

THE JOURNAL OF THE FLORIDA HOUSING COALITION, INC.

HOUSING

— NEWS NETWORK —

VOLUME 35, NUMBER 2

Special Report: **2019 Legislative Wrap-Up**

2019 Legislature Provides
Guidance for
**Inclusionary Housing
Ordinances**

**Focusing on Housing
Recovery**
at the Governor's Hurricane
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Exploring the Second Tranche
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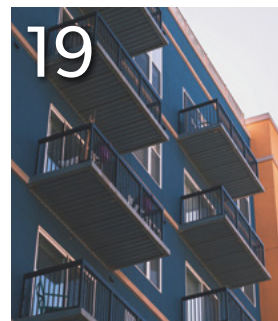
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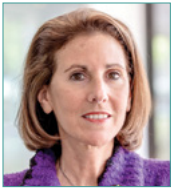
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THE FLORIDA HOUSING COALITION is a nonprofit, statewide membership organization whose mission is to bring together housing advocates and resources so that all Floridians have a quality affordable home and suitable living environment.

The Housing News Network is published by the Florida Housing Coalition as a service to its members, housing professionals and others interested in affordable housing issues. **Jaimie Ross**, Editor, **Ben Toro-Spears**, Associate Editor, and **Lynne Takacs**, Graphic Design • Email: info@flhousing.org, Website: www.flhousing.org.

Message from the CEO

2019 Home Matters Conference Celebrates Accomplishments



JAIME ROSS

The 2019 Home Matters Conference celebrates accomplishments within the sobering context of Sadowski funds swept.

The sweep of Sadowski funds in 2019 was a surprising disappointment. We began the session with the leadership of Governor

DeSantis calling for the appropriation of all the housing trust funds for housing in his budget, and a Senate in agreement. But in the end, the House tradition of diverting housing trust fund money into General Revenue for unknown purposes prevailed. A full report on the trust fund appropriations and the sweep of \$125 million is found in the Legislative Wrap Up article that follows.

For every dollar of Sadowski monies that is appropriated for housing, we find success. And each year at our Home Matters conference, we lift up those successes to celebrate the work of our members from the private and public sector and the positive change they are making in the lives of Florida's hard working families and most vulnerable residents living on fixed incomes. The achievements of our undaunted public and private sector members are inspirational. We celebrate the development and preservation of affordable homes and the advocacy on behalf of those in need of homes.

Housing disaster recovery is again at the forefront of the Florida Housing Coalition's work and is here to stay. Day 1 of the conference brings a Disaster Recovery Forum. Concurrently, we have a forum on the federal Opportunity Zone initiative. The Florida Housing Coalition has a team of experts working with public and private sector partners to align Opportunity Zone investments with community needs. Ending youth homelessness is the third concurrent forum, highlighting work at the federal, state, and local level. Day 2 of the conference is chocked full of sessions for local government planners, housing

professionals in the public and private sectors, faith-based organizations, and advocates. Day 3 has three concurrent forums, the SHIP Administrators Roundtable sponsored by FHFC, the Nonprofit Capacity Building Symposium sponsored by Fifth Third, and the Community Land Trust Symposium, sponsored by Freddie Mac. Conference highlights are found on pages 31 through 34.

New Partners for Better Housing this year include the APA Florida and the Florida AARP. This year marks the beginning of APA continuing education credits for the FHC conference and we are thrilled to have Dr. Rodney Harrell, Director of Livability Thought Leadership from national AARP as our keynote speaker. We also welcome the entire team of lawyers funded by the Florida Bar Foundation's program for providing pro bono counsel for Florida's nonprofit housing organizations. The program is called the Florida Community Development Legal Project (FCDL) and the Florida Housing Coalition is working with the FCDL statewide to connect our nonprofit members with free legal services. And as always, the Florida Housing Coalition's statewide conference is accredited for Florida Bar CLE.

A new feature of the conference is a Conference Concierge. We will have a Conference Concierge at the registration desk to help you plan your itinerary of training sessions at the conference. If you have not registered for the conference yet, I invite you to join us. Several of our Partners for Better Housing allow us to use their complimentary registrations to help organizations or individuals that need financial assistance; let us know if you find that you need a scholarship to attend. Our goal is to include everyone. The content of the conference is exceptional and the value in sharing practices and experiences among participants from every part of Florida is invaluable. **HNN**

For every dollar of Sadowski monies that is appropriated for housing, we find success. And each year at our Home Matters conference, we lift up those successes to celebrate the work of our members from the private and public sector and the positive change they are making in the lives of Florida's hard working families and most vulnerable residents living on fixed incomes.



2019 Legislative Wrap-Up

By: Mark Hendrickson and Jaimie Ross

The 2019 Legislative Session followed a critically important election. All members of the House were up for election as well as half the members of the Senate. And most importantly, Florida elected a new Governor.

Candidate forums across the state posed a similar question: “If elected, would you support using all the Sadowski state and local housing trust fund monies for housing?” The chorus responded in the affirmative. Governor Ron DeSantis was true to his word, breaking the tradition of sweeping the trust funds established by the prior Governor and setting the stage for full appropriation. The Senate followed suit. But to the dismay of every constituency in the state, the House held onto its tradition of sweeping the trust funds. And during conference negotiations, the Senate failed to hold firm, conceding to the House proposal of a \$125 million dollar sweep of Sadowski state and local housing trust funds. The House and Senate diverted these statutorily dedicated dollars for affordable housing into the general fund. This was an inexplicable action at a time of no budget deficit and a full blown housing crisis. Money for HHRP is to be split based upon damage assessments, see chart on the Florida Housing Coalition's Disaster Recovery page at www.flhousing.org/disaster-recovery.

Housing Bills in 2019 Session

This was the year of many affordable housing bills. Most did not pass. The primary housing bill that did become law was CS/CS/HB 7103, sponsored by Senator Lee (Republican from Hillsborough County) and Representative Fisher (Republican from Duval County). This thirty seven page bill addresses such a variety of topics, that it is referred to as the housing omnibus bill.

Highlights from the Affordable Housing Omnibus Bill, CS/CS/HB 7103; Barcode 444806 are:

1. Inclusionary Housing Policies

Authorizes an inclusionary housing ordinance to require a developer to provide a specified number or percentage of affordable housing units to be included in a development or

allow a developer to contribute to a housing fund or other alternatives. Requires a county or municipality to provide certain incentives to fully offset all costs to the developer of its affordable housing contribution (see more detailed article on page 9).

2. Impact Fees: waivers for affordable housing; timing for collection of fees that are not waived.

- A county, municipality, or special district may provide an exception or waiver for an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071. If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.

Bills That Failed

State Funds

SB 70 (Mayfield)/HB 1103 (Silvers)

Housing Trust Funds

HB 353 (Polsky)/SB 1504 (Berman)

State Workforce Housing Tax Credit Program General Bill

HB 413 (Aloupis)

Pilot State Workforce Housing Tax Credit General Bill

SB 250 (Flores)

Assessment of Property

HB 443 (Rodriguez Ant)/SB 568 Diaz

Impact Fees

SB 350 (Hutson)/No House Companion

Affordable Housing

HB 1155 (Placencia)/No Senate Companion

Low-income Affordable Housing Tax Incentives

HB 6045 (Roach)/No Senate Companion

Affordable Housing Discretionary Surtax

HB 729 (Gottlieb)

County Funding For Affordable Housing

SB 842 County (Thurston)

Affordable Housing Tax Reductions

SB 1314 (Pizzo)/HB 1211 (Fernández)

Homelessness

SB 1218 (Book)/HB 1353 (Altman)

Reducing Income

HB 1287 (Smith)/SB 1734 (Farmer, Jr.)

Florida Climate and Resiliency Research Program

HB 1369 (Diamond)

Emergency Mitigation and Response

SB 1610 (Montford)



- Prohibits a local government from requiring payment of impact fees prior to the issuance of a building permit.
- Local governments will be required to designate the funds collected by the impact fees for acquiring, constructing, or improving the capital facilities to benefit the new users.
- Impact fees collected by a local government may not be used to pay existing debt or pay for prior approved projects unless such expenditure has a rational nexus to the impact generated by the new construction.
- Fees imposed for connection to water or sewer service are excluded from being treated as impact fees.

3. Expedited Permits

Sets forth time deadlines for local government approval of development permits and development orders. Also provides time limits for application reviews. This new law applies to all development permits and development orders, not just affordable housing. It does not change the requirement that all SHIP jurisdictions must have expedited permitting for all affordable housing. Affordable housing permits and development orders will have the benefit of this new timeline and continue to be placed at the front of the queue.

- Amends section 553.791, F.S. to prohibit a local jurisdiction from charging fees (other than a reasonable

administrative fee) for building inspections if the owner or contractor hires a private provider and revises the timeframes for notification of using a private provider, and the timeframe within which a building official must approve or deny a permit application; specifying the timeframe within which the local building official must issue a notice of noncompliance if the permit applicant submits revisions; limiting a building official's review of a resubmitted permit application to previously identified deficiencies.

State Housing Finance Strategy for the Keys and a Change to Definition for Essential Services Personnel.

Section 420.502 Florida Statutes is amended by a legislative finding that "it is necessary to create new programs to stimulate the construction and substantial rehabilitation of rental housing for eligible persons and families. The lack of affordable workforce housing has been exacerbated by the dwindling availability of developable land, environmental constraints, rising construction and insurance costs, and the shortage of lower-cost housing units. As this state's population continues to grow, essential services personnel vital to the economies of areas of critical state concern are unable to live in the communities where they work, creating transportation congestion and

hindering their quality of life and community engagement”. The bill further amends Section 420.503 to provide in 420.503 (18) a new definition of “essential services personnel” to mean natural persons or families whose total annual household income is at or below 120 percent of the area median income, adjusted for household size, and at least one of whom is employed as police or fire personnel, a child care worker, a teacher or other education personnel, health care personnel, a public employee, or a service worker.

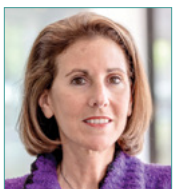
It’s worth noting that this bill repeals the former definition of “essential services personnel” which permitted local governments to define “essential services personnel” in accordance with their SHIP local housing assistance plan (LHAP). The bill, in practice, establishes a statewide, uniform definition of “essential services personnel” and takes the authority to define the term in their LHAPs away from local governments.

But if the legislature finds these workers to be essential, why would House Leadership want to transfer \$125 million in Sadowski Trust Funds into general revenue rather than allow those funds to be appropriated for SHIP and SAIL? It certainly

isn’t because the House finds fault with SHIP and SAIL. The \$115 million of Sadowski funds appropriated for the Hurricane Michael impacted counties were put into the Hurricane Housing Recovery Program (HHRP) and the Rental Recover Loan Program (RRLP), SHIP and SAIL like programs, respectively. Rightfully so. SHIP and SAIL are amazingly good programs, with a balance of flexibility and accountability that results in efficient and effective delivery of affordable housing.

Diverting funds that are dedicated for affordable housing into general revenue is a blatant misuse of the Sadowski Act. It severely undercuts the Florida businesses that produce and preserve affordable housing as well as the Florida businesses that need essential services personnel to operate, such as hospitals, schools, and the tourism industry that fuels our sunny economy. The diversion of Sadowski funds leaves in its wake long lines of unmet need, including elderly in need of emergency home repairs, disabled people in need of home retrofits, and the lower paid workforce in need of homes they can afford. And those lines get longer and longer with every Sadowski housing trust fund dollar that is swept to general revenue. **HNN**

The Sadowski Coalition comprised of 32 statewide organizations and the Sadowski Affiliates throughout Florida collectively representing millions of Floridians did a remarkable job of advocating for full appropriation of the Sadowski state and local housing trust funds solely for housing. The Editorial boards from news outlets everywhere echoed our sentiment. Florida has the best state and local housing programs in the nation. All who are working toward meeting the needs of Florida’s workforce and most vulnerable populations living on fixed incomes are to be commended and we should all be heartened by having a Governor who agrees that all the Sadowski funds should be used exclusively for affordable housing.



JAIMIE ROSS

Jaimie A. Ross is the President & CEO of the Florida Housing Coalition. She initiated the Sadowski Coalition in 1991 and continues to facilitate the Sadowski Coalition today. Ms. Ross served as the Affordable Housing Director at 1000 Friends of Florida, a statewide nonprofit smart growth organization, from 1991-2015. Prior to her tenure at 1000 Friends of Florida, Ross was a land use and real property lawyer representing for profit and nonprofit developers and financial institutions with a law firm in Orlando. Ross is the past Chair of the Affordable Housing Committee of the Real Property Probate & Trust Law Section of the Florida Bar.



MARK HENDRICKSON

Mark Hendrickson, president of The Hendrickson Company, is a past Chair and serves as an Executive Committee member for the Florida Housing Coalition. He served as Executive Director of the Florida Housing Finance Agency from its inception in 1981 to 1994. As its first Chief Executive Officer, he led the way in creation of the Sadowski Act. The Hendrickson Company specializes in assisting clients in all areas of affordable housing, including finance and related legislative issues. His clients include for-profit and non-profit developers, the Florida Association of Local Housing Finance Authorities, and four County HFA’s.

