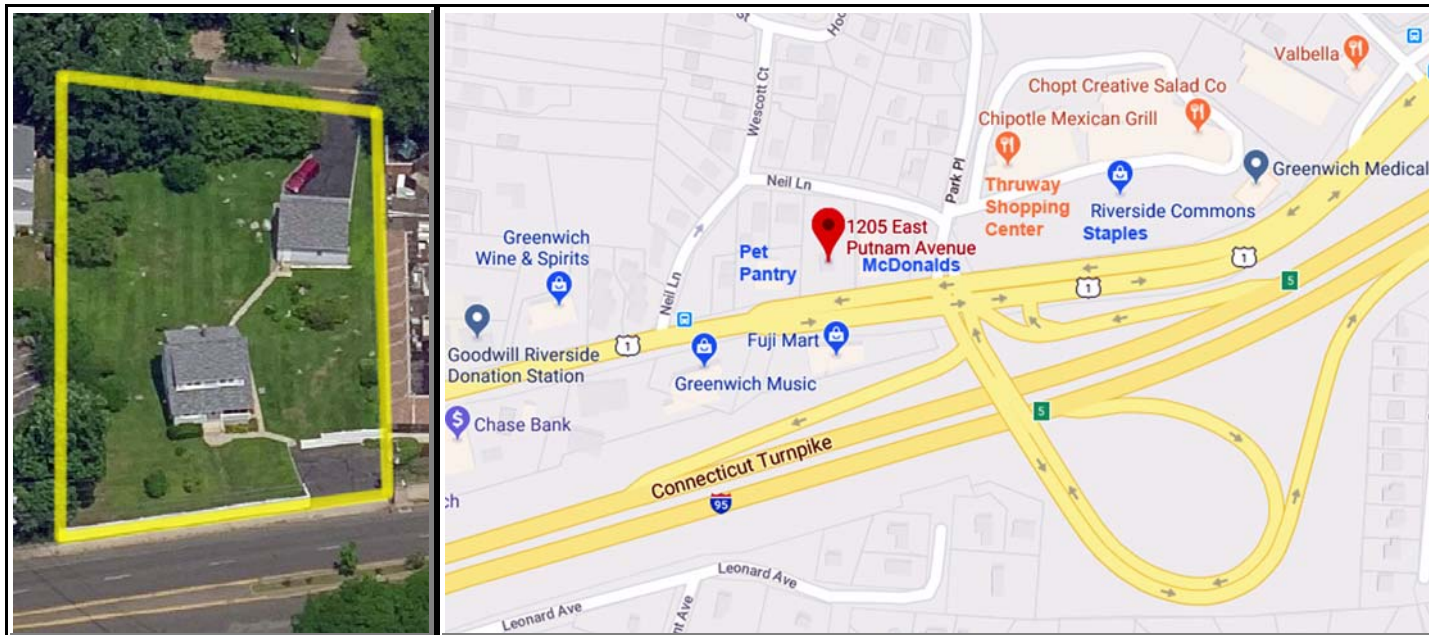


Greenwich (Riverside)- For Sale

PRIME COMMERCIAL / MULTI-FAMILY DEVELOPMENT SITE



1205 EAST PUTNAM AVENUE at I-95 EXIT 5 Greenwich (Riverside). CT

This land is the last undeveloped prime site along East Putnam Avenue (US Route 1) in the Riverside section of Greenwich. Its rectangular shape and level topography lend itself to the variety of commercial, multi-family and mixed uses allowed in the LB Zone.

It is located right at the extremely busy intersection of East Putnam Avenue and I-95 Exit 5 which has an average daily traffic count in excess of 25,000 cars.

The site is adjacent to the newly rebuilt McDonald's restaurant and hugely successful Thruway Shopping Center.

Land: 26,122 SF in the LB Zone

Development Potential

Commercial: FAR .5 - Build up to **13,061 SF** on 2 Floors

Residential / Mixed Use:

Greenwich- 6-110 FAR .75 - Build up to **19,592 SF** on 3 Floors. Regular and "moderate" units.

State of CT- 8-30g - More regular and "affordable" units.

Existing

Building: 2 story 1,491 SF house with 720 SF detached garage.

Price: Upon Request



Please call:
Michael Tedesco
(203) 531-5939

View our listings online:
TedescoRealty.com
E-mail: Mike@TedescoRealty.com
P.O. Box 31066 Greenwich, CT 06831

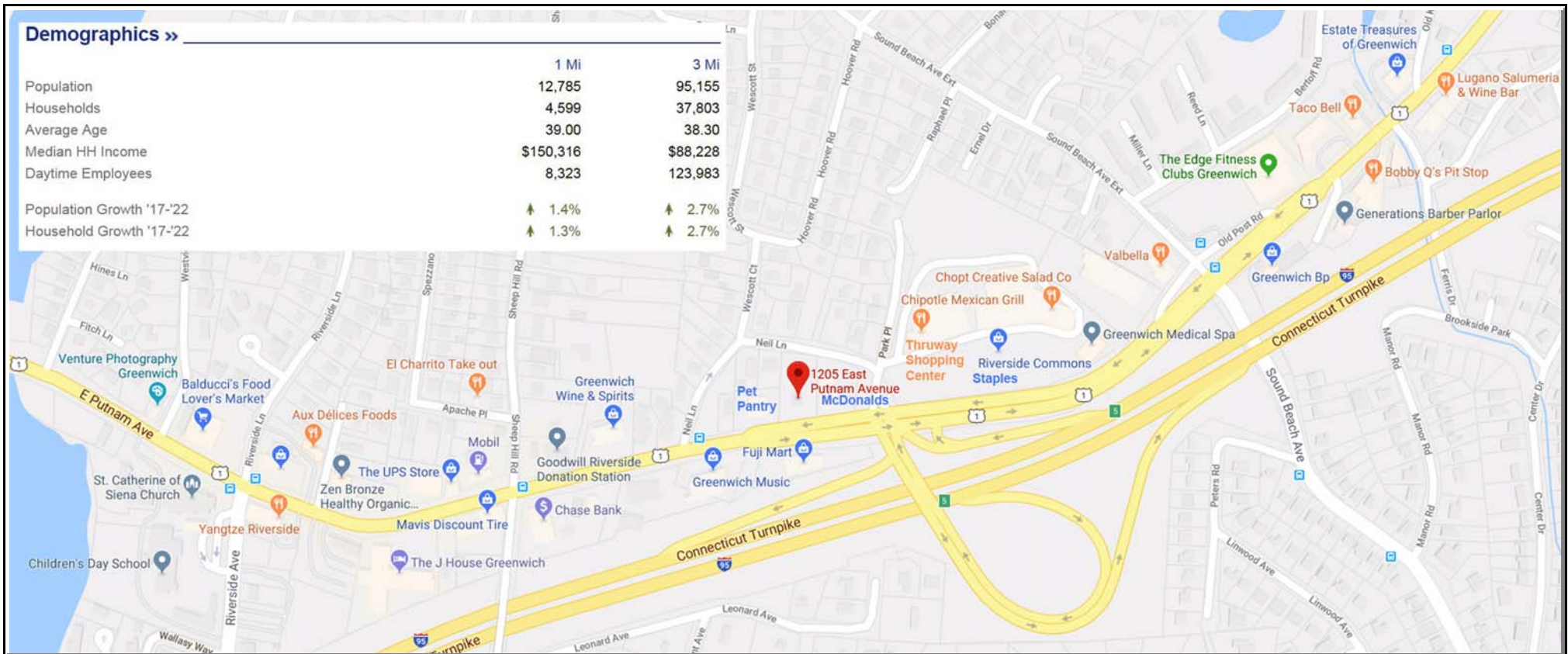
The information contained herein, was assembled from various sources of varying degrees of reliability. Any information that is critical to your buying/leasing decision should be independently verified.

LOCATION DESCRIPTION

The Riverside section of Greenwich along East Putnam Avenue (US Route 1) at the I-95 Exit 5 intersection is a high traffic retail area with a variety of shops, restaurants and offices with an average daily traffic count of 25,000 cars plus 130,000 cars on I-95.

1205 East Putnam Avenue is situated on the north side of East Putnam Avenue adjacent to the modernized McDonald's restaurant and the highly successful Thruway Shopping Center. The subject is at the center of the East Putnam Avenue corridor between Riverside Avenue and Sound Beach Avenue which is dotted with great retail businesses interspersed with office and residential buildings.

Area demographics are indicative of the region with its tremendous buying power - See chart below.



SITE SPECIFICATIONS

Land Area: 26,122 SF with 126+/- feet of frontage on East Putnam Avenue (US Route 1). Topography is relatively level.

Zone LB - Local Business Low density commercial and / or multi-family developments.

Utilities:

- Water** - Available through Aquarion water.
- Sewer** - Currently the site has a french drain with a leech field, hookup with the local municipal sewer is possible.
- Electric** - Available through Eversource.
- Gas** - Natural gas is available in both East Putnam Avenue and Neil Lane.

DEVELOPMENT POTENTIAL

Commercial: FAR .5
Total Size: 13,061 SF on 2 Floors
Potential
Net Rent: \$60.00 per SF.

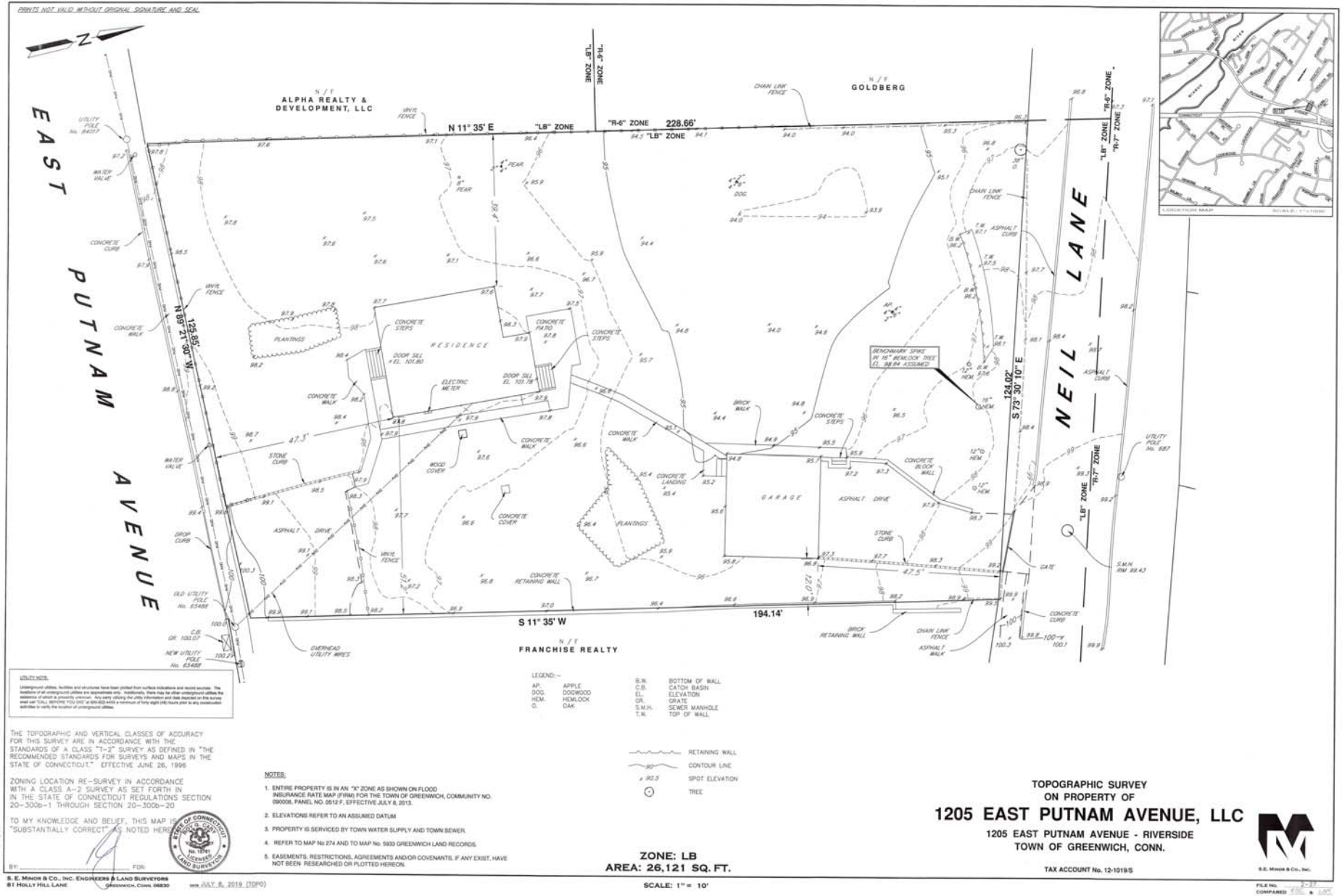
Residential / Mixed Use:

There are two types of residential/mixed use development opportunities.

