

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: April 16, 2008

Division: Housing & Community Development

Bulk Item: Yes X No

Department: Housing & Community Development

Staff Contact Person: Lisa Tennyson/292-4462

AGENDA ITEM WORDING:

Approval to advertise a public hearing for an Ordinance to establish a local Affordable Housing Advisory Committee as required by Florida Statute 420.9076 and Florida Administrative Code 67-37.010

ITEM BACKGROUND:

Recent rule changes in FAC 67-37.010, effective February 2008, mandate that all SHIP program participants comply with Florida Statute Section 420.9076(2), requiring the establishment of an affordable housing advisory committee. The Committee must be established by June 30, 2008. Please see the attached Staff Memo.

PREVIOUS RELEVANT BOCC ACTION:

Monroe County Workforce Housing Taskforce was empanelled in June 2005.
Annual adoption of SHIP program Local Housing Assistance Plan and related amendments.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: NA

BUDGETED: Yes No

COST TO COUNTY: NA

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes No X

AMOUNT PER MONTH **Year**

APPROVED BY: County Atty YES OMB/Purchasing N/A Risk Management N/A

DOCUMENTATION: Included X Not Required

DISPOSITION: _____

AGENDA ITEM # _____



STAFF MEMO

TO: Monroe County Board of County Commissioners

FROM: Lisa Tennyson, Affordable Housing Coordinator

THROUGH: Reggie Paros, Division Director of Housing and Community Development

DATE: March 28, 2008

SUBJECT: Request to approve to advertise for a public hearing to establish an Affordable Housing Advisory Committee as required by FAC rule 67.37 and FS 420.9076.

MEETING DATE: April 16, 2008

1. Summary

Staff is requesting approval to advertise for a public hearing to be scheduled for the May BOCC meeting to establish an Affordable Housing Advisory Committee (AHAC). The creation of this committee is now required as per a change in the rules of the SHIP program outlined in Chapter 67-37 of the Florida Administrative Code which went into effect in February. The new rule requires that all jurisdictions that receive SHIP funding establish this committee pursuant to the requirements outlined in FS 420.9076. The committee must be in place by June 30, 2008.

Staff has prepared an ordinance to establish the AHAC upon BOCC approval at the May meeting. The ordinance includes a description of the role and responsibilities of the committee as well as the required number of members and the make-up of the membership. Staff will prepare a resolution appointing specific members to the committee for approval at the June meeting.

2. Background

FAC Chapter 67-37 SHIP Program rules are attached. The pertinent rule change is in Section 67-37.010. FS 420.9071-9076 is also attached. The pertinent sections in the statute are 420.9072 and 420.9076. A Florida Housing Coalition power point presentation discussing compliance with the new requirements is also attached.

3. Staff Recommendation

Monroe County has a currently empanelled Workforce Housing Taskforce which has been tasked with addressing critical housing affordability issues that affect the Florida Keys. The membership of this committee as well as the role it plays with regard to encouraging affordable housing incentives and changes to land development regulations and the Comprehensive Plan to advance affordable housing reflect the statute's requirements for the committee's membership profile and responsibilities. As it is not necessary to have two such committees, staff recommends that the Taskforce's current membership be tweaked to bring it into compliance with the statutory requirements, that the statutorily prescribed responsibilities of the AHAC be conveyed to the Taskforce and that the Taskforce now be known alternatively as the "Monroe County Affordable Housing Advisory Committee."

