

By the Committee on Community Affairs and Representative  
Greenstein

1                                   A bill to be entitled  
2           An act relating to the Fair Housing Act;  
3           amending s. 760.29, F.S.; providing that  
4           certain housing facilities or communities shall  
5           be deemed housing for older persons despite  
6           specified provisions in the document which  
7           governs deed restrictions pertaining to that  
8           facility or community; providing an effective  
9           date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13           Section 1. Paragraph (b) of subsection (4) of section  
14 760.29, Florida Statutes, is amended to read:

15           760.29 Exemptions.--

16           (4)

17           (b) As used in this subsection, the term "housing for  
18 older persons" means housing:

19           1. Provided under any state or federal program that  
20 the commission determines is specifically designed and  
21 operated to assist elderly persons, as defined in the state or  
22 federal program;

23           2. Intended for, and solely occupied by, persons 62  
24 years of age or older; or

25           3. Intended and operated for occupancy by persons 55  
26 years of age or older that meets the following requirements:

27           a. At least 80 percent of the occupied units are  
28 occupied by at least one person 55 years of age or older.

29           b. The housing facility or community publishes and  
30 adheres to policies and procedures that demonstrate the intent  
31 required under this subparagraph. If the housing facility or

1 community meets the requirements of sub-subparagraphs a. and  
2 c. and the recorded governing documents provide for an adult,  
3 senior, or retirement housing facility or community and the  
4 governing documents lack an amendatory procedure, prohibit  
5 amendments, or restrict amendments until a specified future  
6 date, then that housing facility or community shall be deemed  
7 housing for older persons intended and operated for occupancy  
8 by persons 55 years of age or older. If those documents  
9 further provide a prohibition against residents 16 years of  
10 age or younger, that provision shall be construed, for  
11 purposes of the Fair Housing Act, to only apply to residents  
12 18 years of age or younger, in order to conform with federal  
13 law requirements. Governing documents which can be amended at  
14 a future date must be amended and properly recorded within 1  
15 year after that date to reflect the requirements for  
16 consideration as housing for older persons, if that housing  
17 facility or community intends to continue as housing for older  
18 persons.

19 c. The housing facility or community complies with  
20 rules made by the Secretary of the United States Department of  
21 Housing and Urban Development pursuant to 24 C.F.R. part 100  
22 for verification of occupancy, which rules provide for  
23 verification by reliable surveys and affidavits and include  
24 examples of the types of policies and procedures relevant to a  
25 determination of compliance with the requirements of  
26 sub-subparagraph b. Such surveys and affidavits are  
27 admissible in administrative and judicial proceedings for the  
28 purposes of such verification.

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30 A county or municipal ordinance regarding housing for older  
31 persons may not contravene the provisions of this subsection.

1           Section 2. This act shall take effect upon becoming a  
2 law.  
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