



1015 Cultural Park Blvd.
Cape Coral, FL

AGENDA

AFFORDABLE HOUSING ADVISORY COMMITTEE

May 10, 2021	5:30 PM	Council Chambers
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- 1. Meeting called to order**
- 2. ROLL CALL**
 - A. Contreras, McBrearty, Meek, Morrow, Nelson, Peppe, Slaughter, and Stefanik
- 3. CITIZENS INPUT TIME**
- 4. BUSINESS**
 - A. Election of Chair and Vice Chair
 - B. Role and Responsibilities of the Affordable Housing Advisory Committee
 - C. Approval of Minutes - October 30, 2018
 - D. Approval of Minutes - March 12, 2019
- 5. Time and Place of Next Meeting**
 - A. Monday, August 9, 2021, at 5:30 p.m. in Council Chambers
- 6. Motion to Adjourn**

In accordance with the Americans with Disabilities Act and Section of 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Office of the City Clerk at least forty-eight (48) hours prior to the meeting. If hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8770 (v) for assistance.

If a person decides to appeal any decision made by the

Board/Commission/Committee with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Item Number: 4.B.
Meeting Date: 5/10/2021
Item Type: BUSINESS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Role and Responsibilities of the Affordable Housing Advisory Committee

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▣ 1. AHAC Guidebook 2020 Ch 1-8	Backup Material
▣ 2. 2018 LHIP Version 1.4 City Council Final	Backup Material

Affordable Housing Incentive Strategies:

Selections from the Upcoming Guidebook for
Affordable Housing Advisory Committee Members and
Local Government Staff

Updated 9.25.20



The Florida Housing Coalition has produced this guidebook with funding from the Florida Housing Finance Corporation's Catalyst Program. The views expressed in this book do not necessarily reflect the views of the Florida Housing Finance Corporation.



I. Introduction to the Guidebook

Purpose of the guidebook

Regulatory reform and a program of incentives are powerful tools for attracting private-sector development of affordable housing. Every city and county that receives funding from the State Housing Initiatives Partnership (SHIP) program is statutorily required to assemble an Affordable Housing Advisory Committee (AHAC) for this purpose.

The core requirement of the AHAC is to recommend housing strategies to incentivize the production of affordable housing. Those recommendations are submitted to the local elected body for approval. Upon adoption, the recommendations become part of the Local Housing Assistance Plan (LHAP).

This guidebook addresses the AHAC process from forming the committee, through submitting its report, to annually evaluating implementation. It provides information on the specific incentive strategies that the AHAC is required to consider. It also provides examples from AHAC Reports and offers best practices for engaging in policy discussions and developing implementation strategies.

While there are many SHIP workshops, webinars, and publications devoted to *spending* SHIP funds, this guidebook focuses on incentives to attract developers who will *build* affordable housing.

Intended audience

Included among those who are specifically addressed by this guidebook are:

- AHAC Members;
- Local Government Planning Staff;
- SHIP Administrators;
- Local Government Administrators and Elected Officials; and,
- Affordable Housing Stakeholders.

The guidebook offers Affordable Housing Advisory Committee members an orientation to their statutory responsibilities. It also provides detail on each incentive strategy that must be considered by the AHAC.

Local government Planning Departments and City and County Managers and Administrators are key to the implementation of the affordable housing incentive strategies, and therefore will also benefit from this guidebook.

Finally, the guidebook provides SHIP staff members with the information they need to assemble an advisory committee, consider a variety of possible incentives, draft the report, and submit recommendations to the City or County Commission.

The SHIP statute requires that the AHAC receive staff support from local government departments with authority to administer local planning and housing programs to ensure an integrated approach to the work of the advisory committee. This guidebook will help all those involved with the process to provide the best possible incentive strategies for their community.

Section overview

The remaining sections of this guidebook are briefly described below.

II. Florida Comprehensive Plan Housing Element and Incentive Strategies Overview: This section of the guidebook explains the connection between the Comprehensive Plan Housing Element requirements and the incentive strategies that encourage the development of affordable housing.

III. Affordable Housing Advisory Committee Overview: This section describes the statutory requirements for the AHAC, including structure, membership composition, and responsibilities.

IV. Preparing the AHAC Report: This section provides strategies and best practices for preparing the AHAC Report.

V. Steps in the Review Process: This section lays out the tasks by which the Affordable Housing Advisory Committee writes, approves, and submits the AHAC Report.

VI. The AHAC Report Timeline: This section identifies mandated deadlines and discusses the timeline for producing the AHAC Report.

VII. Overview of Incentive Strategies: This section lays out general recommendations and requirements for incorporation of incentives.

VIII. Incentive Strategies: Details and Examples: This section provides a detailed description and examples of each incentive strategy that the AHAC must consider.

II. Florida Comprehensive Plan Housing Element and Incentive Strategies Overview

Local Comprehensive Plan Housing Element

Each local government is required to include a housing element in its comprehensive plan. This element must consist of “principles, guidelines, standards, and strategies” to plan for the provision of housing for all current and anticipated populations, including special needs populations, and the provision of adequate sites for future housing, among other required items. The housing element also must provide for specific programs to partner with the private and nonprofit sector to address housing needs in the jurisdiction, streamline the permitting process, and minimize costs and delays for affordable housing. The AHAC can play a key role in helping a local government meet its mandate under the Housing Element requirement at s. 163.3177(f) of the Florida Statutes. The Housing Element requirement, originally part of the 1985 Growth Management Act, remaining in force as part of the subsequently adopted Community Planning Act of 2011, requires that every local jurisdiction provide for housing its current and anticipated populations. In 1992, in part due to the concern of local elected officials that the housing element constituted an unfunded mandate, the legislature enacted the William E. Sadowski Affordable Housing Act (Sadowski Act).

The Sadowski Act created a dedicated revenue source for affordable housing that would assist local governments in meeting their housing element requirements. The dedicated revenue source was funded by an increase in the documentary stamp tax collected on deeds. The local housing trust fund portion of the Sadowski Act funds the State Housing Initiatives Partnership program, which provides money to every eligible county and entitlement city in Florida to assist in the implementation of their housing elements. The Sadowski Act was supported by a diverse combination of eleven statewide interest organizations, including industry groups such as the Florida Realtors and the Florida Home Builders Association (FHBA). The requirement for regulatory reform by an incentives program was part of the package that won the FHBA support of the Sadowski Act. The list of regulatory incentives that are statutorily required to be considered by the AHAC was a joint effort by the initial group of eleven statewide organizations and the bill sponsors. The two incentives that are required to be in place in all SHIP jurisdictions (expedited permitting and an ongoing process of review, described in detail in this guidebook) were a “must have” to ensure the FHBA support.

The comprehensive plan can be modified to reflect the development trends of a community. Plans should always be changed strategically to support and improve access to affordable housing.

Affordable housing incentive strategies

Regulatory incentives are a valuable tool for facilitating private sector development of affordable housing. The local government housing element does not mean that local government is expected to build or fund all the necessary housing, but it must create an environment that is favorable to development by the private sector. Regulatory incentives are designed to increase the likelihood that developers will build affordable housing in the community without the need for deep government subsidy. The incentives are tied to the local government's land use authority and land development planning efforts. The combination of regulatory incentives and the financial support offered through the SHIP program will help a community meet its affordable housing goals. They are part of the government's power to carry out laws for the health and safety of residents, and its obligation to meet fair housing and affordable housing laws.

Affordable housing incentive strategies

The first sentence of the SHIP Statute, at Florida Statutes, Sec. 420.9072, states that SHIP "is created for the purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment."

The SHIP program mandates that all local governments receiving SHIP funds establish local initiatives that foster affordable housing development. To guide advisory committees, the SHIP Statute provides eleven affordable housing incentives that must be considered by the AHAC and reported on to the local governing body. The City or County Commission then assesses the incentives provided by the AHAC and considers each incentive for adoption. The eleven incentives are found at s. 420.9076(4) of the Florida Statutes:

Florida Statutes, Sec. 163.3177 (6) (f), provides that local government comprehensive plans shall include:

1. A housing element consisting of principles, guidelines, standards, and strategies to be followed in:
 - a. The provision of housing for all current and anticipated future residents of the jurisdiction.
 - b. The elimination of substandard dwelling conditions.
 - c. The structural and aesthetic improvement of existing housing.
 - d. The provision of adequate sites for future housing, including affordable workforce housing as defined in Florida Statutes, Sec. 380.0651 (3) (h), housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities. The element may include provisions that specifically address affordable housing for persons 60 years of age or older. Real property that is conveyed to a local government for affordable housing under this sub-subparagraph shall be disposed of by the local government pursuant to Florida Statutes, Sec. 125.379 or Florida Statutes, Sec. 166.0451.
 - e. Provision for relocation housing and identification of historically significant and other housing for purposes of conservation, rehabilitation, or replacement.
 - f. The formulation of housing implementation programs.
 - g. The creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction.

- (a) The expedited processing of approvals of development orders or permits for affordable housing projects to a greater degree than other projects.
- (b) All allowable fee waivers provided for the development or construction of affordable housing.
- (c) Allowing flexibility in densities for affordable housing.
- (d) Reserving infrastructure capacity for housing for very low-income persons, low-income persons, and moderate-income persons.
- (e) Encouraging and authorizing the development of affordable accessory residential units.
- (f) Reducing parking and setback requirements for affordable housing.
- (g) Allowing flexible lot configurations, including zero-lot-line configurations for affordable housing.
- (h) Modifying street requirements for affordable housing.
- (i) Establishing a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
- (j) Preparing a printed inventory of locally owned public lands suitable for affordable housing.
- (k) Supporting development near transportation hubs and major employment centers and mixed-use developments.

Not all these incentives are equally important or relevant to a particular SHIP jurisdiction. The guidebook emphasizes those incentives that are valuable to most jurisdictions. The two most important incentives are the two required strategies that must be adopted as a threshold for receiving funding: (a.) expedited permitting and (i.) establishing a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

Strategy (e.) is worth noting, regarding affordable accessory residential units. Although it is not required to be adopted, it is strongly encouraged by the Florida Legislature at s. 163.31771 of the Florida Statutes. Strategy (j.), an inventory of locally owned public lands, was codified in the Florida Statutes in 2007. Commonly referred to as the Surplus Land Law, it is outlined in Florida Statutes, Sec. 125.379 for counties and Sec. 166.0451 for municipalities.

III. Affordable Housing Advisory Committee Overview

Affordable Housing Advisory Committee (AHAC)

A SHIP jurisdiction is statutorily required to assemble the initial Affordable Housing Advisory Committee when it first begins receiving SHIP funds. It is then required to annually convene the AHAC to review its earlier plan(s) and complete a Housing Incentive Strategies report that recommends affordable housing regulatory incentives to the local governing body. Jurisdictions receiving \$350,000 or less in SHIP funding are exempt from the annual review but still must complete an initial review.

The work of the AHAC is summarized in this excerpt from s. 420.9076 of the Florida Statutes:

“Annually, the advisory committee shall . . . recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions.”

Sec. 420.9076, Florida Statutes, outlines the AHAC requirements, including the deadlines for assembling a committee, considering specific incentive strategies, and submitting a report.

There are other tasks that AHAC members may undertake, but the information presented in this guidebook focuses on the AHAC’s primary responsibility, and only statutorily required task, to complete an annual Housing Incentive Strategies report.

Committee composition

Sec. 420.9076 (2), Florida Statutes, provides details on the AHAC committee composition. The AHAC must have at least eight members representing at least six categories identified in the statute. However, local governments may elect to have up to eleven committee members. Effective on October 1, 2020, each AHAC must have a locally elected official from each county or municipality participating in the SHIP program. The locally elected official must be a City or County Commissioner. If an AHAC is consolidated to govern two or more SHIP jurisdictions, only one elected official from any of the covered SHIP jurisdictions will meet this requirement, although it is a best practice to include one elected official from each represented local government. The elected official will count as a member of the AHAC for purposes of meeting the number of members requirements.

AHAC members should be appointed by the governing body of the local government, but do not have to be adopted by resolution. Representatives are to be selected from the following categories:

- (a) Citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- (b) Citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- (c) Citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- (d) Citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- (e) Citizen who is actively engaged as a for-profit provider of affordable housing.
- (f) Citizen who is actively engaged as a not-for-profit provider of affordable housing.

- (g) Citizen who is actively engaged as a real estate professional in connection with affordable housing.
- (h) Citizen who actively serves on the local planning agency pursuant to Florida Statutes, Sec. 163.3174.
- (i) Citizen who resides within the jurisdiction of the local governing body making the appointments.
- (j) Citizen who represents employers within the jurisdiction.
- (k) Citizen who represents essential services personnel, as defined in the local housing assistance plan.

Some individuals might have the experience to represent more than one category, but they should only be counted in one category. For example, a committee member may have experience with both for-profit and nonprofit housing development. However, that individual would be considered as the for-profit or the nonprofit provider, not both.

The SHIP Statute describes each category as “a citizen.” The Statute is not explicit about whether this is a resident of the United States, a Florida resident, or resident of the city or county that the AHAC serves. However, an effort should be made to recruit representatives who reside in the applicable city or county. The AHAC Report should document any representatives who work within the jurisdiction, but reside elsewhere.

Builders, lenders, and realtors are often represented on the AHAC. Builders who may be interested in volunteering may be identified by contacting the local homebuilder’s association and realtors can be located by connecting with a local realtor association.

There is a distinction between a representative “engaged in residential home building industry” and a “representative of those areas of labor actively engaged in home building.” The first category can be filled by a local homebuilder executive or may be a staff member of a nonprofit development agency like Habitat for Humanity. By contrast, “a representative of those areas of labor actively engaged in home building” could include a rehabilitation contractor, a subcontractor, an engineer, or an architect.

An “advocate for low-income persons” could be a staff member of a local legal services office or a leader from a faith-based group involved with affordable housing or community service organization related to affordable housing. The local government will need to consider whether such a person is “actively engaged” as an advocate.

A “for-profit provider of affordable housing” might be an owner or property manager for a rental property financed with housing tax credits, the State Apartment Incentive Loan program (SAIL), or other housing subsidies. Alternatively, this might be the owner or manager of naturally occurring affordable housing who offer rental housing at monthly rents that are affordable according to the SHIP rent limits chart.

Local government program staff

The local government program staff plays a support role for the AHAC. First, staff must identify and recruit committee members. The SHIP administrator must invite potential committee members, document their eligibility, and request their participation in fulfilling the duties of the advisory committee. The local government staff must also educate the advisory committee members about their responsibilities. New committee members should receive the SHIP governing statute (Florida Statutes, Sec. 420.907-9079), found in the Appendix to this guidebook, as well as local planning documents and policies. The local government staff must also provide an orientation to the current incentive strategies being implemented by the jurisdiction and an overview of the reporting requirements of the advisory committee.

SHIP staff should collaborate with planning staff on land use, zoning policies, and practices, the applicable economic development department on how various policies affect affordable housing development, and other local government divisions that impact housing affordability. The SHIP Statute states that “the advisory committee

shall be cooperatively staffed by the local government department or division having authority to administer local planning or housing programs to ensure an integrated approach to the work of the advisory committee.” Generally, staff in these positions have different areas of expertise. SHIP program administrators usually hold positions in housing and community development or neighborhood departments and have regulatory or program knowledge that is unique to those positions whereas planning departments have staff with formal education in areas like urban planning, and have extensive knowledge of land use and zoning laws. Persons in the economic development department may have formal training on how local government policy affects the cost of housing. The majority of the AHAC responsibilities falls more squarely within the planning, building, and growth management departments.

The AHAC must review the jurisdiction’s comprehensive plan and land development regulations and recommend actions to encourage the creation of affordable housing units. This role requires that staff have knowledge of land use issues so the committee can consider potential barriers to the development of affordable housing, and recommend regulatory reforms to overcome the barriers. The AHAC presents an opportunity for multiple local government departments to collaborate and meet the jurisdiction’s responsibility to provide housing for all its residents.

Prior to a revision of the SHIP statute in July 2016, the AHAC was required to have a member from each of the eleven categories identified above. Therefore, if the jurisdiction was in compliance, there was always a representative knowledgeable about the local planning process. With the change to the statute, local governments can now choose committee representatives from six other categories. This has the potential to discourage the participation of planning staff. Although no longer required by the SHIP Statute, local governments should consider including staff from the planning department as committee members. This SHIP Statute suggests participation from “a citizen who actively serves on the local planning agency”, but it also notes that “if the local planning agency is comprised of the governing board of the county or municipality, the governing board may appoint a designee who is knowledgeable in the local planning process.” This is good justification for arranging for a planner to assist the SHIP administrative staff in providing support to the AHAC and monitoring the actions of the committee to ensure adherence to all program requirements.

Roles and responsibilities of the AHAC

SHIP Statute overview

Sec. 420.9076 (4) of the Florida Statutes describes the process for developing the AHAC Report. The key role of the AHAC is to prepare the AHAC Report and evaluate its implementation at least every year. The AHAC Report identifies incentive strategies and recommendations for adoption by the local government. The recommendations should seek to remove regulatory barriers that limit the development or preservation of affordable housing or drive up housing costs.

To fulfill this task, the advisory committee must first review the local government’s existing policies and procedures, ordinances, land development regulations, and the comprehensive plan. Then the committee recommends specific actions or initiatives to encourage affordable housing while protecting the ability of the property to appreciate in value.

Actions the advisory committee can take include:

- Modifying or repealing existing policies, procedures, regulations;
- Creating exceptions applicable to affordable housing; and,

- Adopting new policies or amendments to the local comprehensive plan and corresponding regulations, ordinances, and other policies.

Local government implementation

The advisory committee must approve the final AHAC Report by majority vote and submit it to the Florida Housing Finance Corporation (Florida Housing), the local government, and to the entity providing statewide training and technical assistance for the Affordable Housing Catalyst Program. Upon receipt of the AHAC Report, the local government has 90 days to amend its local housing assistance plan to incorporate the adopted incentive strategies that it plans to implement. Only two strategies are required in the amended LHAP:

- Expedited permitting for affordable housing projects; and,
- An ongoing process for review, prior to their adoption, of any local policies, ordinances, regulations, and plan provisions that increase the cost of housing.

Other Roles of the AHAC

Although producing the annual report is the only statutorily required duty of the AHAC, the committee can serve in a broader capacity as directed by the local government. Section 420.9076(8) of the Florida Statutes states that the AHAC may perform “other duties at the request of the local government” including:

- The provision of mentoring services to affordable housing partners including developers, banking institutions, employers, and others to identify available incentives, assist with applications for funding requests, and development partnerships between various parties.
- The creation of best practices for the development of affordable housing in the community.

The AHAC can serve as an ongoing group of community leaders engaged in local affordable housing policy discussion outside of the SHIP program requirements. The AHAC can be an ongoing committee where community discussion about affordable housing strategies take place.

IV. Preparing the AHAC Report

Reviewing local plans and codes

Local plans and codes related to affordable housing include, but are not restricted to, the Comprehensive Plan, Land Development Codes, Neighborhood Action Plans, and Overlay Districts. Coordinating local departments and community plans is essential to supporting housing efforts. Local government planning and zoning departments, building and permitting departments, real estate departments, and local government housing departments are conduits to developing affordable housing. The AHAC is responsible for reviewing local established policies, procedures, ordinances, land development regulations, and the local government Comprehensive Plan to identify recommendations for initiatives that will encourage affordable housing.

When reviewing local plans and codes, AHAC members should look for policies, procedures, or ordinances that *inhibit* affordable housing development. This pertains to policies and ordinances currently in place, such as zoning, minimum square footage, and setback requirements, that may increase or artificially set the cost of development at a higher than necessary amount. AHAC members should address potentially helpful policies and ordinances that are not in place, such as expedited permitting, mixed-income housing incentives, or accessory dwelling unit policies, that encourage and facilitate the development of housing that is affordable.

AHAC members should also look for consistency between land use plans and finance plans. Local governments typically develop two types of plans: 1) land use plans, which identify elements for future land use, transportation, housing, economic development, infrastructure, and capital improvement needs; and 2) finance plans, which identify sources of funds and how the jurisdiction is going to spend available government dollars.

It is important to ensure that housing and community development projects are aligned with the fiscal budget and comply with regulations governing state or federal funding. An example of a land use plan would be a Comprehensive Plan; examples of finance plans would be a Five-Year Consolidated Plan for HUD funds, Annual Action Plan, or the Local Housing Assistance Plan (LHAP) which governs SHIP.

AHAC activity is an example of how the public is involved in local planning and housing initiatives. The AHAC helps departments administering different programs coordinate their goals and objectives for maximum community benefit. The AHAC can be a catalyst for a robust, comprehensive housing strategy at the local level.

Encouraging input from all AHAC members

A committee's success is based upon everyone fulfilling their duties and being involved in the process. Members should be familiar with the mission, values, and vision of the committee and should attend meetings regularly. Members are expected to help carry out the functions of the committee, specifically to provide recommendations on affordable housing incentive strategies.

Local government staff, the AHAC Chairperson or Vice-Chair, and consultant to the AHAC (if applicable) should generate and encourage input from all members. Tips for encouraging participation include:

- Developing agendas to help structure meetings
- Ensuring items on the agenda are well documented
- Providing agenda to committee members so that they can familiarize themselves with discussion topics prior to meeting
- Holding meetings at a convenient place and time

- Retaining and distributing committee minutes
- Encouraging casual and relaxed conversation among all members
- Seeking consensus among the committee
- Encouraging members to act as resources, providing individual expertise and knowledge in their related field.

