

THE JOURNAL OF THE FLORIDA HOUSING COALITION, INC.

# HOUSING

NEWS NETWORK

VOLUME 32, NUMBER 2

**The Planning Director**  
and the Affordable Housing Agency

**Using SHIP Funding**  
for Rent Subsidies for Homeless  
and Special Needs Households

**Learning the Language  
of Ending Homelessness:**  
What Does It All Mean?

**Accessory Dwelling Units:**  
A Smart Growth Tool for  
Providing Affordable Housing

**Florida's 29<sup>TH</sup> Annual Statewide  
Affordable Housing Conference**  
Overview

**Affirmatively Furthering  
Fair Housing**  
Through Land Use Laws



LEGISLATIVE WRAP- UP  
**2016**



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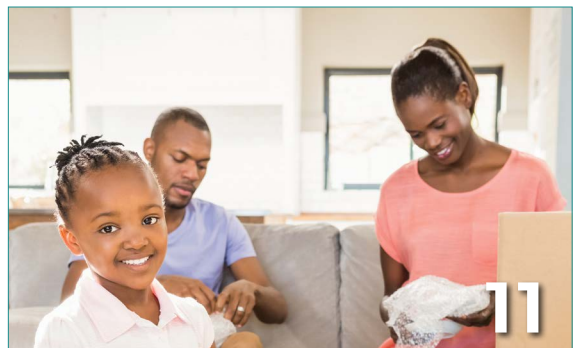
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## THE HOUSING NEWS NETWORK VOLUME 32, ISSUE 2



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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 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, **Rose Phillips**, Associate Editor, and **Lynne Takacs**, Graphic Design • Email: [info@flhousing.org](mailto:info@flhousing.org), Website: [www.flhousing.org](http://www.flhousing.org).

## From the Editor

# GROUNDLED SOLUTIONS NETWORK

Little or no personal information is typically included in From the Editor; please allow me this indulgence.



JAIMIE ROSS

I started working in earnest on affordable housing public policy in the early 1990s. Once the Sadowski Act became law, creating a dedicated financing resource for affordable housing, it was time to address the other half of the affordable housing delivery equation: land use planning. That immediately led me to study the Montgomery County “Moderately Priced Dwelling Unit” (MPDU) ordinance which was creating thousands of affordable homes economically integrated seamlessly into new developments. The MPDU ordinance is inclusionary zoning (IZ); an ordinance that requires market rate residential development to include a small percentage of affordable housing as a condition of development approval.

With a grant from the Rockefeller Foundation, I traveled across the nation conducting video interviews with local government administrators of inclusionary zoning programs. I also interviewed the developers in each of these communities to get their experience-based opinions about the local inclusionary zoning ordinance. Here’s the crux of what I discovered: (1) adopting an inclusionary zoning ordinance is no easy task; (2) the rubber hits the road when the ordinance is implemented; and most importantly, (3) if the affordable units created pursuant to the ordinance do not remain affordable in perpetuity, it’s probably not worth going through all the effort. The video I made showcased Davidson North Carolina, which required that 12% of all new housing was affordable and had those units deeded to a 99 year land lease program run by a local nonprofit.

All this inclusionary housing expertise led me to create the Florida Community Land Trust Institute in January

of 2000. Community land trusts (CLTs) are dedicated to maintaining affordability in perpetuity: a perfect match for inclusionary zoning. The CLT can help with the adoption, implementation, and stewardship of all the units created pursuant to the inclusionary ordinance. There are over 400 inclusionary zoning ordinances throughout the nation and about 200 CLTs. And now, finally, there is national nonprofit bringing these two tools together—it’s called Grounded Solutions Network, and I’m proud to serve on the Executive Committee of its newly formed Board of Directors.



**GROUNDLED  
SOLUTIONS  
NETWORK**

strong communities  
from the ground up

florida  
community land trust  
INSTITUTE

Grounded Solutions Network (GSN) will support the work of inclusionary zoning programs and community land trusts throughout the nation, but most significantly, GSN makes the connection between the two: CLTs and IZ. And while I feel some frustration that it is more than two decades since I produced the video on pairing CLTs with IZ, the timing for GSN is great!

The country is increasingly aware of the detriment that ensues when segments of society are prevented from accessing opportunity because of where they live. The oft-heard “no child’s future should be determined by his or her zip code” is now more commonly understood. Local land use tools that lead to the development of affordable housing in areas of opportunity, whether new development or redevelopment, coupled with permanent affordability is a clear path forward for overcoming the zip code challenge. We now have a national organization, Grounded Solutions Network, dedicated to this work. The Florida Housing Coalition’s Community Land Trust Institute is pleased to partner with Grounded Solutions Network to augment our work throughout Florida. [HNN](#)



# Legislative Wrap-Up

## 2016

Mark Hendrickson and Jaimie Ross



First and foremost, the efforts of the Sadowski Coalition and Sadowski Coalition Affiliates resulted in over \$200 million in appropriation for affordable housing in fiscal year 2016-17. This session brought back a robust SAIL, SHIP, and appropriation for ending homelessness, together with tools to make great inroads using the best practice of rapidly re-housing people experiencing homelessness using the housing first model.

The table on page 7 shows the Governor's proposed budget, the housing appropriation offered by the Senate, the housing appropriation offered by the House, and the final resolution. The \$200.1 million in State and Local Housing Trust Fund monies is roughly a \$25 million increase over last year's funding level, and is the highest funding level in nine years.

Similar to last year's appropriation bill, the 2016-2017 appropriations bill includes proviso language for slightly under 4% of the SHIP appropriation to be used for homeless Continuum of Care assistance—\$5 million for the Challenge Grant administered by the State Office on Homelessness and \$200,000 for training and technical assistance to Continuum of Care lead agencies and their partners. An additional \$500,000 of SHIP

funds are designated by proviso language for the Affordable Housing Catalyst Program.

In addition to the \$32.3 million in State Housing Trust Fund monies appropriated for SAIL, Florida Housing is authorized to spend \$75-\$80 million of its Guarantee Program funds on SAIL. \$20 million of SAIL funds are designated for workforce housing, which is targeted to households up to 80% of the Area Median Income (AMI), and/or for housing in the Keys that is affordable to households up to 140% AMI. The 2016/17 appropriations bill also contains proviso language requiring Florida Housing to spend \$10 million of its State Housing Trust Fund appropriation on housing for people with developmental disabilities, similar to the proviso requirements in the last three appropriations bills.





# SHIP DISTRIBUTION ESTIMATES

## FOR FISCAL YEAR 2016-17

LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/ CITY SHARE	LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/ CITY SHARE	LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/ CITY SHARE
<b>ALACHUA</b>	1,624,044	808,774	<b>GADSDEN</b>	350,000	350,000	<b>ORANGE</b>	7,913,543	6,251,699
Gainesville		815,270	<b>GILCHRIST</b>	350,000	350,000	Orlando		1,661,844
<b>BAKER</b>	350,000	350,000	<b>GLADES</b>	350,000	350,000	<b>OSCEOLA</b>	1,964,472	1,540,146
<b>BAY</b>	1,104,970	876,462	<b>GULF</b>	350,000	350,000	Kissimmee		424,326
Panama City		228,508	<b>HAMILTON</b>	350,000	350,000	<b>PALM BEACH</b>	8,719,117	6,630,016
<b>BRADFORD</b>	350,000	350,000	<b>HARDEE</b>	350,000	350,000	Boca Raton		555,408
<b>BREVARD</b>	3,552,011	1,966,748	<b>HENDRY</b>	350,000	350,000	Boynton Bch		460,369
Cocoa		115,796	<b>HERNANDO</b>	1,125,196	1,125,196	Delray Beach		399,336
Melbourne		503,320	<b>HIGHLANDS</b>	653,322	653,322	West Palm Bch		673,988
Palm Bay		679,500	<b>HILLSBOROUGH</b>	8,368,576	6,106,550	<b>PASCO</b>	3,090,250	3,090,250
Titusville		286,647	Tampa		2,262,026	<b>PINELLAS</b>	5,975,463	3,142,495
<b>BROWARD</b>	11,547,017	2,468,753	<b>HOLMES</b>	350,000	350,000	Clearwater		699,727
Coconut Creek		357,958	<b>INDIAN RIVER</b>	916,213	916,213	Largo		510,305
Coral Springs		785,197	<b>JACKSON</b>	353,364	353,364	St. Petersburg		1,622,936
Davie		611,992	<b>JEFFERSON</b>	350,000	350,000	<b>POLK</b>	4,000,296	3,117,831
Deerfield Bch		484,975	<b>LAFAYETTE</b>	350,000	350,000	Lakeland		641,647
Ft. Lauderdale		1,106,204	<b>LAKE</b>	2,011,672	2,011,672	Winter Haven		240,818
Hollywood		915,678	<b>LEE</b>	4,209,279	2,698,989	<b>PUTNAM</b>	471,312	471,312
Lauderhill		439,941	Cape Coral		1,052,741	<b>ST. JOHNS</b>	1,364,517	1,364,517
Margate		353,339	Ft. Myers		457,549	<b>ST. LUCIE</b>	1,829,643	454,483
Miramar		834,849	<b>LEON</b>	1,812,802	614,721	Ft. Pierce		267,860
Pembroke Pines		1,010,364	Tallahassee		1,198,081	Port St. Lucie		1,107,300
Plantation		553,102	<b>LEVY</b>	350,000	350,000	<b>SANTA ROSA</b>	1,040,930	1,040,930
Pompano Bch		670,882	<b>LIBERTY</b>	350,000	350,000	<b>SARASOTA</b>	2,483,546	2,148,516
Sunrise		560,030	<b>MADISON</b>	350,000	350,000	City of Sarasota		335,030
Tamarac		393,753	<b>MANATEE</b>	2,220,635	1,886,651	<b>SEMINOLE</b>	2,810,498	2,810,498
<b>CALHOUN</b>	350,000	350,000	Bradenton		333,984	<b>SUMTER</b>	740,952	740,952
<b>CHARLOTTE</b>	1,067,904	955,027	<b>MARION</b>	2,166,707	1,796,200	<b>SUWANNEE</b>	350,000	350,000
Punta Gorda		112,877	Ocala		370,507	<b>TAYLOR</b>	350,000	350,000
<b>CITRUS</b>	899,371	899,371	<b>MARTIN</b>	960,048	960,048	<b>UNION</b>	350,000	350,000
<b>CLAY</b>	1,290,364	1,290,364	<b>MIAMI-DADE</b>	10,619,870	6,872,117	<b>VOLUSIA</b>	3,235,192	2,277,899
<b>COLLIER</b>	2,183,568	2,059,541	Hialeah		932,425	Daytona Bch		402,781
Naples		124,027	Miami		1,758,650	Deltona		554,512
<b>COLUMBIA</b>	444,338	444,338	Miami Beach		367,448	<b>WAKULLA</b>	350,000	350,000
<b>DE SOTO</b>	350,000	350,000	Miami Gardens		439,663	<b>WALTON</b>	397,159	397,159
<b>DIXIE</b>	350,000	350,000	North Miami		249,567	<b>WASHINGTON</b>	350,000	350,000
<b>DUVAL</b>	5,722,664	5,722,664	<b>MONROE</b>	478,041	478,041	<b>TOTAL</b>	124,461,250	124,461,250
<b>ESCAMBIA</b>	1,954,360	1,616,451	<b>NASSAU</b>	505,015	505,015	Disaster Relief Holdback & Compliance Monitoring		5,338,750
Pensacola		337,909	<b>OKALOOSA</b>	1,229,687	1,095,897	Homeless Transfers & Catalyst		5,700,000
<b>FLAGLER</b>	653,322	138,766	Ft. Walton Bch		133,790	<b>TOTAL ESTIMATED APPROPRIATION</b>		135,500,000
Palm Coast		514,556	<b>OKEECHOBEE</b>	350,000	350,000			
<b>FRANKLIN</b>	350,000	350,000						

