



CENTER FOR HOUSING OPPORTUNITY

LITCHFIELD COUNTY

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cthousingopportunity.org



MISSION: Coordinating a REGIONAL RESPONSE to housing affordability challenges in Litchfield County



Municipalities (public sector)

- 25 towns
- Northwest Hills Council of Governments
- Town housing commissions/committees
- 5 Housing Authorities
- Legislators

Housing non-profits (private non-profit sector)

- Regional Housing Council member organizations
- Homelessness service providers- Housing First

Cross-sector partners

- NWCT Economic Development Corp.
- Anchor institutions (healthcare, arts & culture, education)
- Conservation organizations
- Faith based community

Capacity building resource partners

- CT Dept. of Housing + CHFA
- CT LISC
- Community Foundations- FCH, BTCF, NWCF
- Regional Plan Association, Partnership for Strong Communities



Affordable and Fair Housing 101

For Land Use Commissioners

Agenda

- What is Affordable Housing and who needs it?
- Connecticut **Zoning Enabling Act** (CGS 8-2) re: housing diversity
- Affordable Housing Land Use Appeals Procedure (CGS 8-30g)
- Your town's obligations Under **Fair Housing Act**
- Addressing Community Affordable Housing Needs with the Public
- Zoning to Promote Housing Options

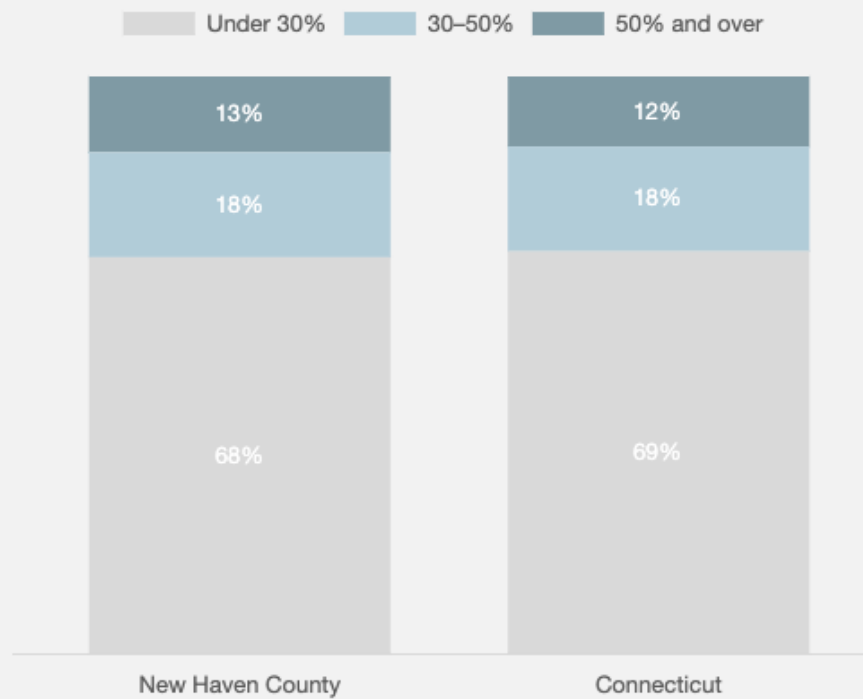


What is Affordable Housing?

Your housing costs = less than 30% of your household's income.

