

Elected Officials Orientation to the AHAC

Presenters Michael Chaney and Kody Glazer

THE FLORIDA HOUSING COALITION



Our Thanks to the Florida Housing Catalyst Program



AFFORDABLE HOUSING CATALYST PROGRAM

**Sponsored by the Florida Housing
Finance Corporation**



we make housing affordable™

THE FLORIDA HOUSING COALITION



Presenters



Michael Chaney, Technical Advisor
Florida Housing Coalition



Kody Glazer, Legal Director
Florida Housing Coalition

www.flhousing.org

Webinar Logistics

- Participants are muted
- Enter your questions in the box in your webinar panel
- Handouts are available for your review.
- This webinar is being recorded and will be available at www.flhousing.org
- A survey will immediately follow the webinar; *please* complete it! Thanks!

Affordable Housing Advisory Committee (AHAC)

- AHAC recommends regulatory incentives:
 - Florida Statute 420.9076
 - Rule 67-37.010
- “Review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan...
- and **recommend initiatives to encourage or facilitate** affordable housing while **protecting the ability of the property to appreciate** in value.”

Recommend Incentives for Affordable Housing



- Recommend modification or repeal of **existing** policies, procedures, regulations;
- Recommend the **creation of exceptions** applicable to affordable housing;
- Recommend adoption of **new** policies or amendments to local **comprehensive plan and corresponding regulations.**

AHAC Updates

Last legislative session: HB 1339
AHAC Statutory changes:

- Appoint an Elected Official by October 1
- Complete an AHAC Incentive Strategies report annually
- Must submit AHAC Report to FHC
- Expands impact fee incentive to include all local government fees



An Elected Official on the AHAC

- **An official with the Commission that oversees the city/county's Local Housing Assistance Plan (LHAP)**
- **Elected official counts as one of the 8–11 members but does not count under a statutorily defined category**
- **Elected official must participate in AHAC meetings as committee works to produce an AHAC report for 2021**

Provide AHAC Information

- Write Elected Office contact in Webinar Question box. *Example: ABC County- Jane Garcia abc@123.com*
- Respond to Survey:
<https://www.surveymonkey.com/r/FC5XFRF>
 - Provide contacts for staff AHAC liaison
 - Report the status of elected official appointment
 - Provide emails for AHAC members

Minimum Allocation: Do not assign Elected Official

SCENARIO: Local government has consistently received the minimum SHIP allocation and has no AHAC. Must it now activate a new AHAC with an elected official?

No. The AHAC's only statutory role is to produce the incentive report but local governments that receive the minimum allocation under SHIP are exempt from this requirement.

Do not appoint an elected official to a revitalized AHAC

Scenario: Sometimes Minimum Allocation

SCENARIO: Sometime my city gets more than \$350,000. The city does not have an active AHAC and has not produced an AHAC report in recent years. Must we now?

Answer: Local governments that receive the minimum allocation are exempt from this requirement, but there is a possibility you might soon receive more than the minimum allocation. Consider assembling an AHAC now in anticipation of this possibility.

20/21 AHAC Training

- **AHAC biannual regional workshops**
- **10 Training regions**
- **Two rounds of virtual trainings before July 2021**
- **Dates to be announced soon**

Minimum Allocation: No Biannual Regional Trainings

If my local government receives the minimum allocation under SHIP, do we need to appoint an elected official to participate on the newly established biannual, regional workshops?

Answer: No. HB 1339 only requires elected officials that serve on the local AHAC to attend the biannual, regional workshop. If you do not have an active AHAC because you receive the minimum allocation, there does not need to be an elected official to represent the AHAC at the new biannual, regional workshops.

POLL

How long has your AHAC been assembled?

- **Just assembled OR Less than a year**
- **More than a year**
- **More than 3 Years**
- **More than 9 Years**
- **Not sure**



When is the AHAC Report Due?

