

Town of Bloomfield

Inclusionary Zoning Provision — Draft Zoning Regulation

April 8, 2025

Section 6.14.A INCLUSIONARY ZONING

1. Purpose

To advance the recommendations of the Bloomfield Affordable Housing Plan and the Plan of Conservation and Development, to promote the development of affordable housing to meet local and regional needs as required by the Connecticut General Statutes (CGS) Section 8-2 and Section 8-23, to promote and increase housing choice, housing diversity, socioeconomic diversity, and to affirmatively further the purpose of the federal Fair Housing Act in Bloomfield, this section requires the inclusion of affordable housing units in all residential developments.

2. Applicability

In accordance with CGS, Section 8-2i (Inclusionary Zoning), all residential development of ten (10) units or more requiring a site plan, special permit, or subdivision approval shall include a minimum of 12% of the proposed units as Qualified Affordable Housing. Said Qualified Affordable Housing shall be sold or rented to households with incomes at or below 80% median household income as determined and defined in CGS Section 8-30g and Regulations of CT State Agencies (RCSA) 8-30g-8. Any fractions shall be rounded up to the nearest whole number

3. Housing Affordability Plan

Any application including affordable housing shall be accompanied by a Housing Affordability Plan, prepared in accordance with CGS 8-30g and RCSA 8-30g-7. The Plan shall provide all the necessary information and documentation to ensure the construction and continued operation of the Qualified Affordable Housing units.

Section 6.14.B FEE-IN-LIEU OF QUALIFIED AFFORDABLE HOUSING UNITS

In accordance with CGS, Section 8-2i (Inclusionary Zoning), the applicant can satisfy the inclusionary affordability requirements by:

1. Providing 12% or more of the total units as Qualified Affordable Housing units.
2. Paying a fee-in-lieu of affordable housing equal to \$10 per square foot for each affordable unit not to be constructed. The \$10 per square is calculated based on the size of comparable units being constructed in the development. The \$10 per square foot fee shall increase by the CPI for each calendar year after the year of adoption of this provision. The rate of increase is intended to account for an increase in the price per square foot cost of construction. The Commission should reassess the fee per square foot and rate of increase once every five to ten years.

The payment of any fee-in-lieu of affordable housing in accordance with the provisions of Section 6-14 shall be paid into the Town of Bloomfield Affordable Housing Trust Fund.

Section 6.14.C DENSITY BONUS

Providing more than 12% of the total units as Qualified Affordable Housing allows the applicant to receive a density bonus equal to two additional market-rate units for each additional unit of Qualified Affordable Housing provided.

If a minimum of 12% Qualified Affordable Housing units are to be constructed, the applicant may request to purchase a density bonus up to an additional 8% (qualified affordable housing units) of the total proposed units, by paying a fee equal to the fee-in-lieu of affordable housing, as calculated above, for each additional qualified affordable housing unit calculated in the increase over 12%. In no case shall the total number of qualified affordable units exceed 20% of the total units. The Commission reserves the right not to accept a fee-in-lieu of affordable housing or not to grant a density bonus and require that 12% Qualified Affordable Housing units, as required by this Section, be constructed. Any fractions shall be rounded up to the nearest whole number

Section 6.14.D REQUIREMENTS

1. Phasing

The amount (percent) of affordable units shall be evenly distributed throughout the development and evenly distributed across phases. Affordable units shall be proportionate to each phase, and the affordable units shall receive a Certificate of Occupancy before such Certificates are issued for more than 50% of the units in the phase (or the fee-in-lieu shall be paid before Certificates of Occupancy are issued for more than 50% of the units in the phase).

2. Discretionary Modifications

In the interest of Fair Housing and the need to promote and encourage affordable housing, the Commission may modify specific bulk and area requirements of the Zoning Regulations, as part of an application for site plan, special permit, or subdivision, that would otherwise prevent the density bonus from being realized. In doing so, the applicant must make a specific request for the necessary bulk and area modification and list said modifications on the approved plans if the density bonus is accepted.

Section 6.14.E COMMERCIAL LINKAGE SHARE

To assist in the creation of affordable (especially workforce) housing for persons and families of low and moderate income levels, a Commercial Linkage Share of commercial building permit fees is hereby created.

