

Affordable and Fair Housing for Land Use Commissioners

Provided by: Western Connecticut Council of Governments

December 5, 2023

1-hour course credit



Overview



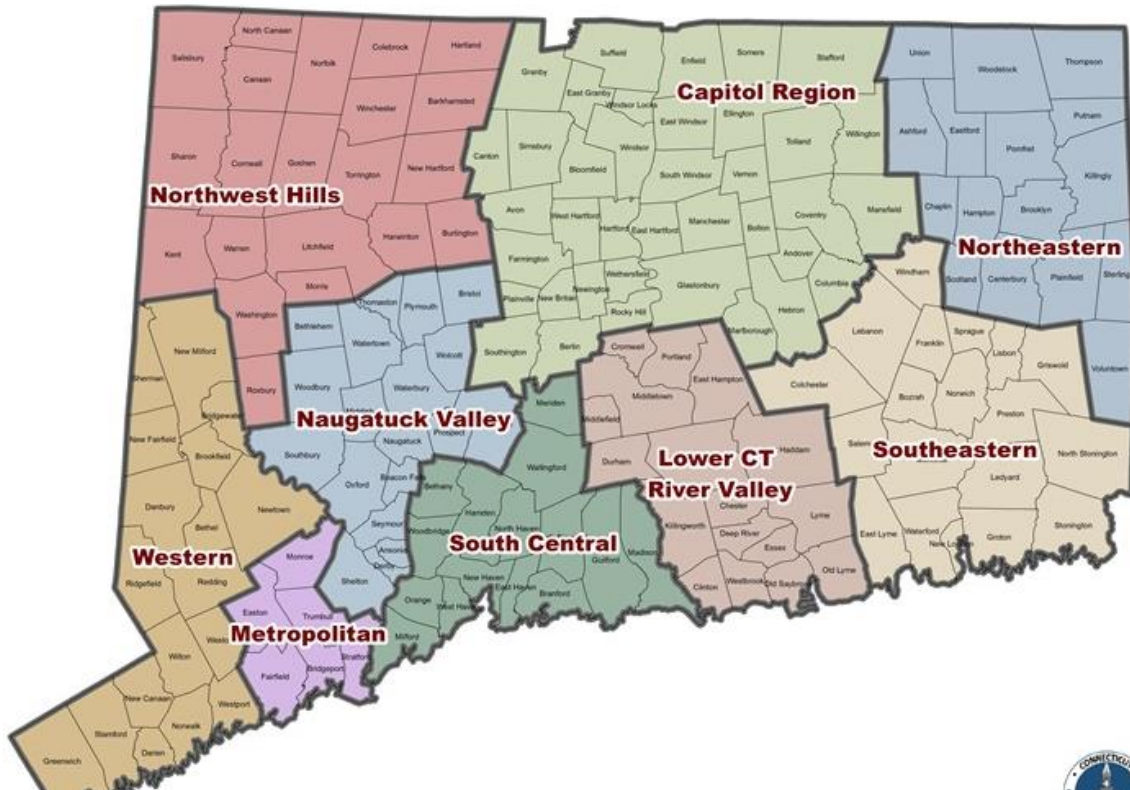
- Background Information
- Fair Housing Act
- Connecticut Affordable Housing
- Planning for Affordable Housing
- Zoning Strategies

Background Information



What is WestCOG?

Regional Councils of Governments in Connecticut



- 9 Regional Councils of Government
- County Equivalent
- Western Connecticut Council of Governments (WestCOG)
- Governed by a council of the 18 first selectman and mayors in the region
- Responsible for federally required transportation planning and advises on land use, economic, emergency and environmental planning

