

RESOLUTION
of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS
regarding
**AFFORDABLE HOUSING IMPACT FEE EXEMPTION
PROGRAM**

Resolution No. 2025-_____

WHEREAS, today, the Board of County Commissioners is adopting an Affordable Housing Impact Fee Exemption Program (“the Program”);

WHEREAS, on March 24, 2020, the Orange County Board of County Commissioners (the “Board”) adopted Ordinance 2020-09 establishing the Affordable Housing Trust Fund Program known as the “Affordable Housing Trust Fund” (“AHTF”) or the “Trust Fund” for the purpose of providing the financial resources and the leverage necessary to create and preserve affordable homeownership and affordable rental housing units (“Affordable units” or “Affordable projects”) in Orange County;

WHEREAS, in accordance with Section 163.31801, Florida Statutes, the County amended Sections 23-32, 23-62, 23-98, 23-161 and 23-183, Orange County Code, which, respectively, provide, in part, an opportunity for exemption from the payment of law enforcement, fire/rescue services, transportation, school, and parks and recreation impact fees (collectively, “County Impact Fees”) for certain Affordable projects;

WHEREAS, pursuant to County Administration’s direction, Housing and Community Development staff recommends the Program which includes a point-based system to incentivize the development community to provide more Affordable units consistent with the Mayor’s Housing for All Initiative and goals and objectives of the Affordable Housing Trust Fund Plan;

WHEREAS, the creation of the Program is intended to incentivize longer affordability periods, target additional units for lower income categories based on the Area Median Income (“AMI”), provide more units and services to meet the needs of specific populations, and incorporate resiliency and sustainability features in Affordable projects;

WHEREAS, for consistency, clarity and to avoid confusion, Orange County wishes to implement the Program to provide for affordable housing exemptions, as allowed by Orange County Code; and

WHEREAS, the Program is set forth in the attached documents and provides for a matrix to determine the exemption for affordable housing projects.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Adoption of the Affordable Housing Impact Fee Exemption Program.

The attached Affordable Housing Impact Fee Exemption Program Summary, Definitions, and Process (Exhibit “A”), Matrix for Affordable Rental Housing Impact Fee Exemption Program (Exhibit “B”), Matrix for Affordable Homeownership Housing Impact Fee Exemption Program (Exhibit “C”), and Application for an Affordable Housing Certification Letter (Exhibit “D”), are hereby adopted and shall be used to create any future agreements granting an exemption as may be executed after the effective date of this Resolution. The Program is applicable to all qualifying new affordable rental and homeownership developments that have not already entered into an agreement with the County.

Section 2. Purpose and Intent. The Program is intended to encourage the provision of new Affordable units in Orange County by providing exemption of certain impact fees on qualifying units of affordable housing. This Program is intended to further the affordable housing goals and objectives of the Orange County Comprehensive Plan. Nothing in this resolution precludes the Board from accepting and approving an impact fee waiver request following an alternative methodology for certified affordable housing projects.

Section 3. Effective Date. This Resolution shall take effect on the date of its adoption.

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ADOPTED this ____ day of _____, 2025.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk

EXHIBIT A
Affordable Housing Impact Fee Exemption Program
Summary, Definitions, and Process

As part of Mayor Demings' Housing for All goals of creating affordable housing opportunities, the County has supported the exemption of law enforcement, fire/rescue services, transportation, parks and recreation, and school impact fees. Per County Administration's direction, Housing and Community Development staff have developed an update to the existing affordable housing impact fee exemption program ("the Program"). The update includes a point-based system with the intent to incentivize the development community to continue providing more affordable homeownership and rental housing units ("Affordable units" or "Affordable projects").

The Program is available for qualifying affordable rental and homeownership projects. The Program, as revised will now: incentivize the provision of longer affordability periods, target the provision of additional units for lower income categories based on the Area Median Income ("AMI"), provide more affordable units and services to meet the needs of specific populations, and incorporate resiliency and sustainability features in affordable developments.

This Program for affordable projects (**Exhibits B and C**) includes a point-based system which awards points primarily for affordability level and length of affordability term, but also for additional project features which developers may choose to include. Points are awarded for: weighted average percent of AMI (affordability) targeted across the project, the length of affordability term, and additional considerations, such as housing and services for special groups; proximity to services, employment, and transit; and incorporating resiliency and sustainability features.

The Program is applicable to all qualifying new affordable rental and homeownership developments that have not already entered into an agreement with the County.

All eligible applicants interested in seeking an impact fee exemption under this Program are required to enter into an Impact Fee Exemption agreement with the County.