Appropriation of Housing Trust Fund Monies: \$331.96 Million

Revenue Estimate from March 2019 REC Conference

	GOVERNOR	SENATE	HOUSE	FINAL BUDGET FY 19-20	FINAL BUDGET FY 18-19
FHFC: SAIL Line 2315	\$85,448,000	\$61,775,000	\$0	\$39,040,000	\$79,180,000
FHFC: SAIL Workforce Keys Line 2315	\$20,000,000	\$0	\$0	\$0	\$0
SHIP: Line 2316	\$246,930,000	\$170,102,400	\$0	\$46,560,000	\$43,950,000
Hurricane Housing Recover Program SHIP-like program for Hurricane Michael disaster counties only, Line 2316A	\$0	\$90,000,000	\$49,450,000	\$65,000,000	\$0
Rental Recovery Loan Program SAIL-like program for Hurricane Michael disaster counties only, Line 2316A	\$0	\$10,000,000	\$74,180,000	\$50,000,000	\$0
TOTAL HOUSING	\$352,378,000	\$331,878,000	\$123,630,000	\$200,600,000	\$123,630,000
SHTF SWEEP	\$0	\$0	\$60,000,000	\$10,000,000	\$54,600,000
LGHTF SWEEP	\$0	\$0	\$140,000,000	\$115,000,000	\$127,400,000
TOTAL SWEEP	\$0	\$0	\$200,000,000	\$125,000,000	\$182,000,000
Unallocated SHTF	\$0	\$600,000	\$7,358,000	\$300,000	\$2,600,000
Unallocated LGHTF	\$0	\$15,610,000	\$17,100,000	\$7,060,000	\$5,850,000

Proviso/Back of the Bill for FHFC:

- 10% of SAIL for competitive grant for housing for persons with developmental disabilities
- \$8 million from SAIL for Jacksonville Urban Core Workforce Housing Program (Senate Form 2071) VETOED
- \$500,000 from SHIP for Catalyst Training
- \$1,000,000 is provided to the Florida Housing Finance Corporation to provide grants to nonprofit organizations that build, modify, maintain, transfer, and enhance homes to and for Florida veterans. Eligible organizations must agree to provide a minimum of 15 homes to injured veterans, the family members of injured veterans, and Gold Star families. Homes may be modified, renovated, or new construction.
- HHRP distribution by FEMA damage assessment data and population.
- HHRP funds may be spent on (including, not limited to) repair and replacement of housing; assistance to homeowners to pay insurance deductibles; repair, replacement and relocation assistance for manufactured homes; acquisition of building materials for home repair and construction; housing re-entry assistance, such as security deposit utility deposits, and temporary storage of household furnishings; foreclosure eviction prevention, including monthly rental assistance for a limited period of time; or strategies in the approve local housing assistance plans.

ADDITIONAL HOMELESS FUNDING				
Item	Amount	Line Item	Source	Agency
Challenge Grants	\$3,181,500 Senate	346	GR	DCF
Federal Emergency Shelter Grant Program	\$7,803,393	347	Federal Grants TF & Welfare Transition TF	DCF
Homeless Housing Assistance Grants— <i>note specific projects funded from this listed below</i>	\$4,490,800 Senate	348	GR	DCF
Homeless Veterans Housing Assistance Brevard County	\$150,000	348	GR — Senate Form 1535	DCF
CESC, Inc. Homeless Services	\$1,000,000 VETOED	348	GR — Senate Form 1996	DCF
The Transition House Homeless Veterans Program	\$200,000 Senate	348	GR — Senate Form 1369	DCF
Citrus Health Safe Haven for Homeless Youth	\$140,800	348	GR — Senate Form 2136	DCF
CASL Renaissance Manor Independent Supportive Housing Lee County	\$500,000	373	GR — Senate Form 1342	DCF
Housing First for Persons with Mental Illness Miami-Dade County	\$100,000	373	GR — Senate Form 1925	DCF
Five Star Veterans Center Homeless Housing & Reintegration	\$250,000	575A	GR — Senate Form 1891	Health
Homeless Collaborative of Broward County Rapid Rehousing	\$250,000	2307A	GR — Senate Form 1063	DEO

OTHER MEMBER PROJECTS				
Item	Amount	Line Item	Source	Agency
Facility Improvement for City-Owned Elderly Housing Properties- Hialeah	\$635,000	2307A HB 3745	GR	DEO
Casa Familia Village Pilot Program	\$300,000	2307A	GR — Senate Form 1605	DEO
NeighborWorks Florida Collaborative Catalyst for Florida	\$250,000 VETOED	2307A	GR — Senate Form 1189	DEO

SHIP DISTRIBUTIONS FOR FY 19-20

(FHFC 6-10-19)

LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/ CITY SHARE	LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/ CITY SHARE	LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/ CITY SHARE
ALACHUA	465,328	233,409	GILCHRIST	350,000	350,000	PALM BEACH	1,977,016	1,494,822
Gainesville		231,919	GLADES	350,000	350,000	Boca Raton		128,901
BAKER	350,000	350,000	GULF	350,000	350,000	Boynton Beach		105,770
BAY	360,622	286,586	HAMILTON	350,000	350,000	Delray Beach		91,734
Panama City		74,036	HARDEE	350,000	350,000	West Palm Beach		155,789
BRADFORD	350,000	350,000	HENDRY	350,000	350,000	PASCO	791,041	791,041
BREVARD	880,223	485,884	HERNANDO	365,621	365,621	PINELLAS	1,379,317	718,072
Cocoa		29,047	HIGHLANDS	350,000	350,000	Clearwater		164,277
Melbourne		123,759	HILLSBOROUGH	1,946,000	1,423,110	Largo		118,759
Palm Bay		169,971	Tampa		522,890	St. Petersburg		378,209
Titusville		71,562	HOLMES	350,000	350,000	POLK	995,997	776,380
BROWARD	2,576,919	462,557	INDIAN RIVER	350,000	350,000	Lakeland		156,272
Coconut Creek		79,111	JACKSON	350,000	350,000	Winter Haven		63,345
Coral Springs		174,715	JEFFERSON	350,000	350,000	PUTNAM	350,000	350,000
Davie		140,184	LAFAYETTE	350,000	350,000	ST. JOHNS	434,855	434,855
Deerfield Beach		106,684	LAKE	570,018	570,018	ST. LUCIE	515,732	124,911
Fort Lauderdale		248,157	LEE	1,048,062	663,318	Fort Pierce		73,904
Hollywood		202,288	Cape Coral		264,531	Port St. Lucie		316,917
Lauderhill		97,408	Fort Myers		120,213	SANTA ROSA	358,386	358,386
Margate		79,111	LEON	502,444	171,786	SARASOTA	664,742	575,866
Miramar		186,054	Tallahassee		330,658	Sarasota		88,876
Pembroke Pines		224,450	LEVY	350,000	350,000	SEMINOLE	723,467	723,467
Plantation		121,631	LIBERTY	350,000	350,000	SUMTER	350,000	350,000
Pompano Beach		149,977	MADISON	350,000	350,000	SUWANNEE	350,000	350,000
Sunrise		125,754	MANATEE	612,676	521,632	TAYLOR	350,000	350,000
Tamarac		87,873	Bradenton		91,044	UNION	350,000	350,000
Weston		90,965	MARION	583,865	484,783	VOLUSIA	812,090	571,549
CALHOUN	350,000	350,000	Ocala		99,082	Daytona Beach		101,349
CHARLOTTE	360,063	320,636	MARTIN	350,000	350,000	Deltona		139,192
Punta Gorda		39,427	MIAMI-DADE	2,344,045	1,508,861	WAKULLA	350,000	350,000
CITRUS	350,000	350,000	Hialeah		201,588	WALTON	350,000	350,000
CLAY	399,958	399,958	Miami		405,989	WASHINGTON	350,000	350,000
COLLIER	599,931	566,695	Miami Beach		78,057	TOTAL	39,943,600	39,943,600
Naples		33,236	Miami Gardens		95,871	DR Holdback		5,000,000
COLUMBIA	350,000	350,000	North Miami		53,679	Compliance Monitoring		116,400
DE SOTO	350,000	350,000	MONROE	350,000	350,000	Catalyst		500,000
DIXIE	350,000	350,000	NASSAU	350,000	350,000	Veterans		1,000,000
DUVAL	1,356,063	1,356,063	OKALOOSA	381,688	341,573	TOTAL APPROPRIATION		46,560,000
ESCAMBIA	536,782	444,455	Fort Walton Beach		40,115			
Pensacola		92,327	OKEECHOBEE	350,000	350,000			
FLAGLER	350,000	74,655	ORANGE	1,870,106	1,475,140			
Palm Coast		275,345	Orlando		394,966			
FRANKLIN	350,000	350,000	OSCEOLA	580,543	461,358			
GADSDEN	350,000	350,000	Kissimmee		119,185			

Projected SHIP based on
Conference Report on SB 2500

(Less: \$5 million DR holdback, Monitoring,
Catalyst & other funding)

2019 Legislature Provides Guidance for Inclusionary Housing Ordinances

By: Jaimie Ross

Inclusionary housing ordinances are increasingly being considered for adoption by local governments as evidence mounts and consensus is reached that workforce housing need is growing and it is in the best interests of both employers and their workforce that residential developments provide a balance of market rate and below market rate housing. In the Chamber of Commerce 2030 Report Survey, the need for affordable housing is the one issue that was raised in every one of Florida's 67 counties.¹ But while local governments are aware that inclusionary zoning ordinances are in operation in parts of Florida, there has been reticence to adopt inclusionary housing policies due to push-back from the homebuilding industry and uncertainty about legal parameters.

The Florida Legislature has now provided more clarity and perhaps the level of comfort that will enable counties and municipalities to add inclusionary housing policies to their toolkit of land use policies for increasing the production of affordable workforce housing. The new statutory language is identical in the sections applying to counties and to municipalities. Section 125.01055 is for counties; Section 166.04151 is for municipalities. The new language is shown in *italics*.

125.01055 Affordable housing.

(1) Notwithstanding any other provision of law, a county may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.

(2) An inclusionary housing ordinance may require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives in lieu of building the affordable housing units.

However, in exchange, a county must provide incentives to fully offset all costs to the developer of its affordable housing contribution. Such incentives may include, but are not limited to:

(a) Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed

future land use designation or zoning; (b) Reducing or waiving fees, such as impact fees or water and sewer charges; or (c) Granting other incentives.

(3) Subsection (2) does not apply in an area of critical state concern, as designated in s. 380.0552.

While this new statutory clarity in regard to developer benefits should be helpful, there are some even more critical elements

to keep in mind. First and foremost is the term of affordability. An inclusionary housing ordinance that delivers developer benefits in exchange for required affordable workforce housing but fails to require that the housing stay affordable long-term is not an ordinance worth adopting. Failure to provide long term affordability will create a windfall to the lucky owner of the affordable home when the land use restriction agreement expires. The local government will have given away valuable incentives and find that it has nothing to

show for it. Inclusionary housing policies are not simple to craft, but they are essential for large scale developments, and to prevent gentrification in areas of redevelopment. The Florida Housing Coalition has over twenty years of expertise with inclusionary housing ordinances. We can provide education to local governments and community stakeholders and assist in the drafting of inclusionary ordinances and the policies needed for implementation that comply with the new statutory framework. **HNN**



¹ http://www.flchamber.com/wp-content/uploads/2018/06/ES_FLChamber2030_Mar18_9x12_reduced.pdf

JAIMIE ROSS, Attorney at Law, is the CEO of the Florida Housing Coalition. With funding from the Rockefeller Foundation, Ross conducted primary research on inclusionary housing nationally and she currently serves on the Board of Grounded Solutions Network. She is immediate past Chair of the Affordable Housing Committee of the Real Property Probate & Trust Law Section of the Florida Bar. She speaks nationally about inclusionary housing and assists local governments throughout Florida with best practices for adoption of inclusionary housing programs.

Focusing on Housing Recovery at the Governor's Hurricane Conference

By: Michael Chaney



Almost 2,000 participants attended the Governor's Hurricane Conference in West Palm Beach to learn about the state of recovery in communities hit by hurricanes, how to deploy best practices in disaster recovery, and to better understand the immediate and long-term housing recovery needs of impacted families.

This was the first year the Governor's Hurricane Conference included a day-long track focused exclusively on affordable housing. Sponsored by Florida Housing Finance Corporation's Catalyst program, the Florida Housing Coalition's Disaster Housing Recovery Director, Gladys Cook designed and moderated a full day of training covering housing programs available to address emergency and unmet needs after a disaster. The program featured an overview of assistance from SHIP, along with FEMA's STEP program for providing temporary repairs and measures to make a disaster-damaged home habitable while recovery begins. Other housing finance programs offering temporary repairs, reconstruction, elevation and buyout were also addressed, including Low Income Housing Tax Credits, SAIL, Tax Exempt Bonds, and Rebuild Florida-CDBG-DR.

Presenters from Florida's legal aid organization discussed the resources they offer to help people stand up against discrimination and illegal evictions, navigate insurance claims, provide fraud protections, address property title and more.

The Governor's Hurricane Conference—and especially the housing workshop track—provided critical attention to the importance of affordable housing and housing recovery following disasters. Our expectation is that housing recovery will benefit in future hurricanes as local agencies better understand and deploy resources to address the immediate and post-disaster housing needs of Florida's most vulnerable families.

The final workshop of the housing track focused on post-disaster legal assistance for low-income Floridians. Disaster housing damage leaves many families disadvantaged and vulnerable.

Bill Johnson, director of the Palm Beach County Emergency Management Office and the Florida Emergency Management Association, served as the moderator of the conference's plenary session and addressed affordable housing. "How is your community addressing affordable workforce housing?" he asked.

"If you think housing is not an emergency management issue, think again. One of the most striking denominators of recent storms has been the significant loss and shortage of affordable workforce housing. I argue that in spite of excellent response plans, affordable workforce housing will be the Achilles heel of your disaster recovery. Without affordable housing options the agony of economic recovery will linger on throughout your community for years."

"If you think housing is not an emergency management issue, think again. One of the most striking denominators of recent storms has been the significant loss and shortage of affordable workforce housing. I argue that in spite of excellent response plans, affordable workforce housing will be the Achilles heel of your disaster recovery. Without affordable housing options the agony of economic recovery will linger on throughout your community for years."

