



Florida's Live Local Act

What It Is and How It Became Law

Overall Strategy:

Be Consistent but Nimble, Adapting & Changing
When & Where Necessary

- We stayed **consistent** in our fight, in the product and in its worth.
- We made sure to continue to put our message in front of decision makers on a regular basis, through **email newsletters, social media, digital advertising and earned media.**

Newsletters



State of Housing

At a Glance: The State of Housing

Senate Bill 102/Live Local Act Passed Favorably out of First Committee Stop

SB 102, sponsored by Senator Alexis Calatayud, was voted on favorably today by the Senate Committee on Community Affairs and passed out of the committee. Its next committee stop is the Senate Committee on Appropriations. The House companion, House Bill 627, sponsored by Representative Demi Busatta Cabrera, was also recently filed.

The Sadowski Coalition is proud to support this legis maintain the high level of funding for Florida's Partnership (SHIP) and State Apartment Incentive L it will provide additional funding for SAIL and work t affordable housing options – for Floridians of all inco of life – throughout the state.



State of Housing

At a Glance: The State of Housing

The Live Local Act, one the most important state legislation for housing, continues to move forward. House Bill 627, sponsored by Representative Demi Busatta Cabrera, was voted on favorably by the House Ways & Means Committee.

The Sadowski Coalition thanks bill sponsor Representative Busatta Cabrera for advocating for this critically needed legislation, as well as the House committee members for their support of this good bill!

LIVE LOCAL ACT
SB 102 by Senator Calatayud / HB 627 by Representative Busatta Cabrera

"The Sadowski Coalition gives its full support to this transformative legislation... It is, along with the Sadowski Act, the most important state legislation for housing."
-MARK HENDRICKSON, SADOWSKI COALITION FACILITATOR

Sadowski Housing Coalition

THANK YOU,
President Passidomo,
Senator Calatayud
& Representative
Busatta Cabrera,
for Senate Bill 102
& House Bill 627!

SB 102 / HB 627 WILL:

- Maintain high level of SHIP & SAIL funding
- Provide more funding for SAIL
- Increase attainable & affordable housing options

Digital Ads

Sadowski Housing Coalition

Thank you, Governor DeSantis, for Signing the Live Local Act!

Sadowski Housing Coalition

LIVE LOCAL ACT

"...ON THE BEHALF OF [THE SADOWSKI COALITION], WE WANT TO GIVE STRONG SUPPORT TO THIS LEGISLATION. WE BELIEVE IT IS TRANSFORMATIONAL..."

-SADOWSKI COALITION FACILITATOR
MARK HENDRICKSON

Earned Media



Florida's long struggle to fix the affordable housing crisis, explained

"One of the beauties of Sadowski's SAIL and SHIP programs is that you don't need a new program to shift the funding from farmworkers to hospitality, to other types of housing," Hendrickson says.
"Sadowski provides universal program funding with flexibility," so that individual counties can tailor the funding to fit their unique needs.



Florida's 'Live Local Act' Provides Hundreds of Millions for Affordable Housing: What to Know

Florida's Live Local Act is the largest investment in housing in the state's history. Here's what to know.

The move received praise by affordable housing advocates like Mark Hendrickson, the Executive Director of the Florida Association of Local Housing Finance Authorities.



Senate panel advances 'Live Local Act' to boost affordable housing, ban rent control

The GOP-backed measure (**SB 102**), dubbed the "Live Local Act," would ease county and municipal zoning restrictions on residential projects with sizable portions reserved for affordable housing and give tax exemptions to landlords offering shares of their units below market rate.

Overall Strategy:

Be Consistent but Nimble, Adapting & Changing When & Where Necessary

- We **adapted** and **evolved** how we talked about the issue to match political shifts.
- To speak to our more conservative audience, we didn't let it be your grandmother's affordable housing.
- We “rebranded” with an emphasis on terms like **attainable and workforce** housing, with a more economic focused message that highlighted the benefit of workers being able to afford to live where they work.

