

HILEMAN & ASSOCIATES, P.C.

7979 Old Georgetown Road, Suite 600
Bethesda, Maryland 20814
(301) 652-1448
FAX (301) 718-4399
ehileman@hilemanlaw.com

November 15, 2010

Elizabeth L. Hileman (MD, DC, VA, NY)
Nicole A. Williams (MD, DC)

VIA Email: handrparcover@comcast.net

AND FIRST CLASS MAIL

Ms. Renee Parcover, President
Villas at Cattail Creek Condominium, Inc.
15207 Callaway Court
Glenwood, Maryland 21738

Re: Villas at Cattail Creek Condominium, Inc.

Dear Ms. Parcover:

This is in response to your request for our opinion regarding the age restrictions which apply to the Villas at Cattail Creek Condominium, Inc. (Association). Article II, Section (c) of the Association's Declaration provides that the Association is intended to be Housing for Older Persons pursuant to the Federal Fair Housing Act and each unit is intended to be occupied by at least one person fifty-five (55) years of age or older. We understand that there has been an inquiry made by a unit owner who wants to sell his unit to a person who is under age 55. Unless this person qualifies for one of the exceptions listed in the Declaration, he or she would not be able to reside in the unit unless a person over the age of 55 resided there with him or her.

The exceptions are listed in the above provisions of the Declaration and include a person who was residing with an Age Qualified Resident in the unit prior to the death or divorce of the Age Qualified Resident, was residing with the Age Qualified Resident in the unit prior to the placement of the Age Qualified Resident in a facility for the care of the elderly or the disabled or was the spouse of the Age Qualified Resident and was residing with the Age Qualified Resident in the unit prior to the dissolution of the marriage with the Age Qualified Resident.



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Compliance with these requirements is necessary for the Association to continue to qualify as an over 55 community. While some exceptions are permitted according the governing documents, they do not apply to a new purchaser who is not yet 55 and does not have a person over 55 who will reside in the unit. While HOPA requires that at least 80 percent of the occupied units must be occupied by at least one person 55 or over in order for the Association to qualify for the over 55 exemptions, the Association may require 100 percent of the units, except for those occupied by Age Qualifying Residents, to be occupied by at least one person over the age of 55. Question 16 on the HUD website regarding qualification for HOPA status asks, "May a housing facility/community impose an age limitation more restrictive that that required by HOPA and qualify for the 55 or older exemption?" The response is, "Yes. ... The housing facility/community may require that 100% of the units are occupied by at least one person 55 years of age or older..." These questions and answers and many others are available for review on the HUD website (www.hud.gov). This is also made clear in 24 CFR Part 100 which sets forth the HOPA regulations.

The Association has a policy of not making exceptions other than those listed in the Declaration. Therefore, as we discussed, a person under the age of 55 may purchase a unit in the Association, but may not reside in it unless they reside there with another person who is over the age of 55.

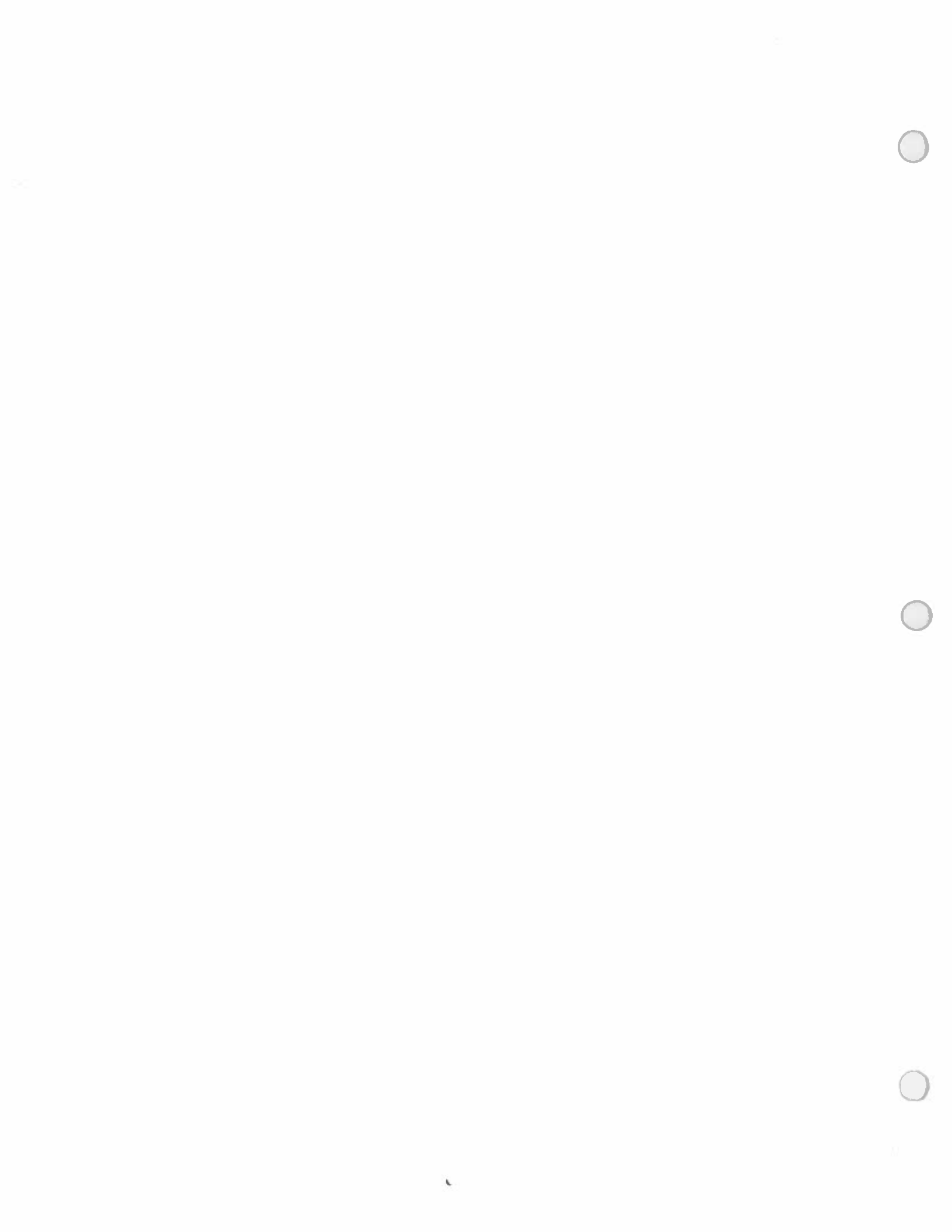
Please let us know if you have any questions or if we can be of further assistance.

Sincerely,



Elizabeth L. Hileman

cc: Elizabeth Hagerty, Community Manager
(via email - elizabeth@brodiemgmt.com)



Age Restrictions

We take enforcement action, up to and including an injunction. We recommend that the board take enforcement action beginning with a cease and desist letter.

- Jeremy
Sent from my iPhone
Please excuse the typos.

On Aug 18, 2014, at 2:00 PM, "handrparcover@comcast.net"
<handrparcover@comcast.net> wrote:

What if someone moves in because the Realtor did not follow the age restrictions? Is there a recourse that we should take? We have had that happen when a couple was divorced but the man bought the place in his name (he was age qualified) but never intended to live here.

