



**EDITOR'S NOTE:**

The Legislature has a decidedly large appetite for directing local governments to do a better job planning for affordable housing. In 2006, the legislature directed all local governments to inventory their public lands by July 2007 and make those that are appropriate available for the production of affordable housing. In the 2007 session, the Florida legislature prescribed additional planning efforts for affordable housing in certain high cost counties. Richard Gentry, who formerly served for twenty three years as Legislative Counsel for the Florida Home Builders Association, is the lobbyist who was instrumental in passing this new planning requirement for affordable housing.

# Planning For Workforce Housing in High Cost Counties

BY RICHARD GENTRY

**W**hen the 2007 legislature passed the affordable housing bill (HB 1375), included therein were two paragraphs that will likely have a major effect on a limited number of counties in relation to their planning (or lack thereof) for the provision of affordable workforce housing. Workforce housing is defined by subparagraph 380.0651(3)(j)FS and for the purposes of this bill is used to identify housing which is "... affordable to natural persons or families whose total household income does not exceed 140 percent of the area median income, adjusted for household size."



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Those two paragraphs are aimed at those counties where a gap exists between the buying power of a family of four and the median county home sale price exceeding \$170,000, as determined by the Florida Housing Finance Corporation. When passed, that definition included Miami Dade, Palm Beach, Collier, Martin and Walton counties; by excluding counties not designated an Area of Critical State Concern under section 380.05, Florida Statutes, Monroe County was removed as it was thought that compliance was unlikely under any circumstances, given the limited land available as well as their Rate Of Growth Ordinance, or ROGO.

Now, the crux of the matter; those counties meeting the above criteria must identify "adequate sites for such housing" in their comprehensive plan, and failing to do so, will be "ineligible to receive any state housing assistance grants" until the requirement of the provision is met.

So there it is - the state has finally said no more lip service to the provision of adequate affordable housing sites, counties - identify SITES, or lose all state housing assistance grants! Now comes the interesting part - will the Department of Community Affairs be aggressive in its enforcement through the comprehensive planning process? What exactly is meant by "state housing assistance grants?" To have teeth, the provision surely must mean SHIP dollars, and if so, then more is at stake for these counties than a desire to maintain Home Rule.

Each and every stakeholder at the local level, as well as potential recipients should be weighing in on the issue. If local providers of affordable housing aren't engaged, would counties with such an exhibited deficit to begin with really take the initiative without the prodding of those truly committed to providing affordable housing in their community? Stay tuned - to DCA, and the legislature - for local government to ignore this provision will likely only embolden a legislature not overly happy with local government to begin with - to "reiterate" that it wanted action!



**RICHARD GENTRY** is a lawyer and lobbyist in Tallahassee representing largely business clients, several of whom have interests in affordable housing programs around the state. Prior to establishing Gentry and Associates, LLC as a lobbying organization, he served for 23 years as the Legislative Counsel for the Florida Home Builders Association.