

The Fallacy of the 8-30g 10% Calculation and What Should Be Done About It

This paper explains why so many Connecticut towns, through no fault of their own, cannot achieve the 10% "threshold" in order to get relief from the Affordable Housing Land Use Appeals Procedure Act (Connecticut General Statute 8-30g).

Summary Conclusions:

Over the past 3 decades, 8-30g has failed to make any progress towards the implied goal for all municipalities to achieve 10% of all housing stock classified as affordable.

But this is not a fair representation of reality: in fact, most towns have added a diversity of housing stock including affordable housing. But, due to the illogical and flawed system by which the affordable housing ratio is calculated, this diversity is not reflected in the calculations, and towns are continually chastised for failing to advance on the "affordability" ratio.

The ratio should not be used to judge a Town's progress for several reasons:

The largest cities have historically received hundreds of millions of dollars to construct affordable housing for decades, long before 8-30g was passed, and they have been exempted from 8-30g from the start. For example, over 10,000 units were financed in Hartford, and over 9,600 in New Haven (Column #1) versus virtually none in most other CT towns.

State funding of affordable housing in the largest cities and state allocation of housing vouchers to the housing authorities in the largest cities has had the unfortunate consequence of concentrating poverty in those large cities.

Presumably this is one of the adverse impacts that 8-30g seeks to remedy, which is not a bad objective. But the ratio must not be used to judge Towns. It is both illogical and unfair.

Towns that didn't receive funding to construct large public housing projects, and thus had very small percentages of total housing stock considered affordable in 1989, simply cannot achieve 10%, especially given the law's four specific categories used to calculate the ratio.

The ratio should not include criteria that are beyond a town's control and can fluctuate annually up or down, such as the use by individuals of CHFA down payment assistance programs and housing vouchers. And, if rental assistance does remain, the assistance should be allocated in a manner that does not preclude usage in 83% of our municipalities.

Read on to learn more...

We calculated every community's affordable housing ratio to understand why most towns have not achieved the 10% 8-30g threshold in over decades.

To review your municipality's 2022 percentages using the "8-30g 10% Calculation" TAB, link here: <https://docs.google.com/.../1E7CFI9DNXxc0RS5wOPQ.../edit...>

What is 8-30g?

The statute, passed in 1989, is considered a "developers' remedy" because it allows developers to almost completely override zoning regulations governing density, height, setbacks, etc., for projects that contain 30% deed restricted affordable housing units. If a municipality denies the 8-30g application, the developer can appeal to court and will likely overturn the denial because the law is very heavily weighted in the developer's favor.

A recent report found that courts have overturned approximately 75% of municipalities' decisions denying 8-30g projects. For more information, link to OLR's Research Report on 8-30g here:

<https://cga.ct.gov/2022/rpt/pdf/2022-R-0254.pdf> and a 2013 report of cases overturned by courts here: <https://www.cga.ct.gov/2013/rpt/2013-R-0033.htm>.

*The Affordable Housing Land Use Appeals Procedure requires municipalities with less than 10% affordable housing to demonstrate to the court that a municipality's rejection of a development proposal is supported by sufficient evidence in the record. Municipalities also have the burden to prove, based upon the evidence in the record compiled before them, that: (a) the decision was necessary to protect substantial public interests in health, safety, or other matters the municipality may legally consider; (b) the public interests clearly outweigh the need for affordable housing; and (c) public interests cannot be protected by reasonable changes to the affordable housing development; or the application which was the subject of the decision from which the appeal was taken, would locate affordable housing in an area which is not assisted housing, as defined in C.G.S. Section 8-30g. **If the municipality does not satisfy its burden under C.G.S.***

Section 8-30g, the court will wholly or partly revise, modify, remand or reverse the decision from which the appeal was taken in a manner consistent with the evidence in the record before it.

What is the problem with 8-30g?

There are legitimate and serious concerns about the adverse impact on a Town's ability to manage the permanent alteration and use of land within its boundaries under 8-30g. This is heightened by the recent legislative trend which intends to impose added development with less affordability requirements, which can reduce a town's ratio by increasing the total number of housing units.

