

HERITAGE HUNT CONDOMINIUM I UNIT OWNERS ASSOCIATION NEWSLETTER

MAY 1, 2009

MAY BOARD OF DIRECTORS MEETING – CHANGE OF DATE

The May, 2009, Board meeting will be held on May 19th, the third Tuesday, instead of May 12th, which is the second Tuesday. The change is necessary to have a quorum as President Ed Plummer expects to be out of town on the 12th and Vice President Kay Franklin will be recovering from planned knee surgery.

The Board will meet in the Clubhouse in the Board Room, renovations permitting. We have been assured that the new Board Room is ready, but check the elevator-lobby bulleting boards for any late changes.

SPRING GARAGE CLEANING – MAY 15th

Garage floors in both buildings will be cleaned and hose washed on Friday, May 15th. The same as last year, J & B Cleaning will provide personnel to do the cleaning. This year we have contracted Lasting Impressions to bring an industrial vacuum machine to help with the leaves and debris.

Residents should either move their cars out of the garages by 8 AM on May 15th or give their car keys to another resident or a member of the Board so that cars can be moved as needed.

Each owner/tenant is generally responsible for keeping his, or her, parking space clean. If your space has oil stains, consider applying kitty litter or other suitable product prior to cleaning day.

Your cooperation is appreciated.

VEHICLE SPEED IN THE GARAGE

There have been complaints of cars going too fast in the garages. Residents are requested to keep speeds

below 5 mph inside the garages and to be cautious coming in and out on the garage entrance aprons.

LANDSCAPING REVIEW

On April 23rd the Building and Grounds Committee did a walk around to review our landscaping needs. A number of issues were identified with the need for weed removal the most obvious. Our observations have been sent to Lasting Impressions for their attention.

HERITAGE HUNT IS A 55+ COMMUNITY – WHAT DOES THIS MEAN?

We have all seen the signs that identify Heritage Hunt as an “active adult” community. And if you look carefully at the literature or our Governing Documents, you will find that we are also described as being a 55+ community. What does this mean? And what are the implications should we wish to sell or lease our units to someone under the age of 55?

I must confess that until recently I didn’t fully appreciated what it means and I suspect that many of you don’t either.

Article XV – Fair Housing Act Requirements (p. 40 – 42) of the HH HOA “Declaration of Covenants, Conditions, Restrictions and Reservation of Easements” addresses occupancy restrictions. It has three sections and, for clarity and simplicity, I paraphrase and summarize them below. It is important to realize that Section (a) applies to re-sales in general and is of primary concern, Section (b) covers a special provision for initial sales by the developer, and Section (c) concerns enforcement and amendment.

Section (a) requires that at least 80% of the inhabited dwelling units be occupied by at least one resident who is fifty-five years of age or older.

Sub-Section (i) requires all other residents to reside with a person who is at least 55. Sub-Section

(ii) limits the residency of guests under the age of 18 to 60 days total per year.

Sub-Section (iii) provides a safety net for situations that occur when ownership changes by operation of law, including inheritance and foreclosure. It allows ownership by those under the age of 55 but prohibits occupancy unless one resident is at least 55. It makes exception for an underage surviving spouse, who may retain occupancy regardless of age provided that such occupancy does not violate the 80% requirement stated above.

Section (b) gives the developer the right initially to sell 20% of the units to owners where the occupancy age restriction is between fifty and fifty-four. This provision is only for initial sales by the developer; subsequent re-sales and occupancies must comply with Section (a).

For those initial 50 to 54 year old occupancies, sub-sections of (b) provide conditions that are similar to but slightly different than those provided in sub-sections of Section (a).

Notice that the safety net can only function so long as the 80% threshold for units with at least one resident 55 or older is not violated.

I think you will find, as I do, that Article XV is confusing and difficult to understand. However, if one researches the Federal Fair Housing Act and Housing for Older Persons Act of 1995, the meaning becomes clear. The Federal legislation was written to prohibit discrimination in housing while allowing age-restricted communities. The legislation sets the 80/20 split for 55+ communities and Article XV is written to comply with the legislation.

With that in mind, it is clear that the 80% category is a minimum requirement to comply with the ACT and that the 20% remainder category is a device that allows for exceptions such as when a 55+ spouse dies and leaves an underage resident in place. In other words, the 20% is a safety net.

Notice that the Section (b) provision for 50 to 54 year olds does NOT say anything about the age of individuals in the 20% remainder implied in Section (a). It is only mentioned with respect to the Section (b) initial sales by the developer; it has no relevance to general re-sales.

The implications and the answer to the questions I raised at the beginning of this article can best be addressed by asking, "What must we do to

comply with the requirements of the ACT and to protect our status as a 55+ community?"

Federal regulations stress the importance of intent, actual marketing, and bi-annual age audits in determining whether a community meets the 55+ community standard. The HOA General Manager has reports that a 2008 study reviewed 1723 HH resident records and found 1514 were 55+, 198 had no age information, and 11 were 50-54, suggesting a worst-case scenario of 12% under age 55. As this is well below the 20% threshold, he believes it is OK to sell some units to those between 50 and 54 years of age.

Your condo Board and its Legal and Covenants Committee is concerned that the HOA may not be doing all that is required to preserve our 55+ status and is in the process of asking the HOA Board of Directors to review the matter.

Edwin Plummer

TRASH ISSUES

We continue to have a problem with the trash company not actually dumping the container that receives the trash from the trash chutes; they tend to just lift out what they can reach. This practice leads to an accumulation of liquids and garbage debris in the container with the greater potential for odor problems. Residents can help by using only white kitchen trash bags and securing them tightly for trash put down the chutes. These are less likely to break open and spill their contents.

We continue to find whole boxes being put in the trash. Please break down or flatten all boxes. Also, when friends, family or others help you with clearing out trash, please inform them of our trash rules. Thank you for your cooperation in this area.

This newsletter is published occasionally as needed. Comments or suggestions are welcome and should be sent to Ed Plummer at x1656 or e-mail to eplummer@heritagehuntcondos.org. Don't forget to visit our web page at www.heritagehuntcondos.org.