

**APPLICATION PL`PZ 2020 000XX to amend Section Sec. 6-110. USE REGULATIONS AND SPECIAL REQUIREMENTS FOR DWELLING UNITS PERMITTED IN THE BUSINESS ZONES.**

**The primary changes to the regulations are as follows:**

- 1) These are now “inclusionary” zoning regulations – meaning that at a certain threshold (staff is proposing at 5 or more units), 20% of the overall number of units must be below market rate. 4 units or less do not have to provide any below-market rate units.**
- 2) The 20% requirement for moderate income units is now split such that half of the 20% are dedicated to moderate income and the other half are dedicated to affordable.**
  - a. The definition of moderate has not changed, effectively average town employee salary. The definition of affordable units is 80% of state median income (see definitions below for a more in-depth description)**
- 3) If the 20% creates a fraction, the proposed language reads that at 0.5 (as opposed to the current 0.1) shall be considered a required unit. If there are an odd number of units required in the 50/50 split, the balance should tip in favor of an affordable unit as opposed to a moderate. So if 3 units were required, 2 would be affordable and 1 would be moderate. The reason is the desire to increase the affordable housing stock through private development more so than the housing stock for moderate income households. We need a reaction from the community about whether this may be a tipping point to make a project no longer viable and further, whether it would be more beneficial to the Town as a whole to have more workforce housing, so to speak.**
- 4) The reason for the split is so that we can further promote diverse housing options for the town’s workforce (e.g., teachers, police, firefighters) and also to rely on the private sector to construct more affordable housing, as defined by the State and as required under the statutes, as opposed to the housing authority.**
- 5) The proposed regulations reduce the height and bulk of the buildings from the existing regulations. The incentives are still intact with a few more added that allow for extra height, extra FAR, and relief from setbacks should the proposal be designed with underground parking, a park of at least 7,500 sq. ft., within 250 ft of the property, and/or if the building is a mixed use with a peaked roof providing a more residential feel.**
- 6) The regulations have been re-organized and re-written in an attempt to make them more readable and easier to understand.**

**In red below is the explanation of the changes from the preceding paragraph.**

**Sec. 6-110. USE REGULATIONS AND SPECIAL REQUIREMENTS FOR DWELLING UNITS PERMITTED IN THE BUSINESS ZONES.**

(a) Purpose:

The purpose is to promote private sector residential or mixed-use developments in the business zones, provide incentives for the inclusion of below-market-rate dwelling units, and increase the diversity of the Town’s housing stock in walkable, higher density areas, in accordance with the objectives of the Town’s Plan of Conservation and Development (POCD) and the POCD Housing Task Force recommendations of 2011. Further, the regulations are designed to mitigate the shortage of dwelling units that can meet the housing needs particularly, but not exclusively,

of those employed by the Town and by not-for-profit and non-governmental agencies located in the Town of Greenwich that provide essential services to the Greenwich community; the elderly; and others who can benefit from below market rate units. Moderate and Affordable Income Dwelling Units promote a diverse and balanced community by creating housing for households of all income levels because economic diversity fosters social and environmental conditions that protect and enhance the social fabric of the Town and are beneficial to the health, safety and welfare of its residents.

The changes in the above paragraph are to expand on why we are promoting residential uses in the business zones (walkability, mixed-use) and to note why it is important that we have a diversity of housing options. It also introduces that these regulations now require two types of below market rate housing options to further that diversity: The first is “moderate” – qualified tenants have a salary cap based on town employee average salary and the other is “affordable” – qualified tenants have a salary cap based on 80% of state median income.

(b) Definitions:

(1) A household, as defined by The United States Department of Housing and Urban Development (HUD), is all the people who occupy a housing unit and household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household.

(2) A Moderate-income Housing Unit - A household whose aggregate income, including the total of all current annual income of all household members from any source whatsoever at the time of certification (but excluding the earnings of working minors attending school full-time), averaged for the preceding two years, shall not exceed the following multiple (listed below) of median annual paid wages of all full-time employees during the preceding fiscal year. Household members shall include but are not limited to Town of Greenwich employees and teachers.

Town paid wages of all full-time employees and teachers of the Town of Greenwich during the preceding fiscal year.

