



PONDEROSA
COMMUNITY MANAGEMENT

POST OFFICE BOX 11706, SPOKANE VALLEY, WASHINGTON 99211

March 30th, 2022

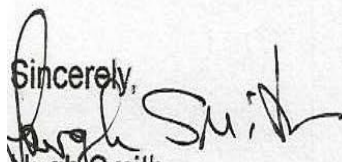
Dear Wandermere Estates Homeowner:

Attached hereto are revised and simplified Rules and Regulations for Wandermere Estates Homeowners that cover Housing for Persons 55 Years of Age and Older (HOA-CCR Section 8.25).

Adoption of these Rules and Regulations was approved by a majority of the Board and are effective upon mailing of this packet.

These revised Rules and Regulations were deemed necessary due to requested legal review in February 2022 that revealed incomplete and confusing support documentation that has been published on this subject. Posted documentation identified as "Controlling Documents" on the Wandermere Estates Web Page that are intended to provide 55+ guidance for existing and prospective homeowners have been found to be incomplete and open the Association to liability for housing discrimination.

These revised Rules and Regulations DO NOT CHANGE the intent that all Wandermere Estates Homeowners include at least one occupant who is 55+.

Sincerely,

Hugh Smith

President, Board of Directors,
Wandermere Estates Homeowners Association



Minutes of Executive Meeting of WEHOA Board of Directors

Approving Superseding 55+ Rules

March 29th, 2022, 7:00pm via Zoom

1. Call to Order at 7:00p.m.
2. Roll Call:
 - Board members: Hugh Smith, President
 - Andrew Sandusky, Vice President
 - Janet Green, Treasurer
 - Margie Warner, Secretary
 - William Denholm, Member at Large, Absent
3. The WEHOA Board of Directors has the authority to revise the WEHOA Rules and Regulations.
4. THE WEHOA Board of Directors is waiving the confidentiality of the Minutes of this meeting in order for each homeowner to be privy to the minutes approving the revisions as part of their packet of information concerning the revisions to the Rules and Regulations.
5. Following preparation of the below described documents by the law firm of Peryea Silver Taylor, receipt and review by the Board members and finalization by David Silver, a motion was made by Margie Warner and seconded by Hugh Smith to adopt the below described documents as the governing documents concerning the 55+ age requirement for homeowners in the Wandermere Estates community. The motion was passed unanimously.

Rules & Regulations – Housing for Persons 55 of Age or Older

Supplement to Declaration Section 8.25

Notification of 55 or Older Occupancy Restrictions

Age Verification – Housing for Persons 55 Years of Age and Older

6. These 55+ documents identified above will become effective upon mailing to the community by Heather Brooks, Ponderosa Community Management.
7. The meeting was adjourned at 7:15 p.m.

Signed:


Margie Warner
Secretary WEHOA

WANDERMERE ESTATES HOMEOWNERS ASSOCIATION
RULES & REGULATIONS - HOUSING FOR PERSONS 55 YEARS OF AGE OR OLDER

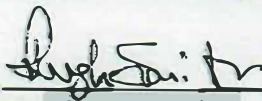
These Rules & Regulations related to housing for persons 55 years of age or older (the "55+ Community Rules") were approved by the Board of Directors ("Board") for the Wandermere Estates Homeowners Association ("Association") in accordance with the laws in Washington and the Association's Governing Documents. These 55+ Community Rules are part of the Rules & Regulations of Wandermere Estates and constitute one of the "Governing Documents" of the Association along with the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Wandermere Estates - Housing for Persons 55 Years of Age and Older, recorded at Spokane County Recorder's No. 5008154 (as amended, the "Declaration"), the Bylaws, the Articles of Incorporation, and resolutions of the Board.

These 55+ Community Rules are intended to be consistent with state and federal law and to supplement the Declaration and Bylaws, and are established with the intent to remain compliant with the Housing for Older Persons Act and the Fair Housing Act. Owners, residents and occupants, and the guests, contractors, agents and invitees of any of them, are required to follow the Governing Documents. Failure to comply with these 55+ Community Rules or any of the Governing Documents may result in fines, corrective action, or even legal action, although voluntary compliance is encouraged and appreciated. Capitalized terms are as defined in the Declaration unless otherwise specifically provided herein.

