

# Memorandum

**To:** Steve Palmer, Planning and Zoning Director

Members, Planning and Zoning Commission

**From:** Katherine Daniel, AICP

**Date:** September 23, 2016

**Re:** Achieving a Moratorium on Affordable Housing

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A moratorium for a four-year time period on applications for affordable housing pursuant to 8-30g (l) of the Connecticut General Statutes is achieved by justifying to the Department of Economic and Community Development (DECD) that Westport has available affordable residential dwellings which reach a certain threshold relative to the number of total dwelling units in our town.

The threshold is determined by assigning housing unit-equivalent (HUE) points to dwelling units based on two factors: *whether they are rentals or for sale (rentals are accorded higher points) and what level of affordability are they restricted to by deed (80%, 60% or 40% of State Median Income).*

The most recent census conducted in 2010 indicates that Westport contains 10,399 dwelling units. This is the basis upon which our office has been keeping track of our projected housing unit-equivalent points as affordable housing units are approved through the Planning and Zoning Commission.

The statute states that the housing unit-equivalent points required for a certificate shall be equal to two percent (2 %) of all dwelling units in the municipality. Therefore, the number of housing unit-equivalent points Westport needs to qualify for a moratorium is 208. This number is determined by using 10,399 dwelling units, which is taken from the 2010 Census, where 2% of that figure equals 208.

Units do not receive points toward the moratorium until a Certificate of Occupancy is issued. Furthermore, documentation is required to verify that each of the units meets the requirements of the statute including the deed restrictions which have been filed on the land records prior to occupancy. *Our office intends to make application to the DECD when we believe we have reached 208 housing unit-equivalent points that can be sufficiently justified.*

Currently our office estimates that we have 153 housing unit-equivalent points. This is comprised of the following completed projects:

Completed Projects	Expected Housing Unit-Equivalent Points
20 Cross Street	4.75
Affordable apartments, seven locations	10.5
10 West End Avenue	9

Bradley Commons	4
553 Riverside Avenue	7.5
Hales Court	83
Hidden Brook/Sasco Creek	34.25
<b>Current expected point count</b>	<b>153.00</b>

There are four other projects which have been approved, two of which are under construction and two which are yet to be built. They are listed below with our offices best estimate of the time frame anticipated for completion.

Approved Projects	Potential housing unit-equiv. points	Anticipated time frame for completion
Bedford Square	7.5	Under construction - 6-12 months
Geiger Project 1135 Post Rd E.	3	Under construction - 3-6 months
Gault Project Riverside & Ketchum	7.5	Approved -Not under construction – No timetable for commencement
1177 Post Rd E.	67.25	Approved -Not under construction – No timetable for commencement
<b>Future anticipated points</b>	<b>85.25</b>	

Pending Projects	Potential Housing Unit-Equivalent Points
785 Post Road East	4.50
Affordable apartments, seven locations	13.50
<b>Pending Projects total points</b>	<b>18.00</b>

**Potential Total Housing Unit-Equivalent Points: 153.00 + 85.25 +18.00 = 256.25**

My understanding is that the Planning and Zoning Commission as well as many citizens would like our office to submit an application to the DECD for a four-year moratorium as soon as we reach 208 housing unit-equivalent points; that is when the units which can be accorded points are constructed and issued certificates of occupancy from the Building Department.

When we are approaching that point, our office will compile the necessary documentation and prepare our request for review by the DECD. The statute requires in §8-30g (l)(4)(B) that our application include documentation of the location of each dwelling unit being counted, the number

of points each dwelling unit has been assigned, and the reason based on the statutes for assigning such points to each unit.

When the commissioner of the DECD concludes that our application is complete, the DECD will publish a notice in the Connecticut Law Journal stating that public comment will be accepted for a period of thirty (30) days. The statute states that no later than ninety (90) days following the receipt of our application, the commissioner will approve or reject our application and provide a written statement giving the reasons for the decision. In the case of an approval, the commissioner will publish a certificate of affordable housing project completion in the Connecticut Law Journal. The moratorium takes effect upon publishing.

A subsequent moratorium can be applied for as soon as new affordable units not counted toward the first moratorium are constructed and receive certificates of occupancy in sufficient numbers and at affordability levels that can be accorded an additional 208 points (based on the 2010 census). The statute states in §8-30g (1)(3) that eligible units completed after a moratorium has begun may be counted toward establishing eligibility for a second moratorium. To further confirm that the town may retain and use points accumulated in excess of what would be necessary to meet the minimum necessary toward first moratorium toward a second moratorium, this office contacted Michael Santoro, at the State Department of Housing. The following is the his email reply to this office's request for clarification.

