

Added (D)(4), which concerns a City-approved inspection at least once every five years.

Version 2

ORDINANCE NO. _____

1 AN ORDINANCE AMENDING CHAPTER 4-18 OF CITY CODE RELATED TO
2 DENSITY BONUS AND INCENTIVE PROGRAMS.

3 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

4 PART 1. City Code Section 4-18-25 (*Certification*) is amended to amend Subsection (F) to
5 read:

6 § 4-18-25 CERTIFICATION.

7 (F) For developments with one or more affordable units, the agreement required in
8 Subsection (C) must, at a minimum:

- 9 (1) include the applicable affordability requirements;
- 10 (2) prohibit discrimination on the basis of an individual's source of income as
11 defined in Section 5-1-13 (Definitions);
- 12 (3) require dispersion of affordable units throughout the residential units;
- 13 (4) require equal access and use of on-site amenities, common areas, and
14 parking facilities;
- 15 (5) require shared access routes for affordable units and market-rate units;
- 16 (6) require that affordable units include interior components that are
17 functionally equivalent to market-rate units;
- 18 (7) limit the use of an affordable unit as a Type 2 or Type 3 short-term rental
19 (STR);
- 20 (8) require the applicant to incorporate lease provisions that are consistent
21 with a tenant's right to organize under 24 C.F.R. 245.100, the lease
22 addendum required as a condition to receive City of Austin Housing
23 Finance Corporation funds, or City Code requirement; and
- 24 (9) if applicable, address any obligations described in Division 2
25 (*Redevelopment Requirements*) and Division 3 (*Density Bonus Specific*
26 *Additional Requirements*)[, ~~if applicable~~].

29 **PART 2.** City Code Chapter 4-18 (*General Permitting Standards*), Article 2 (*Density Bonus*
30 *and Incentive Programs*), is amended to add a new Division 3 to read as follows:

31 *Division 3. Density Bonus Specific Additional Requirements*

32 **§ 4-18-34 DENSITY BONUS UNIVERSITY NEIGHBORHOOD OVERLAY**
33 **(DBUNO) REQUIREMENTS.**

- 34 (A) This section applies to a property that is zoned with Density Bonus University
35 Neighborhood Overlay (DBUNO) combining district and provides on-site
36 affordable units or affordable bedrooms.
- 37
- 38 (B) In this section,
- 39 (1) MFI- HOME RENT LIMIT means the maximum rent for an affordable
40 bedroom as established annually by the Texas Department of Housing and
41 Community Affairs as determined by the director of the Housing
42 Department.
- 43 (2) DOUBLE-OCCUPANCY BEDROOM means the bedroom rental rate as
44 established for two people sharing the same room affordable bedroom.
- 45 (C) The maximum rental rate for a double-occupancy bedroom is 55 percent of the
46 MFI-Home Rent Limit.
- 47
- 48 (D) The agreement required in Section 4-18-25 (*Certification*) must also include the
49 following:
- 50
- 51 (1) Decoupled Parking. Parking must be rented or sold separately from the
52 affordable unit. Parking for an affordable unit may be rented or sold if the
53 cost of parking is optional and is rented or sold separately.
- 54
- 55 (2) Early Leasing Restrictions. Except for a lease or lease renewal for group
56 residential use, a lease or lease renewal for a dwelling unit shall include an
57 effective date for commencement of lease term not earlier than 150 days
58 prior to move-in date or earliest date tenant may take possession of the
59 dwelling unit.
- 60
- 61 (3) Delayed Move-In Provision. The applicant must agree to include certain
62 provisions related to delayed move-in within a lease for a residential unit.
63 In the event the move-in date is delayed, the lease must give the tenant the
64 option:
- 65

