

Moratoria Granted Under CGS § 8-30g

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August 25, 2025 | 2025-R-0143

Issue

Which municipalities have ever 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 [2023-R-0276](#).

Summary

According to the Department of Housing (DOH), five municipalities have an [active moratorium](#) granted under [CGS § 8-30g](#): Brookfield, Fairfield, New Canaan, Orange, and Waterford. (Brookfield and New Canaan also previously qualified for moratoria, which expired July 24, 2021, and June 5, 2021, respectively.) Ten other municipalities obtained a moratorium that has since expired: Berlin, Darien (twice), Farmington, Milford (twice), Ridgefield, South Windsor, Suffield, Trumbull (twice), Westport, and Wilton. For more information, see Tables 1 and 2 below.

For background information on [CGS § 8-30g](#), see OLR Issue Brief [2024-R-0147](#). Additionally, see the [2024 Affordable Housing Appeals List](#) for an up-to-date list of exempt municipalities.

Background

Municipalities with an active moratorium are not subject to appeals taken under [CGS § 8-30g](#), with limited exceptions relating to applications for certain government-assisted housing developments (i.e. those with no more than 40 units or that are nearly entirely income-restricted). (Additionally, municipalities are exempt from the appeals procedure if at least 10% of their total housing units

qualify as affordable based on certain statutory criteria; OLR Report [2024-R-0144](#) provides information on the percentage of affordable housing in each of the state's municipalities from 2011 to 2023.)

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 75 HUE points. 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 subsequent moratorium. Moratoriums granted under this exception last for five years. Eligible units completed after a moratorium begins are counted toward establishing eligibility for a subsequent moratorium. Additionally, eligible units completed before a moratorium begins, but that were not counted toward that moratorium, may be counted toward a subsequent moratorium.

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

Table 1: Active Moratoria

Municipality	Expiration Date
Brookfield	June 6, 2026
Fairfield	March 31, 2029
New Canaan	August 26, 2028
Orange	September 2, 2028
Waterford	November 11, 2028

Source: DOH, [Activity Relative to a Moratorium Under Affordable Housing Land Use Appeals Act](#) (March 31, 2025)

Table 2: Expired Moratoria

Municipality	Expiration Date(s)
Berlin	April 1, 2012 March 31, 2017
Brookfield	July 24, 2021 (see also Table 1)
Darien	October 7, 2014 October 17, 2020
Farmington	June 20, 2020
Milford	December 31, 2014* August 19, 2023
New Canaan	June 5, 2021 (see also Table 1)
Ridgefield	October 6, 2018
South Windsor	October 12, 2024
Suffield	December 9, 2023
Trumbull	June 22, 2005 August 9, 2009**
Westport	March 4, 2023
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](#) (March 31, 2025)

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