Overall Strategy:

Be Consistent but Nimble, Adapting & Changing When & Where Necessary

- If there is a cause worthy of all your time and effort, you also have to have the ability to change your strategy to accomplish it.
 - It is not about us - it is about the end goal of the cause, and that's what we started many years ago and what got us here today.

The Three Pillars of Success



Professional Lobbying



Professional Public Relations



Grassroots Advocacy

Sadowski Coalition and Sadowski Affiliates

Sadowski Affiliates are the thousands of organizations and individuals working in concert with the Sadowski Coalition to carry the message of the importance of housing and the need for all Sadowski funds to be used for Sadowski housing programs.



<p>BUSINESS/ INDUSTRY GROUPS</p> <ul style="list-style-type: none"> • Associated Industries of Florida • Coalition of Affordable Housing Providers • Federation of Manufactured Home Owners of Florida • Florida Apartment Association • Florida Bankers Association • Florida Chamber of Commerce • Florida Economic Development Council • Florida Green Building Coalition 	<p>ADVOCATES FOR THE ELDERLY/ VETS/ HOMELESS/ SPECIAL NEEDS</p> <ul style="list-style-type: none"> • AARP of Florida • Florida Association of Centers for Independent Living • Florida Association of Housing and Redevelopment Officials • Florida Coalition to End Homelessness • Florida Housing Coalition • Florida Legal Services 	<p>GOVERNMENT/ PLANNING ORGANIZATIONS</p> <ul style="list-style-type: none"> • American Planning Assoc., Fla. Ch. • Florida Association of Counties • Florida Association of Local Housing Finance Authorities • Florida Housing Finance Corporation • Florida League of Cities • Florida Redevelopment Association • Florida Regional Councils Association • 1000 Friends of Florida
<p>BUSINESS/ INDUSTRY GROUPS</p> <ul style="list-style-type: none"> • Florida Home Builders Association • Florida Manufactured Housing Association • Florida Realtors • Florida Restaurant and Lodging Association • Florida Retail Federation • Florida Transportation Builders' Assoc. • Mortgage Bankers Assoc. of Florida • National Waste and Recycling Assoc. 	<p>ADVOCATES FOR THE ELDERLY/ VETS/ HOMELESS/ SPECIAL NEEDS</p> <ul style="list-style-type: none"> • Florida Prosperity Partnership • Florida Supportive Housing Coalition • Florida Veterans Foundation • Florida Weatherization Network • Healthy Housing Foundation • LeadingAge Florida • The Arc of Florida • United Way of Florida 	<p>FAITH BASED ORGANIZATIONS</p> <ul style="list-style-type: none"> • Florida Conference of Catholic Bishops • Florida Impact • Habitat for Humanity of Florida • Volunteers of America of Florida



“Live Local Act”

Senate Bill 102
(Calatayud – Miami-Dade)

