



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

12/22/2020

Subject:

Public Hearing and Approval: Amendment to Article III, Section 90-66, Section 90-68, Section 90-69, Section 90-70, and Section 90-71, Brevard County Code of Ordinances

Fiscal Impact:

FY 20-21: There is no impact to the General Fund.

Dept/Office:

Housing and Human Services

Requested Action:

It is requested that the Board of County Commissioners (1) solicit public input and (2) Approve the Amendment to Article III, Section 90-66, Section 90-68, Section 90-69, Section 90-70, and Section 90-71, Brevard County Code of Ordinances

Summary Explanation and Background:

This past legislative session House Bill 1339 passed and was signed into law by the Governor. The bill amended Florida Statute 420.9076 (2) to mandate that one locally elected official from each county or municipality participating in the State Housing Initiatives Partnership (SHIP) Program be added and 420.9076 (4) that review of the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value occur annually.

The Amendment to Article III, Section 90-66, Section 90-68, Section 90-69, Section 90-70, and Section 90-71 accomplishes the following:

- Correcting clerical errors
- Amending language in accordance with House Bill 1339
- Revising definitions
- Adding term limits
- Providing an effective date

Legislative Intent for the Amendment to the Ordinance was advertised on November 19, 2020 in a newspaper of general circulation in the County per Florida Statute 125.66(2)(a). To date no comments have been received.

Clerk to the Board Instructions:

None



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

December 23, 2020

M E M O R A N D U M

TO: Ian Golden, Housing and Human Services Director

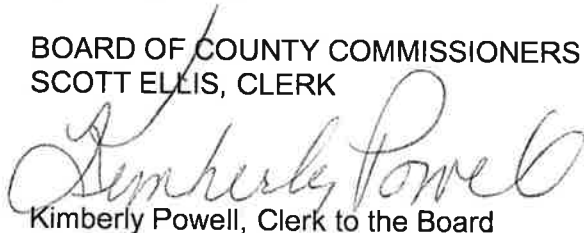
RE: Item H.1. Amendment to Article III, Chapter 90, Section 90-66, Section 90-68, Section 90-69, Section 90-70, and Section 90-71, Brevard County Code of Ordinances

The Board of County Commissioners, in regular session on December 22, 2020, solicited public input; and adopted Ordinance No. 20-25, amending Article III, Chapter 90, Section 90-66, Section 90-68, Section 90-69, Section 90-70, and Section 90-71 of Brevard County Code of Ordinances. Enclosed is fully-executed Ordinance.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK


Kimberly Powell, Clerk to the Board

/ds

Encl. (1)



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 30, 2020

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Deborah Thomas

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 20-25, which was filed in this office on December 29, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NUMBER 20-25

**AN ORDINANCE OF THE BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS
AMENDING ARTICLE III, CHAPTER 90,
SECTION 90-66, SECTION 90-68, SECTION
90-69, SECTION 90-70, AND SECTION 90-71
PURSUANT TO THE STATE HOUSING
INITIATIVES PARTNERSHIP (SHIP)
PROGRAM CREATED UNDER SECTION
420.9072, FLORIDA STATUTES;
CORRECTING CLERICAL ERRORS;
AMENDING COMMITTEE MEMBERSHIP;
REVISING DEFINITIONS; ADDING TERM
LIMITS; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, The Board of County Commissioners of Brevard County, Florida recognizes the necessity for provision of the opportunity for all persons to have access to safe, decent and affordable housing; and

WHEREAS, The State of Florida enacted the William E. Sadowski Affordable Housing Act, Chapter 92-317 of Florida Sessions Laws, allocating a portion of documentary stamp taxes on deeds to local governments for the development and maintenance of affordable housing; and

WHEREAS, in 1993, pursuant to Section 420.9072 Florida Statutes, the Board established the Affordable Housing Advisory Committee through Ordinance 93-03; and

WHEREAS, the Board of County Commissioners of Brevard County shall appoint the members of the Affordable Housing Advisory Committee, and

