

# THE FLORIDA HOUSING COALITION



## SHIP Affordable Housing Advisory Committees

Webinar Series 2008

Sponsored by the Florida Housing  
Finance Corporation- Catalyst Program



# Affordable Housing Advisory Committees

- In 2007, the Florida Legislature passed House Bill 1375 requiring cities and counties receiving SHIP funds to appoint an affordable housing advisory committee.
- General Duties: recommend monetary and non-monetary incentives for affordable housing.



# Statute and Rule

- Rule 67-37.010 amendments become effective February 21, 2008.
- Florida Statute 420.9076 effective July 1, 2007



# Joint Incentive Plans

- Rule – 67-37.010 (5) Local governments that administer the SHIP program under an Interlocal Agreement as established in 67-37.011 and have one LHAP may request approval from the Corporation to use the same affordable housing advisory committee. When one advisory committee is utilized for the local governments participating in an Interlocal Agreement, the advisory committee shall comply with all requirements for advisory committees as established in 420.9076 for each of the local governments in the Interlocal Agreement separately.
- 420.9076(2) Pursuant to the terms of any inter-local agreement, a county and municipality may create and jointly appoint an advisory committee to prepare a joint plan.



# MEMBERSHIP

- Members must be appointed by resolution by June 30, 2008. Original ordinances can be used if amended. Or you can just appoint by resolution.
- 420.9076(2) ...The ordinance adopted pursuant to s. 420.9072 which creates the advisory committee or the resolution appointing the advisory committee members must provide for 11 committee members and their terms. The committee must include actively engaged representatives of:



1. Residential home building industry AH
2. Banking or mortgage banking industry AH
3. Engaged in labor of home building- AH
4. Advocate for low-income persons- AH
5. For-profit provider of affordable housing
6. Not-for-profit provider of affordable housing
7. Real estate professional in connection with AH
8. Local planning agency member per 163.3174
9. One citizen who resides within the jurisdiction
10. One citizen who represents employers
11. One citizen who represents essential services personnel as defined in LHAP



# Exceptions

- Local governments that receive the minimum allocation may elect fewer than 11
- If due to its small size, conflict of interest, or other reasonable factor, you cannot appoint a citizen actively engaged in affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed.

420.9076(2)



# Dual Office Question

- HB 699 will address the situation where a government body also sits as the local planning agency
- Proposed language in HB699 allows for the BOCC to appoint a knowledgeable person in planning in cases when the BOCC sits as the LPA
- HB 699 will clarify that AHAC's are advisory only
- Check with your local counsel with further questions
- We are waiting for further legal direction from Florida Housing Finance Corporation





- All meetings are public meetings
- All records are public records
- Staff, administrative, facility support to be provided by appointing entity (420.9076(3))



# Staff Planner Participation 420.9076(9)

- AHAC shall be cooperatively staffed by Planning division or housing program staff to ensure an integrated approach



# DUTIES OF AHAC 420.9076 (4)

- Every three years AHAC shall review the established policies and procedures, ordinances, land development regulations, and adopted local government Comprehensive Plan and shall recommend actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value.



# EXAMPLES

- Modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions;
- The creation of exceptions applicable to affordable housing;
- The adoption of new policies, procedures, regulations, ordinances, plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances, and other policies.



# AT A MINIMUM 420.9076 (4)

- The AHAC shall submit a report to the local governing body that includes recommendations on, and triennially thereafter evaluates the implementation of, affordable housing incentives in the following areas:



# Expedited Permitting

- (a) The processing of expedited permits or development orders to a greater degree than other projects for affordable housing.



# Impact Fee Waivers or Modifications

- (b) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.
- Ex. Recalculate fee for seniors
- Ex. Fee rebates to buyer's mortgagee to lower mortgage principal



# Density Flexibility

- (c) The allowance of flexibility in densities for affordable housing.
- Examples- density bonus, accessory units



# Reservation of Infrastructure

- (d) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.
- Very important for large scale developers, CWHIP



# Accessory Dwelling Units

- (e) The allowance of affordable accessory residential units in residential zoning districts.
- See article in FHC Journal Fall 2007



# Parking and Setbacks

- (f) The reduction of parking and setback requirements for affordable housing.
- Reduce number of spaces for seniors for example



# Flexible Lot Configurations

- g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.
- Site plan flexibility- use administrative approvals



# Street Requirements

- (h) The modification of street requirements for affordable housing
- Allow administrative approval of flexible options



# Oversight (ongoing)

- (i) 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.
- Important- be assertive!



# Land Bank Inventory

- (j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
- Develop land bank guidelines to further define disposition of properties and “suitable”



# Proximity

- (k) The support of development near transportation hubs and major employment centers and mixed-use developments
- Important for CWHIP and DRI's
- Inclusionary zoning link



# May Perform Other Duties(420.9076(8))

- Mentoring services to AH partners
- Creation of Best Practices for development of AH in community
- May also make recommendations on other incentives not listed a-k- like inclusionary housing



## Exception 420.9076 (4)

- Local governments that receive the minimum allocation:
- 1- must perform the initial review and submit a report
- 2- may elect not to perform the triennial review



## Adoption and Notice Requirements 420.9076(5)

- The recommendations and review of local government implementation of previously recommended strategies must be made by affirmative vote of a majority of the membership of the AHAC at a public hearing.
- Notice of the time, date, and place of the public hearing must be published in a newspaper of general paid circulation.
- The notice must contain summary of the local housing incentives strategies recommended.
- The notice must state where you can pick up a copy of the incentive strategies.



# LHAP Amendment Required 420.9076(6)

- Within 90 days after receipt of the local housing incentive strategies recommendations, the City or County shall adopt an amendment to its local housing assistance plan to incorporate the local housing incentive strategies.



# AT A MINIMUM MUST ADOPT 420.9076(6)

- Expedited permitting for affordable housing
- An ongoing review of policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.



# Notice and Submittal

- By May 2, 2009:
- The governing board of the county or city shall notify the FHFC by certified mail of its adoption of an amendment of its LHAP to incorporate the incentives. The notice must include a copy of the approved amended plan. 420.9076(7)
- Rule 67-37.010 (3) requires electronic submission of LHAP containing Incentive Plan by May 2 of the year following the due date
- FAILURE TO DO SO:
  - TERMINATION OF DISTRIBUTION

