

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

**Meeting Date: February 11, 2025**

Consent  
 Ordinance

Regular  
 Public Hearing

**Department: Housing and Economic Development**

**I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to approve:** the 4th Amendment (Amendment) to Palm Beach County's (County) State Housing Initiatives Partnership (SHIP) Program Local Housing Assistance Plan (LHAP) for Fiscal Years (FY) 2022/2023, 2023/2024, and 2024/2025.

**Summary:** On December 19, 2024, the Commission on Affordable Housing (CAH) adopted its 2024 Affordable Housing Incentives Review and Recommendations Report (Report), including ten (10) recommendations addressing 11 affordable housing incentive areas identified in Section 420.9076(4), Florida Statutes. The recommendations were developed through a process that included input from community and industry stakeholders as well as; consultation with the Department of Housing and Economic Development (DHED), the Department of Planning, Zoning and Building, the Engineering and Public Works Department, the Property and Real Estate Management Division, and County Administration. Staff supports seven (7) of the CAH recommendations in the areas of expedited approvals, infrastructure capacity, street requirements, the applicable provisions of the *Housing for All* countywide housing plan, inventory of public lands, transportation oriented development, and flexible zoning. Staff partially supports three (3) recommendations related to fee waivers, accessory dwelling units, and parking requirements. In regards to fee waivers, staff does not support deferral of impact fee collection or the suspension of fees associated with the Transfer of Development Rights. Staff does not support separate electrical metering of accessory dwelling units. Staff does not support reduced parking requirements by right. A summary of the CAH recommendations as well as staff comments is included as Attachment 1. The report is provided as Attachment 2.

The Board of County Commissioners (BCC) has the sole authority to approve the LHAP, amendments thereto, and the housing incentives contained therein. Staff recommends that the BCC approve the proposed Amendment to the County's SHIP Program LHAP, Attachment 1, incorporating the staff supported CAH recommendations into the descriptions of affordable housing incentives which the County implements. The approved Amendment will be sent to the Florida Housing Finance Corporation by the March 19, 2025 deadline. Countywide (HJF)

**Background and Policy Issues:** On April 12, 2022, the BCC approved the SHIP LHAP for FYs 2022/2023, 2023/2024 and 2024/2025 under R2022-0374. **Continued on page 3.**

**Attachments:**

1. Proposed 4th Amendment to LHAP for FYs 2022/2023, 2023/2024, 2024/2025
2. Summary of CAH Incentive Recommendations and Staff Comments
3. 2024 Affordable Housing Incentives Review and Recommendations Report

**Recommended By:** Jonathan Braden 1/10/2025  
Date  
Department Director

**Approved By:** [Signature] 1/25/25  
Date  
Assistant County Administrator

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2025	2026	2027	2028	2029
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income					
In-Kind Match (County)					
<b>NET FISCAL IMPACT</b>					

# ADDITIONAL FTE POSITIONS (Cumulative)					
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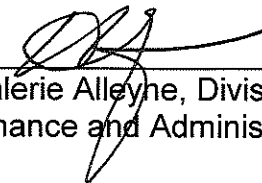
Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Does this Item include the use of Federal funds? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Does this item include the use of State funds? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Account No.:

Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_ Program Code/Period \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

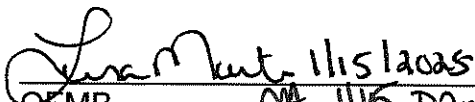
No Fiscal Impact


**C. Departmental Fiscal Review:**

  
 Valerie Alleyne, Division Director II  
 Finance and Administrative Services, DHED

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development and Control Comments:**

  
 OFMB 1/15/25

  
 Contract Development and Control 1/17/25

**B. Legal Sufficiency:**

  
 Chief Assistant County Attorney 1/23/25

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

**Background & Policy Issues: Continued from Page 1**

The LHAP provides the basis for affordable housing funding strategies and incentives that the County will implement over the three (3) year period. As a condition of receiving SHIP funding, Section 420.9076, Florida Statutes requires that the County establish a local housing advisory committee. The CAH was established on May 16, 2017 via the Affordable Housing Ordinance (No. 2017-017). The CAH is required to conduct an annual review of affordable housing incentives and to adopt recommendations. The County is required to select which recommendations it will incorporate into the LHAP within the following 90 days. On February 6, 2024, the BCC supported or partially supported all nine (9) of the CAH recommendations addressing 11 affordable housing incentive areas identified in Florida Statute 420.9076(4) which related to expedited approvals, review of fees, infrastructure capacity, accessory dwelling units, street requirements, a countywide housing plan, inventory of public lands, development of transportation hubs, and flexible zoning.

**PALM BEACH COUNTY**

**State Housing Initiatives Partnership  
(S.H.I.P.) Program**

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**LOCAL HOUSING ASSISTANCE PLAN  
(LHAP)**

**Fiscal Years  
2022/2023, 2023/2024, 2024/2025**



Department of Housing and Economic Development  
100 Australian Avenue  
West Palm Beach, FL 33406

LHAP Approved by BCC April 12, 2022  
LHAP Approved by FHFC July 14, 2022  
Amendment 1 Approved by BCC February 7, 2023  
Amendment 1 Approved by FHFC March 9, 2023  
Amendment 2 Approved by FHFC November 28, 2023  
Amendment 3 Approved by BCC February 6, 2024  
Amendment 3 Approved by FHFC February 8, 2024  
**Amendment 4 Approved by the BCC February 11, 2025**

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I. **Program Details:**

A. **LG(s)**

Name of Local Government	Palm Beach County
Does this LHAP contain an interlocal agreement?	No
If yes, name of other local government(s)	N/A

B. **Purpose of the program:**

- To meet the housing needs of the very low, low and moderate-income households;
- To expand production of and preserve affordable housing; and
- To further the housing element of the local government comprehensive plan specific to affordable housing

C. **Fiscal years covered by the Plan:** 2022-2023, 2023-2024, 2024-2025

D. **Governance:** The SHIP Program is established in accordance with Section 420.907-9079, Florida Statutes and Chapter 67-37, Florida Administrative Code. Cities and Counties must be in compliance with these applicable statutes, rules and any additional requirements as established through the Legislative process.

E. **Local Housing Partnership:** The SHIP Program encourages building active partnerships between government, lenders, builders and developers, not-for-profit and community-based housing providers and service organizations, providers of professional services related to affordable housing, advocates for low-income persons, real estate professionals, persons or entities that can provide housing or support services and lead agencies of the local continuums of care.

F. **Leveraging:** The Plan is intended to increase the availability of affordable residential units by combining local resources and cost saving measures into a local housing partnership and using public and private funds to reduce the cost of housing. SHIP funds may be leveraged with or used to supplement other Florida Housing Finance Corporation programs and to provide local match to obtain federal housing grants or programs.

G. **Public Input:** Public input was solicited through face-to-face meetings with housing providers, social service providers, local lenders and neighborhood associations. Public input was solicited through the local newspaper in the advertising of the Local Housing Assistance Plan and the Notice of Funding Availability.

H. **Advertising and Outreach:** SHIP funding availability shall be advertised in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of the application period. If no funding is available due to a waiting list, no notice of funding availability is required.

I. **Waiting List/Priorities:** A waiting list will be established when there are eligible applicants for strategies that no longer have funding available. Those households on the waiting list will be notified of their status. Applicants will be maintained in an order that is consistent with the time applications were submitted as well as any established funding priorities as described in this plan.

The following priorities for funding (very low income, special needs, etc.) described/listed here apply to

all strategies unless otherwise stated in an individual strategy in Section II:

Once there is a list of eligible applicants, they will be ranked giving first priority to households qualifying as Veterans (i.e active, non-active or surviving spouses of military personnel), Special Needs as defined in 420.0004 (13) and elderly. These applicants will further be ranked with priority given to very-low, then low, then moderate income groups.

- J. **Discrimination:** In accordance with the provisions of ss.760.20-760.37, it is unlawful to discriminate on the basis of race, color, religion, sex, national origin, age, handicap, or marital status in the award application process for eligible housing.
- K. **Support Services and Counseling:** Support services are available from various sources. Available support services may include, but are not limited to: Homeownership Counseling (Pre and Post), Credit Counseling, Tenant Counseling and Foreclosure Counseling and Transportation.
- L. **Purchase Price Limits:** The sales price or value of new or existing eligible housing may not exceed 90% of the average area purchase price in the statistical area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs. The sales price of new and existing units, which can be lower but may not exceed 90% of the average area purchase price established by the U.S. Treasury Department or as described above.

The methodology used is:

U.S. Treasury Department	X
Local HFA Numbers	

- M. **Income Limits, Rent Limits and Affordability:** The Income and Rent Limits used in the SHIP Program are updated annually by the Department of Housing and Urban Development and posted at [www.floridahousing.org](http://www.floridahousing.org).

*“Affordable” means that monthly rents or mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated in Sections 420.9071, F.S. However, it is not the intent to limit an individual household’s ability to devote more than 30% of its income for housing, and housing for which a household devotes more than 30% of its income shall be deemed Affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30% benchmark and in the case of rental housing does not exceed those rental limits adjusted for bedroom size.*

- N. **Welfare Transition Program:** Should an eligible sponsor be used, a qualification system and selection criteria for applications for Awards to eligible sponsors shall be developed, which includes a description that demonstrates how eligible sponsors that employ personnel from the Welfare Transition Program will be given preference in the selection process.
- O. **Monitoring and First Right of Refusal:** In the case of rental housing, the staff or entity that has administrative authority for implementing the local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility or, to the extent another governmental entity provides periodic monitoring and determination, a municipality, county or local housing financing authority may rely on such monitoring and determination of tenant eligibility. However, any loan or grant in the original amount of \$10,000 or less shall not be subject to these annual

monitoring and determination of tenant eligibility requirements. Tenant eligibility will be monitored annually for no less than 15 years or the term of assistance whichever is longer unless as specified above. Eligible sponsors that offer rental housing for sale before 15 years or that have remaining mortgages funded under this program must give a first right of refusal to eligible nonprofit organizations for purchase at the current market value for continued occupancy by eligible persons.

- P. Administrative Budget:** A line-item budget is attached as Exhibit A. Palm Beach County finds that the moneys deposited in the local housing assistance trust fund are necessary to administer and implement the local housing assistance plan.

**Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, states:** "A county or an eligible municipality may not exceed the 5 percent limitation on administrative costs, unless its governing body finds, by resolution, that 5 percent of the local housing distribution plus 5 percent of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan."

**Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, further states:** "The cost of administering the program may not exceed 10 percent of the local housing distribution plus 5 percent of program income deposited into the trust fund, except that small counties, as defined in s. 120.52(19), and eligible municipalities receiving a local housing distribution of up to \$350,000 may use up to 10 percent of program income for administrative costs." The applicable local jurisdiction has adopted the above findings in the resolution attached as Exhibit E.

- Q. Program Administration:** Administration of the local housing assistance plan will be performed by:

Entity	Duties	Admin. Fee Percentage
Local Government: <b>Palm Beach County</b>	Administering programs	10%
Third Party Entity/Sub-recipient	N/A	N/A

- R. First-time Homebuyer Definition:** For any strategies designed for first time homebuyers, the following definition will apply: *An individual who has no ownership in a principal residence during the 3-year period ending on the date of purchase of the property. This includes a spouse (if either meets the above test, they are considered first-time homebuyers). A single parent who has only owned with a former spouse while married. An individual who is a displaced homemaker and has only owned with a spouse. An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations. An individual who has only owned a property that was not in compliance with state, local or model building codes and which cannot be brought into compliance for less than the cost of constructing a permanent structure.*

- S. Project Delivery Costs:** In addition to the administrative costs above, the County will charge no more than 5% of the maximum award for project delivery costs to include but are not limited to, Architectural, engineering, inspections, work write-ups, specifications, contractor procurement, payments and oversight, relocation costs, costs to process services provided by non-housing staff. The cost will be provided as a grant, noted below, not to exceed the strategies' maximum award amounts, and shall not be included in the lien and/or deed against property:

- Up to \$7,000 for Replacement Housing Program
- Up to \$5,000 for Purchase Assistance, First Mortgage Loan Program, Owner Occupied Housing Rehabilitation and Single Family New Construction
- Up to \$3,500 for Developer Rental Assistance
- Up to \$2,500 for Emergency Repairs and Disaster Mitigation



- Up to \$1,000 for Foreclosure Prevention

- T. Essential Service Personnel Definition (ESP):** ESP includes teachers and educators, other school district, community college and university employees, police and fire personnel, health care personnel, active military, county employees and skilled building trades personnel.
- U. Describe efforts to incorporate Green Building and Energy Saving products and processes:** The County will, when economically feasible, employ the following Green Building requirements on rehabilitation and emergency repairs:
1. Low or No-VOC paint for all interior walls (Low- VOC means 50 grams per liter or less for flat paint; 150 grams per liter or less for non- flat paint);
  2. Low flow water fixtures in bathroom – Water sense labeled products or the following specifications:
    - a) Toilets 1.6 gallons
    - b) Faucets 1.5 gallons
    - c) Showerheads 2.2 gallons/minutes or less;
  3. Energy Star qualified refrigerator;
  4. Energy star qualified dishwasher, if provided;
  5. Energy Star qualified washing machine; if provided in units;
  6. Energy star qualified exhaust fans in all bathrooms; and
  7. Air conditioning: Minimum SEER of 16. Packaged units are allowed in studios and one-bedroom units with a minimum of 14 SEER.

