

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [CS/CS/HB 1389](#)

TITLE: Affordable Housing

SPONSOR(S): Redondo

COMPANION BILL: [SB 1548](#) (Calatayud)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Housing, Agriculture & Tourism](#)

15 Y, 0 N, As CS



[Intergovernmental Affairs](#)

13 Y, 2 N



[Commerce](#)

18 Y, 5 N, As CS

SUMMARY

Effect of the Bill:

The bill amends the Live Local Act (Act) to:

- Authorize multifamily and mixed-use residential as allowable uses on property owned by a county, municipality, school district, and a religious institution, provided certain criteria are satisfied;
- Prohibit local governments from restricting the height of a proposed development through the use of setbacks or stepbacks;
- Specify that farms and farm operations are not considered “commercial uses” or “industrial uses” for purposes of the Act;
- Exempt certain areas from the requirements of the Act; and
- Remove the ability of local governments to “opt out” of exempting certain property used for affordable housing from ad valorem taxation.

The bill waives sovereign immunity for the state and any governmental entity if prohibited discrimination in a land use decision or the permitting of a development occurs, and clarifies that discrimination based on the source of financing for an affordable housing development is prohibited. The bill requires local governments to adopt an ordinance to allow accessory dwelling units by right in certain areas, subject to certain exceptions and requirements, and allows local governments to provide density bonus incentives to certain landowners.

Fiscal or Economic Impact:

The bill has an indeterminate impact on local governments and the private sector.

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ANALYSIS

EFFECT OF THE BILL:

Live Local Act

The bill amends the [Live Local Act](#) (Act) and requires:

- Local governments¹ to authorize multifamily and mixed-use residential as allowable uses on property owned by a county, municipality, or school district, and on any parcel greater than 3 acres owned by a religious institution² that has contained a house of public worship for the preceding 5 years, if at least 40 percent of the residential units in a multifamily development are rental units that have an [affordability](#) period of 30 years or more;

¹ Local government means any county or municipality. See [s. 163.3164\(29\), F.S.](#)

² “Religious institution” means any church, synagogue, or other established physical place for worship at which nonprofit religious services and activities are regularly conducted. [S. 170.201\(2\), F.S.](#)

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DATE: 2/25/2026

- A proposed development on property owned by a county, municipality, or school district to be within the geographic boundaries of the county, municipality, or school district, as applicable, and for the respective county, municipality, or school district to be a party to the development application; and
- A house of public worship on property owned by a religious institution to continue on the property after a proposed development is constructed, and for the respective religious institution to be a party to the development application. (Section [1](#) for counties; Section [3](#) for municipalities.)

Setbacks and Stepbacks

The bill prohibits local governments from circumventing the requirements of the Act by:

- Restricting the [height](#) of a proposed development below the highest height currently allowed, or the highest allowed on July 1, 2023, for certain buildings located in its jurisdiction through other dimensional means, such as setbacks or stepbacks.
- Requiring setbacks or stepbacks that are more restrictive than the minimum setbacks or stepbacks of the underlying zoning applicable to the proposed development. (Section [1](#) for counties; Section [3](#) for municipalities.)

Definitions

The bill specifies that [farms](#) and [farm operations](#), as defined in the [Florida Right to Farm Act](#), or uses associated with farming, including the packaging and sale of products raised on the premises, are not considered [commercial uses](#) or [industrial uses](#) for purposes of the Act. (Section [1](#) for counties; Section [3](#) for municipalities.)

Accordingly, local governments are not required to authorize multifamily and mixed-use residential uses in areas with a farm or farm operation or uses associated therewith. (Section [1](#) for counties; Section [3](#) for municipalities.)

The bill removes “meat packing facilities, citrus processing and packing facilities, and produce processing and packing facilities” as industrial uses under the Act. (Section [1](#) for counties; Section [3](#) for municipalities.)

The bill defines “multifamily development” and “mixed-use residential development” for purposes of the Act to mean a residential or mixed-use residential development site authorized by the Act, which is held under common ownership or control, and which may consist of an assemblage of parcels separated only by land 15 feet or less and limited to public pedestrian access. (Section [1](#) for counties; Section [3](#) for municipalities.)

Exemptions

The bill exempts the following areas from the requirements of the Act:

- Areas subject to land development regulations³ in existence before July 1, 2026, which are intended to retain the [open character of land](#), including, but not limited to, open space districts, open space recreation districts, open use estate districts, open use rural districts, and park and open space districts.
- [Areas of Critical State Concern](#); and
- Any portion of a property encumbered by a recorded [conservation easement](#). (Section [1](#) for counties; Section [3](#) for municipalities.)

Development Applications Submitted Prior to Bill's Effective Date

The bill allows an applicant for a proposed development who submitted an application, written request, or notice of intent to use the provisions of the Act to a local government, and which application, written request, or notice has been received by the local government before July 1, 2026, to:

- Notify the local government by July 1, 2026, of her or his intent to proceed under the Act as it existed at the time the application was submitted; or
- Submit a revised application, written request, or notice of intent to account for the changes made by the bill. (Section [4](#).)

³ “Land development regulations” mean ordinances enacted by governing bodies of local governments for the regulation of any aspect of development and includes any local government rezoning, subdivision, building construction, sign regulations, or any other regulations controlling the development of land. [S. 163.3164\(26\), F.S.](#)

Affordable Housing Tax Exemption

The bill removes the ability of local governments to [“opt out”](#) of exempting certain property used for affordable housing from [ad valorem taxation](#), which is currently allowed by the Act. (Section [5](#).)

Proposed Developments Near Airports

The bill allows for the approval of developments in or near [airport-impacted areas](#), which are currently exempt from the provisions of the Act, if the application for a development is approved by the governing body of the relevant airport. (Section [6](#).)

Discrimination in Land Use and Permitting Decisions

The bill clarifies that it is unlawful to [discriminate in land use decisions or in the permitting of development](#) based on the financing of a development or proposed development that is for affordable housing. (Section [9](#).)

