



# AFFORDABLE HOUSING INCENTIVE POLICY

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## EXECUTIVE SUMMARY

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The City of Lawrence strives to create a community where all enjoy life and feel at home. To advance the health, safety, and welfare of all residents, it is our goal that all persons in the community have access to safe, affordable housing and the supportive services necessary to maintain independent living with dignity.

The City of Lawrence began working in the early 1990s to help address the issues with housing throughout the community. This effort and emphasis have continued with the work completed through the Affordable Housing Trust Fund, the Affordable Housing Advisory Board, and the *A Place for Everyone* plan to end chronic homelessness in Lawrence.

The Lawrence Affordable Housing Trust Fund is supported through a local sales tax with the purpose of providing and improving the quality, availability, and affordability of housing in Lawrence, acquiring land for future affordable housing, and investing in private/public partnerships for the provision of affordable housing.

Through this Policy, the City of Lawrence seeks to wholistically leverage capital resources to incentivize programs and developments that achieve the targeted affordable housing goals of the city.

## PART 1: GENERAL POLICY STATEMENTS

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### 1. Affordable Housing Incentive Goals

- a. Provide a clear process and understanding of Lawrence's minimum recommendations and applicability standards for City staff and prospective applicants who may consider utilizing this Policy;
- b. Add residential affordable housing units or lots to Lawrence's affordable housing portfolio;
- c. Generate residential affordable housing units that are reflective of the Lawrence's highest priority needs;
- d. Promote the production of quality affordable housing to meet the housing needs of the local workforce;
- e. Create mixed-income communities, in which residential affordable housing units are integrated within residential and mixed-use market-rate developments.

### 2. Affordable Housing Incentives

When appropriate, the City may deploy one or more affordable housing incentives to achieve the goals and objectives of this policy. These include:

- a. Reinvestment Housing Incentives Districts (RHID)
- b. Industrial Revenue Bonds (IRB)
- c. Neighborhood Revitalization Areas (NRA)
- d. Affordable Housing Trust Funds (AHTF)
- e. Public Land Donation
- f. Planning and Development Fee waivers

### 3. Definitions

- a. **AMI** is the Area Median Income for Lawrence, KS, MSA as established annually by Department of Housing and Urban Development
- b. **Senior Housing** means housing for households with at least one individual who is at least 55 years of age at the time of initial occupancy
- c. **Fully accessible** units mean units that meet the design standards and accessibility requirements outlined in the [HUD Fair Housing Act Design Manual](#)
- d. **Affordable units** mean (a) the rent or mortgage, plus insurance and utilities, is no more than 30% of household annual income; (b) the housing units shall not exceed the maximum Fair Market Rent (FMR) as established annually by the Lawrence Douglas

County Housing Authority (LDCHA); and (c) a household qualifies as eligible for occupying an affordable housing unit based on the AMI as established annually for the Lawrence, KS MSA by HUD.

- e. **Dwelling** means a building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, trailer or recreational vehicle.
- f. **Period of Affordability** means the time period that the units must be held for exclusive use of affordable housing for households meeting income eligibility, and is secured through either a Land Use Restriction Agreement or partnership agreement with the Community Land Trust.
- g. **HUD** means the U.S. Department of Housing and Urban Development
- h. **Just Cause Eviction** means that the tenant may not be evicted arbitrarily, discriminatorily, or without valid reason. Just cause includes but is not limited to accrual of rental arrears, violence or destruction of property perpetrated by the tenant, violation of the lease agreement, or no longer meeting income criteria for affordable housing.

## PART 2: ELIGIBILITY REQUIREMENTS

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It is the policy of the City that no application requesting an affordable housing incentive shall be considered or approved by the Governing Body unless the proposed project meets the following eligibility criteria.

### 1. Affordable Unit Types

- a. 100% of dwelling units are designated and set aside for affordable housing for households at or under 120% of Area Median Income (AMI), and;
- b. At least 90% of dwelling units must be designated and set aside for affordable housing for households at or under 80% of AMI, and;
- c. At least 40% of dwelling units must be designated and set aside for affordable housing for households at or under 50% of AMI, and;
- d. At least 65% of dwelling units include three or more bedrooms, are fully accessible units, are designated and set aside for affordable housing for households at or under 30% of AMI, or any combination of the three, and;

### 2. Minimum Period of Affordability

- a. The minimum affordability period for the following incentives is no less than 50 years following issuance of the last certificate of occupancy required for the qualifying development:
  - i. Reinvestment Housing Incentives Districts (RHID); or
  - ii. Industrial Revenue Bonds (IRB); or
  - iii. Neighborhood Revitalization Areas (NRA); and
  - iv. Affordable Housing Trust Fund Loans
- b. The following incentives require affordability in 99 years:
  - i. Affordable Housing Trust Fund Development Grants
  - ii. Planning and Development Fee Waivers
  - iii. Public Land Donation
  - iv. Any combination of RHID, IRB, and/or NRA.

### 3. Rental Affordability Standards

- a. Rents plus utilities and other fees for affordable units are 30% or less of monthly gross income
- b. Rental housing units may not exceed [HUD defined Fair Market Rent](#)

- c. Rental units must be affordable for households at 80%AMI or below, while meeting criteria in 2.1

#### 4. Homeownership Affordability Standards

- a. Mortgage payment plus utilities and insurance is 30% or less than monthly gross income at time of certification
- b. Ownership units must be affordable for households at 120%AMI or below, while meeting criteria in 2.1
- c. Homeownership units must be placed in the Community Housing Land Trust (CLT) and adhere to all CLT affordability and resale policies
- d. Owner occupied units are not eligible for affordable housing incentives

#### 5. Conversion to Homeownership

- a. Must have a nonprofit that has the fostering of affordable housing as one of its exempt purposes serving as the sole managing member or general partner of the ownership entity.
- b. The tenant household shall be given first right of offer to purchase the home.

#### 6. Eligible Project Types

- a. New construction of affordable multifamily, single family, duplex or townhome ownership units
- b. Substantial rehabilitation activities for new affordable housing
- c. Acquisition-rehab for conversion to affordable housing

#### 7. Site/Project Location

- a. All units must be within the City of Lawrence and serve Lawrence residents
- b. Projects must be within one half mile of two out of the four amenities: public transit, grocer, park, public elementary school, at the time incentives are considered.
- c. New affordable housing developments located within the following zip codes will receive prioritization: 66045, 66047, 66049, at the time incentives are considered.
- d. An application may be ineligible if the site is in proximity (within half-mile radius of site) of any of the following: chemical or hazardous materials storage/disposal; commercial junk or salvage yards; industrial or agricultural activities generating odors or pollution; landfills currently in operation; wastewater treatment facilities; or other environmental conditions with potential impact on health and livability, at the time incentives are considered.

- e. An application may be ineligible if the site has any portion within a Federal Flood Risk Management Standard floodplain; is in, or would have, an impact on a wetland.
- f. The City will prioritize proposals that City staff rate as the most desirable sites. This is a factor that involves subjectivity regarding the 'livability' of a site. Staff will consider factors including, but not limited to, street appeal; the presence of desirable natural features such as parks, trees, or water; proximity to safe pedestrian travel routes (walkability); vehicle access and traffic patterns (including traffic noise); other transportation options; site slope or other challenges to buildability; areas for green space; opportunities for cultural, recreational, or social participation; safety (crime rates, proximity to emergency services, adequate street lighting, etc.); neighborhood stability (are people moving in or out, and whether residents want to stay in the neighborhood or community).

## 8. Lease Agreements

- a. Lease agreements must be consistent with HUD Section 8 Tenant-Based Assistance Housing Choice Voucher program related to the occupancy and termination of tenancy by owner.
- b. Tenant household income must be established prior to signing lease, and recertified as applicable thereafter. In the case where household income increases over the affordable housing eligible limit, the tenant household is eligible for one additional year, and a notice must be provided to the tenant addressing options at the end of the one year period, as outlined by HUD.
- c. Owners desiring to terminate the existing lease or evict a tenant household under an existing lease should do so only with "good cause." Owner must comply with Revenue Rule 2004-82 states that the extended low-income housing commitment must prohibit the eviction or termination of tenancy (other than for good cause) of an existing tenant of a low-income unit, and prohibits an increase in the gross rent inconsistent with the rent restrictions of the unit. Further, the Revenue Procedure clarifies that the extended use agreement covers the period of time beginning with the first year of the credit period throughout the end of the extended use agreement. Therefore, owners should maintain thorough documentation on tenant households where lease/house rule violations have occurred in order to show proper cause for lease terminations or evictions." (Kansas Housing Resources Corporation, [3.8.2, 2024 Compliance Policy and Procedure Manual](#)).

## 9. Fair Housing

- a. All projects and programs must provide equal opportunity to a fair application process open to all income-qualified and eligible households.
- b. Owner must comply with all local, state, and federal Fair Housing and Housing Nondiscrimination ordinances, including the [Fair Housing Act](#) and [City Code Chapter 10](#), Article 1, Section 108, which prohibits discrimination in housing access due to race,



sex, religion, color, national origin, age, ancestry, familial status, sexual orientation, disability, gender identity, source of income, or immigration status, and protects any applicant for rental property, tenant, or lessee who has been subject to domestic violence, sexual assault, human trafficking, or stalking.

- c. Any person or party receiving an economic development incentive is expressly prohibited by this policy from denying or refusing to accept Section 8 vouchers for the rental of residential dwelling units set aside hereunder as affordable housing. Denying or refusing to accept Section 8 vouchers for the rental of residential dwelling units set aside for affordable housing shall be a violation of this policy and shall be grounds for the City to any economic development incentive.

## 10. Sale or Transfer of Ownership

- a. Recipients may not sell or transfer ownership of the project to another entity without the prior written consent of the City during the period of affordability.
- b. Any new property owners must comply with affordability requirements for any remainder of the mandated period of affordability.
- c. Right of First Offer will be provided to an eligible Lawrence Community Housing Land Trust and the City of Lawrence.

