

WAYS IN WHICH THE CITY OF STAMFORD HAS SUPPORTED BOTH THE PRODUCTION AND THE PURCHASE OF AFFORDABLE HOUSING

- 1. WITH FINANCIAL CONTRIBUTIONS FROM THE MAYOR'S HOUSING FUND (CAPITAL BUDGET)**

- 2. BY ENACTING LAWS**
 - a. ONE-FOR-ONE**
 - b. LINKAGE**

- 3. BY PROMULGATING REGULATIONS**
 - a. INCLUSIONARY ZONING**

- 4. BY CONTRIBUTING LAND**

- 5. WITH DOWNPAYMENT AND OTHER ASSISTANCE FROM HUD GRANT PROGRAMS**
 - a. HOME**
 - b. LEAD**
 - c. CDBG**

- 6. THROUGH TAX ABATEMENTS**

1. FINANCIAL CONTRIBUTIONS FROM THE MAYOR'S HOUSING FUND

As set forth in the following chart, from his first budget in 1996, Mayor Malloy's yearly budget requests have included substantial amounts targeted at increasing the City's stock of affordable housing. Mayor's capital funds, totaling in excess of seven and a half million dollars, have leveraged millions more towards the production of 570 affordable housing units in Stamford.

Capital Budget

Year	Mayor's Housing Funds
1996	\$200,000
1997	\$300,000
1998	\$800,000
1999	\$300,000
2000	\$300,000
2001	\$600,000
2002	\$600,000
2003	\$600,000
2004	\$600,000
2005	\$700,000
2006	\$800,000
2007	\$900,000
2008	<u>\$905,000</u>
	\$7,605,000

Following is a project-by-project breakdown of allocations for affordable housing production that have been made from the Capital Budget Mayor's Housing Fund since fiscal year 96/97

Project	Address	Sponsor	Rental Units	Condo Units	City Contribution
WestSide Commons II	2-16 Spruce Street	MHA/NHS		10	\$375,000
WestSide Commons 1	18-30 Spruce Street	MHA/NHS		19	\$615,000
11-15 Woodland Ave	11-15 Woodland	NHS	16		
Mission Taylor	31Mission/28 Taylor	NHS/NNI	10		\$367,000
53 Clinton	53 Clinton	NNI	1		\$280,000
Fairfield Commons	20-28 Fairfield	MHA	32		\$260,000
501 Pacific	501 Pacific	NNI	6		\$100,000
Lead Safe House	28 Rose Park	SLCS	3		\$110,000
19-33 Taylor Ave	19-33 Taylor Ave	HACS	16	8	\$1,000,000
275 W Main	275 W Main	MHA		8	\$250,000
Southwood Square		HACS	300	15	\$3,250,000
251-265 West Main	251-265 West Main	MHA	6		
Taylor Street LP	25 Taylor Street	HACS	16	8	
Supportive Housing	58 Stone Street	Shelter	2		
<u>Fairfield Court</u>	<u>Fairfield Avenue</u>	<u>HACS</u>	<u>90</u>	<u>---</u>	<u>\$998,000</u>
SUB-TOTALS			502	68	\$7,605,000

2. ENACTING LAWS

a. ONE FOR ONE ORDINANCE

Throughout 2001, the Board of Representatives' Committee on Housing & Community Development in coordination with local below market rate housing developers and other affordable housing activists wrote Ordinance No. 966 Supplemental "Concerning One for One Housing Replacement." The purposes of the One for One ordinance, which was passed by the full Board of Representatives in October 2001, are to: preserve existing affordable housing resources; promote a supply of housing that is affordable to low-income residents; and protect the economic diversity of the community by preventing displacement of low-income households. The ordinance prohibits owners of subsidized housing (as defined therein) from "converting" (demolishing, changing the use or affordability level of) housing units without having first obtained City approval of an "assisted housing replacement plan" in which the owner must demonstrate that every unit of qualifying subsidized housing will be replaced, on a one for one basis, with a unit at the same rate of affordability as the converted unit.

A copy of this ordinance follows:

Ordinance Number 966 Supplemental
Concerning
ONE FOR ONE HOUSING REPLACEMENT

Whereas, the need exists for publicly assisted and privately owned rental housing to low income persons and households to be preserved as a long-term resource to the maximum extent practicable; and

Whereas, the City of Stamford's 2000 Consolidated Plan identifies "preserving the existing housing stock" as a top priority strategy for addressing the affordable housing crisis; and

Whereas, this Ordinance will help to ensure that assisted rental housing affordable to low-income households is not removed from the housing stock; and

Whereas, this Ordinance will preserve and promote a supply of housing that is affordable to low-income residents in the community; and

Whereas, this Ordinance will protect the economic, racial and ethnic diversity of the community by preventing displacement of low income households, particularly residents employed in the community.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Section 1. General

This Ordinance shall be known as the One for One Housing Replacement Ordinance. Nothing in this Ordinance shall be construed to require violation of any state or federal laws or regulations.

