

Applicant \_\_\_\_\_  
Subdivision Name \_\_\_\_\_  
Subdivision # \_\_\_\_\_  
County File # \_\_\_\_\_

Property Owner \_\_\_\_\_  
Site Address \_\_\_\_\_  
APN(s) \_\_\_\_\_  
Date Submitted \_\_\_\_\_

## **Contra Costa County Department of Conservation and Development Inclusionary Housing Plan**

There are five different ways of complying with the Inclusionary Ordinance: on-site, off-site, land conveyance, in lieu fees, and other. The Inclusionary Housing Plan is required to identify which option the applicant is proposing to fulfill the inclusionary housing requirement. Complete the checklist and attach a narrative for the proposed option.

For more information on the Inclusionary Housing Ordinance (including links to the ordinance and the in-lieu fee calculator), please go to the County Ordinances for Affordable Housing webpage found here: <https://www.contracosta.ca.gov/8544/County-Ordinances-for-Affordable-Housing>

### **Section A – On-Site**

The inclusionary housing plan must include the following:

- A project description including the number of market-rate units, the number of inclusionary units proposed, and the basis of the calculation;
- A site plan indicating the location of the inclusionary units in relationship to the market rate units. (Drawings to show a minimum of unit mix, location, size, and number of bedrooms);
- The targeted income levels;
- A phasing plan, if needed, indicating the timely development of the inclusionary units as the residential development is constructed and occupied.

\*Attach a narrative of the proposed compliance option.

### **Section B - Off-Site**

The inclusionary housing plan must include the following:

- A project description including the number of on-site market-rate units and off-site inclusionary units proposed and the basis of the calculation;
- The targeted income levels;
- A vicinity map indicating where the proposed off-site development is in relationship to the proposed on-site development;
- Parcel numbers, acreage, zoning, general plan designation, phase one environmental report for the proposed off-site development;
- A phasing plan, if needed, indicating the timely development of the inclusionary units as the residential development is completed;
- Indicate whether the off-site development is new construction or acquisition/rehabilitation.

\*Attach a narrative of the proposed compliance option.

### **Section C - Land Conveyance**

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The inclusionary housing plan must include the following:

- A project description including the number of on-site market-rate units and off-site inclusionary units proposed and the basis of the calculation;
- The targeted income levels;
- Parcel numbers, acreage, zoning, general plan designation, phase one environmental report for the proposed off-site development.
- Proposed recipient of land conveyance.
- A vicinity map indicating where the proposed off-site development is in relationship to the proposed on-site development.

\*Attach a narrative of the proposed compliance option.

#### **Section D – In-Lieu Fee**

- Payment of an in-lieu fee is proposed to satisfy this requirement. The fees shall be pursuant to the fee schedule adopted by the Board of Supervisors.

*Note: Only applicable for projects with 5 to 125 units of rental or for-sale housing.*

\*Attach a narrative of the proposed compliance option.

#### **Section E - Other**

- If an alternative compliance method is proposed, information sufficient to allow the County to determine that the alternative would provide equivalent or greater benefit than would result from providing those inclusionary units on site.

\*Attach a narrative of the proposed compliance option.

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### **Inclusionary Housing Agreement Requirements**

An inclusionary housing agreement (IHA) is required for all proposals with an on-site, off-site, land conveyance, or other compliance proposal. Prior to the issuance of a demolition permit, grading permit, building permit, or recordation of a subdivision map for the development, whichever occurs first, the applicant/owner must execute an IHA, and it shall be recorded. The preparation and approval of an IHA will be a minimum three-month process or may be longer due to the complexities of the project and scheduling before the Board of Supervisors for approval of the IHA prior to the Department of Conservation and Development's (DCD) signature on behalf of the County and subsequent recordation. The IHA is not considered to be executed until all parties have signed and the document is recorded.

To initiate the preparation of an IHA on the normal timeline, the applicant must file a COA Compliance Review Application after the final entitlement approval (discuss earlier options with Housing staff early in the process), accompanied by the following information:

- Preliminary Title Report
- Written Narrative to include:
  - List all owners of the property.
  - If the owners are entities, please provide the names and titles of the two managers of the LLC who have the authority to sign the agreement on behalf of the entity. If the owner is an LLC or multiple LLCs that were not consistent with owners listed on the entitlement application, proof of ownership and a copy of the Articles of Incorporation for each entity are required.
  - Developer's mailing address. This must be a local contact and address for notices required by the IHA.
  - Identify the lender who has been or will provide financing for the development and the recorded deed of trust that has been recorded, including the referenced document number of the recorded deed of trust.
- Exhibit A Legal Description.
- Inclusionary Housing Plan Maps that are legible, in black and white, and scaled to 8 ½" x 11" sheets that comply with document recording requirements.
- Detailed timeline for the project including constructing the units, including phasing of the development, marketing the units, reviewing applications for qualified households, and sale of inclusionary for-sale units or occupancy of inclusionary rental units.
- Any other information that may be required for staff to prepare the IHA.