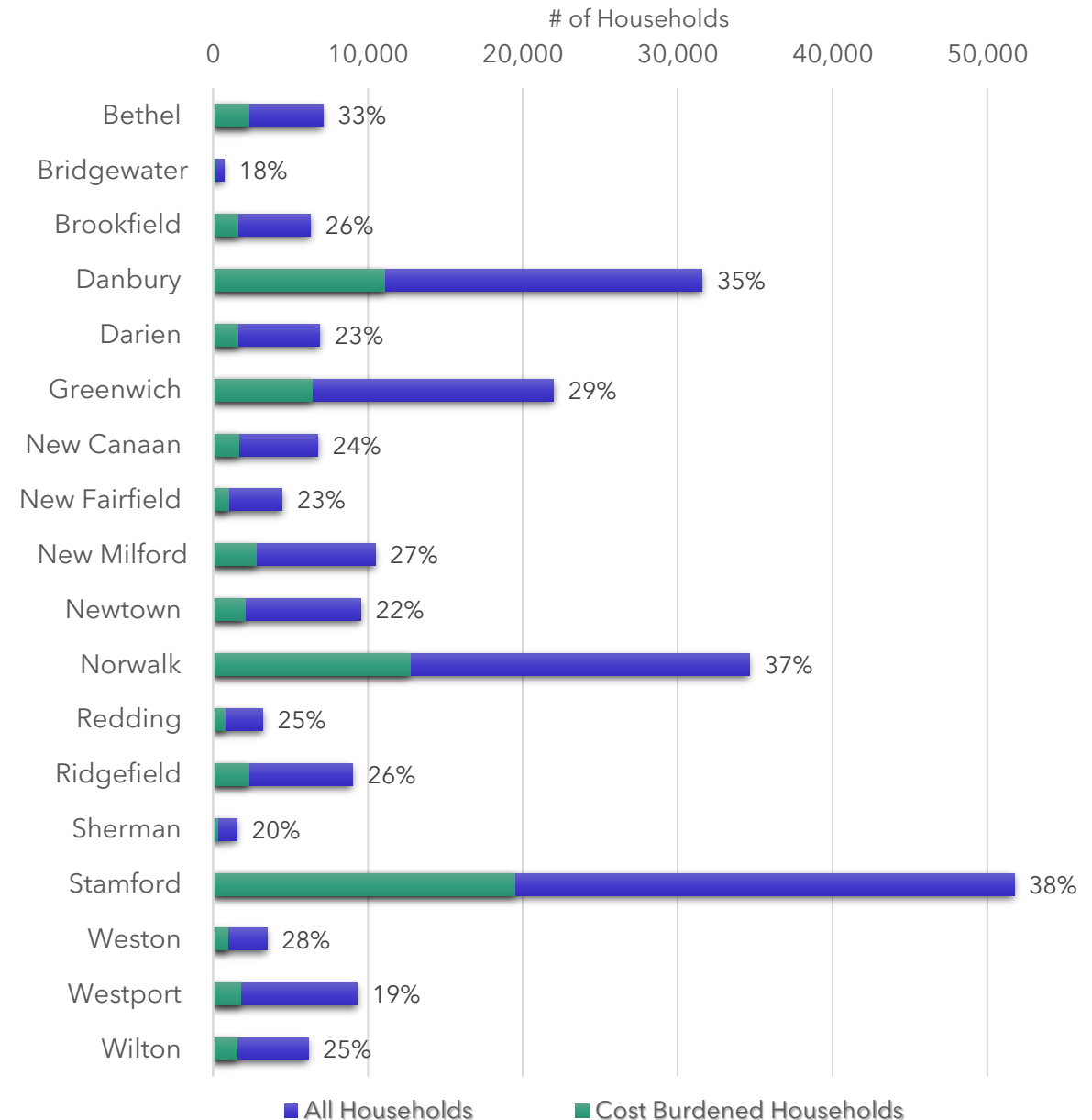


What is affordable housing?

- Generally defined as housing that costs less than 30% of a household's gross income, including utilities.
- In Western Connecticut, 70,690 households pay 30% or more of their income on housing (ACS 2021).
 - ≈ One third of households are cost burdened
 - Half of renters are cost burdened

