

# SECTION IV

## HOUSING &

### PROPERTY RIGHTS



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### When Choosing a Home You Should:

- Observe interactions between staff and residents
- Participate in mealtime and sample the food served
- Determine rules and rights for residents
- Inquire about emergency procedures
- Ask to see the state licensing inspection survey

## ADULT FAMILY CARE HOMES

While the experience of living in your own home can never be replaced, adult family care homes provide full-time family-like living accommodations to seniors in private homes. If you or a loved one is no longer capable of living alone without some assistance, you may want to consider an adult family care home as an alternative housing option.

Adult family care homes provide residents with room, board and personal care. Private homeowners live in the house and provide their residents with housing, meals and personal services. The law requires that no more than five residents occupy a care facility at a time. The Agency for Health Care Administration licenses and inspects all adult family care homes in Florida.

Generally speaking, residency in an adult family care home is paid for by private funds. Low-income elders may be eligible to receive payment support through the Optional State Supplementation program and the Medicaid Assistive Care Services Program, with eligibility determined by the Department of Children and Families.

### FREQUENTLY ASKED QUESTION:

**“Where can I get a list of available adult family care homes in my area?”**

If you would like additional information on adult family care homes or would like to search for licensed adult family care homes, visit [www.floridahousingsearch.org](http://www.floridahousingsearch.org) or [www.floridaaffordableassistedliving.org](http://www.floridaaffordableassistedliving.org).

If you do not have access to the internet, you can contact the Agency for Health Care Administration at 1-888-419-3456.

### QUICK FACT:

**Seniors can become residents of adult family care homes only if they are able to perform activities of daily living with limited or no assistance.**

## AFFORDABLE HOUSING

High demand makes finding affordable housing a challenge for Florida elders. According to the 2010 Affordable Housing Needs Assessment conducted by the Shimberg Center for Housing Studies, 50 percent of Florida's elderly-renter households spend more than 30 percent of their income for rent and utilities.

A majority of seniors living in these households are on fixed incomes and do not receive housing assistance. Unfortunately, most low-income elders who seek help finding affordable housing are faced with long waits. The U.S. Department of Housing and Urban Development (HUD) administers federal aid to public housing agencies to provide eligible seniors with technical and professional assistance to secure affordable housing. More than 100 public housing authorities are located throughout Florida (see the Resource Directory at the back of this guide to find the office nearest you).

### QUICK FACT:

**Despite waiting lists and various other delays, seniors with low incomes can get assistance finding affordable housing to fit their lifestyle needs.**

**Section 202 Rental Assistance** - If you are on a fixed income and have limited resources, you may consider seeking assistance under HUD's Section 202 program, Supportive Housing for the Elderly. If you meet certain income guidelines, you may qualify for a subsidized apartment unit, where your share of rent will be no more than 30 percent of your income. Supportive Housing for the Elderly units are structured much like assisted living facilities for low-income seniors but do not provide personal care and services. Unlike assisted living facilities, these units are not licensed by the state.

Eligible seniors may rent an efficiency or one-bedroom unit with a small kitchen.

**How Section 8 Works**

- Applicant finds participating landlord
- Housing must comply with all codes and standards
- Housing must be HUD-approved
- Applicant pays no more than 30 percent of his or her monthly income
- HUD pays remaining rent

**Housing Choice Voucher Program, (Section 8)** – The Housing Choice Voucher program is a HUD-sponsored program designed to supplement the rental payments of low-income families and individuals who qualify. Rental assistance is provided through portable vouchers or through project-based programs. Vouchers allow eligible seniors to live and pay rent in pre-approved housing communities. Project-based Section 8 programs are designed to pay a portion of the resident’s rent to the landlord up front in order to lower the monthly amount the resident is required to pay.

While Section 8 is not solely for elders, it does apply to elders with disabilities or who are age 62 and older and live with a caregiver. Those age 62 or older who are living alone may also qualify for Section 8 housing.

