CITY OF ORLANDO

AFFORDABLE HOUSING CERTIFICATION PROCESS

(Adopted by Resolution)

AMENDMENT APRIL 27, 2009

PART 1

STATEMENT OF POLICY

Introduction and Purpose

The City of Orlando's existing regulatory incentives and programs for affordable and attainable housing attest to the City's continuing commitment to actively encourage the production of affordable housing. As part of that continuing commitment, the City of Orlando and Orange County jointly appointed the Housing Action Committee to assess the whole system of affordable housing resources in the City and County. On November 22, 1991, the Orlando/Orange County Housing Action Committee began to meet to initiate changes in the regulatory, financial, non-profit, and property management sectors to increase the amount of affordable housing and make the delivery system more efficient. As the menu of available regulatory incentives for affordable housing continues to grow, a certification process to identify and qualify eligible housing becomes an essential feature of the regulatory incentives package. At the March 16, 1992 meeting, the Housing Action Committee directed staff to develop the certification process.

In July 2006, Mayor Dyer established a nine (9) member task force to further review land development regulations as well as to consider the City's policies, procedures and ordinances that would support our growing attainable housing toolbox. With the appointment of this task force, the Mayor made it publicly known that he is looking forward to strengthening regional partnerships and leveraging State and Federal dollars to make homeownership a reality for City residents. This task force expanded the income levels of the target population for housing assistance in the City of Orlando. It addressed the need for attainable housing for households with income that is not below 50% of the AMI and does not exceed 150% of the area median income adjusted for family size for households within the metropolitan statistical area.

Purpose

The certification process is an administrative review requested and conducted concurrently with any other initial applications for development approval required for a project such as a Preliminary Plat or Rezoning. The certification process requires for all projects seeking to develop in accordance with the design incentives available in the Affordable Housing Chapter of the Land Development Code and for all projects requesting SHIP and/or HOME funding, impact fee grants, capacity reservation set asides, or other incentives and programs.

Through the certification process the developer is eligible to receive specific regulatory incentives as well as financial incentives. The certification process allows the City to more effectively target these incentives at those projects that are will result in the provision of decent, safe affordable and/or attainable housing. Further, the certification process provides a benefit to the developer by clearly indicating, at the beginning of the development process, what incentives are available for affordable and/or attainable housing and whether the development as proposed is eligible to receive those incentives.

CERTIFICATION PROCESS

Pre-Application Conference

Any applicant wishing to undertake Affordable and Attainable Housing Certification review, requesting SHIP funds and/or HOME funds, requesting impact fee grants or discounts, or developing an Alternative Housing project shall meet with the staff member designated as the Affordable Housing Expediter prior to submitting the application, to discuss the procedures, criteria, and available incentives. If the applicant requires a Land Development and/or Growth Management application to develop the proposed project, this meeting can be held as part of those required preapplication conference.

The Housing Expediter

When developers are required to submit multiple permit applications and secure approvals from a number of departments it can create confusion and delays. The City of Orlando has created the position of Housing Expediter to inform, guide, assist, and monitor on behalf of the applicant, the permitting process for affordable housing. The Housing Expediter is the lead staff person responsible for coordinating with other departments throughout the City's review of the project to provide consistency and for initially reviewing the project to determine whether it meets the income criteria. In addition:

- The Housing Expediter serves as the key contact person between City staff and the applicant for affordable housing certified projects.
- The Housing Expediter assists the developer throughout the development review and permitting process and coordinates with City staff to ensure that any issues are addressed early in the certification process.

The Planning Division and Permitting Services Division have each assigned a staff person to serve as an Ombudsman for housing certified projects. If a planning or permitting issue should arise, the appropriate Ombudsman is responsible for notifying the Housing Expediter. The Housing Expediter shall be invited to all meetings between the applicant and City staff.

The Review Process

Prior to submitting a certification application, the applicant must meet with the Housing Expediter and the Planning Ombudsman to discuss application procedures. A non-refundable fee of \$50 to cover administrative costs will be charged. The Housing Expediter will review the housing incentives and procedures with the applicant. The Planning Ombudsman will review planning and zoning requirements and procedures and make an initial determination regarding the need for conditional use, master plan approval, or the need for a zoning or Growth Management Plan amendment to accommodate the proposed development.

