

Affordable Housing Ordinance Matrix

Component	Ordinance 1	Ordinance 2	Ordinance 3	Ordinance 4	Ordinance 5	Ordinance 6	Ordinance 7	Ordinance 8	Ordinance 9	Ordinance 10	Ordinance 11
Jurisdiction	Contra Costa County Division 82 - Affordable Housing	Contra Costa County Chapter 822-4 - Inclusionary Housing	Sacramento County	Placer County	Nevada County	LA County	City of Emeryville	City of Santa Clara	City of Long Beach	City of Morgan Hill	City of San Diego
Effective Date	July 1, 2020	January 1, 2020	March 27, 2014	October 06, 2020	Draft -- May 5, 2023	9/14/2023	2014	02/22/2018	October 7, 2021	August 9, 2018	December 13, 2022
Description of Ordinance	<b>822-2.204 Purpose:</b> Inclusionary Housing Ordinance: to provide incentives for the production of housing for very low income, lower income, moderate income, or senior households; to facilitate the development of affordable housing; to implement the goals, objectives, and policies of the county general plan's housing element; and to establish procedures for complying with Government Code Section 65915.	<b>822-4.204 - Purpose and intent:</b> The purpose of this chapter is to facilitate the development and availability of housing affordable to a broad range of households with varying income levels within the county. It is intended in part to implement state policy declaring that local governments have a responsibility to exercise their powers to facilitate the development of housing necessary to adequately provide for the housing needs of all economic segments of the community. The goal of this chapter is to ensure that affordable housing units are added to the county's housing stock in proportion to the increase in new housing units in the county, in accordance with Goal 3 of the housing element of the county general plan.	<b>822-2.204 Purpose:</b> It is a public purpose of the County and a policy of the State to achieve a diverse and balanced community with housing available for households of all income levels. The County is committed to implementing policies and regulatory actions that will increase the supply of housing affordable to low, very low, and extremely low income households.	<b>15.65.020 Purpose and Intent:</b> This article is intended to (1) Require new residential projects to contribute to the inclusion of affordable housing and to promote and implement Placer County's housing element goals and policies for the development of affordable housing for households with incomes of one hundred twenty (120) percent or below the median income in Placer County.  (2) Require all new non-residential development projects, regardless of zoning designation of the project site to contribute to employee accommodation housing. This article requires the payment of employee accommodation fees for certain types of development to mitigate the impact of nonresidential development on the need for affordable housing in Placer County.	<b>Sec. L-II 1.2 Applicability:</b> General Application. This ordinance applies to all land uses and development within the unincorporated areas of Nevada County. Ordinance provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare.	<b>12.22 A.36 Administrative Approval for 100 Percent Affordable Housing Projects:</b> The purpose of this Subdivision is to establish procedures for administrative approval of 100 Percent Affordable Housing Projects in order to increase the production of affordable housing, consistent with objective review standards and City policies.	The Affordable Housing Program (AHP) Ordinance is consistent with State law regarding what constitutes affordable housing costs, found in Section 50052.5 of the California Health and Safety Code.	<b>17.40.010 Application:</b> The regulations set forth in this chapter apply to any new construction, additional floor area or conversion of residential ownership, residential rental, nonresidential and mixed use development. (Ord. 1974 § 1, 1-23-18).	<b>CHAPTER 21.67 INCLUSIONARY HOUSING 21.67.010 Purpose:</b> The City Council finds that the City of Long Beach faces a serious shortage of affordable housing units that is anticipated to increase over time. New residential development frequently does not provide housing opportunities for low- and moderate-income households due to the high cost of newly-constructed housing in the City. As a result, such households are effectively excluded from many neighborhoods, creating economic stratification detrimental to the public health, safety, and welfare. The purpose of this Chapter is:  A.To impose affordable housing requirements on residential development to avoid the remaining opportunities for affordable housing to be lost by the use of the scarce remaining land for residential development without providing housing affordable to persons and	<b>14.04.020 Purpose:</b> The purpose of this Chapter is to further the City's efforts to require housing available to Extremely Low-Income, Very Low-Income, Low-Income and Moderate-Income Households. The Housing Element of the City's General Plan implements the established policy of the State of California that each community should foster an adequate supply of housing for persons at all economic levels.	<b>§ 142.1301 Purpose of Inclusionary Affordable Housing Regulations:</b> The purpose of this Division is to encourage diverse and balanced neighborhoods with housing available for households of all income levels. The intent is to ensure that when developing the limited supply of developable land, housing opportunities for persons of all income levels are provided.
Targeted Income Groups	Very Low, Low, Moderate, or Senior households	Very Low, Low, Moderate	Extremely Low, Very Low, Low	Very Low, Low, Median, Moderate			Very Low, Low, Moderate	Very Low, Low, Moderate	Very Low, Low, Moderate	Extremely Low, Very Low, Low, Moderate	Very Low, Low, Moderate
Income Limits	<b>822-2.206 Definitions:</b> Very low income: fifty percent of the area median income (AMI) for Contra Costa County, adjusted for household size, multiplied by thirty percent and divided by twelve.  Lower income: sixty percent of the AMI for Contra Costa County, adjusted for household size, multiplied by thirty percent and divided by twelve.	<b>822-2.206 Definitions:</b> For extremely low income households, the product of thirty percent times thirty percent of the area median income adjusted for family size appropriate for the unit.  For very low income households, the product of thirty percent times fifty percent of the area median income adjusted for family size appropriate for the unit.  For lower income households with gross incomes that exceed the maximum income for very low income households, the product of thirty percent times seventy percent of the area median income adjusted for family size appropriate for the unit.  For moderate income households, the product of thirty-five percent times one hundred ten percent of the area median income adjusted for family size appropriate for the unit.	<b>22.35.020 Definitions:</b>  <b>Extremely low income or "ELI"</b> means a household whose income does not exceed thirty (30) percent of the median income, adjusted for household size, applicable to the County, as published and periodically updated by the United States Department of Housing and Urban Development.  <b>Very low income</b> means a household whose income does not exceed fifty (50) percent of the median income, adjusted for household size, applicable to the County, as published and periodically updated by the United States Department of Housing and Urban Development.  <b>Affordable housing price</b> means a sales price at which low income or very low income households can qualify for the purchase of for-sale affordable units. Qualification shall be based on no more than thirty-five (35) percent of income at eighty (80) percent, and fifty (50) percent of the median income applicable to Sacramento County, respectively for low income and very low income households, being applied	<b>15.65.030 Definitions:</b>  <b>Very low-income households</b> are those households with incomes of up to fifty (50) percent of median income or as set out in Health and Safety Code Sections 50079.5 and 50093.  <b>Low income households</b> are those households with incomes of up to eighty (80) percent of median income, or as set out in Health and Safety Code Sections 50079.5 and 50093.  <b>Median income</b> means the median income, adjusted for family size, applicable to Placer County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the United States Department of Housing and Urban Development.  <b>Moderate income households</b> are those households with incomes of up to one hundred twenty (120) percent of median income, or as set out in Health and Safety Code Section 50093.  <b>Affordable rent</b> means monthly rent.		<b>Income Definitions</b> (1) Moderate Income Households are those with incomes between 81%-120% of the area median income. (2) Low Income Households are those with incomes between 51%-80% of the area median income. (3) Very Low Income Households are those with incomes up to 50% of the area median income.			<b>21.67.020 - Definitions:</b>  <b>Affordable Rent</b> means the maximum monthly rent for very low-income households, including an allowance for tenant paid utilities, as defined in California Health and Safety Code Section 50053. The calculation is as follows: (i) one-twelfth of thirty percent (30%) of fifty percent (50%) of area median income adjusted for household size appropriate for the unit or (ii) market rent, whichever is less.  <b>Affordable Sales Price</b> means the maximum purchase price for moderate-income households as defined in California Health and Safety Code Section 50052.5. The calculation is as follows: not be less than twenty-eight percent (28%) of the gross income of the household, nor exceed one-twelfth of thirty-five percent (35%) times one hundred ten percent (110%) of area median income adjusted for household size appropriate for the unit. The affordable sales price shall	<b>14.04.30 Definitions:</b>  Extremely Low-Income Household means a household with a Gross Annual Household Income that does not exceed 30% of AMI for Santa Clara County. This definition corresponds to the definition of extremely low-income household used for state- and federally-assisted housing programs. Extremely Low-Income Households are a subset of Very Low-Income Households.  Low-Income Household means a household with a Gross Annual Household Income between 51% and 80% of AMI for Santa Clara County. This definition corresponds to the definition of lower income household used for state- and federally-assisted housing programs.  Moderate-Income Household means a household with a Gross Annual Household Income between 81% and 120% of AMI for Santa Clara County. This definition corresponds to the definition of moderate-income household for	

