

Lee County Affordable Housing Advisory Committee

Affordable Housing Incentive Review Report – Evaluation and Recommendations of the incentives in the current 2017/18 – 2019/20 Local Housing Assistance Plan (LHAP)

I. Background Information:

F.S. 420.907 establishes the State Housing Initiatives Partnership Program (SHIP) and allows the provision of state funds to Florida counties and eligible municipalities for the production and preservation of affordable housing.

Per **F.S. 420.9076** an Affordable Housing Advisory Committee (Committee) must be established in each county. The committee must include members in the following categories:

- One citizen actively engaged in the residential home building industry in connection with affordable housing.
- One citizen actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- One citizen representative of those areas of labor actively engaged in home building in connection with affordable housing.
- One citizen actively engaged as an advocate for low-income persons in connection with affordable housing.
- One citizen actively engaged as a for-profit provider of affordable housing.
- One citizen actively engaged as a not-for-profit provider of affordable housing.
- One citizen actively engaged as a real estate professional in connection with affordable housing.
- One citizen actively serving on the local planning agency pursuant to s.163.3174.
- One citizen residing within the jurisdiction of the local governing body making the appointments.
- One citizen who represents employers within the jurisdiction.
- One citizen who represents essential services personnel, as defined in the local housing assistance plan

Members of the Lee County Affordable Housing Advisory Committee are:

NAME	Category – Number and description	
Marion Briggs	1	Engaged in the residential home building industry in connection with affordable housing.
Vacant	2	Engaged in the banking or mortgage banking industry in connection with affordable housing.
Vacant	3	Representative of those areas of labor actively engaged in home building in connection w/affordable hsnng.
Matthew Visaggio	4	Engaged as an advocate for low-income persons in connection with affordable housing.
Vacant	5	Engaged as a for-profit provider of affordable housing.
Vacant	6	Engaged as a not-for-profit provider of affordable housing.
Al Giacalone III	7	Engaged as a real estate professional in connection with affordable housing.
Jim Green	8	Serving on the local planning agency pursuant to s.163.3174.
Vacant	9	Residing within the jurisdiction of the local governing body making the appointments.
Michael Polito	10	Representing employers within the jurisdiction.
Malissa Maki	11	Represents essential services personnel as defined in the local housing assistance plan.

Per **F.S. 420.9076** the Affordable Housing Advisory Committee

- ✓ Will submit triennially a report to the Board of County Commissioners and to the Florida Housing Finance Corporation evaluating the implementation of affordable housing incentives.

Will vote on the Affordable Housing Incentive Review and Recommendation Report at a public hearing. Public Hearing: Dec. 15, 2016

Affordable Housing Incentive Review Report

Schedule of Public Input:

Review by Lee County Affordable Housing Committee	<u>Nov.21, 2016</u>
Affordable Housing Committee Public Hearing	<u>Dec.15, 2016</u>
Submit to Lee County BoCC	<u>Dec.21, 2016</u>
Submit to the Florida Housing Finance Corporation	<u>Dec.21, 2016</u>

Per FS 420.9071(16) to qualify for SHIP funds a local jurisdiction must have affordable housing incentives which at a minimum include.

- ✓ **420.9076(4)(a) The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects , as provided in s. 163.3177(6) (f) 3.**
- ✓ **420.9076(4)(i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.**

List of 11 incentives set forth in F.S. 420.9076

Per FS 420.9076(4) triennially the Committee will submit a report to the County Commissioners and to the Florida Housing Finance Corp. evaluating the implementation of affordable housing incentives in the following 11 areas – (the two required incentives are shown with a check marks and bold type.)

- ✓ **420.9076(4)(a) The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects , as provided in s. 163.3177(6) (f) 3.**

- 420.9076(4)(b) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.

- 420.9076(4)(c) The allowance of flexibility in densities for affordable housing.

- 420.9076(4)(d): The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.

- 420.9076(4)(e) The allowance of affordable accessory residential units in residential zoning districts.

- 420.9076(4)(f) The reduction of parking and setback requirements for affordable housing.

- 420.9076(4)(g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.