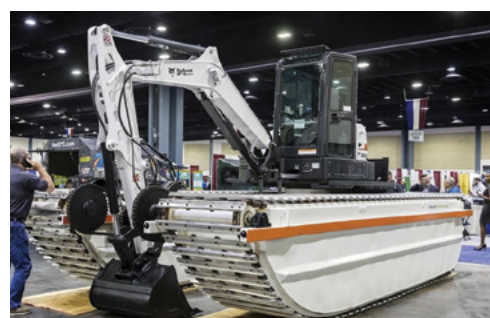
Affordable housing was a hot topic as participants discussed the recently announced housing-related requirements from the Florida Division of Emergency Management; local disaster housing plans will be a required scope of work item

in applications for the 2019 federal Emergency Management Performance Grants (EMPG). A state housing strategy must also be prepared.

There is no doubt that meeting housing needs is a crucial step to the long-term recovery of any disaster impacted community. Meeting those needs requires coordination, technical expertise, and preparation before and after a disaster. Through annual events like the Governor's Hurricane Conference, communities across Florida can better understand what it takes to rapidly deploy resources and better support housing security after a hurricane. Housing disaster education and technical assistance is a core program for the Coalition. **HNN**



From left to right: Shimberg Center's Bill O'Dell, Florida Housing Coalition's Gladys Cook, and Enterprise Community Partners' Laurie Schoeman. Schoeman addressed mitigation treatment for affordable multifamily housing and how property managers and owners can prepare. O'Dell discussed a prototype inundation data model designed to identify potential flood-related risks to multifamily housing.



MICHAEL CHANEY

Michael Chaney is a Technical Advisor for the Florida Housing Coalition, specializing in SHIP, homebuyer counseling, foreclosure prevention, and disaster recovery programs. He has 21 years of experience providing technical assistance to local government, nonprofit housing professionals, and consumers throughout Florida. Michael holds a Bachelor's degree from Loyola University in New Orleans and a Master's of Social Work Administration from Florida State University, where he has served as an adjunct faculty member of the housing department.

Florida Must Have an Improved Disaster Recovery System

By: Gladys Cook



Florida's Sadowski State and Local Housing Trust funds were diverted from statewide housing programs to hurricane recovery in the Panhandle. Helping those suffering from the aftermath of a hurricane at a time when federal funds have not arrived made sense to everyone. But it is undeniable that diverting those funds from the rest of the state further exacerbates the desperate need for Sadowski funds to alleviate the housing crisis Florida faces unrelated to natural disasters.

Using past disasters as a guide, communities in Florida can reasonably expect to wait well over a year for federal hurricane recovery funding to reach homes and neighborhoods. To better respond to natural disasters and build new homes or repair damaged ones, and provide immediate rental assistance for sufficient duration, there must be systemic changes at the federal and state level. This article spotlights the pain points in the current system and offers concrete solutions for making game-changing improvements.

The Long Wait for Federal Funds

Funds from the federal level are typically appropriated by Congress and passed through federal agencies to states. The U.S. Department of Housing and Urban Development (HUD) is the federal agency primarily responsible for passing through housing recovery funds to state agencies. HUD Community Development Block Grant Disaster Recovery

(CDBG-DR) funding must be appropriated by Congress when a presidential declaration of disaster is made. The amount of funding is based on FEMA damage assessments along with estimates of private insurance, Small Business Administration (SBA) loans, and charitable giving. CDBG-DR funds flow to Florida's Department of Economic Opportunity (DEO) and ultimately to homes in disaster impacted communities. The time it takes for HUD disaster recovery funds to be appropriated by Congress and ultimately disbursed for housing projects is long, typically taking 18 to 20 months.

As recovery continues for devastating hurricanes of 2017 and 2018, there is broad consensus that the prolonged approval and program design phases of the CDBG-DR program must be overhauled. A March 25, 2019 GAO (US Government Accountability Office) report addressed the need for expediting CDBG-DR funding by stating: "Congress should

The Pathway for \$1.4 Billion in Disaster Recovery Funding for Hurricane Irma:



Sept. 10, 2017

Hurricane Irma
Hits Florida

Sept. 29, 2017

Congress appropriates
\$7.4 Billion CDBG-DR for
Harvey, Irma and Maria

Nov. 2017

HUD allocates
\$616 million CDBG-DR
for Florida

Feb. 2018

Congress appropriates
\$28 Billion more for unmet
needs of 2017 disasters

Apr. 2018

HUD allocates \$791 million
for Florida for unmet
needs AND mitigation

consider legislation establishing permanent statutory authority for a disaster assistance program administered by HUD or another agency that responds to unmet needs in a timely manner and directing the applicable agency to issue implementing regulations.”

To read the GAO report, navigate to: <https://www.gao.gov/products/GAO-19-232>

Recommendations for Reducing the Wait

Understanding funding from Congress is and will continue to be crucial to meeting the needs of disaster-impacted Florida communities, changes to the federal system would greatly benefit our state. These are the actions, in priority order, that are most critical:

1. Permanent statutory authority for CDBG-DR. This would give HUD the authority to allocate funds to states impacted by natural disasters without first waiting for Congressional appropriation. The House passed a bill permanently authorizing CDBG-DR in July and a companion Senate bill has been proposed. HUD would still require DEO to prepare an Action Plan and conduct citizen participation procedures prior to its approval. The permanent authorization of CDBG-DR could save as much as four to five months in the overall approval process from disaster relief act to allocation.
2. Agreement with the State of Florida, pursuant to the 2018 Amendments to the Stafford Act, permitting Florida to be reimbursed from HUD CDBG-DR monies for any state funds that are expended on eligible activities after the President has declared an emergency and before the state has received its CDBG DR funds for that emergency. The impact of this one change would be enormous, as Florida could use funds from its coffers to immediately respond to its resident's needs knowing those funds would be reimbursed by the federal government.

Recommendations for Improving the Federal Response System

1. Full adoption of FEMA's National Disaster Recovery Framework (NDRF), as supported by Congress' 2018 Disaster Recovery Reform Act. The Disaster Recovery Reform Act authorizes a transition to a state managed housing recovery framework. This places a greater responsibility on state and local agencies to assist in preparation and recovery efforts at the local level.
2. FEMA should, in conjunction with HUD, deploy the Disaster Housing Assistance Program (DHAP), a 12-24-month rental assistance program. This alleviates the multi-faceted challenge of extended stay in temporary accommodations. FEMA disputes the effectiveness of the program, but the overall structure of long-term

The State of Florida could use its own funds and other reserves for disaster recovery in the short-term and receive reimbursement from federal funds once those resources are available. In pursuit of this common sense approach, Senator Montford (D-Tallahassee) proposed establishing a statewide Disaster Recovery Task Force in the 2019 legislative session. The proposal was not adopted by the Legislature. Senator Montford's proposal was an important step toward a state-based operation to identify sources of recovery money that would be available in the short term and create a permanent disaster recovery authority to address ongoing needs.



Apr. 2018

DEO circulates
Action Plan Draft



July 2018

DEO engages disaster
recovery consultant -
Rebuild Florida begins



Aug. 2018

HUD approves
Action Plan



Jan. 2019

HUD approves
substantial amendment
to DEO Action Plan



June 2019

FHFC holds workshop
on CDBG-DR Workforce
Housing RFAs



June 2019

Rebuild Florida -
some home repairs
have started



rental assistance would serve lower income renter households.

Recommendations for Improving the State Response System

Disaster recovery is exceedingly complex, and requires coordination across local, state, and federal agencies. In addition to changes at the federal and state level, Florida's disaster recovery system should make a concerted effort to improve coordination between state and federal agencies.

1. First and foremost, Florida should create a permanent, statewide housing disaster authority (Housing Disaster Authority) positioned within a state agency with the administrative framework that would coordinate "recovery preparedness" across the state including leveraging blue sky mitigation and resilience strategies along with the coordination of disaster recovery strategies starting with emergency response and throughout long term recovery. Housing recovery is a long-term endeavor requiring high levels of coordination, major public and private financial resources and human capital including volunteers, contractors, and grant managers. Long term recovery should start within 30 to 60 days after a disaster.
2. Bolster the mitigation and resilience programs that allow for strengthening homes to withstand future disasters. Low-income households are more likely to face increased danger from hurricanes because they may live in older mobile homes, substandard housing, or in locations with no flood prevention infrastructure. Mitigation dollars would be targeted to housing providers if the entity distributing the funds was a housing specialist, rather than the emergency management sector broadly.
3. Continue to use the Florida Housing Finance Corporation to administer the disaster recovery funding for the development or preservation of multifamily housing. Again, the source of the funding provided to the FHFC should be a source that will be reimbursed by federal funds, such as Florida's Budget Stabilization Fund. Using Sadowski Local and State Housing Trust funds places too great a burden on state housing programs when funds are diverted to disaster recovery.
4. The Governor can ask the President or FEMA to deploy certain repair or rental assistance programs. The STEP temporary repair program was requested for Hurricane Irma recovery but not for Hurricane Michael. The Disaster Housing Assistance Program (DHAP) which provides rental vouchers administered through HUD was not requested by the Governor during the Irma or Michael response period and was not made available.

This is a missed opportunity that could have helped displaced survivors move back home or have a suitable place to live during recovery.

5. FEMA and Florida DEM must better coordinate with local and regional housing assistance providers to better address the specific needs of low-income and vulnerable populations. Low-income households and Florida's most vulnerable populations – seniors, persons with a disability, people experiencing homelessness – are less likely to have the capacity to prepare for a disaster.
6. FEMA and Florida DEM should deploy a rapid repair program such as Sheltering and Temporary Essential Power (STEP) to allow homeowners to return to their damaged home while more extensive repairs are made. The program was used on a limited basis in Monroe and Collier Counties after Hurricane Irma. The RAPIDO model in use in Texas permits a modular core of a home to be placed on a cleared lot so the family can move home while they add to the core to complete their home.

Florida does a great deal right when it comes to hurricane recovery. Most notably, we have an existing infrastructure of SHIP offices that are perfectly positioned to deploy hurricane CDBG-DR funds at the local level. Having SHIP offices throughout Florida with trained staff has made Florida the success it has been in recovering from storms and improving housing resilience to avoid future storm damage.

In Conclusion

Florida does a great deal right when it comes to hurricane recovery. Most notably, we have an existing infrastructure of SHIP offices that are perfectly positioned to deploy hurricane CDBG-DR funds at the local level. Having SHIP offices throughout Florida with trained staff has made Florida the success it has been in recovering from storms and improving housing resilience to avoid future storm damage. Our SHIP and SAIL programs are so excellent that they are the models that we use for deployment of disaster funds.

We also have an amazing network of volunteers and charities that come to the rescue first to save lives and property. The members of the Volunteer Organizations Assisting in Disasters (VOAD) is a powerful resource that relies on donations and contributions. Florida's Habitats for Humanity have been instrumental in making thousands of repairs to the homes of lower income households across Florida. They are well organized and proficient in deploying not only human capital but managing large public funding allocations.

The Florida Housing Coalition is committed to guiding and advocating for systemic changes in how we rebuild housing after a disaster and how we prepare by strengthening our existing housing stock to be more disaster resilient. First and foremost, we need a permanent authorization for CDBG-DR. Second, we need to be able to deploy state funds with the assurance those funds will be reimbursed from the HUD CDBG-DR funds when those funds finally arrive at the state level; and third, we need to create a Disaster Housing Authority within the DEM. The Coalition's weekly Hurricane Member Updates, sponsored by Fannie Mae, share the latest information on disaster recovery and is a forum for discussion on how to better respond and prepare. The

Coalition has published a Disaster Recovery Guidebook and offers housing disaster recovery training and technical assistance as part of the Catalyst program.

For more information contact Gladys Cook at cook@flhousing.org or visit our disaster recovery page on our website at www.flhousing.org/disaster-recovery. Registration for the weekly hurricane member updates is available at that link. **HNN**

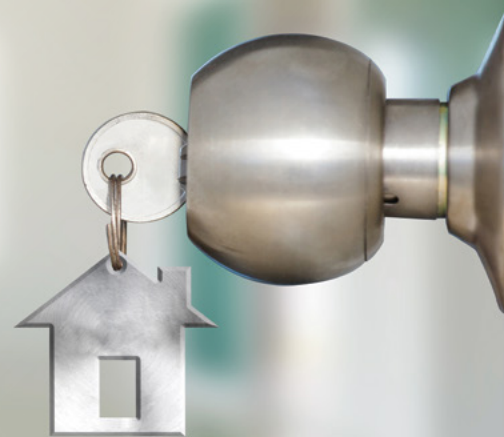


GLADYS COOK

Gladys Cook is the Disaster Housing Recovery Director for the Florida Housing Coalition. Gladys provides research and analysis in the formation of disaster recovery strategies for the equitable redevelopment of housing. She produces a weekly disaster recovery webinar for housing professionals and provides training and technical assistance to communities and organizations in the financing of housing development and rehabilitation. Gladys specializes in land banking and the use of surplus land for community land trusts. She offers capacity building and strategic planning for organizations including predevelopment, underwriting and compliance for homeownership, rental, and supportive housing.

The Table is Set in Florida for Community Land Trusts and Subsidy Retention

By: Ashon Nesbitt



The community land trust model employs a subsidy retention approach to homebuyer assistance. This is different from the subsidy recapture approach most local governments use to provide homebuyer assistance. SHIP funds are often used to provide down payment assistance to low- and moderate-income first-time homebuyers in the form of loans. These loans are usually deferred payment loans, where the homebuyer makes no payments while living in the home. In some cases, the local government may require debt service. In virtually all cases, the security documents call for the homebuyer to repay some or all of the funds upon sale of the home. Those funds return to the local government as “recaptured” funds. The funds recaptured from home sales can then be used to assist another eligible household. However, the household originally assisted by SHIP down payment assistance can sell their home to any willing buyer with no limits on price or income-eligibility.

