

1 A bill to be entitled
 2 An act relating to affordable housing; amending s.
 3 125.0104, F.S.; allowing certain counties to use certain
 4 tax revenues for workforce, affordable, and employee
 5 housing; amending s. 159.807, F.S.; deleting a provision
 6 exempting the Florida Housing Finance Corporation from the
 7 applicability of certain uses of the state allocation
 8 pool; amending s. 196.1978, F.S.; providing that property
 9 owned by certain nonprofit entities or Florida-based
 10 limited partnerships and used or held for the purpose of
 11 providing affordable housing to certain income-qualified
 12 persons is exempt from ad valorem taxation; revising
 13 legislative intent; providing that such ad valorem tax
 14 exemption extends to land owned by an exempt entity and
 15 subject to a 99-year ground lease for the purpose of
 16 providing affordable housing; providing that such ad
 17 valorem tax exemption extends to undeveloped property
 18 owned by an exempt entity that has taken affirmative steps
 19 to prepare the property for future use as affordable
 20 housing; defining the term "affirmative steps"; providing
 21 for the rejection of the ad valorem tax exemption under
 22 certain circumstances; requiring a property appraiser to
 23 reassess the just valuation of the property under certain
 24 circumstances; providing the total amount of taxes, non-ad
 25 valorem assessments, and interest for the period such
 26 exemption was effective become due when exemptions are
 27 found to have been obtained improperly or by fraud or
 28 misrepresentation; requiring the property appraiser to

29 | notify the tax collector of certain changes in the use or
30 | ownership of the property; amending s. 420.503, F.S.;
31 | defining the term "moderate rehabilitation" for purposes
32 | of the Florida Housing Finance Corporation Act; amending
33 | s. 420.5061, F.S.; removing a provision requiring the
34 | Florida Housing Finance Corporation to transfer certain
35 | funds to the General Revenue Fund; amending s. 420.507,
36 | F.S.; providing the corporation with certain powers
37 | relating to developing and administering a grant program;
38 | amending s. 420.5087, F.S.; revising purposes for which
39 | state apartment incentive loans may be used; amending s.
40 | 420.5095, F.S.; providing for the disbursement of certain
41 | Community Workforce Housing Innovation Pilot Program funds
42 | that were awarded but have been declined or returned;
43 | amending s. 420.615, F.S.; revising provisions relating to
44 | comprehensive plan amendments; authorizing certain persons
45 | to challenge the compliance of an amendment; creating s.
46 | 420.628, F.S.; providing legislative findings and intent;
47 | requiring certain governmental entities to develop and
48 | implement strategies and procedures designed to increase
49 | affordable housing opportunities for young adults who are
50 | leaving the child welfare system; amending s. 420.9071,
51 | F.S.; revising and providing definitions; amending s.
52 | 420.9072, F.S.; conforming a cross-reference; amending s.
53 | 420.9073, F.S.; revising the frequency with which local
54 | housing distributions are to be made by the corporation;
55 | authorizing the corporation to withhold funds from the
56 | total distribution annually for specified purposes;

57 requiring counties and eligible municipalities that
58 receive local housing distributions to expend those funds
59 in a specified manner; amending s. 420.9075, F.S.;
60 requiring that local housing assistance plans address the
61 special housing needs of persons with disabilities;
62 authorizing the corporation to define high-cost counties
63 and eligible municipalities by rule; authorizing high-cost
64 counties and certain municipalities to assist persons and
65 households meeting specific income requirements; revising
66 requirements to be included in the local housing
67 assistance plan; requiring counties and certain
68 municipalities to include certain initiatives and
69 strategies in the local housing assistance plan; revising
70 criteria that applies to awards made for the purpose of
71 providing eligible housing; authorizing and limiting the
72 percentage of funds from the local housing distribution
73 that may be used for manufactured housing; extending the
74 expiration date of an exemption from certain income
75 requirements in specified areas; authorizing the use of
76 certain funds for preconstruction activities; providing
77 that certain costs are a program expense; authorizing
78 counties and certain municipalities to award grant funds
79 under certain conditions; providing for the repayment of
80 funds by the local housing assistance trust fund; amending
81 s. 420.9076, F.S.; revising appointments to a local
82 affordable housing advisory committee; revising notice
83 requirements for public hearings of the advisory
84 committee; requiring the committee's final report,

85 evaluation, and recommendations to be submitted to the
 86 corporation; deleting cross-references to conform to
 87 changes made by the act; repealing s. 420.9078, F.S.,
 88 relating to state administration of funds remaining in the
 89 Local Government Housing Trust Fund; amending s. 420.9079,
 90 F.S.; conforming cross-references; amending s. 1001.43,
 91 F.S.; revising district school board powers and duties in
 92 relation to use of land for affordable housing in certain
 93 areas for certain personnel; providing an effective date.
 94

95 Be It Enacted by the Legislature of the State of Florida:
 96

97 Section 1. Paragraph (m) of subsection (3) of section
 98 125.0104, Florida Statutes, is amended to read:

99 125.0104 Tourist development tax; procedure for levying;
 100 authorized uses; referendum; enforcement.--

101 (3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.--

102 (m)1. In addition to any other tax which is imposed
 103 pursuant to this section, a high tourism impact county may
 104 impose an additional 1-percent tax on the exercise of the
 105 privilege described in paragraph (a) by extraordinary vote of
 106 the governing board of the county. The tax revenues received
 107 pursuant to this paragraph shall be used for one or more of the
 108 authorized uses pursuant to subsection (5). In addition, any
 109 high tourism impact county that is designated as an area of
 110 critical state concern pursuant to chapter 380 may also utilize
 111 revenues received pursuant to this paragraph for affordable or
 112 workforce housing as defined in chapter 420, or for affordable,

113 workforce, or employee housing as defined in any adopted
114 comprehensive plan, land development regulation, or local
115 housing assistance plan. Such authority for the use of revenues
116 for workforce, affordable, or employee housing shall extend for
117 10 years after the date of any de-designation of a location as
118 an area of critical state concern, or for the period of time
119 required under any bond or other financing issued in accordance
120 with or based upon the authority granted pursuant to the
121 provisions of this section. Revenues derived pursuant to this
122 paragraph shall be bondable in accordance with other laws
123 regarding revenue bonding. Should a high tourism impact county
124 designated as an area of critical state concern enact the tax
125 specified in this paragraph, the revenue generated shall be
126 distributed among incorporated and unincorporated areas based
127 upon a percentage equal to the amount of revenue derived by such
128 individual incorporated and unincorporated area. However,
129 nothing in this paragraph shall preclude an interlocal agreement
130 between local governments for the use of funds received pursuant
131 to this paragraph in a manner that addresses the provision of
132 affordable and workforce housing opportunities on a regional
133 basis or in accordance with a multijurisdictional housing
134 strategy, program, or policy.

