

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; amending s. 163.31801, F.S.; requiring that
7 certain data relating to impact fees be included in
8 the annual financial reports for specified entities;
9 creating s. 420.0007, F.S.; providing a local permit
10 approval process; amending s. 420.507, F.S.; providing
11 requirements for the term of certain agreements with
12 the Florida Housing Development Corporation for
13 property to be used for affordable housing; amending
14 s. 420.5087, F.S.; revising the criteria used by a
15 review committee when evaluating and selecting
16 specified applications for the state apartment
17 incentive loans; creating s. 420.56, F.S.; providing a
18 process for certain entities to dispose of surplus
19 lands for use as affordable housing; amending s.
20 420.9071, F.S.; revising the definition of "local
21 housing incentive strategies"; amending ss. 253.0341,
22 337.25, and 373.089, F.S.; revising the procedures
23 under which the board of trustees, the Department of
24 Transportation, and the water management districts
25 must dispose of nonconservation surplus lands;

26 creating s. 420.57, F.S.; creating the Hurricane
27 Housing Recovery Program to provide funds for certain
28 affordable housing recovery efforts; requiring the
29 Florida Housing Finance Corporation to administer the
30 program and allocate resources to local governments
31 that meet certain criteria; specifying requirements
32 for receiving and using funds; requiring participating
33 local governments to submit a report; creating the
34 Rental Recovery Loan Program to provide funds for
35 additional rental housing due to specified impacts;
36 providing rationale for the program; authorizing the
37 corporation to adopt emergency rules; providing that
38 the adoption of emergency rules meets certain criteria
39 related to public health, safety, and welfare;
40 creating s. 420.58, F.S.; prohibiting the corporation
41 from awarding, distributing, or allocating funds in
42 certain circumstances; providing an effective date.
43

44 Be It Enacted by the Legislature of the State of Florida:
45

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

48 125.379 Disposition of county property for affordable
49 housing.—

50 (1) Beginning July 1, 2018 ~~By July 1, 2007,~~ and every 3

51 | years thereafter, each county shall prepare an inventory list of
52 | all real property within its jurisdiction to which the county
53 | holds fee simple title that is appropriate for use as affordable
54 | housing. The real property must be evaluated on criteria that
55 | includes environmental suitability for construction, site
56 | characteristics, current land use designation, current or
57 | anticipated zoning, inclusion in at least one special district
58 | meant to revitalize the community, existing infrastructure,
59 | proximity to employment opportunities, proximity to public
60 | transportation, and proximity to existing services. The
61 | inventory list must include the address and legal description of
62 | each such real property and specify whether the property is
63 | vacant or improved. The governing body of the county must review
64 | the inventory list at a public hearing and may revise it at the
65 | conclusion of the public hearing. The governing body of the
66 | county shall adopt a resolution that includes an inventory list
67 | of such property following the public hearing.

68 | Section 2. Subsection (6) is added to section 163.31801,
69 | Florida Statutes, to read:

70 | 163.31801 Impact fees; short title; intent; definitions;
71 | ordinances levying impact fees.-

72 | (6) In addition to the items that must be reported in the
73 | annual financial reports under s. 218.32, counties,
74 | municipalities, and special districts must report the following
75 | data on all impact fees charged:

76 (a) The specific purpose of the impact fee, including the
 77 specific infrastructure need to be met, such as transportation,
 78 parks, water, sewer, and schools.

79 (b) The impact fee schedule policy, describing the method
 80 of calculating impact fees, such as flat fee, tiered scale based
 81 on number of bedrooms, and tiered scale based on square footage.

82 (c) The amount assessed for each purpose and type of
 83 dwelling.

84 (d) The total amount of impact fees charged by type of
 85 dwelling.

86 (e) Each exception and waiver provided for affordable
 87 housing developments.

88 Section 3. Subsection (1) of section 166.0451, Florida
 89 Statutes, is amended to read:

90 166.0451 Disposition of municipal property for affordable
 91 housing.—

92 (1) Beginning July 1, 2018 ~~By July 1, 2007,~~ and every 3
 93 years thereafter, each municipality shall prepare an inventory
 94 list of all real property within its jurisdiction to which the
 95 municipality holds fee simple title that is appropriate for use
 96 as affordable housing. Such real property shall be evaluated on
 97 criteria that includes the environmental suitability for
 98 construction, site characteristics, currently designated land
 99 use, current or anticipated zoning, inclusion in one or more
 100 special districts meant to revitalize the community, existing

101 infrastructure, proximity to employment opportunities, proximity
102 to public transportation, and proximity to existing services.