These requirements may be adjusted for rental development if the requirements of other construction funding sources require a more prescriptive list.

- V. Describe efforts to meet the 20% Special Needs set-aside:** The 20% special needs set-aside will be accomplished by giving priority in all strategies. The county opens their application portal for special needs households first, prior to other interested parties. Additionally, the county has established, for both rental and homeownership Request for Proposals (RFP), priority ranking, and awards extra points for projects that units are designated for individuals with special needs
- W. Describe efforts to reduce homelessness:** Palm Beach County is a direct entitlement community for HUD’s Emergency Solutions Grant (ESG) Program and Community Development Block Grant (CDBG) Program, which provides funding to the Homeless Resource Center. Additionally, homelessness prevention is addressed through SHIP strategies, and services collaborated with the Department of Community Services and other organizations focused on homelessness.

**Section II. LHAP Strategies:**

<b>A. Purchase Assistance</b>	<b>Code 1/2</b>
<p><b>a. Summary:</b> Funding will be available for SHIP and HOME Match for income eligible first-time homebuyers for purchase assistance with or without rehabilitation or new construction. SHIP funds will be awarded to assist with gap financing, lot acquisition; down payment; rehabilitation of the unit to be purchased; and closing costs.</p> <p><b>b. Fiscal Years Covered:</b> 2022-2023, 2023-2024 and 2024-2025</p>	

- c. **Income Categories to be served:** Very low, low and moderate
- d. **Maximum award:** \$105,000
- e. **Terms:**
1. **Repayment loan/deferred loan/grant:** Funds will be awarded as a deferred payment loan secured by a recorded Mortgage, Promissory Note and Declaration of Restrictions.
  2. **Interest Rate:** 0%
  3. **Years in loan term:** 30 years
  4. **Forgiveness:** The loan will be forgiven at the end of term.
  5. **Repayment:** None required as long as loan is in good standing.
  6. **Default:** The loan will be in default if any of the following occurs: sale, transfer, or conveyance of property; conversion to a rental property; loss of homestead exemption status; or failure to occupy the home as primary residence. If any of these occur, the original loan amount will be due and payable.
- In the event of death of the qualifying homeowner(s) during the loan term the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the original loan amount will be due and payable.
- In the event of a sale, the County may exercise its right of first refusal to purchase the property at its appraised market value for continued occupancy by income eligible persons. If the home is foreclosed on by a superior mortgage holder, the County will make an effort to recapture funds through all available legal remedies if it is determined that adequate funds may be available to justifying pursuing a recapture.
- f. **Recipient Selection Criteria:**  
Applicants will be ranked for assistance based on a first qualified, first-served basis with priorities established in paragraph I of the Program Details Section I. of this plan.
- g. **Sponsor Selection Criteria:** N/A
- h. **Additional Information:**
- Applicant must first secure a first mortgage from an approved lender.
  - If the property is determined to have Chinese drywall, the property is ineligible for purchase assistance.
  - If the initial property inspection indicates evidence of toxic black mold, the applicant will be required to obtain a mold specific inspection.
  - Rehabilitation/Repairs will be performed by a State certified licensed contractor, or a contractor licensed to do business in Palm Beach County.
  - Applicant(s) cannot currently own a home
  - Applicant may not currently own or have liquid assets exceeding \$200,000, and/or combination of liquid and non-liquid assets exceeding the current purchase price limit (excluding their primary residence).

<b>B. First Mortgage Loan Assistance Program</b>	<b>Code 1/2</b>
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- a. **Summary:** Funding will provide first mortgage loan assistance to income eligible households. Maximum loan amounts are based upon established affordability guidelines and creditworthiness, based upon established underwriting guidelines. Approved homebuyers will be required to contribute a minimum of 3.5% of the purchase price. The purchase price cannot exceed \$450,000.
- b. **Fiscal Years Covered:** 2022-2023, 2023-2024 and 2024-2025
- c. **Income Categories to be served:** Very low, low and moderate
- d. **Maximum award:** \$434,000
- e. **Terms:**
1. **Repayment loan/deferred loan/grant:** Funds will be awarded as a fixed rate loan secured by a recorded Mortgage, Promissory Note and Declaration of Restrictions.
  2. **Interest Rate:** 4%
  3. **Years in loan term:** 30 years
  4. **Forgiveness:** N/A
  5. **Repayment:** The loan will be amortized with monthly principal and interest payments.
  6. **Default:** The loan will be determined to be in default if any of the following occurs: sale, transfer or conveyance of property; foreclosure, loss of homestead exemption status; or failure to occupy the home as a primary residence. If any of these occur the original loan amount will be due and payable.
- In the event of death of the qualifying homeowner(s) during the loan term, the loan may be assumed by a SHIP eligible heir who will occupy the home as its primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the original loan amount will be due and payable.
- In the event of a sale, the County may exercise its right of first refusal to purchase the property at its appraised market value for continued occupancy by income eligible persons. The seller is prohibited from receiving a financial benefit i.e. no cash out.
- f. **Recipient Selection Criteria:**  
Applicants will be ranked for assistance based on a first qualified, first serve basis with priority ranking for Veterans, Special Needs and Family Self Sufficiency (FSS) Program graduates.
- g. **Sponsor Selection Criteria:** N/A
- h. **Additional Information:**
- FICO Credit Score: Middle FICO score must be at least 630, if less than three scores the lowest score must be 630, if lower than 630, the borrower is deemed ineligible
  - If the property is determined to have Chinese drywall, the property is ineligible for purchase

assistance.

- If the homebuyer and/or county’s inspection indicates evidence of toxic black mold, the homebuyer will be required to obtain a mold inspection.
- Rehabilitation/Repairs will be performed by a State certified licensed contractor, or a contractor licensed to do business in Palm Beach County.
- Applicant may not currently own or have assets exceeding \$200,000 and/or combination of liquid and non-liquid assets exceeding the current purchase price limit (excluding their primary residence).

<b>C. Owner Occupied Housing Rehabilitation</b>	<b>Code 3,8</b>
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a. **Summary:** Funding will assist income- eligible owner- occupied applicants (structure of one to two dwelling units) with:

- **Rehabilitation:** Assist with rehabilitation to correct code violations, items that will become a code violation, hurricane hardening (impact windows, doors, etc.), eliminate housing conditions which threaten the life, health or safety of occupants, connect residents to public utilities, and adapt residences to meet accessibility.
- **Utility Connection:** Funding will assist with:
  - a. Sewer and water connection system fees required by local water utilities; and
  - b. Costs to install service lines from the meter to the primary residence.

b. **Fiscal Years Covered:** 2022-2023, 2023-2024 and 2024-2025

c. **Income Categories to be served:** Very low, low, moderate

d. **Maximum Award:**

<b>Rehabilitation Maximum Award</b>	<b>Utility Connection Maximum Award</b>
\$105,000	\$21,000

Eligible household(s) will not be provided more funding than needed to bring the home up to current code and to make the home habitable.

e. **Terms**

1. **Repayment loan/deferred loan/grant:** Funds will be awarded as a deferred payment loan secured by a recorded Mortgage, Promissory Note and Declaration of Restrictions
2. **Interest Rate:** 0%
3. **Years in loan term:**

<b>Strategy</b>	<b>Lien</b>
Housing Rehabilitation	15 years
Utility Connection	5 years

4. **Forgiveness:** The loan will be forgiven at the end of the term.
5. **Repayment:** None required as long as loan is in good standing.
6. **Default:** The loan will be in default or in violation of the deed restriction if any of the following occurs: sale, transfer, or conveyance of property; conversion to a rental property; loss of homestead exemption status; or failure to occupy the home as primary residence. In the event of death of the qualifying homeowner(s) during the loan term, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the original loan amount will be due and payable.

In the event of a sale, the County may exercise its rights of first refusal to purchase the property at its appraised market value for continued occupancy by income eligible persons. The seller is prohibited from receiving a financial benefit i.e. no cash out.

If the home is foreclosed on by a superior mortgage holder, the County will make an effort to recapture funds through all available legal remedies if it is determined that adequate funds may be available to justify pursuing a recapture.

- f. **Recipient Selection Criteria:**  
Applicants will be ranked for assistance based on a first qualified, first-served basis with priorities established in paragraph I of the Program Details Section I. of this plan.
- g. **Sponsor Selection Criteria and Duties:** N/A
- h. **Additional Information:**
  - Applicants cannot receive assistance for both rehabilitation and utility connection; however, utility connection can be included as part of the rehabilitation assistance.
  - If the property is determined to have Chinese drywall, the property is ineligible for purchase assistance.
  - If the property indicates evidence of toxic black mold, the applicant will be required to obtain a mold inspection.
  - Rehabilitation /Repairs will be performed by a State certified licensed contractor, or a contractor licensed to do business in Palm Beach County procured by the department.
  - Applicant may not currently own assets exceeding \$200,000 and/or combination of liquid and non-liquid assets exceeding the current purchase price limit (excluding their primary residence). Repayable home equity loans are not to be included as an asset.
  - Mortgage payments, taxes and homeowners insurance must be current/paid up to date. *In the event that the homeowner does not have homeowner's insurance, this program may utilize funding from the awarded amount to pay one (1) year insurance premium.*
  - Units with adjoining roofs will require all owners to be income certified in order to receive assistance. If the non-applicant is not willing to participate in the program, then the applicant may only receive assistance to rehabilitate/repair the interior and non-adjoining exterior of the unit
  - Applicants are ineligible to receive assistance if there is currently a Palm Beach County Rehabilitation/Repair Mortgage lien on the property.
  - If code violation liens exist, participation in the program will be determined on a case-by-case basis as determined by the county inspector.
  - Assessed value of the property may not exceed \$382,194.

<b>D. Emergency Repairs</b>	<b>Code: 6</b>
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- a. **Summary:** Funding will provide assistance to income eligible owner occupied residences to address emergency conditions such as roofing, electrical, plumbing, hurricane hardening (impact windows, doors, etc.) and structural repairs.
- b. **Fiscal Years Covered:** 2022-2023, 2023-2024 and 2024-2025
- c. **Income Categories to be served:** Very low, low and moderate
- d. **Maximum award:** \$52,500
- e. **Terms:**
1. **Repayment loan/deferred loan/grant:** Funding will be awarded as a deferred loan secured by a recorded Mortgage, Promissory Note and Declaration of Restrictions
  2. **Interest Rate:** 0%
  3. **Years in loan term:** 15 years
  4. **Forgiveness:** The loan will be forgiven at the end of the term.
  5. **Repayment:** None required as long as loan is in good standing.
  6. **Default:** The loan will be in default if any of the following occurs: sale, transfer, or conveyance of property; conversion to a rental property; loss of homestead exemption status; or failure to occupy the home as primary residence
- In the event of death of the qualifying homeowner during the loan term, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the original loan amount will be due and payable.
- In the event of a sale, the county may exercise its right of first refusal to purchase the property at its appraised market value for continued occupancy by income eligible person. The seller is prohibited from receiving a financial benefit i.e. no cash out.
- If the home is foreclosed on by a superior mortgage holder, the County will make an effort to recapture funds through all available legal remedies if it is determined that adequate funds may be available to justifying pursuing a recapture.
- f. **Recipient Selection Criteria:**  
Applicants will be ranked for assistance based on a first qualified, first served basis with the priorities established in paragraph I of the Program Details in Section I. of this plan.
- g. **Sponsor Selection Criteria:** N/A
- h. **Additional Information:**
- If the property is determined to have Chinese drywall, the property is ineligible for purchase assistance.
  - If the property indicates evidence of toxic black mold, the applicant will be required to obtain a mold inspection.