**FREQUENTLY ASKED QUESTION:**

**“How can I find out if I qualify for an affordable housing program?”**

If you would like additional information regarding HUD-based rental housing programs, contact your local public housing authority or visit the HUD website at [www.hud.gov](http://www.hud.gov) (click on the links “Renting” and then “Public housing agency”). You may also call the Elder Helpline at 1-800-96-ELDER (1-800-963-5337).

## ASSISTED LIVING FACILITIES

Assisted living facilities, commonly known as ALFs, are residential communities designed to enable seniors to live as independently as possible in settings that are equipped with supportive, personal and health care services. If you or a loved one needs assistance with one or more of the activities of daily living (such as bathing, dressing, grooming or eating) but do not require fulltime medical care, an assisted living facility may be a viable option to consider.

ALFs are not nursing homes and do not provide 24-hour nursing services. In Florida, ALFs are licensed and regulated by the Agency for Health Care Administration. Although Florida regulations set the minimum admission criteria for assisted living residency, facility administrators or owners ultimately determine admission qualifications for their residents. As a potential resident, your physical and mental health may be assessed as part of determining your eligibility.

You must be careful when choosing an ALF and should carefully review all contracts before signing. By law, your contract should include: 1) services and accommodations to be provided; 2) service rates or fees; 3) your rights, duties and obligations; 4) a provision for a 30-day notification of rate increases; and 5) a statement of whether the facility is affiliated with any religious organization and, if so, its responsibility to the facility.

**Frequently Asked Question: “Where can I get more information regarding assisted living residency?”**

If you would like additional information on assisted living facilities or would like to search for a licensed facility, visit [www.floridahousingsearch.org](http://www.floridahousingsearch.org) or [www.floridaaffordableassistedliving.org](http://www.floridaaffordableassistedliving.org). If you do not have access to the internet, you can contact the Agency for Health Care Administration at 1-888-419-3456.

### QUICK FACT:

**Florida’s Long-Term Care Ombudsman program actively investigates complaints made by residents of assisted living facilities or their families.**

### Services Found In Most Assisted Living Facilities

- Assistance with activities of daily living (eating, bathing, dressing)
- Housekeeping
- Medication management
- Arrangements for medical care
- Arrangements for dental care
- Arrangements for mental health care

## CONTINUING CARE RETIREMENT COMMUNITIES

Continuing Care Retirement Communities, also called Life Care Communities, are residential properties that provide multiple levels of care to their residents. The communities provide a continuum of care ranging from independent apartments or houses to assisted living facilities and skilled nursing facilities. These facilities usually enter into contract agreements with individuals and agree to provide a living arrangement that meets the person's needs, from the time the senior is able to live independently to the time he or she may need nursing home care.

Before selecting a continuing care retirement community, it is important that you understand the contract terms. It is also a good idea to visit someone who is a resident of the facility and ask about the quality of services offered. You should also look into the facility's reputation and obtain information about its financial stability.

### **FREQUENTLY ASKED QUESTION:**

**“Who should I call if I have a question or complaint regarding a continuing care retirement community facility?”**

If your question or complaint is related to the continuing care agreement (contract) you signed with the facility, you should contact the Florida Department of Financial Services at 1-800-342-2762. If your concern deals with the facility's safety and resident care, you should contact the Agency for Health Care Administration at 1-888-419-3456.

For additional information on continuing care retirement communities, contact the Florida Department of Financial Services at 1-800-342-2762.

## ENERGY ASSISTANCE PROGRAMS

If you are on a fixed income and are experiencing a home energy emergency, you may be eligible for assistance from the Emergency Home Energy Assistance for the Elderly Program (EHEAP). Eligible households may receive benefits from the program only once in winter and once in summer each year.

EHEAP is designed to help low-income households (at least one resident must be age 60 or older) experiencing a heating or cooling home energy emergency. A home energy emergency may result from a delinquent utility bill, lack of fuel or wood or receipt of a shut-off notice from the utility company. The program will pay for such things as the purchase of blankets, portable heaters, fans, heating or cooling equipment repairs, and reconnection fees.

The household income of eligible participants must not exceed 150 percent of poverty guidelines, minus certain exclusions. To apply for assistance, you must provide proof of identification, the original delinquent utility bill or shut-off notice and proof of income for all household members. If you do not have original documents, verifiable copies are acceptable.

