



IMPACT FEE WAIVER FOR MOTHER-IN-LAW DWELLINGS

PROPOSED AMENDMENT

INTRODUCED BY:	Planning and Economic Opportunity Department
REQUESTED ACTION:	Direction to coordinate with the County Attorney's Office to commence the legislative/public hearing process for consideration.

*** All copies of required materials are part of the official record and have been made available on the County's website and at the Planning + Economic Opportunity Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION

At the request of Commissioners Ford and Farmer, the County Manager directed staff to study the allowance of impact fee waivers for mother-in-law dwellings when the owner of the primary structure does not exceed the income limits of a Low Income Person and when the resident of the mother-in-law dwelling does not exceed the income limits of a Very Low Income Person pursuant to §420.0004 F.S. [definitions provided in Attachment A].

Required impact fees for a single-family home is shown below. While there is no provision to waive the payment of impact or mobility fees, Florida Statute allows a local jurisdiction to subsidize affordable housing impact fees. However, the cost of impact caused by the affordable unit must still be accounted for by the local jurisdiction by directly paying the impact/mobility fee from an internal source, e.g., the General Fund. The public purpose of subsidizing affordable housing through withholding impact/mobility fee payments is to provide a meaningful incentive for affordable housing, as supported by Comprehensive Plan Housing Element Policies H.01.03, H.01.04, and H.03.06.

Type	Amount
School	\$5,430.60
Fire	\$411.00
Law	\$299.00
Admin	\$962.00
Regional and Community Park	\$2,048.90
Mobility Fee	\$1,150.00
Total	\$10,301.50

Mother-in-law (MIL) dwellings are a form of affordable housing that provides a more affordable option for individuals to care for aged, infirmed, or impecunious loved ones. MIL dwellings are defined in Section 28.14 (J) of the Land Development Code as:

Mother-in-law dwelling: A dwelling located on a lot or parcel of land, together with the principal use structure, for the care of aged, infirm or impecunious parent(s). All yard requirements, lot size requirements, height and lot coverage requirements shall apply for the appropriate district unless otherwise waived by the conditional use and variance board.

Mother-in-law dwellings are allowed within certain zoning districts as conditional uses. If approved, the use runs with the applicant and is non-transferable. Additionally, when the family member for which the Conditional Use was obtained no longer resides within the mother-in-law dwelling, the structure must be removed.



Staff presented this item to the Essential Housing Advisory Committee (EHAC) and asked for comments regarding the waiver. At their meeting on January 20, 2021, the EHAC recommended, by a vote of 6 to 3, that the Board of County Commissioners consider impact fee waivers for mother-in-law dwellings provided that the definition of *Mother-in-law dwelling* be expanded to include family members.

If the Board chooses to approve impact/mobility fee withholding legislation for mother-in-law dwellings, staff recommends the following eligibility criteria be considered. Further, the criteria be incorporated into any future Order issued by the Conditional Use and Variance Board:

1. The owner of the primary structure must not exceed the income threshold for a Low-Income Person as defined in FS 420.0004.
2. The resident of the mother-in-law dwelling must not exceed the income threshold for a Very-Low-Income Person as defined in FS 420.0004.
3. The mother-in-law dwelling shall not be used as rental property and the occupant of the mother-in-law dwelling shall not be required to pay a fee to the property owner to reside in the dwelling.
4. The mother-in-law dwelling and the land on which the dwelling is placed must remain under the unified ownership of the property owner making application for the mother-in-law dwelling.
5. The dwelling and the land on which the dwelling is placed shall not be subdivided from the land on which the primary dwelling exists.
6. The CUV Board Order must include the name(s) of the individual(s) who will reside in the unit.
7. When the individual named in the Order no longer resides in the unit, the property owner must notify the Planning Director. Notification must be made within 90 days of the vacancy.
8. When the individual named in the Order no longer resides in the unit, the dwelling must be removed from the property. Removal must occur within 180 days of the vacancy.
9. Failure to comply with these conditions may result in Code Enforcement action and a fine of up to \$250.00 per day and payment of all Impact Fees and Mobility Fees at the time of violation.

CONSISTENCY WITH COMPREHENSIVE PLAN

The request is in keeping with the following Comprehensive Plan Future Land Use Element policies.

Applicable Plan Reference	Determination of Consistency
H.01.03	✓
H.01.04	✓
H.03.06	✓

Policy H.01.03

The Land Development Code shall permit the use of innovative land development techniques and allow for density bonuses to encourage construction of affordable housing units.

Policy H.01.04

The County shall explore partnerships with the private sector, with the business sector and also community-based non-profit housing providers, to develop affordable housing.

Policy H.03.06

The County shall implement relevant strategies of the Local Housing Assistance Plan (LHAP) through provisions in the Land Development Code that provide expedited permitting, density bonuses and other incentives for qualifying affordable housing.



CONSISTENCY WITH EXISTING LAND DEVELOPMENT CODE

The proposed amendments do not conflict with other provisions of the Land Development Code.

CONCLUSION AND REQUEST

Staff finds the requested action to be consistent with the Nassau County Comprehensive Plan and Land Development Code and requests direction to coordinate with the County Attorney's Office to commence the legislative/public hearing process for ordinance consideration.

ATTACHMENT A

Definitions:

“Extremely-low-income persons” means one or more natural persons or a family whose total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state. The Florida Housing Finance Corporation may adjust this amount annually by rule to provide that in lower income counties, extremely low income may exceed 30 percent of area median income and that in higher income counties, extremely low income may be less than 30 percent of area median income.

“Very-low-income persons” means one or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

“Low-income persons” means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

“Moderate-income persons” means one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

2020 Income Limits by Number of Persons in Household

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household									
		1	2	3	4	5	6	7	8	9	10
Nassau County (Jacksonville MSA)	30%	15,750	18,000	21,720	26,200	30,680	35,160	39,640	44,120	Refer to HUD	
	50%	26,250	30,000	33,750	37,500	40,500	43,500	46,500	49,500	52,500	55,500
	80%	42,000	48,000	54,000	60,000	64,800	69,600	74,400	79,200	84,000	88,800
	120%	63,000	72,000	81,000	90,000	97,200	104,400	111,600	118,800	126,000	133,200
	140%	73,500	84,000	94,500	105,000	113,400	121,800	130,200	138,600	147,000	155,400
Median: 75,000											

Florida Housing Finance Corporation (FHFC) income and rent limits are based upon figures provided by the United States Department of Housing and Urban Development (HUD) and are subject to change. Updated schedules will be provided when changes occur.