

INDIAN RIVER COUNTY, FLORIDA

M E M O R A N D U M

TO: Jason E. Brown, County Administrator

THROUGH: Phillip J. Matson, AICP
Community Development Director

FROM: Bill Schutt, AICP
Chief, Long-Range Planning

DATE: November 18, 2020

SUBJECT: Consideration of the Affordable Housing Advisory Committee (AHAC) 2020 Incentives Review and Recommendation Report

It is requested that the following information be given formal consideration by the Board of County Commissioners at its regular meeting on December 1, 2020.

DESCRIPTION AND CONDITIONS

As part of HB 1375 enacted in 2007, the Legislature revised section 420.9076, F.S. to require that local governments establish a local Affordable Housing Advisory Committee (AHAC). On March 18, 2008, the Indian River County Board of County Commissioners (BCC) approved resolution 2008-038 to establish Indian River County's AHAC. According to state law, **the principal responsibility of the AHAC is to submit a report to the local governing body that includes a recommendation on or evaluation of the affordable housing incentives identified in Paragraphs A through K of Section 420.9076 (4), F.S. (see page 2 of this staff report).**

Consistent with the provisions of section 420.9076 F.S. (up until the 2020 legislative session), every three years the AHAC was required to review the local government's established policies and procedures, ordinances, land development regulations, and comprehensive plan and recommend specific actions or initiatives to encourage or facilitate affordable housing, while protecting the ability of property to appreciate in value. As part of that process, the AHAC's review and recommendations are compiled into an incentives review and recommendation report that is presented to the BCC for approval. Pursuant to House Bill 1339 adopted during the 2020 Florida Legislative Session, the triennial requirement changed to an annual requirement starting in 2021.

The County's first AHAC report was approved by the BCC on December 9, 2008, submitted to the Florida Housing Finance Corporation (FHFC) before its December 31, 2008 due date, and thereafter approved by the FHFC. Subsequent AHAC reports were prepared, recommended for approval by AHAC, approved by the BCC, and submitted to the FHFC in 2011, 2014, and in 2017. The County's next AHAC report is due to the state by December 31, 2020. In order to meet that

deadline, staff has prepared the 2020 incentives review and recommendations report for AHAC's consideration at its October 28, 2020 meeting. The AHAC's review is now complete and staff and the AHAC are recommending BCC approval of the 2020 report. The BCC is now to consider approval of the report.

ANALYSIS

Section 420.9076 (4) F.S. requires that, at a minimum, the advisory committee (AHAC) submit a report to the local governing body (BCC) that includes recommendations on affordable housing incentives in the following areas:

- a. The processing of approvals of development order or permits, as defined in s. 163.3164(7) and (8), for affordable housing projects is expedited to a greater degree than other projects.
- b. All allowable fee waivers provided for the development or construction of affordable housing.
- c. The allowance of flexibility in densities for affordable housing.
- d. The reservation of infrastructure capacity for housing for very low-income persons, low income persons, and moderate-income persons.
- e. Affordable accessory residential units.
- f. The reduction of parking and setback requirements for affordable housing.
- g. The allowance of flexible lot configuration, including zero-lot-line configurations for affordable housing.
- h. The modification of street requirements for affordable housing.
- 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.
- j. The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
- k. The support of development near transportation hubs and major employment centers and mixed use developments.

In 2008, 2011, and 2014, the AHAC reviewed Indian River County's existing affordable housing incentives as well as newly proposed affordable housing strategies and policies. Through that process, the AHAC reached consensus and provided direction to staff on the county's then existing and proposed strategies and policies. By assessing the county's affordable housing incentives and strategies, the AHAC addressed the affordable housing incentives referenced in paragraphs A through K of Section 420.9076(4) F.S. For each incentive, the report included a description, reference to existing county regulations, analysis, and recommendations. All recommendations of the previous AHAC reports were incorporated into the county's Comprehensive Plan and Land Development Regulations (LDRs).

Recently, staff prepared a draft 2020 AHAC report. That AHAC report is a compilation and evaluation of the county's current affordable housing incentives, the incentives referenced in Section 420.9076(4) F.S., and affordable housing strategies and policies that were adopted by the county as part of the county's 2010 EAR based comprehensive plan amendments. The report also includes recent AHAC recommendations presented to the Board of County Commissioners on February 18, 2020. As indicated in the draft 2020 AHAC housing incentives report, the county

has already adopted and implemented all but one of the affordable housing incentives identified in items A through K of Section 420.9076(4)F.S. The incentive not adopted is item H, which relates to modifying minimum street requirements. Staff analysis shows that the county's current street right-of-way requirements are appropriate to ensure public safety, are not excessive, and should be maintained.

The report's analysis indicates that the County has successfully implemented incentives for providing affordable housing within the county. County affordable housing incentives have been in place for many years and continue to be used by not-for-profit housing organizations and for-profit affordable housing developers to provide affordable housing for county residents. AHAC proposals for revisions to the incentives developed/identified through evaluation and studies throughout 2019-2020 are incorporated in the report.

At its October 28, 2020 meeting, the AHAC reviewed a draft 2020 AHAC report, determined it complete with no changes, opened the public hearing for public comments, and recommended that the BCC approve the revised 2020 AHAC report (see attachment 1).

CONCLUSION

Currently, Indian River County provides all but one of the eleven affordable housing incentives listed in items A through K of Section 420.9076 F.S. To date, the ten adopted incentives have resulted in non-profit housing organizations and for-profit affordable housing developers providing affordable housing in the county.

As structured, the AHAC report identifies the county's existing affordable housing incentives, provides an analysis of those incentives with respect to the incentives listed in items A through K of Section 420.9076 F.S., and includes a recommendation on each incentive. In the report, staff is recommending that the county maintain the ten adopted, existing incentives, and expand upon them as recommended by analysis conducted by AHAC during the year 2019 and presented to the BCC in February of 2020.

RECOMMENDATION

Staff and the Affordable Housing Advisory Committee recommend that the Board of County Commissioners approve the proposed 2020 AHAC report by adopting the proposed resolution, direct staff to submit a copy of the report to the Florida Housing Finance Corporation (FHFC) for review, and authorize staff to make any changes to the report if required by FHFC.

ATTACHMENT

1. 2020 AHAC Report
2. Resolution Approving the 2020 AHAC Report
3. Unapproved Minutes of AHAC October 28, 2020 Meeting