### **Information applicants must provide:**

- Original delinquent utility bill or shut-off notice
- Proof of income for all household members
- Proof of identification (applicant only)

The Low-Income Home Energy Assistance Program (LIHEAP) is another program that helps eligible low-income households meet the costs of home heating and cooling. This program can help households by providing home energy assistance, crisis assistance, and weather-related or supply shortage emergency assistance. Each category has its own unique eligibility requirements.

**FREQUENTLY ASKED QUESTION:**

**“My utilities have been disconnected. Can EHEAP pay the deposit to have them turned back on?”**

Deposits to reconnect utilities can be paid by EHEAP. Contact your local Area Agency on Aging or call the Elder Helpline at 1-800-96-ELDER (1-800-963-5337) for more information on eligibility requirements.

For more information on LIHEAP, a listing of all of Community Action Agencies in Florida is in the Resource Directory at the back of this guide. You can also visit the website at [www.floridacommunitydevelopment.org/liheap](http://www.floridacommunitydevelopment.org/liheap).

**QUICK FACT:**

**In addition to providing assistance with delinquent utility bills, EHEAP can provide blankets and/or space heaters in the winter, or portable fans in the summer.**



## EVICTIION ASSISTANCE

In Florida, tenants may not be evicted from their homes without a court order. In order to evict you for non-payment of rent, your landlord must first give you a written notice requesting that you either leave the premises or pay the rent owed. If after a specified amount of time (usually three days) the renter has not paid and has failed to leave, the landlord may file a lawsuit in county court.

Eviction assistance programs are available to seniors and families with children if their household incomes are below the federal poverty level. Information about eviction assistance programs in your area can be found by contacting your Area Agency on Aging, Community Action Agency or local legal aid office (see the Resource Directory). Legal aid offices are non-profit agencies that provide eligible individuals with free legal assistance, including representation in court cases and administrative hearings.

### **FREQUENTLY ASKED QUESTION:**

**“What can I do if eviction proceedings are filed against me?”**

You should contact legal aid or a community service agency and ask for assistance. Be prepared to explain the circumstances leading up to your being served with the eviction notice.

For additional information on eviction assistance programs in your community, contact the Area Agency on Aging or call the Elder Helpline at 1-800-96-ELDER (1-800-963-5337).

## HOMESTEAD TAX EXEMPTION

If you are a homeowner in Florida, you are entitled to a homestead tax exemption of up to \$50,000 on your primary residence. The exemption reduces the assessed value of the home, thereby lowering the amount of property taxes you must pay. To qualify, you must have legal or equitable title to the property and must reside on the property. Your application must be filed in person at your county property appraiser's office by submitting a completed application (form DR-501).

In addition, if you are age 65 or older, Florida law allows (but does not require) your city or county to award an additional homestead exemption of up to \$50,000. To be eligible for the additional exemption, an applicant's household income cannot exceed a set amount. The income limitation is adjusted annually, on January 1, according to percentage changes in the average cost-of-living index. Since this additional homestead tax exemption is provided at the discretion of your local government, be sure to ask whether it is available where you live.

### FREQUENTLY ASKED QUESTION:

**“As a Florida homeowner, will I automatically qualify for the homestead tax exemption?”**

If you live in your home and have valid title, you are probably eligible for this exemption. Contact your county property appraiser's office for specific eligibility requirements.

For additional information about homestead tax exemptions, visit the Department of Revenue's web page at <http://dor.myflorida.com/dor/property/taxpayers/exemptions.html#8>, call the Department of Revenue's toll-free number 1-800-352-3671, or contact your local county property appraiser's office.

## HOME REPAIRS/MODIFICATIONS

The Administration on Aging reports that a large number of seniors tend to live in older homes that often need repairs and modifications. Investment in home repairs and modifications is a great way to help seniors live independently and remain in their homes safely.

Home repairs/modifications involve making changes to your home and perhaps installing assistive devices that can help make it more functional for everyday living. It can also involve alterations to the physical structure of your home. Proper modifications and repairs can also help prevent falls and other serious accidents in the home.