WHEREAS, as of October 1, 2020 Section 420.9076 Florida Statutes, was amended, to mandate the committee must consist of one locally elected official from each county or municipality participating in the State Housing Initiatives Partnership Program.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, that:

Chapter 90, Sections 90-66, 90-68, 90-69, 90-70, and 90-71 shall be amended to read as follows:

SECTION 90-66. DEFINITIONS

A. As used in the Ordinance, the terms:

- (1) "Adjusted for family size" means adjusted in a manner which results in an income eligibility level that is lower for households having fewer than four people, or higher for households having more than four people, than the base

income eligibility determined as provided in subsection (22), subsection (23), or subsection (28), based upon a formula established by the United States Department of Housing and Urban Development. Students as defined herein are to be included in the calculation of family size.

- (2) "Administrative Expenditures" means those expenditures directly related to implementation of the Local Housing Assistance Plans.
- (3) "Affordable" means that monthly rent and utilities or mortgage payments, insurance, property taxes, utilities, and homeowner's association fee, where applicable, do not exceed thirty (30) percent of that amount which represents the percentage of the median income for households qualifying under subsection (22), subsection (23), or subsection (28).
- (4) "Annual Gross Income" means the gross amount of wages, income from assets, regular cash or non-cash contributions, and any other resources and benefits determined to be income by the United States Department of Housing and Urban Development. This is the amount of income anticipated to be received by all adults in a household during the twelve months following the effective date of the determination. Anticipated income is generally determined by annualizing current income for the next twelve months.
- (5) "Annual Report" or "Form SHIP-AR/07" means a report required to be completed and submitted to the Corporation by September 15 of each year pursuant to Section 420.9075(10), F.S.
- (6) "Award" means a loan, grant, or subsidy funded wholly or partially by the Brevard County housing distribution.
- (7) "Brevard County Housing Assistance Plan" means a concise description of the Brevard County Housing Assistance Program adopted by this Ordinance with an explanation of the way in which the Brevard County Housing Assistance Program meets the requirements of this Ordinance and Sections 420.907-420.9079, Florida Statutes, and Rule 67-37, Florida Administrative Code.
- (8) "Brevard County Housing Assistance Program" means the housing construction, rehabilitation, repair, and finance program adopted by ordinance and implemented by Brevard County with the Brevard County Housing Distribution or other funds deposited into the Brevard County Housing Assistance Trust Fund to make affordable residential units available to persons who have special housing needs, and persons having very low income, low income or moderate income.
- (9) "Brevard County housing distribution" means the proceeds of the taxes collected under Chapter 201 deposited into the Local Government Housing Trust and distributed to counties and eligible municipalities participating in the State Housing Initiatives Partnership Program pursuant to Section 420.9073, Florida Statutes.
- (10) "Brevard County Housing Partnership" means the implementation of the Brevard County Housing Assistance Program in a manner that, to the greatest extent possible, includes full representation from both the public and private

sector. Such partnership is not required to be a corporate or legal entity, but should involve the applicable local government(s), community-based organizations, for profit housing developers, lending institutions, providers of professional services relating to affordable housing, and service organizations working on behalf of persons with special housing needs. The term includes initiatives to provide support services for housing program beneficiaries such as training to prepare persons for the responsibility of homeownership, counseling of tenants, and the establishment of support services such as day care, health care, and transportation. The Partnership shall be represented by the Affordable Housing Advisory Committee, which shall serve as an advisory body on affordable housing issues to the Brevard County Board of County Commissioners.

