2020 Legislative Priorities

Housing Opportunities for All

Key Contacts

Amanda Gill
Government Affairs Director
Amanda@faaq.org

William Jaycox
Local Government Affairs Manager
William@faaq.org

Kelly Mallette
Lobbyist
Kelly@RLBookpa.com

Florida Apartment Association
105 East Robinson Street
Suite 301
Orlando, FL 32801
407-960-2910
www.faaq.org
**INDUSTRY FACTS**

APARTMENTS AND THEIR RESIDENTS CONTRIBUTE MORE THAN $206.6 BILLION TO THE ECONOMY ANNUALLY.

---

1.4 MILLION apartment homes

34 PERCENT of Florida’s apartments were built before 1980

25 THOUSAND on-site jobs

48 THOUSAND new apartments needed annually

669 THOUSAND new apartment homes needed by 2030

2.7 MILLION apartment residents

1.2 MILLION total jobs supported

Source: https://weareapartments.org/
PROTECT THE SADOWSKI AFFORDABLE HOUSING TRUST FUND

ISSUE: USE ALL SADOWSKI AFFORDABLE HOUSING FUNDS FOR FLORIDA HOUSING PROGRAMS.
The Sadowski Affordable Housing Trust Fund helps the apartment industry by providing money to build and repair affordable apartment homes for Florida’s most vulnerable populations.

BACKGROUND
The Sadowski Act (1992) created a dedicated revenue source to fund Florida’s affordable housing programs. The housing trust fund, which is also known as the Sadowski fund, is financed by document stamp taxes that are paid on all real estate transactions that take place in the state.

The preservation of the Sadowski fund is important for the Florida apartment industry because the demand for apartment homes continues to rise. Sadowski funds help mitigate the high demand for new affordable apartment homes across the state by aiding in the construction or refurbishment of affordable units.

ECONOMIC IMPACT
Sadowski funds are highly leveraged with private sector loans and equity, which provide $4 to $6 for every dollar of state funding. As a result, Sadowski funds have a powerful economic impact in the State of Florida. In addition, the appropriation of the estimated $350 million* in the state housing trust fund in fiscal year 2019-20 into Florida’s housing programs would create 30,000 jobs and $4.4 billion in positive economic impact in Florida. *


HOW THIS IMPACTS THE APARTMENT INDUSTRY
More than 922,000 Floridians spend at least 50 percent of their income on housing. Access to affordable housing is critical for the future of Florida’s growing economy.

Sadowski funds are reinvested into the community to help Florida’s most vulnerable populations, which include: veterans, the elderly, people experiencing homelessness, and persons with special needs. In general, 30 percent of the funding is used for initiatives such as the State Apartment Incentive Loan (SAIL) program and 70 percent of the trust fund resources are used for single-family housing initiatives (SHIP). In the apartment industry, SAIL funds are used to rehabilitate existing apartments or build new units where additional affordable housing is needed.

WHAT YOU CAN DO
The Florida Apartment Association urges the Legislature to use all of the Housing Trust Fund monies exclusively for Florida’s housing programs and to pass SB 306 (Sen. Mayfield)/HB 381 (Rep. Silvers), which will prevent the Legislature from diverting any cash balances in the Housing Trust Fund for other purposes within the state budget.
ISSUE: THE LEGISLATURE SHOULD PASS HB 209 (REP. KILLEBREW)/SB 1084 (SEN. DIAZ) TO REDUCE INSTANCES OF EMOTIONAL SUPPORT ANIMAL FRAUD AND ABUSE.

Florida law currently lacks necessary clarity regarding emotional support animals (ESAs). As a result, rental owners frequently receive fraudulent requests for ESA accommodations that cannot be verified.

BACKGROUND

ESAs, which are also known as companion animals, are used by patients to alleviate symptoms associated with a variety of disabilities. Unlike a service animal that is trained to perform a specific task, an ESA's presence provides a benefit for the patient. In accordance with the federal Fair Housing Act (FHA), an individual may request a reasonable accommodation to keep an ESA in his or her dwelling. Reasonable accommodation examples can include but are not limited to: eliminating the pet rent fee or allowing an ESA to reside on a "pet-free property."

In response to the growing use of ESAs, unqualified providers have established websites that offer false ESA "documentation" for a fee. These online providers do not have a license to practice in the State of Florida and lack an established treatment relationship with the patient. As a result, an individual who does not qualify for a reasonable accommodation under the FHA can easily obtain fraudulent documentation online — without interacting with someone who is qualified to assess the disability or disability-related need.

