



LEE COUNTY AFFORDABLE HOUSING ADVISORY COMMITTEE

**PUBLIC WORKS BUILDING
1500 MONROE STREET, FORT MYERS, FL 33901
FIRST FLOOR CONFERENCE ROOM 1B**

**MONDAY, October 7, 2024
2:00 PM**

AGENDA

1. Call to Order / Review of Affidavit of Publication
2. Approval of Minutes – October 9, 2023
3. 2024/2025 Incentive Report
4. Adjournment

To view a copy of the agenda, go to www.leegov.com/dcd/calendar. For more information, contact Tracy Toussaint at ttoussaint@leegov.com.

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MINUTES REPORT
AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC)
October 9, 2023

MEMBERS PRESENT:

Shawn Williams, Chair
Ramie Hall, Vice-Chair
Jill Morrissey
Marion Briggs
Claudia Perfect
Melisa Giovannelli
Steve Woods
Carl Baxter, Jr.
Commissioner Ray Sandelli
Henry Zuba
Remegio (Terry) Serrata

MEMBERS ABSENT

Armando Jorge
Marion Briggs
Steve Woods
Carl Baxter, Jr.

STAFF PRESENT

Jeannie Sutton, Director, Strategic Resources & Government Affairs
Carla Platter, Department of Human and Veteran Services
Angela Dietrich, SHIP Coordinator
Tracy Toussaint, SHIP Admin

MEMBERS OF THE PUBLIC/INTERESTED PARTIES

Tanya Soholt, Habitat for Humanity
Lois Healy, Affordable Homeownership Foundation
Joe Gallagher, Iona House Corp.
Marcus Goodman, Lee County Housing Authority
Chris Reesor, Rebuilding Together Tampa Bay
Marcia Davis, HACFM
Jessica Turner, Regional Housing Coalition
Fawn Estes, Avantgarde the Building Group
Therese Every, CASL
Candy Dyckman, Moorings Park

Agenda Item 1 – Call to Order/Affidavit of Publication

Mr. Shawn Williams brought the meeting to order at 2:01 p.m. in the Community Development – Public Works Building, 1500 Monroe Street, First Floor Conference Room 1B, Downtown, Fort Myers.

Mr. Williams asked for a motion to switch the order of the agenda to move the Overview of Affordable Housing immediately after the Call to Order.

Mr. Zuba made a motion to change the order of the agenda, Commissioner Sandelli 2nd the motion. The motion passed unanimously.

Agenda Item 2– Overview of Affordable Housing

Jeannie Sutton gave an overview of the CDBG-DR Funds. Funds are to assist with Affordable Housing, Development and Rehab for Low Income Families.

Action Plan was submitted to HUD on 9/19/2023. Expecting an approved Action Plan by the end of the calendar year. They will then have to complete the policies and procedures and will be able to launch programs in early 2024. The programs that will be available are Housing Development & Preservation, Individual Housing Rehab, Home Purchase Assistance and Voluntary Residential Buyouts. The amount of funds that are available for development are \$350 Million for multi-family, \$50 Million for Single Family, Individuals that income qualify there will be \$175 Million available, Home Purchase assistance \$10 Million available and for Voluntary Residential Buyouts there is \$75 Million available. All programs are available for Lee County Residents whether they live in incorporated and unincorporated Lee County. Information can be found at Leegov.com/recovery/CDBG-DR

To reach out to the team they can be reached at recovery@leegov.com

Carla Platter, Department of Human & Veteran Services stated that they are working on contracts with CASL (72 Units), Boys & Girls Club and Pine Manor for updates to security fencing.

Angela Dietrich, SHIP Coordinator stated that outside of SHIP we received \$18,913,000.00 for Housing Hurricane Recovery which was allocated out to Non-Profits for Downpayment Assistance, Owner Occupied Rehab and New Construction. \$2 Million was allocated in house for the Hurricane Insurance Deductible Reimbursement Program. We did receive SHIP funds in the amount of \$5,702,000.00. We have gone through the application process, but the funds have not yet been allocated.

Agenda Item 3 – Approval of Minutes – November 2, 2022

Ms. Claudia Perfect made a motion to approve the minutes as written. Mr. Henry Zuba 2nd the motion. The motion passed unanimously.

