



VILLAGE
BUNGALOWS

VILLAGE BUNGALOWS ASSOCIATION, INC.
A COMMUNITY OF PERSONS AGE 55 AND OLDER

HOUSING FOR OLDER PERSONS ACT (HOPA) POLICIES AND
PROCEDURES

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A Community of Persons Age 55 and Older
HOUSING FOR OLDER PERSONS ACT (HOPA)
Village Bungalows Policies and Procedures

This document represents Village Bungalows Association, Inc. Policies and Procedures that demonstrate its intent to operate as housing for persons 55 years of age or older.

GENERAL POLICY

It is the policy of the Village Bungalows Association, Inc., (“Association”) Board of Directors (“Board”) to ensure Village Bungalows complies with all Housing for Older Persons Act (HOPA) requirements, as housing for persons who are 55 years of age or older, as stipulated in the Federal Register, Implementation of the Housing for Older Persons Act of 1995 dated April 2, 1999.

In addition, it is Association policy that all Village Bungalows occupants provide age verification and receive Association Covenants, By-Laws, Rules and Regulations, and HOPA Policies and Procedures upon occupancy.

MAINTAINING THE HOPA EXEMPTION

HOPA requires that a facility or community seeking to claim the 55 and older exemption show three factors:

1. At least 80 percent of the occupied units must be occupied by at least one person 55 years of age or older per unit.
2. Village Bungalows must publish and adhere to policies and procedures that demonstrate an intent to provide housing for persons 55 years or older.
3. Village Bungalows must comply with rules issued by the HUD Secretary for verification of occupancy through reliable surveys and affidavits.

VILLAGE BUNGALOWS PROCEDURES

It is the intent of Village Bungalows to operate as housing for persons 55 years of age or older and qualify for the exemption under HOPA from the FHA familial status requirements. The Procedures substantiating this intent are as follows:

1. Initial 80% Occupancy Determination
 - a. Village Bungalows will be accurately described by the on-site real estate agent to all prospective residents and all of Village Bungalows 's residents as a community of persons age 55 and older.
 - b. An Association Director will periodically visit the on-site real estate agent to ensure he/she is describing Village Bungalows properly, as a community of persons 55 and older.
 - c. Advertising designed to attract prospective residents will be as follows:
 - i. A sign placed at the Village Bungalows entrance describing the community as a 55+ community.
 - ii. Village Bungalows website states that we are a 55+ planned community.
 - iii. Real estate ads in local paper, brochures and MLS state that the properties are in a 55+ community.

- d. Village Bungalows lease provisions contain certification we are a community of persons 55 and older.
- e. Restricted Covenants of Village Bungalows state throughout the document Village Bungalows is a community of persons age 55 and older.
- f. The Association Board has as one of its primary responsibilities the obligation of adopting and maintaining policies and procedures that are compliant with the HOPA requirements. More specifically, the Association board will: Maintain a residency list properly documenting residence age and a residency age verification form, which shall be distributed to new Village Bungalow residents upon occupancy, as well as the Covenants, By-Laws, Rules and Regulations. The new residents are to complete the bottom of the form with address, signature and date of birth.
- g. The Village Bungalows telephone directory and monthly newsletter, once they are established, shall state that Village Bungalows is a community of persons 55 years and older.
- h. A HOPA Committee, once it has been established, through the approval and support of the Association Board shall monitor changes of residency throughout the year. A "work scope" will be prepared to detail the duties and scope of work to be performed including tracking new residency, and residents who have moved. This committee's responsibility will be reporting findings to the Board of Directors and keeping the HOPA filing system up to date.
- i. Village Bungalows will publish via the monthly newsletter, once it has been established, information concerning Village Bungalows' HOPA Policies and Procedures and place a copy of the HOPA Policies and Procedures document in the Village Bungalows office for review and usage of residents and visitors.
- j. Copies of Village Bungalows' HOPA Policies and Procedures will be available to those residents who feel they prefer a copy of their own.
- k. Public posting in common areas of statements describing Village Bungalows as housing for persons 55 years of age or older:
 - i. Sign at the Village Bungalows entrance describing the community as a 55+ community.
 - ii. Phrases such as "adult living", "adult community", or similar statements in public postings, written advertisements or procedures are not consistent with the intent that Village Bungalows intends to operate as housing for persons 55 years or older per Section 100.306 of HUD. These phrases shall not be used and periodically, a review of all Village Bungalows documentation will be made to eliminate such phrases.
 - iii. If there is language in deed or other Village Bungalows community documents which is inconsistent with the intent to provide housing for persons who are 55 years of age or older housing, HUD shall consider documented evidence of a good faith attempt to remove such language in determining whether Village Bungalows complies with the requirements of this section, 100.306, by keeping a vigil on inconsistent language and taking the necessary steps to remove and revise.