Conf. Report HB 5001\* (less \$5.2 million for Homeless, \$5 million holdback for Disaster Relief, \$500,000 for Catalyst, and Compliance Monitoring)

## Sadowski Coalition Members

### Business and Industry Groups

Associated Industries of Florida  
Coalition of Affordable Housing Providers  
Florida Apartment Association  
Florida Bankers Association  
Florida Chamber of Commerce  
Florida Green Building Coalition  
Florida Home Builders Association  
Florida Manufactured Housing Association  
Florida Realtors  
Florida Retail Federation

### Advocates for the Elderly, Veterans, Homeless and Special Needs

AARP of Florida  
Florida Assoc. of Housing & Redevelopment Officials  
Florida Coalition for the Homeless  
Florida Housing Coalition  
Florida Legal Services  
Florida Supportive Housing Coalition  
Florida Veterans Foundation  
Florida Weatherization Network  
LeadingAge Florida  
The Arc of Florida  
United Way of Florida

### Government & Planning Organizations

American Planning Association, Florida Chapter  
Florida Association of Counties  
Florida Association of Local Housing Finance Authorities  
Florida League of Cities  
Florida Redevelopment Association  
Florida Regional Councils Association

### Faith Based Organizations

Florida Conference of Catholic Bishops  
Florida Impact  
Habitat for Humanity of Florida  
Volunteers of America

## SB 1534 – The “Homeless Bill”

This bill, passed and signed into law as CS/CS/SB 1534, includes numerous provisions to expand Florida’s policy and funding framework for homeless assistance, as well as other changes to increase the flexibility and accountability of Florida’s housing programs. Highlights of SB 1534 are provided below.

### Changes to Florida Housing Finance Corporation Programs

- Amends 420.507(22), Florida Statutes, to allow SAIL to provide more than 25% of project costs for developments in counties or rural areas of counties that do not have existing units set aside for homeless persons (as defined in 420.621(5)), or where persons are residing in time-limited transitional housing or institutions due to a lack of permanent affordable housing. These developments must be supported by a local homeless assistance Continuum of Care (CoC), be developed by nonprofit applicants, be small properties as defined by Florida Housing rules, and be mentioned in the local CoC plan recognized by the State Office on Homelessness. Prior to this change, such developments would not have been able to receive a SAIL loan for more than 25% of their project costs unless they explicitly served extremely low-income (ELI) households. This amended section also allows Florida Housing to forgive loans held by these projects.
- Amends 420.5087(6)(k), F.S., to require SAIL developments to use the same rent limits provided for Low Income Housing Tax Credit units that are applicable to the income limits for the SAIL units. Previously, the statute did not allow rent limits for most SAIL units.
- Amends 420.507(35), F.S., to remove the 2-year time limit for prohibiting an applicant or their affiliate that has engaged in material misrepresentation or fraudulent actions from participating in Florida Housing programs. Florida Housing now has discretion to determine how long such entities may be barred from participating in its programs, and may bar them indefinitely.



- Adds subsection (50) to 420.507, F.S., allowing Florida Housing to reserve a minimum of 5 percent of the annual appropriation from the State Housing Trust Fund for housing projects designed and constructed to serve persons with a disabling condition, with first priority given to projects serving persons with a developmental disability. Funding will be provided as forgivable loans to nonprofits whose primary mission includes serving people with disabling conditions.
- Adds 420.9089 to the Florida Statutes, encouraging Florida Housing to use the state's National Housing Trust Fund (NHTF) allocation to reduce homelessness and the risk of homelessness.

### Provisions for State Office on Homelessness and Continuums of Care

- Amends 420.622(3)(b), F.S., to require the State Office on Homelessness (SOH) to develop a system to collect and analyze data from all lead agencies to assess trends and impacts. NOTE: This statutory change does NOT require SOH to develop a statewide Homeless Management Information System (HMIS) or study the possibility of doing so.
- Amends 420.622(4), F.S., to clarify that Challenge Grant funds are distributed by SOH to local Continuum of Care lead agencies, and removes the requirement that award levels be based upon a CoC's level of need.
- Amends 420.622(4)(a), F.S., to clarify that funds or in-kind contributions used as a Challenge Grant match cannot have been used as leverage or match for other projects, and requires that there be a written commitment certifying the match.

## SADOWSKI PRESS CONFERENCE

Sadowski members called upon the Legislature to use the housing trust fund for housing.



- Expands upon 420.622(6), F.S., to require SOH to develop specific objectives for evaluating performance and outcomes of Continuum of Care lead agencies that receive grant funds; require that Challenge Grant funding be based on the lead agencies' "overall performance and their achievement of specified objectives"; and replace the previous "output-based" evaluation criteria with "outcome-based" criteria, including the number of persons or households that are no longer homeless, the rate of returns to homelessness, and the number of persons who become employed.
- Amends 420.624(3), F.S., to require SOH to provide "a methodology for assessing performance and outcomes" and a framework for reporting data in local Continuum of Care plans.
- Amends 420.624(7), F.S., to include Rapid Re-Housing (RRH) as a component that should be included in local CoC plans.
- Adds 420.6265 to Florida Statutes, providing legislative findings and intent for Rapid Re-Housing. This new section finds that Rapid Rehousing (RRH) is a good practice to reduce duration of homeless episodes and move people out of homelessness, and is cost-effective. CoCs are encouraged to adopt RRH strategies and to include them in their local CoC plans.

## Changes to SHIP Program

- Amends 420.9072(3)(b), F.S., to extend Florida Housing's review period for draft Local Housing Assistance Plans (LHAPs) from 30 to 45 days.
  - Amends 420.9072(7) to allow local governments to use SHIP funds to provide up to 12 months of rent subsidies for very low-income households with at least one adult who is a person with special needs (as defined by 420.0004, F.S.) or homeless as defined by 420.621, F.S. This amendment codifies proviso language that was included in the FY 2015-16 appropriations bill.
- Previously, Florida Housing's interpretation of the SHIP Statute and Rule had allowed for SHIP to provide up to 3 months of rental assistance. This subsection, as amended, also clarifies that SHIP funds to provide up to 6 months' rent in eviction prevention assistance, which had previously been allowed by Florida Housing's interpretation of the SHIP Statute and Rule. SHIP assistance will continue to be allowed for security and utility deposits under this subsection.
- Amends 420.9075(2)(a) to require SHIP jurisdictions to encourage the involvement of local CoC lead agencies in its public-private partnerships.
  - Amends 420.9075(3) to encourage SHIP jurisdictions to develop LHAP strategies for reducing homelessness, and allows SHIP jurisdictions to create regional partnerships to pool SHIP homeless assistance funds.
  - Amends 420.9075(4) to require rental units that receive more than \$10,000 in SHIP assistance to be monitored annually for tenant eligibility. This is an increase from the previous statutory threshold of \$3,000.
  - Amends 420.9075(5) to explicitly allow SHIP jurisdictions to reserve up to 25% of their annual SHIP allocations for rental housing, which is a clarification of existing policy. This subsection, as amended, also codifies proviso language included in the previous three years' appropriations bills by requiring SHIP jurisdictions to use at least 20% of their annual allocations for persons with special needs as defined in 420.0004. First priority of these funds is given to people with developmental disabilities, with an emphasis on home modifications to allow beneficiaries to maintain homeownership.
  - Amends 420.9075(10) to include a requirement for local government LHAPs to include a description of efforts to reduce homelessness.



## Line Item Appropriations and Vetoes

The tables below shows line-item appropriations for homeless assistance and housing. Other than the Challenge Grants, which were discussed previously, seven line item appropriations that were signed into law will be funded by General Revenue (GR). Another five line item appropriations will be funded by the State Economic Enhancement & Development (SEED) Trust Fund, which was created in 2011 as a funding source for economic development activities. SEED receives \$150 million annually—\$75 million each from the Housing Trust Funds and the Transportation Trust Fund. The vetoed line items include the City of Sarasota Gulf Coast Housing First Initiative, the Jacksonville Downtown Investment Authority's Urban Homesteading Pilot Program, and the NeighborWorks Florida Collaborative. HNN



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.

