

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to grant certain authority related to affordable housing to the City of Charlottesville.*

3 [H 883]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**

6 1. § 1. A. The governing body of the City of Charlottesville may provide in its comprehensive plan for
7 the physical development within the city, adopted pursuant to § 15.2-2223, for densities of development
8 ranging between a floor area ratio (FAR) of 1.0 FAR and 10.0 FAR, or greater, and as such, the
9 governing body may adopt as part of its zoning ordinance requirements for the provision of (i) on-site
10 or off-site "Affordable Dwelling Units," as defined herein, or (ii) a cash contribution to the city's
11 affordable housing fund, in lieu of such units, in such amounts as set out herein, as a condition of the
12 governing body's approval of a rezoning or special use application for residential or the residential
13 portion of mixed-use projects with a density equal to or greater than 1.0 FAR, or an equivalent density
14 based on units per acre. Residential or the residential portion of mixed-use projects with a density less
15 than 1.0 FAR, or an equivalent density based on units per acre, shall be exempt from the requirements
16 of this section and the city's zoning ordinance adopted pursuant to this section. The city's zoning
17 ordinance requirements shall provide as follows:

18 1. Upon approval of a rezoning or special use application approving a residential, or the residential
19 portion of a mixed-use project with a density equal to or greater than 1.0 FAR, or an equivalent density
20 based on units per acre, the applicant shall provide on-site Affordable Dwelling Units as part of the
21 project, the total gross square footage of such units shall be five percent of the amount of the gross
22 floor area of the project that exceeds 1.0 FAR or an equivalent density based on units per acre. For
23 purposes of this section, "applicant" shall mean the person or entity submitting a rezoning or special
24 use application for approval of a residential or mixed-use project that contains residential dwelling units
25 in the city and shall include the successors or assigns of the applicant.

26 2. As an alternative, upon approval of a rezoning or special use application approving a residential,
27 or the residential portion of a mixed-use project with a density equal to or greater than 1.0 FAR, or an
28 equivalent density based on units per acre, the applicant may elect to provide any one of the following:

29 a. Affordable Dwelling Units at an off-site location in the city, the total gross square footage of such
30 units shall be five percent of the amount of the gross floor area of the project that is over 1.0 FAR, or
31 an equivalent density based on units per acre; or

32 b. A cash contribution to the city's affordable housing fund, which contribution shall be calculated as
33 follows for each of the density tiers described below:

34 (1) Two dollars per square foot of gross floor area for residential projects greater than 1.0 FAR or
35 an equivalent density based on units per acre.

36 (2) For mixed-use projects, cash contributions shall be calculated by applying the proportionate
37 amount of residential gross floor area at two dollars per square foot.

38 The cash contribution shall be indexed to the Consumer Price Index for Housing in the
39 Charlottesville MSA as published by the Bureau of Labor Statistics and shall be adjusted annually based
40 upon the changes made in January to such index.

41 3. For purposes of this section, "Affordable Dwelling Units" mean units committed for a 30-year
42 term as affordable to households with incomes at 60 percent or less of the area median income.

43 B. With the exception of the authority under § 15.2-2305, this section establishes the legislative
44 authority for the city to obtain Affordable Dwelling Units in exchange for the approval of a rezoning or
45 special use application for a residential, or mixed-use project that contains residential dwelling units in
46 the city, and may not be used in combination with any other provision of law in this chapter to obtain
47 Affordable Dwelling Units from an applicant. Nothing in this section shall be construed to repeal the
48 city's authority under any other provision of law.

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