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1. [Fla. Stat. § 420.9076](#)

Client/Matter: -None-

[Fla. Stat. § 420.9076](#)

Current through the 2019 Session of the Florida Legislature.

LexisNexis® Florida Annotated Statutes > Title XXX. Social Welfare. (Chs. 409 — 430) > Chapter 420. Housing. (Pts. I — VII) > Part VII. State Housing Initiatives Partnership. (§§ 420.907 — 420.9089)

§ 420.9076. Adoption of affordable housing incentive strategies; committees.

(1) Each county or eligible municipality participating in the State Housing Initiatives Partnership Program, including a municipality receiving program funds through the county, or an eligible municipality must, within 12 months after the original adoption of the local housing assistance plan, amend the plan to include local housing incentive strategies as defined in [s. 420.9071\(16\)](#).

(2) The governing board of a county or municipality shall appoint the members of the affordable housing advisory committee. Pursuant to the terms of any interlocal agreement, a county and municipality may create and jointly appoint an advisory committee. The local action adopted pursuant to [s. 420.9072](#) which creates the advisory committee and appoints the advisory committee members must name at least 8 but not more than 11 committee members and specify their terms. The committee must consist of one representative from at least six of the categories below:

(a) A citizen who is actively engaged in the residential home building industry in connection with affordable housing.

(b) A citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.

(c) A citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.

(d) A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.

(e) A citizen who is actively engaged as a for-profit provider of affordable housing.

(f) A citizen who is actively engaged as a not-for-profit provider of affordable housing.

(g) A citizen who is actively engaged as a real estate professional in connection with affordable housing.

(h) A citizen who actively serves on the local planning agency pursuant to [s. 163.3174](#). If the local planning agency is comprised of the governing board of the county or municipality, the governing board may appoint a designee who is knowledgeable in the local planning process.

(i) A citizen who resides within the jurisdiction of the local governing body making the appointments.

(j) A citizen who represents employers within the jurisdiction.

(k) A citizen who represents essential services personnel, as defined in the local housing assistance plan.

(3) All meetings of the advisory committee are public meetings, and all committee records are public records. Staff, administrative, and facility support to the advisory committee shall be provided by the appointing county or eligible municipality.

(4) Triennially, the advisory committee shall review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local

government and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances, and other policies. At a minimum, each advisory committee shall submit a report to the local governing body that includes recommendations on, and triennially thereafter evaluates the implementation of, affordable housing incentives in the following areas:

- (a)** The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects, as provided in [s. 163.3177\(6\)\(f\)3](#).
- (b)** The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.
- (c)** The allowance of flexibility in densities for affordable housing.
- (d)** The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.
- (e)** The allowance of affordable accessory residential units in residential zoning districts.
- (f)** The reduction of parking and setback requirements for affordable housing.
- (g)** The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.
- (h)** The modification of street requirements for affordable housing.
- (i)** The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
- (j)** The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
- (k)** The support of development near transportation hubs and major employment centers and mixed-use developments.

The advisory committee recommendations may also include other affordable housing incentives identified by the advisory committee. Local governments that receive the minimum allocation under the State Housing Initiatives Partnership Program shall perform the initial review but may elect to not perform the triennial review.

(5) The approval by the advisory committee of its local housing incentive strategies recommendations and its review of local government implementation of previously recommended strategies must be made by affirmative vote of a majority of the membership of the advisory committee taken at a public hearing. Notice of the time, date, and place of the public hearing of the advisory committee to adopt its evaluation and final local housing incentive strategies recommendations must be published in a newspaper of general paid circulation in the county. The notice must contain a short and concise summary of the evaluation and local housing incentives strategies recommendations to be considered by the advisory committee. The notice must state the public place where a copy of the evaluation and tentative advisory committee recommendations can be obtained by interested persons. The final report, evaluation, and recommendations shall be submitted to the corporation.

(6) Within 90 days after the date of receipt of the evaluation and local housing incentive strategies recommendations from the advisory committee, the governing body of the appointing local government shall adopt an amendment to its local housing assistance plan to incorporate the local housing incentive strategies it will implement within its jurisdiction. The amendment must include, at a minimum, the local housing incentive strategies required under [s. 420.9071\(16\)](#). The local government must consider the strategies specified in paragraphs (4)(a)-(k) as recommended by the advisory committee.

(7)The governing board of the county or the eligible municipality shall notify the corporation by certified mail of its adoption of an amendment of its local housing assistance plan to incorporate local housing incentive strategies. The notice must include a copy of the approved amended plan.

(a)If the corporation fails to receive timely the approved amended local housing assistance plan to incorporate local housing incentive strategies, a notice of termination of its share of the local housing distribution shall be sent by certified mail by the corporation to the affected county or eligible municipality. The notice of termination must specify a date of termination of the funding if the affected county or eligible municipality has not adopted an amended local housing assistance plan to incorporate local housing incentive strategies. If the county or the eligible municipality has not adopted an amended local housing assistance plan to incorporate local housing incentive strategies by the termination date specified in the notice of termination, the local distribution share terminates; and any uncommitted local distribution funds held by the affected county or eligible municipality in its local housing assistance trust fund shall be transferred to the Local Government Housing Trust Fund to the credit of the corporation to administer the local government housing program.

(b)If a county fails to timely adopt an amended local housing assistance plan to incorporate local housing incentive strategies but an eligible municipality receiving a local housing distribution pursuant to an interlocal agreement within the county does timely adopt an amended local housing assistance plan to incorporate local housing incentive strategies, the corporation, after issuance of a notice of termination, shall thereafter distribute directly to the participating eligible municipality its share calculated in the manner provided in [s. 420.9073](#).

