



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.10.

12/19/2023

Subject:

Adoption of State Housing Initiatives Partnership (SHIP) Incentive Strategies Evaluation and Recommendations Report for 2023-2024

Fiscal Impact:

There will be no impact to the General Fund. Approval of this action facilitates the continued receipt of SHIP funding from the Florida Housing Finance Corporation, which is \$3,955,164 for the current fiscal year.

Dept/Office:

Housing and Human Services Department

Requested Action:

It is requested that the Board of County Commissioners approve the State Housing Initiatives Partnership Incentives Strategies Evaluation and Recommendations Report for 2023-2024.

Summary Explanation and Background:

Florida Statutes (Section 420.9076(4)) requires that the Brevard County Affordable Housing Advisory Committee (AHAC) conduct an annual review of local policies and procedures, ordinances, land development regulations, and the Brevard County Comprehensive Plan Housing Element to create an Incentive Strategies and Evaluation Report. This report is submitted in conjunction with the Local Housing Assistance Plan (LHAP). The purpose of the report is to recommend specific actions or initiatives to encourage or facilitate affordable housing development and is required for compliance with State Housing Initiatives Partnership (SHIP) regulations. Without both components, future SHIP funding is jeopardized.

The 2020 legislative session amended the Statute to make the Incentive Strategies and Evaluation Report annual while keeping the LHAP approval process triennial. The Board of County Commissioners, on November 9, 2021, approved the current LHAP and the 2023-2024 Incentives Report will be transmitted to the state for annual compliance upon approval.

The Brevard County Affordable Housing Advisory Committee, at a public hearing and meeting on November 16, 2023, reviewed and approved the recommended annual (2023-2024) Incentive Strategies Evaluation and Recommendations Report for final approval by the Board of County Commissioners. The recommendations are that staff coordinate with relevant partner County Departments, Agencies, and Legal staff to continue the established procedures and direct staff to further evaluate feasibility of the following focused areas, which are unchanged from last year's report with the exception notated below:

- Density Flexibility
- Accessory Dwelling Units and Tiny Homes

- Land Bank Inventory (new language to study the feasibility of priority review and right of first refusal on available properties in the County delinquent property tax certificate sales program)

Approval of this report makes no changes to the County's current Land Development Regulations.

Clerk to the Board Instructions:

None



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December 20, 2023

M E M O R A N D U M

TO: Ian Golden, Housing and Human Services Director

RE: Item F.10., Approval of State Housing Initiative Partnership (SHIP) Incentive Strategies Evaluation and Recommendations Report for 2023-2024

The Board of County Commissioners, in regular session on December 19, 2023, approved the SHIP Incentives Strategies Evaluation and Recommendations Report for 2023-2024.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/ds

INCENTIVE STRATEGIES EVALUATION AND RECOMMENDATION REPORT 2023-2024

BREVARD COUNTY AFFORDABLE HOUSING ADVISORY COMMITTEE

(Prepared by the Housing and Human Services Department)

Annually the Brevard County Affordable Housing Advisory Committee (AHAC), pursuant to Section 420.9076(4) of the Florida Statutes, must review the established policies and procedures, ordinances, land development regulations, the housing element of the local government comprehensive plan and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value.

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

At a minimum, each advisory committee shall submit a report, to the local governing body that includes recommendations and annually thereafter evaluate the implementation of affordable housing incentives as described in 420.9076(4) of the Florida Statutes.

On May 20, 2008, the Brevard County Board of County Commissioners (BOCC) initially adopted Ordinance 08-16 putting in place the requirements of Section 420.9076(4) of the Florida Statutes. On November 3, 2011, the Board of County Commissioners approved as recommended by the Brevard County Affordable Housing Advisory Committee the following original Housing Initiative Partnership (SHIP) Affordable Housing Incentive Strategy recommendations:

- a. Expedited Permitting: The processing of approvals of development orders or permits, as defined in s.163.3164 (7) and (8), for affordable housing projects to be expedited to a greater degree than other projects.
- b. Impact Fee Waivers or Modification: The modifications of impact-fee requirements, including reduction or waiver of fees, and alternative methods of fee payment for affordable housing.
- c. Density Flexibility: The allowance of flexibility in densities for affordable housing.
- d. Reservation of County Infrastructure: The reservation of infrastructure capacity for housing for very-low-income, low-income persons, and moderate-income persons.
- e. Accessory Dwelling Units: The allowance of affordable accessory residential units in residential zoning districts.
- f. Parking & Setbacks: The reduction of parking setback requirements for housing.
- g. Flexible Lot Configuration: The allowance of flexible lot configurations, including zero-lot- line configurations for affordable housing.

