

27 FAR 49 | 12/7/2001 | NOTICE OF RULE CHANGE

DEPARTMENT DEPARTMENT OF MANAGEMENT SERVICES

AGENCY FLORIDA COMMISSION ON HUMAN RELATIONS

FILENAME F000677_20011207.pdf

TBD PAGE 20011207_01.html

RULE NO 60Y-9.007 FAC

TITLE Housing for Older Persons Registration and
Documentation

NOTICE Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S. published in Vol. 27, No. 41, October 12, 2001, issue of the Florida Administrative Weekly:

FULL TEXT OF THE RULE CHANGE

(1) Communities or facilities claiming an exemption under section 760.29(4) ~~shall~~ ~~may~~ register with the commission and submit the required documentation to the commission in the manner prescribed by the commission. ~~See FCHR Housing Form s. 760.29(4)., F.S.: FCHR Housing Form s. 760.29 (4) (b)2., F.S.: FCHR Housing Form s. 760.29(b) (3)., F.S.~~

(2) The registration and documentation letter ~~shall be mailed certified mail, return receipt requested and~~ shall contain in bold letters on the face of the envelope the words "Registration for Housing for Older Persons." And provide the date of mailing.

~~(5) The Commission's registry is not admissible in an administrative or judicial proceeding with respect to proving whether or not the facility or community complies with the requirements of s. 760.29(4) (b)1., F.S., 760.29(4) (b)2., F.S., or s. 760.29(4) (b)3., F.S.~~

~~(6) A facility or community may provide compliance with the requirements of s. 760.29(4) (b)1., F.S., 760.29(4) (b)2., F.S. or 760.29(4) (b)3., F.S., without participating in the registry pursuant to s. 760.29(4) (e), F.S. "Failure to comply with the requirements of s. 760.29(e), F.S. shall not disqualify a facility or community that otherwise qualified for the exemption provided in s. 760.29, F.S."~~

~~(8) Any facility or community that knowingly submits false information in the documentation required by s. 760.29(4) (e), F.S., shall be assessed a \$500.00 fine to be paid into the commission's trust fund. "A community or facility may impose an administrative fine not to exceed \$500 on a facility or community that knowingly submits false information in the documentation required by this paragraph. Such fine shall be deposited in the commission's trust fund." Proposed wording of FCHR Housing Form s. 760.29(4) (b)1., F.S.~~

~~{LETTERHEAD OF FACILITY OR COMMUNITY}~~

~~{COMPLIANCE LETTER UNDER s. 760.29(4) (b)1., F.S.}~~

~~Date~~

~~Re: [name of facility or community]/Registration under s. 760.29(4) (b)1., F.S.~~

~~FCHR Executive Director~~

~~{FCHR Address}~~

~~Dear FCHR Executive Director:~~

~~Please acknowledge this registration by making it available to the public as well as placing this information on the Commission's website. In addition, as President of the above-mentioned facility or community, I hereby state that the facility or community complies with the requirements of s. 760.29(4)(b)1. provides that this facility or community is "housing for older persons" in that the housing is "provided under any state or federal programs that the commission has determined is specifically designed and operated to assist elderly persons." FCHR Executive Director Correspondence, Registration Thank you for your prompt assistance in this matter.~~

~~Sincerely,~~

~~Signature~~

~~{title of signatory and name of facility or community}~~

~~{notary - for purpose of verification of identity of president}~~

~~Proposed wording of FCHR Housing Form s. 760.29(4)(b)2., F.S.~~

~~{LETTERHEAD OF FACILITY OR COMMUNITY}~~

~~{COMPLIANCE LETTER UNDER s. 760.29(4)(b)2., F.S.}~~

~~Date~~

~~Re: [name of facility or community]/Registration under s. 760.29(4)(b)2., F.S.~~

~~{FCHR Address}~~

~~Dear FCHR Executive Director:~~

~~Same as preliminary FCHR Housing Form s. 760.29(4)(b)1. with the following language being substituted for paragraph two of the letter:~~

~~In addition, as President of the above-mentioned facility or community, I hereby state that the facility or community complies with the requirements of s. 760.29(4)(b)2., Florida Statutes, as amended. Sub subsection 760.29(4)(b)2. provides that this facility or community is "housing for older persons" in that the housing is "[I]nteded for, and solely occupied by, person, 62 years of age or older." Proposed wording of FCHR Housing Form s. 760.29(4)(b)3., F.S.~~

~~{LETTERHEAD OF FACILITY OR COMMUNITY} {COMPLIANCE LETTER UNDER s. 760.29(4)(b)3., F.S.}~~

~~Date~~

~~Re: [name of facility or community]/Registration under s. 760.29(4)(b)1., F.S.~~

~~FCHR Executive Director:~~

~~{FCHR Address}~~

~~Dear FCHR Executive Director:~~

~~Same as preliminary FCHR Housing Form s. 760.29(4)(b)1. with the following language being substituted for paragraph two of the letter:~~

~~In addition, as President of the above-mentioned facility or community, I hereby state that the facility or community complies with the requirements of s. 760.29(4)(b)3., Florida Statutes, as amended. Sub subsection 760.29(4)(b)3. provides in pertinent part that this facility or community is "housing for older persons" in that the housing is "intended and operated for occupancy by persons 55 years of age or older" and meets all requirements for such statutory exemption to Florida's Fair Housing Act, Section 760.20, et seq., FS. Such requirements include in summary. (a) The facility or community must have 80% occupancy by at least one person 55 years or more; (b) The facility or community must publish and adhere to policies and procedures that demonstrate the intent to be "housing for older person;" and (c) The facility or community must comply with the rules made by the Secretary of the United States Department of Housing and Urban Development pursuant to 24 C.F.R. part 100 for verification of occupancy.~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

Cecil Howard, General Counsel, Florida Commission on Human Relations, 325 John Knox Road, Building F, Suite 240, Tallahassee, FL 32303