

TOWN OF OLD LYME, CONNECTICUT

AFFORDABLE HOUSING EXPLORATORY COMMITTEE

FINDINGS AND RECOMMENDATIONS

February 2021

Prepared by the Affordable Housing Exploratory Committee

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INTRODUCTION

The Committee

The Affordable Housing Exploratory Committee was convened by the Board of Selectmen in February of 2020 to gather and analyze information relevant to affordable housing, and make recommendations to the Board of Selectmen on how best to approach affordable housing development in Old Lyme. The committee has been operating on a six-month to one-year timeline to complete its work. After holding only two meetings, the Committee was disrupted by the pandemic, but was able to resume meeting regularly by remote video conferencing in the late spring of 2020. The Committee's work focused on three key areas. The first was to better understand the current inventory of affordable housing, the need for affordable housing, the capacity for development of new housing, and opportunities to create additional affordable housing in Old Lyme. The second area was to perform an external scan of how other municipalities in the region and across the state are approaching affordable housing development and their experiences. The third examined legal and regulatory considerations around Connecticut General Statutes Section 8-30g and other relevant statutes and regulations, along with emerging trends in public policy. As of February 2021, the Committee has completed its work and compiled its findings and recommendations in this report, expanding on the interim progress update issued in September 2020. This report is a start, aimed to lay the groundwork for a formal affordable housing plan. The committee has also assembled a collection of useful reports, articles, web sites, data sources, and contacts that can be passed along to its successor in planning for affordable housing.

Connecticut General Statutes Section 8-30g Affordable Housing Land Use Appeals Procedure

Much of the discussion in this report centers on C.G.S. § 8-30g, the Affordable Housing Land Use Appeals Procedure that was created in 1989 and subsequently revised in 2017^{1,2}. The statute places a heavy burden on municipalities having less than 10% of their housing stock qualified as “affordable” that attempt to defend an appeal of a rejected affordable housing application. A 2013 report from the Connecticut General Assembly Office of Legislative Research estimated that courts rule against the municipalities in 70% of such appeal cases³. An overview of C.G.S. § 8-30g prepared by that Office is in Appendix A.

Affordable Housing Defined

Housing is conventionally considered affordable if the cost of ownership (including mortgage payment, taxes, and insurance) or the rent is 30% or less of the owner's or renter's household income. The statutory definition of affordable housing used by C.G.S. § 8-30g is housing that can be afforded by a household whose income is less than or equal to 80% of the Area Median Income (AMI) paying 30% or less of that income for their cost of ownership or rent¹. For Fiscal Year 2020-21, the AMI for Old Lyme as set by the the US Department of Housing and Urban Development is \$91,800.⁴

Note on demographic and economic data

Many of the statistics and analyses referenced in this report are based on US Census Bureau data from the last decennial census taken in 2010. The results of the 2020 census are expected to become available in the coming months. While it is unlikely that the new census data will materially change the findings and recommendations in this report, it is recommended that any census-based analyses are refreshed using the most current data before finalizing decisions that depend on those analyses. It is also apparent that the COVID-19 pandemic is and will continue to be disruptive to the economy, including the housing market, in ways that are still not fully understood. As with census data, it is recommended that decisions depending on economic and housing data are supported by the most recent analyses available at the time and consider the possible effects of the pandemic on those decisions.

OLD LYME SUMMARY PROFILE

Demographics^{5,6,7}

As of 2017, the population of Old Lyme stood at approximately 7,500 residents, comprising 3,215 households, with a median age of 52 years. This reflects a decrease in population of approximately 1.3% since 2010, and an ongoing increase in median age. The trend of a decreasing, aging population is projected to continue over the coming decades.

Housing^{5,6,8,9,10,20}

Housing in Old Lyme is primarily residential (95% based on tax revenue) of which, based on 2017 data, most units are single family (over 90%, compared with 65% in New London County, and 60% across the state), and owner occupied (over 85%), with a median sale price of approximately \$400,000 and

monthly rental cost of \$1,200 (note these are pre-pandemic costs). Over 50% of Old Lyme renters are characterized as cost-burdened, as are over 30% of home owners⁶. As of 2019, the Connecticut Department of Housing credited Old Lyme with 82 qualified affordable housing units out of 5,021 total units⁹ (based on the 2010 census), or 1.63%. The majority of the affordable units are government assisted senior apartments. The remainder is composed of CHFA/USDA mortgages and three deed-restricted owner-occupied single family homes. Those three homes were developed in 1994-1995 by Old Lyme Affordable Housing, a not-for-profit organization, which merged with the HOPE Partnership in 2015. A November 2020 Housing Needs Analysis published by the Connecticut Housing Finance Authority (CHFA) characterizes Old Lyme as a “High Opportunity/Weak Market” for both ownership and rental¹⁰, reflecting the likelihood that “new developments will provide a higher quality of life for residents with easy access to jobs and good schools”, while having low market activity over the previous five years. Another 2020 study prepared for the Old Lyme Economic Development Commission cites “evidence that Old Lyme’s lack of housing diversity is constraining its growth.”