The 8-30g statute flips the normal process of how land use appeals are dealt with in Court by shifting the burden of proof from the developer to the Zoning Commission. So, instead of the developer having to prove to the Court that the commission abused its discretion, in a case involving an 8-30g project, the Commission must provide a high level of support for its decision. The Commission's normal broad discretion is very restricted, as such it cannot deny based on the developer's violation of zoning regulations. The commission can only deny based on substantial health, safety and certain other issues proven by substantial evidence presented at the public hearing. Even if the Commission can support its decision to the Court, it must then go a step further by proving that the reason for denial was more important than the need for affordable housing.

This means that the zoning regulations that all other town residents and applicants must follow, are irrelevant on 8-30g developments. Environmental concerns, open space and historic resources are often deprioritized in either the decision or the court case. Developers seek to maximize the number of market rate units to offset the 30% affordable units by building up and building out. Members of the public who speak at hearings are often dismayed that zoning rules governing the orderly development of their Town are cast aside, allowing massive, out of scale apartment buildings to be constructed next to small, modest houses, often with inadequate parking or infrastructure.

Ways to get relief from 8-30g:

The two ways Towns can get relief from the 8-30g law is 1) to have 10% affordable or 2) to receive a 4-year moratorium from 8-30g by building a certain amount of affordable units Housing Unit Equivalent (HUE) points, which indicates a municipality's earnest intent on creating affordable units within their communities. We will focus here on #1, but to review the scant list of municipalities that have

achieved a moratorium, link here:

<https://portal.ct.gov/-/media/DOH/Moratorium-History.pdf> and read OLR's research report on moratoriums here: <https://www.cga.ct.gov/2020/rpt/pdf/2020-R-0237.pdf>

So why can't many towns get to the 8-30g 10% "Threshold?"

For various reasons, virtually all towns that did not already have 10% of their housing stock classified as 'affordable' in 1989, have never, and will never, achieve that goal. This is in large part due to how 8-30g calculates the ratio, as well as the history of affordable housing in Connecticut.

The CT Department of Housing (DOH) calculates each municipality's affordable housing as a percent of total housing stock annually to determine whether towns are exempt from 8-30g. The CT DOH uses four criteria as outlined in 8-30g that make up the percentage on an annual basis. Every municipality can find its numbers by category from 2002-2022 here:

<https://portal.ct.gov/DOH/DOH/Programs/Affordable-Housing-Appeals-Listing>

A Town's ratio of affordable housing to total housing stock is often cited at public hearings, in Court and in the State legislature to critique Towns' not having adequate affordable housing in their municipality. This leads to the question: how is the 8-30g ratio calculated and what is the specific mix criteria for municipalities that have reached the 10% threshold per 8-30g? **ONLY 29 MUNICIPALITIES HAVE 10%. WHY?**

In 2002, there were 31 municipalities with 10%, and at that time, there were only 3 categories included in the 'affordable housing' definition for calculating the ratio: government assisted housing, Connecticut Housing Finance Authority (CHFA) Mortgage assistance, and deed restricted units. In 2011, an additional category was added to the calculation of affordability to include Tenant Rental Assistance (CT Rental Assistance Program (RAP) Vouchers and Section 8 housing vouchers) and the mortgage assistance category was expanded to include USDA loans. Over the last 20 years, even with these other "affordability" criteria being added, the number of municipalities that have reached the 10% threshold has not increased and quite the opposite. In 2022 there are now only 29 municipalities with 10%.

Why, over a 20-year period did the number of towns achieving a 10% ratio of affordable to total housing stock fail to grow even though it is a fact that thousands of new affordable housing units have been added across the state over that time period? It is apparent that the problem is in the 8-30g calculation itself.

What are the 4 Categories to Calculate Affordable Housing under 8-30g?

