

SCLSXMP4.MMC
November 16, 1992

Introduced by: SULLIVAN/SIMS
PHILLIPS
Proposed No.: 92-804

ORDINANCE NO. **10634**

AN ORDINANCE amending the provisions of the school impact fee program with regard to exemptions for low income housing; amending Ordinance 10162, Section 18 and K.C.C. 21.61A.080.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 10162, Section 18 and K.C.C. 21.61A.080 are hereby amended to read as follows:

Exemption or reduction for low income housing.

A. Low income housing projects being developed by public housing agencies or private non-profit housing developers shall be exempt from the payment of school impact fees (~~(, provided that t)~~). The amount of the school impact fees not collected from low income household development ((is)) shall be paid from public funds other than impact fee accounts ((or the school district identifies other sources or agrees to waive the payment of the fee)). The impact fees for these units shall be considered paid for by the district through its other funding sources, without the district actually transferring funds from its other funding sources into the impact fee account. The planning and community development division shall review proposed developments of low income housing by such public or non-profit developers pursuant to criteria and procedures adopted by administrative rule, and shall advise BALD as to whether the project qualifies for the exemption.

B. Private developers who dedicate residential units for occupancy by low income households may apply to the (~~(parks, planning and resources department)~~) division for reductions in school impact fees pursuant to the criteria established for public housing agencies and private non-profit housing developers pursuant to Subsection A, and subject to the (~~(previses in)~~) provisions of Subsection A. The (~~(planning and community development)~~) division (~~(of the parks, planning and resources department)~~) shall review proposed developments of low income housing by such (~~(public or non-profit)~~) private

1 developers pursuant to criteria and procedures adopted by
2 administrative rule, and shall advise BALD as to whether the
3 project qualifies for the exemption. If ((P&GD)) the division
4 recommends the exemption, BALD shall reduce the calculated
5 school impact fee for the development by an amount that is
6 proportionate to the number of units in the development that
7 satisfy the adopted criteria.

8 C. Individual low income home purchasers (as defined
9 pursuant to the King County ((~~Housing Assistance Plan~~))
10 Comprehensive Housing Affordability Strategy (CHAS)) who are
11 purchasing homes at prices ((~~not exceeding FHA limits for~~
12 ~~financing~~)) within their eligibility limits based on standard
13 lending criteria and meet other means tests established by rule
14 by the division are exempted from payment of the impact fee,
15 provided that ((~~the school district agrees to the exemption,~~
16 ~~and provision is made for~~)) ((~~payment of the fee~~)) at such time
17 as the property in question is transferred to another owner who
18 does not qualify for the exemption, at which time the fee shall
19 be due and payable.

20 D. ((~~Parks, planning and resources department~~)) The
21 division is hereby instructed and authorized to adopt, pursuant
22 to K.C.C. Chapter 2.98, administrative rules to implement this
23 section. Such rules shall provide for the administration of
24 this program and shall:

25 1. Encourage the construction of housing for low income
26 households by public housing agencies or private non-profit
27 housing developers participating in publicly sponsored or
28 subsidized housing programs;

29 2. Encourage the construction in private developments
30 of housing units for low income households that are in addition
31 to units required by another housing program or development
32 condition;

33 3. Ensure that housing that qualifies as low cost meets
34 appropriate standards regarding household income, rent levels

1 or sale prices, location, number of units and development size;
2 and

3 4. Ensure that developers who obtain an exemption from
4 or reduction of school impact fees will in fact build the
5 proposed low cost housing and make it available to low income
6 households for a minimum of fifteen (15) years.

7 5. Ensure that individual low income purchasers meet
8 appropriate eligibility standards based on income and other
9 financial means tests.

10 E. As a condition of receiving an exemption under
11 paragraph B or C, the owner must (~~agree to~~) execute and
12 record a county-drafted lien, (~~a~~) covenant, and/or (~~some~~)
13 other contractual provision against the property for a period
14 of ten (10) years for individual owners, and fifteen (15) years
15 for private developers, guaranteeing that the proposed
16 development will continue to be used for low-income housing.
17 In the event that the pattern of development or the use of the
18 development is no longer for low income housing, then the
19 (~~city/county shall compel the~~) owner (~~to~~) shall pay the
20 impact fee amount (~~plus interest~~) from which the owner or any

1 prior owner was exempt. The lien, covenant, and/or other
2 contractual provision shall run with the land and apply to
3 subsequent owners (~~for a period of ten (10) years~~).

4 INTRODUCED AND READ for the first time this 19th day
5 of October, 1992.

6 PASSED this 16th day of November, 1992.

7 KING COUNTY COUNCIL
8 KING COUNTY, WASHINGTON

Audrey Singer
Chair

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11 ATTEST:

Gerald A. Peterson
12 Clerk of the Council
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14 APPROVED this 25th day of November, 1992

Jim Hill
King County Executive

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