<p><b>Affordability Requirement</b></p>	<p>15% of Rental Units as Inclusionary Rental Units of a development of 5-125 rental units. 15% of the for-sale units as Inclusionary Units of a development of 1-126 units.</p>	<p><b>22.35.030 Standard Affordable Housing Component:</b> Development projects shall (1) Pay an affordability fee on all newly constructed market rate units pursuant to Section 22.35.0S0(A); or (2) Comply with the development project's approved affordable housing plan; if one exists, or (3) Enter into a development agreement or other form of agreement with the County which provides for a fee credit for land dedication, construction of affordable dwelling units, or other mechanism which leads to the production of affordable housing, in an amount at least equivalent to the affordability fee established by Section 22.35.0S0(A).</p> <p><b>22.35.050 Affordability Fees:</b> (1) The affordability fee is an amount equal to \$2.50 per habitable square foot of each market rate unit. (2) The affordability fee shall be paid concurrently with the payment of building permit fees for the development project in accordance with the fee schedule in effect at the time of building permit application. (3) The affordability fee, including the maximum amount of the fee, shall be adjusted annually based on the Building Cost Index 20-City Average published</p>	<p><b>15.65.130 Continued affordability:</b> Prior to the issuance of either temporary or permanent certificates of occupancy for the development project that is subject to this article, all regulatory agreements and, if the affordable units are for sale, resale restrictions, deeds of trust and/or other documents, all of which must be acceptable to the county and consistent with the requirements of this article, shall be recorded against parcels having such affordable units and shall be effective for at least the period of time of fifty-five (55) years or as required by an accepted source of funding for the project.</p>	<p>To accommodate the development of Low and Very-Low Income housing units on vacant sites that are zoned R3, owner and renter occupied single or multifamily residential development in which at least 20 percent of the units are affordable to lower income households as a by-right use (without a Conditional Use Permit, or other discretionary action) as required by California Government Code 65583.2(i) if those properties have been identified in two or more consecutive Housing Element planning periods to accommodate the Low or Very-Low income category of the Regional Housing Need Allocation.</p> <p>If an applicant elects to construct a senior citizen housing development with at least fifty (50) percent of the total dwelling units for senior citizens, the density bonus shall be twenty (20) percent of the total number of allowed housing units without the density bonus, or as</p>	<p>Ownership &amp; Rental Housing: Moderate Income 35%-110% of AMI Low Income 30%-70% of AMI Very Low Income 30%-50% of AMI</p> <p>AMI = Adjusted Monthly Income</p>	<p><b>17.40.050 General requirements for affordable units:</b> (1) Affordable units shall be reasonably dispersed throughout the project, unless otherwise approved by City Council through a development agreement, and shall contain, on average, the same number of bedrooms and shall be comparable to the design of the market-rate units in terms of appearance, materials and finished quality of the market-rate units in the project. There shall not be significant identifiable differences between affordable and market-rate dwelling units which are visible from the exterior of the dwelling units and the size and design of the dwelling units shall be reasonably consistent with the market-rate units in the development. Affordable units shall have the same access to project amenities and recreational facilities as market-rate units.</p> <p>(2) Affordable units shall be constructed within a similar timeline as the construction of market-rate units. No building permit shall be issued for any market-rate unit unless a proportional number of</p>	<p><b>14.04.060 Continued affordability and City review of occupancy:</b></p> <p>(1) <b>Term of affordability-For-sale projects:</b> A resale restriction, covenant, deed of trust and/or other documents in form prepared by the City Attorney, shall be recorded against each Inclusionary Unit that is a for-sale unit. These documents shall have an initial term of forty-five (45) years, and shall be renewed upon each change of title to the Inclusionary Unit. The resale restriction, or other documents required by this subsection, and any change in the form of any such documents, shall be approved by the City Manager or his or her designee prior to execution and recordation of such document. The City shall be a party to the resale restriction or other documents required by this subsection and shall have the right to enforce the covenants and restrictions contained therein.</p> <p>(2) <b>Term of affordability-Rental projects:</b> A regulatory agreement, covenant, deed of trust, and/or other documents prepared by the</p>
<p><b>Determining Affordability</b></p>	<p>Single-room occupancy unit (residential hotel) 75% of 1 person 0 bedroom (studio) 1 person 1 bedroom 2 persons 2 bedroom 3 persons 3 bedroom 4 persons 4 bedroom 6 persons</p>						
<p><b>Development Requirements</b></p>	<p><b>822-2.404 Affordable unit Density Bonus:</b> A project for which a density bonus is eligible under this section must meet at least one of the following criteria:  (1) Ten percent of the total units of a housing development must be reserved for lower income households. (2) Five percent of the total units of a housing development must be reserved for very low income households. (3) The housing development must be a senior citizen housing development, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Section 798.76 or 799.5. (4) Ten percent of the total dwelling units in a common interest development must be reserved for persons and families of moderate income, provided that all units in the development are offered to the public for purchase.</p>	<p><b>822-4.402 Inclusionary unit requirement:</b> In a residential development of five through one hundred twenty-five rental units, at least fifteen percent of the rental units shall be developed and rented as inclusionary units under the terms and conditions of Section 822-4.410(a). In a residential development of one hundred twenty-six or more rental units, at least fifteen percent of the rental units shall be developed and rented as inclusionary units under the terms and conditions of Section 822-4.410(a). At least twenty percent of the inclusionary units shall be rented at an affordable rent to very low income households, and the remaining inclusionary units shall be rented at an affordable rent to lower income households. As an alternative to providing some or all of the inclusionary units required by this subsection, an in-lieu fee may be paid pursuant to Section 822-4.404.</p> <p>In a residential development of five through one hundred twenty-five for-</p>	<p><b>22.35.080 Accessibility:</b> A minimum of five (5) percent of the dwelling units (but not less than one (1) unit) in a multifamily project constructed using affordability fees paid pursuant to this Chapter shall be made accessible for persons with disabilities.</p> <p><b>22.35.090 Occupancy and Affordability Requirement:</b> (1) Any person who rents or owns an affordable unit shall occupy that unit as his or her principal residence. (2) Rental affordable units shall remain affordable for a period of no less than fifty-five (55) years from recordation of the notice of completion for the rental units. (3) For-sale affordable units shall remain affordable for a period of not less than thirty (30) years from the first sale of an individual property and from the date of any resale to an income-eligible buyer made at a time the affordable unit is subject to affordability restrictions under this Chapter.</p>	<p><b>15.65.60 Affordable residential development-basic requirement:</b>  (1) If a residential project exceeds one hundred (100) units, at least ten (10) percent of all dwelling units in a new residential project shall be affordable as prescribed in Section 15.65.070 or 15.65.080, as applicable, and shall be constructed in a timely manner with, and the related market rate units, unless one of the alternative actions set forth in Section 15.65.120 is performed. Such dwelling units shall include a regulatory agreement recorded on title, requiring that each dwelling unit shall be affordable for at least fifty-five (55) years. For fractions of affordable units, the owner of the property must construct the next higher whole number of affordable units or perform an alternative action pursuant to Section 15.65.120.</p> <p>(2) Residential projects of eight units to one hundred (100) units, the owner shall pay an affordable housing fee on all newly constructed market rate dwelling units pursuant to Section 15.65.100.</p> <p>(3) Affordable units shall be</p>	<p><b>Residential Inclusionary Affordable Housing Component:</b> In addition to the above incentives, all projects or subdivisions within the Town of Truckee's Sphere of Influence creating 20 or more parcels or units within the Urban High Density, Urban Medium Density, and Urban Single-Family Density General Plan land use map designations shall have an inclusionary affordable housing component of 10%.</p> <p>Eligibility Requirements: To qualify for the provisions of this Subdivision, a 100 Percent Affordable Housing Project must meet all of the following eligibility requirements:  (1) The project site does not include any parcels located in a single family or more restrictive zone, or any parcels located in a manufacturing zone that does not allow multi-family residential uses. (2) If the project site has a residential zoning classification, then the entire project site's zoning, prior to the granting of any density bonus, permits the construction of five or more residential units, rounded up to the nearest whole number, on the project site. (3) The project, excluding any additional density or other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in California Government Code</p>	<p><b>Ownership &amp; Rental Housing:</b> Developers are required to set aside 20% of total project units as designated below market rates (BMRs) for moderate-income households.</p> <p>For ownership residential projects partially in Emeryville, 20% of the total project units in Emeryville shall be set-aside units or 10% of all the units in the project shall be set aside with those units located in Emeryville, whichever is greater. In applying these percentage, any decimal fraction less than or equal to 0.50 may be disregarded and any decimal fraction greater than 0.50 shall be construed as requiring one dwelling unit.</p> <p>Developers of projects requiring development bonuses must set aside project units as designated BMRs for very low-income households, low-income households, and moderate-income households in accordance with Section 9-4.204 (d)(1) of the Planning Regulations.</p> <p>For ownership residential projects, housing costs shall generally mean</p>	<p><b>17.40.030 Affordable housing plan:</b> An application for a development project shall include a written affordable housing plan describing how the project will comply with the provisions of this chapter. The affordable housing plan shall be processed concurrently with all other applications required for the project. The approving authority shall consider the affordable housing plan when acting upon the project. The approving authority shall impose conditions of approval to carry out the purposes of this chapter. (Ord. 1974 § 1, 1-23-18).</p> <p><b>17.40.080 Affordable housing requirements – Residential ownership projects:</b> The provisions of this section shall apply to all residential ownership projects, including the residential ownership portion of any mixed use project, except for any resident ownership project exempt under SCCC 17.40.070.</p> <p>(1) Residential ownership projects of ten or more units must provide at least fifteen percent (15%) of the units at affordable housing costs for</p>