Development Pattern

From the February 2021 Town of Old Lyme Planning Commission Plan of Conservation and Development:

“The Town of Old Lyme encompasses some 27.1 square miles. Approximately 20% of the undeveloped land is held as passive open space by the state, town or private conservation interests. Much of the remaining undeveloped land has very severe limitations for future development due to wet soils, very steep slopes and ledge conditions. These conditions make it difficult to install on-site sewage disposal systems, and Old Lyme, except for some shoreline communities, has no municipal sewers. In addition, private wells are the principal source of domestic water for all but the beach areas, which are served by the Connecticut Water Company. Thus, the appropriate density of development is defined by individual site constraints”

Based on public records, approximately 7% of the properties in Old Lyme are undeveloped – though not necessarily suitable for development due to the conditions cited above in the Plan of Conservation and Development. A more rigorous build-out analysis would be needed to more accurately calculate the capacity for additional development in town.

FINDINGS

1. **There is an inadequate supply of affordable housing** statewide, in southeastern Connecticut including the shoreline and Lower Connecticut River Valley regions, and in Old Lyme. The gap is driven by economic conditions that find 38% of Connecticut households – over a half million – unable to afford the basics of housing, food, health care, child care, and transportation¹¹. As of 2020, 25% of the households in Old Lyme – approximately 800 – were found to either be employed and above the poverty level but have incomes that cannot adequately provide for the basic costs of living, or fall below the poverty level¹¹. Based on a 2018 profile, half of the renters and over a quarter of homeowners in Old Lyme – almost 1,000 households in all – were found to be cost-burdened, spending more than 30% of their income on housing.⁶ The affected population includes a broad segment of the workforce – public safety employees and volunteers, teachers, health care workers, service industry workers, small business employees – as well as young individuals and families just starting out, and seniors desiring to downsize and remain in the community. A recently published “Fair Share Housing Model” suggests that approximately 350 additional units of affordable housing are needed in Old Lyme to meet the demand in the town and Lower Connecticut River Valley region.¹³ Increasing home prices, a tight rental market, and multi-year waiting lists for senior housing underscore the need for additional affordable housing.
2. **Affordable housing is an active area of legislation and public policy** that will require ongoing attention and engagement from town officials. The State of Connecticut has taken an active interest in increasing the availability of affordable housing. That interest has been expressed, in large part, through C.G.S. § 8-30g, which is described above in the Introduction section, and in Appendix A. While there are incentives, but no current penalties, for municipalities that fail to make progress toward achieving the 10% exemption threshold defined in C.G.S. § 8-30g, there has been recent public discussion in both the state executive and legislative branches about applying additional pressure on municipalities to increase the supply of affordable housing. For example, in early 2020, Governor Lamont suggested linking transportation funding to affordable housing, and the co-chairs of the legislature’s Housing Committee stated their intent to pursue a “Right to Housing” agenda addressing high housing costs, the lack of diverse housing, and segregation¹⁴. The Connecticut General Assembly 2021 legislative agenda will likely continue to contain items relevant to affordable housing and zoning reform, including a proposal to “penalize towns that aren’t allowing affordable housing to be built in their communities”.¹⁵ Draft legislation calls for removing community “character” as a factor in zoning regulations, and for municipal zoning regulations to “promote housing choice and economic diversity in housing, including

housing for both low and moderate income households.”¹⁶ The Connecticut Council of Small Towns (COST), of which Old Lyme is a member, has prepared a comprehensive platform on affordable housing aiming to influence the legislative agenda that includes recognition of and support for the unique needs of small towns.¹⁷ An important component of that platform challenges the “one size fits all” approach exemplified by the blanket 10% exemption threshold in C.G.S. § 8-30g as unrealistic for small towns with a large percentage of environmentally sensitive land. Not-for-profit advocacy organizations are also advancing a zoning reform platform that includes increased utilization of accessory dwelling units (ADU’s), transit-oriented development, and training for commissioners.¹⁸ There is also an interesting test case evolving in Woodbridge, where an alliance of fair housing advocates is submitting an application under C.G.S. § 8-30g that seeks to overturn a zoning restriction on multifamily housing for the entire municipality, not just for the single development.¹⁹