While this approach may increase revenue available to the local government, it fails to address the growing affordability gap of constantly increasing home prices requiring ever larger subsidies to make the home affordable. It also fails to address the limited supply of affordable housing because a previously SHIP-assisted homeowner will sell their home for the highest amount the open market will bear, just like any other seller. In most cases, this results in a home permanently lost from the inventory of affordable housing. A greater amount of resources will be needed to add a new affordable housing unit to make up for the unit lost.

Subsidy retention is an alternative approach. Subsidy retention takes the same subsidy local governments would normally provide to an individual homebuyer and invests it in a unit. This one-time investment keeps the house perpetually affordable to homebuyers at the same income level through accompanying restrictions on resale price and the income-eligibility of subsequent purchasers, thus providing a direct benefit to successive home buyers of the same house. These

restrictions remove the house from the speculative (open) market after it is sold and remains forever in the affordable housing inventory. Subsidy retention can be achieved through deed restrictions, but the most effective vehicle for subsidy retention is the community land trust. The CLT is a mission-based, nonprofit organization that maintains ownership of the land, conveying interest to the homeowner through a 99-year ground lease that contains resale restrictions on the sales price of the improvements (the home) and the income eligibility of subsequent purchasers.

To facilitate the use of traditional down payment assistance with community land trust purchases, the Florida Housing Coalition developed model community land trust technical language for down payment assistance strategies. Local governments can incorporate this language to existing down payment assistance strategies through the technical revision process. For local governments interested in the community land trust (CLT) model, using this Florida Housing Finance Corporation (FHFC)-approved language

eliminates the need to create a separate strategy for community land trusts.

The CLT technical language allows local governments to apply the following special terms for down payment assistance with community land trust purchases:

- Makes the initial down payment assistance assumable to subsequent income-eligible purchasers
- Requires no repayment if the loan remains in good standing
- Reduces the subsequent sales price in an amount equal to the initial SHIP down payment assistance

Benefits to the Homebuyers

These special terms benefit the initial and subsequent homebuyers.

1. By making the assistance assumable, the assistance flows to the initial and subsequent purchasers.
2. For local governments that normally require repayment during the term of the loan, a homebuyer may receive an added benefit of no debt service with a community land trust purchase.
3. The sales price to subsequent purchasers is further reduced by requiring the CLT to exclude the value of the down payment assistance from the base price used to calculate the sales price for subsequent purchasers. For example, a homebuyer decides to purchase a home from a CLT for \$175,000. This CLT allows for 1% increases in sales price each year. The homebuyer brings \$25,000 in down payment assistance. Instead of applying 1% starting at \$175,000, the CLT would apply 1% starting at \$150,000, increasing the affordability to the subsequent homebuyer. The balance of the down payment assistance is both added to the reduced sales price and assumed by the subsequent buyer for a net zero effect.

Benefits to the Local Government/Public

These special terms also benefit local governments and the public.

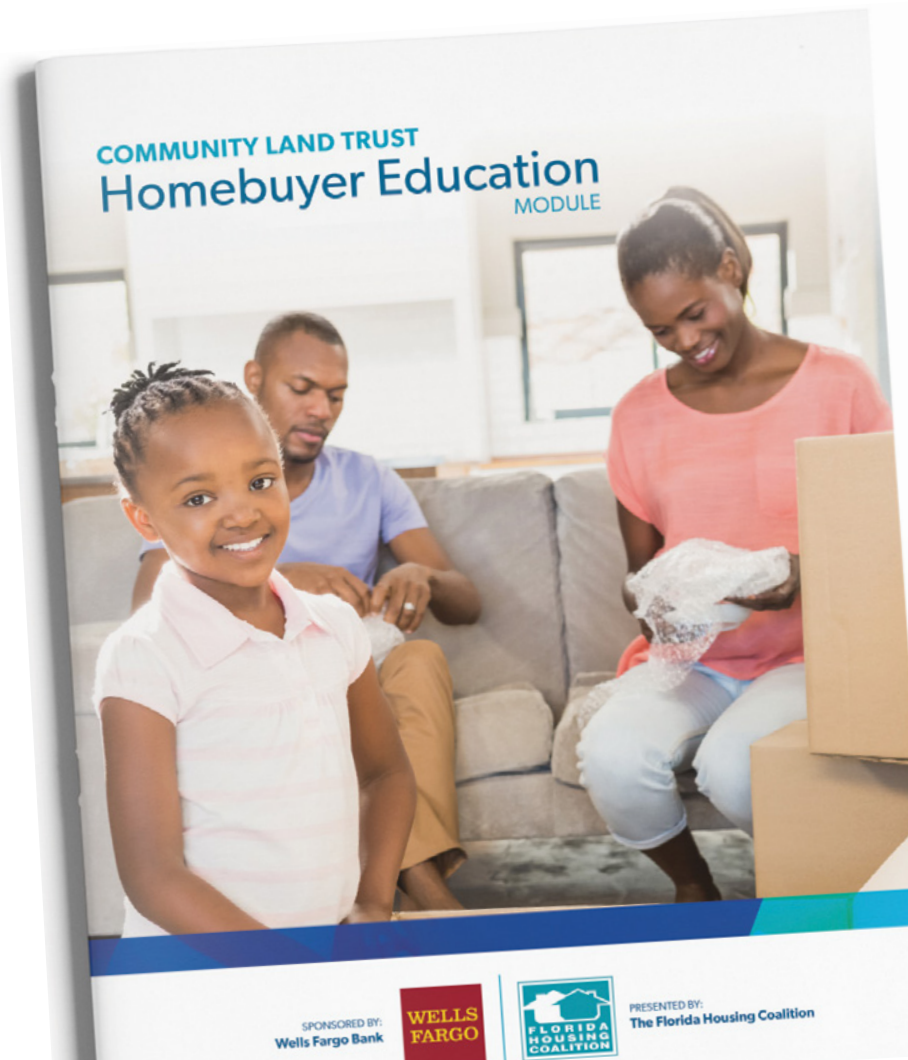
1. The CLT, as steward of the public investment, will ensure the home is sold to another income-eligible (SHIP) purchaser through requirements in its ground lease. While the loan is assumable (stays with the home), it still must be repaid in an event of default.

2. The CLT through its ground lease, retains a right of repurchase. Should the CLT decide to exercise its right, it must also repay any remaining balance of the down payment assistance. While the funds may return to the local government, the unit is saved and remains affordable through the restrictions in the CLT's ground lease.
3. Should the CLT not exercise its right of repurchase, the special terms allow the local government to intervene directly by purchasing the home.

CLT Certification

These special terms create a close relationship between local governments and CLTs as stewards of those funds. Therefore, the model language calls for homebuyers to purchase homes from an "approved" CLT. The Florida Housing Coalition has created a program that local governments can utilize to determine if a CLT should be approved: The CLT Certification Program. This program, first announced in August 2018, has been developed in collaboration with Freddie Mac, and will be implemented beginning in the fall of 2019.

The CLT Certification program will employ a rigorous review of a CLT's operations based on national



CLT best practices. A critical component for CLT Certification is a state of the art homebuyer education module specifically for prospective CLT homebuyers. To help agencies providing homebuyer education for SHIP down payment assistance, the Florida Housing Coalition, with funding from the Wells Fargo Foundation, developed a CLT homebuyer education module that agencies can incorporate into existing homebuyer education classes.

While purchasing a CLT home brings with it all the benefits and responsibilities of traditional homeownership, there are some key differences. In purchasing a CLT home, a homebuyer must understand how their interest in the property is divided between the home (improvements) and the land. The homebuyer must also have a clear understanding of key terms in their ground lease, particularly what the house can be sold

for, who it can be sold to, the procedures for selling the home, and what to do if the homebuyer is having trouble making mortgage payments. The module explains the division of interest in detail, explores key provisions of the ground lease, and highlights the benefits of CLT homeownership including reduced property taxes. Additionally, the module helps homebuyers to think ahead about moving from CLT homeownership to traditional homeownership.

The launch of the CLT Certification program, created in collaboration with Freddie Mac, including a detailed description of the program and an introduction of the first CLTs to enter the program, will be held on Day 3 of the 2019 Annual Affordable Housing Conference. The Florida Housing Coalition will also introduce the CLT Homebuyer Education module sponsored by the Wells Fargo Foundation. **HNN**



ASHON NESBITT

Ashon Nesbitt is a Technical Advisor with the Florida Housing Coalition, specializing in local government land use planning and affordable housing development. Ashon has Master's degrees in Urban and Regional Planning and Real Estate from the University of Florida, and a Bachelor of Science in Architectural Studies degree from Florida A&M University. He heads up the Florida Community Land Trust Institute.



The CLT Training and Certification Program

Developed by the Florida CLT Institute, a program of the Florida Housing Coalition in collaboration with Freddie Mac

Launching August 28, 2019 at the Florida Housing Coalition CLT Symposium




- To promote best practices for the industry
- Standardization of key documents and procedures
- To increase lending for CLT homebuyers
- To encourage local governments and other funders to value subsidy retention over subsidy recapture
- To create affordable homeownership that helps one family after another, in perpetuity
- To facilitate a robust land banking and surplus lands program
- To promote fair housing and equitable redevelopment

The launch of the CLT Training and Certification Program will explain the steps for participation. We will also hear from The Florida CLT Institute's Steering Committee comprised of:

Bright Community Trust 🏠 Delray Beach CLT 🏠 Hannibal Square Community Land Trust
CLT of Palm Beach County 🏠 Roof Housing Trust 🏠 South Florida CLT

This event should be of particular interest to local governments, lenders, and nonprofits considering or maturing a CLT program.



Opportunity Zones:

Exploring the Second Tranche of Regulations, the Role of Government, and Ensuring Equitable Development

by Kody Glazer

In our December Journal, the Florida Housing Coalition provided an overview of the new Opportunity Zones (OZ) incentive. We discussed how the program functions to attract investment into low-income communities and what the program means for affordable housing and community development. At that time there was only one batch of proposed regulations from the Treasury Department and there were many unknowns about the program: Would projects in OZs serve existing communities or would they displace residents? What role would local government play in OZs? How would OZs interact with other programs such as the Low-Income Housing Tax Credit, New Markets Tax Credit, Brownfields, and other initiatives? How would OZ projects be structured financially?

Now, six months later and an additional set of rules published on April 17th, some of the same questions remain while others have been answered. Overall, we now have a better sense of what the program will entail and how community advocates can be involved. From an affordable housing and community development perspective, it is still up to investors, local governments, philanthropies, foundations, bankers, community advocates, and others interested in equitable development to ensure that the Opportunity Zones incentive benefits the low-income communities the program was designed to serve.

The Opportunity Zones program is proving to be the most hands-off federal initiative designed to spur economic development in low-income communities over the past 50 years. Current IRS regulations do not require OZ projects to meet affordable housing requirements or other reporting standards that have characterized Enterprise Zones, the Low-Income Housing Tax Credit, the New Markets Tax Credit, and similar past programs. The regulations, to this point, have

been investor-centric and lack meaningful guidance as to how to engage the communities within OZs. As a result, it is still up to well-intentioned, community-centric parties to make sure that the program works effectively from an equitable development standpoint.

Role of Local Government

In February, the Florida Housing Coalition hosted a seminal webinar on the role of local government in the Opportunity Zones incentive. That webinar, sponsored by PNC Bank, is available on the Opportunity Zones section of our website (www.flhousing.org/opportunity-zones). To maximize the potential of OZs, local governments can act as a matchmaker, investment promoter, and steward of community resources. At its core, local government can be a place where all members of the community come together to plan for revitalization and equitable growth. To help realize these plans, local governments can work to attract investment into Opportunity Zones, connect interested parties to plan for community-centric projects, and ultimately utilize their

land use authority to plan and prepare for OZ investment. The dozens of connections to local governments established following our Webinar demonstrates the degree to which our local government partners recognize the role they can fill in OZs.

Second Tranche of Regulations

On April 17, the Treasury Department released the second tranche of OZ guidance. The 169-page document contains guidance regarding asset tests, fund operation, real estate treatment, and other key issues. This Article highlights those areas relating to affordable housing and community development.

1. Gross Income Test for Operating Businesses

For an investor to receive the favorable tax treatment under the program, the investor must deploy capital gains into a Qualified Opportunity Fund (QOF). A QOF is any investment vehicle organized as a corporation or partnership for the purpose of investing in qualified opportunity zone property and qualified opportunity zone businesses. To be a QOF, the entity must hold at least 90% of its assets in qualified opportunity zone property or businesses. To be a Qualified Opportunity Zone Business, the entity must be a trade or business that holds at least 70% of its assets in an Opportunity Zone. Further, 50% of the business's gross income must be derived from active conduct in an OZ.

The second tranche clarifies what is meant by "active conduct" within an OZ. Some commenters were concerned that a stringent definition would bar businesses from creating products within an OZ and then shipping them to destinations outside of a designated OZ. If "active conduct" was confined to creating and selling goods solely within an Opportunity Zone, a start-up tech business that shipped goods throughout the country, for example, would be deterred from setting up shop in an OZ.

Under the second tranche of guidance, a business can meet the "active conduct" requirement through three safe harbors and a facts and circumstances test. The first safe harbor requires that at least 50% of the services performed (based on hours) are performed within an OZ. If a business can meet this test, it qualifies as a Qualified Opportunity Zone Business. Second, if a business can show that at least 50% of the amount paid for services performed are within an OZ, it also qualifies. Third, a trade or business can satisfy the active conduct test

if the tangible property of the business within an OZ and the management or operational functions performed are each necessary to generate 50% of the gross income of the trade or business. If a business cannot meet one of these three tests, it can still meet the active conduct test if, based on all the facts and circumstances, at least 50% of the gross income is derived from active conduct within an OZ.

