
OLR Bill Analysis

sHB 6611

AN ACT CONCERNING A NEEDS ASSESSMENT AND OTHER POLICIES REGARDING AFFORDABLE HOUSING AND DEVELOPMENT.

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Requires the entity managing a property to implement affirmative fair housing marketing plans; requires income certification submissions; requires DOH to audit submissions; makes municipalities jointly responsible for ensuring compliance

BACKGROUND

Provides information on affirmative fair housing marketing plans and inclusionary zoning

SUMMARY

The bill requires the Office of Policy and Management (OPM) secretary, in consultation with the Department of Housing (DOH) commissioner, by October 1, 2022, to assess the statewide need for affordable housing; distribute the unmet need among planning regions; and then further distribute it among municipalities in each region. The bill specifies the factors under which these distributions must be made. If the statewide need cannot be fully met by changes at the local level, the state is responsible for providing housing vouchers or construction subsidies to ensure that the needed units are made

available.

The bill requires each municipality to determine the number and type of units that need to be built to meet its assigned goal, using parameters the bill sets. The bill requires municipalities to prioritize rental units, non-age-restricted units, and units serving the lowest income households. Municipalities must develop a 10-year plan for meeting the goal. In limited circumstances, the goal may be reduced, or the deadline extended, if meeting them is infeasible. Newly developed units must be affirmatively marketed to ensure a diverse population of residents.

The bill gives the Superior Court's Hartford judicial district land use litigation docket responsibility for adjudicating claims brought by private parties (e.g., nonprofits and developers) concerning state and municipal compliance. Municipalities that provide a realistic opportunity for developers to build units that would help them meet their goal are subject to more limited court oversight. If the court determines a municipality is not in compliance, it can, among other things, order the local zoning authority to approve a development or appoint an expert to form a plan on a municipality's behalf.

EFFECTIVE DATE: October 1, 2021

§ 1(b) — NEEDS ASSESSMENT AND DISTRIBUTION OF RESPONSIBILITY

Requires a statewide affordable housing needs assessment; requires the unmet housing need to be distributed among planning regions (establishing the regional need base) and then further distributed among municipalities, considering equalized ratables, resident incomes, and multifamily housing stock (establishing the municipal fair share base)

The bill requires the OPM secretary, in consultation with the DOH commissioner, by October 1, 2022, to assess the statewide need for affordable housing and then allocate responsibility for meeting that need to each planning region (for these purposes, the regions represented by the Metropolitan Council of Governments (COG) and Western COG are grouped together as one region). This is the "regional need base" determination under the bill, which is the distribution of responsibility for "fair share units" by region.

Regional Need Base

The bill requires the OPM secretary and DOH commissioner, by October 1, 2022, to allocate the statewide need for fair share units by region. The regional need base is based on:

1. the Comprehensive Housing Affordability Strategy data set published by the U.S. Department of Housing and Urban Development (HUD), or a similar source; and
2. the number of people or families in the state with an income of 30% or less of the area median income (AMI) who spend more than 50% of their annual income on housing, as determined by DOH.

Municipal Fair Share Base

Also, by October 1, 2022, the OPM secretary and DOH commissioner must allocate a portion of each regional need base to each municipality in the region (i.e., establish the municipal fair share base). No allocation can be made to a municipality in which more than 20% of the population is below the federal poverty threshold.

The allocation must be made considering:

1. the municipality's ratable real and personal property (residential, apartment, commercial, industrial, public utility, and vacant land), as reflected by its equalized net grand list, as determined for purposes of calculating educational equalization grants; and
2. based on decennial U.S. Census data or a similar source, (A) median income differences among municipalities in the region and (B) the percentage of each municipality's population that is below the federal poverty threshold or that lives in "multifamily housing" (i.e., a building with at least three units).

A municipality's fair share base must be increased if, in comparison to other municipalities in the region, it has more ratable real and personal property; a higher median income; a lower percentage of its

population below the federal poverty threshold; or a lower percentage of its population living in multifamily housing.

The bill specifies that, for up to 10 years after a municipality submits its fair share plan (see below), its fair share base cannot exceed 20% of the occupied dwelling units in the municipality (i.e., a municipality does not need to increase its occupied housing stock by more than 20% in a 10-year period).

