

# **INCLUSIONARY REGULATIONS**

## **Pennsylvania Examples**

The following is a compilation of draft and adopted inclusionary zoning regulations from communities in Pennsylvania. The compilation is not all inclusive but is intended to provide a range of examples of regulations and policies developed to promote affordable/workforce housing development.

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BUCKS COUNTY	
JOINT MUNICIPAL ZONING ORDINANCE FOR THE NEWTOWN JOINTURE WHICH IS WRIGHTSTOWN, UPPER MAKEFIELD, AND NEWTOWN TOWNSHIPS	
<b>ZONING DISTRICT(S)</b>	Planned Residential Development (PRD) (R-1, Medium Density and R-2, High Density) <b>B. 15. 3. Conditions for Planned Residential Development</b> <b>b.</b> In order to qualify for a PRD, such development shall provide for a minimum of 25 dwelling units and shall be located on tracts of at least the minimum size specified.
<b>DENSITY</b>	<b>B. 15. 6. Density</b> <b>a.</b> Maximum gross density in any PRD district is obtainable only under conditions which permit an optimum mix of housing types. The governing body with jurisdiction shall recognize that the higher densities permitted under planned residential development over conventional single-family development, may be justified by additional private amenities and by increased efficiency in public services to be achieved by the amount, location, design, and type of dwelling units. The governing body shall, in its determination, also consider that the physical characteristics of the site may make the increased densities appropriate in the particular location.
<b>WORKFORCE HOUSING INCENTIVE</b>	<b>B. 15. 6. Density</b> <b>d.</b> For each unit made available to qualified low-income families, as defined under the current federal or state programs, the developer will be allowed to exceed the maximum number of apartments allowable by 2 units up to a maximum limit of 10% increase in the proportion of apartments to other dwellings (i.e., 50% of PRD may be in apartments), a 10% increase in total gross density for the PRD, and 10% decrease in the minimum % of one-family dwelling units (i.e., the minimum percentage of one-family dwelling units may be 20% in the R-1 and R-2 Districts only)
<b>DESIGN</b>	No specific regulations for affordable housing. Design regulations are for all housing in a PRD.
<b>ELIGIBILITY</b>	<b>B. 15. 6. Density</b> <b>d.</b> For each unit made available to qualified low-income families, as defined under current federal or state programs...
<b>SUSTAINING AFFORDABILITY</b>	
<b>PRICING</b>	
<b>OTHER</b>	
BUCKS COUNTY	
RICHLAND TOWNSHIP	
<b>ZONING DISTRICT(S)/OTHER</b>	Performance Standard Subdivision and Planned Residential Development
<b>DENSITY</b>	
<b>WORKFORCE HOUSING INCENTIVE (Increase in density or impervious surface ratio may be achieved by meeting specific criteria)</b>	<b>27-516. Performance Standard Bonuses</b> <b>B. Low or Moderate Income Housing.</b> A density bonus shall be permitted for the provision of housing subsidized by the federal government for low or moderate income families or the elderly, as defined by various federal housing subsidy programs. For each dwelling unit, an additional dwelling unit may be built. The maximum density bonus shall be 20%. This density bonus shall apply to uses B6 Performance Standard Subdivision and B8 Planned Residential Development (PRD) only. <b>C. Moderate Income Housing.</b> A density bonus shall be permitted for the provision of moderately priced dwelling units. For each moderately

	priced dwelling unit, an additional dwelling unit may be built. The maximum density bonus shall be 25%.
<b>DESIGN</b>	Base regulations
<b>ELIGIBILITY</b>	<p><b>Performance Standard Bonuses.</b></p> <p><b>B. Low or Moderate Income Housing.</b> A density bonus shall be permitted for the provision of housing subsidized by the federal government for low or moderate income families or the elderly, as defined by various federal housing subsidy programs.</p> <p><b>C. Moderate Income Housing.</b> Moderately priced dwelling units are defined as units affordable to households earning between 60% and 80% of the county's area median household income, with the average moderately priced dwelling unit affordable to households earning 75% of the median income.</p>
<b>SUSTAINING AFFORDABILITY</b>	<p><b>Performance Standard Bonuses.</b></p> <p><b>C. Moderate Income Housing.</b></p> <p>To ensure orderly development of moderately priced dwelling units, the equitable distribution of benefits and sustained affordability, the developer shall provide a process for screening and qualifying households and for regulating the sale and resale of the moderately priced units, subject to the approval of the Governing Body.</p>
<b>PRICING</b>	<p><b>Performance Standard Bonuses.</b></p> <p><b>C. Moderate Income Housing</b></p> <p>The designated moderate income units shall have their moderate market value established by an independent appraisal.</p>
<b>OTHER</b>	
<b>CENTRE COUNTY</b>	
<b>COLLEGE TOWNSHIP</b>	
<b>ZONING DISTRICTS</b>	Single-Family Residential R-1; Two-Family Residential R-2; Village Center-V; Residential-Office-R-O
<b>DENSITY</b>	
<b>WORKFORCE HOUSING INCENTIVE</b>	<p><b>Section 3 Workforce Housing Provisions</b></p> <p><b>200-38.4 Workforce Housing</b></p> <p><b>F. Additional density bonus:</b> Minimum lot size and lot widths of market-rate housing units may be reduced to that of permitted for workforce housing based on the following ratio or fractions thereof rounded to the nearest whole number: (1) For every 2 workforce housing units which are affordable to those households with incomes greater than 80% of AMI, 1 market-rate housing unit shall be permitted to have similar lot requirements noted. (2) For every 1 workforce housing unit which are affordable to those households making no greater than 80% of AMI, 1 market-rate housing unit shall be permitted to similar the lot requirements noted.</p> <p><b>See OTHER.</b></p>

DESIGN	<p><b>Section 3 Workforce Housing Provisions</b>  <b>200-38.4 Workforce Housing</b>  <b>G. Dwelling unit types.</b>  <b>(1)</b> The majority of workforce housing units shall be provided in single-family homes. However, workforce housing may be provided in units other than single-family homes at the following rates: <b>(a)</b> For every 5 workforce housing units which are affordable to those households with incomes greater than 80% of AMI, 1 unit may be provided in a dwelling unit type other than single-family homes. <b>(b)</b> For every 5 workforce housing units which are affordable to those households with incomes less than 80% of AMI, 2 units may be provided in a dwelling unit type other than single-family homes.  <b>(2)</b> Dwelling units types including single-family homes must be permitted uses in their respective zoning districts except as follows: duplexes may be permitted in the R-1, Single-family Residential given that the number of units located in a duplex do not exceed 20% of the total proposed workforce housing units. In such instance, minimum lot size and lot width shall be 10,000 sq. ft and 80 ft respectively.  <b>H. Supplemental workforce housing regulations.</b> In addition to the regulations, all workforce housing units shall have the following requirements:  <b>Amenities.</b> Workforce housing units may differ from the market rate units in a development with regard to interior amenities and gross floor area provided that: <b>(a)</b> The differences, excluding differences related to size differential are not apparent in the general exterior appearance of the development; <b>(b)</b> The differences do not include insulation, windows, heating systems and other improvements related to energy efficiency of the development's dwelling units; and <b>(c)</b> The gross floor area of the workforce housing dwelling units is not less than the following minimum requirements: One bedroom-750 sq. ft; Two-bedroom-1,000 sq. ft.; Three bedroom-1,200 sq. ft; Four bedroom-1,400 sq. ft.</p> <p>See SUSTAINING AFFORDABILITY.</p>
ELIGIBILITY	<p><b>Section 2. Definitions</b>  <b>Workforce Housing Dwelling Unit.</b> A dwelling unit which is affordable to those making anywhere from 60% to 100% of the Area Median Family Income. Affordability shall be considered as the sale price which yields, mortgage payments, taxes, insurance and fees that are no more than 30% of the adjusted gross income for a household.</p>
SUSTAINING AFFORDABILITY	<p><b>Section 3 Workforce Housing Provisions</b>  <b>200-38.4 Workforce Housing</b>  <b>H.(4) Certification of buyers.</b> Prior to executing a purchase contract for any workforce housing units, the prospective workforce housing unit buyer shall be certified as meeting income requirements for the specified unit by the Township or its designee. Developers and workforce housing unit buyers may execute only purchase agreements that are approved as to form by the Township or its designee and include language attached as an addendum to such agreement provided by the Township or its designee which shall require that an appropriate disclosure form be provided to and explained to the workforce housing unit buyer prior to execution of the contract. The disclosure form shall explain any deed restrictions, restrictive covenants and/or liens that are placed on the workforce housing unit to ensure long-term affordability.</p>

	<p><b>H. (5) Ensuring affordability.</b> To ensure that any unit created under this section of the zoning ordinance remains affordable over time, the units shall be required to maintain affordability based upon legally-binding agreement recorded at the Centre County Recorder of Deeds with either the Township or its designee. Said agreement shall include: (a.) Period for which the units shall remain affordable, (b.) The process for certifying subsequent buyers of workforce housing dwelling units for the duration of the specified period of affordability, and (c) The level of affordability including amount of equity able to be recouped by the homeowner upon sale of workforce housing units.</p> <p><b>Section 4. Plan Requirements</b></p> <p><b>C. Workforce Housing units.</b> Subdivision/Land development plans which propose dwelling units which meet the requirements of 200-38.4 shall provide the following documentation in addition to the above requirements:</p> <p><b>(1)</b> Identification of all lots to be sold as workforce housing units as well as any market-rate units which take advantage of the zoning relief provided for those units less than 100% of Median Household Income. <b>(2)</b> Workforce housing plan. The developer shall submit with the subdivision/land development plan a document containing all required information pertaining to the regulations herein including but not limited to the following: <b>(a)</b> Details of the number, size, and location of the workforce housing units, including a phasing plan for the construction of the workforce housing units in relation to the market rate units; <b>(b)</b> How the units will be marketed to potential buyers including the details of how the marketing plan will coincide with certification process of income qualified households. <b>(3)</b> All legally binding agreements in regards to affordability assurances shall be included pursuant to Section 200-38.4 for review by the Township Solicitor and potential approval by College Township Council. <b>(4)</b> All deed restrictions required under Section 200-38.4 shall be included as part of the plans. The restrictions shall also be reviewed by the Township by the College Township Council. <b>(5)</b> Purchase agreements that are approved by the Township and include language provided by the Township that requires that an appropriate disclosure form be provided to and explained to the affordable unit buyer prior to execution of the contract. The disclosure form shall explain any deed restrictions, restrictive covenants and/or liens that are placed on the affordable unit to ensure long-term affordability.</p>
<b>PRICING</b>	
<b>OTHER</b>	<p><b>Section 3 Workforce Housing Provisions</b></p> <p><b>200-38.4 Workforce Housing</b></p> <p><b>B. Lot requirements.</b> Dwelling units designated as workforce housing units may reduce their minimum lot and yard requirements as follows: <b>(1)</b> Minimum lot size: 5,000 square feet <b>(2)</b> Minimum lot width: 40 ft. <b>(3)</b> Maximum coverage (all impervious surfaces): 55% <b>(4)</b> Front setback:10 feet <b>(5)</b> Side setback: 7 feet</p> <p><b>C. Sidewalks.</b> The amount of sidewalks required pursuant to Section 1809-16.1 may be reduced in an amount equal to the total street frontage of all lots containing dwelling units defined as workforce housing units as follows: (1) The reduction may take place anywhere within the subdivision or land development containing workforce housing units, (2) Council upon recommendation from Planning Commission shall determine the appropriateness of the location of the relief from the sidewalk requirements, (3) The residential development shall maintain sidewalk on</p>

