

RESOLUTION R-22-158

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING AFFORDABLE HOUSING; AMENDING THE LIVABLE MANATEE INCENTIVE PROGRAM FOR QUALIFIED NEW AFFORDABLE HOUSING IN UNINCORPORATED MANATEE COUNTY; AUTHORIZING AN AMENDMENT TO ADMINISTRATIVE PROCEDURES; RESCINDING AND REPLACING RESOLUTIONS R-07-37, R-07-58, AND R-17-069; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Housing Element of the Manatee County Comprehensive Plan mandates the establishment and implementation of programs to meet the County's affordable housing needs; and

WHEREAS, Section 125.01055 and Part VII of Chapter 420, Florida Statutes, encourage the adoption of affordable housing incentive strategies; and

WHEREAS, sharp increases in the median purchase price of a home and the cost of rental housing have far outstripped the increases in median income in the state, limiting the County's workforce from accessing affordable rental and homeownership housing opportunities; and

WHEREAS, it is in the interest of the public health, safety, and welfare for the County to provide housing opportunities to qualified low and moderate-income residents of owner-occupied and multi-family rental affordable housing pursuant to Section 125.01055 and Part VII of Chapter 420, Florida Statutes; and

WHEREAS, the Board of County Commissioners finds that the support of affordable housing through the expenditure of public funds as provided in this Resolution serves a valid public purpose but may modify affordable housing incentives under this program on a case-by-case basis in open session as deemed appropriate and applicable to the Comprehensive Plan and Land Development Code (LDC).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, THAT:

SECTION 1. AMENDMENT TO THE LIVABLE MANATEE INCENTIVE PROGRAM. The Livable Manatee Incentive Program (Program), inclusive of the Livable Manatee Homeownership Incentives and the Livable Manatee Home Rental Incentives, was established in 2018 and hereby amended to continue encouraging the development of affordable housing units in unincorporated Manatee County, and to protect the County's investment in affordable housing.

(a) Homeownership Incentives. The goal of the Livable Manatee Homeownership Incentives shall be to foster the construction of new affordable owner-occupied dwelling units within mixed-income developments and encourage scattered sites, infill development. Dwelling units qualifying for these incentives shall meet the following criteria:

- i. They shall be located in unincorporated Manatee County.
- ii. If a new subdivision is under development, the affordable units incentivized shall comprise of at least 25% of the total number of dwellings set aside as affordable within the development.
- iii. The Affordability Period shall be thirty (30) years from the date of completion or Certificate of Occupancy as detailed in Section 2.4 of the LURA.

(b) Rental Home Incentives. The goal of the Livable Manatee Home Rental Incentives shall be to foster the construction of new mixed-income rental communities that include in their composition affordable dwelling units. Dwelling units qualifying for these incentives shall meet the following criteria:

- i. They shall be located in unincorporated Manatee County
- ii. The number of affordable dwelling units shall be equal to at least 25% of the total number of dwelling units pursuant to the LDC.

(c) Additional Criteria. All dwelling units qualifying for participation in the Program shall also meet the following criteria:

- i. They shall be subject to a Land Use Restriction Agreement (LURA) between the “Developer or Owner of a Project” and the County, requiring that they remain qualified affordable dwellings under terms established by the Program. The LURA shall specify the Program incentives to be provided to the “Developer or Owner of a Project” for qualifying affordable units pursuant to this Resolution.
- ii. They shall be “affordable” within the meaning set forth in Florida Statute 420.9071.
- iii. They shall comply with the requirements of the County’s Comprehensive Plan and Land Development Code (LDC), and any administrative procedures adopted pursuant to Section 2.
- iv. Conversions of buildings to residential use to include affordable housing units shall be permitted under this Program. The number of affordable dwelling units shall be equal to at least 25% of the total number of dwelling units pursuant to the LDC.

(d) County Financial Assistance. For affordable housing units qualifying for the incentives established above, the County will pay 100% of the following fees, assessed on the qualifying affordable housing units only:

- i. County impact fees levied pursuant to Chapter 11 of the LDC;
- ii. Educational facilities impact fees levied pursuant to Article VII, Division 2, of Chapter 2-29 of the County's Code of Ordinances; and
- iii. Facility investment fees levied pursuant to Article VIII of Chapter 2-31 of the County's Code of Ordinances.

(e) Moneys shall be paid or transferred by the County directly to the appropriate fund or account or, in the case of school impact fees, directly to the Manatee County School District, on behalf of the developer of the qualifying affordable units.

(d) Pending Incentives. Any affordable housing unit(s) approved and under consideration for incentives pursuant to the Manatee County Affordable Housing Impact Fee Program pursuant to R-17-069 as of the date of the adoption of this Resolution may be eligible for such assistance.

(e) Source of Funds. The Manatee County Affordable Housing Subsidy Fund shall be used to fund the incentives authorized pursuant to this Resolution. The provision of incentives for any qualified affordable housing units shall be subject to availability of funds and subject to budgeting and appropriation of such funds by the Board of County Commissioners. The Board of County Commissioners may, in its sole discretion, replenish the Affordable Housing Subsidy Fund to fulfill the objectives of the Livable Manatee Incentive Program.

SECTION 2. ADMINISTRATIVE PROCEDURES. The County Administrator is authorized to amend administrative procedures for the implementation of this Resolution.

SECTION 3. REPEAL AND REPLACEMENT. This Resolution repeals and replaces Resolutions R-07-37, R-07-58 and R-17-069. The Manatee County Affordable Housing Impact Fee Program established pursuant to Resolution R-17-069 is hereby replaced by the Program authorized herein.

SECTION 4. SEVERABILITY. If any section, sentence, clause, or other provision of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or provisions shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Resolution. In the event of a conflict with any existing resolution, this Resolution shall prevail.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

APPROVED IN OPEN SESSION WITH A QUORUM PRESENT AND VOTING THIS
13TH DAY OF September, 2022.



BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: 
Chairperson

ATTEST: ANGELINA M. COLONNESO
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER

By: 
Deputy Clerk