

THE JOURNAL OF THE FLORIDA HOUSING COALITION, INC.

HOUSING

— NEWS NETWORK —

VOLUME 33, NUMBER 2

Florida's Sadowski Act 25 YEARS STRONG

The Role of Emergency Shelters

in Addressing
Homelessness

Promise Kept

a PLP Success Story
in Brevard County

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Florida Nonprofit Challenges NIMBYism in Court & WINS!

Low Income
Housing Institute
**Helps
Hundreds with
Tiny Home
Villages**



THE 2017 FLORIDA LEGISLATIVE SESSION WRAP UP

Including SHIP Budget Allocations for 2017/2018

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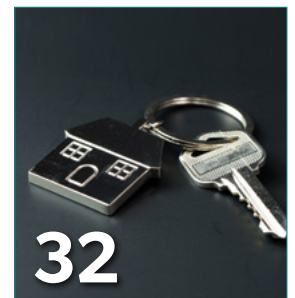
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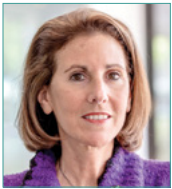
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THE FLORIDA HOUSING COALITION is a nonprofit, statewide membership organization whose mission is to bring together housing advocates and resources so that Floridians have a quality affordable home and suitable living environment. The Housing News Network is published by the Florida Housing Coalition as a service to its members, housing professionals and others interested in affordable housing issues. **Jaimie Ross**, Editor, and **Lynne Takacs**, Graphic Design • Email: info@flhousing.org, Website: www.flhousing.org.

From the Editor

Landmark Legislation 25 Years Strong



JAIMIE ROSS

The Florida Housing Coalition's statewide annual conference held in September 2017, brings two important new opportunities for housing advocates in Florida to the same venue. The first is a Gubernatorial Forum which will take place during the conference and the second is the FHFC Affordable Housing Workgroup meeting, open to the public, which will take place immediately following the conclusion of the conference on September 13th.

Housing is not a partisan issue. Housing is an economic issue. The 30 statewide organizations that comprise the Sadowski Coalition includes among its most active organizations, the Florida Realtors, the Florida Home Builders Association, the Florida Chamber of Commerce, and Association of Industries in Florida. Florida will have a new Governor on January 1, 2018. What does that mean for the Sadowski state and local housing trust funds? It could be the difference between a continuation of sweeps and getting back to full appropriation of SHIP.

Here's why. The Florida House historically uses the Governor's budget to set its appropriation of the Sadowski Trust Funds. Fortunately, the Senate's position has been to use most, if not all, the housing trust funds for housing- no sweep. But it has been a heavy lift to reach a compromise with the House to stop a massive sweep. In 2017, for example, the Governor's budget put \$44 million from the Sadowski Trust Funds toward housing. That was a recommendation to sweep \$224 million. So, how do affordable housing advocates have more success in the future? One way, is with a budget from the Governor's office that recommends to the legislature that all the state and local housing trust funds be used for housing. Future success also requires sharing the importance of affordable housing through education and success stories with all members of the legislature.

While we are celebrating the 25-year anniversary of the Sadowski Act, our celebration is tempered by the fact that over the last 15 years we have seen over \$1.9 billion of Sadowski Housing Trust Fund monies appropriated by the legislature for other purposes, when they could have been effectively used through the SHIP and SAIL programs to help Floridians in need of safe homes in suitable living environments. The Florida Housing Coalition is pleased to provide a Forum at our 2017 conference to provide an opportunity to bring this issue to the attention of all the candidates running for Governor in 2018 and to ask each

candidate whether their budget will put all the housing trust fund monies into Florida's housing programs. We will also have workshops about effective meetings with legislators and will showcase success stories from around the state.

A workgroup to study affordable housing in a very broad manner was included in the 2017 Implementing Bill. It calls for the FHFC to staff an Affordable Housing Workgroup to meet from September through December, with a report to be delivered to the Governor, President of the Senate,

and Speaker of the House, by January 1, 2018. This report may impact the way we will fund and otherwise address the development of affordable housing in Florida going forward.

There isn't a newspaper, a city, or a county commission in this state, that hasn't been talking about the housing crisis in their community. At the 2017 conference we will provide education about best practices and share success stories for providing affordable housing. Undoubtedly, at the top of the list will be to use all the state and local housing trust funds solely for housing. It is time to return to full appropriation of the state and local housing trust funds for affordable housing, now and forever. **HNN**



2017 LEGISLATIVE Wrap-Up

By: Mark Hendrickson and Jaimie Ross

Yes, it could have been better... but it could have been much worse, too. We knew this would be a difficult session for all appropriation issues. Beyond the Sadowski State and Local Housing Trust Fund appropriations reported in this article, there are two notable legislative items from 2017: The affordable housing workgroup and property tax relief for affordable housing. ➤

Creation of Affordable Housing Workgroup.

In SB 2502, which implements the 2017-2018 General Appropriations Act, and provides an Appropriation of \$100,000 for this purpose.

1. There is created a workgroup on affordable housing. The workgroup is assigned to the Florida Housing Finance Corporation for administrative purposes only.
2. The workgroup shall convene no later than September 1, 2017, and shall be composed of the following members:
 - a. The executive director of the Florida Housing Finance Corporation, who shall serve as chair of the workgroup.
 - b. The executive director of the Department of Economic Opportunity or his or her designee.
 - c. Five members appointed by the Governor. =Of the five members, one must be an advocate for the homeless, one must be an advocate of the needs of individuals with disabling conditions and persons with special needs as defined in s.420.0004, Florida Statutes, one must represent the building or development community, and one must be a realtor licensed in this state.
 - d. Two members appointed by the President of the Senate.
 - e. Two members appointed by the Speaker of the House of Representatives.
 - f. The executive director of the Florida Association of Counties or his or her designee.
 - g. The executive director of the Florida League of Cities or his or her designee.
 - h. The chair of the Florida Building Commission, or his or her designee, who shall serve as an ex officio, nonvoting advisory member of the workgroup.
3. a. The Florida Housing Finance Corporation shall provide administrative and staff support services to the workgroup which relate to its functions.
 - b. Members of the workgroup shall serve without compensation but are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061, Florida Statutes. Per diem and travel expenses incurred by a member of the workgroup shall be paid from funds budgeted to the state agency or entity that the member represents.
4. a. The workgroup shall develop recommendations for addressing the state's affordable housing needs. The recommendations shall be presented to and approved by the board of directors of the Florida Housing Finance Corporation. The recommendations shall include, but need not be limited to:
 1. A review of market rate developments.
 2. A review of affordable housing developments.
 3. A review of land use for affordable housing developments.
 4. A review of building codes for affordable housing developments.
 5. A review of the state's implementation of the low-income housing tax credit.
 6. A review of private and public sector development and construction industries.

	GOVERNOR	SENATE	HOUSE	FINAL BUDGET
SAIL	\$10,000,000	In Proviso		In Proviso
FHFC Line 2225		\$27,500,000		\$37,000,000 \$28 million from SHTF & \$9 million from LGHTF
SHIP Line 2226	\$34,000,000	\$120,900,000	\$30,000,000	\$100,000,000 (net available for SHIP is \$94.225 million)
TOTAL HOUSING	\$44,000,000	\$162,400,000	\$44,000,000	\$137,000,000
SHTF SWEEP	\$64,000,000	\$50,000,000	\$67,000,000	\$ 59,270,000
LGHTF SWEEP	\$160,000,000	\$80,000,000	\$157,000,000	\$ 95,130,000
TOTAL SWEEP	\$224,000,000	\$130,000,000	\$224,000,000	\$154,400,000
Unallocated SHTF	\$14,540,000	\$1,040,000	\$11,540,000	\$1,270,000
Unallocated LGHTF	\$13,360,000	\$2,460,000	\$16,360,000	\$3,230,000

7. A review of the rental market for assisted rental housing.
 8. The development of strategies and pathways for low income housing.
- b. The workgroup shall submit a report including its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2018, at which time the workgroup shall terminate.

As you can see, there is a robust agenda and a short time line. The Florida Housing Finance Corporation will hold a series of public meetings to carry out this charge. We anticipate that the first meeting will be held in Tallahassee. The second time the Workgroup meets will be on September 13th at the Rosen Centre. This date and venue was chosen specifically to have the benefit of participation by the large group of housing advocates, local government housing administrators, real estate and housing experts who will be at the hotel for the Florida Housing Coalition's statewide annual conference, as well as providing a central location for the public, in general.

Real Property Tax Relief for Affordable Rental Housing.

In HB 7109, which included a series of tax related matter, there is an amendment to s.196.1978, F.S.

HB 7109 was the large "tax cut" package in the 2017 legislature. It combined seventeen various tax bills, and gave tax cuts or exemptions to everything from charter schools to tampons. One of its provisions provided a significant tax break to the owners of affordable rental properties that meet certain conditions.

Essentially, this bill gives a 50% reduction in ad valorem property taxes to rental developments that already agreed to affordability periods beyond 15 years, beginning in the 16th year of operation. An example may make this clearer. In 2004, a developer received low income housing tax credits from the Florida Housing Finance Corporation and agreed to set-aside 100% of the units to person making less than 60% of median income until the year 2054. This bill will now grant a 50% reduction in property taxes to that developer beginning in 2020.

HOUSING APPROPRIATION PROVISIO & BACK OF THE BILL

ITEM	AMOUNT	LINE ITEM	SOURCE
SAIL	\$113,000,000	Section 85	Guaranty Fund
SAIL	At least 50% of funds in Line 2225	2225	FHFC
SAIL	Requires 5%-10% of units in each SAIL development to serve persons with Special Needs		
Housing for Persons with Developmental Disabilities	\$10,000,000	2225	FHFC
Homeless: Transfer to DCF from LGHTF to fund Challenge Grants	\$5,000,000, of which \$4 million is recurring	2226	SHIP
Workforce Housing	\$40,000,000	2225 and Section 85	FHFC & Guaranty Fund
Affordable Housing Workgroup	\$100,000	2225	FHFC
Catalyst Training & Technical Assistance	\$500,000	2226	SHIP
Homeless Training	\$200,000	2226	SHIP
Florida Supportive Housing Coalition	\$75,000	2226	SHIP



SHIP DISTRIBUTION ESTIMATES: FY 2017/18

LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/ CITY SHARE	LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/ CITY SHARE	LOCAL GOVERNMENT	COUNTY TOTAL	COUNTY SHARE/ CITY SHARE
ALACHUA	1,124,526	561,926	GILCHRIST	350,000	350,000	PALM BEACH	5,942,410	4,515,043
Gainesville		562,600	GLADES	350,000	350,000	Boca Raton		376,749
BAKER	350,000	350,000	GULF	350,000	350,000	Boynton Bch		312,571
BAY	776,638	613,777	HAMILTON	350,000	350,000	Delray Beach		273,351
Panama City		162,861	HARDEE	350,000	350,000	West Palm Bch		464,696
BRADFORD	350,000	350,000	HENDRY	350,000	350,000	PASCO	2,135,361	2,135,361
BREVARD	2,441,673	1,349,513	HERNANDO	789,766	789,766	PINELLAS	4,082,643	2,141,346
Cocoa		80,819	HIGHLANDS	457,197	457,197	Clearwater		480,527
Melbourne		345,253	HILLSBOROUGH	5,767,370	4,210,757	Largo		349,066
Palm Bay		468,557	Tampa		1,556,613	St. Petersburg		1,111,704
Titusville		197,531	HOLMES	350,000	350,000	POLK	2,774,242	2,165,296
BROWARD	7,900,628	1,411,053	INDIAN RIVER	654,116	654,116	Lakeland		439,440
Coconut Creek		243,339	JACKSON	350,000	350,000	Winter Haven		169,506
Coral Springs		538,033	JEFFERSON	350,000	350,000	PUTNAM	356,559	356,559
Davie		423,474	LAFAYETTE	350,000	350,000	ST. JOHNS	962,615	962,615
Deerfield Bch		331,036	LAKE	1,404,582	1,404,582	ST. LUCIE	1,273,305	314,124
Ft. Lauderdale		752,930	LEE	2,916,461	1,859,828	Ft. Pierce		184,757
Hollywood		622,569	Cape Coral		730,573	Port St. Lucie		774,424
Lauderhill		301,014	Ft. Myers		326,060	SANTA ROSA	739,445	739,445
Margate		244,129	LEON	1,251,426	426,361	SARASOTA	1,721,836	1,489,733
Miramar		571,215	Tallahassee		825,065	City of Sarasota		232,103
Pembroke Pines		688,935	LEVY	350,000	350,000	SEMINOLE	1,934,069	1,934,069
Plantation		376,070	LIBERTY	350,000	350,000	SUMTER	533,775	533,775
Pompano Bch		457,446	MADISON	350,000	350,000	SUWANNEE	350,000	350,000
Sunrise		386,341	MANATEE	1,544,610	1,312,301	TAYLOR	350,000	350,000
Tamarac		269,411	Bradenton		232,309	UNION	350,000	350,000
Weston		283,633	MARION	1,498,666	1,239,846	VOLUSIA	2,227,253	1,566,427
CALHOUN	350,000	350,000	Ocala		258,820	Daytona Bch		277,961
CHARLOTTE	754,759	673,396	MARTIN	669,431	669,431	Deltona		382,865
Punta Gorda		81,363	MIAMI-DADE	7,286,349	4,701,153	WAKULLA	350,000	350,000
CITRUS	636,610	636,610	Hialeah		629,541	WALTON	350,000	350,000
CLAY	901,351	901,351	Miami		1,230,664	WASHINGTON	350,000	350,000
COLLIER	1,520,545	1,434,786	Miami Beach		250,650	TOTAL	88,975,000	88,975,000
Naples		85,759	Miami Gardens		302,383	Disaster Relief Holdback		5,000,000
COLUMBIA	350,000	350,000	North Miami		171,958	Compliance Monitoring		250,000
DE SOTO	350,000	350,000	MONROE	363,118	363,118	Transfer to DCF for Homeless		5,000,000
DIXIE	350,000	350,000	NASSAU	365,305	365,305	Transfer to DEO for Homeless		200,000
DUVAL	3,946,988	3,946,988	OKALOOSA	851,030	758,949	Catalyst Program		500,000
ESCAMBIA	1,347,696	1,114,275	Ft. Walton Bch		92,081	Florida Supportive Housing Coalition		75,000
Pensacola		233,421	OKEECHOBEE	350,000	350,000	TOTAL ESTIMATED APPROPRIATION		100,000,000
FLAGLER	463,762	98,549	ORANGE	5,458,866	4,300,495			
Palm Coast		365,213	Orlando		1,158,371			
FRANKLIN	350,000	350,000	OSCEOLA	1,398,018	1,101,778			
GADSDEN	350,000	350,000	Kissimmee		296,240			