<p><b>Housing Types Affected</b></p>	<p><b>822-2.1008 For sale housing development terms:</b> In the case of for-sale housing developments, the density bonus housing agreement shall provide for the following terms governing the initial sale and use of target units during the applicable tenure of use restriction period:</p> <p>(a) Target units shall, upon initial sale, be sold at an affordable sales price and housing cost to eligible very low income households, lower income households, moderate income households, or qualified residents (i.e., maintained as senior citizen housing) as defined by this chapter.</p> <p>(b) Target units shall be owner-occupied initially by eligible very low or lower income households, or by moderate income households in the case of common interest developments, or by qualified residents in the case of senior citizen housing.</p> <p><b>822-2.1010 Rental housing development terms:</b> In the case of rental housing developments, the density bonus housing agreement shall include the following terms and conditions governing the use of target units during</p>	<p>Deed restricted affordable housing means a residential unit that has a regulatory agreement or other instrument recorded against the property which limits the sales price or rent of that unit for a minimum of thirty (30) years affordable to households earning less than one hundred twenty (120) percent of the area median income.</p>	<p><b>Sec. L-II 2.2.1 Single-Family: Purpose of Single-Family</b>  <b>(1) RA (Residential Agricultural):</b> The RA District establishes provisions for low density single-family dwellings, as well as other dwelling unit types in keeping with the rural character of the area, at densities equivalent to 1.5 acre minimum parcel size, or 3 acre minimum parcel size where neither a public water nor public sewer system is available. Within the Residential and Estate General Plan designations, the single-family dwelling is of primary importance and agricultural uses are Secondary. Within Rural General Plan designations, agricultural operations and natural resource related uses and residential uses are of equal importance.</p> <p><b>(2) R1 (Single-Family):</b> The R1 District implements the General Plan's Urban Single-Family designation. It is intended to</p>	<p><b>21.67.060 Inclusionary Housing Standards and Incentives:</b></p> <p><b>(1) Inclusionary housing units included in a residential development</b> resulting from the conversion of a use from a residential rental development to a residential ownership development shall be offered for sale to current and qualified tenants of the inclusionary units, and shall otherwise comply with the inclusionary housing guidelines.</p> <p><b>(2) Construction appearance and quality:</b> Inclusionary units shall be comparable in exterior appearance and overall quality of construction to market-rate units in the same housing development. Interior finishes and features may differ from those provided in the market-rate units, so as long as the finishes and features are durable, of good quality, and consistent with contemporary standards for new housing.</p>	<p>14.04.120 On-Site Inclusionary Housing Incentives:</p> <p>The developer of a Residential Inclusionary Units on the same site as the Market-Rate units may, at the developer's option and concurrently with the submittal of the Affordable Housing Plan and the earlier of the zoning or Planning Permit application, submit a written request for one or more of the following on-site inclusionary housing development incentives:</p> <p><b>(1) Density Bonus:</b> The Residential Project may receive a density bonus if the Residential Project includes affordable units in accordance with the threshold requirements for density bonus pursuant to California Government Code Section 65915 et seq. For Residential Projects qualifying for a density bonus pursuant to this subsection, the City shall, upon request of the Applicant at the time of application for the First Approval, authorize a density bonus in the amount specified in California Government Code Section 65915 et seq. unless such a density bonus</p>	<p><b>§142.1309 Incentives for On-Site Inclusionary Dwelling Units</b></p> <p>(1) An applicant may submit a written request for density bonus, waiver, or incentives pursuant to California Government Code Section 65915 and Chapter 14, Division 7, Article 3 of the San Diego Municipal Code if the development meets the minimum thresholds for density bonus pursuant to California Government Code Sections 65915 – 65918.</p> <p>(2) If an applicant has complied with this Division by providing all the inclusionary dwelling units required by this Division on the same premises as the market-rate dwelling units, then the inclusionary dwelling units shall be exempt from the payment of Development Impact Fees pursuant to Section 142.0640 of the San Diego Municipal Code.</p>
<p><b>Incentives for Developers</b></p>	<p><b>822-2.404 Affordable Unit Density Bonus:</b> If a project includes moderate income, lower income, very low income, or senior housing units at levels beyond those required by Chapter 822-4, a developer may request a density bonus under this section and may request incentives or concessions pursuant to Section 822-2.408.</p> <p><b>822-2.406 Land Donation Density Bonus:</b> When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land as provided for in Government Code Section 65915(h), the applicant shall be entitled to a density bonus in accordance with Government Code Section 65915(h).</p> <p><b>822-2.408 - Incentives and concessions:</b> The incentives or concessions to which an applicant is entitled shall be determined in accordance with Government Code Section 65915(d)(2).</p> <p><b>822-2.414 Child care facilities:</b> When an applicant proposes to construct a housing development and includes a</p>	<p><b>15.65.110 Affordable housing incentives:</b></p> <p>(1) In the case of new residential and nonresidential projects which meet the affordability requirements specified in Section 15.65.060 through the actual construction of affordable and employee units, up to one hundred (100) percent of development-related application and processing fees shall be waived for affordable units constructed in connection with such residential project. This waiver does not include impact fees unless an alternative funding source has been identified. In addition, the project hearing body, may consider, on a case-by-case basis, the provision of additional incentives as provided by law or in the housing element of the Placer County general plan.</p> <p>(2) Deed Restricted Accessory Dwelling Units. In the case where a property owner or developer voluntarily opts to deed-restrict an accessory dwelling unit that is seven hundred fifty (750) square feet or greater in size for affordability, said unit shall be exempt from payment of building permit fees and those fees</p>	<p><b>Sec. L-II 3.16 Residential Density Bonuses and Incentives for Affordable and Senior Citizen Housing:</b> As required by California Government Code Section 65915, and as provided by policy in Chapter 8 of the Nevada County General Plan, the purpose of this Section is to provide density bonuses and other incentives, concessions, or waivers for certain housing projects affordable to lower income, very low income, senior citizen housing, and moderate income housing projects.</p> <p>If an applicant elects to construct a housing development with at least fifty (50) percent of the total units for workforce housing, the density bonus shall be twenty (20) percent of the total number of allowed housing units without the density bonus.</p> <p>a. In order for a project to qualify for a density bonus under this Subsection, it must meet the following minimum standards:</p> <p>1. No less than fifty (50) percent</p>			

