

Contents

Left click on the appropriate check boxes to indicate which parts of the application form are included in this application package.

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Part 2 – Application Profile and General Scoring Criteria

**Application Profile
Table G-1**

Local Government Contact Information:

Local Government Name: City of Marathon		
Street Address: 9805 Overseas Highway		
Mailing Address (if different): 9805 Overseas Highway		
City: Marathon	Zip Code: 33050	County: Monroe
Main Telephone: 305-743-0033	Main Facsimile: 305-743-3667	Federal ID Number: 65-0984873
DUNS Number: 148386910	Local Government's Name in DUNS: City of Marathon	
Chief Elected Official: Dr. Dan Zieg		Title: Mayor
Telephone: 305-731-3231		Facsimile: 305-743-3667
E-mail Address: ziegd@ci.marathon.fl.us		
Local Government Financial Officer: Keys CPA - Peter Rosasco		Title: Chief Financial Officer
Telephone: 305-743-6586		Facsimile: 305-743-0726
E-mail Address: vdavis@keyscpa.com		
Local Government Project Contact: George Garrett		Title: Deputy City Manager, Planning Director
Street Address: 9805 Overseas Highway		
City: Marathon	Zip Code: 33050	
Direct Telephone: 305-289-4111	Facsimile: 305-743-3667	
E-mail Address: garrettg@ci.marathon.fl.us		

Application Profile – Table G-1 (Continued)

Application Preparer Information		
Preparer's Name: Deanna Lloyd, Project Manager GSG, Inc.	Organization Preparing Application: <input type="checkbox"/> Local Government <input checked="" type="checkbox"/> Private Company <input type="checkbox"/> RPC	
Street Address: 22968 Overseas Highway		
City: Cudjoe Key	State: FL	Zip Code: 33042
Telephone: 305-745-2062	Facsimile: 305-745-2064	
E-mail Address: dlloyd@govserv.com		

Consultant Information		
Consultant's Name: Government Services Group, Inc. (GSG)	<input checked="" type="checkbox"/> Private Company <input type="checkbox"/> RPC	
Street Address: 1500 Mahan Drive, Suite 250		
City: Tallahassee	State: FL	Zip Code: 32308
Telephone: 850-681-3717	E-mail Address: dlloyd@govserv.com	

Demographics		
U.S. Congressional District Number: 18	Florida Senate District Number: 39	Florida House District Number: 120
Service Area Census Tract(s) and Block Group(s): 4300		

Application Type: Indicate the application category. A completed application must include the appropriate section as listed below.	
<input type="checkbox"/> Commercial Revitalization (Part 4)	<input type="checkbox"/> Economic Development (Part 5)
<input checked="" type="checkbox"/> Housing Rehabilitation (Part 6)	<input type="checkbox"/> Neighborhood Revitalization (Part 7)

Application Profile – Table G-1 (Continued)

<p>Funding for Planning and Design: You must check the Planning and Design Funding – Neighborhood Revitalization box if you want to be considered for funding. (The maximum funding for Planning and Design is \$70,000. In addition to the total funding needed for planning and design, the dollar amounts needed for basic engineering, additional engineering and administration must be shown below.)</p>		
<p><input type="checkbox"/> Planning and Design Funding – Neighborhood Revitalization</p>		
<p>If you will accept funding for Planning and Design, indicate the total amount being requested: \$</p>		
Basic Engineering \$	Additional Engineering \$	Administration \$

<p>Citizen Participation – Public Hearings Documentation of the citizen participation activities must be included in Appendix D of Part 9.</p>	
List the date that the public notice for the first public hearing was published: 1/4/2017	List the date when the first public hearing was held: 1/10/17
List the date that the public notice for the second public hearing was published: 2/1/17	List the date when the second public hearing was held: 2/14/17

<p>Subgrant Funding Request: The maximum funding request for Neighborhood Revitalization, Commercial Revitalization and Housing Rehabilitation subgrants is based on the jurisdiction's LMI population as determined by HUD. Please see the table below. The maximum subgrant funding request for Economic Development subgrants is \$1,500,000, and the cost per job created must be less than \$35,000. At the bottom of the left column, enter the actual LMI population. (Data available on CDBG website.) At the bottom of the right column, enter the actual subgrant amount being requested.</p>	
LMI Population	Maximum Subgrant Request
1 – 499	\$600,000.00
500 – 1,249	\$650,000.00
1,250 – 3,999	\$700,000.00
4,000 – and above	\$750,000.00
Local Government's LMI Population: 3,740	Subgrant Funds Being Requested: \$ 700,000.00

Application Profile
Table G-1 (Continued)

Answer the following questions by clicking on the correct check box.		
<p>Historic Preservation Will the project impact a building, public improvement or planned open space that is 50 or more years old? If yes, documentation must be provided in Appendix L of Part 9. (See instructions.)</p>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Interlocal Agreement Will project activities require an interlocal agreement? If yes, the interlocal agreement(s) must be provided in Appendix J of Part 9. (See instructions.)</p>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>State of Financial Emergency Is the local government currently identified as being in a State of Financial Emergency pursuant to Section 218.50 – 218.504, Florida Statutes? Check at http://www.leg.state.fl.us/cgi-bin/View_Page.pl?File=financial-emergencies.cfm&Directory=committees/joint/Jcla/&Tab=committees</p>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>Grant Preparation Costs The applicant may request subgrant funds for the cost of application preparation. See instructions if funds are requested. Does the applicant wish to request subgrant funds for the cost of application preparation? If yes, documentation must be included in Appendix F of Part 9. Amount: \$ _____</p>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p>National Flood Insurance Program Is the applicant currently participating in the National Flood Insurance Program?</p>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Project Narrative — G-2

Describe the proposed project using the guidelines in the instructions. Specific directions for Commercial Revitalization and Economic Development application narratives can be found in the instructions. Use additional pages as needed.

The community of the City of Marathon is located in Monroe County, Florida, centrally located between Key West and Key Largo and participates in the National Flood Insurance Program due to its location within a flood-prone area. The proposed project is to spend \$700,000 in Small Cities CDBG funding and \$50,000 in City Funds to benefit low-and moderate-income persons, preventing or eliminating slum and blight, meeting the national objectives of the CDBG Program. At a minimum the City anticipates rehabilitating 10 LMI housing units in accordance with the City's established Housing Assistance Plan. These repairs will improve the homeowners quality of life and ensure that properties are state and local code compliant. Of the 10 LMI households to be assisted under the CDBG Program, (3) will address low-income households, at or below 50% AMI, and (2) will benefit very-low income households with incomes not exceeding 30% AMI. Assistance will be provided through the process outlined in the City's Housing Assistance Plan which specifies that properties receiving assistance be single family, owner-occupied, the primary residence and contain housing code, housing quality standards or Health Safety violations. Activities to be undertaken include housing rehabilitation, repairs or demo/replacement of substandard housing units and the temporary relocation of residents if necessary. City funds earmarked for affordable housing projects in the amount of \$50,000 will be used as match/leverage to support the rehabilitation activities under this grant. These funds will be expended proportionately and concurrently with CDBG funds to the extent feasible. The budget is as follows:

Housing Rehab/Replacement:	\$590,000.00
Temporary Relocation:	\$ 5,000.00
Administration Expense:	\$105,000.00
City Cash Match:	\$50,000
Total Grant plus Match	\$750,000.00

General Scoring Criteria — Table G-3

1. Community-Wide Needs Score (CWNS) The CWNS for each non-entitlement local government is posted on the Department’s website at: http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/florida-small-cities-community-development-block-grant-program/downloads-and-information-for-applicants (Transfer this score to line 1. of the Application Scoring Summary page – Part 8, page 4.)		Score: <u>129.21</u>
2. Special Designation Score Check all applicable designations below and enter a score of 20 points if all CDBG activities will be conducted within any of the boundaries of the special designation areas checked. Documentation must be included in Appendix M of Part 9. (See instructions.) (Transfer this score to line 3a. of the Application Scoring Summary page.)		Score: <u>20</u>
<input type="checkbox"/> Rural Area of Opportunity (RAO)	<input type="checkbox"/> Rural Community as defined by §288.0656, F.S.	
<input checked="" type="checkbox"/> Area of Critical State Concern pursuant to §380.05, F.S.	<input type="checkbox"/> Florida Enterprise Zone pursuant to §290.0065, F.S.	
3. Grant History Score: If the applicant has not had an open CDBG contract in the NR, CR, or HR categories within five years of application deadline, claim 100 points. (Transfer this score to line 3b. of the Application Scoring Summary page.)		Score: <u>0</u>
4. CATF Score: The applicant can score a maximum of 10 points if it has appointed a Citizen Advisory Task Force (CATF) to provide input on all phases of the Small Cities CDBG Program process and the CATF met to discuss community needs and make recommendations to the local governing body before the application was drafted. The task force must be comprised of residents of the applying jurisdiction, and at least 51% of the members must be from LMI households. None of the members can be an elected official of the jurisdiction, and only one member can be an employee of the applicant. The CATF shall have at least five members, and at least 51% members must participate in the meeting to claim CATF points. Documentation must be included in Appendix D of Part 9. (See instructions.)		
4a. If the CATF met before the first public hearing was conducted and before a draft application was developed to discuss community needs and make recommendations to the local governing body as to the program area and activities that should be considered when drafting a Small Cities CDBG application, score 10 points, or		Score: <u>10</u>
4b. If the CATF met before the notice for the second public hearing was published and before a draft application was finalized to make recommendations to the local governing body as to the program area and activities that should be included in its Small Cities CDBG application, score 5 points. (Transfer this score to line 3c. of the Application Scoring Summary page.)		
If applicable, list the date that the public notice for the CATF meeting was published: 12/14/16	If applicable, list the date when the CATF meeting was held: 12/20/16	

General Scoring Criteria — Table G-3 (Continued)

5. Outstanding Performance in Equal Employment Opportunity (EEO)					
<p>M/WBE Contracting: The applicant may claim up to 20 points for achievement in Minority-/Women-Owned Business Enterprises (M/WBE) contracting in the most recent Small Cities CDBG subgrant that was administratively closed not more than four years before application deadline date. Review the M/WBE reports submitted to DCA/DEO for that subgrant and enter a score based on the achievement reported.</p>					
Most Recent Administratively Closed Small Cities CDBG Contract Number:			11DB-C5-11-54-02-H16		
0 Amount Awarded to M/WBE firms	÷	0 Total Prime Contracts Amount	X 100 =	0 M/WBE %	
M/WBE %		Points		5a. M/WBE Contracting Score: <div style="text-align: center; border-bottom: 1px solid black; width: 100px; margin: 0 auto;">0</div> (Maximum 20 points)	
0.0 – 4.99%		0			
5.0 – 14.99%		5			
15.0 – 19.99%		10			
20.0 – 24.99%		15			
25.00%+		20			
If the applicant has not administratively closed a Small Cities CDBG subgrant within four years of the application deadline date, score 5 points.					
<p>Local Government Minority Employment: The applicant may claim up to 60 points for meeting minority employment goals. Complete the table below to calculate the applicant's percentage of minority employees. See instructions for calculations.</p>					
Number of Permanent Full-time Equivalent Minority Applicant Employees 4	÷	Number of Permanent Full-time Equivalent Applicant Employees 112	=	Applicant's Percentage of Minority Employees 3.57%	
Enter percentage of minorities in the applicant's county: 10.5%					
If the "Prorated 60 Points Score" is claimed, complete the following equation:					
Applicant's Percentage of Minority Employees 3.57	÷	Percentage of Minorities in Applicant's County 10.5	=	Applicant's Percentage of Minority Employees 3.40	X 60 = 20.40

