

Mandatory Housing Affordability and Incentive Zoning 2021 Report

SEATTLE OFFICE OF HOUSING

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TABLE OF CONTENTS

SECTION 1: MANDATORY HOUSING AFFORDABILITY (MHA)	1
Background.....	1
Table 1.1: Zoning Legislation Implementing MHA	2
Development with MHA Contributions in 2021	2
Performance Option: MHA Units as of December 31, 2021	3
MHA Units Placed in Service.....	4
Table 1.2: Housing with MHA Units – In Service.....	4
MHA Units Committed.....	4
Table 1.3: Housing with MHA Units – Under Construction.....	5
Table 1.3 (Continued): Housing with MHA Units – Under Construction	6
Map 1: MHA Performance Option Housing.....	7
Payment Option: MHA Payments as of December 31, 2021	8
MHA Payments Received.....	8
MHA Payments Projected.....	8
MHA Funds Awarded for Low-Income Housing	8
Table 1.4: MHA Payments and Investments by Location	9
SECTION 2: INCENTIVE ZONING (IZ)	10
Background.....	10
Table 2.1: Land Use Code References	10
Development with IZ Housing Contributions in 2021	11
Performance Option: IZ Units as of December 31, 2021.....	11
IZ Units Placed in Service	11
Table 2.2: Housing with IZ Units – Place in Service in 2021.....	12
IZ Units Committed.....	13
Table 2.3: Housing with IZ Units – Under Construction.....	13
Map 2: IZ Performance Option Housing.....	14
Payment Option: IZ Payments as of December 31, 2021	15
IZ Payments Received.....	15
Table 2.4: IZ Payments Received in 2021.....	15
IZ Payments Projected	15
Table 2.5: IZ Payments Deferred Until Construction Completion as of 12/31/2021.....	15
IZ Funds Awarded for Low-Income Housing.....	15
INFORMATION	16



SECTION 1: MANDATORY HOUSING AFFORDABILITY (MHA)

Background

Under Mandatory Housing Affordability (MHA), Seattle requires new multifamily and commercial development to include affordable homes or contribute to a City fund used for the preservation and production of low-income housing. MHA was implemented incrementally concurrent with area-wide zoning changes and modifications to the Land Use Code that increased development capacity. The first half of this report identifies the affordable housing units built or committed through either MHA's performance option or payment option.

Land Use Code Chapters 23.58B and 23.58C provide the regulatory framework for affordable housing impact mitigation through MHA-Commercial (MHA-C) and RCW 36.70A.540-authorized affordable housing incentives through MHA-Residential (MHA-R). MHA-C applies to development that includes more than 4,000 square feet of gross floor area in commercial use. MHA-R applies to net new residential and live-work units. MHA-C and MHA-R payment and performance requirements vary based on a property's location and the MHA-related development capacity increase approved for the zone.

In 2019 City Council adopted Ordinance 125791 and approved related Comprehensive Plan changes needed to implement MHA. Ordinance 125791 included so-called "citywide" zoning actions which expanded MHA requirements to most neighborhoods with zoning accommodating multifamily housing, including 6 percent of land area previously zoned exclusively for detached single-family homes. With only a few exceptions, all areas zoned for commercial and multifamily residential development are subject to MHA. The table below shows each of the zoning ordinances by which MHA was implemented. MHA requirements apply to projects that vested *after* the applicable area's zoning ordinance took effect.

Table 1.1: Zoning Legislation Implementing MHA

AREA	ORDINANCE NUMBER	ADOPTED
UNIVERSITY DISTRICT URBAN CENTER	ORDINANCE 125267	FEBRUARY 2017
DOWNTOWN AND SOUTH LAKE UNION URBAN CENTERS	ORDINANCE 125291	APRIL 2017
CHINATOWN-INTERNATIONAL DISTRICT URBAN CENTER VILLAGE	ORDINANCE 125371	AUGUST 2017
23RD AVENUE AND CHERRY STREET 23RD AVENUE AND UNION STREET 23RD AVENUE AND JACKSON STREET	ORDINANCE 125359 ORDINANCE 125360 ORDINANCE 125361	AUGUST 2017
UPTOWN URBAN CENTER	ORDINANCE 125432	OCTOBER 2017
OTHER AREAS ZONED FOR COMMERCIAL AND MULTIFAMILY RESIDENTIAL DEVELOPMENT	ORDINANCE 125791	APRIL 2019

