



**LAND DEVELOPMENT CODE AMENDMENT**

**PETITION**

PL20180002172

**ORIGIN**

Board of County Commissioners

**HEARING DATES**

BCC – TBD  
 CCPC – TBD  
 DSAC – 09/05/18  
 DSAC-LDR – 08/21/18

**SUMMARY OF AMENDMENT**

This amendment simplifies the definition of affordable housing and makes the terminology and income levels consistent with the Florida Statutes and federal guidelines. It also increases the maximum available affordable housing density bonus from 8 units to 12 units.

**LDC SECTIONS TO BE AMENDED**

1.08.02 Definitions  
 2.06.01 Affordable Housing Density Bonus

**ADVISORY BOARD RECOMMENDATIONS**

**DSAC-LDR**  
 Approval with Changes

**DSAC**  
 TBD

**CCPC**  
 TBD

**BACKGROUND:**

The Board of County Commissioners (Board) held two affordable housing workshops, one in 2015 and the other in 2016. These workshops served as the catalyst to form the Housing Stakeholders Group (HSG). The HSG was tasked with creating a two-phase Community Housing Plan (CHP). The first phase of the CHP consisted of the Urban Land Institute’s (ULI) recommendations from their report titled *A ULI Advisory Services Panel Report Collier County, Florida, January 29-February 3, 2017*. The ULI report indicated that Collier County has an affordability problem, and it may become a crisis if unaddressed. The Board unanimously accepted the CHP (Item #11.A) on October 25, 2017 and directed Staff to bring forward each suggestion in the report individually for discussions in workshops.

On February 27, 2018, the Board accepted elements of the CHP by voting in favor of the following:

1. Approve new affordable housing definitions in accordance with discussion at the meeting;
2. Accept the staff-recommended updates of the housing demand model and its methodology;
3. Adopt a resolution (i.e., 2018-38) to advocate support and authorize the county's lobbyists to support current and future state and federal legislation;
4. Adopt a resolution (i.e., 2018-39) to consider housing that is affordable in future public land acquisitions;
5. Accept the Affordable Housing Density Bonus Program (AHDB Program) to increase the affordable housing density bonus from eight extra units per acre to up to 12 extra units per acre; and
6. Adopt a resolution (i.e., 2018-40) to amend the expedited permitting and fast track procedure.

This code amendment represents the end-product of #1 (definition) and #5 (AHDB Program) above. Under the definition there are five income levels detailed, ranging up to 140 percent Median Income (MI) for Collier County. These income categories include the following: extremely-low-income, very-

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low-income, low-income, moderate-income, and gap-income. Costs used to determine affordability include the anticipated monthly rent/mortgage payment, property tax, insurance, and required fees (such as mandatory condominium or homeowner association fees and assessments).

There are four income levels used in the AHDB Program, including very-low-income, low-income, moderate-income, and gap-income. For purposes of the AHDB Program, the extremely-low-income category is grouped together with the very-low-income category, which staff anticipates is sufficient to address the full spectrum of housing to be built. Even though the extremely-low-income category is not used in the Program, it is important to retain this threshold of household income in the Definitions, because this category is used in other County programs and reports. In accordance with F.S. 420.9075 (4)(e) and to avoid duplicative efforts, staff also is proposing a provision in LDC section 2.06.05 B.6, which would allow staff to accept annual reports from the Florida Housing Finance Corporation to help developers demonstrate compliance with tenant eligibility and qualification requirements of the AHDB Program.

This amendment would change the minimum number of required affordable housing units per development, from 10 units to 10 percent of the total housing units. This change is consistent with current Community and Human Services policy.

DSAC-LDR Recommendations:

1. Reword a portion of the affordable housing definition, in part, by creating two separate sentences from what was one longer sentence.
2. Modify Table A. Affordable Housing Density Bonus to include the table's title as the top row, re-introduce a note under the table that was previously earmarked by staff for deletion, and renumber the notes associated with the table.
3. Change the income verification provisions to allow the most recent year's *filed* income tax returns.

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**FISCAL & OPERATIONAL IMPACTS**

There are no anticipated fiscal or operational impacts associated with this amendment.

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**GMP CONSISTENCY**

There is a companion GMP amendment that proposes to revise terminology and increase the affordable housing density bonus from 8 to 12 dwelling units per acre. That GMP amendment is necessary so that this LDC amendment may be found consistent with the GMP.

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**ATTACHMENTS:** N/A

**Amend the LDC as follows:**

**1.08.02 Definitions**

\* \* \* \* \*

Affordable Housing: Housing is deemed affordable when the cost of a residential dwelling unit does not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the household. The calculation of such cost shall include the monthly rent or monthly mortgage payment, property taxes, insurance, and other required fees.

Affordable housing specifically includes the following income level targets for Collier County, based on the income categories as determined by the Secretary of the U.S. Department of Housing and Urban Development:

- a. Extremely-low-income: Households whose incomes do not exceed 30 percent of the median income.
- b. Very-low-income: Households whose incomes do not exceed 50 percent of the median income.
- c. Low-income: Households whose incomes are greater than 50 percent but do not exceed 80 percent of the median income.
- d. Moderate-income: Households whose incomes are greater than 80 percent but do not exceed 120 percent of the median income.
- e. Gap-income: Households whose incomes are greater than 120 percent but do not exceed 140 percent of the median income.

