

POLK COUNTY BOARD OF COUNTY COMMISSIONERS

State Housing Initiatives Partnership (SHIP)

**Local Affordable Housing Incentives
Implementation Report 2023**



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The Omnibus Housing Bill from the 2020 Florida Legislative session House Bill 1139 made changes to the due date of the Affordable Housing Incentive Plan report. In accordance with Florida Statute 420.9076, the Affordable Housing Advisory Committee (AHAC) is charged with recommending regulatory incentives for affordable housing under the SHIP program in Section 420.9076, F.S. yearly.

The Polk County Housing and Neighborhood Development Office (HND) and Affordable Housing Advisory Committee (AHAC) prepared the initial 2008 Affordable Housing Incentives Report that provided an overview of incentives that are used to foster the increased development of affordable housing in Polk County. The implementation of these strategies is now required to be reported every year. The Florida Statutes require the AHAC committee review affordable housing specified incentives and provide The Florida Housing Finance Corporation (FHFC) with an update by December 2023. The current Affordable Housing Incentives report describes the following:

A. Expedited Permitting (Required Incentive)

- B. Fee Waivers or Modifications for Affordable Housing (Impact Fee waiver adopted currently in place) consider waiver or reduction of permitting fees, Inspection fees, site plan review costs, rezoning or other hearing fees, or Engineering fees.
- C. Density Flexibility
- D. Reservation of Infrastructure
- E. Accessory Dwelling Units
- F. Parking and Setback Reductions
- G. Flexible Lot Configuration
- H. Street Requirements Modifications
- I. Review of Policies, Procedures, Ordinances, and Regulations (Required Incentive)**
- J. Land Bank Inventory (adopted currently in place)
- K. Support of Development Near Transportation Hubs, Job Centers, and Mixed-use Development (adopted currently in place)
- L. Demolition Lien Waiver

In the past Polk County Board of County Commissioners adopted three (3) incentive strategies listed below; 3 through 5, in addition to the two required strategies as part of the Local Housing Assistance Plan (LHAP) in February 2009. In the subsequent years based on the recommendation of the AHAC, the Board retained them.

Last year a new Polk County Affordable Housing Incentive was introduced as number **six (6)** called the Demolition Lien Waiver. This incentive will waive the lien placed on a lot where a structure has been demolished to encourage affordable housing development.

- 1. **Expedited Permitting (Required Incentive).**
- 2. **Ongoing Review of Policies, Procedures, Regulations and Plan Provisions that increase the cost of housing prior to their adoption (Required Incentive).**
- 3. Waiving of Impact Fees.
- 4. Inventory of Publicly Owned Land Suitable for Affordable Housing.
- 5. The Support of Development Near Transportation Hubs, Employment Centers and Mixed-

Use Developments.

6. The Demolition Lien Waiver.

Since the Adoption of the original 2008 Affordable Housing Incentives Plan, Polk County has continued to expedite the permitting process for affordable housing, provide waivers of impact fees for affordable housing and mitigation of impact fees for workforce housing, maintain an inventory of publicly owned land for affordable housing opportunities and supports development near transportation hubs, employment centers and mixed-use development. Additionally, Polk County HND continues to review policies, procedures, regulations, and plan provisions that could impact the cost of affordable housing.

1. Expedited Permitting

Polk County began expedited permitting for affordable housing in 1998. The County has long offered same day single family permits for walk-in customers, which is also a valuable resource for expediting affordable housing projects. In 2018, the County began using an online development review and permitting system, known as the Accela Citizen Portal. While the County still offers same day single family permitting, now customers can apply electronically. Applicants submitting through Accela can indicate in the project description they are constructing an affordable housing project. The review and approval of such projects are conducted within one (1) business day. Multi-family building permit applications are only accepted online, and the review is initiated within three (3) business days. Because of the SB 102 known as the Live Local Act HND coordinated with the Building Division to insert instructions to obtain Expedited Permitting for affordable housing developments on the Building's Division's website.

2. On Going Review Process

This year the Planning and Development office worked on several Polk County HND staff coordinates with other County departments regarding ordinances or regulations impacting affordable housing. The Development Review Committee Agenda (DRC) is forwarded to Staff for review. Staff provides reports and updates to the AHAC for review and discussion at their regularly scheduled meetings. The AHAC provides staff with input and recommendations and HND prepares various reports for Polk County Board of County Commissioners (BoCC) consideration. Plan reviews are now conducted electronically through the Accela online Citizen Portal.

3. Waiving of Impact Fees

Polk County has waived impact fee since 2007 totaling \$8.7 million. To date Polk County continues to waive all impact fees for single family and multi-family housing construction for households making less than 80% of area median income for the area. The County also mitigates workforce housing impact fees for single family and multifamily construction at 100% except for educational impact fees for households making up to 120% of area median income for the Lakeland-Winter Haven MSA.

