



Legislative Wrap-Up 2009: Community Land Trusts

We did it! It's taken several years, but we finally have statutory direction for property appraisers to assess community land trust properties in a sensible way—in accordance with the resale restricted value, not the price the property could fetch were it not a community land trust property. This statute simply codifies what the county property appraiser is already doing in many communities, but some property appraisers took the position they could not take the resale restriction into consideration without this statutory change. So here it is:

193.018

Land owned by a community land trust used to provide affordable housing; assessment; structural improvements, condominium parcels, and cooperative parcels.—

- (1) As used in this section, the term “community land trust” means a nonprofit entity that is qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and has as one of its purposes the acquisition of land to be held in perpetuity for the primary purpose of providing affordable homeownership.
- (2) A community land trust may convey structural improvements, condominium parcels, or cooperative parcels, that are located on specific parcels of land that are identified by a legal description contained in and subject to a ground lease having a term of at least 99 years, for the purpose of providing affordable housing to natural persons or families who meet the extremely-low-income, very-low-income, low-income, or moderate income limits specified in s. 420.0004, or the income limits for workforce housing, as defined in s. 420.5095(3). A community land trust shall retain a preemptive option to purchase any structural improvements, condominium parcels, or cooperative parcels on the land at a price determined by a formula specified in the ground lease which is designed to ensure that the structural improvements, condominium parcels, or cooperative parcels remain affordable.
- (3) In arriving at just valuation under s. 193.011, a structural improvement, condominium parcel, or cooperative parcel

providing affordable housing on land owned by a community land trust, and the land owned by a community land trust that is subject to a 99-year or longer ground lease, shall be assessed using the following criteria:

- (a) The amount a willing purchaser would pay a willing seller for the land is limited to an amount commensurate with the terms of the ground lease that restricts the use of the land to the provision of affordable housing in perpetuity.
- (b) The amount a willing purchaser would pay a willing seller for resale-restricted improvements, condominium parcels, or cooperative parcels is limited to the amount determined by the formula in the ground lease.
- (c) If the ground lease and all amendments and supplements thereto, or a memorandum documenting how such lease and amendments or supplements restrict the price at which the improvements, condominium parcels, or cooperative parcels may be sold, is recorded in the official public records of the county in which the leased land is located, the recorded lease and any amendments and supplements, or the recorded memorandum, shall be deemed a land use regulation during the term of the lease as amended or supplemented.



Rep. Fitzgerald

First and foremost, we have Representative Keith Fitzgerald to thank for this new statute. He has championed this effort for the past three years and successfully carried the CLT bill (HB 267) through every committee in the House. Ultimately, the bill was amended to Representative Aubuchon's omnibus housing bill (HB 161) and passed in the Senate as part of Senator Bennett's amendment to SB 360.

CLTs- remember to record your 99 year CLT ground lease or memorandum of the ground lease in the public records!