

Affordable Housing FAQ

1 - What is Affordable Housing?

Affordable housing must be either developed for low- or moderate-income people with government funds (i.e. assisted housing) or reserved by the developer for such people (i.e. set-aside). Set-aside units qualify as affordable under CGS § 8-30g if people earning no more than 80% of the area median income (AMI) or state median income, whichever is less, pay no more than 30% of their annual income toward housing. This criterion reflects an assumption about how much money low- and moderate-income people can afford to pay for housing and still meet their other expenses. The developer must price at least 30% of the units in this range. But at least 15% of these set-aside units must be affordable to households earning no more than 60% of the AMI or state median income, whichever is less. Consequently, the developer must make the remaining set-aside units affordable to people earning between 60% and 80% of the AMI or state median income, whichever is less.

The set-aside units must remain affordable to low- and moderate- income people for at least 40 years. They must be subject to deed terms and conditions restricting their subsequent sale or rental to prices these people can afford.

Affordable housing, as the State defines it, typically only includes protected units that are reserved for low-income households through deed restrictions or through governmental assistance programs, such as housing vouchers or subsidized mortgages. According to 2021 data published by the Connecticut Department of Economic and Community Development (DECD), 42 units, or 2.18% of Chester's 1,923 total housing units were protected affordable units. Chester also has many naturally occurring affordable housing (NOAH) units that are not included in the state's definition of affordable housing. While these units may be affordable to low-income households today, they may not be affordable in the future if rents or home sale prices increase.

2 - Why is Affordable Housing Important?

Affordable housing provides many benefits to the community. Growing the number of affordable housing units will allow those with roots in the community to continue living here, regardless of their economic status. Also affordable housing allows young adults, seniors, families with children and others who many not be able to afford to live in Chester otherwise be able to do so. Those who experience a loss of income due to economic circumstances, disability, divorce, or loss of a spouse, will not be displaced from the community due to the inability to pay for higher cost housing. Workers in essential jobs such as teachers, grocery store workers, home health aides, childcare workers, restaurant workers, and first responders would have an opportunity to live where they work. Affordable housing can also support businesses by providing housing choices for entry level workers, essential employees, and workers at major employers such as Greenwald Industries, Whelen Engineering Company, Roto Frank of America, and the YMCA's Camp Hazen and other businesses in town.

A common myth around affordable housing is that it consists only of higher density apartments - this is not true. Affordable housing can be like any other type of housing and comes in many forms, shapes and sizes ranging from single-family homes to duplexes and from townhomes to apartments. It can be privately owned or rented. It can also come in a range of architectural styles making it virtually indistinguishable from other housing types. While some affordable housing units are owned and managed by public entities, most are privately owned and managed.

3 - What is the current affordable housing situation in Chester?

Chester is a town of 3,749 residents located in central Middlesex County. According to the 2019 American Community Survey, Chester had 1,793 households and a median household income of \$88,167.

As of 2021, there were 42 protected affordable housing units in Chester, comprising 2.18% of the Town's total housing stock (1,923 total units). These units are reserved for low-income occupants and are not on the open market. There were 23 government assisted units, 15 USDA (US Dept. of Agriculture) or CHFA (CT Housing Finance Authority) mortgages, and 2 tenant rental assisted units. Chester does not have any deed restricted units.

4 - How many Chester families need Affordable Housing?

There are 500 households in Chester who meet the definition of low income (household income <80% of AMI). Cost burdened households spend greater than 30% of their income on housing and may have difficulty affording other necessities such as food, clothing, transportation, and medical care. Thirty-one percent (31%) of Chester households are cost burdened. About 61% of Chester's low-income households are cost-burdened, compared to only 12.7% of households who are not considered low-income. Renters are more likely to be cost-burdened in Chester compared to owners. Seniors and young adults are more likely to be cost burdened than middle aged householders.

5 - What is Section 8-30g?

Connecticut General Statutes § 8-30g, also known as the Affordable Housing Land Use Appeals Procedure, was enacted in 1989 as a way to facilitate the construction of affordable housing, particularly in communities that did not already have a large supply of affordable units.

Under this Statute, developers of certain types of affordable housing projects may override local zoning in municipalities where less than 10% of the housing units meets the statute's definition of affordable. (Currently, 2.18% of Chester's 1,923 total housing units are deemed qualified affordable units by the State of Connecticut.) In order to be eligible, developers must "set aside" not less than 30% of the dwelling units as affordable for a period of not less than forty (40) years. In these so-called set aside

developments, not less than fifteen percent (15%) of the units must be affordable to persons or households with incomes at or below sixty percent (60%) of the area median income, while the balance needs to be affordable to households earning less than or equal to 80% of the area median income.

