
INTER

OFFICE

MEMO

To: HARRISBURG CITY COUNCIL
From: Kirk Petroski, City Clerk
LEGISLATIVE APPROVAL FORM

Date:

LEGISLATIVE APPROVAL FORM/CERTIFICATE OF ACCEPTANCE

BILL NO. 16 -2020

RESOLUTION NO. -2020

THE ABOVE LISTED ITEM WAS WRITTEN AND PREPARED FOR FINAL INTRODUCTION AT THE HARRISBURG CITY SOLICITOR ' S OFFICE ON:

/s/Tiffanie E. Baldock
Sr. Deputy City Solicitor

11/23/2020
Date

Requested by Department/Bureau: Mayor and City Council

Department/Bureau Contact Person: Mayor and City Council

For Action on or before:

The attached was received in the Office of the City Clerk for introduction on

Received by: _____

Date: _____

BILL NO. ____ - 2020

Moved by: _____

An Ordinance amending the Codified Ordinances of the City of Harrisburg, adding thereto Title 12, entitled Affordable Housing; establishing incentives for the development of affordable dwelling units through the use of affordable housing development certifications and agreements; authorizing the promulgation of rules and regulations to establish and maintain affordable housing programs; and imposing fines and penalties for willful non-compliance with program requirements and agreements.

WHEREAS, the City of Harrisburg (the “City”) recognizes the need to increase the supply of affordable housing to enhance social and economic opportunities for those residing within the City; and

WHEREAS, the City is committed to advancing the creation of suitable residential units that are well-maintained, attractive and stable by creating an alternative set of regulations for residential development which leads to the creation of affordable housing; and

WHEREAS, the City finds that providing zoning incentives and real estate tax abatement will encourage the creation and maintenance of affordable housing units which will increase the supply of affordable housing, preclude over-concentration of affordable housing in any one area and protect property values and thereby realize a genuine improvement in access to affordable housing; and

WHEREAS, the City’s Planning Bureau has recommended a zoning amendment which allows for increased density and other zoning relief in the Residential Light, Residential Medium and Commercial General Zoning Districts for certain types of Residential Principal Uses to encourage the development of affordable housing; and

WHEREAS, additionally, the City desires to amend Chapter 5-503 Tax Abatement and Exemptions (known as LERTA) to provide for real estate tax abatement for a 10-year period for those developments that contain affordable housing; and

34 **WHEREAS**, furthermore, the City desires to formalize its Street Vacation process by
35 providing a transparent and predictable process and identifying those elements of development
36 which are deemed expedient for the public good, namely affordable housing.

37
38

39 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
40 **HARRISBURG, AND IT IS HEREBY ENACTED BY AUTHORITY OF THE SAME, AS**
41 **FOLLOWS:**

42

43 Ch. 1-201.1.C PROVIDES "AMENDMENTS TO EXISTING LEGISLATION ARE TO
44 BE UNDERLINED; DELETIONS ARE TO BE INDICATED BY [BRACKETING]. ADDITIONS TO
45 PROPOSED LEGISLATION WHICH AMENDS EXISTING LEGISLATION SHALL BE CAPITALIZED;
46 DELETIONS SHALL BE INDICATED BY STRIKING (-) ."

47
48

49 **SECTION 1. CREATION.**

50 The City does hereby create Title 12 of the City Code to be entitled AFFORDABLE HOUSING
51 and creates PART 1 (12-100) thereof entitled AFFORDABLE HOUSING PROGRAMS to read
52 as follows:

53
54

"Title 12
Affordable Housing
Part 1 (12-100), Affordable Housing Programs

55
56
57

CHAPTER 12-100
AFFORDABLE HOUSING PROGRAMS

58
59
60

§ 12-100.1 General Purpose and Intent

61 The purpose of Title 12 is to establish Affordable Housing Programs to encourage the
62 development of quality affordable dwelling units throughout the City of Harrisburg.

63
64

CHAPTER 12-101
AFFORDABLE HOUSING CERTIFICATION

65

66 § 12-101.1. Purpose and Intent.

67 The purpose of this Chapter is to establish a certification process and long term incentives for
68 affordable and workforce housing, with qualifying plans to be known as Affordable Housing
69 Developments.

70

71 § 12-101.2. Applicability.

72 This Chapter shall apply to any person who owns, constructs, operates, manages or otherwise
73 controls an Affordable Housing Development in the City of Harrisburg subject to an Affordable
74 Housing Development Agreement or Certificate of Qualification from the City of Harrisburg.
75 Nothing in this Chapter shall apply to Rooming Houses, as defined in Chapter 7-333 of the Zoning
76 Code.

77

78 § 12-101.3 Definitions.

79 As used in this Chapter, unless otherwise expressly stated or clearly indicated by the context, the
80 following terms shall have the meanings indicated:

81

82 *Affordable Housing* - Housing which is available for rent to Low Income and Workforce
83 households as defined herein and costs no more than 30% of household income.

84

85 *Affordable Housing Developer* - A nonprofit entity, public agency, or private individual,
86 firm, corporation, or other duly organized entity seeking to build an Affordable Housing
87 Development.

