

**The Monroe County-FEMA Downstairs  
Enclosure Pilot is an  
ABSOLUTE FAILURE**

**it should be**

**STOPPED**

**NOW**

**Without a Quid Pro Quo**

**Based on program results over the last seven or nine years, it's absolutely inconceivable that FEMA will unilaterally request renewal of the failed anti-family, anti-business downstairs enclosure regulation pilot.**

**Commissioners should request FEMA immediately authorize pilot suspension. According to the Federal Register the FEMA pilot was scheduled to expire in 2008 which would facilitate immediate suspension.**

**Commissioners, please do not make the same mistake made years ago by a previous Commission, which offered FEMA the opportunity to approve downstairs enclosure regulations which were**

**contrived and written here in Monroe County. FEMA only approved the onerous downstairs enclosure regulations because they were created and recommended by Monroe County officials.**

**The existing Monroe County FEMA downstairs enclosure program is an absolute FAILURE. The following evaluation will show millions have been expended, families have been uprooted and forced to leave the Florida Keys yet we still have the SAME or MORE downstairs enclosures now than when the program started seven or nine years ago.**

**The Monroe County crafted FEMA plan followed aggressive downstairs enclosure inspections initiated by some code enforcement personnel nine years ago. Some homeowner's who requested a standard home improvement building permit were subject to a mandatory downstairs enclosure inspection under the guise of an unwritten FEMA regulation. This was the basis for the creation of the Monroe County created FEMA failed downstairs enclosure regulations.**

**The existing downstairs enclosure regulations have been overwhelmingly rejected by virtually every one**

**of the thousands of downstairs enclosure homeowners since it violates common sense and good family values.**

**Florida Keys homeowners have continually spoken with their checkbook by continuing to rebuild after the County mandated destruction of their downstairs enclosure. Demolishing and rebuilding downstairs enclosures has been a super large indirect Monroe County tax since many demolishing expenses have exceeded \$30,000 not including rebuild costs.**

**If homeowners decided the downstairs enclosure were not necessary these homeowners would not have expended the funds to rebuild their downstairs enclosure. Accordingly, most if not all new stand alone single family homes built between 2002 and 2009 also have downstairs enclosures.**

**The sociological and economic effects promulgated by our unique FEMA downstairs enclosure regulations contrived and written here in Monroe County are tantamount to Florida Keys Citizens being ravaged by yearly psychological CAT 4 or CAT 5 hurricanes.**

**If these Monroe County invented downstairs enclosure regulations were necessary to save lives and reduce**

**hurricane damage, FEMA would be obligated to implement these regulations in all other hurricane prone areas.**

**FEMA has not, and in all reality will never, especially after reviewing the intended and unintended consequences of these anti-family, anti-business regulations.**

**Florida Keys Citizens cannot understand why they are being singled out and subject to Monroe County self imposed regulations which have created the following havoc to Monroe County homeowners;**

- 1. Forced fulltime white & blue collar, semi professional & professional gainfully employed families to leave the Keys,**
- 2. Cost homeowners millions to demolish and in most cases to rebuild their downstairs enclosures.**
- 3. Cost Monroe County hundreds of thousands if not millions in legal fees to defend homeowner court cases and law suits.**
- 4. Cost homeowners hundreds of thousands if not millions in legal fees.**
- 5. Substantially reduced home selling prices while also extending the number of selling days on market before being sold because either the downstairs enclosure was demolished and or Realtors were compelled to inform prospective buyers about the threat of receiving**

**a code enforcement demolition letter. Both of these conditions have collectively cost selling homeowners millions and also reduced Monroe County future real estate tax revenues.**

**6. Many Contractors had to cancel contracts and return deposits because their clients wanted to avoid a downstairs enclosure inspection. Quite often the contract was completed by an unlicensed South Florida contractor.**

## **Estimated number of Downstairs Enclosures**

**Enumerate herewith is an estimated percentage of post 1974 Florida Keys homes with downstairs enclosures and the corresponding projected results of the Monroe County created FEMA regulations which were put into effect over the past seven or nine years.**

**Our definition of a downstairs enclosure is restricted to those post 1974 stand alone single family homes with a least a BATHROOM in the downstairs enclosure.**

- 1. Between 60 to 65% of all post 1974 residences have “illegal” downstairs enclosures.**
- 2. Specified below is an estimated breakdown of 100% of the 60 to 80% of post 1974 homes with downstairs enclosures.**

