

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" in the Community Features field.

"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" for a community that does not appear on the [Canopy MLS list of known "55 and Older" communities](#) must provide a written statement of qualification to verify that the community is qualified senior housing. Additionally, if there is a concern that a community on the list of known "55 and Older" communities may no longer qualify as "55 and Older," the listing agent will be required to provide a new "55 and Older Statement of Qualification" for the listing.

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 may be required for a new listing in a given community because although a community may have qualified as a 55 and older community previously, it may not qualify at the time of the new listing.

An agent with more than one listing in a given community may provide a single statement that the community is in compliance.

Important Note: Requiring the statement for new communities and when there is a concern that a community may no longer qualify as "55 and Older" 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.

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

STATEMENT OF QUALIFICATION

Listing Property Address

MLS Number

Listing Agent Name/Canopy MLS Member ID

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

Witness signature and date (can be the listing agent)