

	Jurisdiction	Effective Date	Compliance
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>822-4.406 Alternative methods of compliance:</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>822-4.420 Compliance monitoring fee:</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 term of the applicable inclusionary housing agreement</p>

Ordinance 3	Sacramento County	3/27/2014	
Ordinance 4	Placer County	10/6/2020	<p>15.65.040 Applicability: 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>15.65.100 Affordable housing fee (residential):</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 findings required by this section in establishing the amount of the fees.</p> <p>(3) Amount of Affordable Housing Fee; Annual Adjustment; and Updates.</p> <ol style="list-style-type: none"> 1. Amount. The amount of the affordable housing fee shall be set by resolution adopted by the board following a public hearing and consistent with the fee study. 2. Administration component. The affordable housing fee contains a three percent administration component to be used by the county for staff and consultant costs associated with the collection and administration of the fee program.

			<p>3. Adjustment. The amount of the affordable housing fee shall be adjusted annually on or about July 1st using the Building Cost Index - 20 City Average published by the Engineers News Record/ McGraw Hill (CCI).</p> <p>4. Updates. The affordable housing fee program may be subject to periodic updates if the county determines it necessary to reflect changes in costs difference from the CCI inflation factor.</p> <p>5. Five year review. The fifth fiscal year following the first deposit into the fee account or fund and every five years thereafter , the county will review the account or fund.</p> <p>6. Calculation and timing of payment. The affordable housing fee shall be calculated at the time of complete building permit application submittal and shall be paid in full prior to issuance of a building permit.</p>
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	<p>17.40.060 Affordable housing fees:</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>

			(3) All payment of in-lieu fees and other penalties and payments made to the City under this chapter shall be deposited into the City affordable housing fund. (Ord. 1974 § 1, 1-23-18).
Ordinance 9	City of Long Beach	10/7/2021	<p>21.67.030 Applicability: 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>21.67.080 Developers' Alternative Compliance Options:</p> <p>(1) In-Lieu Fee: 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 hardship has been made, may satisfy the inclusionary housing requirement in Section 21.67.050.A by the payment of a fee to the City in-lieu of constructing the inclusionary units within the residential development. In-lieu fees may be established from time-to-time by resolution of the City Council. No building permit shall be issued by the City for any market-rate unit in the residential development until all in-lieu fees for the residential development have been paid to the City. The developer shall provide specific written notice to any purchaser of any dwelling unit prior to the acceptance of any offer to purchase, and shall obtain executed acknowledgment of the receipt of such notice, that purchaser shall not have any right to occupy the dwelling unit until such time as all in-lieu fees owing for the residential development are paid to the City. All in-lieu fees shall be deposited in the inclusionary housing fund as described in Section 21.67.110.</p> <p>(2) Land Dedication: An applicant may dedicate land to the City or a local nonprofit housing developer, at no cost to the City or such housing developer, in place of actual construction of inclusionary units upon approval of the City Council. The applicant must comply with the following provisions and provide evidence of such compliance when the proposed land dedication is submitted to the City:</p> <p>a. The applicant must exclusively control the land to be dedicated.</p>

			<p>b. The land to be dedicated must be free of any liens, easements or other encumbrances adversely impacting value, and must be fully served by necessary utility infrastructure.</p> <p>c. The land to be dedicated cannot contain any hazardous materials, and the applicant must disclose any previous hazardous materials located thereon and provide evidence that remediation was performed in compliance with applicable law.</p> <p>d. The land to be dedicated cannot have been improved with residential structures for a period of at least five (5) years prior to application submission.</p> <p>e. All property taxes and other assessments must be fully paid at the time of application submission and at the time of actual dedication and/or conveyance.</p> <p>f. The land to be dedicated must be located within one (1) mile of the residential development that is subject to the requirements of this Chapter.</p> <p>g. The existing General Plan and zoning standards applicable to the land to be dedicated must allow for the requisite number of inclusionary units to be developed, and such land must otherwise be suitable in terms of size, configuration and physical characteristics to allow for such inclusionary unit development.</p> <p>h. The development of the requisite number of inclusionary units must be feasible without the need for City, Housing Authority, or Long Beach Community Investment Company assistance funds.</p> <p>i. Any other requirements of the inclusionary housing guidelines.</p> <p>(3) Other alternative compliance methods: A developer may propose an alternative compliance method to provide inclusionary units through other means consistent with any adopted inclusionary housing guidelines. The City Council may approve or conditionally approve such an alternative only if the City Council determines, based on substantial evidence, that such alternative compliance will provide as many or more inclusionary units at the same or lower income levels or will otherwise provide greater public benefit than would provision of the inclusionary units on-site.</p> <p>The compliance options in Paragraphs A and B of this Section do not qualify the residential development for a density bonus or other regulatory incentives unless the dedication of land conforms to the provisions of Government Code Section 65915(g).</p>
Ordinance 10	City of Morgan Hill	8/9/2018	<p>14.04.70 Alternatives:</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</p>