AHAC Report must be
completed annually by
the end of December OR

When jurisdiction's
SHIP allocation
exceeds \$350,000



Some have AHAC Report Due December 2020

LHAPs Due May 2, 2021

Counties

BAY

BREVARD

DUVAL/JACKSONVILLE

INDIAN RIVER

JACKSON

LAKE

MANATEE

NASSAU

ORANGE

PASCO

PINELLAS

PUTNAM

Cities

ORLANDO

ST. PETERSBURG

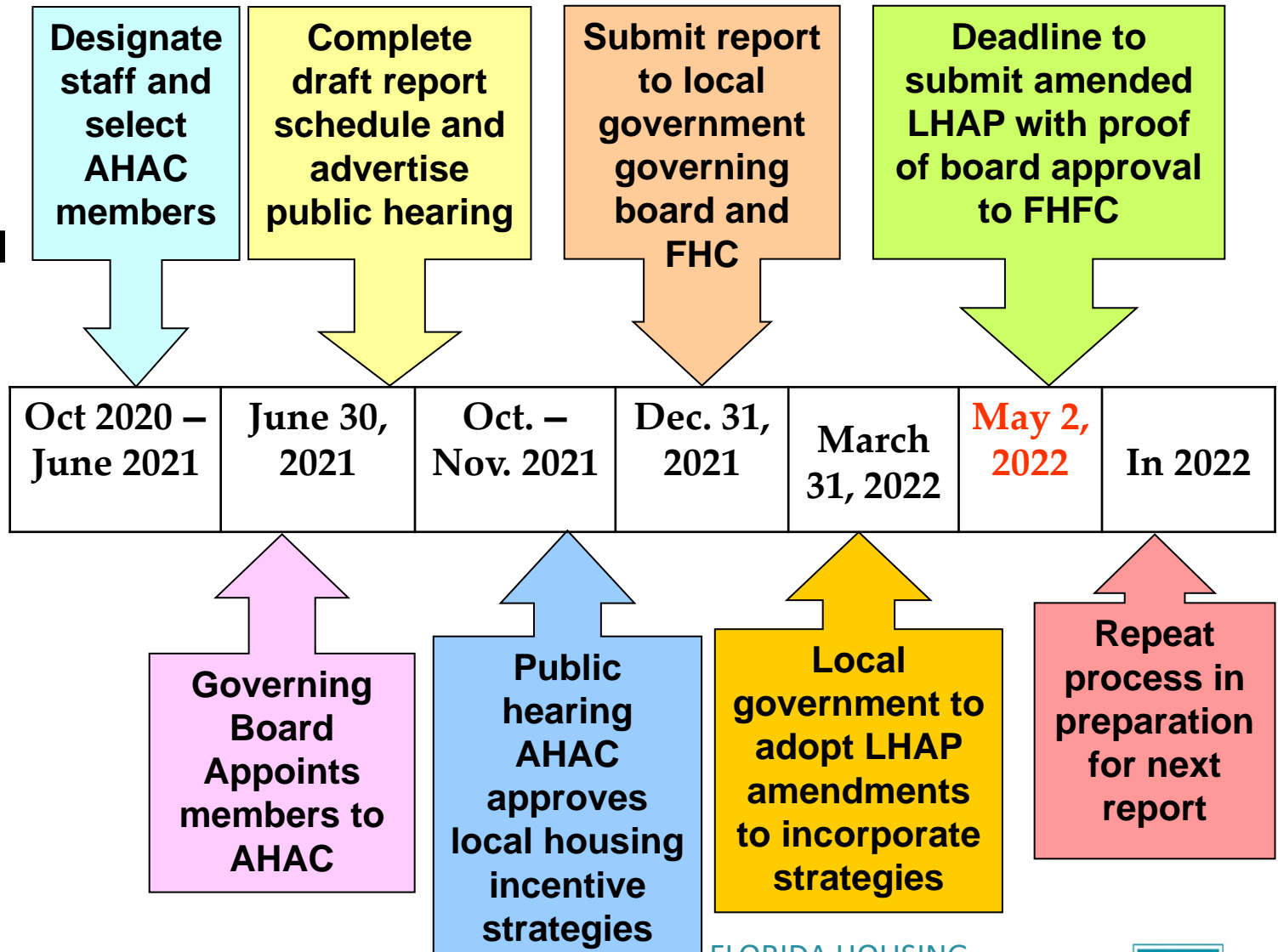
WEST PALM BEACH



AHAC Report Timeline

Dates in Black are Recommended Timeline to Meet Deadlines

Dates in Red are Statute or Rule Deadlines.