135 2. A county is considered to be a high tourism impact
136 county after the Department of Revenue has certified to such
137 county that the sales subject to the tax levied pursuant to this
138 section exceeded \$600 million during the previous calendar year,
139 or were at least 18 percent of the county's total taxable sales
140 under chapter 212 where the sales subject to the tax levied

141 pursuant to this section were a minimum of \$200 million, except
 142 that no county authorized to levy a convention development tax
 143 pursuant to s. 212.0305 shall be considered a high tourism
 144 impact county. Once a county qualifies as a high tourism impact
 145 county, it shall retain this designation for the period the tax
 146 is levied pursuant to this paragraph.

147 3. The provisions of paragraphs (4)(a)-(d) shall not apply
 148 to the adoption of the additional tax authorized in this
 149 paragraph. The effective date of the levy and imposition of the
 150 tax authorized under this paragraph shall be the first day of
 151 the second month following approval of the ordinance by the
 152 governing board or the first day of any subsequent month as may
 153 be specified in the ordinance. A certified copy of such
 154 ordinance shall be furnished by the county to the Department of
 155 Revenue within 10 days after approval of such ordinance.

156 Section 2. Subsection (4) of section 159.807, Florida
 157 Statutes, is amended to read:

158 159.807 State allocation pool.--

159 (4)(a) The state allocation pool shall also be used to
 160 provide written confirmations for private activity bonds that
 161 are to be issued by state agencies after June 1, which bonds,
 162 notwithstanding any other provisions of this part, shall receive
 163 priority in the use of the pool available at the time the notice
 164 of intent to issue such bonds is filed with the division.

165 ~~(b) This subsection does not apply to the Florida Housing~~
 166 ~~Finance Corporation.~~

167 ~~1. Until its allocation pursuant to s. 159.804(3) has been~~
 168 ~~exhausted, is unavailable, or is inadequate to provide an~~

169 ~~allocation pursuant to s. 159.804(3) and any carryforwards of~~
170 ~~volume limitation from prior years for the same carryforward~~
171 ~~purpose, as that term is defined in s. 146 of the Code, as the~~
172 ~~bonds it intends to issue have been completely utilized or have~~
173 ~~expired.~~

174 ~~2. Prior to July 1 of any year, when housing bonds for~~
175 ~~which the Florida Housing Finance Corporation has made an~~
176 ~~assignment of its allocation permitted by s. 159.804(3)(c) have~~
177 ~~not been issued.~~

178 Section 3. Section 196.1978, Florida Statutes, is amended
179 to read:

180 196.1978 Affordable housing property exemption.--

181 (1) Property used or held for the purpose of providing to
182 provide affordable housing serving eligible persons as defined
183 by s. 159.603(7) and natural persons or families meeting the
184 extremely-low-income, very-low-income, low-income, or moderate-
185 income persons meeting income limits specified in s. 420.0004 ~~s.~~
186 ~~420.0004(8), (10), (11), and (15),~~ which property is owned
187 entirely by a nonprofit entity that is a corporation not for
188 profit, qualified as charitable under s. 501(c)(3) of the
189 Internal Revenue Code and in compliance with Rev. Proc. 96-32,
190 1996-1 C.B. 717, or a Florida-based limited partnership, the
191 sole general partner of which is a corporation not for profit
192 which is qualified as charitable under s. 501(c)(3) of the
193 Internal Revenue Code and which complies with Rev. Proc. 96-32,
194 1996-1 C.B. 717, shall be considered property owned by an exempt
195 entity and used for a charitable purpose, and those portions of
196 the affordable housing property which provide housing to natural

197 persons or families classified as extremely low income, very low
 198 income, low income, or moderate income under s. 420.0004
 199 ~~individuals with incomes as defined in s. 420.0004(10) and (15)~~
 200 shall be exempt from ad valorem taxation to the extent
 201 authorized in s. 196.196. All property identified in this
 202 section shall comply with the criteria for determination of
 203 exempt status to be applied by property appraisers on an annual
 204 basis as defined in s. 196.195. The Legislature intends that any
 205 property owned by a limited liability company or limited
 206 partnership which is disregarded as an entity for federal income
 207 tax purposes pursuant to Treasury Regulation 301.7701-
 208 3(b)(1)(ii) shall be treated as owned by its sole member or sole
 209 general partner.

210 (2)(a) The exemption provided in this section shall extend
 211 to land that is owned by an exempt entity and that is subject to
 212 a 99-year ground lease for the purpose of providing affordable
 213 housing.

214 (b) The exemption provided in this section shall also
 215 extend to undeveloped property owned by an exempt entity that
 216 has taken affirmative steps to prepare the property to provide
 217 affordable housing to eligible persons as defined by this
 218 section. For purposes of this paragraph, the term "affirmative
 219 steps" means demonstrating to the property appraiser that
 220 activities have been initiated that will ensure future use of
 221 the property for affordable housing, including, but not limited
 222 to, proposals for property development, preliminary
 223 environmental or land use permitting activities, site plans or
 224 architectural plans, site preparation, construction or

225 renovation activities, financial plans, or any other activities
226 demonstrating that the property will be used to provide
227 affordable housing. If affirmative steps have not been taken
228 within 5 years, the property appraiser may reject the exempt
229 status of the property and reassess it based on other uses.

230 (3) If there is a change in use or ownership of the
231 property that has been granted an exemption such that the
232 property owner is no longer entitled to claim the property as an
233 affordable rental housing property, or if there is a change in
234 the legal or beneficial ownership of the property to an entity
235 not qualified for this exemption, the property appraiser shall
236 reassess to determine the just valuation of the property
237 beginning with the year in which the exemption was granted.

238 (4) If the exemption is found to have been obtained
239 improperly or by fraud or misrepresentation, the total amount of
240 taxes, non-ad valorem assessments, and interest for the period
241 such exemption was effective becomes due and payable November 1
242 of the year in which the change in use or ownership occurs or on
243 the date failure to maintain insurance occurs and is delinquent
244 on April 1 of the year following the year in which the change in
245 use or ownership in subsection (2) occurs.

