

Leon County

Affordable Housing Advisory Committee



2011 Final Report of Recommendations

TABLE OF CONTENTS

Executive Summary3

AHAC Appointment & Membership.....3-4

AHAC Responsibility.....4

Plan For Implementation.....4

Adoption of Final Report by the Board of County Commissioners.....5

Attachments

1. Incentives and Recommendations
2. State Housing Initiative Partnership (SHIP) Local Housing Assistance Plan for 2011-2012, 2012-2013, 2013-2014.

Executive Summary

In 1992, the Florida legislature enacted the William E. Sadowski Affordable Housing Act, Chapter 92-317 of Florida Sessions Laws (the "Sadowski Act"), allocating a portion of documentary stamp taxes on deeds to local governments for the development and maintenance of affordable housing. In addition, the Sadowski Act created the State Housing Initiatives Partnership Act (the "SHIP Act"), codified at F.S. Sections 420.907-420.9079.

Subsequent to the enactment of the SHIP Act, the Board adopted Ordinance No. 93-2 in 1993 that was codified in the Code of Laws of Leon County at Chapter 8, Article V, Sections 8-151 through 8-156, entitled Affordable Housing Assistance (AHA). Section 8-156 of the AHA Code has been reserved for future amendments.

During the 2007 legislative session the State Housing Initiative Partnership (SHIP) rule was revised requiring Counties or eligible municipality to appoint and establish by ordinance an Affordable Housing Advisory Committee (AHAC), which must approve local affordable housing incentive strategy recommendations at public hearing by affirmative vote of a majority of the membership of the advisory committee in accordance with F.S. 420.9076.

In 2007, the state legislature revived the requirement to establish an Affordable Housing Advisory Committee (AHAC) and developed new duties for the committee. House Bill 1375 required cities and counties receiving State Housing Initiatives Partnership (SHIP) funds to appoint an Affordable Housing Advisory Committee or their SHIP funding would be withheld. The Advisory Committee would be required to "review the established policies, procedures, ordinances, land development regulations and the comprehensive plan and recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value." (F.S. 420.9076) The Committee's first report was delivered December 9, 2008, to the Leon County Commission.

AHAC was mandated to recommend incentives every three years.

Appointment of the AHAC

The County Attorney's Office reviewed the Statute and Rule governing the SHIP funds to prepare and revise the Affordable Housing Assistance Ordinance, a Resolution to appoint the members, and the Committee Bylaws. Florida Statutes, Section 420.9076, required local jurisdictions to appoint an 11-member committee with specific membership by July 1, 2008. The Leon County Board of County Commissioners appointed committee members to the AHAC on May 13, 2008 and October 14, 2008. Each member represented a different role in the affordable housing industry. The following individuals are the current appointees to the Affordable Housing Advisory Committee in the following categories in which they are actively engaged with affordable housing:

Appointment of the AHAC (Continued)

1. Residential home building industry: Mr. Mark Worley
2. Banking or mortgage banking industry: Ms. Fenlon
3. Area of labor within the home building industry: Vacant
4. Advocate for low-income persons: Ms. Dorothy Johnson-Inman
5. For-profit provider of affordable housing: Vacant
6. Not-for-profit provider of affordable housing: Ms. Regina Davis
7. Real estate professional: Ms. Wanda Carter
8. Local planning agency representative: Mr. Darryl Jones
9. Resident of the jurisdiction: Mr. Charles Milsted
10. Representative of employers in the jurisdiction: Vacant
11. Representative of "essential services personnel" as defined by the jurisdiction: Ms. Nicole Everett

Responsibility of the AHAC

The committee members reviewed the City/County Comprehensive Plan Elements, Land Development Regulations, County Ordinances, County Commission Policies, State Housing Initiative Partnership (SHIP) Local Housing Assistance Plan (LHAP) and other County documents, and discussed regulatory barriers to affordable housing. State statute 420.9076 F.S. mandated the AHAC to consider making viable recommendations.

