

1 A bill to be entitled
2 An act relating to affordable housing; amending ss.
3 125.379 and 166.0451, F.S.; revising the criteria that
4 counties and municipalities must use when evaluating
5 real property as part of their inventory for disposal
6 of lands; creating s. 420.0007, F.S.; providing a
7 local permit approval process; amending s. 420.5087,
8 F.S.; revising the criteria used by a review committee
9 when evaluating and selecting specified applications
10 for the state apartment incentive loans; creating s.
11 420.56, F.S.; providing a process for certain entities
12 to dispose of surplus lands for use as affordable
13 housing; amending s. 420.9071, F.S.; revising the
14 definition of "local housing incentive strategies";
15 amending ss. 253.0341, 337.25, and 373.089, F.S.;
16 revising the procedures under which the board of
17 trustees, the Department of Transportation, and the
18 water management districts must dispose of
19 nonconservation surplus lands; creating s. 420.57,
20 F.S.; creating the Hurricane Housing Recovery Program
21 to provide funds for certain affordable housing
22 recovery efforts; requiring the Florida Housing
23 Finance Corporation to administer the program and
24 allocate resources to local governments that meet
25 certain criteria; specifying requirements for

26 receiving and using funds; requiring participating
 27 local governments to submit a report; creating the
 28 Rental Recovery Loan Program to provide funds for
 29 additional rental housing due to specified impacts;
 30 providing rationale for the program; authorizing the
 31 corporation to adopt emergency rules; providing that
 32 the adoption of emergency rules meets certain criteria
 33 related to public health, safety, and welfare;
 34 creating s. 420.58, F.S.; prohibiting the corporation
 35 from awarding, distributing, or allocating funds in
 36 certain circumstances; providing an effective date.

37

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

39

40 Section 1. Subsection (1) of section 125.379, Florida
 41 Statutes, is amended to read:

42 125.379 Disposition of county property for affordable
 43 housing.—

44 (1) Beginning July 1, 2018 ~~By July 1, 2007,~~ and every 3
 45 years thereafter, each county shall prepare an inventory list of
 46 all real property within its jurisdiction to which the county
 47 holds fee simple title that is appropriate for use as affordable
 48 housing. The real property must be evaluated on criteria that
 49 includes environmental suitability for construction, site
 50 characteristics, current land use designation, current or

51 anticipated zoning, inclusion in at least one special district
52 meant to revitalize the community, existing infrastructure,
53 proximity to employment opportunities, proximity to public
54 transportation, and proximity to existing services. The
55 inventory list must include the address and legal description of
56 each such real property and specify whether the property is
57 vacant or improved. The governing body of the county must review
58 the inventory list at a public hearing and may revise it at the
59 conclusion of the public hearing. The governing body of the
60 county shall adopt a resolution that includes an inventory list
61 of such property following the public hearing.

62 Section 2. Subsection (1) of section 166.0451, Florida
63 Statutes, is amended to read:

64 166.0451 Disposition of municipal property for affordable
65 housing.—

66 (1) Beginning July 1, 2018 ~~By July 1, 2007,~~ and every 3
67 years thereafter, each municipality shall prepare an inventory
68 list of all real property within its jurisdiction to which the
69 municipality holds fee simple title that is appropriate for use
70 as affordable housing. Such real property shall be evaluated on
71 criteria that includes the environmental suitability for
72 construction, site characteristics, currently designated land
73 use, current or anticipated zoning, inclusion in one or more
74 special districts meant to revitalize the community, existing
75 infrastructure, proximity to employment opportunities, proximity

76 | to public transportation, and proximity to existing services.
77 | The inventory list must include the address and legal
78 | description of each such property and specify whether the
79 | property is vacant or improved. The governing body of the
80 | municipality must review the inventory list at a public hearing
81 | and may revise it at the conclusion of the public hearing.
82 | Following the public hearing, the governing body of the
83 | municipality shall adopt a resolution that includes an inventory
84 | list of such property.

85 | Section 3. Section 420.0007, Florida Statutes, is created
86 | to read:

87 | 420.0007 Local Permit Approval Process for Affordable
88 | Housing.—

89 | (1) A local government has 15 days from the date it
90 | receives an application for a development permit, construction
91 | permit, or certificate of occupancy for affordable housing to
92 | examine the application and notify the applicant of any apparent
93 | errors or omissions and request any additional information the
94 | local government is permitted by law to require.

95 | (2) If a local government does not request additional
96 | information within the required time, the local government may
97 | not deny a development permit, construction permit, or
98 | certificate of occupancy for affordable housing if the applicant
99 | has failed to correct an error or omission or to supply
100 | additional information.

101 (3) The local government may require any additional
102 requested information to be submitted no later than 10 days from
103 the date of the notice specified in subsection (1).

104 (4) For good cause shown, the local government shall grant
105 a request for an extension of time for submitting the additional
106 information.

107 (5) An application is complete upon receipt of all
108 requested information and the correction of any error or
109 omission for which the applicant was timely notified or when the
110 time for notification has expired.

111 (6) The local government must approve or deny an
112 application for a development permit, construction permit, or
113 certificate of occupancy for affordable housing within 60 days
114 after receipt of a completed application unless a shorter period
115 of time for local government action is provided by law.

116 (7) If the local government does not approve or deny
117 within the 60-day or shorter time period an application for a
118 development permit, construction permit, or certificate of
119 occupancy for affordable housing, the permit is considered
120 approved and the local government must issue the development
121 permit, construction permit, or certificate of occupancy and may
122 include such reasonable conditions as authorized by law.

123 (8) An applicant for a development permit, construction
124 permit, or certificate of occupancy seeking to receive a permit
125 by default under this section shall notify the local government,

126 | in writing, of the intent to rely upon the default approval
 127 | provision of this section but may not take any action based upon
 128 | the default development permit, construction permit, or
 129 | certificate of occupancy until the applicant receives
 130 | notification or a receipt that the local government received the
 131 | notice. The applicant must retain the notification or receipt.

132 | Section 4. Paragraph (c) of subsection (6) of section
 133 | 420.5087, Florida Statutes, is amended to read:

134 | 420.5087 State Apartment Incentive Loan Program.—There is
 135 | hereby created the State Apartment Incentive Loan Program for
 136 | the purpose of providing first, second, or other subordinated
 137 | mortgage loans or loan guarantees to sponsors, including for-
 138 | profit, nonprofit, and public entities, to provide housing
 139 | affordable to very-low-income persons.

140 | (6) On all state apartment incentive loans, except loans
 141 | made to housing communities for the elderly to provide for
 142 | lifesafety, building preservation, health, sanitation, or
 143 | security-related repairs or improvements, the following
 144 | provisions shall apply:

145 | (c) The corporation shall provide by rule for the
 146 | establishment of a review committee for the competitive
 147 | evaluation and selection of applications submitted in this
 148 | program, including, but not limited to, the following criteria:

149 | 1. Tenant income and demographic targeting objectives of
 150 | the corporation.

151 2. Targeting objectives of the corporation which will
152 ensure an equitable distribution of loans between rural and
153 urban areas.

154 3. Sponsor's agreement to reserve the units for persons or
155 families who have incomes below 50 percent of the state or local
156 median income, whichever is higher, for a time period that
157 exceeds the minimum required by federal law or this part.

158 4. Sponsor's agreement to reserve more than:

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

162 b. Forty percent of the units in the project for persons
163 or families who have incomes that do not exceed 60 percent of
164 the state or local median income, whichever is higher, without
165 requiring a greater amount of the loans as provided in this
166 section.

167 5. Provision for tenant counseling.

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

170 7. Projects requiring the least amount of a state
171 apartment incentive loan compared to overall project cost,
172 except that the share of the loan attributable to units serving
173 extremely-low-income persons must be excluded from this
174 requirement.

175 8. Local government contributions and local government

176 comprehensive planning and activities that promote affordable
 177 housing, policies that promote access to public transportation,
 178 reduce the need for on-site parking, and expedite permits for
 179 affordable housing projects as provided in s. 420.0007.

- 180 9. Project feasibility.
- 181 10. Economic viability of the project.
- 182 11. Commitment of first mortgage financing.
- 183 12. Sponsor's prior experience.
- 184 13. Sponsor's ability to proceed with construction.
- 185 14. Projects that directly implement or assist welfare-to-
- 186 work transitioning.
- 187 15. Projects that reserve units for extremely-low-income
- 188 persons.
- 189 16. Projects that include green building principles,
- 190 storm-resistant construction, or other elements that reduce
- 191 long-term costs relating to maintenance, utilities, or
- 192 insurance.
- 193 17. Job-creation rate of the developer and general
- 194 contractor, as provided in s. 420.507(47).

195 Section 5. Section 420.56, Florida Statutes, is created to
 196 read:

197 420.56 Disposal of surplus lands for use as affordable
 198 housing.-

199 (1) It is intent of the Legislature to make all surplus
 200 lands designated as nonconservation available for affordable

201 housing before making the parcels available for purchase by
202 other governmental entities or the public.

203 (2) The Department of Environmental Protection acting on
204 the behalf of the Board of Trustees of the Internal Improvement
205 Trust Fund, the Department of Transportation, and each water
206 management district shall notify the corporation when
207 nonconservation land becomes available for surplus as part of
208 the entity's regular review of lands under the provisions of ss.
209 253.0341, 337.25, or 373.089 before making the parcel available
210 for any other use, including for purchase by other governmental
211 entities or the public. Water management districts must only
212 identify nonconservation surplus lands originally acquired using
213 state funds.

214 (3) In consultation with the Department of Environmental
215 Protection, the Department of Transportation, and the water
216 management districts, the corporation must evaluate whether
217 these surplus lands are suitable for affordable housing based on
218 the property's environmental suitability for construction;
219 current and anticipated land use and zoning; inclusion in one or
220 more special districts meant to revitalize the community;
221 existing infrastructure on the land such as roads, water, sewer,
222 and electricity; access to grocery stores within walking
223 distance or by public transportation; access to employment
224 opportunities within walking distance or by public
225 transportation; access to public transportation within one half

226 mile; and access to community services such as public libraries,
227 food kitchens, and employment centers.

228 (4) If the corporation determines that the nonconservation
229 surplus land is suitable for affordable housing, the entity
230 seeking to dispose of the parcel must first offer the land to
231 the county and municipality where the land is located to be used
232 for affordable housing before the entity offers the land to
233 other governmental entities or the public. If the county and
234 municipality where the parcel is located do not wish to use the
235 parcel for affordable housing, the entity may dispose of the
236 parcel as otherwise provided by law or herein.

237 (5) The Board of Trustees of the Internal Improvement
238 Trust Fund, the Department of Transportation, and the water
239 management districts may sell the parcels identified by the
240 corporation for affordable housing for less than the appraised
241 value to any party so long as the agency places an encumbrance
242 on the parcels to ensure the purchaser uses the land for
243 affordable housing for a period of not less than 99 years.

244 (6) (a) The Board of Trustees of the Internal Improvement
245 Trust Fund, the Department of Transportation, and the water
246 management districts are exempt from the disposal procedures of
247 ss. 253.0341(8) and (9), 337.25(4) and (7), 373.089(1), (2),
248 (3), and (8) when disposing of nonconservation surplus lands
249 under this section.

250 (b) The sale price of land parcels disposed of pursuant to

251 this section shall be determined by the entity disposing of the
252 parcel. The Department of Transportation, the Board of Trustees
253 of the Internal Improvement Trust Fund, and the water management
254 districts must consider at least one appraisal of the property
255 or, if the estimated value of the land is \$500,000 or less, a
256 comparable sales analysis or a broker's opinion of value.

257 Section 6. Subsection (16) of section 420.9071, Florida
258 Statutes, is amended to read:

259 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
260 term:

261 (16) "Local housing incentive strategies" means local
262 regulatory reform or incentive programs to encourage or
263 facilitate affordable housing production, which include at a
264 minimum, expediting development permits, as defined in s.
265 163.3164(16), for affordable housing projects as provided in s.
266 420.0007 ~~assurance that permits for affordable housing projects~~
267 ~~are expedited to a greater degree than other projects, as~~
268 ~~provided in s. 163.3177(6)(f)3.~~; an ongoing process for review
269 of local policies, ordinances, regulations, and plan provisions
270 that increase the cost of housing prior to their adoption; and a
271 schedule for implementing the incentive strategies. Local
272 housing incentive strategies may also include other regulatory
273 reforms, such as those enumerated in s. 420.9076 or those
274 recommended by the affordable housing advisory committee in its
275 triennial evaluation of the implementation of affordable housing

276 incentives, and adopted by the local governing body.

277 Section 7. Subsections (4) and (7) of section 253.0341,
 278 Florida Statutes, are amended to read:

279 253.0341 Surplus of state-owned lands.—

280 (4) Beginning July 1, 2018, and continuing every 3 years
 281 thereafter, ~~At least every 10 years,~~ as a component of each land
 282 management plan or land use plan and in a form and manner
 283 adopted by rule of the board of trustees, each manager shall
 284 evaluate and indicate to the board of trustees those lands that
 285 are not being used for the purpose for which they were
 286 originally leased. For conservation lands, the Acquisition and
 287 Restoration Council shall review and recommend to the board of
 288 trustees whether such lands should be retained in public
 289 ownership or disposed of by the board of trustees. For
 290 nonconservation lands, the Division of State Lands shall review
 291 and recommend to the board of trustees whether such lands should
 292 be retained in public ownership or disposed of by the board of
 293 trustees.

294 (7) (a) The board of trustees must first offer
 295 nonconservation surplus lands to the county and municipality
 296 where the land is located for use as affordable housing as
 297 identified by the Florida Housing Finance Corporation pursuant
 298 to s. 420.56. All surplus buildings or land not needed for
 299 affordable housing ~~Before a building or parcel of land is~~
 300 ~~offered for lease or sale to a local or federal unit of~~

301 ~~government or a private party,~~ it shall first be offered for
302 lease to state agencies, state universities, and Florida College
303 System institutions, with priority consideration given to state
304 universities and Florida College System institutions. If the
305 surplus building or land is not used for affordable housing or
306 leased by a state agency, state university, or Florida College
307 System institution, then the board of trustees shall offer the
308 building or parcel for lease or sale to a local or federal unit
309 of government or a private party.

310 (b) Within 60 days after the offer for lease of a surplus
311 building or parcel, a state university or Florida College System
312 institution that requests the lease must submit a plan for
313 review and approval by the Board of Trustees of the Internal
314 Improvement Trust Fund regarding the intended use, including
315 future use, of the building or parcel of land before approval of
316 a lease. Within 60 days after the offer for lease of a surplus
317 building or parcel, a state agency that requests the lease of
318 such facility or parcel must submit a plan for review and
319 approval by the board of trustees regarding the intended use.
320 The state agency plan must, at a minimum, include the proposed
321 use of the facility or parcel, the estimated cost of renovation,
322 a capital improvement plan for the building, evidence that the
323 building or parcel meets an existing need that cannot otherwise
324 be met, and other criteria developed by rule by the board of
325 trustees. The board or its designee shall compare the estimated

326 value of the building or parcel to any submitted business plan
327 to determine if the lease or sale is in the best interest of the
328 state. The board of trustees shall adopt rules pursuant to
329 chapter 120 for the implementation of this section.

330 Section 8. Subsection (3) is amended and subsection (12)
331 is added to section 337.25, Florida Statutes, to read:

332 337.25 Acquisition, lease, and disposal of real and
333 personal property.—

334 (3) Beginning July 1, 2018, the department shall evaluate
335 all of its land not within a transportation corridor or within
336 the right-of-way of a transportation facility at least every 10
337 years on a rotating basis to determine whether the property
338 should be retained. ~~The inventory of real property that was~~
339 ~~acquired by the state after December 31, 1988, that has been~~
340 ~~owned by the state for 10 or more years, and that is not within~~
341 ~~a transportation corridor or within the right-of-way of a~~
342 ~~transportation facility shall be evaluated to determine the~~
343 ~~necessity for retaining the property.~~ If the property is not
344 needed for the construction, operation, and maintenance of a
345 transportation facility or is not located within a
346 transportation corridor, the department may dispose of the
347 property pursuant to subsection (4).

348 (12) Except in a conveyance transacted under paragraphs
349 (4) (a), (c), and (e), the department must first offer parcels of
350 nonconservation surplus land to the county and municipality

351 where the land is located for use as affordable housing as
352 identified by the Florida Housing Finance Corporation pursuant
353 to s. 420.56.

354 Section 9. Subsection (1) is amended and subsection (9) is
355 added to section 373.089, Florida Statutes, to read:

356 373.089 Sale or exchange of lands, or interests or rights
357 in lands.—The governing board of the district may sell lands, or
358 interests or rights in lands, to which the district has acquired
359 title or to which it may hereafter acquire title in the
360 following manner:

361 (1) Beginning on July 1, 2018, the district shall review
362 all lands and interests or rights in lands every 10 years on a
363 rotating basis to determine whether the lands are still needed
364 for the purpose for which they were acquired. Any lands, or
365 interests or rights in lands, determined by the governing board
366 to be surplus may be sold by the district, at any time, for the
367 highest price obtainable; however, in no case shall the selling
368 price be less than the appraised value of the lands, or
369 interests or rights in lands, as determined by a certified
370 appraisal obtained within 360 days before the effective date of
371 a contract for sale.

372 (9) The governing board must first offer nonconservation
373 surplus lands to the county and municipality where the land is
374 located for use as affordable housing as identified by the
375 Florida Housing Finance Corporation pursuant to s. 420.56.

376 Districts must only offer nonconservation surplus lands
377 originally acquired using state funds.

378
379 If the Board of Trustees of the Internal Improvement Trust Fund
380 declines to accept title to the lands offered under this
381 section, the land may be disposed of by the district under the
382 provisions of this section.

383 Section 10. Section 420.57, Florida Statutes, is created
384 to read:

385 420.57 Hurricane recovery programs.—

386 (1) The Hurricane Housing Recovery Program is created to
387 provide funds to local governments for affordable housing
388 recovery efforts, similar to the State Housing Initiatives
389 Partnership Program as set forth in ss. 420.907-420.9079.
390 Subject to a specific appropriation as authorized by the General
391 Appropriations Act, the Florida Housing Finance Corporation
392 shall administer the program. Notwithstanding ss. 420.9072 and
393 420.9073, the Florida Housing Finance Corporation shall allocate
394 resources to local governments according to a need-based formula
395 that reflects housing damage estimates and population impacts
396 resulting from hurricanes. Eligible local governments must
397 submit a strategy outlining proposed recovery actions, household
398 income levels and number of residential units to be served, and
399 funding requests. Program funds shall be used to serve
400 households with incomes up to 120 percent of area median income,

401 except that at least 30 percent of program funds should be
402 reserved for households with incomes up to 50 percent of area
403 median income and an additional 30 percent of program funds
404 should be reserved for households with incomes up to 80 percent
405 of area median income. Program funds shall be used as follows:

406 (a) At least 65 percent of funds shall be used for
407 homeownership.

408 (b) Up to 15 percent of the funds may be used for
409 administrative expenses to ensure expeditious use of funds.

410 (c) Up to one-quarter of 1 percent may be used by the
411 Florida Housing Finance Corporation for compliance monitoring.

412 (2) Each participating local government shall submit to
413 the Florida Housing Finance Corporation an annual report of its
414 use of funds from the Hurricane Housing Recovery Program. The
415 corporation shall compile the reports and submit them to the
416 President of the Senate and the Speaker of the House of
417 Representatives.

418 (3) The Rental Recovery Loan Program is created to provide
419 funds to build additional rental housing due to impacts to the
420 affordable housing stock and changes to the population resulting
421 from hurricanes. The program is intended to allow the state to
422 leverage additional federal rental financing similar to the
423 State Apartment Incentive Loan Program as described in s.
424 420.5087 and is subject to a specific appropriation in the
425 General Appropriations Act.

426 (4) The Florida Housing Finance Corporation may adopt
427 emergency rules pursuant to s. 120.54 to implement this section.
428 The Legislature finds that emergency rules adopted to implement
429 this section meet the health, safety, and welfare requirements
430 of s. 120.54(4). The Legislature finds that such emergency
431 rulemaking is necessary to preserve the rights and welfare of
432 the people and to provide additional funds to assist those areas
433 of the state that sustained impacts to available affordable
434 housing stock due to recent hurricanes. Therefore, in adopting
435 such emergency rules, the corporation is not required to make
436 the findings required by s. 120.54(4) (a). Emergency rules
437 adopted under this section are exempt from s. 120.54(4) (c).

438 Section 11. Section 420.58, Florida Statutes, is created
439 to read:

440 420.58 Prohibition on awarding, distributing, or
441 allocating funds.—The Florida Housing Finance Corporation is
442 prohibited from awarding, distributing, or allocating funds to
443 any applicant, principal of an applicant, or an affiliate of an
444 applicant that has been convicted of, entered into a consent
445 decree, or otherwise settled charges relating to material
446 misrepresentation or fraudulent action, in connection with an
447 application for any program administered by the corporation.

448 Section 12. This act shall take effect July 1, 2018.