Applications for Housing Certification are submitted by the applicant to the Housing and Community Development Department. The Housing Expediter has seven (7) working days from the

date of receipt to review the application. Copies of the application must be distributed to the different departments and offices within the City that may be involved during the development of the project such as, the City Planning Division, the Permitting Services Division, the Orlando Police Department, and the Transportation Department. If the application meets the affordability guidelines and other City requirements, the Housing Expediter issues a "Certificate of Affordability." Following the receipt of the Certificate of Affordability, the applicant may submit applications for development review and permit approval to the Housing and Community Development Department. The Housing Expediter has five (5) working days from the date of receipt to review all applications for sufficiency and distribute the applications to the appropriate Ombudsman.

Upon receipt of the complete application for development review, the Planning Ombudsman will coordinate with other City staff to review the application. Single family homes on platted lots that conform to adopted zoning regulations do not require review by the Planning Division except as follows:

- Single family homes located in an Appearance Review District must be reviewed within seven (7) working days of receipt by the Planning Ombudsman.
- Single family homes that require a Modification of Standards must be reviewed within seven (7) working days of receipt by the Planning Ombudsman.

Multifamily developments on platted parcels that conform to adopted zoning regulations do not require review by the Planning Division except as follows:

- Projects comprising twelve (12) dwelling units or more and not otherwise subject to Master Plan Review shall be reviewed within seven (7) working days of receipt by the Planning Ombudsman in accordance with the requirements provided in Chapter 58, Figure 2, Footnote 35 of the Land Development Code.
- Projects comprising twelve (12) dwelling units or more and subject to Master Plan Review shall be reviewed by the Technical Review Committee and Municipal Planning Board in accordance with standard review procedures provided in Chapter 65 of the Land Development Code.
- Applications that require review by the Municipal Planning Board (plats, master plans, conditional use, rezoning, growth management plan amendments and annexations), Board of Zoning Adjustment (variances), Historic Preservation Board, or Downtown Development Board Development Review Committee will be processed in accordance with standard review procedures provided in Chapter 65 of the Land Development Code.

Applications for permit review approval are reviewed by the Permitting Ombudsman. Permits will not be issued until the Permitting Ombudsman has confirmed that the proposed plans conform to all City Codes and any conditions of approval imposed by the Planning Ombudsman, City Advisory Board or City Council. The applications for permit approval may be reviewed concurrently with applications for development review, subject to any changes required by the Planning Ombudsman, City Advisory Board or City Council. In addition, the applicant is required to submit 60% complete

building plans to the Planning Ombudsman for a preliminary code compliance review by the Permitting Division Manager. This will help the applicant to ensure the development plans meet City requirements. Residential green building shall receive priority as part of the expedited permitting process.

Considerations for Review

The applicant/developer is encouraged to seek affordable and attainable housing certification review early in the development process, so that staff can easily identify applicable incentives for eligible housing units. In addition to the minimum income and set-aside criteria outlined in the above definitions, the following criteria shall also apply to determine qualification for certification: the previous experience of the developer, the site plan for the project, the project's design and financial information regarding the project. No certification may be granted unless:

<u>Adequate Public Facilities</u> - The application will not overburden or otherwise adversely impact public facilities and services such as police and fire. The applicant shall provide a current Concurrency Encumbrance Letter or Concurrency Evaluation in accordance with Chapter 59 of the City Code to demonstrate that adequate public facilities exist to support the development.

<u>Financial Viability</u> - The developer shall demonstrate the ability to undertake and complete the proposed housing project.

<u>Site Design</u> - The site design shall incorporate positive design elements that are cost effective but do not compromise the quality of the development. These design elements consist of the following:

- Orientation and transparency requirements: At least one public entrance shall be oriented towards the front lot line or street side lot line. The front exterior walls shall contain a minimum of 15% transparent or translucent material on each story below the roof line. The side street exterior walls shall contain a minimum of 10% transparent or translucent material on each story below the roof line.
- *Pedestrian Access:* Pedestrian access from the public sidewalk, street right of way or driveway to the front doorway of the residential principal structure shall be provided via an improved hard surface.
- Garages and Carports: All garages or carports shall be set back from the front line a distance at least equal to that of the principal structure or required front yard setback, whichever is greater.
- *Porches:* Each front entrance shall be designed to include an open front porch, a screened front porch, or a front stoop.
- *Expansion:* Each unit shall be designed for cost efficient expansion by providing for expansion in the rear, the addition of a second floor, or an additional unfinished room.