**Affordability Period**

**822-2.410 Time periods of affordability:**

Low-income and very-low-income target units shall remain restricted and affordable to the designated group for **thirty years**, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, in accordance with Government Code Section 65915(c)(1).

The moderate-income units that are directly related to the receipt of the density bonus in a common interest development shall comply with the requirements of Government Code Section 65915(c)(2).

Shall maintain availability of all very low or lower income units for a minimum period of 55 years.

**21.67.100 Continued**

**Affordability:**

(1) **All inclusionary units shall remain affordable to the targeted income group for the longer of: (i) a period of fifty-five (55) years** from the date of issuance of a tentative or final Certificate of Occupancy for such inclusionary units, or (ii) for so long as the subject property which includes such inclusionary units is developed for a residential use.

(2) Any adopted inclusionary housing guidelines may include standard documents such as a resale restriction or regulatory agreement, for execution by the City Manager or their designee, in a form approved by the City Attorney, to secure the continued affordability of the inclusionary units approved for each residential development, provide ongoing maintenance obligations, define rent and sale price increase procedures, and provide formulas for how resale prices for ownership inclusionary units are calculated. Such

Rental inclusionary dwelling units shall remain affordable for a period of not less than 55 years from the date of final inspection for the development or applicable phase of the development.

**Restrictions**

**822-4.410 Restrictions:**

**Rental Inclusionary Unit**

**Restriction:** The monthly rent for a rental inclusionary unit shall remain reserved for the targeted households at the applicable affordable rent for a period of fifty-five years.

**For-Sale Inclusionary Unit**

**Restrictions:** The initial sale of a for-sale inclusionary unit shall occur only to a household that meets all of the following:

- (A) The household's annual income does not exceed the maximum income limits applicable to the targeted household for the inclusionary unit.
- (B) The household has not owned a residence within the previous three years.
- (C) The household has no more than two hundred fifty thousand dollars in assets. This amount excludes assets reserved for a down payment and closing costs, assets in retirement savings accounts, and assets in medical savings accounts.