## 11. Accessibility Requirements

- a. Accessibility and Universal Design criteria are not a substitute for compliance with the current City of Lawrence Building Code and Fair Housing Act requirements. These criteria must be addressed in addition to compliance with Lawrence Building Code requirements. Plan review for compliance with Universal Design criteria is separate from City of Lawrence Building Division review and is not included in the permit process.
- b. All new construction development projects must follow minimum Universal Design requirements on 100% of units, as outlined in Appendix B. Technical requirements are located in ICC A117.1 Accessible and Usable Buildings and Facilities.
- c. Where applicable, the standards outlined herein comply with requirements established in Kansas State Statute, Chapter 58, Article 14: Accessibility Standards. All building specifications for standards may be found in ANSI A117.1.
- d. All newly constructed developments must design and construct at least 5% percent of the dwelling units (rounded up to the next whole number) to be accessible for persons with mobility disabilities, regardless of funding source. These units must meet [Uniform Federal Accessibility Standards](#) (UFAS) for physical accessibility. In instances in which UFAS and the Universal Design requirements in Appendix B differ, newly constructed developments must use the option that provides the greatest access.

- e. An additional 2% percent of the dwelling units (rounded up to the next whole number) must have equipment to make it accessible for persons with hearing or visual disabilities. These units must meet [Uniform Federal Accessibility Standards](#) (UFAS) for accessibility.
- f. All publicly accessible areas (leasing offices, common areas open to the public, parking areas, outdoor common areas, etc.) must meet the accessibility requirements of the Americans with Disabilities Act (ADA).
- g. All units must meet the visitability guidelines specified in Kansas State Statute, Chapter 58, Article 14: Accessibility Standards, regarding accessibility of at least one entrance and bathroom, as well as doorways and routes to and on the accessible floor.
- h. The ownership entity and management agent will:
  - i. expressly include reasonable accommodations in the application for tenancy;
  - ii. not ask applicants or residents for medical or other protected information unless and only to the extent legally necessary (i.e., processing reasonable accommodations);
  - iii. use standard leases with the same rights available to, and responsibilities expected of, all households, including duration of tenancy (cannot be transitional);
  - iv. advertise an accessible unit as available with the listing identifying the accessibility features of that unit in order to attract applicants who may benefit from those features;
  - v. ensure that participation in any supportive services is entirely voluntary (i.e., not a formal or implied condition of occupancy); and
  - vi. not give a preference based on either disability type (actual or perceived) or being a client of a particular provider.

## 12. Applicant Requirements

- a. Applicant must be a registered Kansas entity.
- b. Applicant must provide evidence to the City of its financial and marketing capacity to complete a successful project.
- c. Applicant must be current on all property tax, special assessments or any obligations to the City of Lawrence.
- d. Projects may be ineligible if the developer for an active LIHTC or AHTF development:
  - i. changed management companies or ownership without notifying and submitting required documentation to the City at least 120 days prior to the change
  - ii. violated any commitment in the Declaration of Land Use Restrictive Covenants
  - iii. persistently failed to requirements including high vacancy rates, excessive tenant concerns, uncorrected code violations, or demonstrated a lack of urgency in correcting issues that may impact the health and safety of occupants

### 13. Design Standards

- a. Projects must meet 100% of design standards, as outlined in Appendix C
- b. The project must be constructed in compliance with all applicable State and local zoning, land use, and building code requirements. The project's plans and specifications must clearly list all building codes applicable to the project, including, without limitations, electrical, mechanical, plumbing, and fire codes.
- c. Project must meet applicable zoning and building codes, compliance with City regulations, and eligibility requirements for the duration of the incentive period in order to maintain program benefits.

### 14. Additional Project Requirements

- a. If an affordable housing unit is not rented to or occupied by an eligible tenant for the majority of the calendar year (not less than 7 months), then the unit's affordable housing incentive may be subject to proration based on the percentage of time that the unit was not occupied by an eligible household.
- b. In the case of mixed-use developments, where greater than 25% of the proposed development's gross floor area is for non-residential uses, the project must adhere to the City of Lawrence Economic Development Policies and Procedures and additionally meet the criteria outlined therein.
- c. All projects must maintain the health and safety of residents through policies and procedures, as well as the natural and built environment.
- d. The City may determine an application is ineligible due to excessive per-unit costs, and may consider the history of a development team's accuracy in estimating development cost. The City may have a third-party review proposed or actual costs. Additionally, the City may request verification of costs.

## PART 3: GENERAL PROCEDURAL GUIDELINES

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Although the specific procedures for the various affordable housing incentives will differ from incentive to incentive, each application for an affordable housing incentive will generally follow the same steps, as outlined below.

### 1. Pre-application

- a. Because of the unique nature of each project and each affordable housing incentive, an applicant seeking an affordable housing incentive is strongly encouraged in the first instance, prior to submitting an application or other documentation in support of the project or any concurrent request for affordable housing incentive, to contact the Housing Initiatives Division to discuss the project, any additional information that the City may require, and the procedural steps for the particular project.
- b. Application forms may be downloaded from the City website, or are available from the City Housing Initiatives Division. City Staff are available to answer questions or provide assistance.
- c. Prior to submission of a completed and finalized application requesting an affordable housing incentive, the applicant or petitioner is encouraged to send a draft version to City Staff for review. The purpose of the preliminary review is to screen the application or petition to ensure that it meets State and City eligibility requirements and to ensure that the application or petition is otherwise complete.
- d. If the proposed project does not meet State or City eligibility requirements or otherwise is not complete, City Staff will discuss that fact with the applicant or petitioner.

### 2. Applications

- a. All applicants shall fully and accurately complete the City of Lawrence Affordable Housing Incentive application and submit all required documents. Application fees, must be submitted at the time of final application, as applicable per application fees table, below.
- b. The applicant or petitioner may seek assistance from City Staff to ensure that the application or petition is completed and finalized prior to submitting it to the City for final decision.
- c. The completed application, once it is finalized, shall be submitted to the Housing Initiatives Division.

### 3. Application Fees Table

Incentive	Application Fee
Reinvestment Housing Incentive Districts (RHID)	\$1,000
Industrial Revenue Bonds (IRB)	\$1,000
Neighborhood Revitalization Areas (NRA)	\$1,000
Affordable Housing Trust Fund (AHTF)	No application fee
Public Land Donation	No application fee
Planning & Development Fee waivers	No application fee

### 4. Analysis and Due Diligence

Upon acceptance by the Housing Initiatives Division, City Staff will work with the applicant or petitioner to gather any additional information necessary to process the application or petition and to perform any necessary analysis, including one or more of the following:

- a. Performing a benefit/cost analysis and, if required by this policy or the direction of the Governing Body, arranging for additional analysis.
- b. Composing a technical report that summarizes results of the benefit/cost analysis and any other analyses.
- c. Preparing draft agreements, ordinances, resolutions, notices, and other documents, as may be required by state law, local law, or this policy.
- d. Coordinating the processing of the application or petition, including scheduling notices, meetings, hearings, and other necessary actions relevant to the incentive being sought.
- e. Requests for Reinvestment Housing Incentive Districts (RHID) and Neighborhood Revitalization Areas (NRA) require a public hearing and consent by the governing bodies of the City, Douglas County, and USD 497, prior to final decision by the City.
- f. If the applicant requests an affordable housing incentive that would require direct financing from the City, i.e., anything other than pay-as-you-go financing, then the City may require additional due diligence.
- g. In performing analyses and due diligence, the City will utilize the City's resources or other professional services, as deemed appropriate and necessary.
- h. Results of any benefit/cost analysis and any other analysis performed hereunder will first be shared with the applicant or petitioner, as soon as may be practicable, before presentation of such analyses to the Governing Body.
- i. In cases where sensitive financial information is involved, the City will, at the cost of the applicant, hire a third party to review such information and prepare a report, analyzing the application or petition and setting forth any opinions that he or she has regarding the applicant's or petitioner's financial wherewithal to complete the proposed project.

The third party may also make recommendations to the City regarding appropriate steps the City may consider in order to secure any investment it may make.

- j. Applicant is required to enter into a Funding Agreement to pay for all expenses incurred by the City for professional services pertaining to the project. The applicant is responsible for paying all costs associated with the issuance of incentives, regardless of if the project is approved or if the application is withdrawn by the applicant. This may include costs associated with research and analytical services, legal publication notices, application fees to the state Board of Tax Appeals, bond counsel and other miscellaneous costs, including but not limited to, the City's reasonable costs to process any modifications.

## 5. Final Decision

- a. Upon receipt of staff recommendation, and as soon thereafter as may be practicable, staff shall schedule the application at a public meeting of the Governing Body, for final decision.
- b. At the public meeting on the application, the Governing Body shall receive the recommendation and package of materials from City Staff, shall hear from the applicant or petitioner, and shall elicit additional information as may be necessary and relevant to the application or petition. The Governing Body may, as necessary, defer the matter from time to time in order to gather more information or to perform more analysis or due diligence in order to make its final decision.
- c. At the conclusion of the public meeting, based on the information presented to it, any other relevant factors, and the relevant criteria, the Governing Body may, at its discretion, by a majority vote, approve the application or petition, approve the application or petition with conditions, approve the application or petition with modifications, or disapprove the application or petition.
- d. The decision of the Governing Body shall be the final decision of the City.

## 6. Implementation and Administration

- a. If the Governing Body approves an application or petition, approves an application or petition with conditions, or approves an application or petition with modifications, then the Housing Initiatives Division thereafter shall be responsible for implementing and administering the affordable housing incentive.
- b. If an affordable housing incentive is granted, the applicant or petitioner shall enter into a Performance Agreement with the City. The Housing Initiatives Division shall be responsible for ensuring that the Performance Agreement is in compliance with this policy and is executed by the parties.
- c. When an affordable housing incentive is granted, the Housing Initiatives Division shall be responsible for all tracking, compliance, and reporting requirements.