If the applicant has three or less employees, 40 points may be claimed.		
5b. Local Government Minority Employment Score (60 Points Maximum):		<u>20.40</u>
6. Outstanding Performance in Fair Housing		
The applicant may claim five points for adopting a Fair Housing Ordinance prior to the application deadline and five points for conducting a Fair Housing workshop in the 12 months prior to the application deadline. See instructions for guidelines and documentation requirements.		
	Date	Score
6a. Date Fair Housing Ordinance Adopted:	<u>10/12/10</u>	<u>5</u>
6b. Date of Fair Housing Workshop:	<u>1/10/17</u>	<u>5</u>
6c. Total Fair Housing (6a+6b) Score (10 Points Maximum):	<u>10</u>	

Outstanding Performance in EEO and Fair Housing (5a+5b+6c) Score: 30.40
 (Transfer this score to line 2. on the Application Scoring Summary page – Part 8, page 4.)
 (90 points maximum)

Part 3 – Sources and Uses of Non-CDBG Funds

Sources and Uses of Non-CDBG Funds
Private, Participating Party, Public Leverage from Non-Local and Local Funding Sources
Table L-1

Activity #	Source	Amount Claimed for Scoring	Amount Not Claimed for Scoring	Type (Participating Party, Loan, Grant, Local Government Funds, Donated Land, or Other Leverage)
14A	City Funds	\$50,000.00	\$	Local Government Funds
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
		\$	\$	
Totals		\$50,000.00	\$	
Total Funds Claimed for Leverage Scoring		\$50,000.00		

Use the preceding totals to compute the number of points you are claiming for leverage scoring on the next page.

Leverage Score Summary

<p style="text-align: center;">Leverage Points Calculation for NR, CR, and HR</p> <p style="text-align: center;">Communities with a LMI Population of 1,249 or Less</p> <p style="text-align: center;"><u> </u> \$ ÷ \$1,000 = <u> </u> Points</p> <p style="text-align: center;">(25 Points Maximum)</p>
<p style="text-align: center;">Leverage Points Calculation for NR, CR, and HR</p> <p style="text-align: center;">Communities with a LMI Population of 1,250 or More</p> <p style="text-align: center;"><u>50,000</u> \$ ÷ \$2,000 = <u>25</u> Points</p> <p style="text-align: center;">(25 Points Maximum)</p>
<p style="text-align: center;">Leverage Points Calculation for ED</p> <p style="text-align: center;"><u> </u> \$ ÷ \$10,000 = <u> </u> Points</p> <p style="text-align: center;">(125 Points Maximum)</p>

Leverage Score: 25

**(Transfer this score to line 3d. on the Application Scoring Summary page in Part 8.
25 Points Maximum for NR, HR, and CR. 125 Points Maximum for ED.)**

Part 6 – Housing Rehabilitation

**Category Impact
CDBG Funds and Activity Goals Score — Table H-1**

Activity #	A Activity Name	B Enter CDBG Activity \$	C % of CDBG Project Cost (B ÷ 1)	D Goal Points	E Activity Goal Score (C x D)	F # of Housing Units To be Addressed by Activity
01	Acquisition (in support of)	\$	%	*		
01	Acquisition in 100 Year Floodplain	\$	%	75		
04	Clearance	\$	%	35		
15	Code Enforcement	\$	%	45		
04A	Demolition (without subsequent construction)	\$	%	50		
16A	Historic Preservation - Residential	\$	%	35		
14A	Housing Rehab/Demolition/Replacement	\$590,000	99.16%	75	74.37	10
08	Permanent Relocation as a part of Hazard Mitigation	\$	%	75		
08	Permanent Relocation – Other	\$	%	50		
14A	Potable Well Installation**	\$	%	70		
14A	Removal of Housing Architectural Barriers	\$	%	75		
14A	Septic System Installation**	\$	%	70		
14A	Sewer Hookups**	\$	%	70		
08	Temporary Relocation	\$5,000	.84%	75	.63	10
14A	Utility Hookups, Other**	\$	%	60		
14A	Water Hookups**	\$	%	70		
1. Add Column B to get the CDBG Project Cost		\$595,000	4. Add Column E to get the Total Activity Goal Score: 75 (75 Points Maximum)		Total Unduplicated Number of Housing Units to be Addressed By All Activities <u>10</u>	
2. Enter CDBG Administrative Funds (Maximum of 15% of Total CDBG Funds Requested)		\$105,000	* Goal points for this activity are same as the activity supported by the acquisition.			
3. Add 1 and 2 for Total CDBG Funds Requested		\$700,000	** Use only if no housing rehabilitation is required. Otherwise, treat as complementary activity to housing rehabilitation activity.			

Low Income and Very Low Income Beneficiary Impact Score

Option 1: Housing Rehabilitation (Housing Rehab/Demolition/Replacement)	
5a. Number of homes to be addressed whose occupants qualify as "low income:" (Note: "low income" (LI) means the household income is between 30.01% - 50% of median income for your county)	
"Low income" beneficiary impact points: 3 homes X 50 = 150points (150 Points Maximum)	
5b. Number of homes to be addressed whose occupants qualify as "very low income:" (Note: "very low income" (VLI) means the household income does not exceed 30% of median income for your county) 1 home: score = 55 points; 2 homes: score = 85 points:	
"Very low income" beneficiary impact points: 2 home(s) = 85 points (85 Points Maximum)	
Option 2: Hookups Only (Sewer, Water or Other Utility)	
5c. Number of households to be hooked up whose occupants qualify as "low income:"	
"Low income" beneficiary impact points: homes X 7 = points (175 Points Maximum)	
5d. Number of households to be hooked up whose occupants qualify as "very low income:"	
"Very low income" beneficiary impact points: home(s) X 6 = points (60 Points Maximum)	
5e. Total "Low Income" and "Very Low Income" Beneficiary Impact Score (5a+5b) or (5c+5d): <u>235</u> (235 Points Maximum)	

Average CDBG Cost per LMI Housing Unit

6a. Use the CDBG Funds and Activity Goal Score Spreadsheet to calculate the average CDBG LMI housing unit cost:

$$\frac{\$590,000}{\text{CDBG Project Cost}} \div \frac{10}{\text{Total Number of LMI Housing Units}} = \frac{\$59,500}{\text{Average CDBG LMI Housing Unit Cost}}$$

Enter the appropriate score from the chart below on line 6b.

Option 1. Rehab - Average CDBG Cost Per LMI HU	Score	Option 2. Hookups - Average CDBG Cost Per LMI HU	Score
Less than \$62,250	120	Less than \$2,200	100
\$62,250 to \$65,000	105		
\$65,000 to \$66,999	90	\$2,200 to \$3,099	80
\$67,000 to \$68,999	75		
\$69,000 to \$70,999	60	\$3,100 to \$3,999	60
\$71,000 to \$72,999	45		
\$73,000 to \$74,999	30	\$4,000 to \$4,899	40
\$75,000 to \$76,999	15		
\$77,000 to \$77,999	0	\$4,900 and above	20
\$78,000 to \$78,999	-50		
\$79,000 and above	-100		

6b. Average CDBG Cost per LMI Housing Unit Score: 120

“Green” Rehabilitation Standards

7a. If the Housing Assistance Plan (HAP) requires all the minimum “green” standards identified in the instructions, **score 45 points:** 45

7b. If the HAP requires all the supplemental “green” standards identified in the instructions, **score 30 points:** 30

7c. “Green” Rehabilitation Standards (7a + 7b) Score: 75

Category Summary Score (4+5e+6b+7c=): 505

(Transfer this score to line 3e. in the HR column on the Application Scoring Summary page – Part 8, page 4.)
(Cannot exceed 505 points.)

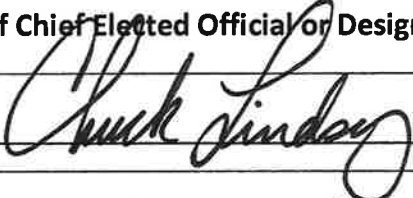
Part 8 – Certification and Score Summary

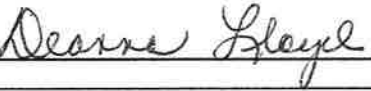
I, the undersigned chief elected official or authorized representative of the Applicant, certify that, to the best of my knowledge, this Florida Small Cities Community Development Block Grant Application for Funding was prepared in accordance with state and federal rules and regulations, contains information that is true and correct, and has been approved by the local governing body.

I also certify that the Applicant:

1. Has met all citizen participation requirements contained in Chapter 73C-23, Florida Administrative Code:
 - Following public notice, hearings were conducted by a member of the local governing body or a duly authorized employee;
 - The first public hearing was conducted to obtain citizen views about community development needs and potential uses of CDBG funding;
 - The notice for the second public hearing was published following the first public hearing. The notice included a summary of the activities that would be conducted with CDBG funds, the specific locations where those activities would take place, a line item budget, and the time and place where a copy of the draft application would be available for review; and
 - A second public hearing was conducted to obtain citizen comments on the CDBG application prior to submission.
2. Has properly conducted surveys of service areas to document LMI benefit, if applicable.
3. Will not attempt to recover, through special assessments, capital costs of public improvements funded in whole or in part with CDBG funds.
4. Will ensure that upon completion of housing structures addressed with CDBG funds, each housing structure will meet the local housing code.
5. Will administer the subgrant in conformity with the Civil Rights Act of 1964 and the Fair Housing Act.
6. Will affirmatively further fair housing and undertake one fair housing activity each quarter.
7. Has adopted or will adopt a Community Development Plan or has adopted the Local Comprehensive Plan as its Community Development Plan.
8. Will adopt an Anti-Displacement and Relocation Policy and will minimize the displacement of persons.
9. Has presented accurate information and has documentation on file and readily accessible to the Department of Economic Opportunity.
10. Has authorized the submission of this application by vote of the local governing body.
11. Will adopt a CDBG Procurement Policy that conforms to 2 CFR 200.317 – 200.326, Sections 255.0525 and 287.055, Florida Statutes, and Rule 73C-23.0051(3), Florida Administrative Code.
12. Has implemented a financial management system that complies with Section 218.33, Florida Statutes, and 2 CFR 200.302.

13. Will complete a self-evaluation of its facilities related to the Americans with Disabilities Act and adopt a Transition Plan, if applicable.
14. Will meet a National Objective for each funded activity other than administration and engineering prior to the administrative closeout of the subgrant.

Signature of Chief Elected Official or Designee
Signature: 
Typed Name and Title: Chuck Lindsey, City Manager, City of Marathon
Date: 2/15/17
If signed by a person other than the chief elected official, a copy of the resolution authorizing the person to sign the application must be included in Appendix B.

