



Overview of the Live Local Act (SB 102)

May 9, 2023



AFFORDABLE HOUSING CATALYST PROGRAM

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Florida Housing Finance Corporation



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About the Florida Housing Coalition

- Statewide nonprofit organization that is primarily a training and technical assistance provider to local governments and nonprofits on all things affordable housing
- Our work covers:
 - Compliance with local, state, and federal affordable housing programs
 - Affordable housing program design
 - Capacity building for nonprofit housing providers
 - Land use planning for affordable housing
 - Research & data gathering
- We can provide free training & technical assistance to you under the Catalyst Program



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Webinar Logistics

- All participants are on mute
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Live Local Act – topics covered today

- I. Funding
- II. Property tax incentives
- III. Land use & zoning
- IV. Using publicly-owned land for affordable housing
- V. Amendments to state housing strategy & other reforms



Live Local summary – array of affordable housing policies

- **Funding and tax credits.** Up to **\$811 million** for affordable housing programs.
- **Tax incentives.** Three new property tax incentives and sales tax exemption for specified affordable housing developments.
- **Land use tools & role of local government.** Facilitating affordable housing in commercial, industrial, and mixed-use areas & more.
- **Publicly-owned land.** Encouraging local governments to adopt best practices.
- **State housing strategy.** State guidance on affordable housing policy.
- **Technical assistance.**



Disclaimer: This is an overview webinar

- The Live Local Act (LLA) was a 95-page bill
- In the coming months, we will have more webinars and implementation materials to dig deeper into the LLA's impacts
- For more information on how the LLA affects your work, please leave a comment or email glazer@flhousing.org



We want your questions & feedback!

- Your implementation questions and feedback help us structure our trainings to meet your needs
- All questions about how the Live Local Act will work in practice are encouraged!



Poll # 1 – How familiar are you with the Live Local Act?

- I know the Act very well
- I know the basics, but need to understand it better
- This is my first time learning about the Live Local Act





Live Local Act

Senate Bill 102
(Calatayud – Miami-Dade)

House Bill 627
(Busatta Cabrera – Miami-Dade)

Addresses a variety of housing policies including funding, tax incentives, and substantial amendments to the state's housing strategy.

3/8/23: Passed Senate unanimously

3/23/23: Passed House 103-6

3/29/23: Signed into Law





I. Funding

II. Property tax incentives

III. Land use & zoning

IV. Using publicly-owned land for affordable housing

V. Amendments to state housing strategy & other reforms

What are the Sadowski Trust Funds?



- Established in 1992
- Consists of two trust funds:
 - **State Housing Trust Fund** – primarily funds the State Apartment Incentive Loan (SAIL) program
 - **Local Government Housing Trust Fund** – funds the State Housing Initiatives Partnership (SHIP) program
- Funded by a portion of documentary stamp taxes collected on real estate transactions
- Collections in the trust funds are directly tied to the real estate market – the hotter the real estate market, the more money in the affordable housing trust funds



Funding in the Live Local Act

- Provides up to **\$811 million** for affordable housing programs (including up to \$100 million in a new tax credit program)

Program	Live Local Act	FY 22-23	FY 21-22
SHIP	\$252m	\$209.475m	\$146.7m
SAIL	\$259m*	\$53.25m	\$62.5m
Hurricane Housing Recovery		\$150m	
Hometown Hero Program	\$100m (from GR)	\$100m (from SHTF)	
Inflation Response Program	\$100m**		
Live Local Tax Donation Program	(up to \$100m***)		
Total funding****	\$811,000,000	\$512,725,000	\$209,200,000

*Discussed on subsequent slides

** If not used by 12/1/23, goes to SAIL

***For SAIL – dependent on contributions to the program

****This does not include member projects or homelessness grant programs.



Sadowski fully funded & more!

- The Live Local Act **fully funds** the Sadowski Trust Fund programs.
- **AND**
 - Provides an extra \$150 million/year for 10 years for a SAIL-like program
 - Up to \$100 million/year for SAIL through the new Live Local Tax Donation Program
 - Up to \$100 million not used on inflation response program in 2023 to SAIL
- This does not include the value of the new local property tax incentives for certain affordable housing developments.



State Housing Initiatives Partnership (SHIP) program

- Administered by the Florida Housing Finance Corporation (FHFC)
- Deploys funds to 67 counties and 55 eligible municipalities
- Each SHIP jurisdiction develops a Local Housing Assistance Plan (LHAP) that governs its uses of the funding
- SHIP statute provides a series of “set-asides” that local governments must adhere to including:
 - At least 75% for construction-related activities
 - At least 65% for ownership; no more than 25% for rental housing
 - At least 30% for VLI households and at least 30% for LI households; remaining funds up to 140% of AMI
 - No more than 10% on admin expenses



Projected SHIP Distribution Estimates for 2023-24

SHIP allocation based on SB 102,
includes DR holdback



PROJECTED SHIP DISTRIBUTION ESTIMATES FOR FY 2023-24 (\$252,000,000)

LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE / CITY SHARE	LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE / CITY SHARE	LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE / CITY SHARE
ALACHUA	3,286,537	1,621,249	GLADES	350,000	350,000	PALM BEACH	17,389,885	12,463,331
Gainesville		1,665,288	GULF	350,000	350,000	Boca Raton		1,140,776
BAKER	350,000	350,000	HAMILTON	350,000	350,000	Boynton Beach		935,576
BAY	2,111,922	1,697,141	HARDEE	350,000	350,000	Delray Beach		768,633
Panama City		414,781	HENDRY	461,405	461,405	Wellington		707,768
BRADFORD	350,000	350,000	HERNANDO	2,282,869	2,282,869	West Palm Beach		1,373,801
BREVARD	7,189,654	3,945,682	HIGHLANDS	1,182,573	1,182,573	PASCO	6,795,605	6,795,605
Cocoa		227,912	HILLSBOROUGH	17,412,196	12,813,635	PINELLAS	11,137,539	5,783,723
Melbourne		996,486	Tampa		4,598,561	Clearwater		1,364,349
Palm Bay		1,452,310	HOLMES	350,000	350,000	Largo		964,511
Titusville		567,264	INDIAN RIVER	1,888,820	1,888,820	St. Petersburg		3,024,956
BROWARD	22,534,548	3,988,613	JACKSON	572,956	572,956	POLK	8,825,249	6,835,155
Coconut Creek		662,516	JEFFERSON	350,000	350,000	Lakeland		1,378,504
Coral Springs		1,543,617	LAFAYETTE	350,000	350,000	Winter Haven		611,590
Davie		1,223,626	LAKE	4,624,711	4,624,711	PUTNAM	855,454	855,454
Deerfield Beach		1,000,534	LEE	9,174,678	5,688,301	ST. JOHNS	3,398,088	3,398,088
Fort Lauderdale		2,163,317	Cape Coral		2,379,911	ST. LUCIE	4,015,093	890,548
Hollywood		1,773,469	Fort Myers		1,106,466	Fort Pierce		548,060
Lauderhill		856,313	LEON	3,427,786	1,132,540	Port St. Lucie		2,576,485
Margate		671,530	Tallahassee		2,295,246	SANTA ROSA	2,260,559	2,260,559
Miramar		1,581,925	LEVY	513,413	513,413	SARASOTA	5,182,320	4,535,048
Pembroke Pines		1,960,506	LIBERTY	350,000	350,000	Sarasota		647,272
Plantation		1,077,151	MADISON	350,000	350,000	SEMINOLE	5,531,749	5,531,749
Pompano Beach		1,302,497	MANATEE	4,825,503	4,174,060	SUMTER	1,606,321	1,606,321
Sunrise		1,115,460	Bradenton		651,443	SUWANNEE	513,413	513,413
Tamarac		831,525	MARION	4,498,384	3,753,002	TAYLOR	350,000	350,000
Weston		781,949	Ocala		745,382	UNION	350,000	350,000
CALHOUN	350,000	350,000	MARTIN	1,859,122	1,859,122	VOLUSIA	6,550,339	4,565,586
CHARLOTTE	2,260,559	2,031,564	MIAMI-DADE	20,155,423	13,238,082	Daytona Beach		887,571
Punta Gorda		228,995	Hialeah		1,668,869	Deltona		1,097,182
CITRUS	1,814,501	1,814,501	Miami		3,355,878	WAKULLA	409,396	409,396
CLAY	2,587,678	2,587,678	Miami Beach		610,709	WALTON	922,385	922,385
COLLIER	4,476,074	4,255,404	Miami Gardens		840,481	WASHINGTON	350,000	350,000
Naples		220,670	North Miami		441,404	TOTAL	246,436,400	246,436,400
COLUMBIA	818,222	818,222	MONROE	967,006	967,006	DR Holdback & Catalyst		5,563,600
DE SOTO	409,396	409,396	NASSAU	1,093,333	1,093,333	TOTAL APPROPRIATION		252,000,000
DIXIE	350,000	350,000	OKALOOSA	2,476,127	2,234,952			
DUVAL	11,836,251	11,836,251	Fort Walton Beach		241,175			
ESCAMBIA	3,777,215	3,149,442	OKEECHOBEE	454,017	454,017			
Pensacola		627,773	ORANGE	16,943,828	13,261,934			
FLAGLER	1,435,374	320,088	Orlando		3,681,894			
Palm Coast		1,115,286	OSCEOLA	4,877,511	3,230,375			
FRANKLIN	350,000	350,000	Kissimmee		943,311			
GADSDEN	513,413	513,413	St. Cloud		703,825			
GILCHRIST	350,000	350,000						

SHIP allocation based on SB 102, includes DR holdback, uses current Catalyst appropriation

State Apartment Incentive Loan (SAIL) program

- Administered by the Florida Housing Finance Corporation
- Provides low or no-interest loans on a competitive basis for the development of affordable housing
- Can be used for new construction and acquisition/rehab
- Generally can only serve households at or below 60% of Area Median Income (AMI) – except in the Keys
- SAIL statute and rule contain key terms to follow regarding compliance, monitoring, and structuring

The Live Local Act funds the traditional SAIL program at **\$109 million in non-recurring dollars** plus what is collected through the Live Local Tax Donation Program.

The remaining **\$150 million in recurring dollars** is deployed through the SAIL infrastructure but for specific projects listed in the next slide.



How the \$150 million/year for 10 years for SAIL-like program will be spent

70% for projects that:

- Rehab/new construction
- Addressing urban infill
- Provide for mixed-use housing
- Provide housing near military installations

30% for projects that:

- Use or lease public lands
- Address needs of adults aging out of foster care
- Meet needs of elderly persons
- Provide housing in areas of rural opportunity

Notes:

- FHFC will have the discretion to issue RFAs for this \$150m
- Local governments, developers, & advocates should follow the FHFC RFA process and start planning for local projects to support



Florida Hometown Hero Program

- LLA codifies the Hometown Hero Program in state statute at s. 420.5096 and funds it at \$100 million for FY 23-24
- Provides down-payment and closing cost assistance to eligible first-time homebuyers
- Eligibility criteria for applicants:
 - Income not to exceed 150% of state median income or local median income, whichever is greater
 - Must be a Florida resident and employed full-time (35 hours or more/week) by a Florida-based employer
 - First-time homebuyer (does not apply to active duty servicemember or veterans)



Florida Hometown Hero Program

- Terms of assistance:
 - Loan due at closing if property is sold, refinanced, rented, or transferred, unless approved by FHFC
 - Minimum of \$10,000 and up to 5% of first mortgage loan, not exceeding \$35,000
- Other provisions:
 - Can be used to purchase manufactured homes constructed after July 13, 1994 which are permanently affixed to real property
 - Intended to be a revolving loan program
 - Can be paired with SHIP and other sources of down payment





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Property tax incentives in the Live Local Act

1. Local option affordable housing property tax exemption
2. Nonprofit land used for affordable housing with a 99-year ground lease
3. “Missing middle” property tax exemption



1. Local option affordable housing property tax exemption

- Authorizes local governments to provide property tax exemptions for specified affordable housing developments.
- **Eligible developments:**
 - Contain at least 50 or more units
 - At least 20% of the units must be affordable to households at or below 60% AMI
- Tax exemptions only apply to the affordable units
- Applies to new and existing developments
- Property tax exemptions allowed are based on % of affordability
 - <100% of the units are affordable = up to 75% property tax exemption:
 - 100% of the units are affordable = up to 100% property tax exemption



1. Local option affordable housing property tax exemption

- Other provisions:
 - Maximum rents based on HUD's Multifamily Tax Subsidy Projects Income Limits or 90% of Fair Market Value as determined by a local rental market study, whichever is less
 - Exemption only applies to the taxes levied by the unit of government granting the exemption
 - Process for how localities can implement this optional tool
 - City or counties must post list of properties that receive the exemption on its website
 - Exemption authorized by City or County expires “before the fourth January 1 after adoption”; can be renewed after expiration
 - Penalties for noncompliance



2. Nonprofit land used for affordable housing w/99-year ground lease exemption

- New s. 196.1978(1)(b)
- Property tax exemption applies to **land** owned entirely by a nonprofit that:
 - 1) is leased for a minimum of 99 years
 - 2) is predominately used to provide affordable housing to households up to 120% AMI
- Land is considered “predominately used” for affordable housing if the square footage of the improvements on the land for affordable housing is greater than 50% of all the square footage of the improvements
- Tax exemption is for the **land** only – not the improvements



Opportunities with the new nonprofit land exception

- How does this new exemption differ from the existing nonprofit housing property tax exemption at s. 196.1978(1)?
 - 99-year ground leases will now explicitly qualify for the exemption
- May increase partnerships between nonprofit landowners and for-profit developers
- Community Land Trusts – CLT homeowners now get property tax-free land



