

Board of County Commissioners

Agenda Request

Date of Meeting: November 6, 2018

Submitted On: October 29, 2018

To: Honorable Chairperson and Members of the Board

From: Dee Jackson, Interim County Administrator
Suzanne K. Lex, AICP, Growth Management Director

Subject: Consideration of adoption of Resolution 2018-19 providing for the suspension of Comprehensive Plan and Land Development Code regulations related to density standards and housing types to allow for FEMA assistance to individuals and households for placement of FEMA temporary housing.

Statement of Issue:

Proposed Resolution 2018-019 suspends the regulations in the Gadsden County Comprehensive Plan and Land Development Code related to density standards and housing types for an initial period of 180 days, with two potential 180 day extensions, in order to allow for temporary Federal Emergency Management Agency (FEMA) Transportable Temporary Housing Units (TTHUs) and Manufactured Housing Units (MHUs) while individuals who are displaced from their permanent residence as a result of damages sustained from Hurricane Michael complete repairs to or otherwise secure permanent residence; and directs staff to develop guidelines for placement and permitting of TTHUs and MHUs.

Background:

State of Florida Governor issued Executive Order (EO) 18-276 allows government entities to suspend application of ordinances to cope with the emergency. FEMA issued Major Disaster Declaration 4399 allows for FEMA Individual Assistance; assistance to individuals and households may include the placement of FEMA temporary housing units.

Analysis:

This proposed Resolution provides guidance and a process for addressing temporary housing needs following the Hurricane Michael disaster declaration. The intent is to allow a suspension of the regulations in the Comprehensive Plan and Land Development Code to allow temporary housing that would normally not be permitted in certain land use districts. In addition, to provide a certain amount of flexibility in the application of land development regulations for placement of temporary housing on private property. The placement of temporary housing would be

required to meet health and safety standards and may not be located in a special flood zone hazard.

The proposed suspension would go into effect and would apply to all or any part of the unincorporated areas of Gadsden County when FEMA determines adequate, alternate housing is unavailable and the occupants cannot fulfill their permanent housing plan (PHP) through no fault of their own.

Staff will develop guidelines for the permitting and placement of TTHUs and MHUs should FEMA determine adequate, alternate housing is unavailable. The permitting of such temporary units should be issued for 180-day period, and allow for two 180-day renewals if a homeowner provides documentation they are moving forward on repairs or rebuilding of their damaged or destroyed home.

Options:

1. Approve Resolution 2018-019, and direct staff to develop guidelines once FEMA has determined FEMA temporary housing units will be provided.
2. Do not Approve Resolution 2018-019, and direct staff not to develop guidelines once FEMA has determined FEMA temporary housing units will be provided.
3. Board direction.

Interim County Administrator Recommendation:

Option 1

Attachment(s):

1. Resolution
2. FEMA Temporary Housing Handout

RESOLUTION 2018-019

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA, PROVIDING FOR THE TEMPORARY SUSPENSION OF THE REGULATIONS IN THE GADSDEN COUNTY COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE RELATED TO DENSITY STANDARDS AND HOUSING TYPES FOR 180 CALENDAR DAYS TO ALLOW FOR ONE FEMA APPROVED TEMPORARY HOUSING UNIT PER PERMANENT HOUSING UNIT WHICH HAS SUSTAINED DAMAGES FROM HURRICANE MICHAEL WHILE THE PERMANENT HOUSING UNIT IS BEING REPAIRED OR REPLACED; ALLOWING FOR EXTENSION FOR UP TO TWO ADDITIONAL 180 PERIODS; DIRECTING STAFF TO DEVELOP GUIDELINES FOR THE PLACEMENT AND PERMITTING OF TEMPORARY HOUSING UNITS CONSISTENT WITH FEMA TEMPORARY HOUSING PROGRAM REQUIREMENTS; PROVIDING FOR SEVERABILITY, MODIFICATIONS AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 7, 2018 the State of Florida Office of the Governor issued Executive Order 18-276 declaring a state of emergency in response to Tropical Storm Michael for 26 counties; and

WHEREAS Section 1 of Executive Order 18-276 declares a state of emergency in Gadsden County and Section 4 of Executive Order 18-276 specifically allows governmental entities to suspend the application of statutes, rules, ordinances, and orders that they administer to cope with the emergency; and

WHEREAS, on October 11, 2018, the Federal Emergency Management Agency (FEMA) issued a Major Disaster Declaration 4399 for 14 Florida counties, which includes Gadsden County, due to the emergency conditions resulting from Hurricane Michael; and

WHEREAS, FEMA Major Disaster Declaration 4399 provides for Individual Assistance; FEMA assistance to individuals and households may include help to pay for temporary housing, emergency home repairs, rental assistance and the provision of FEMA Transportable Temporary Housing Units (TTHUs) and temporary FEMA Manufactured Housing Units (MHUs) consistent with federal standards, safety and floodplain requirements;

WHEREAS, Gadsden County as a governmental entity has adopted a comprehensive plan and land development code that regulates how land may be developed within Gadsden

County and establishing procedures and standards for review and approval of all development, including density standards and housing types; and

WHEREAS, Gadsden County desires to temporarily suspend the regulations in the Gadsden County Comprehensive Plan and Land Development Code related to density standards and housing types in order to allow for one FEMA approved temporary housing unit per permanent housing unit which has sustained damages from Hurricane Michael while the permanent housing unit is being repaired or replaced.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA that:

Section 1. Incorporation of Recitals.