Section 2. Definitions

“Affordability” means a monthly rent level that is less than or equal to 30% of the monthly income of the most recent tenant in a particular Assisted Housing Unit, expressed as a percentage of Area Median Family Income. Area Median Family Income may be adjusted for family size and revised from time to time by the US Department of Housing and Urban Development.

“Assisted housing,” or “Assisted Housing Units” shall mean housing units that receive site-specific, ongoing state, federal, or local operating subsidy in order to make such units affordable to households with gross incomes below 50 % of the median family income, as published from time to time by the US Department of Housing and Urban Development and adjusted for household size. “Assisted Housing” shall also include rental housing units that received development or rehabilitation subsidy sufficient to make such units affordable to households with gross incomes below 50% of median family income, provided that such units were deed-restricted with regard to rent levels or Affordability at the time of development, and the deed restriction remains in effect. Assisted Housing Units shall not include any housing units located in a development with four or fewer dwelling units, except for Public Housing.

“Conversion” shall mean any of the following with regard to a unit which was an Assisted Housing Unit on the effective date of this Ordinance: (1) Demolition or construction work on an Assisted Housing Unit which renders the unit uninhabitable, as that term is defined in state and local housing codes; (2) A change in the use of an Assisted Housing Unit to a use other than assisted housing including when an occupied building is emptied of tenants and held unoccupied or largely unoccupied in preparation for a change in use; (3) a material change in the Affordability or size of unit.

“Notice” shall mean a written notice.

“Public Housing” shall mean housing owned by a public housing authority as defined in the Connecticut General Statutes Section 8-40 and funded under the United States Housing Act of 1937.42 USC section 1437 or by the State of Connecticut pursuant to Chapter 128 of the Connecticut General Statutes.

“Replacement Unit” shall be defined to mean a unit of housing which, at a minimum, satisfies the following standards:(1) Is decent, safe, sanitary and comparable to the converted unit, satisfies state and local health and housing codes, and is comparable in number of rooms and living space to accommodate the tenant household to the converted unit being replaced; (2) Is located in the City and, to the extent practicable, in the same neighborhood as the converted Assisted Housing Unit; (3) has been specifically identified as a Replacement Unit by an owner seeking Conversion of an existing assisted unit; and (4) at a minimum, satisfies the Affordability requirements of the Assisted Housing Unit it replaces.

3. Approval of Assisted Housing Replacement Plan

In addition to the requirements set forth in the Municipal Code, any owner, as a condition to receiving a demolition or building permit for the purpose of demolishing, disposing of, or converting Assisted Housing Units, must:

A. Submit to the Director of Public Safety, Health and Welfare (the Director) an Assisted Housing Replacement Plan which specifies the number of units to be converted, identifies specific Replacement Units for each unit proposed to be converted, and sets a timetable for Conversion, completion of Replacement Units and relocation.

B. Identify sources of available subsidy and financing that are sufficient to produce and operate the Replacement Units at the same level of Affordability as the original assisted units which are being replaced; ensures that all displaced individuals and families shall be given the option of being housed in the Replacement Units; and includes a method for ensuring that the Replacement Units shall remain at the same or greater Affordability as the Assisted Housing Units that they replace, including limits on rents increases in that such limits shall be consistent with the Assisted Housing Units being replaced.

C. Provide other relevant information as required by the Director.

The Director shall require an owner to provide financial or other guarantees, such as certifications in order to ensure timely compliance with the requirements of this Ordinance as set forth in Section 4, below.

The Director shall not approve an Assisted Housing Replacement Plan unless it is in compliance with this Ordinance as it may be amended from time to time. No City official shall approve a building permit, a demolition permit, or other development permit for the Conversion of Assisted Housing Units until such time as an Assisted Housing Replacement Plan has been approved by the Director. Any Assisted Housing Units ordered demolished by the Health Director or the City's Building Official because of damage caused by civil commotion, natural disaster, or as required by Charter, federal regulations or State statutes shall not be subject to the terms of this chapter.

Changes to an approved Housing Replacement Plan shall be required to undergo the same review, and be subject to the same requirements, as original approval of that plan.

The Director shall publish notice in a newspaper of general circulation in the City of Stamford a notice of intent to approve an Assisted Housing Replacement Plan thirty (30) days before approving such a plan.