## 7. Performance Agreements

- a. Every affordable housing incentive granted by the City shall be accompanied by a Performance Agreement between the applicant or petitioner and the City.
- b. Each Performance Agreement shall be subject to periodic review by City Staff and determination by the Governing Body that the applicant or petitioner is in compliance with the Performance Agreement and that the conditions qualifying the applicant or petitioner for the affordable housing incentive continue to exist.
- c. Each Performance Agreement shall include audit language that will permit the City, upon request, to review the books, records, sales tax returns, invoices, or other relevant information, of the applicant or petitioner, or any lessee, assignee, or successor of the applicant or petitioner, to determine continuing compliance with the Performance Agreement.
- d. Each Performance Agreement shall include a notice and waiver, whereby the City shall reserve the right to grant future affordable housing incentives on comparable projects in amounts different than that granted the applicant or petitioner. Such shall include language whereby the applicant or petitioner waives any right to request modification or amendment of such economic development incentive as a result of such difference.
- e. The Performance Agreement shall additionally include language whereby the applicant or petitioner shall agree to verify, at no cost to the City, compliance with the City's Affordable housing policies and standards.
- f. Each Performance Agreement shall include clawback language whereby, if certain conditions qualifying the applicant or petitioner for affordable housing development incentives are not met, e.g., the applicant or petitioner fails to provide the minimum period or units of affordability, or types of units as outlined in agreement, the applicant or petitioner fails to meet City land development requirements, the applicant or petitioner fails to provide required accessibility, fair housing, just cause eviction, health and safety standards, etc., then the City shall have the right to clawback certain affordable housing incentives granted and shall have the authority to eliminate or reduce the amount of the incentive going forward.
- g. Each Performance Agreement shall include language whereby the City will have the authority, upon any material breach of the Performance Agreement or any other agreement, or upon any fraudulent or illegal act of the applicant or petitioner, or any lessee, assignee or successor of the applicant or petitioner, to modify or terminate the Performance Agreement or the economic development incentive.

## 8. Compliance

- a. Annually, City Staff shall be responsible for reviewing the performance of each recipient of an affordable housing incentive. The purpose of the review is to verify compliance with the Performance Agreement and to gather other information that may be relevant to the recipient and to its compliance with any conditions of the affordable housing incentive. The compliance review may include a site visit and may include a

request to audit the books, payroll records, or other records of the recipient to ensure compliance.

- b. Annually, each recipient of an affordable housing incentive shall certify, by affidavit, that the recipient is in compliance with the Performance Agreement, applicable state law, the City economic development policy, applicable local law, and any and all conditions placed on the award of the affordable housing incentive. Such certification for any property tax abatement shall be signed, notarized, and returned to the City no later than January 15 of each year. All other such certifications shall be due in accordance with the terms of the Performance Agreement. Tardiness in returning the certification shall be noted in City Staff's annual incentives report.
- c. Using the information gathered and the certification of each recipient, City Staff will compile and prepare an annual incentives report, showing statistics and other relevant information for each affordable housing development incentive granted by the City. If City Staff finds that any recipient of an affordable housing incentive is not in substantial compliance with the Performance Agreement or any other condition of the affordable housing incentive, City Staff shall notify the recipient before forwarding the report and any recommendation to the Governing Body.
- d. Any person wishing to appeal a finding of non-compliance, shall, within 14 days of notification, file with Planning and Development Services a written appeal. The appeal must be writing and must establish (1) why the determination of City Staff is in error or (2) why the recipient failed to meet the performance targets, how it will meet them in the future, and why its economic development incentive should not be altered.
- e. The City Commission will review the recommendations of staff and hear any appeal therefrom, and shall, based on the evidence before it, make any decision it deems necessary under the Performance Agreement to adjust, modify, or terminate any economic development incentive.



## PART 4: TERMS & CONDITIONS

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In granting an incentive, the City Commission may impose additional terms or conditions as deemed necessary to fulfill the purpose and intent of this policy and associated plans.

### 1. Transparency

It is the policy of the City, when considering any application requesting an affordable housing incentive, to emphasize transparency, while balancing the potential need for some applicant or petitioner information to remain confidential.

### 2. Merits of the Project

It is the policy of the City that, when considering any application requesting affordable housing incentives, the Governing Body shall base its final decision on the merits of the proposed project, without regard to the identity of any person or entity proposing or opposing the proposed project.

### 3. No General Obligation Bonds

It is the policy of the City that, in the course of granting affordable housing incentives, it will not – except in the most extraordinary of circumstances – use general obligation bonds to finance the proposed project.

### 4. Tax Deficiencies or Defaults

It is the policy of the City that no affordable housing incentive will be granted to any applicant or petitioner who owns any financial interest in any real property, anywhere within the state of Kansas, with delinquent special assessments, delinquent ad valorem taxes, or federal or state tax liens, or who is currently delinquent or in default on any debts, responsibilities, or other obligations owed to the City.

### 5. No Unfair Advantage

It is the policy of the City to deny any application requesting affordable housing incentives where, in the judgment of the Governing Body, the affordable housing incentive, if granted, will provide a business with an unfair competitive advantage over another existing business that competes in the same local market for the same consumers.

### 6. Infill and Redevelopment

It is the policy of the City, when considering any application requesting an affordable housing incentive, to give preference to those proposed projects seeking to provide infill development or the redevelopment of existing properties.

## 7. Authority of Governing Body

The Governing Body reserves the right to deviate from any policy, but only when it considers such action to be of exceptional benefit to the City or where such extraordinary circumstances prevail that such deviation is in the best interest of the City.

## 8. Prospective Application

The "City of Lawrence, Kansas, Affordable Housing Policy" shall apply prospectively only and shall not be applied retroactively. Any existing affordable housing incentive shall be governed by the policy and procedures in existence at the time of the inception of that particular incentive.

## 9. Inaccuracies Or Misstatements by Applicants During the Process

Any inaccuracy, misstatement of, or error in fact by the applicant or advocate during any part of the application, review, or approval process may render a project proposal null and void and may cause a repeal of any development assistance provided through any housing incentive granted by the City in reliance of such information.

## 10. Cost/Benefit Model

When, in determining whether to grant certain affordable housing incentives, a benefit/cost analysis is required, the City shall consider the following nonexclusive factors:

- a. whether the proposed project will increase the appraised valuation of the property or properties;
- b. whether the proposed project will create new long-term affordable housing units (including the number of new units);
- c. whether the proposed project will require the City to make capital expenditures to expand public services, e.g., additional parks or police stations, to accommodate the proposed project and new residents;
- d. whether the proposed project will require the City to make regular operating expenditures for public services, e.g., fire protection or street maintenance, to accommodate the proposed project and new residents;
- e. whether the proposed project will require the City or any other local taxing subdivision of the state to expend public funds to accommodate the proposed project and new residents.

## 11. Affordable Housing Incentives Evaluation Criteria

- a. Any award of affordable housing incentives will be based on an evaluation of the merits of the proposal and its furtherance of the City Commission's goal of providing access to affordable housing to all persons in the community.

- b. Advance City affordable housing goals: Projects will be prioritized by their ability to advance at least two of the following City affordable housing development goals:
  - i. increase supply of 99-year affordable homeownership and rental units for low and moderate income households.
  - ii. Increase the supply of affordable family units, defined as affordable units with three or more bedrooms, within one half mile from a public school.
  - iii. Increase the supply of affordable and accessible units for people with disabilities and seniors to stay and age in place.
  - iv. Decrease the percent of households that are experiencing housing stress (spending more than 30% of their income on housing) point-in-time count of people experiencing homelessness
  - v. Leverage Affordable Housing Sales Tax dollars invested by unit investments
- c. Alignment with City of Lawrence [Strategic Plan, Consolidated Plan, Downtown Master Plan, and Plan 2040.](#)
- d. Take meaningful actions, in addition to combating discrimination, that overcome patterns of segregation, and foster inclusive communities free from barriers that restrict access to equal opportunity based on protected characteristics, including: Race, Ethnicity, National Origin, Religion, Sex, Gender, Sexual Orientation, Familial status, and Disability.
- e. Provide meaningful and equitable opportunities for the neighborhood and community to provide input, feedback, and participate in program services.
- f. Expand affordable housing to all Lawrence neighborhoods and all areas of the City, so that affordable is scattered and indistinguishable from market rate housing.
- g. Long-term Affordability, ensuring the investment increases long-term affordable housing stock. Depending on project specifics, housing may be placed affordability through a deed restriction, land trust, ground lease or other method acceptable to the City. *All remaining equal, projects with longer term affordability will be prioritized over projects with shorter term affordability.* All projects are required to maintain affordability for a minimum of 50 years.
- h. Sustainability Commitment. The City is committed to ensuring its funding supports green and sustainable design components, including native landscaping and strong energy efficiency measures that are above code, solar ready homes, and deconstruction over demolition, and encourages recipients to implement these measures in funded projects.
- i. The project responds to housing needs of the community, including housing size, type, and target population, particularly the need for new housing that is affordable for families with children, multigenerational families, accessible affordable housing, and affordable housing that allows seniors to age in place.

## PART 5: REINVESTMENT HOUSING INCENTIVES DISTRICTS (RHID)

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### 1. RHID Policy Statement

- a. A Reinvestment Housing Incentive District ("RHID") is a development incentive program authorized by Kansas law (K.S.A. 12-5241-12-5256.) designed to promote residential growth by addressing housing shortages in cities and counties across Kansas.
- b. The RHID is a tax increment incentive that redirects the incremental property tax increase created by a project to reimburse eligible project-related costs. These typically include site acquisition, site preparation, and public infrastructure. In certain circumstances, eligible reimbursable costs also include renovation or construction of residential structures.
- c. RHID incremental revenues may be redirected to reimburse eligible project costs for up to 25 years.
- d. RHIDs apply to both ownership and rental development or combinations thereof, and a variety of housing forms.
- e. RHID may not be combined with incentives which abate or redirect property taxes, such as Neighborhood Revitalization Areas and Tax Increment Financing.

### 2. RHID Application

- a. Any entity requesting the City to establish a RHID shall file with the Housing Initiatives Division of the Planning and Community Development Office an application in accordance with Section 3.2, which shall include all information requested therein.
- b. In addition to those requirements, the application shall also pay the application fee as established below.

### 3. RHID Application Fee

- a. Together with the application, the applicant shall submit to the City a nonrefundable initial fee of \$1,000 the purpose of which is to recapture the City's costs of processing the application.
- b. If it appears to the City that the costs of processing the application requesting the City to establish a RHID will exceed \$1,000 then the City may also require the applicant to enter into a funding agreement with the City, whereby the applicant agrees to finance the City's actual costs of processing the application.

#### 4. RHID Procedure

- a. Upon receipt of an application requesting a RHID, City Staff will conduct a preliminary review of the application to ensure that it meets the eligibility requirements of this policy. If it does not, City Staff will communicate that fact to the applicant.
- b. If the application meets the eligibility requirements of this policy, then the City will follow the procedure established below. Applicant completes a preliminary application that establishes the boundaries of the proposed district and documents compliance with the eligibility criteria.
- c. City staff will review and evaluate the RHID application that will require consideration by the Governing Body. City staff have the ability to request additional information and conduct preliminary discussions with the project applicant or advocate and engage the outside professional consultants if necessary to assist it in its work.

