

**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 M. DeBlois, AICP  
Community Development Director

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

**DATE:** November 21, 2019

**SUBJECT:** Consideration to Adopt an Ordinance Amending County Code Chapter 308, Indian River County Local Housing Assistance Program, and to Adopt an Updated Resolution Regarding Affordable Housing Advisory Committee Membership (Legislative)

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It is requested that the following information be given formal consideration by the Board of County Commissioners (BCC) at its regular meeting of December 17, 2019.

**DESCRIPTION AND CONDITIONS**

Pursuant to the requirements of Section 420.907, Florida Statutes, and Rule 67-37.005, Florida Administrative Code (FAC), the Board of County Commissioners approved the County's first Local Housing Assistance Plan (Ordinance #93-13) on April 6, 1993. Subsequently, the Florida Housing Finance Agency approved the county's plan and authorized the disbursement of State Housing Initiatives Partnership (SHIP) Program funds. The County's Local Housing Assistance Program was then codified as Chapter 308 of the County Code. Chapter 308 was last updated by the County in 2014 to address changes in the SHIP program, including statute and code references.

Currently, Chapter 308 is inconsistent with state requirements regarding membership on the County's Affordable Housing Advisory Committee (AHAC). Whereas the County's current AHAC contains seventeen members, state statutes limit the AHAC membership size to no more than eleven members, with at least six from specific categories listed in the statutes.

On October 22, 2019, the BCC reviewed the AHAC membership requirements listed in state statutes as well as AHAC membership attendance over the past year and determined that the County's AHAC membership requirements should be revised. At that time, the BCC directed staff to:

1. Proceed with preparing an amendment to County Code Chapter 308 to make the AHAC membership requirements consistent with amended Florida Statutes; and

2. Proceed with advertising for a public hearing for the amendment; and
3. Proceed with preparing an updated resolution for BCC consideration to adjust AHAC membership requirements to be consistent with state statutes; and
4. Approve proposed membership make-up of the updated AHAC to consist of one non-voting BCC liaison and 11 voting members, including representatives of each town/city within the County and 6 representatives of specific categories listed in statute.

Consistent with the BCC's directive, this staff report provides proposed revisions to County Code Chapter 308 (Attachment 2) and provides a proposed Resolution (Attachment 3) to adjust AHAC membership size. A recommendation is also provided for proposed membership adjustments to the current AHAC based on meeting attendance over the past year.

### **ANALYSIS**

As structured, both the proposed revisions to County Code Chapter 308 and the proposed AHAC resolution will modify the County's current AHAC membership size and composition to be consistent with state statutes.

According to Florida Statute Section 420.9076(2), the Affordable Housing Advisory Committee must contain between eight and eleven members, and at least six of the members must be selected from the following eleven categories:

1. One (1) citizen who is actively engaged in the residential home building industry in connection with affordable housing,
2. One (1) citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing
3. One (1) citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing,
4. One (1) citizen who is actively engaged as an advocate for low income persons in connection with affordable housing,
5. One (1) citizen who is actively engaged as a for-profit 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 actively engaged as a real estate professional in connection with affordable housing,
8. One (1) citizen who actively serves on the local planning agency pursuant to s.163.3174 F.S.
9. One (1) citizen who resides within the jurisdiction of the local governing body making the appointments,
10. One (1) citizen who represents employers within the county,
11. One (1) citizen who represents essential services personnel, as defined in the local housing assistance plan.

The proposed County code amendments and resolution provide the BCC with flexibility to select six members from any of the eleven categories listed in the state statute through its normal committee membership application and appointment procedures. The County code amendments

and resolution also maintain the County’s existing AHAC member appointments from the City of Fellsmere, Town of Indian River Shores, Town of Orchid, City of Sebastian, and City of Vero Beach.

With respect to selecting six members from the eleven categories listed in state statutes, staff proposed and the BCC approved (at its October 22<sup>nd</sup> meeting) keeping the most currently active AHAC members from five of the eleven state required membership categories. Those member categories are as follows:

	<b>Proposed AHAC Member Category (from FL Statute) to Keep on Current IRC AHAC</b>	<b># of Times Attended County AHAC Meeting</b>
1.	Advocate for low-income persons in connection with affordable housing	5
2.	Not-for-profit provider of affordable housing	4
3.	Real estate professional in connection with affordable housing	2
4.	Local planning agency representative	2
5.	Citizen who resides within the jurisdiction	3

Per the BCC direction, a sixth member from the eleven categories listed in state statutes could be selected by staff due to a “three-way tie” for AHAC membership attendance at meetings this year through September 2019. Since that direction was provided by the BCC, the AHAC has had one additional meeting and one of those three members participated in that meeting. That member is the “For-profit provider of affordable housing”. Based on this, staff recommends maintaining that member on the AHAC as the sixth member chosen from the state’s eleven categories. Notwithstanding that selection, the BCC has the discretion through its normal committee member replacement procedures to replace any of the six members with a new member from any of the eleven state categories not already represented on the AHAC.

With respect to the current seventeen member AHAC, and the new state requirements, there are 5 members that will no longer be on the AHAC. It is recommended that the BCC authorize staff to issue “thank you” letters for their past service and inform them of the restructuring to meet state requirements.

**RECOMMENDATION**

Staff recommends that the Board of County Commissioners:

1. Approve the proposed amendment to County Code Chapter 308 by adopting the attached ordinance; and
2. Adopt the proposed AHAC resolution; and
3. Approve the final list of current AHAC member categories as outlined in this staff report and authorize the current members in those categories to continue to serve based on their current approved terms; and
4. Authorize staff to issue “thank you” letters to the members that will no longer be on the AHAC due to the size restructuring.

## **ATTACHMENTS**

- 1) Portion of DRAFT Minutes of the October 22, 2019 BCC Meeting
- 2) Proposed Ordinance Amending IRC Chapter 308
- 3) Proposed Resolution Revising Membership of the County's Affordable Housing Advisory Committee

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