

**Collier County
Affordable Housing Advisory Committee (AHAC)**



AGENDA

Board of County Commission Chambers Collier County Government Center
3299 Tamiami Trail East, 3rd Floor Naples, FL 34112

November 15th, 2022, 8:30 A.M.

AHAC MEMBERS

Joe Trachtenberg, Chair
Steve Hurby, Member
Mary Waller, Member
John Harney, Member
Jennifer Faron, Member
Gary Hains, Member

Commissioner Rick LoCastro, Member
Jessica Brinkert, Member
Arol Buntzman, Member
Todd Lyon, Member
Paul Shea, Member

COLLIER COUNTY STAFF

Jacob LaRow, Director, Economic Development and Housing
Julie Chardon, Operations Coordinator, CHS

NOTE: ALL PERSONS WISHING TO SPEAK ON ANY AGENDA ITEM MUST REGISTER PRIOR TO SPEAKING. ALL REGISTERED SPEAKERS WILL RECEIVE UP TO THREE (3) MINUTES UNLESS THE TIME IS ADJUSTED BY THE CHAIRMAN. DURING COMMITTEE DISCUSSION, COMMITTEE MEMBERS MAY ASK DIRECT QUESTIONS TO INDIVIDUALS. PLEASE WAIT TO BE RECOGNIZED BY THE CHAIRMAN AND STATE YOUR NAME AND AFFILIATION FOR THE RECORD BEFORE COMMENTING.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS MEETING, YOU ARE ENTITLED, AT NO COST TO YOU, THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE COLLIER COUNTY FACILITIES MANAGEMENT DEPARTMENT. ASSISTED LISTENING DEVICES FOR THE HEARING IMPAIRED ARE AVAILABLE IN THE COUNTY COMMISSIONER'S OFFICE.

- 1. CALL TO ORDER & PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL OF COMMITTEE MEMBERS AND STAFF**
- 3. APPROVAL OF AGENDA AND MINUTES**
 - a. Approval of today's agenda
 - b. Approval of October 26th, 2022, AHAC meeting minutes
- 4. INFORMATIONAL ITEMS AND PRESENTATION**
 - a. McDowell Housing Partners Project Presentation
 - b. Apartment Survey
- 5. PUBLIC COMMENT**
 - a. Persons wishing to speak must register prior to speaking. All registered speakers will receive up to three (3) minutes unless the time is adjusted by the Chairman.
- 6. DISCUSSION ITEMS**
 - a. Affordable Housing Advisory Committee Incentive Strategies Report 2022
- 7. STAFF AND COMMITTEE GENERAL COMMUNICATIONS**
 - a. Update on Fair Notice to Tenant Ordinance Outreach Efforts
- 8. ADJOURN**
- 9. NEXT AHAC MEETING DATE AND LOCATION: December 20th, 2022, 8:30 A.M. in Conference Room 609/610 - 2800 N. Horseshoe - Growth Management Department.**

MINUTES OF
THE COLLIER COUNTY
AFFORDABLE HOUSING ADVISORY COMMITTEE

October 26th, 2022
11:30 A.M.
Naples, Florida

LET IT BE REMEMBERED that the Collier County Affordable Housing Advisory Committee met on this date at 11:30 A.M. in a *WORKING SESSION* in the Human Resources Conference Room in Naples, Florida, with the following Members present:

Present: Mary Waller
John Harney
Joe Trachtenberg – Chair -ZOOM
Rick LoCastro
Paul Shea
Jessica Brinkert
Gary Hains

Excused:

Unexcused:

ALSO PRESENT:

Jacob LaRow, Director- Economic Development and Housing Division -GMD
Julie Chardon, Operations Coordinator - CHS

OTHERS PRESENT: Jackie Keay; Jennifer Faron, Candidate for AHAC; Bebe Kanter; Candidate for Commissioner; Arol Buntzman, Candidate for AHAC; Litha Berger, Candidate for AHAC; Randy Lichtman, NABOR; Megan Phillips, Clerks Office; Jamie French, GMD Department Head.

1. CALL TO ORDER

Mary Waller called the meeting to order at 11:31 a.m. She read the procedures to be followed by John Harney –who led in the pledge to the flag.

Due to Joe Trachtenberg attending via Zoom. A motion was made by John Harney to allow Joe Trachtenberg to vote for the AHAC members remotely by zoom. Gary Hains seconded; the motion passed 6-0.

2. ROLL CALL – COMMITTEE MEMBERS AND STAFF

Julie Chardon led with Roll Call.

There were 6 active members present and one member attending via Zoom when the meeting started, therefore a quorum was established.