3. “Missing middle” property tax exemption

- New s. 196.1978(3)
- Provides a property tax exemption to “newly constructed” multifamily developments that have **more than 70 affordable units** for households up to 120% AMI
- Tax exemption only applies to the affordable units
- Tiered property tax exemptions:
 - Units affordable to 80-120% AMI = 75% property tax exemption
 - Units affordable to <80% AMI = 100% property tax exemption



3. “Missing middle” property tax exemption

- Other provisions
 - Maximum rents based on HUD’s Multifamily Tax Subsidy Projects Income Limits or 90% of Fair Market Value as determined by a local rental market study, whichever is less
 - Statute provides process for applying for exemption
 - Units subject to an agreement with FHFC to provide affordable housing to ELI, VLI, and LI households are not eligible for this exemption
 - Penalties for noncompliance
- The intent of this provision is to incentivize non-FHFC subsidized affordable developments



Effect of the “Missing middle” property tax exemption

- Effectiveness will depend on relationship between \$ for rents a market-rate developer could charge vs. property tax savings if rented to households at or below 120% AMI
- Will work differently in different markets
- May impact local willingness to devote local dollars to affordable housing initiatives



Comparing the “Missing Middle” exemption and the Local Option Property Tax Exemption

	Section 8 “Missing Middle” Property Tax Exemption	Section 9 Local Option Property Tax Exemption
Local discretion?	No	Yes
Type of development	Multifamily rental developments w/ more than 70 affordable units Must be “newly constructed” as defined by the Act.	Multifamily rental developments w/ 50 or more units that set aside at least 20% of the units as affordable housing. Does not have to be “newly constructed” – can apply to existing development.
Affordability requirement	More than 70 units must be affordable of not less than three years after exemption granted	At least 20% of the development must be affordable
Income eligibility	Up to 120% AMI	Up to 60% AMI
Rent limit	No more than rent limit chart derived from the Multifamily Tax Subsidy Projects Income Limits published by HUD or 90% of fair market value rent as determined by a local rental market study	No more than rent limit chart derived from the Multifamily Tax Subsidy Projects Income Limits published by HUD or 90% of fair market value rent as determined by a local rental market study
Exemption authorized	Units at 80-120% AMI = 75% exemption Units <80% AMI = 100% exemption	Up to 75% exemption if fewer than 100% of units are affordable Up to 100% exemption if 100% of units are affordable





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Land use standards – Affordable housing in commercial, industrial, and mixed-use zones

A local government cannot regulate the **use, density, or height** of an affordable housing development if a proposed **rental** project is:

- Multifamily or mixed-use residential in any area zoned for **commercial, industrial, or mixed use**;
- At least **40% of units are affordable** for households up to **120% AMI** for at least **30 years**
- If mixed-use, **at least 65% is residential**

Local government cannot require a development authorized under this preemption to obtain a zoning/land use change, special exception, conditional use approval, variance, or comp plan amendment for **use, density, or height**.



Land use standards – Affordable housing in commercial, industrial, and mixed-use zones

Affordable housing developments allowed under this preemption are entitled to:

Use

- Allowed to build multifamily rental or mixed-use in commercial, industrial, or mixed-use zones without a zoning or land development change

Density

- Highest density allowed on any land in the City or County where residential development is allowed

Height

- Highest currently allowed height for a commercial or residential development within 1 mile of the proposed development or 3 stories, whichever is higher



Land use standards – Affordable housing in commercial, industrial, and mixed-use zones

Additional provisions:

- All other state and local laws apply.
 - Ex) setbacks, parking, concurrency, max lot coverage, environmental all still apply – all of which can indirectly limit density and height
- If a proposed project satisfies the existing LDRs for multifamily developments and is otherwise consistent with the comprehensive plan, project must be administratively approved (**will help prevent NIMBY opposition to certain affordable housing developments**)
- LGs must consider reducing parking requirements if project within one-half mile of a major transit stop



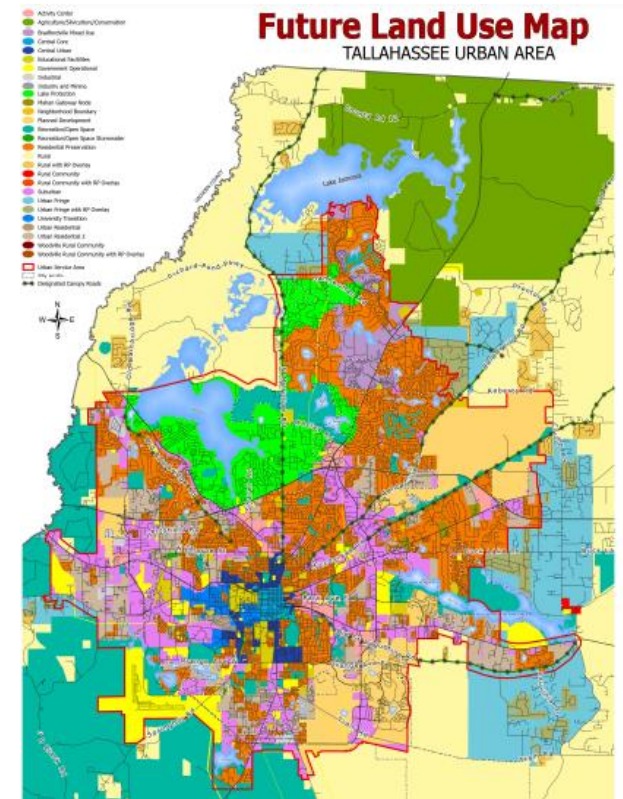
Land use standards – Affordable housing in commercial, industrial, and mixed-use zones

- **20% Rule – mixed-use only:**
 - **Cities.** If a city has less than 20 percent of total land use designated for commercial or industrial use, only mixed-use residential is allowed with this tool.
 - **Counties.** If proposed project is within boundaries of a multicounty independent special district 1) created to provide municipal services; 2) is not authorized to levy ad valorem taxes, 3) and less than 20 percent of land in that district is designated for commercial or industrial use, then mixed-use only.



What should local governments do now re: these land use standards for AH?

- Start studying your City or County's commercial, industrial, and mixed-use sites that could utilize this new statutory tool
- Examine your:
 - Future land use maps and zoning codes
 - Height and density regulations
 - Other regulations (setbacks, parking, max lot coverage, environmental/resiliency standards, etc.) that influence the use of this tool
- Ask:
 - How much land is eligible for this new tool?
 - What types of projects can be expected on eligible parcels?
 - How can the City/County facilitate affordable housing on eligible parcels?



How Can LLA Work for You?

- Opportunity to evaluate LLA in coordination with existing local regulations and incentives to increase the supply of affordable housing. May include incentivizing housing production in targeted areas over others.
- This tool can facilitate redevelopment/infill projects to convert underutilized commercial & industrial properties into affordable housing
- Can facilitate increased mixed-use and access – both physical access between residential and non-residential and access via affordability.
- Can save staff time – no need to rezone parcels for housing uses



Broward Metropolitan Planning Organization (MPO) Vision 2100

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Living, Working, & Playing

Targeting Growth in Broward

It is critical to target transportation investments in areas that are planning and preparing for growth. The image below illustrates the vision for the Broward region's population and employment growth. Growth is focused within major activity centers, along corridors targeted for transit investments, and within communities that are preparing for and seeking high-density growth and development.

