Islamorada, Village of Islands

WORKFORCE AFFORDABLE HOUSING CITIZENS ADVISORY COUNCIL

September 16, 2024 - 5:00 PM
Administrative & Public Safety Headquarters
3rd Floor Conference Room and Zoom Communications
86800 Overseas Highway Islamorada, FL 33036

The Workforce Affordable Housing Citizens Advisory Council has resumed the in-person regular meeting format. Virtual participation is still available to the public. Please see the last page of the agenda for participation details.

AGENDA

I. CALL TO ORDER / ROLL CALL

II. ADDITIONS AND / OR DELETIONS TO THE AGENDA

III. PUBLIC COMMENT

IV. AGENDA ITEMS

- **A.** Approval of the July 15, 2024 meeting minutes.
- **B.** Review of Don Horton's 300 Affordable Plan.
- **C.** Affordable Housing Mitigation Fees Form

V. OLD BUSINESS

VI. STAFF UPDATE

VII. ACTION ITEMS LIST
(A running list of items that the committee would like to work on in the future)

- **A.** Status of Compliance Monitoring Initiatives
- **B.** Process for accessing affordable housing funds.
- **C.** Code enforcement fines and vacation rental license fees into affordable housing trust funds.

VIII. ADJOURNMENT

Options for Viewing the Workforce Affordable Housing Meeting:
If watching online via Zoom: Open the Zoom webinar link: https://us06web.zoom.us/j/98771999589 and follow the prompts to join the webinar.

Option 1: Email your comments.

1. Public comment should be submitted via email to:anita.muxo@islamorada.fl.us
2. The email should contain “Public Comment” in the subject line.
3. The name and address of the submitter shall be included in the email.
4. Public comment should be submitted by 9 a.m. the day of
the meeting. Public comment will be sent to the committee members for consideration prior to the meeting. Public comments will not be read during the meeting.

Option 2: Call in During the Meeting.

If phoning in, dial 305-224-1968 and enter the webinar ID: **987 7199 9589** followed by **#.** When public comment opens pertaining to the agenda item you are interested in dial ***9** to be recognized by the Zoom meeting monitor.

ADA Assistance:

These meetings are open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the ADA Coordinator at (305) 664-6448 or by email at ADA@islamorada.fl.us at least 48 hours before the scheduled meeting

Islamorada, Village of Islands

WORKFORCE AFFORDABLE HOUSING CITIZENS ADVISORY COUNCIL

July 15, 2024 - 5:00 PM
Administrative & Public Safety Headquarters
3rd Floor Conference Room and Zoom Communications
86800 Overseas Highway Islamorada, FL 33036

MINUTES

I. CALL TO ORDER / ROLL CALL

The meeting was called to order at 5:07 PM. Present were Keith Douglass, Vice Chair Don Horton, Chair Paige Presnell and Susan Walker. Absent / excused was Greg Dully and absent was Lindsay Fast.

II. ADDITIONS AND / OR DELETIONS TO THE AGENDA

None.

III. PUBLIC COMMENT

None.

IV. AGENDA ITEMS

A. Approval of the Minutes from the May 20th Meeting.

Vice Chair Don Horton made a motion to approve the minutes of the May 20, 2024 meeting minutes. Keith Douglass seconded the motion. All ayes and the motion passed 4 - 0.

B. Establish criteria for accessing affordable housing trust fund (3 ideas per person).

This item had not been completed by most people. Follow up ensued in agenda item D.

C. Ideas to incentivize developers (from last meeting).

Not discussed.

D. Update to 300 affordable action plan.

Chair Don Horton made a motion that the 300 affordable action plan he proposed go to the Planning Director for her to incorporate in her Affordable Housing Plan that she is preparing for the Village. Susan Walker seconded the motion. A vote

was taken, all ayes and the motion passed 4 - 0.

Minor changes were made to section 4 of Don's action plan were made.

