

PLANNING AND ZONING COMMISSION
AMENDMENTS OF MINUTES dated June 26, 2025

Members Present:

Kathleen Clark was incorrectly listed; she is not a member.

Seating of Alternate Members:

Kim Mahoney was incorrectly listed as Alternate for Chairman Greg Marlowe. Tim Metzger served in this role.

3.A Litchfield County Center for Housing Opportunity - Memorandum

The memorandum was not previously included.

The memorandum is now included. Please see the attachment here.

Amendment of number 8. (Official Correspondence)

Member Ruth Skovron announced her resignation. Vice Chair Koshland requested that she submit it formally to Chairman Marlowe. Koshland proposed adding the acceptance of Skovron's resignation to the next meeting's agenda.

A motion was made to request that the Board of Selectmen appoint Tim Metzger to fill Ruth Skovron's seat as Regular Member for the remainder of the term ending on 11/13/2027. This motion was made by Vince Inconiglios but did not receive a second. The motion carried unanimously.

A separate motion was put forward to request that the Board of Selectmen appoint Kathleen Clark to fill Tim Metzger's seat as Alternate Member for the remainder of the term ending on 08/11/2029. The motion was made by Skovron and seconded by Cohn. The motion carried unanimously.

Submitted respectfully on July 26, 2025.

Patti Fife (acting secretary)



**Center for
Housing
Opportunity**

Litchfield County, CT

To: Town of Canaan/Falls Village Planning & Zoning Commission

From: Jocelyn Ayer, Director, LCCHO

Date: June 13, 2025

Re: "Administering Agency" role on Incentive Housing Zone projects

The reason for the "Administering Agency" in the Incentive Housing Zone (IHZ) regulation is to make sure that the "developer" of the IHZ development fulfills its requirement to make and keep the affordable housing units affordable. You can't necessarily rely on the developer to do this themselves; you want a third party to verify that they are doing what they have committed to doing if they are going to build under the IHZ regulations.

In towns that have a town housing commission (Salisbury, Cornwall, Washington) that entity can play this "administering agency"/third party verification role but currently Falls Village does not have a housing commission.

To date, the only development that has been permitted under the IHZ regulation is the Falls Village Housing Trust's River Road Homes. In many ways, the CT Department of Housing and other funders will play the role of the "Administering Agency" in this development (and likely any others that may come in the future) because it will be helping to fund the construction of these units. The CT Dept of Housing's affordability requirements will meet or exceed (most likely exceed) those in the IHZ regulation. CT Dept of Housing also requires recorded land use restrictions and regularly monitors compliance with affordability restrictions.

As the Administering Agency, the Planning & Zoning Commission could confirm that the project has construction funding from CT Dept of Housing, HUD, or another affordable housing funder prior to the issuance of a Building Permit and request a copy of the documentation from the Falls Village Housing Trust (or any other IHZ developer in the future) that shows that the funder requires the housing units created to be restricted to income eligible households and that describes how the CT Dept of Housing or other lender will regularly monitor compliance with this requirement.

Essentially you would be double checking that some other entity will be responsible for ensuring compliance with the affordability restrictions in the IHZ regulation.

Certainly no one wants to add more to the workload of the Planning & Zoning Commission! But we are hoping this will be a relatively simple procedure to check that the funding agency is actually already ensuring compliance with the affordability restrictions. Please do let me know if you have any questions- I'd be happy to answer them now and/or down the road when a building permit is requested for an IHZ development.

For your convenience/reference I have copied this section of the IHZ regulations that deal with the "Administering Agency" duties below.

Excerpt from Zoning Regulations (p.39-41):

"Administering Agency. The Planning & Zoning Commission shall be designated as the administering agency for any unit subject to an Incentive Housing Restriction. In a case where the Administering Agency cannot adequately carry out its administrative duties, upon certification of this fact by the Board of Selectmen such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Board of Selectmen. In any event, such Administering Agency shall ensure the following, both prior to issuance of a Building Permit for an Incentive Housing Development within the IHZ, and thereafter, as the case may be:

- a) prices of Incentive Homeownership Units are properly computed; rental amounts of Incentive Rental Units are properly computed;
- b) income eligibility of households applying for Incentive Housing is properly and reliably determined;
- c) the housing marketing and resident selection plan conform to all requirements and are properly administered; Resident selection plan will include a preference for persons currently living, working, or volunteering in the Town as allowed by applicable law;
- d) sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and



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e) Incentive Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds.

3. Submission Requirements. Prior to the submission of any application for a Building Permit, the Applicant must submit the following documents to the Administering Agency, which shall certify compliance with the provisions of this Section to the Building Inspector:

- a) evidence that the Incentive Housing Development complies with the cost and eligibility requirements of subsection G.4 below;
- b) Site development plans that demonstrate compliance with the requirements of the design and construction standards of subsection G.5 below; and
- c) an Incentive Housing Restriction in such form and content satisfactory to the Administering Agency that complies with the requirements of subsection G.6 below.

4. Cost and Eligibility Requirements. Incentive Housing shall comply with the following requirements:

- a) Incentive Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
- b) For an Incentive Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.
- c) For an Incentive Homeownership Unit, maximum allowable sale prices for Incentive Homeownership Units shall be calculated consistent with the standards set out in CGS 8-13m as may be amended.

Prior to the granting of any Building Permit for any structure within an Incentive Housing Development, the Applicant must demonstrate, to the satisfaction of the Administering Agency, that the method by which such rents or purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Canaan.

6. Incentive Housing Restriction. Each Incentive Housing Development shall be subject to an Incentive Housing Restriction which is recorded with the appropriate registry of deeds and which contains the following:

- a) specification of the term of the Incentive housing restriction which shall be no less than thirty years;
- b) the name and address of the Administering Agency with a designation of its power to monitor and enforce the Incentive housing restriction;
- c) a description of the Incentive Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Incentive Rental Units in a Incentive Housing Development or portion of a Incentive Housing Development which are rental. Such restriction shall apply individually to the specifically identified Incentive Homeownership Unit and shall apply to a percentage of rental units of a rental Incentive Housing Development or the rental portion of a Incentive Housing Development without specific unit identification.
- d) reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;
- e) designation of the priority of the Incentive Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Incentive Housing Restriction if required by then current practice of commercial mortgage lenders;
- f) a requirement that only an Eligible Household may reside in Incentive Housing and that notice of any lease of any Incentive Rental Unit shall be given to the Administering Agency;
- g) provision for effective monitoring and enforcement of the terms and provisions of the Incentive housing restriction by the Administering Agency;
- h) provision that the restriction on an Incentive Homeownership Unit shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
- i) provision that the restriction on Incentive Rental Units in a rental Incentive Housing Development or rental portion of an Incentive Housing Development shall run with the rental Incentive Housing Development or rental portion of an Incentive Housing Development and shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;



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j) provision that the owner[s] or manager[s] of Incentive Rental Unit[s] shall file an annual report to the Administering Agency, in a form specified by that agency certifying compliance with the Affordability provisions of this regulation and containing such other information as may be reasonably requested in order to ensure affordability; and

k) a requirement that residents in Incentive Housing provide such information as the Administering Agency may reasonably request in order to ensure affordability.”