Expedited permitting for qualifying projects

Overview

All proposed developments, whether new construction or renovation or rehab of existing buildings, must go through a local review process to ensure compliance with building code, land use laws, and other regulations.

The process of securing the necessary permits and approvals can be lengthy and may contribute to project delays that raise costs and reduce profit margins in what are often already tight budgets. Some communities accelerate the permitting process for developers of projects where some or all of the units are reserved for lower-income households, both to reduce overall project development costs and to encourage the timely delivery of affordable homes. On its own, the promise of expedited permitting is unlikely to encourage market-rate developers to include affordable units. As part of a package of incentives, however, it can be a valuable benefit, particularly in areas where the permitting process is lengthy.
Cities, towns and counties wishing to offer expedited permitting to qualifying affordable developments can identify the approach that works best for their local context, and tailor coverage and eligibility to achieve community goals.

**Approach**

There are several ways that localities can streamline the permitting process to encourage development of affordable housing. Some local jurisdictions establish a separate “fast-track” permit application for qualifying developments, in some cases assigning a dedicated staff member to shepherd each application through the process. Others give priority consideration to qualifying proposals, moving them to the front of the line and guaranteeing a permitting decision within a set number of days. Sponsors of qualifying projects may also be given access to “early assistance” meetings, in which city or county staff review the proposal before it is submitted for approval and identify any concerns or problems that need to be resolved.

See the related discussion on [expediting the permitting process for all housing units](#) to learn more about specific strategies that local permitting staff can use to streamline the process for some or all applicants.

**Coverage**

Permitting offices are responsible for many levels of review and approval—from building permits to environmental review to approvals for rezoning, variances, or other land use amendments. Expedited review may include some or all of these processes, depending on staff capacity and other factors that impact local ability to deliver results within the promised timeline.

**Eligibility**

In establishing a limited expedited permitting program, communities will need to set clear eligibility criteria. If encouraging creation of new affordable housing is the goal, what share of units in the development must be affordable, and to what income levels, to qualify for expedited permitting? Are there any requirements for the duration that the units must remain affordable?

When access to expedited permitting processes is a cost offset offered as part of an inclusionary zoning program, the requirements for that program will determine the
answers to many of these questions. When offered as a standalone benefit, however, communities will need to determine the affordability thresholds that are most likely to achieve community goals and attract developers.

Localities will also need to determine whether access to expedited permitting is available in all geographic areas within the jurisdiction, or only in specified zones to stimulate new development.

Finally, cities, towns and counties can decide whether to limit expedited permitting to new construction, or to open expedited permitting up to all development that meets affordability criteria, including rehabilitation and renovation projects.

**Other considerations**

- **Capacity.** Prolonged permitting processes may be inevitable in communities that have a high volume of construction activity and insufficient staff to review new proposals in a timely manner. Localities, particularly smaller and/or economically distressed markets, should assess staff capacity (or the ability to hire new staff) before adopting an expedited permitting program. Staffing levels in the permitting office should be sufficient to implement this policy and avoid significantly disrupting the normal development review process.

- **Quality and design standards.** In an effort to expedite the permitting process for developments that meet affordability criteria, some local jurisdictions waive certain review processes or reduce the level of scrutiny required. These may be effective strategies for accelerating the process, but they can also introduce opportunities for unscrupulous actors to cut corners at the expense of residents and community members. Before taking any steps to lessen the level of oversight of qualifying projects, communities should ensure that quality standards adopted to create a safe and healthy living environment will be upheld.

**Examples**

- **Pinellas County, FL** provides expedited permit processing, along with other incentives, for sponsors of certified Affordable Housing Developments (AHD). Builders and developers apply for AHD certification with the County’s Planning Department. Upon approval, they are immediately eligible for expedited processing, as well as assistance from a Development Review Administrator. The Administrator serves as an ombudsman and single point of contact, helping to shepherd the development through the review and permitting process and coordinating all comments, questions, and responses from the County. See [here](#) for more details.

- **The Expedite Program in San Diego, CA** provides expedited permit processing for affordable/infill housing and sustainable development projects. The program
promises a more aggressive processing timeline made possible by mandatory initial review meetings to collect early staff feedback, reduced project review cycles, funding of the environmental initial study at initial review, and priority scheduling of a public hearing. A variety of project types are eligible, including developments in which at least 10 percent of units are set aside for households at or below 65 percent of the area median income for renters or 100 percent of the area median income for homeowners. See here for more details.

Related resources

Implementation

- Affordable Housing Framework (Appendix D: Municipal Regulatory and Process Tools), City of Kawartha Lakes and County of Haliburton – While developed for local officials in Canada, this write-up includes a brief discussion of advantages and issues as well as detailed case studies from Ontario and Saskatoon, Saskatchewan that can help to inform policy development in U.S. cities.

Case studies

- SMART Housing: A Strategy for Producing Affordable Housing at the Local Level, ICMA (2005) – Describes the SMART housing program in Austin, TX – a voluntary program that provides incentives including expedited approval processes for projects that meet program standards.

See the related discussion on expediting the permitting process for all housing units to learn more about specific strategies that local permitting staff can use to streamline the process for some or all applicants.

Cities, towns and counties can also take steps to expedite the permitting process for ALL housing units, reducing barriers to development and helping to increase the overall supply of units in the market. Click here to access a description of this broader policy option.

See also:
- Reduced or waived fees for qualifying projects
- Inclusionary zoning
- Tax abatements or exemptions