• *Storage:* Each unit shall have storage space above the garage with a drop down ladder, an outside storage area, or sufficient storage space within the house, to equal a minimum of 50 sq. ft.

Economic Diversity - A minimum of twenty percent (20%) of the units in the project shall meet the definition of low, very low, and/or moderate income housing. To encourage economic diversity, moderate and attainable income units shall be located in census block group areas with a concentration of low and very low income households. In addition, low and very low income units shall be located in census block group areas of moderate and upper income concentration. This requirement may be waived if the applicant demonstrates through a market study the need for additional affordable housing within five miles from the development. Simply stated, a market study will be required if an applicant desires to develop low and very low income housing in an area where the majority of the residents are low and very low income households and vice versa. avoid concentration of lower income households, developments seeking certification must include a percentage of housing units targeted to households earning higher than 60% of the area median income (preferably moderate income and/or attainable households). An exemption may be granted by the City if the development meets the definition of senior housing or any other type of special Economic diverse developments containing affordable units as well as higher needs housing. income units must have the affordable units disbursed throughout the certified development and mixed in with the higher income units.

<u>Compatibility</u>- A proposed affordable housing development should demonstrate that it is compatible with the surrounding land uses in the neighborhood as well as the character of the neighborhood.

Other Matters - Any other matter which staff may deem appropriate and relevant to the specific proposal such as impact on natural resources, sustainability, and accessibility.

Length of Certification Period

The owner/developer shall have commenced construction for all the certified units within three (3) years of certification approval. If the owner/developer has not commenced construction of the units by this time, the certification approval shall expire.

At least thirty (30) calendar days prior to the expiration of the certification approval, the owner/developer may apply to extend the certification approval. In evaluating an application to extend the certification approval, the City shall consider:

- 1) Whether the applicant has previously extended the deadline; and
- 2) The project's current status and degree to which the applicant is deviating from his anticipated build-out; and
- 3) Stated reasons for the deviation from the anticipated build-out; and
- 4) The length of any waiting list perspective buyers.

Where necessary to ensure equitable allocation of funds, the City may approve an application to extend with conditions

CERTIFICATION BENEFITS

Projects which have been certified as affordable and/or attainable housing, may be eligible to receive SHIP funding, HOME funding, sewer and transportation impact fee grants, transportation impact fee exemption, school impact fee discounts, capacity reservation set aside and reduced capacity reservation fees, participation in expedited reviews, and use of the alternative design standards, and density bonuses. In order to be approved for the bonus, a neighborhood compatibility analysis is required prior to site plan review. The results of the analysis should demonstrate that the proposed design and intensity will result in a superior product that is compatible with the surrounding neighborhood and achieve the minimum criteria and design objectives to produce a more desirable impact than the same development without a bonus.

Those units in the project that are certified as affordable housing may receive approval for impact fee grants in accordance with the schedule established in the Affordable Housing Impact Fee Grant Process Policy as adopted by City Council. Grant money, to the extent it is available, shall be distributed pursuant to the terms of that policy. However, due to the different funding sources where these incentives come from, the allowable maximum sales prices may vary to be eligible to participate in these programs.

For additional information, call the Housing and Community Development Department at (407) 246-2514.

EXHIBIT "A"DEFINITIONS

Affordable Housing - Residential units priced so that monthly rents (utilities included) or monthly mortgage payments (including taxes and insurance) do not exceed 30% of that amount which represents the percentage of the median adjusted gross annual income for the households qualifying as very-low income, low income, or moderate income. However, it is not the intent to limit an individual household's ability to devote more than 30 percent of its income for housing. Housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark. In the case of rental housing, rents must not exceed those rental limits adjusted for bedroom size established by the Department of Housing and Urban Development and provided annually by the Florida Housing Finance Corporation.

Attainable Housing - Attainable housing is a mixed income development in which no less than 20% of all of the residential units within the project are occupied by Very Low and/or Low Income Households, no less than 20% are occupied by Moderate Income households, no less than 20% are occupied by Attainable Income Households, and the remaining 40% may be occupied by households earning higher than 150% of the area median income.

