



Overview of the “Live Local Act”

(Senate Bill 102, Chapter 2023-17,
Laws of Florida)

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Agenda

- **Preemption.**
- **Affordability.**
- **Density, height, zoning, and parking.**
- **Approval process.**
- **Enforcement of local regulations.**
- **Identified limitations and opportunities for legislative response.**





Introduction

Senate Bill 102, known as the “Live Local Act” was signed into law by the Governor on March 29, 2023, and took effect on July 1, 2023. This is an expansive piece of legislation that covers a variety of topics (i.e., ad valorem property taxes, SHIP and FHFC financing, and the preemption of local governments in certain areas to promote affordable housing).

This presentation will focus on the effect of the Live Local Act on local governments and the limitations of the Live Local Act with respect to land use.

Preemption

EFFECT ON LOCAL GOVERNMENTS



Preemption

What regulations are preempted?

- Preempts local governments from enforcing requirements regarding zoning, density, and height for multifamily and mixed-used (no definition) residential developments if at least 40% of the units in the proposed residential rental development are “affordable” for at least 30 years. Developments that meet the requirements may not require a zoning change or comprehensive plan amendment.
- Local governments can no longer impose rent control ordinances.

Exceptions to preemption.

- Section 125.01055(7)(g), F.S.: “Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.”
- Does not apply to property defined as “recreational” and “commercial working waterfront” in Section 342.201(2)(b), F.S., in any area zoned as industrial.
- A local government that designates less than 20% of land within its jurisdiction for commercial or industrial use must authorize a proposed multifamily development only if the development is mixed-use residential. It is not required to approve a residential project.

Affordable

WHAT DOES THIS ACTUALLY MEAN?

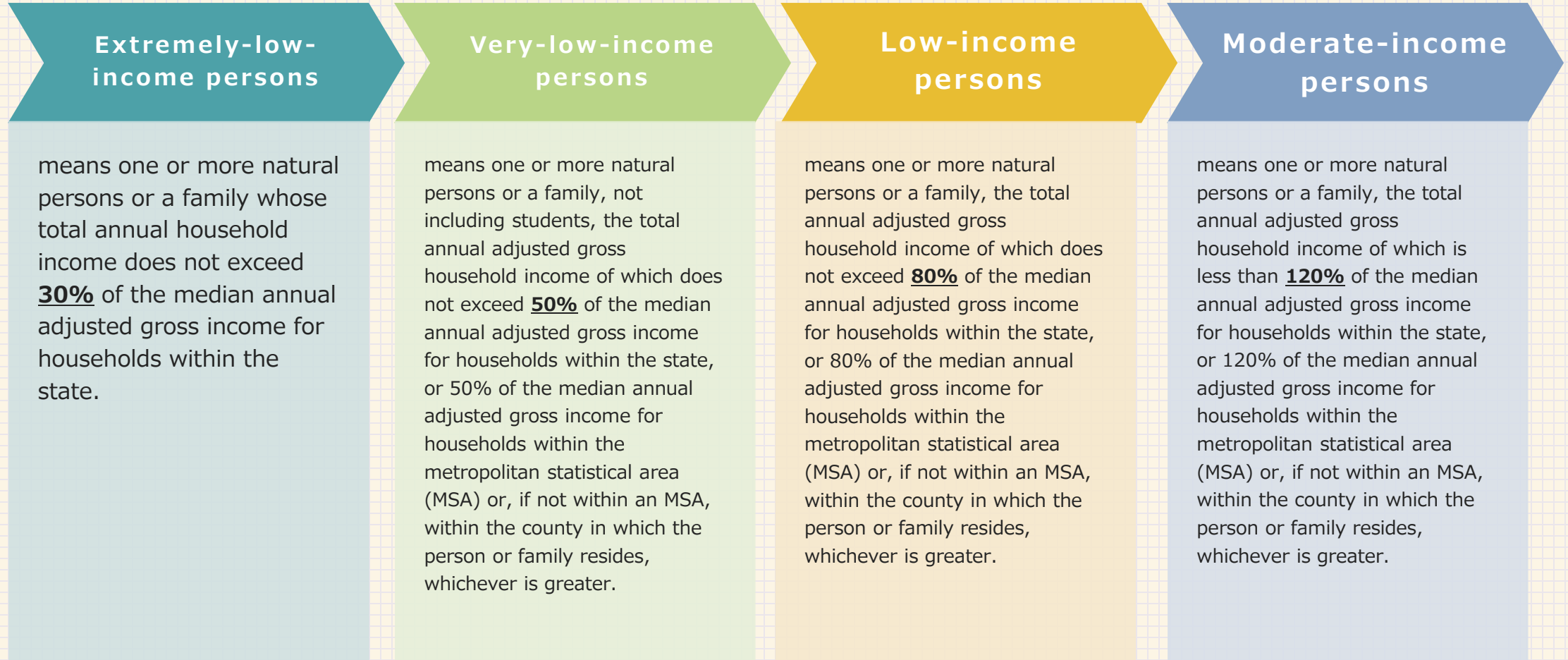


Definition of Affordable

“Affordable” means that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the[following] households:

See Section 420.0004(3), F.S.

Affordable Households Overview





Density, height, zoning, and parking

AN OVERVIEW

Overview



A group of people are gathered around a wooden table, looking at a large architectural blueprint. The scene is lit with warm, golden light, suggesting an indoor setting with large windows. The people's hands are visible, pointing at various parts of the blueprint. The overall atmosphere is professional and collaborative.

Approval process

AN OVERVIEW

Approval Process

Required approvals:

- A local government must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40% of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable.

Required Administrative Approvals by the Board:

- A proposed development authorized pursuant to the Live Local Act must be administratively approved and no further action by the Board is required if the development satisfies the local government's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements.

Discretionary Approvals by the Board:

- The Board MAY approve a proposed development on a parcel of land zoned commercial or industrial so long as at least 10% of the units included in the project are for housing that is affordable.

Enforcement of Local Regulations

AN OVERVIEW



Enforcement

What regulations or laws apply to proposed development that meet the requirements of the Live Local Act?

- **Except as otherwise provided, a development authorized under the Live Local Act must comply with all applicable state and local laws and regulations.**

What land development regulations can be enforced?

- **Except for use, density, and height, can be enforced, all land development regulations. This would include environmental review, parking (except as carved out in the act), landscaping, lot coverage, setback requirements, impervious areas, concurrency, Floor Area Ratio regulations, and platting, including plat note amendments.**

What provisions of the Local Government's Charter or Comprehensive Plan can be enforced?

- **Except for use, density, and height, all provisions of the Local Government's Charter and Comprehensive Plan can be enforced.**

Identified limitations and opportunities for legislative response





Thank you

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