



Legislation Details (With Text)

File #: 1392-2024 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 5/7/2024 **In control:** Rules & Policy Committee

On agenda: 6/3/2024 **Final action:** 6/5/2024

Title: To amend Ordinance No. 3447-2023 to clarify the title of said Ordinance and to correct a clerical error to reference the correct section of Chapter 4565 of the Columbus City Codes changing the reference from 4565.10 to 4655.13 and to declare an emergency.

WHEREAS, Ordinance No. 3447-2023 was adopted by Columbus City Council on December 11, 2023, and made certain amendments to Chapter 4565 of the Columbus City Codes; and

WHEREAS, the title of Ordinance No. 3447-2023 conflicts with Section 1 of Ordinance No. 3447-2023, requiring a clarifying amendment to the title of the Ordinance; and

WHEREAS, due to a clerical error, Ordinance No. 3447-2023 incorrectly numbered the owner-occupied housing waiver process provision of Chapter 4565 as being Section 4565.10, when the Section should have been numbered Section 4565.13; and

WHEREAS, it is necessary to rectify these errors, and amend the title, Background Section, and Section 2 of Ordinance No. 3447-2023;

WHEREAS, Emergency action is requested to allow the City to execute CRA agreements for projects that are in the approval process so that projects can proceed with the development of housing units across the City; NOW, THEREFORE,

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

SECTION 1. That the Title of Ordinance No. 3447-2023 is hereby amended as follows with additions in underline and deletions in strikethrough:

To repeal and replace certain existing Sections of Chapter 4565 of the Columbus City Codes to incorporate certain administrative modifications; and to enact Section 4565.10 4565.13 of the Columbus City Codes to provide a waiver process related to affordability requirements for owner-occupied housing units.

SECTION 2. That the existing Title of Ordinance No. 3447-2023 is hereby repealed.

SECTION 3. That the fifth paragraph of the Background section of Ordinance No. 3447-2023 is hereby amended as follows with additions in underline and deletions in strikethrough:

This code change will adopt certain administrative modifications to Chapter 4565, and enact new Section 4565.10 4565.13 to provide for a process whereby the affordable housing requirements for owner-occupied housing may be waived, first through an application to the Director of the Department of Development, with a right of appeal to the CRA Housing Council pursuant to Ohio Revised Code Sections 3735.69 through 3735.70.

SECTION 4. That the existing fifth paragraph of the Background section of Ordinance No. 3447-2023 is hereby repealed.

SECTION 5. That Section 2 of Ordinance No. 3447-2023 is hereby amended as follows with additions in underline and deletions in strikethrough:

SECTION 2. That new Section 4565.10 4565.13 of the Columbus City Codes is hereby enacted as follows:

4565.13 Waiver of Affordability Requirements for Owner-Occupied Units

(a) Application for Waiver of Affordability Requirements. A Project Sponsor may apply for a waiver of the affordability requirements under Section 4565.05(B) regarding the Initial Pricing of owner-occupied Affordable Housing Units as applied to owner occupied units in a Development Project if the following conditions are satisfied:

1. The Development Project must have a minimum of 100 owner-occupied dwelling units; and
2. The Project Sponsor has committed to at least thirty percent (30%) of the owner-occupied units in the Development Project being Affordable Housing Units, meaning the units are occupied by the legal owner(s) of the unit, and whose annual household income is at or below one hundred and twenty percent (120%) of AMI and for which the annual cost of ownership does not exceed thirty-five percent (35%) of the household's gross annual income.

(b) Form of Waiver of Application. The form of the application for a waiver under this Section shall be established by the Director's Rules.

(c) Director Evaluation of Waiver Application. The Director or their designee shall evaluate each application for waiver under this Section. The Director may, within the Director's reasonable discretion, grant the application for waiver if the Director determines that granting the application for waiver satisfies the overall goals of this Chapter with regard to increasing the number of affordable housing units within the City and is in the best interests of the City. For purposes of this Section, the Director of the Department of Development, or their designee, is considered the housing officer as provided for in ORC Sections 3735.65 through 3735.70.

(d) Right of Appeal from Denial of Waiver Application. If the waiver application of a Project Sponsor is denied, the Project Sponsor may appeal the denial to the CRA Housing Council established pursuant to ORC Section 3736.69.

