



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, MARCH 11, 2024 – 9:00 A.M.

Cumulative

Committee Members	2024 Attendance	Present	Absent
Margi Nothard, Chair	P	3	0
Leann Barber, Vice Chair	P	3	0
Vice Mayor Dr. Pamela Beasley-Pittman	A	1	2
Pablo Calvo (arr. 9:02)	P	3	0
William Condon	A	1	2
Mindy Figueroa	P	1	0
Willie McKay	P	3	0
Sister Robin Merrill	A	1	2
Roderick Newkirk	P	2	1
Susan Spragg	P	3	0
Ryan Wipplinger	A	0	3

Staff

Rachel Williams, Housing Manager
Akilah Grant, Senior Administrative Assistant
Karen Cruitt, 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. It was noted a quorum was not yet present.

Mr. Calvo arrived at 9:02 a.m., which constituted a quorum.

New Board member Mindy Figueroa introduced herself at this time.

II. APPROVAL OF MINUTES – February 12, 2024

Chair Nothard requested that one of the members who had voted in favor of the communications to the City Commission attached to the February 12, 2024 minutes make a motion in favor of discussing those items further.

Motion made by Ms. Spragg, seconded by Ms. McKay, to discuss the item. [The **motion** was approved by consent.]

Chair Nothard explained that she had reviewed the Committee's purpose and role as an advisory body. The City's *Guide for Members of Boards and Committees* states that advisory entities are asked to provide advice and recommendations to the City Commission on particular subject matter. The Ordinances creating each board or committee specify their powers and duties.

Chair Nothard expressed concern that the previous month's communication to the City Commission moves outside the Affordable Housing Advisory Committee's (AHAC's) specific requirements. She requested that the Committee members discuss this further. She also recalled that the majority of the Committee had been concerned with a letter they had received from a City Commissioner, which they felt was unacceptable.

Chair Nothard continued that while she felt Committee members must be allowed to say whatever they want outside the Committee, her concern was that the Committee would be taking action on something outside its purpose. She requested feedback from the other members as well.

Vice Chair Barber requested clarification of what the Committee should do in response to the letter. Chair Nothard suggested that one option would be for members to speak individually with the Commissioner who had sent the letter.

Mr. Calvo stated that he had no interest in meeting privately with the Commissioner without attorneys present.

Ms. McKay asked if the Commissioner is aware of the Committee's responsibilities. Chair Nothard replied that the members would need to ask this individually of the Commissioner. Ms. McKay proposed that a letter could be sent from the Committee to the Commissioner informing him of the limitations of their responsibilities, as she felt this was a better option than meeting in person.

Mr. Calvo commented that the intent behind the near-unanimity of the communication was to stand together as a Committee and push back against what most of the members had perceived as an overreach of official power. He cautioned that withdrawing the communication and leaving the response to individual members could defeat the purpose of the response, and could also leave the individual members at greater risk of future retaliation by the Commissioner. He concluded that he respectfully disagreed with the Chair's position and stood by the original vote taken at the February 12 meeting.

Ms. Spragg requested clarification of whether or not either of the two communications recorded at the February 12 meeting had been transmitted to the City Commission.

Chair Nothard explained that once the Committee votes to approve the minutes, the communications would then be sent to the Commission. Ms. Williams further clarified that she has sent a copy of the communications to the City Manager, but advised him that the minutes had not yet been officially approved.

Ms. Figueroa asked if the letter sent to the Committee by the Commissioner is available to the public. She pointed out that it may be necessary at times to go on record in response to an individual or entity who may have made accusations or threats. It was noted that Ms. Figueroa would be provided with a copy of the letter, as she had not yet seen it.

Chair Nothard advised that while she had felt the Commissioner's letter to be very strongly worded, she had not personally perceived it as a threat; however, she reiterated that she was respectful of the Committee's choices.

Ms. Spragg **amended** her **motion** to discuss the item further until the next meeting to accommodate the new member. Ms. McKay **accepted** the **amendment**.

Ms. Spragg asked if this would mean the February 12 minutes could not be approved until the next month. Ms. Williams advised that because the content of the February 12 minutes was based on that meeting, she was not certain that the need to discuss the communication further would have any bearing on the approval of those minutes, as the body of the document would remain the same.

Mr. Calvo observed that only the communication itself, which has not been sent thus far, would be affected by the ongoing discussion. Ms. Williams added that the Committee may also move to withdraw the communication from the February 12 minutes if they wish.

Ms. Spragg **withdrew** her **amendment** of her earlier motion.

It was asked why a motion was necessary to send a communication to the City Commission, as the Commissioners are provided with the meeting minutes. Ms. Williams explained that a communication to the Commission means some action has been requested of the Commission.