- 420.9076(4)(h) The modification of street requirements for affordable housing.

- ✓ **420.9076(4)(i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.**

- 420.9076(4)(j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

- 420.9076(4)(k) The support of development near transportation hubs and major employment centers and mixed-use developments.

Affordable Housing Incentive Review Report

420.9076(4)(a) The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects , as provided in s. 163.3177(6) (f) 3.

1. Incentive Description: This is one of the two required incentives.

The Planning Section of the Lee County Department of Community Development provides technical assistance to developers of Affordable Housing Developments (AHDs). Developers of AHDs in unincorporated Lee County may apply to the Lee County Planning Section for a Certificate of Housing Affordability (CHA) that will entitle AHDs to receive expedited permit processing. A copy of the CHA will be attached to each county permit for which the AHD developer is applying. A copy of the CHA is also entered into the Lee County's permit tracking software. This assures that the AHD will be expedited to a greater degree than other projects

2. Adopting Ordinance or Resolution Number or identify local policy:

- 2014/2015-2016/2017 Local Housing Assistance Plan – Page 29
- Lee County Comprehensive Plan (Lee Plan)
 - ✓ Policy 135.1.5
 - ✓ Policy 135.4.15

3. Implementation Schedule (Date): Ongoing

4. Has the plan or strategy been implemented?: Yes

5. Status of Strategy: The strategy is functioning as intended

6. Staff Recommendation: Continue Strategy

7. Committee Recommendation: Continue strategy and expand marketing of available services

Affordable Housing Incentive Review Report

420.9076(4)(b) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.

- 1. Incentive Description: Impact Fee Reimbursement Program-** The Lee County BoCC and the School District established an affordable housing program that reimburses up to half (50%) of the amount paid for school impact fees for new construction of single-family or multi-family homes to be occupied by income eligible households.

Impact Fee Exemption Program Exemptions for payment of Road, Regional Park, Community Park, Fire Protection and Emergency Medical Services Impact Fees are provided for:

- 1) Building permits for residential construction in Harlem Heights, Charleston Park, and the Fort Myers/Lee County Enterprise Zone.
- 2) Building permits for construction in the City of Sanibel's below market rate housing (BMRH) program, and
- 3) Building permits issued in a redevelopment area or enterprise zone, or for low or moderate-income housing in the City of Fort Myers.

Dwellings in subdivisions, mobile home or manufactured housing parks, and multi-family dwellings that are operated as a community for older persons that also prohibit persons under the age of 18 from residing within the dwellings as a permanent resident are exempt from payment of School Impact Fees.

- 2. Adopting Ordinance or Resolution Number or identify local policy:**
Impact Fee Reimbursement Program

- 2014/2015-2016/2017 Local Housing Assistance Plan – Page 30
- Lee County Administrative Code
 - ✓ 13-4 Administrative Procedures Governing Reimbursement of Lee County School Impact Fees
- ✓ Lee County Comprehensive Plan (Lee Plan)
 - ✓ Policy 135.1.5

Impact Fee Exemption Program – the following exemptions are available for development including but not limited to affordable housing:

- Lee County Land Development
 - ✓ Division 2. Road Impact Fee – Section 2-274 Exemptions
 - ✓ Division 3. Regional Parks Impact Fee – Section 2-312 Exemptions
 - ✓ Division 4. Community Parks Impact Fee – Section 2-352 Exemptions
 - ✓ Division 5. Fire Protection and Emergency Medical Services Impact Fee – Section 2-394 Exemptions
- Lee County Land Development Code, Appendix J – Enterprise Zone
 - ✓ Harlem Heights
 - ✓ Charleston Park
 - ✓ Fort Myers

- 3. Implementation Schedule:** Ongoing

- 4. Has the plan or strategy been implemented?** Yes

- 5. Status of Strategy:** The strategy is functioning as intended

- 6. Staff Recommendation:** Continue Strategy

- 7. Committee Recommendation:** Continue strategy and research opportunities for funding impact fees to non-profit affordable housing providers, including creation of new program and implementation

Affordable Housing Incentive Review Report

420.9076(4)(c) The allowance of flexibility in densities for affordable housing.

