

INDIAN RIVER COUNTY, FLORIDA
MEMORANDUM

TO: Jason E. Brown; County Administrator

THROUGH: Phillip J. Matson, AICP; Community Development Director

FROM: Bill Schutt, AICP; Chief, Long-Range Planning

DATE: September 27, 2020

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)

It is requested that the following information be given formal consideration by the Board of County Commissioners (BCC) at its regular meeting of October 6, 2020.

DESCRIPTION AND CONDITIONS

During the 2020 Florida Legislative session the Florida Legislature approved and the Governor ultimately signed into law HB 1339 (Attachment 1) which modifies the directives/responsibilities and membership requirements of Affordable Housing Advisory Committees (AHAC) as listed in Florida Statutes Section 420.9076. Those modifications include the requirement that:

1. One local elected official for the jurisdiction with a State Housing Initiative Partnership (SHIP) program be on the AHAC.
2. The local elected official attend bi-annual regional workshops through the State Affordable Housing Catalyst Program.
3. The AHAC annually (instead of triennially) review local policies, procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value.
4. The AHAC annually (instead of triennially) submit a report to the Board of County Commissioners and designated State Housing training provider that includes recommendations on the implementation of affordable housing incentives (See Attachment 1 for list of incentives).

This agenda item addresses item one, three, and four above.

Chapter 308 of the Indian River County Code lists the membership requirements for the County's AHAC, as well as the roles and responsibilities of the AHAC. Under current County Code, one BCC member is required to serve as a non-voting liaison to the AHAC. Based on HB 1339 and recent interpretive guidance from the state, the BCC member can no longer be a non-voting liaison but must be a voting member of the AHAC (even if the liaison is an active participant at AHAC meetings). With respect to studying affordable housing and recommending specific actions in an annual report to the BCC, Chapter 308 also needs to be amended to change the timing of those activities from triennially to annually.

Consistent with the state's directive, this staff report provides for BCC consideration proposed AHAC membership revisions, and AHAC reporting time frame revisions to County Code Chapter 308 (Attachment 2). This report also provides a proposed updated AHAC membership Resolution (Attachment 3).

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 recently amended state statute and will modify the time frame/period for the AHAC to analyze and prepare reports with affordable housing incentive recommendations for BCC consideration.

AHAC Membership Requirements

HB 1339 maintains the requirement that the Affordable Housing Advisory Committee must contain between eight and eleven members, and at least six of the members must be selected from housing, finance, business, citizen, and planning related categories (Attachment 1). HB 1339 did, however, impact the remaining five (5) members of the eleven (11) member board.

Currently, Indian River County's AHAC membership includes the minimum six members selected from the state mandated categories plus one member from each of the five (5) towns and cities in the County. Combining the six (6) previously mandated categories with the County's five (5) city and town members gets the County's AHAC membership to eleven (11) members. To meet the new HB 1339 requirement to have one (1) BCC member on the AHAC requires the removal of one (1) city/town representative from the AHAC so as to not exceed the state mandated cap of eleven (11) AHAC members.

To reduce the City/Town membership number on the AHAC, County staff coordinated with the Town of Orchid City Manager to see if the Town of Orchid due to its small size and relative lack of issues such as homelessness, would graciously agree to revise its status as a voting member to meet the new state mandate. After The Town Manager for the Town of Orchid agreed, an Ordinance was advertised for BCC consideration to include the proposed State mandated AHAC membership changes and State mandated changes to timing for analyzing affordable housing and preparing reports for BCC consideration. A membership resolution was also drafted for BCC consideration. In both documents, it is proposed that the Town of Orchid continue to participate in AHAC meetings as a non-voting member. If needed, Orchid can also serve as an alternate voting

member for the Town of Indian River Shores (2nd smallest town in the County) in the event its member cannot attend an AHAC meeting.

Analyzing Local Laws and Regulations and Developing an Actionable Report

HB 1339, changed the requirement of the AHAC from triennially to annually to review the county's established policies and procedures, ordinances, land development regulations, and adopted local government 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. The proposed ordinance amendment incorporates this change.

RECOMMENDATION

Staff recommends that the Board of County Commissioners:

1. Take public comment at the public hearing;
2. Approve the proposed amendment to County Code Chapter 308 by adopting the attached ordinance; and
3. Adopt the proposed AHAC resolution.

ATTACHMENTS

- 1) Portion of HB 1339, 2020 Florida Legislative Session
- 2) Proposed Ordinance Amending IRC Chapter 308
- 3) Proposed Resolution Revising Membership of the County's Affordable Housing Advisory Committee