

Sunscape Estates RV Park Cooperative

55 Year Age Restriction Policy

per

**The Fair Housing Amendments Act of 1988 (the "Act")
Housing for Older Persons Act 1995: Final Rule
(Department of Housing and Urban Development: 24 CFR Part 100)**

INTRODUCTION

The Fair Housing Act (Title VIII of the Civil Rights Act)("Act") exempts "housing for older persons" from the Act's prohibition against discrimination because of familial status. Section 807 (b)(2)(C) of the Act exempts housing intended and operated for occupancy by persons 55 years of age or older which satisfies certain criteria HUD has adopted implementing regulations further defining the "housing for older persons" exemption at 24 CFR part 100, sub part E (Housing for Older Persons Act, hereinafter:HOPA).

There are 4 factors required for a facility to claim the 55 and older exemption:

- (1) that the housing be intended and operated for persons age 55 and older; (24 CFR 100.304)
- (2) that at least 80 percent of the occupied units be occupied by at least one person who is 55 years of age or older; (24 CFR 100.305)
- (3) the housing facility or community must publish and adhere to policies and procedures that demonstrate its intent to operate as housing for persons fifty-five (55) years of age or older; (24 CFR 100.306)
- (4) the housing facility or community must also comply with rules issued by HUD for the verification of occupancy; (24 CFR 100.307)

Sunscape Estates RV Park Cooperative is qualified for the exemption as a community for 55 year or older persons. The intent is stated in the Rules and Regulations of the community.

This document's purpose is to accumulate in one place for easy reference the age restriction policy adopted by Sunscape Estates RV Park Cooperative within the rules and broad discretion permitted under the Act and HOPA. The Board of Directors, in its sole discretion, may add, delete or change its policies within the scope permitted by the Act and HOPA, Arizona State laws or local laws.

Qualification for Exemption under the Fair Housing Amendments Act of 1988 and HOPA

In accordance with the ACT and HOPA Sunscape Estates RV Park Cooperative has clearly indicated its intent to qualify as housing for older persons age 55 years or older in the following ways:

Rules and Regulations

1. The term "member" is defined as at least one adult 55 years of age or older, living on one RV lot on a seasonal or continuing basis.
2. Residents must be at least nineteen years of age.

SUNSCAPE ESTATES RV PARK COOPERATIVE AGE RESTRICTION POLICY

1. Occupancy Age Restrictions

- 1.1 There must be at least one person that is fifty-five (55) years of age or older (age qualified) residing in each unit. (24 CFR Section 100.304)
- 1.2 No person under the age of 19 may reside in Sunscape Estates RV Park Cooperative.
- 1.3 Persons under the age of 19 may visit as guests for a maximum period of 30 days per calendar year.
- 1.4 Persons 19 years of age or older may reside in Sunscape Estates RV Park Cooperative as long as there is an age qualified person also residing in the unit.
- 1.5 These age restrictions apply to owners, renters and house guests who occupy the dwelling unit in the absence of the age qualified owner or renter.

2. Occupancy Exception

- 2.1 The policy of Sunscape Estates RV Park Cooperative is not to permit under age occupancy in any unit.
- 2.2 There are only two (2) exceptions to the 55 age qualification.
 - a. Non-age qualified spouse/partner of an age qualified occupant, that for whatever reason no longer occupies the unit.
 - b. Heirs that inherit the property upon the deaths of the age-qualified occupants as long as all occupants are nineteen (19) years of age or older and the minimum 80% age qualified requirement under HOPA is maintained.
- 2.3 There are no exceptions for other non-age qualified persons who come into possession of a unit in Sunscape Estates RV Park Cooperative.

3. "80/20 Rule" (CFR 100.305)

- 3.1 HOPA requires that no less than 80% of the occupied units shall be occupied by at least one age qualified person. This does not mean that 20% must be occupied by non-age qualified persons. It means that as long as 80% of the units are occupied by at least one age qualified person Sunscape Estates RV Park Cooperative maintains its exemption under HOPA as a 55 year age restricted community.

3.2 The policy of Sunscape Estates RV Park Cooperative is to maintain the percentage of age qualified occupancy as close to 100% as possible without mandating a greater percentage than the minimum 80% required by HOPA.

3.3 One of the primary reasons for the 80/20 rule was to accommodate under age spouses/partners and heirs nineteen (19) years of age or older when age-qualified person is no longer living there.. HOPA was enacted for the protection of the age restricted exemption and not to grant any rights to under age persons to occupy the 20%.

4. Verification of Age (24 CFR 100.307)

4.1 All occupants whether owners, renters or house guests of absentee owners, shall sign an age verification form that includes their birth dates.

5. Surveys for Compliance

5.1 Sunscape Estates RV Park Cooperative will conduct surveys at least every two years and maintain a data base to verify age compliance as required by HOPA. All residents of Sunscape Estates RV Park Cooperative are required to respond to the surveys unless a response to a survey has already been provided, in which case a reliable affidavit of current compliance is all that is required.

5.2 Information gathered in support of the occupancy verification will be segregated in a separate file and are considered confidential and not generally available for public inspection. They are created for the sole purpose of complying with HOPA and are to be kept separate from the general or resident files that may be widely accessible to employees or other residents.

5.3 A summary of occupancy surveys shall be available for inspection upon reasonable notice and request by any person.

6. Disclosure of 55 Age Restriction Policy

6.1 Any owner or other person who sells or rents units in Sunscape Estates RV Park Cooperative shall disclose in the advertisements, purchase or rental documents that Sunscape Estates RV Park Cooperative is a 55 year age restricted community under HOPA (100.306). In the case of a rental unit in Sunscape Estates RV Park Cooperative, the rental agreement shall verify that at least one occupant is age qualified and all occupants are over the age of nineteen.

6.2 Disclosure shall also be made to any persons permitted by the owner or renter to occupy the unit as house guests in the absence of the age qualified owner or renter. At least one house guest of such absentee owner or renter must be age qualified. The under 19 years of age occupancy prohibition rule also applies to such house guests.

6.3 Non-disclosure by the owner/seller/lessor shall not prevent Sunscape Estates RV Park Cooperative from enforcing this age restriction policy against the owner or renter for non-compliance.

6.4 All "For Sale" or "For Rent" signs in Sunscape Estates RV Park Cooperative shall prominently display that this is a "55 + Adult Park".

7. Enforcement

Sunscape Estates RV Park Cooperative will vigorously seek any and all remedies available to it by law including, but not limited to, fines and other legal remedies against the offending owner's property for non-compliance by the owner, renter or house guests.

Approved: *Sean L. Rilli*
Board of Directors

4/10/2012
Date