

No. 01-2016

A RESOLUTION OF THE MONROE COUNTY AFFORDABLE HOUSING ADVISORY COMMITTEE PROVIDING RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, ON THE TASKS ASSIGNED TO THE COMMITTEE FOR THE DEVELOPMENT OF A WORKFORCE HOUSING DEVELOPMENT PLAN.

WHEREAS, on May 21, 2008, the Board of County Commissioners of Monroe County adopted Ordinance 014-2008, which amended the Monroe County Code to establish the Affordable Housing Advisory Committee, including its assigned duties; and

WHEREAS, Monroe County Code Section 2-701 includes the specific duties of the Affordable Housing Advisory Committee; and

WHEREAS, the Board of County Commissioners, at a regular meeting held on the 20th of August, 2014, approved an agreement between FCRC Consensus Center, FSU, and Monroe County Board of County Commissioners for professional services on Affordable Workforce Housing Stakeholder Assessment; and

WHEREAS, at a regular meeting held on the 20th of May, 2015, the Board of County Commissioners reviewed and discussed the Monroe County Workforce Housing Stakeholder Assessment Report generated by FCRC Consensus Center, FSU, dated April 2015; and

WHEREAS, at a regular meeting held on the 20th of May, 2015, the Board of County Commissioners adopted Resolution 139-2015 assigning additional duties to the Affordable Housing Advisory Committee; and

WHEREAS, at a regular meeting held on the 10th of June, 2015, the Board of County Commissioners adopted Ordinance 014-2015 amending Section 2-700 of the Monroe County Code to establish the 14 members of the Affordable Housing Advisory Committee and directed staff to amend Resolution 139-2015 to add one additional duty to the committee; and

WHEREAS, on October 16, 2015, the Affordable Housing Advisory Committee adopted Resolution 01-2015, providing recommendations on the first three tasks assigned to the committee for the development of a workforce housing development plan; and

WHEREAS, at a regular meeting held on the 17th of November, 2015, the Board of County Commissioners adopted Resolution 393-2015, supporting and encouraging collaboration between the County of Monroe and incorporated municipalities of Monroe County on addressing the issues of affordable and workforce housing; and

WHEREAS, on November 20, 2015, the Affordable Housing Advisory Committee adopted Resolution 02-2015, recommending to the Board of County Commissioners an amendment to the Local Housing Assistance Plan, as required by the State Housing Initiatives Partnership Program Act; and

WHEREAS, on November 20, 2015, the Affordable Housing Advisory Committee recommended to the Board of County Commissioners a Review of Surplus Land Inventory and Inventory List and provided an inventory of county-owned real property which may be appropriate for affordable housing; and

WHEREAS, on January 22, 2016, the Affordable Housing Advisory Committee adopted Resolution 03-2015, recommending that the Board of County Commissioners support and fund a nexus study as the first step in considering the expansion of the current County residential inclusionary housing program to cover transient and commercial development in the County;

WHEREAS, the Monroe County Affordable Housing Advisory Committee has held meetings on August 21, 2015, September 18, 2015, October 16, 2015, November 20, 2015, December 18, 2015, January 22, 2016, February 19, 2016, March 18, 2016, April 22, 2016, May 20, 2016, June 17, 2016, and July 22, 2016 to produce consensus recommendations to the BOCC on the issues included in their charge;

NOW, THEREFORE, BE IT RESOLVED BY THE MONROE COUNTY AFFORDABLE HOUSING ADVISORY COMMITTEE:

The Monroe County Affordable Housing Advisory Committee provides recommendations to the BOCC, attached as Exhibit 1 and incorporated herein.

PASSED AND ADOPTED by the Monroe County Affordable Housing Advisory Committee at a meeting held on the 22nd day of July, 2016.

- Jim Cameron
- Capt. Ed Davidson
- Hana Eskra
- Bill Hunter
- Warren Leamard
- Kurt Lewin
- Ken Naylor

- Tim Root
- Jim Saunders
- Stephanie Scuderi
- Ed Swift III
- Randy Wall
- Jodi Weinhofer
- William Wiatt

EXHIBIT 1

TASK # 1 & 2 WORKFORCE AND WORKFORCE HOUSING DEFINITIONS AND NEED

OCTOBER 2015 AHAC CONSENSUS RECOMMENDATIONS

1. The BOCC should review the Committee's recommended definitions for "Workforce" and "Workforce Housing." If the BOCC accepts the Committee's recommendation, it should direct staff to propose any Land Development Code amendments needed to incorporate them.
2. Workforce means individuals or families who are gainfully employed supplying goods and/or services to Monroe County residents or visitors.
3. Workforce Housing means dwelling units for those who derive at least 70% of their income as members of the Workforce in Monroe County and who meet the affordable housing income categories of the Monroe County Code.
4. Based on the current, available data, the Committee believes there is an unmet Workforce Housing need throughout Monroe County, specifically near employment centers. It recommends the BOCC recognize that Monroe County continues to experience a critical Workforce Housing need. The need and demand for Workforce Housing appears most critical for those households at the median, low and very low-income levels and is most severe in the middle and lower Keys.

