

Using “55 and Older” - Qualified Senior Housing in Canopy MLS

Agents can indicate when a listing is in a 55 and older community in Canopy MLS by selecting the “55 and Older” Community Feature. “55 and Older” means “housing for older persons” (“HOP”) as defined by HUD. A qualified HOP development is one that is entirely occupied by persons age 62 and older, or a development where at least 80% of the units have at least one resident who is 55 or more years of age. “55 and Older” should not be used for communities that are not age restricted, even though the community may appeal to “empty nesters.” Misuse of “55 and Older” could put the agent in jeopardy of violating Federal Fair Housing regulations.

Agents who mark listings as “55 and Older” must provide a written statement of qualification to verify that the community is qualified senior housing. The statement must come from an officer of the homeowner association or other authorized representative (management company) who would know if the community meets the HOP criteria. The statement must contain the printed name, signature and title of the certifying party and the printed name and signature of the witness to the certifying party’s signature. The witness can be the listing agent.

The statement is required each time there is a new listing in a given community because although a community may qualify as a 55 and older community today, it may not qualify tomorrow, next week or next month. Requiring the statement for each listing gives Canopy MLS (and agents) the benefit of a “good faith” defense if the listing is allowed to state “55 and Older” when it is not. Confirming deed restrictions is not enough. Deed restrictions are often violated, and reliance upon those would not satisfy the good faith reliance standards described above. An agent with more than one listing in a given community may provide a single statement that the community is in compliance. However, a future listing in that community will require an updated certification.

Please email the completed statement of qualification to compliance@carolinahome.com.

Statement of Qualification

Listing Address:

Address

City

State

Zip

MLS#:

Listing Agent Name/Member Number:

This is to certify, to the best of my/our knowledge, that

Subdivision

- (1) Is occupied entirely and only by persons 62 years of age or older; or
- (2) At least 80% of the residential units are occupied by at least one resident 55 years of age or older;
- (3) The owner or management of the community publishes and adheres to written policies and procedures that demonstrate an intent to provide housing for persons 55 and older; and
- (4) The community complies with rules issued by HUD for verification of the age occupancy requirements.

CERTIFYING PARTY NAME (PLEASE PRINT)

WITNESS NAME (PLEASE PRINT)

CERTIFYING PARTY TITLE

CERTIFYING PARTY SIGNATURE

WITNESS SIGNATURE (CAN BE THE LISTING AGENT)

DATE

DATE