HOUSING TRUST FUND APPROPRIATIONS				
FISCAL YEAR 2016-2017				
	GOVERNOR	SENATE	HOUSE	FINAL BUDGET
SAIL	\$ 97,405,000			\$ 32,300,000* <sup>2</sup>
Housing for Developmentally Disabled		In recurring budget	In recurring budget	\$ 10,000,000
FHFC* <sup>1</sup>		\$125,760,000	\$ 94,405,000	\$ 22,300,000
SHIP	\$ 34,000,000	\$185,800,000	\$ 47,000,000	\$129,800,000
Homeless		In proviso	In proviso	\$ 5,000,000
Training		In proviso	Part in proviso	\$ 700,000
DEO Member Project		\$ 5,440,000		\$0
TOTAL HOUSING	\$131,405,000	\$317,000,000	\$141,405,000	\$200,100,000
SHTF SWEEP	\$0	\$0	\$0	\$ 30,414,438
LGHTF SWEEP	\$172,000,000	\$0	\$172,000,000	\$ 86,500,000
TOTAL SWEEP	\$172,000,000	\$0	\$202,414,438* <sup>2</sup>	\$116,914,438

\*1- SAIL, HAP, PLP and Guaranty Program

\*2- Plus approximately \$75-\$80 million of FHFC funds from Guarantee Program (not doc stamps) authorized to be spent on SAIL

## OTHER MEMBER PROJECTS

FISCAL YEAR 2016-2017

ITEM	AMOUNT	LINE ITEM	SOURCE	AGENCY
City of North Miami Elderly Housing Assistance Program	\$ 200,000	2216	General Revenue	DEO
Pembroke Pines Veterans Home Renovation	\$1,000,000	2216	SEED	DEO
Building Homes for Heroes	\$75,000	2216	SEED	DEO

## ADDITIONAL HOMELESS FUNDING

FISCAL YEAR 2016-2017

ITEM	AMOUNT	LINE ITEM	SOURCE	AGENCY
Challenge Grants	\$5,000,000	361/2224	From Local Government Housing Trust Fund- same \$5 million as shown in Housing TF Chart	DCF
Homeless Housing Assistance Grants	\$3,000,000	363	General Revenue	DCF
Citrus Health Network for the Safe Haven for Homeless Youth	\$140,800	363	General Revenue	DCF
National Veterans Homeless Support in Brevard County	\$150,000	363	General Revenue	DCF
Transition House Homelessness Veterans Program- Osceola County	\$150,000	2216	General Revenue	DEO
Hillsborough Homeless Initiative	\$200,000	2216	General Revenue	DEO
Hillsborough Homeless Initiative	\$600,000	2216	SEED	DEO
Clearwater Homeless Emergency Program	\$100,000	2216	SEED	DEO
Sulzbacher Center for Women (Jacksonville)	\$1,000,000	2216	SEED	DEO
City of Ft. Lauderdale Rapid Re-Housing Project	\$500,000	2216	General Revenue	DEO

## HOUSING-RELATED ITEMS THE GOVERNOR VETOED

FISCAL YEAR 2016-2017

### ADDITIONAL HOUSING FUNDING

ITEM	AMOUNT	LINE ITEM	SOURCE	AGENCY
City of Sarasota Gulf Coast Housing First Initiative	\$ 250,000	2216	Special Employment Security Administration TF	DEO - VETOED
Jacksonville Downtown Investment Authority—Urban Homesteading Pilot Program	\$1,000,000	2216	General Revenue	DEO - VETOED
NeighborWorks Florida Collaborative	\$ 500,000	2216	SEED	DEO - VETOED



# The Planning Director and the Affordable Housing Agency

By: Robert Ansley, Jr.

Planning for housing has long been an integral part of the city planning function. The future land use plan provides for projected future housing needs within a framework for location and general housing density classifications. Development codes specify form, type, and density details and generally relate housing development to availability of services. Other aspects include such items as housing quality standards, group home regulations, and streamlined permitting. All of this creates a framework for the private sector delivery of housing within a local government's goals and vision.

Many local governments have housing divisions and housing planners, either as part of a planning office or in a separate department. These departments and staff are often involved in assessing needs, directing resources (especially SHIP, CDBG, HOME, HUD Supportive Housing Funds, and local bond and other funds), working with community redevelopment agencies on housing projects, and coordinating with public housing agencies/authorities, local community development corporations, and other non-profit and for-profit housing developers. Generally, however, local planning agencies are not otherwise involved in the direct provision of housing.

Since the 1930's separate public agencies have been created to actually stimulate housing production, primarily of affordable housing but also housing in redevelopment areas. The agencies are separate from planning departments in part because local governments normally do not have sufficient authority to create and administer the financial tools that are used to fund affordable housing development.

Today, states, many counties, and even some cities have housing finance agencies (HFAs) that issue tax-exempt bonds, allocate low income housing tax credits, and may also invest tax-increment funds for the development of affordable housing. Some of these agencies also administer federal housing funds, such as the HOME Investment Partnership Program, and/or state housing trust funds. State agencies cover cities and counties statewide, while local HFAs serve a county and its cities. Sometimes they may serve several contiguous counties in a more regional

role, thus allowing housing producers in small counties access to these financing tools. Most often, the funding is awarded through a competitive application process.

It is important for planning directors and planning departments to have good relationships and frequent communication with housing agencies and other housing partners to ensure that the housing production promoted by such agencies fits the local government's plans and goals and also to ensure that the locality receives its fair share of housing funding.

Left to their own devices, housing agencies can become shadow land use planners. Their funding requirements typically prescribe or give preference to such details as:

- Housing type (single or multifamily; ownership or rental)
- Unit type (the mix of bedrooms)
- Construction type (frame vs. masonry)
- Density (attached or detached; garden or mid-rise)
- Location (infill or greenfield)
- Geographic distribution (small county vs. large county; small city vs. large city)
- Highest leverage of public funds; i.e., fewest public dollars per unit

Procedures for funding via bonds or tax credits usually dictate that a funded project be consistent with a local government's local land use and related plans. Further, the use of HUD funds at the local level is governed by a locally-prepared Consolidated Plan, and state housing trust funds similarly mandate a local housing plan to guide their

use. (In medium and large urban areas, the Consolidated Plan is prepared by the CDBG-entitlement urban counties and cities. States prepare the plan for smaller communities. Consolidated Plans are not required within Indian Tribal reservations.)

Nonetheless, housing agencies need to made aware of the housing priorities of the jurisdictions they serve; otherwise, they will set their preferences according to the market and other criteria that may or may not align with those of a city or county in their service area. For example, a city may have affordable infill housing as a priority whereas a local HFA may have highest unit production as a top goal. The HFAs policies would reward lowest cost (land and building) to the extent that the more expensive infill housing would not be competitive in the application for funding. The funding would flow to projects located in suburban or even exurban sites which may or may not be

in the city in question. As far as the agency is concerned, if a project meets someone's housing priorities and plans, it often does not care who that someone is.

It is therefore crucial for planning departments and housing agencies to closely coordinate their preparation of housing plans, policies, and procedures so as to achieve the best support for the affordable housing in one's jurisdiction. Similarly, where a government's plans clash with the plans and policies of a housing agency, particularly at the state level, the money will likely go elsewhere and opportunities will be lost. The language of the HFA is one of high finance and is outside the comfort zone of most planners, so it is usually avoided altogether. All too often planning directors fail to make the connection between the planning function and the housing agency and thus lose valuable resources that could have benefited their jurisdiction. HNN

This article, authored by Bob Ansley, first appeared in [Local Planning Agency Management](#) by Wayne Feiden, FAICP and published by the American Planning Association in 2016.

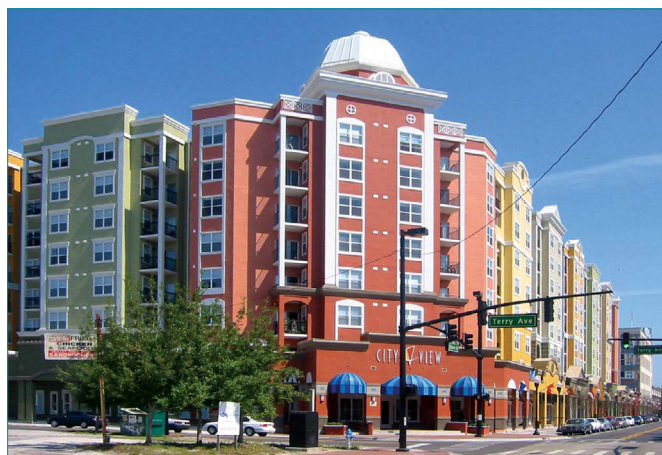


BY ROBERT ANSLEY, JR.

**Bob Ansley, FAICP**, is president of Orlando Neighborhood Improvement Corporation (ONIC), a nonprofit development company that operates in Central Florida. ONIC is a member of NeighborWorks® America. Since 1989, ONIC has developed or co-developed 24 communities, totaling almost 2,900 units. Ansley has a bachelor's degree in economics from Duke University, a master's degree in regional planning from the University of North Carolina, and is a member of the College of Fellows of the American Institute of Certified Planners. Ansley previously served the City of Orlando as Chief of Housing and manager of downtown planning. He also has served on the Governor's Affordable Housing Study Commission.



The Villas at Hampton Park is a 48-unit apartment providing homes to extremely low-income seniors. It is part of a redevelopment of 17 vacant acres in Downtown Orlando, which includes mixed-use and mixed-income housing, office and commercial space. ONIC was co-master developer for the owner, Orlando Housing Authority.



City View is a mixed-income, mixed-use project in Parramore neighborhood of Downtown Orlando. It has 266 apartments and 25,200 s.f. of retail & office space. Fifty percent of the residential units are market rate, and fifty percent are affordable at 3 income tiers – moderate, low, and very low.



# Using SHIP Funding for Rent Subsidies for Homeless and Special Needs Households

Dr. Susan Pourciau, FHC Statewide Homeless Training and Technical Assistance Director

By passing Senate Bill 1534 in 2016, the Legislature codified that SHIP jurisdictions are encouraged to use SHIP funding for rent subsidies for certain eligible households. While this practice had been allowed the previous year by proviso language, the 2016 legislation clarified that strategies to use SHIP funding for rent subsidies were now statutorily allowed, encouraged, and expected to continue.

Previously, SHIP funding could be used for eligible households for deposit assistance or eviction prevention. With SB 1534, rent subsidies are encouraged. While the deposits and eviction prevention assistance is not limited to very low income homeless or special needs households, the rent subsidy program is restricted to this target population. Below is the amended SHIP statute.

"A county or an eligible municipality may not expend its portion of the local housing distribution to provide ongoing rent subsidies, except for:

1. Security and utility deposit assistance.
2. Eviction prevention not to exceed 6 months' rent.
3. A rent subsidy

program for very-low-income households with at least one adult who is a person with special needs as defined in s. 420.0004 or homeless as defined in s. 420.621. The period of rental assistance may not exceed 12 months for any eligible household."

[F.S. 420.9072(7)(b)]

To help SHIP jurisdictions consider whether a rent subsidy program would be an effective approach, and how to

implement such a program, the Florida Housing Coalition offers several types of guidance. Below is a list of the technical assistance offered in recent months (these resources are available online at [www.flhousing.org](http://www.flhousing.org), or by request from a Coalition team member).

- Sample rental assistance strategy, including implementation guidance.
- Frequently Asked Questions document to address

those issues that are most problematic.

- A two-part SHIP rental assistance webinar series, which included additional guidance as well as testimonials from SHIP communities offering SHIP-funded rental assistance.

There are many aspects to implementing a successful SHIP rent subsidy program that the resources listed above describe in more

detail. Below are some of the key issues that deserve special attention.

- High rent communities should note that regardless of the very low income household's income, rent can be up to the SHIP rent limit for units affordable at 120% of Area Median Income (AMI), as adjusted for bedroom size. Even though communities may be hesitant to approve housing assistance at that level for homeless and special needs households, it is



normal for very low income households in high cost communities to pay up to 50% of their household income in rent. Experience from other short term rent assistance programs shows that households are able to “make it work” once they get into a unit and get a head start on paying rent.

