

4 Housing and Property Rights

This section provides information about a variety of housing options and supportive services including subsidized housing, nursing homes, energy assistance, and reverse mortgages.

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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, one or more 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, or
- 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 its benefits, you may want to review the discussion of each housing type described in other sections of 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.

QUESTION

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

ANSWER

Selecting the right housing is both a personal and an economic decision. 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.

THINGS TO DO BEFORE CHOOSING A HOME

- 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

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.

QUESTION

Where can I get a list of local adult family care homes?

ANSWER

Visit Florida Health Finder at floridahealthfinder.gov or Florida Housing Search at floridahousingsearch.org.

QUICK FACT

Only seniors who are able to perform activities of daily living with limited or no assistance can become residents of adult family care homes.

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, recovering after major surgery, or physically weak.

For additional information on housing options for seniors, contact your Aging and Disability Resource Center or local housing

authority, or call the Elder Helpline at 1-800-96-ELDER (1-800-963-5337).

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 (AHCA) 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.

If you do not have access to the Internet, you can contact AHCA at 1-850-412-4304.

AFFORDABLE HOUSING PROGRAMS

High demand makes finding affordable housing a challenge for Florida elders. According to the 2013 *Rental Market Study: Affordable Housing Needs* conducted by the Shimberg Center for Housing Studies, 30 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).

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

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, and
- HUD pays remaining rent.

QUESTION

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

ANSWER

If you would like additional information regarding HUD-based rental housing programs, contact your local public housing authority. You can also visit the HUD website at **hud.gov** (click on the links "Renting" and then "Public housing agency").

SERVICES FOUND IN MOST ASSISTED LIVING FACILITIES

- Assistance with activities of daily living (eating, bathing, dressing, toileting, and transferring to/from a bed or chair)
- Housekeeping
- Medication management
- Arrangements for medical care
- Arrangements for dental care
- Arrangements for mental health care

QUICK FACT

Florida's Long-Term Care Ombudsman program actively investigates complaints made by residents of assisted living facilities or their families (see Section 7: Elder Rights/Abuse & Fraud for information on the Ombudsman Program.)

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.

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 and older who are living alone may also qualify for Section 8 housing.

For additional information or assistance locating your local public housing authority, 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 activities of daily living but do not require 24-hour nursing supervision, an assisted living facility may be a viable option to consider.

In Florida, ALFs are licensed and regulated by the Agency for Health Care Administration (AHCA). 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. The 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.

For additional information on assisted living facilities or to search for a licensed facility, visit the following websites:

- floridahealthfinder.gov
- floridahousingsearch.org
- elderaffairs.org

If you do not have access to the Internet, you can contact AHCA at 1-850-412-4304.

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 contractual 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 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

QUESTION

Who should I call if I have a question or complaint about a continuing care retirement community facility?

ANSWER

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

services offered. You should also look into the facility's reputation and obtain information about its financial stability.

For additional information on this type of housing, contact the Florida Department of Financial Services at 1-800-342-2762.

QUICK FACT

In addition to providing assistance with deposits to reconnect utilities, EHEAP can provide blankets and/or space heaters in the winter or portable fans in the summer.

QUESTION

My utilities have been disconnected. Can EHEAP pay the deposit to restore service?

ANSWER

Deposits to reconnect utilities can be paid by EHEAP. Contact your local Aging & Disability Resource Center, or call the Elder Helpline at 1-800-96-ELDER (1-800-963-5337) for more information.

ENERGY ASSISTANCE

If you are experiencing a home energy crisis, you may be eligible for assistance from the Emergency Home Energy Assistance for the Elderly Program (EHEAP). Eligible households may receive crisis assistance for home heating or cooling and other crisis energy-related costs during the heating and cooling seasons. An eligible household may be provided one benefit per heating and cooling season.

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 crisis. A home energy crisis may result from a delinquent utility bill, receipt of a shut-off notice from the utility company, heating or cooling source is disconnected, or lack of fuel or wood. The program will pay for such things as the past due bills, deposits, 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. To apply for assistance, you must provide proof of identification, the original delinquent utility bill or shut-off notice, and proof of income and social security cards for all household members. If you do not have original documents, verifiable copies are acceptable.