Ms. Spragg noted that there was no discussion under the heading of Affordable Housing Trust Fund Update in the February 12 minutes. It was clarified that the balance of the Trust Fund was not announced at that meeting.

Ms. Spragg also noted a correction to p.2, paragraph 2: it was Ms. Spragg who had pointed out the correction to p.3 of the previous month's minutes.

Motion made by Mr. Calvo, seconded by Ms. Spragg, to approve. In a voice vote, the **motion** passed unanimously.

III. OLD BUSINESS

- **Affordable Housing Trust Fund Update**

Ms. Williams reported that the Affordable Housing Trust Fund balance currently remains at \$0; however, the Department of Sustainable Development (DSD) is working on calculations based on payments in lieu, which could be available at the next Committee meeting. She reviewed the requirements for the Trust Fund, noting that 100% of the proceeds from the sale of City-owned residential properties go into this fund, while 15% of the proceeds from the sale of City-owned commercial properties will be placed in the fund. At present, there have not been any recent sales of City-owned properties.

Ms. Williams continued that payments in lieu are a new addition to the Affordable Housing Trust Fund. Developers who choose not to construct affordable units may use this option. Payments in lieu are added to the Trust Fund for the future development of affordable housing.

Mr. Newkirk asked if individuals may reach out to sources such as the U.S. Department of Housing and Urban Development (HUD) to seek funding for affordable housing. Ms. Williams explained that federal funds may not be placed in a local housing trust fund: the Trust Fund is an account developed by the local municipality, which is responsible for identifying ways to fund it.

Chair Nothard commented that it could be useful to know the point at which payment in lieu funds become available to the Trust Fund. There was discussion of whether this occurred at the time building permits were issued or at the time of Site Plan approval.

Mr. Newkirk asked if it would be possible for individuals to reach out for non-federal funding, such as funds from private entities. Ms. Williams replied that because the Trust Fund is linked to local government, this would not be an option unless there is a public-private partnership between the City and the private entity. She also pointed out that private organizations often fund nonprofit entities.

The following Items were taken out of order on the Agenda.

IV. NEW BUSINESS

- **Funding for Minority Builders**

Ms. Williams requested that this Item be tabled, as Minority Builders had not yet furnished some of the information they were asked to provide.

- **Accessory Dwelling units**

Ms. Williams also asked that this Item be tabled, as the Building Department will make a presentation on accessory dwelling units at a later date.

The Committee agreed by consensus to table both Items.

- **Live Local Update**

Ms. Williams reported that an amendment to the Live Local Act has not yet been approved by the City. The City Attorney's Office is working to determine what adjustments must be made to City policies. The amendment has been approved by both houses of the Florida Legislature, but has not yet been signed by the Governor.

Ms. Spragg commented that Broward County recently adopted a 10-year affordable housing program, and has called for Broward municipalities to fund local affordable housing trust funds at a rate of \$10 per capita. There is also additional discussion of the use of tax increment financing (TIF) funds from expiring Community Redevelopment Agencies (CRAs). She asked if this is being reviewed by City Staff as well.

Ms. Williams replied that the discussion of TIF funds from expiring CRAs is part of an ongoing conversation, with no definitive answer thus far. Discussion of the \$10 per capita funding is also ongoing; however, Fort Lauderdale has included funds to develop its own Affordable Housing Master Plan in its upcoming budget planning sessions. If approved, an Affordable Housing Master Plan is expected to drive the amount of funding the City must generate in order to meet that document's goals.

Chair Nothard commented that the master planning process can take an extraordinary amount of time, during which the City will have little access to funding or opportunities to create more affordable housing.

Mr. Newkirk suggested that the Committee work with the City on development of an Affordable Housing Master Plan, recalling that he has previously recommended strategies to the County. Chair Nothard advised that while the Committee cannot take action outside its advisory capacity, and added that when this Master Plan is brought to the Committee for review, Mr. Newkirk's knowledge and experience could provide them with direction.

Ms. Williams stated that funds for an Affordable Housing Master Plan will need to be approved by the City's Budget Advisory Board as well as by the City Commission as part of the budget planning process. If they are approved, the City will seek a reputable organization with expertise in developing this type of plan. The Committee, as well as other City advisory entities and residents, will have an opportunity to provide input before the Master Plan is finalized.

Chair Nothard requested that Staff keep the Committee apprised of progress toward this document. She also encouraged the Committee members to remain in contact with their appointing Commissioners throughout this process.

