

AGENDA ITEM SUMMARY

Department: Housing and Economic Development

Approved By: Donna M. Miller 1/21/2022
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income					
In-Kind Match (County)					
NET FISCAL IMPACT					

# ADDITIONAL FTE POSITIONS (Cumulative)					
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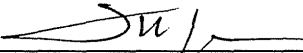
Is Item Included In Current Budget? Yes X No
Does this Item include the use of Federal funds? Yes No X

Budget Account No.:

Fund Dept Unit Object Program Code/Period


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

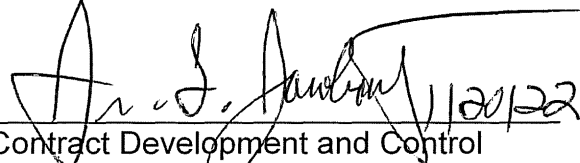
No fiscal impact.

C. Departmental Fiscal Review: 
Shairette Major, Division Director II


III. REVIEW COMMENTS

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

 1/19/22
OFMB 1-18-22
1-18-22

 1/20/22
Contract Development and Control
1-19-22 TW

B. Legal Sufficiency:

 For H. Falcon 1/21/22
Chief Assistant County Attorney

C. Other Department Review:

Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

Summary of Commission on Affordable Housing Incentive Recommendations and Staff Comments/Recommendations

1.	Incentive Area	F.S. 420.9076(4)(a) – The expedited processing of approvals of development orders or permits for affordable housing is expedited to a greater degree than other projects, as provided in s. 163.3177(6)(f)3. (MANDATORY)
	CAH Recommendation	Staff Comment / Recommendation
	The County should continue current efforts towards expediting development approvals and building permits for affordable housing projects. The County should create a position or designate an individual to be responsible for and to shepherd development applications through approval process. This could entail the use of an entity external to the County which would perform the service under contract.	SUPPORTED. Planning, Zoning, and Building Department. ULDC currently provides for expedited review of certain development approval processes for WHP and AHP projects, including expedited design and platting review and various concurrent reviews. The Building Division currently provides for expedited review of building permit applications for WHP and AHP projects. Staff concurs with expediting projects with a significant percentage of affordable or workforce housing units (such as a minimum of 65% of the overall project). There must be clear criteria as to what qualifies as affordable or workforce for purposes of expedited processing of development approvals and building permits. Initial dialogue between the applicant and PZB staff is essential to ensure that the application is in order prior to intake, thereby ensuring an accurate application for an efficient and timely review. In order to take advantage of the expedited review process, a pre-application meeting between the deveoper and County staff will be required. Staff concurs with the recommendation of a key County staff person to serve as a liaison for Affordable Housing and Workforce Housing projects. Along with PZB staff, the County will designate its Housing Liaison within the Department of Housing and Economic Development to help guide the applicant through the various approval processes with County agencies, and will assist with coordination between involved parties if an issue arises, but the Housing Liaison will not serve as nor replace the need for a developer's agent. The expediting process would be set forth in the policy and procedure memorandum currently under development by PZB.

Summary of Commission on Affordable Housing Incentive Recommendations and Staff Comments/Recommendations

2.	Incentive Area	F.S. 420.9076(4)(b) – All allowable fee waivers provided for the development or construction of affordable housing.	
	CAH Recommendation		Staff Comment / Recommendation
	The County should review its fee structure in terms of advancing affordable and workforce housing and report back to the CAH. In addition, the County should offer a transparent development fee structure with clear directions for determining fees in a simple document that is easily accessible to public.		PARTIALLY SUPPORTED. Planning, Zoning, and Building Department. The County currently offers funding assistance to affordable housing for various development fees, including: 1) local impact fee interest earnings to pay Roads, Parks, and Public Building impact fees; 2) Federal/State funds as grants for water/sewer connection fees; and 3) Federal/State funds as loans for all eligible costs of development, including fees. Furthermore, the County does not charge impact fees in the Glades Region. The County also waives the customary fee for letters of determination addressing workforce or affordable hosuign potential denisty bonuses and program requirements. Zoning fees may be waived based on Comprehensive Plan Policy 1.5-f that describes the elimination of processing fees for residential zoning petitions providing affordable housing units in areas of very-low and low-income households. Staff supports the review of the current fee schedule in terms of affordable and workforce housing. However, fee revenue is utilized to funds real costs, and any fee revenue forgone through waiver or reduction of fees must be replaced from some other source. Additionally, there are several agencies involved in the review process for development applications, and this complexity would make fee waivers or reductions difficult to apply. Athe Zoning website currently offers a free and publically-accessible online fee estimator tool through the ePZB system that generates a comprehensive estimation of fees associated with an application.

3.	Incentive Area	F.S. 420.9076(4)(c) The allowance of flexibility in densities for affordable housing.	
	CAH Recommendation		Staff Comment / Recommendation
	See recommendation #12 -- Flexible Zoning.		See response at recommendation #12 -- Flexible Zoning.

Summary of Commission on Affordable Housing Incentive Recommendations and Staff Comments/Recommendations

4.	Incentive Area	F.S. 420.9076(4)(d) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.
	CAH Recommendation	Staff Comment / Recommendation
	Maintain current incentive strategy.	SUPPORTED. Engineering and Public Works. The County's Comprehensive Plan allows WHP/AHP developments to exceed roadway Level of Service (LOS) standards by 30%, increasing the available concurrency for traffic and reserving that traffic for those WHP/AHP developments. Staff can maintain and implement current traffic LOS incentives for WHP and AHP developments.
5.	Incentive Area	F.S. 420.9076(4)(e) – Affordable accessory residential units.
	CAH Recommendation	Staff Comment / Recommendation
	The County should address restrictions on Accessory Dwelling Units (ADU) in order to allow for greater opportunity, including the elimination of requirements for an electrical feed from the main home and the owner covenant to remove the kitchen when a relative vacates the ADU. The County should proceed with its planned review of regulations governing ADUs. Further, the County should consider a property tax exemption for ADUs that are committed to serve as affordable housing	PARTIALLY SUPPORTED. Planning, Zoning, and Building Department and Department of Housing and Economic Development. The ULDC allows for accessory residential units in certain residential zoning designations, but have size limitations and requirements for a single electric meter that restrict their use. Staff supports review of regulations governing ADUs to identify reasonable changes that will allow for increased development of ADUs. Staff is currently developnig an ULDC amendment proposal that includes use of ADUs and associated requirements for the upcoming amendment round. The ULDC currently allows accessory living quarters requiring an electrical feed from the main home and the owner covenant to remove the kitchen when the primary dwelling is no longer owner-occupied. The Comprehensive Plan does not consider these living quarters to be density subject to future land use designation density maximums. The County's restrictions on such dwellings can be examined; however, the changes proposed by the CAH would require an analysis and finding by the Planning Division and County Attorney's Office on whether or not these dwellings would count as density. Staff <u>does not support</u> an ad valorem exemption for ADUs. The ADU increases the market value of the property and generates revenue for the owner. If exemptions were to be granted, restrictions should be imposed to ensure affordability. Monitoring of such affordability requirements would require resources and systems not currently available.

Summary of Commission on Affordable Housing Incentive Recommendations and Staff Comments/Recommendations

6.	Incentive Area	F.S. 420.9076(4)(f) The reduction of parking and setback requirements for affordable housing.	
	CAH Recommendation		Staff Comment / Recommendation
	See recommendation #12 -- Flexible Zoning.		See response at recommendation #12 -- Flexible Zoning.

7.	Incentive Area	F.S. 420.9076(4)(g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.	
	CAH Recommendation		Staff Comment / Recommendation
	See recommendation #12 -- Flexible Zoning.		See response at recommendation #12 -- Flexible Zoning.

8.	Incentive Area	F.S. 420.9076(4)(h) The modification of street requirements for affordable housing.	
	CAH Recommendation		Staff Comment / Recommendation
	The County should base street and related requirements for affordable housing on sound engineering practices.		SUPPORTED. PBC Engineering and Public Works. The County's Comprehensive Plan Transportation Element permits WHP/AHP developments to generate vehicular traffic on streets beyond the level otherwise allowable. The County's roadway standards are derived from the Manual of Florida Department of Transportation's <i>Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways</i> (commonly known as the Florida Greenbook). The roadway pavement width and/or section cannot be further reduced without compromising the functionality or durability of the roadway network. The County currently bases all street requirements on sound engineering practices, and therefore agrees with and already implements the CAH recommendation.

Summary of Commission on Affordable Housing Incentive Recommendations and Staff Comments/Recommendations

9.	Incentive Area	F.S. 420.9076(4)(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 (MANDATORY).	
	CAH Recommendation		Staff Comment / Recommendation
	The County should officially recognize the Land Development Regulation Advisory Board (LDRAB) role in considering the impact of changes to Property Development Regulations on housing costs.		NOT SUPPORTED. Planning, Zoning, and Building Department. Although staff supports the concept of the review process set forth in statute, the LDRAB's role is only to review and make recommendations on land development regulations. The County is exploring the possibility of creating a seat on the LDRAB for an expert in the area of affordable / workforce housing. However, there are extensive ordinances, plan provisions, policies, and procedures that fall outside the scope and expertise of the LDRAB. Accordingly, there are multiple review and approval processes involving various entities. The processes for adoption of new or modified Comprehensive Plan policies, County ordinances, and ULDC regulations involve multiple stages of review by various bodies with opportunities for input by affordable housing advocates and the general public, including the approvals by the Board of County Commissioners. The LDRAB could not function to provide review of the entire scope identified by the statute, rather the existing multiple processes currently serve the statutory requirement.

Summary of Commission on Affordable Housing Incentive Recommendations and Staff Comments/Recommendations

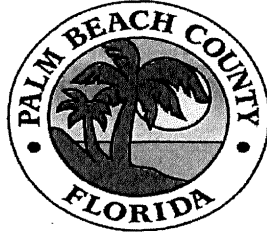
10.	Incentive Area	The preparation of a printed inventory of locally owned public lands suitable for affordable housing.	
	CAH Recommendation		Staff Comment / Recommendation
	The County should make available a regularly-updated inventory of surplus lands accessible online and offer a clear process for disposition so that private industry / not-for-profits can utilize available lands for the development of affordable and workforce housing.		SUPPORTED. Facilities Development and Operations Department. PBC Property and Real Estate Management Division (PREM) maintains a list of all County-owned real estate (excluding existing ROW). Surplus properties are those which are vacant but are not (i) currently utilized or (ii) held for some future use. PPM CW-L-023 sets forth the procedures by which the County may dispose of County-owned properties. PREM can make available through its website a list of potentially surplus properties which can be periodically updated. The list will include all potentially surplus properties, and make no determination or recommendation as to developability or availability of any property as the County reserves the right to revise the list at its discretion. PREM can also post on its site the process for disposition of surplus properties. PREM works with various County departments and agencies to determine whether there is a County need for the property. If not, the property may be placed on the surplus list. The general rule is that all dispositions of County-owned real estate must be through an invitation to bid or request for proposals process. There are limited exceptions. All dispositions are subject to approval of the Board of County Commissioners (BCC). The BCC recently approved funds from the American Rescue Plan for an initiative to develop housing on County-owned properties.

