



Carolina Multiple Listing Services, Inc.

CHARLOTTE REGIONAL REALTOR® ASSOCIATION

Using "55 and Older" – Qualified Senior Housing in CMLS

Agents can indicate whether a listing is in a 55 and older community in listings submitted to CMLS by selecting the Community Feature as "55 and Older." However, remember, "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" does not mean the age of the property, nor should it 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 marketing listings as being located in a "55 and Older" community must provide CMLS with a written statement of qualification to verify that the community is qualified senior housing. The statement of qualification must come from an officer of the home owner 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 statement of qualification is required each time there is a new listing in a given community. The reason for this is 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 CMLS (and agents) the benefit of a "good faith" defense if the listing is allowed to state "55 and older" when it is not.

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.

For questions concerning this policy, contact Debbie Wey, assistant director, CMLS policy, 704-940-3115 or debbie.vey@carolinahome.com. Fax the completed statement of qualification to 704-940-3120 or email it to compliance@carolinahome.com.

Statement of Qualification

Listing Address: _____

MLS#: _____ Listing Agent Name/Member Number: _____

This is to certify, to the best of my/our knowledge, that _____: (Community Name)

- (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.

Certifying Party Name (Please Print)

Witness Name (Please Print)

Certifying Party Title

Certifying Party Signature

Witness Signature

Date

Date