Additionally, the AHAC should consider appointing a Committee Chairperson to facilitate the participation of all members. A chairperson:

- Sets the tone for committee work
- Guides the process using successful group discussion methods
- Ensures that members have the information needed to complete their tasks
- Maintains active interest and member involvement.

Consensus decision-making

Many policy-making committees form decisions based upon group decision-making or by voting-based methods. These strategies are common but may lead to tense working environments. Communication skills are of upmost importance during group work. If they are lacking, members may not express themselves clearly or feel comfortable expressing their opinions and miscommunication and misunderstanding can be the unfortunate end result.

A suggested method for communicating effectively for all members, and especially those of differing opinions, is to use consensus decision-making. This is a group decision-making process in which members develop and agree to support a single decision that benefits the whole group. This allows for members to reach a consensus or an acceptable resolution that can be supported even if not the favorite of each member.

Consensus decision-making is intended to promote agreement among the whole group and aims to be:

- **Collaborative:** Participants contribute to a shared proposal and shape it into incentives and strategies that meet the concerns of all group members.
- **Cooperative:** Participants strive to reach the best possible decision for the group and all its members, rather than competing for personal preferences.
- **Egalitarian:** All members are given equal opportunities to provide input. All members can present and amend proposals.
- **Inclusive:** All members are involved in the process.

Conducting a SHIP survey and incorporating results

Conducting a survey may be a helpful method for collecting information needed by the AHAC. Conducting a survey of SHIP administrators that serve similar local governments and stakeholders may provide critical guidance in creating the AHAC Report, and provide insight into developing efficacious policies. Most importantly, a survey sent to developers and builders can be a great way to find out whether incentive strategies are working and how various land development processes can be amended to facilitate affordable housing development.

There are several applications that assist in the development of an on-line survey, providing templates that simplify the process. Two popular applications are Survey Monkey and Google Survey. These applications provide quantifiable responses for analysis.

Steps for setting up an online survey include:

- Deciding on the research goals;
- Creating a list of questions and type them into the survey platform;
- Inviting participants and providing them with directions on completing and submitting the survey;
- Gathering responses;
- Analyzing results (the survey platform can assist); and
- Providing results to AHAC members and, possibly, survey participants.

The survey method can be very useful and allows for maximum outreach. An on-line survey can reach individuals that might not otherwise be consulted, significantly increasing input and improving the output of the AHAC's work. We strongly recommend including the local Realtor and Builders Association in the survey.

V. Steps in the Review Process

Upon appointment of the AHAC members and every year after, the AHAC is required to review existing local government plans, policies, and procedures; ordinances; regulations; statutes; and the comprehensive plan applicable to affordable housing, to evaluate their impacts on local affordable housing. Further, the AHAC is specifically directed by the SHIP Statute to consider and evaluate the implementation of the incentives set out at Florida Statutes, Sec. 420.9076 (4) (a)-(k); the AHAC may also consider other incentives not listed in statute as identified by the AHAC. Based on the AHAC evaluation, it may recommend to local government that it make modifications of, exceptions to, or creation of new plans, policies, procedures, and other governing vehicles which would encourage production of affordable housing. The AHAC, from its review, evaluation, and recommendations, drafts and submits a report to the local government governing body, the Florida Housing Coalition, and to the Florida Housing Finance Corporation which details the scope of its work and the resulting recommendations.

Meetings

The SHIP program mandates the review of the eleven areas of possible affordable housing incentives included in the SHIP Statute, at a minimum. The AHAC members should schedule a sufficient number of meetings to allow enough time for this review. Several of these incentives might require extensive time to thoughtfully review and discuss. For topics like the waiver of fees, flexibility in densities, and others, the advisory members will benefit from history and information provided by staff and from their own research and experience. An entire meeting might be devoted to one of the eleven topics.

Draft the report

The committee's report should be incrementally drafted as they meet and discuss possible incentives. Staff may assist with report development, but the report's content should come from the Committee's discussion of incentive strategies. Use the AHAC Report template included in the Appendix to help with developing this report.

The SHIP Statute does not mandate the length and the content of the report. Some committees may generate more than a dozen recommendations for new incentives strategies, others may only focus on revisions to existing incentive strategies, while other AHACs may conclude that no further recommendations are needed.

Approve recommendations at a public hearing

Although all AHAC meetings are public meetings, the final approval of the AHAC Report recommendations is more formal and must be made at a public hearing. This is required in the SHIP Statute at Florida Statutes, Sec. 420.9076 (5): "The approval by the advisory committee of its local housing incentive strategies recommendations and its review of local government implementation of previously recommended strategies must be made by affirmative vote of a majority of the membership of the advisory committee taken at a public hearing." This final AHAC public hearing has specific notice requirements in statute that are not required for the prior AHAC meetings. For example, the notice for the final AHAC meeting approving the report must contain a short and concise summary of the AHAC's work and local housing incentive strategies to be considered.

Details on scheduling and organizing the public meeting can be found in Section VI. The AHAC Report Timeline, in this guidebook.

Submit report to local governing body and Florida Housing Coalition

After the AHAC approves its report by a majority vote, the AHAC must provide the city or county commissioners with the final AHAC Report. Typically, the AHAC Report is presented at a regularly scheduled commission meeting. The SHIP Statute does not mandate the adoption of the AHAC recommendations by the governing body of the local government, other than the required incentives for expedited permitting and an ongoing process of review. The elected officials may:

- Discuss the report and vote to adopt only one of many recommendations;
- Adopt all the recommendations;
- Use the report as a springboard to generate their own ideas for incentive strategies; or
- Read the report and take no further action.

If the local government does adopt recommendations of the AHAC, the SHIP Statute establishes that the local government has 90 days to amend its LHAP to incorporate the recommended incentive strategies that it plans to implement. The city or county will provide the LHAP amendments to the Florida Housing Finance Corporation.

Newly enacted in 2020, the AHAC must also submit the annual report to the “entity providing statewide training and technical assistance for the Affordable Housing Catalyst Program,” in addition to the local governing body.

Submit report to the Florida Housing Finance Corporation

The SHIP Statute states that “the final report, evaluation, and recommendations shall be submitted to the corporation.” This is accomplished by providing the Florida Housing Finance Corporation the report at the same time it is presented to the city or county officials. An electronic version of the report is to be emailed to the Florida Housing staff with responsibility for SHIP.

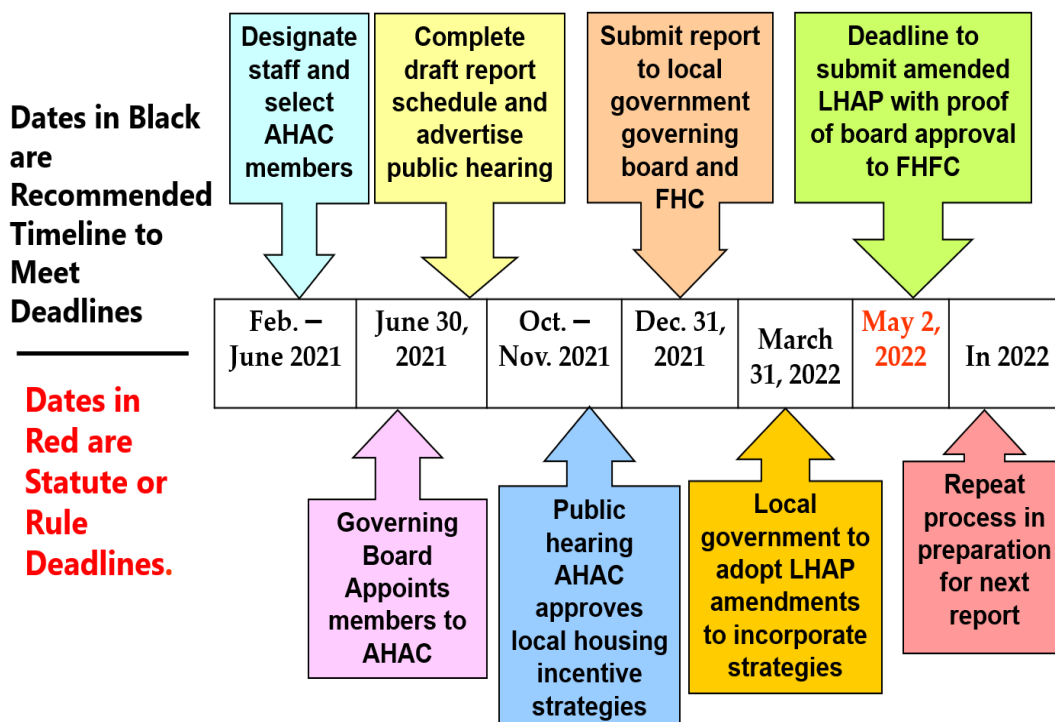
VI. The AHAC Report Timeline

Review of deadlines

The AHAC is required to review implementation of previously adopted incentive strategies and submit a report to the local government governing board every year (following the initial report). Prior to the 2020 Florida Legislative session, this report was only required every three years. Now, the AHAC Report is required annually. For local governments that do not have an LHAP due in 2021, the annual AHAC reporting requirement will not begin until 2021. However, if the local government has LHAP due in May 2021, the report should still be submitted by December 31st of 2020. For example, if a local government does not have an LHAP due in May 2021, it does not need to start submitting annual AHAC reports until December 31, 2021. Therefore, starting in 2021, all local governments that are required to submit an AHAC report must do so to their governing board annually by December 31 of each calendar year.

Within 90 days after receipt of the AHAC’s report with its local housing incentive recommendations, the local governing body shall adopt an amendment to its LHAP to incorporate the housing incentive strategies.

Figure 1: AHAC Report Timeline.



Public notice requirements

Florida Statutes require that the AHAC approval of recommendations of housing incentive strategies and of evaluation of the implementation of previously adopted incentives shall be made by vote of a majority of members during a properly noticed public hearing. Florida Statutes, Sec. 420.9076 (5). The public notice shall:

- Provide the time, date, and place of the meeting where the AHAC will consider adoption of its recommendations and evaluation in a newspaper of general circulation in the county;

- Include a short and concise summary of the recommendations and evaluation; and,
- State a public place where the proposed recommendations and evaluation can be obtained by the public.

Scheduling and organizing the public hearing

The advisory committee is required by statute to hold a minimum of one public hearing, at which the committee’s housing incentive strategy recommendations are voted on and the local government’s implementation of previously recommended strategies are reviewed. A public hearing is also for soliciting public comment on the AHAC Report as it is being considered for adoption. While only the final adoption hearing is specially directed by the SHIP statute, all AHAC meetings are covered under the Sunshine Law and are ideal places to solicit input and engage the public.

When scheduling and organizing meetings or hearings, the following should be considered:

- Give adequate advance notice to the public and stakeholders;
- Publish sufficient information about the subject of the meeting or hearing;
- Hold meetings and hearings at times and locations convenient to the public and stakeholders;
- Choose locations that can accommodate persons with disabilities; and,
- Implement a strategy for how the needs of non-English speaking residents will be met.

Suggested meetings

The AHAC is required to meet regularly to fulfill its committee duties. It is highly recommended that a committee chairperson be appointed and tasked with developing a meeting schedule that is convenient for all members. Meetings should be scheduled often enough to enable thorough discussion and the completion of all AHAC responsibilities.

To ensure all required topics are addressed, the AHAC should consider holding the following types of meetings:

- **Status Update Meetings:** Status update meetings include regular member meetings, where the primary goal is to align the committee via updates on progress, challenges, and next steps.
- **Information Sharing Meetings:** These meetings feature presentations, panel debates, keynotes, and lectures with the primary goal of sharing information between members.
- **Decision-Making Meetings:** Important decisions often get their own dedicated meetings. A decision-making meeting includes information gathering and sharing, brainstorming solutions, evaluating options, ranking preferences, and voting.
- **Problem-Solving Meetings:** These are meetings where project scope and priorities are defined, opportunities and threats are identified, and possible solutions are brainstormed, evaluated, and agreed upon.
- **Innovation Meetings:** These “broad scope” meetings include brainstorming, networking, and sharing ideas. Members can use various techniques and processes to reduce the diverse pool of ideas to a more focused list. The most suitable ideas are identified, leading to recommendations and tasks can be assigned based on this.

The purpose of regularly scheduled meetings among AHAC members is to:

- Encourage participation and input;
- Engage in the process;
- Discuss strategy for completing tasks;

- Openly discuss incentive strategies;
- Provide additional information; and,
- Ensure the committee complies with timelines.

In addition to the required meetings, the AHAC may also consider holding meetings specially designed for public input. Attendance levels may provide an indicator of a community’s level of interest on a particular issue.

Coordinating with the LHAP timeline

The affordable housing strategies recommended by the AHAC Report are the basis for the LHAP. Because the two documents go hand-in-hand, it is important to coordinate timelines to ensure timely submittal and maintain compliance with Florida Statutes.

As a result of House Bill 1339 (2020), the AHAC must submit an *annual* report instead of a *triennial* report. The AHAC should submit this report to the local government governing board and the Florida Housing Coalition by December 31st of each year. Local governments that do not have an LHAP due in 2021 will not need to start submitting an annual AHAC report until December 31, 2021. For years in which the LHAP is not due to the Florida Housing Finance Corporation, the local government may need to amend the LHAP to reflect any new incentive changes as a result of the annual AHAC Report. It is important to identify steps to be completed to coordinate processes. Starting the process early is key in completing tasks on time.

Steps to consider and timelines to follow are listed in Table 1: LHAP Timeline.

Table 1: LHAP Timeline.

Task	Timeline
Recruit AHAC Members	January – February
Designate Staff & Select AHAC Members	February – June
Appoint Members to AHAC	June 30 th
Orientation for AHAC Members on Current Incentive Strategies and Report Requirements	July
Develop AHAC Report	July – September
Draft Report Complete	Early October
Public Hearing: AHAC Approval of Incentive Strategies	November
Submit Report to Local Government Governing Board, Florida Housing Coalition, and to Florida Housing Finance Corporation	December 31 st
Local Government Staff Develops LHAP	January – April (following year)
Submit LHAP to Florida Housing Finance Corporation	May 2 nd (following year)

As a reminder, experienced SHIP administrators and planners can provide AHAC staff with their expertise in coordinating timelines early in the process. This increases the likelihood of a streamlined process. Cooperatively staffed support from local government department or division with the authority to administer planning or housing programs helps create an integrated approach to the work of the advisory committee.

VII. General Recommendations and Requirements for Incentive Strategies

This section of the guidebook lays out general recommendations and statutory requirements for jurisdictions developing incentive programs. The recommendations and requirements laid out here are for all incentives. Specific incentive strategies are discussed in detail in Section VIII.

General recommendations for incentive strategies

1. **Eligibility Determination:** Eligibility determination certifies that a project meets affordable housing criteria. The provision of incentives to assist affordable housing projects requires some basic structural elements. Perhaps the most critical element is “eligibility criteria.”

As part of its Incentive Plan, the jurisdiction should include a set of criteria that determine if a given project is eligible for one or more of the proffered incentives. The criteria may be stratified for housing projects that are only partially dedicated to serving low-income households, or for projects in which 100% of the units are considered affordable to a defined income level. The Incentive Plan should include an application process for the jurisdiction to determine if a development is qualified, and for which incentives.

The application should include:

- Proportion of units designated affordable;
- Income levels served; and,
- Specific incentive eligibility.

2. **Incentive Agreement:** For projects that have been approved for certain incentives, the jurisdiction should prepare an agreement that would describe the incentives and set the terms for duration and any other conditions. The agreement should describe pay back for projects that fail to meet the affordability conditions.

The incentive agreement should describe:

- Monetary value of incentives- including fee waivers, land value of donated or discounted land;
- Estimated time saved with expedited reviews;
- Term of affordability;
- Method of tracking, reporting or monitoring; and,
- Reversion in case of default.

3. **Application process:** In some cases, the review and approval of development incentives would be required prior to any request for funding from the jurisdiction or other financing entity. The jurisdiction should prepare an application and procedures for review and approval. The application should include the following:

- Project location;
- Project description- number of units, number of bedrooms, baths;
- Projected income restrictions;
- Other funding sources under consideration or committed; and,
- Type of relief requested.

4. Case by Case Review: The applicability of local government incentives for affordable housing construction may be undertaken on a case by case basis. Each project will be different and may have a variety of needs, so a “one size fits all” review process may be inappropriate. Develop local policies and procedures that contemplate a case by case review of offered incentives.
5. Incentives Based on Demonstrated Need: Incentives should be based upon relevant community needs and supporting data. The jurisdiction should carefully consider the housing needs that local strategies intend to address. Incentives should effectively meet those needs. For example, if a critical part of your strategic plan is to end homelessness, then it is important to conduct a careful review of zoning and land development codes and how the regulations affect the development of housing for targeted populations. There may be obsolete terms or prohibitions that could inhibit the development of a small congregate living center or shared living arrangement. If a critical part of your local housing goals is to support the development of housing in targeted areas as part of a community growth initiative, then it will be important to assess how local rules and policies can be unlocked to facilitate that growth. An understanding of housing needs is fundamental to the AHACs work.
6. Developer Rights to Incentives: Development incentives should be provided to the developer by right whenever feasible, without the need for a variety of public meetings. This means that incentives could be provided through an administrative process rather than a public hearing. By right access to incentives may encourage private sector involvement as the development process will be easier to predict. Offering incentives by right should be balanced with the fundamental need to keep the community informed about new development. To satisfy this need, the incentives should be established through community input so when new developments that utilize the incentives are proposed, there may be less of a likelihood for community disapproval.
7. Site Plan Design Incentives: An incentive strategy could couple site plan and site design incentives so these development processes are viewed simultaneously to allow for the most flexible and innovative solutions possible. Site plan and site design incentives should be included as a policy in the Comprehensive Plan’s housing element and should be available by administrative review, rather than through a public hearing.
8. Sustainable Housing Features: The AHAC could explore strategies that prioritize projects that meet or exceed energy and green or sustainable features. For example, in the incentive relating to density bonuses, an AHAC could recommend that additional density bonuses be offered to projects that demonstrate exceptional capacity for climate resiliency. The AHAC can be creative in how it recommends incentivizing projects that contain sustainable housing features.
9. Surplus Lands: The availability of publicly owned land designated as suitable for affordable housing should be accompanied by a complete policy and procedures manual that is separate from the incentive plan. A successful land bank program requires policy and operating guidelines that would exceed the content of the incentive plan. These policy and operating guidelines would establish how the local government assesses suitable property for affordable housing, how to dictate an RFP process for the development of housing, and other relevant policies that leverages government owned land for affordable housing purposes. The land bank program can be referenced in the incentive plan.
10. Community Land Trusts: The jurisdiction can avoid much of the tracking needed to ensure long term affordability compliance by utilizing the community land trust model. Community land trusts have land stewardship expertise to ensure that properties remain affordable in perpetuity. The local government can partner with a community land trust to monitor affordability requirements and otherwise assist residents with proper education on financial sustainability. Projects that are managed or overseen by a community land trust are guaranteed to be affordable long-term. If the local government does not have access to a partnership with

a community land trust, requirements for long term affordability should be executed and enforced through a mortgage, note, restrictive covenant or land use restriction agreement.

11. Consistency: Housing assistance incentives, while offering alternative compliance with the regulatory framework, must be consistent with other statutory requirements and plans, including the housing element, Local Housing Assistance Plan, Consolidated Plan and Action Plans, and Fair Housing laws.
12. For planning purposes, cross-reference all types of assistance provided by housing strategies and incentives. See Table 2. Incentives and Strategies Matrix, located on the following page.

Table 2. Incentives and Strategy Matrix

Incentive type	Purchase Assistance	Homeowner Rehabilitation	Single Family Development	Rental Construction	Rental Rehabilitation	Special Needs
Expedited permitting		X	X	X	X	X
Fee Waiver or Modification		X	X	X	X	X
Insert fee waiver types						
Density			X	X	X	X
Infrastructure			X	X	X	X
Accessory DU		X	X			X
Site Design			X	X	X	X
Parking		X	X	X	X	X
Setbacks			X	X		X
Lot Size and shape			X	X	X	X
Street requirements			X	X		X
Review Process						
Surplus Land	X		X	X	X	X
TOD			X	X		
Mentoring	X	X	X	X	X	X
Education	X	X	X	X	X	X
Technical Assistance	X	X	X	X	X	X
Green and Energy	X	X	X	X	X	X
Inclusionary			X	X		
Community Land Trust	X	X	X	X	X	X

Statutory requirements for incentive plans

Florida Statute Section 420.9076 (4)

At a minimum, each advisory committee shall submit an annual report to the local governing body and Florida Housing Coalition that includes recommendations on, and the implementation of, affordable housing incentives in the following areas:

- (a) The expedited processing of approvals of development orders or permits for affordable housing projects to a greater degree than other projects.
- (b) All allowable fee waivers provided for the development or construction of affordable housing.
- (c) Allowing flexibility in densities for affordable housing.
- (d) Reserving infrastructure capacity for housing for very low-income persons, low-income persons, and moderate-income persons.
- (e) Encouraging and authorizing the development of affordable accessory residential units.
- (f) Reducing parking and setback requirements for affordable housing.
- (g) Allowing flexible lot configurations, including zero-lot-line configurations for affordable housing.
- (h) Modifying street requirements for affordable housing.
- (i) Establishing a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
- (j) Preparing a printed inventory of locally owned public lands suitable for affordable housing.
- (k) Supporting development near transportation hubs and major employment centers and mixed-use developments.

