

27 FAR 41 | 10/12/2001 | NOTICE OF PROPOSED RULES

DEPARTMENT DEPARTMENT OF MANAGEMENT SERVICES

AGENCY FLORIDA COMMISSION ON HUMAN RELATIONS

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MEETING DATE Thursday, November 8, 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

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ORIGINATOR Dana Baird, General Counsel

APPROVER Nina Singleton, Deputy Executive Director

PROPOSAL DATE 9/21/2001

PUBLISH DATE 8/24/2001

Purpose

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.

Summary

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

Regulatory Costs

No statement of estimated regulatory cost has been prepared. Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

Notification

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD).

FULL TEXT OF THE PROPOSED RULE

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 Person," 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 in order to constitute a valid registration. The biennial registration fee is \$20.00. It shall be sent to: Florida Commission on Human Relations, Post Office Box 3388, Tallahassee, Florida 32315-3388.

(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 _____.

~~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., F.S., 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)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)3., F.S.~~

~~FCHR Executive Director~~

~~{FCHR Address}~~

~~Dear FCHR Executive Director:~~

~~Same as preliminary FCHR Housing Form s. 760.29(4)(b)1.,
F.S., 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., F.S., as
amended. Sub subsection 760.29(4)(b)2., F.S., 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., F.S., 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., F.S., as amended. Subsubsection 760.29(4)(b)3., F.S., 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., 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 b "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.~~