

(O-90-156 REV. 1)

ORDINANCE NUMBER O- 17454 (NEW SERIES)

ADOPTED ON APR 16 1990

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 8, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 5, SECTIONS 98.0501 THROUGH 98.0528 AND DIVISION 6, SECTIONS 98.0601 THROUGH 98.0618 RELATING TO THE PROVISION AND PRESERVATION OF AFFORDABLE HOUSING, WHICH ORDINANCE SHALL BE KNOWN AS THE SAN DIEGO HOUSING TRUST FUND ORDINANCE.

WHEREAS, this City Council finds that:

(a) In a nationwide 1989 survey, the metropolitan San Diego area was found to be the least affordable housing market in the United States. The combination of a large service sector in the City's local economy, paying predominantly low wages, with high and rapidly escalating rent and home prices has put ownership of the average priced home out of reach of eighty percent (80%) of City residents if faced with buying their first home, and has resulted in burdening very low income and low income households with excessive rent payments ranging from two hundred fifty dollars (\$250) per month to more than five hundred dollars (\$500) per month more than they can afford to pay.

(b) The 1988 Housing Element of the General Plan of the City reported that more than 26,000 families in the City live in substandard housing.

(c) The 1988 Housing Element of the General Plan of the City reported that 19,000 families in the City live in overcrowded conditions.

(d) The 1988 Housing Element of the General Plan of the City reported that five thousand (5,000) persons in the City are homeless.

(e) Eighty thousand (80,000) low and very low income renter households find it nearly impossible to secure safe, decent or affordable housing in the City. These households require substantial subsidies to make their monthly rental obligations affordable. The 1988 Housing Element of the General Plan of the City estimates that in 1988 sixty thousand, eight hundred five (60,805) low and very low income households in the City would require housing assistance in order for them to pay no more than twenty-five percent (25%) of their family income for housing costs.

(f) The 1988 Housing Element of the General Plan of the City estimates that the number of lower income households living in the City will increase by at least four thousand, five hundred (4,500) families each year through the year 2000, creating a potential low and very low income population in need of affordable housing in excess of one hundred twenty thousand (120,000) families, or nearly five hundred thousand (500,000) San Diego residents.

(g) The 1988 Housing Element of the General Plan of the City estimates that four hundred (400) housing units affordable to low and very low income households are demolished each year in the City.

(h) For more than fifty (50) years, the federal government has initiated and maintained various housing programs designed to provide housing affordable to very low and low income households. Since the inception of these housing programs, demand for affordable subsidized rental units has consistently exceeded the supply of such units. The demand for housing affordable to households earning less than median income also greatly exceeds the availability of such housing. The preservation and improvement of the local existing affordable housing stock, particularly housing units affordable to low and very low income households, is a priority of the City.

(i) The California State Legislature has declared that there exists a severe shortage of housing affordable to very low and low income households, that such shortage is inimical to the health, safety and welfare of the residents of the state, and that is an economic benefit to the state and a public purpose to encourage the availability of adequate housing for very low and low income households.

(j) According to the San Diego Housing Commission, approximately three thousand, six hundred (3,600) privately owned housing units are assisted with federal funds and located in the

City which are at risk of conversion to market rate rental or ownership housing by the year 2008.

(k) Under the federal housing programs designed to create and maintain housing affordable to very low and low income households, including but not limited to Section 221(d)(3), Section 236, Section 8 New Construction, Section 8 Substantial Rehabilitation Programs, Section 8 Loan Management Set-Aside Programs, some persons owning federally subsidized housing units may prepay federally subsidized loans prior to the end of the loan term, and/or are given the option not to renew rental subsidy contracts.

(l) The prepayment of federally subsidized loans and the failure to renew rental subsidies under federal programs will terminate federal rent restrictions and will result in loss of housing units affordable to very low and low income households and the displacement of very low and low income households, some of whom may become homeless.

(m) In the last several years, the City and the state have experienced an unprecedented rise in the value of real estate. Real estate values in the City have increased dramatically. Rising real estate values increase the financial incentive and pressure for owners of subsidized rental units to convert such units to uses other than as affordable rental units.

(n) Conversion of affordable rental units to market rate rental or ownership units will result in the displacement of very

low and low income households residing in subsidized rental units, and will also result in a permanent loss from the City's housing stock of such affordable rental units. The risk of such conversions constitutes a substantial and immediate threat to the health, safety and welfare of the City's residents. Displacement of very low and low income households, the currently inadequate supply of subsidized rental units, and the lack of federal, state and local funds to produce a sufficient supply of such units, will combine to force more people into already overburdened emergency shelters, and onto the streets.

(o) The loss of affordable rental units resulting from conversion will have a deleterious impact on the goal of preserving and expanding the existing stock of affordable housing, as well as a deleterious impact on the City's housing and service programs by placing additional burdens on the City's limited housing resources and limited resources for providing emergency shelter and associated services.

(p) There exist approximately five thousand (5,000) housing units located within mobile home parks throughout the City. Residents of these mobile home parks face an increasing likelihood of escalating rents and potential eviction as the rising value of land places greater pressures on mobile home park owners to covert these parks to higher economic uses. The City finds that conversion of mobile home parks to market rate housing and commercial uses will result in the displacement of very low

and low income households residing in these parks, and will also result in the permanent loss from the City's housing stock of such affordable housing units. The risk of mobile home park conversion constitutes a substantial and immediate threat to the health, safety and welfare of the City's residents. Displacement of very low and low income household residents of these parks, the currently inadequate supply of subsidized rental units, and the lack of federal, state and local funds to produce a sufficient supply of such units will combine to force more people into already overburdened emergency shelters, and onto the streets.

(q) In March, 1989, the San Diego Housing Commission appointed the San Diego Housing Trust Fund Task Force with broad representation including non-profit community organizations, for-profit developers, non-profit developers, apartment owners, lenders, and private business organizations. The Task Force heard public testimony, commissioned expert consulting advice, and received staff support from the Commission. The expert consultation advice retained by the Task Force and Commission included affordable housing policy and finance experts, real estate economists specialized in measuring the effect of new commercial development on increasing affordable housing demand, and special legal counsel with expertise in housing, finance, redevelopment and revenue law in California. The Task Force filed their final Report and Recommendations in September, 1989. This Report found that:

(1) The City is in the midst of an affordable housing crisis, created by both pervasive existing need and growing new need caused by new commercial development and population growth.