2. Leased Property

The Opportunity Zones statute states that OZ property must be "purchased" for parties to receive favorable tax treatment. The second tranche of regulations clarifies that one may "purchase" property by either owning it or by leasing it. Leased tangible property may be treated as qualified opportunity zone business property as long as the lease was entered into after December 31, 2017 and as long as substantially all of the use of the property is in the OZ during at least 90% of the period for which the business leases the property.

Improvements made by the lessee satisfy the original use requirement and are considered purchased property under the statute; QOFs can deploy capital to businesses who lease their property. The lease must be a "market rate lease" and if the lessor and lessee are related, the regulations specify certain requirements.

The leasing provisions in the second tranche of regulations are particularly intriguing from a community development perspective. A chief concern for many community advocates prior to the regulations centered on potential displacement concerns not only for residents but also for existing businesses, many of which lease operating space in small commercial plazas and main street commercial centers. The lease provisions in the second round of regulations permit existing businesses to benefit from the OZ incentive without having to purchase space of their own.

3. Working Capital Safe Harbor

The first batch of guidance offered a working capital safe harbor which gave QOFs a 31-month window to deploy capital into OZs as long as the QOF followed a written plan as to how the capital gains were to be deployed for the acquisition, construction, and/or substantial improvement of tangible property. The second batch expands this safe harbor to include planning for the development of a new trade or business. Further, the new regulations state that exceeding the 31-month window does not violate the safe

harbor if the delay is attributable to waiting for government action pertaining to the investment.

In practice, this means that a QOF does not need to deploy all the capital gains into a project by the end of 2019 to receive the most favorable tax treatment or to begin deferring capital gain taxes. Provided the QOF follows a written plan as to how it will deploy initial capital gain investments over time, investors can begin to reap the tax benefits once they place capital gains in a QOF.

Those even superficially familiar with real estate understand that development can be challenging and time consuming. These working capital safe harbor provisions advance the interests of real estate in the OZ incentive by offering flexibility and time to conduct predevelopment activities before the incentive's capital deployment deadline kicks in.

4. Vacant Property

To qualify as opportunity zone business property, the original use of the property must commence with the QOF or the QOF must substantially improve the property. The second tranche holds that where a building or other structure has been vacant for at least five years prior to being purchased by a QOF or a qualified opportunity zone business, the purchased structure will satisfy the original use requirement. This requirement is important for adaptive reuse projects, such as the redevelopment of shopping center properties into mixed use developments for affordable workforce housing and businesses and other projects that return abandoned structures to valuable uses.

5. Unanswered Questions

Conspicuously absent from the second tranche of guidance is any reference to reporting requirements or performance standards. There are no requirements for OZ projects to meet certain goals or report on items such as jobs created, affordable housing units developed, amount of investment in locally-owned businesses, or other community-centered metrics. This means the Opportunity Zones program still has the potential to simply be a tax-break for those with capital gains without regard to equitable development or alignment with community goals. Without guardrails from the federal government in regard to community benefit, it is up to local and state governments, community leaders, and well-intentioned investors to ensure that OZ projects benefit the residents within designated OZs.

We should note that the IRS did issue a separate request for information on data collection and tracking for qualified OZs. The IRS offered a 30-day window for comments, ending on May 31, 2019. Within the text of the RFI, the IRS suggested comments related to measures of economic development like job creation and poverty reduction. While these objectives are valuable, especially reducing poverty, the IRS missed an opportunity to define other metric categories, like the number of affordable housing units created by a QOF, or the number of new jobs generated through development of affordable housing.

Under current regulations, for an existing use to qualify as opportunity zone business property, the QOF must substantially improve the property. However, in determining substantial improvement, the regulations only consider improving the value of improvements on the land – not the land itself. Environmental cleanup is unique in that it requires the improvement and replenishment of the land underneath buildings. Further, the nature of this cleanup would require a timeframe longer than the 31-month working capital safe harbor that currently exists. The regulations in their current form do not contemplate environmental remediation of land. To maximize the potential of OZs, the costs of environmental remediation and the unique nature of the Brownfields program as a tool for development in lower income areas, especially around old industrial sites, seems to be a missed opportunity for making the most of the Opportunity Zones program.

Federal Government Role

In recent months, the federal government has taken a more proactive role in the Opportunity Zones incentive. In December 2018, Executive Order 13853 established the White House Opportunity and Revitalization Council. The Council consists of representatives from all the federal cabinet agencies and other federal offices. A mission of the Council is to work across agencies to assess the actions each agency can take to prioritize or focus Federal investments on distressed communities, including OZs. The Council is also tasked with recommending policies and evaluating methods by which to streamline administrative burdens, prioritize OZs in federal actions, and aid community-based applicants. The Executive Order directed the Department of Housing and Urban Development (HUD) to provide the funding and administrative support for the Council and directed the HUD Secretary to designate an Executive Director.

In April of 2019, HUD published a request for information seeking input on how it can act to encourage public and private investment to maximize the beneficial impact of OZs. Specific questions included: what tools can HUD provide to make local communities, investors, and other stakeholders more aware of the full range of Federal financing programs and incentives available to projects located in OZs? What policies could HUD implement that would help community-based applicants identify and apply for relevant federal resources?

Secretary Ben Carson has proven to be an outspoken advocate for Opportunity Zones – appearing at dozens of OZ-related conferences across the country. In May, it was announced that the Federal Housing Administration (FHA) would provide a set of incentives to encourage affordable multifamily property owners to invest in OZs. The FHA announced it would reduce application fees for certain affordable housing programs in OZs and will designate a team of underwriters to expedite review of applications. Based on the work of HUD and the White House Opportunity and Revitalization Council, similar incentives are expected.

There is some concern in Washington evidenced by a bipartisan coalition of Senators who introduced a bill in May that would require the Treasury Department to collect data on the number of opportunity funds created and the impact the funds are having on underserved communities. The goal of the bill is to increase transparency and help Congress assess the impact OZ investments have on job creation, poverty reduction, and support for new businesses.

Philanthropy & Foundation Involvement

Because the federal government is taking a hands-off approach when it comes to how projects within OZs are to benefit existing communities, it is up to well-intentioned persons with capital gains to utilize the initiative for community good. The Florida Housing Coalition is working with philanthropy and community foundations to get involved in Opportunity Zones.

Community foundations are in a great position to maximize the goals of the OZ incentive. Not only can community

foundations involve existing low-income communities in the development process, they can align persons with capital gains with beneficial projects. These organizations can act as the middleman and connect investors, community leaders, philanthropists, and other stakeholders to develop localized OZ strategies for equitable development. Investors with a vested interest in the success of their local communities may be the greatest asset in shaping the success of OZs.

Conclusion

The Opportunity Zones incentive is an ideal source of capital for building and maintaining long-term affordable housing. Impact investors, local philanthropists, and other well-intentioned persons with capital gains can deploy capital into affordable housing projects within OZs and in ten years or later, recoup tax-free appreciation on the sale of their interests in the affordable housing project. This incentive structure, if done properly and in coordination with local communities, can bring much-needed capital to historically underserved communities and be a win-win for both lower-income individuals and investors. Community-minded philanthropists can recycle their tax-free appreciation and re-invest in OZs and other low-income areas for years to come.

Education is needed to shape the success of the program. Many residents living within OZs may not know they are in an OZ at all – leaving them vulnerable to the possibility of displacement from new development. Policymakers, philanthropies, individuals with capital gains, and existing businesses within OZs may be unaware of the incentive itself or how it can be utilized to benefit low-income communities. It is essential that low-income advocates continue to educate and engage with local governments, community leaders, and other interested parties to utilize the OZ incentive for equitable development. The Florida Housing Coalition is available to assist the public and private sector to ensure equitable development in Opportunity Zones. **HNN**



KODY GLAZER

Kody Glazer is the Legal Director with the Florida Housing Coalition, specializing in local and state governmental affairs, fair housing, land use, and environmental law. He graduated Magna Cum Laude from the Florida State University College of Law, where he served concurrently on the Law Review and the Journal of Land Use & Environmental Law.



Congregation-Based Community organizations are powering Grassroots Campaigns for Affordable Housing in Florida

By: Blaise Denton

Across Florida, Congregation-Based Community Organizations (CBCOs) bring together large, diverse groups to lobby for justice. CBCOs are advocacy groups using the power of faith and numbers to lobby local officials on social justice issues. In Florida, these groups are often affiliated with either Direct Action and Research Training Center (DART) or Faith in Action (formerly PICO). These umbrella organizations offer training, resources, and support to local groups to stand up local initiatives led by local advocates.

How it works

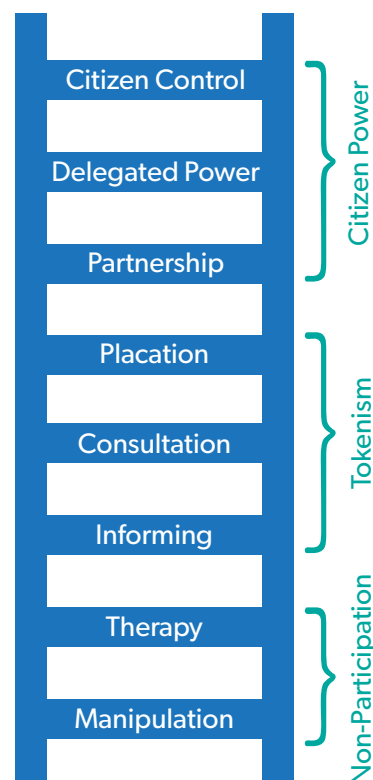
Every year, faith and community leaders affiliated with these CBCOs meet with their congregation to discuss the community's most pressing social justice issues. Once each congregation chooses its slate of issues, a representative (often clergy) will meet with other leaders to select a few priority issues that the CBCO will focus on over the next year.

After several months of community talks and workshops and research by the community, a "Nehemiah Action" is organized to address a priority issue. This event, which usually brings together thousands of congregants and community members, involves hearing from individuals negatively impacted by the selected social justice issue. This human-focused approach helps highlight the real-world consequences of leaving the chosen issue unaddressed. The organizers also typically pressure local elected officials to come to these events, hear testimony, and pledge to address the issue through whatever means necessary.

Arnstein's Ladder of Citizen Participation

The CBCO approach to activating dialogue around a pressing issue in the community is an effective way to engage communities in policy making. Even well-meaning affordable

Eight Rungs on the Ladder of Citizen Engagement



(Arnstein's Ladder of Participation, Arnstein, Sherry R. "A Ladder of Citizen Participation," JAI, Vol. 35, No. 4, July 1969, pp. 216-224)

housing non-profits and local government agencies may be staffed by professionals divorced from the concerns of the people they serve. Similarly, members of the community who care deeply about affordable housing in their community, do not have the background or connections to seriously engage with affordable housing policy. This is particularly true for less financially secure people who often lack the time, resources, or knowledge to navigate complex public engagement processes.

This divorce between policy and people can lead to citizen participation failures. Sherry Arnstein, in her influential paper “A Ladder of Citizen Participation,” details the eight types of citizen participation. These eight steps, from manipulation to citizen control, provide a useful guide for assessing the efficacy of governments and nonprofits in engaging with communities they serve.

Congregation Based Community Organizations create a forum for community engagement that falls under the “citizen power” grouping on Arnstein’s ladder. By listening and researching, then “delegating power” to community representatives, as well as engaging in large scale community engagement events like Nehemiah Actions, a broad spectrum of community members can influence policy. These groups also allow nonprofits and local governments to hear from poor and wise marginalized members of communities that rarely attend public engagement sessions. This can create better policy, a more engaged community, and a more responsive government.

What They Have Done in Florida around Affordable Housing

In Florida, CBCOs have made significant changes to affordable housing policy and funding. Below are some recent examples where their efforts were instrumental; this is not an exhaustive list and does not include initiatives currently underway.

Hillsborough Organization for Progress and Equality (HOPE)

HOPE has advocated for the Hillsborough Affordable Housing Trust Fund for several years. Because of their efforts, \$5,125,000 was set aside from general revenue for the construction and

rehabilitation of affordable housing in the 2019 Hillsborough County Budget and County commissioners have pledged to dedicate a total of \$10 million. They are continuing to advocate for affordable housing by pushing for the spending/allocation of these funds to be open, transparent, and timely, and by demanding ongoing funding for the Trust Fund.

People Acting for Community Together (PACT)

PACT has worked to address affordable housing issues in Miami Dade County since 2014. So far they have successfully encouraged the County to: reactivate the County Affordable Housing Trust Fund, which was inactive for 8 years, appoint a board to oversee the Fund, change the Fund’s policies so that 50% of the funds go to those making less than 50% of the AMI, allocate 25% of all County land sales to the Fund, and allocate half of any carryover from general revenue to the Fund. They have also worked to create a County 5-year affordable housing plan. Through a 2017 Nehemiah Action, the organization pressured the mayor to bring the six cities in the County together to draft the plan. Public meetings and housing practicum are currently underway. Finally, PACT has held a series of affordable housing workshops to educate and engage the faith community.

Polk Ecumenical Action Council for Empowerment (PEACE)

PEACE has been working since 2017 to bring more affordable housing to Polk County. This April, at a PEACE Nehemiah Action, 4 out of 7 City of Lakeland commissioners promised to add 500 affordable housing units for families with homeless children by 2023. Nearly 5% (1 out of every 22) Polk County students are homeless: most of them living in motels or moving between family and friends. They also pressured the mayor to call a commission workshop meeting before June 30th to focus on affordable housing issues for homeless school children.