246 (5) When the property appraiser discovers that there has
247 been a change in the use or ownership of the property that has
248 been granted this exemption, the property appraiser shall notify
249 the tax collector in writing of the date such change occurs, and
250 the tax collector shall collect any taxes, non-ad valorem
251 assessments, and interest due or delinquent.

252 Section 4. Present subsections (25) through (41) of
253 section 420.503, Florida Statutes, are redesignated as
254 subsections (26) through (42), respectively, and a new
255 subsection (25) is added to that section to read:

256 420.503 Definitions.--As used in this part, the term:

257 (25) "Moderate rehabilitation" means repair or restoration
258 of a dwelling unit when the value of such repair or restoration
259 is 40 percent or less of the value of the dwelling but not less
260 than \$10,000 per dwelling unit.

261 Section 5. Section 420.5061, Florida Statutes, is amended
262 to read:

263 420.5061 Transfer of agency assets and liabilities.--The
264 corporation is the legal successor in all respects to the
265 agency, is obligated to the same extent as the agency under any
266 agreements existing on December 31, 1997, and is entitled to any
267 rights and remedies previously afforded the agency by law or
268 contract, including specifically the rights of the agency under
269 chapter 201 and part VI of chapter 159. Effective January 1,
270 1998, all references under Florida law to the agency are deemed
271 to mean the corporation. ~~The corporation shall transfer to the~~
272 ~~General Revenue Fund an amount which otherwise would have been~~
273 ~~deducted as a service charge pursuant to s. 215.20(1) if the~~
274 ~~Florida Housing Finance Corporation Fund established by s.~~
275 ~~420.508(5), the State Apartment Incentive Loan Fund established~~
276 ~~by s. 420.5087(7), the Florida Homeownership Assistance Fund~~
277 ~~established by s. 420.5088(4), the HOME Investment Partnership~~
278 ~~Fund established by s. 420.5089(1), and the Housing~~
279 ~~Predevelopment Loan Fund established by s. 420.525(1) were each~~

280 ~~trust funds.~~ For purposes of s. 112.313, the corporation is
 281 deemed to be a continuation of the agency, and the provisions
 282 thereof are deemed to apply as if the same entity remained in
 283 place. Any employees of the agency and agency board members
 284 covered by s. 112.313(9)(a)6. shall continue to be entitled to
 285 the exemption in that subparagraph, notwithstanding being hired
 286 by the corporation or appointed as board members of the
 287 corporation.

288 Section 6. Subsection (47) is added to section 420.507,
 289 Florida Statutes, to read:

290 420.507 Powers of the corporation.--The corporation shall
 291 have all the powers necessary or convenient to carry out and
 292 effectuate the purposes and provisions of this part, including
 293 the following powers which are in addition to all other powers
 294 granted by other provisions of this part:

295 (47) To develop and administer the Florida Public Housing
 296 Authority Preservation Grant Program. In developing and
 297 administering the program, the corporation may:

298 (a) Develop criteria for determining the priority for
 299 expending grants to preserve and rehabilitate 30-year and older
 300 buildings and units under public housing authority control as
 301 defined in chapter 421.

302 (b) Adopt rules for the grant program and exercise the
 303 powers authorized in this section.

304 Section 7. Paragraphs (c) and (l) of subsection (6) of
 305 section 420.5087, Florida Statutes, are amended to read:

306 420.5087 State Apartment Incentive Loan Program.--There is
 307 hereby created the State Apartment Incentive Loan Program for

308 | the purpose of providing first, second, or other subordinated
309 | mortgage loans or loan guarantees to sponsors, including for-
310 | profit, nonprofit, and public entities, to provide housing
311 | affordable to very-low-income persons.

312 | (6) On all state apartment incentive loans, except loans
313 | made to housing communities for the elderly to provide for
314 | lifesafety, building preservation, health, sanitation, or
315 | security-related repairs or improvements, the following
316 | provisions shall apply:

317 | (c) The corporation shall provide by rule for the
318 | establishment of a review committee composed of the department
319 | and corporation staff and shall establish by rule a scoring
320 | system for evaluation and competitive ranking of applications
321 | submitted in this program, including, but not limited to, the
322 | following criteria:

323 | 1. Tenant income and demographic targeting objectives of
324 | the corporation.

325 | 2. Targeting objectives of the corporation which will
326 | ensure an equitable distribution of loans between rural and
327 | urban areas.

328 | 3. Sponsor's agreement to reserve the units for persons or
329 | families who have incomes below 50 percent of the state or local
330 | median income, whichever is higher, for a time period to exceed
331 | the minimum required by federal law or the provisions of this
332 | part.

333 | 4. Sponsor's agreement to reserve more than:

334 a. Twenty percent of the units in the project for persons
 335 or families who have incomes that do not exceed 50 percent of
 336 the state or local median income, whichever is higher; or

337 b. Forty percent of the units in the project for persons
 338 or families who have incomes that do not exceed 60 percent of
 339 the state or local median income, whichever is higher, without
 340 requiring a greater amount of the loans as provided in this
 341 section.

342 5. Provision for tenant counseling.

343 6. Sponsor's agreement to accept rental assistance
 344 certificates or vouchers as payment for rent.

345 7. Projects requiring the least amount of a state
 346 apartment incentive loan compared to overall project cost except
 347 that the share of the loan attributable to units serving
 348 extremely-low-income persons shall be excluded from this
 349 requirement.

350 8. Local government contributions and local government
 351 comprehensive planning and activities that promote affordable
 352 housing.

353 9. Project feasibility.

354 10. Economic viability of the project.

355 11. Commitment of first mortgage financing.

356 12. Sponsor's prior experience.

357 13. Sponsor's ability to proceed with construction.

358 14. Projects that directly implement or assist welfare-to-
 359 work transitioning.

360 15. Projects that reserve units for extremely-low-income
 361 persons.

362 16. Projects that include green building principles,
363 storm-resistant construction, or other elements that reduce
364 long-term costs relating to maintenance, utilities, or
365 insurance.

366 (1) The proceeds of all loans shall be used for new
367 construction, moderate rehabilitation, or substantial
368 rehabilitation which creates or preserves affordable, safe, and
369 sanitary housing units.

370 Section 8. Subsection (17) is added to section 420.5095,
371 Florida Statutes, to read:

372 420.5095 Community Workforce Housing Innovation Pilot
373 Program.--

374 (17) (a) Funds appropriated by s. 33, chapter 2006-69, Laws
375 of Florida, that were awarded but have been declined or returned
376 shall be made available for projects that otherwise comply with
377 the provisions of this section and that are created to provide
378 workforce housing for teachers and instructional personnel
379 employed by the school district in the county in which the
380 project is located.