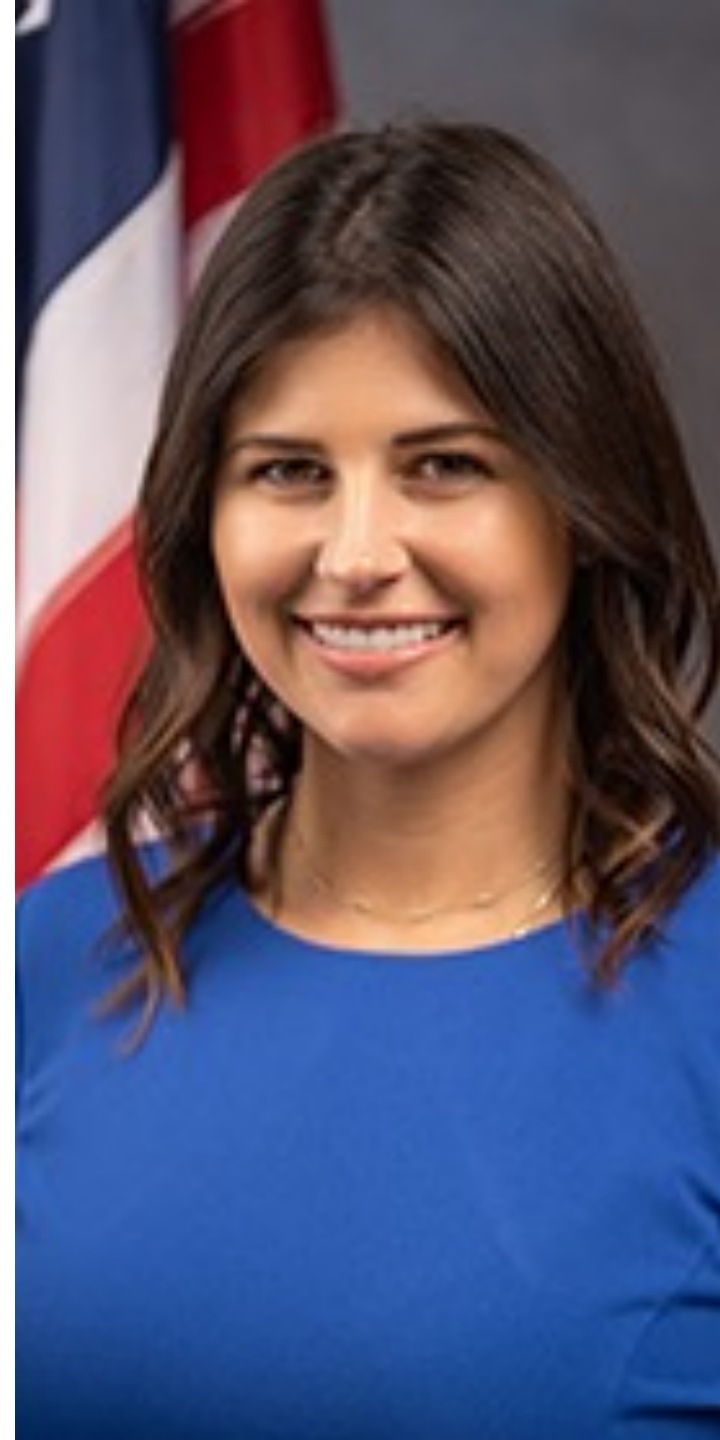
House Bill 627
(Busatta Cabrera – Miami-Dade)

Addresses a variety of issues including funding, tax incentives, and substantial amendments to the state’s housing strategy.

3/8/23: Passed Senate unanimously

3/23/23: Passed House 103-6

3/29/23: Signed into Law



Live Local – array of affordable housing policies

- **Funding.** Record **\$921 million** for affordable housing programs.
- **Tax incentives.** Three new property tax incentives and sales tax exemption for specified affordable housing developments.
- **Land use tools.** 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.**

Projected SHIP Distribution Estimates for 2023-24

SHIP allocation based on SB 102,
includes DR holdback, uses current
Catalyst appropriation



PROJECTED SHIP DISTRIBUTION ESTIMATES FOR FY 2023-24 (\$252,000,000)

LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/ CITY SHARE	LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/ CITY SHARE	LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/ CITY SHARE
ALACHUA	3,286,537	1,621,249	GLADES	350,000	350,000	PALM BEACH	17,389,885	12,463,331
Gainesville		1,665,288	GULF	350,000	350,000	Boca Raton		1,140,776
BAKER	350,000	350,000	HAMILTON	350,000	350,000	Boynton Beach		935,576
BAY	2,111,922	1,697,141	HARDEE	350,000	350,000	Delray Beach		768,633
Panama City		414,781	HENDRY	461,405	461,405	Wellington		707,768
BRADFORD	350,000	350,000	HERNANDO	2,282,869	2,282,869	West Palm Beach		1,373,801
BREVARD	7,189,654	3,945,682	HIGHLANDS	1,182,573	1,182,573	PASCO	6,795,605	6,795,605
Cocoa		227,912	HILLSBOROUGH	17,412,196	12,813,635	PINELLAS	11,137,539	5,783,723
Melbourne		996,486	Tampa		4,598,561	Clearwater		1,364,349
Palm Bay		1,452,310	HOLMES	350,000	350,000	Largo		964,511
Titusville		567,264	INDIAN RIVER	1,888,820	1,888,820	St. Petersburg		3,024,956
BROWARD	22,534,548	3,988,613	JACKSON	572,956	572,956	POLK	8,825,249	6,835,155
Coconut Creek		662,516	JEFFERSON	350,000	350,000	Lakeland		1,378,504
Coral Springs		1,543,617	LAFAYETTE	350,000	350,000	Winter Haven		611,590
Davie		1,223,626	LAKE	4,624,711	4,624,711	PUTNAM	855,454	855,454
Deerfield Beach		1,000,534	LEE	9,174,678	5,688,301	ST. JOHNS	3,398,088	3,398,088
Fort Lauderdale		2,163,317	Cape Coral		2,379,911	ST. LUCIE	4,015,093	890,548
Hollywood		1,773,469	Fort Myers		1,106,466	Fort Pierce		548,060
Lauderhill		856,313	LEON	3,427,786	1,132,540	Port St. Lucie		2,576,485
Margate		671,530	Tallahassee		2,295,246	SANTA ROSA	2,260,559	2,260,559
Miramar		1,581,925	LEVY	513,413	513,413	SARASOTA	5,182,320	4,535,048
Pembroke Pines		1,960,506	LIBERTY	350,000	350,000	Sarasota		647,272
Plantation		1,077,151	MADISON	350,000	350,000	SEMINOLE	5,531,749	5,531,749
Pompano Beach		1,302,497	MANATEE	4,825,503	4,174,060	SUMTER	1,606,321	1,606,321
Sunrise		1,115,460	Bradenton		651,443	SUWANNEE	513,413	513,413
Tamarac		831,525	MARION	4,498,384	3,753,002	TAYLOR	350,000	350,000
Weston		781,949	Ocala		745,382	UNION	350,000	350,000
CALHOUN	350,000	350,000	MARTIN	1,859,122	1,859,122	VOLUSIA	6,550,339	4,565,586
CHARLOTTE	2,260,559	2,031,564	MIAMI-DADE	20,155,423	13,238,082	Daytona Beach		887,571
Punta Gorda		228,995	Hialeah		1,668,869	Deltona		1,097,182
CITRUS	1,814,501	1,814,501	Miami		3,355,878	WAKULLA	409,396	409,396
CLAY	2,587,678	2,587,678	Miami Beach		610,709	WALTON	922,385	922,385
COLLIER	4,476,074	4,255,404	Miami Gardens		840,481	WASHINGTON	350,000	350,000
Naples		220,670	North Miami		441,404	TOTAL	246,436,400	246,436,400
COLUMBIA	818,222	818,222	MONROE	967,006	967,006	DR Holdback & Catalyst		5,563,600
DE SOTO	409,396	409,396	NASSAU	1,093,333	1,093,333	TOTAL APPROPRIATION		252,000,000
DIXIE	350,000	350,000	OKALOOSA	2,476,127	2,234,952			
DIVAL	11,836,251	11,836,251	Fort Walton Beach		241,175			
ESCAMBIA	3,777,215	3,149,442	OKEECHOBEE	454,017	454,017			
Pensacola		627,773	ORANGE	16,943,828	13,261,934			
FLAGLER	1,435,374	320,088	Orlando		3,681,894			
Palm Coast		1,115,286	OSCEOLA	4,877,511	3,230,375			
FRANKLIN	350,000	350,000	Kissimmee		943,311			
GADSDEN	513,413	513,413	St. Cloud		703,825			
GILCHRIST	350,000	350,000						

SHIP allocation based on SB 102, includes DR holdback, uses current Catalyst appropriation