**From:** Santoro, Michael C [mailto:Michael.Santoro@ct.gov]  
**Sent:** Friday, September 23, 2016 8:42 AM  
**To:** Daniel, Katherine <kdaniel@westportct.gov>  
**Subject:** RE: Affordable Housing moratorium points

Katherine:

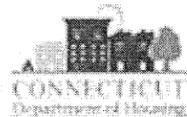
.....The short answer to your question is, yes, you would only have to take credit to reach the first moratorium. Any "extras" could be held until you apply for your second moratorium.

As an example, if you "have" 200 HUE's, but only need 150 to achieve a moratorium, then you would already have 50 points toward your next moratorium.

Feel free to contact me with any other questions you might have.

Michael C. Santoro  
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Office of Policy, Research and Housing Support  
Department of Housing  
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CGS 8-30g-6 (State Moratorium Points), dated 9/12/16

PROJECT Constructed and CO'ed		YEAR CONST	TOTAL UNITS	AFFORD UNITS	POINTS / UNIT	TOTAL POINTS	EXPLANATION OF POINTS
20 Cross Street	20 Cross Street	2003	10	3	1	3	Units count toward moratorium because constructed after 1990 and are deed restricted and part of set-aside development. Units are sold to families whose income does not exceed 80% of the state median income.
				7	0.25	1.75	Units count toward moratorium because are market rate units as part of set-aside development
9 Lakeview Road	9 Lakeview Road	2008	1	1	1.5	1.5	Affordable Accessory Apt - Unit counts toward moratorium since will be rented to families whose income does not exceed 80% of the state median income.
7 Westfair Drive	7 Westfair Drive	2008	1	1	1.5	1.5	Affordable Accessory Apt - Unit counts toward moratorium since will be rented to families whose income does not exceed 80% of the state median income.
17 Cross Highway	17 Cross Highway	2009	1	1	1.5	1.5	Affordable Accessory Apt - Unit counts toward moratorium since will be rented to families whose income does not exceed 80% of the state median income.
81 Myrtle Avenue	81 Myrtle Avenue	2009	1	1	1.5	1.5	Affordable Accessory Apt - Unit counts toward moratorium since will be rented to families whose income does not exceed 80% of the state median income.
1 Crooked Mile Road	1 Crooked Mile Road	2009	1	1	1.5	1.5	Affordable Accessory Apt - Unit counts toward moratorium since will be rented to families whose income does not exceed 80% of the state median income.
19 Webb Road	19 Webb Road	2010	1	1	1.5	1.5	Affordable Accessory Apt - Unit counts toward moratorium since will be rented to families whose income does not exceed 80% of the state median income.
372 Main Street	372 Main Street	2009	1	1	1.5	1.5	Affordable Accessory Apt - Unit counts toward moratorium since will be rented to families whose income does not exceed 80% of the state median income.
Rotary Centennial House	10 West End Avenue	2009	6	6	1.5	9	Units count toward moratorium because constructed after 1990 and are deed restricted. Units will be rental at income below 50% area median=80% state median.
Bradley Commons	19 Indian Hill Road/3	2009	20	4	1	4	Units count toward moratorium because constructed after 1990 and are deed restricted. Units will be sold to families whose income does not exceed 80% of state median income. **(The project will also include 2 units restricted to families whose income does not exceed 80% of the area median income, which will not generate any points based on the current state statute.)
	Bradley Lane/86 Saugatuck Avenue						
Hale's Court	Hale's Court	?	78	40	0	0	Existing units will be rented to elderly whose income does not exceed 80% of the state median; however since they are existing units being rehabed they do not receive any points.
				26	2.5	65	Units will be rented to families whose income does not exceed 40% of the state median income.
				12	1.5	18	Units will be rented to families whose income does not exceed 80% of the state median income.
Gault Project	553, 570 & 580 Riverside Ave/ 9 Ketchum St.	2011-2013	27	5	1.5	7.5	Units count toward moratorium because constructed after 1990 and are deed restricted. Units will be rented to families whose income does not exceed 80% of state median income
Hidden Brook	1655 Post Road East	2000	35	31	0	0	Existing units are deed restricted but do not count toward moratorium because original units were constructed prior to 1990 and replacement units do not get any credit. Units are rental at income below 80% state median.
				4	2.5	10	New units are deed restricted to incomes 40% state median income or less.
Sasco Creek	1655 Post Road East	2012	54	23	0	0	Existing units are deed restricted but do not count toward moratorium because original units were constructed prior to 1990 and replacement units do not get any credit. Units are rental at income below 80% state median.
				10	1	10	Existing units are deed restricted but do not count toward moratorium because original units were constructed prior to 1990; however, income will be reduced from 80% SMI to 40% so get 1 point each.
				4	2.5	10	New units are deed restricted to incomes 40% state median income or less.
				17	0.25	4.25	New units count toward moratorium because are market rate units as part of set-aside development. Units restricted to 60% area median income which exceeds 80% of state median income.
<b>Total Constructed and CO'ed</b>						<b>153</b>	
<b>Approved and Under Construction</b>							
Bedford	0 Church Lane	N/A	26	5	1.5	7.5	Units count toward moratorium because constructed after 1990 and are deed restricted. Units will be rented to families whose income does not exceed 80% of state median income.
Geiger Project (Approved)	1135 Post Road East	N/A	12	2	1.5	3	Units count toward moratorium because constructed after 1990 and are deed restricted. Units will be rented to families whose income does not exceed 80% of state median income.
<b>Total Approved and Under Construction</b>						<b>10.5</b>	
<b>Approved</b>							
Gault Project (Approved)	518 Riverside Ave/12, 16 and 20 Ketchum St	N/A	27	5	1.5	7.5	Units count toward moratorium because constructed after 1990 and are deed restricted. Units will be rented to families whose income does not exceed 80% of state median income.
1177 Post Road East	1177 Post Road East	N/A	94	15	2	30	Units count toward moratorium because constructed after 1990 and are deed restricted. Units will be rented to families whose income does not exceed 60% of state median income
				14	1.5	21	Units count toward moratorium because constructed after 1990 and are deed restricted. Units will be rented to families whose income does not exceed 80% of state median income
				65	0.25	16.25	New units count toward moratorium because are market rate units as part of set-aside development.
<b>Total Approved, not yet under construction</b>						<b>74.75</b>	
<b>Total Points Approved</b>						<b>238.25</b>	