Development with MHA Contributions in 2021

When a project with MHA requirements applies for land use and construction permits, its affordable housing contribution must be approved by the Office of Housing and SDCI. MHA payment and/or performance requirements, according to permit plans verified by SDCI, must be satisfied prior to issuance of the first construction permit that includes the structural frame of the building.¹

In 2021, affordable housing contributions through MHA were made for 295 projects with issued building permits. This is an increase from the 224 projects making housing contributions in 2020. Comparing the last two calendar years, MHA payments increased nearly 13 percent (\$67 million in 2020 and \$75.5 million in 2021) and MHA units committed to be provided through the performance option increased nearly four times (20 MHA units in 2020 and 95 MHA units in 2021). The Performance Option and Payment Option sections below provide additional detail about MHA contributions.

¹ If a project includes both residential and commercial floor area, the property owner might satisfy requirements for floor area with one type of use (e.g. commercial) through payment and satisfy requirements for floor area with the other type of use (e.g. residential) through performance. In addition, if performance option requirements include a fraction of an MHA Unit, the City must accept payment-in-lieu for that fraction of a unit only if the property owner does not wish to round the fractional unit up to one MHA unit.

Performance Option: MHA Units as of December 31, 2021

Projects for which the owner chooses to comply with MHA through the performance option must have an agreement recorded against the property title as a condition of issuance of the first building permit that includes the structural frame for the structure. Units designated to be income and rent restricted under the performance option (MHA Units) must be comparable to other project units in terms of unit size, number of bedrooms, access to amenities, and distribution within the development. MHA Units have maximum rents or sale prices and serve income-eligible renters or homebuyers for a minimum of 75 years.²

At initial occupancy, MHA Units provided through the performance option must serve households with incomes no greater than 40 percent of AMI for rental units with a net unit area of 400 square feet or less or households with incomes no greater than 60 percent of AMI for rental units with a net unit area of greater than 400 square feet. Monthly rent does not exceed 30 percent of 60 percent of AMI or, in the case of rental units with net unit area of 400 square feet or less, 30 percent of 40 percent of AMI.

Initial sales of ownership MHA Units must be to households with incomes no greater than 80 percent of AMI, and that meet a reasonable limit on assets. The initial sales price is calculated so that total ongoing housing costs do not exceed 35 percent of 65 percent of AMI, in order to allow for equity growth for individual homeowners while maintaining affordability for future buyers. To date, the developer of one project that will be owner-occupied has elected to use to performance option to satisfy MHA requirements. That project, 9202 Mary Ave NW (shown in Table 1.3 below), will include one unit affordable to a household with income not to exceed 80% AMI.

Property owners must affirmatively market MHA Units to households who otherwise might be unlikely to apply to live there. For those households, affirmative marketing increases awareness of housing vacancies, broadens housing choice, and improves the likelihood of securing housing, regardless of their race, color, religion, sex, national origin, familial status, disability, or other protected class status.

Since initial adoption of MHA legislation through December 31, 2021, developers have committed to including 188 MHA Units in 26 projects totaling 2,463 units.

² 2021 Income Limits

Family Size	Percent of Area Median Income		
	40%	60%	80%
1	\$32,400	\$48,590	\$64,790
2	\$37,020	\$55,540	\$74,050
3	\$41,650	\$62,480	\$83,300
4	\$46,280	\$69,420	\$92,560

MHA Units Placed in Service

MHA Units are complete (i.e. “placed in service”) upon issuance of a certificate of occupancy for the building. The following table identifies the six properties with MHA Units in service as of December 31, 2021.

