

IN THE CIRCUIT COURT OF THE ELEVENTH
JUDICIAL CIRCUIT IN AND FOR MIAMI-
DADE COUNTY, FLORIDA

CASE NO: 09-51205 CA 13

BRYAN A. EXILE and
ELLIOT M. BLOOM,
Plaintiffs,
v.
MIAMI-DADE COUNTY,

Defendant.

DECLARATION OF PROFESSOR PAUL A. ZANDBERGEN, Ph. D.

I, PAUL A. ZANDBERGEN of Albuquerque, New Mexico, under penalties of perjury, declare that the following is true to the best of my knowledge and belief:

1. I am an Associate Professor in the Department of Geography at the University of New Mexico in Albuquerque, New Mexico. I earned a Doctorate of Philosophy in Resource Management and Environmental Studies in 1998 at the University of British Columbia, Vancouver, BC, Canada. I am a Geographic Information Scientist with interests in both the fundamentals of GI Science as well as the applications of geospatial technologies to several fields, including spatial ecology, environmental health, and criminal justice. I am the author of twenty-four publications in peer-reviewed scientific journals and numerous other publications and presentations. My areas of expertise include, *inter alia*, spatial analysis techniques using Geographic Information Systems (GIS), error and uncertainty in spatial data, geocoding of address databases, and the analysis of parcel and property tax assessment data for socio-economic analysis.



2. During my years in the Department of Geography at the University of South Florida (2001-2007), I developed an interest in the impacts of residency restriction laws on convicted sex offenders and conducted a study to that effect for Orange County, Florida. The findings of this study were published as: *Zandbergen, P.A. and T.C. Hart. (2006) Reducing housing options for convicted sex offenders: Investigating the impact of residency restriction laws using GIS. Justice Research and Policy, 8:1-24.* This was one of the first studies of its kind and it has since been quoted by numerous other studies on the subject in many jurisdictions. Recently I also published a study on the reliability of geocoding on the analysis of residency restrictions which was published as: *Zandbergen, P.A. and T.C. Hart. (2009). Geocoding accuracy considerations in determining residency restrictions for sex offenders. Criminal Justice Policy Review, 20(1): 62-90.* I am currently working on several projects in Florida, including the analysis of sex offender recidivism as a function of residential proximity to schools and daycares, as well as a critical examination of the methodologies employed in the analysis of residency restrictions. My *curriculum vitae*, including a complete list of my publications, is attached hereto as Exhibit A.

3. In 2008 I was retained by the American Civil Liberties Union of Florida, Greater Miami Chapter ("ACLU"), under grant by the Miami Coalition for the Homeless, to complete a study to determine the impacts of sex offender restriction zones in Miami-Dade County on the availability of affordable housing. I completed this study in collaboration with Dr. Timothy C. Hart of the University of Nevada, Las Vegas, whose *curriculum vitae* is attached hereto as Exhibit B. This Declaration contains some of the key findings from the completed study.

4. Specifically, ACLU asked me to answer the following questions: "How much affordable housing is in fact available in Miami-Dade County under the sex offender residency restrictions currently in effect and where is that housing located?" A housing unit was considered affordable

if the monthly housing cost was \$1,250 or less. This figure corresponds to 30% of the estimated annual median household income in Miami-Dade County for 2009 (\$50,800). Under federal standards, affordable housing means spending no more than 30% of gross income on housing costs. The current sex offender residency restrictions consist of:

- a) The current Florida State Statutes which include a 1,000 feet buffer around schools, daycares and parks (public schools bus stops were not included since these apply only to a very specific category of sex offenders on conditional release);
- b) The current Miami-Dade County ordinance which includes a 2,500 feet buffer around schools only;
- c) The 24 local ordinances enacted by municipalities in Miami-Dade County, which vary in terms of categories (some including public school bus stops) and distances (all but two employ buffer zones of 2,500 feet).

5. The study methodology consisted of several elements discussed below and relied primarily on data provided by Miami-Dade County and the Miami-Dade School Board:

- a) Three different sets of housing units were considered: 1) all housing units; 2) all rental units (a subset of all housing units); and 3) rental units actually available on the market (a subset of all rental units). Assisted rental housing units were removed from the analysis since most financial assistance programs disqualify applicants with criminal convictions.
- b) In the analysis of all housing units (including all rental units) Miami-Dade County's property assessment data was used to estimate the number of theoretically available units and to estimate monthly housing costs. First, for

each unit a determination was made as to whether it is suitable for residential occupancy, how many units it contains and how many bedrooms. Second, a stratified random sample of 610 rental properties in January 2009 with a monthly rent of \$2,000 or less was matched to their corresponding entry in the property assessment data and a statistical relationship between monthly rental cost and total assessed value was determined. Third, this empirical relationship was used to estimate the monthly housing cost for all housing units (including rental units) in the property assessment data. All properties were linked to the database of parcel boundaries to determine their location.

- c) Rental units actually available on the market were determined using the listings from Realtor.com in January and July 2009. A database of all rental properties within Miami-Dade County was obtained and the locations of the property boundaries of all units with a monthly rental cost of \$1,250 or less were identified using Miami-Dade County's parcel boundary database.
- d) A total of 24 local sex offender residency restriction ordinances were identified, in addition to the Miami-Dade County Ordinance and the Florida Statutes. The boundaries of sex offender restriction zones created by these statutes and ordinances were determined by mapping the locations of interest (schools, daycares, parks, public school bus stops) using the parcel boundary database and carrying out buffer analysis using the applicable locations of interest and distances. A specific property was deemed as falling inside a restricted zone when any part of the legal boundary fell within the restricted zone.