ADDITIONAL HOMELESS FUNDING

Item	Amount & Use	Line Item	Source	Agency
Challenge Grants	\$5,000,000	342	Grants & Donations TF —comes from SHIP	DCF
Federal Emergency Shelter Grant Program	\$6,203,876	343	Federal Grants TF & Welfare Transition TF	DCF
Homeless Housing Assistance Grants	\$3,840,000	344	GR	DCF
Homeless Housing Assistance Grants Proviso	\$100,000 from line 344 for Love & Action in Hope (LAHIA) Homeless Shelter Kitchen Repair - <i>Martin County (HB 2177)</i>	344		DCF
Homeless Housing Assistance Grants Proviso	\$100,000 from line 344 for The Transition House - Residential Recovery for Homeless Veterans - <i>Funds for services to clients, Osceola County (HB 4335)</i>	344		DCF
Homeless Housing Assistance Grants Proviso	\$140,800 from line item 344 for Citrus Health Network Safe Haven\ for Homeless Youth - <i>Funds for services to Clients, Miami Dade County (HB 4123)</i>	344		DCF
Homeless Housing Assistance Grants Proviso	\$500,000 from line 344 for Comprehensive Emergency Services Center— (CESC) Homeless Services & Residential Support - <i>Funds for Admin & Client Services Leon County (HB 3253)</i>	344		DCF
Tampa-Hillsborough Community Housing Solutions Center (HB 2917)	\$250,000 - Tampa-Hillsborough Housing Initiative - <i>Funds for facility acquisition, rehab, and/or construction, Hillsborough County</i>	2224M	GR	DEO
City of Ft. Lauderdale Rapid Rehousing Program (HB 2337)	\$400,000 - <i>Funds to City for rental assistance & case management, Broward County</i>	2224M	GR	DEO

OTHER MEMBER PROJECTS

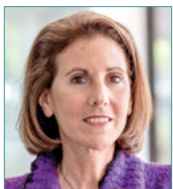
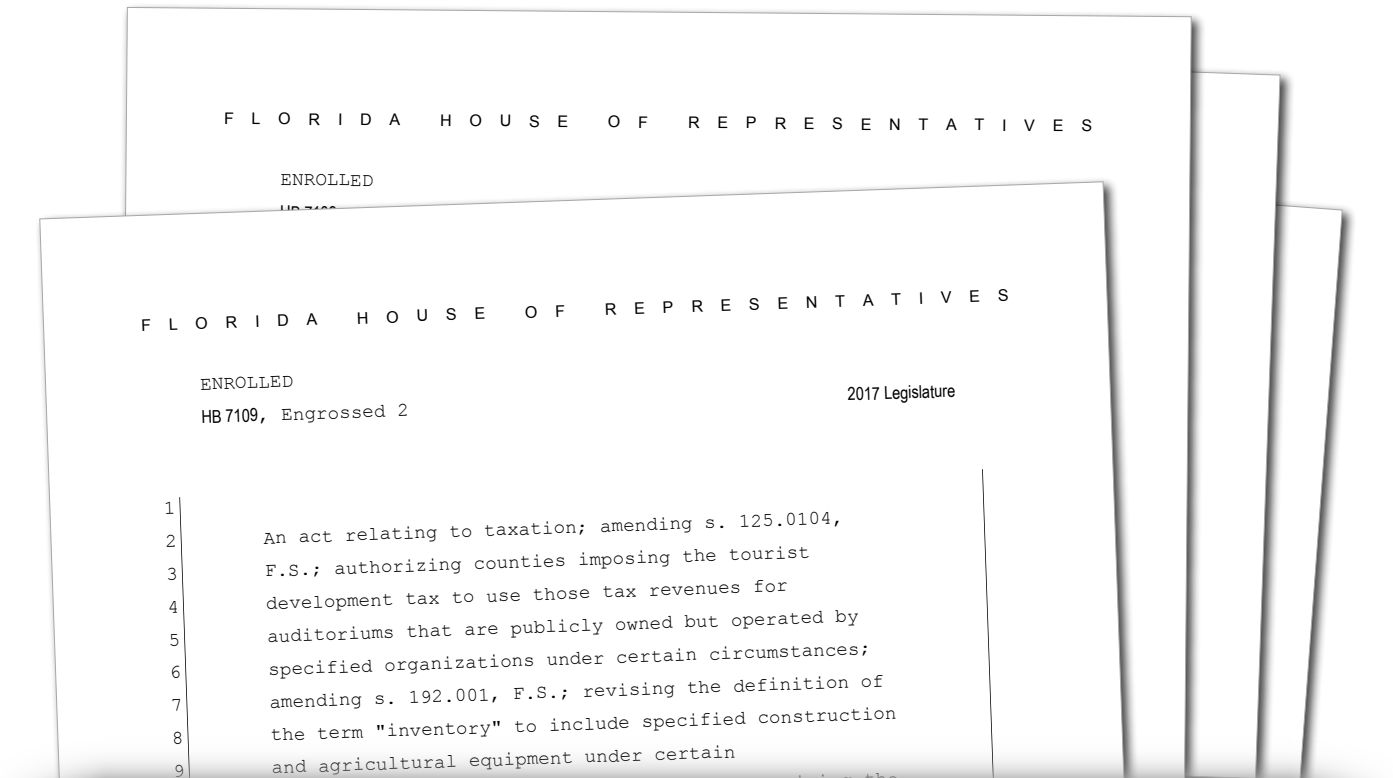
Item	Amount & Use	Line Item	Source	Agency
Neighborworks Florida Collaborative: Senate Proviso	\$450,000 - VETOED	2224M	GR	DEO
Building Homes for Heroes (HB 2571)	\$1,000,000 Building or renovating homes for veterans Statewide	2224M	GR	DEO

There is no requirement that any of the benefits of the tax reduction be reflected in lower rents for the residents. A developer is being given tax relief to do something that they already promised, and are legally obligated, to do.

In theory, this will reduce development expenses and make it easier for the developer to maintain the economic viability of the development over time, or to recapitalize and rehabilitate the development (lower property taxes means lower expenses which permits greater debt at recapitalization).

To be eligible for the reduction, the property must:

- Have 70 or more units that serve persons of extremely low, very low, or low income, as defined on s. 420.0004, F.S. This definition takes the eligibility up to 80% of area median income.
- Have an agreement with the Florida Housing Finance Corporation that is recorded in the official records (such as a LURA or EUA) codifying that the development serve the required income levels. **HNN**



JAIMIE ROSS

Jaimie A. Ross is the President & CEO of the Florida Housing Coalition. She initiated the Sadowski Coalition in 1991 and continues to facilitate the Sadowski Coalition today. Ms. Ross served as the Affordable Housing Director at 1000 Friends of Florida, a statewide nonprofit smart growth organization, from 1991-2015. Prior to her tenure at 1000 Friends of Florida, Ross was a land use and real property lawyer representing for profit and nonprofit developers and financial institutions with a law firm in Orlando. Ross is the past Chair of the Affordable Housing Committee of the Real Property Probate & Trust Law Section of the Florida Bar.

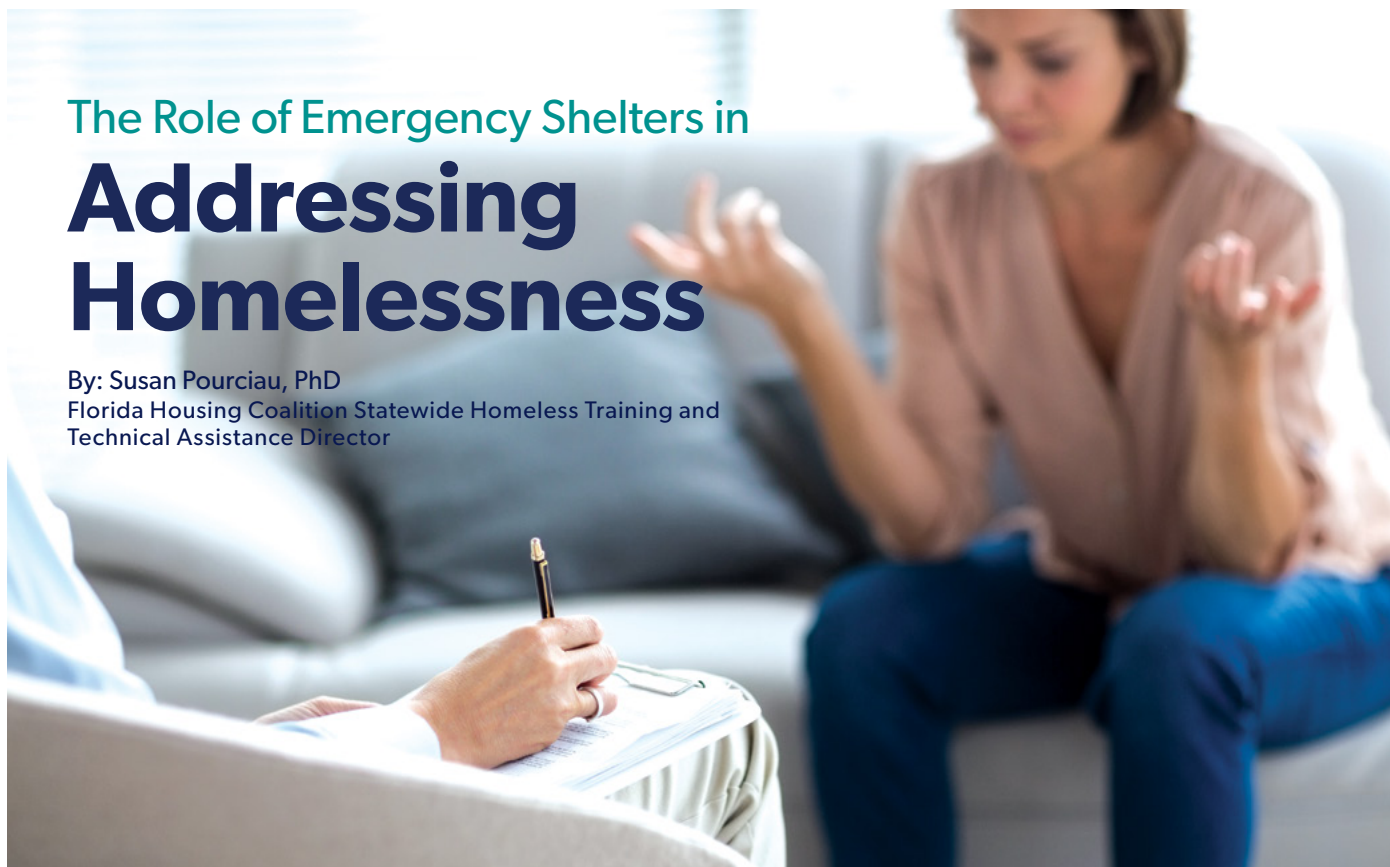


MARK HENDRICKSON

Mark Hendrickson, president of The Hendrickson Company, is a past Chair and serves as an Executive Committee member for the Florida Housing Coalition. He served as Executive Director of the Florida Housing Finance Agency from its inception in 1981 to 1994. As its first Chief Executive Officer, he led the way in creation of the Sadowski Act. The Hendrickson Company specializes in assisting clients in all areas of affordable housing, including finance and related legislative issues. His clients include for-profit and non-profit developers, the Florida Association of Local Housing Finance Authorities, and four County HFA's.