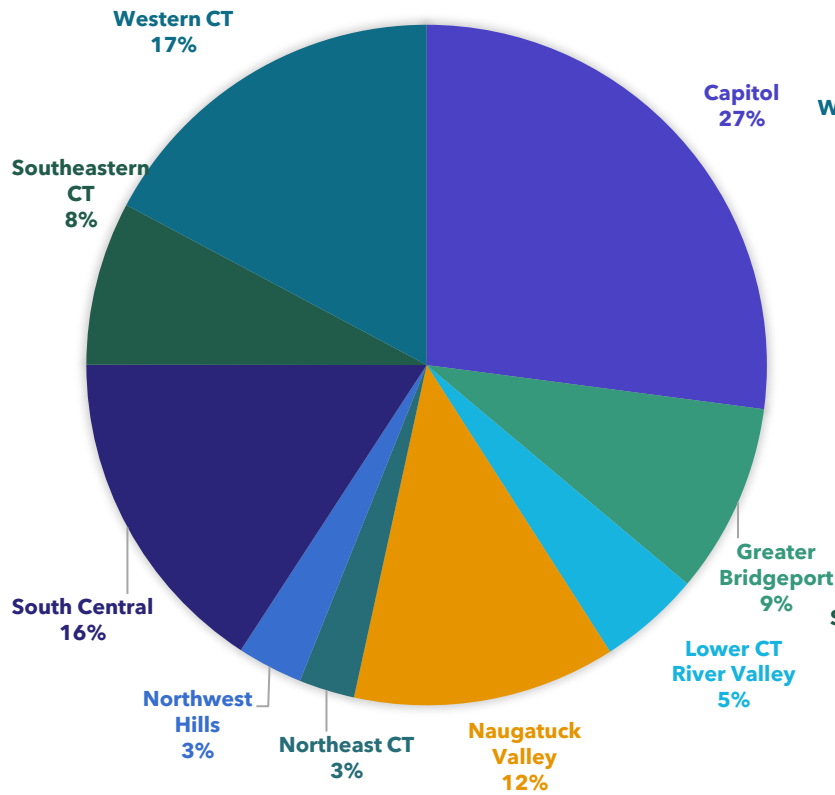
Cost Burdened Households

Source: 2021 American Community Survey 5-year Estimates Data Profiles

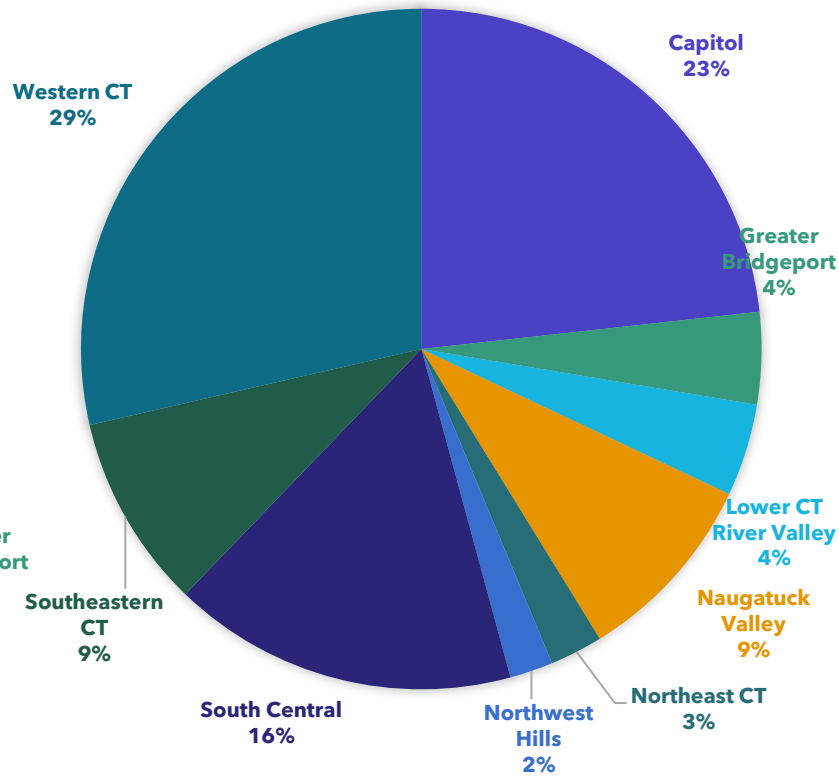


Housing Production

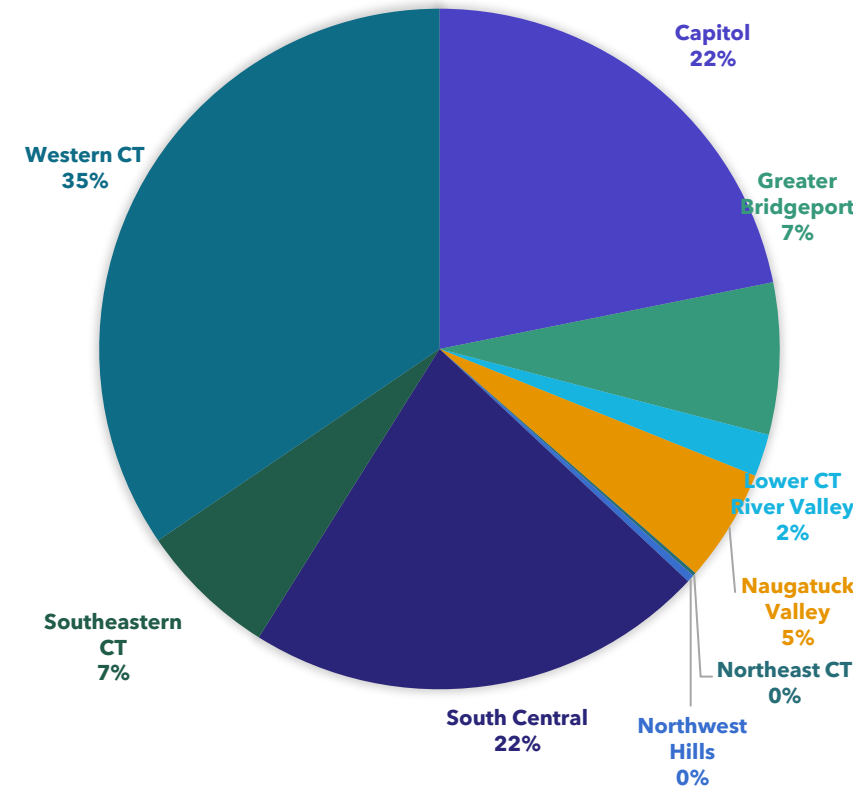
REGIONAL SHARE OF TOTAL POPULATION
2020 DECENNIAL CENSUS



REGIONAL SHARE OF TOTAL HOUSING
BUILT - DEMOLITIONS BETWEEN 2010-2020



REGIONAL SHARE OF MULTI-FAMILY
HOUSING BUILT FROM 2010-2020
**DOES NOT ACCOUNT FOR DEMOLITIONS*



Median Single Family Housing Prices in Western Connecticut from 2000 to 2021 (unadjusted for inflation)

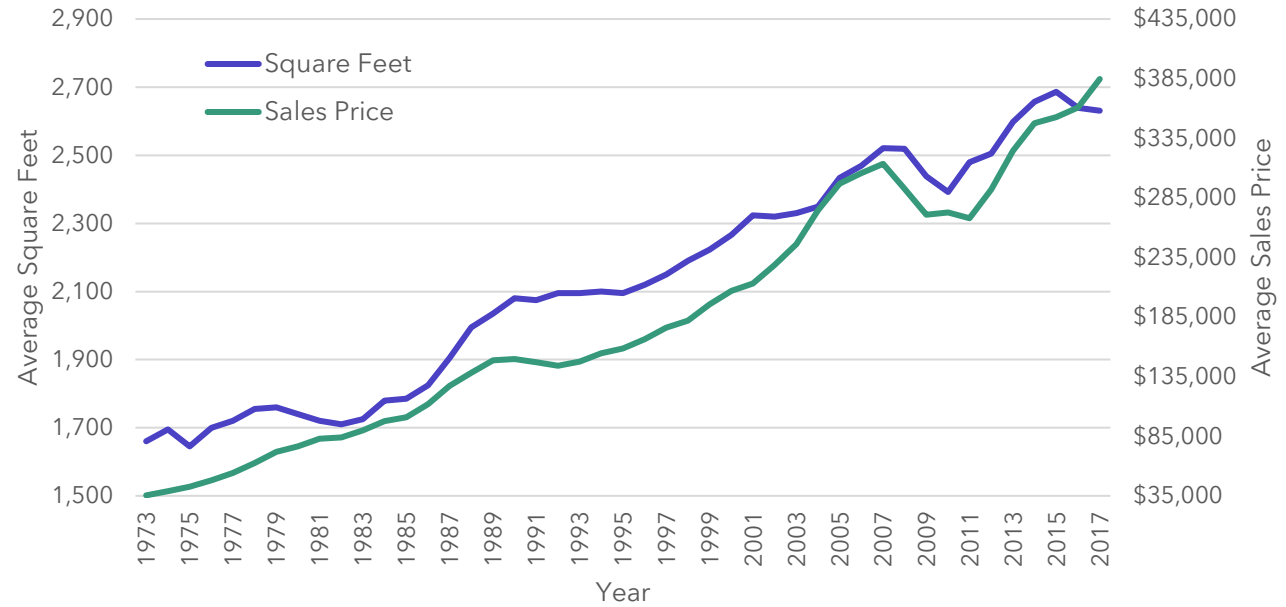
Municipality	2000 Single Family Dwelling	2005 Single Family Dwelling	2010 Single Family Dwelling	2015 Single Family Dwelling	2020 Single Family Dwelling	2021 Single Family Dwelling	% Change 2000 -2021	% Change 2020 -2021
Bethel	\$239,250	\$399,950	\$303,500	\$289,000	\$362,250	\$435,000	82%	20%
Bridgewater	\$349,500	\$500,000	\$501,500	\$492,450	\$562,500	\$600,000	72%	7%
Brookfield	\$279,000	\$440,000	\$390,000	\$362,000	\$410,000	\$450,000	61%	10%
Danbury	\$205,000	\$372,500	\$255,000	\$269,000	\$339,500	\$390,000	90%	15%
Darien	\$675,000	\$1,230,000	\$1,266,250	\$1,392,500	\$1,450,000	\$1,534,662	127%	6%
Greenwich	\$997,500	\$1,650,000	\$1,575,000	\$1,500,000	\$1,897,500	\$2,199,000	120%	16%
New Canaan	\$964,250	\$1,555,076	\$1,400,000	\$1,464,563	\$1,402,500	\$1,605,000	66%	14%
New Fairfield	\$243,250	\$407,250	\$342,500	\$340,950	\$400,000	\$460,500	89%	15%
New Milford	\$220,000	\$365,000	\$275,000	\$280,000	\$327,000	\$385,000	75%	18%
Newtown	\$330,000	\$450,000	\$420,000	\$370,000	\$421,770	\$495,000	50%	17%
Norwalk	\$315,750	\$535,000	\$435,000	\$444,225	\$530,000	\$575,000	82%	8%
Redding	\$455,000	\$689,000	\$577,000	\$512,500	\$550,000	\$650,000	43%	18%
Ridgefield	\$495,000	\$800,000	\$680,000	\$640,000	\$669,500	\$786,000	59%	17%
Sherman	\$318,938	\$525,000	\$367,000	\$435,000	\$499,500	\$565,000	77%	13%
Stamford	\$393,000	\$650,000	\$581,000	\$550,022	\$615,000	\$681,000	73%	11%
Weston	\$678,250	\$975,000	\$830,000	\$810,000	\$800,000	\$985,000	45%	23%
Westport	\$722,000	\$1,200,000	\$1,030,000	\$1,193,750	\$1,275,000	\$1,500,000	108%	18%
Wilton	\$627,500	\$890,000	\$770,000	\$820,000	\$810,000	\$925,000	47%	14%
Connecticut	\$172,000	\$284,000	\$250,000	\$245,000	\$300,000	\$330,000	92%	10%

Source: Warren Group, 2022.