(2) The City could best afford to provide affordable housing assistance by raising substantial revenues broadly, fairly and equitably across a range of interests in the City.

(3) The City could only hope to make substantial progress in meeting its affordable housing needs by establishing a permanently dedicated and annually renewable financial commitment to assist housing for low income households, very low income households and first-time homebuyers.

(r) The Commission unanimously adopted the findings and recommendations of the Task Force in October, 1989, and forwarded those to the City Council for consideration.

(s) On December 11, 1989, the City Council accepted the Task Force Report and instructed the Commission and City Manager to prepare the necessary enabling ordinances to implement the Housing Trust Fund.

(t) The City Council further finds that the affordable housing crisis in the City has a deleterious effect on long term economic growth and prosperity. Employers rate affordable housing highly as a necessary resource when making decisions about whether to locate in a new community.

(u) The City Council further finds that with such large numbers of the City's residents burdened by high housing expenses, City businesses and enterprises benefit from the expenditure of less discretionary family income as households struggle to meet burdensome rent and mortgage expenses.

WHEREAS, this City Council additionally finds with respect to the imposition of housing Linkage Fees on certain specified commercial development that:

(a) The San Diego Housing Trust Fund Task Force (Task Force) commissioned a study to establish a reasonable relationship, or rationale nexus between non-residential commercial development projects and increased demand for housing affordable to lower income households. The findings of this study were presented to and reviewed by the Task Force and San Diego Housing Commission. These findings were accepted by the Task Force in their Final Report of September, 1989, and unanimously adopted by the Commission in October, 1989.

(b) The Council hereby accepts the San Diego Housing Trust Fund Task Force Final Report and San Diego Housing Trust Fund Feasibility Study which is incorporated herein by reference, copies of which are on file with the City Clerk as Documents No. 00-17454-1 and No. 00-17454-2. The Nexus Study found the following:

(1) New buildings are associated with the attraction of new employees, and new buildings are associated with growth. New

construction alone is not responsible for growth, but significant commercial development cannot be accommodated without significant new commercial space. Production of buildings to accommodate growth is one of the major factors that enable or contribute to the occurrence of growth. The most rapidly growing areas in the state are those where new construction is occurring in large volumes. Conversely, in areas where commercial construction is limited by policy, employment growth is slowed.

(2) Employment growth is accompanied by growth in lower income households. Each of the six types of commercial and industrial building development analyzed produces a share of total employees from very low income and low income households. Abundant information documents that employment growth nationwide and in any given region has a very large portion of new jobs at low income and very low income levels. A study by the Joint Economic Committee of the Congress in 1987 found that more than half the new jobs in the United States between 1979 and 1983 paid under \$7,000 per year.

(3) San Diego was one of the leaders in the nation in 1988 in employment growth with 44,000 new jobs created. A large percentage of these new jobs were low paying. Low paying jobs are associated with low income and very low income households, even after taking into account multiple jobs for worker and multiple workers per household. Thus, San Diego is attracting many lower income households as well as middle and upper income households in search of available jobs.

(4) The Nexus Study identifies the number of employees of varying income levels who work in different types of commercial and industrial buildings. The analysis is conservative in numerous respects. For example, the analysis addresses direct employment only. In the case of a given office building, direct employment covers managerial, professional and clerical people who work in the building. It does not include janitorial workers, window washers, security guards, delivery personnel, landscape maintenance workers and many others who are associated with the normal functioning of an office building. These indirect employees tend to be among those service workers at the lower end of the pay scale. Confining the analysis in the Nexus Study to direct employees only does not address all the low income workers associated with each land use or type of building, and thus understates the impact of new commercial development on the attraction of lower income households to San Diego.

(5) The construction of new non-residential projects such as office space, business parks, hotels, shopping centers and other projects plays a major role in attracting new lower income households to the City of San Diego. These workers often cannot afford to buy or rent housing within the City. A very clear nexus can be established between the employees of the various commercial and industrial buildings types and the number of lower income households associated with those buildings.

(6) The Nexus Study calculated the number of lower income households attracted to San Diego by new construction of 100,000 square feet of each of six types of commercial development.

(7) An affordability gap analysis showed that in 1989 dollars a very low income household of four had an affordability gap of \$42,500 between the cost of rental housing development in San Diego and what they could afford to pay assuming thirty percent (30%) of gross income for rent and utilities. The affordability gap for a low income household in 1989 dollars was found to be \$23,000 per household. The gap analysis did not account for operating expenses of rental housing developments, which would increase the gaps by as much as nearly \$20,000 per household.

(8) Based on the affordability gap findings and the number of very low income households and low income households employed per 100,000 square foot developments in each of six building types, total supportable fees on non-residential development to mitigate the impact of a new low and very low income household employment in San Diego were documented at the following levels:

<u>Building Type</u>	<u>Nexus Impact Per Square Foot</u>
Office	\$22.07
Research and Development	15.15
Manufacturing	9.73
Warehousing	2.65
Retail	27.59
Hotel	11.24

(c) If current trends in housing supply continue, lower income households will continue to be forced to pay higher and higher percentages of their household income on housing, causing stress and related social problems, and resulting in less available income for other purchases within the local economy. Some share of households may eventually become homeless.

(d) Lower income households will also be forced to live at greater distances from their place of employment, causing greater traffic congestion, increased air pollution and more rapid degradation of existing infrastructure.

(e) Ultimately, the limited ability of an inexpensive labor pool to find affordable housing will begin to constrain growth in many sectors in San Diego.

(f) Accordingly, it is appropriate to impose some of the cost of the increased burden of providing housing for low and very low income households necessitated by such development directly upon the sponsors of the development, and indirectly upon the occupiers. The imposition of a housing impact fee is an appropriate means to accomplish this purpose. In determining the amount of such fee, the City Council has taken into account other factors in addition to the simple calculation of contribution. These include impact of the fee on construction costs, special factors and hardships associated with certain types of development, and legal issues.