3. **Old Lyme ranks near the bottom of the state** in the percentage of housing that is qualified as affordable under C.G.S. § 8-30g, at 144th of 169 towns as of 2019. There has been virtually no progress made toward increasing the supply of affordable housing in town for over 20 years.^{8,9} An ongoing lack of affordable housing, in addition to failing to meet the immediate needs of individuals and families with limited means, could have more broad, long-term effects on the community. These include negative pressure on the local economy,^{20,21} the risk of exposure to unplanned development under C.G.S. § 8-30g, and the risk of additional pressure from the state in the form of mandated zoning reform or penalties.
4. **Significant challenges exist** to expanding affordable housing in Old Lyme, and in most other small, rural towns across the state. At the local level, challenges include technical considerations such as the availability of suitable land, public water and sewer systems, and utility infrastructure, as well as current zoning and land use regulations²². These factors combine to limit the potential to develop housing other than low density, detached single family units. Market conditions favoring high prices for both ownership and rental have caused further tightening of the availability of affordable homes, rentals, and senior housing. This overall trend has been exacerbated, at least in the short term, by the pandemic, which has triggered a wave of relocation from urban centers to rural communities. The result is increasing demand for market rate housing, and with it increasing prices, further reducing the economic incentive for developers to create affordable housing. The pandemic is also expected to strain public budgets at every level, including funding for affordable housing. At the federal level, Department of Housing and Urban Development rule changes adopted in August 2020 to the Affirmatively Furthering Fair Housing (AFFH) program²³ may have the effect of reducing federal funding for affordable housing development in suburban and rural areas. Note that as of this writing, the new administration has begun a process to reverse those changes.²⁴

5. **Development efficiency and regulatory flexibility will be important factors** in overcoming those challenges. A focus on incremental development of new low-density, detached single family affordable units will likely result in slow progress considering that such developments typically yield only one unit per project, and have a relatively high requirement for available land. Higher density multifamily developments, while challenged by infrastructure needs, have the potential to add a significant number of affordable units in a single project with a lower requirement for available land. However, the minimum percentage of affordable units in a project to qualify as a set-aside development under C.G.S. § 8-30g is only 30%. If the percentage of affordable units is low, such projects will have a limited impact on progress toward C.G.S. § 8-30g thresholds due to the accompanying addition of market rate units, which has the effect of raising the baseline of total housing units against which progress will be measured. Figure 1 shows the marked effect of increasing the efficiency of adding affordable units from the minimum of 30% to 50% or 100%. Therefore, consideration should also be given to local regulatory changes, incentives, and partnerships that would favor multifamily and mixed use development as well as single family developments with a high ratio of affordable to market rate units. Utilizing existing public water and sewer systems should be considered where possible, within the constraints imposed on housing expansion and economic development using sewer systems funded under state Clean Water Fund provisions.²² “Missing Middle” housing, defined as small scale (typically 2-4 family) multifamily units and clusters, and Accessory Dwelling Units (ADU’s), is receiving renewed attention as an approach for higher efficiency development of affordable housing²⁵, particularly in areas not served by municipal water or sewer systems. Middle housing, conversion of existing low-cost housing and accessory dwelling units to qualified affordable housing, along with renovation and repurposing of existing structures may present largely unrealized opportunities to increase affordable housing efficiently while mitigating the need for additional land or infrastructure. Housing that is not government assisted requires a deed restriction in order to qualify as affordable under C.G.S. § 8-30g. Across the state, only a small fraction – less than 3% – of affordable housing units are deed restricted; the majority are government assisted rentals and, to a lesser degree, assisted mortgages.⁹ This includes municipalities that have met and exceeded the 10% exemption threshold. In Old Lyme, 3 out of 82 affordable units, or 3.7%, are deed restricted. This would suggest that seeking additional government assisted approaches for senior and workforce affordable housing should be considered as part of any expansion plan. Regional solutions, though not contemplated by current legislation, are also receiving increasing attention and could present additional opportunities in the near future. The Lower Connecticut River Regional Council of Governments (RiverCOG), of which Old Lyme is a member, is organizing a regional affordable housing plan.