Signature of Application Preparer if not an employee of the Local Government
Signature: 
Typed Name and Title: Deanna Lloyd
Name of Firm or Agency: Government Services Group, Inc.

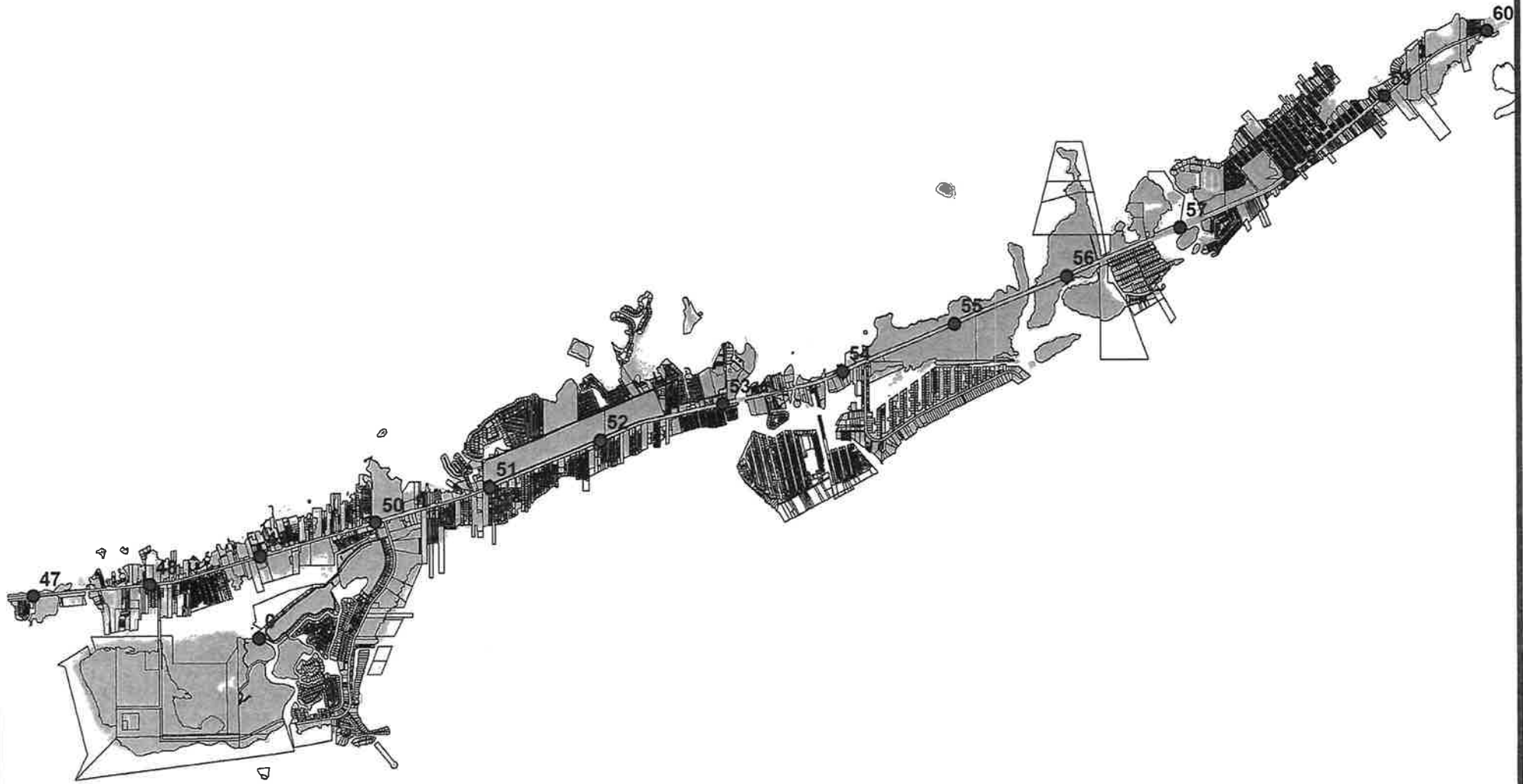
Failure of the Chief Elected Officer or designated person to properly sign the application by the deadline, or failure to include a copy of the ordinance or resolution of the governing body authorizing another individual to sign the application, will result in a 50-point penalty being assessed against the application that cannot be eliminated during the completeness process.

Application Scoring Summary

This form is the Applicant's evaluation of the application score. Use the "scores" identified in the application to complete this form when you have finished filling out the application. Enter the scores or other information in the appropriate columns. When all of the scores have been transferred to this form, add the scores and enter the total.

Applicant Name: City of Marathon				(For DEO Use Only) Application Number: _____			
Enter Type of Application:		<input type="checkbox"/> Commercial Revitalization	<input type="checkbox"/> Economic Development				
		<input checked="" type="checkbox"/> Housing Rehabilitation	<input type="checkbox"/> Neighborhood Revitalization				
Title/Score	Part	Page	CR	ED	HR	NR	
1. Community-Wide Needs Score (250 Points Maximum)					129.91		
2. Outstanding Performance in Equal Employment Opportunity and Fair Housing (90 points maximum)					30.40		
3. Program Impact:							
3a. Special Designation Score (20 Points Maximum)					20		
3b. Grant History Score (100 Points Maximum)					0		
3c. CATF Score (10 Points Maximum)					10		
3d. Leverage (25 Points Maximum for CR, NR and HR) (125 Points Maximum for ED)					25		
3e. Category Summary Score					505		
3f. Total Program Impact Score (3a+3b+3c+3d+3e) (660 Points Maximum)					55		
4. Total Application Score (1+2+3f) (1000 Points Maximum)					775.31		
Less Penalties Assessed (For DEO Use Only)							
Final Score (For DEO Use Only)							

APPENDIX A

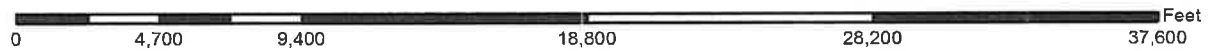


Legend

- Marathon Mile Markers
- MiddleKeys_Parcel_150811



City of Marathon, Florida
Official Map Product



APPENDIX B

**CITY OF MARATHON, FLORIDA
RESOLUTION 2017-04**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION, AWARD AGREEMENT, PROGRAM DOCUMENTS, REPORTS, CLOSE OUT DOCUMENTATION AND EXPEND AND APPROPRIATE FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Florida Small Cities Community Development Block Grant (CDBG) program is a competitive grant program administered by the Florida Department of Economic Opportunity (DEO) that addresses critical housing and infrastructure needs of the elderly, disadvantaged, and low to moderate income populations; and

WHEREAS, the City of Marathon is eligible to apply to DEO for funding from the Small Cities CDBG program; and

WHEREAS, the City of Marathon has identified a need for physical housing improvements to benefit low-to-moderate income persons; and

WHEREAS, the Marathon City Council conducted a first Public Hearing on January 10, 2017, to obtain citizen input as to the type of grant application that it should submit to the DEO under the FFY 2016 Small Cities CDBG Program; and

WHEREAS, the Council of the City of Marathon conducted a second Public Hearing on February 14, 2017, to allow citizens to review and comment on a proposed 2016 Small Cities CDBG Housing Rehabilitation grant application; and

WHEREAS, as a result of the second public hearing, the Council agreed to submit a 2016 Small Cities CDBG Application; and

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

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

Section 2. The City Council authorizes the submission of FFY2016 Small Cities Community Development Block Grant application to the Florida Department of Economic Opportunity.

Section 3. The City Council authorizes the City Manager to execute the application, appropriate leveraged funds, execute the award agreement, program documents and reports including close-out documentation, and.

Section 4. The City Council hereby adopts the City of Marathon's Comprehensive Plan as the City's Community Development Plan.

Section 5. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14TH DAY OF FEBRUARY, 2017.

THE CITY OF MARATHON, FLORIDA



Mayor Daniel Zieg

AYES: Bartus, Coldiron, Cook, Senmartin, Zieg
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Diane Clavier, City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



David Migut, City Attorney

APPENDIX C

HOUSING ELEMENT GOALS, OBJECTIVES, AND POLICIES

PURPOSE

Pursuant to Chapter 163.3177(6)(f), F.S., the purpose of the Housing Element is to provide guidance for the development of appropriate plans and policies to meet identified or projected deficits in the supply of housing for moderate income, low income and very-low income households, group homes, foster care facilities and households with special housing needs. These plans and policies address government activities, as well as provide direction and assistance to the efforts of the private sector. The City does not prohibit or create barriers against affordable housing. In fact, the City encourages private sector development of affordable housing.

GOAL 2-1 CONSERVE HOUSING STOCK

To achieve a balanced and affordable range of housing stock; to encourage the diversification and distribution of the housing stock; to eliminate substandard structures; and to conserve good quality housing stock. §163.3177(6)(f). F.S.

Objective 2-1.1 Develop a Housing Program

The City shall continue to provide the framework for a housing program that encourages the creation and preservation of affordable housing for all current and anticipated future residents of the City. §163.3177(6)(f) F.S.

Policy 2-1.1.1 Coordinate with Private and Non-Profit Agencies

Through implementation of the housing program, and the Intergovernmental Coordination Element, the City will coordinate with appropriate private and non-profit agencies to improve housing opportunities and availability. §163.3177(6)(f)3. F.S.

Policy 2-1.1.2 Streamline the Permitting Process for Affordable Housing

Through the comprehensive planning process and the Land Development Regulations, a streamlined permitting process will be established; providing for efficient review with minimal delays and costs for affordable housing.

Policy 2-1.1.3 Affordable and Workforce Housing Report

The City shall continue to maintain an inventory of all existing affordable and workforce housing, including mobile homes, RVs, motels, and any alternative type of dwelling unit that may be used as affordable/workforce housing. The City shall prepare a report, consistent with Policy 2-1.1.8, which at a minimum shall identify the number and type of units. This report shall also include an estimate of the number of these units that may not have been lawfully established

or fall under the umbrella for density entitlement. The report shall further analyze the impacts on the adopted level of service (LOS) standards as a result of the existing units which may not have been lawfully established or which may not fall under the umbrella for density entitlement. On the basis of this report, the City shall explore the feasibility, through coordination with the DEO and a Plan amendment, of allowing for the replacement, outside of the annual allocation system, of select identified units from this category. The City shall establish an incentive program encouraging registration and protection of these units along with specific measures to effectively maintain the number of units that are identified as affordable. §163.3177(6)(f)2 F.S.

Policy 2-1.1.4 Establish Minimum Percentage for Development of New Affordable Housing

Pursuant to the policies contained within the Future Land Use Element, the City shall designate no less than twenty percent (20%) of the residential allocations to affordable housing annually. Affordable housing eligible for this separate allocation must meet the criteria established in the Land Development Regulations. The City may not decrease the percentage reserved for affordable housing, but may, if approved by a super majority vote of City Council, increase the percentage and recognize multiple levels of affordability for separate allocation. The City shall work with the State to obtain more residential allocations specifically for affordable housing.

