

Comparison of State Density Bonus Law (highlights), Current County Code and Draft Housing Ordinances Update (HOU)

	STATE LAW	CURRENT COUNTY CODE	DRAFT HOU
Eligibility (Projects with Affordable Units)	Minimum 5 “pre-bonus” units	As provided in state law	As provided in state law, with additional texts clarifying that ADUs count toward the “pre-bonus” units to align with state guidance
Density Bonus Sliding Scale (Base)	Sliding scale for the following set-asides, with a maximum density bonus of 50%: • Very low income • Lower income • Moderate income (<i>for sale only</i>)	As provided in state law for increments up to 35% density bonus for very low, lower and moderate income set-asides (state law as of 12/31/2020)* Sliding scale for <i>rental and for-sale</i> moderate income set-asides, with a maximum density bonus of 60% Sliding scale for lower income set-asides, with a maximum density bonus of 80% Sliding scale for very low income set-asides, with a maximum density bonus of 100% Sliding scale for extremely low income set-asides, with a maximum density bonus of 120% *State sliding scale changed on 1/1/2021 to increase the maximum density bonus from 35% to 50%.	As provided in current state law Sliding scale for <i>rental and for-sale</i> moderate income set-asides, with a maximum density bonus of 95% Sliding scale for lower income set-asides, with a maximum density bonus of 110% Sliding scale for very low income set-asides, with a maximum density bonus of 115% Sliding scale for extremely low income set-asides, with a maximum density bonus of 120% Sliding scale for acutely low income set-asides, with a maximum density bonus of 150%

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Density Bonus Sliding Scale (Additional “Stackable”)	Sliding scale for an additional “stackable” density bonus for projects providing an additional very low income or moderate income set-aside: • Very low income: maximum “stackable” density bonus of 38.75% • Moderate income: maximum “stackable” density bonus of 50%	Not in current code	As provided in state law
Incentives	Projects with an affordable housing set-aside may request incentives to modify zoning code requirements Number of incentives based on set-aside	As provided in state law as of 12/31/2023* Applicant can request an additional density bonus as an incentive *Number of incentives increased in state law on 1/1/2024.	As provided in current state law Incentives for extremely low income set-aside, with a maximum of five Incentives for acutely low income set-aside, with a maximum of six Delete the provision that allows an additional density bonus as an incentive to align with state’s guidance

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Duration of Affordability (Rental Units)	At least 55 years	At least 55 years	At least 99 years
Parking Ratios	Reduced parking ratios based on project type, set-aside and proximity to transit	As provided in State law No parking required for extremely low income units	As provided in State law No parking required for extremely low or acutely low income units
Mixed Tenure Projects			If a project has a mix of rental and for-sale units (i.e., apartments, condos, and single-family residences), the number of density bonus units must be proportional to the number of affordable units for each tenure.