

	Jurisdiction	Effective Date	Restrictions
Ordinance 1	Contra Costa County Division 82 - Affordable Housing	7/1/2020	
Ordinance 2	Contra Costa County Chapter 822-4 - Inclusionary Housing	1/1/2020	<p>822-4.410 Restrictions:</p> <p>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.</p> <p>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:</p> <p>(A)The household's annual income does not exceed the maximum income limits applicable to the targeted household for the inclusionary unit.</p> <p>(B)The household has not owned a residence within the previous three years.</p> <p>(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.</p>
Ordinance 3	Sacramento County	3/27/2014	
Ordinance 4	Placer County	10/6/2020	
Ordinance 5	Nevada County	03/05/2023 (Draft)	
Ordinance 6	LA County	9/14/2023	
Ordinance 7	City of Emeryville	7/6/1905	

Ordinance 8	City of Santa Clara	2/22/2018	
Ordinance 9	City of Long Beach	10/7/2021	
Ordinance 10	City of Morgan Hill	8/9/2018	
Ordinance 11	City of San Diego	12/13/2022	
Ordinance 12	City of Folsom	3/27/2007	<p>7.104.090 Restrictions on inclusionary units:</p> <p>Each inclusionary unit created as a result of the ordinance codified in this chapter shall have limitations governing its occupancy and its sale and/or resale. The purpose of these limitations is to preserve the long-term affordability and to ensure its continued availability for income-eligible households.</p> <p>(1) Duration of Affordability for Rental Inclusionary Units: Rental inclusionary units under subsections (C)(1) and (2) of this section shall remain affordable for a period of no less than thirty years from the recordation of the affordable rental agreement unless state law requires a longer period. The affordable rental agreement shall be recorded no later than the issuance of the first building permit for the rental inclusionary project under subsection (C)(1) of this section, and prior to the first day of rental of the inclusionary unit under subsection (C)(2) of this section. Rental units under subsection (C)(2) of this section shall be rented to an income-eligible person at the same income level of the original for-sale affordable housing price.</p> <p>(2) Affordability and Resale of For-Sale Units:</p> <p>a. Sale and Resale to an Income-Eligible Person— Exception: After the initial sale of inclusionary for-sale units at a price affordable to the target income level group, inclusionary for-sale units shall remain affordable to subsequent income-eligible buyers pursuant to a resale restriction with a term of twenty years, or longer if required by state law or other provisions of this code. The initial owner shall be a</p>

		<p>first-time home buyer as defined in this chapter. Subsequent owners are not required to be a first-time home buyer. The resale restriction shall require that the unit will be sold, by the initial owner and any subsequent owner, at the same affordable housing price income level as originally sold and will remain at that income level for the duration of the resale restriction term. For example, a home that was sold to the initial owner at a very low income level shall be sold to a subsequent owner who qualifies at the very low income level.</p> <p>-- If the owner is unable to sell the inclusionary unit within sixty days of offering and advertising the unit for sale, the owner may offer to sell the unit to the city at the affordable housing price at the time of offer. If the city or its assignee does not complete the purchase of the unit within ninety days of the owner's offer of sale to the city, the resale obligations of this section shall terminate; however, the provisions of this section relating to recapture upon sale shall continue to apply and remain in full force and effect.</p> <p>b. Recapture upon Sale: If the inclusionary unit does not sell within sixty days of offering and advertising the unit for sale and if the city does not acquire the inclusionary unit as specified in this section, the inclusionary unit may be sold at the current market price, and the seller shall pay to the city housing trust fund all proceeds from the sale of the unit less a percentage of profit, if any, as provided in this section. For purposes of this section, "profit" is defined as the net proceeds from the sale after deducting loan(s), ordinary expenses attributed to the seller, including real estate commissions not to exceed six percent, and after deducting the current affordable housing price. If the owner has made improvements to the home, profit shall be determined by deducting the adjusted basis of the home, or the current affordable housing price, whichever is higher.</p> <p>c. Evaluation of Owner's Repayment Ability: On a biannual basis, owners of for-sale inclusionary units who have acquired a second mortgage or other secondary financing or loan provided by the city will be evaluated by the city housing coordinator as to</p>
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			<p>their ability to initiate repayment procedures. Where the city determines the owner's household income exceeds the affordable income level applicable to the inclusionary unit, the city may require repayment according to the terms provided in the deed of trust or other financing document(s).</p> <p>d. Guidelines: The city may adopt guidelines for the administration of this program by resolution of the city council.</p> <p>e. Home Ownership Incentive: The city and/or the RDA may establish guidelines by resolution to create incentives for home ownership, including partial loan forgiveness provisions relating to loans or second trust deeds provided by the city depending on the length of time a qualified owner has occupied the residence.</p> <p>(3) Occupancy Requirement:</p> <p>a. Rental Units: Any person(s) who occupies a rental inclusionary unit produced or acquired with funding assistance from the city or is otherwise subject to a voluntary affordable housing agreement between the city and the unit's developer shall occupy that unit as his or her principal residence and shall annually certify that he/she qualifies for the applicable affordable rent level. The city's housing coordinator shall annually initiate this certification process. If and when any person(s) who rents an inclusionary unit no longer qualifies at the applicable affordable rent and income levels, that person(s) shall be required to quit the unit or pay the market rate for the unit provided another rental unit is made available at the income level of the inclusionary unit.</p> <p>b. For-Sale Units: Except as provided in this section, an initial owner who purchases a for-sale inclusionary unit shall occupy that unit as his or her principal residence. The inclusionary housing agreement shall provide that a for-sale inclusionary unit may be rented or leased only after the owner, initial or subsequent, has resided in the inclusionary unit for a period of not less than two years. If the owner rents or leases the inclusionary unit, the renter or lessee shall be an income-eligible person at</p>
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		<p>the same income level of the original for-sale affordable housing price. For example, if the initial owner bought the unit at the very low income housing price, the unit shall be rented to tenants of very low income household.</p> <p>-- Any person offering a for-sale inclusionary unit for rent or lease shall notify the city housing coordinator in writing, prior to the renting of the unit, that the unit is offered for rent or lease. Any person offering a for-sale inclusionary unit for rent or lease shall notify prospective tenants of the income eligibility requirements.</p> <p>-- If the city has provided loans, incentives or other deeds of trust on a for-sale inclusionary unit, the city may include provisions, based on the ability of the owner to repay the loan or other financing instrument, in the deeds of trust to require repayment of the note secured by that deed of trust if the property is not owner occupied.</p> <p>-- If the city has provided loans, financial assistance or other incentives to purchaser of a for-sale inclusionary unit, the city shall require, in a recorded affordability covenant, that the unit, if rented or leased by the owner, initial or subsequent, pursuant to subsection (C)(2) of this section, shall be rented at an affordable rent level no greater a rental rate than the affordable rent level currently in effect. Any person(s) who occupies a rental inclusionary unit shall occupy that unit as his or her principal residence and shall annually certify that he/she qualifies for the applicable affordable rent level. The city's housing coordinator shall annually initiate this certification process. If and when any person(s) who rents an inclusionary unit no longer qualifies at the applicable affordable rent and income levels, that person(s) shall be required to quit the unit or pay the market rate for the unit provided another rental unit is made available at the income level of the inclusionary unit.</p> <p>c. Converted Units: Units which are converted from market rate units shall follow the requirements of subsections A, B, and C of this section based on the type of converted residential unit applicable.</p>
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			require the applicant to provide proof that he/she meets the occupancy and income criteria set forth in this chapter. (Ord. 1177 § 6, 2013: Ord. 958 § 2 (part), 2002)
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