

Frequently Asked SHIP Questions

State Housing Initiatives Partnership Program

BY MICHAEL CHANEY

Q: Did the Florida Legislature make changes to the SHIP Affordable Housing Advisory Committee (AHAC)?

A: Yes, these changes are in House Bill 1339, the Omnibus Housing Bill from the 2020 Florida Legislative session. AHACs are charged with recommending regulatory incentives for affordable housing under the SHIP program in Section 420.9076, F.S. As of October 1, 2020, SHIP AHACs must include one locally elected official from each county or municipality participating in the SHIP program. The AHAC Report is now required every year and the list of incentives each AHAC must consider in its recommendations to the local government changed. For example, the incentive on fee waivers was broadened to focus on all allowable fee waivers for affordable housing, rather than a specific focus on impact fees. Finally, each AHAC Report must now be sent to the Florida Housing Coalition in addition to the local governing body and the Florida Housing Finance Corporation (FHFC).

The Florida Housing Coalition is charged with convening biannual regional workshops for the locally elected officials serving on the AHACs. The Florida Housing Coalition is to produce an annual report summarizing the deliberations, actions, and recommendations of each region, as well as the attendance record of the locally elected officials. This report is to be submitted to the Senate President, Speaker of the House, and the FHFC.

The AHAC report is now required every year.

Q: What training is available to provide elected officials an orientation to the AHAC?

A: First, watch the recording of the AHAC Orientation webinar available here: <https://vimeo.com/463357569>. The Florida

Housing Coalition will schedule and register locally elected officials for the virtual biannual regional workshops. Coalition staff will survey and interview each participating elected official about what they want to address through the AHAC. Topics to be covered during each regional workshop will include an analysis of local codes, housing plans and needs, and recent news about housing best practices. Elected officials will

receive materials on incentive strategies and background information on AHACs, including an updated AHAC Guidebook, which provides instruction on assembling a committee and addressing each type of incentive strategy.



Q: We are appointing a commissioner to the AHAC in early October. Aside from attending AHAC meetings and the required regional workshop, does the elected official have additional duties? Will an incentive report be due December of 2021 given that SHIP was not funded for 20/21?

A: Yes, an incentive report is due by December 31, 2021. The elected official must participate in AHAC meetings as a voting member of the committee and assist in production of the AHAC report for 2021.

Q: My local government has consistently received the minimum SHIP allocation, has never had to produce an AHAC report other than the initial review as provided in statute, and as a result, has not had an active AHAC in recent years. Under HB 1339, must we now activate a new AHAC with an elected official?

A: No.

Q: In the past ten years, my city has sometimes received more than \$350,000 and has sometimes

received less than the minimum SHIP allocation. My city does not currently have an AHAC and has not produced an AHAC report in recent years. Under HB 1339, must we now activate a new AHAC with an elected official?

A: Local governments that receive the minimum allocation under SHIP are exempt from this requirement, but assuming you might receive more than the minimum allocation soon, you will need to produce an AHAC report before receiving that allocation. Therefore, you should consider assembling an AHAC now in anticipation of this possibility.

Q: How does the Sunshine Law apply to our SHIP advisory committees?

A: When dealing with advisory committees it is important to keep in mind the requirements of Florida’s open meetings laws. Any local government appointed committee that is part of a fact finding commission, or any board or committee that has final decision making authority is covered by these laws. If you have any questions about these requirements, consult with your city attorney, county attorney, or other appropriate legal counsel.

Q: How does the Sunshine Law apply to the biannual regional workshops?

A: Florida’s Sunshine Law applies to meetings or gatherings where two or more members of the same board or committee discuss some matter which will foreseeably come before that board for action. The primary purpose of these regional workshops is to educate local elected officials on affordable housing best practices, not to make decisions. But out of an abundance of caution, elected officials from a Joint AHAC or who are not AHAC members but wish to attend the workshops will not be permitted

to communicate with one another during the workshop.

Q: Our advisory committee report is due to the Board of County Commissioners on November 12, before a December 31st deadline. Will November 12th mark the start of our 90 day clock for the Board to adopt any incentives or do we still have until March 31 of next year?

A: Your 90 day clock begins when the advisory committee submits its report to the Board. According to Florida Statutes, Sec. 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 last day allowed by statute to submit the AHAC Report to the governing body is December 31, making the 90 day deadline March 31 of the following year.

Q: Can City/County Commissioners 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? Is it the adoption of the incentives that must be completed by resolution or the adoption of the amendment to the LHAP that must done by resolution?

A: There is nothing in the statute or rule that requires the incentives to be adopted prior to amending your LHAP. However, adopted incentives may require a Comprehensive Plan Amendment, ordinance, or policy change prior to incorporation into the LHAP and will need to be approved by your Board separately. The amendment to the LHAP must be adopted by resolution.

QUESTIONS ABOUT THE SHIP PROGRAM?

Free telephone technical assistance is available to help you successfully implement your SHIP funded work. Call the Florida Housing Coalition’s SHIP hotline at (800) 677-4548, Mon.-Fri. 8:30-5:00.



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