1. The Commercial Linkage Share shall be ten (10) percent of building permit fees collected by the town of Bloomfield Building Inspection Department for repair, additions, alterations and renovations to commercial buildings and for construction of new commercial (e.g. mercantile, business and industrial) buildings. (Construction projects being developed by, or on behalf of, any federal, state or local governmental entity shall be exempt from the Commercial Linkage Share.)
2. The Commercial Linkage Share shall be deposited into the Town of Bloomfield Affordable Housing Trust Fund quarterly. All funds so deposited shall be disbursed only in the manner prescribed by the Town of Bloomfield Affordable Housing Trust Fund.

Section 6.14.F ADMINISTRATION

The Housing Affordability Plan provides a structured approach to the operational procedures required to administer the Inclusionary Zoning regulations, building upon Bloomfield's Affordable Housing Plan.

1. Annual Monitoring

Each owner of any rental inclusionary units shall submit an annual report to the Building and Land Use Office, no later than March 1, for the previous calendar year, identifying monthly rental rates, vacancy status of each inclusionary unit, income status for resident and any other related data deemed necessary by the Town while ensuring privacy of all occupants. The deed restriction for ownership units shall require a comparable conformance report to the Town upon sale of ownership of inclusionary units.

2. Deed Restrictions

In order to maintain below market rate units for rent for at least forty (40) years or the life of the unit, whichever is longer, the following restrictions shall apply:

- a. Below market rate units for sale shall be restricted by title and require that, in the event of any resale by the owner or any successor, the sale price shall not exceed the then maximum allowable sales prices for said below market rate dwelling unit, or the sum of the original purchase price and the cost of any documented fixed improvements made by the owner, whichever is greater.
- b. Below market rate units for rent shall be restricted by title to require that the rents for said units shall not exceed the maximum rent as determined annually in accordance with CGS Section 8-30g-8.

ARTICLE 2 DEFINITIONS

Section 2-2 Defined Terms

“AFFORDABLE HOUSING” RELATED TERMS

Affordable Housing - Housing that is affordable to persons and families whose incomes do not exceed 80% of the median income for the area, as determined by the U.S. Department of Housing and Urban Development (HUD). Specifically, this includes both rental and ownership units that are priced to be affordable for such low- and moderate-income households.

Qualified Affordable Housing - Housing units that are specifically designated as affordable housing in accordance with CGS Section 8-30g. These units must be sold or rented to households with incomes at or below 80% of the median income for the area, and must meet specific affordability criteria set forth in state regulations.

Inclusionary Zoning - A zoning strategy that requires or encourages developers to include a certain percentage of affordable housing units in residential developments. This approach aims to provide a mix of housing types and price points within a community, promoting socioeconomic diversity and addressing the need for affordable housing.

Median Income - The middle income level within a specific geographical area, as defined by HUD, which divides the population into two equal groups: half of the population earns less than the median income and half earns more. This figure is updated annually and is used to determine eligibility for affordable housing programs.

Housing Affordability Plan - A comprehensive plan required under CGS Section 8-30g that outlines the strategies and commitments a developer will implement to ensure the construction, marketing, and ongoing affordability of the designated affordable housing units. This plan must include details about income eligibility, rent or sale pricing, and mechanisms to maintain affordability over time.

Fee-in-Lieu of Affordable Housing - A financial contribution paid by developers to a municipal Affordable Housing Trust Fund, used as an alternative to constructing the required percentage of affordable housing units. This fee is calculated based on the square footage of affordable units not built and is intended to support the creation or preservation of affordable housing elsewhere in the community.

Density Bonus - An incentive that allows developers to increase the number of units allowed on a parcel of land if they provide a greater percentage of affordable housing units than required. This encourages the development of affordable housing while giving developers the opportunity to maximize their investment.

Affordable Housing Trust Fund - A designated fund established by a municipality to receive contributions from developers, including fee-in-lieu payments, intended for the development, preservation, and rehabilitation of affordable housing units within the community.

Zoning Commission - The local regulatory body responsible for overseeing land use and zoning regulations, including the approval of site plans, special permits, and subdivisions, and ensuring compliance with state statutes regarding affordable housing and inclusionary zoning.

ARTICLE 2 Definitions

Section 2-2 Defined Terms

Inclusionary Zoning – *See “Affordable Housing” Related Terms*