

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

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|                      |                     |                                    |  |
|----------------------|---------------------|------------------------------------|--|
| <b>Meeting Date:</b> | <b>May 16, 2017</b> | <input type="checkbox"/> Consent   | <input type="checkbox"/> Regular                   |
|                      |                     | <input type="checkbox"/> Ordinance | <input checked="" type="checkbox"/> Public Hearing |

**Submitted By:** Department of Economic Sustainability

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**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing Chapter 14, Article V, codifying Ordinance No. 93-8, as amended, "The Palm Beach County Affordable Housing Ordinance;" and adopting a new Affordable Housing Ordinance; providing for title; providing for authority; providing for applicability; providing for policy and purpose of the Local Housing Assistance Program; providing for definitions; providing for the creation of the Local Housing Assistance Trust Fund named the Robert Pinchuck Memorial Affordable Housing Trust Fund; providing for the creation of the Commission on Affordable Housing; providing for the establishment of the Local Housing Assistance Plan; providing for the establishment of the Local Housing Partnership; designating responsibility for the implementation and administration of the Local Housing Assistance Plan; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; providing for enforcement; providing for penalties; providing for captions; and providing for an effective date.

**Summary:** The Board of County Commissioners (BCC) last adopted the Affordable Housing Ordinance (Ordinance No. 93-8) on May 18, 1993, and amended it in July 22, 2008 (Ordinance No. 2008-018). Due to the substantive changes made to the Ordinance required to bring it into compliance with Florida Statutes, County Resolutions and the Local Housing Assistance Plan (LHAP), repealing and replacing the Affordable Housing Ordinance in its entirety is more efficient than amending it. The original Ordinance, as amended, included specific language recited from relevant Florida Statutes as well as the Consolidated Plan and the LHAP as they were written at the time. Staff updated the Affordable Housing Ordinance and streamlined its provisions. This process included making reference to various relevant Florida Statutes, the Consolidated Plan, applicable Resolutions, and the LHAP instead of reciting content from therein. Additionally, terms and definitions were updated or removed if not referenced in the Ordinance. On April 4, 2017, the BCC held a preliminary reading on this Ordinance and authorized advertising for a public hearing. Countywide (JB)

**Background and Policy Issues:** The William E. Sadowski Affordable Housing Act, now part of Florida Statutes Chapter 420, was signed into law on July 7, 1992. This legislation establishes a dedicated revenue source for affordable housing which will, in part, be distributed by the State to various local governments through the State Housing Initiative Partnership Program. Counties, in order to qualify for its distribution of funds, must adopt an affordable housing ordinance which contains the following specific provisions: the creation of the affordable housing trust fund, establishment of a local housing assistance program, designation of the responsibility for the implementation and administration of the local housing assistance program and the creation of the affordable housing advisory committee. This Ordinance provides for the statutory requirements of the William E. Sadowski Affordable Housing Act.

**Attachment(s):**

1. Affordable Housing Ordinance

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|                        |                                |         |
|------------------------|--------------------------------|---------|
| <b>Recommended By:</b> | <i>[Signature]</i>             | 4-20-17 |
|                        | Department Director            | Date    |
| <b>Approved By:</b>    | <i>[Signature]</i>             | 5/3/17  |
|                        | Assistant County Administrator | Date    |

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

| Fiscal Years           | 2017 | 2018 | 2019 | 2020 | 2021 |
|------------------------|------|------|------|------|------|
| Capital Expenditures   |      |      |      |      |      |
| Operating Costs        |      |      |      |      |      |
| External Revenues      |      |      |      |      |      |
| Program Income         |      |      |      |      |      |
| In-Kind Match (County) |      |      |      |      |      |
| NET FISCAL IMPACT *    | 0    |      |      |      |      |

|   |  |  |  |  |  |
|---|--|--|--|--|--|
| # ADDITIONAL FTE POSITIONS (Cumulative) |  |  |  |  |  |
|---|--|--|--|--|--|

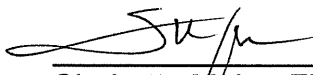
Is Item Included In Current Budget? Yes  No   
 Budget Account No.:

Fund  Dept  Unit  Object  Program Code/Period

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

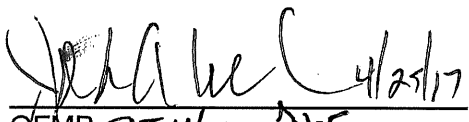

\* No Fiscal Impact

**C. Departmental Fiscal Review:**

  
 \_\_\_\_\_  
 Shairette Major, Fiscal Manager II

**III. REVIEW COMMENTS**

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

|  |  |
|--|--|
| <br>_____<br>OFMB ET 4/21 m2/15 | <br>_____<br>Contract Development and Control<br>5/24/17 |
|--|--|

**B. Legal Sufficiency:**

  
 \_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

ORDINANCE NO. 20\_\_\_\_-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING CHAPTER 14, ARTICLE V, CODIFYING ORDINANCE NO. 93-8, AS AMENDED, "THE PALM BEACH COUNTY AFFORDABLE HOUSING ORDINANCE;" AND ADOPTING A NEW AFFORDABLE HOUSING ORDINANCE; PROVIDING FOR TITLE; PROVIDING FOR AUTHORITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR POLICY AND PURPOSE OF THE LOCAL HOUSING ASSISTANCE PROGRAM; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE CREATION OF THE LOCAL HOUSING ASSISTANCE TRUST FUND NAMED THE ROBERT PINCHUCK MEMORIAL AFFORDABLE HOUSING TRUST FUND; PROVIDING FOR THE CREATION OF THE COMMISSION ON AFFORDABLE HOUSING; PROVIDING FOR THE ESTABLISHMENT OF THE LOCAL HOUSING ASSISTANCE PLAN; PROVIDING FOR THE ESTABLISHMENT OF THE LOCAL HOUSING PARTNERSHIP; DESIGNATING RESPONSIBILITY FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE LOCAL HOUSING ASSISTANCE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

1           **WHEREAS**, Palm Beach County has a commitment to preserve and create safe, sanitary  
2 and affordable housing for all its citizens; and

3           **WHEREAS**, there exists in Palm Beach County a shortage of safe and sanitary residential  
4 housing available at affordable prices to very low income families; and

5           **WHEREAS**, private enterprise and investment in Palm Beach County have not been able  
6 to produce, without assistance, the needed construction and rehabilitation of safe and sanitary  
7 residential housing at low prices or rents which very low and low income families can afford; and

8           **WHEREAS**, this problem has reached greater proportions due to federal budget cuts of  
9 past years in area of federal housing assistance; and

10           **WHEREAS**, it is the goal of Palm Beach County to facilitate the provision of an adequate  
11 supply of safe, sanitary and affordable housing to meet the needs of the County's residents, with  
12 special attention to the needs of very low and low income households; and

13           **WHEREAS**, the Palm Beach County Comprehensive Plan, Housing Element, requires the  
14 establishment of the Commission on Affordable Housing with prescribed duties and Affordable  
15 Housing Trust Fund; and

1           **WHEREAS**, Florida Statute §420.9072, requires a county, in order to receive its share of  
2 the local housing distribution under the State Housing Initiatives Partnership Program (SHIP), to  
3 adopt an ordinance containing the following provisions:

- 4           1. Creation of an affordable housing assistance trust fund;
- 5           2. Establishment of a local housing assistance program to be implemented by a local  
6           housing partnership;
- 7           3. Designation of the responsibility for the implementation and administration of the local  
8           housing assistance program;
- 9           4. Creation of the affordable housing advisory committee, and

10           **WHEREAS**, due to the substantial procedural and substantive changes made to this  
11 ordinance, since it was last amended in July 2008, it is more efficient and in the best interest of the  
12 Board of County Commissioners to repeal and replace the Affordable Housing Ordinance in its  
13 entirety.

14           **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
15 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

16           **Section 1. Short Title: Applicability.**

17           This article shall be known and cited as the Palm Beach County Affordable Housing  
18 Ordinance. This Article shall be applicable within the unincorporated areas of Palm Beach County,  
19 and in all municipalities that have not adopted an ordinance in conflict herewith.

20           **Section 2. Authority.**

21           This article is adopted pursuant to the authority granted to charter counties under Article  
22 VIII, Section 1(g) of the Florida Constitution, Chapter 125, Florida Statutes and Article 1 of the  
23 Palm Beach County Home Rule Charter

24           **Section 3. Policy and Purpose.**

25           It is the policy of the Board of County Commissioners and the purpose of this article to:  
26           (a) Provide the necessary means to alleviate housing cost burden and help meet the county's  
27           needs with respect to affordable housing.  
28           (b) Recognize that decent, safe, affordable, appropriate and sanitary housing is directly linked  
29           to a healthy economy and healthy families and meaningful environmental program as well  
30           as to other government functions such as education, criminal justice, and social services.