§ 1(h) — STATE RESPONSIBILITY FOR UNALLOCATED REGIONAL BASE

Makes the state responsible for meeting housing needs that cannot be met locally; specifies the state must meet this obligation with tenant-based vouchers or new construction subsidies

If there are still unallocated units (i.e., an unmet need) after the OPM secretary and DOH commissioner allocate a portion of each region’s regional need base to each municipality in the region, then the state must meet the need by:

1. issuing new mobile (tenant-based) housing vouchers to address half of the unmet need and
2. offering subsidies for the construction of new affordable housing in which 30% of the dwelling units are affordable to very low-income households and are not age-restricted.

The bill specifies that only dwelling units affordable to very low-income households count toward the state’s new construction obligation. But the bill also specifies that the units may be resident-owned “affordable housing units.”

Under the bill, an “affordable housing unit” is a dwelling unit conveyed by a deed containing a covenant or restriction (“restrictive deed”) that requires that the unit be sold or rented at or below a price that will preserve the unit as housing for a person or family whose income is no more than 80% of the lesser of the state median income (SMI) or AMI, as determined by HUD.

Under the bill, “very low income” households are those whose

income is no more than 50% of the lesser of the SMI or AMI, as determined by HUD.

The bill further prohibits the state from meeting its obligation by providing subsidies for new construction in:

1. a municipality in which at least 20% of the population is below the federal poverty threshold or
2. a census tract in which the percentage of the population that is below the federal poverty threshold is higher than the percentage of such population in the state.

The bill does not specify whether, aside from the above restrictions, the units must be built in the region with unmet need if the state is meeting an unmet need through new construction subsidies.

The bill allows developers building new units using these state construction subsidies to seek a court order providing for local planning or zoning approval, as applicable. (The bill does not provide for similar relief from other local oversight such as inland wetlands review.) Developers must apply to the Superior Court's Hartford judicial district land use litigation docket ("land use litigation docket"). The court does not need to find the proposed development to be in compliance with local regulations; it must only determine whether the project furthers the bill's purposes.

§ 1(c) — MUNICIPAL FAIR SHARE GOAL

Requires municipalities, using their fair share base, to determine what types of units they must provide development opportunities for; establishes requirements that prioritize rental units, non-age-restricted units, and units serving the lowest income households

After the state establishes the municipal fair share base for each municipality, as applicable, each municipality must calculate its "fair share goal." The goal must be formulated under the bill's parameters, which require municipalities to prioritize rental units, non-age-restricted units, and units serving the lowest income households. Certain unit types count as more than one unit, allowing a municipality to plan for fewer total dwelling units while meeting their

fair share base quota.

The bill requires the municipal fair share goal to be recalculated every 10 years according to the procedure the OPM secretary and DOH commissioner use to calculate the regional and municipal fair share bases. (It is unclear what this provision requires and who must do the recalculation.)

Caps on Unit Types

The fair share goal must be set so that no more than (1) 40% of fair share units are resident-owned affordable housing units (i.e., at least 60% of the affordable housing units must be rentals) and (2) 15% of rental units are “age restricted units” (i.e., units in which no more than one resident under age 55 may live).

Minimum Unit Type Requirements

The fair share goal must provide for at least:

1. 20% of the fair share units to be conveyed by restrictive deeds preserving the units for “extremely low-income” households (i.e., a person or family whose income is no more than 30% of the lesser of the SMI or AMI, as determined by HUD) and
2. 65% of the fair share units to be conveyed by restrictive deeds preserving the units for “very low-income” households (i.e., income is no more than 50% of the lesser of the SMI or AMI).

Additionally, the bill requires certain percentages of age-restricted rental units and rental units for extremely and very low-income households to meet certain standards. Specifically, (1) at least 40% of the units must contain at least two bedrooms; (2) at least 25% of the units must contain at least three bedrooms; and (3) no more than 10% of the units can be studio or efficiency units.

Bonus Points for Bedrooms in Certain Unit Types

The bill specifies that the number of units required by the municipal fair share base quota can be met with fewer units if the unit types built meet certain specifications. These “bonus” points are awarded to each

bedroom in a qualifying unit.

Each bedroom in a rental unit that is conveyed by a restrictive deed preserving the unit for very low-income households qualifies for three-fourths of a bonus point if the unit is not age restricted and has at least two bedrooms.

Each bedroom in the following unit types qualifies as one additional fair share unit (i.e., one bonus point): (1) each bedroom in a rental unit that was conveyed by a restrictive deed preserving the unit for extremely low-income households, if the unit is not age restricted and has at least two bedrooms, and (2) each bedroom in non-age-restricted permanent supportive housing.

