

Memorandum

To: Laurence Bradley, Planning and Zoning Director
 Members, Planning and Zoning Commission

From: Michelle Perillie, Planner

Date: December 20, 2005, *revised April 13, 2015*

Re: **State Moratorium on Affordable Housing (§8-30g (l): State certificate of affordable housing completion; moratorium on applicability of §8-30g of the Connecticut General Statutes to certain affordable housing applications)**

As provided in §8-30g (l) of the Connecticut General Statutes, certain applications for an affordable housing development shall be subject to a moratorium for a period of *four (4)* years from the publication, by the commissioner of the Department of Economic and Community Development, of a notice of issuance of a state certificate of affordable housing completion or during a period of qualification for provisional approval of a state certificate of affordable housing completion. In order to obtain the state certificate of affordable housing completion, many items need to be submitted including, a summary calculation of the housing unit-equivalent points required of the applicant municipality in order to qualify for a state certificate. The housing unit-equivalent points required for a certificate shall be equal to two percent (2 %) of all dwelling units in the municipality, but no less than seventy-five (75) housing unit-equivalent points. The housing unit-equivalent points necessary for a state certificate shall be calculated using as the denominator the total estimated dwelling units in the municipality as reported in the most recent United States decennial census.

As provided in §8-30g (l) of the Connecticut General Statutes, dwelling units whose occupancy is restricted to maximum household income limits that comply with §8-30g of the Connecticut General Statutes and that qualify, based on binding restrictions on maximum sale or resale price or rent, as price-restricted dwelling units in compliance with §8-30g of the Connecticut General Statutes, shall be awarded unit-equivalent points toward a state certificate as follows:

Type of Unit	Housing Unit-Equivalent Point Value Per Unit
Market-rate units in a set-aside development	0.25
Elderly units, owned or rented, restricted to households at or below 80% of median income	0.50
80% of median income owned	1.00
60% of median income owned	1.50
40% of median income owned	2.00
80% of median income rented	1.50
60% of median income rented	2.00
40% of median income rented	2.50

Set-aside development consisting entirely of family rental units whether market-rate or restricted, provided that the affordable housing application for such development was filed with a commission prior to July 6, 1995

Additional twenty-two percent (22%) of total points otherwise awarded for

Only those units which qualify as a set aside development under §8-30 are awarded points. The units must be constructed after July 1, 1990 and must have a deed restriction on the allowable income placed on the land records. Therefore, all the existing constructed affordable units in Westport, except 20 Cross Street, 10 West End Avenue and the affordable accessory apartments, do not generate moratorium points because they do not have deed restrictions on income limits which were filed on the land records or were constructed prior to 1990.

The following questions were asked by a member of the public regarding the affordable housing moratorium procedure and unit equivalent points as defined under CGS §8-30g-6.

1. *How many unit-equivalent points does Westport need to obtain a certificate of affordable housing completion?*

Westport needs 208 points since there were 10,399 dwelling units as of the 2010 Census and 2% of that figure is 208.

2. *How many points does Westport currently have toward this moratorium?*

We estimate Westport has 118.75 points. (Note: Review by State Department of Economic and Community Development not yet done.) The breakdown of points is as follows:

- 4.75 for 20 Cross Street
- 10.5 for the seven (7) affordable apartments
- 9 for 10 West End Avenue
- 4 points for Bradley Commons
- 7.5 for 553 Riverside Avenue
- 83 points for Hales Court
- 33.25 points for Hidden Brook/Sasco Creek
- 7.5 for Bedford project

TOTAL = 159.5 points

*Based on information recently received from the Department of Economic and Community Development, it appears that replacement of units built prior to 1990 do not receive any points; therefore, Hidden Brook would not receive any points. (See attached chart)

Units do not receive points toward the moratorium until a Certificate of Occupancy is issued. However, the following applications have been approved by the Planning and Zoning Commission but construction has not yet been completed.

APPROVED PROJECTS (10.5 points)

Geiger's- 3 points (ZP not yet issued)

A redevelopment project at 1135 Post Road East was approved by the Planning & Zoning Commission in November 2014 and will allow for the construction of 2 affordable units to be rented to families whose income does not exceed 80% of the state median income. These units will receive 1.5 point each therefore equaling 3 (2 x 1.5) points for that project.

Gault 2- 7.5 points (ZP not yet issued)

A redevelopment project at 518 Riverside Avenue and 12, 16 and 20 Ketchum Street was approved by the Planning & Zoning Commission on in June 2007 and will allow for the construction of 5 affordable units to be rented to families whose income does not exceed 80% of the state median income. These units will receive 1.5 point each therefore equaling 7.5 (5 x 1.5) points for that project.

Therefore, if all the approved projects are constructed with the listed number of units affordable, Westport would have 170 moratorium points and would need 38 points more to obtain a State Certificate of Affordable Housing Completion and a 4-year moratorium on CGS §8-30g applications.

