

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [CS/HB 247](#)

TITLE: Affordable Housing

SPONSOR(S): Conerly

COMPANION BILL: [CS/SB 184](#) (Gaetz)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Housing, Agriculture & Tourism](#)

15 Y, 2 N, As CS



[Intergovernmental Affairs](#)



[Commerce](#)

SUMMARY

Effect of the Bill:

The bill amends the definition of accessory dwelling unit (ADU) to include manufactured homes constructed on or after January 1, 2025, to the National Manufactured Housing Construction and Safety Standards.

The bill requires local governments to adopt an ordinance to ADUs, without any corresponding increase in parking requirements, in any area zoned for single-family residential use. Under the bill, the required ordinance does not apply to a planned unit development or master planned community.

Additionally, the bill provides that local governments may provide density bonus incentives to landowners who donate real estate for the purpose of assisting local governments in providing attainable housing to military families that are receiving the basic allowance for housing.

Fiscal or Economic Impact:

The bill has an indeterminate impact on the private sector.

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ANALYSIS

EFFECT OF THE BILL:

Accessory Dwelling Units

The bill amends the definition of accessory dwelling unit to include [manufactured homes](#) constructed on or after January 1, 2025, to the [National Manufactured Housing Construction and Safety Standards](#). (Section [1.](#))

Additionally, the bill requires, rather than authorizes, local governments to adopt an ordinance to allow the construction of ADUs in any area zoned for single-family residential and prohibits local governments from imposing any corresponding increase in parking requirements where such ADUs are constructed. (Section [1.](#))

The bill also provides that the required ordinance does not apply to a planned unit development or master planned community, as such terms are defined in current statute.¹ (Section [1.](#))

¹ "Planned unit development" or "master planned community" means an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots. [S. 163.3202\(5\)\(b\)2., F.S.](#)

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Density Bonus Incentives

The bill provides that local governments may provide density bonus incentives to landowners who donate real estate for the purpose of assisting local governments in providing affordable housing to military families that are receiving the basic allowance for housing. (Section [2](#).)

The effective date of the bill is July 1, 2025. (Section [3](#).)

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

The bill has an indeterminate positive impact on extremely-low-income, very-low-income, low-income, and moderate-income persons. If more local governments allow for the construction of ADUs (which will now include manufactured homes), and more ADUs are in fact constructed, this may lead to an increased supply of attainable housing options throughout Florida.

The bill also has an indeterminate positive impact on military families who receive the basic allowance for housing, but only to the extent that the local jurisdictions in which the military families live opt-in to providing the density bonus incentive under the bill.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Affordable Housing in Florida

Housing is considered affordable when monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30 percent of a family's gross income.⁵ Over 2.4 million low-income Florida households pay more than 30% of their incomes towards housing, which is the maximum amount considered affordable by experts.⁶ Over half of these households, or 1.3 million low-income households, spend more than 50% of their income towards housing costs.⁷ This makes it difficult for those households to save for retirement or emergencies and difficult to afford other necessities like food and childcare.⁸

Eligibility to participate in Florida's state and federally-funded housing programs is determined by area median income (AMI) or statewide median family income, which is published annually by the United States Department of Housing and Urban Development (HUD).⁹ In Florida, the current statewide AMI for a family of four is \$88,600 (as family size changes, the income range also varies):¹⁰

- Extremely-low-income – earning up to 30 percent AMI (at or below \$26,600);¹¹
- Very-low-income – earning from 30.01 to 50 percent AMI (\$26,601 to \$44,300);¹²
- Low-income – earning from 50.01 to 80 percent AMI (\$44,301 to \$70,900);¹³ and

² Florida Housing Finance Corporation, Agency Analysis of 2025 House Bill 247, pgs. 2 and 4 (Feb. 14, 2025).

³ *Id.*, at pgs. 2 and 4.

⁴ *Id.*, at p. 3.

⁵ [S. 420.0004\(3\), F.S.](#)

⁶ Florida Housing Coalition, *2024 Home Matters Report*, p. 2. <https://flhousing.org/wp-content/uploads/2024/08/FHC-2024-Home-Matters-Report.pdf> (last visited Feb. 24, 2025).

⁷ *Id.*

⁸ *Id.*

⁹ See U.S. Dept. of Housing and Urban Development: Office of Policy Development and Research, *Income Limits*, https://www.huduser.gov/portal/datasets/il.html#documents_2024 (last visited Feb. 24, 2025).

¹⁰ U.S. Dept. of Housing and Urban Development: Office of Policy Development and Research, *FY 2024 State Income Limits: Florida*,

https://www.huduser.gov/portal/datasets/il/il2024/2024summary.odn?inputname=STTLT*1299999999%2BFlorida&select ion_type=county&stname=Florida&statefp=12.0&year=2024 (last visited Feb. 24, 2025).

¹¹ *Id.* See also [s. 420.0004\(9\), F.S.](#)

¹² *Supra* note 10. See also [s. 420.0004\(17\), F.S.](#)

¹³ *Supra* note 10. See also [s. 420.0004\(11\), F.S.](#)

- Moderate-income – earning from 80.01 to 120 percent of AMI (\$70,901 to \$106,320).¹⁴

As of 2024, Florida had only 24 affordable and available rental units for every 100 extremely low-income renters.¹⁵ In addition, there were little to no communities in Florida that could provide enough housing to support this group of renters, which is primarily made up of low-income workers, retirees, and people with disabilities.¹⁶

Accessory Dwelling Units

The Legislature has taken measures in recent years to address Florida’s need for more affordable housing.¹⁷ One of those measures included encouraging the construction of accessory dwelling units (ADUs) in single-family residential areas to increase the availability of affordable rentals.

An accessory dwelling unit is an ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit.¹⁸ ADUs can go by many different names such as “carriage house,” “mother-in-law suite,” or “coach house,” and are quite common throughout the United States.¹⁹

ADUs offer benefits to both individual homeowners and the wider communities where they exist.²⁰ For individuals, ADUs:

- Allow families to provide care to aging or disabled relatives, while still providing those relatives some independence.
- Provide young adults an affordable housing option as a first step after college.
- May be a source of rental income to the landowner.²¹

For the wider community, ADUs:

- Are a more affordable housing alternative compared to a single-family residence or apartment unit with costly neighborhood and amenity fees.
- Create diverse neighborhoods with a variety of residents of different ages and backgrounds.²²

Under current law, a local government in Florida is authorized – but not required – to adopt an ordinance that allows ADUs in any area zoned for single-family residential use.²³ An application for a permit to construct an ADU must be accompanied by an affidavit from the applicant in which the applicant attests that the unit will be rented at an affordable rate to extremely-low-income, very-low-income, low-income, or moderate-income persons.²⁴

Manufactured Homes

Manufactured homes are constructed entirely or partially in an off-site factory, transported via roadways, and then placed or assembled on a site-built foundation.²⁵ Manufactured homes are constructed according to standards administered by the U.S. Department of Housing and Urban Development (HUD), known as the Manufactured

¹⁴ *Supra* note 10. See also [s. 420.0004\(12\), F.S.](#)

¹⁵ *Supra* note 6, at p. 2.

¹⁶ *Id.*

¹⁷ In 2023, the Legislature passed the Live Local Act, which represented a generational retooling of state housing policy in Florida. The Legislature made subsequent amendments to the Act in 2024. See chs. 2023-17, and 2024-188, Laws of Fla. See also Florida Housing Coalition, *Overview of the Live Local Act*, <https://www.floridahousing.org/live-local-act> (last visited Feb. 24, 2025).

¹⁸ [S. 163.31771\(2\)\(a\), F.S.](#)

¹⁹ City of Tallahassee: Growth Management Department, *Zoning Spotlight: Accessory Dwelling Units*, March 2024, p. 1. https://www.talgov.com/uploads/public/documents/growth/zoning_spot_231010.pdf (last visited Feb. 24, 2025).

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ [S. 163.31771\(3\), F.S.](#)

²⁴ [S. 163.31771\(4\), F.S.](#)

²⁵ Federal Emergency Management Agency, *Manufactured v. Modular Homes*, https://emilms.fema.gov/is_0285/groups/134.html (last visited Mar. 11, 2025).

