

## EXHIBIT 2

**SECTION I**  
**AMENDMENT TO THE**  
**ADMINISTRATIVE RULES DOCUMENT: BROWARDNEXT**

**“ARTICLE 5: Rules for Implementation and Administration of  
Broward County Land Use Plan Policy 2.16.2”**

**(CORRESPONDING TO PROPOSED TEXT AMENDMENT PCT 20-5)**

**RECOMMENDATIONS/ACTIONS**

**DATE**

- I. Planning Council Staff Recommendation October 13, 2020

It is recommended that the proposed revisions to the *Administrative Rules Document: BrowardNext* (ARD) be approved. **See Attachment 1.**

The proposed ARD amendment does not require transmittal to or review by the State of Florida review agencies. In addition, Article 5 requires approval and adoption by the Broward County Board of County Commissioners.

- II. Planning Council Recommendation October 22, 2020

Approval per Planning Council staff recommendation. (Vote of the board; 15-1; Yes: Blackwelder, Blattner, Breslau, Castillo, Di Giorgio, Fernandez, Gomez, Good, Graham, Hardin, Maxey, Parness, Railey, Rich and Ryan. No: Stermer.)

**SECTION II**  
**AMENDMENT TO THE**  
**ADMINISTRATIVE RULES DOCUMENT: BROWARDNEXT**

**ARTICLE 5**

**BACKGROUND INFORMATION**

The *Administrative Rules Document: BrowardNext* is maintained, as per the requirements of the Broward County Land Use Plan (BCLUP), by the Broward County Planning Council for the purpose of providing direction, assistance and guidance to local governments, the general public, and Planning Council staff in implementing the BCLUP. Appropriate portions of the Rules are also approved and adopted by the Broward County Board of County Commissioners, including Article 5.

On April 17, 2018, the Broward County Board of County Commissioners (BOCC) held an affordable housing workshop that directed staff to pursue various initiatives, including funding, density bonuses and inclusionary zoning, among others, followed by an affordable housing workshop held by the BOCC on October 22, 2019. Subsequently, on November 5, 2019, the BOCC voted to initiate four (4) text amendments to the BrowardNext – Broward County Land Use Plan policies and transmit the same to the Broward County Planning Council for consideration, including this amendment to modify *Administrative Rules Document: BrowardNext* (ARD), Article 5 that provides the implementation for proposed BCLUP text amendment PCT 20-5 which modifies Policy 2.16.2 to require that local governments address housing supply by income categories and utilize the “Broward County Affordable Housing Needs Assessment,” 2018, as the base data. **See Attachment 1.**

**PUBLIC OUTREACH**

Planning Council staff held an interactive workshop on January 16, 2020, to discuss the proposed ARD amendment and corresponding text amendment PCT 20-5. Local governments and interested parties were in attendance. In addition, a presentation was made on November 18, 2019, to the Broward Planning Director’s Roundtable. Planning Council staff distributed the proposed amendment via email to all municipal mayors, managers and planners, as well as interested parties, on multiple occasions. The amendment and associated materials have been posted on the Broward County Planning Council website since November 2019.

In an effort to encourage dialogue with municipalities and other interested parties, written comments have been and continue to be accepted regarding the proposed ARD amendment. **See Attachment 2** for a summary of the comments received regarding the proposed ARD amendment, as well as the corresponding BCLUP text amendment PCT 20-5.

**SECTION III**  
**AMENDMENT TO THE**  
**ADMINISTRATIVE RULES DOCUMENT: BROWARDNEXT**

**ARTICLE 5**

**PLANNING ANALYSIS AND SUMMARY**

The proposed *Administrative Rules Document: BrowardNext* (ARD) amendment provides the implementation for proposed BrowardNext – Broward County Land Use Plan text amendment PCT 20-5 regarding Policy 2.16.2 as follows:

- Modifies Article 5.3 to exchange the “Recommended Methodology for Supply and Demand Analysis for Broward County’s Affordable Housing Market,” prepared by the Meridian Appraisal Group, dated June 9, 2015 and updated annually based on the American Community Survey data for the “Broward County Affordable Housing Needs Assessment,” 2018, prepared by The Metropolitan Center at Florida International University, to estimate its supply of affordable housing; and
- Modifies Article 5.4(A) and (B) to require that local governments address affordable housing supply and programs in each of the “moderate,” “low” and “very-low” income categories, as opposed to combining the categories.

Please see corresponding text amendment PCT 20-5 immediately preceding this item for additional detail.

**SECTION IV**  
**AMENDMENT TO THE**  
**ADMINISTRATIVE RULES DOCUMENT: BROWARDNEXT**

**ARTICLE 5**

**ATTACHMENTS**

1. Proposed Revisions to the *Administrative Rules Document: BrowardNext* - Article 5
2. Broward County Environmental Protection and Growth Management Department Response Document for PCT 20-5

# ATTACHMENT 1

## **ADMINISTRATIVE RULES DOCUMENT: BrowardNext Proposed Text Amendment**

### **5.3 DESCRIPTION OF SELECT TERMS USED IN POLICY 2.16.2**

The following are descriptions of select terms used in Policy 2.16.2 as they relate to implementation of the Policy.

