

SARASOTA

Sarasota County move to relax affordable housing requirements is criticized

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SARASOTA COUNTY – Developers in Sarasota County may soon no longer be required to include affordable housing in their plans.

That move, which will be decided by the Sarasota County Commission this week, has drawn ire from the Florida Housing Coalition, one of the state’s foremost affordable housing advocates.

Sarasota County leaders took a step forward in September to amend the county’s long-range growth plan to provide incentives for developers to build affordable housing, rather than require them to do it.

The change, which would likely allow urban development in rural areas east of Interstate 75, came after state lawmakers in 2019 set the stage for local governments to make affordable housing provisions voluntary.



New homes under construction along West Villages Parkway in North Port. Soon, developers in Sarasota County no longer may be required to include affordable housing in their plans. *Mike Lang/Herald-Tribune*

“We believe that the vote taken by the commission in September was based on an erroneous interpretation of the law and should be reconsidered,” the housing coalition said in the Jan. 5 letter to commissioners.

The county’s changes “will exacerbate the affordable housing need in Sarasota,” according to the letter signed by Jaimie Ross, the coalition’s president and CEO, and legal director Kody Glazer.

The move by the county also drew quick condemnation from William Russell, the CEO of the Sarasota Housing Authority, who took issue with a preference by elected officials to rely on the free market to address affordable housing needs.

“To say that the free market will produce any affordable housing in our market is a specious one,” Russell said.

Russell pointed to an earlier attempt by the late Harvey Vengroff, whom the city of Sarasota’s former administration worked hard and successfully to thwart.

“It is simply not going to happen, and I would love to know how they think the market will produce such affordable housing units,” Russell said.

House Bill 7013, which was approved in June 2019, requires counties to offset the costs to developers if the county mandates a portion of development to be set aside as affordable housing.

Those costs could be offset through a variety of incentives, like density bonuses or waivers to impact or utility fees.

Under the county’s amendment, rent is capped at the same affordability level for tenants during the first five years. For purchased properties, the affordability level must be met at the time of the initial sale.

County Administrator Jonathan Lewis has emphasized that the amendment to the growth plan is intended to provide clarification, not alter the function of the policy. Not doing so, he said, could leave the county open for lawsuits for not complying with state law.

However, the coalition believes that the county's current requirement for including affordable housing not only meets current legal requirements, but it also goes far beyond.

Florida law mandates that when a local government requires a specified number of affordable housing units to be constructed through an inclusionary zoning ordinance, the local government must "fully offset all costs to the developer of its affordable housing contribution."

"It is designed to keep developers economically whole in exchange for production of affordable housing," the coalition said.

"The county may decide to repeal its affordable housing requirements on its own accord, but it should not do so by relying on a law that does not call for this action," the letter said.

Making the proposed changes could have consequences, they said.

"By repealing the affordable housing requirement outright, the county loses the ability to calculate how the village designation itself increases the value of property to comply with the state's inclusionary zoning law," the letter said of the county's plan for development in the rural eastern area.

What's happening

While commissioners in September approved an amendment to the comprehensive plan, it tabled a zoning code amendment related to inclusionary zoning and affordable housing.

Both items govern the same policies and will be heard by the commission on Wednesday.

The proposed action on the comprehensive plan, which amends several future land-use policies related to affordable housing, strikes all references to "inclusionary zoning" and other mandatory affordable housing provisions in favor of language that codifies a "voluntary" density bonus system.

Under the proposed language, rather than requiring affordable housing to be built in certain areas of the county, the comprehensive plan encourages affordable housing development through a set of voluntary density bonus incentives.

The proposed action to the zoning code amends language of the optional affordable housing overlay and removes the affordable housing requirements for a villages designation as part of the 2050 Plan, which shapes how land is used in rural eastern Sarasota County.

Under current rules, if a developer plans to build using the village designation in the zoning code, at minimum 15% of the dwelling units within the designation have to be affordable.

The county has created 2,889 affordable housing units under that policy.

Dan Lobeck, a local attorney who heads the Control Growth Now group, has repeatedly expressed his concern that the county continues to whittle away at its 2050 growth plan.

“Over the years, virtually all of the requirements of the Sarasota 2050 Plan have been effectively waived for developers,” Lobeck said in an email to planning commissioners.

“All that has really been left is the 15% Affordable Housing requirement,” Lobeck said.

Too much ‘wiggle room’

Some elected officials have expressed issues with the current policy.

“I could never see myself being part of anything that is rent control, having spent the first half of my life in areas with rent control and watching all the gymnastics and outright fraud that took place there,” Commissioner Alan Maio, a former planner with the firm Kimley-Horn, said in September.

Commissioner Nancy Detert, who serves on the Sarasota Consortium Affordable Housing Advisory Committee, cast the dissenting vote in September, saying that the plan needs more work.

In November, county commissioners adopted an affordable housing agreement requested by Schroeder-Manatee Ranch for its Waterside Sarasota 2050 development.

The agreement exempts the developer from the requirement to sell and rent to people who income-qualify for affordable housing.

The amendment reduces from five to one year the length of time a unit must be rented at an affordable price to allow the developer to count it among the number of affordable units.

It also allows the developer to defer the housing at the lower end of the stated price range until the end of the build-out.

Detert, the only commissioner to dissent, felt that the concessions had given the developer “way too much wiggle room on the affordable housing requirement.”

Commissioners Mike Moran, Christian Ziegler and Ron Cutsinger felt that the free market was a better way to meet the need for affordable housing.

Although the agreement with Schroeder-Manatee Ranch requires housing at certain price points, county staff and Detert complained that would allow units to be bought by investors and flipped for higher prices, taking it out of the hands of buyers in need of affordable housing.