6-110 One is with the Town of Greenwich and defined in the zoning code as 6-110. A copy of the code is attached. This code provides for a portion of the residential units be set aside as "moderate income" units. It allows an enhanced FAR of .75 and a maximum building height of 3 stories. It also relaxes certain setbacks and does allow mixed use. Still subject to review by the Town's P&Z Commission.

8-30g Alternatively, the State of Connecticut has a provision in its statutes defined as 8-30g. These provisions are very interpretive and can be read here - www.cga.ct.gov/current/pub/chap_126a.htm. A version of this statute is also attached. In essence, an 8-30g allows more total units but also more units defined as "affordable". The Town cannot deny this unless there are public safety concerns or wetland issues.

SURVEY



COPIES NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL



EAST PUTNAM AVENUE

UTILITY NOTES:
 Underground utilities, facilities and structures have been plotted from surface indications and record sources. The location of all underground utilities are approximate only. Additionally, there may be other underground utilities the existence of which is presently unknown. Any party utilizing this site information and map should do so under their own risk. Approval of this site plan is not intended as a statement of any right with respect to any underground utilities in or on the location of underground utilities.

THE TOPOGRAPHIC AND VERTICAL CLASSES OF ACCURACY FOR THIS SURVEY ARE IN ACCORDANCE WITH THE STANDARDS OF A CLASS "T-2" SURVEY AS DEFINED IN "THE RECOMMENDED STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT," EFFECTIVE JUNE 26, 1996.

ZONING LOCATION RE-SURVEY IN ACCORDANCE WITH A CLASS A-2 SURVEY AS SET FORTH IN IN THE STATE OF CONNECTICUT REGULATIONS SECTION 20-300b-1 THROUGH SECTION 20-300b-20

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS "SUBSTANTIALLY CORRECT" AS NOTED HEREIN.



BY: _____ FOR: _____
 S. E. MINOR & CO., INC. ENGINEERS & LAND SURVEYORS
 81 HOLLY HILL LANE GREENWICH, CONN. 06830
 JULY 8, 2019 (TOPO)

LEGEND:
 AP. APPLE
 DOG. DOGWOOD
 HEM. HEMLOCK
 O. OAK
 B.W. BOTTOM OF WALL
 C.B. CATCH BASIN
 EL. ELEVATION
 GR. GRATE
 S.M.H. SEWER MANHOLE
 T.B. TOP OF WALL

RETAINING WALL
 CONTOUR LINE
 SPOT ELEVATION
 TREE

- NOTES:**
- ENTIRE PROPERTY IS IN AN "X" ZONE AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) FOR THE TOWN OF GREENWICH, COMMUNITY NO. 090008, PANEL NO. 0512-F, EFFECTIVE JULY 8, 2013.
 - ELEVATIONS REFER TO AN ASSUMED DATUM.
 - PROPERTY IS SERVICED BY TOWN WATER SUPPLY AND TOWN SEWER.
 - REFER TO MAP NO 274 AND TO MAP NO. 5923 GREENWICH LAND RECORDS.
 - EASEMENTS, RESTRICTIONS, AGREEMENTS AND/OR COVENANTS, IF ANY EXIST, HAVE NOT BEEN RESEARCHED OR PLOTTED HEREON.

ZONE: LB
AREA: 26,121 SQ. FT.
 SCALE: 1" = 10'

TOPOGRAPHIC SURVEY
ON PROPERTY OF
1205 EAST PUTNAM AVENUE, LLC
 1205 EAST PUTNAM AVENUE - RIVERSIDE
 TOWN OF GREENWICH, CONN.

TAX ACCOUNT NO. 12-1019-S



FILE NO. 2-21
 COMPARED TO 2-21

GREENWICH GIS MAP



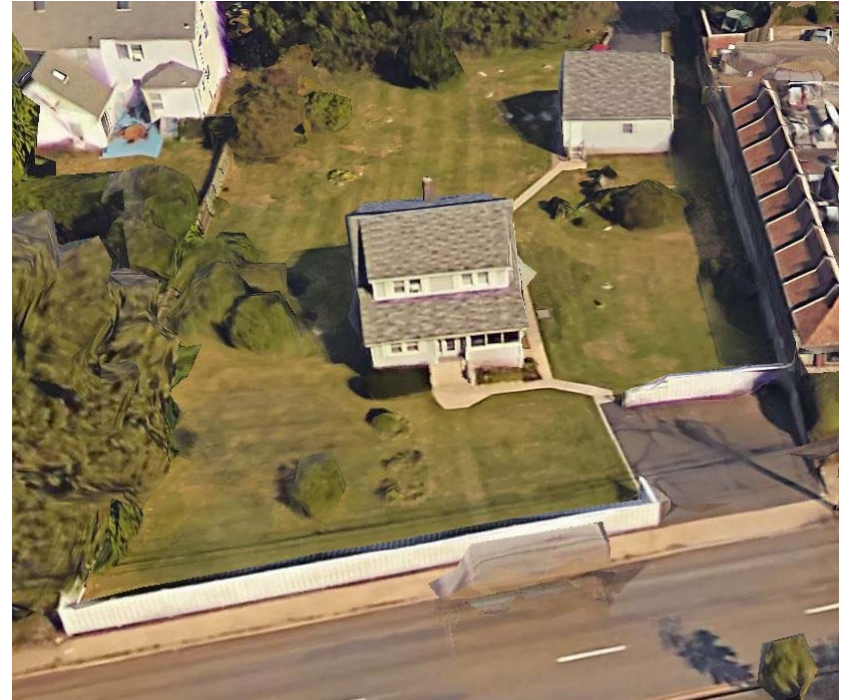
This map was produced from the Town of Greenwich Geographic Information System. The Town expressly disclaims any liability that may result from the use of this map.

Map Printed Date: 3/14/2024 11:54:16 Copyright © 2000 by the Town of Greenwich.

3/14/2024
Scale: 1"=50'
Scale is approximate



AERIAL VIEWS



Sec. 6-104. USE REGULATIONS AND SPECIAL REQUIREMENTS FOR LB ZONE. (3/21/2000)

(A) Purposes.

In addition to the purposes stated in Sec. 6-102, the goal of the LB zone is to provide for greater variety of retail, service, community and business needs. The zone supplies merchandise and services for the nearby residential and business areas, and it serves local consumers from beyond the immediate neighborhood because of its central location and its greater flexibility and multiplicity of uses. The LB zone is less dependent upon pedestrian traffic and storefront exposure. While the zone serves both the surrounding neighborhoods and the community at large, for the most part it does not seek to attract its clientele from beyond the Town. The scale and uses of structures are intended to be compatible with the character and density of surrounding areas.

This is a multi-functional zone whose primary goals are to protect and encourage neighborhood and locally-oriented retail and personal service development so as to meet the frequent recurring needs of nearby residents and businesses, to provide comparison goods and services, and to meet needs for a broader variety of business and community services.

The LB zone is designed also to provide for diversity of housing opportunities. (3/21/2000)

(B) Parking

Subject to (C) below, underground parking may be permitted by Special Permit provided that parking spaces required for Use Group 1 uses are surface spaces on the same level as street-level businesses and are not permitted within the required front yard unless screened as provided for below. In considering approval of underground parking, the Commission shall consider the character of the area including existing uses, buildings and open spaces; the relationship of the proposal in all its aspects, including bulk and mass, to the existing character and purposes of the business district; and the convenience to shoppers.

Notwithstanding other provisions of these regulations, no above-grade parking structures shall be permitted except in accordance with Special Permit procedures and standards pursuant to Sec. 6-17. In considering the appropriateness of the parking structure the Commission shall apply, in addition, the standards established above for underground parking; furthermore, the Commission shall find that the unique nature of the associated principal use and site warrants such a structure, that adequate screening from streets and adjoining properties can be provided by topography, landscaping or other means, and that the standards of Sec. 6-15 have been met.

Except for below ground covered parking, parking shall not be permitted within the required front yard unless, after application for Site Plan Approval pursuant to Sec. 6-13 to 6-16.1 inclusive of these regulations, the Commission finds that said parking is adequately screened from all streets by virtue of landscaping or substantial changes of topography. Where a lot fronts on more than one street, the front yard for the purposes of this provision shall be that adjacent to the street determined by the Zoning Enforcement Officer to be the primary street.

(C) Height Limitations.

Notwithstanding other provisions in these regulations, the height of any structure shall not exceed thirty-five feet as measured from the grade plane. Subject to Special Permit, the elements and structures regulated under Sec. 6-127 and uses of Use Group 3 as regulated elsewhere in these regulations may be permitted to exceed the height established in this sub-section 6-103(C). (5/4/2005)

(D) Floor Area Ratio (FAR).

See Table, Sec. 6-205(b)

(E) Ground Floor Uses.

Except for access to and egress from upper floor permitted uses, uses on the ground floor shall be limited to uses listed in Use Groups 1, 4, and 9, which uses shall occupy not less than 75% of the floor area of the largest floor of the building. For the purposes of this provision, the ground floor shall be considered a floor within 18 inches of mean curb elevation; if no floor occurs within this elevation, the Zoning Enforcement Officer shall determine which floor of the building shall be treated as the ground floor. Exceptions to ground floor use regulations are noted in (G) below. (4/4/87)

(F) Upper Floor Uses.

Uses permitted above the second floor shall be uses other than Use Groups 1, 2a, 4 or 9, but may include storage incidental to first and second floor uses.

(G) Permitted Uses. (3/21/2000)

Subject to (E) and (F) above the following uses are permitted:

Use Group 1

Use Group 2a, except that any such use in the LB Zone shall be permitted only above floors having uses of Use Groups 1, 3, 4, or 9, which uses must occupy not less than 75% of the floor area of the largest floor of the building.

Use Group 3. Use Group 3 may be permitted on the ground floor of a structure provided the standards and requirements of Sec. 6-110(g) are met. (4/4/87)

Use Group 4

Use Group 9, when authorized by Special Permit pursuant to Sec. 6-17.

(H) There shall be no display of merchandise or the placement of equipment used for an on-site business activity permitted in the required front yard or in the required parking area. (5/4/2005)

SUBDIVISION 3. BUSINESS ZONES.