Table 1.2: Housing with MHA Units – In Service

PROPERTY ³	TOTAL UNITS	MHA UNITS	RENT/INCOME LIMIT	LOCATION	YEAR PLACED IN SERVICE
THE STAX	60	4	40% OF AMI	UNIVERSITY DISTRICT	2019
EAST UNION	144	4	60% OF AMI	23 RD & UNION-JACKSON	2018
ZELLA APARTMENTS	128	8	60% OF AMI	UPTOWN	2019
PORTAL APARTMENTS	54	3	60% OF AMI	FREMONT	2020
DP STUDIOS	22	2	40% OF AMI	UNIVERSITY DISTRICT	2020
KIRIN APARTMENTS	95	7	40% OF AMI 60% OF AMI	UPTOWN	2021
TOTAL	503	28			

MHA Units Committed

The performance option requires commitment of MHA Units as a condition of issuance of the first building permit that includes the structural frame for the structure. Commitments are finalized with execution and recording of an Office of Housing-approved MHA performance agreement. In 2021, property owners entered into agreements with the City to include 95 MHA Units in 13 projects totaling 1,286 units. As noted above, this is a sharp increase from year 2020 when owners of five projects totaling 208 units committed to set-aside 20 as MHA units. MHA performance agreements are executed for an additional five projects with building permit issuance still pending. Assuming those projects move

³ East Union, Zella Apartments, The Stax, and Portal Apartments vested before implementation of MHA. MHA commitments for those projects were made as part of City Council-approved Property Use and Development Agreements (PUDAs) required for contract rezones. For this reason, the payment and performance requirements for these projects are different from current MHA requirements according to SMC Chapters 23.58B and 23.58C. For example, the affordability term for MHA units at Zella Apartments and East Union is 50 years instead of 75 years and the MHA units at The Stax satisfy both MHA requirements and a portion of the requirements for its Multifamily Property Tax Exemption.

forward, another 589 units would include a set-aside of 39 MHA units. The following table lists the 20 projects with committed MHA Units and under construction as of December 31, 2021.

Table 1.3: Housing with MHA Units – Under Construction

PROJECT ADDRESS	TOTAL UNITS	MHA UNITS	AFFORDABILITY/ INCOME LIMIT	LOCATION	YEAR AGREEMENT EXECUTED
2019	456	45			
1261 S KING ST	24	1	60% OF AMI	CHINATOWN-INTL DISTRICT	2019
2301 E UNION ST	432	44	60% OF AMI	23 RD & UNION-JACKSON	2019
2020	208	20			
1771 17TH AVE S	8	2	60% OF AMI	MT. BAKER	2020
1817 S CHARLES ST	4	1	60% OF AMI	23 RD & UNION-JACKSON	2020
4048 7TH AVE NE	79	7	40% OF AMI	UNIVERSITY DISTRICT	2020
6860 EAST GREEN LAKE WAY N	97	9	40% OF AMI	GREEN LAKE	2020
9202 MARY AVE NW	20	1	80% OF AMI ⁴	CROWN HILL	2020
2021	1,286	95			
1130 N NORTHGATE WAY	65	4	40% OF AMI	AURORA-LICTON SPRINGS	2021
119 22ND AVE E	43	3	40% OF AMI 60% OF AMI	MADISON-MILLER	2021

⁴ 9202 Mary Ave NW is an owner-occupied housing development, so the income limit is 80% AMI.

Table 1.3 (Continued): Housing with MHA Units – Under Construction

PROJECT ADDRESS	TOTAL UNITS	MHA UNITS	AFFORDABILITY/ INCOME LIMIT	LOCATION	YEAR AGREEMENT EXECUTED
1323 E UNION ST	126	13	60% OF AMI	12 TH AVENUE	2021
544 NW 52ND ST	67	6	40% OF AMI 60% OF AMI	BALLARD	2021
1750 22ND AVE S	287	21	40% OF AMI 60% OF AMI	MT. BAKER	2021
1765 22ND AVE S	282	20	40% OF AMI 60% OF AMI	MT. BAKER	2021
4205 SW GENESEE ST	77	5	40% OF AMI	WEST SEATTLE JUNCTION	2021
4612 STONE WAY N	15	2	40% OF AMI	WALLINGFORD	2021
5228 15TH AVE NE	58	4	40% OF AMI	UNIVERSITY DISTRICT	2021
5231 RAINIER AVE S	120	8	40% OF AMI 60% OF AMI	COLUMBIA CITY	2021
6515 38TH AVE S	114	6	40% OF AMI	OTHELLO	2021
7006 GREENWOOD AVE N	25	2	40% OF AMI	GREENWOOD	2021
9314 RENTON AVE S	7	1	60% OF AMI	RAINIER BEACH	2021
TOTAL	1,950	160			

