

When an 8-30g application is filed with a Local Board, the developer must demonstrate or document that:

- 1) They have a detailed Affordability Plan that meets the statutory and regulatory requirements. This plan must provide:
 - a. Details on the comparability in style and building materials between the affordable and non-affordable units.
 - b. Identification and qualifications of the person or entity that will be responsible for ensuring the affordable units are sold or rented to income eligible individuals and families at the correctly calculated cost, and will be responsible for reporting such compliance to the municipality.
 - c. A sample calculation of the cost of the housing.
- 2) They have a detailed procedure for interested buyers, renters or their representatives to obtain information on affordability, including such issues as income eligibility, sales/rental costs, and set aside compliance.
- 3) They have a detailed Affirmative Fair Housing Marketing Plan.
- 4) They understand how to properly calculate the applicable sale, resale or rental cost.
- 5) They have a projected construction sequence for the affordable and non-affordable units which includes a narrative and schematic plan which is compliant with the set-aside requirements.
- 6) They have proposed covenants or deed-restrictions that will ensure the affordable units will remain affordable.

Dispelling myths about an 8-30g application:

- 1) Local boards can still set specific criteria for approval of any housing application, including a proposed affordable housing application under Section 8-30g. However, such criteria must be meaningful and necessary, with a focus on health and safety issues. They cannot be arbitrary and capricious. These can include but are not limited to the following:
 - a. Reasonable setbacks;
 - b. Parking requirements;
 - c. Exterior lighting requirements;
 - d. Lot coverage minimum/maximums, including type/composition;
 - e. Sidewalks, including type/composition.
- 2) Local boards should show a good faith effort to work with a developer who is considering filing an 8-30g application.
 - a. Developers do not have carte blanche to build a development proposed under this statute.
 - b. Planning and Zoning boards can still set certain conditions for building as a condition of approval, as noted above.