Low Income Person or Low Income Household: means one or more natural persons or a family who has a total Annual Gross Income for the household at the time of initial occupancy that does not exceed eighty percent (80%) of the median annual income Adjusted for Family Size for households within the Orlando metropolitan statistical area, which includes the City of Orlando, as determined by HUD.

Moderate Income Person or Moderate Income Household - means one or more natural persons or a family who has a total Annual Gross Income for the household at the time of initial occupancy that does not exceed one hundred twenty percent (120%) of the median annual income Adjusted for Family Size for households within the Orlando metropolitan statistical area, which includes the City of Orlando, as determined by HUD.

Owner-occupied housing: housing with an initial sale that does not exceed 90 percent of the average median purchase price in the statistical area in which the eligible housing is located and in which housing was purchased during the most recent 12 month period for which sufficient statistical information is available. To determine the median area purchase price, the Orlando City Council adopted the bond methodology used by the Orange County Housing Finance Authority.

Rental occupied housing: rental housing occupied by households whose incomes fall into the three categories defined above. The maximum allowable rent charged for these units shall not exceed 30% of adjusted family income for households including utilities within the income limits defined in the three categories. In addition, affordable rents shall be adjusted by the number of bedrooms. Rent schedules for eligible units shall be based on the Florida Housing Finance Corporation's table utilized for administering the Low Income Housing

Tax Credit program entitled "Rents Adjusted to Bedroom Size" as revised from time to time. Occupants must have an executed lease for a minimum of six (6) months.

<u>Very Low Income</u>: means one or more natural persons or a family that has a total Annual Gross Income for the household at the time of initial occupancy that does not exceed fifty percent (50%) of the median annual income Adjusted for Family Size for households within the metropolitan statistical area which includes the City, as determined by HUD.

EXHIBIT "B"DESCRIPTION OF INCENTIVES

Incentive/Program	Description	Funding Source	Housing Type	Maximum Allowable Sales/Rental Prices
State Housing Initiatives Partnership (SHIP) Program	The State Housing Initiatives Partnership (SHIP) Act was created for the purpose of providing ongoing funding to local governments as an incentive for the creation of public-private partnerships to produce and preserve affordable housing. Through the SHIP program, the City of Orlando has funding to commit to affordable housing efforts within Orlando. For a detailed description of the SHIP program refer to the City's Local Housing Assistance Plan (LHAP).	state	owner occupied, rental	\$247,387;Rents are based on the most recent Rent Limits Chart published by the Florida Housing Finance Corporation
HOME Program	HOME is a funding program for housing. Funds under the HOME program may be used for the acquisition, construction, reconstruction, moderate or substantial rehabilitation of affordable rental and ownership housing, and for first time homebuyer down payment assistance. For a detailed description of the HOME program refer to the City's Consolidated Plan.	federal	owner occupied, rental	Based on FHA Mortgage Limits; Rents are based on the most recent Rent Limits Chart published by the Department of Housing and Urban Development (HUD).
Sewer Impact Fee Grant	Reimbursement of sewer impact fees may be available: 100% reimbursement for eligible affordable units if they meet the City's adopted residential green building criteria for affordable housing projects; or 75% reimbursement for eligible affordable units if they do not meet the City's adopted residential green building criteria for affordable housing projects.	state	owner occupied, rental	Single Family Units - \$247,387 Rental Units: Rents are based on the most recent Rent Limits Chart published by the Department of Housing and Urban Development (HUD).
Transportation Exemption Impact Fee or Transportation Impact Fee Grant	Chapter 56, City Code, Transportation Impact Fee Section 56.15 exempts low-income, owner-occupied, or tenant occupied housing as defined by the affordable housing certification process: 100 % reimbursement/exemption of the transportation impact fees for eligible affordable housing units if certified housing project that meet the City's commuter criteria are eligible to receive 100% exemption of the transportation impact fees for the eligible affordable housing units; or 50% reimbursement/exemption of the transportation impact fees for the eligible affordable housing units if certified housing project is not located within a ¼ mile distance to a City-designated Activity Center, or a light rail or commuter rail station; but is accessible to grocery stores, public schools, pharmacy, medical	local	Owner occupied, rental	Single Family Units - \$247,387 Rental Units: Rents are based on the most recent Rent Limits Chart published by the Department of Housing and Urban Development (HUD).

