



**Hillsborough
County Florida**

LOCAL HOUSING INCENTIVE STRATEGIES (LHIS) Plan

September 18, 2023



**EQUAL HOUSING
OPPORTUNITY**

FOREWARD

The Live Local Act (Chapter 2023-17, L.O.F.) was approved by the Governor on March 29, 2023. This act takes effect July 1, 2023, except where otherwise provided. The Live Local Act makes various changes and additions to affordable housing related programs and policies at both the state and local level.

With regards to local governments, the Act:

- Preempts local governments' requirements regarding zoning, density, and height to allow for streamlined development of affordable multifamily rental housing in commercial, industrial, and mixed-use zoned areas under certain circumstances.
- Removes a local government's ability to approve affordable housing on residential parcels by bypassing state and local laws that may otherwise preclude such development, while retaining such right for commercial and industrial parcels.
- Removes provision in current law allowing local governments to impose rent control under certain emergency circumstances, preempting rent control ordinances entirely.
- Requires counties and cities to update and electronically publish the inventory of publicly owned properties which may be appropriate for affordable housing development.
- Authorizes the FHFC, through contract with the Florida Housing Coalition, to provide technical assistance to local governments to facilitate the use or lease of county or municipal property for affordable housing purposes.
- Requires local governments to maintain a public written policy outlining procedures for expediting building permits and development orders for affordable housing projects.

The Act also introduces three ad valorem property tax exemptions, which first apply to the 2024 tax roll:

- An ad valorem tax exemption for land owned by a nonprofit entity that is leased for a minimum of 99 years for the purpose of providing affordable housing.
- An ad valorem tax exemption that applies to rent-restricted units within newly constructed or substantially rehabilitated developments setting aside at least 70 units for affordable housing for households earning 120 percent of the AMI or less.
- Authorizes counties and municipalities to offer, through ordinance, an ad valorem tax exemption to property owners who dedicate units for affordable housing for households earning 60 percent of the AMI or less.

The provisions in the Live Local Act impact the following LHS Strategies: 1. Expedited Processing of Approvals and Development Orders or Permits, 5. Allowance of Accessory Residential Units, 6. Reduction of Parking and Setback Requirements, 7. Allowance of Flexible Lot Configurations, including Zero Lot Line, 8. Preparation of a Printed Inventory of Locally Owned Public Lands, and 10. Other Affordable Housing Incentives. Reference to the changes required by the Act are noted in the draft incentive strategies narrative.

INTRODUCTION

Hillsborough County adopted the first Local Housing Incentive Strategies (LHIS) Plan in 1994 as required by the State Housing Initiative Partnerships (SHIP) Program. There have been subsequent updates and new strategies adopted, with the most recent LHIS plan reviewed by the Hillsborough County Affordable Housing Advisory Board (AHAB) in September of 2023. Hillsborough County Board of County Commissioners will consider adoption of this LHIS in November of 2023. Public review of the document will occur during the months of July, August, and part of September. The adopted LHIS will be incorporated into the current Local Housing Assistance Plan, which was adopted in May 2022.

Affordable Housing Services (AHS) staff will also work with other County Departments to review recommendations included within this LHIS report.

The County's AHS staff has completed a review and update of the required strategies as defined in the current Florida Statutes. The incentive strategies are reviewed annually by the County and are listed below:

1. Expedited Processing of Approvals of Development Orders or Permits

Permits for affordable housing projects are expedited to a greater degree than other projects by policy.

The County has maintained a policy to expedite the processing of affordable housing projects. Processing time is reduced by 50% for projects that are sponsored by or participating in any of the affordable housing programs offered by Hillsborough County. Preliminary site plan review is reduced to 7 days and construction plan review is reduced to 10 days.

The Development Review Procedures Manual (Section 4.1.5.1.2.e.2) provides for an expedited process for approvals of development orders or permits for an affordable housing development. Additionally, it provides for the administrator to review and determine a project is qualified as an affordable housing development and thus subject to other development review considerations (density bonuses, zero lot line, etc.)

The County has an on-line permitting system which allows for electronic submissions and approvals.

LAND DEVELOPMENT CODE County of HILLSBOROUGH, FLORIDA Codified through Ordinance No. 21-41, effective October 28, 2021. (Supp. No. 49)

The Live Local Act amends Fla. Stat. Sec. 553.792 to require governments maintain a policy containing the procedures and expectations for expedited processing of building permits and development orders that are required to be expedited on the local governments' websites.

2. Ongoing Review Process

An ongoing process for review of local policies, ordinances, regulations and plan provisions that increase the cost of housing prior to their adoption.

The County's Land Development Code (Sections 6.01.02 & 6.11.07) provides for increased maximum gross densities, minimum open space, minimum site area and minimum lot area requirements for affordable housing. Section 6.11.07 also provides modified development standards such as reduction of lot size and setbacks and density bonus allowances for affordable housing.

The Board of County Commissioners approved the creation of a permanent Affordable Housing Advisory Board (AHAB) to make recommendations to the Board of County Commissioners and AHS on issues affecting affordable housing development. The AHAB is to assist the County in developing new programs and policies in order to foster the development and preservation of housing that is safe, decent and affordable for Hillsborough County residents.

The County has established a mechanism for consultation among the relevant departments or offices before drafting policies, procedures, ordinances, regulations or plan provisions to determine the effect on affordable/workforce housing development or the cost of housing development. This includes activities which may impact the protection of current affordable/workforce housing or the rehabilitation of the existing housing stock for low income homeowners/buyers.

3. Modification of Mobility Fee Requirements

The County maintains programs for relief from Mobility Fees (formerly known as Transportation Impact Fees), and Parks and Fire Impact Fees for affordable housing units under the Hillsborough County Code of Ordinances, Part A, Chapter 40, Article II, Section 40.56 Impact Assessment Procedures, Section 40.64 and 40.65 Affordable Housing Relief Program, and BOCC Policy #03.04.01.07. The Board of County Commissioners is authorized to create by policy a reimbursement policy for school impact fees, consistent with Chapter 40, Section 40-61 of the County Code of Ordinances.

This relief is available to single family detached and attached (separate lots), site built or manufactured housing, including mobile homes, and qualified multi-family rental developments (multi-family projects are subject to an annual cap of \$800,000, unless additional funds are available). Eligible housing units must be set-aside for households whose total annual anticipated gross income does not exceed 80% of the Area Median Income adjusted for family size for households within the metropolitan statistical area. Up to 100% of the impact fees are paid for single family projects and up to 90% of the impact fees are paid for multi-family projects that include additional qualifying amenities. A seven-year restrictive covenant is placed on the property and recorded in public records of Hillsborough County in order to preserve the affordable nature of the property.

The Affordable Housing Impact Fee Relief Program is funded with general revenue MSTU funds and is managed separately from the affordable housing programs. The relief does not minimize the requirements for development of the units. The mandatory fees must be paid;

however, the impact fee relief funds are made available to compensate affordable housing development.

(Ord. No. 96-29, art. 8, § O, 10-30-1996; Ord. No. 00-31, § 1, 9-29-2000; Ord. No. 06-16, § 5, 7-28-2006; Ord. No. 08-2, § 3, 1-18-2008)

4. Allowance of Flexibility in Densities for Affordable Housing

The Land Development Code sets forth density flexibility in Section 6.01.01, and Section 6.01.02 sets forth those specifically for affordable housing. The project may allow smaller lot sizes and, thus, a potentially greater number of residential units for developments which seek to promote affordable housing. These developments are exempt from the minimum standards in the Schedule of Residential Area, Height, Bulk and Placement Regulations. The developer may use any dwelling unit type in accordance with the criteria established in Section 6.11.07 (Affordable Housing Development).

(Ord. No. 02-13, § 2, 8-1-02; Ord. No. 09-53, Item L, 6-11-09, eff. 10-1-09)

The Density Bonus incentive for Affordable Housing Development is supported by the County's Comprehensive Plan and Land Development Code (Comprehensive Plan Objective 1.3, Land Development Code Section 6.11.07 and Hillsborough County Ord. No. 00-21, § 2, 5-18-00; Ord. No. 02-13, § 2, 8-1-02). Affordable Housing Development Standards apply depending on the type of housing and the lot size. If an affordable housing project is proposed as a site planned controlled zoning, and meets the affordable housing qualifying criteria, and as established in the Comprehensive Plan, and as further qualified by the project site plan, the project may receive affordable housing density and/or FAR bonuses. The increases in density and/or intensity which may be achieved are established in the Comprehensive Plan under Affordable Housing Bonuses. Other restrictions that may limit the bonuses, such as available transit services, may apply.