Policy 2.1.1.5 Develop Affordable Housing Criteria

The City shall continue to evaluate strategies and amend Land Development Regulations to maintain the affordability of available affordable/workforce housing in the City. The regulations shall include, but not be limited to:

- a. the establishment of a maximum lot size;
- b. maximum dwelling unit size;
- c. location limitations;
- d. the establishment of a maximum sales price for affordable/workforce housing;
- e. a ceiling on down payments that are not subsidized by public programs; and
- f. criteria to minimize the increase in property values on the City's affordable/workforce housing costs.

Policy 2-1.1.6 Protect Affordable Housing Stock

The City shall require a Covenant of Conditions and Restrictions be recorded on the deed of all registered affordable housing units for a period of no less than fifty years.

Policy 2-1.1.7 Identify and Address Barriers to Affordable Housing within the Land Development Regulations

The City shall continue to evaluate and amend Land Development Regulations in order to eliminate regulatory barriers to affordable housing found in the current Land Development Regulations.

Policy 2-1.1.8 Affordable Housing Work Program

The City shall continue to re-evaluate affordable housing needs within the City, using the most current available data sources. This evaluation shall culminate in a report consistent with Policy

2-1.1.3 and shall include a five year work program containing recommended actions. The proposed work program shall be presented to the Local Planning Agency and City Council for approval, and re-assessed every five years thereafter.

Policy 2-1.1.9 Seek Funding Sources

The City shall seek the use of Federal, State and County housing financial support programs as a means of providing housing opportunities for very low, low and moderate income persons and families, where appropriate. As part of the re-evaluation of affordable housing needs required per Policy 2-1.1.8, the City shall identify inconsistencies between City policy and procedures, and those of agencies that provide financial assistance for affordable housing applicants. A plan for remedial action will be prepared for adoption by the Local Planning Agency and the City Council pursuant to Policy 2-1.1.3.

Policy 2-1.1.10 Affordable/Workforce Housing Land Acquisition and Partnerships

The City shall continue to identify potential acquisition sites for affordable/workforce housing and shall establish partnerships with non-profit organizations in order to construct affordable housing using state funds. §163.3177(6)(f)1.d F.S.

Policy 2-1.1.11 Participate In Region-Wide Affordable Housing Concerns

The City shall develop coordination strategies for improving the supply of affordable housing units on a City, County and region-wide basis through coordination with the Monroe County Housing Authority, Department of Economic Opportunity, Monroe County Growth Management Division, as well as other appropriate Federal, State, Regional or City agencies providing funding or information regarding housing supply.

Policy 2-1.1.12 Provide City Housing Policy and Programs

The City shall provide technical assistance, information and referral services to the private sector regarding City housing policy and programs, and shall assist with permit applications.

Policy 2-1.1.13 Affordable Housing Land Acquisition

The Land Acquisition and Conservation Advisory Committee, in conjunction with City staff, shall draft a report recommending the best means for affordable/workforce housing land acquisition. The report shall include, at a minimum, a system for prioritizing acquisition for affordable/workforce housing. This report shall be consistent with reporting guidelines established in Policy 2-1.1.3.

Policy 2-1.1.14 Identification of sites

Based on findings from the five year report (Policy 2-1.1.13 & 2-1.1.3), the City shall identify potential acquisition sites for affordable work force housing and shall establish a partnership with a non-profit organization to construct affordable housing utilizing state funding.

Objective 2-1.2 Provide Information

The City shall provide for exchange of information related to job training, job creation and economic solutions in an effort to improve access to affordable housing. §163.3177(6)(f)4. F.S.

Policy 2-1.2.1 Coordinate with Other Agencies

The City shall provide to residents and individuals employed in the City, access to information pertaining to County-wide programs to aid in job training, day-care facilities, English language courses and high school equivalency (GED) which are currently provided by the following agencies:

- a. Florida Department of Children and Family Services;
- b. Monroe County Public Schools;
- c. Florida Keys Community College; and
- d. Monroe County Department of Human Services.

Objective 2-1.3 **Improve Housing Conditions**

The City shall continue to eliminate substandard housing and blighted areas, and shall continue to improve structural and aesthetic housing conditions. 163.3177(6)(f)1 & 3.

Policy 2-1.3.1 Ensure Compliance

Through development review and the efforts of the Code Compliance Department, the City shall strictly enforce its zoning regulations, building codes and ordinances to ensure the compliance of new and redevelopment housing projects, as well as protect and preserve the structural integrity and aesthetics of the City's housing stock.

Policy 2-1.3.2 Support Clean-up Efforts

The City shall support and coordinate efforts with community service programs, church groups, business organizations, local builders, members of the local Chamber of Commerce, and similar agencies to participate in programs, whose purpose is to clean up residential areas and paint houses.

Policy 2-1.3.3 Promote Maintenance of the Existing Housing Stock

The City shall promote maintenance of the existing housing stock by continued code enforcement, required demolition of deteriorated structures that are beyond repair (using the Standard Unsafe Building Code), and providing guidance in obtaining rehabilitation assistance for qualified residents.

Policy 2-1.3.4 Identify Substandard Housing

The City Building Department shall identify substandard housing units, as defined by Florida Statutes, and shall contact owners of substandard housing units in order to communicate necessary corrective actions and inform owners of available Federal, State, and local housing assistance programs.

Policy 2-1.3.5 Eliminate Unsafe Housing

The City shall continue to identify and facilitate the demolition or rehabilitation of unsafe housing that poses a threat to the safety and welfare of the community.

Policy 2-1.3.6 Encourage Revitalization of Problem Areas

The City shall investigate commonly used planning strategies and identify available funding sources to address the revitalization of problem areas. The City shall strive to utilize the most appropriate and creative mechanisms available to address such problems.

Policy 2-1.3.7 Establish Preservation, Rehabilitation and Demolition Criteria

The City shall adopt Regulations, to supplement, where applicable, criteria to guide the preservation, rehabilitation and demolition of housing units.

Objective 2-1.4 Persons and Businesses Displaced

The City shall apply uniform and equitable treatment of persons and businesses displaced by City programs. 163.3177(6)(f)1 & 3.

Policy 2-1.4.1 Assist with Relocation of Residents

The City will, to the greatest extent practicable, assist any person who is required to move from any real property as a direct result of the City's acquisition of such real property for public purposes by locating alternate sites and housing facilities available to them as replacement dwellings. When planning to acquire land for public purposes, the City shall assess the degree of displacement that may be incurred. The City shall not be responsible for relocating City residents who are displaced as the result of a County, State or Federal program or action.

Objective 2-1.5 Ensure Adequate Housing Sites

Through the Land Development Regulations, the City shall ensure distribution of adequate housing sites for all residents of Marathon, including very low, low, moderate, and market income housing through the implementation of the following policies. 163.3177(6)(f)1 & 3.

Policy 2-1.5.1 Ensure Adequate Housing Sites

The City shall maintain Land Development Regulations and a zoning map that implement the *Future Land Use Map*, which ensures sufficient densities and intensities to accommodate all housing types, including affordable and group homes, over the planning time frame.

Policy 2-1.5.2 Evaluate Vacation Rental Regulations

The City shall continue to evaluate the impact of vacation rental usage and maintain land development regulations to limit land use districts where transient rentals occur and consider establishing a cap on the number of units that can be utilized for vacation rental housing.

Objective 2-1.6 Assist Agencies with the Provision of Specialized Housing

The City shall support private and non-profit entities to provide housing that meets the unique needs of the elderly, dependent children, the physically challenged and the developmentally disabled. 163.3177(6)(f)3.

Policy 2-1.6.1 Support Licensed Community Care Facilities

The City shall support provision of community care facilities within the City by allowing single family community residential homes licensed or funded by the Florida Department of Children and Family Services in all single family and multi-family residential and designated multi-family zoning districts, pursuant to Chapter 419, F.S. as hereinafter may be amended.

Objective 2-1.7 Preserve Historically Significant Housing

Preserve identified historically significant housing through City action or support for private action. §163.3177(6)(f)1.e. F.S.

Policy 2-1.7.1 Conduct a Historical Housing Assessment Survey

The City shall complete a comprehensive professional survey identifying architecturally and historically significant sites and structures in the City. The survey shall primarily focus on structures and properties that are at least 40 years old. Any such structures or sites identified in the survey shall be added to the City's list of locally significant historical resources.

Policy 2-1.7.2 Protection of Historic Resources

Pursuant to the policies contained within the Future Land Use and Conservation Elements, the City shall maintain Land Development Regulations to identify and preserve historically significant housing and resources. The City shall amend and update historic preservation regulations and may consider establishment of local historic districts consistent with a historic structure survey (Policy 2-1.7.1).

APPENDIX D

FLORIDA KEYS
KEYNOTER

Published Twice Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

**STATE OF FLORIDA
COUNTY OF MONROE**

Before the undersigned authority personally appeared **RICHARD TAMBORRINO** who on oath, says that he is **PUBLISHER** of the **FLORIDA KEYS KEYNOTER**, a twice weekly newspaper published in Marathon, in Monroe County, Florida: that the attached copy of advertisement was published in said newspaper in the issues of: *(date(s) of publication)*

December 14, 2016

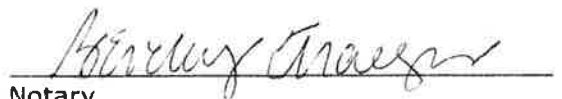
Affiant further says that the said FLORIDA KEYS KEYNOTER is a newspaper published at Marathon, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, twice each week (on Wednesday and Saturday) and has been entered as a second class mail matter at the post office in Marathon, in Monroe County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement. The affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s) and that The Florida Keys Keynoter is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.



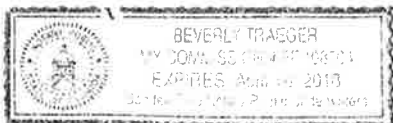
Richard Tamborrino, Publisher

Sworn to and subscribed before me this

20 Day of December, 2016



Notary
(SEAL)



Ad# 0002830562

**Citizens Advisory Task
Force Meeting**

The City of Marathon will conduct a meeting of the Citizens Advisory Task Force (CATF) on Tuesday December 20, 2016 at 12:00 PM in the City of Marathon Conference Room located at 9805 Overseas Highway, Marathon, FL 33050. This meeting is intended to discuss possible initiatives to be undertaken and discuss the proposed CDBG Application for the FFY 2016 Community Development Block Grant (CDBG) Small Cities program.

All interested persons are invited to attend and be heard. Written comments received in advance of the meeting will also be heard. Written comments may be submitted to the address listed above or to dilloyd@govserv.com.

The City of Marathon does not discriminate against any person because of race, color, religion, sex, handicap, familial status, or national origin or against any other protected class. In addition, any reasonable accommodations required by the public may be arranged by calling (305)289-4130 or email cityofmarathon@ci.marathon.fl.us.

Published December 14, 2016
Florida Keys Keynoter

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Advertisement Date: Wednesday, December 14, 2016
Florida Keys Keynoter

PROOF OF PUBLICATION

**STATE OF FLORIDA
COUNTY OF MONROE**

Before the undersigned authority personally appeared **RICHARD TAMBORRINO** who on oath, says that he is **PUBLISHER** of the **FLORIDA KEYS KEYNOTER**, a twice weekly newspaper published in Marathon, in Monroe County, Florida: that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of publication)

1/4/17

Affiant further says that the said FLORIDA KEYS KEYNOTER is a newspaper published at Marathon, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, twice each week (on Wednesday and Saturday) and has been entered as a second class mail matter at the post office in Marathon, in Monroe County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement. The affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s) and that The Florida Keys Keynoter is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.