- Activity Centers
- Infill Areas
- Commerce
- Redevelopment Areas
- Corridor Oriented Growth

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Broward Vision: The Path to 2100 | BrowardMPO.org



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Moving People & Goods

Transit Vision 2100

Imagine a future in which every resident and visitor in the Broward region has access to:

- Frequent transit service (every 5 minutes in the peak hours) serving destinations throughout the Broward region (24 hours per day, 7 days per week)
- Autonomous electric vehicles operating at higher speeds in exclusive lanes
- Autonomous electric circulators operating in neighborhoods and downtowns
- Smart Mobility Hubs served by a network of transit services in which all transit vehicles are electric
- Convenient rail transit using state-of-the-art technologies of the future
- Technology corridors in which infrastructure investments are made to accommodate Autonomous, Connected, Electric, and Shared (ACES) transportation technologies
- Traveling in Smart Cities and on Smart Streets where technologies are coordinated and optimized for efficient, fast, and convenient transportation

Existing Transit Service

- Express Bus
- Commuter Rail (Tri-Rail)
- Station (Tri-Rail)

Transit Vision Technology

- ACES Corridor

Transit Vision

- Beach Trolley
- Express Bus
- Fixed Guideway (<50%)
- Fixed Guideway (>50%)
- Automated Fixed Guideway
- Autonomous Community Circulator
- Commuter Rail (Coastal Link)
- SMART Plan (North Corridor)

Proposed Stations

- System to System Station
- Coastal Link Station
- Intermodal Center

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Broward Vision: The Path to 2100 | BrowardMPO.org

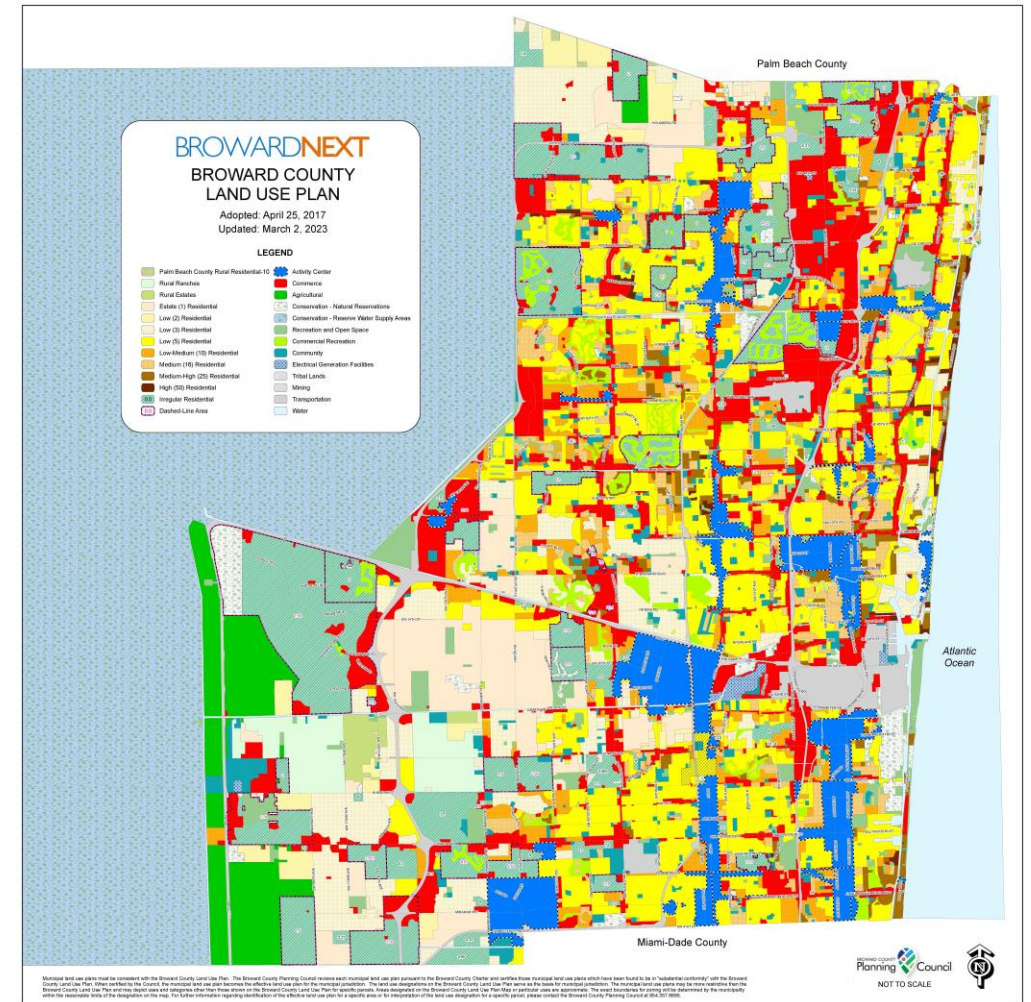


Broward County Land Use Plan

➤ **STRATEGY TR-1:** Prioritize new development and redevelopment to existing and planned downtowns and major transit corridors and transit hubs.

Implementation strategies include:

- Broward County Land Use Plan amendments for appropriately located “activity center,” such as downtowns and transit corridors and hubs shall be given preference when considering new or redevelopment proposals.
- Within established and planned “activity centers,” Broward County shall utilize multi-modal levels of service standards, and take all committed and funded modes of transportation fully into account when considering development proposals.
- To facilitate the availability of affordable housing in proximity to public facilities, services, amenities, and economic opportunities, the County’s “Affordable Housing Density Bonus Program” shall be structured to target established and planned “activity centers,” such as downtowns and transit corridors and hubs.



Pinellas Corridor Planning

- Key objectives
 - Multijurisdictional corridor plans
 - Alternate US 19
 - Roosevelt/East Bay Drive
 - US 19/34th Street
 - Ulmerton Road
 - Adopting local housing density bonus options
 - Funding programs to promote development of housing near transit corridors