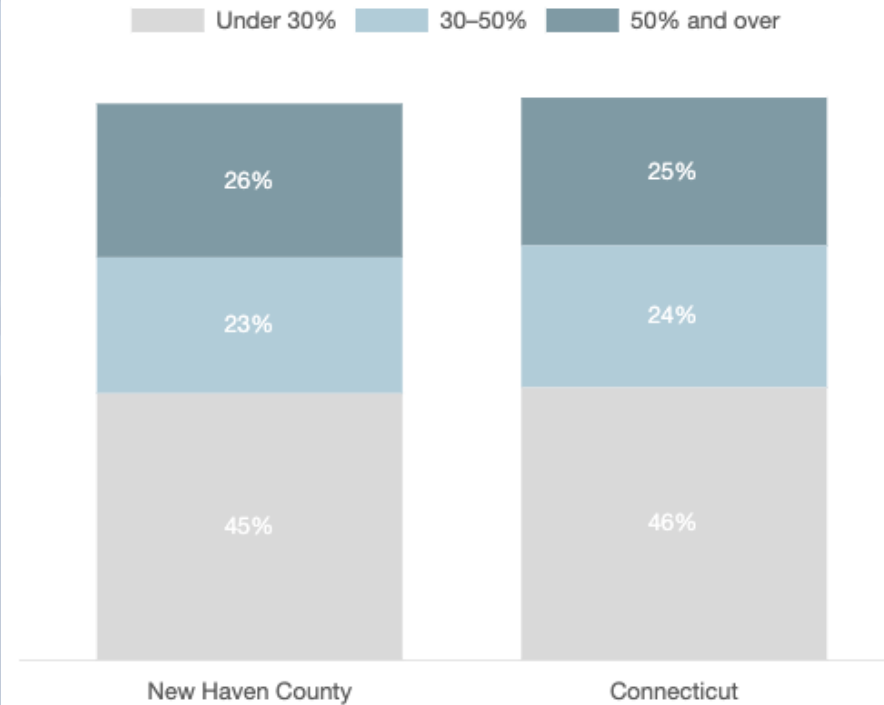
Homeowners, with mortgage

31% of homeowners (with mortgage) in New Haven County are cost-burdened.



Renters

49% of renters in New Haven County are cost-burdened, that is, spend 30% or more of their income on rent and associated costs.



What is Affordable Housing?

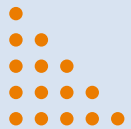
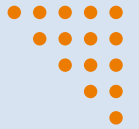
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- “Dedicated” to remaining affordable to the households who need it (80% AMI and less).
- Housing that received financing from a government program and is restricted to residents with low or moderate incomes.
- Properties with deed restrictions limiting the rental or sale to income-qualifying families.

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- Less-expensive market-rate housing, sometimes called naturally occurring affordable housing (NOAH).
- Housing quality can be poor- typically older and/or not well maintained.
- Open to market forces. Tenants are unprotected from rent increases.
- Affluent towns typically don't have a large supply of NOAH.

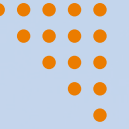
What was Affordable Housing?



What is Affordable Housing Now?



Who Needs Affordable Housing?

