon	$1137	$1347	$1364	$1699
Danbury	$1166	$1347	$1555	$1797
Stamford-Norwalk	$1166	$1347	$1555	$1797

Median income by region for purposes of 8-30g *(family of four)*

	Lower of area or state median		
	60%	80%	Median
Waterbury	$41,700	$55,600	$ 69,500
Windham County	$42,960	$57,280	$ 71,600
New Haven-Meriden	$44,340	$59,120	$ 73,900
Bridgeport	$50,220	$66,960	$ 83,700
New London-Norwich	$50,760	$67,680	$ 84,600
Hartford	$51,420	$68,560	$ 85,700
Statewide	**$51,840**	**$61,120**	**$ 86,400**
Milford-Ansonia	$53,040	$70,720	$ 88,400
Litchfield County	$53,560	$71,680	$ 89,600
Southern Middlesex Co.	$59,340	$79,120	$ 98,900
Colchester-Lebanon	$63,000	$84,000	$105,000
Danbury	$68,340	$91,120	$113,900
Stamford-Norwalk	$75,060	$100,080	$125,100

Explanatory notes:

(1) 30% of 8-30g units must be set aside as income-restricted units. 15% of the units must serve households below 60% of median. An additional 15% must serve households below 80% of median.

(2) "Median income" for the purpose of 8-30g is the lower of area median or statewide median. At present, the statewide median (rather than the area median) applies in the Litchfield, Milford-Ansonia, Southern Middlesex County, Colchester-Lebanon, Danbury, and Stamford-Norwalk regions.

(3) The maximum rent that can be charged for an 8-30g set-aside rental unit for a household below 60% of median is calculated as the lower of (a) 30% of the income of a household at 60% of median or (b) the Section 8 fair market rent for the region. The maximum rent for a household below 80% of median is the lower of (a) 30% of the income of a household at 80% of median or (b) 120% of the Section 8 fair market rent for the region.

(4) The maximum rental charge under 8-30g includes heat, electricity, gas, and hot water. If some of those items are not included in the rent, the rental maximum for that unit must be lowered by a fair estimate of the items that the tenant must pay for separately.

-- Prepared by Raphael L. Podolsky, Jan. 26, 2015

Excerpts from

Connecticut Zoning Enabling Act

Connecticut General Statutes Section 8-2

Current through January 1, 2016

Such regulations [zoning regulations] shall also encourage the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region in which the municipality is located, as designated by the Secretary of the Office of Policy and Management under section 16a-4a. Such regulations shall also promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and shall encourage the development of housing which will meet the housing needs identified in the housing plan prepared pursuant to section 8-37t [state Five-Year Housing Plan] and in the housing component and the other components of the state plan of conservation and development prepared pursuant to section 16a-26.

Affordable Housing Land Use Appeals Procedure
Sec. 8-30g and Sec. 8-30h

(subsection titles inserted by Raphael L. Podolsky)

Sec. 8-30g. Affordable housing land use appeals procedure

Definitions: (a) As used in this section:

(1) **"Affordable housing development"** means a proposed housing development which is (A) assisted housing, or (B) a set-aside development;

(2) **"Affordable housing application"** means any application made to a commission in connection with an affordable housing development by a person who proposes to develop such affordable housing;

(3) **"Assisted housing"** means housing which is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing, and any housing occupied by persons receiving rental assistance under chapter 319uu or Section 1437f of Title 42 of the United States Code;

(4) **"Commission"** means a zoning commission, planning commission, planning and zoning commission, zoning board of appeals or municipal agency exercising zoning or planning authority;

(5) **"Municipality"** means any town, city or borough, whether consolidated or unconsolidated;

(6) **"Set-aside development"** means a development in which not less than thirty per cent of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that, for at least forty years after the initial occupation of the proposed development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units 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 eighty per cent of the median income. In a set-aside development, of the dwelling units conveyed by deeds containing covenants or restrictions, a number of dwelling units equal to not less than fifteen per cent of all dwelling units in the development shall be sold or rented to persons and families whose income is less than or equal to sixty per cent of the median income and the remainder of the dwelling units conveyed by deeds containing covenants or restrictions shall be sold or rented to persons and families whose income is less than or equal to eighty per cent of the median income;

(7) **"Median income"** means, after adjustments for family size, the lesser of the state median income or the area median income for the area in which the municipality containing the affordable housing development is located, as determined by the United States Department of Housing and Urban Development; and

(8) **"Commissioner"** means the Commissioner of Economic and Community Development.

