

CS/HB 1009

2009

1 A bill to be entitled
2 An act relating to affordable housing; amending s.
3 420.0003, F.S.; providing additional policy guidelines
4 under the state housing strategy for the development of
5 programs for housing production or rehabilitation;
6 including the needs of persons with special needs in the
7 strategy's periodic review and report; amending s.
8 420.0004, F.S.; defining the terms "disabling condition"
9 and "person with special needs"; conforming cross-
10 references; amending s. 420.507, F.S.; requiring certain
11 rates of interest to be made available to persons with
12 special needs; conforming a cross-reference; amending s.
13 420.5087, F.S.; limiting the reservation of funds within
14 each notice of fund availability to the persons with
15 special needs tenant group; including persons with special
16 needs as a tenant group for specified purposes of the
17 State Apartment Incentive Loan Program; requiring a
18 specified review committee to include projects that
19 reserve units for persons with special needs in its
20 evaluation and competitive ranking of applications for the
21 State Apartment Incentive Loan Program; conforming a
22 cross-reference; amending ss. 163.31771, 196.1978, 212.08,
23 215.5586, and 420.503, F.S.; conforming cross-references;
24 providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:
27

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28 Section 1. Paragraph (e) of subsection (3) and paragraph
29 (c) of subsection (4) of section 420.0003, Florida Statutes, are
30 amended to read:

31 420.0003 State housing strategy.--

32 (3) POLICIES.--

33 (e) Housing production or rehabilitation programs.--New
34 programs for housing production or rehabilitation shall be
35 developed in accordance with the following general guidelines as
36 appropriate for the purpose of the specific program:

37 1. State and local governments shall provide incentives to
38 encourage the private sector to be the primary delivery vehicle
39 for the development of affordable housing.

40 2. State funds should be heavily leveraged to achieve the
41 maximum local and private commitment of funds while achieving
42 the program objectives.

43 3. To the maximum extent possible, state funds should be
44 expended to provide housing units rather than to support program
45 administration.

46 4. State money should be used, when possible, as loans
47 rather than grants.

48 5. State funds should be available only to local
49 governments that provide incentives or financial assistance for
50 housing.

51 6. State funds should be made available only for projects
52 which are consistent with the local government comprehensive
53 plan.

54 7. State funding for housing should not be made available
55 to local governments whose comprehensive plans have been found

56 | not in compliance with chapter 163 and who have not entered into
 57 | a stipulated settlement agreement with the Department of
 58 | Community Affairs to bring the plan into compliance.

59 | 8. Mixed income projects should be encouraged, to avoid a
 60 | concentration of low-income residents in one area or project.

61 | 9. Distribution of state housing funds should be flexible
 62 | and consider the regional and local needs, resources, and
 63 | capabilities of housing producers.

64 | 10. Distribution of housing funds for multifamily rental
 65 | housing should be administered to address the housing needs of
 66 | persons most in need of housing.

67 | ~~11.10.~~ Income levels used to determine program eligibility
 68 | should be adjusted for family size in determining the
 69 | eligibility of specific beneficiaries.

70 | ~~12.11.~~ To the maximum extent possible, state-owned lands
 71 | that are appropriate for the development of affordable housing
 72 | shall be made available for that purpose.

73 | (4) IMPLEMENTATION.--The Department of Community Affairs
 74 | and the Florida Housing Finance Corporation in carrying out the
 75 | strategy articulated herein shall have the following duties:

76 | (c) The Shimberg Center for Affordable Housing, in
 77 | consultation with the Department of Community Affairs and the
 78 | Florida Housing Finance Corporation, shall review and evaluate
 79 | existing housing rehabilitation, production, and finance
 80 | programs to determine their consistency with relevant policies
 81 | in this section and identify the needs of specific populations,
 82 | including, but not limited to, elderly persons, ~~and~~ handicapped
 83 | persons, and persons with special needs, and shall recommend

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84 statutory modifications where appropriate. The Shimberg Center
85 for Affordable Housing, in consultation with the Department of
86 Community Affairs and the corporation, shall also evaluate the
87 degree of coordination between state housing programs, and
88 between state, federal, and local housing activities, and shall
89 recommend improved program linkages. The recommendations
90 required above and a report of any programmatic modifications
91 made as a result of these policies shall be included in the
92 housing report required by s. 420.6075, beginning December 31,
93 1991, and every 5 years thereafter.