The Committee held advertised public meetings on six occasions prior to the adoption of the report January 4th, March 1st, July 12th, September 13th, October 11th, and November 1st of 2010. The Department of Health and Human Services Housing Division staffed the Committee. Growth Management, Public Works, the Planning Department and other Health and Human Services staff attended the October and November 2010 meetings to engage in the discussion and provide input for the Committee's inquires as to current and best practices and policy.

The Affordable Housing Advisory Committee reviewed each of the provisions and provided the following recommendations related to affordable housing incentives for Leon County, taking into account the current economic condition of the housing industry, and the extremely sluggish new housing construction rate in regard to affordable housing. Staff input is included where applicable.

Plan For Implementation

- Make revision to the State Housing Initiative Partnership (SHIP), Local Housing Assistance Plan (LHAP)
- Follow the Comp Plan Amendment Application process for approval in FY 2011/2012, thereby implementing changes to Incentives a through k, and changes of affected Leon County Policy
- Submit BOCC Adopted 2011 Recommendations Report to the Florida Housing Finance Corporation.

Adoption of the Final Report

The AHAC officially adopted the report by affirmative vote of a majority of the membership at a public hearing on December 13, 2010. Notice of the public hearing to adopt the final report was published in the Tallahassee Democrat.

The Board of County Commissioners Accepted this second tri-annual Report of 2011 Recommendations December 14, 2010.

A request is being made of the Leon County Board of County Commissioners to Adopt the Final AHAC 2011 Recommendations on March 15, 2011 (Attached). Concurrently, the State Housing Initiative Partnership (SHIP) Local Housing Assistance Plan (LHAP), the document that governs the use of SHIP funds, has been amended reflecting AHAC 2011 Recommendations (Attached). Additional recommendations requiring Comp Plan Amendment shall be carried out via the Comp Plan Amendment Application process for approval in FY 2011/2012. AHAC 2011 Recommendations Report, after adoption by the Leon County Board of County Commissioners, shall be submitted to the Florida Housing Finance Corporation on or before May 2, 2011.

AFFORDABLE HOUSING ADVISORY COMMITTEE RECOMMENDATIONS FOR 2011

AFFORDABLE HOUSING INCENTIVES & POLICY RECOMMENDATIONS		
INCENTIVES	AHAC RECOMMENDATIONS	STAFF COMMENTS TO AHAC RECOMMENDATIONS
	To optimize limited County housing resources, place highest priority on rehabilitation of existing housing stock over new development for maximum positive impact in ensuring quality, affordable, energy efficient housing for those with greatest need.	No staff comment.
(a) The processing of approvals of development orders or permits, as defined in s. 163.3164(7) and (8), Florida Statutes, for affordable housing projects is expedited to a greater degree than other projects.	<p>1. Establish expeditious application processing for affordable housing. It is further recommended that the Board strongly encourage the aggressive pursuit of all potential funding from state, Federal, public and private sources.</p> <p>2. Promote joint ventures between non-profit service providers and for-profit developers.</p> <p>3. Provide an expedited permitting process for affordable housing, as it relates to a number of units developed and with no regard to the building entity being for-profit or non-profit.</p>	<p>Staff supports [Growth & Environmental Management (GEM)/Tallahassee-Leon County Planning Department (TLCPD). Site and development plans for all projects will be significantly expedited with the recent Board approval of the "two-track" review process. This review process consists of either the Concept Plan approval track or a Final Design Plan track.</p> <p>The abbreviated submittal requirements of the Concept Plan approval track are designed to provide the applicant with development plan approval assurances in order that a project may receive financing. The Final Design Plan track allows an applicant to obtain concurrent review of the site plan and Environmental Management Permit. This track would be used by applicants that have obtained financing and may not be speculating on a property. The establishment of these two processes may speed up the provision of affordable housing in our community.</p>
(b) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.	No AHAC recommendation.	No staff comment.
(c) The allowance of flexibility in densities for affordable housing.	A clear process that states how to gain density bonuses is developed. Higher and flexible densities should be encouraged if they do not negatively financially impact existing or adjoining neighborhoods. The AHAC encourages community input, for all future	Staff supports. Staff recommends an inclusionary housing ordinance or other regulations that would allow GEM to increase density; given the parameters of the LDC and Comprehensive Plan.