3. APPROVAL OF AGENDA AND MINUTES

- a. Commissioner Rick LoCastro made a motion to approve the agenda. The motion was seconded by Gary Hains. The motion passed by a vote of 6-0.
- b. A motion was made by Gary Hains to approve the minutes from the meeting of September 20th, 2022 and was seconded by Paul Shea. The motion passed with a vote of 6-0.

4. INFORMATIONAL ITEMS AND PRESENTATION

5. PUBLIC COMMENT

- a. Jackie Keay- She believes a plan or roadmap to solving the housing crisis is missing and is needed. Hosting a workshop with public and private groups from the community that have a history supporting Affordable Housing can help make it easier to help solve the different issues arising. Each group can focus on a different issue/obstacle of the crisis and when solutions are made each group can blend each other's ideas into one. She's speaking to the main players in the community and they're in support of this idea.

Commissioner Rick LoCastro questioned Jackie's comments on who the main players were. He was interested in hearing her thoughts on how the Chamber of Commerce has supported Affordable Housing.

Paul Shea mentioned how he feels her comments are what AHAC should already be doing. He asked if she thought AHAC wasn't doing what was needed.

Jackie Keay- Stressed the importance of the Coalition workshop and that we need more of the public support, non-profits, and organizations that who are in support of Affordable Housing.

Joe Trachtenberg- Wanted to address Jackie's comment. He wrote an email to the Collier County Board members and County Managers urging for a special workshop with developers. The email was very much in line with what Jackie was mentioning. He understands the public does want this workshop and noted we are an Advisory Committee and hopes the Board heads his email.

6. DISCUSSION ITEMS

- a. Committee Vacancies- The AHAC had a total of eight applications for four vacancies. A vote was made to decide the new members. No additional members can be added to the board based on

Florida Law. After the first voting session took place the first three selected members are Arol Buntzman, Steve Hruby, Todd Lyon. The fourth member was a tie at first between Jennifer Faron, and Litha Berger. After a revote of the fourth member the AHAC selected Jennifer Faron.

Commissioner Rick LoCastro did want to mention after the members were selected that District 1 has no representation anymore in this committee and Affordable Housing Opportunities will most likely be in District 1 or District 5. He will continue to support AHAC meetings and advertise the seat to his district so that more representation of District 1 can be had. Once a new commissioner has been selected for the committee, he will give them his suggestions and direction on how Affordable Housing should go. Out of all the candidates running for County Commissioners, he has had discussion with Chris Hall and has seen him take proactive steps for which committee to help assist with if he should get elected.

Joe Trachtenberg- Wanted to thank Litha Berger and is excited for the future of AHAC. He advised Jacob LaRow to set up an orientation for the three new members.

Bebe Kanter- Has been an Affordable housing owner and manager most of her life. She mentioned the reason she doesn't reach out Commissioner Rick LoCastro is because he never replies to her emails, which he denied. She felt the comment he was making about Chris Hall was a very political statement and needs to be struck from the record. If there was a competition on who was most qualified for the AHAC it should be her.

- b. AHAC Incentive Strategies Report- Jacob LaRow brought up an idea that was discussed at the October 25th BCC meeting. Allowing private property owners to place private travel trailers on a temporary need basis to help assist displaced residents by Ian correlates to what he already has in the incentive strategy report. The ADU's item listed in the report ties in and could be always adjusted to include the idea that was brought up. Mary Waller made a motion to approve the Incentive Strategy Report to the BCC. The motion passed 6-0.
- c. ADU's Discussion- John Harney wanted to bring back the discussion regarding ADU'S that was previously mentioned in the AHAC Incentive Report. The Florida Housing Coalition has an in-depth document on ADU'S which John Harney can provide to the AHAC members. He believes we can take pieces from other communities that have ADU'S and pull what is needed to help our process go faster.
- d. Housing Trust Fund & Land Trust- A discussion was led by Mary Waller that discussed the trust funds in further detail. Joe Trachtenberg added that the Land Trust is an Independent, non-profit trust. It is engaged in one project for senior housing. Its goal is to receive land donations or grants that will end up purchasing land with Affordable Housing Developments in mind. Hopefully a lot of opportunity will come from this newly development trust in Collier County. A flow chart explaining the different trusts will be created and provided so senior and new AHAC members can get accustomed to it.

7. STAFF AND GENERAL COMMUNICATIONS

- a. AHAC meeting location, date, and time- The AHAC agrees with future meetings moving to the Growth Management Conference Room. Mondays were discussed as unobtainable due to conflicts with the City of Naples and County Commissioners 1-1. The third Tuesday at 8:30 am works best for Growth Management personnel and AHAC members. The next meeting in November was discussed to be taking place at Growth Management.
- b. Synopsis of Informational Meeting Discussion- The typed notes from the Informational discussion were provided at the end of packet for each member personnel viewing. No further discussion was provided on this matter.

