



**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2023	2024	2025	2026	2027
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

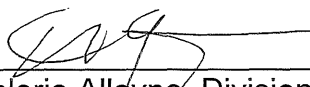
Budget Account No.:

Fund   Dept   Unit   Object   Program Code/Period

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


No fiscal impact.

**C. Departmental Fiscal Review:**

  
 \_\_\_\_\_  
 Valerie Alleyne, Division Director II  
 Financial and Administrative Services, HED

**III. REVIEW COMMENTS**

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

 1/20/23  
 \_\_\_\_\_  
 OFMB *QA 1/19* *LM 1/19*

 1/24/23  
 \_\_\_\_\_  
 Contract Development and Control

**B. Legal Sufficiency:**

 1/30/23  
 \_\_\_\_\_  
 Chief Assistant County Attorney

**C. Other Department Review:**

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

ORDINANCE NO. 20.17 - 017

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

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

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

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

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

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

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

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

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

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

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

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

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

20           **Section 2. Authority.**

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

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

25           It is the policy of the Board of County Commissioners and the purpose of this article to:

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

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

19 **Section 4. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

17 (b) General Provisions:

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

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

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

30 (c) SHIP Program Funds:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 for less than three-quarters of a meeting shall be the same as failure to attend a meeting.  
2 Removals shall be entered into the minutes of the next regularly scheduled meeting of the  
3 CAH. Members removed under this provision shall not continue to serve and such removal  
4 shall create a vacancy. Furthermore, members removed may not be reconsidered for  
5 membership on the CAH for at least one (1) year from the effective date of the removal.

6 (5) Members shall not be prohibited from qualifying as a candidate for elected office.

7 (6) Travel reimbursement is limited to expenses incurred only for travel outside the county  
8 necessary to fulfill CAH member responsibilities when sufficient funds have been  
9 budgeted and are available and upon the approval of the board. No other expenses are  
10 reimbursable except documented long distance telephone calls to DES.

11 (7) Members shall be governed by the applicable provisions of the Palm Beach County Code  
12 of Ethics as codified in Section 2-254 through 2-260 of the Palm Beach County Code.

13 (e) *County Support:* Staff, administrative and facility support for the CAH shall be provided by  
14 the Board of County Commissioners as determined by the county administrator.

15 (f) *Role and Responsibilities:* The CAH shall function as outlined in Section 420.9076, Florida  
16 Statutes, or as amended of which the current statute shall govern, or at the request of the Board  
17 of County Commissioners.

18 (1) Triennially, the CAH shall review the established and proposed policies and procedures,  
19 ordinances, land development regulations, and adopted local government comprehensive  
20 plan of the county and shall recommend specific actions or initiatives to encourage or  
21 facilitate affordable housing while protecting the ability of the property to appreciate in  
22 value.

23 (2) Recommendations may include the modification or repeal of existing policies, procedures,  
24 ordinances, regulations, or plan provisions or approval of developments related to  
25 affordable housing; or at a minimum, the CAH shall make recommendations on, and  
26 triennially evaluate the implementation of affordable housing incentives in the following  
27 areas:

28 a. The expedited processing of permits or development orders for affordable  
29 housing projects.

30 b. The modification of impact-fee requirements, including reduction or waiver of  
31 fees and alternative methods of fee payment.

32 c. The allowance of flexibility in densities for affordable housing.

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

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

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

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

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

12 (1) Presiding at CAH meetings.

13 (2) Establishing committees, appointing committee chairs and charging committees with  
14 specific tasks.

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

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

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

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

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

27 (d) *Compliance*:

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

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

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

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

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

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

10 **Section 9. SEVERABILITY.**

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

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

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

18 **Section 11. ENFORCEMENT.**

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

22 **Section 12. PENALTY.**

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

24 **Section 13. CAPTIONS.**

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

27 **Section 14. EFFECTIVE DATE.**

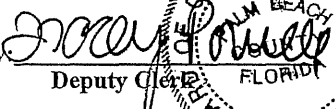
28 The provisions of this Ordinance shall become effective upon filing with the Department  
29 of State.

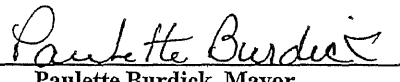
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1 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach  
2 County, Florida, on this the 16th day of May, 2017.