In developing the Affordable Housing Appeals Procedure List, DOH counts:

COLUMN #1: Assisted housing units or housing receiving financial assistance under any governmental program for the construction or substantial rehabilitation of low- and moderate-income housing that was occupied or under construction by the end date of the report period for compilation of a given year's list;

- These are units of affordable housing created within municipalities.
- To develop new multi-family affordable housing units the current costs of development run approximately \$650K per unit. Cost can run somewhat less for properties redeveloped, rehabbed, and built on existing foundations.
- The state often helps to provide funding through grants for the development of affordable housing. See here for an example of a grant in 2021 through a press conference by Governor Lamont:

<https://portal.ct.gov/Office-of-the-Governor/News/Press-Releases/2021/04-2021/Governor-Lamont-Announces-49M-in-State-Funding-To-Build-More-Units-of-Affordable-Housing>

Governor Lamont's \$49 Million in Grant Money for Affordable Housing

(List of Grants from memo dated 4/12/21)

	Grant	# Units	per Unit	Grant by town	% of total	
Branford	3,795,000	67	56,642	3,795,000	7.7%	
Farmington	2,200,000	22	100,000	2,200,000	4.5%	
Hartford	4,000,000	155	25,806			
Hartford	2,700,000	78	34,615			
Hartford	3,900,000	60	65,000	10,600,000	21.5%	
New Haven	3,358,000	69	48,667			
New Haven	2,831,200	64	44,238			
New Haven	3,320,000	56	59,286			
New Haven	2,000,000	23	86,957	11,509,200	23.4%	
Newington	4,000,000	72	55,556	4,000,000	8.1%	
Orange	3,600,000	46	78,261	3,600,000	7.3%	
Salisbury	1,500,000	10	150,000	1,500,000	3.0%	
Stafford	4,000,000	79	50,633	4,000,000	8.1%	
Stamford	1,625,000	34	47,794	1,625,000	3.3%	
Waterbury	3,775,000	44	85,795	3,775,000	7.7%	
Willimantic	2,664,000	90	29,600	2,664,000	5.4%	
	49,268,200	969	50,844	49,268,200	100.0%	
						New Haven + Hartford + Waterbury = \$25,884,200 52.5%

- Notice that most of the grant funding goes to the largest cities in CT. in 2018, New Canaan had been slated to get state seed funding for a 100-unit, 100% affordable project at Canaan Parish but Governor Lamont put the state on a "debt diet" and removed that funding for New Canaan's affordable project. It

took New Canaan another year to reapply for Federal Grants. With Covid, supply chain & funding delays, it completed Phase 1 in '22 and Phase 2 in '23.

- It's a flawed system of measurement to compare cities that are funded by the State through grants to develop affordable housing while suburbs and rural communities do not get the same funding.

COLUMN #2: Rental housing occupied by persons receiving rental assistance under C.G.S. Chapter 138a (State Rental Assistance/RAP) or Section 142f of Title 42 of the U.S. Code (Section 8);

- Vouchers can come from the federal or state government and allocations can be "people-based" vouchers or "project-based" vouchers. "Project vouchers" stay with the affordable housing development that has been built. "People vouchers" are allocated by the state to individual housing authorities.
- It is rare that vouchers are allocated to suburban communities, especially the more affluent ones.
- Often the local housing authorities attach unique restrictions on their allocated vouchers, so residents are unable to move outside their housing authority jurisdiction. This is known as a "lack of portability."
- Housing vouchers have not kept up with inflation, and portability restrictions placed on vouchers are also causing issues. Read about the issues here: <https://www.ctinsider.com/news/article/fixes-eyed-ct-s-deeply-broken-housing-17790513.php> *"Hearst Connecticut Media found few authorities allow new recipients to use the rental assistance outside of their town or local jurisdiction – which effectively shrinks the housing market recipients can search. Authorities often set such restrictions because they stand to lose funding the federal government provides to administer the program when a voucher is used elsewhere."*
- Looking only at Tenant Rental Assistance Column #2, the largest cities get the lion's share of Voucher allocations. Over 125 of 169 municipalities share a tiny allocation of 1,647 vouchers, while the remaining 44 towns share an allocation of 47,549 (or 97%) housing vouchers! Clearly the state allocates vouchers to the largest of cities yet again, another flawed benchmark.
- Solution: instead of a vouchers study, the state should centralize waitlists and remove all rules by housing authorities preventing portability in the state and change expand allocations to more municipalities.
- These very same Housing Authorities, who get the lion's share of housing vouchers, are asking our State legislature to empower them to build affordable housing in any town outside their community without needing that other town's permission. The President of Elm Cities/New Haven

Housing Authority testified to seeking this power that overrides another Town's decision making.

