

RULES, REGULATIONS, AND POLICY
FOR HOUSING FOR PERSONS 55 YEARS OF AGE AND OLDER
FOR
VISTA DEL LAGO RESORT PROPERTY OWNERS ASSOCIATION

The following Rules, Regulations and Policy for Housing for Persons 55 Years of Age and Older (the “Policy”) was amended by the Board of Directors of Vista Del Lago Resort Property Owners Association (the “Association”) on July 8, 2023 by the affirmative vote of at least a majority of the directors and became effective at the time they were adopted. The purpose of the Policies is to state the policies governing the enforcement of rules by the Board of Directors of the Association (the “Board”) which apply to Owners and their guests regarding the application of federal and state law permitting the Association to enforce the age restrictions contained in the Declaration.

I. POLICY STATEMENT

It is the policy of the Owners and the Association to utilize the property to provide housing opportunities for older people in conformance with applicable requirements of governmental authorities including, but not limited to, any applicable provisions of the Federal Fair Housing Amendments Act of 1988 and any regulations promulgated thereunder.

II. GENERAL RULES

1. At least one occupant of the dwelling unit is fifty-five (55) years of age or older, except provided in paragraph VII Exceptions below.
2. At no time shall a resident of an Occupied Parcel be under the age of thirty (30).
3. Caregivers who are necessary to provide fifty-five (55) years of age or older care are allowed. Persons under 30 years of age residing with an Owner will be presumed not to be caregivers unless evidence to the contrary is provided to the Board by the Owner.
4. Any leased Parcel will include at least one lessee, that will occupy the Parcel, be fifty-five (55) years of age or older.
5. “Split residency” is not permitted. No person will be counted as occupying more than one residence within VDL. Spouses and/or registered domestic partners will be treated as both occupying the same residence.

III. OCCUPANCY

1. At least eighty percent (80%) of the occupied dwellings on Parcels must be occupied by at least one person 55 years of age or older at all times. A dwelling shall be considered to be occupied by one person 55 years of age or older if:
 - a. At least one occupant of the dwelling is 55 years of age or older; or,

- b. If the dwelling is temporarily vacant, at least one of the occupants immediately prior to the date on which the dwelling was temporarily vacated was 55 years of age or older
 - c. If a dwelling has residents both 55+ and under 55, and the 55+ year-old resident(s) is or intends to be absent from the dwelling for six months or more in a period of 12 consecutive months, during which time the under-55 resident(s) will continue to reside in the dwelling, the Board may require the 55+ resident(s) to provide proof that the VDL dwelling remains his/her/their primary residence.
2. To ensure compliance with the requirements of this section, prior to any voluntary transfer of any Parcel improved with a dwelling, or of any Parcel upon which the buyer intends to cause a dwelling to be placed, the seller shall:
- a. Prior to advertising the Parcel for sale, or listing the Parcel with a real estate broker, the seller shall complete and submit to the Association and the management company for the Association a Notice of Intent to Sell in the form attached hereto as Exhibit "A."
 - b. Prior to the transfer:
 - i. Submit to the closing agent, if any, a letter in the form attached hereto as Exhibit "B" as supplemental closing instructions;
 - ii. Provide to the Board the certification of the buyer of the Parcel in the form attached hereto as Exhibit "C." If the buyer cannot so certify, or will not execute the certification, then the seller shall not transfer the Parcel to the buyer.
3. If the Board does not receive the certification of the buyer prior to closing, or if the buyer's certification does not demonstrate that the buyer's purchase complies with VDL Housing for Persons 55 Years of Age and Older Rules and Regulations the Association will take action to prevent the sale from closing, or to prevent the buyer from occupying the dwelling if action cannot be taken in time to prevent closing.
- a. If the Parcel is listed with a real estate broker, provide to the Board the name, address, telephone number and email address of the listing broker within 72 hours after signing the listing agreement. The Board will cause notification of the buyer certification requirement to be transmitted to the listing broker. If the real estate broker was named in the Notice of Intent to Sell, duplicative notice is not required.
 - b. Include in any written agreement with the buyer of the Parcel the provision set forth below.

PUBLIC POSTING AND ADVERTISEMENT

1. There shall be at least one public posting prominently displayed in common areas describing VDL as housing for persons 55 years of age or older.
2. All advertisements for the sale or display of the Parcels in VDL, including listings in any multiple listing service, shall clearly state that the Parcel is located within VDL and shall describe VDL as "housing for persons 55 years of age or older." Phrases such as "adult living", "adult community",

or other similar phrases are strictly prohibited from use in the description of VDL and the Parcels therein.

3. All prospective purchasers and residents shall be advised in writing that the housing is for persons 55 years of age or older and that residency by persons under 30 years of age is prohibited.
4. These Rules shall be available to all occupants.
5. The Board has the authority to impose fines and to take other action to ensure compliance with this Policy.
6. No real estate company signs to be posted at the entrance to VDL. Notify VDL Board if you are listing your lot/home and the VDL "Properties for Sale" placard will be displayed at the entrance. Properties for sale can have a real estate company sign on the property.

