

RESOLUTION 2024-100

A RESOLUTION OF THE CITY OF COCOA, FLORIDA, ELECTING TO NOT EXEMPT CERTAIN PROPERTY FROM AD VALOREM TAXATION, AS ALLOWED UNDER SECTION 196.1978(3)(o), FLORIDA STATUTES, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Section 196.1978(3), Florida Statutes, contains the “Live Local Act Property Tax Exemption,” which requires the Brevard County property appraiser to exempt rental properties from ad valorem taxation if the properties meet certain requirements under the Live Local Act, and

WHEREAS, the Florida Legislature passed HB 7073, amending Fla. Stat. 196.1978 during the 2024 legislative session and, on May 7, 2024, Governor Ron DeSantis signed HB 7073, which became Chapter 2024-158, Laws of Florida; and

WHEREAS, Section 196.1978(3)(d)1.a., Florida Statutes, provides an ad valorem tax exemption of seventy-five percent of the assessed value of the units in qualified multifamily projects that are used to provide affordable housing to house natural persons or families whose annual household income is between 80 and 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area, which is the Palm Bay-Melbourne-Titusville, Florida Metropolitan Statistical Area (MSA) including the City of Cocoa (the “80 to 120 Percent Tax Exemption”); and

WHEREAS, Section 196.1978(3)(o), Florida Statutes, provides an exemption from ad valorem taxation for certain properties deemed affordable housing for persons or families whose annual household income is between; and

WHEREAS, Section 196.1978(3)(o), Florida Statutes, provides that a taxing authority (including the City) starting with the 2025 tax roll, is authorized to opt out of providing the 80 to 120 Percent Tax Exemption under sub-subparagraph (d)1.a. of Section 196.1978(3), Fla. Stat., if the City Council, by a two-thirds majority vote, finds that the latest Shimberg Center for Housing Studies Annual Report identifies that in this MSA, the number of affordable and available units is greater than the number of renter households in the MSA in the 0 to 120 percent area median annual adjusted gross income (AMI) category; and

WHEREAS, the relevant excerpt of the latest Shimberg Annual Report is provided as an attachment to this Resolution and is hereby incorporated by reference; and

WHEREAS, the City Council of the City of Cocoa hereby finds that the latest Shimberg Annual Report identifies a surplus of affordable and available units in the Palm Bay-Melbourne-Titusville, Florida MSA, which includes the City, for those households that meet the income criteria for the 0 to 120 percent AMI tax exemption; and

WHEREAS, this Resolution was duly advertised in accordance with Section 50.011(1), Florida Statutes; and

WHEREAS, the City Council of the City of Cocoa hereby finds that the City is a taxing authority that is eligible to adopt a resolution to not exempt properties that would otherwise be eligible for the Live Local Property Tax Exemption with a two-thirds vote.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COCOA, FLORIDA, AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated in this Resolution by reference.

SECTION 2. The City Council finds that the City is within the Palm Bay-Melbourne-Titusville, Florida MSA, and that, based on the Shimberg Annual Report, the number of affordable and available units in the MSA is greater than the number of rental households in the MSA for the category entitled “0-120 percent AMI.”

SECTION 3. Pursuant to Section 196.1978(3)(o), Florida Statutes, the City hereby elects not to exempt properties eligible for the 80 to 120 Percent Tax Exemption otherwise allowed under Section 196.1978(3)(d)1.a., Florida Statutes, and directs the Brevard County Property Appraiser not to grant any such exemptions, due to the surplus of affordable and available units in this MSA.

SECTION 4. This Resolution applies to the ad valorem property tax levies imposed by the City only.

SECTION 5. This Resolution has been duly advertised in accordance with Section 50.011(1), Florida Statutes. A copy of the adopted Resolution shall be provided to the Brevard County Property Appraiser prior to January 1, 2025.

SECTION 6. This Resolution does not impact a property owner of a multifamily project who was granted an exemption pursuant to Section 196.1978(3)(d)1.a., Florida Statutes, prior to the

adoption of this Resolution. Such property owner may continue to receive the exemption for each subsequent consecutive year that the property owner applies for and is granted the exemption.

SECTION 7. Conflicts. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 8. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

SECTION 9. Effective Date. This Resolution shall take effect on January 1, 2025, and shall expire on January 1, 2027. This Resolution may be renewed prior to its expiration date in accordance with Florida law.

ADOPTED by the City Council of the City of Cocoa, Florida, in a regular meeting assembled this _____ day of _____, 2024.

ATTEST:

Monica Arsenault
City Clerk

Michael C. Blake
Mayor

ATTACHMENT 1

APPENDIX 4. SURPLUS/DEFICIT OF AFFORDABLE AND AVAILABLE RENTAL HOUSING UNITS BY INCOME (% AMI), FLORIDA REGIONS, 2022

| Region | Counties | Affordable/Available Units Minus Renter Households | | | | | |
|--|------------------------------------|--|-----------|-----------|-----------|-----------|--------------|
| | | 0-30% AMI | 0-40% AMI | 0-50% AMI | 0-60% AMI | 0-80% AMI | 0-120% AMI |
| Gadsden, Jefferson, & Wakulla) | Washington | -4,521 | -5,296 | -4,372 | -3,242 | -1,003 | 36 |
| Ocala, FL MSA | Marion | -6,173 | -5,378 | -6,830 | -5,029 | -1,586 | 3,216 |
| Orlando-Kissimmee, FL MSA | Lake, Orange, Osceola, Seminole | -51,154 | -70,138 | -89,107 | -94,715 | -77,753 | 799 |
| Palm Bay-Melbourne-Titusville, FL MSA | Brevard | -8,504 | -11,491 | -9,241 | -6,901 | -691 | 6,565 |
| Panama City-Lynn Haven, FL MSA | Bay | -3,086 | -3,254 | -4,840 | -4,839 | -3,626 | 1,151 |
| Pensacola-Ferry Pass-Brent, FL MSA | Escambia, Santa Rosa | -9,841 | -11,125 | -12,909 | -9,855 | -3,894 | -612 |

Source: Shimberg Center analysis of U.S. Census Bureau, 2022 American Community Survey. Values are the difference between renter households and affordable/available units at each income level. Negative value means that renter households outnumber affordable/available units.

Shimberg Center for Housing Studies, 2023 Annual Report, available at:

http://www.shimberg.ufl.edu/publications/Shimberg_annual_report_Dec_2023.pdf