

60Y-9.005 Housing Exemption for Persons 55 Years of Age or Older.

(1) The provisions in Sections 760.20-.37, F.S., relating to familial status shall not apply to housing intended and operated for occupancy by at least one person 55 years of age or older per unit, provided that the housing complies with 24 C.F.R. part 100 as published in the Federal Register on Friday, April 2, 1999.

(2) Housing intended and operated for occupancy by at least one person 55 years of age or older per unit means:

(a) Housing for which at least 80% of the units in the housing facility are occupied by at least one person 55 years of age or older per unit except that a newly constructed housing facility for first occupancy after October 1, 1989, need not comply with this subsection until 25% of the units in the facility are occupied; and

(b) The owner or manager of the housing facility publishes and adheres to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older. The following factors, among others, are relevant in determining whether the owner or manager of a housing facility has complied with the requirements of this subsection:

1. The manner in which the housing facility is described to prospective residents.

2. The nature of any advertising designed to attract prospective residents.

3. Age verification procedures.

4. Lease provisions.

5. Written rules and regulations.

6. Actual practices of the owner or manager in enforcing relevant lease provisions and relevant rules or regulations.

(3) Housing satisfies the requirements of this section even though:

(a) Under 80% of the occupied units in the housing facility are occupied by at least one person 55 years of age or older per unit, provided that at least 80% of the units that are occupied by new occupants on or after October 1, 1989, are occupied by at least one person 55 years of age or older.

(b) There are unoccupied units, provided that at least 80% of such units are reserved for occupancy by at least one person 55 years of age or over.

(4) Housing satisfies the requirements of this section even though a unit is occupied by employees of the housing provider (and family members residing in the same unit) who are under 55 years of age, provided they perform substantial duties directly related to the management or maintenance of the housing.

Specific Authority 760.31(5) FS. Law Implemented 760.29(4), 760.31(5) FS. History-New 8-15-90, Formerly 22T-23.005, Amended 2-5-04.