6. **Other small to medium sized rural towns have made progress** through engaged leadership with public support, through flexible and creative public policy and regulations, and through public/private partnering. Notable examples, based on personal communications with town officials and a scan of town web sites, include:
- Lyme is focusing their strategy on accessory dwelling units and multifamily rentals, and has identified flexibility in the deed restriction requirements for accessory units that may facilitate expanded use.
 - Old Saybrook has implemented an Incentive Housing Zone, and has effectively partnered with the HOPE Partnership to develop affordable housing.
 - Essex was an early adopter of an Affordable Housing Plan, overcame early public opposition, and has had successful partnerships, most recently with the HOPE Partnership in re-developing commercial space at Spencer's Corner for affordable housing.
 - Madison has implemented a Housing Opportunity District overlay zone, and works with the HOPE Partnership as a development partner.
 - Darien, Westport and Colchester have adopted Inclusionary Zoning regulations that require or incentivize developers to designate a percentage of of the units in new developments as affordable. New Canaan has adopted an inclusionary zoning fee on new construction that goes into an affordable housing fund.
 - Salisbury was an early adopter of an Affordable Housing Plan and Commission, created a not-for-profit funding organization, takes creative approaches to regulations and incentives for affordable Accessory Dwelling Units, and sponsors purchase and renovation of market properties for affordable housing.

RECOMMENDATIONS

1. Adopt a long-term strategy to implement policy and regulatory changes, incentives, and partnerships aimed to attract and influence affordable housing development that (i) is consistent with both local needs and state requirements, (ii) prioritizes the needs of Old Lyme residents within the provisions of fair housing regulations and public funding terms, (iii) aligns with Old Lyme's overarching Plan of Conservation and Development; and (iv) proactively seeks opportunities to increase access to affordable housing rather than waiting for proposals from developers or state mandates.
2. Affordable housing is an active area of legislation, policy, and practice that will require ongoing attention and engagement on the part of town officials. Maintaining connections with The Lower Connecticut River Council of Governments (RiverCOG), the Connecticut Council of Small Towns

(COST), and our local Connecticut General Assembly Representative and Senator will be important in order to maintain awareness and influence over the state legislative agenda and public policy related to affordable housing, and to stay abreast of proposals, changes, and opportunities that could affect the town.

3. Form a permanent Affordable Housing Commission to assume ongoing responsibility for affordable housing planning and coordination, including the preparation, adoption, and maintenance of an Affordable Housing Plan under the provisions of C.G.S. § 8-30j¹, the first issuance of which is due by July 2022. According to the statute, the plan “shall specify how the municipality intends to increase the number of affordable housing developments in the municipality.” It is further recommended that the Commission work with RiverCOG to perform a full build-out analysis for Old Lyme in order to provide a more precise assessment of development capacity, along with a rigorous housing needs analysis as part of the 8-30j Affordable Housing Plan. (Note: the Old Lyme Affordable Housing Commission was established through an ordinance passed at the Annual Town Meeting on January 25, 2021)
4. Set goals for increasing the availability of affordable housing in Old Lyme. Approaches for determining the target include:
 - Statutory thresholds – Qualification for a 4-year moratorium under the provisions of C.G.S. § 8-30g involves a point system that considers owner occupancy vs. rental, target income level, and elderly housing among other factors (see Appendix A). For Old Lyme, this would require an increase of approximately 20 or more units of affordable housing depending on the specific nature of the developments, which alone would be a significant achievement. A moratorium could also help the town to focus on affordable housing development projects that are most consistent with the town’s strategy and plans during the moratorium period. If this approach is taken, the potential for a misperception that pursuing a moratorium is motivated by a desire to avoid developing affordable housing would need to be considered. A goal of this magnitude could be achievable as part of a 10-year plan, particularly if a recently proposed multifamily development that would include over 60 affordable rental units is successful. Meeting the 10% affordable housing threshold to qualify for full exemption from C.G.S. § 8-30g would require approximately 500-2000 additional units of affordable housing, depending on the 2020 US Census results, the percentage of affordable units in new developments, background growth in the number of market rate units, and any conversions of existing market rate units to affordable. This is not seen to be achievable in the foreseeable future, even with significant changes to zoning and land use regulations, due to practical limitations on the availability of suitable land, sewer, water, and infrastructure.
 - Defined increase over time – Early adopters of formal Affordable Housing Plans are taking this approach. Essex has set a goal of 89 additional units over 10 years²⁶ to achieve an

increase from 2.27% to 5%, and Salisbury has set a goal of 75 units over 10 years²⁷ to achieve an increase from 2.1% to 5%.

