

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income					
In-Kind Match (County)					
NET FISCAL IMPACT					

# ADDITIONAL FTE POSITIONS (Cumulative)					
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Is Item Included In Current Budget? Yes ___ No ___
 Budget Account No.:

Fund ___ Unit ___ Org ___ Object ___ Program Code/Period BG ___-GY

B. Recommended Sources of Funds/Summary of Fiscal Impact:
 Source:


No fiscal impact

C. Departmental Fiscal Review:


 Shairette Major, Fiscal Manager I

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:


 OEMB ~~8/11/09~~ 11/8/09 CN 11/6/09

N/A
 Contract Development and Control

B. Legal Sufficiency:


 Assistant County Attorney 11/9/09

C. Other Department Review:

 Department Director

Background and Justification (Continuation from Page 1):

Florida Statutes 420.9076(4) requires SHIP jurisdictions to amend its Local Housing Assistance Plan (LHAP) to include a prescribed list of "Local Housing Incentive Strategies" which have been discussed and recommended by the local Affordable Housing Advisory Committee. The County's Commission on Affordable Housing has developed a list of recommended local housing incentive strategies for the BCC to consider which includes: expedited permitting; impact fee modifications; density flexibility; reservation of infrastructure; accessory dwelling units; parking and setback reductions; flexible lot configurations; modification of street requirements; ongoing policy oversight; develop land bank inventory; and development near transportation hubs. These recommendations were developed and discussed by the County's Commission on Affordable Housing (CAH). The CAH held ten (10) publicly noticed meetings from which they received input from the public and County Staff. These recommendations were then submitted to the Board of County Commissioners (BCC) on December 16, 2008 as a "Receive and File". Florida Statutes 420.9076(6) now requires the BCC to adopt an amendment to its LHAP to incorporate the local housing incentive strategies it will implement within its local SHIP jurisdiction.

**County of Palm Beach
Affordable Housing Advisory Committee
2008 Incentive Review and Recommendation Report**

I. Background Information:

In accordance with Florida Statutes 420.9076, SHIP jurisdictions are required to establish/re-establish Affordable Housing Advisory Committees and to select at least eleven (11) members from specific housing related fields to serve on that committee. Florida Statute 420.9076 also requires a triennial review of certain incentive items by the CAH Advisory Board. The CAH Advisory Board must review the incentives and make recommendations to the Board of County Commissioners on the incentive items. As a result, Palm Beach County modified the composition of its Commission on Affordable Housing (CAH) Advisory Board and increased its membership from nine (9) at-large members to thirteen (13) at-large members. The Commission on Affordable Housing Advisory Board members serve three (3) year terms. The primary objective of the Commission on Affordable Housing Advisory Board is to make program and funding recommendations to the Board of County Commissioners for its Local Housing Assistance Plan (LHAP).

On Thursday June 26, 2008, Palm Beach County's Commission on Affordable Housing Advisory Board began its discussion on the local and state mandated roles and responsibilities for Affordable Housing Advisory Committees. The Affordable Housing Manager for Palm Beach County led the discussion on the local requirements and Michael Chaney, Technical Advisor from the Florida Housing Coalition led the discussion on the state mandated requirements.

On Wednesday, July 30, 2008, the County's Planning, Zoning and Building Department and the County's Impact Fee Coordinator attended the Regular CAH Public Meeting to discuss current programs/incentives that Palm Beach County currently offer, in relation to the statute incentives. The Planning, Zoning and Building Department discussed changes to the Unified Land Development Code for the following Workforce Housing Incentives: Bonus Density, Density Bonus Development Options, Traffic Mitigation, Traffic Concurrency Hall Pass, Expedited Review and a variety of ways to meet the workforce housing obligation. There was a great deal of discussion regarding expedited permitting models from other cities (*i.e. Austin, Texas*) and how other communities are applying Impact Fee reductions and waivers.

