

Affordable Housing Development A housing development “affordable to low and moderate income households” means that at least 20 percent of the units in the development will be sold or rented to lower income households, and the remaining units to either lower or moderate income households. Housing units for lower income households must sell or rent for a monthly cost not greater than 30 percent of 60 percent of the area median income as established by the State of California Department of Housing and Community Development. Housing units for moderate income households must sell or rent for a monthly cost of not greater than 30 percent of the area median income.

While this definition is still somewhat confusing, it appears that the term is intended to apply to projects that have specifically designated a portion of the units to specified income levels.

The word “new”, as used in this policy, can be interpreted to mean any project after it is built (i.e. it is new once it has received its certificate of occupancy) or to mean a project built after the adoption of the 2004 General Plan. There is no clear guidance, but the intent of the policy, which falls under the objective of conserving the County’s current stock of affordable housing (Goal HO-3), is to limit conversions of rental stock to ownership units. This would seem to apply regardless of when the units were constructed.

However, it is appropriate to look back at the context of this policy and how it was amended from the prior version of the Housing Element. Exhibit 1 is a page from the current Housing Element, part of the review of the prior element required for each update. This table lists the previous policies and reviews the degree to which the County was successful in implementing the policies. These prior policies provided for a minimum of 5 years prior to conversion for any multifamily project, and 10 years for specifically affordable projects, as defined. In both cases, the document states that the provisions were rolled over into the current Policy HO-3g. However, the language of this policy did not actually carry them over, but significantly narrowed the scope. If it was the intent to provide similar or greater protection for renters by maintaining the supply of rental units, at least for a period of years, it would be appropriate to apply “new” in the broadest sense and include any projects constructed prior to the adoption of the 2004 General Plan.

Recommendation:

Staff recommends that the Planning Commission find that Policy HO-3g applies to any project that contains residential units allocated to very low, lower, or moderate income households, based on the definition of “affordable development project” provided in the glossary of the 2004 General Plan and the apparent intent by the policy to carry over the provisions of the prior Housing Element as described on Page 210 of the 2004 General Plan. Staff further recommends that the Planning Commission adopt a Resolution of Intention, provided as Attachment 1, amending the Housing Element to conserve the County’s stock of affordable housing and limit conversions of existing rental housing, as provided in Attachment 2.

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| Attachment 1 | Resolution of Intention |
| Attachment 2 | Draft Policy Amendment |
| Exhibit 1 | Page 210 from Current Housing Element |