BrowardNext → 2017 BROWARD COUNTY LAND USE PLAN

SECTION 2: POLICIES

…

AFFORDABLE HOUSING

…

POLICY 2.16.2

For amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the BCLUP, Broward County and affected municipalities shall coordinate and cooperate to implement the affected municipality's chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing. In addressing amendments which proposed to add 100 or more residential dwelling units to the existing densities approved by the BCLUP, the municipality, without limitation, may include consideration and implementation of the following affordable housing strategies:

a. programs and policies involving mechanisms such as, but not limited to, impact fees, in lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide for the construction or supply of affordable housing;

b. programs and policies involving mechanisms such as, but not limited to, impact fees, inlieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide funding to facilitate the affordable purchase or renting of housing;

c. programs and policies in which the municipality, and/or Broward County, and/or other appropriate agencies, facilitate the maintenance of the existing supply of affordable housing stock, if any;

d. property tax abatement programs aimed at preserving or creating affordable housing;

e. streamlined and reduced-cost permitting procedures for affordable housing;

f. specific minimum set-aside requirements for new affordable housing construction;

g. use of appropriate existing public lands, or public land-banking, to facilitate an affordable housing supply;

h. programs and policies to facilitate the development and use of municipal and/or Broward County affordable housing density bonus provisions;

i. land development regulations which promote the availability of affordable housing such as reduced lot size and floor area for dwelling units, construction of zero lot line and cluster housing, vertical integration of residential units with non-residential uses, and the allowance of accessory dwelling units;

j. the existing supply of affordable housing.

The affected municipality shall demonstrate compliance with this Policy at the time of the County's consideration of the applicable land use plan amendment, by establishing that the municipality has implemented or ensured adoption of appropriate policy and program measures to implement the affected municipality's chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing for each of the following affordable housing income categories defined by the Broward County Land Use Plan: very-low, low, and moderate. The local government shall estimate its supply of affordable housing utilizing the data and methodology referenced within the "Broward County Affordable Housing Needs Assessment," 2018, prepared by The Metropolitan Center Florida International University, as may be updated and accepted by the Broward County Board of County Commissioners, after January 7, 2021. For the purposes of this Policy, the term "affordable housing" shall include the meaning as defined by the BCLUP. The median annual income estimate should be updated at least yearly.

ARTICLE 5

RULES FOR IMPLEMENTATION AND ADMINISTRATION OF BROWARD COUNTY LAND USE PLAN POLICY 2.16.2

5.1 INTENT

These administrative rules address the following: 1) to provide guidelines to local governments for submittal of an affordable housing study, report or information and strategy to demonstrate compliance with Policy 2.16.2 of the Broward County Land Use Plan (BCLUP); and 2) to provide "default" criteria for those applicants who wish to offer mitigation as part of the BCLUP amendment or other applicable application process. The primary purpose of Policy 2.16.2 is for local governments to approve an affordable housing study, report or information and strategy that are in compliance with the Policy. For those applications which meet the Policy via a local government study, report or information and strategy, County staff will issue comments that do not recommend additional mitigation from the applicant or local government.

5.2 BROWARDNEXT - BROWARD COUNTY LAND USE PLAN POLICY 2.16.2

For amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the BCLUP, Broward County and affected municipalities shall coordinate and cooperate to implement the affected municipality's chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing.

In addressing amendments which propose to add 100 or more residential dwelling units to the existing densities approved by the BCLUP, the municipality, without limitation, may include consideration and implementation of the following affordable housing strategies:

a. programs and policies involving mechanisms such as, but not limited to, impact fees, in-lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide for the construction or supply of affordable housing;

b. programs and policies involving mechanisms such as, but not limited to, impact fees, in-lieu fees, and/or public funds, in which the municipality, and/or Broward County, and/or other appropriate agencies/entities (including, but not limited to, major employers), provide funding to facilitate the affordable purchase or renting of housing;

c. programs and policies in which the municipality and/or Broward County, and/or other appropriate agencies, facilitate the maintenance of the existing supply of affordable housing stock, if any;

d. property tax abatement programs aimed at preserving or creating affordable housing;

e. streamlined and reduced-cost permitting procedures for affordable housing;

f. specific minimum set-aside requirements for new affordable housing construction;

g. use of appropriate existing public lands, or public land-banking, to facilitate an affordable housing supply;

h. programs and policies to facilitate the development and use of municipal and/or Broward County affordable housing density bonus provisions;

i. land development regulations which promote the availability of affordable housing such as reduced lot size and floor area for dwelling units, construction of zero lot line and cluster housing, vertical integration of residential units with non-residential uses, and the allowance of accessory dwelling units;

j. the existing supply of affordable housing.

The affected municipality shall demonstrate compliance with this Policy at the time of the County's consideration of the applicable land use plan amendment, by establishing that the municipality has implemented or ensured adoption of appropriate policy and program measures to implement the affected municipality's chosen policies, methods and programs to achieve and/or maintain a sufficient supply of affordable housing.

The local government shall estimate its supply of affordable housing utilizing the data and methodology referenced within this document.

For the purposes of this Policy, the term "affordable housing" shall include the meaning as defined by the BCLUP. The median annual income estimate should be updated at least yearly.

