

LIVE LOCAL ACT of 2023 (aka SB 102)

Effective July 1, 2023

Presentation to the Town of Juno Beach

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Thomas J. Lanahan, Executive Director
Treasure Coast Regional Planning Council

tlanahan@tcrpc.org

772-221-4060



WHO IS THE TCRPC???

- 10 municipal elected officials
- 9 county elected officials
- 9 governor appointees
- 3 standing committees
- 10 staff
- Budget and work program valued at \$2.1 million

You Are!



An association of local governments and the private sector working together to foster a high quality of life throughout the Treasure Coast Region

TREASURE COAST REGION

“QUICK FACTS”

- 4 Counties
- 52 Municipalities
- 2.1 million people
- 791,603 Jobs
- 1,002,244 Housing Units
- 105 miles of Atlantic Coastline
- 3,589 square miles
- 2.6 million people (2045)
- 294 local elected officials
- 5 state senators
- 13 state house members



RESPONSIBILITIES AND DUTIES

AS PROVIDED BY ITS LOCAL GOVERNMENTS

- Promote communication among local governments in the region
- Identify and resolve common regional-scale problems.
- Provide technical and professional planning assistance to its local governments
- Assure that State and Federal mandates are carried out consistent with local and regional conditions and preferences (Home Rule)
- Urban Planning / Redevelopment / CRA Plans
- Brownfields Assessment and Cleanup
- Emergency Management / Hazardous Materials
- Economic Development

Source: 1976 Interlocal Agreement creating the TCRPC (Restated in 2006).

PUT ANOTHER WAY...

We Are in the Connection Business

- Connect You with Each Other
- Connect You with Education and Solutions to Issues You Confront
- Connect You with State, Local, and Federal Funding
- Connect You with Staff Expertise to Expand Your Capacity
- Connect You with Other Regions



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State Housing Strategy – Statement of Legislative Intent

It is the intent of this act to articulate a state housing strategy that will carry the state toward the goal of ensuring that each Floridian has safe, decent, and affordable housing. This strategy must involve state and local governments working in partnership with communities and the private sector and must involve financial, as well as regulatory, commitment to accomplish this goal. [420.0003(1) – pg. 67 SB102]



Topics we will cover in this presentation:

Pre-emptions of Local Government Authority

- A. May approve affordable on existing commercial or industrial zoning if at least 10% of units are affordable (not new)(not a pre-emption)
- B. Must authorize multi family and mixed use residential in commercial, industrial or mixed-use zoning if at least 40% of units are affordable
- C. No rent control allowed
- D. Property tax exemption for affordable housing (includes a mandatory program and an optional program)

Other Aspects of Interest

- A. Revisions to the State Housing Strategy
- B. Funding
- C. Is it being used?
- D. Issues to consider
- E. Feedback to Legislature



Pre-emptions of Local Government Authority

- A. City may approve affordable on existing commercial or industrial zoning if at least 10% of units are affordable (not new)(not a pre-emption)
1. Affordable is per F.S. 420.0004 i.e. income at 30% to 120% of AMI
 2. Palm Beach County AMI is \$98,300; thus \$30,000 to \$116,880 for a family of 4
 3. Note that figures are from HUD and FHFC per 420.0004 therefore not exactly 30% and 120%
 4. “Affordable” is rent/mortgage + utilities + insurance + taxes = no more than 30% of income
 5. Not a new provision – in the Statutes since 2020
 6. Not a pre-emption. It is new flexibility for local governments
 7. Identical provisions for counties
 8. See 125.01055(6) on pg. 11 and 166.04151(6) on pg. 15 of SB 102

Pre-emptions of Local Government Authority

- B. City must authorize multi family and mixed use **rental** residential in commercial, industrial or mixed-use zoning if at least 40% of units are affordable (30% to 120% of AMI)(rent + utilities + taxes at 30% of income maximum)
1. May not require a land use or zoning change or a comprehensive plan amendment, special exception, conditional use, or variance to do it
 2. May not restrict density below the “highest allowed density” on any land in the city where residential development is allowed
 3. May not restrict height below the “highest currently allowed height” for commercial or residential development within the city within 1 mile of the proposed development OR 3 stories – whichever is higher
 4. Must administratively approve the proposed development without action by the City Council if it meets land development regulations for multi-family developments – including parking and setbacks for example and is otherwise consistent with the Comprehensive Plan
 5. Must consider reduced parking requirement if development is within ½ mile of a “major transit stop” as defined by the city and the stop is accessible to the development
 6. Development must comply with all other state and local laws
 7. In effect for 10 years
 8. Identical provisions for counties
 9. See 125.01055(7)(a), (b), and (c) on pgs. 12-13 and 166.04151(7)(a), (b), and (c) on pgs. 16-17 of SB 102

Exceptions to the Previous Slide

Does not apply to “recreational and commercial working waterfront” as defined in 342.201(2)(b) that is also zoned industrial. [See 125.01055(7)(h) on pg. 13 and 166.04151(7)(h) on pg. 17 of SB 102]

For municipalities only: if a city has less than 20% of their land area for commercial and industrial use then the pre-emption making approval of affordable housing mandatory on commercial and industrial land only applies to mixed-use projects (i.e. pure rental apartments are not mandatory). [See 166.04151(7)(f) on pg. 17 of SB 102]