(e) Hearing of Appeal. The CRA Housing Council shall hear the appeal from a waiver application pursuant to ORC Section 3735.70. The Housing Council may affirm, modify, or reverse the denial after hearing. The Housing Council may impose such requirements and conditions on the Project Sponsor regarding the minimum number of Affordable Housing Units required for the waiver above the minimum requirements set forth in division (a) as it deems necessary to carry out the intent and purpose of this Chapter. The decision of the Housing Council shall be final and appealable pursuant to Chapter 2506 of the Ohio Revised Code.

(f) Burden of Proof. Under this Section, the Project Sponsor bears the burden of demonstrating that a waiver of the affordability requirements for owner-occupied units satisfies the overall goals of this Chapter with regard to increasing the number of affordable housing units within the City and is in the best interests of the City.

SECTION 6. That existing Section 2 of Ordinance No. 3447-2023 is hereby repealed.

SECTION 7. That all sections of Ordinance No. 3447-2023 not repealed or amended herein remain in full force and effect.

SECTION 8. That this Ordinance shall take effect and be in force from and after the earliest date allowed by law.

SECTION 8. That for the reasons stated in the Preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force

from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Sponsors: Shayla Favor

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
6/5/2024	2	CITY CLERK	Attest	
6/4/2024	2	ACTING MAYOR	Signed	
6/3/2024	2	COUNCIL PRESIDENT	Signed	
6/3/2024	1	Columbus City Council	Amended to Emergency	Pass
6/3/2024	1	Columbus City Council	Approved as Amended	Pass
5/20/2024	1	Columbus City Council	Read for the First Time	

BACKGROUND

On December 11, 2023, Columbus City Council adopted Ordinance No. 3447-2023, which amended certain Sections of Chapter 4565 of the Columbus City Codes. Due to a clerical error, the title, Background Section, and Section 2 of Ordinance No. 3447-2023 need to be amended. This legislation amends Ordinance No. 3447-2023 to correct the clerical errors in that legislation. **Emergency action is requested to allow the City to execute CRA agreements for projects that are in the approval process so that projects can proceed with the development of housing units across the City.**

FISCAL IMPACT: This ordinance will have no fiscal impact.

To amend Ordinance No. 3447-2023 to clarify the title of said Ordinance and to correct a clerical error to reference the correct section of Chapter 4565 of the Columbus City Codes changing the reference from 4565.10 to 4655.13 **and to declare an emergency.**

WHEREAS, Ordinance No. 3447-2023 was adopted by Columbus City Council on December 11, 2023, and made certain amendments to Chapter 4565 of the Columbus City Codes; and

WHEREAS, the title of Ordinance No. 3447-2023 conflicts with Section 1 of Ordinance No. 3447-2023, requiring a clarifying amendment to the title of the Ordinance; and

WHEREAS, due to a clerical error, Ordinance No. 3447-2023 incorrectly numbered the owner-occupied housing waiver process provision of Chapter 4565 as being Section 4565.10, when the Section should have been numbered Section 4565.13; and

WHEREAS, it is necessary to rectify these errors, and amend the title, Background Section, and Section 2 of Ordinance No. 3447-2023;

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(b) Form of Waiver of Application. The form of the application for a waiver under this Section shall be established by the Director's Rules.

(c) Director Evaluation of Waiver Application. The Director or their designee shall evaluate each application for waiver under this Section. The Director may, within the Director's reasonable discretion, grant the application for waiver if the Director determines that granting the application for waiver satisfies the overall goals of this Chapter with regard to increasing the number of affordable housing units within the City and is in the best interests of the City. For purposes of this Section, the Director of the Department of Development, or their designee, is considered the housing officer as provided for in ORC Sections 3735.65 through 3735.70.

- (d) **Right of Appeal from Denial of Waiver Application.** If the waiver application of a Project Sponsor is denied, the Project Sponsor may appeal the denial to the CRA Housing Council established pursuant to ORC Section 3736.69.
- (e) **Hearing of Appeal.** The CRA Housing Council shall hear the appeal from a waiver application pursuant to ORC Section 3735.70. The Housing Council may affirm, modify, or reverse the denial after hearing. The Housing Council may impose such requirements and conditions on the Project Sponsor regarding the minimum number of Affordable Housing Units required for the waiver above the minimum requirements set forth in division (a) as it deems necessary to carry out the intent and purpose of this Chapter. The decision of the Housing Council shall be final and appealable pursuant to Chapter 2506 of the Ohio Revised Code.
- (f) **Burden of Proof.** Under this Section, the Project Sponsor bears the burden of demonstrating that a waiver of the affordability requirements for owner-occupied units satisfies the overall goals of this Chapter with regard to increasing the number of affordable housing units within the City and is in the best interests of the City.

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