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STAFF REPORT

Date: March 30, 2022

To: Tahoe Living Working Group

From: TRPA Staff

Subject: Minor Code Updates to Improve Housing Delivery Under Existing Programs

Summary and Staff Recommendation:

Staff has prepared a set of draft code changes to address technical concerns brought up during the Phase 1 Housing Amendment approval process. Staff will provide an overview of the proposed changes as an informational item, and requests that the Tahoe Living Working Group members submit proposed edits in writing by April 15, 2022. The code amendments relate to:

- Clarification of the Achievable Housing Definition and updates to the Compliance program
- Mobile and Moveable Home Definitions

Background

TRPA follows a policy of adaptive management when implementing new code. That means that following approval of new code changes, upon implementation at the permit level, TRPA often identifies and processes minor changes to the code that are necessary to ensure that new code sections are meeting stated goals.

Two major code amendment packages related to housing have been implemented in the past three and a half years:

- Development Rights Strategic Initiative (DRSI) (effective January 2019)
- Phase 1 Housing Amendments (effective September 2021)

As these amendments have become more widely understood within the community, TRPA has seen increased utilization of these new code sections. The Development Rights Strategic Initiative (DRSI) has led to approved projects that have made use of the achievable bonus unit pool, and local jurisdictions and private property owners are making use of the conversion provisions that were part of that initiative to facilitate construction of multi-family housing and accessory dwelling units (ADUs). The Phase 1 Housing Amendments package has facilitated the approval of three ADU permits, while an additional thirteen applications for ADUs have been submitted to TRPA as of the date of this staff report.

In working directly with applicants and the California jurisdictions on accessory dwelling unit permits and implementation of “achievable” housing project applications and inquiries, as well as noting comments received during the approval process for the Phase 1 Housing Amendments, TRPA has identified two areas of the code that should be amended to ensure that the underlying intent of the DRSI and Phase 1 Housing Amendments is realized.

Discussion

Attachment A includes draft code modifications shown in “track changes” for each of the following issue areas.

Item #1 - Clarification of the Achievable Housing Definition and updates to the Deed-Restriction Compliance Program

As utilization of the “Achievable” bonus unit pool is ramping up (TRPA currently has received applications for 94 achievable units with more in the pipeline), and as TRPA and the Working Group continue to pass and consider new amendments that confer significant public benefits and cost reductions to “achievable” projects, the need to provide additional oversight to ensure that these units are used as intended is becoming more evident.

During the Phase 1 Housing Amendments, the Tahoe Living Working Group discussed needed amendments to the “Achievable” housing definition in order to ensure that this housing is primarily occupied by local workers, or by those below a certain income level (i.e. those who may be on disability, students, etc.), rather than by households who are relocating to Tahoe for remote work for outside businesses. The current wording of the achievable definition would allow these “remote workers,” to be eligible for deed-restricted achievable housing, and there are concerns that this would draw existing deed-restricted units out of the available set of homes from which local workers can seek housing.

The Working Group and members of the public provided guidance on how the definition could be amended during Phase 1. Simultaneously, the Mountain Housing Council launched a review of their definition of “achievable,” on which TRPA’s definition is based. TRPA decided to wait to finalize the “achievable” definition until the Mountain Housing Council’s process concluded, which it did in October 2021.¹ The proposal in this staff report incorporates the feedback received from the Working Group during Phase 1, and the work by the Mountain Housing Council.

Additionally, over the course of the last several years, TRPA has received multiple inquiries, reports, and complaints on the relative effectiveness of existing deed-restrictions that TRPA has issued, including 302

¹ The Mountain Housing Council adopted the following new definition of “Community Achievable Housing” in October 2021: “Housing that meets the traditional definition of “affordable,” targeting the low-income community members (80% AMI) in our community, and also incorporates housing for local community members who earn more than 80% AMI, but still cannot afford market-rate housing in our region. Since market forces and AMI change frequently, the upper limit of Community Achievable Housing shall be tied to an annual housing needs assessment. Moving forward, local jurisdictions are encouraged to determine how to implement Achievable Local Housing in their own jurisdiction.”

deed-restrictions put into place prior to 2019, and in the deed restrictions issued under the current “achievable” definition after 2019. This proposal also addresses some of those issues.