Attached:

Spreadsheet entitled, "CGS §8-30g-6 Certificate of Affordable Housing Completion (Moratorium Points)" dated 4/13/15



Dannel P. Malloy
Governor

STATE OF CONNECTICUT
DEPARTMENT OF HOUSING



Evonne M. Klein
Commissioner

All Municipalities

Notice DOH 2016-01

Distribution Date: March 2016

Effective Date: Immediately

SUBJECT: AFFORDABLE HOUSING LAND USE APPEALS LIST 2015

Under Chapter 126a of the Connecticut General Statutes (CGS), the department is required to annually promulgate a list of municipalities which satisfy the criteria contained in subsection 8-30g (k). Attached is the 2015 Affordable Housing Land Use Appeals List that identifies exempt municipalities.

Exempt municipalities are municipalities in which at least ten per cent of all dwelling units in the municipality are: (1) assisted housing; or (2) currently financed by Connecticut Housing Finance Authority mortgages; or (3) subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units 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 income, where such income is less than or equal to eighty per cent of the median income, or (4) mobile manufactured homes located in mobile manufactured home parks or legally-approved accessory apartments, which homes or apartments are subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which, for a period of not less than ten years, persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income.

Changes in the number of units counted toward the ten per cent threshold are caused by several factors: (1) the relocation of households using Section 8 vouchers or RAP certificates; (2) the expiration of deed restrictions or refinancing of mortgages; (3) the demolition of buildings; or (4) the addition of units completed during the 2014-15 program year.

The data for the list comes from a variety of different sources on the federal, state, and local level. Local administrative review of and input on the street addresses of units and projects and information on deed-restricted units are of particular importance to data accuracy. The response to the department for the list varies widely from community to community. If you have any questions or wish to discuss this information, please contact Michael C. Santoro, Community Development Specialist via email at michael.santoro@ct.gov or by calling 860-270-8171.

Attachment

RECEIVED

MAY 18 2016

WESTPORT

Memorandum

To: Members, Planning and Zoning Commission

From: Michelle Perillie, AICP

Date: April 12, 2006, revised May 10, 2016

Re: Maximum Sale Price of Affordable Unit under CGS Section 8-30g

The Connecticut General Statutes define a Set-Aside Development as a “Development where not less than 30% of the dwelling units will be conveyed by deed containing covenants or restrictions which shall require that, for at least 40 years after the initial occupation of the development, such dwelling units will be sold or rented at, or below, prices which are 30% or less of their annual income, where such income is less than or equal to 80% of the state or area median income, which ever is less.”

According to the 2015 HUD figures the state median income is **\$87,800** and the area median income is **\$131,300**; therefore, the state median income would be used for these purposes.

- Of the 30% required affordable units, at least 15% of the dwelling units shall be sold or rented to families whose income is less than or equal to **60% of the state median income (\$87,800)**, or no more than **\$52,680** (based on 4 person family).
- The remainder of the affordable dwelling units shall be sold or rented to families whose income is less than **80% of the state median income (\$87,800)**, or no more than **\$70,240** (based on a 4 person family).

Maximum Sale Price of Affordable Units

	<i>60% Maximum Income</i>	<i>60% Maximum Sale Price</i>	<i>80% Maximum Income</i>	<i>80% Maximum Sale Price</i>
1-Bedroom	\$39,510	\$115,844	\$52,680	\$203,460
2-Bedroom	\$47,412	\$168,307	\$63,216	\$273,499
3-Bedroom	\$54,787	\$246,868	\$73,050	\$368,305

*All numbers assume a 20% down payment

Attached:

- Affordable Sale Price Calculation Spreadsheets (3)
- 2016 HUD State Median Income, Effective 3/28/16
- 2016 HUD Area Median Income, Effective 3/28/16

2012

Memorandum

To: Steve Palmer, Planning and Zoning Director

From: Michelle Perillie, AICP

Date: September 18, 2002, *Revised May 10, 2016*

Re: **Affordable Housing as defined in Connecticut General Statutes §8-39a & §8-30g**

Section 8-39a-Affordable Housing for Municipal Housing Projects

Affordable housing – means housing for which persons and families pay 30% or less of their annual income, where such income is less than or equal to the area median income (\$131,300) for the municipality in which such housing is located, as determined by the US Dept. of Housing and Urban Development.

Section 8-30g-Affordable Housing for Privately Owned Housing Developments

Affordable housing development – means a proposed housing development which is:

- A) **Assisted housing-** This is a housing development that has received financial assistance under any government program; or
- B) **Set-aside development- development** where not less than 30% of the dwelling units will be conveyed by deed containing covenants or restrictions which shall require that, for at least 40 years after the initial occupation of the development, such dwelling units will be sold or rented at, or below, prices which are 30% or less of their annual income, where such income is less than or equal to 80% of the state or area median income, which ever is less.

According to the 2016 figures, the state median income is \$87,800 and the area median income is \$131,300, therefore, the state median income would be used for these purposes.

- Of the 30% affordable units, at least 15% of the dwelling units shall be sold or rented to families whose income is less than or equal to 60% of the state median income (\$87,800), **or no more than \$52,680**, adjusted for family size.
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