

LOCAL PREFERENCE POLICY FOR THE CITY OF CALISTOGA

Applicants who are employed by the City of Calistoga or who live and/or work within the City of Calistoga will have a preference for housing developed pursuant to the City's affordable housing regulations in accordance with the following policy:

1. Preference

Based upon the findings set forth in Resolution No. 2008-114 adopted by the City Council of the City of Calistoga on December 16, 2008, the City establishes the following priority to be used whenever ownership or rental housing opportunities are made available to eligible income households.

1. City of Calistoga Employees. First priority is given to eligible households with a member who is an employee of the City.
2. Live and Work. Second priority is given to eligible households with a member who lives *and* works in the City of Calistoga.
3. Live or Work. Third priority is given to eligible households with a member who lives *or* works in the City of Calistoga.
4. All other. Fourth priority is given to all other households.

The priorities listed above are to be applied in conformance with the provisions of this policy for the following rental and ownership projects:

- A. Projects receiving a subsidy from the City's Affordable Housing Trust Fund.
- B. Housing units developed pursuant to the City's inclusionary housing requirements.
- C. Housing units required as part of an Affordable Housing Agreement with the City and/or a Development Agreement.

The policy shall be applied to projects receiving affordable housing funds from Federal and/or State agencies to the extent permitted by law.

2. City Employment

For purposes of this policy, an applicant will be determined to be an eligible employee of the City of Calistoga if the applicant is: (1) a regular full time employee who has passed his or her probationary period of employment; or (2) a part time employee in the City's Fire Department.

3. Residency

For purposes of this policy, an applicant will be determined to live within the City of Calistoga if the applicant has lived in the City of Calistoga for three consecutive months or longer. The applicant must produce evidence of residency in the City of Calistoga. This evidence can be a copy of a deed, lease, rental agreement, rent receipt, utility bill, driver's license, or other documentation that indicates residency.

4. Employment

For purposes of this policy, an applicant will be determined to work in the City of Calistoga if the primary place of employment for at least one member of the applicant's household is located in the City of Calistoga. If the applicant holds more than one job, the employment in the City of Calistoga must be the job providing the greater percentage of income to the applicant. If the applicant does not have a fixed place of employment (e.g., delivery personnel, repair persons), but spends at least 50% of his or her time employed in the City of Calistoga, the applicant will be determined to be employed in the City of Calistoga.

5. Application

The developer, City of Calistoga itself, and/or its agent shall affirmatively market the development in accordance with the City of Calistoga's Affirmative Fair Housing Marketing Policy, Plan and Procedures. Applicants shall file complete applications with an agency designated by the City of Calistoga (e.g., Calistoga Affordable Housing, Inc., or the Housing Authority of the City of Napa) by a deadline set by the agency.

6. Determination of Eligibility

Applicants who have applied for the local housing preference shall be notified by the appropriate agency whether their eligibility for preference has been confirmed. If the agency determines that an applicant is not eligible for the preference, the agency shall notify the applicant and allow the applicant no less than five days to present additional evidence verifying the applicant's eligibility for the preference. The applicant can submit the additional evidence in writing or may request a hearing to present the evidence. The additional evidence of eligibility shall be presented to the agency's administrator of housing programs or executive director, who may consider any evidence he or she considers relevant to determining the applicant's eligibility. The administrator of housing programs or executive director shall make a final determination of the applicant's eligibility for the preference based on all evidence submitted by the applicant within five days of receiving the evidence. The administrator of housing programs or executive director's decision shall be final.

7. Lottery

In administering the preference policy, a lottery will be used to select applicants. All applicants participating in the lottery must meet all income, credit, family composition, and citizenship or resident alien requirements criteria established for occupancy in the development regardless of the applicant's preference eligibility. An applicant qualifying for the "City Employee" preference will have four opportunities to have his or her name drawn from the lottery. An applicant qualifying for the "live and work" preference will have three opportunities to have his or her name drawn from the lottery. An applicant qualifying for the "live or work" preference will have two opportunities to have his or her name drawn from the lottery. All other applicants will have one opportunity to have their names drawn from the lottery. Preference applicants shall be assigned the most favorable lottery number drawn.

8. On-Going Application of Preference Policy

The preference policy shall be applied at both initial occupancy and subsequent sale or rental of affordable housing units. Waiting lists for subsequent purchase or rental of an existing affordable housing unit shall be established and periodically updated as approved by the Planning and Building Director consistent with the preferences and procedures stated above.

(Approved by Resolution No. 2008-114)