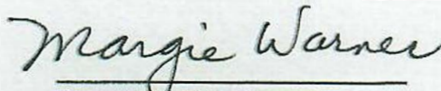
As authorized by Declaration Section 5.1.5, Bylaws Section 5.14(a) and RCW 64.38.020(1), the undersigned officers attest that the Board adopted these 55+ Community Rules at a properly called meeting of the Board of Directors on the 29th day of March, 2022, and that copies of these 55+ Community Rules will be provided to all Owners via U.S. Mail. These 55+ Community Rules shall be effective upon mailing.

These 55+ Community Rules shall supersede any previously adopted Association rules or regulations concerning housing for persons 55 years of age or older. These 55+ Community Rules are intended to supplement Declaration Section 8.25. These 55+ Community Rules may be amended or supplemented by additional Rules, policies or resolutions adopted by the Board and provided to the Owners.

Also adopted by the Board contemporaneously herewith, and attached to the 55+ Community Rules are the forms: 1) Notification of 55 or Older Occupancy Restrictions, and 2) Age Verification - Housing for Persons 55 Years of Age and Older



Association President



Association Secretary

I, Heather Brooks, declare that I placed the subject documents in the U.S. Mail on 4/1, 2022.



Heather Brooks

Attachments:

1. Declaration of Covenants, Conditions and Restrictions
2. Age Verification - Housing for Persons 55 Years of Age and Older

Supplement to Declaration Section 8.25
55+ COMMUNITY RULES – WANDERMERE ESTATES

Adopted March 2022

1. General.

a. The Lots within the Wandermere Estates community are intended for the housing of persons 55 years of age or older. The provisions of Declaration Section 8.25, and these 55+ Community Rules, are intended to be consistent with, and are set forth in order to comply with the Fair Housing Amendments Act, 42 U.S.C § 3601 et seq. (1988), as amended (the "FHA"), and the exemption therefrom provided by 42 U.S.C. § 3607(b)(2)(C) ("HOPA") regarding discrimination based on familial status. These 55+ Rules are intended to supplement the Declaration.

b. The Association will post or display in Common Areas signage or information that Wandermere Estates is a 55+ Community.

2. Restrictions on Occupancy.

a. Each occupied Lot within Wandermere Estates shall at all times be occupied by at least one person 55 years of age or older (the "Qualifying Occupant"); provided, in the event of the death of a person who was the sole Qualifying Occupant of a Lot, the spouse of such Qualifying Occupant may continue to occupy the Lot as long as the provisions of HOPA are not violated by such occupancy. For purposes of these 55+ Community Rules, a Qualifying Occupant will be considered to occupy a Lot if such occupant considers the Lot to be his or her legal residence, maintains legal and financial responsibility for the Lot and its upkeep and actually resided in the Lot for at least six months during the calendar year.

b. The fine for failure to comply with this Rule 2 is \$500 for each violation, or \$1,000 per month for continuing or uncorrected violations.

3. Rules Regarding Sale or Transfer of a Lot.

a. All prospective purchasers of Lots in Wandermere Estates shall be advised in writing that Wandermere Estates is intended for housing for persons 55 years of age or older and that the Association enforces restrictions to maintain its status as providing housing for older persons.

b. Listings for sale of any Lot, whether MLS or other advertisement, shall indicate that Lots within Wandermere Estates are intended for "housing for persons 55 years of age or older."

c. In any contract for sale/purchase of a Lot, the selling Owner shall utilize the Association form titled "Notification of 55 or Older Occupancy Restrictions." The contract for sale/purchase for such Owner's Lot shall, in conspicuous type, incorporate by reference the Notification of 55 or Older Occupancy Restrictions form.

d. An Owner must obtain written confirmation from his or her prospective purchaser that they are aware the Association is a 55+ Community; and, an Owner must obtain written verification of the age of persons who will be occupants. To do so, an Owner shall ensure the

completion and return of the Notification of 55 or Older Occupancy Restrictions form prior to the sale of a Lot.

e. Nothing in these 55+ Community Rules is intended to restrict the ownership of a transfer of title to any Lot; provided, no Owner may occupy the Lot unless the requirements of Rule 2 and Declaration Section 8.25 are met, nor shall any Owner permit the Occupancy of the Lot in violation of Rule 2 and Declaration Section 8.25.

f. The fine for failure to comply with this Rule 3 is \$250 for a single violation, or \$100 per day for continuing or uncorrected violations.