The LHSIS contains a Single-Family Efficiency strategy which can be produced on smaller lots thus protecting natural resources of land, water and energy. This type of development also reduces investment in infrastructure therefore making the housing more affordable. The current Land Development Code does provide for cottage-type housing in Section 6.11.90, Single Family Efficiency. This dwelling type can come in three forms: bungalow, small atrium house, and two-story cottage. While each type has separate design-related features, all must meet the specific requirement. (Ord. No. 02-13, § 2, 8-1-02)

5. Allowance of Affordable Accessory Residential Units

Hillsborough County has adopted several special use categories that can provide incentives for the development of affordable housing. The Land Development Code establishes standards for accessory structures in several Sections. Specific types of structures are provided for in other sections of the LDC. Special use categories are as follows:

- Sec. 6.11.02. Accessory Dwelling Standards for living spaces up to 900 square

feet, can be detached or attached to the principal single-family dwelling on the lot.

- Sec. 6.11.38. Family Lot designation where the parcel can be used for immediate family members of the owner of the original tract.
- Sec. 6.11.39. Farm Worker Housing in suburban and urban plan categories that allow a density bonus.
- Sec. 6.11.51. Housing for Older Persons (Elderly Housing) will receive special consideration under the Land Development Code, allowing the provision of housing opportunities for older persons.
- Sec. 6.11.90. Single Family Efficiency dwellings can come in three forms: bungalow, small atrium house, and two-story cottage. These types of housing shall be limited to 640 to 850 square feet in floor area, a minimum of 6 feet for front and rear yards and off-street parking.
- The County will consider the use of alternative types of housing e.g.:
 - Tiny Houses- pertaining to various types of construction and assembly techniques. To be approvable as dwellings, the structure would either need to meet the requirements of the Florida Building Code for the particular dwelling type or be certified as a mobile home.
 - Supervised Independent living arrangements for youth aging out of foster care e.g., dormitory style housing.
 - Congregate living – households have private bedrooms or living quarters but share common areas such as dining room, recreational room etc.
 - Sec. 6.11.120. – Dormitories allow for up to 10 residents per dwelling unit, where each individual occupies a bedroom; a group kitchen, common dining facility or food service to serve all residents of the dormitory may be provided. A dormitory shall be accessory to, and located on the same parcel as, the principal use, excepting certain dormitories at University of South Florida.

(Ord. No. 09-53, Item N, 6-11-09, eff. 10-1-09; Ord. No. 09-62, Item Q, 10-26-09, eff. 2-1-2010; Ord. No. 10-9, § 2, Item C(10-0172), 5-27-10, eff. 10-1-10)

The Live Local Act amends FS Section 420.003 (2)(a)(2)(e) regarding housing production and rehabilitation programs to require that local governments consider and implement innovative solutions to housing issues where appropriate, including but are not limited to modern housing concepts such as manufactured homes, tiny homes, 3D-printed homes, and accessory dwelling units.

6. Reduction of Parking and Setback Requirements

Hillsborough County has adopted Affordable Housing Development Standards in the Land Development Code Section 6.11.07 (B) which provides for

- Flexibility of housing development that includes detached, zero lot line, duplex, triplex, quadraplex, townhouse or multi-family units, for lots less than 7,000 square feet.
- Reduction of setbacks for lots less than 5,000 square feet
- Reduction of building setbacks
- Minimum lot size standards

The Live Local Act adds Fla. Stat. Sec. 125.01055 (7)(e) to require the County to consider reducing parking requirements for a proposed multifamily or mixed use development authorized for development in an area zoned for commercial, industrial or mixed use under the Live Local Act if the development is located within one-half mile of a major transit stop, as defined in the County's Land Development Code, and the major transit stop is accessible from the development.

7. Allowance of Flexible Lot Configurations, Including Zero Lot Line

The County offers Zero Lot Line construction as provided in section 6.01.04 of the Land Development Code.

This residential lot type is permitted in environmentally sensitive developments, affordable housing developments, and planned districts. No minimum yards in the conventional sense are required, but the homes are detached housing with a minimum distance of ten feet in between buildings. Developers may use fixed lot patterns such as Z lots to best fit their product to the development. Design Standards dependent on the square footage of the lots, specify minimum front yard requirements, garage requirements and total building coverage on the lot.

Regarding garages, Sec. 6.11.119 of the Land Development Code is absolute on the requirement of garages, based on a concern for automobile parking.

The Live Local Act amends Fla. Stat. Sec. 420.003 (2)(a)(2)(b) to require that local governments to consider and implement innovative solutions to housing issues where appropriate, including community-led planning that focuses on urban infill, flexible zoning, redevelopment of commercial property into mixed-use property, resiliency, and furthering development in areas with preexisting public services, such as wastewater, transit and schools.

