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May 3, 2010

Via E-Mail

Members of the Board of Directors
Wynnewood North Neighborhood Association
P.O. Box 3872
Dallas, TX 75208

RE: Wynnewood Seniors Housing, Dallas, Dallas County, Texas..

Ladies and Gentlemen:

This law firm represents Banc of America Community Development Corporation (“BOA CDC”), which is the developer of the Wynnewood Seniors Housing, a proposed 140-unit affordable rental development for seniors (“Wynnewood Seniors”). Wynnewood Seniors is planned to be constructed on a portion of the existing Parks at Wynnewood project which lies adjacent to the Wynnewood North subdivision.

We have been advised that members of the Wynnewood North Neighborhood Association have expressed concern regarding the age group which Wynnewood Seniors is designed to serve. Wynnewood Seniors is required to comply with the Federal Fair Housing Act (42 U.S.C. 3601 et. seq.) (the “Act”). The Act generally prohibits discrimination on the basis of familial status in accepting tenants. “Familial status” is defined as one or more individuals who have not attained the age of 18 years and who are domiciled with a parent or other person having legal custody or a person appointed in writing by the legal custodian – so this means that a landlord may not legally refuse to rent to tenants simply because they have children. There is a specific exception, however, which permits a landlord to exclude children from its apartments if the housing is for “older persons”. As used in the Act, “housing for older persons” is defined as being housing that is either (i) intended for and solely occupied by persons 62 years of age or older; or (ii) intended and operated for occupancy by persons 55 years of age or older when at least 80% of the occupied units are occupied by at least one person age 55 or older and the housing community publishes and adheres to policies that demonstrate the intent to be operated as housing for older persons. In order to avoid being in violation of the Act, a “senior” development must choose to comply with one or the other of these options.

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Please note that option (ii) is a minimum requirement in order to have "housing for older persons." It is legal to have more stringent leasing requirements, such as limiting all tenants to persons age 55 and older. BOA CDC has designed Wynnewood Seniors as an all-seniors community. It is the intent of BOA CDC to restrict the leasing of Wynnewood Seniors to individuals and families where all tenants are age 55 or older. This restriction will be reflected in the leasing policies of the development and the development will be marketed exclusively to seniors. In applying for Housing Tax Credit financing from the Texas Department of Housing and Community Affairs (the "TDHCA"), the developer was required to specify the option that it would meet in order to have a legitimate exemption under the Act. In that application, BOA CDC has elected to have 100% of the 140 units qualify as senior housing, using the age 55 or older criteria. If Wynnewood Seniors is awarded Housing Tax Credits pursuant to its application, it will legally be required to have all of its units meet the age 55 or older test. The requirement that all tenants in each unit be age 55 or older is one that will be reflected in the leasing policies of the development.

Very truly yours,

A handwritten signature in black ink, appearing to read "Tamea A. Dula". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

Tamea A. Dula

cc: Brian L. Roop
Darren W. Smith