#### 5. RHID Review Criteria

- a. Upon receipt of any recommendation from staff regarding a RHID, the Governing Body shall, in accordance with state law, at a public meeting, conduct a public hearing to determine (a) whether to create a RHID and (b) whether to approve the applicant's RHID Plan.
- b. In making those decisions, the Governing Body shall consider whether the proposed RHID meets statutory criteria and the City criteria, financial feasibility, and consistency with comprehensive and housing plans.

#### 6. RHID Statutory Criteria

- a. The Governing Body may, at its discretion, establish a RHID if the following statutory requirements are satisfied:
  - ii. No more than 50 units associated with a single project as for-sale or for-rent units within one year;
  - iii. No more than 100 units as for-sale or for-rent units have been designated for RHID by the City within one year;
  - iv. The average size of each residence constructed per project within a RHID is no larger than 1,650 square feet, excluding any garage or other exterior area, such as a porch, patio, or unattached storage building;
  - v. The infrastructure has been in existence for at least 10 years, or the existing lot(s) has been subject to special assessments.
  - vi. The RHID is located in an area where there is a shortage of quality housing that is constraining economic growth and affecting quality of life
  - vii. The RHID incentive is necessary for the project to proceed.

- b. Eligible uses of RHID include:
  - i. Land acquisition
  - ii. Site preparation and grading
  - iii. Sanitary / storm sewers
  - iv. Drainage improvements
  - v. Channels and levees
  - vi. Paving
  - vii. Street lighting fixtures
  - viii. Connections and facilities
  - ix. Gas, water, heating, and electrical services in public right of ways
  - x. Sidewalks
  - xi. Water mains and extensions
- c. The property tax increment may be used to reimburse costs for renovation of buildings or other structures that are more than 25 years old for residential use and located in a central business district to allow for vertical construction including improvements made to the second or higher floors of a building or other structure. The increment can be used to reimburse cost on the following types of items:
  - i. property acquisition
  - ii. plumbing
  - iii. HVAC, walls
  - iv. Flooring
  - v. removal of hazardous substances or materials

## 7. RHID City Criteria

In considering whether to approve an application for a RHID, the Governing Body shall determine if the proposed project achieves one or more of the following public benefits:

- a. The project meets the affordable housing goals and objectives of the City, as [outlined in this policy](#) and the [City of Lawrence strategic plan](#);
- b. The project promotes infill through the development of vacant lots, the rehabilitation of deteriorated properties, or the adaptive reuse of historic properties;
- c. The project incorporates environmentally sustainable elements into the design and operation of the facility;
- d. The project incorporates accessibility and universal design elements into the design and operation of the facility;

- e. The project meets the statutory requirements for housing redevelopment due to housing shortage or blighted conditions.

## 8. RHID Final Decision

- a. Staff will prepare a resolution of intent to establish the RHID and approve a public hearing on the RHID and project plan.
- b. The city will publish a public notice in the local paper once a week for two consecutive weeks, and mail the resolution and notice to USD 497 and Douglas County. The public hearing will be held within 30 days after the final publication.
- c. After the public hearing, the governing body may adopt an ordinance that formally creates the RHID, approves the RHID project plan and eligible improvements, and authorizes the execution of a development agreement.
- d. The City submits to the Kansas Department of Commerce a certified copy of the ordinance, the project plan, housing needs analysis, district map and legal description.
- e. The Department must certify eligibility before RHID becomes effective. approve resolution and supporting material. The City submits it, with a Housing Needs Analysis, to the State Department of Commerce for final approval.
- f. The Secretary of Commerce reviews and acts on the resolution.

## 9. RHID Approval and Other Taxing Jurisdictions

- a. The applicant must be mindful that Douglas County and Unified School District No. 497 are also important parties related to any RHID request.
- b. When an RHID is considered, the City will work with Douglas County and the School District to seek concurrence, but cannot guarantee concurrence, regarding the establishment of an RHID.

## PART 6: INDUSTRIAL REVENUE BONDS (IRB)

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### 1. IRBs Policy Statement

- a. In the Economic Development Revenue Bonds Act of 1961, codified as amended at K.S.A. 12-1740 et seq. ("the Act"), the Kansas legislature created industrial revenue bonds (IRBs) as an economic development tool for cities to stimulate economic prosperity and to promote economic stability, by providing greater employment opportunities and diversification of industry.
- b. Accordingly, the City may consider and, from time to time, issue IRBs when a proposed project furthers the economic goals and objects of the City, as outlined in this policy and the City of Lawrence strategic plan.

### 2. IRBs Application

- a. Any entity requesting the City to establish a RHID for any proposed project shall file with the Housing Initiatives Division of the Planning and Community Development Office an application in accordance with Section 3.2, which shall include all information requested therein.
- b. In addition to those requirements, the application shall also pay the application fee as established below.

### 3. IRBs Application Fee

- a. Together with the application, the applicant shall submit to the City a nonrefundable initial fee of \$1,000.00, the purpose of which is to recapture the City's costs of processing the application.
- b. If it appears to the City that the costs of processing the application requesting the City to issue IRBs will exceed \$1,000.00, then the City may also require the applicant to enter into a funding agreement with the City, whereby the applicant agrees to finance the City's actual costs of processing the application requesting the City to issue IRBs.

### 4. IRBs Procedure

- c. Upon receipt of an application requesting the City to issue IRBs, City Staff will conduct a preliminary review of the application to ensure that it meets all eligibility requirements of the Act and this policy. If it does not, City Staff will communicate that fact to the applicant.
- d. If the application meets the eligibility requirements of the Act and the policy, then the City will follow the procedures required by the Act and those procedures established in this policy.



## 5. IRBs Review Criteria

In considering whether to approve an application for a RHID, the Governing Body shall determine if the proposed project achieves one or more of the following public benefits:

- a. The project meets the affordable housing goals and objectives of the City, as [outlined in this policy](#) and the [City of Lawrence strategic plan](#).
- b. The project promotes infill through the development of vacant lots, the rehabilitation of deteriorated properties, or the adaptive reuse of historic properties.
- c. The project incorporates environmentally sustainable elements into the design and operation of the facility.
- d. The project incorporates accessibility and universal design elements into the design and operation of the facility.
- e. When considered in conjunction with a property tax abatement, it is the policy of the City to view more favorably those applications requesting the City to issue IRBs where the proposed project is projected to result in a positive benefit/cost ratio of 1.25 or greater, over a 15-year period, as determined by application of the benefit/cost model.

## 6. IRBs Final Decision

- a. After reviewing the recommendation of staff, considering the criteria set forth in the preceding section, and the goals and objectives of this policy, the Governing Body shall have the discretion to approve the application requesting the City to issue IRBs or to disapprove the application.
- b. If the Governing Body approves the application, the applicant shall execute a Performance Agreement.
- c. The decision of the Governing Body shall be the final decision of the City.

## 7. IRBs Issuance of Bonds

- a. Once the Governing Body has approved an application requesting the City to issue IRBs, City Staff will coordinate with the applicant and bond counsel regarding the issuance of the IRBs. During the process, bond counsel will assist the City and the applicant with the preparation of those documents and those filings necessary for the City to issue IRBs.
- b. The City encourages applicants to work with the City and the City's bond counsel. In the event that the applicant engages other bond counsel, the City shall have the discretion to require its bond counsel to be involved in the transaction or to review the documents prepared and filed regarding the issuance of the IRBs. If the applicant fails to cooperate with the City, the City retains the right to revoke the approval of the City's issuance of the IRBs.

## 8. IRBs Sales Tax Exemption

- a. Labor and materials that are used in the construction of any project, as well as any equipment purchased therefor, and that are purchased with IRBs proceeds are generally exempt from State and local sales tax.

## 9. IRBs Origination Fees

- a. Unless otherwise exempted by Part 6, Section 9c, any applicant requesting the City to issue IRBs for the purpose of realizing the IRBs sales tax exemption, as described in Section 2.8, shall pay to the City, based on the par amount of the bonds being issued and in accordance with the table that follows, an origination fee. Origination fees are due at the time of the bond closing.

- b. IRB Origination Fee

Rate	Amounts*
0.004	First \$10M or up to \$10M
\$40,000 + 0.002	2nd \$10M
\$60,000 + 0.001	Over \$20M

\*Maximum fee is \$100,000

- c. Where the applicant is a federally registered not-for-profit organization, and where the primary purpose of the proposed project is to create affordable housing of a minimum of 99 years (see Section 2), the City may waive a portion or all of the origination fee required hereunder.

## PART 7: NEIGHBORHOOD REVITALIZATION AREAS (NRA)

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### 1. NRA Policy Statement

- a. In the Neighborhood Revitalization Act of 1994, codified as amended at K.S.A. 12-17,114 et seq., the Kansas legislature created the Neighborhood Revitalization Area (NRA) as an economic development tool to revitalize certain areas or neighborhoods of cities.
- b. It is the policy of the City to consider the establishment of NRAs in order to promote reinvestment and revitalization of areas, neighborhoods, and properties, where such reinvestment and revitalization have a positive economic impact on the City, as a whole. In determining whether to establish an NRA, the City shall consider the criteria set forth in this policy.

### 2. NRA Application

- a. Any entity requesting the City to establish a RHID for any proposed project shall file with the Housing Initiatives Division of the Planning and Community Development Office an application in accordance with Section 3.2, which shall include all information requested therein.
- b. In addition to those requirements, the application shall also pay the application fee as established below.

### 3. NRA Application Fee

- a. Together with the application, the applicant shall submit to the City an initial nonrefundable fee of \$1,000, the purpose of which is to recapture the City's costs of processing the application.
- b. If it appears to the City that the costs of processing an application for establishment of an NRA will exceed \$1,000, including but not limited to the hiring of third party consultants, then the City may also require the applicant to enter into a funding agreement with the City, whereby the applicant agrees to finance the City's actual costs of processing the application for establishment of the NRA.

### 4. NRA Procedure

- a. Upon receipt of an application requesting an NRA, City Staff will conduct a preliminary review of the application to ensure that it meets the eligibility requirements of this policy. If it does not, City Staff will communicate that fact to the applicant.
- b. If the application meets the eligibility requirements of this policy, then the City will follow the procedure established above.