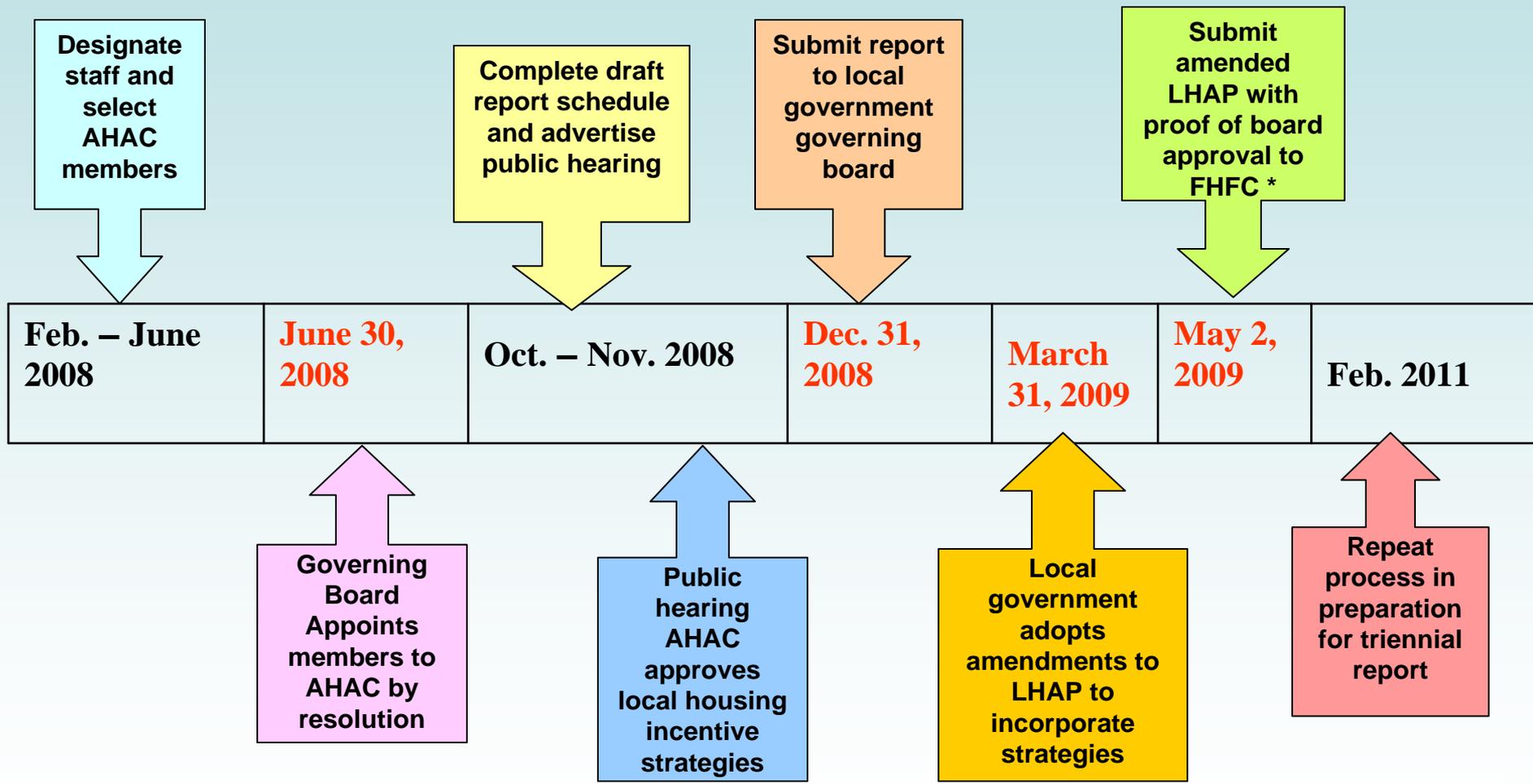


# TIME LINE

- Designate staff NOW.
- Recruit members NOW.
- Appoint members by resolution NLT **June 30, 2008**
- Complete draft report, advertise public hearing – October 2008
- Hold public hearing, adopt report --November 2008
- Submit report to governing board -**December 31, 2008**
- Governing board has 90 days after receipt of recommendations to amend it's LHAP and incorporate incentives to be implemented -  
**March 31, 2009**
- Submit electronic copy of report to FHFC – NLT **May 2, 2009 by certified mail with copy of plan**



# Housing Incentive Plan and Affordable Housing Advisory Committee Time Line



Dates in black are recommended timeline to meet deadlines

Dates in red are statute or rule deadlines.

# Initial Reports (Rule 67.37.010(2))

- \*After this initial submission, the reports are required to be submitted triennially on December 31 of the year preceding the submission of the local housing assistance plan. For local governments required to submit a local housing assistance plan on May 2, 2010, the report submitted by December 31, 2008 shall constitute the required report for December 31, 2009.



# Triennial Report Submission

## 420.9076(4)

- Triennial reports are due every three years on December 31 of the year before your LHAP is due.
- If you have to submit a new LHAP on May 2, 2010, the report you submitted to your governing board on December 31, 2008 will serve as the report required on December 31, 2009. Rule 67-37.010(2)



# Going Beyond the Minimum

- Consider complementary studies and updates such as needs assessments and nexus studies
- Develop a good communication and information system
- Provide your committee with ample information
- Consider Printing budget or website
- This is a great opportunity!



# Land Development Regulations: Affordable Housing Chapter

- Consider drafting a special chapter in the LDR to contain all incentives
- Menu of incentives, regulations, financing opportunities
- Incentives are cumulative
- Allocate adequate staff time to help administer incentives
- Focus on the Housing Element of the Comp Plan



# Housing Element

- The Local Comprehensive Plan must be considered at the same time to ensure compatibility
- The Housing Element should be synchronized with these incentives
- Incentive recommendations should be Housing Element Goals Objectives and Policies