Section 420.9076 (8) authorizes the advisory committee to perform other duties at the request of the local government, including:

- The provision of mentoring services to affordable housing partners including developers, banking institutions, employers, and others to identify available incentives, assist with applications for funding requests, and develop partnerships between various parties.
- The creation of best practices for the development of affordable housing in the community.

Mentoring assistance can be provided by connecting housing developers with subject-matter experts, on-site technical assistance, workshops and clinics. Support can also be provided remotely by email, telephone assistance and/or webinars. These services are provided by the Florida Housing Coalition and are available to every SHIP jurisdiction.

What qualifies as an “affordable housing project”?

It is best to have a formal application process in place to determine whether a housing project can be certified as “affordable.” Such a process will prevent time and resources being spent on projects that, ultimately, cannot be certified as affordable.

The minimum requirement for certification is whether the project will result in owner or rental units that are affordable to extremely low income, very low income, or low-income households. This might include housing that is affordable to moderate-income or housing that is sometimes referred to as “workforce” serving households up to 140% (and sometimes 150%) of area median income.

When a project is certified as an affordable housing project, it may qualify for a number of incentives. Therefore, the certification findings should be specific, so that the finding can be used to determine whether the project qualifies for additional assistance, such as fee waivers or density bonus units.

Projects that are certified as affordable can include projects that are publicly supported, with, for example, SHIP, HOME, Emergency Solutions Grants programs (ESG), or Housing Opportunities for Persons with AIDS (HOPWA). Projects certified as affordable can also receive financing through local housing finance agencies, public housing authorities, Small Cities Community Development Block Grants (CDBG), or the Florida Housing Finance Corporation. Projects that are part of an inclusionary zoning ordinance or that are included in a community land trust can also be certified as affordable.

Examples of how local jurisdictions certify affordable housing projects

City of Sarasota

The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects. The committee recommends that any applicant with a project meeting any one of the following conditions be given expedited review and approval:

- Individuals or organizations that are receiving assistance through the Office of Housing and Community Development;
- Builders and developers who are applying for Federal and/or State Affordable Housing Programs;
- Nonprofit organizations that are building affordable housing with a sales price that does not exceed the maximum sales price for the Housing Partnership Program;
- Any organization building affordable housing in the Community Reinvestment Area (CRA) with a sales price that does not exceed the maximum sales price for the Housing Partnership Program;
- Nonprofit organizations that are building rental housing and agree to lease the property for no more than the fair market rent for a period of 10 years;
- Any organization that is building rental housing in the CRA that commits to lease the property for no more than the fair market rent for a period of 10 years;
- Applicants applying for a rezone or special exception for a project where a minimum of 15% of the total units within the development are affordable to households earning less than 100% of area median income; and
- Applicants applying for site and development approval, plats and building permits for any project where a minimum of 15% of the total units within the development are affordable to households earning less than 100% of area median income.

City of Orlando

Affordable Housing Certification Process

The intent of the Affordable Housing Certification Process is to identify those projects that meet the definition of affordable housing. To participate in the Affordable Housing Certification Process, a minimum of 20% of the units in the project must meet the definition of very-low, low-, and/or moderate-income housing. These developments are eligible to receive specific regulatory and financial incentives. The certification process allows the City to more effectively direct its incentives to those projects that will result in the provision of decent, safe and affordable housing. Further, the certification process provides the developer with early on information regarding available

incentives. Another benefit of the Affordable Housing Certification Process is that certified projects receive expedited services from City departments at all steps in the development review and permitting process.

Projects seeking affordable housing incentives must be certified before receiving incentives such as the following: SHIP/HOME funds, capacity reservation set-asides, reduced reservation fees, impact fee grants, discounts, or exemptions, reduced Land Development or Growth Management application fees, or developing a residential project utilizing the Alternative Housing Development standards

The Affordable Housing Certification Process has been amended to include certain incentives for attainable housing developments.

VIII. Incentive Strategies: Details and Examples

There are eleven incentive strategies that the AHAC must consider:

- (a) The expedited processing of approvals of development orders or permits for affordable housing projects to a greater degree than other projects.
- (b) All allowable fee waivers provided for the development or construction of affordable housing.
- (c) Allowing flexibility in densities for affordable housing.
- (d) Reserving infrastructure capacity for housing for very low-income persons, low-income persons, and moderate-income persons.
- (e) Encouraging and authorizing the development of affordable accessory residential units.
- (f) Reducing parking and setback requirements for affordable housing.
- (g) Allowing flexible lot configurations, including zero-lot-line configurations for affordable housing.
- (h) Modifying street requirements for affordable housing.
- (i) Establishing a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
- (j) Preparing a printed inventory of locally owned public lands suitable for affordable housing.
- (k) Supporting development near transportation hubs and major employment centers and mixed-use developments.

Each of these strategies is discussed below. Two incentives are required to be adopted in the Local Housing Assistance Plan (LHAP): item (a) for expedited permitting and item (i) for a process of ongoing review.

Strategy: Expedited process of development approvals

S. 420.9076(4)(a) of the Florida Statutes provides that the AHAC shall report on recommendations and the status of the incentive to make sure that: “The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects, as provided in s. 163.3177(6)(f)3” of the Florida Statutes.

The requirement to expedite permits for affordable housing projects is one of only two required incentives to be implemented in the Local Housing Assistance Plan (LHAP) as part of the “local housing incentive strategies” under s. 420.9071(16) of the Florida Statutes.

Purpose

Time is money. The time it takes for government staff to review development approvals is a factor in the overall cost of a project. Increased development costs may lower the overall prospects of an affordable housing development and force the developer to charge higher housing prices to offset the increased costs. A functioning process for expedited permitting for affordable housing projects reduces time and helps avoid setbacks by designating a staff member to shepherd a project through the process. The requirement to expedite permitting extends to all reviews and approvals, including site plan review, zoning hearings, and special approvals. A builder can schedule construction more quickly when there is a clear intention by the local government to expedite the permit review and issuance process.

Expedited permitting gives the housing staff the opportunity to work closely with the developer to offer additional support or to help them overcome other obstacles that may delay a project.

Considerations

- Clearly define which projects are eligible for expedited permitting.
- Understand the economic importance of reducing permitting time and expenses to affordable housing developments.
- Designate a staff person(s) for individual projects to help shepherd through the process. Understanding and improving staff capacity is key to a successful expedited permitting program.
- Whenever feasible, delegate the authority to approve various steps of the review process to department directors in lieu of a board approval.
- Expedited permitting requires affordable housing projects to be placed ahead of other projects. This may result in tension with other developers whose projects are put behind as a result.
- Designate a staff person(s) for individual projects to help shepherd through the process. Understanding and improving staff capacity is key to a successful expedited permitting program.
- Whenever feasible, delegate the authority to approve various steps of the review process to department directors in lieu of a board approval.
- Expedited permitting requires affordable housing projects to be placed ahead of other projects. This may result in tension with other developers whose projects are put behind as a result.

Methodology

Local government staff should set clear standards for which proposed affordable housing projects are eligible for expedited permitting and consider delineating separate standards depending on how much of the development is set-aside as affordable housing. Under s. 420.9071 of the Florida Statutes, “affordable” means that “monthly rents or mortgage payments . . . do not exceed 30 percent” of an extremely low income to moderate income household’s monthly income. However, the statute does not state how many units in a project must meet this standard to qualify as an affordable housing project. Local governments should strive to focus on developments where 100% of the units are intended to be used as long-term affordable housing. Local government could decide to lower emphasis on projects that set-aside a lower proportion of units as affordable to income-eligible households (for example, if a project sets aside only 20% of its units as affordable housing it would receive less favorable expedited permitting than a project with 100% of its units as affordable housing).

S. 163.3164 of the Florida Statutes defines what is a “development order” and “development permit” for the purposes of this expedited permitting requirement. A “development order” means “any order granting, denying, or granting with conditions an application for a development permit.” A “development permit” includes “any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.” These two terms cover virtually all approvals in the development process.

Local government staff should embrace the breadth of this requirement and expedite and prioritize all areas requiring land use permitting or approvals. This action is one of only two statutorily required regulatory incentives and is of high value for promoting affordable housing.

Any step involving an affordable housing developer’s attempt to develop a parcel of land should be expedited. Staff in the engineering, planning, housing, or other applicable departments must be involved and fully informed of the procedures regarding expedited permitting for affordable housing projects. The local government should assess staff capacity to implement these procedures and streamline all functions to the greatest extent feasible. Whenever feasible, authority to approve various steps of the development process should be granted to a department director in lieu of a board approval. Lowering the number of board approvals will quicken the review process.

How permits are expedited is based on the size and complexity of the existing permit review process. Applications must be flagged in some manner, such as with a brightly colored cover sheet, with the certification information entered and signed by the housing department. Such a form might have contact information and further instructions on how to prioritize the application. Electronic systems may have a required field indicating that this is an affordable housing project.

Task completion entities should be able to verify that eligible projects are reviewed expeditiously and immediately forwarded to the next task for final approval with notification of the approval to the developer. Alternatively, the local jurisdiction could provide a concurrent preapplication/predevelopment review process to bring all the departments that will be required to sign off on the development into a preapplication/predevelopment review meeting.

Examples

Pasco County

Developments that receive a certification as affordable receive expedited review – including single and multi-family, attached or detached, residential and planned, or mixed-use developments.

Staff assist applicants to submit a fully completed application before the expedited review begins. Once the completed application is accepted, the Director of Growth Management or an assignee shepherds the application through each level of review. In no case will an application be set aside while awaiting a decision. The application is returned to the Director immediately after the review is completed. The Growth Management Director has the authority to approve developments - those that do not require a comprehensive plan amendment of projects below 100 units - without submittal to a reviewing committee. The county uses a yellow band to identify certified housing applications.

- *For Single Family development projects:* SHIP staff email the central permitting manager, who pulls out the permit request for the contractor/builder and processes it right away.
- *For Multi-Family development projects:* SHIP staff arrange a meeting with the developer and representatives from the engineering, development services, zoning, and growth management departments. Each department indicates upfront what is needed to process the application. Each department commits to review applications swiftly. In this fashion, every point of review is expedited.

Lee County

A green cover sheet is placed on top of all qualified application packages. Staff are instructed to direct any questions or issues to the Housing Staff who will then work with the applicant to provide more information or correct insufficiencies.

City of Orlando

The Housing and Community Development Department, the Planning Division, and the Office of Permitting Services worked together to form the Expedited Housing Development Approval Process. A Housing Expediter is assigned who serves as the lead staff member responsible for coordinating the City's review through the various departments. The Expediter performs an initial review of the project applying for certification to determine whether it meets income criteria. The Expediter then communicates with other departments and serves as the key contact between City staff and the project developer. In addition, the Planning Division and Permitting Services Division each assign a staff person to serve as Ombudsman for certified housing projects. This ensures that issues are addressed early and can be resolved quickly. The City of Orlando also prioritizes projects meeting the City's residential green building principles.

Strategy: Fee Waivers for the Development or Construction of Affordable Housing

S. 420.906(4)(b) of the Florida Statutes directs the AHAC to assess: “All allowable fee waivers provided for the development or construction of affordable housing.” Under s. 163.31801 of the Florida Statutes, local governments can “provide an exception or waiver for an impact fee for the development or construction of housing that is affordable.” If a local government does so, “it is not required to use any revenues to offset the impact.” Further, local governments must report each exception or waiver of impact fee for housing that is affordable to the state.

Purpose

Local government fees are a major expense in developing newly constructed housing. By modifying fee requirements for affordable housing projects to reduce the amount paid, the overall cost of developing housing can be reduced and the savings can be passed on in the form of lower rents or lower sales prices. Reducing fees can also result in the reduced need for local SHIP funds. This can make SHIP and other housing dollars go further and result in more affordable units. Reduced, deferred, or waived impact fees can also count as a local government contribution in the Low-Income Housing Tax Credit (HC) application program of the Florida Housing Finance Corporation. Adequate local government contribution will allow an application to score higher points, making the project more competitive.

Impact fees are generally thought of as the main type of fee that may be modified with the intent of reducing the cost of development. However, the modification and waiver of other local government fees should also be assessed. These fees include:

- Informal Review
- Site Plan Review
- Landscape Plan
- Platting and Subdivision
- Building Permit
- Variance or Special Exception
- Impact fee:
 - Roads
 - Parks
 - Infrastructure
 - Schools
- Concurrency Capacity Availability or Encumbrance.

Local governments rely on impact fees to pay for the services required when new residents move into a community as a result of development. The government may charge fees for increased school enrollment, road capacity, and utility access. By reducing or waiving a fee to the affordable housing developer, the local government may not have to provide as much subsidy to ensure that the development is financially feasible. They can also ensure long-term affordability by providing terms that require repayment with interest if the property does not meet affordability terms at a future date.

Considerations

- First and foremost, it is imperative that local government is provided assurance that a waiver or modification of fees will result in greater affordability to the consumer, not greater profitability to the developer.
- Impact fees are based upon a nexus argument that development creates a definable impact on public infrastructure, including roads, sewer, water, parks, schools, etc. Without these fees, local government may need to rely on other sources of existing revenue or increase fees on non-affordable projects.
- The 2019 Florida Legislative session confirmed that impact fees can be waived for affordable housing without needed to use any revenues to offset the impact. Some legal advisors take the position that waiving impact fees is not permissible. In these cases, it is possible for the fee to be paid, but by other sources. One such source is the interest that has accrued on the impact fee financial accounts. This action simply moves interest money back to the impact fee income stream.
- Local governments may or may not have fees that they can modify for affordable housing developers. Further, some departments may rely solely on impact fees to fund needed improvements.
- Since utilities and roads are critical infrastructure necessary for any housing development, it is essential that they are funded, and if impact fees are the only source to fund improvements, it may be necessary to use local SHIP funds to pay for improvements or in lieu of the developer's payment.

Methodology

Fee modification methods can include, but are not limited to, the following:

- Waiver or forgiveness of fees
- Discount or reduction of fees
- Loan- payable in favorable terms, with payments deferred until a pre-designated time; and,
- Reimbursement- fees are paid at time of application and are reimbursed upon completion of development or other point in time.

Fee waiver: To waive certain fees, the governing local ordinance would need to provide the conditions for the waiver. When impact fee revenue is pledged for the repayment of a bonded improvement, it is likely that the covenants for the bonds would allow forgiveness. If this is the case, then an alternative source of funding might be considered. Future bond issues should be evaluated for the possibility of including a built-in waiver for certain circumstances, such as affordable housing.

Fee deferment: To defer fees, the ordinance needs to contain a provision for the terms of the deferral and an agreement or lien needs to be in place to describe when and how the fees would be repaid.

Fee modification: The fee amount can be adjusted for smaller or lower cost units. Because impact fees, specifically, are typically regressive - fees are typically collected on a per unit basis rather than on a square-foot or value basis - smaller affordable homes pay the same fee as large homes. Impact fees could be modified for affordable housing by restructuring the fee amount based on the size or the type of the unit. For example, a proposed housing project targeted to seniors might be eligible for a reduced impact fee for roads or school impact, along with other provisions such as reduced parking spaces.

Alternative sources to pay impact fees

Local government could offset the costs of waived or reduce impact fees from the interest on the impact fee account. The fee can be reduced or discounted with the balance paid from the interest. It is not recommended that SHIP or other housing dollars be used to subsidize impact fees as these funds can be better used for direct housing costs, such as construction or down payment assistance. Any adjustments or exclusions need to be spelled

out in the ordinance. Finally, because impact fee programs are dynamic and come under discussion frequently, housing staff and advocates should be aware of the changes in relation to impact fees - especially impact fee increases. Staff and advocates should become an active part of impact fee discussions. This ongoing responsibility is part of the required incentive strategy to maintain an ongoing process of review.

Examples

City of Orlando- excerpt from Incentive Section of the Local Housing Assistance Plan

Description: The sewer benefit fee and the transportation impact fee are the only two impact fees the City of Orlando charges for new construction. In addition, the Orange County School Board levies a school impact fee for residential development. As an incentive for the production of affordable housing, the City established an Affordable Housing Impact Fee Program that provides a full or partial reimbursement for sewer and school impact fees, and a Transportation Impact Fee Exemption Program that exempts certified affordable housing developments from the payment of the transportation impact fees for affordable units.

Established policy and procedures: To receive reimbursement of the sewer and school impact fees, developers must pay all impact fees when building permits are issued. After the sale of the housing unit at or below the City's maximum sales price, or after the housing unit is rented at or below the established HUD rents, the impact fees are reimbursed by the City, provided funding is available. The reimbursement is available on a first-come, first-served basis. Another benefit available to certified affordable housing developments is the Transportation Exemption Impact Fee Program. The program offers a partial exemption for projects that have received affordable housing certification.

Descriptions of the available impact fee benefits are below:

Reimbursement of sewer impact fees:

- 100% reimbursement from SHIP funds for eligible affordable units if they meet the City's adopted residential green building criteria for affordable housing projects; or
- 75% reimbursement from SHIP funds for eligible affordable units if they do not meet the City's adopted residential green building criteria for affordable housing projects.

Exemption of transportation impact fees:

- 100% exemption of the transportation impact fees for eligible affordable housing units if the certified housing project meets the City's commuter criteria. *
- 50% exemption of the transportation impact fees for the eligible affordable housing units if the certified housing project does not meet the City's commuter criteria but is accessible to grocery stores, public schools, pharmacies, medical facilities, financial institutions, or a post office via a public transit stop located within a ¼ mile distance.
- 75% exemption of the transportation impact fees for the eligible affordable housing units in certified attainable housing projects if the certified housing project meets the City's commuter criteria.
- 25% exemption of the transportation impact fees for the eligible affordable housing units in certified attainable housing projects if the certified housing project does not meet the City's commuter criteria but is accessible to grocery stores, public schools, pharmacies, medical facilities, financial institutions, or a post office via a public transit stop located within a ¼-mile distance.

*To meet the City of Orlando’s commuter criteria, a development must be located within a ¼ mile distance to a City-designated Activity Center or a light rail or commuter rail station.

Reimbursement of school impact fees:

- 25% reimbursement from SHIP funds for eligible single-family affordable housing units; or,
- 50% reimbursement from SHIP funds for the eligible multi-family affordable housing units.

Alachua County

Fee modification: The County’s impact fee amounts are not collected on a per-unit basis but rather on a square-foot basis.

Orange County

A deferral for the payment of impact fees is available to all single-family residences and duplexes until issuance of a Certificate of Occupancy. Multi-family projects that are certified as affordable may defer the payment of the impact fee until power is authorized for the first building or until the first Certificate of Occupancy is issued.

Lee County

The impact fee for Lee County contains a provision for the waiver of all impact fees, except school fees, within its three enterprise zones. Lee County also provides a School Impact Fee Rebate (SIFR) for certified affordable housing units. A nonprofit affordable housing developer can apply for the SIFR at the time of permitting. After the fee is paid and the home is completed, the lower-income purchaser of the home receives a 50% rebate that is paid directly to their first mortgage holder to reduce their principal. For-profit builders can also participate for a 25% rebate. The rebate program is funded by the interest that accrues on the impact fee account. Thus, the school board does not give up real income but part of the interest on the account. There is a \$200,000 cap on the program that is renewable.

Collier County

Collier County has a long-standing impact fee deferral program. Using building permit fee revenues, the fee is paid on behalf of the affordable home at the time of permitting. This is a loan that is to be repaid within ten years. There is a lien that is placed on the property.

Strategy: Flexibility in density

S. 420.9076 (4)(c) of the Florida Statutes directs the AHAC to assess: “The allowance of flexibility in densities for affordable housing.”

Relevant Statutes

A density bonus is a voluntary incentive that should be available to certified affordable housing projects by right. Density bonuses can also be provided as part of a mandatory inclusionary zoning ordinance. Local governments have the inherent home rule authority to provide density bonuses in exchange for the production of affordable housing units. S. 125.01055 and 166.04151 of the Florida Statutes confirm this tool by stating that local governments can use various land use mechanisms to increase the supply of affordable housing.

The Florida Statutes provide direction for local governments choosing to provide density bonuses in exchange for a donation of property to be used for affordable housing.

- Section 420.615 of the Florida Statutes states that “[a] local government may provide density bonus incentives pursuant to the provisions of this section to any landowner who voluntarily donates fee simple interest in real property to the local government for the purpose of assisting the local government in providing affordable housing. Donated real property must be determined by the local government to be appropriate for use as affordable housing and must be subject to deed restrictions to ensure that the property will be used for affordable housing.”
- The statute requires that, as part of the approval process, the local government adopt a comprehensive plan amendment for the receiving land that incorporates the density bonus. It further provides that the plan amendment shall be adopted in the manner required for small-scale amendments under section 163.3187, Florida Statutes.