Either approach will require consideration and balance of demand, capacity, technical, practical, and public support factors.

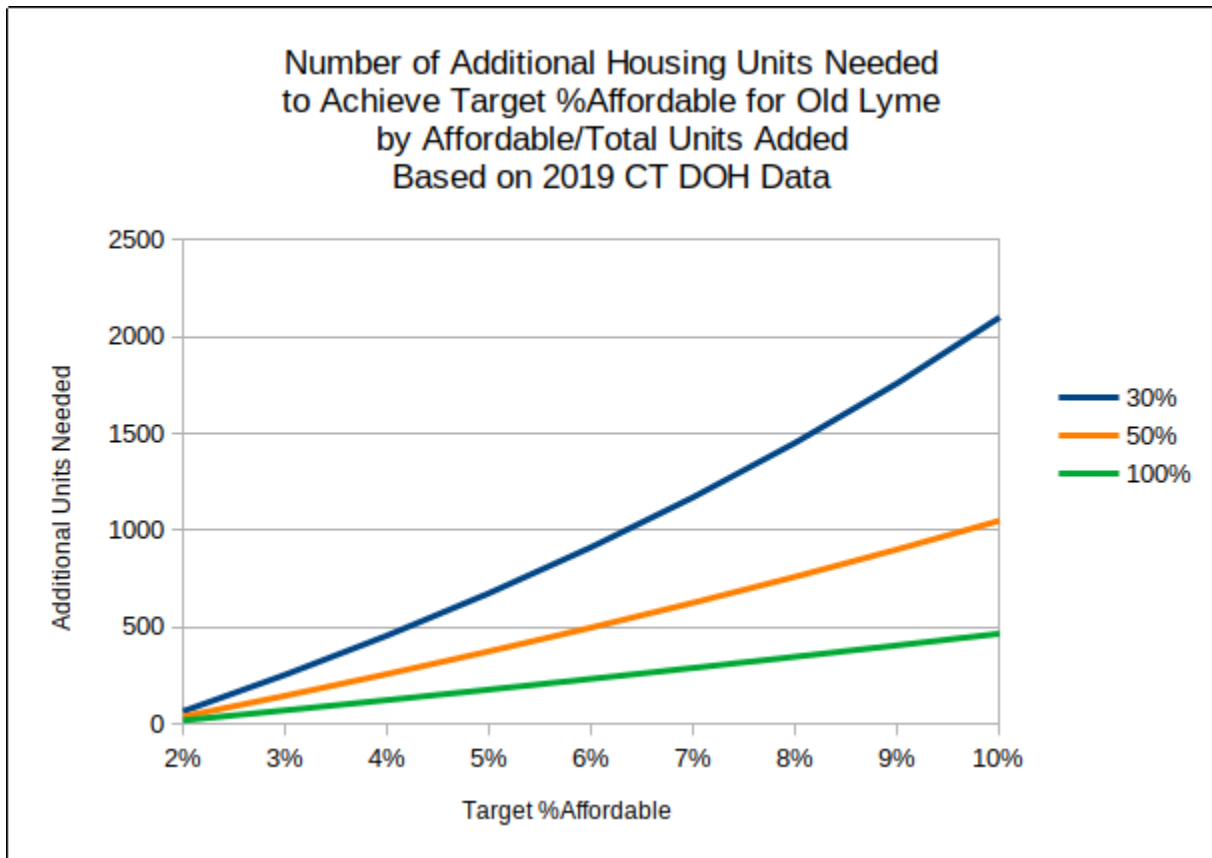
5. Pursue current opportunities, most notably the option to develop two units of affordable housing on the McCulloch Family Open Space. The 312 acres of open space purchased by the Town of Old Lyme from the McCulloch family in September 2019 includes two three-acre building envelopes that are designated for affordable housing. The Town has five years from the date of purchase to develop or sell the envelopes for affordable housing, after which the option will lapse and the two building envelopes will become part of the open space. Open questions remain in key areas, including (1) the deed restrictions that affect the type of housing that could be developed on the two envelopes, (2) responsibility for maintenance of the (currently private) road, (3) planning approval considerations including the possibility of waivers, and (4) accommodations needed for public use of the Town-owned open space portion of the property. This should be engaged with due urgency in consideration of the September 2024 expiration date for the option.
6. Consider regulatory changes to create opportunities for affordable housing, including:
 - Approaches such as amnesty and other incentives for identifying and qualifying existing affordable accessory apartments and other low-cost rentals.
 - Flexibility and incentives that would facilitate the creation of additional affordable Accessory Dwelling Units.
 - Additional incentives for property donations and subdivisions designated for affordable housing to extend those provided under Old Lyme Ordinance § 4-1.
 - Adopting an Inclusionary Zoning regulation under C.G.S. § 8-2i.
 - Exploring the feasibility of creating Housing Opportunity Districts, and other approaches designed to attract higher density single family, middle, and multifamily development with a high ratio of affordable to market rate units.
 - Exploring the feasibility of creating an Incentive Housing Zone (IHZ), taking advantage of commercial areas and/or sewer infrastructure. This will require clarification of the regulatory barriers on housing expansion and economic development using public sewer systems under state Clean Water Fund and Drinking Water State Revolving Funds provisions. This should include consultation with the CT Council of Small Towns, who are addressing the issue as part of their 2021 legislative platform.
 - Encouraging mixed use development that includes affordable housing in town commercial zones. The Halls Road Improvement Committee is discussing mixed use housing for Halls Road, at both the Old Lyme Market Place and Old Lyme Shopping Center.