4. Housing replacement requirement.

Any owner of an Assisted Housing Unit shall be required to provide a Replacement Unit in the case of Conversion of the assisted unit. Replacement Units shall be provided before Conversion, unless the owner can demonstrate a specific hardship that is not self-created by the owner, in which case the Director may approve completion of Replacement Units up to 24 months after the date of Conversion. In the event that unforeseen events due to no fault of the owner cause delays in the completion of Replacement Units, the Director may approve reasonable extensions, for up to two years.

Replacement Units, once occupied, shall be considered Assisted Housing Units for the purposes of this Ordinance.

5. Applicable to the vacating of housing units

Before an owner converts an Assisted Housing Unit into non-use by vacating a majority of the occupants and leaving over half the units in the development vacant for more than three months, he shall be required to obtain a permit from the Director of Public Safety, Health and Welfare. Such a permit shall not be granted until the owner complies with the replacement provisions detailed in Section 4.

6. Tenant notice.

At least one hundred twenty (120) days prior to application for a demolition or building permit, the owner must deliver to each tenant in the building a standard form which provides written notice of his intention to apply for a demolition or building permit and the rehousing assistance available to eligible tenants, and shall explain the tenant's right to remain in possession during the 120-day period unless evicted for good cause. Notice shall be delivered by registered or certified mail with return receipt requested. In addition, a copy of the notice shall be posted at every entrance to the building. Failure to comply with these notice requirements shall constitute a violation of this Ordinance subject to penalty in accordance with Section 11.

7. Rehousing assistance.

- A. As required by an approved Assisted Housing Replacement Plan, the owner shall secure temporary housing that is acceptable to the tenant during the production of replacement housing, provided that acceptance by the tenant shall not be unreasonably withheld. Temporary housing must meet the same Affordability standards as Replacement Units, including compliance with all applicable state and local health and housing codes. The owner also shall pay each tenant the cost of moving, packing, crating, insurance, utility connections and other expenses, in accordance with the terms and benefits described in regulations promulgated under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, at 49 C.F.R. Part 24, Subpart D, and in accordance with the provisions of Chapter 135 of the Connecticut General Statutes, the Uniform Relocation Assistance Act. Any tenant who had been evicted for any reason, other than violation of the lease, of any rules or regulations or of the tenant's statutory obligations, nuisance or nonpayment of rent during the six month period immediately preceding any owner's application for demolition or building permit shall be entitled to rehousing assistance as provided in this section and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, at 49 C.F.R. Part 24, Subpart D.
- B. The owner shall not be required to provide rehousing assistance when the tenant establishes tenancy in the unit after the one hundred twenty (120) day notice has been delivered to the tenant in the building, as required in Section 6; provided that the owner must advise the tenant, in writing, prior to the tenant's acceptance of tenancy, that the unit will be demolished or changed in use within one hundred twenty (120) days. Any tenant who is not advised of the intended demolition or change in use shall be entitled to full rehousing assistance.

8. Administration.

The Director of Public Safety, Health and Welfare shall administer the provisions of this chapter and is authorized to adopt reasonable rules and regulations consistent with this chapter to carry out his or her duties and develop clear reporting requirements, and clear penalties for any violations. Any violation of this chapter shall be reported to said director who shall investigate the complaint and impose the required penalties. Whenever an owner fails to comply with the provisions of this chapter, said director shall take appropriate action as otherwise defined in this chapter. Any owner or tenant who feels he or she has been aggrieved by the application of the rules and regulations may appeal to the Director of Public Safety, Health and Welfare for relief. The Director of Public Safety, Health and Welfare shall investigate the grievance, hold a hearing to discuss it with all parties involved, and make a decision based on this Chapter and the above-mentioned rules and regulations.

9. Housing Replacement Review Board.

Any owner or tenant who is not satisfied with the decision made by the Director of Public Safety, Health and Welfare in response to a grievance may appeal the decision to the Housing Replacement Review Board.

A. Members of the Housing Replacement Review Board shall be appointed by the Mayor and approved by the Board of Representatives in accordance with the City Charter Section C6-00-3 as follows:

- (1) One from a professional association representing local developers
- (2) One from a local financial institution,
- (3) One from a local community-based non-profit housing organization,
- (4) One from a civil rights organization active in the area,
- (5) One from a labor union active in the area,
- (6) Two members of a city-wide or local tenant associations, both of whom also serve as elected officials of a local tenants' association.

Initially, two (2) members shall be appointed to serve a term of one (1) year; two (2) members shall be appointed to serve a term of two (2) years; and three (3) members shall be appointed to serve a term of three (3) years. Hereafter, each member shall serve a term of three (3) years. A term shall expire on December 1st of the final year of the term, subject to continuance in office until a successor shall have been appointed.