- SHIP offices are encouraged to consider contracting with a sub-recipient organization already providing similar services. For instance, when targeting assistance to homeless households, working with a Continuum of Care agency will likely provide the best combination of services, expertise, and experience with “rapid rehousing” programs. An additional benefit of this approach is to be aware of possible duplication of assistance from other sources of funding for the target population.
- While Senate Bill 1534 sets the maximum number of months of rent subsidy at 12 months, keep in mind it is a best practice to determine the number of months of rent assistance based on household need. Other short-term rent assistance programs (e.g., rapid rehousing for homeless households) provide an average of four months assistance.
- There is a general concern that providing rent deposits and/or rent subsidies to homeless households may not be an effective use of SHIP funding. The evidence says otherwise. Evidence from rapid rehousing programs documents about 80-85% of assisted households are able to sustain themselves in

- housing once the rent subsidies end. These programs combine short term rent subsidies with appropriate short term support services, suggesting that SHIP jurisdictions should collaborate with support agencies to provide appropriate services.
- Because SHIP jurisdictions have a 75% commitment to new construction and rehab activities, and use 10% of SHIP funding for administration, the maximum SHIP funding that jurisdictions can use for rent assistance programs is 15% of the SHIP allocation, plus program income. Also note that the rent assistance may also help meet the special needs requirement.



This article focuses on new rent subsidy programs encouraged by SHIP Statute. Along with codifying the rent subsidies program for SHIP, Senate Bill 1534 also encourages SHIP jurisdictions to collaborate in a big picture sense to end homelessness. In 2016 S.B. 1534, the Legislature also included the language that (1) allows

local SHIP jurisdictions to create regional partnerships to pool SHIP funding to address homeless housing needs; (2) requires SHIP jurisdictions to report annually on their efforts to reduce homelessness; and (3) requires SHIP jurisdictions to work with other partners, now including the local homeless Continuum of Care.

The Florida Housing Coalition team is available to assist SHIP communities to implement successful rent assistance programs and work to end homelessness. Contact us. We can help! **HNN**



SUSAN POURCIAU

**Susan Pourciau** is the Director of Homeless Training and Technical Assistance for the Florida Housing Coalition. Susan's areas of expertise include housing first, Continuum of Care (CoC) governance, homeless system design, data analysis, rapid rehousing, CoC funding, and permanent supportive housing. Prior to joining the Florida Housing Coalition, Dr. Pourciau was the Executive Director of several human services nonprofit organizations and was on the faculty of Florida State University. Susan has a doctorate in Accounting and a law degree from Duke University.

# Learning the Language of Ending Homelessness: What Does It All Mean?

Dr. Susan Pourciau, FHC Statewide Director of Homeless Training and Technical Assistance

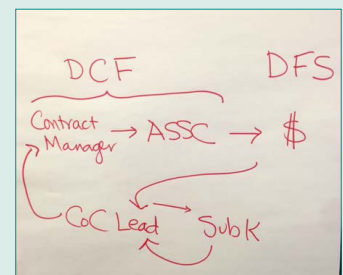
As the Florida Housing Coalition travels across the state to help communities think, plan, and act toward ending homelessness, the first step we take is encouraging everyone to use the same language. We also focus the conversation on working to end – not just manage – homelessness, so that local governments, the private sector, homeless Continuums of Care, and other stakeholders can drive toward the best practices and most effective strategies for providing safe and stable housing for all. Below we offer explanations of some of the key concepts in this work.

**Continuum of Care (CoC)** – HUD created the concept of Continuums of Care to promote community-wide commitment and planning to end homelessness for specific geographic areas, which might be one county or multiple counties. Representatives from various stakeholder groups make up the Continuum Care for an area. Representatives might include stakeholders such as government, hospitals and health care, the local school system, the faith community, representatives from the private sector, philanthropy, law enforcement, and more. The CoC's purpose is to oversee CoC Planning, operate the CoC, operate a CoC Homeless Management Information System (HMIS) and

designate an HMIS Lead Agency. The Lead Agency is the organization (nonprofit or local government) that facilitates the work of the CoC. In Florida there are 27 CoCs and Lead Agencies.

**Coordinated entry** – A coordinated process in a homeless Continuum of Care (CoC) jurisdiction designed to provide common assessment, client intake, and provide appropriate referrals to housing and services in the CoC. In many CoCs, the Coordinated Entry system is a component of the Homeless Management Information System. An essential purpose of coordinated entry (also known as coordinated

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### Trainings on Ending Homelessness



intake) is to determine the most appropriate housing intervention (e.g., rapid rehousing or permanent supportive housing), given the applicant's situation and vulnerability.

**Ending homelessness** – An end to homelessness means that every community will have a systematic response in place that ensures homelessness is prevented whenever possible, or if it can't be prevented, it is a rare, brief, and non-recurring experience. Specifically, every community will have the capacity to: (1) quickly identify and engage people at risk of and experiencing homelessness; (2) intervene to prevent the loss of housing and divert people from entering the homelessness services system; (3) when homelessness does occur, provide immediate access to shelter and crisis services, without barriers to entry, while permanent stable housing and appropriate supports are secured, and quickly connect people to housing assistance and services—tailored to their unique needs and strengths—to help them achieve and maintain stable housing. (Excerpt from Opening Doors: Federal Strategic Plan to Prevent and End Homelessness)

## Advocacy for Homelessness



### St. Augustine City Commission

**Homeless Management Information System (HMIS)** – As required by HUD, an information system to collect client information and data on the provision of housing and services to individuals who are homeless and those who are at risk of homelessness. Each Continuum of Care is responsible for selecting an HMIS software provider and an HMIS Lead Agency that complies with HUD's data collection, management, and reporting standards. HMIS serves a vital role in providing data and insight on the number of people experiencing homelessness in a local area, understanding patterns of service use, and measuring effectiveness of local programming.

**Housing first** – An approach to homelessness that centers on providing people experiencing homelessness with permanent housing (typically, a rental unit) as quickly as possible and, after the person

is housed, providing services to help the person remain stably housed. Housing first is recognized as an evidence-based best practice and is cost effective for the community. Housing first results in better outcomes as compared to approaches that provide services prior to housing and/or impose barriers or program requirements that delay moving into permanent housing.

**Permanent supportive housing (PSH)** – Long-term housing assistance combined with long-term support services for those who have disabilities and have been homeless more than a year or on multiple occasions. PSH is a cost-effective way to help people with serious and complex barriers to live more stable lives. Permanent supportive housing is recognized by HUD as “the solution” to chronic homelessness.

**Rapid rehousing** – A best practices approach to quickly connect homeless households with permanent housing (typically, a rental unit) through an individualized package of assistance that may include the use of time-limited financial assistance, like short-term rent subsidies, and targeted support services provided after housing to help ensure housing stability. A fundamental goal of rapid rehousing is to reduce the length of time a household is homeless and stabilize the household as quickly as possible.

When the concepts described above are woven together in a local community, homelessness is more likely to decrease and decrease more quickly, as compared to using other approaches. The concepts fit together into a successful scheme. For instance, rapid rehousing and permanent supportive housing are both housing first approaches. The way a CoC determines which of those approaches would be best for a particular household is through the

coordinated entry system and HMIS. By using a common assessment tool, households can be prioritized for rapid rehousing if they have moderate barriers to housing stability, or to permanent supportive housing if they have high barriers to housing stability. Those households that have minor barriers to housing stability need very few resources from the homeless assistance system.

When the community – including local government and Continuum of Care – works together to build an effective crisis response system that includes the concepts and best practices described here, homelessness is more likely to decline and at a rapid pace. Of course, an important piece of this puzzle is access to deeply affordable housing, whether the household needs rapid rehousing, permanent supportive housing, or little help at all. Ultimately, homelessness cannot be ended without affordable housing that is accessible to extremely low income households with problematic housing histories.

If you and your community would like assistance from the Florida Housing Coalition, let us know. FHC is the statewide provider of training and technical assistance under contract with DEO. Under the DEO contract, we offer the community a free site visit, provide answers to questions via email or phone, and offer workshops and webinars throughout the year.

If your community would like in-depth systems evaluation, assistance with CoC redesign and/or long-term planning, or even a series of trainings for stakeholders, we can provide these services as a consulting contract with the local government, Homeless Commission, or CoC. Just let us know what you need to end homelessness in your community. **HNN**



SUSAN POURCIAU

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NEW RELEASE:

# Creating Inclusive Communities in Florida



The Not In My Backyard Syndrome (NIMBYism) presents a particularly pernicious obstacle to producing affordable housing. Local elected officials are regularly barraged by the outcry of constituents' concerns over siting and permitting affordable housing. The Florida Housing Coalition is pleased to provide a new edition of Creating Inclusive Communities in Florida, a guidebook that provides education for local elected officials to help them avoid and overcome the negative impacts of NIMBYism, with photos of affordable housing from across our state to illustrate how affordable housing provides value to their community.

The Florida Housing Coalition will be holding a day long workshop on Creating Inclusive Communities in Florida to train on best practices for avoiding and overcoming the Not in My Backyard Syndrome (NIMBY) from both the local government perspective and the affordable housing developer's perspective. The workshop is sponsored the FHFC Catalyst Program and is free of charge. All participants will receive a copy of the 68 page book. The workshop will be held in Central Florida in December. If you would like assistance with neighborhood opposition issues, please contact [ross@flhousing.org](mailto:ross@flhousing.org).

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More about Aqua pictured above: Over forty years ago, a teachers' association used HUD Section 236 funding to develop the Tampa-based 197 unit CTA River Apartments to house retired teachers, living on fixed incomes. With its HUD Section 236 loan maturing, it was in a real danger of being converted to a market rate development which would displace over 200 low income senior residents. Sage Partners stepped in and gutted the old, dilapidated high-rise, transforming it into Aqua - a Hillsborough Riverfront beauty. In addition to providing residents with new kitchens, bathrooms, and appliances in every apartment, common area amenities include community, fitness and yoga rooms, an arts and crafts center, computer lab, and library.

A FLORIDA HOUSING COALITION PUBLICATION PRODUCED IN PARTNERSHIP WITH THE FLORIDA HOUSING FINANCE CORPORATION 1



View the Creative Inclusive Communities in Florida guide and other valuable resources under the Publications tab at [www.flhousing.org](http://www.flhousing.org)



# Accessory Dwelling Units:

## A Smart Growth Tool for Providing Affordable Housing

By Jaimie Ross, President & CEO of the Florida Housing Coalition

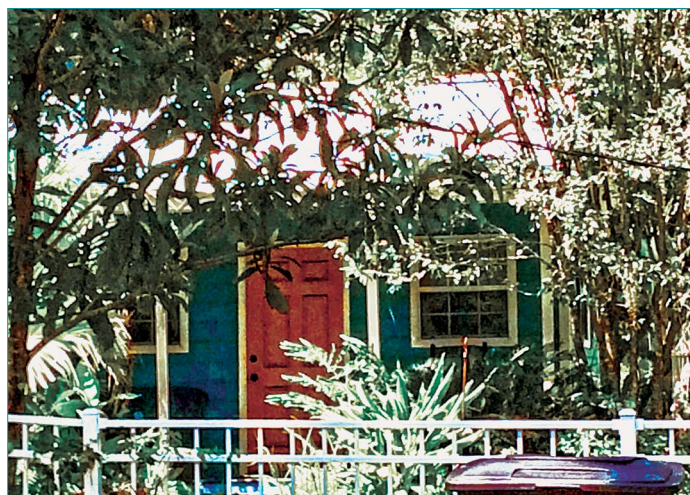
An accessory dwelling unit (ADU) is a residential unit that is secondary to the primary residence of the homeowner. It can be an apartment within the primary residence or it can be an attached or freestanding home on the same lot as the primary residence. The concept of an accessory dwelling unit is to have an additional complete residence, meaning a place for sleeping, bathing, and eating independent of the primary home. An ADU is a tool for providing affordable rental housing and promoting smart growth. These smaller housing units are typically infill units built where there is existing infrastructure, making greater use of the already developed land.