94 Section 2. Section 420.0004, Florida Statutes, is amended
95 to read:

96 420.0004 Definitions.--As used in this part, unless the
97 context otherwise indicates:

98 (1) "Adjusted for family size" means adjusted in a manner
99 which results in an income eligibility level which is lower for
100 households with fewer than four people, or higher for households
101 with more than four people, than the base income eligibility
102 determined as provided in subsection (9) ~~(8)~~, subsection (11)
103 ~~(10)~~, subsection (12) ~~(11)~~, or subsection (17) ~~(15)~~, based upon
104 a formula as established by the United States Department of
105 Housing and Urban Development.

106 (2) "Adjusted gross income" means all wages, assets,
107 regular cash or noncash contributions or gifts from persons
108 outside the household, and such other resources and benefits as
109 may be determined to be income by the United States Department
110 of Housing and Urban Development, adjusted for family size, less
111 deductions allowable under s. 62 of the Internal Revenue Code.

112 (3) "Affordable" means that monthly rents or monthly
 113 mortgage payments including taxes, insurance, and utilities do
 114 not exceed 30 percent of that amount which represents the
 115 percentage of the median adjusted gross annual income for the
 116 households as indicated in subsection (9) ~~(8)~~, subsection (11)
 117 ~~(10)~~, subsection (12) ~~(11)~~, or subsection (17) ~~(15)~~.

118 (4) "Corporation" means the Florida Housing Finance
 119 Corporation.

120 (5) "Community-based organization" or "nonprofit
 121 organization" means a private corporation organized under
 122 chapter 617 to assist in the provision of housing and related
 123 services on a not-for-profit basis and which is acceptable to
 124 federal and state agencies and financial institutions as a
 125 sponsor of low-income housing.

126 (6) "Department" means the Department of Community
 127 Affairs.

128 (7) "Disabling condition" means a diagnosable substance
 129 abuse disorder, serious mental illness, developmental
 130 disability, or chronic physical illness or disability, or the
 131 co-occurrence of two or more of these conditions, and a
 132 determination that the condition is:

133 (a) Expected to be of long-continued and indefinite
 134 duration; and

135 (b) Not expected to impair the ability of the person with
 136 special needs to live independently with appropriate supports.

137 ~~(8)~~ ~~(7)~~ "Elderly" describes persons 62 years of age or
 138 older.

139 (9)~~(8)~~ "Extremely-low-income persons" means one or more
140 natural persons or a family whose total annual household income
141 does not exceed 30 percent of the median annual adjusted gross
142 income for households within the state. The Florida Housing
143 Finance Corporation may adjust this amount annually by rule to
144 provide that in lower income counties, extremely low income may
145 exceed 30 percent of area median income and that in higher
146 income counties, extremely low income may be less than 30
147 percent of area median income.

148 (10)~~(9)~~ "Local public body" means any county,
149 municipality, or other political subdivision, or any housing
150 authority as provided by chapter 421, which is eligible to
151 sponsor or develop housing for farmworkers and very-low-income
152 and low-income persons within its jurisdiction.

153 (11)~~(10)~~ "Low-income persons" means one or more natural
154 persons or a family, the total annual adjusted gross household
155 income of which does not exceed 80 percent of the median annual
156 adjusted gross income for households within the state, or 80
157 percent of the median annual adjusted gross income for
158 households within the metropolitan statistical area (MSA) or, if
159 not within an MSA, within the county in which the person or
160 family resides, whichever is greater.

161 (12)~~(11)~~ "Moderate-income persons" means one or more
162 natural persons or a family, the total annual adjusted gross
163 household income of which is less than 120 percent of the median
164 annual adjusted gross income for households within the state, or
165 120 percent of the median annual adjusted gross income for
166 households within the metropolitan statistical area (MSA) or, if

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167 not within an MSA, within the county in which the person or
168 family resides, whichever is greater.

169 (13) "Person with special needs" means an adult person
170 requiring independent living services in order to maintain
171 housing or develop independent living skills and who has a
172 disabling condition; a young adult formerly in foster care who
173 is eligible for services under s. 409.1451(5); a survivor of
174 domestic violence as defined in s. 741.28; or a person receiving
175 benefits under the Social Security Disability Insurance (SSDI)
176 program or the Supplemental Security Income (SSI) program or
177 from veterans' disability benefits.