- **Finalize Affordable Housing Trust Policy**

Chair Nothard noted that the Affordable Housing Trust Policy, which was reviewed in depth at the February 12 meeting, has been sent to the members after being updated with changes discussed at that meeting. The Committee reviewed the changes to determine if additional modifications were necessary.

Vice Chair Barber addressed Item 1.b, recalling that the Committee had discussed the funding of affordable housing for households earning up to 140% of area median income (AMI), including lowering this to a lesser percentage in order to help households earning lower incomes. She pointed out that roughly 25% of Broward County households earn less than \$30,000/year, which is the lowest threshold for affordable housing. She concluded that there should be further discussion of the City's obligation to households in the lowest income categories.

Chair Nothard asked if Vice Chair Barber proposed completely excluding households earning 140% of AMI, pointing out that this income level might receive 10% of total funding. Vice Chair Barber asserted that the inclusion of this income level sends a message that the City will subsidize households making over \$100,000 per year.

Mr. Calvo recalled that this had been discussed in some depth at the previous meeting, pointing out a discussion on p.4 of the February minutes which referred to selection criteria and a ranking system for a competitive process. Staff would be able to prioritize proposals that target the lower end of the AMI range rather than those earning up to 140% of that range. He also recalled that the 140% range is consistent with many other funding opportunities that may be available.

Ms. Williams emphasized that for a household earning up to 140%, the full household rather than one individual is being considered. A household of four or more earning \$100,000 would be struggling against the HUD benchmark of spending 30% of household income on housing. She added that the term "housing" includes other expenses such as utilities and transportation.

Ms. Williams continued that affordable housing occurs on a continuum: affordability considers several elements affecting household composition. She also noted that the language states "up to" 140% of AMI, which means 140% is only the ceiling in this case.

Ms. Williams encouraged the Committee members to consider what makes housing affordable. While the City must work toward developing affordable housing, it must

also work toward creating jobs that support households and basic necessities. HUD has made it a benchmark in its funded projects that households should earn a minimum amount. This encourages households to depend upon more than one source of income.

Ms. Williams concluded that not every type of affordable housing establishes a minimum that households must earn. It depends upon the target population for each program.

Vice Chair Barber explained that her concern was with the limited amount of government-subsidized funds and where those funds should be applied. She emphasized the scarcity of low-cost housing, which would mean a household earning \$100,000/year would have an advantage over a household earning \$40,000/year in accessing that housing.

Ms. Nothard noted that Section 7 of the Policy states a higher value would be given to projects which focus on the population earning 30% to 50% AMI or below. She requested clarification of how this higher value would be applied.

Ms. Williams explained that basic benchmarks were discussed at the previous meeting as part of an overall policy goal: for instance, it should have a maximum range but not necessarily a minimum range. Once this policy has been developed, requests for proposals (RFPs) will reflect the policy and the Committee would have a voice in determining whether or not a specific development should serve a target population.

Vice Chair Barber expressed concern with this proposal, cautioning that it could be seen as classism. She stated again that even though HUD guidelines will allow assistance to households earning up to 140%, the Committee should focus on populations in crisis and not open up affordable units to households earning that much money.

Ms. Spragg referred to Item J of the Policy, which she felt should be rewritten to refer to ad hoc requests as well as RFPs. This section would allow the Committee to specify the requirements that must be met.

Chair Nothard stated that she was hopeful the policy would address some of the inequities in housing affordability, such as the insufficiency of funds aimed at helping a target population with low or very low incomes. She asked how the Committee's recommendations would be considered when they review RFPs in the future. Ms. Williams confirmed that the Committee would make recommendations to the City Commission.

Mr. Newkirk agreed with Vice Chair Barber, recalling a situation in another city in which households earning roughly \$100,000/year were prioritized for affordable housing over households earning less.

Ms. Williams pointed out that rents in an affordable housing development are not static: a household pays rent on a sliding scale based upon its income. This means households earning a wide range of potential salaries would be renting in the same building but not paying the same amount for rent.

Ms. Williams continued that it is also important to consider a developer's perspective: unless that developer receives ongoing operating subsidies, all their units cannot be rented at a lower cost. A mixed-income population is important to the development, as the developer intends to make a profit. She advised that the Policy cannot be so strict that it deters developers from being attracted to developing in Fort Lauderdale.

Ms. McKay requested clarification of how many families earning very low incomes and limited in the rent they can pay would be allowed in a given development. She pointed out that these developments would need to limit the number of very low income-earning households in order for the developer to profit. Ms. Williams stated that the Committee cannot determine this number, as the developer has several elements that must be taken into consideration when developing a project. She reiterated that it would most likely be a mixture of households earning a range of incomes and paying a range of rents.

