ANALYSIS

This ordinance, amending the Los Angeles County Code, Title 22 – Planning and Zoning, establishes an Inclusionary Housing Program to ensure the production of affordable housing units in new development in the unincorporated areas of Los Angeles County by establishing affordable housing set-aside requirements on residential projects that meet certain criteria.

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By for

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Senior Deputy County Counsel
Property Division

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Requested: 04/15/2020

Revised: 10/16/2020

ORDINANCE NO. 2020-0064

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code to establish an Inclusionary Housing Program in the unincorporated areas of Los Angeles County.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 22.14.010 is hereby amended to read as follows:

22.14.010 **A.**

...

Affordable housing and senior citizen housing. The following terms are defined for the purposes of Chapter 22.120 (Density Bonus), Chapter 22.121 (Inclusionary Housing), and Chapter 22.166 (Housing Permits):

Affordable housing cost. ~~As defined in Section 50052.5 of the California Health and Safety Code.~~

1. Unless otherwise specified, as defined in section 50052.5 of the California Health and Safety Code.

2. For middle income households, affordable housing cost shall not be less than 28 percent of the gross income of the household, and shall not exceed the product of 35 percent times 130 percent of area median income adjusted for family size appropriate for the unit.

Affordable housing set-aside. Dwelling units reserved for extremely low, very low, lower, ~~or~~ moderate, or middle income households.

Affordable rent. As defined in ~~S~~section 50053 of the California Health and Safety Code.

Affordable sale price. The maximum sale price of an affordable unit based on the affordable housing cost, as determined by the County.

...

Housing development. A residential development project, ~~for five or more dwelling units,~~ including mixed use developments. It may also be a subdivision or a common interest development, as defined in ~~S~~section 4100 of the California Civil Code, approved by the County and consisting of dwelling units or unimproved residential lots. ~~It may also be either a project to substantially rehabilitate and convert an existing commercial building to residential use, or the substantial rehabilitation of an existing multi-family dwelling, as defined in Section 65863.4(d) of the California Government Code, where the result of rehabilitation would be a net increase in available dwelling units.~~

...

Incentive. ~~As specified in Section 65915(k) of the California Government Code, a~~A reduction of a development standard or a modification of a zoning code requirement, or other regulatory incentive or concession, that results in identifiable and actual cost reductions to provide for affordable housing costs or rents.

Income. See "Income" for the following:

Area median income.

Extremely low income.

Lower income.

Moderate income.

Middle income.

...

Specific adverse impact. As defined in ~~S~~section 65589.5(d)(2) of the California Government Code.

Submarket area. A geographic area with similar land use and real estate markets, as depicted in Figures 22.14.010-A through 22.14.010-F, below.

