

VILLAS II HOME OWNERS ASSOCIATION, INC.
www.villas2lakeland.com
55 or Over Amendment Policies and Procedures

(At the January 22, 2019 Annual Meeting of Villas II Members an amendment was passed to the Declaration of Restrictions to make the subdivision a 55 Years of Age or Older Development. It was recorded in the Official Records Book 10751, Pgs 0278-0300 PG(s) 23, Public Records of Polk County, Florida for the Villas II Home Owners Association, Inc.)

1. This development is intended and operated for housing for older persons 55 years of age or older.
2. The Association will comply with the rules as issued by the U.S. Department of Housing and Urban Development (HUD) - (24 C.F.R. part 100) Housing for Older Persons Act of 1995 which exempts Villas II from the prohibitions against discrimination because of familial status by meeting the following criteria:
 - (1) At least 80% of the occupied units are occupied by a least one person who is 55 years or older.
 - (2) The community publishes and adheres to policies and procedures demonstrating this intent to qualify for the exemption.
 - (3) The community complies with HUD rules for verification of occupancy by reliable surveys and affidavits.The Association is prohibited from discrimination on the basis of race, color, religion, national origin, sex, or disability.
3. The Association shall register with the Florida Commission on Human Relations and send a letter according to the requirements in Florida Statutes, Section 760.29(4)a or as amended, certifying that the Association has satisfied the requirements for the exemption from the prohibition against familial status discrimination. The letter is to be written on letterhead of Villas II. It certifies at least 80% of residents have at least one person 55 or older; unoccupied Lots cannot be included in the 80% calculation. The President must sign this letter. Registration renewal is to be done by the date of the initial registration. Surveys for certifying age verification may be done by signed affidavit. A Lot occupant 40 years or older may sign the 55 or older verification of age affidavit. Surveys are to be done every 24 months before renewal of registration with the Commission. A summary of occupancy surveys shall be available for inspection with a reasonable notice or request.
4. The Association shall publish these Policies and Procedures on the Villas II web page, post a copy in the clubhouse, and distribute them to all Lot owners and Lessees. Entrance signs, the web page, and a sign in the clubhouse are to state Villas II is a 55 years or older community. Realtors are to be informed that Villas II is a 55 or older community and advised of the need to get proof of age verification (see number five (5) before sale of Lots according to the Policies and Procedures. Villas II governing documents with the 55 or older Amendment and the Policies and Procedures can be found on Villas II webpage (villas2lakeland.com).
5. For new admissions to residency in Villas II Subdivision, at least one (1) person 55 years of age or older must occupy the Lot, and all other residents occupying a Lot must be 18 years of age or older. The following are considered reliable documentation of age of the applicants: driver's license, birth certificate, passport, immigration card, or military identification. This documentation must be given to the Association Treasurer before a sale of a villa with a realtor with the estoppel form. If it is a sale by the Lot Owner, documentation must be given to the Association Secretary to show age compliance before the sale is completed. If a Lot Owner leases a villa, the copy of the lease should include documentation verifying the age requirements and send these to the Association Secretary before residency of the lessee. Leases should follow the restrictions of the Declaration of Restrictions Article II : Occupancy and Use Section 1 with the exception in number 2, family members must be 18 years of age as the 55 or Older Amendment states.

6. If a Lot is transferred via inheritance or due to the death of a person under 55, the Lot can be occupied by the remaining spouse or child under age 55 already in residence for as long as they choose as long as at least eighty percent (80%) of the other Lots in the subdivision are met. They will be counted in the 20% allowable. If they choose to lease or convey the Lot to others, they then need to meet the age requirements of number five (5).
7. If a 55 or Older person purchases a dwelling in a senior housing facility or community and vacates the unit, family members living in the unit would count in the 20% if under the 55 age requirement, but must be 18 years or older. Lease or sale of the unit is subject to the 55 or Older Policies and Procedures.
8. If a 55 or older resident dies and leaves his Lot to surviving heirs under the 55 age, the Association may prevent occupancy if the 80% requirement exemption is threatened.
9. To accommodate the disability of an occupant, live-in health care providers or family members who are under the age of 18 are excluded from the age requirements. A doctor should certify that such care is needed.
10. If a 55 or older owner/lessee is temporarily absent from the dwelling due to vacation, hospitalization, rehabilitation, or seasonally, the Association does not lose the exempt status.
11. Villas II Homeowners Association Declarations of Restrictions and Rules and Regulations may restrict families with children in the 20% from benefits of the community, as long as they do not violate other state or local law. .
12. Minor Age Limit; Visitors Limitation: For the single-family villa where the visitor is under the 18 years of age, they must be registered with the Association Secretary for a stay of more than seven (7) days and not more than fifteen (15) days without written consent of the Association. No person regardless of age, shall remain in residence for more than thirty (30) days without the written consent of the Association.
13. Enforcement of the Policies and Procedures by the Association Board Members can result in denial of residency for sales or leases of Lots. The Association may make exceptions in its sole and absolute discretion and allow the residence of persons in the Subdivision who do not satisfy the age restrictions so long as the Subdivision complies with the requirements to qualify for housing for older persons and at least 80% of the Lots are occupied by at least one person 55 years of age or older.

Sources for the policies and procedures: Amendment to Declaration of Restrictions for the Villas II Homeowners Association, Inc. with intention to be "Housing for Older Persons-55 Years of Age or Older; Federal Register 24 CFR Part 100 Department of Housing and Urban Development Implementation of the Housing for Older Persons Act of 1995; The Housing for Older Persons Act of 1995 (HOPA) Questions and Answers Concerning the Final Rule Implementation; and Florida Statute 760.29-760.37 Exemptions.