- If a town wants to bring in an outside Housing Authority with expertise to develop affordable housing, that is a great opportunity, but it also creates an environment where two separate public entities (two different Housing Authorities) can end up using public funds to compete against each other in affordable development in a municipality.
- For the state to give such rights without the consent of the other municipality and the opportunity for an outside Housing Authority to also use 8-30g against that other municipality to override local zoning regulations would fundamentally harm a Town's ability to self-govern. The outside Housing Authority is unaccountable to the residents of that municipality and the goals and concerns will likely not be properly aligned.

COLUMN #3: Ownership housing or housing currently financed by the Connecticut Housing Finance Authority (CHFA loans) and/or the U.S. Department of Agriculture (USDA loans);

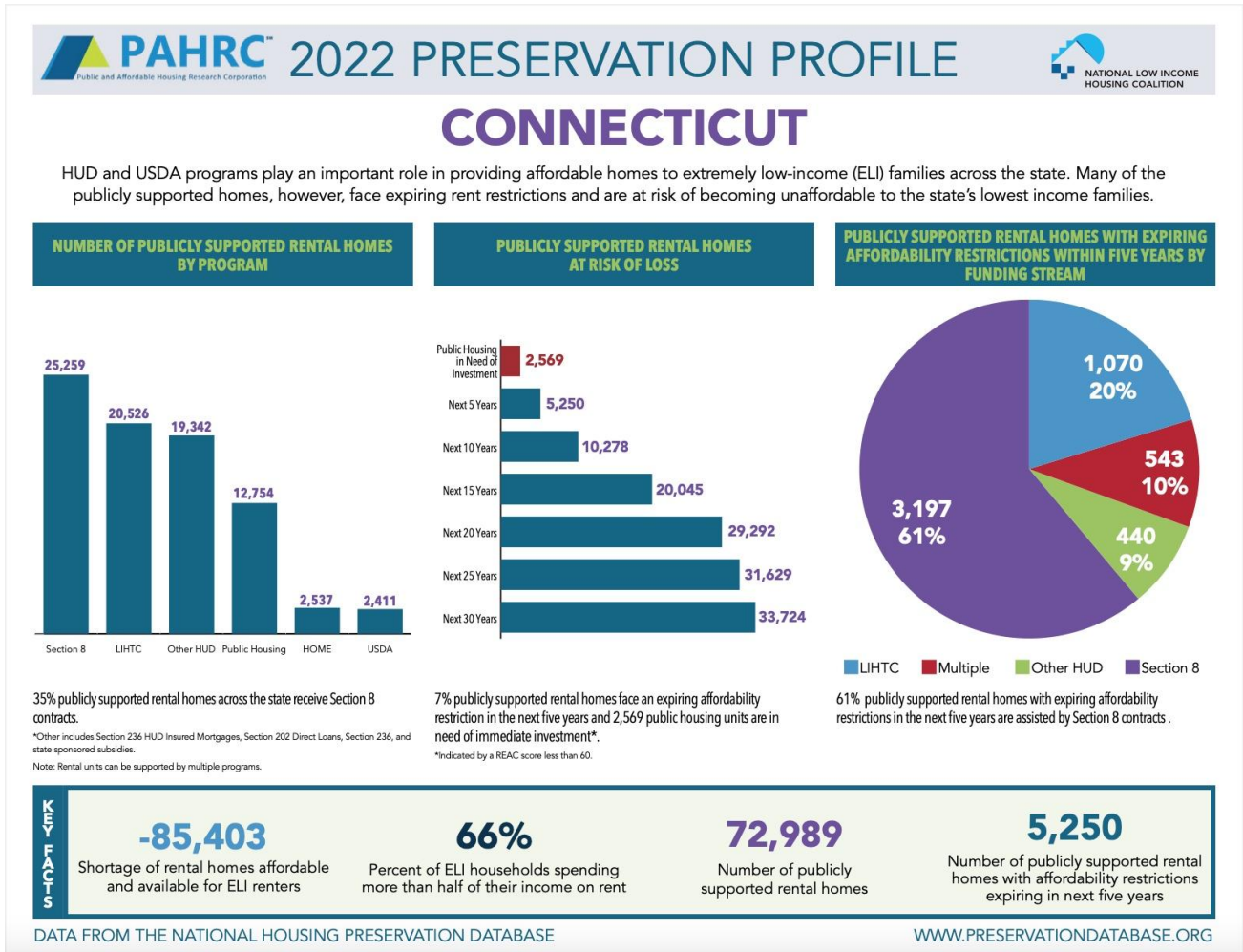
- This affordability measurement is also deeply flawed considering that whether an individual decides to use a CHFA loan, or a USDA loan has absolutely nothing to do with the municipality. Market conditions that make a community more expensive, or whether a community has available farmland for such loans is completely out of the control of any municipality.
- CHFA loans have applicant income restrictions and a cap on sales price of a property. In Fairfield County and other more expensive housing markets in CT, many towns have few if any units in Column 3 for CHFA loans since home and land values are much higher and often income is higher as well. To see the CHFA Resource Map for your municipality's thresholds for income and sales price link here: <https://www.chfa.org/about-us/chfa-resource-map/>
- USDA Loans are solely for farmland and many more highly developed areas cannot avail themselves of these loans either. To view the USDA map, link here: <https://eligibility.sc.egov.usda.gov/eligibility/welcomeAction.do#>

