

**ORDINANCE NO. 2020-**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA AMENDING SECTION 308.07 (CREATION OF THE INDIAN RIVER COUNTY AFFORDABLE HOUSING ADVISORY COMMITTEE) OF CHAPTER 308 (INDIAN RIVER COUNTY LOCAL HOUSING ASSISTANCE PROGRAM) OF THE CODE OF INDIAN RIVER COUNTY, TO MODIFY THE DIRECTIVES/RESPONSIBILITIES AND MEMBERSHIP REQUIREMENTS OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE TO BE CONSISTENT WITH RECENT STATE STATUTE MODIFICATIONS; AND PROVIDING FOR CODIFICATION; SEVERABILITY; CONFLICT OF ORDINANCES; AND EFFECTIVE DATE OF THE ORDINANCE.**

**WHEREAS**, the Indian River County Board of County Commissioners adopted Chapter 308 of the Code of Ordinances of Indian River County on April 6, 1993, establishing the Indian River County Local Housing Assistance Program; and

**WHEREAS**, as part of the establishment of the County Local Housing Assistance Program, an Affordable Housing Advisory Committee was created that performed and completed tasks outlined in state statutes, and such Committee was eventually dissolved on November 4, 2003; and

**WHEREAS**, the 2007 Florida Legislature, as part of HB 1375, revised section 420.9076, Florida Statutes, to require all counties in the state to establish Affordable Housing Advisory Committees and to prepare a report every three years that reviews local established policies and procedures, ordinances, land development regulations and comprehensive plan and recommend specific actions or initiatives to encourage or facilitate affordable housing, while protecting the ability of the property to appreciate in value; and

**WHEREAS**, the 2020 Florida Legislature, as part of HB 1339, revised section 420.9076, Florida Statutes, to change the requirement to prepare a report every three years, to prepare a report every year, that reviews local established policies and procedures, ordinances, land development regulations and comprehensive plan and recommend specific actions or initiatives to encourage or facilitate affordable housing, while protecting the ability of the property to appreciate in value; and

**WHEREAS**, HB 1339 also modified Affordable Housing Advisory Committee membership requirements to require that the Committee include a member of the Board of County Commissioners; and

**WHEREAS**, Chapter 308 must be updated or revised to be consistent with the amended state requirements,

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**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT:**

**Section 1. Enactment Authority.**

Article VIII, section 1 of the Florida Constitution and chapter 125, Florida Statutes vest broad home rule powers in counties to enact ordinances, not inconsistent with general or special law, for the purpose of protecting the public health, safety and welfare of the residents of the county. The Indian River County Board of County Commissioners specifically determines that the enactment of this ordinance is necessary to protect the health, safety and welfare of the residents of Indian River County.

**Section 2. Amendment of Section 308.07 (Creation of the Indian River County Affordable Housing Advisory Committee) of Chapter 308 (Indian River County Local Housing Assistance Program) of the Code of Indian River County, Florida.**

New language indicated by underline, and deleted language indicated by strikethrough.

Section 308.07 (Creation of the Indian River County Affordable Housing Advisory Committee) of Chapter 308 (Indian River County Local Housing Assistance Program) of the Code of Indian River County, Florida is hereby amended to read as follows:

**CHAPTER 308. – INDIAN RIVER COUNTY LOCAL HOUSING ASSISTANCE PROGRAM**

\* \* \*

**Section. 308.07. – Creation of the Indian River County Affordable Housing Advisory Committee.**

- (1) The Indian River County Affordable Housing Advisory Committee is hereby created and established pursuant to the requirements of F.S. § 420.9076(2). The members of the advisory committee shall be appointed by resolution of the board of county commissioners.
- (2) The resolution appointing the Indian River County Affordable Housing Advisory Committee shall define affordable housing as applicable to the county in a way that is consistent with the adopted local comprehensive plan.
- (3) The affordable housing advisory committee shall consist of eleven (11) voting members. Six (6) of those voting members shall constitute a quorum. The committee may not take formal actions unless a quorum is present, but may meet to hear presentations and undertake other informal activities if duly noticed.
  - (a) The Indian River County Board of County Commissioners shall appoint ~~the~~ six (6) voting members of the affordable housing advisory committee selected from

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six (6) of the following eleven (11) categories in conformance with the following representational criteria:

1. One (1) citizen who is actively engaged in the residential building industry.
2. One (1) citizen who is actively engaged in the banking or mortgage industry.
3. One (1) citizen who is a representative of those areas of labor engaged in home building.
4. One (1) citizen who is designated as an advocate for low-income persons.
5. One (1) citizen who is actively engaged as a for-profit a provider of affordable housing.
6. One (1) citizen who is actively engaged as a not-for-profit provider of affordable housing.
7. One (1) citizen who is a real estate professional.
8. One (1) citizen who actively serves on the county's local planning agency (planning and zoning commission).
9. One (1) citizen who resides within the county.
10. One (1) citizen who represents employers within the county.
11. One (1) citizen who represents essential service personnel.

(b) The City of Fellsmere, ~~City of Sebastian~~, Town of Indian River Shores, ~~Town of Orchid~~, City of Sebastian and City of Vero Beach each shall appoint one member representative (members seven (7) - ~~eleven (11)~~ ten (10)). The Town of Orchid shall appoint an alternate to serve as a member in the event the Town of Indian River Shores representative cannot attend an Affordable Housing Advisory Committee meeting, while able to participate in a non-voting capacity at regular meetings when the Town of Indian River Shores member is present.

(c) The Indian River County Board of County Commissioners shall appoint one member of the Indian River County Board of County Commissioners ~~as a non-voting liaison of to~~ the affordable housing advisory committee.

(4) The following terms of membership shall apply to members of the committee:

(a) Voting members shall serve for two-year terms and may be reappointed for subsequent terms.

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- (b) Non-voting members shall serve for one-year terms and may be reappointed for subsequent terms.
- (5) Meetings shall be held as needed.
- (6) The Indian River County Affordable Housing Advisory Committee shall comply with the Government in the Sunshine Law, the public records law, and the special provisions regarding notice of Affordable Housing Incentive Plan considerations found in F.S. § 420.9076. Minutes of all meetings shall be kept.
- (7) The Indian River County Affordable Housing Advisory Committee shall annually elect a chairperson and a vice-chairperson, and such other offices as it deems necessary.
- (8) Staff, administrative and facility support for the Indian River County Affordable Housing Advisory Committee shall be provided by the board of county commissioners.
- (9) ~~Triennially.~~ **Annually**, consistent with requirements of F.S. § 420.9076 ~~and Rule 67-37 FAC~~ the advisory committee shall review the county's established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value.

\* \* \*

**Section 3. Codification.** It is the intention of the Board of County Commissioners that the provision of this ordinance shall become and be made part of the Indian River County Code, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or such other appropriate word or phrase in order to accomplish such intention.

**Section 4. Severability.** If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall remain in full force and effect.

**Section 5. Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 6. Effective Date.** This ordinance shall become effective upon adoption by the Board of County Commissioners and filing with the Department of State.

This ordinance was advertised in the Indian River Press Journal on the \_\_\_ day of September, 2020, for a public hearing to be held on the 6<sup>th</sup> day of October, 2020, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

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Chairman Susan Adams \_\_\_\_\_  
Vice-Chairman Joseph E. Flescher \_\_\_\_\_  
Commissioner Tim Zorc \_\_\_\_\_  
Commissioner Peter D. O'Bryan \_\_\_\_\_  
Commissioner Bob Solari \_\_\_\_\_

The Chairman thereupon declared the ordinance duly passed and adopted this 6<sup>th</sup> day of October, 2020.

**BOARD OF COUNTY  
COMMISSIONERS OF INDIAN RIVER  
COUNTY, FLORIDA**

By: \_\_\_\_\_  
Susan Adams, Chairman

**ATTEST: Jeffrey R. Smith, Clerk  
and Comptroller**

By: \_\_\_\_\_  
Deputy Clerk

EFFECTIVE DATE: This Ordinance was filed with the Department of State on the \_\_\_\_\_ day of October, 2020.

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