1. Incentive Description: Bonus Density

The Lee County Land Development Code provides increased densities for housing that is affordable to very-low, low, moderate, and workforce-income families. The program provides both a construction option (affordable units must be constructed) and cash option (market priced units may be constructed in exchange for a cash contribution to the Affordable Housing Trust Fund).

Transfer of Development Rights: The Lee County Land Development Code allows for the transfer or sale of development rights from environmentally sensitive areas. This provision may be used for affordable housing purposes if the proposal is consistent with the Comprehensive Plan. These “rights” are most usable in areas that have duplex zoning (TFC-2) and the Lee Plan Land Use Plan has a lower density than the platted lots developed as duplexes would allow.

2. Adopting Ordinance or Resolution Number or identify local policy:

- 2014/2015-2016/2017 Local Housing Assistance Plan – Page 30
- Lee County Comprehensive Plan (Lee Plan)
 - ✓ Policy 135.1.4
 - ✓ Policy 135.4.16
- Lee County Land Development Code
 - ✓ Section 2-141 through Section 2-148

3. Implementation Schedule (Date): Ongoing

4. Has the plan or strategy been implemented? Yes

5. Status of Strategy: The strategy is functioning as intended

6. Staff Recommendation: Continue Strategy

7. Committee Recommendation: Continue strategy and evaluate the current fee in lieu for Bonus Density Affordable Housing

Affordable Housing Incentive Review Report

420.9076(4)(d): The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.

1. Incentive Description:

There are currently no restrictions on the availability of infrastructure capacity. Therefore, the reservation of capacity for very-low, low, and moderate income households is not necessary.

2. Adopting Ordinance or Resolution Number or identify local policy:

Not Applicable

3. Implementation Schedule (Date):

Not Applicable

4. Has the plan or strategy been implemented? If no, describe steps that will be taken to implement the Plan.

There are currently no restrictions on the availability of infrastructure capacity. Therefore, the reservation of capacity for very-low, low, and moderate income households is not necessary

5. Status of Strategy : Not Applicable

6. Staff Recommendation: No Change

7. Committee Recommendation: No Change

Affordable Housing Incentive Review Report

420.9076(4)(e) The allowance of affordable accessory residential units in residential zoning districts.

1. Incentive Description:

The Lee County Land Development Code allows accessory apartments by right in certain areas. The purpose is to facilitate the provision of affordable housing, to strengthen the family unit or to provide increased opportunities for housing the elderly and persons with special needs.

2. Adopting Ordinance or Resolution Number or identify local policy:

- 2014/2015-2016/2017 Local Housing Assistance Plan – Page 31
- Lee County Land Development Code
 - ✓ Section 34-1177

3. Implementation Schedule (Date): Ongoing

4. Has the plan or strategy been implemented? Yes

5. Status of Strategy: The strategy is functioning as intended.

6. Staff Recommendation: Continue Strategy

7. Committee Recommendation: Continue Strategy

Affordable Housing Incentive Review Report

420.9076(4)(f) The reduction of parking and setback requirements for affordable housing.

1. Incentive Description:

The Land Development Code provides several avenues for relief in parking and setbacks. First through the Planned Development rezoning process an applicant can design their own property development regulations for lot configuration and setbacks and seek deviations in roadway designs and parking. Variances are available for conventional zoning districts. Both processes are "fast tracked" for affordable housing.

The Land Development Code provides reduced parking requirements for Assisted Living Facilities, Continuing Care Facilities, Independent living facilities, including group quarters, health care, social services and similar uses.

2. Adopting Ordinance or Resolution Number or identify local policy:

- 2014/2015-2016/2017 Local Housing Assistance Plan – Page 30
- Lee County Comprehensive Plan
 - ✓ Policy 2.6.2
 - ✓ Objective 4.3
 - ✓ Policy 4.3.1
 - ✓ Policy 4.3.2
 - ✓ Policy 4.3.4
- Lee County Land Development Code
 - ✓ Section 10-104
 - ✓ Section 34-373
 - ✓ Section 34-411
 - ✓ Section 34-2020

3. Implementation Schedule (Date): Ongoing

4. Has the plan or strategy been implemented? Yes

5. Status of Strategy: The strategy is functioning as intended

6. Staff Recommendation: Continue Strategy

7. Committee Recommendation: Continue Strategy

Affordable Housing Incentive Review Report

420.9076(4)(g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.