FIGURE 22.14.010-A: ANTELOPE VALLEY SUBMARKET AREA

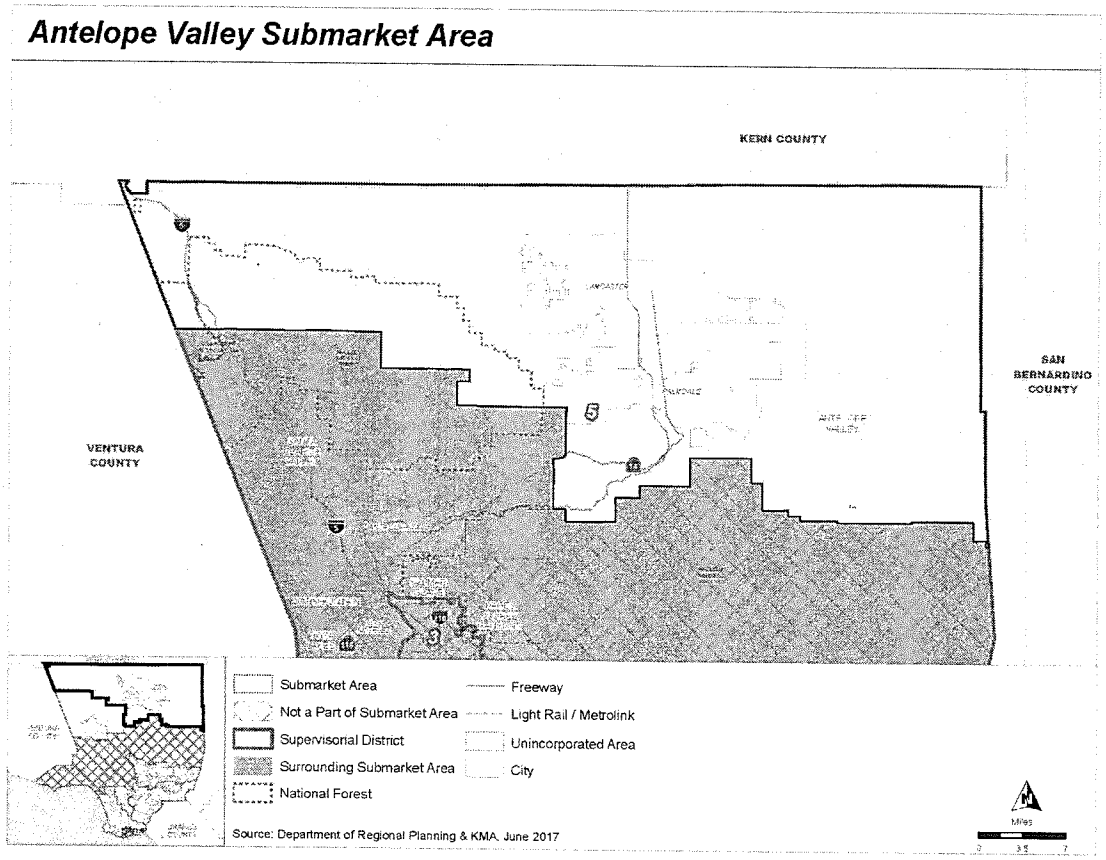


FIGURE 22.14.010-B: COASTAL SOUTH LOS ANGELES SUBMARKET AREA

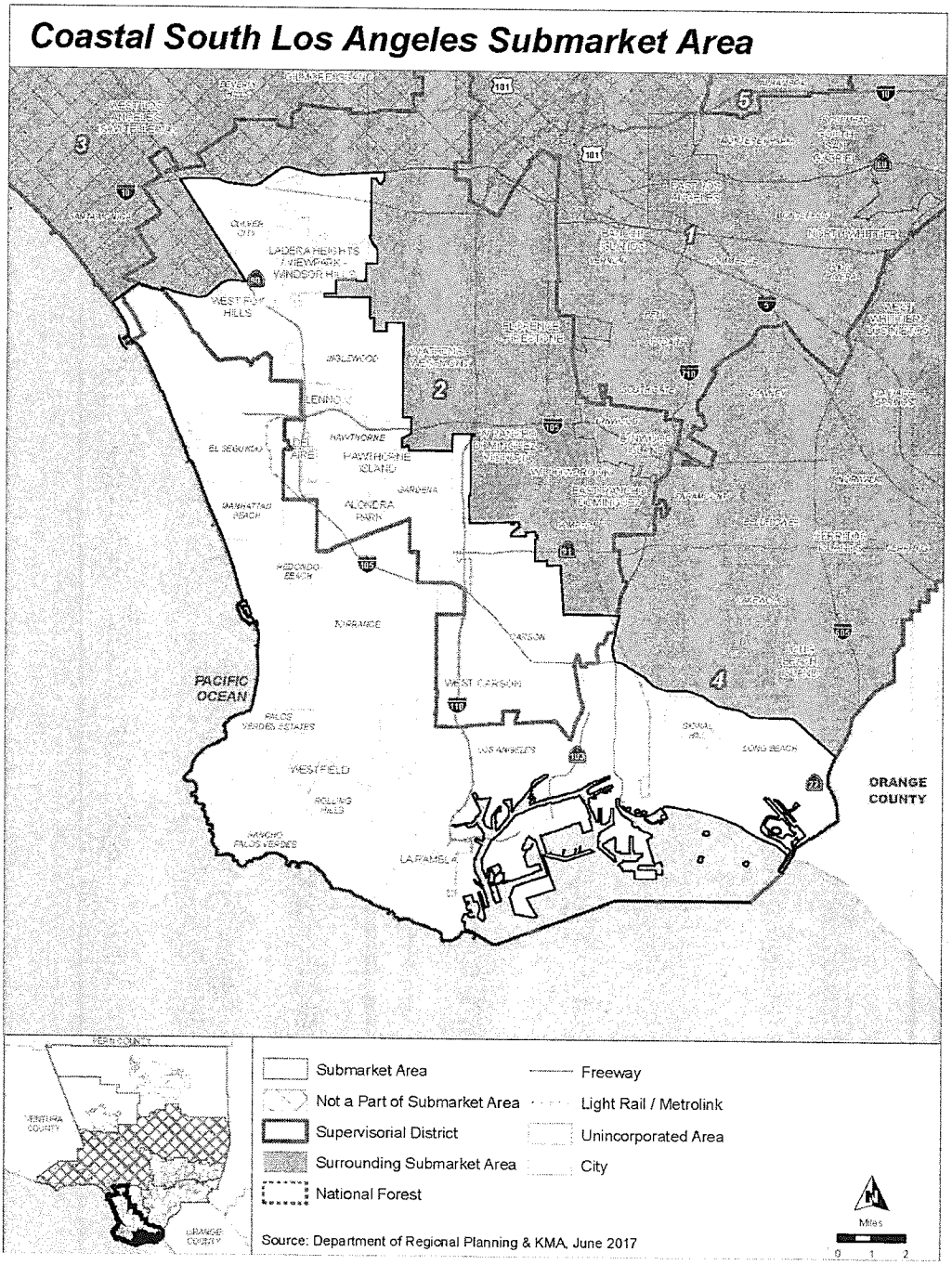


FIGURE 22.14.010-C: EAST LOS ANGELES/GATEWAY SUBMARKET AREA

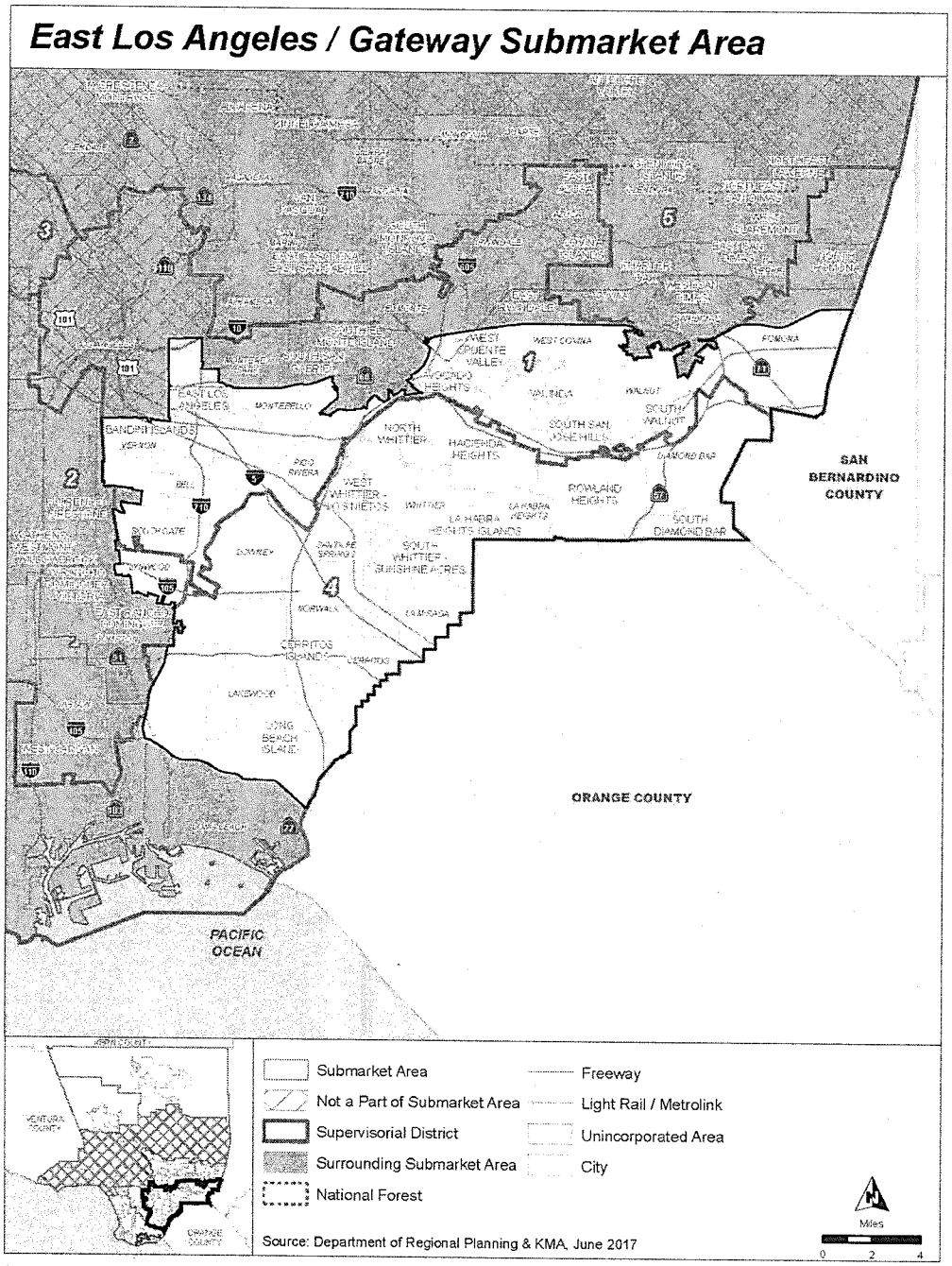


