



Affordable Housing Advisory Committee

2023 Report of Recommendations

Executive Summary

The William E. Sadowski Affordable Housing Act was signed into law on July 7, 1992 and later incorporated into Chapter 420 of the Florida Statutes. The Sadowski Act created a dedicated revenue source for local governments allocating a portion of documentary stamp taxes on deeds to local governments for the development and maintenance of affordable housing. In addition, the Sadowski Act created the State Housing Initiatives Partnership Act (the “SHIP Act”).

In order to receive funding for affordable housing through the SHIP Program, the City of Orlando submitted an Affordable Housing Incentive Plan (AHIP) on February 7, 1994. The AHIP outlined the recommendations of the Affordable Housing Advisory Committee (AHAC), an advisory board to City Council, regarding the adoption of incentives to encourage the production of affordable housing.

Pursuant to F.S. 420.9076, the Committee is required to “review established policies, procedures, ordinance, land development regulations, and the comprehensive plan and recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value.” The AHAC’s approval of its local housing incentive strategy recommendations must be made by affirmative vote of a majority of the membership of the advisory committee taken at a public hearing.

The AHAC is pleased to submit the following 2023 Annual Report.

AHAC membership

Member	Position
Commissioner Jim Gray	Chair; Locally elected official.
Antoinette Giles	A citizen who represents employers within the jurisdiction.
Juan Hollingsworth	Vice Chair: A citizen who represents essential services personnel, as defined in the local housing assistance plan
Calvin Pham	A citizen who resides within the jurisdiction of the local governing body making the appointments.
Sharisse Walton	A citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
Alicia Matheson	A citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
William Cooper	A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
Dr. Lantz Mills Sr.	A citizen who resides within the jurisdiction of the local governing body making the appointments.
Claudia Ray	A citizen who is actively engaged in the residential home building industry in connection with affordable housing.
Nathan Ritter	A citizen who resides within the jurisdiction of the local governing body making the appointments.
Ryan Seacrist	A citizen who is actively serves on the local planning agency pursuant to s.163.3174; MPB Board Member

Activity

This report to the local governing body includes recommendations on affordable housing incentives in the following areas:

- a. The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects.
- b. The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.
- c. The allowance of flexibility in densities for affordable housing.
- d. The reservation of infrastructure capacity for housing for very-low, low, and moderate-income persons.
- e. The allowance of affordable accessory residential units in residential zoning districts.
- f. The reduction of parking and setback requirements for affordable housing.
- g. The allowance of flexible lot configurations, including, zero-lot-line configurations for affordable housing.
- h. The modification of street requirements for affordable housing.
- 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.
- j. The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
- k. The support of development near transportation hubs and major employment centers and mixed-use developments.

The AHAC evaluated the following City of Orlando plans and policies for affordable housing incentives:

- City of Orlando Comprehensive Plan
 - Existing established policies and new proposed changes
- State Housing Initiatives Partnership (SHIP) Local Housing Assistance Plan (LHAP)
 - Grants and programs
- City of Orlando's Annual Action Plan (2021-2026 Consolidated Plan)
 - Grants and programs
- Applicable policy proposals that may increase the cost of affordable housing.

The AHAC conducted meetings to review current Affordable Housing Incentives and Policies in the City of Orlando, and to make recommendations for improvement of those incentives and policies where applicable on the following dates:

- January 19, 2023
- March 16, 2023
- May 18, 2023
- August 17, 2023
- September 21, 2023
- October 19, 2023
- November 16, 2023

During the meetings, the AHAC discussed the affordable housing incentive strategies and policies with staff from the City of Orlando’s Housing and Community Development and Planning Departments.

Incentive Strategies and AHAC Recommendations:

1. Expedited Permitting (a)

Description: The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects as defined in s. 163.3177 (6) (f) 3.