Summary of Commission on Affordable Housing Incentive Recommendations and Staff Comments/Recommendations

11.	Incentive Area	F.S. 420.9076(4)(k) The support of development near transportation hubs and major employment centers and mixed-use developments.	
	CAH Recommendation		Staff Comment / Recommendation
	The Board of County Commissioners should consult with local government jurisdictions and transportation providers to provide a comprehensive solution to providing affordable housing near transportation hubs.		SUPPORTED. Planning, Zoning, and Building Department. When determining the AHP density bonus, proximity of the site to mass transit and employment opportunities are considered, thereby providing an incentive for affordable development in closer proximity to the same. Nearly all of the high capacity transit hubs are located within municipalities, such as Tri-Rail stations, the current (West Palm Beach) and future (Boca Raton) Brightline stations, and Palm Tran bus transfer stations. However, Palm Beach County has identified priority redevelopment areas along segments of Military Trail and Congress Avenue within the Urban Redevelopment Area. Within these areas the County has designated transect-based land use designations and zoning districts which place an emphasis on regulating building form and placement in relation to the public realm. These forms support redevelopment that can capitalize on existing bus service on these corridors and provide for development at higher densities than traditional future land use and zoning designations. There is also a requirement for a percentage of all new housing to be provided as very low, low and moderate income housing. Additionally, County staff is involved with ongoing transit studies, along with municipal representatives and partner agencies.

Summary of Commission on Affordable Housing Incentive Recommendations and Staff Comments/Recommendations

12.	Incentive Area	Flexible Zoning.
	CAH Recommendation	Staff Comment / Recommendation
	<p>The County's zoning code is a prescriptive code; it defines exactly what is allowable, and conversely, what is not allowed. Further, the code focuses on suburban style development. Although the code works well for suburban development, it is not conducive to housing affordability. Other jurisdictions within Florida have adopted a self-regulating approach to Property Development Regulations (PDRs). With this approach, each development proposes its own PDRs which are then subject to staff review and approval by elected officials. This approach contributes to housing affordability by allowing greater utilization of smaller and infill sites, as well as flexibility to bring alternative housing product types to market. Further, this approach facilitates the development approval process by avoiding the time and expense of obtaining the numerous variances necessary to utilize density bonuses offered by the County. The County should consider adoption of alternative PDRs community-wide, including an approval process designed to develop a flexible self-regulating development order.</p>	<p>SUPPORTED. Planning, Zoning, and Building Department. The County's Workforce Housing Program (WHP) and Affordable Housing Program (AHP) provide opportunities to developers to increase density up to 100 percent in accordance with the ULDC. The Transfer of Development Rights Program (TDR) allows a property owner a density bonus for development within the Urban/Suburban Tier through purchase of density from the TDR Bank, or from a property owner with land in a designated area, without going through the land use amendment process. TDR provides for increased density of up to five (5) units per acre based on geographic location, and requires that thirty-four percent (34%) of all TDR units be WHP Units. The ULDC provides for flexible lot configurations, including zero-lot-line configurations. The WHP and AHP provide identical "setback reduction" opportunities to developers in accordance with the ULDC. The flexibility afforded by the CAH recommendation would be helpful in accommodating the higher densities required for lower-cost housing; however, minimum standards should apply to ensure health and safety. An urban form of development is allowed in the Urban Redevelopment Area where maximum density is only limited by site development requirements, and workforce/affordable housing program obligations are by fixed percentage of the overall number of units. Staff will review industry trends to determine how additional flexibility can be provided in order to foster additional workforce and affordable housing opportunities. Staff supports the concept of establishing a new process or program to allow proposed developments to draft their own custom PDRs for residential developments as done with other Counties in Florida. Zoning Division staff is currently researching other jurisdictions' flexible PDRs, and exploring establishing a pilot program for Workforce and Affordable Housing, with the opportunity to extend other types of residential developments in the future.</p>



Annual Affordable Housing Incentives Review and Recommendations Report

Commission on Affordable Housing

December 2021



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**Affordable Housing Advisory Committee
Report to Palm Beach County Board of County Commissioners
SHIP Affordable Housing Incentive Strategies**

December 1, 2021

PREPARED BY:

Palm Beach County Commission on Affordable Housing

SUBMITTED TO:

Florida Housing Finance Corporation

I. BACKGROUND

As required by the Florida Statute section 420.9076 as recipient of State Housing Initiative Partnership funds, the County established an affordable housing advisory committee on May 17, 2017 through the Palm Beach County Affordable Housing Ordinance (No. 2017-17). The affordable housing advisory committee, known as the Commission on Affordable Housing (CAH) is responsible for reviewing policies, land development regulations, the Comprehensive Plan Policy, and other aspects of the County's policies and procedures that affect the cost of housing. In addition, the CAH is responsible for making recommendations to encourage affordable housing.

The CAH is required to submit an incentive report annually. The report includes recommendations by the committee as well as comments on the implementation of incentives for at least the following eleven distinct areas:

- (a) The expedited processing of approvals of development orders or permits for affordable housing
- (b) All allowable fee waivers provided for the development or construction of affordable housing.
- (c) The allowance of flexibility in densities for affordable housing.
- d) The reservation of infrastructure capacity affordable housing.
- (e) Affordable accessory residential units.
- (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.

II. COMMITTEE COMPOSITION

The County Commission re-appointed members to the CAH on June 15, 2021. Section 420.907 of the Florida Statutes lists the categories from which committee members must be selected. There must be no less than 8 and no more than 11 committee members, with representation from at least 6 of the following categories:

- Citizen actively engaged in the residential home building industry in connection with affordable housing.
- Citizen actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- Citizen representative of those areas of labor actively engaged in home building in connection with affordable housing.
- Citizen actively engaged as an advocate for low-income persons in connection with affordable housing.
- Citizen actively engaged as a for-profit provider of affordable housing.
- Citizen actively engaged as a not-for-profit provider of affordable housing.
- Citizen actively engaged as a real estate professional in connection with affordable housing.
- Citizen actively serving on the local planning agency pursuant to s.163.3174.
- Citizen residing within the jurisdiction of the local governing body making the appointments.
- Citizen who represents employers within the jurisdiction.
- Citizen who represents essential services personnel, as defined in the local housing assistance plan.

The appointed AHAC Committee members are included here, along with their category affiliation.

Name	Category Represented	Appointed	Reappointed
Mack Bernard	Local Elected Official	2/2/21	6/15/21
Len Tylka	Resident of the Jurisdiction	7/1/18	6/15/21
Aquannette Thomas	Mortgage Banking Industry	2/9/21	6/15/21
Adam Campbell	Labor Engaged in Home Building	7/1/18	6/15/21
Ezra Krieg	Advocate for Low Income Persons	7/1/18	6/15/21
Elliot Johnson	For-Profit Provider of Affordable Housing	2/9/21	6/15/21
Timothy Coppage	Not-for-Profit Provider of Affordable Housing	2/9/21	6/15/21
Lynda Charles	Real Estate Professional	6/15/21	N/A
Corey O’Gorman	Resident of the Jurisdiction	7/1/18	6/15/21
Amy Robbins	Employers Within the Jurisdiction	2/9/21	6/15/21
Jay Boggess	Essential Services Personnel	2/9/21	N/A

III. AFFORDABLE HOUSING INCENTIVES

The CAH undertook an affordable housing incentives review starting in early 2021. Staff shared information on incentive review requirements and process, State-recommended incentives, current affordable housing practices, and County programs, policies, and procedures. Each of the eleven affordable housing incentives recommended by the State were discussed at several meetings of the CAH. Discussions included representatives from the County’s Planning, Zoning, and Building Department, the County Engineer, and the Property and Real Estate Management Division. In addition, the CAH held a special public forum for housing industry stakeholders to share their ideas and experience as it relates to affordable housing incentives. This plan reflects the recommendations of the CAH which resulted from this process. Recommendations that are approved by the Board of County Commissioners will be included in an amendment to the Local Housing Assistance Plan (LHAP). Where applicable, the Comprehensive Plan and County land development regulations, policies, and procedures will be revised to implement the approved recommendations.

Although not related to an incentive area covered by statute, primary among CAH recommendations was the need for a communications program to build community wide support for a broad range of housing options. Many challenges to the development of affordable and workforce housing relate to negative public perception and misunderstanding of what this housing is and whom it serves. The terms affordable and workforce have acquired negative connotations that result in NIMBYism challenges for specific projects, and that more generally hamper public support for initiatives to address community housing needs. The CAH recommends that community stakeholders are organized to undertake a public education campaign to counter the negative stereotypes associated with affordable and workforce housing. The CAH Vice Chair is currently participating in a committee organized by the Housing Leadership Council of Palm Beach County that is working on such a communications program as part of efforts to develop a countywide housing plan.

F.S. 420.9076(4)(a) – The expedited processing of approvals of development orders or permits for affordable housing is expedited to a greater degree than other projects, as provided in s. 163.3177(6)(f)3.

Existing Incentive Strategy: The Unified Land Development Code (ULDC) provides opportunities for expedited review of certain development approval processes through the Workforce Housing Program (ULDC Article 5.G.1.B.2.f.2) and the Affordable Housing Program (ULDC Article 5.G.2.D.3), including expedited design and platting review, and various concurrent reviews. In addition, the Planning Division has prepared a draft Policy and Procedure Memorandum (PPM) to establish criteria for prioritization of projects to be expedited. The PPM expands the assistance provided to include coordinating a meeting with the developer and all agencies involved, identifying timelines and expectations, and appointing contact persons to address emergent issues. The Planning Division is coordinating with other applicable County departments and this PPM is anticipated to be adopted during 2021. The Building Division provides for expedited review of building permit applications for affordable and workforce housing. This typically results in a 50% reduction in review/approval time.

Summary of AHAC Discussion: The CAH discussed experiences with County development approval processes and heard from County staff administering the processes. Thoughts included increasing review agency capacity through additional funding for increased staffing to more quickly process the current high volume of development applications. Other thoughts included identification of a facilitator, either a County employee(s) or contracted entity, to liaise with all offices involved in development review in order to coordinate and expedite approvals. Also discussed were the need for eligibility criteria for expedited processing in order to limit qualification to those projects that have a substantial affordable/workforce component. It was noted that the County's Building Division has a good reputation among local builders. County staff from the Planning Zoning, and Building Department (PZB) as well as the County Engineer participated in the discussion. There was consensus that an individual(s) designated to coordinate the review/approval process across multiple departments/divisions should at a high level, such as an assistant county administrator or department director, in order that directives/requests would carry weight and spur action. At initial time of submittal, applications would need to be identified for expedited processing by some mechanism that was recognized by all reviewing entities. Additionally, there would need to be a mechanism established to validate that applications met criteria for expedited processing. PZB staff suggested that the role of the facilitator could also include a preliminary review of the application for completeness, and that this could significantly expedite processing by avoiding repetitive application submittals to correct obvious errors and major deficiencies. In recognition that reviewing County agencies are constrained by organizational capacity and currently face a large volume of development applications, the CAH suggested that the County might explore its ability to certify outside agencies (design professionals) to conduct reviews of affordable projects and make approvals in order to increase processing capacity and to expedite approvals. The CAH drafted a resolution for the County to consider adopting that would establish a process for expedited development

review and the assignment of an individual to coordinate that process. The resolution was based on the County's existing resolution and process for Business Development Board projects. The discussion included criteria, income targeting requirements, and reporting mechanism. Also considered was the fact that the County resolution would only expedite projects located within the unincorporated area over which the County holds development approval authority, but would not assist those projects located within municipalities which are home to 55% of the county's total population.

AHAC Recommendation: The County should continue current efforts towards expediting development approvals and building permits for affordable housing projects. The County should create a position or designate an individual to be responsible for and to shepherd development applications through approval process. This could entail the use of an entity external to the County which would perform the service under contract.

F.S. 420.9076(4)(b) – All allowable fee waivers provided for the development or construction of affordable housing.

Existing Incentive Strategy: The County waives the customary fee for letters of determination addressing workforce or affordable housing potential density bonuses and program requirements. Further, the Comprehensive Plan Policy 1.5-f describes the elimination of processing fees for residential zoning petitions providing affordable housing units in areas of low very low, and low income households. The County operates an Impact Fee Affordable Housing Assistance Program that is funded with up to \$3M annually in interest earnings from Roads, Parks, and Public Building impact fee collections. The funds are offered to developers and owner-builders to pay impact fees due on new residential construction serving households up to 140% of Area Median Income. Additionally, the County does not charge any impact fees on residential development in the western Glades Region of the county.

