

AMENDED IN SENATE APRIL 10, 1996

SENATE BILL

No. 2097

Introduced by Senator Haynes

February 23, 1996

An act to ~~amend~~ *repeal and add* Sections 51.2, 51.3, and 51.4 of the Civil Code, relating to civil rights.

LEGISLATIVE COUNSEL'S DIGEST

SB 2097, as amended, Haynes. Civil rights: senior housing.

(1) Existing provisions of the Unruh Civil Rights Act, with certain exceptions, prohibit various forms of arbitrary discrimination by business establishments. One of the exceptions to the prohibitions of this act is for senior housing meeting prescribed criteria, including the requirement that the accommodations are designed to meet the physical and social needs of senior citizens, except as specified.

This bill would delete the requirement that the accommodations are designed to meet these needs.

(2) Existing law provides that where accommodations constructed before February 8, 1982, are not specially designed to meet the physical and social needs of seniors but meet other specified criteria for senior citizen housing, a business establishment may establish and preserve that housing for senior citizens until January 1, 2000, in accordance with that criteria.

This bill would delete these provisions.

(3) Existing law permits the establishment and preservation of specially designed and accessible housing for senior citizens, as specified. Existing law defines, for purposes

of these provisions, a senior citizen housing development as a residential development developed, substantially rehabilitated, or substantially renovated for senior citizens consisting of (a) at least 70 dwelling units built before January 1, 1996, or 150 dwelling units built on or after January 1, 1996, in a metropolitan statistical area with a population of at least 1,000 residents per square mile or 1,000,000 total residents, (b) at least 100 dwelling units in a metropolitan statistical area with a population not to exceed 999 residents per square mile and not to exceed 399,999 total residents, or (c) at least 35 dwelling units in any other area.

This bill would revise and recast this definition to provide that a senior citizen housing development means a residential development developed as a senior community by its developer, zoned as a senior community by local governmental entities, or characterized or qualified as a senior community as specified. It also would expand the definition of who is a qualified permanent resident for purposes of the section.

~~Existing law, the Unruh Civil Rights Act, prohibits arbitrary discrimination by all business establishments, as specified, and prohibits business establishments from discriminating in the sale or rental of housing based upon age. Existing law, however, permits the establishment and preservation of specially designed and accessible housing for senior citizens, as specified. Existing law defines “senior citizen housing development” to mean a residential development developed, substantially rehabilitated, or substantially renovated for senior citizens that meets specified requirements. Existing law provides that the occupancy, residency, or use of this housing shall not be limited, as specified, on the basis of age more proscriptively than to require one resident to be a senior citizen, as defined, and that each other resident in the same dwelling unit may be required to be a defined qualified permanent resident.~~

~~This bill would expand the definition of “qualified permanent resident” and would revise the definition of “senior citizen housing development.” The bill would delete the requirement that the senior citizen housing shall have been developed for and initially been put to use as senior~~



~~housing, or shall have been substantially rehabilitated or renovated for, and immediately afterward put to use as, senior housing. The bill would revise the requirements for temporary residency as a guest of a senior citizen, and would make related changes.~~

~~Under existing law, a housing development constructed before February 8, 1982, is exempt from the Unruh Civil Rights Act until January 1, 2000, if it meets specified requirements of existing law.~~

~~This bill would delete this exemption and would make a related change.~~

~~Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.~~

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 51.2 of the Civil Code is~~
2 ~~SECTION 1. Section 51.2 of the Civil Code is~~
3 ~~repealed.~~

4 ~~51.2. (a) Section 51 shall be construed to prohibit a~~
5 ~~business establishment from discriminating in the sale or~~
6 ~~rental of housing based upon age. Where~~
7 ~~accommodations are designed to meet the physical and~~
8 ~~social needs of senior citizens, a business establishment~~
9 ~~may establish and preserve that housing for senior~~
10 ~~citizens, pursuant to Section 51.3, except housing as to~~
11 ~~which Section 51.3 is preempted by the prohibition in the~~
12 ~~federal Fair Housing Amendments Act of 1988 (P.L.~~
13 ~~100-430) and implementing regulations against~~
14 ~~discrimination on the basis of familial status. Where~~
15 ~~accommodations constructed before February 8, 1982,~~
16 ~~meet the criteria for senior citizen housing specified in~~
17 ~~Section 51.4, a business establishment may establish and~~
18 ~~preserve that housing for senior citizens until January 1,~~
19 ~~2000, in accordance with Section 51.4.~~