Recruit AHAC Committee Members



- At least 8 members but not more than **11** members
- Must consist of **1** representative from at least **6** of the **11** categories
- AHAC members no longer required to be appointed by resolution

AHAC Membership Categories

1. Citizen engaged in the residential home building industry in connection with affordable housing
2. Mortgage banking industry
3. Labor actively engaged in home building
4. Advocate for low-income persons
5. For-profit provider of affordable housing



AHAC Membership Categories

6. Not-for-profit provider of affordable housing
7. Real estate professional
8. Local planning agency member per 163.3174
9. Citizen who resides within the jurisdiction
10. Representative of employers in jurisdiction
11. Representative of Essential Services Personnel



AHAC Staff Support



- AHAC staff support from SHIP and Planners
- “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.”
- Provide orientation to current incentive strategies and report requirements.

Affordable Housing Incentive Strategies - 420.9076(4)

- Each AHAC must submit a report to the local governing body and FHC that includes recommendations and the evaluation of at least **11** specified affordable housing incentives.
- All recommendations must be considered by the local government but only two are required to be implemented in the Local Housing Assistance Plan (LHAP)

The AHAC can be a Catalyst for Regulatory Reform

- An average of 32.1% of multifamily development costs are due to government regulation
- About 24.3% of the price of a single-family home is due to regulation
- These incentives are designed to help the local government consider how its local policies, rules, and regulations affect the cost of housing development and in turn, housing affordability.
- Each incentive will be highly localized – there is no one-size fits all method for encouraging & facilitating the development of affordable housing.

AHAC Can Engage in other Affordable Housing Plans

S. 420.9076(8): the AHAC may perform other duties at the request of the local government including:

- **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.**

Mandatory Incentive Strategies

THE FLORIDA HOUSING COALITION



(a) Expedited Permitting

- “The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects.”
- The time it takes to review development approvals is a factor in the overall cost of a project.
- Increased development costs may lower overall prospects for affordable housing.
- **Purpose: Time is Money!**



Benefits of an Expedited Permit Process

- **Helps lower overall development costs.**
- **Helps avoid setbacks by designating a staff member to shepherd a project through the approval process.**
- **Gives housing staff opportunity to work closely with the developer to offer additional support as necessary.**



What Qualifies for Expedited Attention?

- **Define: What is an affordable housing project?**
- **What process initiates expedited permitting?**
- **Opportunities for Expedited Review:**
 - **Variances**
 - **Re-zonings**
 - **Various levels of site plan review**

Florida Examples: Expedited Permitting

Pasco County

- Affordable single and multi-family development permit application packets have a yellow band to indicate expedited review
- Staff within the Growth Management Division shepherd application through review.

Orlando

- Developer must receive affordable housing certification
- Designated Housing expediter on staff works to resolve issues between applicant and Permitting Services

(i) Ongoing regulatory review process

- “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.”
- Purpose: Requires local governments to consider how proposed governmental actions may affect the cost of housing development.

(i) Ongoing regulatory review process

- Acts as a housing impact statement
- Process requires staff to determine if various decisions have a financial impact on affordable housing and the actual dollar impact
- Train or identify key housing staff to conduct this housing economic impact analysis



Report Each Year on Mandatory Incentive Strategies

State Housing Initiatives Partnership (SHIP) Program Annual Report and Local Housing Incentives Certification

On Behalf of _____ (Local Government), I hereby certify that:

1. The Annual Report information submitted electronically to Florida Housing Finance Corporation is true and accurate for the closeout year _____ and interim years _____.
2. The local housing incentives or local housing incentive plan have been implemented or are in the process of being implemented. Including, at a minimum:
 - a. Permits as defined in s.163.3164 (15) and (16) for affordable housing projects are expedited to a greater degree than other projects; and
 - b. 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.