B. An owner may, after completing the full grievance procedure with the Director of Public Safety, Health and Welfare, apply to the Housing Replacement Review Board for administrative review. The Housing Replacement Review Board may provide full or partial relief from the housing replacement requirement if the owner establishes, to the Housing Replacement Review Board's satisfaction, that:

(1). The literal interpretation and strict application of the housing replacement requirement of this chapter would prevent the owner from earning a reasonable economic return from the property. Reasonable economic return shall not necessarily be based upon the highest and best use of the property but upon any use which may lawfully and reasonably be developed on the property; and

(2). The requested relief would be consistent with the spirit and purpose of the housing preservation and replacement Ordinance and the housing component of the City of Stamford's Comprehensive Plan of Development.

C. A tenant may, after completing the full grievance procedure with the Director of Public Safety, Health and Welfare, apply to the Housing Replacement Review Board for administrative review. The Housing Replacement Review Board shall direct the chief elected official to revoke a demolition or other building permit for the building in which the tenant resides when

(1). The proceedings are found to be in violation of any of the provisions of this Chapter or of the rules and regulations developed by the Director of Public Safety, Health and Welfare, or the approved Assisted Housing Replacement Plan; and

(2). The requested relief would be consistent with the spirit and purpose of the housing preservation and replacement Ordinance and the housing component of the City of Stamford's Comprehensive Plan of Development.

D. When review of a decision is sought, the Housing Replacement Review Board may request, from the appropriate city departments, whatever information reasonably may be of assistance in reaching a decision. A notice of request for relief shall also be published, in a newspaper of general local circulation, and any member of the public shall have fourteen (14) days from the date of publication to submit written comments to the Housing Replacement Review Board concerning the appropriateness of the requested review.

E. All information compiled by the Housing Replacement Review Board shall be available to the owner, tenant, or any other interested party upon written request.

F. Any appeal made within the 30-day notice period for the adoption of an Assisted Housing Replacement Plan, as required in Section 3, may include a challenge to the contents of that plan. In such cases the Housing Replacement Review Board may require renegotiation of the Plan between the owner and the Director, or may make specific changes to the Plan prior to adoption. After the 30-day notice period, appeals may only be made in the event that a party is aggrieved by (1) failure to implement the approved plan; or (2) violation of the provisions of this Ordinance in the implementation of the Plan.

10. Appeal of decision.

Any party aggrieved by the operation of this chapter may pursue an appeal to the superior court in accordance with the provisions of the Connecticut Administrative Procedures Act, CGS Section 4-183 et seq..

11. Penalties.

Violation of any section of this chapter or any attempt by an owner to evade application of this chapter, or any misrepresentation of a material fact in any application or other writing required by this chapter shall constitute violations of this chapter. Any person in violation or default thereof shall be punished by a civil fine or forfeiture not to exceed ninety dollars (\$90.00) per incident, per day. Each day's violation of any provision of this chapter shall constitute a separate offense.

12. Severability.

If any term or provision of this chapter or the application thereof to any person or circumstances shall, to any extent, be held invalid or unenforceable, the remainder of this chapter, or the application of such term or provisions to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each remaining term and provision hereof shall be deemed valid and be enforced to the fullest extent permitted by law.

13. Effective date.

This Ordinance shall take effect upon enactment.

Carmen L. Domonkos, President, and Annie M. Summerville, Clerk, do hereby certify that the foregoing ordinance was approved on the Consent Agenda by the 25th Board of Representatives at their regular monthly meeting held on Monday, October 1, 2001.

b. LINKAGE ORDINANCE

In November 2001, the Board of Representatives passed Ordinance No. 973 “Concerning Commercial Linkage for Affordable Housing.” The purpose of the Linkage Ordinance, which was enacted during the commercial building boom, was to allocate a share of commercial building permit fees collected by the City to: the creation or rehabilitation of affordable housing; the conversion of residential properties into affordable condominiums or cooperatives; or towards home ownership assistance. Currently, there are \$451,490 in linkage fees available towards these ends.