8. Preparation of a Printed Inventory of Locally Owned Public Lands

The County complies with requirements of Florida Statute Section 125.379 which requires the preparation of an inventory list of all real property within the jurisdiction to which the County holds fee simple title and is considered appropriate for use as affordable housing. The County held a public hearing and adopted an updated list by Resolution Number R22-049 on May 4, 2022. The Live Local Act requires counties to prepare an inventory list by

October 1, 2023 and every three years thereafter, and to make the inventory list publicly available on the county website.

The list continues to be maintained and updated as necessary. Request for Proposals will periodically be released to identify potential nonprofit developers for any or all of the properties. The applicants must meet specified requirements in order to be considered for the use of the lot(s) per the AHS Infill Policy

9. Support of Development near Transportation Hubs and Major Employment and Mixed-Use Centers

The Land Development Code recognizes that affordable housing should be encouraged in mixed-use developments with incentives if necessary (6.11.16 – Apartment Commercial). To further the provision of affordable housing and promote vertically mixed-use development in certain commercial and office zoning districts, commercial apartments shall be allowed in the BPO, CN, CG, SPI-UC-1 and SPI-UC-2 zoning districts, as well as in PD (Planned Development) zoning districts which generally permit such district uses. Commercial apartments shall meet criteria that include first floor retail, off street parking, landscaping, buffering and screening materials and different FAR calculations.

There are a number of policies outlined within the County’s Comprehensive Plan that addresses the development near transportation hubs, major employment centers and mixed-use centers, within Objective 1.5 Linking Housing and Transportation. (Ord. No. 00-21, § 2, 5-18-00; Ord. No. 02-13, § 2, 8-1-02; Ord. No. 08-29, § 2, eff. 2-1-09; Ord. No. 09-62, Item M, 10-26-09, eff. 2-1-2010)

10. Other Affordable Housing Incentives

The AHAB identified additional items for consideration that will also be evaluated in cooperation with the Development Services Department and Planning Commission staff.

- AHS staff will continue to work with developers to identify commercial and non-traditional sites for re-use for affordable/workforce housing development. These efforts may require a Comprehensive Plan Amendment, rezoning, major modification, or minor modification, where the related Mobility Fees **may** be reduced.
- On June 15, 2022, the Hillsborough County Board of County Commissioners with Resolution Number R22-060, authorized the creation of a non-profit Community Land Trust to increase access to affordable housing in the unincorporated County, Temple Terrace and Plant City. The Hillsborough County Community Land Trust, Inc. was established in August of 2022. The primary purpose of the CLT is to acquire land to be held in perpetuity for affordable housing.
- The Live Local Act introduces ad valorem property tax exemptions, which first apply to the 2024 tax roll. The Live Local Act amends Fla. Stat. Sec. 196.1978 (1), effective January 1, 2024, to exempt land that is owned entirely by a nonprofit entity and is

leased for a minimum of 99 years for the purpose of, and is predominantly used for, providing housing to natural persons or families meeting the extremely low-income, very low-income, low-income, or moderate-income limits specified in s. 420.0004 from ad valorem taxation. The land is predominantly used for qualifying purposes if the square footage of the improvements on the land used to provide qualifying housing is greater than 50% of the square footage of all improvements on the land. This first applies to the 2024 tax roll and is repealed December 31, 2059. The Live Local Act also adds FS 196.1978 (3) to exempt rent-restricted units within newly constructed or substantially rehabilitated developments setting aside at least 70 units for affordable housing for households earning 120 percent of the AMI or less from ad valorem taxation. This first applies to the 2024 tax roll and is repealed December 31, 2059.

- The Live Local Act adds Fla. Stat. Section 125.01055 (7), pursuant to which a county must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40% of the residential units in a proposed multifamily rental development, are for a period of at least 30 years, affordable as defined in FS 420.00014. For mixed-use residential projects, at least 65% of the total square footage must be used for residential purposes. The height, zoning, and densities authorized under this subsection are granted by-right, even if those standards conflict with the county's own height, zoning, and density regulations. A county may not restrict the density of a proposed development authorized under this subsection below the highest allowed density on any unincorporated land in the county where residential development is allowed. A county may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height for a commercial or residential development located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. A proposed development authorized under this subsection must be administratively approved and no further action by the Board of County Commissioners is required if the development satisfies the county's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations. This subsection expires October 1, 2033. A land use restriction agreement is being developed by the County to enable developers to memorialize the minimum 30 year period of affordability to take advantage of the process.