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Insights

Florida Fair Housing Act Amendment Removes Requirement to Register and Renew "55 and Over" Communities

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The Florida Legislature recently amended the Florida Fair Housing Act by removing regulatory requirements imposed on age-restricted communities.

Real estate developers have developed hundreds of age-restricted communities in Florida. This comes as no surprise as these types of communities appeal to retirees and provide developers with an opportunity to save a significant amount on development costs due to reduced impact fees being payable in connection with these developments (e.g., school impact fees, transportation impact fees).

However, there is a drawback. In order to operate an age-restricted community – such as a community intended to house persons 55 years of age or older – the community must comply with both the Federal Fair Housing Act and the Florida Fair Housing Act. Complying with these Acts can be burdensome, and a community's failure to qualify exposes developers and associations to civil penalties. For a more comprehensive summary on qualifying as an age-restricted community, please view our previous post.

This year, the Florida Legislature removed the requirement that age-restricted communities initially register with the Florida Commission on Human Relations and then biennially thereafter. These communities and developers welcomed this change as they are no longer required to submit certain documentation, pay a registration fee, and make representations regarding the community's compliance with the Federal and Florida Fair Housing Acts.

If you are considering imposing age restrictions on who can reside in your community, we recommend you contact a lawyer to ensure compliance with local, state, and federal law.

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