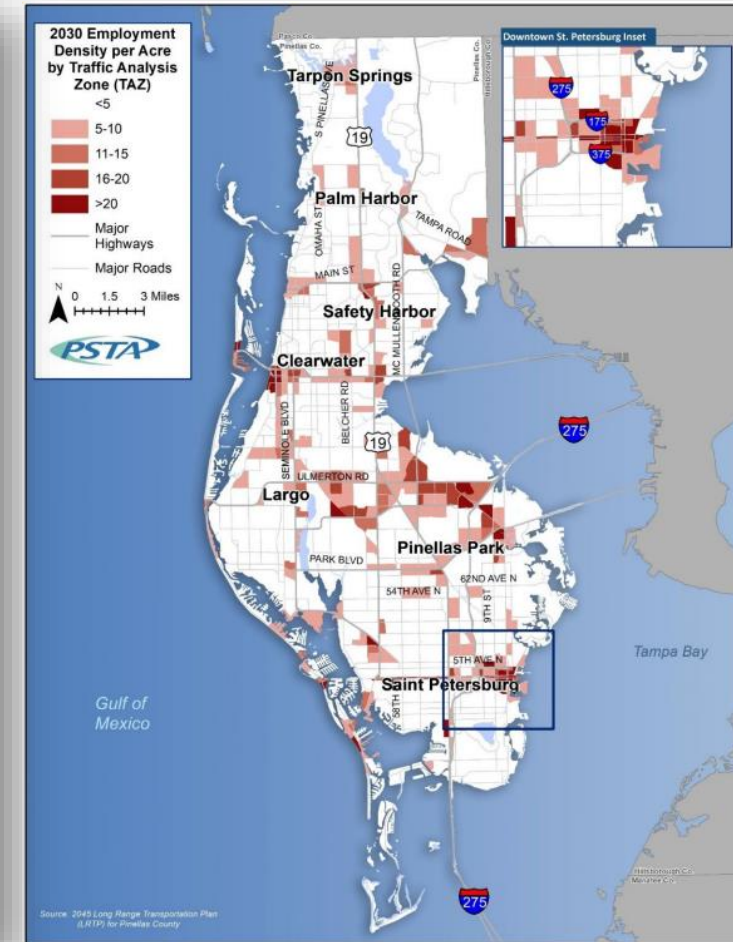


Photo Source: <https://psta.net/media/4784/fy2021-2030-tdp.pdf>



Model Corridor: Alternate US 19

- Investment Corridor Transition Plan process underway
- SB102 in the context of the transition plan
 - Identifying sites along route that may qualify for land use tool (administrative approval – see Goal 11 of Pinellas Housing Compact Action Plan)
 - Site testing/case studies to
 - Explore site design considerations
 - determine additional incentives needed for developments to pencil
 - How sites support goals in Pinellas Housing Compact Action Plan (specifically Goals 2, 3, 4 and 5)
 - Opportunities for strategic site acquisition
 - Permanent or long-term affordability requirements with funding

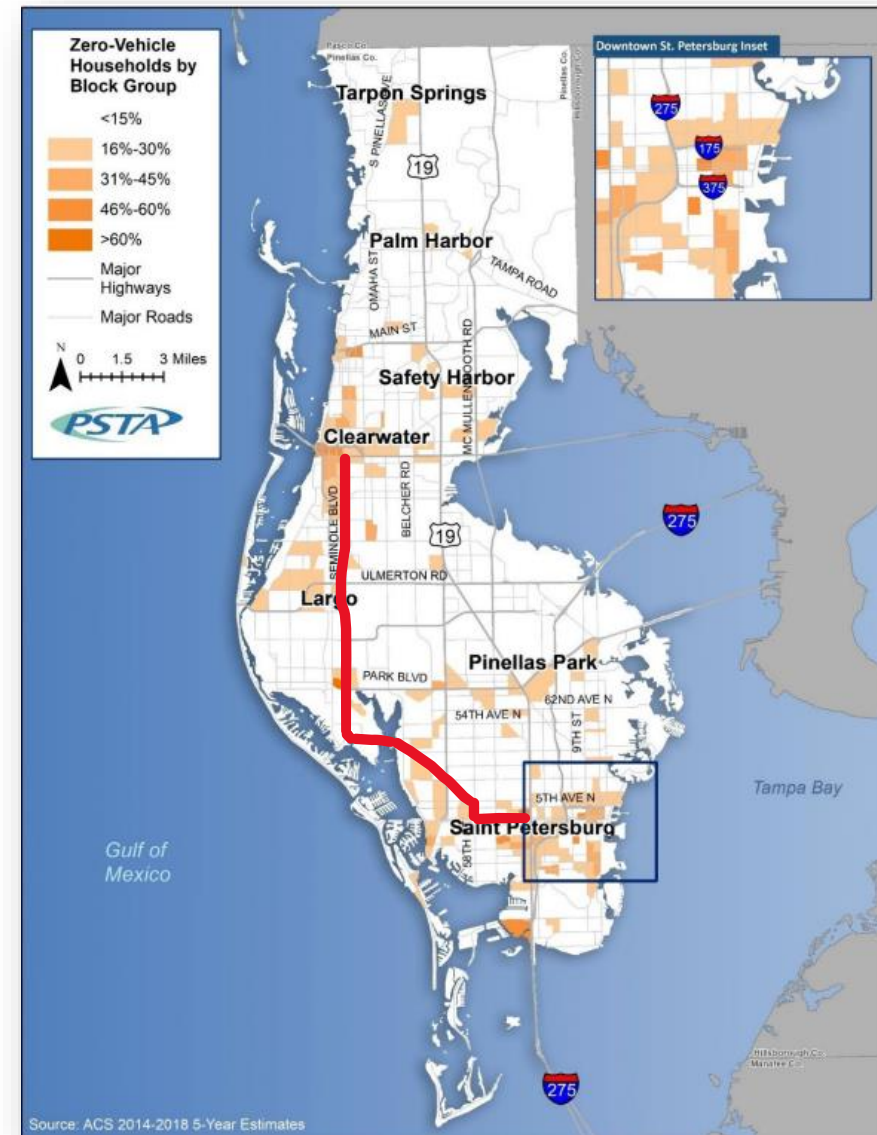
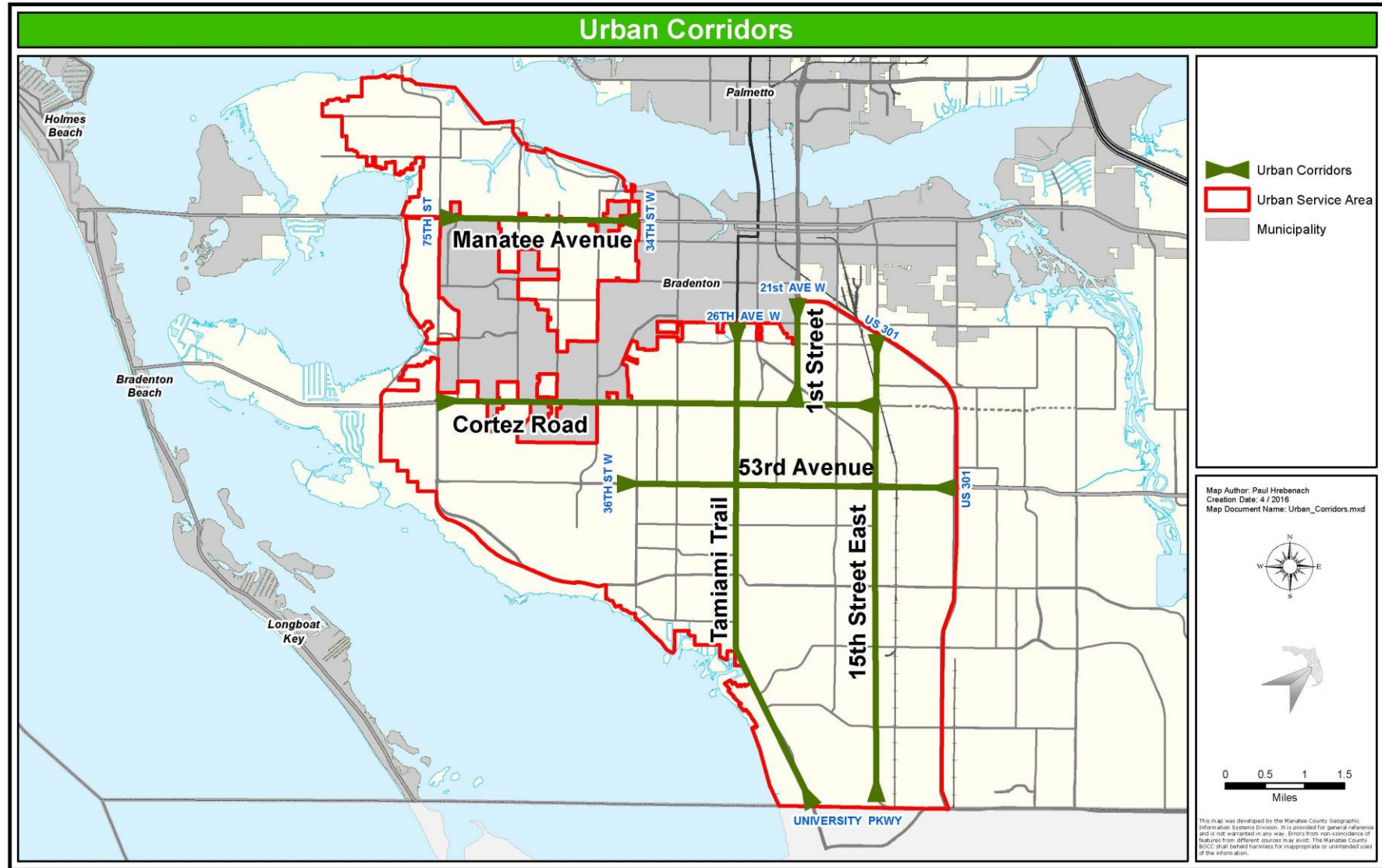


