



The Live Local Act: A Year In

Florida Government Finance Officers Association
Presentation

May 30, 2024

About the Florida Housing Coalition

Statewide nonprofit organization providing training and technical assistance to local governments and nonprofits on all things affordable housing

Our work covers:

- Compliance with local, state, and federal affordable housing programs
- Affordable housing program design
- Capacity building for nonprofit housing providers
- Land use planning for affordable housing
- Research & data gathering

We can provide free training and technical assistance to you under the Catalyst Program.



AFFORDABLE HOUSING CATALYST PROGRAM

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Presenters



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Agenda

- Fundamentals of affordable housing policy
- The Live Local Act (LLA)
- Core policy pieces of the LLA:
 - Funding
 - Property Taxes
 - Land Use & Zoning
 - Public land
- Q&A



Poll: How familiar are you with the Live Local Act?

- Not familiar at all
- Somewhat familiar
- Very familiar but still have some questions
- I'm an expert!



Fundamentals of Affordable Housing Policy



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What is Affordable Housing?

- “Affordable” or “workforce” or “attainable” or “attainable workforce” housing are political terms when setting policy
- The definition of what is “affordable housing” or “workforce housing” largely depends on the funding source or policy initiative
- Generally, housing is considered “affordable” if a household spends no more than 30% of its gross income towards housing costs

Affordable Housing is essential and... sleek, homey, not scary



Image source clockwise from bottom left: Vestcor; Vestcor; Boley Centers; Pinellas Affordable Living, Inc.; Tampa Housing Authority; City of Tallahassee

Affordable Housing by the Numbers

- Over **2.4 million low-income Florida households** pay more than 30% of their incomes towards housing, the maximum amount considered affordable by experts – over **1.3 million** of these Florida households pay more than 50% of their income on housing.
- Though Florida has seen a significant decrease in homelessness over the past ten years, there are still over 25,000 individuals and families experiencing literal homelessness on any given night throughout the state and over 78,277 students without a permanent place to live.



Affordable Housing by the Numbers - Ownership

- Homeownership has become more unattainable for Florida's workforce.
- According to Florida Realtor data, the median price of a single-family home in Q1 2024 was **\$415,000** – up from \$317,000 in Q1 2021.

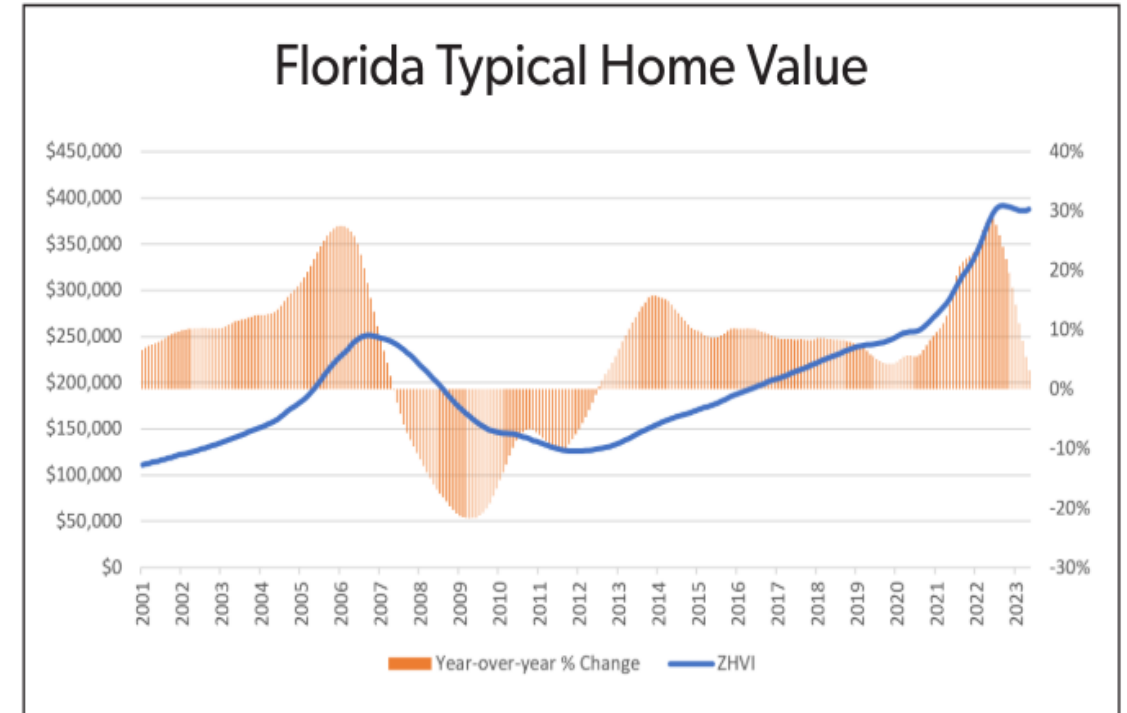
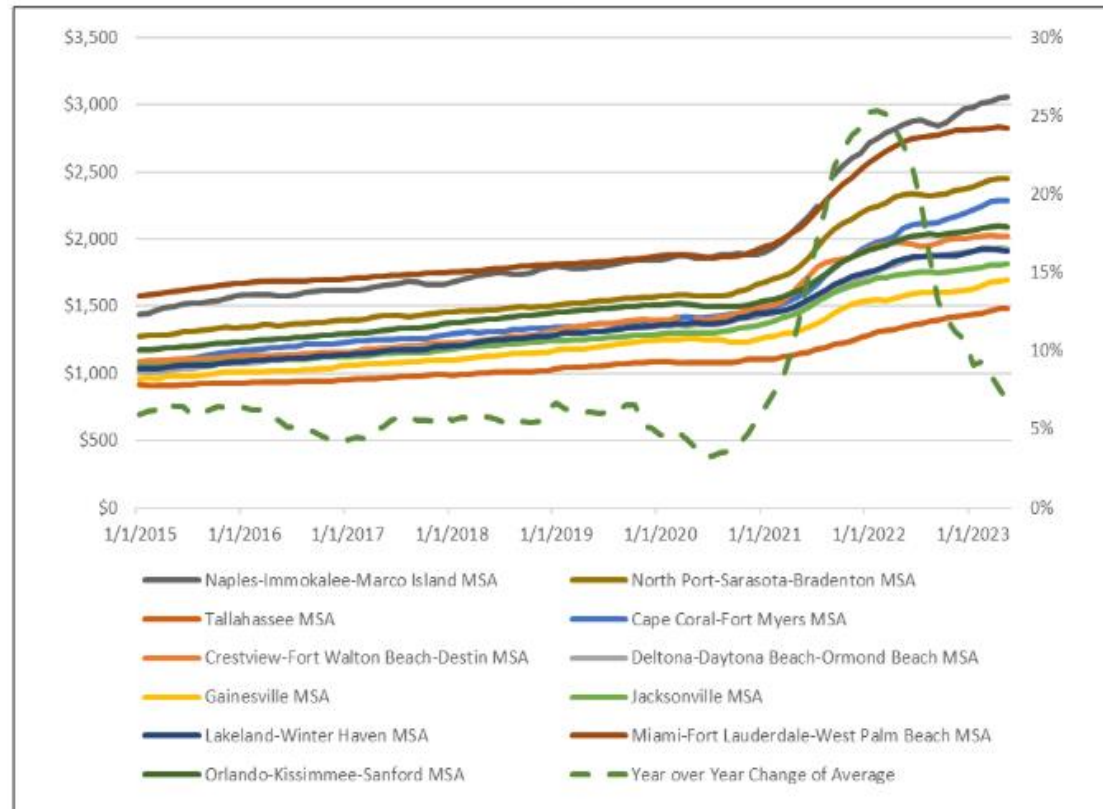


Figure 2 - Zillow Home Value Index 2000-May 2023 (Source: Zillow Data Products)

Affordable Housing by the Numbers - Rental

- Only 1 MSA in Florida (Leon) has enough rental units **affordable** and **available** for all of its low-income households (80% AMI and below) – per Shimberg Center for Housing Studies.



Affordable and Available Rental Units

FOR EVERY 100

LOW-INCOME RENTER HOUSEHOLDS

at Different Income Brackets.

23 There are only 23 affordable and available units for every 100 extremely low-income renter households.*

* At or below 30% the area's median income.

36 There are only 36 affordable and available units for every 100 extremely low-income renter households.*

* At or below 50% the area's median income.

74 There are only 74 affordable and available units for every 100 low-income renter households.*

* At or below 80% the area's median income.