- If code violation liens exist based on county inspection, participation in the program will be determined on a case-by-case basis.
- Rehabilitation/Repairs will be performed by a State certified licensed contractor, or a contractor licensed to do business in Palm Beach County procured by the department.
- Applicant may not currently own assets exceeding \$200,000 and/or combination of liquid and non-liquid assets exceeding the current purchase price limit (excluding their primary residence). Repayable home equity loans are not to be included as an asset.
- Mortgage payments, taxes and homeowners insurance must be current/paid up to date. *In the event that the homeowner does not have homeowner's insurance, this program may utilize funding from the awarded amount to pay one (1) year insurance premium.*
- Units with adjoining roofs will require all owners to be income certified in order to receive assistance. If the non-applicant is not willing to participate in the program, then the applicant may only receive assistance to repair the interior and non-adjointing exterior of the unit.
- Assessed value of the property may not exceed \$382,194.

<b>E. Replacement Housing</b>	<b>Code 4</b>
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- a. **Summary:** Funding will provide financing to homeowners residing in dilapidated structures which are beyond rehabilitation (over 50% of assessed value).
- Eligible uses of funding include, but are not limited to:
- Demolition of the existing property
  - Construction cost of a replacement home on the same lot (or) purchase of an existing home
- b. **Fiscal Years Covered:** 2022-2023, 2023-2024 and 2024-2025
- c. **Income Categories to be served:** Very low, low and moderate
- d. **Maximum award:** \$382,194
- e. **Terms:**
1. **Repayment loan/deferred loan/grant:** Funds will be awarded as a deferred loan and/or a payable low interest loan secured by a recorded Mortgage, Promissory Note and Declaration of Restrictions. The repayable low interest loan amount will be determined on a case by case basis that is affordable to the respective homeowner.
  2. **Interest Rate:** 0% for deferred loan/ 4% for repayable low interest loan
  3. **Years in loan term:** 30 years
  4. **Forgiveness:** The loan(s) will be satisfied at the end of the term
  5. **Repayment:** None required as long as loan is in good standing.
  6. **Default:** The loan will be in default if any of the following occurs: sale, transfer, or conveyance of property; conversion to a rental property; loss of homestead exemption status; failure to maintain homeowner's insurance; failure to occupy the home as primary residence.
- In the event of a sale, the County may exercise its right of first refusal to purchase the property at its appraised market value for continued occupancy by income eligible persons. The seller is prohibited from receiving a financial benefit i.e. no cash out.

If the home is foreclosed on by a superior mortgage holder, the County will make an effort to recapture funds through all legal remedies if it is determined that adequate funds may be available to justify pursuing a recapture.

- f. **Recipient Selection Criteria:**  
Applicants will be ranked for assistance based on a first qualified, first served basis with the priorities established in paragraph I of the Program Details in Section I. of this plan.
- g. **Sponsor/Sub-recipient Selection Criteria:** N/A
- h. **Additional Information:**
  - The size of the replacement home, utilizing similarities to current residence, will be determined by staff.
  - Mortgage payments, taxes and homeowners insurance must be current/paid up to date. *In the event that the homeowner does not have homeowner's insurance, this program may utilize funding from the awarded amount to pay one (1) year insurance premium.*

<b>F. Disaster Assistance</b>	<b>Code 5, 16</b>
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- a. **Summary:** Funding will be awarded to income eligible applicants in need of home repairs directly caused by a disaster that is declared by Executive Order of the United States President or the Governor of the State of Florida. Assistance will be prioritized as follows:
  1. Immediate threats to health and life safety in cases where the home is still habitable.
  2. Repairs necessary to correct code violations.
  3. Interim repairs to avoid further damage; tree and debris removal required to make the individual housing unit habitable.
  4. Payment of insurance deductibles for rehabilitation of homes covered under homeowner insurance and homeowner association policies.
  5. Security deposits and rental assistance for displaced recipients
  6. Retrofitting residences with mitigation features (installation of roofing straps, shutters, storm doors, hurricane impact windows and garage doors) that help prevent future storm damage.
  7. Rent and utility payments for households affected by a disaster
- b. **Fiscal Years Covered:** 2022-2023, 2023-2024 and 2024-2025
- c. **Income Categories to be served:** Very low, low and moderate
- d. **Maximum award:** Home Repair Assistance: \$67,500. Rent and Utility Payment Assistance: \$10,000
- e. **Terms:**
  1. **Repayment loan/deferred loan/grant:** Home Repair Assistance: Funds will be awarded as a deferred payment loan secured by a recorded Mortgage, Promissory Note and a Declaration of Restrictions. Rent and Utility Payment Assistance: Grant.
  2. **Interest Rate:** Home Repair Assistance: 0%. Rent and Utility Payment Assistance: Grant.
  3. **Years in loan term:** Home Repair Assistance: 15 years. Rent and Utility Payment Assistance: N/A.



4. **Forgiveness:** Home Repair Assistance: The loan will be forgiven at the end of term. Rent and Utility Payment Assistance: N/A
5. **Repayment:** Home Repair Assistance: None required as long as loan is in good standing. Rent and Utility Payment Assistance: N/A
6. **Default:** Home Repair Assistance: The loan will be in default if any of the following occurs: sale, transfer, or conveyance of the property; conversion to a rental property; loss of homestead exemption status; or failure to occupy the home as primary residence.

In the event of a sale, the County may exercise its right of first refusal to purchase the property at its appraised market value for continued occupancy by income eligible persons. The seller is prohibited from receiving a financial benefit i.e. no cash out.

If the home is foreclosed on by a superior mortgage holder, the County will make an effort to recapture funds through all available legal remedies if it is determined that adequate funds may be available to justify pursuing a recapture.

Rent and Utility Payment Assistance: N/A

f. **Recipient Selection Criteria:**

Home Repair Assistance:

- Applicants will be ranked for assistance based on a first qualified, first served basis with the priorities established in paragraph I of the Program Details in Section I of this plan.
- Applicants must file for and use proceeds from insurance and/or FEMA as first option.

Rent and Utility Payment Assistance:

Applicants will be ranked for assistance based on a first qualified, first served basis with the priorities established in paragraph I of the Program Details in Section I of this plan.

g. **Sponsor Selection Criteria:** Home Repair Assistance: N/A Rent and Utility Payment Assistance: N/A

h. **Additional Information:**

Home Repair Assistance:

- Funds for disaster mitigation will only be allocated from unencumbered funds, program income or additional funds awarded through Florida Housing Finance Corporation for the disaster.
- Applicants must provide proof of current homeowners insurance. In the event that the homeowner does not have homeowner's insurance, this program may utilize funding from the awarded amount to pay one (1) year insurance premium.
- Assessed value of the property may not exceed \$382,194.
- Applicant may not currently own assets exceeding \$200,000 and/or combination of liquid and non-liquid assets exceeding the current purchase price limit (excluding their primary residence). Repayable home equity loans are not to be included as an asset.
- Rehabilitation/Repairs will be performed by a State certified licensed contractor, or a contractor licensed to do business in Palm Beach County procured by the department.

Rent and Utility Payment Assistance: N/A

**G. Foreclosure Prevention**

Code 7

- a. **Summary:** Funding will be provided to assist with delinquent mortgage payments (PITI), up to three (3) months additional payments, property taxes, and homeowners insurance. Additionally, funding may assist with late fees, attorney's fees, homeowners' association payments, special assessments, other foreclosure associated costs, and mortgage delinquency and default resolution counseling.
- b. **Fiscal Years Covered:** 2022-2023, 2023-2024 and 2024-2025
- c. **Income Categories to be served:** Very low, low and moderate
- d. **Maximum award:** \$21,000
- e. **Terms:**
1. **Repayment loan/deferred loan/grant:** Funds will be awarded as a deferred payment loan secured by a recorded Mortgage and Promissory Note
  2. **Interest Rate:** 0%
  3. **Years in loan term:** 5 years
  4. **Forgiveness:** The loan amount will be forgiven at the end of the term.
  5. **Repayment:** None required as long as loan is in good standing.
  6. **Default:** The loan will be in default if any of the following occurs: sale, transfer or conveyance of property; conversion to a rental property; loss of homestead exemption status; or failure to occupy the home as primary residence.
- In the event of death of the qualifying homeowner(s) during the loan term, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the original loan amount will be due payable.
- If the home foreclosed on by a superior mortgage holder, the County will make an effort to recapture funds through all available legal remedies if it is determined that adequate funds may be available to justify pursuing a recapture.
- f. **Recipient Selection Criteria:**  
In addition to being selected on a first –qualified, first-served basis, applicants must:
1. Provide proof of the arrearage in the form of notification from the first mortgage lender of applicant's delinquency and/or intent to foreclose.
  2. Provide evidence of a hardship that caused the arrearage (considerable loss of income/employment, death of a household member, divorce, unexpected medical expenses, or unanticipated home repairs or costs associated with increases escrows).
  3. Complete counseling from a HUD approved agency or NeighborWorks approved agency trained in foreclosure counseling.
- g. **Sponsor Selection Criteria:** N/A

- h. **Additional Information:**
- Participants can only receive assistance once during the term of the lien.
  - Assessed value of the property may not exceed \$382,192.

<b>H. Rental Housing Assistance</b>	<b>Code 23, 13</b>
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- a. **Summary:** Funding will be provided to individuals or families that are in need of assistance with obtaining a lease agreement on a rental unit and qualify under 420.9072(7)(b). This may include first and last month rent, rental security deposits, utility deposits and connection fees. Funds may be awarded to homeless very low-income households for: (1) first and last month's rent, security and utility deposit assistance; and (2) rent subsidies paying the monthly rent for up to 12 months. To be eligible for rent subsidies, the household receiving assistance must include at least one adult who is a person with special needs as defined in S. 420.0004 (13) or homeless as defined in S. 420.621. This strategy will also provide eviction prevention assistance not to exceed 6 months in the form of a rent and utility payments.
- b. **Fiscal Years Covered:** 2022-2023, 2023-2024 and 2024-2025
- c. **Income Categories to be served:** Very low, low and moderate
- d. **Maximum award:** \$ 10,000
- e. **Terms:**
1. **Repayment loan/deferred loan/grant:** Funds will be awarded as a grant
  2. **Interest Rate:** N/A
  3. **Years in loan term:** N/A
  4. **Forgiveness:** N/A
  5. **Repayment:** N/A
  6. **Default:** N/A
- f. **Recipient Selection Criteria:** Recipients will be ranked for assistance based on a first qualified, first served basis with the priorities established in paragraph I of the Program Details in Section I of this plan.
- g. **Sponsor Selection Criteria:** Funding may be awarded through the non-profit organizations with documented housing delivery experience. Successful non-profits will be selected according to the following criteria:
- Organization's past experience with direct assistance
  - Outreach capacity to targeted client groups and ability to serve County residents.
  - Proof of ability to income certify applicants utilizing State SHIP standards.
- h. **Additional Information:**
- The Lease Agreement must be at least twelve (12) months

<b>I. Developer Rental Assistance Program</b>	<b>Code 14/21</b>
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- a. **Summary:** Funding will provide assistance to not-for-profit and for-profit housing developers to acquire, construct and/or rehabilitate affordable rental units. Additionally, this strategy will provide developers applying for Low Income Housing Tax Credits, State Apartment Incentive Loan (SAIL), State HOME Investment Partnerships Program or other multi-family funding, with a local government contribution or other leverage/match financing for affordable rental projects.
- b. **Fiscal Years Covered:** 2022-2023, 2023-2024 and 2024-2025
- c. **Income Categories to be served:** Very Low, Low and Moderate
- d. **Maximum Award:** \$350,000 per unit
- e. **Terms:**
1. **Repayment loan/deferred loan/grant:** Funds will be awarded for permanent financing in the form of a repayable loan secured by a Mortgage/ Promissory Note, and Declaration of Restrictions.
  2. **Interest rate:** Rate will be determined through the request for proposal (RFP) process, and will not exceed 3%.
  3. **Years in loan term:** Minimum of 15 years and will not exceed a term equal to a primary or be less than the term of a senior lender.
  4. **Forgiveness:** No forgiveness on the loan.
  5. **Repayment:** Yes, based on terms listed in the Promissory Note and Agreement. Repayment is required. Dependent on project debt service capacity, repayments on loans will structure as either:
    - Straight-line amortization of principal and interest
    - Interest only with balloon of principal at maturity
  6. **Default:** For all awards, a default will be determined as if the requirements as listed in the Promissory Note, Mortgage and Agreement are not met, which would include: sale, transfer, foreclosure or conveyance of property; conversion to an unapproved use; failure to maintain standards for compliance as required by any of the funding sources. If any of these occur, the outstanding loan amount will be due and payable.
- f. **Tenant Selection Criteria:** Management of the development will select potential renters for the SHIP assisted units on a first qualified, first served basis. All applicants for residence in a SHIP assisted unit must meet income qualifications of the program as determined and reported by the developers' management company.
- g. **Sponsor Selection Criteria and Duties:** The County will advertise the availability of funds. Sponsors of affordable rental development will typically be selected through a request for proposal (RFP). The RFP will require proof of developer experience in providing affordable rental housing, proof of financial capacity, evidence of site control, proof of ability to proceed once all funding is closed, and a housing unit design plan that meets County's' design standards.

