

**PROPOSED**

ORDINANCE NO. 2021-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO HOUSING AFFORDABILITY; AMENDING SECTIONS 5-180, 5-182.11, AND 5-184 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"), PROVIDING FOR APPLICABILITY AND ASSURANCES FOR HOUSING AFFORDABILITY; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 5-180 of the Broward County Code of Ordinances is hereby amended to read as follows:

**Sec. 5-180. Application and requirement for development permits.**

...

(c) *Administrative approvals.* The Board of County Commissioners hereby delegates to the County Administrator the authority to approve the following applications, after review as set forth in this article:

...

- (2) Amendments to plat notes providing for affordable housing if
  - (i) certification has been obtained from the Broward County Housing Finance and Community Development Division that a minimum of fifteen percent (15%) of the units will be affordable housing, as defined by Division 6 of this article, and
  - (ii) the developer agrees as a condition of

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1 approval of the plat note amendment to provide sufficient assurances that  
2 the affordability of the residential units will be maintained at specified  
3 income levels for at least ~~fifteen (15)~~ thirty (30) years;

4 . . .

5  
6 Section 2. Section 5-182.11 of the Broward County Code of Ordinances is  
7 hereby amended to read as follows:

8 **Sec. 5-182.11. Conformity to the Broward County Land Use Plan or a certified land**  
9 **use plan and compatibility of land use.**

10 . . .

11 (b) Local government utilization of the Broward County Land Use Plan  
12 "Flexibility Rules," as per Policies 2.2.1 through 2.2.6 of the Broward County Land Use  
13 Plan, if applied on or after February 4, 1997, shall be subject to a determination by the  
14 County Commission that such allocation is compatible with adjacent land uses, and that  
15 impacts on public school facilities have been adequately considered. Allocations of  
16 "flexibility" for "affordable housing," "special residential facilities," or "urban infill, urban  
17 redevelopment, and downtown revitalization areas," as defined within the Broward  
18 County Land Use Plan, shall be exempt from this requirement. For the purposes of this  
19 paragraph, an exemption on the basis of "affordable housing" shall require:

20 . . .

- 21 (2) That the developer, as a condition of approval, record in the public records  
22 restrictive covenants upon the property, or enter into an agreement with  
23 Broward County acceptable to the Office of the County Attorney, to ensure  
24

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1 that the affordability of the residential units at specified income levels will be  
2 maintained for a period of at least ~~fifteen (15)~~ thirty (30) years.

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4 Section 3. Section 5-184 of the Broward County Code of Ordinances is hereby  
5 amended to read as follows:

6 **Sec. 5-184. Presumptions, limitations, agreements, and security for development**  
7 **review requirements.**

8 . . .

9 (b) *Limitation on required dedications and improvements; money in lieu of*  
10 *dedications and improvements.*

11 . . .

12 (4) When an application for a development permit is made for the construction  
13 of affordable housing, as defined by Division 6 of this article, the County  
14 Commission may waive, upon a request therefor, dedications of land,  
15 payments of money in lieu thereof, administrative fees, and application fees,  
16 as set forth herein, if the County Commission or the Planning and  
17 Development Management Division Director finds that the proposed project  
18 will provide affordable housing for very low income or low income persons  
19 as defined by the Broward County Housing Finance and Community  
20 Redevelopment Division. Prior to consideration of any waiver request, the  
21 developer must provide certification from the Broward County Housing  
22 Finance and Community Redevelopment Division stating that the project  
23 qualifies as affordable housing at a specified income level.

24 . . .

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1 The developer, as a condition of approval, shall record in the public records  
2 restrictive covenants upon the property, or shall enter into an agreement  
3 with Broward County, acceptable to the Office of the County Attorney, to  
4 ensure that the affordability of the residential units will be rented or sold to  
5 persons meeting specified income levels, as established by the Housing  
6 Finance and Community Redevelopment Division, for a period of at least  
7 ~~fifteen (15)~~ thirty (30) years. The requirement for the agreement may be  
8 waived by the Office of the County Attorney if, in the opinion of the Office of  
9 the County Attorney, the developer provides the County with adequate  
10 alternate assurances.

11 . . .

12  
13 Section 4. Severability.

14 If any portion of this Ordinance is determined by any court to be invalid, the invalid  
15 portion will be stricken, and such striking will not affect the validity of the remainder of this  
16 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be  
17 legally applied to any individual, group, entity, property, or circumstance, such  
18 determination will not affect the applicability of this Ordinance to any other individual,  
19 group, entity, property, or circumstance.

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21 Section 5. Inclusion in the Broward County Code of Ordinances.

22 It is the intention of the Board of County Commissioners that the provisions of this  
23 Ordinance become part of the Broward County Code of Ordinances as of the effective  
24 date. The sections of this Ordinance may be renumbered or relettered and the word

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1 "ordinance" may be changed to "section," "article," or such other appropriate word or  
2 phrase to the extent necessary in order to accomplish such intention.

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Section 6. Effective Date.

This Ordinance is effective as of the date provided by law.

ENACTED

**PROPOSED**

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:  
Andrew J. Meyers, County Attorney

By /s/ Alexis Marrero Koratich 09/23/2021  
Alexis Marrero Koratich (date)  
Assistant County Attorney

By /s/ Maite Azcoitia 09/23/2021  
Maite Azcoitia (date)  
Deputy County Attorney

AIK/gmb  
Assurances for Housing Affordability Ordinance  
09/23/2021  
#41005.0001

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