

RESOLUTION 2024-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, PURSUANT TO SECTION 196.1978(3)(o), FLORIDA STATUTES, ELECTING TO NOT EXEMPT CERTAIN PROPERTY UNDER SECTION 196.1978(3)(d)1.a., FLORIDA STATUTES, REFERRED TO AS THE "LIVE LOCAL ACT PROPERTY TAX EXEMPTION".

WHEREAS, Section 196.1978(3), Florida Statutes, hereinafter referred to as the "Live Local Act Property Tax Exemption", requires a county's property appraiser to exempt certain rental properties from ad valorem taxes if such properties meet the criteria of the Live Local Act Property Tax Exemption; and

WHEREAS, Section 196.1978(3)(d)1.a., Florida Statutes, provides an ad valorem tax exemption for qualified properties 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 ("M.S.A.") or, if not within an M.S.A., within the county in which the person or family resides (the "80 to 120 Tax Exemption"); and

WHEREAS, beginning with the 2025 tax roll, a taxing authority is authorized to opt-out of providing the 80 to 120 Tax Exemption if certain conditions are met; and

WHEREAS, Section 196.1978(3)(o), Florida Statutes, allows the taxing authority to opt-out of providing the 80 to 120 Tax Exemption if it finds that the latest Shimberg Center for Housing Studies Annual Report, prepared pursuant to Section 420.6075, Florida Statutes, (the "Shimberg Annual Report") identifies that the number of affordable and available units in the county is greater than the number of renter households in the county for natural persons or families who meet the income criteria for the 80 to 120 Tax Exemption; and

WHEREAS, the Brevard County Board of County Commissioners hereby finds that the latest Shimberg Annual Report, which is incorporated herein by this reference, identifies a surplus of affordable and available units in the Palm Bay – Melbourne – Titusville M.S.A., in which Brevard County is located, for those households that meet the income criteria for the 80 to 120 Tax Exemption; and

WHEREAS, in accordance with Section 196.1978(3)(o), Florida Statutes, the Brevard County Board of County Commissioners hereby finds that Brevard County is a taxing authority that is eligible to adopt a resolution to not exempt properties that would otherwise qualify for the 80 to 120 Tax Exemption.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, as follows:

Section 1. The above recitals are true and correct and incorporated herein by this reference.

Section 2. The Board finds that, based on the Shimberg Annual Report, Brevard County is within an M.S.A. where the number of affordable and available units in the M.S.A. is greater than the number of renter households in the M.S.A. for the category entitled "0-120 percent A.M.I.", or area median income.

Section 3. Pursuant to Section 196.1978(3)(o), Florida Statutes, Brevard County hereby elects not to exempt properties eligible for the 80 to 120 Tax Exemption otherwise allowed for under Section 196.1978(3)(d)1.a., Florida Statutes, and directs the Brevard County Property Appraiser not grant any such exemptions.

Section 4. This Resolution applies to the ad valorem property tax levies imposed within Brevard County.

Section 5. 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.

Section 6. This Resolution has been duly advertised in accordance with Section 50.011(1), Florida Statutes. A copy of this Resolution shall be provided to the Brevard County Property Appraiser prior to January 1, 2025.

Section 7. 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 consecutive year that the property owner applies for and is granted the exemption.

Section 8. Severability. If any provision of this Resolution or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared severable.

DONE AND ADOPTED in regular session this 21st day of May 2024.

ATTEST:

Rachel M. Sadoff, Clerk

Jason Steele, Chair

Board of County Commissioners
Brevard County, Florida