Definitions

- “Affordable homeownership” shall be defined as the monthly mortgage, including taxes and insurance, that does not exceed thirty percent (30%) of the median adjusted gross annual income for households earning up to one-hundred and twenty (120%) or less of the Orlando Metropolitan Statistical Area (“MSA”) median income as determined by the U.S. Department of Housing and Urban Development (“HUD”).
- “Affordable rental” shall be defined as a rental development in which the units must be rented to a household whose annual income does not exceed eighty percent (80%) of the area median income of the Orlando Metropolitan Statistical Area. Additionally, rents must not exceed the HUD Rent Limit for 80% AMI.

Process

- 1) The applicant will complete the Affordable Housing Certification Letter application (**Exhibit D**) and provide any supportive information required by the application.
- 2) Staff will review the application and complete the appropriate Impact Fee Exemption matrix.
- 3) Staff will notify the applicant as to their overall points and level of impact fee exemption based on the information provided in the application.
- 4) Staff will provide the applicant with a certified affordable housing letter.
- 5) Staff will provide the Concurrency Management Office (“CMO”) with a copy of the affordable housing certificate letter and inform the CMO of the level of impact fee exemption for the project or phase of the project.
- 6) The applicant shall request that the CMO defer all impact fees, including school impact fees, until issuance of a Certificate of Occupancy (“CO”) at the time of building permit application/submittal.

The applicant will be required to enter into an Impact Fee Exemption agreement with the County and Orange County Public Schools (if applicable) prior to the issuance of a CO. At a minimum, the agreement will stipulate percentage of the impact fee exemption for the project, as well as the number and percentage of affordable units, period of affordability, and any additional considerations that are being proposed. Failure to meet all of the requirements identified in the agreement that result in non-compliance with the terms of the agreement will require the applicant to reimburse the County the difference in the impact fee category.

EXHIBIT B

Matrix for Affordable Housing Impact Fee Exemption Program (Rental)									
Project Name:					Phone:		Email:		
Project Address and Parcel ID:									
Developer:									
Notes:									
Type of Housing:		Choose one							
		Multi-family (apartment, condominium, duplex, quadplex, etc.)		v				Notes	
		Single-family		v					
Unit Breakdown:				Units	Mid Range AMI	Total Average % AMI		Notes	
		≤ 30% AMI			15	0			
		31 - 50% AMI			40.5	0			
		51 - 60% AMI			55.5	0			
		61 - 80% AMI			70.5	0			
		Total Units		0	#DIV/0!				
Total Average Affordability of Units:				Score	Points				
		0 - 50% AMI			40				
		51 - 60% AMI			30				
		61 - 80% AMI			20				
Term of Affordability:									
		20-29 years			20				
		30-39 years			30				
		40-50 years			40				
		51+ years			50				
Additional Consideration:									
Permanent Supportive Housing/Special Needs/Veteran Housing (Min 10% of units)						5			
Proximity to Services, Employment, Transit (Access and Opportunity Score of 60 or More)						5			
Resiliency and Sustainability (Certification Commitment)						5			
Total Points				0					
Project		AMI AVG.		Units	Points	Reduction		Points	% Reduction Impact Fees
0				0	0			91+	75
								60-90	50
								50-59	25
								0-49	0

EXHIBIT C

Matrix for Affordable Housing Impact Fee Exemption Program (Homeownership)									
Project Name:									
Project Address and Parcel ID:									
Developer Name:		Phone:		Choose one		Email:		Notes	
Type of Housing:		Multi-family (apartment, condominium, duplex, quadplex, etc.)		v					
		Single-family		v					
Affordability of Unit:				Score		Points			
		0-50% AMI				50			
		51 - 80% AMI				40			
		81 - 120% AMI				30			
Term of Affordability:									
		31+ years				40			
		16 - 30 years				30			
		10 - 15 years				20			
Leveraged Investment:									
		Supportive Housing/Special Needs/Veteran Housing				10			
		Access and Opportunity Score of 60 or More (<i>Proximity to Services, Employment, Transit</i>)				10			
		Resiliency and Sustainability (Certification Commitment)				10			
Total points				0					
Project		% AMI		Points		Reduction		Points	
0		0%		0				91+	
								60-90	
								50-59	
								0-49	
								% Reduction Impact Fees	
								75	
								50	
								25	
								0	

EXHIBIT D



Orange County Certified Affordable Housing Application Form

Housing and Community
Development Division
525 E South St, Orlando, FL 32801
407-836-5150
Submit completed form to:
AffordableHousing@ocfl.net

I. TYPE OF APPLICATION AND NUMBER OF UNITS. Select all that apply.

	Applies? (Check if yes)	Number of Units
Rental - Affordable Housing 30-80% Area Median Income (AMI)	<input type="checkbox"/>	<input type="text"/>
Ownership - Affordable Housing 50-120% AMI	<input type="checkbox"/>	<input type="text"/>
Tax Credit	9% <input type="checkbox"/> 4% <input type="checkbox"/> Not Applicable <input type="checkbox"/>	
Project is seeking:	Impact Fee Discount <input type="checkbox"/> Local Government Contribution <input type="checkbox"/>	

II. TYPE OF ORGANIZATION. Provide the name(s) of officers and/or directors and the address of principal place of business (for all that apply).

