

By the Committee on Community Affairs; and Senator Wise

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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  
5           of programs for housing production or rehabilitation;  
6           including the needs of persons with special needs in  
7           the strategy's periodic review and report; amending s.  
8           420.0004, F.S.; defining the terms "disabling  
9           condition" and "person with special needs"; conforming  
10          cross-references; amending s. 420.507, F.S.; requiring  
11          certain rates of interest to be made available to  
12          sponsors of housing projects for persons with special  
13          needs; conforming a cross-reference; amending s.  
14          420.5087, F.S.; limiting a portion of the reservation  
15          of funds within each notice of fund availability to  
16          sponsors of housing projects for the persons with  
17          special needs tenant group; including persons with  
18          special needs as a tenant group for specified purposes  
19          of the State Apartment Incentive Loan Program;  
20          requiring a specified review committee to include  
21          projects that reserve units for persons with special  
22          needs in its evaluation and competitive ranking of  
23          applications for the State Apartment Incentive Loan  
24          Program; conforming a cross-reference; amending ss.  
25          163.31771, 196.1978, 212.08, 215.5586, and 420.503,  
26          F.S.; conforming cross-references; providing an  
27          effective date.

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

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

420.0003 State housing strategy.—

(3) POLICIES.—

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

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

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

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

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

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

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

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

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59 not in compliance with chapter 163 and who have not entered into  
60 a stipulated settlement agreement with the Department of  
61 Community Affairs to bring the plan into compliance.

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

64 9. Distribution of state housing funds should be flexible  
65 and consider the regional and local needs, resources, and  
66 capabilities of housing producers.

67 10. Distribution of housing funds for multifamily rental  
68 housing should be administered to address the housing needs of  
69 persons most in need of housing.

70 ~~11.10.~~ Income levels used to determine program eligibility  
71 should be adjusted for family size in determining the  
72 eligibility of specific beneficiaries.

73 ~~12.11.~~ To the maximum extent possible, state-owned lands  
74 that are appropriate for the development of affordable housing  
75 shall be made available for that purpose.

76 (4) IMPLEMENTATION.—The Department of Community Affairs and  
77 the Florida Housing Finance Corporation in carrying out the  
78 strategy articulated herein shall have the following duties:

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

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88 for Affordable Housing, in consultation with the Department of  
89 Community Affairs and the corporation, shall also evaluate the  
90 degree of coordination between state housing programs, and  
91 between state, federal, and local housing activities, and shall  
92 recommend improved program linkages. The recommendations  
93 required above and a report of any programmatic modifications  
94 made as a result of these policies shall be included in the  
95 housing report required by s. 420.6075, beginning December 31,  
96 1991, and every 5 years thereafter.

97 Section 2. Section 420.0004, Florida Statutes, is amended  
98 to read:

99 420.0004 Definitions.—As used in this part, unless the  
100 context otherwise indicates:

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

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

115 (3) "Affordable" means that monthly rents or monthly  
116 mortgage payments including taxes, insurance, and utilities do

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117 not exceed 30 percent of that amount which represents the  
118 percentage of the median adjusted gross annual income for the  
119 households as indicated in subsection (9) ~~(8)~~, subsection (11)  
120 ~~(10)~~, subsection (12) ~~(11)~~, or subsection (17) ~~(15)~~.

121 (4) "Corporation" means the Florida Housing Finance  
122 Corporation.

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

129 (6) "Department" means the Department of Community Affairs.

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

135 (a) Expected to be of long-continued and indefinite  
136 duration; and

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

139 (8) ~~(7)~~ "Elderly" describes persons 62 years of age or  
140 older.

141 (9) ~~(8)~~ "Extremely-low-income persons" means one or more  
142 natural persons or a family whose total annual household income  
143 does not exceed 30 percent of the median annual adjusted gross  
144 income for households within the state. The Florida Housing  
145 Finance Corporation may adjust this amount annually by rule to

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146 provide that in lower income counties, extremely low income may  
147 exceed 30 percent of area median income and that in higher  
148 income counties, extremely low income may be less than 30  
149 percent of area median income.

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

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

163 (12)~~(11)~~ "Moderate-income persons" means one or more  
164 natural persons or a family, the total annual adjusted gross  
165 household income of which is less than 120 percent of the median  
166 annual adjusted gross income for households within the state, or  
167 120 percent of the median annual adjusted gross income for  
168 households within the metropolitan statistical area (MSA) or, if  
169 not within an MSA, within the county in which the person or  
170 family resides, whichever is greater.

171 (13) "Person with special needs" means an adult person  
172 requiring independent living services in order to maintain  
173 housing or develop independent living skills and who has a  
174 disabling condition; a young adult formerly in foster care who

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175 is eligible for services under s. 409.1451(5); a survivor of  
176 domestic violence as defined in s. 741.28; or a person receiving  
177 benefits under the Social Security Disability Insurance (SSDI)  
178 program or the Supplemental Security Income (SSI) program or  
179 from veterans' disability benefits.