<b>If you have:</b>	<b>Consider modifications:</b>
Loss of balance	Add handrails to stairs; install grab bars, nonskid strips or seats to tub area to avoid falls.
Hearing loss	Install hearing aids, amplified headsets, extension bells or warning lights for the telephone; emergency communication systems are available for persons with hearing impairments.
Poor eyesight	Increase wattage of light bulbs, add more sources of light, mark steps or stairs with contrasting colors, and clear floor space.

Many repairs and modifications are simple and relatively inexpensive to complete. Financial assistance is available for seniors whose homes require the kind of major repairs or modifications that should be completed by licensed professionals. Depending on your financial situation, you may be eligible for home equity conversion plans, reverse mortgages or low-income governmental assistance programs.

Funds from the State Housing Initiatives Partnership program are allocated to local governments statewide, in part to help preserve affordable housing. These funds may be used for emergency repairs and rehabilitation.

**FREQUENTLY ASKED QUESTION:**

**“The improvements that I need to make to my home are extensive. Will I have to move?”**

Repairs are generally made on a gradual basis and are done in a way that should not interrupt your daily activities.

For additional information on home repair or modification assistance programs, contact your local government housing department or your Area Agency on Aging, or call the Elder Helpline at 1-800-96-ELDER (1-800-963-5337).

## HOUSING OPTIONS FOR SENIORS

Your health, mobility, financial resources and lifestyle can greatly influence the housing choices you make. Depending on your level of independence and the level of care you may need, any one of these housing options may be appropriate for you:

- Senior apartment complexes.
- Affordable housing for seniors.
- Continuing care retirement communities.
- Assisted living facilities.
- Adult family care homes.
- Nursing homes.

Any housing decision should factor in the “continuum of care” you might need, now and in the future. This encompasses the full range of supportive services needed to live as independently as possible, including housing and health care. The housing options listed above are defined below, but to get a full understanding of how each option works and the benefits associated with them, you should review the discussion of each housing type elsewhere in this guide. You may also call the Department of Elder Affairs’ Elder Housing Unit at 850-414-2000.

**Senior Apartment Complexes** – Private apartment communities that provide limited communal services, such as activity programs, transportation services and evening meals for residents. Owners of these housing complexes usually rent only to individuals age 55 and older.

**Affordable Housing for Seniors** – Subsidized housing options for low-income seniors, ranging from public housing apartment units and HUD senior living complexes to reduced rental payments on apartments and homes.

**Continuing Care Retirement Communities** – Private home communities that offer active seniors a variety of resources in which to socialize and enjoy their golden years. This option allows elders the opportunity to purchase services, amenities and future medical care at the same time they buy their home in the community.

**Assisted Living Facilities** – Group apartment communities that offer seniors assistance with non-medical aspects of daily living. Services offered range from meal preparation, housekeeping and assistance with personal care to shuttles and laundry services.

**Adult Family Care Homes** – Single-family homes that provide room and board, supervision and personal care services for no more than five adult residents at a time.

**Nursing Homes** – Long-term care facilities that provide 24-hour medical care, personal care, housekeeping and rehabilitative services to seniors who are suffering from chronic illnesses, who are recovering after major surgery or who are physically weak.

### **FREQUENTLY ASKED QUESTION:**

**“How will I know which housing option is right for me?”**

Selecting the right housing option is as much a personal decision as it is an economic one. Factors to consider when making your decision should include your proximity to family and friends, the level of support you need and access to health and recreational facilities.

For additional information on housing options for seniors, contact your Area Agency on Aging or local housing authority, or call the Elder Helpline at 1-800-96-ELDER (1-800-963-5337).

## LANDLORD/TENANT RELATIONSHIPS

Renting an apartment or condominium is a viable and affordable housing option for seniors who no longer want to maintain a home. Renting is also an affordable option. Landlord/tenant relationships start with a rental agreement, so it is important to know your rights.

The Fair Housing Act makes it illegal for landlords to refuse to rent to individuals on the basis of race, ethnicity, religion, sex or age. As a tenant, you should always read your rental agreement completely before signing it. If you do not understand a term, don't be afraid to ask someone to explain it to you or to seek legal advice. Do not feel pressured to sign something you don't understand. To minimize misunderstandings or misinterpretations, keep copies of rental payment receipts, your rental agreement and all written correspondence between you and the landlord.

