

# AFFORDABLE HOUSING ADVISORY COMMITTEE MEETING MINUTES

Wednesday, May 22, 2024

**CALL TO ORDER** by Cheryl Cioffari at 1:05 P.M.

**ROLL CALL** by Cheryl Cioffari

**COMMITTEE MEMBERS:**

Commissioner Craig Cates	Present
Tim Root	Absent
Kurt Lewin	Absent
Chris Todd Young	Present
Doug Mader	Present
Joe Scarpelli	Present
Joe Walsh	Present
Catherine Felton	Present
Paul Caceres	Absent
Pam Caputo	Absent

**STAFF:**

Cheryl Cioffari, Assistant Director of Planning  
Nathalia Mellies Archer, Assistant County Attorney  
Ilze Aguila, Sr. Administrator, Operations, Planning & Environmental Resources

**CHANGES TO THE AGENDA**

None.

**AGENDA ITEMS:**

**I. APPROVAL OF MINUTES**

**Motion:** Commissioner Cates made a motion to approve the April 22, 2024, minutes. Joe Walsh seconded the motion. There was no opposition. The motion passed unanimously.

**II. SUNSHINE REFRESHER (ARCHER)**

Assistant County Attorney Nathalia Mellies Archer reviewed and discussed the Sunshine and Public Records Law, with the Committee. All meetings of any board or commission must be open to the public and reasonable notice of such meetings must be provided. Monroe County has a legal obligation to comply with the Sunshine Law. This protects the public from “closed-door” decision making. The Sunshine Law also requires that minutes of public meetings must be taken and made available to the

public. Sunshine rules apply to elected boards, appointed advisory boards (such as the AHAC) and some other types of committees (e.g. Collective bargaining sessions, selection committees for procurement, etc.).

The Sunshine Law applies to any communication between two or more members of the board, about a topic or matter upon which that Board may foreseeably take action. It applies to all communication types, including in-person exchanges, workshops, telephone calls, emails, letters, text messages and notes.

A violation occurs when there is an interaction among board members “outside of the sunshine” with respect to a matter and it is foreseeable that action will be taken by the Board on the matter at some point in the future.

Public meetings should be reasonably noticed, and include reasonable content, timing and placement. Generally speaking, public meetings are required to be held in person, however in 2017, State of Florida passed a special bill allowing local Governments in Monroe County to allow attendance at legislative bodies / advisory boards via electronic technology. Monroe County Resolution 299-2017 approved meetings to be held entirely electronic, if notice is given to the public.

Sunshine Law Voting: No member of any state, county or municipal government board, commission or agency, who is present at any meeting of any such body at which an official decision, ruling or act is to be taken, may abstain from voting, except when, with respect to any such member, there appears to be a conflict of interest under Florida Statute § 112.311, Florida Statute § 112.313, or Florida Statute § 112.3143.

Consequences of a violation of the Sunshine Law: knowing violation by a board member, state agency of authority is guilty of a second-degree misdemeanor punishable with a fine up to \$500 and/or 60 days imprisonment; criminal penalties may apply; a public officer may be removed from position; and violators are responsible for attorneys' fees.

Every person has the right to inspect or copy any public record made or received in connection with official business of any public body. “Public Records” mean all documents, papers, letters, maps, books, tapes, photographs, films sound recordings, data processing software or other material, made or received in connection with the transaction of official business by any agency. Public Records Law Rules apply to elected boards, appointed advisory boards, and some other types of committees.

### **III. POTENTIAL ROGO UNITS:**

Cheryl Cioffari reminded the Committee of the potential ROGO Units that Monroe County could receive and asked the committee if they had any suggestions or thoughts on what the percentage split should be for the market rate units vs the affordable units, and what their thoughts were between scattered sites and multi-family sites.

Ms. Cioffari explained that there are some limitations when you have a market rate unit, it can only be transferred as a market rate unit. It cannot become a different type of unit. Ms. Cioffari summarized Mr. Scarpelli's suggestion as identifying large lots are left, where we anticipate large developments on, and based on that, make a recommendation of a split percentage to both multi-family and single-family units. Mr. Scarpelli confirmed this statement. There is an opportunity for the County to partner with a Developer, to develop multi-family affordable housing. Commissioner Cates agreed that once the TDC funds are available, the County should request proposals from Developments to pursue this.

Ms. Cioffari stated that at this time, we do not split the units, and inquired if the Committee is ready to make a recommendation to the BOCC. Mr. Walsh stated that by not allocating these units in advance, we have a better chance of not having to make decisions on what we don't know yet. Mr. Walsh confirmed that he does not see a problem with the current allocation system and processes. Mr. Walsh stated that however many ROGOs the County receives, from a committee perspective, he would like to see at least half the units received be allocated to affordable housing.