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

186 (15)-(13) "Substandard" means:

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

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

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

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

198 (17)-(15) "Very-low-income persons" means one or more  
199 natural persons or a family, not including students, the total  
200 annual adjusted gross household income of which does not exceed  
201 50 percent of the median annual adjusted gross income for  
202 households within the state, or 50 percent of the median annual  
203 adjusted gross income for households within the metropolitan

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204 statistical area (MSA) or, if not within an MSA, within the  
205 county in which the person or family resides, whichever is  
206 greater.

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

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

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

217 (a) Make first, second, and other subordinated mortgage  
218 loans including variable or fixed rate loans subject to  
219 contingent interest for all State Apartment Incentive Loans  
220 provided for in this chapter based upon available cash flow of  
221 the projects. The corporation shall make loans exceeding 25  
222 percent of project cost available only to nonprofit  
223 organizations and public bodies which are able to secure grants,  
224 donations of land, or contributions from other sources and to  
225 projects meeting the criteria of subparagraph 1. Mortgage loans  
226 shall be made available at the following rates of interest:

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



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

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

241           (46) To require, as a condition of financing a multifamily  
242 rental project, that an agreement be recorded in the official  
243 records of the county where the real property is located, which  
244 requires that the project be used for housing defined as  
245 affordable in s. 420.0004(3) by persons defined in s.  
246 420.0004(9)~~(8)~~, (11)~~(10)~~, (12)~~(11)~~, and (17)~~(15)~~. Such an  
247 agreement is a state land use regulation that limits the highest  
248 and best use of the property within the meaning of s.  
249 193.011(2).

250           Section 4. Subsection (3) of section 420.5087, Florida  
251 Statutes, is amended to read:

252           420.5087 State Apartment Incentive Loan Program.—There is  
253 hereby created the State Apartment Incentive Loan Program for  
254 the purpose of providing first, second, or other subordinated  
255 mortgage loans or loan guarantees to sponsors, including for-  
256 profit, nonprofit, and public entities, to provide housing  
257 affordable to very-low-income persons.

258           (3) During the first 6 months of loan or loan guarantee  
259 availability, program funds shall be reserved for use by  
260 sponsors who provide the housing set-aside required in  
261 subsection (2) for the tenant groups designated in this

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262 subsection. The reservation of funds to each of these groups  
263 shall be determined using the most recent statewide very-low-  
264 income rental housing market study available at the time of  
265 publication of each notice of fund availability required by  
266 paragraph (6) (b). The reservation of funds within each notice of  
267 fund availability to the tenant groups in paragraphs (a), (b),  
268 and (e) ~~(d)~~ may not be less than 10 percent of the funds  
269 available at that time. Any increase in funding required to  
270 reach the 10-percent minimum must be taken from the tenant group  
271 that has the largest reservation. The reservation of funds  
272 within each notice of fund availability to the tenant group in  
273 paragraph (c) may not be less than 5 percent of the funds  
274 available at that time. The reservation of funds within each  
275 notice of fund availability to the tenant group in paragraph (d)  
276 may not be more than 10 percent of the funds available at that  
277 time. The tenant groups are:

- 278 (a) Commercial fishing workers and farmworkers;  
279 (b) Families;  
280 (c) Persons who are homeless;  
281 (d) Persons with special needs; and  
282 (e) ~~(d)~~ Elderly persons. Ten percent of the amount reserved  
283 for the elderly shall be reserved to provide loans to sponsors  
284 of housing for the elderly for the purpose of making building  
285 preservation, health, or sanitation repairs or improvements  
286 which are required by federal, state, or local regulation or  
287 code, or lifesafety or security-related repairs or improvements  
288 to such housing. Such a loan may not exceed \$750,000 per housing  
289 community for the elderly. In order to receive the loan, the  
290 sponsor of the housing community must make a commitment to match

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291 at least 5 percent of the loan amount to pay the cost of such  
292 repair or improvement. The corporation shall establish the rate  
293 of interest on the loan, which may not exceed 3 percent, and the  
294 term of the loan, which may not exceed 15 years; however, if the  
295 lien of the corporation's encumbrance is subordinate to the lien  
296 of another mortgagee, then the term may be made coterminous with  
297 the longest term of the superior lien. The term of the loan  
298 shall be based on a credit analysis of the applicant. The  
299 corporation may forgive indebtedness for a share of the loan  
300 attributable to the units in a project reserved for extremely-  
301 low-income elderly by nonprofit organizations, as defined in s.  
302 420.0004(5), where the project has provided affordable housing  
303 to the elderly for 15 years or more. The corporation shall  
304 establish, by rule, the procedure and criteria for receiving,  
305 evaluating, and competitively ranking all applications for loans  
306 under this paragraph. A loan application must include evidence  
307 of the first mortgagee's having reviewed and approved the  
308 sponsor's intent to apply for a loan. A nonprofit organization  
309 or sponsor may not use the proceeds of the loan to pay for  
310 administrative costs, routine maintenance, or new construction.