Under the bill, “supportive housing” is affordable housing for people or families who qualify for assistance under a law requiring state agencies to establish affordable, permanent, supportive housing initiatives (CGS § 17a-485c).

Unit Location

Under the bill, a substantial portion of fair share units, as determined by the OPM secretary and the DOH commissioner, must be located in census tracts where the percentage of the population below the federal poverty threshold is no higher than the overall percentage in the municipality.

§ 1(d) — MUNICIPAL FAIR SHARE PLAN

Requires municipalities to develop a plan, including updating local zoning regulations, to provide a realistic opportunity for achieving their fair share goal; plan must include two-year, three-year, five-year, and 10-year housing development benchmarks

The bill requires each municipality that has been allocated part of the regional need base to submit, by October 1, 2023, a municipal fair share plan to the OPM secretary and DOH commissioner.

Under the bill, a “municipal fair share plan” is the municipality’s plan to achieve its municipal fair share goal. To be considered complete, it must include the following:

1. two-year, three-year, five-year, and 10-year development

benchmarks and

2. amended zoning regulations and an updated local plan of conservation and development (amended to create a “realistic opportunity” (see below) for achieving the municipality’s fair share goal).

Components for Creating Realistic Opportunity for Achievement

A municipal fair share plan cannot be considered to create a “realistic opportunity” for the achievement of the municipal fair share goal unless it:

1. in the case of an affordable housing development for low- and moderate-income people or families (the bill does not define these terms), requires that the development be proposed on a site that is (A) capable of being developed in accordance with such municipality’s regulations; (B) not subject to any deed restriction, historic district regulation, or inland wetlands regulation; and (C) not already occupied (absent an agreement to move the existing use occupying the site);
2. in the case of an affordable housing development for low- and moderate-income people or families, proposes a percentage of fair share units that is economically feasible, in accordance with guidance issued jointly by the OPM secretary and DOH commissioner;
3. in the case of any other development, provides for municipal funding if other housing subsidies are not available (the bill specifies that municipalities cannot use tenant-based housing vouchers to meet their goal); and
4. includes two-year, three-year, five-year, and 10-year development benchmarks that, at least 18 months before any such benchmark is to be met, (A) designate specific parcels within the municipality for affordable housing development; (B) specify the income level of the population being targeted for any such development; and (C) identify the developer of each of

these parcels.

The bill specifies additional factors that the court must consider if it is determining whether a municipality's fair share is in compliance with the bill's provisions (see § 1(e) below, "FACTORS FOR COURT REVIEW OF COMPLIANCE").

§ 1(a) — "AGGRIEVED PARTIES" DEFINED

Defines individuals and entities that can seek judicial review of a municipality's compliance with the bill's requirements and court-ordered approval of a proposed development; specifies who has standing to intervene in an action about municipal compliance

Under the bill, an "aggrieved party" is:

1. a developer seeking to construct dwelling units that would count toward a municipality's municipal fair share goal,
2. a nonprofit organization advocating (A) for a municipality's compliance with its fair share requirements or (B) on behalf of lower- and moderate-income households in a planning region,
3. an individual who would qualify for a fair share unit, or
4. a municipality in the same planning region that (A) is not required to create a fair share plan or (B) has safe harbor status and is meeting relevant benchmarks.

§ 1(e) — JUDICIALLY-GRANTED SAFE HARBOR FOR MUNICIPALITIES

Municipalities that comply with the planning requirement can ask the court to grant them immunity from certain court actions (i.e., safe harbor); allows aggrieved parties to intervene in these proceedings; requires municipalities with safe harbor status to report at least annually to the court on their continued progress

If a municipality submits its fair share plan on time and with the required components, and the plan creates a realistic opportunity for the achievement of the municipal fair share goal within 10 years (see § 1(d) above, "Components for Creating Realistic Opportunity for Achievement"), the Superior Court may find that the municipality's compliance qualifies it for the bill's safe harbor provisions (see description of required considerations, below). For this protection, a

municipality must bring an action in Superior Court, seeking a compliance determination on the land use litigation docket.

The safe harbor generally prevents aggrieved parties from bringing an action asking the court to find that the municipality is failing to create a realistic opportunity for the needed housing to be built. Under the bill, the safe harbor is generally effective for up to 10 years or the duration of the fair share plan (presumably the shorter of the two).