4. Verification of Occupancy.

a. At least once every two years the Association will conduct a survey of residents of Lots in Wandermere to determine the ages of occupants and ensure compliance with HOPA. Owners are required to cooperate and ensure all Lot occupants participate in such surveys.

b. Failure to return an age verification survey form or otherwise provide a HOPA-authorized age verification may result in a fine of \$50, or \$50 per week for continuing or uncorrected violations.

5. Change in Occupancy.

a. In the event of any change in occupancy of any Lot, as a result of a transfer of title, a birth or death, change in marital status, vacancy, change in location of permanent residence (*i.e.* long-term care), or otherwise, the Owner of the Lot shall, within thirty (30) days, notify the Board in writing and provide to the Board the names and ages of all current occupants of the Lot and such other information as the Board may reasonably require.

b. Failure to notify the Board and provide all required information within thirty (30) days after a change in occupancy occurs may result in a fine of \$50, or \$50 per week for continuing or uncorrected violations.

6. Enforcement.

a. In addition to or in lieu of the fines discussed above, the Association shall have the power and authority to enforce these 55+ Community Rules in any legal manner available, as the Board deems appropriate. Each Owner shall fully and truthfully respond to any and all requests by the Association for information regarding the occupancy of his or her Lot which in the judgment of the Board are reasonably necessary to monitor compliance with these 55+ Community Rules or any other HOPA requirements.

b. Imposition of fines for violation of these 55+ Community Rules, or any other 55+ provision in the Governing Documents, shall not require a prior warning letter or courtesy notice. However, if a fine is proposed, the Owner shall be provided notice and opportunity to be heard.

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1. Notification of 55+ or Older Occupancy Restrictions
2. Age Verification -Housing for Persons 55+ Years of Age and Older

WANDERMERE ESTATES HOMEOWNERS ASSOCIATION

Notification of 55 or Older Occupancy Restrictions

Adopted March 2022

The Lots within Wandermere Estates are intended for housing of persons 55 years of age or older. The provisions of Declaration¹ Section 8.25 are intended to be consistent with and are set forth in order to comply with the Fair Housing Amendments Act, 42 U.S.C. § 3601 *et seq.* (1988), as amended (the "Fair Housing Act"), and the exemption therefrom provided by 42 U.S.C. § 3607(b)(2)(C) regarding discrimination based on familial status.

The exemption from the Fair Housing Act pertaining to 55+ housing is sometimes referred to as the Housing for Older Persons Act ("HOPA"). HOPA allows a community to restrict units by requiring at least one resident in the unit be at least 55 years of age, but to do so it must satisfy three requirements:

1. At least 80% of the occupied units must be occupied by at least one person who is 55 or older.
2. The association needs to publish and follow policies that demonstrate an intent to provide 55+ housing.
3. The association needs to comply with age verification requirements.

The Wandermere Estates Homeowners Association ("Association") is the entity established and maintained to manage the governance and affairs of Wandermere Estates. It also monitors 55+ occupancy and publishes and follows policies that demonstrate the intent of the Association to remain compliant with the Fair Housing Act and HOPA. This Notification is provided as part of the Association's authority and responsibility in this regard.

This Notification is intended to alert owners as well as prospective purchasers that there are rules and restrictions at Wandermere Estates concerning housing for persons 55 years of age or older. The Declaration requires Lot owners to assure that during their ownership and after sale of an occupied Lot, the Lot is occupied by at least one person 55 years of age or older.

- Lot owners are required to include in their Lot sale materials language advising of this requirement and requiring written confirmation from the Lot buyer of compliance with the 55 and older requirements upon sale.²
- In addition, at or before closing of each Lot sale the parties must provide written verification of the age of the occupants of the Lot by obtaining copies of the buyers' or occupants' drivers licenses or similar identification.

