

IDENTIFYING PUBLICLY OWNED LANDS FOR AFFORDABLE HOUSING

How to identify publicly owned parcels that are “appropriate” for affordable housing per s 125.379 and 166.0451

KODY GLAZER, CHIEF LEGAL AND POLICY OFFICER

Florida law at s. 125.379 and s. 166.0451 of the Florida Statutes requires counties and municipalities to identify parcels they (and their dependent special districts) own in fee simple that are “appropriate for use as affordable housing.”

Parcels identified as “appropriate” for affordable housing must be placed on a local affordable housing inventory list and adopted by the city or county commission via a resolution. The adopted inventory must then be made publicly available on the local government’s website to encourage potential development.

Parcels placed on the affordable housing inventory list may be used for affordable housing purposes, although a parcel does not need to be placed on the inventory list before using it for affordable housing. The purpose of these statutes is to increase accountability, transparency, and the number of publicly owned parcels used to address local affordable housing needs.

DEFINING “APPROPRIATE” FOR AFFORDABLE HOUSING

Florida law does not define what it means for a parcel to be “appropriate” for use as affordable housing. Therefore, it is up to each local

government to define what is “appropriate” in the context of their land inventory and local housing needs. The Florida Housing Coalition strongly recommends that local governments act in the spirit of these statutes to put as many buildable, publicly owned lots into use as affordable housing as possible. If a parcel is appropriate for market-rate housing, it is appropriate for affordable housing. We also recommend that if a publicly owned parcel is not used to build affordable housing, a portion or all of the sale proceeds be placed in a local affordable housing trust fund.

RECOMMENDED CRITERIA FOR IDENTIFYING PARCELS

It is best practice that as many parcels as possible that can be developed for residential purposes be placed on the affordable housing inventory list. Here are some additional criteria to consider when identifying publicly owned land that is appropriate for affordable housing:

1. Site characteristics. Parcels may be shaped in such a way that makes residential development infeasible. Criteria that identify buildable parcels can look at elements such as square footage, lot width, and other lot characteristics. The zoning and land use regulations of a site



LIVE LOCAL'S NEW REQUIREMENTS FOR IDENTIFYING PUBLICLY OWNED LAND APPROPRIATE FOR AFFORDABLE HOUSING

KNOW YOUR DEADLINES: ACT BEFORE OCTOBER 1!

Due to the Live Local Act, local governments have until October 1, 2023 to identify publicly owned lands that are appropriate for use as affordable housing on an inventory list, and post that list on its website.

The Act also extends land inventory requirements to all dependent special districts and encourages local governments to adopt best practices when using publicly owned land for affordable housing.



FOR MORE INFORMATION

Contact Matthew Wyman (wyman@flhousing.org) or visit Us Online: www.flhousing.org

Through the state's Catalyst Program, local governments on a first-come, first-served basis can request a free site visit for up to 15 hours of FHC staff time. We also offer separate contracts for services, including:

Best Practices

We can provide you best practices on identifying publicly owned lands that are "appropriate" for affordable housing.

Coordinate Training

FHC can help you coordinate a cross-departmental training program that includes staff of dependent special districts.

Develop Strategy

Our advisors can assist in developing a disposition strategy for utilizing publicly owned lands with a focus on long-term affordability controls.

RFP Language

We can assist you draft RFP language to ensure successful development of affordable housing in line with community goals.

can be a consideration, but should not be weighed heavily as the land development regulations can be amended by the local government to facilitate development.

2. Availability of existing infrastructure. Criteria can include a parcel's proximity to existing infrastructure such as central sewer, electricity, and water.
3. Proximity to jobs, transit, and other amenities. Criteria can include a parcel's proximity to schools, parks, employment centers, and other features that improve quality of life for the residents of housing on publicly owned land. In particular, criteria that consider walkability, bikeability, and public transit access reduce the potential for congestion on local roads. A quarter-mile to three-mile radius typically represents the "walkshed" or "bikeshed" of an area, according to U.S. Federal Highway Administration guidance.
4. Environmental considerations. Parcels may be at high-risk of flooding, close to environmentally sensitive features such as wetlands, springs, or sinkholes, or have other environmental sensitivities

such as being adjacent to heavy industrial zones or toxic activities. Criteria that consider proximity to environmental sensitivities can ensure that affordable housing is placed in areas where it can be resilient and habitable for decades to come.

UTILIZING PUBLIC PARCELS FOR AFFORDABLE HOUSING

Parcels that are placed on the affordable housing inventory list can be utilized for on-site affordable housing development either through sale or donation to local developers. If not used for affordable housing development, the sale proceeds can be placed in an affordable housing trust fund. For more information on best practices for leveraging publicly owned land for housing, contact Kody Glazer, Legal & Policy Director, at glazer@flhousing.org.



KODY GLAZER is the Chief Legal and Policy Officer of the Florida Housing Coalition. Kody is an expert on inclusionary housing policies, community land trusts, fair housing, land use, and the law as it relates to housing.