	facility, financial institution, post office via a public transit stop located within a ¼ mile distance; or 75% exemption of the transportation impact fees for the eligible affordable housing units in certified attainable housing projects that meet the City's commuter criteria; or 25% exemption of the transportation impact fees for the eligible affordable housing units in certified attainable housing units in certified attainable housing projects that are not located within a ¼ mile distance to a City-designated Activity Center, or a light rail or commuter rail station; but are accessible to grocery stores, public schools, pharmacy, medical facility, financial institution, post office via a public transit stop located within a ¼ mile distance. * "City-designated Activity Center" is a zoning district further described in the City of Orlando's Land Development Code.			
School Impact Fee Discount	The City may discount 25% reimbursement of the school impact fee for eligible single family affordable housing units and 50% reimbursement of the school impact fee for the eligible multi-family affordable housing units.	state	owner occupied, rental	Single Family Units - \$247,387 Rental Units: Rents are based on the most recent Rent Limits Chart published by the Department of Housing and Urban Development (HUD).
Alternative Development Standards	Provides flexible design options and incorporates cost saving measures without compromising the quality of the resulting development. For a detailed description of the program refer to Chapter 67 of the LDC.	local	owner occupied	\$247,387
Capacity Reservation Set Aside and Reduced Capacity Reservation Fees	City Council established 3% set-aside of trip capacity in each traffic zone as committed capacity for affordable housing. In addition, affordable housing is exempt from the payment of capacity reservation fees for committed trips, but is subject to an administrative fee of \$1.00 per trip, paid when trips are committed.	local	owner occupied, rental	\$247,387
Density Bonuses	Allows more units per acre than otherwise will be permitted in the zoning district where the development is located. The City currently offers an intensity bonus program in several residential, commercial and office zoning districts in exchange for on-site housing units, which are designated for low and very low income households by deed restriction, or for an-in-lieu	local	rental	Rents are based on the most recent Rent Limits Chart published by the Department of Housing and Urban Development (HUD).

		contribution to the trust fund.				
Reduced Development Fees	Land	Allows applicant to apply for fee waivers to all Growth Management Plan and Land	local	owner occupied,	Low Income	15%
- Company		Development Application Fees. The applicant shall be required to execute an		rental	Very Low	25%
		affidavit of intent to develop affordable			Provides for	
		housing and shall demonstrate that the fee waiver will be used for the production of			Economic Dis or Mixed Inco	
		the affordable housing units or passed			Project	25% (additional)
		through as reduced housing costs. In order				
		to qualify for fee waivers the project must			Non-Profit	100%
		be affordable and must be designed to				
Pre-application		encourage economic diversity. Any applicant wishing to undertake an	local	Owner	\$247,387	
Conference		Affordable Housing Certification review,	iocai	occupied,	\$247,367	
Comercine		requesting SHIP funds and/or HOME		rental		
		funds, requesting impact fee grants or				
		discounts, or developing an Alternative				
		Housing project shall meet with the staff of				
		the City Planning Division prior to				
		submitting the application, to discuss the				
		procedures, criteria, and available incentives. If the applicant requires a Land				
		Development and/or Growth Management				
		application to develop the proposed project,				
		this meeting can be held as part of the				
		required pre-application conference.				

EXHIBIT "C"

RESIDENTIAL GREEN BUILDING CRITERIA FOR ATTAINABLE/AFFORDABLE HOUSING

I. Mandatory requirements:

Erosion Control

- Control the path and velocity of runoff with silt fencing or comparable measures
- All erosion control measures shall be in place before, and after all construction phases
- Erosion controls will be maintained and monitored during all phases of construction

Landscaping

- Install tree protection areas around all trees to remain during and after construction
- Install an approved drought tolerant landscape design.
- Ensure that all plants are planted at least 24 inches from the house.
- Limit turf grass to 50% of softscape area. Ensure that turf species requires little watering.
- Plant a minimum of one canopy tree to the south of the house.