1

Attachment # 1
Page 6 of 13

	developments that may be impacted for established and existing neighborhood development. Leon County Growth Management should be commended on the new detached accessory dwelling unit policy. This also meets sustainable needs within our community.	
(d) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.	The Board establish a policy that would prioritize housing availability based on the greatest need first (extremely low income, low income etc; family vs. single) but balanced with the likelihood that the resident(s) will be able to maintain and afford the housing.	Staff supports (TLCPD: no comment). A developer agreement is a viable option that could be entered into on a case-by-case basis to reserve infrastructure capacity. Capacity reservation for one class of projects may present legal issues; however, GEM staff defers to the County Attorneys' Office on this subject.
(e) The allowance of affordable accessory residential units in residential zoning districts.	Independent living and the ability to remain in close proximity to family, friends and community resources is especially important to senior citizens. To the extent feasible zoning rules should allow for accessory housing to increase affordable housing while maintaining quality of life for citizens.	Staff supports. Accessory Dwelling Units are currently reviewed under the most expedited review process available in the Land Development Code. The fees are generally considered inexpensive when compared with other site and development plan processes.
(f) The reduction of parking and setback requirements for affordable housing.	No AHAC recommendation.	No staff comment.
(g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.	Adopt Land Development Code amendments alleviating the need for an application for deviation to related development standards for those new developments that include a compulsory minimum quantity of affordable housing. Include input from experienced planners, developers and ultimate resident where possible. A focus group approach that employs likely community residents could instructive for minimum space requirements and desires. Recommend higher densities for all housing developments as long as it does not negatively financially impact existing or adjoining neighborhoods. Higher densities would bring the cost of land down and result in lower sales prices to the public.	Staff does not support. Staff believes that an LDC revision to eliminate the requirements for a deviation for affordable housing projects may not be in the best interest of the community. In the interim, GEM will offer positive recommendations for affordable housing projects requesting development standard deviations.
(h) The modification of street requirements for affordable housing.	No AHAC recommendation.	No staff comment.
(i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that	<ul style="list-style-type: none"> • Energy efficiency of heating/cooling systems, appliances weatherization, insulation etc should receive considerable. 	Staff supports (TLCPD: no comment). GEM considers affordable housing objectives when writing any new regulations. Energy efficiency is reviewed by the Building Division. The LDC

1

<p>increase the cost of housing.</p>	<p>scrutiny to assist residents with future bill paying.</p> <ul style="list-style-type: none"> • All sustainable energy and tax credit provisions should be explored to ensure that the most efficient and cost effective systems and materials are integral to the housing design. • Leon County should adopt an Affordable Housing Certification process similar to the one in use by the City of Tallahassee. This certification process allows developments which meet the definition of affordability to be eligible for expedited processing, certain technical assistance services, and special regulatory provisions, in order to improve project viability and to encourage additional affordable housing developments. Individual qualifying units would be eligible for water and sewer connection fee waivers. The intent of this policy would be to encourage innovative and creative developments which provide affordable housing. 	<p>currently offers incentives for projects containing green roofs and rain gardens. The incentives include the shortening of the length of review, which results in less cost for the applicant. This cost reduction can assist in the reduction of the price of housing.</p> <p>In addition, GEM implemented a Community Garden Ordinance (adopted in January, 2009). These gardens can be used to reduce food costs, particularly of residents without large yards.</p>
<p>(j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.</p>	<p>The inventory should be made available on the County's website and at various County offices, for public use. The copies provided for public use should also be revised and reformatted to facilitate ease of use and eliminate information not typically of interest to the public (the excessive number of characteristics and variables included in the inventory may make reading the inventory more difficult). The Board could make available provisions for property tax credits or reductions and/or closing and transaction fees given to any citizen willing to donate land parcels to the County that are suitable for affordable housing development.</p>	<p>Staff supports. GEM is working with other departments to identify the appropriate contact and provide the inventory on the Tallahassee-Leon County GIS.</p>
<p>(k) The support of development near transportation hubs and major employment centers and mixed-use developments.</p>	<ul style="list-style-type: none"> • Create additional incentives that recognize that although housing located closer transit or to the center of the urban area may have higher initial purchase costs, lifetime costs are significantly lower to the household (as a consequence of foregone 	<p>Staff supports. LCGEM formulated new zoning districts for the Mahan Corridor which encourages transit oriented design (TOD). Star Metro is currently working on a plan, entitled 'Nova 2010,' which will assist in making residential and commercial projects</p>