COLUMN #4: Deed-restricted properties or properties with deeds containing covenants or restrictions that require such dwelling unit(s) be sold or rented at or below prices that will preserve the unit(s) as affordable housing as defined in C.G.S. Section 8-39a for persons or families whose incomes are less than or equal to 80% of the area median income.

- The 30%, 40 year deed restricted units in 8-30g projects and other deed restricted affordable properties are captured in Column #4.

- The majority of deed-restricted projects are those added by developers under 8-30g, which requires that 30% of the units be affordable. But this leaves 70% of the new development to be rented at market rate. So even if there was no other new development in Town except for 8-30g, it would still take decades and thousands of new housing units to use this method to get to the elusive 8-30g 10% threshold.
- Deed restricted units in 8-30g and non 8-30g projects are not as common in rural municipalities with lower property values because the lack of demand and the economics do not work out. For the same reasons, few lower property value rural and suburban communities have inclusionary housing policy requiring developers to build 10-20% affordable in their projects since it could potentially price developers out of a market or it would require much higher density developments to price out. One size policy cannot not fit all.
- Most cities do not have the local infrastructure capacity to build larger developments and require a percentage of 40 year deed restricted affordable within those larger projects or a fee in lieu to be used towards future affordable housing development by their Housing Authorities.
- Often homeowners are unwilling to deed restrict accessory dwelling units (ADUs) or other properties, because it can limit appreciation of that property due to the deed restriction.
- The 8-30g “developer’s remedy” overrides local zoning with onerous height, density, setbacks, parking, etc. yet only achieves 30%, 40-year deed restricted affordable units with 70% market value. It creates higher density development to cover the cost of the affordable units, which just need to again be replaced in 40 years while also placing a greater strain on local infrastructure capacity (increasing local taxes) from the larger developments.
- The state’s reliance on 8-30g, which builds 40-year deed restricted affordable, is partly fueling the “affordable housing crisis,” while also creating generational wealth for developers with deed restricted units that roll off into market value. (This may explain why there was such a push for rent caps during this legislative session, along with the recent inflationary pressures.)
- It is often the most affordable housing in a community gets redeveloped, probably because it is cheaper to buy, with larger potential profits to developers. This eliminates existing naturally affordable housing stock and adversely impacts affordable middle housing communities and their renters.
- Deed restrictions on affordable units are usually capped at 40 years or sometimes even less, which means eventually those units will sunset to market value units and will have to be replaced yet again with new affordable units.