Summary of AHAC Discussion: The CAH discussed numerous fees and in-lieu payments that contribute to cost of residential development. For example, in the case of a small scale multifamily residential development, if recreation space cannot be provided on-site then an in-lieu fee must be paid. The sum total of numerous fees contributes substantially to development cost and can result in an affordable project being economically infeasible. Overall, these fees result in higher housing prices to the consumer. Next year, we will delve deeper into the impact of development fees on cost of affordable housing. Fee information is not located in one place, but on various web pages. The Planning Zoning and Building Department does have a document posted online with information on development fees, however, it is not entirely transparent and difficult to interpret for someone who is not a development professional. There is no single source of County information for developers of affordable housing. All the various web pages and documents should be consolidated to one central location on the county's main web page.

AHAC Recommendation: The County should review its fee structure in terms of advancing affordable and workforce housing and report back to the CAH. In addition, the County should

offer a transparent development fee structure with clear directions for determining fees in a simple document that is easily accessible to public.

F.S. 420.9076(4)(c) The allowance of flexibility in densities for affordable housing.

Existing Incentive Strategy: The County's Workforce Housing Program (WHP) and Affordable Housing Program (AHP) provide opportunities to developers to increase density up to 100 percent in accordance with the ULDC. Per Article 5.G.2.E.1. (AHP), AHP projects requiring a density bonus of greater than 30% are required to conduct a two-step sector analysis. The first step considers the concentration of very low and low income housing within the sector in determining the minimum density bonus permitted. Step two considers the location of the proposed development with regard to neighborhood amenities, including public transit, employment and shopping opportunities, and educational, medical, social service and recreational facilities, in determining whether additional density may be added.

The County's Workforce Housing Program was substantially revised in 2019, to facilitate additional density where appropriate. Under the revised WHP, Density Bonuses up to and including 50% do not require special review and approval processes. Projects seeking a density bonus of greater than 50%, up to 100%, require enhanced staff review, and approval by the Board of County Commissioners. The enhanced review is intended to balance the County's objectives of promoting the production of workforce housing while preserving the quality and character of existing communities. First, a project's proposed approach to WHP is assessed using a Point System, to determine the extent to which the project furthers the County's WHP objectives. WHP units delivered on-site, as for-sale, single-family, units in areas with Workforce-income households below the overall concentration in the County are most desirable and earn the most potential density bonus for the parent project. Second, the suitability of the site to accommodate the density bonus, and the compatibility with the surrounding area, is assessed. An overall density bonus is then recommended to the Board of County Commissioners considering the outcome of both the point system application and the suitability assessment.

The County's Transfer of Development Rights Program (TDR) is a voluntary program administered by the Zoning Division that allows a property owner to achieve a density bonus for new residential development within the Urban/Suburban Tier in unincorporated Palm Beach County. The owner purchases the increase in density from the Palm Beach County TDR Bank, or from a property owner with land in a designated area, without going through the land use amendment process. TDR provides for increased density of up to five (5) units per acre based on geographic location, and requires that thirty-five percent (35%) of all TDR units be WHP Units.

Summary of AHAC Discussion: See "Flexible Zoning" page 11.

AHAC Recommendation: See "Flexible Zoning" page 11.

F.S. 420.9076(4)(d) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons

Existing Incentive Strategy: The County requires all developments to have the appropriate concurrency for public facilities and infrastructure, but does not require developments to ensure there is infrastructure capacity in place for any other developments, including affordable and workforce housing. However, the Comprehensive Plan allows for a 30% concession in Traffic Performance Standards for affordable and workforce housing. This increases the available concurrency for traffic and reserves that traffic for those affordable and workforce developments that need it.

Summary of AHAC Discussion: The CAH acknowledged the need to maintain traffic and other concurrency, and concluded that the current incentive offered by the County is helpful.

AHAC Recommendation: Maintain current incentive strategy.

F.S. 420.9076(4)(e) – Affordable accessory residential units.

Existing Incentive Strategy: County land development regulations allow Accessory Dwelling Units in certain residential zoning designations. The County is currently reviewing ADU requirements that the unit electrical feed come through the meter of the main house, that the kitchen be removed when the owner's relative vacates the ADU, and other covenants required of the owner.

Summary of AHAC Discussion: ADUs are an important tool to help meet local affordable housing needs. Greater flexibility in the allowance of ADUs will increase the development potential of the County's limited remaining supply of vacant land, and also increase the potential for additional development on existing properties. Greater proliferation of ADUs will increase the overall housing stock and exert mitigating pressure on prices, thereby contributing to affordability. The County's current land development regulations governing ADUs excessively restrict development and impose unnecessary requirements on the property owner. The market tends to price ADUs affordably compared to comparable units, and without the need for government price intervention. There could be a tax incentive to keep the ADU affordable. This will create requirements for monitoring that will require new processes and staffing.

AHAC Recommendation: The County should address restrictions on ADUs in order to allow for greater opportunity, including the elimination of requirements for an electrical feed from the main home and the owner covenant to remove the kitchen when a relative vacates the ADU. The County should proceed with its planned review of regulations governing ADUs. Further, the County should consider a property tax exemption for ADUs that are committed to serve as affordable housing.

F.S. 420.9076(4)(f) The reduction of parking and setback requirements for affordable housing.

Existing Incentive Strategy: The County's Workforce Housing Program (WHP) and Affordable Housing Program (AHP) provide identical "setback reduction" opportunities to developers in accordance with the Unified Land Development Code (ULDC) Article 5.G.1.B.2.f.3.h. (WHP) and Article 5.G.2.D.4.h. (AHP).

Flexible regulations are described in ULDC Articles 5.G.1.B.2.f.3) and 5.G.2.D.4., and are applicable to projects with Medium Residential, 5 units per acre (MR-5), High Residential 8 units per acre (HR-8), High Residential 12 units per acre (HR-12), or High Residential 18 units per acre (HR-18) Future Land Use designations, or if approved as a Planned Development District or Traditional Development District. Projects with these designations may deviate from the residential requirements of Table 3.D.1.A, Property Development Regulations, or Table 3.D.2.B, ZLL Property Development Regulations (PDRs), as follow:

- Single Family Dwelling (SFD) units may be permitted up to a maximum ten percent deviation for the following PDRs: lot size; width and frontage; building coverage; and, side, and rear setbacks.
- SFD units limited to one floor with no loft or other similar feature, may be permitted up to a maximum 20 percent deviation for the following PDRs: building coverage; and front and side street setbacks.
- Zero Lot Line lots may be permitted up to a maximum lot width reduction of five feet, and ten percent deviation from the minimum lot size, building coverage, and front setback for units with front loading garages.

Summary of AHAC Discussion: The incentives currently offered by the County are not aggressive enough to have meaningful impact on the production of affordable housing.

AHAC Recommendation: See "Flexible Zoning" page 11.

F.S. 420.9076(4)(g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.

Existing Incentive Strategy: The ULDC Article 5.G.1.B.2.f.3.h. (WHP) and Article 5.G.2.D.4.h. (AHP) provide for flexible lot configurations, including zero-lot-line configurations, as described above.

Summary of AHAC Discussion: See "Flexible Zoning" page 11.

AHAC Recommendation: See "Flexible Zoning" page 11.

F.S. 420.9076(4)(h) The modification of street requirements for affordable housing.

Existing Incentive Strategy: The County's Comprehensive Plan Transportation Element Policy 1.2-d.4 permits Workforce and Affordable Housing developments to generate vehicular traffic on streets beyond the level otherwise allowable. Opportunities for Traffic Performance Standards mitigation are codified in ULDC Article 5.G.1. B.2.f.1. (WHP) and Article 5.G.2.D.2. (AHP).

Summary of AHAC Discussion: This incentive is intended to address reduction of development cost of affordable housing through the reduction of street width, numbers of parking spaces, and similar design modifications. However, the County has addressed the incentive in terms of traffic volume or Level of Service standards, but this is not intent. The CAH also discussed that street and related requirements (storm water runoff, etc.) cannot be reduced to the extent that it is detrimental to adequate functionality. Current incentive strategies are misaligned with intent of incentive strategy.

AHAC Recommendation: The County should base street and related requirements for affordable housing on sound engineering practices.

F.S. 420.9076(4)(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.

Existing Incentive Strategy: The State requires that all proposed changes to the Unified Land Development Code, Comprehensive Plan, Zoning Code, and Zoning Map are reviewed and approved through a public hearing process. In Palm Beach County, the bodies that perform the review and approval functions are the Land Development Regulation Advisory Board (LDRAB) and the Board of County Commissioners (BCC). The ULDC provides that the composition of the LDRAB include seats specifically for a residential builder (Gold Coast Builder's Association), an architect (American Institute of Architects), and a realtor (Broward, Palm Beaches and St. Lucie Realtors) in addition to other professions. These experts provide input and insight to staff on how proposed changes may impact the cost of housing, and help inform BCC decision making. In addition, when any significant changes are proposed to the Workforce Housing Program, the County's process is to hire a consultant to calculate the potential impacts on the cost of developing housing and the effect on project profitability.

Summary of AHAC Discussion: This is a requirement of FHFC. There is certainly process in place where proposed policies are reviewed before adoption, but it is not clear if there is a review specifically for impact on cost of housing. County staff advised that potential impact on housing cost is a consideration and part of LDRAB discussions, and sometimes a subject of public comment at LDRAB meetings, however, there is no prescribed structure to the discussion or formal cost analysis.

AHAC Recommendation: The County should officially recognize LDRAB's role in considering the impact of changes to Property Development Regulations on housing costs.

F.S. 420.9076(4)(j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

Existing Incentive Strategy: The Comprehensive Plan (Housing Element Policy 1.1-i) requires an inventory of all surplus County owned land and foreclosed properties that may be suitable for affordable housing. The County's Property and Real Estate Management Division (PREM) is responsible for identification of such properties, and for coordinating with the Palm Beach County School Board, the South Florida Water Management District, and other public landowners to produce a list of viable sites for affordable housing developments and special needs housing, including rural and farmworker households. The Department of Housing and Economic Development is responsible for review of the inventory in order to advise on suitability of properties for affordable housing purposes. Countywide Policy and Procedure Memorandum (PPM) CW-L-023 *Requirements for the Acquisition, Disposition, Lease, and Exchange of Real Property* establishes procedures for disposition of County-owned real estate. Surplus property may be donated to a not-for-profit entity, but must be sold to for-profit entity. Recipients for disposition of County owned property must be selected through a competitive process, except for not-for-profits whom may be selected on a non-competitive basis. All dispositions must be approved by the Board of County Commissioners.

The majority of surplus County-owned lands are undevelopable or face significant development constraints due to property size, shape, access limitations, easements, adjacent uses, and/or remote location. A smaller subset of these surplus lands has the potential for affordable housing development. Mainly, these are small vacant lots within established neighborhoods that have the potential to be developed with a single-family home or a small multi-family structure (duplex, triplex, etc.). Additionally, existing homes occasionally come into County ownership through foreclosure, and may be suitable for affordable housing purposes.

Summary of AHAC Discussion: The limited supply and high cost of land pose a huge challenge to affordable development in Palm Beach County. The provision of surplus County lands for affordable housing has the potential for a significant positive impact on affordable housing supply. The list of surplus County land should be made accessible to developers so that private industry can determine if properties are viable for development. First preference should be given to not-for-profits that will maintain property affordable in perpetuity. It is not clear how to access the inventory or request land from the County. The CAH was provided with the County PPM that outlines the requirements and process for disposition of County owned real estate. The County needs to make the inventory widely and easily accessible by posting it online. The County might consider a proactive approach to disposition by actively marketing available properties to the development community, however, this may require a competitive selection process.

AHAC Recommendation: The County should make available a regularly-updated inventory of surplus lands accessible online and offer a clear process for disposition so that private industry / not-for-profits can utilize available lands for the development of affordable and workforce housing.

