

VILLAGE AT HARVEST RIDGE HOMEOWNERS ASSOCIATION, INC.

POLICY RESOLUTION NO. 2022-3

**AGE VERIFICATION POLICY**  
**(procedures for verifying the age of dwelling unit occupants)**

**WHEREAS**, Village at Harvest Ridge Homeowners Association, Inc. (“the Association”) is a homeowners owners’ association organized and operating pursuant to the Virginia Property Owners’ Association Act (“POA Act”) and the recorded Deeds of Dedication applicable to the Village at Harvest Ridge development (“Declaration”);

**WHEREAS**, pursuant to Article III of the Declaration, the Association’s Board of Directors manages the affairs of the Association;

**WHEREAS**, Article VI, Section 1 of the Declaration provides that the Village at Harvest Ridge development (or “Community”) is intended to provide housing primarily for persons 55 years of age or older, and further provides that at all times “residency will be restricted to the extent allowed by law, to individuals at least fifty-five (55) years old and couples of which at least one person is at least fifty-five (55) years old;”

**WHEREAS**, the Board deems it necessary and in the best interests of the Association to adopt certain policies and procedures intended to maintain the status of Village at Harvest Ridge as an age-restricted community under applicable law and to enforce the age-restriction contained in the Declaration;

**NOW, THEREFORE, BE IT RESOLVED THAT** the Board of Directors hereby adopts the following Age Verification Policy as part of the Association’s rules and regulations, which supersede and replace in their entirety any previously-adopted policies or procedures governing this subject matter:

**1. Definitions.** All terms used in this Policy that are defined in the Declaration have that same meaning in this Policy unless specifically defined differently in this Policy.

A. For purposes of this Policy and Article VI, Section 1 of the Declaration, a resident (“*Occupant*”) of a dwelling unit is each individual living in the dwelling unit as his or her residence for more than 183 days during the calendar year. *If a dwelling unit is rented*, the “*Occupants*” of the dwelling unit include the tenant and all other individuals residing in the dwelling unit with the tenant. *If a dwelling unit is temporarily vacant* (e.g., due to the dwelling unit’s *Occupant* leaving for a seasonal absence, vacation or hospitalization), the dwelling unit’s “*Occupant*” is still considered to be the individual(s) who last resided in the dwelling unit during the past 12 months and who intends to return to the dwelling unit as his/her residence.

B. For purposes of this Policy and Article VI, Section 1 of the Declaration, a “*Couple*” refers to two individuals residing in the same dwelling unit who are married, engaged or otherwise closely associated romantically.

**2. Age Restriction.** The only authorized *Occupants* of a dwelling unit within the Community are (i) individuals who are at least fifty-five (55) years old, and (ii) *Couples* in which at least one person in that *Couple* is at least fifty-five (55) years old.

3. **Certification of Occupants' Ages.** Within 10 days after (i) a change in ownership of a dwelling unit or (ii) there is a change in any Occupant of a dwelling unit, the applicable Owner must submit to the Association's management agent ("Managing Agent") a fully completed, accurate, signed and dated "*Occupant Information Sheet*" (see Exhibit 1) for that dwelling unit.

4. **Survey.** At least once every two years, the Board will cause an age verification survey ("Survey") to be sent to each dwelling unit within the Community. The Survey will be substantially in the form attached as Exhibit 2 to this Policy. Within 15 days after the Survey is mailed or delivered to a dwelling unit, an Occupant of the dwelling unit who is 55 years of age or older must submit to the Association's Managing Agent a fully completed, accurate, signed and dated Survey certifying the ages of all Occupants of that dwelling unit.

A. **Compiling Survey Results.** The Managing Agent (or the Board) will compile the data from the completed Surveys and prepare a summary of the survey results ("Survey Summary") indicating the percentage of occupied dwelling units that (i) have at least one Occupant who is 55 years of age or older, and (ii) the percentage of dwelling units occupied solely by individuals at least fifty-five (55) years old or Couples of which at least one person is at least fifty-five (55) years old. The Survey Summary need only show the total number of occupied dwelling units as of a specified date (based on the Association's records) and the total percentage of those dwelling units that meet the 55+ requirement; in addition, consistent with the confidentiality provisions in Section 6 below, the Survey Summary will not show the names, ages or birth dates of individual Occupants or identify specific dwelling units as being either compliant or non-compliant.

5. **Refusal or Failure to Submit Age Verification / Enforcement.**

A. For purposes of demonstrating compliance with federal law and regulations governing housing for older persons and compliance with the Declaration, if an Owner or dwelling unit's Occupant refuses to comply with the Survey or other age verification procedures, the Association may consider the dwelling unit occupied by a person 55 years of age or older if the Association has sufficient other evidence in that regard, which may include information about the Occupants' ages as contained in: (1) a government record, (2) a prior form or application, or (3) a statement signed under penalty of perjury from an individual who has personal knowledge of the age of the Occupant(s) of a dwelling unit setting forth the basis for such knowledge.

