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SENATE BILL NO. 1245

Offered January 14, 2015

Prefiled January 14, 2015

A BILL to amend and reenact § 1 of Chapter 693 of the Acts of Assembly of 2008, as amended by Chapter 527 of the Acts of Assembly of 2013, relating to affordable housing in the City of Charlottesville.

Patron—Deeds

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 1 of Chapter 693 of the Acts of Assembly of 2008, as amended by Chapter 527 of the Acts of Assembly of 2013, is amended and reenacted as follows:

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

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

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

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

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

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

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

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

3. For purposes of this section, "Affordable Dwelling Units" ~~mean units committed for a 30-year term as~~ *means units that are* affordable to households with incomes at ~~60 percent or less~~ *not more than 80 percent* of the area median income *and that are committed to remain affordable for a term of not more than 30 years. However, the city may establish a minimum term or other requirements as it deems necessary to ensure the establishment of committed Affordable Dwelling Units in accordance with subdivision 1 or 2*.

B. With the exception of the authority under § 15.2-2305, this section establishes the legislative authority for the city to obtain Affordable Dwelling Units in exchange for the approval of a rezoning or special use application for a residential, or mixed-use project that contains residential dwelling units in the city, and may not be used in combination with any other provision of law in this chapter to obtain

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Affordable Dwelling Units from an applicant. Nothing in this section shall be construed to repeal the city's authority under any other provision of law.