A copy of this ordinance follows:

ORDINANCE NO. 973
CONCERNING COMMERCIAL LINKAGE
FOR AFFORDABLE HOUSING

WHEREAS, it has been determined that there is an inadequate supply of affordable housing, as defined by Section 8-39a of the Connecticut General Statutes, for low and moderate income residents of the City of Stamford; and

WHEREAS, pursuant to the provisions of Section 7-148 (c)(4)(I) of the Connecticut General Statutes, municipalities are empowered to provide for the financing, construction, rehabilitation, repair, improvement or subsidization of housing for low and moderate income persons and families; and

WHEREAS, it has been further determined that the inadequate supply of affordable housing in Stamford has been exacerbated by commercial development that creates new jobs and attracts new employees to the City of Stamford, thereby creating an increased demand for affordable housing; and

WHEREAS, the development, construction, reconstruction, repair and alteration of commercial real estate projects in the City of Stamford, absent the obligation for said projects to mitigate their potential impact on the availability of such affordable housing, is contrary to the public health, safety, convenience and welfare of the citizens of the City of Stamford; and

WHEREAS, the growth of commercial development in Stamford in recent years has resulted in rapid increases in housing costs, thereby making it difficult for low and moderate income earners to find affordable housing within the community; and

WHEREAS, the development of affordable housing requires substantial subsidies;

NOW THEREFORE BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

A new section be added to the Code of Ordinances of the City of Stamford as follows:

Purpose And Intent

It is the purpose of this provision to promote the public health, safety and welfare by encouraging the expansion and upgrading of the City's housing stock while accommodating the expansion of housing and commercial opportunities in the City of Stamford; to provide for a full range of housing choices throughout the City for households of all incomes, ages and sizes in order to meet the City's goal of preserving diversity; to mitigate the impact of commercial development on the availability and cost of housing and particularly housing affordable to low and moderate income households; to increase the production of affordable housing units to meet existing and anticipated housing and employment needs within the City; to provide a mechanism by means of which commercial development can contribute in a direct and meaningful way to increase the supply of affordable housing in light of the influx of new employees in need of affordable housing brought about as a result of such commercial development, and to establish standards and guidelines for the use of such contributions from the application of inclusionary zoning provisions.

Section I. DEFINITIONS

For the purpose of this article, the following terms shall have the following meanings:

Affordable Housing – means housing for which persons and families pay thirty per cent or less of their annual gross income, where such income is less than or equal to the area median income for the municipality in which such housing is located, as determined by the United States Department of Housing and Urban Development.

Affordable Unit – shall mean any dwelling unit for which the rent (including utilities) does not exceed thirty (30) per cent of the gross income of the renting household or for which the mortgage payment (including insurance, utilities and real estate taxes) does not exceed thirty (30) per cent of the gross income of the purchasing household or other standards as may be established pursuant to any municipal, state or federal housing program designed to assist low and moderate income households.

Commercial Building – shall mean any building, structure, or portion thereof that is devoted primarily or exclusively to a non-residential business or industrial use for the purpose of generating a financial gain or profit.

Commercial Share – means the portion of building permit fees determined by adding the totals for building permit fees paid on an annual basis for additions, repairs or alterations of commercial buildings in the City of Stamford, and for newly constructed mercantile, business and industrial buildings, divided by the total of the building permit fees collected on an annual basis by the Building Inspection Department of the City of Stamford.

Developer – shall mean any individual, corporation, business trust, estate trust, limited liability company, partnership or association, or any other entity or combination thereof involved in the development of commercial construction projects.

Linkage Share – means that portion of commercial building permit fees collected annually in excess of a designated annual threshold established by this article.

Threshold – means the amount of building permit fees collected annually by the City of Stamford Building Inspection Department for additions, repairs or alterations of commercial buildings or structures, and for newly constructed mercantile, business and industrial buildings, beyond which an annual linkage share will be assessed.

Section II. CREATION OF A COMMERCIAL LINKAGE AFFORDABLE HOUSING PROGRAM

To assist in the generation of financial incentives and resources to assist in the creation of affordable housing for persons and families of low and moderate income levels, a Commercial Linkage Affordable Housing Program is hereby created. Said program shall be administered by the City of Stamford Department of Land Use Administration in accordance with the provisions of Connecticut General Statutes, § 8-2i(b) and § C6-40-1 of the Stamford City Charter, as said sections may be amended from time to time.

A. GENERATION AND CALCULATION OF COMMERCIAL LINKAGE FEES FOR INCLUSION IN STAMFORD HOUSING DEVELOPMENT FUND

1. A Linkage Share of building permit fees collected by the City of Stamford Building Inspection Department for the repair, alteration or renovation of existing commercial structures, and for the construction of new mercantile, business and industrial buildings in Stamford above an established threshold will hereafter be designated for affordable housing purposes. Such threshold will initially be established at \$ 3.3 million (Three Million Three Hundred Thousand Dollars) for the 2001-2002 fiscal year and will thereafter be increased by 5% annually.