381 (b) Projects shall be given priority for funding when the
382 school district provides the property for the project pursuant
383 to s. 1001.43.

384 (c) Projects shall be given priority for funding when the
385 public-private partnership includes the school district and a
386 national nonprofit organization to provide financial support,
387 technical assistance, and training for community-based
388 revitalization efforts.

389 (d) Projects in counties which had a project selected for
 390 funding that declined or returned funds shall be given priority
 391 for funding.

392 (e) Projects shall be selected for funding by requests for
 393 proposals.

394 Section 9. Subsection (5) of section 420.615, Florida
 395 Statutes, is amended to read:

396 420.615 Affordable housing land donation density bonus
 397 incentives.--

398 (5) The local government, as part of the approval process,
 399 shall adopt a comprehensive plan amendment, pursuant to part II
 400 of chapter 163, for the receiving land that incorporates the
 401 density bonus. Such amendment shall be deemed by operation of
 402 law a small scale amendment, shall be subject only to the
 403 requirements of ~~adopted in the manner as required for small-~~
 404 ~~scale amendments pursuant to s. 163.3187(1)(c)2. and 3., is not~~
 405 subject to the requirements of s. 163.3184(3)-(11)(3)-(6), and
 406 is exempt from s. 163.3187(1)(c)1. and the limitation on the
 407 frequency of plan amendments as provided in s. 163.3187. An
 408 affected person, as defined in s. 163.3184(1), may file a
 409 petition for administrative review pursuant to the requirements
 410 of s. 163.3187(3) to challenge the compliance of an adopted plan
 411 amendment.

412 Section 10. Section 420.628, Florida Statutes, is created
 413 to read:

414 420.628 Affordable housing for children and young adults
 415 leaving foster care; legislative findings and intent.--

416 (1) The Legislature finds that there are many young adults
417 who, through no fault of their own, live in foster families,
418 group homes, and institutions and who face numerous barriers to
419 a successful transition to adulthood.

420 (2) These youth in foster care are among those who may
421 enter adulthood without the knowledge, skills, attitudes,
422 habits, and relationships that will enable them to be productive
423 members of society.

424 (3) The main barriers to safe and affordable housing for
425 youth aging out of the foster care system are cost, lack of
426 availability, the unwillingness of many landlords to rent to
427 them, and their own lack of knowledge about how to be good
428 tenants.

429 (4) The Legislature also finds that young adults who
430 emancipate from the child welfare system are at risk of becoming
431 homeless and those who were formerly in foster care are
432 disproportionately represented in the homeless population.
433 Without the stability of safe housing, all other services,
434 training, and opportunities may not be effective.

435 (5) The Legislature further finds that making affordable
436 housing available for young adults who transition from foster
437 care decreases their chance of homelessness and may increase
438 their ability to live independently in the future.

439 (6) The Legislature affirms that young adults
440 transitioning out of foster care are to be considered eligible
441 persons, as defined in ss. 420.503(17) and 420.9071(10), for
442 affordable housing purposes and shall be encouraged to

443 participate in state, federal, and local affordable housing
 444 programs.

445 (7) It is therefore the intent of the Legislature to
 446 encourage the Florida Housing Finance Corporation, State Housing
 447 Initiative Partnership Program agencies, local housing finance
 448 agencies, public housing authorities and their agents,
 449 developers, and other providers of affordable housing to make
 450 affordable housing available to youth transitioning out of
 451 foster care whenever and wherever possible.

452 (8) The Florida Housing Finance Corporation, State Housing
 453 Initiative Partnership Program agencies, local housing finance
 454 agencies, and public housing authorities shall coordinate with
 455 the Department of Children and Family Services and their agents
 456 and community-based care providers who are operating pursuant to
 457 s. 409.1671 to develop and implement strategies and procedures
 458 designed to increase affordable housing opportunities for young
 459 adults who are leaving the child welfare system.

460 Section 11. Subsections (4), (8), (16), and (25) of
 461 section 420.9071, Florida Statutes, are amended, and subsections
 462 (29) and (30) are added to that section, to read:

463 420.9071 Definitions.--As used in ss. 420.907-420.9079,
 464 the term:

465 (4) "Annual gross income" means annual income as defined
 466 under the Section 8 housing assistance payments programs in 24
 467 C.F.R. part 5; annual income as reported under the census long
 468 form for the recent available decennial census; ~~or~~ adjusted
 469 gross income as defined for purposes of reporting under Internal
 470 Revenue Service Form 1040 for individual federal annual income

471 | tax purposes or as defined by standard practices used in the
 472 | lending industry as detailed in the local housing assistance
 473 | plan and approved by the corporation. Counties and eligible
 474 | municipalities shall calculate income by annualizing verified
 475 | sources of income for the household as the amount of income to
 476 | be received in a household during the 12 months following the
 477 | effective date of the determination.

478 | (8) "Eligible housing" means any real and personal
 479 | property located within the county or the eligible municipality
 480 | which is designed and intended for the primary purpose of
 481 | providing decent, safe, and sanitary residential units that are
 482 | designed to meet the standards of the Florida Building Code or a
 483 | predecessor building code adopted under chapter 553, or
 484 | manufactured housing constructed after June 1994 and installed
 485 | in accordance with mobile home installation standards of the
 486 | Department of Highway Safety and Motor Vehicles, for home
 487 | ownership or rental for eligible persons as designated by each
 488 | county or eligible municipality participating in the State
 489 | Housing Initiatives Partnership Program.

490 | (16) "Local housing incentive strategies" means local
 491 | regulatory reform or incentive programs to encourage or
 492 | facilitate affordable housing production, which include at a
 493 | minimum, assurance that permits as defined in s. 163.3164(7) and
 494 | (8) for affordable housing projects are expedited to a greater
 495 | degree than other projects; an ongoing process for review of
 496 | local policies, ordinances, regulations, and plan provisions
 497 | that increase the cost of housing prior to their adoption; and a
 498 | schedule for implementing the incentive strategies. Local

499 housing incentive strategies may also include other regulatory
 500 reforms, such as those enumerated in s. 420.9076 or those
 501 recommended by the affordable housing advisory committee in its
 502 triennial evaluation and adopted by the local governing body.

