

CHAPTER 2016-210

Committee Substitute for Senate Bill No. 1534

An act relating to housing assistance; amending s. 420.503, F.S.; redefining the term “service provider”; amending s. 420.507, F.S.; revising the powers that the Florida Housing Finance Corporation may exercise in developing and administering the State Apartment Incentive Loan Program; deleting a specified timeframe in which the corporation may preclude certain applicants or affiliates of an applicant from further participation in any of the corporation’s programs; authorizing the corporation to reserve a specified minimum percentage of its annual appropriation from the State Housing Trust Fund for certain housing projects, subject to certain requirements; amending s. 420.5087, F.S.; requiring that State Apartment Incentive Loan Program funds be made available through a competitive solicitation process, subject to certain requirements; requiring program funds be made available for use by certain sponsors during the first 6 months of loan or loan guarantee availability, subject to certain requirements; revising requirements related to all state apartment incentive loans, with the exception of certain loans made to housing communities for the elderly; deleting provisions related to the reservation of funds related to certain tenant groups; conforming a cross-reference; amending s. 420.511, F.S.; deleting a requirement that the corporation’s business plan and annual report recognize certain fiscal periods; amending s. 420.622, F.S.; requiring that the State Office on Homelessness coordinate among certain agencies and providers to produce a statewide consolidated inventory for the state’s entire system of homeless programs which incorporates regionally developed plans; requiring the office, in consultation with the designated lead agencies for a local homeless continuum of care and with the Council on Homelessness, to develop the system and process of data collection from all lead agencies, subject to certain requirements; deleting the requirement that the Council on Homelessness explore the potential of creating a statewide Homeless Management Information System and encourage future participation of certain award or grant recipients; requiring the State Office on Homelessness to accept and administer moneys appropriated to it to provide annual Challenge Grants to certain lead agencies of homeless assistance continuums of care; removing the requirement that levels of grant awards be based upon the total population within the continuum of care catchment area and reflect the differing degrees of homelessness in the respective areas; revising the requirement that a lead agency document the commitment of local government and private organizations to provide matching funds or in-kind support in an amount equal to the grant requested; authorizing expenditures of leveraged funds or resources only for eligible activities, subject to certain requirements; revising the preference given to certain lead agencies that have demonstrated the ability to leverage federal homeless-assistance funding under the Stewart B. McKinney Act; requiring the State Office on Homelessness, in

conjunction with the Council on Homelessness, to establish specific objectives by which it may evaluate the outcomes of certain lead agencies; requiring that certain funding through the State Office on Homelessness be distributed to lead agencies based on their performance and achievement of specified objectives; revising the factors that may be included as criteria for evaluating the performance of lead agencies; authorizing the State Office on Homelessness to administer moneys appropriated to it for distribution among certain local homeless continuums of care; amending s. 420.624, F.S.; revising requirements for the local homeless assistance continuum of care plan; providing that the components of a continuum of care plan should include Rapid ReHousing; requiring that specified components of a continuum of care plan be coordinated and integrated with other specified services and programs; creating s. 420.6265, F.S.; providing legislative findings and intent relating to Rapid ReHousing; providing a Rapid ReHousing methodology; amending s. 420.9071, F.S.; redefining the terms “local housing incentive strategies” and “rent subsidies”; conforming cross-references; amending s. 420.9072, F.S.; increasing the number of days within which a review committee is required to review a local housing assistance plan or plan revision after receiving it; prohibiting a county or an eligible municipality from expending its portion of the local housing distribution to provide ongoing rent subsidies; specifying exceptions; amending s. 420.9075, F.S.; providing that a certain partnership process of the State Housing Initiatives Partnership Program should involve lead agencies of local homeless assistance continuums of care; encouraging counties and eligible municipalities to develop a strategy within their local housing assistance plans which provides program funds for reducing homelessness; authorizing local governments to create certain regional partnerships to address homeless housing needs identified in local housing assistance plans; revising criteria and administrative procedures governing each local housing assistance plan; revising the criteria that apply to awards made to sponsors or persons for the purpose of providing housing; requiring that a specified report submitted by counties and municipalities include a description of efforts to reduce homelessness; revising the manner in which a certain share that the corporation distributes directly to a participating eligible municipality is calculated; conforming cross-references; amending s. 420.9076, F.S.; revising requirements related to the creation and appointment of members of affordable housing advisory committees; revising requirements related to a report submitted by each advisory committee to the local governing body on affordable housing incentives; requiring the corporation, after issuance of a notice of termination, to distribute directly to a participating eligible municipality a county’s share under certain circumstances calculated in a specified manner; creating s. 420.9089, F.S.; providing legislative findings and intent; amending s. 421.04, F.S.; prohibiting a housing authority from applying to the Federal Government to seize projects, units, or vouchers of another established housing authority; amending s. 421.05, F.S.; exempting authorities from s. 215.425, F.S.; amending s. 421.091, F.S.; requiring a full financial accounting and audit of public housing agencies to be

submitted to the Federal Government pursuant to certain requirements; exempting housing authorities from specified reporting requirements; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (36) of section 420.503, Florida Statutes, is amended to read:

420.503 Definitions.—As used in this part, the term:

(36) “Service provider,” except as otherwise defined in s. 420.512(5), means a law firm, investment bank, certified public accounting firm, auditor, trustee bank, credit underwriter, homeowner loan servicer, or any other provider of services to the corporation which offers to perform or performs services to the corporation or other provider for fees in excess of \$35,000 ~~\$25,000~~ in the aggregate during any fiscal year of the corporation. The term includes the agents, officers, principals, and professional employees of the service provider.

Section 2. Paragraphs (a) and (b) of subsection (22) of section 420.507, Florida Statutes, are amended, present paragraphs (d) through (i) of that subsection are redesignated as (e) through (j), respectively, a new paragraph (d) is added to that subsection, subsection (35) of that section is amended, and subsection (50) is added to that section, to read:

420.507 Powers of the corporation.—The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(22) To develop and administer the State Apartment Incentive Loan Program. In developing and administering that program, the corporation may:

(a) Make first, second, and other subordinated mortgage loans including variable or fixed rate loans subject to contingent interest for all State Apartment Incentive Loans provided in this chapter based upon available cash flow of the projects. The corporation shall make loans exceeding 25 percent of project cost only to nonprofit organizations and public bodies that are able to secure grants, donations of land, or contributions from other sources and to projects meeting the criteria of subparagraph 1. Mortgage loans shall be made available at the following rates of interest:

1. Zero to 3 percent interest for sponsors of projects that set aside at least 80 percent of their total units for residents qualifying as farmworkers, commercial fishing workers, the homeless as defined in s. 420.621, or persons with special needs as defined in s. 420.0004(13) over the life of the loan.

2. Zero to 3 percent interest based on the pro rata share of units set aside for homeless residents or persons with special needs if the total of such units is less than 80 percent of the units in the borrower's project.

3. One to 9 percent interest for sponsors of projects targeted at populations other than farmworkers, commercial fishing workers, the homeless persons, or persons with special needs.

(b) Make loans exceeding 25 percent of project cost when the project serves extremely-low-income persons or projects as provided in paragraph (d).

(d) In counties or rural areas of counties that do not have existing units set aside for homeless persons, forgive indebtedness for loans provided to create permanent rental housing units for persons who are homeless, as defined in s. 420.621(5), or for persons residing in time-limited transitional housing or institutions as a result of a lack of permanent, affordable housing. Such developments must be supported by a local homeless assistance continuum of care developed under s. 420.624; be developed by nonprofit applicants; be small properties as defined by corporation rule; and be a project in the local housing assistance continuum of care plan recognized by the State Office on Homelessness.

(35) To preclude from further participation in any of the corporation's programs, ~~for a period of up to 2 years~~, any applicant or affiliate of an applicant which has made a material misrepresentation or engaged in fraudulent actions in connection with any application for a corporation program.

(50) To reserve a minimum of 5 percent of its annual appropriation from the State Housing Trust Fund for housing projects designed and constructed to serve persons who have a disabling condition, as defined in s. 420.0004, with first priority given to projects serving persons who have a developmental disability, as defined in s. 393.063. Funding shall be provided as forgivable loans through a competitive solicitation. Private nonprofit organizations whose primary mission includes serving persons with a disabling condition shall be eligible for these funds. In evaluating proposals for these funds, the corporation shall consider the extent to which funds from local and other sources will be used by the applicant to leverage the funds provided under this section; employment opportunities and supports that will be available to residents of the proposed housing; a plan for residents to effectively access community-based services, resources, and amenities; and partnerships with other supportive services agencies.

Section 3. Subsections (1) and (3), paragraphs (b), (f), and (k) of subsection (6), and subsection (10) of section 420.5087, Florida Statutes, are amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of

providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(1) Program funds shall be made available through a competitive solicitation process distributed over successive 3-year periods in a manner that meets the need and demand for very-low-income housing throughout the state. That need and demand must be determined by using the most recent statewide low-income rental housing market studies conducted every 3 years available at the beginning of each 3-year period. However, at least 10 percent of the program funds, as calculated on an annual basis, distributed during a 3-year period must be made available allocated to each of the following categories of counties, as determined by using the population statistics published in the most recent edition of the Florida Statistical Abstract:

(a) Counties that have a population of 825,000 or more.

(b) Counties that have a population of more than 100,000 but less than 825,000.

(c) Counties that have a population of 100,000 or less.