178 (14)~~(12)~~ "Student" means any person not living with his or
179 her parent or guardian who is eligible to be claimed by his or
180 her parent or guardian as a dependent under the federal income
181 tax code and who is enrolled on at least a half-time basis in a
182 secondary school, career center, community college, college, or
183 university.

184 (15)~~(13)~~ "Substandard" means:

185 (a) Any unit lacking complete plumbing or sanitary
186 facilities for the exclusive use of the occupants;

187 (b) A unit which is in violation of one or more major
188 sections of an applicable housing code and where such violation
189 poses a serious threat to the health of the occupant; or

190 (c) A unit that has been declared unfit for human
191 habitation but that could be rehabilitated for less than 50
192 percent of the property value.

193 (16)~~(14)~~ "Substantial rehabilitation" means repair or
 194 restoration of a dwelling unit where the value of such repair or
 195 restoration exceeds 40 percent of the value of the dwelling.

196 (17)~~(15)~~ "Very-low-income persons" means one or more
 197 natural persons or a family, not including students, the total
 198 annual adjusted gross household income of which does not exceed
 199 50 percent of the median annual adjusted gross income for
 200 households within the state, or 50 percent of the median annual
 201 adjusted gross income for households within the metropolitan
 202 statistical area (MSA) or, if not within an MSA, within the
 203 county in which the person or family resides, whichever is
 204 greater.

205 Section 3. Paragraph (a) of subsection (22) and subsection
 206 (46) of section 420.507, Florida Statutes, are amended to read:

207 420.507 Powers of the corporation.--The corporation shall
 208 have all the powers necessary or convenient to carry out and
 209 effectuate the purposes and provisions of this part, including
 210 the following powers which are in addition to all other powers
 211 granted by other provisions of this part:

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

215 (a) Make first, second, and other subordinated mortgage
 216 loans including variable or fixed rate loans subject to
 217 contingent interest for all State Apartment Incentive Loans
 218 provided for in this chapter based upon available cash flow of
 219 the projects. The corporation shall make loans exceeding 25
 220 percent of project cost available only to nonprofit

221 organizations and public bodies which are able to secure grants,
 222 donations of land, or contributions from other sources and to
 223 projects meeting the criteria of subparagraph 1. Mortgage loans
 224 shall be made available at the following rates of interest:

225 1. Zero to 3 percent interest for sponsors of projects
 226 that set aside at least 80 percent of their total units for
 227 residents qualifying as farmworkers as defined in this part, ~~or~~
 228 commercial fishing workers as defined in this part, ~~or~~ the
 229 homeless as defined in s. 420.621(4), or persons with special
 230 needs as defined in s. 420.0004(13) over the life of the loan.

231 2. Zero to 3 percent interest based on the pro rata share
 232 of units set aside for homeless residents or persons with
 233 special needs if the total of such units is less than 80 percent
 234 of the units in the borrower's project.

235 3. One to 9 percent interest for sponsors of projects
 236 targeted at populations other than farmworkers, commercial
 237 fishing workers, ~~and~~ the homeless, and persons with special
 238 needs.

239 (46) To require, as a condition of financing a multifamily
 240 rental project, that an agreement be recorded in the official
 241 records of the county where the real property is located, which
 242 requires that the project be used for housing defined as
 243 affordable in s. 420.0004(3) by persons defined in s.
 244 420.0004(9)~~(8)~~, (11)~~(10)~~, (12)~~(11)~~, and (17)~~(15)~~. Such an
 245 agreement is a state land use regulation that limits the highest
 246 and best use of the property within the meaning of s.
 247 193.011(2).

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248 Section 4. Subsection (3) and paragraph (c) of subsection
249 (6) of section 420.5087, Florida Statutes, are amended to read:
250 420.5087 State Apartment Incentive Loan Program.--There is
251 hereby created the State Apartment Incentive Loan Program for
252 the purpose of providing first, second, or other subordinated
253 mortgage loans or loan guarantees to sponsors, including for-
254 profit, nonprofit, and public entities, to provide housing
255 affordable to very-low-income persons.