- (11) "Catalyst" means the Affordable Housing Catalyst Program as described in 420.531, F.S.
- (12) "Committee" means the Affordable Housing Advisory Committee appointed by the Board of County Commissioners to meet the objectives of the Affordable Housing Committee created by s. 420.9072, Florida Statutes. The Committee shall serve as representatives of the Brevard County Housing Partnership. The Committee shall abide by all SHIP rules pursuant to Florida Statutes 420.9072 and will also make recommendations to the Board on the allocation of funds from the Florida SHIP Program, the federal HOME Program, and other federal, state, and local funds which allow Brevard County discretion in the determination of affordable housing priorities.
- (13) "Debt Service" means the amount required in any fiscal year to pay the principle of, redemption premium, if any, and interest on bonds and any amounts required by the terms of the documents authorizing, securing, or providing liquidity for bonds necessary to maintain in effect any such liquidity of security agreements.
- (14) "Default" means the failure to make required payments on a financial loan secured by a first mortgage which may lead to foreclosure and loss of property ownership.
- (15) "Deferred Payment Loan" means funds provided to a borrower under terms that calls for repayment to be delayed for a certain length of time, until certain circumstances change, or a certain threshold is met.
- (16) "Department" means the Brevard County Housing and Human Services Department.
- (17) "Eligible housing" means any real and personal property located within the county or an Eligible Municipality which is designated and intended for the primary purpose of providing decent, safe, and sanitary residential units that are designated to meet the standards of Chapter 553, Florida Statutes, for homeownership or rental for eligible persons as designated by each county or eligible municipality participating in the Brevard County Housing Assistance Program. Housing must be within the maximum purchase price limitations as

established by the United States Department of the Treasury in accordance with Revenue Proclamation 92-34 and must meet affordability requirements in order to qualify as eligible. Transitional housing and shelters shall be considered as Eligible Housing for Eligible Persons to the extent of compliance with all other eligibility and Program criteria.

- (18) "Eligible person" means one or more natural persons, a family, or Persons who have Special Housing Needs who are certified by the Local Government, or its designee, to be very low-income, low-income, or moderate-income according to the Annual Anticipated Gross income of the resident with adjustment made for family size.
- (19) "Eligible sponsor" means a person or a private or public for profit or nonprofit entity that applies for assistance under the Brevard County Housing Assistance Program for the purpose of providing eligible housing for eligible persons.
- (20) "Encumbered" means that deposits made to the local affordable housing trust fund have been committed by contract, or purchase order, letter of commitment or award in a manner that obligates the county, eligible municipality, or Interlocal Entity to expend the amount upon delivery of goods, the rendering of services, or the conveyance of real property by a vendor, supplier, contractor, or owner.
- (21) "Essential Service Personnel" means pursuant to Chapter 2006-69, Laws of Florida, persons in need of affordable housing who are employed in occupations or professions in which they are considered Essential Service Personnel, as defined by each county and eligible municipality within its respective local housing assistance plan pursuant to Section 420.9075(3)(a), F.S.
- (22) "Expended," or "Spent" means the affordable housing activity is complete and funds deposited to the local affordable housing trust fund have been transferred from the local housing assistance trust fund account to pay for the cost of the activity.
- (23) "Extremely Low Income Household" or "ELI" means one or more natural persons or a family that has a total annual gross household income that does not exceed 30 percent of the area median income adjusted for family size for households within the metropolitan statistical area, the county, or the non-metropolitan median for the state, whichever is greatest.
- (24) "Foreclosure" means the legal action by a mortgage holder to require repayment of a loan through the sale of the subject property.
- (25) "Forgivable Loan" means a loan with no repayment obligation if program requirements are met for a specified period of time.
- (26) "Grant" means Grant as defined in 420.9071(12).
- (27) "Home Ownership Activities" means the use of the local affordable housing trust fund moneys for the purpose of providing owner-occupied housing. Such uses include construction, rehabilitation, purchase, and lease purchase

financing where the primary purpose is the eventual purchase of the housing by the occupant within twenty-four months from initial execution of a lease agreement or within twenty-four (24) months of the applicable fiscal year, whichever occurs first, to meet the requirement of subsection (8).