Information applicants must provide:

- Proof of energy-related crisis,
- Proof of Legal Residency,
- Proof of income for all household members,
- Social Security card for all household members, and
- 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.

Contact your local Community Action Agency (CAA) for more information on either EHEAP or LIHEAP; a listing of all CAAs in Florida is provided in the Resource Directory at the back of this guide. You can also contact your local Aging and Disability Resource Center, call the Elder Helpline at 1-800-96-ELDER (1-800-963-5337), or visit the Department of Economic Opportunity web page floridajobs.org/liheap.

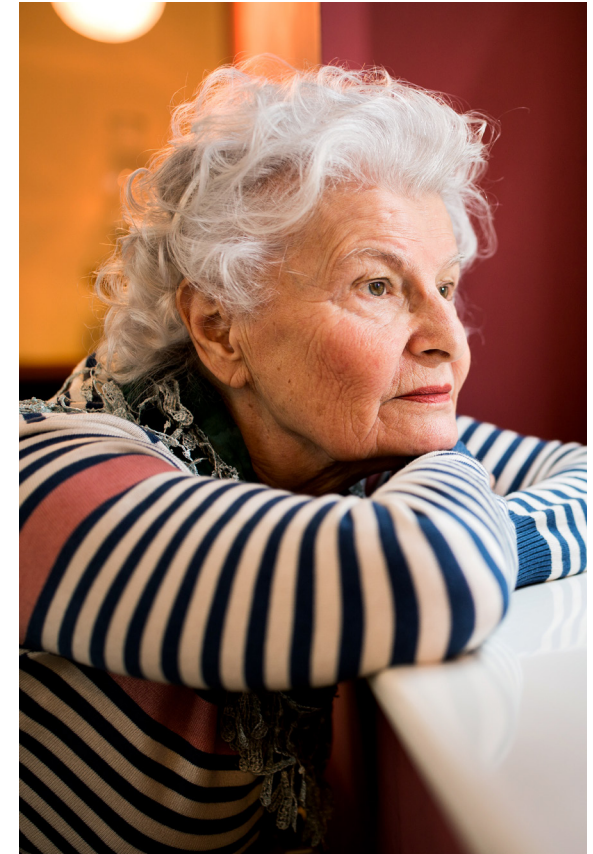
EVICTIION ASSISTANCE

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 Aging and Disability Resource Center, community action agency, or local legal aid office (see the Resource Directory on page 161 for a listing of counties). Legal aid offices are non-profit agencies that provide eligible individuals with free legal assistance, including representation in court cases and administrative hearings.

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



QUESTION

What should I do if I am served an eviction notice?

ANSWER

You should contact legal aid or a community service agency. Be prepared to explain the circumstances that led to the eviction.

QUICK FACT

Homeowners are more susceptible to home repair fraud after a natural disaster, such as a hurricane, flood, or tornado.

QUICK FACT

The Florida Division of Consumer Services is Florida's clearinghouse for consumer information, protection and complaints. It provides help with all consumer fraud and abuse matters. Call 1-800-HELP-FLA (1-800-435-7352) for assistance in English or 1-800-FL-AYUDA (1-800-352-9832) for assistance in Spanish.

HOME REPAIR FRAUD

American homeowners spend billions of dollars each year to repair and improve their homes. If you are planning to make repairs or improvements to your home, selecting the right person or company to do the job is very important. By making the right choice, you reduce the risk of becoming a victim of home repair fraud. Your strongest power as a consumer is your ability to walk away from an agreement.

Information about home repair fraud prevention can be found by consulting the *Older Floridians Handbook: Laws and Programs Affecting Older Floridians*. The Handbook provides information in an easily-understandable language. It includes a particularly useful reference section at the end, which lists a wide variety of agency referral contact numbers. You can view and download a copy of the *Handbook* by visiting floridajusticeinstitute.org/publications.

Signs of Home Repair Scams

- Out-of-state workers with no local connections,
- Cash payment demanded,
- Offer is only good for a day or two,
- Materials used are supplies "left over" from another job,
- Work is done quickly and poorly,
- Final price is much higher than the original estimate, and/or
- Worker refuses to provide references or a warranty.