The bill expressly waives sovereign immunity for the state and its agencies and subdivisions for a cause of action based on a violation of the [Florida Fair Housing Act](#). (Sections [8](#) and [10](#).)

Accessory Dwelling Units

The bill requires, rather than authorizes, local governments to adopt an ordinance to allow the construction of [accessory dwelling units](#) (ADUs) in any area zoned for single-family residential use, without requiring any of the following:

- A public hearing;
- A variance, conditional use permit, special permit, or special exception; or
- Other discretionary action other than a determination that a site plan conforms with applicable zoning regulations. (Section [2](#).)

The bill requires the ordinance to be adopted by December 1, 2026, and provides that the ordinance applies prospectively to ADUs approved after the date the ordinance is adopted. The ordinance may regulate the permitting, construction, and use of an ADU, but may not:

- Require that the owner of a parcel on which an ADU is constructed reside in the primary dwelling unit, defined by the bill as the existing or proposed single-family dwelling on the property where a proposed ADU would be located.
- Increase parking requirements on any parcel that can accommodate an additional motor vehicle on a driveway without impeding access to the primary dwelling unit.
- Require replacement parking if a garage, carport, or covered parking structure is converted to create an ADU.
- Impose discretionary review or hearing standards, such as requiring a conditional use approval or special exception to construct an ADU, or other review standards that do not apply generally to other housing in the same district or zone. (Section [2](#).)

The bill specifies that local governments which are required by state law to limit the number of new dwelling units within its jurisdiction are not required to adopt an ADU ordinance, but may adopt such an ordinance if it chooses. (Section [2](#).)

The bill removes the requirement for an application for a building permit to construct an ADU to include an attestation from the applicant that the unit will be rented at an affordable rate to extremely-low-income, very-low-income, low-income, or moderate-income persons. (Section [2](#).)

The bill prohibits denying a [homestead exemption](#) to an owner of a property with an ADU, where the owner maintains a permanent residence, solely due to the ADU being rented or able to be rented. If the owner rents the ADU, the property appraiser must assess the ADU separately from the homestead property and tax it based on its use. (Section [2](#).)

Density Bonus Incentives

The bill provides that local governments may provide [density bonus incentives](#) to landowners who donate real estate for the purpose of assisting local governments in providing affordable housing to military families that receive the basic allowance for housing. (Section [7](#).)

Affordable Housing Study

The bill directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to assess the effectiveness of mezzanine finance, or second-position short-term debt, to encourage the construction of owner-occupied affordable housing and the potential of tiny homes in meeting the state's affordable housing needs. The bill requires OPPAGA to consult with the Florida Housing Finance Corporation and the University of Florida Shimberg Center for Housing Studies in conducting its evaluation. OPPAGA is required to report its conclusions to the President of the Senate and the Speaker of the House of Representatives by December 31, 2027. The report must include recommendations for a model mezzanine finance program. (Section [11](#).)

Effective Date

The bill has an effective date of July 1, 2026. (Section [12](#).)

FISCAL OR ECONOMIC IMPACT:**LOCAL GOVERNMENT:**

The bill has an indeterminate impact on local governments that are subject to the bill's requirements to authorize the development of affordable housing.

PRIVATE SECTOR:

The bill has an indeterminate positive impact on the private sector to the extent that the bill facilitates, and results in an increase in the availability of, affordable housing in the state. The bill also has an indeterminate positive impact on military families who receive the basic allowance for housing, but only to the extent that the local jurisdictions in which the military families live opt-in to provide the density bonus incentive described in the bill.

RELEVANT INFORMATION**SUBJECT OVERVIEW:****Affordable Housing**

Housing is considered [affordable](#) when monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30 percent of a family's gross income.⁴ Over 2.4 million low-income Florida households pay more than 30% of their incomes towards housing, which is the maximum amount considered affordable by experts.⁵ Over half of these households, or 1.3 million low-income households, spend more than 50% of their income towards housing costs.⁶ This makes it difficult for those households to save for retirement or emergencies and afford other necessities such as food and childcare.⁷

Eligibility to participate in Florida's state and federally-funded housing programs is determined by area median income (AMI) or statewide median family income, which is published annually by the United States Department of

⁴ [S. 420.0004\(3\), F.S.](#)

⁵ Florida Housing Coalition, *2025 Home Matters Report*, p. 1. <https://flhousing.org/wp-content/uploads/2025/09/Home-Matters-Report-2025-V5-DIGITAL.pdf> (last visited Feb. 9, 2026).

⁶ *Id.*

⁷ *Id.*

Housing and Urban Development (HUD).⁸ In Florida, the current statewide AMI for a family of *four* is \$95,300 (as family size changes, the income range also varies):⁹

- Extremely-low-income – earning up to 30 percent of the AMI (at or below \$28,600);¹⁰
- Very-low-income – earning from 30.01 to 50 percent of the AMI (\$28,601 to \$47,650);¹¹
- Low-income – earning from 50.01 to 80 percent of the AMI (\$47,651 to \$76,250);¹² and
- Moderate-income – earning from 80.01 to 120 percent of the AMI (\$76,251 to \$114,360).¹³

As of 2025, Florida had only 24 affordable and available rental units for every 100 extremely-low-income renters.¹⁴ In addition, there were little to no communities in Florida that could provide enough housing to support this group of renters, which is primarily made up of low-income workers, retirees, and people with disabilities.¹⁵

Land Use for Affordable Housing Development

All development, both public and private, and all development orders¹⁶ approved by a local government must be consistent with the local government’s comprehensive plan.¹⁷ The Growth Management Act requires every county and municipality to create and implement a comprehensive plan to guide future development.¹⁸ A comprehensive plan is intended to provide for the future use of land, which contemplates a gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.

A locality’s comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.¹⁹

The future land use element designates proposed future general distribution, location, and extent of the uses of land. Specified use designations include those for residential, commercial, industry, agriculture, recreation, conservation, education, and public facilities. The approximate acreage and the general range of density or intensity of use must be provided for each land use category.²⁰ The specific use and intensities for specific parcels are decided by a more detailed, implementing zoning map.²¹

⁸ See U.S. Dept. of Housing and Urban Development (HUD): Office of Policy Development and Research, *Income Limits*, <https://www.huduser.gov/portal/datasets/il.html#year2025> (last visited Feb. 9, 2026).

⁹ HUD: Office of Policy Development and Research, *FY 2025 State Income Limits: Florida*, https://www.huduser.gov/portal/datasets/il/il2025/2025summary.odn?inputname=STTLT*1299999999%2BFlorida&select_ion_type=county&stname=Florida&statefp=12.0&year=2025 (last visited Feb. 9, 2026).

¹⁰ *Id.*; see also [s. 420.0004\(9\), F.S.](#)

¹¹ *Supra* note 9; see also [s. 420.0004\(17\), F.S.](#)

¹² *Supra* note 9; see also [s. 420.0004\(11\), F.S.](#)

¹³ *Supra* note 9; see also [s. 420.0004\(12\), F.S.](#)

¹⁴ *Supra* note 5, at p. 1.

¹⁵ *Id.*

¹⁶ “Development order” means any order granting, denying, or granting with conditions an application for a development permit. See [s. 163.3164\(15\), F.S.](#) “Development permit” includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. See [s. 163.3164\(16\), F.S.](#)

¹⁷ [S. 163.3194\(3\), F.S.](#)

¹⁸ [S. 163.3167\(2\), F.S.](#)

¹⁹ [S. 163.3177\(6\), F.S.](#) The 10 required elements include capital improvements; future land use plan; transportation; general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge; conservation; recreation and open space; housing; coastal management; intergovernmental coordination; and property rights. Throughout statutes exist plans and programs that may be added as optional elements.

²⁰ [S. 163.3177\(6\)\(a\), F.S.](#)

²¹ Richard Grosso, *A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215*, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing *Brevard Cty. v. Snyder*, 627 So. 2d 469, 475 (Fla. 1993).

The housing element sets forth guidelines and strategies for the creation and preservation of affordable housing for all current and anticipated future residents of the jurisdiction, elimination of substandard housing conditions, provision of adequate sites for future housing, and distribution of housing for a range of incomes and types.²²

A comprehensive plan is implemented through the adoption of land development regulations²³ that are consistent with the plan and that contain specific and detailed provisions necessary to implement the plan.²⁴ Such regulations must, among other requirements, regulate the subdivision of land and the use of land for the land use categories in the land use element of the comprehensive plan.²⁵ Substantially affected persons have the right to maintain administrative actions that ensure land development regulations are implemented and consistent with the comprehensive plan.²⁶

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government first amends its comprehensive plan. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board and the second held by the governing board.²⁷ Following the hearings, the local government must transmit the plan to several statutorily identified agencies, including the Department of Commerce as the state land planning agency, for review.²⁸ Most plan amendments are placed into the expedited state review process, while plan amendments relating to large-scale developments are placed into the state coordinated review process.²⁹

[Live Local Act](#)

The Live Local Act (Act), which became law in 2023, preempts certain county and municipal zoning and land use decisions to encourage development of affordable multifamily rental housing in targeted land use areas.³⁰ Specifically, counties and municipalities must allow a multifamily or mixed-use residential³¹ rental development in any area **zoned for commercial, industrial, or mixed-use**, and in portions of any flexibly zoned area such as a planned unit development **permitted for commercial, industrial, or mixed use**, if at least 40 percent of the residential units in the development are rental units that, for a period of at least 30 years, meet certain affordability requirements.³²

The Live Local Act provides the following definitions:³³

- **Commercial use** means activities associated with the sale, rental, or distribution of products or the performance of related services. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; hotels; food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned

²² [S. 163.3177\(6\)\(f\), F.S.](#)

²³ "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land. *See* [s. 163.3164\(26\), F.S.](#)

²⁴ [S. 163.3202, F.S.](#)

²⁵ *Id.*

²⁶ [S. 163.3213, F.S.](#)

²⁷ [Ss. 163.3174\(4\)\(a\)](#) and [163.3184, F.S.](#)

²⁸ [S. 163.3184, F.S.](#)

²⁹ *See* [ss. 163.3184](#) and [380.06, F.S.](#) In the Expedited State Review Process, the Department of Commerce reviews and approves or amends the proposed comprehensive plan amendment. This process can take 4 to 6 months. The State Coordinated Review Process is a more thorough, complex, multi-phase process. For more information, *see* <https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/amendments-that-must-follow-the-state-coordinated-review-process-procedures-and-timeframes> (last visited Feb. 24, 2026).

³⁰ [Ch. 2023-17, ss. 3, 5, Laws of Fla.](#), codified as [ss. 125.01055\(7\)](#) and [166.04151\(7\), F.S.](#)

³¹ For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes; local governments may not require that more than 10 percent of the total square footage be used for nonresidential purposes. [Ss. 125.01055\(7\)\(a\)](#) and [166.04151\(7\)\(a\), F.S.](#)

³² *Id.*

³³ [Ss. 125.01055\(7\)\(c\)](#) and [166.04151\(7\)\(c\), F.S.](#)

to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use, irrespective of the local land development regulation's listed category or title.

- The term does not include home-based businesses or cottage food operations undertaken on residential property, vacation rentals, or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated.
- **Industrial use** means activities associated with the manufacture, assembly, processing, or storage of products or the performance of related services. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, **meat packing facilities**,³⁴ **citrus processing and packing facilities**, **produce processing and packing facilities**,³⁵ electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title.
 - The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated.
- **Mixed use** means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories.
 - The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

Local governments are prohibited from restricting the density³⁶ of a proposed development below the highest density currently allowed (or the highest allowed on July 1, 2023) on land within its jurisdiction where residential development is allowed³⁷ and may not restrict the floor area ratio³⁸ of a proposed development below 150 percent of the highest floor area ratio currently allowed (or the highest allowed on July 1, 2023) on land within its jurisdiction where residential development is allowed.³⁹

Local governments are also prohibited from restricting the [height](#) of a proposed development below the highest height currently allowed (or the highest allowed on July 1, 2023) for a commercial or residential building located in its jurisdiction within one mile of the proposed development or three stories, whichever is higher.⁴⁰ However, a local government may restrict the height of a proposed development if:

- The proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential in a single-family residential development with at least 25 contiguous single-family homes, in which case

³⁴ Meat packing facilities are facilities for the business or industry of slaughtering cattle and other meat animals and processing the carcasses for sale, sometimes including the packaging of processed meat products. Dictionary.com, *meat packing*, <https://www.dictionary.com/browse/meat-packing> (last visited Feb. 24, 2026).

³⁵ Citrus and produce processing and packing facilities are where fresh produce is brought from the field, postharvest practices such as sizing and packaging are performed, and quality standards are monitored to meet the targeted market needs and requirements. Elhadi M. Yahia, *Postharvest Technology of Perishable Horticultural Commodities* (2019), <https://www.sciencedirect.com/topics/agricultural-and-biological-sciences/packing-house> (last visited Feb. 24, 2026).

³⁶ "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre. See [s. 163.3164\(12\), F.S.](#)

³⁷ [Ss. 125.01055\(7\)\(b\)](#) and [166.04151\(7\)\(b\), F.S.](#)

³⁸ For purposes of these provisions, "floor area ratio" includes floor lot ratio and lot coverage. [Ss. 125.01055\(7\)\(c\)](#) and [166.04151\(7\)\(c\), F.S.](#)

³⁹ [Ss. 125.01055\(7\)\(c\)](#) and [166.04151\(7\)\(c\), F.S.](#)

⁴⁰ [Ss. 125.01055\(7\)\(d\)1.](#) and [166.04151\(7\)\(d\)1., F.S.](#)

the local government may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest height currently allowed (or the highest allowed on July 1, 2023) for the property provided in the local government’s land development regulations, or three stories, whichever is higher, but not to exceed 10 stories;⁴¹ or

- The proposed development is on a parcel with a contributing structure or building within a historic district listed in the National Register of Historic Places⁴² (Register) before January 1, 2000, or is on a parcel with a structure or building individually listed in the Register, in which case a local government may restrict the height of the proposed development to the highest height currently allowed (or the highest allowed on July 1, 2023) for a commercial or residential building within three-fourths of a mile of the proposed development or 3 stories, whichever is higher.⁴³

An application for a development authorized by the Act must be administratively approved without further action by the governing body of the local government or any quasi-judicial or administrative board or reviewing body, provided the development satisfies the local government’s land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the jurisdiction’s comprehensive plan, with the exception of provisions establishing density, floor area ratios, height, and land use requirements.⁴⁴

Under the Act, local governments are required, upon request of an applicant, to reduce parking requirements for a proposed development by 15 percent if the development:

- Is located within one-quarter mile of a transit stop, as defined in the local government’s land development code, and the transit stop is accessible from the development;
- Is located within one-half mile of a major transportation hub⁴⁵ that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; or
- Has available parking within 600 feet of the proposed development, which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development.⁴⁶

The provisions of the Act described above do not apply to recreational and commercial waterfronts in industrial areas,⁴⁷ the Wekiva Study Area,⁴⁸ or the Everglades Protection Area.^{49,50} Additionally, local governments are not

⁴¹ [Ss. 125.01055\(7\)\(d\)2.](#) and [166.04151\(7\)\(d\)2., F.S.](#)

⁴² The National Register of Historic Places (Register) is the official list of the nation’s historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the Register is maintained by the National Park Service (NPS) as a part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America’s historic and archeological resources. As of May 13, 2025, over 100,000 places have been listed in the Register for their significance in American history, art, architecture, engineering, and culture. *See* NPS, *What is the National Register of Historic Places?* <https://www.nps.gov/subjects/nationalregister/index.htm> (last visited Feb. 24, 2026); *see also*, NPS, *National Register of Historic Places: Program Updates May 13, 2025*, <https://www.nps.gov/subjects/nationalregister/program-updates.htm> (last visited Feb. 24, 2026).

⁴³ [Ss. 125.01055\(7\)\(d\)3.](#) and [166.04151\(7\)\(d\)3.](#)

⁴⁴ However, if a proposed development is on a parcel with a contributing structure or building within a historic district which was listed in the Register before January 1, 2000, or is on a parcel with a structure or building individually listed in the Register, the local government may administratively require the proposed development to comply with local regulations relating to architectural design, such as façade replication, provided it does not affect height, floor area ratio, or density of the proposed development. [Ss. 125.01055\(7\)\(e\)](#) and [166.04151\(7\)\(e\), F.S.](#)

⁴⁵ For purposes of these provisions, “major transportation hub” means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options. [Ss. 125.01055\(7\)\(f\)3.](#) and [166.04151\(7\)\(f\)3., F.S.](#)

⁴⁶ A local government, however, may not require that the available parking compensate for the reduction in parking requirements. [Ss. 125.01055\(7\)\(f\)1.](#) and [166.04151\(7\)\(f\)1., F.S.](#)

⁴⁷ *See* [s. 342.201\(2\)\(b\), F.S.](#)

⁴⁸ *See* [s. 369.316, F.S.](#)

⁴⁹ *See* [s. 373.4592\(2\)\(i\), F.S.](#)

⁵⁰ [Ss. 125.01055\(7\)\(o\)](#) and [166.04151\(7\)\(o\), F.S.](#)

required to authorize developments in [airport-impacted areas](#); specifically, local governments are not required to authorize the following types of developments:

- A proposed development near a runway within one-quarter of a mile laterally from the runway edge and within an area that is the width of one-quarter of a mile extending at right angles from the end of the runway for a distance of 10,000 feet of any existing airport runway or planned airport runway identified in the local government’s airport master plan.
- A proposed development within any airport noise zone identified in the federal land use compatibility table or in a land-use zoning or airport noise regulation adopted by the local government.
- A proposed development that exceeds maximum height restrictions identified in the political subdivision’s airport zoning regulation adopted pursuant to statute.⁵¹

The provisions of the Act are effective until October 1, 2033.⁵²

Ad Valorem Tax Exemption for Affordable Housing

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.⁵³ The property appraiser annually determines the “just value”⁵⁴ of property within the taxing jurisdiction and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”⁵⁵ Tax bills are mailed in November of each year based on the previous January 1 valuation, and payment is due by March 31 of the following year.

The Florida Constitution prohibits the state from levying ad valorem taxes,⁵⁶ and it limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.⁵⁷

Ad Valorem Tax Exemption for Newly Constructed Affordable Housing

The Act established a new [ad valorem tax exemption](#) for owners of newly constructed multifamily rental developments who use a portion of the development to provide affordable housing.⁵⁸ Eligible property includes units in a newly constructed multifamily development containing more than 70 units dedicated to housing natural persons or families below certain income thresholds.⁵⁹ However, units subject to an agreement with the Florida Housing Finance Corporation (Corporation) are not eligible for the exemption.⁶⁰

“Newly constructed” is defined as an improvement substantially completed within five years before the property owner’s first application for a certification notice.⁶¹ The units must be occupied by such individuals or families and rent limited so as to provide affordable housing at either the 80 or 120 percent AMI threshold.⁶² Rent for such units may not exceed 90 percent of the fair market value of rent as determined by a rental market study.⁶³

⁵¹ [S. 303.03\(5\), F.S.](#)

⁵² [Ss. 125.01055\(7\)\(p\) and 166.04151\(7\)\(p\), F.S.](#)

⁵³ Both real property and tangible personal property are subject to tax. [S. 192.001\(12\), F.S.](#), defines “real property” as land, buildings, fixtures, and all other improvements to land. [S. 192.001\(11\)\(d\), F.S.](#), defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

⁵⁴ Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. *See Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade Cnty.*, 275 So. 2d 4 (Fla. 1973).

⁵⁵ *See* [s. 192.001\(2\) and \(16\), F.S.](#)

⁵⁶ FLA. CONST. art. VII, s. 1(a).

⁵⁷ *See* FLA. CONST. art. VII, s. 4.

⁵⁸ [Ch. 2023-17, s. 8, Laws of Fla.](#), codified as [s. 196.1978\(3\), F.S.](#)

⁵⁹ [S. 196.1978\(3\)\(b\), F.S.](#)

⁶⁰ [S. 196.1978\(3\)\(j\), F.S.](#)

⁶¹ [S. 196.1978\(3\)\(a\)2., F.S.](#)

⁶² [S. 196.1978\(3\)\(b\)1., F.S.](#)

⁶³ [S. 196.1978\(3\)\(b\)3., F.S.](#)

Qualified property used to provide affordable housing at the 80 to 120 percent AMI threshold receives an exemption of 75 percent of the assessed value of the affordable units, while such property providing affordable housing up to the 80 percent AMI threshold receives a complete ad valorem tax exemption for the affordable units.⁶⁴ When determining the value of a unit for purposes of applying an exemption, the property appraiser must include in such valuation the proportionate share of the residential common areas, including the land, fairly attributable to the unit.⁶⁵

To receive this exemption, a property owner must apply by March 1 to the property appraiser, accompanied by a certification notice from the Corporation.⁶⁶ To receive the Corporation's certification, a property owner must submit a request on a form including the most recent market study, which must have been conducted by an independent certified general appraiser in the preceding three years, a list of units for which the exemption is sought, the rent amount received for each unit, and a sworn statement restricting the property for a period of not less than three years to provide affordable housing.⁶⁷

The certification process is administered within the Corporation. The Corporation is responsible for publishing the deadline for submission, reviewing each request, sending certification notices to both the successful property owner and the appropriate property appraiser, and notifying unsuccessful property owners and providing reasons for the denial.⁶⁸

This exemption first applied to the 2024 tax roll and will expire on December 31, 2059.

Beginning with the 2025 tax roll, a taxing authority may elect, upon adoption of an ordinance or resolution approved by a two-thirds vote of the governing body, to “opt out” of exempting qualified property located in a county specified by the Shimberg Center for Housing Studies Annual Report as being within a metropolitan statistical area (MSA) or region where the number of affordable and available units in the MSA or region is greater than the number of renter households in the MSA or region for the “0-120 percent AMI” category.⁶⁹

[Florida Right to Farm Act](#)

In response to the loss of farmland due to encroaching suburban sprawl, nuisance claims, and modern zoning, the Legislature enacted Florida's Right to Farm Act (Farm Act) in 1979. The purpose of the Farm Act was to provide more protection for commercial agriculture and farming operations from nuisance claims, and slow the rapid conversion of farmland to more compatible uses.⁷⁰

The Legislature has determined that agricultural activities conducted on farm land in urbanizing areas are potentially subject to lawsuits based on the theory of nuisance and that these suits encourage or force the premature removal of the farm land from agricultural use. The Farm Act seeks to protect reasonable agricultural and complementary agritourism activities conducted on farm land from nuisance suits and other similar lawsuits.⁷¹

The Farm Act provides the following definitions:⁷²

- **Farm** means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.
- **Farm operation** means all conditions or activities by the owner, lessee, agent, independent contractor, or supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture

⁶⁴ [S. 196.1978\(3\)\(d\)1., F.S.](#)

⁶⁵ [S. 196.1978\(3\)\(d\)2., F.S.](#)

⁶⁶ [S. 196.1978\(3\)\(e\), F.S.](#)

⁶⁷ [S. 196.1978\(3\)\(f\), F.S.](#)

⁶⁸ [S. 196.1978\(3\)\(g\), F.S.](#)

⁶⁹ S. 196.1978(o)1., F.S.

⁷⁰ Ch. 79-61, Laws of Fla.

⁷¹ [S. 823.14\(2\), F.S.](#)

⁷² [S. 823.14\(3\), F.S.](#)

products or in connection with complementary agritourism activities. These conditions and activities include, but are not limited to, the marketing of farm products at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, fumes, and particle emissions; ground or aerial seeding and spraying; the placement and operation of an apiary; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; agritourism activities; and the employment and use of labor.

Florida Fair Housing Act

The [Florida Fair Housing Act](#)⁷³ prohibits discrimination in housing-related activities, including the sale, rental, and financing of housing.⁷⁴ The law protects individuals from discrimination based on race, color, national origin, sex, disability, familial status, or religion.⁷⁵ The law also specifically prohibits local governments from [discriminatory practices in land use decisions and development permitting](#), including discrimination based on the source of financing of a development, except as otherwise provided by law.⁷⁶ The Florida Fair Housing Act is enforced by the Florida Commission on Human Relations, which investigates complaints and can seek legal remedies for violations.⁷⁷

Currently, the state has not waived sovereign immunity for itself and its agencies and political subdivisions for causes of action based a violation of the Florida Fair Housing Act.

Open Space Ordinances

In general, “open space” is land that is not intensively developed for residential, commercial, industrial, or institutional use, and may include parks, recreational sites, scenery, trails, forests, wetlands, rare or important habitats, farms, and historic properties.⁷⁸ Open space zoning typically concentrates buildings on part of a property while maintaining greenspace and wildlife habitat on the remainder.⁷⁹ Some local governments in Florida have adopted ordinances and zoning categories to protect or encourage open spaces.⁸⁰ For example, the City of Port St. Lucie has created an open space conservation zoning district to locate and establish areas which are deemed to be uniquely suited for the conservation of open space and the natural environment, while allowing the limited use of said areas for recreational and open space activities. The zoning district allows the following uses and structures:⁸¹

- Open space devoted to the conservation and maintenance of natural waterways, vegetation, and wildlife.
- Hiking and bicycle trails.
- Nature study areas and boardwalks.
- Picnic areas.
- Boat ramps or docks.
- Observation towers or platforms.
- Pavilions for outdoor exhibits and special nature study instruction.

Additionally, some Florida local governments have open space districts which may be located within or directly adjacent to a residential district,⁸² or have open space requirements for a residential district. For example, Lee County requires residential developments, other than certain individual build one- or two-family dwellings, to retain 35-40 percent open space in the development area, depending on the size of the development.⁸³

⁷³ [Ss. 760.20-760.37, F.S.](#)

⁷⁴ [S. 760.23, F.S.](#)

⁷⁵ *Id.*

⁷⁶ [S. 760.26, F.S.](#)

⁷⁷ [S. 760.03, F.S.](#)

⁷⁸ Cornell University, *Open Space Planning*, <https://hudson.dnr.cals.cornell.edu/conservation-planning/inventory-and-planning/open-space-planning> (last visited Feb. 24, 2026).

⁷⁹ Lauren McDonell, Martha C. Monroe, and Basil V. Iannone, *Land Conservation Tools and Zoning*, <https://ask.ifas.ufl.edu/publication/FR256> (last visited Feb. 24, 2026).

⁸⁰ See Sec. 10-263, City of Tallahassee, Florida Code of Ordinances; Sec. 39-380, Broward County, Florida Code of Ordinances.

⁸¹ Sec. 158.101, City of Port St. Lucie, Florida Code of Ordinances.

⁸² See Sec. 39-380, Broward County, Florida Code of Ordinances.

⁸³ Sec. 10-415, Lee County, Florida Code of Ordinances.

Areas of Critical State Concern

In 1972, the Florida Environmental Land and Water Management Act was enacted, creating the Areas of Critical State Concern (ACSC) Program. The ACSC Program is intended to protect resources and public facilities of major statewide significance within designated geographic areas from uncontrolled development that would cause substantial deterioration of such resources.⁸⁴

Under the program, the Governor and Cabinet, sitting as the Administration Commission,⁸⁵ designates ACSCs by rule.⁸⁶ To be designated as an ACSC, the area must:

- Contain, or have a significant impact upon, environmental or natural resources of regional or statewide importance, the uncontrolled private or public development of which would cause substantial deterioration of such resources;
- Contain, or have a significant impact upon, historical or archaeological resources, sites, or statutorily defined historical or archaeological districts, the private or public development of which would cause substantial deterioration or complete loss of such resources, sites, or districts; or
- Have a significant impact upon, or be significantly impacted by, an existing or proposed major public facility or other area of major public investment, including, but not limited to, highways, ports, airports, energy facilities, and water management projects.⁸⁷

Areas currently designated as ACSCs include the Big Cypress Area,⁸⁸ the Green Swamp Area,⁸⁹ the Florida Keys Area,⁹⁰ the Apalachicola Bay Area,⁹¹ and the Brevard Barrier Island Area.⁹²

Conservation Easements

A conservation easement is a right or interest in real property which is appropriate to retaining land or water areas predominantly in their natural, scenic, open, agricultural, or wooded condition.⁹³ Conservation easements are meant to retain areas as suitable habitat for fish, plants, or wildlife or to retain the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance. A conservation easement is a perpetual, undivided interest in property that may be created or stated by a restriction, easement, covenant, or condition in any deed will, or other instrument executed by or on behalf of the owner of the property.⁹⁴ The easement runs with land and is binding on all subsequent owners of the property.⁹⁵ The purpose of a conservation easement is accomplished by restricting the amount of development allowed on a piece of property, limiting other land uses, and maintaining existing areas of conservation interest on a piece of property in its natural condition. A conservation easement must prohibit or limit any or all of the following:

- Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;
- Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials;
- Removal or destruction of trees, shrubs, or other vegetation;
- Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;

⁸⁴ Florida Commerce, *Areas of Critical State Concern Program*, <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited Feb. 24, 2026).

⁸⁵ [S. 14.202, F.S.](#) (The Administration Commission is part of the Executive Office of the Governor.); *see also* [s. 380.031\(1\), F.S.](#)

⁸⁶ [S. 380.05, F.S.](#)

⁸⁷ [S. 380.05\(2\), F.S.](#)

⁸⁸ [S. 380.055, F.S.](#)

⁸⁹ [S. 380.0551, F.S.](#)

⁹⁰ [S. 380.0552, F.S.](#)

⁹¹ [S. 380.0555, F.S.](#)

⁹² [S. 380.0553, F.S.](#)

⁹³ [S. 704.06\(1\), F.S.](#)

⁹⁴ [S. 704.06\(2\), F.S.](#)

⁹⁵ [S. 704.06\(4\), F.S.](#)

- Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
- Activities detrimental to drainage, flood control, water conservation erosion control, soil conservation, or fish and wildlife habitat preservation;
- Acts or uses detrimental to such retention of land or water areas; and
- Acts or uses detrimental to the preservation of the structural integrity or physical appearances of sites or properties of historical, architectural, archaeological, or cultural significance.⁹⁶

Accessory Dwelling Units

The Legislature has taken measures in recent years to address Florida’s need for more affordable housing. One of those measures included encouraging the construction of accessory dwelling units (ADUs) in single-family residential areas to increase the availability of affordable rentals.

An ADU is an ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit.⁹⁷ ADUs can go by many different names such as “carriage house,” “mother-in-law suite,” or “coach house,” and are quite common throughout the United States.⁹⁸

ADUs offer benefits to both individual homeowners and the wider communities where they exist.⁹⁹ For individuals, ADUs:

- Allow families to provide care to aging or disabled relatives, while still providing those relatives some independence.
- Provide young adults an affordable housing option as a first step after college.
- May be a source of rental income to the homeowner.¹⁰⁰

For the wider community, ADUs:

- Are a more affordable housing alternative compared to a single-family residence or apartment unit with costly neighborhood and amenity fees.
- Create diverse neighborhoods with a variety of residents of different ages and backgrounds.¹⁰¹

Under current law, a local government in Florida is authorized – but not required – to adopt an ordinance that allows ADUs in any area zoned for single-family residential use.¹⁰² An application for a permit to construct an ADU must be accompanied by an affidavit from the applicant in which the applicant attests that the unit will be rented at an affordable rate to extremely-low-income, very-low-income, low-income, or moderate-income persons.¹⁰³

Homestead Exemption

The Florida Constitution establishes homestead protections for certain residential real estate in three distinct ways. First, it provides homesteads, property owned and maintained as a person’s primary residence, with an exemption from taxes.¹⁰⁴ Second, the homestead provisions protect the homestead from forced sale by creditors.¹⁰⁵

⁹⁶ [S. 704.06\(1\)\(a\)-\(h\), F.S.](#)

⁹⁷ [S. 163.31771\(2\)\(a\), F.S.](#)

⁹⁸ City of Tallahassee: Growth Management Department, *Zoning Spotlight: Accessory Dwelling Units*, March 2024, p. 1. https://www.talgov.com/uploads/public/documents/growth/zoning_spot_231010.pdf (last visited Feb. 24, 2026).

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² [S. 163.31771\(3\), F.S.](#)

¹⁰³ [S. 163.31771\(4\), F.S.](#)

¹⁰⁴ [Art. VII, s. 6, Fla. Const.](#)

¹⁰⁵ [Art. X, s. 4\(a\), Fla. Const.](#)

Third, the homestead provisions delineate the restrictions a homestead owner faces when attempting to alienate or devise the homestead property.¹⁰⁶

Every person having legal or equitable title to real estate and who maintains a permanent residence on the real estate is deemed to have established homestead property. Homestead property is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.¹⁰⁷ An additional exemption applies to homestead property valued between \$50,000 and \$75,000. This exemption is adjusted annually for inflation and does not apply to ad valorem taxes levied by school districts.

Any portion of the homestead property used for commercial purposes is excluded from the homestead.¹⁰⁸ Property rented for more than six months is presumed to be used for commercial purposes.¹⁰⁹

The homestead property tax exemption may be lost by a property owner who abandons homestead property. Failure to maintain a homestead property as a permanent residence may constitute abandonment under certain circumstances.¹¹⁰ Renting all or substantially all of a homestead property constitutes abandonment until the dwelling is physically occupied by the owner.¹¹¹

Density Bonus Incentives

A density bonus is a development incentive that allows developers to increase the maximum allowable development for a proposed project, as defined by a local zoning code, in exchange for the developer's support of specified public policy goals.¹¹² Density bonus programs are a common planning tool at local, county, and state levels across the United States, but vary greatly both in the types of bonuses offered and the policy goals the incentives are intended to address.¹¹³

In Florida, local governments have the inherent home rule authority¹¹⁴ to provide density bonuses in exchange for the production of affordable housing units. Additionally, local governments that have adopted inclusionary housing ordinances are required to provide incentives to developers to offset the cost of the developer's affordable housing contribution, which may include granting density or intensity bonuses.¹¹⁵

A local government may also provide density bonus incentives to any landowner who voluntarily donates real property to the local government for the purpose of assisting the local government in providing affordable housing.¹¹⁶ To receive a density bonus under this provision, the donated real property must:

- Be appropriate for use as affordable housing, as determined by the local government;¹¹⁷ and
- Be subject to deed restrictions to ensure the property will be used for affordable housing.¹¹⁸

¹⁰⁶ [Art. X, s. 4\(c\), Fla. Const.](#)

¹⁰⁷ [Art. VII, s. 6\(a\), Fla. Const.](#)

¹⁰⁸ [S. 196.012\(13\), F.S.](#)

¹⁰⁹ *Id.* See also R. 12D-7.013(5), F.A.C. ("Property used as a residence and also used by the owner as a place of business does not lose its homestead character. The two uses should be separated with that portion used as a residence being granted the exemption and the remainder being taxed.")

¹¹⁰ See [ss. 196.031](#) and [193.155, F.S.](#)

¹¹¹ [S. 196.061\(1\), F.S.](#)

¹¹² Planetizen, *What is a Density Bonus?* <https://www.planetizen.com/definition/density-bonuses> (last visited Feb. 24, 2026).

¹¹³ *Id.*

¹¹⁴ Home rule power refers to the ability of counties and municipalities to enact ordinances at the local level without prior state approval. Such ordinances, however, must not conflict with state or federal laws. In Florida, home rule language was proposed and subsequently adopted in the 1968 Constitutional revision. After several legal challenges, the Legislature adopted the Home Rule Powers Act in 1973, which ended challenges related to city and county home rule powers. See Florida League of Cities, *Florida Municipal Officials Manual*, 2022, pgs. 6-8, <https://www.floridaleagueofcities.com/wp-content/uploads/2025/06/florida-municipal-officials-manual.pdf> (last visited Feb. 24, 2026).

¹¹⁵ See [ss. 125.01055\(1\), \(2\), and \(4\); 166.04151\(1\), \(2\), and \(4\), F.S.](#)

¹¹⁶ [S. 420.615\(1\), F.S.](#)

¹¹⁷ *Id.*

¹¹⁸ [S. 420.615\(6\), F.S.](#)

The deed restrictions must also prohibit an affordable housing unit from being sold at a price that exceeds the threshold for housing that is affordable for low-income or moderate-income persons or to a buyer who is not eligible due to his or her income under chapter 420, F.S., Florida’s housing statutes. The deed restriction may allow affordable housing units to be rented to extremely-low-income, very-low-income, low-income, or moderate-income persons.¹¹⁹

In practice, an increase in density for a proposed development offers an economic incentive for developers to produce affordable housing.¹²⁰ The allowance of full density allowed by local land use and zoning regulations, as well as additional approved units allowed by density bonuses, creates the opportunity for an affordable housing development to be financially feasible.¹²¹ The allowance of more density also incentivizes market-rate developers to produce affordable units.¹²² The sale of more units or the leasing of more apartments offsets the lower sales price or rent payments for each affordable unit.¹²³

RECENT LEGISLATION:

| YEAR | BILL #/SUBJECT | HOUSE/SENATE SPONSOR(S) | OTHER INFORMATION |
|------|--|--------------------------------------|---|
| 2023 | CS/CS/HB 627 - Housing | Busatta, Lopez, V./ <i>Calatayud</i> | Created the Live Local Act. Approved by the Governor. |
| 2024 | CS/CS/HB 1239 - Affordable Housing | Lopez, V./ <i>Calatayud</i> | Amended the Live Local Act. Approved by the Governor. |
| 2025 | CS/CS/CS/HB 943 - Real Property and Land Use and Development | Lopez, V./ <i>Calatayud</i> | Amended the Live Local Act. Approved by the Governor. |

¹¹⁹ *Id.*

¹²⁰ Florida Housing Coalition, *Affordable Housing Incentive Strategies: A Guidebook for Affordable Housing Advisory Committee Members and Local Government Staff*, Aug. 2021, p. 49, <https://www.flhousing.org/wp-content/uploads/2021/08/8-4-21-AHAC-Guide-UPDATE.pdf> (last visited Feb. 24, 2026).

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*

BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|---|-----------|------------------------------------|-------------------------|
| Housing, Agriculture & Tourism Subcommittee | 15 Y, 0 N, As CS | 2/11/2026 | Curtin | Fletcher |
| THE CHANGES ADOPTED BY THE COMMITTEE: | <ul style="list-style-type: none"> • Authorized multifamily and mixed-use residential as allowable uses on property owned by a county, municipality, or school district, if the property is located within the geographic boundaries of the respective county, municipality, or district, and required the county, municipality, or school district, as applicable, to be a party to the application for the proposed development. • Prohibited local governments from restricting the height of a proposed development through the use of setbacks or stepbacks, and prohibited local governments from requiring setbacks or stepbacks for a proposed development that are more restrictive than the minimum setbacks or stepbacks of the underlying zoning applicable to the proposed development. • Specified that farms and farm operations are not considered “commercial uses” or “industrial uses” for purposes of the Live Local Act (Act). • Authorized developments near airports (which are otherwise exempt from the Act) if the application for a proposed development is approved by the governing body of the airport. • Waived sovereign immunity for the state and any governmental entity if prohibited discrimination in a land use decision or the permitting of a development occurs, and clarified that discrimination based on the source of financing for an affordable housing development is prohibited. | | | |
| Intergovernmental Affairs Subcommittee | 13 Y, 2 N | 2/18/2026 | Darden | Burgess |
| Commerce Committee | 18 Y, 5 N, As CS | 2/24/2026 | Hamon | Fletcher |

THE CHANGES ADOPTED BY THE COMMITTEE:

- Authorized multifamily and mixed-use residential as allowable uses on certain property owned by a religious institution which contains a house of public worship, required the religious institution to be a party to the development application, and required the public house of public worship to continue on the property after the development is constructed.
- Removed the ability of local governments to “opt out” of exempting certain property used for affordable housing from ad valorem taxation.
- Exempted the following areas from the requirements of the Act:
 - Areas subject to land development regulations in existence before July 1, 2026, intended to retain the open character of land;
 - Areas of Critical State Concern; and
 - Any portion of a property encumbered by a recorded conservation easement.
- Required local governments to adopt an ordinance to allow accessory dwelling units (ADUs) by right in any area zoned for single-family residential use, subject to certain exceptions and requirements.
- Provided that an owner of a property with an ADU may not be denied a homestead exemption on the basis of renting the ADU to another person, but required the ADU to be assessed separately according to its use.
- Allowed local governments to provide density bonus incentives to landowners who donate real estate for the purpose of assisting local governments in providing affordable housing to military families that receive the basic allowance for housing.
- Required the Office of Program Policy Analysis and Government Accountability to assess the effectiveness of using mezzanine finance (or second-position, short-term debt) and tiny homes to stimulate the supply of affordable housing in the state.

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