1 person household	1.2
2-3 person household	1.5
4-5 person household	1.8
6 person household	1.9

There are no substantive changes in the above language from the existing regulation except, for ease of use, the income requirements have been added to this section as opposed to be elsewhere in the regulation. As you can see in the above definition, “moderate-income housing units” are structured to promote housing for Greenwich Town employees as a first priority. Per the Town of Greenwich union contracts, the starting salaries for these town employees are:

Teacher \$56,111  
Police Officer \$69,701

## Firefighter \$60,910

In order to qualify for a moderate-income housing unit, an individual can make no more than \$98,911 a year. As you can see below, we have added a definition for an “Affordable Housing Unit” (explanation as to why is also below). Those units are only eligible for people making no more than \$55,832 which is more than the starting salary of the town positions noted above.

Requiring both moderate income and affordable units creates housing diversity in Town. It promotes housing options for the town’s workforce and for others in the region looking to enjoy the many assets of the community. As an example, a one-bedroom market rate unit at the popular J Loft apartments, which have the largest number of moderate income units (11) pay a rent between \$3,500 and \$4,900 depending on the square footage and size of balcony, per month. The one-bedroom moderate income units at the J Loft rents for \$1,649.

(3) An Affordable Housing Unit -- A household with an annual income is no more than eighty percent (80%) of the State Median as adjusted for family size, as published by the United States Census Bureau and periodically updated by the U. S. Department of Housing and Urban Development (HUD). Household eligibility determinations shall be made in accordance with the income criteria in Section 8-30g-8 of the Connecticut General Statutes.

The definition of an affordable housing unit is new to these regulations. The reason is that the State has definitions and rules about affordable housing and we want to incentivize the private sector to construct units that meet those definitions. The reason is that if a town doesn’t have 10% of their housing stock meeting the State’s definition of “affordable”, developers are entitled to come in with development proposals where by the Commission uses public health and safety issues to determine acceptance as opposed to the town’s zoning regulations. It is much more desirable as a community to create regulations that developers can use to build affordable housing in keeping with the Town Plan and regulations.

The Town of Greenwich has 5.32% of its housing stock meeting the definition of affordable housing predominantly because of housing constructed by the Greenwich Housing Authority. The definition above would allow units to be created by the private-sector that would count towards the 10% threshold.

### (c) Location of dwelling units in business zones:

Dwelling units are permitted within private-sector residential or mixed-use developments in the LB, LBR-2, CGB, CBGR, GB and GBO zones in accordance with these regulations.

The current regulation includes language stating “provided the units comply with Section 6-110(d) and Section 6-205”. This language seems redundant and unnecessary and is therefore proposed for deletion for the sake of ease of use.

### (d) Requirements for Dwelling Units Permitted in the Business Zones:

(1) These regulations provide for the size and location of structures permitted for private-sector residential and/or mixed-use developments. There are no limits on the number of dwelling units permitted within those structures, subject to the following:

The Planning and Zoning Commission enacted a moratorium over a year ago in reaction to strong opposition to the size of the units not being commensurate with the return and number of moderate-income units. The Commission also felt that a 0.9 FAR was too large. The changes to the regulation as seen above, is to make the point that the regulations dictate the size, location, height, setbacks etc and it is up to the developer to fill that box as they see fit (pursuant to the regulations).

- (A) A minimum of 10% of all dwelling units on a lot shall be deed restricted in perpetuity as Moderate Income Housing Units and an additional 10% of all dwelling units on a lot shall be deed-restricted in perpetuity as an Affordable Housing Units, defined in Section 6-110(b), when the following is met:
  - i. The development includes (5) or more units; or
  - ii. Any portion of one or more of the incentives offered under Section 6-110(g) is applied to a development.

Requiring both moderate income and affordable units creates housing diversity in Town. It promotes housing options for the town's workforce and for others in the region looking to enjoy the many assets of the community. The above language now requires below market rate options for buildings with at least 5 or more housing units.

- (B) Fractional units at 0.5 and above shall be rounded up. In the case where only one below market rate unit is required, that unit shall be an Affordable Housing Unit.

The current regulation reads that anything over 0.1 can be rounded up to be a unit. The revision is that anything over 0.5 should be considered a unit. The other change is that if there are an odd number of units required, say 3, then two should be the Affordable and 1 should be moderate.

