

Live Local Act Provides Affordable Housing Incentives, Bans Rent Control

Article

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On March 29, 2023, Governor Ron DeSantis signed into law Senate Bill 102 (Live Local Act) that becomes effective July 1, 2023. The Live Local Act, among other things, seeks to provide available and affordable housing to the Florida workforce within their communities.

The Live Local Act mandates that local government allow affordable housing (multifamily and mixed-use) in commercial areas. Specifically:

1. Counties and municipalities must authorize multifamily or mix-used residential development as allowable uses in commercial, industrial, or mix-used zones if the proposed rental development provides at least 40% affordable housing units for a period of at least 30 years.
2. Counties and municipalities cannot require a multifamily development (with commercial, industrial, or mix-used zoning) to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for building height, zoning, and densities.
 1. The density of a proposed development under the Live Local Act can be the highest allowable density allowed in the county or municipality.
 2. The height of a proposed development under the Live Local Act can be the higher of (a) the highest allowable height for a commercial or residential development within 1 mile of the proposed development, or (b) 3 stories.
3. The Live Local Act applies to mix-used residential projects only if at least 65% of the total square footage of the project is used for residential purposes.
4. A county or municipality must consider reducing parking requirements for a proposed development if the proposed development is located within one-half mile of an accessible major transit stop.

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Note however, developers still must satisfy all other land development regulations for multifamily developments, including regulations for setbacks and parking requirements. If any other applicable land development regulations cannot be satisfied, then further action by the county or municipality may be required, but in no event shall a comprehensive plan amendment or rezoning (or other special approval) to allow the use, building height, or density be required.

The bill also requires local governments to maintain a public written policy outlining procedures for expediting permits and development orders for affordable housing projects. These provisions sunset on October 1, 2033.

Additionally, the bill removes provisions in current law allowing local governments to impose rent control under certain circumstances. This change forbids rent control under all circumstances.

Moreover, this legislation invests \$711 million for housing projects and assistance through the Florida Housing and Finance Corporation (FHFC) to create or build upon housing programs. This funding specifically includes:

- \$259 million for the SAIL program to provide low interest loans to developers building workforce housing.
- \$150 million of these funds are recurring for certain specified uses such as redevelopment of underused property and projects near military installations.
- \$252 million for the SHIP program to provide local governments with incentives to build partnerships with developers who are preserving available housing or producing more housing.
- \$100 million for the Florida Hometown Heroes Housing Program to provide down payment and closing cost assistance to first-time home buyers with a focus on law enforcement, first responders, teachers, active duty military, and military veterans.
- \$100 million for FHFC to implement a loan program to alleviate inflation-related cost increases for FHFC-approved housing projects.

If you have additional questions on this legislation or any real property rights, land use, zoning and business matters, please contact Becky Wilson (rebecca.wilson@lowndes-law.com) and Tara Tedrow (tara.tedrow@lowndes-law.com).