The County's Impact Fee Coordinator discussed the County's current position on Impact Fees. He concluded by saying that impact fees are generated on affordable housing development and those fees need to be paid. He further stated that there have been a number of meetings and conversations on impact fees and it may be beneficial that we invite someone from County Administration to our discussions.

On Thursday, August 28, 2008, the County Attorney's Office attended our Regular CAH Public Meeting to discuss ethics for Advisory Boards. Following this meeting the Assistant County Attorney provided our Advisory Board and County Staff with the County's current position on Impact Fee waivers.

On Thursday, September 25, 2008, information was provided by the County's Building Division Director, Deputy County Administrator, Assistant County Administrator and the Zoning Division Principal Site Planner who discussed the codified provisions for expedited permitting. Deputy County Administrator stated that building designers could obtain pre-application information in order to identify pitfalls and gain suggestions for approval prior to submitting applications.

In addition, Planning, Zoning and Building Executive Director provided for review an overview of the current process that existed to expedite workforce housing applications. The information provided stated that the ordinance already calls for some forms of expedited permitting, *i.e.* building permit submittal with platting under certain circumstances, etc. In addition, the DRO which reviews most projects has all review agencies in attendance and part of the review process. That is a simple and

expeditious process to keep everyone informed of the review and to solve problems that occur.

Additionally, Public Meetings were held on September 19th, September 25th, October 3rd, October 23rd (*Public Hearing*), November 14th and November 20th. The recommendations were brought before Palm Beach County's Board of County Commissioners on Tuesday, December 16, 2008 for review.

II. Public Hearing:

A Public Hearing was conducted on Thursday, October 23, 2008 at 10:00am. During the Public Hearing all items were discussed with the general public and input was received. A copy of the sign-in sheet is attached.

III. Incentives & Recommendations:

- A. **Incentive:** 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.

Review Synopsis:

Along with County Staff and the public, the CAH Advisory Board discussed each topic. The Advisory Board spent a good deal of time reviewing the current process and speaking with the Planning Zoning & Building Department and Developers.

Recommendation:

The CAH Advisory Board recommends the following:

1. Palm Beach County should designate a "point person" that would be responsible for walking the files through the permitting process and resolve issues that are causing delays in the permitting process.
2. The person designated could already be a Planning, Zoning and Building Department (PZ&B) employee, preferably it would be someone who understands the process and has an ability to work with County Staff, the developer and the community.
3. A special color coded "Priority Housing Form" should be used for all Affordable Housing projects. The color coded form would alert PZ&B that the project being submitted is an Affordable Housing project.
4. The "point person" will be required to present monthly reports to the Commission on Affordable Housing Advisory Board for review, discussion and some recommendation on how to work with the developer and/or the applicable department or agency.

Board Action:

- B. **Incentive:** THE MODIFICATION OF IMPACT-FEE REQUIREMENTS, INCLUDING REDUCTION OR WAIVER OF FEES AND ALTERNATIVE METHODS OF FEE PAYMENT FOR AFFORDABLE HOUSING.

Review Synopsis: In communications with County Attorney's Office, the CAH Advisory Board acknowledges the County's position that impact fees can't be waived unless there is a funding source to pay for those fees. In an email from the County Attorney's Office on October 2, 2008, it confirmed that a current *Attorney General's Opinion* exists that says, "interest earned from impact fee revenues can be used to pay for affordable housing waivers (AGO 94-39)." This is consistent with the view that Impact Fee's can be discounted or waived as long as there are funds from another source to repay it.

Recommendation: The CAH Advisory Board recommends the following:

1. Palm Beach County should create a process by which impact fee relief can be provided. It is further understood that the State discourages the use of State Housing Initiative Partnership (SHIP) Program funds for the payment of Impact Fees.
2. It is recommended that the interest earned on the Impact Fees be deposited into the Robert E. Pinchuck Memorial Housing Trust Fund to support affordable housing programs/projects.
3. It is recommended that the funds that become available as a result of developers choosing to Buy-Out / Opt Out under the Mandatory Inclusionary Zoning Program, be deposited into the Robert E. Pinchuck Memorial Housing Trust Fund for affordable housing programs, with Impact Fee relief being one of the possible uses of those funds.
4. Palm Beach County should continue to look for additional funding that could be used to pay for Impact Fee relief on affordable housing projects.