20 ~~(b) This section is intended to clarify the holdings in~~
21 ~~Marina Point, Ltd. v. Wolfson (1982), 30 Cal. 3d 72, and~~
22 ~~O'Connor v. Village Green Owners Association (1983), 33~~
23 ~~Cal. 3d 790.~~



1 SEC. 2. Section 51.2 is added to the Civil Code, to
2 read:

3 51.2. (a) Section 51 shall be construed to prohibit a
4 business establishment from discriminating in the sale or
5 rental of housing based upon age. A business
6 establishment may establish and preserve housing for
7 senior citizens, pursuant to Section 51.3, except housing
8 as to which Section 51.3 is preempted by the prohibition
9 in the federal Fair Housing Amendments Act of 1988
10 (P.L. 100-430) and implementing regulations against
11 discrimination on the basis of familial status.

12 (b) This section is intended to clarify the holdings in
13 *Marina Point, Ltd., v. Wolfson* (1982), 30 Cal. 3d 721, and
14 *O'Connor v. Village Green Owners Association* (1983), 33
15 Cal. 3d 790.

16 SEC. 3. Section 51.3 of the Civil Code is repealed.

17 ~~51.3. (a) The Legislature finds and declares that this~~
18 ~~section is essential to establish and preserve specially~~
19 ~~designed accessible housing for senior citizens. There are~~
20 ~~senior citizens who need special living environments and~~
21 ~~services, and find that there is an inadequate supply of~~
22 ~~this type of housing in the state.~~

23 ~~(b) The Legislature finds and declares that different~~
24 ~~age limitations for senior citizen housing are appropriate~~
25 ~~in recognition of the size of a development in relationship~~
26 ~~to the community in which it is located.~~

27 ~~(c) For the purposes of this section, the following~~
28 ~~definitions apply:~~

29 ~~(1) "Qualifying resident" or "senior citizen" means a~~
30 ~~person 62 years of age or older, or 55 years of age or older~~
31 ~~in a senior citizen housing development.~~

32 ~~(2) "Qualified permanent resident" means a person~~
33 ~~who meets all of the following requirements:~~

34 ~~(A) Was residing with the qualifying resident or senior~~
35 ~~citizen prior to the death, hospitalization, or other~~
36 ~~prolonged absence of, or the dissolution of marriage with,~~
37 ~~the qualifying resident or senior citizen.~~

38 ~~(B) Was 45 years of age or older, or was a spouse,~~
39 ~~cohabitant, or person providing primary physical or~~



1 economic support to the qualifying resident or senior
2 citizen.

3 (C) Has an ownership interest in, or is in expectation
4 of an ownership interest in, the dwelling unit within the
5 housing development that limits occupancy, residency,
6 or use on the basis of age.

7 (3) “Senior citizen housing development” means a
8 residential development developed, substantially
9 rehabilitated, or substantially renovated for, senior
10 citizens that meets any of the following requirements:

11 (A) At least 70 dwelling units, built prior to January 1,
12 1996, or at least 150 dwelling units built on or after January
13 1, 1996, in a metropolitan statistical area, as defined by the
14 Federal Committee on Metropolitan Statistical Areas,
15 with a population of at least 1,000 residents per square
16 mile or 1,000,000 total residents, based on the 1990 census.

17 (B) At least 100 dwelling units in a metropolitan
18 statistical area, as defined by the Federal Committee on
19 Metropolitan Statistical Areas, with a population not to
20 exceed 999 residents per square mile and not to exceed
21 399,999 total residents, based on the 1990 census.

22 (C) At least 35 dwelling units in any other area.

23 The number of dwelling units within a development
24 includes all dwelling units developed, whether in single
25 or multiple phases. Developments commenced after July
26 1, 1986, shall be required to have been issued a public
27 report as a senior citizen housing development under
28 Section 11010.05 of the Business and Professions Code.

29 (4) “Dwelling unit” or “housing” means any
30 residential accommodation other than a mobilehome.

31 (5) “Cohabitant” refers to persons who live together
32 as husband and wife.

33 (6) “Permitted health care resident” means a person
34 hired to provide live-in, long-term, or terminal health
35 care to a qualifying resident.

