



DATE: February 21, 2024

TO: Mayor and City Council

FROM: George S. Brown
City Manager

SUBJECT: Ordinance amending Section 23-110, "The Affordable Housing Advisory Committee (AHAC)," Code of Ordinances, to conform to Chapter 420, Florida Statutes, pertaining to the State Housing Initiatives Partnership

RECOMMENDATION

I recommend approval of the attached ordinance authorizing amendments to Chapter 23, "Planning and Development," Article IV, "Development Regulation," Division 2, "Housing," Section 23-110, "The Affordable Housing Advisory Committee (AHAC)," Code of Ordinances, to conform to Chapter 420, Florida Statutes, pertaining to the State Housing Initiatives Partnership.

BACKGROUND

In 1992, the Florida Legislature enacted the William E. Sadowski Affordable Housing Act which established the State Housing Initiatives Partnership (SHIP) Program to provide local governments with funding as an incentive to create partnerships to produce and preserve affordable housing. In March 1993, the City Council adopted Ordinance No. 4079, which created the Local Assistance Trust Fund and established the City of Boca Raton as an entitlement municipality for the SHIP Program.

In April 1993, the City Council approved Resolution No. 78-93, which appointed nine members to the City's Affordable Housing Advisory Committee. The purpose of the committee was to review established policies, procedures, ordinances, land development regulations, and the adopted comprehensive plan and to recommend strategies and incentives to be included in the City's first three-year Local Housing Assistance Plan (LHAP). The term of the committee ended on March 16, 1994, and the committee was sunset as additional committee reviews were not statutorily required.

In July 2007, the State Legislature reinstated the mandatory requirement for a local affordable housing advisory committee. Section 420.9076, Florida Statutes, set forth an eleven member committee that was required triennially to review established policies, procedures, ordinances, land development regulations, and the adopted comprehensive plan. In addition, the committee was required to review eleven specific incentives delineated in the statute and to recommend actions or initiatives to encourage or facilitate affordable housing while protecting the ability of property to appreciate in value.

In June 2008, the City Council adopted Ordinance No. 5039, which created a new section in the City's Code of Ordinances, Division 2, "Housing" within Chapter 23, "Planning and Development," to set forth the SHIP Program and the new statutory requirements. Ordinance No. 5039 repealed and replaced Ordinance No. 4039.

In June 2014, the City Council adopted Ordinance No. 5271, which amended Section 23-110, Code of Ordinances, to update it to incorporate additional changes consistent with amendments that had been made to Chapter 420, Florida Statutes.

In 2020, the Florida Legislature amended Chapter 420, Florida Statutes, to make certain modifications to the AHAC. Amendments are needed to Section 23-110, Code of Ordinances, to update it to incorporate the statutory changes. The amendments will reduce the committee membership to nine members, one of which must be a locally elected official with a term of one year, while the remaining eight members will have terms of three years each and must include representatives from six possible categories. The locally elected official is required to participate in the AHAC meetings and attend biannual regional workshops convened and administered under the Affordable Housing Catalyst Program (which may be conducted through teleconferencing or other technological means). The remaining amendments are to improve existing language. The complete proposed amendments are in the attached ordinance in underline and strikethrough format.

FISCAL IMPACT

There is no fiscal impact associated with this ordinance.

STRATEGIC IMPACT

This ordinance supports Goal #4 Vibrant and Sustainable City. Approval of the ordinance assists with the development of workforce/attainable housing.

Document originated by: Teresa McClurg, Community Improvement Administrator

**Ordinance No. 5691
Amendments to Section 23-110
City Code of Ordinances
Affordable Housing Advisory Committee**



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Background

- In March 1993, the adoption of Ordinance No. 4079 created the Local Assistance Trust Fund and established the City as an entitlement municipality for the State Housing Initiatives Partnership Program (SHIP), pursuant to Chapter 420, Florida Statutes
- In June 2008, the adoption of Ordinance No. 5039 repealed and replaced Ordinance No. 4079 and created a new section in the City Code of Ordinances, Division 2, "Housing," Section 23-110, including the creation of an "Affordable Housing Advisory Committee (AHAC)"
- In June 2014, the adoption of Ordinance No. 5271 amended Section 23-110, Code of Ordinances, to incorporate various amendments that had been made to Chapter 420, Florida Statutes
- The Florida Legislature has recently amended Chapter 420, Florida Statutes, to make certain modifications to the AHAC and amendments to Section 23-110, Code of Ordinances, are needed so it is updated to incorporate the statutory changes



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Affordable Housing Advisory Committee (AHAC)

Pursuant to Chapter 420, Florida Statutes:

- The purpose of AHAC was to triennially review the established policies, procedures, ordinances, land development regulations, the City's adopted comprehensive plan and eleven specific incentives delineated in statute, and to recommend to actions or initiatives to encourage or facilitate affordable housing while protecting the ability of property to appreciate in value
- Mandatory composition of the AHAC was eleven members with specific skills and experience in affordable housing
- Member appointments had to be made by City Council Resolution



Affordable Housing Advisory Committee (AHAC)

A summary of the proposed amendments to Section 23-110, Code of Ordinances, include:

- Reducing the committee membership from eleven to nine members
- One of the members must be a locally elected official with a term of one year
- Remaining eight members will have a term of three years and must include representatives from six of the eleven categories as delineated in Chapter 420, Florida Statutes
- AHAC review will be conducted annually instead of triennially
- The AHAC recommendation report shall be submitted to City Council, Florida Housing Finance Corporation and the entity providing statewide training and technical assistance for the Affordable Housing Catalyst Program





Recommendation

- Staff recommends approval of Ordinance No. 5691 to authorize amendments to Section 23-110, Code of Ordinances
- Staff recommends that the Elected Official appointment to the AHAC be made at the City Council Organizational Meeting on April 1, 2024, and the remainder of the appointments be made in the same manner the City makes other boards and committee appointments



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Ordinance No. 5691 Amendments to Section 23-110 City Code of Ordinances Affordable Housing Advisory Committee



6



ORDINANCE

1 5691

2 AN ORDINANCE OF THE CITY OF BOCA RATON
3 AMENDING CHAPTER 23, "PLANNING AND
4 DEVELOPMENT," ARTICLE IV, "DEVELOPMENT
5 REGULATIONS," DIVISION 2, "HOUSING," SECTION 23-110,
6 "THE AFFORDABLE HOUSING ADVISORY COMMITTEE
7 (AHAC)," CODE OF ORDINANCES, TO CONFORM TO
8 CHAPTER 420, FLORIDA STATUTES, PERTAINING TO THE
9 STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM;
10 PROVIDING FOR SEVERABILITY; PROVIDING FOR
11 REPEALER; PROVIDING FOR CODIFICATION; PROVIDING
12 AN EFFECTIVE DATE

13
14 WHEREAS, on June 10, 2008, the City Council adopted Ordinance No. 5039, which
15 amended Chapter 23, "Planning and Development," Article IV, "Development Regulations," Code
16 of Ordinances, to create Division 2, "Housing," pursuant to Chapter 420, Florida Statutes,
17 pertaining to the State Housing Partnership Program (SHIP), including the creation of an
18 Affordable Housing Advisory Committee (AHAC); and

1 WHEREAS, on April 22, 2014, the City Council adopted Ordinance No. 5721, which
2 amended Section 23-110, Code of Ordinances, to make certain modifications to the AHAC,
3 pursuant to Florida Legislative amendments to Chapter 420, Florida Statutes; and

4 WHEREAS, in 2020, the Florida Legislature amended Chapter 420, Florida Statutes,
5 to make certain modifications to the requirements for the AHAC; and

6 WHEREAS, the City Council desires to amend Section 23-110, "Affordable Housing
7 Advisory Committee (AHAC)," Code of Ordinances, to conform to the updated requirements of
8 Chapter 420, Florida Statutes; now therefore

9

10 THE CITY OF BOCA RATON HEREBY ORDAINS:

11

12 Section 1. Chapter 23, "Planning and Development," Article IV, "Development
13 Regulations," Division 2, "Housing," Section 23-110, "The Affordable Housing Advisory
14 Committee (AHAC)," Code of Ordinances, is hereby amended to read:

15 Sec. 23-110. The Affordable Housing Advisory Committee (AHAC).

16 (1) The affordable housing advisory committee (AHAC) is hereby created and
17 established. The members of the ~~affordable housing advisory committee~~ (AHAC) shall be
18 appointed by ~~resolution of the city council. The appointing resolution shall establish the terms of~~
19 ~~member's appointments. The AHAC shall consist of nine (9) members, who need not be residents~~
20 ~~of the city. Five (5) members shall constitute a quorum. The AHAC shall include one (1) elected~~
21 ~~City of Boca Raton official with a term of one (1) year. The remaining eight (8) members of the~~
22 ~~AHAC shall each have a term of three (3) years, and shall include representatives from at least~~
23 ~~six (6) of the following categories: The affordable housing advisory committee (AHAC) shall~~
24 ~~consist of 11 qualified members who need not be residents of the city. Six members shall~~
25 ~~constitute a quorum. They shall include the following:~~

(a) A One-citizen who is actively engaged in the residential home building industry in connection with affordable housing;

(b) A One citizen who is actively engaged in the banking or mortgage industry in connection with affordable housing;

(c) A One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing;

(d) A One-citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing;

(e) A One citizen who is actively engaged as a for-profit provider of affordable housing:

(f) A One citizen who is actively engaged as a not-for-profit provider of affordable housing;

(g) A One-citizen who is actively engaged as a real estate professional in connection with affordable housing;

(h) A One citizen who actively serves on the local planning agency pursuant to F.S. § 163.3174;

(i) A One citizen who resides within the jurisdiction of the local governing body making the appointments:

(j) A One-citizen who represents employers within the jurisdiction; and

(k) A One-citizen who represents essential services personnel, as defined in the local housing assistance plan (LHAP).