## 5. NRA Review Criteria

- a. Upon receipt of any recommendation from staff regarding an NRA, the Governing Body shall, in accordance with state law, at a public meeting, conduct a public hearing to determine (a) whether to create an NRA and (b) whether to approve the applicant's NRA Plan.
- b. In making those decisions, the Governing Body shall consider whether the proposed NRA meets statutory criteria and the City criteria.

## 6. Statutory Criteria

- a. The Governing Body may, at its discretion, establish an NRA if, in the opinion of the Governing Body, the rehabilitation, conservation, or redevelopment of the area, neighborhood, or property is necessary to protect the public health, safety, or welfare, and if the area, neighborhood, or property may be described as one of the following:
  - i. an area in which there is a predominance of buildings or improvements which by reason of dilapidation, deterioration, obsolescence, inadequate provisions of ventilation, light, air or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime, and which is detrimental to the public health, safety, or welfare;
  - ii. an area in which by reason of the presence of a substantial number of deteriorated or deteriorating structures, defective or inadequate streets, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety or welfare in its present condition and use; or
  - iii. an area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.

## 7. City Criteria

In considering whether to approve an application, the Governing Body shall determine if the proposed project achieves one or more of the following public benefits:

- a. The project meets the affordable housing goals and objectives of the City, as [outlined in this policy](#) and the [City of Lawrence strategic plan](#).

- b. The project promotes infill through the development of vacant lots, the rehabilitation of deteriorated properties, or the adaptive reuse of historic properties.
- c. The project incorporates environmentally sustainable elements into the design and operation of the facility.
- d. The project incorporates accessibility and universal design elements into the design and operation of the facility.

#### 8. NRA Final Decision

- a. After reviewing the recommendation of staff, considering the criteria set forth in the preceding section, and the goals and objectives of this policy, the Governing Body shall have the discretion to approve the application and establish the NRA or to disapprove the application and decline to establish the NRA.
- b. If the Governing Body approves the application, the applicant shall execute a Performance Agreement.
- c. The decision of the Governing Body shall be the final decision of the City.

#### 9. NRA Rebate

- a. If the Governing Body approves an application seeking the establishment of an NRA, it shall, based on the merits of the project, the analysis performed, the recommendations of any third party consultant, and the evidence adduced at the hearing, determine the amount of any ad valorem property tax rebate (note that this is a tax rebate and not a tax abatement) and the duration of any tax rebate period.

#### 10. NRA Approval and Other Taxing Jurisdictions

- a. The applicant must be mindful that Douglas County and Unified School District No. 497 are also important parties related to any NRA request.
- b. When an NRA is considered, the City will work with Douglas County and the School District to seek concurrence, but cannot guarantee concurrence, regarding the establishment of an NRA.

#### 11. NRA And Compliance

- a. To ensure compliance with the Performance Agreement and any other condition of approval of the NRA established by the Governing Body, the applicant shall comply with the provisions above.

#### 12. NRA General Policy Statements

The General Policy Statements set forth in this Policy shall apply, where relevant, to all applications for an NRA.

## PART 8: AFFORDABLE HOUSING TRUST FUND (AHTF)

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### 1. AHTF Grant Policy Statement

- a. In Article XVIII, Sec. 1-1807 in Lawrence City Code, the affordable housing trust fund is to support the acquisition, rehabilitation, and development of affordable housing and supportive services so that all persons in the community have access to independent living with dignity.
- b. The Lawrence Affordable Housing Trust Fund is supported through a local sales tax with the purpose of providing and improving the quality, availability, and affordability of housing in Lawrence, acquiring land for future affordable housing, and investing in private/public partnerships for the provision of affordable housing.

### 2. AHTF Payment Type

- a. It is the policy of the City that Affordable Housing projects with a 99-year guaranteed period of affordability are eligible for Affordable Housing Trust Funds in the form of a non-repayable grant.
- b. It is the policy of the City that Affordable Housing projects with a 50-year guaranteed period of affordability are eligible for Affordable Housing Trust Funds in the form of a 30-year loan.

### 3. AHTF Caps

- a. Affordable Housing Trust Funds are intended to provide gap financing of up to \$800,000 per project total. Awards are dependent on project scope, merits, and trust funds available in balance.
- b. Projects with a 50-year period of affordability have a \$15,000 per unit cap.
- c. Projects with 99-year affordability have a \$50,000 per unit cap.

### 4. Affordable Housing Trust Fund Application

- a. Any entity requesting affordable housing trust funds shall file with the Housing Initiatives Division of the Planning and Community Development Office an application in accordance with Section 3.2, and the [Affordable Housing Trust Fund Notice of Funding Opportunity](#), which shall include all information requested therein.
- b. Applications are accepted while funds are available.
- c. There is no fee to apply for Affordable Housing Trust Funds.

## 5. Affordable Housing Trust Fund Procedure

- a. Staff will accept Affordable Housing Trust Funds applications and review for eligibility. If the Affordable Housing Advisory Board is accepting applications, and if the project meets eligibility criteria, staff will forward applications to the Affordable Housing Advisor Board (AHAB).
- a. Applications will be generally reviewed by the AHAB over the course of two meetings.
- b. The first review of the applications will be held during an AHAB meeting at which applicants will be provided an opportunity to present their application and answer questions from the Board and City staff. If an AHAB member misses the first application review meeting, the member will be required to review the video recording of the meeting in order to participate in scoring and deliberations of recommendations.
- c. The second review of the applications will be held during a subsequent AHAB meeting scheduled closely behind the first meeting. At the second meeting, the AHAB will review tabulated application scoring from AHAB members and discuss a recommendation for the City Commission. Should additional time be necessary, an additional meeting(s) may be scheduled as determined by the AHAB.
- d. Staff will complete a key project elements chart to help the Board review the requests side by side. The key project elements chart will not be scored but will provide additional information for the Board to consider when deliberations occur.
- e. Between the first and the second meeting, AHAB members who wish to participate in the final recommendations on the applications will be required to complete scoring for each application submitted. This will enable consideration in the scoring of the applicant presentation and answers to questions at the first meeting. Members who do not submit scoring by the due date will be unable to participate in the recommendation discussion and vote.
- f. Score sheets will be initialed by each board member and will be open to the public to review. A Board member will indicate that they have read the proposal, and participated in or watched the video recording of the first meeting at which applicants made presentations.
- g. Score sheets will be compiled by City staff and presented to the AHAB for the second meeting. An overall average score will be calculated. Best efforts will be made to post this information with the AHAB meeting materials at least 24 hours in advance of the AHAB meeting at which application recommendations will be discussed.
- h. The AHAB's deliberation and recommendations regarding the application will provide a clear rationale for its recommendations for funding to the City Commission. The scoring will be considered in conjunction with other variables and may not be the determining factor when a recommendation is made to the City Commission.
- i. Application recommendations from AHAB will be forwarded to the City Commission and scheduled for the next available City Commission meeting for final consideration.
- j. Final approval by the Governing Body.

## 6. AHTF Review Criteria

- a. The project meets the affordable housing goals and objectives of the City, as outlined in this policy and the [City of Lawrence strategic plan](#).
- b. Affordable Housing Trust Fund review and prioritization criteria is outlined in the [Notice of Funding Opportunity](#).

## 7. AHTF Final Decision

- a. After reviewing the recommendation of the Affordable Housing Advisory Board and Housing Initiatives Division staff, considering the criteria set forth in the preceding section, and the goals and objectives of this policy, the Governing Body shall have the discretion to approve the application requesting the City to award Affordable Housing Trust Fund grants or loans or to disapprove the application.
- b. If the Governing Body approves the application, the applicant shall execute a Performance Agreement.
- c. The decision of the Governing Body shall be the final decision of the City.



## PART 9: PUBLIC LAND DONATION

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### 1. Public Land Donation Policy Statement

- a. It is the policy of the City to consider municipal land transfer for affordable housing projects with a minimum of 99-years of affordability
- b. Donations of City land must be placed in eligible community housing land trust to ensure long-term affordability.

### 2. Public Land Donation Application

- a. Any entity requesting City land donation for any proposed project shall file with the Housing Initiatives Division of the Planning and Community Development Office an application in accordance with Section 3.2, which shall include all information requested therein.
- b. There is no additional application fee to apply for a land donation.

### 3. Public Land Donation Procedure

- a. Staff will accept the Affordable Housing Incentive application and review for eligibility.
- b. If the parcel is identified by the applicant, City Staff will confirm land availability and suitability, conduct a title search, identify statutory requirements and long-term plans for the parcel, and arrange for a land survey.
- c. The City may require the applicant to enter into a funding agreement with the City, whereby the applicant agrees to finance the City's actual costs of processing the application, including the cost of land surveys and title transfers.

### 4. Land Donation Review Criteria

- a. The project meets the affordable housing goals and objectives of the City, as outlined in this policy and the [City of Lawrence strategic plan](#).
- b. Affordable Housing Trust Fund review and prioritization criteria is outlined in the [Notice of Funding Opportunity](#).
- c. Suitability of site

### 5. Land Donation Final Decision

- a. After reviewing the recommendation of staff, considering the criteria set forth in the preceding section, and the goals and objectives of this policy, the Governing Body shall have the discretion to approve the application requesting public land donation or to disapprove the application.

- b. If the Governing Body approves the application, the applicant shall execute a Performance Agreement.
- c. The decision of the Governing Body shall be the final decision of the City.

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## PART 10: FEE WAIVERS

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### 1. Fee Waivers Policy Statement

- a. Planning and development fee waivers are designed to promote growth in Lawrence of 99-year affordable residential dwellings for households at or under 80% Area Median Income.
- b. Fee waivers will be considered for 99-year affordable residential developments that meet all criteria set forth in Part 1 Section 4 of the Affordable Housing Incentive Policy. Fee waivers only apply to City of Lawrence Planning Division application fees.

### 2. Applicable fees:

- a. All or part of the following application fees may be waived:
  - i. Board Zoning Appeals
  - ii. Comprehensive Plan Amendment
  - iii. City Plat
  - iv. City Minor Subdivision
  - v. City Major Subdivision
  - vi. Development Plan
  - vii. City Site Plan
  - viii. Special Use Permit
  - ix. City Rezoning
  - x. Building Permits
  - xi. RHID application fee
- b. For details, please review the current fee schedule online at <https://lawrenceks.org/pds/forms/>

### 3. Fee Waiver Application

- a. Any entity requesting City land donation for any proposed project shall file with the Housing Initiatives Division of the Planning and Community Development Office an application in accordance with Section 3.2, which shall include all information requested therein.
- b. There is no additional application fee to apply for fee waivers.

