

AFFORDABLE HOUSING ADVISORY COMMITTEE

2024 Housing Incentive Strategies Recommendations



September 11, 2024

2024 AFFORDABLE HOUSING ADVISORY COMMITTEE MEMBERS

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INTRODUCTION

Florida Housing administers the State Housing Initiatives Partnership program (SHIP), which provides funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing. The program was designed to serve very low-, low- and moderate-income families.

SHIP funds are distributed on an entitlement basis to all 67 counties and 52 Community Development Block Grant entitlement cities in Florida. In order to participate, local governments must establish a local housing assistance program by ordinance; develop a Local Housing Assistance Plan (LHAP) and identify housing incentive strategies; amend land development regulations or establish local policies to implement the incentive strategies; form partnerships and combine resources in order to reduce housing costs; and ensure that rent or mortgage payments within the targeted areas do not exceed 30 percent of the area median income limits, unless authorized by the mortgage lender.

SHIP dollars may be used to fund emergency repairs, new construction, rehabilitation, down payment and closing cost assistance, impact fees, construction and gap financing, mortgage buy-downs, acquisition of property for affordable housing, matching dollars for federal housing grants and programs, and homeownership counseling.

A minimum of 65 percent of the funds must be spent on eligible homeownership activities; a minimum of 75 percent of funds must be spent on eligible construction activities; at least 30 percent of the funds must be reserved for very-low income households (up to 50 percent of the area median income or AMI); an additional 30 percent must be reserved for low income households (up to 80 percent of AMI); and the remaining funds may be reserved for households up to 140 percent of AMI. No more than 10 percent of SHIP funds may be used for administrative expenses. Funding for this program was established by the passage of the 1992 William E. Sadowski Affordable Housing Act. Funds are allocated to local governments on a population-based formula.

SHIP funds must be expended to implement a jurisdiction's Local Housing Assistance Plan (LHAP).

The Affordable Housing Advisory Committee/Board (AHAB) is required to review the implementation status of the LHAP in the annual report required by s. 420.9075(10).

At a minimum, the AHAB shall submit an annual report to the local governing body and to Florida Housing Finance Corporation by December 31st, which includes recommendations on the implementation of affordable housing incentives in the following areas:

- The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects, as provided in s. 163.3177(6) (f)3.
- All allowable fee waivers are provided for the development or construction of affordable housing.
- The allowance of flexibility in densities for affordable housing.
- The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.
- Affordable accessory residential units.
- The reduction of parking and setback requirements for affordable housing.
- The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.
- The modification of street requirements for affordable housing.
- 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.
- The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
- The support of development near transportation hubs and major employment centers and mixed-use developments.

COUNTY LEGISLATION REVIEW

The Miami-Dade County Board of County Commissioners has acted to formally adopt legislation to remove impediments to the construction of affordable housing, and to streamline the development review process. The following summary outlines legislative action adopted and implemented since 2021 to address affordable housing construction challenges within our community.

