

## RESOLUTION NO.

RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO,  
CALIFORNIA, ADOPTING A POLICY TO PROVIDE FEE WAIVERS,  
CREDITS OR REDUCTIONS FOR AFFORDABLE HOUSING  
DEVELOPMENT.

WHEREAS, Council finds that the City is committed to increasing the production of safe, decent, accessible, affordable housing units as recommended by the 10x10 Blue Ribbon Committee appointed by the Mayor; and

WHEREAS, the need in the City for housing for low and very low income families (which are families at or below 80% of the Area Median Income (AMI)) is well documented in the Housing Element of the 2025 General Plan and the Mayors 10 x 10 Affordable Housing Policy; and

WHEREAS, pursuant to the Housing Element of the 2025 General Plan, approximately 3,647 new units were needed to be constructed for low and very low income families in the 2000-2007 planning period and the new housing need for this population income group for the period from 2008-2013 will likely exceed 5,000 units; and

WHEREAS, in order to provide incentives to achieve the production of safe, decent, accessible, affordable housing units, the City desires to provide a measure of fee relief in the form of a fee waiver, a fee credit, and/or fee reductions from development fees, including both development mitigation impact fees and administrative fees; and

WHEREAS, the amount of any fee waiver for development mitigation impact fees will require restoration of funds from non-impact fee sources to ensure compliance with the Mitigation Fee Act (Gov't Code §§ 66000, et seq.); and

WHEREAS, the intent of a fee waiver, reduction or credit for affordable housing, is to target increased private sector development of housing for low and very low income families, because City sponsored projects can effectively get fee relief by requesting more HOME funds unavailable for stand alone private sector developments; and

WHEREAS, Council finds that a fee waiver, reduction or credit will be most successful as an incentive for private sector affordable developments, for single-family and particularly multi-family projects, when combined with density bonus provisions, housing trust fund incentives, development application fast tracking, and/or development standard relief; and

WHEREAS, it is the intent of the Council to consider an annual appropriation of non-impact fee monies to support this policy.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO  
RESOLVES AS FOLLOWS:

1. The City shall provide a waiver, credit or reduction of all or a portion of development impact and administrative fees for affordable housing development pursuant to the following:
  - a. Any fee waivers, credits or reductions or reimbursements given are subject to availability of and appropriation of substitute "non-impact fee" funds by Council in a written resolution. The written resolution may contain provisions addressing apportionment, priority of distribution, eligibility requirements and any other restrictions and authorizations on the use of the funds as Council deems necessary.
  - b. A fee waiver, credit or reduction may be given for any development that (1) creates housing available to low income families (80% Area Median Income) whereas no more than thirty percent (30%) of the annual household gross income is expended on housing and (2) meets any requirement provided under an ordinance adopted by Council to create incentives for affordable housing, such as, a density bonus ordinance. Any fee waiver/reduction or credit given shall be applicable only to those portions of a development project that provide affordable housing. For example, if a development consists of 15 market rate houses and 5 low income houses, only 25 percent of the development project is eligible for available affordable housing fee waivers, credits or reductions.
  - c. If a developer has not received a fee waiver, credit or reduction pursuant to the above, a developer may receive a reimbursement towards development impact fees paid for any developed parcels that are sold using the City's First Time Homebuyer Program. The amount of the reimbursement will be a percentage of the total development impact fee paid in an amount equal to the total units in the development divided by the units sold using the City's First Time Homebuyer Program. The amount of the reimbursement is subject to available funding and any policy adopted by Council on apportionment and use of affordable housing fee waivers, credits or reductions.
2. If the City constructs any improvement using non-impact fee revenue sources and that improvement is identified to be funded by an adopted City development impact fee, the Council, through budget deliberations or otherwise, may subscribe a portion or all of the value of the constructed improvements for impact fee credits to offset the credit, waiver, reduction or reimbursements provided above. A separate ledger or "credit" list shall be maintained by the administrator of the various impact fee programs to document the value of the improvements constructed, the amount of any impact fee credits that have been granted and the outstanding amount of the credits available.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council for the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval : \_\_\_\_\_,2007  
Mayor Approval/No Return: \_\_\_\_\_,2007  
Mayor Veto: \_\_\_\_\_,2007  
Council Override \_\_\_\_\_,2007

REBECCA E. KLISCH  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
JAMES C. SANCHEZ, CITY ATTORNEY

BY: \_\_\_\_\_  
KATHRYN C. PHELAN  
Deputy