88

89 *Affordable Housing Development Agreement* – A binding, written contract between the
90 City of Harrisburg and an Affordable Housing Developer detailing the terms and
91 conditions of the Affordable Housing Program and the obligations of the Affordable
92 Housing Developer.

93

94 *Affordable Housing Development* – Any residential housing in which at least twenty (20)
95 percent of the dwelling units are subject to covenants or restrictions that require the

96 dwelling units be rented at prices that preserve them as Affordable Housing for a period of
97 at least ten (10) years.

98
99 *Certificate of Qualification* – The documentation issued by the City of Harrisburg
100 indicating that the Affordable Housing Development has met the Affordable Housing
101 Program eligibility criteria.

102
103 *Low Income* – A household whose income does not exceed 80% of the median family
104 income for the area, as determined, published and updated periodically by the U.S.
105 Department of Housing and Urban Development.

106
107 *Rent* – Money paid by a tenant, including any essential utilities such as gas and electric, in
108 exchange for the exclusive use and enjoyment of a dwelling unit. It not does include non-
109 essential utilities such as phone, cable, satellite or internet service.

110
111 *Workforce* - A household whose income is between 80% and 120% of the median family
112 income for the area, as determined, published and updated periodically by the U.S.
113 Department of Housing and Urban Development.

114
115 § 12-101.4. Application for Certificate of Qualification.

116 An Affordable Housing Developer shall apply for a Certificate of Qualification for an Affordable
117 Housing Development on a form developed by the City of Harrisburg.

118
119 § 12-101.5. Certificate of Qualification Eligibility Criteria.

120 In order for an Affordable Housing Development to receive a Certificate of Qualification, all of
121 the following minimum criteria must be met:

122 a. The minimum number of Affordable Housing dwelling units shall be a minimum of 20%
123 of the Developer's market rate dwelling unit count for the proposed Affordable Housing
124 Development.

125 b. The Affordable Housing dwelling units shall be made available for rent to either Low
126 Income or Workforce Housing households as defined herein.

- 127 c. The Affordable Housing dwelling units shall be made available for rent at a price that does
128 not exceed 30% of a household's monthly income.
- 129 d. All Affordable Housing dwelling units shall remain affordable for a period of not less than
130 ten (10) years from the date of the initial rental and occupancy of the affordable housing
131 dwelling units.

132
133 § 12-101.6. Design and Integration of Affordable Housing Dwelling Units.

- 134 a. Affordable Housing dwelling units shall be mixed with, and not clustered together or
135 segregated in any way from, any/all market rate dwelling units.
- 136 b. Affordable Housing dwelling units shall be made available for occupancy as
137 approximately the same rate as the market rate units, except that certificates of occupancy for the
138 last 15% of the market rate units shall be withheld until certificates of occupancy have been
139 issued for all of the Affordable Housing dwelling units.
- 140 c. Affordable Housing dwelling units shall be the same as with the market rate dwelling units
141 in exterior visual appearance and architectural style. External building materials and finishes
142 shall be the same in type and quality for the Affordable Housing dwelling units as for the market
143 rate dwelling units.
- 144 d. Affordable Housing dwelling units may not differ from the market rate dwelling units in
145 an Affordable Housing Development with respect to insulation, windows, heating and cooling
146 systems, plumbing and other improvements related to energy efficiency of the dwelling units.
- 147 e. Except for household income limitation as set forth herein, rental and occupancy of any
148 Affordable Housing dwelling unit shall not be limited by any conditions that are not otherwise
149 applicable to all dwelling units within the Affordable Housing Development.

150
151 § 12-101.7. Affordable Housing Development Agreement.

152 Prior to the issuance of any permit(s), the Affordable Housing Developer shall enter into an
153 Affordable Housing Development Agreement with the City of Harrisburg regarding the specific
154 Affordable Housing requirements and restrictions on the proposed Affordable Housing
155 Development. The Agreement shall set forth the commitments and obligations of the applicant. The
156 Agreement may be modified by mutual consent of the applicant and the City, as long as the modified
157 Agreement remains in conformity with this Chapter.

159 § 12-101.8. Annual Certification.

- 160 A. Applicants who have applied for and received a Certification of Qualification for an
161 Affordable Housing Development pursuant to this Chapter shall, for the larger of ten
162 (10) years or the length of time any benefit is accrued as a result of such certification,
163 file an annual certification with the City of Harrisburg.
- 164 B. An annual certification shall be filed contemporaneously with the annual registration
165 required by Section 8-511, Residential Rental Unit Registration Program, of the
166 Codified Ordinances of Harrisburg, and shall be made on a form prescribed by the
167 City of Harrisburg. Each annual certification shall be effective until December 31 of
168 the calendar year for which the certification application was submitted.
- 169 C. Failure to file an annual certification application before January 1 of any calendar year
170 shall result in the revocation of the Certificate of Qualification.
- 171 D. The annual certification shall contain an attestation that the Affordable Housing
172 Development remains in compliance with the Affordable Housing Program.