FIGURE 22.14.010-D: SAN GABRIEL VALLEY SUBMARKET AREA

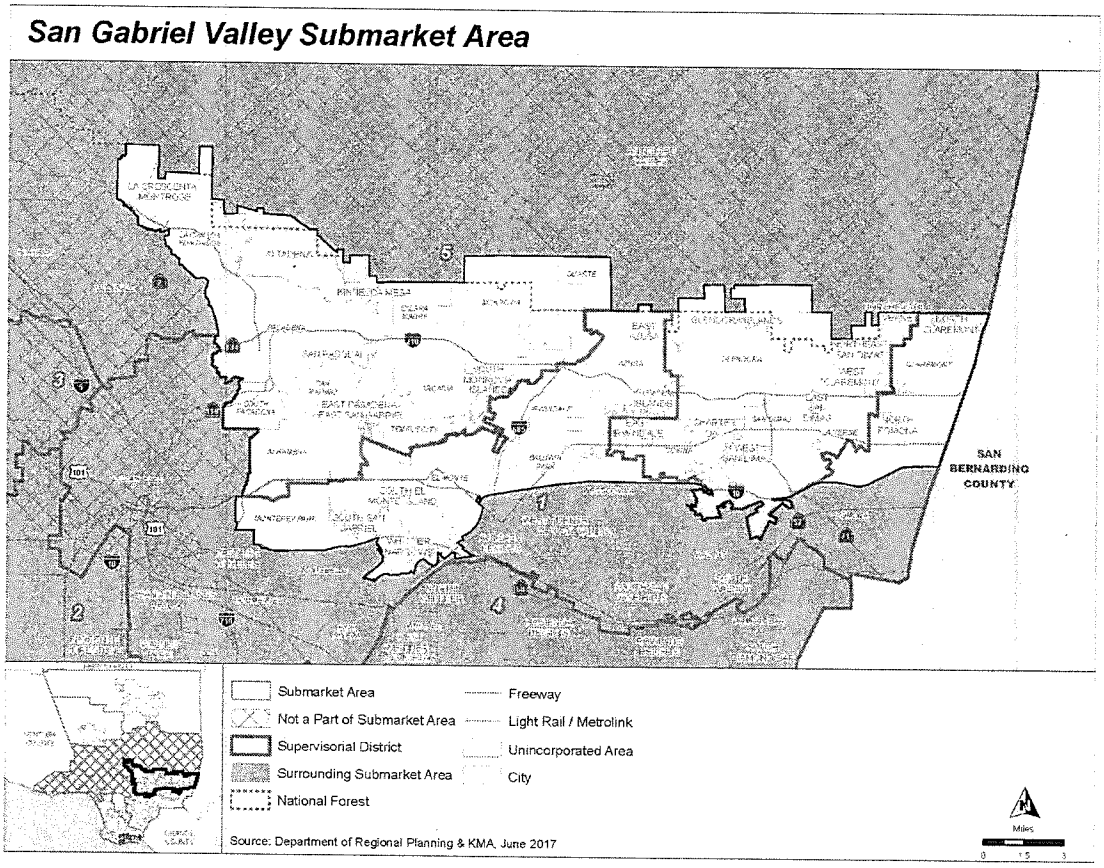


FIGURE 22.14.010-E: SANTA CLARITA VALLEY SUBMARKET AREA

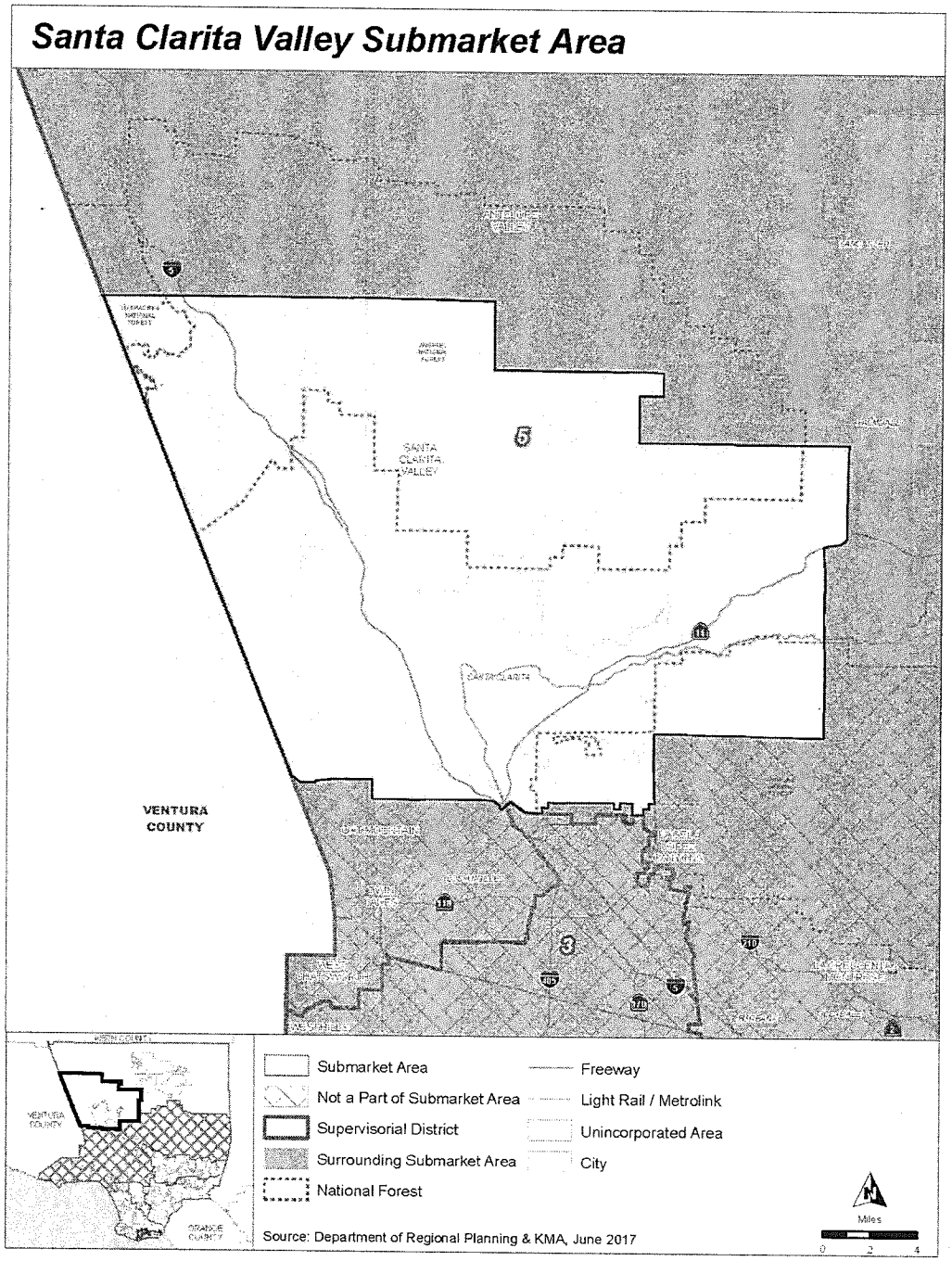
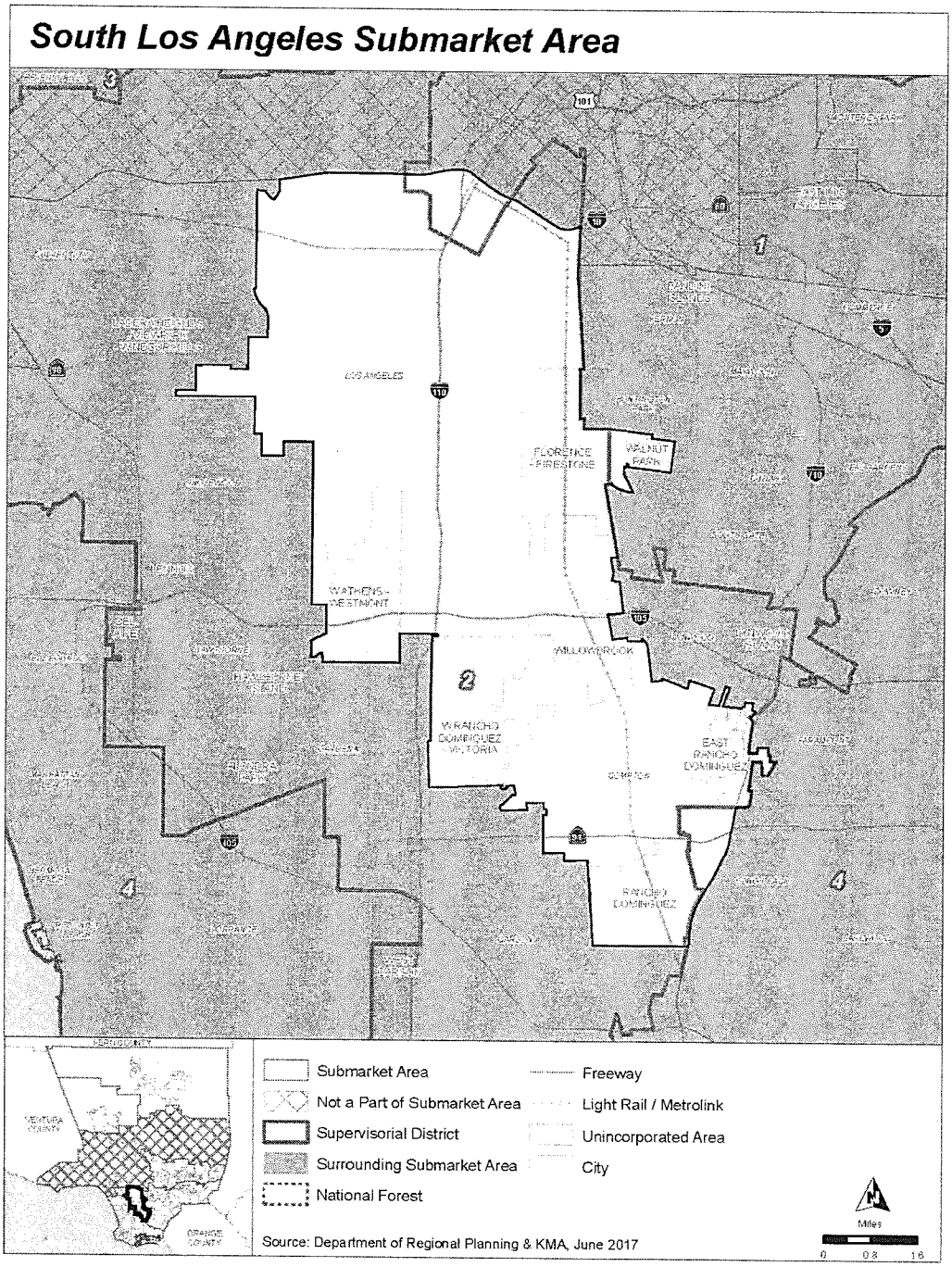


FIGURE 22.14.010-F: SOUTH LOS ANGELES SUBMARKET AREA



Waiver or reduction of development standards. ~~As specified in Section 65915(e) of the California Government Code, a~~A waiver or reduction of development standards that has the effect of physically precluding the construction of a project at the densities or with the incentives permitted by Chapter 22.120 (Density Bonus) or Chapter 22.121 (Inclusionary Housing).

