

**Affordable Housing Advisory Committee
Report to Broward County Board of County
Commissioners**

**Broward County State Housing Initiatives
Partnership Affordable Housing Incentive
Strategies**

November 15, 2022

In accordance with House Bill 1337 passed in the 2007 Legislative Session and associated changes to the Florida Administrative Code (F.A.C.) Chapter 67-37, counties and cities receiving State Housing Initiatives Partnership (SHIP) funds were required to establish an Affordable Housing Advisory Committee (AHAC) by June 30, 2008. The Broward County AHAC was established by Ordinance No. 2008-23 on June 10, 2008, Item No. 9.

The responsibilities, composition, and reporting requirements for the AHAC, are outlined in Section 420.9076(2) F.S. and Chapter 67-37.010 F.A.C, as follows.

Responsibilities

These originally included the preparation of a local affordable housing incentive plan for local government approval and the preparation of a triennial report (amended to an annual report in 2021) to the local government which evaluates established policies, procedures, ordinances, land development regulations and the comprehensive plan and recommend changes to promote affordable housing if necessary.

The initial report was required to be submitted to the local government by December 31, 2008, after which the report was transmitted to the Florida Housing Finance Corporation. Until 2020, the SHIP statute required the report be submitted to the local government and the governing agency, Florida Housing Finance Corporation, every three years by December 31 thereafter. This directive was met by Broward County in December 2008, December 2011, December 2014, December 2017, December 2020, and December 2021. Effective October 1, 2020, the SHIP statute requires the report be submitted to the local government and the governing agency, Florida Housing Finance Corporation, annually.

Committee Composition

The composition of the AHAC was amended by the Board of County Commissioners on October 5, 2021 and includes 11 members (one County Commissioner and 10 members, effective 2021) representing the following disciplines: 1). The home building industry; 2). The banking or mortgage banking industry; 3). The labor industry actively engaged in home building; 4). An advocate of low-income persons; 5). A for-profit provider of affordable housing; 6). A not-for-profit provider of affordable housing; 7). A real estate professional; 8). A citizen serving on the local planning agency; 9). A resident of the jurisdiction; and 10). A citizen who represents employers within the jurisdiction.

Committee Reporting Requirements

The AHAC is required to address the implementation of affordable housing incentives in at least the following eleven (11) areas: 1). Processing approvals of development orders or permits; 2). Modification of impact fee requirements; 3). Density flexibility; 4). The reservation of infrastructure capacity; 5). Affordable accessory residential units; 6). Reduction of parking and setback requirements 7). Flexible lot configurations, including zero-lot-line configurations 8). Modification of street requirements; 9). A process by

which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing; 10). A printed inventory of locally owned public lands suitable for affordable housing; and 11). Policies which support development near transportation hubs and major employment centers and mixed-use developments.

The AHAC is encouraged to make recommendations to existing incentives strategies and recommend new incentive strategies as it relates to affordable housing.

The Committee decided to carryforward incentive strategies included in the 2017 and 2021 Report to show a strong support to continue to encourage these incentive strategies which are numbers 17-03, 17-05, 17-08, 17-09, 17-11, 17-13, Advocacy, 21-01, 21-02, and 21-03. Included is the status of these incentive strategies. Incentive strategy 17-02 listed to provide the update. Numbers not included indicate a strategy implemented or an obsolete strategy. This is followed by the AHAC's 2022 recommendation.

A Public Hearing was held on October 10, 2022, prior to adoption of this Report.

Status of AHAC 2017 Recommendations of Additional Incentive Strategies

Strategy No.	AHAC Incentive Strategies
17-02	Other affordable housing incentives: Broward County generated Dedicated Revenue Source A new nominal flat fee paid by grantor and grantor of all real estate transactions conveyances recorded in Broward County and be deposited into a dedicated affordable housing trust fund to be administered by the County. 2021 Update: Broward County now has an Affordable Housing Trust Fund approved by a County Charter Referendum. After that, the Board of County Commissioners approved a policy that dedicates one half of all expiring Community Redevelopment Agencies Tax Increment Financing (TIF). In FY 2021 the amount totaled \$5,600,000. Committee requested 100% of all expiring Community Redevelopment Tax Increment Financing funds be placed in the Broward County Affordable Housing Trust Fund account. 2022 Update: During the 2022 AHAC term, this incentive strategy was approved by the Broward County Board of County Commissioners during its September 2022 budget hearing for the FY 2022/2023 County Budget. In FY 2022 the amount totaled \$9,000,000. <i>Sec.420.9076(4), F.S</i>
17-03	Other affordable housing incentives:

	Preserve Tax Exemption for Affordable Housing Support Legislative advances that positively supports the funding to preserve incentives/initiatives for affordable housing, such as, tax exempt multifamily housing bonds programs and others. 2022 Update: Continue to support Legislative advances. <i>Sec.420.9076(4), F.S</i>
17-05	Other affordable housing incentives: Review State's formula for distribution of documentary stamps. Support Broward County Legislature's advocacy for a more equitable and fair formula for the calculation of the distribution of the annual SHIP funds. The Broward County Board of County Commissioners should advocate for a more appropriate and larger receipt of funds to be returned to the Broward County Affordable Housing Trust Fund based on the need of the County. <i>Statute states 'At least 65 percent of the funds made available in each county and eligible municipality from the local housing distribution must be reserved for home ownership for eligible persons.' 'Up to 25 percent of the funds made available in each county and eligible municipality form the local housing distribution may be served for rental housing for eligible persons or for purposes enumerated in s. r20.9072(7)(b).'</i> 2022 Update: Continue to support Legislative request to change the formula for the calculation of the distribution which would result in a higher percentage of documentary funds be returned to County. Support Legislative request to change the homeownership set aside requirement of 65% to a 50/50 set aside split between homeownership and multifamily rental activities and allow for the flexibility of Counties to determine their actual need i.e., urban Counties' needs as opposed to rural Counties' needs. <i>Sec.420.9076(4), F.S</i>
17-08	Other affordable housing incentives: The Sadowski Housing Trust Fund for the Affordable Housing Trust Fund remains dedicated for the specific Affordable Housing Trust Fund. Mandate legislative action to prohibit the raiding of the Sadowski Housing Trust Fund to allow full funding as in the original intent of the Act. 2021 Update: Results of the 2021 Legislative Session as it relates to the State's Housing Trust Fund: Senate Bill 2512/House Bill 5401: Housing appropriations

	will be recurring; Housing funds may not be swept; however, SHIP Program will receive a portion of the collected revenue. For example, if Broward County Board of County Commissioners (BOCC) received the entire allocation of the anticipated documentary stamp fees, the BOCC would receive \$4,859,296; instead of this full allocation, BOCC received \$2,289,460. If the entire Broward County including the sixteen Entitlement Cities received the entire allocation, a total of \$27,101,477 would be allocated; instead, the entire Broward County, including the sixteen Entitlement Cities received \$12,768,885. 2022 Update: As noted in the 2021 Update, County did not receive 100% of the documentary stamps for the new Fiscal Year 2022/2023, Broward County received \$3,308,034. The entire County including the sixteen Entitlement Cities received a total of \$18,721,189. Committee recommends continued support of Legislation to fully appropriate the Sadowski Housing Trust Fund. If no increase by changing the formula in 17-05, continue to advocate for full appropriation to enable increase funding to rental assistance strategies. <i>Sec.420.9076(4), F.S.</i>
17-09	Other affordable housing incentives: Support changes to the Florida Housing Finance Corporation rules governing the Low-Income Housing Tax Credit Program to increase Broward County's potential tax credit allocations in the State issued Request for Application. 2022 Update: Advocate for FHFC to revise its RFA process to approve pending multifamily projects in a quicker manner. <i>Sec.420.9076(4), F.S.</i>
17-11	Other affordable housing incentives: Bonus Density. Improve the Bonus Density Program in the Broward County Land Use Plan to increase its effectiveness and generate additional affordable housing units. Note: Bonus density is currently being studied by the Broward County Planning Council. The 2017 adoption of the BrowardNext – Broward County Land Use Plan saw increased bonus densities. To date, no local government has utilized the bonus. On November 5, 2019, the County Commission initiated a re-examination of the bonus density formulas to further increase the market rate bonus. As a result, an updated amendment will be considered in 2020. 2021 Update: The Broward County Commission adopted revised density bonus formulas for very-low, low, and moderate affordable dwelling units that are restricted for a period of no less than 30 years. The updated bonus formulas

	were effective in April 2021. There is no data yet available. 2022 Update: No data currently available. <i>Sec.420.9076(4), F.S.</i>
17-13	Other affordable housing incentives: Encourage Broward County municipalities to expedite affordable housing projects through their land development regulations, (for example through zoning, bonus densities, more flexible units, further parking reductions, impact fee waivers, and expediting permit review) to further affordable housing. 2021 Update: The Broward County Board of County Commission adopted a new policy to encourage housing opportunities by right on lands designated Commerce on the County Land Use Plan, so long as there is an affordable housing component for a period of no less than 30 years. The Policy was effective in April 2021. There is no data yet available. 2022 Update: Policy has not been used and is under review by the Broward County Planning Council. <i>Sec.420.9076(4), F.S.</i>