- (28) "Interlocal entity" means an entity created pursuant to the provisions of Chapter 163, Part I, Florida Statutes for the purpose of establishing a joint local housing assistance plan pursuant to the provisions of Section 420.9075(5), Florida Statutes or for the purpose of a joint affordable housing incentive plan pursuant to the provisions of Section 420.9072(5), Florida Statutes.
- (29) "Loan" means Loan as defined in section 420.9071 (13) F.S.
- (30) "Low-income person" means one or more natural persons or a family, not including students, that has total annual anticipated gross income for the household that does not exceed 80 percent of the median annual income for households within the County. While occupying a rental unit, a low-income person's annual anticipated gross income may increase to an amount not to exceed 140 percent of 80 percent of the applicable median income adjusted for family size for purposes of meeting the requirements of 67-37.007(9).
- (31) "Moderate-income person" means one or more natural persons or a family, not including students, that has a total annual anticipated gross income for the household that does not exceed 120 percent of the median annual income for households within the County. While occupying the rental unit, a moderate-income household's annual anticipated gross income may increase to an amount not to exceed 140 percent of 120 percent of area median income adjusted for family size for purposes of meeting the requirements of 67-37.007(9).
- (32) "Rehabilitation" means repairs or improvements which are needed for safe or sanitary habitation, correction of substantial code violations, or the creation of additional living space.
- (33) "Review Committee" means the committee established pursuant to Section 420.9072(3)(a), F.S.
- (34) "SHIP" or "SHIP Program" means the State Housing Initiatives Partnership Program created pursuant to the State Housing Initiative Partnership Act, Sections 420.907-.9079, F.S.
- (35) "State" means the State of Florida.
- (36) "Sub Recipient" means a person or non-state organization contracted by a SHIP eligible local government and compensated with SHIP funds to provide administration of any portion of the SHIP program.
- (37) "Very-low income person" means one or more natural persons or a family, not including students, that has a total annual anticipated gross income for the household that does not exceed 50 percent of the median income adjusted for family size for households within the County. While occupying the rental unit, a very-low income household's annual anticipated gross income may increase to

an amount not to exceed 140 percent of 50 percent of area median income adjusted for family size for the purposes of meeting the requirements of 67-37.007(9).

- (38) "Welfare Transition Program" means a person or non-state organization contracted by a SHIP eligible local government and compensated with SHIP funds to provide administration of any portion of the SHIP program.

SECTION 90-68. ESTABLISHMENT OF THE BREVARD COUNTY HOUSING ASSISTANCE PROGRAM

- A. The Brevard County Housing Assistance Program is hereby created and established. This Program shall apply to the unincorporated area of Brevard County and to the incorporated areas of Brevard County to the extent permitted by article VIII, section 1(f), of the Constitution of the State of Florida.
- B. The intent of the Brevard County Housing Assistance Program is to increase the availability of affordable housing units by combining local and cost-saving measures into a Brevard County Housing Partnership and using private and public funds to reduce the cost of housing.
- C. The County shall use the funds received from the state pursuant to the State Housing Initiative Partnership Act to implement the Brevard County Housing Assistance Program. The detailed design specifications for the use of the trust fund moneys will be adopted in the Brevard County Housing Assistance Plan, after review of the statutory requirements and the local needs. The Brevard County Board of County Commissioners will, after giving due deliberation to the recommendations of the Affordable Housing Advisory Committee, and considering the advice of the Department and the comments of the public, adopt the Brevard County Housing Assistance Plan.
- (1) A percentage of the funds may be used by the County to implement the following locally designed strategies:
- (a) A percentage of this distribution may be reserved to provide construction and rehabilitation assistance for affordable housing preservation and production.
 - (b) A percentage of this distribution may be used to provide for homeownership training to housing program beneficiaries.
 - (c) The County shall work with banks and savings institutions to meet their obligation under the Community Reinvestment Act (CRA) to affirmatively address the credit needs of the entire community. In meeting their obligation, banks and savings institutions shall be encouraged to engage in activities that include, but are not limited to the following: increase efforts to make loans for home mortgages and home improvements in conjunction with government insured lending programs such as FHA and VA and to make loans with high loan value ratios when there is private mortgage insurance; provide assistance to existing community-based housing development programs or assistance to emerging community-based organizations; extend lines of credit and other financing to

community-based organizations; and provide a secondary market for community-based organization development loans.

