



SHIP CLIPS

STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM

Frequently Asked SHIP Questions

Q: *Do I have to use the AHAC Report Template distributed by the Coalition?*

A: No, this report outline is available for use, but not required. However, the FHFC staff asked that we remind everyone that the Incentive items A through K as outlined in the statute must be included in the report along with the advisory committee's recommendation.

Q: *Our Advisory Committee report is going to the Board of County Commissioners on November 12. Will that be the start of our 90-day clock for the Board to adopt any incentives or do we still have until March 31, 2009?*

A: Your 90-day clock begins when the Advisory Committee presents their report to the Board. The last day allowed by statute to submit the report to the governing body is December 31, 2008, making the 90-day deadline March 31, 2009. According to FS 420.9076 (6) "Within 90 days after the date of receipt of the local housing incentive strategies recommendations from the advisory committee, the governing body of the appointing local government shall adopt an amendment to its local housing assistance plan to incorporate the local housing incentive strategies it will implement within its jurisdiction. The amendment must include, at a minimum, the local housing incentive strategies required under s. 420.9071(16). The local government must consider the strategies specified in paragraphs (4)(a)-(k) as recommended by the advisory committee."

Q: *Are the dates that are in the timeline just suggested or are they required by rule and statute?*

A: The SHIP statute and rule are very clear regarding due dates for meeting the requirements of the AHAC committee. Some items, such as the Public Hearing, are suggested to give the AHAC enough time to advertise, hold the public hearing and submit the final report by the statutorily defined December 31, 2008 deadline.

Q: *Our Affordable Housing Advisory Committee does not want to make any changes to the LHAP now, but wants to wait until January since we have a new LHAP due in May. Is this okay?*

A: No. The Affordable Housing Advisory Committee is required by FS 420.9076 to meet and review regulatory barriers to affordable housing, make recommendation on items A through K and submit a report to the governing board by December 31, 2008. Incentives shall be adopted by amending the LHAP within 90 days and then forwarded to FHFC by May 2. They should follow the statute and rule time line.

Q: *Can the BCC approve the incentives and adopt the amendment to the LHAP at the same time or do they have to approve the incentives before adoption into the LHAP?*

A: There is nothing in the statute or rule that requires the incentives to be adopted prior to amending your LHAP. However, the incentives that will be adopted may require a Comprehensive Plan Amendment, Ordinance or policy change that will

need to be approved by your Board separately. FS 420.9076 states:

(6) Within 90 days after the date of receipt of the local housing incentive strategies recommendations from the advisory committee, the governing body of the appointing local government shall adopt an amendment to its local housing assistance plan to incorporate the local housing incentive strategies it will implement within its jurisdiction.

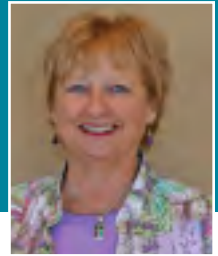
Q: *Is it the approval of the incentives that has to be by resolution or the adoption of the amendment to the LHAP that has to be the resolution?*

A: The amendment to the LHAP must be adopted by Resolution.

Q: *Can we split our AHAC committee into two sub-committees; one to review items a-k and another to review our LHAP since it is due on May 2, 2009?*

A: The statute is clear in its intent and AHAC membership, therefore the entire committee should meet in accordance with FS 420.9076 (4), ... the advisory committee shall review the established policies and procedures, ordinances, land development regulations, and adopted local government 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 recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable

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housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances, and other policies. At a minimum, each advisory committee shall submit a report to the local governing body that includes recommendations on, and triennially thereafter evaluates the implementation of, affordable housing incentives in the following areas: review incentives a - k.

However the statute and rule do not require the LHAP to be reviewed by the AHAC. This is a local decision only. If your city/county decides that it wants the AHAC to review the new LHAP there will be ample time since the new LHAP is not due until May 2, 2009.

Q: *When my Commission approves the AHAC incentive plan, does there have to be a public hearing?*

A: The statute only requires a public hearing when the Advisory Committee takes its vote on the local housing incentive strategies recommendations. The statute provides the following information regarding the public hearing: FS 420.9076 (5) "The approval by the advisory committee of its local housing incentive strategies recommendations and its review of local government implementation of previously recommended strategies must be made by affirmative vote of a majority of the membership of the advisory committee taken at a public hearing. Notice of the time, date, and place of the public hearing of the advisory committee to adopt final local housing incentive strategies recommendations must be published in a newspaper of general paid circulation in the county.

The notice must contain a short and concise summary of the local housing incentives strategies recommendations to be considered by the advisory committee. The notice must state the public place where a copy of the tentative advisory committee recommendations can be obtained by interested persons."

The rule and statute do not require an additional public hearing when the Commission votes on the recommendations, so unless your local policy dictates otherwise you can have the incentives adopted by an amending resolution to your Local Housing Assistance Plan during a regular board meeting.

Q: *When we advertise the public hearing for our AHAC incentives, how much notice are we required to give?*

A: Both the rule and the statute are silent on this issue, so check to see if you have any local policies that govern advertisement of public hearings. If not, 15-30 days notice would provide sufficient time for the public to review the plan and make arrangements to attend.

Q: *What will be required if the AHAC does not make recommendations on changes to the current incentives or recommends new incentives or if the Board does not adopt any new incentives and keeps the current two required incentives as they currently exist in the LHAP.*

A: A copy of the Advisory Committee's report which provides evidence that the incentives listed in 420.9076(4), F.S. have at least been reviewed and made the recommendation that no changes be made must be sent to

FHFC. A copy of the report must be submitted to FHFC as outlined by 420.9076 (7) "The governing board of the county or the eligible municipality shall notify the corporation by certified mail of its adoption of an amendment of its local housing assistance plan to incorporate local housing incentive strategies. The notice must include a copy of the approved amended plan" and 67-37.010 (3) "The county or eligible municipality shall transmit to the Corporation an electronic copy of the report which has been submitted to the local governing board for consideration by May 2 of the year following the report due date."

Each local government LHAP currently includes the two required incentives. If the local government decides that no new incentives, other than the two required incentives are needed at this time, then no amendment is required. However, if there are changes to the two required incentives including policies or procedures, then a technical revision to the plan to incorporate those changes would be required. In addition, if the local governing body decides to implement any of the other incentives listed in 420.9076, F.S., then an amendment to include the new incentives in the LHAP would be required. By definition of Plan Amendment in 420.9071(22), F.S.: (22) "Plan amendment" means the addition or deletion of a local housing assistance strategy or local housing incentive strategy. Plan amendments must at all times maintain consistency with program requirements and must be submitted to the corporation for review pursuant to s. 420.9072(3). Technical or clarifying revisions may not be considered plan amendments but must be transmitted to the corporation for purposes of notification."

