

PART I - CODE
Chapter 2 - ADMINISTRATION
ARTICLE VIII. - BOARDS, COMMISSIONS, COMMITTEES AND AUTHORITIES
DIVISION 9. - AFFORDABLE HOUSING ADVISORY COMMITTEE

DIVISION 9. - AFFORDABLE HOUSING ADVISORY COMMITTEE ^[18]

⁽¹⁸⁾ **Editor's note**— Ord. No. 08-17, §§ 1—9, adopted Apr. 8, 2008, amended Art. VIII, Div. 9 in its entirety to read as herein set out. Former Art. VIII, Div. 9, §§ 2-966—2-974, pertained to the affordable housing commission and derived from Ord. No. 91-65, §§ 1—9; Ord. No. 04-77, § 1; and Ord. No. 2005-69, § 1.

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Sec. 2-966. - Creation of the affordable housing advisory committee.

The affordable housing advisory committee (hereinafter referred to as the "committee") is hereby created.

Sec. 2-967. - Appointment and composition.

(a) The committee shall be composed of 11 voting members and one alternate member, of which the Board of County Commissioners shall appoint nine members, as well as the alternate member, one of which must be a resident of Immokalee. The Naples City Council shall appoint two members. The alternate member shall serve in a voting capacity only when a regular member is absent from a meeting. The committee shall be composed of members from the county-at-large, the City of Naples-at-large, and shall be comprised as follows:

- (1) One citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- (2) One citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- (3) One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- (4) One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- (5) One citizen who is actively engaged as a for-profit provider of affordable housing.
- (6) One citizen who is actively engaged as a not-for-profit provider of affordable housing.

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- (7) One citizen who is actively engaged as a real estate professional in connection with affordable housing.
- (8) One citizen who actively serves on the local planning agency pursuant to F.S. § 163.3174.
- (9) One citizen who resides within the jurisdiction of the local governing body making the appointments.
- (10) One citizen who represents employers within the jurisdiction.
- (11) One citizen who represents essential services personnel, as defined in the local housing assistance plan.

(b) Members of the committee appointed by the Board of County Commissioners shall serve at the pleasure of the Board of County Commissioners and members appointed by the Naples City Council shall serve at the pleasure of the Naples City Council. Said members shall be permanent residents and electors of Collier County.

(c) Appointment of members to the committee shall be by resolution of the Board of County Commissioners and the Naples City Council, respectively, which resolutions shall set forth the date of appointment and term of office.

Sec. 2-968. - Terms of office.

The initial terms of office of the affordable housing advisory committee members shall be as follows:

- (1) The Board of County Commissioners shall appoint:
 - a. Two members to serve for one year.
 - b. One members to serve for two years.
 - c. Four members to serve for three years.
- (2) The Naples City Council shall appoint:
 - a. Two members to serve for three years.

Thereafter, each appointment or reappointment shall be for a term of three years. A member of the committee may be reappointed by the Board of County Commissioners or the Naples City Council, as applicable, for one successive term. Provided, however, other qualified applicants may be considered for any vacancy. Appointments to fill any vacancies on the committee shall be for the remainder of the unexpired term of office.

Sec. 2-969. - Removal from office; failure to attend meetings.

(a) Any member of the affordable housing advisory committee may be removed from office, with or without cause, by a majority vote of the governing body appointing said member.

(b) If any member of the committee fails to attend two consecutive committee meetings without a satisfactory excuse, or if a member is absent from more than one-half of the committee's meetings in a given fiscal year, the committee shall declare the member's seat to be vacant and the vacancy shall be filled by the Board of County Commissioners or the Naples City Council, as applicable.

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Sec. 2-970. - Officers; quorum; rules of procedure.

(a) Annually the membership of the affordable housing advisory committee shall elect a chairman and vice-chairman from among the members. Officers' terms shall be for one year with eligibility for reelection.

(b) The presence of six or more members shall constitute a quorum of the committee necessary to take action and transact business. In addition, an affirmative vote of six or more members shall be necessary in order to take official action, regardless of whether six or more members of the committee are present at the meeting.

(c) The committee shall, by majority vote of the entire membership, adopt rules of procedure for the transaction of business and shall keep a written record of meetings, resolutions, findings and determinations. Copies of all committee minutes, resolutions, reports, and exhibits shall be submitted to the Board of County Commissioners and the Naples City Council.

(d) All committee meetings shall be open to the public.

Sec. 2-971. - Reimbursement of expenses.

Members of the affordable housing advisory committee shall serve without compensation, but shall be entitled to receive reimbursement for expenses reasonably incurred in the performance of their duties upon prior approval of both the Board of County Commissioners and the Naples City Council.

Sec. 2-972. - Functions, powers and duties.