\* \* \* \* \*

Approved Affordable Housing: Affordable Housing that includes a long-term affordability restriction wherein the cost of housing and income of the household are known and monitored, for a specific period of time.

~~Housing, affordable workforce: means residential dwelling units with a monthly rent or monthly mortgage payment, including property taxes and insurance, not in excess of 1/12 of 30 percent of an amount which represents a range of median adjusted gross annual income (median income) for households as published annually by the U.S. Department of Housing and Urban Development within the Naples Metropolitan Statistical Area (MSA) (See section 2.05.02), specifically including the following subsets:~~

~~Owner occupied workforce housing: 50 percent or less of median income, otherwise considered to be "very-low income".~~

~~Owner occupied workforce housing: 51 percent—60 percent of median income, otherwise considered to be "low income".~~

1 ~~Owner-occupied workforce housing: 61 percent—80 percent of median income, otherwise~~  
2 ~~considered to be "low income".~~

3  
4 ~~Owner-occupied workforce housing: 81 percent—100 percent of median income,~~  
5 ~~otherwise considered to be "moderate income".~~

6  
7 ~~Owner-occupied gap housing: 81 percent—150 percent of median income.~~

8  
9 ~~Rental workforce housing less than 50 percent of median income, otherwise considered~~  
10 ~~to be "very-low income".~~

11  
12 ~~Rental workforce housing from 51 percent—60 percent of median income, otherwise~~  
13 ~~considered to be "low income".~~

14  
15 ~~The term affordable housing is specifically intended to include affordable workforce~~  
16 ~~housing.~~

17  
18 ~~Housing, gap: means residential dwelling units with a monthly rent or monthly mortgage payment,~~  
19 ~~including property taxes and insurance, not in excess of 1/12 of 30 percent of an amount which~~  
20 ~~represents a range of median adjusted gross annual income (median income) for households as~~  
21 ~~published annually by the U.S. Department of Housing and Urban Development within the Naples~~  
22 ~~Metropolitan Statistical Area (MSA) (See section 2.05.02), specifically including the following~~  
23 ~~subset:~~

24 ~~The term "gap housing: 81 percent—150 percent of median income" is specifically~~  
25 ~~intended to include similar categories, such as "Essential Personnel Housing",~~  
26 ~~"Professional Housing", and "Reasonably Priced Housing". Gap housing is intended to~~  
27 ~~provide housing for households falling above the federal and state assistance guidelines,~~  
28 ~~but still unable to afford market priced homes.~~

29  
30 # # # # # # # # # # # # # #

31  
32 **2.06.00 – AFFORDABLE HOUSING DENSITY BONUSES**

33  
34 **2.06.01 – Generally**

- 35  
36 A. Within most of the coastal urban designated areas identified on the future land use map of  
37 the Collier County [Growth Management Plan \(GMP\)](#), a base density of four (4)  
38 residential dwelling units per gross acre is permitted. However, the base density may  
39 be adjusted depending on the characteristics of the development. One characteristic of  
40 a housing development which would allow the addition of density bonuses in order to  
41 increase the density over the base density is the provision of affordable housing in the  
42 development. The provision of affordable housing units may add up to eight (8) 12  
43 dwelling units per gross acre to the base density of four (4) residential dwelling units per  
44 gross acre, ~~for a total of twelve (12) residential dwelling units per gross acre,~~ plus any  
45 other density bonuses available, and minus any density reduction ~~for traffic congestion~~  
46 ~~area that is~~ required, pursuant to the ~~Collier County~~ GMP. The total eligible density  
47 must not exceed ~~the maximum density allowed pursuant to the GMP a total of sixteen~~

1 ~~(16) dwelling units per gross acre, except as allowed through use of transfer of~~  
2 ~~development rights, as provided for in the growth management plan.~~ The program to  
3 accomplish this increase to provide affordable housing is called the affordable housing  
4 density bonus (ADHB) program.  
5

6 B. Within most of the Immokalee Urban area, as identified on the Immokalee area master  
7 plan future land use map of the growth management plan, base densities are four or  
8 six or eight residential dwelling units per gross acre. However, the base density may  
9 be adjusted depending on the characteristics of the development. One characteristic of  
10 a housing development that would allow the addition of density bonuses is the provision  
11 of affordable housing in the development. The provision of affordable housing units  
12 may add up to 12 ~~eight~~ dwelling units per gross acre to the base density ~~of four, six~~  
13 ~~or eight residential dwelling units per gross acre, for a total of twelve, fourteen or~~  
14 ~~sixteen residential dwelling units per gross acre,~~ plus any other density bonuses  
15 available. The total eligible density must not exceed a total of 16 dwelling units per gross  
16 acre.  
17

18 C. Within the Rural Lands Stewardship Area Overlay of the Agricultural/Rural area, as  
19 identified on the future land use map of the growth management plan, towns, villages,  
20 hamlets and compact rural developments are allowed at a density range of one-half to  
21 four dwelling units per gross acre. The allowed density may be adjusted depending on  
22 the characteristics of the development. One characteristic of a housing development  
23 that would allow the addition of density bonuses is the provision of affordable housing  
24 in the development. The provision of affordable housing units may add up to eight  
25 dwelling units per gross acre to the allowed density of one-half to four dwelling units  
26 per gross acre, for a total of eight and one-half to twelve and one-half residential  
27 dwelling units per gross acre, plus any other density bonuses available.  
28