7. Seek partnerships for new affordable housing development and conversions, ideally those that would maximize the ratio of affordable units to market rate units. The HOPE Partnership and Habitat for Humanity would be recommended initial contacts.
8. Seek opportunities to attract additional government assisted affordable rentals for both senior and workforce housing, and applicants for assisted mortgages.
9. Increase public outreach and education to communicate current and accurate information, to solicit ideas and opinions, and to hear questions and concerns about affordable housing.
10. Engage regional initiatives including the RiverCOG regional affordable housing plan; seek opportunities and legislative support for regional cooperation.
11. Consider future opportunities and approaches for using town property for affordable housing development or conversion.
12. Consider town investments in conversions, land, and infrastructure for affordable housing.
13. Explore the possibility of forming a not-for-profit affordable housing funding organization to partner with the town.

CONCLUSION

Affordable housing presents a challenge, but also an opportunity for Old Lyme. Too many of our residents are overburdened by housing costs. Multiple studies project a long-term demographic trend toward an aging population, along with a decreasing number of the taxpayers and families needed to sustain a top quality educational system and the other institutions, services, and amenities that contribute to the quality of life in Old Lyme. That trend is exacerbated by a lack of diverse housing. Small towns like Old Lyme with limited available land, and limited access to public water and sewer have unique challenges to expanding affordable housing. However, those challenges are not insurmountable, as demonstrated by small towns across the state. A commitment to, and investment in affordable housing will be an important component of a strategy to meet the basic needs of our residents, while preserving and enhancing the quality, diversity, health and sustainability of our community and culture.

Figure 1



REFERENCES

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23. “Memorandum on Redressing Our Nation’s and the Federal Government’s History of Discriminatory Housing Practices and Policies”, The White House, Jan 26 2021, www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-redressing-our-nations-and-the-federal-governments-history-of-discriminatory-housing-practices-and-policies
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26. Town of Essex Affordable Housing Plan, www.essexct.gov/planning/files/affordable-housing-plan-2019-2024
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APPENDIX

- A. Connecticut General Assembly Office of Legislative Research Publication 2017-R-0158



CGS § 8-30g

The Affordable Housing Land Use Appeals Procedure *(As Amended by PA 17-170)*

What is the affordable housing land use appeals procedure and what is its purpose?

The procedure requires municipal planning and zoning agencies (hereinafter “municipalities”) to defend their decisions to reject affordable housing development applications or approve them with costly conditions. In traditional land use appeals, the developer must convince the court that the municipality acted illegally, arbitrarily, or abused its discretion. The procedure instead places the burden of proof on municipalities.

What types of developments trigger the law’s protection?

The proposed development must be an “affordable housing development,” which the law defines to include “assisted housing” and “set-aside developments.”

Under what circumstances are municipalities subject to the law?

With one exception, developers can use the appeals procedure to contest a municipality’s decision on an affordable housing development application submitted to a municipality if (1) fewer than 10% of the municipality’s housing units are affordable, based on certain statutory criteria, and (2) the municipality has not qualified for a moratorium. Under the exception, a moratorium does not apply to appeals related to applications for certain small or low-income assisted housing developments.