Board Action:

C. Incentive: THE ALLOWANCE OF FLEXIBILITY IN DENSITIES FOR AFFORDABLE HOUSING.

Review Synopsis: The CAH Advisory Board discussed this incentive topic and decided that more discussion is needed in 2009. The CAH Advisory Board will establish a sub-committee that will develop formulas and incentives regarding affordable housing incentives.

Recommendation: The CAH Advisory Board recommends the following:

1. A person is designated by the Planning, Zoning and Building Department to work closely with Developers and any other necessary agency, to work through the issues on this incentive topic, as well as the incentive topics "D," "F," "G," "H" and "K."
2. The CAH Advisory Board (*or sub-committee*) could work with Planning, Zoning and Building Department (*or a PZ&B Advisory Board*) to recommend formulas and incentives that would allow for automatic increases in density (*i.e. if a developer provides various development concessions within their project, they would **automatically** be granted increased density*).

Board Action:

D. Incentive: THE RESERVATION OF INFRASTRUCTURE CAPACITY FOR HOUSING FOR VERY-LOW INCOME PERSONS, LOW-INCOME PERSONS, AND MODERATE-INCOME PERSONS.

Review Synopsis: The CAH Advisory Board discussed this incentive topic and decided that more discussion is needed in 2009. The CAH Advisory Board will establish a sub-committee that will develop strategies for the reservation of infrastructure capacity for affordable housing.

Recommendation: The CAH Advisory Board recommends the following:

1. A person is designated by the Planning, Zoning and Building Department to work closely with Developers and any other necessary agency, to work through the issues on this incentive topic, as well as the incentive topics "C," "F," "G," "H" and "K."
2. The CAH Advisory Board (*or sub-committee*) could work with Planning, Zoning and Building Department (*or a PZ&B Advisory Board*) to recommend formulas and incentives that would allow for an automatic reservation of infrastructure capacity (*i.e. if a developer provides various development concessions within their project, they would **automatically** be granted a reservation of infrastructure capacity*).

Board Action:

- E. Incentive: THE ALLOWANCE OF AFFORDABLE ACCESSORY RESIDENTIAL UNITS IN RESIDENTIAL ZONING DISTRICTS.**

Review Synopsis: The CAH Advisory Board discussed this incentive topic and the current policy. After discussion with the Planning Zoning & Building Department, it was decided that the current policy was sufficient.

Recommendation: CAH Advisory Board is in favor of the current Planning, Zoning and Building Department policy, which allows accessory residential units.

Board Action: No Board action necessary for this incentive item.

- F. Incentive: THE REDUCTION OF PARKING AND SETBACK REQUIREMENTS FOR AFFORDABLE HOUSING.**

Review Synopsis: The CAH Advisory Board discussed this incentive topic and decided that more discussion is needed in 2009. The CAH Advisory Board will establish a sub-committee that will develop formulas and incentives regarding affordable housing incentives.

Recommendation: The CAH Advisory Board recommends the following:

1. A person is designated by the Planning, Zoning and Building Department to work closely with Developers and any other necessary agency, to work through the issues on this incentive topic, as well as the incentive topics "C," "D," "G," "H" and "K."
2. The CAH Advisory Board (*or sub-committee*) could work with Planning, Zoning and Building Department (*or a PZ&B Advisory Board*) to recommend formulas and incentives that would allow for an automatic parking and set back reduction (*i.e. if a developer provides various development amenities within their project, they would **automatically** be granted a parking and set back reduction*).