Compliance	<p><b>822-4.406 Alternative methods of compliance:</b></p> <p>(a) Off-Site Development. Some or all of the required inclusionary units may be constructed off-site, or an existing off-site development may be acquired and rehabilitated to provide some or all of the required inclusionary units.</p> <p>(b) Land Conveyance. The developer may convey title to land in fee simple absolute to an affordable housing developer.</p> <p><b>822-4.420 Compliance monitoring fee:</b></p> <p>(a) The county may establish a compliance monitoring fee to recover the county's reasonable costs incurred for ongoing implementation of this chapter. The fee will be an amount established by the board of supervisors in the community development department's fee schedule.</p> <p>(b) For for-sale inclusionary units, the fee shall be payable by the developer at the time of the first sale. For rental inclusionary units, the property owner shall pay an annual fee each year during the</p>	<p><b>15.65.040 Applicability:</b> The inclusionary requirements of this article apply to all new development within Placer County, including the residential component of mixed-use projects, unless otherwise exempt. Development projects that are subject to a development agreement in effect at the time of adoption of this ordinance, as authorized through the authority in California Government Code Section 65864 through 65869.5, are not subject to this article unless otherwise amended.</p> <p><b>15.65.100 Affordable housing fee (residential):</b></p> <p>(1) An affordable housing fee is established and imposed on real property for which a residential project is proposed pursuant to the provisions of this article and as further described in the fee study.</p> <p>(2) The Placer County board of supervisors, by resolution, shall establish the specific amount of the affordable housing fee as identified in the fee study and as determined appropriate by the board of supervisors, and shall make the</p>	<p><b>17.40.060 Affordable housing fees:</b></p> <p>(1) The City shall adopt, by resolution, current fee levels (in-lieu and impact fees) as well as administrative guidelines necessary for the implementation of this chapter. Unless otherwise modified by the City Council, affordable housing fees will automatically adjust for inflation annually, using the Engineering News-Record McGraw-Hill Construction Weekly Building Cost Index for San Francisco. If this index ceases to exist, the Community Development Director shall substitute another construction cost index, which in his/her judgment is as nearly equivalent to the original index as possible. The automatic fee adjustment, as modified by the City Council, will occur when the City conducts its annual update of the municipal fee schedule.</p> <p>(2) The applicant shall pay in-lieu and impact fees prior to receipt of the occupancy certificate of the building or dwelling. Applicable fees will be determined at time of payment.</p> <p>(3) All payment of in-lieu fees and other penalties and payments made</p>	<p><b>21.67.030 Applicability:</b> The provisions of this Chapter shall apply to:</p> <p>(1) All residential development located in the Downtown and Midtown Submarket except for any residential development exempt under Section 21.67.040; and</p> <p>(2) All residential development and contiguous properties located in the Downtown and Midtown Submarket or immediately adjacent thereto that are under common ownership or control.</p> <p><b>21.67.080 Developers' Alternative Compliance Options:</b></p> <p>(1) <b>In-Lieu Fee:</b> All: (i) ownership residential developments, (ii) rental residential developments proposing twenty (20) or less dwelling units, and (iii) residential developments specifically authorized by an action of the City Council after a finding of</p>	<p><b>14.04.70 Alternatives:</b></p> <p>In lieu of building Inclusionary Units within a Residential Project, an Applicant may propose to satisfy the requirements of this Chapter by one of the following alternative modes of compliance, provided that the Applicant includes such proposal in its application for the First Approval of the Residential Project, and further provided that the criteria stated in the relevant subsection below are satisfied.</p> <p>(1) <b>Rental units in for-sale projects:</b> Where owner-occupied Inclusionary Units are required by Section 14.04.040 of this Chapter, an Applicant may instead elect to construct as part of the Residential Project the same or a greater number of rental units, affordable to Extremely Low-, Very Low-, Low- and Moderate-Income Households in the proportions and at the rents as prescribed in Section 14.04.030 of this Chapter. Substitution of rental units shall be allowed under this subsection only if either: (1) the rental units are at least equal in number of bedrooms to the owner-</p> <p><b>§ 142.1305 Methods of Compliance:</b></p> <p><b>(1) The requirement to provide inclusionary dwelling units may be met in any of the following ways:</b></p> <p>(a) On the same premises as the development;</p> <p>(b) On a different premises from the development, but within the same community planning area, or within one mile of the premises of the development, as measured in a straight line from the property lines of the development premises to the property lines of the proposed premises where the inclusionary dwelling units will be constructed;</p> <p>(c) On different premises from the development that does not meet the locational criteria in Section 142.1305(a)(2) but lie within the City of San Diego, if the receiver site is within a Sustainable Development Area and in an area identified as a High or Highest Resource California Tax Credit Allocation Committee (CTCAC) Opportunity Area, and the community planning area has less than five percent of its existing dwelling units as covenant restricted very low income, low income, or</p> <p>§ 142.1303 Exemptions From the Inclusionary Affordable Housing Regulations:</p> <p>This Division is not applicable to the following:</p> <p>(1) Residential development located in the North City Future Urbanizing Area that is within Proposition A Lands of the City of San Diego or any project located in an area of the City that was previously located in the North City Future Urbanizing Area and has been phase shifted into the Planned Urbanizing Communities, and is subject to the inclusionary zoning requirements contained in the North City Future Urbanizing Area Framework Plan, San Diego Municipal Code section 143.0450(d), the Subarea Plans, Development Agreements, Affordable Housing Agreements, or conditions of approval of a development permit, as applicable.