...

SECTION 2. Section 22.14.090 is hereby amended to read as follows:

22.14.090 **I.**

...

Income.

Area median income. The current median annual household income for Los Angeles County, as estimated yearly by the United States Department of Housing and Urban Development or as published by the California Department of Housing and Community Development.

Extremely low income. An annual income for a household which does not exceed 30 percent of the area median income, as specified by ~~S~~section 50106 of the California Health and Safety Code.

~~Low income. An annual income for a person or a family which does not exceed 80 percent of the area median income.~~

Lower income. An annual income for a household which does not exceed 80 percent of the area median income, as specified by ~~S~~section 50079.5 of the

California Health and Safety Code. "Low Income" shall mean the same as "Lower Income."

Middle income. An annual income for a household that does not exceed 150 percent of the area median income.

...

SECTION 3. Section 22.16.030 is hereby amended to read as follows:

22.16.030 Land Use Regulations for Zones A-1, A-2, O-S, R-R, and W.

...

C. Use Regulations.

1. Principal Uses. Table 22.16.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.16.030-B: PRINCIPAL USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, RESORT AND RECREATION, AND WATERSHED ZONES						
	A-1	*A-2*	*O-S*	*R-R*	*W*	*Additional Regulations*
...						
Residential Uses						
...						
Notes: ... 16. Use may also be subject to Chapter 22.120 (Density Bonus), Chapter 22.121 (Inclusionary Housing), or~~and~~ Chapter 22.166 (Housing Permits)~~ if it includes affordable housing or senior citizen housing~~.						

...

SECTION 4. Section 22.18.030 is hereby amended to read as follows:

22.18.030 Land Use Regulations for Zones R-A, R-1, R-2, R-3, R-4, and R-5.

...

C. Use Regulations.

1. Principal Uses. Table 22.18.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.18.030-B: PRINCIPAL USE REGULATIONS FOR RESIDENTIAL ZONES							
	R-A	*R-1*	*R-2*	*R-3*	*R-4*	*R-5*	*Additional Regulations*
...							
Residential Uses							
...							
Single-family residences[8]	SPR	SPR	SPR	SPR	SPR	-	Section 22.140.580
Single-family residences on compact lots[8]	-	-	CUP	CUP	CUP	-	Section 22.140.585
...							
Notes: ... 8. Use may also be subject to Chapter 22.120 (Density Bonus), Chapter 22.121 (Inclusionary Housing), or~~and~~ Chapter 22.166 (Housing Permits)~~ if it includes affordable housing or senior citizen housing~~.							

...

SECTION 5. Section 22.20.030 is hereby amended to read as follows:

22.20.030 Land Use Regulations for Zones C-H, C-1, C-2, C-3, C-M, C-MJ, and C-R.

...

C. Use Regulations.

1. Principal Uses. Table 22.20.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.20.030-B: PRINCIPAL USE REGULATIONS FOR COMMERCIAL ZONES								
	C-H	*C-1*	*C-2*	*C-3*	*C-M*	*C-MJ*	*C-R*	***Additional Regulations***
...								
Residential Uses								
...								
Notes: ... 25. Use may also be subject to Chapter 22.120 (Density Bonus), Chapter 22.121 (Inclusionary Housing), or~~and~~ Chapter 22.166 (Housing Permits)~~ if it includes affordable housing or senior citizen housing~~. ...								

...

SECTION 6. Section 22.24.030 is hereby amended to read as follows:

22.24.030 Land Use Regulations for Rural Zones.

...

C. Use Regulations.

1. Principal Uses. Table 22.24.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.24.030-B: PRINCIPAL USE REGULATIONS FOR RURAL ZONES			
	C-RU	*MXD-RU*	***Additional Regulations***
...			
Residential Uses			
...			
Notes: ... 13. Use may also be subject to Chapter 22.120 (Density Bonus), Chapter 22.121 (Inclusionary Housing), or~~and~~ Chapter 22.166 (Housing Permits)~~ if it includes affordable housing or senior citizen housing~~.			

...

SECTION 7. Section 22.26.030 is hereby amended to read as follows:

22.26.030 Mixed Use Development Zone.

...

B. Land Use Regulations.

...

3. Use Regulations.

a. Principal Uses.

i. Table 22.26.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.26.030-B: PRINCIPAL USE REGULATIONS FOR ZONE MXD		
		Additional Regulations
...		
Residential Uses		
...		
Notes: ... 7. Use may also be subject to Chapter 22.120 (Density Bonus), Chapter 22.121 (Inclusionary Housing), or~~and~~ Chapter 22.166 (Housing Permits)~~ if it includes affordable housing or senior citizen housing~~.		

...

E. Modifications of Development Standards. With the exception of a height bonus granted through lot consolidation in Subsection G, below, the development standards specified in Subsection D, above, may be modified as follows:

...

2. Notwithstanding Subsection E.1, above, any development standard specified in Subsection D, above, may be waived or modified in accordance with

Chapter 22.120 (Density Bonus) or Chapter 22.121 (Inclusionary Housing), subject to an Administrative Housing Permit (Section 22.166.040) application, and shall require the approval of a Ministerial Site Plan Review (Chapter 22.186) application.

...

SECTION 8. Section 22.46.030 is hereby amended to read as follows:

22.46.030 Administration.

Specific Plans and associated regulations shall be administered in accordance with Article 8, Chapter 3, Division 1, Title 7 and other applicable provisions of the California Government Code. Such plans and regulations may reference existing provisions and procedures of this Title 22 or they may develop different administrative procedures to use in the implementation of the Specific Plan. Except as otherwise expressively provided in a Specific Plan, property may be used for any purpose and subject to all of the standards and requirements of the basic zone. Where the regulations of a Specific Plan differ from the provisions of the basic zone, such regulations shall supersede the provisions of the basic zone as specified in the Specific Plan.