Area Median Income (AMI)

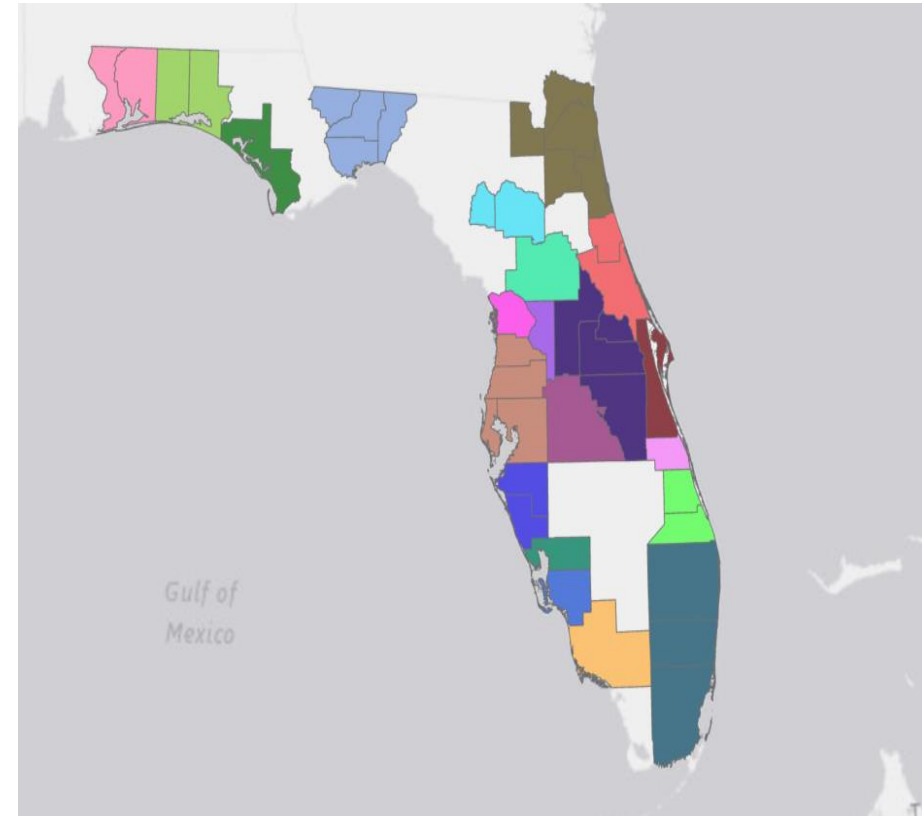
- Most housing programs and housing data assess affordability based on different levels of the **Area Median Income (AMI)**.
- For most state and federal programs, AMI is based on the **Metropolitan Statistical Area (MSA)** or county (if not within an MSA).
- AMIs set based on household size.

Sampling of Different AMIs levels in Florida for a 3-person household

	30% AMI – Extremely Low Income	50% AMI – Very Low Income	80% AMI – Low Income	120% AMI – Moderate Income
Tallahassee MSA	\$25,820	\$39,950	\$63,900	\$95,880
Miami-Ft. Lauderdale-West Palm Bch MSA	\$28,550	\$47,500	\$76,050	\$114,000
Tampa-St. Pete-Clearwater MSA	\$25,820	\$43,000	\$68,800	\$103,200
Glades County	\$25,820	\$29,350	\$46,950	\$70,440
Palm Bay-Melbourne- Titusville MSA	\$25,820	\$42,550	\$68,050	\$102,120
Ocala MSA	\$25,820	\$32,550	\$52,100	\$78,120

Example - Orlando, FL Area Median Income(s)

- If following HUD data, AMI for Orlando is based on the Orlando-Kissimmee-Sanford Metropolitan Statistical Area (MSA)
- This means Orlando, Orange County, Osceola County, Seminole County, and Lake County have the same income limits through HUD – even though each individual county has different county median incomes.
- When using local funds (or depending on the funding source), local governments can set own income limits based on localized data.



Map of MSAs in Florida

Rent Limits are NOT 30% of each household's income

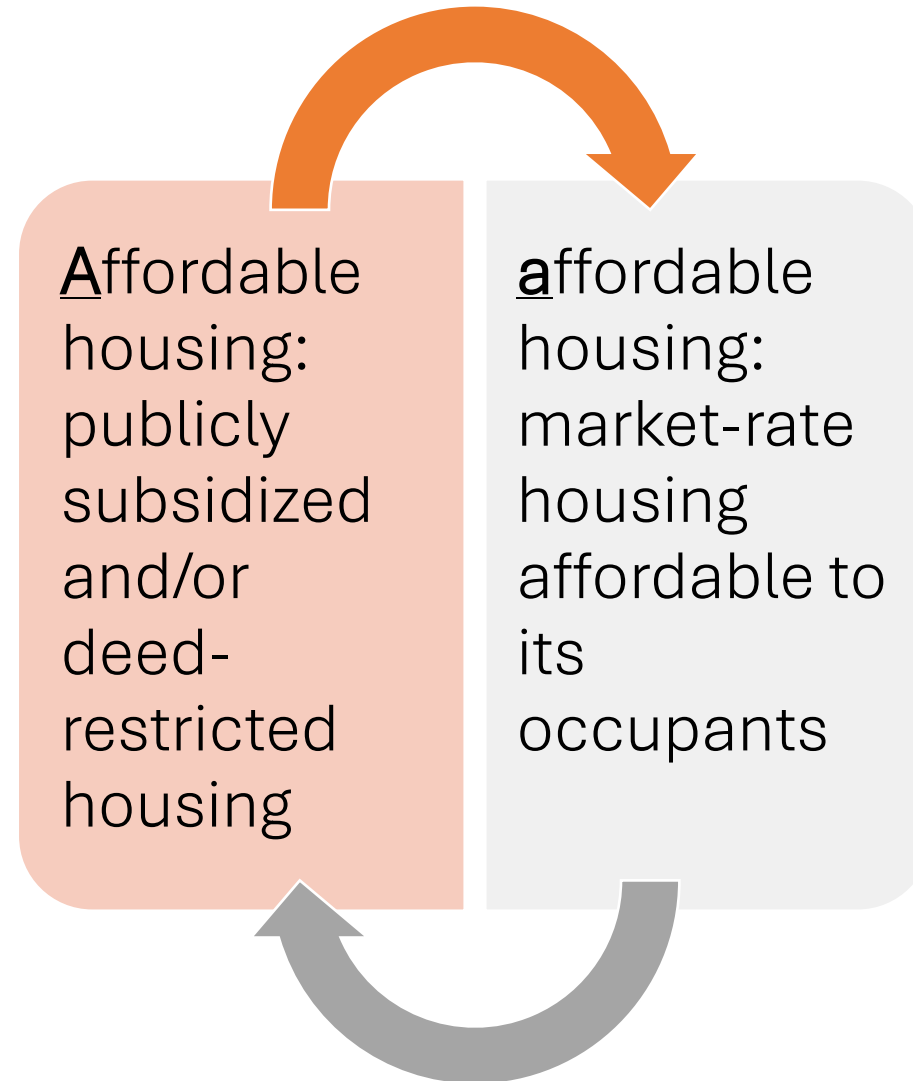
S. 420.0004(3), Florida Statutes:

“Affordable” means that monthly rents or monthly mortgage payments including taxes, insurance, and utilities **do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income** for [income-eligible households].”

Note: nothing in this definition requires rents or mortgage payments to be max. of 30% of each individual household's income.

- Low Income Households include those earning 50% - 80% of AMI
- For a rental applicant with income at 55% AMI, the Rent Limit is going to be MORE than 30% of household income

The Semantics of A(a)ffordable Housing Policy



The Semantics of A(a)ffordable Housing Policy

Affordable housing policy

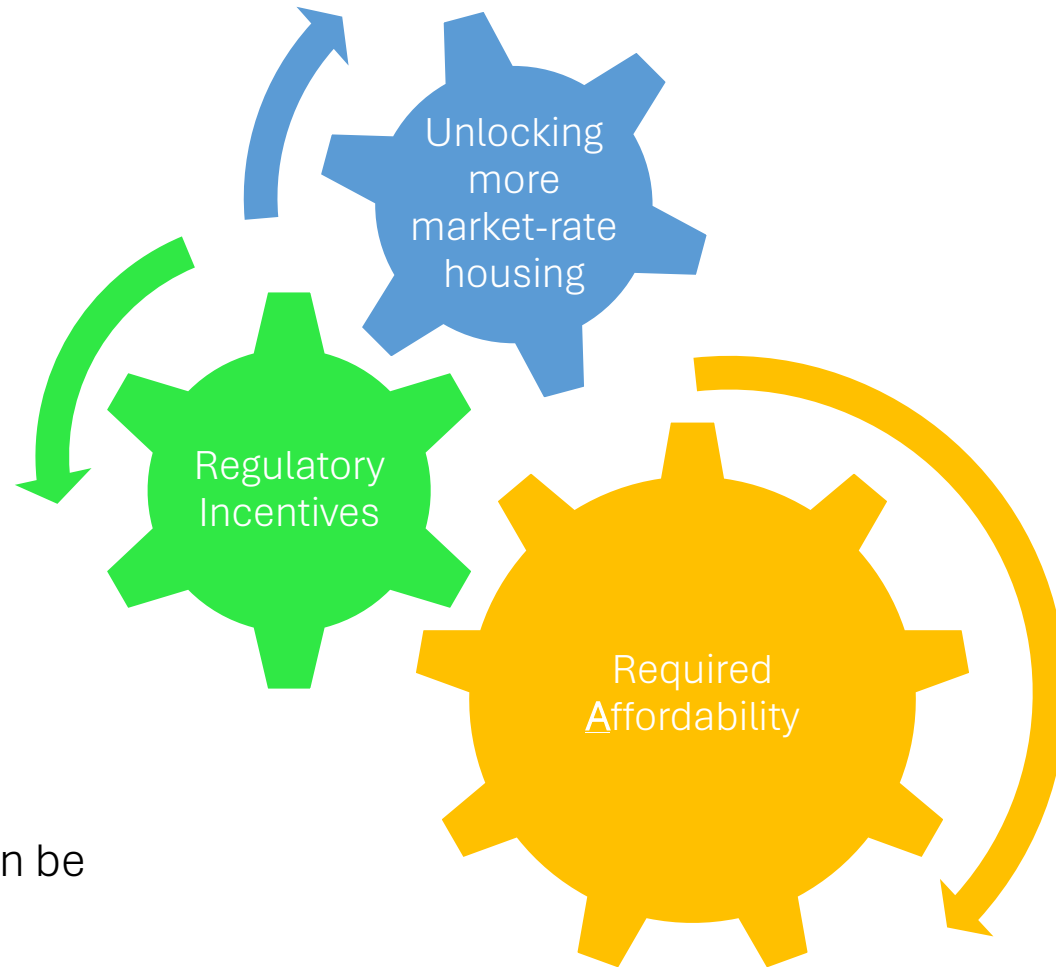
- Public funding
- Tax & fee incentives
- Incentive zoning
- Publicly owned land
- Affordability periods

affordable housing policy

- Allowing more housing types by right, particularly multifamily housing
- Lot design reform
- Expedited permitting
- Lowering costs in general
- Transportation, economic development, & infrastructure planning



The Three Cogs of A(a)ffordable Housing Policy



Different priorities/policies can be explored for each!

