

27 FAR 34 | 8/24/2001 | NOTICE OF NEGOTIATED RULEMAKING

DEPARTMENT DEPARTMENT OF MANAGEMENT SERVICES

AGENCY FLORIDA COMMISSION ON HUMAN RELATIONS

FILENAME F000662_20010824.pdf

TBD PAGE 20010824_01.html

MEETING DATE Friday, September 7, 2001

MEETING TIME 10:00:00

RULE NO 60Y-9.007

TITLE Housing for Older Persons Registration and Documentation

SPECIFIC AUTHORITY 760.31(5) FS.

LAW IMPLEMENTED 760.29(4) (e) FS.

CONTACT Nina Singleton

EMAIL Nina.Singleton@FCHR.MyFlorida.com

PHONE (850) 488-7082

ORIGINATOR

APPROVER

PROPOSAL DATE

PUBLISH DATE



Purpose

The purpose and effect of the proposed rule amendment is to specify the fee, the fine and the forms and procedures to be used for the registration required by s. 760.29(4)(e), F.S.

Subject Area to be Addressed

Registration and documentation of facilities and communities claiming an exemption under the "housing for older persons" provisions of the Fair Housing Act with respect to the prohibition of discrimination based upon "familial status."

Notification

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT

60Y-9.007 Housing for Older Persons Registration and Documentation.

- (1) Facilities or communities claiming an exemption under s. 760.29(4), F.S., may register with the commission and submit the statutorily required documentation to the commission in the manner prescribed by the commission. See FCHR Housing Form s. 760.29(4)(b)1., 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.
- (3) The registration and documentation shall be submitted biennially on the first day of the month, or up to seven days thereafter, of the anniversary of the initial registration.
- (4) The information in the commission's registry is a public record. The information shall also be included in the commission's main website at "http://fchr.info.state.fl.us."
- (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., s. 760.29(4)(b)2., F.S., or s. 760.29(4)(b)3., F.S.

(6) A facility or community may prove compliance with the requirements of s. 760.29(4)(b)1., F.S., s. 760.29(4)(b)2., F.S., or s. 760.29(4)(b)3., F.S., without participating in the registry pursuant to s. 760.29(4)(e), F.S.

(7) The registration fee must be included within the completed registration letter and to constitute a valid registration. The biennial registration fee is \$20.00. It is to be paid into the commission's trust fund.

(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.

Specific Authority 760.29(5) FS. Law Implemented 760.29(4)(e) FS. History- New .

Preliminary 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., Florida Statutes, as amended. Sub-subsection 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]Preliminary 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 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)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]ntended for, and solely occupied by, persons, 62 years of age or older."

Preliminary 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., F.S. 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 persons;" 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.