### The Value of an Accessory Dwelling Unit

An accessory dwelling unit creates affordable housing in two ways: the secondary (accessory) dwelling is a small rental unit that will ordinarily rent at a price within the means of lower income persons; at the same time, the rental income from the accessory dwelling unit can render the primary residence more affordable by virtue of the income it generates for the resident owner of the primary residence.

Ordinarily, the accessory dwelling unit is smaller than the primary residence of the homeowner. But, if permitted by the local government, the owner may choose to live in the smaller unit and rent out what was the primary residence. At first blush this arrangement may seem odd, but in the case of a family that now has a single elderly member living on a fixed income, this arrangement can provide the perfect affordable living solution; a more appropriately sized living space and a higher rental income.

AARP engaged the American Planning Association (see resources sidebar on page 20) to develop a model state act and local ordinance as a resource for meeting the affordable needs of elder Americans. ADUs are particularly well suited for lower income elderly because in addition to increasing affordability, the elderly homeowner may also obtain companionship and needed services from the tenant in the ADU. The use of ADUs can assist the elderly to “age in place”. An example of this cited in the Public Policy Institute publication is from Daly City, California:



This cottage is an example of a detached accessory dwelling unit built in the side/backyard with roof lines, colors, and architectural design that matches the larger primary home.

“One homeowner with Alzheimer’s was able to trade ADU quarters for medical services from an ADU tenant, a nurse, who was also delighted by the arrangements.”

Permitting accessory dwelling units is a way for government to create an environment in which the private sector can produce affordable housing, without having to invest public dollars. Removing the land use barriers which prevent accessory dwelling units from being built may be all that local government needs to do for affordable accessory dwelling units to be built. This is an example of how regulatory reform can increase the supply of affordable housing.

However, if the purpose in permitting accessory dwelling units is to increase the supply of affordable housing, local governments need to be thoughtful about the manner in which ADUs are permitted. Without conditions placed upon the use of ADUs, the garage apartment in an expensive or desirable area could end up an “illegal use” such as a Bed and Breakfast. If local governments want to encourage the production of ADUs for affordable housing, a loan program to assist the homeowner in developing the unit is an effective way of providing an incentive for development together with an assurance of affordability through a recorded land use restriction agreement made in conjunction with the loan.

### Obstacles to Accessory Dwelling Units

Traditional “Euclidian” zoning separates land uses in a way that prohibits more than one single residence on a platted lot, regardless of the acreage. If two or more residences are situated on a single lot, they would need to be in a more intensive residential zone, such as one that permits duplexes or multi-family housing.

Some single family zoning may permit an accessory dwelling unit, but require that special circumstances be shown to warrant the use, such as a unit limited to use as a “granny

flat” or “mother-in law” suite to accommodate immediate family members. The local zoning code may also limit the accessory dwelling use by proscribing separate metering of the accessory dwelling unit. In short, there may be a number of land use regulations to overcome. Another obstacle to ADUs may be neighborhood or community resistance. The owners of single family homes may object to having renters in their neighborhood; they may fear increased traffic and parking, or perceive a threat to their property value.

### Promotion of ADUs as an Affordable Housing Strategy

When the SHIP Legislation was adopted in 1992\*, included in the list of regulatory reform items for consideration by all SHIP jurisdictions (all counties and entitlement cities in Florida), was permitting accessory dwelling units in all residential areas. Most jurisdictions did not opt to include this incentive, but a number of jurisdictions in Florida do make some provision for accessory dwelling units.

In 2004, Chapter 163 Florida Statutes, was amended to include Section 163.31771 entitled “Accessory dwelling units.” The law encourages local governments in Florida, especially those in urban areas, to permit accessory dwelling units in all areas zoned for single-

family residential use. The purpose of this legislation is to increase the production of affordable rental housing. To that end, the statute provides that “an application to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to extremely low income, very low income, low income or moderate income person or persons.” The statute also states that each affordable accessory dwelling unit shall apply toward satisfying the affordable housing component of the housing element in the local government’s comprehensive plan. Local governments in Florida are, of course, empowered to permit accessory dwelling units without this statute, but the statute brings this underutilized tool to the fore and makes

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Permitting accessory dwelling units is a way for government to create an environment in which the private sector can produce affordable housing, without having to invest public dollars.

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explicit the connection to local government comprehensive planning obligations.

### Considerations for ADU Ordinances

Accessory dwelling units could be permitted without adoption of a separate ordinance by simply having accessory dwelling units enumerated as a permitted use within the single family residential use category. It is unlikely, however, that this will be the chosen vehicle, as it fails to provide the parameters for the development and use of accessory dwelling units, which are key to successfully balancing the production of affordable rental housing with the concerns of the existing single family homeowners.

Virtually all ADU ordinances require that the owner reside in either the primary or the secondary unit. But there are a number of issues that can be decided differently depending upon community needs. All programs for the development of ADUs should consider the following:

- **Conditional use or “by right”** – If the ADU is a conditional use, a public hearing would be required – this makes the process more difficult for the applicant, but provides a forum for input from the neighborhood. If the ADU is “by right” it is a permitted use and, provided the application meets the requirements in the ordinance, it will be approved administratively, without public hearing.
- **Permitting process** – To encourage the development of ADUs, local government can create a user friendly process for construction which includes expedited processing (a requirement under the SHIP program), a manual to help the homeowner, and a staff person charged with overseeing the program.



This is an example of an attached accessory apartment in the back of this single family home. Neither the accessory apartment or the off-street parking are visible from the front of the house.

- **Size regulations** – ADU ordinances commonly have a minimum lot size for the total parcel and a maximum ADU size. The goal is to maintain the aesthetic integrity of the single family neighborhood. Performance standards rather than arbitrary size limitations may better address neighborhood concerns.
- **Design requirements** – To ensure compatibility and maintain the aesthetic character of the neighborhood, an ADU ordinance may set forth minimum design standards and have architectural review requirements.
- **Parking requirements** – To avoid parking problems in an urban area, the ordinance may require that there be sufficient on-street parking or off-street parking, or may require that parking be at the back of the residence.
- **Type of unit** – Different considerations may apply if the ADUs are within the primary residence, such as a basement apartment; attached to the primary residence, such as a garage apartment; or detached from the primary residence, such as a cottage.
- **Occupancy restrictions**
  - Some ordinances may prescribe the maximum number of people who can live in the ADU or the type of renters, such as limiting the rental to relatives or the elderly.
- **Incentives to produce ADUs** – Loans for the production of the ADU may make it easier to monitor for affordability and assist the local government in directing applicants on its rental waiting lists to affordable ADUs.
- **Monitoring** – Some ADU programs have an annual affidavit requirement or other means for monitoring whether the ADU continues to be used in accordance with the local ADU requirements.





ADUs do not have to be an afterthought. New construction of single-family homes could also include construction of an ADU. "Carriage houses" accessible from alleys are commonly found in the "New Urbanism" or Traditional Neighborhood Design. But without an ADU ordinance requirement that these units be affordable, the carriage houses in this "new urbanism" community exceed affordable rents, as the desirability of the traditional neighborhood design development drives housing prices out of the affordable range.

One of the keys to a successful program is the information and technical assistance provided to the community and the prospective developer/owner of an ADU. To ensure the success of its program, Montgomery County, Maryland has a guidebook to assist applicants through the permitting process for accessory apartments. The County also assists the applicant by having a staff person assigned to help applicants through the process.

In 2004, the Environmental Protection Agency gave the city of Santa Cruz California the National Award for Smart Growth Achievement for its Accessory Dwelling Unit Policies and Regulations, which includes a manual for developing ADUs, including architectural designs. You can access the Santa Cruz manual and ADU prototypes on line at: <http://www.cityofsantacruz.com/home/showdocument?id=8875>

If your local government would like technical assistance to help develop an accessory dwelling unit ordinance or navigate the issues to be addressed with accessory dwelling unit ordinances, contact the Florida Housing Coalition at (850) 878-4219, or Jaimie Ross at [ross@flhousing.org](mailto:ross@flhousing.org) **HNN**

\*Florida Statute 420.9076 (4) "At a minimum, each advisory committee shall make recommendations on affordable housing incentives in the following areas: (e) the allowance of affordable accessory residential unit in residential zoning districts.



JAIMIE ROSS

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## Resources for ADU Models

"Accessory Dwelling Units: Model State Act and Local Ordinance," Public Policy Institute, Rodney L. Cobb & Scott Dvorak, American Planning Association  
[http://assets.aarp.org/rgcenter/consume/d17158\\_dwll.pdf](http://assets.aarp.org/rgcenter/consume/d17158_dwll.pdf)

### Examples:

**Massachusetts Smart Growth Toolkit Bylaws**  
<http://www.horsleywitten.com/services/planning/smart-growth-low-impact-development/>

**Santa Cruz California ADU Manual**  
<http://www.cityofsantacruz.com/home/showdocument?id=8875>

**State of Georgia (Department of Community Affairs)**  
[http://www.dca.state.ga.us/intra\\_nonpub/Toolkit/ModelOrdinances/TND\\_ModOrd.pdf](http://www.dca.state.ga.us/intra_nonpub/Toolkit/ModelOrdinances/TND_ModOrd.pdf)

**Municipal Research & Service Center of Washington "Accessory Dwelling Units Issues and Options"**  
<http://mrsc.org/getmedia/54c058a5-4d57-4192-a214-15f2fa5ac123/ADU30.pdf.aspx>

**Vermont "Accessory Dwelling Units: A Guide for Homeowners"**  
[http://accd.vermont.gov/sites/accd/files/Documents/strongcommunities/housing/2013Edition\\_Accessory\\_Apts\\_Brochure.pdf](http://accd.vermont.gov/sites/accd/files/Documents/strongcommunities/housing/2013Edition_Accessory_Apts_Brochure.pdf)

**Accessory Dwelling Units: Model State Act and Local Ordinance**  
<http://www.docdatabase.net/more-accessory-dwelling-units-model-state-act-and-local-ordinance-577683.html>

**Accessory Dwelling Units Report to the Florida Legislature**  
<http://landuselaw.wustl.edu/Articles/ADU.Report.pdf>

**City of Santa Cruz Accessory Dwelling Unit Development Program**  
<http://www.cityofsantacruz.com/departments/planning-and-community-development/programs/accessory-dwelling-unit-development-program>

## FLORIDA HOUSING COALITION PARTNERS WITH FLORIDA BAR FOUNDATION GRANTEES TO BRING FREE LEGAL SERVICES TO FLORIDA NONPROFITS ENGAGED IN AFFORDABLE HOUSING

Services are provided throughout Florida through three offices (see contact info in sidebar) or you can contact the Florida Housing Coalition and we will connect you to the office that will assist you.