Board Action:

- G. Incentive: THE ALLOWANCE OF FLEXIBLE LOT CONFIGURATIONS, INCLUDING ZERO-LOT-LINE CONFIGURATIONS FOR AFFORDABLE HOUSING.**

Review Synopsis: The CAH Advisory Board discussed this incentive topic and decided that more discussion is needed in 2009. The CAH Advisory Board will establish a sub-committee that will develop formulas and strategies for permitting alternative lot configurations.

Recommendation: The CAH Advisory Board recommends the following:

1. A person is designated by the Planning, Zoning and Building Department to work closely with Developers and any other necessary agency, to work through the issues on this incentive topic, as well as the incentive topics "C," "D," "F," "H" and "K."
2. The CAH Advisory Board (*or sub-committee*) could work with Planning, Zoning and Building Department (*or a PZ&B Advisory Board*) to recommend formulas and incentives that would allow for an automatic allowance for flexible lot configurations (*i.e. if a developer provides various development*

concessions within their project, they would automatically be granted an allowance for flexible lot configurations).

Board Action:

- H. **Incentive:** THE MODIFICATION OF STREET REQUIREMENTS FOR AFFORDABLE HOUSING.

Review Synopsis: The CAH Advisory Board discussed this incentive topic and decided that more discussion is needed in 2009. The CAH Advisory Board will establish a sub-committee that will develop formulas and strategies for alternative street requirements.

Recommendation: The CAH Advisory Board recommends the following:

1. A person is designated by the Planning, Zoning and Building Department to work closely with Developers and any other necessary agency, to work through the issues on this incentive topic, as well as the incentive topics "C," "D," "F," "G" and "K."
2. The CAH Advisory Board (*or sub-committee*) could work with Planning, Zoning and Building Department (*or a PZ&B Advisory Board*) to recommend formulas and incentives that would allow for automatic modification of street requirements (*i.e. if a developer provides various development concessions within their project, they would automatically be granted a modification of street requirements*).

Board Action:

- I. **Incentive:** THE ESTABLISHMENT OF A PROCESS BY WHICH A LOCAL GOVERNMENT CONSIDERS, BEFORE ADOPTION, POLICIES, PROCEDURES, ORDINANCES, REGULATIONS, OR PLAN PROVISIONS THAT INCREASE THE COST OF HOUSING.

Review Synopsis: The CAH Advisory Board discussed this incentive topic and presented two options to County Administration. The first option was to add an additional section to the 2nd page of all County Agenda Items that state: "Fiscal Impact on Affordable Housing in the County." The second option was to ask the County Administrator to send a memo to all County Offices and Departments requiring them to send a copy of every Agenda Item Summary (AIS) that has a positive or negative impact on affordable housing to CAH, prior to it going before the Board County Commissioners.

Recommendation: The CAH Advisory Board recommends the following:

1. The County Administrator will review all Agenda Items and determine whether the item has positive and/or negative fiscal impact on affordable housing. If so, those Agenda Items will be forwarded to the Commission on Affordable Housing.

Board Action:

- J. **Incentive:** THE PREPARATION OF A PRINTED INVENTORY OF LOCALLY OWNED PUBLIC LANDS SUITABLE FOR AFFORDABLE HOUSING.

Review Synopsis: The CAH Advisory Board discussed this incentive topic and the current policy. This request had already been completed and fulfilled by Palm Beach County.

Recommendation: The printed inventory has already been completed, received and accepted by the Board of County Commissioners on September 9, 2008.

Board Action: No further BCC action required for this item.

K. Incentive: THE SUPPORT OF DEVELOPMENT NEAR TRANSPORTATION HUBS AND MAJOR EMPLOYMENT CENTERS AND MIXED USE DEVELOPMENTS.

Review Synopsis: The CAH Advisory Board discussed this incentive topic and decided that more discussion is needed in 2009. The CAH Advisory Board will establish a sub-committee that will develop formulas and incentives for affordable housing development in or near transportation hubs, employment centers and mixed unit developments.

