

..title

ORDER OF THE BOARD OF ALDERS OF THE CITY OF NEW HAVEN APPROVING AN AMENDMENT TO A MATTER PREVIOUSLY ADOPTED CONCERNING DESIGNATION OF THE CITY OF NEW HAVEN AS A REHABILITATION AREA AND RENEWING AND AMENDING CRITERIA FOR THE ELIGIBILITY OF REAL PROPERTY FOR ASSESSMENT DEFERRAL AND ADMINISTRATIVE PROCEDURES

..body

WHEREAS, at its December 2, 2019 meeting, the Board of Alders adopted a Resolution (File Number LM-2019-0564) that designates the City of New Haven (the “City”) as a rehabilitation area, and establishes criteria for the eligibility of real property within the designated rehabilitation area for fixing of assessments during the period of rehabilitation and for deferral of increased assessments attributable to such rehabilitation (the “Assessment Deferral Program Resolution”); and

WHEREAS, at its January 18, 2022 meeting, the Board of Alders considered and addressed concerns related to the mortgaging or refinancing of development projects by adopting an Amended Resolution (Amendment #1); and

WHEREAS, over the passage of time, the City and Board of Alders have encouraged mixed-income developments with a significant percentage of residential housing units dedicated to households based on various below-market income levels with policy and regulatory programs such as the Low Income Housing Tax program (“LISHTA”) program; and

WHEREAS, the current LISTA and Assessment Deferral programs are in conflict with respect to mixed income residential buildings wherein affordable housing units and market-rate housing units are not separated into unique buildings, but rather integrated into one building; and

WHEREAS, accordingly, the City wishes to amend the Resolution as of the effective date thereof in the manner shown in the marked version of the Resolution attached to this Order which is made a part hereof (the “Amendment #2”) to account for and encourage the further development of mixed income projects.

NOW, THEREFORE, BE IT ORDERED by the Board of Alders of the City of New Haven that the Amendment #2 is hereby adopted as of the effective date of the Assessment Deferral Program Resolution as follows,

Insert as subsection 1 and 2 of Section VIII.B

VIII.B.1

Notwithstanding any prohibition identified in Section IV.A or Section IV.C, above, to the contrary, an otherwise eligible Mixed Income Development, making election under this Section VIII, shall be eligible for the fixing of assessment for the pro rata share of the increase in assessment not attributable to the Affordable Units (as defined in Section VIII.B.2, below) under this Resolution.

VIII.B.2

For the purposes of this Section VIII.B, Mixed Income Development means a rehabilitation or new construction development, which includes affordable units, subsidized pursuant to Section IV.A or IV.C above, and restricted to occupancy by tenants with a household income not to exceed sixty-percent (60%) of the Area Median Income as determined by HUD (the “Affordable Units”) spread throughout the development, which may include one or more buildings. Mixed Income Development does not include any rehabilitation or new construction development undertaken by a public housing authority or any related affiliate or instrumentality thereof which has or will have, an agreement with the City, approved by the Board of Alders, addressing (inter alia) the assessment of real property or the payment of taxes on such property.