8. ADJOURN

There being no further business for the good of the County, the meeting was adjourned at 12:31 a.m.

NEXT MEETING: THE NEXT REGULARLY SCHEDULED MEETING WILL BE HELD ON THE THIRD TUESDAY ON NOVEMBER 15TH, 2022, AT 8:30 A.M.

Location: Board of County Commissioners Chambers, Third Floor, Collier County Government Center 3299 Tamiami Trail E.

**COLLIER COUNTY AFFORDABLE HOUSING ADVISORY
COMMITTEE**

Joe Trachtenberg, Chairman

The foregoing Minutes were approved by Committee Chair on _____, 2022, "as submitted" **OR** "as amended" .

Orchid Run	10991 Lost Lake Drive, Naples, FL 34105	(833) 676-4450	\$2,200	\$3,000	\$3,200	282	99.6%	1														
Allura	16210 Allura Circle, Naples FL 34110	(239) 788-2641	\$2,154	\$3,000	\$4,450	304	86.8%	40														
Lago Apartments	10200 Seetgrass Circle, Naples, FL 34104	(239)384-6881	\$2,358	\$3,000	\$4,000	320	100.0%	0														
Addison Place	8677 Addison Place Circle, 34119	(239) 963-8937	\$2,400	\$3,000	\$3,700	294	100.0%	0														
The Pearl (Founders Square)	8820 Walter Way Naples, FL 34120	(239)-294-8985	\$2,200	\$3,044	\$4,244	400	65.0%	140	418	761	356	87	61	79								
Mark Lane Apartments	15500 Mark Lane, Naples FL 34119	(239) 631-9325	\$2,510	\$3,100	\$4,000	286	25.2%	214														
Magnolia Square	5934 Premier Way Suite 2100, Naples FL 34109	(239) 932-6899	\$2,700	\$3,600	\$4,000	290	98.3%	5														
Sub-Total Naples		Median	\$1,894	\$2,273	\$2,703	13,503	98.3%	641	641	1,128	519	98	89	331	529	811	700	546	570	788		
Farm Worker Village (non-farmworker)	2225 Chadwick Cir, Immokalee, FL 34142	(239) 842-0327	\$520	\$570	\$600	276	95%	14														
Willowbrook Place	1836 Ash Ln, Immokalee, FL 34142	(239) 657-3204	\$550	\$639		41	100.0%	0														
Sanders Pines	2449 Sanders Pine Cir, Immokalee, FL 34142	(239) 657-8333		\$650	\$795	41	100.0%	0														
Main Street Village	104 Anhinga Cir, Immokalee, FL 34142	(239) 657-6576		\$655	\$725	79	100.0%	0														
Bromelia Place	612 N 11th St Immokalee, FL - 34142	(844) 796-3474	\$575	\$675		30	100.0%	0														
Esparanza place	210 S 1st St, Immokalee, FL 34142	(239) 657-2009	\$600	\$690	\$750	47	100.0%	0														
Heritage Villas	1810 Lake Trafford Rd, Immokalee, FL 34142	(239) 657-3204	\$633	\$708		41	100.0%	0														
Garden Lake	1050 Garden Lake Cir, Immokalee, FL 34142	(239) 657-3204	\$608	\$736		65	100.0%	0	Very Low Income	Very Low Income	Very Low Income	Very Low Income	Very Low Income	Very Low Income	Very Low Income	Very Low Income	Very Low Income	Very Low Income	Very Low Income	Very Low Income	Very Low Income	Very Low Income
Summer Glenn	1012 Summer Glen Blvd, Immokalee, FL 34142	(239) 657-3204	\$633	\$779		45	100.0%	0	14	9	0	23	31	30	33	18	10	20	33	44		
Immokalee Apartments	601 W Delaware Ave, Immokalee, FL 34142	(239) 657-6185		\$866	\$996	100	100.0%	0	\$1061 2/2	\$1061 2/2	\$1061 2/2	\$926 2/2	\$926 2/2	\$926 2/2	\$926 2/2	\$926 2/2	\$926 2/2	\$926 2/2	\$881 2/2	\$881 2/2		
Eden Gardens 1&2	1375 Boxwood Drive, Immokalee, FL 34142	(239) 657-7900		\$880	\$945	92	100.0%	0														
Southern Villas	1802 Custer Ave, Immokalee, FL 34142	(239) 657-3204	\$609	\$911	\$1,106	35	100.0%	0														
Oak Haven	580 Oakhaven Cir, Immokalee, FL 34142	(239) 658-5920		\$1179	\$1348	160	100.0%	0														
Crestview Park 1&3	716 Crestview Dr, Immokalee, FL 34142	(877) 475-1665		\$1185	\$1,372	304	100.0%	0														
Cypress Run	550 Hope Circle, Imokalee, FL 34142	(239) 657-9032	\$753			39	100.0%	0														
Timber Ridge	2711 Wilton Ct, Immokalee, FL 34142	(239) 657-8333		\$795		35	100.0%	0	0	0	0	0	6	6	7	12	33	9	12	10		
Sub-Total Immokalee		Median	\$608	\$722	\$870	875	98.4%	14	14	9	0	0	6	36	40	30	43	29	45	54		
Grand Total		Median	\$1,782	\$1,950	\$2,400	14,378	98.4%	655	655	1137	519	98	95	367	569	841	743	575	615	842		