4. Inventory of Publicly Owned Land for Affordable Housing

125.379 Disposition of county property for affordable housing.—

(1) By July 1, 2007, and every 3 years thereafter, each county shall prepare an inventory list of all real property within its jurisdiction to which the county holds fee simple title that is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such real property and specify whether the property is vacant or improved. The governing body of the county must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. The governing body of the county shall adopt a resolution that includes an inventory list of such property following the public hearing.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the county may be offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, or may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent affordable housing. Alternatively, the county may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term “affordable” has the same meaning as in s. 420.0004(3). This year the Polk County Housing & Neighborhood Development Office worked with the Real Estate Office to obtain escheated lots suitable for the development of affordable housing. This year three (3) lots were received for future single family unit construction. The Real Estate Office has been reviewing SB102 and the requirements to offer publicly available land suitable for affordable housing. A meeting was held to review this process and confirm requirements prior to the Oct. 1, 2023, deadline.

5. Support of Development near Transportation Hubs, Employment Centers, and Mixed-Use Developments

This incentive is outlined in the Polk County Comprehensive Plan in POLICY 2.104-A6: GENERAL INCENTIVES. The details of this incentive are outlined below.

6. Demolition Lien Waiver

This amendment to the current structural Maintenance Ordinance will implement a process to release the claim of lien for the costs incurred by the County for a demolition of an unsafe structures. These lots are located throughout Polk County and the affordable housing Demolition Lien Waiver is targeted to very low (50% of the area median income), low (80% of the area median income) and moderate-income persons (120% of the area median income) persons.

AHAC Review and Comments for each Incentive Referenced in the Statute:

The core requirement of the AHAC is to recommend housing strategies developed to incentivize the production of affordable housing. Those recommendations are submitted to the local elected body for approval. Upon adoption, these recommendations become part of the Local Housing Assistance Plan (LHAP). The SHIP program mandates that all municipalities/counties receiving SHIP funds establish local initiatives that foster affordable housing development. To guide advisory committees, the SHIP Statute provides eleven affordable housing incentives; each strategy must be considered by the AHAC. Florida Statutes, Sec. 420.9076 (4):

A. Expedited Permitting (adopted currently in place) (Required Incentive) **As excerpted from the Polk County Comprehensive Plan:**

POLICY 2.203-A10: Polk County shall provide monetary incentives, such as mitigation or waiver of impact fees, and regulatory incentives, such as streamlined processing, to encourage the private sector to develop cost saving and innovative techniques for affordable housing initiatives.

B. Impact Fee Waivers or Modifications (adopted currently in place) **As excerpted from the Polk County Comprehensive Plan:**

POLICY 2.203-A10: Polk County shall provide monetary incentives, such as mitigation or waiver of impact fees, and regulatory incentives, such as streamlined processing, to encourage the private sector to develop cost saving and innovative techniques for affordable housing initiatives.

C. Density Flexibility

Polk County's Comprehensive Plan Future Land Use Element outlines the Density Flexibility incentive in the following section: See Excerpt from the Comprehensive Plan:

POLICY 2.104-A6: GENERAL INCENTIVES

– Polk County shall encourage and promote compact, mixed-use by allowing:

- a. increased densities and intensities within the Transit Corridors and Centers Overlay District subject to Policy 2.104-A7; and
- b. increased densities for affordable or workforce housing subject to Policy 2.104-A7.

D. Reservation of Infrastructure

At this time, this incentive is not specifically offered by Polk County as part of the development process. The Committee recommends revisiting reservation of transportation concurrency for affordable housing developments.

The Polk County Comprehensive Plan outlines Infrastructure capacity in the following chapters:

CHAPTER 3 PUBLIC FACILITIES POLICIES
DIVISION 3.100 INFRASTRUCTURE ELEMENT
SECTION 3.101 INTRODUCTION

The purpose of the Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element (Infrastructure Element) is to serve as a guide to Polk County in providing for necessary public facilities and services. The infrastructure Element must be correlated with future land use projections.

E. Accessory Dwelling Units

Polk County provides for Accessory uses in the Land Development Code.

Polk County Land Development Code Excerpt:

Section 206 Accessory Uses (Revised 12/1/10 – Ord. 10-083; 01/03/05 - Ord. 04-80; 7/25/01 - Ord. 01-57) --

Accessory uses are permitted in conjunction with the primary use in all land use districts. Accessory uses are those land uses that are incidental and subordinate to the primary use of the property (see table 2.1 for a list of primary land uses allowed per district). Specific requirements pertaining to the determination of what is incidental and subordinate for certain types of accessory uses are listed in the section and sections to follow in this chapter. All accessory uses contained herein, and any other not included shall comply with Section 209.