Summary of proposed changes to the Achievable Housing Definition and Deed-Restriction Compliance Program:

- Update definition to limit the achievable income category to include any permanent resident who:
 - Who qualifies to live in “affordable” housing (household income not in excess of 80 percent of Area Median Income) or who qualifies to live in “moderate-income” housing (household income not in excess of 120 percent of Area Median Income); OR
 - Who makes over 120% of AMI but less than the income level needed to afford the median-priced home in the community, and who has an employer with a business license in the greater Tahoe-Truckee area, specified as the area within TRPA’s jurisdiction plus the Truckee Unified School District boundaries. The boundary map will be maintained online. See the proposed boundary map in Attachment B.
- Update compliance requirements in the deed-restriction template to state that TRPA may conduct a random audit whereby owners of deed-restricted properties may be required to furnish documentation that the unit is being utilized in accordance with the deed-restriction.

During the April 2021 Tahoe Living Working Group meeting, the Working Group provided feedback that the achievable definition should maintain some income cap, so that lenders could assess a sales price. While there was concern that the existing formula for calculating achievable income percentages allows the income limits to grow to a very high percentage of AMI, staff recommends maintaining this formula to calculate the income cap. The achievable income cap is set at the income needed to purchase a median-priced home. Thus, those employed locally who cannot afford to purchase a home will be eligible to live in a deed-restricted achievable unit.

Item #2 – Mobile and Moveable Home Definitions

Increasingly communities around the country have been modifying local standards to allow for new building types, including manufactured and factory-built homes and certain types of homes on a wheeled chassis to be used where single-family and multi-family development is a permissible use. In these circumstances, the new structure types must meet local standards that could include elements such as snow load, aesthetic considerations, energy and insulation requirements, and fire safety codes, and connections to the local utility system, among other requirements. Local standards may also specify limits on the number of times or frequency with which the unit may be moved from its permitted location.

Effective April 1, 2022, the City of South Lake Tahoe approved an amendment to their ordinances to specify the local standards for moveable tiny homes, specifically “Park Model Recreational Vehicles”²

² Park Model homes, also known as recreational park trailers, are built on a single chassis mounted on wheels. They are no larger than 400 square feet and are built in compliance with ANSI 119.5 standards.

when used as a single-family or multi-family use. Placer County has also allowed this moveable home type throughout Placer County, although they have not yet amended their code to allow them in the Tahoe Basin. The Douglas County Board of County Commissioners, in contrast, recently reviewed a request to allow manufactured home types as accessory dwelling units, but ultimately rejected the proposal.

TRPA does not regulate standards such as snow load, fire code, insulation factors, and the like and defers to local jurisdictions for this evaluation through the building permit process. Changes to local standards to allow additional building types and materials would not ordinarily trigger a change to TRPA's code. However, the TRPA Code of Ordinances classifies homes on wheeled chassis as a primary "mobile home" use. This primary use definition does not consider the modernization of certain types of homes on wheeled chassis, including manufactured homes, which are also on a wheeled chassis and in many communities are utilized outside of mobile home parks, nor does it consider the Park Model Recreational Vehicle, which many communities have updated their building codes to accommodate.

This proposal makes the following changes to recognize newer building types and to clarify that the mobile home primary use is specific to managed mobile home parks:

- Change the primary use table to include "mobile home park" rather than "mobile home dwelling" as a primary use. Clarify that the definition for "mobile home park" includes permitting and regulation by the California Department of Housing and Community Development or the Nevada Manufactured Housing Division of the Department of Business and Industry under their Mobile Home Parks and Manufactured Home Parks provisions;
- Add a definition for "Moveable Homes" that is inclusive of all homes on a non-removable wheeled chassis that specifies that these home types may be allowed in a variety of primary use categories, including single-family residential, multi-family residential, and as accessory dwelling units.

In keeping with current practices, all building types approved as single-family or multi-family uses must comply with TRPA development standards, including the growth management system, coverage, height, density and scenic standards.

Besides Park Model Recreational Vehicles, a variety of new home types are emerging. Some examples include 3-D printed homes³ or factory-built, foldable homes.⁴ When emergent home types are on a wheeled chassis, they would fall under the proposed "moveable home" definition. Other types will fall under the existing definition of "factory-built" homes. When site-built, such as a 3-D printed home, they would be considered a regular site- or stick-built home that must comply with local building codes.

³ 3-D printed homes use mechanized technology to push out a stream of beaded construction material to make walls following a computerized design blueprint (<https://www.latimes.com/world-nation/story/2022-01-29/housing-options-states-3d-printed-homes>).

⁴ Examples of two companies that produce this home type are Boxabl or Alibaba.

Next Steps

Once TRPA has incorporated Working Group input into the proposed changes shown in Attachment A, TRPA will attach these amendments in the next Code update package that is ready to come forward. These amendments could be included in either the Phase 2 Housing Amendments, Sustainability Amendments, or the next package of Technical Code amendments. If additional technical modifications are identified in the meantime, they may be included in the staff report as it moves forward for hearings and recommendations for approvals.