Recommendation: The CAH Advisory Board recommends the following:

1. A person is designated by the Planning, Zoning and Building Department to work closely with Developers and any other necessary agency, to work through the issues on this incentive topic, as well as the incentive topics "C," "D," "F," "G" and "H."
2. The CAH Advisory Board (*or sub-committee*) could work with Planning, Zoning and Building Department (*or a PZ&B Advisory Board*) to recommend formulas and incentives that would allow for automatic support of development near transportation hubs and major employment centers and mixed use developments (*i.e. if a developer provides various development concessions within their project, they would **automatically** be granted some sort of support for their development project*).

Board Action:

IV. Additional Recommendations:

In addition to the information listed above the Commission on Affordable Housing Advisory Board also offers the following recommendations:

1. Create and/or establish a Countywide Affordable Housing Policy and Procedure Manual (PPM).
2. A review of the County codes for modifications that would benefit affordable housing projects.
3. Modify the County Policy and Procedure governing the Commission on Affordable Housing to include reviewing/recommending/monitoring the County's Affordable Housing Incentives.
4. A request that the Board of County Commissioners provide clarification within the Inclusionary Zoning Ordinance, that all Buy-Out / Opt Out funds, be deposited into the Robert E. Pinchuck Memorial Housing Trust Fund for affordable housing programs (*with impact fee relief being one of the possible uses of those funds*).

V. Board/Council Consideration:

VI. Attachments:

AHAC Membership Adopting Resolution
Public Hearing Advertisement
Resolution to adopt Incentives or Board action
Resolution to amend LHAP (if applicable)

ATTACHMENT 2

420.9076 Adoption of affordable housing incentive strategies and committees.

(1) Each county or eligible municipality participating in the State Housing Initiatives Partnership Program, including a municipality receiving program funds through the county, or an eligible municipality must, within 12 months after the original adoption of the local housing assistance plan, amend the plan to include local housing incentive strategies as defined in s. 420.9071(16).

(2) The governing board of a county or municipality shall appoint the members of the affordable housing advisory committee by resolution. Pursuant to the terms of any interlocal agreement, a county and municipality may create and jointly appoint an advisory committee to prepare a joint plan. The ordinance adopted pursuant to s. 420.9072 which creates the advisory committee or the resolution appointing the advisory committee members must provide for 11 committee members and their terms. The committee must include:

(a) One citizen who is actively engaged in the residential home building industry in connection with affordable housing.

(b) One citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.

(c) One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.

(d) One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.

(e) One citizen who is actively engaged as a for-profit provider of affordable housing.

(f) One citizen who is actively engaged as a not-for-profit provider of affordable housing.

(g) One citizen who is actively engaged as a real estate professional in connection with affordable housing.

(h) One citizen who actively serves on the local planning agency pursuant to s. 163.3174.

(i) One citizen who resides within the jurisdiction of the local governing body making the appointments.

(j) One citizen who represents employers within the jurisdiction.

(k) One citizen who represents essential services personnel, as defined in the local housing assistance plan.

If a county or eligible municipality whether due to its small size, the presence of a conflict of interest by prospective appointees, or other reasonable factor, is unable to appoint a citizen actively engaged in these activities in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed. Local governments that receive the minimum allocation under the State Housing Initiatives Partnership Program may elect to appoint an affordable housing advisory committee with fewer than 11 representatives if they are unable to find representatives¹ who meet the criteria of paragraphs (a)-(k).

(3) All meetings of the advisory committee are public meetings, and all committee records are public records. Staff, administrative, and facility support to the advisory committee shall be provided by the appointing county or eligible municipality.

