

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/SB 102 — Housing

by Appropriations Committee and Senators Calatayud, Rouson, Hooper, Osgood, Rodriguez, and Boyd

The bill (Chapter 2023-17, L.O.F.), cited as the “Live Local Act,” makes various changes and additions to affordable housing related programs and policies at both the state and local level.

Much of the bill involves the Florida Housing Finance Corporation (FHFC), a public-private entity that administers the two largest statewide affordable housing programs: the State Apartment Incentive Loan (SAIL) program and the State Housing Initiatives Partnership (SHIP) program. With regards to funding for the FHFC, the bill:

- Provides appropriations for the SHIP and SAIL programs, including:
 - o \$252 million in non-recurring funds from the Local Government Housing Trust Fund for the SHIP program for the 2023-2024 fiscal year;
 - o \$109 million in non-recurring funds from the State Housing Trust Fund for the SAIL program for the 2023-2024 fiscal year; and
 - o \$100 million in non-recurring funds from the General Revenue Fund to implement a competitive loan program to alleviate inflation-related cost increases for FHFC-approved multifamily projects that have not yet commenced construction; funds unallocated as of December 1, 2023, will be dedicated as additional SAIL funding (effective upon becoming a law).
- Temporarily exempts documentary stamp tax revenues from the General Revenue service charge to provide up to \$150 million in recurring funding to the SAIL program for specified priorities, such as urban infill projects and projects near military installations.
- Establishes the Florida Hometown Hero down payment assistance program for first-time homebuyers with incomes at or below 150 percent of the area median income (AMI) and employed by a Florida-based employer. The bill appropriates \$100 million in non-recurring funds from the General Revenue Fund to implement this program.

Regarding the FHFC, the bill also:

- Provides up to a \$5,000 refund for sales tax paid on building materials used to construct an affordable housing unit funded through the FHFC.
- Creates a new tax donation program to allow corporate taxpayers to direct certain tax payments to the FHFC, up to \$100 million annually, to fund the SAIL program. Of these funds, up to \$25 million annually can be dedicated to loans for the construction of large-scale projects of significant regional impact.
- Adds two members to the FHFC Board of Directors, one appointed by the leader of each chamber of the Legislature.
- Broadens the ability for the FHFC to invest in affordable housing developments for those in or aging out of foster care.
- Adds a requirement to its annual legislative budget request.

With regards to other state-level resources, the bill:

- Revises the State Housing Strategy to align with current best practices and goals.
- Requires managers of state nonconservation lands to analyze whether such lands would be more appropriately transferred to a local government for affordable housing related purposes.
- Expands Job Growth Grant Fund eligibility to specifically authorize public infrastructure projects that support affordable housing.
- Increases the amount of tax credits available through the Community Contribution Tax Credit Program for affordable housing from \$14.5 million to \$25 million annually.

With regards to local governments, the bill:

- Preempts local governments' requirements regarding zoning, density, and height to allow for streamlined development of affordable multifamily rental housing in commercial, industrial, and mixed-use zoned areas under certain circumstances.
- Removes a local government's ability to approve affordable housing on residential parcels by bypassing state and local laws that may otherwise preclude such development, while retaining such right for commercial and industrial parcels.
- Removes provision in current law allowing local governments to impose rent control under certain emergency circumstances, preempting rent control ordinances entirely.
- Requires counties and cities to update and electronically publish the inventory of publicly owned properties which may be appropriate for affordable housing development.
- Authorizes the FHFC, through contract with the Florida Housing Coalition, to provide technical assistance to local governments to facilitate the use or lease of county or municipal property for affordable housing purposes.
- Requires local governments to maintain a public written policy outlining procedures for expediting building permits and development orders for affordable housing projects.
- Provides that the Department of Economic Opportunity's 2018 Keys Workforce Housing Initiative, which authorized the construction of up to 1,300 affordable housing units in the Keys area, is an exception to the evacuation time requirements that otherwise apply in Monroe County.

The bill also introduces three ad valorem property tax exemptions, which first apply to the 2024 tax roll:

- An ad valorem tax exemption for land owned by a nonprofit entity that is leased for a minimum of 99 years for the purpose of providing affordable housing.
- An ad valorem tax exemption that applies to rent-restricted units within newly constructed or substantially rehabilitated developments setting aside at least 70 units for affordable housing for households earning 120 percent of the AMI or less.
- Authorizes counties and municipalities to offer, through ordinance, an ad valorem tax exemption to property owners who dedicate units for affordable housing for households earning 60 percent of the AMI or less.

These provisions were approved by the Governor and take effect July 1, 2023, except where otherwise provided.

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Vote: Senate 40-0; House 103-6