



Activating YIGBY at the Local Level

Local considerations for implementing Florida’s new Yes-in-God’s-Backyard (YIGBY) law

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Across Florida, many faith-based organizations own underused land that could be part of the solution to our affordable housing crisis.

In 2025, the Legislature passed [Senate Bill 1730](#), creating Florida’s new “**Yes-in-God’s-Backyard**” (**YIGBY**) law. YIGBY gives cities and counties the ability to approve affordable housing on eligible land owned by religious institutions, even if that land isn’t currently zoned for residential use.

But here is the catch: **YIGBY is optional**. This new affordable housing tool is *not* a state mandate or preemption--it is a permissive tool. Cities and counties *must choose* to use it. **That’s why local advocacy and local policymaking are critical** to bring this tool to life.

How YIGBY Works

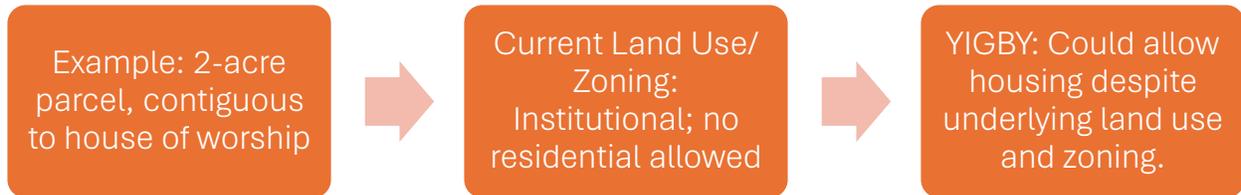
SB 1730 amends Florida law at s. 125.01055(6) and s. 166.04151(6) to allow local governments to approve affordable housing development “on any parcel, including any contiguous parcel connected thereto, which is owned by a religious institution as defined in s. 170.201(2) which contains a house of public worship, regardless of underlying zoning.” To qualify, at least 10 percent of the units must be designated as affordable housing. This amendment expands upon an existing provision in state law originally enacted in 2020 – commonly referred to as the “HB 1339 land use tool” – which authorized localities to approve affordable housing projects on commercial and industrial land regardless of zoning. SB 1730 extends the reach of this tool specifically to eligible land owned by religious institutions. For more background, [check out the Florida Housing Coalition’s guide on the HB 1339 land use tool](#).

Here is the full text of the provision for counties, which mirrors the language for municipalities:

“(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the board of county commissioners may approve the development of housing that is affordable, as defined in s. 420.0004 . . . on any parcel, including any contiguous parcel connected thereto, which is owned by a religious institution as defined in s. 170.201(2) which contains a house of public worship, regardless of underlying zoning, so long as at least 10 percent of the units included in the project are for housing that is affordable. The provisions of this subsection are self-executing and do not require the board of county commissioners to adopt an ordinance or a regulation before using the approval process in this subsection.”

Big picture, YIGBY can be used to:

1. Allow affordable housing where residential uses are not currently allowed.



2. Allow a greater diversity in housing types than a parcel's zoning or land use designation allows.



3. Allow more flexibility in lot design regulations such as density, height, parking, setbacks, and other land development rules.



Here is a quick summary of the basics of the YIGBY law:

Eligibility	<p>Baseline: Land owned by religious institutions which:</p> <ol style="list-style-type: none"> 1) Contains a house of public worship; or 2) Is contiguous to a parcel with a house of public worship <p>Local governments have discretion on <i>where</i> and <i>how</i> to apply YIGBY. For example, a city can choose only to apply YIGBY to eligible parcels within the city’s Urban Growth Boundary, targeted areas for housing development, or use proximity factors like proximity to job centers, transit, and other community amenities.</p>
Percentage of Affordable Homes	<p>At least 10% of homes in a YIGBY development must be affordable. Local governments have discretion to require a higher percentage of homes to be affordable.</p>
Income Levels Served	<p>Affordable homes must be affordable for households earning at or below 120% AMI. Local governments have discretion to target lower AMIs.</p>
Term of Affordability	<p>Local governments have discretion on how long the affordable homes must remain affordable. (statute is silent)</p>
Development Standards	<p>Local governments have full discretion over what development standards to apply to YIGBY projects. Given the breadth of the statute’s “notwithstanding” language, localities can use YIGBY to allow housing where homes are not currently allowed, allow more diversity in housing types, and allow flexibility in density, height, and other regulations to facilitate housing production.</p>
Process	<p>Local governments have discretion on process—localities may approve YIGBY projects on a case-by-case basis or having an implementing policy.</p>

Analysis of the Law

Let’s break down what the YIGBY law means:

1. “Notwithstanding any other local law or local ordinance or regulation to the contrary”

This language acts like a “super-waiver” for local land use rules, giving local governments the discretion to apply more flexible development standards on eligible land owned by religious institutions. A city or county could use this provision to override its own zoning rules or comprehensive plan requirements related to use, density, height, setbacks, parking, and other lot design requirements to make affordable housing easier to build. If

existing zoning limits the number, size, or shape of homes that can be built on a parcel, this tool lets local governments adjust those standards without needing to do a rezoning or comprehensive plan amendment.

2. “the board of county [or city] commissioners may approve”

The statute authorizes city and county commissions to approve affordable housing developments using the YIGBY tool. We interpret this provision to mean that local governments can set their own YIGBY approval processes when using this law – either by requiring commission review of each proposal or by delegating approval authority to staff based on clear, defined administrative criteria. We recommend localities have clear, predictable policies delegating administrative approval authority to staff.

3. “the development of housing that is affordable, as defined in s. 420.0004”

Section 420.0004(3) of the Florida Statutes defines “affordable” for certain state housing policies and programs that cite to it directly. Under this definition, local governments may use the YIGBY tool to approve developments that serve households up to 120% of the Area Median Income (AMI). However, since this is a discretionary tool, localities may target lower income households – such as limiting its use to developments serving households at or below 80% AMI.

Notably, the definition of “affordable” in s. 420.0004 defines affordability based on rent limits tied to income categories, not to individual tenant incomes. Also note that this language does not impose any tenure or size requirements for a project to be eligible. Unlike the Live Local land use mandate, this tool can be used for ownership or rental housing, single-family or multi-family.

4. “on any parcel, including any contiguous parcel connected thereto, which is owned by a religious institution as defined in s. 170.201(2) which contains a house of public worship, regardless of underlying zoning”

For land to be eligible, it must be owned by a religious institution and contain a house of public worship or be contiguous to a parcel with one. S. 170.201(2) defines “religious institution” as “any church, synagogue, or other established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on.”

5. “so long as at least 10 percent of the units included in the project are for housing that is affordable”

The ten percent affordable housing minimum is a floor, not a ceiling. Local governments have the discretion to require a higher percentage of affordable units in developments approved under the YIGBY law. For example, a city or county may adopt a local policy limiting use of the tool to projects that reserve at least 30% of units as affordable housing.

6. “The provisions of this subsection are self-executing and do not require the board of county commissioners to adopt an ordinance or a regulation before using the approval process in this subsection.”

This sentence, identical for counties and cities, makes clear that local governments are not required to adopt a “YIGBY ordinance” or a similar regulation prior to using the tool. While a locality may choose to enact a YIGBY ordinance to establish clear criteria, the law permits case-by-case approval of affordable housing developments without prior commission action. However, we recommend that localities adopt a local YIGBY ordinance or policies to provide clarity and predictability to faith-based partners.

Key points for activating YIGBY:

- **Local Flexibility.** YIGBY gives localities the authority to decide *where* and *how* the tool is used. The law allows local governments to set development standards without needing a rezoning or comprehensive plan amendment, including density, height, setbacks, parking, and more.
- **Affordability Defined Locally.** Localities can define affordability in ways that reflect their own housing needs, provided at least 10% of the total units meet the statutory definition of affordable.
- **No Ordinance Required—Though Encouraged.** Local governments aren’t required to pass a new ordinance to begin using YIGBY. However, adopting local policy guidelines can provide clarity, consistency, and transparency for both developers and the public.

Activating the Law at the Local Level

Florida’s YIGBY statute gives local governments broad discretion. Use of the tool is optional, and each locality decides if and how to apply it to support affordable housing. This makes local advocacy and policymaking central to the law’s impact.

The law’s broad “notwithstanding” clause allows local governments to approve affordable housing on eligible parcels regardless of zoning. It also lets them regulate housing type, density, height, parking, setbacks, and other development standards without needing a comprehensive plan amendment or rezoning.

However, this breadth of this authority can be daunting. Some jurisdictions may hesitate to apply YIGBY to all eligible parcels, such as rural sites that lack infrastructure or access to jobs and services.

But activating YIGBY does not have to be “all or nothing.” Localities may establish their own criteria to target the tool where housing makes the most sense. By grounding these criteria in objective planning standards, rather than subjective concerns of NIMBY opposition, localities can use YIGBY as a strategic addition to their housing toolkit.

Here are some considerations for setting objective and predictable local policies on YIGBY.

1. *Where to Apply YIGBY*

The statute lets local governments approve affordable housing on parcels owned by a religious institution that either: 1) contain a house of public worship; or 2) are contiguous to such a parcel. From there, localities retain discretion to tailor how and where the tool is applied in their community. Localities can either activate YIGBY **jurisdiction-wide** for all parcels that meet the statute’s baseline criteria or in **tailored areas** where affordable housing development is most suitable for the community. We strongly recommend YIGBY policies are tailored in a way where the most possible lots can have affordable homes.

Here are ways to tailor *where* to apply YIGBY at the local level:

- **Jurisdiction-Wide.** A local government can choose to apply YIGBY to all eligible parcels within its jurisdiction and let their zoning and land development standards dictate what can be built.
- **Target Areas.** Localities can choose to apply YIGBY only to areas that are primed for residential development. A target area could be as broad as the locality’s Urban Services Area (or similar areas). Other options include places identified in the locality’s comprehensive plan, Consolidated Plan, or other relevant economic development strategies as areas primed for growth, Qualified Census Tracts (QCTs), Community Redevelopment Areas, Difficult Development Areas (DDAs), or Geographic Areas of Opportunity. Target areas should reflect the locality’s long-term vision for housing growth.

- **Excluded Areas.** Cities and counties can also specially decide to *exclude* areas from YIGBY that are not suitable for affordable housing development. These could include areas that are at high risk of flooding, areas that require lengthy commute times, and areas that lack basic infrastructure.
- **Proximity.** Localities can tailor YIGBY by using proximity scoring to identify suitable locations for homes that are close to community amenities. For example, a local government can decide to apply YIGBY only to areas within ___ miles of a major job center, within ___ miles of a grocery stores, within ___ mile of a transit stop, or other buffers that make sense for the community.

The Florida Housing Coalition recommends mapping and analyzing the inventory of eligible YIGBY land to best tailor the tool’s use.

2. Setting Development Standards

The law’s broad “notwithstanding” clause functions as a “super-waiver” for local land use rules, giving local governments full discretion over the development standards applied to YIGBY projects.

The breadth of this authority can be daunting, but it also allows localities to create clear, predictable rules based on planning best practices. While the law permits case-by-case approvals, adopting a formal YIGBY policy provides clarity, consistency, and transparency for both builders and the public.

The Florida Housing Coalition recommends that local governments:

- **Map eligible parcels** to understand site characteristics and potential housing development. Each community’s stock of eligible land owned by religious institutions is going to be different and a site abutting single-family homes may require different standards than one next to a high-density multifamily district.
- **Engage stakeholders**—especially faith-based organizations—to ensure local YIGBY policies align with the types of housing communities want to build.

Policy Options:

- **Apply existing zoning standards.** Use the standards of current residential districts (e.g., medium-density) where appropriate, with flexibility to ensure the most possible homes can be built. Localities could apply the zoning districts of abutting residential parcels and allow religious institutions to build incrementally above the intensity of the surrounding area. If a YIGBY parcel does not abut a residentially

zoned area, the locality could reference an existing residential district as standard for development.

- **Create YIGBY overlay districts.** Establish overlay districts (e.g., R-YIGBY1, R-YIGBY2, R-YIGBY3) tailored to site characteristics. Localities could create YIGBY overlay districts and apply them to targeted areas of the jurisdiction for low, medium, and high-density residential development on faith-based land.

One option is to use the development standards of existing residential districts for YIGBY projects. Local governments can create a zoning matrix to reference residential districts based on the existing underlying land use. For example, if a parcel owned by a religious institution is primed for medium-density residential development, the locality can use a medium-density zoning designation as the development standards. Localities can also use the zoning standards of parcels that abut the land owned by a religious institution and even allow faith groups to build incrementally *above* what the abutting parcels can build. This approach can be workable as long as there is flexibility baked in to facilitate affordable homes on lots of various shapes, sizes, topography, and existing building footprints.

Local governments can also create YIGBY overlay districts. One idea is to create three overlay districts and codify those districts as R-YIGBY1, R-YIGBY2, and R-YIGBY3 (for low, medium, and high-density development, respectively) and use those districts depending on the site characteristics or underlying land use. These overlay districts could be applied over specific areas of the jurisdiction and provide clear standards for administrative approval based on whether the area is primed for low, medium, or high-density development.

Here is an idea for what YIGBY overlay districts could look like, recognizing that each community’s zoning rules and built environment are different. Instead of creating new overlay districts, a community can simply reference existing zoning districts. If a community creates these overlay districts, it should define where they can be used.

Overlay District	Housing Types Allowed	Description
R-YIGBY1	<ul style="list-style-type: none"> • Single-family attached/detached • Small-scale multifamily (duplexes, triplexes, townhomes) 	<ul style="list-style-type: none"> • Can be used in low-density areas to allow for slightly higher density and greater flexibility in housing type
R-YIGBY2	<ul style="list-style-type: none"> • R-YIGBY1 housing types plus low-rise 	<ul style="list-style-type: none"> • Can be used in medium-density areas to produce a variety of

	apartments and other moderate-density units	affordable housing types
R-YIGBY3	<ul style="list-style-type: none"> R-YIGBY1 and R-YIGBY2 housing types plus high-rise and other high-density units 	<ul style="list-style-type: none"> Can be used in high-density areas to allow for high-density development

To illustrate the point further, here are some ideas for how YIGBY can be used depending on the characteristics of a site:

Site characteristics	YIGBY Policy Ideas
Small neighborhood lots with existing house of worship	<ul style="list-style-type: none"> Permit accessory/tiny home(s) that can fit on limited land without major additional parking needs (like accessory home allowances in many residential areas).
Lots in/abutting single-family residential zones	<ul style="list-style-type: none"> Permit accessory homes, tiny homes, other detached homes, and small-scale multi-family homes like duplexes, triplexes, and townhomes. Permit greater density and comparable building heights/dimensions to nearby homes. Could exclude larger scale multi-family.
Lots in/abutting multi-family and non-residential zones (commercial, institutional, etc.) – could exclude heavy industrial zones	<ul style="list-style-type: none"> Permit homes where underlying zoning wouldn't normally allow residential. Permit multi-family with greater height, building dimensions, density allowances.

No matter which route is taken to set development standards, there should be clear review processes that are streamlined or at minimum, not more stringent than other projects warranting comparable standards of review.

YIGBY-specific policies can take time and resources to develop. Some localities may prefer to focus instead on broader zoning reforms that allow more homes in more places. By expanding zoning flexibility community-wide—and permitting housing on all religious-

owned land—local governments can achieve the spirit of YIGBY while addressing housing needs at scale.

3. Affordability – Incomes Served, Amount, and Length

The law requires that YIGBY projects set aside at least 10% of the homes as affordable housing to households at or below 120% of the Area Median Income. The statute does not require a minimum affordability period.

Note that these requirements are the **floor, not the ceiling**, for what local governments can require. Localities may:

- Target deeper affordability (e.g., households at or below 80% AMI)
- Require more than 10% of units to be affordable.
- Establish their own affordability periods (e.g., 30 years or longer)

Local governments can set their affordability terms by considering:

- **Community needs.** What household incomes and characteristics have the greatest needs for affordable housing solutions?
- **Development feasibility.** A YIGBY policy should be a balance between community needs and the financial feasibility to develop homes at certain price points.
- **Additional incentives provided.** If a locality also offers financial incentives such as public subsidy, fee waivers, and public land, that is an opportunity to require deeper levels of affordability for longer periods of time.

4. Monitoring and Enforcement

Local governments are in control over how to monitor affordability for the affordability period they set.

Localities will need to determine:

- **Who is responsible for certifying income-eligible households?** Local government, property owner with annual reporting/staff oversight, etc.
- **How in-depth will monitoring and oversight be?** Self-certifications and spot checks by staff are strategies to manage administrative load.
- **What happens when a tenant's income increases?** Consider approaches such as next available unrestricted unit rented to income-eligible tenant.
- **What happens in event of resale?** For YIGBY units that are for homeownership, there should be a mechanism to ensure home is resold to income-eligible buyer.



Partnering with a **Community Land Trust** can be a powerful way to steward affordable homes for the long-term.

- **What are penalties for non-compliance?** Examples: restitution damages, specific performance, liquidated damages, probation, or other terms.

Localities can use land use restriction agreements (LURA) or other legal mechanisms to ensure long-term affordability. A LURA typically includes:

- Description of affordable units with definitions
- Set-aside requirements
- Required length of affordability
- Households served
- Compliance monitoring terms
- Notice provisions (for sale, transfer, foreclosure, etc.)
- Right of first refusal
- Provision for agreement to run with land to successive owners
- Defaults, remedies, and penalties for noncompliance

Contact Us for More Information

The Florida Housing Coalition provides technical assistance to local governments, faith-based groups, and other housing advocates to activate YIGBY. If you have any questions about how to bring YIGBY to life in your community, contact us for more information.

We can assist with policy design and implementation, stakeholder engagement, case building, advocacy, and development.

Our YIGBY team includes:

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