Housing Appropriations through the Live Local Act

	Final Budget FY 23-24	Governor FY 23-24	Senate & House FY 23-24	<i>Final Budget FY 22-23</i>
FHFC: SAIL & other FHFC	\$150,000,000 (recurring) \$109,000,000 (non-recurring)	\$121,710,000	\$150,000,000 (recurring) \$109,000,000 (non-recurring)	\$28,250,000
SHIP	\$252,000,000	\$280,975,000	\$252,000,000	\$209,475,000
Hometown Heroes				\$100,000,000
TOTAL TF HOUSING	\$511,000,000	\$402,685,000	\$511,000,000	\$337,725,000
Hometown Heroes	\$100,000,000 (General Revenue)	\$100,000,000 (General Revenue)	\$100,000,000 (General Revenue)	
SAIL Pipeline Deals	\$100,000,000 (General Revenue)		\$100,000,000 (General Revenue)	
\$ to Housing Trust Funds to Cover Doc Stamp Revenue Shortfalls	\$110,000,000		\$110,000,000	
SAIL				\$25,000,000 (GR)
Hurricane Recovery				\$150,000,000 (GR)
TOTAL GR FOR HOUSING	\$200,000,000	\$100,000,000	\$200,000,000	\$175,000,000
Live Local Tax Donation Program	\$100,000,000		\$100,000,000	
TOTAL HOUSING	\$921,000,000	\$502,685,000	\$921,000,000	\$512,725,000

Housing Appropriations through the Live Local Act

FY 23-24: Live Local Act

- \$100 million of non-recurring General Revenue for SAIL deals in pipeline (CHIRP-like), reverting to SAIL if not used for pipeline
- \$100 million of non-recurring General Revenue for Hometown Heroes
- 10-year redirection of doc stamps now going to GR redirected to SAIL, \$150 million/year
- 10-year Tax Donation Program of \$100 million per year for SAIL

FY 23-24: Appropriations Act (both House and Senate):

- \$77 million of General Revenue to Local Government Housing Trust Fund to cover Doc Stamp collection shortfalls
- \$33 million of General Revenue to State Housing Trust Fund to cover Doc Stamp collection shortfalls

How the extra \$150 million/year for 10 years for SAIL 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

Property tax incentives in the Live Local Act

1. Local option affordable housing property tax exemption
2. Nonprofit land used for affordable housing with a 99-year ground lease
3. “Missing middle” property tax exemption

1. Local option affordable housing property tax exemption

- Authorizes local governments to provide property tax exemptions for specified affordable housing developments.
- **Eligible developments:**
 - Contain at least 50 or more units
 - At least 20% of the units must be affordable to households at or below 60% AMI
- Tax exemptions only apply to the affordable units
- 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

1. Local option affordable housing property tax exemption

- Other provisions:
 - 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
 - Proscribes provisions an application form for the exemption must contain
 - City or counties must post list of properties that receive the exemption on its website
 - Exemption authorized by City or County expires “before the fourth January 1 after adoption”; can be renewed after expiration
 - Penalties for noncompliance

2. Nonprofit land used for affordable housing w/99-year ground lease exemption

- New s. 196.1978(1)(b)
- Property tax exemption applies to **land** owned entirely by a nonprofit that:
 - 1) is leased for a minimum of 99 years
 - 2) is predominately used to provide affordable housing to households up to 120% AMI
- Land is considered “predominately used” for affordable housing if the square footage of the improvements on the land for affordable housing is greater than 50% of all the square footage of the improvements
- Tax exemption is for the **land** only – not the improvements

3. “Missing middle” property tax exemption

- New s. 196.1978(3)
- Provides a property tax exemption to “newly constructed” multifamily developments that have more than 70 affordable units for households up to 120% AMI
- Tax exemption only applies to the affordable units
- Tiered property tax exemptions:
 - Units affordable to 80-120% AMI = 75% property tax exemption
 - Units affordable to <80% AMI = 100% property tax exemption

3. “Missing middle” property tax exemption

- Other provisions
 - 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
 - Statute provides process for applying for exemption
 - Units subject to an agreement with FHFC to provide affordable housing to ELI, VLI, and LI households are not eligible for this exemption
 - Penalties for noncompliance
- The intent of this provision is to incentivize non-FHFC subsidized affordable developments

