

AFFORDABLE HOUSING ADVISORY COMMITTEE

A meeting of the Indian River County Affordable Housing Advisory Committee (AHAC) was held on June 17, 2020, at 9:00 AM via the Zoom videoconferencing application and live in Conference Room B1-501 of the County Administration Building B, 1800 27th Street, Vero Beach, Florida. An audio recording can be found at <http://www.ircgov.com/Boards/AHAC/2020.htm>.

Members Present

Julianne Price, President, Every Dream Has a Price, Chairperson
Sheryl Vittitoe, President, Habitat for Humanity, Vice Chairperson (*late arrival*)
Damien Gilliams, City of Sebastian
Mark Mathes, City of Fellsmere
Laura Moss, Councilmember, City of Vero Beach (COVB)
David Myers II, Mortgage Industry (*late arrival*)
Noah Powers, Town of Orchid
Bob Solari, Board of County Commissioners (BCC), Non-voting BCC Liaison

Members Absent

Linda Morgan, Progressive Civic League, Small Business Owner
Kenneth “Chip” Landers, Local Planning & Zoning Agency
Mark Seeberg, Real Estate Professional in Connection with Affordable Housing
Tom Slater, Town of Indian River Shores

IRC Staff/Officials Present

Tim Zorc, BCC, District 3
Phil Matson, Indian River County Community Development Director
Bill Schutt, Chief, Long-Range Planning
Matt Kalap, Community Development
Stacey Bush, IRC Rental Assistance
Robin Miller, Indian River County HCV-VASH Voucher Supervisor
Dylan Reingold, Indian River County Attorney
Jason Brown, Indian River County Administrator
Ed Offutt, Commissioner Assistant, Recording Secretary

Others Present

Ellen Kendall, John’s Island Community Service League
Louise Hubbard, Treasure Coast Homeless Service Council
Michelle Julian, John’s Island Affordable Housing Task Force
Barbara Detwiler, John’s Island Affordable Housing Task Force
Sarah Jane Moore, John’s Island Affordable Housing Task Force
Lynne Whipple, John’s Island Affordable Housing Task Force
Jerry Flick, The Housing League

Call to Order

(9:01 AM) Chairperson Price called the meeting to order; due to the mixed Zoom/in-person meeting format, a roll call was performed and it was noted that a quorum was not yet present. Given this fact, the approval of minutes was deferred and the AHAC continued with BCC Action on AHAC Recommendations.

BCC Action on AHAC Recommendations (B. Schutt)

(9:04 AM) Mr. Schutt reported on the BCC's positive review of the AHAC's 15 recommendations from January 22, 2020. (See Attachment 1 for a summary of Mr. Schutt's report.) The recommendations were categorized as (1) complete or nearly complete, (2) in need of review by the County Attorney, (3) ready for AHAC membership action, or (4) currently underway. There were no further recommendations from the AHAC at this time.

(9:15 AM) Ms. Vittitoe joined the meeting via Zoom, providing a quorum.

Approval of Meeting Minutes for November 13, 2019, and January 22, 2020

(9:16 AM) ON MOTION BY Mr. Mathes, SECONDED BY Chairperson Price, the members voted unanimously (6-0) to approve the minutes of November 13, 2019, and January 22, 2020, as presented.

Proposed Meeting Dates (B. Schutt)

(9:17 AM) Mr. Schutt reviewed proposed, regular AHAC meeting dates through the end of 2021, specifically the fourth Wednesday of the even-numbered months. (See Attachment 1 for a summary of Mr. Schutt's proposal.) There were no alterations requested by committee members. One audience member asked whether Zoom would continue to be used for future meetings, and Mr. Reingold replied in the affirmative, citing current IRC policy. Mr. Brown added that the Zoom option would remain in-place as long as the governor's orders continue to allow it.

(9:19 AM) ON MOTION BY Mr. Gilliams, SECONDED BY Chairperson Price, the members voted unanimously (6-0) to approve the proposed meeting dates.