ORDINANCE NO. ____-2008

AN ORDINANCE ESTABLISHING A LOCAL AFFORDABLE HOUSING ADVISORY COMMITTEE AS REQUIRED BY F.S. SECTION 420.9076 AND F.A.C. CHAPTER 67-37.010 REPLACING THE WORKFORCE HOUSING TASKFORCE ; PROVIDING FOR SEVERABILITY AND REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; PROVIDING FOR TRANSMITTAL TO THE SECRETARY OF STATE AND FOR AN EFFECTIVE DATE

WHEREAS, the Florida legislature finds that affordable housing is most effectively provided by combining public and private resources, and the legislature intends that local governments achieve this combination of resources by encouraging active partnerships between government, lenders, builders and developers, real estate professionals, advocates for low-income persons and community groups to produce affordable housing; and

WHEREAS, the legislature intends that this partnership concept be extended among counties and municipalities; and

WHEREAS, the Florida legislature intends that local governments achieve this combination of resources through the establishment of an affordable housing advisory committee to recommend monetary and non-monetary incentives for affordable housing as provided by Florida Statute 420.9076; and

WHEREAS, Monroe County participates in the State Housing Initiatives Partnership Program (SHIP) and is a recipient of funding for its affordable housing programs and activities; and

WHEREAS, Monroe County, as a participant in SHIP, has developed and implements a local housing assistance plan (LHAP) created to increase the availability of affordable housing to very low, low and moderate income persons, essential services personnel, and those with special needs; and

WHEREAS, SHIP funds may be used for households earning up to 150% of the median income in areas of critical state concern; and

WHEREAS, recent rule changes in FAC 67-37.010, effective February 2008, mandate that all SHIP program participants comply with Florida Statute Section 420.9076(2) requiring the establishment of an affordable housing advisory committee; and

WHEREAS, F.A.C. Rule 67-37.010 states that the Monroe County LHAP be amended to include "local affordable housing incentive strategy recommendations" approved by the membership of the advisory committee; and

WHEREAS, Florida Statutes require the Board of County Commissioners to approve an amended Local Housing Assistance Plan and transmit it to the Florida Housing Finance Committee (FHFC); and

WHEREAS, if FHFC fails to receive timely the approved amended local housing assistance plan to incorporate the new strategies, a notice of termination of the county's share of the SHIP local housing distributions shall be sent by the FHFC to the county. The notice of termination must specify a date of termination of funding. If the county does not adopt the amended LHAP by that date, SHIP local housing distribution to the county will be terminated and any uncommitted local distribution funds held by the county in its local housing assistance trust fund shall be transferred to the Corporation to administer the local government housing program pursuant to F.S. 420.9072;

WHEREAS, in June 2005, the Board of County Commissioners (BOCC) empanelled a Workforce Housing Taskforce to make recommendations to address critical housing affordability issues facing the Florida Keys; and

WHEREAS, the make-up and responsibilities of the Taskforce parallel the requirements and duties mandated for the new Advisory Committee, and it is not necessary to have two such committees; and

WHEREAS, the Workforce Housing Taskforce shall now be known as the Affordable Housing Advisory Committee and will be charged with the statutory role and responsibilities described herein, and its composition shall conform to the statutory requirements;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. A new Article XXVIII , Section 2-700 through 2-703 is added as follows:

Sec. 2-700. Establishment of Affordable Housing Advisory Committee

- a. The Affordable Housing Advisory Committee shall be established and operational by June 30, 2008. It shall comply with all requirements in F.S. 420.9076 (2007) or as subsequently amended.
- b. The committee shall consist of 11 members who shall be appointed by the BOCC by resolution.
- c. The committee must include:
 1. One citizen who is actively engaged in the residential homebuilding industry in connection with affordable housing.
 2. One citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
 3. One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
 4. One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
 5. One citizen who is actively engaged as a for-profit provider of affordable housing.
 6. One citizen who is actively engaged as a not-for-profit provider of affordable housing.
 7. One citizen who is actively engaged as a real estate professional in connection with affordable housing.
 8. One citizen who actively serves on the local planning agency pursuant to s. 163.3174.
 9. One citizen who resides within the jurisdiction of the local governing body making the appointments.

10. One citizen who represents employers within the jurisdiction.
11. One citizen who represents essential services personnel, as defined in the local housing assistance plan;

d. All meetings of the advisory committee are public meetings, and all committee records are public records.

e. Staff, administrative, and facility support to the advisory committee shall be provided by the BOCC. The advisory committee shall be cooperatively staffed by the local government department or division having authority to administer local planning or housing programs to ensure an integrated approach to the work of the advisory committee.

