



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.16.

12/21/2021

Subject:

Adoption of State Housing Initiatives Partnership (SHIP) Incentive Strategies Evaluation and Recommendations Report.

Fiscal Impact:

FY 2021 - 2022: Approval of this action facilitates the continued receipt of SHIP funding from the Florida Housing Finance Corporation. \$2,223,084 million for the current fiscal year.

FY 2022 - 2023: SHIP funding estimated at \$3,458,410.

Dept/Office:

Housing and Human Services

Requested Action:

It is requested that the Board of County Commissioners approve the State Housing Initiatives Partnership 2021 -2022 Affordable Housing Committee Incentives Strategies Evaluation and Recommendations Report.

Summary Explanation and Background:

Prior to 2020, Florida Statutes (Section 420.9076(4)) required the Brevard County Affordable Housing Advisory Committee (AHAC) to conduct a triennial 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 has typically been submitted in conjunction with approval of 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 final triennial Evaluation and Recommendations report (2020-2021), which was delayed due to consultations with the Florida Housing Finance Corporation and COVID.

The Brevard County Affordable Housing Advisory Committee at a public hearing and meeting on December 2, 2021 reviewed, approved and recommended the new annual (2021-2022) Incentive Strategies Evaluation and Recommendations Report for final approval by the Board of County Commissioners and submittal to the State.

Clerk to the Board Instructions:

None



December 22, 2021

M E M O R A N D U M

TO: Ian Golden, Housing and Human Services Director

RE: Item F.16., Adoption of State Housing Initiatives Partnership (SHIP) Incentive Strategies Evaluation and Recommendations Report

The Board of County Commissioners, in regular session on December 21, 2021, approved the SHIP 2021-2022 Affordable Housing Committee Incentives Strategies Evaluation and Recommendations Report.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, reading "Kimberly Powell", is written over the typed name.

Kimberly Powell, Clerk to the Board

/sm

cc: Finance
Budget



Housing & Human Services Department
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BOARD OF COUNTY COMMISSIONERS

Affordable Housing Advisory Committee
Incentive Strategies Evaluation and Recommendation Report 2021-2022

Background Information:

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 on 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) adopted Ordinance 08-16 putting in place the requirements of Section 420.9076(4) of the Florida Statutes. On November 3, 2011, during a Public Hearing, the Affordable Housing Advisory Committee approved, by a unanimous vote, the following Board of County Commissioner approved State 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

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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 and setback requirements for affordable 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.

Recommendations and evaluation of local government implementation of previously recommended local housing strategies

Public Hearing:

On November 18, 2021 a Public Hearing and Meeting was advertised in the Florida Today newspaper. The Public Hearing and Meeting was held on December 2, 2021 at the Brevard County Government Center 2725 Judge Fran Jamieson Way, Viera, Florida 32940 at 4:00pm 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 December 2009 and the Brevard County Codes

of Ordinances (Article XVII).

Review Synopsis: Staff presented the AHC with information pertaining to current practices and overviewed the above Ordinances, Codes and Comprehensive Plan Policies which put in place:

- 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, and
- Fee waivers and refunds for workforce and affordable housing.

This process is still in place and available for use. Brevard County Planning and Development remains efficient and timely in processing all development review applications. Limited funds are available from Brevard County Housing and Human Services Department refunding permit fees as new affordable housing development projects arise.

Recommendation: Continue current process and monitor site development plans, land subdivision applications and building permits for affordable housing, to ensure they are being expedited to the greatest extent possible.

- 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 December 2009, the Brevard County Codes of Ordinances (Article XVII).

Review Synopsis: Staff presented the AHC with information pertaining to current practices and overviewed the above Ordinances, Codes and Comprehensive Plan Policies which put in place:

- Fee waivers and refunds for workforce and affordable housing.

The process continues to be available for deferral of Transportation Impact Fees when needed.

Recommendation: Continue the processes established in Section 62-6303 of the Brevard County Code and Ordinance 07-18. Study and consider existing and additional fee deferrals, waivers and new fees permitted per changes and additions to Florida Statutes in HB 1399 (2020) and other established best practices by local governments statewide.

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 December 2009 and the Brevard County Codes of Ordinances (Article XVII).

Review Synopsis: Staff presented the AHC with information pertaining to current practices and overviewed the above Ordinances, Codes and Comprehensive Plan Policies which put in place:

- 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.