3. The cumulative cost per newly constructed housing per housing unit, from these actions is estimated to be \$ _____.



4. The cumulative cost per rehabilitated housing per housing unit, from these actions is estimated to be \$ _____.



Staff Member responsible for submitting annual report to FHFC: _____

Witness Signature

Date

Chief Elected Official or Designee Signature

Date

Other Incentive Strategies the AHAC is required to consider

AHAC Tasks when Reviewing Incentives

Review local plans, codes, and policies

- Comprehensive Plan
- Land Development Code
- Neighborhood Action Plans
- Development Review Processes
- General Housing Policies

Market Analysis

- Understand community demographics
- Housing needs
- Cost of Regulations v. Community Benefit

(b) Fee Waivers for Affordable Housing

- **“All allowable fee waivers provided for the development or construction of affordable housing.”**
- **Fees to consider for waiver or reduction:**
 - **Impact fees**
 - **Permitting fees**
 - **Inspection fees**
 - **Site plan review**
 - **Rezoning or other hearing fees**
 - **Engineering Fees**

Creative Fee Options

- **Fee Deferment** – must be repaid at some point
- **Fee Waiver**
 - **F.S. 163.31801** – local governments can waive impact fees for affordable housing without using any revenues to offset the impact
- **Fee Modification** – adjust for smaller or lower cost units.
 - Impact fees collected on a square footage basis facilitate small unit development
 - Fees collected on a per unit basis are regressive and disproportionately harm smaller units
- **Alternative sources of payment for fees**

Fee Flexibility Examples

Lee County

- Exemptions of various impact fees for building permits in 3 Enterprise Zones & other defined areas
- Impact fee reimbursement program:
 - County reimburses up to 50% of amount paid for school impact fees for new construction of single or multi-family homes occupied by income eligible households

Collier County

- Defers impact fees for income eligible homeowners until home is sold; mortgage refinance; loses homestead exemption.

Daytona Beach

- Wholly or partially waives the following fees for affordable housing development: tree removal; building permit; electrical permit; plumbing permit; mechanical permit; subdivision review; concurrency review; & more.

