

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE
REGARDING THE DEFINITION OF AN AFFORDABLE HOUSING DWELLING UNIT (TC1900005)**

WHEREAS, the Durham County Board of Commissioners wishes to amend the *Unified Development Ordinance* (UDO) definition of an “affordable housing dwelling unit”; and

WHEREAS, the City and County wish to implement a definition that is consistent with federal definitions for low income housing;

WHEREAS, the City has a charter provision that authorizes the City to develop density bonus incentives for low and moderate income housing; and

WHEREAS, it is the objective of the Durham County Board of Commissioners to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that Article 17, Definitions, of the *Unified Development Ordinance* is amended to make the following changes set forth in the deletions (strikethroughs) and additions (underlining) below:

PART 1

Sec. 17.3 Defined Terms

[Definitions not listed remain unchanged]

Affordable Housing Dwelling Unit: ~~A dwelling unit committed for a minimum 30-year term as affordable, through covenants or restrictions, to households with incomes at 60% or less of the area median income for a family, as defined by the United States Department of Housing and Urban Development, for the jurisdiction; and where housing costs (rents, mortgages, utilities and condo, homeowners or other association fees) do not exceed 30% of a family’s income as verified on an annual basis.~~

A dwelling unit committed for a minimum 30-year term as affordable, through covenants, restrictions, or officially adopted agreements, to households with incomes as follows. Income eligibility, affordable rent levels and affordable for sale prices, as well as monitoring and compliance requirements for Affordable Housing Dwelling Units, will adhere to the adopted rules and procedures of the City of Durham’s Community Development Department.

- For rental units, household income at initial occupancy of the Rental Affordable Housing Dwelling Unit must be at or below 60% of Area Median Income as defined by the United States Department of Housing and Urban Development (HUD) for the HOME Investment Partnership Program. The unit will remain qualified as an Affordable Housing Dwelling Unit if household income rises above 60% AMI but remains at or below 80% AMI after

initial occupancy. If tenant income after initial occupancy rises above 80% AMI, the unit will no longer qualify as an Affordable Housing Dwelling Unit.

- For homeownership units, household income at closing of the For Sale Affordable Housing Dwelling Unit must be at or below 80% of Area Median Income as defined by HUD for the HOME Investment Partnership Program. There are no limits on increases in income after closing as long as the unit remains the household's principal residence.

PART 2

That the Unified Development Ordinance shall be renumbered, including references, as necessary to accommodate these changes.

PART 3

That this amendment of the Unified Development Ordinance shall become effective upon adoption.