HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1363 CS Affordable Housing
SPONSOR(S): Davis and others
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Growth Management Committee	9 Y, 0 N, w/CS	Grayson	Grayson
2) Local Government Council	7 Y, 0 N, w/CS	Grayson	Hamby
3) Fiscal Council			
4) State Infrastructure Council			
5)			

SUMMARY ANALYSIS

HB 1363 addresses the issue of affordable housing in Florida by creating the Community Workforce Housing Innovation Program (CWHIP), and by creating law and amending existing law to provide financial and regulatory incentives for the provision of affordable housing. The CWHIP will provide grants and incentives to affordable rental and home ownership projects that target: high-cost counties, including certain areas of critical state concern and certain areas formerly so designated; high growth counties; certain public-private partnerships; workforce housing; essential service personnel; and innovative projects. These terms are defined in the bill. The bill provides standards and guidelines for the CWHIP and for the involvement of the Florida Housing Finance Corporation. Approved projects are eligible for certain incentives including: expedited permitting and approvals of development orders; impact fee reductions or alternative fee payment methods; increased density levels of 16 units per acre or higher; reduction of open space and setback requirements; and modification of street requirements and concurrency requirements. The bill provides for the Corporation to review and develop strategies for expanding affordable home ownership across the state

The bill also provides support for the following: Extremely Low Income - Provides a new definition of "extremely low income" residents with incomes below 30% of area median income and a series of changes to existing state and local housing programs to incentivize the development of very low income housing. Provides $32 million for this program; Down Payment Assistance - Includes down payment assistance for essential services personnel such as teachers, nurses, construction trades workers and others defined by local governments. Community Contribution Tax Credit for Low Income Home Ownership- A tax credit used primarily by Habitat for Humanity is expanded and available to others affordable housing providers. Surplus Lands – Provides for local governments and the state to inventory and make available surplus lands for affordable housing. School Boards and Specified Special Districts Authorization - The bill authorizes school boards to provide housing and housing assistance to its teachers and other instructional personnel. Specified independent special districts are authorized to provide housing and housing assistance for eligible persons as are special fire control districts. Property Assessment – "The Manny Diaz Property Tax Relief Initiative" directs property appraisers to appraise affordable housing properties based upon rental income. Elderly Housing – Makes development of elderly housing more affordable. Disabled Veterans – Provides relief from paying certain license and permit fees on housing. Development of Regional Impacts (DRI) – Provides threshold bonuses for the provision of workforce housing for both the guidelines that determine when an activity constitutes a DRI and when changes constitute a substantial deviation requiring additional review.

Fiscal impacts include: Eliminating the cap of $243 million on documentary stamps allocated into the Housing Trust funds which was to take effect in 2007, providing a $20 million state appropriation from the State Housing Trust Fund, and a $32 million state appropriation from the Local Government Housing Trust Fund.

The bill may raise concerns relating to an unconstitutional delegation of legislative authority in conflict with s. 1, Art. III, State Constitution. [See: CONSTITUTIONAL ISSUES].

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill creates new programs, provides additional rulemaking authority for the Florida Housing Finance Corporation, and increases work for other governmental organizations.

Ensure lower taxes - The bill will provide increased tax incentives for persons who donate to eligible sponsors for projects that provide homeownership opportunities for low-income and very-low-income households and for donations made to eligible sponsors for all other projects that qualify under the Community Contribution Tax Credit Program. The bill provides 100 % service-connected permanently and totally disabled veterans confined to wheelchairs an exemption on any license or permit fee to make improvement on their residence.

Promote Personal Responsibility and Empower Families - This bill reduces the match required by the Elderly Housing Community Loan Program (EHCL) from 15 % to 5 %of the loan amount received. Because the maximum loan amount was significantly increased during the last legislative session, the match required of the sponsoring agencies was also significantly increased. Reduction of the required match rate may allow more sponsors to take advantage of the higher loan amounts now available, thereby increasing and improving the stock of housing available for the low-income elderly. The bill creates a new program to provide subsidized financing and down payment assistance for affordable housing for essential services personnel. The bill also provides assistance for persons with extremely-low-incomes. The bill increases the opportunities of local governments, governmental entities, and private organizations to support, assist, and encourage families in circumstances occasioning need.

B. EFFECT OF PROPOSED CHANGES:

PRESENT SITUATION

The state has committed significant resources over the last decade to addressing the severe housing problems facing very low and low income residents of this state. The Corporation's programs are funded in part with revenues generated by the documentary stamp tax, which are most often coupled with federal funding. These "affordable housing" programs have traditionally targeted families making 60% or less of area median income (AMI) in the rental programs, and those making 80% or less of AMI in the home ownership programs.

Multifamily rental projects are funded by the Corporation through the State Apartment Incentives Loan Program (SAIL); the Multifamily Mortgage Revenue Bond (MMRB) program, which provide funding by issuing revenue bonds; and through allocation of federal Low Income Housing Tax Credits (LIHTC), which provides an equity infusion to multifamily affordable housing projects. The multifamily rental programs typically target those making 60% or less of the AMI. Home ownership programs consist of down payment assistance, funded by doc stamp funds and federal funds, along with mortgage loans funded by federal funds and the Single Family Mortgage Revenue Bond (SFMRB) program. Also, the Corporation allocates documentary stamp funds to local governments through the SHIP. The large majority of SHIP funds are directed by statute toward home ownership activities, generally serving those with incomes up to 120% AMI.

Federal housing programs, especially those administered by HUD, typically serve those with the lowest incomes. In recent years, budgets for many of these programs have been cut, putting increasing pressure on state and local governments to provide for persons at the lowest income levels. In the current market, the need for affordable housing has outstripped the production capacity of the existing federal, state, and local affordable housing programs.

Due to dramatic increases in housing costs coupled with modest rises in incomes, many low income and moderate income Florida families can no longer afford safe, decent and affordable rental and single family housing. In addition to the needs of the very low and low income families noted above, recent steep increases in real estate prices have also effectively priced moderate income families out of the market. Florida is experiencing a critical shortage of housing for individuals who are employed in essential service occupations, such as teachers, police, hospital workers, and others who do not qualify for existing affordable housing programs. As a result, many communities are finding it increasingly difficult to recruit, employ, and retain personnel necessary to provide essential public services to Florida's communities.

The need for "workforce housing" to meet existing and future housing needs for working families whose incomes, from 80% to 150% AMI, typically make them ineligible for existing housing programs, has recently become increasingly evident.

According to the bill sponsor, the bill is designed to stimulate the construction of home ownership and rental housing in high cost and high growth counties to meet the needs of extremely-low, very low, low and moderate income families along this continuum and in particular, essential services personnel who are facing tremendous difficulties living in the communities in which they work.