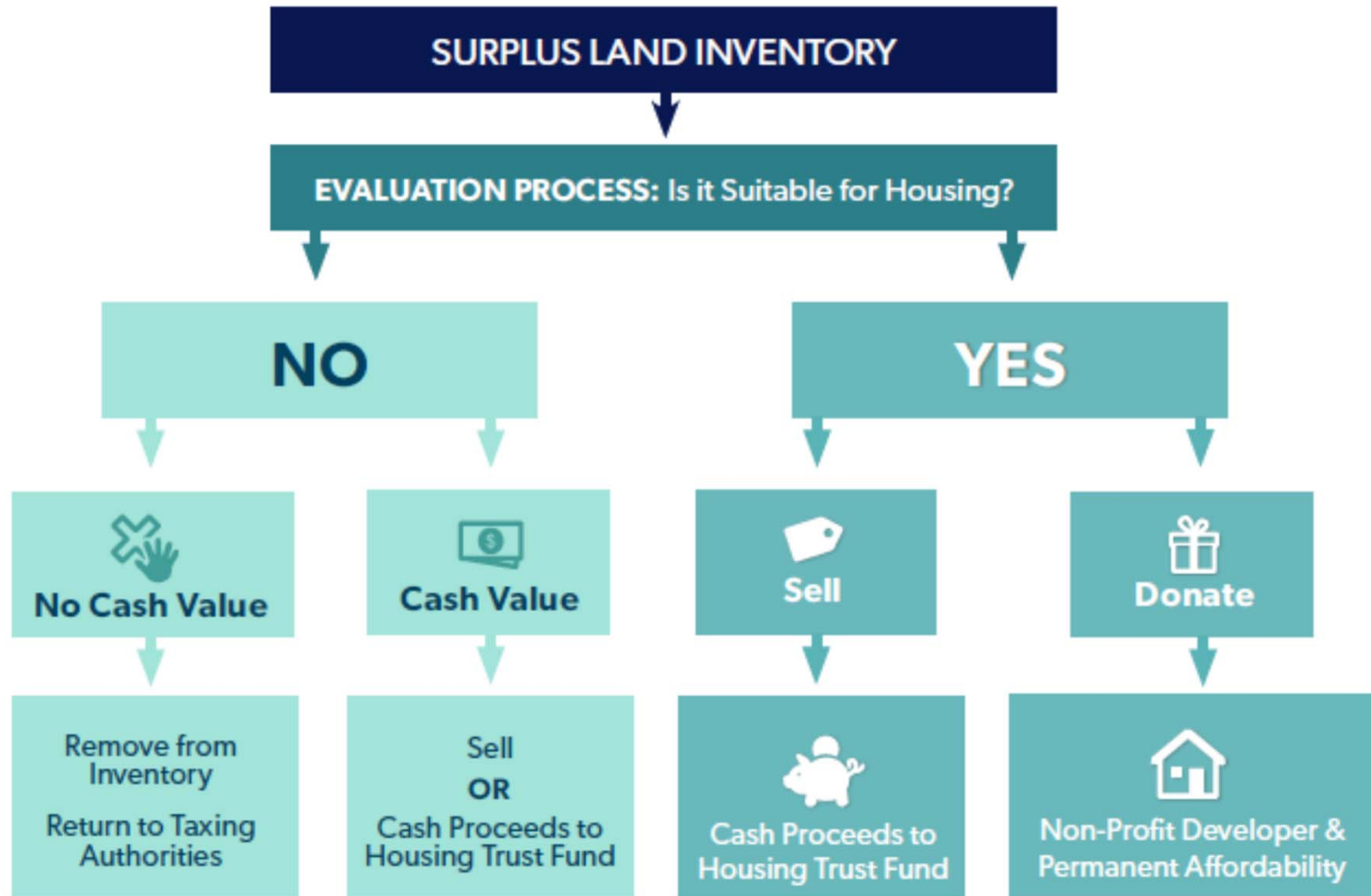
(j) Surplus Lands Inventory

- “The preparation of a printed inventory of locally owned public lands suitable for affordable housing.”
- Purpose: Reducing or eliminating the cost of land decreases the cost of developing affordable housing.
- Statutory Requirement since 2007: Create a Surplus Land Inventory for affordable housing. Statutes 125.379 and 166.0451 (2020)
- See FHC Website for Surplus Lands Guidebook

All Developable Parcels Should be Placed on the Inventory

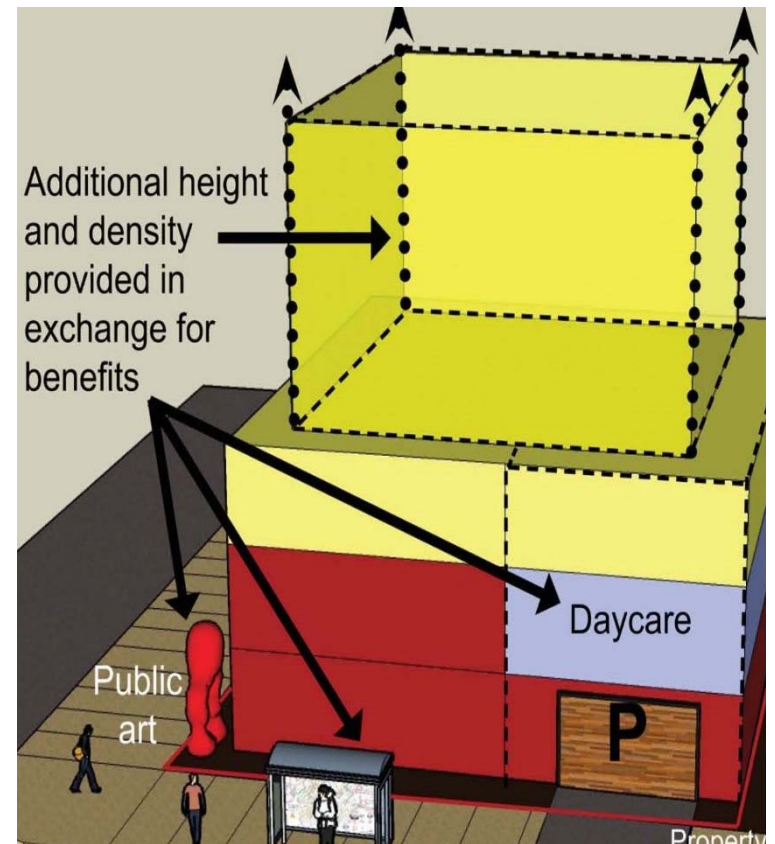
- Surplus Land Statute requires LGs to prepare an inventory list of lands owned in fee simple that are “appropriate for use as affordable housing.”
- Any parcels that can be developed for residential purposes are appropriate for use as affordable housing.
- Parcels on this list can be used for a variety of purposes:
 - Sale or donation for affordable housing development.
 - Sale - proceeds placed in a local affordable housing trust fund

Local Governments: Surplus Lands



(c) Density Flexibility

- “The allowance of flexibility in densities for affordable housing.”
- Build more housing on a given plot of land.
- Purpose: Increased density offers an economic incentive.

