



**AREA OF CRITICAL STATE CONCERN SB 1326
AFFORDABLE HOUSING HB 995**

REQUEST: Support this legislation to extend the current hurricane evacuation timeframe for the Florida Keys, enabling the State to release additional residential permit allocations. These new allocations should be subject to protective conditions to ensure that they address two key challenges: the shortage of workforce housing and the potential for takings lawsuits. The bill also includes provisions that support local efforts to develop affordable/workforce housing. *(Both bills achieve these objectives; the Monroe County Commission prefers SB 1326.)*

BACKGROUND/NEED: The Florida Keys are designated as an *Area of Critical State Concern* by the State of Florida due to their unique and significant environmental resources. The State, through the Administration Commission, oversees growth and development in the Keys to protect these resources.

To safeguard both the environment and public safety, State regulations limit the number of residential building permits available in the Florida Keys. This is achieved through the rationing of building permits, which are allocated annually. The number of permits available each year is determined by the State and is incorporated into the Monroe County Comprehensive Plan, as well as the plans of the cities of Key West, Marathon, Islamorada, and Layton.

While these protections are essential, they also present challenges that require thoughtful responses and continued State support. The State has been a vital partner in assisting local governments with these challenges, ensuring the preservation of the Florida Keys while also addressing the region's evolving needs.

SB 1326 (RODRIGUEZ) AND HB 995 (MOONEY): SB 1326 and HB 995 aim to address two primary concerns for local governments in the Florida Keys: the need for additional workforce housing and the mitigation of legal risks related to limited residential building permits.

Below is a summary of the key provisions in both bills. Though similar, the bills differ with regard to the fourth provision:

1. Extension of the Florida Forever Land Acquisition Set-Aside:

- The bills propose extending the authorization (expiring next year) for the Florida Keys' \$5 million Florida Forever land acquisition set-aside. Public acquisition removes development rights, mitigating the risk of property rights lawsuits, while also protecting valuable conservation land and natural habitat. The current authorization has resulted in a very successful State-local partnership program that has acquired and retired over 500 development rights to date.

2. Exemption for Habitat for Humanity:

- The bills include an exemption for Habitat for Humanity, allowing them to make optional the requirement to purchase construction performance bonds. This would reduce the costs of developing affordable housing in the Keys.

3. Property Tax Relief for Affordable Rentals:

- The bills authorize property tax relief for private owners of single-family homes and duplexes who voluntarily rent their properties at affordable rates. This would incentivize property owners to use available housing stock for workforce housing.

4. Increase to Hurricane Evacuation Timeframe:

- The bills propose extending the hurricane evacuation timeframe, with important protective conditions, to allow for additional residential permit allocations. Additional permit allocations will enable local governments to mitigate potential liability and address the shortage of workforce housing in the Florida Keys.

- **Bills both include the same key protective guardrails for new allocations *.**

Both bills include the same protective provisions for the use and distribution of any additional residential permit allocations released by the State.

1. New allocations must be used to mitigate local government takings liability by prioritizing their assignment to vacant buildable lots.
 - a. Allocations from the State will be distributed to local governments (County and municipalities) based on the number of vacant buildable lots in each local jurisdiction.
 - b. 70% of new allocations will be directed to vacant buildable lots to address takings risk.
2. New allocations must be used to increase permanent workforce housing stock.
 - a. **70% of those** allocations that are directed vacant, buildable lots must be for workforce housing.
 - b. New workforce housing will be restricted to permanent residences for full-time residents who work in Monroe County.
 - c. The balance may be used for market rate and multi-family workforce and affordable.
3. New allocations must be released gradually over time to balance growth and ensure infrastructure concurrency.

** The County Commission strongly supports the application of these conditions to any new allocations that would be authorized with an increase to the hurricane evacuation timeframe.*

- **Bills differ with respect to hurricane timeframe and maximum number of allocations **.**

The bills differ on the specifics of the hurricane evacuation time frame and the number of residential building permit allocations.

- **House Version:** Expands the hurricane evacuation time frame to **24.5 hours**, with a maximum of 500 residential permit allocations over 10 years.
- **Senate Version:** Expands the hurricane evacuation time frame to **26 hours**, with a maximum of 3,550 residential permit allocations over 40 years.

*** The County Commission supports the higher number of allocations in the Senate version.*

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