			<p>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) Rental units in for-sale projects: 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-occupancy units that would have been allowed, or (2) any comparative deficiency in the number of bedrooms is compensated for by additional units and/or affordability to households with lower incomes.</p> <p>(2) Off-site construction: An Applicant may propose to construct, or make possible construction by another developer, units that will not be physically contiguous to the market-rate units (or units that are physically contiguous to the market-rate units if the City determines this will provide greater public benefit). Off-site construction pursuant to this subsection shall be approved only if:</p> <ol style="list-style-type: none"> 1. An Inclusionary Affordable Housing Agreement acceptable to the City Manager or his or her designee that requires an equal or greater number of Inclusionary Units as required under Section 14.04.040 of this Chapter is recorded; 2. Approval has been secured for the off-site units not later than the time the Residential Project is approved, and completion of the off-site units is secured by a requirement that Certificates of Occupancy for the related Market-Rate units will be issued after Certificates of Occupancy have been issued for the Inclusionary Units, provided that the time requirements set forth in this subsection for final inspections for occupancy for Market-Rate units may be modified to accommodate phasing schedules, model variations, financing requirements, or other factors, if the City determines this will provide greater public benefit; 3. The off-site units will be greater in number, larger, or will be affordable to households with lower incomes than would otherwise be required by Section 14.04.040 of this Chapter;
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			the Affordable Rent or Affordable Sales Price for the inclusionary unit; and (b) the estimated total development cost of a prototypical inclusionary unit.
Ordinance 11	City of San Diego	12/13/2022	<p>§142.1305 Methods of Compliance:</p> <p>(1) The requirement to provide inclusionary dwelling units may be met in any of the following ways:</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 moderate income dwelling units;</p> <p>(d) On a different premises from the development that does not meet the locational criteria in Section 142.1305(a)(2) but lies within the City of San Diego, if the receiver site is within a Sustainable Development Area, in an area identified as a High or Highest Resource California Tax Credit Allocation Committee Opportunity Area according to the most recent California State Treasurer TCAC/HCD Opportunity Area Maps, and less than five percent of the existing dwelling units in that community planning area are covenant-restricted to very low income, low income, or moderate income households.</p> <p>(e) By payment of an Inclusionary In Lieu Fee in accordance with Section 142.1306 in lieu of constructing all or a portion of the inclusionary dwelling units required in Section 142.1304(a) or Section 142.1304(b);</p> <p>(e) By rehabilitation of existing dwelling units or SRO hotel rooms, or by the conversion of guest rooms in a motel or hotel located outside the Coastal Overlay Zone to inclusionary dwelling units in accordance with Section 142.1307; or</p> <p>(f) By land donation in accordance with Section 142.1308.</p> <p>(2) When a residential development includes both for-sale and rental dwelling units, the provisions of this Division that apply to for-sale development shall apply to that portion of</p>

			<p>the development that consists of for sale dwelling units, and the provisions of this Division that apply to rental dwelling units shall apply to that portion of the development that consists of rental dwelling units.</p> <p>(3) Nothing in this Division shall preclude an applicant from using affordable dwelling units constructed by another applicant to satisfy the requirements of this Division, including contracting with an affordable housing developer with experience obtaining tax-exempt bonds, low income housing tax credits, and other competitive sources of financing, upon approval by the San Diego Housing Commission pursuant to the standards set forth in the Procedures Manual.</p>
Ordinance 12	City of Folsom	3/27/2007	<p>17.104.110 Monitoring of inclusionary housing:</p> <p>(1) Developers: Developers that have an inclusionary housing agreement requiring the provision of inclusionary housing units will be monitored by the city annually to assure compliance with the inclusionary housing agreement.</p> <p>(2) Inclusionary Units: Units will be monitored by the city to verify that the units are and will remain affordable.</p> <p>a. Rental Inclusionary Unit. Owners of the rental inclusionary units produced with funding assistance from the city or that are otherwise subject to a voluntary affordable housing agreement with the city will be monitored by the city annually to certify that tenant(s) occupying the unit(s) are income qualified to remain in the unit and that the rent is at or below the affordable rent as stipulated in Section 17.104.090. Owners of the for-sale inclusionary units offered for rent will be monitored by the city annually to certify that tenant(s) occupying the unit(s) are income qualified to remain in the unit. The city shall further monitor approximately ten percent of tenants annually by: (a) requiring the owner submit a copy of the signed rental or lease agreement to verify the rental rate, and (b) independently verifying that the tenant is income-eligible to reside in the inclusionary unit.</p> <p>b. For-Sale Inclusionary Unit. Owners of for-sale inclusionary units will be monitored by the city to certify that the unit: (a) if sold during the monitoring period, was sold at an affordable for-sale price and to an income qualifying person, (b) is being occupied by the original income-qualifying buyer, and (c) if the unit is being rented or leased it is to an income-eligible household for a rental rate that is at or below the affordable rent as stipulated in Section</p>

			<p>17.104.090.</p> <p>(3) Reporting: An annual reporting mechanism shall be created by the city to identify the number of inclusionary units, by very low or low income, that have been required by inclusionary housing agreements during the annual reporting period, the number of inclusionary units, by very low or low income, planned for creation in inclusionary housing agreements during the annual reporting period, the number of inclusionary units, by very low or low income, created during the annual reporting period, and the number of inclusionary housing credits, by very low and low income, both made available and used during the annual reporting period. The report shall also include the results of the monitoring of developers and inclusionary units in subsections A and B of this section and any corrective actions taken if the units were not being rented, sold, or occupied as stipulated in Section 17.104.090. The report shall identify in shortfall between the number of inclusionary units planned for creation and the number of units actually created. This information may be used for future change and amendments to the ordinance codified in this chapter. (Ord. 1177 § 8, 2013; Ord. 958 § 2 (part), 2002)</p>
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