

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

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

December 12, 2023

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, December 2021, and December 2022. 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, 2021, and 2022 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, 2021 Advocacy, 21-01, 21-02, and 22-01. 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 2023 recommendation.

A Public Hearing was held on October 16, 2023, prior to adoption of this Report.

Status of AHAC 2017 Recommendations of Additional Incentive Strategies

| Strategy No. | AHAC Incentive Strategies |
|---------------------|---|
| 17-02 | <p>Other affordable housing incentives:</p> <p>Broward County generated Dedicated Revenue Source</p> <p>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.</p> <p>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.</p> <p>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.</p> |

| | |
|---------------------|---|
| | <p>2023 Update: This incentive was met and is ongoing. The Broward County Board of County Commissioners during its September 2023 budget hearing for the FY 2023/2024 County Budget approved the amount of \$20,000,000.</p> <p><i>Sec.420.9076(4), F.S</i></p> |
| <p>17-03</p> | <p>Other affordable housing incentives:</p> <p>Preserve Tax Exemption for Affordable Housing</p> <p>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.</p> <p>2023 Update: Continue to support Legislative advances that positively support the funding to preserve incentives/initiatives for affordable housing, such as tax-exempt multifamily housing bond programs and others in conjunction with the County and Cities working together.</p> <p><i>Sec.420.9076(4), F.S</i></p> |
| <p>17-05</p> | <p>Other affordable housing incentives:</p> <p>Review State's formula for distribution of documentary stamps.</p> <p>Continue to support Broward County's Legislative advocacy for a more fair and equitable formula for the use and distribution of the annual SHIP funds (allowing up-to 50% of SHIP funds to be used for multifamily construction, and up-to 50% for single family homeownership programs). Broward County should continue to advocate for more SHIP funds to be allocated to Broward County based on the greater need for affordable housing.</p> <p><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. 420.9072(7)(b).'</i></p> <p>2023 Update: Continue to support the request in Broward County's State Legislative Program to change the State's formula for the distribution of funds collected through documentary stamp taxes to increase the amount returned to Broward County.</p> <p>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.</p> |

| | |
|--------------|---|
| | <p><i>Sec.420.9076(4), F.S</i></p> |
| 17-08 | <p>Other affordable housing incentives:</p> <p>The Sadowski Housing Trust Fund for the Affordable Housing Trust Fund remains dedicated for the specific Affordable Housing Trust Fund.</p> <p>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.</p> <p>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.</p> <p>2023 Update: As noted in the 2021 Update, County did not receive 100% of the documentary stamps for that year and would not receive 100% going forward. For this Fiscal Year 2023/2024, Broward County received \$3,998,536. The entire County including the sixteen Entitlement Cities received a total of \$22,590,588. Committee recommends continued support of Legislation to fully appropriate the Sadowski Housing Trust Fund. The Committee will continue to advocate for full appropriation to enable increased funding to housing assistance strategies, by changing the formula in 17-05.</p> <p><i>Sec.420.9076(4), F.S.</i></p> |
| 17-09 | <p>Other affordable housing incentives:</p> <p>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.</p> <p>2023 Update: Advocate for FHFC to revise its RFA process to approve pending multifamily projects in a quicker manner.</p> <p><i>Sec.420.9076(4), F.S.</i></p> |

| | |
|---------------------|---|
| <p>17-11</p> | <p>Other affordable housing incentives:</p> <p>Bonus Density.</p> <p>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.</p> <p>The 2017 adoption of the BrowardNext – Broward County Land Use Plan saw increased bonus densities. During 2017, no local government 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 was considered in 2020.</p> <p>2023 Update: Objective met. The Broward County Commission adopted revised density bonus provisions for very-low, low, and moderate affordable dwelling units to modify the density limitations.</p> <p><i>Sec.420.9076(4), F.S.</i></p> |
| <p>17-13</p> | <p>Other affordable housing incentives:</p> <p>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.</p> <p>2023 Update: Objective met. The Broward County Commission adopted revised provisions regarding the dwelling unit size and proportion requirements required for commercial or office component, and payment in lieu of strategy.</p> <p><i>Sec.420.9076(4), F.S.</i></p> |

Status of AHAC 2021 Recommendations of Additional Incentive Strategies

| <p>Strategy No.</p> | <p align="center">AHAC Incentive Strategies</p> |
|---|--|
| <p>Continued Discussion Points</p> | <p>Continuation of the AHAC</p> <p>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.</p> |

| | |
|--------------|---|
| 21-02 | <p>Other affordable housing incentives:</p> <p>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.</p> <p>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.</p> <p>2023 Update: Housing Finance Division continues to evaluate this incentive for non-State Apartment Incentive Loan (SAIL) and Low-Income Housing Tax Credit (LIHTC) projects funded from the County’s Affordable Housing Trust Fund Account, including the possibility of awarding evaluation criteria points to projects creating units for disabled persons.</p> <p><i>Sec.420.9076(4), F.S.</i></p> |
| 21-03 | <p>Other affordable housing incentives:</p> <p>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.</p> <p>Note: Broward County Board of County Commissioners Legislative Policy Program would correspond with Florida Housing Finance Corporation (FHFC) for the implementation of this recommendation.</p> <p>2023 Update: Continue to support FHFC use of SAIL and LIHTC funds directed to persons with disabling conditions. Staff notifies non-profits of funding available for development and provides technical guidance to these agencies.</p> <p><i>Sec.420.9076(4), F.S.</i></p> |

AHAC 2022 Recommendations of Additional Incentive Strategies

| Strategy No. | AHAC Incentive Strategies |
|--------------|--|
| 22-01 | <p>Other affordable housing incentives:</p> <p>Homeowner’s Insurance - Support Legislative advances to provide funding to owner-occupied homestead single family and multifamily property owners homes with assistance to pay property insurance premiums and/or special assessment fees as a grant.</p> <p>2023 Update: Homeowner’s ability to afford property insurance must be addressed through the existing Owner-Occupied Rehabilitation and Special Needs/Barrier Free strategies.</p> <p>2023 Update: Support Broward County’s Legislative advocacy to encourage the State to change the condominium associations reserve fund policy to provide financial assistance to associations that need to conduct comprehensive structural inspections of older condominiums by law.</p> <p>Support Broward County’s Legislative advocacy on behalf of residential, and business property owners facing exorbitant insurance premiums, for the State Legislature to address comprehensive insurance reforms that will result in lower premiums.</p> <p><i>Sec.420.9076(4), F.S.</i></p> |

AHAC 2023 Recommendations of Additional Incentive Strategies

| Strategy No. | AHAC Incentive Strategies |
|--------------|---|
| 23-01 | <p>Other affordable housing incentives:</p> <p>Support Affordable Housing Legislation by supporting Broward County’s recommended changes to the Live Local Act 2023 - by removing preemptions that prevent locally elected officials from enforcing adopted zoning ordinances that promote and protect affordable housing.</p> <p>Support Legislative advances to expand SB 102 exemption 125.0103 (7) and 166.04151(7) to ensure proposals/plans for development of areas identified as an area at risk due to sea level rise, and areas similarly identified as having an enhanced flood risk due to sea level rise, and already adopted by a [city/County] in its Comprehensive Plan, are reviewed by the city and or County prior to approval of the development.</p> <p><i>Sec.420.9076(4), F.S.</i></p> |

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 to the Broward County Board of County Commissioners, for approval, prior to transmittal to the Florida Housing Finance Corporation by December 31, 2023.