

# **DREAMLAND VILLA COMMUNITY CLUB**

## **Administrative Policy and Procedure**

Subject: Age Restriction: Senior Citizen Overlay & Housing for Persons who are 55 Years of Age or Older

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**Initially Adopted:** September 9, 2008

**Amended:** 12/11/2012

**Revised:** 10/11/2016

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### **I. Policy Statement:**

It is the intent of the Dreamland Villa Subdivision to qualify as a community with dwelling units occupied by persons who are 55 years of age or older. This intent is also stated in its By-Laws Article XII, Section 9. To show that it is compliant with governmental agencies' requirements, Dreamland Villa shall:

(i) maintain records showing that at least 80 percent of the dwelling units in the Subdivision are occupied by at least one person who is 55 years of age or older,

(ii) publish and adhere to the policies and procedures that demonstrate its intent to provide housing for persons 55 years of age or older, and

(iii) demonstrate continually that the implementation of its policies and procedures provide records from the routine verification by reliable surveys and affidavits, at least every two years, that 80 percent of the occupied dwellings have at least one person who is 55 years of age or older.

(iv) comply with other criteria considered relevant in demonstrating its compliance with government agencies requirements.

(v) not permit under age occupancy in any dwelling unit unless specifically authorized by one of the governmental agencies' rule or ordinance.

### **II. Definitions:**

**Age Qualified:** An occupant residing in a dwelling unit within Dreamland Villa who is at least 55 years of age or older.

**CC&R's:** The Declaration of Covenants, Conditions and Restrictions, along with any amendments, assigned to all dwelling units within Dreamland Villa. CC&R's maybe used interchangeable with the term Declaration of Restrictions.

**DVCC:** an abbreviation of Dreamland Villa Community Club, Inc., the legal entity assigned by Maricopa County to demonstrate compliance with the 55+ age-restriction requirements.

**Dwelling Unit:** A single family house, apartment, duplex, triplex, fourplex or other building or portion of a building suitable for use as a single-family residence and located in one of the Dreamland Villa Subdivision's 18 Sections.

**HOPA:** The US Department of Housing and Urban Development issued 24 CFR Part 100, Implementation of the Housing for Older Persons Act 1995, Final Rule, effective May 3, 1999. HUD published the comments and discussions used in the development of the Final Rule in the Federal Register/Vol 64, No 63, Friday April 2, 1999 / Rules and Regulations, pages 16324 to 16332. HUD's comments and discussions set forth "HUD's philosophy" for the interpretation and implementation of the HOPA. HOPA is readily available through an internet search using the words "HUD HOPA". This is one of the two governmental agency's requirements referenced in paragraph I, Policy Statement.

**HUD:** The U. S. Department of Housing and Urban Development.

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**Non-Age Qualified Spouse:** A person under the age of 55 and who is 18 years of age or older who is the spouse of an age qualified person.

**Senior Citizen Overlay:** Chapter 10, Section 1006, of the Maricopa County Zoning Ordinance. An overlay zone combined with a rural or residential zoning district within Maricopa County which is intended to provide planned residential development, designed specifically for residency by persons of advanced age as defined by HOPA Section 100.304 (a) (b) (4). On August 4, 1980, the Maricopa County Board of Supervisors designated the Dreamland Villa Subdivision as a municipally zoned 55+ age-restricted Subdivision, by approving zoning case Z 34-80. The Maricopa County Planning and Development Department County assigned Dreamland Villa Community Club, Inc. the responsibility to provide the determinations of compliance with Maricopa County's Senior Citizen Overlay Ordinance and the HUD HOPA rule. This is the second one of the two governmental agency's requirements referenced in paragraph I, Policy Statement.

