Part III

PZC Application #24-07 ZRA [REVISED]

Affordable Housing Applications

Presentation

8 August 2024

Part III of the Revised Application, on page 9, addresses affordable housing applications, also called 8-30-g applications.

Like most residents, I do not favor zoning permit applications that intentionally ignore land use regulations by exploiting §8-30g, especially when such applications will knowingly harm their surrounding neighborhoods.

As you know, many land use constraints in the zoning regulations, such as height, setback, parking, lot size, building size, density, lot coverage, screening, district assignment, sidewalk, and landscaping requirements, can be ignored by the applicant for affordable housing applications. As a result, there are not many things the Commission can do to improve affordable housing applications. However, there are some, and they can be significant.

The proposed amendment provides that the calculation of the maximum sales price or rent of the designated affordable dwelling units in the applicant's affordability plan must be based on *current* utility, insurance, and tax rates.

This is important because it is fundamentally unfair for an applicant to use unrealistically low estimates that result in excessive rents or excessive sales prices for the deed-restricted units. I also believe you can deny an affordable housing application if the maximum rents and sales prices in its affordability plan are fraudulent because they are based on unrealistically low estimates.

The proposed regulations require the affordability plan to use the same terminology as used in the 8-30g statutes. This will make it easier to determine whether an affordable housing application is consistent with the statute.

The proposed regulations also require a list of differences between the designated affordable deed-restricted and the market-rate units. This information is necessary to determine if the deed-restricted and market-rate units are comparable, as the statute requires.

Item D on page 9 of the application *reminds the Commission that it has the authority and, in my opinion, the duty to improve affordable housing applications*. The applicant must accept the changes you impose as conditions of approval if those changes do not substantially impact the viability of the affordable housing development or the degree of its affordability.

For example, suppose an affordable housing application is for a 3-unit multifamily development with no on-site parking and does not provide a screened area for storing the refuse containers provided by the town.

In that case, the Commission can require on-site parking and a screened area for storing the refuse containers as low-cost conditions of approval. There are almost always low-cost changes that should be imposed as conditions of approval that would improve affordable housing developments without impacting their viability.

The last change is that the proposed regulations require a public hearing for all affordable housing applications.

There are two reasons why this is important.

The first is that by providing an opportunity for the public to address the Commission, *it is more likely that low-cost, practical ideas will be found that could be imposed as conditions of approval to improve an application.*

The second reason is that *there should always be a public hearing on any application that intentionally does not comply with the regulations*.

Are there any questions regarding the Part III proposed regulations for affordable housing applications?