IV. AGE VERIFICATION

1. As required by HUD regulations, at least once every two years, but not more often than annually, the Association and/or management firm shall conduct a survey of all residents of dwellings to ensure compliance with the requirements set forth above.
 - a. As part of the survey, the Homeowners Association shall require that all occupants of Parcels provide verification of the age of the occupants upon request by producing any of the following:
 - i. Driver license
 - ii. Birth certificate
 - iii. Passport
 - iv. Immigration Card
 - v. Military Identification
 - vi. Any other state, local, national, or international official document containing a birth date of comparable reliability
 - vii. A certification in an application, affidavit or other document asserting that at least one resident of the dwelling is 55 years of age or older
 - b. In the event a member of a dwelling refuses to comply with age verification, the Association may consider the Parcel to be occupied by at least one person 55 years of age or older if there is sufficient evidence to support this conclusion. Such evidence may include:
 - i. Government Records or documents such as local household census
 - ii. Prior Forms or Applications

- iii. 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 the knowledge and be signed under the penalty of perjury.
2. The Association shall maintain a complete record of reliable surveys conducted and a summary of such survey shall be made available for inspection upon request.

V. PURCHASE AGREEMENTS

Every purchase agreement entered into after the effective date of this Policy for any Parcel shall contain a provision in substantially the following form, which may be in an addendum to such purchase agreement so long as signature lines for the buyer and seller appear below the provision, together with a copy of the Buyer 55+ Occupancy Certification attached hereto as Exhibit "C".

By signing this agreement, buyer/purchaser acknowledges that the subject property is within VDL, which is housing for persons 55 years of age or older. The undersigned buyer/purchaser hereby represents and warrants that:

1. I have personal knowledge of the ages of the persons who will occupy the subject property after closing under this Agreement; and,
2. At least one of those persons will be 55 years of age or older on the date of closing, or Seller has written exception approval by VDL board, and
3. No resident occupying the Parcel is under 30 years of age.

Seller's obligation to close under this Agreement is contingent upon buyer/purchaser's execution of a Buyer 55+ Occupancy.

Certification in the form attached hereto as Exhibit "C." The foregoing contingency may be satisfied by buyer/purchaser's execution and delivery of the attached Buyer 55+ Occupancy Certification at any time prior to closing, but under no circumstances may seller waive such contingency. Vista Del Lago Resort Property Owners Association is an intended third-party beneficiary of this Agreement to the extent of seller's rights under this provision.

VI. EXCEPTIONS

1. Regardless of any of the provisions in the paragraphs below, at no time shall it be allowed in the entire planned development for there to be less than 80% of the Occupied Parcels where at least one of the following described residents of each Occupied Parcel is at least fifty-five (55) years of age and occupies the Occupied Parcel: Owner, co-dwelling spouse, registered domestic partner, other occupant.
2. To comply with Federal law, the goal is to have at least one person aged 55 or older occupy each Occupied Parcel – at least 80% of all Occupied Parcels must fulfill this requirement. Exceptions to the 55-or-older age limit or up to an allowable 20% of all Occupied Parcels are set forth below.
3. The Board may grant to an Owner a one-time waiver of the requirement that at least one resident

in each dwelling on each Parcel be 55+, if:

- a. The Owner was a co-owner of the Occupied Parcel with a 55+ spouse, registered domestic partner, or co-occupant prior to the event that caused the 55+ spouse, registered domestic partner, or co-occupant to no longer reside in the Occupied Parcel, and said Occupied Dwelling was the Owner's residence prior to the event described in the foregoing paragraph and has been such Owner's residence at all time since, and said Owner is at least 30 years of age; or
- b. The Owner inherited the Occupied Parcel, is at least 30 years of age, certifies that such Owner's household does not and will not include any person under the age of 30 years; or
- c. The Board may grant to an Owner an exception to sell a parcel to an individual who will be a resident and who is aged fifty (50) to fifty-four (54) years; provided that the total number of parcels occupied by under 55 year old occupants is no more that 10% of all Occupied Parcels in the entire planned development.

If the foregoing requirements are met, the Board may, in its discretion, grant the applying Owner written permission to occupy or continue occupying the dwelling, as the case may be, without occupancy by at least one 55+ person.

Any exception granted by the Board under this section is a one-time, personal exception:

1. The exception may not be transferred to any other owner or occupant.
2. After the granting of an exception, if the dwelling ceases to be the Owner's Occupied Parcel for any reason, the Parcel may not be occupied again without at least one 55+ resident unless another exception is granted by the Board pursuant to another exception application.
3. If an Owner who has been granted an exception sells the Owner's Parcel, the buyer thereof is not exempt from any aspect of the 55+ rules.
4. The granting of an exception does not relieve an Owner of the advertising requirements or any other aspect of these 55+ rules not explicitly described in this document.
5. The Board may require an Owner to sign an instrument acknowledging these limitations to an exception as a condition to granting an exception.