

ORDINANCE NO. _____

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

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

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

§ 4-18-25 CERTIFICATION.

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

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

Division 3. Density Bonus Specific Additional Requirements

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

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

- COA Law Department