The county reserves the right to select developments that meet the above requirements, on a non-competitive basis.

All funding awards will be subject to closing on other development funding sources.

**h. Additional Information:**

- Other state, federal, private and local funds are required as SHIP funds will be used as gap financing.
- Developers will be required to meet compliance reporting requirements on the development necessary to meet the statutory requirements for monitoring of SHIP rental units.
- Assisted development must commit to rent stipulations as established by Florida Housing Finance Corporation for the term of the mortgage and all other stipulations of the loan agreement. The housing must remain affordable, and all SHIP assisted units must be occupied by income eligible persons during affordability period.

<b>J. Single Family New Construction</b>	<b>Code 10</b>
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- a. **Summary:** Funding will be awarded to contractors, Non-profits and For-profit housing developers to construct affordable single-family units for eligible homebuyers. Funds can be used for site acquisition, soft costs, site development, infrastructure improvements, demolition, construction and other eligible construction related costs.
- b. **Fiscal Years Covered:** 2022-2023, 2023-2024 and 2024-2025
- c. **Income Categories to be served:** Very low, low and moderate
- d. **Maximum award:** \$105,000 per unit (Homebuyer and developer)
- e. **Terms:**
  - 1. **Repayment loan/deferred loan/grant:**

Developers- Funds will be awarded as a construction loan secured by a recorded Mortgage, Promissory Note and Declaration of Restrictions.

Homebuyers- Funds will be awarded as a deferred payment loan secured by a recorded Mortgage, Promissory Note and Declaration of Restrictions.
  - 2. **Interest Rate:** 0% for Developers and Homebuyers
  - 3. **Years in loan term:** Two (2) years for Developers and 30 years for Homebuyer
  - 4. **Forgiveness:** Developers – N/A. Homebuyers – the deferred loan will be forgiven at the end of term.
  - 5. **Repayment:** The County will require the developer to execute a restrictive covenant with a mortgage and promissory note. Upon sale of the housing unit, the subsidy will be transferred to the homebuyer. The homebuyer is not required to make repayment as long as the deferred loan is in good standing.
  - 6. **Default:** The loan will be in default if the developer does not successfully acquire and construct affordable housing and sell to an eligible homebuyer within the contractual timeframe. The County will recapture the subsidy or property if the housing has not been completed within two years of the date of the recorded Mortgage Agreement.

The loan of the homebuyer will be in default if any of the following occurs: sale, transfer, or conveyance of property; conversion to a rental property; loss of homestead exemption status; or failure to occupy the home as primary residence. If any of these occur, the original loan amount will be due and payable.

In the event of death of the qualifying homeowner(s) during the loan term the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the original loan amount will be due and payable.

In the event of a sale, the County may exercise its right of first refusal to purchase the property at its appraised market value for continued occupancy by income eligible persons. If the home is foreclosed on by a superior mortgage holder, the County will make an effort to recapture funds through all available legal remedies if it is determined that adequate funds may be available to justifying pursuing a recapture.

- f. **Recipient Selection Criteria:** Homebuyers must be income eligible and will be ranked for assistance based on a first-qualified, first- served basis with the priorities established in paragraph I of the Program details in Section of this plan.
- g. **Sponsor Selection Criteria and Duties:** Developers will apply to the County through a competitive or non-competitive solicitation process or be selected by the Board of County Commissioners. Proof of experience in constructing affordable housing, financial capacity to carry out the project, and provide a housing unit design plan that meets the County's design standards.

The County reserves the right to select developments that meet all of the above requirements and:

1. Are in areas of immediate need due to lack of available affordable units.

- h. **Additional Information:**
  - The County can act as developer on County owned properties, in which the selected contractors will be required to adhere to terms of this strategy. As such, there will not be predevelopment and/or construction loan agreement.
  - If the property to be developed is encumbered by an existing mortgage, the County may choose not to fund the project.
  - Developers will be required to meet the SHIP program compliance reporting requirements.

### III. LHAP Incentive Strategies

#### A. **Name of the Incentive Strategy: PROCESSING OF APPROVALS OF DEVELOPMENT ORDERS OR PERMITS FOR AFFORDABLE HOUSING IS EXPEDITED TO A GREATER DEGREE THAN OTHER PROJECTS**

To ensure the review of affordable housing projects is expedited to a greater degree than other projects, Palm Beach County has instituted a "Pre-Application Review Process", in which Workforce and Affordable Housing Developers are encouraged to participate. The pre-application review process will occur prior to the submittal of a Zoning or Building permit application, for purposes of establishing a density bonus determination. The pre-application shall be established by the Planning Director, and made available to the public and be subject to Sufficiency Review. The Planning Director shall provide a written density determination letter within ten days of determining the pre-application is sufficient. The determination shall be based on the sector analysis, size, location and development characteristics of the project with consideration given towards affordability, accessibility, proximity to mass transit or

employment centers, compatibility, quality of design, pedestrian and vehicular circulation, open space, and resource protection. The Planning Director shall prepare a report for the applicant, Development Review Officer (DRO) Committee, Zoning Commission (ZC), or Board of County Commissioners (BCC), whichever is appropriate, making a determination of compliance with this chapter, consistent with the Plan and recommend approval, approval with conditions, or denial of the request. Also, Palm Beach County updated its Unified Land Development Code (ULDC) (*located in Article 5, CHAPTER G, Section 1*) ordinance (#2006-055) in 2006. The ULDC allows for the following processes with regards to expedited review for a proposed Affordable Housing Development:

- a. **Design Review**  
Review of multifamily or townhouse structures by the Building Division and Fire Rescue shall be allowed concurrent with final DRO review, prior to permit application.
- b. **Platting**
  - 1) If only a boundary plat is required for an existing single lot, building permits may be issued after submittal of the final plat for recordation.
  - 2) If a subdivision plat is required, permits will be concurrently reviewed, but only issued at recording of the plat.
  - 3) Pursuant to Article 3.E.1.G.1.a, Permits, Building permits may be issued for sales offices, sales models, gatehouses, entry features, and utilities may be issued prior to the recording of a final plat.

The County currently expedites building permit review for all residential permit applications that are at least 65% of the total number of housing units are affordable. The Building Division online permit application has been modified to flag these applications and promote them in order or review priority. The County also allows for private review of building permit applications in accordance with F.S. 553.791. Additionally, pre-application meetings are being offered to all developers and the procedures for such will be codified in a Policy and Procedures Memorandum (PPM). The County is currently considering appointing a “shepherd” position to assist applicants move through the approval process.

**B. Name of the Incentive Strategy: PROCESS BY WHICH LOCAL GOVERNMENT CONSIDERS, BEFORE ADOPTION, POLICIES, PROCEDURES, ORDINANCES, REGULATIONS, OR PLAN PROVISIONS THAT INCREASE THE COST OF HOUSING**

Comprehensive Plan Housing Element Policy 1.1-h calls for the County to review and streamline existing ordinances, codes, and regulations related to the permitting process in order to reduce excessive requirements that increase the cost of housing, and to add other provisions that increase private sector production of affordable housing. The Planning, Zoning, and Building Department (PZB) is designated to lead these efforts, with assistance from the Department of Housing and Economic Development (DHED) and other departments. When considering changes to the Comprehensive Plan or Unified Land Development Code (ULDC) that might increase the cost of housing, PZB regularly solicits review and comment from the DHED. Further, Countywide PPM CW-O-057 requires that an economic impact analysis be prepared for proposed County ordinances that may have an economic impact on commerce, employment, or incomes. Furthermore, the State requires that all proposed changes to the Unified Land Development Code, Comprehensive Plan, Zoning Code, and Zoning Map are reviewed and approved through a public hearing process. In Palm Beach County, the bodies that perform the review and approval functions are the Zoning Commission and the Board of County Commissioners (BCC).

The County continues to assess opportunities offered by the Live Local Act. The Housing Leadership Council's *Housing For All* Countywide Housing Plan was endorsed and supported by the Board of County Commissioners in January 2024, and the County is currently working to implement various applicable strategies set for the in the Plan.

**C. Name of the Incentive Strategy: THE PREPARATION OF A PRINTED INVENTORY OF LOCALLY OWNED PUBLIC LANDS SUITABLE FOR AFFORDABLE HOUSING**

The Palm Beach County Comprehensive Plan Housing Element, Policy 1.1-i, requires an inventory of all surplus County owned land and foreclosed properties that may be suitable for affordable housing. Surplus properties are those which are vacant but are not (i) currently utilized or (ii) held for some future use. The County's Property and Real Estate Management Division (PREM) is responsible for identification of such properties. DHED is responsible for review of the inventory in order to advise on suitability of properties for affordable housing purposes. PREM has made available through its website a list of surplus properties which is periodically updated.

The Live Local Act requires the County to publish a list of surplus properties every three years and requires the municipalities to publish their own list. PREM reviewed all County-owned properties (approximately 2,600 parcels) for the purposes of complying with the Live Local Act requirement. Of those parcels, the vast majority (71%) cannot be developed as they are under the control of the County's Environmental Resources Management, Parks and Recreation, and Airports departments. Of the 179 vacant parcels identified, all but one have assigned future uses or carry constraints that make development potential questionable. PREM intends to issue a Request for Proposals for the one 6-acre parcel identified as suitable for affordable/workforce housing sometime in the first quarter of 2025.

The County makes no determination or recommendation as to developability or availability of any property, and the County reserves the right to revise the list at its discretion. Countywide Policy and Procedure Memorandum *CW-L-023 Requirements for the Acquisition, Disposition, Lease, and Exchange of Real Property* establishes procedural requirements for disposition of County-owned real estate, including donation to not-for-profit entities. Recipients for disposition of County owned property must be selected through a competitive process, except for not-for-profit recipients whom may be selected on a non-competitive basis, however, all dispositions must be approved by the Board of County Commissioners. PREM has posted on its website information on the process for disposition of surplus properties.

**D. Name of the Incentive Strategy: ALL ALLOWABLE FEE WAIVERS PROVIDED FOR THE DEVELOPMENT OF CONSTRUCTION OF AFFORDABLE HOUSING**

The County waives the customary fee for letters of determination addressing workforce or affordable housing potential density bonuses and program requirements. Further, the Comprehensive Plan Policy 1.5-f describes the elimination of processing fees for residential zoning petitions providing affordable housing units in areas of very low, and low income households.



The County operates an Impact Fee Affordable Housing Assistance Program (IFAHAP) that is funded up to \$3M annually in interest earnings from Roads, Parks, and Public Building impact fee collections. The funds are offered to developers and owner-builders to pay impact fees due on new residential construction serving households up to 140% of Area Median Income. Additionally, the County does not charge any impact fees on residential development in the western Glades Region of the county. The County also allows for the payment of impact fees with development financing provided through the SHIP, HOME, and other programs.

The County currently offers on the Zoning/Planning and Building Division website a free and publically accessible tool for the comprehensive estimation of fees associated with a development application through the ePZB system. This is a transparent development fee structure with clear directions for determining fees, including utilities fees. Existing fee schedules are listed and made public.

**E. Name of the Incentive Strategy: ALLOWANCE OF FLEXIBILITY IN DENSITIES FOR AFFORDABLE HOUSING**

The County's Workforce Housing Program (WHP) and Affordable Housing Program (AHP) provide similar opportunities to developers to increase density from 30 up to 100 percent in accordance with the ULDC Article 5.G.1.H.1. (WHP, adopted 2006) and Article 5.G.2.E.1. (AHP, adopted 2010). The County's Transfer of Development Rights Program (TDR) allows a property owner to achieve a density bonus by purchasing the increase in density in new residential developments within the Urban/Suburban Tier in unincorporated Palm Beach County.