For additional information on home repair fraud or to verify a license, contact the Department of Business and Professional Regulation at 850-487-1395. See the Resource Directory on page 161 for a complete listing of Community Action Agencies in your county.

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.

For additional information about homestead tax exemptions, visit the Department of Revenue's website at dor.myflorida.com/dor/property/taxpayers/exemptions.html, call the Department of Revenue's toll-free number 1-800-352-3671, contact your local county property appraiser's office, or consult the *Older Floridians Handbook: Laws and Programs Affecting Older Floridians* by visiting floridajusticeinstitute.org/publications.



QUESTION

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

ANSWER

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.

HOME REPAIRS AND MODIFICATIONS

The Administration for Community Living 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 safely remain in their homes.

Home repairs/modifications involve making changes to your home and perhaps installing assistive devices that can help make it more functional for

QUESTION

The improvements that I need to make to my home are extensive. Will I have to move while the modifications are being made?

ANSWER

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

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.

If you have one of the following conditions, consider these modifications:

- **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; or
- **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.

For additional information on home repair or modification assistance programs, contact your local government housing department or your Aging & Disability Resource Center, 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 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.

The Americans with Disabilities Act requires landlords to make reasonable accommodations for people with disabilities.

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 to the property owner a written request (sent by certified mail) for repairs. As a final alternative, consider contacting your local health department or building inspector and hiring an attorney.

For additional information on landlord/tenant relationships, contact the Florida Division of Consumer Services at 1-800-435-7352, the Florida Senior Legal Helpline at 1-888-895-7873, or consult the *Older Floridians Handbook: Laws and Programs Affecting Older Floridians* by visiting floridajusticeinstitute.org/publications.

NURSING HOMES

Nursing homes are licensed to provide nursing, personal, custodial, 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 or related disorders and head injuries.

QUESTION

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

ANSWER

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

In addition to mandatory inspections by the Agency for Health Care Administration (AHCA), Florida law authorizes the Long-Term Care Ombudsman Program 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. Eighteen Long-Term Care Ombudsman Councils operate throughout Florida's 67 counties (see the Long-Term Care Ombudsman segment in "Elder Rights, Abuse, and Fraud" in Section 7 of this guide).

QUESTION

How can I choose a reputable facility for my parent?

ANSWER

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

For more information on nursing homes, contact AHCA at 1-850-412-4303 or visit floridahealthfinder.gov/LandingPages/NursingHomeGuide.aspx.

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 hud.gov. The website explains how a reverse mortgage works, including frequently asked questions and other information.

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 entp.hud.gov/idapp/html/hecm_agency_look.cfm.

If you are interested in a reverse mortgage, beware of firms that charge fees for information, such as referrals to lenders. This service is free and available from HUD. Call 1-800-569-4287 to find the name and location of a HUD-approved housing counseling agency near you or to report fraud or abuse in the reverse-mortgage program.

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 these complexes 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).

For additional information on senior apartment complexes, contact a local real estate agent, public housing authority, or your Aging & Disability Resource Center, or call the Elder Helpline at 1-800-96-ELDER (1-800-963-5337).

WEATHERIZATION

Warm air leaking into your home during the summer and leaking out of your home during the winter can lead to high utility bills. The

QUESTION

How can I find senior housing in a new city if I'm relocating?

ANSWER

Call the ADRC serving the community in which you plan to live. Many communities publish senior living guides that are available in apartment lobbies. See the Resource Directory for a complete listing of ADRCs.

QUESTION

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

ANSWER

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

process of weatherization involves modifying a home to make it safer and more energy-efficient. Living in a home with high-energy consumption – and high-energy

bills – is a problem that affects many who live in older homes.

Common energy efficiency modifications 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, 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 energy conservation improvements to their homes. These programs are administered by Community Action Agencies (CAAs) located throughout the state. Services are available at no charge to households that have incomes less than 125 percent of the federal poverty guideline. These programs are available to both homeowners and renters. In most



cases, there is a waiting list to receive services, but the elderly and applicants with disabilities 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.

To apply for weatherization, contact your local CAA or your local Aging and Disability Resource Center, or call the Elder Helpline at 1-800-96-ELDER (1-800-963-5337). You can also refer to the Resource Directory on page 141 of this guide for a listing of CAAs.