Types of Affordable Housing Subsidies

Supply Side

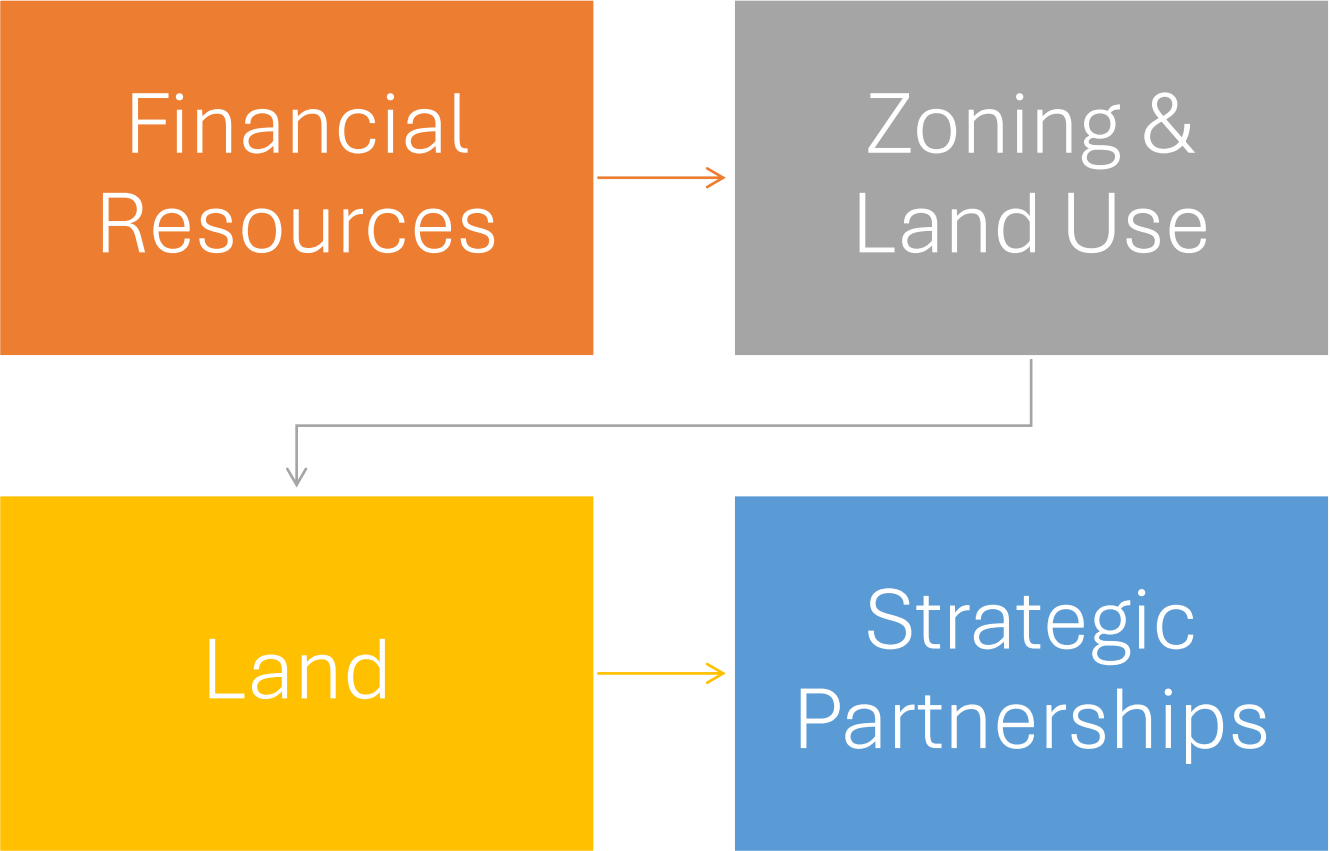
- Aimed at building new housing or repairing existing homes.
- Can be more useful in underdeveloped housing markets.
- Ex) Financing Housing Construction

Demand Side

- Focused on the household that occupies the home.
- Can be more useful in overdeveloped housing markets.
- Ex) Down-Payment Assistance, Vouchers, Rental Assistance



Local Government Role in Affordable Housing



Poll: How many MSAs in Florida have enough rental units affordable and available for all low-income households?

- 1
- 2
- 4
- 6



The Live Local Act – Introduction



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Live Local Act - 2023

Senate Bill 102
(Calatayud)

House Bill 627
(Busatta Cabrera)

3/8/23: Passed Senate unanimously

3/23/23: Passed House 103-6

3/29/23: Signed into Law





Live Local Amendment Bill - 2024

Senate Bill 328
(Calatayud)

House Bill 1239
(Lopez, V.)

2/7/24: Passed Senate unanimously

2/28/24: Passed House 112-1

5/16/24: Signed into Law

Bill goes into effect upon signing of the
law.



Live Local – array of affordable housing policies

Funding and tax credits. Up to \$811 million for affordable housing programs.

Tax incentives. Three new property tax incentives and sales tax exemption for specified affordable housing developments.

Land use tools & role of local government. Facilitating affordable housing in commercial, industrial, and mixed-use areas & more.

Publicly-owned land. Encouraging local governments to adopt best practices.

State housing strategy. State guidance on affordable housing policy.

Technical assistance.



Live Local “cheat sheet”

Funding & property tax incentives

- SHIP & SAIL
- Missing middle property tax exemption (s. 196.1978(3))
- Local option property tax exemption (s. 196.1979)
- Local funding sources

Land use tools

- Mandate for AH in commercial, industrial, and mixed-use zones (ss. 125.01055(7)/166.04151(7))
- Optional land use tool (ss. 125.01055(6)/166.04151(6))

Publicly owned land

- Identifying public land “appropriate” for affordable housing (ss. 125.379/166.0451)
- Using public land for permanently/long-term public good

Other innovative housing solutions

- Zoning reforms to allow more homes by-right
- Local incentive programs
- Guided growth
- Innovative building techniques



What the Live Local Act (LLA) covered, what's left for local housing policy

LLA Coverage

- State funding – up to **\$811 million**
- Affordable housing inventory requirement
- Land use mandate for 40% affordable projects in commercial, industrial, mixed-use areas
- Property tax exemptions for affordable housing
- Sales tax relief for building materials for certain AH projects
- State housing strategy update
- Other technical assistance

No/Partial LLA Coverage

- Zoning reform in residential districts
- By-right housing allowances for missing middle, multifamily, mixed-use housing
- Incentive zoning (density bonuses, lot design relief, etc.)
- Local funds for AH
- Local decisions on state, federal housing funds
- Permitting reform
- Clear directives on identifying, using public land for AH
- Existing housing stock preservation
- Fee waivers
- Infrastructure investments in housing
- Strategic partnerships
- Community land trusts
- Role of CRAs, HFAs, similar entities
- Support for people experiencing homelessness
- Tenant rights' work
- Employer assisted housing
- + more!



Poll: Which of the following is NOT one of the major affordable housing strategy categories addressed by the Live Local Act?

- State funding
- Mandatory local general revenue set-asides for affordable housing
- Property tax exemptions
- Land use mandate for affordable housing
- Requirements for inventories of publicly owned land appropriate for affordable housing

The Live Local Act - Funding



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Funding in the Live Local Act (2023)

Program	Live Local Act (2023)
State Housing Initiatives Partnership (SHIP)	\$252M
State Apartment Incentive Loan (SAIL)	\$109M for traditional SAIL \$150M for “Innovative Multifamily Development”*
Hometown Heroes	\$100M (from General Revenue) gone as of 8/23/23 Additional \$36M allocated by FHFC
Inflation Response	\$100M - gone
Live Local Tax Donation	Up to \$100M
Total funding	\$811M

*Note: \$150 million is pledged for each year for 10 years through the Live Local Act.



2024 Florida Legislative Budget for Housing

Program	Funding
State Housing Initiatives Partnership (SHIP)	\$174,000,000
State Apartment Incentive Loan (SAIL)	\$84,000,000 for traditional SAIL \$150,000,000 for “Innovative Multifamily Development”
Hometown Hero Housing Program	\$100,000,000
Live Local Tax Donation	\$100,000,000
Homeless Programs (including Challenge Grants)	\$42,433,851
My Safe Florida Home Program	\$200,000,000 for traditional MSFH program \$30,000,000 for condominium pilot program
Homelessness Member Projects	\$15,580,750
Other Affordable Housing Member Projects	\$39,852,356
Total funding	<i>At least \$935,866,957</i>

State Housing Initiatives Partnership (SHIP) program

- Administered by the Florida Housing Finance Corporation (FHFC); deploys funds to 67 counties and 55 eligible municipalities.
- Each SHIP jurisdiction develops a Local Housing Assistance Plan (LHAP) that governs its uses of the funding.
- Common uses: Down Payment Assistance, New Construction, Owner-Occupied Rehabilitation, Rental Rehabilitation, Rent Assistance
- SHIP statute provides a series of “set-asides” that local governments must adhere to for the annual allocation including:
 - At least 75% for construction-related activities
 - At least 65% for ownership; no more than 25% for rental housing
 - At least 30% for VLI households and at least 30% for LI households; remaining funds up to 140% of AMI
 - No more than 10% on admin expenses
- Live Local Act (2023): **\$252M**; FY 24/25 Budget: **\$174M**



PROJECTED SHIP DISTRIBUTION ESTIMATES FOR FY 2024-25

(\$174,000,000)

LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/ CITY SHARE
ALACHUA	2,224,724	1,102,128
Gainesville		1,122,596
BAKER	350,000	350,000
BAY	1,427,473	1,141,836
Panama City		285,637
BRADFORD	350,000	350,000
BREVARD	4,863,068	2,648,427
Cocoa		157,077
Melbourne		665,268
Palm Bay		1,012,977
Titusville		379,319
BROWARD	14,957,415	2,656,437
Coconut Creek		438,252
Coral Springs		1,023,087
Davie		810,692
Deerfield Beach		664,109
Fort Lauderdale		1,432,920
Hollywood		1,174,157
Lauderhill		565,390
Margate		445,731
Miramar		1,050,011
Pembroke Pines		1,298,304
Plantation		722,443
Pompano Beach		861,547
Sunrise		743,384
Tamarac		553,424
Weston		517,527
CALHOUN	350,000	350,000
CHARLOTTE	1,553,083	1,397,775
Punta Gorda		155,308
CITRUS	1,243,861	1,243,861
CLAY	1,760,891	1,760,891
COLLIER	3,026,866	2,880,668
Naples		146,198
COLUMBIA	557,721	557,721
DE SOTO	350,000	350,000
DIXIE	350,000	350,000
DUVAL	7,955,636	7,955,636
ESCAMBIA	2,524,337	2,107,317
Pensacola		417,020
FLAGLER	1,002,249	222,399
Palm Coast		779,850
FRANKLIN	350,000	350,000
GADSDEN	354,804	354,804
GILCHRIST	350,000	350,000

LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/ CITY SHARE
GLADES	350,000	350,000
GULF	350,000	350,000
HAMILTON	350,000	350,000
HARDEE	350,000	350,000
HENDRY	350,000	350,000
HERNANDO	1,553,083	1,553,083
HIGHLANDS	794,441	794,441
HILLSBOROUGH	11,671,540	8,594,922
Tampa		3,076,618
HOLMES	350,000	350,000
INDIAN RIVER	1,272,862	1,272,862
JACKSON	383,718	383,718
JEFFERSON	350,000	350,000
LAFAYETTE	350,000	350,000
LAKE	3,147,672	3,147,672
LEE	6,071,129	3,713,709
Cape Coral		1,616,742
Fort Myers		740,678
LEON	2,292,421	759,021
Tallahassee		1,533,400
LEVY	359,609	359,609
LIBERTY	350,000	350,000
MADISON	350,000	350,000
MANATEE	3,336,175	2,901,805
Bradenton		434,370
MARION	3,055,867	2,553,788
Ocala		502,079
MARTIN	1,243,861	1,243,861
MIAMI-DADE	13,401,115	8,793,812
Hialeah		1,108,272
Miami		2,247,367
Miami Beach		403,374
Miami Gardens		557,486
North Miami		290,804
MONROE	644,635	644,635
NASSAU	775,137	775,137
OKALOOSA	1,669,085	1,295,711
Crestview		212,641
Ft. Walton Bch		160,733
OKEECHOBEE	350,000	350,000
ORANGE	11,323,622	8,843,749
Orlando		2,479,873
OSCEOLA	3,336,175	2,236,905
Kissimmee		628,202
St. Cloud		471,068

LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/ CITY SHARE
PALM BEACH	11,618,430	8,329,252
Boca Raton		762,169
Boynton Beach		622,748
Delray Beach		510,049
Wellington		468,223
West Palm Beach		925,989
PASCO	4,631,151	4,631,151
PINELLAS	7,395,106	3,835,842
Clearwater		902,203
Largo		640,416
St. Petersburg		2,016,645
POLK	6,042,129	4,695,942
Lakeland		923,842
Winter Haven		422,345
PUTNAM	586,721	586,721
ST. JOHNS	2,389,031	2,389,031
ST. LUCIE	2,809,450	605,718
Fort Pierce		377,309
Port St. Lucie		1,826,423
SANTA ROSA	1,548,279	1,548,279
SARASOTA	3,524,591	3,091,771
Sarasota		432,820
SEMINOLE	3,688,898	3,688,898
SUMTER	1,185,860	1,185,860
SUWANNEE	359,609	359,609
TAYLOR	350,000	350,000
UNION	350,000	350,000
VOLUSIA	4,433,040	3,078,746
Daytona Beach		614,863
Deltona		739,431
WAKULLA	350,000	350,000
WALTON	639,830	639,830
WASHINGTON	350,000	350,000
TOTAL	168,336,400	168,336,400
DR Holdback		5,000,000
Catalyst		663,600
TOTAL APPROPRIATION		174,000,000

SHIP allocation based on Senate 2024-2025 Budget Recommendations, includes Catalyst proviso and DR holdback

SHIP Estimates for FY 24-25

Based on Final Budget



State Housing Initiatives Partnership (SHIP) program – Structuring Assistance

- Local options for structuring SHIP assistance:
 - Direct Payment Loans w/Various Terms
 - Deferred Payment Loans (including fully forgivable, deferred payment loans) – **most common**
 - Combination of Direct & Deferred Payment Loans
 - Grants (only for certain strategies and not to exceed \$15,000)
 - Other loans (construction loans)
- Terms of assistance will include (in the LHAP):
 - Loan, Deferred Loan, or Grant
 - Interest Rate (typically 0-5%; depending on recipient and activity)
 - Years in Loan Term (typically range from 2 to 30 years)
 - Forgiveness
 - Repayment Options
 - Default

State Housing Initiatives Partnership (SHIP) program

- Program Income

- SHIP jurisdictions can receive “program income” through the repayment of SHIP loans.
- Program income is governed differently than the initial state allocation of funds – program income does not need to comply with the statutory homeownership (65%) or construction (75%) set-asides.
- Consider the following activities with program income:
 - Rental housing development
 - Providing rental assistance

Hometown Hero Housing Program

- Administered by the Florida Housing Finance Corporation
- Provides down payment and closing cost assistance to eligible homebuyers (first-time homebuyers that are employed full-time by a Florida-based employer with incomes of up to 150% AMI)
- Applicants can receive up to 5% of first mortgage, not exceeding \$35,000
- Opens the door for local governments to consider spending less in their funds on down payment assistance
- Live Local Act (2023): **\$100M**; FY 24-25 Budget: **\$100M**

State Apartment Incentive Loan (SAIL) program

- Administered by the Florida Housing Finance Corporation
- Provides low or no-interest loans on a competitive basis for the development of affordable housing
- Can be used for new construction and acquisition/rehab
- Generally can only serve households at or below 60% of Area Median Income (AMI) – except in the Keys
- SAIL statute and rule contain key terms to follow regarding compliance, monitoring, and structuring
- Live Local Act (2023): **\$109M**; FY 24-25 Budget: **\$84M**

“Innovative Multifamily Development” Program - \$150m/year for 10 years

70% for projects that:

Rehab/new construction
Addressing urban infill
Provide for mixed-use housing
Provide housing near military installations

30% for projects that:

Use or lease public lands
Address needs of adults aging out of foster care
Meet needs of elderly persons
Provide housing in areas of rural opportunity

Notes:

- FHFC has the discretion to issue RFAs for this \$150m
- Local governments, developers, & advocates should follow the FHFC RFA process and plan for local projects to support

FHFC RFAs issued to date: LLA “Innovative Multifamily Development”

RFA 2023-213 SAIL Funding for Live Local Mixed-Income, Mixed-Use, and Urban Infill Developments

Awards announced Feb 2, 2024

RFA 2024-206 HOME and Live Local SAIL Financing to be used for Rental Developments in Certain Hurricane Idalia Impacted Counties

Awards announced Mar 7, 2024

RFA 2024-214 SAIL Funding for Live Local Redevelopment

Due date July 16, 2024

RFA 2024-215 SAIL Funding for Developments Near Military Installations

Due date TBD

RFA 2024-216 SAIL Funding for Construction of Large-Scale Developments of Significant Regional Impact

Due date TBD



Other Sources for Local Affordable Housing Efforts

- Federal funding – Community Development Block Grant (CDBG), HOME Investments Partnership Program (HOME), Low-Income Housing Tax Credit (LIHTC), etc.
- Local funding –
 - General Revenue
 - Infrastructure Surtax
 - Community Redevelopment Agencies (CRAs)
 - Linkage Fee
 - & more

Infrastructure Surtax for Affordable Housing

- S. 212.055(2)(d) of the Florida Statutes
- Florida law allows county governments to levy a discretionary sales surtax of 0.5 or 1 percent to raise revenue for eligible infrastructure projects, if approved at a countywide referendum
- Per state statute, affordable housing-related uses include:
 - Land acquisition for affordable housing where at least 30% of the units are affordable to households at or below 120% AMI
 - “Economic development projects having a general public purpose of improving local economies”
- Examples: Pinellas County, Collier County, Palm Beach County, Alachua County

Examples of Local Funding Initiatives

- Ft. Myers Affordable Housing Trust Fund – dedicated commitment of a portion of ad valorem revenue
- Hillsborough County – HOPE ordinance (\$4M-\$10M of general revenue/year)
- Palm Beach County – up to \$200M in local bonding power towards affordable housing
- Pinellas County (Penny for Pinellas) – infrastructure surtax for permanently affordable housing
- Miramar – uses proceeds from sale of city-owned property towards local affordable housing trust fund

Poll: What type of housing support do SAIL funds typically provide?