Purpose

Increasing the maximum units allowable may help make a project more financially feasible. The local land development code dictates a maximum number of housing units that may be developed on a particular lot depending on the zoning classification. As an affordable housing incentive, a jurisdiction may increase the maximum units allowable if a builder develops affordable housing units in exchange. The presence of bonus units will allow a developer to sell more homes or rent more apartments and thus help meet various financial feasibility criteria. A developer of affordable housing should be able to qualify for bonus density units by right if other development criteria are met. The bonus units produced should be affordable long-term.

The concept of providing bonus units to a developer who is not *building* affordable housing, but rather is contributing either land or funding, would be considered an inclusionary housing or inclusionary zoning strategy. “Inclusionary housing” is addressed in this section on density because if a local government chooses to implement inclusionary housing policies to create mixed income housing, it will need to include density bonus details in that ordinance.

An increase in density offers an economic incentive to produce affordable housing. The allowance of full density allowed by land use and zoning regulations, as well as additional approved units allowed by density bonuses, creates the opportunity for an affordable housing project to be financially feasible; the allowance of more density

also incentives market-rate developers to produce affordable units. The sale of more units or the leasing of more apartments offsets the lower sales price or rent payments for each affordable unit.

Considerations

- Assess local land development regulations and identify areas where density bonuses can be authorized.
- Consider allowing density bonuses as-of-right through administrative procedures rather than requiring a public hearing. Predictable development standards may attract more private sector involvement.
- Avoid increasing allowable density without assurances for long-term affordability to the greatest extent feasible. If the local government gives away too many entitlements with nothing in return, a density bonus incentive may be less attractive.
- The implementation of a density bonus program requires skillfully prepared regulations, standards, and agreements to effectively ensure that the bonus units are affordable long-term or that a payment or exchange in lieu is effective.
- In areas where there is not a high demand for density, such as rural areas, the incentive may not be effective, unless a project is a large-scale, master-planned development.

Elements of an inclusionary zoning ordinance

Inclusionary zoning, or inclusionary housing, is a land use planning tool that is a solution more than an affordable housing incentive. The primary purpose of inclusionary zoning is to increase the supply of affordable housing concurrently with the development of market-rate housing. An inclusionary zoning ordinance requires some market-rate developers to include a percentage of affordable units within their market-rate developments. Inclusionary zoning is an approach that ensures that affordable units are created with limited public expenditure.

At a time when the federal government is taking less responsibility for providing affordable housing by cutting funds for housing vouchers and other programs, local public funds for affordable housing are in short supply. Affordable housing programs that leverage private-sector funds, such as inclusionary zoning, are a way to stretch taxpayer dollars.

Proponents of inclusionary zoning argue that a number of benefits occur. If new development occurs in metropolitan centers, inclusionary zoning can result in affordable units that are closer to jobs and transportation. In addition, because of the density bonuses awarded for affordable units, inclusionary zoning can lead to higher-density development. The higher-density and infill development that can result from inclusionary zoning reduces the demand for fringe development. This, in turn, reduces the need for new infrastructure, shortens commutes, and reduces congestion.

Threshold size

Inclusionary zoning ordinances typically establish a minimum project size before policies are applied. This threshold should be large enough to contribute to the financial feasibility of the required affordable units. Study local development patterns to identify an ideal threshold number of units that triggers an affordable housing requirement. If the average new development in your community produces 50 units, a threshold at 50 units may capture a large number of developments that will need to meet affordability requirements. Similarly, if the average new development in your community produces 50 units and the inclusionary threshold is at 100 units, you may not capture enough new developments to maximize the effectiveness of an inclusionary zoning ordinance.

Percentage set-aside

Inclusionary zoning ordinances generally require a certain percentage of the market rate development to be set aside as affordable units. The percentage of affordable units included in new development should consider the following: the financial feasibility of producing the affordable units, the incentives or cost offsets available to developers to produce the affordable units, the need for affordable units, and the strength of the local housing market. Nationally, inclusionary zoning ordinances have required developers to set aside 5%–35% of their new housing developments as affordable, although requirements of 10%-25% are most common. The share of affordable units required often varies, depending on whether the units will be for homeownership or rental, and whether the income targeted is moderate-, low-, or very-low.

Cost offsets

Under s. 125.01055 and 166.04151 of the Florida Statutes, local governments must “fully offset all costs” to a developer for their affordable housing contribution under an inclusionary zoning ordinance. One of the primary cost offsets offered to developers in exchange for producing affordable units is a density bonus. A density bonus allows the developer to construct a certain number of additional market rate units beyond what is normally allowed under the current zoning ordinance, in exchange for providing a specified number of affordable units.

In addition to density bonuses, there are several ways of reducing the costs of a development to enable the construction of affordable housing. For example, developers can be given waivers from development standards, and/or receive waivers for fees such as demolition, water and sewer charge and utility connection fees. Developers may also be eligible for reduced parking requirements, or other benefits provided to certified affordable housing projects, including expedited permitting.

Statutory authorization for inclusionary zoning

S. 125.01055 and 166.04151 of the Florida Statutes expressly authorize inclusionary housing ordinances as a tool to increase the supply of affordable housing. However, due to legislation passed in 2019, local governments must “fully offset all costs” to the development of its affordable housing contribution required by an inclusionary zoning ordinance. Local governments can offset these costs by providing density bonuses, a reduction in fees, or by granting other incentives.

It is important to note that inclusionary zoning is exempt from Florida’s rent control statute. S. 125.0103(2) of the Florida Statutes states that no local government can adopt or maintain an ordinance which imposes rent controls unless such controls are necessary and proper to eliminate an existing housing emergency which is so grave as to constitute a serious menace to the general public. Subsection (7) of this statute specifically exempts inclusionary housing ordinances from this prohibition on rent control.

S. 163.3177(6)(f) of the Florida Statutes requires that the Housing Element of the local Comprehensive Plan include principles, guidelines, standards, and strategies for the provision of adequate sites for future housing, including affordable workforce housing, and principles to provide housing for all a jurisdiction’s current and future anticipated populations, including special needs populations. Inclusionary housing strategies would satisfy this Comprehensive Plan requirement.

Income groups to be served

“Affordable housing” must be defined by the inclusionary zoning ordinance, and a methodology must be established for determining the sales price or rent of an affordable unit. Inclusionary zoning ordinances generally

target households with “low” or “very low” incomes as defined by HUD. Some ordinances allow “affordability” to be defined to include moderate-income households, or those with incomes up to 120% of the area median income or higher. Income requirements are generally stricter for rental units than for units intended for ownership. In the case of units for sale, “affordable housing” means housing in which principal, interest, taxes, and insurance make up no more than 30% of the gross household income. For rental housing, “affordable” means housing for which the rent and utility payments constitute no more than 30% of the gross annual household, adjusted for household size.

Duration of affordability

To preserve affordable units that are produced under inclusionary zoning ordinances, a control period is established. During this period, rental and ownership units must remain affordable. New tenants and buyers must meet income requirements, and the rent or sales price must be established according to the current area median income (interest rates may also be a factor for ownership units). Home buyers are typically allowed to keep a portion of the proceeds from the sale or to earn a specified rate of appreciation on the unit. Monitoring is important to assure continued compliance with the initial affordability requirements. A local agency or other monitoring agent must be established for low- and moderate-income housing developed under inclusionary zoning. A community land trust is well suited to manage inclusionary housing units, providing a pipeline of income eligible tenants and buyers.

Example

Palm Beach County Workforce Housing Program (WHP)

Palm Beach County’s Workforce Housing Program is an extensive framework of regulations that requires a sliding scale of affordable units to be built based on the amount of incentives a developer receives in return. In certain zoning and Future Land Use designations, a minimum of 15% of units developed must be reserved for affordable housing for an established period of years. The WHIP offers the choice of either a “limited” or “full” program option, which determines the amount of required workforce housing and the availability of incentives. The only available incentive with the “limited” option is a density bonus while the “full” option provides for a density bonus plus expedited permitting review, greater flexibility in property development regulations, and other incentives to offset costs. Projects that choose the “full” option must provide a greater percentage of affordable units.

Developers are allowed flexibility to build units off-site, pay an in-lieu fee, and donation of buildable land, in lieu of developing the workforce units on-site. For homeownership units, affordability restrictions remain in effect for 15 years but if the unit is resold before the 15-year period concludes, a new 15-year period takes effect. For rental units, affordability restrictions are in effect for 30 years.

The County offers healthy incentives to fully offset the cost of the affordable units to developers. As of 2020, over 1,200 units have been produced with Palm Beach County’s mandatory inclusionary zoning ordinance with almost 2,400 units dedicated.

Tallahassee: Inclusionary housing ordinance

In exchange for requiring 10% of the units to be affordable, the City of Tallahassee’s ordinance provides a 25% density bonus as well as housing design flexibility, including relief from setback and minimum lot size requirements.

This inclusionary housing ordinance was challenged by the Florida Home Builders Association as an unlawful taking, a violation of substantive due process, and an unlawful tax. On November 20, 2007, the Circuit Court of the Second Judicial Circuit granted summary judgment in favor of Tallahassee on all three counts. The trial court found the inclusionary housing ordinance to be a land use regulation under the City's police power, and not a taking of any type. The court recognized that the inclusionary housing ordinance provides a number of benefits to developers.

Methodology

Sample language for the Housing Element of the Comprehensive Plan

The following may be adapted and used to address the density bonus incentive in the Housing Element:

Goal: Density Bonus Program. The County will have an effective Density Bonus program for affordable housing that increases the supply of units and offsets the development costs of producing a variety of ownership and rental housing.

1.1 Objective: Provide criteria for certified affordable housing projects within the Medium and High Density Residential Development areas for a 10% density bonus according to the following policies:

1.1.1 Density Bonus units must be reserved for households with very low, low or moderate income as defined in the Local Housing Assistance Plan;

1.1.2 Density Bonus units must remain affordable for a minimum of 30 years [or consider a longer period] or be deeded to a Community Land Trust;

1.1.3 Site location on a major or minor arterial or major collector street as defined in the Traffic Circulation Element of the Comprehensive Plan;

1.1.4 Site location of medium density designation may share a boundary with a single-family zoning district;

1.1.5 Site location of high density designation may not share a boundary with a single-family zoning district;

1.1.6 Urban services are available including water and wastewater service from a regional public utility as defined in the Comprehensive Plan Data Inventory and Analysis (including the Potable Water [Services] Element and Wastewater Element [Sanitary Sewer Services Element]);

1.1.7 Applicant provides significant open space buffer, natural landscape including a landscaped berm where appropriate, plant material and/or an aesthetic wall or fence to effectively shield the residential use from any existing adjacent nonresidential use or from any single-family use;

1.1.8 For conventional zoning, administrative relief and flexible performance standards are available similar to that provided in the Planned Unit Development or Mixed Use Planned Development review procedure;

1.1.9 Height limitations shall be provided by the Land Development Regulations;

1.1.10 Applicant provides that all performance standards shall be met.

Additional goal setting may include the formation of a community land trust:

4.0 Goal: The County will seek to create a permanent inventory of affordable housing units in order to meet current and future housing needs.

4.1 Objective:

4.1.1 Policy: The affordability period will be a minimum of 20 years [or consider a longer period] under the density bonus program unless the property is deeded to a community land trust.

4.1.2 Policy: The County will form a jurisdiction wide Community Land Trust that will ensure that subsidized or otherwise resale restricted properties remain affordable through a 99-year renewable ground lease and that subsequent residents are restricted by income level.

Sample language for the Land Use Element of the Comprehensive Plan

The Future Land Use Element should also address the bonus density incentive. Sample language may include the following:

14.03 Density Incentives. A 10% density bonus shall be available over the standard density range. Units produced under the inclusionary ordinance may utilize this provision; or,

All certified affordable housing projects will have by right a 50% density bonus so long as the density does not exceed the density limit for the land use category of the Future Land Use Plan.

Example

City of Orlando

Description: The City of Orlando operates a voluntary density bonus program. The program offers a density bonus in several residential, office, and commercial districts. In exchange for more density, the developer must commit to build affordable housing units on-site. However, instead of building affordable units on-site, the developer may choose to provide an in-lieu contribution to the “City of Orlando Trust Fund for Low- and Very Low-Income Housing.”

The Land Development Code requires a Neighborhood Compatibility Review for all developments requesting a density bonus. The purpose of the review is to ensure that the intensity of a development utilizing a density bonus remains compatible with adjacent neighborhoods. All variances, except variances to height requirements, are prohibited within developments that have received density bonuses. If the Neighborhood Compatibility Review is favorable, the applicant can increase the density of development in accordance with the approval.

In return for the density bonus, the developer is required either to provide on-site affordable housing units equal to the number or additional units permitted by the bonus or to contribute a percentage of the total construction costs to the trust fund at the time of permitting. At the time of building permitting, the Building Official determines the amount of the contribution based on 2% of the total construction costs of the development. The on-site alternatives require that the affordable units be devoted by deed restriction to low- and/or very low- income households.

Strategy: Reservation of infrastructure capacity

S. 420.9076(4)(d) of the Florida Statutes directs the AHAC to assess: “The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.”

Relevant Statutes

The Community Planning Act of 2011 was enacted by the Florida Legislature to exempt communities from addressing parks and recreation, schools, and transportation from their concurrency requirements in their comprehensive plans. Concurrency for sanitary sewer, solid waste, drainage and potable water infrastructure remained mandatory. Local governments may voluntarily elect to require concurrency for parks and recreation, schools, transportation, or other facilities. The impact of concurrency on the viability of affordable housing is that of cost and competition with private-market developments to reserve infrastructure capacity.

163.3180 Concurrency

(1) Sanitary sewer, solid waste, drainage, and potable water are the only public facilities and services subject to the concurrency requirement on a statewide basis. Additional public facilities and services may not be made subject to concurrency on a statewide basis without approval by the Legislature; however, any local government may extend the concurrency requirement so that it applies to additional public facilities within its jurisdiction.

Florida Statutes, s. 163.3180(5)(f)6. allows local governments that elect to retain transportation concurrency in their comprehensive plans to development tools and techniques to reduce impact fees or local access fees to promote affordable or workforce housing.

Purpose

The reservation of infrastructure capacity is based upon local requirements in largely urban areas. These larger areas require future developments to make a reservation to guarantee the new development will meet concurrency requirements by meeting designated levels of service for certain types of infrastructure. Reservation is the act of setting aside a portion of available infrastructure capacity necessary to accommodate valid intermediate or final development orders.

Typically, a local concurrency ordinance requires that public facilities and services that are needed to support development be available “concurrently” with the impacts from each development. Facilities and services may include the following:

- Transportation (roadways)
- Public Transit
- Water supply
- Sanitary Sewerage
- Solid waste disposal
- Flood protection
- Schools; and,
- Parks.

The designated concurrency review agency is responsible for maintaining data on the current level of service standards for the public facilities and services. This will inform future development of the exact nature of the infrastructure capacity available and the impact requirements that may be placed upon a given development.

This incentive is not a significant factor in areas that may already have infrastructure in place, such as urban infill areas or urban service areas. Small scale developments, as well as those proposed to be located in designated target areas such as community redevelopment areas or enterprise zones, may be exempt from concurrency requirements. In addition, developments located within a designated vicinity to mass transit systems, such as light rail, may also be exempt.

It is up to the community to decide how it can assist affordable housing projects in reserving infrastructure capacity. One way is to waive the filing fees which can reduce overall project costs. Another is to give certified affordable housing projects priority so that the availability of infrastructure would not be a roadblock to completing a project.

Considerations

- Non-urban areas probably will not need this type of incentive. However, in urban areas where concurrency is a significant permitting factor, the local government will need to make a choice in prioritizing available capacity for market rate, commercial or certified affordable housing projects.
- There can be a cost differential if fees are waived or deferred that can affect capital improvement plans.

Methodology

The Local Government Comprehensive Plan must address this incentive, as it has an impact on several elements including Capital Improvements, Future Land Use, Infrastructure, and Housing. Florida Statutes, s. 163.3180(5)(f) authorizes a level of relief by allowing local governments that require transportation concurrency to reduce impact fees or local access for affordable or workforce housing.

A procedure for the certification of projects as affordable is essential to ensure that this provision is used properly with the intended results.

Sample text for Comprehensive Plan

14.05 Reservation of Infrastructure. The Jurisdiction maintains the right to reserve infrastructure concurrency for certified affordable housing projects.

Strategy: Accessory dwelling units

S. 420.9076(4)(e) of the Florida Statutes directs the AHAC to assess: “Affordable accessory residential units.” The goal of this strategy is to provide incentives and amend land use regulations to encourage the development of more accessory dwelling units.

Relevant Statutes

S. 163.31771 of the Florida Statutes addresses accessory dwelling units. The Legislative findings section of the statute is provided here:

(1) The Legislature finds that the median price of homes in this state has increased steadily over the last decade and at a greater rate of increase than the median income in many urban areas. The Legislature finds that the cost of rental housing has also increased steadily and the cost often exceeds an amount that is affordable to extremely low-income, very low-income, low-income, or moderate-income persons and has resulted in a critical shortage of affordable rentals in many urban areas in the state. This shortage of affordable rentals constitutes a threat to the health, safety, and welfare of the residents of the state. Therefore, the Legislature finds that it serves an important public purpose to encourage the permitting of accessory dwelling units in single-family residential areas in order to increase the availability of affordable rentals for extremely low-income, very low-income, low-income, or moderate-income persons.

Through this statute, local governments are not required to permit ADUs in all single-family residential districts but are highly encouraged to do so. The state has recognized that ADUs are an important tool to increase the stock of affordable rental housing.

Purpose

Accessory dwelling units (ADUs) are additional residential units typically on single-family lots that are independent of the primary dwelling unit. An ADU can be an apartment within the primary residence or it can be an attached or freestanding home on the same lot as the primary residence. ADUs are commonly referred to as granny flats or mother-in-law suites and are also sometimes referred to as accessory apartments, garage apartments, carriage houses, and backyard cottages. The concept of an accessory dwelling unit is to have an additional complete residence, meaning a place for sleeping, bathing, and eating, independent of the primary home.

ADUs capitalize on the prominence of the single-family home by allowing more residents to live on single-family lots at an affordable price. The smaller housing option is ideal for smaller households, young adults, or elderly individuals who wish to live in close proximity to a caretaker. The ADU is a great smart growth tool for infill development as it can use existing infrastructure and make greater use of already developed land. When ADUs are built in single-family neighborhoods near employment centers, more people can have the opportunity to live closer to where they work – reducing transportation costs and the associated environmental impacts. Allowing more accessory dwelling units to be built in more locations could be successful in improving a community’s affordable housing stock.

An accessory dwelling unit creates affordable housing in two ways: the secondary (accessory) dwelling is a rental unit that, due to its relatively small size, will ordinarily rent at a price within the means of lower-income persons; at the same time, the rental income from the accessory dwelling unit can render the primary residence more affordable by virtue of the income it generates for the resident owner of the primary residence.

The American Association of Retired Persons (AARP) recognizes that ADUs can assist the elderly to “age in place.” The owner of a primary house and ADU may choose to live in the smaller unit and rent out what was the primary residence, if permitted locally. For a single elderly homeowner living on a fixed income, this arrangement can provide the perfect affordable living solution: a more appropriately sized living space and a higher rental income. ADUs are particularly well suited for the lower-income elderly because in addition to increasing affordability, the elderly homeowner may also obtain companionship and needed services from the tenant in the ADU. If allowed, the owner can also choose not to live on site and can rent both the primary unit and ADU.

Local government can ease regulatory barriers to ADU development and should strive to amend its land development code to encourage the construction of these units. First, ADUs should be allowed in all single family zoning districts. Then, local government can amend other requirements, such as density, parking minimum lot size, maximum lot coverage, parking, and other standards, to ensure that the most possible lots can contain a lawful ADU. Parking requirements alone may make ADU construction financial infeasible. If the local code is too stringent and imposes addition costs on construction, homeowners will be discouraged from building ADUs. Further, local governments can financially assist ADU development through a loan programs as an effective way to assure affordability through a recorded land use restriction agreement made in conjunction with the loan. Homeowner education through pre-fabricated designs and clear standards for development can incentivize the creation of these units as well.

Considerations

- Allow accessory dwelling units in all single-family districts.
- Amend local land development regulations to allow the most possible lots to contain a lawful ADU.
- Examine the local code and remove unnecessary barriers to lower the cost of ADU development, especially parking requirements.
- Exempt ADUs from density calculations.
- Allow ADUs as a permitted use.
- Charge impact fees by square foot or waive impact fees for ADUs of a comparatively low square footage.
- Avoid strict owner-occupancy requirements and allow homeowners to occupy the ADU and rent the primary unit.
- Consider forming a loan program or provide other financial incentives for ADUs that provide affordable rental housing.
- Provide education to homeowners on how to navigate the development process.

Methodology

Most ADU ordinances require the owner to reside in either the primary or the secondary unit. However, the local government can allow homeowners to rent both the primary unit and ADU.

- **Size regulations:** Consider standards to maintain the aesthetic integrity of the surrounding neighborhood. Most local governments regulate ADU size in relation to the primary unit. This may restrict the use of ADUs on smaller lots. Consider using a set number of allowable square footage. For example, a local government could allow ADUs up to 1,200 square feet with additional size allowances depending on the size of the lot.
- **Occupancy restrictions:** Some ordinances limit ADUs to occupancy by family members and for a limited period of time. To maximize the ADU as a tool for affordable housing, allow ADUS to be rented to whomever the homeowner chooses as a long-term tenant.

