

1 A bill to be entitled
2 An act relating to housing; amending s.
3 420.5092, F.S.; including housing for the
4 homeless in eligible housing under the Florida
5 Affordable Housing Guarantee Program;
6 increasing the maximum amount of revenue bonds
7 that may be issued by the Florida Housing
8 Finance Corporation under said program;
9 amending s. 420.5088, F.S.; revising
10 eligibility requirements for certain loans
11 under the Florida Homeownership Assistance
12 Program; amending s. 420.503, F.S.; revising
13 the definitions of "elderly" and "housing for
14 the elderly" under the Florida Housing Finance
15 Corporation Act; amending s. 760.29, F.S.;
16 providing that a facility or community claiming
17 an exemption from the Fair Housing Act with
18 respect to familial status for housing for
19 older persons shall register with the Florida
20 Commission on Human Relations and affirm
21 compliance with specified requirements;
22 providing for a registration fee; providing for
23 fines; amending s. 760.31, F.S.; providing for
24 rules; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Paragraph (d) of subsection (2) and
29 subsection (11) of section 420.5092, Florida Statutes, are
30 amended to read:

31

1 420.5092 Florida Affordable Housing Guarantee
2 Program.--

3 (2) As used in this section, the term:

4 (d) "Eligible housing" means any real and personal
5 property designed and intended for the primary purpose of
6 providing decent, safe, and sanitary residential units for
7 homeownership or rental for eligible persons, including
8 specifically housing for the homeless,as determined by the
9 corporation pursuant to rule.

10 (11) The maximum total amount of revenue bonds that
11 may be issued by the corporation pursuant to subsection (5) is
12 ~~\$400~~\$200 million.

13 Section 2. Paragraph (a) of subsection (1) of section
14 420.5088, Florida Statutes, is amended to read:

15 420.5088 Florida Homeownership Assistance
16 Program.--There is created the Florida Homeownership
17 Assistance Program for the purpose of assisting low-income
18 persons in purchasing a home by reducing the cost of the home
19 with below-market construction financing, by reducing the
20 amount of down payment and closing costs paid by the borrower
21 to a maximum of 5 percent of the purchase price, or by
22 reducing the monthly payment to an affordable amount for the
23 purchaser. Loans shall be made available at an interest rate
24 that does not exceed 3 percent. The balance of any loan is due
25 at closing if the property is sold or transferred.

26 (1) For loans made available pursuant to s.
27 420.507(23)(a)1. or 2.:

28 (a) The corporation may underwrite and make those
29 mortgage loans through the program to persons or families ~~who~~
30 ~~are eligible to participate in the corporation's single-family~~
31 ~~mortgage revenue bond programs and~~ who have incomes that do

1 not exceed 80 percent of the state or local median income,
2 whichever is greater, adjusted for family size. ~~If the~~
3 ~~corporation determines that there is insufficient demand for~~
4 ~~such loans by persons or families who are eligible to~~
5 ~~participate in the corporation's single-family mortgage~~
6 ~~revenue bond programs, the corporation may make such mortgage~~
7 ~~loans to other persons or families who have incomes that do~~
8 ~~not exceed 80 percent of the state or local median income,~~
9 ~~whichever amount is greater.~~

10 Section 3. Subsections (15) and (19) of section
11 420.503, Florida Statutes, are amended to read:

12 420.503 Definitions.--As used in this part, the term:

13 (15) "Elderly" means persons 62 years of age or older.

14 This definition shall not be deemed to prohibit housing from
15 being deemed housing for the elderly as defined by subsection
16 (19) if such housing otherwise meets the requirements of
17 subsection (19).

