



City of Hayward Affordable Housing Ordinance

The City of Hayward's Affordable Housing Ordinance (the AHO) requires that future residential development projects mitigate their impact on the need for affordable housing in the community by contributing to the production of residential units in Hayward that are affordable to very low, low-and moderate-income households. The ordinance applies to both ownership and rental developments consisting of **20** or more units. The following is a summary of the requirements for both:

Ownership Developments:

Ownership residential developments may comply with the affordable housing requirements by satisfying one of the following options:

- Pay an affordable housing impact fee. This fee, which is based on the total square footage of the proposed project's livable spaces, must be paid prior to the issuance of building permits. The developer may choose to defer payment of the fees until receipt of certificates of occupancy, in which case the developer shall pay the base fee plus 10 percent. For information on current applicable fees, please contact City Housing Division staff.
- Include on-site for-sale affordable units equal to a minimum of 7.5 percent of the attached dwelling units and 10 percent of the detached dwelling units.
- Construct for sale affordable units not physically contiguous to the development (off-site).
- Propose other alternatives that would mitigate the affordable housing impact of the proposed residential development project.
- Construction of off-site units or satisfaction of the requirements through other alternatives not included in the Ordinance are subject to the approval of the City Council.
- If affordable units (on-site or off-site) are provided, they must be made affordable to moderate-income households at an affordable ownership housing cost (as defined by the AHO) and be legally restricted for occupancy by those households for a minimum of 45 years.
- For information on current moderate-income limits and a sample calculation of an applicable affordable ownership housing cost, please contact Housing Division staff.

Rental Developments:

- No affordable units are required to be included in rental residential project that does not receive City assistance as described in S. 10-17.310 of the AHO.
- All new rental projects with 20 or more units are required to pay an affordable housing impact fee, calculated in the same manner as the fees for ownership developments (see the previous section). For information on current applicable fees, please contact City Housing Division staff.

- As an alternative to paying affordable housing impact fees for rental residential projects or providing for-sale units for ownership residential projects, an applicant may propose to provide 7.5% of attached dwelling units and 10% of detached dwelling units as affordable rental units.
- If rental units are provided, 50% of those units must be made available at affordable rents to low-income households and 50% at affordable rents to very low-income households for a minimum of 55 years.
- Applicable affordable rents, plus an allowance for utility costs, must not exceed 30% of the maximum monthly income of the eligible household. For information on applicable income limits and a sample calculation of affordable monthly rents, please contact Housing Division staff.
- The City may approve a proposal to provide affordable units in-lieu of a) paying housing impact fees for rental residential projects, or b) providing for-sale units for ownership residential projects, ONLY if the applicant agrees in a rent regulatory agreement with the City to limit rents in consideration for a direction financial contribution or other form of assistance.

Other Requirements:

- **Design and Distribution of Affordable Units** - All affordable ownership or rental units must be integrated in the project as a whole and reflect the range of unit sizes in the project. The affordable units must be at least equal in size and amenities as the on-site market-rate units, and any comparative deficiency in size or amenities must be compensated for by additional units, larger units, or affordability to households with lower incomes.
- **Affordable Housing Plan** – Unless the applicant proposes to pay affordable housing impact fees, an applicant must submit an Affordable Housing Plan (AHP) as part of an application for a residential development project. This AHP shall include at a minimum, among other things, the location, structure and size of the proposed market-rate and affordable units, a floor or site plan depicting the location of the affordable units, and the income levels at which each affordable unit will be made affordable. See S. 10-17.510 of the AHO for a full list of the AHP requirements.
- **Affordable Housing Agreement** – An approved AHP will be memorialized in an Affordable Housing Agreement (AHA) between the City and the applicant. Although it will vary for each project, it must include, at minimum, a description of the development including whether the affordable units will be rented or owner occupied and their affordability level(s), size and location, a marketing plan for sale or rental of the affordable units; etc.

NOTE:

For More Information

For more information, please contact the Housing Development Specialist at: (510) 583-4246

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