(4) Triennially, the advisory committee shall review the established policies and procedures, ordinances, land development regulations, and 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. At a minimum, each advisory committee shall submit a report to the local governing body that includes recommendations on, and triennially thereafter evaluates the implementation of, affordable housing incentives in the following areas:

- (a) 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.
- (b) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.
- (c) The allowance of flexibility in densities for affordable housing.
- (d) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.
- (e) The allowance of affordable accessory residential units in residential zoning districts.
- (f) The reduction of parking and setback requirements for affordable housing.
- (g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.
- (h) The modification of street requirements for affordable housing.
- (i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
- (j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
- (k) The support of development near transportation hubs and major employment centers and mixed-use developments.

The advisory committee recommendations may also include other affordable housing incentives identified by the advisory committee. Local governments that receive the minimum allocation under the State Housing Initiatives Partnership Program shall perform the initial review but may elect to not perform the triennial review.

(5) The approval by 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 membership of the advisory committee taken at a public hearing. Notice of the time, date, and place of the public hearing of the advisory committee to adopt final local housing incentive strategies recommendations must be published in a newspaper of general paid circulation in the county. The notice must contain a short and concise summary of the local housing incentives strategies recommendations to be considered by the advisory committee. The notice must state the public place where a copy of the tentative advisory committee recommendations can be obtained by interested persons.

(6) Within 90 days after the date of receipt of the local housing incentive strategies recommendations from the advisory committee, the governing body of the appointing local government shall adopt an amendment to its local housing assistance plan to incorporate the local housing incentive strategies it will implement within its jurisdiction. The amendment must include, at a minimum, the local housing incentive strategies required under s.

420.9071(16). The local government must consider the strategies specified in paragraphs (4)(a)-(k) as recommended by the advisory committee.

(7) The governing board of the county or the eligible municipality shall notify the corporation by certified mail of its adoption of an amendment of its local housing assistance plan to incorporate local housing incentive strategies. The notice must include a copy of the approved amended plan.

(a) If the corporation fails to receive timely the approved amended local housing assistance plan to incorporate local housing incentive strategies, a notice of termination of its share of the local housing distribution shall be sent by certified mail by the corporation to the affected county or eligible municipality. The notice of termination must specify a date of termination of the funding if the affected county or eligible municipality has not adopted an amended local housing assistance plan to incorporate local housing incentive strategies. If the county or the eligible municipality has not adopted an amended local housing assistance plan to incorporate local housing incentive strategies by the termination date specified in the notice of termination, the local distribution share terminates; and any uncommitted local distribution funds held by the affected county or eligible municipality in its local housing assistance trust fund shall be transferred to the Local Government Housing Trust Fund to the credit of the corporation to administer the local government housing program pursuant to s. 420.9078.

(b) If a county fails to timely adopt an amended local housing assistance plan to incorporate local housing incentive strategies but an eligible municipality receiving a local housing distribution pursuant to an interlocal agreement within the county does timely adopt an amended local housing assistance plan to incorporate local housing incentive strategies, the corporation, after receipt of a notice of termination, shall thereafter distribute directly to the participating eligible municipality its share calculated in the manner provided in s. 420.9072.

(c) Any county or eligible municipality whose local distribution share has been terminated may subsequently elect to receive directly its local distribution share by adopting an amended local housing assistance plan to incorporate local housing incentive strategies in the manner and according to the procedure provided in this section and by adopting an ordinance in the manner required in s. 420.9072.

(8) The advisory committee may perform other duties at the request of the local government, including:

(a) The provision of mentoring services to affordable housing partners including developers, banking institutions, employers, and others to identify available incentives, assist with applications for funding requests, and develop partnerships between various parties.

(b) The creation of best practices for the development of affordable housing in the community.

(9) 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.

Select Year:

The 2008 Florida Statutes

Title XXX
SOCIAL WELFARE

Chapter 420
HOUSING

[View Entire Chapter](#)

420.9071 Definitions.--As used in ss. 420.907-420.9079, the term:

(1) "Adjusted for family size" means adjusted in a manner that results in an income eligibility level that is lower for households having fewer than four people, or higher for households having more than four people, than the base income eligibility determined as provided in subsection (19), subsection (20), or subsection (28), based upon a formula established by the United States Department of Housing and Urban Development.