- 1 (c) Invest in the preservation and revitalization of our neighborhoods, the development of  
2 healthy, safe and viable sustainable communities, and the security of having a quality  
3 environment which allows individuals and families to live within the community.
- 4 (d) Further the framework begun in the county's comprehensive plan housing element, which  
5 establishes county housing policy to address the current and future housing needs of the  
6 residents of the county.
- 7 (e) Increase the availability of affordable housing units by combining local resources and cost-  
8 saving measures into a local housing partnership and using private and public funds to  
9 reduce the cost of housing.
- 10 (f) Promote leveraging of public and private monies to provide affordable housing to eligible  
11 persons.
- 12 (g) Aid in achieving the intent of the local housing assistance program (LHAP) while providing  
13 for:
- 14 (1) Protection of natural resources;
- 15 (2) Enhancement of the viability of public transit, pedestrian circulation, and  
16 nonmotorized modes of transportation;
- 17 (3) Community development and economic growth; and,
- 18 (4) A strong sense of community through increased social and economic integration.

19 **Section 4. Definitions.**

20 As used in this article, unless the context otherwise indicates:

- 21 (a) *Adjusted gross income* means all wages, assets, regular cash or noncash contributions or  
22 gifts from persons outside the household, and such other resources and benefits as may be  
23 determined to be income by the United States Department of Housing and Urban  
24 Development, adjusted for family size, less deductions allowable under Section 62 of the  
25 Internal Revenue Code.
- 26 (b) *Administrative expenses* means those expenses directly related to implementation of the  
27 local housing assistance plan and local housing assistance program and shall not include  
28 the reimbursement of costs which were previously borne by another funding source which  
29 could continue to be available at the time the local housing assistance plan is submitted.
- 30 (c) *Affordable* means that monthly rents or monthly mortgage payments including taxes and  
31 insurance do not exceed 30 percent of that amount which represents the percentage of the  
32 median annual gross income for the households as indicated in subsection (19), subsection

1 (20), or subsection (28) of Section 420.9071, Florida Statutes. However, it is not the intent  
2 to limit an individual household's ability to devote more than 30 percent of its income for  
3 housing, and housing for which a household devotes more than 30 percent of its income  
4 shall be deemed affordable if the first institutional mortgage lender is satisfied that the  
5 household can afford mortgage payments in excess of the 30 percent benchmark.

6 (d) *Board* means Board of County Commissioners of Palm Beach County, Florida.

7 (e) *CAH* means Commission on Affordable Housing, an advisory board appointed by the  
8 Board of County Commissioners.

9 (f) *Community-based organization* means a nonprofit organization that has among its  
10 purposes the provision of affordable housing to persons who have special needs or have  
11 very low income, low income, or moderate income within a designated area, which may  
12 include a municipality, a county, or more than one municipality or county, and maintains,  
13 through a minimum of one-third representation on the organization's governing board,  
14 accountability to housing program beneficiaries and residents of the designated area. A  
15 community housing development organization established pursuant to 24 C.F.R., Section  
16 92.2 and a community development corporation created pursuant to Chapter 290, Florida  
17 Statutes are examples of community-based organizations.

18 (g) *DES* means the Palm Beach County Department of Economic Sustainability.

19 (h) *Eligible municipality* means a municipality that is eligible for federal community  
20 development block grants as an entitlement community identified in 24 C.F.R., Section  
21 570, Subpart D, Entitlement Grants, or a nonentitlement municipality that is receiving local  
22 housing distribution funds under an interlocal agreement that provides for possession and  
23 administrative control of funds to be transferred to the nonentitlement municipality. An  
24 eligible municipality that defers its participation in community development block grants  
25 does not affect its eligibility for participation in the State Housing Initiatives Partnership  
26 Program.