Comparing the “Missing Middle” exemption and the Local Option Property Tax Exemption

	Section 8 “Missing Middle” Property Tax Exemption	Section 9 Local Option Property Tax Exemption
Local discretion?	No	Yes
Type of development	Multifamily rental developments w/ more than 70 affordable units Must be “newly constructed” as defined by the Act.	Multifamily rental developments w/ 50 or more units that set aside at least 20% of the units as affordable housing. Does not have to be “newly constructed” – can apply to existing development.
Affordability requirement	More than 70 units must be affordable of not less than three years after exemption granted	At least 20% of the development must be affordable
Income eligibility	Up to 120% AMI	Up to 60% AMI
Rent limit	No more than rent limit chart derived from the Multifamily Tax Subsidy Projects Income Limits published by HUD or 90% of fair market value rent as determined by a local rental market study	No more than rent limit chart derived from the Multifamily Tax Subsidy Projects Income Limits published by HUD or 90% of fair market value rent as determined by a local rental market study
Exemption authorized	Units at 80-120% AMI = 75% exemption Units <80% AMI = 100% exemption	Up to 75% exemption if fewer than 100% of units are affordable Up to 100% exemption if 100% of units are affordable

Preemptions in the Live Local Act

1. Rent control prohibited.
2. Land use preemption for certain affordable housing developments in commercial, industrial, and mixed-use zones. New F.S. 125.01055(7)/166.04151(7).

Land use standards – 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 standards – 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

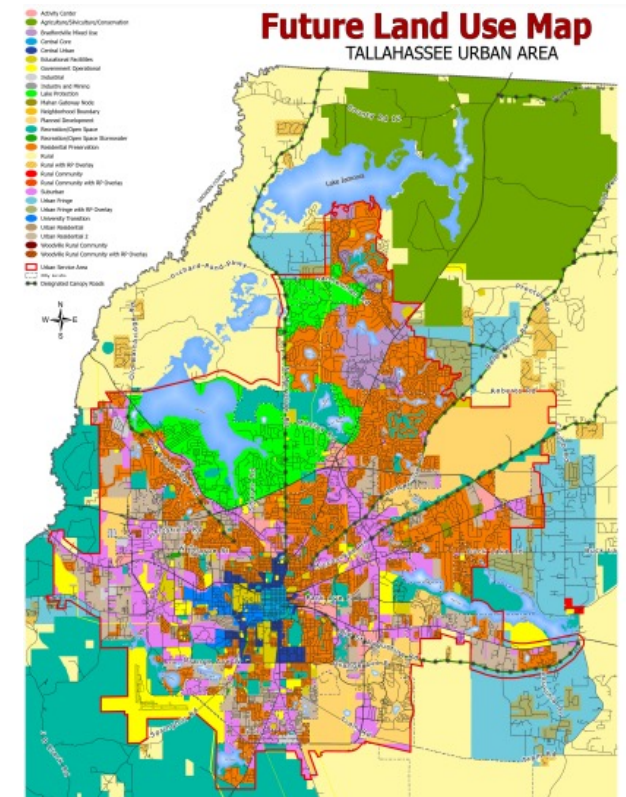
Land use standards – Affordable housing in commercial, industrial, and mixed-use zones

Additional provisions:

- All other state and local laws apply.
 - Ex) setbacks, parking, concurrency, max lot coverage, environmental all still apply – all of which can indirectly limit density and height
- If a proposed project satisfies the existing LDRs and comprehensive plan for multifamily developments, project must be administratively approved
- LGs must consider reducing parking requirements if project within one-half mile of a major transit stop
- If project located in a certain city or county that has less than 20 percent of total land use designated for commercial or industrial use, only mixed-use residential is allowed with this tool.

What should local governments do now re: these land use standards for AH?