503 (25) "Recaptured funds" means funds that are recouped by a
 504 county or eligible municipality in accordance with the recapture
 505 provisions of its local housing assistance plan pursuant to s.
 506 420.9075(5) (h) ~~(g)~~ from eligible persons or eligible sponsors,
 507 which funds were not used for assistance to an eligible
 508 household for an eligible activity, when there is a ~~who~~ default
 509 on the terms of a grant award or loan award.

510 (29) "Assisted housing" or "assisted housing development"
 511 means a rental housing development, including rental housing in
 512 a mixed-use development, that received or currently receives
 513 funding from any federal or state housing program.

514 (30) "Preservation" means actions taken to keep rents in
 515 existing assisted housing affordable for extremely-low-income,
 516 very-low-income, low-income, and moderate-income households
 517 while ensuring that the property stays in good physical and
 518 financial condition for an extended period.

519 Section 12. Subsection (6) of section 420.9072, Florida
 520 Statutes, is amended to read:

521 420.9072 State Housing Initiatives Partnership
 522 Program.--The State Housing Initiatives Partnership Program is
 523 created for the purpose of providing funds to counties and
 524 eligible municipalities as an incentive for the creation of
 525 local housing partnerships, to expand production of and preserve
 526 affordable housing, to further the housing element of the local

527 government comprehensive plan specific to affordable housing,
 528 and to increase housing-related employment.

529 (6) The moneys that otherwise would be distributed
 530 pursuant to s. 420.9073 to a local government that does not meet
 531 the program's requirements for receipts of such distributions
 532 shall remain in the Local Government Housing Trust Fund to be
 533 administered by the corporation ~~pursuant to s. 420.9078.~~

534 Section 13. Subsections (1) and (2) of section 420.9073,
 535 Florida Statutes, are amended, and subsections (5), (6), and (7)
 536 are added to that section, to read:

537 420.9073 Local housing distributions.--

538 (1) Distributions calculated in this section shall be
 539 disbursed on a quarterly or more frequent ~~monthly~~ basis by the
 540 corporation ~~beginning the first day of the month after program~~
 541 ~~approval~~ pursuant to s. 420.9072, subject to availability of
 542 funds. Each county's share of the funds to be distributed from
 543 the portion of the funds in the Local Government Housing Trust
 544 Fund received pursuant to s. 201.15(9) shall be calculated by
 545 the corporation for each fiscal year as follows:

546 (a) Each county other than a county that has implemented
 547 the provisions of chapter 83-220, Laws of Florida, as amended by
 548 chapters 84-270, 86-152, and 89-252, Laws of Florida, shall
 549 receive the guaranteed amount for each fiscal year.

550 (b) Each county other than a county that has implemented
 551 the provisions of chapter 83-220, Laws of Florida, as amended by
 552 chapters 84-270, 86-152, and 89-252, Laws of Florida, may
 553 receive an additional share calculated as follows:

554 1. Multiply each county's percentage of the total state
 555 population excluding the population of any county that has
 556 implemented the provisions of chapter 83-220, Laws of Florida,
 557 as amended by chapters 84-270, 86-152, and 89-252, Laws of
 558 Florida, by the total funds to be distributed.

559 2. If the result in subparagraph 1. is less than the
 560 guaranteed amount as determined in subsection (3), that county's
 561 additional share shall be zero.

562 3. For each county in which the result in subparagraph 1.
 563 is greater than the guaranteed amount as determined in
 564 subsection (3), the amount calculated in subparagraph 1. shall
 565 be reduced by the guaranteed amount. The result for each such
 566 county shall be expressed as a percentage of the amounts so
 567 determined for all counties. Each such county shall receive an
 568 additional share equal to such percentage multiplied by the
 569 total funds received by the Local Government Housing Trust Fund
 570 pursuant to s. 201.15(9) reduced by the guaranteed amount paid
 571 to all counties.

572 (2) ~~Effective July 1, 1995,~~ Distributions calculated in
 573 this section shall be disbursed on a quarterly or more frequent
 574 ~~monthly~~ basis by the corporation ~~beginning the first day of the~~
 575 ~~month after program approval~~ pursuant to s. 420.9072, subject to
 576 availability of funds. Each county's share of the funds to be
 577 distributed from the portion of the funds in the Local
 578 Government Housing Trust Fund received pursuant to s. 201.15(10)
 579 shall be calculated by the corporation for each fiscal year as
 580 follows:

581 (a) Each county shall receive the guaranteed amount for
582 each fiscal year.

583 (b) Each county may receive an additional share calculated
584 as follows:

585 1. Multiply each county's percentage of the total state
586 population, by the total funds to be distributed.

587 2. If the result in subparagraph 1. is less than the
588 guaranteed amount as determined in subsection (3), that county's
589 additional share shall be zero.

590 3. For each county in which the result in subparagraph 1.
591 is greater than the guaranteed amount, the amount calculated in
592 subparagraph 1. shall be reduced by the guaranteed amount. The
593 result for each such county shall be expressed as a percentage
594 of the amounts so determined for all counties. Each such county
595 shall receive an additional share equal to this percentage
596 multiplied by the total funds received by the Local Government
597 Housing Trust Fund pursuant to s. 201.15(10) as reduced by the
598 guaranteed amount paid to all counties.

599 (5) Notwithstanding subsections (1)-(4), the corporation
600 is authorized to withhold up to \$5 million from the total
601 distribution each fiscal year to provide additional funding to
602 counties and eligible municipalities in which a state of
603 emergency has been declared by the Governor pursuant to chapter
604 252. Any portion of such funds not distributed under this
605 subsection by the end of the fiscal year shall be distributed as
606 provided in this section.

607 (6) Notwithstanding subsections (1)-(4), the corporation
608 is authorized to withhold up to \$5 million from the total

609 distribution each fiscal year to provide funding to counties and
 610 eligible municipalities to purchase properties subject to a
 611 State Housing Initiative Partnership Program lien and on which
 612 foreclosure proceedings have been initiated by any mortgagee.
 613 Each county and eligible municipality that receives funds under
 614 this subsection shall repay such funds to the corporation not
 615 later than the expenditure deadline for the fiscal year in which
 616 the funds were awarded. Amounts not repaid shall be withheld
 617 from the subsequent year's distribution. Any portion of such
 618 funds not distributed under this subsection by the end of the
 619 fiscal year shall be distributed as provided in this section.

620 (7) A county or eligible municipality that receives local
 621 housing distributions pursuant to this section shall expend
 622 those funds in accordance with the provisions of ss. 420.907-
 623 420.9079, corporation rule, and its local housing assistance
 624 plan.

