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## MEMORANDUM

TO: Mansfield Planning and Zoning Commission  
Cc: Jennifer Kaufman, AICP, Director of Planning and Development

FROM: Michael D'Amato, AICP, CZEO, Consulting Planner  
Robin Newton, AICP, CZEO, Consulting Planner

DATE: January 13, 2023

SUBJECT: **Affordable Housing Regulation Review**

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Following our conversation with staff, Tyche understands that the Town has an interest in evaluating Mansfield's current inclusionary zoning requirements to determine their effectiveness. The primary focus of our review was to assess the effectiveness of the regulation overall but in particular, the requirement that ten percent of the units within a development be deed restricted as Affordable.

We have performed a review of other municipal zoning regulations and the percentage of Affordable Housing units their regulations require a development to provide. Given that Mansfield is already at 10%, we focused specifically on municipalities who require more than 10% of a development to be set aside for Affordable units.

We offer the following information for your review and consideration.

### Municipalities Reviewed:

#### Simsbury, CT

The Town of Simsbury has a "Housing Opportunity Zone" which requires 15% of the proposed dwelling units to be deed restricted for a minimum of 30 years and requires that such dwelling units be sold or rented at, or below, prices which will preserve the unit as affordable housing, as defined in Conn. Gen. Stat. § 8-30g, for persons or families whose income is less than or equal to eighty percent (80%) of the area median income or the statewide median income, whichever is less; and (2) not less than ten percent (10%) of the dwelling units shall be conveyed in the same manner to persons or families whose income is less than or equal to sixty percent (60%) of the area median income or the statewide median income, whichever is less.

The Town of Simsbury also has a "Workforce Overlay Zone" which requires that 20% of the proposed dwelling units be deed restricted for a minimum of 30 years and that such dwelling units be sold or rented at, or below, prices which will preserve the unit as affordable housing, as defined in Conn. Gen. Stat. § 8-30g, for persons or families whose income is less than or equal to eighty percent (80%) of the area median income for the Town of Simsbury.

#### Avon, CT

The Town of Avon has an "Attainable Housing Overlay Zone" which requires at least 20% of all dwelling units constructed in a development approved under this section of the regulations shall be

deed-restricted to be affordable and attainable to and occupied by households earning 80% or less of the area median income for Avon, as determined and reported by the US Department of Housing and Urban Development (HUD).

#### **Farmington, CT**

The Town of Farmington has an “Affordable Housing Zone” which requires that a minimum of 40% of all units must be designated as affordable.

#### **Haddam, CT**

The Town of Haddam has a “Housing Opportunity District” which requires not less than 25% be deed restricted for a minimum of 40 years to for persons and families whose income is less than or equal to eighty percent (80%) of the area median income or eighty percent (80%) of the state median income, whichever is less.

#### **Recommendation:**

Per the CT Department of Housing, Mansfield currently has approximately 6.4% of its housing stock which qualifies as Affordable. For the Town to make any progress toward increasing that number, the percentage of units within multi-family housing developments that must be deed restricted needs to be set at a number **above** 10%, or the Town’s overall percentage will not increase.

With the understanding that Mansfield wishes to support and increase the number of Affordable housing units in Town and move closer to the established goal of the CT Department of Housing and the goals included in their 2015 Plan of Conservation and Development of having at least 10% of the Town’s total housing stock qualifying as Affordable by 2020, Tyche has prepared the attached suggested regulation amendment which increases the required set-aside from 10% to 15%.

#### **Proposed Amendment: Article 10, Section W, 4.a**

a. **Minimum Number of Affordable and Workforce Housing Units to be Provided.**

Unless an alternative means of providing affordable and workforce housing units is approved pursuant to Section 5, all development subject to the requirements of this Section shall set-aside a minimum of ~~ten~~ fifteen percent (15~~0~~%) of the proposed dwelling units/group dwelling bedrooms as affordable housing units and a minimum of five percent (5%) of the proposed dwelling units/group dwelling bedrooms as workforce housing units.

**b. Income Limits, Maximum Housing Payment and Rent Calculations.**

1. Assisted Housing. Median income, maximum housing payments and rents in assisted housing developments as defined by C.G.S. Sec. 8-30g shall be determined by the rules governing the specific program.
  2. All Other Residential Development. Median income, maximum monthly housing payments and rents for all other residential developments shall be determined pursuant to Sec. 8-30g-8 of the Regulations of Connecticut State Agencies, Maximum Housing payment calculations in set-aside developments. Estimated utility costs shall be calculated using the most current Connecticut Department of Housing Utility Allowance Schedule for the Section 8 Housing Choice Voucher Program.
- c. **Term of Affordability.** All low-income, affordable and workforce housing units constructed or rehabilitated pursuant to these regulations shall be restricted and maintained as affordable for at least forty (40) years from issuance of a Certificate of Occupancy.

**4. Calculating Required Affordable Units**

- a. **Minimum Number of Affordable and Workforce Housing Units to be Provided.** Unless an alternative means of providing affordable and workforce housing units is approved pursuant to Section 5, all development subject to the requirements of this Section shall set-aside a minimum of ~~fifteen~~ percent (15%) of the ~~total~~ proposed dwelling units/group dwelling bedrooms as affordable housing units and a minimum of five percent (5%) of the proposed dwelling units/group dwelling bedrooms as workforce housing units.
- b. **Calculation of Dwelling Units.** The minimum number of affordable and workforce housing units/bedrooms to be provided shall be calculated based on the net increase in overall dwelling units on the property. Any fraction greater than or equal to 0.5 will be rounded up to the nearest whole number. Any fraction less than 0.5 will be rounded down to the nearest whole number.
- c. **Unit Types.** The type of units (number of bedrooms) provided as affordable and workforce housing shall be proportionate to the overall unit breakdown for the development unless a market study is submitted demonstrating the need for a different breakdown based on demand for certain types and sizes of income-restricted units.

**5. Alternative Means of Meeting Affordable and Workforce Housing Requirements**

- a. **Use of Alternative Means of Compliance.** The use of alternative means of compliance pursuant to this Section shall be reviewed by the Commission on a case-by-case basis. In reviewing the appropriateness of the use of an alternative to on-site development of required income-restricted housing units, the Commission shall consider:
1. The number of required income-restricted housing units and the practicality of incorporating such units in the development;
  2. Proximity of the proposed development to existing or planned employment, schools or commercial services;
  3. Compatibility with surrounding land uses; and
  4. Difficulties complying with local, state or federal requirements in developing income-restricted units as part of the development.
- b. **Conversion of Market-Rate Housing Units to Income-Restricted Units.** The affordable and workforce housing requirements may be met in whole or in part through conversion of existing market-rate units pursuant to the provisions of this Section.
1. **Minimum Requirements.** If the affordable and workforce housing requirements are to be met by converting market-rate housing units to low income, affordable, and/or workforce housing units, the converted units shall:
    - Be located in Mansfield;
    - Be proximate to existing or planned employment, schools or services;
    - Be comparable in quality, features and amenities to the development for which the affordable and workforce units are required; and