36 (d) The covenants, conditions, and restrictions or
37 other documents or written policy shall not limit
38 occupancy, residency, or use on the basis of age more
39 proscriptively than to require that one person in
40 residence in each dwelling unit may be required to be a



1 ~~senior citizen and that each other resident in the same~~
2 ~~dwelling unit may be required to be a qualified~~
3 ~~permanent resident.~~

4 ~~(e) The covenants, conditions, and restrictions or~~
5 ~~other documents or written policy shall permit~~
6 ~~temporary residency, as a guest of a senior citizen or~~
7 ~~qualified permanent resident, by a person of less than 45~~
8 ~~years of age for periods of time, not less than 60 days in any~~
9 ~~year, that are specified in the covenants, conditions, and~~
10 ~~restrictions or other documents or written policy.~~

11 ~~(f) Upon the death or dissolution of marriage, or upon~~
12 ~~hospitalization, or other prolonged absence of the~~
13 ~~qualifying resident, any qualified permanent resident~~
14 ~~shall be entitled to continue his or her occupancy,~~
15 ~~residency, or use of the dwelling unit as a permitted~~
16 ~~resident.~~

17 ~~(g) The condominium, stock cooperative,~~
18 ~~limited-equity housing cooperative, planned~~
19 ~~development, or multiple-family residential rental~~
20 ~~property shall have been developed for, and initially been~~
21 ~~put to use as, housing for senior citizens, or shall have~~
22 ~~been substantially rehabilitated or renovated for, and~~
23 ~~immediately afterward put to use as, housing for senior~~
24 ~~citizens, as provided in this section.~~

25 ~~(h) The covenants, conditions, and restrictions or~~
26 ~~other documents or written policies applicable to any~~
27 ~~condominium, stock cooperative, limited-equity housing~~
28 ~~cooperative, planned development, or multiple-family~~
29 ~~residential property that contained age restrictions on~~
30 ~~January 1, 1984, shall be enforceable only to the extent~~
31 ~~permitted by this section, notwithstanding lower age~~
32 ~~restrictions contained in those documents or policies.~~

33 ~~(i) Any person who has the right to reside in, occupy,~~
34 ~~or use the housing or an unimproved lot subject to this~~
35 ~~section on January 1, 1985, shall not be deprived of the~~
36 ~~right to continue that residency, occupancy, or use as the~~
37 ~~result of the enactment of this section.~~

38 ~~(j) The covenants, conditions, and restrictions or other~~
39 ~~documents or written policy of the senior citizen housing~~
40 ~~development shall permit the occupancy of a dwelling~~



1 ~~unit by a permitted health care resident during any~~
2 ~~period that the person is actually providing live in,~~
3 ~~long-term, or hospice health care to a qualifying resident~~
4 ~~for compensation.~~

5 *SEC. 4. Section 51.3 is added to the Civil Code, to*
6 *read:*

7 *51.3. (a) The Legislature finds and declares that this*
8 *section is essential to establish and preserve housing for*
9 *senior citizens. There are senior citizens who need special*
10 *living environments, and find that there is an inadequate*
11 *supply of this type of housing in the state.*

12 *(b) For the purposes of this section, the following*
13 *definitions apply:*

14 *(1) "Qualifying resident" or "senior citizen" means a*
15 *person 62 years of age or older; or 55 years of age or older*
16 *in a senior citizen housing development.*

17 *(2) "Qualified permanent resident" means any of the*
18 *following:*

19 *(A) Was residing with the qualifying resident or senior*
20 *citizen prior to the death, hospitalization, or other*
21 *prolonged absence of, or the dissolution of marriage with,*
22 *the qualifying resident or senior citizen.*

23 *(B) Was 45 years of age or older; or was a spouse,*
24 *cohabitant, or person providing primary physical or*
25 *economic support to the qualifying resident or senior*
26 *citizen.*

27 *(C) Has an ownership interest in, or is in expectation*
28 *of an ownership interest in, the dwelling unit within the*
29 *housing development that limits occupancy, residency,*
30 *or use on the basis of age.*

31 *(3) "Senior citizen housing development" means a*
32 *residential development developed as a senior*
33 *community by its developer, zoned as a senior*
34 *community by a local governmental entity, or*
35 *characterized as a senior community in its governing*
36 *documents, as these are defined in Section 1351, or*
37 *qualified as a senior community under the federal Fair*
38 *Housing Amendment Act of 1988, as amended.*
39 *Developments commenced after July 1, 1986, shall be*
40 *required to have been issued a public report as a senior*



1 citizen housing development under Section 11010.05 of
2 the Business and Professions Code. However,
3 developments may elect to amend their governing
4 documents to become a senior citizen housing
5 development after the expiration date of the public
6 report.

7 (4) “Dwelling unit” or “housing” means any
8 residential accommodation, including a mobilehome
9 located in a subdivision, cooperative, or condominium for
10 mobilehomes, but not a mobilehome in a mobilehome
11 park.

12 (5) “Cohabitant” refers to persons who live together
13 as husband and wife.

14 (6) “Permitted health care resident” means a person
15 hired to provide live-in, long-term, or terminal health
16 care to a qualifying resident.

17 (c) The covenants, conditions, and restrictions or
18 other documents or written policy shall not limit
19 occupancy, residency, or use on the basis of age more
20 restrictively than to require that one person in residence
21 in each dwelling unit may be required to be a senior
22 citizen and that each other resident in the same dwelling
23 unit may be required to be a qualified permanent
24 resident.

25 (d) The covenants, conditions, and restrictions or
26 other documents or written policy shall permit
27 temporary residency, as a guest of a senior citizen or
28 qualified permanent resident, by a person of less than 55
29 years of age for periods of time, not more than 60 days in
30 any year; that are specified in the covenants, conditions,
31 and restrictions or other documents or written policy.

32 (e) Upon the death or dissolution of marriage, or upon
33 hospitalization, or other prolonged absence of the
34 qualifying resident, any qualified permanent resident
35 shall be entitled to continue his or her occupancy,
36 residency, or use of the dwelling unit as a permitted
37 resident.

38 (f) The covenants, conditions, and restrictions or other
39 documents or written policies applicable to any
40 condominium, stock cooperative, limited-equity housing



1 cooperative, planned development, or multiple-family
2 residential property that contained age restrictions on
3 January 1, 1984, shall be enforceable only to the extent
4 permitted by this section, notwithstanding lower age
5 restrictions contained in those documents or policies.

6 (g) Any person who has the right to reside in, occupy,
7 or use the housing or an unimproved lot subject to this
8 section on January 1, 1985, shall not be deprived of the
9 right to continue that residency, occupancy, or use as the
10 result of the enactment of this section.

11 (h) A housing development may qualify under this
12 section even though, as of January 1, 1997, (1) less than
13 100 percent of the occupied units in the housing
14 development are occupied by a qualifying resident,
15 qualified permanent resident or permitted health care
16 resident, provided that 100 percent of the units that
17 become occupied after January 1, 1997, are occupied by
18 qualifying residents, and other persons, if any, as are
19 permitted by this section to reside in senior citizen
20 housing, or (2) there are unoccupied units, provided that
21 the units are reserved for qualifying residents, and other
22 persons, if any, as are permitted by this section to reside
23 in senior citizen housing.

24 (i) The covenants, conditions, and restrictions or other
25 documents or written policy of the senior citizen housing
26 development shall permit the occupancy of a dwelling
27 unit by a permitted health care resident during any
28 period that the person is actually providing live-in,
29 long-term, or hospice health care to a qualifying resident
30 for compensation.

31 (j) Local zoning ordinances establishing or approving
32 the existence of senior citizens housing are not prohibited
33 by this act. This provision is declaratory of existing laws.

34 SEC. 5. Section 51.4 of the Civil Code is repealed.

35 ~~51.4. (a) The Legislature finds and declares that the~~
36 ~~requirements for senior housing under Section 51.2 and~~
37 ~~51.3 are more stringent than the requirements for that~~
38 ~~housing under the federal Fair Housing Amendments Act~~
39 ~~of 1988 (Public Law 100-430) in recognition of the acute~~
40 ~~shortage of housing for families with children in~~



1 California. The Legislature further finds and declares
2 that the special design requirements for senior housing
3 under Sections 51.2 and 51.3 may pose a hardship to some
4 housing developments which were constructed before
5 the decision in *Marina Point Ltd. v. Wolfson* (1982), 30
6 Cal. 3d 72. The Legislature further finds and declares that
7 the requirement for specially designed accommodations
8 in senior housing under Section 51.2 and 51.3 provides
9 important benefits to senior citizens and also ensures that
10 housing exempt from the prohibition of age
11 discrimination is carefully tailored to meet the
12 compelling societal interest in providing senior housing.
13 Therefore, it is the intent of the Legislature to permit a
14 narrow, time-limited exception to the requirement that
15 senior housing be specially designed.