FLORIDA HOUSING FINANCE CORPORATION (CORPORATION) PROGRAMS

The Corporation administers a number of multifamily, single family and special programs that help low-income Floridians obtain safe, decent affordable housing that might otherwise be unavailable to them. The rental housing programs include the Multifamily Mortgage Revenue Bond, Low Income Housing Tax Credits, State Apartment Incentive Loan, Elderly Housing Community Loan, Florida Affordable Housing Guarantee and Home Investment Partnerships programs.

Homeownership programs include the First Time Homebuyer Program, the Homeownership Loan Program and down payment assistance programs such as the Homeownership Assistance Program, HOME Down Payment Assistance, Homeownership Assistance for Moderate Income, and Three Percent Cash Assistance. In addition, the Corporation offers the Mortgage Credit Certificate program; and several Special Programs including the Predevelopment Loan Program, State Housing Initiatives Partnership, Demonstration Loans and the Affordable Housing Catalyst Program. The programs further addressed below are implicated in HB 1363.

State Assistance Initiative Loan Program (SAIL): The State Apartment Incentive Loan Program (SAIL)[1], created in 1992, provides mortgage loans or loan guarantees to sponsors providing affordable housing to very-low income individuals. SAIL is funded by the State Housing Trust Fund and administered by the Corporation.

The Florida Housing Finance Corporation has the authority to underwrite and make state apartment incentive loans or loan guarantees, at an interest rate of 3% to 9%, to sponsors that:

- Use tax-exempt financing for the first mortgage and at least 20% of the units in the project are set aside for persons or families who have incomes which meet the income eligibility requirements of s. 8 of the United States Housing Act of 1937;
- Use taxable financing for the first mortgage and at least 20% of the units in the project are set aside for persons or families who have incomes below 50% of the state or local median income, whichever is higher, which shall be adjusted by the corporation for family size;
- Use the federal low-income housing tax credit, and the project meets the tenant income eligibility requirements of s. 42 of the Internal Revenue Code of 1986; or
- Locate a project in a county that includes, or has included within the previous 5 years, an area of critical state concern designated or ratified by the Legislature for which the Legislature has declared its intent to provide affordable housing, and 100% of the units in the project are set aside for person or families who have income below 120% of the state or local median income, whichever is higher.

[1] s. 420.5087, F.S.

Very-Low Income Fund Reservation: Section 420.5087(3), F.S., requires that during the first 6 months a percentage of SAIL funds be reserved for each of the following groups: commercial fishing workers and Farmworkers, families, persons who are homeless,; and elderly persons. The percentage of SAIL funds reserved for each group is determined by using the most recent statewide very-low income rental housing market study available at the time of publication of each notice of fund availability, but the reservation of funds to commercial fishing workers and farmworkers, families, and the elderly may not be less than 10% of the funds available at that time. Currently, 24% of the total SAIL funds are reserved for the elderly.

Elderly Housing Community Loan Program (EHCL): Section 420.5087(3)(d), F.S., requires that 10% of the amount reserved for the elderly be reserved to provide loans to sponsors of housing for the elderly to provide for building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or lifesafety or security-related repairs or improvements to such housing. This part of the program is referred to as the Elderly Housing Community Loan Program (EHCL). Under the EHCL Program, sponsors are required to match the loan amount received at a rate of 15%. Funds received from matching are used to supplement the loan amount received to pay the cost of repair or improvement for which these funds are available

According to the Florida Housing Finance Corporation, the match requirement is used to leverage state funds and make more fiscally prudent investments. Prior to the increase in the available loan amount, sponsors were awarded additional points during the loan application process for exceeding the minimum match requirement by a certain percentage. With the current increased loan amount and match rate, this process is no longer being used. However, under general operating policy, sponsors are still encouraged to match at the highest percentage possible, which can exceed the minimum percentage amount set in statute.

Prior to 2005, loans under the EHCL Program were capped at $200,000 with the requirement of a minimum match of 15% from the sponsor. During the 2005 legislative session, the Legislature increased the maximum loan amount from $200,000 to $750,000. The increase in the maximum loan amount had the practical effect of increasing the potential match requirement from $30,000 to $112,500.

Florida Housing Ownership Assistance Program (HAP): The HAP Construction Loan provides a five-year, zero percent interest construction loan to eligible developers for the lesser of 33% of the total development cost or $1,000,000. Eligible developers include nonprofit developers and nonprofit sponsors, established pursuant to ch. 617, F.S., and local governments and public housing authorities, with preference given to Corporation certified community based organizations, and to developments that have received funding from Florida Housing's Predevelopment Loan Program.

A minimum of 30% of the homes must be sold to eligible homebuyers who have an adjusted income that does not exceed 50% of the AMI, and a minimum of another 30% of the homes must be sold to eligible homebuyers who have an adjusted income that does not exceed 80% AMI. Any remaining homes must be sold to persons or households that have an adjusted income that does not exceed 150% AMI.

The HAP Permanent Loan Program provides a zero percent interest nonamortized second mortgage loan to eligible homebuyers purchasing a home built by a participating developer. In order to be eligible, a person's or household's adjusted income cannot exceed 80% AMI. This loan is available in an aggregate amount not to exceed the lesser of $30,000, 25% of the purchase price of the home, or the amount necessary to meet credit underwriting criteria, based on the monthly mortgage payment to income underwriting ratio. The term of the loan is the lesser of 30 years or the term of the first mortgage, and is due upon maturity, sale, refinancing or rental of the property.

State Housing Initiatives Partnership Program (SHIP): The Corporation administers the State Housing Initiatives Partnership program (SHIP), which provides funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing. The program was designed to serve very low, low and moderate income families.

SHIP funds are distributed on an entitlement basis to all 67 counties and 48 Community Development Block Grant entitlement cities in Florida. The minimum allocation is $350,000 and the maximum allocation is over $9 million. In order to participate, local governments must establish a local housing assistance program by ordinance; develop a local housing assistance plan and housing incentive strategy; amend land development regulations or establish local policies to implement the incentive strategies; form partnerships and combine resources in order to reduce housing costs; and ensure that rent or mortgage payments within the targeted areas do not exceed 30% of the AMI limits, unless authorized by the mortgage lender.

A minimum of 65% of the funds must be spent on eligible homeownership activities; a minimum of 75% of funds must be spent on eligible construction activities; at least 30% of the funds must be reserved for very-low income households (up to 50% of the AMI); an additional 30% may be reserved for low income households (up to 80% of AMI); and the remaining funds may be reserved for moderate-income households (up to 120% of AMI.). It is important to note that no more than 5% of SHIP funds may be used for administrative expenses. However, if a local government makes a finding of need by resolution, a local government may use up to 10% for administrative expenses. Funding for this program was established by the passage of the 1992 William E. Sadowski Affordable Housing Act. Funds are allocated to local governments each month on a population-based formula. These funds are derived from the collection of documentary stamp tax revenues, which are deposited into the Local Government Housing Trust Fund. Total actual disbursements are dependent upon these documentary stamp collections.

