FLORIDA ALLIANCE FOR COMMUNITY SOLUTIONS

Creating Better Communities

YIGBY and Affordable Housing

Presented by Lynda Charles

What the Law Means for Churches, Cities, and Developers…

The Law:

2025: Local Option (SB1730)

- Gave local governments the option to allow affordable housing on religious institutions land, even when that land is not zoned for homes.
- Allows local governments to approve housing on qualifying land owned by religious institutions as long as at least 10% of the homes “are affordable” per s.420.0004
- The 10% is the floor not the ceiling
- Local governments can raise the affordability unit percentage above 10%
- Localities can also target deeper affordability by setting income limits below the 120% AMI Maximum

Eligibility Criteria

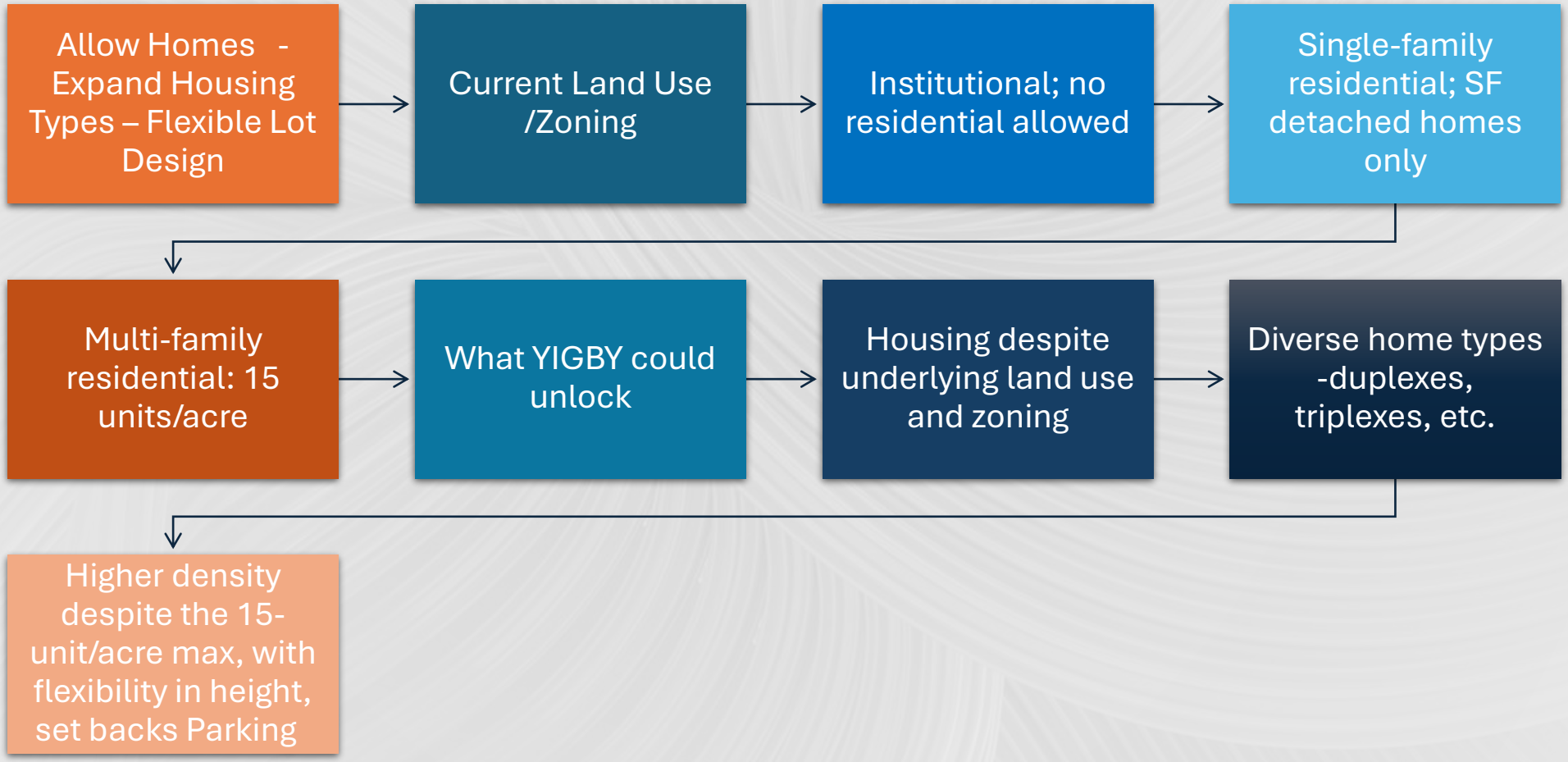
Land owned by a religious institution which:

- Contains a house of public worship, or
- Is contiguous to a parcel with a house of public worship

Benefits

- **Main Benefit**:
- Allow local governments to override their own comprehensive plans and zoning codes to allow affordable housing on eligible land (and dictate development standards)
- **Other Benefits**
- Acts like a “super-waiver” for any local land use regulations -gives local governments big-time discretion to apply flexible development rules to eligible parcels
- Allows localities to approve affordable housing without amending the comprehensive plan or land development corde.
- Local laws that can be waived or amended for YIGBY include
  - By-right uses (i.e. residential in non-residential areas)
  - Housing Types, Density, Height, Parking, Setbacks, Design Regulations, Lot coverage

Policy Goals



2026 State Mandate (HB 1389) – What's Different?

- Requires localities to approve multi-family and mixed-use affordable housing on qualifying land through live local Act's land use Mandate
- HB 1389 expands the Live Local Act's land use mandate for affordable housing in commercial, industrial, and mixed-use areas to include qualifying land owned by religious institutions.
- Qualifying Land:
  - Owned by a religious institution
  - Had a house of worship
  - Parcel must be 3 acres or larger
  - House of worship must be active for at least 10 years prior to application
  - At least 40% of homes must be affordable rentals to households up to 120% AMI
- Entitlements:
  - Multifamily and mixed-use housing by-right
  - Live Local Act's standards regarding density, height, floor area ratio, parking and administrative approval

Key Requirements

- The parcel contains a house of worship (not just contiguous to one)
- The parcel is 3 acres or larger
- The house of worship has been active for at least 10 years
- The religious institution plans to keep the house of worship active indefinitely
- The Intended affordable housing is multi-family or mixed-use (not single-family)
- At least 40% of the homes are intended for affordable rental housing

Note:

- All six checked? Both the state mandate and local option can apply
- Any unchecked? Local option only if It's applicable – Advocate locally

YIGBY DOES NOT CREATE THE HOUSING

Partnership and collaboration does.....

Source

Florida Housing Coalition

https://events.zoom.us/ev/Ak0i36D5YKECZbXeFT78u8VCmQdnpiaeweU2M_NyPWtm0ILQQVDs~ArQ98IeqBd3Mow1YRxM02GhIKFX1mdFntrLrImreKSMi7mLdyE1SqCZmkw