What types of dwelling units count toward the 10%?

Affordable housing is defined to include (1) “assisted housing,” (2) housing currently financed by Connecticut Housing Finance Authority mortgages, (3) housing subject to deeds and conditions restricting its sale or rental to low- and moderate-income people, and (4) mobile homes or accessory apartments subject to certain deed restrictions.

Assisted Housing

Housing that receives government assistance to construct or rehabilitate low- and moderate-income housing, or housing occupied by individuals receiving rental assistance.

Set-aside Development

A development in which, for at least 40 years after initial occupancy, at least 30% of the units are deed restricted.

Specifically, at least:

- (1) 15% of the units must be deed restricted to households earning 60% or less of the area median income (AMI) or state median income (SMI), whichever is less, and
- (2) 15% of the units must be deed restricted to households earning 80% or less of the AMI or SMI, whichever is less.

When is a municipality eligible for a moratorium?

A municipality is eligible for a temporary suspension of procedure (i.e., moratorium) each time it shows it has added a certain number of affordable housing units over the applicable time period (for first moratoria: since July 1, 1990). Newly built set-aside and assisted housing developments count toward the moratorium, as do units subject to certain deed restrictions. Generally, a moratorium lasts for four years, except that municipalities with at least 20,000 dwelling units are eligible for moratoria lasting for five years if they are applying for a second or subsequent moratorium (i.e., they previously qualified for a moratorium).

With one exception, a municipality is eligible for a moratorium each time it shows it has added affordable housing units, measured in HUE (housing unit equivalent) points, equaling the greater of 2% of the housing stock, as of the last census, or 50 HUE points. (The latter rises to 75 on October 1, 2022.) Under the exception, the 2% threshold drops to 1.5% for municipalities that have at least 20,000 dwelling units, adopt an affordable housing plan, and apply for a second or subsequent moratorium.

HUE points are calculated as shown in the adjacent table. (Bonus points are in addition to base points.)

Unit Type	Base HUE Value (per unit)
Owned or rented market-rate unit in a “set-aside development”	0.25
Owned or rented elderly unit restricted to households earning no more than 80% of the median income	0.50
Owned family unit restricted to households earning no more than:	
80% of median income	1.00
60% of median income	1.50
40% of median income	2.00
Rented family unit restricted to households earning no more than:	
80% of median income	1.50
60% of median income	2.00
40% of median income	2.50
Owned or rented homes in resident-owned mobile manufactured home parks occupied by households earning 80% or less of the median income	1.5
Owned or rented homes in resident-owned mobile manufactured home parks occupied by households earning 60% or less of the median income	2.0
Owned or rented homes in resident-owned mobile manufactured home parks not otherwise eligible for points	0.25
	Bonus HUE Value (per unit)
Owned or rented restricted family units in an incentive housing development	0.25 bonus*
Owned or rented restricted family units with at least 3 bedrooms	0.25 bonus*
Owned or rented restricted elderly units, if at least 60% of restricted units used toward the moratorium are family units	0.50 bonus*
Rental family units in a set-aside development, if the developer applied for local approval before July 6, 1995	Bonus equal to 22% of the total points awarded to such development

*Bonus sunsets on September 30, 2022 (PA 17-170)

How can municipalities defend an appeal brought under the procedure?

Municipalities cannot defend an appeal on the grounds that the application does not comply with land use regulations. Instead, to defend an appeal, a municipality must show either:

- (1) the decision was necessary to protect substantial public interests in health, safety, or other matters the municipal commission may legally consider, and that these interests clearly outweigh the need for affordable housing and cannot be protected by making reasonable changes to the proposed development or
- (2) the development is (a) receiving no government funds and (b) located in an industrial zone that does not permit residential uses.

**Learn
More**

[Public Act 17-170](#) (vetoed; veto overridden)

[OLR's Summary](#) of Public Act 17-170

[CGS § 8-30g](#) and the related [regulations](#)
(Note: as of this report's publication, these do not reflect changes made in the 2017 session)

Housing Units Built Under the Affordable Housing Appeals Procedure ([2013-R-0143](#))

Municipal Affordable Housing Stock: 2010-2016 ([2017-R-0090](#))

Annual [Lists](#) Showing Percentage of Affordable Housing in Each Municipality

