

A PRIMER ON THE NEW HOMEConnecticut LAW

(Connecticut General Statutes §§ 8-13m and following)

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PURPOSES OF HOMEConnecticut

A voluntary, collaborative process for municipalities across Connecticut to create:

- a surplus of land
- zoned as-of-right for residential development
- at densities that will allow lower-priced market-rate housing and deed-restricted moderate income housing



SUMMARY: HOW HOMEConnecticut WORKS

A municipality:

- submits to the Office of Policy and Management ("OPM") a "Project Plan" for a potential Incentive Housing Zone ("IHZ")
- receives technical assistance grant, up to \$50,000, to evaluate IHZ
- prepares a draft zoning regulation for IHZ, with design standards, meeting minimum density requirement
- applies to OPM for IHZ approval
- after receiving OPM approval, receives \$2,000 per potential unit in IHZ
- adopts the zone regulation
- approves site or subdivision plan application
- issues building permits, collects \$2,000 per building permit from OPM

KEY ELEMENTS OF INCENTIVE HOUSING ZONES

1. "Eligible location": EITHER
 - near transportation, or
 - "area of concentrated development," or
 - area with "existing, planned, or proposed infrastructure" to support required IHZ densities

2. "Developable land": land that will support Act's minimum densities, but excluding:
 - public uses
 - parks and open space
 - land subject to development restrictions
 - wetlands and watercourses
 - more than 1/2 contiguous acre with steep slopes

(Thus, land remaining after exclusions is NET developable land.)



KEY ELEMENTS OF INCENTIVE HOUSING ZONES (continued)



3. Minimum IHZ densities on NET developable land in eligible location:
 - 6 / acre, single-family detached
 - 10 / acre, townhome or duplex
 - 20 / acre, multi-family(NOTE: may zone for one type, two, or all three)

- 4a. Small town exemption: under 5,000 population (2000 Census) may seek OPM approval for 4 / 6 / 10 units per acre

- 4b. OPM may *waive* density requirements for land "owned or controlled" by municipality, land trust, housing trust fund, or non-profit housing agency, *provided* development will be *100 percent* set aside at 80 percent of area median

5. Approval by site plan or subdivision only – *non-discretionary standards*; no special permits or special exceptions

6. Set aside of lower-cost units: minimum 20 percent for 30 years for households earning 80 percent or less of AREA (not statewide) median income; higher set asides allowed

KEY ELEMENTS OF INCENTIVE HOUSING ZONES (continued)

7. "Consistent with State Plan of Conservation and Development" (check Locational Map)
8. Zone adoption must increase as-of-right residential density within zone boundary by *at least 25 percent*
9. Mixed uses allowed
10. Subzones (for example, part single-family, part multi-family) allowed
11. Design standards allowed / encouraged, so long as they will not "unreasonably impair the economic or physical feasibility of constructing housing at the minimum densities required by the Act"



OTHER INCENTIVE HOUSING ZONE FEATURES



1. No incentive *payments* for age-restricted units (but units allowed in zone)
2. Preliminary workshops allowed
3. Limits on conditions of site plan approval
 - to ensure compliance
 - to mitigate extraordinary impacts on other properties
4. Denial bases of site plan or subdivision:
 - non-compliance with regulations
 - information or fees not submitted
 - off-site impacts cannot be mitigated
5. Incentive payments go to General Fund – no restrictions

CONN. GEN. STAT. §§ 8-30g EXEMPTION

Within an incentive housing zone finally approved by OPM, incentive housing zone applicant "may not make such an application utilizing the provisions of [Conn. Gen. Stat.] § 8-30g"

USES OF \$4 MILLION APPROPRIATED

- Planning grants
- Incentive zone regulations payments / \$2,000 per potential unit
- Incentive zone building permit payments (\$2,000 per unit for multi-family / duplex / townhome, \$5,000 for single-family)
- CAVEAT: "Subject to available funds"



HOMECONNECTICUT FOR CONNECTICUT HOME BUILDERS

- A unique opportunity amid the bad news economy?
- Ladies and Gentlemen, Your Density Has Arrived!
- Multiple benefits of multi-family rental and townhomes
 - a. Connecticut market still underbuilt
 - b. Lenders more willing to finance
 - c. Faster, cooperative permitting process
 - d. Municipal process helped by builder participation
 - e. Minimal impact on public schools
 - f. Substantial property tax positive
 - g. Obama administration: infrastructure improvements?
 - h. Legislative 2009: endorsement of HOMEConnecticut money