- ADUs that are built with SHIP funds must comply with all SHIP rental regulations for the accessory unit. Staff must implement a monitoring plan to monitor an ADU annually to determine if the resident is still income eligible.
- A waiver of impact fees or an impact fee based on square footage rather than by unit may be required to make an ADU financially feasible.

Examples

Orlando

The City of Orlando continuously updates its ADU ordinance with a clear intent to promote the use of ADUs. Their ordinance allows ADUs in all single-family districts, does not require parking if the ADU is 500 square feet or less, and does not have a strict owner-occupancy requirement. A 2018 staff report presented in support of the ordinance demonstrates the local government's understanding of ADUs as a tool for affordable housing and the need to create a regulatory atmosphere that encourages their use. The staff report includes an excellent description of the benefits ADUs provide, a survey of comparative local governments and their ADU policies, and a comprehensive analysis of how the new ADU ordinance lessens the land-use restrictions on local governments.

Elements of the Ordinance:

- Type of Use: Accessory
- Zone Districts Allowed: All residential districts as well as mixed use and office districts.
- Size: Maximum of 50% of the size of the principal unit and can be no larger than 1,000 square feet.
- Minimum Lot Size: Correlated with the size of the ADU and depends on the zoning district. Residential districts require a lot size of a minimum of 5,500 square feet for an ADU of up to 500 square feet and 8,250 square feet minimum for an ADU of up to 1,000 square feet.
- Parking: No required parking for ADUs of 500 square feet or less. One additional off-street parking space is required for ADUs above 500 square feet.
- Owner-Occupancy: Not explicit in the ordinance.

Pinellas County

Pinellas County's ordinance has an important element that is worth showcasing: ADUs are exempt from density calculations. This is a best practice as it allows more single-family lots to construct lawful ADUs. Further, Pinellas County allows the owner of the property to occupy either the primary unit or ADU. This flexibility in owner-occupancy is essential to a successful ADU Ordinance.

Elements of the Ordinance:

- Type of Use: Accessory
- Zone Districts Allowed: All single-family districts and multi-family residential
- Density: ADUs are exempt from density calculations
- Size: Shall not exceed 750 square feet or 50% of the living area of the primary, whichever is less

Alachua County

As with Pinellas County, Alachua County does not include the size of an ADU in gross residential density calculations and allows the homeowner to live in either the primary unit or ADU. The Alachua County ordinance is similar to Pinellas' in many respects and is also a model for local governments around the state. A change a

county like Alachua could make is to consider zero-lot line configurations when establishing setback requirements. A relaxed setback requirement can encourage healthy ADU development on lots that may be otherwise unable to build a lawful ADU.

Elements of the Ordinance:

- Type of Use: Accessory
- Zone Districts Allowed: Single-family districts and agricultural districts
- Density: ADUs are exempt from density calculations
- Size: Maximum of 50% of principal residence or 1,000 square feet, whichever is greater
- Setbacks: Must meet applicable zoning district setback requirements
- Owner-Occupancy: Owner must occupy either the primary unit or ADU

Additional resources related to accessory dwelling units

Florida Housing Coalition: Accessory Dwelling Unit Guidebook

- <https://www.flhousing.org/wp-content/uploads/2019/08/ADU-Guidebook.pdf>

Santa Cruz, California Accessory Dwelling Unit Program

- Santa Cruz offers its residents assistance through loans, an ADU manual, and ADU design prototypes.
- <https://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/accessory-dwelling-units-adus>

Family Housing Fund – Twin Cities ADU Guidebook for Homeowners

- Family Housing Fund is an affordable housing organization based in Minneapolis, Minnesota that has released ADU Guidebooks for Homeowners, ADU Developers, and Policy Leaders.
- <http://www.fhfund.org/adu/>

Department of Housing and Urban Development Accessory Dwelling Units: Case Study

- This 2008 study by HUD is outdated in some respects but does provide examples of how local governments have regulated ADUs around the country.
- <https://www.huduser.gov/portal/publications/adu.pdf>

Strategy: Reduction of parking and setback requirements

S. 420.9076(4)(f) of the Florida Statutes directs the AHAC to assess: “The reduction of parking and setback requirements for affordable housing.”

Purpose

The modification of parking and setback requirements can resolve issues an affordable housing project might have in design and siting in an infill area. A relaxation of these requirements can help lower development costs and ensure that more of the buildable land is available for housing development. While the intent of setbacks is to create consistency in lot composition and to preserve sight lines, utility easements, or future rights of way, there are many cases when the modification of these requirements can result in greater land area for the development. Traditional setback requirements can forestall the possibility of multiple smaller units on a single parcel, including accessory dwelling units. Setback requirements that are reduced for affordable housing projects can result in more integrated neighborhoods, as well as making them more accessible to shared living arrangements.

Some housing developments—including those focused on housing for elderly residents or people with disabilities—may benefit from a reduction in the number of parking spaces required by the land use code. Parking requirements can impose relatively high costs on affordable housing developers and should be assessed on a neighborhood basis, especially if there is on-street parking available. Similarly, builders may benefit from the flexibility in design that comes with reductions in setback requirements for the sides of a lot. Although 15-foot side setback requirements are common, allowing smaller setbacks may offer more freedom when arranging a home on a lot. One example of flexible lot configuration is zero-lot-line configuration. This option could allow a builder to locate two neighboring houses back-to-back, with a common wall between them on the lot line, solid all the way to the gable. In this design, the lot line is the property line for purposes of the legal description, and so this configuration is not considered multi-family housing. These modifications need to be reviewed on a case by case basis.

Considerations

- Study existing parking requirements and identify areas where standards can be waived for affordable housing units. For example, if on-street parking is available, requiring multiple off-street parking spaces can be overly burdensome from an economic and functional standpoint.
- Allow a reduction in setback requirements to allow more smaller units to be developed a single parcel or to allow smaller lots to contain lawful homes. This strategy can be beneficial for duplexes, triplexes, and other “missing middle” housing types.
- It is important that the relaxation of certain development regulations does not have a negative visual or functional result.

Example

City of Orlando

Neighborhood Compatibility Review Criteria. Because alternative housing development permits significantly reduced front- and rear-yard setbacks, these development standards may, in some instances, be insufficient to ensure compatibility with the surrounding block face. In order to ensure that the design of an existing platted infill lot utilizing alternative housing development remains compatible with existing development within the block face, the Technical Review Committee (TRC) shall issue a written report determining whether the use of the alternative

development standards will have a significantly greater negative impact on the block face than infill development developed in accordance with the general development standards of the applicable zoning district. The comparison shall be based upon a comparison of the proposed infill development utilizing the alternative development standards, the general development standards of the applicable zoning district, and the existing development within the surrounding block face and shall address:

- Whether the proposed building setbacks vary significantly from the applicable zoning requirements and the existing setbacks within the block face
- Whether the proposed building envelope is appropriate for the block face and for the width and depth of the infill lot
- Whether building setbacks significantly decrease sight-line separation between building sites; and
- Whether the massing of the proposed infill development is appropriate for the surrounding block face.

Neighborhood Compatibility Review Findings. The Technical Review Committee shall issue written findings of impact at any time before the issuance of alternative development approval. If a significant negative impact is present, the TRC shall deny the request or, as a condition of alternative development approval, shall require compliance with enhanced development standards to remove the negative impact. Such enhanced development standards may include increased building setbacks, reduced building massing, and/or reorientation of the building. Whenever the applicant disagrees with the decision of the TRC or any conditions and safeguards imposed by the TRC, the developer may elect to appeal the application to the Municipal Planning Board (MPB). Such appeal shall be filed within 10 days of the TRC decision or determination. The MPB shall review the decision and approve, deny, approve with modifications or refer the matter back to the TRC for further consideration based on specific instructions. If the TRC determines that there is no negative impact, or if the developer agrees to comply with enhanced development standards set by the TRC, then the developer need only submit all necessary documents for building permitting in accordance with the TRC approval and the requirements of Chapter 65, Part 2C.

Setbacks

Principal building setbacks. Except as otherwise specifically permitted, the following standards shall apply. The front yard setback shall be measured from the face of the structure to the property line or, if present, the city services easement. If the Developer elects a 0-ft. side yard setback, the project shall be platted as a zero-lot-line, z-lot, or Attached Dwelling development utilizing the Alternative Development standards. For zero-lot-line or z-lot development, access and maintenance easements shall be required in accordance with the zero-lot-line development standards. For Attached Dwelling development, there shall be no minimum building separation requirement; however, a minimum perimeter setback of 10 ft. shall be required in accordance with the Attached Dwelling development standards.

Sample text for Comprehensive Plan for parking relief

14.06 Parking relief. Parking requirements for affordable housing projects shall be considered on a case by case basis administratively with consideration of the demographics of the intended residents of the property, the availability of mass transit or off-site parking.

Sample for street parking alternative

Parking relief

Parking requirements shall be considered on a case by case basis administratively with consideration of the availability of mass transit or off-site parking.

Strategy: Flexible lot configurations

S. 420.9076 (4)(f) of the Florida Statutes directs the AHAC to assess: “The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.”

Purpose

Minimum lot size, maximum lot coverage, open space, and setback requirements may prevent the development of smaller affordable housing units. For example, unduly large minimum lot size requirements will prevent the development of smaller parcels and thus, smaller units that are ripe for affordability. An arbitrary maximum lot coverage requirement could prevent the development of multiple small units on a single lot. Flexible lot configurations can be a creative way to encourage the development of affordable housing units, especially for parcels that may be unique in shape and size. A flexible lot configuration can create a number of smaller housing units on a single lot.

Zero-lot-line housing enables a more efficient use of smaller lots by allowing developers to construct housing up to the edge of a given lot line. An affordable housing developer could request a zero-lot-line option on a case-by-case basis or the local government could allow it as-of-right for affordable units.

Considerations

- Grant flexible lot configurations on a case by case or as-of-right basis with the goal to avoid unintended negative impacts on the appearance and functionality of a lot and the streetscape.
- Setback relief for the installation of accessibility modifications, such as a ramp that must be built within a setback, should be by administrative approval. This request is in the form of a reasonable accommodation and should be treated as such.

Methodology

The availability of alternative site criteria should be included in the zoning and land development regulations with a specific procedure for review and approval. The approval should be administrative and not require a public hearing.

Example

City of Orlando

Site design incentives: Certified affordable housing projects or projects with a minimum of 20% affordable housing units are eligible for flexibility and administrative relief for site design elements. This is to allow for the additional density permitted through the inclusionary ordinance. Developments submitted under conventional zoning shall receive the same flexibility in interpretation of the performance standards as a Planned Unit Development. Administrative relief may be granted for all aspects of the Development Review Procedures provided the overall development is consistent with the Comprehensive Plan.

Open space: A 50% open space requirement reduction is permissible for certified affordable housing projects.

Setbacks: Setbacks for certified affordable housing projects may be varied or reduced from standard requirements on a case by case basis and approved administratively by the Growth Management director.

Zero-lot line development: Certified affordable housing projects may request zero-lot line configurations on a case by case basis where and approved administratively by the Growth Management director.

Strategy: Modification of street requirements

S. 420.906(4)(h) of the Florida Statutes directs the AHAC to assess: “The modification of street requirements for affordable housing.” This strategy should not be confused with the required strategy to access parking requirements for affordable housing.

Purpose

The modification of street requirements can reduce affordable housing developer costs and also allow more land to be developed as housing. Modifications may free up land for lots and may allow for more flexible design.

Land use regulations typically list a number of requirements related to streets: driveway and walkway requirements, alleyways, curb allowances, drainage requirements, utility easements, and parking on both sides of the street.

For example, some affordable housing subdivisions or rental properties may benefit from an allowance for parking on only one side of the street. This reduces the required width for the road, which reduces paved area and its accompanying drainage and water retention area requirements. By designing for parking on one side of the street, rather than no street parking, a developer avoids a design that devotes too much space to parking in a garage, carport, or elsewhere on the lot. On-street parking provides the opportunity to build more housing units. There are a number of trade-offs to consider with each modification to street requirements. Emphasis should be placed on street policies that reduce costs for the affordable housing development and/or allow more units to be built on site.

Often, regular zoning comes with standard street requirements. If, however, a developer chooses the Planned Unit Development option, street requirements may be negotiated. This approach requires a public hearing, however, which might attract neighborhood opposition. As an alternative, address street modifications through administrative procedures granted on a case by case basis by Planning or Development Services staff as they review the details of each project.

Considerations

- Consider allowing affordable housing developments to plan for parking on only one side of the street. This reduces the required width for the road, which reduces paved area and its accompanying drainage and water retention area requirements. By designing for parking on one side of the street, rather than no street parking, a developer avoids a design that devotes too much space to parking in a garage, carport, or elsewhere on the lot.
- Address street modifications through administrative procedures, granted on a case by case basis by Planning or Development Services staff as they review the details of each project.
- Remove unnecessary walkways, sidewalks, alleys, and other paved area requirements.
- With most regulatory reform incentives, an important consideration is to avoid the unintended consequence of creating a substandard neighborhood. Affordable housing incentives must be balanced with the fundamental zoning concept of ensuring the health and safety of residents. Additionally, the

AHAC statute directs the AHAC to “recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value.”

Example

An allowance for parking on one side of the street: This incentive reduces the required width for the road, reduces paved area, and accommodates drainage or water retention. This design allows for parking on the street instead of via a driveway, garage or carport, which can reduce construction costs and preserve more buildable land for housing units.

St. Petersburg

The City of St. Petersburg made changes to its sidewalk and design requirements in July 2017 to provide for more affordable construction. The City no longer requires a separate walkway from the house when the home has a front driveway.

Pensacola

Pensacola has a Special Planned Development process that provides a means for a developer to present modifications for street design.

Strategy: Ongoing regulatory review process

S. 420.9076 (4)(i) of the Florida Statutes directs the AHAC to assess: “The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.” This is one of the two incentives that is required to be adopted in the Local Housing Assistance Plan (LHAP).

Purpose

The purpose of this strategy is to require local governments to consider how proposed governmental actions may affect the cost of housing development. This level of review may lead governmental bodies to reconsider certain actions that may increase the cost of development and in turn, increase the price of housing. This strategy challenges each community to consider how a variety of governmental actions can increase the cost of housing development and how to think creatively about ways to reduce these regulatory costs. This incentive is centered on creating an awareness of the potential impact that proposed actions can cause, as well as the economic impact of those decisions on the affordable housing stock.

For example, newly proposed design and architectural requirements can increase the overall cost of housing development. This strategy requires local governments to make a record showing how the proposed design standards affect the cost of development so the governing body can weigh the public benefit of proposed actions with the increase in costs to the housing developer. This weighing of interests can result in fewer actions that increase the price of housing.

This impact on the cost of housing is required to be tracked by City/County staff and reported each year with the submission of the Annual Report. The chief elected official or designee must execute a certification to confirm that there is an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption, the cumulative estimated cost per newly constructed housing unit, and the estimated cost of these actions for each State fiscal year. They must also report the cumulative cost per rehabilitated housing per housing unit, from these actions for each fiscal year and the estimated cost for that year.

Considerations

- The implementation of this process requires an affordable housing economic impact analysis to be provided to elected officials when considering each policy, procedure, ordinance, regulation, or plan provisions before adoption.
- The process requires the staff assigned to determine if decisions have a financial impact on affordable housing and the actual dollar amount of this impact if the policies, procedures, ordinances, regulations, or plan provisions are approved.
- Consider utilizing the collection experience of the AHAC to determine whether a proposed action affects the cost of housing.
- Train key housing staff in determining the economic impact of various governmental actions related to housing.

Methodology

Determining how staff will identify the impact of policies, procedures, ordinances, regulations, or plan provisions before their adoption requires that a process be set in place and that key personnel who are responsible for this ongoing review are identified. To properly implement this requirement, the key staff involved with the review

must have access to all proposed policies, procedures, ordinances, regulations, or plan provisions with sufficient time to review before they are presented to the City/County Commission or government body. This review requires key staff to identify if there is a financial impact on affordable housing and the exact amount of that impact. This may require additional research, meeting with other government staff, consulting other experts, and attending council and commission meetings to provide this information to the government body before the policy, procedure, ordinance, regulation, or plan provision is adopted. This requirement does not prohibit local government from taking actions that increase the cost of housing; it is only meant to ensure that if they choose to do so, they do it knowingly.

Examples

City of Orlando

Description: The Florida Statutes require local governments to establish a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan revisions if the adoption increases the cost of housing. Land Development Code (LDC) amendments and Growth Management Plan (GMP) amendments are reviewed by the Planning Division and the Municipal Planning Board. Final review and approval is by City Council. Those responsible for reviewing proposed ordinance and policy amendments consider a variety of issues including the reason(s) why the amendment is being proposed and whether the regulations and policies within the LDC and GMP respectively support the proposed amendment.

Established policy and procedures: All LDC and GMP amendments that may impact the development of affordable and attainable housing are reviewed by the Housing Expediter and the Affordable Housing Advisory Committee before submission to City Council for approval. During the review of the proposed policy or regulation, staff performs research on the impacts of that policy or regulation on housing cost in the Technical Review Committee Project and Analysis Report. Staff from the initiating department/division discusses the policy impact with the Housing Expediter. The Housing Expediter then schedules a meeting to present the policy amendment to the AHAC with a Housing Impact Statement detailing the economic impact for the development of affordable or attainable housing. Recommendations by the AHAC regarding the impacts of the proposed regulations or policy on housing costs are included in the MPB report for recommendation to City Council, who makes the final decision.

Hillsborough County

Example of an ongoing process for review of local policies, ordinances, regulations and plan provisions that increase the cost of housing prior to their adoption:

The Board of County Commissioners approved the creation of a permanent Affordable Housing Advisory Board (AHAB) to advise and make recommendations to the Board of County Commissioners and Affordable Housing Services on issues affecting affordable housing development. The AHAB is to assist the County in developing new programs and policies in order to foster the development and preservation of attainable housing for those County residents who desire to live in safe, decent and affordable housing. County housing staff shall draft an Administrative Directive for consideration by the County Administrator establishing a requirement for consultation among the relevant departments or offices before drafting policies, procedures, ordinances, regulations or plan provisions to determine the effect on affordable/workforce housing development or the cost of housing development. This includes activities which may impact the protection of current affordable/workforce housing or the rehabilitation of the existing housing stock for low-income homeowners/buyers.

Volusia County

Volusia County's Growth and Resource Management/Development Review Committee submits a quarterly summary to the Community Assistance Division that summarizes if any actions anticipated to be taken during the next quarter could increase the cost of housing.

Lee County

Lee County created an Executive Regulatory Oversight Committee with the responsibility to review and consider the impact of development regulations being considered for adoption on the cost of development.

Strategy: Surplus lands inventory

S. 420.9076 (4)(j) of the Florida Statutes directs the AHAC to assess the strategy to: “Prepare a printed inventory of locally owned public lands suitable for affordable housing.”

Relevant Statutes

Cities and counties are required by Florida’s surplus lands law (Florida Statutes 166.0451 and 125.379, respectively), to prepare an inventory list every three years of all real property within the jurisdiction to which the local government holds fee simple title that is “appropriate for use as affordable housing.” The inventory list must go to a public hearing, and it may be revised afterward. Following the public hearing, the governing body must adopt a resolution that includes the inventory list.

While the statute does not define what is “appropriate for use as affordable housing,” a parcel that could be developed for residential purposes is appropriate for use as affordable housing. Types of properties which are undevelopable or not appropriate for affordable housing would be slivers of land remaining from right of way work, or properties that would be unsafe for human habitation due to the proximity of toxic uses. All parcels that could be developed for residential use and are not absolutely needed for other governmental purposes should be placed on the inventory to further the local government’s housing goals. When a parcel is placed on the inventory or otherwise determined to be suitable for affordable housing development, the local government has a new fundamentally important tool at its disposal.

Further, s. 125.01055 and 166.04151 of the Florida Statutes allow local governments to approve the development of housing that is affordable on any parcel zoned for residential, commercial, or industrial use notwithstanding any other law or local ordinance to the contrary. In practice, this allows affordable housing units to be developed in those zones without the need for a zoning change or comprehensive plan amendment. In the surplus land context, these changes open up more government-owned land to use as affordable housing. Local governments should look at its parcels zoned for residential, commercial, and industrial uses for use as affordable housing.

Under Florida’s surplus lands law, the properties on the inventory list of properties appropriate for use as affordable housing may be offered for several purposes: 1) for sale in which the proceeds are used to purchase land for the development of affordable housing; 2) to increase the local government fund earmarked for affordable housing; 3) for sale with a restriction that requires the development of the property as permanent affordable housing; 4) to donate to a nonprofit housing organization for the construction of permanent affordable housing; or 5) to otherwise make the property available for the production and preservation of permanent affordable housing. Even if a local government asset is not on the inventory list, the local government can still place a deed restriction on the parcel for use as affordable housing or use the proceeds from its disposition for affordable housing purposes.