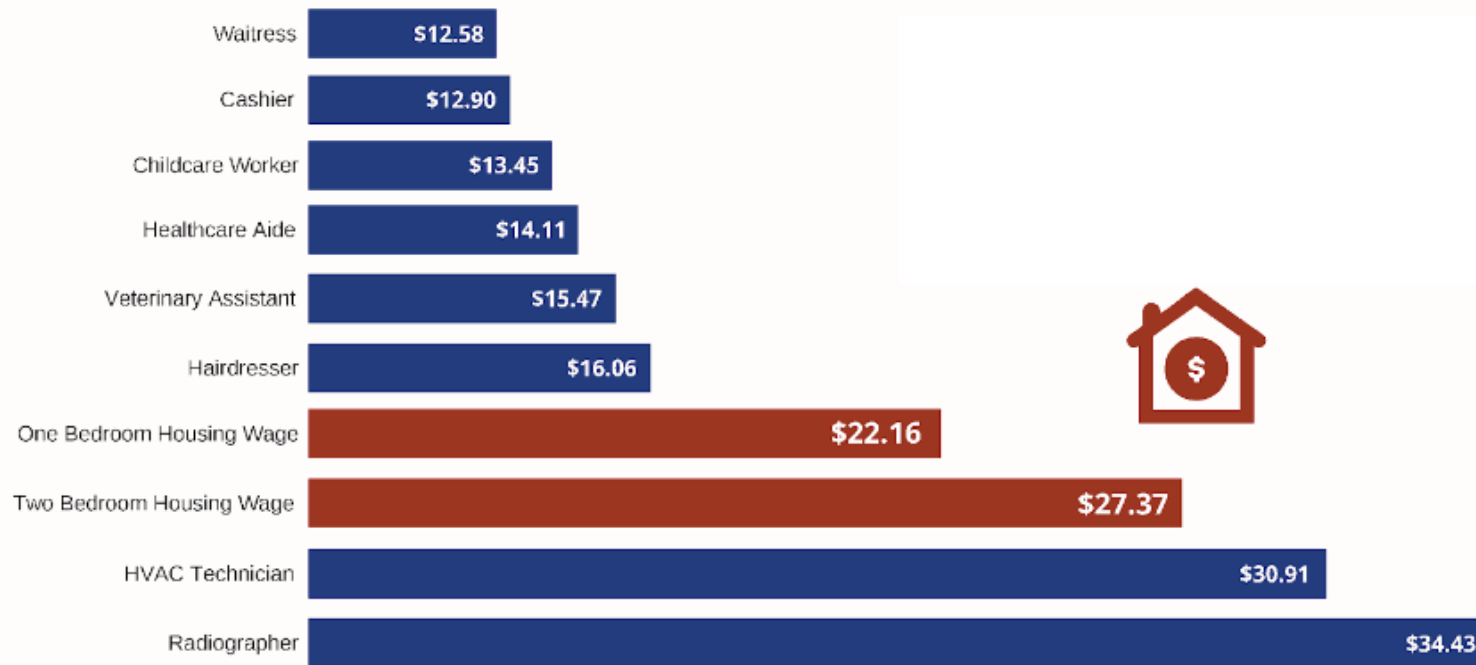


Last Updated May 2022

CT's Housing Wage

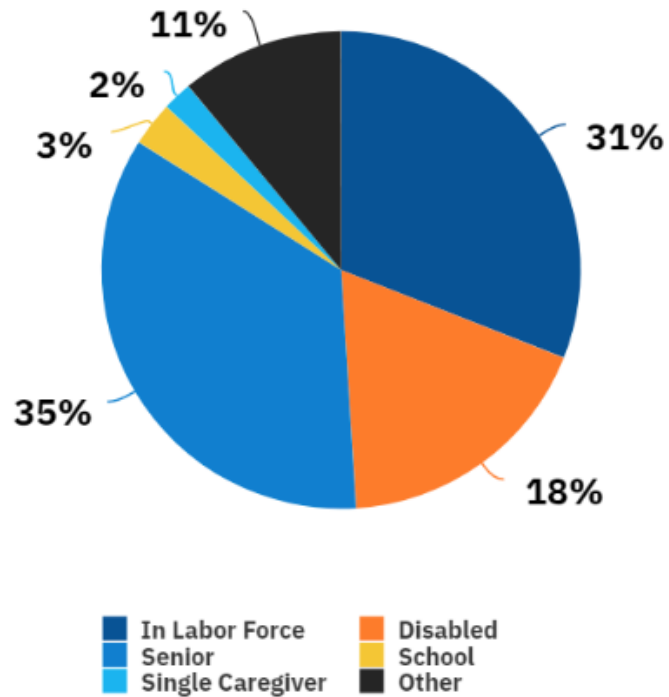
The Struggle to Afford Housing

Changes in the economy, household formation, inflation, and wage stagnation -- leave many in Connecticut struggling to afford housing. Many jobs pay less than the state's median household income of \$79,855 annually and have an hourly wage that is less than the housing wage (what one needs to afford a typical 2-BR apartment) of \$27.37.



Who Needs Affordable Housing?

