

Moratoria Granted Under CGS § 8-30g

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August 2, 2022 | 2022-R-0147

Issue

Which municipalities have qualified for a moratorium on appeals taken under the Affordable Housing Land Use Appeals Procedure (i.e., a temporary suspension of appeals under [CGS § 8-30g](#))?

This report updates OLR Report [2020-R-0237](#).

Summary

According to the Department of Housing (DOH), five municipalities have an [active moratorium](#) granted under [CGS § 8-30g](#): Brookfield, Milford, South Windsor, Suffield, and Westport (both Brookfield and Milford previously qualified for moratoriums). Seven other municipalities obtained a moratorium that has since expired: Berlin, Darien, Farmington, New Canaan, Ridgefield, Trumbull, and Wilton. For more information, see Tables 1 and 2 below.

For background information on [CGS § 8-30g](#), see OLR Issue Brief [2017-R-0158](#). Additionally, see the [2021 Affordable Housing Appeals List](#) for an up-to-date listing of exempt municipalities.

Background

Municipalities with an active moratorium are not subject to appeals taken under [CGS § 8-30g](#), with limited exceptions relating to proposals for small or low-income government-assisted housing developments ([CGS § 8-30g\(l\)\(2\)](#)). (Additionally, municipalities are exempt from the appeals procedure if at least 10% of their total housing units qualify as affordable; OLR Report [2022-R-](#)

[0116](#) provides information on the percentage of affordable housing in each of the state’s municipalities from 2011 to 2021.)

With one exception, a municipality is eligible for a four-year 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 decennial 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. Moratoriums granted under this exception last for five years.

Additionally, the legislature can grant a moratorium to a municipality through legislation, which it has done once. [PA 14-217](#), § 222, granted a partially retroactive, one-year moratorium to municipalities meeting specific criteria. According to DOH, Milford was the only municipality to qualify for a moratorium under this provision. Milford subsequently qualified for a four-year moratorium.

Lastly, municipalities are eligible for a provisional moratorium if the DOH commissioner does not act on a moratorium application within 90 days after receipt. Provisional moratoria last as long as regular moratoria, or until the DOH commissioner rejects the moratorium application. (Trumbull is the only municipality to have obtained a provisional moratorium.)

Municipalities Granted a Moratorium

Table 1 lists the five municipalities with an active moratorium and the dates on which their moratoria will expire. Table 2 lists municipalities that previously obtained a moratorium and their expiration dates. Five municipalities have obtained two moratoria (Berlin, Brookfield, Darien, Milford, and Trumbull).

Table 1: Active Moratoria

Municipality	Expiration Date
Brookfield	June 6, 2026
Milford	August 19, 2023
South Windsor	October 12, 2024
Suffield	December 9, 2023
Westport	March 4, 2023

Source: [DOH Activity Relative to a Moratorium Under the Affordable Housing Land Use Appeals Act \(June 2022\)](#)

Table 2: Expired Moratoria

Municipality	Expiration Date(s)
Berlin	April 1, 2012 March 31, 2017
Brookfield	July 24, 2021
Darien	October 7, 2014 October 17, 2020
Farmington	June 20, 2020
Milford	December 31, 2014*
New Canaan	June 5, 2021
Ridgefield	October 6, 2018
Trumbull	June 22, 2005 August 9, 2009**
Wilton	December 28, 2019

*One-year legislatively granted moratorium

**Four-year provisional moratorium

Source: [DOH Activity Relative to a Moratorium Under the Affordable Housing Land Use Appeals Act \(June 2022\)](#)

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