173

174 § 12-101.9. Incentives For Development of Affordable Housing.

175 Applicants who receive a Certificate of Qualification and enter into an Affordable Housing
176 Development Agreement shall be eligible to seek the following benefits for the housing
177 development project, as applicable:

- 178 A. Real Estate tax abatements on new residential construction under Chapter 5-503 of
179 the Codified Ordinances of the City of Harrisburg for qualifying Affordable
180 Housing Developments.
- 181 B. Special Relief under Title 7, Planning and Zoning Code of the Codified Ordinances
182 of the City of Harrisburg for qualifying Affordable Housing Developments.
- 183 C. Satisfying the criteria for provision of a public benefit or public good on a related
184 application for vacating a street under Chapter 9-117 of the Codified Ordinances of
185 the City of Harrisburg for qualifying Affordable Housing Developments.

186

187 § 12-101.10. Transfer of Rights and Obligations.

188 Any transfer of the right of ownership, control or management of an Affordable Housing
189 Development, the real property on which the Development is situated or rights under an Affordable
190 Housing Development Agreement is subject to pre-approval by the City of Harrisburg. In order to
191 be effective, any transfer shall require a fully executed amendment to the applicable Affordable
192 Housing Development Agreement in order to avoid penalties and enforcement under the Chapter.

193

194 § 12-101.11. Notice of Filing of Affordable Housing Development Agreements.

195 An Affordable Housing Development Agreement bearing each parcel number subject to the
196 Agreement shall be required to filed, at the sole expense of the Developer, with the Dauphin
197 County Recorder of Deeds in order to maintain or renew a Certificate of Qualification and a
198 Certificate of Occupancy for the housing development.

199

200 § 12-101.12. Enforcement.

201 Any Applicant who has applied for and received a Certificate of Qualification of an Affordable
202 Housing Development pursuant to this Chapter and received any benefit, including benefits
203 pursuant to Chapters 5-503 or Chapter 7 of the Codified Ordinances of Harrisburg, as a result of
204 such certification may be subject to actions for enforcement and penalties for violations of this
205 Chapter as follows:

206 A. If permits have been issued for any property that was certified to qualify as an
207 Affordable Housing Development pursuant to this Chapter, all such permits shall
208 be immediately revoked and no new permits or certificates may be issued for the
209 property until all violations of this Chapter have been cured.

210 B. If a Certificate of Occupancy has been issued by the City of Harrisburg such
211 certificate shall be subject to immediate revocation and no new occupancy
212 certificate may be issued for the property until all violations of this Chapter have
213 been cured.

214 C. The application of the any penalty under the Chapter shall not prevent the City from
215 pursuing any other remedy available at law or equity. Prosecution for violation of
216 a provision of this Chapter, shall not exclude prosecution for violation of any other
217 applicable City, state or federal law but rather shall be in addition thereto. Nothing
218 in this Part shall prohibit the imposition of penalties pursuant to Title 5 Part 5, Tax

219 Abatements and Exemptions or pursuant to the Municipalities Planning Code, 53
220 P.S. §10101 *et seq.*

221
222 § 12-101.13. Appeals.

223 If an Applicant is denied a Certificate of Qualification for an Affordable Housing Development
224 or the renewal thereof, the Applicant shall be promptly notified in writing via first-class mail
225 within 15 days of such determination. The Applicant may file an appeal within 30 days in
226 accordance with the Local Agency Law, 2 Pa.C.S. § 101 *et seq.*

227
228 § 12-101.99. Penalties.

229 Whoever knowingly violates any provision of this Chapter shall, upon conviction thereof, be
230 guilty of a summary offense for each separate violation respectively and, where no specific
231 penalty or fine is provided therefor, subject to a fine of not less than \$50 nor more than \$1,000
232 plus costs. For purposes of this Chapter, violations that are not cured within 30 days of notice of
233 any kind from the City may be considered continuing violations subject to the enhanced penalty
234 provisions of Section 303 of the Optional Third Class City Charter Law, 53 P.S. § 41303.”

235
236 **SECTION 2.** DELEGATION. Appropriate City officials are authorized to take such actions as
237 are necessary to effectuate this ordinance, including but not limited to, the implementation of
238 rules and regulations to carry out the purpose of this ordinance.

239
240 **SECTION 3.** SEVERABILITY. If any provision, sentence, clause, section or part of this
241 ordinance or the application thereof to any person or circumstance is for any reason found to be
242 unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality,
243 illegality or invalidity shall not affect or impair any of the remaining provisions, sentences,
244 clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Council of
245 the City of Harrisburg that this ordinance would have been adopted had such unconstitutional,
246 illegal or invalid provision, sentence, clause, section or part not been included herein.

247

248 **SECTION 4.** REPEALER. All ordinances or provisions of ordinances in conflict with the
249 provisions of this ordinance are hereby repealed in so far as they are inconsistent herewith.

250

251 **SECTION 5.** EFFECTIVE DATE. This ordinance shall take effect in accordance with the law.

252

253 Seconded by: _____

254

255 Passed by Council: _____

256

257 Signed by the Mayor: _____

258