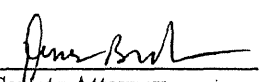
3 SHARON R. BOCK, CLERK

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


4  
5  
6  
7  
8 By:   
9 Deputy Clerk

By:   
Paulette Burdick, Mayor

10  
11 APPROVED AS TO FORM AND  
12 LEGAL SUFFICIENCY

13  
14  
15 By:   
16 County Attorney

17  
18  
19  
20  
21 EFFECTIVE DATE: Filed with the Department of State on the 17th day of  
22 May, 2017.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk, do hereby certify  
this to be a true and correct copy of the original  
filed in my office on MAY 16 2017  
date of West Palm Beach, Florida  
By:   
Deputy Clerk

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

1.	<b>Incentive Area</b>	<b>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)</b>
<b>CAH Recommendation</b>		<b>Staff Comment / Recommendations</b>
<p>The County should continue efforts towards expediting development approvals and building permits for affordable housing projects. Expedited approval should be offered to all projects with at least 65% of total housing units affordable/workforce. The CAH strongly recommends that the County create a position or designate an individual to be responsible for and to shepherd development applications through the approval process. This County should consider utilizing entities to increase capacity to process development and permit applications.</p>		<p><b>SUPPORTED.</b> The ULDC currently provides for expedited review of certain development approval processes for Workforce Housing Program (WHP) and Affordable Housing Program (AHP) projects, including expedited design and platting review and various concurrent reviews. The Building Division currently provides for expedited review of building percentage of affordable or workforce housing units (such as a minimum of 65% of the overall project). The Building Division is currently working with ISS in developing programming to assign expedited attributes in the database for Affordable, and Workforce Housing that will allow more accurate reporting directly from the database. Customers will request a "status" during the application process and County staff can "validate" the status during processing. The County will continue to allow review of permit applications by private entities in accordance with F.S. 553.791, but does not recommend third party reviews of development orderst that ultimately end up at BCC public hearings. The expediting process will be set forth in the policy and procedure memorandum that is currently under development by the Planning, Zoning, and Building Department (PZB). PZB will offer a pre-application meeting and guidance in approval processes. PZB believes a liason would be helpful to shepard projects through the affordable/workforce housing process, however, because of the cross-departmental nature of the process and high level of coordination required, recommends this position be clarified to be at the County Admininstration level or which department would be responsible. Quality of application submittal is the greatest determinant of timely movement through the approval process.</p>

2.	<b>Incentive Area</b>	<b>F.S. 420.9076(4)(b) - All allowable fee waivers provided for the development of construction of affordable housing.</b>
<b>CAH Recommendation</b>		<b>Staff Comment / Recommendations</b>
<p>The County should offer a transparent development fee structure with clear directions for determining fees, including utilities fees. Existing fee schedules should be listed and made public. The County should offer variability/reduction in development fees for affordable and workforce housing, and/or should defer collection of fees until the housing unit is completed and placed into service. When the County allocates SHIP funding to affordable housing construction within municipalities, the County should require that the municipality waive or reduce development fees for that project as a condition of funding.</p>		<p><b>PARTIALLY SUPPORTED.</b> The County currently offers free and publically accessible online fee schedules and fee estimators on both the Planning/Zoning and Building Division websites (ePZB system). PZB is unable to estimate utilities fees. 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 housing potential density bonuses and</p>

ATTACHMENT 2



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

		program requirements. Zoning fees may be waived based on Comprehensive Plan Policy 1.5-f that describes the elimination of processing for residential zoning petitions providing affordable housing units in areas of very-low and low-income households. The Building Division does not charge development fees nor can they lawfully reduce building permit fees except for owners of Single Family pursuant to F.S. 553.80. Current County policy does not allow for waiver of impact fees.
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<b>3.</b>	<b>Incentive Area</b>	<b>F.S. 420.9076(4)(c) - The allowance of flexibility in densities for affordable housing.</b>	
	<b>CAH Recommendation</b>		<b>Staff Comment / Recommendations</b>
	See "Flexible Zoning" #12.		See response at recommendation #12 -- Flexible Zoning.