CGS 8-30g shifts the burden of proof from the applicant (developer) to the municipality. In order to reject an 8-30g application, the municipality must prove, based upon the evidence presented, that: (a) the denial was necessary to protect substantial public interests in health, safety, or other matters that the municipality may legally consider; (b) these public interests clearly outweigh the need for affordable housing; and (c) the public interests cannot be protected by reasonable changes to the proposed affordable housing development.

6 - Why is 8-30g at the forefront now?

The topics of affordable housing and segregation in housing gained nationwide attention in 2021. In CT, there were many bills proposed in the last legislative session, culminating in a bill which was approved by the legislature and is now referred to as [Substitute for Raised H.B. No. 6107, Public Act 21-29](#): An Act Concerning the Zoning Enabling Act, Accessory Apartments, Training for Certain Land Use Officials, Municipal Affordable Housing Plans and a Commission on Connecticut's Development and Future. At the same time, the Covid-19 pandemic created a surge in demand for housing in smaller towns and suburbs. Many relocated from other areas, including from New York to Chester, adding to high housing demand and low housing supply. This, along with a significant rise in housing pricing- sales and rentals- has further increased the need for affordable housing in our town.

7 - Why do developers use 8-30g?

The zoning regulations of towns throughout CT restrict the size and location of multi-family buildings. This generally reflects goals to preserve community scale but also to address environmental challenges and pressure on aging infrastructure systems.

Developers can avail themselves of the 8-30g statute to bypass local zoning regulations. In particular, the statute allows them to build more market rate units to offset the profit lost from providing the 30% affordable units.

8 - Is the Planning & Zoning Commission able to deny 8-30g applications?

An 8-30g project can be denied only on very narrow grounds – i.e., if the project creates significant health, safety or other concerns that outweigh the town's need for affordable housing. Moreover, these concerns must be substantiated based on the evidence in the public record.

Projects cannot be rejected for their inconsistency with a town's Plan of Conservation and Development (POCD) or its Zoning Regulations, nor based on generalized concerns related to a project's density, size, height, design, compatibility with surrounding properties or the character of the community, or the project's impacts related to traffic congestion or local schools.

8-30g proposals are rarely denied by planning and zoning officials because the burden of proof on appeal rests solely with the town. Appeals are costly, but a municipality can be successful in a court case if it has sufficiently established that the concerns leading to the denial are factual and substantive.

9 - Have there been instances in which the courts in CT have overturned 8-30g applications?

Very few. Since 8-30g was enacted more than 30 years ago, there have been only a relatively small number of cases per year statewide opposing such projects, although this may change, as 8-30g projects are much more numerous now.

Generally, according to the law, the most that can be expected by complainants, even after lengthy and costly appeals, is to obtain some concessions from a developer – e.g., perhaps a reduced number of floors or fewer units.

10 - Are there towns in CT that are exempt from 8-30g requirements?

Yes. As of the most recent report, thirty-one municipalities have attained the 10% affordable housing threshold and are exempt from 8-30g set aside applications. The number of exempt municipalities has remained fairly constant since 8-30g or the Affordable Housing Land Use Appeals Procedure was first enacted. Chester has attained 2.18% affordable housing to date.

11 - What is an 8-30g moratorium?

State law allows municipalities to apply for and receive a temporary 4-year moratorium, formally known as a "Certificate of Affordable Housing Completion," during which time the municipality is exempt from most affordable housing developments proposed under 8-30g. Moratoria do not apply to affordable housing applications where at least 95% of the units are affordable to households earning less than or equal to sixty percent (60%) of the area median income or government-assisted housing projects of less than forty (40) units.

Larger municipalities with more than 20,000 housing units can accumulate additional Housing Unit Equivalent (HUE) points to apply for and receive a subsequent moratorium, which is valid for five years and requires a lower point threshold to qualify.

12 - How is eligibility for a moratorium determined?

A municipality is eligible to apply for a moratorium if it can show that it has added affordable housing units, measured in Housing Unit Equivalent (HUE) points, equal to the greater of 2% of the total number of housing units as of the last decennial census or 75 HUE points. Housing Unit Equivalent points are determined based on a formula that assigns points depending upon the type of unit developed and the maximum qualifying income. The highest points (2.5), are reserved for rental units that are restricted for those earning not more than 40% of the area median income.

Only units that have been newly constructed or deed restricted after July 1, 1990 (the date CGS 8-30g took effect) are eligible for Housing Unit Equivalent points.

13 - Who can I contact about the affordable housing laws?

Since 8-30g is a state law, you should contact your State Representative, Christine Palm and/or State Senator, Norm Needleman.

For more affordable housing and 8-30g information, please refer to:

[Issue Brief: CGS § 8-30g The Affordable Housing Land Use Appeals Procedure \(ct.gov\)](#)

[Chapter 126a - Affordable Housing Land Use Appeals \(ct.gov\)](#)

[AFFORDABLE HOUSING \(ct.gov\)](#)

[Affordable Housing Appeals Listing \(ct.gov\)](#)