The Role of Emergency Shelters in Addressing Homelessness

By: Susan Pourciau, PhD
Florida Housing Coalition Statewide Homeless Training and
Technical Assistance Director



A homeless emergency shelter is not the solution to homelessness. An apartment with a lease, not an emergency shelter, is the pivot point that ends a household's homelessness. In many cases, services provided after, not before, moving into an apartment contribute to the household's long-term housing stability. All of which begs the question: if emergency shelters do not end homelessness, why are they needed?

Shelters serve as an intake point to help connect people with housing options.

The emergency shelter in an effective homeless assistance system must be an entry point for assessment and intake into the community's Coordinated Entry System. The Coordinated Entry System (CES) is simply a system by which a household's housing barriers are assessed and then, based on that assessment, the household is matched with housing options. While the shelter offers an "entry door" into the homeless assistance system, CES's housing options offer an "exit door."

This linkage between shelter and housing is critical to reducing homelessness and helping people move out of homelessness quickly. In many communities, shelters choose not to participate in CES or the Homeless Management Information System (HMIS) at all. In other communities, shelters do participate, but then delay access for their clients to obtain the housing options, under the misguided theory

that many services must be provided in shelter before helping the household move into housing.

When shelters do not fully participate in Coordinated Entry and connect people with housing options immediately, this practice increases and prolongs homelessness. An important role of funders, including local government, is to ensure that all shelters participate in CES and HMIS, and that households are connected with housing options immediately upon intake so they can move into housing within an average of thirty days.

The best operating model for emergency shelter is the "housing-focused" shelter model.

Over the past two decades, many emergency shelters have shifted away from providing basic shelter for those in need and shifted toward offering more exclusive programs that provide extensive service programs. This "service rich" shelter model was well-intentioned; however, there is no

research or data that supports the contention that those shelters improve recovery from homelessness or increase successful moves back into housing.

In fact, the shelter model that has proven successful outcomes is the “housing-focused” shelter model. In this approach, services in shelter are very limited and are focused specifically and intentionally on helping people move out of shelter and into housing as quickly as possible. In a housing-focused shelter, programs and policies are created to ensure that all efforts are focused on helping households move into housing quickly and with appropriate supports following exit from shelter.

A housing-focused shelter recognizes that support services are much more effective when provided after housing placement, rather than in shelter. Therefore, the services in shelter are focused on helping the household find and move into housing. Wraparound services and non-housing focused services are limited because they tend to be duplicative of community-based services, expensive, and relatively ineffective.

Shelters address short-term basic needs such as safety, meals, showers, and beds.

To fulfill this basic purpose of meeting basic needs, a shelter must have “low-barrier” admission and retention policies. To have low-barrier policies means that the shelter provides shelter based on need alone, rather than making access to shelter conditional on meeting specific requirements (e.g., meeting with case manager, sobriety, paying program fees). By failing to provide accessible shelter to certain households, a shelter fails at this most basic function of providing safety and meeting basic needs.

When barriers to obtaining and staying in shelter are too high, those who are excluded tend to be the most vulnerable in

terms of health and safety. They are also likely to be those that require the most engagement with expensive community-based emergency response teams, such as law enforcement and emergency medical services. The community at large benefits from having a local shelter that provides access to those who have the highest needs.


In addition, to be accessible and utilized by people who are homeless, an emergency shelter should be located in a site that provides flexible and ready access to transportation. People who are homeless have jobs, make appointments, go to school, shop, and visit friends. If a shelter is sited in a location where transportation is limited, those needing shelter may decline shelter. For those who use shelter, they will find

it more difficult to stay connected with jobs, friends, school, and mainstream activities, making it less likely they will move out of homelessness quickly.

It is often assumed that a shelter must be close to “services” or even that services must be provided onsite. This practice marginalizes people and disconnects them from the very community into which they will move and reintegrate.

Therefore, it is important that shelter

be connected through ready transportation to the broader community, including jobs, schools, community-based services, and shopping.

In summary, many who are homeless need short-term housing-focused emergency shelters. A housing-focused shelter will not only help households move out of homelessness more quickly, it will do so more efficiently by connecting people with housing options and community-based services. If your community would like to learn more about how to move toward a housing-focused, effective, and efficient shelter system, contact the Florida Housing Coalition. **We can help.** 

A housing-focused shelter recognizes that support services are much more effective when provided after housing placement, rather than in shelter. Therefore, the services in shelter are focused on helping the household find and move into housing.



SUSAN POURCIAU

Susan Pourciau, PhD is the Director of Homeless Training and Technical Assistance for the Florida Housing Coalition. Susan’s areas of expertise include housing first, Continuum of Care (CoC) governance, homeless system design, data analysis, rapid rehousing, CoC funding, and permanent supportive housing. Prior to joining the Florida Housing Coalition, Dr. Pourciau was the Executive Director of several human services nonprofit organizations and was on the faculty of Florida State University. Susan has a doctorate in Accounting and a law degree from Duke University.

Promise Kept

By: Gladys Cook
Technical Advisor, Florida Housing Coalition



For almost two decades, the Predevelopment Loan Program (PLP) has assisted nonprofits that are new to housing with funding for site acquisition costs, and the legal, professional, and financial expenses required to successfully apply for development funding from the Florida Housing Finance Corporation. The Florida Housing Coalition provides technical assistance to guide these initial steps - from concept to closing the deal. In this article, we explain how to decide if PLP is right for an organization and project, the application process, and preparation of the development plan. We conclude with a special PLP success story.

Is PLP a good match for your organization and project?

Eligible PLP applicants may include nonprofit community-based organizations, public housing authorities and any unit of local government. For-profits that are wholly owned by a nonprofit organization may apply. Limited liability corporations that are controlled by a nonprofit member with 51% or more ownership may also apply. Nonprofit applicants must have their 501 c 3 status at the time of application.

Applicants can borrow up to \$750,000 if site acquisition is part of the loan, or up to \$500,000 for non-site acquisition applications. No more than \$500,000 in PLP funds can be used for site acquisition.

The PLP loan has a one to three percent interest rate, and principal and interest are deferred until maturity. PLP loans mature at either the closing of construction/permanent financing or three years after the PLP loan was closed, whichever occurs first. If the project cannot be completed in three years, PLP may not be appropriate.

Rental projects must set aside 20% of the units for persons earning 50% or below of area median income (AMI). Homeownership developments must set aside 50% of the units for persons earning 80% or below of the AMI and the other 50% to persons whose income does not exceed 120% of the AMI. If these minimum income setasides are not contemplated for a project, then PLP may not be appropriate.



Promise in Brevard is on a 39-acre site in West Melbourne, Florida.

Nearing completion on a portion of the site are three 3-story buildings consisting of 52 units of 1,2,3 and 4 bedroom apartments, an upsized community center, cafeteria and catering kitchen, a resort-style pool that is handicapped-accessible, an art studio and gallery that is open to the public, and a cornucopia of career, education and recreation opportunities.

At the time of application, the organization should have a specific project in mind and a basic budget formulated. The applicant may or may not have site control. The applicant does not need to have engaged any contractors or consultants.

The Application Process

The PLP application can be downloaded from the Florida Housing Finance Corporation (FHFC) website. <http://www.floridahousing.org/programs/special-programs/predevelopment-loan-program/predevelopment-loan-program-related-materials>

Upon approval, FHFC staff assigns a Technical Assistance Provider (TAP) to assist the applicant form their development strategy and prepare a development plan. The loan is formally approved once reviewed by the FHFC Board of Directors. The application fee is \$100 and \$1,200 for commitment fees. The applicant will receive a \$1,200 credit for the commitment fee upon closing its permanent loan with FHFC. Applications may be submitted year-round, on an ongoing basis.

The PLP Development Plan

The PLP Development Plan organizes the critical components of the proposed project. The TAP makes a site visit to meet with staff and board members, and to visit the prospective site. The concept is developed for type of housing, number of units, and targeted population. The site is reviewed for zoning, permits, and approvals

PLP loans can be used to cover costs such as:

- Rezoning;
- Soil tests;
- Engineering fees;
- Title work;
- Appraisals;
- Feasibility analysis;
- Legal fees;
- Audit fees;
- Earnest money deposit;
- Impact fees;
- Insurance fees;
- Commitment fees;
- Administrative costs;
- Marketing expenses; and,
- Acquisition expenses.

necessary for the development. The development team's capacity is carefully reviewed, including that of co-developers, who can lend experience and financial backing. Sources of funding are explored and timetables developed for applications, underwriting, permitting, construction and lease up or sales. A preliminary budget is prepared to include estimated total development costs. Gaps in funding must be resolved, although final commitments are not required at the time of PLP loan approval. Through technical assistance, funding sources are vetted to ensure the project is eligible and the sources are compatible. Site considerations are considered, such as potential environmental concerns and allowable density. The PLP budget is developed at this time and will be the basis for the drawdown of PLP funds during the predevelopment process. The TAP remains on board throughout the predevelopment period, reviewing and approving draw requests.

Promise in Brevard: A PLP Success Story

Promise in Brevard will open its doors in just a few months to 126 residents who have been waiting enthusiastically to move into this intentional community. All the organizing, fundraising, and community building advice one hears in the world of housing and social enterprise were in full play over the past five years as Betsy Farmer, CEO, and her team of 60 volunteers and the 126 "Promisers" raised over \$23 million. They opened the Promise Treasures Thrift Store (16 Promisers on the payroll), and encouraged Brevard County to build a bakery, ice cream shop and café in the Space Coast Field of Dreams, a disability-friendly public park. The major component of financing for the project is low-income housing tax credits awarded by the Florida Housing Finance Corporation, along with a \$2 million grant from the Florida Legislature. It was the Predevelopment Loan Program (PLP) loan that got the Promise train rolling.

The \$750,000 PLP loan was used for site acquisition, surveys, engineering, legal fees, marketing, and other

predevelopment expenses. It took two funding cycles with the Florida Housing Finance Corporation to obtain the critical housing credits. The City of West Melbourne and Brevard County each pitched in \$75,000 and the City has provided every incentive possible to help the project throughout the approval process.

Ms. Farmer says of the technical assistance Promise received from the Florida Housing Coalition, "The technical advisor (TA) we received brought our Board of Directors to the table for a strategic planning retreat and helped them hone in on a big dream, put it on paper, and develop a plan. This helped a great deal with us being able to lend credibility to our project and other funders."



Plans and fundraising are underway for a \$3 million Special Olympics gymnasium, a condominium that will have 132 units, and a bed and breakfast for visitors. The condominiums will be available to the public at market rate prices. Of course, Promise residents who hone their independence skills can also purchase a unit.

Promise in Brevard is on a 39-acre site in West Melbourne, Florida. Nearing completion on a portion of the site are three 3-story buildings consisting of 52 units of 1,2,3 and 4 bedroom apartments, an upsized community center, cafeteria and catering kitchen, a resort-style pool that is handicapped-accessible, an art studio and gallery that is open to the public, and a cornucopia of career, education and recreation opportunities.

The centerpiece of the Promise concept is jobs - not just employment training traditionally provided for people with disabilities, but entrepreneurial enterprises such as a bakery, ice cream shop, café and catering kitchen, as well as a doggy day

care, a hydroponic garden and farmers market, an equestrian center, a disability-friendly hair and nail salon, and a vocational workshop equipped for wood working and furniture repair. The Promise Treasures Thrift Store will continue to operate and employ Promisers.

Fund raising has been essential to support not only the housing development but the many programs and features of the community. Promise recently received a \$100,000 grant (out of over 1,000 entries) from USA Today, which will go toward the next phases of the project. Plans and fundraising



Promise Thrift Store included a kitchen where persons with developmental disabilities make organic dog treats and in another section, candles, all for sale in the thrift store that also houses a café and an activities room. Photo Credit: Chuck Palmer Photography

are underway for a \$3 million Special Olympics gymnasium, a condominium that will have 132 units, and a bed and breakfast for visitors. The condominiums will be available to the public at market rate prices. Of course, Promise residents who hone their independence skills can also purchase a unit. All first-floor units will be fully accessible.

Ms. Farmer attributes the success of Promise to several principles. The first, she says, is to listen to the future residents. Working closely with the architect, Promisers shared their desires as well as concerns. For example, they wanted to choose their roommates and wanted to choose how many. A local furniture store recently offered \$500 in furniture to each resident, along with an interior designer to help when the roommates go shopping.

Ms. Farmer also spent over a year traveling to other intentional communities to learn about their design and operation. Perhaps the most important, she says, is the employment piece. She learned that residents want much more than just a residence. They want to work and they want to work with their friends as a team. And, they want to have fun working.

“We would not be where we are if it weren’t for the PLP loan and the TA that came with it. The PLP loan gave us a jump start to get our consultant on board, acquire the land and hire the architect. Before that, we just had donations and you can only go so far with that. PLP obviously jumped us up to the next level.”

Promise has recently hired a Life Enrichment Manager to oversee the programs and events that will integrate the larger

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community with Promise, and to coordinate the employment and entrepreneurial ventures. Six Resident Advisors will live on-site to ensure the safety of residents and manage the reception area. Promisers and the Brevard community have watched the dream become a reality. Each month during construction, a drone flight over the site was posted on social media with each video drawing over 7,500 views.

Promise began its tenant selection process with a survey, garnering enough interest to fully occupy the units. Interest is intense; Ms. Farmer talks to families every day who want to tour and learn more about Promise.

Housing choices for people with intellectual and/or developmental disabilities are extremely difficult to obtain. Not only is income extremely low for this population, but Medicaid services are in high demand. There is a waiting list in Florida of over 20,000 individuals. In Florida, there are over 60,000 families with a caregiver over age 60. The children of these aging parents have few opportunities to reside in community-based settings. Public institutional settings cost well over \$125,000 per

year per resident, while independent living averages \$28,000 per year.

Clearly, affordable housing resources present a flexible solution—whether through intentional communities such as Promise in Brevard or in smaller, single-family settings. It should be noted

that there are four other successful intentional communities that started with the PLP program, including Loveland Center in Venice, Noah’s Landing in Lakeland, ARC Village in Jacksonville, and Quest of Orlando. The Florida Housing Finance Corporation has taken the initiative to design financing for these larger communities, but also provides funding for smaller, shared-housing settings as well.

Once Promise in Brevard is fully occupied and operating in November, Betsy Farmer

will be on the road again. She will be sharing her experience at the Florida Housing Coalition Annual Conference that takes place in Orlando, September 10-13. Housing providers and advocates who are interested in learning more about intentional communities and the Promise story should plan to attend. **HNN**



Promise in Brevard is a community planned and designed for residents with special needs. A team of future residents called the “Dream Team” has contributed to the project with input on everything from amenities to floor plans.



GLADYS COOK

Gladys Cook is a Technical Advisor for the Florida Housing Coalition and has over 20 years of experience assisting nonprofit housing and community development organizations and local governments in the design, finance, development, and management of single and multifamily and permanent supportive housing. She provides training and technical assistance for programs funded by the Florida Housing Finance Corporation including the Predevelopment Program, SHIP, HOME and SAIL. Gladys also provides expertise in housing incentive strategies including community land trusts, land banking, and inclusionary zoning.

Assessment of Fair Housing First Thoughts

By: Carter Burton, Kimberly Spence, and Ben Toro-Spears
Technical Advisors, Florida Housing Coalition



From experience helping local governments and public housing authorities complete Assessments of Fair Housing (AFH), we at the Coalition understand the more knowledge program participants have when starting their AFH process, the better the end result. There are a lot of things to know about the AFH, so to help program participants start thinking about the process, this article provides a few basic but essential tips.

The AFH process will quickly be consumed by stakeholder consultation, resident meetings, data collection and analysis, public hearing schedules, and drafting and revising the actual Fair Housing plan. This discussion should be a catalyst for participants to be thinking about their own process and what that looks like for their jurisdiction.

Think About the User Interface

The User Interface (UI) is a web-based portal for program participants to complete and submit an AFH and is also where the AFH Assessment Tool is housed.

The portal is accessed through HUD's secure system and is only available to program participants, who are referred to as "Business Partner Organizations." Business Partner Organizations include Public Housing Authorities already

registered in the HUD PIH Inventory Management System (PIC) or Multifamily Housing Entities which include consolidated plan program participants, States, and Insular Areas.

How to Access the User Interface

Registering for access to the UI should be considered a first step in preparing the AFH. The lead agency will designate a "system coordinator" and all other registrants are considered "users".

The system coordinator is considered the primary administrator, and obtains and distributes user IDs. Upon approval of the system coordinator's application, an ID will be assigned and mailed to the CEO or Executive Director of the specified HUD-registered entity. System coordinators also maintain user profiles and assigns roles within the UI.

To register, individuals or organizations must have an active HUD Secure Systems user account or an established business relationship with the submitting agency.

The registration process for multifamily housing entities and public housing agencies is essentially the same for system coordinators and users. Both systems require participants to select either the Coordinator or the User button. The two systems do require different information, as is outlined below.

Multifamily housing entities:

- Program participants register through the HUD Multifamily Business Partner Registration System (APPS) at https://hudapps2.hud.gov/public/wass/public/participant/partreg_page.jsp
- To complete registration, the registrant must know the organization's Tax Identification Number or Social Security Number for individuals.

Public housing agencies:

- Must already be registered in the HUD PIH Inventory Management System (PIC).

- Program participants in public housing agencies registers through this web site: https://hudapps.hud.gov/public/wass/public/pha/phareg_page.jsp
- Potential registrants must know the organization's name and ID number.

Think About Local Data

The development of the AFH requires a significant amount of data analysis. HUD provides data to aid program participants in the evaluation of the fair housing issues in their jurisdiction as well as for the regional analysis required for the AFH. The data provided by HUD is based on nationally available data sets and has limitations in accuracy, timeliness, and the degree to which it examines the protected classes under the Fair Housing Act. To address this issue, HUD requires program participants to supplement their AFH analysis with local data and local knowledge. The regulations at 24 CFR 5.152 define local data as: "metrics, statistics, and other quantified information, subject to a determination of statistical validity by HUD, relevant to the program participant's geographic area of analysis, that can be found through a reasonable amount search, are



readily available at little or no cost, and are necessary for the completion of the AFH using the Assessment Tool.”

Identifying local data sources can be a lengthy step in the AFH process. This information is typically gathered through research conducted by the program participant, as well as through the community participation process. Interviews, focus groups, or community meetings with stakeholders will play a crucial role in identification of local data sets.

There are many sources to examine when researching local data at the state, county, and municipal level. In Florida, some statewide organizations that analyze housing and ‘opportunity’ data include the Shimberg Center for Housing Studies at the University of Florida, the United Way of Florida – ALICE Report, the Florida Commission on Human Relations, Florida Realtors, the Florida Housing Coalition, and many other organizations where participants can access information in the areas of homelessness, economic development, lending and banking practices, and other issues addressed in the AFH.

Within their jurisdiction, program participants should also turn to groups requiring consultation for a complete assessment, including the local Continuum of Care, housing providers, social service agencies, community-based and regionally-based organizations, local and regional fair housing organizations, public housing authorities, business and civic leaders, adjacent jurisdictions, and regional government/planning agencies.

For an even stronger assessment, program participants should consider consulting with, and seeking data from, other organizations that address issues that impact fair housing. These complementary organizations include: transit agencies, school districts, real estate developers, housing finance agencies, civil rights organizations, chambers of commerce, state and local universities, tenant/resident organizations, and realtors, property managers, and lenders, and advocates for persons protected by the Federal Fair Housing Act, as well as any local fair housing ordinances. This process will not only help program participants gather data related to fair housing issues in the region, but also develop a working relationship with stakeholders working in the field, and to improve coordination in ongoing projects.

Think About HUD Data

The issues examined in the AFH are complex. In the assessment, program participants will review issues like concentrations of racial/ethnic minorities in areas of poverty, the location of

protected classes in poor-quality school catchment areas, and housing burdens faced by each of the protected classes. Each of these issues deserves methodologically rigorous analysis. Anything less runs the risk of violating a program participant’s obligation to affirmatively further fair housing.

HUD has developed the Affirmatively Furthering Fair Housing (AFFH) Data and Mapping Tool, a robust tool to help program participants conduct the AFH. This tool, not to be confused with the AFH Assessment Tool, offers access to quantitative data on disparities between the general population and protected classes under the Fair Housing Act and so facilitates a fact-based conversation on fair housing choice and access to opportunity. The tool includes prepopulated tables, cleaned data sets, and readily available dot-density maps.

How to Find HUD Data

The Affirmatively Furthering Fair Housing Data and Mapping Tool is available on the HUD website at <https://egis.hud.gov/affht/>. Alternatively, you can search for ‘affht’ in your internet browser and click on the HUD AFFHT entry. Once there, select the state you are interested in, then select the jurisdiction. That’s it! You now have at your fingertips a wealth of data related to the landscape of fair housing in the jurisdiction and region.

Dot Density Maps

The AFFH Data and Mapping Tool relies on dot density mapping. A dot density map shows concentrations of some variable – in this case, Fair Housing Act protected classes. Each dot represents a certain number of persons represented by that variable. For instance, if you choose to see concentrations of racial/ethnic minorities, each dot on the map represents between 1 and 100 persons. Keep in mind, dot location is not precise – if a dot is located on the East side of a street, that does not mean persons of that race/ethnicity only live on the East side of the street.

Fair Housing Issues

The AFFH Data and Mapping Tool includes data for all prescribed fair housing issues in the AFH. As you complete each section of the AFH, HUD asks you to examine specific data sets in the AFFH Data and Mapping Tool and analyze the results. When examining fair housing issues, keep in mind your knowledge of local issues, events and trends are often more important than the data from the tool. With that said, using data prescribed in the AFFH Data and Mapping Tool supports meaningful, data-driven assessments.

Read the Data Documentation

As with any data set, it is important to understand the meaning of the data provided. HUD has released data documentation for the AFFH Data and Mapping Tool, providing critical information on the source and time frame of data, index formulas, and explanations of appropriate analyses. Before making any conclusions in your AFH, you must understand the details behind the data.

Final Thoughts

Preparation of the AFH is an extensive process that participants should start 10–12 months prior to their submission deadline. This article touched on a few things every participant should become familiar with to complete their AFH, but there are many questions participants should consider early in the process including:

- When is your AFH submission deadline?
- Will you collaborate with other participants?
- Who will those collaborating partners be?
- What stakeholders should be involved?
- What are the citizen participation requirements for the AFH?
- What are the requirements for updating your Citizen Participation Plan?

Initially, learning about the AFH can be overwhelming, but if you keep these topics in mind, start the process early, and stay on top of critical elements you will find it to be to your benefit. Pre-planning the AFH will allow for a more streamlined process and, in the end, will save a lot of time and stress. **HNN**

Resources:

- AFFH Rule Guidebook: <https://www.hudexchange.info/resource/4866/affh-rule-guidebook>
- User Interface Registration: <https://portal.hud.gov/hudportal/documents/huddoc?id=hudafhuserregguide.pdf>.
- AFFH Data and Mapping Tool User Guide: <https://www.hudexchange.info/resource/4849/affh-data-and-mapping-tool-user-guide>



CARTER BURTON

Carter Burton is a Technical Advisor for the Florida Housing Coalition and has 15 years of experience administering HUD housing and community development programs, specifically the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs. Burton specializes in HUD Consolidated Planning and has developed numerous Consolidated Plans, Annual Action Plans, Analysis of Impediments to Fair Housing, and Consolidated Annual Performance and Evaluation Reports for Entitlements throughout Arizona, California, Connecticut, Florida, Georgia, New York, and Texas.



KIM SPENCE

Kimberly Spence is a Technical Advisor for the Florida Housing Coalition and has 10 years of experience administering local planning, housing, and community development programs, and providing consulting services with a focus on data collection and analysis for preparation of Consolidated Plans, Annual Action Plans, and Analyses of Impediments to Fair Housing. Spence specializes in collecting and interpreting social, economic, and physical data; preparing Consolidated Plans, Annual Action Plans, and Analyses of Impediments; development of policies and procedures, setting up tracking and reporting program progress in IDIS, and grant monitoring.



BEN TORO-SPEARS

Ben Toro-Spears is a Technical Advisor for the Florida Housing Coalition with an extensive background in affordable housing and community development, real estate finance, and data management. As a Technical Advisor, Toro-Spears provides training to local governments, nonprofit housing developers, and their partners on compliance with affordable housing program regulations, financial and data management, and best practices for organizational management. Toro-Spears also prepares maps and spatial analyses using GIS, and assists with data collection and statistical analysis for the Coalition's policy documents and housing needs assessments for clients.

FHFA's Duty to Serve: Increasing Support for Shared Equity Models

By: Ashon Nesbitt
Technical Advisor & Research Analyst
Florida Housing Coalition



The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 instituted Duty to Serve requirements for the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac). Section 4565 of this Act requires these entities to develop strategies, ultimately programs, underwriting guidelines and specific products to “increase liquidity of mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets.” The specific markets are manufactured housing, affordable housing preservation and rural markets. The entities are required to develop underserved market plans which must be reviewed and approved by the Director of the Federal Housing Finance Authority.

Specific to affordable housing preservation, both Fannie Mae and Freddie Mac address lending for shared equity in their most current underserved market plans. Most encouraging is Freddie Mac’s new interest in shared equity lending. This article will discuss how they address shared equity in more detail, but first: a description.

What is “Shared Equity”?

“Shared equity” in affordable housing means a sharing of appreciation and equity between a seller and the community accomplished through contracts. Shared equity models seek to balance the individual household’s interest in building

wealth and the community’s interest in creating/preserving affordable housing. The main attraction to shared equity models is the idea of a one-time public subsidy that makes the property initially affordable and then stays with the housing unit over time through resale restrictions, thus keeping the housing affordable to buyers (or renters) for years, even generations, to come.