29 D. In order to qualify for the AHDB for a development, the developer must apply for and  
30 obtain the AHDB from the County for a development in accordance with this section,  
31 especially in accordance with the provisions of the AHDB program, including the AHDB  
32 rating system, the AHDB monitoring program, and the limitations on the AHDB.  
33

34 1. *Preapplication conference.* Prior to submitting an application for AHDB, a  
35 preapplication conference may be scheduled with the County Manager or ~~his~~  
36 ~~designee. If the proposed development is to include affordable housing, the~~  
37 ~~housing and urban improvement director, must participate in the~~  
38 ~~preapplication conference.~~ The preapplication conference provides an  
39 opportunity to familiarize the applicant with the AHDB program and provides an  
40 opportunity for the county staff to obtain a clear understanding of the proposed  
41 development. The AHDB rating system, the AHDB monitoring program, the  
42 limitations, criteria, procedures, standard conditions, standard forms, and other  
43 information will be discussed and made available to the applicant. Depending on  
44 the type of development proposed, the application may be combined with an  
45 application for a planned unit development (PUD), a rezone, or a Stewardship  
46 Receiving Area.  
47

48 2. *Application.* An application for AHDB for a development must be submitted to  
49 the County Manager or ~~his~~ designee in the form established by the County  
50 Manager or ~~his~~ designee. ~~One additional copy of the application as otherwise~~

1 ~~required must be provided for the housing and urban improvement director.~~  
2 The application must, at a minimum, include:

- 3  
4 a. Zoning districts proposed by the applicant on the property and acreage of  
5 each;
- 6  
7 b. The total number of residential dwelling units in the proposed  
8 development, categorized by number of bedrooms and whether the unit  
9 is to be rented or owner-occupied;
- 10  
11 c. The total number of AHDB units requested, categorized by number of  
12 bedrooms and whether the unit is to be rented or owner-occupied;
- 13  
14 d. Total number of affordable housing units proposed in the development,  
15 categorized by level of income, number of bedrooms (one bedroom, two  
16 bedrooms, three bedrooms, or more), and rental units and owner-  
17 occupied units:
- 18  
19 i. Gap-income households.
- 20  
21 ii. Moderate-income households ~~(one bedroom, two bedrooms, or~~  
22 ~~three bedrooms or more.~~
- 23  
24 iii. Low-income households ~~(one bedroom, two bedrooms, or three~~  
25 ~~bedrooms or more.~~
- 26  
27 iv. Very-low-income households ~~(one bedroom, two bedrooms, or~~  
28 ~~three bedrooms or more.~~
- 29  
30 ~~Total affordable housing units (one bedroom, two bedrooms, or~~  
31 ~~three bedrooms or more).~~
- 32  
33 e. Gross density of the proposed development;
- 34  
35 f. Whether the AHDB is requested in conjunction with an application for  
36 a ~~planned-unit-development (PUD)~~, an application for rezoning, an  
37 application for a Stewardship Receiving Area, or a conditional use  
38 application for a Commercial Mixed-Use project as provided for within  
39 LDC section 4.02.38 ~~of the LDC~~; and
- 40  
41 g. Any other information which would reasonably be needed to address the  
42 request for AHDB for the development pursuant to the requirements set  
43 forth in this section.

- 44  
45 3. *Determination of completeness.* After receipt of an application for AHDB, the  
46 County Manager or designee ~~housing and urban improvement director~~ shall  
47 determine whether the application submitted is complete. If it is determined he  
48 determines that the application is not complete, the County Manager or designee  
49 ~~housing and urban improvement director~~ shall notify the **applicant** in writing of  
50 the deficiencies. The County Manager or designee ~~housing and urban~~  
51 ~~improvement director~~ shall take no further steps to process the application



1 until the deficiencies have been remedied.

2  
3 4. *Review and recommendation by the County Manager or designee.* After receipt  
4 of a completed application for AHDB, the County Manager or designee must  
5 review and evaluate the application in light of the AHDB rating system, the  
6 AHDB monitoring program and the requirements of this section. The County  
7 Manager or designee must coordinate with the Zoning Division ~~development~~  
8 ~~services~~ director or designee to schedule the AHDB application with the  
9 companion application for rezoning, PUD, ~~planned-unit-development~~ or  
10 stewardship receiving area, and must recommend to the planning commission  
11 and the BCC to deny, grant, or grant with conditions, the AHDB application. The  
12 recommendation of the County Manager or designee must include a report in  
13 support of recommendation.