at least one side of the street connecting all parts of a residential development, (4) Any Collector or Arterial Streets within the residential development shall have a sidewalk on both sides of the street, (5) Sidewalks shall remain in front of any parkland, and (6) The sidewalk reduction is not guaranteed upon the provision of workforce housing. Approval of such reduction will be based upon ability to meet the conditions set forth above.

**D. Parkland.** The Parkland and Open Space requirements of Section 180-16B shall be waived for all workforce housing units. See ordinance. 200-38.4.D. Those subdivisions or land development which reduce the Parkland and Open Space requirements by more than 50% shall only be permitted to do so as follows: (1) All workforce housing units within the residential development will have safe, reasonable access via sidewalks, paths or bike paths to parkland or open space located within or adjacent to the subject residential development, (2) No workforce housing unit shall be more than a half mile from parkland or open space in or adjacent to the subject development. Such distance shall be measured as the shortest distance along a public street, public path, pedestrian access easements or some combination thereof, and (3) Council shall determine the appropriateness of the size and amount of parkland/open space based upon the number of units within the service area of the parkland/open space.

**E. Flexible setbacks.** For the purposes of flexibility in developing subdivisions containing workforce housing, setbacks may be further modified as follows: (1) Side yard setback reduction. (a) Side yard setbacks from Single-family homes may be reduced upon approval of Council as follows: [1] The side yard setback on one side may be reduced if there is a corresponding and equal increase made on the opposite side yard. For example if the side yard setback was decreased to 3 feet on one side then the opposite side yards setback would be increased to 11 feet. [2] In any case of side yard setback reduction, a minimum distance equal to two times the side yard setback shall be maintained between all buildings. [3] Where a dwelling unit is located within five feet or less of a lot line, an easement shall be provided for permanent access on the adjoining property to allow for maintenance of the exterior portion of the dwelling unit wall along the aforementioned lot line. [4] Overhang of roof eaves shall be permitted along side lot lines where a dwelling unit wall is on or within two feet of the side lot one. The overhang shall encroach no more than two feet into the easement established in (3) above. [5] Door, exhaust vents (laundry, bathroom, etc), air conditioning unit are prohibited on dwelling unit walls which are within the reduced side yard setback. (b) Side yard setbacks may be reduced to 7 feet for market rate housing units for those side yards which directly abut lots containing workforce housing dwelling units. (2) Front yard setback reduction. Front setbacks for market-rate housing units may be reduced to that of workforce housing dwelling units (ten feet) if the developer can demonstrate to Council's satisfaction that this reduction will result in greater continuity and harmony between the placement on a lot of workforce housing and market-rate housing units. This reduction may be done in part or in whole for a residential development depending on location and number of workforce housing units and based on the following guidelines: (a) Said reduction shall reduce the ability to tell the difference between market-rate and workforce housing units based on setbacks, (b) Said reduction shall be permitted only for those sections of

	<p>street which contain workforce housing units. A section of street shall be determined as that between two intersecting streets. (c) For the purpose of the front yard setback reduction, those market-rate units to which the density bonus below has been applied to shall also be permitted to reduce front-yard setbacks.</p> <p><b>Section 3 Workforce Housing Provisions</b>  <b>200-38.4 Workforce Housing</b>  <b>H.(2) Timing of construction.</b> Workforce housing units shall be made available for occupancy at approximately the same rate as the market rate units, except that certificates of occupancy for the last 15% of the market rate units shall be withheld until certificates of occupancy have been issued for all of the workforce housing units.  <b>H.(3) Cost offsets.</b> The township may discount or defer municipal fees associated with the approval process of a subdivision/land development. Any developer of workforce housing units may submit a request for a discount or deferment of fees. The request also must contain information detailing how real costs will be reduced and how the savings will be passed on to the workforce housing units. The Township shall review the request and provide an answer to the developer within 30 days of receipt of the request.  <b>I. Administration.</b> College Township and/or its designee shall ensure compliance with all regulations contained herein and/or chapter 180, Subdivision of land and Chapter 200, Zoning. The developer shall draft and submit for approval a legal binding agreement which states the responsibilities of all entities involved with the ongoing administration, and marketing of, and compliance with these regulations upon approval of a development containing workforce housing units. College Township shall reserve the right to designate another legal entity for the purpose of administrative needs of this section of who should be a party in all legally binding agreements required in this section.</p>
<b>CENTRE COUNTY</b>	
<b>GREGG TOWNSHIP</b>	
<b>ZONING DISTRICTS</b>	Conservation Design Overlay District for the R (Residential) and A (Agricultural) Districts
<b>DENSITY</b>	
<b>AFFORDABLE HOUSING INCENTIVE</b>	A density increase is permitted where the subdivision proposal provides on-site or off-site housing opportunities for low- or moderate-income families. When off-site housing provision is proposed, the Board shall require evidence that these units will in fact be constructed by a certain date. The amount of density shall be based on the following standard: For each affordable housing unit provided under this section, one additional building lot or dwelling unit shall be permitted, up to 15 percent increase in dwelling units.
<b>DESIGN</b>	
<b>ELIGIBILITY</b>	Affordable housing is herein defined as units sold or rented to families earning up to 120 percent of the area median income, adjusted for family size, as determined by the US Department of Housing and Urban Development.
<b>SUSTAINING AFFORDABILITY</b>	
<b>PRICING</b>	
<b>OTHER</b>	

FERGUSON TOWNSHIP	
<b>ZONING DISTRICTS</b>	Traditional Town Development (TTD)
<b>DENSITY</b>	<p><b>27-701</b></p> <p><b>D. Density and Setbacks.</b></p> <p><b>(1) Standards.</b></p> <p><b>(a) Permitted Density.</b> The density permitted within the Traditional Town Development shall be up to twenty (20) residential units per acre provided that the development exhibits good project design, provides maximum open space, and encourages pedestrian orientation and movement throughout. In areas which are designed for community, mixed use, or commercial development, no density limit will be applied. However, this acreage must be subtracted from the overall acreage of the site when calculating the permitted density.</p> <p><b>(b) Required Density.</b> While some phases of the development may be less intensely developed than others, an average minimum density of seven (7) residential units per acre must be maintained for development of the entire TTD or associated Mixed Residential Area. This calculation must exclude any acreage which accommodates civic, mixed use, or commercial development, as well as any accessory dwelling units associated with such areas.</p>
<b>WORKFORCE HOUSING REQUIREMENT AND INCENTIVE</b>	<p><b>27-701</b></p> <p><b>4. Site Plans</b></p> <p><b>D. Workforce Housing.</b> Workforce housing shall comprise an element of each development and will be incorporated at a minimum rate of 1:10 residential units.</p> <p><b>F. Design Incentive:</b></p> <p><b>Additional Workforce Housing.</b> For each unit of workforce housing provided in excess of the required 1:10 ratio, two dwelling units may be placed on lots of between 15,000 and 20,000 square feet. To qualify, both the workforce housing and the larger residential lots must be distributed in a manner that permits their integration within the community.</p>
<b>DESIGN</b>	<p><b>27-701</b></p> <p><b>4. Site Plans</b></p> <p><b>D. Workforce Housing</b> This housing shall not be segregated or clustered within a neighborhood and, from the exterior, will provide no evidence that distinguishes it from market-rate units.</p> <p>No more than two (2) adjacent lots may contain such units.</p> <p>No more than four (4) lots along any one block width or block length may contain such units.</p> <p>See TTD regulations.</p>
<b>ELIGIBILITY</b>	<p>Housing that is affordable for someone earning between 80% and 120% of the median household income in Centre County as determined by the latest Census data. These homes shall not be segregated or clustered within a neighborhood and, from the exterior, will provide no evidence that distinguishes them from market-rate units.</p> <p>[According to the year 2000 Census, this income range is \$42,560 - \$63,840. Based on this data, single family workforce housing units shall be priced between \$142,254 and \$204,981. This represents the maximum mortgage amount based on a 5.5% interest rate, for this income range.</p> <p>[These homes are intended to accommodate workers employed in positions which might include but are not limited to: food service employees, retail clerks, firefighters, accountants, custodians, hairdressers, nurses and other healthcare workers, administrative assistants, and pre-school teachers. These individuals, who are employed</p>