<b>4.</b>	<b>Incentive Area</b>	<b>F.S. 420.9076(4)(d) - The reservation of infrastructure capacity for housing for very-low-income person, low-income person, and moderate-income persons.</b>	
	<b>CAH Recommendation</b>		<b>Staff Comment / Recommendations</b>
	Maintain current incentive strategy.		<b>SUPPORTED.</b> 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 for WHP and AHP developments. PZB supports incentives for affordable/workforce housing.

<b>5.</b>	<b>Incentive Area</b>	<b>F.S. 420.9076(4)(e) - Affordable accessory residential units.</b>	
	<b>CAH Recommendation</b>		<b>Staff Comment / Recommendations</b>
	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 the owner vacates the main dwelling unit. ADUs should not be counted as a separate housing unit for purposes of density calculations.		<b>PARTIALLY SUPPORTED.</b> The Planning, Zoning, and Building Department is currently developing a ULDC Amendment proposal that includes use of ADUs and associated requirements. The process will involve a review of existing requirements, and will address restrictions on ADUs in order to allow for greater opportunity, including the elimination of requirement for an owner covenant to remove the kitchen when the owner vacates the main dwelling unit. PZB cannot support recommendation for the elimination of electrical feed from main house because that would result in the ADU counting towards density. The matter of whether or not to count ADUs as separate housing units in density calculations will require in-depth evaluation by staff and policy discussions at the level of elected officials.

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

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

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

<b>8.</b>	<b>Incentive Area</b>	<b>F.S. 420.9076(4)(h) - The modification of street requirements for affordable housing.</b>	
		<b>CAH Recommendation</b>	<b>Staff Comment / Recommendations</b>
		The County should continue to base street and related requirements for affordable housing on sound engineering practices.	<b>SUPPORTED.</b> 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 Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (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.

<b>9.</b>	<b>Incentive Area</b>	<b>F.S. 420.9076(4)(i) - The establishment of a process by which local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing (MANDATORY).</b>	
		<b>CAH Recommendation</b>	<b>Staff Comment / Recommendations</b>
		The County should consider the adoption of a comprehensive countywide housing plan to include workforce and affordable housing.	<b>SUPPORTED.</b> During 2022, The County staff participated in a privately-led initiative to develop a countywide affordable housing plan. The Housing For All Plan, developed by the Housing Leadership

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

		Council of Palm Beach County and community stakeholders, proposes a number of initiatives to generate 20,000 new affordable and workforce housing units during the following 10 year period. The Plan includes recommendations for changes to various County policies impacting the cost of housing. The County will review and consider Plan recommendations.
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<b>10.</b>	<b>Incentive Area</b>	<b>F.S. 420.9076(4)(j) - The preparation of a printed inventory of locally owned public lands suitable for affordable housing.</b>	
		<b>CAH Recommendation</b>	<b>Staff Comment / Recommendations</b>
		The County should make available online a regularly-updated inventory of all County-owned properties, and offer a clear process for disposition so that private industry and not-for-profit organizations can utilize available lands for the development of affordable and workforce housing.	<b>SUPPORTED.</b> PREM has made available through its website a list of potentially surplus properties which will be periodically updated. The County makes no determination or recommendation as to developability or availability of any property, and the County reserves the right to revise the list at its discretion. 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.

<b>11.</b>	<b>Incentive Area</b>	<b>F.S. 420.9076(4)(k) - The support of development near transportation hubs and major employment centers and mixed-use developments.</b>	
		<b>CAH Recommendation</b>	<b>Staff Comment / Recommendations</b>
		The Board of County Commissioners should, through the appropriate department(s), review with local government jurisdictions and transportation providers a comprehensive solution to providing affordable housing near transportation hubs.	<b>SUPPORTED.</b> The County will continue to work with other local government jurisdictions and transportation providers to develop a comprehensive solution to providing housing near transportation hubs. PZB would be part of this discussion, however, this effort might best be led by a consultant, possibly through the League of Cities or Regional Planning Council.