2. On an annual basis, the Commercial Share of building permit fees will be determined by adding the total amounts of building permit fees collected by the City of Stamford Building Inspection Department on an annual basis for additions, alterations and renovations to commercial buildings and for new mercantile, business and industrial buildings, and dividing this sum by the total of all building permit fees collected annually. The Commercial Share of all building permit fees collected annually will be applied to the excess of the total building permit fees annually collected over the established threshold. The lesser of the sum thereby derived or an amount determined through the municipal budget process as described in Section C8-30-1, *et seq.*, of the Stamford City Charter will be deposited into the City of Stamford Housing Development Fund, or to such other segregated fund devoted solely for affordable housing purposes as established by the City of Stamford Department of Administration, to be utilized for site acquisition and development for the construction and/or rehabilitation of affordable housing for low and moderate income persons and families.

B. AUTHORIZED USES OF LINKAGE FEES

The Commercial Linkage Fees generated pursuant to this article shall be utilized for the following authorized purposes:

1. *Creation Of Affordable Housing Units.* To encourage the development of affordable housing through a variety of means including, but not limited to, the provision of favorable financing terms to developers of affordable housing, or by means of the direct write-down of costs for non-profit developers of affordable housing, or to subsidize the acquisition of sites, existing structures or designated affordable housing units which comprise a portion of a larger development containing housing which is not deemed affordable to persons of low and moderate income.
2. *Multi-Family Rehabilitation Program.* To finance the rehabilitation, repair, renovation or alteration of existing and deteriorated multi-family residential properties in a manner that preserves the affordability of dwelling units within such properties through interest rate subsidies, loan guarantees or the direct write-down of project costs. Multi-family housing owned and operated by nonprofit entities that ensure maximum long-term affordability shall receive priority funding consideration.
3. *Limited Equity Cooperative Or Condominium Conversion Properties.* To assist in the acquisition, rehabilitation, repair, alteration or renovation of residential properties deemed appropriate for conversion to a “common interest community” as defined pursuant to Connecticut General Statutes, § 47-202(7).
4. *Home Ownership Assistance.* To assist persons and families of low and moderate income with the financing of the purchase, repair or renovation of affordable housing through low interest loans or local grants. The administration of such loans or grants will be conducted by the City of Stamford Department of Community Development.

The specific manner in which Commercial Linkage Fees generated by this article and designated for affordable housing purposes are to be utilized, including the amount of any expenditure of Commercial Linkage Fees is to rest within the sole discretion of the Mayor of the City of Stamford in accordance with the municipal appropriations process and after consultation with the Creative Housing Partnership of Stamford created pursuant to Chapter 6, Article VIII, § 6-42, et seq., of the Stamford Code Of Ordinances.

C. EXEMPTIONS

1. *Enterprise Zone Properties.* For the purpose of implementing this article, the building permit fees collected from the construction of new commercial structures, or from the repair, renovation or alteration of existing commercial structures located within the Enterprise Zone established pursuant to the provisions of Chapter 117 of the Stamford Code of Ordinances will be exempt from the calculation of Commercial Linkage Fees as set forth in Section II. A. of this article.

2. *Mixed Use Development.* In the case of any mixed use commercial development, a portion of which is devoted to commercial uses and another portion of which is devoted to residential uses, for the purpose of calculating Commercial Linkage

Fees generated from such development in accordance with Section II. A. above, that portion of such mixed use development devoted to residential uses, calculated on a percentage basis relative to the entire project, is exempt from such calculation. The calculation of the percentage of a project devoted to commercial uses and to residential uses, respectively, shall be the responsibility of the Department of Land Use Administration. Said Department may request of any other municipal employee, agency, board of commission any information or material relevant to the issue of what portion, or portions, of a mixed use development project are devoted to commercial, industrial or business uses, as opposed to residential uses.

3. *Governmental Projects* – Any construction projects being developed by, or on behalf of, any federal, state or local governmental entity will be exempt from the calculation of Commercial Linkage Fees as set forth in Section II.A. of the article.

Effective Date: This ordinance will become effective upon the date of its enactment.

Carmen L. Domonkos, President, and Annie M. Summerville, Clerk, do hereby certify that the foregoing ordinance was approved by unanimous voice vote by the 25th Board of Representatives at the Regular Board Meeting held on Wednesday, November 7, 2001.

3. PROMULGATING REGULATIONS

In 2001, acting upon a recommendation of the Mayor's Housing Task Force, the Stamford Zoning Board enacted "inclusionary zoning regulations "to promote the private development of housing affordable to persons and families of low and moderate income" through:

- (1) affordable housing set asides
- (2) density bonuses and
- (3) payments into a housing trust fund as appropriate vehicles to create housing opportunities at below market rate prices.