HB 209/SB 1084 would require ESA accommodation documentation to be completed by a licensed provider who has a treatment relationship with the patient and would clarify a property owner’s right to verify the authenticity of such documentation upon receipt of the ESA request. In addition, this legislation would clarify that the liability for any harm or damage done by an ESA is the sole responsibility of the individual — not the property owner.

HOW THIS IMPACTS THE APARTMENT INDUSTRY

The apartment industry strongly supports the rights of individuals with disabilities to request reasonable accommodations. However, the abuse that exists in the current system places an undue burden on property owners and undermines the intent of the Fair Housing Act. The passage of HB 209/SB 1084 will help reduce fraud by clarifying the type of documentation that can be accepted when an individual requests this type of reasonable accommodation in rental housing.
CLARIFY FIRE RADIO SYSTEM REQUIREMENTS

ISSUE: THE LEGISLATURE SHOULD PASS LEGISLATION TO CLARIFY FIRE DEPARTMENT RADIO SIGNAL REQUIREMENTS FOR NEW AND EXISTING HIGH-RISE BUILDINGS.

Florida Statute 633.202 was amended in 2016 to give local governments discretion to regulate fire radio systems for buildings within their jurisdiction. However, the vague language that is currently in the statute is creating implementation inconsistencies and unintended consequences for property owners across the state.

BACKGROUND

Under the current statute, local governments have the authority to determine the signal strength needed for existing and new buildings within their jurisdiction. Existing apartment buildings are not required to comply with local signal strength requirements until January 1, 2025. However, apartment buildings are required to apply for the appropriate permit for the required communications installation by December 31, 2022.

The problem is the current statute does not articulate any minimum requirements for municipal radio equipment, timelines for ongoing equipment inspection, or the ability of a municipality to withhold a certificate of occupancy, which must be obtained prior to residents moving into a newly constructed apartment community.

HOW THIS IMPACTS THE APARTMENT INDUSTRY

The apartment industry recognizes the importance of fire safety in high-rise buildings. However, the vague language in the current statute is problematic and should be addressed to:

• Require local radio systems to meet a minimum national standard.
• Provide a reasonable timeline for inspections (not more than one every three years).
• Require local governments to provide developers with a radio signal coverage heat map to help determine whether a project will have a radio strength signal issue early in the construction process.
• Clarify the certificate of occupancy process as it relates to radio signal system requirements.

WHAT YOU CAN DO

The Florida Apartment Association urges the Legislature to pass legislation to clarify fire department radio signal requirements for new and existing high-rise buildings.
INCREASE AFFORDABLE HOUSING TAX INCENTIVES

ISSUE: THE LEGISLATURE SHOULD PASS LEGISLATION TO ALLOW LOCAL GOVERNMENTS TO OFFER AFFORDABLE HOUSING TAX INCENTIVES.

Florida has a critical need for more affordable housing with only 23 affordable and available rental units for every 100 extremely low-income renter households (earning less than 30% of the area median income, or AMI).

BACKGROUND

In order for a new apartment community construction project to break ground, a developer must secure financing from investors, who demand a specific rate of return in exchange for their investment. It is difficult for developers to achieve the necessary rate of return for affordable apartments, which are rented below market rate. As a result, it can be extremely challenging for a developer to secure the financing needed to make an affordable housing construction project feasible.

Due to the challenges that exist when financing affordable housing construction projects, developers rely on a combination of state and federal tax incentives along with private funding. However, the process of obtaining these government tax incentives is extremely competitive, with a very limited number of projects ultimately receiving this type of funding each year.

Florida law currently lacks clarity regarding a county’s ability to waive or reduce local property tax rates for affordable housing, which is an impediment to encouraging the construction of affordable apartment communities at the local level.

HOW THIS IMPACTS THE APARTMENT INDUSTRY

As a result of the challenges associated with obtaining the limited number of state and federal tax credits that are currently available, many housing developers are unable to construct new affordable apartments. In light of the dire need for more affordable housing, the Legislature should take action to provide counties with the authority to offer additional tax incentives at the local level.

WHAT YOU CAN DO

The Florida Apartment Association urges the Legislature to pass legislation that allows counties to offer affordable housing tax incentives.