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

12. Incentive Area	Flexible Zoning.	
	CAH Recommendation	Staff Comment / Recommendations
	<p>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><b>SUPPORTED.</b> The County will consider adoption of alternative Property Development Regulations (PDRs) community-wide, including an approval process designed to develop a flexible self-regulating development order. With this approach, each development would propose its own PDRs which would then be subject to staff review and approval by elected officials. This approach would contribute 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 would facilitate the development approval process by avoiding the time and expense associated with obtaining the numerous variances necessary to utilize density bonuses. These alternative regulations would not be limited to only affordable/workforce housing projects.</p>



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# Annual Affordable Housing Incentives Review and Recommendations Report

Commission on Affordable Housing

December 2022



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

**December 7, 2022**

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
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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
Elliott 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 2022 affordable housing incentives review is built upon the 2021 review process, and work commenced immediately following Board of County Commissioners approval of a LHAP amendment to incorporate certain incentives from the 2021 report. During the course of monthly meetings, the CAH discussed incentive review requirements and process, incentives utilized in other jurisdictions, current affordable housing practices, and County programs, policies, and procedures. Each of the eleven affordable housing incentives recommended by the State were discussed at meetings of the CAH. Discussions included representatives from the County’s Planning, Zoning, and Building Department, the County Engineer, the Property and Real Estate Management Division, and County Administration. In addition, the CAH garnered participation from various community stakeholders and housing industry players to share their ideas and experience as it relates to affordable housing incentives. This report 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.

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***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. The Building Division provides for expedited review of building permit applications for affordable and workforce housing, and is currently modified its permit application system to more effectively

identify permits from qualifying projects. 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 eligibility criteria for expedited processing in order to limit qualification to those projects that have a substantial affordable/workforce component by having a fixed threshold of 65% affordable/workforce. Also discussed was possibly including language that would allow builders who may not reach the threshold to have some alternative to the process. Also discussed was what process other cities and counties have in place.

CAH also discussed increasing review agency capacity through additional funding for increased staffing to more quickly process the current high volume of development applications. Discussion included identification of a shepherd or expediter, either a County employee(s) or contracted entity, to liaise with all offices involved in development review in order to coordinate and expedite approvals. 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. The CAH will look to revisit the 65% threshold for expediting after implementation and assessment of its effectiveness.

**AHAC Recommendation:** The County should continue current efforts towards expediting development approvals and building permits for affordable housing projects. Expedited approval should be offered to all projects with at least 65% of total housing units

affordable/workforce. The CAH strongly recommends that the County create a position or designate an individual to be responsible for and to shepherd development applications through the approval process. The County should consider utilizing contracted entities to increase capacity to process development and permit applications.

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***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. Thoughts included offering fee variability based on extent of affordability that would result in a reduction or total waiver. Also discussed was fee deferral, whereby the County would not collect certain development fees until the time that the housing unit was completed and put into service. The CAH also recognized the County's need to compensate for revenues forgone in any reduction in the affordable housing fees.

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. 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. The CAH will consider recommending that municipalities in which SHIP projects are located waive or reduce fees for those projects.

**AHAC Recommendation:** The County should offer a transparent development fee structure with clear directions for determining fees, including utilities fees. Existing fee schedules should be listed and made public. The County should offer variability/reduction in development fees for affordable and workforce housing, and/or should defer collection of fees until the housing unit is completed and placed into service. When the County allocates SHIP funding to

**affordable housing construction within municipalities, the County should require that the municipality waive or reduce development fees for that project as a condition of funding.**

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***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 12.

**AHAC Recommendation:** See "Flexible Zoning" page 12.

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***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.**

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***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 the ADU requirement that the unit electrical feed come through the meter of the main house, that the kitchen be removed when the owner vacates the main home, and other covenants required of the owner.

**Summary of AHAC Discussion:** ADUs are an important tool to help meet local affordable housing needs, and by their very nature serve 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. The County's current requirement for a single electric meter poses a disincentive to develop ADUs and a disincentive to rent out an existing ADU. ADUs should not be counted as a separate unit in density calculations for zoning compliance. The proliferation of ADUs will have real impacts on infrastructure and demand for public services. Also, proliferation of ADUs could negatively impact neighborhoods by shifting character from homeownership with increased tenancy, and regulations should be crafted with this in mind. For example, the widespread use of ADUs for short-term rentals would negatively impact neighborhoods and fail their potential to serve affordable housing needs. The County is currently drafting revisions to PDRs to remove the requirement for kitchen removal in the ADU after the owner vacates the main structure.

