

From Alders Colón, Douglass, Eidelson, and Greenberg

## ZONING ORDINANCE TEXT AMENDMENT

### ORDER OF THE BOARD OF ALDERS APPROVING AMENDMENTS TO TITLE VI, VOLUME III, NEW HAVEN ZONING ORDINANCE, OF THE CODE OF ORDINANCES.

**WHEREAS**, we find that the City of New Haven’s Comprehensive Plan for Development and Land Use Vision 2025 says that the city “currently lacks opportunities for transitional, single-room occupancy housing suitable for young adults, seniors, persons with disabilities, etc” and sets a goal to “pursue Zoning Ordinance amendments to allow the construction of single-room occupancy housing within and closer to Downtown”; and

**WHEREAS**, we find that boarding houses—including “single-room occupancy” hotels (SROs)—provide flexible and easily accessible housing that allows residents to remain in New Haven and to avoid homelessness, often as an option of last resort for the poor; and

**WHEREAS**, we find that a number of economic forces, including the high cost of new construction, create incentives for developers to purchase boarding houses, including SROs, and repurpose them for uses that result in the displacement of existing tenants or the removal of rental units from the market; and

**WHEREAS**, we find that the loss of SROs would exacerbate the already overwhelming burden on public and non-profit agencies that provide important and necessary services to the tenant population of such hotels; and

**WHEREAS**, we find that there is an urgent need for the City to study the effects of the conversion of boarding houses to non-residential uses and its impact on the affordability of housing in New Haven, and to consider amendments to the City’s Housing and Zoning Ordinances to address the problem, including but not limited to by considering the requirement of housing relocation assistance for those displaced by boarding-house conversions and by encouraging the construction of more SRO units within and close to Downtown; now, therefore,

**NOW THEREFORE BE IT ORDAINED that**

#### **SECTION ONE: The New Haven Zoning Ordinance shall be amended by the addition of the following Supplement:**

- 1. Duration of Interim Ordinance.** This Ordinance shall remain in full force and effect for a period of six (6) months from the date of its adoption, except as in Section 3 below. This period may be extended up to another 3 months by resolution of the Board of Alders.
- 2. Definitions.** The following terms, whenever used in this Ordinance, shall be construed as defined in this section. Words and phrases not defined here shall be construed as defined in the New Haven Code of Ordinances.
  - (a) **Affordable Housing Organization** means a religious, hospital, scientific, or charitable fund, foundation, limited liability company, or corporation, including a limited partnership in which the managing general

partner is an eligible nonprofit corporation or eligible limited liability company, or a veterans' organization.

- (b) **Affordable Housing Development** means a property used exclusively for rental housing and related facilities, owned or operated by an affordable housing organization where, pursuant to legally binding restrictions, all of the units are restricted as affordable housing at an affordable rent or affordable housing cost, as defined in C.G.S., Title 8, § 8-39a.
- (c) **Boarding House** means a rooming house, as defined in Code of Ordinances, Title ~~I~~IV, Par. 100(v), which contains four or more Boarding-House Units.
- (d) **Boarding-House Unit** means a rooming unit, as defined in Code of Ordinances, Title ~~I~~IV, Par. 100(w) which has been let to the same person or persons for a period of more than 30 days at any time during the previous six months from the date of the attempted or actual conversion, demolition or rehabilitation described herein.
- (e) **Conversion** means any action that converts one or more existing boarding-house units in a boarding house to be used for other residential or commercial activities, which includes regardless of whether substantial physical improvements have been made to such units which require a building permit.
- (f) **Demolition** means an action that reduces the number of existing boarding-house units in a boarding house, either through complete or partial demolition of the building, or by combining two or more existing boarding-house units.
- (g) **Owner** means the owner or operator of record of a Bboarding House or an entity or individual with a long-term lease in a boarding house.
- (h) **Rehabilitation** means reconfiguration, reconstruction, renovation, repair, or other improvement to all or part of a boarding house or boarding-house unit which results in displacement of existing residents for more than two (2) weeks.

**3. Temporary Moratorium.** For a period of six (6) months from the effective date of this Ordinance, or up to 9 months if extended by the Board of Alders by Resolution, or until such time as the Board of Alders adopts a new, permanent ordinance or ordinances addressing the conversion, demolition, or rehabilitation of Bboarding-Houseroom units into non-residential uses, including hotel use, whichever comes first, the City of New Haven hereby declares a moratorium on the conversion, demolition, and rehabilitation of ~~boarding rooms and B~~boarding-Houseroom units (the “Moratorium”). During the term of this Moratorium:

- (a) No site plan approval or permit, including building permits, shall be granted to convert, demolish, or rehabilitate a boarding house or boarding-house unit;
- (b) No site plan approval or permit, including building permits, shall be granted for any new construction, demolition, or rehabilitation on a lot where a resident of such ~~boarding room or~~boarding houseroom unit has been or will be displaced for more than two (2) weeks;
- (c) No new rooming house license shall be granted for a rooming house that has converted, demolished, or rehabilitated a boarding house or boarding-house unit during the pendency of this moratorium., ~~and any rooming house license issued subsequent to the passage of this ordinance shall be deemed null and void if the holder of the license subsequently converts, demolishes, or rehabilitates the boarding house or boarding house unit during the pendency of this ordinance.~~

**4. Exceptions. This Ordinance shall not apply to:**

- (a) Any boarding house that has been or shall be converted into an Affordable Housing Development, as determined by the Fair Rent Commission; or
- (b) Any boarding house that must comply with a City order (1) to repair or demolish all or part of the boarding house that is unsafe, uninhabitable, or in substandard condition; (2) to rebuild due to destruction by fire or natural disaster; or (3) to comply with administrative nuisance abatement proceedings.

~~5. **Petition for Relief from Moratorium.** The Board of Alders, acting in its legislative capacity and by resolution, may grant an exception from this Ordinance in cases (1) where the Moratorium's application would be unlawful under and/or conflict with Federal or State law; or (2) where it has been shown to the satisfaction of the Board of Alders that application of the moratorium to the boarding room house would deny the owner of the boarding room house all economically beneficial use of the property. An application for exemption shall be filed with the City Clerk on forms provided by the City.~~

~~6. **Implementing Interpretations and Regulations.** The Board of Alders appoints the Building Official and the Deputy Director of City Plan for Zoning, as the authorities, for City Plan Commission has authority the issuance of interpretations of ~~and regulations~~ the implementation of or implement this Ordinance, including without limitation to develop a list of boarding houses and Boarding House Units that are subject to the Moratorium. ~~Such interpretations and regulations shall be subject to revision by resolution of the Board of Alders.~~~~

**SECTION TWO: Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Board of Alders hereby declares that it would have adopted the Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**SECTION THREE. Effective Date.** This ordinance shall be effective in accordance with Section 3(A)(2) of the Charter of the City of New Haven ~~immediately upon passage.~~