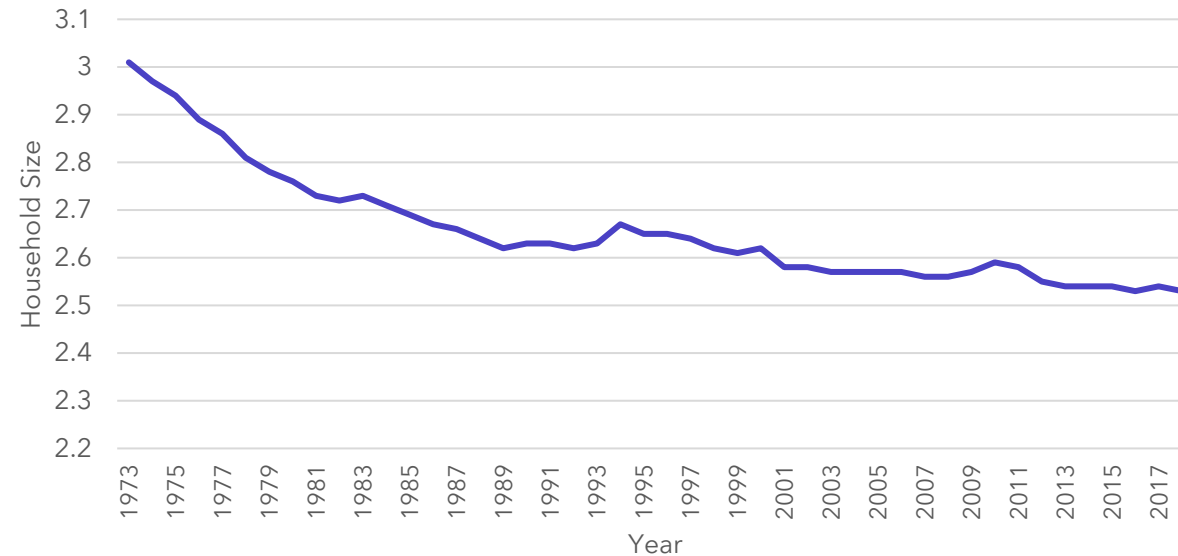
Connecticut	2000	2005	2010	2015	2020	2021	% Change 2000-2021
Median Household Income	\$53,935	\$60,941	\$67,740	\$70,331	\$79,855	\$83,572	55%

Affordability Challenge - Paying for More with Less Occupants

Average New Single-Family House Size and Sales Price in the United States



Average Household Size in the United States



Source: U.S. Census Bureau, Current Population Survey, March and Annual Social and Economic Supplements.

Median Monthly Housing Costs 2021



Note: US Census does not capture Median Owner Costs with a Mortgage over \$4,000, Median Owner Costs w/o a Mortgage over \$1,500, or Rent over \$3,500

HOW MUCH DOES PARKING INCREASE MY RENT?

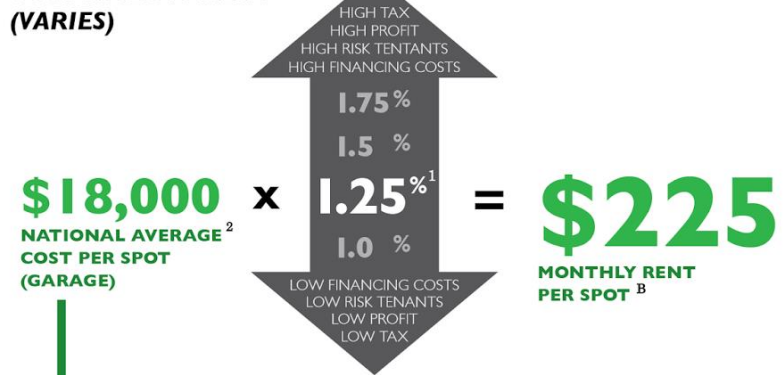
Part I: Building Costs

PARKING INCREASES TOTAL APARTMENT COST^A

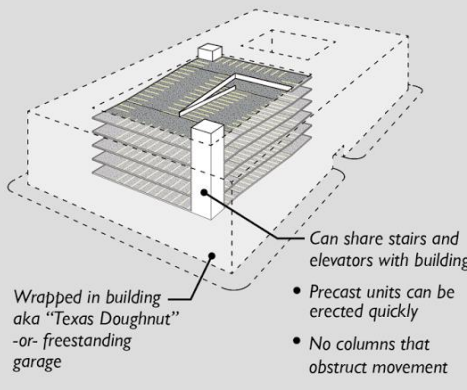
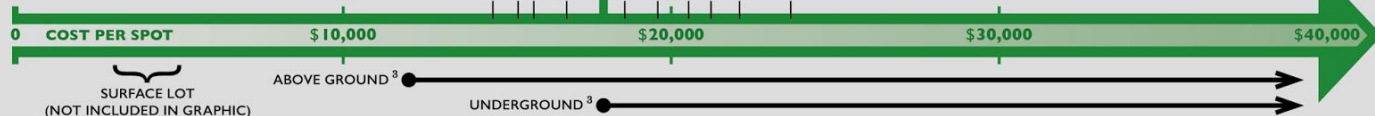


PART II: Fewer units due to space taken by parking
PART I: Increased construction costs due to parking

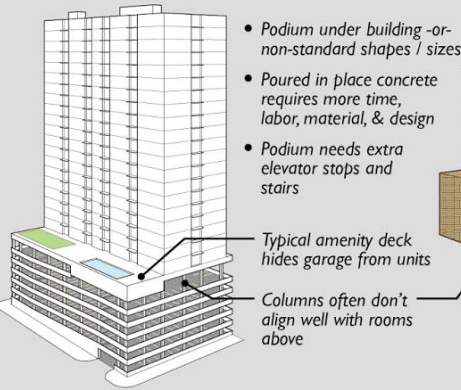
HOW CONSTRUCTION COST AFFECTS RENT (VARIES)



