

**Sec. 8-30g-10. Model deed restriction for promulgation of the affordable housing appeals list**

(a) On or after the effective date of this subsection, a dwelling unit that is not otherwise counted as part of a set aside development shall qualify to be counted for the purpose of preparing and promulgating the affordable housing appeals list if the unit is subject to a covenant or restriction that contains substantially the following language and meets the duration requirements of subsection (b) of this section:

(1) For a dwelling unit that is rented:

“This unit is an affordable housing dwelling unit and is therefore subject to a limitation on the maximum annual income of the household that may rent the unit, and is subject to a limitation on the maximum rental that may be charged for the unit. these limitations shall be strictly enforced, and may be enforced by the zoning enforcement authority of [the municipality] or owner or landlord of this unit.

For the duration of this covenant or restriction, this dwelling unit shall be rented to persons or families whose annual income is equal to or less than eighty percent (80%) of the median income as defined in subsection 8-30g-1(10) of the Regulations of Connecticut State Agencies, and may be rented only at a rental equal to or less than the rental determined using the formula for maximum monthly rental amount, including utilities, stated in section 8-30g-8(d) of the Regulations of Connecticut State Agencies.”

(2) For a dwelling unit that is sold or resold:

“This dwelling unit is an affordable housing dwelling unit and is therefore subject to a limitation at the date of purchase on the maximum annual income of the household that may purchase the unit, and is subject to a limitation on the maximum sale or resale price. These limitations shall be strictly enforced, and may be enforced by the zoning enforcement authority of [the municipality].

For the duration of this covenant or restriction, this dwelling unit may be sold only to a household or family whose annual income is equal to or less than 80 percent (80%) of the median income as defined in subsection 8-30g-1(10) of the Regulations of Connecticut State Agencies, and may be sold or resold and only at a price equal to or less than the price determined using the formula stated in section 8-30g-8(a) of the Regulations of Connecticut State Agencies.”

(b) A covenant or restriction recorded for the purpose of qualifying a dwelling unit on the affordable housing appeals list shall have a minimum duration of twelve months, provided that any covenant or restriction imposed on an accessory apartment as defined in section 8-30g(k) of the Connecticut General Statutes or mobile manufactured home shall have a minimum duration of ten years. A covenant or restriction imposed on a newly-constructed or substantially rehabilitated unit shall qualify the dwelling unit for the affordable housing appeals list when the covenant or restriction is recorded on the land records and a certificate of occupancy has been issued for such unit, and a covenant or restriction imposed on an existing dwelling unit shall qualify the unit for the affordable housing appeals list when the covenant or restriction has been recorded on the land records.

(c) In order to assist in any determination that an affordable housing dwelling unit complies with applicable limitations and qualifies to be counted on the affordable housing appeals list, any owner, landlord or administrator of a rental unit, or any owner, seller,

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purchaser or prospective purchaser of an ownership unit, may be required to provide documentation of the annual income of the person or family who will occupy the dwelling unit and of compliance with applicable sale price or resale price limitations, which documentation shall be available to the zoning enforcement authority of [the municipality].

(Adopted effective May 3, 2005)