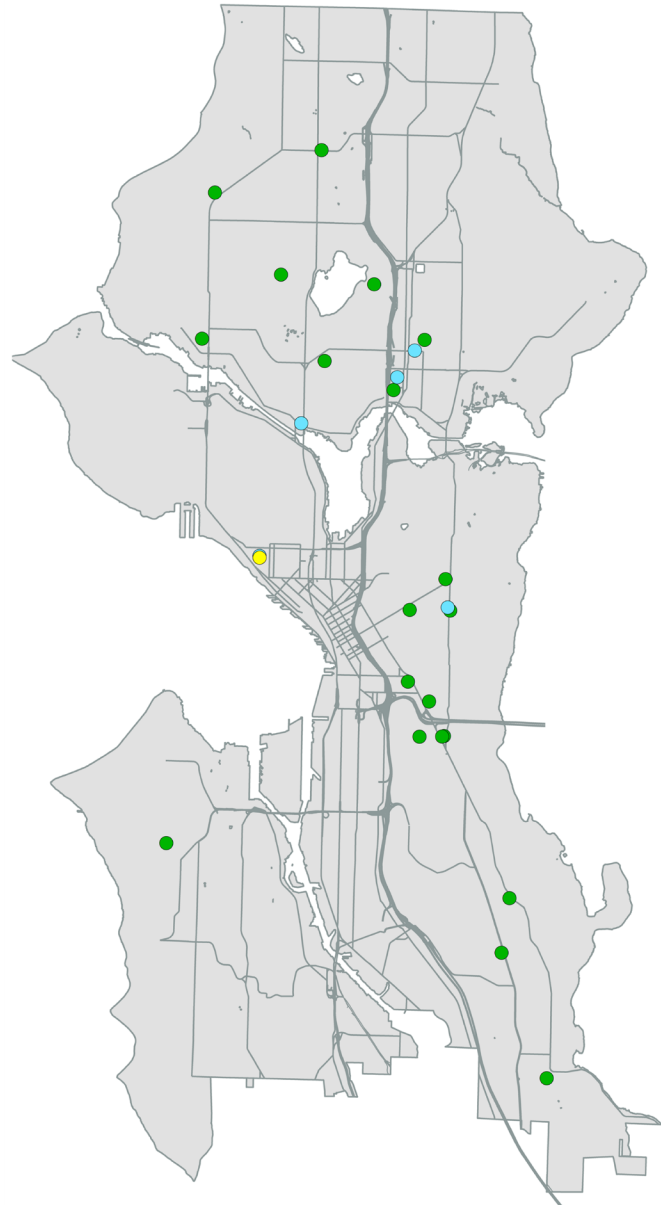
Properties that include MHA units are located throughout the city of Seattle. The following map shows locations of properties that used the MHA performance option and that were either in service or under construction as of December 31, 2021.

Map 1: MHA Performance Option Housing

Mandatory Housing Affordability (MHA) Performance Projects

- Placed in service in 2021
- In service prior to 2021
- Under construction

Source: Office of Housing (2022)



Payment Option: MHA Payments as of December 31, 2021

MHA Payments Received

Total MHA payments received by the City for projects with building permits issued as of 12/31/2021 sum to \$171.4 million.⁵ The subtotal of MHA payments received in 2021 is \$75.5 million. Of the 2021 total, \$18.5 million was received in the final quarter of the year and some of that amount was not yet available for award through an OH Notice of Funding Availability (commonly referred to as a NOFA). Of the total MHA dollars contributed, 93% are for development in Seattle Mixed (36%), Lowrise (21%), Neighborhood Commercial (19%), and Downtown (18%) zones. Nine of ten MHA dollars contributed are for development of residential floor area; one in ten MHA dollars is for development of commercial floor area.