Lawyers can help you with corporate issues, transactions, land use, and even litigation. Here's an example of what's available to nonprofits in Florida:

- Form a nonprofit and attain 501(c)(3) status; this could also be a community land trust
- Train members of Boards of Directors about their legal rights and responsibilities
- Handle loan and real estate contracts for nonprofit developers from contracts to purchase through closing
- Bring lawsuits to quiet title to allow use of lots donated or purchased by tax deed to build affordable housing
- Assist with land use issues
- Prepare applications to FHFC or HUD for financing
- Negotiation and finalization of partnership agreements and loan documents
- Assist nonprofits involved in affordable housing projects where they aren't being paid as promised or otherwise have disputes
- Training and legal advice to neighborhood groups and community development corporations working to revitalize their communities
- Assist groups to help save mobile home parks for affordable housing

Come to the workshop on Free Legal Services for Nonprofits at the statewide conference on September 12 to meet these lawyers and get assistance! This workshop will feature a panel of lawyers from varying parts of the state to answer questions from the audience- and provide answers that all nonprofits need. This is not just a time for Q&A, feel free to bring your story about what you might need legal assistance with and there's a good chance you'll leave with a lawyer who will provide you with free legal assistance. In addition to the legal services attorneys on this panel, you will also learn about the Community Justice Project. **HNN**

Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, St. Johns, Suwannee, Taylor and Union counties should contact:

### **Jacksonville Area Legal Aid (JALA)**

Carol Miller

[carol.miller@jaxlegalaid.org](mailto:carol.miller@jaxlegalaid.org)

904-356-8371 Ex 332

Brevard, Citrus, Flagler, Hernando, Lake, Marion, Orange, Osceola, Putnam, Seminole, Sumter and Volusia counties should contact:

### **Community Legal Services of Mid-Florida (CLSMF)**

Terry Costolo

[terryc@clsmf.org](mailto:terryc@clsmf.org)

407-841-7777, Ext.2116

Alicia Magazu

[aliciam@clsmf.org](mailto:aliciam@clsmf.org)

386-255-6573, Ext.2118

David Cronin

[davidc@clsmf.org](mailto:davidc@clsmf.org)

386-255-6573, Ext.2512

### **Florida Legal Services (Statewide)**

Robert K. Dwyer

[robert@floridalegal.org](mailto:robert@floridalegal.org)

352-375-2494 extension 1002



# *Tiny Homes Preconference Symposium*

1:00- 5:00 (4 hours)

The evolving interest in Tiny Homes has uncovered some common and some differing points of view. Specifically, there is interest in Tiny Homes as:

1. A choice for a minimalist lifestyle; more green, simpler, and affordable living. And if the tiny house is on wheels, for living in a variety of places as you move your home from place to place. It is permanent housing with kitchen and bathroom.
2. An alternative to emergency shelter (a more dignified, safer, and healthier shelter experience than a large group of individuals in a single large space). It is temporary housing that may not have plumbing.

Each of these types of Tiny Homes have issues of land use and financing- but the issues are different. For example, Tiny Homes on wheels may find a home in an RV park but will not be financed as real property. Tiny Homes that are built on a foundation would need to fit within an allowable land use (such as Pocket Neighborhood) and should be able to be financed as any other home, perhaps with the legal foundation of a community land trust. Tiny Homes that are temporary housing will likely find a home on church property or other land uses that permit transitional housing.

To sort through these issues, we have broken the conversation into three panels:

## **1. Tiny Homes as a Choice for Minimalist Permanent Housing.**

**Moderator:** Barbara Inman

**Panelists:** Mary Alford, RabbleHousers and Sustainable Design Group  
Brett Hiltbrand, Cornerstone Tiny Homes

## **2. Tiny Homes as an Alternative Temporary Shelter.**

**Moderator:** Susan Pourciau

**Panelists:** Sharon Lee, Low Income Housing Institute  
Mark Dufva, Catholic Charities, Diocese of St. Petersburg

## **3. Land Use Progress for Tiny Homes.**

**Moderator:** Jaimie Ross

**Panelists:** Steve Lachnicht, Alachua County  
René Hardee, Tiny Homes USA FL Chapter  
Alexandra Bernard, City of Rockledge



Seating will be limited to allow plenty of time for participation from everyone in the room. If you are considering tiny homes in your community, either as permanent housing or as temporary housing, this would be a good session to talk about it. You may decide you want to join the movement!







# 29<sup>TH</sup> ANNUAL STATEWIDE AFFORDABLE HOUSING CONFERENCE

SEPTEMBER 11-14, 2016 | ROSEN CENTRE ORLANDO | PRESENTED BY THE FLORIDA HOUSING COALITION

## *Home Matters:* OPENING DOORS IN 2016



Florida's Premier Statewide Affordable Housing Training and Technical Assistance Event

*September 11*

### PRECONFERENCE SHORT COURSE: Tiny Homes

If you are considering tiny homes in your community, either as permanent or temporary housing, register for this pre-conference event. *Learn more on page 22.*

*September 12*

### STATE OF THE STATE: HOME MATTERS

A two-part plenary, beginning with the most important issues in housing from the state (FHFC) and federal level (HUD) complemented by the connection between housing and the economy from the new Florida Policy Institute and followed by the massive state and local efforts of the Sadowski Coalition, the Sadowski Education Effort, and the Sadowski Affiliates to secure the highest homegrown housing appropriation in nine years.

#### PART ONE



Moderated By  
**MARK HENDRICKSON**



**STEVE AUGER**  
Executive Director,  
Florida Housing  
Finance Corporation



**ED JENNINGS**  
Regional Administrator  
U.S. Dept. of Housing  
& Urban Development

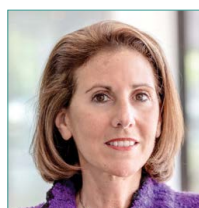


**JOSEPH PENNISI**  
Executive Director,  
Florida Policy Institute

#### PART TWO



**KEN PRUITT**  
Former Senate  
President, Principal,  
P5 Group



**JAIMIE ROSS**  
President & CEO  
Florida Housing  
Coalition



**TED GRANGER**  
Executive Director  
United Way of  
Florida



**DANIELLE SCOGGINS**  
Senior Public Policy  
Representative  
Florida Realtors



## HOUSING CHAMPION AWARD



### CONGRESSMAN MARIO DÍAZ-BALART

The Florida Housing Coalition honors Congressman Mario Díaz-Balart (R) District 25 for his role in securing federal funds for affordable housing as Committee Chairman of Transportation, Housing and Urban Development, and Related Agencies.

## HOUSING SUCCESS

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

## PARTNER/CAUCUS MEETINGS

This is a somewhat unstructured time for you to meet with your colleagues about issues that are most important to your organizations. You will find subject matter experts in each caucus and plenty of time for discussion. There are six Caucuses to choose from:

- Continuum of Care/Homeless
- Florida Nonprofit Housing Advocates Network/CLT
- Florida Realtors
- Housing Counselors
- Government/Florida Association of Housing and Redevelopment Officials/Florida Redevelopment Association/Florida Community Development Association/Community Redevelopment Agencies
- Utility Companies, Weatherization Agencies and Energy Efficiency Partners

## 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.



This Year's Photo Booth is Sponsored by Related Urban Group



### KEYNOTE SPEAKER

#### DIANE YENTEL

President/CEO, National Low Income Housing Coalition



*September 13*

**WORKSHOPS PROVIDE TRAINING IN ALL ASPECTS OF AFFORDABLE HOUSING, INCLUDING THESE FOUR TRACKS:**

- Housing for Elders and Individuals with Special Needs
- Financial Resources for Affordable Housing
- Energy Efficient and Sustainable Housing
- Housing for People Experiencing Homelessness

**TRAINING SESSIONS**

(...And More to Come)

- Affirmatively Furthering Fair Housing: A New Approach
- Affordable Rental Market Research: Florida and the Southeast
- Bankers Can Be Your Best Partners
- Community Land Trusts: The Why and How
- Container Housing
- Could your Nonprofit Benefit from Free Legal Assistance?
- Developing Housing for Special Needs Populations
- Dreaming Big: Working to End Homelessness in a Big Way
- Energy Efficient Housing
- FHFC Funding Resources
- Development 101 for Nonprofits Working with Special Needs & Homeless Populations
- Housing for Elderly and Special Needs: Focus on Preservation
- Housing for Persons with Developmental Disabilities
- Make Room Campaign, Home Matters, and ALICE Report
- Nonprofit and For Profit Developer Partnerships
- One of Florida's Best Programs for Nonprofits: The PLP
- Progressive Land Use Policies for Affordable Housing
- Surplus Lands: How to Best Implement this Statutory Requirement
- Understanding and Ending Youth Homelessness
- Underwriting: What to Expect After You've Won the Award



**KEYNOTE SPEAKER**

**SHERRI MEADOWS**

Vice President of the National Association of Realtors;  
Past President, Florida Realtors



*Don't Miss....*

**Nonprofit Raffle Presented by PNC Bank and Wells Fargo**

\$1,000 to two lucky nonprofits





## September 14 SHIP ADMINISTRATORS TRAINING

Join the SHIP Administrators Training sponsored by Florida Housing Finance Corporation.



- Robert Dearduff, Florida Housing Finance Corporation kicks off the half day training with Local Housing Assistance Plan (LHAP) issues and lessons from the 2016 updates.
- FHFC's SHIP monitoring staff will offer tips for a successful monitoring report.
- FHFC and FHC Presenters will review recent SHIP statutory changes, such as SHIP assistance through rent subsidies.

In response to SHIP staff input, significant time is scheduled to discuss questions like:

- What are best practices for working with non-profits, sponsors, and sub recipients?
- What are examples of SHIP efforts to reduce homelessness?
- Learn from the experience of others as SHIP staff share from their experiences.

Open discussion about hot topics, trends, best practices, and challenges is encouraged.