House Bill (HB) 1339 -- New Legislation for AHAC Responsibilities (B. Schutt)

(9:20 AM) Mr. Schutt discussed the implications of Florida HB 1339. (See Attachment 1 for a summary of Mr. Schutt's briefing.) Two items of particular note were that (1) the AHAC must now report annually to the BCC on the implementation of affordable housing initiatives, and (2) the AHAC must include a local elected official who attends bi-annual regional workshops through the State Affordable Housing Catalyst Program. There were no comments from the committee.

Community Education for Issues Affecting Ability to Obtain Housing

(9:24 AM) The AHAC next entered into an open discussion regarding community education on affordable housing issues. Chairperson Price introduced Ellen Kendall of the John's Island Community Service League (JICSL), who described her group's efforts on the Housing Emergency Advocacy Response Team (HEART) initiative. She explained that HEART is a collaboration between JICSL, Florida Rural Legal Services, Inc., and the Indian River County Bar Association to provide pro bono legal services, from general education to negotiating with landlords on clients' behalf regarding specific issues. (See Attachment 2 for a summary of Ms. Kendall's presentation.) Ms. Kendall emphasized that one focus of the program is to move beyond workshops and obtain and hold housing for clients. The HEART program is funded for one year as a trial, but if the program is successful Ms. Kendall hopes to continue beyond the initial timeframe. Chairperson Price showed enthusiastic support for HEART, and added that the local NAACP is involved in personal credit repair services that dovetail with HEART's goals. Ms. Hubbard noted that "timing is everything" when locating shelter for those without, but she also stressed the perpetual importance of educating the local population in need of affordable housing. Commissioner Zorc disclosed that the BCC receives frequent calls about landlords not maintaining units, and supported the idea of getting the "right letter to the landlord" to assert tenants' rights and landlords' responsibilities.

Ms. Kendall stated that HEART would be working in the upcoming weeks to publicize their goals and capabilities.

Legal Considerations Related to AHAC Recommendations (D. Reingold)

(9:35 AM) Mr. Reingold spoke to the legal considerations of AHAC Recommendations 4, 11, 12, and 14, specifically citing the Bert J. Harris, Jr., Private Property Rights Protection Act and IRC’s Ocean Concrete litigation as it relates to Recommendations 4 and 11. Mr. Schutt explained that each parcel in the County is pre-approved (zoned) for specific uses, and IRC cannot remove potential uses from a property (i.e., re-zone) without potential liability issues resulting from such action, specifically by limiting the value of the parcel in the real estate market. Mr. Reingold suggested the use of a “carrot” approach, as opposed to a “stick,” by providing incentives that encourage landowners to use their parcels in specific ways that support affordable housing. Chairperson Price then segued to Recommendations 12 and 14, and Mr. Reingold agreed that there should be a way to proceed on these ideas. Commissioner Zorc commented that, while he understood the “carrot” approach, builders are sometimes incentivized with bonuses that are not mathematically achievable, given the County’s current building rules. Mr. Schutt remarked that his staff would examine existing site plans to see what possibilities are present, and what might be limited. Mr. Gilliams wondered whether bonuses might be transferrable between developers. Ms. Kendall asked for details regarding the Ocean Concrete case, and Mr. Reingold explained that the County had re-zoned a parcel to remove a permitted use, was charged under the Harris Act, won the case, and then lost an appeal; a final decision on the County’s appeal is expected in the fall of 2020 but could be slowed due to COVID-19. Chairperson Price agreed to add Commissioner Zorc’s previously-voiced concerns as a future agenda item, and then summarized the conversation by stating that the committee seemed to support moving forward on Recommendations 12 and 14, while holding on 4 and 11 until the completion of the Ocean Concrete case; she inquired as to whether there was a need to go back to the BCC with this recommendation, and Mr. Schutt – with support from Mr. Reingold -- recommended a new motion from the committee to update the BCC.