Durability - Outdoor

- Install electrical entrance cables underground
- Foundation must be 24" above grade or center of the road at its highest point, whichever is greater. (Stem wall construction only)
- Install gutters and deflectors and splash blocks that adequately move water away from the house
- Soil shall be graded to slope away from the house

Durability - Indoor

- No carpet within bathrooms, kitchens, or within 4 ft. of entranceways
- Ensure all windows are sealed to resist water penetration
- Windows must be double glazed insulated

Durability - Indoor

- No carpet within bathrooms, kitchens, or within 4 ft. of entranceways
- Ensure all windows are sealed to resist water penetration

Indoor Air Quality

- Use low VOC interior products such as paint and coating, glues, finishing products, and fabrics
- Contaminate controls: provide daily clean up of all projects (broom clean); seal all
 duct work and ventilation during the entire project; provide walk off mats at
 entryways during the entire construction process; provide contaminate walk off
 design into concrete entrances

<u>HVAC</u>

- Use MERV 10 or higher air filter
- Ensure kitchen and bath vents are vented directly outdoors through the roof and the dryer vent to outdoors

Water

• Use only low flow, or very low flow fixtures (includes facets, toilets, and showerheads)

Lighting

All interior light fixtures shall have compact florescent light bulbs

II. Select 6 out of the 13 points:

Pest Contro	=	
	Use non-toxic termite barriers such as Termi-Mesh (2 points)Include no wood-to-concrete connectors or separate connectors with metal or	
	plastic fasteners or dividers (1 Point)	
Siding	Use durable siding materials such as Hardi-Board and masonry products (1 Point)	
D £		
<u>Roof</u>	For sloped roofs, use light colored roofing with an Solar Reflectance Index of 29 higher (1 Point)	or
	Use 30+ year architectural shingles (1 Point)	
	Use 50+ year Metal roofing of an approved gauge (2 Points)	
	Install overhangs at least 2 ft. beyond walls (1 Points)	
	Install baffled roof vents or an unvented attic. The unvented attic is achieved by installing open cell foam or spray insulation on the underside of the roof deck	
		all
	•	of
	Apply adhesive to roof sheathing. One point is awarded if a spray on adhesive is applied to the underside of the roof sheathing from the attic such that a positive	
	bond between the joists and the sheathing is formed. The applied adhesive shall	
	have a minimum uplift capacity of 260 psf for a 4x8 panel as determined by	0.00.0
	laboratory testing. The adhesive should be applied continuously to within at least feet of the eaves. (1 Point)	one
	Install roof covering above and below flashing -Install roof flashing on top of the	final
	roofing with a secondary cover of roofing on top of it. Clips must also be installed	
	periodically along the flashing to anchor it to the roof. Flashing is likely to be peel off by high winds, and if it is installed on top of the roof felt. (1 Point)	ed
	14	

III. Select 2 out of the 6 points:

Water Protection	
Use cer	ment based backer board on all bathroom tile surfaces (1 Point)
Use cer	ment based material to seal joints in backer board (1 Point)
Use cer	ramic tile flooring in all wet areas (1 Point)
Install	a drain or design laundry room floor below the living floor (1 Point)
Flooring	
	install carpet in high use areas (hallways, dining, and living rooms) (1 Point) ramic tile flooring with a minimum PEI of 4 (1 Point)
IV. Choose 1 of 2 pa	nths:
Energy	
Path 1: Receive F	IERS rating of 80 or less
OR	
Path 2: Select 7 o	ut of 11 points
HVAC System	
•••	Star Air Conditioner (14 SEER minimum) (1 Point) act receive inspected duct work (1 Point)
Insulation	
must ha must be	minimum building code requirements for insulation by 5% (SIPs and ICFs ave demonstrated comparable R-value that exceeds building code) Insulation e meet Grade I specifications by the National Home Energy Rating Standard less of gaps, compression, or incomplete fill) and verified by an energy or
All pene Insulate	rater. (1 Point) trations and connections must be foam sealed or caulked (1 Point) hot water piping, including 90 degree bends, with R-4 insulation (1 Point) based spray insulation (1 Point)
<u>Windows</u>	
Install	windows that meet Energy Star rating (U-Factor and SHGC \leq 0.35) (1 Point)
<u>Appliances</u>	
	Star refrigerator (1 Point)
	Star clothes washer (1 Point) Star oven range (1 Point)
Lighting	
Install	Energy Star light fixtures (1 Point)