

# CHAPTER 20.40: AFFORDABLE HOUSING

## Section

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### **§ 20.40.010 AFFORDABLE HOUSING REQUIREMENTS.**

The purpose of the Affordable Housing Program is to expand the affordable housing stock in proportion with the overall increase in residential units by establishing standards and procedures that encourage the development of low to moderate income housing.

(Ord. 934, passed 3-2-93)

### **§ 20.40.020 STATE DENSITY BONUSES AND OTHER INCENTIVES.**

The incentives to be considered under Cal. Gov't Code §§ 65915 *et seq.* are listed in § 20.40.040 of this chapter.

(Ord. 934, passed 3-2-93)

### **§ 20.40.030 APPLICABILITY.**

A. Residential developments of twenty (20) or more units shall provide ten percent (10%) of the total number of units for affordable housing provided the city determines the development of the affordable units does not place an economic burden on the developer or the future homeowners.

B. In order to determine the economic feasibility of the affordable units in the residential projects, the developer shall be required to submit an impact analysis in a format determined by the Development Services Director detailing the anticipated costs and revenues of the project. This impact analysis will be reviewed and approved by the city.

C. A residential developer may elect to follow the density bonus program pursuant to Cal. Gov't Code § 65915 *et seq.* in place of Brea's Affordable Housing Program.

(Ord. 934, passed 3-2-93)

### **§ 20.40.040 INCENTIVES TO DEVELOP AFFORDABLE HOUSING.**

A. In order to off-set the costs of the development of affordable units pursuant to this chapter, the city/Agency will approve any or all of the following incentives:

1. A density bonus;
2. Flexible development standards, such as, a reduction in unit square footage, on-site requirements, and off-site improvements;
3. Deferral of development impact fees;
4. Use of Building Code alternatives;
5. Assistance in application for public funds, such as rent subsidies, bond financing, community development block grants;
6. Redevelopment set-aside funds;
7. Any other lawful means of offering the costs of providing affordable units.

B. Should the appropriate incentives not offset the cost of the required affordable units as shown in the impact analysis, then the number of required affordable units shall be reduced until the city determines a break even point has been met.

C. The Planning Commission shall approve all incentives offered under this program and shall evaluate each program on a project specific basis. Any use of Redevelopment Agency set-aside funds shall require the approval of the Agency Board.

(Ord. 934, passed 3-2-93)

### **§ 20.40.050 STANDARDS.**

A. All affordable units in a project or phases of a project shall be constructed concurrently with or prior to the construction of market rate units.

B. All affordable units shall be reasonably dispersed throughout the project unless approval for an off-site location has been granted. The affordable units shall contain on the average the same number of bedrooms as the market rate units in the project. The materials and finished quality of the affordable units shall be comparable with the market rate units.

C. Affordable units required under this chapter shall be retained as affordable units for forty-five (45) years or until sold or transferred with an equity share for owner-occupied units and fifty-five (55) years as to rental units. The affordability period begins upon the initial sale or rental of the unit.

(Am. Ord. 1075, passed 9-7-04)

#### **§ 20.40.060 IN LIEU FEES.**

Consideration of in lieu fees instead of providing the required affordable unit(s) may be reviewed on a case-by-case basis by the Planning Commission. Factors to be considered include economic profile of the development, site conditions, the number of units in the development, and feasibility of the fees to generate the in lieu units.

(Ord. 934, passed 3-2-93)

#### **§ 20.40.070 LOW-TO-MODERATE INCOME HOUSING FUND.**

The in lieu fees and any equity share payment collected as a result of requirements of this chapter shall be deposited in an Affordable Housing Trust Fund to be used exclusively to develop and retain the supply of housing affordable to low-to-moderate income households. The city or Redevelopment Agency shall provide ongoing implementation programs utilizing funds deposited in the Affordable Housing Trust Fund for the benefit of low-to-moderate income households.

(Ord. 934, passed 3-2-93; Am. Ord. 1075, passed 9-7-04)

#### **§ 20.40.080 GUIDELINES.**

The City Council shall adopt by resolution the guidelines for the implementation of this chapter. It is the intent of the City Council that the guidelines shall have the full force and effect of the law and shall be adhered to in full.

(Ord. 934, passed 3-2-93)