The foregoing recitals are hereby incorporated by reference into the body of this Resolution and are adopted as findings of fact.

Section 2. Authority and Purpose.

This Resolution is adopted pursuant to the County’s sovereign home rule authority and State of Florida Office of the Governor Executive Order 18-276 and FEMA Major Disaster Declaration 4399.

Section 3. Suspension of Land Development Regulations.

The regulations in the Gadsden County Comprehensive Plan and Land Development Code related to density standards and housing types are hereby suspended for a period of 180 calendar days in order to allow for **one FEMA approved temporary housing unit per permanent housing unit which has sustained damages from Hurricane Michael while the permanent housing unit is being repaired or replaced**. The Board of County Commissioners may extend the suspension of the regulations related to density standards and housing types in the Gadsden County Comprehensive Plan and Land Development Code for up to two additional 180 calendar day periods by vote of the Board of County Commissioners. Staff shall develop guidelines for the placement and permitting of FEMA approved TTHUs and MHUs consistent with FEMA Temporary Housing Program requirements.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Resolution is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, the remainder of the Resolution shall be construed as not having contained said section, subsection, sentence, clause, phrase, or provision, and shall not be affected by such holding.

Section 5. Modification.

It is the intent of the GCBOCC that the provisions of this Resolution may be modified as a result of considerations that may arise during public meeting. Such modifications shall be incorporated into the final version of the Resolution adopted by the GCBOCC and filed by the Clerk.

Section 6. Scrivener’s Errors.

The County Attorney may correct any scrivener’s errors found in this Resolution by filing a corrected copy of the Ordinance with the Clerk.

Section 7. Effective Date.

The Resolution will be effective upon adoption.

DULY READ, PASSED AND ADOPTED by the Board of County Commissioners of Gadsden County, Florida, this 6th day of October, 2018.

BOARD OF COUNTY COMMISSIONERS
GADSDEN COUNTY, FLORIDA

BRENDA A. HOLT, Chairperson

ATTEST:

NICHOLAS THOMAS,
Clerk of the Circuit Court

APPROVED AS TO FORM FOR THE
RELIANCE OF GADSDEN COUNTY,
FLORIDA ONLY

DAVID J. WEISS, County Attorney



Individuals and Households Program

Pursuant to section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. 5174, FEMA's Individuals and Households Program (IHP) provides financial and direct services to eligible individuals and households affected by a disaster who have uninsured or underinsured necessary expenses and serious needs. IHP is not a substitute for insurance and cannot compensate for all losses caused by a disaster; it is intended to meet the survivor's basic needs and supplement disaster recovery efforts.

IHP Eligibility

These general conditions must be met for an applicant to be eligible to receive IHP Assistance:

- The applicant must be a U.S. citizen, non-citizen national, or qualified alien.
- FEMA must be able to verify the applicant's identity.
- The applicant's insurance, or other forms of disaster assistance received, cannot meet their disaster-caused needs.
- The applicant's necessary expenses and serious needs are a directly result of a declared disaster.

IHP Housing Assistance Provision

FEMA determines the appropriate types of Housing Assistance for which an individual or household may be eligible based on disaster-caused loss, access to life-sustaining services, cost-effectiveness, and other factors. Individuals and households may receive more than one type of Housing Assistance, including a combination of financial assistance and direct services for disaster damage to a disaster survivor's primary residence.

Financial Housing Assistance - FEMA provides funds paid directly to eligible individuals and households and may include the following types of assistance:

- **Rental Assistance**: To secure temporary housing while repairs are being made to the pre-disaster primary residence or while transitioning to permanent housing. Rental Assistance may be used to rent a house, apartment, manufactured home, recreational vehicle, or other readily fabricated dwelling.
- **Lodging Expense Reimbursement**: Reimbursement for hotels, motels, or other short-term lodging while an applicant is displaced from their primary residence.
- **Home Repair Assistance**: To help repair an owner-occupied primary residence, utilities, and residential structure, including privately-owned access routes (driveways, roads, or bridges) to a safe and sanitary living or functioning condition.
- **Home Replacement Assistance**: To help homeowners replace their uninsured or underinsured primary residence, destroyed by a disaster.