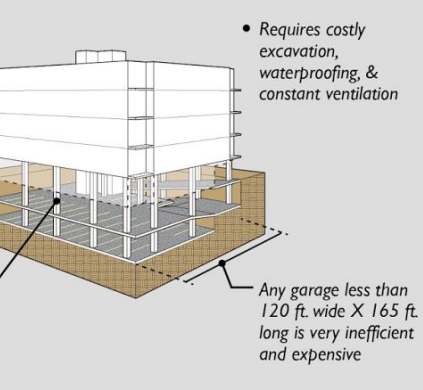
AVERAGE COSTS VARY BY CITY²



PREFABRICATED (\$\$)



CUSTOM (\$\$\$)



UNDERGROUND (\$\$\$\$)

Affordability Challenge - Parking

SOURCES

- Factor is a rule of thumb approximation. For a more rigorous calculation see the VTRI "Parking Cost, Pricing and Revenue Calculator" (www.vtri.org/parking.xls)
- Carl Walker "Parking Structure Cost Outlook" 2014
- Lower bounds assume 300 SF / space and use the lowest per SF cost given for any city in Rider Levett Bucknall "Quarterly Construction Cost Report" Q1-2015

NOTES

- Chart is conceptual; assumes soft costs, financing, profit, etc. are distributed proportionally.
- Even buildings that charge for parking often assess a subsidized price.
- Links to sources at ReinventingParking.org

ALSO READ

- Shoup (2014) *Parking: Issues and Policies*, Ch. 5 "The High Cost of Minimum Parking Requirements"
- VTRI (2013) "Transportation Cost and Benefit Analysis II - Parking Costs"
- Portland, OR Bureau of Planning and Sustainability (2012) "Cost of Onsite Parking + Impacts on Affordability"

Fair Housing Act

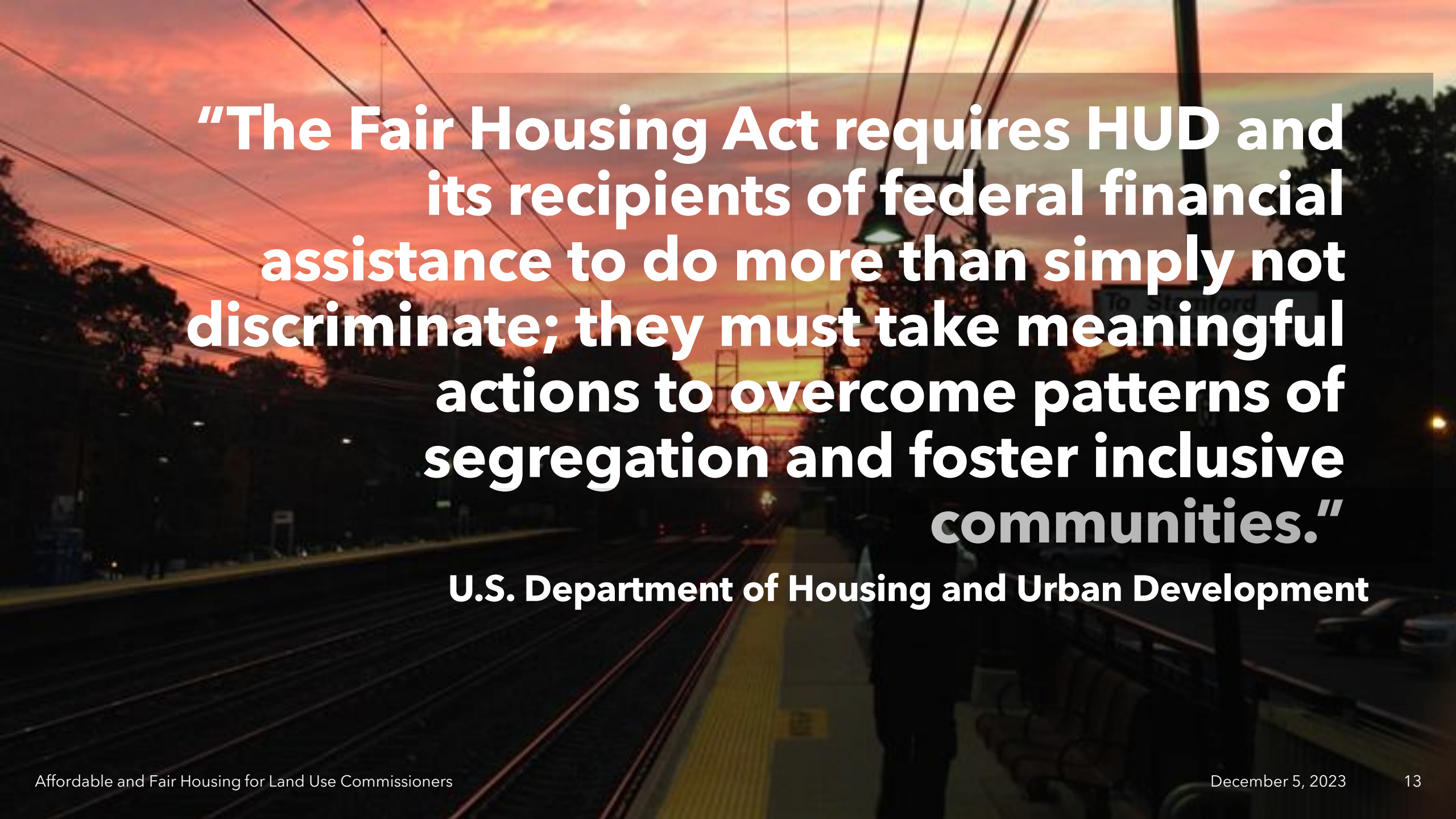


Fair Housing Act

The **Fair Housing Act** made it illegal to discriminate in the sale or rental of housing, getting a mortgage, seeking housing assistance, or engaging in other housing related activities.

Protected characteristics:

- Race
- Color
- National Origin
- Religion
- Sex (including gender identity and sexual orientation)
- Familial Status
- Disability

A photograph of a street at sunset. The sky is a mix of orange, red, and yellow. In the foreground, there are tram tracks on the left and a person walking on the right. The person is wearing a dark jacket and a hat. The text is overlaid on the image in white, bold font.

“The Fair Housing Act requires HUD and its recipients of federal financial assistance to do more than simply not discriminate; they must take meaningful actions to overcome patterns of segregation and foster inclusive communities.”