Interventions by an Aggrieved Party

An aggrieved party may intervene in the action to oppose the court's compliance determination if the intervenor believes that the municipal fair share plan does not create a realistic opportunity for the achievement of the municipal fair share goal within 10 years.

Reporting Requirement and Continued Jurisdiction

If a court grants the safe harbor, it must require the municipality to submit reports, at least annually, to the court and the OPM secretary. Each report must contain all material facts about the municipality's progress toward fulfilling its fair share plan, including the benchmarks the plan set. Both the municipality and OPM secretary must publish the reports on their respective websites.

The bill specifies that the court continues to exercise jurisdiction over the matter, even after the safe harbor is granted, and therefore it can:

1. receive and consider reports submitted by the municipality;
2. hear any motion brought by an aggrieved party claiming the municipality has (A) failed to fulfill the requirements of its municipal fair share plan according to the benchmarks set or (B) otherwise materially failed to comply with the plan;
3. adjudicate this motion and order relief it deems appropriate to ensure prompt compliance and remedy any failure; and
4. grant an extension for achieving the plan of up to 10 years, as

described below, if it finds the interests of justice require.

§ 1(e) — FACTORS FOR COURT REVIEW OF COMPLIANCE

Specifies numerous factors a court must consider when determining whether a municipality complies with the bill's fair share planning requirement (and is therefore eligible for the safe harbor)

Under the bill, if a court is considering whether a municipality is complying with the bill's requirements for creating a realistic opportunity for achieving its fair share goal, it must consider these factors:

1. substantial evidence of the realistic potential for developing the necessary number of fair share units;
2. bona fide amendments to zoning regulations, including the adoption of inclusionary zoning provisions (see BACKGROUND) and other changes to policies and procedures that create a realistic opportunity for the development of required fair share units;
3. a preponderance of evidence that these regulations, policies, and procedures demonstrate realistic potential for the development of affordable housing;
4. memoranda of understanding or other similar agreements between a municipality and any developer seeking to construct affordable housing within such municipality, which (A) identify specific parcels to be developed and detailed affordability components and the number of bedrooms to be counted as fair share units and (B) concern the transfer of municipally-owned property;
5. developers' applications for the federal Low-Income Housing Tax Credit program or other state or federal affordable housing funding sources, as well as evidence of the municipality's support of the application (including any zoning approval);
6. efforts by the municipality to secure funding to expand sewer and other infrastructure related to affordable housing

development, including grant applications and bonding measures;

7. a finding by the DOH commissioner, through a random audit, that developers seeking to construct affordable housing in the municipality are operating under current and effective affirmative marketing plans;
8. evidence that the municipality committed municipally-owned property and other municipal resources to support achieving the municipal fair share goal; and
9. any provision of the municipal fair share plan or any other evidence that the court deems relevant.

Municipal Burden of Proof

In an action to determine a municipality's compliance with the bill's provisions, a municipality bears the burden of establishing that its fair share plan contains the required components (e.g., it includes developable sites; the municipality has provided funding if necessary; and the required percentage of fair share units is economically feasible, as described above; see "*Components for Creating Realistic Opportunity for Achievement*").

§ 1(e) — ACTIONS CONCERNING MUNICIPALITIES WITH A PLAN THAT LACK SAFE HARBOR STATUS

Allows aggrieved parties to enforce the bill's provisions against a municipality that submitted a fair share plan but does not have safe harbor status

If a municipality has complied with the planning requirement, including submitting it to the OPM secretary, but has not sought safe harbor status or it has not yet been granted, then an aggrieved party can bring an action in Superior Court on the land use litigation docket for a determination that the plan does not create a realistic opportunity for achieving the municipality's fair share goal in 10 or fewer years and therefore is not in compliance.

If the municipality is deemed in compliance, it is granted the same safe harbor as other municipalities found in compliance and is subject

to the same continued judicial oversight (including the reporting requirement).

If the municipality is found to be out of compliance, the court can (1) order payment of the aggrieved party's attorney's costs and fees and (2) provide other relief as deemed appropriate to ensure prompt compliance and remedy any failure. If the aggrieved party is a prospective developer, the court may issue an order requiring that the municipality's planning commission, zoning commission, or combined planning and zoning commission, as applicable, grant the approval necessary to allow the development to proceed. The court cannot order this approval if the municipality demonstrates that the development would present a significant risk to public health or safety and could not be reasonably modified to avoid this risk. (Different requirements apply to actions brought by developers about a municipality that did not submit a plan (see § 1(f) below, "*Prospective Developer Seeking Project Approval*").