Sec. 6-100. USE GROUPS FOR BUSINESS ZONES.

In order to carry out the purposes and provisions of these regulations, the uses of all non-residential buildings and structures have been classified into Use Groups.

Any use not specifically listed in the following Use Groups shall be prohibited, unless allowed under Use Group 5 by Special Exception. (9/15/86).

USE GROUP 1 (9/28/2010)

Assembling, processing or any light mechanical operation clearly incidental to the conduct of a retail business or personal service shop provided that such use is not larger than 750 square feet gross floor area, and, in the opinion of the Zoning Enforcement Officer, is not offensive or obnoxious or detrimental to the neighborhood by reason of emission of odor, dust, smoke, fumes or noise. (9/15/86)

Banks (including drive-ins) when authorized by special permit (4/14/2010)

Dry cleaning establishments, subject to the following:

Dry cleaning establishment using non-inflammable solvents and employing not more than ten persons, provided that the local Fire Marshall shall have approved that solvent to be used as non-inflammable under the State Rules and Regulations concerning Dry Cleaning and Dry Dyeing, and also shall have approved the location and installation of the equipment, and provided that the Commissioner of Public Works shall have approved the method of disposal of waste materials from the cleaning process; and provided that odors and fumes from the establishment are sufficiently dissipated so that they are not offensive or detrimental to neighboring property.

Emergency Youth Shelters

Fitness Clubs (Note D) (9/28/2010, 9/20/2013)

Group Fitness Centers (Note D) (9/28/2010, 9/20/2013)

Gyms (Note D) (9/20/2013)

Group Living Facility for the Elderly, permitted by Special Permit pursuant to Sec. 6-17. (see Sec. 6-94(b)(2) for standards and requirements) (2/25/88)

Indoor theaters, of minimum 200 seats

Libraries, museums and art galleries

Municipal uses

Non-profit, multi-service, social work agency

Outdoor dining facilities, ancillary and contiguous to an eating establishment (restaurant, or retail food establishment), operating on a seasonal (seven month) basis starting on April 1st and concluding on November 1st in any calendar year and subject to the following: (11/25/2008, 3/25/2014)

- (1) Proof of the availability of adequate parking shall be submitted at the time of application for final site plan approval guaranteeing said availability for the period the use is to function.
- (2) Proof of adequate liability insurance shall be provided. Outdoor dining areas located on Town sidewalk(s) will be required to carry additional liability insurance and/or policies in such an amount as determined by the Town's Risk Management Office. Proof of liability insurance shall be disclosed on an Acord form entitled, "Certificate of Liability Insurance", and be in the amount as required by the Town's Risk Management Office. The Town of Greenwich shall be named as an additional insured. If alcohol is being served, the Certificate of Liability Insurance certificate must disclose that liquor liability insurance is in place for the same amounts of the required general and umbrella liability policies and the applicant will be

required to carry further liability insurance and/or policies. The owner/operator shall sign an agreement indemnifying the Town from liability on adjacent Town property resulting from the operation of said use prior to the issuance of Building and Zoning permits. (4/9/2014)

- (3) When the seasonal use ceases at the end of the approved period, all evidence of such use shall be removed from the premises. (4/9/2014)
- (4) If said use is to be re-established the applicant must reapply, annually, and again meet all conditions and standards of this subsection.
- (5) Dining facilities use must be entirely on property owned or leased by the applicant. Public property may not be used for dining facilities purposes unless a properly executed lease agreement has been obtained and all insurances as approved by the Town. (4/9/2014)
- (6) Building and Zoning permits must be obtained prior to the start of dining facilities use regardless of the amount of construction involved. (11/17/97, 4/9/2014)
- (7) In the case of small-scale projects (3 tables or less, on private property) site plan approval by the Planning and Zoning Commission will not be necessary. The Town Planner shall review and approve said projects after assurance that the conditions of this subsection have been met and any requisite insurance is provided as mandated by the Town. (4/9/2014)
- (8) Will not interfere with public, state or municipal use of any public street, sidewalk or property, will not create a disturbance or hazard to pedestrians or traffic and will not interfere with the safe and free flow of pedestrians or traffic. (7/24/83)

Package stores, subject to the provisions of Sec. 6-194

Parks and Playgrounds

Personal service establishments

Pharmacy

Post offices

Recreational Facilities (permitted by Special Permit) (Note D) (9/28/2010, 9/20/2013)

Restaurants, other than drive-ins, including expansion by new construction, alteration or conversion, when authorized by Special Permit pursuant to Sec. 6-17 of these Regulations and subject to the provisions of Sec. 6-194. No special permit is necessary for properties between the front and rear building lines. (6/17/83) Public areas of a restaurant in the CGBR zone are restricted to the ground floor of the building. (11/17/97; 9/28/2010)

Retail stores

Sales agencies of real estate, employment, insurance or travel firms

Service and Social Clubs, provide that in the LB, LBR and CGBR Zones: (1) no more than 25% of the ground floor of a building shall be used for this purpose, (including accessways) and (2) other than access, no floor area dedicated to such use shall be located along any ground floor street frontage. (4/29/91 & 9/28/2010)

Supermarkets including expansion, when authorized by Special Permit. (9/15/86)

USE GROUP 2. OFFICE USES

All office space, including without limitation, sales agencies of real estate, employment, insurance or travel firms, and non-profit, multi-service, social work agencies, shall be included in computing the gross floor area of office space. Any bank space on other than the ground floor shall also be included in computing the gross floor area of office space. (2/6/90)

USE GROUP 2a

Office space not exceeding 7,000 square feet gross floor area per lot., except in the GB Zone. In the GB Zone only, office space not exceeding 10,000 square feet gross floor area per lot.

USE GROUP 3

Dwelling units conforming to the provisions of Sec. 6-110.

USE GROUP 4 (4/29/91; 9/28/2010)

Animal grooming establishments
Community centers
Drive-in banks when authorized by Special Permit (4/14/2010)
Financial Services (including banks) (9/28/2010)
Fitness Clubs (Note D) (9/28/2010, 9/20/2013)
Funeral parlors
Group Fitness Centers (Note D) (9/28/2010, 9/20/2013)
Gyms (Note D) (9/20/2013)
Health centers, hospitals, walk-in medical clinics (9/15/86), homes for the aged,
sanitariums or convalescent homes
Indoor places of assembly
Places of worship
Printing shops, newspaper establishments
Radio and television stations (excluding transmitting facilities)
Recreation uses (excluding billiard and pool rooms, merry-go-rounds, shooting
galleries, freak shows and similar attractions and amusement devices)
Recreational Facilities(permitted by Special Permit((Note D) (9/28/2010, 9/20/2013)
Schools, both profit and non-profit, day care centers

USE GROUP 9 (3/21/2000)

The Following uses are permitted by Special Permit Only:

Car Washes

Gasoline filling stations or service stations

Jobbing Establishments, provided such uses do not occupy street storefront space; do not exceed 750 square feet gross floor area; do not have outdoor storage of equipment, supplies or vehicles; and are located behind Use Groups 1 or 4 or other uses of Use Group 9.

Veterinary Establishments and Kennels

Sec. 6-100.1. EMPLOYEE DENSITY.

In no case shall the number of employees of Use Groups 2a, 2b, and 2c, and offices associated with other uses exceed 1.2 times the actual number of parking spaces provided for that use in conformance with these Regulations.

Sec. 6-101. SPECIAL PERMIT REQUIRED FOR BUSINESS ZONES AND RESIDENTIAL ZONES.

- (a) No new construction for any use or uses including uses for which special exception has been granted pursuant to Sec. 6-19 to 6-21 inclusive which would result in a structure or group of structures which individually or together would total in excess of 40,000 cubic feet in volume above established grade in the underlying zones of the mapped Central Greenwich Impact Overlay Zone or the mapped Post Road Impact Overlay Zone or in the Waterfront Business (WB) Zone or in the Local Business (LB) Zone or the Local Business Retail (LBR) Zones, or in excess of 150,000 cubic feet in volume above established grade in all other zones, shall be permitted except when authorized by special permit by the Commission pursuant to Sec. 6-17 of these Regulations. Upon application for said special permit, the Commission may authorize the measurement of building height and number of stories from a landscaped deck which is the

roof of a parking structure, provided said parking structure is found by the Commission to be substantially below the surrounding grade, and is so landscaped and designed as to meet the standards of Sections 6-15 and 6-17. When height measurement is so authorized by the Commission, the area of such parking structure shall not be included in lot coverage. (7/25/96)

- (b) No conversions of existing structures which exceed the size limit provided in this Section shall be permitted except in conformance with the provisions of (a) above;
- (c) The Commission may require a performance bond for any or all improvements deemed to be essential in meeting the standards of Sec. 6-15 and Sec. 6-17.
- (d) In all residential zones a special permit shall be required for two (2) or more dwelling units on a lot. (7/16/91, 4/24/2013)

Sec. 6-102. STATEMENT OF PURPOSES – ALL BUSINESS ZONES.

These business zone regulations are made in accordance with the Town's Plan of Development/Land Use Plan, adopted in 1985, and are designed to implement the policies as contained therein and the purposes set forth in the General Statutes of the State of Connecticut. Specifically, it is the intent of these regulations: (6/11/86)

- (a) To guide and control the type, amount, location and quality of business development in the Town so that it will be in harmony with Greenwich's predominantly residential character.
- (b) To concentrate business activities in existing commercial areas and assure that there will continue to be available adequate land and building capacity to meet the retail and business needs of the Town's present and ultimate future population; to assure that commercial areas outside the central business district provide for the particular needs of the areas and neighborhoods they are intended to serve. (6/11/86)
- (c) To assure that the limited areas of the Town which have been found to be suitable in terms of location, facilities and utilities to serve Greenwich's retail and service business needs are reserved for this purpose and are not pre-empted for uses which do not serve a local function or which can be more appropriately located elsewhere.
- (d) To control the type, amount and location of business development, tying it closely to ultimate population growth and the capacity of the Town's infra-structure; to encourage the most economic use of existing and planned community services and facilities such as, but not limited to, road network, water supply, storm drains, sewage disposal. (6/11/86)
- (e) To provide greater shopping convenience and encourage pedestrian circulation by concentrating local retail and business uses in uninterrupted shopping patterns in the Town's existing business centers; to support the viability of the retail function within shopping districts by assuring adequate ground floor storefront space for retail sales purposes. (6/11/86)
- (f) To prevent business land uses from encroaching upon or otherwise disturbing areas planned for residential use.
- (g) To encourage in appropriate areas mixed residential and commercial uses. (6/11/86)
- (h) To preserve the cultural heritage of the community, and to preserve the Town's historic resources in conformance with Sec. 8-2 of the State Statutes. (4/5/82)
- (i) To retain and enhance the environmental quality of business zones so as to sustain property values and the viability of businesses. (6/11/86)
- (j) To encourage preservation of existing housing stock in commercial areas and if dwellings are displaced by conversion or new construction to encourage replacement; to encourage protection and provision of below-market-rate housing. (6/11/86)

SEC. 6-205. SCHEDULE OF REQUIRED OPEN SPACES, LIMITING HEIGHTS AND BULK OF BUILDINGS:

(b) BUSINESS ZONES

(c) HOSPITAL ZONES

ZONE	MAXIMUM HEIGHT		MINIMUM LOT SIZE		MAXIMUM BUILDING AREA	MAXIMUM FLOOR AREA RATIO	MINIMUM FRONT YARD DEPTH	MINIMUM SIDE YARD WIDTH	MINIMUM REAR YARD DEPTH	MAX. LOT COVERAGE (2/9/2000)	ACCESSORY STRUCTURES IN REAR AND SIDE YARDS	
	STORIES	FEET	AREA	FRONTAGE							MINIMUM SIDE YARD	MINIMUM REAR YARD
<u>LBR1</u>	2-1/2	35 ft.	Note 1	25 ft.	30%	0.3 *****	10ft.	None required except that if provided such side yard shall be at least 3 1/2 feet plus one inch for each foot of building height. Note 2 (6/11/86)	10% of lot depth but a min. of 25 ft. for commercial or mixed use bldg. adjoining residential zone (6/11/86)	75%	5 ft.	10 ft.
<u>LBR2</u> See below	2-1/2	35 ft.	Note 1	25 ft.	30%	0.5 *****					5 ft.	10 ft.
LB	2-1/2	35 ft.	Note 1	25 ft.	30%	0.5 (6/11/86) Note 10 (4/4/87)	25 ft.	5 ft. per story or 10% of lot frontage or lot width at bldg. location, which ever is greater. Note 2 (6/11/86)	Same as LBR (6/11/86)	75% Note 10 (4/4/87)	5 ft.	10 ft.
<u>CGBR</u>	3	40 ft.	Note 1	25 ft.	30%*	0.3 **	10 ft.	None	10% of lot depth (6/11/86)	75% ****	None	None
<u>CGB</u>	3	40 ft.	Note 1	25 ft.	30%*	0.3 ***	10 ft.	3 1/2 feet plus one inch for each foot of building height Note 2 (6/11/86)	Same as LBR (6/11/86)	75%	5ft.	10 ft.
<u>GB</u>	3 Note 8	40 ft.	Note 1	25 ft.	25%	0.5 Note 10 (4/4/87)	50 ft. Note 3	30 ft. Note 2 (6/11/86) Note 3	10% of lot depth but not less than 30 ft. Note 3	60% Note 10 (4/4/87)	10 ft.	15 ft.
<u>GBO</u>	3 Note 8	40 ft.	Note 1	25 ft.	25%	0.5 Note 10 (4/4/87)	50 ft. Note 3	30 ft. Note 2 (6/11/86) Note 3	10% of lot depth but not less than 30 ft. Note 3	60% Note 10 (4/4/87)	10 ft.	15 ft.
<u>WB</u> See below	2 1/2 (5/11/87)	30 ft. (5/11/87)		25 ft.	30% (5/11/87)	0.5	15 ft. (5/11/87)	10 ft. (5/11/87)	30 ft. See Sec. 6-107(c)(8) (5/11/87)	90% (5/11/87)	5 ft.	15 ft.
<u>BEX-50</u> (Business)	3 Note 4	45 ft.	50 Acres	100 ft.	10% Note 5	0.09 Excluding accessory buildings constructed before 1/1/91. 0.005 for any buildings constructed subsequently. See below (4/1/91)	200 ft. Note 6	200 ft. Note 6	200 ft. Note 6	15%	100 ft.	100 ft.
Hospital <u>H-1</u> (7/8/95)	3	65 ft.	Greater than 8 Acres		50%	1.25	45 ft.	100 ft.	25 ft.	90%	50 ft.	15 ft.
Hospital <u>H-2</u> (6/8/90)	4	40 ft.	none		35%	0.6	25 ft.	15 ft. (excluded from provisions of Sec. 6-132)	25 ft.	75%	5 ft.	10 ft.

LBR-1: Banksville, Palmer Hill/Valley Rd. (North Mianus), Round Hill (6/11/86).

LBR-2: Chickahominy, Cos Cob, Davis Avenue/Bruce Park, Glenville, Pemberwick, Riverside Avenue/East Putnam, Valley Road/River Road Ext., West Putnam Avenue (6/11/86); added Byram, Church Street/William Street, Old Greenwich on 11/25/91. (LBR-3 deleted 11/25/91).

BEX-50 Note for accessory uses including but not limited to dining/food preparation facilities and structured parking with or without walls for the garaging, storage or parking of vehicles. (4/1/91)

WB - See Sec. 6-107(c)(6). (5/11/87)

FOR PERTINENT NOTES AND ASTERISKS, SEE PAGES BZR 21-4 AND 21-5

NOTE: This section is currently under review by P&Z.
Indications are that the new FAR will be revised to .75.

Sec. 6-110. USE REGULATIONS AND SPECIAL REQUIREMENTS FOR DWELLING UNITS PERMITTED IN THE BUSINESS ZONES.

(a) Purpose:

The purpose is to promote the inclusion of below-market-rate dwelling units, hereafter referred to as moderate-income dwelling units, within private sector residential or mixed-use development in business zones so as to increase the diversity of the Town's housing stock, in accordance with the objectives of the 2009 Plan of Conservation and Development (POCD) and the POCD Housing Task Force recommendations of 2011, and to mitigate the shortage of dwelling units that can meet the housing needs particularly, but not exclusively, of those employed by the Town and by not-for-profit and non-governmental agencies located in the Town of Greenwich that provide essential services to the Greenwich community; the elderly; and others who are classified as moderate-income households as defined in (b)(3) below.

(b) Definitions:

- (1) Moderate-income dwelling units are those set aside for moderate-income households whose aggregate income, including the total of all current annual income of all household members from any source whatsoever at the time of certification (but excluding the earnings of working minors attending school full-time), averaged for the preceding two years, does not exceed the following multiple (listed below) of median annual Town paid wages of all full-time employees and teachers of the Town of Greenwich during the preceding fiscal year.
- (2) A household, as defined by The United States Department of Housing and Urban Development (HUD), is all the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household.
- (3) Moderate-income households are households whose aggregate income, including the total of all current annual income of all household members from any source whatsoever at the time of certification (but excluding the earnings of working minors attending school full-time), averaged for the preceding two years, shall not exceed the following multiple (listed below) of median annual Town paid wages of all full-time employees and teachers of the Town of Greenwich during the preceding fiscal year.

1	person household	1.2
2-3	person household	1.5
4-5	person household	1.8
6	person household	1.9

(4) In calculating household income, the value of assets must be considered. If the value of assets (not including personal property or vehicles) is \$5,000 or less, then the income received from those assets should be added to the household's annual household income. If the value of assets is greater than \$5,000, the greater of the following should be added to the household's annual income:

- i. Actual income received from the assets or
- ii. The actual value of the assets multiplied by the current passbook savings rate as established by HUD.

(c) Limit on the Number of Dwelling Units Permitted in the Business Zones:

(1) Dwelling units are permitted within private-sector residential or mixed-use development in the LB, LBR-2, CGB, CBGR, GB and GBO zones provided the units comply with Sec. 6-110(d) and Sec. 6-205 of these zoning regulations.

(2) When any portion of one or more of the incentives offered under Section 6-110(g) is requested, a minimum of 20% of all dwelling units on one existing lot or merged adjoining lots shall be deed restricted as moderate-income dwelling units, subject to Section 6-110(h). The incentives for moderate income dwelling units are applicable to properties within the LB, LBR-2, CGB, CGBR, GB and GBO business zones. The Planning and Zoning Commission may consider a fraction to be a whole number to meet the requirements that not less than 20% of all units are moderate-income dwelling units.

(d) Special Requirements:

(1) For CGBR and LBR-2 zones, dwelling units shall be permitted only when above floors having uses of Use Groups permitted in said zones other than Use Group 3.

(2) The Planning and Zoning Commission, when it deems appropriate, may require outdoor recreation space of suitable size, shape, and location to serve the recreational needs of the residents. Such areas may include balconies, roof terraces, lawn areas, and the like.

(3) Notwithstanding any other provision of these regulations, floor area devoted to Use Group 3 uses (dwelling units in business zones) may not be converted to any other Use Group and may not be used for resident professional offices unless a Special Permit and Site Plan approvals have been granted in accordance with the standards and requirements of Sec. 6-15 and 6-17 of these regulations.

(e) Procedure:

A development proposal including moderate-income dwelling units shall be subject to Special Permit procedures and standards pursuant to Sec. 6-17. As part of any moderate-income housing development pre-application process, a workshop shall be convened by the Director of Planning and Zoning that includes the Zoning Enforcement Officer (ZEO), Department of Public Works

Engineering, Building Official, Sewer, Highway, and other appropriate agencies/persons at which meeting the developer whose development plans include moderate-income dwelling units shall present and discuss a sketch plan prior to actual submission to any Town agency.

(f) Distance Requirements:

In the LB, LBR-2, CGB, CGBR, GB and GBO business zones an adequate distance shall be maintained free of all obstructions from any wall containing a dwelling unit window required for light or ventilation. The minimum distance in feet between buildings must meet all applicable fire and building codes and provide for adequate light, air, and ventilation, unless the Planning and Zoning Commission finds a greater distance more appropriate.

(g) Incentives:

To provide incentives to include moderate-income dwelling units within private-sector residential or mixed-use development in the LB, LBR-2, CGB, CGBR, GB and GBO zones (including alteration of, or addition to, an existing building), the Planning and Zoning Commission may allow the following modifications of the Building Zone Regulations provided that (1) the proposed development includes the requisite number of moderate-income dwelling units required under Sec. 6-110(c)(2); (2) the Commission makes a finding that the purposes and requirements of Sec. 6-110 are met; and (3) the proposal complies with the standards of Sec. 6-15 and 6-17 of the Building Zone Regulations:

- (1) An increase in Floor Area Ratio to 0.9. The commercial floor area permitted in the underlying zone may be constructed new or added to an existing building up to the allowable Floor Area Ratio of the underlying zone, as permitted in Sec. 6-205(b), provided the remaining allowable floor area up to 0.9 is devoted to residential;
- (2) A waiver of non-residential ground floor use is permitted in the LB zone. Ground floor residential use is permitted in the GB, GBO and CGB zones but is prohibited in the LBR-2 or CGBR zones;
- (3) For the GB, GBO, CGBR, CGB and LB business zones only, an increase by one (1) story only over the number of stories otherwise allowed in these zones and an increase in the height of a building up to 47½ feet; all as measured according to the requirements of the particular underlying business zone;
- (4) In the LBR-2 business zone an increase by one (1) story over the number of stories otherwise allowed in this zone and an increase in the height of a building up to 40 feet may be permitted; (7/19/16)
- (5) A waiver of maximum coverage standards provided the scale of proposed structures is compatible with surrounding uses and open spaces and provided sufficient landscaping, screening, and decorative planting is provided to enhance the residential quality of the development and to screen refuse, transformer, storage, and parking areas;
- (6) A modification of requirements, if any, of the underlying zone that all parking spaces for Use Group 1 be surface spaces on the same level as street level businesses. The Planning and Zoning Commission may allow up to two-thirds of the required parking spaces for Use Group 1 to be located in an on-site underground parking level provided that the underground spaces are designated for long-term parking by employees, and further provided that the Commission

finds such location of spaces will result in an enhancement of the residential quality of the development through an increase of landscaping, screening, and decorative planting. The total number of on-site parking spaces shall be determined in accordance with Division 15 of the Building Zone Regulations;

- (7) Where minimum side yards are required in Sec. 6-205(b), the Planning and Zoning Commission may find lesser side yards adequate for residential uses;
- (8) Such units shall have not less than one bedroom and shall contain, on average, the same number of bedrooms as the market rate units in the development, unless the Planning and Zoning Commission finds a different allocation of bedrooms per dwelling unit to be more responsive to current housing needs.
- (9) A waiver of the prohibition that no entrance to or exit from a business use shall be located on any street frontage opposite a residence zone where the lot containing the business use has frontage in a business zone along East and West Putnam Avenue. (12/8/16)

(h) Criteria and Requirements of Inclusion of Moderate-income Dwelling Units:

(1) General Requirements:

- i. Moderate-income dwelling units shall be offered for sale, resale, or continuing rental to moderate-income households as defined above; or to a Planning and Zoning Commission-approved agency which may be a non-profit agency, a municipal agency, or other organization, which shall offer the dwelling units to moderate-income households as set forth herein.
 - ii. Such units shall be physically integrated into the design of the development in a manner satisfactory to the Planning and Zoning Commission.
 - iii. Parking shall be provided in accordance with the standards of Sec. 6-155 for multi-family dwellings.
 - iv. Moderate-income dwelling units must be owner occupied or occupied by the legal lessee only. If there is more than one owner of a unit, both owners must occupy the unit as their primary residence. Moderate-income dwelling units cannot be rented or leased out or occupied by others not legally allowed or qualified by the Town. An annual affidavit is required from the owner/renter indicating they are residing in the unit as their primary residence. This annual affidavit should be submitted to the Planning and Zoning Department or its designated agent.
- (2) Priority List of eligible moderate-income households applying for moderate-income dwelling units shall be selected on the basis of the following categories of priority:
- i. Full-time Town of Greenwich Municipal and Board of Education employees and full-time employees of not-for-profit health, education, and human services agencies and other not-for-profit agencies located in the Town of Greenwich that provide essential services to the Greenwich community.
 - ii. Other residents of the Town of Greenwich.

