

SAMPLE INCLUSIONARY ZONING REGULATION
WITH DIFFERENT REQUIREMENTS FOR AFFORDABLE HOUSING UNITS
THAT DON'T COMPLY WITH LOCAL PARKING REGULATIONS

Definitions:

Dwelling, Affordable Dwelling Unit: An 80% Affordable Dwelling Unit or a 60% Affordable Dwelling Unit, as defined in these Regulations.

Dwelling, 80% Affordable Unit: A Dwelling which will be conveyed by deeds containing covenants or restrictions which shall require that, in perpetuity, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of their annual income, where such income is less than or equal to eighty (80%) per cent of the median income. For purposes of this definition, "median income" shall be as defined in Connecticut General Statutes Section 8-30g(a), as amended.

Dwelling, 60% Affordable Unit: A Dwelling which will be conveyed by deeds containing covenants or restrictions which shall require that, in perpetuity, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of their annual income, where such income is less than or equal to sixty (60%) per cent of the median income. For purposes of this definition, "median income" shall be as defined in Connecticut General Statutes Section 8-30g(a), as amended.

Section ^: Inclusionary Zoning

The purpose of this regulation is to advance the recommendations of the Town's Affordable Housing Plan and to promote the development of affordable housing to meet local and regional housing needs as required by Connecticut General Statutes Sections 8-2 and 8-23.

Section ^ Inclusionary Housing.

- (a) Multi-Family Dwellings that Comply with the Parking Requirements of These Regulations: In accordance with Connecticut General Statutes Section 8-2i, all proposed Multifamily Developments that consist of sixteen (16)¹ or more Dwelling Units, and that comply with the parking requirements of Section [parking section] of these Regulations, shall include a minimum of ^% of the proposed dwelling units as 80% ²Affordable Dwelling Units.

¹ The use of sixteen units is illustrative, but it corresponds to the threshold for parking exemption under the Act. It could be any number, but the smaller the number, the more likely you are to have fractions of a unit.

² You could require a split of some at 60% and some at 80%.

- (b) Multi-Family and Two-Family³ Dwellings that Do Not Comply with the Parking Requirements of These Regulations: In accordance with Connecticut General Statutes Section 8-2i, all proposed Two-Family and Multifamily Developments, regardless of number of units, that do not comply with the parking requirements of Section [parking section] of these Regulations, shall include a minimum of ^% of the proposed dwelling units as 80% Affordable Dwelling Units and ^% 60% Affordable Dwelling Units.⁴
- (c) In calculating the number of required Affordable Dwelling Units, all fractions shall be rounded up to the nearest whole number.
- (d) Affordable Dwelling Units shall be of comparable quality and workmanship as other Dwellings in the subject development; shall provide a comparable number of bedrooms as other Dwellings in the subject development; and shall be evenly distributed throughout the development.
- (e) Affordable Dwelling Units must be administered per an Affordability Program approved by the Commission and meeting the requirements of Section ^.
- (f) The development shall be subject to a restrictive covenant describing the Affordability Program and enforceable by the Town and in a form as required by the Commission's attorney.

Section ^ Affordability Program Requirements

For projects subject to Inclusionary Zoning regulations in Section ^ of these Regulations, the following Affordability Program Requirements apply:

- a) The applicant shall use the methodology outlined in Section 8-30g-8 of the Regulations of Connecticut State Agencies, as amended, to calculate the maximum housing payment for the Affordable Dwelling Units.
- b) The property owner shall submit an affirmative fair housing marketing plan for the Affordable Dwelling Units to the [staff department] for approval. All Affordable Dwelling Units shall be offered for rent or sale in compliance with all applicable Federal and State Fair Housing laws.
- c) Prior to the issuance of any Certificate of Occupancy, the applicant shall identify the person or entity as the party responsible for administration of the Affordability Program. The Program Administrator is subject to the approval of the Commission. The Program Administrator shall:

³ Some regulations use the term "duplex" instead of "two-family dwelling."

⁴ The idea here is that if a developer is going to get the benefit of reduced parking, that benefit should accrue to the future occupants, not just greater profit for the developer. The % of affordable units should be higher for developments that use CGS 8-3n to reduce parking.

i. Annually review and certify to the Commission the annual income of households residing in the Affordable Housing Dwelling Units in accordance with a procedure established in advance and approved by the [commission staff office].

ii. Maintain a list of eligible households who have applied for participation in the Affordability Program. The Administrator shall hold an application period at the opening or re-opening of the project's waiting list of at least 30 days, after which applicants will be placed on a waiting list by lottery. Subsequent applicants shall be placed on the waiting list in order of the date and time of application.

iii. Annually certify to the Commission that the selected households reside in the Affordable Housing units.

iv. For rental units, certify to the Commission that the Affordable Housing units for rent shall not exceed the maximum monthly rent as calculated in a manner consistent with the methodology for maximum housing payment calculations in set-aside developments outlined in Section 8-30g-8 of the Regulations of Connecticut State Agencies, as adjusted for family size.

v. For owned units subject to the Common Interest Ownership Act (CGS 47-200 et. seq.), certify to the Commission that the Affordable Housing Units' Homeowners Association fees have not been increased such that the owner's monthly housing costs exceed the maximum housing payment calculations in set-aside developments outlined in Section 8-30g-8 of the Regulations of Connecticut State Agencies, as adjusted for family size.

vi. For owned units subject to the Common Interest Ownership Act, certify to the Commission that the Affordable Housing units sold do not exceed the maximum purchase price as calculated in a manner consistent with the methodology for maximum housing payment calculations in set-aside developments outlined in Section 8-30g-8 of the Regulations of Connecticut State Agencies, as adjusted for family size.