

706-104BXA-06

Bill No. CS/HB 475

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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11 Representative(s) Greenstein offered the following:

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13 **Substitute Amendment for Amendment (261043) (with title**
14 **amendment)**

15 remove from the bill: Everything after the enacting clause

16

17 and insert in lieu thereof:

18 Section 1. Subsection (1) of section 196.1975, Florida
19 Statutes, is amended to read:

20 196.1975 Exemption for property used by nonprofit
21 homes for the aged.--Nonprofit homes for the aged are exempt
22 to the extent that they meet the following criteria:

23 (1) The applicant must be a corporation not for profit
24 that has been exempt as of January 1 of the year for which
25 exemption from ad valorem property taxes is requested from
26 federal income taxation by having qualified as an exempt
27 charitable organization under the provisions of s. 501(c)(3)
28 of the Internal Revenue Code of 1954 or of the corresponding
29 section of a subsequently enacted federal revenue act. A
30 corporation will not be disqualified under this subsection if,
31 for purposes of allocating tax credits, under s. 42(h)(5) of

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1 the Internal Revenue Code of 1986, by the Florida Housing
2 Finance Agency as defined by s. 420.0004(4), the property is
3 leased to or owned by a Florida limited partnership, the sole
4 general partner of which is the nonprofit corporation, and the
5 home for the aged was in existence or under construction on or
6 before April 1, 1995.

7 Section 2. Section 196.1978, Florida Statutes, is
8 created to read:

9 196.1978 Exemption for property used to provide
10 certain housing.--Property used to provide housing pursuant to
11 any state housing program authorized under chapter 420 or part
12 IV of chapter 159 or pursuant to a similar Federal Government
13 affordable housing program for eligible persons defined under
14 s. 420.0004(7), (9), (10), or (14) or under s. 159.603(7),
15 which property is owned entirely by a nonprofit corporation or
16 its wholly owned nonprofit subsidiary which is qualified as
17 charitable under s. 501(c)(3) of the Internal Revenue Code and
18 which complies with Rev. Proc. 96-32, 1996-1 C.B. 717, shall
19 be considered property owned by an exempt entity and used for
20 a charitable purpose, and such property shall be exempt from
21 ad valorem taxation. All property identified in this section
22 shall comply with the criteria for determination of exempt
23 status to be applied by property appraisers on an annual basis
24 as defined in s. 196.195.

25 Section 3. Subsection (19) of section 420.503, Florida
26 Statutes, 1998 Supplement, is amended to read:

27 420.503 Definitions.--As used in this part, the term:

28 (19) "Housing for the elderly" means, for purposes of
29 s. 420.5087(3)(c)2., any nonprofit housing community that is
30 financed by a mortgage loan made or insured by the United
31 States Department of Housing and Urban Development under s.

1 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s.
 2 236 of the National Housing Act, as amended, and that is
 3 subject to income limitations established by the United States
 4 Department of Housing and Urban Development, or any program
 5 funded by the Rural Development Agency of the United States
 6 Department of Agriculture and subject to income limitations
 7 established by the United States Department of Agriculture. A
 8 project which qualifies for an exemption under the Fair
 9 Housing Act as housing for older persons as defined by s.
 10 760.29(4) shall qualify as housing for the elderly for
 11 purposes of s. 420.5087(3)(c)2. In addition, if the
 12 corporation adopts a qualified allocation plan pursuant to s.
 13 42(m)(1)(B) of the Internal Revenue Code or any other rules
 14 that prioritize projects targeting the elderly for purposes of
 15 allocating tax credits pursuant to s. 420.5099 or for purposes
 16 of the HOME program under s. 420.5089, a project which
 17 qualifies for an exemption under the Fair Housing Act as
 18 housing for older persons as defined by s. 760.29(4) shall
 19 qualify as a project targeted for the elderly, if the project
 20 satisfies the other requirements set forth in this part.

21 Section 4. Subsections (1) and (5) of section
 22 420.5087, Florida Statutes, 1998 Supplement, are amended to
 23 read:

24 420.5087 State Apartment Incentive Loan
 25 Program.--There is hereby created the State Apartment
 26 Incentive Loan Program for the purpose of providing first,
 27 second, or other subordinated mortgage loans or loan
 28 guarantees to sponsors, including for-profit, nonprofit, and
 29 public entities, to provide housing affordable to
 30 very-low-income persons.

31 (1) Program funds shall be distributed over successive

1 3-year periods in a manner that meets the need and demand for
 2 very-low-income housing throughout the state. That need and
 3 demand must be determined by using the most recent statewide
 4 low-income rental housing market studies available at the
 5 beginning of each 3-year period. However, at least 10 percent
 6 of the program funds distributed during a 3-year period must
 7 be allocated to each of the following categories of counties,
 8 as determined by using the population statistics published in
 9 the most recent edition of the Florida Statistical Abstract:

10 (a) Counties that have a population of more than
 11 500,000 people;

12 (b) Counties that have a population between 100,000
 13 and 500,000 people; and

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

16
 17 Any increase in funding required to reach the 10-percent
 18 minimum shall be taken from the county category that has the
 19 largest allocation. The corporation shall adopt rules which
 20 establish an equitable process for distributing any portion of
 21 the 10 percent of program funds allocated to the county
 22 categories specified in this subsection which remains
 23 unallocated at the end of a 3-year period. Counties that have
 24 a population of 100,000 or less shall be given preference
 25 under these rules.