- h. Street Requirements: The modification of street requirements for affordable housing.
- i. Ongoing Process Review: The establishment of a process by which a local government considers, before adoption of policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
- j. Land Bank inventory: The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
- k. Development Near Transportation Hubs, Corridors, Major Employment Centers, and Mixed-Use Developments: The support of development near transportation hubs and major employment centers and mixed-use developments.

In implementing the previous 2022-2023 Incentives Strategies Report Recommendations the Affordable Housing Advisory Committee (AHAC) at meetings in 2022 and 2023 discussed modifying existing incentives in the Brevard County Land Development Regulations (LDRS), Article XVII, Sections 62-6300 through 62-6311 and potential amendments required by the recently passed Live Local Act. At the AHAC meetings on October 19, 2023, and November 16, 2023, the existing incentives in the LDRS and a working draft of potential revisions were discussed. The AHAC recommended that staff continue to coordinate with the relevant partner County Departments, Agencies and Legal staff on further review, evaluation, and development of revisions for future amendment to the County LDRS and or Comprehensive Plan as applicable, including requirements of the Live Local Act.

The AHAC at a meeting and public hearing on November 16, 2023, recommended that priority efforts for 2023-2024 continue to be focused on the three incentives strategies report sections c., e., and j. below and in the body of the report. The listed recommendations include estimated times for completion.

- c. Density Flexibility
- e. Accessory Dwelling Units and Tiny Homes
- j. Land Bank Inventory

RECOMMENDATIONS AND EVALUATION OF LOCAL GOVERNMENT IMPLEMENTATION OF PREVIOUSLY RECOMMENDED LOCAL HOUSING STRATEGIES FOR 2022-2023

Public Hearing:

On November 2, 2023, a Public Hearing and Meeting was advertised in the Florida Today newspaper. The Public Hearing and Meeting was held on November 16, 2023, at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida 32940 at 4:30 PM in the Space Coast Room, Second Floor, Building C.

Incentives & Recommendations:

- a. **Expedited Permitting:** processing of approvals of development orders or permits, as defined in s. 163.3164(7) and (8), for affordable housing projects are expedited to a greater degree than other projects.

Information Reviewed: Ordinance No. 07-18, The Housing Element of the 1988 Brevard County Comprehensive Plan as amended in February 2022 and the Brevard County Codes of Ordinances (Article XVII).

Review Synopsis: Staff had presented the AHAC with information pertaining to practices and reviewed the above Ordinances, Codes and Comprehensive Plan Policies which previously resulted in:

- A process to facilitate the movement of projects through the permitting process, with priority given to developments with affordable housing units.
- Policies and Ordinances to continue and develop procedures to expedite review of affordable housing developments and housing for essential employees and special needs groups.

This process and policies are still in place, available for use and were applied in 2023. Brevard County Planning and Development remains efficient and timely in processing all development review applications.

Recommendation: Continue established procedure.

- b. **Impact Fee Waivers or Modifications:** The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.

Information Reviewed: Ordinance No. 07-18, The Housing Element of the 1988 Brevard County Comprehensive Plan as amended in February 2022, the Brevard County Codes of Ordinances (Article XVII) and Code Section 62-6303.

Review Synopsis: Staff had presented the AHAC with information pertaining to practices and reviewed the above Ordinances, Codes and Comprehensive Plan Policies which previously resulted in:

- Transportation impact fee deferral and refunds for workforce and affordable housing

The process continues to be available for deferral of Transportation Impact Fees by applicants when needed and has been actively pursued with success by developers of affordable housing. Limited funds are available from Brevard County Housing and Human Services Department for refunding permit fees as new affordable housing development projects arise.

Recommendation: Continue established procedure.

- c. **Density Flexibility:** The allowance of flexibility in densities for affordable housing.

Information Reviewed: Ordinance No. 07-18, The Housing Element of the 1988 Brevard County Comprehensive Plan as amended in February 2022 and the Brevard County Codes of Ordinances (Article XVII).