(2) "Affordable" means that monthly rents or monthly mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated in subsection (19), subsection (20), or subsection (28). However, it is not the intent to limit an individual household's ability to devote more than 30 percent of its income for housing, and housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark.

(3) "Affordable housing advisory committee" means the committee appointed by the governing body of a county or eligible municipality for the purpose of recommending specific initiatives and incentives to encourage or facilitate affordable housing as provided in s. 420.9076.

(4) "Annual gross income" means annual income as defined under the Section 8 housing assistance payments programs in 24 C.F.R. part 5; annual income as reported under the census long form for the recent available decennial census; or adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 for individual federal annual income tax purposes. Counties and eligible municipalities shall calculate income by annualizing verified sources of income for the household as the amount of income to be received in a household during the 12 months following the effective date of the determination.

(5) "Award" means a loan, grant, or subsidy funded wholly or partially by the local housing assistance trust fund.

(6) "Community-based organization" means a nonprofit organization that has among its purposes the provision of affordable housing to persons who have special needs or have very low income, low income, or moderate income within a designated area, which may include a municipality, a county, or more than one municipality or county, and maintains, through a minimum of one-third representation on the

organization's governing board, accountability to housing program beneficiaries and residents of the designated area. A community housing development organization established pursuant to 24 C.F.R. part 92.2 and a community development corporation created pursuant to chapter 290 are examples of community-based organizations.

(7) "Corporation" means the Florida Housing Finance Corporation.

(8) "Eligible housing" means any real and personal property located within the county or the eligible municipality which is designed and intended for the primary purpose of providing decent, safe, and sanitary residential units that are designed to meet the standards of chapter 553 for home ownership or rental for eligible persons as designated by each county or eligible municipality participating in the State Housing Initiatives Partnership Program.

(9) "Eligible municipality" means a municipality that is eligible for federal community development block grant entitlement moneys as an entitlement community identified in 24 C.F.R. s. 570, subpart D, Entitlement Grants, or a nonentitlement municipality that is receiving local housing distribution funds under an interlocal agreement that provides for possession and administrative control of funds to be transferred to the nonentitlement municipality. An eligible municipality that defers its participation in community development block grants does not affect its eligibility for participation in the State Housing Initiatives Partnership Program.

(10) "Eligible person" or "eligible household" means one or more natural persons or a family determined by the county or eligible municipality to be of very low income, low income, or moderate income according to the income limits adjusted to family size published annually by the United States Department of Housing and Urban Development based upon the annual gross income of the household.

(11) "Eligible sponsor" means a person or a private or public for-profit or not-for-profit entity that applies for an award under the local housing assistance plan for the purpose of providing eligible housing for eligible persons.

(12) "Grant" means an award from the local housing assistance trust fund to an eligible sponsor or eligible person to partially assist in the construction, rehabilitation, or financing of eligible housing or to provide the cost of tenant or ownership qualifications without requirement for repayment as long as the condition of award is maintained.

(13) "Loan" means an award from the local housing assistance trust fund to an eligible sponsor or eligible person to partially finance the acquisition, construction, or rehabilitation of eligible housing with requirement for repayment or provision for forgiveness of repayment if the condition of the award is maintained.

(14) "Local housing assistance plan" means a concise description of the local housing assistance strategies and local housing incentive strategies adopted by local government resolution with an explanation of the way in which the program meets the requirements of ss. 420.907-420.9079 and corporation rule.

(15) "Local housing assistance strategies" means the housing construction, rehabilitation, repair, or finance program implemented by a participating county or eligible municipality with the local housing distribution or other funds deposited into the local housing assistance trust fund.

