



CITY OF FORT LAUDERDALE

DRAFT
MEETING MINUTES
CITY OF FORT LAUDERDALE
AFFORDABLE HOUSING ADVISORY COMMITTEE
914 SISTRUNK BOULEVARD, SUITE 100
2ND FLOOR CONFERENCE
FORT LAUDERDALE, FLORIDA 33311
MONDAY, FEBRUARY 12, 2024 – 9:00 A.M.

Cumulative

Committee Members	2024 Attendance	Present	Absent
Margi Nothard, Chair	P	2	0
Leann Barber, Vice Chair	P	2	0
Vice Mayor Dr. Pamela Beasley-Pittman (9:11)	P	1	1
Pablo Calvo (arr. 9:19)	P	2	0
William Condon	A	1	1
Willie McKay	P	2	0
Sister Robin Merrill	P	1	1
Roderick Newkirk (arr. 10:01)	P	1	1
Susan Spragg	P	2	0
Ryan Wipplinger	A	0	2

Staff

Rachel Williams, Housing Manager
Akilah Grant, Scribe
Carla Blair, Recording Secretary, Prototype, Inc.

Communication to the City Commission

None.

I. ROLL CALL / DETERMINATION OF A QUORUM

Chair Nothard called the meeting to order at 9:00 a.m. Roll was called and it was noted a quorum was not yet present.

Vice Mayor Dr. Beasley-Pittman arrived at 9:11 a.m., at which time the Committee reached a quorum.

II. APPROVAL OF MINUTES – January 8, 2024

Ms. Spragg noted a correction to p.3, line 2: “He” should be “She.”

Vice Mayor Dr. Beasley-Pittman requested that her absence from the January 8, 2024 minutes be indicated as excused, as she had been in attendance at a City Commission meeting. It was determined that the excused absence would be clarified in the January minutes.

Motion made by Ms. Spragg, seconded by Ms. McKay, to approve, and to add the “S” and also to note in the minutes that Vice Mayor Dr. Beasley-Pittman was unable to attend as she was at a Commission meeting. In a voice vote, the **motion** passed unanimously.

The following Item was taken out of order on the Agenda.

IV. NEW BUSINESS

- **Review and update of the Affording Housing Trust Policy work groups.**

Ms. Williams recalled that she had emailed the Committee members a copy of the Affordable Housing Trust Fund policy, as there had been discussion in January of making sure that this policy aligns with the Committee’s goal of providing more affordable housing. She had requested that the members review this information and provide ideas about what could be added to the policy to improve it. Once these recommendations have been added, the document will go back to the City Commission for approval.

Ms. Williams continued that the recommendation provided by Ms. Spragg had been added to the document in draft form. Ms. Spragg explained that her intent was to include additional general concepts, such as allowing the Committee to have greater input on “how things can happen.” She pointed out that the Affordable Housing Trust Fund’s balance has been \$0 for over a year, as the entire balance was appropriated without hearing any input from the Committee. She hoped that in the future, they would be informed in advance of any appropriations.

Ms. Spragg added that she also hoped the Trust Fund balance would begin to grow again as in-lieu payments are processed, and that the Committee will have a greater say in the review of projects by making recommendations. She emphasized the importance of ensuring they are informed of what is happening with regard to affordable housing.

Chair Nothard suggested that the Committee add more comments to the document based on today’s discussion of the recommendations made by Ms. Spragg.

Mr. Calvo arrived at 9:19 a.m.

Sister Merrill requested clarification of a reference to 140% of area median income (AMI). Ms. Williams advised that this is the maximum percentage of AMI allowed by State Housing Initiative Partnership (SHIP). It will be up to the Committee to determine whether or not they should lower or maintain this AMI limit.

Vice Chair Barber commented that over 120,000 Broward County households would not earn enough to live in the affordable housing that is currently being built. Ms. Williams pointed out that the document's language refers to support of affordable housing for households with incomes that do not exceed 140%, which includes households with AMIs below that threshold.