**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 the owner vacates the main dwelling unit. ADUs should not be counted as a separate housing unit for purposes of density calculations.

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***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. The CAH discussed having narrower set backs that will allow for greater residential densities.

**AHAC Recommendation:** See "Flexible Zoning" page 12.

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***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 12.

**AHAC Recommendation:** See “Flexible Zoning” page 12.

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***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 continue to base street and related requirements for affordable housing on sound engineering practices.

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***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. The County does not support assigning additional review responsibility to the LDRAB, but is exploring the possibility of creating a seat on the LDRAB for an expert in the area of affordable / workforce housing. The County commented that there are extensive ordinances, plan provisions, policies, and procedures that fall outside the scope and expertise of the LDRAB and that there are multiple review and approval processes involving various entities. It is the County's position that the LDRAB could not function to provide review of the entire scope identified by the statute, but rather the existing multiple processes currently serve the statutory requirement. County might consider an economic impact statement be prepared that estimates the impact of the proposed change on the cost of housing. The entity proposing the change would prepare the impact statement. There could be some oversight performed by the entity that ultimately oversees the countywide housing plan.

**AHAC Recommendation:** The County should consider the adoption of a comprehensive countywide housing plan to include workforce and affordable housing.

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***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. PREM posts online a listing of

all County-owned surplus property; surplus being that for which the County has no existing or projected future need.

**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, and PREM participated in CAH meetings to answer questions regarding County policies for property disposition. The CAH requested an inventory and mapping of all county owned land, not just those properties deemed surplus. PREM provided a listing of all 2,564 County-owned parcels and access to the GeoNav GIS application where detailed property information is contained. The CAH would like to know what plans the County is making to utilize these properties for housing and would like to make recommendations on the potential alternatives. The CAH urges the County to consider actively marketing available properties to the development community through a competitive selection process. Likewise, the School District of PBC should make available a similar inventory.

**AHAC Recommendation:** The County should make available online a regularly-updated inventory of all County-owned properties, and offer a clear process for disposition so that private industry and not-for-profit organizations can utilize available lands for the development of affordable and workforce housing.

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*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. The countywide housing plan should address TOD.

**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, through the appropriate department(s), review with local government jurisdictions and transportation providers a comprehensive solution to providing affordable housing near transportation hubs.**

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#### ***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. Smaller builders do not build to a scale at which a self-regulating development order could be utilized, however, larger developments and PUDs could certainly do so. When combining two or more separate single-family lots/parcels through unity of title, the County should allow two or more housing units to be constructed on the single lot. This would facilitate greater development of smaller multifamily housing such as duplexes and triplexes.

**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.**

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## **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.

**PALM BEACH COUNTY**

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

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**LOCAL HOUSING ASSISTANCE PLAN  
(LHAP)**

**Fiscal Years  
2022/2023, 2023/2024, 2024/2025**



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

LHAP Approved by BCC April 12, 2022  
LHAP Approved by FHFC July 14, 2022  
Amendment 1 Approved by BCC February 7, 2023

E. Resolution Approving LHAP	
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**I. Program Details:**

**A. LG(s)**

Name of Local Government	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: 2022-2023, 2023-2024, 2024-2025**

**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 face-to-face meetings with housing providers, social service providers, 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.

- 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 finds that the moneys deposited in the local housing assistance trust fund are necessary 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 performed by:

Entity	Duties	Admin. Fee Percentage
Local Government: <b>Palm Beach County</b>	Administering programs	10%
Third Party Entity/Sub-recipient	N/A	N/A

- R. First-time Homebuyer Definition:** For any strategies designed for first time homebuyers, the following definition will apply: *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 includes 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.*

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:**

<b>A. Purchase Assistance</b>	<b>Code 1/2</b>
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- a. **Summary:** Funding will be available for SHIP and HOME Match for 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.
- b. **Fiscal Years Covered:** 2022-2023, 2023-2024 and 2024-2025
- 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, Promissory Note and Declaration of Restrictions.
  - 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:**

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Amendment #1

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 lower than 630, the borrower is deemed ineligible
- If the property is determined to have Chinese drywall, the property is ineligible for purchase assistance.
- If the homebuyer and/or county's inspection indicates evidence of toxic black mold, the homebuyer will be required to obtain a mold inspection.
- 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 and/or combination of liquid and non-liquid assets exceeding the current purchase price limit (excluding their primary residence).

