



The Affordable Housing Advisory Committees Make a Comeback

SHIP Administrators, Are You Ready?

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Along with a multitude of housing mandates passed in the 2007 legislative session, HB 1375 also requires SHIP communities to appoint an Affordable Housing Advisory Committee that will deliberate on an incentive package mainly targeting regulatory reform. Many will remember the initial SHIP enacting legislation that required a nine member affordable housing advisory committee to recommend specific initiatives to encourage or facilitate affordable housing. That nine member AHAC had to recommend at a minimum, two incentive strategies to be adopted by local governments; expedited processing of development orders or permits for affordable housing projects and a process to consider, before adoption, policies, procedures, ordinances, regulations or plan provisions that increase the cost of housing. Many local governments took this requirement seriously, adopting ordinances and appointing an ombudsman to assist affordable housing developers through the process. But many others adopted the required incentive language without an enacting resolution or ordinance that would put the incentive to work. Local governments were allowed to sunset their AHAC after completing their review, but some kept their AHAC, seeing them as an opportunity to assist housing staff and foster the public's opinion on affordable housing.



This new AHAC grows from nine members to 11, with some leeway for committee size given to local governments that receive the minimum SHIP allocation. Incentive review areas are relatively the same except for one additional incentive: “(k) The support of development near transportation hubs and major employment centers and mixed-use developments.” But now, the Committee does not sunset. It is required to review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan and recommend specific action or initiatives to encourage or facilitate affordable housing triennially. The AHAC must also review and evaluate the implementation of affordable housing incentives and submit that report triennially. Local governments that receive the minimum SHIP allocation may opt out of the triennial review. Another key improvement to the process is a new requirement that the advisory committee be cooperatively staffed by the local housing department and the local planning department to ensure an integrated approach to the work of the advisory committee.

As the SHIP Administrator, what does all this mean to you? Let's take a look at the necessary steps, you and counterpart from the planning department need to take and when you need to take them, the resources you will need, and how you can make this committee work most effectively.

STEP 1 – Consider Staffing the AHAC

WHEN: *Now*

420.9076 (9) requires a cooperative staffing of the AHAC by department or divisions having authority to administer local planning or housing programs to ensure an integrated approach to the work of the advisory committee. Now is the time to sit down with your Planning Department and design a staffing plan. The advisory committee is going to require a lot of planning information and they will have many questions of both planning and housing staff. It is imperative to have a staff member from both venues present at all meetings. Other things to consider are scheduling and advertising meetings, recording minutes, preparing agendas and materials. Have these duties outlined and assigned before the first Committee Meeting.

Although your local government probably has an advertisement and application process for seeking members to local committees, both housing and planning staff should assist by recruiting citizens that not only meet membership requirements but have also been active supporters in the affordable housing and planning incentive areas. It is also helpful if they have a rapport with the commission/council and or planning department. Ask existing members of any active housing or planning committees to apply if the appropriate areas of professional interest are matched. Your Economic Development Council (EDC) may also be a good source for recommendations. The EDC has a large membership with various backgrounds and they understand the correlation between new business recruitment and employer housing needs.

STEP 2 – Recruit your members.