MHA Payments Projected

Estimated future MHA payments total approximately \$90.2 million. Estimates are based on preliminary payment calculations for projects that have an issued Master Use Permit (MUP) but not an issued building permit as of 12/31/2021. The amount of estimated future MHA payments does not reflect potential cash contributions from development projects in permitting for which a MUP is not required.

MHA Funds Awarded for Low-Income Housing

Of \$171.4 million received to date, the Office of Housing has awarded \$159 million to low-income housing. The Office of Housing typically awards MHA funds for low-income housing the same calendar year as when payments are received. The exception may be when the Office of Housing receives MHA payments late in the year.

The Office of Housing's 2021 funding awards for low-income housing included approximately \$56.9 million in MHA payment proceeds.⁶ These investments will support 990 affordable rental apartments and 17 for-sale condominiums, all of which will be reserved for low-income first-time homebuyers and resale-restricted to ensure permanent affordability. See the Office of Housing's [2021 Annual Investments Report](#) for detail of and related maps showing investments (including MHA funds) in City-restricted low-income housing.

The Office of Housing balances the public's interest in allocation of funds to priority areas with prompt funding of awards to bring low-income housing online as expeditiously as possible. The City's [Housing Funding Policies](#), as adopted by City Council, identify geographic areas as priority locations for funding awards if:

⁵ An additional \$4.1 M has been received for projects for which the building permits have not yet been issued as of December 31, 2021. MHA contribution amounts are subject to change until plan sets are finalized and a project is under construction.

⁶ Amounts awarded are subject to change until completion of the low-income housing.

- MHA payments received total at least \$4 million and low-income housing investments by the Office of Housing have yet to be made; or
- There is a significant imbalance between the amount of MHA payments received and the total amount low-income housing investments.

The following table shows total MHA payments received from property owners and total MHA funds committed to low-income housing by geographic area.

Table 1.4: MHA Payments and Investments by Location

GEOGRAPHIC AREA	MHA PAYMENTS THROUGH 12/31/2021	MHA INVESTMENTS THROUGH 12/31/2021
RAVENNA, ROOSEVELT, UNIVERSITY DISTRICT	\$51.10 M	\$0 M
BELLTOWN, CHINATOWN-ID, COMMERCIAL CORE, DENNY TRIANGLE, PIONEER SQUARE	\$30.42 M	\$16.23 M
BALLARD, CROWN HILL, GREENWOOD-PHINNEY RIDGE	\$24.33 M	\$4.00 M
QUEEN ANNE, UPTOWN	\$22.13 M	\$0 M
SOUTH LAKE UNION	\$12.26 M	\$0 M
COLUMBIA CITY, MT. BAKER, NORTH BEACON HILL, OTHELLO, RAINIER BEACH	\$6.59 M	\$51.04 M
FREMONT, GREEN LAKE, WALLINGFORD	\$6.52 M	\$15.50 M
23RD & UNION-JACKSON, MADISON-MILLER	\$5.86 M	\$20.85 M
ADMIRAL, MORGAN JUNCTION, SOUTH PARK, WEST SEATTLE JUNCTION, WESTWOOD-HIGHLAND PARK	\$5.43 M	\$1.00 M
12TH AVENUE, CAPITOL HILL, EASTLAKE, FIRST HILL	\$4.04 M	\$37.59 M
AURORA-LICTON SPRINGS, BITTER LAKE VILLAGE	\$1.72 M	\$0 M
LAKE CITY, NORTHGATE	\$1.00 M	\$12.80 M
TOTAL	\$171.41 M	\$159.03 M



SECTION 2: INCENTIVE ZONING (IZ)

Background

Incentive Zoning allows commercial and residential developers to achieve additional development capacity by providing affordable housing units (IZ Units) or making a payment to fund capital costs of producing and preserving low-income housing across Seattle. This section of the report identifies the number of IZ Units provided and the amount of funding contributed through IZ.

Both IZ and MHA enable developers to achieve additional development capacity. However, IZ is distinguished from its successor MHA (discussed in the first section of this report) by its voluntary nature. Unlike MHA for which development capacity increases were approved through rezones, IZ affordable housing requirements only apply if a property owner chooses to develop extra floor area as allowed by the Land Use Code. In zones where IZ conditions additional development capacity on provision for affordable housing, property owners choose either the payment option (i.e. a cash contribution for production or preservation of low-income housing) or performance option (i.e. inclusion of income restricted units in their project or, in limited circumstances, at an alternative site).