- This chart from 2022 shows that 5,250 units of affordable rentals will sunset in the next 5 years, and 10,278 will sunset in 10 years. Could this explain why developer-backed housing advocates and legislators are pushing for high density market value multifamily, want to relax local zoning regulations and even suggest “fair share” quotas for affordable housing development?



- In the City of Stamford deed restricted units are “forever affordable,” not expiring in 40 years, preventing them from losing affordable housing stock.
- Some municipalities have instead chosen to build 100% affordable projects that do not sunset to market value after 30 or 40 years. This allows towns to 1) increase their percentage of affordable (numerator increase) without adversely impacting the denominator with additional market value units 2) more quickly achieve five year moratoriums from 8-30g and 3) these affordable units never sunset to market value. This requires less units of high density development by eliminating the 70-90% developer funded market value, placing less strain on existing infrastructure capacity.

UNDERSTANDING THE FOUR CATEGORIES OF AFFORDABILITY UNDER 8-30g
Are these 4 categories an accurate way to tabulate affordable housing or is this a deeply flawed system?

We calculated the percentage of each column to better understand what categories are used by each municipality. Few communities have achieved 10% and some may never be able to. Every time a new market value unit is created, the denominator of the municipality's total housing stock increases, making it even harder to get to 10%. To view every municipality's 8-30g percentages by category, see the "8-30g 10% Calc" TAB using the link here:

https://docs.google.com/spreadsheets/d/1E7CFI9DNXxc0RS5wOPQ_81FehtpoiepYV_kWECgR2Nxx/edit#gid=714711964 In 2022, only 29 of 169 municipalities have 10%.

Understanding the 4 Categories of 29 Municipalities Exempt from 8-30g:

29 Municipalities Exempted from 8-30g by 4 Defined Criteria												
Column #1		Column #2		Column #3		Column #4						
29 EXEMPT MUNICIPALITY	2010 Total Housing Units	Government Assisted Housing Total	2021 >=10% %	Tenant Rental Assistance Total	2021 %	CHFA/USDA Loans Total	2021 %	2021 Deed Restricted Total	2021 %	2021 Total Assisted	2,021 % Afford	
Hartford	51,822	10,620	1 20.49%	9,132	17.62%	1370	2.64%	0	0.00%	21,122	40.76%	
New Haven	54,967	9,621	1 17.50%	7,498	13.64%	833	1.52%	391	0.71%	18,343	33.37%	
Windham	9,570	1,776	1 18.56%	586	6.12%	310	3.24%	0	0.00%	2,672	27.92%	
Groton	17,978	3,727	1 20.73%	100	0.56%	312	1.74%	10	0.06%	4,149	23.08%	
New London	11,840	1,620	1 13.68%	501	4.23%	448	3.78%	131	1.11%	2,700	22.80%	
Middletown	21,223	3,118	1 14.69%	1,167	5.50%	443	2.09%	25	0.12%	4,753	22.40%	
Bridgeport	57,012	7,020	1 12.31%	4,321	7.58%	744	1.30%	15	0.03%	12,100	21.22%	
Waterbury	47,991	5,385	1 11.22%	3,205	6.68%	1,478	3.08%	39	0.08%	10,107	21.06%	
Norwich	18,659	2,350	1 12.59%	767	4.11%	499	2.67%	0	0.00%	3,616	19.38%	
New Britain	31,226	3,017	FALSE 9.66%	1,692	5.42%	1048	3.36%	91	0.29%	5,848	18.73%	
Meriden	25,892	2,057	FALSE 7.94%	1,426	5.51%	905	3.50%	11	0.04%	4,399	16.99%	
Vernon	13,896	1,509	1 10.86%	464	3.34%	322	2.32%	12	0.09%	2,307	16.60%	
East Hartford	21,328	1,593	FALSE 7.47%	826	3.87%	919	4.31%	0	0.00%	3,338	15.65%	
Stamford	50,573	4,217	FALSE 8.34%	2,033	4.02%	345	0.68%	1268	2.51%	7,863	15.55%	
West Haven	22,446	1,024	FALSE 4.56%	2,112	9.41%	350	1.56%	0	0.00%	3,486	15.53%	
Bristol	27,011	2,006	FALSE 7.43%	965	3.57%	963	3.57%	0	0.00%	3,934	14.56%	
Ansonia	8,148	230	FALSE 2.82%	816	10.01%	132	1.62%	0	0.00%	1,178	14.46%	
Norwalk	35,415	2,423	FALSE 6.84%	1,619	4.57%	345	0.97%	698	1.97%	5,085	14.36%	
Manchester	25,996	1,864	FALSE 7.17%	1,011	3.89%	821	3.16%	32	0.12%	3,728	14.34%	
East Windsor	5,045	559	1 11.08%	43	0.85%	102	2.02%	0	0.00%	704	13.95%	
Plainfield	6,229	429	FALSE 6.89%	192	3.08%	169	2.71%	4	0.06%	794	12.75%	
Putnam	4,299	413	FALSE 9.61%	69	1.61%	61	1.42%	0	0.00%	543	12.63%	
Windsor Locks	5,429	297	FALSE 5.47%	166	3.06%	206	3.79%	0	0.00%	669	12.32%	
Enfield	17,558	1,360	FALSE 7.75%	231	1.32%	544	3.10%	7	0.04%	2,142	12.20%	
Derby	5,849	275	FALSE 4.70%	316	5.40%	89	1.52%	0	0.00%	680	11.63%	
Danbury	31,154	1,652	FALSE 5.30%	1,292	4.15%	390	1.25%	210	0.67%	3,544	11.38%	
Bloomfield	9,019	612	FALSE 6.79%	115	1.28%	277	3.07%	0	0.00%	1,004	11.13%	
Torrington	16,761	912	FALSE 5.44%	322	1.92%	482	2.88%	17	0.10%	1,733	10.34%	
Killingly	7,592	467	FALSE 6.15%	160	2.11%	141	1.86%	0	0.00%	768	10.12%	
661,928		72,153	1 10.90%	43,147	6.52%	15,048	2.27%	2,961	0.45%	133,309		

29 Towns with > 10% for all 4 Categories
 18 TOWNS < 10% in Col. #1, with as low as 2.82% !

Column #1: Only 11 municipalities on the list of 29 have more than 10% in column. #1, Government Assisted Housing. The largest cities get 100s of millions in state grants from the state's coffers to build Affordable Housing, while a majority of suburban and rural towns do not. Column #1 alone creates an unfair comparison of larger cities getting State funding to build affordable housing vs other communities that must build it without any state seed funding.

- At \$650K per unit for affordable development, it is challenging for any community to build enough affordable units to get to the 10% threshold without any federal or state assistance (vouchers, LIHTC tax credits) and instead be forced to fund solely through local property taxes and bonding.

Column 2: Looking at Tenant Rental Assistance, the largest cities get the lion's share of Voucher allocations. Over 125 of 169 municipalities share a tiny allocation of 1,647 vouchers, while the remaining 44 towns share an allocation of 47,549 (or 97%) housing vouchers! Clearly the state allocates vouchers almost exclusively to the largest of cities so yet again, this is another flawed and illogical benchmark since it is out of a municipality's control if they are allocated vouchers.

- Legislators should not blame towns that do not have 10% per 8-30g, when their poor public policies are giving almost all vouchers to communities that already have their 10% per 8-30g.
- From the chart, over 9K to Hartford, almost 7,500 to New Haven. Who decides which communities get vouchers? Why not find a way to share more vouchers with other communities? While this policy allows cities to get federal funds, it has also concentrated poverty in those very cities.