- iii. Other persons employed in the Town of Greenwich.
 - iv. All others
- (3) Guidelines for maximum rent and sales price:

For moderate-income dwelling units in each housing development, a range of sales prices and/or monthly rentals may be established, subject to the following:

- i. The maximum monthly rent for one bedroom moderate-income dwelling units excluding common charges and utilities (gas, oil and electricity), shall not exceed 2.0% of the median annual Town paid wages for all full-time Town of Greenwich Municipal and Board of Education employees during the preceding fiscal year. Additional bedrooms will result in higher maximum rent: two bedroom units will be limited to 2.5% and three bedroom units to 3% of the median annual Town paid wages as described above.
 - ii. The first time a moderate-income dwelling unit is sold, the maximum sales price for a one bedroom unit to a subsequent moderate-income household shall not exceed four times the median annual Town paid wages of all full-time Town of Greenwich Municipal and Board of Education employees during the preceding fiscal year. Additional bedrooms will result in higher maximum sales prices: two bedroom unit prices will be limited to five times and three bedroom units to six times the median annual Town paid wages as described above.
 - iii. In the case of a condominium ownership structure, there shall be no extra up-front charge for minimum required facilities such as, but not limited to, parking and recreational facilities. Each unit owner, however, shall pay his fair share of common charges, expenses and assessments as provided in the Common Interest Ownership Act of the State of Connecticut and as approved by the Town of Greenwich Community Development Office.
- (4) Resale Restrictions:
- i. For moderate-income dwelling units, the title to said property shall be restricted so as to maintain the unit in the moderate-income category for a period of 40 years beginning on the date of issue of the Certificate of Occupancy (the "Restriction Period"). Said restriction shall provide that in the event of any resale of the unit by the original owner or any successor owner during the Restriction Period, the maximum resale price shall be limited by the same guidelines and rules indicated in 6-110(h)(3)(ii) above. (7/19/16)
 - ii. For rental moderate-income dwelling units, the title to said property shall be restricted so as to maintain the rents charged for the units in the moderate-income category for a period of 40 years beginning on the date of issue of the Certificate of Occupancy. This title restriction will survive any sale of the rental project to a subsequent owner during the Restriction Period. There shall be no limitation on the sales price of an entire moderate-income rental project; however, if less than the entire project is sold, any moderate-income dwelling unit(s) sold must be sold to a qualifying moderate-income household during the Restriction Period.

- iii. Twelve months prior to the end of the Restriction Period, the owner of any moderate-income dwelling unit shall notify, by certified mail, the Town of Greenwich Community Development office or its designee of the impending end of the Restriction Period. Failure by the owner of the moderate-income dwelling unit to notify, by certified mail, the Town of Greenwich Community Development office or its designee twelve months prior to the end of the Restriction Period shall extend the Restriction Period by the number of days equal to the period of failure to give notice.
- iv. In the case of moderate-income dwelling units which are part of a commonly owned building in which a moderate-income dwelling unit cannot be sold individually, then such moderate-income dwelling unit will remain in the Restriction Period until such unit can be eligible to be sold in accordance with the procedure of Sec. 6-110.
- v. Each moderate-income dwelling unit shall be subject to an option to purchase (the "Purchase Option") at the maximum allowable restricted sales price or any mutually agreed upon sales price that does not exceed the maximum sale price. The Purchase Option shall be available to the Town of Greenwich, or its designee, followed next by the Housing Authority of the Town of Greenwich, then followed next by a qualified non-profit as approved by the Town. Upon receipt of a notice of the end of the Restriction Period, the Purchase Option shall be available to the Town of Greenwich for 90 days. If the Town exercises the Purchase Option, it may enter into a contract of sale. If the Town fails to exercise the Purchase Option or declines to exercise the Purchase Option within 90 days, the Housing Authority of the Town of Greenwich shall have 30 days to exercise the Purchase Option and enter a contract of sale. If the Housing Authority of the Town of Greenwich fails to exercise the Purchase Option or declines to exercise the Purchase Option within 30 days, a qualified non-profit as approved by the Town shall have 30 days to exercise the Purchase Option and enter into a contract of sale. If the qualified non-profit fails to exercise the Purchase Option or declines to exercise the Purchase Option within 30 days, the existing moderate-income dwelling unit owner will be free to proceed with the sale of the moderate-income dwelling unit at the end of the Restriction Period.
- vi. A seller of a moderate-income dwelling unit that has been restricted as a moderate-income dwelling unit for the Restricted Period who has provided the requisite notice of an intent to sell shall have the option to proceed with a sale at fair market value without restriction if no contract of sale has been signed in accordance with paragraph (h)(4)v above, provided that the Town of Greenwich, or its designee, shall examine the contract of sale to determine if the proposed sale price bears a reasonable relationship to the moderate-income dwelling unit's fair market value. The Town of Greenwich, or its designee, may rely on comparable sales or an appraisal, and shall not approve a contract of sale where there is a determination that the sale price does not bear a reasonable relationship to fair market value. Upon transfer of title on the moderate-income dwelling unit, the seller of the moderate-income dwelling unit shall pay 50% of the difference between the contract sale price of the unit and the final restricted sale price to the Town of Greenwich.
- vii. In the event of a casualty or other destruction of a moderate-income dwelling unit, any replacement unit shall be subject to the regulation of this Sec. 6-110.
- viii. Any conversion of a rental moderate-income project to another use shall not be permitted during the Restriction Period unless such conversion includes the creation

of the required number of for sale moderate-income dwelling units in accordance with Sec. 6-110.

(5) Declaration of Restrictions:

The developer/owner of moderate-income dwelling units shall submit to the Planning and Zoning Commission a Declaration of Restrictions and Lien adopted by the Town of Greenwich, as to the ownership, use, occupancy, and resale of such moderate-income dwelling units. This declaration of restrictions shall be binding upon such developer and all succeeding owners of the moderate-income dwelling units and shall incorporate the provisions of this Sec. 6-110 therein by reference hereto. Final site plan approval shall be given by the Commission only after it has been satisfied that the Declaration of Restrictions binds the developer and all succeeding owners of the moderate-income dwelling units and duly restricts the ownership, use, occupancy, and resale thereof, and requires adherence to established sales and rental guidelines and administrative procedures, all in accordance with the provisions of this Sec. 6-110. The Commission may cause any such Declaration of Restrictions to be reviewed by the Town Attorney. Each deed for a moderate-income dwelling unit will indicate the restrictions on such unit and refer to the Declaration of Restrictions and Lien, which shall be on file with the Town Clerk as part of the Town's land records.

(6) Administration:

- i. The Greenwich Community Development Office or other designated agent/agency approved by the Town shall maintain a list of eligible moderate-income households in accordance with the priority list set forth in (b)(3) above. Where the number of those eligible in the same category of priority exceeds the number of available moderate-income dwelling units, the applicant shall be selected by lottery. As the goal of this program is to provide the greatest benefit to the largest number of eligible people, the Town will seek, at its discretion, to match the size of an available moderate-income dwelling unit to the most appropriately sized eligible household. The selected moderate-income household must reside in the moderate-income dwelling unit. Moderate-income dwelling units must be occupied by the qualified owner(s) or legal lessee(s) only. If there is more than one qualified owner or legal lessee, each owner or legal lessee must occupy these units as their primary residence. These moderate-income dwelling units cannot be rented, assigned, leased out, or occupied by others not legally allowed or approved by the Town or its designated agency.
- ii. At the time of Site Plan approval for each housing development, the Planning and Zoning Commission shall approve the designation of an administrative agency to monitor and administer guidelines for the rental, sale, or resale of moderate-income dwelling units. Such administrative agency, which may buy the moderate-income dwelling units for the purpose of rental or resale to moderate-income households, may be a non-profit corporation, an agency of the Town, a Community Housing Development Corporation pursuant to Section 8-217 of the Connecticut General Statutes, a 501(c)(3) non-profit corporation such as a Greenwich Community Development Partnership, or other approved organization. Such agency may maintain and submit an eligibility list to the Community Development Office or other designated agent, but the choice of households for available moderate-income

dwelling units even if owned by the designated agency shall be in accordance with (b)(3) above.

- iii. The designated agency shall establish the sale price, resale price, or annual rent of the individual dwelling unit in accordance with the guidelines and requirements of (h)(3) and (h)(4) above and with the approval of the Greenwich Community Development Office or other designated organization. There will be an Affordability Plan filed on the Greenwich Land Records indicating the deed restrictions on the specific unit which the designated agency will enforce.
- iv. The designated agency shall set up such procedures as may be necessary to receive annual certification or other information from owners and or tenants which confirms continuing compliance with the guidelines and requirements of this Sec. 6-110 and which notifies it of any conversion in the form of ownership. This information shall be submitted to the Planning and Zoning Department or to the Greenwich Community Development Office.