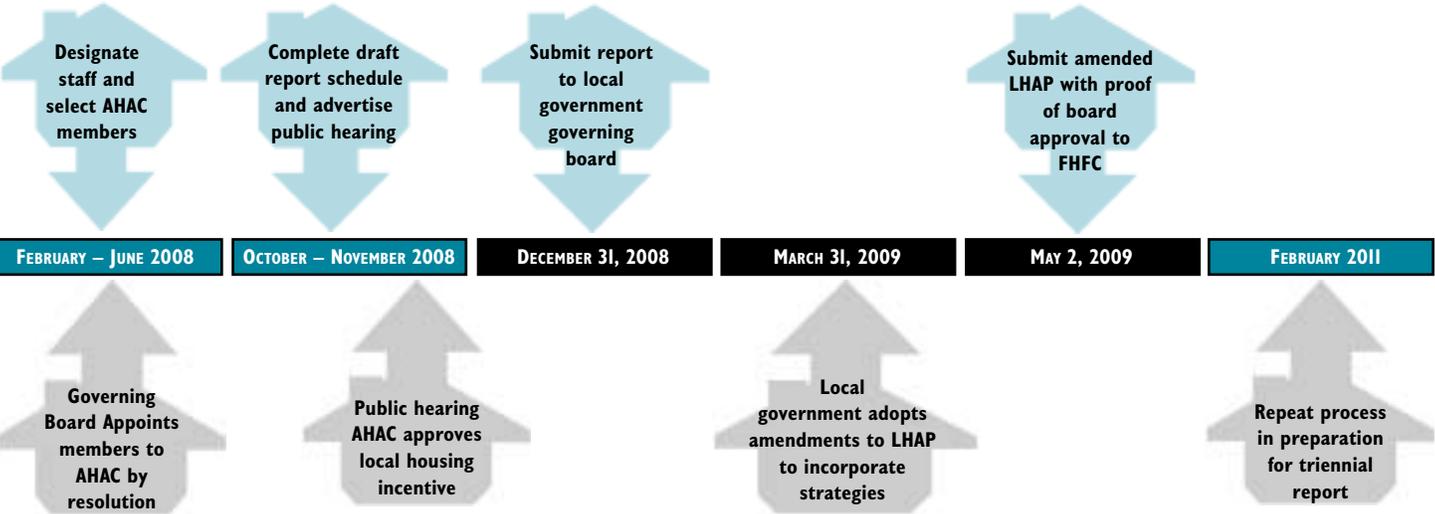
WHEN: *Now*

If local government waits until the June 30, 2008 deadline the advisory committee will only have six months to complete its review, write the report, hold a public hearing and submit its recommendations to the commission/council.

If your local government administers the SHIP program under an inter-local agreement for other local governments under one local housing assistance plan, you may request approval from Florida Housing Finance Corporation to use the same advisory committee.

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HOUSING INCENTIVE PLAN AND AFFORDABLE HOUSING ADVISORY COMMITTEE TIME LINE



Dates in teal are recommended timeline to meet deadlines.

Dates in blue are statute or rule deadlines.

STEP 3— Governing Board of a county or municipality shall appoint the members of the affordable housing advisory committee by resolution.

WHEN: *By June 30, 2008*

Ensure that there is at least one applicant for each of the eleven positions. Prepare your agenda and resolution appointing the members of your AHAC.

STEP 4— Schedule meeting of AHAC and Notice meeting of AHAC which is subject to Government in the Sunshine rules.

WHEN: *Within two weeks of appointment speak with members of the AHAC to determine what days and times are best for them to meet.*

Schedule the first meeting and advertise as required by your local government. In preparation for this first meeting, think about electing a Chairman as well as decide which staff will attend to take minutes, gather technical information, schedule speakers and assist with other committee requests. Plan to review Government in the Sunshine meeting requirements and consider product deadlines for public hearing and submission to the commission/council so that you can schedule enough meetings to complete the review prior to the public hearing deadline.

STEP 5— Complete draft report, schedule and advertise Public Hearing.

WHEN: *October 2008*

FS 420.9076 (5) lists requirements of the Public Hearing notice. There is no template for the report, but it is advisable to write an introduction listing the review points and statutory requirements, then finalize with the incentive strategies approved. This report would then be recommended for adoption by the commission/council. It is also suggested that you list the incentive areas and a reason why they did or did not recommend that incentive strategy.

STEP 6— AHAC approves local housing incentive strategies and recommendations during the public hearing.

WHEN: *November 2008*

Keep minutes or recording and a sign in sheet of the

Public Hearing. This Public Hearing is not required to be held at a commission/council meeting. It can be a Public Hearing held only before the advisory committee.