- Purchase assistance directly to home buyers
- Assistance to developers to build and acquire/rehab affordable rental housing
- Assistance to developers to build single-family homes only
- Assistance for community land trust operations

The Live Local Act – Property Tax Exemptions



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Cheat Sheet - Property tax incentives in the Live Local Act

1. Local option affordable housing property tax exemption

- Grants local governments the **option** to enact an ordinance providing property tax exemptions to certain affordable housing developments
- Eligible developments: 50 or more units that set aside at least 20% of the units as affordable to households at or below 60% AMI
- **Jacksonville and St. Petersburg**— first two jurisdictions to enact this exemption

2. Nonprofit land used for affordable housing with a 99-year ground lease

- Provides a property tax exemption on the value of land owned by a nonprofit and leased for a period of 99 years to predominately provide affordable housing to households at or below 120% AMI

3. “Missing middle” property tax exemption

- Provides a property tax exemption to developments that have **more than 70 affordable units** to households at or below 120% AMI
- Units affordable to households 80-120% AMI = 75% property tax exemption; Units for <80% AMI = 100% property tax exemption
- Two-step application process: 1) FHFC; 2) County Property Appraiser

Affordable Housing Property Tax Exemptions pre-LLA

S. 196.1978(1) – Affordable Housing Property Tax Exemption

- Eligible Properties: Portions of property “owned entirely” and operated by a **501(c)(3)** to provide affordable housing to households at or below 120% AMI.
- Full exemption on eligible properties.

S. 196.1978(2) – Multifamily Property Exemption

- Eligible Properties: Multifamily projects that 1) contain more than 70 units affordable to households at or below 80% AMI; 2) Be subject to a recorded agreement with FHFC (for FHFC funding)
- Exemption starts after year 15.

Local option affordable housing property tax exemption – s. 196.1979

- Grants local governments the **option** to enact an ordinance providing property tax exemptions to certain affordable housing developments
- Eligible developments: **50 or more units** with at least **20%** of units set aside as affordable to households at or below **60% AMI**.
- Property tax exemptions allowed are based on % of affordability
 - <100% of the units are affordable = up to 75% property tax exemption
 - 100% of the units are affordable = up to 100% property tax exemption
- Local government renews every 3 years
- Statute contains process for adoption and administration
- **Jacksonville** and **St Petersburg** – first two jurisdictions to adopt

Property tax exemption: nonprofit land with 99-year ground lease for affordable housing

- Provides a property tax exemption on the value of land owned by a nonprofit and leased for a period of **99 years** to predominately provide affordable housing.
- Housing must serve households **at or below 120% AMI**.
- This is separate from the existing exemption for 501(c)(3) owned affordable housing because it allows a 501(c)(3) to lease the land and be eligible.

Multifamily Middle Market ("Missing Middle") property tax exemption

- Provides a property tax exemption to “newly constructed” developments that have **more than 70 affordable units** to households **at or below 120% AMI**.
- Affordability threshold options:
 - Units affordable to households 80-120% AMI = 75% property tax exemption
 - Units for <80% AMI = 100% property tax exemption
- Only the **affordable units** within an eligible development are eligible for the exemption
- “Newly constructed” means an “improvement to real /property which was substantially completed within 5 years before the date of an applicant’s first submission of a request for a certification notice.”

Multifamily Middle Market ("Missing Middle") property tax exemption cont.

- Two-step application process:
 - 1) Florida Housing Finance Corporation (Oct-Dec) to receive a **certification notice**
 - 2) County Property Appraiser (by March 15) to formally receive the exemption.
- Maximum rents based on HUD's Multifamily Tax Subsidy Projects Income Limits or 90% of Fair Market Value as determined by a **local rental market study**, whichever is less.
- Eligible properties must renew exemption each year with FHFC and local property appraiser – if units are no longer affordable to targeted income range, exemption is removed.
- Property owners must agree to comply with affordability terms for 3 years.

NEW! MMM property tax exemption opt-out for eligible taxing authorities

- Adopted in House Bill 7073 (2024)
- Allows taxing authorities to “opt-out” of the **80-120% AMI** “missing middle” property tax exemption if:
 - The taxing authority is located in a county where the number of affordable/available units for 0-120% AMI is greater than the number of renter households at that income level as determined by the Shimberg Center for Housing Studies Annual Report; and
 - The governing body of the taxing authority votes by a 2/3 majority to “opt-out”
- Jurisdiction must renew “opt-out” each year
- Property owners getting exemption initially can continue applying for and receiving it

HB 7073 – “opt-out” for the 80-120% AMI “Missing Middle” exemption

APPENDIX 4. SURPLUS/DEFICIT OF AFFORDABLE AND AVAILABLE RENTAL HOUSING UNITS BY INCOME (% AMI), FLORIDA REGIONS, 2022

Region	Counties	Affordable/Available Units Minus Renter Households					0-120% AMI
		0-30% AMI	0-40% AMI	0-50% AMI	0-60% AMI	0-80% AMI	
Cape Coral-Fort Myers, FL MSA	Lee	-12,127	-13,378	-18,568	-17,272	-12,349	-1,135
Deltona-Daytona Beach-Ormond Beach, FL MSA & Palm Coast, FL MSA	Flagler, Volusia	-10,014	-12,451	-15,516	-15,234	-9,359	-357
Fort Walton Beach-Crestview-Destin, FL MSA	Okaloosa	-1,883	-2,668	-3,766	-2,908	-2,236	1,338
Ft. Lauderdale	Broward	-38,051	-54,391	-70,488	-83,786	-84,246	-33,237
Gainesville, FL MSA (minus Gilchrist)	Alachua	-4,632	-6,362	-6,030	-3,822	2,323	3,351
Homosassa Springs, FL MSA	Citrus	-2,043	-2,341	-2,636	-2,663	-893	-620
Jacksonville, FL MSA plus Putnam	Baker, Clay, Duval, Nassau, Putnam, St. Johns	-33,046	-38,430	-42,592	-33,940	-20,099	4,418
Lakeland, FL MSA	Polk	-12,578	-17,497	-20,489	-18,582	-13,186	248
Miami-Dade Plus Monroe	Miami-Dade, Monroe	-62,467	-93,480	-108,871	-130,410	-134,458	-61,721
Naples-Marco Island, FL MSA	Collier	-4,858	-7,220	-10,087	-9,861	-7,936	-1,247
Northeast Nonmetropolitan Area (plus Gilchrist)	Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison, Suwannee, Taylor, Union	-3,311	-3,468	-4,482	-2,139	-51	865
Northwest Nonmetropolitan Area (plus Gadsden, Jefferson, & Wakulla)	Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Liberty, Wakulla, Walton, Washington	-4,521	-5,296	-4,372	-3,242	-1,003	36
Ocala, FL MSA	Marion	-6,173	-5,378	-6,830	-5,029	-1,586	3,216
Orlando-Kissimmee, FL MSA	Lake, Orange, Osceola, Seminole	-51,154	-70,138	-89,107	-94,715	-77,753	799
Palm Bay-Melbourne-Titusville, FL MSA	Brevard	-8,504	-11,491	-9,241	-6,901	-691	6,565
Panama City-Lynn Haven, FL MSA	Bay	-3,086	-3,254	-4,840	-4,839	-3,626	1,151
Pensacola-Ferry Pass-Brent, FL MSA	Escambia, Santa Rosa	-9,841	-11,125	-12,909	-9,855	-3,894	-612
Port St. Lucie, FL MSA	Martin, St. Lucie	-7,410	-8,979	-9,712	-8,956	-6,229	683

Must have surplus to opt out

Revenue impacts from the MMM exemption???

From the 2023 Florida Revenue Estimating Conference Report. Estimates of total local revenue impacts statewide:

	School		Non-School		Total Local/Other	
	Cash	Recurring	Cash	Recurring	Cash	Recurring
2023-24	0.0	(289.1)	0.0	(538.4)	0.0	(827.5)
2024-25	(149.2)	(289.1)	(277.8)	(538.4)	(427.0)	(827.5)
2025-26	(181.8)	(289.1)	(338.7)	(538.4)	(520.5)	(827.5)
2026-27	(215.8)	(289.1)	(401.9)	(538.4)	(617.7)	(827.5)
2027-28	(251.1)	(289.1)	(467.7)	(538.4)	(718.8)	(827.5)

From staff analysis: “The property tax exemption for newly constructed or substantially renovated multifamily rental units used to provide affordable housing will reduce local government revenues by \$183 million by Fiscal Year 2027-2028, with no impact in Fiscal Year 2023-2024 and increasing rates thereafter.”

Poll: Affordable units in developments using the “missing middle” property tax exemption serve which income levels?

- Only 80% AMI and below
- Only 120% AMI and below
- Only 80% to 120% AMI
- Only 30% AMI and below



