

01/24/2023 – Bob Jewell Proposed Changes.

2.2 Definitions:

**Inclusionary Zoning:** To promote the development additional housing zones that require a given share of new construction be affordable by people with low to moderate incomes.

4. OTHER HOUSING ZONES & USES

4.6 Inclusionary Housing Zone. See Section 8.8

8.8. Special Provisions – Inclusionary Zoning

A. PURPOSE

These regulations are intended to encourage the development of affordable housing within the Town of Ridgefield, consistent with Section 8-2(i) of the General Statutes of the State of Connecticut.

B. Applicability

These regulations shall apply to all zones within the Town of Ridgefield.

C. Requirements

1. Basic Requirement. All applications for development resulting in the creation of four (4) or more dwelling units shall designate a minimum of fifteen per cent (15%) of the total number of dwelling units in a manner such that the units would qualify to be counted as either “assisted housing” or “set-aside development” as defined by Section 8-30(g) of the Connecticut General Statutes (herein “Affordable Units”). In calculating the minimum requirement, fractions shall be rounded to the nearest whole number (see sample table below). **For the purposes of this Regulation, the Affordable Units shall be restricted based on eighty percent (80%) of the Area Median Income. The restriction shall run in perpetuity or for as long as the subject property is used for residential purposes.**
2. Phasing. For any phased project (e.g., multiple buildings/structures or other construction that will be completed in stages at separate times), the Affordable Units shall be constructed within the first phase, unless the Commission specifically permits otherwise in the application approval.
3. Integrated Site. Unless permitted by the Commission within the application approval, all projects shall be designed to mix Affordable Units evenly throughout the site (i.e., not clustered), sharing the same common amenities and services available to traditional units (e.g., parking, common room access, etc.), and generally the Affordable Units should not be physically identified or otherwise distinguishable from traditional units.

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#### D. Incentives

1. Developments subject to the provisions of this section which exceed the Basic Requirement (defined above) by a further five percent (5%) may be eligible for the below incentives, at the sole and absolute discretion of the Commission.
  - a. Density Bonus. The Commission may grant a density bonus of additional dwelling units, in a quantity up to 30% of the otherwise permitted limit. Fractions in the density bonus shall be rounded to the nearest whole number. The density bonus units may be a combination of Affordable Units and traditional units as determined by the Commission, provided the Basic Requirement is exceeded by at least the percentage set above.
  - b. Dimension & Bulk. The Commission may grant a waiver to the dimensional standards established in these regulations (including lot area, lot coverage, setback, yard, floor area, frontage, height, or similar restrictions), provided the waiver does not deviate from the original regulation by more than 25%.
  - c. Parking. The Commission may reduce the parking requirements by up to twenty-five percent (25%).

#### E. Fee-In-Lieu

When this section would apply to a development application intended to be exclusively single-family dwelling units, the Commission may grant a waiver of all or some of the required Affordable Units, in exchange for payment of a cash fee in lieu of constructing the waived quantity of affordable units. The fee shall be equal to ten percent (10%) of the current fair market value of the property being subdivided at the time of application as determined by the current Grand List. The fee shall be paid to either: (a) a housing trust fund for the Town of Ridgefield, if one exists, or otherwise (b) another Commission-designed entity focused on providing affordable housing within the Town of Ridgefield.

#### F. Administration

The applicant shall submit an affirmative fair housing marketing plan for the below market rate dwelling units. All dwelling units shall be offered for sale or rent in compliance with all applicable Federal and State Fair Housing laws.

Any application under this Section shall identify the non-profit entity or property manager who will be responsible for program administration. The program administrator is subject to the approval of the Commission or its designated representative.

##### 1. The program administrator shall:

- a. Annually review and certify to the Commission the annual income of households residing in below market rate dwelling units in accordance with a procedure established in advance and approved by the Commission.

b. Maintain a list of eligible households in each category, who have applied for participation in the program. Applicants within each category shall be selected by lottery, conducted in accordance with a procedure established in advance of said lottery and approved by the Commission, or its designated representative.

c. Annually certify to the Commission that the selected household actually resides in the below market rate dwelling unit.

d. Certify to the Commission that below market rate dwelling units sold or re-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 of the Regulations of Connecticut State Agencies, as adjusted for family size.

e. Certify to the Commission that below market rate dwelling 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.

2. Deed Restrictions: In order to maintain below market rate units for at least forty years or the life of the unit, whichever is longer, the following restrictions shall apply:

a. Below market rate units for sale shall be restricted by title to require that, in the event of any resale by the owner or any successor, the resale price shall not exceed the then maximum sales price for said dwelling unit, or the sum of the original purchase price and the cost of any documented fixed improvements made by the owner, whichever is greater.

b. Below market rate units for rent shall be restricted by title to require that the rents for said units shall not exceed the maximum rent as determined annually in accordance with (e) above.