

City of Palm Bay, Florida
COMMUNITY DEVELOPMENT ADVISORY BOARD
Regular Meeting 2024-05

Held on Wednesday, the 15th day of May 2024, at City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Housing and Community Development Division Office, City Hall Annex, Palm Bay, Florida.

The meeting was called to order by Chair Thibert at approximately 6:00 p.m.

ROLL CALL:

CHAIRPERSON:	Rebecca Thibert	Present
VICE-CHAIRPERSON:	Dawn Bittar	Present
MEMBER:	Alfred Agarie	Present
MEMBER:	Kera Beard	Present
MEMBER:	Donny Felix	Present
MEMBER:	Robert Good	Present
MEMBER:	Jamie Hirzel	Present
MEMBER:	Henry Morin	Present
MEMBER:	Shenielle Walker	Present
MEMBER:	Jerry Williams	Absent
BOARD ATTORNEY:	Rodney Edwards	Present

STAFF MEMBERS:

Ibis Berardi, Acting Director of Community & Economic Development; Siphikelelo Chinyanganya, Housing Administrator; Rodney Edwards, Deputy City Attorney; Carmen Journey, Board Secretary.

PUBLIC COMMENTS: (Non-agenda items only)

There were no public comments.

NEW BUSINESS:

1. AHAC Priorities

Ms. Chinyanganya advised that per annual requirements and pursuant to House Bill 1339 adopted during the 2020 Florida Legislative Session, each Affordable Housing Advisory Committee (AHAC) must now annually review its local government's established policies and procedures, ordinances, land development regulations and comprehensive plan and recommend specific actions or initiatives to encourage or facilitate affordable housing, while protecting the ability of property to appreciate in value.

The next report was due to the Florida Housing Finance Corporation by December 31, 2024.

Ms. Thibert asked that each affordable housing incentive be read to be able to give recommendations:

- A. *The approval process for development orders or permits for affordable housing projects was expedited to a greater degree than other projects, as provided in Section 163.3177(6)(f)3, Florida Statutes.*

Ms. Beard asked if this was a requirement and how it was currently measured by the City. Ms. Berardi confirmed that it was a requirement and explained that the Community and Economic Development Department (CED), in cooperation with the Building Department, was revising the process to obtain the affordable housing projects information to be able to measure and expedite it according to Florida Statutes.

Mr. Morin wanted to know if the City was implementing this incentive on a renewal basis effective six (6) months, two (2) years, or five (5) years. Ms. Berardi responded in the affirmative and said the City would do the report every year for affordable housing projects funded through the City.

Ms. Beard asked if the permits for a developer, who would not need funding from the City to build an affordable housing project, would not be expedited. Ms. Berardi explained that the permits for an affordable housing project that was funded with Community Development Block Grant (CDBG), State Housing Initiative Partnership Program (SHIP) and Home Investment Partnerships Program (HOME) funds, would be expedited according to Section 163.3177(6)(f)3, Florida Statutes.

Ms. Beard wanted to know how long the City would monitor an affordable housing project that was funded with CDBG funds. Ms. Berardi said the monitoring time would be stipulated in the agreement and the City would administer the grant to ensure it was for affordable housing project.

Mr. Morin asked how many affordable housing projects had come before the City in the last 24 months for expedited permitting. Ms. Berardi responded there was one from Volunteers of America (VOA).

Mr. Morin and Ms. Bittar commented that the City would need to have a better process for the approval and expedited permitting of private affordable housing projects.

Ms. Beard suggested that the City offer at least \$100,000 from SHIP monies as an incentive to fully funded developers for affordable housing projects and did not have any funding from the City.

Ms. Beard recommended the City create a document for affordable housing projects that clearly laid out the process for the qualified developer. Ms. Bittar agreed and suggested a check list in the document. Mr. Felix and Mr. Morin discussed the option that the City could get a program manager or special staff to serve as a liaison with the developer.

Ms. Thibert recommended that language be included noting that the City had an expedited permitting process reliant upon City funding. Ms. Bittar and Mr. Felix agreed.

Motion by Ms. Beard, seconded by Ms. Bittar, for the City to explore the possibility of expedited permitting for affordable housing projects for developers that did not have the City's funding, and adding same to Item 1(A), as well as staff creating a document with a detailed timeline and the requirements, from start to finish, for permitting.

Ms. Thibert asked for clarification on the motion as she did not feel the document creation was related to the item.

Motion by Ms. Beard, seconded by Ms. Bittar, to amend the motion to include additional language that specified the City had an expedited permitting process for affordable housing projects that required City funding, and for the expedited permitting to be considered for privately funded affordable housing projects to be included in item 1(A).

The original motion, as amended, passed unanimously.

B. All allowable fee waivers provided for the development or construction of affordable housing.

Board members discussed the impact fees for affordable housing projects. Ms. Beard believed the City should waive all impact fees for affordable housing projects at sixty percent (60%) Area Median Income (AMI) and fifty percent (50%) waiver for eighty percent (80%) AMI. She asked how often the Board reviewed fee waivers. Ms. Berardi responded that a report was submitted annually to the State.