Richard Tamborrino, Publisher

Sworn to and subscribed before me this

6 Day of January, 2017

Beverly Traeger
Notary
(SEAL)



**City of Marathon
NOTICE OF
FIRST PUBLIC HEARING**

The City of Marathon is considering applying to the Florida Department of Economic Opportunity (DEO) for the 2016 Small Cities Community Development Block Grant (CDBG) for up to \$750,000 in funding. These funds must be used for one of the following purposes:

1. To benefit low and moderate income persons; or
2. To aid in the prevention or elimination of slums or blight; or
3. To meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and where other financial resources are not available to meet such needs.

The activity categories for which these funds may be used are in the areas of housing, neighborhood and commercial revitalization, or economic development (new jobs). Eligible uses of funds include such physical improvement activities as housing and commercial building rehabilitation, clearance, water and sewer improvements, street improvements, drainage, housing site development, parking, and loans to businesses. Additional information regarding the range of activities that may be undertaken will be provided at the public hearing.

For each activity that is proposed, at least 70% of the funds must benefit low and moderate income persons.

In developing an application for submission to DEO, the City must plan to minimize displacement of persons as a result of planned CDBG activities. In addition, the City is required to develop a plan to assist displaced persons.

The public hearing to receive citizen views concerning the community's housing, economic and other community development needs will be held on January 10, 2017, at 5:30 p.m., or as soon as possible thereafter, during the City of Marathon's Council meeting held in the Council Chambers of the City Hall, 9805 Overseas Highway, Marathon, Florida 33050.

The City of Marathon does not discriminate against any person because of race, color, religion, sex, handicap, familial status, or national origin or against any other protected class. In addition, any reasonable accommodations required by the public should contact the City of Marathon at (305) 289-4130 at least three days prior thereto so arrangements can be made.

A FAIR HOUSING/EQUAL OPPORTUNITY/HANDICAP ACCESS JURISDICTION

Published Keynoter 01/04/17

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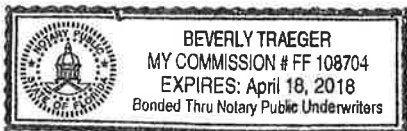
2/4/17

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Richard Tamborrino, Publisher

Sworn to and subscribed before me this
7 Day of February, 2017

Notary
(SEAL)



**City of Marathon
Second Public Hearing Notice**

The City of Marathon plans to apply to the Florida Department of Economic Opportunity (DEO) for a FFY 2016 Small Cities Community Development Block Grant (CDBG) in the amount of \$700,000 in the Housing Rehabilitation category. The activities, dollar amounts and estimated percentage of benefit to low- and moderate-income persons are as follows:

<u>Activity Name</u>	<u>CDBG Funding</u>	<u>LMI Benefit</u>
Housing Rehabilitation	\$590,000.00	100%
Temporary Relocation	\$ 5,000.00	100%
Administration	\$105,000.00	NA

The City plans to rehabilitate or demolish and replace at least ten very low-, low- and moderate-income homes within the incorporated area of the City of Marathon that do not meet current building code standards. The City will accept applications for rehabilitation assistance from qualified homeowners if grant funding is received.

The City does not expect that anyone will be permanently displaced as a result of CDBG-funded activities. If any persons are displaced as a result of the planned activities, the City of Marathon will assist them as described in its anti-displacement and relocation policy, which is available for review at www.ci.marathon.fl.us.

A public hearing to provide citizens an opportunity to comment on the application will be held on February 14, 2017, at 5:30 p.m., or as soon as possible thereafter, during the City of Marathon Council Meeting held in the Council Chambers of the City Hall, 9805 Overseas Highway, Marathon, FL 33050. A draft copy of the application will also be available for review during normal business hours in the Clerk's Office at City Hall by noon February 8, 2017. Persons wanting to submit written comments on the application should send them to Diane Clavier, City Clerk, by email at clavierd@ci.marathon.fl.us or by mail to 9805 Overseas Highway, Marathon, FL 33050, no later than February 14, 2017.

A copy of the final application will be available for review at the City of Marathon Building Department Office and online at www.ci.marathon.fl.us no later than February 15, 2017. The application will be submitted to DEO on or before February 16, 2017. To obtain additional information concerning the application and the public hearing, contact Diane Clavier, City Clerk at (305) 289-5020 or by e-mail at clavierd@ci.marathon.fl.us.

The City of Marathon does not discriminate against any person because of race, color, religion, sex, handicap, familial status, or national origin or against any other protected class. In addition, any reasonable accommodations required by the public may be arranged by calling (305)289-4130 at least three (3) days prior thereto so arrangements can be made.

A FAIR HOUSING/EQUAL OPPORTUNITY/HANDICAP ACCESS JURISDICTION

Published Keynoter 2/4/17

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A FAIR HOUSING/EQUAL OPPORTUNITY/HANDICAP ACCESS JURISDICTION

APPENDIX E

**CITY OF MARATHON, FLORIDA
RESOLUTION 2017-04**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION, AWARD AGREEMENT, PROGRAM DOCUMENTS, REPORTS, CLOSE OUT DOCUMENTATION AND EXPEND AND APPROPRIATE FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Florida Small Cities Community Development Block Grant (CDBG) program is a competitive grant program administered by the Florida Department of Economic Opportunity (DEO) that addresses critical housing and infrastructure needs of the elderly, disadvantaged, and low to moderate income populations; and

WHEREAS, the City of Marathon is eligible to apply to DEO for funding from the Small Cities CDBG program; and

WHEREAS, the City of Marathon has identified a need for physical housing improvements to benefit low-to-moderate income persons; and

WHEREAS, the Marathon City Council conducted a first Public Hearing on January 10, 2017, to obtain citizen input as to the type of grant application that it should submit to the DEO under the FFY 2016 Small Cities CDBG Program; and

WHEREAS, the Council of the City of Marathon conducted a second Public Hearing on February 14, 2017, to allow citizens to review and comment on a proposed 2016 Small Cities CDBG Housing Rehabilitation grant application; and

WHEREAS, as a result of the second public hearing, the Council agreed to submit a 2016 Small Cities CDBG Application; and

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

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

Section 2. The City Council authorizes the submission of FFY2016 Small Cities Community Development Block Grant application to the Florida Department of Economic Opportunity.

Section 3. The City Council authorizes the City Manager to execute the application, appropriate leveraged funds, execute the award agreement, program documents and reports including close-out documentation, and.

Section 4. The City Council hereby adopts the City of Marathon's Comprehensive Plan as the City's Community Development Plan.

Section 5. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 14TH DAY OF FEBRUARY, 2017.

THE CITY OF MARATHON, FLORIDA



Mayor Daniel Zieg

AYES: Bartus, Coldiron, Cook, Senmartin, Zieg
NOES: None
ABSENT: None
ABSTAIN: None


ATTEST:



Diane Clavier, City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



David Migut, City Attorney

CITY OF MARATHON

AFFORDABLE HOUSING



**Affordable Housing Fund
Fiscal Year 2016 - 2017**

<u>Category/Program</u>	<u>Actual FY 15</u>	<u>Budget FY 16</u>	<u>Estimated FY 16</u>	<u>Adopted Budget FY 17</u>	<u>Budget Increase/ (Decrease)</u>
<u>Revenues & Fund Balances</u>					
Affordable Housing Fee In Lieu	850,000	-	40,000	-	-
Interest Income	319	-	1,147	1,100	1,100
Fund Balance	158,168	-	1,008,037	1,048,434	1,048,434
Total Revenues & Beginning Fund Balances	1,008,487	-	1,049,184	1,049,534	1,049,534
<u>Expenditures & Fund Balances</u>					
Materials, Supplies, & Services	450	-	750	201,000	201,000
Fund Balance - Non Spendable	90,000	-	190,000	190,000	190,000
Fund Balance - Spendable <i>(i.e. Reserve for future appropriation)</i>	918,037	-	858,434	658,534	658,534
Total Expenditures & Ending Fund Balances	1,008,487	478,192	1,049,184	1,049,534	1,049,534

**Affordable Housing Fund
Fiscal Year 2016-17**

Account Number	Description	Adopted Budget FY 17
<u>Revenues</u>		
105-361-100	Interest Revenue	1,100
105-331-900	Unappropriated Surplus	<u>1,048,434</u>
	Total Revenues	1,049,534
<u>Expenses</u>		
105-5015-554	Home buyer Assistance Program	201,000
105-389-992	Fund Balance - Non Spendable	190,000
105-389-992	Reserve for Future Appropriation	<u>658,534</u>
	Total Expenses	1,049,534

APPENDIX K

**CITY OF MARATHON, FLORIDA
RESOLUTION 2014-31**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING AMENDMENT NO. 4 TO THE COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT NO. 11DB-C5-11-54-02-H16 BETWEEN THE CITY OF MARATHON AND THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY EXTENDING THE GRANT DEADLINE UNTIL DECEMBER 21, 2014; REVISING THE HOUSING ASSISTANCE PLAN AND REVISING THE ACTIVITY WORK PLAN TO EXPEND THE BALANCE OF THE GRANT FOR OTHER HOUSING REHABILITATION PROJECTS TO INCLUDE SEWER CONNECTIONS; AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE FOURTH AMENDMENT ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Resolution No. 2011-32, the City Council approved a \$750,000 Department of Economic Opportunity (“DEO”) Community Development Block Grant (“CDBG”) Contract No. 11DB-C5-11-54-02-H16, to provide financial assistance to low income residents for sewer connections in the City of Marathon (“Grant Agreement”); and

WHEREAS, pursuant to Resolution No. 2011-122, the City approved the First Amendment to the existing Grant Agreement to update the Activity Work Plan and reflect the administrative agency name change from DCA to DEO; and

WHEREAS, pursuant to Resolution No. 2013-16, the City Council approved the Second Amendment to the Grant Agreement approving an extension of time to reflect an ending date of December 21, 2013, in order to complete the sewer connections with the awarded grant funding; and

WHEREAS, pursuant to Resolution No. 2013-99, the City Council approved the Third Amendment to the Grant Agreement approving an extension of time to reflect an ending date of June 21, 2014 in order to complete the sewer connections with the awarded grant funding; and

WHEREAS this Fourth Amendment extends the Grant Agreement to December 21, 2014, and revises the Housing Assistance Plan and Activity Work Plan.

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

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

Section 2. The Fourth Amendment to the Grant Agreement attached hereto as Exhibit “A” is hereby approved. The Acting City Manager is authorized to execute the Fourth Amendment to the Grant Agreement on behalf of the City.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 8th DAY OF APRIL, 2014.

