



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: September 20, 2023

Agenda Item No.

Agenda Title: Discussion on the Live Local Act and the possible implementation of a “Zoning in Progress”.

- [] SPECIAL PRESENTATION/REPORTS [] CONSENT AGENDA
[] BOARD APPOINTMENT [] OLD BUSINESS
[] ORDINANCE
[X] **NEW BUSINESS – DISCUSSION ITEM**
[] OTHER

Approved by Town Manager Bambi McKibbon-Turner

Digitally signed by Bambi McKibbon-Turner
DN: cn=Bambi McKibbon-Turner, o=Town of Lake Park,
ou=Assistant Town Manager/Human Resources Director,
email=bturner@lakeparkflorida.gov, c=US
Date: 2023.09.14 16:15:20 -0400

Anders Viane – Planner

Name/Title

Originating Department: Town Manager/Town Attorney/Community Development	Costs: N/A at this time other than internal meetings with the Town Attorney for which a legal budget is available. Funding Source: Acct. [] Finance _____	Attachments: -Senate Bill 102
Advertised: Date: N/A Paper: [] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone or Not applicable in this case ND Please initial one.

Summary Explanation/Background:

In July 2023 Senate Bill 102 (SB 102) was signed into law. It is known as the “Live Local Act”. This new law allocates \$711 million dollars toward affordable housing initiatives statewide. However, SB 102 is far more than an appropriations bill. It aims to incentivize the development of affordable housing and provide new procedures to the development of housing. The new law has implications for both developers and local governments.

SB 102 makes a number of changes to Florida law impacting how local governments can treat certain proposed affordable housing developments. It also changes what policies local governments may enact to address housing. These changes are intended to align with the Florida Legislature’s rewrite of section 420.0003, Florida Statutes, that deals with affordable housing. That section requires local governments provide incentives, such as density bonus incentives, to encourage the private sector to be the primary driver for developing affordable housing.

Rent Control

SB 102 amends sections 125.0103 and 166.043, Florida Statutes, to remove local government authority to enact rent control. Previously, local governments could enact rent control measures via a referendum for a period not exceeding one year in certain instances.

Development Incentives

SB 102 makes a number of changes to sections 125.01055 and 166.04151, Florida Statutes, which preempts local governments from enacting policies that would hinder the development of certain affordable housing projects. These changes sunset October 1, 2033.

SB 102 requires local governments to make multifamily and mixed-use residential allowable uses in areas zoned commercial, industrial, or mixed use if at least 40% of the proposed development's multifamily residential rental units are affordable as defined under state law (for at least 30 years as Affordable Multifamily Housing). SB 102 preempts local governments from taking a number of actions that might hinder the development of Affordable Multifamily Housing.

The amendments to these sections also remove the prohibition on developers of affordable housing from receiving funds from the State Apartment Incentive Loan (SAIL) Program provided that 10% of the units are dedicated for affordable housing.

Local Government Administration and Affordable Housing

SB 102 amends sections 125.379 and 166.0451, Florida Statutes, and requires local governments list real property owned in fee simple by any dependent special district within that local government's jurisdiction that is appropriate for affordable housing, as well as requiring the inventory list of properties be publicly available on the local governments' websites.

SB 102 amends section 553.792, Florida Statutes, to require local governments maintain a policy containing the procedures and expectations for expedited processing of building permits and development orders that are required to be expedited on the local governments' websites.

Taxes

SB 102 aims to encourage the development of affordable housing by lessening the associated tax burden.

- **Ad Valorem Property Tax Exemptions:** SB 102 enacts two separate ad valorem tax exemptions available to owners of property used for Affordable Multifamily Housing developments under sections 196.1978(3) and section 196.1979, Florida Statutes. A taxpayer may only receive one of these exemptions.
 1. **Sections 196.1978(3):** Section 196.1978(3), Florida Statutes, makes portions of property in a multifamily project eligible for a tax exemption by deeming such property to be used for a charitable purpose, pursuant to certain eligibility criteria. This section requires that qualified property which is available to house those whose annual household income is above 80% and below 120% of the median annual adjusted gross income for households within the metropolitan statistical area (MSA), or for households in a county that is not within an MSA, receive an ad valorem property tax exemption of 75% of the property's assessed value. However, if the property is used to house those with income that does not exceed 80% of the median annual adjusted gross income for households within the MSA or county, then the property is 100% exempt from ad valorem property taxes.
 2. **Section 196.1979:** Permits local governments to adopt an ordinance exempting portions of property used to provide affordable housing by deeming the property as

being used for a charitable purpose, pursuant to certain eligibility criteria. If all the residential units in a multifamily development are not affordable housing, then the property's exemption may be up to 75% of the assessed value of each residential unit providing affordable housing. If all the residential units are affordable, then the exemption may be up to 100% of the assessed value on the multifamily residential units providing affordable housing.

SB 102 enacts several more tax exemption and credit programs, along with State housing programs, pursuant to certain eligibility criteria.

SB 102 has a number of provisions that direct local governments to take action. For example, section 420.0003, Florida Statutes, encourages local governments to adopt ordinances to promote innovative housing solutions, such as utilizing publicly held land to develop affordable housing. That section also encourages local governments to engage in community led planning focusing on urban infill, flexible zoning, redevelopment of commercial property into mixed-use property, resiliency, and furthering development with preexisting public services. It encourages the development of policies that maximize high-density, high-rise, and mixed-use, as well as mixed-income projects. It even encourages the development of policies to modernize housing specifically naming things such as tiny homes, 3D-printed homes, and accessory dwelling units.

Additionally, SB 102's amendments to sections 125.379 and 166.0451, Florida Statutes, encourage local governments to enact ordinances adopting best practices for surplus land programs. These best practices include establishing eligibility criteria for the receipt or purchase of surplus land by developers, making the process for requesting surplus lands publicly available, and 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 the reversion of property not used for affordable housing within a certain timeframe. Local governments that wish to enact an ordinance providing for an ad valorem tax exemption under section 196.1979, Florida Statutes, will have to do so in accordance with the provisions and restrictions set out in that section.

SB 102 also directs certain State agencies such as the Florida Housing Finance Corporation to adopt rules relating to the ad valorem exemption available under section 196.1978(3), Florida Statutes. It directs the Florida Department of Revenue to adopt rules governing the administration of the tax exemptions under sections 212.08 and 220.1878, Florida Statutes.

With all of the above being said, it may be prudent to adopt a Zoning in Progress Resolution in order to provide the necessary time for Staff to adequately interpret and work through the requirements of the new law. This would ensure our programs and regulations adhere to the requirements, so that we can properly review and process applications under the Live Local Act. This would also ensure that we properly administer and apply the new provisions for affordable housing, tax exemptions and other provisions in a way that safeguards the public's health, safety and welfare.

Recommended Motion: For discussion and possible direction on a "Zoning in Progress" Resolution to be presented at the October 4, 2023 Commission meeting.