#### *Professionally Accepted Methodologies, Policies and Best Available Data and Analysis:*

Used to prepare a study, report, or information submitted by the local governing body which includes estimates of the existing supply of affordable housing (i.e. “very low,” “low” and “moderate”) within the local government boundary in comparison to the estimated affordable housing supply that is needed to achieve and/or maintain a sufficient supply.

The local government shall estimate its supply of affordable housing utilizing ~~the methodology described in the report entitled “Recommended Methodology for Supply and Demand Analysis for Broward County’s Affordable Housing Market,” prepared by Meridian Appraisal Group, dated June 9, 2015~~ the “Broward County Affordable Housing Needs Assessment,” 2018, prepared by The Metropolitan Center Florida International University, as may be updated and accepted by the Broward County Board of County Commissioners, after (placeholder for effective date of land use plan text amendment). The local government may submit additional data and analysis regarding the unique circumstances of its municipality.

A sufficient supply for affordable housing must be consistent with a minimum 5 year planning horizon, but no greater than the adopted planning horizon of the local government comprehensive plan.

The demand and supply may consider the existing availability of affordable housing within 3 miles within a contiguous local government, subject to approval by such contiguous local government.

### **5.4 COUNTY STAFF GUIDELINES: DETERMINATIONS OF APPLICATION CONSISTENCY WITH POLICY 2.16.2**

- (A) The local government shall provide an estimate of the existing supply of affordable housing within the local government’s boundaries for each of the following affordable housing income categories defined by the Broward County Land Use Plan: very-low, low, and moderate in comparison to the estimated affordable housing supply that is needed to achieve and/or maintain a sufficient supply.
  
- (B) The local government must demonstrate how its chosen affordable housing strategy will satisfactorily achieve and/or maintain a sufficient supply for each of the following affordable housing income categories defined by the Broward County Land Use Plan: very-low, low, and moderate consistent with the local government’s planning horizon.

(C) The study, report, or information submitted by the local governing body addressing Article 5.3 must utilize the “Broward County Affordable Housing Needs Assessment,” 2018, prepared by The Metropolitan Center Florida International University, as may be updated and accepted by the Broward County Board of County Commissioners, after (placeholder for effective date of associated Broward County Land Use Plan text amendment). ~~methodology described in the report entitled “Recommended Methodology for Supply and Demand Analysis for Broward County’s Affordable Housing Market,” prepared by Meridian Appraisal Group, dated June 9, 2015.~~

NOTE: Proposed additions are underlined, proposed deletions are ~~struck through~~.

## ATTACHMENT 2

### County Staff Response Document – PCT 20-5 February 14, 2020

#### Comments from the City of Oakland Park

Date: January 9, 2020

*PCT 20-5 proposes to amend Policy 2.16.2 to require that local governments address affordable housing supply and programs in the “moderate,” “low” and “very-low” income categories and requires local governments to use the “Broward County Affordable Housing Needs Assessment” to estimate the supply of affordable housing. Regarding the proposed language to amend Policy 2.16.2(j) to require that local governments address affordable housing supply and programs in the “moderate,” “low” and “very-low” income categories, Oakland Park staff has no objections.*

#### **Response 1: Noted.**

*Regarding the proposed language to amend Policy 2.16.2(j) to require local governments to use the “Broward County Affordable Housing Needs Assessment” to estimate the supply of affordable housing, Oakland Park staff has no objections. However, we note that although the Administrative Rules Document allows a local government to submit additional data and analysis there is no requirement for that data to be considered by Broward County staff. Oakland Park staff proposes adding language to Policy 2.16.2(j) acknowledging that additional information and/or studies submitted by the local government shall be considered.*

#### **Response 2: Comment noted. Any additional information submitted by a municipality has been and will continue to be reviewed and considered by staff.**

*PCT 20-5 proposes to amend the Administrative Rules Document: BrowardNext to reflect the referenced Policy 2.16.2 amendment. Regarding the proposed language to amend the Administrative Rules Document, Oakland Park staff has no objections, consistent with our comments above related to Policy 2.16.2(j). However, Oakland Park staff **proposes** adding language to Section 5.4(B) requiring additional information and/or studies submitted by the local government to be considered.*

#### **Response 3: Comment noted. Any additional information submitted by a municipality has been and will continue to be reviewed and considered by staff.**

**Comments from Builder Association of South Florida**

**Date: January 10, 2020**

*PCT 20-5 originally proposed by Commissioner Nan Rich would require cities to conduct studies to show they provide affordably priced housing in each of three categories moderate, low and very low income. Currently, no such specificity is required. Further, the study recently updated by FIU's Metropolitan Center would be used now, instead of the current firm, Meridian Group.*

**Response 4: Comment noted.**

*PCT 20-5 and 20-6 will have to be evaluated more closely, considering recently adopted State legislation (HB 7103). That law now requires a local government which adopts a mandatory inclusionary zoning program, must provide builders with incentives that fully offset all costs of building such affordable housing units or their monetary, in-lieu contributions*

