

Senate Bill 102 Summary of Disposition of municipal property for affordable housing

The bill (Chapter 2023-17, L.O.F.), cited as the "Live Local Act," makes various changes and additions to affordable housing related programs and policies at both the state and local level.

Much of the bill involves the Florida Housing Finance Corporation (FHFC), a public-private entity that administers the two largest statewide affordable housing programs: the State Apartment Incentive Loan (SAIL) program and the State Housing Initiatives Partnership (SHIP) program.

The following changes were made to Florida Statute 166.0451 (1) the disposition of municipal property for affordable housing. Presented on pages 21 and 22 of the Act:

- Requires counties and cities to update and electronically publish the inventory of publicly owned properties which may be appropriate for affordable housing development.

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581 section, municipalities, counties, or other entity of local
582 government may adopt and maintain in effect any law, ordinance,
583 rule, or other measure which is adopted for the purposes of
584 increasing the supply of affordable housing using land use
585 mechanisms such as inclusionary housing ordinances.

586 Section 7. Section 166.0451, Florida Statutes, is amended
587 to read:

588 166.0451 Disposition of municipal property for affordable
589 housing.—

590 (1) By October 1, 2023 ~~July 1, 2007~~, and every 3 years
591 thereafter, each municipality shall prepare an inventory list of
592 all real property within its jurisdiction to which the
593 municipality or any dependent special district within its
594 boundaries holds fee simple title which ~~that~~ is appropriate for
595 use as affordable housing. The inventory list must include the
596 address and legal description of each such property and specify
597 whether the property is vacant or improved. The governing body
598 of the municipality must review the inventory list at a public
599 hearing and may revise it at the conclusion of the public
600 hearing. Following the public hearing, the governing body of the
601 municipality shall adopt a resolution that includes an inventory
602 list of such property. Each municipality shall make the
603 inventory list publicly available on its website to encourage
604 potential development.

605 (2) The properties identified as appropriate for use as
606 affordable housing on the inventory list adopted by the
607 municipality may be used for affordable housing through a long-
608 term land lease requiring the development and maintenance of
609 affordable housing, offered for sale and the proceeds ~~may be~~

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used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, ~~or may be~~ sold with a restriction that requires the development of the property as permanent affordable housing, or ~~may be~~ donated to a nonprofit housing organization for the construction of permanent affordable housing.

Alternatively, the municipality or special district may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term "affordable" has the same meaning as in s. 420.0004(3).

(3) Municipalities 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.

Section 8. Effective January 1, 2024, subsection (1) of section 196.1978, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

196.1978 Affordable housing property exemption.—

(1) (a) Property used to provide affordable housing to eligible persons as defined by s. 159.603 and natural persons or families meeting the extremely-low-income, very-low-income, low-