The Live Local Act – Land Use & Zoning



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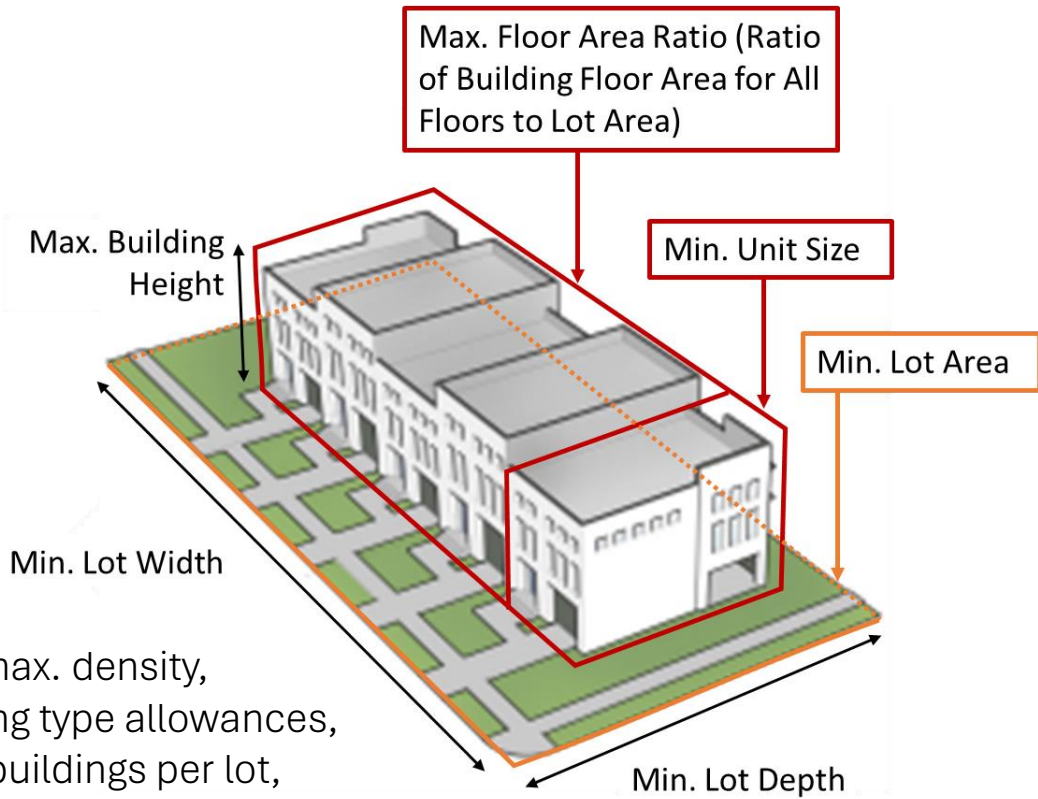


Land Development Regulations

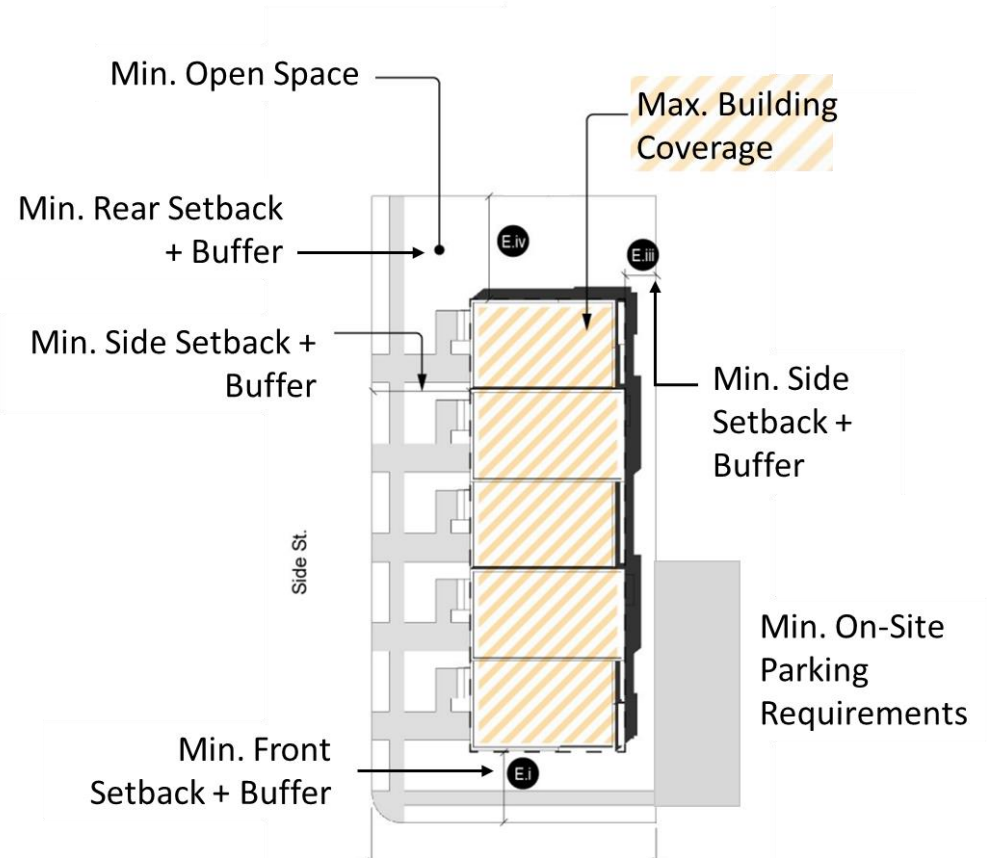
Local regulations affect housing allowances in terms of housing type, location, amount, size and dimensions, and required amenities, among other aspects.

More stringent requirements = More difficult to build housing

Just Some Pieces of the Zoning Puzzle



Also max. density, housing type allowances, max. buildings per lot, building spacing requirements + more



Images adapted from: City of Doral Illustrated Zoning Guide

Three “Layers” of Zoning Reforms for Affordable Housing

Mandatory inclusionary zoning

- **Requires** certain market-rate developers to include deed-restricted affordable homes in market-rate development.
- HB 7103 (2019) amended state IZ law to require local governments to “fully offset all costs” associated with mandatory IZ requirement (ss. [125.01055/166.04151](#)).

Incentive zoning

- **Encourages** private sector to provide affordable homes through incentives.
- Density bonuses, zoning flexibility, expedited approvals, fee waivers, property tax incentives, etc.

By-right reform

- **Removes regulatory barriers** to new housing supply without conditions for affordability.
- Ex) increasing densities and allowing more housing types by-right

LLA Land Use Mandate – s. 125.01055(7)/166.04151(7), F.S.

- Mandate introduces **use, density, height, floor area ratio, administrative approval, and parking standards** for affordable housing development if a proposed project is:
 - Multifamily or mixed-use residential in any area zoned for **commercial, industrial, or mixed use**;
 - At least **40% of units are rental units affordable** for households up to **120% AMI** for at least **30 years**; and
 - If mixed-use, **at least 65% is residential**
- Local government cannot require a development authorized under this preemption to obtain a zoning/land use change, special exception, conditional use approval, variance, or comp plan amendment for **use, density, height, floor area ratio, or parking (under certain limited circumstances)**.

LLA Land Use Mandate – Entitlement Summary

Use	Multifamily or mixed-use with multifamily allowance in commercial, industrial, or mixed-use zones without zoning or land use change
Density	Highest density allowed on any land in City or County where residential development is allowed
Height	Highest currently allowed height for a commercial or residential development within 1 mile of the proposed development or 3 stories, whichever is higher Exception – if proposal is on two or more sides adjacent to SF zoned property within SF home development w/ at least 25 contiguous SF homes, local gov't. may limit height to the highest of the following: <ul style="list-style-type: none">• 150% of tallest building adjacent to development• Highest currently allowed height for the property based on LDRs• 3 stories

LLA Land Use Mandate – Entitlement Summary Cont’d.

Floor Area Ratio	150% of the highest currently allowed floor area ratio in the jurisdiction where development is allowed under the jurisdiction’s LDRs
Parking	Reduction of at least 20% if proposal is 1) within ½ mile of a “major transportation hub”; and 2) has available parking within 600 feet Elimination of parking requirements if proposal within an area recognized by the jurisdiction as a transit-oriented development or area
Admin. Approval	Proposal must be administratively approved if proposal satisfies the LDRs and is otherwise consistent with the comp plan excepting density, floor area ratio, height, and use.

Live Local Act Land Use Mandate - Other Notable Provisions

- All other state and local laws still apply to LLA preemption projects.
- Proposals within a transit-oriented development or area must be mixed-use residential.
- Consider the 20% rule in subsection (7)(f).
- Additional exceptions for:
 - Areas in close proximity to an airport any in “airport-impacted areas”
 - Administrative approval standards in areas in close proximity to a military installation
 - Recreational and commercial working waterfront
- Maintain administrative approval procedures on City/County website

Live Local is Heating Up!

Examples of AH developments in the administrative approval process as more developers use this LLA tool:

- **Providence Place, Melbourne**: approved by City last Fall, the planned complex will construct 120 units on 3 acres of city-owned industrial land.
- **The Sandbar, Walton County**: approved by the County, the Sandbar is a large mixed-use development that will feature 330 multifamily workforce units, 15,000 sq. ft. of commercial retail, a 3,700 sq. ft. financial institution, a hotel, amenities, and new infrastructure.
- **Clara Wynwood, Miami**: planned 154-unit residence tower located in Miami's Wynwood neighborhood to include 40% workforce units.

Live Local is Heating Up!