THE CITY OF MARATHON, FLORIDA

Dick Ramsay
Dick Ramsay, Mayor

AYES: Bull, Bartus, Keating, Senmartin, Ramsay
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:

Diane Clavier
Diane Clavier, City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:

[Signature]
City Attorney

CITY OF MARATHON
SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT
HOUSING CATEGORY - HOUSING ASSISTANCE PLAN

1. All funds awarded will be a grant to the low-to-moderate income (LMI) beneficiary and housing unit.
2. The process for selecting, accepting, reviewing and approving requests for assistance will be by advertisement in local newspapers of general circulation on at least two occasions for a minimum thirty (30) day application period. Any subsequent application periods shall meet the criteria outlined above. The only exception to this process will be applicants receiving assistance from Habitat for Humanity of the Middle Keys. These applicants will receive first priority for assistance, assuming said applicants are eligible and can be assisted with CDBG funds.

Properties to be addressed shall meet all of the following criteria:

- Single Family
- Owner occupied
- Primary residence
- Contain Housing Code, Housing Quality Standards or Health/Safety Violations

Priority within the applications meeting the primary criteria shall be as follows:

- Multiple citations for violation of Housing Code 15 points
- Elderly 10 points
- Handicapped 5 points
- Single Head of Household (2 or more persons) 5 points
- Length of Ownership 5 points maximum
(0-5 yrs=0, 6-10 yrs=2, 11-15 yrs=3, 16 yrs+=5)

In the event of tie scores, very low-income households will receive priority.

3. It is a priority of the City of Marathon to assist Habitat for Humanity of the Middle Keys with their mission to provide housing to low income residents of Marathon. In order to further this priority, applicants to the CDBG program who are receiving assistance from Habitat for Humanity will receive first priority for assistance. These applicants and their respective housing units must meet all eligibility standards of the CDBG program as would any other applicant.
4. Conflicts of interest will be addressed pursuant to 24 C.F.R. Section 570.489 and Chapter 112.311-112.3143, F.S. timely by immediate identification of potential conflicts.

Additionally, beneficiaries will be identified in the minutes of the Marathon City Council so that any previously unknown conflicts may be surfaced. The conflicts will be acknowledged publicly along with the final selection of beneficiaries.

It is the intent of the City of Marathon to deal with these conflicts if the conflict occurs on a local level and request waiver for acknowledgement of the conflicts when appropriate.

5. The City will perform HUD Section 8 Housing Quality Standards (HQS) inspections on all properties to be rehabilitated to ensure compliance with the local safe housing code and safe, sanitary and decent housing to determine what rehabilitation work must be done on each eligible housing structure. All work required to meet HUD

Housing Quality Standards and local housing code will be completed for each unit addressed.

6. The maximum amount of CDBG funds that may be expended on any one housing unit is \$100,000.00 . This amount may only be exceeded by vote of the Marathon City Council.
7. Applicants who receive assistance will enter into a Deferred Payment Loan (DPL) agreement and Note that specifies the assisted housing unit will remain the applicant's primary, homesteaded residence for a period of five years, amortizing 1/5 upon the anniversary of execution of the DPL each year until completely forgiven at the conclusion of the fifth year. Failure to maintain the assisted unit as the primary, homesteaded residence or sale of the property prior to complete amortization will result in repayment of the non-amortized balance of the DPL. The DPL will be recorded.
8. The City will not address the rehabilitation of rental units under this process, although sewer connections are eligible as outlined in Section 20.
9. The City of Marathon will assist in the rehabilitation of mobile homes, modular homes or other forms of manufactured housing subject to paragraph 8 below.
10. The City will not provide assistance to beneficiaries for those housing units that are unfeasible to repair under CDBG and Housing Assistance Plan guidelines. Additionally, the City will not provide assistance to properties where the post rehabilitation value, exclusive of land, is less than the cost of rehabilitation. It is noted that due to extremely high median housing values, this is an unlikely situation.
11. All program participants will be advised routinely via formal written notification of their status in the program and specifically when a previously selected housing unit is deleted from the rehabilitation program.
12. The City will not provide CDBG assistance to beneficiaries of housing units who do not participate in the National Flood Insurance Program. The amount of said insurance must be equal to or greater than the amount of CDBG funds expended on the rehabilitation of said unit. Potential beneficiaries will be provided the opportunity to purchase said insurance at their own expense.
13. The City will require a final inspection by qualified entities for acceptance of the contractor's final work. All rehabilitation work is subject to the City's building permit and inspection process.
14. The City will ensure that ownership of non-rental units by the occupying beneficiary is confirmed, they have the right to encumber the property and provide permission to a contractor to undertake construction work on the unit. This will be accomplished through coordination with the Monroe County Tax Appraiser's Office.
15. The City through the CDBG Program does not have any plans to declare a housing structure to be demolished or through its action, be converted to a non-LMI structure.
16. The City will develop bid proposals to be bid upon by contractors and interface with beneficiaries to ensure the contractor performs to the contract terms. All construction contracts will be between the property owner and the contractor.

The following "Green" Rehabilitation Standards shall apply to all housing rehabilitation work:

1. Any appliances replaced or installed shall be Energy Star;
 2. Any door and/or window replaced or installed shall be Energy Star.
 3. Any lighting fixture replaced or installed shall be Energy Star.
 4. Weatherization of all homes rehabilitated. At a minimum, weatherization shall include attic, and if appropriate, floor insulation as well as sealing all exterior walls. Other weatherization activities are at the local government's option. (New home construction is presumed to meet the minimum insulation and sealing requirements.
 5. Any replaced or new (for new home construction) HVAC unit shall have a SEER rating of at least 14.
17. The City will review its local codes to determine that the property proposed for rehabilitation is in compliance with local codes prior to the initiation of any housing rehabilitation activities and issuance of a building permit.
18. The age of participating housing unit to be addressed will be verified by obtaining the Property Records Card for each unit in the Official Records of the Monroe County Tax Appraiser's Office. Coordination with the Bureau of Historic Preservation will take place as appropriate.
19. The City will test as required for lead based paint abatement when addressing pre-1978 homes following whatever program requirements exist.
20. Since virtually all housing structures to be addressed will be contained in the 100-year flood plain by virtue of the geographic configuration and location of the City, the City will follow and comply with all applicable Federal Emergency Management Agency (FEMA) requirements when addressing housing units.
21. The City of Marathon, will document completion of construction by ensuring that each housing unit case file shall contain the following information:
- a. A statement from the contractor that all items on the initial work write up as modified through change orders have been completed;
 - b. An acknowledgement that the housing unit meets the applicable local codes and Section 8 Housing Quality Standard (HQS);
 - c. A signed acknowledgment by the housing unit owner or his or her personal representative that the work has been completed based on the work write up and change orders. Should all requirements be fulfilled and the homeowner or their representative refuse to acknowledge completion of the work, the housing unit case file shall be documented with a statement detailing the stated reason for said refusal;
 - d. The documentation shall be completed prior to the submission of the administrative closeout package and shall accompany the administrative closeout package when submitted to the Department of Economic Opportunity; and
 - e. The following data will be provided by housing unit and summarized by activity as part of the administrative closeout for each activity providing direct benefit:
 - Address of each housing unit rehabilitated with CDBG funds, the date the construction was completed on the housing unit, and the amount of CDBG funds expended on that unit;

- Whether the household is headed by a female, the number of handicapped persons in the household, the number of elderly persons in the household, and the LMI or VLI status of the household.
- The number of occupants of the household, categorized by sex; and
- The racial demographics of the household by number (white, black, Hispanic, Asian/Pacific Islander, or American Indian/Alaskan Native).

22. Sewer Connections: In certain cases, CDBG funds may be made available to income-eligible residents or rental property owners solely to provide connections to a central wastewater collection system (sewer connections). This activity is considered to be housing rehabilitation and, although similar in many ways to standard housing rehabilitations, has a number of differences. Sewer connections are subject to the following:

- a. Sewer connections are essentially housing rehabilitations and the applicant must document LMI status, ownership, and full-time residency.
- b. Funds provided for sewer connections to single family units are grants and do not require repayment.
- c. Rental units may be eligible for assistance if the beneficiaries are LMI and are full-time residents. In addition, the property owner must enter into a deferred payment loan (DPL) agreement that provides for an affordability period of three-years, amortizing 1/3 upon the anniversary of execution of the DPL each year until completely forgiven at the conclusion of the third year, and that states the units that received assistance shall remain available and affordable, as defined by HUD guidelines, to LMI tenants. Failure to do so will result in repayment of the non-amortized balance of the DPL. The DPL will be recorded.
- d. Applicants are selected based on the basis of "first come, first ready" until funds are exhausted. Sewer connection applicants are not ranked.
- e. Sewer connection projects generally do not undertake repairs to the interior of housing units unless such repairs are absolutely necessary for a code-compliant sewer connection.

APPENDIX M




Programs Eligible for Special Designation Score

All counties and municipalities that have been designated for the programs listed below are included in the appropriate lists. Some of the communities that are listed below are not eligible to apply for Small Cities CDBG funding because they have been designated as Entitlement Communities by the U.S. Department of Housing and Urban Development (HUD) and receive CDBG funding directly from HUD or because they have opted to participate in an Entitlement Community's CDBG program.

General Scoring Criteria – Table G-3 FFY 2016 Small Cities CDBG Application for Funding

Areas of Critical State Concern



The Areas of Critical State Concern Program protects natural resources and public facilities of major statewide significance. Designated areas of critical state concern are:

-  The City of Apalachicola; Key West; Layton, Key Colony Beach, Islamorada, Marathon, and unincorporated Monroe County; the Green Swamp (portions of Polk and Lake counties and portions of the cities of Auburndale, Groveland, Haines City, Lakeland, Mascotte, and Polk City); and the Big Cypress Swamp (Collier County and mainland Monroe County).

Rural Areas of Opportunity (RAO)

Rural Areas of Opportunity (RAO) are defined as rural communities, or a region composed of rural communities, that have been adversely affected by extraordinary economic events or natural disasters. The Governor by executive order may designate up to three RAOs, which establishes each region as a priority assignment for REDI agencies and allows the Governor to waive criteria of any economic development incentive including, but not limited to: the Qualified Target Industry Tax Refund Program under section 288.106, F.S., the Quick Response Training Program and the Quick Response Training Program for participants in the welfare transition program under section 288.047, F.S., transportation projects under section 288.063, F.S., the Brownfield redevelopment bonus refund under section 288.107, F.S., and the rural job tax credit program under section 212.098, F.S., and section 220.1895, F.S.

Florida's Designated RAOs

-  **Northwest Rural Areas of Opportunity:** Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington counties, and the City of Freeport in Walton County.
-  **South Central Rural Areas of Opportunity:** DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties; and the communities of Pahokee, Belle Glade, and South Bay (Palm Beach County); and Immokalee (Collier County).

APPENDIX Q

PROOF OF PUBLICATION

**STATE OF FLORIDA
COUNTY OF MONROE**

Before the undersigned authority personally appeared **RICHARD TAMBORRINO** who on oath, says that he is **PUBLISHER of the FLORIDA KEYS KEYNOTER**, a twice weekly newspaper published in Marathon, in Monroe County, Florida: that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of publication)

1/4/17

Affiant further says that the said FLORIDA KEYS KEYNOTER is a newspaper published at Marathon, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, twice each week (on Wednesday and Saturday) and has been entered as a second class mail matter at the post office in Marathon, in Monroe County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement. The affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s) and that The Florida Keys Keynoter is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.