625 Section 14. Subsections (1), (3), (5), and (8), paragraphs
 626 (a) and (h) of subsection (10), and paragraph (b) of subsection
 627 (13) of section 420.9075, Florida Statutes, are amended, and
 628 subsection (14) is added to that section, to read:

629 420.9075 Local housing assistance plans; partnerships.--

630 (1)(a) Each county or eligible municipality participating
 631 in the State Housing Initiatives Partnership Program shall
 632 develop and implement a local housing assistance plan created to
 633 make affordable residential units available to persons of very
 634 low income, low income, or moderate income and to persons who
 635 have special housing needs, including, but not limited to,
 636 homeless people, the elderly, ~~and~~ migrant farmworkers, and

637 persons with disabilities. High-cost counties or eligible
638 municipalities as defined by rule of the corporation may include
639 strategies to assist persons and households having annual
640 incomes of not more than 140 percent of area median income. The
641 plans are intended to increase the availability of affordable
642 residential units by combining local resources and cost-saving
643 measures into a local housing partnership and using private and
644 public funds to reduce the cost of housing.

645 (b) Local housing assistance plans may allocate funds to:

646 1. Implement local housing assistance strategies for the
647 provision of affordable housing.

648 2. Supplement funds available to the corporation to
649 provide enhanced funding of state housing programs within the
650 county or the eligible municipality.

651 3. Provide the local matching share of federal affordable
652 housing grants or programs.

653 4. Fund emergency repairs, including, but not limited to,
654 repairs performed by existing service providers under
655 weatherization assistance programs under ss. 409.509-409.5093.

656 5. Further the housing element of the local government
657 comprehensive plan adopted pursuant to s. 163.3184, specific to
658 affordable housing.

659 (3) (a) Each local housing assistance plan shall include a
660 definition of essential service personnel for the county or
661 eligible municipality, including, but not limited to, teachers
662 and educators, other school district, community college, and
663 university employees, police and fire personnel, health care

664 personnel, skilled building trades personnel, and other job
665 categories.

666 (b) Each county and each eligible municipality is
667 encouraged to develop a strategy within its local housing
668 assistance plan that emphasizes the recruitment and retention of
669 essential service personnel. The local government is encouraged
670 to involve public and private sector employers. Compliance with
671 the eligibility criteria established under this strategy shall
672 be verified by the county or eligible municipality.

673 (c) Each county and each eligible municipality is
674 encouraged to develop a strategy within its local housing
675 assistance plan that addresses the needs of persons who are
676 deprived of affordable housing due to the closure of a mobile
677 home park or the conversion of affordable rental units to
678 condominiums.

679 (d) Each county and each eligible municipality shall
680 describe initiatives in the local housing assistance plan to
681 encourage or require innovative design, green building
682 principles, storm-resistant construction, or other elements that
683 reduce long-term costs relating to maintenance, utilities, or
684 insurance.

685 (e) Each county and each eligible municipality is
686 encouraged to develop a strategy within its local housing
687 assistance plan that provides program funds for the preservation
688 of assisted housing.

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

692 (a) At least 65 percent of the funds made available in
 693 each county and eligible municipality from the local housing
 694 distribution must be reserved for home ownership for eligible
 695 persons.

696 (b) At least 75 percent of the funds made available in
 697 each county and eligible municipality from the local housing
 698 distribution must be reserved for construction, rehabilitation,
 699 or emergency repair of affordable, eligible housing.

700 (c) Not more than 15 percent of the funds made available
 701 in each county and eligible municipality from the local housing
 702 distribution may be used for manufactured housing.

703 (d)~~(e)~~ The sales price or value of new or existing
 704 eligible housing may not exceed 90 percent of the average area
 705 purchase price in the statistical area in which the eligible
 706 housing is located. Such average area purchase price may be that
 707 calculated for any 12-month period beginning not earlier than
 708 the fourth calendar year prior to the year in which the award
 709 occurs or as otherwise established by the United States
 710 Department of the Treasury.

711 (e)~~(d)~~1. All units constructed, rehabilitated, or
 712 otherwise assisted with the funds provided from the local
 713 housing assistance trust fund must be occupied by very-low-
 714 income persons, low-income persons, and moderate-income persons
 715 except as otherwise provided in this section.

716 2. At least 30 percent of the funds deposited into the
 717 local housing assistance trust fund must be reserved for awards
 718 to very-low-income persons or eligible sponsors who will serve
 719 very-low-income persons and at least an additional 30 percent of

720 the funds deposited into the local housing assistance trust fund
721 must be reserved for awards to low-income persons or eligible
722 sponsors who will serve low-income persons. This subparagraph
723 does not apply to a county or an eligible municipality that
724 includes, or has included within the previous 5 years, an area
725 of critical state concern designated or ratified by the
726 Legislature for which the Legislature has declared its intent to
727 provide affordable housing. The exemption created by this act
728 expires on July 1, 2013 ~~2008~~.

729 (f)~~(e)~~ Loans shall be provided for periods not exceeding
730 30 years, except for deferred payment loans or loans that extend
731 beyond 30 years which continue to serve eligible persons.

732 (g)~~(f)~~ Loans or grants for eligible rental housing
733 constructed, rehabilitated, or otherwise assisted from the local
734 housing assistance trust fund must be subject to recapture
735 requirements as provided by the county or eligible municipality
736 in its local housing assistance plan unless reserved for
737 eligible persons for 15 years or the term of the assistance,
738 whichever period is longer. Eligible sponsors that offer rental
739 housing for sale before 15 years or that have remaining
740 mortgages funded under this program must give a first right of
741 refusal to eligible nonprofit organizations for purchase at the
742 current market value for continued occupancy by eligible
743 persons.

744 (h)~~(g)~~ Loans or grants for eligible owner-occupied housing
745 constructed, rehabilitated, or otherwise assisted from proceeds
746 provided from the local housing assistance trust fund shall be

747 subject to recapture requirements as provided by the county or
748 eligible municipality in its local housing assistance plan.

749 ~~(i)-(h)~~ The total amount of monthly mortgage payments or
750 the amount of monthly rent charged by the eligible sponsor or
751 her or his designee must be made affordable.

752 ~~(j)-(i)~~ The maximum sales price or value per unit and the
753 maximum award per unit for eligible housing benefiting from
754 awards made pursuant to this section must be established in the
755 local housing assistance plan.