Ms. Williams continued that most of the entities who would serve households earning the lower range of incomes are nonprofits. These entities can target this population because they can apply for grants and loans to offset operational costs.

Mr. Calvo added that the range of income levels served will vary from one developer and/or development to another. Some projects may be able to accommodate more households earning lower incomes, depending upon the financial structure established by the developer.

Chair Nothard suggested that the Committee vote on the Policy items on which they are all in agreement and withhold approval from those which may require more discussion to reach consensus. She referred to Item 2.e, which would place 100% of the proceeds from the sale of City-owned residential properties in the Affordable Housing Trust Fund. Item 2.f addresses the sale of non-residential City-owned properties.

Ms. Figueroa asked if there are projections of the income that could be earned from these sales of City-owned properties. Chair Nothard replied that at present the City does not know how many developers are expected to come to the table, and has not yet created a needs assessment or projection for this income. Ms. Figueroa noted that there are a number of potential building sites on which City buildings are currently

located, such as the existing Police station. If the potential income can be estimated, it can be communicated to prospective partners.

Ms. Williams stated that she has requested that the Development Services Department (DSD) prepare this estimate, based on the applications currently before the City's Development Review Committee (DRC). The estimate would be based on the amount of payments in lieu made for these developments. DSD Staff continues to work on this estimate.

Another consideration is a policy which states that the City must periodically review its vacant properties and make them available for affordable housing where possible. The City has recently undertaken this process and identified one to two lots which Staff is working to transfer to Community Housing Development Organizations (CHDOs). She noted that these developments would serve the population for which the Vice Chair and Mr. Newkirk had expressed concern, including households earning 50% or less of AMI.

Ms. Spragg recalled that the City has signed over some of its surplus properties to its CRAs for disposal, which can in turn transfer them to nonprofits or other entities. She observed that this means there will be no revenue from the properties' sale. Ms. Williams further clarified that many of these lots are being developed for infill housing or are being developed by CHDOs. She cited the example of a parcel given to HOMES, Inc. for the development of affordable senior citizen rental housing.

Mr. Newkirk emphasized the importance of housing current members of the Fort Lauderdale community in affordable housing, rather than allowing households from outside the community to populate them. Ms. Williams pointed out that under fair housing laws, two households which meet the same criteria will be assisted on a first come/first served basis. She agreed that there may be a need for greater education and access to information.

Chair Nothard suggested that community engagement could be added as a topic in the Affordable Housing Trust Policy, with the intent of determining the most effective way to ensure households are made aware of opportunities.

Chair Nothard noted that there was Committee consensus on Item G, and called the Committee's attention to Item H, which would provide a semiannual forecast of projected Affordable Housing Trust Fund revenues from pending property sales and potential payments in lieu. Vice Chair Barber commented that these projections could be made before a project reaches the permitting phase, and information could be provided by other City Departments such as Public Works or by other entities. Chair Nothard suggested that this Item include a projected number of affordable units as well as revenue projections.

Vice Chair Barber stated that the projections should be made based on available market information. Ms. Williams recommended that the Committee rely on more realistic numbers than projected units, as it is possible those units may not be built. Ms. Spragg observed that the Committee is discussing Trust Fund policy, and did not feel they could ask for a broader forecast than potential property sales and estimated payments in lieu. It was determined that the language of Item H would remain the same.

Chair Nothard moved on to Item J, which addresses the issuance of RFPs to announce the availability of funds and seek input from the Affordable Housing Advisory Committee (AHAC) for development of the RFPs' scopes and selection criteria. Ms. Spragg noted that this could refer to different levels of affordability, as discussed earlier.

Ms. Williams further clarified that no project would be funded from the Affordable Housing Trust Fund in its entirety, but would only receive gap funding. She also pointed out that use of funds could be in relation to an RFP or to an unsolicited request. The Committee agreed to update the Item to include language referring to unsolicited requests reviewed by the AHAC.

Chair Nothard moved on to a clarification from Staff that utilities would be included in the definition of housing. Ms. Spragg noted that this raises the question of whether or not utilities should be included in Item B as well. Ms. Williams confirmed that utilities are considered to be part of the cost of housing.

Chair Nothard continued that the Policy also refers to a Florida International University (FIU) study. Ms. Williams confirmed that this study is listed under Item C in the Definitions portion of the Policy. She added that the study will be distributed to all Committee members for their reference.

Vice Chair Barber asked if the Policy should address and encourage the development of accessory dwelling units (ADUs). Chair Nothard recommended that this be included in a portion of the Policy where a range of development types is listed. Ms. Williams added that a private homeowner, who would be the most likely owner of an ADU, could be defined in this section.