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

- 1 (j) *Eligible sponsor* means a person or a private or public for-profit or not-for-profit entity that  
2 applies for an award under the local housing assistance plan for the purpose of providing  
3 eligible housing for eligible persons.
- 4 (k) *Fund* means the Robert Pinchuck Memorial Affordable Housing Trust Fund.
- 5 (l) *HOME Program* means the United States Department of Housing and Urban Development  
6 Program created under title II of the National Affordable Housing Act (the Home  
7 Investment Partnership).
- 8 (m) *Local Housing Assistance Plan (LHAP)* means a concise description of the local housing  
9 assistance strategies and local housing incentive strategies adopted by local government  
10 resolution with an explanation of the way in which the program meets the requirements of  
11 Sections 420.907-420.9079, Florida Statutes and corporation rule.
- 12 (n) *Local housing assistance strategies* means the housing construction, rehabilitation, repair,  
13 or finance program implemented by a participating county or eligible municipality with the  
14 local housing distribution or other funds deposited into the local housing assistance trust  
15 fund.
- 16 (o) *Local housing distribution* means the proceeds of the taxes collected under Chapter 201,  
17 Florida Statutes, deposited into the local government housing trust and distributed to  
18 counties and eligible municipalities participating in the State Housing Initiatives  
19 Partnership Program pursuant to Section 420.9073, Florida Statutes, as may be amended.
- 20 (p) *Local housing incentive strategies* means local regulatory reform or incentive programs to  
21 encourage or facilitate affordable housing production, which include at a minimum,  
22 assurance that permits for affordable housing projects are expedited to a greater degree  
23 than other projects, as provided in Section 163.3177(6)(f)3, Florida Statutes; an ongoing  
24 process for review of local policies, ordinances, regulations, and plan provisions that  
25 increase the cost of housing prior to their adoption; and a schedule for implementing the  
26 incentive strategies. Local housing incentive strategies may also include other regulatory  
27 reforms, such as those enumerated in Section 420.9076, Florida Statutes or those  
28 recommended by the affordable housing advisory committee in its triennial evaluation of  
29 the implementation of affordable housing incentives, and adopted by the local governing  
30 body.
- 31 (q) *Local housing partnership* means the implementation of the local housing assistance plan  
32 in a manner that involves the applicable county or eligible municipality, lending

1 institutions, housing builders and developers, real estate professionals, advocates for low-  
2 income persons, community-based housing and service organizations, and providers of  
3 professional services relating to affordable housing. The term includes initiatives to  
4 provide support services for housing program beneficiaries such as training to prepare  
5 persons for the responsibility of homeownership, counseling of tenants, and the  
6 establishing of support services such as day care, health care, and transportation.

7 (r) *Low-income persons* or “low-income household” means one or more natural persons or a  
8 family that has a total annual gross household income that does not exceed 80 percent of  
9 the median annual income adjusted for family size for households within the metropolitan  
10 statistical area, the county, or the nonmetropolitan median for the state, whichever amount  
11 is greatest. With respect to rental units, the low-income household’s annual income at the  
12 time of initial occupancy may not exceed 80 percent of the area’s median income adjusted  
13 for family size. While occupying the rental unit, a low-income household’s annual income  
14 may increase to an amount not to exceed 140 percent of 80 percent of the area’s median  
15 income adjusted for family size.

16 (s) *Moderate-income persons* or “moderate-income household”, pursuant to Section  
17 420.9071(20), Florida Statutes, as may be amended, means one or more natural persons or  
18 a family that has a total annual gross household income that does not exceed 120 percent  
19 of the median annual income adjusted for family size for households within the  
20 metropolitan statistical area, the county, or the nonmetropolitan median for the state,  
21 whichever is greatest. With respect to rental units, the moderate-income household’s  
22 annual income at the time of initial occupancy may not exceed 120 percent of the area’s  
23 median income adjusted for family size. While occupying the rental unit, a moderate-  
24 income household’s annual income may increase to an amount not to exceed 140 percent  
25 of 120 percent of the area’s median income adjusted for family size.

26 (t) *Persons with special needs* means an adult person requiring independent living services in  
27 order to maintain housing or develop independent living skills and who has a disabling  
28 condition as defined in Section 420.0004(7), Florida Statutes; a young adult formerly in  
29 foster care who is eligible for services under Section 409.1451(5) Florida Statutes; a  
30 survivor of domestic violence as defined in Section 741.28, Florida Statutes; or a person  
31 receiving benefits under the Social Security Disability Insurance (SSDI) program or the  
32 Supplemental Security Income (SSI) program or from veterans’ disability benefits.



1 (u) *SHIP* means State Housing Initiatives Partnership Program administered by the State of  
2 Florida.

