

AGE RESTRICTIONS

UNRUH ACT, CIVIL CODE SECTIONS 51.2, 51.3, F.T. SEQ.

The earlier subdivisions and CC&R's in Oakmont have age restrictions limiting occupancy to persons age 45 or older. Since 1984, those restrictions are no longer enforceable. The current age minimum is 55, with certain limited exceptions (California Civil Code Section 51.2, et. seq.).

Oakmont is a senior citizen housing development. Under the law, a senior citizen housing development is allowed to restrict occupancy to a qualified resident ("senior citizen") who is age 55 or older.

An additional, "qualified permanent resident" who does not have to be age 55 or older may reside in the unit if he or she meets **both** of the following conditions:

1. The person was residing with the qualifying resident before the death, hospitalization, or other prolonged absence of, or dissolution of the marriage with, that qualifying resident; **and**
2. Was **45** years of age **or** older **or** was a spouse, domestic partner, or person providing primary physical or economic support to the qualifying resident.

In addition, an additional "qualified permanent resident" who does not have to be age 55 or older may reside in the unit if the person is a permanently physically or mentally impaired or terminally ill adult who is a dependent child of the qualifying resident, senior citizen or qualified permanent resident as defined above. Provided, however, the board of directors or other governing body of the development may disallow the dependent child to reside in the unit if it is determined there are special circumstances wherein the dependent child is or may be harmful to himself, herself, or others.

Upon the death or dissolution of marriage, or upon hospitalization, or other prolonged absence of the qualifying resident, any qualified permanent resident shall be entitled to continue to reside in the residence as a permitted resident.

The foregoing is merely a summary of the applicable law and is not intended to vary rights and limitations set forth by the Unruh Act.

¹ Except a disabled adult dependent child or grandchild whose disability ends, in which case continued residency shall not exceed six (6) months unless the OVA Board grants an extension, in which case continued residency shall not exceed one (1) year.