IZ affordable housing requirements have now been phased out in all but a few Downtown and South Lake Union zones. Prior to implementation of MHA, most zones in Downtown and South Lake Union as well as zones in parts of other Seattle neighborhoods featured IZ-related affordable housing requirements in exchange for additional development capacity. The formula for calculating the amount of public benefit to be provided in exchange for additional development capacity varied by zone. For that reason, the following table identifies land use code references to affordable housing-related provisions of IZ but does not summarize development capacity earned by satisfying those requirements.

Table 2.1: Land Use Code References

LOCATION OF IZ ELIGIBLE ZONES	EXTRA RESIDENTIAL FLOOR AREA FOR AFFORDABLE HOUSING	EXTRA NONRESIDENTIAL FLOOR AREA FOR AFFORDABLE HOUSING
DOWNTOWN ⁷	SMC 23.49.015	SMC 23.49.012
OTHER AREAS, INCLUDING SOUTH LAKE UNION	SMC 23.58A.014	SMC 23.58A.024

⁷ In South Downtown zones, extra floor area for hotel uses (considered by the land use code to be a non-residential use) is achieved according to residential bonus requirements per SMC 23.58A.014 instead of non-residential bonus requirements per SMC 23.49.012.

Development with IZ Housing Contributions in 2021

The Seattle Office of Housing and Department of Construction and Inspections approve affordable housing commitments for projects achieving additional development capacity through IZ. The City approves IZ commitments prior to issuance of each project's first building permit that includes the structural frame. In 2021, applicants for six projects achieved extra floor area through either the payment or performance option (note IZ payment is not an option in most zones outside of Downtown and South Lake Union). The sections below detail these IZ affordable housing contributions.

Performance Option: IZ Units as of December 31, 2021

Projects for which the owner chooses to comply with IZ affordable housing requirements through the performance option must have an agreement recorded against the property title as a condition of issuance of the first construction permit that includes the structural frame of the building. Units designated to be rent and income restricted under the performance option (IZ Units) must be comparable to the project's non-restricted units in terms of unit size, number of bedrooms, access to amenities, and distribution within the development. IZ Units have maximum rents or sale prices and serve income-eligible renters for a minimum of 50 years.⁸

The affordability/income limit for rental IZ Units with net floor area greater than 400 square feet is 80 percent of area median income (AMI). For rental IZ Units 400 square feet or smaller, the affordability/income limit is 40 percent of AMI. Owners of rental apartment developments have the option of providing a reduced share of IZ Units if the affordability/income limit is reduced from 80 percent of AMI to 50 percent of AMI.⁹

IZ Units Placed in Service

IZ Units are complete (i.e. placed in service) upon issuance of a certificate of occupancy for the building. The following table lists the seven projects with IZ Units completed in 2021.

⁸ Property owners can provide the same units to satisfy affordable housing requirements for both IZ and the Multifamily Tax Exemption (MFTE) program.

⁹ **2021 Income Limits**

Family Size	Percent of Area Median Income			
	40%	50%	80%	100%
1	\$32,400	\$40,500	\$64,790	\$80,990
2	\$37,020	\$46,280	\$74,050	\$92,560
3	\$41,650	\$52,070	\$83,300	\$104,130
4	\$46,280	\$57,850	\$92,560	\$115,700

Table 2.2: Housing with IZ Units – Place in Service in 2021

PROJECT ADDRESS	TOTAL UNITS	IZ UNITS	AFFORDABILITY /INCOME LIMIT	LOCATION	YEAR PLACED IN SERVICE
BEAM	321	4	80% OF AMI	CHINATOWN-ID	2021
COLINA APARTMENTS WEST	40	2	80% OF AMI	NORTH BEACON HILL	2021
COLINA APARTMENTS EAST	99	3	80% OF AMI	NORTH BEACON HILL	2021
BOYLSTON APARTMENTS	60	2	40% OF AMI	CAPITOL HILL	2021
CLAY APARTMENTS	76	4	40% OF AMI	CAPITOL HILL	2021
CUBIX AT OTHELLO	85	6	40% OF AMI 50% OF AMI	OTHELLO	2021
IRON FLATS	289	40	40% OF AMI 80% OF AMI	ROOSEVELT	2021
TOTAL	970	61			