F.S. 420.9076(4)(k) The support of development near transportation hubs and major employment centers and mixed-use developments.

Existing Incentive Strategy: Transit Oriented Development (TOD) is a type of development that includes a mixture of housing, office, retail, and other amenities integrated into a walkable neighborhood and located within a half-mile of quality public transportation. It should be noted that there are limited opportunities for TOD in the unincorporated area over which Palm Beach County has jurisdiction, and that opportunities for TOD along passenger rail lines are present exclusively within local municipalities. More generally, when determining the available density bonus in the County’s Affordable Housing Program, proximity of the proposed site to mass transit and employment opportunities are among the items considered, thereby providing an incentive for affordable development in closer proximity to the same. Likewise, proposed project proximity to transportation and employment is taken into consideration competitive funding processes administered by HED.

Summary of AHAC Discussion: Transportation costs are a major factor in affordability. Distance between place of residence and place of employment increases cost of living. Locally, transportation hubs are more often located in municipalities. County could purchase land at transportation hubs within municipalities in order to develop affordable housing. County should play a more active role facilitating development of transportation hubs.

AHAC Recommendation: The Board of County Commissioners should consult with local government jurisdictions and transportation providers to provide a comprehensive solution to providing affordable housing near transportation hubs.

Additional Incentive – Flexible Zoning

Summary of AHAC Discussion: The County’s zoning code is a prescriptive code; it defines exactly what is allowable, and conversely, what is not allowed. Further, the code focuses on suburban style development. Although the code works well for suburban development, it is not conducive to housing affordability. Economic conditions and the development landscape have changed, and it is time for the County’s Property Development Regulations (PDRs) to catch up. Other jurisdictions within Florida, such as Collier County, Port St. Lucie, and to a lesser extent Palm Beach Gardens, have adopted a self-regulating approach to PDRs. With this approach, each development proposes its own PDRs which are then subject to staff review and approval by elected officials. This approach contributes to housing affordability by allowing greater utilization of smaller sites and infill sites, as well as by offering the flexibility necessary to bring alternative

housing product types to market. Further, this approach facilitates the development approval process by avoiding the time and expense associated with obtaining the numerous variances necessary to utilize density bonuses offered by the County. The County could employ the option of a self-regulating development order for affordable and workforce housing through amendments to the ULDC.

AHAC Recommendation: The County should consider adoption of alternative PDRs community-wide, including an approval process designed to develop a flexible self-regulating development order.

IV. IMPLEMENTATION

Following adoption of this Report, the Department of Housing and Economic Development will further discussions with other departments and County leadership regarding implementation of the incentive recommendations. Within 90 days following adoption, an amendment to the Local Housing Assistance Plan will be brought to the Board of County Commissioners for consideration. The amendment will identify the incentive recommendations which the County will implement and will outline a general plan and timeframe for implementation.

PALM BEACH COUNTY

State Housing Initiatives Partnership (S.H.I.P.) Program

LOCAL HOUSING ASSISTANCE PLAN (LHAP)

**Fiscal Years
2019/2020, 2020/2021, 2021/2022**



Department of Housing and Economic Sustainability Development
100 Australian Avenue
West Palm Beach, FL 33406

¹

Amendment #1 April 24, 2020/ Approved by FHFC April 24, 2020

Amendment #2 September 16, 2020 /Approved by FHFC September 17, 2020

Amendment #3 February 8, 2022 / Approved by FHFC (Pending)

ATTACHMENT 3

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I. Program Details:

A. LG(s)

Palm Beach County	
Does this LHAP contain an interlocal agreement?	No
If yes, name of other local government(s)	N/A

B. Purpose of the program:

- To meet the housing needs of the very low, low and moderate-income households;
- To expand production of and preserve affordable housing; and
- To further the housing element of the local government comprehensive plan specific to affordable housing

C. Fiscal years covered by the Plan: 2019-2020, 2020-2021, 2021-2022

D. Governance: The SHIP Program is established in accordance with Section 420.907-9079, Florida Statutes and Chapter 67-37, Florida Administrative Code. Cities and Counties must be in compliance with these applicable statutes, rules and any additional requirements as established through the Legislative process.

E. Local Housing Partnership: The SHIP Program encourages building active partnerships between government, lenders, builders and developers, not-for-profit and community-based housing providers and service organizations, providers of professional services related to affordable housing, advocates for low-income persons, real estate professionals, persons or entities that can provide housing or support services and lead agencies of the local continuums of care.

F. Leveraging: The Plan is intended to increase the availability of affordable residential units by combining local resources and cost saving measures into a local housing partnership and using public and private funds to reduce the cost of housing. SHIP funds may be leveraged with or used to supplement other Florida Housing Finance Corporation programs and to provide local match to obtain federal housing grants or programs.

G. Public Input: Public input was solicited through publicly noticed meetings. Additionally, a series of face to face and or roundtable meetings with social service providers and local lenders and neighborhood associations. Public input was solicited through the local newspaper in the advertising of the Local Housing Assistance Plan and the Notice of Funding Availability.

H. Advertising and Outreach: SHIP funding availability shall be advertised in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of the application period. If no funding is available due to a waiting list, no notice of funding availability is required.

I. Waiting List/Priorities: A waiting list will be established when there are eligible applicants for strategies

that no longer have funding available. Those households on the waiting list will be notified of their status. Applicants will be maintained in an order that is consistent with the time applications were submitted as well as any established funding priorities as described in this plan. No waiting list shall be maintained beyond one year.

The following priorities for funding described/listed here apply to all strategies unless otherwise stated:

The County will accept applications during the advertised “Application Period” stated in the Notice of Funding Availability (NOFA). Once funding requests for housing strategies have been exhausted, all other interested parties will be placed on a waiting list. When funds are available for a particular strategy, the applicants from the waiting list will be contacted to complete/update the application for SHIP assistance.

Once there is a list of eligible applicants, they will be ranked giving first priority to households qualifying as Veterans (i.e active, non-active or surviving spouses of military personnel) and Special Needs. These applicants will further be ranked with priority given to very-low, then low, then moderate income groups.

- J. **Discrimination:** In accordance with the provisions of ss.760.20-760.37, it is unlawful to discriminate on the basis of race, color, religion, sex, national origin, age, handicap, or familial status in the award application process for eligible housing.
- K. **Support Services and Counseling:** Support services are available from various sources. Available support services may include but are not limited to: Homeownership Counseling (Pre and Post), Credit Counseling, Tenant Counseling and Foreclosure Counseling through qualified HUD approved agencies.
- L. **Purchase Price Limits:** The sales price or value of new or existing eligible housing may not exceed 90% of the average area purchase price in the statistical area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs. The sales price of new and existing units, which can be lower but may not exceed 90% of the median area purchase price established by the U.S. Treasury Department or as described above.

The methodology used is:

U.S. Treasury Department	X
Local HFA Numbers	

- M. **Income Limits, Rent Limits and Affordability:** The Income and Rent Limits used in the SHIP Program are updated annually by the Department of Housing and Urban Development and posted at www.floridahousing.org.

“Affordable” means that monthly rents or 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 Sections 420.9071, F.S. However, it is not the intent to limit an individual household’s ability to devote more than 30% of its income for housing, and housing for which a household devotes more than 30% 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%

benchmark and in the case of rental housing does not exceed those rental limits adjusted for bedroom size.

- N. **Welfare Transition Program:** Should an eligible sponsor (a person or a private or public for profit or not-for-profit entity) be used, a qualification system and selection criteria for applications for awards to eligible sponsors shall be developed, which includes a description that demonstrates how eligible sponsors that employ personnel from the Welfare Transition Program, as defined by the federal/state government, will be given preference in the selection process.
- O. **Monitoring and First Right of Refusal:** In the case of rental housing, the staff or entity that has administrative authority for implementing the local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility or, to the extent another governmental entity provides periodic monitoring and determination, a municipality, county or local housing financing authority may rely on such monitoring and determination of tenant eligibility. However, any loan or grant in the original amount of \$10,000 or less shall not be subject to these annual monitoring and determination of tenant eligibility requirements. Tenant eligibility will be monitored annually for no less than 15 years or the term of assistance whichever is longer unless as specified above.

Eligible sponsors that offer rental housing for sale before 15 years or that have remaining mortgages funded under this program must give a first right of refusal to eligible nonprofit organizations for purchase at the current market value for continued occupancy by eligible persons.

- P. **Administrative Budget:** A line-item budget is attached as Exhibit A. Palm Beach County will utilize the money deposited in the local housing assistance trust fund shall be used to administer and implement the local housing assistance plan.

Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, states: “A county or an eligible municipality may not exceed the 5 percent limitation on administrative costs, unless its governing body finds, by resolution, that 5 percent of the local housing distribution plus 5 percent of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan.”

Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, further states: “The cost of administering the program may not exceed 10 percent of the local housing distribution plus 5 percent of program income deposited into the trust fund, except that small counties, as defined in s. 120.52(19), and eligible municipalities receiving a local housing distribution of up to \$350,000 may use up to 10 percent of program income for administrative costs.” The applicable local jurisdiction has adopted the above findings in the resolution attached as Exhibit E.

- Q. **Program Administration:** Administration of the local housing assistance plan will be wholly performed and maintained by:

Entity	Duties	Percentage
Local Government	Palm Beach County	100%
Third Party Entity/Sub-recipient	N/A	

- R. **Project Delivery Costs:** In addition to the administrative costs above, the County will charge reasonable project delivery costs to include but are not limited to, Architectural, engineering, inspections, work write-ups, specifications, contractor procurement, payments and oversight, relocation costs, costs to process and settle the financing for a project and the like for services provided by non-housing staff. The cost will be provided as a grant, noted below, not to exceed the strategies’ maximum award amounts, and shall not be included in the lien and/or deed against property:
- Up to \$7,000 for Replacement Housing Program
 - Up to \$5,000 for Purchase Assistance, First Mortgage Loan Program, Owner Occupied Housing Rehabilitation
 - Up to \$3000 for Emergency Repairs, Disaster Mitigation, Foreclosure Prevention, Developer Assistance Rental Program, Single Family New Construction, Developer Homeownership Program
- S. **Essential Service Personnel Definition:** For purpose of SHIP funding, the county considers the following groups as Essential Services to our county: First Responders, Educators in K-12, Nurses (healthcare), Active Military, National Guard stationed in the County and skilled building trades.
- T. **Describe efforts to incorporate Green Building and Energy Saving products and processes:** The County will, when economically feasible, employ the following Green Building requirements on rehabilitation and emergency repairs:
1. Low or No-VOC paint for all interior walls (Low- VOC means 50 grams per liter or less for flat paint; 150 grams per liter or less for non- flat paint);
 2. Low flow water fixtures in bathroom – Water sense labeled products or the following specifications:
 - a) Toilets 1.6 gallons
 - b) Faucets 1.5 gallons
 - c) Showerheads 2.2 gallons/minutes or less;
 3. Energy Star qualified refrigerator;
 4. Energy star qualified dishwasher, if provided;
 5. Energy Star qualified washing machine; if provided in units;
 6. Energy star qualified exhaust fans in all bathrooms; and
 7. Air conditioning: Minimum SEER of 14. Packaged units are allowed in studios and one bedroom units with a minimum of 11.7EER.

These requirements may be adjusted for rental development if the requirements of other construction funding sources require a more prescriptive list.

- U. **Describe efforts to meet the 20% Special Needs set-aside:** The 20% special needs will be accomplished by giving priority in all strategies.
- V. **Describe efforts to reduce homelessness:** Palm Beach County is a direct entitlement community for HUD’s Emergency Solutions Grant (ESG) Program and Community Development Block Grant (CDBG) Program, which provides funding to the Homeless Resource Center. Additionally, homelessness prevention is addressed through SHIP strategies, and services collaborated with the Department of Community Services and other organizations focused on homelessness.

