

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE FLORIDA LEGISLATURE TO ENACT HOUSE BILL 387, AMENDING THE "PROPERTY ASSESSED CLEAN ENERGY" ("PACE") PROGRAM TO ASSIST PROPERTY OWNERS WITH A FINANCING OPTION UNDER THE PACE PROGRAM FOR FLOOD MITIGATION AND RESILIENCY IMPROVEMENTS.

WHEREAS, in 2010, the Florida Legislature adopted provisions in Section 163.08 of the Florida Statutes that allow local governments to create Property Assessed Clean Energy ("PACE") programs for residents and businesses that provide financing for energy conservation and efficiency (e.g., energy-efficient heating, cooling, or ventilation systems), renewable energy (e.g., solar panels), wind resistance (e.g., impact resistant windows), and other improvements that are not inconsistent with State law; and

WHEREAS, through the existing PACE program, the State, residents, and businesses are able to reduce their carbon footprint and energy costs, and local economies are benefitted by the stimulation of construction and contractor jobs; and

WHEREAS, on January 22, 2021, House Bill 327 ("HB 327") has been filed for consideration during the Florida Legislature's 2021 session by House Representative Randy Fine; and

WHEREAS, the proposed bill amendments to Section 163.08 Fla. Stat. include the following: revising legislative intent regarding the types of improvements that qualify for specified financing under the PACE Program, specifies that a property owner may apply to a PACE program for certain new important purposes such as flood and water damage mitigation and resiliency improvements, and provides that costs incurred by the PACE program may be collected as a non-ad valorem assessment; and

WHEREAS, Miami Beach is a low-lying area, facing flood risk from high tides, storms, hurricanes, and sea level rise, with 93% of all buildings classified in the FEMA Special Flood Hazard Area; and

WHEREAS, 64% of all existing buildings in the City were built prior to the first Flood Insurance Rate Maps ("FIRM") that have progressively required higher elevation building to reduce flood risk; and

WHEREAS, of the 53 miles of seawalls in Miami Beach, built to protect areas of human habitation along the coast against tides, waves, and sea level rise, only five miles are publicly owned, meaning that most of the responsibility for replacing seawalls in disrepair and low elevation, falls on the private homeowner and additional financing mechanisms are needed; and

WHEREAS, on June 8, 2016, the Mayor and City Commission of the City of Miami Beach passed and adopted Resolutions No. 2016-29450 and No. 2016-29451, which created a PACE program and authorized the City to enter into agreements with the Green Corridor Clean Energy Property Assessed District, and the Florida PACE Funding Agency to implement the program; and

WHEREAS, on July 24, 2020, the Mayor and City Commission passed Resolution No. 2020-31315 adopting the Unified Regional Sea Level Rise Projection – 2019 update of the Southeast Florida Regional Climate Compact, which projects sea level rise impacts of 10 to 17 inches by 2040 and 21 to 54 inches by 2070 creating greater risk of flooding damages to residents; and

WHEREAS, on January 13, 2021, the Mayor and City Commission adopted Ordinance No. 2021-4393 that codifies minimum seawall elevation and establishes overtopping as a trigger for seawalls upgrades; and

WHEREAS, in addition, the City of Miami Beach, along with Miami-Dade County and Miami, is implementing Resilient305, a shared strategy to address resilience challenges prioritized through intergovernmental and community collaboration; and

WHEREAS, resilient housing and financing are key priorities within the strategy, and expanding the PACE program by enacting HB 387 would benefit property owners that need funding to prevent and minimize flood damage; and

WHEREAS, while the City Commission has adopted numerous resilient standards for new construction, the existing building stock including historic districts can greatly benefit from PACE as an alternative financing mechanism for flood mitigation and resiliency improvements; and

WHEREAS, the State of Florida should expand the PACE program to assist property owners with raising and reinforcing sea walls and other infrastructure, and improvements that mitigate flood risk, which may include raising a structure above base flood elevation, repairing or building seawalls, using flood damage resistant materials and making improvements to mechanical or electrical systems.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby urge the Florida Legislature to enact House Bill 387, amending the "Property Assessed Clean Energy" ("PACE") Program to assist property owners with a financing option under the PACE Program for flood mitigation and resiliency improvements.

PASSED AND ADOPTED this ____ day of February 2021.

ATTEST:

Mayor Dan Gelber

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Mark Samuelian)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

1-29-21

Date