B. Exceptions.

1. Density Bonus or Inclusionary Housing. Notwithstanding any contrary provisions in this Chapter, any Specific Plan regulations specified in Subsection A, above, may be waived or modified through a Housing Permit (Chapter 22.166) pursuant to Chapter 22.120 (Density Bonus) or Chapter 22.121 (Inclusionary Housing).

...

SECTION 9. The Chapter headings for Division 6 are hereby amended to read as follows:

DIVISION 6: DEVELOPMENT STANDARDS.

Chapters:

...

Chapter 22.120 Density Bonus.

Chapter 22.121 Inclusionary Housing.

...

SECTION 10. Section 22.120.030 is hereby amended to read as follows:

22.120.030 Applicability.

Notwithstanding any contrary provisions in this Title 22, the provisions of this Chapter, in conjunction with Chapter 22.166 (Housing Permits), shall apply in all zones that allow residential use as a principal use, and apply to the eligible housing developments, including projects to substantially rehabilitate and convert an existing multi-family dwelling, as defined in section 65863.4 (d) of the California Government Code, where the result of the rehabilitation would be a net increase in available dwelling units.

SECTION 11. Section 22.120.050 is hereby amended to read as follows:

22.120.050 Affordable Housing.

...

B. Affordable Housing Set-Aside.

1. Duration of Affordability~~—Rental. The affordability term for affordable housing set-aside units shall be at least 55 years from the issuance of the final certificate of occupancy by Public Works~~.

a. Rental. The affordability term for rental affordable housing set-aside units shall be at least 55 years from the issuance of the final certificate of occupancy by Public Works.

~~a~~b. For-sale. The initial sale of the affordable housing set-aside units shall be restricted to eligible buyers and shall require an equity-sharing agreement with the County, as described in Chapter 22.166 (Housing Permits).

2. ~~Compatibility~~Comparability. Affordable housing set-aside units shall have the same number of bedrooms as the non-set-aside dwelling units. In a housing development with a variety of bedroom counts per dwelling unit, the percentage of affordable set-aside dwelling units with a particular number of bedrooms shall be equal to the percentage of non-set-aside dwelling units with the same number of bedrooms.

3. Location of Units. The affordable housing set-aside units and the density bonus dwelling units may be located in different geographic areas within the housing development.

4. Covenant and Agreement Required. A covenant and agreement ensuring the continuing availability of affordable housing set-aside units shall be recorded, pursuant to Section 22.166.070 (Covenant and Agreement).

5. Timing. All permits and entitlements, including the building permits, for the affordable housing set aside units shall be obtained prior to or concurrently with the permits and entitlements, including the building permits, for the non set-aside units.

...

SECTION 12. Chapter 22.121 is hereby added to read as follows:

Chapter 22.121 Inclusionary Housing.

Sections:

22.121.010 Purpose.

22.121.020 Definitions.

22.121.030 Applicability.

22.121.040 Application Requirement.

22.121.050 Affordable Housing Set-Aside.

22.121.060 Incentive and Waiver or Reduction of Development Standard.

22.121.070 Adjustment or Waiver of Inclusionary Requirements.

22.121.080 County Feasibility Assessment.

22.121.010 Purpose.

The purpose of this Chapter is to ensure the inclusion of affordable housing units in housing developments that meet certain criteria and encourage mixed-income communities.

22.121.020 Definitions.

Specific terms used in this Chapter are defined in Division 2 (Definitions), under "Affordable Housing and Senior Citizen Housing."

22.121.030 Applicability.

Notwithstanding any contrary provisions in this Title 22, the provisions of this Chapter, in conjunction with Chapter 22.166 (Housing Permits), apply to all housing developments, excluding mobilehome parks, and including projects to substantially rehabilitate and convert an existing commercial building to residential uses, or the substantial rehabilitation of an existing multifamily dwelling, as defined in section 65863.4 (d) of the California Government Code, where the result of the rehabilitation would be a net increase in available dwelling units, that meet all of the following:

A. Has at least five or more baseline dwelling units;

B. Is located in a submarket area, with the following exceptions:

1. Rental projects or condominium projects located in the South Los Angeles or Antelope Valley submarket areas; or

2. Rental projects located in the East Los Angeles/Gateway submarket area; and

C. Is not located within an area subject to an affordable housing requirement pursuant to a development agreement, specific plan, or local policy.

22.121.040 Application Requirement.

Except as specified otherwise, an Administrative Housing Permit (Section 22.166.040) is required for any housing development subject to this Chapter.

22.121.050 Affordable Housing Set-Aside.

A. Rental. If the project consists of rental units, the affordable housing set-aside units shall be provided at an affordable rent, as described in Table 22.121.050-A, below.

TABLE 22.121.050-A: INCLUSIONARY HOUSING REQUIREMENTS FOR RENTAL PROJECTS			
Option	***Affordability[1]***	***Set-aside***	***Set-aside (Small projects)[2]***
1	Average affordability[3] of 40% AMI or less	10%	5%
2	Average affordability[3] of 65% AMI or less	15%	7%
3	80% AMI or less	20%	10%
Notes: 1. Units shall be set aside for extremely low, very low, or lower income households. 2. Projects with less than 15 baseline dwelling units. 3. Calculations for the average affordability shall comply with Subsection C (Calculation), below.			

B. For-sale. If the project consists of for-sale units, the affordable housing set-aside units shall be provided at an affordable sale price, as described in Table 22.121.050-B, below.

TABLE 22.121.050-B: INCLUSIONARY HOUSING REQUIREMENTS FOR FOR-SALE PROJECTS			
Submarket Area	***Affordability[1]***	***Set-aside***	***Set-aside (Small projects)[2]***
Coastal South Los Angeles, South Los Angeles (excluding condominiums), East Los Angeles/Gateway	Average affordability[3] of 135% AMI or less	20%	10%
San Gabriel Valley		15%	7%
Santa Clarita Valley, Antelope Valley (excluding condominiums)		5%	-
Notes: 1. Units shall be set aside for moderate or middle income households.			