TASK # 3 QUALIFYING & MONITORING DEED RESTRICTED AFFORDABLE HOUSING

OCTOBER 2015 AHAC UNANIMOUS CONSENSUS RECOMMENDATIONS

The **bold** language for recommendation #7 below were suggested refinements that were agreed to by the AHAC at the June 17 meeting.

The Committee recommends the BOCC take action to strengthen the County's ability to qualify and monitor deed restricted affordable housing in unincorporated Monroe County.

5. The BOCC should direct staff to continue to build its database of deed-restricted units.
6. The Committee strongly recommends staff coordinate, collaborate and share information with the Monroe County Housing Authority, municipalities, nonprofit entities, and the real estate sector to create a dynamic countywide database, inventory for existing affordable housing.
7. **By October 2016**, County staff should develop **proactive mechanisms including code requirements and fines** based on HUD guidelines to enhance the monitoring of affordable housing including consideration of securing the services of the Monroe County Housing Authority, additional County staff or 3rd party monitoring services or some combination thereof. Funding estimates for such a program should be developed and evaluated by staff and the Monroe County Housing Authority and should be considered in deciding how to develop the most cost effective monitoring and qualifying approach.
8. The Committee strongly recommends staff coordinate and share information with the municipalities in developing these options, with a goal of developing a countywide monitoring mechanism program.
9. The Committee strongly recommends that the County identify and fund an enhanced enforcement program as an essential element for maintaining affordable workforce housing in the County. This program should address compliance and enforcement of deed restricted property to maintain our

available housing stock.

- a) Authorize Code Compliance and/or the Monroe County Tax Collector’s Office to more aggressively pursue illegal rentals.
- b) Require that owner-occupied units be homesteaded.

TASK #4 DEVELOP SOLUTIONS FOR RENTAL WORKFORCE HOUSING

- 10. The AHAC recommends the BOCC direct staff to evaluate and develop comprehensive plan and land development code amendments to create a workforce housing overlay which can be applied to properties (through a map amendment) to provide additional density bonuses for workforce developments that offer only workforce housing rentals in perpetuity on Tier III designated lands. *(formerly 4 a.)*
- 11. The AHAC recommends the BOCC direct staff to evaluate and recommend a proactive approach to enhance the enforcement against illegal vacation rentals; tourist housing and vacation rentals of affordable housing units; including additional code compliance staff to focus on short-term rentals and continued partnership with the Monroe County Tax Collector. *(formerly 4 b.)*
- 12. The AHAC recommends the BOCC direct the Land Authority to evaluate and provide recommendations to the BOCC on utilizing Land Authority funds to buy back expiring deed restrictions in order to preserve rental affordable housing. The Land Authority should consider remaining deed restriction timeframes and make recommendations on potential monetary offers to provide for a range of additional deed restriction years, including a priority for perpetual deed restrictions in order to preserve existing affordable housing. *(formerly 4 c.)*
- 13. The AHAC recommends the BOCC direct staff to evaluate and provide recommendations to the BOCC on strategies and best practices for engagement, outreach, public awareness and education to address the NIMBY (“Not in my backyard”) sentiment to workforce housing and collaborate with the developers, municipalities, the private and non- profit sectors. *(formerly 4 d.)*

TASKS #5 & #6 DEVELOP INCENTIVES FOR WORKFORCE HOUSING ON TIER 3 PROPERTIES, INCLUDING STRATEGIES FOR INCREASING DENSITY.

- 14. The AHAC recommends the BOCC consider issuing requests for proposals (RFP) for the development of workforce housing on county-owned land as a key priority. The AHAC recommends the BOCC direct staff to collaborate with other public entities which own land in the county and recommend how best to increase and target incentives for leasing back the properties to workforce housing developers. The AHAC also recommends the BOCC direct the Land Authority to prioritize the purchase of additional Tier 3 lands for the development of workforce housing. The BOCC may also consider future RFPs for the development of affordable housing. *(formerly 5/6 a.)*
- 15. The AHAC recommends the BOCC direct staff to evaluate the legal, financial and legislative issues and develop recommendations on the development of a property tax incentive for homeowners that rent a lawfully established existing market rate unit to a member of the workforce in any Tier within the very low, low and median affordable housing income limits and rental rates. *(formerly 5/6 b.)*