For any project NOT receiving other Grant Funding or Federal Tax Credits, the Village ~~shall~~ may make
available Grant Funding for any project consisting of 2 to _6_ Low Income and/or Very Low Income
units. These monies shall come from the Affordable Housing Mitigation Fund and shall be disbursed as
follows:

a) The Village ~~shall~~ may approve a Grant of $58,200 per unit for projects meeting Low Income
Criteria, and a Deed Restriction in perpetuity shall be recorded evidencing the Category of
Affordable Housing. * equivalent to 10 years rent differential.

b) The Village ~~shall~~ may approve a grant of $145,560* per unit for projects meeting the Very Low
Income criteria, and a Deed Restriction in perpetuity shall be recorded evidencing the
Category of Affordable Housing.
NOTE: One project can consist of both categories.

c) Payments shall be issued during the construction process at such time as the unit has
passed the Dry-In inspection.

5th) FOR DISCUSSION – ~~DO WE WANT TO FORCE~~ REQUIRE LOW INCOME UNITS ON LARGER PROJECTS? For any
project in excess of _10_ units, the project must contain _10_ % of units with a Low Income restriction.

5th) Despite the financial incentive to build units with a Low and Very Low Income restriction, there is
the possibility we will receive few or no applications for these permits. Therefore, beginning in year
2026, 10 units per year will be moved from the Very Low category to the Low Category, and 10 units per
year will be moved from the Low Category to the Moderate Category.

Further discussion ensued.

V. OLD BUSINESS

None.

VI. STAFF UPDATE

None.

VII. ACTION ITEMS LIST

(A running list of items that the committee would like to work on in the future)

A. Status of Compliance Monitoring Initiatives.

The compliance monitoring mailing went out June 27th. People have until September 1 to respond. That does not include the Wet Net. The Committee asked how many of those are in perpetuity. All of them are in perpetuity. The committee was disappointed when I let them know that Wet Net is exempt from reporting annually to the state Tennant's income. Tennants were required to report their income upon moving in and then 1 year after. They are not required to report to the state annually.

Don Horton made a motion for the Village to move forward with enforceable action for failure to respond to a request for compliance monitoring. Susan Walker seconded the motion. All ayes and the motion passed 4 - 0.

B. Process for accessing affordable housing funds.

C. Code enforcement fines and vacation rental license fees into affordable housing trust fund.

VIII. ADJOURNMENT

Chair Paige Presnell made a motion to adjourn. Don Horton seconded the motion. All ayes and the meeting adjourned at 6:05 PM.

PLAN FOR THE ALLOCATION OF THE 300 AFFORDABLE HOUSING UNITS

A Discussion for the Affordable Housing Committee

ASSUMPTION:
Based on the restrictions placed on these units by the State, it is unlikely these can be used to mitigate a takings claim. In addition to our own Village Code restrictions, (ie. Cannot build affordable in a V Flood Zone), I have identified the following:

a) Must be built in multiples (duplex or greater)
b) Must be rental units
c) Must have onsite manager
d) Must have early evacuation restrictions in the Lease

Note: If the committee thinks there may be an opportunity to use any of these for "takings" mitigation, item 2 below may need to be adjusted.

1st) The Village should replenish the Affordable Housing Fund by reimbursing the account for any reduction that did not actually result in an affordable housing unit. (The funds in this account will be needed in Item 4 below)

2nd) Divide the 300 units into the 3 (or 4) categories below:

150 - Moderate Income
70 - Low Income
70 - Very Low Income (Permits from this category are outside of the 30 per yr as required in the BPAS system)
10 - Hold for possible "takings" mitigation

