

By Senator Torres

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1 A bill to be entitled
2 An act relating to housing assistance; creating s.
3 420.518, F.S.; authorizing a county or an eligible
4 municipality participating in the State Housing
5 Initiatives Partnership Program to establish through
6 its local housing assistance plan a local government
7 risk mitigation program; requiring the Florida Housing
8 Finance Corporation to establish guidelines for the
9 administration of the local government risk mitigation
10 program; authorizing certain landlords to file a claim
11 for property damage or unpaid rent reimbursement;
12 providing claim and award requirements; amending s.
13 420.9075, F.S.; revising the percentages of local
14 housing assistance plan funds that may be used for
15 specified purposes; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 420.518, Florida Statutes, is created to
20 read:

21 420.518 Local government risk mitigation program.-

22 (1) (a) A county or an eligible municipality participating
23 in the State Housing Initiatives Partnership Program may
24 establish through its local housing assistance plan a local
25 government risk mitigation program consistent with this section
26 and guidelines established by the corporation.

27 (b) The corporation shall establish guidelines for the
28 administration of a local government risk mitigation program.

29 (2) A landlord providing housing under a local housing

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30 assistance plan created to provide affordable residential units
31 to persons of very low income, low income, or moderate income or
32 persons who have special housing needs, pursuant to s. 420.9075,
33 may file a claim for property damage or unpaid rent
34 reimbursement with such county or eligible municipality.

35 (3) (a) A landlord filing a property damage claim must
36 complete an application on a form prescribed by the corporation.
37 The landlord must include a copy of the United States Department
38 of Housing and Urban Development's "Housing Quality Standards
39 (HQS) Inspection Checklist" as required under s. 8 of the United
40 States Housing Act of 1937, 42 U.S.C. s. 1437f; documentation of
41 the damage, including photographs before and after repairs are
42 completed; and copies of repair receipts for labor and
43 materials.

44 (b) Properly submitted claims must be reviewed within 2
45 business days after receipt of the application.

46 (c) A property damage claim of less than \$300 may be
47 awarded to a landlord without an inspection of his or her rental
48 unit.

49 (d) A property damage claim of \$300, but not more than
50 \$2,000, for a 1-bedroom unit or \$300, but not more than \$3,000,
51 for a multi-bedroom unit may be awarded to a landlord upon
52 inspection of his or her rental unit after repairs are
53 completed.

54 (e) A local government may not reimburse a landlord more
55 than 75 percent of the claimed damages in excess of any amounts
56 he or she recoups from a security deposit or homeowners'
57 insurance.

58 (f) Claims may only be awarded for damage to a rental

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- 59 unit's interior walls; doors; cabinets; windows; flooring,
60 including tile and carpet; and household fixtures, including
61 disposals, toilets, sinks, sink handles, and lighting fixtures:
- 62 1. Occurring on or after September 1, 2018;
 - 63 2. Occurring while a tenant occupies such unit and is under
64 a rental agreement;
 - 65 3. Exceeding normal wear and tear;
 - 66 4. Which is not reimbursed by a security deposit or
67 homeowners' insurance; and
 - 68 5. Relating to the unit the tenant has leased.
- 69 (4) A landlord filing an unpaid rent claim must complete an
70 application on a form prescribed by the corporation. A claim may
71 be submitted for:
- 72 (a) A unit holding fee, if the landlord has approved an
73 applicant for a residential unit, but the applicant is not
74 available to sign the lease or move into the unit on the
75 available move-in date. If the landlord's application is
76 approved, the local government risk mitigation program must
77 reimburse the landlord a fee of \$150 to hold the unit for the
78 tenant for 14 days or \$250 to hold the unit for the tenant for
79 30 days.
 - 80 (b) Reimbursement of up to 3 months' unpaid rent during the
81 tenant's occupancy, minus the security deposit. Claims for
82 unpaid rent may only be awarded for leases signed on or after
83 September 1, 2018, if the landlord:
- 84 1. Provides documentation of unpaid rent during the
85 tenant's occupancy and documentation of the landlord's efforts
86 to collect such rent; and
 - 87 2. Provides documentation that the funds from the tenant's

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88 security deposit were applied to the unpaid rent, receipts
89 documenting how the security deposit funds were used if they
90 were not applied to the unpaid rent, or documentation that a
91 security deposit was not paid by the tenant.

92 (c) Reimbursement of the full rental assistance amount,
93 excluding rent owed by the tenant, for the remaining lease
94 period after a tenant abandons the unit or until the unit is
95 rerented, whichever occurs first. However, such reimbursement
96 may not exceed 2 months' rent, minus the security deposit, and
97 may only be awarded for leases signed on or after September 1,
98 2018, if the landlord:

99 1. Provides a copy of the lease documenting the tenant's
100 move-in date;

101 2. Provides documentation of the date the unit was
102 abandoned by the tenant; and

103 3. Provides documentation that the unit remained vacant for
104 the duration of the lease period for which reimbursement is
105 requested.

106 Section 2. Paragraphs (b) and (c) of subsection (5) of
107 section 420.9075, Florida Statutes, are amended to read:

108 420.9075 Local housing assistance plans; partnerships.—

109 (5) The following criteria apply to awards made to eligible
110 sponsors or eligible persons for the purpose of providing
111 eligible housing:

112 (b) Up to 40 ~~25~~ percent of the funds made available in each
113 county and eligible municipality from the local housing
114 distribution may be reserved for rental housing for eligible
115 persons or for the purposes enumerated in s. 420.9072(7)(b), of
116 which up to 10 percent may be used to establish a local

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117 government risk mitigation program for the purposes in s.
118 420.518 if an equivalent percentage of local matching funds is
119 made available.

120 (c) At least 60 ~~75~~ percent of the funds made available in
121 each county and eligible municipality from the local housing
122 distribution must be reserved for construction, rehabilitation,
123 or emergency repair of affordable, eligible housing.

124 Section 3. This act shall take effect July 1, 2018.