



TO: DONNELLA CLARKE, GRANTS ADMINISTRATION MANAGER, FINANCE DEPARTMENT, GRANTS ADMINISTRATION DIVISION

FROM: ANDREA H. DUENAS, ASSISTANT CITY ATTORNEY **AHD**

THROUGH: SARA HEDGES, CITY ATTORNEY *SH*

RE: REVIEW AFFORDABLE HOUSING ADVISORY COMMITTEE REPORT OF RECOMMENDATIONS

CAO RLS FILE: 24-414

DATE: NOVEMBER 12, 2024

This Request for Legal Services (RLS) asks the City Attorney's Office to review the Affordable Housing Advisory Committee Report of Recommendations prior to final approval by the Committee and presentation to the City Commission.

I reviewed the Report and have attached a marked up copy with my questions, comments, and recommended changes (both substantive and cosmetic). I emailed my Track Changes version to you last week and have uploaded it to AgendaQuick for completeness.

Please note that this Office is relying on the Department to ensure that the facts contained in the Report are correct. To that end, this Office did not review the Report for factual accuracy.

If anything further is needed, please let us know.

/ahd

2024



Affordable Housing Advisory Committee
Report of Recommendations

Executive Summary

The William E. Sadowski Affordable Housing Act was signed into law on July 7, 1992, and later incorporated into Chapter 420 of the Florida Statutes. The Sadowski Act created a dedicated revenue source for local governments allocating a portion of documentary stamp taxes on deeds to local governments for the development and maintenance of affordable housing. In addition, the Sadowski Act created the State Housing Initiatives Partnership Act (the “SHIP Act”).

In order to receive funding for affordable housing through the SHIP Program, the City of Fort Pierce submitted an Affordable Housing Incentive Plan (AHIP) on November 7, 2022. The AHIP outlined the recommendations of the Affordable Housing Advisory Committee (AHAC), an advisory board to City Council, regarding the adoption of incentives to encourage the production of affordable housing.

Pursuant to F.S. 420.9076, the Committee is required to “review the established policies and procedures, ordinances, land development regulations, and adopted local government the comprehensive plan of the appointing local government and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value.” The AHAC’s approval of its local housing incentive strategy recommendations must be made by affirmative vote of a majority of the membership of the advisory committee taken at a public hearing.

The AHAC is pleased to submit the following 2024 Annual Report.

AHAC membership

Member	Position
Commissioner Arnold Gaines	Locally elected official from the municipality participating in the State Housing Initiatives Partnership Program
KeAndrea Davis	A citizen who resides within the jurisdiction of the local governing body
Leslie Olson	A citizen who resides outside of the jurisdiction of the local governing body
Chad Ingram	A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing
William Talley	Banking/Mortgage Industry
Vernea Jones	A citizen who is actively engaged as a real estate professional in connection with affordable housing
Phil Thompson	A citizen who is actively engaged in the residential home building industry in connection with affordable housing
Erin O’Brien	A citizen who is actively engaged in the residential home building industry in connection with affordable housing
Trevor Banks Jr.	A citizen who is actively engaged in the residential home building industry in connection with affordable housing

Commented [AD1]: Is he a citizen actively engaged in the banking or mortgage banking industry in connection n with affordable housing? If yes, please use the statutory language to clarify and ensure that you have representatives from the requisite six categories on this Committee.

Activity

This report to the City Commission includes the eleven (11) strategies provided by Florida Housing Finance Corporation. The following recommendations on affordable housing incentives result from the review, consideration, and evaluation of the following strategies provided in the State Housing Initiative Program (SHIP) Statute at Florida Statutes, Sec. 420.9076 (4):

1. The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects.
2. The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.
3. The allowance of flexibility in densities for affordable housing.
4. The reservation of infrastructure capacity for housing for very-low, low, and moderate-income persons.
5. The allowance of affordable accessory residential units in residential zoning districts.
6. The reduction of parking and setback requirements for affordable housing.
7. The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.
8. The modification of street requirements for affordable housing.
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.
10. The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
11. The support of development near transportation hubs and major employment centers and mixed-use developments.

Commented [AD2]: This language is not in the statute. The statute reads: "All allowable fee waivers provided for the development or construction of affordable housing." Suggest revising to use the statutory language if possible – if it is not possible for this year, suggest revising for next year's report.

The AHAC conducted meetings to review current Affordable Housing Incentives and Policy in the City of Fort Pierce, and to make recommendations for improvement of those incentives and policies where applicable on the following dates:

- January 4, 2024
- February 1, 2024
- March 7, 2024
- April 4, 2024
- May 2, 2024
- June 6, 2024
- August 1, 2024
- October 3, 2024
- December 5, 2024

Commented [AD3]: According to the City Website, there was no meeting on January 4, 2024. Please confirm that the meeting occurred, or delete this date for accuracy.

During the meetings, the AHAC discussed the affordable housing incentive strategies and policies with staff from the City of Fort Pierce's Grants Administration and Planning Departments.