3rd) Establish the following criteria and procedure for Reservation of Rights :

a) After a Pre-application Conference, the Planning Director will determine if the property meetss the criteria/requirements for the development of affordable housing units, and the number of units allowed by code.
b) The owner/application will complete a Request to Reserve Affordable Housing units. This document will show the parcel(s), the owners name, address, phone, email, and the number of units requested, and the category of the units to be reserved (Moderate/Low/Very Low). The form will be signed and dated by the Applicant with space for the Date and Time received the Planning Department.
c) There is a non-refundable Reservation Deposit of $ 2,000 per unit to be paid when the Request to Reserve Affordable Housing Units is submitted to the Planning Department. The Applicant will have 180 days from the day the properly completed Reservation form is received by the Planning Department with proper payment. The Reservation Deposit will be applied to the permit fees when the Permit is picked up. The Deposit funds will be forfeited into the Affordable Housing Mitigation Fund if the Applicant does not pick up the permit.
d) An extension can be requested by the Applicant to receive an additional 90 days to apply by paying an additional Deposit of $1,000 per unit. ("Extension Deposit") All Extension Deposits shall be applied to the Permit Fees, and failure to pick up the permit will result in the forfeited Extension Deposit going into the Affordable Housing Mitigation Fund.

4th) For any project NOT receiving other Grant Funding or Federal Tax Credits, the Village ~~shall~~ may make available Grant Funding for any project consisting of 2 to _6_ Low Income and/or Very Low Income units. These monies shall come from the Affordable Housing Mitigation Fund and shall be disbursed as follows:

a) The Village ~~shall~~may approve a Grant of $58,200 * per unit for projects meeting the Low Income criteria, and a Deed Restriction in perpetuity shall be recorded evidencing the Category of Affordable Housing. * equivalent to 10 years rent differential
b) The Village ~~shall~~ may approve a Grant of $145,560* per unit for projects meeting the Very Low Income criteria, and a Deed Restriction in perpetuity shall be recorded evidencing the Category of Affordable Housing.

NOTE: One project can consist of both categories.

c) Payments shall be issued during the construction process at such time as the unit has passed the Dry-In inspection.

5th) FOR DISCUSSION – ~~DO WE WANT TO FORCE~~REQUIRE LOW INCOME UNITS ON LARGER PROJECTS? For any project in excess of _10_ units, the project must contain _10_ % of units with a Low Income restriction.

5th) Despite the financial incentive to build units with a Low and Very Low Income restriction, there is the possibility we will receive few or no applications for these permits. Therefore, beginning in year 2026, 10 units per year will be moved from the Very Low category to the Low Category, and 10 units per year will be moved from the Low Category to the Moderate Category.

PROPOSED AFFORDABLE HOUSING MITIGATION FORM
COPIED AND AMENDED FOR DISCUSSION
ORIGINAL FORM WAS PRODUCED BY MONROE COUNTY

Date of Application:_____/_____/_____
Month Day Year

Applicant / Agent Authorized to Act for Property Owner: **(Agents must provide notarized authorization from all property owners.)**

Applicant (Name of Person, Business or Organization) Name of Person Submitting this Application

Mailing Address (Street, City, State and Zip Code)

Work Phone Home Phone Cell Phone Email Address

Property Owner: **(Business/Corp must include documents showing who has legal authorized to sign.)**

(Name/Entity) Contact Person

Mailing Address (Street, City, State and Zip Code)

Work Phone Home Phone Cell Phone Email Address

Legal Description of Property subject to Inclusionary Housing Requirements:
(If in metes and bounds, attach legal description on separate sheet.)

Block Lot Subdivision Key

Parcel Identification Number Alternate Key Number

Street Address (Street, City, State & Zip Code) Approximate Mile Marker

~~Page 1 of 6~~

Building Permit Number of Development Requiring Inclusionary Housing: _____

Nonresidential Land Use Categories (select *proposed* land use):

- ☐ Commercial Retail: (retail stores, supermarkets, shopping centers, restaurants, etc.)
- ☐ Office: (professional and non-professional)
- ☐ Industrial: (light manufacturing, lumber yards, warehousing, storage facilities, etc.)
- ☐ Institutional: (religious facilities, private schools, colleges, daycares, etc.)
- ☐ Tourist/recreational: (theaters, auditoriums, nightclubs, tourist attractions, etc.)
- ☐ Hotel & Motel: (transient uses)
- ☐ Governmental: (governmental office buildings, public schools, etc.)
- ☐ Other (utility, gas, and electric uses, mining, and sewage disposal facilities)