3 (v) *Very-low-income persons* or “very-low-income household” means one or more natural  
4 persons or a family that has a total annual gross household income that does not exceed 50  
5 percent of the median annual income adjusted for family size for households within the  
6 metropolitan statistical area, the county, or the nonmetropolitan median for the state,  
7 whichever is greatest. With respect to rental units, the very-low-income household’s annual  
8 income at the time of initial occupancy may not exceed 50 percent of the area’s median  
9 income adjusted for family size. While occupying the rental unit, a very-low-income  
10 household’s annual income may increase to an amount not to exceed 140 percent of 50  
11 percent of the area’s median income adjusted for family size

12 **Section 5. Creation of the Robert Pinchuck Memorial Affordable Housing Trust Fund.**

13 (a) Establishment: There is hereby established a separate trust fund to be named the "Robert  
14 Pinchuck Memorial Affordable Housing Trust Fund." There shall be two (2) categories of  
15 funds maintained within the Fund—SHIP Program funds and other funds appropriated and  
16 designated by the board.

17 (b) General Provisions:

18 (1) Amounts on deposit in the Fund shall be invested in the State Board of Administration's  
19 local government surplus fund trust fund established pursuant to Chapter 218, Part IV,  
20 Florida Statutes. All investment earnings shall be retained in the Fund and used for the  
21 purposes thereof.

22 (2) Until utilized for the purposes thereof, SHIP Program monies in the Fund shall be held  
23 in trust by the County solely for use pursuant to the Local Housing Assistance Plan  
24 (LHAP), approved by the Board. All local housing assistance program income, including  
25 investment earnings, shall be retained in the fund and used for the purposes thereof.

26 (3) The County agrees that the Fund shall be separately stated as a special revenue fund in  
27 the county's audited financial statements. Copies of such audited financial statements  
28 shall be forwarded to the Florida Housing Finance Corporation as soon as such  
29 statements are available.

30 (c) SHIP Program Funds:

31 (1) All monies received from the state pursuant to the State Housing Initiative Partnership  
32 (SHIP) Act and any other funds received or budgeted to provide funding for the local

1 housing assistance plan shall be deposited into the affordable housing trust fund.  
2 Administration of the SHIP Program funds shall comply with rule 67-37.005, Florida  
3 Administrative Code, as may be amended, and shall be subject to the requirements of the  
4 SHIP Program contained in Section 420.9075(4), Florida Statutes, as may be amended.

5 (2) Expenditures other than for the administration and implementation of the Local Housing  
6 Assistance Plan (LHAP) shall not be made from SHIP Program funds and all expenditure  
7 of funds must be made to promote affordable housing in Palm Beach County.

8 (3) Monies from the Fund shall be used to increase the supply of safe, sanitary and affordable  
9 housing pursuant to Section 420.9075, Florida Statutes, as may be amended. The  
10 affordable housing trust fund may be used to provide assistance to eligible persons  
11 funded through strategies detailed in the Local Housing Assistance Plan (LHAP).

12 **Section 6. Creation of the Commission on Affordable Housing.**

13 (a) *Establishment*: The Commission on Affordable Housing is hereby created and established.

14 (b) *Affordable Housing Advisory Committee*: The Commission on Affordable Housing (CAH)  
15 shall serve as the affordable housing advisory committee required by Section 420.9076, Florida  
16 Statutes, shall serve as required by the county's comprehensive plan, housing element, and as  
17 required by Section 420.9076, Florida Statutes, as may be amended. The members of the  
18 advisory committee shall be appointed by resolution of the Board of County Commissioners.

19 (c) *Composition*: The CAH shall be comprised of citizens, all of whom shall be appointed by the  
20 Board of County Commissioners in accordance with Section 420.9076, Florida Statutes, as  
21 may be amended. All appointments are at large.

22 (d) *Conditions of Membership* shall be in accordance to Resolution 2013-0193 or as amended of  
23 which the current resolution shall govern:

24 (1) All members must be residents of the County at the time of appointment and while serving  
25 on the CAH.

26 (2) County employees, except commissioner aides, may not be appointed to the CAH.

27 (3) The term of membership shall be for three (3) years. A vacancy occurring during the term  
28 shall be filled for the unexpired term. No member can serve more than three consecutive  
29 terms.