B. If the Association becomes aware of information or allegations suggesting that a dwelling unit is being occupied in violation of Article VI, Section 1 of the Declaration or that information on the Occupant Information Sheet or Survey is inaccurate, then (in addition to any other available remedies) the Association may, by written notice, require the applicable Owner or the dwelling unit's Occupant(s) to provide the Managing Agent with a copy of any one of the following documents for each Occupant as evidence of each Occupant's age:

- (1) Driver's license;
- (2) Birth certificate;
- (3) Passport;
- (4) Immigration card;
- (5) Military identification; or
- (6) Any other state, local, national, or international official documents of comparable reliability (as determined by the Board) containing the person's name and birth date.

The Owner and/or Occupant(s) shall provide the additional required documentation to the Managing Agent within 14 days after the date of the Association's written notice. The Owner or Occupant may choose to redact (e.g., with black marker) the person's Social Security number from the copy provided to the Managing Agent.

C. In addition to the above-referenced actions, a violation of this Policy or the age restriction in the Declaration by an Owner or the dwelling unit's Occupant(s) may result in the Association taking any and all enforcement action authorized by the Association's governing documents and/or applicable law, including but not limited to taking legal action to compel compliance and/or assessing violation charges against the Owner of the applicable dwelling unit. *Each Owner is responsible for ensuring that the Association is provided with timely and accurate Occupant information and supporting documentation for that Owner's dwelling unit in compliance with the requirements of this Policy, and is responsible for the Owner's own violation and for violations by any Occupant of that Owner's dwelling unit.*

6. **Confidentiality.** The Survey, Occupancy Information Sheet and other supporting documentation obtained by the Association to support age and occupancy verification will be kept by the Association in a separate file(s) created for purposes of tracking and documenting age verifications for each dwelling unit ("Age Verification File"). The Age Verification File will be considered confidential in accordance with the Code of Federal Regulations and Sections 55.1-1815(C)(6) and (C)(9) of the Virginia Property Owners' Association Act ("POA Act") and will not be available for inspection by Owners.

A. *Exceptions.* Notwithstanding the foregoing:

(1) The Managing Agent is authorized to pull Owner and Occupant names, addresses and other contact information from documents submitted under this Policy, in order to update the Association's records for contact information and authorized access to facilities and services.

(2) The Age Verification File will be available for review by federal, state, and local authorities investigating compliance with applicable federal or state fair housing laws.

(3) The Association will make the Survey Summary available for inspection and copying by any Association member in good standing in accordance with the POA Act, and will also make the Survey Summary available for inspection by any other person upon 14 days' written notice to the Managing Agent as required by the Code of Federal Regulations.

EFFECTIVE DATE: This Age Verification Policy is effective as of: MARCH 24<sup>24</sup>~~31~~, 2022.

VILLAGE AT HARVEST RIDGE HOMEOWNERS ASSOCIATION, INC.

OCCUPANT INFORMATION SHEET

(to be submitted by owner of dwelling unit)

HOUSING FOR OLDER PERSONS NOTICE

- 1. Article VI, Section 1 of the Deeds of Dedication ("Declaration") provides that the Village at Harvest Ridge Community is intended to provide housing primarily for persons 55 years of age or older, and further provides that at all times residency will be restricted to individuals at least fifty-five (55) years old and couples of which at least one person is at least fifty-five (55) years old.
2. For purposes of completing this form:
(i) an "Occupant" of a dwelling unit is each individual living in the dwelling unit as his or her residence for more than 183 days during the year. If a dwelling unit is rented, the "Occupants" of the dwelling unit include the tenant and all other individuals residing in the dwelling unit with the tenant. If a dwelling unit is temporarily vacant (e.g., due to the dwelling unit's Occupant leaving for a seasonal absence, vacation or hospitalization), the dwelling unit's "Occupant" is still considered to be the individual(s) who last resided in the dwelling unit during the past 12 months and who intends to return to the dwelling unit as his/her residence; and
(ii) a "Couple" refers to two individuals residing in the same dwelling unit who are married, engaged or otherwise closely associated romantically.

OWNER'S CERTIFICATION

- 3. I, the undersigned, am the Owner (or one of the Owners) of the below-referenced dwelling unit and hereby acknowledge and certify that:
(a) I have personal knowledge of the ages of the current Occupants of my dwelling unit, and understand that in accordance with the Association's rules and regulations and for as long as I am an Owner, I am required to submit a new, updated Occupant Information Sheet to the Association within 10 days after any of the current Occupants of my dwelling unit (as listed below) change.
(b) The following is an accurate list of the names, current ages, and birth dates of the individuals who currently occupy the Dwelling unit:

Table with 3 columns: NAME OF EACH OCCUPANT, CURRENT AGE OF EACH OCCUPANT, BIRTH DATE OF EACH OCCUPANT. Rows 1, 2, 3.