COMMUNITY CONTRIBUTION TAX CREDITS

In 1980, the Florida Legislature established the Community Contribution Tax Credit Program to encourage private sector participation in revitalization and housing projects. The program offers a tax incentive (a corporate income tax credit, insurance premium tax credit or a sales tax refund) equal to 50% of the amount donated up to $200,000 annually to sponsors who have been approved to participate in the program. Eligible project sponsors under the program include a wide variety of community organizations, housing organizations, historic preservation organizations, units of state and local government, and regional workforce boards. Eligible projects include the construction, improvement or rehabilitation of housing, commercial, industrial or public facilities, and projects that promote entrepreneurial or job development opportunities for low-income persons.

The Office of Tourism, Trade and Economic Development (OTTED) is responsible for administering the program by reviewing sponsor project proposals and tax credit applications. To date, 167 sponsors/projects have been approved to participate in the program. After the taxpayer receives approval for community contribution tax credits, it must claim the credit from the Department of Revenue (DOR). Unused credits against corporate income taxes and insurance premium taxes may be carried forward for five years. Unused credits against sales taxes may be carried forward for three years.

The Florida Legislature has amended the dollar cap and the expiration date of the program on numerous occasions. The program began with a $3 million dollar per year cap that currently is designated at $12 million. The expiration of the program has been extended from 2005 to June 30, 2015. According to the OTTED, Habitat for Humanity is the primary recipient of donations for housing projects under the Community Contribution Tax Credit Program.

EFFECT OF PROPOSED CHANGES

HB 1363 addresses the issue of affordable housing in Florida by creating the Community Workforce Housing Innovation Program, and by creating law and amending existing law to provide financial and regulatory incentives for the provision of affordable housing. The bill addresses various aspects of the income spectrum from extremely-low-income persons, defined as a person or family whose total annual household income does not exceed 30% of the median annual adjusted gross income for households within the state, to those persons earning less than 150% of AMI. The effects of this bill are described in greater detail below under the headings Community Workforce Housing Innovation Program; and Other Financial and Regulatory Incentives; and Miscellaneous.

COMMUNITY WORKFORCE HOUSING INNOVATION PROGRAM

The bill creates the Community Workforce House Innovation Program (CWHIP) which incents public-private partnerships and the use of joint resources to provide affordable rental and homeownership opportunities for essential service personnel, in high-cost and high-growth counties, to persons with medium incomes.

Florida Housing Finance Corporation (Corporation): The bill provides the Corporation with authority to provide CWHIP loans, subject to the availability of appropriated funds. The loans may be forgivable and are available to applicants for construction or rehabilitation of rental or home ownership workforce housing in targeted high-cost and high-growth counties, areas of critical state concern, or areas designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation. The bill directs the Corporation to establish a funding process and selection criteria to distribute the annually appropriated funds which may be used with other Corporation and private-sector resources. The bill also directs the Corporation to provide incentives for local governments to use local affordable housing funds to assist in meeting the affordable housing needs of this program's eligible persons.

Definitions and funding targets: The bill requires CWHIP to target specified areas, and directly or indirectly defines several terms, including those targets, as outlined below. Further, the bill provides that the Corporation shall seek to achieve a 70% high-cost, 30% high-growth ratio in its annual project funding. [2]

- "High-cost counties" is defined as "those counties in which the median sales price of a single-family home using the most recent county level statistics is above the state median sales price of a single-family home; areas of critical state concern for which the Legislature has declared its intent to provide affordable housing, and areas designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation. The bill requires the Corporation to annually develop the list of high-cost counties.
- "High-growth counties" is defined as those counties that demonstrate significantly high rates of growth in K-12 public school students and a substantial number of open teaching positions currently and projected for the next school year. To qualify, a county's school district must have been in the top 10 school districts in the state for fastest student population growth as a percentage rate of increase for the previous 5 years, as defined by the Department of Education. Prioritized are those school districts that have the greatest number of teaching position vacancies.
- "Areas of critical state concern" is indirectly defined as those areas designated under s. 380.05, F.S., for which the Legislature has declared its intent to provide affordable housing.[3] One of the five designated ACSC areas appears to comply with this indirect definition: Florida Keys ACSC (s. 380.0552, F.S.).

[2] Newly created s. 420.9075(4), F.S., combines definitions, program targets, and direction for use of appropriated funding. The subsection may benefit from redrafting.

[3] Established in Chapter 380.05, Florida Statutes, the Area of Critical State Concern (ACSC) program protects resources and public facilities of major statewide significance. Designated Areas of Critical State Concern are: City of Apalachicola; City of Key West; Green Swamp; Florida Keys (Monroe County); and the Big Cypress Swamp (Miami-Dade, Monroe and Collier counties). In ACSCs, Department of Community Affairs (DCA) staff review all local development projects and may appeal to the Administration Commission any local development orders that are inconsistent with state guidelines. The DCA is also responsible for reviewing and approving amendments to comprehensive plans and land development regulations proposed by local governments within the designated areas.

- "Public-private partnerships" is defined to include substantial involvement of at least one county, municipality, or public sector entity (examples given are: school districts, special districts, and other units of local government) and at least one not-for-profit of for-profit project partner. Partnerships are encouraged to include one or more private sector business or charitable entities.
- "Workforce housing" is defined as housing affordable to natural persons or families whose total annual household income does not exceed 150% of the AMI, adjusted for household size or a higher area median income in areas of critical state concern or in areas designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation.
- "Essential services personnel" is defined to include those personnel, as defined locally by each county and eligible municipality within its local housing assistance plan pursuant to s. 420.9075, F.S., who are in need of affordable housing and who are employed in areas in which they are considered essential service personnel, including but not limited to teachers and educators, police and fire personnel, skilled construction trades personnel and health care personnel, and other job categories in which the personnel are defined as essential services personnel within the local housing assistance plan. [See: DRAFTING ISSUES OR OTHER COMMENTS].
- "Innovative projects" is indirectly defined to include "new construction or rehabilitation of existing housing, mixed-income housing, or commercial and housing mixed-use elements."

Targets: The bill mandates that the Corporation target the following:

- High-cost and high growth counties; areas of critical state concern meeting specified criteria; and areas designated as an area of critical state concern for at least 20 consecutive years prior to designation.
- Public-private partnerships, as defined in the bill.
- Workforce housing, as defined in the bill.
- Essential services personnel in need of affordable housing, as defined in the bill.
- Innovative projects, as defined in the bill.

Supplemental Program: The bill provides that the CWHIP shall supplement and not supplant existing affordable housing programs funded under ch. 420, F.S., relating to housing.

- Annual Review and Report: The bill requires the Corporation to conduct an annual review of the success of the CWHIP; and to ascertain whether the program is meeting the housing needs of high-cost and high-growth counties. Additionally, the bill requires the Corporation to review ways to improve public and private sector incentives and barriers to affordable and community workforce housing. The Corporation is required to submit any recommendations for strengthening the program to the Governor, the Speaker of the House of Representatives, and the President of the Senate within 2 months of the end of the Corporation's fiscal year. The bill authorizes the Corporation to request assistance in these matters from the Department of Community Affairs (DCA) or the Affordable Housing Study Commission[4].