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**Inclusionary Housing Construction and Occupancy**

For all projects where inclusionary housing will be built for sale or rental, the applicant must submit documentation and other information to DCD for review and approval along with the filing of a condition of approval compliance review application and fees at least 90 days prior to construction completion and the request for a final building inspection and occupancy of the building. The following documents and information required for review and approval include, but are not limited to the following:

- Marketing Plan
- Marketing Materials, including translated Marketing Materials
- Proof of Publication of the advertising of the Inclusionary Units to all publications listed in the Marketing Plan
- Certification Statement listing all organizations and groups that were distributed marketing materials for the inclusionary units
- Tenant Selection Plan or Homeowner Selection Plan, whichever is applicable to the project
- Tenant Rent Roll (pre-certified households for DCD review)

The expectation is for the developer to market the units in the project prior to construction completion, select qualified tenants or qualified homeowners for inclusionary units prior to construction completion, and submit a list of the qualified households to DCD for review prior to final inspection/final occupancy.

A copy of the prequalified households for for-sale units will be submitted to DCD for review and approval and the file record. The prequalification approval by DCD will include the applicant’s submittal of income documentation and income certification forms for review. The prequalification approval will be valid for six months. The income must be recertified by DCD at least 30 days prior to sale.

For inclusionary rental units, a copy of the tenant rent roll must be submitted for review and approval by DCD and kept in the file record. The tenant rent roll should include information including, but not limited to, the tenant’s name, income, unit number, unit affordability level, household size, tenant rents, utility costs, and gross rents. The owner/property manager may be instructed to upload this information to a secure database as indicated by DCD for review and approval.

Annual monitoring reports will be required from the property manager and a sample of the inclusionary units will be selected by DCD for periodic review of tenant income documentation, certification, and unit occupancy qualification. The annual monitoring reports must be submitted with a condition of approval compliance review application and fees.

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**Inclusionary Housing Maximum Sales Price Calculation**

The maximum affordable sales price will be calculated by DCD, no more than once annually for a project’s inclusionary units. The calculation of the maximum affordable sales price will be according to the ordinance, conditions of approval, and agreement.

The following is a list of non-mortgage costs that will be included in the calculation of the maximum sales price for the inclusionary units. The developer will provide DCD staff with the following information for staff review and use accompanied by a written request for DCD to calculate the maximum purchase price for the respective inclusionary units for the project at the respective affordability levels and unit size.

Non-Mortgage Costs	Housing Costs in Dollars
HOA Dues (annual)	
Property Insurance (estimated annual for fire and casualty covering replacement value of property improvements)	
Utility Allowance (monthly)	
Solar Lease (annual cost)	
Property Taxes and Assessments	
CFD (annual)	
Mello Roos Tax (annual)	
Property maintenance and repairs (annual)	
Space rent, if the housing unit is on rented land	
Other Costs (annual, including third-party)	

**Applicant & Property Owner Verification:**

I/We verify that all the information stated and submitted is complete and accurate to the best of my/our knowledge, and should it be found that any of the information is incorrect, incomplete, or inconsistent with the requirements of the ordinance that it may result in increased processing time and/or costs.

Applicant Signature: \_\_\_\_\_ Name: \_\_\_\_\_ Date: \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Name: \_\_\_\_\_ Date: \_\_\_\_\_

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**Housing Element Sites Inventory Findings**

The Housing Element Sites Inventory’s no net loss rule is a separate requirement of the State of California and is distinct from the County’s Inclusionary Housing Ordinance Requirements. Government Code Section 65863 requires the county to ensure that its housing element sites inventory can accommodate its share of the regional housing need throughout the planning period. The law prohibits the county from reducing, requiring, or permitting the reduction of the residential density to a lower residential density on sites listed in the inventory. It also prohibits the county from permitting or causing the inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need for lower and moderate-income households.

Housing developments that are located on a parcel(s) identified in the County’s Housing Element sites inventory will require written findings for the proposal if the housing development includes fewer units by income category or fewer units by density from that which is identified in the sites inventory. Compliance with the no net loss rule is required prior to a recommendation for approval or entitlement decision. Compliance with the law may include the requirement for the applicant/developer to assist in identifying an alternative site to be rezoned and/or added to the sites inventory to account for any net loss in the County’s share of the regional housing needs due to the proposed housing development.

To determine if your parcel(s) is listed in the County’s Housing Element sites inventory, please contact the DCD Application and Permits Center staff and they can verify whether the property is listed in the County’s Housing Element sites inventory.

\*To assist the project planner in preparing the required findings for a parcel or parcels identified in the housing element sites inventory, you may attach a narrative and explanation of the project’s compliance with the no net loss requirement. (optional)

**Applicant & Property Owner Verification:**

I/We acknowledge that I/we have completely read this form and understand all the information stated herein. I/We verify that all the information stated and submitted is complete and accurate to the best of my/our knowledge, and should it be found that any of the information is incorrect, incomplete, or inconsistent with the requirements of the ordinance that it may result in increased processing time and/or costs.

Applicant Signature: \_\_\_\_\_ Name: \_\_\_\_\_ Date: \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Name: \_\_\_\_\_ Date: \_\_\_\_\_