

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) 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, subpart 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).

Sun City Summerlin is qualified for the exemption as a community for 55 year or older persons. The intent is stated in the Sun City Summerlin Community Association, Inc. CC&R’s (Article 4.2 (a)) and By-laws (Article 2.1) as well as by the age restriction rules adopted and enforced by the Association.

This document’s purpose is to cumulate in one place for easy reference the age restriction policy adopted by Sun City Summerlin Community Association, Inc. 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, Nevada State laws or local laws.

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

In accordance with the Act and HOPA Sun City Summerlin Community Association , Inc. has clearly indicated its intent to qualify as housing for older persons age 55 years or older in the following Governing Documents:

CC&R's Article 4 Section 2(a): Age Restrictions

Each dwelling unit in Sun City Summerlin, if occupied, shall be occupied by at least one (1) person not less than fifty-five (55) years of age and no person eighteen (18) years of age or under shall reside in any dwelling unit. To the extent required by any applicable Federal or State law, at no time shall less than eighty (80%) percent of the Lots subject to this Declaration be occupied by Single Families where at least one member of the Single Family is fifty (55) years of age or older.

By-laws Article 2.1 (a) 1,2,3,4: Membership Qualifications

2.1 (a) "Member" shall mean and refer to those persons entitled to membership as provided in the Master Declaration....

- 1)** One (1) member of the family residing in each Sun City Summerlin residence must be fifty-five (55) years of age or older in order to qualify anyone living in that residence for membership in the Association;
- 2)** No person eighteen (18) years of age or under shall be entitled to be a member of the Association;
- 3)** Any person nineteen (19) years of age and older who resides in the same household with any person who is qualified under Section 2.1(a)(1) above is eligible for membership in the Association as long as such person is a resident of Sun City Summerlin ;
- 4)** Any person under age fifty-five (55) years of age who acquires real property in Sun City Summerlin by purchase or inheritance and subsequently lives on such property and is not qualified under Section 2.1 (a)(1) above, or rents or leases such property to third parties, is not eligible for membership in the Association.

SUN CITY SUMMERLIN COMMUNITY ASSOCIATION, INC.
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 dwelling unit. (24 CFR Section 100.304)

1.2 No person under the age of 19 may reside in Sun City Summerlin.

1.3 Persons under the age of 19 may reside in Sun City Summerlin as guests for a maximum period of 90 days in any 12 month period as long as there is an age qualified person also occupying the dwelling unit.

1.4 Persons 19 years of age or older may reside in Sun City Summerlin as long as there is an age qualified person also residing in the dwelling unit.

1.5 These age restrictions apply to Owners, renters and to 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 Sun City Summerlin Community Association, Inc. is not to permit under age occupancy in any dwelling unit.

2.2 The only exception to the 55 age qualification is for the non-age qualified surviving spouse of an age qualified decedent Owner who had occupied the dwelling unit, until such time as the non-age qualified surviving spouse remarries at which time the exception expires. At that time, membership, if any, shall be determined pursuant to Article 2.1(a) of the By Laws.

2.3 There are no exceptions for other non-age qualified heirs or any other non-age qualified persons who come into possession of a dwelling unit in Sun City Summerlin.

2.4 Appeal for a temporary exception to the occupancy rules must be made in writing to the Board of Directors. The Board of Directors, in its sole discretion, may grant or refuse to grant such temporary exception in any particular case. The grant of a temporary exception in a particular case does not invalidate or waive the particular occupancy rule in subsequent cases.

3. "80/20 Rule" (24 CFR 100.305)

3.1 HOPA requires that no less than 80% of the occupied dwelling 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 dwelling units are occupied by at least one age qualified person Sun City Summerlin maintains its exemption under HOPA as a 55 year age restricted community

3.2 The policy of Sun City Summerlin Community Association, Inc. 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 by Congress was to accommodate under age surviving spouses of age qualified decedents and to permit flexibility in specific situations at the sole discretion of the Board of Directors without endangering the HOPA exemption. Such exemption is permitted as long as the minimum 80% age qualified requirement under HOPA is not reduced. HOPA was enacted for the protection of the age restriction exemption and not to grant any rights to under age persons to occupy the 20% which is solely within the discretion of the Board of Directors.