Attachment # 8 of 13

	<p>transportation costs).</p> <ul style="list-style-type: none"> • Consider a variety of strategies to facilitate high intensity mixed use development, to create areas where residents could live within walking distance of the workplace, a significant opportunity to reduce transportation costs and create more "family time." • Create a committee to review lands owned by the County or other willing entity to evaluate the feasibility of affordable housing development. A number rating system could be created to establish priority of developments based on access to transportation and necessary community services. 	<p>more accommodating to transit. Leon County offers an incentive for providing access to transit for developers of residential property. This incentive allows for a shorter site and development plan review, which ultimately reduces the cost of the development.</p> <p>A portion of concurrency mitigation funds can be expended on bicycle, pedestrian, and transit facilities. All transit riders are users of the sidewalk system. Increasing the amount of sidewalks has been shown to increase transit ridership in many communities.</p> <p>TLCPD: Relating to high intensity mixed-use development—this should be a mandatory requirement for affordable housing projects. Include the criteria used to evaluate the CWHIP application.</p> <p>Staff does not believe that a number rating system for environmentally sensitive land would work well. The existing Permitted Use Verification (PUV) process gives the applicant the ability to determine how suitable a given property is for development.</p>
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LOCAL HOUSING ASSISTANCE PLAN		
PLAN COMPONENTS	AHAC RECOMMENDATIONS	STAFF COMMENTS TO AHAC RECOMMENDATIONS
<p><u>Disaster Mitigation</u> This strategy will provide financial assistance to very low and low-income homeowners who reside in the unincorporated areas of Leon County in making their owner-occupied homes more disaster-resistant. Funds will be used to assist with the installation of structural mitigation systems such as: A. Install Back-Flow Valves on Sewer Lines, B. Install Hurricane Shutters, C. In Flood Prone Areas - Elevate Water Heaters, D. In Flood</p>	<p>Prioritize Items A through G of the Plan components relating to disaster mitigation.</p>	<p>Staff does not support. The items listed are currently on a first-come, first-served basis. Prioritizing may not be the best idea as it opens the selection process to discussion that could prolong and hold up funding awards beyond Leon County's allotted time frame within which to expend such funding, and it could prolong the trauma that exists for the prospective client that was seeking immediate assistance and relief for the problem at hand.</p>