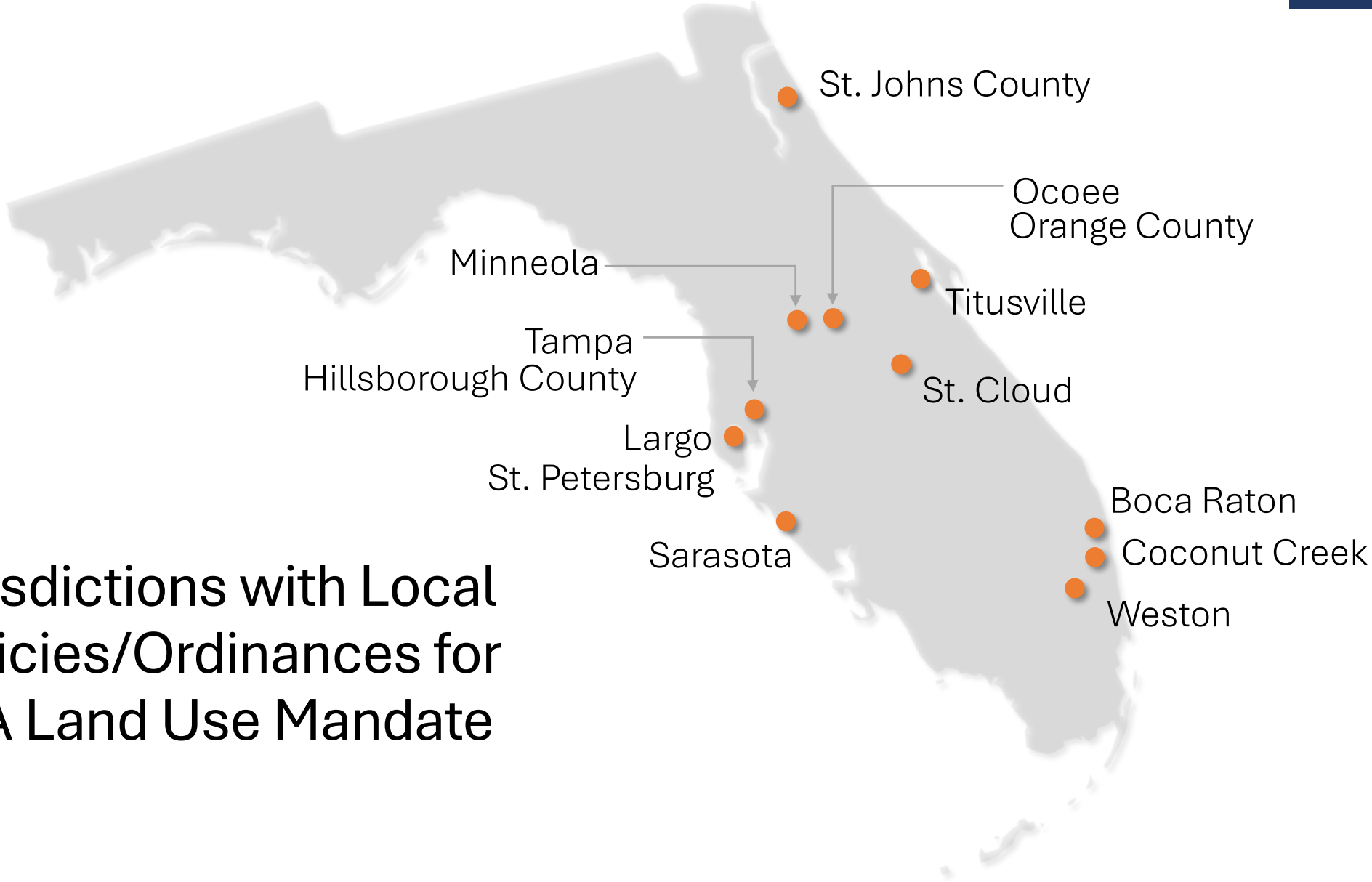
Examples of AH developments in the administrative approval process as more developers use this LLA tool:

- **Green Tower, Orlando:** 32-story, mixed-use apartment tower to provide 140 units at or below 120% AMI. It will also include a small grocery store, restaurant, and coffee shop.
- **Casa di Francisco, Hillsborough County:** a 140-unit development for seniors planned to open in early 2025, held a groundbreaking ceremony in December at 4450 Mango Rd. in Seffner, adjacent to St. Francis of Assisi Catholic Church. Developed by Blue Sky Communities.
- **Miami-Dade County:** Miami-based developer approved for mixed-use project containing 948 workforce apartments and 7,500 square feet of retail space near the Palmetto Metrorail Station.

Best Practices for Implementing the Mandate

- Mapping exercises
- Proactive ordinance/policy implementation
- Guided growth
- Monitoring/enforcement approach
- Tracking usage





Jurisdictions with Local Policies/Ordinances for LLA Land Use Mandate

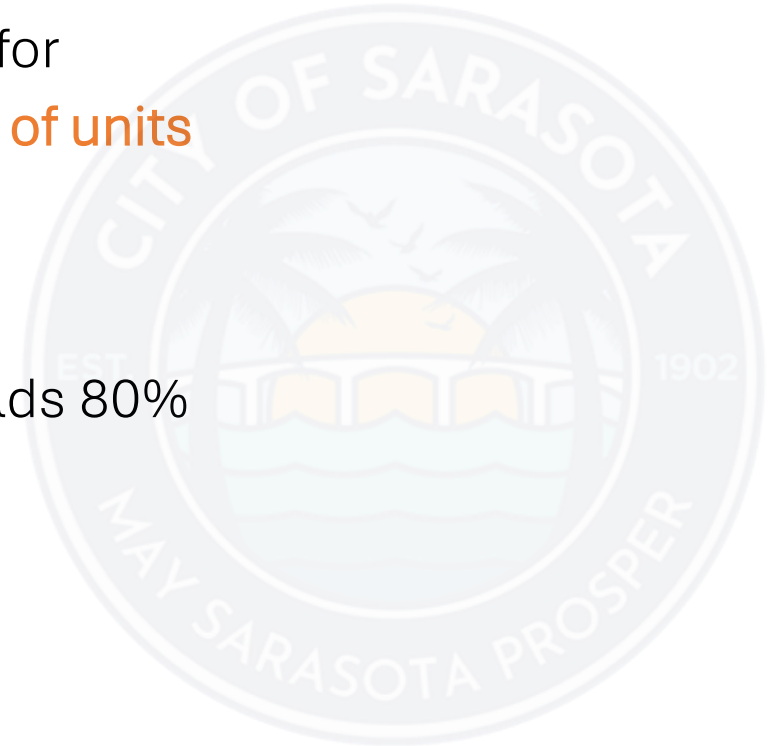
Guiding Growth in Light of LLA Mandate

Local governments still have levers to “guide growth” despite this mandate.

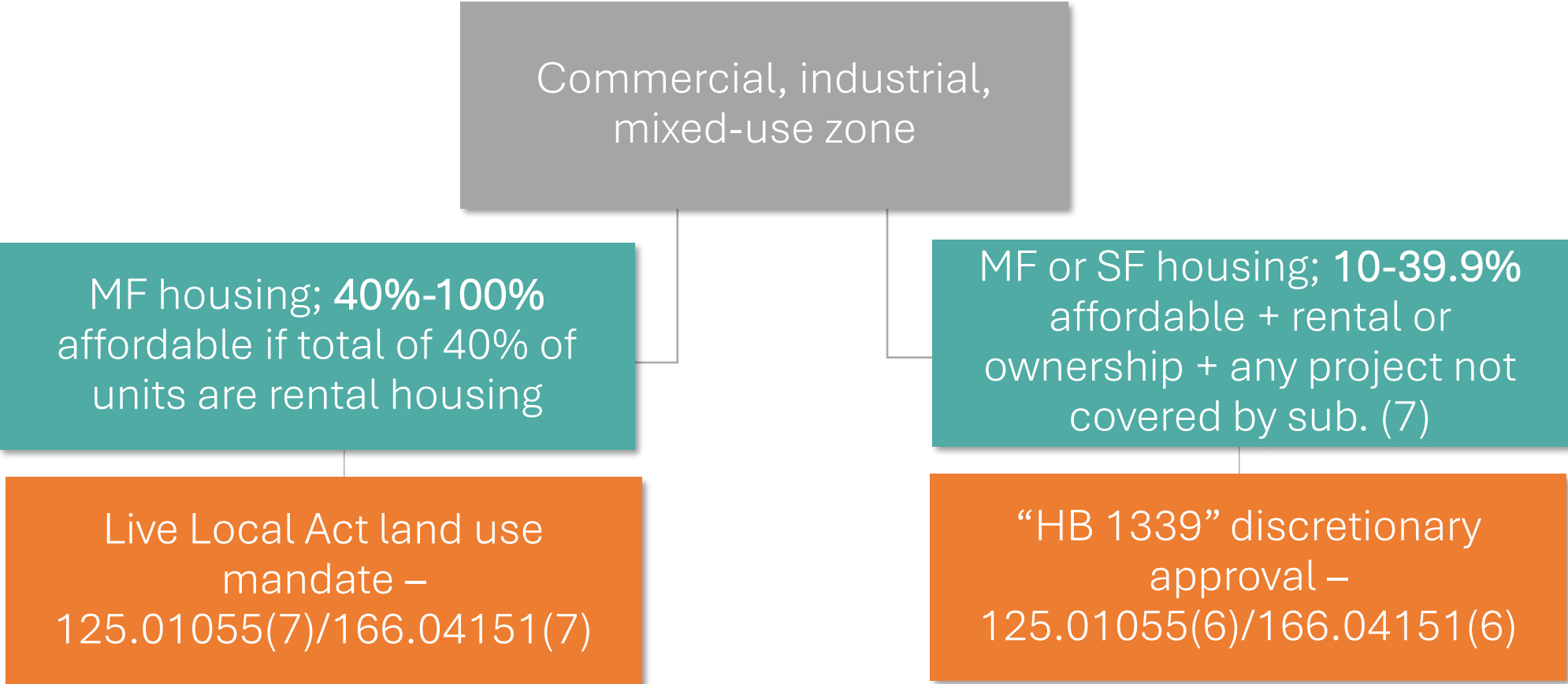
- Allow more multifamily development in residential areas
- Allow more areas where multi-family, commercial, and/or light industrial can be mixed
- Layer incentives in targeted areas to guide growth (impact fee waivers, density bonuses, etc.)
- Use ss. 125.01055(6)/166.04151(6) “HB 1339” land use tool

Local Governments “Compete” with LLA Mandate: City of Sarasota Downtown Density Bonus Example

- Provides **4x density** in four targeted downtown districts for developments that set aside as affordable at least **15% of units exceeding the base density**
- Affordability: **60-120% AMI**
 - At least 1/3 of attainable units must serve households 80% or below AMI
 - No more than 1/3 must serve 100-120% AMI
- Ownership and rental housing



