

# INDIAN RIVER COUNTY, FLORIDA

## MEMORANDUM

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**TO:** Jason E. Brown  
County Administrator

**THROUGH:** Stan Boling, AICP  
Community Development Director

**FROM:** Sasan Rohani, AICP  
Chief, Long-Range Planning

**DATE:** May 23, 2019

**SUBJECT:** PUBLIC HEARING CONTINUED FROM APRIL 16, 2019 BCC MEETING:  
Consideration of the Disposition of County Owned Surplus Properties for Affordable Housing

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It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of June 4, 2019.

### **BACKGROUND**

At its April 16, 2019 meeting, the Board of County Commissioners (BCC) opened a public hearing and considered the disposition of eight (8) parcels identified by staff as not designated for any specific public use and suitable for affordable housing purposes. Consistent with Section 125.379 Florida Statutes, the BCC considered disposing of the eight (8) properties by donation to interested non-profit organizations for development of affordable housing units and/or by selling the properties and depositing proceeds into the County's SHIP trust fund for affordable housing assistance. At the April 16<sup>th</sup> meeting, staff informed the BCC that at least one non-profit organization had recently expressed interest in acquiring three (3) of the properties by donation for developing affordable units. At that meeting, staff presented the BCC a recommendation to continue the public hearing to June 4<sup>th</sup>, allowing staff time to coordinate with local non-profit affordable housing organizations to solicit and evaluate any requests for donation, and present that information to the BCC at its June 4<sup>th</sup> meeting. The BCC needs to adopt a resolution on disposition of the surplus properties by July 1, 2019.

After the April 16<sup>th</sup> BCC meeting, staff coordinated closely with local non-profit affordable housing organizations and has new information for the BCC to consider. The BCC is now to continue the public hearing, consider new information and any public input provided, and make a final decision on disposition of the eight (8) identified surplus County properties.

## **ANALYSIS**

After the April 16, 2019 BCC meeting, staff prepared a form for use by non-profit housing organizations to formally request donation of lots from the eight (8) properties identified on the 2019 County owned surplus land list. Staff then distributed the form to local non-profit affordable housing organizations (Habitat for Humanity, Every Dream Has a Price, Inc., Treasure Coast Homeless Services Council, and The Housing League, Inc.), with a request submittal deadline of May 10, 2019. The only non-profit housing organization to submit a request was Every Dream Has a Price, Inc. (EDHAP, Inc.). EDHAP, Inc. requested three (3) lots to be donated to them to build affordable housing rental units for extremely-low-income, very-low-income, and low-income households. In its request, EDHAP, Inc. indicated that the units will be rentals. The surplus lots requested by EDHAP, Inc. are at the following addresses:

1. 4255 32<sup>nd</sup> Avenue
2. 4245 32<sup>nd</sup> Avenue
3. 4205 24<sup>th</sup> Court

To allow the BCC the option to act expeditiously on EDHAP Inc.'s request, if the Board so chooses, staff drafted a proposed agreement between the County and EDHAP, Inc. for donation of the three (3) requested lots (see attachment #4). In addition, staff has drafted a proposed deed restriction document to ensure proper use of the lots for affordable housing. Under the proposed agreement, EDHAP, Inc. must build affordable housing units on the donated lots for extremely-low-income, very-low-income, or low-income households within three (3) years of the date of each lot transfer; the units must be deed restricted and must remain affordable in perpetuity. If the units are not built within three (3) years, under the agreement, the donated properties will revert to the County unless the County extends the three (3) year timeframe. The agreement has been reviewed by the County Attorney's Office, planning staff and EDHAP, Inc.'s representatives and is acceptable to all parties.

## **Alternatives**

With respect to the eight (8) identified surplus properties, the BCC may identify a use for the properties and retain them or declare them surplus properties for affordable housing use. Because each of the properties is located in a residential area and is not needed for right-of-way, drainage, utilities, emergency services, parks/recreation, or conservation purposes, those eight (8) properties are not conducive for any standard public use. On the other hand, there is a constant demand for affordable housing within the county and development of affordable housing on the properties or proceeds from the sale of the properties for increased SHIP funding will supplement the County's affordable housing efforts. Consequently, staff supports the BCC surplus the properties for affordable housing.

If the Board decides to surplus the subject properties, then there are four (4) options available.

1. Sell the properties and contribute the proceeds to the county's affordable housing trust fund (SHIP Trust Fund), or
2. Sell the properties with a deed restriction that requires that the properties be developed as permanent affordable housing, or

3. Donate the properties to non-profit housing organizations to construct affordable housing units with deed restrictions to ensure that the properties are maintained as permanent affordable housing, or
4. A combination of any of options 1, 2, or 3.

Because EDHAP, Inc. has demonstrated the ability in the past to develop affordable housing units on donated surplus properties and because EDHAP, Inc. has thoroughly evaluated and requested three (3) of the eight (8) surplus lots for development of residential units that will be affordable in perpetuity, and because development of additional affordable units is the most direct way of addressing the County's affordable housing needs, staff supports donation of the three (3) lots to EDHAP, Inc.. Because there has been no request for donation of the remaining five (5) lots, staff also supports selling the five (5) remaining lots with proceeds deposited in the SHIP Trust Fund.

### **RECOMMENDATION**

Staff recommends that the Board of County Commissioners:

1. Approve the attached resolution accepting the list of eight (8) County owned surplus properties identified appropriate for the provision of affordable housing.
2. Donate the three (3) requested lots to EDHAP, Inc., authorize the Chairman to execute the attached agreement for donating the three (3) lots to EDHAP, Inc., and direct the County Attorney's Office to prepare the deed and restrictions and transfer the three (3) lots to EDHAP, Inc. with deed restrictions.
3. Direct the purchasing division to sell the five (5) remaining surplus properties and deposit the sale proceeds into the County's affordable housing (SHIP) trust fund.

### **Attachments**

1. Sections 125.379 and 420.0004 of the Florida Statutes
2. List and Map/Aerial Series of Proposed Surplus Properties
3. Copy of Resolution Containing List of Surplus Properties Appropriate for the Provision of Affordable Housing
4. Agreement Between the County and Every Dream Has a Price, Inc.