

By the Committee on Local Government & Veterans Affairs
and Representatives Sorensen, Brummer, Davis, Gibson, Bowen,
Littlefield, Green, Bilirakis, Detert, Farkas, Carassas,
Needelman, Pickens, Bullard, Holloway, Jennings, Kilmer,
(Additional Sponsors on Last Printed Page)

1 A bill to be entitled
2 An act relating to affordable housing; amending
3 s. 373.4141, F.S.; providing that processing of
4 permit applications for affordable housing
5 projects under pt. IV of ch. 373, F.S.,
6 relating to management and storage of surface
7 waters, shall be expedited; amending s.
8 380.0552, F.S.; providing for carryover of
9 unused residential permit units from one year
10 to a subsequent year in the Florida Keys Area;
11 amending s. 420.507, F.S.; providing that
12 projects for occupancy by commercial fishing
13 workers and the homeless are eligible for the
14 lowest interest rate mortgage loans under the
15 State Apartment Incentive Loan Program;
16 authorizing the Florida Housing Finance
17 Corporation to establish subsidiary
18 corporations for certain purposes and to
19 conduct and fund certain demonstration programs
20 and projects; amending s. 420.508, F.S.;
21 authorizing the corporation to establish a
22 procedure for evaluating and ranking
23 applications for private activity bond
24 allocation in connection with multifamily
25 projects and to establish terms of mortgage
26 loans; amending s. 420.5087, F.S.; providing
27 that a project located in a county that
28 includes or has included an area of critical
29 state concern for which the Legislature intends
30 to provide affordable housing and that meets
31 certain income criteria is eligible under the

1 State Apartment Incentive Loan Program;
2 amending s. 420.526, F.S.; revising
3 requirements relating to funding priorities
4 under the Predevelopment Loan Program; amending
5 s. 420.527, F.S.; revising requirements
6 relating to the application procedure under the
7 program and to evaluation of applicants;
8 amending s. 420.9075, F.S.; revising
9 requirements for monitoring and determining
10 tenant eligibility in connection with a local
11 housing assistance plan under the State Housing
12 Initiatives Partnership Program; revising
13 requirements for determining the average area
14 purchase price under such plans; exempting a
15 county or municipality that includes or has
16 included an area of critical state concern for
17 which the Legislature intends to provide
18 affordable housing from certain tenant income
19 requirements under such plans; revising
20 requirements for the annual report to the
21 corporation required under the program;
22 providing an effective date.

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24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Subsection (3) is added to section
27 373.4141, Florida Statutes, to read:

28 373.4141 Permits; processing.--

29 (3) Processing of applications for permits for
30 affordable housing projects shall be expedited to a greater
31 degree than other projects.

1 Section 2. Subsection (10) is added to section
2 380.0552, Florida Statutes, to read:

3 380.0552 Florida Keys Area; protection and designation
4 as area of critical state concern.--

5 (10) CARRYOVER OF UNUSED RESIDENTIAL PERMIT
6 UNITS.--For any rate of growth ordinance adopted pursuant to
7 this section, under which an annual unit cap for new
8 residential development is established, any units not used
9 during the year for which the unit cap applies shall be
10 carried over to the subsequent year and added to the unit cap
11 for the subsequent year.

12 Section 3. Paragraph (a) of subsection (22) of section
13 420.507, Florida Statutes, is amended, and subsections (40)
14 and (41) are added to said section, to read:

15 420.507 Powers of the corporation.--The corporation
16 shall have all the powers necessary or convenient to carry out
17 and effectuate the purposes and provisions of this part,
18 including the following powers which are in addition to all
19 other powers granted by other provisions of this part:

20 (22) To develop and administer the State Apartment
21 Incentive Loan Program. In developing and administering that
22 program, the corporation may:

23 (a) Make first, second, and other subordinated
24 mortgage loans including variable or fixed rate loans subject
25 to contingent interest. The corporation shall make loans
26 exceeding 25 percent of project cost available only to
27 nonprofit organizations and public bodies which are able to
28 secure grants, donations of land, or contributions from other
29 sources and to projects meeting the criteria of subparagraph
30 1. Mortgage loans shall be made available at the following
31 rates of interest:

1 1. Zero to 3 percent interest for sponsors of projects
2 that maintain an 80 percent occupancy of residents qualifying
3 as farmworkers as defined in s. 420.503(18), commercial
4 fishing workers as defined in s. 420.503(5), or the homeless
5 as defined in s. 420.621(4) over the life of the loan.

6 2. Three to 9 percent interest for sponsors of
7 projects targeted at populations other than farmworkers,
8 commercial fishing workers, and the homeless.

9 (40) To establish subsidiary corporations for the
10 purpose of taking title to and managing and disposing of
11 property acquired by the corporation. Such subsidiary
12 corporations shall be public corporations wholly owned by the
13 corporation; shall be entitled to own, mortgage, and sell
14 property on the same basis as the corporation; and shall be
15 deemed corporations primarily acting as agents of the state,
16 within the meaning of s. 768.28, on the same basis as the
17 corporation.