256 (3) During the first 6 months of loan or loan guarantee
257 availability, program funds shall be reserved for use by
258 sponsors who provide the housing set-aside required in
259 subsection (2) for the tenant groups designated in this
260 subsection. The reservation of funds to each of these groups
261 shall be determined using the most recent statewide very-low-
262 income rental housing market study available at the time of
263 publication of each notice of fund availability required by
264 paragraph (6)(b). The reservation of funds within each notice of
265 fund availability to the tenant groups in paragraphs (a), (b),
266 and (e) ~~(d)~~ may not be less than 10 percent of the funds
267 available at that time. Any increase in funding required to
268 reach the 10-percent minimum must be taken from the tenant group
269 that has the largest reservation. The reservation of funds
270 within each notice of fund availability to the tenant group in
271 paragraph (c) may not be less than 5 percent of the funds
272 available at that time. The reservation of funds within each
273 notice of fund availability to the tenant group in paragraph (d)
274 may not be more than 10 percent of the funds available at that
275 time. The tenant groups are:

276 (a) Commercial fishing workers and farmworkers;
277 (b) Families;
278 (c) Persons who are homeless;
279 (d) Persons with special needs; and
280 (e)~~(d)~~ Elderly persons. Ten percent of the amount reserved
281 for the elderly shall be reserved to provide loans to sponsors
282 of housing for the elderly for the purpose of making building
283 preservation, health, or sanitation repairs or improvements
284 which are required by federal, state, or local regulation or
285 code, or lifesafety or security-related repairs or improvements
286 to such housing. Such a loan may not exceed \$750,000 per housing
287 community for the elderly. In order to receive the loan, the
288 sponsor of the housing community must make a commitment to match
289 at least 5 percent of the loan amount to pay the cost of such
290 repair or improvement. The corporation shall establish the rate
291 of interest on the loan, which may not exceed 3 percent, and the
292 term of the loan, which may not exceed 15 years; however, if the
293 lien of the corporation's encumbrance is subordinate to the lien
294 of another mortgagee, then the term may be made coterminous with
295 the longest term of the superior lien. The term of the loan
296 shall be based on a credit analysis of the applicant. The
297 corporation may forgive indebtedness for a share of the loan
298 attributable to the units in a project reserved for extremely-
299 low-income elderly by nonprofit organizations, as defined in s.
300 420.0004(5), where the project has provided affordable housing
301 to the elderly for 15 years or more. The corporation shall
302 establish, by rule, the procedure and criteria for receiving,
303 evaluating, and competitively ranking all applications for loans

304 | under this paragraph. A loan application must include evidence
 305 | of the first mortgagee's having reviewed and approved the
 306 | sponsor's intent to apply for a loan. A nonprofit organization
 307 | or sponsor may not use the proceeds of the loan to pay for
 308 | administrative costs, routine maintenance, or new construction.

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

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

320 | 1. Tenant income and demographic targeting objectives of
 321 | the corporation.

322 | 2. Targeting objectives of the corporation which will
 323 | ensure an equitable distribution of loans between rural and
 324 | urban areas.

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

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

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

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

339 5. Provision for tenant counseling.

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

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

347 8. Local government contributions and local government
 348 comprehensive planning and activities that promote affordable
 349 housing.

350 9. Project feasibility.

351 10. Economic viability of the project.

352 11. Commitment of first mortgage financing.

353 12. Sponsor's prior experience.

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

355 14. Projects that directly implement or assist welfare-to-
 356 work transitioning.

357 15. Projects that reserve units for extremely-low-income
 358 persons.

359 16. Projects that reserve units for persons with special
 360 needs.

361 Section 5. Paragraphs (d), (e), (f), and (g) of subsection
 362 (2) of section 163.31771, Florida Statutes, are amended to read:

363 163.31771 Accessory dwelling units.--

364 (2) As used in this section, the term:

365 (d) "Low-income persons" has the same meaning as in s.
 366 420.0004 (11) ~~(10)~~.

367 (e) "Moderate-income persons" has the same meaning as in
 368 s. 420.0004 (12) ~~(11)~~.

369 (f) "Very-low-income persons" has the same meaning as in
 370 s. 420.0004 (17) ~~(15)~~.

371 (g) "Extremely-low-income persons" has the same meaning as
 372 in s. 420.0004 (9) ~~(8)~~.