Agenda Item 4 – Election of Chair and Vice-Chair

Mr. Zuba made a motion to nominate Mr. Williams for Chair. Ms. Melisa Giovannelli 2nd the motion.

Mr. Williams declined the nomination as he will no longer be a Lee County Resident. He stated that he resigned.

Ms. Jill Morrissey made a motion to nominate Ms. Ramie Hall as the Chair. Ms. Melisa Giovannelli 2nd the motion. The motion passed unanimously.

Mr. Shawn Williams made a motion to nominate Mr. Henry Zuba for Vice-Chair. Ms. Melisa Giovannelli 2nd the motion. The motion passed unanimously.

Affordable Housing Committee

October 9, 2023 - DRAFT

Agenda Item 5 – 2023/2024 Incentive Report

Mr. Henry Zuba made a motion to approve the 2023/2024 Incentive Report with the recommendation that Lee County Commissioners explore the deferral of impact fees.

Mr. Shawn Williams 2nd the motion. The motion passed unanimously.

Agenda Item 6– Adjournment

Mr. Zuba made a motion to adjourn. Ms. Giovannelli 2nd the motion. The motion passed unanimously, and the meeting adjourned at 3:05 pm.

A recording of this meeting is available. Please contact Tracy Toussaint at 239-533-8949 or ttoussaint@leegov.com to obtain a copy of the recording.

Lee County Affordable Housing Advisory Committee

Affordable Housing Incentive Review Report

SHIP Affordable Housing Incentive Strategies

AFFORDABLE HOUSING ADVISORY COMMITTEE REVIEW & PUBLIC HEARING

October 7, 2024

SUBMITTED TO: LEE COUNTY BOARD OF COUNTY COMMISSIONERS

DATE SUBMITTED:

SUBMITTED TO: ROBERT DEARDUFF, FLORIDA HOUSING FINANCE CORPORATION

DATE SUBMITTED:

BACKGROUND

As a recipient of State Housing Initiative Partnership (SHIP) funds, Lee County established an Affordable Housing Advisory Committee (AHAC) on April 15, 2008, as required by the Florida Statutes, Sec. 420.9076. The AHAC is responsible for reviewing and evaluating local plans, policies, procedures, land development regulations, the Comprehensive Plan, and other aspects of Lee County housing activities that impact the production of affordable housing. Further, the AHAC is required to consider and evaluate the implementation of the incentives provided in Florida Statutes, Sec. 420.9076 (4)(a)-(k).

The AHAC reviewed, considered, and evaluated the affordable housing incentives provided in Florida Statutes, Sec. 420.9076(4) and makes these recommendations to the Board of County Commissioners:

- A. **420.9076(4)(a): 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.**

1. Incentive Description:

- a. **Expedited Permitting.** The Planning Section of the Lee County Department of Community Development provides procedural and technical assistance to developers of Affordable Housing Developments (AHDs). Developers of AHDs in unincorporated Lee County may request an expedited permit processing from the Planning section. The approval for expedited processing is routed with each county permit for the AHDs to ensure that the processing of approvals for the construction of the AHDs will be expedited to a greater degree than other projects.
- b. **Live Local Legislation.** In addition to the County's expedited permitting process, the state's Live Local legislation, FS 125.01055, has enabled affordable housing developers to avoid the public hearing process for affordable housing projects on all properties with Commercial, Industrial, or Mixed-Use zoning. This legislation requires affordable housing developments to be administratively approved in these zoning districts at the highest standard density allowed in the county and highest building height within one (1) mile of the site. The county's planning section has held pre-application meetings for four (4) affordable housing developments interested in developing under this legislation that would yield approximately 850 new rental units for incomes up to 120% AMI.

2. Adopting Ordinance or Resolution Number or identify local policy:

Expedited Permitting

- 2023/2024 - 2025/2026 Local Housing Assistance Plan – Page 22 - 23
- Lee County Comprehensive Plan (Lee Plan)
 - Policy 135.1.5
 - Policy 135.4.13

Live Local

- SB 328, Live Local 2024 Update

3. Implementation Schedule (Date): Ongoing

4. Staff Recommendation: Continue Strategy

5. 2023 AHAC Recommendation: Continue Strategy

6. 2024 AHAC Recommendation:

B. 420.9076(4)(b): All allowable fee waivers provided for the development or construction of affordable housing.

1. Incentive Description: MODIFICATION OF IMPACT FEES

- a. **Impact Fee Reimbursement Program** - Reimbursement of up to half (50%) of the amount paid for school impact fees for new construction of affordable residential single-family or multi-family homes to be occupied by income-eligible households. These funds are available above and beyond any other assistance awarded.