Established Policy Summary: The Housing Expediter, who works in the Housing and Community Development Department, coordinates with staff in the Permitting Services Division and the City Planning Division to expedite reviews of plans and permits that they have certified as a Certified Affordable Housing Development. The Housing Expediter assists the developer throughout the development review and permitting process, and coordinates with City staff to ensure that any issues are addressed early in the development process.

Comprehensive Plan and Land Development Code (LDC) References:

- a. Housing Element:
 - Objective 5.8: Policies 5.8.1 to 5.8.5
 - Objective 5.6: Policies 5.6.1
- b. HCD Program Manual

AHAC Recommendation: No proposed recommendations

2. Ongoing Review Process (i)

Description: The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, and plan provisions that increase the cost of housing.

Established Policy Summary: All City Code and GMP amendments that may increase the cost of developing housing are reviewed by the Housing Expediter and the Affordable Housing Advisory Committee (AHAC) before submission to City Council for approval. Recommendations by the AHAC regarding the impacts of the proposed regulations or policy on housing costs are included in the MPB staff report, or other appropriate formats as recommendations to City Council, who makes the final decision.

Comprehensive Plan and Land Development Code References:

- a. Housing Element:
 - Objective 5.3: Policy 5.3.4
 - Objective 5.6: Policies 5.6.1 to 5.6.2
 - Objective 5.7: Policy 5.7.1

AHAC Recommendation: No proposed recommendations

3. Affordable Housing Inventory (j)

Description: The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

Established Policy Summary: The City of Orlando’s Real Estate Office (REO) and the Housing and Community Development (HCD) Department work together to prepare an inventory of city-owned properties that are suitable for affordable housing. The lots are categorized by their readiness for development. City Council reviews and approves this list by resolution after a public hearing process. The properties identified as appropriate for use as affordable housing on the adopted inventory may be offered to interested parties for the development of affordable housing by submitting a proposal and completing a funding application with HCD, or through a solicitation made by the HCD or the Downtown Community Redevelopment Agency.

Comprehensive Plan and Land Development Code References:

- a. Housing Element:
 - Objective 5.5: Policy 5.5.1

AHAC Recommendation: Staff is to continue working with applicable departments to keep the published list updated with viable properties that could be developed with Affordable housing. Housing staff to continue monitoring for opportunities to solicit properties to develop. AHAC would like to investigate opportunities of properties that are currently owned by the City but maybe underutilized.

4. Impact Fees (b)

Description: The modification of impact fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.

Established Policy Summary: The City of Orlando offers incentives for certified affordable housing in the form of impact fee reductions and reimbursements. Transportation impact fees are reduced based on meeting the City’s commuter criteria. Parks impact fees are reduced based on the level of service of parks in the surrounding area. Sewer impact fees along with the 50% remainder of Park and Transportation impact fees (if applicable) are eligible for reimbursement using SHIP funds as identified in the Local Housing Assistance Plan (LHAP); however, these fees must be paid upfront, and residents must meet income requirements promised in the affordable housing certification application in order to seek reimbursement, this is also subject to available funding. School impact fees can be waived based on the most recent Orange County ordinance update regarding school impact fees. To receive this fee waiver, the project must be certified as affordable and requires an agreement between the city, Orange County Public Schools, and the developer. Accessory Dwelling Units are exempt from School impact fees.

Comprehensive Plan and Land Development Code References:

- a. Housing Element:
 - Objective 2.5: Policies 2.5.1 to 2.5.4
- b. Land Development Code:

- Transportation Impact Fee: Sec. 56.02, 56.06-56.08, 56.11, 56.15
 - Parks Impact Fee: Sec. 56.32-56.41
 - Sewer Fees: Sec. 30.19-30.20
- c. Orange County Code of Ordinances:
- School Impact Fee: Sec. 23-141 to 23-163
 - i. School Impact Fee Exemptions: Sec.23-161(10)

AHAC Recommendation: The AHAC will continue to explore options to further incentivize affordable housing units and also provide additional waivers so scarce grant resources can be allocated to the creation and preservation of affordable housing. Staff will continue to search for ways to decrease the cost to develop and operate affordable housing.