Type of Development Triggering Inclusionary Housing Requirement in accordance with VILLAGE CODE Select all that apply:

1. **New Development:** ☐
   If yes, total area of new development (SF): _____

2. **Redevelopment with an Expansion:** ☐
   If yes, existing area (SF): _____ area of expansion (SF): _____

   *The redevelopment, remodeling, repair or cumulative expansion of a lawfully established nonresidential use that does not increase the area of the nonresidential use by more than 1,000 square feet of gross floor area and the use is not changed to a different use category shall be exempt from the nonresidential inclusionary housing requirements.

3. **Redevelopment with a Change in Use Increasing Housing Demand:** ☐
   If yes, specify existing use_____ and square footage (SF):_____
   Changing use to: _____

4. **Unspecified Use:** ☐
   If a proposed development project does not fall within one of the specific use categories in the table within subsection (5), then the Planning Director shall determine whether the use is comparable to a use category listed and assign a category or may allow the applicant to conduct an independent calculation to determine the appropriate affordable workforce housing inclusionary requirement. If the applicant chooses to propose an independent calculation, the criteria provided in VILLAGE CODE applies.
   Description of Unspecified Use:_____
   _____
   _____

Complete the table below to calculate the number of workforce housing units or in-lieu fee needed for every square foot of new nonresidential development or redevelopment (expanded or converted square footage) *for each category* of nonresidential land use that is proposed in accordance with VILLAGE CODE:

New Development; or Redevelopment with an Expansion; or Redevelopment with a Change of Use Increasing Housing Demand Shall Require

50% OF THE WORKFORCE HOUSING DEMAND TO BE MITIGATED

Total Need Created by Nonresidential Development (for construction and post-construction employees)						**50% Mitigation Requirement for Proposed Development**	
Land Use Category	**Housing Need per SF (Units)**	**In-Lieu Fee per SF**	**Floor Area to be Developed/ Redeveloped (SF)**	**Total Housing Need Created (Units)**	**Total Housing Need Created (In Lieu Fee)**	**50% x Total Housing Need (Units)**	**50% x Total Housing Need (In Lieu Fee)**
Commercial Retail	0.000416	$66.72					
Office	0.000704	$78.49					
Industrial	0.000226	$24.39					
Institutional	0.000337	$36.28					
Tourist/recreational	0.000614	$104.69					
Hotel & Motel	0.000295	$49.94					
Governmental	0.000427	$38.28					
Other	0.000644	$99.83					
If the workforce housing requirement results in less than one (1) affordable dwelling unit, then the applicant may choose to build one (1) affordable dwelling unit or pay the fee in-lieu amount.							

Please fill out each proposed land use category(ies) and add the mitigation requirement(s) to determine the total inclusionary housing requirement when proposing a mixed use development.

Total Inclusionary Housing Requirement for Proposed Development:

Number of Units:_____or;

In Lieu Fee: _____

The demand for workforce housing created by the proposed development or redevelopment will be mitigated by one or a combination of the methods identified below. Additional information may be required based on selection. **Select <u>all</u> that apply.**

☐ **OPTION 1:** The construction of workforce housing dwelling units on-site of the development project. The workforce housing dwelling units shall meet the VILLAGES' affordable housing restrictions as specified in VILLAGE CODE **(C.O. on workforce housing units required prior to C.O. for nonresidential development)**

☐ **OPTION 2:** The construction of workforce housing dwelling units off-site of the development project but within a 15 mile radius of the nonresidential development/ redevelopment. The workforce housing dwelling units shall meet the County's affordable housing restrictions as specified in VILLAGE CODE, for a period not less than 99 years **(C.O. on workforce housing units required prior to C.O. on nonresidential development)**;

Physical address of proposed off-site dwelling unit(s): _____

Parcel ID: _____ Key (Island): _____ MM: _____

Number of dwelling units _____ Building Permit No. _____

Property Owner **(Must submit proof of ownership and fill out Page 6.)**

Cell Phone: _____ Work Phone: _____ Email: _____

(If multiple addresses, attach information on separate sheet.)

