

1 A bill to be entitled
2 An act relating to affordable housing; amending s.
3 163.31801, F.S.; requiring that certain data relating
4 to impact fees be included in the annual financial
5 reports for specified entities; creating s. 420.0007,
6 F.S.; providing a local permit approval process;
7 amending s. 420.5087, F.S.; revising the criteria used
8 by a review committee when evaluating and selecting
9 specified applications for the state apartment
10 incentive loans; amending s. 420.5095, F.S.; creating
11 the Community Workforce Housing Loan Program in the
12 place of the Community Workforce Housing Innovation
13 Pilot Program to provide workforce housing for
14 essential services personnel affected by the high cost
15 of housing; redefining the term "workforce housing";
16 deleting definitions; authorizing the Florida Housing
17 Finance Corporation to provide loans under the program
18 to applicants for construction of workforce housing;
19 requiring the corporation to establish a certain loan
20 application process; requiring projects to receive
21 priority consideration under certain circumstances;
22 requiring that the corporation award loans at a
23 specified interest rate and for a limited term;
24 authorizing the corporation to adopt certain rules to
25 implement the program; amending s. 420.9071, F.S.;

26 | revising the definition of "local housing incentive
 27 | strategies"; reenacting s. 193.018(2), F.S., relating
 28 | to land owned by a community land trust used to
 29 | provide affordable housing, to incorporate the
 30 | amendment made to s. 420.5095, F.S., in a reference
 31 | thereto; providing an effective date.

32 |

33 | Be It Enacted by the Legislature of the State of Florida:

34 |

35 | Section 1. Subsection (6) is added to section 163.31801,
 36 | Florida Statutes, to read:

37 | 163.31801 Impact fees; short title; intent; definitions;
 38 | ordinances levying impact fees.—

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

43 | (a) The specific purpose of the impact fee, including the
 44 | specific infrastructure need to be met, such as transportation,
 45 | parks, water, sewer, and schools.

46 | (b) The impact fee schedule policy, describing the method
 47 | of calculating impact fees, such as flat fees, tiered scales
 48 | based on number of bedrooms, and tiered scales based on square
 49 | footage.

50 | (c) The amount assessed for each purpose and type of

51 dwelling.

52 (d) The total amount of impact fees charged by type of
53 dwelling.

54 (e) Each exception and waiver provided for affordable
55 housing developments.

56 Section 2. Section 420.0007, Florida Statutes, is created
57 to read:

58 420.0007 Local Permit Approval Process for Affordable
59 Housing.—

60 (1) A local government has 15 days from the date it
61 receives an application for a development permit, construction
62 permit, or certificate of occupancy for affordable housing to
63 examine the application and notify the applicant of any apparent
64 errors or omissions and request any additional information the
65 local government is permitted by law to require.

66 (2) If a local government does not request additional
67 information within the required time, the local government may
68 not deny a development permit, construction permit, or
69 certificate of occupancy for affordable housing if the applicant
70 has failed to correct the error or omission or to supply
71 additional information.

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

75 (4) For good cause shown, the local government must grant

76 | a request for an extension of time for submitting the additional
77 | information.

78 | (5) An application is complete upon receipt of all
79 | requested information and the correction of any error or
80 | omission for which the applicant was timely notified or when the
81 | time for notification has expired.

82 | (6) The local government must approve or deny an
83 | application for a development permit, construction permit, or
84 | certificate of occupancy for affordable housing within 60 days
85 | after receipt of a completed application unless a shorter period
86 | of time for local government action is provided by law.

87 | (7) If the local government does not approve or deny an
88 | application for a development permit, construction permit, or
89 | certificate of occupancy for affordable housing within the 60-
90 | day or shorter time period, the permit is considered approved
91 | and the local government must issue the development permit,
92 | construction permit, or certificate of occupancy which may
93 | include reasonable conditions as authorized by law.

94 | (8) An applicant for a development permit, construction
95 | permit, or certificate of occupancy seeking to receive a permit
96 | by default under this section must notify the local government
97 | in writing of the intent to rely upon the default approval
98 | provision of this section but may not take any action based upon
99 | the default development permit, construction permit, or
100 | certificate of occupancy until the applicant receives

101 notification or a receipt that the local government received the
 102 notice. The applicant must retain the notification or receipt.

103 Section 3. Paragraph (c) of subsection (6) of section
 104 420.5087, Florida Statutes, is amended to read:

105 420.5087 State Apartment Incentive Loan Program.—There is
 106 hereby created the State Apartment Incentive Loan Program for
 107 the purpose of providing first, second, or other subordinated
 108 mortgage loans or loan guarantees to sponsors, including for-
 109 profit, nonprofit, and public entities, to provide housing
 110 affordable to very-low-income persons.

111 (6) On all state apartment incentive loans, except loans
 112 made to housing communities for the elderly to provide for
 113 lifesafety, building preservation, health, sanitation, or
 114 security-related repairs or improvements, the following
 115 provisions shall apply:

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

120 1. Tenant income and demographic targeting objectives of
 121 the corporation.

122 2. Targeting objectives of the corporation which will
 123 ensure an equitable distribution of loans between rural and
 124 urban areas.

125 3. Sponsor's agreement to reserve the units for persons or

126 families who have incomes below 50 percent of the state or local
127 median income, whichever is higher, for a time period that
128 exceeds the minimum required by federal law or this part.

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

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

133 b. Forty percent of the units in the project for persons
134 or families who have incomes that do not exceed 60 percent of
135 the state or local median income, whichever is higher, without
136 requiring a greater amount of the loans as provided in this
137 section.

138 5. Provision for tenant counseling.

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

141 7. Projects requiring the least amount of a state
142 apartment incentive loan compared to overall project cost,
143 except that the share of the loan attributable to units serving
144 extremely-low-income persons must be excluded from this
145 requirement.

146 8. Local government contributions and local government
147 comprehensive planning and activities that promote affordable
148 housing, policies that promote access to public transportation,
149 reduce the need for on-site parking, and expedite permits for
150 affordable housing projects as provided in s. 420.0007.

- 151 9. Project feasibility.
- 152 10. Economic viability of the project.
- 153 11. Commitment of first mortgage financing.
- 154 12. Sponsor's prior experience.
- 155 13. Sponsor's ability to proceed with construction.
- 156 14. Projects that directly implement or assist welfare-to-
- 157 work transitioning.
- 158 15. Projects that reserve units for extremely-low-income
- 159 persons.
- 160 16. Projects that include green building principles,
- 161 storm-resistant construction, or other elements that reduce
- 162 long-term costs relating to maintenance, utilities, or
- 163 insurance.
- 164 17. Job-creation rate of the developer and general
- 165 contractor, as provided in s. 420.507(47).
- 166 Section 4. Section 420.5095, Florida Statutes, is amended
- 167 to read:
- 168 420.5095 Community Workforce Housing Loan Innovation~~Pilot~~
- 169 Program.—
- 170 (1) The Legislature finds and declares that recent rapid
- 171 increases in the median purchase price of a home and the cost of
- 172 rental housing have far outstripped the increases in median
- 173 income in the state, preventing essential services personnel
- 174 from living in the communities where they serve and thereby
- 175 creating the need for innovative solutions for the provision of

176 housing opportunities for essential services personnel.

177 (2) The Community Workforce Housing Loan ~~Innovation Pilot~~
 178 Program is created to provide ~~affordable rental and home~~
 179 ~~ownership community~~ workforce housing for essential services
 180 personnel affected by the high cost of housing, ~~using regulatory~~
 181 ~~incentives and state and local funds to promote local public-~~
 182 ~~private partnerships and leverage government and private~~
 183 ~~resources.~~

184 (3) For purposes of this section, the term:

185 ~~(a)~~ "workforce housing" means housing affordable to
 186 natural persons or families whose total annual household income
 187 does not exceed 80 ~~140~~ percent of the area median income,
 188 adjusted for household size, or 120 ~~150~~ percent of area median
 189 income, adjusted for household size, in areas of critical state
 190 concern designated under s. 380.05, for which the Legislature
 191 has declared its intent to provide affordable housing, and areas
 192 that were designated as areas of critical state concern for at
 193 least 20 consecutive years prior to removal of the designation.

194 ~~(b)~~ ~~"Essential services personnel"~~ means ~~persons in need~~
 195 ~~of affordable housing who are employed in occupations or~~
 196 ~~professions in which they are considered essential services~~
 197 ~~personnel, as defined by each county and eligible municipality~~
 198 ~~within its respective local housing assistance plan pursuant to~~
 199 ~~s. 420.9075(3)(a).~~

200 ~~(c)~~ ~~"Public-private partnership"~~ means ~~any form of~~

201 ~~business entity that includes substantial involvement of at~~
202 ~~least one county, one municipality, or one public sector entity,~~
203 ~~such as a school district or other unit of local government in~~
204 ~~which the project is to be located, and at least one private~~
205 ~~sector for profit or not-for-profit business or charitable~~
206 ~~entity, and may be any form of business entity, including a~~
207 ~~joint venture or contractual agreement.~~

208 (4) The Florida Housing Finance Corporation is authorized
209 to provide loans under the Community Workforce Housing
210 ~~Innovation Pilot~~ program loans to applicants ~~an applicant~~ for
211 construction ~~or rehabilitation~~ of workforce housing ~~in eligible~~
212 areas. This funding is intended to be used with other public and
213 ~~private sector resources.~~

214 (5) The corporation shall establish a loan application
215 process under s. 420.5087 ~~by rule which includes selection~~
216 ~~criteria, an application review process, and a funding process.~~
217 The corporation shall also establish an application review
218 committee that may include up to three private citizens
219 representing the areas of housing or real estate development,
220 banking, community planning, or other areas related to the
221 development or financing of workforce and affordable housing.

222 ~~(a) The selection criteria and application review process~~
223 ~~must include a procedure for curing errors in the loan~~
224 ~~applications which do not make a substantial change to the~~
225 ~~proposed project.~~

226 ~~(b) To achieve the goals of the pilot program, the~~
227 ~~application review committee may approve or reject loan~~
228 ~~applications or responses to questions raised during the review~~
229 ~~of an application due to the insufficiency of information~~
230 ~~provided.~~

231 ~~(c) The application review committee shall make~~
232 ~~recommendations concerning program participation and funding to~~
233 ~~the corporation's board of directors.~~

234 ~~(d) The board of directors shall approve or reject loan~~
235 ~~applications, determine the tentative loan amount available to~~
236 ~~each applicant, and rank all approved applications.~~

237 ~~(e) The board of directors shall decide which approved~~
238 ~~applicants will become program participants and determine the~~
239 ~~maximum loan amount for each program participant.~~

240 ~~(6) The corporation shall provide incentives for local~~
241 ~~governments in eligible areas to use local affordable housing~~
242 ~~funds, such as those from the State Housing Initiatives~~
243 ~~Partnership Program, to assist in meeting the affordable housing~~
244 ~~needs of persons eligible under this program. Local governments~~
245 ~~are authorized to use State Housing Initiative Partnership~~
246 ~~Program funds for persons or families whose total annual~~
247 ~~household income does not exceed:~~

248 ~~(a) One hundred and forty percent of the area median~~
249 ~~income, adjusted for household size; or~~

250 ~~(b) One hundred and fifty percent of the area median~~

251 ~~income, adjusted for household size, in areas that were~~
252 ~~designated as areas of critical state concern for at least 20~~
253 ~~consecutive years prior to the removal of the designation and in~~
254 ~~areas of critical state concern, designated under s. 380.05, for~~
255 ~~which the Legislature has declared its intent to provide~~
256 ~~affordable housing.~~

257 ~~(7) Funding shall be targeted to innovative projects in~~
258 ~~areas where the disparity between the area median income and the~~
259 ~~median sales price for a single-family home is greatest, and~~
260 ~~where population growth as a percentage rate of increase is~~
261 ~~greatest. The corporation may also fund projects in areas where~~
262 ~~innovative regulatory and financial incentives are made~~
263 ~~available. The corporation shall fund at least one eligible~~
264 ~~project in as many counties and regions of the state as is~~
265 ~~practicable, consistent with program goals.~~

266 ~~(6)(8)~~ Projects must be given ~~shall receive~~ priority
267 consideration for funding if ~~where~~:

268 (a) The local jurisdiction has adopted, or is committed to
269 adopting, appropriate regulatory incentives, ~~or the local~~
270 ~~jurisdiction or public-private partnership has adopted or is~~
271 ~~committed to adopting~~ local contributions or financial
272 strategies, or other funding sources to promote the development
273 and ongoing financial viability of such projects. Local
274 incentives include such actions as expediting review of
275 development orders and permits, supporting development near

276 transportation hubs and major employment centers, and adopting
277 land development regulations designed to allow flexibility in
278 densities, use of accessory units, mixed-use developments, and
279 flexible lot configurations. Financial strategies include such
280 actions as promoting employer-assisted housing programs,
281 providing tax increment financing, and providing land.

282 ~~(b) Projects are innovative and include new construction~~
283 ~~or rehabilitation; mixed-income housing; commercial and housing~~
284 ~~mixed-use elements; innovative design; green building~~
285 ~~principles; storm-resistant construction; or other elements that~~
286 ~~reduce long-term costs relating to maintenance, utilities, or~~
287 ~~insurance and promote homeownership. The program funding may not~~
288 ~~exceed the costs attributable to the portion of the project that~~
289 ~~is set aside to provide housing for the targeted population.~~

290 (b)(e) The projects that set aside no more than 50 at
291 least 80 percent of units for workforce housing and at least 50
292 percent for essential services personnel and for projects that
293 require the least amount of program funding compared to the
294 overall housing costs for the project.

295 ~~(9) Notwithstanding s. 163.3184(4)(b)-(d), any local~~
296 ~~government comprehensive plan amendment to implement a Community~~
297 ~~Workforce Housing Innovation Pilot Program project found~~
298 ~~consistent with this section shall be expedited as provided in~~
299 ~~this subsection. At least 30 days prior to adopting a plan~~
300 ~~amendment under this subsection, the local government shall~~

301 ~~notify the state land planning agency of its intent to adopt~~
302 ~~such an amendment, and the notice shall include its evaluation~~
303 ~~related to site suitability and availability of facilities and~~
304 ~~services. The public notice of the hearing required by s.~~
305 ~~163.3184(11)(b)2. shall include a statement that the local~~
306 ~~government intends to use the expedited adoption process~~
307 ~~authorized by this subsection. Such amendments shall require~~
308 ~~only a single public hearing before the governing board, which~~
309 ~~shall be an adoption hearing as described in s. 163.3184(4)(e).~~
310 ~~Any further proceedings shall be governed by s. 163.3184(5)~~
311 ~~(13).~~

312 ~~(10) The processing of approvals of development orders or~~
313 ~~development permits, as defined in s. 163.3164, for innovative~~
314 ~~community workforce housing projects shall be expedited.~~

315 ~~(7)(11)~~ The corporation shall award loans with a interest
316 rates set at 1 to 3 percent interest rate for a term that does
317 not exceed 15 years, ~~which may be made forgivable when long-term~~
318 ~~affordability is provided and when at least 80 percent of the~~
319 ~~units are set aside for workforce housing and at least 50~~
320 ~~percent of the units are set aside for essential services~~
321 ~~personnel.~~

322 ~~(12) All eligible applications shall:~~

323 ~~(a) For home ownership, limit the sales price of a~~
324 ~~detached unit, townhome, or condominium unit to not more than 90~~
325 ~~percent of the median sales price for that type of unit in that~~

326 ~~county, or the statewide median sales price for that type of~~
327 ~~unit, whichever is higher, and require that all eligible~~
328 ~~purchasers of home ownership units occupy the homes as their~~
329 ~~primary residence.~~

330 ~~(b) For rental units, restrict rents for all workforce~~
331 ~~housing serving those with incomes at or below 120 percent of~~
332 ~~area median income at the appropriate income level using the~~
333 ~~restricted rents for the federal low-income housing tax credit~~
334 ~~program and, for workforce housing units serving those with~~
335 ~~incomes above 120 percent of area median income, restrict rents~~
336 ~~to those established by the corporation, not to exceed 30~~
337 ~~percent of the maximum household income adjusted to unit size.~~

338 ~~(c) Demonstrate that the applicant is a public-private~~
339 ~~partnership in an agreement, contract, partnership agreement,~~
340 ~~memorandum of understanding, or other written instrument signed~~
341 ~~by all the project partners.~~

342 ~~(d) Have grants, donations of land, or contributions from~~
343 ~~the public-private partnership or other sources collectively~~
344 ~~totaling at least 10 percent of the total development cost or \$2~~
345 ~~million, whichever is less. Such grants, donations of land, or~~
346 ~~contributions must be evidenced by a letter of commitment,~~
347 ~~agreement, contract, deed, memorandum of understanding, or other~~
348 ~~written instrument at the time of application. Grants, donations~~
349 ~~of land, or contributions in excess of 10 percent of the~~
350 ~~development cost shall increase the application score.~~

351 ~~(e) Demonstrate how the applicant will use the regulatory~~
352 ~~incentives and financial strategies outlined in subsection (8)~~
353 ~~from the local jurisdiction in which the proposed project is to~~
354 ~~be located. The corporation may consult with the Department of~~
355 ~~Economic Opportunity in evaluating the use of regulatory~~
356 ~~incentives by applicants.~~

357 ~~(f) Demonstrate that the applicant possesses title to or~~
358 ~~site control of land and evidences availability of required~~
359 ~~infrastructure.~~

360 ~~(g) Demonstrate the applicant's affordable housing~~
361 ~~development and management experience.~~

362 ~~(h) Provide any research or facts available supporting the~~
363 ~~demand and need for rental or home ownership workforce housing~~
364 ~~for eligible persons in the market in which the project is~~
365 ~~proposed.~~

366 ~~(13) Projects may include manufactured housing constructed~~
367 ~~after June 1994 and installed in accordance with mobile home~~
368 ~~installation standards of the Department of Highway Safety and~~
369 ~~Motor Vehicles.~~

370 (8) ~~(14)~~ The corporation may adopt rules pursuant to ss.
371 120.536(1) and 120.54 to implement this section.

372 ~~(15) The corporation may use a maximum of 2 percent of the~~
373 ~~annual program appropriation for administration and compliance~~
374 ~~monitoring.~~

375 ~~(16) The corporation shall review the success of the~~

376 ~~Community Workforce Housing Innovation Pilot Program to~~
377 ~~ascertain whether the projects financed by the program are~~
378 ~~useful in meeting the housing needs of eligible areas and shall~~
379 ~~include its findings in the annual report required under s.~~
380 ~~420.511(3).~~

381 Section 5. Subsection (16) of section 420.9071, Florida
382 Statutes, is amended to read:

383 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
384 term:

385 (16) "Local housing incentive strategies" means local
386 regulatory reform or incentive programs to encourage or
387 facilitate affordable housing production, which include at a
388 minimum, expediting development permits, as defined in s.
389 163.3164, for affordable housing projects as provided in s.
390 420.0007 ~~assurance that permits for affordable housing projects~~
391 ~~are expedited to a greater degree than other projects, as~~
392 ~~provided in s. 163.3177(6)(f)3.~~; an ongoing process for review
393 of local policies, ordinances, regulations, and plan provisions
394 that increase the cost of housing prior to their adoption; and a
395 schedule for implementing the incentive strategies. Local
396 housing incentive strategies may also include other regulatory
397 reforms, such as those enumerated in s. 420.9076 or those
398 recommended by the affordable housing advisory committee in its
399 triennial evaluation of the implementation of affordable housing
400 incentives, and adopted by the local governing body.

401 Section 6. For the purpose of incorporating the amendment
402 made by this act to section 420.5095, Florida Statutes, in a
403 reference thereto, subsection (2) of section 193.018, Florida
404 Statutes, is reenacted to read:

405 193.018 Land owned by a community land trust used to
406 provide affordable housing; assessment; structural improvements,
407 condominium parcels, and cooperative parcels.—

408 (2) A community land trust may convey structural
409 improvements, condominium parcels, or cooperative parcels, that
410 are located on specific parcels of land that are identified by a
411 legal description contained in and subject to a ground lease
412 having a term of at least 99 years, for the purpose of providing
413 affordable housing to natural persons or families who meet the
414 extremely-low-income, very-low-income, low-income, or moderate-
415 income limits specified in s. 420.0004, or the income limits for
416 workforce housing, as defined in s. 420.5095(3). A community
417 land trust shall retain a preemptive option to purchase any
418 structural improvements, condominium parcels, or cooperative
419 parcels on the land at a price determined by a formula specified
420 in the ground lease which is designed to ensure that the
421 structural improvements, condominium parcels, or cooperative
422 parcels remain affordable.

423 Section 7. This act shall take effect July 1, 2019.