Within the context of its mandatory scheme, the zoning board can, on a case by case basis, require developers to use whichever option it decides best maximizes results, i.e. increases the stock of, or helps the most people to access affordable housing. Following is a list of Below Market Rate housing units produced or to be produced as the result of inclusionary zoning (through March 2008):

Total BMR

Name	Address	Units	Units	Fee(\$k)	BMR%	Type	Date	Status
Greyrock Towers	Greyrock Pl.	306	38	-	12.4	rent	3/3/98	completed
Archstone	Bedford St.	160	-	\$250 ²	-	-	1/24/00	completed
Archstone	Washington Blvd.	244	(22)	-	9	own	5/7/01	final site plans
Housing Authority	13 Taylor St.	24	7	-	29	rent	1/28/02	in construction
Collins-Sutton	First/Oak St.	22	1	-	10	rent	1/28/02	completed
Starwood Buck.	77 Havemeyer Ln.	195	(20)	-	10.3	own	2/11/02	in construction
Mutual Housing	18 Spruce St.	19	19	-	100	own	9/30/02	completed
Mutual Housing	20 Fairfield Ave.	33	33	-	100	rent	11/25/02	in construction
Pipers Three LLC	631 Long Ridge	59	-	\$1,600	-	-	12/15/03	completed
River House	49 West Broad St.	92	11	-	12	own	5/3/04	completed
Highgrove LLC	70 Forest St.	93	-	\$1,738 ¹	-	-	7/26/04	in construction
Davidoff LLC	160 Glenbrook Rd.	22	-	\$500 ³	-	-	1/24/05	completed
RMS Maple Tree	39 Maple Tree Ave.	63	7	-	11	own	1/24/05	completed
City Place	North St.	100	-	(\$837)	-	-	11/21/05	final site plans
Adams House	Adams Ave.	60	7	\$23 ²	12	own	12/12/05	completed
1515 Summer St.	1515 Summer St.	56	2	\$285 ²	4	own	11/28/05	in construction
Glen View House	11 Glenbrook Rd.	142	(14)	-	10	own	2/13/06	in construction
RMS-Camp Ave.	Cushing Street	170	18	-	11	own	2/6/06	in construction
Eastside Devel.	816 East Main St.	108	(11)	-	10	own	6/26/06	in construction
Donsis LLC	191 Erskine Rd.	24	-	\$804 ²	-	-	7/13/06	in construction
J.H. Real Estate	59 Liberty St.	38	(5)	-	10	own	10/30/06	in construction
Park Square West	Summer Street	518	(83)	-	16	own/rent	2/5/07	final site plans
33 Broad St. LLC	33 Broad Street	170	-	(\$2,867)	-	own	11/20/06	in construction
Trinity Place LLC	873 Washington Bl.	834	(20)	(\$5,066)	-	own/rent	1/18/07	final site plans
Rich Cappelli LLC	421 Atlantic Street	289	-	(\$4,064)	-	own	3/19/2007	final site plans
Garden Homes	111 Prospect Street	55	(8)	-	15	rent	4/16/2007	in construction
Antares	Washington Blvd	2895	(290)	-	10	?	6/25/2007	general plans
Antares	500 Pacific Street	1017	(102)	-	10	?	6/25/2007	general plans
Metro Green	669 Atlantic Street	238	(29)	-	12	rent	7/30/2007	final site plans

Century Plaza	100 Prospect Street	94	(1)	-	1	?	5/7/2007	final site plans
Stamford Court	105 Forest Street	15	(1)	-	7	own	7/30/2007	in construction
Stillwater/Spinwater	300 Stillwater Ave.	60	(15)	-	25	own	9/24/2007	final site plans
DeMartino Finney Lane	24	(2)	-	10	own		1/14/2008	final site plans
		8,215	143	\$3,462				

* pending BMR units and uncollected funds shown in parenthesis. ¹land deeded to St. Luke's valued in excess of the required fee. ²Contributed to New Neighborhoods, Inc. ³Contributed to Housing Development Fund.

Existing Buy Out funds \$1.6 million from Pipers III

- fully committed

Pending Buy Out funds from new projects \$3,200,000

- Trump/Rich purchase of 501 West Main Street, 17 units

4. LAND CONTRIBUTIONS

Hoyt Street

Property deeded to New Neighborhoods, Inc.

4 residential units constructed

City's land contribution valued between \$300,000 and \$350,000

Tresser Boulevard property (former Advocate parking lot)

Deeded to the Stamford Housing Authority for Post House construction

Value was almost \$1,000,000

Ludlow Place

Discontinued the road to enable New Neighborhoods to maximize unit development and visually enhance its 45-55 unit development of affordable condominiums.

