CONSENT AGENDA
BCC Meeting 11-19-2024

INDIAN RIVER COUNTY, FLORIDA

M E M O R A N D U M

TO: Board of County Commissioners

THROUGH: John A. Titkanich, Jr., County Administrator

PREPARED BY: Cindy Emerson, Community Services Director

DATE: November 19, 2024

SUBJECT: Review of the Affordable Housing Advisory Committee 2024 Incentives Review and Recommendation Report

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It is requested that the following information be given formal consideration by the Board of County Commissioners at its regular meeting on November 19, 2024.

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 plans and recommend specific actions or initiatives to encourage or facilitate affordable housing, while protecting the ability of a property to appreciate in value. 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, 2017, 2020, 2021, and 2022. The County's next AHAC report is due to the state by December 31, 2024. To meet that deadline, staff have prepared the 2024 incentives review and recommendations report for AHAC's consideration.

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 orders or permits, as defined in F.S. 163.3164(7) and (8), for affordable housing projects are expedited to a greater degree than other projects.
b. All allowable fee waivers are 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, low-income, and moderate-income.
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, 2014, 2017, 2020, 2021, and 2022, the Indian River County Affordable Housing Advisory Committee reviewed Indian River County's existing affordable housing incentives, as well as new affordable housing strategies and policies. Through that process, the AHAC reached a consensus and provided directions 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 2024 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, and the county's previous AHAC report. As indicated in the draft 2024 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 is not excessive and should be maintained.

Staff's AHAC report 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 have been used by not-for-profit housing organizations and for-profit affordable housing developers to provide affordable housing for county residents.

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. In the past, 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.

AFFORDABLE HOUSING ADVISORY COMMITTEE ACTION

At its regular meeting on October 30, 2024, the AHAC voted unanimously to recommend that the Board of County Commissioners approve the 2024 AHAC Incentives Review Report and direct staff to submit a copy of the report to the Florida Housing Finance Corporation (FHFC).

RECOMMENDATION

Staff and the Affordable Housing Advisory Committee recommend that the Board of County Commissioners approve the 2024 AHAC Incentives Review Report and direct staff to submit a copy of the report to the FHFC for review by December 31, 2024.

ATTACHMENT

1. DRAFT 2024 AHAC Report
2. DRAFT RESOLUTION