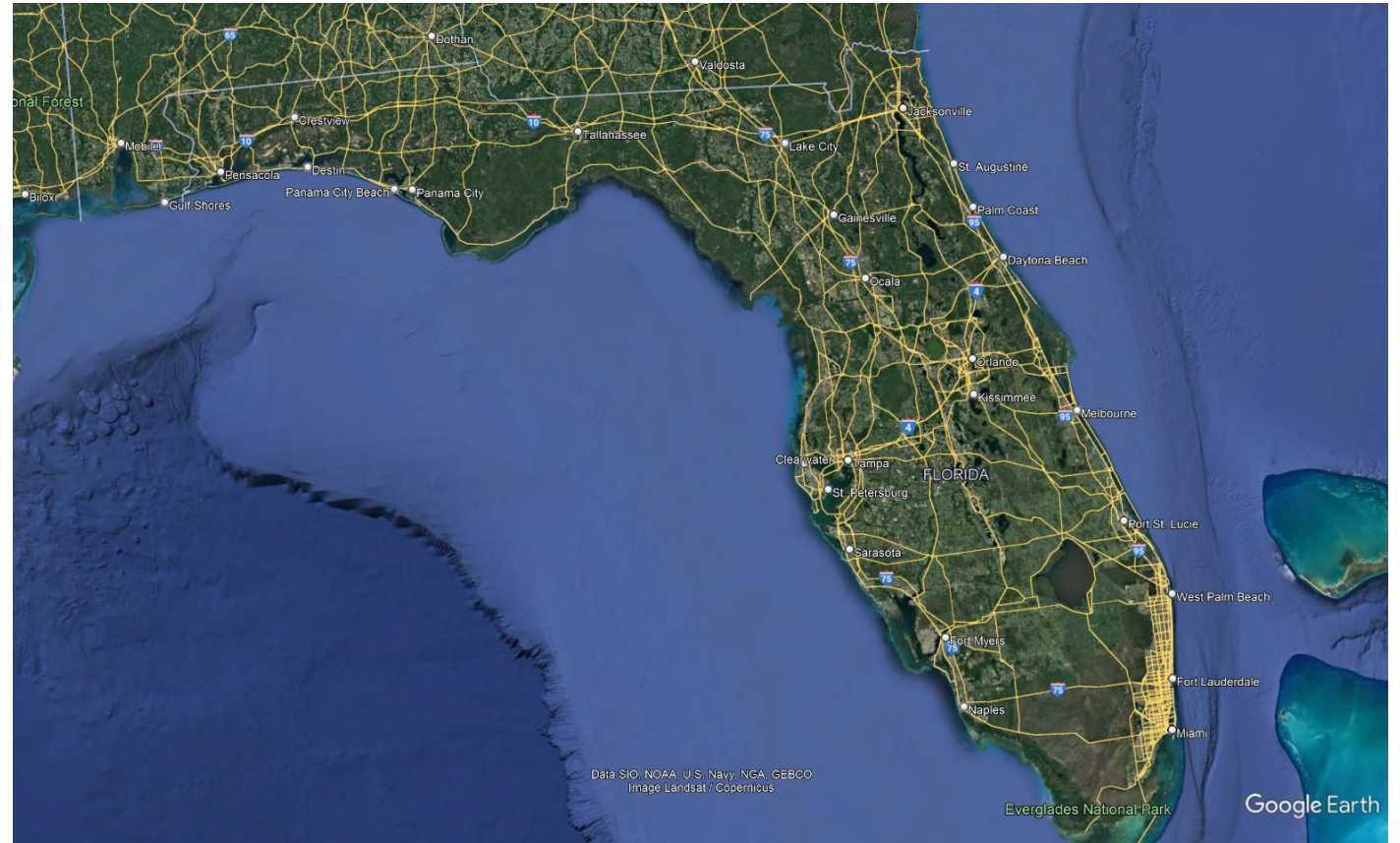
Photo Source: <https://psta.net/media/4784/fy2021-2030-tdp.pdf>

Manatee County Urban Corridors



Potential for Corridor Redevelopment with LLA & Targeted Incentives

- Countless commercial thoroughfares, main streets, downtown corridors statewide
- Coordination with FDOT on state roadway design - 336.045(6), F.S.



Frequently asked questions (so far) on this land use tool

- Does the tool apply to Planned Unit Developments (PUDs)?
- Who is responsible for compliance monitoring on the affordable units?
- What land development regulations apply to multifamily developments in order to require an administrative approval?
- In which ways can local government still regulate affordable housing developments under this preemption?

When in doubt, consult your City or County Attorney.

We are still in the very early stages of LLA and there are a number of nuanced legal interpretations to sort through.



