

# Citizens Not Serfs

## Downstairs Enclosures Principles and Goals

*Citizens Not Serfs aims to improve the lives of Monroe County citizens by reducing the burden placed on our community by FEMA and our local government. The following principles guide our efforts as we seek to achieve the goals below.*

### Principles

- 1) *Monroe County should remain in FEMA's Flood Insurance Program* – Citizens Not Serfs recognizes and appreciates the benefits of the National Flood Insurance Program (“NFIP”). Flood insurance protects homeowners from suffering significant losses caused by hurricanes and other natural disasters and FEMA plays an essential role in any cleanup. However, Monroe County’s participation in the NFIP should be an overall benefit to the community and not threaten the Keys’ unique character.
- 2) *Unincorporated Monroe County should be treated the same as the incorporated parts of the county and all other similarly situated communities participating in the National Flood Insurance Plan* – Monroe County is in substantial compliance with FEMA requirements and is on par with many other communities. Its citizens should not be subjected to harsher treatment. The Pilot Inspection Program should be terminated and Monroe County should return to being governed by the same regulations as every other NFIP participant.
- 3) *Citizens who followed the law should not be punished* – Until 1986, Monroe County granted building permits for downstairs enclosures that were later found to be noncompliant with FEMA regulations. And until the mid-90s, Monroe County collected taxes on the value of nonconforming enclosures without demanding any corrective action, thus implicitly authorizing their use. The county can not now dust off old, unused regulations to penalize law-abiding citizens for their government’s failure.
- 4) *Elderly, disabled, and low and middle income citizens must be protected* – The current Pilot Program has disproportionately impacted the elderly and disabled, as well as low and middle income citizens whose home values have plummeted and have seen jobs disappear. Any solution must protect these at-risk populations.

- 5) *Innocent purchasers should not be forced to pay for someone else's mistakes* – Many of the nonconforming downstairs enclosures in Monroe County are owned by people who purchased their homes without reason to know of FEMA's problems with these downstairs enclosures. They are now being punished without warning for the sins of a previous owner. These innocent purchasers should not be punished for someone else's mistake.
- 6) *Citizens have a right to improve their homes without fear of downstairs enclosure-related code enforcement* – Anytime a building permit is requested, Monroe County officials will inspect the home to see if there is a nonconforming downstairs enclosure, regardless if the planned construction has anything to do with downstairs enclosures. As a result, many Monroe County citizens cancel planned construction – including necessary construction to improve the safety of their home – or hire unlicensed contractors, both of which hurt our local construction industry and threaten the safety of the community. This ordinance was created by Monroe County officials and was not required by FEMA. Accordingly, the Monroe County Board of County Commissioners should change this ordinance so residents can improve their homes without fear of reprisal.
- 7) *Any new policy should be based on the best evidence* – All evidence suggests that the current pilot inspection program has been a disaster for Monroe County. However, neither FEMA nor the county government has conducted any official evaluation of the program's impact. Before attempting to create a new inspection regime that makes Monroe County a permanent outlier, economic and programmatic analysis should be carried out on the current program so we can best decide how to fix its problems.

## Goals

- 1) **Keep Monroe County in FEMA's National Flood Insurance Program.**
- 2) **Terminate the Pilot Inspection Program and have Monroe County be treated like every other NFIP community.**
- 3) **Ensure that no new nonconforming downstairs enclosures are built.**
- 4) **Protect innocent purchasers and those citizens who relied on explicit or implied government permission in building their downstairs enclosures.**
- 5) **Make special accommodations for the elderly, disabled, and low and middle income residents to ensure they can stay in their homes and enjoy the full use of their property.**
- 6) **Allow safe, licensed construction to proceed without fear of reprisal.**
- 7) **Identify sources of funding to help homeowners improve the flood safety of their homes.**