- (C) Priority List of eligible moderate-income households applying for moderate-income dwelling units shall be selected on the basis of the following categories of priority:
  - i. Full-time Town of Greenwich Municipal and Board of Education employees and full-time employees of not-for-profit health, education, and human services agencies and other not-for-profit agencies located in the Town of Greenwich that provide essential services to the Greenwich community.
  - ii. Other persons employed in the Town of Greenwich.
  - iii. All others

This language has simply been relocated from another section for ease of use. "Other residents of the Town of Greenwich" was removed as a priority option. According to the Department of Housing, making people who work in Town a preference category is acceptable, but people who currently live in Town is not. Hence the removal of that language.

- (D) In order to meet the purpose of these regulations as noted in Section 6-110(a), no applicant for a Moderate or Affordable Income Dwelling Unit shall own real estate in the Town of Greenwich; and

This is new language added in reaction to a scenario whereby people who own real estate in Town wanted to rent out their home and reside in a moderate income dwelling unit. It is the belief that this scenario does not meet the spirit of what we are trying to achieve here which is to provide housing for people that would not otherwise be able to afford living in Greenwich,.

(E) For CGBR and LBR-2 zones, dwelling units are allowed only on the floors above the ground floor. The ground floor uses allowed are non-residential uses and are specified in Sec. 6-103 and 6-103.1.

This language was revised to read more easily but there was not change in the intent.

(F) The Planning and Zoning Commission, when it deems appropriate, may require outdoor recreation space of suitable size, shape, and location to serve the recreational needs of the residents. Such areas may include balconies, roof terraces, lawn areas, and the like.

(G) Notwithstanding any other provision of these regulations, floor area devoted to Use Group 3 uses (dwelling units in business zones) may not be converted to any other Use Group and may not be used for resident professional offices unless a Special Permit and Site Plan approvals have been granted in accordance with the standards and requirements of Sec. 6-15 and 6-17 of these regulations.

(H) Parking shall be provided in accordance with the standards of Sec. 6-155 for multi-family dwellings.

(e) Procedure:

(1) A site plan application is required when the development proposal is four (4) units or less, the building's size does not trigger a special permit as outlined in Section 6-101, and the development does not use any of the incentives outlined in Section 6-110(g).

This is clarifying language

(2) A special permit and site plan is required when the development proposal is five (5) units or more, the building's size is at or over the threshold that triggers a special permit as outlined in Section 6-101, and/or any of the incentives outlined in Section 6-110(g) are used. Pursuant to Section 6-14(a)(1), a pre-application(s) is required is required for special permit applications.

This is clarifying language

(3) Any development with either Moderate Income Dwelling Units or Affordable Housing Units shall submit an "Affordability Plan" concurrently with a Special Permit and Site Plan application, which shall prescribe how the regulations regarding affordability will be

administered. Unless otherwise provided in the Housing Affordability Plan approved by the Commission, the Affordability Plan shall contain at least the following:

- (A) The construction quality of moderate and/or affordable housing units shall be comparable to market-rate units within the development;
- (B) Affordable housing units shall be dispersed throughout the development;
- (C) Affordable housing units shall be built on a pro rata basis as construction proceeds;
- (D) Each development shall designate an administrator to monitor and enforce the standards contained in the Affordability Plan;
- (E) Moderate or Affordable Housing Units must be owner occupied or occupied by the legal lessee only. If there is more than one owner of a unit, both owners must occupy the unit as their primary residence. Affordable dwelling units cannot be rented or leased out or occupied by others not legally allowed or qualified by the Town. An annual affidavit is required from the owner/renter indicating they are residing in the unit as their primary residence. This annual affidavit should be submitted to the Planning and Zoning Department or its designated agent.
- (F) The annual income of Moderate or Affordable Housing Unit households shall be reviewed and certified by the Commission, or its designee, in accordance with a procedure established in advance and approved by the Commission.
- (G) Tenants or owners of Moderate or Affordable Housing Units shall have the same access to common areas, facilities, amenities and services as residents of Market-Rate Units in the project, including but not limited to outdoor spaces, amenity spaces, storage, and other resident services. There shall be no fees for the use of a parking space for one vehicle and bicycle facilities for residents of Moderate or Affordable Housing Units. If a Moderate or Affordable Housing Units household owns more than one vehicle, the same parking fees as for the market rate tenants or owners shall apply for all vehicles in excess of the first vehicle. Tenants or owners of Moderate or Affordable Housing Units shall not be charged higher or additional fees than market-rate renters or owners, and free access to amenities for market rate owners or renters must be free for tenants or owners of Moderate or Affordable Housing Units.