Ms. Bittar commented that the City did not have enough affordable housing projects and that waiving the impact fees would be appropriate for these types of projects only.

Mr. Morin asked how the City would recapture the waived impact fees from an affordable housing project if, at some point, it turned into a market rate project. Mr. Edwards explained there would be provisions within the contract if the developer did not keep the property as an affordable housing project for the period stipulated. If the developer sold the property or did nothing with it, the City would recuperate the money that was given to the developer.

Ms. Beard asked if the City could add the repayment provisions to the Land Use Restrictive Agreement (LURA). Mr. Edwards said he would have to research that option as the City had never gone through the process of recuperating impact fees.

Ms. Beard asked how often someone received assistance and did not keep it affordable. Ms. Berardi said it happened quite often. She said that at least once a month, an individual received assistance for first time home buyer and then the property was sold or the owner passed away, then the City had to recuperate the money as it was considered program income.

Mr. Agarie commented that the impact fees should be waived. Ms. Thibert and Mr. Felix did not agree. Mr. Edwards explained when impact fees were waived, it was not paid by anyone else. The cost was absorbed by the City and there was no way to calculate the impact after it was waived.

Mr. Felix asked if there was a list of allowable fee waivers provided for development or construction of affordable housing according with item 1(B). Ms. Berardi said the Building Permit Fee Reduction Program was for all the other building permit fees except for the state charges.

Ms. Beard asked if the utility allowance fee was included. Ms. Berardi explained that the Building Department would notify the developer of what fees were waived, and the City could not waive the impact, surcharge and fees charged by the state. Ms. Beard remarked that the City would need more affordable housing projects.

Mr. Morin left the room at 6:57 pm and rejoined the meeting later, as indicated.

Motion by Ms. Thibert, seconded by Mr. Good, to recommend no further action on the incentive item 1(B) and the current policy was sufficient. Motion passed with members voted as follows:

Mr. Good	Aye
Ms. Walker	Aye
Ms. Hirzel	Aye
Ms. Bittar	Aye
Mr. Felix	Aye
Mr. Agarie	Aye
Ms. Beard	Nay
Ms. Thibert	Aye

C. The allowance of flexibility in densities for affordable housing.

Ms. Chinyanganya read this item report from last year.

Motion by Ms. Thibert, seconded by Ms. Bittar, to recommend no further action on the incentive on item 1(C). Motion passed with members voted as follows:

Mr. Good	Aye
Ms. Walker	Aye
Ms. Hirzel	Aye
Ms. Bittar	Aye
Mr. Felix	Aye
Mr. Agarie	Aye
Ms. Beard	Nay
Ms. Thibert	Aye

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

Ms. Chinyanganya read this item report from last year.

Motion by Ms. Thibert, seconded by Ms. Beard, to recommend no further action on the incentive on item 1(D). Motion passed unanimously.

Mr. Morin rejoined the meeting at 7:02 pm.

E. Affordable accessory residential units.

The board discussed this item.

Motion by Mr. Felix, seconded by Ms. Bittar, to recommend no further action on the incentive on item 1(E). Motion passed unanimously.

F. The reduction of parking and setback requirements for affordable housing.

Ms. Beard asked if staff would be able to give a larger reduction without the request being considered by City Council. Ms. Berardi said that staff was currently able to give a reduction. Ms. Beard asked the name of the reduction. Ms. Berardi responded that it was the administrative variance through the Growth Management Department. Mr. Felix asked if it was already included in the language. Ms. Berardi confirmed same.

Ms. Thibert clarified and read from the Affordable Housing Incentive Strategies Report 2023 item 6: an administrative variance may be granted by the City Manager, or designee, as authorized by the procedure set forth in the variance provisions of code.

Motion by Ms. Thibert, seconded by Ms. Bittar, to recommend no further action on the incentive on item 1(F). Motion passed with members voted as follows:

Mr. Good	Aye
Ms. Walker	Aye
Ms. Hirzel	Aye
Ms. Bittar	Aye
Mr. Felix	Aye
Mr. Morin	Aye
Mr. Agarie	Aye
Ms. Beard	Nay
Ms. Thibert	Aye

G. The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.

Motion by Ms. Beard, seconded by Ms. Bittar, to recommend no further action on the incentive on item 1(G). Motion passed unanimously.

H. The modification of street requirements for affordable housing.

Motion by Mr. Morin, seconded by Ms. Bittar, to recommend no further action on the incentive on item 1(H). Motion passed unanimously.

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.

Motion by Ms. Beard, seconded by Ms. Bittar, to recommend no further action on the incentive on item 1(I). Motion passed unanimously.

J. The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

Ms. Thibert stated that the City already had the inventory, the incentive had already been adopted and it was available on the City's website.

Motion by Mr. Felix, seconded by Ms. Bittar, to recommend no further action on the incentive on item 1(J). Motion passed unanimously.