U.S. Department of Housing and Urban Development

Examples of Land Use Regulations that May Violate the Fair Housing Act

- Restricting or imposing conditions on group homes for peoples with disabilities, beyond those also required for family or unrelated individual groups
- Enforcing regulations differently or more harshly for people with protected characteristics (zoning enforcement)
- Prohibiting low-income or multifamily housing may have a discriminatory effect on persons because of their membership in a protected class and, if so, would violate the Act absent a legally sufficient justification

Source: [Joint Statement of the US HUD and DOJ- State And Local Land Use Laws and Practices and the Application of The Fair Housing Act](#)

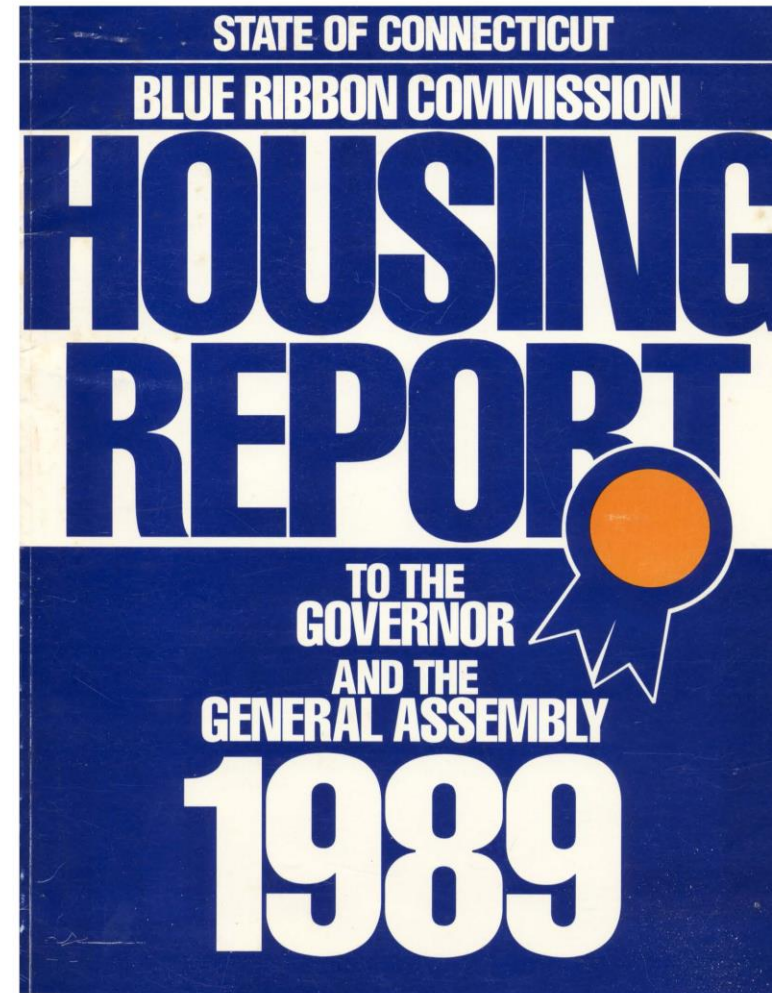
History of Affordable Housing

State of Connecticut



Affordable Housing is Not a New Initiative

- In 1978, *"The Status of Zoning in Connecticut"*, released by the Connecticut Commission on Human Rights, addressed zoning impediments to affordable housing
- There have been two Blue Ribbon Commissions on Affordable Housing (1989, 2000), a Long-Range Housing Plan (2009) and the State Housing Plan (2020)
- There have been over 20 major revisions to Section 8-30g of the Connecticut General Statutes (1989 to 2021)



Recent Events

- Public Act 21-29 - first statewide effort reversing local control over zoning standards & procedures
- Overrules zoning when inconsistent with Law:
 - Accessory apartments (unless already opted out)
 - Multi-family housing fees
 - Parking standards studio, 1 & 2 bed housing units (unless already opted out)
 - Elimination of minimum floor area requirements
 - Special permit procedures for "character"
 - Prohibition on "caps" on multi-family development
 - Compliance with Federal Fair Housing Laws