30 (4) A member of the CAH shall be automatically removed for lack of attendance. Lack of  
31 attendance is defined as failure to attend at least three (3) consecutive or a failure to attend  
32 more than one-half (50%) of the meetings scheduled during a calendar year. Participation

- 1 for less than three-quarters of a meeting shall be the same as failure to attend a meeting.
- 2 Removals shall be entered into the minutes of the next regularly scheduled meeting of the
- 3 CAH. Members removed under this provision shall not continue to serve and such removal
- 4 shall create a vacancy. Furthermore, members removed may not be reconsidered for
- 5 membership on the CAH for at least one (1) year from the effective date of the removal.
- 6 (5) Members shall not be prohibited from qualifying as a candidate for elected office.
- 7 (6) Travel reimbursement is limited to expenses incurred only for travel outside the county
- 8 necessary to fulfill CAH member responsibilities when sufficient funds have been
- 9 budgeted and are available and upon the approval of the board. No other expenses are
- 10 reimbursable except documented long distance telephone calls to DES.
- 11 (7) Members shall be governed by the applicable provisions of the Palm Beach County Code
- 12 of Ethics as codified in Section 2-254 through 2-260 of the Palm Beach County Code.
- 13 (e) *County Support:* Staff, administrative and facility support for the CAH shall be provided by
- 14 the Board of County Commissioners as determined by the county administrator.
- 15 (f) *Role and Responsibilities:* The CAH shall function as outlined in Section 420.9076, Florida
- 16 Statutes, or as amended of which the current statute shall govern, or at the request of the Board
- 17 of County Commissioners.
- 18 (1) Triennially, the CAH shall review the established and proposed policies and procedures,
- 19 ordinances, land development regulations, and adopted local government comprehensive
- 20 plan of the county and shall recommend specific actions or initiatives to encourage or
- 21 facilitate affordable housing while protecting the ability of the property to appreciate in
- 22 value.
- 23 (2) Recommendations may include the modification or repeal of existing policies, procedures,
- 24 ordinances, regulations, or plan provisions or approval of developments related to
- 25 affordable housing; or at a minimum, the CAH shall make recommendations on, and
- 26 triennially evaluate the implementation of affordable housing incentives in the following
- 27 areas:
- 28 a. The expedited processing of permits or development orders for affordable
- 29 housing projects.
- 30 b. The modification of impact-fee requirements, including reduction or waiver of
- 31 fees and alternative methods of fee payment.
- 32 c. The allowance of flexibility in densities for affordable housing.

- 1 d. The reservation of infrastructure capacity for housing for very-low-income
- 2 persons, low-income persons and moderate-income persons.
- 3 e. The allowance of affordable accessory residential units in residential zoning
- 4 districts.
- 5 f. The reduction of parking and setback requirements for affordable housing.
- 6 g. The allowance of flexible lot configurations, including zero-lot-line
- 7 configurations for affordable housing.
- 8 h. The modifications of sidewalk and street requirements for affordable housing.
- 9 i. The establishment of additional processes by which the county considers,
- 10 before adoption, policies, procedures, ordinances, regulations, or plan
- 11 provisions that increase the cost of housing.
- 12 j. The preparation of a printed inventory of locally owned public lands suitable
- 13 for affordable housing.
- 14 k. The allowance of affordable accessory residential units in residential zoning
- 15 districts.
- 16 l. The support of development near transportation hubs and major employment
- 17 centers and mixed-used developments.
- 18 (3) The CAH recommendations may also include other affordable housing incentives
- 19 identified by the CAH and as identified by the comprehensive plan.
- 20 (4) The CAH shall make affordable housing incentive recommendations approved by a
- 21 majority of its membership at a public hearing. Notice of the time, date, and place of the
- 22 public hearing of the CAH to adopt affordable housing incentive recommendations shall
- 23 be published in a newspaper of general paid circulation in the county. Such notice shall
- 24 contain a short and concise summary of the affordable housing incentive recommendations
- 25 to be considered by the CAH. The notice shall also state the public place where a copy of
- 26 the tentative CAH recommendation can be obtained by interested persons. The CAH shall
- 27 submit the adopted affordable housing incentive recommendations to the board for their
- 28 consideration in the affordable housing incentive plan no later than December 31<sup>st</sup>
- 29 triennially.
- 30 (5) The CAH shall submit an annual report to the board as is required of all advisory board
- 31 and shall submit a triennial report as required by Section 420.9076, Florida Statutes.