This program is available for housing units built anywhere in Lee County where school impact fees have been paid within the past calendar year. The maximum purchase price of a home is the maximum established for the SHIP Program. Income limits apply to families purchasing the unit.

To encourage broad participation, there is a ceiling on the cumulative total of reimbursement distributed to any single builder per County fiscal year (10/1 – 9/30).

- b. **Impact Fee Exemption Program** - Exemptions for payment of Road, Regional Park, Community Park, Fire Protection, and Emergency Medical Services Impact Fees are provided for residential building permits in Harlem Heights, Charleston Park, and the Fort Myers/Lee County Enterprise Zone.

Dwellings in subdivisions, mobile home or manufactured housing parks, and multi-family dwellings that are age-restricted to prohibit persons under 18 from residing within the dwellings as a permanent resident are exempt from payment of School Impact Fees.

- c. **Utility Connection Fees Deferral Program** - Deferral of Lee County Utilities connection fees for very low- and low-income housing developed by non-profit organizations until the time of building permit application. Without the deferral, regulations require that 50% of the connection fees be paid at the time the County is asked to commit to the capacity availability and the remaining 50% at final acceptance of infrastructure. The program provides non-profits with more cash flow as an incentive to construct housing for the most needy.

- d. **Building Permit Fee Waivers** - The Florida Housing Finance Corporation’s State Apartment Incentive Loan Program (SAIL) provides low-interest loans on a competitive basis as gap financing to leverage mortgage revenue bonds and Low-Income Housing Tax Credit resources. This allows developers to obtain the full financing needed to construct or rehabilitate affordable rental units. The application for this program enables Lee County to commit to multiple projects, and the minimum commitment amount is \$50,000. The local government contribution for projects awarded SAIL financing is provided as building permit fee waivers.

2. Adopting Ordinance or Resolution Number or identify local policy:

Impact Fee Reimbursement Program

- 2023/2024 - 2025/2026 Local Housing Assistance Plan – Page 23 - 24
- Lee County Administrative Code
 - 13-4 Administrative Procedures Governing Reimbursement of Lee County School Impact Fees
- Lee County Comprehensive Plan (Lee Plan)
 - Policy 135.1.5

Impact Fee Exemption Program

- Lee County Land Development Code
- Chapter 2, Article VI, Division 2. Road Impact Fee – Section 2-274 Exemptions

- Chapter 2, Article VI, Division 3. Regional Parks Impact Fee – Section 2-312 Exemptions
- Chapter 2, Article VI, Division 4. Community Parks Impact Fee – Section 2-352 Exemptions
- Chapter 2, Article VI, Division 5. Fire Protection and Emergency Medical Services Impact Fee – Section 2-394 Exemptions

3. Implementation Schedule: Ongoing

4. Staff Recommendation: Continue Strategy

5. 2023 AHAC Committee Recommendation: Explore deferring impact fees

6. 2024 AHAC Committee Recommendation:

C. 420.9076(4)(c): The allowance of flexibility in densities for affordable housing.

1. Incentive Description: FLEXIBLE DENSITIES

The Lee County Comprehensive Plan provides increased densities for affordable housing to very low-, low-, moderate-, and workforce-income families. The program provides both a construction option (affordable units must be constructed) and a cash option (market-priced units may be constructed in exchange for a cash contribution to the Affordable Housing Trust Fund).

2. Adopting Ordinance or Resolution Number or identify local policy:

- Lee County Administrative Code
 - AC13-5
- 2023/2024 - 2025/2026 Local Housing Assistance Plan – Page 24
- Lee County Comprehensive Plan (Lee Plan)
 - Policy 135.1.4
 - Policy 135.4.14
- Lee County Land Development Code
 - Chapter 2, Article IV, Section 2-146 and 2-147

3. Implementation Schedule (Date): Ongoing

4. Staff Recommendation: Continue Strategy

5. 2023 AHAC Committee Recommendation: Continue Strategy

7. 2024 AHAC Committee Recommendation:

D. 420.9076(4)(d): The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.

1. Incentive Description: RESERVATION OF INFRASTRUCTURE CAPACITY

There are currently no restrictions on the availability of infrastructure capacity. Therefore, the reservation of capacity for very low-, low-, and moderate-income households is not necessary.