## Register Now for the 29th Annual Statewide Affordable Housing Conference

### Registration is Easy!

Register online at: <http://www.flhousingconference.org/registration> or download the form and mail or fax it.

For more information regarding the FHC Conference, contact Johnitta Wells at 850-878-4219 or [wells@flhousing.org](mailto:wells@flhousing.org).



# Affirmatively Furthering Fair Housing Through Land Use Laws

By: Jaimie Ross, Attorney at Law, President/CEO Florida Housing Coalition

In a momentous decision, the Supreme Court, in *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project, Inc.* 576 U.S. \_\_\_, No. 13-1371 (June 25, 2015), held that policies and practices that have the effect of discrimination, even if not intentional, violate the civil right to housing opportunity guaranteed by the Federal Fair Housing Act. The Court affirmed what is commonly known as the “disparate impact” theory of liability. On the heels of that Supreme Court decision, HUD adopted its final rule on affirmatively furthering fair housing. The combination of the Supreme Court decision and adoption of the final rule to implement a long standing, but rarely enforced, Fair Housing civil rights law should be viewed as a clarion call for local governments to make meaningful progress in creating housing choice in areas of opportunity.

Fair Housing Act violations are most commonly thought of in the context of refusing to rent or to sell property to a person or a family based on the color of their skin. Too often overlooked is that the most egregious cause of segregation in the housing market is the result of land use planning and permitting laws. A prime example, is when local governments permit large swaths of land to be developed through master plans that create mini towns or villages without creating housing opportunity for low income households; some have their own community schools and all the infrastructure associated with a municipality, but no requirement that affordable housing be part of the mix. This exclusionary land use can easily be seen to have a disparate impact on protected classes as it makes unavailable the areas of high opportunity (newer schools, better infrastructure, parks, and services) that come with the new development.

It is a compelling time for Florida jurisdictions to adopt inclusionary housing policies to promote housing choice in areas of opportunity. Inclusionary housing policies come in many forms in the land development code, from eliminating minimum square foot regulations, allowing accessory dwelling units in all residentially zoned areas, and accommodating tiny homes and co-housing by permitting pocket neighborhoods, to a requirement that affordable homes are included when land is rezoned for redevelopment or new market rate housing.

There are a variety of ways for government to make meaningful progress in affirmatively furthering fair housing. Using housing funds to supplement and not supplant general revenue dollars for improving community infrastructure in low income and high poverty areas, bringing existing affordable housing into good repair, and improving the overall health and safety in the parts of town that have suffered from disinvestment are important actions for affirmatively furthering fair housing. While not diminishing the importance of improving existing impoverished areas of the community, this article addresses the value of providing housing opportunities for low wealth individuals throughout the entire community, and particularly in areas of high opportunity.

## Mixed Income And Mixed Use Developments.

New Urbanism uses Traditional Neighborhood Design (TND) to produce developments often rising to the level of small unincorporated towns. New Urbanism ostensibly offers a continuum of housing choices. Examples in Florida include Baldwin

### Baldwin Park, Orlando, FL (former Navy Base)



When there is no inclusionary requirement, we find that new urbanism developments typically fail to include homes for low income populations.

Park in Orlando, City Place in West Palm Beach, Southwood in Tallahassee, and of course, the nationally acclaimed and first New Urbanism Community in Florida, Seaside, in the Florida Panhandle. There are approximately 60 New Urbanism communities throughout Florida. These large developments, which often feel like a small town complete with supermarkets, restaurants, town centers, and schools, have virtually no housing options for low income individuals.

HOPE VI developments were required by federal law to use TND, and were required by law to include low income families in these mixed income developments. Florida developers have embraced New Urbanism or TND because it creates desirable and profitable development. Local land use planning laws have permitted these developments most commonly under the local Planned Unit Development laws or pursuant to Development of Regional Impact (DRI) state planning law. But, by and large, those TND communities that were not HOPE VI developments, failed to include any legal requirement for affordability.

Was it local government's intent to close off housing choice in these desirable communities? Under the disparate impact theory of liability affirmed by the Supreme Court in *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project*, discriminatory intent is not required. Local government may have believed that housing choice would be available because of the variety of housing types and tenures included in the developer's plan to provide a continuum of housing prices. For example, the attached rental housing would provide a type and tenure that low wealth families could afford. But that has not been the experience on the ground. With the exception of the falling prices from the housing recession of 2007-2012, the

desirability of the TND communities increased the prices of even the attached rental housing beyond the reach for Florida's lower-income households.

### **Inclusionary Zoning: a local land use remedy.**

Inclusionary zoning ordinances require the private sector developer to include a small percentage (10- 20%) of affordable housing in the otherwise wholly market rate development. There are hundreds of inclusionary zoning ordinances operating in 20 states in the U.S. Some produce for-sale homes, others supply rental housing, and most do both. Most produce housing units available to low- and

moderate-income working families, or "workforce housing." Housing advocates nationwide perceive inclusionary zoning as a critical strategy with great promise for increasing the stock of affordable housing. The potential for inclusionary zoning is immense because local governments can propel the development of affordable housing without

substantial financing subsidies.

As its name suggests, inclusionary zoning is an antidote to "exclusionary zoning." Exclusionary zoning has been the common practice of separating land uses, prohibiting mixed income and mixed use developments, and promoting large lot and sprawl development that have the effect of excluding affordable housing and low-income populations, including persons of color. Exclusionary zoning sets the stage for private condominiums and gated communities that create socially, economically and racially homogenous enclaves. Exclusionary land use practices force low income people to live outside of high-opportunity areas marked by growing local job markets, lower-poverty and higher- performance public schools, and greater public investment in infrastructure, such as parks and other public amenities.



### **Seaside, Florida**

**THE ORIGINAL NEW URBANISM COMMUNITY**

The "employee cottages"- would become homes for millionaires



Inclusionary zoning is a form of “land value recapture” in which local government, acting in the best interests of the public, recaptures a portion of the increase in private property value caused by land use or zoning changes made by the government. Inclusionary housing is good public policy. Local land use authority is a powerful tool for ensuring adequate and well-located affordable housing, but far too few local government planners and elected officials are using it.

Land ownership within a jurisdiction includes a “public” dimension which is constituted by zoning policies. The housing produced in Florida’s communities (what kinds, how much, at what locations and at what price) is a result of a complicated set of interrelated systems. Exclusionary zoning has prevented low income members of the community from housing choice in areas of opportunity. Inclusionary zoning is a realistic, effective, and fair solution to both the lack of affordable housing and economic and racial segregation.

### **How Inclusionary Zoning Affirmatively Furthers Fair Housing.**

An oft heard shorthand for the importance of where affordable housing is located is that “a child’s zip code should not determine his or her future success”. When children attend community schools and their communities are economically and racially homogenous, the result is segregation in the schools. In contrast, inclusionary zoning promotes economic and racial integration in public schools with substantial positive impact on all students. See newly released report on Success Stories of Socioeconomically Integrated Schools from The Century Foundation at [www.tcf.org](http://www.tcf.org).

Inclusionary zoning is needed in all New Urbanist communities in Florida. The TND (traditional neighborhood design) that has been embraced throughout Florida, creating more than 60 New Urbanist communities throughout the state, has failed to meet the principle espoused by the Congress of New Urbanism that affordable housing should be included in New Urbanist communities. Without an inclusionary requirement, New Urbanist communities and large scale developments inspired by traditional neighborhood design remain unaffordable as the desirability

of these communities drive home prices and rents beyond what is affordable to the lower wage workforce.

### **The Effect of Inclusionary Zoning on Development in Florida.**

An inclusionary zoning ordinance will typically apply to market rate developers of single family and multifamily housing, neither of whom are in the business of producing affordable housing. Typically, the push back from the market rate developer is couched in terms of the “unfairness” of having to provide affordable units. But in reality, the market rate developer is not being treated unfairly in economic terms, in fact, under Florida’s strong private property laws, it is likely that the market rate developer will not only be kept economically whole, but even able to profit more under the inclusionary ordinance than without it.

More likely, is that the discomfort with requiring a market rate developer to produce affordable housing is that the developer/builder is being told to produce a product outside of the developer/builder’s line of business or expertise. There are a number of ways for the market rate developer to comply with the inclusionary requirement to produce affordable units. If there are only a small number of affordable units to be provided, it may be a simple matter to include them within the market rate development, but that is not always the case. Partnering with a nonprofit, such as a community land trust to own and manage the long term affordability of the inclusionary housing units is a wise choice. A community land trust is a nonprofit that typically maintains ownership of the land beneath the affordable housing improvement, whether a homeownership or rental unit, and maintains the perpetual affordability of the home through the terms of a 99 year ground lease that permits the community land trust to restrict the sales price or the rent of the housing to ensure that the home is affordable for generations.

Another way for the market rate developer to meet the inclusionary requirement is to partner with an affordable housing developer—for example, a developer using low income housing tax credits or other affordable housing finance resources. Typically, the inclusionary housing ordinance will require that

## \*From HUD AFFH Guidebook

### 6.3.3 INCLUSIVE COMMUNITY DEVELOPMENT & POLICY

In addition to programmatic strategies to affirmatively further fair housing there are many policy levers that may be used to overcome historic patterns of segregation, transform R/ECAPs into areas of opportunity, reduce disproportionate housing needs, and eliminate disparities in access to opportunity. Inclusionary zoning, regional fair share policies, mixed income housing, and community-based settings for individuals with disabilities are some strategies that may produce fair housing outcomes. Today, over 400 cities, towns, and counties have implemented inclusionary zoning policies. When applied effectively, inclusionary zoning can successfully integrate affordable housing across jurisdictions and regions. For example, an inclusionary zoning ordinance may require that a percentage of new housing units be developed for low- and moderate-income families. Under one ordinance of this type, 12.5 to 15 percent of dwelling units, in developments of 50 or more units, must be “moderately priced,” and 40 percent of these units must be offered to the local public housing authority or nonprofit sponsors. By doing this, in exchange, developers are provided a density bonus, that is, they are allowed to develop more units than zoning laws would otherwise permit. In one county, inclusionary zoning has produced over 12,500 affordable housing units that are integrated with market-rate housing.

the inclusionary units be built on-site. In Florida much of our new market rate housing is built on large parcels, sprawling walled-in developments or the lovely New Urbanist communities that have the trappings of a small town. The market rate developer could conceivably meet its inclusionary requirement by providing land to the developer of a tax credit development that will be built to the aesthetics of the market rate community. This would be a private sector partnership facilitated by the public sector, creating a quadruple win. A win for the market rate developer; a win for the affordable housing developer; a win for the local government; and a win for the residents of the community.