DATE	LEGISLATION SUMMARY	HYPERLINK TO LEGISLATION
6/4/2024	Resolution directing the County Mayor to study potential legislative changes to the workforce housing ordinance, codified at article XIA of chapter 33 and article IX of chapter 17 of the Code, including to the contribution payment in lieu of construction for single family residential neighborhoods and to methods for reviewing applications in single family neighborhoods and to place a report on the study on an agenda of this Board	https://www.miamidade.gov/govaction/legistarfiles/Matters/Y2024/240828.pdf
10/3/2023	Resolution authorizing the County Mayor to establish a prequalification construction pool for Miami-Dade Public Housing and Community Development Department for a five-year term in a total amount up to \$30,000,000.00 in Documentary Stamps Surtax or State Housing Initiative Partnership Funds for the construction and rehabilitation of affordable and workforce single-family housing on County-owned land; creating a revolving loan program; authorizing the County Mayor to solicit pricing, award contracts, exercise all provisions of the solicitation documents and any resulting contracts pursuant to section 2-8.1 of the Code and Implementing Orders 8-4, 3-38, 3-44, and to add vendors to the pool at any time, subject to ratification by the Board on a bi-annual basis; authorizing the County Mayor to execute conditional loan commitments, standard shell contracts, standard shell loan documents, amendments and other documents or agreements necessary to accomplish the purposes of this resolution, and to subordinate or modify the terms of contracts, amendments and loan documents, and to exercise the termination, waiver, acceleration and other provisions therein; and requiring annual reports	https://www.miamidade.gov/govaction/legistarfiles/Matters/Y2023/231672.pdf
5/16/2023	Resolution directing the County Mayor to provide a written report on the state of accessible and affordable housing for individuals with disabilities in Miami-Dade County	https://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2023/231244min.pdf
3/7/2023	Resolution directing the County Mayor to provide a report on the implementation of Resolution No. R-1078-19, regarding permitting timelines for affordable housing, including data on the current permitting timelines; directing the County Mayor to place the report on an agenda of this Board; and requiring a semiannual report	https://www.miamidade.gov/govaction/legistarfiles/Matters/Y2023/230179.pdf
10/6/2022	Ordinance relating to workforce housing development in the incorporated areas of Miami-Dade County and impact fees; amending section 33-193.7 of the Code; providing minimum standard requiring municipal workforce housing programs to address the entire income range defined by the County; requiring municipalities to prioritize workforce and affordable housing developments operated by or on behalf of the County or on County-owned land, and providing for County jurisdiction in the event of noncompliance; establishing limits on County funding for housing developments within municipalities that fail to adhere to County minimum income range standard; making technical changes	https://www.miamidade.gov/govaction/legistarfiles/Matters/Y2022/221594.pdf
7/20/2021	Ordinance relating to the maximum sales price of homes for all County affordable housing programs; setting a current maximum sales price and establishing a methodology for revising the maximum sales price; amending section 17-161 of the Code; removing maximum purchase price for homes purchased under the Homebuyer Loan Program; creating section 17-162, of the Code establishing a maximum sales price for homes sold under any County affordable housing program including, but not limited to the Homebuyer Loan Program, Infill Housing Program, and Down Payment Assistance Program; establishing a methodology for determining maximum sales price; authorizing the Mayor to amend the affordable housing Implementing Orders and the affordable housing programs and infill program guidelines to revise the maximum sales prices contained therein based on the above	https://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2021/212522min.pdf
6/2/2021	Resolution authorizing the County Mayor to develop and sell homeownership affordable housing units on certain County-owned land with Documentary Stamp Surtax Funds as a Pilot Program: allocating \$9,000,000.00 of Documentary Surtax Funds to the Pilot Program for the development and financing of the affordable housing units; authorizing conveyance of one County owned property in accordance with section 125.379 Florida Statutes; authorizing conveyance of the County-owned property to an eligible low or moderate income household at a price not to exceed the maximum sales price for County affordable housing; authorizing the Chairperson or Vice-Chairperson of the Board of County Commissioners to execute County Deeds; and authorizing the County Mayor to effectuate the conveyance of the property in accordance with section 125.379, Florida Statutes, to take all action necessary to enforce the provisions set forth in such County Deed, and to provide copies of the recorded County Deed to the Property Appraiser; and directing the County Mayor to return to the Board for authorization to develop and convey any additional County owned property	https://www.miamidade.gov/govaction/legistarfiles/Matters/Y2021/210951.pdf

AFFORDABLE HOUSING ADVISORY COMMITTEE MEMBERS AND PUBLIC HEARING

Miami-Dade County's Public Housing & Community Development Department continues to encourage and seek the participation of residents, community stakeholders, and public employees to enrich the planning process and increase the availability of affordable housing. Exemplary local leaders and professionals were appointed by our elected officials to serve on the Affordable Housing Advisory Committee board as mandated by Section 420.9076(2) of the Florida Statute.

The Affordable Housing Advisory Board must consist of one locally elected official from each county or municipality participating in the State Housing Initiatives Partnership Program and one representative from at least six of the categories below:	
CATEGORIES	
(a)	A citizen who is actively engaged in the residential home building industry in connection with affordable housing.
(b)	A citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
(c)	A citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
(d)	A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
(e)	A citizen who is actively engaged as a for-profit provider of affordable housing.
(f)	A citizen who is actively engaged as a not-for-profit provider of affordable housing.
(g)	A citizen who is actively engaged as a real estate professional in connection with affordable housing.
(h)	A citizen who actively serves on the local planning agency pursuant to s. 163.3174. If the local planning agency is comprised of the governing board of the county or municipality, the governing board may appoint a designee who is knowledgeable in the local planning process.
(i)	A citizen who resides within the jurisdiction of the local governing body making the appointments.
(j)	A citizen who represents employers within the jurisdiction.
(k)	A citizen who represents essential services personnel, as defined in the local housing assistance plan.
(l)	A locally elected official.

On September 11, 2024, the Affordable Housing Advisory Committee discussed the eleven required affordable housing strategies, ranging from expedited permitting to development of affordable housing near major transportation corridors. The Affordable Housing Advisory Committee also reviewed new housing related incentives and permitting related legislation adopted by the Board of County Commissioners since 2017.