Regardless of the judgement or remedy, the bill specifies that the court continues to exercise jurisdiction over the matter to (1) enforce the judgment or order and (2) receive and consider any reports that it requires the municipality to submit.

§ 1(f) — ACTIONS BROUGHT BY AGGRIEVED PARTY AGAINST MUNICIPALITY WITHOUT A PLAN

Lists relief a court can grant an aggrieved party; requires the court to award a successful aggrieved party costs and monetary losses attributable to the failure to create a fair share plan

It appears that the following provisions may apply regardless of whether the subject municipality submitted a fair share plan, though the specifically mentioned remedies appear to refer to municipalities that did not submit a plan.

Private Enforcement Action

The bill specifies that an aggrieved party can bring an action in Superior Court on the land use litigation docket for a judgement determining that a municipality is not in compliance with the bill's provisions. The court can order any relief it deems appropriate to

ensure prompt compliance, including:

1. temporary injunctive relief;
2. ordering the timely creation and submission of a compliant municipal fair share plan; and
3. appointing one or more independent qualified individuals with expertise in land use to create a municipal fair share plan for the municipality.

If the aggrieved party is successful in an action brought, the court must award the party (1) attorney's costs and fees, including the costs of appellate review, remands, or other judicial proceedings and (2) any monetary losses attributable to the municipality's failure to create a municipal fair share plan such as the lost opportunity to develop fair share units for sale.

Prospective Developer Seeking Project Approval

The bill gives developers seeking to construct units that would count toward the achievement of a municipality's municipal fair share goal the right to file an action in Superior Court on the land use litigation docket, seeking approval to allow his or her proposed development to proceed.

The court may issue an order requiring that the municipality's planning commission, zoning commission, or combined planning and zoning commission, as applicable, grant the approval necessary to allow the proposed development to proceed if the court finds that:

1. the development is not age restricted,
2. at least 15% of the dwelling units in the development are affordable to very low-income households,
3. at least 40% of the affordable dwelling units have two or more bedrooms, and
4. at least 25% of the affordable dwelling units have three or more

bedrooms.

But the court cannot order such approval if the municipality demonstrates that the development would present a significant risk to public health or safety and could not be reasonably modified to avoid such risk.

§ 1(f) — NO MORATORIUM FOR MUNICIPALITIES THAT DO NOT SUBMIT PLANS

Prohibits DOH from certifying a municipality's qualification for a moratorium under CGS § 8-30g if it has not submitted a fair share plan

The bill provides that if a municipality does not submit a plan, it is ineligible to receive a moratorium from the Affordable Housing Land Use Appeals Procedure (i.e., CGS § 8-30g) for at least two years after the plan is submitted.

The procedure requires municipal land use agencies to defend their decisions to reject affordable housing development applications or approve them with costly conditions (i.e., the procedure places the burden of proof on municipalities). The law requires developments to be approved unless specific criteria are met (non-compliance with zoning regulations is not a permitted reason). A municipality is eligible for a temporary suspension of procedure (i.e., moratorium) each time it shows it has added a certain number of affordable housing units over the applicable time period.

§ 1(e) & (h) — EXTENSION OF TIME AND GOAL REDUCTION

Grants the court authority to extend the amount of time a municipality has to achieve its goal if infrastructure is insufficient; authorizes the court to reduce the goal under limited circumstances related to topography and natural resources or phenomena; if a reduction occurs, redistributes units throughout the planning region

Extension of Up to 10 Years

In any action concerning a municipality's compliance with the bill's requirement to create a realistic opportunity to achieve its fair share goal, the bill allows a court to grant an extension of up to 10 years beyond the duration of the fair share plan. It can only do so if the municipality demonstrates that creating a realistic opportunity to achieve its municipal fair share goal would be infeasible without

substantial additional infrastructure (excluding for public transportation) that is required to avoid risks to public health or address physical infeasibility, as determined by such court. The bill requires the municipality to demonstrate the infeasibility of creating such a realistic opportunity with specific evidence of any such risk to public health or physical infeasibility.