Projects requesting a density bonus greater than 30 percent are required to conduct a sector analysis as described in Article 5.G.1.H of the ULDC. [Ord. 2006-055]

- WHP projects, including relocated WHP units, shall be equitably distributed so that there is no undue concentration of very low and low-income households.
- Table 5.G.1.H, WHP Density Bonus Guide indicates the maximum density bonus permitted and the concentration of very low and low-income housing within a sector will be one factor taken into consideration when determining the maximum density bonus permitted.

Table 5.G.1.H - WHP Density Bonus Guide

% of Very Low & Low Income Households in Sector	> 50%	40-50%	20-40%	0-20%
Maximum Density Bonus (1)	up to 40%	up to 60%	up to 80%	up to 100%
[Ord. 2009-01] [Ord. 2010-005]				
<b>Notes:</b>				
1. The Planning Director may recommend a density bonus in excess of the Maximum Density Bonus where the project serves to mitigate existing very low and low-income concentrations by including a mix of higher income market rate units or Medium 1, Medium 2 and Middle Income WHP units. [Ord. 2006-055]				

- Other factors to be considered include:
  - the location of the proposed development and its relationship to the study area;
  - the housing type(s) proposed;
  - if the development site is located within:
    - 1/4 radius of a public park (neighborhood or regional park, not a golf course); civic uses (schools/libraries); a mass transit facility/route; child

- care facilities; medical facilities; a super market; a community commercial facility; employment opportunities; and
  - 1/2 mile radius of social services; a regional commercial facility; an industrial facility; additional civic uses and employment opportunities.
- Prior to submittal of a WHP pre-application, the applicant shall meet with the Planning Director or designee to establish the sector within which the distribution analysis shall be conducted.
- The boundaries of the sector shall be approved by the Planning Director or designee.
- The maximum density bonus permitted or a bonus in excess of the maximum shall be recommended by the Planning Director or designee. [Ord. 2010-005]

See Incentive L "Flexible Zoning" for additional.

**F. Name of the Incentive Strategy: RESERVATION OF INFRASTRUCTURE CAPACITY FOR AFFORDABLE AND WORKFORCE HOUSING**

The County's Workforce Housing Program (WHP) and Affordable Housing Program (AHP) provide identical "traffic performance standards mitigation" opportunities to developers in accordance with the Unified Land Development Code (ULDC) Article 5.G.1. B.2.f.1. (WHP) and Article 5.G.2.D.2. (AHP). This allows developments with WHP/AHP units to exceed Level of Service D by 30%, increasing the available concurrency for traffic and reserving that traffic for those WHP/AHP developments that need it. PZB supports incentives for affordable/workforce housing. Level of Service (LOS) is a measure of the operation of a roadway based upon traffic volumes in relation to road capacity. LOS is represented by the letters A through F with A representing the condition with the least driver delay and F representing conditions with the most driver delay. In general, LOS D describes high-density areas where speed and freedom to maneuver in the roadway is stable but severely restricted.

Traffic Performance Standards (TPS) mitigation for WHP provides for the following:

- WHP Special Methodologies
  - TPS mitigation shall be permitted for WHP projects in accordance with County Comprehensive Plan Transportation Element Policy 1.2-d (4). [Ord. 2006-055] [Ord. 2011-016]
- WHP Traffic Concurrency Hall Pass
  - TPS mitigation shall also include the option of applying for a WHP Traffic Concurrency Hall Pass separate from a development order application. The WHP Traffic Concurrency Hall Pass serves as a provisional traffic concurrency approval for a period of not more than 90 days, during which it must be merged into an application submitted for a Concurrency Reservation approval. The WHP Traffic Concurrency Hall Pass is described further in Art. 2.F. [Ord. 2006-055]

The County's Comprehensive Plan Transportation Element Policy 1.2-d acknowledges that under certain limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities be available concurrent with the impacts of such development. The policy further acknowledges that under certain circumstances, lower level of service standards for specific roadway segments and intersections are appropriate. As a result, the Comprehensive Plan Transportation Element Policy provides for lower transportation facilities level of service standard for certain purposes on roadway segments and intersections as described in Policy 1.2-d.4:

- For the public purpose of allowing developments that include Workforce and Affordable Housing units (as defined in Housing Element Policies 1.5-g and 1.5-i) to be constructed, the level of service standard permitted for all housing units beyond the standard density (as defined in Future Land Use Element Table III.C.1) on affected segments and intersections shall be up to 30% above the LOS D volume on those segments and intersections.

**G. Name of the Incentive Strategy: AFFORDABLE ACCESSORY RESIDENTIAL UNITS**

Definitions and supplementary standards for specific uses, such as Accessory Dwellings, are included in the County's Unified Land Development Code (ULDC). According to Article 4.B.1.A.1. (adopted 2005) of the ULDC:

- An accessory dwelling unit is located on the same lot as a principal single-family dwelling. An accessory dwelling is a complete, independent living facility equipped with a kitchen and provisions for sanitation and sleeping.
  - Number of Units
    - A maximum of one accessory dwelling may be permitted as an accessory use to a principal single-family dwelling unit which is owner occupied. The accessory dwelling may be attached to the principal dwelling or freestanding.
  - Maximum Floor Area
    - On less than one acre: 800 square feet.
    - On one acre or more: 1000 square feet.
    - The floor area calculation shall include only the living area of the accessory dwelling under a solid roof. [Ord. 2005-041]
  - Additional Floor Area
    - Floor area under a solid roof that is utilized as a porch, patio, porte cohere, carport, or garage shall not exceed 500 square feet.
  - Maximum Number of Bedrooms/Baths
    - One bedroom and one bathroom.
  - Compatibility
    - The accessory dwelling shall be architecturally compatible in character and materials with the principal dwelling.
  - Property Development Regulations (PDRs)
    - The accessory dwelling shall comply with the PDRs applicable to the principal dwelling.
  - No Separate Ownership
    - The accessory dwelling shall remain accessory to and under the same ownership as the principal dwelling and shall not be subdivided or sold as a condominium.
  - No Separate Electrical Service
    - Both the principal single-family dwelling and the accessory dwelling shall be connected to the same meter. Separate electric service shall be prohibited. [Ord. 2005-041]

The Planning, Zoning, and Building Department previously amended code to eliminate a requirement that an ADU kitchen be removed when the owner vacate the primary housing unit. The County is currently reviewing the issue of whether ADUs be counted for density.

**H. Name of the Incentive Strategy: REDUCTION OF PARKING AND SETBACK REQUIREMENTS FOR AFFORDABLE HOUSING**

ULDC Article 6, Table 6.B.1.B, requires 1.75 parking spaces per unit and 1 guest space per every 4 units. The County currently offers a 15% reduction through an administrative Type 1 Waiver, and the Westgate CRA currently has reduced parking requirements. The Zoning Division is currently working to establish a Type 2 Waiver (requires Zoning Commission approval) for projects utilizing the County's Affordable Housing Density Bonus Program that will allow for 1 space per 1 bedroom unit, 1.5 spaces per 2 bedroom unit, and 1.75 spaces per 3 bedroom unit, and 1 guest space per every 5 units.

The County's Workforce Housing Program (WHP) and Affordable Housing Program (AHP) provide identical "setback reduction" opportunities to developers in accordance with the Unified Land Development Code (ULDC) Article 5.G.1.B.2.f.3.h. (WHP) and Article 5.G.2.D.4.h. (AHP).

Flexible regulations are described in Article 5.G.2.D.4 of the ULDC and are applicable to:

- Projects with Future Land Use (FLU) designations of:
  - Medium Residential, 5 units per acre (MR-5)
  - High Residential, 8 units per acre (HR-8)
  - High Residential, 12 units per acre (HR-12)
  - High Residential, 18 units per acre (HR-18)
- Projects approved as a Planned Development District (PDD)
- Projects approved as a Traditional Development District (TDD)

Projects with these designations may deviate from the residential requirements of Table 3.D.1.A, Property Development Regulations, or Table 3.D.2.B, Zero Lot Line Property Development Regulations, as follows:

- Single Family Dwelling units may be permitted up to a maximum ten percent deviation for the following Property Development Regulations:
  - lot size;
  - width and frontage;
  - building coverage; and
  - side and rear setbacks.
- Single Family Dwelling units limited to one floor with no loft or other similar feature, may be permitted up to a maximum 20 percent deviation for the following Property Development Regulations:
  - building coverage; and
  - front and side street setbacks.
  - Zero Lot Line lots may be permitted up to a maximum lot width reduction of five feet, and ten percent deviation from the minimum lot size, building coverage, and front setback for units with front loading garages.

**I. Name of the Incentive Strategy: ALLOWANCE OF FLEXIBLE LOT CONFIGURATIONS, INCLUDING ZERO-LOT-LINE CONFIGURATIONS FOR AFFORDABLE HOUSING**

The County's Comprehensive Plan Concentrations of Affordable Housing Policy 1.5 enables the public, private, and not-for-profit sectors to:

- provide affordable housing

- support the distribution of housing for very low, low, moderate and middle income households
- use the Workforce Housing Program (WHP) and the Affordable Housing Program (AHP) to avoid undue concentrations of very low and low income housing through the County

The Unified Land Development Code (ULDC) allows for “Density Bonus Development Options” for both WHP and AHP developments. The ULDC Article 5.G.1.B.2.f.3.h. (WHP) and Article 5.G.2.D.4.h. (AHP) provide for flexible lot configurations, including zero-lot-line configurations.

See Incentive L “Flexible Zoning” for additional.

**J. Name of the Incentive Strategy: SUPPORT OF DEVELOPMENT NEAR TRANSPORTATION HUBS AND MAJOR EMPLOYMENT CENTERS AND MIXED-USE DEVELOPMENTS**

When determining the WHP/AHP density bonus, proximity of the site to mass transit and employment opportunities are considered, thereby providing an incentive for affordable development in closer proximity to the same. Most transit services suitable for TODs and related development opportunities are located in municipal areas, and are not subject to County property development regulations. However, for the unincorporated County, Comprehensive Plan Policy 4.4.9-a requires that not less than 20% of the total residential units of a TOD shall be designated for workforce housing or affordable housing through the associated programs.

The County has identified priority redevelopment areas along segments of Military Trail and Congress Avenue within the Urban Redevelopment Area. Within these areas, the County has designated transect-based land use designations and zoning districts, which place an emphasis on regulating building form and placement in relation to the public realm. These forms support redevelopment that can capitalize on existing bus service on these corridors and provide for development at higher densities than traditional future land use and zoning designation. Additionally, County staff is involved with ongoing transit studies, along with municipal representatives and partner agencies. During January 2021, the County hosted a Mobility Planning Summit that addressed various issues around transportation and land development. The Summit spurred plans for a forthcoming Board of County Commissioners mobility workshop that will provide a venue for a discussion to include residential development at transportation hubs.

The County will continue to work with other local government jurisdictions and transportation providers to develop a comprehensive solution to providing affordable housing near transportation hubs, possibly through a consultant or through the League of Cities or Regional Planning Council.

**K. Name of the Incentive Strategy: MODIFICATION OF STREET REQUIREMENTS FOR AFFORDABLE HOUSING**

The County’s Comprehensive Plan Transportation Element Policy 1.2-d.4 permits Workforce and Affordable Housing developments to generate vehicular traffic on streets beyond the level otherwise allowable. Opportunities for Traffic Performance Standards mitigation are codified in ULDC Article 5.G.1 B.2.f.1. (WHP) and Article 5.G.2.D.2 (AHP).

Roadway design standards are derived from Florida Department of Transportation’s Florida Greenbook. The County Engineer bases street and related requirements for affordable housing

on sound engineering practices.

L. **Name of the Incentive Strategy: FLEXIBLE ZONING**

This incentive addresses various incentive areas identified in Statute, including the allowance of flexibility in densities for affordable housing, the reduction of parking and setback requirements for affordable housing, and the allowance of flexible lot configurations, including zero-lot line configurations for affordable housing.

The County will consider adoption of alternative Property Development Regulations (PDRs) community-wide, including an approval process designed to develop a flexible self-regulating development order. With this approach, each development would propose its own PDRs which would then be subject to staff review and approval by elected officials. This approach would contribute to housing affordability by allowing greater utilization of smaller sites and infill sites, as well as by offering the flexibility necessary to bring alternative housing product types to market. Further, this approach would facilitate the development approval process by avoiding the time and expense associated with obtaining the numerous variances necessary to utilize density bonuses. These alternative regulations would not be limited to only affordable/workforce development.