- (d) The County shall seek lending institutions to work with the Affordable Housing Advisory Committee and eligible sponsors or eligible persons in providing low-cost loans, interest point buy-down programs and other cost saving mechanisms in order to facilitate homeownership for very low-income, low-income, or moderate-income persons and persons who have special housing needs.
 - (e) To facilitate the production of eligible housing by community-based organizations, the County shall assist community-based organizations to structure financial packages from a variety of sources such as, banks and other lending institutions, or consortia, corporate and philanthropic organizations, foundations, and/or insurance companies.
 - (f) The County shall provide incentives for the preservation and production of affordable housing for eligible persons to include, but not limited to, donating or otherwise making available low-cost land or land lease arrangements, assistance in the construction of infrastructure, tax forgiveness or abatements, impact fee credits or payments, and/or security deposit credits or payments.
- (2) A percentage of the funds may be used to provide the local matching funds in order to obtain federal housing grants including, but not inclusive of the HOME program and other state and federal affordable housing programs.
 - (3) A percentage of the funds may be used to provide emergency repairs by the Department under the state weatherization program, pursuant to Sections 409.509-409.503, Florida Statutes.
 - (4) A percentage of the funds may be used to supplement existing Florida Housing Finance Corporation programs being used within Brevard County.
 - (5) A percentage of the funds may be used to further the housing element of the local government comprehensive plan adopted pursuant to Section 163.3184, F.S. specific to affordable housing.
- D. The County hereby specifically finds the cost of administering the Brevard County Housing Assistance Program shall exceed 5% of the funding received from the state pursuant to the State Housing Initiative Partnership Act. The Board of County Commissioners will adopt a resolution concurrent with the adoption of this ordinance to authorize the use of up to 10% of the SHIP funds and 5% of any program income received from investment of the housing distribution received by the County in a fiscal year for administration of the Housing Assistance Program.
- E. The Brevard County Housing Assistance Program shall include all other lawful objectives not previously listed if said objectives have been adopted into the Brevard County Housing Assistance Plan in the manner provided for by Sections 420.907-420.9079, Florida Statutes and Rule 67-37, Florida Administrative Code.

SECTION 90-69. CREATION OF THE BREVARD COUNTY HOUSING PARTNERSHIP

- A. The Brevard County Housing Assistance Program shall combine Brevard County resources and cost saving measures into a Brevard County Housing Partnership by using private and public funds in order to reduce the cost of housing.
- B. The Brevard County Housing Partnership shall include, but is not limited to, the County, community-based organizations, for profit housing developers, lending institutions, providers of professional services relating to affordable housing, and service organizations working on behalf of persons with special housing needs. This Partnership shall be represented by members of the Affordable Housing Advisory Committee created in Section VI of this Ordinance in the implementation of the Brevard County Brevard County Housing Assistance Program.
- C. The Brevard County Housing Assistance Program shall be implemented in a manner that provides support services for housing program beneficiaries such as training to prepare persons for the responsibility of homeownership and counseling of tenants. Such implementation shall be consistent with this Ordinance, Sections 420.907-420.9079, Florida Statutes, and Rule 67-37, Florida Administrative Code.

SECTION 90-70. DESIGNATION OF RESPONSIBILITY FOR ADMINISTRATION AND IMPLEMENTATION OF THE BREVARD COUNTY HOUSING ASSISTANCE PROGRAM.