A. Accessory Apartments, Garage Apartments, and Guest Houses Accessory apartments, garage apartments, and guest houses may be permitted as accessory uses to single-family detached homes in all residential districts subject to the applicable district regulations and the following requirements:

1. No more than one accessory apartment, garage apartment, or guest house may be permitted on any single-family residential lot or parcel.
2. A guest house shall be located in the rear yard of the principal dwelling unit.
3. Garage apartments and guest houses shall meet all setbacks pertaining to accessory structures.
4. Mobile homes shall not be permitted to be used as guest houses.
5. Accessory dwelling uses shall be permitted subject to a Level 1 Review.
6. Accessory dwelling structures are prohibited in developments approved for short-term rental.

F. Parking and Setback Reductions

Polk County does not have a specific program for parking reduction for just affordable housing developments.

The Land Development Code Section 710 outlines Alternative Parking Strategies (APS).

Section 710 Alternative Parking Strategies (APS)

A. Parking Study

A parking study shall be required for the following:

1. Uses for which a parking requirement is not listed in Table 7.10;
2. When proposing an exemption from or reduction in the minimum parking requirements through an APS.
3. When requesting a parking space deferral.

The Land Development Code also provides a provision for waivers for parking and other requirements as outlined in Chapter 9 Section 932.

G. Flexible Lot Configuration

Polk County does not have a flexible lot configuration for affordable housing developments, but the zero-lot-line provision is outlined in the Land Development Code below:

POLICY 2.204-A6: Polk County shall develop, within its Land Development Code, an administrative site plan review process for residential developments which incorporate innovative approaches to site design (clustering Section 753, and zero-lot-line Section 755, etc.) as a technique to reduce housing costs.

H. Street Requirements Modifications

The County does not have a program that modifies the street requirements for affordable housing developments. The Polk County Land Development Code Section 824 – Roadway Design outlines the requirements for sidewalks, public and private roads.

I. Review of Policies, Procedures, Ordinances, and Regulations (Required Incentive)

In place and functioning as intended.

J. Land Bank Inventory – (Escheated property) (adopted currently in place)

Currently in place and is utilized to assist in the development of affordable housing units.

K. Support of Development Near Transportation Hubs, Job Centers, and Mixed-use Development (adopted currently in place)

POLICY 2.104-A6: GENERAL INCENTIVES – Polk County shall encourage and promote compact, mixed-use by allowing a. increased densities and intensities within the Transit Corridors and Centers Overlay District subject to Policy 2.104-A7; and POLK COUNTY COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT Adopted: 18 NOV 92 Page B-19 (Revised August 2016)

- b. increased densities for affordable or workforce housing subject to Policy 2.104-A7.

POLICY 2.104-A7: DENSITIES AND INTENSITIES –To promote energy efficient land use patterns and compact mixed-use development, the TSDA and the Transit Corridors and Centers Overlay (TCC Overlay) within the TSDA shall include higher densities and intensities of development. The maximum densities and intensities listed in Table 2.104.1 exceed those listed in Policy 2.109-A1 and Policy 2.119- A1 and the policies that include the description for each of the referenced land use category as provided for within this Element. The Mixed-Use category within Tables 2.104.1 and 2.104.2 is for those nonresidential land use categories that permit residential as provided for in this Element or the Appendices for the Selected Area Plans (SAP). The Transit Corridors and Centers Overlay includes three separate components that expand the residential density of selected Future Land Use Districts. These three components as depicted in Figure 1. include:

- a. Transit Corridor – an area within ¼ mile of fixed route transit service.
- b. Transit Center – an area within a one-mile radius of the point of access for transit services; and
- c. Transit Center Core – an area within ¼ mile of the point of access for transit services.

Maximum densities are established within the Transit Supportive Development Area (TSDA) and the respective components of the Transit Corridors and Centers Overlay as listed in Table 2.104.1. The maximum densities are not guaranteed within the respective land use categories and shall only be permitted subject to the requirements established in Policy 2.104-A5 Development Criteria and Policy 2.124-A3 Design Principles. Table 2.104.1 also includes recommended minimum densities to support future investments in public transportation. These recommended minimum densities may be required under the Land Development Code to coincide with planned public or private sector transit investments. Residential projects with less than the recommended minimum density will be encouraged to include a site design that allows for project phasing in order to preserve the maximum development potential of the subject parcel(s).

L. Demolition Lien Waiver – The committee recommends amending the ordinance to include multifamily duplex or tri-plex apartments. Staff is meeting with County Departments to review this internal process for this incentive.

The amended structural Maintenance Ordinance implements a process to release the claim of lien for the costs incurred by the County for a demolition of an unsafe structures. These lots are located throughout Polk County and the affordable housing Demolition Lien Waiver is targeted to very low (50% of the area median income), low (80% of the area median income) and moderate-income persons (120% of the area median income) persons. Multifamily rental units have been included in this Ordinance as of early 2023.