Any increase in funding required to reach the 10-percent minimum shall be taken from the county category that has the largest portion of the funding allocation. The corporation shall adopt rules that which establish an equitable process for distributing any portion of the 10 percent of program funds made available allocated to the county categories specified in this subsection which remains unallocated at the end of a 3-year period. Counties that have a population of 100,000 or less shall be given preference under these rules.

(3) During the first 6 months of loan or loan guarantee availability, program funds shall be made available reserved for use by sponsors who provide the housing set-aside required in subsection (2) for the tenant groups designated in this subsection. The reservation of funds made available to each of these groups shall be determined using the most recent statewide very-low-income rental housing market study available at the time of publication of each notice of fund availability required by paragraph (6)(b). The reservation of funds made available within each notice of fund availability to the tenant groups in paragraphs (b)-(e) (a), (b), and (e) may not be less than 10 percent of the funds available at that time. Any increase in funding required to reach the required 10-percent minimum must be taken from the tenant group that would receive has the largest percentage of available funds in accordance with the study reservation. The reservation of funds made available within each notice of fund availability to the tenant group in paragraph (a) (e) may not be less than 5 percent of the funds available at that time. The reservation of funds within each notice of fund availability to the tenant group in paragraph (d) may not be more than 10 percent of the funds available at that time. The tenant groups are:

- (a) Commercial fishing workers and farmworkers;
- (b) Families;
- (c) Persons who are homeless;
- (d) Persons with special needs; and

(e) Elderly persons. Ten percent of the amount made available reserved for the elderly shall ~~be reserved to~~ provide loans to sponsors of housing for the elderly for the purpose of making building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or lifesafety or security-related repairs or improvements to such housing. Such a loan may not exceed \$750,000 per housing community for the elderly. In order to receive the loan, the sponsor of the housing community must make a commitment to match at least 5 percent of the loan amount to pay the cost of such repair or improvement. The corporation shall establish the rate of interest on the loan, which may not exceed 3 percent, and the term of the loan, which may not exceed 15 years; however, if the lien of the corporation's encumbrance is subordinate to the lien of another mortgagee, then the term may be made coterminous with the longest term of the superior lien. The term of the loan shall be based on a credit analysis of the applicant. The corporation may forgive indebtedness for a share of the loan attributable to the units in a project reserved for extremely-low-income elderly by nonprofit organizations, as defined in s. 420.0004(5), where the project has provided affordable housing to the elderly for 15 years or more. The corporation shall establish, by rule, the procedure and criteria for receiving, evaluating, and competitively ranking all applications for loans under this paragraph. A loan application must include evidence of the first mortgagee's having reviewed and approved the sponsor's intent to apply for a loan. A nonprofit organization or sponsor may not use the proceeds of the loan to pay for administrative costs, routine maintenance, or new construction.

(6) On all state apartment incentive loans, except loans made to housing communities for the elderly to provide for lifesafety, building preservation, health, sanitation, or security-related repairs or improvements, the following provisions shall apply:

(b) The corporation shall publish a notice of fund availability in a publication of general circulation throughout the state. Such notice shall be published at least 60 days prior to the application deadline and shall provide notice of the availability ~~temporary reservations~~ of funds established in subsection (3).

(f) The review committee established by corporation rule pursuant to this subsection shall make recommendations to the board of directors of the corporation regarding program participation under the State Apartment Incentive Loan Program. The corporation board shall make the final decisions regarding which applicants shall become program participants

based on the scores received in the competitive process, further review of applications, and the recommendations of the review committee. The corporation board shall approve or reject applications for loans and shall determine the tentative loan amount available to each applicant selected for participation in the program. The actual loan amount shall be determined pursuant to rule adopted pursuant to s. 420.507(22)(i) ~~s. 420.507(22)(h)~~.

~~(k) Rent controls shall not be allowed on any project except as required in conjunction with the issuance of tax-exempt bonds or federal low-income housing tax credits and except when the sponsor has committed to set aside units for extremely low-income persons, in which case rents shall be set restricted at the income set-aside levels committed to by the sponsor at the level applicable income limitations established by the corporation for federal low-income tax credits.~~

~~(10)(a) Notwithstanding subsection (3), for the 2015-2016 fiscal year, the reservation of funds for the tenant groups within each notice of fund availability shall be:~~

~~1. Not less than 10 percent of the funds available at that time for the following tenant groups:~~

- ~~a. Families;~~
- ~~b. Persons who are homeless;~~
- ~~e. Persons with special needs; and~~
- ~~d. Elderly persons.~~

~~2. Not less than 5 percent of the funds available at that time for the commercial fishing workers and farmworkers tenant group.~~

~~(b) This subsection expires July 1, 2016.~~

Section 4. Subsection (5) of section 420.511, Florida Statutes, is amended to read:

420.511 Strategic business plan; long-range program plan; annual report; audited financial statements.—

(5) The Auditor General shall conduct an operational audit of the accounts and records of the corporation and provide a written report on the audit to the President of the Senate and the Speaker of the House of Representatives by December 1, 2016. ~~Both the corporation's business plan and annual report must recognize the different fiscal periods under which the corporation, the state, the Federal Government, and local governments operate.~~

Section 5. Paragraphs (a) and (b) of subsection (3) and subsections (4), (5), and (6) of section 420.622, Florida Statutes, are amended, and subsection (10) is added to that section, to read:

420.622 State Office on Homelessness; Council on Homelessness.—

(3) The State Office on Homelessness, pursuant to the policies set by the council and subject to the availability of funding, shall:

(a) Coordinate among state, local, and private agencies and providers to produce a statewide consolidated inventory program and financial plan for the state's entire system of homeless programs which incorporates regionally developed plans. Such programs include, but are not limited to:

1. Programs authorized under the Stewart B. McKinney Homeless Assistance Act of 1987, 42 U.S.C. ss. 11371 et seq., and carried out under funds awarded to this state; and

2. Programs, components thereof, or activities that assist persons who are homeless or at risk for homelessness.

(b) Collect, maintain, and make available information concerning persons who are homeless or at risk for homelessness, including demographics information, current services and resources available, the cost and availability of services and programs, and the met and unmet needs of this population. All entities that receive state funding must provide access to all data they maintain in summary form, with no individual identifying information, to assist the council in providing this information. The State Office on Homelessness, in consultation with the designated lead agencies for a local homeless continuum of care and with the Council on Homelessness, shall develop the system and process of data collection from all lead agencies for the purpose of analyzing trends and assessing impacts in the statewide homeless delivery system. Any statewide homelessness survey and database system must comply with all state and federal statutory and regulatory confidentiality requirements ~~The council shall explore the potential of creating a statewide Management Information System (MIS), encouraging the future participation of any bodies that are receiving awards or grants from the state, if such a system were adopted, enacted, and accepted by the state.~~

(4) The State Office on Homelessness, with the concurrence of the Council on Homelessness, shall ~~may~~ accept and administer moneys appropriated to it to provide annual "Challenge Grants" to lead agencies of homeless assistance continuums of care designated by the State Office on Homelessness pursuant to s. 420.624. The department shall establish varying levels of grant awards up to \$500,000 per lead agency. ~~Award levels shall be based upon the total population within the continuum of care catchment area and reflect the differing degrees of homelessness in the catchment planning areas.~~ The department, in consultation with the Council

on Homelessness, shall specify a grant award level in the notice of the solicitation of grant applications.

(a) To qualify for the grant, a lead agency must develop and implement a local homeless assistance continuum of care plan for its designated catchment area. The continuum of care plan must implement a coordinated assessment or central intake system to screen, assess, and refer persons seeking assistance to the appropriate service provider. The lead agency shall also document the commitment of local government ~~or~~ and private organizations to provide matching funds or in-kind support in an amount equal to the grant requested. Expenditures of leveraged funds or resources, including third-party cash or in-kind contributions, are authorized only for eligible activities committed on one project which have not been used as leverage or match for any other project or program and must be certified through a written commitment.

(b) Preference must be given to those lead agencies that have demonstrated the ability of their continuum of care to provide quality services to homeless persons and the ability to leverage federal homeless-assistance funding under the Stewart B. McKinney Act with local government funding ~~or~~ and private funding for the provision of services to homeless persons.

(c) Preference must be given to lead agencies in catchment areas with the greatest need for the provision of housing and services to the homeless, relative to the population of the catchment area.

(d) The grant may be used to fund any of the housing, program, or service needs included in the local homeless assistance continuum of care plan. The lead agency may allocate the grant to programs, services, or housing providers that implement the local homeless assistance continuum care plan. The lead agency may provide subgrants to a local agency to implement programs or services or provide housing identified for funding in the lead agency's application to the department. A lead agency may spend a maximum of 8 percent of its funding on administrative costs.

(e) The lead agency shall submit a final report to the department documenting the outcomes achieved by the grant in enabling persons who are homeless to return to permanent housing thereby ending such person's episode of homelessness.

(5) The State Office on Homelessness, with the concurrence of the Council on Homelessness, may administer moneys appropriated to it to provide homeless housing assistance grants annually to lead agencies for local homeless assistance continuum of care, as recognized by the State Office on Homelessness, to acquire, construct, or rehabilitate transitional or permanent housing units for homeless persons. These moneys shall consist of any sums that the state may appropriate, as well as money received from donations, gifts, bequests, or otherwise from any public or private source, which are intended to acquire, construct, or rehabilitate transitional or permanent housing units for homeless persons.