(g) This ordinance carries out provisions of the San Diego General Plan. The Housing Element of the General Plan calls for the provision of housing for all sectors of the population to accommodate the demands of both existing and new residents attracted to the region by increased employment. The Housing Element also provides that the City should make special efforts to encourage an increased supply of housing affordable to low and very low income housing households.

(h) Elements of the San Diego General Plan including, but not limited to, the Land Use Element, Transportation Element and the Conservation Element require the promotion of in-fill development and the discouragement of urban sprawl in order to reduce air pollution, minimize commute distances and traffic-related impacts, and avoid undue increases in the cost of urban services. In the absence of sufficient subsidy, low income family members employed in jobs new to the City would be forced to find housing, if at all, in areas far removed from employment centers, thus increasing urban sprawl and its associated impacts. The creation of a Housing Trust Fund is designed to reduce this impetus for urban sprawl and its associated impacts.

(i) Most land uses in the City clearly fall within one of the six basic use types studied in the Nexus Study, and are charged a fee accordingly in this ordinance. In a limited number of situations, the fee may be based on a project-by-project determination due to insufficient information as to the general

characteristics of that type of use or special attributes of the use which make building size an inappropriate determinant of employee density.

(j) The transportation facilities and commute patterns in San Diego are such that individuals commute to and from residence locations and jobs anywhere within the confines of the City borders. Origin and destination studies prepared by the San Diego Association of Governments indicate that individuals are able to live or work anywhere within the jurisdiction and make the necessary commute. Accordingly, the geographic nexus necessary between the non-residential development project contributing fees to the San Diego Housing Trust Fund pursuant to this Division and the site of assisted housing is maintained by requiring that both lie within the City boundaries.

(k) It is recognized that it is inappropriate to impose a fee requirement on certain types of uses because the fee may violate previous development agreements, disposition and development agreements, or is preempted by state law; or because special characteristics of the use otherwise address the needs of the same low income population to which this ordinance is addressed, and such contributions would be adversely affected by the fee; or because it can be determined that the use categorically will have few or no employees.

(l) The City-wide housing exaction is based upon the San Diego General Plan, the San Diego Housing Trust Fund Task Force

report and recommendations, and the Nexus Report quantifying the nexus between development and low income housing need. In view of the numerous assumptions and potential inexactitudes which must attend any such studies and recommendations, the City Council has determined that the fees and unit requirements will be set well below the calculated cost of providing low and moderate income housing to persons attracted to the city by these employment opportunities.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter IX, Article 8, of the San Diego Municipal Code be and the same is hereby amended by adding a new Division 5, Sections 98.0501 through 98.0528 to read as follows:

DIVISION 5

SAN DIEGO HOUSING TRUST FUND

SEC. 90.0501 PURPOSE AND INTENT

(a) It is the intent of the City Council to create a Housing Trust Fund as a permanent and annually renewable source of revenue to meet, in part, the housing needs of the city's very low, low, and median income households. That low income community includes all those households which earn less than eighty percent (80%) of the area median income, adjusted for family size; and also possess one or more of the following characteristics;

(1) they are burdened by paying more than thirty percent (30%) of their gross income for housing costs; (2) they live in overcrowded conditions; (3) they live in substandard housing units; (4) they are homeless individuals and families; or (5) they consist of individuals and families with special housing needs such as the elderly, the developmentally disabled, the mentally ill, the physically disabled, single parent households and large families.

(b) The Housing Trust Fund will serve as a vehicle for addressing very low, low, and median income housing needs through a combination of funds as provided for in this ordinance.

(c) It is the intent of City Council to address a significant portion of the City's current and projected very low, low, and median income housing need by leveraging every one dollar of City funds allocated to the Fund with two dollars of non-city subsidy capital funds.

(d) It is further the intent of the Council to foster a mix of family incomes in projects assisted by the Fund and to disperse affordable housing projects throughout the City, in accordance with its Balanced Communities Policy and its intent

to achieve a balance of incomes in all neighborhoods and communities so that no single neighborhood experiences a disproportionate concentration of housing units affordable to very low, low, and median income households.

(e) It is the purpose and intent of this part to preserve and maintain renter and ownership housing units which are affordable to low, very low, and moderate income households and are located within the City, including federally assisted units and units located in mobile home parks.

(f) It is the further intent of the City Council to foster and encourage the private sector to join with the public sector and the non-profit sector to further the goals of this ordinance.

SEC. 98.0502 DEFINITIONS

Unless the context requires otherwise, the words and phrases used in the Division shall have the meanings as defined below:

(a) Affordable shall mean a housing unit that has an affordable housing cost.

(b) Affordable housing cost shall mean
(1) for ownership housing, a housing payment which includes loan principal, loan interest, property taxes, property and mortgage insurance, and

homeowners association dues which allows a household with a gross income at not more than one hundred percent (100%) of the area median income to purchase a home and (2) for rental or cooperative housing, a housing payment including a reasonable allowance for utilities, which does not exceed thirty percent (30%) of not more than fifty percent (50%) of the area median income for very low income households and thirty percent (30%) of not more than eighty percent (80%) of the area median income for low income households.

(c) Area Median Income shall mean the median income in the San Diego Standard Metropolitan Statistical Area adjusted for family size, as published by the United States Department of Housing and Urban Development.

(d) Assisted Unit shall mean a housing unit that is affordable because of assistance from the Trust Fund.

(e) Board shall mean the Board of Trustees of the San Diego Housing Trust Fund.

(f) City shall mean The City of San Diego.

(g) City Council shall mean the City Council of The City of San Diego.

(h) City Manager shall mean the City Manager of The City of San Diego.

(i) Commission shall mean the San Diego Housing Commission.

(j) Executive Director shall mean the Executive Director of the Commission.

(k) First-time Home Buyer shall mean a household which has not owned a principal residence within the most recent three (3) consecutive calendar years. The Board of Trustees shall develop exemption guidelines for hardship cases.

(l) Low Income means gross household income adjusted for family size which is at or below eighty percent (80%) of area median income, but more than fifty percent (50%) of area median income.