- A. The Housing and Human Services Department shall be responsible for implementation and administration of the Brevard County Housing Assistance Program.
- B. The County shall designate the Director of the Brevard County Housing and Human Services Department, a full time County employee whose responsibility shall be:
 - (1) To work with the Committee to: implement the local housing assistance plan and incentive strategies that create or preserve affordable housing; monitor the success of the Brevard County Housing Assistance Program; provide advice and suggestions as to whether and in what ways the Brevard County Housing Assistance Program might be improved from year to year; and to develop proposals to initiate and modify, when necessary, the Brevard County Housing Assistance Plan.
 - (2) To supplement Florida Housing Finance Corporation programs, for example: the State Apartment Incentive Loan Program established under Section 420.5087, F.S., the Community Workforce Housing Innovation Pilot Program and Homeownership Assistance Program (HAP) established under Section 420.5088, F.S. with the SHIP local housing distribution funds directed to uses within the local government jurisdiction;
 - (3) To provide local match to obtain federal housing Grants or programs, such as HOME, established by 24 CFR, Part 92;

- (4) To fund emergency repairs by existing service providers under weatherization programs, pursuant to Sections 409.509-.5093, F.S.;
 - (5) To further the housing element of the local government comprehensive plan adopted pursuant to Section 163.3184, F.S., specific to affordable housing; and
 - (6) To coordinate with Brevard County programs such as community loan funds, inclusionary housing programs, linkage programs, and with federal programs such as, the Community Development Block Grant (CDBG) Program, Home Investment Partnership Program (HOME), Low Income Rental Housing Tax Credit (LIHTC) Program, and Section 8 Rental Assistance so as to maximize the production of eligible housing through the Brevard County Housing Assistance Program.
- C. The total amount paid for any administrative expenses in connection with the Brevard County Housing Assistance Program will not exceed 10% of the proceeds of the Brevard County housing distribution and 5% of any program income received from investment of the housing distribution.
- D. The County shall not treat as administrative expenses any costs previously borne by another funding source which could continue to be available at the time the Brevard County Housing Assistance Plan is submitted.
- E. In implementing the Brevard County Housing Assistance Program, the Department shall:
- (1) Advertise the availability of a housing assistance program in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least thirty (30) days before the beginning of any application period.
 - (2) Adopt a maximum award schedule or system of awards to comply with the following criteria:
 - (a) Sixty-five (65) percent of the funds shall be reserved for homeownership for eligible persons.
 - (b) Seventy-five (75) percent of the funds shall be reserved for construction, rehabilitation, or emergency repair of eligible housing.
 - (c) The sales price of new or existing eligible housing shall not exceed ninety (90) percent of the median area purchase price in the area where the eligible housing is located as established by the United States Department of Treasury in accordance with Section 3(b)2 of the United States Housing Act of 1937.
 - (d) All units constructed, rehabilitated, or otherwise assisted with program funds shall be occupied by extremely low-income, very low-income, low-income, or moderate-income persons and persons who have special housing needs. At least 30% of funds must be expended for the benefit of very low-income persons and at least another 30% by low-income

persons. The remainder shall be occupied by persons who have special housing needs, extremely low-income, very low-income, low-income, or moderate-income persons.