(a) Grant applicants shall be ranked competitively. Preference must be given to applicants who leverage additional private funds and public funds, particularly federal funds designated for the acquisition, construction, or rehabilitation of transitional or permanent housing for homeless persons; who acquire, build, or rehabilitate the greatest number of units; ~~or and~~ who acquire, build, or rehabilitate in catchment areas having the greatest need for housing for the homeless relative to the population of the catchment area.

(b) Funding for any particular project may not exceed \$750,000.

(c) Projects must reserve, for a minimum of 10 years, the number of units acquired, constructed, or rehabilitated through homeless housing assistance grant funding to serve persons who are homeless at the time they assume tenancy.

(d) No more than two grants may be awarded annually in any given local homeless assistance continuum of care catchment area.

(e) A project may not be funded which is not included in the local homeless assistance continuum of care plan, as recognized by the State Office on Homelessness, for the catchment area in which the project is located.

(f) The maximum percentage of funds that the State Office on Homelessness and each applicant may spend on administrative costs is 5 percent.

(6) The State Office on Homelessness, in conjunction with the Council on Homelessness, shall establish performance measures and specific objectives by which it may evaluate the effective performance and outcomes of lead agencies that receive grant funds. Challenge Grants made through the State Office on Homelessness shall be distributed to lead agencies based on their overall performance and their achievement of specified objectives. Each lead agency for which grants are made under this section shall provide the State Office on Homelessness a thorough evaluation of the effectiveness of the program in achieving its stated purpose. In evaluating the performance of the lead agencies, the State Office on Homelessness shall base its criteria upon the program objectives, goals, and priorities that were set forth by the lead agencies in their proposals for funding. Such criteria may include, but ~~are not be limited to,~~ the number of persons or households that are no longer homeless, the rate of recidivism to homelessness, and the number of persons who obtain gainful employment homeless individuals provided shelter, food, counseling, and job training.

(10) The State Office on Homelessness may administer moneys appropriated to it for distribution among the 28 local homeless continuums of care designated by the Department of Children and Families.

Section 6. Subsections (3), (7), and (8) of section 420.624, Florida Statutes, are amended to read:

420.624 Local homeless assistance continuum of care.—

(3) Communities or regions seeking to implement a local homeless assistance continuum of care are encouraged to develop and annually update a written plan that includes a vision for the continuum of care, an assessment of the supply of and demand for housing and services for the homeless population, and specific strategies and processes for providing the components of the continuum of care. The State Office on Homelessness, in conjunction with the Council on Homelessness, shall include in the plan a methodology for assessing performance and outcomes. The State Office on Homelessness shall supply a standardized format for written plans, including the reporting of data.

(7) The components of a continuum of care plan should include:

(a) Outreach, intake, and assessment procedures in order to identify the service and housing needs of an individual or family and to link them with appropriate housing, services, resources, and opportunities;

(b) Emergency shelter, in order to provide a safe, decent alternative to living in the streets;

(c) Transitional housing;

(d) Supportive services, designed to assist with the development of the skills necessary to secure and retain permanent housing;

(e) Permanent supportive housing;

(f) Rapid ReHousing, as specified in s. 420.6265;

~~(g)~~(f) Permanent housing;

~~(h)~~(g) Linkages and referral mechanisms among all components to facilitate the movement of individuals and families toward permanent housing and self-sufficiency;

~~(i)~~(h) Services and resources to prevent housed persons from becoming or returning to homelessness; and

(j)(i) An ongoing planning mechanism to address the needs of all subgroups of the homeless population, including but not limited to:

1. Single adult males;
2. Single adult females;
3. Families with children;
4. Families with no children;
5. Unaccompanied children and youth;
6. Elderly persons;

7. Persons with drug or alcohol addictions;
8. Persons with mental illness;
9. Persons with dual or multiple physical or mental disorders;
10. Victims of domestic violence; and
11. Persons living with HIV/AIDS.

(8) Continuum of care plans must promote participation by all interested individuals and organizations and may not exclude individuals and organizations on the basis of race, color, national origin, sex, handicap, familial status, or religion. Faith-based organizations must be encouraged to participate. To the extent possible, these components must ~~should~~ be coordinated and integrated with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Assistance Program, and services funded through the Mental Health and Substance Abuse Block Grant, the Workforce Investment Act, and the welfare-to-work grant program.

Section 7. Section 420.6265, Florida Statutes, is created to read:

420.6265 Rapid ReHousing.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that Rapid ReHousing is a strategy of using temporary financial assistance and case management to quickly move an individual or family out of homelessness and into permanent housing.