- Start studying your City or County's commercial, industrial, and mixed-use sites that could utilize this new statutory tool
- Examine your:
 - Future land use maps and zoning codes
 - Height and density regulations
 - Other zoning barriers (setbacks, parking, max lot coverage, etc.) that might limit the use of this tool
- Ask:
 - How much land is eligible for this new tool?
 - What types of projects can be expected on eligible parcels?
 - How can the City/County facilitate affordable housing on eligible parcels?



“HB 1339” (2020) land use tool amended

F.S. 125.01055(6)/166.04151(6): currently allows local government to approve affordable housing developments on any parcel zoned for a **residential**, **commercial**, or **industrial** use without needing a rezoning or comprehensive plan amendment.

What SB 102 does:

- Strikes out “residential”
- Removes the prohibition on SAIL funded projects

Comparing the new land use tool in SB 102 (2023) and HB 1339 (2020)

	F.S. 125.01055(7)/166.04151(7)	125.01055(6)/166.04151(6) – as amended by the Live Local Act
Local discretion?	Not for use, density, and height	Yes
Eligible zones	Commercial, industrial, mixed-use	Commercial, industrial
Types of development	Multifamily rental or mixed use residential	Any multifamily or mixed-use residential project (rental or ownership)
Affordability requirement	At least 40% of the units must be affordable for 30 years	At least 10% of the units must be affordable
Local authority	Preempted on certain standards regarding use, height, or density All other state and local laws apply	Discretion to regulate in any manner

Live Local Deep Dive – Using publicly-owned land for AH

Sections 4 & 7

Background: **F.S. 125.379/166.0451** – Florida’s “surplus land” laws

- Requires every city and county, at least every three years, to identify publicly-owned lands that are “appropriate for use as affordable housing”
- Lands identified as “appropriate” for affordable housing are to be placed on an affordable housing inventory list
- Lands placed on the inventory list may be used for affordable housing purposes

Caveats:

- Publicly owned land does not have to be on this inventory list to be used for AH
- Goal of the statute is **transparency/accountability** with the spirit of using more publicly owned land for affordable housing

Live Local Deep Dive – Using publicly-owned land for AH

The Live Local Act amends the state’s “surplus land” laws to **newly apply to all dependent special districts.**

- “Dependent special district” defined at s. 189.012
- Examples of dependent special districts:
 - Community redevelopment agencies (CRAs)
 - Port authorities
 - Neighborhood improvement districts
 - Housing authorities
 - Water and sewer districts
 - Special taxing districts
 - Development authorities
 - Water and sewer districts
 - Soil and water conservation districts
- See handout for complete list of dependent special districts in Florida (615 in total)

Live Local Deep Dive – Using publicly-owned land for AH

- **Requires** local governments to make the inventory list of properties appropriate for affordable housing publicly available on its website.
- **Encourages** local governments to adopt best practices for surplus land programs, including:
 - “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 . . . and by requiring reversion of property not used for affordable housing within a certain timeframe.”

Section 4 & 7 opportunities

- Makes **more publicly owned land available** for permanently affordable housing development
- **Increases transparency** for affordable housing land inventory lists and processes
- **Improves land disposition procedures** through best practices
- **Better partnerships** with nonprofit housing developers

Encouraging local governments to adopt best practices

- **Section 26** of the bill has several provisions encouraging local governments to adopt best practices on their own – these provisions may form the basis of preemptions in future Legislative sessions. These provisions include:
 - “Local government shall provide incentives to encourage the private sector to be the primary delivery vehicle for the development of affordable housing.” (lines 1927-1929)
 - “Local governments should consider and implement innovative solutions . . . Innovative solutions include: (lines 1937-1957)
 - “Utilizing publicly held land to develop affordable housing . . .”
 - “Community-led planning that focuses on urban infill, flexible zoning, redevelopment of commercial property into mixed-use property . . .”
 - “Project features that maximize efficiency in land and resource use, such as high density, high rise, and mixed use.”
 - “Modern housing concepts such as manufactured homes, tiny homes, 3D-printed homes, and accessory dwelling units.”