18 (41) To conduct and fund demonstration programs and
19 projects which further the statutory purposes of the
20 corporation, including the power to establish selection
21 criteria by rule or by means of requests for proposals.

22 Section 4. Subsections (6) and (7) are added to
23 section 420.508, Florida Statutes, to read:

24 420.508 Special powers; multifamily and single-family
25 projects.--The corporation shall have the special power to:

26 (6) Establish, by rule, a procedure for evaluating,
27 scoring, and competitively ranking all applications for
28 private activity bond allocation in connection with
29 multifamily projects financed under this part.

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1 (7) Establish terms of mortgage loans funded pursuant
2 to this part, including applicable security documents and
3 limitations on sources and uses of funds.

4 Section 5. Subsection (2) of section 420.5087, Florida
5 Statutes, is amended to read:

6 420.5087 State Apartment Incentive Loan
7 Program.--There is hereby created the State Apartment
8 Incentive Loan Program for the purpose of providing first,
9 second, or other subordinated mortgage loans or loan
10 guarantees to sponsors, including for-profit, nonprofit, and
11 public entities, to provide housing affordable to
12 very-low-income persons.

13 (2) The corporation shall have the power to underwrite
14 and make state apartment incentive loans or loan guarantees to
15 sponsors, provided:

16 (a) The sponsor uses tax-exempt financing for the
17 first mortgage and at least 20 percent of the units in the
18 project are set aside for persons or families who have incomes
19 which meet the income eligibility requirements of s. 8 of the
20 United States Housing Act of 1937, as amended;

21 (b) The sponsor uses taxable financing for the first
22 mortgage and at least 20 percent of the units in the project
23 are set aside for persons or families who have incomes below
24 50 percent of the state or local median income, whichever is
25 higher, which shall be adjusted by the corporation for family
26 size; ~~or~~

27 (c) The sponsor uses the federal low-income housing
28 tax credit, and the project meets the tenant income
29 eligibility requirements of s. 42 of the Internal Revenue Code
30 of 1986, as amended; or-

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1 (d) The project is located in a county that includes,
2 or has included within the previous 5 years, an area of
3 critical state concern designated or ratified by the
4 Legislature for which the Legislature has declared its intent
5 to provide affordable housing, and 100 percent of the units in
6 the project are set aside for persons or families who have
7 incomes below 120 percent of the state or local median income,
8 whichever is higher, which shall be adjusted by the
9 corporation for family size.

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11 This subsection does not prohibit a tenant from qualifying
12 under the income eligibility criteria of paragraph (a),
13 paragraph (b), ~~or~~ paragraph (c), or paragraph (d) due to the
14 tenant's participation in a job training program approved by
15 the corporation. Compliance with the provisions of this
16 subsection must be contractually provided for the term of the
17 loan or 12 years, whichever is longer; however, this
18 subsection does not apply to loans made to housing communities
19 for the elderly to provide for lifesafety, building
20 preservation, health, sanitation, or security-related repairs
21 or improvements. Such loans shall be subject to tenant income
22 criteria established by corporation rule.

23 Section 6. Subsection (3) of section 420.526, Florida
24 Statutes, is amended to read:

25 420.526 Predevelopment Loan Program; loans and grants
26 authorized; activities eligible for support.--

27 (3) The corporation shall establish rules for the
28 equitable distribution of the funds in a manner that meets the
29 need and demand for housing for the target population. Funds
30 shall be made available under the program on a first-come,
31 first-served basis, unless otherwise established by

1 ~~corporation rule.~~ Sponsors of farmworker housing, if any,
2 shall receive first priority under this program, ~~and further~~
3 ~~priorities shall be as established by rule of the corporation.~~

4 Section 7. Section 420.527, Florida Statutes, is
5 amended to read:

6 420.527 Application procedure.--

7 (1) Applications shall be submitted to the corporation
8 in a form that it establishes by rule.

9 ~~(2) Applications that propose linkage of~~
10 ~~predevelopment funds with other financing offered through the~~
11 ~~corporation shall receive preference in funding.~~

12 ~~(3) The corporation shall publish a notice of fund~~
13 ~~availability in a publication of general circulation~~
14 ~~throughout the state. Such notice shall be published at least~~
15 ~~60 days before the application deadline.~~

16 ~~(2)(4)~~ By rule, the corporation shall establish the
17 ~~criteria a review committee composed of representatives of the~~
18 ~~corporation and a scoring system for~~ determining threshold
19 compliance with corporation objectives ~~evaluating and ranking~~
20 applications. Final decisions regarding funding shall be
21 approved by the corporation board ~~shall make the final ranking~~
22 ~~and shall decide which applicants become program participants~~
23 ~~based on the scores received in the ranking, further review of~~
24 ~~applications, and the recommendations of the review committee.~~
25 The corporation board shall ~~approve or reject applications for~~
26 ~~loans and grants and shall~~ determine the tentative loan or
27 grant amount available to each program participant. The
28 actual loan or grant amount shall be determined pursuant to
29 rule specifying credit underwriting procedures.