(b) The Legislature also finds that public and private solutions to homelessness in the past have focused on providing individuals and families who are experiencing homelessness with emergency shelter, transitional housing, or a combination of both. While emergency shelter and transitional housing programs may provide critical access to services for individuals and families in crisis, the programs often fail to address their long-term needs.

(c) The Legislature further finds that most households become homeless as a result of a financial crisis that prevents individuals and families from paying rent or a domestic conflict that results in one member being ejected or leaving without resources or a plan for housing.

(d) The Legislature further finds that Rapid ReHousing is an alternative approach to the current system of emergency shelter or transitional housing which tends to reduce the length of time a person is homeless and has proven to be cost effective.

(e) It is therefore the intent of the Legislature to encourage homeless continuums of care to adopt the Rapid ReHousing approach to preventing

homelessness for individuals and families who do not require the intense level of supports provided in the permanent supportive housing model.

(2) RAPID REHOUSING METHODOLOGY.—

(a) The Rapid ReHousing response to homelessness differs from traditional approaches to addressing homelessness by focusing on each individual's or family's barriers to housing. By using this approach, communities can significantly reduce the amount of time that individuals and families are homeless and prevent further episodes of homelessness.

(b) In Rapid ReHousing, an individual or family is identified as being homeless, temporary assistance is provided to allow the individual or family to obtain permanent housing as quickly as possible, and, if needed, assistance is provided to allow the individual or family to retain housing.

(c) The objective of Rapid ReHousing is to provide assistance for as short a term as possible so that the individual or family receiving assistance does not develop a dependency on the assistance.

Section 8. Subsections (16), (25), and (26) of section 420.9071, Florida Statutes, are amended to read:

420.9071 Definitions.—As used in ss. 420.907-420.9079, the term:

(16) “Local housing incentive strategies” means local regulatory reform or incentive programs to encourage or facilitate affordable housing production, which include at a minimum, assurance that permits as defined in ~~s. 163.3164~~ for affordable housing projects are expedited to a greater degree than other projects, as provided in s. 163.3177(6)(f)3.; an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption; and a schedule for implementing the incentive strategies. Local housing incentive strategies may also include other regulatory reforms, such as those enumerated in s. 420.9076 or those recommended by the affordable housing advisory committee in its triennial evaluation of the implementation of affordable housing incentives, and adopted by the local governing body.

(25) “Recaptured funds” means funds that are recouped by a county or eligible municipality in accordance with the recapture provisions of its local housing assistance plan pursuant to ~~s. 420.9075(5)(j)~~ ~~s. 420.9075(5)(h)~~ from eligible persons or eligible sponsors, which funds were not used for assistance to an eligible household for an eligible activity, when there is a default on the terms of a grant award or loan award.

(26) “Rent subsidies” means ongoing monthly rental assistance. ~~The term does not include initial assistance to tenants, such as grants or loans for security and utility deposits.~~

Section 9. Paragraph (b) of subsection (3) and subsection (7) of section 420.9072, Florida Statutes, are amended to read:

420.9072 State Housing Initiatives Partnership Program.—The State Housing Initiatives Partnership Program is created for the purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment.

(3)

(b) Within 45 ~~30~~ days after receiving a plan, the review committee shall review the plan and either approve it or identify inconsistencies with the requirements of the program. The corporation shall assist a local government in revising its plan if it initially proves to be inconsistent with program requirements. A plan that is revised by the local government to achieve consistency with program requirements shall be reviewed within 45 ~~30~~ days after submission. The deadlines for submitting original and revised plans shall be established by corporation rule; however, the corporation shall not require submission of a new local housing assistance plan to implement amendments to this act until the currently effective plan expires.

(7)(a) A county or an eligible municipality must expend its portion of the local housing distribution only to implement a local housing assistance plan or as provided in this subsection. ~~A county or an eligible municipality may not expend its portion of the local housing distribution to provide rent subsidies; however, this does not prohibit the use of funds for security and utility deposit assistance.~~

(b) A county or an eligible municipality may not expend its portion of the local housing distribution to provide ongoing rent subsidies, except for:

1. Security and utility deposit assistance.

2. Eviction prevention not to exceed 6 months' rent.

3. A rent subsidy program for very-low-income households with at least one adult who is a person with special needs as defined in s. 420.0004 or homeless as defined in s. 420.621. The period of rental assistance may not exceed 12 months for any eligible household.