#### 4. Fee Waiver Application Procedure

- a. Staff will accept the Affordable Housing Incentive application and review for eligibility.
- b. If the project meets eligibility criteria, the request will be considered for approval by the Director of Planning and Development Services or designee for consideration.

#### 5. Fee Waivers Review Criteria

- a. The project meets the affordable housing goals and objectives of the City, as outlined in this policy and the [City of Lawrence strategic plan](#).
- b. Affordable Housing Trust Fund review and prioritization criteria is outlined in the [Notice of Funding Opportunity](#).
- c. Developments must be affordable in 99 years.
- d. Planning and development services budget.

#### 6. Fee Waivers Final Decision

- d. After reviewing the recommendation of staff, considering the criteria set forth in the preceding section, and the goals and objectives of this policy, the Governing Body shall have the discretion to approve the application requesting fee waivers or to disapprove the application.
- e. If the Governing Body approves the application, the applicant shall execute a Performance Agreement.
- f. The decision of the Governing Body shall be the final decision of the City.

## ADDENDUM A: AFFORDABLE HOUSING INCENTIVES TABLE

Incentive	Type	Duration & Level	Affordability Period	Approvals	Application & Administrative Fees
RHID Reinvestment Housing Incentives Districts	Tax increment financing for new housing development or rehabs for eligible public infrastructure costs.	25 years	50 year minimum	Lawrence City Commission Douglas County Commission USD 497 School Board	\$1,000 Application Fee  Fee may be reduced for not-for-profit organization creating 99-year affordable housing.
IRB Industrial Revenue Bonds	Sales tax exemption on project construction materials and remodeling labor.	10 years, if part of a property tax abatement. For sales tax exemption only, depends on project construction time-frame. 50% base, additional percentages available based on meeting additional criteria.	50 year minimum	Lawrence City Commission	\$1,000 Application Fee  Origination Fee for sales tax only IRBs. May be waived for not-for-profit organization creating 99-year affordable housing.
NRA Neighborhood Revitalization Areas	Property tax rebate on portion of incremental value of improvements. Base taxes not rebated.	Based on project merits as determined by the governing bodies	50 year minimum	Lawrence City Commission Douglas County Commission USD 497 School Board	\$1,000 application fee  Fee may be reduced for not-for-profit organization creating 99-year affordable housing
AHTF Affordable Housing Trust Fund	30-year loan or grant, depending on length of affordability and merits of project.	30-year loans One-time grant	50 year minimum for loan. 99-year affordability for grant.	Affordable Housing Advisory Board Lawrence City Commission	No application fee
Public Land Donation	City land donation for affordable housing development	99 years	99-year affordability	Lawrence City Commission	No application fee
Fee Waivers	Planning & Development fee waivers	One-time fee waivers	99-year affordability	Director of Planning & Development Services Lawrence City Commission	No application fee

## ADDENDUM B: MINIMUM UNIVERSAL DESIGN REQUIREMENTS

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### MINIMUM UNIVERSAL DESIGN REQUIREMENTS

FOR NEW CONSTRUCTION USING AFFORDABLE HOUSING TRUST FUNDS FROM THE CITY OF LAWRENCE

#### OVERVIEW

All developers must hire a registered project architect to produce sealed, detailed construction drawings prior to commencing construction and to oversee construction of the project. All new construction projects require written architectural certification before receiving payment by the project architect and the developer that the project as designed and as-built complies with the Affordable Housing Incentives Universal Design Requirements.

#### PURPOSE

In order to advance the health, safety, and welfare of all residents, the goal of the City of Lawrence is that all persons in the community have access to affordable housing and supportive services necessary to maintain independent living with dignity.

The City of Lawrence provides grants, loans, and incentives to non-profit agencies and developers that provide affordable housing developments for city residents earning 80% or below the area median income.

Houses developed through this program are intended for a wide range of occupants including all ages and physical abilities.

To best meet the needs of Lawrence residents, and to facilitate the development of residential dwelling units that are visitable, usable and safe for occupancy by persons with disabilities and that support aging in place, the City requires all new construction built using the program to comply with basic minimum Universal Design concepts and techniques.

#### **UNIVERSAL DESIGN (UD)**

*"Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design."* – National Association of Homebuilders

The provisions outlined are reasonably necessary to serve an aging population, those with disabilities, and those anticipating a disability, by enhancing opportunities for the full life-cycle use of housing without regard to the physical abilities or disabilities of a home's occupants or

guests. This is done in order to accommodate a wide range of individual preferences and functional abilities.

## DEFINITIONS

For the purpose of this policy, the following terms shall have the following definitions:

**“Accessible”** means consistent with or as defined by the American National Standards Institute (ANSI) Standard on Accessible and Usable Buildings and Facilities

**“Accessible route”** A continuous, unobstructed path that complies with Sections 301 and 302. With exception of ramped surfaces, all portions of an accessible UD route slope less than 5% (1:20) parallel to travel, have a cross-slope of less than 2% (1:50), and are at least 42” wide. Accessible routes are free of protruding objects.

**“ANSI A117.1”** means the most current version of the “Standard on Accessible and Usable Buildings and Facilities,” commonly known as “ICC/ANSI A117.1,” published by the International Code Council and American National Standards Institute, Inc.

**“Bathroom”** means a room containing a toilet (water closet), lavatory (sink), and either a shower, bathtub, combination bathtub/shower, or both a shower and bathtub. It includes a compartmented bathroom in which the fixtures are distributed among interconnected rooms.

**“Common use room”** means a room commonly used by residents or guests to congregate.

**“Forward approach”** Provide forward approach to an element by providing a 30”x 48” clear and level space immediately in front of and centered on the item. See illustration 103a.

**“Level”** a surface or landing sloping less than 2% in all directions

**“New construction”** means the construction of a new building. New construction does not include additions, alterations, or remodels to existing buildings.

**“Parallel approach”** Provide parallel approach to an element by making sure that a 30”x 48” clear and level space is provided immediately in front of and centered on the item.

**“Primary entry”** means the principal entrance through which most people enter a building or residential unit, as designated by the building official.

**“Ramp”** A surface with a running slope more than 1:20 and equal to or less than 1:12, and a cross slope less than 1:50. Provide handrails at both sides. For ramp construction requirements refer to the current edition of ANSI A117.1.

**“Reach Range”** refers to the maximum and minimum height or distance for an object to be within reach. For an object to be within reach range, it must meet specifications for unobstructed forward reach, unobstructed side reach, and unobstructed high reach, outlined in ANSI A117.1, Section 308.

**“Residential dwelling unit”** means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

## **UNIVERSAL DESIGN REQUIRED STANDARDS**

The UD criteria are not a substitute for compliance with the current City of Lawrence Building Code and Fair Housing Act requirements. These criteria must be addressed in addition to compliance with code and accessibility requirements. In some cases, these tasks overlap; in others, the UD element is clearly an additional requirement. Compliance with these guidelines does *not* provide safe haven for compliance with any other applicable standard.

Where applicable, the standards outlined herein comply with requirements established in [Kansas State Statute, Chapter 58, Article 14: Accessibility Standards](#). All building specifications for standards may be found in ANSI A117.1.

Plan review for compliance with UD criteria is separate from City of Lawrence Building Division review and is not included in the permit process.

### **PART 1: SITE AND BUILDING**

#### **Accessible Route and Entrance.**

When ground floor units have separate entrances, each entrance must be accessible (see doors below). When units in a multi-unit building share a common entrance, at least one common entrance must be accessible. The threshold of a unit's exterior door may not exceed  $\frac{3}{4}$  inch. An accessible entrance must be located on an accessible route.

An accessible route is a path that is at least 42 inches wide, smooth, as level as possible, and without hazards or obstructions. If the route includes a change in level, the slope cannot exceed one inch of rise for every 20 inches of length and must be beveled. Handrails are encouraged when route is not level.

Within the boundary of the site, an accessible walk or route on a site must connect public transportation stops, accessible parking spaces, accessible passenger loading zones, and public streets and sidewalks to accessible building entrances. The route also applies to the accessible portions within a dwelling unit.



**Parking.**

Provide space for at least one accessible parking space serving this site and connected to the accessible route. The accessible space may be on the street. Signs and striping are not required.

If the project is large enough to trigger accessible parking requirements, provide spaces, signage and striping per City of Lawrence Building Code and ANSI A117.1 requirements.

**Parking Location.**

Parking designated for the dwelling should be as close as possible to the house/unit entry and at the same basic level. Multi-level buildings with elevator service to the parking and entry level(s) are acceptable.

**Parking space dimensions (exterior, covered and garage).**

Provide a 9' x 19' minimum area for the vehicle with a minimum 5' access aisle on one side. Space and aisle to have maximum 2% cross slope in all directions. Surface must be paved, firm, slip-resistant and smooth.

**Vertical clearance.**

Provide 98" minimum vertical clearance at the parking space, access aisle and vehicular approach route.

**Garage.**

Not required. However, if provided, all portions must comply with the following:

**Attached Garage.** If the garage is attached to the house, provide a ramp or other means of entering the house through a no-step entry.

**Detached Garage.** If the garage is detached, provide an accessible route from the garage to a no-step entry to the house.

**Garage Door.** Provide a child-proof automatic garage door opener and automatic lighting.

**PART 2: BUILDING****Entry.**

Provide at least one no-step entry that includes a doorway with a minimum clear opening of 36 inches. This should be a primary house/building entry. While it is preferred that the no-step entry be the front entrance to the home, an accessible side or rear entry is permissible when historic or neighborhood requirements preclude access to the front.

**House Numbers.**

Provide address numbers at front and back of house. Numbers should be at least 4" tall and contrast with the mounting background by 70% minimum. Numbers should be illuminated or reflective and easily visible at night.

**Decks.**

If provided, decks must be accessible from the interior of the dwelling unit. Accessibility may be provided by either step-less transition or ramp. Provide level (no more than 2% slope in any direction) surface with slip-resistant stable finish. No decking gaps greater than ¼".

**Trash.**

Provide an accessible route to trash containers or trash drop-off area.

**Mail.**

Provide an accessible route to the mailbox. Mount mailbox within reach range and provide for either forward or parallel approach.