IZ Units Committed

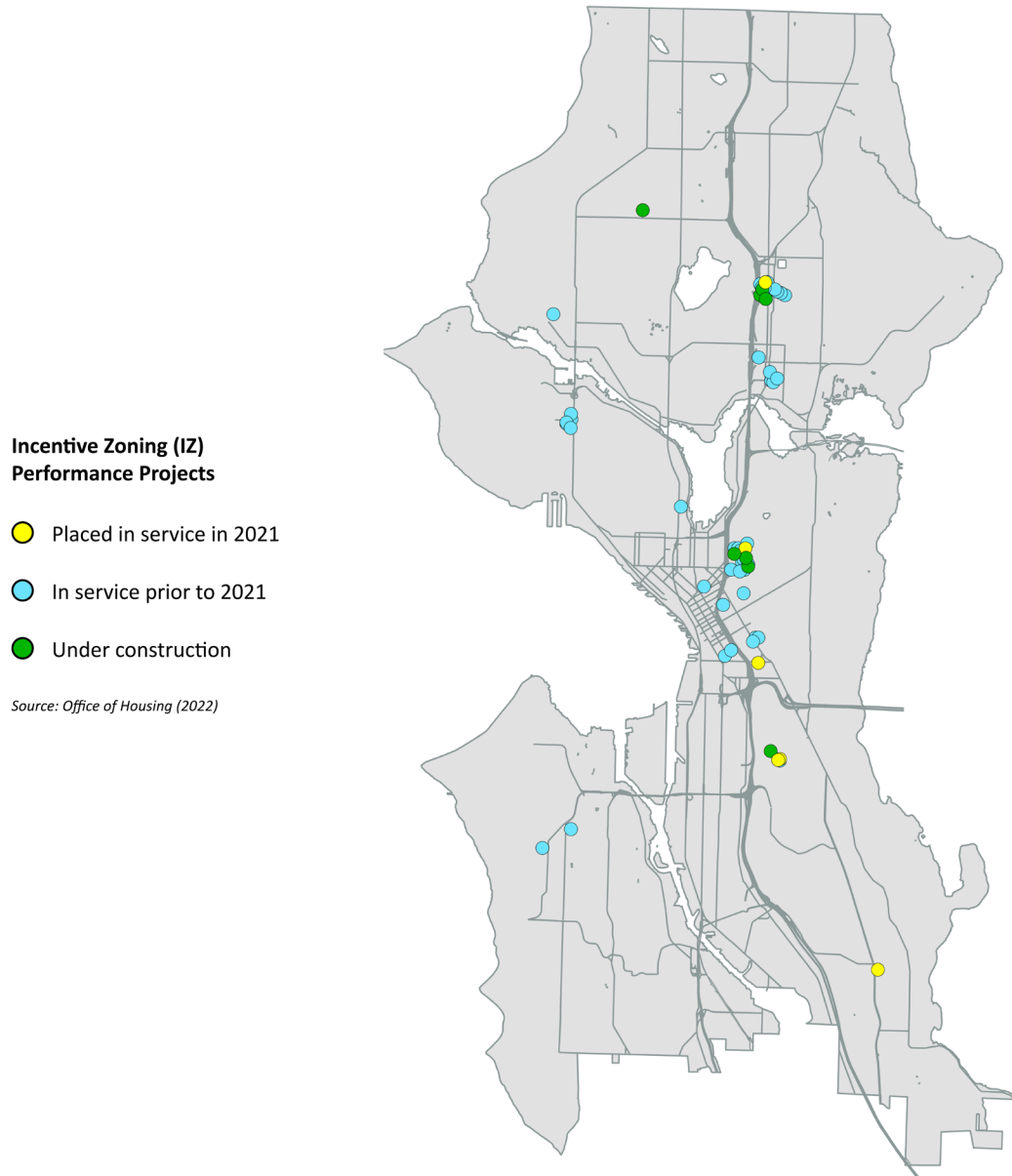
IZ Units are committed upon execution and recording of an Office of Housing-approved IZ performance agreement with the King County Recorder’s Office. This table lists the nine IZ performance projects that, as of December 31, 2021, have a recorded housing covenant but have not yet placed in service.