Approved Applicant Benefits: Approved applicants are eligible for the following to ensure the financial viability, successful development, and ongoing maintenance of the housing developments:

- Expedited approval of development orders and development permits.
- Reduction of impact fees by 50%, waiver of impact fees, or alternative method of fee payment.
- Increased density up to 16 units per acre or higher, except in coastal high hazard areas.
- Reserved infrastructure capacity in the local comprehensive plan.
- Allowance of additional housing units in residential zoning districts.
- Reduction of open space and set back requirements.

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[4] The Affordable Housing Study Commission was created in 1986 pursuant to the provisions of s. 420.609, F.S. Each year the Commission makes public policy recommendations to the Governor and Legislature to stimulate community development and revitalization to promote the production, preservation, and maintenance of safe, decent affordable housing for all Floridians.

- Allowance of zero-lot-line configurations.
- Reduction of traffic concurrency requirements by up to 25%.
- Priority eligibility for local transportation infrastructure funding by metropolitan planning organizations.

Local government acceptance of these incentives is conditioned upon:

- The applicant's receipt of a letter of support from the local government; or
- Within 60 days after local government's receipt of applicant's plan, a vote of "no objection" regarding the project is taken by the local governing body. The local government and project applicant, with approval of the Corporation, may agree to modify the project incentives and size of development, during the 60 day period.

If the local government votes not to accept the project in the county, then the Corporation shall remove the application from its approved funding list.

Grant Eligibility: The bill provides that the Corporation, subject to appropriations, has the authority to provide grants for construction or rehabilitation of rental or single-family community workforce housing, providing that the applicant meet at least one of the following criteria:

- Sets aside at least 80% of the units for workforce housing and sets aside at least 50% of the units as prioritized for essential services personnel.
- For rental projects:
  - Up to 120% AMI - rents for all workforce housing units serving those with incomes up to 120% of AMI shall be restricted at the appropriate income level using the restricted rents for the federal low-income housing tax credit program.
  - Up to 150% of AMI - rents for workforce housing units serving those with incomes up to 150% of AMI shall be restricted to those established by the Corporation, not to exceed 40% of the maximum household income adjusted to unit size.
- For home ownership:
  - Limits the sales price of a detached, townhome or condominium unit to not more than the median sales price for that type of unit in that county and requires that all eligible purchasers of home ownership units occupy the home as their primary residence.
- Demonstrate that the program applicant is a public-private partnership of at least one local government or special district public entity and one private not-for-profit or for-profit partner.
- Demonstrate how the applicant will use the regulatory incentives outlined in subsection (8) and includes any local government letters of support for the incentives outlined in newly created s. 420.9075(8)(b)1., F.S.
- Demonstrate that the applicant possesses title to or site control of land and evidences availability of required infrastructure.
- Provides supporting research or facts of rental or home ownership workforce housing demand and need.
- Have at least 15%, evidenced by a letter of commitment, of the total development cost provided by grants, donations of land, or contributions from other sources.
- Demonstrate accessibility to employment opportunities or a plan to provide transportation access to such opportunities.
- Demonstrate a marketing and sales plan to ensure residents fit the income requirements and program workforce demands.
- Provide a development cost pro forma for the project.
- Demonstrate the applicant's affordable housing development and management experience.
- Demonstrate the long-term affordability of the rental or homeownership units.

Review Committee: The bill requires the Corporation to establish a review committee and scoring system for evaluation and competitive ranking of submitted applications. The ranking is required to ensure an opportunity for a greater number of high-cost, high-growth counties to receive project funding.

Interest Rate: The bill provides that the Corporation shall award loans with a 1% interest rate which may be forgiven if the project continues to meet rental or ownership criteria outlined in the newly created s. 420.9075(4), F.S. The Corporation is required to develop rules and guidelines to set the terms under which the accrued loan interest may be forgiven.

Maximum Administrative Overhead: The bill authorizes the Corporation to use no more than 2% of the annual appropriation for administration and compliance monitoring.

Down Payment Assistance Program: The bill requires the Corporation to develop and implement a CWHIP down payment assistance program. There are no standards or guidelines provided to the Corporation regarding this program. **Such authorization appears to be an unauthorized delegation of legislative authority in conflict with s. 1, Art. III, State Constitution. [See: CONSTITUTIONAL ISSUES].**

Required Recommendations: The Corporation is required to develop recommendations for increasing the development or innovative affordable home ownership projects serving very low, low, and moderate income residents of this state. The recommendations may include expansion of support for non-profit home builders. Examples proved are: Habitat for Humanity and other charitable housing organizations, public housing authorities, and for profit housing developers. Recommendations shall assess the value of public-private partnerships, increased local and state funding for non-profit housing organizations, and the possible conversion of existing affordable multifamily rental apartments to affordable home ownership units for projects in high-cost counties and counties with areas of critical state concern. Recommendations shall also examine how to guarantee long term affordability for home ownership. The bill provides that the Corporation may request the assistance of the Affordable Housing Study Commission in these efforts.

OTHER FINANCIAL AND REGULATORY INCENTIVES

Appropriations: The bill contains two appropriations for FY 2006-2007 to the Corporation as follows:

- $20 million from the State Housing Trust Fund to provide funds to teachers eligible for affordable housing pursuant to ss. 420.5088 or 420.5089, F.S., and to assist in teacher retention and recruitment as a response to the states teacher shortage.
- $32 million from the Local Government Housing Trust Fund to assist in production of housing units for extremely low income persons.

Housing Trust Fund Cap: State Housing Trust Fund: The bill eliminates the $243 million cap on documentary stamp revenues into the housing trust funds which is set to take effect on July 1, 2007.

Low-Income Housing Tax Credit/Assessment: The bill provides that if a capitalization rate is used to assess just valuation for an affordable housing property, then the appraiser must use a capitalization rate that is comparable to a rate used for non-affordable, market-based properties.

Assessment of Affordable Housing Property: The bill creates "The Manny Diaz Affordable Housing Property Tax Relief Initiative" for the purpose of assessing just valuation of certain affordable housing properties serving persons with incomes defined as low, moderate, and very low. The bill requires property appraisers, for assessment purposes, to recognize the actual rent income from rent-restricted units in such properties and to utilize an income approach for the assessment of the rents from such units. The bill specifies three types of properties to which this approach applies.

Affordable Housing Property Exemption for Nonprofit Entity Ownership: Current law provides a property exemption for affordable housing property owned entirely by a nonprofit entity. The bill defines the phrase "ownership by a nonprofit entity" as either:

- A corporation not for profit; or
- A Florida limited partnership the sole general partner of which is either a corporation not for profit or a Florida limited liability company the sole member of which is a corporation not for sale.

