

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Johnson offered the following:

2  
3 **Amendment to Amendment (841619) (with title amendment)**

4 Between lines 956 and 957, insert:

5 Section 13. Section 193.018, Florida Statutes, is created  
6 to read:

7 193.018 Affordable housing property tax assessment.--

8 (1) For the purpose of assessing just valuation of  
9 affordable housing properties serving persons with income limits  
10 defined as extremely low, low, moderate, and very low, as  
11 specified in s. 420.0004(8), (10), (11), and (15), the actual  
12 rental income from rent-restricted units in such a property  
13 shall be considered by the property appraiser for assessment  
14 purposes, and a rental income approach pursuant to s. 193.011(7)  
15 may be used for assessment of the rents for the following  
16 affordable housing properties:

408349

5/5/2006 10:00:33 AM

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17        (a) Property that is funded by the United States  
18 Department of Housing and Urban Development under s. 8 of the  
19 United States Housing Act of 1937 that is used to provide  
20 affordable housing serving eligible persons as defined by s.  
21 159.603(7), elderly persons, extremely low-income persons, and  
22 very-low-income persons as defined by s. 420.0004(7), (8), and  
23 (15) and that has undergone financial restructuring as provided  
24 in s. 501, Title V, Subtitle A of the Multifamily Assisted  
25 Housing Reform and Affordability Act of 1997;

26        (b) Multifamily, farmworker, or elderly rental properties  
27 that are funded by the Florida Housing Finance Corporation under  
28 ss. 420.5087 and 420.5089 and the State Housing Initiatives  
29 Partnership Program under ss. 420.9072 and 420.9075, s. 42 of  
30 the Internal Revenue Code, 26 U.S.C. § 42; the HOME Investment  
31 Partnership Program under the Cranston-Gonzalez National  
32 Affordable Housing Act, 42 U.S.C. s. 12741 et seq.; or the  
33 Federal Home Loan Banks' Affordable Housing Program established  
34 pursuant to the Financial Institutions Reform, Recovery and  
35 Enforcement Act of 1989, Pub. L. No. 101-73; or

36        (c) Multifamily residential rental properties of 10 or  
37 more units that are deed restricted as affordable housing and  
38 certified by the local housing agency as having at least 95  
39 percent of its units providing affordable housing to extremely  
40 low-income persons, very-low-income persons, low-income persons,  
41 and moderate-income persons as defined by s. 420.0004(8), (15),  
42 (10), and (11).

43        Section 14. Section 196.1978, Florida Statutes, is amended  
44 to read:

45        196.1978 Affordable housing property exemption.--

408349

5/5/2006 10:00:33 AM

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46        (1) Property used to provide affordable housing serving  
47 eligible persons as defined by s. 159.603(7) and persons meeting  
48 income limits specified in s. 420.0004(9), (10), and (14), which  
49 property is owned entirely by a nonprofit entity which is  
50 qualified as charitable under s. 501(c)(3) of the Internal  
51 Revenue Code and which complies with Rev. Proc. 96-32, 1996-1  
52 C.B. 717, shall be considered property owned by an exempt entity  
53 and used for a charitable purpose, and those portions of the  
54 affordable housing property which provide housing to individuals  
55 with incomes as defined in s. 420.0004(9) and (14) shall be  
56 exempt from ad valorem taxation to the extent authorized in s.  
57 196.196.

58        (2) For the purposes of this section, ownership entirely  
59 by a nonprofit entity is classified as ownership by:

60        (a) A corporation not for profit; or

61        (b) A limited partnership in this state the sole general  
62 partner of which is a corporation not for profit or a limited  
63 liability company in this state or corporation the sole member  
64 or shareholder, respectively, of which is a corporation not for  
65 profit.

66        (3) All property owned by a nonprofit entity identified in  
67 this section shall comply with the criteria for determination of  
68 exempt status to be applied by property appraisers on an annual  
69 basis as defined in s. 196.195. In order to qualify for exempt  
70 status, the nonprofit entity must affirmatively demonstrate to  
71 the property appraiser on an annual basis that no part of the  
72 sale, lease, or other disposition of the assets of the property  
73 will inure to the benefit of its members, officers, or any  
74 person or firm operating for profit or for a nonexempt purpose

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75 | except for those required by s. 42 of the Internal Revenue Code.  
76 | The Legislature intends that any property owned by a limited  
77 | liability company which is disregarded as an entity for federal  
78 | income tax purposes pursuant to Treasury Regulation 301.7701-  
79 | 3(b)(1)(ii) shall be treated as owned by its sole member.

80 |

81 | ===== T I T L E A M E N D M E N T =====

82 |       Remove line(s) 1046 and insert:  
83 | System purposes; creating s. 193.018, F.S.; providing criteria  
84 | for assessing just valuation of affordable housing properties  
85 | serving persons of low, moderate, very-low, and extremely-low  
86 | incomes; amending s. 196.1978, F.S.; specifying what constitutes  
87 | a nonprofit entity for purposes of affordable housing property  
88 | tax exemption; providing legislative findings; requiring