Column 3: Includes CHFA and USDA Loans. Many areas are excluded from USDA loans and there are income limits for these loans. CHFA loans also have income limits and property sales price limits as well, which again prevents areas such as those in lower Fairfield County from qualifying for many of these loans. This metric is clearly not applicable in all parts of the state, but cities do have more opportunities for CHFA loans because of larger populations, lower home prices and lower income households so more applicants can qualify for loans. But most importantly, it is again completely out of a municipality's control as to whether a borrower decides to use a CHFA or USDA low down payment loan.

Column 4: is Deed Restricted Properties. Many smaller municipalities lack market driven demand or lack the infrastructure capacity to develop affordable through projects with 10-30% deed restricted units. The largest amounts under this column are seen in the larger cities in Fairfield County, like Stamford, Norwalk and Danbury

that have also not received as much funding from the state for affordable housing development, but have the infrastructure and have used inclusionary policy or fee in lieu, which creates deed restricted units, some of which are forever deed restricted.

CONCLUSION:

Over the past 3 decades, 8-30g has failed to make any progress towards the implied goal for all municipalities to achieve 10% of all housing stock classified as affordable.

But this is not a fair representation of reality: in fact, most towns have added a diversity of housing stock including affordable housing. But, due to the illogical and flawed system by which the affordable housing ratio is calculated, this diversity is not reflected in the calculations, and towns are continually chastised for failing to advance on the "affordability" ratio.

The ratio should not be used to judge a Town's progress for several reasons:

The largest cities have historically received hundreds of millions of dollars to construct affordable housing for decades, long before 8-30g was passed, and they have been exempted from 8-30g from the start. For example, over 10,000 units were financed in Hartford, and over 9,600 in New Haven (Column #1) versus virtually none in most other CT towns.

State funding of affordable housing in the largest cities and state allocation of housing vouchers to the housing authorities in the largest cities has had the unfortunate consequence of concentrating poverty in those large cities. Presumably this is one of the adverse impacts that 8-30g seeks to remedy, which is not a bad objective. But the ratio must not be used to judge Towns. It is both illogical and unfair.

Towns that didn't receive funding to construct large public housing projects, and thus had very small percentages of total housing stock considered affordable in 1989, simply cannot achieve 10%, especially given the law's four specific categories used to calculate the ratio.

The law should be modified to reflect actual affordable housing that exists without requiring the 40-year deed restriction. Housing that is affordable but is excluded

from the calculation includes naturally existing affordable housing, duplexes, manufactured mobile homes, and ADU's.

The ratio should not include criteria that are beyond a town's control and can fluctuate annually up or down, such as the use by individuals of CHFA down payment assistance programs and housing vouchers. And, if rental assistance does remain, the assistance should be allocated in a manner that does not preclude usage in 83% of our municipalities.

Aside from modifying the law itself, the state could work towards its goal of increasing affordable housing across the state by providing more seed money for towns to develop greater than 30%, 50% and even 100% affordable housing. If the state made such funds available to suburban and rural communities then affordable housing might be built. Allowing only 30% of any development to be affordable means that 70% is at market rate, making it a virtual mathematical impossibility to achieve 10% and quite difficult to get to a moratorium as well.

Towns should not be penalized when they are adding to the diversity of their housing stock, even if they will never achieve the elusive 10%.

The state and municipalities would all benefit by working collaboratively to help communities that are working to build affordable housing within their towns, especially those areas where land cost is higher and are already highly developed. The 8-30g law and its adverse impacts should be critically appraised and modified in a manner that both eliminates the incentive for developers to over-scale projects, and which recognizes actual progress that is being made.

This review process should be started now, with the goal of including all stakeholders to craft solutions that make sense at the local level because as has been shown, one size public policy cannot fit all our diverse 169 cities, suburbs, and rural communities.

NOTE: This document is, and remains a work in progress. We will be updating it as more information becomes available.