

CHAPTER 24.21DEDICATION: AFFORDABLE HOUSING ASSISTANCE

24.21.010 Intent. The intent of this Chapter is to insure that the private sector, as well as the public sector, contributes to and shares our government's responsibility of providing adequate housing opportunities for all segments of the population. (Ord. 87-10)

24.21.020 Requirement. As a condition of approval of any tentative subdivision map for residential dwellings, condominiums, community apartments, stock cooperatives or conversions comprising ten (10) or more lots or ten (10) or more dwelling units, the subdivider shall reserve a unit or units for rental to tenants qualified by the County Housing Authority as meeting Section 8 Rental Assistance Requirements or shall pay a fee in-lieu thereof, at the option of the subdivider, for the purpose of providing affordable housing assistance.

24.21.030 Filing. At the time of filing of a tentative subdivision map, the subdivider shall, as part of the filing, elect whether to reserve a unit or units or to pay the in-lieu fee.

24.21.040 Amount of Reservation/In-lieu Fee Required.

A. Unit Reservation. If the subdivider elects to reserve units, the number of units required shall be equal to one unit for every ten (10) lots or ten (10) dwelling units in the proposed development. Said unit or units shall be rented at or below the "Fair Market Rent" established by HUD to tenants qualified for Section 8 Rent Subsidies by the County Housing Authority.

B. In-Lieu Fee. If the subdivider elects to make payment in-lieu of unit reservation, the amount of the fee shall be fixed by a schedule adopted, from time to time, by resolution of the City Council. Said amount shall be reasonably calculated to provide the subdivider's fair share contribution towards meeting the City's affordable housing objective without placing an unreasonable financial burden on any applicant.

24.21.050 Affordable Housing Fund. All fees collected hereunder shall be deposited in an Affordable Housing Fund. Said fund shall be administered by the City and shall be used only for the purpose of providing funding assistance for the provision of affordable housing units consistent with the goals and policies contained in the Housing Element of the Community Plan.

24.21.060 Procedure.

A. Where a unit or units are to be reserved pursuant to the provisions herein, the subdivider shall prepare covenants, conditions, and restrictions applicable to the subdivision in accordance with the provisions herein.

B. Where a subdivider has elected to pay a fee in-lieu of unit reservation, approval of the tentative map or tentative parcel map shall be conditioned upon a requirement that the subdivider, prior to approval of the final or parcel map, shall pay an in-lieu fee for the subdivision in an amount established by resolution of the City Council in effect at the time of payment. Or, in the alternative, the subdivider shall execute a secured, recorded agreement whereby:

1. The owner of each lot within the subdivision shall pay an in-lieu fee for such lot as a condition to the owner's entitlement to obtain a building permit for such lot.

2. The in-lieu fee for the lot shall be calculated as follows: The number of units or portions thereof required to be reserved from the subdivision shall be multiplied by the per unit in-lieu fee fixed by the resolution of the City Council in effect at the time of payment. The resulting product shall be divided by the number of units created by the subdivision. The resulting quotient shall equal the amount of the fee for the lot.

3. In the case of condominiums, community apartments, stock cooperatives or conversions, payment of the in-lieu fee for each unit shall be included as a condition of the escrow for the initial sale of each unit within the project.

24.21.070 Refund.

A. Any fee paid pursuant to the provisions of this Chapter shall be refunded upon written request by the subdivider following withdrawal of the application or abandonment of the approval of the subdivision, provided such withdrawal or abandonment occurs prior to the recordation of the final map.

B. The in-lieu funds shall be segregated from City funds. The in-lieu funds may be invested in the same manner and at the same rate as allowed for City funds. If the City has not, within

a ten (10) year period from receipt of in-lieu funds committed the funds to a low or moderate income housing project, then the in-lieu funds, together with any earnings thereon, shall be refunded to the payor. The ten year period shall be suspended during the pendency of any litigation involving the above.

24.21.080 New Condominiums: Rental Unit Agreement. Notwithstanding any other provisions in this Title, the City may enter into an agreement with the subdivider proposing to construct a condominium development to provide apartment rental units in accordance with Section 66452.50 of the Act.