18 (19) "Housing for the elderly" means, for purposes of
19 s. 420.5087(3)(c)2., any nonprofit housing community that is
20 financed by a mortgage loan made or insured by the United
21 States Department of Housing and Urban Development under s.
22 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4), or s.
23 236 of the National Housing Act, as amended, and that is
24 subject to income limitations established by the United States
25 Department of Housing and Urban Development, or any program
26 funded by the Rural Development Agency of the United States
27 Department of Agriculture and subject to income limitations
28 established by the United States Department of Agriculture. A
29 project which qualifies for an exemption under the Fair
30 Housing Act as housing for older persons as defined by s.
31 760.29(4) shall qualify as housing for the elderly for

1 purposes of s. 420.5087(3)(c)2. and for purposes of any loans
2 made pursuant to s. 420.508. In addition, if the corporation
3 adopts a qualified allocation plan pursuant to s. 42(m)(1)(B)
4 of the Internal Revenue Code or any other rules that
5 prioritize projects targeting the elderly for purposes of
6 allocating tax credits pursuant to s. 420.5099 or for purposes
7 of the HOME program under s. 420.5089, a project which
8 qualifies for an exemption under the Fair Housing Act as
9 housing for older persons as defined by s. 760.29(4) shall
10 qualify as a project targeted for the elderly, if the project
11 satisfies the other requirements set forth in this part.

12 Section 4. Paragraph (e) is added to subsection (4) of
13 section 760.29, Florida Statutes, to read:

14 760.29 Exemptions.--

15 (4)(a) Any provision of ss. 760.20-760.37 regarding
16 familial status does not apply with respect to housing for
17 older persons.

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

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

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

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

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

30 b. The housing facility or community publishes and
31 adheres to policies and procedures that demonstrate the intent

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

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.

30 (c) Housing shall not fail to be considered housing
31 for older persons if:

1 1. A person who resides in such housing on or after
2 October 1, 1989, does not meet the age requirements of this
3 subsection, provided that any new occupant meets such age
4 requirements; or

5 2. One or more units are unoccupied, provided that any
6 unoccupied units are reserved for occupancy by persons who
7 meet the age requirements of this subsection.

8 (d) A person shall not be personally liable for
9 monetary damages for a violation of this subsection if such
10 person reasonably relied in good faith on the application of
11 the exemption under this subsection relating to housing for
12 older persons. For purposes of this paragraph, a person may
13 show good faith reliance on the application of the exemption
14 only by showing that:

15 1. The person has no actual knowledge that the
16 facility or the community is ineligible, or will become
17 ineligible, for such exemption; and

18 2. The facility or community has stated formally, in
19 writing, that the facility or community complies with the
20 requirements for such exemption.

21 (e) A facility or community claiming an exemption
22 under this subsection shall register with the commission and
23 submit a letter to the commission stating that the facility or
24 community complies with the requirements of subparagraph
25 (b)1., subparagraph (b)2., or subparagraph (b)3. The letter
26 shall be submitted on the letterhead of the facility or
27 community and shall be signed by the president of the facility
28 or community. This registration and documentation shall be
29 renewed biennially from the date of original filing. The
30 information in the registry shall be made available to the
31 public, and the commission shall include this information on

1 an Internet website. The commission may establish a reasonable
2 registration fee, not to exceed \$20, that shall be deposited
3 into the commission's trust fund to defray the administrative
4 costs associated with maintaining the registry. The
5 commission may impose an administrative fine, not to exceed
6 \$500, on a facility or community that knowingly submits false
7 information in the documentation required by this paragraph.
8 Such fines shall be deposited in the commission's trust fund.
9 The registration and documentation required by this paragraph
10 shall not substitute for proof of compliance with the
11 requirements of this subsection. Failure to comply with the
12 requirements of this paragraph shall not disqualify a facility
13 or community that otherwise qualifies for the exemption
14 provided in this subsection.

15
16 A county or municipal ordinance regarding housing for older
17 persons may not contravene the provisions of this subsection.

18 Section 5. Subsection (5) of section 760.31, Florida
19 Statutes, is amended to read:

20 760.31 Powers and duties of commission.--The
21 commission shall:

22 (5) Adopt rules necessary to implement ss.
23 760.20-760.37 and govern the proceedings of the commission in
24 accordance with chapter 120. Commission rules shall clarify
25 terms used with regard to handicapped accessibility,
26 exceptions from accessibility requirements based on terrain or
27 site characteristics, and requirements related to housing for
28 older persons. Commission rules shall specify the fee and the
29 forms and procedures to be used for the registration required
30 by s. 760.29(4)(e).

31 Section 6. This act shall take effect October 1, 2001.