Reduction in Goal (i.e., Required Units) and Redistribution

In any action concerning a municipality's compliance with the bill's requirement to create a realistic opportunity to achieve its goal, the bill allows the court to reduce a municipality's fair share goal if the municipality establishes by clear and convincing evidence, substantiated by expert scientific proof, that (1) such reduction is necessary (a) due to topographical limitations or (b) in order to protect extraordinary natural resources, such as rare or unique natural phenomena, and (2) an extension of time (see above) would be insufficient to address such limitations or risk to natural resources.

If the municipal fair share base is reduced by the court, the number of fair share units represented by such reduction must be allocated to each of the other municipalities in the same planning region in proportion to the regional need base, excluding the municipality for which the municipal fair share base has been reduced. (The bill does not specify whether impacted municipalities must update their plans to reflect the new fair share base.)

§ 1(g) — RECOURSE IF STATE FAILS TO PERFORM DUTIES

Allows certain aggrieved parties to bring an action asking the court to compel the OPM secretary or DOH commissioner to comply with the bill's provisions

If the OPM secretary or DOH commissioner fail to perform any required duty, any aggrieved party other than a municipality may bring an action on the Superior Court's land use litigation docket for an order (1) requiring the secretary or commissioner to comply with the bill's provisions and (2) granting other relief the court deems necessary or appropriate to ensure prompt compliance, including permanent or temporary injunctive relief and attorney's costs and fees.

If multiple nonprofit advocacy organizations file motions to intervene, the court may certify them as a class (i.e., make it a class action suit).

§ 1(c) & (d) — AFFIRMATIVE MARKETING PLAN AND INCOME CERTIFICATIONS

Requires the entity managing a property to implement affirmative fair housing marketing plans; requires income certification submissions; requires DOH to audit submissions; makes municipalities jointly responsible for ensuring compliance

Marketing Plan

For any development containing fair share units, the municipality must require that the developer constructing these fair share units, or the property management company for such these units, submit to the municipality and the DOH commissioner an affirmative marketing plan. This plan must comply with the affirmative fair housing marketing plan requirements applicable to developers receiving financial assistance under many state housing programs (see BACKGROUND). Additionally, the municipality must specify the process by which it will verify that the affirmative marketing plan is carried out.

Each fair share unit developer, or property management company for the units, must submit a copy of the plan to the municipality and DOH commissioner. The commissioner must conspicuously post the plan on the DOH website within a month of receiving it.

Compliance

Under the bill, the developer or management company must biennially certify the income of fair share unit residents (presumably only new residents, to ensure they comply with income restrictions when they move into a unit). Municipalities must review the certifications to monitor progress toward achieving their fair share goal.

The DOH commissioner, at least once every five years, must conduct a random audit of each municipality's fair share units to determine whether the affirmative marketing plan procedures were effective and the income certifications are accurate. The audit findings

must be posted on DOH's website.

If a developer, property management company, or municipality fails to comply with the bill's marketing plan or income certification requirements, or the incomes certified are inaccurate, the municipality is deemed out of compliance and is not entitled to the safe harbor the bill affords when plans create a realistic opportunity for achieving the municipal fair share goal.

BACKGROUND

Provides information on affirmative fair housing marketing plans and inclusionary zoning

Affirmative Fair Housing Marketing Plans (CGS § 8-37ee)

State law requires developers participating in certain state programs to affirmatively market their units to ensure a diverse population of residents (see also Conn. Agencies Regs. §§ 8-37ee-1 to 8-37ee-314).

Specifically, the law requires them to develop plans outlining how they will market their housing units to an applicant pool that includes residents of municipalities with relatively high populations of those that would be "least likely to apply" (i.e., groups in the housing market area that are least likely to apply for the housing because of its location and other factors, without special outreach efforts). At least 20% of the units must be targeted to the groups identified as least likely to apply.

Plans must include information on (1) how occupants will be selected and (2) the evaluation process used to determine if the marketing is successful. Developers must report to DOH on an ongoing basis, both before and after initial occupancy, providing, among other things, racial and economic data from both residents and those on the waiting list, as applicable.

Inclusionary Zoning (CGS § 8-2i)

Inclusionary zoning generally requires developers to make a percentage of units in new developments available to low- and moderate-income households. In return, developers receive non-monetary compensation in the form of density bonuses, zoning

variances, or expedited permits that reduce construction costs. Inclusionary zoning regulations may also require a developer to contribute to a housing trust fund.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 17 Nay 9 (03/31/2021)