Incentive Strategies and AHAC Recommendations:

The AHAC has reviewed local government plans, policies, and procedures; ordinances; regulations; statutes; and the comprehensive plan, among other documents applicable to affordable housing, for evaluation of their impacts on affordable housing. Further, the AHAC has specifically considered and evaluated the strategies set out at Florida ~~Statutes~~ Statutes, See, Section 420.9076-(4)(a)-(k). Based on this review and evaluation, the AHAC has formulated recommendations to the City Commission that it incorporates into its housing strategy; certain changes designed to encourage production of affordable housing.

Commented [AD4]: I am not sure what this sentence is trying to say.

The AHAC, from its review, consideration, evaluation, and recommendations, drafts and submits this report to the City Commission and to Florida Housing Finance Corporation, which details the scope of its work and the resulting recommendations.

Upon review and evaluation of the local government documents listed below, in addition to the eleven (11) affordable housing initiatives, the Affordable Housing Advisory Committee (AHAC) has selected five (5) recommendations for the City Commission to review; of which were narrowed to two (2) initiatives that will be incorporated into its affordable housing strategy:

1. Expedited Process of Approval

It was discussed that the city currently offers expedited permitting for affordable housing, but that a definition of "affordable housing" should be adopted in the Code as well as standards for enforcement. There was a consensus recommendation for the city to consider creating an Affordable Housing Navigator to assist builders and developers with the processes, and for expedited Development Review be developed for proposed affordable housing developments.

Formatted: Justified

Existing Strategy: Expedited Permitting for Affordable Housing is available.

AHAC Recommendation: Create an Affordable Housing Navigator position, an Expedited Affordable Housing Development Review process, and create and adopt a definition and standards for affordable housing.

Formatted: Justified, Space After: 0 pt, Add space between paragraphs of the same style

Schedule for Implementation: Staff/Committee shall proceed as directed by Commission.

2. Ongoing Regulatory Review Process

The committee discussed a checklist or form for the ongoing review process within the Building Department. The City of Fort Pierce currently doesn't have a form or checklist. It was suggested that we recommend a housing impact statement form to inform the public of the cost of building a home and potential increases.

Existing Strategy: The City of Fort Pierce currently doesn't have a form or checklist.

AHAC Recommendation: The City incorporates a housing impact statement form or checklist.

Schedule for Implementation: Staff/Committee shall proceed as directed by Commission.

Formatted: Space After: 0 pt, Add space between paragraphs of the same style

3. Fee Waiver for Affordable Housing

Our proposal suggests amending the existing policy to provide building permit fee waivers for properties where 100% of units are affordable to individuals making below 80% of Area Median Income (AMI), or for those making below 140% of AMI who qualify as first responders and teachers.

Formatted: Normal, Justified, Space After: 0.8 pt, Don't add space between paragraphs of the same style

Formatted: Font: 12 pt, Font color: Auto

Rationale for Targeted Criteria:

Affordable Housing Focus: By waiving building permit fees exclusively for properties offering 100% affordable units, this policy emphasizes the importance of affordable housing within the FPRA boundaries. It serves as a financial incentive for developers and property owners to contribute to the supply of affordable housing options. Affordable housing criteria should reflect HUD standards.

Formatted: Justified, Space After: 0.8 pt, Don't add space between paragraphs of the same style

Supporting First Responders and Teachers:

Recognizing the significance of first responders and teachers, the proposed amendment extends the building permit fee waivers to individuals making below 140% of AMI who work in these essential professions. This demonstrates our commitment to rewarding their service and addressing their housing needs, particularly in urban areas where costs may be prohibitive.

Formatted: Justified, Space After: 0.8 pt, Don't add space between paragraphs of the same style

Economic Impact:

While this proposal narrows the scope of beneficiaries, it still contributes to economic growth by encouraging affordable housing development. The benefits of job creation, reduced startup costs, and community development remain integral aspects of the proposal.

Formatted: Justified, Space After: 0.8 pt, Don't add space between paragraphs of the same style

Infrastructure Efficiency:

The targeted extension aligns with efficient infrastructure usage, particularly in the context of affordable housing development, which is often characteristic of infill projects within FPRA boundaries. This approach promotes sustainable development and a reduction in resource consumption.

Formatted: Justified, Space After: 0.8 pt, Don't add space between paragraphs of the same style

Existing Strategy: None

AHAC Recommendation: Building permit fees and impact fees be waived for affordable housing.

Formatted: Justified, Space After: 0.8 pt

Schedule for Implementation: Staff/Committee shall proceed as directed by Commission.

4. Accessory Dwelling Units (ADU)

ADU's are a means to increase the number of housing units in an area with primarily single-family homes. This can be an apartment within the primary residence or can be attached or freestanding home on the same lot as a primary residence. When built in neighborhoods near employment, it gives communities easy access to work and reduces transportation costs. Due to the smaller size, the rental of the unit makes it affordable for lower-income residents.