(16) "Local housing incentive strategies" means local regulatory reform or incentive programs to encourage or facilitate affordable housing production, which include at a minimum, assurance that permits as defined in s. 163.3164(7) and (8) for affordable housing projects are expedited to a greater degree than other projects; an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption; and a schedule for implementing the incentive strategies. Local housing incentive strategies may also include other regulatory reforms, such as those enumerated in s. 420.9076 and adopted by the local governing body.

(17) "Local housing distributions" means the proceeds of the taxes collected under chapter 201 deposited into the Local Government Housing Trust Fund and distributed to counties and eligible municipalities participating in the State Housing Initiatives Partnership Program pursuant to s. 420.9073.

(18) "Local housing partnership" means the implementation of the local housing assistance plan in a manner that involves the applicable county or eligible municipality, lending institutions, housing builders and developers, real estate professionals, advocates for low-income persons, community-based housing and service organizations, and providers of professional services relating to affordable housing. The term includes initiatives to provide support services for housing program beneficiaries such as training to prepare persons for the responsibility of homeownership, counseling of tenants, and the establishing of support services such as day care, health care, and transportation.

(19) "Low-income person" or "low-income household" means one or more natural persons or a family that has a total annual gross household income that does not exceed 80 percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the nonmetropolitan median for the state, whichever amount is greatest. With respect to rental units, the low-income household's annual income at the time of initial occupancy may not exceed 80 percent of the area's median income adjusted for family size. While occupying the rental unit, a low-income household's annual income may increase to an amount not to exceed 140 percent of 80 percent of the area's median income adjusted for family size.

(20) "Moderate-income person" or "moderate-income household" means one or more natural persons or a family that has a total annual gross household income that does not exceed 120 percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the nonmetropolitan median for the state, whichever is greatest. With respect to rental units, the moderate-income household's annual income at the time of initial occupancy may not exceed 120 percent of the area's median income adjusted for family size. While occupying the rental unit, a moderate-income household's annual income may increase to an amount not to exceed 140 percent of 120 percent of the area's median income adjusted for family size.

(21) "Personal property" means major appliances, including a freestanding refrigerator or stove, to be identified on the encumbering documents.



REC'D JAN 13 2009

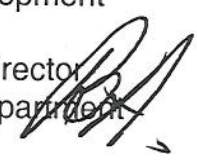
**Department of Planning,
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Building Division 233-5100
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MEMORANDUM

TO: Edward Lowery, Director
Housing and Community Development

FROM: Barbara Alterman, Executive Director
Planning, Zoning & Building Department 

DATE: January 12, 2009

RE: CAH January 27, 2009 Workshop

**Palm Beach County
Board of County
Commissioners**

- Jeff Koons, Chairman
- Burt Aaronson, Vice Chairman
- Karen T. Marcus
- Shelley Vana
- Mary McCarty
- Jess R. Santamaria
- Addie L. Greene

County Administrator

Robert Weisman



"An Equal Opportunity
Affirmative Action Employer"

At this workshop, I understand that you will be bringing the recommendations of the Affordable Housing Incentive Report for discussion. Many of the recommendations involve ULDC provisions that are already in place under the Workforce Housing ordinance.

County Administration and Planning staff met with members of the housing industry and have agreed that the ULDC needs to be amended to provide a track for affordable housing that may be similar or vary slightly from the existing workforce housing provisions.

Assuming that the BCC agrees with this concept, planning and zoning staff will be meeting with the affordable housing representatives and proposing ULDC changes to achieve this goal. If you would like to have a member of the CAH participate in these meetings, I think that we can accomplish the goals of both departments, without duplicating efforts. Since the end result of both departments would be ULDC changes, I believe that the existing zoning processes would be the most expedient method to get this done.

I would also encourage discussion with other non-PZB Departments on relevant topics.

I look forward to working with you on this important goal.

- c: Verdenia Baker
- Shannon Larouque
- George Webb
- Bevin Beaudet
- John MacGillis
- Patrick Rutter