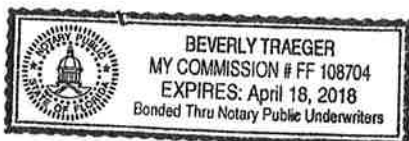
Richard Tamborrino, Publisher

Sworn to and subscribed before me this

6 Day of January, 2017



Notary
(SEAL)



**FAIR HOUSING
PUBLIC INFORMATION
MEETING**

The City of Marathon will conduct a Fair Housing public information meeting on **Tuesday, January 10, 2017** during a regular City Council meeting which begins at **5:30 p.m.** or soon thereafter. The meeting will be held in the Council Chambers of the City Hall, 9805 Overseas Highway, Marathon, Florida, 33050.

This meeting is intended to provide the public and Council Members with information concerning fair housing requirements. Anyone interested in understanding the importance of Fair Housing should attend.

**A FAIR HOUSING/EQUAL OPPORTUNITY/
HANDICAP ACCESS JURISDICTION**

Published Keynoter 01/04/17

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A FAIR HOUSING/EQUAL OPPORTUNITY/HANDICAP ACCESS JURISDICTION

Sponsored by: Hernstadt
Introduction Date: September 28, 2010
Public Hearing Dates: September 28, 2010
October 12, 2010
Enactment date: October 12, 2010

**CITY OF MARATHON, FLORIDA
ORDINANCE 2010-09**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, CREATING CHAPTER 3, ARTICLE II TO BE ENTITLED 'FAIR HOUSING CODE;' PROVIDING FOR A DECLARATION OF POLICY TO PROHIBIT DISCRIMINATION IN HOUSING ON THE BASIS OF RACE, COLOR ANCESTRY, NATIONAL ORIGIN, RELIGION, SEX, MARITAL STATUS, FAMILIAL STATUS, HANDICAP OR AGE; PROVIDING DEFINITIONS; DESIGNATING AS UNLAWFUL CERTAIN DISCRIMINATORY PRACTICES IN THE SALE OR RENTAL OF HOUSING, AS WELL AS IN ADVERTISING IN CONNECTION THEREWITH, IN THE FINANCING OF HOUSING, AND IN BROKERAGE SERVICES RELATED TO EXCEPTIONS; PROVIDING FOR AN ADMINISTRATOR TO BE DESIGNATED BY THE CITY COUNCIL AND PRESCRIBING THE GENERAL POWERS AND DUTIES OF SUCH ADMINISTRATOR, PRESCRIBING ACTION UPON A DETERMINATION OF PROBABLE CAUSE, AND AUTHORIZING THE PROMULGATION OF FORMS AND REGULATIONS; MAKING PROVISIONS FOR THE FILING OF COMPLAINTS AND RESPONSES THERETO, AND THE PROCESSING THEREOF BY THE ADMINISTRATOR; PROVIDING FOR ADDITIONAL REMEDIES; PROHIBITING UNTRUTHFUL COMPLAINTS OR FALSE TESTIMONY; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CODIFICATION, REPEAL OF CONFLICTING PROVISIONS, SEVERABILITY; AND AN EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, the City of Marathon, Florida (the "City") has established a Community Development Block Grant Committee (the "CDBG Committee") to assist in the oversight of project funding associated with the City's efforts to provide grant assistance for connection to the City's wastewater utility; and

WHEREAS, the CDBG Committee assists in the acquisition of CDBG funds; and

WHEREAS, the CDBG Committee helps the City ensure that its CDBG and other assistance funds are spent in a fair and equitable manner; and

WHEREAS, this ordinance will provide additional assurances, in accordance with federal and state law, regulations, and guidelines, that City residents will be protected from unfair housing practices during transactions within the City's jurisdiction; and

WHEREAS, this ordinance will provide the basis for the City to receive additional points in the future review of grants for CDBG funding,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:¹

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

Section 2. Article II of Chapter 3 of the Code of Ordinances, City of Marathon, Florida, is hereby created to read as follows:

Chapter Three _____

Article II Fair Housing Ordinance

Section 3-20. Declaration of policy.

It is the policy of the City of Marathon, Florida, to promote through fair, orderly and lawful procedure the opportunity for each person so desiring to obtain housing of such person's choice within the City without regard to race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap or age, and, to that end, to prohibit discrimination in housing by any person.

Section 3-21. Definitions.

(1) The terms as used herein shall be defined as follows:

(a) Administrator: That person appointed by the City Council pursuant to Section 6 hereof.

(b) Age: Unless the context clearly indicates otherwise, the word "age" as used herein shall refer exclusively to persons who are 18 years of age or older.

¹ / Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

- (c) Discriminatory Housing Practice: An act that is unlawful under Section 3-22 hereof.
- (d) Family: One or more persons living together as a single housekeeping unit in a dwelling.
- (e) Housing or Housing Accommodation: Any building, structure, or portion thereof, mobile home or trailer, or other facility which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof, mobile home or trailer or other facility.
- (f) Lending Institution: Any bank, insurance company, savings and loan association or any other person or organization regularly engaged in the business of lending money, guaranteeing loans, or sources of credit information, including, but not limited to credit bureaus.
- (g) Owner: Any person, including, but not limited to a lessee, sublease, assignee, manager, or agent, and also including the City of Marathon and its departments or other subunits, having the right of ownership or possession or the authority to sell or lease any housing accommodation.
- (h) Person: One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mortgage companies, joint stock companies, trusts, unincorporated organizations, or public corporations, including, but not limited to the City of Marathon or any department or subunit thereof.
- (i) Real Estate Agent: Any real estate broker, any real estate salesperson, or any other person, employee, agent, or otherwise, engaged in the management or operation of any real property.
- (j) Real Estate Broker or Salesperson: A person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself or herself out as engaged in these activities, or who negotiates or attempts to negotiate a loan secured or to be secured by mortgage or other encumbrance upon real property, or who is engaged in the business of listing real property in a publication; or a person employed by or acting on behalf of any of these.
- (k) Real Estate Transaction: Includes the sale, purchase, exchange, rental or leases of real property, and any contract pertaining thereto.
- (l) Rent: Includes leases, sublease, assignment, and rental, including any contract to do any of the foregoing, or otherwise granting for a consideration the right to occupy premises that are not owned by the occupant.

(m) Respondent: Any person against whom a complaint is filed pursuant to this ordinance.

(n) Sale: Includes any contract to sell, exchange, or to convey, transfer or assign legal or equitable title to, or a beneficial interest in, real property.

Section 3-22. Unlawful Housing Practices.

(1) Except as provided in Section 3-23 hereof, it shall be unlawful and a discriminatory housing practice for an owner, or any other person engaging in a real estate transaction, or for a real estate broker, because of race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap or age:

(a) To refuse to engage in a real estate transaction with a person or to otherwise make unavailable or deny housing to any person.

(b) To discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith.

(c) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person.

(d) To refuse to negotiate for a real estate transaction with a person.

(e) To represent to a person that housing is not available for inspection, sale, rental or lease when, in fact, it is so available, or to fail to bring a property listing to such person's attention, or to refuse to permit him or her to inspect the housing.

(f) To steer any person away from or to any housing.

(g) To make, print, publish, circulate, post or mail, or cause to be made, printed, published or circulated, any notice, statement, advertisement or sign, or to use a form of application or photograph for a real estate transaction or, except in connection with a written affirmative action plan, to make a record or oral or written inquiry in connection with a prospective real estate transaction, which indicates directly or indirectly an intent to make a limitation, specification, or discrimination with respect thereto.

(h) To offer, solicit, accept, use or retain a listing of housing with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith.

(i) To induce or attempt to induce any person to transfer an interest in any housing by representations regarding the existing or potential proximity of housing owned, used or occupied by any person protected by the terms of this ordinance.

- (j) To make any misrepresentations concerning the listing for sale or rental, or the anticipated listing for sale or rental, or the sale or rental of any housing in any area in the City of Marathon for the purpose of inducing or attempting to induce any such listing or any of the above transactions.
- (k) To retaliate or discriminate in any manner against any person because of his or her opposing a practice declared unlawful by this ordinance, or because he or she has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or conference under this article.
- (l) To aid, abet, incite, compel, or coerce any person to engage in any of the practices prohibited by the provisions of this ordinance, or to obstruct or prevent any person from complying with the provisions of this ordinance, or any conciliation agreement entered into thereunder.
- (m) By canvassing to compel any unlawful practices prohibited by the provisions of this article.
- (n) Otherwise to deny to, or withhold, any housing accommodations from a person.
- (o) To promote, induce, influence or attempt to promote, induce or influence by the use of postal cards, letters, circulars, telephone, visitation or any other means, directly or indirectly, a property owner, occupant, or tenant to list for sale, sell, remove from, lease, assign, transfer, or otherwise dispose of any housing by referring as a part of a process or pattern of indicating neighborhood unrest, community tension, or fear of racial, color, religious, nationality or ethnic change in any street, block, neighborhood or any other area, to the race, color, religion, neighbors, tenants or other prospective buyers of any housing.
- (p) To place a sign or display any other devise either purporting to offer for sale, lease, assignment, transfer or other disposition or tending to lead to the belief that a bona fide offer is being made to sell, lease, assign, transfer or otherwise dispose of any housing that is not in fact available or offered for sale, lease, assignment, transfer or other disposition.
- (q) For any lending institution, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing or maintaining housing, or to discriminate against such person in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap or age of such person or of any person associated with such person in connection with such loan or other assistance, or of the present or prospective owners, lessees, tenants or occupants of the housing in relation to which such loan or other financial assistance is to be made or given; provided that nothing contained

in this subsection shall impair the scope or effectiveness of the exceptions contained in this article.

(r) To deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization, or facility related to the business of selling, or renting housing, or to discriminate against such person in the terms or conditions of such access, membership or participation because of race, color, ancestry, national origin, religion, sex, marital status, familial status or age.

Section 3-23. Exemptions and Exceptions.

(1) Nothing contained in this article shall prohibit a religious organization, association, or society, or any nonprofit charitable or educational institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting or from advertising the sale, rental or occupancy of housing which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons. Nor shall anything in this article prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(2) Nothing in Section 3-22 hereof, other than subsection (g) of subsection (1) thereof, shall apply to:

(a) Any single-family house sold or rented by an owner: provided, that such private individual owner does not own more than three such single family houses at any one time; provided, further, that in the case of the sale of any such single family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period; provided, further, that it does not own any interest in, nor is there owned or reserved on such owner's behalf, under any express or voluntary agreement, title to or any rights to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time; provided, further, that the owner sells or rents such housing (1) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent, salesperson, or person and (2) without the publication, posting, or mailing, after notice, of any advertisement or written notice in violation of subsection (g) of subsection (1) of Section 3-22 hereof, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

(b) Rooms or units in housing containing living quarters occupied or intended to be

occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as such owner's residence, provided that the owner sells or rents such rooms or units (1) without the use in any manner of the sales or rental services of any real estate broker, agent or salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent salesperson, or person and (2) without the publication, posting or mailing, after notice in violation of subsection (g) of subsection (1) of Section 3-22 hereof, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title.