**PART 3: DWELLING UNITS****Bathroom(s).**

At least one bathroom must be on an accessible level and suitable for use as defined in ANSI A117.1 1002.11.2. All additional bathrooms must comply with ANSI A117.1 Section 1002.11, Toilet and Bathing Facilities.

**Bedroom(s).**

At least one bedroom must be on an accessible level and connected to the accessible route.

**Closet shelf supports.**

Provide adjustable shelf supports extending from floor to ceiling in an accessible bedroom closet. Provide blocking for additional shelving and rod supports in all closets.

**Route.**

The interior accessible route must be continuous through all spaces and must connect to all required elements. Primary living spaces (e.g. living room, family and dining spaces) must be on the accessible route. Accessible routes shall comply with ANSI A117.1 Section 1002.3.

**Kitchen.**

Must be on an accessible level, connected to the accessible route, and comply with ANSI A117.1 Section 1003.12 Kitchens and kitchenettes.

**Kitchen storage.**

Provide at least 50% of the storage space within reach range. A pantry unit with pull out shelves and/or an extra closet with shelving for pantry use are recommended methods of addressing this requirement.

### **Laundry.**

Provide space for parallel approach to both appliances in a side-by-side position on an accessible level. Provide rough-in for combination washer/dryer unit. Set hook-ups to permit future installation of 9" tall platform under the units.

If a parallel approach, the preferred laundry design, is not feasible, the developer may instead purchase and install (at developers' expense) stacking units with controls at or below 54" above the finished floor and service openings within reach range.

### **Doors.**

All exterior door openings shall comply with ANSI A117.1 Section 404. All interior door openings must be at minimum 36".

Exception: Doors to shallow closets (24" deep or less) and similar spaces which are not meant to be entered. Utility closets may have door openings narrower than 32" and be deeper than 30" so long as the air handler filter can be easily accessed from outside the space.

### **Windows.**

All windows shall comply with ANSI A117.1 Section 1002.13, and meet the following specifications:

- Sill height. Locate windows with sills at maximum 32" above the finish floor except over casework.
- Operating mechanism. Select windows that are easy to operate.
- Crank casements requiring less than 5 lbs. of effort are preferred.
- Window locks. Mount locks within reach range.

### **Hallways.**

Provide minimum 42" wide hallways.

### **Floor surfaces.**

Use non-slip and dense surface materials. Do not use pads under carpeting. Use dense pile or loop materials. Do not use carpeting in bathrooms and kitchens.

### **Interior and exterior stairs (if provided).**

Comply with the following:

- High contrast finish selections should include: floor to wall transitions, top treads of stairs, treads & risers, counters and the adjacent flooring and walls
- Maximum riser height: 7", minimum tread depth 11".
- Provide handrails on both sides.
- Extend rails 12" beyond top and bottom risers and parallel to floor.
- Return rails to wall or newel.

- Minimum width: 42"
- Minimum landings: 48" deep.
- Rough-in power for future lift.

#### **PART 4: LIFE SAFETY, ENVIRONMENTAL & ELECTRICAL ELEMENTS**

##### **Smoke alarms.**

Wire to allow for future installation of visual alarms.

##### **Thermostats.**

Mount the thermostat at 48" above the floor in a position that allows either forward or parallel approach. Unit should have large, legible control markings and be user friendly.

##### **Electric panel.**

Provide parallel approach space for electric panel. Mount with top operating switch/shut-off at 54" above the floor and bottom of panel no less than 18" above finished floor.

##### **Switches.**

Mount switches at 36-42" above finish floor. Use luminous rocker or toggle switches.

#### **PART 5: EXCEPTIONS AND WAIVERS**

Under limited circumstances, the City of Lawrence may grant exceptions to UD Requirements, but only when staff review determines compliance is architecturally infeasible. In such cases, the City expects the developer to offer alternative designs, at the developer's expense, that emphasize accessibility on as integrated a basis in the total design, as possible.

Any misrepresentations may result in a withdrawal of Affordable Housing incentives. The developer must notify the City immediately if it becomes aware of design changes or information which would change any statement or representation previously submitted in the incentive application. The developer understands and accepts responsibility for all information and representations submitted and the City retains its right to seek legal redress and repayment of funds advanced for the project if UD Requirements have not been fully met.

##### **No exceptions will be granted to the basic four elements:**

1. one no-step entry;
2. minimum door and hallway width requirements;
3. provisions for usable bathroom facilities in the unit; and
4. at least one accessible bedroom on an accessible level connected to an accessible route.

## **ADDENDUM C: DESIGN STANDARD REQUIREMENTS**

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### **PART 1: EXTERIOR**

1. Building design must use different roof planes and contours to break up roof lines. If horizontal banding is used between floor levels, use separate color tones for upper and lower levels. If possible, use horizontal and vertical siding applications to add detail to dormers, gables, and extended front facade areas.
2. All exterior trim, including fascia and soffits, window and door trim, gable vents, etc. must also be constructed of no or very low maintenance materials.
3. All buildings must include seamless gutters and aluminum drip edge on all gable rakes and fascia boards. Downspouts must be installed so as not to drain across pedestrian path of travel.
4. Breezeway and stairwell ceilings must be constructed of materials rated for exterior exposure.
5. Buildings and units must be identified using clearly visible signage and numbers. Building and unit identification signage must be well lit from dusk till dawn and meet ANSI A117.1, Section 703 standards.
6. Exterior railings should be made of vinyl, aluminum, or steel.
7. Anti-fungal dimensional (architectural) shingles with a minimum 30-year warranty are required for all shingle roof applications.
8. In vinyl siding applications all exterior penetrations must be installed in plastic J-boxes.
9. Weep holes must be below finished slab elevation and not covered with sod, mulch, finished grade or landscaping.

### **PART 2: DOORS AND WINDOWS**

1. All primary unit entries must either be within a breezeway or have a minimum roof covering of 3 feet deep by 5 feet wide, including a corresponding porch or concrete pad.
2. High durability, insulated doors (such as steel and fiberglass) are required at all exterior locations. Single lever deadbolts required on accessible units and eye viewers are required on all main entry doors to residential units.
3. Insulated, double pane, vinyl windows meeting 2018 IECC are required for new construction and rehabilitation projects (if replacing windows).

### **PART 3: INTERIOR DESIGN AND MATERIALS**

1. All residential units must meet minimum unit size requirements. The square footage measurements below will be for conditioned square feet only, measured interior wall to interior wall, and do not include exterior wall square footage. Unheated areas such as patios, decks, porches, stoops, or storage rooms cannot be included.
  - Single Room Occupancy (SRO) 250 square feet
  - Studio 375 square feet
  - 1 Bedroom 650 square feet
  - 2 Bedroom 800 square feet
  - 3 Bedroom 900 square feet
  - 4 Bedroom 1,150 square feet
2. Newly constructed residential units must have an interior or exterior storage closet (interior common area only for congregate) with a minimum of 16 unobstructed square feet. The square footage utilized by a water heater in a storage closet may not be included in the 16 square foot calculation. Storage closets may not have any dimension smaller than 36 inches in width or depth. Interior closets must not be in a bedroom or a kitchen. Units with an associated garage are not required to have the additional storage closet.
3. Kitchens, dining areas, and entrance areas must have vinyl, VCT or other non-carpet flooring.
4. For new construction, interior doors must be constructed of two, four, or six panel hardboard, solid core birch or solid core lauan. Hollow core, flat-panel doors are prohibited.
5. Residential floors and common tenant walls must have sound insulation batts.
6. All interior and exterior mechanical and storage closets must have finished floor coverings. Interior closets must have either carpet, sheet vinyl or VCT flooring. Exterior storage closets may have sealed, painted concrete floors.
7. The following areas must contain moisture resistant drywall: ceilings and walls of bathrooms, laundry rooms, mechanical closets, exterior storage closets, and behind kitchen sink base.
8. All interior common areas, hallways, and enclosed corridors must be served by heating and cooling systems.

### **PART 4: BATHROOMS**

1. All bathrooms must include an exhaust fan vented to the exterior of the building using hard ductwork along the shortest run possible. (See 2018 IECC)

2. All domestic water line cut off valves must have metal handles, not plastic.
3. In all accessible units, the grab bars must be installed per applicable accessibility specifications around toilets and in the tubs/showers. In roll-in showers the shower head with wand must be installed on a sliding bar and within code required reach ranges by the seat. An additional diverter must be installed to provide water to a shower head on the short shower wall in front of the seat, mounted 80 inches above the finished floor.

## **PART 5: KITCHENS**

1. New cabinets must include dual sidetracks on drawers. Door fronts, styles, and drawer fronts must be made with solid wood or wood/plastic veneer products. Particle board or hardboard doors, stiles, and drawer fronts are prohibited.
2. The minimum aisle width between cabinets and/or appliances is 40 inches.
3. All residential units must have a double bowl kitchen sink if a dishwasher is not provided.
4. In accessible units: • follow applicable accessibility guidelines and • both the range hood fan and light must have separate remote switches.
5. In accessible units and common areas, kitchen ranges with cooktop can be no higher than 34 inches above floor.
6. Anti-tip devices must be installed on all kitchen ranges and be securely fastened to the floor. Walls behind or directly beside ranges must be covered with a splash panel. The panel should span from the range to the hood and be plastic, laminate, or aluminum. Ranges must be installed to fit flush to the wall.

## **PART 6: PLUMBING PROVISIONS**

1. All rental units require at least one full bathroom.
2. Three-bedroom units require at least 1.75 bathrooms (including one bath with upright shower and one bath with full tub).
3. Four-bedroom units require at least two (2) full bathrooms.
4. All tubs and showers must have slip resistant floors. For new construction projects, tubs and showers must be one-piece and a minimum of 32 inches in width and 58 inches in length.
5. A frost-proof exterior faucet must be installed on an exterior wall of the community/office building.
6. All tub/shower control knobs must be single lever handled and offset towards the front of the tub/shower.
7. Provide lever faucet controls for the kitchen and bathroom sinks.

8. Domestic water lines are not allowed in unconditioned spaces, including breezeways and community building attics.
9. In all accessible units, tubs and showers must have wood blocking installed on the bathing fixture.
10. In all units, the toilets, tubs, and showers must have grab bars installed. See ANSI A117.1 for mounting heights and locations. The grab bar installed behind the toilet must be a minimum of 36 inches in length.
11. All plumbing pipes must be installed inside wall cavities. Connections to water and sewer lines may not be made through floors or cabinet bottoms.
12. Unit water shut-off valves must be located in a reachable location to the resident and be clearly marked with signage.