For the past two years, Palm Beach County PZB has been studying this concept and is working to establish a Type 2 Waiver (requires BCC approval) for flexible development regulations. Flexible zoning would offer the opportunity to address the following common challenges:

- Higher density developments (over 14 units per acre) often have difficulty accommodating required parking on the property.
- Small developments (less than 16 units) and high-density projects (over 20 units per acre) struggle to meet the onsite recreation requirements, and the existing buy-out option drives up the cost of the housing product.
- Fee simple townhomes have bigger setbacks and separation requirements than townhomes developed as multifamily condominiums for purchase.
- Requirements for an additional 1 foot of setback for every 1 foot of increase in height has a limiting effect on building heights.

**Summary of Commission on Affordable Housing 2024 Incentive Recommendations and Staff Comments/Recommendations**

1.	<b>Incentive Area</b>   <b>F.S. 420.9076(4)(a) - The expedited processing of approvals of development orders or permits for affordable housing is expedited to a greater degree than other projects, as provided in s. 163.3177(6)(f)(3). (MANDATORY)</b>	
<b>CAH Recommendation</b>		<b>Staff Comment / Recommendation</b>
<p>The County should continue current efforts towards expediting development approvals and building permits for all projects with at least 65% of total housing units affordable/workforce. The CAH strongly recommends that the County create a position or designate an individual to be responsible for and to shepherd development applications through the approval process. If not a County staff position, an external third party expeditor should be considered, and funding identified to provide for the costs of the expeditor.</p>		<p><b>SUPPORTED:</b> Staff concurs with expediting projects with ≥65% affordable or workforce units. The Zoning Division offers pre-application meetings and guidance in approval processes. The Building Division expedites processing of building permit applications for affordable/workforce projects. Private entity review of permit applications is currently allowed in accordance with F.S. 553.791. Consideration should be made to appoint a “shepherd” position to assist applicants to move through process.</p>
2.	<b>Incentive Area</b>   <b>F.S. 420.9076(4)(b) - All allowable fee waivers provided for the development or construction of affordable housing.</b>	
<b>CAH Recommendation</b>		<b>Staff Comment / Recommendation</b>
<p>Maintain current incentive strategy: The County should continue to provide the existing incentives, but should also defer the collection of impact fees for affordable/workforce residential construction until the time at which a certificate of occupancy is issued, and should suspend collection of all fees associated with the Transfer of Development Rights for all housing units priced less than 200% of the average sales price or rent countywide.</p>		<p><b>PARTIALLY SUPPORTED:</b> Fee calculator is available to the public on County website. No impact fees charged on residential development in the Glades Region. IFAHAP provides assistance for payment of fees. Staff does not support additional impact fee waiver/reduction or deferral, and building permit fees cannot be reduced per F.S. 553.80. TDR price structure is based on whether the TDR will deliver a market rate unit or an income restricted unit, and the geographic location where the TDR will be used. For example, the cost of a TDR for a multi-family affordable housing unit ranges from \$83 - \$330 depending on location, much less than the \$33,000 cost of a TDR for an unrestricted market rate multi-family unit. TDR fees support the Department of Environmental Resources Management Natural Areas Program, and provide for the management of 32,000 acres of environmentally sensitive lands. Suspension of TDR fee collection would necessitate a supplemental budget request for \$675,000 in ad valorem funding. Staff does not support suspension of TDR fee collection.</p>
3.	<b>Incentive Area</b>   <b>F.S. 420.9076(4)(c) - The allowance of flexibility in densities for affordable housing.</b>	
<b>CAH Recommendation</b>		<b>Staff Comment / Recommendation</b>
<p>See Incentive #12, "Flexible Zoning/Custom Property Development Regulations"-The County should consider adoption of alternative PDRs community-wide, including a mechanism for flexible zoning and an approval process for custom property development regulations.</p>		<p><b>SUPPORTED:</b> The current TDR program provides for increased density of up to five (5) units per acre based on geographic location. In August 2024, the Board of County Commissioners initiated a Comprehensive Plan text amendment, to consider increasing the maximum number of TDRs available to up to seven (7) units per acre, for projects that will be 100% affordable and located in the Redevelopment and Revitalization Infill Overlay. It is anticipated that the BCC will consider the proposed change for adoption in August 2025.</p>

**Summary of Commission on Affordable Housing 2024 Incentive Recommendations and Staff Comments/Recommendations**

4.	<b>Incentive Area</b>	<b>F.S. 420.9076(4)(d) - The reservation of infrastructure capacity for housing for very-low-income person, low-income person, and moderate-income persons.</b>	
		<b>CAH Recommendation</b>	<b>Staff Comment / Recommendation</b>
		Maintain current incentive strategy: Continue to provide current Traffic Performance Standards concessions for affordable and workforce development.	<b>SUPPORTED:</b> Staff can maintain and implement current traffic LOS incentives for WHP and AHP developments. PZB supports incentives for affordable/workforce housing.
5.	<b>Incentive Area</b>	<b>F.S. 420.9076(4)(e) - Affordable accessory residential units.</b>	
		<b>CAH Recommendation</b>	<b>Staff Comment / Recommendation</b>
		The County should address restrictions on ADUs in order to allow for greater opportunity, including elimination of requirements for an electrical feed from the main home. ADUs should not be counted as a separate housing unit for purposes of density calculations consistent with recommendation of the Housing for All countywide housing plan, and in furtherance of the PBC Comprehensive Plan Future Land Use Element.	<b>PARTIALLY SUPPORTED:</b> The County previously amended code to eliminate requirement that ADU kitchen be removed when owner vacates primary housing unit. The Planning Division recognizes the significant benefits that can be provided by ADUs, in terms of affordability for both the homeowner and prospective ADU tenants. However, there can be significant impacts on infrastructure and services that must be fully understood and addressed. To this end, Planning Division staff have begun researching other local governments' approaches to ADUs, both locally and nationally, as part of determining how ADUs can be used to help meet local housing needs.
6.	<b>Incentive Area</b>	<b>F.S. 420.9076(4)(f) - The reduction of parking and setback requirements for affordable housing.</b>	
		<b>CAH Recommendation</b>	<b>Staff Comment / Recommendation</b>
		The County should revise the ULDC so that the reduced minimum parking requirements be offered via Type 2 Waiver are instead offered by right.	<b>PARTIALLY SUPPORTED:</b> ULDC Article 6, Table 6.B.1.B, requires 1.75 parking spaces per unit and 1 guest space per every 4 units. The County currently offers a 15% reduction through an administrative Type 1 Waiver, and the Westgate CRA currently has reduced parking requirements. The Zoning Division is currently working to establish a Type 2 Waiver (requires Board of County Commissioners approval) for projects utilizing the County's Affordable Housing Density Bonus Program that will allow for 1 space per 1 bedroom unit, 1.5 spaces per 2 bedroom unit, and 1.75 spaces per 3 bedroom unit, and 1 guest space per every 5 units. There are no other residential parking reductions planned at this time.
7.	<b>Incentive Area</b>	<b>F.S. 420.9076(4)(g) - The allowance of flexible lot configurations, including zero-lot line configurations for affordable housing.</b>	
		<b>CAH Recommendation</b>	<b>Staff Comment / Recommendation</b>
		See Incentive #12, "Flexible Zoning/Custom Property Development Regulations"-The County should consider adoption of alternative PDRs community-wide, including a mechanism for flexible zoning and an approval process for custom property development regulations.	<b>SUPPORTED:</b> This incentive area is addressed by Incentive #12, "Flexible Zoning / Custom Property Development Regulations".



**Summary of Commission on Affordable Housing 2024 Incentive Recommendations and Staff Comments/Recommendations**

8.	<b>Incentive Area</b>	<b>F.S. 420.9076(4)(h) - The modification of street requirements for affordable housing.</b>	
		<b>CAH Recommendation</b>	<b>Staff Comment / Recommendation</b>
		The County should continue to base street and related requirements for affordable housing on sound engineering practices.	<b>SUPPORTED:</b> The County Engineer bases all street requirements on sound engineering practices, and therefore already implement the recommendation.
9.	<b>Incentive Area</b>	<b>F.S. 420.9076(4)(i) - The establishment of a process by which local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing (MANDATORY).</b>	
		<b>CAH Recommendation</b>	<b>Staff Comment / Recommendation</b>
		The County should implement the applicable recommendations of Housing for All within the unincorporated area of the county.	<b>SUPPORTED:</b> The Housing Leadership Council's <i>Housing for All</i> was endorsed and supported by the Board of County Commissioners in January 2024. The County is working to identify and implement the applicable and actionable recommendations of <i>Housing For All</i> .
10.	<b>Incentive Area</b>	<b>F.S. 420.9076(4)(j) - The preparation of a printed inventory of locally owned public lands suitable for affordable housing.</b>	
		<b>CAH Recommendation</b>	<b>Staff Comment / Recommendation</b>
		In furtherance of affordable housing, the County should identify all County-owned vacant and underutilized properties which could be subject to residential infill and redevelopment, and make a regularly-updated inventory of such properties available online.	<b>SUPPORTED</b> The Property and Real Estate Management Division (PREM) provides a list of all county-owned real estate on its public website. This list is updated approximately every 6 months. The Live Local Act requires the County to prepare, every three years, an inventory list of all real property within its jurisdiction to which the County, or any dependent special district within its boundaries, owns which is appropriate for use as affordable housing. (Note, municipalities are responsible for preparing their own list.) In 2023, PREM reviewed all County-owned properties (approximately 2,600 parcels) for the purposes of complying with the Live Local Act requirement. Of those parcels, the vast majority (71%) cannot be developed as they are under the control of the County's Environmental Resources Management, Parks and Recreation, and Airports departments. Of the 179 vacant parcels identified, all but one have assigned future uses or carry constraints that make development potential questionable. PREM intends to issue a Request for Proposals for the one 6-acre parcel identified as suitable for affordable/workforce housing sometime in the first quarter of 2025.
11.	<b>Incentive Area</b>	<b>F.S. 420.9076(4)(k) - The support of development near transportation hubs and major employment centers and mixed-use developments.</b>	
		<b>CAH Recommendation</b>	<b>Staff Comment / Recommendation</b>
		Maintain current incentive strategy: County should review with local governments and transportation providers a comprehensive solution for affordable housing near transportation hubs.	<b>SUPPORTED:</b> County will continue to work with other local government jurisdictions and transportation providers to develop comprehensive solutions to providing housing near transportation hubs.

**Summary of Commission on Affordable Housing 2024 Incentive Recommendations and Staff Comments/Recommendations**

12. Incentive Area	Flexible Zoning/Custom Property Development Regulations	
	CAH Recommendation	Staff Comment / Recommendation
	<p>The County should consider adoption of alternative PDRs community-wide, including a mechanism for flexible zoning and an approval process for custom property development regulations.</p>	<p><b>SUPPORTED:</b> The Zoning Division is working to establish a Type 2 Waiver (requires BCC approval) for flexible development regulations. Flexible zoning would offer the opportunity to address the following common challenges:</p> <ul style="list-style-type: none"> <li>• Higher density developments (over 14 units per acre) often have difficulty accommodating required parking on the property.</li> <li>• Small developments (less than 16 units) and high-density projects (over 20 units per acre) struggle to meet the onsite recreation requirements, and the existing buy-out option drives up the cost of the housing product.</li> <li>• Fee simple townhomes have bigger setbacks and separation requirements than townhomes developed as multifamily condominiums for purchase.</li> <li>• Requirements for an additional 1 foot of setback for every 1 foot of increase in height has a limiting effect on building heights.</li> </ul>

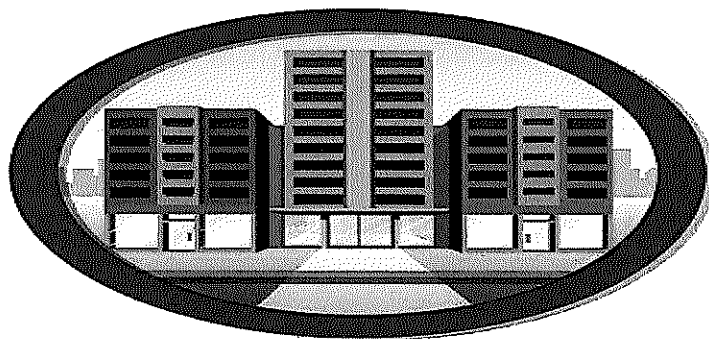


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# Annual Affordable Housing Incentives Review and Recommendations Report

Commission on Affordable Housing

December 2024



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**Affordable Housing Advisory Committee**  
**Report to Palm Beach County Board of County Commissioners**  
**SHIP Affordable Housing Incentive Strategies**

**December 2024**

PREPARED BY:  
**Palm Beach County Commission on Affordable Housing**

SUBMITTED TO:  
**Florida Housing Finance Corporation**

**I. BACKGROUND**

As required by the Florida Statute section 420.9076 as recipient of State Housing Initiative Partnership funds, the County established an affordable housing advisory committee on May 17, 2017 through the Palm Beach County Affordable Housing Ordinance (No. 2017-17). The affordable housing advisory committee, known as the Commission on Affordable Housing (CAH) is responsible for reviewing policies, land development regulations, the Comprehensive Plan Policy, and other aspects of the County's policies and procedures that affect the cost of housing. In addition, the CAH is responsible for making recommendations to encourage affordable housing.