- 3. 50% of the homes are owned by PART TIME residents who use the downstairs enclosure bathroom rather than climb the 15 or more steps to access the upper bathroom. A good percentage of Keys homeowners and guests spend a great deal of time gardening, lounging around the pool, fishing from the dock etc. Therefore a downstairs enclosure bath is of immense importance. Their downstairs enclosure also occasionally houses an infrequent guest and or visiting family member.**
- 4. 20 to 25% of the homes are owned by FULL TIME residents, many of whom are senior citizens who also use the downstairs enclosure bathroom rather than climb the arduous 15 steps to the upper bathroom. They also use their downstairs enclosure to occasionally house an infrequent guest and or visiting family member.**
- 5. 20% of the homes are owned by gainfully employed FULL TIME residents many of whom use the downstairs enclosure to house a grandparent, who may also be providing mortgage and or insurance assistance. Additionally, many of these downstairs enclosures house an older child because the different gender sibling resides upstairs with parents in the prevalent two bedroom Florida Keys residence.**
- 6. The remaining 5 to 10% of homes with downstairs enclosures are used to house non family gainfully**

**employed citizens. A senior officer in the Sheriff's office mentioned that many County Deputy Sheriffs are housed in these downstairs enclosures.**

**Therefore between 70 to 75% of Florida Keys post 1974 homes with a bath and perhaps a bed in their downstairs enclosure use the bath 100% of the time and rarely use the downstairs enclosure to house a visiting guest and or family member. The maximum bathroom use versus the minimum use of a downstairs enclosure bedroom dictates abolishing these anti-senior citizen regulations.**

**Accordingly, until Monroe County effectively addresses their affordable housing problem they cannot justify these anti-family and anti-business regulations affecting 25 to 30% of our full time gainfully employed residents who use the downstairs enclosure to house family and non family members.**

### **Demographic Analysis of homeowners with downstairs enclosures**

**The demographics of Full & Part time owners of post 1974 homes with downstairs enclosures are widespread and range from full & part time seniors with limited to comfortable pensions to full & part time middle age & senior citizens with middle income to semi affluent to prosperous financial status.**

**Many of the aforementioned homeowners were forced to demolish their downstairs enclosure to qualify for flood insurance or get a home improvement permit. A high percentage of these homeowners unlawfully rebuilt their downstairs enclosures. Many of these homeowners house an infrequent guest and or family member in their downstairs enclosure.**

**Unfortunately, the homeowner who rebuilt his downstairs enclosure would not qualify for amnesty under the existing Monroe County proposal.**

**The real casualties during the past nine years are the fulltime gainfully employed families who had a teenager or grandparent residing in the downstairs enclosure of the Florida Keys typical two bedroom home.**

**Too many of these families received the dreaded code enforcement mandatory inspection letter. All too many families could not afford to both demolish and rebuild their downstairs enclosure and thus were forced to leave their beloved Florida Keys. Shamefully, hundreds if not more of these highly productive families were forced to sell their homes and leave the Keys.**

**Obviously, this is a horrible situation for forced out families but the Florida Keys also lost out since we lost valuable gainfully employed citizens. Additionally, many of their homes were sold to part timers and thus the Florida Keys also lost another extremely valuable Affordable home.**

## **Results**

**So after seven or nine years the only tangible results of our unique Monroe County contrived and FEMA approved regulations was to succeed in forcing full time gainfully employed families to leave the Florida Keys while also eliminating their affordable homes.**

**Additionally, these regulations motivated homeowners to cancel contracts with local contractors and give the business to unlicensed South Florida contractors.**

**Therefore in 2009, seven or nine years after Monroe County initiated their downstairs enclosure inspection program; probably 80 to 105% of all post 1974 downstairs enclosures still have a bath in their downstairs enclosure. The 105% assumes many stand alone single family homes built between 2002 and 2009 also have a bath in their downstairs enclosures.**

**The aforementioned homes built after 2002 had baths installed in their downstairs enclosure after the homeowner received a certificate of occupancy. Unfortunately under the existing amnesty proposal**

**these homeowners would be classified as unlawful and denied amnesty.**

**Thus millions have been wasted, families up rooted and the Florida Keys have virtually the SAME if not MORE downstairs enclosures than when the program started in 2000.**

**So unquestionably the program is a failed program and tragically many good hard working families who were necessary to support our Keys were forced to leave the Keys. Sadly, their forced departure was in vain?**

**Regulations are only effective if they have a worthy objective and accepted by society. These regulations failed miserably on all accounts.**

**Our Commissioners should immediately ask FEMA to suspend this program without any QUID PRO QUO. I'm sure FEMA in Washington is not interested in continuing regulations which have proven to be blatantly counterproductive anti-family and anti-business.**

**Please be advised that Citizens Not Serfs will mandate that FEMA continue to provide Flood Insurance for all Monroe County structures.**