5.3 DESCRIPTION OF SELECT TERMS USED IN POLICY 2.16.2

The following are descriptions of select terms used in Policy 2.16.2 as they relate to implementation of the Policy.

Professionally Accepted Methodologies, Policies and Best Available Data and Analysis: Used to prepare a study, report, or information submitted by the local governing body which includes estimates of the existing supply of affordable housing (i.e. "very low," "low" and "moderate") within the local government boundary in comparison to the estimated affordable housing supply that is needed to achieve and/or maintain a sufficient supply.

The local government shall estimate its supply of affordable housing utilizing the "Broward County Affordable Housing Needs Assessment," 2018, prepared by The Metropolitan Center Florida International University, as may be updated and accepted by the Broward County Board of County Commissioners, after January 7, 2021. The local government may submit additional data and analysis regarding the unique circumstances of its municipality.

A sufficient supply for affordable housing must be consistent with a minimum 5 year planning horizon, but no greater than the adopted planning horizon of the local government comprehensive plan.

The demand and supply may consider the existing availability of affordable housing within 3 miles within a contiguous local government, subject to approval by such contiguous local government.

In-Lieu: Refers to either a commitment to provide on-site affordable dwelling units or monies paid to the local government and/or the Broward County Affordable Housing Trust Fund by developers when affordable housing is not included on-site in a development in compliance with a standard adopted by the local government, as follows:

- Broward County will use 15% of project housing units as a default guideline for an affordable housing standard within proposed residential development subject to Policy 2.16.2; however, a local government may officially adopt a different standard. However, if the standard is lower than 15% the local government must demonstrate that the proposed level is consistent with demand in the applicable area; or
- In an amount equal to $10,609 per unit (which sum shall increase by 3% annually, effective January 1, 2026, and consistent with BCLUP Policy 2.16.4 in-lieu payment) for the total number of additional units within the development. Fifty percent (50%) of in-lieu fee payments may be paid into an Affordable Housing Trust Fund of the applicable municipality, provided the municipality requires said monies to be used for the construction or acquisition of new affordable units. All in-lieu payments shall be made at the time of issuance of building permit. In the absence of a municipal Affordable Housing Trust Fund, all funds shall be paid to the County.

Such monies must be used by the local government to fund affordable housing construction and/or programs. In-lieu monies shall be sufficient to provide for the availability of affordable housing consistent with the standard set by the local government.

Should the local government and developer agree to an in-lieu of fee, the local government shall have the sole and absolute discretion regarding how and where said payment shall be utilized, consistent with its housing policies and programs and shall not be subject to review by the Broward County Commission. If the local government and developer agree to an in-lieu of fee and direct the funds to the Broward County Affordable Housing Trust Fund, the Broward County Commission shall have sole and absolute discretion regarding how and where said payment shall be utilized, consistent with its housing policies and programs.

5.4 COUNTY STAFF GUIDELINES: DETERMINATIONS OF APPLICATION CONSISTENCY WITH POLICY 2.16.2

(A) The local government shall provide an estimate of the existing supply of affordable housing within the local government's boundaries for each of the following affordable housing income categories defined by the Broward County Land Use Plan: very-low, low, and moderate in comparison to the estimated affordable housing supply that is needed to achieve and/or maintain a sufficient supply.

(B) The local government must demonstrate how its chosen affordable housing strategy will satisfactorily achieve and/or maintain a sufficient supply for each of the following affordable housing income categories defined by the Broward County Land Use Plan: very-low, low, and moderate consistent with the local government's planning horizon.

(C) The study, report, or information submitted by the local governing body addressing Article 5.3 must utilize the "Broward County Affordable Housing Needs Assessment," 2018, prepared by The Metropolitan Center Florida International University, as may be updated and accepted by the Broward County Board of County Commissioners, after January 7, 2021.

(D) At a minimum, if a deficit of affordable housing is projected or assumed, Broward County will use 15% of additional project housing units as a default guideline for an affordable housing standard within proposed residential development subject to Policy 2.16.2; however, a local government may officially approve, as part of their affordable housing report and strategy, a different standard and program utilizing professionally accepted methodologies, policies and best available data and analysis.

(E) A study, report, or information submitted by the local government which has been determined by the County to be in compliance with Policy 2.16.2 shall be valid for the consideration of subsequent land use plan amendments for a period of 18 months from the date the study, report or analysis was submitted to Broward County for review.

5.5 REVIEW PROCEDURES FOR LAND USE PLAN AMENDMENTS SUBJECT TO POLICY 2.16.2

(A) After an application for a Broward County land use plan amendment has been received by the Broward County Planning Council, the Planning Council staff shall determine if the application is subject to Policy 2.16.2.

(B) If a land use plan amendment application is subject to Policy 2.16.2, Planning Council staff shall forward the application to the Broward County Environmental Protection and Growth Management Department and request comments in a timeframe consistent with the Planning Council's standard land use plan amendment review schedule.

(C) If Broward County staff issues a determination that a land use plan amendment application is not in compliance with Policy 2.16.2, Broward County staff shall specify in writing the reasons for such determination.

(D) Determinations issued by Broward County staff regarding Policy 2.16.2 shall be forwarded to the Planning Council staff and shall be made a part of the land use plan amendment report.