(b) (1) **Contents of affordability plans**: Any person filing an affordable housing application with a commission shall submit, as part of the application, an affordability plan which shall include at least the following:

(A) Designation of the person, entity or agency that will be responsible for the duration of any affordability restrictions, for the administration of the affordability plan and its compliance with the income limits and sale price or rental restrictions of this chapter;

(B) an affirmative fair housing marketing plan governing the sale or rental of all dwelling units;

(C) a sample calculation of the maximum sales prices or rents of the intended affordable dwelling units;

(D) a description of the projected sequence in which, within a set-aside development, the affordable dwelling units will be built and offered for occupancy and the general location of such units within the proposed development; and

(E) draft zoning regulations, conditions of approvals, deeds, restrictive covenants or lease provisions that will govern the affordable dwelling units.

(2) **Affordability plan regulations**: The commissioner shall, within available appropriations, adopt regulations pursuant to chapter 54 regarding the affordability plan. Such regulations may include additional criteria for preparing an affordability plan and shall include:

(A) A formula for determining rent levels and sale prices, including establishing maximum allowable down payments to be used in the calculation of maximum allowable sales prices;

(B) a clarification of the costs that are to be included when calculating maximum allowed rents and sale prices;

(C) a clarification as to how family size and bedroom counts are to be equated in establishing maximum rental and sale prices for the affordable units; and

(D) a listing of the considerations to be included in the computation of income under this section.

(c) **Conceptual site plan**: Any commission, by regulation, may require that an affordable housing application seeking a change of zone shall include the submission of a conceptual site plan describing the proposed development's total number of residential units and their arrangement on the property and the proposed development's roads and traffic circulation, sewage disposal and water supply.

(d) **Maximum rents in set-aside developments limited to 100% or 120% of Section 8 fair market rents**: For any affordable dwelling unit that is rented as part of a set-aside development, if the maximum monthly housing cost, as calculated in accordance with subdivision (6) of subsection (a) of this section, would exceed one hundred per cent of the Section 8 fair market rent as determined by the United States Department of Housing and Urban Development, in the case of units set aside for persons and families whose income is less than or equal to sixty per cent of median income, then such maximum monthly housing cost shall not exceed one hundred per cent of said Section 8 fair market rent. If the maximum monthly housing cost, as calculated in accordance with subdivision (6) of

subsection (a) of this section, would exceed one hundred twenty per cent of the Section 8 fair market rent, as determined by the United States Department of Housing and Urban Development, in the case of units set aside for persons and families whose income is less than or equal to eighty per cent of median income, then such maximum monthly housing cost shall not exceed one hundred twenty per cent of such Section 8 fair market rent.

(e) **Non-exclusion of Section 8 tenants**: For any affordable dwelling unit that is rented in order to comply with the requirements of a set-aside development, no person shall impose on a prospective tenant who is receiving governmental rental assistance a maximum percentage-of-income-for-housing requirement that is more restrictive than the requirement, if any, imposed by such governmental assistance program.