</p> <p>(2) Rehabilitation of an existing building that does not result in a net increase of dwelling units on the premises.</p> <p>(c) Density bonus units constructed in accordance with the provisions of Chapter 14, Article 3, Division 7.</p>
Exemptions or Exceptions	<p><b>822-4.408 Exemptions:</b></p> <p>(1) Residential developments of one through four dwelling units.</p> <p>(2) The reconstruction of any dwelling units that were destroyed by fire, flood, earthquake, or other act of nature, provided the square footage, number of units, and use of the units remain the same and the use is resumed within six months of the interruption.</p> <p>(3) Residential developments that obtain one of the following before November 23, 2006:(A)A discretionary approval.(B)A building permit.</p> <p>(4) A community care facility as defined in Health and Safety Code Section 1502.</p> <p>(5) Residential developments that are exempt from the requirements of this chapter pursuant to State law, including, but not limited to, the following:</p> <p>(A) Residential developments that obtain a vesting tentative map before the effective date of the ordinance codified in this chapter, provided the vesting tentative map has not expired.(B) Residential developments where the application for a tentative map has</p>	<p><b>22.35.040 Exempted Development Projects:</b> The following development projects are exempt from this Chapter and generate no affordable housing obligation:</p> <p>(1) Conversion of nonresidential buildings to residential use;</p> <p>(2) Mobilehome parks;</p> <p>(3) Market rate and affordable units in a mixed-income development on a newly created multifamily site located on-site built at a density of 17 units per acre or more where at least twenty (20) percent of the units are affordable to low income renters or buyers. Affordable housing units shall have a regulatory agreement recorded and monitored by SHRA;</p> <p>(4) A new single-family residential structure built by an owner-builder on his or her property, provided that (1) the new home is not intended for sale within two years of completion of construction; (2) the owner has not utilized the exemption set forth in this Section 22.35.040 within two years of applying for a building permit for the new structure; and (3) the owner personally performs the work, or the owner directly contracts with a contractor to complete the project.</p>	<p><b>15.65.050 Exempted Development:</b> The following residential development projects are exempt from this article and do not have an affordable housing obligation pursuant to Section 15.65.060 below:</p> <p>(1) A residential full-time occupancy project of seven units or less</p> <p>(2) Residential development of an infill site as defined by Public Resources Code section 21061.3</p> <p>(3) A residential project located within a "transit priority area" as defined in Public Resources Code Section 21099(a)</p> <p>(4) A residential mixed-use project where a minimum of at least seventy (70) percent of the total project floor area is constructed for residential use</p> <p>(5) Accessory dwelling units</p> <p>(6) Deed restricted affordable housing</p> <p>(7) Emergency shelters</p> <p>(8) Community care / health facilities</p> <p>(9) Single room occupancy units</p> <p>(10) A single dwelling unit constructed by an owner/ builder</p> <p>(11) Mobile home parks</p> <p>(12) Rehabilitation of an existing building that does not increase the number of dwelling units</p> <p>(13) Rehabilitation of an existing</p>	<p><b>17.40.070 Exemptions:</b> The following development projects are exempt from the provisions of this chapter:</p> <p>(1) Additions, remodeling or construction of a single residential unit or duplex unit on an existing lot of record, including accessory dwelling units.</p> <p>(2) Commercial square footage within a mixed use development where the commercial space is integrated into a single building that also includes residential development at a density of thirty (30) dwelling units per acre or greater and where the commercial square footage does not exceed twenty thousand (20,000) square feet.</p> <p>(3) Assembly uses including lodges, clubs, youth centers and religious assemblies.</p> <p>(4) Day care, nursery and school facilities.</p> <p>(5) Hospitals.</p>	<p><b>21.67.040 Exemptions:</b></p> <p>(1) The following residential developments shall be exempt from the provisions of this Chapter:</p> <p>a. Residential developments with nine (9) or fewer units.</p> <p>b. Residential developments which are developed in accordance with the terms of a development agreement adopted by ordinance pursuant to the authority and provisions of California Government Code Section 65864 et seq. and/or Chapter 21.29 of the Long Beach Municipal Code, and that is executed prior to the effective date of this Chapter, provided that such residential developments shall comply with any inclusionary housing requirements included in the development agreement or any predecessor ordinance in effect on the date the development agreement was executed.</p> <p>(c) Residential developments exempted by California Government Code Section 66474.2 or 66498.1, provided that such residential</p>

