



WESTPORT CONNECTICUT

OFFICE OF THE
TOWN ATTORNEY

To: Larry Bradley, Director, Planning and Zoning
Mary Young, Deputy Director, Planning and Zoning

From: Gail Kelly, Assistant Town Attorney *G.K.*

Date: February 17, 2011

Re: Text Amendment #625/P&Z Appl. # 11-001

I refer to my memo dated January 28, 2011 in which I recommended that Section 19A of the zoning regulations be amended by deleting a reference to a priority system which included Westport municipal employees, the elderly and Westport residents. The recommendation was not intended to suggest that the Town could not give preferences to its residents for the proposed development of a senior living community.

Preferences are permitted under the law but they must be implemented in a way that does not violate the Fair Housing Act.

The issue of priorities for this senior living facility was previously addressed during the 8-24 application. In response to a question on local priorities, the Commission was informed that "the housing will have to comply with the Fair Housing Act." The Town has always and will continue to be in compliance with fair housing practices as stated in its Fair Housing Policy (a copy of which is attached).

Please note that the provisions of Section 19A are unrelated to the current proposal. The recommendation followed discussions on this particular regulation that took place prior to the current application. It had been discussed that a general statement of this nature could be problematic from a fair housing point of view and may not necessarily be appropriate for a zoning regulation. Also, there are several other sections of the regulations that have affordability requirements which do not include a priority system. (See for example, Sections 18-17, 19, 32-1, 32-12).

While my recommendation is to delete the language regarding the priority system, if the Commission wishes to retain it, I recommend that qualifying language be added to the effect that the priority system will be conducted in accordance with the Fair Housing Act.

cc: Gordon F. Joseloff, First Selectman
Shelly Kassen, Selectwoman
Ira Bloom, Town Attorney

TOWN OF WESTPORT
FAIR HOUSING POLICY STATEMENT

It is both the policy and strong commitment of the **Town of Westport** to promote Fair Housing opportunities in all its programs and housing development activities and to take affirmative action through education and implementation to ensure equal housing opportunities for all persons and families.

The **Town of Westport** will take affirmative action to ensure that all tenants, applicants, residents are treated fairly without regard to their race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, learning disability, mental or physical disability, including but not limited to blindness, age, individuals with children, or lawful source of income.

The **Town of Westport** will continue to make a good faith effort to comply with all Federal and State laws and policies which speak to fair housing practices.

It is the policy of the **Town of Westport** that all Housing-related personnel are knowledgeable in the principles of Fair Housing and Equal Opportunity so that Equal Housing Opportunity may be available to all qualified applicants.

This Fair Housing Policy Statement reaffirms our personal commitment to the principles of fair housing and equal opportunity housing practices.

The Fair Housing Officer, Eugene Cederbaum, Esquire, is responsible for the enforcement and implementation of the Fair Housing Regulations/Plan and the enforcement of this policy. The Fair Housing Officer may be reached at Wake, Dee, Dimes & Bryniczka at 203-227-9545.

Complaint(s) pertaining to discrimination in any program funded by the **Town of Westport** may be filed in accordance with the Town's Grievance Procedure.

Complaints also may be filed with the Commission on Human Rights and Opportunity, 21 Grand Street, Hartford, CT 06109.

Town of Westport


By: _____
Diane Goss Farrell
First Selectwoman

August 12, 2004
Date: _____



TOWN OF WESTPORT
FAIR HOUSING RESOLUTION

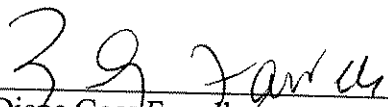
Whereas, All American citizens are afforded a right to full and equal housing opportunities in the neighborhood of their choice; and

Whereas, State and Federal Fair Housing laws require that all individuals, regardless of race, color, religion, sex, national origin, ancestry, marital status, age, mental or physical disability, lawful source of income, sexual orientation, familial status, be given equal access to rental and homeownership opportunities, and be allowed to make free choices regarding housing location; and

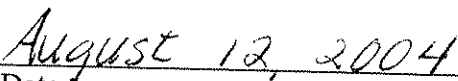
Whereas, The **Town of Westport** is committed to upholding these laws, and realizes that these laws must be supplemented by an Affirmative Statement publicly endorsing the right of all people to full and equal housing opportunities in the neighborhood of their choice.

NOW THEREFORE, BE IT RESOLVED, that the **Town of Westport** hereby endorses a Fair Housing Policy to ensure equal opportunity for all persons to rent and/or purchase adequate housing of their choice on a non-discriminatory basis: and BE IT FURTHER RESOLVED, that the First Selectwoman or her designated representative is responsible for responding to and assisting any person who alleges to be the victim of an illegal discriminatory housing practice in the Town of Westport

Adopted by the **Town of Westport**



Diane Goss Farrell
First Selectwoman



Date



FAIR HOUSING POLICY

The Town of Westport does not discriminate against any person in the leasing of any Town-owned premises because of race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, learning disability or physical or mental disability.