(f) **Procedure for filing affordable housing appeal**: Any person whose affordable housing application is denied or is approved with restrictions which have a substantial adverse impact on the viability of the affordable housing development or the degree of affordability of the affordable dwelling units in a set-aside development, may appeal such decision pursuant to the procedures of this section. Such appeal shall be filed within the time period for filing appeals as set forth in section 8-8, 8-9, 8-28, 8-30 or 8-30a, as applicable, and shall be made returnable to the superior court for the judicial district where the real property which is the subject of the application is located. Affordable housing appeals, including pretrial motions, shall be heard by a judge assigned by the Chief Court Administrator to hear such appeals. To the extent practicable, efforts shall be made to assign such cases to a small number of judges, sitting in geographically diverse parts of the state, so that a consistent body of expertise can be developed. Unless otherwise ordered by the Chief Court Administrator, such appeals, including pretrial motions, shall be heard by such assigned judges in the judicial district in which such judge is sitting. Appeals taken pursuant to this subsection shall be privileged cases to be heard by the court as soon after the return day as is practicable. Except as otherwise provided in this section, appeals involving an affordable housing application shall proceed in conformance with the provisions of said section 8-8, 8-9, 8-28, 8-30 or 8-30a, as applicable.

(g) **Burden of proof in affordable housing appeals**: Upon an appeal taken under subsection (f) of this section, the burden shall be on the commission to prove, based upon the evidence in the record compiled before such commission that the decision from which such appeal is taken and the reasons cited for such decision are supported by sufficient evidence in the record. The commission shall also have the burden to prove, based upon the evidence in the record compiled before such commission, that

(1) (A) the decision is necessary to protect substantial public interests in health, safety, or other matters which the commission may legally consider;

(B) such public interests clearly outweigh the need for affordable housing; and

(C) such public interests cannot be protected by reasonable changes to the affordable housing development, or

(2) (A) the application which was the subject of the decision from which such appeal was taken would locate affordable housing in an area which is zoned for industrial use and which does not permit residential uses, and

(B) the development is not assisted housing, as defined in subsection (a) of

this section.

If the commission does not satisfy its burden of proof under this subsection, the court shall wholly or partly revise, modify, remand or reverse the decision from which the appeal was taken in a manner consistent with the evidence in the record before it.

(h) **Right to submit modified application after initial denial**: Following a decision by a commission to reject an affordable housing application or to approve an application with restrictions which have a substantial adverse impact on the viability of the affordable housing development or the degree of affordability of the affordable dwelling units, the applicant may, within the period for filing an appeal of such decision, submit to the commission a proposed modification of its proposal responding to some or all of the objections or restrictions articulated by the commission, which shall be treated as an amendment to the original proposal. The day of receipt of such a modification shall be determined in the same manner as the day of receipt is determined for an original application. The filing of such a proposed modification shall stay the period for filing an appeal from the decision of the commission on the original application. The commission shall hold a public hearing on the proposed modification if it held a public hearing on the original application and may hold a public hearing on the proposed modification if it did not hold a public hearing on the original application. The commission shall render a decision on the proposed modification not later than sixty-five days after the receipt of such proposed modification, provided, if, in connection with a modification submitted under this subsection, the applicant applies for a permit for an activity regulated pursuant to sections 22a-36 to 22a-45, inclusive, and the time for a decision by the commission on such modification under this subsection would lapse prior to the thirty-fifth day after a decision by an inland wetlands and watercourses agency, the time period for decision by the commission on the modification under this subsection shall be extended to thirty-five days after the decision of such agency. The commission shall issue notice of its decision as provided by law. Failure of the commission to render a decision within said sixty-five days or subsequent extension period permitted by this subsection shall constitute a rejection of the proposed modification. Within the time period for filing an appeal on the proposed modification as set forth in section 8-8, 8-9, 8-28, 8-30 or 8-30a, as applicable, the applicant may appeal the commission's decision on the original application and the proposed modification in the manner set forth in this section. Nothing in this subsection shall be construed to limit the right of an applicant to appeal the original decision of the commission in the manner set forth in this section without submitting a proposed modification or to limit the issues which may be raised in any appeal under this section.

(i) **Applicability of other statutes**: Nothing in this section shall be deemed to preclude any right of appeal under the provisions of section 8-8, 8-9, 8-28, 8-30 or 8-30a.

(j) **Enforcement powers of commissions**: A commission or its designated authority shall have, with respect to compliance of an affordable housing development with the provisions of this chapter, the same powers and remedies provided to commissions by section 8-12.