The Americans with Disabilities Act requires landlords to make reasonable accommodations for people with disabilities. Talk to your landlord about providing elder-friendly improvements (door knobs, grab bars in bath rooms, exterior lighting) to your rental unit. Before talking to your landlord, you should understand that, under current law, property owners are not required to pay for certain improvements. Your landlord may ask you to contribute to the cost of requested improvements.

Landlords are required by law to comply with state and local building, housing and fire codes. If you suspect that your apartment is in violation of housing codes, you should first call your landlord and ask for repairs. If your problems are not addressed within a reasonable amount of time, you should send a written request (sent by certified mail) for repairs to the property owner. As a final alternative, consider contacting your local health department or building inspector and hiring an attorney.

**FREQUENTLY ASKED QUESTION:**

**“What should I do if my landlord is slow about making plumbing or other repairs?”**

You should request in writing that the repairs be made immediately. Your letter should cite the original date of the request, the actions taken to date and your need for immediate action.

For additional information on landlord/tenant relationships, contact the Florida Division of Consumer Services at 1-800-435-7352 or the Florida Senior Legal Helpline at 1-888-895-7873.



## NURSING HOMES

Nursing homes are licensed to provide nursing care, personal care, custodial care and rehabilitative care to persons who are sick or recovering from surgery. There are two types of nursing homes in Florida: skilled nursing facilities and skilled nursing units. A skilled nursing facility is what we typically think of as a nursing home. Skilled nursing units are hospital-based nursing facilities that are located either within a hospital or in a separate building. Skilled nursing facilities and skilled nursing units can provide rehabilitative care after hospitalization. These homes are staffed with trained professionals who provide 24-hour skilled nursing care. Special care units in some nursing homes provide services for persons with Alzheimer's disease, dementia and head injuries.

### **FREQUENTLY ASKED QUESTION:**

**“How can I be sure my parent will be placed in a reputable facility?”**

Florida law requires all nursing homes to be licensed and regulated by the Agency for Health Care Administration (AHCA). Before making a placement decision, you should ask to see the agency's inspection reports on the facility.

In addition to mandatory inspections by AHCA, Florida law authorizes the Long-Term Care Ombudsman Program (a unit of the Department of Elder Affairs) to investigate all complaints and devise a means to resolve concerns brought to the attention of the program by, or on behalf of, residents of long-term facilities who are age 60 or older. Seventeen Long-Term Care Ombudsman Councils operate throughout Florida's 67 counties (see Long-Term Care Ombudsman section).

For more information on nursing homes, contact the Agency for Health Care Administration (AHCA) at 1-888-419-3456, or visit the agency's website at [www.fdhc.state.fl.us/Consumer\\_Resources](http://www.fdhc.state.fl.us/Consumer_Resources).

## PROPERTY TAXES

Property taxes are assessed and collected by local governments, including cities, counties and school districts. Property tax assessments represent a major source of funding for local governments.

If you are a senior and are having difficulty making your property tax payments, you should take advantage of every available tax exemption. Tax exemptions lower the assessed value of your home. In Florida, if you are a homeowner and that home is your primary residence, you are automatically eligible for a homestead tax exemption (see Homestead Tax Exemption section). You should also check with the county property appraiser's office to ask about additional property tax exemptions you may qualify for.

To avoid liens or foreclosure actions, you should always pay your property taxes in a timely fashion. If your tax payments are in arrears, you may be able to work out a payment arrangement or tax reduction.

### **FREQUENTLY ASKED QUESTION:**

**“Am I eligible for a discount on property taxes if I am a senior?”**

You may be eligible for a discount on your property taxes if you are a senior, including an additional homestead exemption (see Homestead Tax Exemption elsewhere in this section). Check with your county clerk to determine if this discount is available in your county.

For additional information on property taxes, contact your local property appraiser's office.

## REVERSE MORTGAGES

A reverse mortgage is a special type of home loan that lets a homeowner convert a portion of the equity in his or her home into cash. You build up equity over years of home mortgage payments, and this can be paid to you.