STEP 7— Submit report to local government governing board.

WHEN: *By December 31, 2008*

Make any necessary revisions to your report and have the advisory committee chairman sign and date it prior to submission. Although it is not mentioned in the rule or statute, it is recommended that it also be submitted during a regular meeting of your city or county commission/council. Have members of the advisory committee present at the board meeting to present the report and answer any questions. This public meeting also provides you with a dated record of the report submittal.

STEP 8— The governing body of the local government shall adopt an amendment to its local housing assistance plan to incorporate the local housing incentive strategies it will implement within its jurisdiction.

WHEN: *Within 90 days of receipt of recommendations from AHAC. (3/30/09)*

The amendment must include, at a minimum, the local housing incentive strategies required under s.420.9071 (16) which require assurance that permits as defined in s. 163.3164(7) and (8) for affordable housing projects are expedited to a greater degree than other projects; and an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption; which are the same two incentives currently required. The local government must consider the strategies specified in 420.9076 paragraphs (4) (a)-(k) as recommended by the advisory committee. Prepare the agenda item and plan amendment for commission/council approval.

STEP 9— Notify the Florida Housing Finance Corporation via certified mail of the amendment to the LHAP and include a copy of the approved amended LHAP.

WHEN: *Immediately after adoption*

STEP 10— Transmit to the Florida Housing Finance Corporation an electronic copy of the report which has been submitted to the local governing board for consideration.

WHEN: *No later than May 2, 2009*

The advisory committee has completed their initial work and met all its deadlines. Now consider keeping the advisory committee active for the next three years. 420.9076 (8) (a)(b) allows the advisory committee to perform other duties at the request of the local government including mentoring affordable housing partners, assist with funding applications, develop partnerships and create best practices for affordable housing development. They can assist your housing program by ensuring implementation of the adopted incentives. Ask them to look for resourceful ways to assist the moderate income home-buyers with a purchase without requiring SHIP down payment assistance, especially with current market conditions. At this time when SHIP funding is reduced it is important to utilize their expertise. Consider having the advisory committee review affordable housing projects and meet with developers or other affordable housing advocates that knock on your door. They can relieve you of the time consuming public requests for information or assistance with their affordable housing projects. Allow the advisory committee to assist with your housing program. They will

become your best ally and supporter with the ability to influence affordable housing views which will lead to positive changes for your housing program and community.

Although all SHIP jurisdictions must submit their initial report by December 31, 2008, the next report is due the December before your next three-year Local Housing Assistance Plan due date. For those communities that have LHAPs due May 2, 2010, the report completed on December 31, 2008 will suffice.

LHAP DUE DATE	REPORT DUE DATE
May 2, 2010	December 31, 2008
May 2, 2011	December 31, 2010
May 2, 2012	December 31, 2011
May 2, 2013	December 31, 2012

The Florida Housing Coalition is providing web-based training on the incentive plan process and is available for technical assistance through telephone, email or site visits. Visit www.flhousing.org for announcements of these workshops and plan to attend. Future articles will provide updates on incentive plan content for discussion and consideration. For assistance, please call the Coalition at (800) 677-4548.



At a minimum, each advisory committee shall submit a report to the local governing body that includes recommendations on, and triennially thereafter evaluates the implementation of, affordable housing incentives in the following areas:

- (a) The processing of approvals of development orders or permits, as defined in s. 163.3164(7) and (8), for affordable housing projects is expedited to a greater degree than other projects.
- (b) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.
- (c) The allowance of flexibility in densities for affordable housing.
- (d) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.
- (e) The allowance of affordable accessory residential units in residential zoning districts.
- (f) The reduction of parking and setback requirements for affordable housing.
- (g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.
- (h) The modification of street requirements for affordable housing.
- (i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
- (j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
- (k) The support of development near transportation hubs and major employment centers and mixed-use developments.