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SUMMARY OF P.A. 17-170 AFFORDABLE HOUSING APPEALS PROCEDURE

(eff. July 24, 2017)

This act makes a series of changes to the Affordable Housing Appeals Procedure (C.G.S. 8-30g), primarily by easing some of the requirements for obtaining a moratorium under the act.

Changes to 8-30g moratorium provisions:

Towns are exempt from 8-30g if at least 10% of their housing units are either government-assisted (including occupied by Section 8 or RAP households), financed with CHFA mortgages, or subject to binding deed restrictions under which households below 80% of median income pay no more than 30% of their income for the housing. Non-exempt towns are eligible for four-year moratoria if sufficient long-term affordable housing units for households with incomes below 80% of median income have been developed since 8-30g took effect in 1990. Extra points are given for deeper income targeting and for the units being rental rather than ownership. Units restricted to seniors receive only ½ point per unit. P.A. 17-170 provides extra moratorium points under certain circumstances.

■ **Large towns:** The act makes two changes if a town with more than 20,000 housing units which has previously received a four-year moratorium has had sufficient affordable housing development to qualify for a second moratorium. There are presently six such towns that are not already exempt from 8-30g -- Fairfield, Greenwich, Hamden, Milford, Stratford, and West Hartford – but none of them have qualified for a first moratorium.

■ If the town has adopted an affordability plan under Section 2 of the act, the bill lowers the number of additional moratorium points required to obtain a second or subsequent moratorium to 1.5% of the town's housing units (instead of 2%).

■ If a second moratorium is obtained, the act extends that moratorium for a fifth year.

■ **Small towns:** Existing law requires that a town have at least 75 moratorium points to obtain a moratorium, even if 2% of its housing units is less than 75 units. This act reduces the minimum moratorium requirement to 50 points (i.e., the higher of 2% of the town's units or 50 points). This provision affects only non-exempt towns with a population below about 10,000 (the 64 towns with fewer than 3,750 housing units. *This change sunsets in 2022.*

■ **Age-restricted housing:** P.A. 17-170 gives age-restricted (i.e., senior) housing a full point toward a moratorium (rather than a ½ point) if at least 60% of the units in the package of housing submitted by the town for a moratorium are for families (i.e., are not age-restricted). Elderly housing is not eligible for any other bonus points. *This change sunsets in 2022.*

■ **Other incentive points:** The act provides a ¼ -point bonus for restricted three-bedroom units in eligible developments and for restricted units in an incentive housing zone. *These provisions sunset in 2022.*

■ **Mobile home parks:** The act allows moratorium points, including bonus points, to resident-owned mobile home parks, if (a) the land is deed-restricted and (b) at the time of purchase of the land, the loan financing the purchase required an affordability set-aside under which 75% of the units had to be leased to persons with incomes below 75% of median income, of which either 40% of those restricted units were for households below 60% of median income or 20% of the households were for persons below 50% of median income. Under this act, each of the restricted units will receive 1½ moratorium points, with an extra ½ point for units for households below 60% of median and a ¼ point for each of the unrestricted units. The act requires that the units in such mobile home parks also be counted toward the 10% exemption from the act. It is believed that, at the present time, the only mobile home park in Connecticut meeting this standard is Ryder Woods in Milford.

Other provisions:

■ **Affordability plans:** The act requires every town to adopt an affordable housing plan and to update it every five years. The plan must specify how the town intends to increase the number of affordable housing developments in the town. The final plan must be posted on the town’s website. A town that fails to update the plan after five years must submit an explanation to the Commissioner of Housing.

■ **Incentive housing zone definitions:** P.A. 17-170 modifies the definition of “median income” in the Incentive Housing Zone act so that it will be the same as the definition of that term in 8-30g, i.e., that set-asides must be based on the lower of state or area median, rather than only area median income. The main impact will be on lower Fairfield County, where area median is about 50% above the state median income. The change assures that the restricted units in an IHZ development will always generate some 8-30g moratorium points for the town, even in a town whose area median income is greater than the state median income.

■ **Five-year sunset:** The following changes in this bill will sunset after five years unless extended or made permanent: (a) the moratorium point modifications for senior housing, three-bedroom units, and IHZ housing and (b) the reduction in the minimum point requirement for small towns from 75 to 50 points.