Incentive Strategies Report Template

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

SUBMITTED TO: COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS

SUBMITTED TO: Rob Dearduff
FLORIDA HOUSING FINANCE CORPORATION

DATE SUBMITTED: 12/13/2022

PREPARED BY: ECONOMIC DEVELOPMENT & HOUSING DIVISION AND COMMUNITY & HUMAN SERVICES DIVISIONS & AHAC

BACKGROUND

As a recipient of State Housing Initiatives Partnership funds, Collier County established an Affordable Housing Advisory Committee in 1993 (Ord 93-19) and repealed and replaced early versions with Ord.2013-27 as required by the Florida Statutes, Sec. 420.9076. The AHAC is responsible for reviewing and evaluating local plans, policies, procedures, land development regulations, the Comprehensive Plan, and other aspects of the City/County housing activities that impact the production of affordable housing. Further, the AHAC is specifically directed by the SHIP Statute to consider and evaluate the implementation of the incentives set out at Florida Statutes, Sec. 420.9076 (4)(a)-(k). Based on the AHAC evaluation, it may recommend to local government that it make modifications of, exceptions to, or creation of new plans, policies, procedures, and other governing vehicles which would encourage production of affordable housing.

As approved by the Collier County Board of County Commissioners, the recommendations are used to amend the Local Housing Assistance Plan and the local Comprehensive Plan Housing Element.

COMMITTEE COMPOSITION

The Board of County Commission appointed or re-appointed members to the Committee via Ordinance 2020-27 recognizing the requirement to appoint an elected official and on November 8, appointed three new members and one re-appointment. Florida Statutes, Sec. 420.9076 (2) lists the categories from which committee members must be selected. Each AHAC must have a locally elected official from the county or municipality participating in the SHIP program. The locally elected official must be a City or County Commissioner. The elected official will count as a member of the AHAC for purposes of meeting the number of members requirements. There must be at least eight committee members with representation from at least six of the following categories:

- (a) A citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- (b) A citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.

- (c) A citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- (d) A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- (e) A citizen who is actively engaged as a for-profit provider of affordable housing.
- (f) A citizen who is actively engaged as a not-for-profit provider of affordable housing.
- (g) A citizen who is actively engaged as a real estate professional in connection with affordable housing.
- (h) A citizen who actively serves on the local planning agency pursuant to s. 163.3174. If the local planning agency is comprised of the governing board of the county or municipality, the governing board may appoint a designee who is knowledgeable in the local planning process.
- (i) A citizen who resides within the jurisdiction of the local governing body making the appointments.
- (j) A citizen who represents employers within the jurisdiction.
- (k) A citizen who represents essential services personnel, as defined in the local housing assistance plan.

The appointed AHAC Committee members are included here, along with their category affiliation.

Name	Category Represented	Date Appointed
1 Rick LoCastro	Elected Official	1/12/2021; 1/11/2022
2 Mary Waller	Resident in Jurisdiction (RE)	11/15/16; 10/27/20
3. Arol Buntzman	Non-Profit Provider	11/8/2022
4. Jennifer Faron	Real Estate Professional	11/8/2022
5. Todd Lyon	Essential Services Personnel	11/8/2022
6 John Harney	Advocate for Low Income Persons	10/27/2020
7 Joseph Trachtenberg	Employer within Jurisdiction	5/25/2021
8 Paul Shea	Member of Planning Commission	5/25/2021
9 Gary Hains	Labor engaged in home bldg	1/22/2019; 12/14/2021
10. Stephen Hruby	Residential Home Bldg Industry	11/8/2022
11 Jessica Brinkert	Resident in Jurisdiction	12/14/2021

AFFORDABLE HOUSING RECOMMENDATIONS

The AHAC has reviewed local government plans, policies, and procedures; ordinances; regulations; statutes; and the comprehensive plan, among other documents applicable to affordable housing, for evaluation of their impacts on affordable housing. Further, the AHAC has specifically considered and evaluated the strategies set out at Florida Statutes, Sec. 420.9076 (4)(a)-(k). Based on this review and evaluation, the AHAC has formulated recommendations

to the County Commission that it incorporates into its housing strategy certain changes designed to encourage production of affordable housing.

