

PROPOSED

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO AFFORDABLE HOUSING; AMENDING PART XXXIX OF CHAPTER 27 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"); PROVIDING FOR EXPEDITED REVIEW OF DEVELOPMENT APPLICATIONS FOR AFFORDABLE HOUSING; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Mayor Michael Udine)

WHEREAS, the Board of County Commissioners of Broward County, Florida ("Board"), has an express Goal of "Increas[ing] the availability of affordable housing of all types, countywide, in every community using effective, uniform criteria, policies and strategies" and a Value of "Consistently delivering responsive, efficient, quality services to the public and internal customers";

WHEREAS, Broward County staff has identified an opportunity to streamline and expedite the review and processing of applications for affordable housing projects, and is, as directed by the Board, continuing to analyze other potential opportunities to streamline and expedite with the expectation that these other opportunities will be presented to the Board for its future consideration; and

21 WHEREAS, the Board is desirous of implementing streamlined processes for
22 reviewing and permitting applications for affordable housing projects, NOW,
23 THEREFORE,

24 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
25 BROWARD COUNTY, FLORIDA:

26 Section 1. Part XXXIX of Chapter 27 of the Broward County Administrative
27 Code is hereby amended to read as follows:

28 **PART XXXIX. AFFORDABLE HOUSING FEE WAIVER**

29 **Sec. 27.237. Affordable Housing Fee Waiver.**

30 a. *Affordable Housing Fee Waiver.*

31 -a 1. Upon request, fees related to the development of affordable housing may
32 be waived when an application is made for the construction of affordable
33 housing, if the County Commission or the Urban Planning Division Director
34 finds that the proposed project will provide affordable housing for very low
35 income or low income persons, as defined by the Broward County Housing
36 Finance Division.

37 -b 2. Prior to consideration of any waiver request, the developer shall obtain
38 certification from the Broward County Housing Finance Division stating that
39 the project qualifies as affordable housing at the specified income level(s)
40 ("Certification").

41 -c 3. Any such waiver shall be only for that portion of the development that
42 qualifies as affordable housing. The percentage of any waiver granted shall
43 be ~~as~~ one hundred percent (100%).

44 ~~d~~ 4. To obtain a waiver, Ddevelopers shall enter into an agreement with Broward
45 County upon terms and conditions determined by the County to be
46 necessary to reasonably ensure that affordable housing is constructed, that
47 any waiver hereunder enhances the affordability of the housing, and that
48 such units are rented or sold to persons meeting the income limitations
49 defined by the Housing Finance Division ~~and the procedure for qualification.~~
50 The requirement for the agreement may be waived in writing by the Office
51 of the Broward County Attorney if, in the opinion of ~~the Broward County~~
52 ~~Attorney~~ that Office, adequate alternate assurances exist.

53 b. *Expedited Review of Applications for Affordable Housing.*

54 1. Any developer of an affordable housing project that receives a Certification,
55 as outlined in Section a.2 above, may submit the Certification to the
56 Resilient Environment Department and/or its divisions in connection with
57 applications for development of the project including, but not limited to,
58 applications submitted pursuant to Chapter 5, Article IX, of the Broward
59 County Code of Ordinances (the "Land Development Code"); applications
60 for Environmental Review Approval or environmental licenses pursuant to
61 Chapter 27 of the Broward County Code of Ordinances; site plan
62 applications submitted pursuant to Chapter 39 of the Broward County Code
63 of Ordinances; and building permit applications for projects within the
64 Broward Municipal Services District.

65 2. Reviewing agencies shall, to the greatest extent practicable, expedite the
66 processing and review of applications submitted to the Resilient
67 Environment Department and/or its divisions with a Certification.

68 Section 2. Severability.

69 If any portion of this Administrative Code Resolution is determined by any court to
70 be invalid, the invalid portion will be stricken, and such striking will not affect the validity
71 of the remainder of this Administrative Code Resolution. If any court determines that this
72 Administrative Code Resolution, in whole or in part, cannot be legally applied to any
73 individual, group, entity, property, or circumstance, such determination will not affect the
74 applicability of this Administrative Code Resolution to any other individual, group, entity,
75 property, or circumstance.

76 Section 3. Inclusion in the Broward County Administrative Code.

77 It is the intention of the Board of County Commissioners that the provisions of this
78 Administrative Code Resolution become part of the Broward County Administrative Code
79 as of the effective date. The sections of this Administrative Code Resolution may be
80 renumbered or relettered and the word "resolution" may be changed to "section," "article,"
81 or such other appropriate word or phrase to the extent necessary in order to accomplish
82 such intention.

83 Section 4. Effective Date.

84 This Administrative Code Resolution is effective upon adoption.

ADOPTED this day of , 2022. **PROPOSED**

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

By: /s/ Alexis Marrero Koratich 10/13/2022
 Alexis Marrero Koratich (date)
 Assistant County Attorney

By: /s/ Maite Azcoitia 10/13/2022
 Maite Azcoitia (date)
 Deputy County Attorney

AIK/gmb
Affordable Housing Resolution
10/14/2022
#50053-0050

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.