- (e) The amount of monthly mortgage payments or the amount of monthly rents charged by the eligible sponsor or its designee must be affordable to eligible persons.
 - (f) Loans shall be provided for periods not exceeding (30) years except for deferred payment loans or loans that extend beyond (30) years which continue to provide eligible housing for eligible persons.
 - (g) Eligible owner-occupied housing constructed, rehabilitated, or otherwise assisted from proceeds provided from the Brevard County Housing Assistance Program shall be subject to subsidy recapture provisions which are approved by the Brevard County Board of County Commissioners.
 - (h) Eligible rental housing constructed, rehabilitated, or otherwise assisted from proceeds provided from the Brevard County Housing Assistance Program shall be reserved for eligible persons for an affordability period as described in the most recently approved Local Housing Assistance Plan (LHAP) and/or United States Housing and Urban Development approved Action Plan. Eligible sponsors who offer eligible rental housing for sale before the expiration of the affordability period or that have remaining mortgages funded under the Brevard County Housing Assistance Program must give a first right of refusal to eligible nonprofit organizations for purchase for continued occupancy by eligible persons.
 - (i) The cost per unit and the maximum cost per unit for eligible housing benefiting from awards made pursuant to the Brevard County Housing Assistance Program shall be established in the approved Housing Assistance Plan.
 - (j) A qualification system for applicants for awards consistent with the intent of the Brevard County Housing Assistance Program and Sections 420.907-420.9079, Florida Statutes shall be established by the Brevard County Housing Partnership.
 - (k) The Department shall annually monitor and determine tenant and amount of subsidy pursuant to the provisions of this Ordinance, Sections 420.907-420.9079, Florida Statutes, and Rule 67-37.015, Florida Administrative Code.
- (3) The County, the Committee, and all eligible sponsors shall not discriminate in the loan application process of eligible persons for eligible housing on the basis of race, creed, religion, color, age, sex, marital status, familial status, national origin, or handicap.
 - (4) The County shall comply with all rules and regulations of the Florida Housing Finance Corporation in connection with required reporting by the County of compliance with its Brevard County Housing Assistance Program.

- (5) Prior to receiving an award, all eligible persons or eligible sponsors shall enter into an agreement to comply with the affordable housing criteria provided under Sections 420.907-420.9079, Florida Statutes and this Ordinance. All eligible persons or eligible sponsors shall include in the deed transferring ownership of the property to the eligible person or eligible sponsor a covenant agreeing to comply with terms of the above described laws which covenant will run with the land or in the alternative, the agreement shall be made a part of the mortgage agreement. Failure to comply with the covenant in the mortgage shall result in the default of the mortgage with all remedies and rights for enforcement inuring to the benefit of the County.
- (6) Eligible sponsors receiving assistance from both the State Housing Initiative Partnership (SHIP) Program and the Low-Income Housing Tax Credit (LIHTC) Program shall be required to comply with the income, affordability, and other LIHTC requirements. Similarly, any eligible housing receiving assistance from SHIP and other federal programs shall be required to comply with any requirements specified by the federal program in addition to SHIP requirements.

SECTION 90-71. CREATION OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE

- A. The Affordable Housing Advisory Committee (AHAC) is hereby created and established. The members of the Committee shall be appointed by the Board of County Commissioners in its entirety as "At-large appointments" as defined in Section 2-213(2) Brevard County Code.
- B. The AHAC shall consist of eleven voting members, their terms shall begin July 1. The Affordable Housing Advisory Committee must include the following as voting members:
 - (1) One Brevard County resident who is actively engaged in the residential home building industry in connection with affordable housing.
 - (2) One Brevard County resident who is actively engaged in the banking or mortgage industry in connection with affordable housing.
 - (3) One Brevard County resident who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
 - (4) One Brevard County resident who is actively engaged as an advocate for low-income persons in connection with affordable housing.
 - (5) One Brevard County resident who is actively engaged as a for-profit provider of affordable housing.
 - (6) One Brevard County resident who is actively engaged as a not-for-profit provider of affordable housing.
 - (7) One Brevard County resident who is actively engaged as a real estate professional in connection with affordable housing.