2. Adopting Ordinance or Resolution Number or identify local policy:

- 2023/2024 – 2025/2026 Local Housing Assistance Plan – Page 24

3. Implementation Schedule (Date): Not Applicable

4. Staff Recommendation: No change

5. 2023 AHAC Committee Recommendation: No Change

6. 2024 AHAC Committee Recommendation:

E. 420.9076(4)(e): Affordable accessory residential units.

1. Incentive Description: AFFORDABLE ACCESSORY RESIDENTIAL UNITS

The Lee County Land Development Code allows accessory apartments by right in certain areas, regardless of density provisions, which provides opportunities for additional affordable housing units. The purpose of allowing accessory residential units is to facilitate the provision of affordable housing, strengthen the family unit, and increase opportunities for housing the elderly and persons with special needs.

2. Adopting Ordinance or Resolution Number or identify local policy:

- 2023/2024 – 2025/2026 Local Housing Assistance Plan – Page 24 – Page 25
- Lee County Land Development Code
 - Chapter 34, Article VII, Section 34-1177

3. Implementation Schedule (Date): Ongoing

4. Staff Recommendation: Continue Strategy

5. 2023 AHAC Committee Recommendation: Continue Strategy

6. 2024 AHAC Committee Recommendation:

F. 420.9076(4)(f): The reduction of parking and setback requirements for affordable housing.

1. Incentive Description: PARKING AND SETBACK REQUIREMENTS

The Land Development Code provides several avenues for relief in parking and setbacks:

- Developments within the Mixed Use Overlay (MUO) may utilize reduced parking, setbacks, open space, and landscaping standards.
- Parking and setback requirements may be reduced through the planned development rezoning process by requesting deviations from the property development regulations.
- Similar to the deviation process, variances may be requested in conventional zoning districts to reduce parking and setback requirements when the hardship criteria are met.
- Reduced parking requirements are provided for Assisted Living Facilities, Continuing Care Facilities, and Independent living facilities, including group quarters, health care, social services, and similar uses.

2. Adopting Ordinance or Resolution Number or identify local policy:

- 2023/2024 – 2025/2026 Local Housing Assistance Plan – Page 25
- Lee County Comprehensive Plan
 - Objective 11.2
- Lee County Land Development Code
 - Chapter 10, Article II, Division 2, Subdivision II, Section 10-104
 - Chapter 34, Article IV, Division 2, Section 34-373
 - Chapter 34, Article IV, Division 3, Section 34-411
 - Chapter 34, Article VII, Division 26, Section 34-2020

3. Implementation Schedule (Date): Ongoing

4. Staff Recommendation: Continue Strategy

5. 2023 AHAC Committee Recommendation: Continue Strategy

6. 2024 AHAC Committee Recommendation:

G. 420.9076(4)(g): The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.

1. Incentive Description: FLEXIBLE LOT CONFIGURATIONS

The Land Development Code provides options for allowing flexible lot configurations, including zero-lot-line configurations.

- Developments within the Mixed Use Overlay (MUO) are subject to reduced parking, setbacks, open space, and landscaping standards, which allows for flexible lot configurations, including zero-lot-line configurations for affordable housing.
- The planned development rezoning process allows for flexible lot configurations with approval of deviations from development design standards. Similar to the deviation process, variances may be requested in conventional zoning districts when the hardship criteria are met.

2. Adopting Ordinance or Resolution Number or identify local policy:

- 2023/2024 – 2025/2026 Local Housing Assistance Plan – Page 25
- Lee County Comprehensive Plan
 - Policy 135.4.13
 - Objective 11.2
- Lee County Land Development Code
 - Chapter 10, Article II, Division 2, Subdivision II, Section 10-104
 - Chapter 34, Article IV, Division 2, Section 34-373
 - Chapter 34, Article IV, Division 3, Section 34-411

3. Implementation Schedule (Date): Ongoing

4. Staff Recommendation: Continue Strategy

5. 2023 AHAC Committee Recommendation: Continue Strategy

6. 2024 AHAC Committee Recommendation:

H. 420.9076(4)(h): The modification of street requirements for affordable housing.

1. Incentive Description: MODIFICATION OF STREET REQUIREMENTS

The Land Development Code allows for the modification of street requirements through the planned development rezoning process. Through this process, applicants may request their own property development regulations, such as lot configuration and setbacks, and seek deviations in roadway designs and parking. Variances are available for conventional zoning districts when the hardship criteria are met.