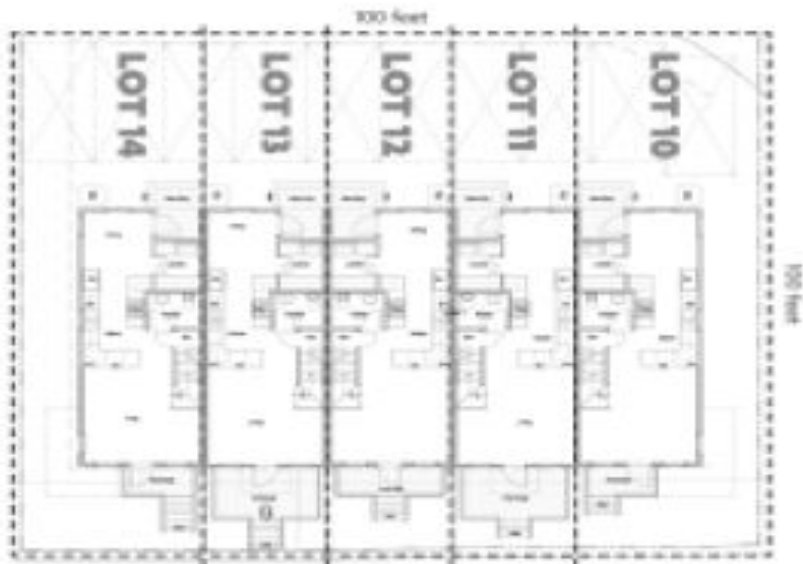


INCLUSIONARY HOUSING

ESTATE HOME



K2 - INCLUSIONARY HOUSING
TALLAHASSEE, FLORIDA



5 inclusionary lots on 1/4 acre



1 estate lot on 1/4 acre

THE FLORIDA HOUSING COALITION



Key Considerations about Density

- Consider the length of time that units must maintain affordability.
- Offer density bonus in targeted area(s) or for any selected parcel of land
- Bonuses work best where developers cannot get as much land as they need.
- Predictable standards may attract more private sector development.

(e) Accessory Dwelling Units

- **AHACs should consider recommendations to encourage & facilitate the development of affordable accessory residential units .**
- **An ADU is a “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.” F.S. 163.31771**
 - **The FL Legislature recognizes ADUs as a “tool to help local communities address deficits in the supply of affordable rental housing for very-low-, low-, and moderate-income residents.”**
- **ADUs are a smart growth tool for infill development that can provide an affordable rental option AND provide the homeowner with additional income**

Land Use Code and ADUs

- ADUs should be allowed in all single-family zoning districts - by right and not as conditional use
- Local governments should enact ADU ordinances to allow accessory dwelling units to be rented free on the market
- Local governments should design various structural requirements (setbacks, parking, etc.) to facilitate ADU development
- May not need to regulate ADUs for affordability- they are NOAH (naturally occurring affordable housing)