Review Synopsis: Staff had presented the AHAC with information pertaining to practices and reviewed the above Ordinances, Codes and Comprehensive Plan Policies which previously resulted in:

- A twenty-five percent (25%) density bonuses for developments located within zoning or future land use category with a density of six units per acre or greater, and with a minimum 30 percent of units designated as affordable, that is consistent with the criteria in the County Comprehensive Plan, provided that the overall residential development density does not exceed the density in the next highest residential future land use designation. Proposed affordable and workforce housing developments located within any coastal hazard area defined by the comprehensive plan or on barrier islands are not eligible for a density bonus under this section and per Article XVII, Section 62-6305 (a) and (d) and Section 62-6307 (1) and (3) of the County Land Development Regulations adopted in 2007.

Density Flexibility remains available through the County Land Development Regulations and The County Comprehensive Plan in multiple Future Land Use Categories and Zoning Classifications Countywide and greater densities and height limits have been further enhanced by the requirements of the Live Local Act for Mixed Use Developments.

Recommendation: For Items (1) through (6) Coordination efforts are underway between the Housing and Human Services Department and Planning and Development Department Staff on potential code amendments and will continue into the second half of 2024 to include policy application of Live Local Act requirements per County Policy BCC-100. Continue established procedure and direct staff to evaluate the feasibility of:

(1) Allowing greater flexibility by increasing density and intensity levels to encourage the creation of new affordable housing within the unincorporated County through use of the above Ordinances and Codes, (Estimated time of completion 1 to 2 years) Housing and Human Services Department staff have begun the internal process to review potential draft code amendments prior to discussion with Planning and Development staff in 2024.

(2) increasing density and intensity bonuses to levels that meet market development feasibility in the production of affordable and workforce residential units, (Estimated time of completion 1 to 2 years) Housing and Human Services Department staff have begun the internal process to review potential draft code amendments prior to discussion with Planning and Development staff in 2024.

(3) allowing density bonuses at site plan and subdivision plan approval levels, (Estimated time of completion 1 to 2 years) Housing and Human Services Department staff have begun the internal process to review potential draft code amendments prior to discussion with Planning and Development staff in 2024.

(4) allowing fees paid in lieu of providing affordable housing onsite realized from a density bonus into the Affordable Housing Trust Fund, (Estimated time of completion 2 years) Housing and Human Services Department staff have begun the internal process to review potential draft code amendments prior to discussion with Planning and Development staff in 2024.

(5) amending and increasing periods of affordability for units realized by incentives, (Estimated time of completion 1 to 2 years) Housing and Human Services Department staff have begun the internal process to review potential draft code amendments prior to discussion with Planning and Development staff in 2024.

(6) creating a County User Guide on use and application of density and intensity bonuses and other County Comprehensive Plan and Code based incentives. (Estimated time of completion 1 to 2 years) Housing and Human Services Department staff conducted research existing user guides from other jurisdictions in 2023 for development and review of a local document in 2024.

- d. **Reservation of County Infrastructure:** The reservation of infrastructure capacity for housing for very-low-income, low-income persons, and moderate-income persons.

Information Reviewed: Brevard County Code of Ordinances (Article IV).

Review Synopsis: Staff had presented the AHAC with information pertaining to practices and reviewed the Brevard County Code of Ordinances Article IV, which continues concurrency management which ensures that public facilities and services needed to support development are available concurrent with the impacts of such development and that development orders and development permits are issued in a manner that will not result in a reduction in the levels of service below the adopted level of service standards adopted by Brevard County for public facilities and services.

The concurrency management process remained in effect for Brevard County public facilities and services in 2022 and 2023. There are currently no concurrency capacity reservations or concurrency exemption areas created specifically for affordable housing units. County continues to monitor needs and impacts and will act accordingly in 2024.

Recommendation: Continue established procedure.

- e. **Accessory Dwelling Units and Tiny Homes:** The allowance of affordable accessory residential units and Tiny Homes in residential zoning districts.

Information Reviewed: Brevard County Ordinance No. 07-18 and The Housing Element of the 1988 Brevard County Comprehensive Plan as amended in February 2022.

Review Synopsis: Staff had presented the AHAC with information pertaining to practices and reviewed the above Ordinance and Comprehensive Plan Policy which previously called for county staff to:

- Study accessory units as a method for use by private families and individuals in the provision of affordable/workforce housing opportunities and solutions on their own properties, in areas with established infrastructure. The Comprehensive Plan also indicates that the County will consider land development regulations and other ordinances as needed that will regulate the use of accessory dwelling units as permitted by state statute.

The County code continues to allow accessory units and tiny homes in multiple zoning classifications. Review and monitoring of the code will continue. A development order in the Viera Development of Regional Impact allows for the use of accessory dwelling units in some residential projects.