Due to the affordable housing crisis, the Committee discussed and ultimately recommended the City adopt an Ordinance permitting Accessory Dwelling Units in certain zoning districts

under certain circumstances, pending public engagement and staff analysis. This could allow for infill redevelopment on individual lots and permit a type of grass roots affordable housing in which families in lower income can build generational wealth by building an accessory dwelling unit on their own property, where it can house either semi-independent family members or a separate family unit. Public engagement is recommended ahead of Ordinance development.

Existing Strategy: Currently Not Permitted in any zoning category.

AHAC Recommendation: Adopt an Accessory Dwelling Unit Ordinance

Schedule for Implementation: Staff has collaborated with the Planning Department to update and change zoning to proceed with this initiative. This initiative will be advanced at the August 12th, 2024, Planning Board Meeting.

Commented [AD5]: Check tense – future tense or past tense?

5. Flexible Lot Configuration

While flexible lot configurations are already permitted through the Planned Development process, another barrier to infill redevelopment is Section 125-70 of the City of Fort Pierce Land Development Regulations, which prohibits the development of vacant lots that do not conform to the applied zoning district’s dimensional standards if it was in common ownership at the date of adoption of that Ordinance.

Sec. 125-70. - Nonconforming lots.

If, at the effective date of adoption or amendment of the ordinance from which this chapter is derived, a lot of record exists which could be lawfully used for some purpose and the lot is no longer permissible for any use under the terms of this chapter relating to lot size, and if the entire contiguous land holdings in single ownership have not decreased, other than due to eminent domain proceedings, since the lot became nonconforming, and if the use satisfies other requirements of this chapter, then such lot:

Formatted: Font: Bold

Formatted: Indent: Left: 1", Right: 0.5"

~~±~~ (1) If located in an E-1, R-1, R-2, R-3, R-4, R-4A or R-5 district may be used for a single-family dwelling, or a duplex, if approved with a conditional use in the R-3 or R-5 districts or if permitted by right in the R-4 or R-4A districts, but not a mobile home; provided, however, that this section shall not apply to any such lots which immediately adjoin other such lots and which are under common ownership and capable of being replaced so as to create one or more lots which may be used for some purpose after the effective date of adoption or amendment of the ordinance from which this chapter is derived; or

Formatted: Indent: Left: 1", Right: 0.5", No bullets or numbering

(2) If located in a nonresidential district may be used for any use allowed in the district.

Formatted: Indent: Left: 1", Right: 0.5"

~~±~~

The Committee discussed that deleting this section could create additional buildable lots on older platted areas of the City, as many of those lots do not conform to the dimensional standards of their subject zoning districts, and it was recommended that the City Commission

Formatted: Indent: Left: 1", Right: 0.5", No bullets or numbering

Formatted: Indent: Left: 0.5"

strike the Section in order to provide more opportunities for the development of affordable homes in close proximity to goods and services.

—Existing Strategy: New homes are prohibited on nonconforming lots if currently or previously under common ownership, creating a number of lots that are not available for development in existing neighborhoods.

AHAC Recommendation: Amend Section 125-70, to remove the entire section.

Schedule for Implementation: Staff/Committee shall proceed as directed by Commission.

Formatted: Justified

Formatted: Indent: First line: 0"

Of the five (5) initiatives listed above the AHAC has narrowed their focus to two (2) strategies for recommendation.

1. Expedited Process of Approval
2. Accessory Dwelling Units (ADU)

The Affordable Housing Advisory Committee recommends the Accessory Dwelling Units (ADU) initiative for Adoption for the 2024 Report, aligning the efforts of the committee with the City of Fort Pierce's Planning Department's comprehensive plan.

Formatted: Body Text, Justified, Indent Left: 0.08"

COMPREHENSIVE PLAN

Objectives and Policies within the City's Comprehensive Plan support Affordable Residential Development.

1.1.7. Policy: The City will allow a density bonus of 5 dwelling units per acre above the maximum permitted density for developments located within ¼ mile of a rail station, multimodal transit center, or transit stop.

1.1.8. Policy: The City will allow an additional market rate unit per affordable housing unit, up to a maximum of 40 units. Affordable housing developments must meet the following criteria:

- A. Located within ¼ mile of a rail station, multimodal transit center, or transit stop.
- B. Meet the definition of affordable housing as defined by the median income of the City of Fort Pierce.
- C. Affordable housing developments shall include a variety of housing types.

Formatted: Right: 0"

Formatted: Justified, Indent Left: 1", First line: 0", Right: 0.5", Space After: 0.8 pt, Don't add space between paragraphs of the same style, Tab stops: Not at 0.91"

Formatted: Indent Left: 1.18"

Formatted: Justified, Indent Left: 1.17", Right: 0"

Formatted: Indent Left: 1.17"

Notice of the public hearing to adopt the 2024 Report of Recommendations will be published in the St. Lucie News Tribune and will be presented to City Commission.

Supplemental Information:

City of Fort Pierce – Planning Board Meeting August 12th, 2024

City of Fort Pierce – Ordinance No. 24-032