Community Contribution Tax Credits: The bill increases the total amount of community contribution tax credits which may be granted all programs approved under ss. 212.08, 220.183 and 624.5105, F.S., by $1 million. It amends ss. 212.08, 220.183 and 624.5105, F.S., respectively, in a substantially identical fashion, to provide new allocations of the available $13 million in tax credits: (1) an annual allocation of $10 million of tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19)[5] and (28),[6] F.S., and (2) a $3 million annual allocation for all other projects.

The bill also eliminates the requirement that the Office of Tourism, Trade, and Economic Development reserve specific percentages of certain annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for certain households and for other projects. These sections of the bill also eliminate provisions that allow tax credits that are unused for home ownership or all other projects to be used for any approved project after the first six months of the state fiscal year.

Elderly Housing Community Loan Program: The State Apartment Incentive Loan Program (SAIL) is administered by the Corporation. The Elderly Housing Community Loan Program (EHCL) is a loan program within State Apartment Incentives Loan Program (SAIL) in which a portion of SAIL funds are reserved to loan to sponsors of housing for the elderly to provide for specific repairs and improvements.

The bill reduces the minimum match requirement to which a sponsor must commit in order to receive a loan under the EHCL Program from 15% to 5% of the loan amount. In the 2005 legislative session, the Legislature raised the maximum loan amount available under the EHCL Program from $200,000 to $750,000, which increased the potential match amount from $30,000 to $112,500. Reducing the minimum match rate to 5% would result in a maximum required match amount of $37,500.

State Housing Trust Fund: The bill removes the cap on the distribution of documentary stamp tax revenues to the State Housing Trust Fund, which cap is set to take effect on July 1, 2006.

State Apartment Incentive Loans: The bill changes two of the three population category parameters applicable to required allocation of funds to counties with a population of 825,000 or more, and counties with populations of greater than 100,000 but less than 825,000. The bill provides that where the Corporation's lien is subordinate to another mortgagee, then the term of the loan may be made coterminous with longest term of the superior lien. The bill extends the SAIL program to projects which reserve units for extremely low income families. The bill deletes an obsolete provision relating to rent certificates or vouchers. And, the bill authorizes the Corporation to waive certain requirements for projects which reserve units for very low income families. The bill also reduces the interest rates of SAIL loans from 3-9% to 1 to 3%.

Surplus Public Property for Affordable Housing:

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[5] Section 420.9071(19), F.S., defines "low-income person" or "low-income household" to mean one or more natural persons or a family that has a total annual gross household income that does not exceed 80% of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the nonmetropolitan median for the state, whichever amount is greatest. With respect to rental units, the low-income household's annual income at the time of initial occupancy may not exceed 80% of the area's median income adjusted for family size. While occupying the rental unit, a low-income household's annual income may increase to an amount not to exceed 140% of 80% of the area's median income adjusted for family size.

[6] Section 420.9071(28), F.S., defines "Very-low-income person" or "very-low-income household" to mean one or more natural persons or a family that has a total annual gross household income that does not exceed 50% of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the nonmetropolitan median for the state, whichever is greatest. With respect to rental units, the very-low-income household's annual income at the time of initial occupancy may not exceed 50% of the area's median income adjusted for family size. While occupying the rental unit, a very-low-income household's annual income may increase to an amount not to exceed 140% of 50% of the area's median income adjusted for family size.

County Property: The bill requires each county to prepare an inventory list of all real property held in fee simple by the county within its jurisdiction. The list is to be prepared by January 1, 2007, and each 3 years thereafter. Criteria for the list are provided. The bill requires county planning staff to review the list and to identify each property that is appropriate for use as affordable housing. A 6-month period is provided for this review. Properties identified as appropriate for affordable housing shall be offered for sale with the proceeds used to purchase land for the development of affordable housing. Alternatively:

- The proceeds may be donated to the Local Government Housing Trust Fund;
- The proceeds may be donated to a nonprofit housing organization for the construction of permanent affordable housing; or
- The land may be sold with a restriction requiring development on the property to include a specified percentage of permanent affordable housing.

The bill prescribes a public hearing process and provides restrictions on the potential pool of purchasers. Further, the bill provides for certain deed restrictions to prevent the sale of the unit at a price that exceeds the affordable housing threshold for low or moderate-income persons. The bill provides for definitions consistent with those found at s. 420.0004, F.S.

Municipal Property: The bill provides similar requirements for municipalities to prepare the real property inventory; and to offer for sale properties appropriate for use as affordable housing.

State Property: The bill amends existing law related to the surplus state lands. The bill provides that a local government may request that state lands be specifically declared surplus lands for the purpose of providing affordable housing. Additionally, the bill authorizes affordable housing as a permitted use for surplus state lands; and provides that when such lands are conveyed to local governments, they shall be disposed of consistent with the provisions outlined above.

Authority to Provide Employee Housing Assistance:

Independent Special Districts: The bill provides authority for independent special districts, created for the purpose of providing urban infrastructure or services, to provide housing and housing assistance for persons eligible under the CWHIP program. The bill also provides authority for fire control special districts to provide housing or housing assistance for their employed personnel.

School Boards: The bill authorizes school boards to provide affordable housing for teachers and other instructional personnel. The bill also authorizes school boards to rent or lease existing buildings, land, or space within buildings, originally constructed for purposes other than education, for conversion to use as affordable and workforce housing for school and instructional personnel.

Small Scale Amendments to Local Comprehensive Plan: Existing law provides that certain small scale development activities requiring a comprehensive plan amendment may be approved through a summary process known as a small scale amendment. The bill revises one of the categories of activities for development of affordable housing on property of less than 10 acres by including workforce housing that meets the definition of affordable housing under s. 420.0004(3), F.S., without requiring the development to be financed with tax exempt bonds. Many of the workforce housing initiatives could be affordable housing developments that do not utilize tax exempt bond financing and this revision would also allow affordable housing developed with 9% Housing Credits to comply with this small scale comprehensive plan amendment provision.

Disabled Veterans License and Permit Fee Exemption: Section 295.16, F.S., allows veterans to be exempt from paying building license or permit fees to any county or municipality for wheelchair accessibility improvements made upon a mobile home, when certain criteria are met. The bill increases the type of residences eligible for the permit fee exemption in s. 295.16, F.S to include any dwelling they own.

The provisions of this bill will enable a larger population of eligible, disabled veterans to take advantage of the existing fee exemption, reducing the costs that they are obligated to pay in order to make their homes wheelchair accessible. This bill does not place any restrictions on the number of wheelchair accessibility improvements allowed nor does it appear to place any restrictions on the number of times improvements may be made to the dwelling.

Developments of Regional Impact:

Substantial Deviations: A development of regional impact (DRI) is defined in existing law to mean “any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.” As DRIs often are developed over a series of years, the law provides a certain threshold below which the project may be modified without triggering additional DRI review. Activities which exceed the threshold are considered to be a substantial deviation of the development order authorizing the development. The bill provides a bonus in the substantial deviation threshold when at least 20% of the increase in the number of dwelling units is dedicated to the construction of workforce housing. “Workforce housing” is defined to mean housing that is affordable to a person who earns less than 120% of the AMI.