Contact Information:

For questions regarding this agenda item, please contact Karen Fink, at (775) 589-5258 or kfink@trpa.gov.

Attachments:

Attachment A: Technical code amendments in track changes

Attachment B: Employment Area for Achievable definition – Greater Tahoe-Truckee area

Attachment C: Affordable, Moderate and Achievable Deed Restriction template and Compliance Form in track changes

Attachment A

Technical Code Amendments

AGENDA ITEM VIII.B Attachment A – Phase 2 Technical Amendment Element – draft code changes

Item #1 - Clarification of the Achievable Housing Definition and updates to the Deed-Restriction Compliance Program

Code of Ordinances

90.2. OTHER TERMS DEFINED

Achievable Housing

Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents with an income not in excess of 120 percent of the respective county's area median income (AMI) (moderate income households and below), or, if at least one occupant of the household works at least 30 hours per week for an employer with a business license within the greater Tahoe-Truckee area as specified by TRPA, with a household income not in excess of the achievable area median income ~~(AMI) percentage~~, using the following methodology:

1. Determine the county's median income where the housing development will be located using income limits for a family of three published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development.
2. Determine the county's median single or multi-family housing price, as applicable, where the housing development will be located using median housing prices published annually by the TRPA.
3. Divide the median single or multi-family housing price, as applicable, (determine in Step 2) by 3.79 (buying power) to determine the annual income needed to afford an achievable housing unit.
4. Divide the annual income needed (calculated in Step 3) by the median income (determined in Step 1) to determine the achievable AMI percentage.

If household income or employment status changes so that a household no longer meets the qualifying criteria, the household can remain in the home for up to one year, after which time the household is required to re-locate if qualifying factors have not been re-established.

The employment requirement for occupants with incomes over 120 percent of AMI may be waived for accessory dwelling units when the unit is occupied by a family member.

Example:

- Median Single Family or Multi-family Home Price (Step 1) / 3.79 = Annual Income Needed

Annual Income Needed (Step 3) / HUD County AMI (Step 2) = Achievable AMI Percentage

- El Dorado Median Multi-family home price of \$330,000 / 3.79 = \$87,071 Annual Income Needed

87,071 Annual Income Needed / \$65,500 HUD El Dorado AMI = 127% maximum AMI per household to be eligible for an achievable residential bonus unit

This calculation may be periodically adjusted to reflect changes in the affordability gap between median income and median home price within the Lake Tahoe Basin. Maximum AMI per county per household to be eligible for an achievable bonus unit will be available upon request from TRPA. Achievable housing units shall meet the criteria and restrictions in accordance ~~with~~ Chapter 52: *Bonus Unit Incentive Program*.

Achievable deed-restrictions issued before [the date this code amendment goes into effect] may utilize this definition or the definition of “achievable” in effect from December 20, 2018 to [the date this code amendment goes into effect].

Item #2 – Mobile and Moveable Home Definitions

2.3.6. Qualified Exempt Activities

A. General Activities

The general activities listed below are qualified exempt.

5. Replacement of Existing ~~Mobile~~-~~Moveable~~ Home

Replacement of an existing ~~mobile~~-~~moveable~~ home in a legally established ~~mobile~~-~~moveable~~ home space that does not result in a change in use or additional land coverage.

12.9. GUIDELINES FOR MIXES OF USES FOR COMMUNITY PLAN THEMES

This section is provided for the limited purpose of providing guidelines for mixes of uses that may be used to identify appropriate themes for preliminary community plans.

12.9.1. Major Retail and Services

A. Residential

1. Employee housing.
2. Multi-family dwelling.
3. Multi-person dwelling.
4. Nursing and personal care.
5. Residential care.
6. Single-family dwelling.

B. Tourist Accommodation

1. Bed and breakfast facilities.
2. Hotels, motels, and other transient dwelling units.
3. Time sharing (hotel/motel design).
4. Time sharing (residential design).

C. Commercial

1. Retail
 - a. Auto, mobile and moveable home, and vehicle dealers.
 - b. Building materials and hardware.
 - c. Eating and drinking places.
 - d. Food and beverage retail sales.
 - e. Furniture, home furnishings, and equipment.

12.9.3. Industrial, Storage, and Services

A. Commercial

1. Retail

- a. Auto, mobile and moveable home, and vehicle dealers.
- b. General merchandise stores.
- c. Mail order and vending.
- d. Building materials and hardware.

- e. Nursery.
- f. Outdoor retail sales (S).
- g. Eating and drinking places.
- h. Service stations.
- i. Food and beverage retail sales.
- j. Furniture, home furnishings, and equipment.