Chair Nothard observed that a project can include a certain percentage of units reserved for households earning 140% of AMI as well as other units reserved for households earning different percentages of AMI, such as 120% of AMI, 80% of AMI, and below.

Ms. Williams explained that the document's policy guidance is intended to be a continuum which states there can be funding for households earning up to 140% of AMI, but not more. She characterized this as a baseline: each developer's funding agreement may be different, with one project serving households at or below 50% of AMI while other projects may serve households earning between 80% and 100% of AMI. The policy covers a full range of income levels not to exceed 140%.

Vice Chair Barber expressed concern that this policy effectively gives the City permission to subsidize households and individuals earning higher incomes. Sister Merrill added that when a written policy reflects a maximum income level of 140%, this is perceived as the standard.

Ms. Williams cited the example of a very large household, which can be the most difficult to serve, in which there may be two wage earners who are earning up to 140% of AMI but are still unable to afford housing due to the size of their household and the cost of rent. She emphasized that these households should not be allowed to become homeless.

Chair Nothard suggested that in the section of the document addressing award preferences and selection criteria, there could be an opportunity to address different levels of affordability, including households with low and very low income levels. Ms. Williams confirmed that the policy could be modified to give priority to lower income levels.

Ms. Barber reiterated that there are over 120,000 Broward households which earn below 30% of AMI, and asked how this can be addressed. Ms. Williams explained that the City does not receive sufficient SHIP or federal funds to assist a development that will focus on households at 30% AMI or less. They work with developers in public-private partnerships in which the City provides a certain amount of gap funding and in turn can request that a certain number of units be reserved for low-income populations.

Ms. Williams emphasized the importance of thinking about these funds from a global rather than an individual perspective, including the point of view of developers. A

developer must take the revenues they will make from affordable units into consideration and determine whether or not those revenues can sustain a building at the quality in which all residents deserve to live. The partnership must work for the City, the residents, and the developers who are willing to accept City funding, which typically has many strings attached.

Chair Nothard noted that one of the criteria, Item F, states that higher value will be given to projects which focus on households earning 50% or less of AMI. She asked how this priority can be better defined. Mr. Calvo also noted that for a family of four, which is a more common size, 140% of AMI would mean that household is earning \$101,000. He pointed out that this household would not necessarily be the best recipient of an affordable housing opportunity.

Chair Nothard asked how priority has historically been achieved in the selection process. Ms. Williams explained that projects are brought before the City Commission, which makes the final decision on the policy. If the project is selected through a competitive process, Staff can enforce the use of selection criteria within a ranking system; however, if the project bypasses Housing and Community Development, the decision will be left up to the Commission.

Chair Nothard asked if the Committee can propose a more robust recommendation process. Ms. Williams advised that Staff feels there should be language in the Affordable Housing Trust Fund policy which indicates that projects seeking funding from that trust should come before the Affordable Housing Advisory Committee (AHAC) for review.

Vice Chair Barber asked if the policy includes any mechanism for funding accessory dwelling units (ADUs). It was clarified that there is no specific reference to these units. Chair Nothard suggested that the criteria may be expanded to include ADUs as well as larger multi-family developments.

Chair Nothard also proposed modifying Item F from 50% AMI to 30%-50% AMI, as well as adding a reference to encouraging "a range of development types" in addition to multi-family developments. It was determined that this would be Item G.

Ms. Spragg addressed Item D, which states funding shall be limited to hard costs related to construction/rehabilitation of affordable housing units. She asked if the Committee wished to have any involvement in dealing with impact fees or other costs. Chair Nothard noted that the cost of insurance has increased significantly as well. She recommended that impact fees be included in hard costs.

Ms. Spragg continued that she had proposed a change in Item E to delete a reference suggesting proceeds from the sale of City-owned residential properties could go toward uses other than the Affordable Housing Trust Fund. She also recommended

the inclusion of a reference clarifying that 15% of the proceeds from the sale of City-owned commercial properties would go into the Trust Fund.

Vice Chair Barber added that she would also like the Committee to see a forecast of the development proposals in the City's pipeline every six months. Chair Nothard asked if the Committee might have some input on projects that have been approved by the City's Development Review Committee (DRC).

Ms. Williams asked if the Committee wished to see a projection of the potential income that would go into the Trust Fund. Ms. Spragg clarified that she would like the Committee to see this information as well as any expenditures made from the Trust Fund to projects. She recommended that the Committee see the number of affordable housing units in the pipeline for the City as well. Ms. Williams advised that this could be provided to the AHAC separately, although it would not be part of the Trust Fund policy.

Ms. Williams noted that the City has recently purchased new software which includes an asset management component, which would record any projects that include affordable housing and must be monitored for compliance. She anticipated that this software would be fully implemented by summer 2024 and the requested data could be gathered from that time forward.

Ms. Spragg requested clarification of Item J, including requests for proposals (RFPs) issued in relation to uses from the Affordable Housing Trust Fund. Ms. Williams replied that the City has not yet issued any RFPs: projects have instead gone before the City Commission for approval. She explained, however, that in the future, when there is an influx of funding, the City may be able to undertake an affordable housing needs assessment, which can help set goals for developing affordable units depending upon how much money is available in the Trust Fund. The intent is to link the policy with the goal of developing affordable housing.

Ms. Spragg asked what might be the most effective use of the Committee within this process. Ms. Williams replied that the AHAC could have general input on the scope of the RFP, such as deciding which income levels a project might address.

Chair Nothard recommended including a reference to the Committee's input in assisting with regard to the scope of the RFP as well as the selection criteria.

Ms. Spragg asked if there might be other uses for Affordable Housing Trust Fund dollars which the Committee has not discussed or considered. Ms. Williams noted that in the case of disasters, there may not be a sufficiently flexible funding source to respond to the housing needs of low-income households affected by those disasters. She cited the COVID-19 pandemic as an example, noting that SHIP funds were used at that time because those dollars are very flexible; under normal circumstances, however, there may need to be an additional mechanism that allows for a response

to disasters if there is no other source. She recommended including an emergency or disaster-related element.

Chair Nothard expressed concern that money could be taken from the Affordable Housing Trust Fund for this purpose. Ms. Williams advised that other monies, such as the General Fund, are governed by policies affecting its various revenue streams and might be less readily available in an emergency than the Trust Fund. She suggested that the amount from the Trust Fund that can be used in emergencies could be capped, which would allow for the use of some funds to assist low-income households in emergencies.

Chair Nothard proposed that money taken from the Trust Fund could be reinstated from another source after it has been used to respond to emergencies. She characterized this as a loan from the Trust Fund rather than an expense.

Ms. Williams also pointed out that the Committee can establish income limits for the use of Trust Fund dollars toward emergencies. It was determined that these funds would be limited to assistance of households earning 50% or less of AMI, as well as the clarification that Trust Fund dollars would only be a loan and must be repaid from other City sources.

Mr. Newkirk arrived at 10:01 a.m.

Ms. Williams asked if the disasters would be limited to those declared by the state of Florida, by the President, or by another entity. Chair Nothard suggested that emergency funds be made available for City-declared disasters.

It was determined that no motion would be necessary to add the items discussed by the Committee. Chair Nothard recommended that an updated copy of the policy be sent to the members for their review before the next meeting. Ms. Williams confirmed that further review would be an Item on the Committee's next Agenda.

III. OLD BUSINESS

- **Affordable Housing Trust Fund Update**
- **Live Local Update**

Ms. Williams advised that she had sent the members a copy of the City's Live Local Act summary, which states the City's position on this law and outlines density, height, zoning, and parking regulations, as well as the review process to be adopted by the City. She suggested that the members review the document and bring any questions to the next scheduled meeting.

Chair Nothard recalled that the Florida Legislature recently modified the Live Local Act, and asked if Staff will also address those changes. Ms. Williams confirmed that the summary will be updated accordingly.

IV. NEW BUSINESS

Ms. Williams advised that in light of the changes proposed for the Affordable Housing Trust Fund policy, all projects coming to Housing and Community Development seeking funding will be presented to the Committee. She presented a project from Minority Builders Coalition (MBC), which is currently managing two City-owned properties. The City renovated the buildings on these properties several years ago using Community Development Block Grant (CDBG) dollars, and then entered into a lease agreement with MBC to manage the property and ensure that all tenants are income-qualified.

After approximately 10 years, MBC recently raised rents at the subject property from approximately \$650/month to \$1000/month for a one-bedroom unit. Ms. Williams characterized this as a very reasonable rent in comparison to current market rate. MBC is still interested in managing the buildings and keeping them affordable; however, the buildings are in need of repair.

It was noted that the total estimated expense for repairs is \$40,986, or \$13,652 per unit. MBC is requesting a loan of SHIP funds for approximately \$130,000 to make major repairs, including replacement of roofs and HVAC systems. Roughly \$300,000 in SHIP funding is available in the rental development category for this type of expense.

Ms. Williams explained that the funds may be provided as a repayable loan at 0% interest or as a forgivable loan. She requested the Committee's assistance in making this decision. The buildings are a triplex and a duplex, totaling five units.

Ms. Williams further clarified that MBC needs \$130,000 to replace the buildings' roofs and install energy-efficient windows and AC units in both buildings. The units serve households earning 80% or less of AMI. MBC only generates sufficient income from the site to maintain the properties and pay staff to ensure that residents meet income qualifications. They also pay for incidental repairs.

Chair Nothard commented that additional information is needed before the Committee can make this decision, noting that the members only received the information before them at today's meeting. She requested that this discussion be made an Agenda Item for the next meeting.

Chair Nothard advised that another topic under New Business is a letter to the editor written by Vice Chair Barber in response to a recent stance taken by City Commissioner Steven Glassman.

Sister Merrill commented that she felt it was inappropriate for the letter to have been sent to the Committee members with a memorandum from a City Commissioner. She pointed out that the letter to the editor does not mention affordable housing, nor does it mention the Committee: instead, Vice Chair Barber had addressed homelessness as an individual.

Sister Merrill continued that at the recent joint workshop between the AHAC and the City Commission, some of the Commissioners had conflated the issues of homelessness and affordable housing, which used up some of the limited time available to discuss affordable housing. She felt Commissioner Glassman was continuing this practice by sending the Committee a memorandum related to the Vice Chair's individual letter to the editor, and concluded that she felt the memorandum was tyrannical and should be rebutted by the Committee.

Mr. Calvo agreed that he was also disappointed in the memorandum, although he was not surprised by it. He fully supported the Vice Chair's letter, as did Ms. McKay.

Vice Mayor Dr. Beasley-Pittman advised that she had also perceived the memorandum to be an attempt to stifle freedom of speech. She asserted her support for the Vice Chair as well, and did not feel the letter called for the level of response in the memorandum. Mr. Newkirk also stood behind the Vice Chair. Ms. Spragg noted that she was an appointee of Commissioner Glassman, and also supported the Vice Chair.

Vice Chair Barber stated that her letter to the editor had addressed the fact that the City Commission "missed the point" of a lawsuit addressing freedom of speech. She had submitted her letter in an attempt to clarify the intent of that lawsuit. She added that the Commissioner had contacted her directly and stated that he wanted her to resign from the Committee; however, she had determined that the Commissioner did not have the authority to require her to resign. She concluded that it is important to exercise the right to freedom of speech.

Chair Nothard asked if the Committee members wished to make a motion in relation to this issue. Sister Merrill stated that she would like to make a motion, pointing out that the memorandum includes what she felt was bullying, harassment, and intimidation. She asserted that these three specific terms refer to actionable and illegal offenses, and would like them used in any motion in response to the memorandum. She also perceived the memorandum as a threat to the Committee at large, as it was sent to the full membership.

Chair Nothard requested clarification of the motion to be made. Sister Merrill replied that she would like to make an official complaint to the City Attorney. She added that she also wished to ensure any motion used the legal terms cited above, and requested clarification of what the Committee is allowed to do.

Ms. Williams advised that the Committee has options for a response: they may send an official communication to the City Commission as part of the meeting minutes. She added that the communication may request a meeting with the Commissioner, or may specifically state the Committee's concern.

Motion made by Sister Merrill to send a communication to the Commission in response to the letter sent to us from Commissioner Steve Glassman, that I feel his letter has breached into the area of harassment, intimidation, and bullying of not just Leann Barber but to all of us who received the letter, because he issued a threat to continue exploring options on how to proceed, it wasn't just a complaint forwarded to this [Committee].

Ms. McKay **seconded** the **motion**.

The members discussed the **motion**, with Ms. Spragg suggesting that the communication refer to the Committee's unanimous support of Vice Chair Barber. Chair Nothard advised that this could be done as a separate motion.

Chair Nothard continued that she had also been surprised to receive the memorandum, but had perceived it as a strongly worded position rather than a threat.

In a roll call vote, the **motion** passed 7-1 (Chair Nothard dissenting).

Chair Nothard requested that a member of the Committee also make a motion in unanimous support of Vice Chair continuing as a member of the AHAC.

Motion made by Ms. Spragg, seconded by Sister Merrill, to create a communication to the Commission voicing our unanimous support of Leann Barber and her work on the Affordable Housing Advisory Committee.

At the recommendation of the Committee, Ms. Spragg **amended** her **motion** to add that Ms. Barber should continue in her role of Vice Chair.

In a voice vote, the **motion** passed unanimously.

Ms. McKay also expressed concern with the memorandum, stating that she also felt the language used was intimidating to the rest of the Committee.

[Both communications to the City Commission were removed by unanimous vote of the Committee at their March 12, 2024 meeting.]

V. AGENDA TOPICS FOR NEXT MEETING

These Items were previously discussed.

VI. GOOD OF THE ORDER

Chair Nothard emphasized the importance of the Committee's continuing work in 2024, and encouraged all present to arrive on time in the future so there can be full discussion of their business.

Mr. Newkirk advised that he has participated in a significant amount of work in the community in relation to assisting with housing needs and stopping evictions. He asked how information on these topics could be shared with the Committee members. Ms. Williams explained that Florida's Sunshine Law prohibits members communicating with one another via email, particularly if Committee business is involved. She requested that any emails be sent to her attention so she can include them on a future agenda if necessary. Updates on work with the community can be shared with the Committee during meetings.

Ms. Spragg encouraged the Committee members to review the Affordable Housing Incentive Report's recommendations, which were sent to the City Commission in October 2023. She suggested that the members compare these incentives to what is listed on the City's website. Chair Nothard suggested that this be an Agenda Item in March or April 2024.

Vice Chair Barber commented that ADUs may be a means of both increasing the income of an individual homeowner as well as providing rental housing at a lower price point for households with low incomes. She emphasized that this was particularly the case with mobile units, pointing out that although these units are currently prohibited within the City, they could be affordable and easy ways to provide housing and earn additional income. Other options to explore could include units constructed from shipping containers.

Chair Nothard recommended that if there are precedents for use of these units, they be presented to the Committee for a better understanding of these options. She noted that it may take a few months to collect this information, and the Committee could plan to discuss it in April or May 2024.

Sister Merrill stated that she also hoped to work toward determining a City policy for ADUs, noting that there are model units which can be toured. She invited all present to tour the Broward Village complex on State Road 84.

Ms. Williams advised that in order to be effective in making policy proposals, the members should be sure to take all the variables into account which may affect that policy. She recommended that any examples of ADUs should demonstrate sustainability in light of South Florida's weather conditions, including what could happen to individuals housed in those units if a hurricane occurred.

Mr. Newkirk added that another consideration could be how to upgrade and improve the shelters used for temporary emergency housing, making them more presentable and desirable to individuals in need. He concluded that he would bring these ideas before the Committee at a future meeting.

VII. NEXT SCHEDULED MEETING DATE – March 11, 2024

There being no further business to come before the Committee at this time, the meeting was adjourned at 10:54 a.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

[Minutes prepared by K. McGuire, Prototype, Inc.]