14  
15 5. *Review and recommendation by the planning commission.* Upon receipt by the  
16 planning commission of the application for AHDB and the written  
17 recommendation and report of the County Manager or designee, the planning  
18 commission must schedule and hold a properly advertised and duly noticed  
19 public hearing on the application. If the application has been submitted in  
20 conjunction with an application for a PUD, then the hearing must be consolidated  
21 and made a part of the public hearing on the application for the PUD before  
22 the planning commission, and the planning commission must consider the  
23 application for AHDB in conjunction with the application for the PUD. If the  
24 application has been submitted in conjunction with an application for a rezoning,  
25 then the hearing must be consolidated and made a part of the public hearing on  
26 the application for rezoning before the planning commission, and the planning  
27 commission must consider the application for AHDB in conjunction with the  
28 application for rezoning. If the application has been submitted in conjunction with  
29 an application for a stewardship receiving area, then the hearing must be  
30 consolidated and made a part of the public hearing on the application for  
31 stewardship receiving area before the planning commission, and the planning  
32 commission must consider the application for AHDB in conjunction with the  
33 application for stewardship receiving area. After the close of the public  
34 hearing, the planning commission must review and evaluate the application  
35 in light of the requirements of this section and the requirements for a rezoning,  
36 PUD rezoning, or stewardship receiving area, as applicable, and must  
37 recommend to the BCC that the application be denied, granted or granted with  
38 conditions.

39  
40 6. *Review and determination by Board of County Commissioners (BCC).* Upon  
41 receipt by the BCC of the application for AHDB and the written recommendation  
42 and report of the County Manager or designee and recommendation of the  
43 planning commission, the BCC must schedule and hold a properly advertised  
44 and duly noticed public hearing on the application. If the application has been  
45 submitted in conjunction with an application for a ~~planned-unit-development~~  
46 ~~(PUD)~~, then the hearing must be consolidated and made a part of the public  
47 hearing on the application for the ~~planned-unit-development (PUD)~~ before the  
48 BCC, and the BCC must consider the application for AHDB in conjunction with  
49 the application for the ~~planned-unit-development (PUD)~~. If the application has  
50 been submitted in conjunction with an application for a rezoning, then the  
51 hearing must be consolidated and made a part of the public hearing on the

1 application for rezoning before the BCC, and the BCC must consider the  
2 application for AHDB in conjunction with the application for rezoning. If the  
3 application has been submitted in conjunction with an application for a  
4 stewardship receiving area, then the hearing must be consolidated and made  
5 a part of the public hearing on the application for stewardship receiving area  
6 before the BCC, and the BCC must consider the application for AHDB in  
7 conjunction with the application for stewardship receiving area. After the close  
8 of the public hearing, the BCC must review and evaluate the application in  
9 light of the requirements of this section and the requirements for a rezoning,  
10 and must deny, grant, or grant with conditions, the application in accordance  
11 with the AHDB rating system and the AHDB monitoring program.

- 13 E. The procedures to request approval of a density bonus are described in Chapter 10 of  
14 this LDC, along with requirements for the developer's agreement to ensure compliance.

16 **2.06.02 – Purpose and Intent**

- 18 A. Section 2.06.00 is intended to implement and be consistent with the GMP, § 163.3161 *et*  
19 *seq.* F.S, Rule 9J-5, F.A.C., and the Stipulated Settlement Agreement in DOAH Case  
20 No. 89-1299 GM, by providing for moderate, low, and very-low-income housing through  
21 the use of density bonuses which allow an increase in the number of residential dwelling  
22 units per acre allowed on property proposed for development, thereby decreasing the  
23 per unit cost of land and development.
- 25 B. This objective is accomplished by implementing an AHDB program which consists of an  
26 AHDB rating system and an AHDB monitoring program. The purpose of the AHDB  
27 rating system is to provide increased residential densities to developers who guarantee  
28 that a portion of their housing development will be affordable by households of gap,  
29 moderate, low, or very-low-income, thus expanding housing opportunities for gap,  
30 moderate, low, and very-low-income households throughout the county. The purpose  
31 of the AHDB monitoring program is to provide assurance that the program is properly  
32 implemented, monitored, and enforced, and that useful information on affordable  
33 housing may be collected.

35 **2.06.03 – AHDB Rating System**

- 37 A. The AHDB rating system shall be used to determine the amount of the AHDB which may  
38 be granted for a development, based on household income level, type of affordable  
39 housing units (owner-occupied or rental, single-family or multi-family), and percentage  
40 of affordable housing units in the development. To use the AHDB rating system, Table  
41 A below, shall be used. Table A shall be reviewed and updated, if necessary, on an  
42 annual basis by the BCC or its designee.

44 ~~1. First, choose the household income level (50% of median income, 60% of  
45 median income, or 80% of median income) of the affordable housing unit(s)  
46 proposed in the development, and the type of affordable housing units (owner-  
47 occupied or rental, single-family or multi-family, where applicable) to be  
48 provided, as shown in Table A. An AHDB based on the household income  
49 level is shown in Table A. Table A will indicate the maximum number of  
50 residential dwelling units per gross acre that may be added to the base  
51 density. These additional residential dwelling units per gross acre are the~~



maximum AHDB available to that development. Developments with percentages of affordable housing units which fall in between the percentages shown on Table A shall receive an AHDB equal to the lower of the 2 percentages it lies between, plus 1/10 of a residential dwelling unit per gross acre for each additional percentage of affordable housing units in the development. For example, a development which has 24 percent of its total residential dwelling units as affordable housing units, at the 80 percent MI level will receive an AHDB of 2.4 residential dwelling units per gross acre for the development.

2. Where more than 1 type of affordable housing unit (based on level of income shown in Table A) is proposed for a development, the AHDB for each type shall be calculated separately. After the AHDB calculations for each type of affordable housing unit have been completed, the AHDB for each type of unit shall be added to those for the other type(s) to determine the maximum AHDB available for the development. In no event shall the AHDB exceed eight (8) dwelling units per gross acre.