The AHAC, from its review, consideration, evaluation, and recommendations, drafts and submits this report to the County Commission and to Florida Housing Finance Corporation, which details the scope of its work and the resulting recommendations.

From the review and evaluation of the local government documents, the AHAC makes these recommendations to the County Commission that it incorporate into its housing strategy the following:

RECOMMENDATION 1

Meeting Synopsis: The County's Affordable Housing Advisory Committee (AHAC) has reviewed various staff and consultant (Johnson Engineering) recommendations to provide development standards and regulatory relief for housing that is affordable. Eight (8) development standard deviations were approved by the BCC via Ordinance #2021-05 on February 9, 2021. AHAC has reviewed and provided input on four (4) additional initiatives during the 2nd and 3rd quarters of 2021.

Existing Strategy: None

AHAC Recommendation: Adoption of four (4) Regulatory Relief Initiatives spearheaded by CHS consultant, Johnson Engineering. These Initiatives include (a) permit housing that is affordable by right in Commercial Zoning Districts, (b) increase allowed density in Activity Centers from 16 upa to 25 upa, (c) for any properties designated as Strategic Opportunity Sites (SOS) allow a maximum density of 25 upa, (d) establish a policy to encourage higher density along transit corridors.

Schedule for Implementation: These 4 initiatives are currently under staff review. Proposed public hearings before the Planning Commission and BCC are anticipated in the fourth quarter of 2022.

RECOMMENDATION 2

Meeting Synopsis:

Existing Strategy:

AHAC Recommendation:

Schedule for Implementation:

The AHAC has reviewed, considered, and evaluated the following strategies provided in the SHIP Statute at Florida Statutes, Sec. 420.9076 (4):

- (a) The processing of approvals of development orders or permit, as defined in Florida Statutes, Sec, 163.3164(7), (8), for affordable housing projects is expedited to a greater degree than other projects.
- (b) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.
- (c) The allowance of flexibility in densities for affordable housing.
- (d) The reservation of infrastructure capacity for housing for very low-income persons, low-income persons, and moderate-income persons.
- (e) The allowance of affordable accessory residential units in residential zoning districts.
- (f) The reduction of parking and setback requirements for affordable housing.
- (g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.
- (h) The modification of street requirements for affordable housing.
- (i) The establishment of a process by which a local government considers, before adoption, policies,

procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

- (j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
- (k) The support of development near transportation hubs and major employment centers and mixed-use developments.

EXPEDITED PERMITTING

Meeting Synopsis: Issue was discussed on September 13th and October 4, 2021. One AHAC member indicated that Pasco County has successfully used Accela Automation software to manage coordination of all elements of process and approvals for property development. These changes have cut review times and cost for development and have led to greater interest and participation by builders and developers in Pasco County.

Existing Strategy: Collier County has had an Expedited/Fast Track permitting process in place for housing that is affordable since 2007. Based upon AHAC and community stakeholders' input during the development of the 2017 Community Housing Plan (CHP), the Expedited Permitting process was reviewed and updated with the adoption of Resolution 2018-40 on February 27, 2018.

AHAC Recommendation: No changes recommended at the present time.

Schedule for Implementation: Resolution 2018-40 has been implemented and affordable housing developers have successfully utilized the improved process.

MODIFICATION OF IMPACT FEES

Meeting Synopsis: Impact Fees were discussed September 13th and October 4, 2021. Some members were aware of communities that base impact fees on the square footage of each home, thereby having a lower impact fee for housing that is affordable. Other members indicated that discounting impact fees would be helpful for reduction of the total cost of homes that are affordable. However, eliminating impact fees can lead to a structure which does not provide enough revenue to provide the basic infrastructure necessary to cover the cost of streets, water, sewer, etc. Homes that are affordable should make a contribution to the infrastructure of the community. Other members have noted that the current Impact Fee Deferral system does not work well for affordable rental housing development and should be modified to better match the financing timeframes of Low-Income Housing Tax Credit (LIHTC) properties and other affordable rental developments.

Existing Strategy: Collier County has had an Impact Fee Deferral program in place for housing that is affordable since the late 1980s. Based upon recommendations from the 2017 Community Housing Plan, the Impact Fees Deferral program was modified and improved via Ordinance #2018-28 on February 27, 2018.

AHAC Recommendation: In 2023, implement and support an Impact Fee Deferral Pilot Program utilizing approximately \$4 million in American Rescue Plan funds received from the United States Treasury through the State and Local Fiscal Recovery Funds to support long term affordable rental housing.

Further, it is recommended that the County should review opportunities to increase the length of deferral period available for rental housing to align with various financing sources.