The Declaration and Association Rules contain restrictions on occupancy of Lots within Wandermere Estates. These include, but are not limited to the following:

1. **Each Lot Owner shall take steps to assure that during their ownership and after sale of the occupied Lot, the dwelling shall be occupied by at least one person who is 55 years of age or older. See, Declaration, Section 8.25.**
2. **The age restrictions are not intended to restrict the ownership or transfer of title to any Lot. Rather, their intent is to require that the Lot be occupied by at least one person 55 years of age or older after sale. For prospective purchasers, you may be prevented from occupying the Lot you purchase if there is not at least one person 55 years of age or older who occupies the Lot.**

¹ Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Wandermere Estates - Housing for Persons 55 Years of Age and Older, recorded at Spokane County Recorder's No. 5008154 (as amended, the "Declaration").

² Owners may utilize this Notification and accompanying Age Verification Form to satisfy the disclosure requirements contained in Declaration Section 8.25 subparts (1) and (2).

3. Lot Owners are required to cooperate with periodic surveys conducted by the Association to comply with the 55+ laws by verifying the ages of occupants. See, Declaration, Section 8.25

Failure to observe the Association's 55+ restrictions may result in enforcement action. Declaration Section 10.1 authorizes the Association to enforce the 55+ restrictions in any legal manner available, including but not limited to levying fines or taking legal action.

Each Owner and prospective purchaser should review Declaration Section 8.25 and the Association's Rules. As with any real estate transaction, the parties should consult their own legal advisor.

****THIS NOTIFICATION MUST BE PROVIDED BY THE LOT OWNER TO PROSPECTIVE PURCHASERS, AND MUST BE INCORPORATED INTO A CONTRACT OF SALE OF THE LOT****

A. LOT ADDRESS: _____

- B. THE UNDERSIGNED ACKNOWLEDGE HAVING RECEIVED AND REVIEWED
THE FOREGOING (ADD ADDITIONAL SIGNATURE LINES AS NEEDED):

CURRENT LOT OWNER

DATE

CURRENT LOT OWNER

DATE

PURCHASER

DATE

PURCHASER

DATE

ASSOCIATION DIRECTOR: _____

Questions? Contact Heather Brooks of Ponderosa Community Management at 1-888-596-8374 or email Heather@PonderosaCM.com. This Notification Form and Age Verification may be returned by email to Heather@PonderosaCM.com, or mailed to Ponderosa Community Management, P.O. Box 11706, Spokane Valley, WA 99211

WANDERMERE ESTATES HOMEOWNERS ASSOCIATION

Age Verification - Housing for Persons 55 Years of Age and Older

The Lots within Wandermere Estates are intended for housing of persons 55 years of age or older. To maintain its status as a "55+ community," the Housing for Older Persons Act requires the Association to collect information to verify the ages of residents. Declaration Section 8.25 requires Owners to cooperate in any and all such surveys and verifications, and your cooperation is greatly appreciated.

LOT ADDRESS: _____

1. Is the Lot occupied?

_____ **YES** _____ **NO**

2. If yes, is the Lot occupied by at least one person 55 years of age or older?

_____ **YES** _____ **NO**

3. Please list the names and ages of persons occupying your Lot:

OCCUPANT NAME(S)	AGE	BIRTH DATE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

For each occupant listed, please attach a copy¹ of one of the following forms of age verification:

- **Driver's License • Birth Certificate • Passport • Immigration Card • Military identification, or**
- **Any other official government identification that shows a date of birth**

I certify that the above information is true and correct to the best of my knowledge.

OWNER NAME: _____ **DATE:** _____

SIGNATURE: _____

If you have any questions, please contact Heather Brooks of Ponderosa Community Management at 1-888-596-8374 or email Heather@PonderosaCM.com. If you would prefer to submit a sworn statement that at least one occupant is 55 years of age or older, please contact Heather@PonderosaCM.com.

Forms and documentation may be submitted to the Association by email at Heather@PonderosaCM.com, or mailed to **Ponderosa Community Management, P.O. Box 11706, Spokane Valley, WA 99211**

¹ Members may redact their license and social security numbers on the documents.