EXTREMELY LOW INCOME RENTER HOUSEHOLDS



- Elderly households on fixed incomes
- Individuals with disabilities with very limited/fixed incomes
- Minimum wage and low-wage worker households – often service industry employees and their families




The Zoning Enabling Act (§ 8-2) and Housing Diversity

Zoning regulations must:

- “encourage the development of housing opportunities, including **opportunities for multifamily dwellings**,... for all residents of the municipality and the planning region in which the municipality is located.”
- “promote housing choice and economic diversity in housing, including housing for both low- and moderate-income households.”

Zoning regulations cannot:

- Establish a minimum floor area for dwellings greater than that contained in building, housing or other codes.
 - Place a numerical or percentage cap on the number of mixed use or multi-family dwellings in a town.
- 

The Zoning Enabling Act (§ 8-2)

What Can't be Considered in Land Use Decisions?

Local land use decisions may not be made based upon:

- Consideration of the **financial viability** of a proposal.
- Consideration of a proposal's projected number of school children, **effect on the town's education budget**, impacts on property taxes.
- A proposal's **perceived inconsistency with the "character of the town"** and must reference demonstrable physical characteristics of the proposal in a denial.



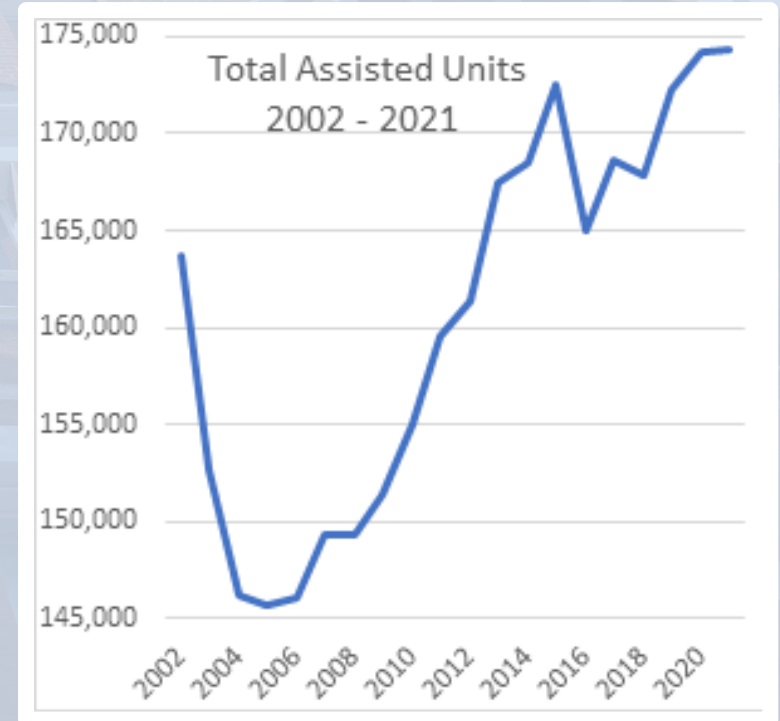
The Affordable Housing Appeals Act (§ 8-30g)

- §8-30g allows housing developers willing to build housing with long-term affordability to low- and moderate-income households to challenge a town's failure to approve the proposal.
- At least 30% of homes in these developments must be priced so that lower income earners will spend less than 30% of their income on housing costs.
- A town can achieve a four-year exemption from 8-30g if it builds a sufficient number of affordable homes.
- Twenty-nine municipalities are exempt from 8-30g (>10% affordable housing).

The Affordable Housing Appeals Act (§ 8-30g)

What Housing Counts for 8-30g

- Low- and moderate-income housing with governmental financial assistance
- Housing with tenants who have rental vouchers
- Housing with CHFA or USDA single family mortgages
- Housing with deed restrictions limiting the cost to low- and moderate-income tenants or owners





The Affordable Housing Appeals Act (§ 8-30g)

Why Not Count Unrestricted Lower Cost Housing?

There may be many homes in your town (especially older homes or smaller homes) that are affordable for the households living there now. However, the State doesn't count these as "Affordable" homes because there is no way to assure if or for how long the home will continue to be affordable when the home is sold or rented to a new household.