1. Incentive Description:

The Land Development Code provides several avenues for the allowance of flexible lot configurations, including zero-lot-line configurations. First through the Planned Development re-zoning process an applicant can design their own property development regulations for lot configuration and setbacks and seek deviations in roadway designs and parking. Variances are available for conventional zoning districts. Both processes are "fast tracked" for affordable housing.

2. Adopting Ordinance or Resolution Number or identify local policy:

- 2014/2015-2016/2017 Local Housing Assistance Plan – Page 31
- Lee County Comprehensive Plan
 - ✓ Policy 4.3.3
 - ✓ Policy 135.4.15
- Lee County Land Development Code
 - ✓ Section 10-104
 - ✓ Section 34-373
 - ✓ Section 34-411
 - ✓ Section 34-268

3. Implementation Schedule (Date): Ongoing

4. Has the plan or strategy been implemented? Yes

5. Status of Strategy: The strategy is functioning as intended

6. Staff Recommendation: Continue Strategy

7. Committee Recommendation: Continue Strategy

Affordable Housing Incentive Review Report

420.9076(4)(h) The modification of street requirements for affordable housing.

1. Incentive Description:

The Land Development Code provides several avenues for the modification of street requirements. First through the Planned Development re-zoning process an applicant can design their own property development regulations for lot configuration and setbacks and seek deviations in roadway designs and parking. Variances are available for conventional zoning districts. Both processes are "fast tracked" for affordable housing.

2. Adopting Ordinance or Resolution Number or identify local policy:

- 2014/2015-2016/2017 Local Housing Assistance Plan – Page 31
- Lee County Comprehensive Plan
 - ✓ Policy 4.3.3
 - ✓ Policy 135.4.15
- Lee County Land Development Code
 - ✓ Section 10-291 (3)
 - ✓ Section 10-296 (d) (2)
 - ✓ Section 34-373
 - ✓ Section 34-412
 - ✓ Section 34-268

3. Implementation Schedule (Date): Ongoing

4. Has the plan or strategy been implemented? Yes

5. Status of Strategy: The strategy is functioning as intended

6. Staff Recommendation: Continue Strategy

7. Committee Recommendation: Continue Strategy

Affordable Housing Incentive Review Report

420.9076(4)(i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

1. **Incentive Description:** Lee County has created an Executive Regulatory Oversight Committee whose responsibility is to review and consider the impact on the cost of development of development regulations being considered for adoption.
2. **Adopting Ordinance or Resolution Number or identify local policy:**
 - 2014/2015-2016/2017 Local Housing Assistance Plan – Page 32
 - Lee County Comprehensive Plan
 - ✓ Policy 135.1.3
 - ✓ Policy 158.6.1
 - ✓ Policy 158.6.2
 - Lee County Administrative Code
 - ✓ AC-2-22 Executive Regulatory Oversight Committee (EROOC)
3. **Implementation Schedule (Date):** Ongoing
4. **Has the plan or strategy been implemented?** Yes
5. **Status of Strategy:** The strategy is functioning as intended
6. **Staff Recommendation:** Continue Strategy
7. **Committee Recommendation:** Continue Strategy

Affordable Housing Incentive Review Report

420.9076(4)(j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

1. **Incentive Description:** The Division of County Lands was created in January 1987. The Division reviews County owned surplus real estate for possible disposal either by donation or sale, as the case may be, for disposition of governmentally owned real estate. The Division of County Lands regularly makes available its inventory of public lands for evaluation by government agencies and non-profit and for-profit affordable housing providers for the construction and development of affordable housing.
2. **Adopting Ordinance or Resolution Number or identify local policy:**
 - 2014/2015-2016/2017 Local Housing Assistance Plan – Page 33
 - Florida Statute 125.35 and 125.38
 - Lee County Ordinance
 - ✓ 02-34 Lee County Surplus Lands
3. **Implementation Schedule (Date):** Ongoing
4. **Has the plan or strategy been implemented?** Yes
5. **Status of Strategy:** The strategy is functioning as intended
6. **Staff Recommendation:** Continue Strategy
7. **Committee Recommendation:** Continue strategy and research the availability of land and expand the marketing of available land to non-profit affordable housing providers