**Response 5: Comment noted.**

**Comments from the City of Deerfield Beach**

**Date: January 13, 2013**

*Exhibit 1 Policy 2.16.2: It is unclear how this existing code section applies to the newly proposed inclusionary zoning code section. Are developers required to address both?*

**Response 6: County staff's opinion is that municipal adoption and implementation of Policy 2.16.5 (i.e. inclusionary policy) would meet the requirements of Policy 2.16.2.**

*Exhibit 2 - Policy 2.16.2 -5.3 (Fifth paragraph) The City objects to the option of approval of the utilization of a contiguous local government's affordable housing if this approval would then condition the approving city that their affordable housing remain available. A provision such as this hinders redevelopment of such areas. Also, how would this be applied when a neighboring local government is in another County (ex. Boca Raton or Miami Gardens)? Is this provision still applicable to Broward municipalities that share borders with municipalities outside of Broward County?*

**Response 7: County staff does not object if the referenced provision is re-evaluated. It is noted that the current provision is subject to approval by the contiguous local government. There is also currently no prohibition to coordinating with a local government in an adjacent County.**

*5.4(A) Why is it necessary for local governments to provide an estimate of the existing supply of affordable housing if the county requires all local governments to adhere to the findings of the*



*"Broward County Affordable Housing Needs Assessment"? This is further stated in paragraph 3 of this document and in 2.16.2(i) This is a duplication of efforts.*

**Response 8:** Clarification is needed to respond.

**Comments from Dunay, Miskey and Backman, LLP**

**Date: January 13, 2020**

*No comments or questions at this time.*

**Response 9:** Noted.

**Comments from the City of Fort Lauderdale**

**Date: January 13, 2020**

*City supports this amendment and recommends adoption.*

**Response 10:** Noted.

**Comments from The Mellgren Planning Group**

**Date: January 13, 2020**

*This amendment proposes to amend Policy 2.16.2 to require that local governments address affordable housing supply and programs in the "moderate," "low" and "very-low" income categories and requires local governments to use the "Broward County Affordable Housing Needs Assessment" to estimate the supply of affordable housing; Also Amends ARD 5.4*

*ARD 5.4 – It appears part C will be removed. This will require updating the sequence of remaining items (D. and E.) to C. and D.*

**Response 11:** Comment noted. Thank you.

**Comments from the City of Pompano Beach**

**Date: January 13, 2020**

*The supply of subsidized housing (public housing, tax credit housing, section 8 housing, etc.), should be considered differently from free-market housing that happens to be affordable due to size, location or condition. Cities, like Pompano Beach, that have subsidized housing should be*

*given more latitude to determine where new affordable housing projects are located to avoid concentrations of poverty.*

**Response 12:** Comment noted. There is no prohibition for a municipality to submit additional information to be considered as part of a land use plan amendment review.

**Comments from the City of Weston**

**Date: January 13, 2020**

*The Broward County Needs Assessment completed by Florida International University's (FIU) Metropolitan Center provides a review of the status of the housing market in Broward Study. Although the study does provide a summary of the state of the housing market, it includes a one page sheet of each city's affordable housing need. The study does not provide any methodology on how this information was obtained nor is there any information on the source of the data. The existing methodology, created by the Meridian Appraisal Group is a simple, easy-to-use format that allows anyone to easily decipher and determine how the data was created. As there is no methodology provided, there is no way to determine how the data was created and if the data provides an accurate representation of each community's unique market.*

**Response 13:** Staff has requested FIU staff to provide additional information describing the methodology used. It is noted that the FIU data is been updated three times in the past ten (10) years so there is a benchmarking of the data and uniformity as to all municipalities and County

**Comments from the City of Sunrise**

**Date: January 13, 2020**

*Policy 2.16.2 - The City does not support modifications that preclude the opportunity for municipal review and comment or opportunity for public review and comments at public meetings.*

**Response 14:** Agreed. The proposed text amendment process has and will continue to provide opportunity for municipal and public review and comment.

**Comments from the City of Lauderdale**

**Date: February 6, 2020**

- a. *Requires local governments to address affordable housing supply and programs in each of the "moderate," "low," and "very-low" income categories*
  - *Only when proposing to add 100 or more residential dwelling units to existing densities already approved by the BCLUP...?*

- b. *Requires local governments to use the "Broward County Affordable Housing Needs Assessment," 2018, prepared by The Metropolitan Center at Florida International University, to estimate its supply of affordable housing.*
- c. *The city of Lauderhill has no comment on the proposed amendment.*

**Response 15: Noted.**

**Comments from the City of Tamarac**

**Date: February 6, 2020**

*The City has no objection to the proposed requirements to address affordable housing supply in each of the income categories and the use of the Broward County Affordable Housing Needs Assessment 2018 as the tool for the estimates.*

**Response 16: Noted.**

**Comments from the City of Margate**

**Date: February 7, 2020**

*Margate staff echoes the concerns of these policies raised by Pompano Beach. This policy has the potential to create concentrations of poverty. Margate staff supports the proposal proffered by Oakland Park to consider additional information or studies provided by cities.*

*The City of Margate staff objects to this policy as written.*

**Response 17: Comments noted. Please see responses to Pompano Beach and Oakland Park above.**