The CAH is required to submit an incentive report annually. The report includes recommendations by the committee as well as comments on the implementation of incentives for at least the following eleven distinct areas:

- (a) The expedited processing of approvals of development orders or permits for affordable housing.
- (b) All allowable fee waivers provided for the development or construction of affordable housing.
- (c) The allowance of flexibility in densities for affordable housing.
- (d) The reservation of infrastructure capacity for affordable housing.
- (e) Affordable accessory residential units.
- (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.

## **II. COMMITTEE COMPOSITION**

On July 2, 2024, the Board of County Commissioners re-appointed six members to the CAH, as well as three new members. One current member whose term commenced in 2023 remains on the committee. A new elected official was appointed on December 10, 2024. Section 420.907 of the Florida Statutes provides the categories from which committee members must be selected. The CAH must be composed of no less than eight and no more than eleven committee members who are appointed to serve three-year terms. Representation must be from at least six of the following categories:

- Citizen actively engaged in the residential home building industry in connection with affordable housing.
- Citizen actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- Citizen who is representative of those areas of labor actively engaged in home building in connection with affordable housing.
- Citizen actively engaged as an advocate for low-income persons in connection with affordable housing.
- Citizen actively engaged as a for-profit provider of affordable housing.
- Citizen actively engaged as a not-for-profit provider of affordable housing.
- Citizen actively engaged as a real estate professional in connection with affordable housing.
- Citizen actively serving on the local planning agency pursuant to s.163.3174.
- Citizen residing within the jurisdiction of the local governing body making the appointments.
- Citizen who represents employers within the jurisdiction.
- Citizen who represents essential services personnel, as defined in the local housing assistance plan.

The appointed CAH Committee members are listed below with their category affiliations.

<b>Member</b>	<b>Membership Category</b>	<b>Current Term Appointment</b>	<b>Current Term Expires</b>
Ashley Whidby	Not for Profit Provider of Affordable Housing	7/2/2024	7/1/2027
Nicholas Bixler	Resident of the Jurisdiction	7/2/2024	7/1/2027
Shirley Erazo	Not for Profit Provider of Affordable Housing	7/10/2024	7/9/2027
Ezra M. Krieg	Advocate for Low Income Persons	7/2/2024	7/1/2027
Lynda Charles	Real Estate Professional	7/10/2024	7/9/2027
Brandon Cabrera	Residential Home Building	7/2/2024	7/1/2027
Amy L. Robbins	Banking or Mortgage Banking Industry	7/10/2024	7/9/2027
Tim Kubrick	Essential Services Personnel	2/9/2024	2/8/2027
William Elliott Johnson	For-Profit Housing Provider of Affordable Housing	7/10/2024	7/9/2027
George Adam Campbell	Labor Engaged in Home Building	7/2/2024	7/1/2027
Commissioner Bobby Powell Jr.	Elected Official	12/10/2024	12/9/2027

### **III. AFFORDABLE HOUSING INCENTIVES**

The 2024 affordable housing incentives review process entailed monthly meetings wherein the CAH discussed incentive review requirements, incentives utilized in other jurisdictions, current affordable housing practices, as well as County programs, policies, and procedures. Much discussion transpired regarding the nexus between CAH housing incentives recommendations and those of the Housing for All, a countywide housing plan developed by the Housing Leadership Council of Palm Beach County, endorsed and supported by the Board of County Commissioners. CAH meetings included representatives from the County's Planning, Zoning, and Building Department, the County Engineer, the Property and Real Estate Management Division (PREM), and County Administration. In addition, the CAH garnered participation from various community stakeholders and housing industry players to share their ideas and experience as it relates to affordable housing incentives. This report reflects the recommendations of the CAH, which resulted from this process. The recommendations that are approved by the Board of County Commissioners will be included in an amendment to the Local Housing Assistance Plan (LHAP). Where applicable, the Comprehensive Plan and County land development regulations, policies, and procedures may be revised as necessary to implement the approved recommendations.



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***F.S. 420.9076(4)(a)-The expedited processing of approvals of development orders or permits for affordable housing is expedited to a greater degree than other projects, as provided in s. 163.3177(6)(f)(3).***

**Existing Incentive Strategy:** The PBC Building Division expedites building permits for projects with ≥65% affordable/workforce units. The online permit application software has a mechanism for the applicant to identify a project as affordable in order for the application to be moved ahead of others. The Building Division also allows external third-party inspections to expedite the inspection time-frame. The PBC Zoning Division offers a pre-application meeting for all applicants seeking development approval, and provides guidance to applicants throughout the approval processes.

**Summary of AHAC Discussion:** The CAH discussed the need for a designated individual to shepherd projects through the development approval process. The CAH recognized that current conditions in the local market are producing a large volume of applications and workload. In order to expedite, review agency capacity must be increased. If the County is unable to devote staff to serve as an expeditor, then it should consider utilizing the services of an external third-party expeditor. The CAH would not want to see such services result in additional cost for affordable/workforce developers. Therefore, the County should identify funding to pay for the services. At a minimum, the costs should be paid on behalf of not-for-profit developers, and perhaps offered for a fee to for-profit developers.

**AHAC Recommendation:** The County should continue current efforts towards expediting development approvals and building permits for all projects with at least 65% of total housing units affordable/workforce. The CAH strongly recommends that the County create a position or designate an individual to be responsible for and to shepherd development applications through the approval process. If not a County staff position, an external third party expeditor should be considered, and funding identified to provide for the costs of the expeditor.

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***F.S. 420.9076(4)(b)-All allowable fee waivers provided for the development or construction of affordable housing.***

**Existing Incentive Strategy:** The PBC Zoning Division offers a free online fee estimator to the public. The County waives the customary fee for letters of determination addressing workforce or affordable housing potential density bonuses and program requirements. Further, the Comprehensive Plan Policy 1.5-f describes the elimination of processing fees for residential zoning petitions providing affordable housing units in areas of very low and low income households. The County operates an Impact Fee Affordable Housing Assistance Program that is funded with up to \$3M annually in interest earnings from Roads, Parks, and Public Building impact fee collections. The funds are offered to developers and owner-builders to pay impact

fees due on new residential construction serving households up to 140% of Area Median Income. Additionally, the County does not charge any impact fees on residential development in the western Glades Region of the county.

**Summary of AHAC Discussion:** The CAH discussed various fees and payments that contribute to cost of residential development. The CAH noted that the Live Local Act authorized the County to waive impact fees. Thoughts included offering fee variability based on extent of affordability that would result in a reduction or total waiver. Also discussed was fee deferral, whereby the County would not collect certain development fees until the time that the housing unit was completed and put into service. The CAH supports the Transfer of Development Rights (TDR) Program that captures un-utilized development capacity from certain properties and then makes that capacity available for utilization at other properties. However, the County charges a large per unit fee to developers to purchase and utilize TDRs. This drives up the cost of developing housing using TDRs, and detracts from its affordability. These fees should be eliminated or greatly reduced.

**AHAC Recommendation:** The County should continue to provide the existing incentives, but should also defer the collection of impact fees for affordable/workforce residential construction until the time at which a certificate of occupancy is issued, and should suspend collection of all fees associated with the Transfer of Development Rights for all housing units priced less than 200% of the average sales price or rent countywide.

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***F.S. 420.9076(4)(c)-The allowance of flexibility in densities for affordable housing.***

**Existing Incentive Strategy:** “Flexible Zoning”. The County should consider adoption of alternative Property Development Regulations (PDRs) community-wide, including an approval process designed to develop a flexible self-regulating development order.

The County's Workforce Housing Program (WHP) and Affordable Housing Program (AHP) provide opportunities to developers to increase density up to 100 percent in accordance with the ULDC. Per Article 5.G.2.E.1. (AHP), AHP projects requiring a density bonus of greater than 30% are required to conduct a two-step sector analysis. The first step considers the concentration of very low and low income housing within the sector in determining the minimum density bonus permitted. Step two considers the location of the proposed development with regard to neighborhood amenities, including public transit, employment and shopping opportunities, and educational, medical, social service and recreational facilities, in determining whether additional density may be added.

The County's Workforce Housing Program was substantially revised in 2019, to facilitate additional density where appropriate. Under the revised WHP, Density Bonuses up to and including 50% do not require special review and approval processes. Projects seeking a density bonus of greater than 50%, up to 100%, require enhanced staff review, and approval by the Board of County Commissioners. The enhanced review is intended to balance the County's objectives of promoting the production of workforce housing while preserving the quality and character of

existing communities. First, a project's proposed approach to WHP is assessed using a Point System, to determine the extent to which the project furthers the County's WHP objectives. WHP units delivered on-site, as for-sale, single-family, units in areas with Workforce-income households below the overall concentration in the County are most desirable and earn the most potential density bonus for the parent project. Second, the suitability of the site to accommodate the density bonus, and the compatibility with the surrounding area, is assessed. An overall density bonus is then recommended to the Board of County Commissioners considering the outcome of both the point system application and the suitability assessment.

The County's Transfer of Development Rights Program (TDR) is a voluntary program administered by the Zoning Division that allows a property owner to achieve a density bonus for new residential development within the Urban/Suburban Tier in unincorporated Palm Beach County. The owner purchases the increase in density from the Palm Beach County TDR Bank, or from a property owner with land in a designated area, without going through the land use amendment process. TDR provides for increased density of up to five (5) units per acre based on geographic location, and requires that thirty-five percent (35%) of all TDR units be WHP Units.

**Summary of AHAC Discussion:** See "Flexible Zoning/Custom Property Development Regulations" page 12.

**AHAC Recommendation:** See "Flexible Zoning/Custom Property Development Regulations" page 13.

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***F.S. 420.9076(4)(d)-The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.***

**Existing Incentive Strategy:** The County requires all developments to have the appropriate concurrency for public facilities and infrastructure, but does not require developments to ensure there is infrastructure capacity in place for any other developments, including affordable and workforce housing. However, the Comprehensive Plan allows for a 30% concession in Traffic Performance Standards for affordable and workforce housing. This increases the available concurrency for traffic and reserves that traffic for those affordable and workforce developments that need it.

**Summary of AHAC Discussion:** The CAH acknowledged the need for local government to ensure adequate infrastructure to meet the needs of all development. The CAH surmised that the current incentive offered by the County is helpful to affordable and workforce development.

**AHAC Recommendation:** Continue to provide current Traffic Performance Standards concessions for affordable and workforce development.

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***F.S. 420.9076(4)(e)-Affordable accessory residential units.***

**Existing Incentive Strategy:** County land development regulations allow Accessory Dwelling Units in certain residential zoning designations. Per a prior CAH recommendation, the County previously removed the requirement that the kitchen of the ADU be removed when the owner vacates the main home. The County has determined that eliminating the current requirement that the ADU electrical feed come through the meter of the main house would result in the ADU being counted as a separate housing unit in density calculations.

**Summary of AHAC Discussion:** ADUs are an important tool to help meet local affordable housing needs, and by their very nature serve affordable housing needs. Greater flexibility in the allowance of ADUs will increase the development potential of the County's limited remaining supply of vacant land, and also increase the potential for additional development on existing properties. Greater proliferation of ADUs will increase the overall housing stock and exert mitigating pressure on prices, thereby contributing to affordability. The County's current land development regulations governing ADUs excessively restrict development. The County's current requirement for a single electric meter poses a disincentive to develop ADUs and a disincentive to rent out an existing ADU. ADUs should not be counted as a separate unit in density calculations for zoning compliance. The Housing for All countywide housing plan called for ADUs to be allowed by right in all single family zoning districts, and this plan was endorsed and supported by the Board of County Commissioners. The County's Comprehensive Plan also recognizes ADUs in all Tiers as a characteristic of a Livable Community (Future Land Use Element, 1.D.).

**AHAC Recommendation:** The County should address restrictions on ADUs in order to allow for greater opportunity, including elimination of requirements for an electrical feed from the main home. ADUs should not be counted as a separate housing unit for purposes of density calculations consistent with recommendation of the Housing for All countywide housing plan, and in furtherance of the PBC Comprehensive Plan Future Land Use Element.