Section II. LHAP Strategies:

A. Purchase Assistance	Code 1/2
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- a. **Summary:** Funding will be available to SHIP and HOME Match income eligible first-time homebuyers for purchase assistance with or without rehabilitation or new construction. SHIP funds will be awarded to assist with gap financing, lot acquisition; down payment; rehabilitation of the unit to be purchased; and closing costs. Prospective homebuyers must qualify as a First Time Homebuyer under the HUD definition: *An individual who has no ownership in a principal residence during the 3-year period ending on the date of purchase of the property. This provision is limited to a spouse (if either meets the above test, they are considered first-time homebuyers). A single parent who has only owned with a former spouse while married. An individual who is a displaced homemaker and has only owned with a spouse. An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations. An individual who has only owned a property that was not in compliance with state, local or model building codes and which cannot be brought into compliance for less than the cost of constructing a permanent structure.*
- b. **Fiscal Years Covered:** 2019-2020, 2020-2021 and 2021-2022
- c. **Income Categories to be served:** Very low, low and moderate
- d. **Maximum award:** \$105,000
- e. **Terms:**
 - 1. **Repayment loan/deferred loan/grant:** Funds will be awarded as a deferred payment loan secured by a recorded mortgage and note.
 - 2. **Interest Rate:** 0%
 - 3. **Years in loan term:** 30 years
 - 4. **Forgiveness:** The loan will be forgiven at the end of term.
 - 5. **Repayment:** None required as long as loan is in good standing.
 - 6. **Default:** The loan will be in default if any of the following occurs: sale, transfer, or conveyance of property; conversion to a rental property; loss of homestead exemption status; or failure to occupy the home as primary residence. If any of these occur, the original loan amount will be due and payable.

In the event of death of the qualifying homeowner(s) during the loan term the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the original loan amount will be due and payable.

In the event of a sale, the County may exercise its right of first refusal to purchase the property at its appraised market value for continued occupancy by income eligible persons.
If the home is foreclosed on by a superior mortgage holder, the County will make an effort to recapture funds through all available legal remedies if it is determined that adequate funds may be available to justifying pursuing a recapture.

- f. **Recipient Selection Criteria:**
Applicants will be ranked for assistance based on a first qualified, first-served basis with priority ranking for Veterans, Special Needs and Family Self Sufficiency (FSS) Program graduates from a local Public Housing Authority (PHA).
- g. **Sponsor Selection Criteria:** N/A
- h. **Additional Information:**
 - Applicant must first secure a first mortgage approved by a lender.
 - If the Property is determined to have Chinese drywall, the property is ineligible for purchase assistance.
 - Rehabilitation/Repairs will be performed by a State certified licensed contractor, or a contractor licensed to do business in Palm Beach County.
 - Applicant may not currently own or have assets exceeding \$200,000 in liquid assets and real estate.

B. First Mortgage Loan Assistance Program	Code 1/2
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- a. **Summary:** Funding will provide first mortgage loan assistance to income eligible households. Maximum loan amounts are based upon established affordability guidelines and creditworthiness, based upon established underwriting guidelines.
- b. **Fiscal Years Covered:** 2019-2020, 2020-2021 and 2021-2022
- c. **Income Categories to be served:** Very low, low and moderate
- d. **Maximum award:** \$331,888
- e. **Terms:**
 - 1. **Repayment loan/deferred loan/grant:** Funds will be awarded as a fixed rate loan secured by a recorded mortgage and note.
 - 2. **Interest Rate:** Based on the average 30 year fixed loan rate published monthly.
 - 3. **Years in loan term:** 30 years
 - 4. **Forgiveness:** Loan will be satisfied at the end of the term
 - 5. **Repayment:** The loan will be amortized with monthly principal and interest payments.

6. **Default:** The loan will be determined to be in default if any of the following occurs: sale, transfer or conveyance of property; loss of homestead exemption status; or failure to occupy the home as a primary residence. If any of these occur the original loan amount will be due and payable.

In the event of death of the qualifying homeowner(s) during the loan term, the loan may be assumed by a SHIP eligible heir who will occupy the home as its primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the original loan amount will be due and payable.

In the event of a sale, the County may exercise its right of first refusal to purchase the property at its appraised market value for continued occupancy by income eligible persons. The seller is prohibited from receiving a financial benefit i.e. no cash out.

- f. **Recipient Selection Criteria:**
Applicants will be ranked for assistance based on a first qualified, first serve basis with priority ranking for Veterans, Special Needs and Family Self Sufficiency (FSS) Program graduates.
- g. **Sponsor Selection Criteria:** N/A
- h. **Additional Information:**
 - FICO Credit Score: Middle FICO score must be at least 630, if less than three scores the lowest score must be 630, if not lower than 630, the borrower is deemed ineligible
 - If the property is determined to have ~~mold~~ or Chinese drywall, the property is ineligible for purchase assistance.
 - Applicant may not currently own or have assets exceeding \$200,000 (in liquid assets and real estate).

C. Owner Occupied Housing Rehabilitation	Code 3,8
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- a. **Summary:** Funding will assist income- eligible owner- occupied applicants (structure of one to two dwelling units) with:
 - Rehabilitation: Assist with substantial rehabilitation to correct code violations or incipient items that will become a code violation, eliminate housing conditions which threaten the life, health or safety of occupants, connect residents to public utilities, and adapt residences to meet accessibility.
 - Utility Connection: Funding will assist with:
 - a. Sewer and water connection system fees required by local water utilities; and
 - b. Costs to install service lines from the meter to the primary residence.
- b. **Fiscal Years Covered:** 2019-2020, 2020-2021 and 2021-2022
- c. **Income Categories to be served:** Very low, low, moderate

d. Maximum Award:

Rehabilitation Maximum Award	Utility Connection Maximum Award
\$80,000	\$13,000

Eligible household(s) will not be provided more funding than needed to bring the home up to current code and to make the home habitable.

e. Terms

1. **Repayment loan/deferred loan/grant:** Funding will be awarded as a deferred loan secured by a recorded mortgage and note.

2. **Interest Rate:** 0%

3. **Years in loan term:**

Strategy	Lien
Housing Rehabilitation	15 years
Utility Connection	5 years

4. **Forgiveness:** The loan will be forgiven at the end of the term.

5. **Repayment:** None required as long as loan is in good standing.

6. **Default:** The loan will be in default or in violation of the deed restriction if any of the following occurs: sale, transfer, or conveyance of property; conversion to a rental property; loss of homestead exemption status; or failure to occupy the home as primary residence. In the event of death of the qualifying homeowner(s) during the loan term, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the original loan amount will be due and payable.

In the event of a sale, the County may exercise its rights of first refusal to purchase the property at its appraised market value for continued occupancy by income eligible persons. The seller is prohibited from receiving a financial benefit i.e. no cash out.

If the home is foreclosed on by a superior mortgage holder, the County will make an effort to recapture funds through all available legal remedies if it is determined that adequate funds may be available to justify pursuing a recapture.

f. Recipient Selection Criteria:

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Amendment #1 April 24, 2020/ Approved by FHFC April 24, 2020
Amendment #2 September 16, 2020 /Approved by FHFC September 17, 2020
Amendment #3 February 8, 2022 / Approved by FHFC (Pending)

Applicants will be ranked for assistance based on a first qualified, first-served basis with priorities established in paragraph I of the Program Details Section I. of this plan.

- g. **Sponsor Selection Criteria and Duties:** N/A
- h. **Additional Information:**
 - If the property is determined to have Chinese drywall, the property is ineligible for rehabilitation.
 - Rehabilitation /Repairs will be performed by a State certified licensed contractor, or a contractor licensed to do business in Palm Beach County procured by the Department of Housing and Economic SustainabilityDevelopment.
 - Applicant may not currently own assets exceeding \$200,000 liquid assets and real estate (excluding their primary residence).
 - Mortgage Payments and taxes must be current/paid up to date.
 - Applicants must provide proof of current homeowners insurance. In the event that the homeowner does not have an existing homeowner’s insurance policy, this program may incorporate the payment of a one (1) year insurance premium showing Palm Beach County as an additional insured. Future payments are the sole responsibility of the homeowner(s).
 - Written consent will be required from affected multifamily unit owners (i.e. duplex, triplex, etc.) when required work affects multiple owners. Assistance may not be provided if consent is not provided and/or if conditions require work on an adjoining ineligible property (ex: failing common roof cannot be successfully repaired without work on portion of roof on adjoining investor-owned unit).

D.	Emergency Repairs	Code: 6
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- a. **Summary:** Funding will provide financial assistance to income eligible owner occupied residences to address emergency conditions such as roofing, electrical, plumbing or structural repairs. This strategy can be used for an applicant who has applied for but will not receive assistance through the housing rehabilitation strategy within the next three months. When an applicant is assisted with emergency repairs, they will not lose their place on the rehabilitation waiting list. However, the amount of funds expended for the emergency repairs will be counted towards the maximum award if the applicant receives subsequent assistance through the rehabilitation strategy and a lien on the assisted dwelling will be placed in accordance with established rehabilitation guidelines. Funds may also be awarded to pay insurance deductibles for any emergency repairs covered by the homeowner’s policy.
- b. **Fiscal Years Covered:** 2019-2020, 2020-2021 and 2021-2022
- c. **Income Categories to be served:** Very low, low and moderate
- d. **Maximum award:** \$53,000
- e. **Terms:**
 - 1. **Repayment loan/deferred loan/grant:** Funding will be awarded as a deferred loan secured by a

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recorded mortgage and note.

- 2. **Interest Rate:** 0%
- 3. **Years in loan term:** 15 years
- 4. **Forgiveness:** The loan will be forgiven at the end of the term.
- 5. **Repayment:** None required as long as loan is in good standing.
- 6. **Default:** The loan will be in default if any of the following occurs: sale, transfer, or conveyance of property; conversion to a rental property; loss of homestead exemption status; or failure to occupy the home as primary residence

In the event of death of the qualifying homeowner during the loan term, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the original loan amount will be due and payable.

In the event of a sale, the county may exercise its right of first refusal to purchase the property at its appraised market value for continued occupancy by income eligible person. The seller is prohibited from receiving a financial benefit i.e. no cash out.

If the home is foreclosed on by a superior mortgage holder, the County will make an effort to recapture funds through all available legal remedies if it is determined that adequate funds may be available to justifying pursuing a recapture.

f. **Recipient Selection Criteria:**

Applicants will be ranked for assistance based on a first qualified, first served basis with the priorities established in paragraph I of the Program Details in Section I. of this plan.

g. **Sponsor Selection Criteria:** N/A

h. **Additional Information:**

- If the Property is deemed to have Chinese drywall, the property is ineligible for emergency repairs.
- Rehabilitation/Repairs will be performed by a State certified licensed contractor, or a contractor licensed to do business in Palm Beach County procured by the Department of Housing and Economic Sustainability Development
- Applicants may not currently own or have assets exceeding \$200,000 in liquid assets and real estate.
- Mortgage payments and taxes must be current/paid up to date.
- Applicants must provide proof of current homeowner’s insurance policy; this program may incorporate the payment of a one (1) year insurance premium showing Palm Beach County as an additional insured. Future payments are the sole responsibility of the homeowner(s).
- Written consent will be required from affected multifamily unit owners (i.e. structure of one to two dwelling units, duplex, triplex, etc.) when required work affects multiple owners. Assistance

may not be provided if consent is not provided and/or if conditions require work on an adjoining ineligible property (Ex: failing common roof cannot be successfully repaired without work on portion of roof on adjoining investor-owned unit).