☐ **OPTION 3:** The deed-restriction of existing dwelling units within a 15-mile radius of the nonresidential development/redevelopment. The workforce housing dwelling units shall meet the County's affordable housing restrictions as specified in VILLAGE CODE for a period not less than 99 years **(C.O. on workforce housing units required prior to C.O. on nonresidential development)**;

Physical location of existing off-site dwelling unit(s): _____

Parcel ID: _____ Key (Island): _____ MM: _____

Is/are the unit(s) lawfully established? (Yes/No): _____ **ROGO Exemption Letter may be required.**

Number of dwelling units _____ Will the unit(s) be demolished and replaced?(Yes/No): ___

Property Owner **(Must submit proof of ownership and fill out Page 6)** _____

Cell Phone: _____ Work Phone: _____ Email: _____

(If multiple addresses, attach information on separate sheet.)

☐ **OPTION 4:** The donation of land to the VILLAGE, upon the acceptance of the VILLAGE COUNCIL of a proposed parcel or parcels, may satisfy the requirements of this subsection by donating one (1) CODE COMPLIANT zoned platted lot for each workforce housing unit required but not provided through actual construction or in-lieu fees (parcels of land zoned as long as the donated parcel(s) have the appropriate density available to support the development of the required number of workforce units) **(Must be completed prior to C.O. for nonresidential development); and/or**

Physical location of parcel/lot to be donated: _____

Parcel ID: _____ Key (Island): _____ MM: _____

Is the Parcel/lot vacant?(Yes/No): _____

Property Owner **(Must submit proof of ownership and fill out Page 6):** _____

Cell Phone: _____ Work Phone: _____ Email: _____

(If multiple parcels/lots, attach information on separate sheet.)

☐ **OPTION 5:** The payment of a fee in-lieu for the inclusionary housing requirement for all or a percentage of the workforce housing units required. All in-lieu fees shall be deposited into the affordable housing trust fund and spent solely for the purposes allowed for that fund. **(Must be paid prior to issuance of a building permit for the nonresidential development or redevelopment.)**

***If applicable,* the following items may be required to be submitted to the Planning Department in order to demonstrate compliance with nonresidential inclusionary housing requirements. Please check the box as each required item is attached to this form:**

☐ Notarized Agent Authorization Letter (note: authorization is needed from all owner(s) of the subject property and any property proposed for offsite units/linkage)

☐ Proposed site plan and/or building floor plans if not submitted with associated building permit file

☐ Applicable affordable/ workforce housing deed restriction and qualification affidavit

☐ ROGO Exemption Letter demonstrating the lawful establishment of an existing dwelling unit

☐ Other information as determined by Staff based on selected mitigation option

If deemed necessary to complete a full review for compliance, the Planning Department reserves the right to request additional information.

By signing this form, the owner of the subject property authorizes the VILLAGE STAFF to conduct all necessary site visits and inspections on the subject property.

I, the Applicant, certify that I am familiar with the information contained in this form, and that to the best of my knowledge such information is true, complete and accurate.

Signature of Applicant:_____ **Date:** _____

Printed Name of Applicant:_____

STATE OF _____

COUNTY OF _____

Sworn to and subscribed before me this_____day of_____, 20_____, by means of ☐ physical presence or ☐ online notarization,

by_____, who is personally known to
(PRINT NAME OF PERSON MAKING STATEMENT)

me OR produced_____as identification.
(TYPE OF ID PRODUCED)

_____
Signature of Notary Public

_____
Print, Type or Stamp Commissioned Name of Notary Public My commission expires: