

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Campbell

316-1947-99

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

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

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

760.29 Exemptions.--

(4)

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

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

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

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

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

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

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

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

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

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 690

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9 The CS differs from the bill in that it:

10 Deletes the provision declaring that bill "does not void any
11 contracts or deeds for sale that were executed before the
effective date of this paragraph;"

12 Requires that covenant restrictions stipulating a prohibition
13 against residents 16 years old and under be construed to apply
to residents 18 years old or less;

14 Requires that governing documents which can be amended at a
15 future date must be amended within one year after that date to
16 reflect the requirements for consideration as housing for
older persons, if they want to continue as a community for
older persons; and

17 Provides that this bill is intended to be remedial.

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