Schedule for Implementation: Collier County Board of Commissioners have approved \$4,114,137 in funds under project CC4.4 in the American Recovery plan to support developments principally financed with Low-Income Housing Tax Credit Projects, Tax Exempt Bond Financing or other qualifying affordable housing developments. During the first quarter of 2022, consider fact finding and rental housing developers needs related to the existing Impact Fee Deferral program. Determine when Collier County consultant is scheduled to review countywide Impact Fee programs.

FLEXIBLE DENSITIES

Meeting Synopsis: Densities have been discussed in relationship to the Johnson Engineering regulatory relief proposals in the spring and summer of 2021 and at the September 13th and October 4, 2021 meetings. One member of AHAC wanted to ensure that green space would continue to be a requirement along the transit corridors. Development of up to twenty-five units per acre, without provision for significant green space of any kind, may cause public outcry against "excessive urbanization", which may be considered out of character for Collier County.

Existing Strategy: Throughout most of Collier County, residential zoning has a base density of 4 units per acre. Collier County has had an affordable housing density bonus program since 1990 Ord.#90-89. As a result of the 2017 Community Housing Plan and AHAC, Collier County amended its Land Development Code to increase density for units that are affordable through Ordinance #2019-02 adopted February 12, 2019. The Affordable Housing Density Bonus (AHDB) program now provides up to 16 units per acre.

Applicants that have requested additional density above base residential zoning and which require a Growth Management Plan Amendment have been recommended by the Collier County Planning Commission and required by the Board of County Commissioners to set aside a minimum number of units in proposed developments to made affordable for a minimum of 30 years to households earning at or below 120% of the Area Median Income.

AHAC Recommendation: Recommend approval of the proposed regulatory relief initiatives to increase density in Activity Centers from 16 upa to 25 upa, on sites designated as Strategic Opportunity Sites allow a maximum density of 25 upa and adopt a Transportation Policy to prioritize higher density along transit corridors. AHAC further supports CPCC and Board policy that extracts a public good for those applicants requesting density with a minimum of 20% of units developed be provided to households at or below 100% of the Area Median Income and encourages the development of a written policy incorporating density and the utilization of federal, state, and local grant dollars to support the development of additional affordable housing units.

Schedule for Implementation: It is anticipated that these proposed increases in density may be heard by the Planning Commission and the BCC in the first quarter of 2023. Additional density provided through Growth Management Plan Amendments are on a rolling and as requested basis.

RESERVATION OF INFRASTRUCTURE CAPACITY

Meeting Synopsis: Collier County does not reserve infrastructure capacity.

Existing Strategy: Collier County does not reserve infrastructure capacity.

AHAC Recommendation: No changes are proposed.

Implementation: None

PARKING AND SETBACK REQUIREMENTS

Meeting Synopsis: These topics have been discussed since the development of the Community Housing Plan (CHP).

Existing Strategy: The County currently has two processes where developers can request a reduction of parking and setback requirements. Deviations from existing requirements can be requested through the Site Development Plan (SDP) process or the rezoning to Planned Unit Development (PUD) process. Recommendations to modify some setback requirements for housing that is affordable were included in Ordinance 2021-05 amending the Land Development Code, adopted February 9, 2021.

AHAC Recommendation: No changes are recommended at the current time.

Schedule for Implementation: None

AFFORDABLE ACCESSORY RESIDENTIAL UNITS

Meeting Synopsis: Accessory Dwelling units are discussed from time to time when a news article is shared with AHAC members. During the September and October 2021 meetings, the following comments were received from AHAC members: There is an opportunity to create affordable housing by exploring the idea of allowing accessory dwellings in the Estates area (eastern Collier Co). It appears Pasco decided to explore the idea in 2018, while Sarasota seemed non-committal but perhaps willing to review the idea and Palm Beach allows it. I'd be interested to know where Pasco and Sarasota are on the topic at this time. Developing accessory dwelling units, while useful, are likely to be significant only for the ranchette properties in the county. The existing four units per acre properties which comprise most neighborhoods in the county aren't big enough to have space for these residences

Existing Strategy: Collier County does not allow for the rental of Accessory Dwelling Units (ADUs) LDC Section 5.03.03. The County only allows construction of "Guesthouses" on large single family lots with a minimum lot size of 43,560 square feet.

AHAC Recommendation: There is no consensus at the present time on this issue, but Accessory Dwelling Units should come back to AHAC at a future date with more information on Pasco, Sarasota, Palm Beach counties and the City of Rockledge "cottage homes".

Schedule for Implementation: Additional information and AHAC discussion should occur in the second quarter of 2023.

FLEXIBLE LOT CONFIGURATIONS

Meeting Synopsis: This strategy was discussed extensively with the adoption of the 2017 Community Housing Plan. At that time, it was recommended that the County consider adopting some elements of "smart code". Through this process, amendments were made to the Land Development Code in February 2021 with the adoption of Ord. 2021-05.