- (c) If an individual listed above is under 55 years old, that individual resides as a Couple with an Occupant of the Dwelling Unit listed above who is at least 55 years old.

By signing below, I hereby certify that the information supplied in this Occupant Information Sheet is true and correct to the best of my knowledge, information and belief.

DWELLING UNIT ADDRESS: \_\_\_\_\_

OWNER: \_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)
(Print Name)

\*\* complete, sign, date and submit to the Association's community manager \*\*

VILLAGE AT HARVEST RIDGE HOMEOWNERS ASSOCIATION, INC.  
**AGE VERIFICATION SURVEY**  
(to be submitted by occupant of dwelling unit)

1. For purposes of enforcing the Village at Harvest Ridge Deeds of Dedication (“Declaration”) and complying with requirements for “housing for older persons” under federal law, the Association conducts (at least every two years) an age verification survey for Occupants of dwelling units within the Village at Harvest Ridge Community.
2. Article VI, Section 1 of the Declaration provides that the Village at Harvest Ridge Community is intended to provide housing primarily for persons 55 years of age or older, and further provides that at all times residency will be restricted to individuals at least fifty-five ( 55) years old and couples of which at least one person is at least fifty-five (55) years old.
3. For purposes of completing this form:
  - (i) an “Occupant” of a dwelling unit is each individual living in the dwelling unit as his or her residence for more than 183 days during the year. *If a dwelling unit is rented, the “Occupants” of the dwelling unit include the tenant and all other individuals residing in the dwelling unit with the tenant. If a dwelling unit is temporarily vacant (e.g., due to the dwelling unit’s Occupant leaving for a seasonal absence, vacation or hospitalization), the dwelling unit’s “Occupant” is still considered to be the individual(s) who last resided in the dwelling unit during the past 12 months and who intends to return to the dwelling unit as his/her residence; and*
  - (ii) a “Couple” refers to two individuals residing in the same dwelling unit who are married, engaged or otherwise closely associated romantically.
4. *I, the undersigned, hereby acknowledge and certify that:*
  - (a) I am 55 years of age or older and currently occupy the below-referenced dwelling unit within the Village at Harvest Ridge Community (“Dwelling Unit”);
  - (b) I have personal knowledge of the ages of the current Occupants of the Dwelling Unit and the following is an accurate list of the names, current ages, and birth dates of the individuals who currently occupy the Dwelling Unit, including myself:

NAME OF EACH OCCUPANT	CURRENT AGE OF EACH OCCUPANT	BIRTH DATE OF EACH OCCUPANT
1.		
2.		
3.		

- (c) If an individual listed above is under 55 years old, that individual resides as a Couple with an Occupant of the Dwelling Unit listed above who is at least 55 years old.

By signing below, I hereby certify that the information supplied in this Survey response is true and correct to the best of my knowledge, information and belief.

DWELLING UNIT ADDRESS: \_\_\_\_\_

DWELLING UNIT OCCUPANT: \_\_\_\_\_

(Signature) (Date)

\_\_\_\_\_

(Print Name)

**\*\* complete, sign, date and submit to the Association’s community manager within 15 days of receipt \*\***

**VILLAGE AT HARVEST RIDGE HOMEOWNERS ASSOCIATION, INC.**  
**RESOLUTION ACTION RECORD**

Resolution Type: Policy No. 2022-3

Pertaining to: Age Verification (for 55+ compliance)

Duly adopted by the Board of Directors of Village at Harvest Ridge Homeowners Association, Inc. on March 22, 2022, by majority vote at a Board meeting.

Motion by: Lane Martin

Seconded by: Barbara DeChene

Director's Names (Printed)	VOTE:			
	YES	NO	ABSTAIN	ABSENT
Craig Alderman Director	X			
Barbara DeChene Director	X			
Randall Meston Director	X			
Lane Martin Director	X			
Dan Martin Director	X			
Debbie Mathis Director	X			
Peggy Myer Director	X			
Vincent McDonald Director	X			

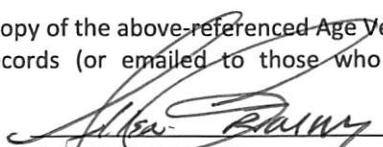
ATTEST:   
 Doug Adams - President (signature)

3-24-2022  
 Date

Policy effective: March 24, 2022.

CERTIFICATE OF MAILING

I certify that on the 27<sup>th</sup> day of March, 2022, a copy of the above-referenced Age Verification Policy was sent mailed to all Owners as reflected in the Association's books and records (or emailed to those who have consented to receiving email communications from the Association).

  
 Management Agent