E.	Replacement Housing	Code 4
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- a. **Summary:** Funding will provide financing to homeowners residing in dilapidated structures which are beyond rehabilitation (over 50% of assessed value).
- Eligible uses of funding include, but are not limited to:
- Demolition of the existing property
 - Construction cost of a replacement home on the same lot (or) purchase of an existing home
- b. **Fiscal Years Covered:** 2019-2020, 2020-2021 and 2021-2022
- c. **Income Categories to be served:** Very low, low and moderate
- d. **Maximum award:** \$331,888
- e. **Terms:**

1. **Repayment loan/deferred loan/grant:** Funds will be awarded as a deferred loan and/or a payable low interest loan secured by a recorded mortgage and note. The repayable low interest loan amount will be determined on a case by case basis that is affordable to the respective homeowner.

2. **Interest Rate:** 0% for deferred loan/ 4% for payable low interest loan

3. **Years in loan term:** 30 years

4. **Forgiveness:** The loan(s) will be satisfied at the end of the term

5. **Repayment:** None required as long as loan is in good standing.

6. **Default:** The loan will be in default if any of the following occurs: sale, transfer, or conveyance of property; conversion to a rental property; loss of homestead exemption status; failure to maintain homeowner’s insurance; failure to occupy the home as primary residence.

In the event of a sale, the County may exercise its right of first refusal to purchase the property at its appraised market value for continued occupancy by income eligible persons. The seller is prohibited from receiving a financial benefit i.e. no cash out.

If the home is foreclosed on by a superior mortgage holder, the County will make an effort to recapture funds through all legal remedies if it is determined that adequate funds may be available to justify pursuing a recapture.
- f. **Recipient Selection Criteria:**

Applicants will be ranked for assistance based on a first qualified, first served basis with the priorities established in paragraph I of the Program Details in Section I. of this plan.

- g. **Sponsor/Sub-recipient Selection Criteria:** N/A
- h. **Additional Information:**
 - Department of Housing and Economic ~~Sustainability~~Development staff will determine the size of the replacement home utilizing similarities to current residence.
 - Mortgage payments and taxes must be current/paid up to date.
 - Applicants must provide proof of current homeowner’s insurance. In the event that the homeowner does not have an existing homeowner’s insurance policy; this program may incorporate the payment of a one (1) year insurance premium showing Palm Beach County as an additional insured. Future payments are the sole responsibility of the homeowner(s).

F. Disaster Assistance	Code 5, 16
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- a. **Summary:** Funding will be awarded to income eligible applicants in need of home repairs directly caused by a disaster that is declared by Executive Order of the United States President or the Governor of the State of Florida. Assistance will be prioritized as follows:
 - 1. Immediate threats to health and life safety in cases where the home is still habitable.
 - 2. Repairs necessary to correct code violations.
 - 3. Interim repairs to avoid further damage; tree and debris removal required to make the individual housing unit habitable.
 - 4. Payment of insurance deductibles for rehabilitation of homes covered under homeowner insurance and homeowner association policies.
 - 5. Security deposits and rental assistance for displaced recipients
 - 6. Retrofitting residences with mitigation features (installation of roofing straps, shutters, storm doors, hurricane impact windows and garage doors) that help prevent future storm damage.
 - 7. Rent and utility payments for households affected by a disaster
- b. **Fiscal Years Covered:** 2019-2020, 2020-2021 and 2021-2022
- c. **Income Categories to be served:** Very low, low and moderate
- d. **Maximum award:** Home Repair Assistance: \$68,000. Rent and Utility Payment Assistance: \$10,000
- e. **Terms:**
 - 1. **Repayment loan/deferred loan/grant:** Home Repair Assistance: Funds will be awarded as a deferred payment loan secured by a recorded mortgage and note. Rent and Utility Payment Assistance: Grant.
 - 2. **Interest Rate:** Home Repair Assistance: 0%. Rent and Utility Payment Assistance: Grant.
 - 3. **Years in loan term:** Home Repair Assistance: 15 years. Rent and Utility Payment Assistance: N/A.

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4. **Forgiveness:** Home Repair Assistance: The loan will be forgiven at the end of term. Rent and Utility Payment Assistance: N/A
5. **Repayment:** Home Repair Assistance: None required as long as loan is in good standing. Rent and Utility Payment Assistance: N/A
6. **Default:** Home Repair Assistance: The loan will be in default if any of the following occurs: sale, transfer, or conveyance of the property; conversion to a rental property; loss of homestead exemption status; or failure to occupy the home as primary residence.

In the event of a sale, the County may exercise its right of first refusal to purchase the property at its appraised market value for continued occupancy by income eligible persons. The seller is prohibited from receiving a financial benefit i.e. no cash out.

If the home is foreclosed on by a superior mortgage holder, the County will make an effort to recapture funds through all available legal remedies if it is determined that adequate funds may be available to justify pursuing a recapture.

Rent and Utility Payment Assistance: N/A

f. **Recipient Selection Criteria:**

Home Repair Assistance:

- Applicants will be ranked for assistance based on a first qualified, first served basis with the priorities established in paragraph I of the Program Details in Section I of this plan.
- Applicants must provide proof of current homeowners insurance. In the event that the homeowner does not have an existing homeowner's insurance policy; this program may incorporate the payment of a one (1) year insurance premium showing Palm Beach County as an additional insured. Future payments are the sole responsibility of the homeowner(s).
- Must file for and use proceeds from insurance as first option.

Rent and Utility Payment Assistance:

Priority will be given to households who have received rent, security and utility deposit assistance under federal and state programs and are very low, low income and/or special needs as defined in S. 420.0004.

g. **Sponsor Selection Criteria:** Home Repair Assistance: N/A

Rent and Utility Payment Assistance: The County will use existing sponsors and/or sponsors who can provide immediate assistance under a disaster and have experience in providing rent and utility payment assistance.

h. **Additional Information:**

Home Repair Assistance:

- Funds for disaster mitigation will only be allocated from unencumbered funds, program income or additional funds awarded through Florida Housing Finance Corporation for the disaster.

- Applicant may not currently own or have assets exceeding \$200,000 in liquid assets and real estate.
- Rehabilitation/Repairs will be performed by a State certified licensed contractor, or a contractor licensed to do business in Palm Beach County procured by the Department of Housing and Economic Sustainability Development

Rent and Utility Payment Assistance: N/A

G. Foreclosure Prevention	Code 7
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- a. **Summary:** Funding will be provided to assist with delinquent mortgage payments (PITI), property taxes, and homeowners insurance. Additionally, funding may assist with late fees, attorney’s fees, homeowners’ association payments, special assessments, other foreclosure associated costs, and mortgage delinquency and default resolution counseling.
- b. **Fiscal Years Covered:** 2019-2020, 2020-2021 and 2021-2022
- c. **Income Categories to be served:** Very low, low and moderate
- d. **Maximum award:** \$23,000
- e. **Terms:**

1. **Repayment loan/deferred loan/grant:** Funds will be awarded as a deferred payment loan secured by a recorded mortgage and note

2. **Interest Rate:** 0%

3. **Years in loan term:** 5 years

4. **Forgiveness:** The loan amount will be forgiven at the end of the term.

5. **Repayment:** None required as long as loan is in good standing.

6. **Default:** The loan will be in default if any of the following occurs: sale, transfer or conveyance of property; conversion to a rental property; loss of homestead exemption status; or failure to occupy the home as primary residence.

In the event of death of the qualifying homeowner(s) during the loan term, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the original loan amount will be due payable.

If the home foreclosed on by a superior mortgage holder, the County will make an effort to recapture funds through all available legal remedies if it is determined that adequate funds may be available to justify pursuing a recapture.

f. **Recipient Selection Criteria:**

In addition to being selected on a first –qualified, first-served basis, applicants must:

1. Provide proof of the arrearage in the form of notification from the first mortgage lender of applicant’s delinquency and/or intent to foreclose (this cannot be from a private mortgage holder). Verification of applicants’ ability to avoid default by showing that the first mortgage lender is willing to stop foreclosure upon assistance being provided.
2. Provide evidence of a hardship that caused the arrearage (considerable loss of income/employment, death of a household member, divorce, unexpected medical expenses, or unanticipated home repairs or costs associated with increases escrows).
3. Receive counseling from a HUD approved agency or NeighborWorks approved agency trained in foreclosure counseling.

g. **Sponsor Selection Criteria:** N/A

h. **Additional Information:**

- Participants can only receive assistance once
- Assessed value of the property may not exceed the established maximum sales price.

H. Rental Housing Assistance	Code 23, 13
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- a. **Summary:** Funding will be provided to individuals or families that are in need of assistance with obtaining a lease agreement on a rental unit and qualify under 420.9072(7)(b). This may include first and last month rent, rental security deposits, utility deposits and connection fees. Funds may be awarded to homeless very low income households for: (1) first and last month’s rent, security and utility deposit assistance; and (2) rent subsidies paying the monthly rent for up to 12 months. To be eligible for rent subsidies, the household receiving assistance must include at least one adult who is a person with special needs as defined in S. 420.0004 or homeless as defined in S. 420.621. This strategy will also provide eviction prevention assistance not to exceed 6 months in the form of a rent and utility payments.
- b. **Fiscal Years Covered:** 2019-2020, 2020-2021 and 2021-2022
- c. **Income Categories to be served:** Very low, low and moderate
- d. **Maximum award:** \$ 10,000
- e. **Terms:**
1. **Repayment loan/deferred loan/grant:** Funds will be awarded as a grant

- 2. **Interest Rate:** N/A
- 3. **Years in loan term:** N/A
- 4. **Forgiveness:** N/A
- 5. **Repayment:** N/A
- 6. **Default:** N/A
- f. **Recipient Selection Criteria:** Recipients will be ranked for assistance based on a first qualified, first served basis with the priorities established in paragraph I of the Program Details in Section I of this plan. For eviction prevention assistance, priority will be given to those households that have received rent, security deposits, utility deposits and/or rental assistance from a County program.
- g. **Sponsor Selection Criteria:** Funding may be awarded through the non-profit organizations with documented housing delivery experience. Successful non-profits will be selected according to the following criteria:
 - Organization’s past experience with direct assistance
 - Outreach capability to targeted client groups and ability to serve County residents.
 - Proof of ability to income certify applicants utilizing State SHIP standards.
- h. **Additional Information:**
 - The Lease Agreement must be at least twelve (12) months

I. Developer Rental Assistance Program	Code 14/21
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- a. **Summary:** Funding will provide assistance to not-for-profit and for-profit housing developers to acquire, construct and/or rehabilitate affordable rental or single family units. Additionally, this strategy will provide developers applying for Low Income Housing Tax Credits, State Apartment Incentive Loan (SAIL), State HOME Investment Partnerships Program or other multi-family funding, with a local government contribution or other leverage/match financing for affordable rental projects.
- b. **Fiscal Years Covered:** 2019-2020, 2020-2021 and 2021-2022
- c. **Income Categories to be served:** Very Low and Low
- d. **Maximum Award:** \$68,000 per unit
- e. **Terms:**
 - 1. **Repayment loan/deferred loan/grant:** Funds will be awarded as a loan secured by a recorded mortgage and note.
 - 2. **Interest rate:** Rate will be determined through the request for proposal (RFP) process, and will not exceed 3%.

- 3. **Years in loan term:** 15 years and will not exceed a term equal to a primary lender.
 - 4. **Forgiveness:** Loan amount will be satisfied when all the terms in the contract has been met
 - 5. **Repayment:** N/A
 - 6. **Default:** For all awards, a default will be determined as: sale, transfer, or conveyance of property; conversion to another use; failure to maintain standards for compliance as required by any of the funding sources. If any of these occur, the original loan amount will be due and payable.
- f. **Tenant Selection Criteria:** Management of the development will select potential renters for the SHIP assisted units on a first qualified, first served basis. All applicants for residence in a SHIP assisted unit must meet income qualifications of the program as determined and reported by the developers' management company for the development.
- g. **Sponsor Selection Criteria and Duties:** The County will advertise the availability of funds. Sponsors of affordable rental development will be selected through a request for proposal (RFP) utilizing the County's established guidelines. The RFP will require proof of developer experience in providing affordable rental housing, proof of financial capacity, evidence of site control (or contract for sale), proof of ability to proceed once all funding is closed, and a housing unit design plan meets with the county's' housing element in the Comprehensive Plan.