Purpose

Discounted or donated land can significantly reduce the cost of developing affordable housing. Generally, due to the high cost and limited availability of land in most urban parts of the state, government-owned land is an essential tool for affordable housing development. Locating suitable land for affordable housing can be challenging. Surplus public land is a valuable resource, and it is essential to have guidelines to ensure that that these parcels are properly identified and used for affordable housing.

Available land that is suitable for affordable housing development is a primary concern for housing providers. A land bank is an active and thorough tool that can be used to implement the surplus land statute. With appropriate disposition, policies can create more opportunities for the successful development of affordable housing.

Considerations

- A robust surplus land policy with a variety of available parcels on the inventory list can be of great value to a community's affordable housing stock.
- All parcels that are appropriate for residential development is appropriate for use as affordable housing. Consider properties that are not currently zoned for residential uses.
- A properly managed land bank requires a commitment of staff time.
- The resolution of title issues requires legal action and incurs costs for counsel and quiet title actions.
- Disposition policies that are not properly designed can result in either too little activity due to burdensome requirements or excessive demand from private developers who may be able to sidestep affordable housing provisions.

Methodology

The land bank is an ongoing program; to be truly effective it will require staff resources and should become an integral part of the housing planning process. The essential components are an Action Plan, and Operating Procedures. An advisory committee can serve as the oversight group that reviews and possibly improves upon the land inventory that is being developed and maintained as well as disposition procedures.

Greater commitment to finding or creating appropriate parcels can render the surplus lands initiative more successful. The three examples below illustrate this:

1. Oftentimes, local government obtains title to environmentally sensitive properties for conservation, but not all the land obtained in a particular transaction is environmentally sensitive or important for conservation. In that instance, lands for affordable housing may be derived from separating non-sensitive lands from environmental acquisitions.
2. With property appraisal data readily available on-line and the large number of realtors who are both affordable housing advocates and knowledgeable about local inventory, an advisory committee may be in the position to ask why a certain parcel is not on the list. Remember, the list initially submitted for review at the public hearing may not be the list that is ultimately adopted by resolution.
3. Other governmental entities in your community may be able to donate its land for the local government's affordable housing purposes. Local school districts are authorized by s. 1001.43(12) of the Florida Statutes to use portions of school sites, land deemed not suitable for education purposes, or land declared as surplus by the provide to provide sites for housing for teachers and other school personnel. The Community Redevelopment Agency (CRA) may have land at its disposal that can be transferred to the city or county. Further, s. 189.081(6) of the Florida Statutes provides that any independent district created under a special act or general law for the purpose of providing urban infrastructure or services may provide housing and housing assistance for its employed personnel whose total annual household income does not exceed 140% of the area median income. Consider reaching out to nearby governmental entities to partner on surplus land polices.

Escheated properties

In cases where the property has escheated pursuant to s. 197.592(3) of the Florida Statutes the county is required to convey the property to the city in which the land is located but only if certain conditions apply. In the event the city does not accept title to the property, the disposition of the property would be at the county's discretion. This underscores the importance of a policy for affordable housing land banking.

Steps to establish and operate a Land Bank Program

Phase I Establish Land Bank Program

- Appoint staff to implement the program
- Appoint advisory committee (may be sub-committee of AHAC)
- Review the county and city owned land inventory
- Review all outstanding code liens
- Review status of abandoned or tax foreclosed properties
- Review status of escheated properties
- Develop a spreadsheet or other database that includes the parcel identification, legal description, address, ownership, site dimensions, known tax or code liens, type of deed (tax or otherwise) current zoning and land use and a comment on suitability
- Solicit offerings of properties from the private sector; conduct due diligence, add to land bank for future purchase consideration
- Categorize or prioritize parcels for quiet title action; and,
- Provide funding for legal services to conduct legal proceedings.

Phase 2 Develop Operating Procedures

- Develop Acquisition Procedures; and,
- Develop Disposition Procedures.

Phase 3 Activities

- Identify remediation requirements so properties are insurable for title insurance.

Due diligence

When determining if a lot is suitable for affordable housing, consider the following forms of due diligence:

- Environmental conditions
- Available infrastructure
- Access by public roads
- Zoning and Land Use classifications
- Proximity to transportation, services and employment centers
- Size and dimensions characteristics with consideration for assemblage; and,
- Consolidation with other parcels.

Sample text for the Housing Element

The following language may be added to the Housing Element. Note that these are not the complete requirements for a housing element but only the currently reviewed areas for strategic planning improvements.

1.3 Objective: Initiate the operation of a publicly-owned land bank with the purpose of providing land for affordable and workforce housing in conjunction with local private nonprofit housing providers.

1.3.1 Policy: The County will adopt Land Bank Guidelines to direct and clarify the land bank program including goals, priorities, principles and policies for both acquisition and disposition.

1.3.2 Policy: The County will comply with Florida Statutes in the identification of surplus property suitable for affordable housing through a minimum of a bi-annual survey and report. The disposition of such properties will comply with the Land Bank Guidelines

Disposition of surplus land

The disposition of surplus lands should further the goals of the Local Housing Assistance Plan and the Housing Element of the Comprehensive Plan. Convey parcels to projects that can be occupied within 24 months with appropriate long-term affordability through a land trust, deed restrictions, or mortgages. The advisory committee has the opportunity to establish or improve upon the policies for land disposition. Parcels might, for example, be reserved for those recipients who are part of ongoing affordable housing partnerships. Each local government may decide to prioritize the use of surplus land for those lowest income applicants most in need, or for uses identified as priorities in the comprehensive plan. Each community may decide whether to allow for-profit developers to develop on surplus land, or may only provide such land for nonprofit developers. Consider also that local governments throughout Florida are currently faced with the displacement of mobile home park residents; putting public surplus lands into the hands of a nonprofit to provide permanent housing for displaced mobile home park residents may be ideal for many communities.

Examples

Sarasota

Some communities that have large platted lands may hold title to hundreds of lots that have escheated to the county. Sarasota County was one such jurisdiction. Some of these were sold to raise funds for public projects and some were dedicated to affordable housing. There are special legal procedures for returning escheated properties to the tax rolls, which is why the city or county attorneys are essential partners in this process, as well as title clearing efforts.

Palm Beach County

As required by Florida Statute 125.379, the Department of Housing and Community Development maintains a listing of County owned properties that are appropriate for use as affordable housing. The property list shall be updated and provided to the County Commission for surplus approval when surplus is required and for information purposes no less than annually.

The Department of Housing and Community Development is, upon approval of this Housing Assistance Incentives, authorized to dispose of the properties for affordable, attainable or workforce housing purposes with the advice and consent of the Mayor. The Mayor is authorized to execute all documents necessary achieve the disposition. The methods of disposition may include:

- Sale of the properties with the proceeds going to the Housing Trust Fund
- Transfer of properties, at no cost, to a nonprofit for the development of affordable housing
- Selling to nonprofits or private parties with a provision that the property be used for an affordable, attainable or workforce housing projects; or,
- The City may retain the properties to build or preserve affordable, attainable or workforce housing.

The City Commission shall be advised of all such dispositions on a quarterly basis.

Sanibel Island

Sanibel Island in Lee County has over 4,200 employees who commute over 40 miles per day to work. With the island at build-out, Community Housing Resources, Inc. (CHR) ventured off island to partner with Shell Point Retirement Community, to join forces in seeking the donation of surplus land from Lee County's inventory. With their eye on a 20-acre parcel just off the island's causeway, CHR formed a subsidiary, Island Coast Community Land Trust and signed a two-year exploratory agreement with Shell Point to develop a variety of housing types to serve both island and Shell Point workers who are burdened by lengthy commutes and a shortage of affordable housing. Six units were completed on the parcel which were sold as land trust homes to island workforce households.

Strategy: Transportation hubs and transit-oriented development

S. 420.9076(4)(k) of the Florida Statutes directs the AHAC to assess: “The support of development near transportation hubs and major employment centers and mixed-use developments.”

Purpose

Development near transportation hubs: Land use requirements that support development near transportation hubs and major employment centers help low- to moderate-income residents use public transportation, reducing their transportation costs. In many urban areas of Florida, the costs of owning and maintaining an automobile is the second largest expense after housing. Relaxing land use requirements can result in more units being built. This can reduce the price of the units making them more affordable.

By concentrating development around transit hubs, local government can make public transportation more convenient to users and improve ridership. Further, by having citizens use public transit, there is less pressure to expand roads, which can be very costly in highly urbanized areas. Transit hubs are typically not in residential areas, so the massing of densities is usually appropriate for the neighborhood.

Mixed-Use Developments: Mixed-use developments, in the affordable housing context, are projects typically containing commercial or office and residential uses. For example, a mixed-use development could have retail stores on lower floors with residential units on the top of the building. The income generated from the retail space can help subsidize the cost of the housing units. Areas that are high in mixed-use developments can be more walkable, thus lowering transportation costs.

Transit-oriented development

More Florida communities are developing rail transit systems. In 2012, the Florida Department of Economic Development prepared a framework and guidelines to help communities plan for development within the vicinity of transit stations. This planning framework is generally referred to as Transit Oriented Development (TOD) and was included as an incentive in the SHIP program. TOD recognizes that urban and regional planning can support viable transportation infrastructure that can reduce transportation costs for residents while at the same time reducing dependence on fossil fuels.

Proper planning of transit centers can boost ridership, spur economic development, limit sprawl, and minimize the impact of traffic congestion. It can also alleviate the need for lower-income households to rely solely on personal automobiles which can result in great financial opportunities for housing, health care and/or education.

TOD planning is focused on land use patterns within a quarter to a half-mile of transit stations. This planning area has been shown to have increased property values. This increase, ironically, can result in pricing lower-income or workforce households out of the neighborhood transit area. It is important to prioritize the development of affordable housing in transit station neighborhoods. This can be done with regulatory incentives that would include any of the Incentive Plan methods, but also financial incentives. Financial incentives could include giving higher scores to applications for funding that are in TOD areas. Other development incentives can include the enhancement of walking and cycling opportunities to coordinate with the TOD system.

TOD incentives or strategies can include the following:

- Expedited permit review
- Funding priorities placing higher scores on applications

- Flexible residential development strategies such as density and site criteria
- Reduced impact fees
- Inclusionary housing program
- Land acquisition and land banking reserved sites for residential development that targets workforce households; and,
- Reduced parking requirements.

TOD methods may not be relevant in suburban or rural areas but the strategies reflect an effort to limit sprawl and encourage centralized development which can benefit the workforce.

A Transit Oriented Development Site should:

- Be a mixed-use project
- Incorporate features to encourage transit ridership
- Have an activity center with a proposed transit station or stop
- Be located within a radius of one-quarter to one-half mile from an existing transit station or stop; and,
- Be designed at no less than 90% of the maximum floor area ratio (FAR) or 90% of the maximum density allowed.

Considerations

- Explore incentives, such as density bonuses and other relaxed land regulations, to increase the supply of affordable housing near transportation and employment centers. Overlay districts over certain areas can be a successful tool to encourage affordable housing development.
- Public transportation hubs are not typically found in the less urbanized regions of the state. In addition, citizens may prefer to live in suburban subdivisions when available, and at a reasonable cost, over a highly concentrated development.

Methodology

There are a number of methods to relax land regulations to allow more units to be built near transit hubs. Densities can be increased as part of an overlay district. Also, land development regulations regarding parking, height, and green space can all be relaxed to allow more housing to be built.

Examples

City of Tampa

Under the Comprehensive Plan, there are established development criteria for main corridors. Light rail routes are focal points for proposed affordable housing. Most bus routes are currently accessible along main corridors. The Comprehensive Plan incorporates significant use of transit.

The City's policy is to determine the future needs of the aging population and address those needs in the Comprehensive and Consolidated plans. Future needs of disabled population for housing is also a key concern.

The City's policy is to focus recommendations on the Urban Core and transit/economic development areas, but not to the exclusion of the rest of the City. The City will also explore funding from SMART grants.

City of St. Petersburg

The City supports development near transportation hubs and major employment centers. Moreover, the City supports mixed use development. In order to be successful, development near transportation hubs and employment centers typically includes a mixture of land uses, as well as higher densities and higher floor area ratios. The City's land development regulations (LDRs) encourage mixed-use and mixed-income, higher-density development that is concentrated along major corridors and within five designated activity centers: Gateway, In town/Downtown, Central Plaza, Central Avenue Corridor and Tyrone area.



**CITY OF CAPE CORAL
AFFORDABLE HOUSING INCENTIVE PLAN
2018 INCENTIVE REVIEW AND RECOMMENDATION REPORT**

**FINAL
Version 1.4**

**CITY OF CAPE CORAL
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Vincent A. Cautero, AICP, Community Development Director
Robert Pederson, AICP, Planning Manager
Amy L. Yearsley, AICP, Housing Coordinator
Milica Babic, AICP, Senior Planner
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**City of Cape Coral/County of Lee
Affordable Housing Incentive Plan
2018 Incentive Review and Recommendation Report**

I. Background Information:

The Sadowski Affordable Housing Act, as approved by the Florida Legislature and codified as Chapter 420 of the Florida Statutes, requires the development of an Affordable Housing Incentive Plan by all local governments electing to participate in the housing production and preservation initiatives authorized by the Act. Section 420.9076 of the Florida Statutes, effective July 1, 2007, requires cities and counties receiving State Housing Initiatives Partnership (SHIP) funds to establish an Affordable Housing Advisory Committee (AHAC). The City of Cape Coral approved the establishment of an AHAC, pursuant to Section 420.9076 Florida Statutes, by Resolution 23-08. All recommendations should encourage or facilitate the development of affordable housing in the City of Cape Coral. The Plan encompasses the specific recommendations of the AHAC, and the subsequent approval or denial of these recommendations by the City Council by official action December 3, 2018.

The Affordable Housing Advisory Committee (AHAC) met to review the current Local Housing Incentive Plan and to discuss potential revisions to this plan.

The City of Cape Coral currently has eight (8) incentive strategies adopted through the Local Housing Assistance Plan. Excerpts from the plan detailing the incentives are provided below:

Name of Strategy: Expedited Permitting

Permits as defined in s.163.3164 (7) and (8) for affordable housing projects are expedited to a greater degree than other projects. The City developed and implemented a system of identifying and expediting affordable housing permits, plan reviews and related actions. The expedited permitting process continues to work well and provides a valuable service to contractors developing affordable housing projects within the City. Expedited permitting has been also expanded to include permits associated with Lee County Department of Human Services affordable housing programs that are being implemented in the City of Cape Coral.

Name of Strategy: Ongoing Review Process

The impact of City policy and actions on affordable housing is addressed in the Comprehensive Plan's Housing Element, the Consolidated Plan and in City procedures. The Housing Element of the Comprehensive Plan provides for the review of all development, codes, regulations, policy and ordinances. The City through its annual reporting requirements to the Florida Housing Finance Corporation includes a certification for implementation of regulatory reform activities in accordance with s. 163.3164(7) and (8) of the Florida Statutes. Proposed actions of the City Council are reviewed in this context.

Name of Strategy: Provisions for Transfer of Development Rights

The transfer of development rights provisions was established through the adoption of the Land Use Development Regulations on February 12, 1990. This remains a viable option for affordable housing although, to date, they have not been utilized.

Name of Strategy: Flexible Density for the Provision of Affordable Housing

The City of Cape Coral currently offers a density incentive program (DIP) for specific zoning districts. In these districts, the Downtown Community Redevelopment Area (CRA) zoning districts and the Market Place Residential zoning district, developers will be eligible for increased density by utilizing choices from a number of categories, including affordable housing. Currently, affordable housing is one of nine (9) categories, of four (4) required, that developers may choose to increase density within projects.

Name of Strategy: Reduction in Street Width Requirements for affordable single family subdivisions

Affordable single-family subdivisions shall be eligible for an administrative deviation to the minimum street width requirements in the City's Engineering Design Standards to the applicable State of Florida minimum street width.

Name of Strategy: Zero-lot Line Configuration

The City currently allows zero-lot line development for affordable and market rate housing through the Planned Development Process. Policy 1.2 of the Housing Element of the City's Comprehensive Plan states the City will maintain criteria for implementation of the City's Land Use and Development Regulations, pursuant to S.163.3202, F.S., for activities such as, zero lot line development, townhouse development, and transfer of development rights to encourage residential developments to include a wide mix of housing types and designs at a variety of allowable housing densities and intensities.

Name of Strategy: The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

Description of policies and procedures: Section 166.0451, Florida Statutes states the following related to the disposition of municipal property for affordable housing: by July 1, 2007 and every 3 years thereafter, each county and municipality must prepare an inventory list of all real property within its jurisdiction to which the county or municipality holds fee simple title that is appropriate for use as affordable housing.

II. Public Hearing:

The document itself was presented for public hearing to the Cape Coral City Council on December 3, 2018. The availability of this draft document was published in the Fort Myers News-Press on October 28, 2018.

III. Statutory Incentives & Recommendations:

This section examines the eleven (11) incentives that the Affordable Housing Advisory Committee (AHAC) must consider under Section 420.9076 Florida Statutes. For each incentive an analysis, recommendation and implementation schedule has been provided.

Incentive A (MANDATORY):

The processing of approvals of development orders or permits, as defined in Section 163.3164 (7) and (8), Florida Statutes, for affordable housing projects are expedited to a greater degree than other projects.

Review Synopsis:

Delays during any stage in the development process add to the final costs of new housing. Reducing the costs incurred by developers during the development review process makes affordable housing projects more attractive. Expedited permitting is a cost efficient and very effective way of reducing developer costs. Fast track review and permitting of affordable housing projects reduces developer costs at no cost to local government.

As a State Housing Initiatives Partnership (SHIP) program recipient, the City of Cape Coral provides expedited permitting services for affordable housing as required by Florida Statutes. A formalized process was put in place as a result of the 2008 Local Housing Incentive Plan. Any expediting is done at the request of a State/Federal subrecipient or the Lee County Department of Human Services and processed by Planning Division Staff with the assistance of the permit expeditor and the Building Official within the Department of Community Development Building Division. Expedited permitting is adopted by City Council within the City's Local Housing Assistance Plan (LHAP).

Staff Recommendation: Staff is recommending maintaining the expedited permitting process.

AHAC Recommendation: Concurs with staff recommendation.

City Council Action: Approve AHAC recommendation.

Incentive B:

The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.

Review Synopsis:

Impact fees are charges assessed by local government to cover the infrastructure costs associated with new development. These one-time expenses are typically levied upon issuance of building permits to ensure that public facilities and services have adequate capacity and infrastructure to meet the demands of a growing population. While impact fees are initially charged to the developers, the cost is often time passed on to the purchaser. The City of Cape Coral currently charges **\$7,758.65** in impact fees for a single

family home. This does not include capital expansion fees for water and sewer which add an additional price when water and sewer is extended to a property.

Eliminating, reducing, or deferring development fees is an incentive cities can offer to housing developers to encourage them to build lower cost housing. Impact fee deferral can reduce the cost of housing when the savings are passed on to the buyers or renters.

Staff Recommendation:

In 2008, the Affordable Housing Advisory Committee recommended the implementation of an impact fee deferral program as an incentive for providing affordable housing. The impact fee deferral program was proposed to be initially implemented utilizing State Housing Initiative Partnership Program (SHIP) funds as the funding source. City Staff amended the City's Local Housing Assistance Plan to include an impact fee payment program strategy and this was approved by both the City Council and Florida Housing Finance Corporation. The strategy remained unfunded until 2016 when it was removed from the Local Housing Assistance Plan as part of a larger revision to the plan to reduce the number of strategies within the plan. In 2018, the City of Cape Coral City Council approved the City Council approved the Single-Family Impact Fee Deferral Pilot Program. This pilot program allows for the deferral of impact fees for partner agencies participating in the City's affordable housing programs. Staff is recommending maintaining this incentive. The pilot program should be reviewed by prior to the reconsideration of the pilot program.

AHAC Recommendation: Concurs with staff recommendation to maintain this incentive and review prior to reconsideration of the pilot program by City Council.

City Council Action: Approve AHAC recommendation.

Incentive C:

The allowance of flexibility in density for affordable housing.

Review Synopsis:

The City of Cape Coral currently has a density incentive program (DIP) for specific zoning districts. In these districts, the South Cape zoning district and the Market Place Residential (MR) zoning district, developers will be eligible for increased density by utilizing choices from a number of categories, including affordable housing. Currently, affordable housing is one of nine (9) categories, of four (4) required, that developers may choose to increase density within projects. At the time of this report, the City of Cape Coral is in the process of a complete revision to the City's zoning regulations (known as the Land Use and Development Regulations). Existing zoning districts are being replaced with new zoning districts. This includes both the South Cape zoning district and Market Place Residential zoning district. However, the new regulations will allow for additional density in both the South Cape zoning district and the Mixed Use Bimini zoning district for the provision of affordable housing. Additionally, the Future Land Use Element of the City's Comprehensive Plan is currently under review by the Department of Economic

Opportunity. This review includes the opportunity to increase density in multi-family and mixed use districts for the provision of affordable housing.

This type of ordinance allows increased density as quid pro quo for the provision of low and moderate income housing. A density bonus allows a developer to build more units within a project than would otherwise be permitted under normal density limits. Key to a density incentive based program is a strong residential real estate market, where a developer desires to obtain additional market rate unit entitlements and is confident that each additional unit will be marketable and contribute the expected profit to the project. In many strong residential markets, land costs also tend to rise – the option of providing affordable units in exchange for additional market rate units at zero additional land cost can therefore be especially attractive in these cases.