**This new language is to codify requirements listed in the affordability plans submitted anyway.**

(f) Distance Requirements:

In the LB, LBR-2, CGB, CGBR, GB and GBO business zones an adequate distance shall be maintained free of all obstructions from any wall containing a dwelling unit window required for light or ventilation. The minimum distance in feet between buildings must meet all applicable fire and building codes and provide for adequate light, air, and ventilation, unless the Planning and Zoning Commission finds a greater distance more appropriate.

(g) Incentives:

The Planning and Zoning Commission, offers the following incentives in order to induce developments with Moderate or Affordable Housing Units. In order to use the incentives, the development must:

- (1) include the requisite number of Moderate or Affordable Housing Units required under Sec. 6-110(c)(2);
- (2) meet the purposes and requirements of Sec. 6-110 as determined by the Commission ; and
- (3) comply with the standards of Sec. 6-15 and 6-17 of the Building Zone Regulations as determined by the Commission

Revised language in the above is to clarify

(A) An increase in Floor Area Ratio, stories, and height up to those provided in Table 1. The commercial floor area permitted in the underlying zone may be constructed new or added to an existing building up to the allowable Floor Area Ratio of the underlying zone, as permitted in Sec. 6-205(b), provided the remaining floor area up to the limits in Table 1, is devoted to residential;

For ease of use, all the height and bulk incentives are now in a Table (see below). The “Up to” clause is still present in this regulation, so the added height and bulk listed in table one is not as of right, but rather subject to special permit as noted in the procedure section.

(B) A waiver of the prohibition of ground-floor residential dwelling units in the LB zone may be granted. Ground-floor residential use is permitted in the GB, GBO and CGB zones but is prohibited in the LB, LBR-2 or CGBR zones

The above is clarifying language

(C) A waiver of maximum coverage standards provided the scale of proposed structures is compatible with surrounding uses and open spaces and provided sufficient landscaping, screening, and decorative planting is provided to enhance the residential quality of the development and the refuse, transformer, storage, and parking areas are screened;

(D) A modification of requirements, if any, of the underlying zone that all parking spaces for Use Group 1 be surface spaces on the same level as street level businesses. The Planning and Zoning Commission may allow up to two-thirds of the required parking spaces for Use Group 1 to be located in an on-site underground parking level provided that the underground spaces are designated for long-term parking by employees, and further provided that the Commission finds such location of spaces will result in an enhancement of the residential quality of the development through an increase of landscaping, screening, and decorative planting. The total number of on-site parking spaces shall be determined in accordance with Division 15 of the Building Zone Regulations;

(E) For minimum side yards in all zones where Moderate and Affordable Dwelling Units are permitted, and also for rear yards in the LB and LBR zones only, the Planning and Zoning Commission may find lesser yards adequate in those instances where the lesser yards allow for a building that is more in keeping with the surrounding neighborhood.

As an acknowledgement that our older neighborhoods and villages tend to have buildings up to the sidewalk and are on much smaller lots, we have added this language to allow for buildings to be constructed in keeping with those historic development patterns, with an increase in FAR to 0.75 and a slight increase in height also provided in the Table One but only if the building is mixed use and has a gable-end – so that it has a more residential feel to it than a flat roof would offer.

(G) A waiver of the prohibition of an entrance to or exit from a business use located on any street frontage opposite a residential zone in the instances where the lot containing the business use has frontage in a business zone along East and West Putnam Avenue. (12/8/16)

(H) In order to encourage underground parking and a reduction in coverage, a density bonus of market-rate units is permitted within a residential FAR bonus not to exceed 0.05 per unit, which is exempt from the overall count of units as it applies the percentage of required moderate or affordable housing units, if at least 0.75 underground parking spaces are provided per unit. In no circumstance shall the overall development exceed 0.9 FAR.

This is new language designed to promote underground parking. Need to get feedback on these numbers to make sure they make sense and can be applied.