756 ~~(k)-(j)~~ The benefit of assistance provided through the
757 State Housing Initiatives Partnership Program must accrue to
758 eligible persons occupying eligible housing. This provision
759 shall not be construed to prohibit use of the local housing
760 distribution funds for a mixed income rental development.

761 ~~(l)-(k)~~ Funds from the local housing distribution not used
762 to meet the criteria established in paragraph (a) or paragraph
763 (b) or not used for the administration of a local housing
764 assistance plan must be used for housing production and finance
765 activities, including, but not limited to, financing
766 preconstruction activities or the purchase of existing units,
767 providing rental housing, and providing home ownership training
768 to prospective home buyers and owners of homes assisted through
769 the local housing assistance plan.

770 1. Notwithstanding the provisions of paragraphs (a) and
771 (b), program income as defined in s. 420.9071(24) may also be
772 used to fund activities described in this paragraph.

773 2. When preconstruction due diligence activities conducted
774 as part of a preservation strategy show that preservation of the

775 units is not feasible and will not result in the production of
776 an eligible unit, such costs shall be deemed a program expense
777 rather than an administrative expense if such program expenses
778 do not exceed 3 percent of the annual local housing
779 distribution.

780 3. If both an award under the local housing assistance
781 plan and federal low-income housing tax credits are used to
782 assist a project and there is a conflict between the criteria
783 prescribed in this subsection and the requirements of s. 42 of
784 the Internal Revenue Code of 1986, as amended, the county or
785 eligible municipality may resolve the conflict by giving
786 precedence to the requirements of s. 42 of the Internal Revenue
787 Code of 1986, as amended, in lieu of following the criteria
788 prescribed in this subsection with the exception of paragraphs
789 (a) and (e) ~~(d)~~ of this subsection.

790 4. Each county and each eligible municipality may award
791 funds as a grant for construction, rehabilitation, or repair as
792 part of disaster recovery or emergency repairs or to remedy
793 accessibility or health and safety deficiencies. Any other
794 grants must be approved as part of the local housing assistance
795 plan.

796 (8) Pursuant to s. 420.531, the corporation shall provide
797 training and technical assistance to local governments regarding
798 the creation of partnerships, the design of local housing
799 assistance strategies, the implementation of local housing
800 incentive strategies, and the provision of support services.

801 (10) Each county or eligible municipality shall submit to
802 the corporation by September 15 of each year a report of its

803 affordable housing programs and accomplishments through June 30
804 immediately preceding submittal of the report. The report shall
805 be certified as accurate and complete by the local government's
806 chief elected official or his or her designee. Transmittal of
807 the annual report by a county's or eligible municipality's chief
808 elected official, or his or her designee, certifies that the
809 local housing incentive strategies, or, if applicable, the local
810 housing incentive plan, have been implemented or are in the
811 process of being implemented pursuant to the adopted schedule
812 for implementation. The report must include, but is not limited
813 to:

814 (a) The number of households served by income category,
815 age, family size, and race, and data regarding any special needs
816 populations such as farmworkers, homeless persons, persons with
817 disabilities, and the elderly. Counties shall report this
818 information separately for households served in the
819 unincorporated area and each municipality within the county.

820 (h) Such other data or affordable housing accomplishments
821 considered significant by the reporting county or eligible
822 municipality or by the corporation.

823 (13)

824 (b) If, as a result of its review of the annual report,
825 the corporation determines that a county or eligible
826 municipality has failed to implement a local housing incentive
827 strategy, or, if applicable, a local housing incentive plan, it
828 shall send a notice of termination of the local government's
829 share of the local housing distribution by certified mail to the
830 affected county or eligible municipality.

831 1. The notice must specify a date of termination of the
832 funding if the affected county or eligible municipality does not
833 implement the plan or strategy and provide for a local response.
834 A county or eligible municipality shall respond to the
835 corporation within 30 days after receipt of the notice of
836 termination.

837 2. The corporation shall consider the local response that
838 extenuating circumstances precluded implementation and grant an
839 extension to the timeframe for implementation. Such an extension
840 shall be made in the form of an extension agreement that
841 provides a timeframe for implementation. The chief elected
842 official of a county or eligible municipality or his or her
843 designee shall have the authority to enter into the agreement on
844 behalf of the local government.

845 3. If the county or the eligible municipality has not
846 implemented the incentive strategy or entered into an extension
847 agreement by the termination date specified in the notice, the
848 local housing distribution share terminates, and any uncommitted
849 local housing distribution funds held by the affected county or
850 eligible municipality in its local housing assistance trust fund
851 shall be transferred to the Local Government Housing Trust Fund
852 to the credit of the corporation to administer ~~pursuant to s.~~
853 ~~420.9078.~~

854 4.a. If the affected local government fails to meet the
855 timeframes specified in the agreement, the corporation shall
856 terminate funds. The corporation shall send a notice of
857 termination of the local government's share of the local housing
858 distribution by certified mail to the affected local government.

859 The notice shall specify the termination date, and any
 860 uncommitted funds held by the affected local government shall be
 861 transferred to the Local Government Housing Trust Fund to the
 862 credit of the corporation to administer ~~pursuant to s. 420.9078.~~

863 b. If the corporation terminates funds to a county, but an
 864 eligible municipality receiving a local housing distribution
 865 pursuant to an interlocal agreement maintains compliance with
 866 program requirements, the corporation shall thereafter
 867 distribute directly to the participating eligible municipality
 868 its share calculated in the manner provided in s. 420.9072.

869 c. Any county or eligible municipality whose local
 870 distribution share has been terminated may subsequently elect to
 871 receive directly its local distribution share by adopting the
 872 ordinance, resolution, and local housing assistance plan in the
 873 manner and according to the procedures provided in ss. 420.907-
 874 420.9079.

875 (14) If the corporation determines that a county or
 876 eligible municipality has expended program funds for an
 877 ineligible activity, the corporation shall require such funds to
 878 be repaid to the local housing assistance trust fund. Such
 879 repayment may not be made with funds from State Housing
 880 Initiatives Partnership Program funds.