Mr. Mader asked for clarification on how to determine which type of designation (affordable or market rate) when looking at potential properties? Ms. Cioffari stated that it depends on how it was originally permitted. If the permit approval was issued through the current allocation system, it would have been given a specific designation. However, if it was permitted prior to the ROGO allocation system, it is most likely a market rate unit, as they did not distinguish between market rate or affordable at that time. It was simply considered a unit.

Mr. Scarpelli asked if there was any way of limiting market rate units to not be used for vacation rentals. Ms. Cioffari stated that you would have to write it in such a way that you do not mention vacation rentals, as you cannot regulate that. Mr. Cates mentioned that they have discussed this previously and there has not been a way, without having to change our transient rental restrictions, and once we touch that, we will lose it all. Chris Todd-Young asked if there is a way to require these units to be homesteaded or primary property. Ms. Cioffari confirmed that this has been discussed by the board previously, mostly in terms of market rate units. Commissioner Cates confirmed that this is still part of the discussion and will be discussed more as we continue with our public meetings. Mr. Cates stated that the Affordable Housing Advisory Committee must come up with ideas and make recommendations to present to the BOCC in August. Mr. Walsh suggested a short-term deed restriction in the beginning, could be beneficial.

Ms. Todd Young inquired about the County's permitting and allocation system, and whether the County has a point system for ROGO allocations applications. Ms. Cioffari explained that we have separate queues, market rate & affordable, as well as by location throughout the Keys. Mr. Walsh mentioned that at the last county meeting, there were no affordable housing allocations, because there were no affordable applications. Commissioner Cates agreed, and stated that we have to incentivize it, because it is not as profitable and desirable as market rate allocations.

#### **IV. AFFORDABLE ROGO ALLOCATIONS IN THE V FLOOD ZONE (COMMITTEE MEMBER WALSH)**

Ms. Cioffari explained that the current regulations in the Comprehensive Plan and Land Development Code prohibit the award of ROGO allocations for developments within a V-Flood zone. Mr. Walsh stated that with the limited amount of land available, we should be looking for opportunities to find spaces where Workforce Housing developments can be built, like the Quarry development. Mr. Walsh stated that these regulations were initially put in place due to insurance costs, however with the new FEMA rating system, there is very little difference in insurance costs. Ms. Cioffari stated that the Committee could make a recommendation to amend the existing language as shown in the agenda, which would allow for allocations to be awarded in the V-Zone.

Mr. Scarpelli stated that developers must build to the highest code, regardless of the flood zone. He does not agree that there should be discrimination between market rate and affordable housing developments. Commissioner Cates and Ms. Todd Young agreed with Mr. Scarpelli's statement.

#### **Public Comment:**

Stuart Schaffer representing Sugarloaf Shores Property Owners Association – Mr. Schaffer stated that he would like to see more information gathering on the part of the AHAC to consider the initial justification and to determine if there are any changes in circumstances. Mr. Schaffer's understanding was that there were safety and cost issues, which was the reason for the prohibition. Mr. Schaffer suggested coming up with limitations rather than just allowing it, e.g. Prohibiting it on open water lots.

Dottie Moses – Concerned about placing affordable housing in V-Zones, as it is the most vulnerable areas. Ms. Moses stated that State Representative Jim Mooney recently spoke at a Federation meeting and mentioned that insurance rates are a huge problem, and that he believes Monroe County has a footprint that could be used throughout the state. If we were to develop in the V-Zone, it would increase the cost of affordable housing due to the strict regulations.

Mr. Walsh stated that FEMA no longer uses Flood maps to calculate properties premiums. It is universal as far as flood insurance is concerned. Risk rating 2.0 is the mechanism used for flood insurance premiums. It is clear that the V-zone is closer to the water and the County has specific regulations on how those properties should be built.

#### **V. CONTAINER HOUSING UPDATE (COMMITTEE MEMBER DOUG MADER)**

Doug Mader stated that he still working on gathering additional information, but he has been in communication with Ducso who is currently placing a container home in Marathon. The house they are currently placing in Marathon is a single-family house on a single-family lot and runs at about \$180,000. They were discussing the option of placing multiple container homes on a large lot, dormitory style, which will reduce the cost significantly. If you are able to double stack these container homes on risers, it could reduce the cost of a 1 bedroom, 1 bathroom unit down to \$60,000. Mr. Mader mentioned that he believes there is a lot of potential here.