Elder homeowners can use reverse-mortgage payments to supplement social security, meet unexpected medical expenses, pay long-term care insurance premiums, make home improvements or meet other expenses.

The loan must be repaid in full when you die or sell the home. The loan would also become due and payable if:

- You do not pay property taxes or hazard insurance, or violate other obligations;
- You permanently move to a new principal residence;
- You, or the last borrower, fail to live in the home for 12 months in a row. An example of this situation would be if you (or the last borrower) were to have a 12-month or longer stay in a nursing home; or
- You allow the property to deteriorate and fail to make necessary repairs.

If you are interested in reverse mortgages, the U.S. Department of Housing and Urban Development (HUD) provides information online at [www.hud.gov](http://www.hud.gov). The website explains how a reverse mortgage works, including frequently asked questions and other information.

### **FREQUENTLY ASKED QUESTION:**

**“Should I use an estate planning service to find a reverse mortgage?”**

HUD does not recommend using any service that charges a fee for referring a borrower to a lender.

HUD sponsors housing counseling agencies throughout Florida that can provide advice on defaults, foreclosures, credit issues and reverse mortgages. To find an agency near you, visit [www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm](http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm).

You may also call 1-800-569-4287 to find the name and location of a HUD-approved housing counseling agency near you.

If you are interested in a reverse mortgage, beware of firms that charge fees for information, such as referrals to lenders. This service is available free from HUD. To report fraud or abuse in the reverse-mortgage program, call toll-free 1-800-358-6216.

## SENIOR APARTMENT COMPLEXES

Senior apartment complexes are designed for independent residents who want to enjoy living and socializing with their peers. Elders residing in senior complexes have a desire to live on their own while enjoying the security and conveniences of community living.

A major advantage to living in an age-exclusive housing complex is that they usually provide services that are not typically found in other apartment communities. Common services offered include laundry facilities, planned group activities, access to meals and free or low-cost local transportation.

Most senior housing complexes are privately owned and operate like all other apartment complexes, with the exception that they can legally restrict occupants to a certain age (usually 55 and older). Some senior apartments cater specifically to low-income seniors (see Affordable Housing).

### **FREQUENTLY ASKED QUESTION:**

**“How can I find available senior housing in a new city if I am considering relocating?”**

Call the Area Agency on Aging serving the community in which you plan to live. Many communities publish “Senior Living” guides that are available in apartment lobbies.

For additional information on senior apartment complexes, contact a local real estate agent or public housing authority, or call your Area Agency on Aging.

## WEATHERIZATION

Warm air leaking into your home during the summer and leaking out of your home during the winter can lead to extremely high utility bills. The process of weatherization involves modifying a home to make it more energy-efficient and safer to live in. Living in a home with high energy consumption – and therefore high energy bills – is a problem that affects many seniors who live in older homes.

Common energy efficiency modifications to a home can include: adding insulation to attics, ceilings, walls and floors; stopping air leaks by caulking and/or weather stripping; replacing broken windows; and improving or replacing home heating systems. To determine whether your home may need weatherization modifications, you should consider having an energy audit conducted by a trained professional.

Low-income weatherization assistance programs are available to help homeowners who cannot afford to make needed energy conservation improvements to their homes. These programs are administered by Community Action Agencies located throughout the state. Services are available at no charge to households that have incomes less than 125 percent of the federal poverty guidelines. Weatherization assistance programs are available to both homeowners and renters. In most cases, there is a waiting list to receive services, but elderly and disabled applicants are usually given priority.

Once a home is scheduled for weatherization assistance, an energy audit is conducted. Services that are determined to be most cost-effective to improve energy efficiency are then provided to the client. Many agencies also administer emergency housing repair programs to eligible clients at no cost.

### **FREQUENTLY ASKED QUESTION:**

**“My home is drafty during the winter and my utility bill is always high. How can I find out if I am eligible for weatherization assistance?”**

You may apply for weatherization assistance by contacting your local weatherization agency. Listings for all of Florida’s Community Action Agencies are in the Resource Directory at the back of this guide.