5. *Flexible Densities (c)*

Description: The allowance of flexible densities for affordable housing.

Established Policy Summary: The City of Orlando operates a voluntary density bonus program. The Land Development Code offers two bonus sections with the opportunity to gain density with the inclusion of Affordable Housing. The program offers a density bonus in several residential, office, and commercial districts. In exchange for more density, the developer must commit to build affordable housing units on-site. As an option, the section for bonuses for low-income housing offers developers the alternative to on-site units by allowing the developer to pay an in-lieu fee contribution to the “City of Orlando Trust Fund for Low and Very Low-Income Housing.” In addition, in order to support affordable housing production, subarea policies have been established or explored on existing industrial sites that are in close proximity to residential and institutional uses in order to encourage redevelopment.

Comprehensive Plan and Land Development Code References:

- a. Future Land Use Element:
 - Objective 2.4: Policy 2.4.10
 - Objective 6B2: Policy S.6.15
 -
- b. Housing Element:
 - Objective 5.1: Policy 5.1.1 and 5.1.4
 - Objective 5.2: Policy 5.2.1
 - Objective 5.9: Policy 5.9.2
- c. Land Development Code:
 - Sec. 58.1000-58.1105, particularly Sec. 58.1133

AHAC Recommendation: There are currently two sections of the Land Development Code that provide opportunities for a density bonus. One section allows for a bonus by providing two separate uses (allowable uses are defined in the LDC) which could include affordable housing. The other section is specifically for low and very low-income households where a developer can provide on-site affordable units which requires all of the bonus units to be dedicated to those at or below 80% of Area Median Income (AMI) or opt to pay an in-lieu fee of 2% of the development’s construction costs to the City’s Trust Fund for Low and Very Low-Income

Housing. The current policy has not generated significant on-site affordable housing units and it appears that many developers choose to either provide other uses or pay the in-lieu fee to meet the minimum requirements, limiting the generation of affordable housing units. In addition, the generated in-lieu fee is not meeting the cost of building and subsidizing an affordable housing unit. The AHAC recommended that staff review ways to further incentivize the generation of on-site affordable housing units without discouraging developers from seeking the bonus opportunity. If the in-lieu fee is kept as an option, staff is to look for a more appropriate calculation to off-set the cost to generate an affordable unit. Staff will need to bring any formal recommendations to the AHAC once finalized.

6. **Reservation of Infrastructure Capacity (d)**

Description: The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.

Established Policy Summary: The City of Orlando does not currently employ this incentive strategy for affordable housing.

Comprehensive Plan and Land Development Code References:

- a. Future Land Use Element:
 - Objective 1.2: Policy 1.2.1
- b. Public Schools Element:
 - Goal 1: All objectives and policies, particularly Policy 1.3.6
- c. Land Development Code:
 - Sec. 59.100-59.106
 - Sec. 59.500-59.505
 - Sec. 59.600-59.607
- d. OCPS Interlocal Agreement:
 - Sec. 18: School Concurrency Implementation Procedures

AHAC Recommendation: No proposed recommendations

7. **Accessory Dwellings (e)**

Description: The allowance of accessory residential units in residential zoning districts.

Established Policy Summary: The City of Orlando permits accessory dwelling units (ADU's) in residential zoning districts. Ordinance No.2018-44 was adopted September 4, 2018 and provided additional flexibility for ADU development around the City. Properties that are zoned residential (R-1, R-1N, R-1A, R-1AA, R-2A, R-2B, R-3A, R-3B, R-3C, R-3D), mixed residential-office districts (MXD-1, MXD-2), Office (O-1, O-2) and Planned Developments (PD) with the previously noted default zonings can build accessory dwelling units in accordance with regulations outlined in Chapter 58 Part 3A.