#### **PART 7: ELECTRICAL PROVISIONS**

1. Any walk-in closets must also have a switched overhead light. A walk-in closet is defined as any closet deeper than 36 inches from the back wall to the back of the closet door in the closed position.
2. Switched exterior lighting is required at each unit entry door except when entry doors are in a hallway or breezeway where lighting is on from dusk to dawn.
3. Projects with gas heating and/or appliances must provide a hard-wired carbon monoxide detector with a battery back-up in each residential unit.
4. All non-residential and residential spaces must have separate electrical systems.
5. Initially installed bulbs in residential units and common areas must be compact fluorescent, LED, or pin-based lighting in 90% of all fixtures.

#### **PART 8: HEATING, VENTILATING AND AIR CONDITIONING PROVISIONS**

1. All non-residential areas and residential units must have their own separate heating and air conditioning systems.
2. Through the wall HVAC units are prohibited in all but Studio and SRO units. They are allowed in laundry rooms and management offices where provided.
3. Heating and cooling sizing and efficiency ratings should follow the 2018 IECC. (R403.7). Heating and cooling equipment shall be sized in accordance with ACCA Manual S based on building loads calculated in accordance with ACCA Manual J or other approved heating and cooling calculation methodologies. New or replacement heating and cooling equipment shall have an efficiency rating equal to or greater than the minimum required by federal law for the geographic location where the equipment is installed.
4. The use of duct board is prohibited. Galvanized metal must be used for plenums and mixing boxes. Connections in duct system must be sealed with mastic and fiberglass mesh.



5. All openings in duct work at registers and grilles must be covered after installation to keep out debris during construction. Exterior exhaust vents must be mechanically secured to siding and/or brick veneers.
6. Total dryer vent run may not exceed 35 feet, including deductions for elbows.

## **PART 9: SITEWORK AND LANDSCAPING**

1. Provide positive drainage at all driveways, parking areas, ramps, walkways, and dumpster pads to prevent standing water.
2. No sidewalks may exceed a 2% cross slope regardless of where located. Provide a non-skid finish to all walkways.
3. All water from roof and gutter system must be piped away from buildings.
4. Lots must be graded so as to drain surface water away from foundation walls.
5. Minimum landscaping budgets of \$300 per residential unit are required unless specific site characteristics make this infeasible (i.e., an urban tower building with no green space). This allowance is for permanent plantings and trees only and may not be used for fine grading, seeding and straw or sod.
6. Sitework changes after application award are not permitted without Agency approval.

## **PART 10: RADON VENTILATION**

1. Passive, "stack effect" radon ventilation systems are required for all new construction. These systems reduce soil gas entry into the buildings by venting the gases to the outdoors and must include the following components.
2. Gas Permeable Layer of Aggregate: This layer is placed beneath the slab or flooring system to allow the soil gas to move freely underneath the house and enter an exhaust pipe. In many cases, the material used is a 4-inch layer of clean gravel.
3. Plastic Sheeting/Soil Gas Retarder: This is the primary soil gas barrier and serves to support any cracks that may form after the basement slab is cured. The retarder is usually made of 6 mil polyethylene sheeting, overlapped 12 inches at the seams, fitted closely around all pipe, wire, or other penetrations, and placed over the gas permeable layer of aggregate.
4. PVC Vent Pipe: A straight (no elbows) vertical PVC vent pipe of 3-inch diameter must be connected to a vent pipe "T" which is installed below the slab in the aggregate. The straight vent pipe runs from the gas permeable layer (where the "T" is) through the apartment to the roof to safely vent radon and other soil gases above the roof. A 12-inch perforated PVC pipe must be attached to the "T" on both ends in the aggregate to allow radon gas to easily enter the piping. The straight vent pipe runs vertically through the building and terminates at least 12 inches above the roof's surface in a location at least 10 feet from windows or other openings and adjoining or adjacent buildings. On

each floor of the apartment, the pipe should be labeled as a “Radon Reduction System”. Sealing and caulking with polyurethane or silicone on all openings in the concrete foundation floor must be used. The system must have provisions for later installation of an inline fan for mechanical ventilation of gases, including an electrical box in the attic in proximity to the exit pipe.

5. Check applicable federal, state, and local building codes to see if more stringent codes apply.

## **PART 11: ENERGY EFFICIENCY**

1. Developments must demonstrate compliance with the 2018 International Energy Conservation Code or meet the requirements for Energy Star, Version 3.1, Revision 11 or Energy Star Multifamily New Construction, Version 1.1, Revision 01.
2. Chapter 4 of the 2018 International Energy Conservation Code provides requirements for the thermal envelope of a building, including minimum insulation values for walls, ceilings and floors, maximum fenestration U-factors; minimum fenestration solar heat gain coefficients; and methods for determining building assembly and a total U-factor. A performance alternative, and an energy rating alternative are also provided to allow for energy code compliance other than the prescriptive method.
3. The 2018 IECC Air Exchange requirement is 3 ACH. KHRC will allow an Air Exchange rate of 5 ACH.
4. The energy auditor/rater for each new development, rehabilitation, or conversion must be designated prior to the start of construction. The designated energy auditor will review and approve the planned construction, as per design and specifications, ensuring it meets or exceeds the above stated standards. The auditor will provide all appropriate inspections during the build process to ensure project meets standards.
5. Upon completion, a final energy audit should be completed to verify that actual construction or rehabilitation meets the appropriate standards. Prior to enclosing unit walls, the energy rater must be notified, and an inspection completed, to ensure proper insulation and duct sealing. Upon completion, a final energy audit shall be completed to verify that actual construction or rehabilitation meets the appropriate standards. 20% (minimum of 4) of the total units will be rated. The sampling should include one unit from each building and each different floor plan. The sampling should also include a variation of interior and exterior units in a multi-plex building. A random sampling of 20% (minimum of 4) is required for projects containing single family and duplex units. All units must have an insulation inspection and a final attic inspection.

## **PART 12: BROADBAND INFRASTRUCTURE**

1. All new construction must provide for broadband infrastructure. Any substantial rehabilitation, as defined in 24 C.F.R. 5.100, must provide for installation of broadband infrastructure, as this term is also defined in 24 C.F.R. 5.100, except where the

participating jurisdiction determines and, in accordance with 24 C.F.R 92.508(a)(3)(iv), documents the determination that:

- a. The location of the substantial rehabilitation makes installation of broadband infrastructure infeasible;
- b. The cost of installing broadband infrastructure would result in a fundamental alteration in the nature of its program or activity or in an undue financial burden; or;
- c. The structure of the housing to be substantially rehabilitated makes installation of broadband infrastructure infeasible.

#### **PART 13: COMMON AREA AND SITE AMENITY PROVISIONS**

1. All common use areas must be fully accessible to those with disabilities in compliance with all applicable State and Federal laws and regulations.
2. Wherever possible tot lots and playgrounds must be located away from areas of frequent automobile traffic and situated so that the play area is visible from the office and maximum number of residential units.
3. A bench must be provided at playgrounds to allow a child's supervisor to sit. The bench must be anchored permanently, weather resistant, and have a back.

#### **PART 14: POSTAL FACILITIES**

1. Postal facilities must be located adjacent to available parking and sited such that tenants will not obstruct traffic while collecting mail.
2. Postal facilities must have adequate lighting functioning from dusk to dawn.
3. Mailboxes must follow applicable accessibility guidelines.

#### **PART 15: LAUNDRY FACILITIES**

1. Laundry facilities are required for all projects, unless in-unit washer and dryer are provided.
2. There must be a minimum of one washer and one dryer per twelve (12) residential units if washer/dryer hookups are not available in each unit. If hookups are available in each unit, there must be a minimum of one washer and one dryer per twenty-five (25) units.
3. A "folding" table or countertop must be installed. The working surface must be 30 to 34 inches above the floor and must have a 27-inch-high clear knee space below. The working surface must be a minimum 48 inches long and have a 30 by 48-inch clear floor space around it.

4. The primary entrance door to the laundry must be of solid construction and include a full height tempered glass panel to allow residents a view of the outside/inside.
5. The laundry room must be positioned on the site to allow for a high level of visibility from residential units or the community building/office.
6. The laundry room must have adequate entrance lighting functioning from dusk to dawn.
7. If the project has only one laundry facility, it must be adjacent to the community building/office (if provided) to allow easy access and provide a handicap parking space(s).
8. One washer and one dryer must be front loading and usable by residents with mobility impairments (front loading), including at least a 30 by 48-inch clear floor space in front of each.

#### **PART 16: COMMUNITY / OFFICE SPACES**

1. Projects must have an office on site of at least 200 square feet (inclusive of handicapped toilet facility) and a maintenance room of at least 150 square feet. This includes subsequent phases of a multi-phase development. Single- family residential projects are exempt.
2. If provided, the community building/space must contain both a handicapped toilet facility and a kitchen area that includes a refrigerator and sink.
3. The office must be situated as to allow the site manager a prominent view of the residential units, playground, entrances/exits, and vehicular traffic.
4. The office must be clearly marked as such by exterior signage, placed at a visible location close to the building. The signage must use contrasting colors and large letters and numbers.
5. The City will review proposed office hours in the application and may require established office hours depending on the size of the development, proposed tenancy, etc.
6. Office space requirement may be waived on a case-by-case basis. Examples might include a subsequent phase with a shared use agreement, a scattered site project, or an existing management office within reasonable driving distance. Exemption must be approved by the City.

#### **PART 18: PARKING**

1. Family projects require a minimum of one parking spaces per unit.

2. There must be at least one handicap parking space for each designated accessible unit and must be the nearest available parking space to the unit. All handicap parking spaces and associated aisles must be concrete.
3. Handicap ramps may not protrude into parking lot. Handicap parking spaces and access aisles may not exceed 2% slope in any direction. Access aisles cannot be installed through vehicular paths of travel.

#### **PART 19: REFUSE COLLECTION AREAS**

1. Fencing consistent with the appearance of the residential buildings must screen the collection area.
2. The pad for the refuse collection area, including the approach area, must be concrete (not asphalt). The approach area must be a minimum 18 feet in length.
3. The refuse collection area(s) may not be at the entrances or exits of the project and should be reasonably located amongst all buildings.