373 Section 6. Section 196.1978, Florida Statutes, is amended
 374 to read:

375 196.1978 Affordable housing property exemption.--Property
 376 used to provide affordable housing serving eligible persons as
 377 defined by s. 159.603(7) and persons meeting income limits
 378 specified in s. 420.0004 (9) ~~(8)~~, (11) ~~(10)~~, (12) ~~(11)~~, and
 379 (17) ~~(15)~~, which property is owned entirely by a nonprofit entity
 380 which is qualified as charitable under s. 501(c)(3) of the
 381 Internal Revenue Code and which complies with Rev. Proc. 96-32,
 382 1996-1 C.B. 717, shall be considered property owned by an exempt
 383 entity and used for a charitable purpose, and those portions of
 384 the affordable housing property which provide housing to
 385 individuals with incomes as defined in s. 420.0004 (11) ~~(10)~~ and
 386 (17) ~~(15)~~ shall be exempt from ad valorem taxation to the extent

387 | authorized in s. 196.196. All property identified in this
 388 | section shall comply with the criteria for determination of
 389 | exempt status to be applied by property appraisers on an annual
 390 | basis as defined in s. 196.195. The Legislature intends that any
 391 | property owned by a limited liability company which is
 392 | disregarded as an entity for federal income tax purposes
 393 | pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be
 394 | treated as owned by its sole member.

395 | Section 7. Paragraph (o) of subsection (5) of section
 396 | 212.08, Florida Statutes, is amended to read:

397 | 212.08 Sales, rental, use, consumption, distribution, and
 398 | storage tax; specified exemptions.--The sale at retail, the
 399 | rental, the use, the consumption, the distribution, and the
 400 | storage to be used or consumed in this state of the following
 401 | are hereby specifically exempt from the tax imposed by this
 402 | chapter.

403 | (5) EXEMPTIONS; ACCOUNT OF USE.--

404 | (o) Building materials in redevelopment projects.--

405 | 1. As used in this paragraph, the term:

406 | a. "Building materials" means tangible personal property
 407 | that becomes a component part of a housing project or a mixed-
 408 | use project.

409 | b. "Housing project" means the conversion of an existing
 410 | manufacturing or industrial building to housing units in an
 411 | urban high-crime area, enterprise zone, empowerment zone, Front
 412 | Porch Community, designated brownfield area, or urban infill
 413 | area and in which the developer agrees to set aside at least 20
 414 | percent of the housing units in the project for low-income and

415 moderate-income persons or the construction in a designated
416 brownfield area of affordable housing for persons described in
417 s. 420.0004 (9) ~~(8)~~, (11) ~~(10)~~, (12) ~~(11)~~, or (17) ~~(15)~~ or in s.
418 159.603(7).

419 c. "Mixed-use project" means the conversion of an existing
420 manufacturing or industrial building to mixed-use units that
421 include artists' studios, art and entertainment services, or
422 other compatible uses. A mixed-use project must be located in an
423 urban high-crime area, enterprise zone, empowerment zone, Front
424 Porch Community, designated brownfield area, or urban infill
425 area, and the developer must agree to set aside at least 20
426 percent of the square footage of the project for low-income and
427 moderate-income housing.

428 d. "Substantially completed" has the same meaning as
429 provided in s. 192.042(1).

430 2. Building materials used in the construction of a
431 housing project or mixed-use project are exempt from the tax
432 imposed by this chapter upon an affirmative showing to the
433 satisfaction of the department that the requirements of this
434 paragraph have been met. This exemption inures to the owner
435 through a refund of previously paid taxes. To receive this
436 refund, the owner must file an application under oath with the
437 department which includes:

438 a. The name and address of the owner.

439 b. The address and assessment roll parcel number of the
440 project for which a refund is sought.

441 c. A copy of the building permit issued for the project.

442 d. A certification by the local building code inspector
443 that the project is substantially completed.

444 e. A sworn statement, under penalty of perjury, from the
445 general contractor licensed in this state with whom the owner
446 contracted to construct the project, which statement lists the
447 building materials used in the construction of the project and
448 the actual cost thereof, and the amount of sales tax paid on
449 these materials. If a general contractor was not used, the owner
450 shall provide this information in a sworn statement, under
451 penalty of perjury. Copies of invoices evidencing payment of
452 sales tax must be attached to the sworn statement.

453 3. An application for a refund under this paragraph must
454 be submitted to the department within 6 months after the date
455 the project is deemed to be substantially completed by the local
456 building code inspector. Within 30 working days after receipt of
457 the application, the department shall determine if it meets the
458 requirements of this paragraph. A refund approved pursuant to
459 this paragraph shall be made within 30 days after formal
460 approval of the application by the department.

461 4. The department shall establish by rule an application
462 form and criteria for establishing eligibility for exemption
463 under this paragraph.

464 5. The exemption shall apply to purchases of materials on
465 or after July 1, 2000.