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1 ~~(3)(5)~~ The criteria to be used to determine threshold
2 compliance score applications shall include, but are not
3 limited to, the following:

4 (a) Income target objectives of the corporation.

5 (b) Sponsor's agreement to reserve more than the
6 minimum number of units for low-income households and
7 very-low-income households.

8 (c) Projects requiring the least amount of
9 predevelopment funds compared to total predevelopment costs.

10 (d) Sponsor's prior experience.

11 (e) Commitments of other financing.

12 (f) Sponsor's ability to proceed.

13 (g) Project's consistency with the local government
14 comprehensive plan.

15 Section 8. Paragraph (e) of subsection (3), paragraphs
16 (c) and (d) of subsection (4), and paragraph (c) of subsection
17 (9) of section 420.9075, Florida Statutes, are amended to
18 read:

19 420.9075 Local housing assistance plans;
20 partnerships.--

21 (3) Each local housing assistance plan is governed by
22 the following criteria and administrative procedures:

23 (e) The staff or entity that has administrative
24 authority for implementing a local housing assistance plan
25 assisting rental developments shall annually monitor and
26 determine tenant eligibility or, to the extent another
27 governmental entity ~~the Florida Housing Finance Corporation~~
28 provides the same monitoring and determination, a
29 municipality, county, or local housing financing authority may
30 rely on such monitoring and determination of tenant
31 eligibility. However, any loan or grant in the original amount

1 of \$3,000 or less shall not be subject to these annual
2 monitoring and determination of tenant eligibility
3 requirements.

4 (4) The following criteria apply to awards made to
5 eligible sponsors or eligible persons for the purpose of
6 providing eligible housing:

7 (c) The sales price or value of new or existing
8 eligible housing may not exceed 90 percent of the average area
9 purchase price in the statistical area in which the eligible
10 housing is located, ~~which housing was purchased during the~~
11 ~~most recent 12-month period for which sufficient statistical~~
12 ~~information is available or, as established by the United~~
13 ~~States Department of Treasury.~~ Such average area purchase
14 price may be that calculated for any 12-month period beginning
15 not earlier than the fourth calendar year prior to the year in
16 which the award occurs.

17 (d)1. All units constructed, rehabilitated, or
18 otherwise assisted with the funds provided from the local
19 housing assistance trust fund must be occupied by
20 very-low-income persons, low-income persons, and
21 moderate-income persons.

22 2. At least 30 percent of the funds deposited into the
23 local housing assistance trust fund must be reserved for
24 awards to very-low-income persons or eligible sponsors who
25 will serve very-low-income persons and at least an additional
26 30 percent of the funds deposited into the local housing
27 assistance trust fund must be reserved for awards to
28 low-income persons or eligible sponsors who will serve
29 low-income persons. This subparagraph does not apply to a
30 county or an eligible municipality that includes, or has
31 included within the previous 5 years, an area of critical

1 state concern designated or ratified by the Legislature for
2 which the Legislature has declared its intent to provide
3 affordable housing.

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5 If both an award under the local housing assistance plan and
6 federal low-income housing tax credits are used to assist a
7 project and there is a conflict between the criteria
8 prescribed in this subsection and the requirements of s. 42 of
9 the Internal Revenue Code of 1986, as amended, the county or
10 eligible municipality may resolve the conflict by giving
11 precedence to the requirements of s. 42 of the Internal
12 Revenue Code of 1986, as amended, in lieu of following the
13 criteria prescribed in this subsection with the exception of
14 paragraphs (a) and (d) of this subsection.

15 (9) Each county or eligible municipality shall submit
16 to the corporation by September 15 of each year a report of
17 its affordable housing programs and accomplishments through
18 June 30 immediately preceding submittal of the report. The
19 report shall be certified as accurate and complete by the
20 local government's chief elected official or his or her
21 designee. Transmittal of the annual report by a county's or
22 eligible municipality's chief elected official, or his or her
23 designee, certifies that the local housing incentive
24 strategies, or, if applicable, the local housing incentive
25 plan, have been implemented or are in the process of being
26 implemented pursuant to the adopted schedule for
27 implementation. The report must include, but is not limited
28 to:

29 (c) The average area purchase ~~sales price or value~~ of
30 ~~a~~ single-family units ~~unit~~ and the amount of rent charged for
31 a rental unit based on unit size.

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ADDITIONAL SPONSORS

Melvin, Trovillion, Maygarden, Goodlette, Diaz-Balart, Byrd,
Flanagan, Paul, Kravitz, Simmons, Cantens, Heyman, Harrington,
Ryan, Evers, Ausley, Sobel and Seiler