2. Adopting Ordinance or Resolution Number or identify local policy:

- 2023/2024 – 2025/2026 Local Housing Assistance Plan – Page 25
- Lee County Comprehensive Plan
 - Policy 135.4.15
- Lee County Land Development Code
 - Chapter 10, Article II, Division 2, Section 10-291(3)
 - Chapter 10, Article II, Division 2, Section 10-296(d)(2)
 - Chapter 34, Article IV, Division 2, Section 34-373

3. Implementation Schedule (Date): Ongoing

4. Staff Recommendation: Continue Strategy

5. 2023 AHAC Committee Recommendation: Continue Strategy

6. 2024 AHAC Committee Recommendation:

I. 420.9076(4)(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.

1. Incentive Description: PROCESS OF ONGOING REVIEW

Lee County created an Executive Regulatory Oversight Committee responsible for reviewing and considering the impact of development regulations being considered for adoption on the cost of development.

2. Adopting Ordinance or Resolution Number or identify local policy:

- 2020/2021 – 2022/2023 Local Housing Assistance Plan – Page 25 (TO BE ADDED)
- Lee County Comprehensive Plan
 - Policy 135.1.3
- Lee County Administrative Code
 - AC-2-22 Executive Regulatory Oversight Committee (EROCC)

3. Implementation Schedule (Date): Ongoing

4. Staff Recommendation: Continue Strategy

5. 2023 AHAC Committee Recommendation: Continue Strategy

6. 2024 AHAC Committee Recommendation:

J. 420.9076(4)(j): The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

1. Incentive Description: PUBLIC LAND INVENTORY

The Department of County Lands reviews County-owned, surplus real estate for possible disposal either by donation or sale, as the case may be, for disposition of governmentally owned real estate. The Department of County Lands regularly makes available its inventory of public lands for evaluation by government agencies and non-profit and for-profit affordable housing providers for the construction and development of affordable housing.

2. Adopting Ordinance or Resolution Number or identify local policy:

- **2023/2024 – 2025/2026 Local Housing Assistance Plan – Page 26**
- Florida Statutes 125.35 and 125.38
- Lee County Ordinance 02-34 Lee County Surplus Lands

3. Implementation Schedule (Date): Ongoing

4. Staff Recommendation: Continue Strategy

5. 2023 AHAC Committee Recommendation: Continue Strategy

6. 2024 AHAC Committee Recommendation:

K. 420.9076(4)(k): The support of development near transportation hubs and major employment centers and mixed-use developments.

1. Incentive Description: SUPPORT OF DEVELOPMENT NEAR TRANSPORTATION HUBS

Contiguous and compact growth patterns are promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

The Mixed Use Overlay (MUO) incentivizes redevelopment located within areas that have existing services and infrastructure. The MUO allows properties within the designated areas to develop under the conventional zoning district with reduced regulations. The required open space is reduced by 50%, buffer widths and setbacks are reduced, up to 60% of the parking space requirement is reduced, building height may be increased, and minimum lot size and maximum coverage requirements are eliminated.

2. Adopting Ordinance or Resolution Number or identify local policy:

- 2023/2024 – 2025/2026 Local Housing Assistance Plan – Page 26
- Lee County Comprehensive Plan (Lee Plan)
 - Goal 2
 - Objective 2.1
 - Policy 2.1.1
 - Objective 2.2
 - Policy 5.1.6
 - Policy 5.1.7
 - Policy 5.1.8
 - Objective 11.2
- Lee County Land Development Code
 - Chapter 2, Article II, Division 1, Section 2-41

3. Implementation Schedule (Date): Ongoing

4. Staff Recommendation: Continue Strategy

5. 2023 AHAC Committee Recommendation: Continue Strategy

6. 2024 AHAC Committee Recommendation: