

Chapter 17.19 INCLUSIONARY HOUSING REQUIREMENTS for Kings City

[17.19.010 Policies.](#)

[17.19.020 Definitions.](#)

[17.19.030 Developer participation.](#)

[17.19.040 Operation of low-to-moderate income housing program.](#)

[17.19.050 Inclusionary housing procedural manual.](#)

[17.19.060 Ordinances in conflict.](#)

7.19.010 Policies.

(a) It is a policy of the city that all private developers of housing of seven or more units, including division of property for residential purposes, shall contribute to the city housing goal for affordable housing by constructing low-to-moderate income housing as specified in this chapter.

(b) It is a policy of the city that low-to-moderate income housing developed under this chapter shall remain affordable to low-to-moderate income households or shall be replaced with an equal number of similar low-to-moderate income housing units.

(c) It is a policy of the city to promote voluntary private efforts to develop affordable housing by offering public incentives for this production.

(d) It is a policy of the city to utilize low- and moderate-income housing set aside funds from the community development agency to undertake a land-banking program for the acquisition of land to be used by public or private organizations to develop affordable housing. (Ord. 637 (part), 2003)

17.19.020 Definitions.

“Affordable housing” means housing that meets the definition of either low income or moderate income housing as further defined herein.

“City” means the city of King, a municipal corporation.

“City council” means the governing body of the city.

“Developer” means a subdivider, builder or other producer of lots or buildings for residential use.

“Developer housing program” means a form of developer participation whereby a developer provides a report to the city in advance of project consideration by the planning commission, describing the specific efforts that the developer will take to promote low-to-moderate income housing construction in the city. Phased developments must indicate that the minimum affordable housing unit number thresholds will be met with the completion of each phase. This program may be accepted or rejected by the city council.

“Developer participation” means a contribution in the form of new residential units, residential land, financial assistance or a combination thereof, consistent with this chapter, that will contribute directly to the construction of affordable low-to-moderate income housing to the community.

“Housing sponsors” means public or private organizations that may use land within the city’s land-banking program to develop housing that would be affordable to low-to-moderate income households.

“Housing unit--Program housing unit” means an individual lot, dwelling, apartment unit, condominium unit or other similar living accommodation intended for residential purposes.

“Incentives” means the city may encourage developer participation or may offset the costs of developer participation, as set forth in city resolution(s) or state law. Density increases, non-general fund subsidies, mortgage revenue bonds, waivers of fees or requirements or other such incentives in support of the construction of low-to-moderate income housing.

“Landbanking” means purchase or receipt of land by the city, with or without existing structures, for the purpose of making such land available to low-to-moderate income housing sponsors.

“Low income housing” means housing affordable to households which earn zero to eighty percent of the city median income (or lacking such data, the applicable median income level as defined by the Department of Housing and Urban Development) adjusted for family size, as specified in current U.S. or California census data or other similarly recognized current data. It is assumed that low income housing can be rented for twenty-five percent or less of a family’s monthly income; or alternatively, purchased with payments of thirty-three percent or less of a family’s monthly gross income. These may be affordable units in any of these general categories: single family homes, condominiums, townhouses, apartments, mobile or modular homes or other housing types which meet relevant city standards.

“Market value” means the value that a willing, unconstrained buyer or seller would agree upon as an exchange price.

“Moderate income housing” means housing that is affordable to moderate income households who earn eighty percent to one hundred twenty percent of the city median income (or lacking such data, the applicable median income level as defined by the Department of Housing and Urban Development) adjusted for family size, as specified in current U.S. or California census data or similarly recognized current data. It is assumed that moderate income housing can be rented for twenty-five percent or less of a family’s monthly gross income; or alternatively, purchased with payments of thirty-three percent or less of a family’s monthly gross income. These may be affordable units in any of these general categories; single family homes, condominiums, townhouses, apartments, mobile or modular homes or other housing types which meet relevant city standards.

“Off-site construction” means erection of low-to-moderate income housing units on land other than that on which the developer intends to place units. Off-site units must be placed within the city.

“Upper and middle income housing” means housing that sells or rents at levels at or above those of housing affordable to moderate income households. (Ord. 637 (part), 2003)

17.19.030 Developer participation.

(a) Developers of thirty or more housing units shall:

(1) Provide at least fifteen percent of their project for low-to-moderate income households;

(2) Provide an approved developer housing program to the city promoting the goal that at least fifteen percent of all new housing be affordable to low-to-moderate income households. That program shall contain the developer proposed technique or combination of techniques meeting the equivalent of the city low-to-moderate income housing goal. Affordable units must be developed on-site unless units are constructed that meet the criteria of Section 17.19.020, moderate income housing, above. No development shall occur until the city council approves the developer housing program, including methods to assure continued provision of affordable housing units. Such approval shall be discretionary with the city council;

(3) In consideration of developer participation, the city may offer incentives as it deems appropriate to developers of low or moderate income housing in the city, including those provided by state law. These may be adopted by council resolution and suited to the particular circumstances of such developments.

(b) Developers of less than thirty housing units shall:

(1) Provide one unit of the project as affordable housing if a project consists of seven to ten units; provide two units of affordable housing if a project consists of eleven to twenty units; provide three units of affordable housing if a project consists of twenty-one to twenty-nine units; or

(2) Provide an approved developer housing program to the city containing the developer proposed technique or combination of techniques meeting the equivalent of the city affordable housing goal. Affordable units must be developed on-site unless units are constructed that meet the criteria of Section 17.19.020, moderate income housing, above. No development shall occur until the city council approves the developer housing program, including methods to assure continued provision of affordable housing units. Such approval shall be discretionary with the city council.

(3) In consideration of developer participation, the city may offer incentives as it deems appropriate to developers of low or moderate income housing in the city, including those provided by state law. These may be adopted by council resolution and suited to the particular circumstances of such developments. (Ord. 637 (part), 2003)

17,18.030

17.19.040 Operation of low-to-moderate income housing program.

The developer shall provide the city with assurance to the satisfaction of the city attorney prior to issuance of building permits that:

- (1) All program housing units in a project shall be sold or rented to low or moderate income households who are certified by the city or its authorized agent;
- (2) All affordable housing units in a project and in phases of a project shall be constructed concurrently with or prior to the corresponding non-affordable housing units.
 - (A) These units need not have the same level of amenities or market value as the non-affordable housing units of the project unless specifically required by the city.
- (3) To the extent permissible, preference shall be given for affordable housing units to persons who live or work within the city. This facet of the project will be administered by the city or a designated agent. The developer shall not discriminate in sales or rental on the basis of race, creed, national origin, color, sex or age.
- (4) Housing developed for low income households shall continue to be affordable to them from the date of initial occupancy, or shall be replaced as affordable low income housing elsewhere in the city. Housing developed for moderate income households shall continue to be affordable to them from the date of initial occupancy, or shall be replaced as affordable moderate income housing elsewhere in the city. The developer shall include guarantees that the property will remain as low or moderate income housing as defined herein or shall be replaced as low or moderate income housing elsewhere in the city. In meeting this requirement, the developer may use such devices as deed restrictions, wrap-around financing, land sales contracts, first right of refusal vested in the city and other similar devices which will ensure the perpetuation of the low or moderate income housing. These devices are set forth as guidelines only, with the developer free to meet the goals of this chapter utilizing other similar guarantee methods, as long as such alternate methods are approved by the city. (Ord. 637 (part), 2003)

17.19.050 Inclusionary housing procedural manual.

An inclusionary housing procedural manual, including guidelines for implementation of this chapter, shall be prepared, adopted by resolution and incorporated herein by reference. (Ord. 637 (part), 2003)

17.19.060 Ordinances in conflict.

All ordinances and parts of ordinances in conflict herewith are hereby repealed. (Ord. 637 (part), 2003)