5. DOWNPAYMENT ASSISTANCE FROM HUD'S HOME, LEAD AND BLOCK GRANT PROGRAMS

a. HOME

The Department of Housing and Urban Development's Home Investment Partnership Program ("HOME") provides formula grants to fund a wide range of activities that build, buy, and/or rehabilitate affordable housing for rent or home-ownership, or provide direct rental assistance to low-income people.

To date, the **Stamford HOME program has assisted one hundred and sixty-six (166) low-income households to become homebuyers** (and leveraged \$28,591,000 in total funding for home purchases). The median income participant individuals and families is \$44,500. Homeownership ensures these low-income borrowers an affordable place to live into the future.

Stamford's ten-year-old down payment assistance program offers low-income, first time homebuyers **loans of up to \$20,000** at zero interest, with no monthly payments. Repayment is not required until owners sell or refinance their properties. **Repaid loans** are "recycled." Accordingly, over the years repayments totaling \$732,959 have been **used to assist an additional thirty-seven (37) low-income households achieve homeownership.**

Stamford's HOME program has helped the Mayor meet his goal of **increasing minority homeownership.** To date:

- 1. 56% of program participants have been African American,**
- 2. 20% Hispanic, and**
- 3. 5% Asian.**

b. LEAD

Several years ago the City applied to HUD for re-funding of the lead Hazard Control Program and was awarded a \$2,000,000 grant to provide technical assistance and rehabilitation loans to eliminate lead paint hazards in housing occupied by low-income individuals and families. Since the late-1990's under this program, 233 housing units were rehabilitated, predominantly in properties having 1-6 units. In exchange for financing lead remediation and rehabilitation with LEAD funds, owners were obligated to keep the subject units affordable for a period of years.

c. CDBG

About half of the \$1,100,000 Community Development Block Grant funds that the city receives each year are spent on housing related projects. For example, for the current year \$689,335 was allocated to housing program/projects including rehabilitation of affordable housing and homeless shelters.

TAX ABATEMENTS

Pursuant to Article 1 (Low- or Moderate-Income Housing Tax Abatement), Section 220-1 et seq. of the City of Stamford Code of Ordinances, owners of housing rented solely to low- or moderate-income persons or families may apply for the abatement in part or in full of real estate taxes in order to:

- reduce rents below the level which would be achieved were it not for such abatement, or
- improve the quality and design of such housing, or
- to effect occupancy of such housing by persons and families of varying income levels with limits determined by the city, or
- to provide necessary related services in such housing.

Application for a tax abatement is made to a Tax Abatement Committee composed of the Director of Administration, the Corporation Counsel, the Tax Assessor and the Tax Collector. In cases where the Committee grants an abatement application, its decision must be approved by the Mayor and the Boards of Finance and Representatives.

The following chart shows recipients and amounts of City granted tax abatements.

	Property	Taxes Due	No State Grant	Annual Amount to be Billed	Maximum Amount May be Deferred	Estimated Revenue May be Forgiven
(1)	Augustus Manor	\$139,552.62	N/A	\$69,776.31	\$69,776.31	(\$0.00)
(2)	Bayview Towers	\$272,589.50	\$0.00	\$221,526.00	\$0.00	\$51,063.50
(3)	Coleman Towers	\$83,421.31	\$0.00	\$83,421.31	\$0.00	\$0.00
(4)	Forest City Soundview	\$239,117.71	N/A	\$201,749.20	\$0.00	\$37,368.51
(5)	Friendship House	\$117,724.79	\$0.00	\$117,724.79	\$0.00	\$0.00
(6)	Ludlow Town Houses	\$58,629.48	\$0.00	\$35,870.40	\$0.00	\$22,759.08
(7)	Martin Luther King Apts.	\$152,043.78	\$0.00	\$42,227.90	\$0.00	\$109,815.88
(8)	Nat'l Church Res.	\$112,367.25	N/A	\$58,099.60	\$0.00	\$54,267.65
(9)	Pilgrim Towers	\$35,519.34	\$0.00	\$34,004.90	\$0.00	\$1,514.44
(10)	St John's Towers	\$576,241.81	\$0.00	\$387,690.10	\$0.00	\$188,551.71
(11)	Stamford Cross Rd. Res.	\$40,730.00	N/A	\$6,000.00	\$0.00	\$34,730.00
(12)	Stamford Green	\$127,025.30	N/A	\$63,512.65	\$63,512.65	\$0.00
(13)	Rippowam Park Associates	\$760,812.73	N/A	\$760,812.73	\$0.00	\$0.00
(14)	Taylor Street					
Total		\$ 2,715,775.60	\$ -	\$2,082,415.90	\$133,288.96	\$ 500,070.75