There are three main types of shared-equity models:

- Deed restrictions or restrictive covenants;
- Limited equity cooperatives; and
- Community Land Trusts

Of the three, the Florida Housing Coalition asserts community land trusts as the preferred form of shared equity, primarily due to privity created by a community land trust's ownership of the land. Privity is legal term that describes the mutual interest of the homeowner and the community land trust in the property, which protects the community land trust's ability to enforce affordability restrictions in its ground lease. This preference for the community land trust model is not to the exclusion of the other two, as the Coalition supports the incorporation of shared-equity provisions in SHIP purchase assistance strategies and inclusionary housing ordinances, and limited equity cooperatives may develop as a viable affordable housing option in Florida as multifamily becomes a more acceptable form of ownership.

What is the involvement of Fannie and Freddie?

Both Fannie Mae and Freddie Mac specifically address shared equity lending in their underserved market plans. Here's how:

Fannie Mae

Fannie Mae officially entered lending for shared equity with the 2011 update to its Selling Guide to include loans for community land trusts. Fannie Mae developed specific underwriting guidelines for community land trust loans, including requirements for the ground lease and application of Fannie Mae's Ground Lease Rider. Fannie Mae's willingness to purchase community land trust loans supports the primary objective of increased liquidity for loans that go towards affordable housing preservation due to the resale restrictions enforced by community land trust ground leases. Although providing an invitation for greater participation by primary lenders, Fannie Mae finds that shared equity loans are not well-promoted or supported in the larger lending community mainly because the added complexity in the origination process does not appear worth it for the small number of transactions that take place. (For this reason, usually small,

locally-based banks are the main lenders of community land trust loans.)

To change this, Fannie Mae's major strategy for increasing participation is to publicly promote the strength of its existing shared equity portfolio. Fannie Mae will also engage in the presentation of market research and other data analysis to further encourage lender participation. Additionally, Fannie Mae has set a specific goal of purchasing at least 850 shared equity loans over the 3-year period beginning January 1,

2018. To accomplish this, Fannie Mae will make changes to its policies that will increase the number of eligible loans and simplify requirements, all while maintaining appropriate risk controls. Further, Fannie Mae will study ways to proactively increase liquidity for multifamily loans with shared equity, specifically limited equity cooperatives.¹

Freddie Mac

The entrance of Freddie Mac into shared equity lending is important to the advancement of community land trusts and other shared equity models in its potential to add further liquidity to the market and make such loans even more

attractive to primary lenders. Freddie Mac aims to facilitate a secondary market for shared equity loans. To that end, Freddie Mac has conducted its own research and come to similar conclusions as Fannie Mae regarding the challenges to doing so. The lack of standardization among shared equity programs results in loan products (created for these programs) yielding relatively few transactions, and primary lenders have shied away from such programs due to lack of knowledge or unwillingness to deal with the more complex structures. All of this contributes to very little investor interest.

In response to these challenges, Freddie Mac is researching

These efforts by Fannie Mae and Freddie Mac are invaluable to the promotion of community land trusts and other shared equity models in Florida, and could not come at a better time.

The Florida Community Land Trust Institute is actively working with several communities and organizations to establish new community land trusts throughout the state. This has the potential to begin building the scale needed to attract investment.

¹ The full text of Fannie Mae's Underserved Market Plan can be found at: <https://www.fhfa.gov/PolicyProgramsResearch/Programs/Documents/FannieProposedUMP.pdf>.



The Florida Community Land Trust Institute is a program of the Florida Housing Coalition which began in January, 2000. The Florida Housing Coalition is a statewide nonprofit providing training and technical assistance in Florida for more than 25 years.

In regard to community land trusts in Florida, we provide assistance to government and nonprofit entities with:

- Assessing whether a community land trust is appropriate for your community and if so, which model makes the most sense for your community;
- Understanding the terms of the ground lease and options for resale provisions;
- Start up for the nonprofit community land trust;
- Capacity building for the nonprofit community land trust; and
- All manner of real property development and financing issues.

and planning to develop a shared equity loan fund. The intent of the loan fund is to address access to capital crucial to building the scale needed to attract investment in the secondary market and support the ability of organizations such as community land trusts to acquire properties during the early years of operation before they can generate income from fees and sales. The idea is to create a revolving loan fund that structures traditional first mortgage loans and subordinate financing with shared-equity provisions. While this sounds similar in effect to SHIP purchase assistance programs that have these provisions, Freddie Mac specifically describes the loan fund as a means for organizations, such as community land trusts, to increase their capacity. This idea is not fully developed. However, it appears funds would flow through community land trust organizations to buyers, providing an additional funding source to grants and other sources such as SHIP funds. Freddie Mac plans to invest up to \$2 million in researching and creating a pilot fund in 2018.

In addition to the loan fund, Freddie Mac plans to work actively to increase lender awareness and understanding of shared equity programs. Activities to accomplish this objective include conducting lender surveys, developing curriculum for both lenders and program sponsors, and providing lender trainings.²

Why is this important?

These efforts by Fannie Mae and Freddie Mac are invaluable to the promotion of community land trusts and other shared equity models in Florida, and could not come at a better time. The Florida Community Land Trust Institute is actively working with several communities and organizations to establish new community land trusts throughout the state. This has the potential to begin building the scale needed to attract major investment. However, these organizations need capital to jumpstart and sustain them during their infancy. Also, many SHIP programs have implemented shared equity provisions as part of purchase assistance and new construction programs. Further, established community land trusts continue to cite challenges with first-mortgage lending. These challenges, and the efforts to address them, will be discussed at the Community Land Trust Symposium on Day Three of our upcoming Statewide Affordable Housing Conference. We are proud to announce Freddie Mac as a conference-sponsor and participant in the Symposium. For attendees, this is an excellent opportunity to influence the development of policies and programs that could directly benefit your organization and advance the cause of permanent affordability. **HNN**

² A more detailed description of the loan fund and other strategies can be found in Freddie Mac's Underserved Market Plan at: <https://www.fhfa.gov/PolicyProgramsResearch/Programs/Documents/FreddieProposedUMP.pdf>.



ASHON NESBITT

Ashon Nesbitt is a Technical Advisor and Research Analyst for the Florida Housing Coalition and has experience in local government, asset management, underwriting and development. Prior to joining Florida Housing Coalition, Nesbitt was a Project Manager for an affordable multifamily developer, an Asset Manager and Underwriter for a prominent syndicator of low income housing tax credits, and worked as an Assistant Housing Programs Manager for Alachua County. Nesbitt has Master's Degrees in both Urban and Regional Planning and Real Estate from the University of Florida, and a Bachelor of Science in Architectural Studies degree from Florida A&M University.

Navigating the Legal Landscape: What Nonprofits Need to Know

By: Shahrzad Emami
Legal Services of Greater Miami, Inc.



The legal landscape that nonprofits must navigate can be quite complex, but it is a necessary endeavor to protect their tax-exempt status. This article briefly explains some important and commonly overlooked rules that nonprofits must follow.

Required Federal & State Filings

Federal laws impose reporting requirements on nonprofits as a condition of their continued tax-exempt status. The most important requirement is the yearly filing of a Form 990--Return of Organization Exempt from Income Tax--with the IRS. The Form 990 should accurately reflect the story of the nonprofit, make clear the purposes and goals of the nonprofit, and explain the activities the nonprofit is conducting to fulfill those goals. Any material changes made to a nonprofit's purposes, goals, or activities must be reflected in the Form 990.

Federal tax-exempt status, however, does not automatically exempt nonprofits from state taxes; Florida imposes additional requirements. Nonprofits must file for Sales and Use Tax exemption with the Department of Revenue every five years and for Ad Valorem Property Tax exemption with their County Property Appraiser yearly. Florida also requires nonprofits that solicit donations to register yearly with the Department of Agriculture and Consumer Services.

Unrelated Business Income

One of the main traps nonprofit organizations unknowingly fall into is unrelated business income (UBI). UBI is any income derived from activities that do not serve the primary purpose(s) of the nonprofit. However, some passive types of investment income are excluded from UBI tax, such as certain rents, dividends, and interest payments. UBI generated from regularly carried out activities is taxable, but as long as those activities are an insubstantial part of a nonprofit's activities, its tax-exempt

status is not jeopardized. "Substantial" is viewed in light of the specific facts and circumstances in regards to the amount of the UBI, and the expenses and staff time dedicated to the unrelated-business activities. If these activities are substantial, the nonprofit's tax-exempt status will be jeopardized. It is important for nonprofit organizations to have procedures in place to monitor their unrelated-business activities in relation to activities that further their tax-exempt purpose(s) and to consult with an accountant or tax attorney that specializes in this area to ensure compliance.

Lobbying

Lobbying is another activity that can leave a nonprofit organization's tax-exempt status vulnerable. If a substantial amount of the organization's activities are related to lobbying, propaganda, or advocating for a change in legislation, then the nonprofit is no longer qualified for 501(c)(3) status. The general rule is that an organization's lobbying activities should be less than 5% of its total activities. The total amount of lobbying activities needs to be insubstantial compared to the organization's primary purpose(s), which is again based on specific facts and circumstances.

501(c)(3) organizations are allowed to file Form 5768 with the IRS, which is special election 501(h). This election is effective the beginning of the year in which it is filed and allows the corporation replace the general rule with a set dollar amount budget for lobbying activities, which they cannot exceed. 501(h) status is crucial for 501(c)(3) organizations that want to

maximize their lobbying potential by using online platforms, since the cost to conduct online lobbying is minimal. However, there is an absolute prohibition on political campaign support, and a 501(c)(3) will lose its tax-exempt status if it supports a political campaign or candidate, regardless of how trivial the involvement.

Conflict of Interest & Private Inurement

A fundamental legal issue that nonprofits commonly struggle with is conflict of interest. A conflict of interest exists when a member, employee, board member, director, or officer of the nonprofit has a material personal interest in a transaction to which the nonprofit is a party. Conflicts of interest are not necessarily unlawful, however, the nonprofit's board must properly handle these transactions to ensure their legality. Nonprofits should adopt a conflict of interest policy that prescribes how to effectively deal with situations when conflicts arise. Conflict of interest policies should provide that a conflict is completely disclosed to the board and that a transaction is voted on and discussed only by disinterested directors. These policies must ensure the fairness of transactions to the nonprofit and prevent transactions from improperly benefiting a member, employee, board member, director, or officer.

It is strictly prohibited for the activities of 501(c)(3) corporations to serve private interests, which constitutes private inurement. When nonprofits' activities inure to the benefit of any shareholder or individual, such as it paying for goods or services in excess of fair market value for a kickback, then the nonprofit is no longer in operation for a charitable purpose and excise taxes will be assessed. However, no private inurement occurs if the benefit of the organization's activities is received by an individual who is part of a charitable class.

Compliance with all Federal and State nonprofit statutes, especially those explained above, is essential to maintain tax-exempt status and prevent penalties, allowing nonprofits to keep serving their communities.

DISCLAIMER: This is for informational purposes only and is not legal advice. Please consult an attorney about your specific legal issues.

A special thank you goes to my two law clerks, Daniella Salvatore and Gary MacPherson, for their assistance on writing this article. 



SHAHRAZAD EMAMI

Shahrzad Emami (semami@lsgmi.org) is an attorney with Legal Services of Greater Miami, Inc., where she is the Director of the Affordable Housing & Community Development Project. Her clients are community based organizations engaged primarily in affordable housing development and preservation. She also serves as adjunct professor of law at the University of Miami where she currently teaches Affordable Housing Law.



The Florida Housing Coalition 2017 conference has a session covering key areas of non-profit governance and management including conflicts of interests for board members, bylaws and organizational documents, compliance with State of Florida and federal regulations, and lobbying and holding title to real estate.

There will be an overview of due diligence when purchasing or leasing real estate for commercial or residential use. The speakers will cover real world examples of pitfalls that have derailed or sidetracked the developments and will discuss what services are available for free to avoid these mistakes.

THANK YOU PARTNERS

The Florida Housing Coalition appreciates all our Partners for Better Housing and we're particularly grateful for our Platinum Sponsors.



JPMORGAN CHASE & CO



Tiny Homes Save Lives

While Permanent Apartments Are Built

By: Sharon Lee

In 2016, at least 91 homeless men and women died on the streets of Seattle. Some causes of death? Exposure, poor health, violence, drug overdoses, suicides, and being struck by cars. On average, more people die in Seattle as a result of homelessness than are murdered.

Any time a new multi-family apartment building is planned to provide homeless housing, it takes three to four years to get through land assembly, financing, design, building permits and construction. We know that building more low-income housing is the real solution—but with thousands of vulnerable families and individuals on the streets today, tiny houses are a viable, low-cost, and dignified solution. And they save lives.

The Low Income Housing Institute (LIHI) is primarily known for developing low-income multi-family rental housing—we own and operate over 2,000 apartments and have over 500 units in our pipeline. We decided to undertake tiny houses as a quick and effective way to respond to the homelessness crisis.

LIHI develops the sites, oversees finances, handles construction of the tiny houses, and provides case management and other supportive services to move residents into long-term housing and employment.