(k) **Exclusion of municipalities heavily impacted by government- and deed-restricted housing**: Notwithstanding the provisions of subsections (a) to (j), inclusive, of this section, the affordable housing appeals procedure established under this section shall not be available if the real property which is the subject of the application is located in a

municipality in which at least ten per cent of all dwelling units in the municipality are

(1) assisted housing, or

(2) currently financed by Connecticut Housing Finance Authority mortgages, or

(3) subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income, or

(4) mobile manufactured homes located in mobile manufactured home parks or legally-approved accessory apartments, which homes or apartments are subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which, for a period of not less than ten years, persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income.

The Commissioner of Economic and Community Development shall, pursuant to regulations adopted under the provisions of chapter 54, promulgate a list of municipalities which satisfy the criteria contained in this subsection and shall update such list not less than annually. For the purpose of determining the percentage required by this subsection, the commissioner shall use as the denominator the number of dwelling units in the municipality, as reported in the most recent United States decennial census. As used in this subsection, "accessory apartment" means a separate living unit that (A) is attached to the main living unit of a house, which house has the external appearance of a single-family residence, (B) has a full kitchen, (C) has a square footage that is not more than thirty per cent of the total square footage of the house, (D) has an internal doorway connecting to the main living unit of the house, (E) is not billed separately from such main living unit for utilities, and (F) complies with the building code and health and safety regulations.

(l) **Moratorium provisions**:

(1) **Exclusion of municipalities during a moratorium**: Notwithstanding the provisions of subsections (a) to (j), inclusive, of this section, the affordable housing appeals procedure established under this section shall not be applicable to an affordable housing application filed with a commission during a moratorium, which shall be the four-year period after (A) a certification of affordable housing project completion issued by the commissioner is published in the Connecticut Law Journal, or (B) after notice of a provisional approval is published pursuant to subdivision (4) of this subsection. Any moratorium that is in effect on October 1, 2002, is extended by one year.

(2) **Applications submittable during a moratorium**: Notwithstanding the provisions of this subsection, such moratorium shall not apply to (A) affordable housing applications for assisted housing in which ninety-five per cent of the dwelling units are restricted to persons and families whose income is less than or equal to sixty per cent of median income, (B) other affordable housing applications for assisted housing containing forty or fewer dwelling units, or (C) affordable housing applications which were filed with a commission pursuant to this section prior to the date upon which the moratorium takes effect.

(3) **Units eligible to be counted in second moratorium**: Eligible units completed after a moratorium has begun may be counted toward establishing eligibility for a subsequent moratorium.

(4) **Application for a moratorium**:

(A) **Minimum number of housing unit-equivalent points for a moratorium**: The commissioner shall issue a certificate of affordable housing project completion for the purposes of this subsection upon finding that there has been completed within the municipality one or more affordable housing developments which create housing unit-equivalent points equal to the greater of two per cent of all dwelling units in the municipality, as reported in the most recent United States decennial census, or seventy-five housing unit-equivalent points.

(B) **Procedure for applying for a moratorium**: A municipality may apply for a certificate of affordable housing project completion pursuant to this subsection by applying in writing to the commissioner, and including documentation showing that the municipality has accumulated the required number of points within the applicable time period. Such documentation shall include the location of each dwelling unit being counted, the number of points each dwelling unit has been assigned, and the reason, pursuant to this subsection, for assigning such points to such dwelling unit. Upon receipt of such application, the commissioner shall promptly cause a notice of the filing of the application to be published in the Connecticut Law Journal, stating that public comment on such application shall be accepted by the commissioner for a period of thirty days after the publication of such notice. Not later than ninety days after the receipt of such application, the commissioner shall either approve or reject such application. Such approval or rejection shall be accompanied by a written statement of the reasons for approval or rejection, pursuant to the provisions of this subsection. If the application is approved, the commissioner shall promptly cause a certificate of affordable housing project completion to be published in the Connecticut Law Journal. If the commissioner fails to either approve or reject the application within such ninety-day period, such application shall be deemed provisionally approved, and the municipality may cause notice of such provisional approval to be published in a conspicuous manner in a daily newspaper having general circulation in the municipality, in which case, such moratorium shall take effect upon such publication. The municipality shall send a copy of such notice to the commissioner. Such provisional approval shall remain in effect unless the commissioner subsequently acts upon and rejects the application, in which case the moratorium shall terminate upon notice to the municipality by the commissioner.