Status of AHAC 2021 Recommendations of Additional Incentive Strategies

Strategy No.	AHAC Incentive Strategies
Continued Discussion Points	A. Advocacy – BOCC to fully use the AHAC to act as an advocacy group to communicate with state and local legislatures to support affordable housing through advocacy and budget. B. Continuation of the AHAC AHAC continues to work with Broward County Housing Finance Division staff to follow and monitor tax reform legislation, its impacts, and potential implications on affordable housing in Broward County and advocate on behalf of Broward County affordable housing initiatives.
21-01	Other affordable housing incentives:

	Support Legislative revisions to <i>Sec.420.9075(5)(d), F.S.</i> to increase the current mandated twenty percent (20%) set-aside of SHIP Program funds for persons with special needs to a minimum set-aside of thirty percent (30%). Note: Based on the current Countywide FY2021 SHIP budget of \$12,768,885 the 20% mandate equals \$2,553,777. An additional 10% would total \$3,830,665. Broward County current strategies funded by the SHIP Program are purchase assistance, minor home repair, special needs/barrier free and multifamily rental new construction. 2022 Update: This incentive was met and is implemented with the FY2022/FY2023 Broward County funds which equates to \$992,410. Broward County's current strategies funded by the SHIP Program are purchase assistance, minor home repair, special needs/barrier free, new construction single family infill homes, foreclosure prevention assistance, disaster repair mitigation, rental rehabilitation assistance, and multifamily rental new construction. Revise the foreclosure prevention assistance to include payment of homeowner's insurance premiums emphasis on homeowners participating in the County's home repair programs. <i>Sec.420.9076(4), F.S.</i>
21-02	Other affordable housing incentives: Support Broward County Affordable Housing Trust Fund Account funding of Multifamily Rental New Construction programs to ensure there are additional units set-aside for households with disabled persons in addition to adhering to existing ADA requirements. Note: Staff is evaluating this incentive using the FHFC requirements in conjunction with the County's gap financing program which is funded by the Affordable Housing Trust Fund. 2022 Update: Housing Finance Division continues to evaluate this incentive. <i>Sec.420.9076(4), F.S.</i>
21-03	Other affordable housing incentives: Support changes to the Florida Housing Finance Corporation rules governing the Low-Income Housing Tax Credit Program (LIHTC) and State Apartment Incentive Loan Program (SAIL) to increase set-asides in the Multifamily Rental New Construction Program for disabled individuals. This set-aside would be in addition to the ADA requirements of five percent (5%), and to adopt a Universal Design for accessibility units which fosters "age-in-place" concept.

	Note: Broward County Board of County Commissioners Legislative Policy Program would correspond with FHFC for the implementation of this recommendation. 2022 Update: Continue to support FHFC use of SAIL and LIHTC funds directed to persons with disabling conditions. Develop a strategy to inform non-profits of funds available through the SAIL and LIHTC RFAs for disabled persons and support these agencies with technical guidance. <i>Sec.420.9076(4), F.S.</i>
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AHAC 2022 Recommendations of Additional Incentive Strategies

Strategy No.	AHAC Incentive Strategies
22-01	Other affordable housing incentives: Homeowner's Insurance - Support Legislative advances that supports funding to owner-occupied homestead single family and multi-unit property owners' homes with assistance to pay insurance premiums and/or homeowner's assessment fees as a grant. <i>Sec.420.9076(4), F.S.</i>

In accordance with Florida Statutes 420.9076 and Florida Administrative Code Chapter 67-37, the Broward County Affordable Housing Advisory Committee is required to submit an annual report of the Broward County SHIP Affordable Housing Incentive Strategies Report (Report) to the Broward County Board of County Commissioners by December 31, 2022, for approval, prior to submittal to the Florida Housing Finance Corporation.