(9:54 AM) ON MOTION BY Mr. Mathes, SECONDED BY Chairperson Price, the members voted unanimously (6-0) to advise the BCC to move forward on AHAC Recommendations 12 and 14, while delaying implementation of Recommendations 4 and 11, pending current litigation.

Other matters: Former Gifford Gardens Apartments Update

(9:55 AM) Mr. Schutt recounted the committee’s ideas regarding redevelopment of the former Gifford Gardens site. (See Attachment 1 for a summary of Mr. Schutt’s report.) He asked the members if there were additional items to add to those already listed. Commissioner Solari expressed that the concert ought to be narrowed and presented to the Gifford community. He specified the need to “develop a neighborhood of affordable homes, vice an ‘affordable housing’ project.” Finally, Commissioner Solari described how the project ought to lead the way to home ownership. Chairperson Price agreed that community input was needed, and advocated inviting Gifford leaders to the next AHAC meeting. Commissioner Solari further questioned if it was even possible to move forward with a request for proposals from developers without first contacting the Gifford community for inputs. Chairperson Price proposed that as much as 75% of the new development should encompass home ownership. Mr. Flick wondered what type of housing the community wanted, and at what density, and questioned the status of water and sewer lines in the area. Ms. Hubbard inquired as to whether the community had provided a desired price point for each unit, which Chairperson Price said would be added to the list of considerations. Chairperson Price then closed the discussion by stating that she would work with Mr. Schutt to take these ideas to the Gifford community for deliberation.

Other matters: Request for Municipalities to Review/Update Applicable Regulations

(9:55 AM) Mr. Schutt began the discussion by asking whether ideas originating with the AHAC could be transferred to the municipalities. Chairperson Price stated that she'd like to hear from the municipality representatives at the August meeting as to their future plans for affordable housing. Ms. Moss suggested inviting State Rep. Erin Grall and/or her staff to participate in a future meeting, and Chairperson Price replied that Rep. Grall or her staff were welcome to attend, although she noted that Rep. Grall's office had been invited previously but had not elected to come thus far. Commissioner Zorc questioned whether a non-profit organization sponsoring an affordable housing development would benefit from tax-exemption, but Chairperson Price replied that it would depend on which organization the Department of Revenue approved as the owner. Mr. Flick remarked that there are tax credits/exemptions available if rentals are targeted at residents living on 80% or less of local median income.

Topics for next meeting (tentatively August 19, 2020)

(10:25 AM) Mr. Schutt proposed topics for the next AHAC meeting. (See Attachment 1 for a summary of Mr. Schutt's proposal.)

(10:28 AM) *Mr. Myers joined the meeting in person.*

Other Matters

(10:28 AM) Mr. Flick expressed his opinion that the affordable housing process must move away from bureaucracy, and that there are many flaws in local building rules that must be corrected, in particular regarding impact fees. Chairperson Price replied that she had received an earlier note from Mr. Flick regarding the launch of a subcommittee, but the prevailing opinion was that such a subcommittee would be inappropriate and that there were other avenues available to air such ideas. Mr. Schutt emphasized the need for prioritization of the AHAC's many ideas so the staff can work on the committee's priorities. Commissioner Zorc wondered which Florida counties have the best affordable housing programs, with the fewest people waiting for housing. Committee members perceived Pinellas, Hillsborough, and Alachua Counties as leaders in the state, but Ms. Hubbard recommended exploring data from the Florida Housing Coalition (FHC) and examining the program catalysts FHC has identified. Ms. Hubbard further stated that she has a contact who could make proven recommendations, and stated that she was impressed with the degree of political will on this topic currently present in IRC. Commissioner Zorc stated that, if needed, he could round up more speakers on the topic from the local business community.

Adjournment

(10:40 AM) There being no further business, Chairperson Price adjourned the meeting.

Attachments

Attachment 1 – AHAC Meeting PowerPoint Presentation Slides, June 17, 2020 (B. Schutt)
Attachment 2 – IRC Housing Emergency Advocacy Response Team Program (E. Kendall)