	in our community, are often unable to afford to live here.]
<b>SUSTAINING AFFORDABILITY</b>	
<b>PRICING</b>	
<b>OTHER</b>	
<b>CENTRE COUNTY</b>	
<b>HALFMOON TOWNSHIP (DRAFT)</b>	
<b>ZONING DISTRICT(S)</b>	<p><b>Rural Village District (RVD)</b>  <b>1300.8 Workforce Housing</b>  <b>D. Applicability.</b> All of the following RVD development that result in or contain six (6) or more residential dwelling units shall include sufficient numbers of workforce housing units as determined by the calculation in subparagraph D(4) below: <b>(1)</b> New residential construction, regardless of the type of dwelling unit. <b>(2)</b> New mixed-use development with a residential component. <b>(3)</b> Development that will change the use of an existing building from non-residential to residential. <b>(4)</b> The minimum number of workforce housing units required in any RVD development shall be a minimum of 5% of the developer's market rate dwelling unit count at full build out, 10% workforce housing units total for the entire RVD zone. Workforce housing units shall be provided in both RVD-1 Sub-District and RVD- III Overlay Sub-Districts to the extent feasible and is allowed to exceed the total maximum allowable dwelling unit count and/or total maximum allowable density. All workforce housing units on all lots/phases shall be appropriately noted and trackable in terms of any Tentative RVD Master Plan(s) and all Final Plans for individual phases.</p>
<b>DENSITY</b>	
<b>WORKFORCE HOUSING REQUIREMENT</b>	<p><b>1300.8 Workforce Housing</b>  <b>D. Applicability.</b>  <b>See D.(4) Above.</b></p>
<b>DESIGN</b>	<p><b>1300.0 Workforce Housing</b>  <b>F. General Requirements for WFH Units.</b> All RVD projects shall comply with the following requirements: <b>(1) Resident Mix.</b> Workforce units shall be mixed with, and not clustered together or segregated in any way from, any/all market-rate units. <b>(2) Phasing Plan.</b> If the RVD development plan, for which workforce units are required, contains a phasing plan, the phasing plan shall provide for the development of workforce units concurrently with the market-rate units. No phasing plan shall provide that the workforce units built are the last units constructed. <b>(3) Bedroom Mix.</b> In order to assure an adequate distribution of single-family units by household size, the bedroom mix of workforce units in any RVD project should be in the same ratio as the bedroom mix of the non-workforce, market rate units of the project. <b>(4) Interior Amenities and Size.</b> Workforce units may differ from the market-rate units in an RVD project with regard to interior amenities and gross floor area provided that : These differences, excluding differences related to size differentials, are not apparent in the general exterior appearance of the RVD project's units; and These differences do not include insulation, window, heating systems, and other improvements related to the energy efficiency of the RVD project's units; and The gross floor area of the workforce units is not less than the following minimum requirements: One bedroom: 750 sq. ft.; Two bedrooms: 1,000 sq. ft.; Three bedrooms: 1,100 sq. ft.; Four bedrooms: 1,250 sq. ft..</p>
<b>ELIGIBILITY</b>	<p><b>1300.8 Workforce Housing</b>  <b>A. Workforce Housing.</b> Workforce housing units are defined as housing</p>

	<p>units that are affordable for purchase by moderate income families in Centre County (“Workforce Housing”). Moderate income families are defined as those earning between 80%-100% of the median family income, adjusted for household size in Centre County. Median family income is derived from the most current US Department of Housing and Urban Development (HUD) income data available at the time of the final plan submission. Families are considered to be able to affordable to purchase housing if they are not spending more than thirty (30%) percent of their annual income on housing costs. Housing costs include, but are not limited to, principal and interest on mortgage, taxes and insurance.</p> <p><b>E. Under General Requirements: (5) Priority.</b> Priority in the sale or lease of workforce housing units will be given to households earning less than eighty percent (80%) of median income, adjusted for household size and to households residing in Halfmoon township at the time that these units are offered for sale or lease.</p>
<p><b>SUSTAINING AFFORDABILITY</b></p>	<p><b>1308.0 Workforce Housing</b></p> <p><b>J. Continued Affordability Requirements.</b> All RVD projects shall comply with the following provisions to ensure continued affordability of inclusionary units provided under this article. <b>(1) Minimum 45 Year Term.</b> All workforce housing units shall remain affordable for a period of not less than forty-five (45) years or longer from the date of initial occupancy of the workforce units. Where an RVD developer can establish that regulatory or other considerations make it impossible to provide the required workforce units if subject to the full extent of this requirement, Halfmoon Township may allow modification of the duration of the period of continued workforce affordability only to the extent necessary to render the development feasible. <b>(2) Deed Restrictions.</b> Provisions to ensure continued affordability of workforce units shall be embodied in legally binding agreements and/or deed restrictions, which shall be prepared by the RVD developer subject to review and/or approval of both Halfmoon Township and the Borough of State College, but which shall not be recorded or filed until reviewed and approved with such modifications as the Township and/or State College Borough may deem necessary to carry out the purpose of these workforce housing provisions. Such review and approval shall be completed within forty-five (45) days following date of submission of such documents to Halfmoon Township and the Borough of State College. Failure of the Township and/or Borough to respond within the forty-five (45) day period as set forth herein shall constitute approval of the documents. <b>(3) Resale Restrictions.</b> Provisions to ensure continued workforce affordability of housing units offered for sale shall include a formula for limiting equity appreciation to an amount not to exceed twenty-five percent (25%) of the increase in the workforce unit's value, as determined by the difference between fair market appraisal at the time of purchase of the property and a fair market appraisal at the time of resale, with such adjustments for improvements made by the seller and necessary costs of sale as may be approved by Halfmoon Township and/or State College Borough. <b>(4) Rent Increases.</b> Provisions for continued affordability of any workforce rental units shall limit annual rent increases to the percentage increase in the median household income within the State College Metropolitan Statistical Area (MSA), except to the extent that further increases are made necessary by hardship or other unusual conditions, and shall provide that no rent increase may take effect until it has received approval from Halfmoon</p>

	<p>Township in writing. <b>(5) Purchase Option.</b> Provisions for continued affordability of workforce units shall provide that State College Borough, the State College Community Land Trust and/or the Housing Authority of Centre County shall have an exclusive option to purchase any affordable workforce unit when it is offered for resale for a period of ninety (90) days from the date from which all the above affordable housing entities are notified of the availability of the unit. <b>(6) Sublet Restrictions.</b> Provisions for continued workforce affordability of shall prohibit subletting for a price exceeding that which is affordable for a household with an annual income that is 80% of median household income, consistent with the relationship between unit size and household size set forth in subparagraph G. Calculating Rents and Selling Prices, above.</p>
<p><b>PRICING</b></p>	<p><b>1308.0 Workforce Housing</b>  <b>E. Under General Requirements: (7) Quality and Price.</b> The final calculations for the number of workforce housing units and the rental or sales price for these units shall be made prior to the issuance of building permits for the RVD project.  <b>G. Calculating Rents and Selling Prices.</b> The following provision shall apply to the calculation of rents, selling prices and/or carrying charges of workforce housing units: <b>(1) Setting Rental Price.</b> Workforce housing rental units shall be rented at a price which, on average, is inclusionary for a household with an annual income that is 80% of median income adjusted for household size for Centre County. <b>(2) Setting purchase Price.</b> Inclusionary units for sale shall be sold at a price which is inclusionary for a household with an annual income that is 80% median income adjusted for household size for Centre County. <b>(3) Household Size.</b> In calculating the rents or carrying charges of workforce housing units, the following relationship between unit size and household size shall apply: Efficiency units: 1 person household; One bedroom units: 1.5 person household (avg. of one and two person household incomes); Two-bedroom units: 3 person household; Three-bedroom units: 4.5 person household (avg. of four and five-person household incomes); Four-bedroom units: 6 person household <b>(4) Price Calculations.</b> With respect to workforce housing units offered for sale, prices will be calculated on the basis of: An available fixed-rate, thirty-year mortgage, consistent with the average rate published from time to time by Freddie Mac; A down payment of no more than five percent of the purchase price; A calculation of property taxes; A calculation of homeowner insurance; and If applicable, a calculation of condominium or homeowner association fees. <b>(5) Rental Calculations.</b> With respect to workforce housing units offered for rent, rental prices will be calculated on the basis of the thirty percent (30%) of gross monthly income, adjusted for household size, minus a utility allowance.</p>
<p><b>OTHER</b></p>	<p><b>1308.0 Workforce Housing</b>  <b>D. Workforce Housing Development Agreement.</b> Prior to the issuance of a building permit for any RVD development in which workforce housing units are provided, the applicant shall have entered into with Halfmoon Township a Workforce Housing Development Agreement, as defined in Appendix C, RVD Definitions  <b>E. Under General Requirements: (6) Occupancy.</b> Except for household income limitation as set forth herein, occupancy of any workforce housing unit shall not be limited by any conditions that are not otherwise applicable to all units within the RVD project.</p>

**H. Marketing of Workforce Housing Units.** Any applicant developing an RVD project shall adhere to the following provision with respect to the initial offering of workforce housing units for sale or rent: **(1) Notification.** The RVD developer shall notify State College Borough, the State College Community Land Trust and/or the Housing Authority of Centre County of the prospective availability of any workforce housing units at the time that the building permit issued for such units in an RVD project. **(2) Option.** Any of the entities mentioned in H(1) Notification, shall then have an exclusive option for one hundred twenty (120) days to purchase each inclusionary unit offered for sale from the RVD developer unless waived or assigned. **(3) Waiver.** If any/all of these affordable housing entities fails to exercise their options by failing to negotiate and sign a purchase and sale agreement for the WF units, or if declare its intent not to exercise their option, the RVD developer shall offer the units for purchase or rent to households earning less than median income, adjusted for household size for Centre County. If requested by the RVD developer, any/all affordable housing entities shall execute documents that may be recorded with the Centre County Recorder of Deeds to evidence said waiver of their option to purchase. **(4) Time of Closing.** Closing on workforce housing units purchase by any affordable housing entity shall occur on or after the time of issuance of the certificate of occupancy. If any affordable housing entity fails to close on these workforce units, the developer shall offer the unit for purchase or rent to households earning less than median income, adjusted for household size in Centre County.

**J. Phasing of Workforce Units.** Workforce units shall be made available for occupancy on the same schedule as an RVD project's market units, except that certificates of occupancy for the last 10% of the market units shall be withheld until certificates of occupancy have been issued for all of the workforce units. A schedule setting forth the phasing of the total number of units in an RVD project, along with a schedule setting forth the phasing of the required workforce units shall be established prior to the issuance of a building permit for any RVD development subject to the provisions of this article.

**K. Certificate of Occupancy.** No certificate of occupancy shall be issued for an RVD project unless all workforce units within the RVD project are eligible for a certificate of occupancy; except that with respect to covered projects to be constructed in phases, certificates of occupancy may be issued on a phased basis consistent with the provisions of subparagraph J, Phasing of Workforce Units, above.

**L. Enforcement.** Violations of this article shall be punishable as provided by Chapter 100 of the Halfmoon Township Zoning Ordinance.

**M. Administration.** The State College Borough Planning Department shall monitor activity under this Section and shall provide a report no less than every two (2) years to Halfmoon Township, setting forth its findings, conclusions and recommendations for any changes that will render the program more effective. The report described above shall be presented to Halfmoon Township at a public hearing after proper legal advertisement.

Notwithstanding anything contained in this section to the contrary, the total workforce housing dwelling units on each developer's property within the RVD shall not exceed twenty percent (20%) of the total number of

	Market Rate units as set forth in a developer's approved Tentative RVD Master Plan and all Final Plans for individual phases.
<b>CENTRE COUNTY</b>	
<b>HARRIS TOWNSHIP</b>	
<b>ZONING DISTRICT</b>	Agriculture-Open Space-Rural Clustering
<b>DENSITY</b>	<b>Section 4: 5.3.1.1</b> The total number of dwelling units which may be placed on the tract shall be based on (a) the sewage disposal capacity of the developable portion of the tract, and (b) the extent and locations of environmentally sensitive areas such as steep slopes, wetlands, and floodplains, as identified on the Natural Resources Map adopted in the Centre Region Comprehensive Plan. The density of the cluster development shall not exceed the projected density of a development using conventional one-acre minimum lot sizes, except for lands zoned Agriculture (A) within the Sewer Service Area, as described herein, which are permitted a density of no more than two (2) dwelling units per acre.
<b>WORKFORCE HOUSING INCENTIVE</b>	<b>Section 9:5.3.1.6.3 Workforce Housing.</b> For parcels of 30 acres or more zoned Agriculture within the Sewer Service Area proposed for residential development, a percentage of the total number of dwelling units may be designated as Workforce Housing. The percentage of Workforce Housing required shall be in direct proportion to the percentage of open space provided, as follows: a. 40% open space-10% workforce units required b. 30% open space-15% workforce units required. <b>5.3.1.6.3.2</b> Workforce housing units used as the basis for approving a density bonus or open space reduction shall require submission of a Housing Development Plan, describing the number of workforce housing units, the percentage of units between 60% and 100% of AMI, the construction requirements, and affordability restrictions. This plan is to be developed with the guidelines set forth in the Harris Township Workforce Housing Policy and Procedures Manual, as adopted by the Board of Supervisors. The Housing Development Plan shall be prepared in consultation with the Centre County Housing & Land Trust, or other non-profit housing agency designated by the Township, and approved by the Board of Supervisors as a condition of plan approval.
<b>DESIGN</b>	Note: Harris Township Policy and Procedures Manual is under development.
<b>ELIGIBILITY</b>	<b>Workforce Housing.</b> Workforce housing is defined as housing that is affordable to households making from 60% to 100% of the Area Median Income, as determined annually by the US Department of Housing & Urban Development for Centre County. Housing affordability is defined by the US Department of Housing & Urban Development
<b>SUSTAINING AFFORDABILITY</b>	See Workforce Housing Incentive.
<b>PRICING</b>	Note: Harris Township Policy and Procedures Manual is under development.
<b>OTHER</b>	Note: Harris Township Policy and Procedures Manual is under development.
<b>CENTRE COUNTY</b>	
<b>PATTON TOWNSHIP</b>	
<b>ZONING DISTRICT</b>	C-T Commercial Transitional District, Minimum initial tract size: 10 acres
<b>DENSITY</b>	
<b>AFFORDABLE</b>	<b>175-17.3.H. Conditional Use.</b>

<b>HOUSING INCENTIVE</b>	<p>Tracts within the C-T District may include residential units with conformance to the following requirements: <b>(1)</b> Offer of donation of a minimum of 16% of the tract area to a community land trust as defined in 175-6B of the Patton Township Code for development as affordable housing.</p> <p><b>See Other.</b></p>
<b>DESIGN</b>	<p>See Section (b)-Sustaining Affordability</p> <p><b>175-17.3.H. Conditional Use.</b></p> <p><b>5. (a) Lot size:</b> [2] Single-family and duplex units: 4,000 sq. ft. minimum per unit. Average (mean) lot size shall not exceed 6,000 sq. ft. per unit. [3] Multifamily (townhomes and apartments): no less than 3,500 sq. ft. and no more than 5,000 sq. ft. per dwelling unit.</p> <p><b>(b) Lot width for residential uses(s):</b> 40 feet minimum</p> <p><b>(c) Lot coverage:</b> Single-family and duplexes: 35% maximum for primary structure</p> <p><b>(e) Setbacks for residential portion:</b> [1] Front yard; five feet minimum. [2] Side and rear yard not adjacent to commercial portion: five feet minimum, excepting the common wall of duplexes. A zero setback arrangement is permissible for single-family detached units when the opposite side yard is a minimum of 10 feet.</p>
<b>ELIGIBILITY</b>	<p><b>175-17.3.A. Specific intent.</b></p> <p>...to offer a mechanism to address Patton Township's need for housing that is affordable to households with incomes no greater than 120% of the Centre County annual median income through the aid of private sector commercial development.</p>
<b>SUSTAINING AFFORDABILITY</b>	<p><b>175-17.3.H. Conditional Use.</b></p> <p><b>(4)</b> Acceptance of the land donation by the involved community land trust in accordance with a signed and recorded agreement between the property owner(s)/developer(s), the community land trust, and any other parties involved in providing the affordable housing units. The approval of a conditional use plan shall indicate Township approval of the terms of the agreement. The agreement shall address, but shall not be limited to, the following items: (a) The number of affordable housing units that will be built. (b) The type of residential units to be built and the overall layout of the site. (c) The type of resident groups to live in these units (e.g., income levels, the elderly, special needs groups). (d) The time frame within which these units will be constructed and occupied. (e) The initial price range of these units. (f) How these units will remain affordable in perpetuity. (g) The screening/buffering that will be provided between the affordable housing units and the commercial portions of the site.</p> <p><b>[1]</b> Execution of an agreement, to be recorded, between the Board of Supervisors, the property owner(s)/developer(s), and the community land trust assigning, in the event that community land trust fails to proceed with development of the residential portion in accordance with the terms herein, all right and responsibilities of the community land trust contained in the agreement referenced in Subsection H(4) to the Board of Supervisors of Patton Township. Existence of agreement shall be noted on plan. <b>[2]</b> Execution on the plan of an offer of dedication for residential portion to the Board of Supervisors of Patton Township in the event that land trust fails to proceed with development of the residential portion in accordance with the terms herein. Offer shall note that the land is dedicated for the provision of affordable housing and the Township may convey said land to another organization for those purposes.</p>
<b>PRICING</b>	<p>See Section (f)-Sustaining Affordability.</p>

<b>OTHER</b>	<p><b>Other: Commercial Portion.</b> An additional 1% of impervious coverage may be used with donation of an additional 5,000 square feet of land for affordable housing.</p> <p><b>175-17.3.H. Conditional Use.</b></p> <p><b>(8) Parkland.</b></p> <p>(a) The parkland dedication addressed in 153-34 of the Patton Township Code will be waived where all of the involved affordable housing units will be priced to be affordable to households making less than 80% of the most recently published Centre County AMI.</p>
<b>CENTRE COUNTY</b>	
<b>SPRING TOWNSHIP</b>	
<b>ZONING DISTRICT</b>	TND (Traditional Neighborhood Development Option)
<b>DENSITY</b>	
<b>WORKFORCE HOUSING REQUIREMENT</b>	<p><b>Supplemental Regulations.</b></p> <p><b>General Requirements.</b></p> <p>(1) The developer shall make provisions to accommodate workforce housing, as per District Regulations.</p> <p><b>Density Bonus Option Minimum Development Standards</b></p> <p>5% workforce housing/3.5 units per acre (single-family, duplex, quadplex, townhouse)</p> <p><b>Conditional Use Criteria-Traditional Neighborhood Design (TND) in A-2 Agricultural Development District.</b></p> <p><b>D. Bonus Criteria</b></p> <p>1. The intent is to encourage good design, provide for additional Work Force Housing (WFH) and an increase in building height.</p> <p>2. Apartment buildings shall be permitted with an increase of the Work Force Housing units, be an increase of the additional 5% of the total planner housing units. Building height may increase to 40 feet.</p>
<b>DESIGN</b>	Base regulations.
<b>ELIGIBILITY</b>	<p><b>Supplemental Regulations.</b></p> <p><b>General Requirements.</b></p> <p>(2) To provide housing for those incomes between 60% and 120% of the AMI of Centre County as calculated by the Federal Government and adjusted annually for family size. One half of these units shall fall within the 60% to 90% range and one half shall fall within 91% to 120% range.</p>
<b>SUSTAINING AFFORDABILITY</b>	<p><b>Supplemental Regulations.</b></p> <p><b>General Requirements.</b></p> <p>(3) Deed restrictions shall include the restriction to the use, activity and/or limitations of property rights recorded at the Register of Deeds office. This shall include a cap on the return of investment of 5% per year. This shall remain with the property for a period of 40 years.</p> <p>(4) This program shall be coordinated between the developer and a non-profit community housing trust.</p>
<b>PRICING</b>	
<b>OTHER</b>	
<b>CENRE COUNTY</b>	
<b>STATE COLLEGE BOROUGH (DRAFT)</b>	
<b>ZONING DISTRICT</b>	<p><b>Chapter XIX</b></p> <p><b>Section 3.a. Applicability.</b> Residence R-1, Residence R-2, Residence R-3, Residence R-3B, Historic R-3H, Residence R-4, Residential-Office R-O, Residential-Office R-OA, University Planning District UPD, Urban Village UV, Planned Commercial CP-1, Planned Commercial CP-2, General Commercial C and Commercial Incentive District CID zoning districts and for developments that contain 6 or more residential</p>

DU(Dwelling Units). DU types: (1) New residential construction, regardless of the type of dwelling unit. Exception dwelling units that are owned, rented, or leased by The Pennsylvania State University for the sole purpose of housing full-time enrolled students. (2) Mixed use development w/ a residential component, (3) Renovation of a multiple-family residential structure that increases the number of residential units from the number of units in the original structure (4) Conversion of an existing single-family residential structure to a multiple-family residential structure (5) Conversion of a non-residential property to a residential property.

**DENSITY**

**INCLUSIONARY HOUSING REQUIREMENT**

**Chapter XIX**  
**Section 3.b. Calculation of Inclusionary Housing Units.** To calculate the minimum number of inclusionary housing units required in any land development listed in paragraph c., (see Applicability section), the total number of proposed units shall be multiplied by 20%. If the product includes a fraction, a fraction of 0.5 or more shall be rounded up to the next whole number, and a fraction of less than 0.5 shall be rounded down to the next whole number. See the table in paragraph f (8) for the percentage of inclusionary units to be provided to specific qualified households.

**Section 4.a. General Requirement for Inclusionary Units.**  
**(8) Qualified Households.**  
 ...See the following table for the percentage of inclusionary units to be provided for specific qualified households.

Population to be Served	Percentage of Inclusionary Units	
	For Sale Units	Rental Units
≤ 60% Area Median Income (AMI)	N/A	Minimum 10%
61-80% AMI	Minimum 10%	Maximum 10%
81-120% AMI	Maximum 10%	N/A
TOTAL	20%	20%

**(9) Limitations.** Except for student status, household income, asset limitations and the primary residency as set forth herein, occupancy of any inclusionary unit shall not be limited by any conditions that are not otherwise applicable to all units within the covered project.

**(10) Final Number of Units and Pricing.** The final calculations for the number of inclusionary units and the rental or sales price for these units shall be made prior to the issuance of zoning permits for the covered project.

See DESIGN. Under General Requirements for Inclusionary Units. (1) Development Allowances

**DESIGN**

**Chapter XIX**  
**Section 4.a. General Requirements for Inclusionary Units.** All covered projects must comply with the following requirements: **(1) Development Allowances.** Developments that provide inclusionary housing units will have the option to add one additional equivalent dwelling unit for every inclusionary unit provided as part of the land development plan. The following provision will apply to the entire land development for the additional units to be accommodated on the site: **(a)** 1 and 2 family dwellings-reduction in lot size by 15% **(b)** Row dwelling or townhomes-7 units per row will be permitted **(c)** Multi-family dwellings-**(i)** each affordable dwelling unit with 2 or more bedrooms required parking



	<p>can be reduced to one space per affordable unit <b>(ii)</b> side yard requirements can be eliminated. <b>(2) Development Composition.</b> Inclusionary units shall be mixed with, and not clustered together or segregated in any way from, market-rate units. <b>(3) Inclusionary Housing Development Agreement.</b> Prior to the issuance of a zoning permit for any development in which inclusionary housing are required, the applicant shall have entered into with the Borough an Inclusionary Housing Development Agreement, as defined in the Codification of Ordinances, Chapter XIX, Section 201, Definition. <b>(4) Primary Residence.</b> Inclusionary units required under this Article shall be offered for sale or rent to a qualified household to be used for its own primary residence, except for units purchase by the Borough to its assignee. <b>(5) Phasing Plan.</b> If the development plan, for which inclusionary housing is required, contains a phasing plan, the phasing plan shall provide for the development of inclusionary housing units concurrently with the market-rate units. No phasing plan shall provide that the inclusionary units built are the last units constructed. <b>(6) Bedroom Mix.</b> In order to assure an adequate distribution of inclusionary units by household size, the bedroom mix of inclusionary units in any project shall be in the same ratio as the bedroom mix of the non-inclusionary units of the project, unless waived by the Borough. <b>(7) Like Units.</b> Inclusionary units shall be like units with regard to living area square footage, but may differ from market-rate units in a covered project with regard to interior amenities, provided that: These differences, excluding difference related to size differentials, are not apparent in the general exterior appearance of the project's units; and These difference do not include insulation, window, heating systems, and other improvements related to the energy efficiency and standard components, as defined by the Borough, of the project's units.</p> <p><b>Section 4.f. Phasing of Inclusionary Units.</b> Inclusionary units shall be made available for occupancy on approximately the same schedule as a covered project's market units, except that certificates of occupancy for the last 10% of the market units shall be withheld until certificates of occupancy have been issued for all of the inclusionary units. A schedule setting forth the phasing of the total number of units in a covered project, along with a schedule setting forth the phasing of the required inclusionary units, shall be established prior to the issuance of a building permit for any development subject to the provisions of this article.</p>
<p><b>ELIGIBILITY</b></p>	<p><b>Chapter XIX</b>  <b>Section 4.a General Requirements for Inclusionary Units.</b>  <b>(8) Qualified Households.</b>  The sale of inclusionary units will be to households earning up to 120% of median income, adjusted for household size. The lease of inclusionary units will be given to households up to 80% of median income, adjusted for household size.</p> <p><b>b. Ineligibility of Students.</b> Notwithstanding applicable laws and regulations, persons enrolled as full-time students in a college or university shall not be eligible to rent or purchase an inclusionary units, unless one of the following exceptions occurs: (1) A unit occupied by at least one individual who is (a) a student and receive assistance under Title IV of the Social Security Act (i.e. TANF), or (b) enrolled in a job training program receiving assistance under the Workforce Investment Act or under other similar federal, state or local laws. OR (2) A unit occupied entirely by full-time students are (a) Single parents and neither</p>

	<p>the single parent(s) nor their children are dependents of another individual (other than a parent of such children), or (b) The students are married, live in the same household and are eligible to file a joint tax return.</p>
<p><b>SUSTAINING AFFORDABILITY</b></p>	<p><b>Chapter XIX</b>  <b>Section 4.e. Continued Affordability Requirements.</b> All covered projects shall comply with the following provisions to ensure continued affordability of inclusionary units provided under this article and units required to be continually inclusionary hereunder.  <b>(1) 99-Year Requirement.</b> All inclusionary units shall remain inclusionary for a period of no less than ninety-nine (99) years commencing from the date of initial occupancy of the units. <b>(2) Affordability Instruments.</b> Provisions to ensure continued affordability of inclusionary units shall be embodied in legally binding agreements and/or deed restrictions, which shall be prepared by the Borough and agreed to by the developer and upon execution, shall be recorded and filed. <b>(3) Resale Restrictions.</b> The Borough shall require resale conditions in order to maintain the availability of inclusionary units in perpetuity be specified in the Affordability Instrument, including resale calculations. <b>a.</b> At the time of purchase, the owners of any inclusionary unit shall execute a Resale Restriction Agreement and Option to Purchase provided by the section, including but not limited to all applicable resale controls and occupancy restrictions. This Resale Restriction Agreement and Option to Purchase shall be recorded in the Centre County Office of Recorder of Deeds and shall afford the Borough or its assignee the right to enforce the declaration of restriction. <b>b.</b> The Borough or its assignee shall be responsible for monitoring and facilitating the resale of inclusionary units. Any abuse in the resale provisions shall be referred to the Borough for action. <b>(4) Rent Increases.</b> Provisions for continued affordability of inclusionary rental units shall limit annual rent increases to the percentage increase in the median household income within the State College Metropolitan Statistical Area (MSA), except to the extent that the further increases are made necessary by hardship or other unusual conditions, and shall provide that no rent increase may take effect until it has received approval from the Borough in writing. Any Owner who charges rent in violation of this provision shall refund excess to tenant. <b>(5) Purchase Option.</b> Provisions for continued affordability of inclusionary units shall provide that the Borough or its assignee shall have an exclusive option to purchase any inclusionary unit when it is offered for resale. The purchase option period and process shall be detailed in the Affordability Instrument.</p>
<p><b>PRICING</b></p>	<p><b>Chapter XIX</b>  <b>Section 4.c. Calculating Rents and Selling Prices.</b> The following provision shall apply to the calculation of rents, selling prices and/or carrying charges or inclusionary units: <b>(1) Average Rent.</b> Inclusionary rental units shall be rented at a price which, on average, is affordable for a household with an annual income that is 65% of median income adjusted for household size. <b>(2) Average Sales Price.</b> Inclusionary units for sale shall be sold at a price, which on average, is affordable for a household with an annual income that is 90% of median income adjusted for household size. <b>(3) Unit/Household Size Calculation.</b> In calculating the rents or carrying charges of inclusionary units, the following maximum relationship between unit size and household size shall apply: Efficiency units: 1 person household; One-bedroom units: 2 person household; Two-bedroom units: 3 person household; Three-bedroom units: 4 person</p>

