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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2015	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Latvala) recommended the following:

**Senate Amendment**

Delete lines 421 - 612

and insert:

420.9075(5)(i) ~~s. 420.9075(5)(h)~~ from eligible persons or eligible sponsors, which funds were not used for assistance to an eligible household for an eligible activity, when there is a default on the terms of a grant award or loan award.

(26) "Rent subsidies" means ongoing monthly rental assistance. ~~The term does not include initial assistance to~~



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11 ~~tenants, such as grants or loans for security and utility~~  
12 ~~deposits.~~

13 Section 6. Subsection (7) of section 420.9072, Florida  
14 Statutes, is amended, present subsections (8) and (9) of that  
15 section are redesignated as subsections (9) and (10),  
16 respectively, and a new subsection (8) is added to that section,  
17 to read:

18 420.9072 State Housing Initiatives Partnership Program.—The  
19 State Housing Initiatives Partnership Program is created for the  
20 purpose of providing funds to counties and eligible  
21 municipalities as an incentive for the creation of local housing  
22 partnerships, to expand production of and preserve affordable  
23 housing, to further the housing element of the local government  
24 comprehensive plan specific to affordable housing, and to  
25 increase housing-related employment.

26 (7) A county or an eligible municipality must expend its  
27 portion of the local housing distribution only to implement a  
28 local housing assistance plan or as provided in this subsection.  
29 ~~A county or an eligible municipality may not expend its portion~~  
30 ~~of the local housing distribution to provide rent subsidies;~~  
31 ~~however, this does not prohibit the use of funds for security~~  
32 ~~and utility deposit assistance.~~

33 (8) A county or an eligible municipality may not expend its  
34 portion of the local housing distribution to provide ongoing  
35 rent subsidies, except for:

36 (a) Security and utility deposit assistance.

37 (b) Eviction prevention not to exceed 6 months' rent.

38 (c) A rent subsidy program for very-low-income households  
39 with at least one adult who is a person with special needs as



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40 defined in s. 420.0004 or homeless as defined in s. 420.621. The  
41 period of rental assistance may not exceed 12 months for any  
42 eligible household.

43 Section 7. Present subsections (5) through (7) of section  
44 420.9073, Florida Statutes, are redesignated as subsections (6)  
45 through (8), and a new subsection (5) is added to that section,  
46 to read:

47 420.9073 Local housing distributions.—

48 (5) Notwithstanding subsections (1) through (4), the  
49 corporation shall first distribute 4 percent of the total amount  
50 to be distributed in a given fiscal year from the Local  
51 Government Housing Trust Fund to the Department of Children and  
52 Families and the Department of Economic Opportunity as follows:

53 (a) The Department of Children and Families shall receive  
54 95 percent of such amount to provide operating funds and other  
55 support to the designated lead agency in each continuum of care  
56 for the benefit of the designated catchment area as described in  
57 s. 420.624.

58 (b) The Department of Economic Opportunity shall receive 5  
59 percent of such amount to provide training and technical  
60 assistance to lead agencies receiving operating funds and other  
61 support under paragraph (a) in accordance with s. 420.606(3).  
62 Training and technical assistance funded by this distribution  
63 shall be provided by a nonprofit entity that meets the  
64 requirements of s. 420.531.

65 Section 8. Paragraph (a) of subsection (2) of section  
66 420.9075, Florida Statutes, is amended, paragraph (f) is added  
67 to subsection (3), subsection (5) of that section is amended,  
68 and paragraph (i) is added to subsection (10) of that section,



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69 to read:

70 420.9075 Local housing assistance plans; partnerships.—

71 (2) (a) Each county and each eligible municipality  
72 participating in the State Housing Initiatives Partnership  
73 Program shall encourage the involvement of appropriate public  
74 sector and private sector entities as partners in order to  
75 combine resources to reduce housing costs for the targeted  
76 population. This partnership process should involve:

77 1. Lending institutions.

78 2. Housing builders and developers.

79 3. Nonprofit and other community-based housing and service  
80 organizations.

81 4. Providers of professional services relating to  
82 affordable housing.

83 5. Advocates for low-income persons, including, but not  
84 limited to, homeless people, the elderly, and migrant  
85 farmworkers.

86 6. Real estate professionals.

87 7. Other persons or entities who can assist in providing  
88 housing or related support services.

89 8. Lead agencies of local homeless assistance continuums of  
90 care.

91 (3)

92 (f) Each county and each eligible municipality is  
93 encouraged to develop a strategy within its local housing  
94 assistance plan which provides program funds for reducing  
95 homelessness.

96 (5) The following criteria apply to awards made to eligible  
97 sponsors or eligible persons for the purpose of providing



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98 eligible housing:

99 (a) At least 65 percent of the funds made available in each  
100 county and eligible municipality from the local housing  
101 distribution must be reserved for home ownership for eligible  
102 persons.

103 (b) Up to 25 percent of the funds made available in each  
104 county and eligible municipality from the local housing  
105 distribution may be reserved for rental housing for eligible  
106 persons or for the purposes enumerated in s. 420.9072(8).

107 (c)~~(b)~~ At least 75 percent of the funds made available in  
108 each county and eligible municipality from the local housing  
109 distribution must be reserved for construction, rehabilitation,  
110 or emergency repair of affordable, eligible housing.

111 (d)~~(e)~~ Not more than 20 percent of the funds made available  
112 in each county and eligible municipality from the local housing  
113 distribution may be used for manufactured housing.

114 (e)~~(d)~~ The sales price or value of new or existing eligible  
115 housing may not exceed 90 percent of the average area purchase  
116 price in the statistical area in which the eligible housing is  
117 located. Such average area purchase price may be that calculated  
118 for any 12-month period beginning not earlier than the fourth  
119 calendar year prior to the year in which the award occurs or as  
120 otherwise established by the United States Department of the  
121 Treasury.

122 (f)~~(e)~~ 1. All units constructed, rehabilitated, or otherwise  
123 assisted with the funds provided from the local housing  
124 assistance trust fund must be occupied by very-low-income  
125 persons, low-income persons, and moderate-income persons except  
126 as otherwise provided in this section.



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127           2. At least 30 percent of the funds deposited into the  
128 local housing assistance trust fund must be reserved for awards  
129 to very-low-income persons or eligible sponsors who will serve  
130 very-low-income persons and at least an additional 30 percent of  
131 the funds deposited into the local housing assistance trust fund  
132 must be reserved for awards to low-income persons or eligible  
133 sponsors who will serve low-income persons. This subparagraph  
134 does not apply to a county or an eligible municipality that  
135 includes, or has included within the previous 5 years, an area  
136 of critical state concern designated or ratified by the  
137 Legislature for which the Legislature has declared its intent to  
138 provide affordable housing. The exemption created by this act  
139 expires on July 1, 2013, and shall apply retroactively.

140           (g)~~(f)~~ Loans shall be provided for periods not exceeding 30  
141 years, except for deferred payment loans or loans that extend  
142 beyond 30 years which continue to serve eligible persons.

143           (h)~~(g)~~ Loans or grants for eligible rental housing  
144 constructed, rehabilitated, or otherwise assisted from the local  
145 housing assistance trust fund must be subject to recapture  
146 requirements as provided by the county or eligible municipality  
147 in its local housing assistance plan unless reserved for  
148 eligible persons for 15 years or the term of the assistance,  
149 whichever period is longer. Eligible sponsors that offer rental  
150 housing for sale before 15 years or that have remaining  
151 mortgages funded under this program must give a first right of  
152 refusal to eligible nonprofit organizations for purchase at the  
153 current market value for continued occupancy by eligible  
154 persons.

155           (i)~~(h)~~ Loans or grants for eligible owner-occupied housing



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156 constructed, rehabilitated, or otherwise assisted from proceeds  
157 provided from the local housing assistance trust fund shall be  
158 subject to recapture requirements as provided by the county or  
159 eligible municipality in its local housing assistance plan.

160 (j)~~(i)~~ The total amount of monthly mortgage payments or the  
161 amount of monthly rent charged by the eligible sponsor or her or  
162 his designee must be made affordable.

163 (k)~~(j)~~ The maximum sales price or value per unit and the  
164 maximum award per unit for eligible housing benefiting from  
165 awards made pursuant to this section must be established in the  
166 local housing assistance plan.

167 (l)~~(k)~~ The benefit of assistance provided through the State  
168 Housing Initiatives Partnership Program must accrue to eligible  
169 persons occupying eligible housing. This provision shall not be  
170 construed to prohibit use of the local housing distribution  
171 funds for a mixed income rental development.

172 (m)~~(l)~~ Funds from the local housing distribution not used  
173 to meet the criteria established in paragraph (a) or paragraph  
174 (c) ~~(b)~~ or not used for the administration of a local housing  
175 assistance plan must be used for housing production and finance  
176 activities, including, but not limited to, financing  
177 preconstruction activities or the purchase of existing units,  
178 providing rental housing, and providing home ownership training  
179 to prospective home buyers and owners of homes assisted through  
180 the local housing assistance plan.

181 1. Notwithstanding the provisions of paragraphs (a) and (c)  
182 ~~(b)~~, program income as defined in s. 420.9071(24) may also be  
183 used to fund activities described in this paragraph.

184 2. When preconstruction due-diligence activities conducted



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185 as part of a preservation strategy show that preservation of the  
186 units is not feasible and will not result in the production of  
187 an eligible unit, such costs shall be deemed a program expense  
188 rather than an administrative expense if such program expenses  
189 do not exceed 3 percent of the annual local housing  
190 distribution.

191 3. If both an award under the local housing assistance plan  
192 and federal low-income housing tax credits are used to assist a  
193 project and there is a conflict between the criteria prescribed  
194 in this subsection and the requirements of s. 42 of the Internal  
195 Revenue Code of 1986, as amended, the county or eligible  
196 municipality may resolve the conflict by giving precedence to  
197 the requirements of s. 42 of the Internal Revenue Code of 1986,  
198 as amended, in lieu of following the criteria prescribed in this  
199 subsection with the exception of paragraphs (a) and (f) ~~(e)~~ of  
200 this subsection.