Mr. Mader also inquired if the vacant lot in Big Pine Key, which was previously a prison, will ever become available to be developed with affordable housing? Mr. Scarpelli responded that the property is owned by the College, with the intention to use it for aquaculture use.

## **VI. PARKING FOR DORMITORIES**

Ms. Cioffari stated that the Code does provide parking for different types of uses, but it does not provide specific parking requirements for dormitories. In cases where we don't have a specific use, the code directs us to consult with the institute of transportation engineers manual, and that will provide directions on how to proceed. The ITE just came out with a new land use code of 223, which is defined as affordable housing, and it includes multi-family units that are rented below market rate values. If someone comes into the county with a request for dormitory parking, their engineers will propose a calculation, which will be reviewed and approved by the County's traffic consultants.

Mr. Walsh & Mr. Scarpelli both agreed that the first place to start would be to reduce the 3-bedroom parking requirement. We do not need 3 parking spaces for 3-bedroom units. Mr. Scarpelli added that you should also consider required parking vs allowed parking, and used the example of colleges, Freshmen are not allowed to cars. This is to limit the number of vehicles on site.

Commissioner Cates stated that with any restrictions you have in place, you have to have enforcement, which is a problem in the County. Ms. Cioffari summarized that the committee's recommendation could be for the BOCC to review off-street parking requirements for residential uses, and perhaps narrowing it down to multi-family uses. Reviewing the existing data and comparing it with "on-the-ground" data from existing developments.

Mr. Mader commented that if you refer to a 3 or 4-bedroom house, a bedroom for the parents and the others for the kids, our comments make sense and parking would not be an issue. However, if there is a 4-bedroom house shared by 3 or 4 adults, each with a car, that would result in a parking issue.

### **Public Comment:**

Dottie Moses – Agreed with Commissioner Cates' comment about parking variance, it results in overflow parking in places that it shouldn't be. Ms. Moses would like to see this studied carefully as parking is becoming an issue throughout the Keys.

## **VII. MARKET-RATE BUY DOWN OPTIONS**

Ms. Cioffari provided a table that compared the current affordable rent and market rate rent, indicated the rent by year with calculations for a 20-year buy down option and a 30-year buy down option. Ms. Cioffari stated there are about 3 units left that have a 20-year deed restriction and 91 with a 30-year deed restriction. One idea was to identify houses that are at the end of their deed restriction and potentially offering a purchase to have that property remain affordable. Mr. Walsh clarified that these are units that the County already acknowledges as affordable or workforce housing, and this would buy a further restriction on these properties in order to remain affordable. Commissioner Cates stated that the focus should be on the Median category, as the moderate is too close to market-rate. Ms. Todd Young stated that the 80-100% category has proven to be the most underserved category, as they don't qualify for any assistance.

The Committee is considering two options. The first option applies to existing affordable housing developments, where we have the option to potentially pay to extend their existing deed restriction or put a new restriction on their property to ensure it remains affordable. The second option to consider applies to new projects. How can the County finance and help them, to ensure they stay within the lower Average Monthly Income (AMI) range.

How can we incentivize the development of projects within the lower AMI range? Would it be a better option to have the Land Authority purchase property for affordable projects, or have a fund available that affordable housing projects within the 80-100% AMI category could compete for?

Mr. Walsh stated that it is his understanding that the Land Authority is currently working on a rankings system, to analyze a project, to determine how much support is appropriate for that. Having longer deed restrictions will be desirable but having limited resources, you get more value for your money if you are able to build a project that creates supply. Commissioner Cates stated that the County incentivized the Wrecker's Cay project by giving them funding, to make that project affordable. Ms. Cioffari asked if Commissioner Cates is asking for a number to which these incentives should be calculated on? Mr. Walsh stated that it is a very complicated formula. Things to consider should include the rental rates – at which AMI are you renting these units for and is there any other government subsidy or resource that is available so that the Land Authority or the County is not expected to make up the full difference. Commissioner Cates stated that he would like to determine if it is a feasible option to make funds available for affordable housing projects. Mr. Walsh stated that he believes it is a very good option, however, someone would need to do the analysis and make the determination of whether or not a specific project should be granted funding assistance. Ms. Todd-Young agrees that this would be a great starting point and a good incentive to drive affordable housing projects.

#### **VIII. NEXT AHAC MEETING?**

Ms. Cioffari mentioned that a few date options for our June meeting have been sent out. Once a date is confirmed, the Committee will be notified.

**ADJOURNMENT** 2:32 P.M.