

**INDIAN RIVER COUNTY, FLORIDA**

**M E M O R A N D U M**

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**TO:** Jason E. Brown; County Administrator

**THROUGH:** Roland DeBlois, AICP  
Community Development Director

**FROM:** Bill Schutt, AICP  
Chief, Long Range Planning

**DATE:** October 15, 2019

**SUBJECT:** Affordable Housing Advisory Committee Membership

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It is requested that the following information be given formal consideration by the Board of County Commissioners at its regular meeting of October 22, 2019.

**DESCRIPTION AND CONDITIONS**

On December 4, 2018 the Board of County Commissioners (BCC) directed staff to schedule Affordable Housing Advisory Committee (AHAC) meetings to discuss, study, and review the affordable housing issue within the county. Since receiving that direction, the committee has met a total of 4 times and is making good progress, however, for those 4 meetings it has been difficult to achieve a quorum.

Currently, County Code Chapter 308 (Attachment 1) and Resolution 2008-038 (Attachment 2) adopted on March 18, 2008 requires the AHAC to contain 16 voting members and 1 non-voting Board of County Commissioners liaison. To achieve a quorum with such a large committee requires a minimum of 9 voting members be present. Of the committee's 16 voting members, 9 attended the first AHAC meeting on February 14, 2019, 7 attended the second AHAC meeting on April 24, 2019, 10 attended the third meeting on June 19, 2019, and 7 attended the fourth meeting on September 18, 2019. Thus, the County achieved a quorum 2 out of 4 times and only minimally achieve that quorum for those 2 times.

Notwithstanding the attendance, in 2016 the State revised its statutes and established a minimum of 8 and a cap of 11 members for the overall allowed AHAC size. This size cap contained in Florida Statute 420.9076 (Attachment 3) is inconsistent with the number of members the County requires on its AHAC. County rules therefore should be revised to be consistent with state statutes.

**ANALYSIS**

As stated, current state statutes require a minimum of 8 and a maximum of 11 members on an AHAC. At least 6 of those members must be selected from 11 different categories, ranging from such categories as home builders, bankers, and real estate professionals to for-profit and non-profit affordable housing developers.

Within Indian River County, each of the 11 categories listed in state statutes are currently represented on the AHAC, plus additional elected official representatives and/or appointed officials from each of the municipal and county government. Attachment 4 provides a listing of the 11 categories listed in state statutes and represented on the County's AHAC (member numbers 1 – 11), followed by specific elected officials on the County's AHAC (member numbers 12 – 17). Attachment 4 also shows meeting attendance records for each of those 17 AHAC member categories.

Current County ordinances allow the BCC to remove members of a committee for at least 3 unexcused absences. Of the 17 members on the AHAC, 6 members have been absent for at least 3 of the 4 AHAC meetings this year, with some missing all 4 meetings. In contrast, 10 AHAC members and the 1 County appointed BCC liaison have attended at least 2 or more AHAC meetings this year.

In light of state requirements that limited AHAC size to no more than 11 members, it is recommended that the BCC restructure its AHAC membership to be of a size and membership consistent with state law. In so doing, it is also recommended that the BCC amend its regulations and AHAC Appointment Resolution to be consistent with state law.

One basis for reducing the AHAC size could be the attendance history shown in Attachment 4. Selecting members based on at least attending 2 of the past 4 County AHAC meetings would yield 5 municipal representatives, 1 non-voting BCC liaison, and 5 members from the 11 categories that state statute requires the County to select from. Following this methodology would require that 1 remaining state category be selected to achieve the minimum 6 out of 11 state categories. That 1 remaining category could be selected from 1 of the remaining committee members that showed up for a County AHAC meeting at least once this past year. This may include a for-profit provider of affordable housing, a representative of areas of labor engaged in affordable housing home building, or a citizen who represents employers within the jurisdiction. Of those 3 options, it is staff's suggestion that the current AHAC members in those categories be asked (in listed order) if they would like to continue to participate, and select the person based on expressed interest in continuing on the AHAC.

For quick reference, the 11 AHAC membership categories listed in state statutes and the number of times those categories were represented at County AHAC meetings this calendar year are as follows (organized by # of times AHAC meeting attended):

	<b>Florida Statute Requires Between 8 and 11 Members with at Least 6 from the Following Categories</b>	<b># of Times Attended County AHAC Meeting</b>
1.	Advocate for low-income persons in connection with affordable housing	4
2.	Not-for-profit provider of affordable housing	3
3.	Real estate professional in connection with affordable housing	2
4.	Local planning agency representative	2
5.	Citizen who resides within the jurisdiction	2
6.	Representative of areas of labor engaged in affordable housing home building	1
7.	For-profit provider of affordable housing	1
8.	Citizen who represents employers within the jurisdiction	1
9.	Residential home building industry	0
10.	Banking or mortgage banking industry	0
11.	Citizen who represents essential services personnel (defined in LHAP)	0

## **CONCLUSION**

As required by current state statutes, local AHAC membership size must be between 8 and 11 committee members. The County's current AHAC membership is 17 members (16 voting and 1 non-voting). While the County's AHAC is larger than allowed by the state, actual AHAC meeting attendance by AHAC members has been less than 11 voting members for each of 4 separate AHAC meetings held this year.

To be consistent with state statutes and consistent with actual AHAC meeting attendance, the County should revise County Code Chapter 308 and adopt an updated AHAC Resolution to reduce its AHAC's size to no more than 11 voting members (plus 1 non-voting commissioner liaison), with at least 6 members selected from the 11 different categories listed in state statutes. These actions will allow the AHAC to more easily achieve a quorum and will bring the County's AHAC size into compliance with state requirements. With respect to the existing AHAC, the County can achieve the AHAC size reduction from the AHAC membership list and meet state requirements by selecting from its existing members that have the best attendance records.

## **RECOMMENDATION**

Staff recommends that the Board of County Commissioners:

1. Authorize staff to proceed with preparing an amendment to Chapter 308 of the Indian River County Code of Ordinances to make Affordable Housing Advisory Committee membership requirements consistent with amended Florida Statutes; and
2. Authorize staff to proceed with advertising for a public hearing for the amendment; and
3. Authorize staff to proceed with preparing an updated resolution for BCC consideration to adjust Affordable Housing Advisory Committee Membership requirements to be consistent with state statute; and
4. Approve the proposed membership make-up of the updated AHAC to consist of one non-voting BCC liaison and 11 voting members as detailed in this memo.

## **ATTACHMENTS**

1. Portion of Indian River County Code Chapter 308
2. Indian River County Resolution 2008-038
3. Florida Statute 420.9076
4. Comparison of State and County AHAC Membership