

CREEKSIDE VILLAGE

HOUSING CENSUS CERTIFICATION

For Office Use Only: ____ Verification Attached Describe: _____ ____ Date Entered
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I/we certify that the person(s) listed below regularly occupy the Unit, that each occupant is at least 19 years of age or older, and that at least one occupant is 55 years of age or older:

Name	Age	Date of Birth	Occupancy Date*

*Occupancy date is the date the person first lived at Creekside Village Condominiums

I/we understand that in order for Creekside Village to qualify as Housing for Older Persons, it must be able to produce verification of compliance with the Declaration and applicable law through reliable surveys and affidavits. The Association will accept the following forms of verification of age of the occupants of the unit:**

- Driver's license
- Immigration card
- Birth certificate
- Military Identification
- Passport or any other state, local, national or international official documents containing a birth date of comparable reliability

****A copy of such document should be attached to this Certification**

I/we understand that the Association will rely on this Census Certification, and confirm that these statements are true and correct.

Unit Address: _____

Unit Owner's Signature

Unit Owner's Signature

Date: _____

55 OR OLDER HOUSING POLICY

Creekside Village Condominium

PURPOSE

The Federal "Fair Housing Act" (42 U.S.C. §§3601-3619) prohibits discrimination in making housing available to various protected classes of people. However, the Act further provides that certain "housing for older persons" is exempt from this prohibition. The Federal "Housing for Older Persons Act of 1995" revised the definition of the exemption contained in the Fair Housing Act to describe housing "intended to be occupied by persons 55 years of age or older" subject to various other requirements. The requirements were set out in regulations adopted by the Department of Housing and Urban Development in 1999 (24 CFR §§100.304-308).

Creekside Village Condominium was built and is intended to be operated as housing for persons 55 years of age or older. In order to comply with the federal laws and regulations and to maintain the protections offered by the law for housing for older persons, the Community has adopted this Policy to regulate and govern the affairs of the Community.

DEFINITIONS

For purposes of this Policy:

Association means the Creekside Village Condominium Association.

Community means all dwelling units located in Creekside Village Condominium.

Older Person means a person 55 years of age or older.

OCCUPANCY RESTRICTIONS

In order for the Community to qualify as housing for older persons, each of its "occupied units" must be occupied by at least one person 55 years of age or older.

An "*occupied unit*" means:

- (1) A dwelling unit that is actually occupied by one or more persons on the date that the exemption is claimed; or

- (2) A temporarily vacant unit, if the primary occupant has resided in the unit during the past year and intends to return on a periodic basis.

For purposes of this Policy, the term “*occupied by at least one person 55 years of age or older*” means that on the date the exemption for housing designed for persons who are 55 years of age or older is claimed:

- (1) At least one occupant of the dwelling unit is 55 years of age or older; or
- (2) If the dwelling unit is temporarily vacant, at least one of the occupants immediately prior to the date on which the unit was temporarily vacated was 55 years of age or older.

INTENT TO OPERATE AS AGE RESTRICTED HOUSING

The Community, acting through the Association, adopts this Policy to indicate its intent to operate primarily as housing for persons 55 years of age or older. To further implement this Policy, the Association, its directors, officers, and any associated brokers and agents, shall indicate in each of the following situations that the Community is intended and operated as housing primarily for persons 55 years of age or older:

- (1) All published descriptions of the Community and in the manner in which the Community is described to prospective residents;
- (2) Any advertising designed to attract prospective residents;
- (3) Lease provisions for Units;
- (4) Written rules, regulations, covenants, deed or other restrictions;
- (5) Public postings in common areas of statements describing the facility or community as housing primarily for persons 55 years of age or older.

Apply on Consistent Basis: The Association shall seek to maintain and apply the provisions of this Policy consistently, so that the actual practices of the Community are substantially in compliance with the terms of this Policy and applicable law.

“Adult Community” Not Sufficient: Phrases such as “adult living”, “adult community”, or similar statements in any written advertisement or prospectus are not consistent with the intent that the Community intends to operate as housing primarily for persons 55 years of age or older.

Children: The Community prohibits occupancy in the Community by families with children under age 19. Children under age 19 are permitted to visit with residents in the

Community, and will be permitted on overnight stays with family members not exceeding thirty (30) consecutive days or an aggregate of ninety (90) days in any one calendar year.

VERIFICATION OF OCCUPANCY

Verification of Compliance: In order for the Community to qualify as housing for persons 55 years of age or older, it must be able to produce from time to time, verification of compliance with this Policy and applicable law through reliable surveys and affidavits. The Community wishes its verification procedures to be as least intrusive as possible. This result may be achieved if the Association has the full cooperation of all Unit owners and occupants.