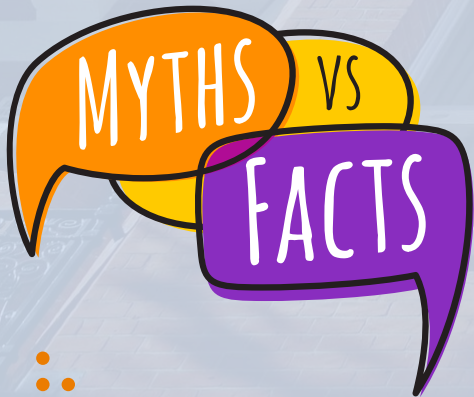
Housing with government subsidy or deed restriction:

- Is required to meet a standard of quality as properties are inspected
- Are publicly available
- Have housing costs that are affordable to the occupant's income
- Certify income of the tenant

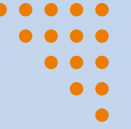


The Affordable Housing Appeals Act (§ 8-30g): Answering Common Misconceptions

- Towns are not required to have 10% of their housing units affordable. Ten percent sets the threshold for exemption from the statute.
- Affordable homes aren't just new construction.
- Section 8-30g only applies to zoning regulations.



Fair Housing



Fair Housing is the sale/rental of housing free of discriminatory practices or policies. **Fair Housing rules apply to all homes in your town whether they are affordable or not.**

Housing discrimination is illegal in Connecticut. Specifically, it is against the law to deny anyone housing because of their:

- Race
- Color
- National origin
- Sex (gender)
- Religion
- Children or family status
- Disability (mental or physical)
- Marital status
- Age (except minors)
- Sexual orientation
- Gender identity or expression
- Legal source of income
- Veteran status

In Connecticut, housing vouchers are considered a “lawful source of income,” making it illegal to refuse to rent to a person because they have a housing voucher.



Fair Housing

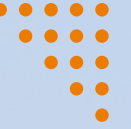
What is my role as a land use commissioner?

Affirmatively Furthering Fair Housing

- All municipalities in Connecticut are required to **take actions to identify and remove impediments** to fair housing.
- Many people in the protected classes are disproportionately lower-income making a lack of affordable housing options a core impediment to fair housing choice.

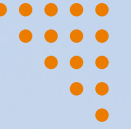
Municipal policies that limit where people can live or who benefits from programs:

- Limits on unrelated people residing together.
- Occupancy limits.
- Zones that only permit elderly housing.
- Limits on who can live in a jurisdiction's affordable housing—for example a **preference for local applicants**, municipal employees or other groups that may be disproportionately comprised of certain groups like non-Hispanic Whites or people without disabilities would prevent many people of color from moving into the affordable housing.
- Lack of affirmative marketing to people in the protected classes leading to a jurisdiction's public housing or housing subsidy population that does not reflect the racial and ethnic composition of the region.



Fair Housing

Impediments to Fair Housing



More questions?

Call the Connecticut Fair Housing Center at
860-247-4400

Their mission is to ensure that all people have equal access to housing opportunities in Connecticut, free from discrimination.

Municipal policies that promote or limit affordable housing development:

1. Zoning and land use rules promoting large lots or imposing requirements on multifamily housing that are different from those for single-family housing.
2. Town plans that do not foresee or allow for the creation of affordable housing in response to a regional housing need.
3. Accommodating community opposition to affordable housing based on unsubstantiated fears about loss of “town character,” increased school costs, falling market value, crime, or racial integration.