**Table A. Affordable-Workforce-Gap Housing Density Bonus  
(Additional Available Dwelling Units Per Gross Acre)**

Maximum Allowable Density Bonus by Percent of Development Designated as Affordable-Workforce-Gap Housing<sup>±</sup>

Product (% of MI <sup>3</sup> )	Maximum Allowable Density Bonus by Percent of Development Designated as Affordable Housing <sup>1,2</sup>									
	10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
<u>Gap</u> (>120 - ≤140) <sup>4, 5</sup>	1	2	3	4	5	6	7	8	n/a	n/a
<u>Moderate</u> (>80 - ≤120) <sup>3</sup>	2	4	5	6	7	8	9	10	11	12
<u>Low</u> (>50 - ≤80)	3	6	7	8	9	10	11	12	12	12
<u>Very Low</u> (≤50)	n/a	8	9	10	11	12	12	12	12	12

Product <sup>2</sup>	Household Income (% median)	10%	20%	30%	40%	50%	60%	70%	80%	90%	100%
Gap	81-150% MI* **	4	2	3	4	5	6	6	6	6	n/a
Moderate Workforce	61-80% MI*	2	3	5	8	8	8	8	8	8	8
Low	51-60%	3	4	6	8	8	8	8	8	8	8
Very Low	50% or less MI	4	5	7	8	8	8	8	8	8	8

1 1 Total Allowable Density = Base Density + Affordable-Workforce-Gap Housing  
2 Density Bonus. In no event shall the maximum gross density exceed that which is  
3 allowed pursuant to the Growth Management Plan (GMP).

4  
5 2 Developments with percentages of affordable housing units which fall in between the  
6 percentages shown on Table A shall receive an AHDB equal to the lower of the two  
7 percentages it lies between, plus 1/10 of a residential dwelling unit per gross acre for  
8 each additional percentage of affordable housing units in the development.

9  
10 3 Where more than one type of affordable housing unit (based on level of income  
11 shown above) is proposed for a development, the AHDB for each type shall be  
12 calculated separately. After the AHDB calculations for each type of affordable  
13 housing unit have been completed, the AHDB for each type of unit shall be  
14 added to those for the other type(s) to determine the maximum AHDB available  
15 for the development. In no event shall the AHDB exceed 12 dwelling units per gross  
16 acre.

17  
18 4\* Owner-occupied only

19  
20 5\*\* May only be used in conjunction with at least 20 40% at or below 120 80% MI

21  
22 ~~Total Allowable Density = Base Density + Affordable-Workforce-Gap Housing Density~~  
23 ~~Bonus. In no event shall the maximum gross density allowed exceed 16 units per acre.~~

24  
25 B. The AHDB shall be available to a development only to the extent that it otherwise  
26 complies and is consistent with the GMP and the land development regulations,  
27 including the procedures, requirements, conditions, and criteria for "PUDs" and rezonings,  
28 where applicable.

29  
30 C. The minimum number of affordable housing units that shall be provided in a development  
31 pursuant to this section shall be ~~ten (10)~~ percent of the total affordable housing units.

32  
33 D. The ratio of number of bedrooms per affordable housing unit shall in general be equal to  
34 the ratio of the number of bedrooms per residential unit for the entire development.

### 35 36 **2.06.04 - Limitations on Affordable Housing Density Bonus**

37  
38 Anything to the contrary notwithstanding, the following limitations and conditions shall apply to all  
39 of the AHDB for a development:

40  
41 A. *Affordable housing density bonus development agreement required.* The AHDB shall  
42 be available to a development only when an AHDB development agreement has been  
43 entered into by the developer/ applicant and the BCC, and such agreement has been  
44 approved by the county attorney and the BCC pursuant to the public hearing process  
45 established in this section prior to execution. Amendments to such agreement shall be  
46 processed in the same manner as the original agreement. The AHDB development  
47 agreement shall include, at a minimum, the following provisions:

48  
49 1. Legal description of the land subject to the agreement and the names of its  
50 legal and equitable owners.