Statewide Guidelines and Standards: Existing law contains a set of statewide guidelines and standards that guide the analysis of particular activities to determine whether they constitute a development of regional impact. The bill amends those guidelines and standards to provide a similar bonus for the provision of workforce housing.

C. SECTION DIRECTORY:

Section 1 – Creates s. 125.379, F.S., relating to the disposition of county property for affordable housing.

Section 2 – Amends s. 163.31771, F.S., conforming a citation.

Section 3 – Amends s. 163.3187(1) (c), F.S., removing an exception from the comprehensive plan small scale amendment provisions.

Section 4 – Creates s. 166.0451, F.S., relating to the disposition of municipal property for affordable housing.

Section 5 – Creates s. 189.4155 (6), F.S., authorizing specified independent special districts to provide housing and housing assistance.

Section 6 – Creates s. 191.006 (19), F.S., amending independent special fire control district general powers to allow provision of housing and housing assistance.

Section 7 – Creates s. 193.017 (5). F.S., relating to capitalization rates used to assess property value.

Section 8 – Creates s. 193.018, F.S., creating “The Manny Diaz Affordable Housing Property Tax Relief Initiative”; requiring the use of an actual rental income basis for the purpose of assessing certain affordable housing properties.

Section 9 – Amends s. 196.1978, F.S., providing an affordable housing property exemption for certain affordable housing nonprofit entity owners.

Section 10 – Amends ss. 201.15 (9) and 201.15 (10), F.S., removing the caps related to distribution of certain tax revenues for the State Housing Trust Fund.

Section 11 – Amends s. 212.08(5)(q), F.S., increasing the amount of available tax credits, providing separate annual limitations for sales tax credits, eliminating the reservation of available tax credits, and renumbering sub-paragraphs.

Section 12 – Amends ss. 220.183(1) (c) and 220.183 (2) (b), F.S., increasing the amount of available tax credits, providing separate annual limitations for corporate tax credits, and eliminating the reservation of available tax credits.

Section 13 – Amends s. 253.034 (6) (f), F.S., relating to the uses of state-owned lands as surplus lands for affordable housing.

Section 14 – Amends s. 295.16, F.S., relating to license or permit fee exemptions for disabled veterans; changing language from "mobile home" to "dwelling."

Section 15 – Amends s. 380.06 (19) (b), F.S., relating to development of regional impact substantial deviations and dwelling units used for "workforce housing."

Section 16 – Amends s. 380.0651 (3) (k), F.S., relating to development of regional impact statewide guidelines and standard, increasing the applicable guidelines for residential development, providing workforce housing.

Section 17 – Amends s. 420.0004 (8) – (14), F.S., providing a definition of "extremely low income person" and authorizing the Florida Housing Finance Corporation to adjust low income guidelines.

Section 18 – Repeals s. 420.37, F.S., relating to additional powers of the Florida Housing Finance Corporation.

Section 19 – Amends s. 420.503 (18), F.S., amending the definition of "farmworker."

Section 20 – Amends s. 420.5061, F.S., conforming a citation.

Section 21 – Amends s. 420.507 (22) (23) (40), F.S.; relating to interest rates, eligibility and authorizing interest rates to apply to units on a pro rata basis, the availability of subordinated loans to nonprofit sponsors or the availability for financing of housing to eligible borrowers, changing language from "corporations" to "business entities"; and creates s. 420.507 (44) – (46), F.S., relating to the adoption of rules for program goals, establishment of rule requirements for the reporting of data, and administration of funds appropriated for disaster recovery and reconstruction.

Section 22 – Amends ss. 420.5087 (1) (3) (5) (6), F.S., relating to state apartment incentive loans; changing population category parameters applicable to required allocation of funds; providing that where the Corporation's lien is subordinate to another mortgagee, then the term of the loan may be made coterminous with longest term of the superior lien; authorizing the Corporation to waive certain requirements for projects which reserve units for very low income families;.

Section 23 – Amends s. 420.5088 (1) – (4), F.S., relating to Florida Homeownership Assistance Program.

Section 24 – Creates s. 420.5095, F.S., creating the Community Workforce Housing Innovation Program.

Section 25 – Amends s. 420.9072(2), F.S., correcting a cross-reference.

Section 26 – Amends ss. 420.9075 (4)(a), and (5) – (12), F.S., relating to the distribution of State Housing Initiatives Partnership funds in local housing assistance plans; creating content requirements for the local housing assistance plans.

Section 27 – Amends s. 420.9076 (6), F.S., changing the maximum amount that the Florida Housing Finance Corporation may seek annually from the Local Government Housing Trust Fund for the purpose of compliance monitoring.

Section 28 – Amends 420.9079 (2), F.S., relating to the Local Government Housing Trust Fund, revising the amount of money a corporation may request in order to implement the provisions of s. 420.9075 (8), F.S.

Section 29 – Amends s. 624.5105 (1) (c) and (2) (e), F.S., increasing availability of community contribution tax credits, providing separate annual limitations for insurance premium tax credits, and eliminating the reservation of available tax credits.

Section 30 – Amends s. 1001.42 (9) (b), F.S., authorizing school boards to provide affordable housing for teachers and other instructional personnel.

Section 31 – Amends s. 1013.01(6), F.S., the definition of "educational facilities."

Section 32 – Amends s. 1013.15, F.S., to add subsection (5) relating to school board authority to rent or lease certain land or buildings for conversion to use as affordable or workforce housing.

Section 33 – Appropriating $20 million from the State Housing Trust Fund to the Florida Housing Finance Corporation; provides funds to teachers eligible for affordable housing; and to assist in teacher recruitment and retention.

Section 34 – Appropriating $32 million from the Local Government Housing Trust Fund to the Florida Housing Finance Corporation for the production of housing units for extremely-low-income persons.

Section 35 – Providing an effective date of July 1, 2006, except as otherwise provided.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   Community Contribution Tax Credits: The Revenue Estimating Conference has determined that increasing the amount of community contribution tax credits annually from $12 million to $13 million will result in a loss of $.9 million in state revenues during FY 2006-2007 and FY 2007-2006.

	FY 2006-07	FY 2007-2008
General Revenue		
Corporate	(.1)	(.1)
Sales	(.8)	(.8)
State Trust	(Indeterminate)	(Indeterminate)
Total State Impact	(.9)	(.9)

   State Housing Trust Fund: The bill eliminates the $243 million cap on documentary stamp revenues into the housing trust funds which is set to take effect on July 1, 2007.

