

KC HIGHLANDS HOMEOWNERS ASSOCIATION, INC.

An Oregon Planned Community restricted to residents fifty-five (55) years of age or older.

BOARD OF DIRECTORS RESOLUTION #2013-8

SUBJECT: AGE VERIFICATION OF KC HIGHLANDS RESIDENTS

PURPOSE: To ensure the KC Highlands Homeowners Association's full conformance with the resident age restriction criteria specified in The Fair Housing Act (HOPA) as amended in 1995 as well as those specified in the Association's Governing Documents.

AUTHORITY: The Declaration, Articles of Incorporation, Bylaws & CC&Rs of the Association, Oregon law, specifically ORS 94 Oregon planned Community Act, and ORS 65 Oregon Non Profit Corporation, and Title VIII of the Civil Rights Act of 1968 (The Fair Housing act) as amended in 1995 (HOPA).

Whereas, Under Section 2 of Article IX of the Declaration, Article V of the Bylaws, and ORS 94.630, the Board of Directors has all of the powers and duties necessary for the administration of the affairs of the Association, except such powers and duties as by law, the Declaration or Bylaws may not be delegated to the Board by the owners;

Whereas, ORS 94.630(1)(a) and Article V, Section 2(a), of the Bylaws empower the Board to adopt rules and regulations;

Whereas, Article XII, Section 1 specifies that each Owner and Occupant shall comply with the Declaration, Bylaws, and rules and regulations adopted thereto.

Whereas, Title VIII of the Civil Rights Act of 1968 (The Fair Housing Act), as amended by the Fair Housing Amendments of 1988, prohibits discrimination in housing and real estate-related transactions based on race, color, religion, sex, national origin, and handicap, with the exception of a provision exempting "Senior" housing from the prohibition again against familial status discrimination;

Whereas, the Fair Housing Act, as amended in 1995, specifies in Section 2. Definition of Housing for Older Persons (HOPA), Section 807, (C) intended and operated for occupancy by persons 55 years of age or older, and (i) at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older; (ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph; and (iii) the housing facility or community complies with rules issued by the Secretary for verification of occupancy which shall, (I) provide for verification by reliable surveys and affidavits; and (II) include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification;

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Whereas, the Amended and restated bylaws of King City Highlands Homeowners Association, Inc, a Planned Community as approved July 22, 2013 as documented number 2013-066510 in Washington County, Article VI, USE RESTRICTIONS AND OBLIGATIONS, Section 12, Restrictions On Age Of Occupancy Of Residential Units: No residential unit in King City Highlands shall be occupied by any person who is not a qualified occupant. At least one person living in the unit must be fifty-five (55) years of age or older;

THEREFORE BE IT RESOLVED THAT:

- I. The common use of the terms "housing community" and "facility" applies to dwelling units that are in the same location and have some relationship to each other; share a common set of rules, policies, and procedures that are applied to all of the dwellings in the community or facility which therefore includes the Association of Unit Owners of Highland Park Condominium as well as the King City Highlands Homeowners Association.
- II. The King City Highlands Homeowners Association board of directors deems it necessary and appropriate to ensure the accurate and timely verification of occupants of all living units, and in that regard shall:
 - A. Maintain an up-to-date and accurate file containing the full name, address, telephone number, and date of birth of all owners/occupants in all living units; the age of each owner/occupant to be verified by the attachment to the form of a copy of a his/her driver's license, passport, birth certificate, military record, or some other legitimate document;
 - B. Every two years conduct a verification survey of the age of all owners/occupants based on the information contained in the owner/occupant file, and prepare for submission to the board of directors, a report that accurately represents the number and percentage of owners/occupants conforming to the Association's age restriction criteria;
 - C. Publish and adhere to rules and regulations that demonstrate the Association's intent to exclusively provide housing for persons fifty-five (55) years of age or older.

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- D. Ensure that the Association is represented as an age-restricted community in all of its advertising, publications, signage, and internal and external communications.
 - A. At least eighty (80) percent of the occupied living units must be occupied by at least one person fifty-five (55) years of age or older; and
 - B. Must publish and adhere to policies and procedures that demonstrate its intent to provide housing only for persons fifty-five (55) years of age or older.
- III. Wherever practical, the Association shall represent itself on all written and electronic communications (letterheads, newsletters, memos, resolutions, policy and procedure, web pages, forms, financial statements, reports, etc.) using the following terminology: "An Oregon Planned Community restricted to residents fifty-five (55) years of age or older."
- IV. The Association shall require that all owners/residents, prior to taking occupancy of a given living unit, complete and submit an Owner/Resident Application that shall include the owner's/resident's full name, address, telephone number and date of birth. This Form shall have attached to it as a means of verification of each owner's/resident's age, a copy of his or her driver's license, passport, birth certificate, military record, or other legally acceptable document upon which the individual's name and date of birth are clearly legible (see attached Owner/Resident Application).
- V. The board of directors shall review each Owner/Resident Membership Applicant following its submission or revision, and shall deny occupancy, and therefore membership in the KC Highlands Homeowners Association to any individual occupant who does not meet the occupancy criteria referenced in the Association's governing documents.
- VI. The Association shall at each two (2) year interval:
- A. Conduct a survey (wherever possible using the Owner/Resident Applications) of the occupants of all living units for the purpose of verifying their age status; and
 - B. Prepare a report for submission to the board of directors that accurately represents the percent of living units with one or more fifty-five year old

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or older occupants, with careful attention to criteria for making such a determination contained in The Federal Housing Act as amended in 1995 (HOPA).

The provisions contained in this document shall be formally reviewed and approved or rescinded by the Board of Directors at the beginning of each successive three (3) year period effective January 2014.

As reviewed and approved by action of the Board of Directors of the KC Highlands Homeowners Association, Inc an Oregon Planned Community restricted to residents fifty-five (55) years of age or older, and Non Profit Corporation.

By: Mary Davis Date: 11-13-13
President

Attested: Darlene Whitten Date: 11-13-13
Secretary

- Attachment: Owner/Resident Application
- Attachment: Certification Confirmation Document