With regard to the above appointments, if the city, as an eligible SHIP municipality, is unable to appoint a citizen actively engaged in the referenced activities in connection with affordable housing, whether due to its small size, the presence of a conflict of interest by prospective

1 appointees, or other reasonable factors, then a citizen engaged in the activity without regard to
2 affordable housing may be appointed.

3 (2) The existence of the AHAC this committee shall remain in effect as long as required
4 by Florida Statutes.

5 (3) ~~The affordable housing advisory committee (AHAC) meetings shall be public~~
6 meetings and all committee records shall be public records.

7 (4) The affordable housing advisory committee (AHAC) shall elect a chairperson, vice-
8 chairperson, and such other officers as it deems necessary. The chairperson is charged with the
9 duty of conducting meetings in a manner consistent with law.

10 (5) Staff, administrative and facility support for the ~~affordable housing advisory~~
11 committee (AHAC) shall be provided by the city as determined necessary and appropriate by the
12 city manager.

13 (6) In years when the state allocates more than the minimum State Housing Initiatives
14 Partnership Program funding to the city, the ~~affordable housing advisory committee (AHAC)~~ shall
15 triennially perform an annual review of the established policies, procedures, ordinances, land
16 development regulations, and adopted comprehensive plan of the city and recommend specific
17 actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the
18 property to appreciate in value, ~~as provided in F.S. § 420.9076~~. Their recommendations may
19 include the modification of or repeal of existing policies, procedures, regulations, ordinances, or
20 plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of
21 new policies, procedures, regulations, ordinances, or plan provisions, including recommendations
22 to amend the city's comprehensive plan and corresponding regulations, ordinances, and other
23 policies. At a minimum, the AHAC committee shall submit an annual a report to the city council
24 that includes recommendations on, ~~and triennially thereafter evaluates the implementation of~~
25 affordable housing incentives in the following areas:

(a) The processing of approvals of development orders or permits, as defined in F.S. § 163.3164, for affordable housing projects is expedited to a greater degree than other projects;

(b) All allowable fee waivers provided for the development or construction of affordable housing 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; and

(k) The support of development near transportation hubs and major employment centers and mixed-use developments.

(7) The affordable housing advisory committee (AHAC) shall report recommendations and its review of previously recommended strategies, if any, annually~~triennially~~ to the city council, with such recommendations and review having been approved by a majority vote of its membership at a public hearing. Notice of the time, date, and place of the public hearing for the AHAC committee to adopt its evaluation and final local housing incentive strategies recommendations must be published advertised in a newspaper of general paid circulation in the county. The notice must contain a short and concise summary of the evaluation and local housing incentives strategies recommendations to be considered by the committee. The notice must state the public place where a copy of the evaluation and tentative committee recommendations can be obtained by interested persons. The final report, evaluation, and recommendations shall be submitted to Florida Housing Finance Corporation and the entity providing statewide training and technical assistance for the Affordable Housing Catalyst Program.

(8) The city council shall, within 90 days of receipt of the ~~affordable housing advisory~~ committee's (AHAC's) recommendations, adopt by resolution an amendment to the ~~local housing assistance plan~~ (LHAP) to incorporate any new local housing incentive strategies it may choose to implement. Such amendment shall be submitted in accordance with the requirements of F.S. § 420.9076, and Rule 67-37, Florida Administrative Code.

Section 2. If any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 3. All ordinances and resolutions or parts of ordinances and resolutions and all sections and parts of sections in conflict herewith shall be and hereby are repealed.

Section 4. Codification of this ordinance in the City Code of Ordinances is hereby authorized and directed

Section 5. This ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Boca Raton this day

1 PASSED AND ADOPTED by the City Council of the City of Boca Raton this _____ day
2 of _____, 2024.

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4 CITY OF BOCA RATON, FLORIDA
5
6 ATTEST:
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9 Scott Singer, Mayor
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11 Mary Siddons, City Clerk
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14 Approved as to form:
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Jeffrey Sheffel for
Diana Grub Frieser
City Attorney

COUNCIL MEMBER	YES	NO	ABSTAINED
MAYOR SCOTT SINGER			
DEPUTY MAYOR MONICA MAYOTTE			
COUNCIL MEMBER YVETTE DRUCKER			
COUNCIL MEMBER FRAN NACHLAS			
COUNCIL MEMBER MARC WIGDER			