“HB 1339” (2020) land use tool amended

F.S. 125.01055(6)/166.04151(6): currently allows local government to approve affordable housing developments on any parcel zoned for a **residential**, **commercial**, or **industrial** use without needing a rezoning or comprehensive plan amendment.

What the Live Local Act does:

- Strikes out “residential”
- Removes the prohibition on SAIL funded projects

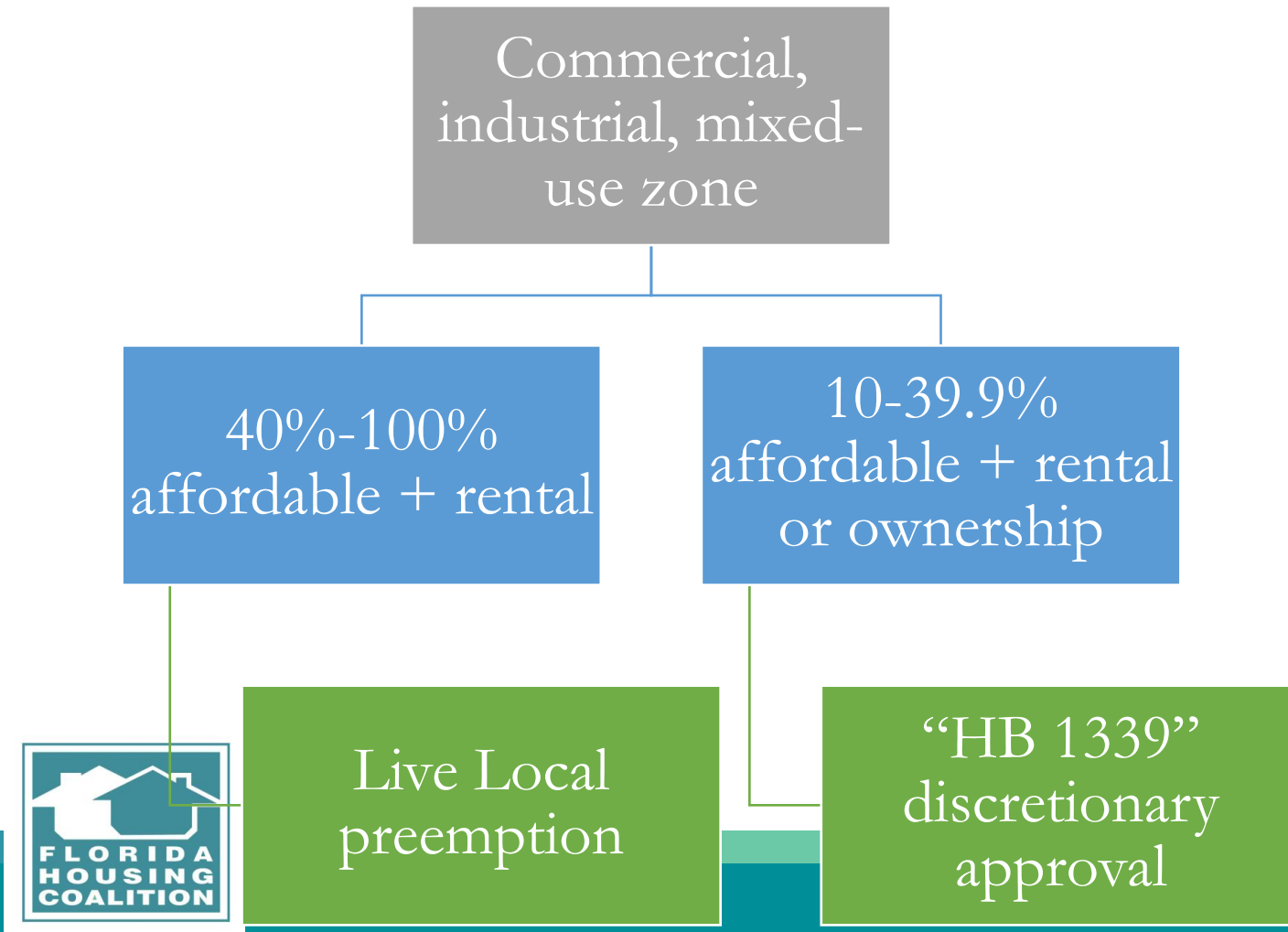


Comparing the new land use tool in SB 102 (2023) and HB 1339 (2020)

	F.S. 125.01055(7)/166.04151(7) – New Live Local tool	125.01055(6)/166.04151(6) – Existing HB 1339 tool as amended by the Live Local Act
Local discretion?	Not for use, density, and height	Yes
Eligible zones	Commercial, industrial, mixed-use	Commercial, industrial
Types of development	Multifamily rental or mixed use residential	Any multifamily or mixed-use residential project (rental or ownership)
Affordability requirement	At least 40% of the units must be affordable for 30 years	At least 10% of the units must be affordable
Local authority	Preempted on certain standards regarding use, height, or density All other state and local laws apply	Discretion to regulate in any manner



Comparing the new land use tool in SB 102 (2023) and HB 1339 (2020)



- Can use HB 1339 discretionary approval as a “carrot” to build in desired locations
- Possibility - allow developer to build less % of affordable housing in exchange for building away from certain areas intended to be kept for commercial or industrial



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III. Land use & zoning

IV. Using publicly-owned land for affordable housing

V. Amendments to state housing strategy & other reforms



Using publicly-owned land for AH (Sections 4 & 7)

Background: **F.S. 125.379/166.0451** – Florida’s “surplus land” laws

- Requires every city and county, at least every three years, to identify publicly-owned lands that are “appropriate for use as affordable housing”
- Lands identified as “appropriate” for affordable housing are to be placed on an affordable housing inventory list
- Lands placed on the inventory list may be used for affordable housing purposes

Caveats:

- Publicly owned land does not have to be on this inventory list to be used for AH
- Goal of the statute is **transparency/accountability** with the spirit of using more publicly owned land for affordable housing



Using publicly-owned land for AH (Sections 4 & 7)

The Live Local Act amends the state’s “surplus land” laws to **newly apply to all dependent special districts**

- “Dependent special district” defined at s. 189.012
- Examples of dependent special districts:
 - Community redevelopment agencies (CRAs)
 - Port authorities
 - Neighborhood improvement districts
 - Housing authorities
 - Water and sewer districts
 - Special taxing districts
 - Development authorities
 - Water and sewer districts
 - Soil and water conservation districts
- See handout for complete list of dependent special districts in Florida (615 in total)



Using publicly-owned land for AH (Sections 4 & 7)

- **Requires** local governments to adopt an affordable housing inventory list by **Oct. 1, 2023** and every 3 years thereafter (restarts the clock)
- **Requires** local governments to make the inventory list of properties appropriate for affordable housing publicly available on its website.
- **Encourages** local governments to adopt best practices for surplus land programs, including:
 - “a) Establishing **eligibility criteria** for the receipt or purchase of surplus land by developers;
 - b) Making the **process** for requesting surplus lands **publicly available**; and
 - c) **Ensuring long-term affordability** through ground leases by retaining the right of first refusal to purchase property . . . and by requiring reversion of property not used for affordable housing within a certain timeframe.”