(m) Median Income means gross household income adjusted for family size which is at or below the area median income, but more than eighty percent (80%) of area median income.

(n) Overcrowded Household shall mean one which is housed so that more than one person per room of not less than seventy (70) square feet occupies the dwelling unit, not counting the kitchen and bathrooms as defined by 'The City of San Diego's Housing Regulations and the U.S. Department of Housing and Urban Development.

(o) Program Plan shall mean the three-year program plan for the Housing Trust Fund that is developed pursuant to Section 98.0508.

(p) Recipient shall mean a person or legal entity which receives funds from the Trust Fund other than the Commission.

(q) Trust Fund shall mean the San Diego Housing Trust Fund account maintained by the City Auditor and Commission to fund the activities authorized by this Division.

(r) Task Force shall mean the San Diego Housing Trust Fund Task Force appointed by the Commission which Task Force issued the San Diego Housing Trust Fund Task Force Final Report and Recommendations dated September, 1989.

(s) Trustee shall mean a member of the Board of Trustees of the San Diego Housing Trust Fund.

(t) Very Low Income shall mean gross household income adjusted for family size which is at or below fifty percent (50%) of area median income.

**SEC. 98.0503 ESTABLISHMENT OF THE SAN DIEGO
HOUSING TRUST FUND AND TRUST FUND
ACCOUNT**

(a) There is hereby established a Fund to be known and denominated as the San Diego Housing

Trust Fund. The Trust Fund shall consist of funds derived from the commercial development linkage fees to be paid to the City pursuant to Division 6, Article 8, Chapter IX (Sections 98.0601 et seq.) of the San Diego Municipal Code; funds derived from the growth in revenues from the Transient Occupancy Tax as provided in Section 35.0128 of the San Diego Municipal Code and any other appropriations as determined from time to time by legislative action of the City Council. This Fund shall be administered by the Commission pursuant to the provisions of this ordinance, the program plan, the appropriation ordinances and Council policies applicable thereto.

(b) There is also hereby established a San Diego Housing Trust Fund account. All funds received by the Trust Fund, either from special funds or general fund appropriations, shall be deposited in the Trust Fund account. Principal and interest from loan repayments, proceeds from grant repayments, forfeitures, reimbursements, and all other income from Fund activities, shall be deposited in the Fund. All funds in the account shall earn interest at least at the same rate as pooled investments managed by the Treasurer. All

interest earnings from the account shall be reinvested and dedicated to the account. All appropriated funds in the Trust Fund account shall be available for Program expenditures as directed by the Commission. The City's Annual Appropriation Ordinance shall provide for the transfer of designated funds to the Housing Trust Fund. Transfers shall be made quarterly or upon direction of the City Manager. Designated funds shall accrue interest from the time of transfer to the Housing Trust Fund Account.

SEC. 98.0504 PURPOSE AND USE OF HOUSING TRUST FUND MONIES

Funds in the Trust Fund shall be used solely for programs and administrative support approved by the City Council in the Program Plan to meet the housing needs of very low income, low income and median income households. These programs shall include those providing assistance through production, acquisition, rehabilitation and preservation. Funds in the Trust Fund shall be distributed to the target income groups according to the following guidelines:

(a) No less than ten percent (10%) of the funds in the Trust Fund shall be expended to provide transitional housing for households who lack permanent housing;

(b) Not less than sixty percent (60%) of the funds in the Trust Fund shall be expended to provide housing to very low income households at affordable housing costs.

(c) No more than twenty percent (20%) of the funds in the Trust Fund shall be expended to provide housing to low income households at affordable housing costs;

(d) No more than ten percent (10%) of the funds in the Trust Fund shall be expended to assist median income first-time home buyers purchase a home at an affordable housing cost with special consideration given to those proposals

(1) involving neighborhoods that are predominately low income with substantial incidence of absentee ownership, or (2) which further goals of the Balanced Community Policy.

SEC. 98.0505 TERM OF AFFORDABILITY

(a) Whenever funds from the Trust Fund are used for the acquisition, construction or substantial rehabilitation of an affordable rental or cooperative unit, the Commission shall impose enforceable requirements on the owner of the housing unit that the unit remain affordable for the remaining life of the housing unit, assuming

good faith efforts by the owner to maintain the housing unit and rehabilitate it as necessary. The remaining life of the housing unit shall be presumed to be a minimum of fifty-five (55) years.

(b) Whenever funds from the Trust Fund are used for the acquisition, construction or substantial rehabilitation of ownership housing, the Commission shall impose enforceable resale restrictions on the owner toward the end of keeping the housing unit affordable for the longest feasible time, while maintaining an equitable balance between the interests of the owner and the interests of the Commission.

(c) For programs funded with funds from the Trust Fund which are not described in (a) or (b) above, the Commission shall develop appropriate mechanisms to ensure affordability which shall be described in the Program Plan.

(d) The affordability restriction requirements described in this section shall run with the land and the Commission shall develop appropriate procedures and documentation to enforce these requirements and shall record such documentation in the Official Records of the Recorder of San Diego County.

SEC. 98.0506 THREE YEAR PROGRAM PLAN

Prior to the commencement of the fiscal year and annually thereafter, the Commission shall adopt a three year Program Plan and present it to Council for action. This document shall plan for the following three years. The Program Plan shall set forth with respect to the three-year period:

(a) A description of all programs to be funded with funds from the Trust Fund specifying the intended beneficiaries of the program including the capacity building program for non-profit organizations;

(b) The amount of funds budgeted for loans or grants to recipients who agree to participate in Commission approved Programs;

(c) The amount of funds budgeted for administrative expenses, exclusive of legal fees, subject to restrictions of Section 98.0520. All disbursements from the Fund shall be consistent with the Program Plan.

SEC. 98.0507 SOLICITATION OF PROGRAM SUGGESTIONS

Each year, the Board shall solicit suggestions on the programs to be funded by the Trust Fund in the next fiscal year from any person who has indicated such a desire in writing to the Board or Commission.