### Improving the Production of Affordable Housing.

All local jurisdictions in Florida are required to meet the entire current and anticipated housing needs of their communities Section 163.3177 (f), Florida Statutes. The Florida Legislature enacted a statutory goal that “[by] the year 2010, this state will ensure that decent and affordable housing is available for all of its residents” (Section 420.0003 (2), Florida Statutes). In 2016, we are still far from achieving this goal. The 2016 Florida Home Matters Report, published by the Florida Housing Coalition, finds that over 950,000 very low income households in Florida are severely cost burdened, spending more than half their income on housing.

Contemporary affordable housing is well-designed, professionally-managed and an asset to the community. Moreover, when affordable housing is located in opportunity-rich neighborhoods, it creates economic and cultural diversity that benefits the entire community. Educating elected officials and the public about the quality of present day affordable housing is key to overcoming neighborhood opposition to the inclusion of housing for lower income residents. Florida is a national leader in providing a dedicated revenue source for affordable housing through the Sadowski state and local housing trust funds to help in the financing of affordable housing. Florida is also a national leader in having a state Fair Housing Law which prohibits discrimination in land use decisions based on the financing of the development. See 760.26, Florida Statutes. Inclusionary zoning is a policy that successfully addresses both the production of affordable housing and the location of affordable housing. The Innovative Housing Institute, a national nonprofit, estimates that if inclusionary zoning had been enacted by all local governments in 118 higher-housing cost metro areas, a 15% set-aside would have resulted in 1.6 million affordable housing units being built by private, for-profit homebuilders between 1990 and 2006.

The life breathed into Affirmatively Furthering Fair Housing from the Supreme Court decision and adoption of the Affirmatively Furthering Fair Housing Rule means it is time for all of Florida’s local governments to take a fresh look at whether their land use codes can do a better job in making meaningful progress to affirmatively further fair housing. **HNN**



JAIMIE ROSS

**Jaimie A. Ross** is the President & CEO of the Florida Housing Coalition. Nationally, she serves on the Boards of Grounded Solutions Network and the Innovative Housing Institute. Ross is the past Chair of the Affordable Housing Committee of the Real Property Probate & Trust Law Section of the Florida Bar. She is a nationally recognized expert in avoiding and overcoming the NIMBY syndrome.

# FREQUENTLY ASKED SHIP QUESTIONS

## State Housing Initiatives Partnership Program

**Q. I understand that the Florida Legislature made some changes to the SHIP statute this year. What are the changes?**

**A.** Senate Bill 1534 made changes to the SHIP statute. First, the SHIP program may now provide up to 12 months of rental assistance to some types of SHIP households. This significant policy change is detailed in Susan Pourciau's article on page 11. Furthermore, although SHIP has always been permitted to pay a tenant's past due rent as part of eviction prevention, the SHIP statute now includes clarification that paying for up to 6 months of eviction prevention is an eligible expense.

The special needs requirement—which SHIP staff have become familiar with in the past three years—has now been codified in the SHIP statute. It requires dedicating 20% of the SHIP allocation to assist applicants with special needs, as defined in Section 420.0004 of the Florida Statutes.

Other SHIP changes address rental housing. The SHIP statute requires that all rental units constructed or repaired with SHIP funds must be monitored for at least 15 years, with a minimum SHIP investment exemption to the requirement. The amount of money invested in a rental property must now be more than \$10,000 per property—rather than \$3,000 previously—before monitoring requirements are triggered. Another change to this section improves a SHIP administrator's ability to rely on monitoring reports from other entities that are investing additional subsidy in the same rental housing units. The SHIP statute notes that those “assisting rental developments shall annually monitor and determine tenant eligibility or, to the extent another governmental entity or corporation program provides

periodic monitoring and determination, a municipality, county, or local housing financing authority may rely on such monitoring and determination of tenant eligibility.” The word “periodic” is added to the text, which allows SHIP staff to fulfill monitoring requirements by relying on periodic monitor reports, some of which are issued less frequently than once a year.

Florida's legislators have focused significant attention on the prevention of homelessness. In SB 1534, they encourage each SHIP jurisdiction to “develop a strategy within its local housing assistance plan which provides program funds for reducing homelessness.” The legislation also includes a requirement that SHIP cities and

counties include in their annual reports a description of efforts to reduce homelessness. The SHIP Statute is updated to clarify that “local governments may create regional partnerships across jurisdictional boundaries through the pooling of appropriated funds to address homeless housing needs identified in local housing assistance plans.” Finally, while the SHIP program has always encouraged

the involvement of appropriate public sector and private sector entities, the legislators updated the list of community partners to include lead agencies of local homeless assistance continuums of care. These CoC groups are dedicated to assisting homeless individuals, so their input if valuable, especially to inform SHIP homeless prevention efforts.

The responsibilities of the affordable housing advisory committee (AHAC) are detailed in the SHIP statute, and this was also updated in a manner that make it easier to recruit committee members and get the committee's work started. The AHAC is no longer required to be appointed by resolution, and fewer members are required.





The AHAC committee must now be composed of at least 8 members but not more than 11 members. The SHIP statute has always includes descriptions of 11 distinct categories of AHAC membership, and now the committee must consist of 1 representative from at least 6 of the 11 categories.

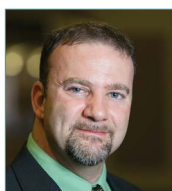
**Q. I recently received a SHIP Technical Bulletin by email. Are there other previously issued technical bulletins that I should review?**

**A.** Yes, you may access the bulletins on Florida Housing's website, [www.floridahousing.org](http://www.floridahousing.org) in the 'Housing Partners' section under 'Local Governments-(SHIP)'. The login link is <http://www.floridahousing.org/webboard/>. Technical bulletins have been issued recently on the subjects of record retention, NOFA advertisements, audit and monitoring requirements, and more.

**Q. The Florida Housing Finance Corporation recently issued a technical bulletin regarding sub recipients. I know that we must list these sub recipients on Form 4 of the SHIP annual report, and I do not want to include groups that I should not. SHIP defines a sub recipient as "a person or non-state organization contracted by a SHIP eligible local government", but my office does not have a contract with the title company we work with.**

**Also, our county hired a loan servicer through a bid document, which serves as a contract although the county does not actually sign it. The same is true for the nonprofit agency that offers pre-purchase classes to applicants in our purchase assistance strategy. Conversely, in our rehabilitation program, we do sign contracts with local rehab contractors and also for lead based paint testing. Are any of these professionals considered SHIP sub recipients?**

**A.** These are not sub recipients, and should more appropriately be considered vendors providing assistance to the staff that are implementing a SHIP strategy. By contrast, a sub recipient is compensated with SHIP funds to provide administration of a portion of the SHIP program, and it is tasked to complete a majority of what is needed to administer one or more SHIP strategies. You mention a title company, a nonprofit that teaches classes, and a loan servicer. All are involved with aspects of your purchase assistance strategy, but none implement most of this strategy. They do not identify buyers, help complete applications, calculate and document eligibility, and many other administrative tasks. The same is true for your rehabilitation strategy, where neither the rehab contractors nor paint testing professionals complete a majority of the SHIP administrative tasks. **HNN**



MICHAEL CHANEY

**Michael Chaney** is a Technical Advisor for the Florida Housing Coalition. Chaney's responsibilities include providing training and technical assistance through workshops, on-site visits, and telephone consultation on a variety of affordable housing topics, including capacity building for housing nonprofits; financial tracking of housing funds; fair housing; compliance with housing program requirements (SHIP, HOME, CDBG); operational/administrative procedures, housing rehabilitation strategies, and energy efficiency topics. Throughout the years, he has provided technical assistance to local government, nonprofit housing professionals and consumers throughout Florida. In addition, he provided assistance to HUD Section 8 tenants through the Federal OTAG program. Chaney's technical assistance experience includes monitoring nonprofit sponsors, enhancing rehabilitation strategies, and general housing program administration. He has also served as an adjunct faculty member of the housing department at Florida State University.



## DO YOU HAVE A QUESTION 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.**



# 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: \_\_\_\_\_

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_ Email: \_\_\_\_\_

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.

A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL FREE 1-800-435-7352 WITHIN THE STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE.

## ABOUT THE FLORIDA HOUSING COALITION

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** through training and technical assistance 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** The Coalition's administrative office is in Tallahassee, and 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 Technical Assistance 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.



850-878-4219



info@flhousing.org



www.FLHousing.org





# 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 and the New Assessment of Fair Housing
- 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 grants 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



### CONTACT

Contact the Florida Housing Coalition: Phone: 850-878-4219  
Email: [info@flhousing.org](mailto:info@flhousing.org) | Online: [www.FLHousing.org](http://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.



# Florida Housing Coalition Board of Directors

## EXECUTIVE COMMITTEE



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**GEORGE ROMAGNOLI**  
Pasco County



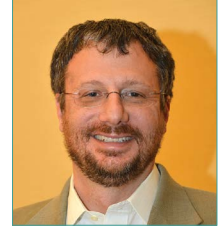
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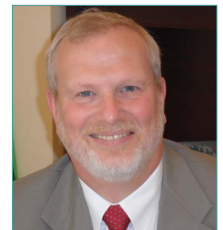
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Conference &  
Education Manager



**PAM DAVIS**  
Workshop  
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## FLORIDA HOUSING COALITION

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PATRONS	<div>BASCOM COMMUNICATIONS CITY OF CAPE CORAL CITY OF JACKSONVILLE CITY OF MIAMI CITY OF MIAMI BEACH CITY OF MIRAMAR CITY OF POMPANO BEACH CITY OF WINTER HAVEN CIVITAS</div> <div>CLAY COUNTY COMMUNITY AFFORDABLE HOUSING EQUITY CORP. EHOUSINGPLUS FAIR HOUSING CONTINUUM FLORIDA HOME BUILDERS ASSOCIATION GADSDEN COUNTY GREEN MILLS, LLC GUNSTER LAW</div> <div>HABITAT FOR HUMANITY OF FLORIDA HANDS OF CENTRAL FLORIDA HENDRICKSON COMPANY HERMAN &amp; KITTLE PROPERTIES HOUSING AUTHORITY OF POMPANO BEACH HOUSING PARTNERSHIP INVICTUS DEVELOPMENT JAIMIE ROSS JONES WALKER LLP</div> <div>KEYSTONE CHALLENGE FUND MERIDIAN APPRAISAL GROUP NATIONAL CHURCH RESIDENCES NEIGHBORWORKS FLORIDA COLLABORATIVE ORLANDO NEIGHBORHOOD IMPROVEMENT CORPORATION OSCEOLA COUNTY PASCO COUNTY PICERNE DEVELOPMENT CORP.</div> <div>ROYAL AMERICAN COMPANIES SAGE PARTNERS SHIMBERG CENTER FOR HOUSING STUDIES STEARNS, WEAVER, MILLER, WEISSLER, ALHADEFF, &amp; SITTERSON, PA TAMPA BAY CDC TRUSTCO BANK WENDOVER HOUSING PARTNERS</div>			