The county reserves the right to select developments that meet the above requirements, or utilize a competitive or non-competitive solicitation process, and:

- 1. Are in areas of immediate need due to lack of available units.
- 2. Propose to preserve and improve existing units.

All funding awards will be subject to closing on other funding sources.

- h. **Additional Information:**
- Other state, federal, private and local funds are required as SHIP funds will be used as gap financing only
 - Developers will be required to meet compliance reporting requirements on the development necessary to meet the statutory requirements for monitoring of SHIP rental units.
 - Assisted development must commit to rent stipulations as established by HUD for the term of the mortgage and all other stipulations of the loan agreement. Assisted development must commit to rent stipulations as established by HUD for the term of the mortgage and all other stipulations of the loan agreement. The housing must remain affordable, and all SHIP assisted units must be occupied by income eligible persons during affordability period.

J. Single Family New Construction	Code 10
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- a. **Summary:** Funding will be awarded to contractors, Non-profits and For-profit housing developers to construct affordable single family units for eligible first time homebuyers. Funds can be used for site acquisition, soft costs, site development, infrastructure improvements, demolition, construction

and other eligible construction related costs.

Perspective homebuyers must qualify as a First time Homebuyer under the HUD definition: An individual who has had no ownership in a principal residence during the 3-year period ending on the date of the purchase of the property. This provision is limited to a spouse (if either meets the above test, they are considered first time homebuyers). A single parent who has only owned with a former spouse while married. An individual who is a displaced homemaker and has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations. An individual who has only owned a property that was not in compliance with state, local or model building codes and which cannot be brought into compliance for less than the cost of constructing a permanent structure.

- b. **Fiscal Years Covered:** 2019-2020, 2020-2021 and 2021-2022
- c. **Income Categories to be served:** Very low, low and moderate
- d. **Maximum award:** \$331,888
- e. **Terms:**
 - 1. **Repayment loan/deferred loan/grant:**
Developers- Funds will be awarded as a repayable predevelopment and or construction loan secured by a recorded mortgage and note.

Homebuyers- Funds will be awarded as a deferred payment loan secured by a recorded mortgage and note.
 - 2. **Interest Rate:** 0% for Developers and Homebuyers
 - 3. **Years in loan term:** 2 years for Developers and 30 years for Homebuyer
 - 4. **Forgiveness:** The County will satisfy the promissory note to the developer and tender a recorded satisfaction upon sale of the property.
 - 5. **Repayment:** The County will require the developer to execute a restrictive covenant with a two (2) year period, mortgage and promissory note. Upon sale of the property, the loan will be paid and the County will satisfy the promissory note to the developer and tender a recorded satisfaction.
 - 6. **Default:** The loan will be in default if the developer does not successfully acquire and construct affordable housing and sell to an eligible homebuyer within the contractual timeframe. The County will recapture the subsidy or property if the housing has not been completed within two years of the date of the recorded Mortgage Agreement.
- f. **Recipient Selection Criteria:** Applicants must be income eligible and will be ranked for assistance based on a first-qualified, first- served basis with the priorities established in paragraph I of the Program details in Section of this plan.
- g. **Sponsor Selection Criteria and Duties:** Developers will apply to the County through a competitive or non-competitive solicitation process or be selected by the Board of County Commissioners. Proof of experience

in constructing affordable housing, financial capacity to carry out the project, and provide a housing unit design plan that meets the County’s housing element in the Comprehensive Plan will be required.

The County reserves the right to select developments that meet all of the above requirements and:

- 1. Are in areas of immediate need due to lack of available affordable units.

h. **Additional Information:**

- The County can act as developer on County owned properties, in which the selected contractors will be required to adhere to terms of this strategy. As such, there will not be predevelopment and/or construction loan agreement.
- If the property to be developed is encumbered by an existing mortgage, the County may choose not to fund the project.
- Developers will be required to meet the SHIP program compliance reporting requirements.
- Prospective homebuyers must first secure a first mortgage approval by a lender.
- Prospective homebuyers may not currently own or have assets exceeding \$200,000 in liquid assets or real estate.

III. **LHAP Incentive Strategies**

A. **Name of the Incentive Strategy: EXPEDITED PERMITTING**

To ensure the review of affordable housing projects is expedited to a greater degree than other projects, Palm Beach County has instituted a “Pre-Application Review Process”; in which Workforce and Affordable Housing Developers are encouraged to participate. The pre-application review process will occur prior to the submittal of a Zoning or Building permit application, for purposes of establishing a density bonus determination. The pre-application shall be established by the Planning Director, and made available to the public and be subject to Sufficiency Review. The Planning Director shall provide a written density determination letter within ten days of determining the pre-application is sufficient. The determination shall be based on the sector analysis, size, location and development characteristics of the project with consideration given towards affordability, accessibility, proximity to mass transit or employment centers, compatibility, quality of design, pedestrian and vehicular circulation, open space, and resource protection. The Planning Director shall prepare a report for the applicant, Development Review Officer (DRO) Committee, Zoning Commission (ZC), or Board of County Commissioners (BCC), whichever is appropriate, making a determination of compliance with this chapter, consistent with the Plan and recommend approval, approval with conditions, or denial of the request.

Also, Palm Beach County updated its Unified Land Development Code (ULDC) (*located in Article 5, CHAPTER G, Section 1*) ordinance (#2006-055) in 2006. The ULDC allows for the following processes with regards to expedited review for a proposed Affordable Housing Development:

- a. **Design Review**
Review of multifamily or townhouse structures by the Building Division and Fire Rescue shall be allowed concurrent with final DRO review, prior to permit application.
- b. **Platting**

- 1) If only a boundary plat is required for an existing single lot, building permits may be issued after submittal of the final plat for recordation.
- 2) If a subdivision plat is required, permits will be concurrently reviewed, but only issued at recording of the plat.
- 3) Pursuant to Article 3.E.1.G.1.a, Permits, Building permits may be issued for sales offices, sales models, gate houses, entry features, and utilities may be issued prior to the recording of a final plat.

This expedited permitting incentive has been in operation since November 2006. More recently, the County ~~has begun~~ providing expedited processing of building permits for residential construction funded through Department of Housing and Economic Development Sustainability programs. These efforts typically reduce approval time by approximately 50%.

The County is currently developing a policy and procedure memorandum that will enhance the process for expedited development review and permitting of affordable and workforce housing. This enhanced process will include the designation of a staff liaison who will help guide the development applications through the various approval processes with County agencies.

B. Name of the Incentive Strategy: ONGOING REVIEW OF POLICIES AND PROCESS IMPACTING HOUSING COST

Comprehensive Plan Housing Element Policy 1.1-h calls for the County to review and streamline existing ordinances, codes, and regulations related to the permitting process in order to reduce excessive requirements that increase the cost of housing, and to add other provisions that increase private sector production of affordable housing. The Planning, Zoning, and Building Department (PZB) is designated to lead these efforts, with assistance from the Department of Housing and Economic ~~Development Sustainability~~ (DHEDS) and other departments. When considering changes to the Comprehensive Plan or Unified Land Development Code (ULDC) that might increase the cost of housing, PZB regularly solicits review and comment from the ~~DHEDS~~DHED. Further, Countywide PPM CW-O-057 requires that an economic impact analysis be prepared for proposed County ordinances that may have an economic impact on commerce, employment, or incomes.

Furthermore, the State requires that all proposed changes to the Unified Land Development Code, Comprehensive Plan, Zoning Code, and Zoning Map are reviewed and approved through a public hearing process. In Palm Beach County, the bodies that perform the review and approval functions are the Land Development Regulation Advisory Board (LDRAB) and the Board of County Commissioners (BCC). The ULDC provides that the composition of the LDRAB include seats specifically for a residential builder (Gold Coast Builder's Association), an architect (American Institute of Architects), and a realtor (Broward, Palm Beaches and St. Lucie Realtors) in addition to other professions. These experts provide input and insight to staff on how proposed changes may impact the cost of housing, and help inform BCC decision making.

C. Name of the Incentive Strategy: INVENTORY OF COUNTY OWNED LANDS SUITABLE FOR AFFORDABLE HOUSING

The Palm Beach County Comprehensive Plan Housing Element, Policy 1.1-i, requires an inventory of all surplus County owned land and foreclosed properties that may be suitable for

affordable housing. Surplus properties are those which are vacant but are not (i) currently utilized or (ii) held for some future use. The County's Property and Real Estate Management Division (PREM) is responsible for identification of such properties, ~~and for coordinating with the Palm Beach County School Board, the South Florida Water Management District, and other public landowners to produce a list of viable sites for affordable housing developments and special needs housing, including rural and farmworker households.~~ DHESDHED is responsible for review of the inventory in order to advise on suitability of properties for affordable housing purposes. PREM will make available through its website a list of potentially surplus properties which will be periodically updated. The list will include all potentially surplus properties, and make no determination or recommendation as to developability or availability of any property as the County reserves the right to revise the list at its discretion.~~The County may make direct land grants to private not-for-profit agencies, and may also make land for affordable housing available to developers in exchange for other land that will serve a public purpose.~~ Countywide Policy and Procedure Memorandum CW-L-023 *Requirements for the Acquisition, Disposition, Lease, and Exchange of Real Property* establishes procedural requirements for disposition of County-owned real estate, including donation to not-for-profit entities. Recipients for disposition of County owned property must be selected through a competitive process, except for not-for-profit recipients whom may be selected on a non-competitive basis, however, all dispositions must be approved by the Board of County Commissioners. PREM will post on its website information on the process for disposition of surplus properties.

D. Name of the Incentive Strategy: IMPACT FEE AFFORDABLE HOUSING ASSISTANCE PROGRAM

The Impact Fee Affordable Housing Assistance Program (IFAHAP) was developed to implement direction by the Palm Beach County Board of County Commissioners (BCC) to secure a funding source for the creation of affordable housing. In November 2009, the BCC authorized utilization of impact fee investment earnings on roads, parks, and public buildings to support affordable housing within Palm Beach County (R2009-2013). Under IFAHAP, the BCC designates during each budget development process 50% of the investment earnings realized during the prior year on the roads, parks and public building impact fee fund balances, but not to exceed a total of \$3 million annually. Once the Office of Financial Management and Budget establishes the amount of funding available for the IFAHAP, Department of Housing and Economic Sustainability ~~Development~~ staff advertises a Notice of Funding Availability (NOFA) that offers the funds on a first-come, first-serve basis. The funds are provided in the form of credits to offset impact fees due on new housing development serving up to 140% AMI households. Approved projects must apply for a building permit within ~~two~~ one (21) years of approval and be completed within four (4) years. Funds not contracted/awarded to a project within two (2) years and not spent within four (4) years will revert back to the original impact fee type and zone for use on County capital improvement projects. ~~The County is currently exploring the option of utilizing investment earnings from school impact fees to fund the IFAHAP.~~

Additionally, the County allows for the payment of impact fees with development financing provided through the SHIP and HOME programs. The facilitate residential development in the western rural area of the county, no County impact fees are collected in the Glades Region.

The County currently offers on the zoning Division website a free and publically-accessible tool for the comprehensive estimation of fees associated with a development application through

the ePZB system.

E. **Name of the Incentive Strategy: FLEXIBLE DENSITIES FOR AFFORDABLE HOUSING**

The County's Workforce Housing Program (WHP) and Affordable Housing Program (AHP) provide similar opportunities to developers to increase density from 30 up to 100 percent in accordance with the ULDC Article 5.G.1.H.1. (WHP, adopted 2006) and Article 5.G.2.E.1. (AHP, adopted 2010). The County's Transfer of Development Rights Program (TDR) allows a property owner to achieve a density bonus by purchasing the increase in density in new residential developments within the Urban/Suburban Tier in unincorporated Palm Beach County.