Section 10. Paragraph (a) of subsection (2) of section 420.9075, Florida Statutes, is amended, paragraphs (f) and (g) are added to subsection (3) of that section, paragraph (e) of subsection (4) of that section is amended, present paragraph (b) of subsection (5) of that section is redesignated as paragraph (c), present paragraphs (c) through (l) of that subsection are redesignated as paragraphs (e) through (n), respectively, new paragraphs (b) and (d) are added to that subsection, present paragraph (l) of that subsection is amended, paragraph (i) is added to subsection (10) of that section, and paragraph (b) of subsection (13) of that section is amended, to read:

420.9075 Local housing assistance plans; partnerships.—

(2)(a) Each county and each eligible municipality participating in the State Housing Initiatives Partnership Program shall encourage the involvement of appropriate public sector and private sector entities as partners in order to combine resources to reduce housing costs for the targeted population. This partnership process should involve:

1. Lending institutions.
2. Housing builders and developers.
3. Nonprofit and other community-based housing and service organizations.
4. Providers of professional services relating to affordable housing.
5. Advocates for low-income persons, including, but not limited to, homeless people, the elderly, and migrant farmworkers.
6. Real estate professionals.
7. Other persons or entities who can assist in providing housing or related support services.
8. Lead agencies of local homeless assistance continuums of care.

(3)

(f) Each county and each eligible municipality is encouraged to develop a strategy within its local housing assistance plan which provides program funds for reducing homelessness.

(g) Local governments may create regional partnerships across jurisdictional boundaries through the pooling of appropriated funds to address homeless housing needs identified in local housing assistance plans.

(4) Each local housing assistance plan is governed by the following criteria and administrative procedures:

(e) The staff or entity that has administrative authority for implementing a local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility or, to the extent another governmental entity or corporation program provides periodic the same monitoring and determination, a municipality, county, or local housing financing authority may rely on such monitoring and determination of tenant eligibility. However, any loan or grant in the original amount of ~~\$10,000~~ ~~3,000~~ or less is shall not be subject to these annual monitoring and determination of tenant eligibility requirements.

(5) The following criteria apply to awards made to eligible sponsors or eligible persons for the purpose of providing eligible housing:

(b) Up to 25 percent of the funds made available in each county and eligible municipality from the local housing distribution may be reserved for rental housing for eligible persons or for the purposes enumerated in s. 420.9072(7)(b).

(d) Each local government must use a minimum of 20 percent of its local housing distribution to serve persons with special needs as defined in s. 420.0004. A local government must certify that it will meet this requirement through existing approved strategies in the local housing assistance plan or submit a new local housing assistance plan strategy for this purpose to the corporation for approval to ensure that the plan meets this requirement. The first priority of these special needs funds must be to serve persons with developmental disabilities as defined in s. 393.063, with an emphasis on home modifications, including technological enhancements and devices, which will allow homeowners to remain independent in their own homes and maintain their homeownership.

(n)(f) Funds from the local housing distribution not used to meet the criteria established in paragraph (a) or paragraph (c) ~~(b)~~ or not used for the administration of a local housing assistance plan must be used for housing production and finance activities, including, but not limited to, financing preconstruction activities or the purchase of existing units, providing rental housing, and providing home ownership training to prospective home buyers and owners of homes assisted through the local housing assistance plan.

1. Notwithstanding the provisions of paragraphs (a) and (c) ~~(b)~~, program income as defined in s. 420.9071(24) may also be used to fund activities described in this paragraph.

2. When preconstruction due-diligence activities conducted as part of a preservation strategy show that preservation of the units is not feasible and will not result in the production of an eligible unit, such costs shall be deemed a program expense rather than an administrative expense if such program expenses do not exceed 3 percent of the annual local housing distribution.

3. If both an award under the local housing assistance plan and federal low-income housing tax credits are used to assist a project and there is a conflict between the criteria prescribed in this subsection and the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, the county or eligible municipality may resolve the conflict by giving precedence to the requirements of s. 42 of the Internal Revenue Code of 1986, as amended, in lieu of following the criteria prescribed in this subsection with the exception of paragraphs (a) and (g) ~~(e)~~ of this subsection.

4. Each county and each eligible municipality may award funds as a grant for construction, rehabilitation, or repair as part of disaster recovery or emergency repairs or to remedy accessibility or health and safety deficiencies. Any other grants must be approved as part of the local housing assistance plan.

(10) Each county or eligible municipality shall submit to the corporation by September 15 of each year a report of its affordable housing programs and accomplishments through June 30 immediately preceding submittal of the report. The report shall be certified as accurate and complete by the local government's chief elected official or his or her designee. Transmittal of the annual report by a county's or eligible municipality's chief elected official, or his or her designee, certifies that the local housing incentive strategies, or, if applicable, the local housing incentive plan, have been implemented or are in the process of being implemented pursuant to the adopted schedule for implementation. The report must include, but is not limited to:

(i) A description of efforts to reduce homelessness.

(13)

(b) If, as a result of its review of the annual report, the corporation determines that a county or eligible municipality has failed to implement a local housing incentive strategy, or, if applicable, a local housing incentive plan, it shall send a notice of termination of the local government's share of the local housing distribution by certified mail to the affected county or eligible municipality.

