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79 Seth Low Mountain Rd, Ridgefield CT 06877

Jan. 30, 2023

To: The Planning and Zoning Commission

Re: Inclusionary zoning regulation proposal

To the Commission:

I am currently chairman of the Ridgefield Affordable Housing Committee. Because I am traveling, I am unable to attend your hearing in person. The following comments reflect my own opinion and may not reflect that of other committee members.

I applaud the Commission for proposing this regulation, which is one of the many recommendations included in the recently adopted Affordable Housing Plan. Inclusionary zoning (IZ) regulations are specifically enabled by state statute, and municipalities around the state have introduced them with success. Together with the creation of an affordable housing trust fund, IZ regulations are a powerful tool for meeting local housing need. Equally importantly, the proposed regulation offers developers an alternative to 8-30g, allowing the town to better guide growth and development.

The challenge is to combine requirements with incentives that are sufficient to entice developers to forego 8-30g and work with the town. I believe that, over time, the Commission will use its experience with builders to fine-tune the proposed regulation to that end.

As you know, the Affordable Housing Committee has created a framework for the development of a housing trust fund. Since the proposed IZ regulation would, in part, underwrite such a fund, we look forward to working with the Commission to bring one into existence.

I enthusiastically support the proposed IZ regulation in general. Below are comments relating to its specific provisions.

C.1

- Under sec. 8-30g, the set-aside units must be split evenly between 80% and 60% income limits. It is unclear from this draft if the same requirement would hold for this regulation.
- Further, 8-30g requires revising upward, not to the nearest whole number. For example, a 75-unit development would require 11.25 set-aside units, rounded down to 11. Rounding up would get the number to 12. Under 8-30g, a 75-unit development would require 22.5 units, rounded up to 23. I believe we should require builders to round up, rather than to the nearest whole number.

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- Under 8-30g, rental units are required to be fungible rather than permanently designated. That is, if the renter of the affordable unit exceeds the income limit, the renter is required to pay market rate. Then, the next unit to come on the market would be required to be rented to an income-qualified tenant at the applicable affordable rent. This should be specified in the IZ regulation.

D.1.a

- In a development of 75 units, a 20% set-aside (15% + 5%) would be 15 units. A 30% density bonus would add 22.5 (=23) units, for a total of 98 units. Maintaining the 20% set-aside then requires 19.6 (=20) affordable units. If that is the minimum requirement, it's not clear to me why the next sentence ("The density bonus units may be a combination of Affordable Units and traditional units as determined by the Commission") is necessary. It's also not clear to me why the density bonus is at the Commission's discretion rather than statutory.

E.

- Why would the fee-in-lieu be applicable only to single-family units? A developer of high-end luxury apartments may find it more advantageous to pay a fee-in-lieu than build fungible high-end affordable units.
- The 3X multiplier as described would currently yield a fee-in-lieu of around \$400,000/unit. With multifamily construction costs exceeding \$400/s.f., this would provide for construction of a 1,000 s.f. unit. Although on the high side, it does not seem completely unreasonable.

F.2

- The "whichever is longer" language doesn't really make sense because the deed restriction will be in place for as long as the unit exists, regardless of the 40-year period. It should simply be designated as "perpetuity."
- The inclusion of fixed improvements might become an issue. If one were to make \$150,000 in improvements to a property and add them to the cost, it may be impossible to income-qualify a potential buyer at the new price. Under 8-30g, there is some adjustment allowed to price for inflation. Our regulation should do the same.

Thank you for the opportunity to comment, and I look forward working with the Commission to help make this regulation a success.

Dave Goldenberg, Chair

Ridgefield Affordable Housing Committee