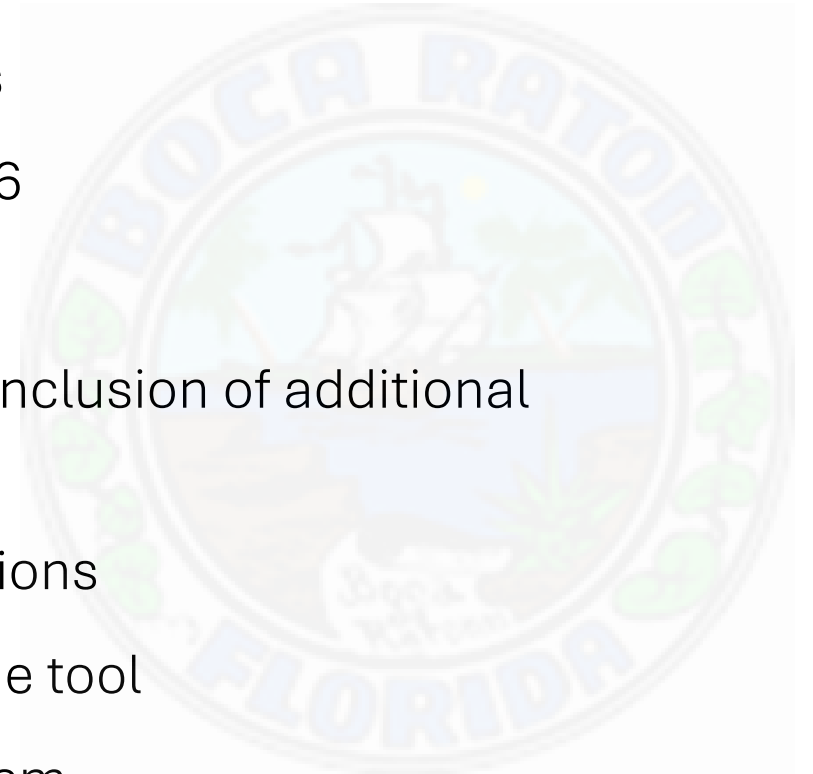
Live Local Act (as amended 2024) + “HB 1339” Tool (2020, amended 2023)



Boca Raton “HB 1339” tool example

Ord. 5684 (2024) implements 166.04151(6) and includes

- Affordability requirements, consistent with subsection 6
- Eligible zoning districts
- Max. density and intensity, including density bonus for inclusion of additional units at 80-140% AMI
- Land use mix and applicable land development regulations
- Number of units allowed across developments using the tool
- Application and review process, enforcement mechanism



Poll: Which of the following is NOT a zoning element addressed by entitlements offered through the LLA land use mandate for qualifying projects?

- Density
- Floor area ratio
- Height
- Lot area



The Live Local Act – Public Land



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Using Publicly-Owned Land for Affordable Housing

- Public entities can use their own land for affordable housing purposes.
- Public entities with land resources that can be deployed for AH include:
 - Municipalities
 - Counties
 - State agencies
 - Community Redevelopment Agencies
 - Housing Finance Authorities
 - School Boards
 - Special Districts
- Each public entity has its own legal sources that govern its acquisition and disposition of land.

Publicly-Owned Land Laws - s. 125.379/s. 166.0451

Pre- LLA Florida's "surplus land" laws:

- Every city and county, at least every 3 years, must identify publicly owned lands "appropriate for use as affordable housing."
- Local governments have discretion in this determination.
- Local governments must place "appropriate" lands on an inventory list.
- Lands placed on the list may be used for affordable housing purposes.

The Live Local Act (2023):

- Added more publicly owned lands to consider for this inventory (land owned by dependent special districts).
- Requires inventories to be posted on local government websites.
- Encourages best practices for additional process transparency and long-term affordability.

State requirement: Inventory of public land appropriate for use as affordable housing

F.S. 125.379 (for counties) and F.S. 166.0451 (for municipalities)

- (1) Land identification requirement
- (2) Land disposition practices
- (3) Best practices

State requirement: Inventory of public land appropriate for use as affordable housing

F.S. 125.379 (for counties) and F.S. 166.0451 (for municipalities)

(1) By October 1, 2023, and every 3 years thereafter, each county shall prepare an inventory list of all real property within its jurisdiction to which the county or any dependent special district within its boundaries holds fee simple title which is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such real property and specify whether the property is vacant or improved. The governing body of the county must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. The governing body of the county shall adopt a resolution that includes an inventory list of such property following the public hearing. Each county shall make the inventory list publicly available on its website to encourage potential development.

1) Land Identification

Summary of F.S. 125.379(1) / F.S. 166.0451(1)

- Inventory must be done at least once every 3 years (we recommend more often)
- Each city and county must look at all land it owns, and its dependent special districts owns, in fee simple
- Identify parcels that are “**appropriate for use as affordable housing**” (more on this later)
- Place identified parcels on an inventory list with address, legal description, and whether property is vacant or improved
- Each city and county must adopt a resolution that includes the inventory list
- Post the inventory list on the city or county’s website

What does it mean for a public parcel to be “appropriate for use as affordable housing?”

State law does not define the word “appropriate” in the context of the affordable housing land inventory requirement.

Because of this, identifying “appropriate” parcels to place on the affordable housing inventory is largely left up to the discretion of the local government

Best practice: enact a policy providing clear direction on how to identify “appropriate” publicly owned parcels

Clear direction on what is “appropriate”

A local policy can look at site-specific criteria such as:

- The site itself – lot size, shape, existing zoning, or other characteristics
- Availability of existing infrastructure
- Proximity to jobs, transit, and other amenities
- Environmental considerations
- Needed for other governmental purposes e.g. land purchased for right of way expansion having sufficient excess area to construct housing

Don't look at just “surplus” land, look at ALL public land

- Local governments and their dependent special districts subject to s. 125.379 and s. 166.0451 must look at **all** land owned in fee simple.
- The word “surplus” is not in subsection (1) of the statutes.
- Nothing in these laws require public land to first be “surplussed” to be used for affordable housing.
- Don't reserve only the “dregs” of property for affordable housing purposes.

What can be done with public lands placed on the affordable housing inventory list?

Subsection (2):

- Offer for sale and use the proceeds to purchase land for affordable housing
- Offer for sale and use the proceeds to increase the local government fund earmarked for housing
- Sell with a restriction that requires the development of the property as permanent affordable housing
- Donate to a nonprofit housing organization for the construction of permanent affordable housing
- Otherwise make available for production and preservation of permanent affordable housing

Best practices listed at F.S. 125.379(3) / F.S. 166.0451(3)

Local governments are encouraged to adopt best practices for **surplus** land programs including, but not limited to:

- (a) Establishing eligibility criteria for the receipt or purchase of **surplus** land by developers;
- (b) Making the process for requesting **surplus** lands publicly available; and
- (c) Ensuring long-term affordability through ground leases by retaining the right of first refusal to purchase property that would be sold or offered at market rate and by requiring reversion of property not used for affordable housing within a certain timeframe.

Does publicly owned land have to be placed on the affordable housing inventory list for it to be used for affordable housing purposes?

No. Public entities have distinct powers to already utilize their land for affordable housing purposes.

So what's the point of the affordable housing land inventory requirement then?!

- Accountability
- Transparency
- To encourage the use of as much publicly owned land as possible for affordable housing purposes

Utilizing Public Land for Affordable Housing

Public entities have a variety of legal tools to ensure public land is used for public good including:

- 99-year ground leasing
- Partnerships with Community Land Trusts and local nonprofits
- Deeds w/strict reversion clauses

Land Identification + Disposition for Affordable Housing

Key considerations:

- Land is a **top** resource
- LGs have **complete control** with their land to strive for permanent affordability, deeper affordability, rental vs ownership, nonprofit developers, etc.
- Combine land with public revenue as further resource and incentive to accomplish these goals.
- Provide clear/transparent process – criteria and inclusive evaluation for identification, communication/mapping of inventory available, communication on process for use.

Statewide Models:

- Jacksonville – Community Land Trust “first look” ordinance
- Tampa – Infill Housing Program
- Pensacola/Escambia County
- St. Petersburg
- Miami-Dade County
- Hillsborough County

Key Takeaways



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Key Takeaways

- The Live Local Act has a variety of tools aimed at building more affordable homes **BUT** the LLA is not going to completely solve our affordable housing crisis – it only addresses certain “tools in the toolkit.”
- We are only in year 2 of the Live Local era.
- Local gov’t has a major role to play in housing affordability and the LLA.
- This could be the start of more statewide housing reforms in the years to come.

Questions?



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Additional webinar resources

- Overview of the Live Local Act
 - Recording: <https://vimeo.com/825231697?share=copy>
 - PowerPoint: <https://flhousing.org/wp-content/uploads/2023/05/Overview-of-the-Live-Local-Act-5.9.pdf>
- Dissecting the Land Use Tools and Property Tax exemptions in the Live Local Act
 - Recording: <https://vimeo.com/837681484>
 - PowerPoint: <https://flhousing.org/wp-content/uploads/2023/07/LLA-Land-Use-and-Property-Tax-Incentives.-6.15.23.pdf>
- Land Use Tool for Affordable Housing in Commercial, Industrial, and Mixed-Use Districts – a Live Local Act Webinar
 - Recording: <https://vimeo.com/883265655>
 - PowerPoint: <https://flhousing.org/wp-content/uploads/2023/11/Land-Use-Tool-for-Affordable-Housing-110623.pdf>
- Surplus Land and Permanent Affordability:
 - Recording: <https://vimeo.com/873761639>
 - PowerPoint: <https://flhousing.org/wp-content/uploads/2023/10/Surplus-Land-and-Permanent-Affordability-10.11.23.pdf>
- Expedited Permitting and Innovative Housing Solutions Promoted in the Live Local Act
 - Recording: <https://vimeo.com/878777909>
 - PowerPoint: <https://flhousing.org/wp-content/uploads/2023/10/LLA-Innovative-Housing-Solutions-Webinar.-10.26.23.pdf>



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