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Affordable Housing Land Use Appeals Procedures

Sec. 8-30g-1. Definitions

The following definitions apply to Sections 8-30g-1 through 8-30g-11 inclusive, of the Regulations of Connecticut State Agencies:

(1) “Affirmative fair housing marketing plan” means a plan to attract, as tenants or purchasers of both market-rate and price-restricted units in an affordable housing development, members of racial and ethnic groups who reside within the metropolitan statistical area or non-metropolitan statistical area within which the affordable housing development is located, but who are least likely to apply, as defined in section 8-37ee of the Regulations of Connecticut State Agencies, for occupancy within such development;

(2) “Affordable housing appeals list” means the list, promulgated by the commissioner pursuant to section 8-30g(k) of the Connecticut General Statutes and section 8-30g-2 of the Regulations of Connecticut State Agencies, of those municipalities that are exempt from the affordable housing land use appeals procedure;

(3) “Assisted Housing” means “assisted housing” as defined in section 8-30g of the Connecticut General Statutes;

(4) “Commissioner” means the commissioner of Economic and Community Development;

(5) “Covenant or Restriction” means an enforceable requirement, in the form of a covenant, restriction or similar mechanism, contained in a deed that is recorded on the land records of the municipality in which the subject dwelling unit or set aside development is located;

(6) “Department” means the Department of Economic and Community Development;

(7) “Dwelling unit” means any house or building, or portion thereof, which may include legally approved accessory apartments, which is occupied, is designed to be occupied, or is rented, leased, or hired out to be occupied, as a home or residence of one or more persons;

(8) “Elderly unit” means a unit located in a residential development that complies with the requirements for age-restricted housing stated in 42 USC 3607 and corresponding regulations;

(9) “Housing unit-equivalent points” means the point value, as established in section 8-30g of the Connecticut General Statutes, assigned to a dwelling unit for the purpose of obtaining a state certificate of affordable housing completion;

(10) “Median income” means “median income” as defined in section 8-30g of the Connecticut General Statutes;

(11) “Moratorium” means a time period during which certain applications for affordable housing development, as provided in section 8-30g of the Connecticut General Statutes, are not subject to the procedure stated in section 8-30g of the Connecticut General Statutes for appeals to the superior court;

(12) “Municipality” means “municipality” as defined in section 8-30g of the Connecticut General Statutes;

(13) “Person” means any individual, partnership, corporation, association, governmental subdivision, agency, or public or private organization of any type;

(14) “Set-aside development” means “set-aside development” as defined in section 8-30g of the Connecticut General Statutes;

(15) “State certificate of affordable housing completion” means a document issued by the department, that a municipality has satisfied the requirements, as

set forth in sections 8-30g-1 through 8-30g-11, inclusive, of the Regulations of Connecticut State Agencies, necessary for a moratorium on the applicability of section 8-30g of the Connecticut General Statutes to certain applications for affordable housing development. A certificate is not effective until it has been published in the Connecticut Law Journal in accordance with section 8-30g of the Connecticut General Statutes; and

(16) “Total Estimated Dwelling Units” means the number of dwelling units in the municipality, based on the most recent United States decennial census published by the United States Census Bureau.

(Effective December 27, 1990; amended April 29, 2002, May 3, 2005)

Sec. 8-30g-2. Promulgation of list of municipalities exempt from section 8-30g of the Connecticut General Statutes

(a) The Commissioner shall promulgate, annually, a list containing each municipality in the state and identifying those municipalities in which at least ten percent (10%) of all dwelling units in the municipality are:

(1) Assisted housing;

(2) Currently financed by Connecticut Housing Finance Authority mortgages; or

(3) Subject to deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which:

(A) Will preserve the units as housing for individuals or families whose annual income is less than or equal to eighty percent (80%) of the median income; and

(B) Are calculated, consistent with section 8-30g-8 of the Regulations of Connecticut State Agencies, by limiting assumed annual household expenditures for housing to no more than thirty percent (30%) of such household annual income.

(4) Mobile manufactured homes located in mobile manufactured home parks or legally approved accessory apartments which homes or apartments are subject to a covenant or restriction substantially in compliance with section 8-30g-10 of these regulations.

(b) To be counted as assisted housing:

(1) The housing unit must be occupied by persons receiving either state rental assistance under sections 17b-812 to 17b-814, inclusive, of the Connecticut General Statutes or Federal Rental Assistance under 42 USC 1437f; or

(2) The housing must meet the following conditions:

(A) It must be receiving or will receive financial assistance under a governmental program, which assistance may come from federal, state, or local government, or any combination of these levels of government;

(B) The assistance must be for construction or substantial rehabilitation of low and moderate income housing, as defined by the income eligibility rules of the governmental program providing the financial assistance. “Construction” refers to the creation of a new dwelling unit or units which did not previously exist. “Substantial rehabilitation” refers to rehabilitation of existing structures or units for which the cost of rehabilitation equals at least twenty-five thousand dollars and 00/100 (\$25,000.00) per unit or twenty-five percent (25%) of the fair market value of the property, whichever is less; and

(C) The housing must be for low or moderate income persons, as defined by the income eligibility rules of the governmental program providing the financial assistance. Any such housing must restrict occupancy of some or all units to persons of low and moderate income. If only a portion of the units in the housing are restricted to occupancy by low or moderate income persons, only the number of units so restricted shall be included on the list. If such restrictions are in effect for

a limited period of time, such housing shall be considered as assisted housing only for the period of time that such restrictions are in effect.

(c) To be counted as housing subject to deed covenants or deed restrictions:

(1) The covenants or restrictions must provide that the housing units must, at time of initial occupancy by each new household, be occupied by persons and families:

(A) Whose annual income does not exceed eighty percent (80%) of the median income; and

(B) For whom the maximum cost of such housing has been calculated by limiting assumed annual household expenditures for housing to no more than thirty percent (30%) of such household annual income.

(i) For rental housing, the cost of housing includes the cost of rent, common charges in the case of a rental in a common interest community; and heat and utility costs, excluding television, telecommunications, and information technology services. Heat and utility costs may be calculated by reasonable estimate.

(ii) For ownership housing, the cost of housing includes periodic mortgage payments; real property taxes; real property insurance; common charges in the case of a common interest community; and heat and utility costs, excluding television, telecommunications, and information technology services. Heat and utility costs may be calculated by reasonable estimate.

(2) The covenants or restrictions must run with the land and be binding on each subsequent owner of the property. If such covenants or restrictions are in effect for only a limited period of time, such housing shall be counted for purposes of the list only for the time period that such covenants or restrictions are in effect. If such covenants or restrictions cover only a portion of the units, only those units shall be included on the list.

(d) In order for an accessory apartment as defined in section 8-30g(k) of the General Statutes to be eligible to be counted for purposes of the affordable housing appeals list, it shall be legally approved in accordance with the criteria set forth in section 8-30g(k) of the General Statutes. The municipality in which such accessory apartment is located shall be responsible for inspecting such accessory apartment to ensure it meets the criteria for legal approval, and shall maintain a list of deed restricted legally approved accessory apartments. Such list of legally approved accessory apartments shall be submitted to the commissioner in addition to other data submitted for purposes of promulgating the affordable housing appeals list.

(e) The list shall be promulgated at the beginning of each calendar year and shall cover housing occupied by September 30 of the previous calendar year. A notice of availability of the list shall be published in the Connecticut Law Journal every year.

(f) The list shall be compiled using the following information to determine the number of qualifying units in a municipality: The Department's Construction Activity Information System; Connecticut Housing Finance Authority's mortgages; the Department of Social Services' Rental Assistance Program; privately-owned properties with deed restrictions and covenants and the list of deed restricted legally approved accessory apartments, provided by individual municipalities; and statistics on assisted housing provided by the Department, individual municipalities, Connecticut Housing Finance Authority, Farmers' Home Administration, and the United States Department of Housing and Urban Development.

(g) The determination of whether a municipality shall be included in the list set forth in subsection (a) above shall be made based on the following calculation:

$$\frac{\text{(Assisted Units + CHFA mortgages + Deed restricted units + Deed restricted mobile manufactured homes located in mobile manufactured home parks + Deed restricted legally approved accessory apartments)}}{\text{Total Estimated dwelling units}} \times 100\%$$

If the result of the calculation is ten percent (10%) or more, the municipality shall be included in the list.

(h) Any person who wishes to challenge the inclusion of a municipality on the list of municipalities in which the provisions of section 8-30g are not available, or any municipality that wishes to challenge its exclusion from the list, may do so by giving written notice to the commissioner and, in the case of a challenge to inclusion, to the chief elected official of the affected municipality. Such notice shall include a detailed statement of the reasons for the challenge, and an identification of the dwelling units in question, if known.

(i) Upon receipt of such a challenge, the commissioner may undertake any investigation deemed necessary to resolve the challenge. Within forty-five (45) business days after receipt of the challenge, unless the commissioner extends such period to accommodate his investigation, the commissioner shall transmit his findings to the person initiating the challenge and to the chief elected official of the affected municipality.

(j) If the commissioner finds that a municipality was erroneously included or excluded from the list, the list shall be amended.

(Effective January 3, 1992; amended April 29, 2002, May 3, 2005)

Secs. 8-30g-3—8-30g-4.

Repealed, April 29, 2002.

Sec. 8-30g-5.

Repealed, January 3, 1992.

Sec. 8-30g-6. State certificate of affordable housing completion; moratorium on applicability of section 8-30g of the Connecticut General Statutes to certain affordable housing applications

(a) As provided in section 8-30g(l) of the Connecticut General Statutes, certain applications for affordable housing development shall be subject to a moratorium for a period of three years from the publication by the Department of notice of issuance of a state certificate of affordable housing completion, or during a period of qualification for provisional approval of a state certificate of affordable housing completion.

(b) The chief elected official of any municipality may apply to the commissioner for a state certificate of affordable housing completion.

(c) An application for a state certificate of affordable housing completion shall include at least the following:

(1) A letter to the commissioner signed by the chief elected official of the municipality;

(2) A letter from an attorney representing the municipality, stating an opinion that the application complies with section 8-30g of the Connecticut General Statutes and this section as in effect on the day the application is submitted;

(3) On a form provided by the Department, a summary calculation of the housing unit-equivalent points required of the applicant municipality in order to qualify for a state certificate;

(4) Documentation of the existence of the required housing unit-equivalent points, in accordance with the specifications of subsection (e) of this section;

(5) The justification for claiming such points, with reference to the descriptions and point schedule set forth in section 8-30g of the Connecticut General Statutes and subsection (i) of this section;

(6) Certification by the applicant municipality that for each unit for which housing unit-equivalent points are claimed, a valid certificate of occupancy has been issued by the building official of such municipality and is currently in effect, provided that copies of such certificates of occupancy need not be submitted;

(7) Certification that the municipality has identified and deducted, or otherwise excluded from the total housing unit-equivalent points claimed, all units that as a result of action by the municipality, municipal housing authority, or municipal agency, no longer qualify, as of the date of submission of the application, as providing housing unit-equivalent points, without regard to whether the units were originally constructed before or after July 1, 1990;

(8) All documentation reflecting compliance with the notice, publication, and other procedural requirements set forth in subsection (j) of this section;

(9) A fee sufficient to reimburse the department for its costs of publication of notices as set forth in sections 8-30g-1 to 8-30g-11, inclusive, of the Regulations of Connecticut State Agencies.

(d) The applicant municipality shall bear the costs of application notice, publication, and procedural compliance with respect to an application for a state certificate of affordable housing compliance.

(e) Documentation of the existence of the housing unit-equivalent points necessary to qualify for a state certificate of affordable housing completion shall include the following:

(1) A numbered list of all dwelling units that furnish the basis of housing unit-equivalent points being counted toward the qualifying minimum;

(2) The address of each such unit; and

(3) The housing unit-equivalent points and classification claimed for each such unit.

(f) Each dwelling unit claimed to provide housing unit-equivalent points toward a state certificate of affordable housing completion by virtue of a deed restriction, recorded covenant, zoning regulation, zoning approval condition, financing agreement, affordability plan or similar mechanism shall be documented as an enforceable obligation with respect to both income qualifications and maximum housing payments, that is binding at the time of application for at least the duration required by section 8-30g of the Connecticut General Statutes at the time of the development's submission to a commission, by the submission of a copy of one or more of the following:

(1) Deed restriction or covenant;

(2) Zoning, subdivision or other municipal land use approval or permit containing an applicable condition or requirement;

(3) Report, if less than one (1) year old, submitted to the municipality pursuant to section 8-30h of the Connecticut General Statutes;

(4) Local, state or federal financing, subsidy, or assistance agreement; or

(5) Affordability plan, if adopted by the municipality and made binding.