- e) Five different scenarios were analyzed: 1) Baseline scenario without any residence restrictions; 2) State scenario – the Florida State restriction of 1,000 feet around schools, daycare and parks but without public school bus stops; 3) State/County scenario – the Florida State restriction plus the Miami-Dade County restriction of 2,500 around schools; 4) State/Local scenario – the Florida State restriction plus the 24 local restrictions with varying categories and distances, including public school bus stops where applicable; and 5) State/County/Local scenario – the Florida State restriction plus the Miami-Dade County restriction plus the 24 local restrictions. This last scenario most accurately represents the current situation in Miami-Dade County.

6. Results of the analysis reveal the impact of sex offender residency restrictions on the availability of affordable housing in Miami-Dade County:

- a) The total number of housing units with a monthly housing cost of \$1,250 or less under the Baseline scenario is 406,504, of which a total of 270,874 are rental units. These are the theoretical maximum number of units available and only a small fraction of these will actually be on the market at any given time. In January 2009 a total of 2,731 units were actually available for rent for \$1,250 or less; in July 2009 this was 2,703 units.
- b) Under the State scenario, a total of 73,987 housing units remain available, of which 44,963 are rentals. Of these, in January 2009, a total of 585 units were actually available for rent; in July 2009 this was 589 units. Under the State/County scenario, a total of 21,508 housing units remain available, of which 14,754 are rentals. Of these, in January 2009 a total of 231 units were

actually available for rent; in July 2009 this was 214 units. Under the State/Local scenario, a total of 40,762 housing units remain available, of which 21,542 are rentals. Of these, in January 2009 a total of 230 units were actually available for rent; in July 2009 this was 223 units. Under the State/County/Local scenario, a total of 11,198 housing units remain available, of which 6,832 are rentals. Of these, in January 2009 a total of 59 units were actually available for rent; in July 2009 this was 43 units.

- c) Of the 2,731 units actually available for rent in January 2009 under the Baseline scenario, 1,973 units were located in 30 different municipalities and the remaining 758 units were located in unincorporated areas. Of the 585 units actually available for rent in January 2009 under the State scenario, 383 units were located in 20 different municipalities and the remaining 202 units were located in unincorporated areas. Of the 231 units actually available for rent in January 2009 under the State/County scenario, 189 units were located in 13 different municipalities and the remaining 42 units were located in unincorporated areas. Of the 230 units actually available for rent under the State/ Local scenario, 28 units were located in 5 different municipalities and the remaining 202 units were located in unincorporated areas. Of the 59 units actually available for rent under the State/County/Local scenario, 17 units were located in 3 different municipalities and the remaining 42 units were located in unincorporated areas. Results for July 2009 revealed nearly identical geographic patterns.

- d) Of the 59 units actually available for rent in January 2009 under the State/County/Local scenario, 4 units were available for \$750 or less, 20 units for \$750 to \$1,000 and 35 for \$1,000 to \$1,250. Of the 43 units actually available for rent in July 2009, 0 (zero) units were available for \$750 or less, 15 units for \$750 to \$1,000 and 28 for \$1,000 to \$1,250.
- e) No determination was made as to whether the landlords of available properties in January and July 2009 would in fact rent to registered sex offenders.

7. In conclusion, the sex offender residency restrictions currently in effect have a very significant effect on the availability of affordable housing in Miami-Dade County, both in terms of total numbers and in terms of geographic distribution.

- a) The total maximum number of theoretically available housing units with a monthly housing cost of \$1,250 or less per month is 11,198 – or approximately 1% of all housing units in the County – and 6,832 of these are rental units.
- b) Only a very small fraction of these theoretically available rental units are actually available for rent at any given time. In January 2009, the total number of units actually available for rent were 59 units for \$1,250 or less, 24 units for \$1,000 or less and 4 units for \$750 or less. In July 2009, the total number of units actually available for rent were 43 units for \$1,250 or less, 15 units for \$1,000 or less and 0 (zero) units for \$750 or less.
- c) The actually available rental units are concentrated in a few selected geographic areas of Miami-Dade County. Of the 59 units actually available in January 2009 for rent of \$1,250 or less, a total of 42 units were located in unincorporated areas of the County, with no rental units remaining in 32 of the

County's 35 municipalities. Of the 43 units actually available in July 2009 for rent of \$1,250 or less, a total of 30 units were located in unincorporated areas of the County, with no rental units remaining in 32 of the County's 35 municipalities.

d) The number of available rental units on the market was determined using publicly available rental listings and does not include a determination as to whether a landlord would in fact rent to a registered sex offender. The numbers presented here may therefore overestimate the number of rental units actually available to a registered sex offender seeking affordable housing in Miami-Dade County.

Pursuant to Florida Statutes 92.525, under penalties of perjury, I declare that I have read the foregoing Declaration and that the facts stated in it are true, to the best of my knowledge and belief.



PAUL A. ZANDBERGEN

Dated: August 11, 2009