(5) **"Elderly" and "family" units defined**: For purposes of this subsection, "elderly units" are dwelling units whose occupancy is restricted by age and "family units" are dwelling units whose occupancy is not restricted by age.

(6) **Determination of housing unit-equivalent points**: For purposes of this subsection, housing unit-equivalent points shall be determined by the commissioner as follows:

(A) No points shall be awarded for a unit unless its occupancy is restricted to persons and families whose income is equal to or less than eighty per cent of median income, except that unrestricted units in a set-aside development shall be awarded one-fourth point each.

(B) Family units restricted to persons and families whose income is equal to or less than eighty per cent of median income shall be awarded one point if an ownership unit and one and one-half points if a rental unit.

(C) Family units restricted to persons and families whose income is equal to or less than sixty per cent of median income shall be awarded one and one-half points if an ownership unit and two points if a rental unit.

(D) Family units restricted to persons and families whose income is equal to or less than forty per cent of median income shall be awarded two points if an ownership unit and two and one-half points if a rental unit.

(E) Elderly units restricted to persons and families whose income is equal to or less than eighty per cent of median income shall be awarded one-half point.

(F) A set-aside development containing family units which are rental units shall be awarded additional points equal to twenty-two per cent of the total points awarded to such development, provided the application for such development was filed with the commission prior to July 6, 1995.

(7) **Eligible units:** Points shall be awarded only for dwelling units which were (A) newly-constructed units in an affordable housing development, as that term was defined at the time of the affordable housing application, for which a certificate of occupancy was issued after July 1, 1990, or (B) newly subjected after July 1, 1990, to deeds containing covenants or restrictions which require that, for at least the duration required by subsection (a) of this section for set-aside developments on the date when such covenants or restrictions took effect, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as affordable housing for persons or families whose income does not exceed eighty per cent of median income.

(8) **Units lost as affordable housing units:** Points shall be subtracted, applying the formula in subdivision (6) of this subsection, for any affordable dwelling unit which, on or after July 1, 1990, was affected by any action taken by a municipality which caused such dwelling unit to cease being counted as an affordable dwelling unit.

(9) **Completion of units**: A newly-constructed unit shall be counted toward a moratorium when it receives a certificate of occupancy. A newly-restricted unit shall be counted toward a moratorium when its deed restriction takes effect.

(10) **Expiration of moratorium**: The affordable housing appeals procedure shall be applicable to affordable housing applications filed with a commission after a four-year moratorium expires, except (A) as otherwise provided in subsection (k) of this section, or (B) when sufficient unit-equivalent points have been created within the municipality during one moratorium to qualify for a subsequent moratorium.

(11) **Moratorium regulations**: The commissioner shall, within available appropriations, adopt regulations in accordance with chapter 54 to carry out the purposes of this subsection. Such regulations shall specify the procedure to be followed by a municipality to obtain a moratorium, and shall include the manner in which a municipality is to document the units to be counted toward a moratorium. A municipality may apply for a moratorium in accordance with the provisions of this subsection prior to, as well as after, such regulations are adopted.

(m) **Model deed restrictions**: The commissioner shall, pursuant to regulations adopted in accordance with the provisions of chapter 54, promulgate model deed restrictions which satisfy the requirements of this section. A municipality may waive any fee which would otherwise be required for the filing of any long-term affordability deed restriction on the land records.

Sec. 8-30h. Annual certification of continuing compliance with affordability requirements; noncompliance

On and after January 1, 1996, the developer, owner or manager of an affordable housing development, developed pursuant to subparagraph (B) of subdivision (1) of subsection (a) of section 8-30g, that includes rental units shall provide annual certification to the commission that the development continues to be in compliance with the covenants and deed restrictions required under said section. If the development does not comply with such covenants and deed restrictions, the developer, owner or manager shall rent the next available units to persons and families whose incomes satisfy the requirements of the covenants and deed restrictions until the development is in compliance. The commission may inspect the income statements of the tenants of the restricted units upon which the developer, owner or manager bases the certification. Such tenant statements shall be confidential and shall not be deemed public records for the purposes of the Freedom of Information Act, as defined in section 1-200.