26 (5) The amount of the mortgage provided under this
 27 program combined with any other mortgage in a superior
 28 position shall be less than the value of the project without
 29 the housing set-aside required by subsection (2). However, the
 30 corporation may waive this requirement for projects in rural
 31 areas or urban infill areas which have market rate rents that

1 are less than the allowable rents pursuant to applicable state
2 and federal guidelines. In no event shall the mortgage
3 provided under this program combined with any other mortgage
4 in a superior position exceed total project cost.

5 Section 5. Paragraph (b) of subsection (4) of section
6 760.29, Florida Statutes, is amended to read:

7 760.29 Exemptions.--

8 (4)

9 (b) As used in this subsection, the term "housing for
10 older persons" means housing:

11 1. Provided under any state or federal program that
12 the commission determines is specifically designed and
13 operated to assist elderly persons, as defined in the state or
14 federal program;

15 2. Intended for, and solely occupied by, persons 62
16 years of age or older; or

17 3. Intended and operated for occupancy by persons 55
18 years of age or older that meets the following requirements:

19 a. At least 80 percent of the occupied units are
20 occupied by at least one person 55 years of age or older.

21 b. The housing facility or community publishes and
22 adheres to policies and procedures that demonstrate the intent
23 required under this subparagraph. If the housing facility or
24 community meets the requirements of sub-subparagraphs a. and
25 c. and the recorded governing documents provide for an adult,
26 senior, or retirement housing facility or community and the
27 governing documents lack an amendatory procedure, prohibit
28 amendments, or restrict amendments until a specified future
29 date, then that housing facility or community shall be deemed
30 housing for older persons intended and operated for occupancy
31 by persons 55 years of age or older. If those documents

1 further provide a prohibition against residents 16 years of
 2 age or younger, that provision shall be construed, for
 3 purposes of the Fair Housing Act, to only apply to residents
 4 18 years of age or younger, in order to conform with federal
 5 law requirements. Governing documents which can be amended at
 6 a future date must be amended and properly recorded within 1
 7 year after that date to reflect the requirements for
 8 consideration as housing for older persons, if that housing
 9 facility or community intends to continue as housing for older
 10 persons.

11 c. The housing facility or community complies with
 12 rules made by the Secretary of the United States Department of
 13 Housing and Urban Development pursuant to 24 C.F.R. part 100
 14 for verification of occupancy, which rules provide for
 15 verification by reliable surveys and affidavits and include
 16 examples of the types of policies and procedures relevant to a
 17 determination of compliance with the requirements of
 18 sub-subparagraph b. Such surveys and affidavits are
 19 admissible in administrative and judicial proceedings for the
 20 purposes of such verification.

21
 22 A county or municipal ordinance regarding housing for older
 23 persons may not contravene the provisions of this subsection.

24 Section 6. If any provision of this act or its
 25 application to any particular person or circumstance is held
 26 invalid, that provision or its application is severable and
 27 does not affect the validity of other provisions or
 28 applications of this act.

29 Section 7. This act shall take effect upon becoming a
 30 law.

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2 And the title is amended as follows:

3 remove: the entire title

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5 and insert in lieu thereof:

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 A bill to be entitled

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 An act relating to housing; amending s.

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 196.1975, F.S., relating to the ad valorem tax

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 exemption for property used by nonprofit homes

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 for the aged; revising provisions which provide

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 conditions under which certain corporations are

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 not disqualified from said exemption; creating

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 s. 196.1978, F.S.; providing that property used

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 to provide housing for certain persons under

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 ch. 420, F.S., or part IV of ch. 159, F.S., or

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 similar federal affordable housing programs,

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 and owned by certain nonprofit corporations or

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 their nonprofit subsidiaries, is exempt from ad

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 valorem taxation; amending s. 420.503, F.S.;

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 providing that certain projects shall qualify

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 as housing for the elderly for purposes of

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 certain loans under the State Apartment

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 Incentive Loan Program, and shall qualify as a

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 project targeted for the elderly in connection

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 with allocation of low-income housing tax

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 credits and with the HOME program under certain

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 conditions; amending s. 420.5087, F.S.;

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 directing the Florida Housing Finance

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 Corporation to adopt rules for the equitable

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 distribution of certain unallocated funds under

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 the State Apartment Incentive Loan Program;

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1 authorizing the corporation to waive a mortgage
2 limitation under said program for projects in
3 certain areas; amending s. 760.29, F.S. ;
4 providing that certain housing facilities or
5 communities shall be deemed housing for older
6 persons under the Fair Housing Act despite
7 specified provisions in the document which
8 governs deed restrictions pertaining to that
9 facility or community; providing for
10 severability; providing an effective date.

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