In some jurisdictions around the country, incentive programs allow for a variation of paying an “in-lieu” fee, rather than actually constructing the affordable units within the project. This option is allowed, and sometimes encouraged, in order to provide the developer with the option of paying money rather than impacting the perceived marketability of the project by including mixed household incomes within it. The “in-lieu” fee is often set at a level necessary to serve as equity in an off-site affordable project on a per unit basis, not the entire development cost of that unit. This approach is followed because affordable housing developers can utilize the equity amount to leverage debt on the units, thereby minimizing the payments collected from the market rate developer, and maximizing the number of affordable units built elsewhere. Incentive based zoning programs do not always have to rely on additional density as the incentive.

Staff Recommendation:

Staff is recommending permitting increased density for the provision of affordable housing as currently permitted and proposed in the draft Land Development Code and Comprehensive Plan revisions pending adoption.

AHAC Recommendation: Concurs with staff recommendation.

City Council Action: Approve AHAC recommendation.

Incentive D:

The reservation of infrastructure capacity for housing for very-low, low and moderate-income persons.

Review Synopsis:

The City of Cape Coral currently does not have this program as an incentive. There is no reservation of capacity for affordable housing or any other type of development.

The City of Cape Coral is a pre-platted antiquated subdivision, with over 200,000 lots. The streets are constructed and electric and telephone service is available. In addition in areas where water and/or sewer service is not available the Health Department will permit the

installation of an on-lot sewage treatment system and an individual water supply well for residential development.

The Growth Management Act (Florida Statute 163) requires that public facilities and service i.e. infrastructure be in place concurrent with development. In Cape Coral this means primarily water and sewer and to a somewhat lesser degree park facilities and streets. Since Cape Coral is a Platted Lands community as long as water and sewer service is available (City or on lot) and the applicable Land use Regulations are met, land can be developed to minimum densities. Currently single family building sites (80' X 125') can be developed throughout the City without city water and sewer as previously explained. Regarding streets most of the platted building lots have access to public streets. When the City was originally developed the streets were constructed providing access to all the lots.

Staff Recommendation:

Staff is recommending against the reservation of infrastructure capacity for housing for very-low, low and moderate- income persons as an incentive. Because infrastructure as defined by statute is not a factor in housing development there is not a need to reserve capacity for affordable housing. There would be no advantage in adopting this incentive since affordable housing could be developed within the City's existing capacity. The Affordable Housing Advisory Committee will consider this incentive in its triennial evaluation of the LHIP.

AHAC Recommendation: Concurs with staff recommendation.

City Council Action: Approve AHAC recommendation.

Incentive E:

The allowance of affordable accessory residential units in residential zones.

Review Synopsis:

The City of Cape Coral currently permits what are called "guest/staff" quarters in two zoning designations Residential Estate (RE) and Residential Development (RD). As indicated

Residential Development (RD)

Guest Staff Quarters are permitted as a special exceptions use subject to the following conditions: must be within a Planned Development Project (PDP), must be located on a site not less than 15,000 square feet, and shall not exceed 600 square feet in living area.

Residential Estate (RE)

Guest Staff Quarters are permitted by right. The minimum lot size in the RE zoning designation is 40,000 square feet.

As stated previously, at the time of this report, the City of Cape Coral is in the process of a complete revision to the City's zoning regulations (known as the Land Use and

Development Regulations). This revision proposes the allowance for accessory dwelling units in single-family residential zoning districts provided that the units meet certain requirements.

Accessory Dwelling Units (ADU's) are defined by Florida Statutes as an ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area existing either within the same structure, or on the same lot, as the primary dwelling unit. They are also referred to as granny flats, garage apartments, carriage houses, and ancillary units. ADU's provide a unique opportunity to provide additional affordable units in a community.

Recognizing the shortage of affordable rentals within the state of Florida, the Legislature encouraged local governments to adopt ordinances to authorize the construction of accessory dwelling units within zoning districts that allow single family residential use. Further, these ordinances would require that the building permit application for an accessory dwelling unit be accompanied by an affidavit from the applicant attesting that the unit will be rented at a rate affordable to the targeted populations. Additionally, accessory dwelling units allowed by such an ordinance would apply toward satisfying the affordable housing component for the housing element in the local government's comprehensive plan.

Staff Recommendation:

Staff is recommending the City Council consider permitting accessory dwelling units as part of the adoption of the new Land Development Code.

AHAC Recommendation: Concurs with staff recommendation.

City Council Action: Deny AHAC recommendation.

Incentive F:

The reduction of parking and setback requirements for affordable housing.

Review Synopsis:

Parking standards not only affect cost but also the ability to achieve designated densities. They often fail to take into account real vehicle ownership rates and use patterns of the developments prospective residents resulting in excessive on site parking. Excessive parking reduce the number of units that can be provided in the development, add to the per unit costs, encourage automobile use, reduce the potential for additional amenities and add additional impermeable surfaces. The Institute for Transportation Engineers (ITE) and the American Planning Association recommend 2 spaces per single family unit, 1 space for efficiency apartments, 1.5 spaces for a one and two bedroom apartment, 2 spaces for a three bedroom apartment and 1.4 spaces for condominiums. While the single family requirement is consistent with this recommendation, the City of Cape Coral, like many other communities, currently require higher than this standard for multi-family dwelling units. There are a number of factors programs/actions that can be considered related to parking requirements: a reduction in the requirements for affordable/special

needs housing, reduction in parking for mixed use or projects adjacent to transit lines, increasing on street parking allowances, and using multipliers for certain situations (i.e. tenure, density, car sharing). The advantages of reducing parking requirements include reduction in construction costs, especially when spread out over many units and support of community design goals by reducing the perceived density of housing developments and minimizing the site area devoted to parking areas, which are generally considered unattractive.

Bulk requirements refer to zoning regulations that govern building height, location, and size. Bulk requirements often limit the variety of housing types that are available in a community. Reducing minimum lot sizes and minimum living area promote smaller more affordable units. Additionally, reduction in lot frontage reduces costs for utility installation, services lines, site clearance and landscaping. The City of Cape Coral generally requires a seven and a half foot side yard setback, twenty five foot front setback and twenty foot rear setback.

Staff Recommendation:

Applicants now have the ability to deviate from required parking based on ITE minimums as currently allowed by code. Staff recommends maintaining this incentive until the new zoning code is approved recognizing that the new zoning code calls for a significant reduction in required parking.

Staff is not recommending any changes to the minimum setbacks.

AHAC Recommendation: Concurs with staff recommendation

City Council Action: Approve AHAC recommendation.

Incentive G:

The allowance of flexible lot configuration, including zero-lot-line configurations for affordable housing.

Review Synopsis:

The City of Cape Coral currently does not have a formal incentive program for the allowance of flexible lot configuration. The City currently allows zero-lot line configurations in residential zoning districts through a Planned Development Process (PDP).

Recommendation:

Staff is recommending maintaining the allowance for zero-lot-line configuration as an incentive. Staff is further recommending maintaining this option in the new zoning code through the Planned Unit Development process. No action necessary at this time.

AHAC Recommendation: Concurs with staff recommendation.

City Council Action: Approve AHAC recommendation.

Incentive H:

The modification of street requirements for affordable housing.

Review Synopsis:

The City of Cape Coral currently does not have an incentive program for the modification of street requirements. The City of Cape Coral was developed as a pre-platted subdivision with streets completed by the developer. Therefore, most all of the residential streets are already constructed. The City does maintain Engineering Design Standards that provide for a minimum local road width of fifteen (15) feet for new roads. The Engineering Design Standards do allow for an administrative deviation process.

Excessive street widths and sidewalk requirements can increase the cost of construction for a housing developer which is often times passed on to the consumer. The same development standards are applied to both large and small developments rather than being tailored to fit the developments use or intensity. Streets comprise about half of the improvement costs of the typical single family detached house. A street servicing a minor subdivision can be narrower than one planned for a more intense use. By tailoring standards to the size, use and intensity of a project the cost for all infrastructures can be reduced.

Staff Recommendation:

Staff feels that because of the pre-platted nature of the community this is rarely an issue. Staff is recommending that the modification of street width requirements for new affordable housing developments or projects including affordable housing should be an allowable deviation justification for the administrative deviation process from the engineering design standards. No action necessary at this time.

AHAC Recommendation: Concurs with staff recommendation.

City Council Action: Approve AHAC recommendation.

Incentive I (MANDATORY):

The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

Review Synopsis:

State statute requires that local governments review all proposed policy and procedure for impact of affordable housing. This deals with all aspect of policy from fees to ordinance changes. Beginning in 2003, all local governments were required to provide a monetary figure to the state relative to policy and procedure reviews in their SHIP annual report. The primary increases in the City of Cape Coral since 2003 have been impact fee increases, a new fee schedule and changes to the landscaping code.

The advantage of this incentive is providing decision makers an indication of the effect of such actions on the cost of affordable housing and housing in general. It provides a cost side of the proposed action versus the benefit side of the impacts of the proposed action.

There currently is no formal process in place regarding this review. Staff is aware that all potential legislation should be reviewed by the Planning Division. The burden is now on the Planning Division to be aware of all proposed changes coming from any department within the City before public hearing.

Staff Recommendation:

Staff is recommending that the reviews of all proposed actions on affordable housing continue.

AHAC Recommendation: Concurs with staff recommendation.

City Council Action: Approve AHAC recommendation.

Incentive J (MANDATORY):

The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

Review Synopsis:

Section 166.0451, Florida Statutes states the following related to the disposition of municipal property for affordable housing: by July 1, 2007 and every 3 years thereafter, each county and municipality must prepare an inventory list of all real property within its jurisdiction to which the county or municipality holds fee simple title that is appropriate for use as affordable housing.

- The inventory list must include the address and legal description of each such property and specify whether the property is vacant or improved.
- The governing body of the municipality must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing.
- Following the public hearing, the governing body of the municipality shall adopt a resolution that includes an inventory list of such property.
- The properties identified as appropriate for use as affordable housing on the inventory list adopted by the municipality may be offered for sale and the proceeds:
 - may be used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing;
 - may be sold with a restriction that requires the development of the property as permanent affordable housing; and/or

- may be donated to a nonprofit housing organization for the construction of permanent affordable housing.

Alternatively, the municipality may otherwise make the property available for use for the production and preservation of permanent affordable housing.

Recommendation:

Staff recommends that the City maintains its current incentive program to monitor municipally owned surplus land for use as affordable housing. No action necessary at this time.

AHAC Recommendation: Concurs with staff recommendation.

City Council Action: Approve AHAC recommendation.

Incentive K:

The support of development near transportation hubs, major employment centers and mixed use developments.

Review Synopsis:

Lack of affordable housing often times lead households to locate far from their places of work, dramatically increasing commute time and transportation cost. This phenomenon is often referred to as “drive until you qualify” in affordable housing circles. This impacts the households through transportation costs and lost time spent with family and the community through increased congestion and wear on infrastructure. For this reason, transportation, employment, and housing should be considered together when examining policy.

Currently, the City of Cape Coral’s Comprehensive Plan includes the following language within the Housing Element relative to the siting of affordable housing:

Policy 4.1: During the review of all housing plans the City shall address the housing needs of the elderly and handicapped to ensure that provisions for accessibility, transportation, affordability and locational needs are addressed to the fullest extent possibly.

Policy 4.4: The City shall incorporate in the provisions for the location of affordable housing, mobile homes, and foster care facilities requirements that such facilities are encouraged to have access to transit routes, arterial roads, shopping areas, schools, parks and community service facilities, medical centers

Given the pre-platted nature of the City, the bedroom community characteristics and lack of public transportation, the mandating of a policy such as this would be difficult. However, the City should seek to encourage this policy as it is consistent with solid

planning policy and smart growth principles especially in areas such as Commercial Activity Center Land Use and the Downtown Community Redevelopment Area.

Recommendation:

Staff is not recommending the implementation of this incentive in the City of Cape Coral. The Committee believes that with the City's lack of public transportation and its pre-platted nature this incentive is difficult to mandate. Staff is recommending that this be encouraged for affordable housing projects. No action necessary at this time. The policy will be examined by the Affordable Housing Advisory Committee on a triennial basis.

AHAC Recommendation: Concurs with staff recommendation to encourage development near transportation hubs, major employment centers and mixed use developments but not to mandate.

City Council Action: Approve AHAC Recommendation.

IV. Other Recommendations:

Minimum Single Family Dwelling Unit Size

Review Synopsis:

The City of Cape Coral requires that single family homes have a minimum size of 1100 square feet.

The first goal of the City's Housing Element of the Comprehensive Plan states the following:

Goal: To provide good quality housing in safe, clean neighborhoods, offering a broad choice of options in both type (single family and multi-family) and tenure (owner and renter occupied) to meet the needs of present and future residents of the City, regardless of age or income status.

Providing for alternative single-family home options is one way to accomplish this goal. Smaller home sizes allow for more efficient use of land making them ideal for urban infill areas. With proper regulation, in these developments the cost per unit will come down below neighboring homes even though the cost per square foot is typically higher. This makes them a good starting point for workforce housing. On the other hand, these smaller homes can also be built without affordability in mind. Upscale "cottage" type developments are common in some of the most affluent communities in the Northwest. The proposed Land Development Code includes the allowance of Micro-Cottage Village Developments (MCVD) as a permitted use subject to special conditions. These units would range in size from 600 to 1100 square feet. These special conditions include that the unified development occur on properties at least three acres in size. Additionally, the MCVD has specific architectural requirements, common green space, common parking space and significant landscape buffering.

AHAC Recommendation: Recommends City Council consideration of the Micro-Cottage Village Development as proposed in the new Land Development Code.

City Council Action: Deny AHAC recommendation.

V. Board/Council Consideration:

The City of Cape Coral Local Housing Incentive Plan (LHIP) was reviewed by the City of Cape Coral City Council on December 3.

VI. Attachments:

Public Hearing Advertisement

Meeting Minutes City Council Action

Implementation Matrix

THE NEWS-PRESS
Published every morning
Daily and Sunday
Fort Myers, Florida
Affidavit of Publication
 STATE OF FLORIDA
 COUNTY OF LEE

Before the undersigned authority, personally appeared **Milagros A. Isberto** who on oath says that he/she is an **Assistant** of the News-Press, a daily newspaper, published in print and online at Fort Myers, in Lee County, Florida; that the attached copy of advertisement, being a

Legal Display

In the matter of:

City of Cape Coral

2018 LHIP Final Notice

In the court was published in said newspaper and/or on the website in the issues of

October 28, 2018

Affiant further says that the said News-Press is a newspaper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Milagros A. Isberto

Sworn to and subscribed before me this **29th** day of **October, 2018**.

By **Milagros A. Isberto**

personally known to me or who has produced

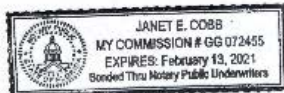
as identification, and who did or did not take an oath.

Notary Public

Janet E. Cobb

Print Name: **Janet E. Cobb**

My commission Expires: February 13, 2021



NOTICE OF PUBLIC MEETING
CITY OF CAPE CORAL AFFORDABLE HOUSING ADVISORY COMMITTEE
PUBLIC NOTICE OF AVAILABILITY
CITY OF CAPE CORAL
LOCAL HOUSING INCENTIVE PLAN

In accordance with Section 420.9076 Florida Statutes and Chapter 67-37.010 of the Florida Administrative Code, the City of Cape Coral Affordable Housing Advisory Committee has prepared the required Local Housing Incentive Plan. This document makes recommendations related to eleven (11) incentives that may be utilized to encourage or facilitate the development of affordable housing in the City of Cape Coral. The eleven incentives considered are as follows:

- | |
|--|
| (1) The processing of approvals of development orders or permits, as defined in Section 163.3164 (7) and (8), Florida Statutes, for affordable housing projects are expedited to a greater degree than other projects. |
| (2) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing. |
| (3) The allowance of flexibility in density for affordable housing. |
| (4) The reservation of infrastructure capacity for housing for very-low, low and moderate-income persons. |
| (5) The allowance of affordable accessory residential units in residential zones. |
| (6) The allowance of flexible lot configuration, including zero-lot-line configurations for affordable housing. |
| (7) The reduction of parking and setback requirements for affordable housing. |
| (8) The modification of street requirements for affordable housing. |
| (9) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing. |
| (10) The preparation of a printed inventory of locally owned public lands suitable for affordable housing. |
| (11) The support of development near transportation hubs, major employment centers and mixed use developments. |

A draft of this plan is available for public inspection and comment at the Department of Community Development Planning Division, located at 1015 Cultural Park Boulevard, Cape Coral, Florida 33990 and on the City of Cape Coral website (www.capecoral.net).

Those interested persons and/or parties wishing to review and make comment regarding the Local Housing Incentive Plan, may do so during normal business hours Monday through Friday 8:00AM to 3:30PM. The draft plan will be made available for public comment and inspection beginning Wednesday, October 31, 2018. All written comments must be received no later than 3:30 PM, December 3, 2018 to be included in the plan submittal to the Florida Housing Finance Corporation. Comments may be submitted to the City of Cape Coral, Department of Community Development, Planning Division P.O. Box 150027, Cape Coral Florida 33915, attention Amy Yearsley Thomas, AICP, Housing Coordinator or through electronic mail at Ayearsley@capecoral.net.

The draft Affordable Housing Incentive Plan will be heard by the City's Affordable Housing Advisory Committee (AHAC) at their October 30, 2018 meeting. Public comment will be accepted at this meeting, to be held at 5:30 PM in Conference Room 220A. The document and AHAC recommendations will be heard by the Cape Coral City Council at the regular City Council meeting on December 3, 2018 at 4:30 PM in City Council Chambers.

For further information regarding the Affordable Housing Incentive Plan and/or the SHIP program, please contact Amy Yearsley Thomas, AICP, Housing Coordinator at (239) 573-3182.

Meeting Minutes – City Council Action

Mayor

Joe Coviello

Council Members

District 1: John Gunter

District 2: John M. Carioscia Sr.

District 3: Marilyn Stout

District 4: Jennifer I. Nelson

District 5: Dave Stokes

District 6: Richard Williams

District 7: Jessica Cosden



1015 Cultural Park Boulevard
Cape Coral, FL

City Manager

John Szerlag

City Attorney

Dolores Menendez

City Auditor

Andrea R. Butola

City Clerk (Interim)

Kimberly Bruns

**AGENDA FOR THE REGULAR MEETING OF THE CAPE
CORAL CITY COUNCIL**

December 3, 2018	4:30 PM	Council Chambers
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PLEDGE OF CIVILITY

We will be respectful of each other even when we disagree.
We will direct all comments to the issues. We will avoid personal attacks.

