

SERENADE ARCHITECTURAL CONTROL COMMITTEE
P.O. BOX 2324, MENIFEE, CA 92586

REQUIREMENTS OF A 55+ COMMUNITY

The Department of Housing and Urban Development defines the requirements for providing housing to persons 55 and over (Federal Register, 24 CFR, Part 100). The SERENADE Conditions, Covenants and Restrictions (CC&R's) states the age limitations for senior housing and visitation of underage guests within the Serenade community (Article III, Paragraph 3.14). However, the current state law (Civil Code 51.11) ultimately determines who can live in age restricted senior housing communities in Riverside County. This law became effective January 1, 1997, and **supersedes local statutes**, including the applicable section of the Serenade CC&R's.

The following questions and answers may help to clarify some of the issues surrounding these laws and regulations for senior housing, applicable to the Serenade community.

Q. Must every occupied unit have an occupant age 55 or over?

A. Yes. Such occupants are called **qualifying residents**. Every occupied unit must have at least one qualifying resident.

Q. Who can live with the qualifying resident(s)?

A. **Qualified permanent residents** may live with the qualifying resident(s). Qualified permanent residents include:

1) A spouse or cohabitant of any age. ("Cohabitant" refers to persons who live together as husband and wife, or persons who are domestic partners within the meaning of Section 297 of the California Family Code.)

2) A disabled person or person with a disabling illness or injury (as defined by California law) who is a child or grandchild of the qualifying resident or qualified permanent resident who needs to live with the resident because of the disabling condition, illness, or injury.

3) A person who meets **BOTH** of the following:

A) Was residing with the qualifying resident prior to the death, hospitalization, or other prolonged absence of, or the dissolution of marriage with, the qualifying resident.

B) Was 45 years of age or older, or was a spouse, cohabitant, or person providing primary physical or economic support to the qualifying resident.

Q. Can anyone else live with the qualifying resident?

A. Yes.

1. Visitors may reside up to 60 days in any calendar year.

2. Hired professional healthcare providers, called **permitted healthcare residents**, may live indefinitely with the qualifying resident.

Q. Are there any other exceptions?

A. Yes. A surviving qualified permanent resident may continue to occupy the unit. No one under age 55 may live with the surviving qualified permanent resident, except another surviving qualified permanent resident.

Q. What happens if the surviving qualified permanent resident remarries?

A. The surviving qualified permanent resident may continue to occupy the unit **only** if the new spouse is 55 or older.