2014 Affordable Housing Appeals List - Exempt Municipalities

Town	Total Housing Units 2010 Census	Governmentally Assisted	Tenant Rental Assistance	Single Family CHFA /USDA Mortgages	Deed Restricted Units	Totally Assisted Units	Percent Affordable
Ansonia	8,148	371	642	112	9	1,134	13.92%
Bloomfield	9,019	591	149	311	0	1,051	11.65%
Bridgeport	57,012	5870	3779	1036	20	10,705	18.78%
Bristol	27,011	1633	823	1065	0	3,521	13.04%
Brooklyn	3,235	231	12	135	0	378	11.68%
Danbury	31,154	1587	904	344	296	3,131	10.05%
Derby	5,849	275	314	69	0	658	11.25%
East Hartford	21,328	1700	1054	952	0	3,706	17.38%
East Windsor	5,045	559	43	119	14	735	14.57%
Enfield	17,558	1340	211	581	7	2,139	12.18%
Groton	17,978	3589	76	369	10	4,044	22.49%
Hartford	51,822	10,299	7812	1523	0	19,634	37.89%
Killingly	7,592	495	107	488	0	1,090	14.36%
Manchester	25,996	1834	977	923	36	3,770	14.50%
Mansfield	6,017	417	125	117	2	661	10.99%
Meriden	25,892	2027	1033	1065	11	4,136	15.97%
Middletown	21,223	2974	1047	614	25	4,660	21.96%
New Britain	31,226	3421	1602	1192	382	6,597	21.13%
New Haven	54,967	8880	5336	1188	581	15,985	29.08%
New London	11,840	1685	674	487	98	2,944	24.86%
Norwalk	35,415	2334	997	261	599	4,191	11.83%
Norwich	18,659	2109	721	554	0	3,384	18.14%
Plainfield	6,229	377	166	460	0	1,003	16.10%
Putnam	4,299	383	69	208	0	660	15.35%
Stamford	50,573	4862	1732	326	1295	8,215	16.24%
Torrington	16,761	1112	277	639	17	2,045	12.20%
Vernon	13,896	1387	391	374	12	2,164	15.57%
Waterbury	47,991	5171	3074	2327	326	10,898	22.71%
West Haven	22,446	1024	1451	429	0	2,904	12.94%
Winchester	5,613	348	444	187	0	979	17.44%
Windham	9,570	1862	541	575	0	2,978	31.12%

