Leon County Inclusionary Housing Ordinance – A Short History

1996-1997
During the 1997 Evaluation and Appraisal Report, the Board of County Commissioners (along with the City of Tallahassee City Commission) affirmed their commitment to inclusionary housing, directing staff to develop new provisions emphasizing both the attainment of affordable housing goals and the geographic distribution of affordable housing units. The emphasis in geographic distribution has two purposes: 1) providing affordable housing opportunities within areas of the community where strong demand for housing has driven prices beyond the level affordable to families of modest means; and, 2) preventing an overconcentration of below-market rate housing in other areas, such as the Central City Area or the Southern Strategy Area, where such an overconcentration could inhibit reinvestment efforts.

1998
During the '98-2 Comprehensive Plan Amendment Cycle, the Board and the City Commission adopted two policies, Housing Element Policy 1.3.6 and 1.3.7, intended to implement these directives. These policies reflect a revised inclusionary housing strategy and specify implementation provisions (respectively). Policy 1.3.7 specifies adoption of an ordinance to implement inclusionary housing requirements. Another policy, Policy 1.3.8, establishing the applicability of the inclusionary housing approach to DRIs and other large developments, was subsequently adopted.

October 11, 2000 - Previous Consistency Review
An earlier version of proposed ordinance was reviewed by the Tallahassee-Leon County Planning Commission/Local Planning Agency for consistency on October 11, 2000. The ordinance was determined consistent and minor changes were recommended to remove ambiguities. These minor revisions were subsequently made by the Planning Department.

November 28, 2000
Board workshop affirming the direction to implement the Inclusionary Housing strategy embodied in the Comprehensive Plan policies through a draft ordinance. The draft ordinance addressed *scope of applicability* (in terms of both the location and size of development); the concepts of *eligible households* and *affordability*; *inclusionary housing requirements*; and, *developer incentives*. The Board voted that the ordinance should apply to developments of 25 or more dwelling units with the requirement that 5% of the housing in these developments be sold as inclusionary housing.

February 27, 2001
Board public hearing on the proposed ordinance, with several public speakers. The Board voted to continue the public hearing until March 20, 2001 and directed staff to provide additional information responding to a variety of the issues raised at the public hearing.

March 20, 2001
Continued Board hearing: received additional public comment; directed staff to provide additional information responding to issues presented at the hearing and to meet with interested parties who appeared at the public hearing, continuing public hearing to April 10, 2001.

April 10, 2001
Continued Board hearing: The Board directed staff to set up a committee representing development interests as well as other interested parties who have expressed concern about the proposed ordinance. The Committee was charged to review the proposed inclusionary housing ordinance and discuss changes and alternatives.

May 8, 2001
The Board authorized the Citizens Inclusionary Housing Committee to consider possible revisions of the ordinance and/or alternatives that would require Comprehensive Plan amendments. The Board appointed 14 members to the Committee.

The Inclusionary Housing Ordinance Committee met during from June to October 2001; offering 2 recommendations (2 draft ordinances)
The Citizens Inclusionary Housing Committee met on: 6/7/01, 6/15/01, 7/18/01, 8/23/01, 9/13/01, and 10/9/2001. The Committee endorsed the concept of inclusionary housing and generated a series of recommendations and options for providing such housing, including two alternative ordinances -- differing with regard to aspects such as scope of applicability, amount of inclusionary units required, and degree of assistance to the developer.

The two Inclusionary Housing Ordinance Committee Recommendations:

- Option A – Threshold at 100 acres or 250 units or greater; no fee-in-lieu provisions; development set aside 5% of housing units as inclusionary
- Option B – Threshold set at 25 units or greater; Leon County obligated to provide adequate subsidy and incentives to *make developer whole* (this term was never defined). Developer's of less than 250 units have option of a paying a fee-in-lieu of providing the inclusionary housing; development set aside 5% of housing units as inclusionary

May 14, 2002
The Board received the recommendations of the Citizens Inclusionary Housing Ordinance Committee and directed Ms. Ross and Mr. Thomas to work together with staff to fashion an Inclusionary Housing Ordinance based upon the two alternative Ordinances presented by the Inclusionary Housing Ordinance Committee. **Their work with staff culminated in this proposed ordinance.** Attachment #4 to the agenda item is a chart comparing the proposed ordinance with the alternative Option A and B ordinances previously recommended.

January 28, 2003
The Board directed staff to send the proposed ordinance to the Tallahassee-Leon County Planning Commission/LPA for review for consistency with the Tallahassee-Leon County Comprehensive Plan and schedule Public Hearings before the Board to consider the adoption of the ordinance on March 11, 2003 and March 25, 2003. In addition, the Board directed staff to bring back information regarding the average number of years a homeowner remains in a home.

May 6, 2003
The Planning Commission found the proposed ordinance consistent with the Comprehensive Plan, subject to a "clean-up" amendment to address the density bonus issue. The Planning Commission found that the density bonus provision of the proposed ordinance could not be utilized unless and until such time as the income limits used in Comprehensive Plan definition for "affordable housing" agreed with the maximum sales price level for inclusionary housing units in the proposed ordinance.

May 13, 2003
The Board voted to schedule two public hearings for the purpose of considering the adoption of the proposed Inclusionary Housing Ordinance and, directed staff to prepare an application to amend the Tallahassee-Leon County Comprehensive Plan to revise the definition of "Affordable Housing" so that the maximum sales price level for inclusionary housing units established in the proposed Ordinance is consistent with the Comprehensive Plan and delete references to providing the option of a fee in-lieu to small and medium sized developments.

June 10, 2003
The Board authorized June 24, 2003 and July 8, 2003 as the public hearing dates for the purpose of considering the adoption of the proposed Inclusionary Housing Ordinance.

A Note on Staff and Citizen Participation in Ordinance Development
Over the course of the development of the ordinance, Planning staff worked with Housing and Human Services Division, Development Services Division; interested citizens, and the following citizen committees: 1) an ad hoc citizen's housing group; 2) the "DGEM Users Group;" and, 3) the Citizens' Inclusionary Housing Ordinance Committee ('IHOC').