

SB 535, Affordable Housing Appeals Act (8-30g):
Summary of Changes to 8-30g

- Permits denial of 8-30g application solely because its density is more than double the underlying zoning density, if project is 25 or fewer units, town has at least 5% affordable units on DOH's annual list, town has at least 2 non-contiguous areas zoned for MF as of right, and the proposed development is not in a transit-oriented district.
- Requires 8-30g appeals be heard by a "rotation of judges"; also eliminates requirement that a small number of judges, sitting in diverse parts of the state, hear 8-30g appeals.
- Makes explicit that the factors a reviewing court can weigh against the need for affordable housing include "best planning practices and design standards."
- Prohibits use of 8-30g if property is subject to a municipal tax lien, unless the town releases the lien or waives this new requirement.
- Includes in the DOH 10% exemption count mobile homes located in a resident-owned mobile home park on land that is deed restricted at the time of financing and the loan requires 75% of units to be set aside for persons with incomes below 80% of median income and that 40% of those units (i.e., 30% of all units) be set aside for persons with incomes below 60% of median income.
- Makes it easier for towns to obtain a moratorium from the Act: Lowers number of moratorium points required for a moratorium in towns with an affordability plan; provides moratorium points for resident-owned mobile home parks; awards additional points for ownership units or rental units that are "receiving financial assistance under any governmental program for the construction or rehabilitation of low and moderate income housing. Not currently counted toward 8-30g restricted units, this would include, for example, CHFA financed middle-income units, which can have income limits of 120% of median income; awards extra points for restricted units with 3 or more bedrooms; awards extra points for certain elderly units; and awards extra points for units in an incentive housing zone (IHZ).
- Requires towns to adopt an affordable housing plan that specifies how the town intends to increase the number of affordable housing units, and update the plan every 4 years. The plan must include inclusionary zoning (i.e., requiring a portion of a housing development to set aside a certain percentage of units to be restricted to affordable income levels.
- Changes the definition of "median income" in the Incentive Housing Zone (IHZ) statute to the lower of state or area median income, which significantly lowers the price of restricted set-aside units in high income areas, such as parts of Fairfield County.