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***F.S. 420.9076(4)(f)-The reduction of parking and setback requirements for affordable housing.***

**Existing Incentive Strategy:** "Flexible Zoning". The County should consider adoption of alternative Property Development Regulations (PDRs) community-wide, including an approval process designed to develop a flexible self-regulating development order.

The County's Workforce Housing Program (WHP) and Affordable Housing Program (AHP) provide identical "setback reduction" opportunities to developers in accordance with the Unified Land Development Code (ULDC) Article 5.G.1.B.2.f.3.h. (WHP) and Article 5.G.2.D.4.h. (AHP).

Flexible regulations are described in ULDC Articles 5.G.1.B.2.f.3) and 5.G.2.D.4., and are applicable to projects with Medium Residential, 5 units per acre (MR-5), High Residential 8 units

per acre (HR-8), High Residential 12 units per acre (HR-12), or High Residential 18 units per acre (HR-18) Future Land Use designations, or if approved as a Planned Development District or Traditional Development District. Projects with these designations may deviate from the residential requirements of Table 3.D.1.A, Property Development Regulations, or Table 3.D.2.B, ZLL Property Development Regulations (PDRs), as follows:

- Single Family Dwelling (SFD) units may be permitted up to a maximum ten percent deviation for the following PDRs: lot size; width and frontage; building coverage; and, side, and rear setbacks.
- SFD units limited to one floor with no loft or other similar feature, may be permitted up to a maximum 20 percent deviation for the following PDRs: building coverage; and front and side street setbacks.
- Zero Lot Line lots may be permitted up to a maximum lot width reduction of five feet, and ten percent deviation from the minimum lot size, building coverage, and front setback for units with front loading garages.

**Summary of AHAC Discussion:** The proposed incentive of Flexible Zoning / Custom Property Development Regulations (Page 9) will address reductions in set back requirements for affordable housing. ULDC Article 6, Table 6.B.1.B, requires 1.75 parking spaces per unit and 1 guest space per every 4 units. The CAH discussed cost of parking to development (\$10,000+ per space), and the varied parking demands of different types of residential development: family, elderly, extremely-low income, located on transit, etc. Thought was given to eliminating all parking requirements, and instead allowing developers to determine the parking needs of their developments as demanded by their customers. A minimum parking requirement of 1 parking space per unit was also discussed. A representative of the PBC Zoning Division advised that the County is currently working to establish a Type 2 Waiver that will allow for 1 space per 1 bedroom unit, 1.5 spaces per 2 bedroom unit, and 1.75 spaces per 3 bedroom unit, and 1 guest space per every 5 units. The consensus of the CAH members was that these may be reasonable requirements, but should be allowed by right, and not require a waiver or other special approval or procedure.

**AHAC Recommendation:** The County should revise the ULDC so that the reduced minimum parking requirements to be offered via Type 2 Waiver are instead offered by right.

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***F.S. 420.9076(4)(g)-The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.***

**Existing Incentive Strategy:** "Flexible Zoning". The County should consider adoption of alternative Property Development Regulations (PDRs) community-wide, including an approval process designed to develop a flexible self-regulating development order.

The ULDC Article 5.G.1.B.2.f.3.h. (WHP) and Article 5.G.2.D.4.h. (AHP) provide for flexible lot configurations, including zero-lot-line configurations, as described above.

**Summary of AHAC Discussion:** See “Flexible Zoning/Custom Property Development Regulations” page 12.

**AHAC Recommendation:** See “Flexible Zoning/Custom Property Development Regulations” page 13.

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***F.S. 420.9076(4)(h)-The modification of street requirements for affordable housing.***

**Existing Incentive Strategy:** The County’s Comprehensive Plan Transportation Element Policy 1.2-d.4 permits Workforce and Affordable Housing developments to generate vehicular traffic on streets beyond the level otherwise allowable. Opportunities for Traffic Performance Standards mitigation are codified in ULDC Article 5.G.1. B.2.f.1. (WHP) and Article 5.G.2.D.2. (AHP).

**Summary of AHAC Discussion:** This incentive is intended to address reduction of development costs of affordable housing through the modification to right-of-way design requirements such as street width, number of lanes, sidewalks, and similar. The CAH recognizes that street and related requirements (storm water runoff, etc.) cannot be reduced to the extent that it is detrimental to adequate functionality or compromising safety. However, there may be opportunities to scale back requirements to achieve a cost savings without compromising functionality. This could include limiting the requirement for sidewalks in affordable developments to one side of a street. The CAH will focus on this incentive area during 2025.

**AHAC Recommendation:** The County should continue to base street and related requirements for affordable housing on sound engineering practices.

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***F.S. 420.9076(4)(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.***

**Existing Incentive Strategy:** The State requires that all proposed changes to the Unified Land Development Code, Comprehensive Plan, Zoning Code, and Zoning Map are reviewed and approved through a public hearing process. In Palm Beach County, the bodies that perform the review and approval functions are the Zoning Commission and the Board of County Commissioners (BCC). The Zoning Commission is comprised of experts who provide input and insight to staff on how proposed changes may impact the cost of housing, and help inform BCC decision making. In addition, when any significant changes are proposed to the Workforce Housing Program, the County’s process is to hire a consultant to calculate the potential impacts on the cost of developing housing and the effect on project profitability.

**Summary of AHAC Discussion:** The CAH discussed the Housing for All countywide housing plan that was developed by the Palm Beach County Housing Leadership Council (HLC) and that was

endorsed and supported by the Board of County Commissioners. Representatives from the HLC's Housing Steering Committee participated in CAH meetings and presented on Housing for All, including action items calling for local policy and regulatory changes that align with various CAH incentive recommendations. Discussion included what role the CAH might play in implementation of Housing for All.

**AHAC Recommendation: The County should implement the applicable recommendations of Housing for All within the unincorporated area of the county.**

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***F.S. 420.9076(4)(j)-The preparation of a printed inventory of locally owned public lands suitable for affordable housing.***

**Existing Incentive Strategy:** The Comprehensive Plan (Housing Element Policy 1.1-i) requires an inventory of all surplus County owned land and foreclosed properties that may be suitable for affordable housing. The County's Property and Real Estate Management Division (PREM) is responsible for identification of such properties, and the Department of Housing and Economic Development is responsible for review of the inventory in order to advise on suitability of properties for affordable housing purposes. The majority of surplus County-owned lands are undevelopable or face significant development constraints due to property size, shape, access limitations, easements, adjacent uses, and/or remote location. A smaller subset of these surplus lands has the potential for affordable housing development. Primarily these are small vacant lots within established neighborhoods that have potential to be developed with a single-family home or a small multi-family structure (duplex, triplex, etc.). Additionally, existing homes occasionally come into County ownership through foreclosure, and may be suitable for affordable housing purposes.

PREM posts online a listing of all County-owned surplus property; surplus being that for which the County has no existing or projected future need. Countywide Policy and Procedure Memorandum (PPM) CW-L-023 Requirements for the Acquisition, Disposition, Lease, and Exchange of Real Property establishes procedures for disposition of County-owned real estate. Surplus property may be donated to a not-for-profit entity, but must be sold to for-profit entity. Recipients for disposition of County owned property must be selected through a competitive process, except for not-for-profits whom may be selected on a non-competitive basis. All dispositions must be approved by the Board of County Commissioners.

**Summary of AHAC Discussion:** PREM explained its process for determining surplus property. Last year, PREM reviewed all County vacant properties last year and identified 179 vacant County-owned parcels after eliminating parks, environmental lands, and properties controlled by the Airports Department. Of the 179 parcels, 121 parcels were less than one acre in size and could not be used for major development or multifamily development. After elimination of those parcels, only one 6-acre parcel was determined suitable for affordable housing and declared surplus by the Board of County Commissioners. This property will be offered via a competitive process to developers of affordable and workforce housing.

The CAH discussed the inventory of public lands and the process the County goes through to determine whether county owned land is surplus or not. The CAH would like to see the properties of one acre or less made available. The County should provide the list and let developers do their own due diligence for development viability.

The CAH discussed requesting inventories of publicly owned lands from local municipalities. The Palm Beach County School District has determined that it is not currently making any District-owned properties available for housing development. It was noted that a few years ago, the District conveyed an elementary school property to the City of Belle Glade for affordable/workforce development.

**AHAC Recommendation: In furtherance of affordable housing, the County should identify all County-owned vacant and underutilized properties which could be subject to residential infill and redevelopment, and make a regularly-updated inventory of such properties available online.**

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***F.S. 420.9076(4)(k)-The support of development near transportation hubs and major employment centers and mixed-use developments.***

**Existing Incentive Strategy:** The County participates in the planning efforts of local and regional coordinating bodies related to development and transportation, including the Palm Beach Metropolitan Planning Organization dba the Palm Beach Transportation Planning Agency. It should be noted that there are limited opportunities for Transit Oriented Development (TOD) in the unincorporated areas over which Palm Beach County has jurisdiction, and that opportunities for TOD along passenger rail lines are present exclusively within local municipalities. More generally, when determining the available density bonus in the County's Affordable Housing Program, proximity of the proposed site to mass transit and employment opportunities are among the items considered, thereby providing an incentive for affordable development in closer proximity to the same. Likewise, proposed project proximity to transportation and employment is taken into consideration competitive funding processes administered by HED.

**Summary of AHAC Discussion:** Transportation costs are a major factor in affordability. Distance between the place of residence and place of employment increases cost of living. Housing affordability can not be studied in isolation of transportation costs. Even though major local transportation hubs are more often located in municipalities, the County can still focus development along Palm Tran bus routes. Palm Tran recently re-instituted commuter bus service to/from Port St. Lucie. The CAH will focus greater study on this incentive in 2025, including hosting a meeting with the Transportation Planning Agency.

**AHAC Recommendation: County should review with local governments and transportation providers a comprehensive solution for affordable housing near transportation hubs.**



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### ***Additional Incentive-Flexible Zoning/Custom Property Development Regulations***

**Summary of AHAC Discussion:** The County's Property Development Regulations (PDRs) focus on suburban style development. Although the code works well for suburban development, it is not conducive to housing affordability. Other jurisdictions within Florida, such as Collier County, Port St. Lucie, and to a lesser extent Palm Beach Gardens, have adopted a self-regulating approach to PDRs. With this approach, each development proposes its own PDRs which are then subject to staff review and approval by elected officials. This would offer a less expensive and more expeditious mechanism to approve changes to property development regulations needed to maximize the use of land and make development economically feasible. This approach contributes to housing affordability by allowing greater utilization of smaller sites and infill sites, as well as by offering the flexibility necessary to bring alternative housing product types to market. Further, this approach facilitates the development approval process by avoiding the time and expense associated with obtaining the numerous variances necessary to utilize density bonuses offered by the County.

The County could employ a mechanism for Custom PDRs for affordable and workforce housing through amendments to the ULDC. Smaller builders do not build to a scale at which a self-regulating development order could be utilized, however, larger developments and PUDs could certainly do so. When combining two or more separate single-family lots/parcels through unity of title, the County should allow two or more housing units to be constructed on the single lot. This would facilitate greater development of smaller multifamily housing such as duplexes and triplexes.

For the past two years, Palm Beach County PZB has been studying this concept and is working to establish a Type 2 Waiver (require BCC approval) for flexible development regulations. PZB advised the CAH that the flexible zoning would offer the opportunity to address the following common challenges:

- Higher density developments (over 14 units per acre) often have difficulty accommodating required parking on the property.
- Small developments (less than 16 units) and high-density projects (over 20 units per acre) struggle to meet the onsite recreation requirements, and the existing buy-out option drives up the cost of the housing product.
- Fee simple townhomes have bigger setbacks and separation requirements than townhomes developed as multifamily condominiums for purchase.
- Requirements for an additional 1 foot of setback for every 1 foot of increase in height has a limiting effect on building heights.

The CAH discussed providing County staff with draft language for the self-regulating development order. Establishing mechanism for flexible zoning/custom PDRs should remain a priority for the County.

**AHAC Recommendation: The County should consider adoption of alternative PDRs community-wide, including a mechanism for flexible zoning and an approval process for custom property development regulations.**

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#### **IV. IMPLEMENTATION**

Following adoption of this Report, the Department of Housing and Economic Development will further discussions with other departments and County leadership regarding implementation of the incentive recommendations. Within 90 days following adoption, an amendment to the Local Housing Assistance Plan will be brought to the Board of County Commissioners for consideration. The amendment will identify the incentive recommendations the County will implement, as well as outline a general plan.