Existing Strategy: Zero lot line development is allowed in Planned Unit Development (PUDs) and as a Conditional Use under Cluster Housing. Recently Ordinance 2021-05 clarified that Cluster Development of affordable housing does not require a Conditional Use in the RMF-6 Zoning District but is allowed by right.

AHAC Recommendation: No new recommendations at the present time.

Schedule for Implementation: None

MODIFICATION OF STREET REQUIREMENTS

Meeting Synopsis: As part of the regulatory relief proposed in the 2017 Community Housing Plan, modifications to street requirements have been discussed in 2019-2021.

Existing Strategy: Historically, street requirements for affordable housing developments are considered, on a case-by-case basis, as deviations in the PUD approval process or variances in the conventional zoning process. In February 2021, Ordinance 2021-05 added a new section to the LDC to allow design deviations for housing that is affordable, including modifications to internal, privately maintained roadways and sidewalks.

AHAC Recommendation: No new recommendations at the present time.

Schedule for Implementation: None

PROCESS OF ONGOING REVIEW

Meeting Synopsis: Previous AHAC discussions on this topic included the following comments: Ongoing

implementation and enforcement for new processes and Land Development Code require permanent dedicated County staff. Any changes made will require monitoring to ensure the rules continue to be followed. In addition, educating and promoting a favorable environment for developers and builders will draw more partners into working in the County. Closer coordination between GMP, zoning, planning and CHS is critical for the success of process changes and approval for developments. The silos currently in place need to be broken down. The new coordination created will reduce or eliminate many of the repeated review cycles which are required today.

Existing Strategy: Housing policy has been relocated from Community & Human Services under Public Services Department to into a new Division of Economic Development and Housing in the Growth Management Department (GMD). This will enable closer collaboration and communication between Housing Staff and planners in Zoning and Comprehensive Planning. Long term monitoring will remain with Community & Human Services, but will be included in and privy to affordable housing commitments drafted by the GMD. .

AHAC Recommendation: No changes are purposed at this time.

Schedule for Implementation: None

PUBLIC LAND INVENTORY

Meeting Synopsis: Public lands discussion has occurred regularly at AHAC meetings since 2018. This is a topic of great interest to AHAC members.

Existing Strategy: The County's Real Property office maintains a list of county owned properties as required by FS 125.379. This inventory is circulated to County Departments for review and determination if properties are needed to implement Department operations or program mandates. Available properties are presented to the BCC and advertised for sale in the local newspaper.

In 2018, two County owned parcels known as Bembridge and Manatee were part of a Request for Information (RFI) process with multiple developers submitting proposals for the development of the 5-acre Bembridge site. In 2019, through an ITN process, the County selected McDowell Housing Partners to construct 82 units of affordable rental housing. This project, now called The Harmony, will be completed in early 2023 and is governed by a Developer Agreement and 99-year ground lease ensuring long term affordability. During 2018-2019, the Board of County Commissioners decided not to move forward with proposals for the Manatee site.

In 2019, the County acquired the defunct Golden Gate Golf Course. In 2020 through an ITN process, the County selected Rural Neighborhoods, Inc to develop a portion (25+ acres) of this publicly owned property for affordable rental housing for seniors, veterans, and Essential Service Personnel (ESP).

AHAC Recommendation: AHAC members have discussed revisiting the Manatee property at a future date. The Committee drafted a letter to the County Commissioners requesting that they reestablish the joint Parks and Recreation & AHAC subcommittee to review the feasibility of co-locating a park and housing that is affordable on this large parcel. The BCC adopted Resolution 2018-39 to encourage the collocation of public facilities and housing that is affordable. AHAC recommends acquiring parcels through the utilization of the One Penny Surtax

Schedule for Implementation: AHAC will continue to request meetings with the BCC, Parks officials and Parks and Recreation Advisory Board to discuss the Manatee property.

SUPPORT OF DEVELOPMENT NEAR TRANSPORTATION HUBS

Meeting Synopsis: Discussed during the spring and summer of 2021 as part of the consultant's, Johnson Engineering, regulatory relief, and development standards modifications to the LDC.

Existing Strategy: This issue was reviewed during the development of the 2017 CHP with recommendations for the County to consider integration of bus routes (CAT) with affordable housing locations, development of Strategic Opportunity Sites and higher housing densities in existing Activity Centers.

AHAC Recommendation: Approve the recommended new policy for the Transportation Element to prioritize higher density along transit corridors ranging from 13 upa to 25 upa.

Schedule for Implementation: This recommendation is currently under staff review and is anticipated to be heard by the Planning Commission and BCC during the fourth quarter of 2022.