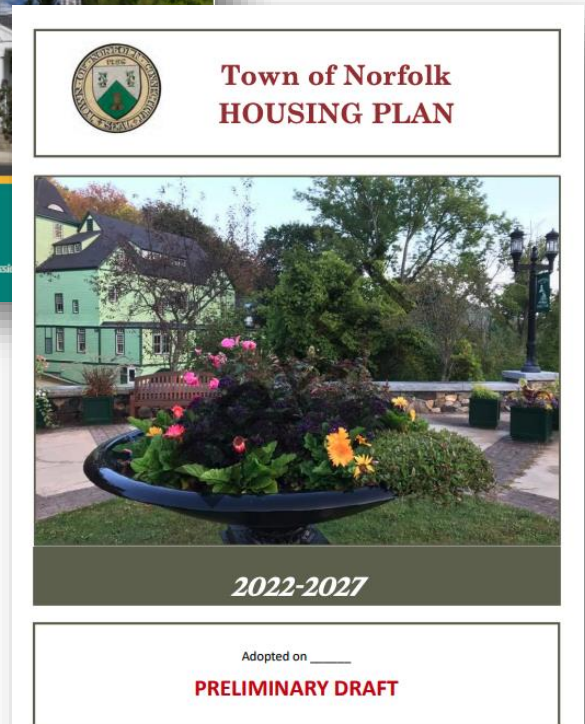
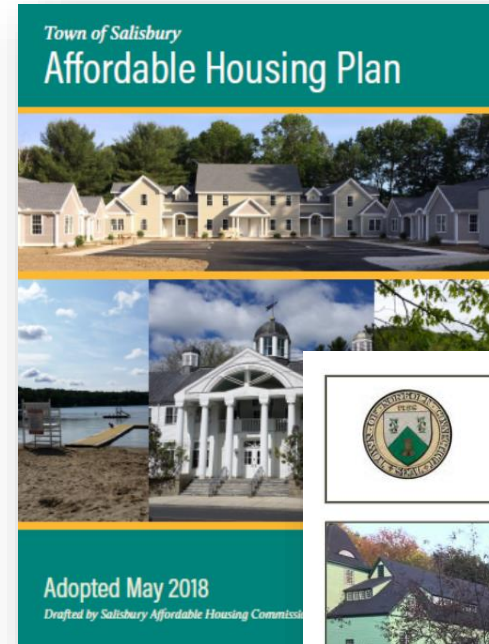




I. Addressing Community Affordable Housing Needs with the Public

How can municipal land use officials do this?

1. Refer residents to your town's **affordable housing plan**
 - Needs assessment, goals, and strategies
 - Participate in annual implementation meeting
2. Refer residents to your **Plan of Conservation & Development** section on housing
3. When you are updating these plans; make sure the **community engagement** is as robust as possible and make sure to include your local housing non-profit(s)
 - Hire/invite a professional to help facilitate/participate who is experienced with answering these questions





Addressing Community Affordable Housing Needs with the Public

FAQs

1. **There are no jobs or public transportation in my town; how can we accommodate residents who need affordable housing?**
 - You already have these residents
 - Having to own a reliable car makes living here more expensive
 - Jobs/economy is regional and many employers are hiring
2. **Is this development going to change my town's rural character?** (See short film)
3. **Will my property taxes/school costs go up** because the town will have to pay to construct these affordable housing options?
4. How can we make sure that **only current residents of our town get to live in affordable housing** created here? **Fair housing**
5. Can you do it in **towns without water and sewer?**



FAQ sheets can also be found at:

- [Pschousing.org](https://pschousing.org)
- [Cthousingopportunity.org](https://cthousingopportunity.org)



Kugeman Village- 18 units



Bonney Brook – 10 units senior housing

Can small towns with no public water/sewer provide affordable housing options for residents?

- Cornwall, CT (pop. 1,362)
- Has 33 total units of affordable housing
- 28 developed by non-profit Cornwall Housing Corp.
- www.cornwallhousingcorporation.com



Addressing Community Affordable Housing Needs with the Public

“Our housing systems are experiencing the toughest challenges that we’ve seen in more than a generation.”

– Dr. Tiffany Manuel

Our housing **system** needs to be addressed; not about charity or individual responsibility

- Housing market and our economy are regional but zoning is local

Our planning, zoning, conservation, wetlands commissions- create and can improve the **system** to set us up to succeed in achieving our land use goals including providing more housing choice

Don’t need to reinvent the wheel here.