(I) The land area of a property in the same ownership of the development, which is within 250 feet of the development, may be used to calculate the floor area of the property with the building provided said property is used as a public park, is at least 7,500 square feet, and the floor area on the parcel with the development does not exceed 0.9 FAR.

This is new language designed to promote outdoor green space and parks in commercial areas.

**TABLE 1 Sec.6-110 (g)**

<b>INCENTIVES</b>			
<b>ZONE</b>	<b>STORIES</b>	<b>HEIGHT*</b>	<b>FAR</b>
LB (0.5 underlying FAR)	3	37'*** (35')	0.75
LBR 2 (0.5)	3	37'*** (35')	0.75
CGBR (0.9)	3	40' (40')	0.5
CGB (0.3)	4	43'8" (40')	0.75
GB (0.5)	4	45' (40')	0.75
GBO (0.5)	4	45' (40')	0.75

\*as defined in Sec.6-5(9)

\*\* For mixed-use buildings only and only for a peaked roof (gable ends) See 6-134

The thoughts behind the height and bulk listed in the table is as follows:

- 1) To go back to 0.75 max FAR because 0.9 is too high given only the 20% of units as moderate and current definition of affordable (80% of SMI). There are two exceptions – where underground parking is permitted or when a park of at least 7,500 sq. ft., within 250 feet of the development is provided.
- 2) There are no real incentives for moderate or affordable units in the CGBR zone mostly because the CGBR zone allows for 0.9 already under certain circumstances. The concept if that Greenwich Avenue remain as is with respect to historic character and height and bulk, and that the other areas of the CGBR can get an increase from 0.3 to 0.5 where moderate or affordable units are included.
- 3) The CGB zone on the other hand flanks the CGBR zone and as you'll notice the largest incentives from an FAR standpoint are in this zone (from 0.3 FAR to 0.75). A study of that zone shows that in the CGB zone, there are approximately 178 buildings on 165 properties. Of these properties 145 exceed the .3 FAR:
  - a. 62 are between .3 and .5 FAR
  - b. 40 are between .5 and .75 FAR
  - c. 43 exceed .75 FAR.
- 4) The LB and LBR2 zones are the villages (Byram, Old Greenwich, Glenville etc) for the most part. The FAR goes from 0.5 up to 0.75, as noted in incentive (E), and there is relief from setbacks so buildings can be wider with parking in the rear in order to get to the FAR without using the height. The development community has noted that height is still needed, in order to offset the cost of the below market-rate units, so to that end, these zones are afforded an extra 2' in height where the buildings are mixed use (the first floor commercial space need higher ceilings) AND where the roof is gabled, which gives a more residential feel to the building.
- 5) In the GB and GBO zone, the FAR and height has come down from the existing language for the points made in #1. 5' extra height is proposed. The front yard setback in these zones in 50', so there is still less than a 1 to 1 ratio of height to setback from the curb.

(h) Guidelines for maximum rent and sales price:

(A) For Moderate Income Housing units in each housing development, a range of sales prices and/or monthly rentals may be established, subject to the following:

- i. The maximum monthly rent for one bedroom moderate-income dwelling units shall include common charges, and may exclude utilities (gas, oil and electricity) at the discretion of the property owner, shall not exceed 2.0% of the median annual Town paid wages for all full-time Town of Greenwich Municipal and Board of Education employees during the preceding fiscal year. Additional bedrooms will result in higher maximum rent: two bedroom units will be limited to 2.5% and three bedroom units to 3% of the median annual Town paid wages as described above. (6/20/19)
- ii. The first time a moderate-income dwelling unit is sold, the maximum sales price for a one bedroom unit to a subsequent moderate-income household shall not exceed four

times the median annual Town paid wages of all full-time Town of Greenwich Municipal and Board of Education employees during the preceding fiscal year. Additional bedrooms will result in higher maximum sales prices: two bedroom unit prices will be limited to five times and three bedroom units to six times the median annual Town paid wages as described above. iii. In the case of a condominium ownership structure, there shall be no extra up-front charge for minimum required facilities such as, but not limited to, parking and recreational facilities. Each unit owner, however, shall pay his fair share of common charges, expenses and assessments as provided in the Common Interest Ownership Act of the State of Connecticut and as approved by the Town of Greenwich Planning and Zoning Department. (6/20/19)