- 1           2.     Total number of residential dwelling units in the development.
- 2
- 3           3.     Minimum number of affordable housing units, categorized by level of household
- 4           income, type of unit (single-family or multifamily, owner-occupied or rental), and
- 5           number of bedrooms, required in the development.
- 6
- 7           4.     Maximum number of AHDB dwelling units permitted in the development.
- 8
- 9           5.     Gross residential density of the development.
- 10
- 11          6.     Amount of monthly rent for rental units, or the price and conditions under which an
- 12          owner-occupied unit will be sold, for each type of affordable housing unit in
- 13          accordance with the definition for each type of affordable housing rental unit –gap,
- 14          ~~(moderate, low, and very-low).~~
- 15
- 16          7.     The foregoing notwithstanding, any rent charged for an affordable housing unit
- 17          rented to a low or very-low-income household family shall not exceed ~~90 percent~~
- 18          ~~of the rent charged for a comparable market rate dwelling in the same or similar~~
- 19          ~~development. Comparable market rate means the rental amount charged for the~~
- 20          ~~last market rate dwelling unit of comparable market rate dwelling in the same or~~
- 21          ~~similar development. Comparable market rate means the rental amount charged~~
- 22          ~~for the last market rate dwelling unit of comparable square footage, amenities, and~~
- 23          ~~number of bedrooms, to be rented in the same development~~ the amount published
- 24          by the Florida Housing Finance Corporation for Collier County adjusted by income
- 25          level, family size, and number of bedrooms, and updated annually.
- 26
- 27          8.     No affordable housing unit in the development shall be rented to a tenant
- 28          whose household income has not been verified and certified in accordance with
- 29          this division as a moderate, low, or very-low-income household family. Such
- 30          verification and certification shall be the responsibility of the developer and
- 31          shall be submitted to the County Manager or ~~his~~ designee for approval. Tenant
- 32          income verification and certification shall be repeated annually to assure continued
- 33          eligibility.
- 34
- 35          9.     No affordable housing unit that is to be sold, leased with option to purchase, or
- 36          otherwise conveyed in the development shall be sold, leased with option to
- 37          purchase, or otherwise conveyed to a buyer whose household income has not
- 38          been verified and certified in accordance with this section as a gap, moderate,
- 39          low, or very-low-income household family. Such verification and certification shall
- 40          be the responsibility of the developer and shall be submitted to the County
- 41          Manager or ~~his~~ designee for approval. It is the intent of this section to keep housing
- 42          affordable; therefore, any person who buys an affordable housing unit must agree,
- 43          in a lien instrument to be recorded with the Clerk of the Circuit Court of Collier
- 44          County, Florida, that if he sells the property (including the land and/or the unit)
- 45          within 15 years after ~~the~~ ~~his~~ original purchase at a sales price in excess of five
- 46          percent per year of ~~the~~ ~~his~~ original purchase price that he will pay to the county an
- 47          amount equal to one-half of the sales price in excess of five percent increase per
- 48          year. The lien instrument may be subordinated to a qualifying first mortgage.
- 49
- 50          10.    For example, a person originally buys a designated affordable housing unit (a
- 51          house) for \$60,000.00 and sells it after five years for \$80,000.00. A five percent

1 increase per year for five years will give a value of \$76,577.00. Deducting this  
2 amount from the sales price of \$80,000.00 gives a difference of \$3,423.00. The  
3 seller would then owe the county \$1,711.50 (one-half of \$3,423.00). Payment  
4 of this amount would release the first owner from the recorded lien against the  
5 property. Such payment shall be maintained in a segregated fund, established  
6 by the county solely for affordable housing purposes, and such money shall be  
7 used solely to encourage, provide for, or promote affordable housing in Collier  
8 County.  
9

- 10 11. No affordable housing unit in any building or structure in the development shall  
11 be occupied by the developer, any person related to or affiliated with the  
12 developer, or a resident manager.
- 13  
14 12. When the developer advertises, rents, sells or maintains the affordable housing  
15 unit, it must advertise, rent, sell, and maintain the same in a nondiscriminatory  
16 manner and make available any relevant information to any person who is  
17 interested in renting or purchasing such affordable housing unit. The developer  
18 shall agree to be responsible for payment of any real estate commissions and  
19 fees. The affordable housing units in the development shall be identified on all  
20 building plans submitted to the county and described in the application for  
21 AHDB.  
22
- 23 13. The developer shall not disclose to persons, other than the potential tenant,  
24 buyer or lender of the particular affordable housing unit or units, which units in  
25 the development are designated as affordable housing units.  
26
- 27 14. The square footage, construction and design of the affordable housing units shall  
28 be the same as market rate dwelling units in the development.  
29
- 30 15. The AHDB agreement and authorized development shall be consistent with the  
31 growth management plan and land development regulations of Collier County  
32 that are in effect at the time of development. Subsequently adopted laws and  
33 policies shall apply to the AHDB agreement and the development to the extent that  
34 they are not in conflict with the number, type of affordable housing units and the  
35 amount of AHDB approved for the development.  
36
- 37 16. The affordable housing units shall be intermixed with, and not segregated  
38 from, the market rate dwelling units in the development.  
39
- 40 17. The conditions contained in the AHDB development agreement shall constitute  
41 covenants, restrictions, and conditions which shall run with the land and shall be  
42 binding upon the property and every person having any interest therein at any time  
43 and from time to time.  
44
- 45 18. The AHDB development agreement shall be recorded in the official records of  
46 Collier County, Florida, subsequent to the recordation of the grant deed pursuant  
47 to which the developer acquires fee simple title to the property.  
48
- 49 19. Each affordable housing [rental](#) unit shall be restricted to remain and be maintained  
50 as the type of affordable housing rental unit (moderate, low or very-low;

1 income) designated in accordance with the AHDB development agreement for  
2 at least ~~30~~ 45 years from the issuance of a certificate of occupancy for such unit.  
3

4 20. The developer and owner of a rental ~~the~~ development shall provide on-site  
5 management to assure appropriate security, maintenance and appearance of the  
6 development and the dwelling units where these issues are a factor.  
7

8 B. *Compliance with growth management plan and land development regulations.* The AHDB  
9 shall be available to a development only to the extent that it otherwise complies and is  
10 consistent with the GMP and the land development regulations, including the procedures,  
11 requirements, conditions and criteria for ~~planned unit developments (PUDs)~~ and  
12 rezonings, where applicable.  
13