21.3.2. Accessory Dwelling Units (formerly Secondary Residences)

Accessory dwelling units (ADUs) shall be considered an accessory use to the primary use it serves and may be permitted where the primary use is a permissible use. An accessory dwelling unit shall be considered a residential unit subject to the residential allocation limitations and transfer provisions. An accessory dwelling unit shall be eligible for a residential bonus unit provided it meets the requirements of Section 52.3.4. Accessory dwelling units shall not be considered in the calculation of density.

A. Up to two accessory dwelling units per parcel shall be considered accessory uses where the primary use is a single-family or multi-family use and is a permissible use. These units may include a guest house or an affordable, moderate, achievable, or market-rate rental unit. They may be attached, within, or detached from the main dwelling.

B. One accessory dwelling unit shall be considered an accessory use where the primary use is a commercial use, public service, or recreational use. These units may include an affordable or market-rate rental unit; a caretaker residence; and a manager's quarters for a tourist accommodation use or multi residential use other than multi-family.

C. A moveable home may be used as an accessory dwelling unit when it meets local standards.

Table 21.4-A List of Primary Uses and Use Definitions

RESIDENTIAL

Employee housing

Residential units owned and maintained by public or private entities for purposes of housing employees of said public or private entity. Can include moveable homes.

Mobile home ~~dwelling park~~

A park-like setting that is permitted and regulated by the California Department of Housing and Community Development under the Mobile Home Parks Act, or by the Nevada Manufactured Housing Division of the Department of Business and Industry under the Mobile Homes and Parks provisions of the Nevada Revised Statute (NRS 461A) or Manufactured Homes Parks provisions (NRS 118B), containing these home types:

Commented [KF1]: Under our current understanding of California and Nevada statute, this language would allow Park Model RVs to be constructed under the multi-family primary use outside of mobile home parks, but not manufactured homes. We have an outstanding request to the California Department of Housing and Community Development to clarify.

Mobile home: A home built entirely in the factory on a non-removable steel chassis that is transported to the building site on its own wheels and was installed prior to June 15, 1976, when the Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect; or

Manufactured home: Installed under a federal building code administered by the U.S. Department of Housing and Urban Development, according to the Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) that went into effect June 15, 1976 and which is placed on a concrete or asphalt pad.

This land use category may allow other moveable homes on concrete or asphalt pads that are allowed by the California Department of Housing and Community Development under the Mobile Home Parks Act, or by the Nevada Manufactured Housing Division of the Department of Business and Industry under the Mobile Homes and Parks provisions of the Nevada Revised Statute (NRS 461A) or Manufactured Homes Parks provisions (NRS 118B), however it does not include moveable homes or recreational vehicles that are permitted and regulated by the California Special Occupancy Parks Act.

This primary use category does not include use as a short-term rental or tourist accommodation.

Multiple-family dwelling

More than one residential unit located on a parcel. Multiple-family dwellings may be contained in separate buildings such as two or more detached houses on a single parcel, or in a larger building on a parcel such as a duplex, a triplex, or an apartment building. Vacation rentals are included, up to but not exceeding a four-plex, provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. Up to two accessory dwelling units are included; see "Accessory Dwelling Unit." May include moveable homes.

Single-family dwelling

One residential unit located on a parcel. A single-family dwelling unit may be contained in a detached building such as a single-family house, or in a subdivided building containing two or more parcels such as a town house condominium. Vacation rentals are included provided they meet the Local Government Neighborhood Compatibility Requirements as defined in this Code. Up to two Accessory Dwelling Units are included; see

“Accessory Dwelling Unit.” May include moveable homes.

COMMERCIAL

Retail

Auto, mobile and moveable home and vehicle dealers

Retail trade establishments selling new and used automobiles, boats, vans, campers, trucks, mobile and moveable homes, recreational and utility trailers, motorcycles, golf carts, snowmobile and jet skis (except bicycles and mopeds; see "General Merchandise"). Such businesses are considered a primary use when the establishment sells more than six vehicles per calendar year. The use also includes establishments selling new automobile parts, tires, and accessories (including tire recapping establishments), as well as establishments dealing in used automobiles exclusively. Includes automobile repair shops only when maintained by an establishment selling new vehicles on the same site. Does not include establishments dealing exclusively in used parts (see "Recycling and Scrap") or outside sales (see "Secondary Storage" or "Sales Lots").

Services

Sales lots

Outdoor sales area for permanent display of motor vehicles, recreational vehicles, mobile and moveable homes, construction equipment, farm machinery, or other heavy equipment; outdoor equipment rental yards (not including recreational equipment rental); and large-scale, permanent outdoor sales activities such as livestock auctions and sales. Outside storage or display is included as part of the use.