K. The support of development near transportation hubs and major employment centers and mixed-use developments.

Motion by Ms. Beard, seconded by Ms. Bittar to recommend no further action on the incentive on item 1(K). Motion passed unanimously.

2. Goode Park CDBG Funding Reduction/First Time Homebuyer Funding Increase Substantial Amendment Year 2023.

Ms. Berardi provided a summary of the amendment. The City, as a member of the Brevard County HOME Consortium, had adopted a Five-Year Consolidated Plan that was carried out through Annual Action Plans. The Annual Action Plan provided a concise summary of the actions and activities that would be undertaken during that fiscal year to address the priority needs and specific goals identified in the Five-Year Consolidated Plan. In accordance with 24 CFR Part 91.105, Section (a)(3), the City was required to

follow the Citizen Participation Plan (CPP), which was adopted by City Council on October 6, 2022.

The City had notified the public that a substantial amendment was being made to the Annual Action Plan for Program Year 2023. The amendment represented herein applied only to the City's Community Development Block Grant (CDBG) Program and did not affect other elements of the Brevard County HOME Consortium's Consolidated Plan.

The following substantial amendments were requested:

AMENDMENT 1 – FUNDING REDUCTION

Activity Name: PY 2023 Goode Park

Original CDBG Funding Amount: \$482,379.00

Revised CDBG Funding Amount: \$121,012.00

Reallocation Amount: \$361,367.00*

*Amount available to be reallocated to the Down Payment Assistance Program. The quotes received for the scope of work for Goode Park came in substantially lower than originally estimated.

AMENDMENT 2 – FUNDING INCREASE

Activity Name: Down Payment Assistance Program

Original CDBG Funding Amount: \$160,731.90

Revised CDBG Funding Amount: \$522,098.90

Funding Sources: Reallocation of CDBG Funding \$361,367.00 remaining from Goode Park for a total of \$522,098.90 CDBG funding for Down Payment Assistance Program.

The 30-day public comment period began on April 11, 2024, ended on May 16, 2024, and was published in the Florida Today Newspaper.

An increase in funding for the Down Payment Assistance Program would increase the number of affordable housing units in Palm Bay and position the City to meet the U.S. Housing & Urban Development's (HUD) 1.5 expenditure ratio by the August 1, 2024, deadline.

The City's Down Payment Assistance Program was administered by Community Housing Initiative (CHI), a certified Community Housing Development Organization (CHDO) by HUD. The CDBG funding allocated to CHI from prior program years for the Down Payment Assistance Program to serve Palm Bay residents had been expended, and CHI and the City would continue to receive requests for more funding for this program. CHI communicated to staff that the first-time home buyer funds were expended.

Ms. Thibert asked if the expenditure deadline of August 1, 2024, would be over two (2) months; if the Goode Park project had just been awarded and that the work had not been completed; and why the Goode Park project estimate was so far off. Ms. Berardi said the funds would be expended by the end of the fiscal year, not August 1st. She confirmed that the Goode Park project had been awarded but the work had not been completed and the quotes received for the scope of work came in lower than originally estimated.

Ms. Beard asked how CHI would expend the funds in two (2) months and what would happen if CHI was unable to expend the funds. Ms. Berardi explained that CHI assisted and prepared the first-time home buyers with the process to be ready when the funding was available. The City would not lose the funding, it was a 1.5 ratio of the entire allocation.

Ms. Thibert asked if the Parks and Facilities Department agreed with the contractor's price for the project. Ms. Berardi said the Department was okay with giving the money to another project.

Mr. Battin, resident, commented that the funds should be allocated to another project.

Ms. Beard asked about a repayment if the beneficiary of the down payment assistance sold the property within a certain amount of time. Ms. Berardi said the City and CHI had a LURA, which stipulated that if the property were sold at any time, the money would be re-paid to the City.

Mr. Agarie asked why the City was not putting money into improving the parks. Ms. Berardi said that several park projects were funded this fiscal year and would be presented on the next informational staff report.

Motion by Ms. Thibert, seconded by Ms. Bittar, to approve the substantial amendment to reduce the funding for Goode Park and increase the funding for the Down Payment Assistance Program. Motion passed unanimously.

Mr. Morin asked who a customer should contact if interested in the Down Payment Assistance Program. Ms. Berardi answered, CHI and the contact information is on today's agenda packet and on the City's website.

OTHER BOARD BUSINESS:

1. Informational Staff Report

The Board made some comments regarding the open Board seats.

Ms. Thibert encouraged Board members to be available for CDAB meeting on June 12, 2024, to review the RFP for the Development of affordable housing projects.

Ms. Bittar asked the deadline to submit applications for the CDAB vacancies. Ms. Chinyanganya said any applications would be considered by Council at its July 2nd meeting. Staff would notify the Board of the deadline date.

ADJOURNMENT:

The meeting was adjourned at approximately 7:33 p.m.

Rebecca Thibert, CHAIRPERSON

ATTEST:

Carmen Journey, BOARD SECRETARY