(B) For Affordable Housing Units in each housing development, a range of sales prices and/or monthly rentals may be established, subject to the following:

- i. The maximum monthly rent shall not exceed the maximum monthly rent as calculated in accordance with the maximum housing payment calculations in set-aside developments as per Section 8-30g-8 of the regulations of Connecticut State Agencies, as adjusted for family size. Should household earning increase after initial tenancy, such unit shall be considered to be in compliance with the provisions of this regulation, provided eligible household income does not exceed eighty (80) percent of state median income.
- ii. The sale price shall not exceed the maximum purchase price as calculated in accordance with the maximum housing payment calculations in set-aside developments as per Section 8-30g-8 of the regulations of Connecticut State Agencies, as adjusted for family size.

#### (4) Resale Restrictions:

i. For moderate-income dwelling units, the title to said property shall be restricted so as to maintain the unit in the moderate-income and/or affordable category in perpetuity beginning on the date of issue of the Certificate of Occupancy. In the event of any resale of the unit by the original owner or any successor owner, the maximum resale price shall be limited by the same guidelines and rules indicated in 6-110(h)(3)(A)(ii) above. (6/20/19)

ii. For rental moderate-income dwelling units, the title to said property shall be restricted so as to maintain the rents charged for the units in the moderate-income category in perpetuity beginning on the date of issue of the Certificate of Occupancy. This title restriction will survive any sale of the rental project to a subsequent owner. There shall be no limitation on the sales price of an entire moderate-income rental project; however, if less than the entire project is sold, any moderate-income dwelling unit(s) sold must be sold to a qualifying moderate-income household. (6/20/19)

iii. If a moderate-income dwelling unit is subject to a Restriction Period other than “in perpetuity”, twelve months prior to the end of the Restriction Period, the owner of any moderate-

income dwelling unit shall notify, by certified mail, the Town of Greenwich Planning and Zoning Department or its designee of the impending end of the Restriction Period. Failure by the owner of the moderate-income dwelling unit to notify, by certified mail, the Town of Greenwich Planning and Zoning Department or its designee twelve months prior to the end of the Restriction Period shall extend the Restriction Period by the number of days equal to the period of failure to give notice. (6/20/19)

iv. In the case of moderate-income dwelling units which are part of a commonly owned building in which a moderate-income dwelling unit cannot be sold individually, then such moderate-income dwelling unit will remain in the Restriction Period, if applicable, until such unit can be eligible to be sold in accordance with the procedure of Sec. 6-110. (6/20/19)

v. Each moderate-income dwelling unit shall be subject to an option to purchase (the "Purchase Option") at the maximum allowable restricted sales price or any mutually agreed upon sales price that does not exceed the maximum sale price. The Purchase Option shall be available to the Town of Greenwich, or its designee, followed next by the Housing Authority of the Town of Greenwich, then followed next by a qualified non-profit as approved by the Town. Upon receipt of a notice of the end of the Restriction Period, if applicable, the Purchase Option shall be available to the Town of Greenwich for 90 days. If the Town exercises the Purchase Option, it may enter into a contract of sale. If the Town fails to exercise the Purchase Option or declines to exercise the Purchase Option within 90 days, the Housing Authority of the Town of Greenwich shall have 30 days to exercise the Purchase Option and enter a contract of sale. If the Housing Authority of the Town of Greenwich fails to exercise the Purchase Option or declines to exercise the Purchase Option within 30 days, a qualified non-profit as approved by the Town shall have 30 days to exercise the Purchase Option and enter into a contract of sale. If the qualified non-profit fails to exercise the Purchase Option or declines to exercise the Purchase Option within 30 days, the existing moderate-income dwelling unit owner will be free to proceed with the sale of the moderate-income dwelling unit at the end of the Restriction Period, if applicable. (6/20/19)

vi. A seller of a moderate-income dwelling unit that has been restricted as a moderate-income dwelling unit for a Restricted Period who has provided the requisite notice of an intent to sell shall have the option to proceed with a sale at fair market value without restriction if no contract of sale has been signed in accordance with paragraph (h)(4)v above, provided that the Town of Greenwich, or its designee, shall examine the contract of sale to determine if the proposed sale price bears a reasonable relationship to the moderate-income dwelling unit's fair market value. The Town of Greenwich, or its designee, may rely on comparable sales or an appraisal, and shall not approve a contract of sale where there is a determination that the sale price does not bear a reasonable relationship to fair market value. Upon transfer of title on the moderate-income dwelling unit, the seller of the moderate-income dwelling unit shall pay 50% of the difference between the contract sale price of the unit and the final restricted sale price to the Town of Greenwich. (6/20/19)

vii. In the event of a casualty or other destruction of a moderate-income dwelling unit, any replacement unit shall be subject to the regulation of this Sec. 6-110.