Affordable Housing Incentive Review Report

420.9076(4)(k) The support of development near transportation hubs and major employment centers and mixed-use developments.

1. **Incentive Description:** Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

Lee County's Land Development Code (LDC) has been amended to include: Multimodal Transportation Districts i.e. areas designated under the Lee Plan where community design features reduce the use of private vehicles and support an integrated multimodal transportation system. These districts are designated in accordance with FS 163.3180(15). To date no district has been identified but staff is evaluating designating SR 82 as a Multimodal Transportation District.

2. **Adopting Ordinance or Resolution Number or identify local policy:**

- 2014/2015-2016/2017 Local Housing Assistance Plan – Page 34
- Lee County Comprehensive Plan (Lee Plan)
 - ✓ Goal 2
 - ✓ Objective 2.1
 - ✓ Policy 2.1.1
 - ✓ Objective 2.2
 - ✓ Goal 4
 - ✓ Objective 4.1
 - ✓ Objective 4.2
 - ✓ Policy 4.2.1
 - ✓ Policy 4.2.2
 - ✓ Policy 4.2.3
 - ✓ Policy 4.2.4
 - ✓ Policy 4.2.5
 - ✓ Policy 4.2.6
 - ✓ Policy 5.1.6
 - ✓ Policy 5.1.7
 - ✓ Policy 5.1.8
 - ✓ Policy 40.4.7
- Lee County Land Development Code
 - ✓ Section 2-41

3. **Implementation Schedule (Date):** Ongoing

4. **Has the plan or strategy been implemented?** Yes

5. **Status of Strategy:** The strategy is functioning as intended

6. **Staff Recommendation:** Continue Strategy

7. **Committee Recommendation:** Continue Strategy

Affordable Housing Incentive Review Report

IV Attachments:

MEETING OF THE LEE COUNTY AFFORDABLE HOUSING COMMITTEE

The Committee will meet at 2:00 p.m., Thursday, December 15, 2016 in the first floor Green Room, Administration East Building, 2201 Second St. in downtown Fort Myers, FL.

AGENDA

- I. Call to Order / Pledge of Allegiance / Review of Affidavit of Publication / Roll Call / Approval of November 21, 2016 minutes
- II. Public Hearing on Affordable Housing Incentive Review Report
Below is the list of the incentives for consideration per FS 420.9076(4); the recommendation for each incentive is to approve.
 - a. The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects, as provided in s. 163.3177(6)(f)3.
 - b. The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.
 - c. The allowance of flexibility in densities for affordable housing.
 - d. The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.
 - e. The allowance of affordable accessory residential units in residential zoning districts.
 - f. The reduction of parking and setback requirements for affordable housing.
 - g. The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.
 - h. The modification of street requirements for affordable housing.
 - i. The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
 - j. The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
 - k. The support of development near transportation hubs and major employment centers and mixed-use developments.
- III. Workshop draft of 2017/18–2019/2020 Local Housing Assistance Plan (LHAP) for the SHIP program
- IV. Items by the Public; Committee Members; Staff
- V. Upcoming Meetings
 - a. Monday, January 9, 2017
- VI. Adjournment

To obtain a copy of the Affordable Housing Incentive Report and a draft of the 2017/18 -2019/2020 LHAP contact the Lee County Planning Section at 1500 Monroe St., Ft Myers FL 33901 Tel 239-533-8389 or ADietrich@leegov.com

A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing. Contact the Lee County Section of Planning at 239-533-8389 for further information. In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. Contact Angela Dietrich at 239-533-8389. To receive agendas by e-mail, contact: ADietrich@leegov.com