Comprehensive Plan and Land Development Code References:

- a. Land Development Code:
 - Sec. 58.110, particularly Footnote 13 (after zoning tables)

- Sec. 58.500-58.502
- Sec. 58.900-58.901

AHAC Recommendation: AHAC would like to further investigate the possibility of making ADU's more affordable by reducing impact fees and providing expedited permitting with an emphasis on aging in place.

8. Alternative Development Standards (f)

Description: The reduction of parking and setback requirements for affordable housing.

Established Policy Summary: The Land Development Code has provisions for alternative development standards for certified affordable housing projects. These provisions promote innovative design, encourage the production of affordable housing, and allow for a more efficient use of land, all without compromising the quality of the development. Approvals may be granted administratively to save both time and money.

Comprehensive Plan and Land Development Code References:

- a. Housing Element:
 - Objective 5.1
 - Objective 5.3: Policy 5.3.6
- b. Land Development Code:
 - Sec. 61.322-61.323
 - Sec. 67.600-67.608

AHAC Recommendation: Staff is to review Chapter 67 to provide potential amendments to modernize and expand alternative development standards while not compromising the quality of the development.

9. Flexible Lot Configurations (g)

Description: The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.

Established Policy Summary: The City of Orlando permits zero-lot-line development as a design option for one- or two-family dwellings. With the zero-lot-line standards, the code allows the unit to be placed along the rear and/or side property lines, reduces the rear and front setbacks below the minimum yard requirements in the applicable zoning districts, and reduces the minimum lot depth required in the district.

Comprehensive Plan and Land Development Code References:

- a. Housing Element:
 - Objective 5.9: Policy 5.9.1
- b. Land Development Code:
 - Sec. 58.600-58.604
 - Sec. 67.600-67.605

AHAC Recommendation: The City provides options for flexible lot configurations. Any changes to Chapter 67 as mentioned in the previous recommendation should not conflict with existing relief without further investigation of the AHAC.

10. Alternative Transportation Standards (h)

Description: The modification of street requirements for affordable housing.

Established Policy Summary: The Land Development Code has provisions for alternative transportation standards for certified affordable housing projects. These provisions promote innovative design, encourage the production of affordable housing, and allow for a more efficient use of land, all without compromising the quality of the development. Approvals may be granted administratively where applicable.

Comprehensive Plan and Land Development Code References:

- a. Land Development Code:
 - Sec. 67.606

AHAC Recommendation: AHAC would like to investigate the parking requirements for affordable housing and to also look into potential further reductions for senior developments. AHAC would also like to investigate the alternative transportation standards in Ch.67 to review effectiveness of existing allowances and practicality based on existing city services and life safety access.

11. Support Accessible Development (k)

Description: The support of development near transportation hubs and major employment centers and mixed-use developments.

Established Policy Summary: The City generally supports development at transportation and employment nodes through the allowance of greater densities and heights in mixed-use and activity center zoning districts that surround these nodes. There is no special consideration for affordable housing development at these nodes.

Comprehensive Plan and Land Development Code References:

- a. Future Land Use Element:
 - Objective 2.1: Policies 2.1.1 to 2.1.9
- b. Housing Element:
 - Objective 2.4: Policy 2.4.4
 - Objective 5.4: Policy 5.4.2
- c. Land Development Code:
 - Sec. 58.110
 - Sec. 58.340-58.341
 - Sec. 58.350-58.351

AHAC Recommendation: AHAC would like to further investigate the possibility of expanding density options in and around SunRail stations, major Bus Transit Routes, and future planned SunRail stations.

12. Additional Recommendations: AHAC would like to explore for more creative and direct funding sources for Affordable Housing. Staff will continue to review opportunities and to continue to better leverage limited resources to develop and preserve affordable units.

AHAC Adoption of the 2023 Final Report of Recommendations

This report was adopted by the AHAC by affirmative vote of a majority of the membership at a public hearing on November 16, 2023. Notice of the public hearing to adopt the 2023 Report of Recommendations was published in the Orlando Sentinel.