Recommendation: For Items (1) through (4) Coordination efforts between the Housing and Human Services Department and Planning and Development Staff are underway on potential code amendments and will continue into the second half of 2024. Continue established procedure and direct staff to evaluate the feasibility of:

- (1) developing additional County regulation changes for Accessory Dwelling Units consistent with Florida Statutes and HB 1339 (2020), (Estimated time of completion 1 to 2 years). Housing and Human Services Department staff conducted research in 2023 for developing draft code amendments for review in 2024.
- (2) consolidating Accessory Dwelling Units and similar units into one section of the County Code, (Estimated time of completion 1 to 2 years) Housing and Human Services Department staff conducted research in 2023 for developing draft code amendments for review in 2024.
- (3) developing a User Guide for use and application, (Estimated time of completion 1 to 2 years) Housing and Human Services Department staff conducted research in 2023 on examples of existing user guides for review in 2024.
- (4) providing density, intensity and impact fee waivers and concurrency exemptions for affordable accessory dwelling units and tiny homes, (Estimated time of completion 2 years) Housing and Human

Services Department staff conducted research in 2023 for developing draft code amendments for review in 2024.

(5) incentivizing development of accessory dwelling units and tiny homes in permissible areas with local housing program funds and lands. (Estimated time of completion 1 to 2 years) The Housing and Human Services Department is currently developing a Request for Proposal (RFP) to increase affordable housing within Brevard County. The RFP will be structured to allow for proposals which include accessory dwelling units and tiny homes.

- f. **Parking and Setbacks:** The reduction of parking and setback requirements for affordable housing.

Information Reviewed: Ordinance No. 08-16 and the Brevard County Codes of Ordinances (Article XVII).

Review Synopsis: Staff had presented the AHAC with information pertaining to practices and reviewed the above Ordinance which previously resulted in:

- Flexible design requirements and criteria for parking and setbacks are available for developments providing a minimum of 30 percent of affordable or workforce housing.
- Flexibility remains available through the County Land Development Regulations and the County Comprehensive Plan in multiple Future Land Use Categories and Zoning Classifications County wide, including reduction in required parking spaces for future mixed-use development in proximity to major transit stops per County Live Local Act Policy BCC-100. Flexible design requirements have been used in one multiple family apartment development to date.

Recommendation: Continue established procedure.

- g. **Flexible Lot Configuration:** The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.

Information Reviewed: Brevard County Ordinance No. 07-18 and The Housing Element of the 1988 Brevard County Comprehensive Plan as amended in February 2022.

Review Synopsis: Staff had presented the AHAC with information pertaining to practices and reviewed the above Ordinances and Codes which previously resulted in:

- Flexible design requirements and criteria for developments providing a minimum of 30 percent of affordable or workforce housing.

Flexibility remains available through the County Land Development Regulations and The County Comprehensive Plan in multiple Future Land Use Categories and Zoning Classifications County wide.

Recommendation: Continue established procedure.

h. **Street Requirements:** The modification of street requirements for affordable housing.

Information Reviewed: Brevard County Ordinance No. 07-18 and The Housing Element of the 1988 Brevard County Comprehensive Plan as amended in February 2022.

Review Synopsis: Staff had presented the AHAC with information pertaining to current practices and reviewed the above Ordinances and Codes which previously resulted in:

- Flexible design requirements relating to roads, driveways, and parking lots for developments providing a minimum of 30 percent of affordable or workforce housing.

Flexibility remains available through the County Land Development Regulations and The County Comprehensive Plan in multiple Future Land Use Categories and Zoning Classifications County wide. It has been used in single family subdivisions.

Recommendation: Continue established procedure.

i. **Ongoing Process Review:** The establishment of a process by which a local government considers, before adoption of policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

Information Reviewed: Ordinance 08-16 *Review Synopsis:* Staff had presented the AHAC with information pertaining to practices and overviewed the above Ordinance which previously resulted in:

- An ongoing review process for review of county policies, ordinances, regulations, and Comprehensive plan provisions that significantly impact the cost of housing.

The process remains in effect for Brevard County with no negative impacts to date that have impacted affordable housing costs or production. The County continues to coordinate and monitor and will act in accordance with F.S. Section 420.9076(4).

Recommendation: Continue established procedure.

j. **Land Bank Inventory:** The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

Information Reviewed: Brevard County Ordinance No. 07-18, The Housing Element of the 1988 Brevard County Comprehensive Plan as amended in February 2022.