	<p>household; Four-bedroom units: 5 person household <b>(4) Sales Price Calculations.</b> With respect to inclusionary units for sale, prices will be calculated on the basis of: An available fixed-rate, 30 year mortgage, consistent with the average rate published from time to time, typically quarterly, by Freddie Mac or its equivalent; A down payment of no more than 5% of the purchase price; A calculation of property taxes; A calculation of homeowner insurance; A calculation of condominium or homeowner association fees; and, Other monthly fees, as allowed by the Borough, such as monthly land lease fees. <b>(5) Rent Calculation.</b> With respect to inclusionary units offered for rent, initial rents are calculated based on HUD Area Median Income (AMI) for the State College Metropolitan Statistical Area as follows: HUD publishes annual AMI data for one to eight person households. Maximum monthly rents would be 30% to 80% AMI divided by twelve based on the number of bedrooms, less the current utility allowance per the Housing Authority of Centre County. Any Owner who charges rent in violation of this provision shall refund excess to tenant.</p> <p><b>Chapter XIX</b>  <b>Section 4.a. General Requirements for Inclusionary Housing.</b>  <b>(10) Final Number of Units and Pricing.</b> The final calculations for the number of inclusionary units and the rental or sales price for these units shall be made prior to the issuance of zoning permits for the covered project.</p>
OTHER	<p><b>Chapter XIX</b>  <b>Section 3.c. Alternatives to On-Site Construction of Inclusionary Units(1) Fee in-Lieu of Inclusionary Housing.</b> <b>(a)</b> An applicant may pay a fee in-lieu of constructing some or all of the required minimum number of inclusionary housing units required in any development listed in the Applicability section. <b>(b)</b> Borough Council shall establish by resolution the amount of the fee-in-lieu payment per unit following written recommendation by either the Borough Manager or Borough Planning Director, and adopt it as part of the Borough's schedule of fees. The per-unit amount shall be based on an estimate of the actual costs of providing an inclusionary housing unit using actual construction cost data, which shall include a consideration of land purchase costs, from current developments of a similar type within State College. At least once every three years, Borough Council shall, with the written recommendation by either the Borough Manager or Borough Planning Department, review the per-unit payment amount and amend the schedule of fees. <b>(c)</b> All fee-in-lieu payments received pursuant to the ordinance shall be paid directly to the Borough and be used to further the Borough's mission of providing housing opportunities by purchasing, rehabilitating and selling homes in the Borough to income qualified buyers and/or providing rentals to income-qualified renters. The Borough shall create and administer and Inclusionary Housing Fund for such programs. <b>(d)</b> To determine the total fee-in-lieu of payment, the per-unit amount established by the Borough shall be multiplied by 30% of the number of units proposed in the development pursuant to paragraph c. Applicability, above. For the purposes of such calculation, if 30 % of the number of proposed units results in a fraction, the fraction shall not be round up or down. If the fee-in-lieu payment is made to substitute providing one or more of the required units, the calculation shall be prorated as appropriate.</p> <p><b>(2) Off-Site Development.</b> Inclusionary units otherwise required to be constructed as specified under paragraph c. Applicability, above, may be</p>

	<p>constructed or rehabilitated off-site within the State College Borough, at 150% of the on-site obligation. Applicant must obtain off-site development plan approval for the proposed market-rate units within the covered development. The off-site development plan must include, among other land development plan requirements, a demonstration of site control, necessary financing in place to complete the off-site development or rehabilitation, architectural unit designs and elevations, and an Inclusionary Housing Development Agreement as required under paragraph f below. As a condition of approval for the Applicant's off-site development, the Borough shall require that off-site inclusionary units shall be completed no later than completion of the Applicant's market rate units. If the off-site inclusionary units are not completed a required with that time, final occupancy permits shall not be grated for the number of market rate units equal to the number of off-site inclusionary units which have not been completed. Where the Borough determines that completion of off-site inclusionary units has been delayed for extraordinary reasons beyond the reasonable control of the Applicant, the Borough may, in its discretion, permit the Applicant to post a monetary bond and release one or more market rate units. The amount of the bond shall be sufficient in the determination of the Borough Planning Department to assure completion of the off-site inclusionary units.</p> <p><b>(3) Land Donation.</b> Land within the State college Borough may be donated to the Borough or its assignee with the Borough's approval. The land value must be equal to or greater than the value of fee-in-lieu payment in paragraph e(1).</p> <p><b>Section 4. d. Borough's Option to Purchase.</b> Any applicant developing a covered project shall adhere to the following provisions with respect to the initial offering of inclusionary units for sale or rent: <b>(1) Notification.</b> As a condition of approval, the developer shall notify the Borough or its assignee of the prospective availability of any inclusionary units at the time the design and pricing are being established for such units in a covered project. <b>(2) Option.</b> The Borough or its assignee shall then have an exclusive option for one hundred twenty (120) days to purchase each inclusionary unit offered for sale from the developer unless waived or assigned. <b>(3). Waiver.</b> If the Borough or its assignee fails to exercise its option by failing to negotiate and sign a purchase and sale agreement for the inclusionary units, or if the Borough or its assignee declares its intent not to exercise its option, the developer shall offer the units for purchase or rent to households earning less than median income, adjusted for household size. If requested by the developer, the Borough or its assignee shall execute documents that may be recorded with Centre County Office of Recorder of Deeds to evidence said waiver of the option. <b>(4) Time of Closing.</b> Closing on inclusionary units purchased by the Borough or its assignee occurs on or after the time off issuance of the certificate of occupancy. If the borough or its assignee fails to close on these inclusionary units, the developer shall offer the unit for purchase or rent to households per paragraph f. <b>(5) Transfer of Option.</b> The Borough may assign its options under this section, in which event it shall notify the developer of the agency to which it has assigned the option, which agency shall deal directly with the developer, and shall have all of the authority of the Borough as provided under this section.</p>
<b>CHESTER COUNTY</b>	
<b>HONEY BROOK TOWNSHIP</b>	
<b>ZONING DISTRICT</b>	TND Overlay District (Authored by planners @ Brandywine Conservancy,

	Chadds Ford, PA)
<b>DENSITY</b>	See regulations for calculation of density. Qualifying Conditions 27-2403; (Transferable Development Rights (TDR) provision is also included.
<b>WORKFORCE HOUSING REQUIREMENT</b>	<p><b>Part 24-TND Overlay District Qualifying Conditions</b></p> <p><b>J.</b> All land development with a residential component proposed shall be required to provide 20% of the dwelling units as workforce housing, to be administered consistent with current Township policies and programs in this regard and subject to documentation satisfactory to the Township which will be recorded at the time of final plan approval. Part 12 of this Chapter establishes the TDR bonuses available to meet this requirement. Exempt from the workforce housing requirement are live-work units or residential units that meet the criteria specified in Section 27-2402.C and 27-2405.D.</p> <p><b>Section 18.</b></p> <p><b>B.</b> Each development right proposed for residential use on a receiving area tract shall be equivalent to the following number of dwelling units and shall entitle the developer to that number of additional dwellings on the site: 1) 1.2 single-family dwelling unit per development right, or 2.4 single-family dwelling unit per development right where the dwelling units meet workforce housing criteria; 2) 1.4 two-family dwelling units per development right, or 2.8 two-family detached dwelling units per development right where the dwelling units meet workforce housing criteria; 3) 1.6 townhouse or quadruple dwelling units per development right, or 3.2 townhouse or quadraplex dwelling units per development right where the dwelling units meet workforce housing criteria; 4) 2.0 apartment or condominium dwelling units per development right, or 4.0 apartment or condominium dwelling units per development right where the dwelling units meet workforce housing criteria.</p>
<b>DESIGN</b>	Township Design Guidelines Manual
<b>ELIGIBILITY</b>	<p><b>Section 1. Definitions.</b></p> <p>Generally, housing that is affordable to working households that do not qualify for publicly subsidized housing, but that cannot afford appropriate market-rate housing in their community. Specifically, workforce housing that is affordable to working households with incomes between \$60,000 and \$70,000 in 2006/2007 dollars. The lower figure represents the income needed to purchase a median priced home in nearby Lancaster, PA, while the higher figure is 120% of the area median income for residents of Honey Brook Township.</p>
<b>SUSTAINING AFFORDABILITY</b>	
<b>PRICING</b>	
<b>OTHER</b>	
<b>LANCASTER COUNTY</b>	
<b>LITITZ BOROUGH</b>	
<b>ZONING DISTRICT</b>	Traditional Neighborhood Development Overlay District (R-A Residential Districts)
<b>DENSITY</b>	<p><b>Section 216.</b></p> <p><b>4. Residential density bonuses.</b> The density may be increased at the discretion of the Council to meet Borough objectives of affordable housing and public greenways and trails, and conservation land endowments in accordance with the following density bonuses.</p>
<b>AFFORDABLE HOUSING INCENTIVE</b>	<p><b>Section 216.</b></p> <p><b>4.a. Affordable housing.</b> A density increase is permitted where the</p>

	subdivision proposal provides opportunities for low- moderate-income housing. For each affordable housing unit provided, 1 additional building lot or dwelling unit shall be permitted up to a 15% increase in maximum density.
<b>DESIGN</b>	<b>Section 216.</b> <b>4.a.(2)</b> Affordable housing units shall blend into the neighborhood in the design and appearance and shall be interspersed throughout the neighborhood rather than concentrated in a particular section.
<b>ELIGIBILITY</b>	<b>Definitions. Affordable Housing. (Low-or-moderate housing)</b> A household that has an income of less than 80% of the Lancaster County median income for households as determined by the most recent data issued by the United States Census Bureau. The Census income data shall be increased by a standard US government measurement of inflation to update the median income to the present.
<b>SUSTAINING AFFORDABILITY</b>	<b>Section 216.</b> <b>4.a.(1)</b> The applicant must show evidence that the homes shall be sold or rented at a market rate for this target populations and shall provide an acceptable method or contractual agreements for retaining these units for the target population at the time of resale or release. (Considered on a development by development bases)
<b>PRICING</b>	
<b>OTHER</b>	Note from Lititz Borough Staff: Deed restrictions are not enforceable by the municipality and must be enforced by the developer or the surrounding property owners.
<b>LANCASTER COUNTY</b>	
<b>MOUNT JOY BOROUGH</b>	
<b>ZONING DISTRICT</b>	Traditional Neighborhood Development (TND)
<b>DENSITY</b>	<b>Section 5.</b> <b>9.e.</b> If the bonuses described in Sections 308.9.F.a, 308.9.F.b, 308.9.F.c and 308.9.F.d are approved in full, the maximum density described in Section 8 may be increased from 4 to 8 dwelling units per acre. In no instance shall the maximum density be greater than 8 dwelling units per acres. If a TND utilizes one or more of the density bonuses, the maximum density shall be calculated by adding the density bonuses for each criteria.
<b>WORKFORCE HOUSING INCENTIVE</b>	<b>Section 5.</b> <b>9. Density Bonuses:</b> as an option to the applicant Borough Council as part of the conditional use approval may approve the following increases in the maximum density provided in Section 208.F.8 above. <b>d.</b> The maximum density may be increased by a maximum of 1 dwelling unit per acre when the Traditional Neighborhood Development provides, at a minimum, that at least 10% of the total dwelling units be sold or leased as workforce housing to individuals earning less than 80% of the Lancaster County median income for households as determined by the most recent data issued by the United State Census Bureau. See DESIGN.
<b>DESIGN</b>	<b>Section 5.</b> <b>9.d.</b> The proposed workforce housing shall be integrated throughout the TND. <b>9.f.</b> If the applicant proposes one or more density bonus, the following reductions in minimum lot areas shall be permitted: 1) From 6,000 to 4,800 square feet for each SFD; 2) From 5,000 to 4,000 square feet for each twin DU; 3) From 2,5000 to 2,000 square feet for each townhouse dwelling unit.

<b>ELIGIBILITY</b>	<b>Section 5.</b> <b>9.d.</b> Individuals earning less than 80% of the Lancaster County median income for households as determined by the most recent data issued by the United States Census Bureau.
<b>SUSTAINING AFFORDABILITY</b>	<b>Section 5.</b> <b>9.d.</b> If the WFH is to be leased, the applicant must demonstrate that each such dwelling unit shall be rented to individuals earning less than 80% of the median income for households for a period of not less than 15 years. To utilize this Density Bonus, applicant shall, as part of its conditional use application, provide documentation as to how this program shall be funded and implemented and agree that the program conditions and requirements be a condition of approval as contemplated by Section 118.D.
<b>PRICING</b>	
<b>OTHER</b>	
<b>LANCASTER COUNTY</b>	
<b>WEST LAMPETER TOWNSHIP</b>	
<b>ZONING DISTRICT</b>	Neighborhood Design Option
<b>DENSITY</b>	
<b>WORKFORCE HOUSING INCENTIVE</b>	<b>Section 285-34.S</b> <b>(6)</b> If a neighborhood development will include a minimum of 10% of the total dwelling units that are to be sold or leased as workforce housing, then a density bonus shall be allowed. Such density bonus shall result in an ability to build two additional dwelling units for every workforce housing dwelling unit up to the maximum density allowed by Subsection J using density incentives.
<b>DESIGN</b>	<b>Section 285-34.S</b> <b>(6)(c)</b> The proposed workforce housing shall be integrated throughout the development, as opposed to being isolated to one area of land. In addition to complying with the architectural guidelines established per Subsection M, the workforce housing dwelling units shall be, to the greatest extent possible, 285-109 indistinguishable as viewed from the front from other dwelling units within the development.
<b>ELIGIBILITY</b>	<b>Section 285-34.S</b> <b>(6)</b> Such dwelling units shall only be sold, leased, or subleased to individual(s) within a household that has an income of less than 80% of the Lancaster County median income for households as determined by the most recent data issued by the United States Census Bureau. The census median income data shall be increased by a standard US government measurement of inflation to update the median income to the present.
<b>SUSTAINING AFFORDABILITY</b>	<b>Section 285-34.S</b> <b>(6)(a)</b> The restriction upon the workforce housing shall continue for 15 years after each dwelling unit is initially occupied. The restriction upon the workforce housing shall apply at the time of initial sale or lease of the dwelling units and any subsequent sale, lease or sublease of the dwelling units. The income determination shall be based upon the income of the inhabitants of the dwelling unit during the previous calendar year. <b>Section 285-34.S</b> <b>(6)(b)</b> The applicant shall, as part of its conditional use application, provide documentation as to how this program shall be funded, monitored, implemented and enforced and shall agree that the program conditions and requirements will be made a condition of conditional use approval under Article I. Applicants are encouraged to propose to involve a third-

	party nonprofit organization in overseeing compliance with this section, with that organization responsible to periodically certify compliance in writing to the Zoning Officer.
<b>PRICING</b>	<b>Section 285-34.S</b> <b>(6)(d)</b> This Subsection shall not itself limit the sales price or rental price of a dwelling unit.
<b>OTHER</b>	<b>Section 285-34.S</b> <b>(6)(e)</b> At the time of initial occupancy, a minimum of 50% of the workforce housing dwelling units shall be available for purchase as opposed to lease.
<b>MIFFLIN COUNTY</b>	
<b>BROWN TOWNSHIP</b>	
<b>ZONING DISTRICT</b>	TND (Traditional Neighborhood Development) Overlay regulations for Agriculture (Rural Residential) District, R-1; Residential (Low Density) District, R-2; Residential (Medium Density) District, R-3; Commercial-Residential (High Density) District, C .
<b>DENSITY</b>	<b>1007. Dimensional Requirements-Residential.</b> <b>8.Residential Density Bonuses:</b> <b>b.</b> If a TND utilizes one or more the Density bonuses, the maximum Density shall be calculated by adding the per acre or unit Density bonuses for each criteria. If any 2 of the bonuses described are approved in full, then the following reductions in minimum lot areas shall be permitted: (1) From 6,000 to 4,800 sq. ft. for each Single Family House; (2) From 4,000 to 3,200 sq. ft for each Two Family Duplex House or Two Family Sectional House; (3) From 2,000 to 1,6000 sq. ft for each Row House Dwelling Unit; (4) From 2,000 to 1,6000 sq. ft. for each Apartment Dwelling Unit <b>c.</b> In no instance shall the maximum Density in a Traditional Neighborhood Development be greater that 10 Dwelling Units per acre for the Gross Tract Area.
<b>WORKFORCE/SENIOR HOUSING INCENTIVES</b>	<b>1007. Dimensional Requirements-Residential.</b> <b>8.Residential Density Bonuses:</b> <b>a.(4) Workforce Housing.</b> A density increase is permitted where the Traditional Neighborhood Development proposal provides opportunities for moderate-income housing. Moderate Income is defined as a household with income at between eighty percent (80%) and one hundred twenty percent (120%) of the median household income of Mifflin County households as determined by the most recent data issued by the United States Census Bureau or as determined by the applicable HUD metropolitan statistical area. The Census median income data shall be computed and adjusted annually by any increase or decrease in the CPI (Consumer Price Index) to update the median income to the present. For each Moderate Income housing unit provided one additional building Lot or Dwelling Unit shall be permitted up to a 15% increase in the maximum Density.  <b>a.(5) Senior housing.</b> For each affordable Dwelling Unit provided, one additional building Lot or Dwelling Unit shall be permitted up to a 15% increase in the maximum Density. See DENSITY.
<b>DESIGN</b>	<b>1007. Dimensional Requirements-Residential.</b> <b>8. Residential Density Bonuses:</b> <b>a.(4) Workforce Housing.</b> The Applicant must show evidence that: <b>(ii)</b>



	Affordable dwelling units shall blend into the TND in design and appearance and shall be interspersed throughout the neighborhood rather than concentrated in a particular section.
<b>ELIGIBILITY</b>	<p><b>1007. Dimensional Requirements-Residential.</b></p> <p><b>8. Residential Density Bonuses:</b></p> <p><b>a.(4) Workforce Housing.</b> Moderate income is defined as a household with income at between 80% and 120% of the AMI of Mifflin County households as determined by the most recent data issued by the United States Census Bureau or as determined by the applicable HUD metropolitan statistical area. The Census median income data shall be computed and adjusted annually by any increase or decrease in the CPI to update the median income to the present.</p> <p><b>a.(5) Senior housing.</b> A Density increase is permitted where the Traditional Neighborhood Development proposal provides opportunities for affordable senior housing to individuals who are 62 years of age or older and with incomes 60% or less than the Mifflin County median income for households as determined by the most recent data issues by the United States Census Bureau.</p>
<b>SUSTAINING AFFORDABILITY</b>	<p><b>1007. Dimensional Requirements-Residential.</b></p> <p><b>8. Residential Density Bonuses:</b></p> <p><b>a.(4) Workforce Housing.</b> The Applicant must show evidence that:(i)The Dwelling Units shall be sold or rented at a market rate for this target population and shall provide an acceptable method or contractual agreements for retaining these Dwelling Units for the target population at the time of resale or release.</p> <p><b>a.(5) Senior housing.</b> If the affordable senior housing is to be leased, the Applicant must demonstrate that each such Dwelling Unit shall be rented to individuals earning 60% or less than the median income for households for a period of not less than 15 years.</p>
<b>PRICING</b>	
<b>OTHER</b>	
<b>MONROE COUNTY</b>	
<b>STROUD TOWNSHIP (DRAFT)</b>	
<b>ZONING DISTRICT</b>	Traditional Neighborhood Development (TND)
<b>DENSITY</b>	The overall density of the development shall not exceed 5 dwelling units per acre.
<b>DENSITY BONUS</b>	For each affordable housing unit, one additional dwelling unit shall be permitted up to 20% increase in the maximum density.
<b>DESIGN</b>	The affordable housing units shall blend into the neighborhood in design and appearance and be interspersed throughout the neighborhood rather than be concentrated in a particular section.
<b>ELIGIBILITY</b>	<p>Housing designed to be affordable for households with no more than 80% of the median household income in Monroe County as determined by the most recent data issued by the United States Census Bureau. The Census median income data shall be adjusted by a standard US government measurement of inflation to update the median income to the present.</p> <p>The developer is required to procure eligible applicants for affordable housing units from the Redevelopment Authority of Monroe County or the Housing Authority of Monroe County under the rules and procedure, as may be adopted and amended, established by the Monroe County Commissioner and Act 137 Advisory Board for the purpose of enhancing the county's local affordable housing efforts.</p>

<b>SUSTAINING AFFORDABILITY</b>	The applicant shall demonstrate to the satisfaction of the Township that the affordable housing units will be sold or rented at a market rate for the target population (per the Affordable Housing definition) and shall provide arrangements acceptable to the Township for retaining those units for the target populations at the time of resale or renting.
<b>PRICING</b>	
<b>OTHER</b>	
<b>MONTGOMERY COUNTY</b>	
<b>LOWER MERION TOWNSHIP (DRAFT) See Draft Regulations.</b>	
<b>ZONING DISTRICT</b>	Multiple Commercial, Mixed Use, Special Development, Village, and Overlay Districts Includes: new residential construction, regardless of dwelling unit type; new mixed –use development with a residential component; renovation or expansion of a multiple-family residential structure; conversion of an exiting single-family residential structure to a multiple-family residential structure; development that will change the use of an existing building from nonresidential to residential.
<b>DENSITY</b>	
<b>DENSITY BONUS</b>	<b>Section 4.4</b> <b>103. Scope of Application; Density Bonus</b> <b>B.</b> All of the following developments that result in or contain 5 or more residential dwelling units and include at least 20% affordable housing units shall be eligible to obtain the respective bonuses as set forth: <b>(1)</b> New residential construction, regardless of the type of dwelling unit; <b>(2)</b> New mixed-use development with a residential component; <b>(3)</b> Renovation or expansion of a multiple-family residential structure; <b>(4)</b> Conversion of an existing single-family residential structure to a multiple-family residential structure; <b>(5)</b> Development that will change the use of an existing building from nonresidential to residential. Developments subject to this paragraph may include projects undertaken in phase, stages, or otherwise developed in distinct sections. See OTHER.
<b>DESIGN</b>	<b>106. Criteria for Location, Integration, Character of Affordable Housing Units.</b> An Affordable Housing Development shall comply with the following criteria: <b>(a)</b> Affordable housing units in an Affordable Housing Development shall be mixed with, and not clustered together or segregated in any way from, market-rate units. <b>(b)</b> If the Affordable Housing Development Plan contains a phasing plan, the phasing plan shall provide for the development of affordable housing units concurrently with the market-rate units. No phasing plan shall provide that the affordable housing units built are the last units in an Affordable Housing Development. <b>(c)</b> The exterior appearance of affordable housing units in an Affordable Housing Development shall be made similar to market-rate units by the provision of exterior building materials and finishes substantially the same in type and quality. <b>(d)</b> Affordable units shall be equal to 75% of the square footage of the market rate units as adjusted for bedroom size but may not be required to exceed 1,000 square feet in area.
<b>ELIGIBILITY</b>	Up to 80% AMI, 80-100% AMI, Over 100% AMI is considered Market Rate
<b>SUSTAINING AFFORDABILITY</b>	<b>See Pricing Section.</b> <b>Section 4.4</b> <b>107. Affordable Housing Development Agreement. (1)</b> Prior to the

	<p>issuance of a building permit for any units in an Affordable Housing Development or any development in which an affordable unit is required, the applicant shall have entered in an Affordable Housing Development Agreement with the Township of Lower Merion. The development agreement shall set forth the Commitments and obligation of the Township of Lower Merion and the applicant, including as necessary, cash in-lieu payments, and shall incorporate, among other things, the Affordable Housing Plan. <b>(2)</b> The applicant shall execute any and all documents deemed necessary by the Township of Lower Merion in a form to be established by the Township Solicitor, including, without limitation, restrictive covenants, deed restrictions and related instruments (including requirements for income qualification for tenants of for-rent units) to ensure the continued affordability of the affordable housing units in accordance with this ordinance. <b>(3)</b> Restrictive covenants or deed restrictions required for affordable units shall specify that the title to the subject property shall only be transferred with prior written approval by the Township of Lower Merion. The affordable units shall remain affordable in perpetuity.</p>
<p><b>PRICING</b></p>	<p><b>Section 4.4</b>  <b>108. Enforcement of Affordable Housing Development Agreement: Affordability Controls.</b> <b>(1)</b> The director of the Department of Building &amp; Planning shall promulgate rules as necessary to implement this ordinance. On an annual basis, the director shall publish or make available copies of the income limits and rental limits applicable to affordable units within the local government's jurisdiction, and determine an inflation factor to establish a resale price of an affordable unit. <b>(2) Sale of Affordable Units.</b> (a) The resale price of any affordable unit shall not exceed the purchase price paid by the owner of that unit with the following exceptions: (i) Customary closing costs and costs of sale; (ii) Costs of real estate commissions paid by the seller if a licensed real estate salesperson is employed; (iii) Consideration of permanent additions resulting in increased square footage of the dwelling unit installed by the seller; (iv) An inflation factor to be applied to the original sale price of a for-sale unit pursuant to rules established pursuant to paragraph (1) above. <b>(b)</b> For all sales of for-sale affordable housing units, the parties to the transaction shall execute and record such documentation as required by the Affordable Housing Development Agreement. Such documentation shall include the provisions of this ordinance and shall provide, at a minimum, each of the following: (i) The affordable housing unit shall be sold to and occupied by eligible households in perpetuity. (ii) The affordable housing unit shall be conveyed subject to restrictions that shall maintain the affordability of such affordable housing units for eligible households.  <b>(3) Rent of Affordable Units.</b> <b>(a)</b> The applicant or his or her agent shall manage and operate affordable units and shall submit an annual report to the Township of Lower Merion identifying which units are affordable units in an Affordable Housing Development, the monthly rent for each unit, vacancy information for each year for the prior year, monthly income for tenants of each affordable units, and other information as required by the Board of Commissioners, while ensuring the privacy of the tenants. The annual report shall contain information sufficient to determine whether tenants of for-rent units qualify as low-or moderate-income households. <b>(b)</b> The owner of the Affordable Housing Development shall execute and record such document as required by the Affordable Housing Agreement.</p>

	<p>Such documentation shall include the provisions of this ordinance and shall provide, at a minimum, each of the following: (i) The affordable housing units shall be leased to and occupied by eligible households. (ii) The affordable housing units shall be leased at rent levels affordable to eligible households in perpetuity from the date of the initial certificate of occupancy. (iii) Subleasing of affordable housing units shall not be permitted without the express written consent of the director of the Building and Planning Department.</p>
<p><b>OTHER</b></p>	<p><b>Section 4.4</b>  <b>105. Application/Affordable Housing Development Plan.</b>  <b>(3)</b> As part of the application, the applicant shall provide to the Township of Lower Merion an Affordable Housing Development Plan. The plan shall be subject to approval by the Board of Commissioners and shall be incorporated into the Affordable Housing Development Agreement pursuant to Section 106 below. An Affordable Housing Development Plan is not required for development in which the affordable housing obligation is satisfied by a cash payment in lieu of construction of affordable housing units. The Affordable Housing Development Plan shall contain, at a minimum, the following information concerning the development: <b>(a)</b> A general description of the development, including whether the development will contain units for rent or for sale; <b>(b)</b> The total number of market-rate units and affordable housing units; <b>(c)</b> The number of bedrooms in each market-rate units and each affordable units; <b>(d)</b> The square footage of each market-rate unit and of each affordable unit measured from the interior walls of the unit and including heated and unheated area; <b>(e)</b> The location in the development of each market-rate and affordable housing unit; <b>(f)</b> If construction of dwelling units is to be phased, a phasing plan stating the number of market rate and affordable housing units in each phase; <b>(g)</b> The estimated sale price or monthly rent of each market-rate unit and each affordable housing units; <b>(h)</b> Documentation and plans regarding the exterior appearances, materials, and finishes of the Affordable Housing Development and each of its individual units; and <i>(i)</i> A marketing plan the applicant proposes to implement to promote the sale or rental of the affordable units within the development of eligible households.</p> <p><b>Section 4.4</b>  <b>104. Alternatives</b>  <b>(1) Cash Payment in Lieu of Housing Units.</b> <b>(a)</b> The applicant may make a cash payment in lieu of constructing affordable housing units to be entitled to a density bonus. <b>(b)</b> The Board of Commissioners shall establish the in-lieu per-unit cash payment and adopt it as part of the Lower Merion Township’s Chapter A167 Schedule of Fees. The Board of Commissioners shall, with the written recommendation of the Township Manager, review the per-unit payment and amend the fee annually. The per-unit amount shall be based upon data generated by the National Association of REALTORS for the Philadelphia MSA. <b>(c)</b> Calculation of fees. The fee shall be equal to half of the median sales price of existing homes in the Philadelphia MSA. <b>(d)</b> All in-lieu case payments received pursuant to this ordinance shall be deposited directly into the affordable housing trust fund established by Section 109 below. <b>(e)</b> For the purposes of determining the total in-lieu payment, the per-unit amount established by the Board of Commissioner pursuant to paragraph (1) above shall be multiplied by 20% of the number of units proposed in the development. For the purposes of such calculation, if 20% of the number</p>

of proposed units results in a fraction, the fraction shall not be rounded up or down. If the cast payment is in lieu of providing one or more of the required units, the calculation shall be prorated as appropriate.

**Section 4.4**

**109. Establishment of Affordable Housing Trust Fund.** (1) The Affordable Housing Trust Fund as established herein is to be maintained by the Chief Financial Officer. (2) The funds collected under the provisions of this Article are to be assigned to a dedicated housing fund to support affordable housing activities in Lower Merion Township. These funds may be used to assist or support housing efforts in the Township of Lower Merion.

**Section 4.4**

**103. Scope of Application; Density Bonus**

**(5) Parking Calculations.** (a) Deleted. (b) Each market rate unit must provide the appropriate number of parking spaces required in the underlying zone; (c) The total parking to unit ratio in each development shall not be less than 1.0 unit to 1.0 parking space; (d) Parking required for developments including affordable dwelling units shall be calculated by using the following process and the values provided. (i) First, determine the number of parking spaces required for the market rate units in the underlying zoning district. (ii) Next, calculate the number of space needed for the affordable dwelling units using the value corresponding to the appropriate income limit. If the value is not a whole number, round the value up to the nearest whole amount. (iii) Finally, add the number of parking spaces required for the market rate units with the number of spaces for the affordable dwelling units.

**Section 4.4**

**103. Scope of Application; Density Bonus**

**(6) Waiver of Fees.** The fees set forth below shall only be waived for affordable dwelling units constructed. The fees shall not be waived when the fee-in-lieu option is applied. (a) In the ROHO District, the afternoon peak hours trips generated by the affordable dwelling unit shall not be included in the per trip cost for transportation service areas as set forth in Section 135-74. The traffic impact fee shall apply to the market rate units. (b) The affordable dwelling units shall not be included in the recreational fee calculation as set fort in Section 135.50.1 The aforesaid recreation fee shall apply to the market rate units. (c) 20 percent of the filing fees associated with Tentative Sketch, Preliminary Subdivision Plan and Preliminary Land Development Plan applications as set forth in Chapter A167 and Chapter 135 may be waived if a minimum of 20 percent of the units are affordable. (d) A discount proportional to the percentage of affordable dwelling units constructed shall be applied to Construction Permits as set for the in Chapter A167.