The Committee moved on to the list of eligible uses and activities, with Chair Nothard recommending that this section be discussed in greater depth at a later meeting. Ms. Williams clarified that this section would include some type of financial tracking in order to document different revenue streams. She expressed concern that the rules should not be too restrictive.

Chair Nothard requested a recommendation from Staff on how to address this item, as Staff has a better understanding of the restrictions that might apply. Ms. Williams

encouraged the Committee to think more broadly, including the developer's need to meet their bottom line.

Vice Chair Barber asserted that rental assistance is not a sustainable model. Ms. Williams agreed, but explained that it is still necessary to ensure that developers achieve their desired profit margin while providing assistance to a vulnerable population, such as households with very low incomes. She reiterated that the issue of affordability is a large conversation, as there are so many aspects that must be addressed in addition to housing, such as the need for living wages.

Chair Nothard concluded that it would be difficult to reach consensus on this item without additional information to be provided by Staff, and that the Committee would revisit this item at a later date.

Chair Nothard recalled that the Committee's February discussion had touched on the need for a time certain of one year for the replenishment of money taken out of the Trust Fund to address natural disasters, as well as the need for the disaster to be declared by the City.

Ms. Williams clarified that while there is not a pressing need for this specific use, incidents such as the extreme flooding that occurred in 2023 could use a backup resource for emergency funds. The use would be considered a loan in the event of this type of unexpected disaster which is unique to the City.

Ms. Figueroa asked if the Committee could be sued by members of the community if funds are not distributed properly. Chair Nothard advised that the Committee acts in an advisory capacity to the City Commission, which is the party that would ultimately take action on that recommendation.

Ms. Spragg noted that the Committee had recommended adding impact fees to a list of costs associated with construction or rehabilitation of affordable housing units. It was determined that this money would be limited to use by developments in which 50% or more of the units are occupied by households earning 50% or below of AMI.

Chair Nothard addressed a Staff comment suggesting that preference be given to public employees, elderly individuals, and disabled individuals, which would expand this category from its original reference to public employees only. There was no objection to this change. Ms. Williams clarified that there is no City requirement that general public employees live within City limits. Ms. Spragg advised that these individuals would still need to meet income eligibility requirements.

There was no consensus at this time regarding the age at which an individual would be considered elderly. Ms. Williams observed that most City programs recognize the age of 62 as qualifying. The Committee also agreed to further discuss expanding preference to include employees of nonprofit entities at the next month's meeting.

Chair Nothard continued that the Committee had indicated a desire to fully understand what criteria would be used to give higher value to projects that focus on a population earning 50% or less of AMI. This would also be discussed at a later time when more information is available. She also addressed the reference to a range of development types, which could be expanded to include ADUs and other innovative means of lowering costs. It was decided that this item would be discussed and refined further at the next meeting.

V. AGENDA TOPICS FOR NEXT MEETING

These items were specified during the discussion of the Affordable Housing Trust Fund policy.

VI. GOOD OF THE ORDER

Chair Nothard requested that Staff update the Committee on attendance requirements. Ms. Williams advised that a member would lose their place on the Committee if they are absent from three consecutive meetings. Chair Nothard urged the members to be cognizant of this requirement, adding that input from all members is needed in order to provide a range of opinions and input. She also requested that Ms. Williams follow up with individual members, as they may have medical reasons for missing meetings.

It was noted that a scholar/speaker panel on housing and affordability is scheduled for Wednesday, April 3, 2024 at 6 p.m. at the West Regional Library. Ms. Williams confirmed that she would send notice of this event to all members.

Ms. Williams reminded the Committee members of protocol involving the use of emails, which prohibits members from using the “reply all” function to respond to an email thread, as this would constitute a violation of Florida’s Sunshine Law. They should instead communicate or respond to Ms. Williams directly without copying other members. She will disseminate the information accordingly.

Mr. Calvo stated that he had attended a recent meeting of the City’s Homeless Advisory Committee and spoke with that Committee’s Chair and Vice Chair, who were interested in scheduling a joint meeting at least once per year. They were also interested in sharing communications between the two advisory bodies so they have the opportunity to support related items before the City Commission.

The Committee returned to the issue of the February 12, 2024 communication to the City Commission, which had been discussed earlier in the meeting.

Motion made by Mr. Calvo, seconded by Ms. McKay, to not, during this time, send the communication from [the] February 12 meeting to the City Commission, and to

revisit that at our next monthly meeting in April. In a voice vote, the **motion** passed unanimously.

VII. NEXT SCHEDULED MEETING DATE – APRIL 8, 2024

There being no further business to come before the Committee at this time, the meeting was adjourned at 11:07 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.]