TABLE 22.121.050-B: INCLUSIONARY HOUSING REQUIREMENTS FOR FOR-SALE PROJECTS
2. Projects with less than 15 baseline dwelling units. 3. Calculations for the average affordability shall comply with Subsection C (Calculation), below.

C. Calculation.

1. Inclusionary Housing Requirement.

a. General. The inclusionary housing requirement shall be calculated using the baseline dwelling units exclusive of a manager's unit or units.

b. Mixed Tenure Project. Where a project consists of both rental and for-sale units, the inclusionary housing requirement shall apply to both rental and for-sale units. The requirement for each tenure shall be calculated separately using the baseline dwelling units under each tenure, exclusive of a manager's unit or units.

c. All calculations resulting in fractional numbers shall be rounded up to the next whole number.

2. Density Bonus. The affordable housing set-aside units required in Chapter 22.120 (Density Bonus) may count toward the affordable housing set-aside units required in this Chapter, in which case such units shall be:

a. Subject to Section 22.120.050.B.1 (Duration of Affordability); and

b. Provided on-site.

3. Average Affordability. Average affordability is the sum of each unit set aside for extremely low income, very low income, lower income, moderate income, or middle income households multiplied by the income level, and divided by the total number of affordable housing set-aside units.

D. Comparability.

1. Affordable housing set-aside units shall have the same number of bedrooms as the non-set-aside dwelling units. In a project with a variety of bedroom counts per dwelling unit, the percentage of affordable set-aside dwelling units with a particular number of bedrooms shall be equal to the percentage of non-set-aside dwelling units with the same number of bedrooms.

2. The affordable housing set-aside units shall be indistinguishable from the non-set-aside units in terms of exterior and interior appearance and overall quality of construction. Where reasonable, interior finishes may consist of less expensive materials and equipment, provided they are new, durable, and of good quality.

3. Affordable housing set-aside units shall have comparable access to building amenities as other non-set-aside units.

4. Affordable housing set-aside units shall not be overly concentrated in one area of the project, and shall be reasonably distributed throughout the project.

5. Affordable housing set-aside units in a common interest development or a single-family residential subdivision shall be for-sale only.

E. Duration of Affordability.

1. Rental. Except as specified otherwise in this Chapter, the affordability term for rental affordable housing set-aside units shall be in perpetuity.

2. For-sale. The initial sale of the affordable housing set-aside units shall be restricted to eligible buyers and shall require an equity-sharing agreement with the County, as described in Chapter 22.166 (Housing Permits).

F. Location. The required affordable housing set-aside units shall be provided on-site, or off-site provided that:

1. The required affordable housing set-aside units are not subject to Chapter 22.120 (Density Bonus);

2. The off-site parcel is located in an unincorporated area of the County and is one of the following:

a. Located within one-quarter mile of the principal project;

b. Located within an area designated as Highest, High, or Moderate Resource by the State Tax Credit Allocation Committee and State Department of Housing and Community Development. Where the principal project is also located in an area designated as Highest, High, or Moderate Resource, the off-site parcel shall be located in an area with the same or higher resource designation as the principal project;

c. Located within two miles of the principal project and in an area with known displacement risk based on evidence to the satisfaction of the Department; or

d. Developed as part of a community land trust;

3. The off-site parcel, its developable acreage, zoning and General Plan land use designation, is sufficient to permit the construction of the required set-aside units for the principal project;

4. The required affordable housing set-aside units for the principal project shall not count toward the affordable housing set-aside units required on said off-site parcel pursuant to this Chapter; and

5. Where the applicant partners with a third-party developer for the provisions of the affordable housing set-aside units on the off-site parcel:

a. The applicant shall submit a memorandum of understanding ("MOU") to the Los Angeles County Development Authority ("LACDA") for review prior to the approval of an Administrative Housing Permit (Section 22.166.040) application. The MOU shall include the agreed upon payment or compensation that the applicant will give to the partnering third-party developer to construct the set-aside units, with sworn affidavits from both parties;

b. Upon approval of the Administrative Housing Permit (Section 22.166.040) application, the Director shall notify the Commission of said approval with the following:

i. The location of the off-site parcel;

ii. The number of affordable housing set-aside units provided on the off-site parcel;

iii. The household income levels assigned to such set-aside units;

iv. The sizes (square footage) and number of bedrooms of such set-aside units; and

v. A copy of the MOU between the applicant and the partnering third-party developer; and

c. The approval of the Administrative Housing Permit (Section 22.166.040) application may be called for review by the Commission pursuant to Chapter 22.240 (Appeals).

G. Covenant and Agreement Required. A covenant and agreement ensuring the continuing availability of affordable housing set-aside units shall be recorded, pursuant to Section 22.166.070 (Covenant and Agreement).

H. Timing.

1. All permits and entitlements, including the building permits, for the affordable housing set-aside units shall be obtained prior to or concurrently with the permits and entitlements, including the building permits, for the non-set-aside units.

2. Where affordable housing set-aside units are provided off-site pursuant to Subsection F, above, such units shall obtain a certificate of occupancy from Public Works prior to the issuance of the final certificate of occupancy for the principal project.

22.121.060 Incentive and Waiver or Reduction of Development Standard.

A project with any middle income affordable set-aside shall be eligible for one incentive and one waiver or reduction of a development standard, subject to the following:

A. The project is not eligible to receive any incentive or waiver or reduction of development standard provided in Chapter 22.120 (Density Bonus);

B. Incentive. The granting of an incentive pursuant to this Section is subject to the following:

1. A Discretionary Housing Permit (Section 22.166.050), unless the findings specified in Section 22.166.040.C.1.a are satisfied, in which case an Administrative Housing Permit (Section 22.166.040) application is required; and

2. Said incentive shall not be used to request any density bonus or direct financial incentive, such as an exemption from, or a reduction in, the payment of any planning and zoning fees; and

C. Waiver or Reduction of Development Standard. The granting of a waiver or reduction of development standard is subject to a Discretionary Housing Permit (Section 22.166.050), unless the findings specified in Section 22.166.040.C.1.b are satisfied, in which case an Administrative Housing Permit (Section 22.166.040) application is required.