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

313 163.31771 Accessory dwelling units.—

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

315 (d) "Low-income persons" has the same meaning as in s.  
316 420.0004 (11) ~~(10)~~.

317 (e) "Moderate-income persons" has the same meaning as in s.  
318 420.0004 (12) ~~(11)~~.

319 (f) "Very-low-income persons" has the same meaning as in s.

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320 420.0004(17)~~(15)~~.

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

323 Section 6. Section 196.1978, Florida Statutes, is amended  
324 to read:

325 196.1978 Affordable housing property exemption.—Property  
326 used to provide affordable housing serving eligible persons as  
327 defined by s. 159.603(7) and persons meeting income limits  
328 specified in s. 420.0004(9)~~(8)~~, (11)~~(10)~~, (12)~~(11)~~, and  
329 (17)~~(15)~~, which property is owned entirely by a nonprofit entity  
330 which is qualified as charitable under s. 501(c)(3) of the  
331 Internal Revenue Code and which complies with Rev. Proc. 96-32,  
332 1996-1 C.B. 717, shall be considered property owned by an exempt  
333 entity and used for a charitable purpose, and those portions of  
334 the affordable housing property which provide housing to  
335 individuals with incomes as defined in s. 420.0004(11)~~(10)~~ and  
336 (17)~~(15)~~ shall be exempt from ad valorem taxation to the extent  
337 authorized in s. 196.196. All property identified in this  
338 section shall comply with the criteria for determination of  
339 exempt status to be applied by property appraisers on an annual  
340 basis as defined in s. 196.195. The Legislature intends that any  
341 property owned by a limited liability company which is  
342 disregarded as an entity for federal income tax purposes  
343 pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be  
344 treated as owned by its sole member.

345 Section 7. Paragraph (o) of subsection (5) of section  
346 212.08, Florida Statutes, is amended to read:

347 212.08 Sales, rental, use, consumption, distribution, and  
348 storage tax; specified exemptions.—The sale at retail, the

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349 rental, the use, the consumption, the distribution, and the  
350 storage to be used or consumed in this state of the following  
351 are hereby specifically exempt from the tax imposed by this  
352 chapter.

353 (5) EXEMPTIONS; ACCOUNT OF USE.—

354 (o) *Building materials in redevelopment projects.*—

355 1. As used in this paragraph, the term:

356 a. "Building materials" means tangible personal property  
357 that becomes a component part of a housing project or a mixed-  
358 use project.

359 b. "Housing project" means the conversion of an existing  
360 manufacturing or industrial building to housing units in an  
361 urban high-crime area, enterprise zone, empowerment zone, Front  
362 Porch Community, designated brownfield area, or urban infill  
363 area and in which the developer agrees to set aside at least 20  
364 percent of the housing units in the project for low-income and  
365 moderate-income persons or the construction in a designated  
366 brownfield area of affordable housing for persons described in  
367 s. 420.0004~~(9)(8)~~, ~~(11)(10)~~, ~~(12)(11)~~, or ~~(17)(15)~~ or in s.  
368 159.603(7).

369 c. "Mixed-use project" means the conversion of an existing  
370 manufacturing or industrial building to mixed-use units that  
371 include artists' studios, art and entertainment services, or  
372 other compatible uses. A mixed-use project must be located in an  
373 urban high-crime area, enterprise zone, empowerment zone, Front  
374 Porch Community, designated brownfield area, or urban infill  
375 area, and the developer must agree to set aside at least 20  
376 percent of the square footage of the project for low-income and  
377 moderate-income housing.

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

380 2. Building materials used in the construction of a housing  
381 project or mixed-use project are exempt from the tax imposed by  
382 this chapter upon an affirmative showing to the satisfaction of  
383 the department that the requirements of this paragraph have been  
384 met. This exemption inures to the owner through a refund of  
385 previously paid taxes. To receive this refund, the owner must  
386 file an application under oath with the department which  
387 includes:

388 a. The name and address of the owner.

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

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

392 d. A certification by the local building code inspector  
393 that the project is substantially completed.

394 e. A sworn statement, under penalty of perjury, from the  
395 general contractor licensed in this state with whom the owner  
396 contracted to construct the project, which statement lists the  
397 building materials used in the construction of the project and  
398 the actual cost thereof, and the amount of sales tax paid on  
399 these materials. If a general contractor was not used, the owner  
400 shall provide this information in a sworn statement, under  
401 penalty of perjury. Copies of invoices evidencing payment of  
402 sales tax must be attached to the sworn statement.

