

Moratoria Granted Under CGS § 8-30g

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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 [2019-R-0299](#). **This report has been updated by OLR Report [2022-R-0147](#).**

Summary

According to the Department of Housing (DOH), six municipalities have an [active moratorium](#) granted under [CGS § 8-30g](#): Brookfield, Darien, Milford, New Canaan, Suffield, and Westport. Seven municipalities obtained a moratorium that has since expired: Berlin, Darien, Farmington, Milford, 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 [2019 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\(l\)\(2\)](#)).

Under [CGS § 8-30g](#), a municipality is eligible for a “certificate of affordable housing project completion” (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; for subsequent moratoria: from the date the first moratoria was obtained).

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 six municipalities with an active moratorium and the dates on which their moratoria will expire. Table 2 lists municipalities that previously obtained a moratorium and the expiration dates of these moratoria. As the tables show, four municipalities have obtained two moratoria (Berlin, Darien, Milford, and Trumbull).

Table 1: Active Moratoria

<i>Municipality</i>	<i>Expiration Date(s)</i>
Brookfield	July 24, 2021
Darien	October 17, 2020
Milford	August 19, 2023
New Canaan	June 5, 2021
Suffield	December 9, 2023
Westport	March 4, 2023

Source: [DOH Activity relative to a moratorium under Affordable Housing Land Use Appeals Act](#)

Table 2: Expired Moratoria

<i>Municipality</i>	<i>Expiration Date(s)</i>
Berlin	April 1, 2012; March 31, 2017
Darien	October 7, 2014
Farmington	June 20, 2020
Milford	December 31, 2014*
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 Affordable Housing Land Use Appeals Act](#)

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