II. Zoning to Promote Diverse Housing Options

How can municipal land use officials do this?

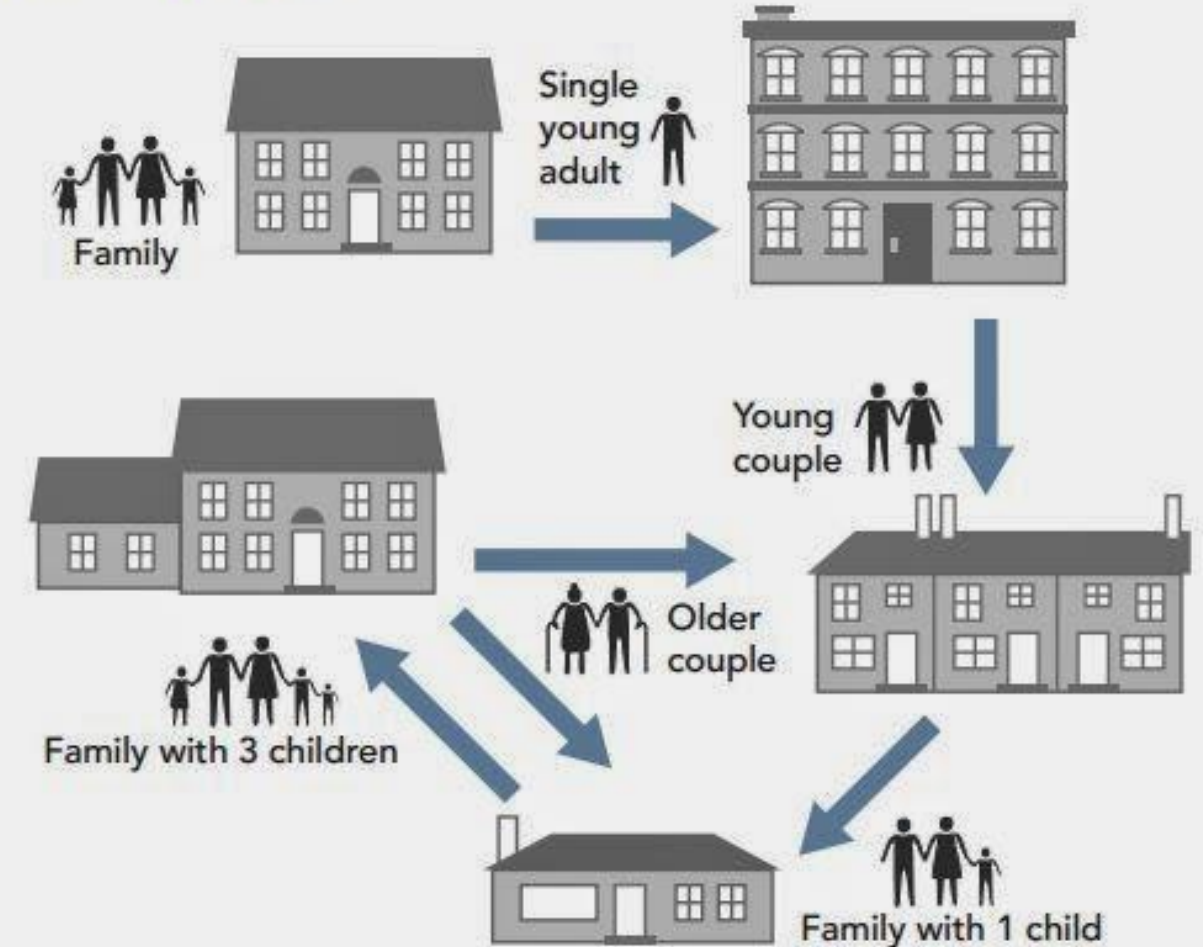
Review your plans & regulations (or the zoning analysis in your housing plan):

Are you creating a **system** that promotes diverse housing options?