**SEC. 98.0508 PREPARATION AND FUNDING OF THREE
YEAR PROGRAM PLAN**

Each year, the Board shall hold three (3) public hearings to solicit testimony from the general public on programs to be funded by the Trust Fund in the next fiscal year. A hearing shall be held in the North, South and Central areas of the City. The Board shall consider the suggestions from the neighborhood groups and the testimony from the public hearings, and cause a draft Program Plan to be prepared for its consideration. The Commission shall hold a public hearing to obtain public comments on the draft Program Plan, make modifications as it deems appropriate and submit it to the Council for action. The City Council shall consider the Program Plan as submitted by the Commission, modify it if it so elects; approve it no later than July 31 of each year; and appropriate to fund the Program Plan from the Trust Fund or any other funding sources it chooses to consider for this purpose. These procedures and dates may be adjusted as necessary for the preparation of the first Program Plan after the enactment of this Division.

**SEC. 98.0509 PROJECT SELECTION AND
DISBURSEMENT OF FUNDS**

(a) All projects considered for funding will be reviewed prior to Commission action by the local Community Planning Group or, in an area where there is no Planning Group, another community advisory group.

(b) The Commission may notify potential recipients that funds from the Trust Fund are available to be distributed as loans or grants through issuing requests for proposals and notices of fund availability. In addition, the Commission shall affirmatively seek and create opportunities to increase the supply of assisted units through operation of its own programs.

SEC. 98.0510 SUPPORT OF NON-PROFIT ORGANIZATIONS

The Commission shall ensure that a program to increase the capacity of non-profit organizations to develop and operate housing for very low, low and median income households be included in the Program Plan to be submitted to the City Council. Through such a program, the Trust Fund may fund training programs for non-profit organizations, and provide funds for administrative support. Furthermore, the Commission shall ensure that technical assistance related to the preparation of

project proposals is made available to non-profit organizations requesting such assistance.

SEC. 98.0511 FUNDING OF SUPPORTING SERVICES

Funds from the Trust Fund may be used in any manner, through loans, grants, or indirect assistance for the production and maintenance of assisted units and related facilities. Funds shall not be used however, for the operation of supporting services such as child care or social services unless:

(a) The funds are used in connection with transitional housing or in neighborhoods where the addition of units will create the need for supportive services.

(b) The recipient can demonstrate to the Commission that other funds are not available, and

(c) No more than twenty-five percent (25%) of the loan, grant or assistance is designated for such services. Whenever such funds are disbursed from the Trust Fund, the Commission shall determine the terms and conditions which shall be attached to the grant or loan of those funds.

SEC. 98.0512 REGULATION OF RECIPIENTS

Every recipient shall enter into a written agreement with the Commission which sets forth the

terms and conditions of the grant or loan. The agreement shall contain at least the following provisions:

(a) The amount of funds to be disbursed from the Trust Fund.

(b) The manner in which the funds from the Trust Fund are to be used.

(c) The terms and conditions of the grant or loan.

(d) The projected and maximum amount that is allowed to be charged in order for the assisted units to maintain an affordable housing cost.

(e) A requirement that periodic reports be made to the Commission to assist its monitoring of compliance with the agreement.

(f) A description of actions that the Commission may take to enforce the agreement.

(g) Restrictions on the return on equity and developers fee recipients may receive, where applicable.

SEC. 98.0513 HOUSING TRUST FUND BOARD OF TRUSTEES

A Board of Trustees consisting of eleven (11) voting members shall be appointed to assist and advise the Commission in the administration of the Trust Fund. The duties of the Board may include

coordination of the Program Plan process, review of project proposals, recommendation of actions concerning project proposals to the Commission including terms and conditions of agreements under consideration, and other activities which the Commission may, from time to time, deem appropriate, subject to approval of City Council by resolution.

SEC. 98.0514 QUALIFICATION OF TRUSTEES

Voting members of the Board of Trustees shall be persons broadly reflective of the economic, cultural, geographical, and social diversity of the City, including ethnic minorities and women. The Board shall consist of the following membership:

(a) Four (4) Trustees experienced in business and industry;

(b) Two (2) Trustees from organized labor organizations, one of which shall predominantly represent workers earning near minimum wage;

(c) Five (5) Trustees from non-profit and/or community based organizations advocating or providing for the housing or social needs of low and very low income persons in the City.

SEC. 98.0515 SELECTION OF BOARD

Trustees shall be appointed by the Mayor from a list of nominees for the three categories of Trustees set forth in Section 98.0514, and confirmed by the City Council. Nominations for the Trustees shall be provided by community groups representing those categories and by the community at large. Whenever the Mayor does not appoint a Trustee within forty-five (45) days after a vacancy, the Council shall make such appointment.

The Trustees shall serve two (2) year terms and shall serve until a successor is duly appointed and qualified. The Trustees shall be appointed in such a manner that the term of not more than six (6) Trustees shall expire in any year. No Trustee may serve more than two (2) consecutive two (2) year terms but the time spent filling the unexpired term of a previous Trustee shall not count within this limitation. Two initial Trustees from categories (a) and (c) of Section 98.0514 and one Trustee from category (b) of Section 98.0514 shall be appointed to three (3) year terms.

The Trustees shall select a chairperson from among their members. The chairperson shall rotate every two (2) years among the three (3) Trustee groups set forth in Section 98.0514.

SEC. 98.0516 REMOVAL OF TRUSTEES

Trustees may be removed from the Board at any time and without cause by a majority vote of the City Council.

SEC. 98.0517 QUORUM AND VOTE

The affirmative vote of six (6) voting Trustees of the Board shall be necessary and sufficient for the Board to take an action, unless the Board sets a higher vote requirement. Only a majority of Trustees present, however, shall be required for a vote to adjourn.

SEC. 98.0518 CONFLICT OF INTEREST

All Trustees shall be subject to the Political Reform Act of 1974, commencing with Section 81000 of the California Government Code. The representation and participation of various interest groups on the Board is deemed to be essential in the development of policies and making recommendations concerning the use of funds in the Trust Fund. Therefore, unless prohibited by the Political Reform Act of 1974 or another superior law, it shall not be considered a conflict of interest for a Trustee to participate in Board deliberations merely because such member is a resident in housing funded by the Trust Fund or an

employee, officer or owner of an organization participating in Trust Fund programs, provided that such housing or such organization is not the matter before the Board. A Trustee, however, who has a financial interest in a matter before the Board shall disclose such interest and shall not participate in the deliberations as a Trustee and shall not vote on such matter.