At the Florida Housing Coalition’s 2019 Statewide Affordable Housing Conference, we will showcase the work of Congregation Based Community Organizations and discuss ways for the broader community, policymakers, and developers of affordable housing to engage with this powerful voice for affordable housing. HNN

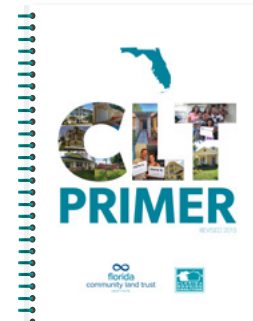
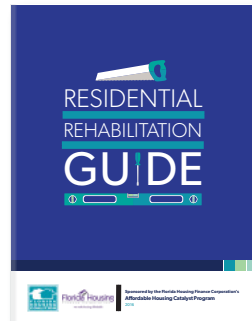
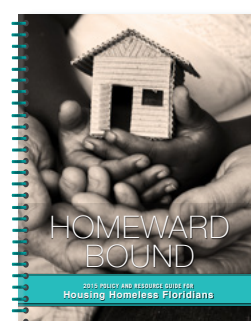
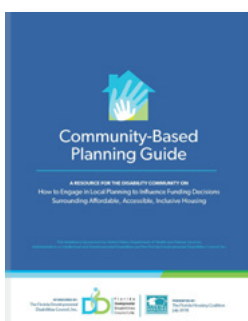
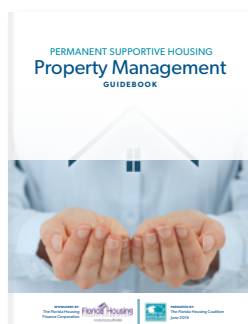


BLAISE DENTON

***Blaise Denton**, Technical Advisor, has years of experience working with state and local government focusing on affordable housing, transportation-oriented development, historic preservation, and special populations issues. Prior to joining the Coalition, Blaise worked as a training and policy specialist at the Florida Department of Elder Affairs.*

FLORIDA HOUSING COALITION PUBLICATIONS

Access these valuable resources and more
under the Publications tab at FLhousing.org



Free Statewide Legal Assistance for Nonprofits


Serving the Low & Moderate Community

The Florida Housing Coalition connects Florida nonprofit housing providers in need of free legal services with attorneys funded by the Florida Bar Foundation. The Florida Community Development Law Project (FCDL) is a collaboration between Legal Services of Greater Miami, Inc. (Project Lead), Legal Aid Service of Broward County, Inc., Community Legal Services of Mid-Florida, Inc., Legal Services of North Florida, Jacksonville Area Legal Aid, and Bay Area Legal Services ("Project Providers"). FCDL started in 2018 as a regional collaboration focused on representation of non-profit organizations and small businesses from Orlando down through Key West.

Due to generous support from the Florida Bar Foundation, FCDL has expanded its service area to include the entire State of Florida and is now the first statewide collaborative of its kind in the country to offer legal services to eligible non-profit organizations and small businesses engaged in community development activities including affordable housing, job creation, education and empowerment, and other economic development endeavors. The FCDL Project also links eligible clients with pro bono attorneys from private law firms.

The FCDL Project attorneys practice in the areas of corporate and real estate law, including all types of financial transactions for the development of affordable housing and preservation of home ownership. They also provide small business development consultations, together with necessary legal assistance.

The Florida Housing Coalition has been assisting FCDL Project attorneys with providing Community Land Trust representation, as well. As part of our partnership with the FCDL Project, the Florida Housing Coalition will be featuring "Office Hours" at our statewide conference in August. We will have the entire FCDL statewide team available for "intake". We will also again feature the FCDL team at the Fifth Third Nonprofit Capacity Symposium on the last day of the conference.

Interested groups may contact the FCDL Project Director, Shahrzad Emami, Esq. at SEmami@legalservicesmiami.org or may apply online for services at www.flcommunitydevelopment.org Click on Apply for Services. 



The types of services provided by the FCDL Project include:

Affordable Housing

- Single family homeownership (new construction and rehabilitation)
- Multi-family rental
- Single-room occupancy (SRO) housing
- Emergency, transitional and special needs housing
- HUD Section 202 housing, section 811, etc.
- Limited equity cooperative conversions
- Land trusts
- Low-income tax credit and bond financed projects
- Construction Contract Drafting
- Land Acquisition
- Partnership Agreements

Small Business Assistance

- Choice of entity and drafting governance documents
- License and regulatory applications
- Contract drafting
- Lease negotiations
- Dispute resolution
- Employment relations
- Taxes
- Commercial Lease Review and Negotiation
- Trademarks and Copyrights

Economic Development

- Representation of "affordable lenders" including CDFIs
- Start-up businesses
- Section 3 employment
- Business opportunities for lower income persons
- Mixed use developments
- Commercial developments

Non-Profit Expertise

- Entity selection and formation
- Tax Exempt Status
- Non-profit mergers and acquisitions
- IRS tax matters for non-profit organizations
- Partnerships and joint ventures
- Corporate governance and board training

Project Development Assistance

- Helping non-profits to envision, structure, and finance projects
- Providing assistance regarding operation of projects

Ending Homelessness in Florida

By Amanda Rosado and Elissa Plancher



The Florida Housing Coalition provides training and technical assistance statewide to Homeless Continuums of Care (CoCs) and service providers in Florida through a contract with the Department of Economic Opportunity. At the local level, the Coalition contracts directly with local government to develop and implement plans to end homelessness.

Department of Economic Opportunity

The Coalition, under contract with the Department of Economic Opportunity (DEO) since 2015, provides free training and technical assistance through webinars, workshops, site visits, and phone/email assistance on a broad range of topics to the 27 local CoC Lead Agencies throughout the state of Florida. CoC Lead Agencies are the organizations HUD recognizes to strategically prevent and end homelessness in their region. They are responsible for managing the network of homeless service and housing providers, applying for HUD funds, and creating the strategic plan to prevent and end homelessness in their community based on an annual assessment.

Since 2015, the Coalition has offered 27 day-long regional workshops, 47 statewide webinars, and 97 local site visits through support from DEO. The Coalition provides the most

up to date, nationally recognized best practices in ending homelessness. The training has helped crisis response systems throughout Florida adopt a housing first philosophy, focusing their efforts on permanently housing individuals and families experiencing homelessness as rapidly as possible. Due in part to a strong economy, but also through improved implementation of these best practices, homelessness has dropped by 20 percent since 2015 in Florida, a reduction of 7,309 individuals.

Direct Contract Work

The Florida Housing Coalition helps communities on a deeper level to increase capacity, assess homeless crisis response systems, develop plans to end homelessness, and bring stakeholders together to accomplish this tough work through individualized contracts. This past year the Ending Homelessness Team contracted with seven communities.

Due in part to a strong economy, but also through improved implementation of best practices, homelessness has dropped by 20 percent since 2015 in Florida, a reduction of 7,309 individuals.



Senior staff from CoCs across the state participate in a DEO sponsored workshop in May, 2019.



Elissa Plancher offers insight on managing entities and CoCs.

Most recently, we completed an assessment of Marion County's homeless crisis response system, providing a report to guide their efforts to end homelessness. The report was accepted by both the City of Ocala and Marion County local governments. The Coalition has done similar work in Sarasota, Polk County, and Pasco County. Each community has unique barriers presenting challenges in addressing complex social issues like homelessness. The Coalition is able to bring local communities together to tackle these issues and work together to maximize resources. Don Anderson, Chief Executive Officer of the Coalition for the Homeless of Pasco County, says, "In partnering with the Coalition, we got a clear and unbiased assessment of our CoC's current state. Combine that assessment with the Coalition's knowledge and experience around best practices, we mapped out a plan for the future and quickly secured support to implement it."

In addition to working directly with local governments, the Coalition also contracts with CoC Lead Agencies to complete more in-depth work than can be accomplished through the

statewide DEO contract. These engagements are tailored to address pressing local issues, be they governance challenges, technical assistance for provider agencies or CoC Lead Agency staff, or education and outreach for the community. This tailored approach ensures the Coalition tackles specific priorities at the local level and is best positioned to help end homelessness in Florida.

Homelessness is complex, requiring skill and expertise to implement solutions impacting Florida's most vulnerable citizens. The solution to homelessness is housing. The best practice for ending homelessness is the Housing First model of rapidly rehousing people experiencing homelessness. Homelessness should be rare, brief, and one-time. Best practices for all people experiencing homelessness need to be continually taught and made available to housing and homelessness service providers. The Coalition's Ending Homelessness Team offers training, technical assistance, and consulting with the goal of ending homelessness through permanent housing for every Floridian. **HNN**



AMANDA ROSADO

Amanda Rosado is a Technical Advisor for the Florida Housing Coalition, and is a strong advocate for housing first and recovery-oriented systems of care. She is passionate about utilizing evidence-based practices and providing effective interventions to work with vulnerable populations. Amanda holds a Master's degree in Social Work from the University of South Carolina.



ELISSA PLANCHER

Elissa Plancher is a Technical Advisor for the Florida Housing Coalition, specializing in ending homelessness, managing entity program management, and Continuum of Care grants management. Elissa has a Bachelor's degree in International Affairs and Political Science from Florida State University.

Miracle on Mayo Street

By Milana Walter



From left to right: Housing Inspector Liliana Beltran, Community Development Coordinator Donna Biederman, Ms. M.

Ms. M bought a house on Mayo Street in Hollywood, Florida in 1992. She was 44 years old. The charming 2-bedroom, 1-bath house was built in 1952 and sat on a lot of 8404 square feet. The day she was handed the keys to her new house was an unforgettable, life-changing event.

Throughout her life, Ms. M had the reputation of being a hard-working, multi-tasking woman on a mission to make her American Dream come true. For decades she made a living as a Certified Nursing Assistant (CNA), a licensed hair stylist and a part-time seamstress with seven sewing machines. When she moved her family to Hollywood from the Bronx, she did so because to her, Hollywood represented a quantum leap into a much higher quality of life.

Then in 2017, at 69 years old and only a couple of years short of her mortgage being paid in full, she lost her job. For 28 years she worked for one family. But when the husband passed away and the wife was placed in a nursing home, the relationship with her “other family” abruptly came to a heartbreaking end. Never one to seek help, she convinced herself “this too shall pass.”

Then Hurricane Irma literally blew the lid off her home and exposed a nightmare. The roof was leaking and near collapse. She put her cherished possessions in storage. But her money was very thin, so she moved into her carport.

She was Suddenly Homeless

She “moved” inside her car, parked in the back of the house and quickly felt shame and embarrassment at her situation. She never thought this would happen to her – she was careful, saved as much as she could and never stopped working. She was personally, financially and emotionally devastated by this situation.

The stress drained her energy at times, but her tenacious spirit would reclaim her hope and her faith in God. Ms. M finally realized she needed help to fix this mess.

New Hope from SHIP and Wells Fargo

Help came from the City of Hollywood’s Community Development (CD) Division. City staff including Barbara Lawson, Donna Biederman, Clay Milan, Anthony Grisby, Liliana Beltran, Patricia Williams, and Peggy Eads all helped Ms. M deal with insurance issues, monthly payment adjustments, and housing inspections. Most critically, city staff used the State Housing Initiatives Partnership (SHIP) program to replace her home.



From left to right: author Milana Walter, CDAB member Joann Fullington-Reese, Commissioner Richard Blattner, Mayor Josh Levy, Community Development Manager Clay Milan, Ms. M, Commissioner Peter D. Hernandez, Commissioner Kevin Biederman, Commissioner Traci L. Callari, Assistant City Manager Gus Zambrano.



The City of Hollywood used a portion of its SHIP allocation to replace Ms. M's home.



From left to right: Ms. M, Commissioner Hernandez, author Milana Walter

This project goes beyond improving someone's life. The neighborhood benefits when blighted property is replaced with a new home and lifts the aesthetic (and attitude) of the street."

"Every staff member touched Ms. M's file, as well as her life in a positive way," says Donna Biederman.

Ms. M has a home loan with Wells Fargo and while her mortgage payment is affordable, she needed help to afford housing while her home was demolished and replaced. CD staff worked with the Wells Fargo Housing Preservation Department which agreed to a forbearance agreement with a nominal monthly payment of \$25.00 until she could move into her new home. Additionally, the staff and Wells Fargo worked together to cancel her existing insurance policy, replacing it with Builder's Risk Insurance saving Ms. M a significant amount of money.

The Results are Great, But Could Be So Much Better

"It is important to have SHIP funds available to address these situations for cities and municipalities to assist our citizens. I am sure Ms. M never envisioned this situation happening to her," says Clay Milan. This project goes beyond improving someone's life. The neighborhood benefits when blighted property is replaced with a new home and lifts the aesthetic (and attitude) of the street."

This is why we need all the Sadowski SHIP funds to be used for the SHIP program. If the Legislature did not sweep the funds, the City of Hollywood could help an additional twenty- thirty Low- and moderate-income families like Ms. M's. **HNN**



MILANA WALTER

Milana Walter is a partner in *YourStoryYourWay.com* and a community and business engagement professional who has received many awards, including Black Women's Expo Phenomenal Woman Award, Emmy Award and NBC/Universal Leadership Award. Milana is an advocate for decent affordable housing and is serving her second term as a member of the City of Hollywood Community Development Advisory Board.



AFFORDABLE HOUSING CONFERENCE HOME MATTERS

IN FLORIDA

MONDAY, AUGUST 26

KEYNOTE ADDRESS



KEN LAWSON
Executive Director,
Florida Department of
Economic Opportunity

CONFERENCE WELCOME



AILEEN PRUITT
FHC Vice Chair
PNC Florida Market
Manager
Community Development

STATE OF THE STATE: HOME MATTERS

The Sadowski Act funds Florida's state and local housing trust fund programs that work in tandem with federal housing programs as well as the statewide effort to end homelessness. This is a fast-paced conversation with key professionals working at the state and federal level addressing critical housing programs and the coordinated effort to end homelessness in Florida.