**Sole Occupancy:** A dwelling unit occupied by only one person.

### **III. Occupancy Age Restrictions:**

1. Each dwelling unit must have at least one occupant that is 55 years of age or older (age qualified) residing in each dwelling unit HOPA: 100.304). Persons 18 years of age and older may also reside in Dreamland Villa dwelling unit as long as there is an age qualified person also residing in the dwelling unit.
2. Persons under the age of 18 may reside in Dreamland Villa for a maximum period of 90 days in any calendar year as long as there is an age qualified person also residing in the dwelling unit.
3. There is no age restriction on property owners, provided that the dwelling unit has at least one age qualified occupant.
4. Continued occupancy in a dwelling unit by a non-age qualified spouse, because of death or long term medical relocation of the age qualified spouse is permitted and is an exception to the 55+ age-restriction. This exception shall continue only so long as the non-age qualified spouse maintains a sole occupant status. Upon change from a sole occupant status, the age requirements shall be met. This exception shall not be granted to other non-age qualified heirs or any other non-age qualified persons who come into possession of a dwelling unit in Dreamland Villa.
5. "80/20 Rule" HOPA: 100.305: As long as a minimum of 80 percent of the dwelling units are occupied by at least one age qualified person Dreamland Villa will maintain its 55+ age-restriction status. It is at the discretion of the DVCC Board of Directors to determine the circumstances permitting an non-age qualified occupant. In order for an exception to be made, DVCC must clearly demonstrate its overall intent and be able to prove that it is compliant with the requirements to maintain its 55+ age-restriction status.

### **IV. Verification of Age:**

#### **1. At the Occasion of Initial Occupancy**

- a At the time one or more persons ***initially*** occupy a dwelling unit, the occupants shall be required to complete a Verification of Age Affidavit. The Affidavit shall identify one of the following documents which shall be considered a reliable documentation of age provided that it contains specific information about current age or birth date. The Verification of Age Affidavit, or similar documentation, is required of all dwelling units' occupants, regardless of whether the occupant is the owner or a renter or lessee. HOPA: 100.307 (b) & (c).

Driver's license  
Immigration card

Birth certificate  
Military identification

Passport

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Any other state, local, national or international official documents containing a birth date of comparable reliability.

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 dwelling unit is 55 years of age or older. HOPA: 100.307 (d).

- b If the occupants of a particular dwelling unit refuse to comply with the age verification procedures, DVCC may consider the dwelling unit to be occupied by at least one person 55 years of age or older if it has the following evidence:

Government records or documents such as a local household census, or

Prior forms or applications, or

A statement from an individual who has personal knowledge of the age of the occupants. However, this statement must set forth the basis for such knowledge and be signed under penalty of perjury.

HOPA: 100.307 (g).

- 2. **Re-survey At Least Every Two Years:** DVCC shall perform annual updates of the initial information provided by the occupants when they first moved into the Dreamland Villa Subdivision. It shall be DVCC's policy to follow up with each non-responding occupant with a Verification of Occupancy Affidavit, until such time as all dwelling units have Affidavit dates less than two years old.
  - a. Responding Occupants: The annual DVCC Dues Statement is the primary survey used. This statement requests each dwelling unit's occupants state their name and date of birth. For those responding occupants, this form, if properly completed and returned to DVCC, demonstrates compliance with the intent of the HUD HOPA Verification of Occupancy 100.307.
  - b. Non-responding Occupants. Dwelling units that have occupants' Affidavit Dates, older than two years, in a mailing separate from the annual Dues Statement, shall be requested to complete a Verification of Occupancy Affidavit.

### **V. Recordkeeping**

- 1 DVCC shall maintain a database identifying all the addresses of each dwelling unit within the Dreamland Villa Subdivision. For each address, the database shall show the last known occupant's name, date of birth, date of the most recent Verification of Age Affidavit and such other owner/occupant data as is deemed beneficial to the management of a 55+ age-restricted retirement community.
- 2. The Verification of Age/Occupancy Affidavits shall be filed in a location separate from the property owner files. The files containing the Affidavits shall be considered confidential and are not generally available for public inspection.
- 3 The annual Verification Statement filed annual with the Maricopa County Planning and Development Department shall be available for inspection upon reasonable notice and request by any person.
- 4 Vacant Dwelling Units: The Verification of Age or Occupancy Affidavit of the last known occupant shall be recorded in the database. The age of the last known occupant shall be used in determining whether the dwelling unit shall be classified in the 80 percent occupied by persons 55 years of age or older or if the dwelling unit shall be classified as being occupied by a person under the age of 55.

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### **VI. Disclosure of 55 Age-Restriction Policy: Intent to Operate as a 55+ Age-Restricted Community**

1. Any Owner, realtor, or real estate management company selling or leasing real property in the Dreamland Villa Subdivision shall disclose in all advertisements, purchase or lease documents that Dreamland Villa is a 55 year of age restricted community. HOPA 100.306 (a).
2. Phrases such as "adult living" or "adult community" are not in conformance with HUD's intent for the HOPA rule enforcement and therefore should not be used in any advertising or other written material.
3. DVCC shall post at the entrance of major streets into Dreamland Villa signs which identify Dreamland Villa as a "55+ ADULT COMMUNITY" or "Dreamland Villa Community 55 + years or older". At a minimum, these signs shall be placed in the locations set forth by Maricopa County in its 1980 Z 80-34 Zoning Ordinance.