16. The AHAC recommends the BOCC direct staff to evaluate the legal, financial and legislative issues and develop recommendations on the creation of a 10-year tax incentive for the development of only workforce housing. *(formerly 5/6 c.)*
17. The AHAC recommends the BOCC direct staff to maintain and update the inventory of County owned land that can be used for affordable housing development. *(formerly 5/6 d.)*
18. The AHAC recommends the BOCC direct staff to evaluate and develop comprehensive plan and land development code amendments to allow property owners of Tier 3 designated lands with an existing market rate dwelling unit to add an accessory workforce housing residential unit which will require the use of an affordable ROGO. Staff should evaluate residential zoning districts, density standards, income levels, maximum size of the accessory workforce housing residential unit and the minimum property size for the development of an accessory residential workforce housing unit. This can be a method to incentivize the development of smaller “starter units” for the workforce. *(formerly 5/6 e.)*
19. The AHAC recommends the BOCC direct staff to evaluate and develop comprehensive plan and land development code amendments to create a Workforce Housing overlay for the Planning Commission to recommend and Board of County Commissioners to approve an extra story for the development of an exclusive workforce housing project, up to maximum of 40 feet. *(formerly 5/6 f.)*
20. The AHAC recommends the BOCC direct staff to revise existing Land Development Code Section 130-161.1 to provide another incentive for the preservation of affordable housing and the development of market rate housing on Improved Subdivision (IS), Tier III properties as follows:

“ROGO exemptions transferred under this program may be transferred on a 1 for 1 basis ~~where the ROGO exemptions are to be transferred to Tier III, single-family residential lots or parcels within the Improved Subdivision (IS) land use district and the same ROGO planning subarea for the development of single family detached dwelling units. However, where transfers are to be made to commercial or recreational working waterfronts (as defined by Florida Statutes), or to multi-family projects in non-IS districts, the transfers shall result in no fewer than two deed-restricted affordable or workforce housing units remaining on an eligible sender site(s) for each market rate ROGO exemption transferred.”~~ *(formerly 5/6 g.)*
21. The AHAC recommends the BOCC direct staff to evaluate and develop comprehensive plan and land development code amendments to create an additional workforce housing density bonus in the Mixed Use Zoning District to provide additional density only for the development of workforce rental housing in the median, low and very low income categories which is deed restricted in perpetuity and located on Tier 3 designated lands. *(formerly 5/6 h.)*

TASK # 7 DEVELOP STRATEGIES TO INCREASE THE MONROE COUNTY HOUSING AUTHORITY’S ROLE IN WORKFORCE HOUSING, SPECIFICALLY AS A MANAGEMENT ENTITY FOR RENTAL WORKFORCE HOUSING

See Task 3, Recommendations 7-9 that address this Task.

TASK # 8 EXPLORE AND PROPOSE LOCAL FUNDING SOURCES TO HELP EXPAND WORKFORCE HOUSING IN MONROE COUNTY

Unquestionably these recommendations will be costly, in developing these recommendations, the AHAC believes from the past 12 months of discussions that the Commission should set a 10-year target of raising at least \$10 million annually from local funding sources to help expand workforce housing in Monroe County and address the unmet Workforce Housing need throughout Monroe County, specifically near employment centers.

- 22. The AHAC recommends the BOCC direct staff to evaluate the legal, financial and operational issues and make recommendations on whether and how to establish an annual fee on non-primary residences that are not utilized as long-term rentals (6 month rentals or greater) to be dedicated to supporting workforce housing and the enforcement of regulations. *(formerly 8.a.1)*
- 23. The AHAC recommends the BOCC direct staff to evaluate the legal, statutory, financial and operational issues and make recommendations on whether and how to establish a property tax exemption for non-primary residences that rent their residence for not less than 6 months (long term) to a member of the Monroe County workforce. Every property owner claiming the additional reduction in assessed value must annually file an application with the Monroe County Property Appraiser, including documentation and affidavit regarding the qualifying workforce housing occupant of the residence for the year in which the reduction is sought. *(formerly 8.a.2)*
- 24. The AHAC recommends the BOCC direct staff to evaluate the legislative, economic and financial issues, including and take the necessary steps and make recommendations on whether and how to propose to statutory amendments to increase by 1 penny the Tourist Impact Tax to provide additional dedicated funding for the acquisition of land for workforce housing and construction of workforce housing in Monroe County. Evaluate including a sunset date of 10 years. *(Formerly 8-b 1)*
- 25. The AHAC recommends the BOCC direct staff to engage with the Community Foundation of the Florida Keys(CFFK), municipalities, and the business and tourist sector in Monroe County to establish a community workforce housing fund administered by the FKCF that can provide additional dedicated funding for workforce housing in Monroe County and rental assistance loans. *(Formerly 8 d.)*
- 26. The AHAC recommends the BOCC direct staff to evaluate the legal, financial and economic issues and make recommendations on whether and how to increase the ad valorem tax on residential/commercial properties and commercial properties that are not rented at affordable rates in order to provide in order to provide additional dedicated funding for the acquisition of land for workforce housing and construction of workforce housing in Monroe County. *(Formerly 8-e)*
- 27. The AHAC recommends the BOCC direct staff to evaluate the legal, financial and economic issues and make recommendations on whether and how to create a tax incentive for commercial properties that include workforce housing on the same site. *(Formerly 8-e.1)*