14 C. *Minimum number of affordable housing units.* The minimum number of affordable  
15 housing units that shall be provided in a development pursuant to this section shall be  
16 ~~ten~~ 10 percent of the total affordable housing units.  
17

18 D. *Nontransferable.* The AHDB is not transferrable between developments or properties.  
19

20 E. *Phasing.* In the case where a development will occur in more than one phase, the  
21 percentage of affordable housing units to which the developer has committed for the  
22 total development shall be maintained in each phase and shall be constructed as  
23 part of each phase of the development on the property. For example, if the total  
24 development's AHDB is based on the provision of ten percent of the total dwelling units  
25 as affordable housing rental units for low income households with two bedrooms per  
26 unit, then each phase must maintain that same percentage (10% ~~ten~~ percent in this  
27 case) cumulatively.  
28

#### 29 **2.06.05 - Affordable Housing Density Bonus Monitoring Program**

30  
31 A. *Annual progress and monitoring report.* The AHDB for a development shall be subject to  
32 the AHDB monitoring program set forth in this section. The developer shall provide the  
33 County Manager or ~~his~~ designee with an annual progress and monitoring report regarding  
34 the delivery of affordable housing rental/ownership units throughout the period of their  
35 construction, rental, sale, and occupancy for each of the developer's developments which  
36 involve the AHDB in a form developed by the County Manager or ~~his~~ designee. The  
37 annual progress and monitoring report shall, at a minimum, require any information  
38 reasonably helpful to ensure compliance with this section and provide information with  
39 regard to affordable housing in Collier County. To the extent feasible, the County  
40 Manager or ~~his~~ designee shall maintain public records of all dwelling units (AHDB and  
41 affordable housing units) constructed pursuant to the AHDB program, all affordable  
42 housing units constructed pursuant to the AHDB program, occupancy statistics of such  
43 dwelling units, complaints of violations of this section which are alleged to have  
44 occurred, the disposition of all such complaints, a list of those persons who have  
45 participated as tenants or buyers in the AHDB program, and such other records and  
46 information as the County Manager or ~~his~~ designee believes may be necessary or  
47 desirable to monitor the success of the AHDB program and the degree of compliance  
48 therewith. Failure to complete and submit the monitoring report to the County Manager  
49 or ~~his~~ designee within 60 days from the due date will result in a penalty of up to \$50.00  
50 per day per incident or occurrence unless a written extension not to exceed 30 days is  
51 requested prior to expiration of the 60-day submission deadline.

1  
2 B. *Income verification and certification.*  
3

4 1. Eligibility. The determination of eligibility of gap, moderate, low, and very-low-  
5 income households to rent or buy and occupy affordable housing units is the  
6 central component of the AHDB monitoring program. Household income eligibility  
7 is a three-step process:  
8

9 (a) Submittal of an application by a buyer or tenant;

10 (b) Verification of household income; and

11 (c) Execution of an income certification.  
12

13 All three shall be accomplished prior to a buyer or tenant being qualified as an  
14 eligible household to rent or purchase and occupy an affordable housing unit  
15 pursuant to the AHDB program. No person shall occupy an affordable housing  
16 unit provided under the AHDB program prior to being qualified at the appropriate  
17 level of income (gap, moderate, low or very-low-income).  
18

19 ~~Eligibility. — The determination of eligibility of moderate, low, and very low~~  
20 ~~income families to rent or buy and occupy affordable housing units is the central~~  
21 ~~component of the AHDB monitoring program. Family income eligibility is a three-~~  
22 ~~step process: (1) submittal of an application by a buyer or tenant; (2) verification~~  
23 ~~of family income; and (3) execution of an income certification. All three shall be~~  
24 ~~accomplished prior to a buyer or tenant being qualified as an eligible family to rent~~  
25 ~~or purchase and occupy an affordable housing unit pursuant to the AHDB program.~~  
26 ~~No person shall occupy an affordable housing unit provided under the AHDB~~  
27 ~~program prior to being qualified at the appropriate level of income (moderate, low~~  
28 ~~or very low income).~~  
29

30  
31  
32 2. The developer shall be responsible for accepting applications from buyers or  
33 tenants, verifying income and obtaining the income certification for its development  
34 which involves AHDB, and all forms and documentation must be provided to the  
35 County Manager or his designee prior to qualification of the buyer or tenant as  
36 a gap, moderate, low, or very-low-income household family. The County Manager  
37 or his designee shall review all documentation provided, and may verify the  
38 information provided from time to time. Prior to occupancy by a qualified buyer  
39 or tenant, the developer shall provide to the County Manager or his designee, at  
40 a minimum, the application for affordable housing qualification, including the  
41 income verification form and the income certification form, and the purchase  
42 contract, lease, or rental agreement for that qualified buyer or tenant. At a  
43 minimum, the lease shall include the name, address and telephone number of  
44 the head of household and all other occupants, a description of the unit to be rented,  
45 the term of the lease, the rental amount, the use of the premises, and the rights  
46 and obligations of the parties. Random inspections to verify occupancy in  
47 accordance with this section may be conducted by the County Manager or his  
48 designee.  
49