CGS 8-30g-6 (State Moratorium Points), dated 9/12/16

Pending Applications							
785 Post Road East	785 Post Road East	N/A	14	3	1.5	4.5	Application pending with the Planning and Zoning Commission. Proposed units would count toward moratorium because constructed after 1990 and are deed restricted. Units would be rented to families whose income does not exceed 80% of state median income.
1141 Post Road East	1141 Post Road East	N/A	42	9	1.5	13.5	
<b>Total Pending Applications</b>						<b>18</b>	

<b>Potential Future Total</b>	<b>256.25</b>	<b>Westport needs 208 points since there are 10,399 dwelling units and 2% = 207.98</b>
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NOT ELIGIBLE							
Canal Park/Westport Elderly	5 Canal Park	1977	50	50	0	0	Elderly - Units are deed restricted but does not count toward moratorium because constructed prior to 1990.  Units do not count toward moratorium because governmentally assisted and no deed restriction. **(The town may want to pursue requesting deed restrictions on these properties in the future so that they may generate moratorium points.)
44 Kings Hwy South	44 Kings Hwy South (5 beds)		1	1	0	0	
235 Sturges Hwy	235 Sturges Hwy (5 beds)		1	1	0	0	
1 Weston Road	1 Weston Road (6 beds)		2	2	0	0	
2A Pine Drive	2A Pine Drive (5 beds)		2	2	0	0	
Homes with Hope (admin housing)	45 Jesup Road, 90, 92-94 and 98 Saugatuck Ave		7	7	0	0	
Men's Shelter Gillespie Center	45 Jesup Road (8 beds)		3	3	0	0	
Women's Shelter Hoskins Place	45 Jesup Road (4 beds)		1	1	0	0	
Bacharach Community House	#1 and #5 Wassell Lane		3	3	0	0	
Linxweiller House	655 Post Road East (5 beds)		1	1	0	0	
Schnurmacher House	9 Hale's Court		1	1	0	0	
Project Return	124 Compo Road North (5 beds)		2	2	0	0	
Military Housing	Wassell Lane		13	13	0	0	
Tenant Rental Assistance			20	20	0	0	
CHFA/USDA Mortgages			2	2	0	0	