50.5. ALLOCATION OF ADDITIONAL RESIDENTIAL UNITS

TRPA shall allocate the development of additional residential units as follows:

50.5.1. Requirement of Residential Allocation

No person shall construct a residential project or commence a residential use that creates one or more additional residential units without first receiving an allocation approved by TRPA and

awarded by the appropriate jurisdiction. This requirement does not apply to affordable, moderate, or achievable housing units approved after January 1, 1986, but shall apply to conversions of such affordable, moderate, or achievable housing to market-priced status. In order to construct the project or commence the use for which the allocation or the exemption has been approved, the recipient of the allocation or exemption shall comply with all other applicable provisions of this Code.

A. Applicable Residential Uses

The following residential uses referred to in Chapter 21: *Permissible Uses*, contain residential units: accessory dwelling units (formerly secondary residences); employee housing; mobile home dwellings; multi-family dwellings; multi-person dwellings; nursing and personal care facilities; residential care facilities; single-family dwellings; and summer homes.

B. Definition of "Additional Residential Unit"

"Residential unit" is defined in Chapter 90: *Definitions*. For purposes of this chapter, a residential unit is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1986.

The following are not "additional" residential units:

1. The reconstruction or replacement, on the same parcel, of a residential unit legally existing on or approved before January 1, 1986;
2. The reconstruction or replacement, on the same parcel, of a residential unit that was allocated and approved pursuant to this Code;
3. Legally established additions and accessory uses to an existing residential structure that do not create additional residential dwelling units;
4. The relocation of an existing residential unit legally established on January 1, 1986, other than a mobile home dwelling, through a transfer approved by TRPA;
5. The relocation of a legally established mobile home dwelling or other moveable home with existing water, sewer, and electrical services to a mobile home development, single-family or ~~to a~~ a-multi-family dwelling ~~of five units or more~~, pursuant to a transfer approved by TRPA;
6. An existing, legally established mobile or moveable home pad with water, sewer, electrical services, and vehicular parking, whether or not a mobile or moveable home is located on the pad; or
- ~~7. One or more new residential units permitted by TRPA prior to February 24, 2010, provided that:
 - a. Application is made to TRPA prior to the expiration of the permit, as determined in subsection 2.2.4, to reissue a permit for a project for which an allocation(s) was assigned;
 - b. All permit conditions, fees, securities, building and site design conditions of approval, plan revisions, and other requirements of the original permit are updated to meet the requirements of the Code and all other applicable TRPA ordinances, rules, or regulations at the time of permit reissuance; and
 - c. This subparagraph 7 has not previously been used in relation to the same project.~~

65.1.4. Combustion Appliances

The following air quality standards shall be met by combustion appliances.

A. Gas Heaters

The following standards apply to natural gas or propane-fired water heaters or central furnaces to be installed in the region.

1. Emission Standards

Natural gas or propane-fired water heaters or central furnaces installed in the region shall meet the following emission standards:

- a. Water heaters shall not emit greater than 40 nanograms of nitrogen oxide (as NO₂) per joule of heat output. Water heaters installed in ~~mobile-moveable~~ homes shall not emit greater than 50 nanograms of nitrogen oxide (as NO₂) per joule (80 lb per billion btu) of heat output;
- b. Central furnaces shall not emit greater than 40 nanograms of nitrogen oxide (as NO₂) per joule of useful heat delivered to the heated space; and
- c. Central furnaces with rated input of 175,000 btu or greater, combination units with a cooling rate of greater than 65,000 btu per hour, and water heaters with a rated heat input of 75,000 btu or greater, shall be reviewed under the standards contained in subsection 65.1.6.

2. List of Approved Heaters

TRPA shall maintain a list of gas heaters that are in compliance with the air quality standards in subparagraph 65.1.4.A.1. The list shall include the names and model numbers of the heaters. A heater certified by the South Coast Air Quality Management District of California under SCHEMED Rules 1111 and 1121 shall be considered in compliance with subparagraph 65.1.4.A.1.

3. Exemptions

The requirements of subparagraph 65.1.4.A shall not apply to the following:

- a. Decorative gas appliances certified under American National Standards Institute (ANSI) Standard Z21.50;
- b. Gas central furnaces installed in ~~mobile-moveable~~ homes or gas heaters installed in recreational vehicles; and
- c. Wall mounted gas heaters, other than water heaters, that are not central furnaces as defined in Chapter 90: *Definitions*.

