RESOLUTION NO. 25-14

A RESOLUTION OF THE CITY OF CLEARWATER, OPTING OUT OF PROVIDING THE 80%-120% AMI MISSING MIDDLE PROPERTY TAX EXEMPTION TO DEVELOPMENTS THAT WOULD OTHERWISE QUALIFY PURSUANT TO THE LIVE LOCAL ACT FOR CALENDAR YEAR 2026; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Live Local Act (the "Act") created an affordable housing property tax exemption called the Missing Middle Property Tax Exemption that provides two tiers of exemptions for developments that have 71 or more units that provide housing to natural persons or families earning up to 120% of the Area Median Income ("AMI"); and

WHEREAS, one of the two tiers of exemptions under the Act allows units that serve households between 80-120% AMI within an eligible development to receive a 75% property tax exemption (the "75% Exemption"); and

WHEREAS, The Act allows under Fla. Stat. § 196.1978(3)(o) for taxing authorities to opt out from providing the 75% Exemption to developments within their jurisdiction that would otherwise qualify; and

WHEREAS, to be eligible to opt out of the 75% Exemption, taxing authorities are required to meet the following requirements:

- A resolution to opt out from providing the 75% Exemption must be approved by a two-thirds vote of the local governing body;
- The most recently published Shimberg Center for Housing Studies Annual Report must identify that the county, that is a part of the jurisdiction of the taxing authority, is within a metropolitan statistical area or region where the number of affordable and available units in the metropolitan statistical area or region is greater than the number of renter households in the metropolitan statistical area or region for the category entitled "0-120% AMI";
- The election to opt out may only apply to the ad valorem property tax levies imposed within a qualifying county by the taxing authority making the election;
- The resolution must take effect on the January 1 immediately succeeding adoption, shall expire on the second January 1 after the January 1 in which the ordinance or resolution takes effect, and may be renewed prior to its expiration;
- The taxing authority must advertise the resolution or renewal thereof pursuant to the requirements of Fla. Stat. § 50.011(1) prior to adoption; and

- Any properties within an opting out jurisdiction that were previously approved for the property tax exemption are allowed to continue to benefit from the 75% Exemption.

WHEREAS, the latest Shimberg Center for Housing Studies Annual Report (the "Report") provides a breakdown of counties in which taxing authorities would or would not be eligible to pursue the opt out; and

WHEREAS, Pinellas County qualifies under the Report as a county where taxing authorities therein can pursue opt-out; and

WHEREAS, the City of Clearwater is located in Pinellas County, meets the requirements under the Act, and wishes to opt out from providing the 75% Exemption.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

SECTION 1. The City of Clearwater, pursuant to Fla. Stat. § 196.1978(3)(o), hereby opts out from providing the 75% Exemption to developments that would otherwise qualify under the Act.

SECTION 2. This Resolution shall become effective on January 1, 2026.

PASSED AND ADOPTED this ____ day of December 2025.

____
Bruce Rector
Mayor

Approved as to form:

____
Mathew J. Mytych. Esq.
Assistant City Attorney

Attest:

____
Rosemarie Call, MPA, CMC
City Clerk