22.121.070 Adjustment or Waiver of Inclusionary Requirements.

Notwithstanding any other provision of this Chapter, the requirements of this Chapter may be adjusted or waived, in whole or in part, if the applicant demonstrates that applying the requirements of this Chapter would take property in violation of the United States or California Constitution, subject to the following:

A. Written request. The applicant shall bear the burden of presenting substantial evidence to support the adjustment or waiver. The request shall be submitted, in writing, at the time of initial application submittal. The request shall set forth the factual and legal basis for the claim and include financial and other information that the Director deems necessary to perform an independent evaluation of the applicant's rationale for the request.

B. Determination. The Director will consider the request and issue a written determination, subject to the following;

1. In making a determination, the Director may assume the following:

a. The applicant will benefit from density bonuses, incentives, waivers, or other concessions pursuant to this Chapter or Chapter 22.120 (Density Bonus); and

b. The applicant will provide the most economical inclusionary units feasible, meeting the requirements of this Chapter.

2. If the Director determines the requirements of this Section may be adjusted or waived, in whole or in part, then the inclusionary housing requirement(s) of the proposed housing development shall be adjusted or waived to reduce the

obligations under this Chapter, only to the extent necessary to avoid an unconstitutional result.

C. Appeal. The Director's determination may be appealed in the manner and within the time set forth in Chapter 22.240 (Appeals).

22.121.080 County Feasibility Assessment.

To ensure consistency with long term economic trends, the Department shall evaluate the appropriateness of the affordable housing set asides in Table 22.121.050-A and Table 22.121.050-B and evaluate the boundaries of the submarket areas every five years from the effective date of this Chapter. The evaluation may be conducted more frequently as deemed appropriate by the Director.

SECTION 13. Section 22.166.030 is hereby amended to read as follows:

22.166.030 Applicability.

This Chapter applies to projects that provide affordable housing or senior citizen housing and ~~are~~may be eligible to receive various benefits, including but not limited to: density bonuses, incentives, waivers or reductions of development standards, and permit streamlining pursuant to the State Density Bonus Law, as set forth in ~~S~~section 65915 of the California Government Code, as amended, or any other State laws or local ordinances or policies that aim to increase the production of affordable housing and senior citizen housing.

SECTION 14. Section 22.166.070 is hereby amended to read as follows:

22.166.070 Covenant and Agreement.

A. Affordable Housing. A covenant and agreement, acceptable to the LACDA, shall be recorded by the applicant with the Registrar-Recorder/County Clerk to ensure the continuing availability of affordable housing set-aside units, and as applicable, age restricted units and child care facilities, in compliance with this Chapter ~~and~~, Chapter 22.120 (Density Bonus), or Chapter 22.121 (Inclusionary Housing). All Housing Permits without a covenant and agreement that are recorded within 180 days of the Housing Permit effective date shall be null and void. ~~The covenant and agreement shall be recorded within 30 days of the Housing Permit effective date.~~

...

2. Rental Affordable Housing Set-Aside Units. When affordable housing set-asides are rental dwelling units, the covenant and agreement shall also include owner requirements related to the following, and subject to the LACDA's review and approval:

a. Duration of affordability, ~~pursuant to Subsection B.1.a (Rental) of Section 22.120.050~~as specified;

...

3. For-Sale Affordable Housing Set-Aside Units. When affordable housing set-asides are for-sale dwelling units ~~solely pursuant to Section 65915 of the California Government Code~~, the covenant and agreement shall also include owner requirements related to the following and subject to the LACDA's review and approval:

...

d. Provisions restricting the initial sale to eligible buyers, and requiring equity sharing with the County that states the following terms:

...

v. The County's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price, plus the amount of any down payment assistance or mortgage assistance. If upon resale the fair market value is lower than the initial fair market value, then the value at the time of the resale shall be used as the initial fair market value; ~~and~~

vi. The County, a County-designated agency, or a qualified nonprofit shall maintain right of first refusal on the unit for the purpose of sale or rental to eligible households; and

vii. All County equity-sharing proceeds shall be deposited into the County Affordable Housing Trust Fund, or equivalent, and shall be used within five years for any of the purposes described in ~~S~~section 33334.2(e) of the California Health and Safety Code that promote home ownership.

...

SECTION 15. Section 22.166.080 is hereby amended to read as follows:

22.166.080 Monitoring of Affordable Housing.

The monitoring of affordable housing set-aside units shall be administered by the LACDA. The LACDA shall be responsible for verifying income eligibility, monitoring sales of affordable housing set-aside units to qualified buyers, conducting periodic site

inspections, and administering the annual certification of affordable housing set-aside units approved pursuant to this Chapter for the duration of the required term as specified in Chapter 22.120 (Density Bonus) or Chapter 22.121 (Inclusionary Housing).

SECTION 16. Section 22.300.020 is hereby amended to read as follows:

22.300.020 Application of Community Standards Districts to Property.

...

B. Additional Regulations.

1. Density Bonus ~~Exception~~or Inclusionary Housing. Notwithstanding any contrary provisions in this Volume II, any CSD regulations specified in Subsection A, above, may be waived or modified through a Housing Permit (Chapter 22.166), pursuant to Chapter 22.120 (Density Bonus) or Chapter 22.121 (Inclusionary Housing).

...

[2214010SCCC]

SECTION 17 This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.

Kathryn Barger
Chair

ATTEST:

Celia Zavala
Celia Zavala
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of November 10, 2020 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

	Ayes		Noes
Supervisors	Hilda Solis	Supervisors	None
	Mark Ridley-Thomas		
	Sheila Kuehl		
	Janice Hahn		
	Kathryn Barger		

Effective Date: December 10, 2020

~~Operative Date:~~

Celia Zavala
Celia Zavala
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

hereby certify that pursuant to
Section 25103 of the Government Code,
delivery of this document has been made.

CELIA ZAVALA
Executive Officer
Clerk of the Board of Supervisors

By _____
Deputy

APPROVED AS TO FORM:
MARY C. WICKHAM
County Counsel

By _____
Lawrence L. Hafetz
Chief Deputy County Counsel

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