Chapter 90

Factory-Built House

House constructed by an automated process entirely in a factory. There is little or no functional difference between factory-built housing and site-built housing. Factory-built houses include the following:

A. "Modular Homes": This is a type of factory-built home in which the individual sections are constructed at the factory, transported to the site on truck beds, and assembled on site by local contractors. They are built to the state, local, or regional code where the home will be located.

B. "Panelized Homes": These are factory-built homes in which panels, such as a whole wall with windows, doors, wiring, and outside siding, are transported to the site and assembled. The homes must meet state or local building codes where they are sited.

C. "Pre-Cut Homes": This is the name for factory-built housing in which building materials are factory-cut to design specifications, transported to the site and assembled. Pre-cut homes include kit, log, and dome homes. These homes must meet local, state, or regional building codes.

Factory-built house does not include a dwelling on a non-removeable steel chassis. See "Moveable Homes."

Manufactured Home

A home built entirely in the factory on a non-removable steel chassis that is transported to the building site on its own wheels and installed under a federal building code administered by the U.S. Department of Housing and Urban Development, according to the Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) that went into effect June 15, 1976. Must be placed on a concrete or asphalt pad. This term does not include ~~a mobile home dwelling or~~ factory-built housing. See also Table 21.4-A: Primary Use Definitions – Mobile Home Dwelling.

Mobile Home Dwelling

A home built entirely in the factory on a non-removable steel chassis that is transported to the building site on its own wheels and was installed prior to June 15, 1976, when the Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect. See also Table 21.4-A: Primary Use Definitions – Mobile Home Dwelling.