The Public Hearing held before the Affordable Housing Advisory Board (AHAB) was convened on September 11, 2024, at 10:00 AM at the Overtown Transit Village, 1st Floor Training Room at 701 NW 1st Court, Miami, FL 33136. The Public Hearing was advertised in English, Spanish, Creole languages within three publications of general circulation and on the County's website. A copy of the required advertisement is attached as Exhibit A.

The Report was received by the AHAB on August 22, 2024. The report was delivered to Board of County Commissioners in December 2024.

STATE LEGISLATION

On February 28, 2024, the Florida Legislature approved amendments to the Live Local Act. The Live Local Act states that local governments are required to allow affordable housing developments in commercial, industrial and mixed-use zoning districts.

On May 8, 2024, Anthony De Yurre of Bilzin Sumberg Baena Price & Axelrod LLP gave a special presentation to the AHAB. Following are important highlights from Anthony De Yurre presentation reflecting 2024 Live Local Act enhancements.

- For Sale Market Rate Units Permitted
- Floor Area Ratio – 150% of Max Permitted in Municipality
- Height Protections for Single-Family Neighborhoods
- Development Bonuses Administratively Approved
- Parking – Transit Oriented Development No parking required
- Parking – Reduced 20% within ½ Mile of a Major Transportation Hub
- Airport Flight Paths or Noise Contours – Prohibit Live Local Act Zoning Benefits
- Tax Exemption Expanded to Include Land and Common Areas

COMMITTEE INCENTIVE REVIEW AND RECOMMENDATIONS

Miami-Dade County has implemented and continues to refine affordable housing incentive strategies to reduce the barriers to the production of affordable housing within our community. Of the eleven recommended incentive strategies, ten are already implemented in Miami-Dade County, as summarized in the Annual Housing Incentives Strategy Checklist below.

Annual Housing Incentives Strategy Checklist		
Affordable Housing Incentives	Does MDC have these?	
	Yes	No
The processing of approvals of development orders or permits for affordable housing projects is expedited to greater degree than other projects, as provided in s. 163.3177(6)(f)3.	Yes	
All allowable fee waivers provided: The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for the development or construction of affordable housing.	Yes	
The allowance of flexibility in densities for affordable housing.	Yes	
The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.	Yes	
The allowance of Affordable accessory residential units in residential zoning districts.	Yes	
The reduction of parking and setback requirements for affordable housing.	Yes	
The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.	Yes	
The modification of street requirements for affordable housing.		No
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.	Yes	
The preparation of a printed inventory of locally owned public lands suitable for affordable housing.	Yes	
The support of development near transportation hubs and major employment centers and mixed-use developments.	Yes	

The recommendations outlined below were derived from multiple discussions held between staff and the Affordable Housing Advisory Committee. Any recommendations approved by the Board of County Commissioners are used to amend the Local Housing Assistance Plan, applicable elements of the Comprehensive Plan, and other ordinances and/or resolutions.

	Required Statutory Incentive	Current Process
Incentive 1	The processing of approvals of development orders or permits for affordable housing projects is expedited to greater degree than other projects, as provided in s. 163.3177(6)(f)3.	Expedited Zoning and Permitting Review Under the current process, all RER permit applications for affordable housing, infill housing, & workforce housing projects are processed under the "Expedited Plan Review", with a required turnaround timeframe.

UPDATES AND PROPOSED RECOMMENDATION

The requirements for expedited plan review are formalized and are now a part of departmental standard operating procedures. Workforce Housing workshops are held monthly by the Regulatory and Economic Resources (RER) Department, to inform developers of both the requirements and the incentives available for pursuing this type of affordable housing.

“The timely coordination of the many elements necessary to arrive at a Certificate of Occupancy for the totality of a construction project is one of the biggest challenges that the development community faces in realizing any project on a given schedule. Developers are responsible for coordinating the services of specialized design and construction contractors, potentially requiring expertise in over a dozen areas such as zoning, platting, traffic, paving & drainage, environmental engineering, water and sewer and fire engineering in addition to the traditional building trades. Predictability and transparency in the governmental plan review and permit processes associated with these multi-jurisdictional areas is hence a key element to any developer’s ability to successfully execute a project within a given timeframe. The County has consequently focused in recent years on using technology to create a more accessible, efficient, and transparent process. Efforts have been focused on conversion from paper-based plan review to electronic and concurrent systems with public facing portals. This has been the principal means of expediting and making more uniform the totality of the plan review and approval process associated with permitting. Once a plan review process is electronically tracked, applicants can readily gain access to the status

and disposition of their submittals via online platforms. This approach, emphasizing transparency and predictability in the plan review process, benefits affordable projects as well as all project types and has either been implemented or is being pursued across all County departments involved in the development process at this time.” This quote from the Study of The Permitting Process for Affordable Housing Projects, completed by the RER Department and presented to the Board of County Commissioners in October of 2020, encapsulates the complexity of the multi-disciplinary process, and the advancements toward a more efficient and accountable plan review process.