2014 Affordable Housing Appeals List - Non-Exempt Municipalities

Town	Total Housing Units 2010 Census	Governmentally Assisted	Tenant Rental Assistance	Single Family CHFA /USDA Mortgages	Deed Restricted Units	Totally Assisted Units	Percent Affordable
Andover	1,317	24	1	32	0	57	4.33%
Ashford	1,903	32	2	50	0	84	4.41%
Avon	7,389	244	8	26	0	278	3.76%
Barkhamsted	1,589	0	4	13	0	17	1.07%
Beacon Falls	2,509	0	2	31	0	33	1.32%
Berlin	8,140	556	43	94	6	699	8.59%
Bethany	2,044	0	0	2	1	3	0.15%
Bethel	7,310	252	15	66	64	397	5.43%
Bethlehem	1,575	24	0	1	0	25	1.59%
Bolton	2,015	0	3	23	0	26	1.29%
Bozrah	1,059	0	2	34	0	36	3.40%
Branford	13,972	243	56	179	0	478	3.42%
Bridgewater	881	0	0	2	0	2	0.23%
Brookfield	6,562	35	7	48	70	160	2.44%
Burlington	3,389	27	0	34	0	61	1.80%
Canaan	779	25	3	30	1	59	7.57%
Canterbury	2,043	76	0	79	0	155	7.59%
Canton	4,339	211	17	68	32	328	7.56%
Chaplin	988	0	0	36	0	36	3.64%
Cheshire	10,424	277	12	78	17	384	3.68%
Chester	1,923	23	3	12	0	38	1.98%
Clinton	6,065	84	9	47	0	140	2.31%
Colchester	6,182	364	34	145	0	543	8.78%
Colebrook	722	0	0	10	1	11	1.52%
Columbia	2,308	24	3	63	0	90	3.90%
Cornwall	1,007	18	2	3	0	23	2.28%
Coventry	5,099	103	1	176	20	300	5.88%
Cromwell	6,001	212	13	203	0	428	7.13%
Darien	7,074	136	7	1	95	239	3.38%
Deep River	2,096	26	24	26	0	76	3.63%
Durham	2,694	36	4	14	0	54	2.00%
Eastford	793	0	0	24	0	24	3.03%
East Granby	2,152	72	2	35	0	109	5.07%
East Haddam	4,508	73	1	47	1	122	2.71%
East Hampton	5,485	70	5	98	25	198	3.61%
East Haven	12,533	542	141	307	0	990	7.90%
East Lyme	8,458	396	10	95	19	520	6.15%
Easton	2,715	0	0	0	11	11	0.41%
Ellington	6,665	260	9	106	0	375	5.63%
Essex	3,261	36	5	12	0	53	1.63%
Fairfield	21,648	241	94	34	116	485	2.24%
Farmington	11,106	496	110	123	155	884	7.96%
Franklin	771	27	0	16	0	43	5.58%
Glastonbury	13,656	583	37	124	2	746	5.46%
Goshen	1,664	1	0	9	0	10	0.60%
Granby	4,360	85	1	47	5	138	3.17%
Greenwich	25,631	839	334	2	54	1,229	4.79%

2014 Affordable Housing Appeals List - Non-Exempt Municipalities

Town	Total Housing Units 2010 Census	Governmentally Assisted	Tenant Rental Assistance	Single Family CHFA /USDA Mortgages	Deed Restricted Units	Totally Assisted Units	Percent Affordable
Griswold	5,118	153	67	237	0	457	8.93%
Guilford	9,596	177	7	36	0	220	2.29%
Haddam	3,504	22	0	25	0	47	1.34%
Hamden	25,114	903	545	477	4	1,929	7.68%
Hampton	793	0	2	42	0	44	5.55%
Hartland	856	2	1	8	0	11	1.29%
Harwinton	2,282	22	0	36	0	58	2.54%
Hebron	3,567	58	3	46	0	107	3.00%
Kent	1,665	52	4	4	0	60	3.60%
Killingworth	2,598	0	0	11	5	16	0.62%
Lebanon	3,125	26	5	88	0	119	3.81%
Ledyard	5,987	32	5	204	0	241	4.03%
Lisbon	1,730	2	0	57	0	59	3.41%
Litchfield	3,975	140	5	28	29	202	5.08%
Lyme	1,223	0	0	2	8	10	0.82%
Madison	8,049	90	1	10	29	130	1.62%
Marlborough	2,389	24	2	23	0	49	2.05%
Middlebury	2,892	77	3	15	20	115	3.98%
Middlefield	1,863	30	2	13	1	46	2.47%
Milford	23,074	726	212	220	107	1,265	5.48%
Monroe	6,918	32	3	23	1	59	0.85%
Montville	7,407	81	28	240	0	349	4.71%
Morris	1,314	20	4	1	0	25	1.90%
Naugatuck	13,061	537	368	311	0	1,216	9.31%
New Canaan	7,551	163	9	2	31	205	2.71%
New Fairfield	5,593	0	0	27	13	40	0.72%
New Hartford	2,923	12	5	46	15	78	2.67%
Newington	13,011	537	148	390	36	1,111	8.54%
New Milford	11,731	269	27	147	16	459	3.91%
Newtown	10,061	134	3	29	15	181	1.80%
Norfolk	967	28	2	9	0	39	4.03%
North Branford	5,629	62	10	62	0	134	2.38%
North Canaan	1,587	138	1	8	0	147	9.26%
North Haven	9,491	343	36	76	1	456	4.80%
North Stonington	2,306	0	2	22	0	24	1.04%
Old Lyme	5,021	64	2	9	3	78	1.55%
Old Saybrook	5,602	50	7	19	20	96	1.71%
Orange	5,345	46	6	10	6	68	1.27%
Oxford	4,746	36	3	12	0	51	1.07%
Plainville	8,063	242	21	311	22	596	7.39%
Plymouth	5,109	178	18	224	0	420	8.22%
Pomfret	1,684	32	1	28	0	61	3.62%
Portland	4,077	185	82	64	0	331	8.12%
Preston	2,019	40	5	44	0	89	4.41%
Prospect	3,474	0	4	38	0	42	1.21%
Redding	3,811	0	0	0	0	0	0.00%
Ridgefield	9,420	179	1	9	48	237	2.52%
Rocky Hill	8,843	235	30	179	0	444	5.02%