2. Occupancy Verification

- a. Village Bungalows has developed procedures for determining the occupancy of each home, including the identification of whether at least once occupant of each home is 55 years of age or older. These procedures provide for regular updates, through surveys or other means of the initial information supplied by the owners/occupants of each home.

- b. All Village Bungalows residents, and lessees, are required to receive Village Bungalows documents and provide age verification upon occupancy.
- c. This age verification information serves as the basis for Village Bungalows' survey information; regular survey updates must take place at least once every two years per Section 100.307 (b)(c).
- d. The name and address information provided on the Document List, is compared to the survey information from the previous 2-year survey/summary. Changes to current occupancy are noted, and the survey base from the previous year summary is updated with revised occupancy totals. Confirmation of those persons counted as occupying dwellings in previous surveys are, in fact, still in occupancy is made through observations and through current listings in the Village Bungalows telephone directory.
- e. The following information should be included in the survey of residents in order to calculate whether the community meets the 80% requirement of HOPA per Questions and Answers #7 Concerning the Final Rule Implementation:
 - i. Total homes in the community.
 - ii. The number of unoccupied units.
 - iii. The number of units occupied by employees of the housing facility or community who are under 55 years of age, and who provide substantial management and maintenance services to the housing facility or community.
 - iv. The number of units occupied solely by persons who are necessary or essential to provide medical and/or health and nursing care services as a reasonable accommodation to residents.
 - v. Total homes and unoccupied homes are provided by the Village Bungalows Association, Inc. bookkeeper.
- f. The HUD re-survey requirement calls for updates at least every two years but Village Bungalows, will actively update lists of residents every year, in order to not be unduly burdened at the end of every two years. The Re-survey updates, including summaries, will be performed at the end of each year.
- g. A survey summary is required per Section 100.307 subsection (i); a summary of occupancy shall be available for inspection upon reasonable notice and request by any person.
- h. Surveys and verification procedures which comply with HOPA requirements for Section 100.307 shall be admissible in administrative and judicial proceedings for the purpose of verifying occupancy per Section 100.307 Subsection (h).

3. Age Verification Procedures

- a. It is Village Bungalow's policy that all Village Bungalows residents and lessees, receive documents and provide age verification upon occupancy. An Association Board Director will contact each of the new residents to deliver and review Village Bungalows documents and obtain age verification to ensure the unit is occupied by at least one person who is 55 years of age or older.
- b. Any of the following documents are considered reliable documentation, per Section 100.307 of HUD, subsection (d), of the age of the occupants of Village Bungalows:
 - i. Driver's license.
 - ii. Birth certificate.

- iii. Passport.
 - iv. Immigration card.
 - v. Military identification.
 - vi. Any other state, local, national, or international official documents containing a birth h date of comparable reliability; or
 - vii. A certification in a lease, application, affidavit, or other document signed by any member of the household age 18 or older asserting that at least one person in the unit is 55 years of age or older.
- c. The new residents, and lessees, are required to enter their date of birth and sign the Document List attesting that they have received the Village Bungalows documents and that at least one of the residents who will be living in the residence is 55 years of age or older.
- d. Should Village Bungalows become concerned about misrepresentation of the age of occupants, it is free to require that affidavits from occupants about the ages of persons in their households be signed under the penalty of perjury.
- e. If the occupants of a dwelling unit refuse to comply with the age verification procedures, Village Bungalows 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:
- i. Government records or documents, such as a local household census.
 - ii. Prior forms or applications; or
 - 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 such knowledge and be signed under the penalty of perjury.
- f. The name and address information provided on the Document List is compared to the survey information from the previous 2-year survey/summary. Changes to current occupancy are noted, and the survey base from the previous year summary is updated with revised occupancy totals.
- g. Confirmation of those persons counted as occupying dwellings in previous surveys are, in fact, still in occupancy is made through observations and through current listings in the Village Bungalows telephone directory.
- h. The Document List and Residency Age Verification form will be returned to the Village Bungalows Association Office: it is considered strictly confidential and will be retained in a locked file.