

ORDINANCE NO. 5285
AN ORDINANCE AMENDING CHAPTER 46A, INCLUSIONARY HOUSING, OF THE
SANTA BARBARA COUNTY CODE

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1. Chapter 46A of the Santa Barbara County Code, titled "Inclusionary Housing," Section 46A-2, Definitions, Rental Project is hereby amended and shall read as follows:

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings ascribed by this section:

...

Rental project means residential developments where non-owner occupied, deed-restricted rental units are built to satisfy affordable housing requirements.

SECTION 2. Chapter 46A of the Santa Barbara County Code, titled "Inclusionary Housing," Section 46A-4, Inclusionary Housing Requirements, subsections (c)(1), and (c)(2) are hereby amended and shall read as follows:

(c) **Methods of Compliance.** A developer shall comply with inclusionary housing requirements, defined by subsection 46A-4(a), and/or State Density Bonus Law in the following methods as a condition of approval of the project:

1. **Inland Area.**
 - a. **All Income Categories.** Inclusionary housing requirements may be satisfied by any of the following:
 1. Construction of price-restricted/deed-restricted affordable housing units prior to or concurrently with the construction of the market rate units of such project.
 2. Construction of price-restricted/deed-restricted affordable housing units must be on the same project site, or may be on a different project site from the market rate units if the project site with the affordable housing units is in the unincorporated area of the County and within one mile of the project site of market rate development, as measured in a straight line from the property lines of one parcel to the other.
 3. Payment of in-lieu inclusionary housing fees in accordance with subsection 46A-4(b)(1);
 4. Construction of ADUs on the same project site for the workforce income category requirement in compliance with the applicable requirements of section 35-1 or section 35-2 of chapter 35 of the Santa Barbara County Code; or
 5. A combination of the options set forth in subparts 1. through 4., above, of this subsection 46A-4(c)(1)(a) that is acceptable to the county, and or State of California.
2. **Coastal Zone.**

- a. Very Low, Low, and Moderate Income Categories. Inclusionary housing requirements for very-low, low, and moderate income housing shall, where feasible, as determined by the county, be satisfied with construction of price-restricted/deed-restricted affordable housing units on the project site. Where such construction of price-restricted/deed-restricted affordable housing units on the project site is not feasible, as determined by the county, the inclusionary housing requirements for very-low, low, moderate, and workforce income housing shall be satisfied by the lawful construction by developer of price-restricted/deed-restricted housing units at another location in the county, or may be on a different project site from the market rate units if the project site with the affordable housing units is in the unincorporated part of the County and within one mile of the project site of the market rate development, as measured in a straight line from the property lines of one parcel to the other. In rare and limited circumstances, where the lawful construction by developer of price-restricted/deed-restricted affordable housing units is not feasible, as determined by the county, within three miles of the coastal zone, inclusionary housing requirements for very-low, low and moderate income housing shall be satisfied with the payment to the county by the developer of in-lieu inclusionary housing fees in accordance with subsection 46A-4(b)(1).
- b. Workforce Income Categories. Inclusionary housing requirements for workforce housing may be satisfied by any of the following:
 1. The construction of price-restricted/deed-restricted affordable housing units on the project site, or may be on a different project site from the market rate units if the project site with the affordable housing units is in the unincorporated part of the County and within one mile of the project site of the market rate development, as measured in a straight line from the property lines of one parcel to the other;
 2. Payment of in-lieu inclusionary housing fees in accordance with subsection 46A-4(b)(1);
 3. The lawful construction by developer on the project site of ADUs in compliance with the applicable requirements of section 35-1 or section 35-2 of chapter 35 of the Santa Barbara County Code; or
 4. A combination of the options set forth in subparts 1. through 3., above, of this subsection 46A-4(c)(2)(b) that is acceptable to the county and or the State of California.

SECTION 3. Chapter 46A of the Santa Barbara County Code, titled "Inclusionary Housing," Section 46A-6, Implementation, subsections (d), (e), and (f) are hereby amended and shall read as follows:

- (d) Conditions of Approval. Each residential housing ownership or rental project subject to this chapter shall be processed by the county planning and development department with conditions of approval requiring that agreements and covenants specifying the inclusionary housing requirements applied to the project be recorded with the county clerk-recorder against title to the real property on which the price-restricted/deed-restricted inclusionary housing units are located.