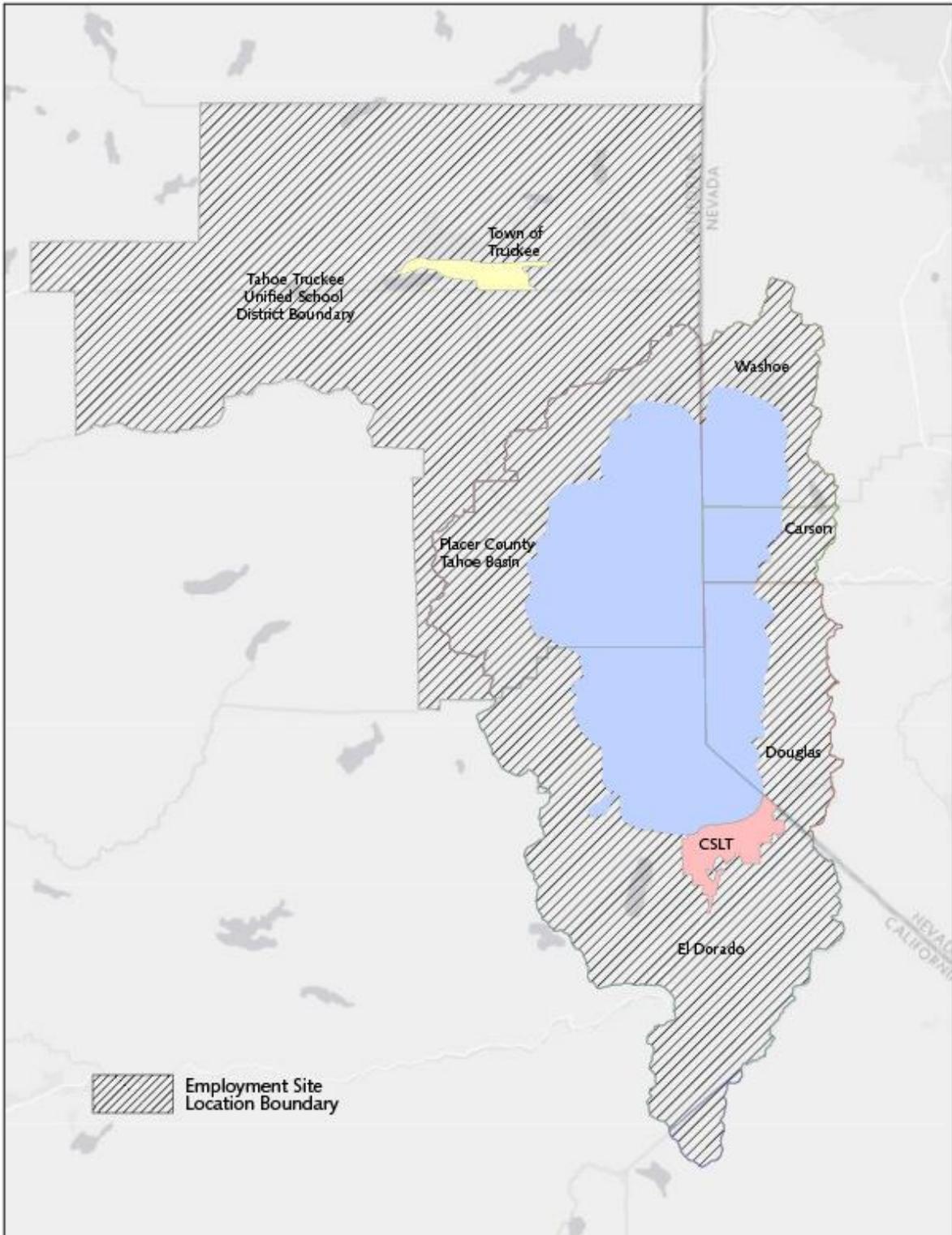
Moveable Homes

Moveable homes include all home types built on a steel chassis, transported to the building site on its own wheels, installed on a concrete or asphalt pad and intended for permanent occupancy. Mobile homes, manufactured homes, and Park Model Recreational Vehicles are examples of, but may not be inclusive of all moveable home types. Moveable homes may be permitted under multiple primary use categories when they comply with the state, federal, and local standards governing that category. Moveable homes function as separate, independent residential dwelling units and are subject to TRPA's regulations, including development and growth management standards.

Attachment B

Employment Area for Achievable Definition – Greater Tahoe-Truckee Area

Attachment B - Map of Proposed Boundary for Employment Location Eligibility



Attachment C

Affordable, Moderate, and Achievable Deed Restriction Template and Compliance Form

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Tahoe Regional Planning Agency
Attn: Theresa Avance
P.O. Box 5310
Stateline, NV 89449

TRPA File No. _____

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
ACHIEVABLE AREA MEDIAN INCOME HOUSING ("DEED RESTRICTION")
TO BE RECORDED AGAINST APNS XXX-XXX-XX**

This Deed Restriction is made as of the ____ day of _____ 20____, by _____ (hereinafter "Declarants").

RECITALS

A. Declarants are the owners of that certain real property located at _____, _____ County, State of _____, commonly known as Assessor's Parcel No. _____, and more particularly described in the attached Exhibit A (the "Property").

The Grant Deed conveying the Property to Declarant was recorded on _____, as Document No. _____, in the _____ County Recorder's Office.

B. The Property is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, State. 3233, 1980), which region is subject to the regional plan and the ordinances adopted by the Tahoe Regional Planning Agency ("TRPA") pursuant to the Tahoe Regional Planning Compact.

C. Declarants received approval from TRPA on _____ (TRPA File No. _____), to _____ (on that certain real property formerly known as Assessor's Parcel No. _____), subject to a special condition that _____ of the _____ residential units be deed restricted as Achievable Area Median Income housing units.

D. For purposes of this deed restriction Achievable Area Median Income Housing is defined as:

Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents with an income not in excess of 120 percent of the respective county's area median income (AMI) or, if at least one occupant of the household works at least 30 hours per week for an employer with a business license within the greater Tahoe-Truckee area as specified by TRPA, with an income not in excess of the achievable area median income (AMI) percentage, using the following methodology:

1. Determine the county's median income where the housing development will be located using income limits for a family of three published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development.
2. Determine the county's median single or multi-family housing price, as applicable, where the housing development will be located using median housing prices published annually by the TRPA.
3. Divide the median single or multi-family housing price, as applicable, (determine in Step 2) by 3.79 (buying power) to determine the annual income needed to afford an achievable housing unit.
4. Divide the annual income needed (calculated in Step 3) by the median income (determined in Step 1) to determine the achievable AMI percentage.

**Please note that the AMI percentages will be rounded to increments of 5%, so the percentages generated using the above methodology may differ slightly from those reported TRPA documentation.

DECLARATION

1. Declarants hereby declare that, for the purpose of partially satisfying TRPA's (DATE) conditions of approval, the (#) residential unit(s) on the Property shall be permanently restricted to Achievable Area Median Income Housing and shall not be used as a vacation rental.
2. The restrictions associated with the Property shall be disclosed to the buyer at the time of sale of the Property, through a Real Estate Disclosure form, a copy of which shall also be filed with the Tahoe Regional Planning Agency.
3. The owner of the Property shall submit an annual compliance report to TRPA. Failure to submit the required report, or failure to comply with the requirements of this deed-restriction may result in an annual fine of up to 1/10 of the current cost of a residential unit of use. TRPA may conduct an audit at any time requesting additional documentation to verify the responses submitted in the compliance report.
4. An owner-occupant of a Property who has provided all required annual compliance reports and who has had an increase in income or change in employment status so that they no longer meet the income eligibility requirements for Achievable Housing may apply to TRPA and receive an exemption to the income requirement until the unit is sold. To receive the exemption, the owner must either continue to be the occupant and provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine; or rent the unit only to an income qualified renter if no longer the occupant. When the unit is sold it may only be sold to an income qualified buyer.
5. This Deed Restriction shall be deemed a covenant running with the land or an equitable servitude, as the case may be, and shall be binding on the Declarants and Declarants' assigns, and all persons acquiring or owning any interests in the Property.