Prone Areas- Elevate Air Conditioner Condensers, E. Trim and Remove Trees that Lay Down Hazards during High Wind Events, F. Install Fire Extinguishers, and G. Install Smoke Alarms.		
The County Housing Department will review applications received and verify all information provided by applicant to make sure the applicant meets the eligibility requirements. Individual homeowner recipients are selected based on compliance with all eligibility requirements of the SHIP program, and thereafter served on a first-come, first-served basis. Preference will be given to eligible applicants in the order of the selection criteria listed below: 1. Very Low Income 2. Low income 3. Moderate Income	Add "extremely-low income" first-time home buyers to all documents.	Staff comment: The LHAP has been amended adding a new extremely-low income guideline provision.
Partnerships are vital to the affordable housing program. The County has entered into an agreement with the Tallahassee Lenders Consortium to administer down payment assistance program activities. The County currently provides TLC with \$125,000 for down payment assistance.	Maintain vital and viable public-private partnerships for the delivery of Program services, making best use of existing community expertise.	Staff supports.
Citizen age parameters.	Increase the Senior Citizen age category from age 60 to age 62.	Staff supports.
Participant contribution: First-time home buyers must contribute 1% of the purchase price from their own funds toward the purchase of their first home	Change borrower contribution from 1% to \$500 for first-time home buyers.	Staff supports.

LEON COUNTY HOUSING ELEMENT		
POLICY COMPONENT	AHAC RECOMMENDATIONS	STAFF COMMENTS TO AHAC RECOMMENDATIONS
Policy 1.1.1 The Affordable Housing Manager shall develop and present to the Housing Finance Authority and the Board for adoption an annual affordable housing	Change "Manager" to "Division" or "Staff."	Staff supports.

<p>program plan which integrates housing with neighborhood, economic, and social factors. The plan will evaluate the preceding year's progress and establish annual housing unit delivery objectives. The Planning Department shall provide data relating to the supply, demand, and need for affordable housing to be used in developing the plan.</p>		
<p>Policy 1.2.4 Contingent on the availability of funding, the County shall enter into public-private partnerships to encourage the private sector to provide reduced cost home repair and improvement loans and first mortgage home financing pursuant to the provisions of the Community Reinvestment Act. In order to make the program feasible, the County will investigate the establishment of a loan guarantee fund in order to reduce the risks to the private sector of providing home improvement and home purchase loans to very low, low, and moderate income owners.</p>	<p>Establish a timeline and periodically review implementation of public-private funding partnerships for very low, low, and moderate-income homeowner repair and improvement loans and first-time home buyer home purchase loans.</p>	<p>Staff supports. Staff is actively encouraging the private sector to assist in cost reductions and savings for home repair and improvement, and energy efficiency. TLCPD: This should be included in Board Policy.</p>
<p>Policy 1.3.1 The Leon County Housing Finance Authority [Subsection (c) of Section 2-134 of Division 3 of Article VI of Chapter 2 of the Code of Laws of Leon County, Florida] shall look into the feasibility of the issuance of revenue bonds for the provision of affordable housing units.</p>	<p>Designate a date-certain for determining feasibility.</p>	<p>Staff supports. Staff is actively pursuing the issuance of revenue bonds. TLCPD: This should be included in Board Policy.</p>
<p>Policy 1.8.1 Leon County shall continue to sustain a level of code enforcement within neighborhoods sufficient to maintain and/or improve the housing stock at an acceptable code level and to protect the health, safety, and welfare of the neighborhood and its residents.</p>	<p>Deposit funds received from code violations in Housing Services budget and allocate to rehabilitation program.</p>	<p>Staff does not support. Staff does not recommend that funds received from code violations be placed in the Housing Services budget since they are returned to the operating budget for the Department of Growth and Environmental Management. Also, collection of outstanding fines on code enforcement cases is difficult. If funds are received, they are very minimal with the goal of the program to obtain compliance.</p>
<p>101.1 Housing Rehabilitation The purpose of the housing rehabilitation program is to bring County housing stock up to code. The rehabilitation program</p>	<p>Establish maximum award limits for mobile home and stick-built home rehabilitation projects.</p>	<p>Staff supports. \$50,000 is consistent with the SHIP-LHAP and the CDBG – HAP. There are maximum award limits for mobile homes in both Leon County SHIP-LHAP and CDBG-</p>