The electronic plan review system, Energov, tracks the review timeframes for each permitting department, and is used to share automated 8:00 a.m. and 4:00 p.m., review status reports with supervisors, affordable housing projects are flagged within the system for expedited review. The PHCD Staff assigned to the AHAB, also serves as the departmental liaison to the RER Department and completes the Workforce Housing plan reviews.

With the 2019 Ordinance changes, affordable housing developments are processed as expedited permitting and are afforded the same density bonus allowed for workforce housing projects.

- The Affordable Housing Advisory Committee recommends for the County to create an affordable housing department for affordable housing approvals to expedite the process. The AHAC recommends for the County to continue implementing the current incentives and strategies to reduce barriers to the construction of affordable housing units.

	Required Statutory Incentive	Current Process
Incentive 2	All allowable fee waivers provided: The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for the development or construction of affordable housing.	Impact Fee Exemptions Under Chapter 33 of the Code of Miami-Dade County, residential developments, which provide affordable housing, or the portion thereof, are exempt from most impact fees.

UPDATES AND PROPOSED RECOMMENDATION

The Affordable Housing Advisory Committee continues to recommend the following:

- Miami-Dade County shall waive all Regulatory and Economic Resources – Environmental Resources Management (DERM) review fees for contaminated sites provided that the site is being developed for affordable housing.

COMMITTEE INCENTIVE REVIEW AND RECOMMENDATIONS

UPDATES AND PROPOSED RECOMMENDATION

Workforce housing units provided under the Workforce Housing Program may qualify for a two-year deferral or a full exemption of the road impact fees. Only the workforce housing units, and not market rate units, are eligible to receive a deferral or exemption of the road impact fee.

- The Affordable Housing Advisory Committee recommends for the County to continue implementing the current incentives.

	Required Statutory Incentive	Current Process
Incentive 3	The allowance of flexibility in densities for affordable housing.	<u>Voluntary and Mandatory Inclusionary Zoning Programs</u> Under the current process, density bonuses are provided in exchange for a commitment to provide workforce housing (wfh) units or a payment in lieu; Urban Center development must provide a min of 12.5% of units as wfh; additional density bonuses are available for for very low / low income development & infill housing.

UPDATES AND PROPOSED RECOMMENDATION

Not all urban center districts require the provision of workforce housing. However, the RER Department allows those districts that do not require the 12.5% set aside requirement to provide 10% of the units for workforce housing and receive the density bonus. This has proven an effective tool to encourage this type of development.

- The Affordable Housing Advisory Committee recommends for the County to continue implementing the current incentive.

	Required Statutory Incentive	Current Process
Incentive 4	The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.	<p>Developers may apply to Water and Sewer Department (WASD) for a developer agreement to reserve infrastructure capacity. The reservation is good for one year and provides the points of connection. Reservation can be extended but the developer must keep the project active.</p> <p>The 2020-2024 Consolidated Plan provides significant Community Development Block Grant funding support for water and sewer infrastructure improvements in low- and moderate-income areas, and for housing rehabilitation to include connecting low- and moderate-income homeowners to the sewer system.</p>

UPDATES AND PROPOSED RECOMMENDATION

The Affordable Housing Advisory Committee continues to recommend the following in 2024:

- **The reservation of infrastructure capacity for new construction and preservation of affordable housing through rehabilitation and redevelopment for very-low-income persons, low-income persons, and moderate-income persons.**
- **Miami-Dade County should consider, as a preemptive move against slums and blight, permitting the redevelopment of failed commercial centers as community centered affordable housing.**

	Required Statutory Incentive	Current Process
Incentive 5	The allowance of Affordable accessory residential units in residential zoning districts.	<p><u>Accessory Units Under Comprehensive Master Plan (CDMP) and Zoning Code</u></p> <p>The County’s CDMP Land Use and Housing Elements provide for accessory dwelling units</p>

UPDATES AND PROPOSED RECOMMENDATION

The Affordable Housing Advisory Committee recommends the County to continue implementing the current incentive. In addition, the committee further recommends the following action(s):

- **Miami-Dade County should encourage accessory dwelling units in all residential zoning districts, as a mechanism to intersperse affordable housing within market rate communities.**

	Required Statutory Incentive	Current Process
Incentive 6	The reduction of parking and setback requirements for affordable housing.	Parking / Setback Reductions Under the current process, parking & setback requirements are reduced within the Fixed-Guideway Rapid Transit System Zone and Community Urban Center Districts, developments for the elderly & disabled.