Direct Housing Assistance - FEMA may provide direct housing services to eligible individuals and households, when disaster survivors are unable to use Rental Assistance due to a lack of available

housing resources. The impacted state, territorial, or tribal government must request Direct Temporary Housing Assistance and FEMA must approve this assistance prior to implementation. Direct Temporary Housing Assistance is not counted toward the IHP maximum award amount and may include:

- **Manufactured Housing Units:** Manufactured homes provided by FEMA and made available to use as temporary housing.
- **Multi-Family Lease and Repair:** This assistance allows FEMA to enter into lease agreements with owners of multi-family rental properties located in disaster areas and make repairs or improvements to provide temporary housing to disaster survivors.
- **Permanent or Semi-Permanent Housing Construction:** Home repair and/or construction services provided in insular (limited) areas outside the continental United States and other locations where no alternative housing resources are available; and where other types of FEMA Housing Assistance are unavailable, infeasible, or not cost-effective.

IHP Other Needs Assistance Provision

Individuals and households may receive financial assistance for other disaster-caused expenses and serious needs. Eligibility for some types of Other Needs Assistance are dependent on eligibility with the U.S. Small Business Administration's (SBA) disaster loan program. The SBA provides low-interest, long-term loans to help individuals and households with personal property, transportation, and expenses for moving and storage incurred due to a declared disaster. FEMA IHP Other Needs Assistance is divided into two categories that are either *dependent* or *non-dependent* on the individual's or household's ability to qualify for a SBA disaster loan.

SBA Dependent Types of Other Needs Assistance – Only individuals or households who do not qualify for a loan from the SBA may be eligible for the following types of assistance:

- **Personal Property Assistance:** To repair or replace essential household items including, but not limited to, furnishings and appliances, accessibility items defined within the Americans with Disabilities Act, and specialized tools and protective clothing required by an employer.
- **Transportation Assistance:** To repair or replace a vehicle damaged by a disaster and other transportation-related costs.
- **Moving and Storage Assistance:** To relocate and store personal property from the damaged primary residence to prevent further disaster damage, such as ongoing repairs, and returning the property to the primary residence.

Non-SBA Dependent Types of Other Needs Assistance – May be awarded regardless of the individual's or household's SBA disaster loan status and may include:

- **Funeral Assistance:** Assistance is available to individuals and households who have incurred or will incur eligible funeral expenses that are directly or indirectly related to the disaster.
- **Medical and Dental Assistance:** To assist with medical or dental expenses caused by a disaster, which may include injury, illness, loss of prescribed medication and equipment, or insurance co-payments.
- **Child Care Assistance:** A one-time payment, covering up to eight cumulative weeks of child care expenses, for a household's increased financial burden to care for children aged 13 and under; and/or children aged 14 to 18 with a disability as defined by federal law.

- **Miscellaneous or Other Items Assistance:** To reimburse for eligible items purchased or rented after a disaster incident for an individual or household's recovery, such as gaining access to the property or assisting with cleaning efforts. Eligible items are identified by the state, territorial, or tribal government and may include items such as a chainsaw, air purifier or dehumidifier.

IHP Limitations and Requirements

Assistance Limit: Financial assistance is limited to an annually adjusted amount based on the Department of Labor Consumer Price Index. Direct Housing Assistance is not subject to the assistance limit.

Flood Insurance Requirement: Applicants whose homes are located in a Special Flood Hazard Area and who receive assistance for home repair, replacement, permanent housing construction, and/or personal property as a result of a flood-caused disaster must obtain and maintain flood insurance as a condition of accepting disaster assistance.

Payment of Assistance: Financial assistance is provided to disaster survivors by a U.S. Treasury check or through an electronic funds transfer into the recipient's bank account.

Supplemental Assistance: IHP is not intended to replace private recovery efforts but to complement those efforts when needed. FEMA's assistance is limited and is not intended to return a home to its pre-disaster condition. If a homeowner wishes to return their home to its pre-disaster condition, they may apply for a home disaster loan with the SBA.

Proper Use of Assistance: Failure to use assistance appropriately may result in ineligibility for additional assistance, and the applicant may be required to return the misused funds.

Taxation of Assistance: FEMA's assistance is not taxable and is not counted as income or a resource when determining eligibility for income assistance or income-tested benefit programs such as Social Security benefits or disability income.

Documentation: Disaster survivors may need to provide documentation to help FEMA evaluate their eligibility, such as documents pertaining to proof of occupancy, ownership, income loss, and/or information concerning an applicant's housing situation prior to the disaster.

Duration of Assistance: Assistance is limited to 18 months following the disaster declaration and may be extended, if needed.

Appeal Rights: Applicants, who disagree with FEMA's determination of eligibility or the form of assistance provided, have the right to appeal within 60 days of the date on the award or denial letter from FEMA. For more information on appealing, contact the FEMA Disaster Helpline at 1-800-621-3362. Applicants who have a speech disability or hearing loss and use a TTY can call 1-800-462-7585 directly. Those using 711 or Video Relay Services (VRS) can call 1-800-621-3362.

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FEMA's Mission: "Helping people before, during, and after disasters."

Last update: May 2018