(g) The commissioner may, in the commissioner's sole discretion, request any additional information deemed necessary to determine the housing unit-equivalent point value of any dwelling unit claimed by the municipality or the applicant

municipality’s overall calculation of housing unit-equivalent points. The commissioner may also, in the commissioner’s sole discretion, accept alternative documentation.

(h) As provided in section 8-30g(l) of the Connecticut General Statutes, the housing unit-equivalent points required for a certificate shall be equal to two percent (2%) of all dwelling units in the municipality, but no less than seventy-five (75) housing unit-equivalent points. Units and housing unit-equivalent points that serve as the basis of approval of a state certificate, whether a provisional approval or issuance by the commissioner, shall not be the basis of a subsequent application. The housing unit-equivalent points necessary for a state certificate shall be calculated using as the denominator the total estimated dwelling units in the municipality as reported in the most recent United States decennial census.

(i) As provided in section 8-30g(l) of the Connecticut General Statutes, dwelling units whose occupancy is restricted to maximum household income limits that comply with section 8-30g of the Connecticut General Statutes and that qualify, based on binding restrictions on maximum sale or resale price or rent, as price-restricted dwelling units in compliance with section 8-30g of the Connecticut General Statutes, shall be awarded unit-equivalent points toward a state certificate as follows:

Type of Unit		Housing Unit-Equivalent Point Value Per Unit
Market-rate units in a set-aside development		0.25
Elderly units, owned or rented, restricted to households at or below 80% of median income		0.50
Family units, owned, that are restricted to households with annual income no more than:	80% of median income	1.00
	60% of median income	1.50
	40% of median income	2.00
Family units, rented, that are restricted to households with annual income no more than:	80% of median income	1.50
	60% of median income	2.00
	40% of median income	2.50

(j) Applications for a state certificate of affordable housing completion shall be submitted and processed as follows:

(1) A municipality intending to submit to the department an application for a state certificate of affordable housing completion shall publish in the Connecticut Law Journal and in a newspaper of general circulation in the municipality a notice of its intent to apply and the availability of its proposed application for public inspection and comment. Such notice shall state the location where the proposed application, including all supporting documentation, shall be available for inspection and comment, and to whom written comments may be submitted. Such application and documentation shall be made available in the office of the municipal clerk for no less than twenty (20) calendar days after publication of notice. If, within the comment period, a petition signed by at least twenty-five (25) residents of the municipality is filed with the municipal clerk requesting a public hearing with respect to the proposed application, either the municipality’s legislative body or its zoning or planning commission shall hold such a hearing. A copy of all written comments received, responses by the municipality to comments received, and a

description of any modifications made or not made to the application or supporting documentation as a result of such comments, shall be attached to the application when submitted to the commissioner.

(2) As soon as practicable after submission of an application, the department shall notify the applicant in writing whether the application is complete with respect to the information required. If the application is deemed complete, it shall be considered received on the date of original submission. If the application is not complete, the department shall identify in writing the additional information necessary, and the application shall be considered received on the date the department receives the additional information requested. If the applicant fails or refuses to correct any deficiencies within a reasonable time, the department shall deny or reject the application.

(3) If the department requests additional information, the time limits for publishing notice of receipt of the application as specified in subsection (6) of subsection (j) of this section and issuing a decision as specified in section 8-30g of the Connecticut General Statutes shall commence when the department receives the requested information and the application is complete.

(4) After determining that it has received a complete application, the Department shall promptly publish in the Connecticut Law Journal a notice of receipt of such application. Such application, including all supporting documentation, shall be made available to the public. Written public comment shall be accepted by the department for a period of thirty (30) days after such publication.

(5) The department shall evaluate the application, including all documentation submitted and public comments received, to accurately determine the number, classification and housing unit-equivalent points, if any, of all dwelling units claimed. The department shall calculate the total housing unit-equivalent points based on the values assigned in section 8-30g of the Connecticut General Statutes. The department may, as necessary, verify or modify the housing unit-equivalent point total claimed by the municipality. The department shall determine whether the municipality has satisfied the minimum criteria for a state certificate of affordable housing completion. The department shall also determine whether all units which must be deducted or otherwise excluded from total housing unit-equivalent points pursuant to subsection (c)(7) of this section have been properly counted and whether proper adjustment has been made.

(6) The department shall provide the municipality, within ninety (90) days of receipt of a complete application as specified in sections 8-30g-1 to 8-30g-11, inclusive, of the Regulations of Connecticut State Agencies, with a written decision stating the reasons for approval or rejection, and shall make such decision available to the public. If the department approves the application, it shall publish in the Connecticut Law Journal a notice of its issuance of a state certificate of affordable housing completion.

(k) If the department fails to act within the time set by section 8-30g(l) of the Connecticut General Statutes, the application shall be deemed as having been granted provisional approval. A moratorium shall then take effect upon the date of completion of publication by the municipality of a notice of the provisional approval in both the Connecticut Law Journal and a newspaper with general circulation in the municipality. The latter notice shall be at least one-eighth page, shall be published in a conspicuous manner, and shall clearly use the words "provisional approval." The municipality shall promptly provide the department with a certified copy of the published notice. The department shall act on a provisionally-approved application

as soon as practicable. Upon issuing its decision, the department shall issue a written notice to the municipality and shall publish a notice of its decision in the Connecticut Law Journal and a newspaper with general circulation in the municipality. The provisionally-approved moratorium shall terminate upon issuance of written notice of disapproval to the municipality. Dwelling units claimed toward a state certificate of affordable housing completion that is provisionally approved, or provisionally approved and later denied by the department, may be claimed again on a subsequent application, so long as the moratorium resulting from provisional approval was in effect for less than one hundred eighty (180) days.

(J) The commissioner may revoke a state certificate of affordable housing completion at any time upon determining, after written notice to the municipality and a reasonable opportunity for response or explanation, that an application contained materially false, misleading, or inaccurate information or was otherwise approved without compliance with the criteria of Section 8-30g [FN1] and sections 8-30g-1 to 8-30g-11, inclusive, of the Regulations of Connecticut State Agencies. The commissioner shall issue written notice of a decision to revoke a certificate of affordable housing completion and shall publish a notice of revocation in the Connecticut Law Journal. Such revocation shall be effective upon issuance of written notice to the municipality. Use of dwelling units and housing unit-equivalent points claimed toward a certificate of affordable housing that is approved and later revoked pursuant to this subsection shall be at the sole discretion of the commissioner. If a municipality, in the judgment of the commissioner, knowingly or intentionally misrepresented any portion of an application for a state certificate, the commissioner may, in addition to revocation, refuse to approve a re-application for a state certificate for up to three (3) years from revocation.

(m) The department shall prepare and update periodically a list of all municipalities that have been issued a state certificate of affordable housing completion or have obtained provisional approval by publication of valid notices. Such list shall identify the expiration date of each state certificate or provisional approval. The department shall make such list available to the public. Such list shall be updated each time a municipality is issued a certificate or obtains provisional approval.

(n) A municipality that has been issued a state certificate of affordable housing completion may, at any time, submit an application for another moratorium, provided that such application shall be considered a new application, shall comply in full with these regulations, and may not utilize any dwelling unit that provided housing unit-equivalent points for any previous state certificate. Any application intended to maintain a moratorium without interruption at the expiration of a previously-approved state certificate shall be submitted so as to allow the department sufficient time to process the application in accordance with these regulations.

(Adopted effective April 29, 2002; amended May 3, 2005)

Sec. 8-30g-7. Affordability plans and conceptual site plans

(a) An affordability plan shall include at least the elements set forth in section 8-30g(b)(1) of the Connecticut General Statutes and shall at a minimum contain or comply with the following:

(1) The designation of the person who will be qualified and responsible for administration of the affordability plan shall include identifying responsibility for:

(A) Ensuring that households applying for affordable units qualify within applicable maximum income limits;

(B) Assuring the accuracy of sale or resale prices or rents, and providing documentation where necessary to buyers, sellers, lessors, lessees and financing institutions;

- (C) Maintaining minimum percentages in a set-aside development;
 - (D) Reporting compliance to the municipality; and
 - (E) Executing the affirmative fair housing marketing plan.
- (2) A proposed procedure by which sellers, purchasers, lenders or title insurers may, upon request and in a timely manner, obtain written certification of compliance with applicable set aside, household income, sale, or resale price limitations or requirements.
- (3) With respect to an affirmative fair housing marketing plan filed in accordance with an affordable housing development application, the provisions of sections 8-37ee-1 et seq. of the Regulations of Connecticut State Agencies, and particularly sections 8-37ee-301 and 302, shall serve as the basis for such plan, provided that such regulations, including the procedures therein, shall be guidelines, not requirements. Collection and dissemination of information about available price restricted and market rate dwelling units shall include, at a minimum:
- (A) Analyzing census and other data to identify racial and ethnic groups least represented in the population;
 - (B) Announcements/advertisements in publications and other media that will reach minority populations;
 - (C) Announcements to social service agencies and other community contacts serving low-income minority families in the region (including churches, civil rights organizations, housing authorities, and legal services organizations);
 - (D) Assistance to minority applicants in processing applications;
 - (E) Marketing efforts in geographic area of high minority concentrations within the housing market area;
 - (F) Beginning marketing efforts prior to general marketing of units, and repeating again during initial marketing, at fifty percent (50%) completion, and thereafter at reasonable period intervals with respect to resales or re-rentals; and
 - (G) Collection of basic racial and ethnic information for all residents and persons on the wait list for the development.
- (4) In an affordability plan or affirmative fair housing marketing plan for an affordable housing development, preferences in application procedures or occupancy for existing residents of the subject municipality shall not be utilized unless members of racial and ethnic groups identified as least likely to apply receive equally-weighted preferences.
- (5) The maximum sale price, resale price, or rent for any affordable unit in a set-aside development shall be determined as set forth in section 8-30g-8 of the Regulations of Connecticut State Agencies.
- (6) In an affordability plan for a set-aside development, a description of the projected sequence in which price-restricted dwelling units will be built and offered for occupancy shall consist of a narrative and schematic plan describing the construction sequence of the proposed site development plan, the location of price-restricted and market-rate dwelling units within that sequence, and a demonstration that such sequence will result in compliance with the set-aside requirements of section 8-30g of the Connecticut General Statutes and sections 8-30g-1 through 8-30g-11, inclusive, of the Regulations of Connecticut State Agencies.
- (7) A commission, by regulation, may require that an affordable housing application that petitions for a rezoning of the property that is the subject of the application shall be accompanied by a conceptual site plan. Any such regulation, however, shall not require the submission of the type of plans, studies, calculations or similar detailed information that will otherwise be required in connection with site development,

subdivision or resubdivision plans which, when approved, will serve as the basis for issuance of a building permit.

(Adopted effective April 29, 2002; amended May 3, 2005)

Sec. 8-30g-8. Maximum housing payment calculations in set-aside developments

(a) The maximum price for any affordable unit that is sold or resold within a set-aside development, for the period of affordability restrictions, to a household earning eighty percent of the median income or less, shall be determined as follows:

(1) Step 1. Determine area median income and the statewide median as published by the U.S. Department of Housing and Urban Development for the subject municipality, and use the lesser of these figures.

(2) Step 2. Adjust median income identified in Step 1 by family size by assuming that 1.5 persons will occupy each bedroom of an affordable unit, except in the case of a studio or zero-bedroom unit, in which case 1.0 person shall be assumed. Family size adjustment shall be made with reference to the following percentages:

NUMBER OF PERSONS IN FAMILY	1	2	3	4	5	6	7	8
PERCENTAGE ADJUSTMENT	70%	80%	90%	100%	108%	116%	124%	132%

(BASE)

The family size adjustment that involves a half person (such as 4.5 persons) shall be calculated by taking the midpoint between the relevant figures above and below the half. For example, the adjustment for a 4.5 person household is 104 percent.

