

Andrew J. Meyers
County Attorney



OFFICE OF THE COUNTY ATTORNEY
115 S. Andrews Avenue, Suite 423
Fort Lauderdale, Florida 33301

954-357-7600 · FAX 954-357-7641

MEMORANDUM

TO: Board of County Commissioners

FROM: Maite Azcoitia, Deputy County Attorney */s/ Maite Azcoitia*

DATE: September 6, 2022

RE: **Streamlining Opportunities for Affordable Housing Projects**
CAO File: 60129-0001

In response to requests from various Commissioners that we identify opportunities to streamline affordable housing projects, our Office has conducted an analysis of affordable housing programs in various locations throughout the county and consulted with County staff as to the current County processes for reviewing projects and issuing the permits necessary therefor. It was determined that, in most instances, developers of affordable housing do not apply for certification from the Housing Finance Division confirming the affordability of the project ("Certification") until application is being made for impact fee waivers at the building permit stage. As a result, County staff are unaware of a project's affordability status during their review of development permit applications. In many instances and especially for simpler projects, County staff have indicated that their review could be expedited for affordable housing projects.

In order to inform developers of the ability to apply for Certification earlier in the development approval and permitting processes and provision of the Certification to County staff, our office recommends that Part XXXIX of Chapter 27 of the Administrative Code be amended to allow a developer of an affordable housing project to submit the Certification to the Resilient Environment Department and/or its divisions in connection with applications for (i) plat approval or plat-related delegation requests; (ii) environmental review approval or environmental licenses and permits; and (iii) building permits, for projects within the Broward Municipal Services District ("BMSD"). The proposed amendment would include language requiring reviewing agencies to use all reasonable efforts to expedite review of applications for which a Certification is provided.

The Urban Planning Division, for plat-related applications and applications for environmental review approval, and the Environmental Permitting Division, for environmental permit and license applications unrelated to platting, have agreed to implement processes and amend their applications to allow a developer of an affordable housing project to identify it as such. For projects within the BMSD, where the form of the

building permit application is established by State statute, the Building Code Division has agreed to create an addendum to the application wherein a developer could identify the project as affordable and attach the requisite Certification.

The Urban Planning Division staff identified the concurrency review conducted by The School Board of Broward County ("School Board") as another opportunity to streamline plat-related applications for affordable housing projects. Our Office will work with the Urban Planning Division and School Board staff to determine if streamlining opportunities exist within the School Board's processes.

Our Office will prepare an amendment to the Administrative Code, as set forth above, for the Board's consideration. We will also continue to work with staff to identify areas that can be further streamlined to promote affordable housing within the County. Once implemented, efficiencies realized in the context of affordable housing projects may be extended into the development review process for market rate residential projects, as time savings may result in savings to developers that might favorably impact pricing for market rate housing.

We expect to present the referenced Administrative Code provision for the Board's initial consideration at some point this fall. Please feel free to contact the County Attorney or me with any questions or concerns.

MA/gmb

c: Monica Cepero, County Administrator
Leonard Vialpando, Director, Resilient Environment Department
Andrew J. Meyers, County Attorney