

Private Senior Community Disclosure

It is the intent of the developer that this community always remain a “Private Senior Community.” The designation “Senior” has specific meaning under Federal Fair Housing laws. The purpose of this disclosure is to inform prospective home buyers about the requirements that must be followed by both the developer and homeowners in order to comply with the “Senior” designation and keep the community restricted to persons 55 years of age and over.

Essentially, since 1968, under title VIII of the Civil Rights Act (commonly known as FHA) it has been against the law to discriminate in the sale or rental of housing on the grounds of race, color, religion or national origin. In 1988 the law was expanded to include families with children as a protected class. At that time, however, Congress granted an exemption to give Seniors the opportunity to live in a setting free from children. In 1995 the law was further amended by the HOPA (Housing for Older Persons Act) which established the current rules that must be complied with in order to obtain and keep the senior housing exemption.

In a nutshell, these rules require that:

- The intent of the developer is that the project be established as and remain a Private Senior Community in the future.
- The developer must sell at least 80% of the homes to buyers where at least one occupant of the home is at least 55 years of age.
- The homeowners acknowledge that they must comply with certain disclosure requirements when they desire to sell or rent their home, and they must also comply with the requirement to maintain the 55 years of age occupant ratio at least 80% when they are considering selling their home.
- The community must adopt and enforce procedures to establish the age of the occupants prior to purchasing a home.
- The community must hold itself out as being for persons 55 years old or older in its marketing, homeowner’s association rules and regulations, and actual practices of the community.

Prospective home buyers should read the Declaration of Covenants, Conditions, Restrictions and Reservation of Easements, the Bylaws, and the community Rules and Regulations of the Community for more specific information regarding Senior Housing requirements.