Connecticut Affordable Housing

Affordable and Fair Housing for Land Use Commissioners

Zoning Enabling Statutes

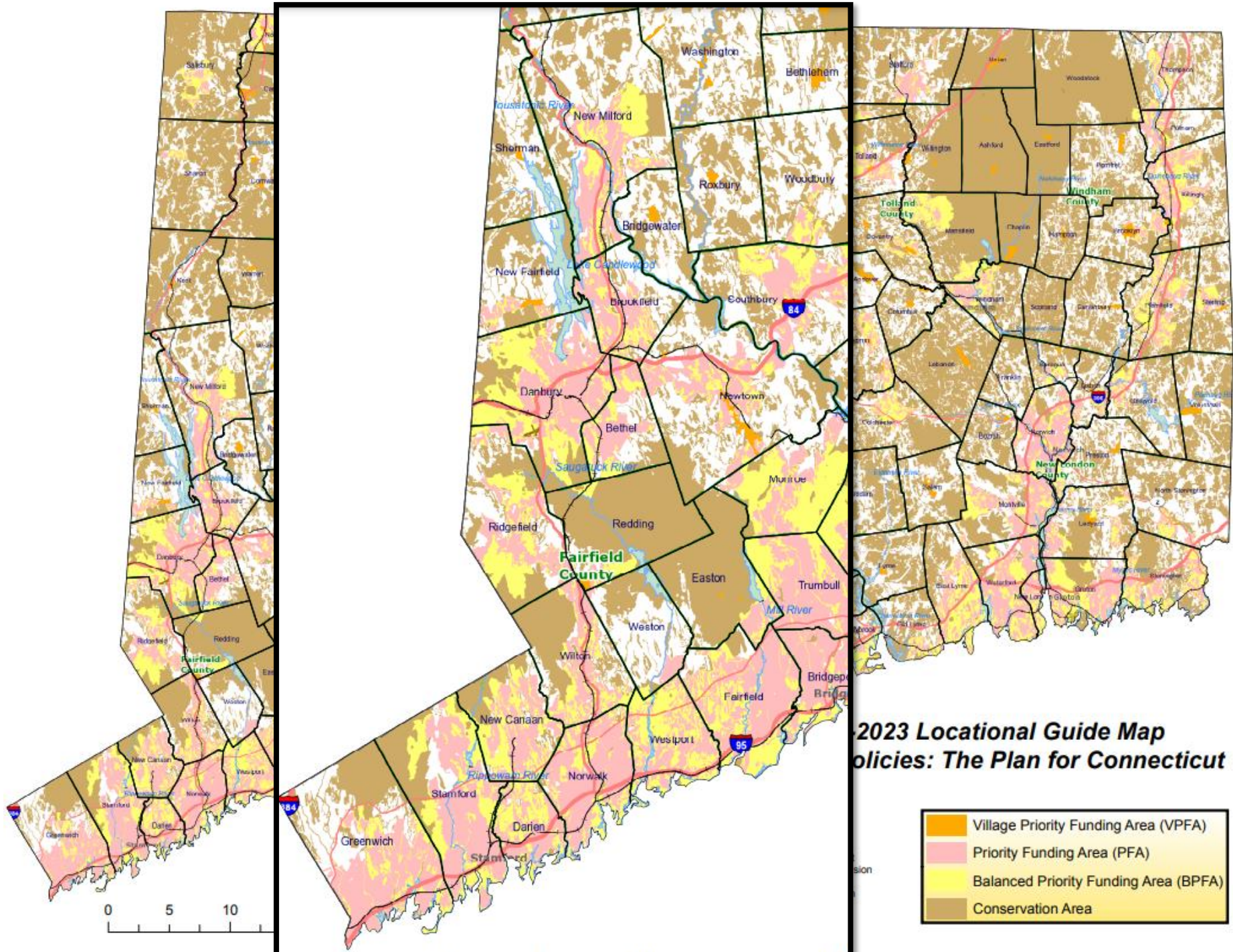
C.G.S. §8-2b

Zoning regulations adopted pursuant to subsection (a) of this section **shall:**

- “(2) Be designed to... (H) address significant disparities in housing needs and access to educational, occupational and other opportunities;...(J) affirmatively further the purposes of the federal Fair Housing Act...”
- “(4) Provide for the development of housing opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and planning region in which the municipality is located...”
- “(5) Promote housing choice and economic diversity in housing, including housing for both low and moderate income households;”
- “(6) Expressly allow the development of housing which will meet the housing needs identified in the [state’s consolidated plan of housing and community development](#)...and the housing component...of the [state plan of conservation and development](#)...”

State POCD

Affordable and Fair Housing for Land Use
Commissioners



Connecticut Affordable Housing Appeals Procedure

C.G.S. §8-30g

10% of housing stock qualify as affordable to avoid the appeals procedures established in the state statutes

Assisted Housing

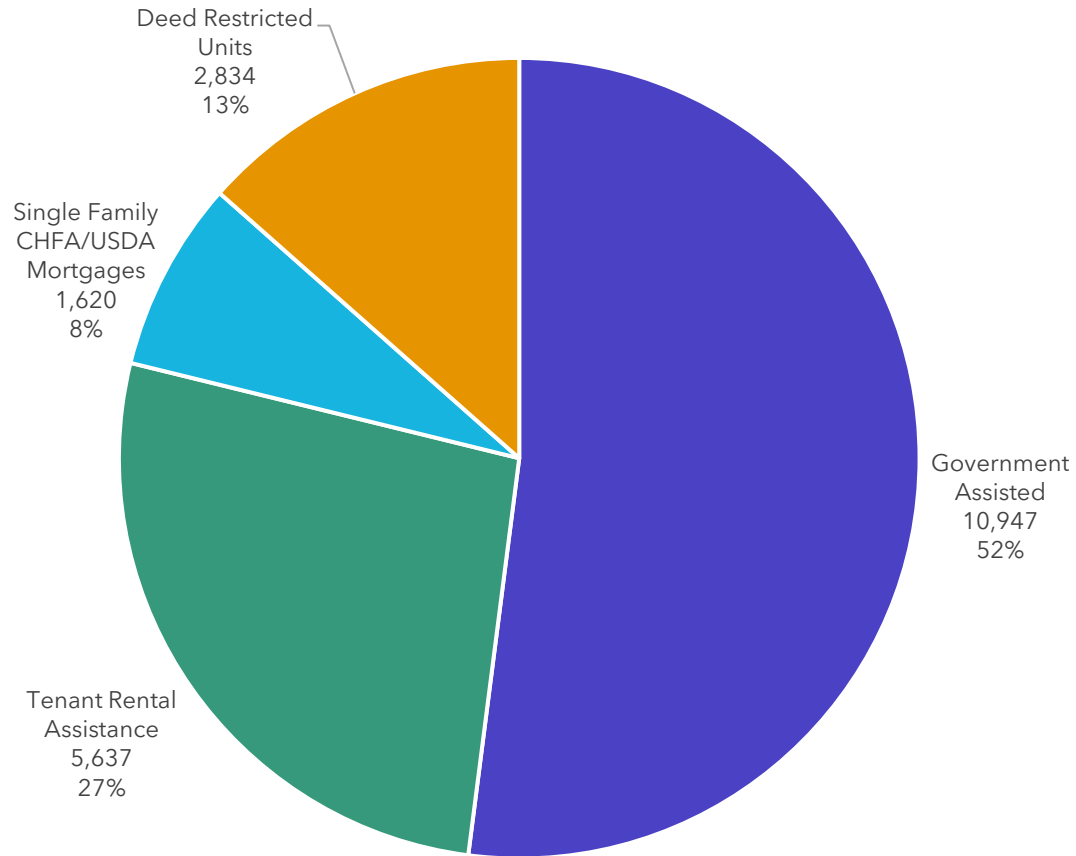
- receiving financial assistance under any governmental program for construction or rehab of low- or moderate-income housing, or housing occupants receiving rental assistance under United States Code.