466 Section 8. Paragraphs (a) and (g) of subsection (2) of
467 section 215.5586, Florida Statutes, are amended to read:

468 215.5586 My Safe Florida Home Program.--There is
469 established within the Department of Financial Services the My

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470 Safe Florida Home Program. The department shall provide fiscal
471 accountability, contract management, and strategic leadership
472 for the program, consistent with this section. This section does
473 not create an entitlement for property owners or obligate the
474 state in any way to fund the inspection or retrofitting of
475 residential property in this state. Implementation of this
476 program is subject to annual legislative appropriations. It is
477 the intent of the Legislature that the My Safe Florida Home
478 Program provide inspections for at least 400,000 site-built,
479 single-family, residential properties and provide grants to at
480 least 35,000 applicants before June 30, 2009. The program shall
481 develop and implement a comprehensive and coordinated approach
482 for hurricane damage mitigation that shall include the
483 following:

484 (2) MITIGATION GRANTS.--Financial grants shall be used to
485 encourage single-family, site-built, owner-occupied, residential
486 property owners to retrofit their properties to make them less
487 vulnerable to hurricane damage.

488 (a) To be eligible for a grant for persons who have
489 obtained a completed inspection after May 1, 2007, a residential
490 property must:

491 1. Have been granted a homestead exemption under chapter
492 196.

493 2. Be a dwelling with an insured value of \$300,000 or
494 less. Homeowners who are low-income persons, as defined in s.
495 420.0004(11)~~(10)~~, are exempt from this requirement.

496 3. Have undergone an acceptable hurricane mitigation
497 inspection.

498 4. Be located in the "wind-borne debris region" as that
 499 term is defined in s. 1609.2, International Building Code
 500 (2006).

501 5. Be a home for which the building permit application for
 502 initial construction was made before March 1, 2002.

503
 504 An application for a grant must contain a signed or
 505 electronically verified statement made under penalty of perjury
 506 that the applicant has submitted only a single application and
 507 must have attached documents demonstrating the applicant meets
 508 the requirements of this paragraph.

509 (g) Low-income homeowners, as defined in s.
 510 420.0004(11)~~(10)~~, who otherwise meet the requirements of
 511 paragraphs (a), (c), (e), and (f) are eligible for a grant of up
 512 to \$5,000 and are not required to provide a matching amount to
 513 receive the grant. Additionally, for low-income homeowners,
 514 grant funding may be used for repair to existing structures
 515 leading to any of the mitigation improvements provided in
 516 paragraph (e), limited to 20 percent of the grant value. The
 517 program may accept a certification directly from a low-income
 518 homeowner that the homeowner meets the requirements of s.
 519 420.0004(11)~~(10)~~ if the homeowner provides such certification in
 520 a signed or electronically verified statement made under penalty
 521 of perjury.

522 Section 9. Subsection (19) of section 420.503, Florida
 523 Statutes, is amended to read:

524 420.503 Definitions.--As used in this part, the term:

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525 (19) "Housing for the elderly" means, for purposes of s.
526 420.5087(3) (e) ~~(d)~~, any nonprofit housing community that is
527 financed by a mortgage loan made or insured by the United States
528 Department of Housing and Urban Development under s. 202, s. 202
529 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the
530 National Housing Act, as amended, and that is subject to income
531 limitations established by the United States Department of
532 Housing and Urban Development, or any program funded by the
533 Rural Development Agency of the United States Department of
534 Agriculture and subject to income limitations established by the
535 United States Department of Agriculture. A project which
536 qualifies for an exemption under the Fair Housing Act as housing
537 for older persons as defined by s. 760.29(4) shall qualify as
538 housing for the elderly for purposes of s. 420.5087(3) (e) ~~(d)~~ and
539 for purposes of any loans made pursuant to s. 420.508. In
540 addition, if the corporation adopts a qualified allocation plan
541 pursuant to s. 42(m)(1)(B) of the Internal Revenue Code or any
542 other rules that prioritize projects targeting the elderly for
543 purposes of allocating tax credits pursuant to s. 420.5099 or
544 for purposes of the HOME program under s. 420.5089, a project
545 which qualifies for an exemption under the Fair Housing Act as
546 housing for older persons as defined by s. 760.29(4) shall
547 qualify as a project targeted for the elderly, if the project
548 satisfies the other requirements set forth in this part.

549 Section 10. This act shall take effect July 1, 2009.