(c)Any county or eligible municipality whose local distribution share has been terminated may subsequently elect to receive directly its local distribution share by adopting an amended local housing assistance plan to incorporate local housing incentive strategies in the manner and according to the procedure provided in this section and by adopting an ordinance in the manner required in [s. 420.9072](#).

(8)The advisory committee may perform other duties at the request of the local government, including:

(a)The provision of mentoring services to affordable housing partners including developers, banking institutions, employers, and others to identify available incentives, assist with applications for funding requests, and develop partnerships between various parties.

(b)The creation of best practices for the development of affordable housing in the community.

(9)The advisory committee shall be cooperatively staffed by the local government department or division having authority to administer local planning or housing programs to ensure an integrated approach to the work of the advisory committee.

History

S. 32, [ch. 92-317](#); s. 15, [ch. 93-181](#); s. 38, [ch. 97-167](#); s. 24, [ch. 2006-69](#), eff. July 1, 2006; s. 19, [ch. 2007-198](#), eff. July 1, 2007; s. 117, [ch. 2008-4](#), eff. July 1, 2008; s. 30, [ch. 2009-96](#), eff. June 1, 2009; s. 16, [ch. 2011-15](#), eff. Apr. 27, 2011; s. 67, [ch. 2011-139](#), eff. June 2, 2011; s. 11, [ch. 2016-210](#), eff. July 1, 2016.

Annotations

Notes

Editor's notes.

Section 1, [ch. 2009-96](#) provides: “This act may be cited as the ‘Community Renewal Act’.”

Section 34, [ch. 2009-96](#) provides: “The Legislature finds that this act fulfills an important state interest.”

Section 1, [ch. 2009-96](#), as amended by s. 1, [ch. 2011-14](#), “This act may be cited as the ‘Community Renewal Act.’”

Section 20, [ch. 2011-15](#) provides: “This act shall take effect upon becoming a law, and those portions of this act which were amended, created, or repealed by chapter 2009-96, Laws of Florida, shall operate retroactively to June 1, 2009. If such retroactive application is held by a court of last resort to be unconstitutional, this act shall apply prospectively from the date that this act becomes a law.”

Section 78, [ch. 2011-139](#) provides: “If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.”

Amendments.

The 2006 amendment by s. 24, ch. 2006-69, effective July 1, 2006, substituted “specified in paragraphs (4)(a)-(j)” for “as defined in s. 420.9071(16)” in (6).

The 2007 amendment by s. 19, ch. 2007-198, effective July 1, 2007, in (2), substituted “11 committee members” for “nine committee members,” added (2)(j) and (k), and added the last sentence in the undesignated paragraph at the end of the subsection; in (4), added “Triennially” at the beginning of the first sentence, “including recommendations to amend the local government comprehensive plan and corresponding regulation, ordinances, and other policies” at the end of the second sentence, and rewrote the third sentence; in (4)(c), substituted “flexibility in densities” for “increased density levels”; in (4)(d), added “and moderate-income persons”; in (4)(g), inserted “flexible lot configurations, including”; added (4)(k); in the undesignated paragraph at the end of (4), substituted “may” for “must” and added the last sentence; in (5), inserted “and its review of the local government implementation of previously recommended strategies”; in (6), substituted “required under s. 420.9071(16)” for “specified in paragraphs (4)(a)-(j),” and added the last sentence; and added (8) and (9).

The 2008 amendment by s. 117, ch. 2008-4, effective July 1, 2008, in the closing paragraph in (2), substituted “who” for “that” to improve clarity.

The 2009 amendment added the second sentence of (2)(h); added “its evaluation and” in the second sentence of (5); added “evaluation and” in the third and fourth sentences of (5) and the first sentence of (6); added the last sentence of (5); and deleted “pursuant to s. 420.9078” at the end of the last sentence of (7)(a).

The 2011 amendment by s. 16, ch. 2011-15, reenacted (2)(h), (5), (6), and (7)(a) without change.

The 2011 amendment by s. 67, ch. 2011-139, substituted “s. 163.3164” for “s. 163.3164(7) and (8)” in (4)(a).

The 2016 amendment, in the introductory language of (2), deleted “by resolution” at the end of the first sentence, deleted “to prepare a joint plan” at the end of the second sentence, in the third sentence, substituted “local action” for “ordinance,” substituted “and appoints” for “or the resolution appointing,” substituted “name at least 8 but not more than 11” for “provide for 11,” and added “specify,” and substituted “consist of one representative from at least six of the categories below” for “include” in the last sentence; deleted the second paragraph of (2); in (4)(a), deleted “as defined in s. 163.3164” following “orders or permits” and added “as provided in s. 163.3177(6)(f)3”; in (7)(b), substituted “issuance” for “receipt” and “s. 420.9073” for “s. 420.9072”; and made stylistic changes.

Research References & Practice Aids

RESEARCH REFERENCES & PRACTICE AIDS

Florida Statutes references.

Chapter 420. Housing, F.S. § [420.9071](#). Definitions.

Chapter 420. Housing, F.S. § [420.9072](#). State Housing Initiatives Partnership Program.

Florida Administrative Code references.

Chapter 9J-11 Governing the Procedure for the Submittal and Review of Local Government Comprehensive Plans and Amendments, *F.A.C. 9J-11.006* Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments.

Chapter 67-37 State Housing Initiatives Partnership Program, *F.A.C. 67-37.010* Local Affordable Housing Advisory Committees and Incentive Strategies.

Treatises

Florida Real Estate Transactions, Part VI. Land Use and Environmental Regulation, Chapter 37. Land Use Control, § [37.02 Local Government Comprehensive Planning and Land Development Act](#).

Florida Real Estate Transactions, Part VI. Land Use and Environmental Regulation, Chapter 37. Land Use Control, § [37.120 Challenging Local Government Comprehensive Plan](#).

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