ORDINANCE NO. 2022 - 43

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, REQUIRING LANDLORDS TO GIVE LONG TERM TENANTS 60 DAYS WRITTEN NOTICE OF A RENTAL INCREASE IN EXCESS OF 5%; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR APPLICABILITY; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the intention of this Board to provide all Collier County long term tenants with a fair notice if their rents are to increase by more than 5%; and

WHEREAS, approximately half of the housing in Collier County are rental units; and

WHEREAS, according to a 2017 study by ULI, 40 percent or 58,685 households in Collier County are considered “cost burdened”, which, according to the United States Department of Housing and Urban Development, includes households who pay more than 30 percent of their income for housing and may have difficulty affording necessities such as food, clothing, transportation, and medical care; and

WHEREAS, since the coronavirus-2019 (COVID-19) pandemic, there has been an influx of people to Florida from states with higher wages and cost of living which has caused an upsurge in rental rates in Collier County; and

WHEREAS, according to the websites RedFin and Zillow, the average rent in Collier County for a 2/2, as of April 19, 2022, was \$2,950; and

WHEREAS, part II of chapter 83, Florida Statutes, commonly known as the “Florida residential Landlord and Tenant Act” (“the Act”), applies to the rental of residential dwelling units and sets forth the rights and duties of landlords and tenants; and

WHEREAS, the Act does not provide specific notification requirements for landlords seeking to increase rental rates; and

WHEREAS, there are programs which are available to assist tenants in paying their rents, which application process takes a minimum of 30 days; and

WHEREAS, in order to give tenants sufficient time to take advantage of these programs, and to otherwise assist them, Collier County proposes to enact an ordinance that requires 60 days written notification be given by Collier County residential landlords to their long term tenants prior to increasing the tenants' rent beyond 5 percent; and

WHEREAS, other states including Alabama, Alaska, Arizona, California, Indiana, Iowa, Kansas, Massachusetts, Missouri, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, and Texas, have issued laws that require landlords to provide notice to their tenants prior to increasing their rents; and

WHEREAS, accordingly, this Board desires to require that residential landlords in unincorporated Collier County who proposes to increase the rents of their tenants by more than five percent shall provide such tenants with advance written notice of such increase.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: Title and Citation

This Ordinance shall be known and cited as "The Collier County Fair Notice to Tenant Ordinance."

SECTION TWO: Findings

The Board hereby ratifies and reaffirms the above whereas clauses and incorporates them as if fully set forth herein as the Board's legislative findings.

SECTION THREE: Fair Notice to Tenant on Rent Increase More Than Five Percent

A residential landlord that proposes to increase the rental rate by more than five percent at the end of a lease for a term of one year or longer must provide 60 days written notice to the tenant. The 60 day notice period begins when the landlord provides notice either through mail, posting, or email. This notice requirement does not apply to automatic rate increases provided in written leases. This notice requirement does not change a landlord's or tenant's rights under Florida Law, including Ch. 83.

SECTION FOUR: Violations and Penalties

All violations of this ordinance may be processed according to the Collier County Consolidated Code Enforcement Ordinance (Ord. No, 2010-04, as amended) and per the provisions of F.S. chapter 162, parts I or II, as may be applicable. A violation of this ordinance shall be punishable by a fine not exceeding \$500.00. A separate penalty may be imposed for each violation of this ordinance.

SECTION FIVE: Applicability of Ordinance

The requirements of this ordinance shall apply within the unincorporated areas of Collier County. Except as set forth herein, all other provisions set forth in part II of chapter 83, Florida Statutes, as such may be amended, shall govern residential tenancies.

SECTION SIX: Conflict and Severability

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION SEVEN: Inclusion in the Code of Laws and Ordinances


The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION EIGHT: Effective Date

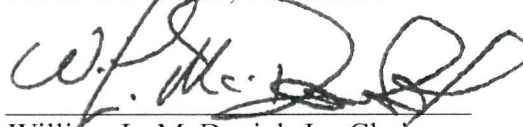
This Ordinance shall become effective upon filing with the Secretary of State.


PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 25th day of October, 2022.

ATTEST:
CRYSTAL K. KINZEL, CLERK

By: 
Deputy Clerk
Attest as to Chairman's
signature only.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 
William L. McDaniel, Jr., Chairman

Approved as to form and legality:

Jeffrey A. Klazkow, County Attorney



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

October 28, 2022

Martha S. Vergara, BMR & VAB Senior Deputy Clerk
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3329 Tamiami Trail E, Suite #401
Naples, Florida 34112

Dear Martha Vergara,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of the Collier County Ordinance No. 2022-043, which was filed in this office on October 28, 2022.

If you have any questions or need further assistance, please contact me at (850) 245-6271 or Anya.Owens@DOS.MyFlorida.com.

Sincerely,

Anya C. Owens
Program Administrator
Florida Administrative Code and Register

ACO/rra