<b>C. Owner Occupied Housing Rehabilitation</b>	<b>Code 3,8</b>
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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 rehabilitation to correct code violations, items that will become a code violation, hurricane hardening (impact windows, doors, etc.), 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:** 2022-2023, 2023-2024 and 2024-2025

c. **Income Categories to be served:** Very low, low, moderate

d. **Maximum Award:**



h. **Additional Information:**

- Applicants cannot receive assistance for both rehabilitation and utility connection; however, utility connection can be included as part of the rehabilitation assistance.
- If the property is determined to have Chinese drywall, the property is ineligible for purchase assistance.
- If the property indicates evidence of toxic black mold, the applicant will be required to obtain a mold inspection.
- 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.
- Applicant may not currently own assets exceeding \$200,000 and/or combination of liquid and non-liquid assets exceeding the current purchase price limit (excluding their primary residence). Repayable home equity loans are not to be included as an asset.
- Mortgage payments, taxes and homeowners insurance must be current/paid up to date. *In the event that the homeowner does not have homeowner's insurance, this program may utilize funding from the awarded amount to pay one (1) year insurance premium.*
- Units with adjoining roofs will require all owners to be income certified in order to receive assistance. If the non-applicant is not willing to participate in the program, then the applicant may only receive assistance to rehabilitate/repair the interior and non-adjoining exterior of the unit
- Applicants are ineligible to receive assistance if there is currently a Palm Beach County Rehabilitation/Repair Mortgage lien on the property.
- If code violation liens exist, participation in the program will be determined on a case-by-case basis as determined by the county inspector.
- Assessed value of the property may not exceed the current established maximum sales price.

<b>D. Emergency Repairs</b>	<b>Code: 6</b>
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- a. **Summary:** Funding will provide assistance to income eligible owner occupied residences to address emergency conditions such as roofing, electrical, plumbing, hurricane hardening (impact windows, doors, etc.) and structural repairs.
- b. **Fiscal Years Covered:** 2022-2023, 2023-2024 and 2024-2025
- c. **Income Categories to be served:** Very low, low and moderate
- d. **Maximum award:** \$52,500
- e. **Terms:**
1. **Repayment loan/deferred loan/grant:** Funding will be awarded as a deferred loan secured by a recorded Mortgage, Promissory Note and Declaration of Restrictions
  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.

<b>E. Replacement Housing</b>	<b>Code 4</b>
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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:** 2022-2023, 2023-2024 and 2024-2025
- c. **Income Categories to be served:** Very low, low and moderate
- d. **Maximum award:** \$382,194
- 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, Promissory Note and Declaration of Restrictions. 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 repayable 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

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 file for and use proceeds from insurance and/or FEMA as first option.

Rent and Utility Payment 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.

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

Rent and Utility Payment Assistance: N/A

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.
- Applicants must provide proof of current homeowners insurance. In the event that the homeowner does not have homeowner's insurance, this program may utilize funding from the awarded amount to pay one (1) year insurance premium.
- Assessed value of the property may not exceed the current established maximum sales price.
- Applicant may not currently own assets exceeding \$200,000 and/or combination of liquid and non-liquid assets exceeding the current purchase price limit (excluding their primary residence). Repayable home equity loans are not to be included as an asset.
- 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.

Rent and Utility Payment Assistance: N/A

<b>G. Foreclosure Prevention</b>	<b>Code 7</b>
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- a. **Summary:** Funding will be provided to assist with delinquent mortgage payments (PITI), up to three (3) months additional payments, property taxes, and homeowners insurance. Additionally, funding may

- Assessed value of the property may not exceed the current established maximum sales price.

<b>H. Rental Housing Assistance</b>	<b>Code 23, 13</b>
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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 (13) 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:** 2022-2023, 2023-2024 and 2024-2025
- 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.
- 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 capacity 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

management company.

- g. **Sponsor Selection Criteria and Duties:** The County will advertise the availability of funds. Sponsors of affordable rental development will typically be selected through a request for proposal (RFP). The RFP will require proof of developer experience in providing affordable rental housing, proof of financial capacity, evidence of site control, proof of ability to proceed once all funding is closed, and a housing unit design plan that meets County's' design standards.  
The county reserves the right to select developments that meet the above requirements, on a non-competitive basis.