2. Expenditures:

   Appropriations:

	FY 2006-2007
State Housing Trust Fund	($20 million)
Local Government Housing Trust Fund	($32 million)
Florida Housing Finance Corporation	$52 million

   Community Contribution Tax Credits: It is anticipated that administration of the increase in tax credits by OTTED will be implemented within existing appropriations.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   Community Contribution Tax Credits: The Revenue Estimating Conference has determined that increasing the amount of community contribution tax credits annually from $12 million to $13 million will result in a loss of $ .1 million in local revenues during FY 2006-2007 and FY 2007-2006.

   Disabled Veterans License and Permit Fee Exemption: The fiscal impact on local government revenues is expected to be negative and insignificant. The Revenue Estimating Conference has not met on this issue.

2. Expenditures:

   Indeterminate. The bill provides encouragement and opportunity for local government to support the affordable housing efforts advanced by this bill, but does not require any particular level of financial commitment.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Community Contribution Tax Credits: The bill increases the amount of tax credits available to persons for homeownership projects from $9.4 million to $10 million, and for non-housing projects from $2.6 million to $3 million. This may have a positive but indeterminate impact on the number of low-income homes that are built each year and the projects sponsored in enterprise zones and Front Porch Florida Communities as they are likely to receive more contributions.

Elderly Housing Community Loan Program: This bill may have an economic impact on a private sector apartment owner that qualifies under the EHCL Program by reducing the match amount required to qualify for a loan under the program, allowing them to take advantage of higher loan amounts.

The bill may have a beneficial impact on the private sector in the following manner:

- Provides incentives for the private sector development and provision of affordable housing.
- Provides housing opportunities for certain types of employees, thus supporting some private and public employers by authorizing means by which they may assist employees to secure affordable housing.

D. FISCAL COMMENTS:

Community Contribution Tax Credits: The table below shows the tax credits granted for housing projects and for other community development projects during the past 10 years. There were significant tax credits unused for the first two years after the cap was increased to $10 million. Subsequently, the entire allocation has been used.

COMMUNITY CONTRIBUTION TAX CREDIT PROGRAM
TAX CREDIT SUMMARY FY 1995/96 – FY 2005/06

FISCAL YEAR	APPROVED apps.	HOUSING TAX CREDITS	COMMUNITY DEVELOPMENT TAX CREDITS	TOTAL CREDITS APPROVED	CREDITS REMAINING	ANNUAL ALLOCATION
1995/96	75	$465,542	$1,472,255	$1,937,797	$62,203	$2,000,000
1996/97	69	$1,043,256	$1,018,947	$2,062,203	$-62,203	$2,000,000
1997/98	81	$1,348,500	$651,500	$2,000,000	$0	$2,000,000
1998/99	75	$2,720,441	$2,279,559	$5,000,000	$0	$5,000,000
1999/00	198	$3,764,283	$1,302,178	$5,066,461	$4,933,539	$10,000,000
2000/01	223	$5,320,890	$744,365	$6,065,255	$3,934,745	$10,000,000
2001/02	322	$9,484,489	$515,464	$9,999,953	$47	$10,000,000
2002/03	359	$8,914,456	$1,085,544	$10,000,000	$0	$10,000,000
2003/04	285	$8,622,769	$1,377,231	$10,000,000	$0	$10,000,000
2004/05	251	$8,051,618	$1,948,382	$10,000,000	$0	$10,000,000
2005/06	285	$9,558,883	$2,441,117	$12,000,000	$0	$12,000,000
10 YEAR TOTALS	**2,223**	**$59,295,127**	**$14,836,542**	**$74,131,669**	**$8,868,331**	**$83,000,000**

Source: Created from data provided by OTTED.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Community Contribution Tax Credits: This bill may reduce the authority of municipalities and counties to raise revenues: the estimated reduction in Local Option Sales tax is $.1 million in FY 2006–2007 and $. million in FY 2007–2008. However, this impact is considered to be insignificant, and the bill is therefore exempt from the provisions of s. 18(b) of Art. VII, State Constitution.

Disabled Veterans License and Permit Fee Exemption: The mandates provision appears to apply because this bill reduces revenue raising authority; however, an exemption applies. The number of applicable veterans likely to utilize the license and permit fee exemptions is expected to be minimal. Therefore, the fiscal impact is expected to be insignificant and the bill is exempt from the mandates provision.

Surplus Property Inventory: The mandates provision appears to apply because this bill requires counties and municipalities to conduct a surplus real property inventory and to determine what of that real property is appropriate for affordable housing purposes. Conducting such surveys and determining what real property is appropriate for affordable housing purposes will require the expenditure of funds. However, the bill may be exempt from the mandate requirements if the fiscal impact of the bill, on an aggregate basis for all cities and counties in the state, is less than $1.9 million over the long term. At this time, the fiscal impact of the bill is unknown.

If the bill is not exempt from the mandates requirements imposed by Art. VII, section 18 of the Florida Constitution, the Legislature must determine that the law fulfills an important state interest and the bill must be approved by two–thirds of the House and Senate membership.

2. Other:

Unauthorized Delegation of Legislative Authority: Section 24 of the bill creates s. 420.907(12), F.S., requiring the Corporation to develop and implement a down payment assistance program without any standards or guidance regarding that program.

The legislative power of the state is vested in the Legislature (s. 1, Art. III, State Constitution). It is fundamental that the Legislature may not, except when authorized by constitution, delegate its legislative power, that is, the power to enact laws, or to declare what the law shall be, or to exercise an unrestricted discretion in applying the law. Under the doctrine of nondelegation of legislative power, fundamental and primary policy decisions shall be made by members of the legislature who are elected to perform those tasks, and administration of legislative programs must be pursuant to some minimal standards and guidelines ascertainable by reference to the enactment establishing the program.[7] The authorization to develop and implement a program with no further standards or guidance may be considered by a court to be an unauthorized delegation of legislative authority.

B. RULE-MAKING AUTHORITY:

The bill contains specific rulemaking authority as follows:

- Whereby the Corporation may intervene, negotiate terms, or undertake other actions to further program goals or avoid default of a program loan [s. 420.507(44), F.S.].
- To establish requirements for periodic reporting of data [s. 420.507(45), F.S.].
- To establish a funding process and selection criteria relating to the CWHIP [s. 420.5095(2), F.S.].
- To set the terms under which the CWHIP loan accrued interest may be forgiven [s. 420.9075(10)(b), F.S.].

C. DRAFTING ISSUES OR OTHER COMMENTS:

- In the creation of s. 420.5095, F.S., subsection (3) includes the following possible drafting issue: Requires the Corporation to develop certain selection criteria either by rule or by requests for proposals. The bill does not make clear how such criteria would be developed through an RFP process; and may benefit from some further clarification. Perhaps the language should read: "The corporation shall develop selection criteria by rule for requests for proposal to..."
- Newly created s. 420.5095(4)(f), F.S., a definition of "essential services personnel" may benefit from rewording. A possible redraft might be as follows:

  "Essential services personnel" is defined as those personnel, designated as "essential services personnel" within the county or eligible municipality's local housing assistance plan established pursuant to s. 420.9075. Such personnel may include, but are not limited to, teachers and educators, police and fire personnel, skilled construction trades personnel, and health care personnel."
- The bill requires the Corporation to develop and implement a CWHIP down payment assistance program, but provides no direction or guidance to the Corporation regarding the program. Such a grant of authority may be an unauthorized delegation of legislative authority. [See: CONSTITUTIONAL ISSUES].