Standards

**822-4.412 Standards:** Inclusionary units must be dispersed throughout the residential development and have access to all on-site amenities that are available to market rate units

Standards: In order to be eligible for a density bonus and other incentives as provided by this Section, a proposed residential development project shall meet all the applicable eligibility requirements of this section: Consist of 5 or more rental units, or dwelling units offered for sale; and Be designed and constructed so that at least:  
a. 10% of the total number of proposed units are for lower income households, as defined in the California Health and Safety Code, Section 50079.5; or  
b. 5% of the total number of proposed units are for very low income households, as defined in the California Health and Safety Code, Section 50105; or  
c. 50% of the total number of proposed units are for qualifying residents as determined by Section 51.3 and 51.12 of the California Civil Code (senior of any income level), or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code; or  
d. 5% of the total number of proposed units are for families of moderate income.

**Performance Standards:** A 100 Percent Affordable Project approved pursuant to this Subdivision shall meet the following performance standards, and no deviations from these standards shall be granted, except that any project resulting from the conversion of an existing structure need not comply with these standards.  
(1) Screening of Above Grade Parking Areas. Any parking areas provided at or above grade shall be concealed as follows:  
(i) Surface Parking Screening. Where any surface parking area abuts a public street, a landscape buffer, planted with shade trees and shrubs, of a minimum of three feet in depth shall be provided between the property line and the subject surface parking.  
(ii) Ground Floor and Upper Floor Screening. Ground floor and abovegrade vehicular parking and circulation areas located within buildings or structures, including within standalone buildings or structures, shall be screened with:

Agreements

**822-4.416 Inclusionary housing agreements:** All developers whose projects are not exempt under Section 822-4.408 shall enter into an inclusionary housing agreement with the county, except where the requirements of this chapter are satisfied by payment of an in-lieu fee. The agreement must be in a form provided by the department of conservation and development.

**15.65.170 Housing trust fund:** All fees collected pursuant to this article shall be placed in the Placer County Housing Trust Fund, or may be placed in a private trust fund established to accept and administer in-lieu fees pursuant to an agreement with the county, and shall be administered and used for the purposes of providing affordable and employee housing pursuant to the Housing Trust Fund guidelines adopted by the board and as may be amended from time to time. Upon election by the developer to place fees collected in a private trust fund, the developer shall provide the county with satisfactory evidence of such payment.

**21.67.110 Housing Trust Fund:**

- (1) All in-lieu fees or other funds collected under this Chapter shall be deposited into the City's Housing Trust Fund and shall be maintained and accounted for separately in an inclusionary housing program subaccount.
- (2) Moneys deposited in the Housing Trust Fund pursuant to this Chapter may be used by City to pay for direct costs associated with the administration and enforcement of the program established by this Chapter.
- (3) After payment of expenses, if any, described in Paragraph B of this Section, all of the remaining moneys deposited in the Housing Trust Fund pursuant to this Chapter shall be expended to provide newly constructed housing affordable to very low-income households (or below).