103 The inventory list must include the address and legal
104 description of each such property and specify whether the
105 property is vacant or improved. The governing body of the
106 municipality must review the inventory list at a public hearing
107 and may revise it at the conclusion of the public hearing.
108 Following the public hearing, the governing body of the
109 municipality shall adopt a resolution that includes an inventory
110 list of such property.

111 Section 4. Section 420.0007, Florida Statutes, is created
112 to read:

113 420.0007 Local Permit Approval Process for Affordable
114 Housing.—

115 (1) A local government has 15 days from the date it
116 receives an application for a development permit, construction
117 permit, or certificate of occupancy for affordable housing to
118 examine the application and notify the applicant of any apparent
119 errors or omissions and request any additional information the
120 local government is permitted by law to require.

121 (2) If a local government does not request additional
122 information within the required time, the local government may
123 not deny a development permit, construction permit, or
124 certificate of occupancy for affordable housing if the applicant
125 has failed to correct an error or omission or to supply

126 additional information.

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

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

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

137 (6) The local government must approve or deny an
138 application for a development permit, construction permit, or
139 certificate of occupancy for affordable housing within 60 days
140 after receipt of a completed application unless a shorter period
141 of time for local government action is provided by law.

142 (7) If the local government does not approve or deny
143 within the 60-day or shorter time period an application for a
144 development permit, construction permit, or certificate of
145 occupancy for affordable housing, the permit is considered
146 approved and the local government must issue the development
147 permit, construction permit, or certificate of occupancy and may
148 include such reasonable conditions as authorized by law.

149 (8) An applicant for a development permit, construction
150 permit, or certificate of occupancy seeking to receive a permit

151 by default under this section shall notify the local government,
152 in writing, of the intent to rely upon the default approval
153 provision of this section but may not take any action based upon
154 the default development permit, construction permit, or
155 certificate of occupancy until the applicant receives
156 notification or a receipt that the local government received the
157 notice. The applicant must retain the notification or receipt.

158 Section 5. Subsection (46) of section 420.507, Florida
159 Statutes, is amended to read:

160 420.507 Powers of the corporation.—The corporation shall
161 have all the powers necessary or convenient to carry out and
162 effectuate the purposes and provisions of this part, including
163 the following powers which are in addition to all other powers
164 granted by other provisions of this part:

165 (46) To require, as a condition of financing a multifamily
166 rental project, including allocating competitive low-income
167 housing tax credits, that an agreement be recorded in the
168 official records of the county where the real property is
169 located, which requires that the project be used for housing
170 defined as affordable in s. 420.0004(3) by persons defined in s.
171 420.0004(9), (11), (12), and (17). The term of such an agreement
172 shall not extend beyond the period of time required by s.
173 42(h)(6)(D)(ii)(II) of the Internal Revenue Code, unless the
174 corporation affirms at the time of the initial credit
175 underwriting that the project will remain economically feasible

176 beyond such period. Such an agreement is a state land use
177 regulation that limits the highest and best use of the property
178 within the meaning of s. 193.011(2).

179 Section 6. Paragraph (c) of subsection (6) of section
180 420.5087, Florida Statutes, is amended to read:

181 420.5087 State Apartment Incentive Loan Program.—There is
182 hereby created the State Apartment Incentive Loan Program for
183 the purpose of providing first, second, or other subordinated
184 mortgage loans or loan guarantees to sponsors, including for-
185 profit, nonprofit, and public entities, to provide housing
186 affordable to very-low-income persons.

187 (6) On all state apartment incentive loans, except loans
188 made to housing communities for the elderly to provide for
189 lifesafety, building preservation, health, sanitation, or
190 security-related repairs or improvements, the following
191 provisions shall apply:

192 (c) The corporation shall provide by rule for the
193 establishment of a review committee for the competitive
194 evaluation and selection of applications submitted in this
195 program, including, but not limited to, the following criteria:

196 1. Tenant income and demographic targeting objectives of
197 the corporation.

198 2. Targeting objectives of the corporation which will
199 ensure an equitable distribution of loans between rural and
200 urban areas.

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

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

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

209 b. Forty percent of the units in the project for persons
210 or families who have incomes that do not exceed 60 percent of
211 the state or local median income, whichever is higher, without
212 requiring a greater amount of the loans as provided in this
213 section.

214 5. Provision for tenant counseling.

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

217 7. Projects requiring the least amount of a state
218 apartment incentive loan compared to overall project cost,
219 except that the share of the loan attributable to units serving
220 extremely-low-income persons must be excluded from this
221 requirement.

222 8. Local government contributions and local government
223 comprehensive planning and activities that promote affordable
224 housing, policies that promote access to public transportation,
225 reduce the need for on-site parking, and expedite permits for

226 affordable housing projects as provided in s. 420.0007.

227 9. Project feasibility.

228 10. Economic viability of the project.

229 11. Commitment of first mortgage financing.

230 12. Sponsor's prior experience.

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

232 14. Projects that directly implement or assist welfare-to-
233 work transitioning.

234 15. Projects that reserve units for extremely-low-income
235 persons.

236 16. Projects that include green building principles,
237 storm-resistant construction, or other elements that reduce
238 long-term costs relating to maintenance, utilities, or
239 insurance.

240 17. Job-creation rate of the developer and general
241 contractor, as provided in s. 420.507(47).

242 Section 7. Section 420.56, Florida Statutes, is created to
243 read:

244 420.56 Disposal of surplus lands for use as affordable
245 housing.-

246 (1) It is intent of the Legislature to make all surplus
247 lands designated as nonconservation available for affordable
248 housing before making the parcels available for purchase by
249 other governmental entities or the public.

250 (2) The Department of Environmental Protection acting on

251 the behalf of the Board of Trustees of the Internal Improvement
252 Trust Fund, the Department of Transportation, and each water
253 management district shall notify the corporation when
254 nonconservation land becomes available for surplus as part of
255 the entity's regular review of lands under the provisions of ss.
256 253.0341, 337.25, or 373.089 before making the parcel available
257 for any other use, including for purchase by other governmental
258 entities or the public. Water management districts must only
259 identify nonconservation surplus lands originally acquired using
260 state funds.

261 (3) In consultation with the Department of Environmental
262 Protection, the Department of Transportation, and the water
263 management districts, the corporation must evaluate whether
264 these surplus lands are suitable for affordable housing based on
265 the property's environmental suitability for construction;
266 current and anticipated land use and zoning; inclusion in one or
267 more special districts meant to revitalize the community;
268 existing infrastructure on the land such as roads, water, sewer,
269 and electricity; access to grocery stores within walking
270 distance or by public transportation; access to employment
271 opportunities within walking distance or by public
272 transportation; access to public transportation within one half
273 mile; and access to community services such as public libraries,
274 food kitchens, and employment centers.

275 (4) If the corporation determines that the nonconservation

276 surplus land is suitable for affordable housing, the entity
277 seeking to dispose of the parcel must first offer the land to
278 the county and municipality where the land is located to be used
279 for affordable housing before the entity offers the land to
280 other governmental entities or the public. If the county and
281 municipality where the parcel is located do not wish to use the
282 parcel for affordable housing, the entity may dispose of the
283 parcel as otherwise provided by law or herein.

284 (5) The Board of Trustees of the Internal Improvement
285 Trust Fund, the Department of Transportation, and the water
286 management districts may sell the parcels identified by the
287 corporation for affordable housing for less than the appraised
288 value to any party so long as the agency places an encumbrance
289 on the parcels to ensure the purchaser uses the land for
290 affordable housing for a period of not less than 99 years.

291 (6) (a) The Board of Trustees of the Internal Improvement
292 Trust Fund, the Department of Transportation, and the water
293 management districts are exempt from the disposal procedures of
294 ss. 253.0341(8) and (9), 337.25(4) and (7), 373.089(1), (2),
295 (3), and (8) when disposing of nonconservation surplus lands
296 under this section.

297 (b) The sale price of land parcels disposed of pursuant to
298 this section shall be determined by the entity disposing of the
299 parcel. The Department of Transportation, the Board of Trustees
300 of the Internal Improvement Trust Fund, and the water management

301 districts must consider at least one appraisal of the property
 302 or, if the estimated value of the land is \$500,000 or less, a
 303 comparable sales analysis or a broker's opinion of value.

304 Section 8. Subsection (16) of section 420.9071, Florida
 305 Statutes, is amended to read:

306 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
 307 term:

308 (16) "Local housing incentive strategies" means local
 309 regulatory reform or incentive programs to encourage or
 310 facilitate affordable housing production, which include at a
 311 minimum, expediting development permits, as defined in s.
 312 163.3164(16), for affordable housing projects as provided in s.
 313 ~~420.0007 assurance that permits for affordable housing projects~~
 314 ~~are expedited to a greater degree than other projects, as~~
 315 ~~provided in s. 163.3177(6)(f)3.~~; an ongoing process for review
 316 of local policies, ordinances, regulations, and plan provisions
 317 that increase the cost of housing prior to their adoption; and a
 318 schedule for implementing the incentive strategies. Local
 319 housing incentive strategies may also include other regulatory
 320 reforms, such as those enumerated in s. 420.9076 or those
 321 recommended by the affordable housing advisory committee in its
 322 triennial evaluation of the implementation of affordable housing
 323 incentives, and adopted by the local governing body.

324 Section 9. Subsection (7) of section 253.0341, Florida
 325 Statutes, is amended to read:

326 253.0341 Surplus of state-owned lands.—
 327 (7) (a) The board of trustees must first offer
 328 nonconservation surplus lands to the county and municipality
 329 where the land is located for use as affordable housing as
 330 identified by the Florida Housing Finance Corporation pursuant
 331 to s. 420.56. All surplus buildings or land not needed for
 332 affordable housing ~~Before a building or parcel of land is~~
 333 ~~offered for lease or sale to a local or federal unit of~~
 334 ~~government or a private party,~~ it shall first be offered for
 335 lease to state agencies, state universities, and Florida College
 336 System institutions, with priority consideration given to state
 337 universities and Florida College System institutions. If the
 338 surplus building or land is not used for affordable housing or
 339 leased by a state agency, state university, or Florida College
 340 System institution, then the board of trustees shall offer the
 341 building or parcel for lease or sale to a local or federal unit
 342 of government or a private party.
 343 (b) Within 60 days after the offer for lease of a surplus
 344 building or parcel, a state university or Florida College System
 345 institution that requests the lease must submit a plan for
 346 review and approval by the Board of Trustees of the Internal
 347 Improvement Trust Fund regarding the intended use, including
 348 future use, of the building or parcel of land before approval of
 349 a lease. Within 60 days after the offer for lease of a surplus
 350 building or parcel, a state agency that requests the lease of

351 such facility or parcel must submit a plan for review and
352 approval by the board of trustees regarding the intended use.
353 The state agency plan must, at a minimum, include the proposed
354 use of the facility or parcel, the estimated cost of renovation,
355 a capital improvement plan for the building, evidence that the
356 building or parcel meets an existing need that cannot otherwise
357 be met, and other criteria developed by rule by the board of
358 trustees. The board or its designee shall compare the estimated
359 value of the building or parcel to any submitted business plan
360 to determine if the lease or sale is in the best interest of the
361 state. The board of trustees shall adopt rules pursuant to
362 chapter 120 for the implementation of this section.

363 Section 10. Subsection (3) is amended and subsection (12)
364 is added to section 337.25, Florida Statutes, to read:

365 337.25 Acquisition, lease, and disposal of real and
366 personal property.—

367 (3) Beginning July 1, 2018, the department shall evaluate
368 all of its land not within a transportation corridor or within
369 the right-of-way of a transportation facility at least every 10
370 years on a rotating basis to determine whether the property
371 should be retained. ~~The inventory of real property that was~~
372 ~~acquired by the state after December 31, 1988, that has been~~
373 ~~owned by the state for 10 or more years, and that is not within~~
374 ~~a transportation corridor or within the right-of-way of a~~
375 ~~transportation facility shall be evaluated to determine the~~

376 ~~necessity for retaining the property.~~ If the property is not
377 needed for the construction, operation, and maintenance of a
378 transportation facility or is not located within a
379 transportation corridor, the department may dispose of the
380 property pursuant to subsection (4).

381 (12) Except in a conveyance transacted under paragraphs
382 (4) (a), (c), and (e), the department must first offer parcels of
383 nonconservation surplus land to the county and municipality
384 where the land is located for use as affordable housing as
385 identified by the Florida Housing Finance Corporation pursuant
386 to s. 420.56.

387 Section 11. Subsection (1) is amended and subsection (9)
388 is added to section 373.089, Florida Statutes, to read:

389 373.089 Sale or exchange of lands, or interests or rights
390 in lands.—The governing board of the district may sell lands, or
391 interests or rights in lands, to which the district has acquired
392 title or to which it may hereafter acquire title in the
393 following manner:

394 (1) Beginning on July 1, 2018, the district shall review
395 all lands and interests or rights in lands every 10 years on a
396 rotating basis to determine whether the lands are still needed
397 for the purpose for which they were acquired. Any lands, or
398 interests or rights in lands, determined by the governing board
399 to be surplus may be sold by the district, at any time, for the
400 highest price obtainable; however, in no case shall the selling

401 price be less than the appraised value of the lands, or
 402 interests or rights in lands, as determined by a certified
 403 appraisal obtained within 360 days before the effective date of
 404 a contract for sale.

405 (9) The governing board must first offer nonconservation
 406 surplus lands to the county and municipality where the land is
 407 located for use as affordable housing as identified by the
 408 Florida Housing Finance Corporation pursuant to s. 420.56.
 409 Districts must only offer nonconservation surplus lands
 410 originally acquired using state funds.

411
 412 If the Board of Trustees of the Internal Improvement Trust Fund
 413 declines to accept title to the lands offered under this
 414 section, the land may be disposed of by the district under the
 415 provisions of this section.

416 Section 12. Section 420.57, Florida Statutes, is created
 417 to read:

418 420.57 Hurricane recovery programs.—

419 (1) The Hurricane Housing Recovery Program is created to
 420 provide funds to local governments for affordable housing
 421 recovery efforts, similar to the State Housing Initiatives
 422 Partnership Program as set forth in ss. 420.907-420.9079.
 423 Subject to a specific appropriation as authorized by the General
 424 Appropriations Act, the Florida Housing Finance Corporation
 425 shall administer the program. Notwithstanding ss. 420.9072 and

426 420.9073, the Florida Housing Finance Corporation shall allocate
427 resources to local governments according to a need-based formula
428 that reflects housing damage estimates and population impacts
429 resulting from hurricanes. Eligible local governments must
430 submit a strategy outlining proposed recovery actions, household
431 income levels and number of residential units to be served, and
432 funding requests. Program funds shall be used to serve
433 households with incomes up to 120 percent of area median income,
434 except that at least 30 percent of program funds should be
435 reserved for households with incomes up to 50 percent of area
436 median income and an additional 30 percent of program funds
437 should be reserved for households with incomes up to 80 percent
438 of area median income. Program funds shall be used as follows:
439 (a) At least 65 percent of funds shall be used for
440 homeownership.
441 (b) Up to 15 percent of the funds may be used for
442 administrative expenses to ensure expeditious use of funds.
443 (c) Up to one-quarter of 1 percent may be used by the
444 Florida Housing Finance Corporation for compliance monitoring.
445 (2) Each participating local government shall submit to
446 the Florida Housing Finance Corporation an annual report of its
447 use of funds from the Hurricane Housing Recovery Program. The
448 corporation shall compile the reports and submit them to the
449 President of the Senate and the Speaker of the House of
450 Representatives.

451 (3) The Rental Recovery Loan Program is created to provide
452 funds to build additional rental housing due to impacts to the
453 affordable housing stock and changes to the population resulting
454 from hurricanes. The program is intended to allow the state to
455 leverage additional federal rental financing similar to the
456 State Apartment Incentive Loan Program as described in s.
457 420.5087 and is subject to a specific appropriation in the
458 General Appropriations Act.

459 (4) The Florida Housing Finance Corporation may adopt
460 emergency rules pursuant to s. 120.54 to implement this section.
461 The Legislature finds that emergency rules adopted to implement
462 this section meet the health, safety, and welfare requirements
463 of s. 120.54(4). The Legislature finds that such emergency
464 rulemaking is necessary to preserve the rights and welfare of
465 the people and to provide additional funds to assist those areas
466 of the state that sustained impacts to available affordable
467 housing stock due to recent hurricanes. Therefore, in adopting
468 such emergency rules, the corporation is not required to make
469 the findings required by s. 120.54(4)(a). Emergency rules
470 adopted under this section are exempt from s. 120.54(4)(c).

471 Section 13. Section 420.58, Florida Statutes, is created
472 to read:

473 420.58 Prohibition on awarding, distributing, or
474 allocating funds.—The Florida Housing Finance Corporation is
475 prohibited from awarding, distributing, or allocating funds to

476 | any applicant, principal of an applicant, or an affiliate of an
477 | applicant that has been convicted of, entered into a consent
478 | decree, or otherwise settled charges relating to material
479 | misrepresentation or fraudulent action, in connection with an
480 | application for any program administered by the corporation.

481 | Section 14. This act shall take effect July 1, 2018.