

INDIAN RIVER COUNTY, FLORIDA

M E M O R A N D U M

TO: Jason E. Brown, County Administrator

THROUGH: Stan Boling, AICP
Community Development Director

FROM: Sasan Rohani, AICP
Chief, Long-Range Planning

DATE: November 16, 2017

SUBJECT: Consideration of the Affordable Housing Advisory Committee (AHAC) 2017 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 5, 2017.

DESCRIPTION AND CONDITIONS

As part of HB 1375 which was enacted in 2007, the State 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 an 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) together with recommendations based on the evaluation.

Consistent with the provisions of section 420.9076 F.S., every three years the AHAC must review the local government's established policies and procedures, ordinances, land development regulations, and comprehensive plan and must recommend specific actions or initiatives to encourage or facilitate affordable housing, while protecting property values. 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.

According to HB 1375, the first AHAC report approved by the Board of County Commissioners was due on or before December 31, 2008. On November 18, 2008, the Affordable Housing Advisory Committee recommended approval of the county's first AHAC Report. That report was then sent to the BCC for consideration on December 9, 2008. After approval by the Board, an electronic version of the report was sent to the Florida Housing Finance Corporation (FHFC) and was accepted. That submittal occurred in conjunction with the County's transmittal of its Local Housing Assistance Plan (LHAP) to the FHFC for review and approval. The LHAP was subsequently approved by the state.

According to state law, the AHAC incentive report is required to be submitted to the FHFC triennially on December 31 of the year preceding submission of the Local Housing Assistance Plan (LHAP) update. In compliance with that requirement, the subsequent AHAC reports were prepared, recommended for approval by AHAC, approved by the BCC, and submitted to the FHFC in 2011 and in 2014. Since the county's next Local Housing Assistance Plan is due to the state by May 2018, the new AHAC housing incentives report is due by December 31, 2017. In order to meet that deadline, staff has prepared the 2017 incentives review and recommendations report for AHAC's consideration at its November 15, 2017 meeting. The AHAC's review is now complete and staff and the AHAC are recommending BCC approval of the 2017 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. The modification of impact fee requirements, including reduction or waiver of fees and alternative methods of fee payment for 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. The allowance of affordable accessory residential units in residential zoning districts.
- 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 2017 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 as part of the county's 2010 EAR based comprehensive plan amendments. As indicated in the proposed 2017 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.

At its November 15, 2017 meeting, the AHAC reviewed a draft 2017 AHAC report, identified changes, and provided input to staff. At that meeting, the AHAC recommended that two changes be made to the report and that the BCC approve the revised 2017 AHAC report. Those changes include a recommendation to continue evaluating the impact of concurrency regulations (if any) on affordable housing development and to continue evaluating opportunities within the land use plan for development near transportation hubs and major employment centers. The revisions recommended by the AHAC have been incorporated into the proposed report (see attachment 1) and are supported by staff.

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 together with the two new recommendation items discussed above.

RECOMMENDATION

Staff and the Affordable Housing Advisory Committee recommend that the Board of County Commissioners approve the proposed 2017 AHAC report by adopting the attached resolution, and direct staff to submit a copy of the report to the FHFC for review.

ATTACHMENT

1. 2017 AHAC Report
2. Resolution Approving the 2017 AHAC Report
3. Unapproved Minutes of AHAC November 15, 2017 Meeting