The Tiny House Village concept was developed as an innovative crisis response to homelessness by moving people into tiny houses instead of tents. Being able to live in an insulated or heated tiny house instead of a tent is a huge improvement for families and individuals experiencing homelessness. Each tiny house costs \$2,500 in materials and is eight feet by 12 feet in area, about the size of a small bedroom. The homes have electricity, heat, ventilation, insulation, windows and, crucially, a lockable door. One of the main barriers homeless people face in stabilizing their lives is having a secure place for their belongings and documents.

We now have nearly two years' experience with five city-sanctioned sites. The sites accommodate about 400 people, including children, at any one time. Hundreds of people have been helped short term as they passed through and stayed for a night or a week and successfully moved on. Last year was a watershed for positive outcomes. In 2016, LIHI case managers moved 157 people into housing, helped 103 people obtain employment, and helped 30 people reunite with relatives or friends. HNN



(Image: Group of tiny houses. Courtesy of the Low Income Housing Institute.)



SHARON LEE

Sharon Lee is the founding executive director of the Low Income Housing Institute (LIHI), a non-profit based in Seattle. LIHI develops and operates housing for low-income and homeless people, and also provides a range of supportive service programs to its tenants. Lee is the winner of the 2017 Gold Nugget Award sponsored by Pacific Coast Builders, the largest and most prestigious competition of its kind in the nation.

She will be speaking about Tiny Homes and about Permanent Supportive Housing at the Florida Housing Coalition Conference on September 12, 2017.



AFFORDABLE HOUSING CONFERENCE HOME MATTERS IN FLORIDA

Monday, September 11

KEYNOTE ADDRESS



TREY PRICE

Executive Director, Florida
Housing Finance Corporation



STATE OF THE STATE: HOME MATTERS

The Sadowski Act funds Florida's state and local housing trust fund programs that work in tandem with federal housing programs as well as the statewide effort to end homelessness. This is a fast-paced conversation with key government professionals working at the state and federal level addressing critical housing programs and the coordinated effort to end homelessness in Florida.

The Florida Policy Institute articulates the connection between housing and the economy and the value of the Sadowski Act trust fund appropriations.



Moderated By
**MARK
HENDRICKSON**



JOHN BRYANT
Assistant Secretary
for Substance Abuse
& Mental Health,
Florida Department
of Children & Families



**DENISE
CLEVELAND-LEGGETT**
Regional Administrator,
U.S. Dept. of Housing and
Urban Development



JOSEPH PENNISI
Executive Director,
Florida Policy
Institute

HOUSING SUCCESS

Join us for a showcase of why Home Matters in Florida, featuring award winning properties and programs. Developing and preserving affordable housing is no simple feat; this is time to celebrate your colleagues' success by lifting up approaches and strategies that have worked while gaining inspiration for future work.

GUBERNATORIAL CANDIDATE FORUM

The Florida Housing Coalition has invited all the 2018 Gubernatorial Candidates to speak at our gathering of over 700 housing advocates and professionals from across the state. This is our opportunity to educate the candidates about the importance of affordable housing and to hear what each candidate has to say about housing trust funds. Will the Governor's budget recommend using all the housing trust funds for housing if he or she wins the election in 2018?

PARTNER/CAUCUS MEETINGS

This is a somewhat unstructured time for you to meet with your colleagues about opportunities and challenges relevant to your organizations. You will find subject matter experts in each caucus and plenty of time for discussion. There are six Caucuses to choose from:

- Continuum of Care/Homelessness
- Florida Nonprofit Housing Advocates Network
- Florida Realtors
- Housing Counselors
- Local Government, Florida Community Redevelopment Association, and Community Redevelopment Agencies
- Utility Companies, Weatherization Agencies, and Energy Efficiency Partners



RECEPTION

Gather to enjoy friends, colleagues, food, beverages, and music.

The reception is an opportunity to have fun and network with conference participants and presenters.



September 12

WORKSHOPS PROVIDE TRAINING IN ALL ASPECTS OF AFFORDABLE HOUSING, INCLUDING THESE FOUR TRACKS:

- Housing for Elders and Individuals with Special Needs
- Financial Resources for Affordable Housing
- Energy Efficient and Sustainable Housing
- Housing for People Experiencing Homelessness

TRAINING SESSIONS

- Affirmatively Furthering Fair Housing: A New Approach
- Bankers can be your Best Partners
- Case Study: Success Story of an Intentional Community- Promise in Brevard
- CDBG, HOME, 108 and Rural Development Update
- Community Foundations can be your Best Partners
- Developing and Operating Permanent Supportive Housing
- Effective Community Advocacy
- FHFC Funding Resources
- FHFC Special Needs and Homeless
- Funding to Address Homelessness
- Housing Connections: A Research Update from the Shimberg Center
- Housing for Persons with Mental and Developmental Disabilities within a Community at Large
- Housing is Healthcare
- How to Have an Effective Meeting with your Legislator
- Inclusionary Zoning and CLTs
- Keeping Housing Affordable Long Term
- Laws that Nonprofits Need to Know
- No Cost Tools to Implement Affordable Housing Policies in your Community
- No Time for Complacency: Disaster Preparedness and Response
- One of Florida's Best Programs for Nonprofits: The PLP
- Public Housing Authorities Addressing Homelessness
- Solar Sunshot and SELF
- Surplus Lands and Land Banks: Best Practices
- Tiny Homes for Temporary and Permanent Housing
- Using Tax Credits for Housing and Community Development
- Veteran Homelessness in Florida: Progress and Lessons Learned
- What Local Governments can do to End Homelessness



KEYNOTE SPEAKER

CHRIS ESTES

President/CEO,
National Housing Conference



Don't Miss....

Nonprofit Raffle Presented by PNC Bank, Wells Fargo, Fifth Third Bank

\$1,000 to three lucky nonprofits

September 13

SHIP ADMINISTRATORS TRAINING | 9:00 am - Noon

Join the SHIP Administrators Training sponsored by Florida Housing Finance Corporation. This three hour session features panels on:

- Special needs
- Preserving affordability and stretching SHIP dollars with shared equity and community land trusts
- How to ensure SHIP appropriations in 2018 and beyond

Lots of time for participation with table topics chosen by SHIP Administrators' response to survey. We will also share the results of SHIP surveys done throughout the year. We will share best practices and address challenges.

Open discussion about hot topics, trends, best practices, and challenges is encouraged.



COMMUNITY LAND TRUST SYMPOSIUM | 9:00 am - Noon

Join the CLT Symposium sponsored by Wells Fargo. This three hour session will focus on engaging the lending community and building strong relationships with local government to create the scale needed for growth and long-term sustainability of CLTs. Attendees will hear from Freddie Mac and Fannie Mae on their plans to spur greater CLT lending as part of their Duty to Serve. Lender representatives will also share why they make CLT loans (and want to make more). Further, leaders of established community land trusts will share stories of partnering with local government with positive results. Attendees will then discuss "what's next" for CLTs in Florida and how to effectively sell the story of CLT success, garnering increased support and expanded reach of CLTs throughout the state on the mission to produce permanently affordable housing.



**For more information regarding the FHC Conference,
contact Johnitta Wells at 850-878-4219 or wells@flhousing.org.**



AFFORDABLE HOUSING CONFERENCE HOME MATTERS IN FLORIDA



REGISTRATION: PLEASE SUBMIT A SEPARATE FORM FOR EACH REGISTRANT. PLEASE PRINT CLEARLY.

Organization: _____
(Please write the organization's complete name, not just initials.)

Name: _____ Title: _____

Address: _____

City: _____ State: _____ Zip: _____

Business Phone: _____ Business Fax: _____

Email: _____ Website: _____

CONFERENCE REGISTRATION RATES

Register before July 28th for the Early Bird Rate.

	Member	Non-Member
Early Bird Rate	\$395	\$595
Regular Rate	\$445	\$645
At-the-Door	\$495	\$695

PAYMENT INFORMATION

- If registering by mail or fax, you must pay by check only.
- Please do not send credit card information.
- Credit cards are only accepted with online registration: FLHousingConference.org

☐ Check enclosed

(Please remit payments to the Florida Housing Coalition.)

WAYS TO REGISTER

ONLINE: www.FLHousingConference.org

FAX: Complete registration and fax to: (850) 942-6312

MAIL: Complete registration and mail with payment to:

Florida Housing Coalition
1367 E. Lafayette Street, Suite C
Tallahassee, FL 32301

CANCELLATION/REFUND POLICY

Cancellations must be received in writing no later than August 18, 2017, to receive a refund, less a \$50 administrative fee. After August 18, 2017, an alternative person from your organization may register at no extra charge; however, no refund will be made. Absolutely no refunds will be made for any registrant who does not attend the Conference.

PHOTO, VIDEO & AUDIO RECORDING CONSENT

In the event there is photography, video, or audio recording, the undersigned consents to the publication, reproduction, or use of the same, without further approval, by the Florida Housing Coalition.

SPECIFIC ACCOMMODATION(S) REQUEST

Please explain any dietary, access, and/or participation requirements. _____

New HUD Housing Counseling Certification Requirements

By: Michael Chaney, Technical Advisor, Florida Housing Coalition



HUD recently announced new rules requiring certification of counselors at HUD-approved housing counseling agencies. This move recognizes the important role housing counseling plays in many successful affordable housing initiatives. HUD's announcement is expected to have a significant impact on the housing counseling industry, since many of the organizations providing counseling are HUD approved housing counseling agencies.

HUD supports housing activities that offer assistance on a variety of housing topics. For example, many benefit from pre-purchase classes that inform buyers receiving down payment assistance. Others receive budget and credit counseling. In addition, renters occasionally need help with topics like renter's insurance coverages, lease details, and avoiding eviction. Another type of counseling is focused on general financial management, which is beneficial for renters, buyers and all households assisted by affordable housing.

The Florida Housing Coalition provides housing counseling training through Catalyst workshops and webinars, and most recently through funding from the National Association for Latino Community Asset Builders (NALCAB). The Coalition is currently helping a housing nonprofit establish housing counseling as an additional community service and apply to be a HUD approved housing counseling agency.

HUD-Approved Counseling Agencies

If your local government office or nonprofit agency provides any housing counseling, consider becoming a HUD-approved housing counseling agency (HCA). If your current housing assistance could be enhanced by counseling, contract with a HUD-approved HCA. Currently, there are more than 110 HUD-approved agencies in Florida. Even if an agency does not receive counseling funds from HUD—less than half of Florida's HUD-approved HCAs did during the last round of funding—the designation provides benefits. Beyond HUD, other organizations that fund counseling activities require participating agencies to be HUD-approved, including the Florida Housing Finance Corporation.

Obtaining HUD's designation involves submitting a detailed application and work plan, and only agencies that have been providing some type of counseling for a year may apply.

To apply, complete and submit all the required documentation for application outlined in HUD Form 9900. HUD has developed a helpful online tool which allows organizations to determine if they meet the basic requirements to apply to become a HUD-approved Housing Counseling Agency. This Housing Counseling Agency Eligibility Tool is available at <https://www.hudexchange.info/programs/housing-counseling/housing-counseling-agency-eligibility-tool/>

Counselor Certification

The requirement for counselor certification comes from the Dodd–Frank Wall Street Reform and Consumer Protection Act. It was a response to the housing crisis, as Congress recognized the importance of HUD-approved housing counseling services in helping struggling families. The Act directed HUD to develop a standard certification process to increase the competency of counselors in the full range of housing issues confronting consumers.

The details of certification have taken years to develop. In recent years, housing counselors have eagerly discussed the counselor certification process at the Counselors' Caucus at the Florida Housing Coalition's annual conference. This is the best attended of the conference caucuses, and the Coalition's training is informed by the feedback and insights from these counselors, who share their best practices for administering counseling programs.

In December 2016, HUD published rules requiring that housing counseling in connection with all HUD programs must be provided by HUD Certified Housing Counselors. Each HUD-approved housing counseling agency must employ at least one certified counselor to maintain its designation. The rule takes effect in August of 2020, three years after the certification exam first becomes available.

HUD has announced that starting this August, the HUD Certified Housing Counseling Examination will be available at a cost of \$60 if taken online at the examinee's location and \$100 at a proctored site. Counselors must demonstrate competency in each of the following areas of housing counseling: (1) financial management; (2) property maintenance; (3) responsibilities of homeownership and tenancy; (4) fair housing laws and requirements; (5) housing affordability; and (6) avoidance of, and responses to, rental and mortgage delinquency and avoidance of eviction and mortgage default.

In order to be certified, an individual must both pass a standardized written examination covering six major topic areas, and work for an agency approved to participate in HUD's housing counseling program. More information is at: www.hudhousingcounselors.com. On this website, counselors can set up user accounts to access training materials, track their progress with interactive online training modules, and gain access once the practice exam and certification exam become available. The website has an extensive study guide, which was updated in June. **HNN**

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- (1) financial management;
- (2) property maintenance;
- (3) responsibilities of homeownership and tenancy;
- (4) fair housing laws and requirements;
- (5) housing affordability; and
- (6) avoidance of, and responses to, rental and mortgage delinquency and avoidance of eviction and mortgage default.



MICHAEL CHANEY

Michael Chaney is a Technical Advisor for the Florida Housing Coalition. Chaney's responsibilities include providing training and technical assistance through workshops and on-site visits. Chaney also provides telephone consultation on a variety of affordable housing topics, including: capacity building for housing nonprofits, financial tracking of housing funds, fair housing, compliance with housing program requirements (SHIP, HOME, CDBG), operational/administrative procedures, housing rehabilitation strategies, and energy efficiency topics. He has also served as an adjunct faculty member of the Housing Department at Florida State University.

CDBG's Section 108 Loan Guarantees for Multifamily Rehab

By: Gladys Cook,
Technical Advisor, Florida Housing Coalition



The Section 108 Loan Guarantee Program allows local governments to transform a small portion of their Community Development Block Grant (CDBG) funds into federally guaranteed loans large enough to pursue physical and economic revitalization projects, including housing rehabilitation or reconstruction projects, capable of renewing entire neighborhoods.

The funds can be used by a designated public entity to undertake eligible projects or, alternatively, can be loaned to a third party developer to undertake the projects. This flexibility makes it one of the most potent and important public investment tools that HUD offers to local governments.

Eligible entities may borrow up to five times their annual CDBG allotment, less any outstanding 108 loans. While the federal government guarantees these loans, the borrowing entity must pledge their future CDBG funds as collateral for the loans. Proper project selection and underwriting can minimize a community's risk.

The Florida Housing Coalition Technical Assistance Team has expertise in providing training and technical assistance in all aspects of program design, application and underwriting for the successful implementation of the program. The team can work with local governments considering the Section 108 program or the State of Florida.

The flexibility of the funds allows for economic development or housing rehabilitation loan pools that permit a variety of activities and projects to be accomplished with just one Section 108 loan.

How the Section 108 Program Works

The borrowers for Section 108 loan guarantees are local or state governments. If approved, private lenders are incentivized by this security to lend funds to the borrower.

Depending on the type of project, the borrower has two basic options for using the loan funds:

- Directly expend the funds on the project, or
- Loan the funds to a third party developer are known as a 'third party loan.'

The borrower will be required to pledge its current and future CDBG allocations as security for the loan. In addition, the borrower is required to pledge additional security to the loan.



Advantages of Using the 108 Program:

- The ability to borrow large sums of money helps recipients undertake large-scale, capital-intensive projects and provides a mechanism for recipients to extend the impact of their CDBG Program.
- These potential advantages are substantial enough that many communities are willing to assume the risks of Section 108 borrowing. Further, by using the risk management techniques, recipients can greatly reduce the uncertainty of Section 108 borrowing.
- When properly administered, the Section 108 Program provides recipients with a valuable tool to accomplish economic development goals that otherwise might be unmet or deferred.

The potential advantages allow borrowers to:

- Access funds at AAA rate.
- Take on large projects.
- Access long-term funds at a fixed rate.
- Accelerate CDBG activities.
- Spread costs over time.
- Not a general obligation; no effect on community's debt limit.
- Avoid private benefit restrictions.

Types of Activities Undertaken with the 108 Program:

Borrowers can finance several types of activities through the Section 108 Program, including the financing of economic development as well as funding housing and infrastructure projects. The Section 108 Program can serve to finance projects to assist communities in recovering from disasters and to increase resilience against future catastrophe events.

Borrowers must meet other requirements for these types of activities to be eligible under the program. These requirements are discussed below.

Eligible activities include:

- Economic development activities eligible under the CDBG Program;
- Construction or rehabilitation of public facilities and infrastructure; and
- Housing activities, as eligible under the CDBG Program.

Section 108 Program funds can also be used to finance the delivery of activities, including:

- Payment of interest on the guaranteed loan and issuance costs of public offerings;
- Debt service reserves;
- Finance fees, such as the credit subsidy fee; and
- Costs of administering a Section 108 loan. **HNN**



GLADYS COOK

Gladys Cook is a Technical Advisor for the Florida Housing Coalition and has over 20 years of experience assisting nonprofit housing and community development organizations and local governments in the design, finance, development, and management of single and multifamily and permanent supportive housing. She provides training and technical assistance for programs funded by the Florida Housing Finance Corporation including the Predevelopment Program, SHIP, HOME and SAIL. Cook also provides expertise in housing incentive strategies including community land trusts, land banking, and inclusionary zoning.

Justice for All

Why Ability Housing took on City Hall — and Won!

By Shannon Nazworth,
Executive Director of Ability Housing



Ability Housing takes its mission to heart. “Building strong communities where everyone has a home” is more than a phrase we include on grant applications; it is the reason we come to work every day. That mission is also why, in 2015, Ability Housing filed a lawsuit against the City of Jacksonville for violating the Fair Housing Act and the Americans with Disabilities Act.

Background:

In 2014, Ability Housing announced plans to purchase and renovate a 12-unit apartment building in Jacksonville’s Springfield neighborhood to provide permanent supportive housing for disabled veterans.

We selected this building for multiple reasons, including its proximity to a VA Clinic, public transportation, and educational opportunities at a nearby state college. City officials initially said our project was zoned appropriately; however, that changed after a group of Springfield residents mobilized to oppose the project.

For more than a year, we worked with our legal team to convince the City that denying the project was a violation of the Fair Housing and Americans with Disabilities Acts. However, in July 2015 the City denied our Certificate of Use application, stating the residents’ disabilities as a key factor.

After an appeal of the decision was again denied, we filed suit in federal court against the City of Jacksonville in

November 2015. Disability Rights Florida, a federally funded protection and advocacy group, also filed suit. The U.S. Department of Justice began an investigation into this matter in late 2015 and filed suit against the City in December 2016.

Why We Went To Court:

Ability Housing lost nearly \$1.4 million in grant funding and pre-development expenses. The financial loss was substantial; but, we were more concerned by the City’s violation of the rights of people with a disability.

While it was a very important decision, it was not a difficult one for our board. Each member is deeply passionate about the quality of life of the people we serve. A heated community meeting with neighborhood representatives opposing the project only solidified their commitment to fighting this injustice.

How We Made Our Case:

Our case was strong. The denial referenced the disability status of the intended residents as a basis for the decision. There were multiple public comments demonstrating

discrimination, a voluminous amount of discovery, and depositions from a myriad of perspectives related to the project and suit — including one community member who spent over \$100,000 opposing the project.

After almost a year of litigation, settlement agreements were reached between Ability Housing, Disability Rights Florida, the U.S. Department of Justice, and the City of Jacksonville. The Jacksonville City Council approved the settlement in May 2017.

Under the terms of the settlement, the City amended its Zoning Code to strengthen protections for persons with disabilities; paid damages to the plaintiffs; will create a \$1.5 million grant for the development of supportive housing; and is implementing training and compliance measures outlined by the Department of Justice.

What Other Nonprofits Can Learn:

Ability Housing is a small nonprofit organization; we did not have hundreds of thousands of dollars to spend on legal fees. Thankfully, Akerman LLP took on our case pro bono. We are deeply grateful for their support.

While no developer wants to end up in the position we faced, the experience taught us lessons that may prove helpful for our colleagues with similar challenges:

Find allies. A strong legal team is essential; you will need them as a long-term ally in your fight. Find other allies, as well. Do not assume like minded peers will support your cause. Engage stakeholders by communicating ways they can demonstrate support and engage decision-makers.

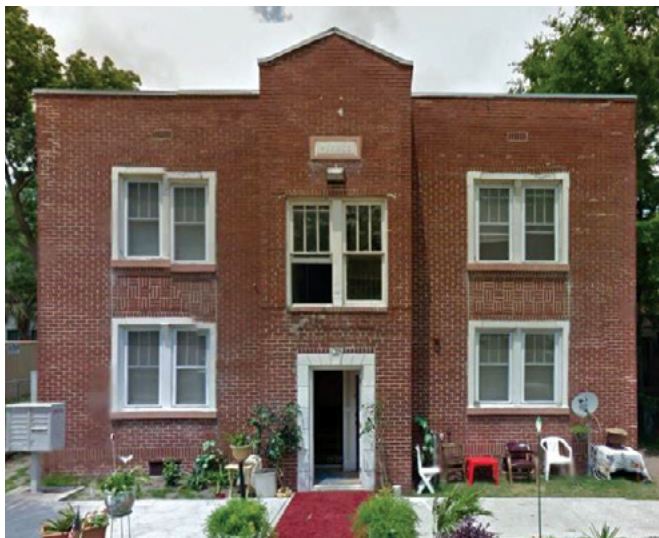
Know the law, and make sure others do too. We quickly learned that several stakeholders in this matter — from City Council members to the media — did not know the full

scope of the Fair Housing Act and the Americans with Disabilities Act. Proactive and reactive media relations, one-on-one meetings, and consistent website and social media updates were key parts of our strategy.

Defend your rights as a developer. Developers who specialize in housing for persons with a disability have specific rights under the Fair Housing Act and the Americans with Disabilities Act, including the right to claim a violation of civil rights without fear of retaliation.

This experience challenged our team in many ways, and the costs far surpassed

strictly legal expenses. But throughout we never wavered in our knowledge that the people we serve deserved nothing less than an ardent defense of their right to live in any neighborhood of their choosing. **HNN**



The 12-unit apartment building in Jacksonville's Springfield Neighborhood that was the subject of litigation.



SHANNON NAZWORTH

Sharon Nazworth is the executive director of Ability Housing, Inc. Headquartered in Jacksonville, Ability Housing serves Northeast and Central Florida, providing high quality affordable and supportive housing with a focus on meeting the needs of individuals and families experiencing or at risk of homelessness and adults with a disability. She is also the board president of the Florida Supportive Housing Coalition and chair of Florida's Council on Homelessness.

EDITOR'S NOTE: An alternative method for resolving land use disputes that involve affordable housing is found in Florida Statute 760.26, Florida's Fair Housing Act. The beauty of this law is how it works in tandem with Florida's Property Rights laws found in Chapter 70, Florida Statutes, to provide a quick dispute resolution process in front of a local magistrate, rather than having the expense and delay of bringing a court case. Contact the Florida Housing Coalition for more information.

FREQUENTLY ASKED SHIP QUESTIONS

State Housing Initiatives Partnership Program

QUESTION: I know that SHIP funds may be spent to repair or purchase mobile homes. My jurisdiction is considering mobile home assistance. Please provide more details to help guide our decision.

ANSWER: Since 2009, mobile homes—also known as manufactured housing—built after 1994 have been included in SHIP’s definition of eligible housing, section 420.9071 (8) of the Florida Statutes: “Eligible housing means ... residential units that are designed to meet the standards of the Florida Building Code...or manufactured housing constructed after June 1994 and installed in accordance with the installation standards for mobile or manufactured homes contained in rules of the Department of Highway Safety and Motor Vehicles.”

Manufactured housing is also addressed in section 420.9075 (5) c of the SHIP Statute: “Not more than 20 percent of the funds made available in each county and eligible municipality from the local housing distribution may be used for manufactured housing.”

Each SHIP jurisdiction should make a decision about whether or not to assist manufactured housing. If it is assisted, the local housing assistance plan (LHAP) should specify whether to provide home repair, purchase assistance, or both. Furthermore, a jurisdiction’s LHAP could distinguish manufactured housing from modular housing. Unlike manufactured housing, modular homes are built in factories according to the Florida Building Code, and so they have always been eligible for SHIP assistance. They include a gold or silver sticker—often located under the kitchen sink—that confirms construction to the Florida code.

Sometimes, the first step in providing manufactured housing assistance is to determine exactly when a manufactured home was constructed. All units built after July 13, 1994 are constructed to a standard requiring greater wind resistance, and they are eligible for SHIP assistance. Information on whether a unit has been properly installed on the ground is also necessary for SHIP assistance. An information sheet—which may be located on the electrical panel or in a closet—will include the construction date and may be accompanied by

an installation sticker. The SHIP file should include a copy of the information sheet and installation sticker or other documentation of the unit’s installation on the ground.

It is common practice to place liens on properties whenever SHIP assistance is provided, and the same applies to manufactured housing, where a lien may be recorded regardless of whether the manufactured home is personal property or real property. It is important to distinguish between the two, however, and the LHAP should indicate whether either or both may receive SHIP assistance. A manufactured home is personal property when it has a title under the Florida Department of Motor Vehicle’s system. Such homes are often located on land owned by someone other than the home owner. A lien on such a home is filed in the local county tax collector’s office against the title, and is inferior to any purchase liens on the home. If both the manufactured home and

the land on which it is installed belong to the owner, the manufactured home becomes real property and the title is “retired.” The unit becomes inextricably bound to the land, and the combined land and home are subject to real estate taxes. A lien placed on such a unit is filed with the Clerk of Court in the county land record.



QUESTION: I am new to SHIP. My next task is to create the annual reports. I know I must create these online, but I cannot

access the SHIP annual report website.

ANSWER: The SHIP annual report website is located at: <https://apps.floridahousing.org/StandAlone/SHIPAnnualReporting/>.

The login page has links to help if you do not have an account or if you have forgotten your password. If you need any further assistance to access the site, contact Terry.Auringer@floridahousing.org.

The first step to completing the reports is to gain access to the website. You are right to start early, since SHIP annual reports are due September 15, 2017, regardless of whether or not your funds are expended or encumbered in compliance with the SHIP deadlines. Some who are new to these reports are surprised at the amount of research involved in completing them, so allow plenty of time for your work.

The second step to completing the reports is to update the information on the “SHIP Contact Info” tab, which is next to the “Annual Reporting” tab. The staff contacts and SHIP strategy assistance details that you provide here are included in Florida Housing’s statewide directory of SHIP programs, so please ensure that all data included is current.

QUESTION: I anticipate that our advisory committee will complete its meetings and public hearing in time to provide the AHAC report to the County Commissioners at their September 20 meeting. This is before the December 31 report deadline. Will September 20 mark the start of our 90-day clock for the Board to adopt any incentives or do we still have until March 31 of next year?

ANSWER: Your 90-day clock begins when the advisory committee submits its report to the governing body. The last day allowed by statute to submit the AHAC report is December 31, making the 90-day deadline March 31 of the following year. According to Florida Statutes, section 420.9076 (6), “Within 90 days after the date of receipt of the 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.”

MORE GUIDANCE IN TECHNICAL BULLETINS | Florida Housing Finance Corporation provides SHIP-specific written guidance in Technical Bulletins. Some of the most recent bulletins have addressed the subjects of record retention, NOFA advertisements, and SHIP audit and monitoring requirements. You may access the bulletins on Florida Housing’s website, www.floridahousing.org. Find SHIP by selecting Programs and then Special Programs from the pull-down menu.

Have More Questions about the Affordable Housing Advisory Committee (AHAC)?

There are often many questions when a local government assembles an AHAC to recommend regulatory reform in support of affordable housing. The Florida Housing Coalition is announcing a new resource to help. A new publication is available from our website entitled “Affordable Housing Incentive Strategies.” It is a guide to affordable housing advisory committee members and local government staff who assist them. The guidebook introduces members to their statutorily required responsibilities, and to the importance of regulatory incentives that facilitate private-sector development of affordable housing. The guidebook also includes an AHAC report template and instructions to guide the AHAC on each step of their process. All SHIP staff may benefit from reviewing the guidebook’s Frequently Asked Questions (FAQ) section, which includes Q&A, plus more information helpful to assist AHACs. **HNN**



MICHAEL CHANEY

Michael Chaney is a Technical Advisor for the Florida Housing Coalition. Chaney’s responsibilities include providing training and technical assistance through workshops, on-site visits, and telephone consultation on a variety of affordable housing topics, including capacity building for housing nonprofits; financial tracking of housing funds; fair housing; compliance with housing program requirements (SHIP, HOME, CDBG); operational/administrative procedures, housing rehabilitation strategies, and energy efficiency topics. He has also served as an adjunct faculty member of the housing department at Florida State University.



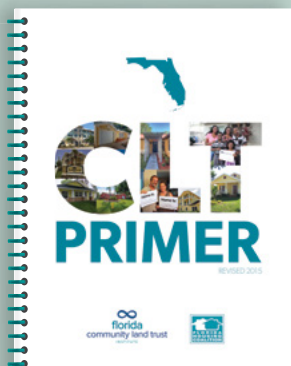
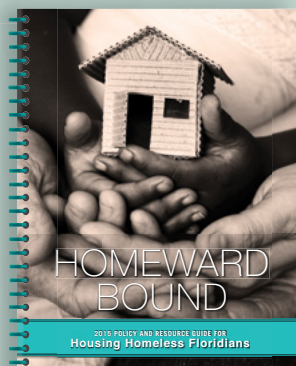
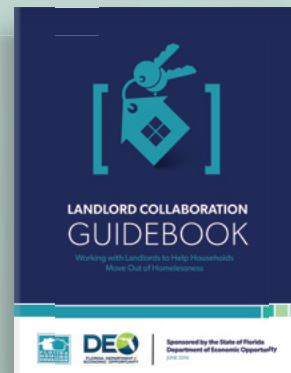
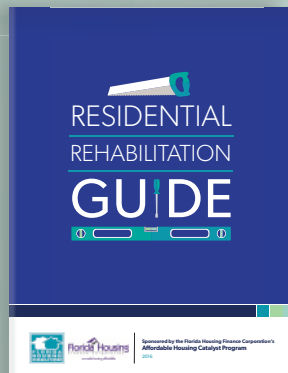
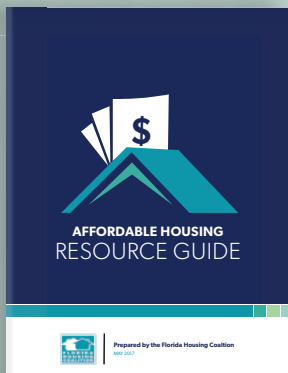
DO YOU HAVE A QUESTION ABOUT THE SHIP PROGRAM?

Free telephone technical assistance is available to help you successfully implement your SHIP funded work.

Call the Florida Housing Coalition’s SHIP hotline at (800) 677-4548, Mon.-Fri. 8:30-5:00.

Affordable Housing Resources

Available Online 24/7





MEMBERSHIP APPLICATION

PARTNERS FOR BETTER HOUSING

Your Partners for Better Housing membership supports the Florida Housing Coalition's work by making tax deductible donation of \$500 or more. Membership benefits include:

- Complimentary conference registration (Patron Level or higher only, quantity indicated)
- Unlimited membership-rate conference registrations
- ☐ \$20,000 Platinum Sponsor (20 Comps)
- ☐ \$10,000 Gold Sponsor (10 Comps)
- ☐ \$5,000 Sponsor (6 Comps)
- Complimentary job vacancy posting service on the Coalition's website
- Access to the Coalition's e-newsletter, Member Update
- ☐ \$2,500 Co-Sponsor (3 Comps)
- ☐ \$1,000 Patron (1 Comp)
- ☐ \$500 Contributor

ADDITIONAL BENEFITS FOR PLATINUM, GOLD & SPONSOR LEVELS

- Subscriptions to Housing News Network Journal (up to 20)
- Logo displayed in all conference-related publications, on the Coalition's website and in each triennial issue of the Housing News Network Journal
- Complimentary booth at conference expo (if reserved by July 31)
- Reserved table for Keynote speeches (Platinum and Gold only)

ADDITIONAL BENEFITS FOR CO-SPONSOR, PATRON & CONTRIBUTOR LEVELS

- Subscriptions to Housing News Network Journal (up to 8)
- Name displayed in all conference-related publications, on the Coalition's website
- Co-Sponsor and Patron Partners included in each triennial issue of the Housing News Network Journal

BASIC MEMBERSHIP

Basic membership is for anyone who wishes to subscribe to Housing News Network, post job vacancy announcements free on the Coalition's website and receive membership-rate conference registrations. An individual member receives one subscription and one member-rate registration. Organizational members receive up to five subscriptions and five member-rate registrations. All memberships are on a unified membership cycle, memberships are due on July 1 and expire on June 30 of each year. (Please indicate additional names, addresses and phone numbers on an attached sheet.)

- ☐ \$25 Student
- ☐ \$75 Individual
- ☐ \$150 Nonprofit Organization
- ☐ \$200 Government Agencies
- ☐ \$250 Private Organizations

Authorized Representative (Please Print or Type:)

Name: _____ Title: _____

Organization: _____ Signature: _____

Mailing Address: _____

City: _____ State: _____ ZIP: _____ County: _____

Phone: _____ FAX: _____ Email: _____

Make checks payable to The Florida Housing Coalition • 1367 E. Lafayette Street, Suite C, Tallahassee, FL 32301 • Phone: (850) 878-4219 • FAX: (850) 942-6312 The Florida Housing Coalition is a 501 (c) (3) organization. One hundred percent of your tax deductible contribution goes to the Florida Housing Coalition, Inc. No portion is retained by a solicitor. Registration number SC09899, Federal ID# 59-2235835.

A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL FREE 1-800-435-7352 WITHIN THE STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE.

ABOUT THE FLORIDA HOUSING COALITION

The Florida Housing Coalition, Inc., is a Florida nonprofit and 501(c)(3), statewide membership organization whose mission is to bring together housing advocates and resources so that all Floridians have a quality affordable home and suitable living environment. The Coalition carries out this mission recognizing that decent and affordable housing is a human necessity and an integral part of community revitalization and economic development.



The Coalition provides professional consultation services on affordable housing, fair housing, ending homelessness, and related issues to nonprofit organizations, local governments, and their private sector partners.

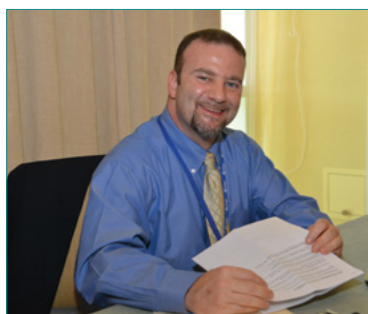


We support community-based partnerships in leveraging resources; and advocate for policies, programs and use of funding resources that maximize the availability and improve the quality of affordable housing in Florida.



Our Team The Coalition's administrative office is in Tallahassee, and our Team consists of highly skilled professional staff in office locations throughout the state. Our Technical Assistance Team provides assistance in all areas of affordable housing planning, finance, and development.

Our professional technical assistance team also includes the expertise of our geographically dispersed 25-member Board of Directors. The FHC Technical Assistance Team can help with every aspect of locally-administered housing programs, from internal controls to capacity building for nonprofit partners. We can work with you one-on-one at your office or arrange larger workshops to assist you with implementation of your housing programs.



Contact us today! 850-878-4219 | info@flhousing.org | www.FLHousing.org



AFFORDABLE HOUSING CONSULTING SERVICES

The Florida Housing Coalition Helps Local Governments, Nonprofits,
and their Developer and Financial Partners.

PUBLIC SECTOR

We Can Assist the Public Sector with:

- Consolidated Plans, Annual Action Plans, and CAPERs for HUD CPD Block Grants
- Analysis of Impediments to Fair Housing Choice and the New Assessment of Fair Housing
- Strategies for Affirmatively Furthering Fair Housing
- Program Design and Implementation
- Policies and Procedures Manuals
- Project Development
- Underwriting Practices for Rental and Homeownership
- Long-Term Affordability Mechanisms
- Energy Efficient Housing
- Predevelopment, Development, and Rehabilitation Process for Rental and Homeownership Programs
- Meeting Set-Asides for Extremely Low Income and Special Needs Housing
- Income Compliance and Eligibility Determination
- Tracking, Reporting, and Monitoring of Programs
- Rehabilitation Policies and Strategies
- Design of RFPs and RFQs
- Strategies and Plans to End Homelessness

PRIVATE SECTOR

We Can Assist the Private Sector with:

- How to form a CHDO or a CDC
- How to write grants and proposals
- Board and Staff Training/ Organizational Capacity Building
- Strategic and Business Plans
- Best Practices for Operating Manuals
- Project-Level Assistance in Financing, Development, and Asset Management
- Strengthening Partnerships and Joint Ventures
- Preventing and Ending Homelessness
- Accessory Dwelling Units
- Energy Efficient Housing
- Strategies for Changing Markets
- NIMBY issues

SPECIAL PROJECTS

Everything from Needs Analysis to Document Preparation:

- Shared Equity Models
- Lease Purchase Programs
- Housing Element Strategies and Implementation
- Regulatory Reform
- Inclusionary Housing Policies
- Education/Presentations to Advisory Groups and Elected Bodies
- Facilitation of Community Meetings
- Community Land Trusts



CONTACT

Contact the Florida Housing Coalition: Phone: 850-878-4219
Email: info@flhousing.org | Online: www.FLhousing.org



DISCUSS

Discuss what services would be most helpful for your local government, nonprofit, or developer and financial partners.



PROPOSAL

In return, we will quickly tailor a proposal that meets your needs within your budget.

Contact us today! 850-878-4219 | info@flhousing.org | www.FLhousing.org





FLORIDA HOUSING COALITION

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CO-SPONSORS	<div>BLUE SKY COMMUNITIES BROAD AND CASSEL CAPITAL CITY BANK COALITION OF AFFORDABLE HOUSING PROVIDERS COHN REZNICK</div> <div>COMERICA BANK CONSECRA HOUSING NETWORK ENTERPRISE & BELLWETHER ENTERPRISE FLORIDA COMMUNITY LOAN FUND GORMAN & COMPANY</div> <div>NATIONAL HOUSING TRUST/ ENTERPRISE PRESERVATION CORPORATION NEIGHBORHOOD LENDING PARTNERS NORSTAR DEVELOPMENT USA NOVOGRADAC & COMPANY</div> <div>PRESERVATION OF AFFORDABLE HOUSING (POAH) RAYMOND JAMES BANK RBC CAPITAL MARKETS RELATED URBAN ROYAL AMERICAN COMPANIES</div> <div>SEACOAST BANK SELTZER MANAGEMENT GROUP SMOLKER BARTLETT LOEB HINDS & SHEPPARD SOUTHPORT FINANCIAL SERVICES STRATFORD CAPITAL GROUP</div>				
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