

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2018

A RESOLUTION AMENDING THE MASTER FEE SCHEDULE
TO RESCIND THE RENTAL HOUSING IMPACT FEE

WHEREAS, in 2009, the decision of *Palmer/Sixth Street Properties, L.P., et al. v. City of Los Angeles* prohibited cities from adopting ordinances that require, as a condition of development of residential rental units, that the development include a certain percentage of residential rental units affordable to moderate-income, lower-income, very low-income, or extremely low-income households or by persons and families of low or moderate income; and

WHEREAS, in response to the *Palmer* decision, the City suspended the portion of its below-market-rate housing program and ordinance (BMR Program) which applies to rental housing; and

WHEREAS, in 2012, the City adopted a Rental Housing Impact Fee (RHIF) which contemplated future State legislation overturning the *Palmer* decision as follows:

“If State legislation is adopted that reinstates the City’s option of requiring developers of market-rate housing to provide affordable rental housing on-site to mitigate impacts, the Council shall consider amending the Master Fee Schedule to rescind this rental housing impact fee”; and

WHEREAS, in 2017, the State Legislature passed AB 1505, restoring the authority of cities and counties to require the inclusion of affordable housing in new rental housing projects, thereby superseding the *Palmer* decision; and

WHEREAS, on September 12, 2017, the City Council initiated consideration of modifying existing rental and ownership housing policies and programs with the goal of obtaining more affordable housing units instead of accepting payment of housing fees associated with new development; and

WHEREAS, on January 17, 2018, the Environmental Planning Commission (EPC) held a duly noticed public hearing and made recommendations to the City Council regarding modifications to the BMR Program, amendments to the City’s BMR Ordinance, and consideration of rescinding the RHIF; and

WHEREAS, on February 13, 2018, the City Council held a duly noticed public hearing, considered the recommendations from the EPC, and approved modifications to the BMR Program rescinding the RHIF;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View that:

1. The Master Fee Schedule is hereby amended to rescind the Rental Housing Impact Fee as shown in Exhibit A, attached hereto.

2. The effective date of this resolution shall be the same as the effective date of the ordinance amending the Below-Market-Rate Housing Program, Mountain View City Code Sections 36.40.10 through 36.40.25.

KC/2/RESO
011-02-13-18r-E

Exhibit: A. Amended Portion of Master Fee Schedule