Density 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 to allow greater flexibility increasing density and intensity levels to encourage the creation of new affordable housing within the County through use of the above referenced Ordinances and Codes. Study and consider increasing as of right density and intensity bonuses to levels that meet market development feasibility in the production of affordable residential units. Study and amend periods of affordability for units realized by incentives. Create a County User Guide on the use and application of density and intensity bonuses and other County Comprehensive Plan and Code based incentives.

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 presented the AHC with information pertaining to current practices and overviewed the Brevard County Code of Ordinances Article IV, which continues to put in place 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 remains in effect for Brevard County and with no negative impacts to public facilities and services. There has been no need to create

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concurrency capacity and exemption areas for affordable housing. County continues to monitor and will act accordingly.

Recommendation: Continue established procedure. Monitor and promote new uses as local regulation allows. Study and consider concurrency exemptions for affordable housing units and those developed in mixed use centers and corridors along established transit routes and hubs.

- 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 December 2009.

Review Synopsis: Staff presented the AHC with information pertaining to current practices and overviewed the above Ordinance and Comprehensive Plan which calls 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 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: Continue established procedure. Monitor and promote new uses and local regulation changes consistent with changes and additions to the Florida Statutes and in HB 1339 (2020). Consolidate Accessory Units and similar units into one section of the County Code. Develop a User Guide for use and application. Study and consider density, intensity and impact fee waivers and concurrency exemptions for affordable accessory units and tiny homes. Consider incentivizing the development of accessory units and tiny homes in permissible areas with local housing program funds and lands.

- 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 presented the AHC with information pertaining to current practices and overviewed the above Ordinance which calls for:

- Flexible parking and setback in projects containing affordable house
- 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. It has been used in one multiple family apartment development.

Recommendation: Continue established procedure. Monitor and promote new uses as local regulation allows. Study and consider additional public and private parking space number, area, aisle width, landscaping and setback reductions and waivers consistent with project market feasibility and other established best practices by local governments statewide.

- 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 December 2009.

Review Synopsis: Staff presented the AHC with information pertaining to current practices and overviewed the above Ordinances and Codes which allows:

- 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. Monitor and promote new uses as local regulation allows. Study and consider other established best practices by local governments statewide.

- 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 December 2009.

Review Synopsis: Staff presented the AHC with information pertaining to current practices and overviewed the above Ordinances and Codes which allows:

- 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. Monitor and promote new uses as local regulation allows. Study and consider additional public and private street width and street related infrastructure reductions and waivers consistent with project market feasibility and other established best practices by local governments statewide.*

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: *Review Synopsis:* Staff presented the AHC with information pertaining to current practices and overviewed the above Ordinance with puts in place

- 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 accordingly.

Recommendation: *Continue established procedure in accordance with Section 420.9076(4) of the Florida Statutes.*

- 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 December 2009.

Review Synopsis Staff presented the AHC with information pertaining to current practices and overviewed the above Ordinances and Plans that 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. And, a continuous review process supporting the review of county owned land for its suitability for affordable housing use.

The review process has been continuously monitored and implemented. Lots have been transferred 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 evaluating transfers of properties to the land bank inventory. Lots have been transferred to affordable housing developers and some sold with proceeds placed in the local affordable housing trust fund. A few lots remain available in the inventory for use in new affordable housing development.

Recommendation: Continue established procedure. Allocate current lot inventory to developers of affordable housing. Study and consider further expanding program to include the evaluation and transfer of land and housing units from the County delinquent property tax certificate sales program for the development and preservation of affordable housing Countywide. Study and consider other established best practices by local governments statewide. Study, consider, encourage and fund the development of a County Wide Community Land Trust to keep housing units produced with public lands, funds, incentives and waivers affordable for longer periods of time.

- 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 December 2009.

Review Synopsis: Staff presented the AHC with information pertaining to current practices and the above Ordinances, plans which puts in place 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


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favorable locations for affordable /work force housing and to determine eligibility for funding and incentives.

The process continues and remains available through the County Land Development Regulations and The County Comprehensive Plan, in multiple Future Land Use Categories and Zoning Classifications County wide. 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 properties to the land bank inventory.

Recommendation: Continue established procedure, monitor and promote use. Study and consider increasing as of right density and intensity bonuses to levels that meet market development feasibility in the production of affordable residential units in these locations. Study and consider concurrency exemptions and impact fee waivers for affordable housing units developed in mixed use centers, corridors and along established transit routes and hubs. Include in a County User Guide on the use and application of density and intensity bonuses and other County Comprehensive Plan and Code based incentives.

On December 2, 2021 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.



Corey Lancaster, Chair
Brevard County Affordable Housing Advisory Committee

Date: _____

12/2/2021