Procedures for Determining Occupancy: The Community has developed the following procedures for routinely determining the occupancy of each unit, including the identification of whether at least one occupant of each unit is 55 years of age or older. These procedures shall be used in normal leasing or purchasing of Units as well. At least every two years, a Housing Census Certification will be sent to all Unit owners by the Association, or the Association's Manager, along with a request to fill out the census indicating the names and ages of all persons who regularly occupy the Unit, and return it to the Association or Management Company. (see attached example)

Prior to Sale or Lease: The age restrictions for this Community are contained in paragraph 11 of the Declaration of Condominium Ownership for Creekside Village Condominium, which has been filed of record with the recorder of deeds. Each purchaser of a Unit will therefore have notice of the existence of such restrictions prior to closing on the sale of the Unit. However, each Unit owner who intends to sell or lease his or her Unit shall deliver a copy of this Policy to any prospective purchaser or tenant, prior to the signing by such purchaser of an agreement of sale or lease. Each agreement of sale and each lease shall contain a statement in boldface type as follows:

“AGE RESTRICTED HOUSING: THE HOUSING UNIT THAT IS THE SUBJECT OF THIS AGREEMENT IS LOCATED IN AN AGE RESTRICTED COMMUNITY INTENDED FOR RESIDENTS AGE 55 OR OLDER. AT LEAST ONE OCCUPANT OF THE UNIT MUST BE 55 YEARS OF AGE OR OLDER. THE BUYER [OR TENANT], BY SIGNING THIS AGREEMENT: (1) ACKNOWLEDGES RECEIVING A COPY OF THE COMMUNITY'S “55 OR OLDER HOUSING POLICY”; (2) UNDERSTANDS THAT AS A CONDITION TO OCCUPYING THE UNIT, HE OR SHE MUST FIRST PROVE TO THE ASSOCIATION THAT AT LEAST ONE OCCUPANT OF THE UNIT WILL BE 55 YEARS OF AGE OR OLDER; AND (3) CERTIFIES THAT THEY WILL ABIDE BY THE COMMUNITY'S “55 OR OLDER HOUSING POLICY”, INCLUDING PROVISIONS FOR VERIFICATION.”

The Association shall make copies of the Policy available to Owners for this purpose.

Verification prior to move in: The Association shall not be required to deliver a re-sale certificate to any prospective purchaser until such purchaser has proved to the satisfaction of the Association that upon the purchaser's purchase of the Unit, at least one occupant of the Unit shall be age 55 or greater. Except with the prior approval of the Association, no tenant shall be entitled to take occupancy of the Unit until they have proven to the satisfaction of the Association that upon the tenant's occupancy of the Unit, at least one occupant of the Unit shall be age 55 or greater.

New Occupants: From time to time as new occupants move in to a Unit, or past occupants no longer reside in the Unit, the Association may deliver a written notice to the Unit and/or the Unit Owner requesting that a current adult occupant certify in writing that at least one occupant of the Unit is age 55 or older. The Unit Owner shall respond in writing, and shall identify the occupant who is age 55 or older, or should state that there is no current occupant who is age 55 or older. The Association may require verification by any of the means provided herein.

Competent Proof: Any of the following documents are considered reliable documentation of the age of the occupants of the Community, and adequate for verification of age, provided that it contains specific information about current age or date of birth:

- (1) Driver's license;
- (2) Birth certificate;
- (3) Passport;
- (4) Immigration card;
- (5) Military identification;
- (6) Any other state, local, national, or international official documents containing a birth date of comparable reliability.

Refusal to Comply: If the occupants of a particular Unit refuse to comply with the age verification procedures, the Community may, if it has sufficient evidence, consider the unit to be occupied by at least one person 55 years of age or older. Such evidence may include:

- (1) Government records or documents, such as a local household census;
- (2) Prior forms or applications; or
- (3) A statement from an individual who has personal knowledge of the age of the occupants. The individual's statement must set forth the basis for such knowledge and be signed under the penalty of perjury.

Regular Updates: The initial information supplied by the occupants of the Community to the Association must be regularly updated through surveys or other means. Such updates must take place at least once every two years. A survey shall include information

regarding whether any units are occupied by persons aged 55 years or older, resident employees of the Community who are less than age 55, or disabled residents under age 55 for whom it was necessary to provide reasonable accommodation as required by law.

Inspection of Summary: The Association shall make a summary of occupancy surveys available for inspection upon reasonable notice and request by any person.

GOOD FAITH DEFENSE AGAINST CIVIL MONEY DAMAGES

No Liability: Federal law provides that a natural person shall not be held personally liable for monetary damages for discriminating on the basis of familial status, if the person acted with the good faith belief that the community qualified for a "housing for older persons" exemption under the law.

Indemnity and Defense: The Association will indemnify, defend and hold harmless the officers and directors of the Association from and against any claims or lawsuits that seeking monetary damages against such officer or director for discriminating on the basis of familial status in connection with their duties as officers or directors of the Association. The indemnity procedures shall be as provided in the Bylaws of the Community for matters in which an indemnity may be provided by the Association.

By signing below, I/We acknowledge I/we have read and understand this 55 or Older Housing Policy and I/we agree to abide by the terms thereof.

Building No. _____ UNIT No. _____

Buyer: _____ Date: _____

Buyer Name Printed: _____

Buyer: _____ Date: _____

Buyer Name Printed: _____