Is there room for improvement? Do you have a regulation intended for this but no one is using it? (revisit)

Do you have a "missing middle"?

HOUSING LIFE CYCLE





Zoning to Promote Diverse Housing Options

ZP= Permitted if it meets all zoning requirements

SP= Special permit required (public hearing + notice to neighbors)

No= not permitted

	R-44 Residential Zone <i>(covers ≈90% of land area)</i>	R-15 Residential Zone	NBZ	CBZ
One-Family Dwelling	ZP	ZP	SP	No
Accessory Apartment	ZP	ZP	No	No
Two-Family Dwelling	No	SP	No	No
Multi-Family Dwelling	No	SP	No	SP
Mixed- residential and commercial	No	No	SP	SP
Minimum lot size required	1 acre for any lot created after 2002	1 acre- any lot created after 2002	1 acre	none

1. Is more than one housing unit allowed per lot in zones that cover most of the land area in town?
2. Could minimum lot sizes be reduced in certain zones?
3. Any residential use that could go from a special permit to site plan review?



Examples from Litchfield Co. towns – Missing Middle

1. Enable 2-4 units in one structure (new and conversions)

- Enable 2-4 housing units - “gentle density” “middle housing”
- Consider appropriate locations (such as in village center areas)
- ***Barkhamsted, Canaan, Kent, Litchfield, Norfolk, Winchester***- allow new 2-family in certain zones- most by SP
- Many towns only allow conversion to multi-family of older homes/buildings

2. Encourage adaptive reuse of larger buildings (historic buildings, schools, churches, barns)

- **Winchester** “Industrial Heritage Reuse” regulation
- Some towns do this through their “affordable housing” regulations





Examples from Litchfield Co. towns- Overlay zones

1. Multi-family Housing Overlay district (*Salisbury, CT*)

- Introduce uses such as multi-family housing and/or mixed use within specific zoning districts or by means of an overlay zone
- Allow more density; especially on town water/sewer and/or in village center areas
- Reduce parking requirements and/or introduce shared parking for mixed use projects

2. Village Mixed Use & Village Housing Overlay Zone (*Kent, CT*)

- The purpose is to enable the development of housing, including affordable housing units, within a portion of the Kent village area.
- Max density of 4 u/a; minimum density of 3 u/a
- At least 20% of units must be affordable

3. Incentive Housing Zones (*Barkhamsted, Canaan, Sharon, Torrington*)

- Proactive local approach- control over location, design, max. density
- Minimum required densities: 6 u/a single family, 10 u/a duplex, 20 u/a multi-family OR waiver if 100% affordable (calculation only includes “buildable area”)
- By-right with site plan review





Examples from Litchfield Co. towns

1. “Town or Non-profit sponsored affordable housing” *Colebrook, Cornwall, Kent, Litchfield, Salisbury, Sharon, Norfolk, Warren, Washington, Winchester*

- Allow additional density to create affordable housing
- Only if project is sponsored by town or non-profit
- Make it as flexible as possible

2. Utilizing 8-30g

In LC, 8-30g is typically used by local non-profits- mostly “friendly” 8-30gs

- Recent examples: *Litchfield* “Residential Housing Opportunity/Workforce” (RHOW)
- *Litchfield Housing Trust, Washington Community Housing Trust*





Home Sweet Homes



- **8 Ownership Homes**
- All ADA Compliant
- 1654 square feet
 - 3 bedrooms
 - 2 full bathrooms
 - Mudroom/Laundry
 - Front porches & back patios
- **Protected Open Space with Conservation Restrictions**
- Private Development
- Seeking NGBS Energy Rating



Litchfield Housing Trust, inc.



Opening doors for families. Strengthening our community.



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[LITCHFIELD HOUSING TRUST, INC.](#)
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BUILDING FOR FUTURE GENERATIONS

Together, we are working to maintain a viable, diverse community for future generations to call home.



Vincent Farm (friendly 8-30g)



CENTER FOR HOUSING OPPORTUNITY

LITCHFIELD COUNTY

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