



Live Local Act Update

**Presentation for the FRCA Policy Board
August 25, 2023**



AFFORDABLE HOUSING CATALYST PROGRAM

Sponsored by the
Florida Housing Finance Corporation



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Free Live Local Trainings via the Catalyst Program

Thanks to the support of the Florida Housing Finance Corporation, from July 1, 2023 – June 30, 2024, the Florida Housing Coalition will provide:

- **Up to 8 Live Local Act site visits.** Free training and technical assistance (up to 15 hours) to local governments specifically on Live Local Implementation.
- **Five LLA-specific training webinars.**
- **200 hours of off-site technical assistance.** Each request typically of up to 10 free hours of assistance for local governments and nonprofit organizations.
- **Seven regional workshops.** We will divide the state into seven regions and provide virtual roundtables for planners on the land use tool.



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.**



Funding in the Live Local Act

Program	Live Local Act	FY 22-23	FY 21-22
State Housing Initiatives Partnership (SHIP) Program	\$252m	\$209.475m	\$146.7m
State Apartment Incentive Loan (SAIL) program	\$109m for traditional SAIL \$150m for “Innovative Multifamily Development”	\$53.25m	\$62.5m
Hurricane Housing Recovery		\$150m	
Hometown Hero Program	\$100m (from GR) GONE – as of 8/23/23	\$100m (from SHTF)	
Inflation Response Program	\$100m GONE		
Live Local Tax Donation Program	(up to \$100m**)		
Total funding***	\$811,000,000	\$512,725,000	\$209,200,000



How the \$150 million/year for 10 years for “Innovative Multifamily Development” will be spent

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 will have the discretion to issue RFAs for this \$150m
- Local governments, developers, & advocates should follow the FHFC RFA process and start planning for local projects to support – **Sept. 14 workshop**



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, FL** – first jurisdiction 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
- FHFC to launch initial application process in **early October**

Land use preemption – Affordable housing in commercial, industrial, and mixed-use zones

A local government cannot regulate the **use, density, or height** of an affordable housing development if a proposed **rental** project is:

- Multifamily or mixed-use residential in any area zoned for **commercial, industrial, or mixed use**;
- At least **40% of units are affordable** for households up to **120% AMI** for at least **30 years**
- 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, or height**.



Land use preemption – Affordable housing in commercial, industrial, and mixed-use zones

Affordable housing developments allowed under this preemption are entitled to:

Use

- Allowed to build multifamily rental or mixed-use in commercial, industrial, or mixed-use zones without a zoning or land development change

Density

- Highest density allowed on any land in the 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



Land use preemption – Affordable housing in commercial, industrial, and mixed-use zones

Additional provisions:

- All other state and local laws apply.
 - Ex) setbacks, parking, concurrency, max lot coverage, environmental all still apply
- If a proposed project satisfies the existing LDRs for multi-family and is otherwise consistent with the comprehensive plan, project must be administratively approved
- LGs must consider reducing parking requirements if project within one-half mile of a major transit stop



Which LGs are doing what on Live Local??

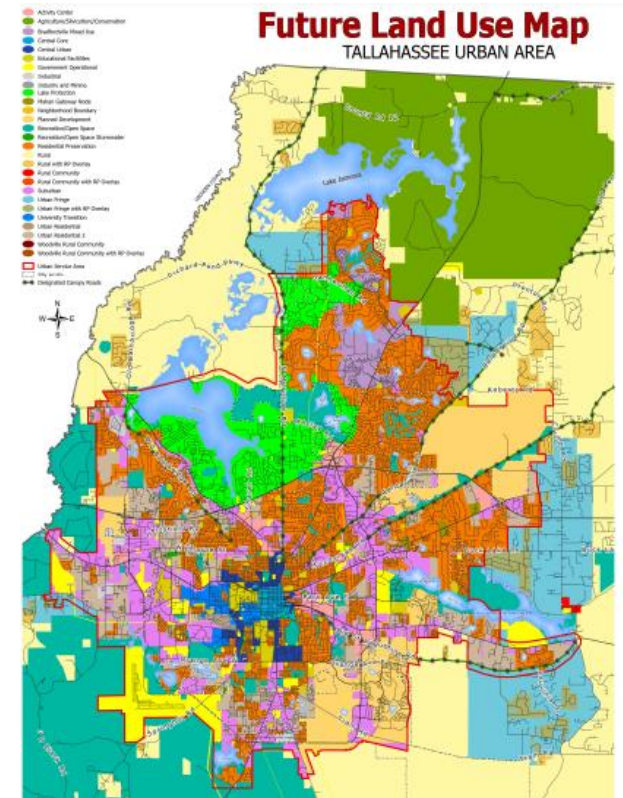
Local governments that have enacted or discussed LLA preemption policies/ordinances to check out:

- Boca Raton
- Melbourne
- Winter Park
- Hillsborough County
- Orange County



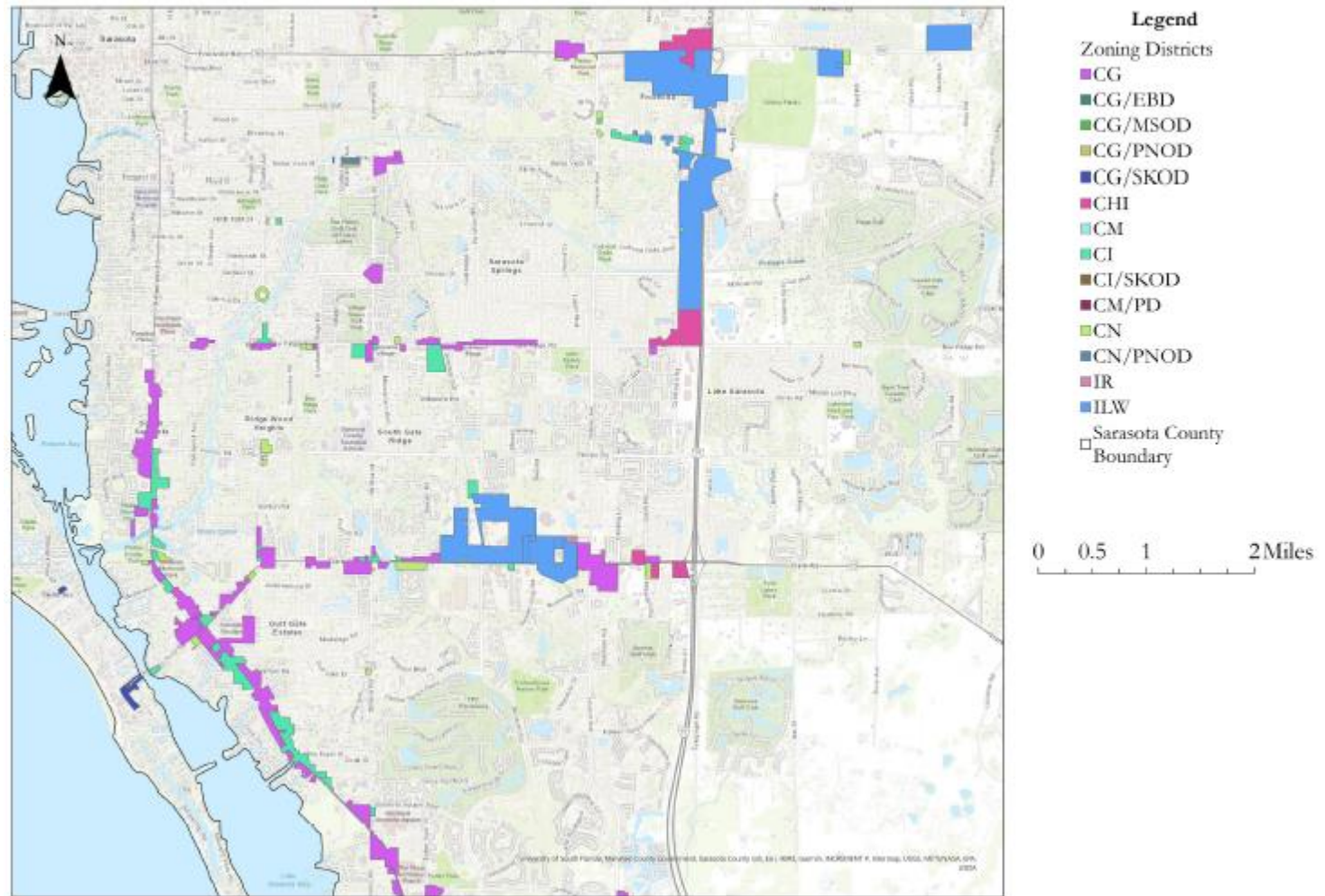
What can local governments do now re: this new preemption?

1. Study your City or County's commercial, industrial, and mixed-use sites that could utilize this new statutory tool
2. Implement an ordinance or policy providing clarity to affordable housing developers on local interpretations
3. Develop a land use restriction agreement to keep units affordable for 30 years
4. Explore other land use and policy levels to guide growth to targeted areas
5. Process land use preemption projects in good faith



Sarasota County Zoning Map - Commercial and Industrial

How much land is eligible for this new tool?
Map it!



Exploring other policies to guide growth

- *Really* don't want certain commercial, industrial, or mixed-use areas to have affordable housing? Then use other policy levers to guide growth to targeted areas.
- Policies to consider:
 - Allow more multifamily development in residential areas – make residential areas more desirable to build multifamily housing
 - Overlay districts on prime areas for affordable housing development coupled with other incentives such as fee waivers, expedited permitting, subsidy, etc.



What about preserving job land? My local government zoned these parcels as commercial and industrial for a reason!!!

- Things to consider:
 - 1. Concern about preserving “job land” should be addressed on a site-specific level.
 - Picture a commercial parcel that’s been vacant or idle for 20 years – is it better for the community for that parcel to remain vacant in the hopes it might one day become a business? Or is it better to put it to use now as multifamily or mixed-use affordable housing development?
 - 2. Analysis depends on the frequency of the tool’s use
 - If 1-2 developments use the LLA preemption per year, that will not change the “job land” calculus to a high degree
 - 3. If the city/county *really* wants to preserve certain sites as “job land” – consider other policy levers to guide growth



Using publicly-owned land for affordable housing

- **F.S. 125.379/166.0451** – Florida’s “surplus land laws”
 - Requires every city and county to identify publicly-owned lands that are “appropriate for use as affordable housing” to be placed on an affordable housing inventory list
- The Live Local Act amends these statutes to:
 - Newly apply to all dependent special districts, including CRAs
 - Require local government **by October 1, 2023**, to post their affordable housing inventory list online
 - Encourage local governments to adopt best practices including:
 - Establishing eligibility criteria for the receipt or purchase of surplus land by developers;
 - Making the process for requesting surplus land publicly available; and
 - Ensuring long-term affordability through ground leases by retaining the right of first refusal to purchase property



What's next for Live Local?

- FHC will continue to track implementation of the Act – the “Live Local era” is still young
- Funding & property tax exemptions still to be deployed later this Fall
- Technical revision bill??



Contact Information



Kody Glazer,
Chief Legal and Policy Officer
Glazer@flhousing.org