Pre-emptions of Local Government Authority

- C. No rent control allowed. [125.0103(2) on pg. 10 of SB 102]
- D. Property tax exemptions
 1. Optional program for exemption of property taxes levied by that jurisdiction. Developments need to have more than 50 dwelling units (of which 20% must be affordable). If less than 100% of the units are affordable, then 75% of the value is exempt from property taxes. If all units are affordable, then 100% of the value is exempt. Program lasts for 4 years but can be renewed by ordinance.
 2. Mandatory program for exemption of property taxes. Developments need to have more than 70 affordable dwelling units. If they are affordable to residents making between 80% and 120% of AMI, then 75% of the value is tax exempt. If they are affordable to residents making less than 80% of AMI, then 100% of the value is tax exempt. Program lasts until December 31, 2059.
 3. See 196.1978(3) on pgs. 25-35 of SB 102
- E. Must post list of surplus property suitable for housing on website

State Housing Strategy – as amended in SB 102

It is the intent of this act to articulate a state housing strategy that will carry the state toward the goal of ensuring that each Floridian has safe, decent, and affordable housing. This strategy must involve state and local governments working in partnership with communities and the private sector and must involve financial, as well as regulatory commitment to accomplish this goal. [420.0003(1) – pg. 68 SB102]

1. Incentives

2. Innovative Solutions

(a) state, local, and school board land

(b) urban infill, redevelopment of commercial into mixed use

(c) maximize land use efficiency with higher density and height

(d) mixed income projects

(e) modern housing like tiny homes and accessory dwelling units

3. State Funding Should Only Go To Local Gov'ts with Incentives or Financial Assistance

4. Interlocal Agreements Encouraged

5. Infill, minimize sprawl. “Housing available to the state’s workforce should prioritize proximity to employment and services.” [420.003(2)(a) – pg. 70 SB 102]



1. Preservation of Housing Stock
2. Recognize Unique Housing Needs
 - (a) promote the “self-sufficiency and economic dignity” of the people of this state
 - (b) promote a wide range of housing options
 - (c) “the important contribution of public housing to the well-being of citizens in need shall be acknowledged through efforts to continue and bolster existing programs”
3. Shimberg Center at University of Florida to develop statewide data on housing needs
4. OPPAGA to study program effectiveness in other states and in Florida [420.003(2)(c,d) and (3) – pgs. 71 to 74 SB 102]



Funding - Statewide

- A. \$150M annually for 10 years from General Revenue service charge on Documentary Stamp taxes - directed to SAIL
- B. \$100M annual Tax Donation program – directed to SAIL
- C. \$100M to Hometown Hero program. Down payment assistance minimum \$10,000 up to 5% of first mortgage, maximum of \$35,000 . Zero interest loan. Any full-time employee of Florida based company, household income up to 150% of state or local median income (All funding has already been expended for FY 23-24)
- D. \$252M to SHIP
- E. \$109M to SAIL + \$150M above
- F. \$100M for inflation protection on previously approved projects
- G. Includes infrastructure supporting affordable housing in eligibility for Job Growth Grant Fund



Is it being used?

- A. Have not heard of any cities in Palm Beach County receiving applications for mandatory approval, but a number have had inquiries or preliminary discussions
- B. A couple of cities have had “threats” to give developer what he wants or else they’ll use Live Local Act

Issues to consider

- A. Housing and economic development are inextricably connected
- B. Most of your employees fall within the 30% to 120% of AMI
- C. Provide information on how Live Local Act applies in your specific city (LWB example)
- D. Policies, procedures, and/or ordinance on how to handle these applications?
- E. Evaluate the 20% rule re: how much commercial and industrial in your city (only mixed use is mandatory if you have less than 20% commercial and industrial land)
- F. Call their bluff on threats. The worst that can happen is people get affordable housing!
- G. Follow the intent of the Live Local Act

Feedback to Legislature

- A. Remove Industrial land from the mandatory approval; OK to leave in optional approval
- B. Reconsider “Area Median Income” standard and/or 120% AMI as “affordable”
- C. Four-County Task Force recommendations, IPARC, etc.



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For more information:

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Palm Beach County FY 2023 Income Limits Summary

FY 2023 Income Limit Area	Median Family Income Click for More Detail	FY 2023 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
West Palm Beach-Boca Raton, FL HUD Metro FMR Area	\$98,300	Very Low (50%) Income Limits (\$) Click for More Detail	34,100	39,000	43,850	48,700	52,600	56,500	60,400	64,300
		Extremely Low Income Limits (\$)* Click for More Detail	20,450	23,400	26,300	30,000	35,140	40,280	45,420	50,560
		Low (80%) Income Limits (\$) Click for More Detail	54,550	62,350	70,150	77,900	84,150	90,400	96,600	102,850

NOTE: **Palm Beach County** is part of the **West Palm Beach-Boca Raton, FL HUD Metro FMR Area**, so all information presented here applies to all of the West Palm Beach-Boca Raton, FL HUD Metro FMR Area. HUD generally uses the Office of Management and Budget (OMB) area definitions in the calculation of income limit program parameters. However, to ensure that program parameters do not vary significantly due to area definition changes, HUD has used custom geographic definitions for the West Palm Beach-Boca Raton, FL HUD Metro FMR Area.

The **West Palm Beach-Boca Raton, FL HUD Metro FMR Area** contains the following areas: Palm Beach County, FL;

[FY 2023 Income Limits Documentation System -- Summary for Palm Beach County, Florida \(huduser.gov\)](#)