1. The notice must specify a date of termination of the funding if the affected county or eligible municipality does not implement the plan or strategy and provide for a local response. A county or eligible municipality shall respond to the corporation within 30 days after receipt of the notice of termination.

2. The corporation shall consider the local response that extenuating circumstances precluded implementation and grant an extension to the timeframe for implementation. Such an extension shall be made in the form of an extension agreement that provides a timeframe for implementation. The chief elected official of a county or eligible municipality or his or her designee shall have the authority to enter into the agreement on behalf of the local government.

3. If the county or the eligible municipality has not implemented the incentive strategy or entered into an extension agreement by the termination date specified in the notice, the local housing distribution share terminates, and any uncommitted local housing 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.

4.a. If the affected local government fails to meet the timeframes specified in the agreement, the corporation shall terminate funds. The corporation shall send a notice of termination of the local government's share of the local housing distribution by certified mail to the affected local government. The notice shall specify the termination date, and any uncommitted funds held by the affected local government shall be

transferred to the Local Government Housing Trust Fund to the credit of the corporation to administer.

b. If the corporation terminates funds to a county, but an eligible municipality receiving a local housing distribution pursuant to an interlocal agreement maintains compliance with program requirements, the corporation shall thereafter distribute directly to the participating eligible municipality its share calculated in the manner provided in ss. s. 420.9072 and 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 the ordinance, resolution, and local housing assistance plan in the manner and according to the procedures provided in ss. 420.907-420.9079.

Section 11. Subsection (2), paragraph (a) of subsection (4), and paragraph (b) of subsection (7) of section 420.9076, Florida Statutes, are amended to read:

420.9076 Adoption of affordable housing incentive strategies; committees.—

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

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

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

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

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

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

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

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

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

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

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

~~If a county or eligible municipality whether due to its small size, the presence of a conflict of interest by prospective appointees, or other reasonable factor, is unable to appoint a citizen actively engaged in these activities in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed. Local governments that receive the minimum allocation under the State Housing Initiatives Partnership Program may elect to appoint an affordable housing advisory committee with fewer than 11 representatives if they are unable to find representatives who meet the criteria of paragraphs (a)-(k).~~

(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, ~~as defined in s. 163.3164,~~ for affordable housing projects is expedited to a greater degree than other projects, ~~as provided in s. 163.3177(6)(f)3.~~

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.

(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.

(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~~ receipt 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~~ s. 420.9072.

Section 12. Section 420.9089, Florida Statutes, is created to read:

420.9089 National Housing Trust Fund.—The Legislature finds that more funding for housing to assist individuals and families who are experiencing homelessness or who are at risk of homelessness is needed and encourages the state entity designated to administer funds made available to the state from the National Housing Trust Fund to propose an allocation plan that includes strategies to reduce homelessness and the risk of homelessness in this state. These strategies shall be in addition to strategies developed under s. 420.5087.

Section 13. Subsection (4) is added to section 421.04, Florida Statutes, to read:

421.04 Creation of housing authorities.—

(4) Regardless of the date of its creation, a housing authority may not apply to the Federal Government to seize any projects, units, or vouchers of another established housing authority, irrespective of each housing authority's areas of operation.

Section 14. Subsection (2) of section 421.05, Florida Statutes, is amended to read:

421.05 Appointment, qualifications, and tenure of commissioners; hiring of employees.—

(2) The powers of each authority shall be vested in the commissioners thereof in office from time to time. A majority of the commissioners shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners present, unless in any case the bylaws of the authority require a larger number. The mayor with the concurrence of the governing body shall

~~designate which of the commissioners appointed shall be the first chair~~ from among the appointed commissioners, but when the office of the chair of the authority thereafter becomes vacant, the authority shall select a chair from among the its commissioners. An authority shall also select from among the its commissioners a vice chair,[;] and it may employ a secretary, who shall be the executive director, technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require and shall determine their qualifications, duties, and compensation. Accordingly, authorities are exempt from s. 215.425. For such legal services as it may require, An authority may call upon the chief law officer of the city or may employ its own counsel and legal staff for legal services. An authority may delegate to one or more of its agents or employees such powers or duties as it may deem proper.

Section 15. Subsection (1) of section 421.091, Florida Statutes, is amended to read:

421.091 Financial accounting and investments; fiscal year.—

(1) A complete and full financial accounting and audit in accordance with federal audit standards of public housing agencies shall be made biennially by a certified public accountant and submitted to the Federal Government in accordance with its policies. Housing authorities are otherwise exempt from the reporting requirements of s. 218.32. A copy of such audit shall be filed with the governing body and with the Auditor General.

Section 16. This act shall take effect July 1, 2016.

Approved by the Governor April 8, 2016.

Filed in Office Secretary of State April 8, 2016.