CHERYL HOWELL
Hillsborough County
MODERATOR



GLADYS COOK
Florida Housing
Coalition



JASON JORDAN
American Planning
Association



MARK HENDRICKSON
The Hendrickson Company



ASHON NESBITT
Florida Housing
Coalition



TREY PRICE
Florida Housing
Finance Corporation



DR. SUSAN POURCIAU
U.S. Interagency Council on
Homelessness

HOUSING SUCCESS

Join us for a showcase of why Home Matters in Florida, featuring award winning properties and programs that serve the most vulnerable populations. Developing and preserving affordable housing is no simple feat; this is the time to celebrate your colleagues' success by lifting up approaches and strategies that have worked while gaining inspiration for future work.

CAUCUSES, FORUMS, AND LEGAL SERVICES INTAKE OFFICE HOURS

Join a caucus of your peers, attend a forum on Disaster Housing Recovery, Opportunity Zones, or Ending Youth Homelessness, or meet with a lawyer from Legal Services during “Intake Office Hours” for nonprofits.

- Florida Realtors Caucus
- Habitat for Humanity Caucus
- Housing Counselors Caucus
- Utility Companies and Energy Efficiency Partners Caucus (Sponsored by Duke Energy)
- Ending Homelessness Among Youth and Young Adults Forum
- Disaster Housing Recovery Forum
- Opportunity Zones Forum (Sponsored by Novogradac)
- Legal Services Intake Office Hours (Sponsored by the Florida Community Development Law Project)



RECEPTION

Gather to enjoy friends, colleagues, food, beverages, and music.

The reception is an opportunity to have fun and network with conference participants and presenters.



WORKSHOPS

Workshops provide training in all aspects of affordable housing, including an opportunity to tailor your conference training with the following tracks:

- Faith Based Responses for Affordable Housing
- Housing for People Experiencing Homelessness
- Land Use Planning that Promotes Affordable Housing
- Financing for Affordable Housing

TRAININGS

- Adaptive Reuse and Affordable Housing
- ADUs, Tiny Homes, and Airbnb
- Affordable Housing Through the Economics Lens
- Bankers Can Be Your Best Partners
- By the Numbers: 2019 Rental Market Study
- Coordination with PHAs to Serve Vulnerable Populations
- Diversion Away from Homelessness
- Equitable (Re)development: Gentrification Without Displacement
- Equitable Development: Focus Affirmatively Furthering Fair Housing and Policies for Inclusion
- Equitable Development: Focus on Surplus Lands, TOD, and Long-Term Affordability
- Expanding the Stock of Affordable Housing: Missing Middle and Missing 4% Tax Credits
- Faith Based Grassroots Advocacy for Housing
- FCDA - "Show Me the Money" - Maximizing Funding Opportunities to Develop Affordable Housing
- FHFC Homeownership and Non-Profit Renovation Financing
- FHFC's 2019-2020 Rental Funding Opportunities
- Housing Counselor's Management Systems – They are A-Changing
- Housing for Seniors
- Implementing the Local Government Preference for Housing Tax Credits
- Innovations in Affordable Housing Design
- Keeping Property Affordable for Generations with a Community Land Trust
- Long-Term Compliance and Monitoring of Federal and State Funded Projects
- Operating a Low Barrier Crisis Response System
- Regulatory Reform Update from 2019 Legislative Session
- The Local Government's Role in Ending Homelessness
- The Role for Faith Based Organizations in Housing
- Understanding the Community Reinvestment Act
- What Faith Based Organizations Bring to the Table

KEYNOTE ADDRESS



DR. RODNEY HARRELL
Director, Livability Thought
Leadership,
AARP

NONPROFIT RAFFLE

Presented by PNC Bank,
Synovus, and Wells Fargo

\$1,000 to three
lucky nonprofits.



CONFERENCE CONCIERGE

This year we have a Conference Concierge! A table next to registration will have a Conference Concierge to help you choose the workshops that will best meet your needs. A track is not something you have to stay in throughout the day; all trainings are open to everyone. But if you want to put a track together for yourself, our Conference Concierge will help you do that.

SHIP ADMINISTRATORS TRAINING | 9 am - Noon

Join the SHIP Administrators Training sponsored by Florida Housing Finance Corporation. This three-hour session will feature several timely and important SHIP related topics. Learn from the experience of others during the small group discussion session, in which participants will address current practices, challenges, and administrative best practices. Florida Housing staff will provide an update on SHIP annual reporting and program compliance.



SPONSORED BY:



BUILDING CAPACITY TO BUILD: THE NONPROFIT AS AFFORDABLE HOUSING DEVELOPER

9 am - Noon

The Building Capacity to Build Symposium, sponsored by Fifth-Third Foundation, will highlight the Florida Housing Coalition's work with nonprofit organizations throughout the state. This symposium focuses on building capacity to enter the field of affordable rental development or expand an organization's existing reach. The symposium will feature leaders from the five organizations that are currently participating in the capacity building program under a Fifth-Third Foundation grant: Affordable Housing & Community Development Legal Services of Greater Miami, Inc., Federal Home Loan Bank of Atlanta, The Community Solutions Group, Southport Financial Services, Residential Options of Florida, University Area CDC, Miracles Outreach CDC. This symposium is open to all conference attendees. You will learn about a variety of issues from how to evaluate potential partnerships, how to expand your business line, strategic planning, building financial capacity, reputation enhancement, and even some legal issues! Attendees will learn how the Florida Housing Coalition can assist nascent and experienced nonprofits to build capacity and attain their goals. The format will be casual and conversational but with inspirational take-aways. This is a time to learn from your peers and learn about new opportunities too.

SPONSORED BY:



FLORIDA CLT INSTITUTE CERTIFICATION PROGRAM | 9 am - Noon

The 2019 Community Land Trust Symposium will feature the launch of the new Community Land Trust Certification Program, created in collaboration with Freddie Mac, as well as updates on policies and programs promoting the expansion of permanent affordability utilizing the CLT model. The Symposium will begin with a discussion on the growth in support of CLTs statewide, including approved add-on language for SHIP Down Payment Assistance strategies and the incorporation of CLTs in recent Florida Housing Finance Corporation requests for applications. The Symposium will next showcase the work of the six community land trust organizations throughout the state that will be the first group to participate in the CLT Certification Program. The Symposium will end with a detailed description of the Certification Program, including who is eligible, how to apply, the process and value of participating, and particularly how it will increase lending for CLTs.

SPONSORED BY:



Visit www.FLHousingConference.org to register now!

For more information regarding the FHC Conference, contact Johnitta Wells at 850-878-4219 or wells@flhousing.org.

FREQUENTLY ASKED SHIP QUESTIONS

State Housing Initiatives Partnership Program

QUESTION: I have heard the SHIP Annual Report requirements will soon be updated. Do you anticipate the changes will require significant additional work? What is being changed?

ANSWER: Yes, the SHIP Annual Report will soon be changed, but the update is expected to reduce the amount of time needed to prepare the report. The changes eliminate almost all reporting for the interim SHIP allocations and the updated report should reduce data entry-related errors when calculating set-asides. To accomplish this, the Florida Housing Finance Corporation (FHFC) will soon release a new spreadsheet that will help auto-populate the Annual Report. Essentially, Administrators will enter data into the spreadsheet and click an upload button.

Most report requirements in the Annual Report have not changed. The regular deadlines are in place, so you should continue to expend all 16/17 funds and encumber all 17/18 funds, report compliance with all set-asides, and track and report SHIP administrative expenses.

Now is also the time to research the data you need to complete the Annual Report Certification, which asks for an update on regulatory reform activities. The Annual Report Certification asks for a per-unit estimate of housing cost increases for new construction and rehabilitation as a result of local policies, ordinances, regulations, and more that your city or county commission recently considered. Research the review process during the 12 months of the recently completed fiscal year. If there are no new policies with associated cost increases, enter \$0. If there were, estimate the increased per-home cost resulting from the changes and retain backup material to justify the dollar amounts reported.

The Florida Housing Coalition will offer trainings on these changes and requirements in summer, 2019. To register for the two-part webinar, navigate to: www.flhousing.org/events

QUESTION: My question is related to our SHIP purchase assistance program. Our lending partners recently provided us with FHA Mortgagee Letter 19-06. It mentions the necessity of documenting the requirements for governmental entity down payment assistance in conjunction with FHA-insured single-family home mortgages. How should our local government respond?

ANSWER: No local government response is required at this time. The legal staff at FHFC is currently researching this and will issue additional guidance. Please share their initial response with your lenders and continue to provide SHIP purchase assistance as usual. Here is FHFC's initial response:

On April 18, 2019, the Department of Housing and Urban Development (HUD) issued FHA Mortgagee Letter 19-06 in an attempt to clarify the documentation requirements for governmental entity down payment assistance in conjunction with FHA-insured single-family home mortgages. Although our understanding is that the mortgagee letter was intended solely to address documentation requirements pursuant to HUD's December 12, 2012 Interpretive Rule, a number of questions and concerns were raised by lenders

regarding the application of Mortgagee Letter 19-06 to state housing agency down payment assistance programs. On April 25, 2019, HUD issued FHA Mortgagee Letter 19-07, which extends the effective date of ML 19-06 until July 23, 2019. We will continue to work with the National Council of State Housing Agencies, HUD and our Program partners with respect to clarifying the requirements in Mortgagee Letter 19-06.

QUESTION: I'm in a hurricane impacted county and need housing recovery assistance. Is there financial assistance available to me?

ANSWER: Yes. In 2019, the Florida legislature allocated \$65 million through the Hurricane Housing Recovery Program



(HHRP) and made those funds available in 12 hurricane-impacted counties. Each county must first develop a housing assistance plan that details how funds will be spent at the local level. Once the plans are finalized counties may begin distributing funds to impacted households.

For more information on HHRP, contact Michael Chaney at chaney@flhousing.org.

QUESTION: Is there an FHFC-approved CLT strategy I can adopt for my SHIP community?

ANSWER: Yes. Those interested in supporting CLTs do not need to adopt a new and separate CLT strategy. Instead, a SHIP community may replace its current purchase assistance strategy in the LHAP with the CLT purchase assistance strategy. If you don't have a copy of the FHFC pre-approved CLT down payment assistance strategy, contact the Florida Housing Coalition. Alternatively, SHIP staff can incorporate CLT purchase provisions into their existing home buyer strategy so long as it closely resembles the sample strategy. This would be done as a LHAP technical revision which may be adopted at any time by your city or county commission. You must also e-mail the revisions to Robert Dearduff, SHIP Program Administrator, for FHFC approval before it is adopted locally.

QUESTION: Is there a standard set of criteria or resource that my SHIP office can use to determine that an organization is an approved CLT?

ANSWER: Yes. But please note that an approved CLT does not have to be a stand-alone organization. An approved CLT may be one program, or line of business, that is operated by a 501 (c) (3) organization. Community Land Trusts come in a variety of shapes and sizes! The one thing they all have in common is that they use a long term renewable ground lease to keep property affordable in perpetuity to provide affordable home ownership.

The Florida Community Land Trust Institute (Florida CLT Institute) can assist you with assessing the capabilities and qualifications of a CLT. The Florida CLT Institute, a program of the Florida Housing Coalition, will be launching the Florida Community Land Trust Certification Program in August, 2019. The Certification Program, developed in collaboration with Freddie Mac, involves a comprehensive organizational assessment of CLTs.

As you support CLT-homeownership in your communities using SHIP or other funding sources, contact Ashon Nesbitt, nesbitt@flhousing.org or Kimberly Spence, spence@flhousing.org to learn how the Florida Housing Coalition can help with a review of CLTs or similar ground lease homeownership programs. **HNN**

MORE GUIDANCE IN TECHNICAL BULLETINS | Florida Housing Finance Corporation provides SHIP-specific written guidance in Technical Bulletins. Some of the most recent bulletins have addressed the subjects of record retention, NOFA advertisements, and SHIP audit and monitoring requirements. You may access the bulletins on Florida Housing's website, www.floridahousing.org. Find SHIP by selecting Programs and then Special Programs from the pull-down menu. advertisements, and SHIP audit and monitoring requirements. You may access the bulletins on Florida Housing's website, www.floridahousing.org. Find SHIP by selecting Programs and then Special Programs from the pull-down menu.



MICHAEL CHANEY

Michael Chaney is a Technical Advisor for the Florida Housing Coalition, specializing in SHIP, homebuyer counseling, and foreclosure prevention programs. He has 21 years of experience providing technical assistance to local government, nonprofit housing professionals, and consumers throughout Florida. Michael holds a Bachelor's degree from Loyola University in New Orleans and a Master's of Social Work Administration from Florida State University, where he has served as an adjunct faculty member of the housing department

QUESTIONS ABOUT THE SHIP PROGRAM?

Free telephone technical assistance is available to help you successfully implement your SHIP funded work. **Call the Florida Housing Coalition's SHIP hotline at (800) 677-4548, Mon.-Fri. 8:30-5:00.**



FLORIDA HOUSING COALITION NEWS



New Coalition Board Member: Cheryl Howell

Cheryl Howell is the Director of Affordable Housing for Hillsborough County Board of County Commissioners. Ms. Howell's many years of work throughout Florida has been to improve the quality of living for people through community building and strategic initiatives. Her work to unify community stakeholders is founded in the philosophy of "strengthening the ties that bind us together" to advance the common goal of improving lives. This premise makes way for a broad array of stakeholders to utilize their expertise to aid in increasing and expanding affordable housing development. Ms. Howell's work offers fresh ideas for private and public partners working to advance long-term viable solutions for affordable housing. Ms. Howell also serves as the President of the Florida Community Development Association (FCDA).