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offers up to \$50,000 per household for rehabilitation.		HAP.
Repairs and modifications NOT covered by the Housing Program; expensive fixtures, flooring, doors or other expensive construction materials. Only low-priced, moderate quality materials will be used.	Insert language stating "meets Florida Housing Code guidelines."	Staff supports. Present to the Board a proposed amendment of Sec. 101.1(b) of the Board of County Commissioners Policy and Procedure Manual.
Program is for very low, low, or moderate income first-time home buyers.	Add "extremely-low" first-time home buyers to all documents.	Staff supports. Program documents have been amended.
Each application, when approved, will go to the Inspection/Feasibility Phase. Priority will be given to handicapped and/or elderly applicants whose dwellings are a danger to them. Projects will be taken from this file based on the following: The assessment of the severity of the need; 2. Assessment of the physical needs of the applicant; 3. The assessment of the type of work needed, based on the request of the applicant; and 4. The assessment of the cost of making the necessary repairs..	Establish a system designating points to set priorities for different classifications of applicants and needs. (See point system under the federal Weatherization Program as a model.)	Staff supports prioritizing, but takes no position with respect to point-assignment system recommendation. Prioritizing of projects is in priority order, as indicated in the Amended Policy and Procedure Manual of 2006, Sec. 102.
After the completion of the contract, it is the owner's responsibility to notify the contractor in writing of any defect in the work or material. The owner is also requested to notify the Division of Health and Human Services of any complaints so that assistance in follow-up can be provided. If the contractor does not respond to the owner's written complaint within a reasonable time-frame and in a satisfactory manner, a representative of the division will verify the complaint. If, in his/her opinion the complaint is valid, he/she will send a written request for warranty service to the contractor via certified mail. The contractor will then take action as monitored by the division. Upon receiving notice from the owner that the complaint has been satisfied, a representative of the division will inspect the work and make such note in the case file. Failure to resolve complaints shall be justification for removing a contractor from	Establish a warranty period and incorporate the warranty period in the contractor's contract.	Staff supports. There is a warranty period as specified in the Board of County Commissioners Rehabilitation Specifications-- Sec. 01.0300 and Sec. 01.0225.

<p>participation with the program.</p> <p>The County's Health and Human Services Director may remove a housing unit from the program for a change in household income, approved selection criteria, or for not complying with the minimum qualification procedures. If it is determined that it is necessary to remove an applicant from the program, a letter will be sent to the applicant stating the reasons for the removal. The applicant will have the right to appeal the decision as identified in the Citizen Participation Plan.</p>	<p>Provide applicant(s) a copy of the Citizen Participation Plan prior to commencement of work.</p>	<p>Staff supports. The process of providing such information will be implemented immediately.</p>
<p><u>County List of Lands</u></p> <p>Caution should be taken in using this analysis in that given the limitations of time, we were not able to evaluate many factors that should be considered prior to making final commitments to specific reuse of these properties. These factors include: whether the property was vested for a particular use; whether the property is part of an improper subdivision; the presence/extent/ownership of any easements or less than fee simple ownership limitations; any liens or other encumbrances on the property; etc.</p>	<p>Establish final commitment date and develop method of determining specific reuse of committed properties.</p>	<p>Staff supports. The GIS Department maintains the list of lands and assigns a "type" of land designation.</p>
<p>In addition to the potential uses we have noted all of the properties listed, as well as many that we eliminated for consideration, have the potential to support community gardens (small gardens cultivated by a neighborhood association or other not for-profit organization; providing the local community or neighborhood access to fresh produce, plants and green space while contributing to neighborhood improvement and a sense of community) and solar photovoltaic collection arrays, both uses consistent with the Board's stated objective of reducing greenhouse gases and promoting a greener community.</p>	<p>Include among criteria applied in determining potential uses of these properties an analysis of the "highest and best use."</p>	<p>Staff supports. County engineers are involved in all land acquisitions of the County; therefore, a use/condition determination for each parcel should be readily available.</p>