Such conditions of approval shall:

1. Specify the means of project owner and developer compliance with this chapter by providing the required price-restricted/deed-restricted affordable housing units, or the alternatives of the payment of in-lieu fees for use in the development of affordable housing units, and/or the construction of ADUs on the project site for the workforce income category requirement only; and
2. Require that the development schedule in relation to the price-restricted/deed restricted and market-rate units ensures that affordable units are constructed prior to market rate units, or concurrently with

- market-rate units based on the ratio of price restricted affordable housing units to proposed market-rate units as approved by P&D and County Housing and Community Development
3. Require that the quality of price-restricted/deed-restricted affordable housing units shall be comparable in exterior appearance, amenities, and overall quality of construction to market-rate units in the same housing project. Neither the workmanship nor the products may be of substandard quality; and
 4. Require the project owner(s) and developer(s) to offer project affordable housing unit(s) for sale or rent for a term of ninety years without exceeding the maximum sale or rent prices. Sale or rent prices are set by the county community services department for the year of sale or lease; and
 5. Ensure that all current and future owners and tenants are fully informed of and held accountable to all applicable inclusionary housing requirements, transfer restrictions, and rent restrictions as set out in recorded restrictions, applicable law, and as described within the IHP Administrative Manual; and
 6. Specify household income levels and time limits for the deed restriction; and
 7. Require that for all applicable projects within the county, a priority ranking be given in the selection of potential occupants of affordable housing units in accordance with county policies, including, but not limited to:
 - a. A preference for households and occupants who work in close proximity to the affordable housing site to minimize traffic congestion and air quality degradation.
 - b. A preference for households and occupants who are employed within the county.
 - c. All applicants for price-restricted/deed-restricted units located within the South Coast Housing Market Area (South Coast HMA) should satisfy at least one of the following residency and workplace requirements:
 - i. Persons who work in the South Coast HMA,
 - ii. Persons who live in the South Coast HMA,
 - iii. Persons who have been hired to work in the South Coast HMA.
- (e) Recordation and Construction. For each project subject to this chapter, the owner of the real property on which such project is located shall timely record with the county clerk-recorder the following agreements and covenants with respect to such real property:
1. All affordable housing agreements and covenants required by conditions on such projects that include a tract map shall be recorded with the County Clerk-Recorder prior to final recordation of such tract map; and
 2. All affordable housing agreements and covenants required by conditions on such project that do not include a tract map shall be recorded with the county clerk-recorder prior to land use clearance.
 3. All affordable housing agreements and covenants required by project conditions of approval on housing developments subject to this chapter shall be drafted by county staff, reviewed by county counsel, signed by all parties, executed and approved by the county board of supervisors, and recorded with the county clerk-recorder's office against title the real property on which such project is located with all of the following documentation.
 - a. Agreement to Provide Affordable Housing. The agreement to provide affordable housing shall be prepared by the county's community services department. Recorded agreements shall bind the property owners to maximum sales price requirements for the time period required by law and county policy, and shall include:
 - i. The number of affordable housing units, their size, their affordability level, and the applicable income level restrictions; and

- ii. Marketing and lottery requirements, including any preferences required by applicable law.
 2. Resale Restrictive Covenant and Preemptive Right. A resale restrictive covenant and preemptive right shall be appended to the agreement to provide affordable housing and recorded concurrently therewith, and shall include, but not be limited to, provisions to affect all of the following:
 - i. Secure the sales or rental price restrictions for ninety years, or less if required by state or federal law.
 - ii. Ensure subsequent sales or lease of an individual price-restricted/deed-restricted affordable housing unit may only be to income-qualified households and at prices within the target or maximum household income range.
 - iii. Require both a performance deed of trust and a request for copy of notice of default be recorded on the property title so the county may monitor subsequent sales and exercise its first right of refusal when a property is offered for sale.
 - iv. Specify that affordable housing units must be occupied full-time by the owner or tenant who has qualified for the affordable home, although other household occupants are allowed. The covenant also limits the owners' ability to offer the price restricted home for rent and establishes the resale conditions for the affordable housing unit. The covenant further specifies the enforcement terms for violations. Subletting any portion of the affordable housing unit is prohibited except under special circumstances and with the approval of the county's community services department.
- (f) Monitoring and Maintenance. The county's community services department shall be responsible for monitoring and maintaining the county inventory of price-restricted/deed-restricted deeds and affordable housing units, consistent with County Code chapter 46.

SECTION 4. Except as amended by this Ordinance the Santa Barbara County Code shall remain unchanged and shall continue in full force and effect.

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 6. This Ordinance shall take effect and become operative 30 days from the date of its adoption by the Board of Supervisors. Before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara Independent and in the Santa Maria Times, newspapers of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, on this 21st day of May, 2026 by the following vote:

AYES: Supervisors Lee, Capps and Lavagnino

NAYES: None

ABSENT: Supervisors Hartmann and Nelson

ABSTAIN: None

ATTEST:

COUNTY OF SANTA BARBARA

MONA MIYASATO

COUNTY EXECUTIVE OFFICE

CLERK OF THE BOARD

Signed by:
Sheila de la Guerra
BY: 0B03E3DDE9EE4AA

Deputy Clerk

Signed by:
Laura Capps for Bob Nelson
BY: 1433772084644A1...

Bob Nelson, Chair

Board of Supervisors

APPROVED AS TO FORM:

Rachel Van Mullem

Signed by:
County Counsel
Jennifer Richardson
BY: 4E23C75F9F624C1...

Jennifer Richardson, Deputy County Counsel