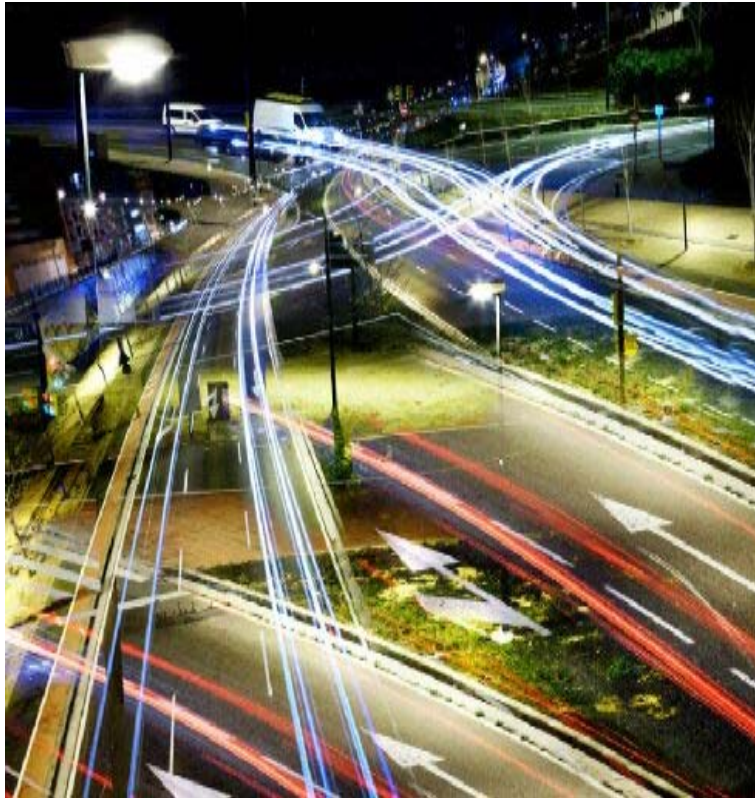


GOAL: allow the most possible lots/homeowners to construct lawful ADUs

(d) Reservation of Infrastructure

- “The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.”
- Some parts of Florida do not have enough water, sewer capacity, or transportation concurrency for all potential development.
 - A developer may build a house and find difficulty connecting to water and sewer hook ups.

(k) Proximity to Transportation, Employment, and Mixed-Use Developments



“The support of development near transportation hubs and major employment centers and mixed-use developments.”

Purpose: Decrease transportation costs to increase housing affordability

Considerations for Proximity

- **Require or incentivize affordable housing development around centers of opportunity through overlay districts.**
- **Reduce regulatory costs (ex – parking requirements)**
- **Create and implement community plans around centers of employment/transit**
- **Use in concert with other regulatory incentives offered by the AHAC**

(f) Parking and Setback Requirements

- “The reduction of parking and setback requirements for affordable housing.”
- Some housing may benefit from a reduction in the required number of parking spaces required by the land use code.
 - Ex) housing for elderly residents or persons with disabilities
 - Infill units where street parking is available
- Purpose: lower development costs (for parking) and ensure that more buildable land is available for housing development



(g) Flexible Lot Configurations

- “The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.”
- Zero-lot-line = two neighboring houses back to back, with a common wall between
- Allow smaller setbacks to offer more freedom arranging a single home or multiple units a on lot.
- Ideal tool for facilitating “missing middle” housing types and infill development

(h) Street Requirements

- “The modification of street requirements for affordable housing”
- Example: *An allowance for parking on only one side of the street.*
 - Reduces the required width for the road, reduces paved area and accompanying drainage/water retention (and reduces those resulting costs)
 - This design allows for parking on the street instead of garage/carport
 - This approach may require a public hearing. Allow administrative approval of flexible options.
 - Avoid unintended consequence of creating a substandard neighborhood.

Incentives & Strategies Beyond those Referenced in Statute

THE FLORIDA HOUSING COALITION



Inclusionary Housing Ordinances

- Planning tool to require affordable units in conjunction with market-rate development.
- Can focus only on large-scale developments (50 or 100+ units)
- Value capture principle: LGs can seek public benefit when providing landowners an increase in land value through rezonings or other entitlements



Locally Sourced Funds

- The AHAC could consider ways the local government could raise or utilize local funds for affordable housing development.
- Linkage fee
- Infrastructure surtax
 - Can be lawfully used for land acquisition for affordable housing
- General revenue



Adaptive Reuse

- Refers to the reuse of building or structure for a purpose other than its original design.
- AHAC could recommend strategies to facilitate the transformation of vacant or underutilized structures into housing.



