

Local Elected Officials Strengthen the Affordable Housing Advisory Committees

BY JAIMIE ROSS

One of the smarter moves the Florida Legislature made to promote affordable housing in the 2020 Session was to require that a local elected official be added to the roster of the County or City's Affordable Housing Advisory Committee (AHAC). The AHAC has been a requirement for the SHIP program since its start in 1992 with the passage of the William E. Sadowski Affordable Housing Act.

The thinking behind the creation of the AHAC was that a dedicated revenue source was being created to fund housing programs at the local level through the SHIP program and the funding should not be the only tool for making housing affordable. Local governments should use its land use tools and regulatory reform to make housing more affordable. A laundry list of tools for local governments to consider was put into statute, including consideration of accessory dwelling units, using transfer of development rights, and modifying impact fees. But two items rose to the top as threshold requirements for all communities receiving SHIP funds. Those two items are: (1) expedited permitting, and (2) an ongoing review process for the impact of local planning changes on affordable housing.

Expedited permitting extends to every manner of permitting, from obtaining variances or a rezoning to building permits and inspections. The idea is that time is money, and the cost of building affordable housing could be reduced if the entire development process is expedited. The ongoing process of review is for all land development regulations and comprehensive plan amendments for their impact on the cost of housing. The ongoing process of review requirement is akin to a fiscal impact statement required for all bills at the state capitol. It is not intended to thwart local governments from adopting changes to its plans and laws that increase the cost

of housing, but to require that local government make those changes with full awareness of how that change could pose a barrier to the production of affordable housing. The concept here is that knowing the impact on the ability to produce affordable housing could potentially lead to a better outcome. For example, understanding that collecting an impact fee applied to each home, regardless of size, would result in a disproportionate burden for lower cost homes might lead to a better path forward. When the affordable housing impact shows how a 1,000 square foot home would pay the same impact as a 4,500 square foot home, it might lead a local government to consider collecting impact fees by the square foot rather than by the unit.

These two regulatory reform requirements, expedited permitting and an ongoing process of review, have not been implemented to the degree that had been intended. With the addition of elected officials to the AHAC, these requirements have a much better chance for implementation. Expedited permitting and the process of review fall squarely in the planning departments and those issues are ultimately voted on by local elected officials. The active participation of local elected officials on the AHAC should result in greater opportunities for implementation of regulatory reform for affordable housing.

The production and preservation of affordable housing has everything to do with political will. Having elected officials on the AHACs is a great move for increasing the production and preservation of affordable housing. The Florida Housing Coalition applauds the Florida Legislature for this statutory improvement, and we are eager to work with all the elected officials who were appointed to the AHACs beginning in October 2020.



Jaimie A. Ross is the President & CEO of the Florida Housing Coalition. She initiated the Sadowski Coalition in 1991 and continues to facilitate the Sadowski Coalition today. Ms. Ross served as the Affordable Housing Director at 1000 Friends of Florida, a statewide nonprofit smart growth organization, from 1991-2015. Prior to her tenure at 1000 Friends of Florida, Ross was a land use and real property lawyer representing for profit and nonprofit developers and financial institutions with a law firm in Orlando. Ross is the past Chair of the Affordable Housing Committee of the Real Property Probate & Trust Law Section of the Florida Bar.