**§ 142.1313 Declaration of Covenants, Conditions and Restrictions:**

All development of inclusionary dwelling units pursuant to this Division shall be subject to the following:  
(1) Each inclusionary dwelling unit and the applicable portions of the premises shall have recorded against them a Declaration of Covenants, Conditions and Restrictions approved by and in favor of the San Diego Housing Commission.  
(2) Any Declaration of Covenants, Conditions and Restrictions required by this Division shall enjoy first lien position and shall be secured by a deed of trust in favor of the San Diego Housing Commission recorded against the applicable portions of the premises and dwelling unit, prior to construction or permanent financing.

Recent Amendments/Changes

<p><b>Administrative Bodies</b></p>	<p><b>22.35.060 Establishment and Administration of Fund for Affordability Fees:</b>  (1) There is hereby created by the Office of the County Auditor-Controller in the County Treasury a special interest bearing fund entitled the Fund for Affordability Fees. All fees collected pursuant to Section 22.35.050 and interest shall be placed in said fund and shall be expended solely to purchase land for affordable housing, produce or substantially rehabilitate affordable units, or buy down ELI units.  (2) The affordability fees collected shall be transferred to SHRA and administered by the SHRA Executive Director who shall have the authority to govern the fund consistent with this Chapter, established priorities pursuant to section 22.35.060(C), and the guidelines prepared pursuant to section 22.35.100. Transfer of affordability fees to SHRA shall occur no less than quarterly. A portion of the funds may be used to cover reasonable administrative expenses. SHRA and County administrative expenses shall be approved by the Board of Supervisors through the SHRA and County annual budget processes.  (3) The Board of Supervisors shall</p>	<p>City housing staff are involved in monitoring the developer's successful completion of the marketing and sales or lease of the BMR units.</p>	<p><b>14.04.110 Monitoring:</b>  The Inclusionary Housing Guidelines adopted or to be adopted by the City, and each Inclusionary Affordable Housing Agreement shall include provisions for monitoring by the City of each Residential Project and each Inclusionary Unit for compliance with the terms of this Chapter, the Inclusionary Housing Guidelines, and the applicable Inclusionary Affordable Housing Agreements. The City and/or its designated administrator shall also monitor and submit compliance reports to governmental agencies as required by law. Such provisions shall require property owners to submit annual compliance reports to the City and/or its administrator, and shall authorize the City or its administrator to conduct periodic on-site inspections and audits to ensure compliance with all applicable laws, policies, and agreements. The City Council may adopt fees to cover the City's costs of monitoring and compliance. Such fees shall be payable by the property owner and shall be</p> <p><b>§ 142.1312 General Rules for Inclusionary Affordable Housing Regulations:</b>  (1) The Chief Executive Officer of the San Diego Housing Commission shall be responsible for determining affordability standards and occupant qualifications for any affordable units provided pursuant to this Division. The San Diego Housing Commission shall also monitor compliance with any documentation created as a result of an applicant's compliance with this Division.  (2) The San Diego Housing Commission shall determine the reasonable fee to be paid by the applicant for the costs incurred by the San Diego Housing Commission in connection with implementation of this Division.</p>	
<p><b>Success Metrics</b>  <b>Geographic Focus</b>  <b>Enforcement Mechanisms</b></p>	<p><b>15.65.200 Enforcement:</b> The provisions of this article shall apply to all agents, successors and assigns of an applicant proposing or constructing a development governed by this article. The county may institute any appropriate legal actions or proceedings necessary to ensure compliance herewith, including but not limited to, actions to revoke, deny or suspend any permit, including a development approval, building permit, or certificate of occupancy. The county shall be entitled to costs and expenses for enforcement of the provisions of this article, or any agreement pursuant thereto, as awarded by the court, including reasonable attorney's fees.</p>	<p><b>17.40.130 Enforcement:</b>  (1) The provisions of this chapter shall apply to all applicants proposing or constructing a development governed by this chapter. No planning approval shall be issued for development after the "effective date" unless it is in compliance with the terms of this chapter.  (2) It shall be a misdemeanor for any person(s) or entity to sell or rent an affordable unit under this chapter at a price or rent exceeding the maximum allowed under this chapter or to a household not qualified under this chapter.  (3) The City Attorney shall be authorized to enforce the provisions of this chapter and all regulatory agreements and resale controls placed on affordable units by civil action and any other proceeding or method permitted by law.  (4) The City may revoke, deny or suspend any permit or development approval for a residential project which has failed to comply with this chapter.</p>	<p><b>21.67.130 Enforcement:</b>  (1) The City Manager and City Attorney shall be authorized to enforce the provisions of this Chapter and all inclusionary housing regulatory agreements and other covenants or restrictions placed on inclusionary units, by: (i) suspension or revocation of any building permit or approval upon finding of a violation of any provision of this Chapter or such agreements or restrictions, and/or (ii) by civil action and any other proceeding or method permitted by law.  (2) Failure of any official or agency to fulfill the requirements of this Chapter shall not excuse any applicant or owner from the requirements of this Chapter. No permit, license, map, or other approval or entitlement for a residential development shall be issued, including without limitation a final inspection or certificate of occupancy, until all applicable requirements of this Chapter have been satisfied.</p>	<p><b>14.04.100 Enforcement:</b>  (1) The City Council may adopt guidelines, by resolution, to assist in the implementation and administration of all aspects of this Chapter.  (2) The City shall be authorized to enforce the provisions of this Chapter and all Inclusionary Affordable Housing Agreements, regulatory agreements, covenants, resale restrictions, promissory notes, deed of trust, and other requirements placed on Inclusionary Units by civil action and any other proceeding or method permitted by law.  (3) Failure of any official or agency to fulfill the requirements of this Chapter shall not excuse any Applicant or owner from the requirements of this Chapter.  (4) The remedies provided for in this Chapter shall be cumulative and not exclusive, and shall not preclude the City from any other remedy or relief to which it otherwise would be entitled under</p>
<p><b>Funding Sources</b></p>				