

# **GALT MILE APARTMENTS, INC.**

## **55 Year Age Restriction Policy**

Pursuant to

The FAIR HOUSING AMENDMENTS ACT of 1988 (the "Act")  
HOUSING FOR OLDER PERSONS ACT 1995: FINAL RULE ("HOPA")  
GALT MILE APARTMENTS, INC. AMENDED AND RESTATED BYLAWS

### **INTRODUCTION**

The Fair Housing Act (Title VIII of the Civil Rights Act) exempts "housing for older persons" from the Act's prohibition against discrimination because of familial status. Section 807(b)(2) (C) of the Act exempts housing intended and operated for occupancy by persons 55 years of age or older which satisfies certain criteria. HUD has adopted implementing regulations further defining the "housing for older persons" exemption at 24 CFR part 100, subpart E (Housing for Older Persons Act, hereinafter "HOPA"). The Florida Commission on Human Relations ("FCHR") has adopted polices to qualify and register housing for older persons communities in Florida and has designated such registered and qualified communities as 55+ Housing in Florida.

There are 4 factors required for a housing facility to claim the 55+ Housing in Florida exemption:

- 1) the housing be intended and operated for persons age 55 and older;
- 2) at least 80 percent of the occupied units be occupied by at least one person who is 55 years of age or older;
- 3) the community must publish and adhere to policies and procedures that demonstrate its intent to operate as housing for persons fifty-five (55) years of age or older; and
- 4) The community must also comply with rules issued by HUD for the verification of occupancy.

Ga lt Mile is qualified for the exemption as 55+ Housing in Florida. The intent to qualify as 55+ Housing in Florida is stated in Section 3, Article II of the Galt Mile Apartments, Inc., Amended and Restated Bylaws.

This document's purpose is to publicize the 55+ Housing in Florida status of Galt Mile Apartments, Inc. within the rules and broad discretion permitted under the Act and HOPA. The Board of Directors, in its sole discretion, may add, delete or change its policies within the scope permitted by the Act, HOPA, the FCHR, other State laws or local laws.

## **Qualification for Exemption under the Fair Housing Amendments Act of 1988 (the "Act") and HOPA.**

In accordance with the Act and HOPA, Galt Mile Apartments, Inc. has clearly indicated its intent to qualify as 55+ Housing in Florida in the following provision of its governing documents:

Section 3, Article II of the Galt Mile Apartments, Inc. Amended and Restated Bylaws.

Each apartment in Galt Mile, if occupied, shall be occupied by at least one (1) person not less than fifty-five (55) years of age or older and no person under eighteen (18) years of age shall reside in any apartment. To the extent required by any applicable Federal or State law, at all times at least eighty (80%) percent of the occupied Apartments shall be occupied by at least one person that is fifty-five (55) years of age or older.

### **GALT MILE COMMUNITY ASSOCIATION, INC. AGE RESTRICTION POLICY**

#### **1. Occupancy Age Restrictions**

I.1 There must be at least one person that is fifty-five (55) years of age or older (age qualified) residing in each apartment, subject to Section I.3 below.

1.2 No person under the age of 18 may reside in Galt Mile, subject to Section 1.3 below.

1.3 Persons under the age of 18 may reside in Galt Mile as guests for a maximum period of 30 days in any 12 month period as long as there is an age qualified person also occupying the apartment.

I.4 Persons 18 years of age or older may reside in Galt Mile as long as there is an age qualified person also residing in the apartment.

I.5 These age restrictions apply to Shareholders and family members who occupy the apartment for more than 30 days in a calendar year in the absence of the age qualified Shareholder.

#### **2. Occupancy Exception**

2.1 The policy of Galt Mile Community Association, Inc. is not to permit under age occupancy in any apartment.

2.2 The only exception to the 55 age qualification is for the non-age qualified surviving spouse of an age qualified decedent Shareholder who had occupied the apartment, until such time as the nonage qualified surviving spouse remarries at which time the exception expires. At that time, membership, if any, shall be determined pursuant to Section 3, Article II of the Galt Mile Apartments, Inc. Amended and Restated Bylaws.

2.3 There are no automatic exceptions for other non-age qualified heirs or any other non-age qualified persons who come into possession of an apartment in Galt Mile.

2.4 Appeal for a temporary exception to the occupancy rules must be made in writing to the Board of Directors. The Board of Directors, in its sole discretion, may grant or refuse to grant such temporary or permanent exception in any particular case. The grant of a temporary or permanent exception in a particular case does not invalidate or waive the particular occupancy rule in subsequent cases.