1. MEETING CALLED TO ORDER

A. MAYOR COVIELLO

2. INVOCATION/MOMENT OF SILENCE

A. COUNCILMEMBER GUNTER

3. PLEDGE OF ALLEGIANCE

A. COUNCILMEMBER GUNTER

4. ROLL CALL

A. MAYOR COVIELLO, COUNCIL MEMBERS CARIOSCIA, COSDEN, GUNTER, NELSON, STOKES, STOUT, WILLIAMS – **MAYOR COVIELLO, COUNCIL MEMBERS CARIOSCIA, COSDEN, GUNTER, STOKES, WILLIAMS WERE PRESENT; COUNCILMEMBER STOUT WAS EXCUSED. COUNCILMEMBER NELSON ARRIVED AT 5:56 P.M.**

COUNCILMEMBER CARIOSCIA MOVED SECONDED BY COUNCILMEMBER GUNTER TO ALLOW ORDINANCE 78-18 TO REMAIN ON AGENDA AND NOT BE WITHDRAWN. - **APPROVED**

5. CHANGES TO AGENDA/ADOPTION OF AGENDA – ADOPTED AS PRESENTED

6. RECOGNITIONS/ACHIEVEMENTS

A. None

7. APPROVAL OF MINUTES

A. Regular Meeting – November 19, 2018 – **APPROVED**

8. BUSINESS

A. PUBLIC COMMENT - CONSENT AGENDA

A maximum of 60 minutes is set for input of citizens on matters concerning the Consent Agenda; 3 minutes per individual. **1 SPEAKER. TOPICS: FIRE ASSESSMENT; CONSENT AGENDA ITEMS FUND REFERENCE**

B. CONSENT AGENDA

- (1) Resolution 227-18 Award Request for Proposal RFP-PW18-78/MM for Emergency Disaster Assistance and Debris Removal Services to Ceres Environmental Services, Inc. (Primary); Phillips and Jordan, Inc. (Secondary); CrowderGulf Joint Venture, Inc. (Tertiary); Custom Tree Care, Inc.; DRC Emergency Services, LLC.; Grubbs Emergency Services, LLC.; KDF Enterprises, LLC.; Omni Construction, Inc.; TAG Grinding Services, Inc. and T.F.R. Enterprises, Inc. on an as needed basis, at the unit price stated and authorize the City Manager or Designee to execute the contracts and renewals; Department: Public Works; Annual Dollar Value: N/A - Amounts based on the severity of the disaster; (Governmental Services – General Fund) – CONTINUED TO JANUARY 14, 2019 REGULAR MEETING

- (2) Resolution 248-18 Award ITB-PW18-127/MM Yacht Club Pool Renovations and Deck Improvements to AuMiller Pools LLC., as the lowest responsive responsible bidder, to renovate the Cape Coral Yacht Club Complex main pool, kiddie pool and surrounding concrete pool deck and walkways in the amount of \$255,250 with a 12% City Controlled contingency of \$30,630 for a total project cost of \$285,880 and authorize the City Manager or Designee to execute the agreements, amendment and any renewals; Department: Public Works; Dollar Value \$285,880; (Special Revenue Fund - Aquatics) - APPROVED

- (3) Resolution 252-18 Approve award of ITB-UT18-126/GL for the purchase and delivery of Water, Sewer & Irrigation Materials to: Core & Main LP, Ferguson Enterprise, Inc., Fortiline Inc. and Harrington Industrial Plastics, LLC, respectively, at the unit prices bid, not to exceed budgetary limit, as the lowest responsive responsible bidder in each particular group and authorize the City Manager or designee to execute the contract, purchase order and any renewals; Department: Utilities; Estimated Annual Dollar Value: \$1,800,000; (Water & Sewer Fund) – APPROVED

- (4) Resolution 256-18 Acceptance of Warranty Deed from Elizabeth Benavidez for a portion of the 1994 vacated right of way of SW 28th Place being adjacent to Lot 53, Block 5972, Cape Coral Unit 93 (2811 SW 25th Terrace) and a Public Utility and Drainage Easement to clarify additional utility and drainage easement area along the western perimeter easement of Lot 53, Block 5972; Department: Financial Services / Real Estate Division; Dollar Value: \$80; (Fund: Public Works Planning & Permitting) – APPROVED

- (5) Resolution 259-18 Award ITB-PW18-132/MM Greenscape Median Landscape Maintenance for Areas 3, 8 and 9 to John Fideli Landscapes, LLC., as the lowest responsive responsible bidder, to maintain the landscaping and irrigation system in the amount of \$74,260 with a \$10,000 City Controlled contingency for a total project cost of \$84,260 and authorize the City Manager or Designee to execute the agreements, amendment and any renewals; Department: Public Works; Dollar Value: \$84,260; (General Fund) – APPROVED

- (6) Resolution 266-18 Acceptance of Cross Access Easement in a portion of 2315 Andalusia Boulevard (part of Lots 27 and 28, Block 2162, Unit 32, Strap #31-43-24-C1-02162.0270), to provide access to the alley right of way, as conditioned in the Vacation of Plat Resolution 187-18; Department: Financial Services / Real Estate Division; Dollar Value: N/A; (Fund: N/A) – APPROVED
- (7) Resolution 267-18 City of Cape Coral 2017-2018 Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program; Department: Community Development; Dollar Value: N/A; (Fund: N/A) - APPROVED
- (8) Resolution 268-18 Single Family Impact Fee Deferral Program Developer Agreements between the City of Cape Coral and Habitat for Humanity of Lee and Hendry Counties; Department: Community Development; Dollar Value: N/A; (Fund: N/A) – APPROVED
- (9) Resolution 257-18 Lee County Tax Collector Building - Potable Water Main Reimbursement; Department: Utilities; Dollar Value: \$43,361; (Water & Sewer Fund) - APPROVED
- (10) Resolution 269-18 Waive Fees for Fire Suppression Conversion from Reclaimed to Potable Water; Department: Fire; Dollar Value: Fluctuates per Property; (Utilities Enterprise, DCD Building Special Revenue, and General Fund) – APPROVED

C. CITIZENS INPUT TIME

A maximum of 60 minutes is set for input of citizens on matters concerning the City Government to include Resolutions appearing in sections other than Consent Agenda or Public Hearing; 3 minutes per individual. **14 SPEAKERS. TOPICS: CHIQUITA BOAT LOCK REMOVAL; POTENTIAL CHANGES TO SW SPREADER CANAL BECOMING A FEDERALLY MANAGED WATERWAY; IMPACTS TO THE HABITAT TO SMALLTOOTH SAWFISH AND MANATEES; RIVER WATER IMPACTS; CONCERNS/PLANS FOR FUTURE SEA LEVEL RISE; DECLINING WATER QUALITY; REQUEST FOR A CURRENT NUTRIENT BUDGET STUDY; AFFORDABLE HOUSING NEEDS IN CAPE CORAL; DOGS AND CATS ORDINANCE REVIEW; GO BOND VOTE; GOLF COURSE PURCHASE; MINI COTTAGES; KEEP OLD ORDINANCES THAT LIMIT GROWTH; 20/20 FUNDS FOR LAND PURCHASE; VACATION RENTALS; ANIMAL ORDINANCE; PERMIT INSPECTION; RESTORE PROGRAM; AND EXPIRED CAR REGISTRATIONS.**

D. PERSONNEL ACTIONS

(1) None

E. PETITIONS TO COUNCIL

(1) None

F. APPOINTMENTS TO BOARDS / COMMITTEES / COMMISSIONS

(1) None

9. ORDINANCES/RESOLUTIONS

A. Public Hearings

(1) Ordinance 61-18 (ZA 18-0001*) – **Public Hearing**

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES: An ordinance amending the City of Cape Coral Official Zoning Map by rezoning property described as Lots 11-12, Block 665, Unit 21, Cape Coral Subdivision, from Multi-Family Residential (R-3) to Pedestrian Commercial (C-1) zone; property is located at 2121 SE 15th Place. (0.23 acres) (Applicant: Lazaro Flores)

Hearing Examiner Recommendation: The Hearing Examiner recommends that the City Council deny this application for rezoning.

City Management Recommendation: City Management recommends approval.

- **DENIED**

(2) Ordinance 76-18 (ZA 18-0009*) – **Public Hearing**

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES: An ordinance amending the City of Cape Coral Official Zoning District Map by rezoning property described as Lots 31-36, Block 807, Unit 22, Cape Coral, from Professional Office (P-1) to Pedestrian Commercial (C-1); property is located at 915-923 SE 10th Street. (0.69 acres) (Applicant: HBLB Properties III, LLC)

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the application for rezoning.

City Management Recommendation: City Management recommends approval of the rezone. - **APPROVED**

(3) Ordinance 77-18 (PDP 18-0001*) – **Public Hearing**

*Quasi-Judicial, All Persons Testifying Must be Sworn In

WHAT THE ORDINANCE ACCOMPLISHES: An ordinance amending Ordinance 6-98, as amended by Ordinance 17-17, approving a Planned Development Project in the City of Cape Coral entitled "A-1 Shelters Self Storage, Hancock Creek Site," providing for Planned Development Project approval for certain property described as a parcel of land located in the Southwest Quarter of Section 33, Township 43 South, Range 24 East and in the Northwest Quarter of Section 4, Township 44 South, Range 24 East, Lee County, Florida; properties located at 2555 NE Pine Island Road and near the southeast corner of Diplomat Parkway East and NE 24th Avenue; expanding the project area by 3.7 acres to include a parcel of land northwest of the existing site; granting a deviation from the requirement that building walls used for meeting the screening requirement within a CPO buffer be composed of stucco, brick, stone, textured concrete masonry units, or other concrete surfaces to allow the walls of buildings within the new 3.7 acre project area to be composed of metal; granting a deviation from the Non-Residential Design Standards to allow all buildings within the new 3.7 acre project area to be exempt from the Non-Residential Design Standards; granting development plan approval pursuant to Section 4.2 of the City of Cape Coral Land Use and Development Regulations. (Applicant: Kirby Family Limited Partnership #3)

Hearing Examiner Recommendation: The Hearing Examiner recommends approval of the Project, subject to the terms and conditions set forth in PDP HEX Recommendation 5-2018.

City Management Recommendation: City Management recommends approval.

APPROVED

(4) Ordinance 78-18 – Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES: The ordinance amends Chapter 12, "Offenses and Miscellaneous Provisions" of the Code of Ordinances to create Section 12-128, Article XIII, "Retail Sale of Dogs and Cats Prohibited" prohibiting the retail sale of dogs and cats in the City; provides for definitions, prohibition, disclosures, amortization, enforcement and penalties. (Applicant: Brought forward by Councilmember Williams) **WITHDRAWN**

COUNCILMEMBER WILLIAMS RECEIVED A SECOND FROM COUNCILMEMBER COSDEN TO REWORK NEW ORDINANCE REGARDING DOGS AND CATS.

(5) Ordinance 79-18 – Public Hearing

WHAT THE ORDINANCE ACCOMPLISHES:

An ordinance approving the Interlocal Agreement between the City of Cape Coral and Lee County for the rental of space within City Fire Stations to house emergency vehicles and personnel; authorizing the Mayor to execute the Interlocal Agreement. (Applicant: Brought forward by City Management.) **APPROVED**

(6) Resolution 271-18 – Public Hearing

WHAT THE RESOLUTION ACCOMPLISHES: The resolution approves electing to use the Uniform Method of Collecting Non-Ad Valorem Special Assessments levied within certain portions of the City as described in the resolution, states a need for such levy, and provides for the mailing of the resolution. (Applicant: Brought forward by City Management.)

NOTE: This resolution would approve a means of collection and does not impose a specific assessment. **APPROVED**

B. Introductions

(1) None

10. UNFINISHED BUSINESS

A. Water Quality – Update – **INFORMATIONAL ONLY**

B. Follow-up Items Requested by Council - **NONE**

11. NEW BUSINESS

A. Resolution 258-18 City of Cape Coral Local Housing Incentive Plan for the State Housing Initiative Partnership Program (SHIP) **APPROVED WITH CHANGES (EXCLUDED MICRO-COTTAGES AND ADU'S)**

12. REPORTS OF THE MAYOR AND COUNCIL MEMBERS

COUNCILMEMBER GUNTER –INFORMATIONAL ONLY

COUNCILMEMBER NELSON – ABSENT FOR REPORT

COUNCILMEMBER STOKES – NO REPORT

COUNCILMEMBER STOUT – EXCUSED

COUNCILMEMBER WILLIAMS – NO REPORT

COUNCILMEMBER CARIOSCIA – NO REPORT

COUNCILMEMBER COSDEN – INFORMATIONAL ONLY

MAYOR COVIELLO – INFORMATIONAL ONLY

MAYOR COVIELLO REQUESTED A SECOND TO RESEARCH CLERGY INVOCATIONS TO BE GIVEN AT FUTURE COUNCIL MEETINGS, COUNCILMEBER STOKES PROVIDED THE SECOND.

13. REPORTS OF THE CITY ATTORNEY AND CITY MANAGER

CITY ATTORNEY – NO REPORT

CITY MANAGER – NO REPORT

14. TIME AND PLACE OF FUTURE MEETINGS

- A. A Regular City Council Meeting is scheduled for Monday, December 10, 2018 at 4:30 p.m. in Council Chambers.

15. MOTION TO ADJOURN – MEETING ADJOURNED AT 8:17 P.M.

Incentive	Currently Implemented			Implementation Date	AHAC Recommendation	City Council Recommendation
	Yes	No	Partial			
The processing of approvals of development orders or permits, as defined in Section 163.3164 (7) and (8), Florida Statutes, for affordable housing projects are expedited to a greater degree than other projects.	✓			07/09	Maintain.	Approve AHAC recommendation.
The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.	✓			09/18	Maintain.	Approve AHAC recommendation.
The allowance of flexibility in density for affordable housing.	✓			3/11 and 3/7	Maintain. Adopt flexibility in New Code.	Approve AHAC recommendation.
The reservation of infrastructure capacity for housing for very-low, low and moderate- income persons.		✓		N/A	Do Not Implement	Approve AHAC recommendation.
The allowance of affordable accessory residential units in residential zones.		✓		N/A	Consider in New Code.	Deny AHAC recommendation.
The allowance of flexible lot configuration, including zero-lot-line configurations for affordable housing.			✓	05/96	Maintain. Continue through PUD in New Code.	Approve AHAC recommendation.
The reduction of parking and setback requirements for affordable housing.			✓	06/99	Maintain existing. Adopt Reduced Parking in New Code.	Approve AHAC recommendation.
The modification of street requirements for affordable housing.	✓			05/02	Maintain.	Approve AHAC recommendation.
The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.	✓			12/12	Maintain.	Approve AHAC recommendation.
The preparation of a printed inventory of locally owned public lands suitable for affordable housing.	✓			11/07	Maintain.	Approve AHAC recommendation.
The support of development near transportation hubs, major employment centers and mixed use developments.		✓		N/A	Do Not Implement. Encourage the location of affordable housing in these locations.	Approve AHAC recommendation.

Other	Currently Implemented			AHAC Recommendation	City Council Recommendation
	Yes	No	Partial		
Minimum House Size		✓		Consider Micro-Cottage Village Districts in the New Code.	Deny AHAC recommendation.

Item Number:	4.C.
Meeting Date:	5/10/2021
Item Type:	BUSINESS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Approval of Minutes - October 30, 2018

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▫ Meeting Minutes - October 30, 2018	Backup Material

**MINUTES FROM THE
AFFORDABLE HOUSING ADVISORY COMMITTEE**

Tuesday, October 30, 2018

CONFERENCE ROOM 220A

5:30 p.m.

Chair Neuhausel called the meeting to order at 5:37 p.m.

Roll Call: Contreras, Jenkins, Neuhausel, Peppe, Ranfranz, and Stefanik were present. McBrearty, Schnell and Urban were excused. Cheney was absent.

ALSO PRESENT: Amy Yearsley, Housing Coordinator

CITIZENS INPUT TIME

None.

BUSINESS

APPROVAL OF MINUTES

October 23, 2018 meeting

The minutes from the regular meeting of the Affordable Housing Advisory Committee of October 23, 2018 were presented for approval.

Board Member Jenkins moved, seconded by Board Member Ranfranz, to approve the minutes of the regular meeting dated October 30, 2018, as presented.

Committee polled as follows: Contreras, Jenkins, Neuhausel, Peppe, Ranfranz, and Stefanik voted "aye." all "ayes." Motion carried 6-0.

Incentive Plan and Individual Incentives

Housing Coordinator Yearsley explained that due to an updated advertising requirement, a vote must be taken to approve staff recommendations regarding the Incentive Plan and Individual Incentives.

Board Member Neuhausel moved, seconded by Board Member Contreras to approve the incentive plan as staff recommended.

Committee polled as follows: Contreras, Jenkins, Neuhausel, Peppe, Ranfranz, and Stefanik voted "aye." all "ayes." Motion carried 6-0.

Discussion/Recommendation – Micro Cottage Village Development (MCVD)

Board Member Peppe inquired about the minimum acreage requirement.

Housing Coordinator Yearsley explained there is a requirement of 3 acres which is noted in Article 4 zoning district. We need 1 acre for development. You need to max out the density, you will typically see less.

Ms. Yearsley shared pictures of the actual development in Lakeland, Florida, and the second handout showed the Micro Cottages with the same concept. Most of them are listed in the northeast and some are listed at one half a million dollars in Washington State.

Board Member Peppe stated everything looks nicely put together. This has the square footage and the setback and ten feet between this should all fit on the 3 acres.

Ms. Yearsley noted the news stations Wink and NBC both contacted her regarding the Tiny Houses. She stated Micro Cottages are a well thought out alternative to your typical Cape Coral subdivision. She mentioned the affordability is questionable.

Discussion held regarding the Micro Cottages:

- The cost is per sq. ft. Cottages cost more than a large house to build
- Innovative nature of the concept
- Economically viable
- Bring down the cost is to double the underlying density
- It is all based on units.

Ms. Yearsley informed the Board that the concept will be presented to City Council on December 3, 2018. This is for the local housing incentive plans, and the members are welcome to attend. She noted the topic of Micro Cottages shall appear with the top ten issues on the new code in the future. She will let them know the date and time the Committee of the Whole will meet to discuss the topics.

Member Peppe moved, seconded by Board Member Jenkins to provide an option as written for the Micro Cottage Community.

Committee polled as follows: Contreras, Jenkins, Neuhausel, Peppe, Ranfranz, and Stefanik voted “aye.” all “ayes.” Motion carried 6-0.

Time and Place of Next Meeting

The next meeting date is to be determined.

Adjournment

There being no further business, the meeting adjourned at 5:50 p.m.

Submitted by,

Patricia Sorrels
Recording Secretary

Subject to approval

Item Number: 4.D.
Meeting Date: 5/10/2021
Item Type: BUSINESS

AGENDA REQUEST FORM
CITY OF CAPE CORAL



TITLE:

Approval of Minutes - March 12, 2019

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

Description	Type
▫ Meeting Minutes - March 12, 2019	Backup Material

**MINUTES FROM THE
AFFORDABLE HOUSING ADVISORY COMMITTEE**

Tuesday, March 12, 2019

CONFERENCE ROOM 220A

5:30 p.m.

Recording Secretary Sorrels called the meeting to order at 5:30 p.m.

Roll Call: Contreras, Peppe, Ranfranz, and Stefanik were present.
Jimenez, Neuhausel, Schnell and Urban were excused.
Jenkins and McBrearty were absent.

ALSO PRESENT: Amy Yearsley, Housing Coordinator
Millie Babic, Senior Planner

CITIZENS INPUT TIME

None.

BUSINESS

Approval of Minutes – October 30, 2018 meeting

No action could be taken due to lack of quorum.

Review of Local Housing Assistance Plan (LHAP)

Housing Coordinator Yearsley explained the Local Housing Assistance Plan required by the State of Florida. This is a Grant Program that is given to the City which goes into a Trust Fund. The most important part is the SHIP program. This is for local government and gives us the opportunity to design a strategy. We have maintained our strategies and added another new strategy. The Rehab Program helps low income people to get low interest loans for repairs to their homes. This is for Single-family owner-occupied homes. It also includes condominium units and duplexes that have a separate strap.

Discussion held regarding the following:

- Local Housing Assistance Plan (LHAP)
- Strategies set forth
- New Strategies unoccupied home program
- Nonprofit Cape Coral Housing
- Water and Sewer program with connection fee with Utilities
- Septic abandonment
- The program helped approximately 60 home owners in the last UEP.
- Owner occupied
- Emergency funds Maximum Loan \$15,000

- One-time assistance to help replace a roof or A/C unit.
- Loans with low interest
- Streamlining existing program

Board Member Ranfranz questioned how much was available.

Ms. Yearsley noted the funds were limited last year. We received \$250,000. The prior Governor zeroed out the funding. This year should be full funding, about \$2M from the State Housing Trust Fund.

Board Member Stefanik inquired about the threshold requirements.

Ms. Yearsley stated the household cannot make more than \$50,000 per year.

Board Member Contreras stated all the realtors will be going to Tallahassee for the Housing Trust Fund.

Ms. Yearsley explained local realtors can come with buyers to the agency with their contracts for down payment. The Rehab is for families or individuals with special needs. This is being done at Laurel Oaks, these apartments are owned by Goodwill Industries. They make sure they comply with rent control. This part of the program is a continuation.

Discussion held regarding the following:

- Owner Occupied Rehabilitation
- Water and Sewer Connection
- Emergency Repair
- Down Payment/Closing Cost Assistance
- Construction and Redevelopment (Homeownership)
- Rental Housing Strategy
- Disaster relief strategies they received about \$60,000 in funds
- Incentive strategies some have been removed by staff
- Micro Cottages have not been approved
- There is no density program
- This is for income qualified people and based on their assets

Board Member Stefanik asked when someone applies for one of these programs who makes the final decision?

Ms. Yearsley explained this is all based on income. There is a handbook staff uses to look at whether a person will qualify. Ms. Babic handles the auditing of the agencies to determine if they qualify.

Senior Planner Babic noted the employers of the applicant will be contacted to verify income.

Ms. Yearsley noted one of the requirements are the agencies must contribute to qualify.

Board Member Ranfranz inquired about the timing of the legislation process, and how the money is going to be allocated.

Ms. Yearsley noted if we receive more than we currently have listed on this form, then staff will recommend how the money is to be allocated. Then it goes before Council. She explained all the steps it takes to qualify for the programs. This will go before Council on April 15, 2019 for approval and will be submitted to the State by May 2, 2019.

Triennial Review of City Owned Properties for Use as Affordable Housing

Ms. Yearsley explained the local government is required to review the properties and make a list. Last year, we got a list of 1,500.00 properties. Staff reviews the list for zoning and endangered species.

Discussion held regarding:

- Florida Statute requires every 3 years to have a review of land owned by the City.
- Council is required to review the list at a public hearing
- The properties can be sold Proceeds have to go to Affordable Housing or donated to a nonprofit organization.
- There is a list of 1,500 properties.
- Last year the list did not exist.
- Habitat for Humanity and Cape Coral Housing went to Council and asked for the surplus properties.
- Reviewed how the properties were acquired
- Donations/Nonpayment of Taxes

Ms. Yearsley provided a list to the members that she will be giving to Council. She noted the appraisal of the home is what the home will sell for. She shared an example of a person this program had given assistance to. This was made possible by GAP financing. She explained the applicant was given a silent second mortgage with 0% interest. This will be considered shared equity. If she sells the home, the program requires that she pays back the amount plus part of the equity.

Time and Place of Next Meeting

Next meeting to be determined.

Adjournment

There being no further business, the meeting adjourned at 6:11 p.m.

Submitted by,

Patricia Sorrels
Recording Secretary

Subject to approval