2016 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	347	658	104	9	1,118	13.72%
Bloomfield	9,019	591	93	292	0	976	10.82%
Bridgeport	57,012	6,279	4102	900	19	11,300	19.82%
Bristol	27,011	1,916	844	931	0	3,691	13.66%
Brooklyn	3,235	231	12	103	0	346	10.70%
Danbury	31,154	1,588	926	468	296	3,278	10.52%
Derby	5,849	274	316	76	0	666	11.39%
East Hartford	21,328	1,576	859	904	0	3,339	15.66%
East Windsor	5,045	559	34	99	14	706	13.99%
Enfield	17,558	1,340	217	540	7	2,104	11.98%
Groton	17,978	3,587	103	326	10	4,026	22.39%
Hartford	51,822	9,972	8439	1428	0	19,839	38.28%
Killingly	7,592	520	112	297	0	929	12.24%
Manchester	25,996	1,850	890	826	34	3,600	13.85%
Mansfield	6,017	417	123	99	2	641	10.65%
Meriden	25,892	2,027	1103	936	11	4,077	15.75%
Middletown	21,223	3,019	1035	445	25	4,524	21.32%
New Britain	31,226	2,901	1478	1054	256	5,689	18.22%
New Haven	54,967	9,055	5709	1029	639	16,432	29.89%
New London	11,840	1,713	449	449	106	2,717	22.95%
Norwalk	35,415	2,224	1277	299	701	4,501	12.71%
Norwich	18,659	2,225	784	484	0	3,493	18.72%
Plainfield	6,229	377	177	283	0	837	13.44%
Putnam	4,299	383	67	112	0	562	13.07%
Stamford	50,573	4,744	1753	332	1274	8,103	16.02%
Torrington	16,761	908	390	495	17	1,810	10.80%
Vernon	13,896	1,440	399	329	12	2,180	15.69%
Waterbury	47,991	5,257	2969	1800	172	10,198	21.25%
West Haven	22,446	1,024	1476	411	0	2,911	12.97%
Winchester	5,613	348	187	121	0	656	11.69%
Windham	9,570	1,747	608	416	0	2,771	28.96%

2016 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	18	0	22	0	40	3.04%
Ashford	1,903	32	2	33	0	67	3.52%
Avon	7,389	244	8	31	0	283	3.83%
Barkhamsted	1,589	0	7	13	0	20	1.26%
Beacon Falls	2,509	0	3	34	0	37	1.47%
Berlin	8,140	556	47	102	10	715	8.78%
Bethany	2,044	0	2	7	1	10	0.49%
Bethel	7,310	152	22	98	69	341	4.66%
Bethlehem	1,575	24	0	4	0	28	1.78%
Bolton	2,015	0	2	18	0	20	0.99%
Bozrah	1,059	0	3	30	0	33	3.12%
Branford	13,972	243	63	145	0	451	3.23%
Bridgewater	881	0	0	4	0	4	0.45%
Brookfield	6,562	83	22	74	77	256	3.90%
Burlington	3,389	42	0	30	0	72	2.12%
Canaan	779	35	5	15	1	56	7.19%
Canterbury	2,043	76	1	62	0	139	6.80%
Canton	4,339	211	15	46	32	304	7.01%
Chaplin	988	0	0	33	0	33	3.34%
Cheshire	10,424	259	20	69	17	365	3.50%
Chester	1,923	23	3	14	0	40	2.08%
Clinton	6,065	84	16	34	0	134	2.21%
Colchester	6,182	364	40	120	0	524	8.48%
Colebrook	722	0	0	7	1	8	1.11%
Columbia	2,308	40	2	56	0	98	4.25%
Cornwall	1,007	28	2	3	0	33	3.28%
Coventry	5,099	108	4	117	20	249	4.88%
Cromwell	6,001	212	7	161	0	380	6.33%
Darien	7,074	136	6	1	98	241	3.41%
Deep River	2,096	26	3	20	0	49	2.34%
Durham	2,694	36	0	10	0	46	1.71%
East Granby	2,152	72	0	38	0	110	5.11%
East Haddam	4,508	73	3	23	0	99	2.20%
East Hampton	5,485	70	6	75	25	176	3.21%
East Haven	12,533	542	140	266	0	948	7.56%
East Lyme	8,458	396	16	77	19	508	6.01%
Eastford	793	0	0	18	0	18	2.27%
Easton	2,715	0	0	1	15	16	0.59%
Ellington	6,665	260	5	97	0	362	5.43%
Essex	3,261	36	3	10	0	49	1.50%
Fairfield	21,648	218	108	43	112	481	2.22%
Farmington	11,106	470	108	118	155	851	7.66%
Franklin	771	27	0	22	0	49	6.36%
Glastonbury	13,656	582	36	107	2	727	5.32%
Goshen	1,664	1	1	5	0	7	0.42%
Granby	4,360	85	1	41	5	132	3.03%
Greenwich	25,631	856	338	11	54	1,259	4.91%