[Home Construction and Safety Standards](#) (MHCS Standards).^{26, 27}

Manufactured housing is the largest form of unsubsidized affordable housing in the U.S. and the only type of housing built to federal construction and safety standards.²⁸ The Office of Manufactured Housing Programs administers the National Manufactured Housing Construction and Safety Standards Act of 1974,²⁹ which authorizes HUD to establish the MHCS Standards for the design and construction of manufactured homes to assure the quality, durability, safety, and affordability of such homes.³⁰

[Density Bonus Incentives](#)

A density bonus is a development incentive that allows developers to increase the maximum allowable development for a proposed project, as defined by a local zoning code, in exchange for the developer's support of specified public policy goals.³¹ Density bonus programs are a common planning tool at local, county, and state levels all over the United States, but vary greatly both in the kinds of bonuses offered and the policy goals the incentives are intended to address.³²

In Florida, local governments have the inherent home rule authority³³ to provide density bonuses in exchange for the production of affordable housing units.³⁴ Specifically, a local government may provide density bonus incentives to any landowner who voluntarily donates real property to the local government for the purpose of assisting the local government in providing affordable housing.³⁵

In practice, an increase in density for a proposed development offers an economic incentive for developers to produce affordable housing.³⁶ The allowance of full density allowed by local land use and zoning regulations, as well as additional approved units allowed by density bonuses, creates the opportunity for an affordable housing development to be financially feasible.³⁷ The allowance of more density also incentivizes market-rate developers to produce affordable units.³⁸ The sale of more units or the leasing of more apartments offsets the lower sales price or rent payments for each affordable unit.³⁹

To receive a density bonus under Florida law, the donated real property must:

- Be appropriate for use as affordable housing, as determined by the local government;⁴⁰ and

²⁶ The MHCS Standards are codified in 24 C.F.R. Part 3280.

²⁷ The MHCS Standards require manufactured homes to be constructed on a permanent chassis. See U.S. Department of Housing and Urban Development, *Manufactured Housing and Standards – Frequently Asked Questions*, https://www.hud.gov/program_offices/housing/mhs/faqs (last visited Mar. 11, 2025).

²⁸ Manufactured Housing Institute, *About Manufactured Homes*, <https://www.manufacturedhousing.org/about-manufactured-homes/> (last visited Mar. 11, 2025).

²⁹ 42 U.S.C. § 5401-5426.

³⁰ U.S. Department of Housing and Urban Development, HUD's Office of Manufactured Housing Programs Homepage, https://www.hud.gov/program_offices/housing/mhs (last visited Mar. 11, 2025).

³¹ Planetizen, *What is a Density Bonus?* <https://www.planetizen.com/definition/density-bonuses> (last visited Feb. 24, 2025).

³² *Id.*

³³ Home rule power refers to the ability of counties and municipalities to enact ordinances at the local level without prior state approval. Such ordinances, however, must not conflict with state or federal laws. In Florida, home rule language was proposed and subsequently adopted in the 1968 Constitutional revision. After several legal challenges, the Legislature adopted the Home Rule Powers Act in 1973, which ended challenges related to city and county home rule powers. See Florida League of Cities, *Understanding Florida's Home Rule Power*, May 2011, <https://www.floridaleagueofcities.com/docs/default-source/Civic-Education/historyofhomerule.pdf?sfvrsn=2> (last visited Feb. 24, 2025).

³⁴ See ss. 125.01055(1), (2), (4), and (6), F.S.; s. 166.04151(1), (2), (4), and (6), F.S.

³⁵ S. 420.615(1), F.S.

³⁶ Florida Housing Coalition, *Affordable Housing Incentive Strategies: A Guidebook for Affordable Housing Advisory Committee Members and Local Government Staff*, Aug. 2021, p. 49, <https://www.flhousing.org/wp-content/uploads/2021/08/8-4-21-AHAC-Guide-UPDATE.pdf> (last visited Feb. 24, 2025).

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ S. 420.615(1), F.S.

- Be subject to deed restrictions to ensure the property will be used for affordable housing.⁴¹

The deed restrictions must also prohibit an affordable housing unit from being sold at a price that exceeds the threshold for housing that is affordable for low-income or moderate-income persons or to a buyer who is not eligible due to his or her income under chapter 420, F.S., Florida's Housing statutes. The deed restriction may allow affordable housing units to be rented to extremely-low-income, very-low-income, low-income, or moderate-income persons.⁴²

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2023	CS/SB 102	Busatta	Calatayud	The legislation that enacted the original Live Local Act in 2023.
2024	CS/CS/SB 328	Lopez, V.	Calatayud	The 2024 legislation that amended the Live Local Act.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Housing, Agriculture & Tourism Subcommittee	15 Y, 2 N, As CS	3/11/2025	Curtin	Fletcher
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> • Modified the definition of "accessory dwelling unit" to include certain manufactured homes. • Removed the requirement for the Florida Housing Finance Corporation to establish a mezzanine finance model program. 			
Intergovernmental Affairs Subcommittee				
Commerce Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

⁴¹ [S. 420.615\(6\), F.S.](#)

⁴² *Id.*