6. The owner of the parcel shall restrict the unit for which the bonus unit was awarded from being used as a second home or a vacation rental.
7. This Deed Restriction may not be revoked or modified without the prior express written and recorded consent of the Tahoe Regional Planning Agency or its successor agency, if any. TRPA is deemed and agreed to be a third party beneficiary of this Deed Restriction, and as such, can enforce the provisions of this Deed Restriction.

IN WITNESS WHEREOF, Declarants have executed this Deed Restriction this the day and year written below.

Declarant's Signature:

Dated: _____

Name, Title
Ownership Entity

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF)
) SS.
COUNTY OF)

On _____ before me, _____ a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

Name: _____
(typed or printed)

APPROVED AS TO FORM:

Tahoe Regional Planning Agency

Dated: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF NEVADA)
) SS.
COUNTY OF DOUGLAS)

On _____ before me, _____ a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

Name: _____
(typed or printed)



TAHOE REGIONAL PLANNING AGENCY
 AFFORDABLE, MODERATE, OR ACHIEVABLE DEED-RESTRICTION
 COMPLIANCE FORM

Per Chapter 52, Bonus Unit Incentive Program of the Tahoe Regional Planning Agency Code of Ordinances, property owners in the Tahoe Region have the option to deed-restrict their parcel to different affordability levels in exchange for a bonus unit. On these parcels, through a deed restriction running with the land, occupants’ household income is restricted to affordable, moderate, or achievable housing limits set forth in Chapter 90, depending on the applicable income level for which the bonus unit was awarded, and the unit may not be used as a second home or a vacation rental. Deed-restrictions issued per Chapter 52 also include the requirement to disclose the restrictions associated with the unit at the time of sale of the unit, and the **requirement to submit an annual compliance report to TRPA.**

This form must be submitted by April 15 each year following the year in which the home was purchased.

- **This form can be digitally signed and submitted electronically by clicking below**
or
- **Print, sign and submit via: EMAIL to info@trpa.org, FAX to 775-588-4527, MAIL to PO Box 5310, Stateline NV 89449 or IN PERSON at the TRPA front counter located at 128 Market Street, Stateline**

Property owners may be subject to a fine of up to 1/10 of the current cost of a residential unit of use (RUU) annually for failure to submit the compliance report, deed-restriction disclosure form, or otherwise comply with the requirements of Chapter 52.

Property Information:

Check one:

Single-Family Residence/Main House Single-Family Residence/Accessory Dwelling Unit (secondary residence). For Single-Family residences, if both the main house and the accessory dwelling unit(s) are deed-restricted, one compliance form may be submitted for all units.

Multi-Family Residence. For Multi-Family Residences, one compliance form may be submitted for multiple units on one parcel.

Physical Address: _____

City: _____ State: _____ County: _____ Zip: _____

Assessor’s Parcel Number (APN): _____

1. Deed-restriction affordability level:

Affordable, number of units: ____ Moderate, number of units: ____ Achievable, number of units: ____

2. Units by number of bedrooms:

The deed-restriction covers these units:

Number of studio units: ____ Number of 2-br units: ____ Number of 4-br units: ____

Number of 1-br units: ____ Number of 3-br units: ____ Number of units with 5 or more bedrooms: ____

Total number of units: ____

3. The unit was occupied by the owner throughout the last year: Yes No

3a. If yes, the owner meets the income, employment and/or rent limits established by the deed-restriction, and noted in #1, above.

Yes No

4. The unit or units was/were rented: Yes No.

4a. If yes, the renter(s) meet(s) the income, employment and/or rent limits established by the deed-restriction, and noted in #1, above.

Yes No

5. The unit HAS NOT been used as a second home or vacation rental throughout the course of the last year:

Yes No

6. The unit has been used exclusively by a permanent resident or seasonal worker throughout the course of the last year:

Yes No

If you are not able to answer yes to either of 3a. or 4a. above, please contact TRPA.

DECLARATION: I hereby declare under penalty of perjury that all information submitted as part of this compliance form is true and accurate to the best of my knowledge and I understand that should any information submitted be inaccurate, erroneous, or incomplete, TRPA may take appropriate action.

Deed Holder(s)/Property Owner(s):

Printed Name(s) _____ Date: _____
Signature(s): _____