SEC. 98.0519 COMPENSATION

Trustees shall serve without compensation, but shall be entitled to reimbursement for expenses incurred in the performance of their duties as Trustees as authorized by Commission policy.

SEC. 98.0520 ADMINISTRATIVE STAFF

The Commission shall serve as staff to the San Diego Housing Trust Fund Board of Trustees. The Commission and City shall be entitled to reasonable compensation for services related to administration of the Trust Fund. Administrative expenses shall not exceed eight percent (8%) of annual combined Trust Fund appropriation from dedicated and general fund revenues.

SEC. 98.0521 MEETINGS

The Board shall determine the time, place and frequency of its meetings and may adopt rules of

procedure for the conduct of its business. All meetings of the Board shall be subject to the Ralph M. Brown Act, commencing with Section 54950 of the California Government Code.

SEC. 98.0522 PUBLICATION OF PROGRAM DOCUMENTS

The Commission shall publish such administrative rules and guidelines as are necessary and desirable to implement the programs approved by the City Council in the Program Plan.

SEC. 98.0523 ANNUAL REPORT

The Commission shall within ninety (90) days following the close of each fiscal year prepare and submit an annual report to the City Council on the activities undertaken with funds from the Trust Fund. The report shall specify the number and types of units assisted, the geographic distribution of units and a summary of statistical data relative to the incomes of assisted households, the monthly rent or carrying charges charged, the amount of state, federal and private funds leveraged, and the sales prices of ownership units assisted. The report shall specifically contain a discussion of how well the goals of the previous year's Program Plan were met. The report shall also contain the information necessary to

support the findings specified in Section 66001 of Chapter 5, Division 1 of Title 7 of the California Government Code. The report also shall discuss compliance with Sections 98.0527 and 98.0528.

SEC. 98.0524 RESERVE FUND

The Commission may establish and maintain a reserve fund account adequate to preserve the ability of the Trust Fund to take maximum advantage of unforeseen opportunities in assisting housing and to ensure prudently against unforeseen expenses. The amount to be maintained in this reserve fund shall be determined by the Commission. The Commission shall establish procedures for maintaining such a fund.

SEC. 98.0525 FINANCIAL MANAGEMENT

(a) The City Auditor shall maintain a separate Housing Trust Fund and any required related subsidiary funds and transfer the balance on deposit from such funds to the Commission on a quarterly basis upon the direction of the City Finance Director.

(b) The Commission shall maintain and report within the Commission accounts a separate Housing Trust Fund and any required related subsidiary funds for all related financing transferred from

the City and any related income. Such funds shall be accounted for and reported separately on the Commission's annual audited financial report, and such funds shall be audited for compliance with the Housing Trust Fund Ordinance and related policies and regulations. The Commission shall also prepare any other reports legally mandated for financing sources of the Housing Trust Fund, such as AB1600 Appropriation Expenditure reporting requirements of the Housing Trust Fund impact fee subaccounts provided for in Section 98.0605.

SEC. 98.0526 EQUAL OPPORTUNITY PROGRAM

The Commission shall apply its equal opportunity program to assure that contractors doing business with and/or receiving funds from the Trust Fund will not discriminate against any employee or applicant for employment because of race, color, religion, sex, handicap, age, or national origin and that equal employment opportunity is provided to all applicants and employees without regard to race, religion, sex, handicap, age, or national origin. The goals of the equal opportunity program are to ensure that all contracts achieve parity in the representation of women, minorities, and the handicapped in each

contractor's work force with the availability of women, minorities, and the handicapped in the San Diego County labor market.

The program shall apply to all vendors, grantees, lessees, consultants, banks, and independent corporations under contract with the Commission.

SEC. 98.0527 COMPLIANCE WITH ANTI-DISCRIMINATION LAWS

Each contractor shall submit certification of compliance with Executive Order 11246, Title VII of the Civil Rights Act of 1964, as amended, the California Fair Employment Practice Act, and other applicable federal and state laws and regulations hereinafter enacted. Such certification shall be on forms to be provided by the Commission and shall be submitted at the time the contractor submits a bid or proposal.

SEC. 98.0528 COMMISSION POWERS TO ENFORCE

The Commission may institute any action or proceeding it deems appropriate, judicial or otherwise, against recipients or other persons to carry out the provisions of this Division, to enforce the terms of any agreement related to the use of funds from the Trust Fund, or to protect the interest of the City, Commission, Board or intended

beneficiaries of programs operated pursuant to this Division. The Commission may foreclose on property assisted with funds from the Trust Fund, seek to assume managerial or financial control over property financed with funds from the Trust Fund, directly or through a receiver, seek monetary damages or seek equitable or declaratory relief.

Section 2. That Chapter IX, Article 8 of the San Diego Municipal Code be and the same is hereby amended by adding a new Division 6, Section 98.0601 through Section 98.0618 to read as follows:

DIVISION 6

HOUSING IMPACT FEES ON COMMERCIAL DEVELOPMENT

SEC. 98.0601 PURPOSE

It is the policy of The City of San Diego that new office, retail, research and development, manufacturing, warehouse, and hotel development pay a fair share of the costs of subsidy necessary to house the low and very low income employees who will occupy the jobs new to the region related to such development.

SEC. 98.0602 AUTHORITY

This Division is adopted pursuant to the authority of the California Constitution Article XI, Section 7, and the Charter of The City of San Diego.

SEC. 98.0603 LIMITATION

Unless otherwise expressed in the San Diego Municipal Code, the provisions of this Division are the exclusive procedures and rules relating to housing impact fees. In the event of conflict, these provisions shall prevail over any other provisions of the San Diego Municipal Code.

SEC. 98.0604 DEFINITIONS

The following definitions shall apply to this Division:

(a) Addition shall mean adding gross square feet to an existing non-residential development project subject to this section.

(b) Area Median Income shall mean the median income in the San Diego Standard Metropolitan Statistical Area, adjusted for family size, as published by the United States Department of Housing and Urban Development.

(c) Construction shall mean the building of a new non-residential development project subject to this Division.