[7] 10A Fla. Jur. 2d Constitutional Law s. 202.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 21, 2006, the Growth Management Committee adopted a strike all amendment with two amendments. The strike all amendment substantially amended the originally filed bill to include the following:

- Authorizes the disposition of county property for affordable housing.
- Provides a density bonus in both the development of regional impact substantial deviation and statewide guidelines and standards provisions.
- Authorizes the disposition of municipal property for affordable housing.
- Authorizes independent special districts to provide housing and housing assistance for its employed personnel.
- Includes authority to provide housing and housing assistance for employed personnel to the general powers of independent special districts.
- Requires the use of a particular cap rates when a cap rate is used to assess the just valuation of affordable housing property.
- Defines classifications for the ownership of nonprofit entities.
- Creates "The Manny Diaz Affordable Housing Property Tax Relief Initiative."
- Removes the cap on the distribution of certain revenues into the State Housing Trust Fund.
- Increases the availability of community contribution tax credits; provides separate annual limitations for insurance premium tax credits, and eliminates the reservation of available tax credits.
- Authorizes the use of state-owned surplus lands for affordable housing.
- Creates a disabled veterans exemption from certain license and permits fees
- Creates an incentive to provide workforce housing within developments of regional impact.
- Increases the applicable statewide development of regional impact guidelines for residential development that include workforce housing.
- Authorizes the Florida Housing Finance Corporation to adjust low income guidelines; provides definitions.
- Repeals s. 420.37, F.S.
- Expands the definition of "farmworker" in s. 420.503 (18), F.S., to comply with an applicable Federal definition.
- Amends the powers of the Florida Housing Finance Corporation.
- Increases the applicable population criteria for funding eligibility; lowers the sponsor match related to funding for certain repairs or improvements; and allows for coterminous loan terms under certain circumstances; all related to the State Apartment Incentive Loan Program.
- Amends provisions relating to the Florida Homeownership Assistance Program.
- Creates the Community Workforce Housing Innovation Program.
- Amends provisions of the State Housing Initiatives Partnership Program including creating rulemaking authority.
- Changes the maximum amount that the Florida Housing Finance Corporation may seek annually from the Local Government Housing Trust Fund for the purpose of compliance monitoring.
- Amends provisions relating to the community contribution tax credit.
- Authorizes school boards to provide affordable housing for teachers and other instructional personnel.
- Creates and appropriation of $20 million from the State Housing Trust Fund to the Florida Housing Finance Corporation to provide funding to teachers eligible for affordable housing.
- Authorizes the Florida Housing Finance Corporation to adopt rules to implement the provisions of the bill.

The Growth Management Committee took up and acted upon the following amendments:

- Amendment 1 – Withdrawn.
- Amendment 2 – Created s. 196.1980, F.S., "The Manny Diaz Affordable Housing Property Relief Initiative."
- Amendment 3 – Created paragraph (i) of subsection (11) of s. 420.5095, F.S., the Community Workforce Housing Innovation Program.

On March 29, 2006, the Local Government Council adopted a strike all amendment to HB 1363 CS. The strike all amendment changed the bill in the following respects:

- Changes the reference to the recipient trust fund for donations resulting from county and municipal sales of surplus lands as provided for in amended ss. 125.379 and 163.3187, F.S.
- Added "extremely-low-income persons" to the allowable classes of persons to whom a unit may be rented pursuant to newly created s. 125.379(4), F.S.
- Section 193.017, F.S., is substantially rewritten.
- Changes the placement of the creation of "The Manny Diaz Affordable Housing Property Tax Relief Act" to s. 193.081, F.S. , from s. 196.1980, F.S. Changes the name of the act to "The Manny Diaz Affordable Housing Property Tax *Assessment* Initiative." Changes the language to provide for a *rental* income approach; specifies that the rental income approach shall be determined pursuant to s. 193.077(7), F.S.; and provides that such approach relates to certain *affordable housing* properties. Adds s. 193.018(4), F.S., to the newly created section to provide that specified affordable housing shall be assessed with priority consideration given to the rental income approach, and applying certain assumptions.
- Amends s. 196.1978(3), F.S., to provide that property *owned by a non-profit entity* shall comply with referenced criteria for the determination of an affordable housing property exemption status.
- Deleted the phrase "subject to a recorded land use restriction agreement" at the end of the first sentence of newly added s. 380.06(19)(b)10., F.S. Also, changes the definition of "workforce housing" as it applies to the subparagraph relating to DRI substantial deviations by increasing the percentage to 150% from 120%.
- Changed the percentage to 150% from 120% relating to the newly created workforce housing bonus in the DRI threshold of s. 380.0651(3)(k), F.S.
- Hyphenated the term "extremely-low-income" in the new definition of s. 420.0004(8), F.S.
- Added the phrase "and for participation in a housing locator system" to the end of the newly created s. 420.507(45), F.S
- Replaced the term "extremely-low-income" for "families" in s. 420.5087(5), F.S.
- Removed the deletion of and substantially rewrote s. 420.5087(6)(c)6., F.S., relating to SAIL loans; also removed renumbering of subsequent subparagraphs.
- Replaces the term "extremely-low-income persons" for "units" in the new language of s. 420.5087(6)(c)7., F.S.
- Amends s. 420.5087(6)(k), F.S., to add an additional condition to the allowance of rent controls on certain projects.
- Adds "rented" to the list of events giving rise to the balance due of any HAP loan, unless otherwise approved by the Corporation in s. 420.5088, F.S.
- Substantially rewrites the newly created s. 420.5095, F.S., relating to the newly created CWHIP, to remove redundancies and to provide clarifications.
- Creates s. 420.9075(3), F.S., providing for local housing assistance plans to include a definition of essential service personnel to identify those personnel that will be eligible for certain essential service personnel housing assistance.
- Clarifies that the reservation of funds for home ownership for very low income persons is a goal and not a requirement in s. 420.9075(4)(a), F.S.; and deletes the newly created subsection (5) relating to the recruitment and retention of essential service personnel.
- Adds the amendment of s. 1013.01(6), F.S., to expand the definition of "educational facilities" to include affordable and workforce housing for teacher and school personnel, if approved by the board.
- Removes the additional rulemaking authority which appeared to duplicate the Corporation's existing rulemaking authority.
- Creates s. 1013.15(5), F.S., authorizing school boards to rent or lease existing buildings, land, or space within buildings, originally constructed for purposes other than education, for conversion to use as affordable and workforce housing for school and instructional personnel.