Sec. 2-701. Duties of the Affordable Housing Advisory Committee.

(a) The affordable housing advisory committee shall review established policies and procedures, ordinances, land development regulations, and the adopted local government comprehensive plan of the appointing local government and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances and other policies.

(b) By December 31, 2008, the Affordable Housing Advisory Committee is required to submit its incentive recommendations report to the BOCC. After this initial submission, the reports are required to be submitted triennially on December 31, of the year preceding the submission of the Local Housing Assistance Plan. At a minimum, the advisory committee shall submit a report to the local governing body that includes recommendations on, and evaluates the implementation of, affordable housing incentives in the following areas:

1. The processing of approvals of development orders or permits as defined in s. 163.3164(7) and (8), for affordable housing projects is expedited to a greater degree than other projects;
2. The modification of impact fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing;
3. The allowance of flexibility in densities for affordable housing;
4. The reservation of infrastructure capacity for housing for very low income, low income and moderate income persons;
5. The allowance of affordable accessory residential units in residential zoning districts;
6. The reduction of parking and setback requirements for affordable housing;
7. The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing;
8. The modification of street requirements for affordable housing;
9. The establishment of a process by which a local government considers, before adoptions, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing;
10. The preparation of a printed inventory of locally owned public lands suitable for affordable housing;

11. The support of development near transportation hubs and major employment centers and mixed-use developments;
12. Other affordable housing incentives as recommended.

(c) The advisory committee may perform additional responsibilities related to affordable housing at the request of the BOCC, including creating best management practices for the development of affordable housing in the community.

Sec. 2-702. Public Hearing

The approval of the advisory committee of its local housing incentive strategies recommendations and its review of local government implementation of previously recommended strategies must be made by affirmative vote of a majority of the members of the advisory committee taken at a public hearing. Notice of time, dates, and place of public hearing of the committee to adopt final local housing incentive strategies recommendations must be published in a newspaper of general paid circulation, must contain a short summary of the incentives strategies recommendations to be considered by the committee, and must state the public place where a copy of the tentative recommendations can be obtained by interested persons.

Sec. 2-703. Commission Action Required.

(a) Within 90 days after the date of receipt of the local housing incentive strategies recommendations from the advisory committee, **but no later than March 31, 2009**, the BOCC shall adopt an amendment to its local housing assistance plan (LHAP) to incorporate the local housing incentive strategies it will implement within its jurisdiction. The BOCC must consider all of the strategies specified in Sec. 2-701(b) as recommended by the committee. However, the amendment at a minimum, must include:

- (1) Assurance that permits for affordable housing are expedited to a greater degree than other projects. ("Permits" are defined by statute to include development orders, building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land);
- (2) An ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption; and
- (3) A schedule for implementing the incentive strategies

(b) By May 2, 2009, the BOCC shall notify the Florida Housing Finance Corporation by certified mail of its adoption of the amended LHAP and include a copy of the approved amended plan.

Section 2. Severability.

If any section, paragraph, subdivision, clause, sentence or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 3. Conflicting Provisions.

In the case of direct conflict between any provision of this ordinance and a portion or provision of any appropriate federal, state or County law, rule, code or regulation, the more restrictive shall apply.

Section 4. Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 5. Effective Date

This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 19th day of March, 2008.

Mayor Charles "Sonny" McCoy	_____
Mayor Pro Tem Mario DiGennaro	_____
Commissioner Sylvia Murphy	_____
Commissioner George Neugent	_____
Commissioner Dixie Spehar	_____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: _____
Mayor Charles "Sonny" McCoy

(SEAL)
ATTEST: DANNY L. KOLHAGE, CLERK

Deputy Clerk

APPROVED AS TO FORM:

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
Susan M. Grimsley

SUSAN M. GRIMSLEY
ASSISTANT COUNTY ATTORNEY
Date March 31, 2008