Projects requesting a density bonus greater than 30 percent are required to conduct a sector analysis as described in Article 5.G.1.H of the ULDC. [Ord. 2006-055]

- WHP projects, including relocated WHP units, shall be equitably distributed so that there is no undue concentration of very low and low-income households.
- Table 5.G.1.H, WHP Density Bonus Guide indicates the maximum density bonus permitted and the concentration of very-low and low income housing within a sector will be one factor taken into consideration when determining the maximum density bonus permitted.

Table 5.G.1.H - WHP Density Bonus Guide

% of Very Low & Low Income Households in Sector	> 50%	40-50%	20-40%	0-20%
Maximum Density Bonus (1)	up to 40%	up to 60%	up to 80%	up to 100%
[Ord. 2009-01] [Ord. 2010-005]				
Notes:				
1. The Planning Director may recommend a density bonus in excess of the Maximum Density Bonus where the project serves to mitigate existing very low and low income concentrations by including a mix of higher income market rate units or Medium 1, Medium 2 and Middle Income WHP units. [Ord. 2006-055]				

- Other factors to be considered include:
 - the location of the proposed development and its relationship to the study area;
 - the housing type(s) proposed;
 - if the development site is located within:
 - 1/4 radius of a public park (neighborhood or regional park, not a golf course); civic uses (schools/libraries); a mass transit facility/route; child care facilities; medical facilities; a super market; a community commercial facility; employment opportunities; and
 - 1/2 mile radius of social services; a regional commercial facility; an industrial facility; additional civic uses and employment opportunities.
- Prior to submittal of a WHP pre-application, the applicant shall meet with the Planning Director or designee to establish the sector within which the distribution analysis shall be conducted.
- The boundaries of the sector shall be approved by the Planning Director or designee.

- The maximum density bonus permitted or a bonus in excess of the maximum shall be recommended by the Planning Director or designee. [Ord. 2010-005]

Additionally, County staff is currently researching the concept of establishing a new process or program to allow proposed developments to draft their own custom PDRs for residential developments as done with other Counties in Florida. Zoning Division is exploring establishing a pilot program for Workforce and Affordable housing, with the opportunity to extend other types of residential developments in the future.

F. Name of the Incentive Strategy: RESERVATION OF INFRASTRUCTURE CAPACITY FOR AFFORDABLE AND WORKFORCE HOUSING

—The County's Workforce Housing Program (WHP) and Affordable Housing Program (AHP) provide identical "traffic performance standards mitigation" opportunities to developers in accordance with the Unified Land Development Code (ULDC) Article ~~5.G.1.E.2. (WHP, adopted 2006) and Article 5.G.2.D.2. (AHP, adopted 2010)~~ 5.G.1. B.2.f.1. (WHP) and Article 5.G.2.D.2. (AHP).

. This allows developments with WHP/AHP units to exceed Level of Service D by 30%, increasing the available concurrency for traffic and reserving that traffic for those WHP/AHP developments that need it. Level of Service (LOS) is a measure of the operation of a roadway based upon traffic volumes in relation to road capacity. LOS is represented by the letters A through F with A representing the condition with the least driver delay and F representing conditions with the most driver delay. In general, LOS D describes high-density areas where speed and freedom to maneuver in the roadway is stable but severely restricted.

Traffic Performance Standards (TPS) mitigation for WHP ~~are described in Article 5.G.1.E. of the ULDC and~~ provides for the following:

- WHP Special Methodologies
 - TPS mitigation shall be permitted for WHP projects in accordance with County Comprehensive Plan Transportation Element Policy 1.2-d (4). [Ord. 2006-055] [Ord. 2011-016]
- WHP Traffic Concurrency Hall Pass
 - TPS mitigation shall also include the option of applying for a WHP Traffic Concurrency Hall Pass separate from a development order application. The WHP Traffic Concurrency Hall Pass serves as a provisional traffic concurrency approval for a period of not more than 90 days, during which it must be merged into an application submitted for a Concurrency Reservation approval. The WHP Traffic Concurrency Hall Pass is described further in Art. 2.F. [Ord. 2006-055]

The County's Comprehensive Plan Transportation Element Policy 1.2-d acknowledges that under certain limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities be available concurrent with the impacts of such development. The policy further acknowledges that under certain circumstances, lower level of service standards for specific roadway segments and intersections are appropriate. As a result, the Comprehensive Plan Transportation Element Policy provides for lower transportation facilities level of service standard for certain purposes on roadway segments and intersections as described in Policy 1.2-d.4:

- For the public purpose of allowing developments that include Workforce and Affordable Housing units (as defined in Housing Element Policies 1.5-g and 1.5-i) to be constructed, the level of service standard permitted for all housing units beyond the standard density (as defined in Future Land Use Element Table III.C.1) on affected segments and intersections shall be up to 30% above the LOS D volume on those segments and intersections.

**G. Name of the Incentive Strategy: ALLOWANCE OF AFFORDABLE ACCESSORY RESIDENTIAL UNITS
IN RESIDENTIAL ZONING DISTRICTS**

Definitions and supplementary standards for specific uses, such as Accessory Dwellings, are included in the County's Unified Land Development Code (ULDC).

According to Article 4.B.1.A.1. (adopted 2005) of the ULDC:

- An accessory dwelling unit is located on the same lot as a principal single family dwelling. An accessory dwelling is a complete, independent living facility equipped with a kitchen and provisions for sanitation and sleeping.
 - Number of Units
 - A maximum of one accessory dwelling may be permitted as an accessory use to a principal single family dwelling unit which is owner occupied. The accessory dwelling may be attached to the principal dwelling or freestanding.
 - Maximum Floor Area
 - On less than one acre: 800 square feet.
 - On one acre or more: 1000 square feet.
 - The floor area calculation shall include only the living area of the accessory dwelling under a solid roof. [Ord. 2005-041]
 - Additional Floor Area
 - Floor area under a solid roof that is utilized as a porch, patio, porte cohere, carport, or garage shall not exceed 500 square feet.
 - Maximum Number of Bedrooms/Baths
 - One bedroom and one bathroom.
 - Compatibility
 - The accessory dwelling shall be architecturally compatible in character and materials with the principal dwelling.
 - Property Development Regulations (PDRs)
 - The accessory dwelling shall comply with the PDRs applicable to the principal dwelling.
 - No Separate Ownership
 - The accessory dwelling shall remain accessory to and under the same ownership as the principal dwelling and shall not be subdivided or sold as a condominium.
 - Kitchen Removal
 - An agreement to remove all kitchen equipment shall be executed for the dwelling unit prior to the issuance of a Building Permit. The agreement shall require the kitchen to be removed if the principal dwelling is no longer owner occupied.

- No Separate Electrical Service
 - Both the principal single family dwelling and the accessory dwelling shall be connected to the same meter. Separate electric service shall be prohibited. [Ord. 2005-041]

The Planning, Zoning, and Building Department is currently currently developing a ULDC Amendment proposal that includes use of ADUs and associated requirements for the upcoming amendment round. The process will involve a review of existing requirements, ~~undertaking a review of property development regulations as they relate to density concepts,~~ and may identify changes that will facilitate development of accessory dwelling units.

H. Name of the Incentive Strategy: REDUCTION OF PARKING AND SETBACK REQUIREMENTS FOR AFFORDABLE HOUSING

The County's Workforce Housing Program (WHP) and Affordable Housing Program (AHP) provide identical "setback reduction" opportunities to developers in accordance with the Unified Land Development Code (ULDC) Article ~~5.G.1.E.4.h. (WHP, adopted 2006) and Article 5.G.2.D.4.h. (AHP, adopted 2010)~~ 5.G.1.B.2.f.3.h. (WHP) and Article 5.G.2.D.4.h. (AHP).

Flexible regulations are described in Article 5.G.2.D.4 of the ULDC and are applicable to:

- Projects with Future Land Use (FLU) designations of:
 - Medium Residential, 5 units per acre (MR-5)
 - High Residential, 8 units per acre (HR-8)
 - High Residential, 12 units per acre (HR-12)
 - High Residential, 18 units per acre (HR-18)
- Projects approved as a Planned Development District (PDD)
- Projects approved as a Traditional Development District (TDD)

Projects with these designations may deviate from the residential requirements of Table 3.D.1.A, Property Development Regulations, or Table 3.D.2.B, Zero Lot Line Property Development Regulations, as follows: ~~[Ord. 2009-040]~~

- Single Family Dwelling units may be permitted up to a maximum ten percent deviation for the following Property Development Regulations:
 - lot size;
 - width and frontage;
 - building coverage; and
 - side and rear setbacks. ~~[Ord. 2009-040]~~
- Single Family Dwelling units limited to one floor with no loft or other similar feature, may be permitted up to a maximum 20 percent deviation for the following Property Development Regulations:
 - building coverage; and
 - front and side street setbacks. ~~[Ord. 2009-040]~~
 - Zero Lot Line lots may be permitted up to a maximum lot width reduction of five feet, and ten percent deviation from the minimum lot size, building coverage, and front setback for units with front loading garages. ~~[Ord. 2009-040]~~

~~PBC Zoning Division staff is currently analyzing revisions to parking code, and is proposing a nearly 50% reduction in parking requirements for Congregate Living Facilities, as well as~~

reviewing options for Shared Parking, Parking Demand Studies, and reductions for multi-family uses.

I. Name of the Incentive Strategy: ALLOWANCE OF FLEXIBLE LOT CONFIGURATIONS, INCLUDING ZERO-LOT-LINE CONFIGURATIONS FOR AFFORDABLE HOUSING

The County's Comprehensive Plan Concentrations of Affordable Housing Policy 1.5 enables the public, private, and not-for-profit sectors to:

- provide affordable housing
- support the distribution of housing for very low, low, moderate and middle income households
- use the Workforce Housing Program (WHP) and the Affordable Housing Program (AHP) to avoid undue concentrations of very low and low income housing through the County

The Unified Land Development Code (ULDC) allows for "Density Bonus Development Options" for both WHP and AHP developments. ~~(Article 5.G.1.E.4 a-k and Article 5.G.2.E.4 a-k). Setback deviations are included in certain instances, and zero-lot-line deviations are allowed.~~ The ULDC Article 5.G.1.B.2.f.3.h. (WHP) and Article 5.G.2.D.4.h. (AHP) provide for flexible lot configurations, including zero-lot-line configurations.

J. Name of the Incentive Strategy: SUPPORT FOR AFFORDABLE HOUSING IN TRANSPORTATION ORIENTED DEVELOPMENT

When determining the WHP/AHP density bonus, proximity of the site to mass transit and employment opportunities are considered, thereby providing an incentive for affordable development in closer proximity to the same. Most transit services suitable for TODs and related development opportunities are located in municipal areas, and are not subject to County property development regulations. However, for the unincorporated County, Comprehensive Plan Policy 4.4.9-a requires that not less than 20% of the total residential units of a TOD shall be designated for workforce housing or affordable housing through the associated programs.

The County has identified priority redevelopment areas along segments of Military Trail and Congress Avenue within the Urban Redevelopment Area. Within these areas the County has designated transect-based land use designations and zoning districts which place an emphasis on regulating building form and placement in relation to the public realm. These forms support redevelopment that can capitalize on existing bus service on these corridors and provide for development at higher densities than traditional future land use and zoning designation. Additionally, County staff is involved with ongoing transit studies, along with municipal representatives and partner agencies. During January 2021, the County hosted a Mobility Planning Summit that addressed various issues around transportation and land development. The Summit spurred plans for a forthcoming Board of County Commissioners mobility workshop that will provide a venue for a discussion to include residential development at transportation hubs.