viii. Any conversion of a rental moderate-income project to another use shall not be permitted during the Restriction Period, if applicable, unless such conversion includes the creation of the required number of for sale moderate-income dwelling units in accordance with Sec. 6-110. (6/20/19)

ix. Resale of Affordable Housing Units shall follow the standards outlined in Section 6-110(h)(B)(iii)

(4) Declaration of Restrictions:

The developer/owner of moderate-income dwelling units shall submit to the Planning and Zoning Commission a Declaration of Restrictions and Lien adopted by the Town of Greenwich, as to the ownership, use, occupancy, and resale of such moderate-income dwelling units. This declaration of restrictions shall be binding upon such developer and all succeeding owners of the moderate-income dwelling units and shall incorporate the provisions of this Sec. 6-110 therein by reference hereto. Final site plan approval shall be given by the Commission only after it has been satisfied that the Declaration of Restrictions binds the developer and all succeeding owners of the moderate-income dwelling units and duly restricts the ownership, use, occupancy, and resale thereof, and requires adherence to established sales and rental guidelines and administrative procedures, all in accordance with the provisions of this Sec. 6-110. The Commission may cause any such Declaration of Restrictions to be reviewed by the Town Attorney. Each deed for a moderate-income dwelling unit will indicate the restrictions on such unit and refer to the Declaration of Restrictions and Lien, which shall be on file with the Town Clerk as part of the Town's land records.

(6) Administration:

i. The Greenwich Planning and Zoning Department or other designated agent/agency approved by the Town shall maintain a list of eligible moderate-income households in accordance with the priority list set forth in (b)(3) above. Where the number of those eligible in the same category of priority exceeds the number of available moderate-income dwelling units, the applicant shall be selected by lottery. As the goal of this program is to provide the greatest benefit to the largest number of eligible people, the Town will seek, at its discretion, to match the size of an available moderate-income dwelling unit to the most appropriately sized eligible household. The selected moderate-income household must reside in the moderate-income dwelling unit. Moderate-income dwelling units must be occupied by the qualified owner(s) or legal lessee(s) only. If there is more than one qualified owner or legal lessee, each owner or legal lessee must occupy these units as their primary residence. These moderate-income dwelling units cannot be rented, assigned, leased out, or occupied by others not legally allowed or approved by the Town or its designated agency. (6/20/19)

ii. At the time of Site Plan approval for each housing development, the Planning and Zoning Commission shall approve the designation of an administrative agency to monitor and administer guidelines for the rental, sale, or resale of moderate-income dwelling units. Such administrative agency, which may buy the moderate-income dwelling units for the purpose of rental or resale to

moderate-income households, may be a non-profit corporation, an agency of the Town, a Community Housing Development Corporation pursuant to Section 8-217 of the General Statutes, a 501(c)(3) non-profit corporation such as a Greenwich Community Development Partnership, or other approved organization. Such agency may maintain and submit an eligibility list to the Planning and Zoning Department or other designated agent, but the choice of households for available moderate-income dwelling units even if owned by the designated agency shall be in accordance with (b)(3) above. (6/20/19)

iii. The designated agency shall establish the sale price, resale price, or annual rent of the individual dwelling unit in accordance with the guidelines and requirements of (h)(3) and (h)(4) above and with the approval of the Greenwich Planning and Zoning Department or other designated organization. There will be an Affordability Plan filed on the Greenwich Land Records indicating the deed restrictions on the specific unit which the designated agency will enforce. (6/20/19)

iv. The designated agency shall set up such procedures as may be necessary to receive annual certification or other information from owners and or tenants which confirms continuing compliance with the guidelines and requirements of this Sec. 6-110 and which notifies it of any conversion in the form of ownership. This information shall be submitted to the Planning and Zoning Department. (6/20/19)