1 (6) The CAH shall perform such duties as required by Section 420.9076, Florida Statutes, as  
2 may be amended.

3 (g) *Authority:* The CAH may perform duties in accordance with Section 420.9076, Florida  
4 Statutes, or at the request of the Board of County Commissioners.

5 (h) *Meetings:* The CAH shall meet bi-annually or on as as-needed basis. A quorum must be present  
6 for the conduct of all CAH regular meetings. A majority of the members appointed shall  
7 constitute a quorum. All regular meetings shall be governed by Robert's Rules of Order.  
8 Reasonable public notice of all meetings shall be provided, and all such meetings shall be open  
9 to the public at all times in accordance with Resolution No. R2013-0193, as amended.

10 (i) *Chair and Vice-Chair:* A chair and vice-chair shall be elected by a majority vote of the CAH  
11 and shall serve for one term. The duties of the chair shall include:

- 12 (1) Presiding at CAH meetings.
- 13 (2) Establishing committees, appointing committee chairs and charging committees with  
14 specific tasks.

15 The vice-chair shall perform the duties of the chair in the chair's absence, and such other  
16 duties as the chair may assign. If a vacancy occurs in the office of the chair, the vice-chair  
17 shall become the chair for the unexpired term. If a vacancy occurs in the office of vice-  
18 chair, the CAH will elect another member to fill the unexpired term of the vice-chair.

19 **Section 7. Local Housing Assistance Plan.**

20 (a) *Establishment:* The Local Housing Assistance Plan (LHAP) is hereby created and established.

21 (b) *Local Housing Assistance Plan:* The County shall use the funds received from the state  
22 pursuant to the State Housing Initiative Partnership act to implement the local housing  
23 assistance program.

24 (c) *Distribution of monies:* The funds shall be distributed in accordance with requirements outlined  
25 in Section 420.9075, Florida Statutes, and the County's approved Local Housing Assistance  
26 Plan (LHAP)

27 (d) *Compliance:*

28 (1) The County shall comply with all rules and regulations of the Florida Housing Finance  
29 Corporation in connection with required reporting by the County of compliance with its  
30 Local Housing Assistance Plan.

31 (2) The Local Housing Assistance Plan shall include all other lawful objectives not previously  
32 listed if said objectives have been adopted into the Local Housing Assistance Plan in the

1 manner provided for by Sections 420.907—420.9079, Florida Statutes, and rule 91-37,  
2 Florida Administrative Code.

3 (e) *Designation of Responsibility for Administration and Implementation:* The Department of  
4 Economic Sustainability (DES) shall be responsible for implementation and administration of  
5 the Local Housing Assistance Plan in compliance with Section 420.9072, Florida Statutes, and  
6 other duties as assigned by the county administrator.

7 **Section 8. REPEAL OF LAWS IN CONFLICT.**

8 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby  
9 repealed to the extent of such conflict.

10 **Section 9. SEVERABILITY.**

11 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any  
12 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such  
13 holding shall not affect the remainder of this Ordinance.

14 **Section 10. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

15 The provisions of this Ordinance shall become and be made a part of the Palm Beach  
16 County Code. The sections of this Ordinance may be renumbered or relettered to accomplish such,  
17 and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

18 **Section 11. ENFORCEMENT.**

19 This Ordinance is enforceable by all means provided by law. Additionally, the County may  
20 choose to enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm Beach  
21 County.

22 **Section 12. PENALTY.**

23 Any violation of any portion of this Ordinance shall be punishable as provided by law.

24 **Section 13. CAPTIONS.**

25 The captions, section headings, and section designations used in this Ordinance are for  
26 convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

27 **Section 14. EFFECTIVE DATE.**

28 The provisions of this Ordinance shall become effective upon filing with the Department  
29 of State.

30

1           APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach  
2 County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

3 **SHARON R. BOCK, CLERK**

**PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS**

4  
5  
6  
7

8 **By: \_\_\_\_\_**  
9           **Deputy Clerk**

**By: \_\_\_\_\_**  
          **Paulette Burdick, Mayor**

10  
11 **APPROVED AS TO FORM AND**  
12 **LEGAL SUFFICIENCY**

13  
14  
15

16 **By: \_\_\_\_\_**  
17           **County Attorney**

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19  
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21           **EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_ day of**  
22 **\_\_\_\_\_, 2017.**