50 3. Application. A potential buyer or tenant shall apply to the developer, owner,  
51 manager, or agent to qualify as a gap, moderate, low, or very-low-income



1 ~~household family~~ for the purpose of renting, or owning and occupying an  
2 affordable housing ~~rental~~ unit pursuant to the AHDB program. The application for  
3 affordable housing qualification shall be in a form provided by the County Manager  
4 or ~~his~~ designee and may be a part of the income certification form.  
5

6 4. Income verification. The County Manager or ~~his~~ designee or the developer shall  
7 obtain written verification from the potential occupant (including the entire  
8 household) to verify all regular sources of income to the potential tenant/owner  
9 (including the entire household). The written verification form shall include, at a  
10 minimum, the purpose of the verification, a statement to release information,  
11 employer verification of gross annual income or rate of pay, number of hours  
12 worked, frequency of pay, bonuses, tips and commissions and a signature block  
13 with the date of application. The verification may take the form of the most recent  
14 year's federal income tax return for the potential occupants (including the entire  
15 household), a statement to release information, tenant verification of the return,  
16 and a signature block with the date of application. The verification shall be valid  
17 for up to 90 days prior to occupancy. Upon expiration of the 90-day period, the  
18 information may be verbally updated from the original sources for an additional  
19 30 days, provided it has been documented by the person preparing the original  
20 verification. After this time, a new verification form must be completed. The income  
21 verification may take the form of the most recent year's filed income tax return for  
22 each occupant who had filed and will occupy the affordable housing unit.  
23

24 5. Income certification. Upon receipt of the application and verification of income,  
25 an income certification form shall be executed by the potential buyer or tenant  
26 (including the entire household) prior to sale or rental and occupancy of the  
27 affordable housing unit by the owner or tenant. Income certification that the  
28 potential occupant has a gap, moderate, low, or very-low-income household  
29 income qualifies the potential occupant as an eligible ~~household family~~ to  
30 buy or rent and occupy an affordable housing unit under the AHDB program. The  
31 income certification shall be in a form provided by the County Manager or ~~his~~  
32 designee.  
33

34 6. The Developer shall be deemed in compliance with the AHDB agreement if the  
35 Developer has complied with the tenant eligibility and qualification requirements of  
36 the Florida Housing Finance Corporation by providing Community and Human  
37 Services a copy of the annual Florida Housing Finance Corporation compliance and  
38 program reports.  
39

40  
41  
42 **2.06.06 - Violations and Enforcement**  
43

44 A. *Violations.* It is a violation of section 2.06.00 to rent, sell or occupy, or attempt to rent, sell  
45 or occupy, an affordable housing ~~rental~~ unit provided under the AHDB program except  
46 as specifically permitted by the terms of section 2.06.00, or to knowingly give false or  
47 misleading information with respect to any information required or requested by the  
48 County Manager or ~~his~~ designee or by other persons pursuant to the authority which is  
49 delegated to them by section 2.06.00.  
50

1 B. *Notice of violation.* Whenever it is determined that there is a violation of section 2.06.00,  
2 a notice of violation shall be issued and sent by the County Manager or ~~his~~ designee by  
3 certified return receipt requested U.S. mail, or hand delivery to the person or developer  
4 in violation of section 2.06.00. The notice of violation shall be in writing, shall be signed  
5 and dated by the County Manager or ~~his~~ designee or such other county personnel  
6 as may be authorized by the BCC, shall specify the violation or violations, shall state  
7 that said violation(s) shall be corrected within 10 ~~ten~~ days of the date of notice of  
8 violation, and shall state that if said violation(s) is not corrected by the specified date that  
9 civil and/or criminal enforcement may be pursued. If said violation(s) is not corrected by  
10 the specified date in the notice of violation, the County Manager or ~~his~~ designee shall  
11 issue a citation which shall state the date and time of issuance, name and address  
12 of the person in violation, date of the violation, section of these regulations, or  
13 subsequent amendments thereto, violated, name of the County Manager or ~~his~~  
14 designee, and date and time when the violator shall appear before the code enforcement  
15 board.

16  
17 C. *Criminal enforcement.* Any person who violates any provision of this section shall, upon  
18 conviction, be punished by a fine not to exceed \$500.00 per violation or by imprisonment  
19 in the county jail for a term not to exceed 60 days, or by both, pursuant to the provisions  
20 of F.S. § 125.69. Such person also shall pay all costs, including reasonable  
21 attorney's fees, including those incurred on appeal, involved in the case. Each day  
22 such violation continues, and each violation, shall be considered a separate offense.

23  
24 D. *Civil enforcement.* In addition to any criminal penalties which may be imposed pursuant  
25 to section 2.06.06 C. above, Collier County and the County Manager or ~~his~~ designee  
26 shall have full power to enforce the terms of this section and any AHDB development  
27 agreements, rezoning conditions or stipulations, and planned unit development (PUD)  
28 conditions and stipulations pursuant to this section and the rights, privileges and  
29 conditions described herein, by action at law or equity. In the event that it is determined  
30 that a violation has occurred and has not or will not be corrected within 60 days, the  
31 certificate of occupancy for all AHDB units within the development shall be withdrawn and  
32 the sanctions or penalties provided in the AHDB development agreement shall be  
33 pursued to the fullest extent allowed by law.

34  
35 # # # # # # # # # # # # #