(3) For the purpose of this subsection a person shall be deemed to be in the business of selling or renting housing if:

(a) He or she has, within the preceding twelve months, participated as principal, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in three or more transactions involving the sale or rental of any housing or any interest therein; or

(b) He or she has, within the preceding twelve months, participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any housing or any interest therein; or

(c) He or she is the owner of any housing designed or intended for occupancy by, or occupied by, five or more families.

(4) Nothing in Section 3-22 hereof shall be construed to:

(a) Bar any person from restricting sales, rentals, leases or occupancy, or from giving preference, to persons of a given age for bona fide housing intended solely for the elderly or bona fide housing intended solely for minors.

(b) Make it an unlawful act to require that a person have legal capacity to enter into a contract or lease.

(c) Bar any person from advertising or from refusing to sell or rent any housing which is planned exclusively for, and occupied exclusively by, individuals of one sex, to any individual of the opposite sex.

(d) Bar any person from selling, renting, or advertising any housing which is planned exclusively for, and occupied exclusively by, unmarried individuals to unmarried individuals only.

(e) Bar any person from advertising or from refusing to sell or rent any housing

which is planned exclusively for married couples without children or from segregating families with children to special units of housing.

(f) Bar any person from refusing a loan or other financial assistance to any person whose life expectancy, according to generally accepted mortality tables, is less than the term for which the loan is requested.

Section 3-24. Administrator Authority and Responsibilities.

(1) The authority and responsibility for administering this Article shall be vested in the City Manager who shall appoint an administrator.

(2) The administrator shall:

(a) Receive written complaints as hereinafter provided relative to alleged unlawful acts under this article when a complaint seeks the administrator's good offices to conciliate.

(b) Upon receiving written complaint, make such investigations as the administrator deems appropriate to ascertain facts and issues.

(c) Utilize methods of persuasion, conciliation, and meditation or information adjustment of grievances.

(d) Establish, administer or review programs at the request of the City Council and make reports on such programs to the City Council.

(e) Bring to the attention of the City Council items that may require City Council notice or action to resolve.

(f) Render to the City Council annual written reports of his or her activities under the provisions of this article along with such comments and recommendations as he or she may choose to make.

(g) Cooperate with and render technical assistance to federal, state, local and other public and private agencies, organizations and institutions which are formulating or carrying on programs to prevent or eliminate the unlawful discriminatory practices covered by the provisions of this article.

(3) If after fully processing the complaint in the manner hereafter provided, the administrator determines that there is probable cause to believe that there has been a violation of the provisions of this article, the administrator shall refer the matter, along with the facts he or she has gathered in the investigations, to the proper county, state or federal authorities for appropriate legal action.

(4) The administrator shall promulgate, publish, and distribute the necessary forms, rules, and regulations to implement the provisions of this article.

Section 3-25. Complaints.

(1) A person who claims that another person has committed a discriminatory housing practice against him or her may report that offense to the administrator by filing an informal complaint within forty-five (45) days after the date of the alleged discriminatory housing practice and not later.

(2) The administrator shall treat a complaint referred by the Secretary of Housing and Urban Development or the Attorney General of the United States under the Fair Housing Act of 1968, Public Law 90-284, as an informal complaint filed under subsection (1).

(3) An informal complaint must be in writing verified or affirmed, on a form to be supplied by the administrator and shall contain the following:

(a) Identity and address of the respondent.

(b) Date of offense and date of filing the informal complaint.

(c) General statement of facts of the offense including the basis of the discrimination (race, color, ancestry, national origin, religion, sex, marital status, familial status, handicap, or age).

(d) Name and signature of the complainant.

(4) Each complaint shall be held in confidence by the administrator to the extent authorized by federal or state law unless and until the complainant and the respondent(s) consent in writing that it shall be made public.

(5) Within fifteen (15) days after the filing of the informal complaint, the administrator shall transmit a copy of the same to each respondent named therein by certified mail, return receipt requested. Thereupon, the respondent(s) may file a written, verified informal answer to the informal complaint within twenty (20) days of the date of the receipt of the informal complaint.

(6) An informal complaint or answer may be amended at any time, and the administrator shall furnish a copy of each amended informal complaint or answer to the respondent(s) complaint, respectively, as promptly as practicable.

(7) The administrator shall assist complainants or respondents when necessary in the preparation and filing of informal complaints or answers or any amendments thereto.

(8) The administrator shall advise complainants of their rights and options provided

in Section 760.34, Florida Statutes.

Section 3-26. Processing Complaints.

(1) Within thirty (30) days after the filing of an informal complaint, the administrator shall make such investigation as is deemed appropriate to ascertain facts and issues. If the administrator shall deem that there are reasonable grounds to believe that a violation has occurred and can be resolved by conciliation, the administrator shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done in the course of the informal conference with the individuals to resolve the dispute may be public or used as evidence in a subsequent proceeding by either party without the written consent of both the complainant and the respondent(s), or as otherwise authorized by state law.

(2) If the parties desire to conciliate, the terms of the conciliation shall be reduced to writing in the form approved by the administrator and must be signed and verified by the complainant and respondent(s) and approved by the administrator. The conciliation agreement shall be for conciliation purposes only and shall not constitute an admission by any party that the law has been violated.

(3) If the administrator deems that there is not probable cause to believe that the alleged discriminatory housing practice has been committed, the administrator shall take no further action with respect to the alleged offense.

(4) If the administrator, with respect to any matter involves a contravention of this article by failure to conciliate a complaint after the parties, in good faith, have attempted such conciliation; or determining that the violation alleged in the complaint cannot be resolved by conciliation, the administrator shall notify both the complainant and the respondent(s) within thirty (30) days of the failure or the determination, and then shall proceed as provided in paragraph (3) of Section 3-24 herein above.

Section 3-27. Additional Remedies.

(1) The procedure prescribed by this article does not constitute an administrative prerequisite to another action or remedy available under other law. Further, nothing in this article shall be deemed to modify, impair or otherwise affect any right or remedy conferred by the Constitution or laws of the United States or the State of Florida, and the provisions of this article shall be in addition to those provided by such other laws.

Section 3-28. Education and Public Information.

(1) The administrator may conduct educational and public informational activities that are designed to promote the policy of this article.

Section 3-29. Untruthful Complaints or Testimony.

(1) It shall be a violation of this article for any person knowingly and willfully to make false or untrue statements, accusations or allegations in a complaint filed hereunder or to give false testimony concerning violations of this article.

Section 3-30. Penalty.

(1) Any person who violates any provisions of this article may be subject to the penalties provided for in Section 1-7 of the Marathon Code.

Section 3. The provisions of the Marathon Code and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed for the term of this Ordinance.

Section 4. The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. This Ordinance shall be effective immediately upon adoption.

PASSED AND ADOPTED ON SECOND READING THIS 12TH DAY OF OCTOBER, 2010.

THE CITY OF MARATHON, FLORIDA



Ginger Snead, Mayor

AYES: Ramsay, Keating, Cinque, Worthington, Snead
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:

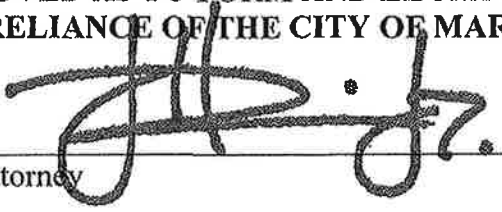


Maria Thorley, Acting City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

City Attorney

A handwritten signature in black ink, written over a horizontal line. The signature is highly stylized and cursive, consisting of several loops and flourishes. It appears to be the name of the City Attorney.

**STATE OF FLORIDA
COUNTY OF MONROE**

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Advertising Coordinator**

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Before the undersigned authority personally appeared Randy G. Erickson, who on oath says that he is Vice-President of Advertising Operations of the Key West Citizen, a daily newspaper published in Key West, in Monroe County, Florida; that the attached copy of advertisement, being a legal notice in the matter of

Public Hearing

was published in said newspaper in the issue(s) of

September 18, 2010

Affiant further says that the Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida and that the said newspaper has heretofore been continuously published in said Monroe County, Florida every day, and has been entered as second-class mail matter at the post office in Key West, in said Monroe County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Randy G. Erickson

Signature of Affiant

Sworn and subscribed before me this 20 day of September, 2010

Notary Public:

Marsha F. Kirkwood

Marsha F. Kirkwood

Expires: September 15, 2013



Notary Seal

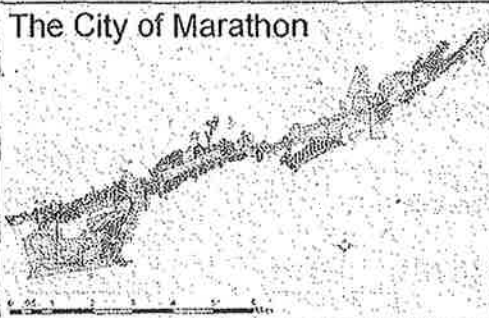
Personally Known x Produced Identification _____
Type of Identification Produced _____



CITY OF MARATHON, FLORIDA NOTICE OF PUBLIC HEARINGS

The Marathon City Council will hold a public hearing on Tuesday, September 28, 2010 and adoption on October 12, 2010 at 5:30 p.m. at the Marathon Government Center, EOC Room, 2798 Overseas Highway. The purpose of the public hearing is to consider the following item.

1. An Ordinance Of The City Of Marathon, Florida, Creating Chapter 3, Article II To Be Entitled 'Fair Housing Code;' Providing For A Declaration Of Policy To Prohibit Discrimination In Housing On The Basis Of Race, Color Ancestry, National Origin, Religion, Sex Marital Status, Familial Status, Handicap Or Age; Providing Definitions; Designating As Unlawful Certain Discriminatory Practices In The Sale Or Rental Of Housing, As Well As In Advertising In Connection Therewith, In The Financing Of Housing, And In Brokerage Services Related To Exceptions; Providing For An Administrator To Be Designated By The City Council And Prescribing The General Powers And Duties Of Such Administrator, Prescribing Action Upon A Determination Of Probable Cause, And Authorizing The Promulgation Of Forms And Regulations; Making Provisions For The Filing Of Complaints And Responses Thereto, And The Processing Thereof By The Administrator; Providing For Additional Remedies; Providing For Prohibiting Untruthful Complains Or False Testimony; Providing For Penalties For Violation Of Such Code; Providing For The Transmittal Of This Ordinance To The State Department Of Community Affairs (The "Department"); And Providing For An Effective Date Upon The Approval Of This Ordinance By The Department In Accordance With State Law.



Interested parties may appear at the public hearing(s) and be heard with respect to the proposed items. A copy of the application is available from the City of Marathon Planning Department located at 9805 Overseas Highway, Marathon, Florida, Monday through Friday between the hours of 8:00 am and 5:00 pm.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission or the City Council with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA Assistance: Anyone needing special assistance at the City Council hearing due to disability should contact the City of Marathon at (305) 743-0033 at least two days prior thereto.

Please note that one or more City Council members may be present at this meeting.