TASK # 9 REVIEW AND RECOMMEND WORKFORCE HOUSING STRATEGIES AS AMENDMENTS TO STATE STATUTES (TASKS A-D)

- 28. The AHAC recommends the BOCC direct the Land Authority to evaluate and provide recommendations to the BOCC on utilizing Land Authority funds to buy back expiring deed restrictions in order to preserve rental workforce housing. The Land Authority should consider remaining deed

restriction timeframes and make recommendations on potential monetary offers to provide for a range of additional deed restriction years, including a priority for perpetual deed restrictions in order to preserve existing workforce housing. *(Formerly 9-a.)*

Note: Land Authority staff has stated that statutory amendments would not be needed for draft recommendation.

29. In light of the workforce housing crisis in Monroe County, the AHAC recommends the BOCC continue to support ~~of~~ the provision of Sadowski Trust funding and the dedicated tax credit project for the Florida Keys as a key legislative priority. *(Formerly 9-b.)*

TASK 10 DEVELOP STRATEGIES FOR DEVELOPING INCLUSIONARY HOUSING REQUIREMENTS FOR HOSPITALITY AND COMMERCIAL DEVELOPMENTS TO SUPPORT BUILDING WORKFORCE HOUSING.

30. “The AHAC recommends that the Board of County Commission support and fund a nexus study as the first step in the expansion of the current County residential inclusionary housing program to cover transient and commercial development in the County.” *AHAC January 2016 Resolution to the BOCC*

March 2016 AHAC Meeting: The Committee emphasized with staff and the BOCC the urgency of completing the nexus study as soon as possible in order to advance policy recommendations on establishing an inclusionary housing program for transient and commercial development in the County.

31. The AHAC recommends the BOCC direct staff to evaluate the legal, financial and economic issues and make recommendations on whether and how to amend the land development code to not allow inclusionary requirements to be satisfied through ‘linkage’ under Sec. 130-161 (c) with affordable housing units built in proportion of the government investment. *(Formerly 10-a.)*
32. The AHAC recommends the BOCC direct staff to evaluate the legal, financial and economic issues and make recommendations on whether and how to amend land development code to not allow inclusionary requirements to be satisfied through ‘linkage’ under Sec. 130-161 (c) with affordable housing units already-existing/built. *(Formerly 10-b.)*

Note: linkage should not be available for existing affordable projects as they do not address the need for additional affordable housing.

TASK 11. OPPORTUNITIES FOR INTERGOVERNMENTAL COOPERATION ON WORKFORCE HOUSING

33. Building on the February 2016 Workforce Housing Intergovernmental Roundtable and the continuing participation of municipal planning directors in the AHAC process, the AHAC recommends each jurisdiction pass a resolution to commit their respective Planning Director’s meet to discuss at least twice a year to explore and implement consistent strategies for closer intergovernmental cooperation and collaboration on workforce housing. *(formerly 11 a)*

Note: At the March 2016 AHAC meeting the Committee agreed that intergovernmental cooperation is a “very important” element of the AHAC’s work and tasks on workforce housing. There was agreement that the planning directors review the potential areas that have been identified for cooperation at the Intergovernmental Roundtable and report back to their respective governing boards and the AHAC with any recommendations or suggestions for the Committee’s consideration.

Below are the potential intergovernmental cooperation opportunities identified in the February 2016 Intergovernmental Workforce Housing Roundtable:

- A. Collaborate on monitoring and qualifying Affordable Housing (AHAC Recommendation on Task 3)*
- B. Seek to develop consistent affordable housing terminology*
- C. Develop a more consistent intergovernmental approach to deed restrictions*
- D. Identify county and municipal Funding Sources for Affordable Housing*
- E. Purchase land to Address the Growing Workforce Housing Crisis.*
- F. Support inclusionary Housing and Redevelopment*
- G. Provide incentives for Building Workforce Housing*
- H. Work together on Homeowners and Flood Insurance Costs*
- I. Take a new look at the Hurricane Evacuation Formula*
- J. Review policies on backyard houses and work force housing*
- K. Communicating with the public on the workforce housing need & solutions*