New Coalition Staff Member: Kody Glazer



Kody Glazer will begin his tenure with the Florida Housing Coalition as Legal Director on August 1, 2019. He graduated Magna Cum Laude from the Florida State University College of Law, where he served concurrently on the Law Review and the Journal of Land Use & Environmental Law. Kody is particularly versed in local and state governmental affairs, fair housing, land use, and environmental law. Prior to joining the Coalition, Kody clerked for the National Fair Housing Alliance in Washington D.C. where he gained valuable insight into federal funding mechanisms and discrimination laws that affect affordable housing and opportunity. Kody has also clerked for the Leon County Attorney's Office and Hopping Green & Sams P.A. where he specialized in land use and environmental law focusing on the land development process of various local governments and other processes that affect the makeup of the human environment. Kody expertise also includes Sadowski Act legal issues, Community Land Trusts, and Inclusionary Zoning.

New Coalition Staff Member: Blaise Denton



The Florida Housing Coalition's team now includes Blaise Denton, a Technical Advisor. He has years of experience working with state and local government focusing on affordable housing, transportation-oriented development, historic preservation, and special populations issues. Prior to joining the Coalition, Blaise worked as a training and policy specialist at the Florida Department of Elder Affairs, where he designed E-Learning courses used to train hundreds of adult day care administrators, created budgeting systems to help manage over two million federal grant dollars, and provided planning and policy services. Blaise has particular expertise in data management, geospatial analysis using ArcGIS and Tableau, and quantitative analysis. Blaise holds a Master's Degree in Urban and Regional Planning and a dual Bachelors in Literature and Religion from Florida State University.



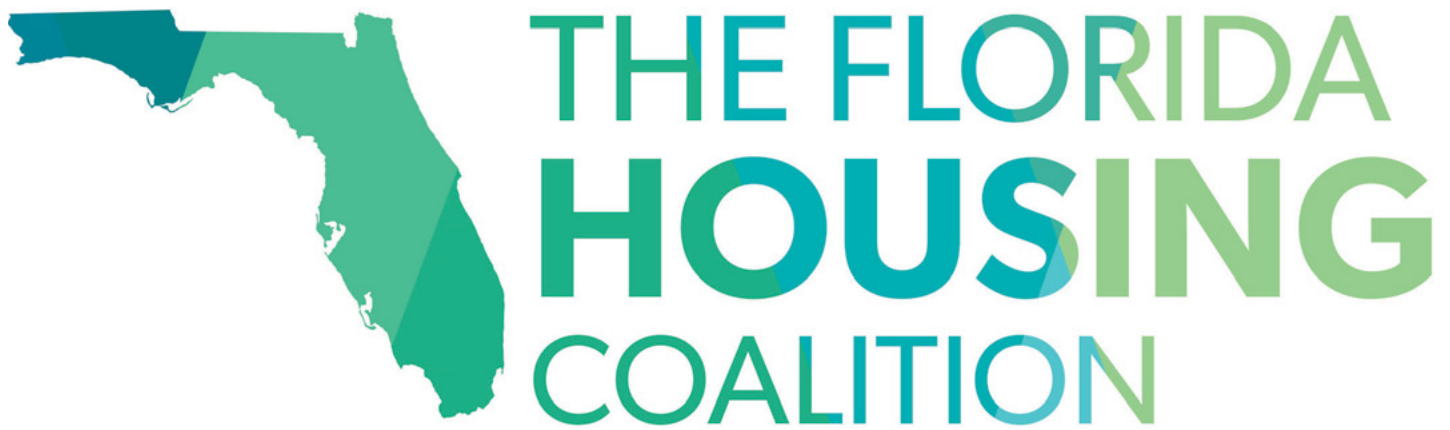
Armando Fana Promoted to Assistant City Administrator

Current board member Armando Fana was recently promoted to Assistant City Administrator for the City of West Palm Beach. In that role he will oversee the City's Housing and Community Development, Parks and Recreation, Events, Library, Community Engagement, Sustainability, and Art in Public Places departments.



Nancy Merolla Celebrates New Position

Current board member Nancy Merolla is celebrating the recent acquisition of Florida Community Bank by Synovus and her new position as Community Development Officer for Synovus. She joined FCB as CRA Officer in May, 2012. She is an administrator with a proven record of success in administering public and private non-profit organizations serving the community's needs. In her current position, she focuses on the Bank's community reinvestment activities throughout Florida.



The Florida Housing Coalition, Inc., is a Florida nonprofit and 501(c)(3) statewide membership organization whose mission is to bring together housing advocates and resources so that all Floridians have a quality affordable home and suitable living environment. The Coalition carries out this mission recognizing that decent and affordable housing is a human necessity and an integral part of community revitalization and economic development.



The Coalition provides professional consultation services on affordable housing, fair housing, ending homelessness, and related issues to nonprofit organizations, local governments, and their private sector partners.



We support community-based partnerships in leveraging resources and advocate for policies, programs and use of funding resources that maximize the availability and improve the quality of affordable housing in Florida.



Our team consists of highly skilled professional staff in office locations throughout the state. Our Technical Assistance Team provides assistance in all areas of affordable housing planning, finance, and development.

Our professional technical assistance team also includes the expertise of our geographically dispersed 25-member Board of Directors. The FHC Team can help with every aspect of locally-administered housing programs from internal controls to capacity building for nonprofit partners. We can work with you one-on-one at your office or arrange larger workshops to assist you with implementation of your housing programs.

Contact us today! 850-878-4219 | info@flhousing.org | www.FLHousing.org



Aida Andujar
TECHNICAL ADVISOR



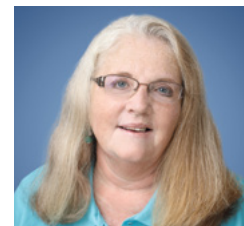
Carter Burton
TECHNICAL ADVISOR



Michael Chaney
TECHNICAL ADVISOR



Gladys Cook
TECHNICAL ADVISOR



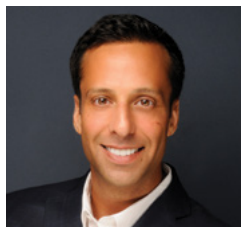
Pam Davis
WORKSHOP COORDINATOR



Blaise Denton
TECHNICAL ADVISOR



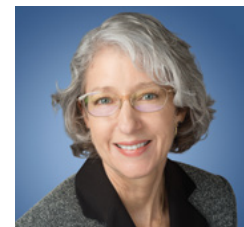
Kody Glazer
LEGAL DIRECTOR



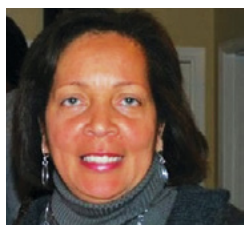
Jason Goldfarb
CONSULTANT



Katherine Gray
EXECUTIVE ASSISTANT &
INTERNSHIP COORDINATOR



Pamela Jo Hatley
CONSULTANT



Priscilla Howard
CONSULTANT



Ashon Nesbitt
TECHNICAL ADVISOR &
RESEARCH ANALYST



Deidre Park
CHIEF FINANCIAL OFFICER &
OPERATIONS DIRECTOR



Elissa Plancher
TECHNICAL ADVISOR



Amanda Rosado
TECHNICAL ADVISOR



Jaimie Ross
PRESIDENT & CEO



Kimberly Spence
TECHNICAL ADVISOR

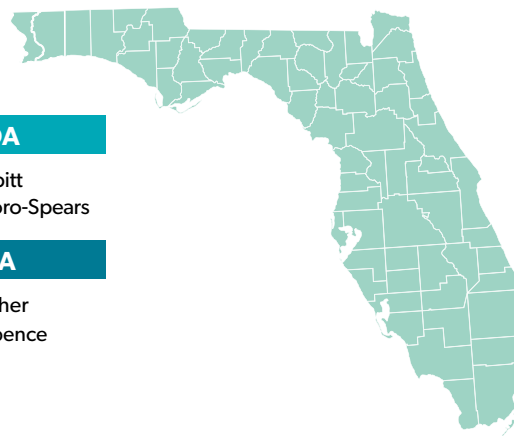


Ben Toro-Spears
TECHNICAL ADVISOR



Johnitta Wells
CONFERENCE &
COMMUNICATIONS MANAGER

The Florida Housing Coalition has a deep bench of housing professionals strategically located throughout Florida.



PANHANDLE

Michael Chaney | Kody Glazer
Blaise Denton | Jaimie Ross

NORTHEAST FLORIDA

Amanda Rosado

CENTRAL FLORIDA

Carter Burton | Gladys Cook

SOUTHWEST FLORIDA

Pamela Jo Hatley | Ashon Nesbitt
Priscilla Howard | Benjamin Toro-Spears

SOUTHEAST FLORIDA

Aida Andujar | Elissa Plancher
Jason Goldfarb | Kimberly Spence



AFFORDABLE HOUSING CONSULTING SERVICES

The Florida Housing Coalition Helps Local Governments, Nonprofits, and their Developer and Financial Partners.

PUBLIC SECTOR

We Can Assist the Public Sector with:

- Consolidated Plans, Annual Action Plans, and CAPERs for HUD CPD Block Grants
- Analysis of Impediments to Fair Housing Choice
- Strategies for Affirmatively Furthering Fair Housing
- Program Design and Implementation
- Policies and Procedures Manuals
- Project Development
- Underwriting Practices for Rental and Homeownership
- Long-Term Affordability Mechanisms
- Energy Efficient Housing
- Predevelopment, Development, and Rehabilitation Process for Rental and Homeownership Programs
- Meeting Set-Asides for Extremely Low Income and Special Needs Housing
- Income Compliance and Eligibility Determination
- Tracking, Reporting, and Monitoring of Programs
- Rehabilitation Policies and Strategies
- Design of RFPs and RFQs
- Strategies and Plans to End Homelessness

PRIVATE SECTOR

We Can Assist the Private Sector with:

- How to Form a CHDO or a CDC
- How to Write Grant Applications and Proposals
- Board and Staff Training/ Organizational Capacity Building
- Strategic and Business Plans
- Best Practices for Operating Manuals
- Project-Level Assistance in Financing, Development, and Asset Management
- Strengthening Partnerships and Joint Ventures
- Preventing and Ending Homelessness
- Accessory Dwelling Units
- Energy Efficient Housing
- Strategies for Changing Markets
- NIMBY issues

SPECIAL PROJECTS

Everything from Needs Analysis to Document Preparation:

- Shared Equity Models
- Lease Purchase Programs
- Housing Element Strategies and Implementation
- Regulatory Reform
- Inclusionary Housing Policies
- Education/Presentations to Advisory Groups and Elected Bodies
- Facilitation of Community Meetings
- Community Land Trusts



learn more



CONTACT

Contact the Florida Housing Coalition: Phone: 850-878-4219
Email: info@flhousing.org | Online: www.FLHousing.org



DISCUSS

Discuss what services would be most helpful for your local government, nonprofit, or developer and financial partners.



PROPOSAL

In return, we will quickly tailor a proposal that meets your needs within your budget.



MEMBERSHIP APPLICATION

PARTNERS FOR BETTER HOUSING

Your Partners for Better Housing membership supports the Florida Housing Coalition's work by making tax deductible donation of \$500 or more. Membership benefits include:

- Complimentary conference registration (Patron Level or higher only, quantity indicated)
- Unlimited membership-rate conference registrations
- ☐ \$20,000 Platinum Sponsor (20 Comps)
☐ \$10,000 Gold Sponsor (10 Comps)
☐ \$5,000 Sponsor (6 Comps)
- Complimentary job vacancy posting service on the Coalition's website
- Access to the Coalition's e-newsletter, Member Update
- ☐ \$2,500 Co-Sponsor (3 Comps)
☐ \$1,000 Patron (1 Comp)
☐ \$500 Contributor

ADDITIONAL BENEFITS FOR PLATINUM, GOLD & SPONSOR LEVELS

- Subscriptions to Housing News Network Journal (up to 20)
- Logo displayed in all conference-related publications, on the Coalition's website and in each triennial issue of the Housing News Network Journal
- Complimentary booth at conference expo (if reserved by July 31)
- Reserved table for Keynote speeches (Platinum and Gold only)

ADDITIONAL BENEFITS FOR CO-SPONSOR, PATRON & CONTRIBUTOR LEVELS

- Subscriptions to Housing News Network Journal (up to 8)
- Name displayed in all conference-related publications, on the Coalition's website
- Co-Sponsor and Patron Partners included in each triennial issue of the Housing News Network Journal

BASIC MEMBERSHIP

Basic membership is for anyone who wishes to subscribe to Housing News Network, post job vacancy announcements free on the Coalition's website and receive membership-rate conference registrations. An individual member receives one subscription and one member-rate registration. Organizational members receive up to five subscriptions and five member-rate registrations. All memberships are on a unified membership cycle, memberships are due on July 1 and expire on June 30 of each year. (Please indicate additional names, addresses and phone numbers on an attached sheet.)

- ☐ \$25 Student
☐ \$75 Individual
☐ \$150 Nonprofit Organization
- ☐ \$200 Government Agencies
☐ \$250 Private Organizations

Authorized Representative (Please Print or Type:)

Name: _____ Title: _____

Organization: _____ Signature: _____

Mailing Address: _____

City: _____ State: _____ ZIP: _____ County: _____

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Make checks payable to The Florida Housing Coalition • 1367 E. Lafayette Street, Suite C, Tallahassee, FL 32301 • Phone: (850) 878-4219 • FAX: (850) 942-6312 The Florida Housing Coalition is a 501 (c) (3) organization. One hundred percent of your tax deductible contribution goes to the Florida Housing Coalition, Inc. No portion is retained by a solicitor. Registration number SC09899, Federal ID# 59-2235835.

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