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COMMITTEE INCENTIVE REVIEW AND RECOMMENDATIONS

UPDATES AND PROPOSED RECOMMENDATION

- The Affordable Housing Advisory Committee recommends for the County to continue implementing the current incentives.

	Required Statutory Incentive	Current Process
Incentive 7	The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.	Current Code allows for flexible lot configurations to allow for more efficient use of land and make available needed housing at a more affordable cost, but not zero-lot-line. 2020 updates to the workforce housing ordinance amends intensity standards by further reducing certain minimum lot coverages, updating max allowable height, eliminating max FAR, & increasing flexibility.

UPDATES AND PROPOSED RECOMMENDATION

- The Affordable Housing Advisory Committee recommends for the County to allow greater flexibility for multi-family properties on public land.

	Required Statutory Incentive	Current Process
Incentive 8	The modification of street requirements for affordable housing.	<u>Street Requirements</u> Modification of street requirements for affordable housing remains under AHAB's review.

UPDATES AND PROPOSED RECOMMENDATION

The Affordable Housing Advisory Committee recommends the County to continue implementing the current incentive. In addition, the committee further recommends the following action(s):

- Miami-Dade County should consider permitting minor variations of street requirements for affordable housing, by administrative approval.
- PHCD will invite the Departments of Transportation and Public Works, Water and Sewer, and Regulatory and Economic Resources to the September 11, 2024 AHAB meeting to discuss this incentive.

	Required Statutory Incentive	Current Process
Incentive 9	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.	<u>Impact of Proposed Land Development and Infrastructure Legislation on Affordable Housing Development</u> current process requires a fiscal impact analysis must accompany all proposed legislation.

UPDATES AND PROPOSED RECOMMENDATION

- The Affordable Housing Advisory Committee recommends for the County to continue implementing the current incentives.

<i>Incentive 10</i>	Required Statutory Incentive	Current Process
	The preparation of a printed inventory of locally owned public lands suitable for affordable housing.	<u>Lists of County-Owned Property Suitable for Affordable Housing Development</u> current County and State legislation requires the preparation of an inventory list.

UPDATES AND PROPOSED RECOMMENDATION

- The Affordable Housing Advisory Committee recommends for the County to widen distribution of the inventory list by social media promotions.

<i>Incentive 11</i>	Required Statutory Incentive	Current Process
	The support of development near transportation hubs and major employment centers and mixed-use developments.	<u>Policies Supporting Development Near Transit Hubs and Major Employment Centers and Mixed-Use Developments</u> Under the current process, Community Urban Center Districts, the Fixed Guideway Rapid Transit System zones include provisions to incentivise affordable housing; funding solicitations provide bonus points for proximity to transit.

COMMITTEE INCENTIVE REVIEW AND RECOMMENDATIONS

UPDATES AND PROPOSED RECOMMENDATION

On February 20, 2019, PHCD provided to the Board of County Commissioners a 10-Year plan to increase the number of workforce and affordable housing units within transit corridors. Identifying county owned and privately owned properties within a two-mile radius of transit corridors meeting appropriate criteria, estimating that more than 67,000 housing units could be developed within the identified areas. In support of transit accessible affordable housing developments, within each funding solicitation PHCD provides weighted criteria, for project applications near transit.

- The Affordable Housing Advisory Committee recommends for the County to continue implementing the current process

OTHER WORKFORCE AND AFFORDABLE HOUSING INCENTIVES

The County may release or satisfy any County lien placed on a publicly or privately owned property if the property has been approved for the Workforce Housing Development Program and the qualified developer applies to the County for release of County liens and citations after the sale or lease of the eligible property to an eligible household and records in the public records one or more covenants or declarations of restrictions in the manner described and approved by the County.

County liens that may be released or satisfied include but are not limited to civil restitution liens; code enforcement liens; demolition liens; hospital liens; judgment liens; lot clearing liens; minimum housing standard liens; mortgage liens; nuisance abatement liens; public defender liens; stormwater utility liens; waste liens; water and sewer liens; and welfare liens.

EXHIBIT A

PUBLIC HEARING ADVERTISEMENT