Review Synopsis: Staff had presented the AHAC with information pertaining to practices and reviewed the above Ordinances and Plans that previously established an affordable housing trust fund and unit/land mitigation bank for receipt of non-ad valorem revenues and residential land and density equivalent units for use in the development and rehabilitation of affordable housing.

A continuous process supporting the review of county owned land for suitability in use for affordable housing has been well established and further defined under the requirements of the Live Local Act. This review process of County owned land was conducted by County staff in 2023 and an updated land bank inventory list of available properties appropriate for use as affordable housing was revised, reviewed, and approved by the Board of County Commissioners in Resolution No. 23-100 on September 12, 2023, and has been posted for public review.

Lots have been transferred in the past to the Housing and Human Services Department for use as affordable housing. The Housing and Human Services Department uses an Affordable Housing Location Evaluation Matrix when conducting due diligence and evaluating transfers of properties to the land bank inventory suitable and available for use in affordable housing activities. Lots in the past have been transferred to affordable housing developers and some sold with proceeds placed in the local affordable housing trust fund. Currently 35 lots or parcels are available in the inventory for use in affordable housing development activities.

Recommendation: Continue established procedure and direct staff to evaluate the feasibility of:

- (1) allocating current lot inventory to developers of affordable housing or a Community Land Trust (Estimated time of completion 1 to 2 years). The previously referenced RFP (e.5) to increase affordable housing in Brevard County will allow for applicants to request use of properties from the land bank inventory list that are appropriate for use as affordable housing approved by the Board of County Commissioners in Resolution No. 23-100 on September 12, 2023, and consistent with the Live Local Act
- (2) further expansion of the program to include the evaluation and transfer of land and housing units from the County delinquent property tax certificate sales program, including priority review and right of first refusal on available properties, for the development and preservation of affordable housing countywide (Estimated time of completion 2 years). For Items (2) and (3) Housing and Human Services Department Staff will conduct research and consult with County Staff and Constitutional Officers in 2024 and 2025.
- (3) evaluate other established best practices on delinquent property tax certificate sales programs by local governments statewide including priority review and right of first refusal (Estimated time of completion 2 years).

(4) encouraging and funding the development of county wide Community Land Trusts to keep housing units produced with public, lands, funds, incentives, and waivers affordable for longer periods of time (Estimated time of completion 2 years). Housing and Human Services Department Staff will conduct research and consult with County Staff in 2024 and 2025.

- k. **Development Near Transportation Hubs, Corridors, Major Employment Centers, and Mixed-Use Developments:** The support of development near transportation hubs and major employment centers and mixed-use developments.

Information Reviewed: Brevard County Ordinance No. 07-18 and The Housing Element of the 1988 Brevard County Comprehensive Plan as amended in February 2022.

Review Synopsis: Staff had presented the AHAC with information pertaining to practices and the above Ordinances and plans which previously resulted in a location evaluation matrix included in the land development regulations and used in request for proposals issued by the Housing and Human Services Department to determine favorable locations for affordable /work force housing and to determine eligibility for funding and incentives.

The process continues and mixed-use development incentives remain available through the County Land Development Regulations and The County Comprehensive Plan, in multiple Future Land Use Categories and Zoning Classifications County wide. Greater densities, building height limits and reduced parking requirements in proximity to major transit stops on transit routes have been further enhanced by the requirements of the Live Local Act for Mixed Use Developments. Brevard County Planning and Development staff developed, and the *Board of County Commissioners approved Policy BCC-100 Titled: "Evaluation Procedures for Development Proposals Pursuant to the Live Local Act Which Otherwise Are Not Permissible"* on October 24, 2023. Policy BCC-100 addressees the review of parking requirements, major transit stops, unit density, mixed uses, building height and affordability periods. The Housing and Human Services Department uses an Affordable Housing Location Evaluation Matrix when evaluating affordable housing projects requesting funding and use of incentives, and transfers of suitable properties to the land bank inventory.

Recommendation: Continue established procedure.

On November 16, 2023, at a publicly noticed Public Hearing and Meeting, an evaluation of the implementation of Brevard County's local housing incentive strategies was conducted by the Brevard County Affordable Housing Advisory Committee and the above recommendations were approved by an affirmative vote of the majority of the membership on November 16, 2023.

BREVARD COUNTY AFFORDABLE HOUSING
ADVISORY COMMITTEE

Corey Lancaster, Chair

Date