**VII. Enforcement:** The reporting and enforcement procedures for non-compliance with this policy shall be through the Complaints Committee or the Board of Directors as deemed appropriate.

**VIII. Procedures:** Completed Affidavits received by DVCC shall have the appropriate data entered into the database for the applicable dwelling unit. The Affidavit shall be filed in the Affidavit File in ascending street number by alphabetical street.

#### **1. Transfer of Ownership/Initial Occupancy:**

- a When DVCC is notified by a title company that a change of ownership of property in Dreamland Villa is taking place, a Verification of Age Affidavit shall be sent to the title company. The title company shall be requested to have the new property owner(s)/occupants complete the Verification of Age Affidavit during close of the escrow and return the completed form to DVCC. This process also needs to determine if the property owner shall also be the occupant OR shall the property become a rental unit.
- b Should DVCC uncover a property with a new owner, not processed through the title company as stated in paragraph a above, DVCC shall mail the new owner an Verification of Age Affidavit and request that the completed copy be returned.
- c Should the new owner(s)/occupants continue to disregard DVCC's request for a properly completed Verification of Age Affidavit, volunteers shall be asked to visit the dwelling unit and once again seek to obtain a properly completed Affidavit.
- e Rental Properties: Rental Property Owners or Property Management Companies shall have the responsibility to obtain a Verification of Age Affidavit for each time a rental property changes its occupant. The owner or its designated representative (property management company) shall obtain a Verification of Age Affidavit and send the completed form to DVCC.
- f Annually, approximately April 1st, each rental property owner or property management company shall receive from DVCC, a letter reminding them of the requirement to have each new occupant complete a Verification of Age Affidavit. All property owners whose dwelling units have current occupant dated Affidavits, are exempt from this mailing.

#### **2. Reliable Surveys and Affidavits After Initial Occupancy:**

- a Annually, DVCC shall mail a fees or dues statement to the occupants (with certain exceptions) living in the Dreamland Villa Subdivision. This statement is a combination dues statement and Verification of Occupancy Affidavit. The affidavit requests the occupants to state their names and dates of birth. The responding occupants who return the properly completed Affidavits shall have the Affidavit date updated in the database showing the most recent information.

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- b Approximately March 1st of each year, the non-responding occupants shall receive a letter requesting the occupants complete a Verification of Occupancy Affidavit. Responding occupants' affidavit information shall be updated in the data base.
- c Volunteers shall be requested to visit the dwelling units for non-responding occupants. Every attempt shall be made to obtain by personal visits a completed Verification of Occupancy Affidavit.
- d Attempts shall be made to obtain a statement from an individual who has personal knowledge of the age of the occupants. If a statement is obtained, it shall also include information as to how or what the basis for such knowledge is known and the statement shall signed under penalty of perjury.
- e Approximately October 1st of each year, the database shall be searched for dwelling unit addresses that have no affidavit or survey date, or a date that is older than 18 month. DVCC shall mail to the occupants of each address a transmittal letter requesting that the occupant(s) complete the Verification of Occupancy Affidavit. An envelope shall be provided to the occupants to return the completed Affidavit.

#### **3. Procedures to Comply With Other Criteria:**

- a Realtors: DVCC shall review all realtor generated Dreamland Villa property Arizona Regional Multiply Listing Service (ARMLS) listings. The Client Reports shall be reviewed for improper advertising; specifically listings that **omit** words similar to "a 55+ age-restricted community" or **include** "adult community". Letters shall be sent to the listing agent, and where appropriate the listing agent's broker, advising them of the disclosure requirements of the HUD HOPA paragraph 100.306. DVCC shall expend every effort possible to cause the realtor to change the inappropriate listing. However, the realtors are independent of DVCC and therefore may ignore the concerns expressed by DVCC.
- b Title Companies: If a property is found to have changed owners, the Maricopa County Recorder's office records shall be researched to determine which title agency handled the closing escrow. The title company handling the escrow shall be sent a letter asking why they did not include Dreamland Villa Community Club Inc. in the escrow process and why DVCC was not notified of the new owners/occupants.
- c Signage: Periodically during the year, the Compliance Committee Chairperson, or a designee, will drive through the Dreamland Villa Subdivision making sure that the appropriate 55+ age-restricted signage is in place, at a minimum at the locations designated by Maricopa County.