### 3. "80/20 Rule"

3.1 HOPA requires that no less than 80% of the occupied apartments shall be occupied by at least one age qualified person. This does not mean that 20% must be occupied by non-age qualified persons. It means that as long as at least 80% of the apartments are occupied by at least one age qualified person Galt Mile maintains its exemption under HOPA as 55+ Housing in Florida.

3.2 The policy of Galt Mile Apartments, Inc. is to maintain the percentage of age qualified occupancy as close to 100% as possible without mandating a greater percentage than the minimum 80% required by HOPA.

3.3 One of the primary reasons for the 80/20 rule by Congress was to accommodate under age surviving spouses of age qualified decedents and to permit flexibility in specific situations at the sole discretion of the Board of Directors without endangering the HOPA exemption. Such exemption is permitted as long as the minimum 80% age qualified requirement under HOPA is not reduced. HOPA was enacted for the protection of the age restriction exemption and not to grant any rights to under age persons to occupy the 20% which is solely within the discretion of the Board of Directors.

### 4. Age Verification

4.1 All residents, whether Shareholders or family members of absentee Shareholders must show evidence that at least one resident in the occupied apartment is age qualified. Any of the following documents are considered reliable documentation of the age of the occupants of the housing facility or community:

- a) Driver's license
- b) Birth certificate
- c) Passport
- d) Immigration card
- e) Military identification
- f) Any other state, local, national or international official documents containing a birth date of comparable reliability

4.2 Galt Mile shall consider any one of the forms of verification identified above as adequate for verification of age, provided that it contains specific information about current age or date of birth.

## 5. Surveys for Compliance

5.1 Galt Mile Community Association, Inc. will conduct surveys at least every two years and maintain a data base to verify age compliance as required by HOPA. All residents of Galt Mile are required to respond to the surveys. Proof of occupancy by at least one age qualified person in the occupied apartment as noted above must be provided in response to the survey.

5.2 Copies of supporting information gathered in support of the occupancy verification will be segregated in a separate file and are considered confidential and not available pursuant to an official records request. They are created for the sole purpose of complying with HOPA and are to be kept separate from the general or resident files.

5.3 A summary of occupancy surveys shall be available for inspection upon reasonable notice and request by any shareholder pursuant to an official records request.

## 6. Disclosure of 55 Age Restriction Policy

6.1 Any Shareholder or Realtor who sells shares in Galt Mile shall disclose in the advertisements and purchase documents that Galt Mile is a considered a 55+ Housing in Florida community.

6.2 A copy of this Age Restriction Policy shall be provided by every Shareholder/Seller to any prospective shareholder to read and acknowledge. This document is to be included as part of the Purchase or Transfer documents.

6.3 Disclosure shall also be made to any persons permitted by the Shareholder to occupy the unit as family members in the absence of the age qualified Shareholder. At least one family member of such absentee Shareholder must be age qualified, subject to section 1.3 above. The under 18 years of age occupancy prohibition rule also applies to such family members, subject to section 1.3 above.

6.4 Non-disclosure by the Shareholder/Seller shall not prevent Galt Mile Apartments Inc., from enforcing this age restriction policy against any Shareholder for noncompliance.

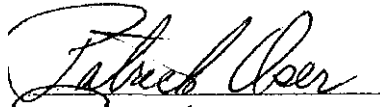
## 7. Transfers


7.1 In order to maintain its status as 55+ Housing in Florida, all of the above provisions in regard to occupancy shall also apply to purchase of shares. In other words, in general, Sections 1 and 2 above apply equally to the purchase of shares (the right to occupy a unit) as to occupancy. The Board, in its sole discretion, may grant or refuse to grant such temporary or permanent exception in any particular case in regard to transfers. The grant of a temporary or permanent exception in a particular case in regard to transfers does not invalidate or waive the particular transfer rule in subsequent cases.

8. **Enforcement**

8. 1 Galt Mile Community Association, Inc. will vigorously seek any and all remedies available to it by law against the offending Shareholder and/or new Shareholder for non-compliance by the Shareholder or family members. The Association will seek to recover all attorney's fees and costs from the offending Shareholder.

ADOPTED BY THE GALT MILE APARTMENTS, INC. BOARD OF DIRECTORS ON MAY 5/8/2013.

Signed:   
Title: President  
Date: 5/8/13

Signed:   
Title: Secretary  
Date: 5/8/13