

**BellaVita at Green Tee Homeowners' Association  
Age Restricted Community Policy**

**Overview:** Pursuant to the Fair Housing Act (both the State and the Federal), companies are prevented from discriminating against families with children in the sale and rental of housing. One limited exception to that rule is the exemption for housing for the elderly.

The exemption in the Federal and State Fair Housing Acts for elderly housing has two categories: (1) communities of housing intended for and occupied by individuals 62 and older; and (2) communities of housing intended for and occupied by at least one person 55 years or older.

The rules for "55 and over communities" state that a community will qualify for the exemption, i.e. can discriminate in favor of persons 55 years and over, if at least 80% of the occupied units in the community are occupied by at least one person 55 years of age or older. The rules for "55 and over communities" do not mandate what must be done with the remaining 20% of the units in the Community and allow the Community to set its own policy with respect to such 20%.

**Policy:** The Board of Directors of BellaVita at Green Tee has decided that of the remaining 20% of units in BellaVita at Green Tee, one-half of that 20% (10% of the total units in BellaVita at Green Tee) may be occupied by persons at least one of which is 50 years of age or older. The other one-half of the 20% (10% of the total units in BellaVita at Green Tee) should be reserved for units that cease being occupied by a person 55 or older because of a death or divorce. Reserving this 10% and not allowing the full 20% to be occupied by persons under 55 gives the community the flexibility to absorb changes in the person occupying units by reason of death or divorce without losing the community's compliance with the Fair Housing Acts.

The Board has established procedures so that at any time, an existing owner may inquire about the specific percentages of 55 and under 55 occupying the community.

Nothing in the policy shall waive or release the restrictive covenants applicable to BellaVita at Green Tee. All owners shall still comply with all the terms and conditions of such restrictive covenants as well as all the terms and conditions of the Fair Housing Act, as it now exists or as it may be amended in the future.

**Procedure:**

Initial Age Survey:

- 1) When the association is notified of a new owner, an Age Survey is sent with the Welcome Letter and requested to be completed and returned within 30 days of closing. Additionally, when a new resident moves in, either by purchase, lease, or other situation, an Age Survey is included in the mandatory orientation for all new residents.
- 2) If the survey is not received after 30 days, a reminder letter is sent stating that our records indicate we previously requested that the owner submit a completed Age Survey to comply with HUD requirements and we have not yet received a response.

- 3) If still not received, a §209 Demand letter is sent. We pursue this as a non-compliant violation until the required information is provided by the owner.

**Tracking:**

- 1) When a completed Age Survey is received for a new resident, if the owner is 55 years or older (one qualifying resident per home), the form is scanned and saved in the Age Verification folder under the appropriate year in the association's electronic files and added to the Age Compliance Spreadsheet in the same folder for the current year, in alphabetical order by street name.
- 2) When residency changes, the paperwork for the previous resident is placed in the Prior Resident Age Surveys folder in the Age Verification folder.
- 3) Per residency unit, as long as residency does not change, the same age verification documentation may remain on file as proof of the residency of a 55 years or older resident and new documentation need not be submitted for subsequent Age Surveys.

**Exception for Residents under 55 years of age:**

When a completed Age Survey is received, if the residents are under the age of 55 years, an Age Exception Form should be completed and forwarded to the Board of Directors for approval. The Board of Directors has the right to deny a request based on age/circumstances of the individual. All under-age occupants are required to obtain an Age Exception variance from the Board of Director.

**Regular Age Survey Audits:**

A current Age Survey is required to be completed and submitted by all owners every two years. A survey will be mailed to each homeowner biannually in even-numbered years along with the notice for the annual meeting.

The Age Compliance File may be checked more frequently to ensure that all properties have completed surveys. To maintain compliance, it is critical that the latest completed Age Survey is never more than two years old.

Any missing individual surveys are pursued per the Initial Age Survey Procedure above.

**Calculating and Reporting the Percentage Age Requirement:**

- 1) Percentage compliance is calculated from the Age Compliance Spreadsheet.
- 2) A Summary Audit Report of percentage compliance is filed in the Age Verification file folder.
- 3) This information is provided, in the form of the Summary Report, to the Board of Directors as part of the bi-annual audit process and the fact that the Community is in compliance with at least the minimum 80% requirement is confirmed.

**POLICY RESOLUTION OF THE BOARD OF DIRECTORS OF  
BELLAVITA AT GREEN TEE HOMEOWNERS ASSOCIATION, INC.**

The undersigned, being the President of BellaVita at Green Tee Homeowners' Association, Inc. (the "Association"), certifies that the attached Policy Resolution was adopted by the Board of Directors of the Association at a meeting duly called and held on October 1, 2024 at which a quorum was at all times present.

EXECUTED on the 1 day of October, 2024.

BELLAVITA AT GREEN TEE HOMEOWNERS  
ASSOCIATION, INC.

Kenneth Wiggins  
Kenneth Wiggins, Vice President

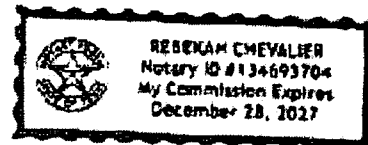
THE STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, the undersigned notary public, on this day personally appeared Kenneth Wiggins, Vice President of Bellavita at Green Tee Homeowners' Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and in the capacity therein expressed.

SUBSCRIBED AND SWORN TO BEFORE ME on this the 1<sup>st</sup> day of October, 2024, to certify which witness my hand and official seal.

Rebekah Chevalier  
Notary Public Signature



This BellaVita at Green Tee Homeowners' Association, Inc. Age Restricted Community Policy shall replace and supersede the prior Age Restricted Community Policy, including amendments, recorded on January 3, 2012, under Clerk's File No. 20120001057, Official Public Records of Harris County, Texas.

RP-2024-376428

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# Pages 4  
10/10/2024 02:09 PM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
TENESHIA HUDSPETH  
COUNTY CLERK  
Fees \$33.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



*Teneshia Hudspeth*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

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