

A PRIMER ON THE NEW HOMEConnecticut LAW

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

to be used in conjunction with Shipman & Goodwin's "Guidance Document for HOMEConnecticut Technical Assistance Grants," updated April 7, 2008

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PURPOSES OF HOMEConnecticut

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

- a surplus of land
- zoned for 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:

- applies to the Office of Policy and Management ("OPM") for, and receives, technical assistance grant
- identifies an "eligible location" for an "incentive housing zone" ("IHZ")
- prepares a draft zoning regulation, meeting minimum density requirement; design standards included
- prepares housing plan for the proposed IHZ
- 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
- issue 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 [§ 38(B)(3)]

- 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)

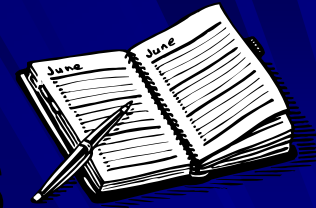
6. Set aside of lower-cost units: minimum 20 percent for 30 years for households earning 80 percent or less of AREA (not statewide) median income; higher set asides allowed
7. "Consistent with State Plan of Conservation and Development" (check Locational Map)
8. Zone adoption must increase as-of-right 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. 20 percent minimum set aside requires enforceable regulation / deed restriction / covenants

KEY ELEMENTS OF INCENTIVE HOUSING ZONES (continued)

12. May be located in (but does not override) historic district
13. 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"
14. Special finding required for IHZ for single-family detached homes on subdivided lots



INCENTIVE HOUSING ZONE ADOPTION PROCESS



1. Local zoning commission adopts proposed IHZ regulation, map, deed restriction, density calculation, "housing plan"
2. Transmit to OPM for approval of "preliminary determination of eligibility"
3. OPM acts within 60 days: if no action, municipality must resubmit / new clock
4. OPM approves or denies
5. If OPM approves, Town eligible for \$2,000 / potential unit
6. Local zoning commission adopts IHZ; OPM pays \$2,000 per unit
7. Municipal reporting requirements to OPM; possible revocation procedures
8. OPM issues "certificates" to towns for continued compliance; statewide list, annual report

OTHER INCENTIVE HOUSING ZONE FEATURES



1. OPM prohibited from approving regulations that will impair or discriminate against subsidized housing
2. No incentive *payments* for age-restricted units (but units allowed in zone)
3. Preliminary workshops allowed
4. Restrictions on charging applicant technical review fees
5. Referrals to other town / city agencies allowed
6. Limits on conditions of site plan approval
 - to ensure compliance
 - to mitigate extraordinary impacts on other properties
7. Denial bases of site plan or subdivision:
 - non-compliance with regulations
 - information or fees not submitted
 - off-site impacts cannot be mitigated
8. Incentive payments go to General Fund – no restrictions
9. IHZ regulation may allow multi-family, townhomes, single-family, or any combination
10. Site plan or subdivision plan may be below densities stated in regulation

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 section 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"