The functions, powers and duties of the Affordable Housing Advisory Committee shall be as follows:

(1) The Committee shall monitor and advise the Board of County Commissioners and the City Council regarding the goals, objectives, and policies of the county's housing element in the county's growth management plan and the city's comprehensive plan, and any other program, means, or directives which would assist or encourage the provision of affordable housing in Collier County and its municipalities.

(2) The Committee shall investigate a plan for any linkage and inclusionary zoning recommendations consistent with the housing element of the Growth Management Plan of Collier County.

(3) The Committee shall review and determine the effect of proposed ordinances on affordable housing and make recommendations to the Board of County Commissioners and the Naples City Council, as appropriate.

(4) The Committee shall review and comment on the county's federal entitlement grant programs, policies, and proposals.

(5) The Committee shall investigate any other relevant areas so directed by the Board of County Commissioners.

(Ord. No. 2009-50, § 1)

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Sec. 2-973. - Duties of department heads.

The duties of the director of housing and human services and the Naples Community Development Director, or their designees, shall be:

- (1) To administer the activities of the affordable housing advisory committee in accordance with established policies of the Board of County Commissioners and the Naples City Council and guidelines adopted by the board and the council.
- (2) To provide periodic written reports to the Committee, the county administrator, the city manager, the Naples City Council and the Board of County Commissioners on the growth management plan of each jurisdiction.
- (3) To attend all committee meetings.

Sec. 2-974. - Review process.

This Affordable Housing Advisory Committee shall be reviewed once every four years commencing in 1995, in accordance with the procedures contained in Division 2 of this article.

Secs. 2-975—2-985. - Reserved.

⁽¹⁸⁾ **Cross reference**— Buildings and building regulations, ch. 22; social services, ch. 114; housing initiatives partnership (SHIP) program, § 114-56 et seq.

AHAC Statute and Rule

Statute

420.9076 Adoption of affordable housing incentive strategies; committees.--

(1) Each county or eligible municipality participating in the State Housing Initiatives Partnership Program, including a municipality receiving program funds through the county, or an eligible municipality must, within 12 months after the original adoption of the local housing assistance plan, amend the plan to include local housing incentive strategies as defined in s. 420.9071(16).

(2) The governing board of a county or municipality shall appoint the members of the affordable housing advisory committee by resolution. Pursuant to the terms of any interlocal agreement, a county and municipality may create and jointly appoint an advisory committee to prepare a joint plan. The ordinance adopted pursuant to s. 420.9072 which creates the advisory committee or the resolution appointing the advisory committee members must provide for 11 committee members and their terms. The committee must include:

(a) One citizen who is actively engaged in the residential home building industry in connection with affordable housing.

(b) One citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.

(c) One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.

(d) One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.

(e) One citizen who is actively engaged as a for-profit provider of affordable housing.

(f) One citizen who is actively engaged as a not-for-profit provider of affordable housing.

(g) One citizen who is actively engaged as a real estate professional in connection with affordable housing.

(h) One citizen who actively serves on the local planning agency pursuant to s. 163.3174. If the local planning agency is comprised of the governing board of the county or municipality, the governing board may appoint a designee who is knowledgeable in the local planning process.

(i) One citizen who resides within the jurisdiction of the local governing body making the appointments.

(j) One citizen who represents employers within the jurisdiction.

(k) One citizen who represents essential services personnel, as defined in the local housing assistance plan.

If a county or eligible municipality whether due to its small size, the presence of a conflict of interest by prospective appointees, or other reasonable factor, is unable to appoint a citizen actively engaged in these activities in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed. Local governments that receive the minimum allocation under the State Housing Initiatives Partnership Program may elect to appoint an affordable housing advisory committee with fewer than 11 representatives if they are unable to find representatives who meet the criteria of paragraphs (a)-(k).

(3) All meetings of the advisory committee are public meetings, and all committee records are public records. Staff, administrative, and facility support to the advisory committee shall be provided by the appointing county or eligible municipality.

(4) Triennially, the advisory committee shall review the established policies and 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. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances, and other policies. At a minimum, each advisory committee shall submit a report to the local governing body that includes recommendations on, and triennially thereafter evaluates the implementation of, affordable housing incentives in the following areas:

(a) The processing of approvals of development orders or permits, as defined in s. 163.3164(7) and (8), for affordable housing projects is expedited to a greater degree than other projects.

(b) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.

(c) The allowance of flexibility in densities for affordable housing.

(d) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.

(e) The allowance of affordable accessory residential units in residential zoning districts.

(f) The reduction of parking and setback requirements for affordable housing.

(g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.

- (h) The modification of street requirements for affordable housing.
- (i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
- (j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
- (k) The support of development near transportation hubs and major employment centers and mixed-use developments.

The advisory committee recommendations may also include other affordable housing incentives identified by the advisory committee. Local governments that receive the minimum allocation under the State Housing Initiatives Partnership Program shall perform the initial review but may elect to not perform the triennial review.

(5) The approval by the advisory committee of its local housing incentive strategies recommendations and its review of local government implementation of previously recommended strategies must be made by affirmative vote of a majority of the membership of the advisory committee taken at a public hearing. Notice of the time, date, and place of the public hearing of the advisory committee to adopt its evaluation and final local housing incentive strategies recommendations must be published in a newspaper of general paid circulation in the county. The notice must contain a short and concise summary of the evaluation and local housing incentives strategies recommendations to be considered by the advisory committee. The notice must state the public place where a copy of the evaluation and tentative advisory committee recommendations can be obtained by interested persons. The final report, evaluation, and recommendations shall be submitted to the corporation.

(6) Within 90 days after the date of receipt of the evaluation and local housing incentive strategies recommendations from the advisory committee, the governing body of the appointing local government shall adopt an amendment to its local housing assistance plan to incorporate the local housing incentive strategies it will implement within its jurisdiction. The amendment must include, at a minimum, the local housing incentive strategies required under s. 420.9071(16). The local government must consider the strategies specified in paragraphs (4)(a)-(k) as recommended by the advisory committee.

(7) The governing board of the county or the eligible municipality shall notify the corporation by certified mail of its adoption of an amendment of its local housing assistance plan to incorporate local housing incentive strategies. The notice must include a copy of the approved amended plan.

(a) If the corporation fails to receive timely the approved amended local housing assistance plan to incorporate local housing incentive strategies, a notice of termination of its share of the local housing distribution shall be sent by certified mail by the corporation to the affected county or eligible municipality. The notice of termination must specify a date of termination of the funding if the affected county or eligible municipality has not adopted an amended local housing

assistance plan to incorporate local housing incentive strategies. If the county or the eligible municipality has not adopted an amended local housing assistance plan to incorporate local housing incentive strategies by the termination date specified in the notice of termination, the local distribution share terminates; and any uncommitted local distribution funds held by the affected county or eligible municipality in its local housing assistance trust fund shall be transferred to the Local Government Housing Trust Fund to the credit of the corporation to administer the local government housing program.

(b) If a county fails to timely adopt an amended local housing assistance plan to incorporate local housing incentive strategies but an eligible municipality receiving a local housing distribution pursuant to an interlocal agreement within the county does timely adopt an amended local housing assistance plan to incorporate local housing incentive strategies, the corporation, after receipt of a notice of termination, shall thereafter distribute directly to the participating eligible municipality its share calculated in the manner provided in s. 420.9072.

(c) Any county or eligible municipality whose local distribution share has been terminated may subsequently elect to receive directly its local distribution share by adopting an amended local housing assistance plan to incorporate local housing incentive strategies in the manner and according to the procedure provided in this section and by adopting an ordinance in the manner required in s. 420.9072.

(8) The advisory committee may perform other duties at the request of the local government, including:

(a) The provision of mentoring services to affordable housing partners including developers, banking institutions, employers, and others to identify available incentives, assist with applications for funding requests, and develop partnerships between various parties.

(b) The creation of best practices for the development of affordable housing in the community.

(9) The advisory committee shall be cooperatively staffed by the local government department or division having authority to administer local planning or housing programs to ensure an integrated approach to the work of the advisory committee.

RULE

67-37.010 Local Affordable Housing Advisory Committees and Incentive Strategies.

(1) The affordable housing advisory committee, as established in Section 420.9076(3), F.S., must approve the local affordable housing incentive strategy recommendations at a public hearing by affirmative vote of a majority of the membership of the advisory committee.

(2) The affordable housing advisory committee shall evaluate established policies, procedures, ordinances, land development regulations, and the local government comprehensive plan submitted and report to the local government governing board including recommended changes as established in Section 420.9076, F.S. The initial report shall be submitted to the local government governing board by December 31, 2008. After this initial submission, the reports are required to be submitted triennially on December 31 of the year preceding the submission of the local housing assistance plan. For local governments required to submit a local housing assistance plan on May 2, 2010, the report submitted by December 31, 2008 shall constitute the required report for December 31, 2009.

(3) The county or eligible municipality shall transmit to the Corporation an electronic copy of the report which has been submitted to the local governing board for consideration by May 2 of the year following the report due date.

(4) A county or eligible municipality which does not have an established affordable housing advisory committee shall establish said committee and appoint all required members by June 30, 2008.

(5) Local governments that administer the SHIP program under an Interlocal Agreement as established in Rule 67-37.011, F.A.C., and have one LHAP may request approval from the Corporation to use the same affordable housing advisory committee. When one advisory committee is utilized for the local governments participating in an Interlocal Agreement, the advisory committee shall comply with all requirements for advisory committees as established in Section 420.9076, F.S., for each of the local governments in the Interlocal Agreement separately.

Rulemaking Authority 420.9072(9) FS. Law Implemented 420.907, 420.9076 FS. History—New 2-9-94, 1-6-98, Formerly 91-37.010, Amended 12-26-99, Repromulgated 9-22-03, Amended 2-24-08, 11-22-09.