- (8) One Brevard County resident who actively serves on the local planning agency pursuant to s.163.3174.
 - (9) One elected official from the jurisdiction of the local governing body making the appointments.
 - (10) One Brevard County resident who represents employers within the jurisdiction.
 - (11) One Brevard County resident who represents essential services personnel, as defined in the local housing assistance plan.
- C. If the Board is unable to appoint a citizen actively engaged in these activities in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed.
 - D. Members shall serve for two-year terms and may be reappointed for subsequent terms. Appointees to this Committee shall serve no more than eight consecutive years or ten years in a sixteen year period.
 - E. A simple majority of the currently appointed voting members shall constitute a quorum. The AHAC may not take formal actions unless a quorum is present, but may meet to hear presentations if duly noticed.
 - F. The AHAC shall meet at a minimum of 6 times annually and comply with the Government in the Sunshine Law, the public records law, and the special provisions regarding notice of Affordable Housing Incentive Plan considerations found in Chapter 420.9076, Florida Statutes. Minutes of the meeting shall be kept by the Housing and Human Services Department.
 - G. The AHAC shall annually elect a Chairperson, Vice-Chairperson, and such other offices as it deems necessary. The Chairperson is charged with the duty of conducting meetings in a manner consistent with law.
 - H. Staff, administrative and facility support for the AHAC shall be provided by the Housing and Human Services Department.
 - I. As representatives of the Brevard County Housing Partnership, the Committee will also make recommendations to the Board on the allocation of funds from the Florida SHIP Program, the federal HOME Program, and other federal and state funds which allow Brevard County discretion in the determination of housing priorities.
 - J. Triennially, the AHAC shall review the established policies and procedures, ordinances, land development regulations, and adopted comprehensive plan of Brevard County, 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 Brevard County Comprehensive plan and corresponding regulations, ordinances and other policies. At a minimum, the AHAC shall submit a report to the Brevard County Board of County Commissioners that

includes recommendations on, and triennially thereafter evaluates the implementation of, affordable housing incentives in the following areas:

- (1) The processing of approvals of development orders or permits, as defined in s. 163.3164(7) and (8), for affordable housing projects is expedited to a greater degree than other projects.
- (2) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.
- (3) The allowance of flexibility in densities for affordable housing.
- (4) The reservation of infrastructure capacity for housing for very-low-income, low-income, and moderate-income persons.
- (5) The allowance of affordable accessory residential units in residential zoning districts.
- (6) The reduction of parking and setback requirements for affordable housing.
- (7) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.
- (8) The modification of street requirements for affordable housing.
- (9) The establishment of a process by which Brevard County Board of County Commissioners considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
- (10) The preparation of a printed inventory of county owned public lands suitable for affordable housing.
- (11) The support of development near transportation hubs and major employment centers and mixed-use developments.

The AHAC recommendations may also include other affordable housing incentives identified by the advisory committee.

- K. The approval by the AHAC of its local housing incentive strategies recommendations and its review of Housing & Human Services Department's previously recommended strategies must be made by affirmative vote of a majority of the membership of the AHAC taken at a public hearing. Notice of the time, date, and place of the public hearing of the AHAC to adopt final local housing incentive strategies recommendations must be published in a newspaper of general paid circulation in the county. The notice must contain a short and concise summary of the local housing incentives strategies recommendations to be considered by the AHAC. The notice must state the public place where a copy of the tentative AHAC recommendations can be obtained by interested persons.
- L. Within 90 days after the date of receipt of the local housing incentive strategies recommendations from the advisory committee, the Brevard County Board of County Commissioners shall adopt an amendment to its local housing assistance plan to incorporate the local housing incentive strategies it will implement within its jurisdiction. The amendment must include, at a minimum, the local housing

incentive strategies required under s.420.9071(16). The Brevard County Board of County Commissioners must consider the strategies specified in paragraph (H) (1) through (11) as recommended by the AHAC.

- M. The AHAC may perform other duties at the request of the Brevard County Board of County Commissioners, including:
- (1) The provision of mentoring services to affordable housing partners including developers, banking institutions, employers, and others to identify available incentives, assist with applications for funding requests, and develop partnerships between various parties.
 - (2) The creation of best practices for the development of affordable housing in the community.
- N. AHAC members shall receive no compensation for their services.
- O. AHAC members shall abide by and be subject to the provisions of Chapter 112, Florida Statutes, Part 111, pertaining to the Code of Ethics for Public Officers and Employees.

SEVERABILITY

If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after the date of formal adoption.

The above and foregoing Ordinance was read and approved at a duly convened meeting of the Board of County Commissioners of Brevard County, Florida, this 22nd day of December, 2020.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA



Rita Pritchett, Chair
As approved by the Board on December 22,
2020.