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Griswold	5,118	148	58	174	0	380	7.42%
Guilford	9,596	186	7	32	0	225	2.34%
Haddam	3,504	22	0	30	0	52	1.48%
Hamden	25,114	935	635	432	4	2,006	7.99%
Hampton	793	0	1	27	0	28	3.53%
Hartland	856	2	0	3	0	5	0.58%
Harwinton	2,282	22	4	29	0	55	2.41%
Hebron	3,567	58	3	33	0	94	2.64%
Kent	1,665	53	5	4	0	62	3.72%
Killingworth	2,598	0	0	18	5	23	0.89%
Lebanon	3,125	26	4	74	0	104	3.33%
Ledyard	5,987	32	8	186	0	226	3.77%
Lisbon	1,730	2	0	49	0	51	2.95%
Litchfield	3,975	140	7	22	19	188	4.73%
Lyme	1,223	0	0	2	8	10	0.82%
Madison	8,049	90	3	8	29	130	1.62%
Marlborough	2,389	24	2	22	0	48	2.01%
Middlebury	2,892	76	4	14	20	114	3.94%
Middlefield	1,863	30	4	11	1	46	2.47%
Milford	23,074	726	220	179	87	1,212	5.25%
Monroe	6,918	32	3	33	1	69	1.00%
Montville	7,407	81	45	223	0	349	4.71%
Morris	1,314	20	3	2	0	25	1.90%
Naugatuck	13,061	493	270	287	0	1,050	8.04%
New Canaan	7,551	163	13	2	23	201	2.66%
New Fairfield	5,593	0	4	47	21	72	1.29%
New Hartford	2,923	12	8	45	15	80	2.74%
New Milford	11,731	268	23	129	16	436	3.72%
Newington	13,011	530	108	384	36	1,058	8.13%
Newtown	10,061	134	6	63	15	218	2.17%
Norfolk	967	28	3	5	0	36	3.72%
North Branford	5,629	62	14	46	4	126	2.24%
North Canaan	1,587	138	0	8	0	146	9.20%
North Haven	9,491	341	47	79	0	467	4.92%
North Stonington	2,306	0	2	28	4	34	1.47%
Old Lyme	5,021	60	2	8	3	73	1.45%
Old Saybrook	5,602	50	9	13	20	92	1.64%
Orange	5,345	46	6	13	6	71	1.33%
Oxford	4,746	36	5	27	0	68	1.43%
Plainville	8,063	205	48	249	22	524	6.50%
Plymouth	5,109	178	11	187	0	376	7.36%
Pomfret	1,684	32	2	14	0	48	2.85%
Portland	4,077	185	84	66	0	335	8.22%
Preston	2,019	40	8	37	0	85	4.21%
Prospect	3,474	0	6	39	0	45	1.30%
Redding	3,811	0	0	9	0	9	0.24%
Ridgefield	9,420	179	5	26	59	269	2.86%
Rocky Hill	8,843	235	31	148	0	414	4.68%

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Roxbury	1,167	19	0	3	0	22	1.89%
Salem	1,635	3	2	23	0	28	1.71%
Salisbury	2,593	16	1	1	13	31	1.20%
Scotland	680	0	0	17	0	17	2.50%
Seymour	6,968	262	23	97	0	382	5.48%
Sharon	1,775	32	3	2	0	37	2.08%
Shelton	16,146	253	38	97	82	470	2.91%
Sherman	1,831	0	2	6	0	8	0.44%
Simsbury	9,123	289	61	59	0	409	4.48%
Somers	3,479	146	7	30	0	183	5.26%
South Windsor	10,243	427	50	185	0	662	6.46%
Southbury	9,091	89	7	29	0	125	1.37%
Southington	17,447	502	49	266	51	868	4.98%
Sprague	1,248	20	14	36	0	70	5.61%
Stafford	5,124	257	13	135	0	405	7.90%
Sterling	1,511	0	7	33	0	40	2.65%
Stonington	9,467	382	16	60	0	458	4.84%
Stratford	21,091	524	421	281	33	1,259	5.97%
Suffield	5,469	212	2	47	15	276	5.05%
Thomaston	3,276	104	6	76	0	186	5.68%
Thompson	4,171	151	16	79	0	246	5.90%
Tolland	5,451	89	3	66	3	161	2.95%
Trumbull	13,157	315	15	58	210	598	4.55%
Union	388	0	0	4	0	4	1.03%
Voluntown	1,127	20	3	26	0	49	4.35%
Wallingford	18,945	354	116	253	35	758	4.00%
Warren	811	0	0	1	0	1	0.12%
Washington	2,124	14	5	10	23	52	2.45%
Waterford	8,634	123	20	219	0	362	4.19%
Watertown	9,096	205	23	159	0	387	4.25%
West Hartford	26,396	587	786	287	268	1,928	7.30%
Westbrook	3,937	140	8	18	29	195	4.95%
Weston	3,674	0	1	2	0	3	0.08%
Westport	10,399	246	54	4	20	324	3.12%
Wethersfield	11,677	615	99	231	0	945	8.09%
Willington	2,637	160	4	33	0	197	7.47%
Wilton	6,475	136	8	10	104	258	3.98%
Windsor	11,767	154	221	368	26	769	6.54%
Windsor Locks	5,429	137	147	176	0	460	8.47%
Wolcott	6,276	312	7	124	0	443	7.06%
Woodbridge	3,478	30	6	5	0	41	1.18%
Woodbury	4,564	59	3	22	0	84	1.84%
Woodstock	3,582	24	1	49	0	74	2.07%
Total	1,487,891	90,687	42,658	26,006	5,647	164,998	