4. Verification of Age (24 CFR 100.307)

4.1 All residents, whether Owners, renters or house guests of absentee Owners or renters, must show evidence that at least one resident in the occupied dwelling unit is age qualified Any of the following documents are considered reliable documentation of the age of the occupants of the housing facility or community:

- a) Driver's license
- b) Birth certificate
- c) Passport
- d) Immigration card
- e) Military identification
- f) Any other state, local, national or international official documents containing a birth date of comparable reliability
- g) A certification in a lease application, affidavit or other document signed by any member of the household age 19 or older asserting that at least one person in the unit is 55 years of age or older.

4.2 A facility or community shall consider any one of the forms of verification identified above as adequate for verification of age, provided that it contains specific information about current age or date of birth.

4.3 Such evidence must be shown at the time such Owner or renter come to the Association offices to obtain the mandatory Association membership card which confirms age compliance with HOPA and permits use of the facilities of the Association.

4.4 If the occupants of a particular dwelling unit refuse to comply with the age verification procedures, the Association 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:

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

5. Surveys for Compliance

5.1 Sun City Summerlin Community Association, Inc. will conduct surveys at least every two years and maintain a data base to verify age compliance as required by HOPA. All residents of Sun City Summerlin are required to respond to the surveys. Proof of occupancy by at least one age qualified person in the occupied dwelling unit as noted above must be provided in response to the survey unless already provided, in which case a reliable affidavit of current compliance is all that is required.

5.2 Copies of supporting information gathered in support of the occupancy verification may 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 Realtor who sells or leases real property in Sun City Summerlin shall disclose in the advertisements, purchase or lease documents that Sun City Summerlin is a 55 year age restricted community under HOPA. (100.306). In the case of a lease of real property in Sun City Summerlin the lease agreement shall verify that at least one occupant is age qualified by specific current age or date of birth recorded in the lease agreement. (100.306 (a) 3).

6.2 A copy of this Age Restriction Policy shall be provided by every Owner/Seller/Lessor to any prospective buyer or lessee to read and acknowledge. This document is to be included as part of the Purchase or Lease documents.

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

6.4 Non-disclosure by the Owner/Seller/Lessor shall not prevent Sun City Summerlin Community Association, Inc. from enforcing this age restriction policy against any Owner and renter for non-compliance.

6.5 All "For Sale" or "For Rent/Lease" signs in Sun City Summerlin, whether by Owner or by a Realtor, shall prominently display that this is a "55 YEAR AGE RESTRICTED COMMUNITY".

7. Enforcement

7.1 Sun City Summerlin Community Association, Inc. will vigorously seek any and all remedies available to it by law including, but not limited to, fines and liens against the offending Owner's real property for non-compliance by the Owner renter or house guests.

7.2 The reporting and enforcement procedures for non-compliance shall be through the Deed Restriction Enforcement Committee (DREC).

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ACKNOWLEDGMENT OF AGE QUALIFIED OCCUPANCY

The undersigned (Buyer) (Lessee) has read the Sun City Summerlin Age Restriction Policy and asserts that at least one occupant of the dwelling unit being purchased or leased herein shall be at least fifty-five (55) years of age or older.

Address of Dwelling Unit: _____

1. _____ 2. _____

Print name(s) of Buyer or Lessee

1. _____ 2. _____

Signature(s) of Buyer or Lessee

Date: ____/____/____ SCSCAI Membership No.: _____

SUBMIT TO SCSCAI ADMINISTRATION OFFICE AT
MOUNTAIN SHADOWS COMMUNITY CENTER
9107 DEL WEBB BOULEVARD, LAS VEGAS, NV, 89134