(3) Step 3. Calculate eighty percent (80%) of Step 2.

(4) Step 4. Calculate thirty percent (30%) of Step 3, representing that portion of household income deemed to be used for housing costs.

(5) Step 5. Divide step 4 by twelve (12) months to determine the maximum monthly housing payment.

(6) Step 6. Determine by reasonable estimate monthly housing expenses, including real property taxes; real property insurance; any common interest ownership or similar fee required of all unit purchasers or owners; and heat and utility costs, excluding television, telecommunications, and information technology services.

(7) Step 7. Subtract Step 6 from Step 5 to determine the amount available for mortgage principal and interest.

(8) Step 8. Using the amount resulting from Step 7, apply a mortgage term and interest rate that is commercially reasonable and available to households likely to apply to purchase such units, in order to determine the financeable amount.

(9) Step 9. Calculate down payment, which shall comply with subsection (c) of this section.

(10) Step 10. Add Steps 8 and 9 to determine the maximum sale or resale price.

(b) For a unit required to be sold or resold to a household earning sixty percent (60%) or less of the median income, the formula stated above shall be used, except that in Step 3, sixty percent (60%) shall be used instead of eighty percent (80%).

(c) The maximum allowable down payment used in calculating the maximum sale or resale price of an affordable unit that is sold shall be the lesser of twenty percent (20%) of the total sale price or twenty percent (20%) of the Connecticut Housing Finance Authority (CHFA) maximum sales price limit for a comparably-sized unit in the area, as published by CHFA.

(d) The maximum monthly payment for a rental unit in a set-aside development, for the period of affordability restrictions, for a household earning eighty percent of the median income or less, shall be determined as follows:

(1) Step 1. Determine area median income and the statewide median as published by the U.S. Department of Housing and Urban Development for the subject municipality, and use the lesser of these figures.

(2) Step 2. Adjust median income identified in Step 1 by family size by assuming that 1.5 persons will occupy each bedroom of an affordable unit, except in the case of a studio or zero-bedroom unit, in which case 1.0 person shall be assumed. Family size adjustment shall be made with reference to the following percentages:

NUMBER OF PERSONS IN FAMILY	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
PERCENTAGE ADJUSTMENT	70%	80%	90%	100% (BASE)	108%	116%	124%	132%

The family size adjustment that involves a half person (such as 4.5 persons) shall be calculated by taking the midpoint between the relevant figures above and below the half. For example, the adjustment for a 4.5 person household is 104 percent.

(3) Step 3. Calculate eighty percent (80%) of Step 2.

(4) Step 4. Calculate thirty percent (30%) of Step 3, representing that portion of household income deemed to be used for housing costs.

(5) Step 5. Divide Step 4 by twelve (12) months to determine the maximum monthly housing payment.

(6) Step 6. Determine the fair market rent for a unit with the same number of bedrooms in the subject municipality as published by the U.S. Department of Housing and Urban Development.

(7) Step 7. Multiply the U.S. Department of Housing and Urban Development fair market rent as determined in Step 6 by one hundred twenty percent (120%).

(8) Step 8. The maximum monthly housing payment for occupants of the subject rental unit shall be the lesser of the calculations in Steps 5 and 7.

(9) Step 9. Determine by reasonable estimate monthly expenses for heat and utility costs for which the tenant is directly responsible, excluding television, telecommunications, and information technology services, but including any other periodic fees for which the tenant is directly responsible, such as common charges in the case of a common interest ownership community.

(10) Step 10. Deduct the estimate of tenant-paid utilities and fees determined in Step 9 from the maximum monthly housing payment in Step 8, which will result in the maximum amount that the developer/owner may charge for this rental unit as the monthly contract rent.

(e) For a unit required to be rented to a household earning sixty percent (60%) or less of the median income, the formula stated above shall be used, except that in Step 3, sixty percent (60%) shall be used instead of eighty percent (80%), and in Step 7, the U.S. Department of Housing and Urban Development fair market rent shall be used instead of one hundred twenty percent (120%) of the U.S. Department of Housing and Urban Development fair market rent.

(f) The elements of annual household income, and documentation of such income, used for the purposes of determining whether a household's annual income qualifies

it for occupancy of a price-restricted unit, shall be conducted using the guidelines published by the U.S. Department of Housing 24 CFR 5.609.

(Adopted effective April 29, 2002; amended May 3, 2005)

Model Deed Restrictions for Affordable Housing Land Use Appeals Procedure

Sec. 8-30g-9. Model deed restriction for a set aside development

(a) On or after the effective date of this subsection, a covenant or restriction imposed upon or otherwise made applicable to a set aside development or dwelling units within a set aside development as defined in subsection 8-30g-1(14) of the Regulations of Connecticut State Agencies shall satisfy sections 8-30g-1, 8-30g-7 and 8-30g-8, if the covenant or restriction has a term of at least forty years and contains substantially the following language:

(1) For a set aside development consisting of dwelling units to be rented:

“This development is a set aside development as defined in section 8-30g of the Connecticut General Statutes and in accordance with the applicable regulations for state agencies that were in effect on the date of the original application for initial local approval _____ (insert appropriate date), containing affordable housing dwelling units, and is therefore subject to limitations on the maximum annual income of the household that may rent the designated affordable housing dwelling units, and on the maximum rental that may be charged for such affordable housing dwelling units. These limitations shall be strictly enforced, and may be enforced by the zoning enforcement authority of [the municipality] against the record owner of the development or the person identified in the affordability plan as responsible for the administration of these limitations.

For the duration of this covenant or restriction, no less than fifteen percent (15%) of the dwelling units in this development shall be rented to persons and families whose annual income is less than or equal to eighty percent (80%) of the median income as defined in subsection 8-30g-1(10) of the Regulations of Connecticut State Agencies, and such units may be rented only at a rental equal to or less than the rental determined using the formula for maximum monthly rental amount stated in section 8-30g-8(d) of the Regulations of Connecticut State Agencies. In addition, no less than fifteen percent (15%) of the dwelling units shall be rented to persons and families whose annual income is less than or equal to 60 percent (60%) of the median income as defined in subsection 8-30g-1(10) of the Regulations of Connecticut State Agencies, and such units may be rented only at a rental equal to or less than the rental determined using the formula for maximum monthly rental amount stated in section 8-30g-8(e) of the Regulations of Connecticut State Agencies.”

(2) For a dwelling unit within a set aside development in which individual, designated units are sold or resold as affordable housing dwelling units:

“This dwelling unit is an affordable housing dwelling unit within a set aside development as defined in section 8-30g of the Connecticut General Statutes and in accordance with the applicable regulations for state agencies that were in effect on the date of the original application for initial local approval _____ (insert appropriate date), and is therefore subject to a limitation, at the date of purchase, on the maximum annual income of the household that may purchase the unit, and is subject to a limitation on the maximum sale or resale price. these limitations shall be strictly enforced, and may be enforced by the person identified in the affordability plan as responsible for the administration of these limitations or the zoning enforcement authority of [the municipality].

For the duration of this covenant or restriction, this dwelling unit may be sold only to persons and families whose annual income does not exceed ____% (insert 60% or 80% as applicable) percent of ‘median income’ as defined in subsection 8-30g-1(10) of the Regulations of Connecticut State Agencies, applicable to this unit as specified in an affordability plan as on file with the [municipality]. In addition, this unit may be sold or resold only at a price equal to or less than the price determined using the formula stated in section 8-30g-8(a), or the formula stated in section 8-30G-8(B), as applicable, of the Regulations of Connecticut State Agencies.

(b) In order to assist in any determination that the sale or resale price of an affordable housing dwelling unit complies with applicable limitations, any owner, seller, purchaser or prospective purchaser of such dwelling unit may be required by the administrator of the affordability plan to provide documentation of the annual income of the person or family who will occupy the dwelling unit and of compliance with applicable sale price or resale price limitations, which documentation shall be available upon request to the zoning enforcement authority of [the municipality].

(Adopted effective May 3, 2005)

Sec. 8-30g-10. Model deed restriction for promulgation of the affordable housing appeals list

(a) On or after the effective date of this subsection, a dwelling unit that is not otherwise counted as part of a set aside development shall qualify to be counted for the purpose of preparing and promulgating the affordable housing appeals list if the unit is subject to a covenant or restriction that contains substantially the following language and meets the duration requirements of subsection (b) of this section:

(1) For a dwelling unit that is rented:

“This unit is an affordable housing dwelling unit and is therefore subject to a limitation on the maximum annual income of the household that may rent the unit, and is subject to a limitation on the maximum rental that may be charged for the unit. these limitations shall be strictly enforced, and may be enforced by the zoning enforcement authority of [the municipality] or owner or landlord of this unit.

For the duration of this covenant or restriction, this dwelling unit shall be rented to persons or families whose annual income is equal to or less than eighty percent (80%) of the median income as defined in subsection 8-30g-1(10) of the Regulations of Connecticut State Agencies, and may be rented only at a rental equal to or less than the rental determined using the formula for maximum monthly rental amount, including utilities, stated in section 8-30g-8(d) of the Regulations of Connecticut State Agencies.”

(2) For a dwelling unit that is sold or resold:

“This dwelling unit is an affordable housing dwelling unit and is therefore subject to a limitation at the date of purchase on the maximum annual income of the household that may purchase the unit, and is subject to a limitation on the maximum sale or resale price. These limitations shall be strictly enforced, and may be enforced by the zoning enforcement authority of [the municipality].

For the duration of this covenant or restriction, this dwelling unit may be sold only to a household or family whose annual income is equal to or less than 80 percent (80%) of the median income as defined in subsection 8-30g-1(10) of the Regulations of Connecticut State Agencies, and may be sold or resold and only at a price equal to or less than the price determined using the formula stated in section 8-30g-8(a) of the Regulations of Connecticut State Agencies.”

(b) A covenant or restriction recorded for the purpose of qualifying a dwelling unit on the affordable housing appeals list shall have a minimum duration of twelve months, provided that any covenant or restriction imposed on an accessory apartment as defined in section 8-30g(k) of the Connecticut General Statutes or mobile manufactured home shall have a minimum duration of ten years. A covenant or restriction imposed on a newly-constructed or substantially rehabilitated unit shall qualify the dwelling unit for the affordable housing appeals list when the covenant or restriction is recorded on the land records and a certificate of occupancy has been issued for such unit, and a covenant or restriction imposed on an existing dwelling unit shall qualify the unit for the affordable housing appeals list when the covenant or restriction has been recorded on the land records.

(c) In order to assist in any determination that an affordable housing dwelling unit complies with applicable limitations and qualifies to be counted on the affordable housing appeals list, any owner, landlord or administrator of a rental unit, or any owner, seller, purchaser or prospective purchaser of an ownership unit, may be required to provide documentation of the annual income of the person or family who will occupy the dwelling unit and of compliance with applicable sale price or resale price limitations, which documentation shall be available to the zoning enforcement authority of [the municipality].

(Adopted effective May 3, 2005)

Sec. 8-30g-11. Dwelling units subject to existing restrictions

For the purpose of the affordable housing appeals list, any covenant or restriction that was adopted prior to the effective date of section 8-30g-9 or 8-30g-11 of these regulations, and which has been accepted previously by the commissioner for inclusion on the list, need not be revised in accordance with these regulations, and may continue to be counted on the list, so long as its terms remain unchanged and it remains a binding obligation.

(Adopted effective May 3, 2005)