Section 4 & 7 opportunities

- Makes **more publicly owned land available** for permanently affordable housing development
- **Increases transparency** for affordable housing land inventory lists and processes
- **Improves land disposition procedures** through best practices
- **Better partnerships** with nonprofit housing developers



Hillsborough County website for surplus lands

Surplus County Lands

Surplus County Lands

Real Property that serves no future use for the County may be declared surplus and sold. The methods of disposing of the County's Surplus Property are outlined in the State Statute.

Available Properties

Listed below are all of the available surplus properties for sale. If none are listed, that means we do not have any properties available at this time.

- **Kinnan Street and Oak Preserve Boulevard**

To submit a bid:

1. **Print and complete the required documentation** associated with the parcel, including:
 - **Bid Proposal Form** (Printable) | **Bid Proposal Form** (Fillable)
 - Legal Description Exhibit "A" from the appropriate surplus parcel (see properties on the map for Exhibit A)



Leasing a City-Owned Property

Infill Housing

City Jobs

Public Records

Agendas

AlertLee

Report a Concern

[Home](#) > [Government](#) > [Departments](#) > [Community Development](#) > [Divisions](#) > [Administration](#) > [Real Property Specialist](#) > [Infill Housing](#)

CITY-OWNED INFILL HOUSING LOTS

Periodically when surplus residential lots are available, an Invitation for Proposals will be issued requesting proposals from Owner-Builders and Housing Developers to submit proposals requesting available lot(s) for the construction of affordable housing, namely a single-family residence, in accordance with Sec. 163.380, Fla. Stat., City Code Sections 2-38 and 2-39, and Resolution No. 2020-36.

Please refer to Frequently Asked Questions and Resolution No. 2020-36 for program details and minimum construction standards.

FAQ

- [Frequently Asked Questions and Resolution No. 2020-36 \(PDF\)](#)

All conveyances are subject to the approval of City Council at a public payment of a \$500.00 fee, execution of a Development Agreement, at a Quit-Claim Deed in the public records for the property. All lots conve



HOUSING AND COMMUNITY DEVELOPMENT

Housing and Community Development

- Contact Us
- Performance Metrics
- Affordable Housing Advisory Committee
- Community Development
- Housing Programs
- Information Resources
- Mortgage Servicing

Mayor's Infill Housing Program



https://www.youtube-nocookie.com/embed/H7RUQXcfJkv?autoplay=1&modestbranding=1&iv_load_policy=3&theme=light&playsinline=1



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COJ.net > Departments > Neighborhoods > Housing and Community Development Division > Surplus Property Donation Program

Surplus Property Donation Program

According to Section 125.379, *Florida Statutes*, and Chapter 122, *Ordinance Code*, the City of Jacksonville/Duval County is required every three years to adopt an inventory list of all real property within the city to which the City/County holds fee simple title that is appropriate for use as potential affordable housing. City ordinance 2020-207-E approves and adopts an inventory list of all real property within the City of Jacksonville to which the City holds fee simple title that is appropriate for use as potential affordable housing; declares the parcels listed on the Affordable Housing Inventory List to be surplus to the needs of the City; and authorizes the sale of the parcels.

Pursuant to Chapter 122, Ordinance Code, the properties on the affordable housing list may be donated on a first come-first served basis with a restriction that requires the development of the property as permanent affordable housing within 24 months after the donation as evidenced by receipt of a certificate of occupancy.





- I. Funding
- II. Property tax incentives
- III. Land use & zoning
- IV. Using publicly-owned land for affordable housing

V. Amendments to state housing strategy & other reforms



Amendments to the State Housing Strategy

- The LLA substantially rewrites the State Housing Strategy at s. 420.0003 of the Florida Statutes
- Includes subsections on state and local policies to increase the supply of affordable housing, implementation goals, research and data gathering, and technical assistance
- Examples:
 - “State and local governments shall provide incentives to encourage the private sector to be the primary delivery vehicle for the development of affordable housing.”
 - “State-funded development should emphasize use of developed land, urban infill, and the transformation of existing infrastructure in order to minimize sprawl, separation of housing from employment, and effects of increased housing on ecological preservation areas.”



Encouraging local governments to adopt best practices

- **Section 26** of the bill has several provisions encouraging local governments to adopt best practices. These provisions include:
 - “Local government shall provide incentives to encourage the private sector to be the primary delivery vehicle for the development of affordable housing.” (lines 1927-1929)
 - “Local governments should consider and implement innovative solutions . . . Innovative solutions include: (lines 1937-1957)
 - “Utilizing publicly held land to develop affordable housing . . .”
 - “Community-led planning that focuses on urban infill, flexible zoning, redevelopment of commercial property into mixed-use property . . .”
 - “Project features that maximize efficiency in land and resource use, such as high density, high rise, and mixed use.”
 - “Modern housing concepts such as manufactured homes, tiny homes, 3D-printed homes, and accessory dwelling units.”



Other policies in the Live Local Act

- Requires local governments to post expediting permitting procedures online
- Precludes state funding for housing to local governments whose comprehensive plans have been found not in compliance with Chapter 163
- Provides sales tax relief for building materials for certain affordable housing developments
- Addresses using nonconservation state owned land for affordable housing



Other policies in the Live Local Act

- Expands Florida Job Growth Grant Fund to support public infrastructure projects to facilitate the production of affordable housing
- Directs OPPAGA to produce policy reports on affordable housing issues
- Amends FHFC board makeup
- Authorizes FHFC to contract with the Catalyst Program to provide training to local governments specifically on using publicly-owned land for affordable housing



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Live Local's impact on AHAC Strategies

Strategy	Relevant section(s) of the Live Local Act
a. Expedited Permitting	38
b. Fee waivers	8, 9
c. Flexibility in densities	3, 5, 26
d. Reservation of infrastructure capacity	25
e. Affordable accessory residential units	26
f. Reduction of parking and setback requirements	3, 5, 26
g. Flexible lot configurations	3, 5, 26
h. Modification of street requirements	3, 5, 26
i. Housing impact statement	
j. Inventory of publicly owned lands	4, 7, 26, 32
k. Support of development near transit, major employment centers, and mixed-use	3, 4, 5, 7, 26, 32



Questions?



Training and technical assistance offered by FHC

- Virtual question and answer sessions with local government staff and nonprofits through the Catalyst Program
- Formal trainings to housing organizations including AHACs, MPOs, and housing councils
- Implementation technical assistance
- We will soon be drafting implementation materials to assist local governments implement the tools in the LLA
- For assistance, please contact Kody Glazer at glazer@flhousing.org



Upcoming FHC Trainings on Live Local Act

June 15 @ 2pm

Land Use and Zoning provisions, including new preemptions and expedited permitting procedures

Register [HERE](#)



AFFORDABLE HOUSING CATALYST PROGRAM

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