881 Section 15. Paragraph (h) of subsection (2), subsections
 882 (5) and (6), and paragraph (a) of subsection (7) of section
 883 420.9076, Florida Statutes, are amended to read:

884 420.9076 Adoption of affordable housing incentive
 885 strategies; committees.--

886 (2) The governing board of a county or municipality shall
887 appoint the members of the affordable housing advisory committee
888 by resolution. Pursuant to the terms of any interlocal
889 agreement, a county and municipality may create and jointly
890 appoint an advisory committee to prepare a joint plan. The
891 ordinance adopted pursuant to s. 420.9072 which creates the
892 advisory committee or the resolution appointing the advisory
893 committee members must provide for 11 committee members and
894 their terms. The committee must include:

895 (h) One citizen who actively serves on the local planning
896 agency pursuant to s. 163.3174. If the local planning agency is
897 comprised of the county or municipality commission, the
898 commission may appoint a designee who is knowledgeable in the
899 local planning process.

900
901 If a county or eligible municipality whether due to its small
902 size, the presence of a conflict of interest by prospective
903 appointees, or other reasonable factor, is unable to appoint a
904 citizen actively engaged in these activities in connection with
905 affordable housing, a citizen engaged in the activity without
906 regard to affordable housing may be appointed. Local governments
907 that receive the minimum allocation under the State Housing
908 Initiatives Partnership Program may elect to appoint an
909 affordable housing advisory committee with fewer than 11
910 representatives if they are unable to find representatives who
911 meet the criteria of paragraphs (a)-(k).

912 (5) The approval by the advisory committee of its local
913 housing incentive strategies recommendations and its review of

914 local government implementation of previously recommended
 915 strategies must be made by affirmative vote of a majority of the
 916 membership of the advisory committee taken at a public hearing.
 917 Notice of the time, date, and place of the public hearing of the
 918 advisory committee to adopt its evaluation and final local
 919 housing incentive strategies recommendations must be published
 920 in a newspaper of general paid circulation in the county. The
 921 notice must contain a short and concise summary of the
 922 evaluation and local housing incentives strategies
 923 recommendations to be considered by the advisory committee. The
 924 notice must state the public place where a copy of the
 925 evaluation and tentative advisory committee recommendations can
 926 be obtained by interested persons. The final report, evaluation,
 927 and recommendations shall be submitted to the corporation.

928 (6) Within 90 days after the date of receipt of the
 929 evaluation and local housing incentive strategies
 930 recommendations from the advisory committee, the governing body
 931 of the appointing local government shall adopt an amendment to
 932 its local housing assistance plan to incorporate the local
 933 housing incentive strategies it will implement within its
 934 jurisdiction. The amendment must include, at a minimum, the
 935 local housing incentive strategies required under s.
 936 420.9071(16). The local government must consider the strategies
 937 specified in paragraphs (4)(a)-(k) as recommended by the
 938 advisory committee.

939 (7) The governing board of the county or the eligible
 940 municipality shall notify the corporation by certified mail of
 941 its adoption of an amendment of its local housing assistance

942 plan to incorporate local housing incentive strategies. The
 943 notice must include a copy of the approved amended plan.

944 (a) If the corporation fails to receive timely the
 945 approved amended local housing assistance plan to incorporate
 946 local housing incentive strategies, a notice of termination of
 947 its share of the local housing distribution shall be sent by
 948 certified mail by the corporation to the affected county or
 949 eligible municipality. The notice of termination must specify a
 950 date of termination of the funding if the affected county or
 951 eligible municipality has not adopted an amended local housing
 952 assistance plan to incorporate local housing incentive
 953 strategies. If the county or the eligible municipality has not
 954 adopted an amended local housing assistance plan to incorporate
 955 local housing incentive strategies by the termination date
 956 specified in the notice of termination, the local distribution
 957 share terminates; and any uncommitted local distribution funds
 958 held by the affected county or eligible municipality in its
 959 local housing assistance trust fund shall be transferred to the
 960 Local Government Housing Trust Fund to the credit of the
 961 corporation to administer the local government housing program
 962 ~~pursuant to s. 420.9078.~~

963 Section 16. Section 420.9078, Florida Statutes, is
 964 repealed.

965 Section 17. Section 420.9079, Florida Statutes, is amended
 966 to read:

967 420.9079 Local Government Housing Trust Fund.--

968 (1) There is created in the State Treasury the Local
 969 Government Housing Trust Fund, which shall be administered by

970 the corporation on behalf of the department according to the
 971 provisions of ss. 420.907-420.9076 ~~420.907-420.9078~~ and this
 972 section. There shall be deposited into the fund a portion of the
 973 documentary stamp tax revenues as provided in s. 201.15, moneys
 974 received from any other source for the purposes of ss. 420.907-
 975 420.9076 ~~420.907-420.9078~~ and this section, and all proceeds
 976 derived from the investment of such moneys. Moneys in the fund
 977 that are not currently needed for the purposes of the programs
 978 administered pursuant to ss. 420.907-420.9076 ~~420.907-420.9078~~
 979 and this section shall be deposited to the credit of the fund
 980 and may be invested as provided by law. The interest received on
 981 any such investment shall be credited to the fund.

982 (2) The corporation shall administer the fund exclusively
 983 for the purpose of implementing the programs described in ss.
 984 420.907-420.9076 ~~420.907-420.9078~~ and this section. With the
 985 exception of monitoring the activities of counties and eligible
 986 municipalities to determine local compliance with program
 987 requirements, the corporation shall not receive appropriations
 988 from the fund for administrative or personnel costs. For the
 989 purpose of implementing the compliance monitoring provisions of
 990 s. 420.9075(9), the corporation may request a maximum of one-
 991 quarter of 1 percent of the annual appropriation per state
 992 fiscal year. When such funding is appropriated, the corporation
 993 shall deduct the amount appropriated prior to calculating the
 994 local housing distribution pursuant to ss. 420.9072 and
 995 420.9073.

996 Section 18. Subsection (12) of section 1001.43, Florida
 997 Statutes, is amended to read:

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2008

998 | 1001.43 Supplemental powers and duties of district school
999 | board.--The district school board may exercise the following
1000 | supplemental powers and duties as authorized by this code or
1001 | State Board of Education rule.

1002 | (12) AFFORDABLE HOUSING.--A district school board may use
1003 | portions of school sites purchased within the guidelines of the
1004 | State Requirements for Educational Facilities, land deemed not
1005 | usable for educational purposes because of location or other
1006 | factors, or land declared as surplus by the board to provide
1007 | sites for affordable housing for teachers and other district
1008 | personnel and, in areas of critical state concern, for other
1009 | essential services personnel as defined by local affordable
1010 | housing eligibility requirements, independently or in
1011 | conjunction with other agencies as described in subsection (5).

1012 | Section 19. This act shall take effect July 1, 2008.