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

- h. **Additional Information:**
  - Other state, federal, private and local funds are required as SHIP funds will be used as gap financing.
  - 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 Florida Housing Finance Corporation 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.

<b>J. Single Family New Construction</b>	<b>Code 10</b>
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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 homebuyers. Funds can be used for site acquisition, soft costs, site development, infrastructure improvements, demolition, construction and other eligible construction related costs.
- b. **Fiscal Years Covered:** 2022-2023, 2023-2024 and 2024-2025
- c. **Income Categories to be served:** Very low, low and moderate
- d. **Maximum award:** \$105,000 per unit (Homebuyer and developer)
- e. **Terms:**
  - 1. **Repayment loan/deferred loan/grant:**  
Developers- Funds will be awarded as a construction loan secured by a recorded Mortgage, Promissory Note and Declaration of Restrictions.  
  
Homebuyers- Funds will be awarded as a deferred payment loan secured by a recorded Mortgage, Promissory Note and Declaration of Restrictions.
  - 2. **Interest Rate:** 0% for Developers and Homebuyers
  - 3. **Years in loan term:** Two (2) years for Developers and 30 years for Homebuyer
  - 4. **Forgiveness:** Developers – N/A. Homebuyers – the deferred loan will be forgiven at the end of term.

## **ORDERS OR PERMITTING FOR AFFORDABLE HOUSING**

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, gatehouses, 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 began providing expedited processing of building permits for residential construction funded through Department of Housing and Economic Development 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.

The County will continue efforts towards expediting development approvals and building permits for affordable housing projects, including implementation of enhancements to permit application software that will provide for identification and tracking of expedited permits. Expedited approval will be offered to all projects with at least 65% of total housing units

*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~~ has posted on its website information on the process for disposition of surplus properties.

**D. Name of the Incentive Strategy: ASSISTANCE WITH FEES FOR THE DEVELOPMENT OF AFFORDABLE HOUSING IMPACT FEE AFFORDABLE HOUSING ASSISTANCE PROGRAM**

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 very low, and low income households.

The County operates an Impact Fee Affordable Housing Assistance Program (IFAHAP) that is funded 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. 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 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 (2) 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. Additionally, the County allows for the payment of impact fees with development financing provided through the SHIP, and HOME, and other 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/Planning and Building Division website a free and publically accessible tool for the comprehensive estimation of fees associated with a development application through the ePZB system. This is a transparent development fee structure with clear directions for determining fees, including utilities fees. Existing fee schedules are listed and made public. The County will waive zoning fees for affordable housing projects. Building permit fees cannot be waived/reduced per Florida Statute 553.80.

- 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. 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 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,



- 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 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, and ~~may identify changes that will facilitate development of accessory dwelling units~~. will address restrictions on ADUs in order to allow for greater opportunity, including the elimination of requirements for an owner covenant to remove the kitchen when the owner vacates the main dwelling unit.

**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.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:

- 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.
- 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.
  - 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.

**I. Name of the Incentive Strategy: ALLOWANCE OF FLEXIBLE LOT CONFIGURATIONS, INCLUDING**

ULDC Article 5.G.1 B.2.f.1. (WHP) and Article 5.G.2.D.2 (AHP).

The County will continue to base street and related requirements for affordable housing on sound engineering practices.

M. **Name of the Incentive Strategy: FLEXIBLE ZONING**

This incentive addresses various incentive areas identified in Statute, including the allowance of flexibility in densities for affordable housing, the reduction of parking and setback requirements for affordable housing, and the allowance of flexible lot configurations, including zero-lot line configurations for affordable housing.

The County will consider adoption of alternative Property Development Regulations (PDRs) community-wide, including an approval process designed to develop a flexible self-regulating development order. With this approach, each development would propose its own PDRs which would then be subject to staff review and approval by elected officials. This approach would contribute 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 would facilitate the development approval process by avoiding the time and expense associated with obtaining the numerous variances necessary to utilize density bonuses. These alternative regulations would not be limited to only affordable/workforce development.