Set-Aside Development

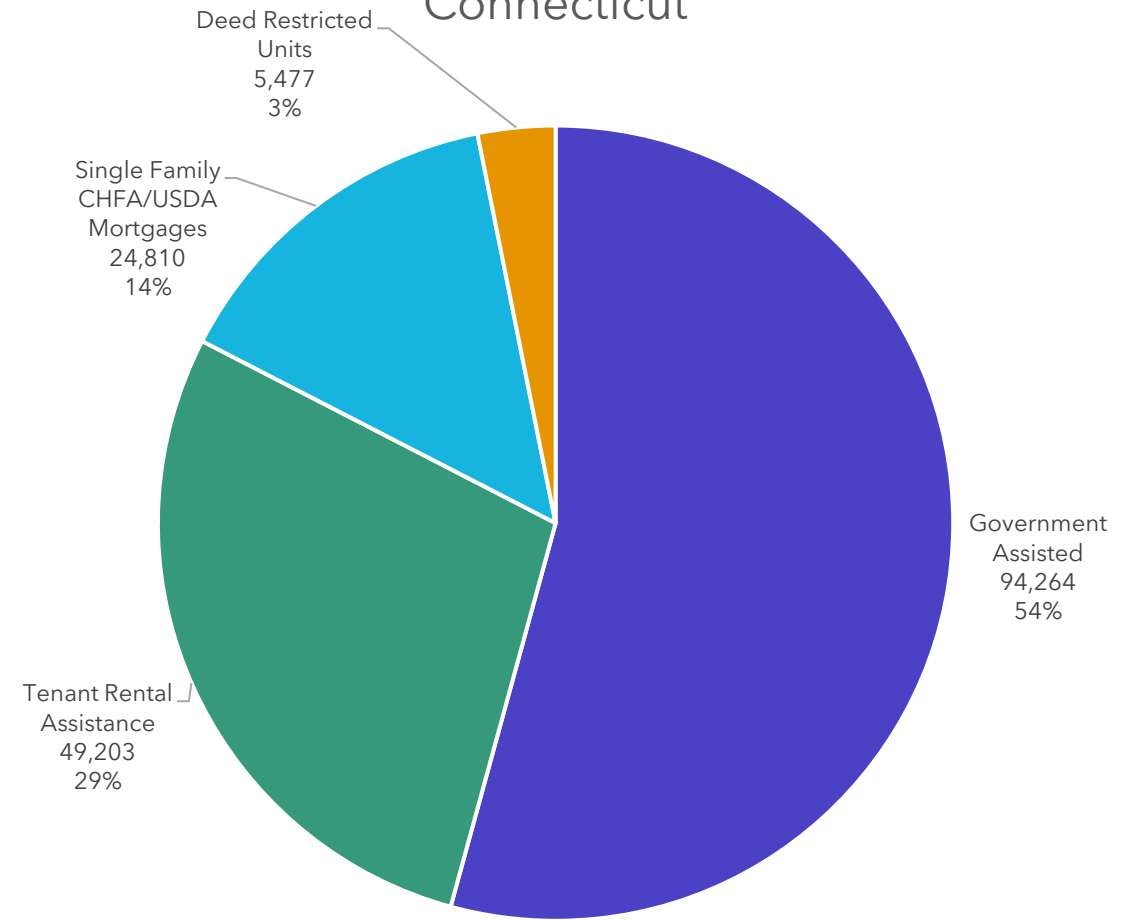
- otherwise known as “deed restricted” - a development with at least 30% of the units are deed restricted as affordable for at least 40 years. For tenants making 80% of the state or area median income, whichever is less.

2022 Affordable Housing Appeals Listing

Western Connecticut Region



Connecticut



2022 Affordable Housing Appeals Listing by Municipality

2022 Affordable Housing Appeals Listing								
Municipality	2010 Census Housing Units	Government Assisted	Tenant Rental Assistance	Single Family CHFA/USDA Mortgages	Deed Restricted Units	Total Assisted Units	2022 Percent Affordable	2010 Percent Affordable
Bethel	7,310	192	34	119	84	429	5.9%	5.8%
Bridgewater	881	-	-	1	-	1	0.1%	0.3%
Brookfield	6,562	115	23	83	112	373	5.7%	1.9%
Danbury	31,154	1,652	1,292	390	210	3,544	11.4%	10.7%
Darien	7,074	161	17	1	117	296	4.2%	2.5%
Greenwich	25,631	921	473	11	47	1,452	5.7%	5.1%
New Canaan	7,551	175	19	6	-	200	2.7%	2.5%
New Fairfield	5,593	-	4	45	17	66	1.2%	0.7%
New Milford	11,731	319	42	139	20	520	4.4%	3.3%
Newtown	10,061	134	6	74	59	273	2.7%	2.0%
Norwalk	35,415	2,423	1,619	345	698	5,085	14.4%	11.6%
Redding	3,811	-	3	14	-	17	0.5%	0.0%
Ridgefield	9,420	175	6	23	79	283	3.0%	2.2%
Sherman	1,831	-	1	5	-	6	0.3%	0.1%
Stamford	50,573	4,217	2,033	345	1,268	7,863	15.6%	14.3%
Weston	3,674	-	1	5	-	6	0.2%	0.0%
Westport	10,399	265	54	2	72	393	3.8%	2.3%
Wilton	6,475	158	10	12	51	231	3.6%	2.7%
Western Connecticut	235,146	10,947	5,637	1,620	2,834	21,038	8.9%	7.8%
Connecticut	1,487,891	94,264	49,203	24,810	5,477	173,754	11.7%	11.2%

Source: CTDOH Affordable Housing Appeals Listing, 2010 & 2022.

Planning and Zoning for Affordable Housing



Planning Strategies for Affordable Housing

- Refine **Parking Requirements**
- Review Driveway, Sidewalk and Roadway **Standards**
- Determine if in any zones **Housing Density** can be increased
 - Map areas that meet environmental and infrastructure constraints (large multi-family)
 - Lessen requirements for approval in these areas
 - Multi-family by right when coupled with specific standards
 - Middle Housing - two to four family housing, townhouses, cluster housing
- Conduct a **Housing Needs Assessment**
- **Affordable Housing Plan - Public Involvement**

Zoning Strategies for Affordable Housing

- Definition of **Family** - use public health or building code to determine occupancy limits
- Allow **Accessory Apartments** and **Letting of Rooms**
- **Incentive Zoning** - general incentives or follow state program- C.G.S. §8-13u
- **Density Bonus**
- **Fee in Lieu** of Affordable Housing - all developments or just housing
- **Inclusionary Zoning** - can require new developments to have X% or number of deed-restricted affordable, density bonuses, or fee in lieu of (C.G.S. §8-2i)
- Remove **Minimum Floor Area Requirements**
 - Consistent with 1989 CT Supreme Court Ruling and C.G.S. §8-2d
 - Building code already has minimums

Resources

- [Joint Statement of the US HUD and DOJ: State And Local Land Use Laws and Practices and the Application of The Fair Housing Act](#)
- [Western Connecticut Regional Affordable Housing Toolbox](#)
- [State of Connecticut - 2020-2024 Consolidated Plan of Housing And Community Development](#)
- [2018-2023 State Plan of Conservation and Development](#)
- [Public Act No. 21-29: Commission on Connecticut's Development and Future on September 11, 2023 - Final Report](#)
- [1989 Blue Ribbon Commission Housing Report](#)