403 3. An application for a refund under this paragraph must be  
404 submitted to the department within 6 months after the date the  
405 project is deemed to be substantially completed by the local  
406 building code inspector. Within 30 working days after receipt of

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407 the application, the department shall determine if it meets the  
408 requirements of this paragraph. A refund approved pursuant to  
409 this paragraph shall be made within 30 days after formal  
410 approval of the application by the department.

411 4. The department shall establish by rule an application  
412 form and criteria for establishing eligibility for exemption  
413 under this paragraph.

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

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

418 215.5586 My Safe Florida Home Program.—There is established  
419 within the Department of Financial Services the My Safe Florida  
420 Home Program. The department shall provide fiscal  
421 accountability, contract management, and strategic leadership  
422 for the program, consistent with this section. This section does  
423 not create an entitlement for property owners or obligate the  
424 state in any way to fund the inspection or retrofitting of  
425 residential property in this state. Implementation of this  
426 program is subject to annual legislative appropriations. It is  
427 the intent of the Legislature that the My Safe Florida Home  
428 Program provide inspections for at least 400,000 site-built,  
429 single-family, residential properties and provide grants to at  
430 least 35,000 applicants before June 30, 2009. The program shall  
431 develop and implement a comprehensive and coordinated approach  
432 for hurricane damage mitigation that shall include the  
433 following:

434 (2) MITIGATION GRANTS.—Financial grants shall be used to  
435 encourage single-family, site-built, owner-occupied, residential

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436 property owners to retrofit their properties to make them less  
437 vulnerable to hurricane damage.

438 (a) To be eligible for a grant for persons who have  
439 obtained a completed inspection after May 1, 2007, a residential  
440 property must:

441 1. Have been granted a homestead exemption under chapter  
442 196.

443 2. Be a dwelling with an insured value of \$300,000 or less.  
444 Homeowners who are low-income persons, as defined in s.  
445 420.0004(11)~~(10)~~, are exempt from this requirement.

446 3. Have undergone an acceptable hurricane mitigation  
447 inspection.

448 4. Be located in the "wind-borne debris region" as that  
449 term is defined in s. 1609.2, International Building Code  
450 (2006).

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

453

454 An application for a grant must contain a signed or  
455 electronically verified statement made under penalty of perjury  
456 that the applicant has submitted only a single application and  
457 must have attached documents demonstrating the applicant meets  
458 the requirements of this paragraph.

459 (g) Low-income homeowners, as defined in s.

460 420.0004(11)~~(10)~~, who otherwise meet the requirements of  
461 paragraphs (a), (c), (e), and (f) are eligible for a grant of up  
462 to \$5,000 and are not required to provide a matching amount to  
463 receive the grant. Additionally, for low-income homeowners,  
464 grant funding may be used for repair to existing structures



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465 leading to any of the mitigation improvements provided in  
466 paragraph (e), limited to 20 percent of the grant value. The  
467 program may accept a certification directly from a low-income  
468 homeowner that the homeowner meets the requirements of s.  
469 420.0004 (11) ~~(10)~~ if the homeowner provides such certification in  
470 a signed or electronically verified statement made under penalty  
471 of perjury.

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

474 420.503 Definitions.—As used in this part, the term:

475 (19) "Housing for the elderly" means, for purposes of s.  
476 420.5087(3) (e) ~~(d)~~, any nonprofit housing community that is  
477 financed by a mortgage loan made or insured by the United States  
478 Department of Housing and Urban Development under s. 202, s. 202  
479 with a s. 8 subsidy, s. 221(d)(3) or (4), or s. 236 of the  
480 National Housing Act, as amended, and that is subject to income  
481 limitations established by the United States Department of  
482 Housing and Urban Development, or any program funded by the  
483 Rural Development Agency of the United States Department of  
484 Agriculture and subject to income limitations established by the  
485 United States Department of Agriculture. A project which  
486 qualifies for an exemption under the Fair Housing Act as housing  
487 for older persons as defined by s. 760.29(4) shall qualify as  
488 housing for the elderly for purposes of s. 420.5087(3) (e) ~~(d)~~ and  
489 for purposes of any loans made pursuant to s. 420.508. In  
490 addition, if the corporation adopts a qualified allocation plan  
491 pursuant to s. 42(m)(1)(B) of the Internal Revenue Code or any  
492 other rules that prioritize projects targeting the elderly for  
493 purposes of allocating tax credits pursuant to s. 420.5099 or

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494 for purposes of the HOME program under s. 420.5089, a project  
495 which qualifies for an exemption under the Fair Housing Act as  
496 housing for older persons as defined by s. 760.29(4) shall  
497 qualify as a project targeted for the elderly, if the project  
498 satisfies the other requirements set forth in this part.

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