(d) Gross Square Feet shall mean the total of all square feet of floor area included within the surrounding walls of the non-residential development project as determined by the City

Engineer. This area does not include garages or carports.

(e) Housing Unit shall mean a new dwelling unit of any tenure type or price, including the rehabilitation of dangerous residential buildings as defined in the San Diego Municipal Code.

(f) Interior Remodel shall mean a tenant improvement which results in a change in the type of use of the non-residential development project that increases the employee density of the project as determined by the City Engineer.

(g) Low Income Households shall mean those households with gross incomes adjusted for family size at or below eighty percent (80%) of area median income, but more than fifty percent (50%) of area median income.

(h) Median Income Households shall mean those households with a gross income adjusted for family size at or below one hundred percent (100%) of the area median income.

(i) Nonresidential Development Project shall mean any commercial or industrial use as provided in the San Diego Municipal Code and includes any other related use that is determined by the City Engineer to fall within the use categories

determined by the Nexus Study to impact housing demand.

(j) Very Low Income Households shall mean those households with gross incomes at or below fifty percent (50%) of the median area income in the City of San Diego as set forth from time to time by the U.S. Department of Housing and Urban Development.

SEC. 98.0605 CREATION OF SAN DIEGO HOUSING TRUST FUND HOUSING IMPACT FEE SUBACCOUNT

There is hereby established a Housing Impact Fee Subaccount in the San Diego Housing Trust Fund account established by Section 98.0503 of the San Diego Municipal Code. The City Auditor shall maintain the funds in this subaccount separate from other funds in the San Diego Housing Trust Fund Account. Any reports produced pursuant to Section 98.0523 of the San Diego Municipal Code shall include a separate statement of income and expenditures for this Housing Impact Fee Subaccount. Interest on funds in this subaccount shall be deposited in the subaccount.

SEC. 98.0606 DEPOSIT OF FEES IN SAN DIEGO HOUSING TRUST FUND

Fees collected pursuant to this Division shall be deposited at the time collected, or soon

thereafter, in the San Diego Housing Trust Fund subaccount to be used for purposes stated in Section 98.0504. Such funds may be used to defray the cost of collection consistent with provisions of Section 98.0520.

SEC. 98.0607 LOCATION OF UNITS TO BE ASSISTED WITH IMPACT FEE SUBACCOUNT MONIES

Funds in the impact fee subaccount may be utilized to assist units located anywhere within the boundaries of the City of San Diego. If at any time the Housing Commission determines that, in consultation with the City Engineer and Planning Department, that City boundaries and transportation facilities have changed such that the geographic nexus between the payors of funds pursuant to this Division and the housing units assisted has been substantially reduced, the Housing Commission shall develop and present to the City Council recommendations which establish maximum distances between assisted housing and development subject to this Division, divide the City into zones, or otherwise ensure a proper geographic nexus.

SEC. 98.0608 APPLICATION OF THE HOUSING FEE REQUIREMENT

(a) This Division shall apply to non-residential development projects that are

proposing the construction, addition or interior remodeling of any non-residential development project. This Division shall apply to mixed or combined use projects if such projects propose the construction, addition or interior remodeling of non-residential uses. Notwithstanding the foregoing, this Division shall not apply to projects which fall within one or more of the following categories:

(1) Projects which are the subject of Development Agreements currently in effect with the City, or of Disposition Agreements, Owner Participation Agreements, or Memoranda of Understanding with the Redevelopment Agency of The City of San Diego, approved prior to the effective date of this ordinance, where such agreements or memoranda (1) limit the application of fees in a manner which specifically precludes the fees which would otherwise be imposed by this Division, or (2) provides alternative means of addressing the project contribution to very low and low income housing need, which means are quantitatively comparative to the fees herein; or

(2) Uses which qualify as Single Room Occupancy Development; or

(3) Residential uses as set forth in the San Diego City Municipal Code; or

(4) That portion of any development project located on property owned by the State of California, the United States of America or any of its agencies, with the exception of such property not used exclusively for state governmental or state educational purposes; or

(5) Any development project which has received a vested right to proceed without payment of Housing Impact Fees pursuant to State Law.

(6) Nonresidential uses located in the Southeast/Barrio Logan Enterprise Zone described in City Council Resolution R-262864 (April 8, 1985).

(7) Any construction which is for any general government purposes.

SEC. 98.0609 EXEMPTIONS

The fee requirements of this Division shall not apply to uses indicated as exempt in Section 98.0608.

SEC. 98.0610 HOUSING FEE REQUIREMENT: PAYMENT OF FEE AS A CONDITION OF ISSUANCE OF A BUILDING PERMIT

Except as provided elsewhere in this section, no Building Permit shall be issued for construction of, or interior remodel of, any Non-Residential

Development Project, subject to this Division unless and until the fee provided for in this Division is paid to the City. The amount of the fee shall be computed as follows: Gross Square Feet Non-Residential Space X (Applicable Fee by type of use as determined by the City Engineer by application of APPENDIX A to this Division) = Housing Payment. For purposes of this Division, the fees for an interior remodel shall be the fees for the new use, less any fees that either were paid or would have been paid based on the original use of the building.

SEC. 98.0611 DETERMINATION OF FEE

The City Engineer shall determine the amount of the fee, which shall be collected by the City Treasurer and deposited in accordance with Section 98.0605. The City Engineer shall utilize the definitions as contained in the San Diego Municipal Code to relate the anticipated use of the non-residential development project to a category of use in APPENDIX A and a resulting fee per square foot, or to identify the use as exempt.

SEC. 98.0612 LAND OR AIR RIGHTS IN LIEU OF FEE

The Commission may permit an applicant for a building permit for a non-residential development

project subject to this Division to dedicate air rights or land to the City in lieu of payment of the fee required by Section 98.0610. Such land or air rights shall be suitable for development of housing eligible for the San Diego Housing Trust Fund assistance as provided in Division 5, Chapter IX of this Code. Such air rights or land shall be dedicated or irrevocably offered for dedication to the City. The fair market value of such land or air rights shall be equal to or greater than the amount of the fee which would have been required under Section 98.0610.