2014 Affordable Housing Appeals List - Non-Exempt Municipalities

Town	Total Housing Units 2010 Census	Governmentally Assisted	Tenant Rental Assistance	Single Family CHFA /USDA Mortgages	Deed Restricted Units	Totally Assisted Units	Percent Affordable
Roxbury	1,167	19	0	1	0	20	1.71%
Salem	1,635	1	0	34	0	35	2.14%
Salisbury	2,593	16	2	7	12	37	1.43%
Scotland	680	0	0	13	0	13	1.91%
Seymour	6,968	262	18	97	0	377	5.41%
Sharon	1,775	20	2	4	0	26	1.46%
Shelton	16,146	344	34	87	82	547	3.39%
Sherman	1,831	0	2	3	0	5	0.27%
Simsbury	9,123	241	19	62	0	322	3.53%
Somers	3,479	146	12	31	0	189	5.43%
Southbury	9,091	90	4	18	0	112	1.23%
Southington	17,447	609	67	295	51	1,022	5.86%
South Windsor	10,243	427	49	239	0	715	6.98%
Sprague	1,248	20	13	47	0	80	6.41%
Stafford	5,124	178	13	231	0	422	8.24%
Sterling	1,511	0	6	61	0	67	4.43%
Stonington	9,467	297	15	71	0	383	4.05%
Stratford	21,091	524	381	278	33	1,216	5.77%
Suffield	5,469	212	3	64	15	294	5.38%
Thomaston	3,276	104	4	115	0	223	6.81%
Thompson	4,171	151	25	133	0	309	7.41%
Tolland	5,451	98	2	93	3	196	3.60%
Trumbull	13,157	315	15	36	317	683	5.19%
Union	388	0	0	12	0	12	3.09%
Voluntown	1,127	20	4	38	0	62	5.50%
Wallingford	18,945	481	115	310	35	941	4.97%
Warren	811	0	0	5	0	5	0.62%
Washington	2,124	14	6	7	23	50	2.35%
Waterford	8,634	123	20	239	0	382	4.42%
Watertown	9,096	205	18	145	0	368	4.05%
Westbrook	3,937	140	7	17	24	188	4.78%
West Hartford	26,396	621	832	316	287	2,056	7.79%
Weston	3,674	0	1	0	0	1	0.03%
Westport	10,399	246	45	2	20	313	3.01%
Wethersfield	11,677	615	134	231	0	980	8.39%
Willington	2,637	160	1	46	0	207	7.85%
Wilton	6,475	136	7	7	100	250	3.86%
Windsor	11,767	154	297	401	26	878	7.46%
Windsor Locks	5,429	137	153	187	0	477	8.79%
Wolcott	6,276	313	4	131	0	448	7.14%
Woodbridge	3,478	30	5	6	0	41	1.18%
Woodbury	4,564	59	2	25	0	86	1.88%
Woodstock	3,582	24	3	72	0	99	2.76%
Total	1,487,891	91,251	41,637	29,874	5,893	168,655	11.34%