Proprietorship

Limited Partnership

Non-profit Corporation

Corporation

III. DEVELOPER/BUILDER INFORMATION.

Name	<input type="text"/>
Address	<input type="text"/>
Contact Person	<input type="text"/>
Telephone	<input type="text"/>
Email Address	<input type="text"/>
Fax	<input type="text"/>

Revised: August 2024. All previous revisions are obsolete. ***Para más información en español, por favor llame al numero 407-836-5150 (Housing and Community Development Division).***



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IV. EXPERIENCE AND QUALIFICATIONS. Provide the information for following items related to the organization's experience.

Years of Experience	<input type="text"/>
Units Produced	<input type="text"/>
Units Rehabilitated	<input type="text"/>
Units Owned	<input type="text"/>
Units Managed	<input type="text"/>

V. ORGANIZATIONAL CAPACITY AND EXPERIENCE OF BUILDER/DEVELOPER.

- A. Describe the organization's capacity for building, acquiring, and providing affordable housing units.

- B. Provide information about any recently completed affordable housing projects.

- C. Has the organization previously completed affordable housing projects in Orange County or any of its municipalities? Yes ☐ No ☐

Please describe the outcomes for these projects.

VI. PROPOSED DEVELOPMENT INFORMATION.

Development Name	<input type="text"/>
County Case Number/ Name (if applicable)	<input type="text"/>
Proposed total number of units	<input type="text"/>
Proposed number of affordable units	<input type="text"/>

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Do you, or your agency, own or have the option to purchase the property?

Own the property ☐ Option to Purchase ☐ Not Applicable ☐

Is the site vacant or developed? Vacant ☐ Developed ☐

Describe the type of units to be provided, such as single family attached/detached, multi-family, or mixed-use multi-family and a brief project narrative. Please include a copy of the conceptual site plan as an email attachment.

VII. PROPERTY INFORMATION.

Parcel Identification (Section/Township/Range)

Address (if available)

County Commission District

Within the Urban Service Area

Water Service Provider

Sewer Service Provider

Gross Acreage Developable Acreage

Proposed Density (Dwelling Units Per Acre) Proposed Stories/Height

Zoning Land Use

Distance to Closest Transit Facility or Stop

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VIII. OWNERSHIP INFORMATION. COMPLETE FOR HOME OWNERSHIP PROJECTS ONLY.

a. Affordability

	Number of Units	Beds/Baths	Square Feet	Sales Price
Single Family Detached	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Single Family Attached	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

b. Price Schedule

Number of Units by Percentage of Metropolitan Statistical Area [MSA].

≤ 50%	≤ 60%	≤ 80%	≤ 120%	≤ 140%	Market Rate
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

IX. PROPOSED OCCUPANCY AND RENT SCHEDULE. COMPLETE FOR RENTAL PROJECTS ONLY.

a. Affordability

Number of Units by Percentage of MSA

≤ 30%	≤ 50%	≤ 60%	≤ 80%
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

b. Rent Schedule

	Number of Units	Unit Rental Rate	Percentage of AMI	Utility Adjustment
Studio	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
One Bedroom	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Two Bedroom	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Three Bedroom	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Four Bedroom	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

If you would like to provide additional information on the project regarding pricing and rent schedules, please provide as an attachment.

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VI. CERTIFICATION.

The Developer/Builder certifies the following:

- The developer/builder will provide evidence of final sales price (i.e., HUD-1 closing statement).
- The developer will provide evidence of homebuyer/tenant income.
- The developer/builder shall provide evidence of rents charged for the different income group being served.
- The developer/builder is free from any obligations or interest that would conflict with the interest of Orange County in general.
- The developer/builder currently owns or has entered into an agreement for sale or has an option to purchase the property for development.
- The developer/builder has the capacity to plan, design, develop and construct affordable housing units on a timely basis.
- The developer/builder is not on any US list of debarred or suspended contractors.
- The developer/builder agrees to execute all documents required by Orange County, including but not limited to documents containing affordability restrictions include the requisite Land Use Restriction Agreement for Affordable Multi-Family Rental Development Pursuant to Chapter 2023-17, Laws of Florida, the Live Local Act (LURA).

The undersigned certified that the above statements are representations of fact upon which Orange County must rely in proceeding with the process.

Developer/Builder (signature)

Witness (signature)

Developer/Builder Name (Printed)

Witness Name (Printed)

Title

Title

Date

Date

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AFFORDABLE HOUSING CERTIFICATION CHECKLIST.

Please make sure to submit the following information with your application for affordable housing certification:

- Conceptual site plan – subject to meeting all Orange County codes
- Location map
- Complete legal description
- Certified survey or property appraiser map
- Property appraiser information
- Evidence of ownership or interest of property (i.e. deed, sales contract, etc.)

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