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STATE REGISTRATION AND REPORTING REQUIREMENTS FOR 55+ COMMUNITIES ELIMINATED

July 19, 2020

The Florida Fair Housing Act, Sections 760.20-760.37 Florida Statutes (the "Act"), exempts communities that qualify as "Housing for Older Persons" under federal and state law from the provisions and requirements of the Florida Fair Housing Act regarding familial status. However, the Act required communities and homeowners associations responsible for the operation of communities that qualified as Housing for Older Persons (i) to register with the Florida Commission on Human Relations (the "Commission") and (ii) to file a certification every two years with the Commission stating that the community continues to comply with the requirements necessary to qualify as housing for older persons under federal and state law.

Florida House Bill 255, signed into law by Governor Ron DeSantis on June 30, 2020, and effective July 1, 2020, eliminates the requirement for communities that qualify as Housing for Older Persons to register with the Commission. In addition, homeowners associations responsible for the operation of communities that qualify as Housing for Older Persons under federal and state law are no longer required to submit a letter to the Commission every two years stating that the community complies with the requirements to qualify as housing for older persons under federal and state law.

The changes to the Act eliminating the requirements to initially register and biennially file a certification of compliance with the Act's provisions, have no effect on the requirements of federal law governing housing for older persons. Specifically, communities that qualify as housing for older persons under federal law must continue to comply with federal requirements including (i) publishing and adhering to policies and procedures that demonstrate the intent to be for older persons and (ii) complying with the federal regulations relating to verification of occupancy, which regulations require verification by reliable surveys and affidavits.

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