Manufactured Housing

- **Manufactured housing units make up a large portion of Florida's unsubsidized affordable housing stock.**
- **The AHAC could consider zoning recommendations that facilitate manufactured housing placement.**



Community Land Trust

- The AHAC could recommend the formation of a Community Land Trust, or CLT.
- A CLT can retain government subsidy and land for affordable housing in perpetuity
- A CLT keeps housing affordable by removing land from the speculative market through a 99-year ground lease that ensures the home is affordable to subsequent homebuyers

Approving Affordable Housing Projects in Commercial & Industrial Zones

- **HB 1339 (2020) amended S. 125.01055 & 166.04151 to allow LGs to approve affordable housing developments on any parcel zoned for residential, commercial, or industrial use.**

Strategic Partnerships

- The AHAC could make recommendations for the LG to partner with local or regional institutions to form a comprehensive approach to facilitate the development of affordable housing.
- Could include:
 - School boards
 - Universities
 - Major Employers
 - Community-Based Organizations
 - Religious Institutions
 - For-profit housing providers

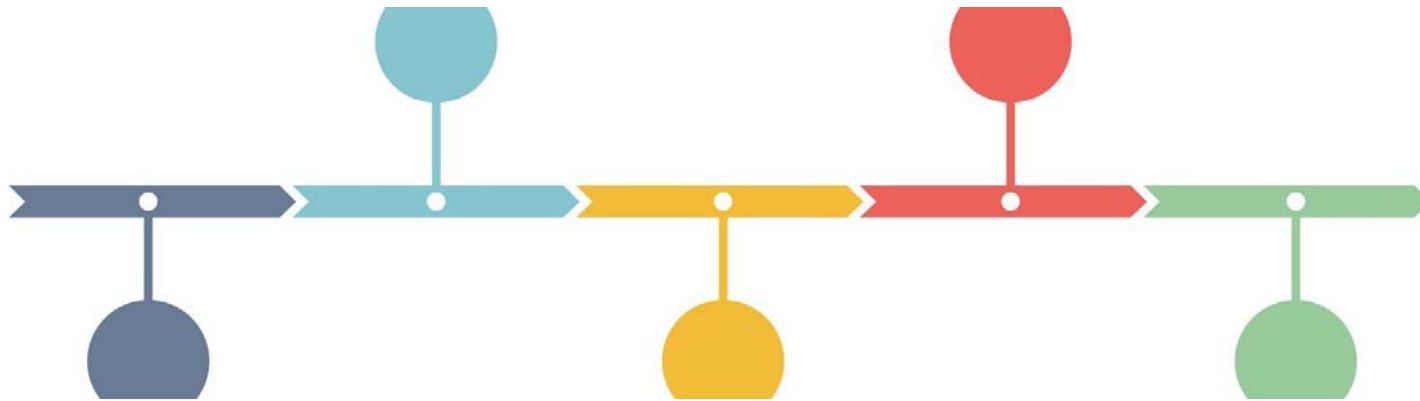


TIMELINE and RESPONSIBILITIES

THE FLORIDA HOUSING COALITION



TIMELINE and RESPONSIBILITIES



STEPS

- Assemble AHAC members
- Consider affordable housing incentives in 11 areas outlined in FL Statutes
- Present report to City/County Commission

AHAC has public meetings, plus a public hearing to vote on report

- Public Hearing: Approval of recommendations by affirmative vote of a majority of the members at a public hearing.
- Notice of public hearing time, date, and location must be published in a newspaper of general paid circulation
- Notice must contain a summary of the recommendations and state where a copy may be obtained

Related Training

Examples of AHAC Reports

View End of Recording:

<https://vimeo.com/144782474>

THE FLORIDA HOUSING COALITION



Possible AHAC Outcomes

- Recommend adding new incentive strategies
- Recommend changing existing incentive strategies
- No recommendations for anything new
- Commission accepts recommendations
- Commission takes no action

More Possible AHAC Responsibilities

AHAC may assist staff in many ways

- **Review new strategies**
- **Enhance existing strategies**
- **Community Outreach and Feedback**
- **Help create SHIP Procedures**

QUESTIONS AND EVALUATION

THE FLORIDA HOUSING COALITION



Technical Assistance is Available

Available Daily: **1 (800) 677-4548**

Options for Further Assistance Include:
Phone and Email consultation
Virtual Site Visits

Register at www.flhousing.org for:
Workshops
Webinars

THE FLORIDA HO

