

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING AMENDING CHAPTER 46A
INCLUSIONARY HOUSING, OF THE SANTA BARBARA COUNTY CODE TO
AMEND SECTION 46A-3-APPLICABILITY**

WHEREAS, there is a critical need of very low, low, moderate, and workforce-income housing in the County; and

WHEREAS, the shortage of very low, low, moderate, and workforce-income housing in the County has led to overcrowding, increased traffic congestion and a shortage of critical workers; and

WHEREAS, the County's adopted 2015-2023 Housing Element aims to promote home ownership, owner occupancy, and/or the continued availability of affordable housing units through programs and implementing ordinances for all economic segments of the population including very-low, low, moderate, and/or workforce income households to assure that existing and projected needs for affordable housing are accommodated in residential development; and

WHEREAS, California Government Code §65915(c)(2)(A) contemplates that, with State Density Bonus Law applicants, local government shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law; and

WHEREAS, the equity sharing agreement described in Government Code §65915(c)(2)(A) is only applicable to the initial resale of the deed restricted unit; and

WHEREAS, Santa Barbara County is recognized as a housing market with rapidly increasing costs, and the equity sharing formula contemplated by Government Code §65915(c)(2)(A) will not provide enough funds for the County to acquire another Affordable unit at the same income level; and

WHEREAS, Government Code §65915(c)(2)(C) provides that a local government is not required to enforce an equity sharing agreement if in conflict with a public funding source or another law; and

WHEREAS, it is important to ensure that for-sale affordable units, built to provide affordable ownership opportunities required by the County of Santa Barbara, continue to be maintained and available as a long-term ownership opportunity resource, consistent with the public purposes of affordable housing laws, which provide homeownership opportunities for households that would not otherwise be able to live in Santa Barbara County or would be forced to live in substandard conditions.

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

SECTION 1. Chapter 46A of the County Code, titled Inclusionary Housing, Section 46A-3 is hereby amended to read as follows:

46A-3 Applicability.

This chapter is enacted pursuant to the general police power of the county and is for the purpose of ensuring that affordable housing units be provided and maintained in an effort to fulfill the public purpose as required in California Government Code Sections 65300, 65302(c), and 65583(c), and the county's housing element policies.

This chapter is applicable to:

1. Development of five or more net new primary housing units; and/or
2. Subdivisions that would permit the eventual development of five or more net new primary housing units.

This applicability includes lot sale land divisions and airspace condominiums, divisions of agriculturally designated land, projects that qualify for the provisions set forth in State Density Bonus Law on the basis of providing housing for senior citizens ("qualifying residents" per Government Code Section 65915—65918) without regard to affordability, and conversions of five or more existing residential rental units to condominiums, stock cooperatives, or community apartments. If a project or developer receives whole or partial funding from the county's community services department or similar entity, the county may require affordable housing requirements as deemed appropriate as a condition of the provision of funding. These requirements may exceed or differ from the requirements described in this chapter.

The following projects are exempt from this chapter:

1. One hundred percent rental projects;
2. Rental housing which is otherwise part of an ownership project;
3. Projects that qualify for the provisions of State Density Bonus Law by providing price-restricted affordable housing units; provided, however, that such Projects shall not be exempt from, and shall be subject to, the affordable housing covenant provisions of this chapter and chapter 46, including, but not limited to, Sec. 46-5.
4. Projects located within the Cuyama Housing Market Area;
5. Projects on lots subject to Land Conservation (Williamson) Act contract (Government Code Section 51200 et seq.);

6. Projects on lots zoned Agriculture II (pursuant to section 35-1, section 35-2 or article II of chapter 35, of the Santa Barbara County Code) with a gross lot area of forty acres or greater;
7. Projects constructed by non-profit developers with United States Department of Agriculture funding;
8. Projects which satisfied inclusionary housing requirements per this chapter during a prior phase of the development projects, including lot subdivision;
9. Mixed-use development projects which include less than ten residential units;
10. Emergency shelters, transitional housing, and single room occupancy (SRO) projects which are specifically designed to serve extremely-low income households or the homeless population;
11. The reconstruction of any residential units or structures which have been destroyed by fire, flood, earthquake or other act of nature, which are being reconstructed in a manner consistent with the requirements of section 35-1, section 35-2 or article II of chapter 35, of the Santa Barbara County Code;
12. On- or off-site housing which is developed and controlled by employers that is dedicated for sale or rent by their employees; and
13. Existing legal units or lots in a project, except where the rental units are being converted to ownership units such as condominiums, stock cooperatives, or community apartments, except as may be required for the Isla Vista area pursuant to Coastal Land Use Plan Policy 5-10.

SECTION 2. Except as amended by this Ordinance the Santa Barbara County Code shall remain unchanged and shall continue in full force and effect.

SECTION 3. This Ordinance shall take effect and become operative thirty (30) days from the date of its adoption by the Board of Supervisors. Before the expiration of fifteen (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 a newspaper 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 _____ day of _____, 2023, by the following votes:

AYES:

NOES:

ABSTAIN:

ABSENT:

DAS WILLIAMS, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: _____
Deputy Clerk

APPROVED AS TO FORM:

RACHEL VAN MULLEM
COUNTY COUNSEL

By: _____
Lauren Wideman, Deputy County Counsel