Table 2.3: Housing with IZ Units – Under Construction

PROJECT ADDRESS	TOTAL UNITS	IZ UNITS	AFFORDABILITY /INCOME LIMIT	LOCATION	YEAR AGREEMENT EXECUTED
800 NE 64TH ST	26	3	80% OF AMI	ROOSEVELT	2019
815 NE 66TH ST	79	12	80% OF AMI	ROOSEVELT	2020
209 N 87TH ST	49	8	40% OF AMI 80% OF AMI	GREENWOOD -PHINNEY RIDGE	2020
800 E DENNY WAY	93	4	40% OF AMI	CAPITOL HILL	2020
841 NE 68TH ST	102	13	80% OF AMI	ROOSEVELT	2020
2505 BEACON AVE S	103	7	40% OF AMI 80% OF AMI	NORTH BEACON HILL	2021
6300 9TH AVE NE	139	9	80% OF AMI	ROOSEVELT	2021
225 HARVARD AVE E	71	4	40% OF AMI	CAPITOL HILL	2021
318 BELLEVUE AVE E	20	1	80% OF AMI	CAPITOL HILL	2021
TOTAL	682	61			

Properties that include IZ units are located throughout the city of Seattle. The following map shows locations of properties that used the IZ performance option and that were either in service or under construction as of December 31, 2021.

Map 2: IZ Performance Option Housing



Payment Option: IZ Payments as of December 31, 2021

IZ Payments Received

In 2021, the Office of Housing received a total of \$1.8 million of IZ payments for production and preservation of low-income housing in Seattle.

Table 2.4: IZ Payments Received in 2021

PROJECT ADDRESS	IZ PAYMENTS RECEIVED IN 2021	LOCATION
600 WALL STREET	\$1.78 M	DOWNTOWN
1000 OLIVE WY	\$0.05 M	DOWNTOWN
TOTAL	\$1.83 M	

IZ Payments Projected

In certain geographic areas, the Land Use Code allows property owners to defer IZ payments for extra residential floor area until just prior to issuance of a certificate of occupancy. Deferred IZ payments for extra residential floor area are adjusted for inflation at the time of payment. The following table identifies the four residential projects with building permits issued in 2017, 2018, and 2019 that were still under construction as of December 31, 2021 and for which the owners deferred payments totaling \$16.7 million.

Table 2.5: IZ Payments Deferred Until Construction Completion as of 12/31/2021

PROJECT ADDRESS	IZ PAYMENTS PROJECTED (AMOUNTS DEFERRED UNTIL CERTIFICATE OF OCCUPANCY)	LOCATION
1101 8TH AVE	\$3.14 M	FIRST HILL
1120 DENNY WAY	\$8.22 M	SOUTH LAKE UNION
2031 3RD AVE	\$3.04 M	BELLTOWN
707 TERRY AVE	\$2.28 M	FIRST HILL
TOTAL	\$16.68 M	

IZ Funds Awarded for Low-Income Housing

The Office of Housing commits IZ payments to low-income housing through Notices of Funding Availability each year. The Office of Housing typically awards IZ funds to low-income housing in the same calendar year as when payments are received. The exception may be when the City receives IZ payments late in the year. For 2021, the Office of Housing's funding awards for low-income housing includes approximately \$400K of IZ funds for Harvard Hall Apartments in Capitol Hill (71 SEDUs – 69 for people who have experienced homelessness plus two units for resident staff). See the Office of Housing's [2021 Annual Investments Report](#) for detail of and related maps showing investments (including IZ funds) in City-restricted low-income housing.

INFORMATION

For more information about Incentive Zoning or Mandatory Housing Affordability, contact the City of Seattle Office of Housing or visit www.seattle.gov/housing.

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