SEC. 98.0613 ADMINISTRATION OF LAND OR AIR RIGHT DEDICATION

An applicant for a building permit for any non-residential development project subject to this Division who elects to proceed under Section 98.0612 in lieu of payment of a fee under Section 98.0610 shall apply to the Commission for a Certificate of In Lieu Housing Impact Fee Payment. The application shall described the proposed land or air rights to be dedicated, the factors which render the land or air rights suitable for use for San Diego Housing Trust Fund purposes, an independent appraisal of the fair market value of the property, and an irrevocable offer of

dedication of such land or air rights or an equivalent document. The Commission shall conduct an evaluation of the application including a second appraisal if appropriate. Upon a determination by the Commission that the proposed dedication meets the requirements of Section 98.0612 above, the Commission may issue a Certification of In Lieu of Impact Fee Payment. On presentation, the City Engineer shall accept such certificate as the required compliance with this Division.

SEC. 98.0614 VARIANCES

A variance from the provisions of this Division may be granted to an applicant by the Commission. The applicant must file an application with the Commission for a variance any time after the determination of the City Engineer pursuant to Section 98.0610, but prior to issuance of the building permit. Any hearing required by the provisions of this Division shall be governed by the provisions of this Code. The application for a variance shall include financial and other information that the Commission determines is necessary to perform an independent evaluation of the applicants' rationale for the variance and shall be a matter of public record.

SEC. 98.0615 STANDARDS FOR VARIANCE

No variance shall be issued to an applicant unless:

(a) Special circumstances, unique to that project justify the grant of the variance;

(b) The project would not be feasible without the modification;

(c) A specific and substantial financial hardship would occur if the variance were not granted; and

(d) No alternative means of compliance are available which would be more effective in attaining the purposes of this section than the relief requested.

**SEC. 98.0616 LOW DENSITY EMPLOYMENT USES
REQUIRING SPECIALIZED STRUCTURES**

In addition to variances granted pursuant to the provisions of Section 98.0615, a variance may also be granted by the Commission in the case of development projects which consist of construction built for and suitable solely for a specific use involving few or no employees. In the case of a variance granted pursuant to this section for a use which involves few employees, the variance may specify a reduced fee applicable to the project. Any variance granted under this section shall

expire upon the conversion of the building to another use or upon the remodeling of the building to permit additional employees.

SEC. 98.0617 FINDINGS FOR VARIANCE

In approving a variance, the Commission shall make findings pursuant to each of the standards defined in Section 98.0615 or, if applicable, Section 98.0616.

SEC. 98.0618 REVISIONS TO APPENDIX A

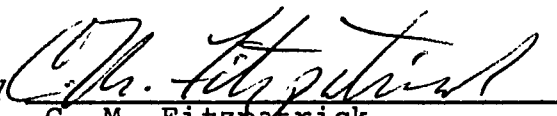
The fees set forth in APPENDIX A shall be revised effective March 1 of each year by the percentage increase or decrease in the building cost Index of the Cost Indices for Twenty Cities published by M.C. McGraw-Hill, Inc. or its successor for the twelve-month period ending January 1 of each year. The Commission, in consultation with the City Engineer shall prepare a recommendation to the Council for such revision on an annual basis.

Section 3. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance which can be given effect without the invalid provision

or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 4. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its passage, and the payment of the fees provided for herein shall be required prior to issuance of any applicable building permit on the sixtieth (60th) day from and after passage, pursuant to California Government Code section 65962.

APPROVED: John W. Witt, City Attorney

By 
C. M. Fitzpatrick
Assistant City Attorney

CMF:wk

04/06/90 REV. 1
Or.Dept:Hsg.Comm.
O-90-156
Form=o.none

APPENDIX A
(SEC. 98.0618)

<u>TYPE OF USE</u>	<u>FEE/BUILDING SQUARE FEET</u>
Office	\$2.00
Hotel	\$1.20
Research and Development	\$1.50
Retail	\$1.20
Manufacturing	\$1.20
Warehouse	\$.50

o-90-156

0-17454

Passed and adopted by the Council of The City of San Diego on.....
 by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible	APR 16 1990
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ron Roberts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
J. Bruce Henderson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Judy McCarty	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

AUTHENTICATED BY:

MAUREEN O'CONNOR
 Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By *Maureen O'Connor*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAR 26 1990

APR 16 1990

....., and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By *Maureen O'Connor*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance *0-17454*

APR 16 1990

Number Adopted

RECEIVED
90 APR 11 AM 9:23
CITY CLERKS OFFICE
SAN DIEGO, CA

53A

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

90 MAY -4 AM 11:40

SAN DIEGO, CALIF.

CITY CLERK'S OFFICE
CITY ADM. BLDG., 2ND FLOOR
SAN DIEGO, CA. 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 8, OF
THE SAN DIEGO MUNICIPAL CODE...

THOMAS D. KELLEHER

I, _____, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-17454 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

APR. 30

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 30 day of APR, 19 90

(Signature)

ORDINANCE NUMBER 0-17454 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 8, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 5 SECTIONS 98.0501 THROUGH 98.0528 AND DIVISION 6 SECTIONS 98.0601 THROUGH 98.0618 RELATING TO THE PROVISION AND PRESERVATION OF AFFORDABLE HOUSING, WHICH ORDINANCE SHALL BE KNOWN AS THE SAN DIEGO HOUSING TRUST FUND ORDINANCE.
This ordinance adds a division to the Municipal Code creating a San Diego Housing Trust Fund to assist in the provision of affordable housing. This Division contains definitions of terms, sets up the Trust Fund, provides for its governance and sets forth the purposes for which funds may be spent. This ordinance also adds a new division creating impact fees on specified types of commercial development and dedicating those fees to the Housing Trust Fund.
A complete copy of the Ordinance is available for inspection in the Office of the City clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 G Street, San Diego, CA 92101.
INTRODUCED ON MARCH 28, 1990 Passed and Adopted by the Council of The City of San Diego on APRIL 16, 1990
AUTHENTICATED BY:
MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
(SEAL)
By MAYDELL L. PONTECORVO, Deputy.
Pub. April 30 178727

25/8 x 2 = 62 1/6