16 (b) A housing development constructed before
17 February 8, 1982, shall be exempt from Section 51 to the
18 extent specified in Section 51.2 if (1) it meets the
19 requirements of Sections 51.2 and 51.3, other than the
20 requirement that the housing be specially designed to
21 meet the physical and social needs of senior citizens, (2)
22 it is not practicable to meet that requirement in the
23 relevant geographic area where the housing
24 development is located, and (3) the housing
25 development is necessary to provide important housing
26 opportunities for senior citizens. As used in this section,
27 “relevant geographic area” has the same meaning as that
28 term is used in Section 100.304 of Title 24 of the Code of
29 Federal Regulations.

30 (c) In any action under Section 51, the exemption
31 under this section shall be sustained only if it is
32 demonstrated through credible and objective evidence
33 that application of a requirement for specially designed
34 accommodations to meet the physical and social needs of
35 senior citizens would result in depriving senior citizens in
36 the relevant geographic area of needed and desired
37 housing. The factors to be considered by the court in
38 determining the applicability of this section shall include,
39 but not be limited to, all of the following:



1 ~~(1) Whether the owner or manager of the housing~~
2 ~~facility has endeavored to provide specially designed~~
3 ~~accommodations to meet the physical and social needs of~~
4 ~~senior citizens persons either directly or by some other~~
5 ~~entity. Demonstrating that these accommodations would~~
6 ~~be expensive to provide is not alone sufficient to~~
7 ~~demonstrate their impracticability.~~

8 ~~(2) The amount of rent charged for dwellings in the~~
9 ~~housing development seeking an exemption under this~~
10 ~~section if the dwellings are rented, or the price of the~~
11 ~~dwellings if they are offered for sale.~~

12 ~~(3) The income range of the residents of the housing~~
13 ~~development.~~

14 ~~(4) The demand for housing for senior citizens in the~~
15 ~~affected geographic area.~~

16 ~~(5) The range of housing choices for senior citizens~~
17 ~~within the relevant geographic area.~~

18 ~~(6) The availability of other similarly priced housing~~
19 ~~for senior citizens in the relevant geographic area. If~~
20 ~~similarly priced senior citizen housing with specially~~
21 ~~designed accommodations is reasonably available in the~~
22 ~~relevant geographic area, then the housing facility does~~
23 ~~not meet the requirements for exemption under this~~
24 ~~section.~~

25 ~~(7) The vacancy rate of the housing development.~~

26 ~~(d) Any person who resided in, occupied, or used the~~
27 ~~housing subject to this section prior to January 1, 1990,~~
28 ~~shall not be deprived of the right to continue that~~
29 ~~residency, occupancy, or use as the result of this section.~~

30 *SEC. 6. Section 51.4 is added to the Civil Code, to*
31 *read:*

32 *51.4. (a) The Legislature finds and declares that the*
33 *requirements for senior housing under Sections 51.2 and*
34 *51.3 are more stringent than the requirements for that*
35 *housing under the federal Fair Housing Amendments Act*
36 *of 1988 (Public Law 100-430).*

37 *(b) Any person who resided in, occupied, or used the*
38 *housing subject to this section prior to January 1, 1990,*
39 *shall not be deprived of the right to continue that*



1 *residency, or occupancy, or use as the result of this*
2 *section.*

3 amended to read:

4 ~~51.2. (a) Section 51 shall be construed to prohibit a~~
5 ~~business establishment from discriminating in the sale or~~
6 ~~rental of housing based upon age. A business~~
7 ~~establishment may establish and preserve housing for~~
8 ~~senior citizens, pursuant to Section 51.3, except housing~~
9 ~~as to which Section 51.3 is preempted by the prohibition~~
10 ~~in the federal Fair Housing Amendments Act of 1988~~
11 ~~(P.L. 100-430) and implementing regulations against~~
12 ~~discrimination on the basis of familial status.~~

13 ~~(b) This section is intended to clarify the holdings in~~
14 ~~Marina Point, Ltd. v. Wolfson (1982), 30 Cal. 3d 72, and~~
15 ~~O'Connor v. Village Green Owners Association (1983), 33~~
16 ~~Cal. 3d 790.~~

17 ~~SEC. 2. Section 51.3 of the Civil Code is amended to~~
18 ~~read:~~

19 ~~51.3. (a) The Legislature finds and declares that this~~
20 ~~section is essential to establish and preserve housing for~~
21 ~~senior citizens. There are senior citizens who need special~~
22 ~~living environments and find that there is an inadequate~~
23 ~~supply of this type of housing in the state.~~

24 ~~(b) For the purposes of this section, the following~~
25 ~~definitions apply:~~

26 ~~(1) "Qualifying resident" or "senior citizen" means a~~
27 ~~person 62 years of age or older, or 55 years of age or older~~
28 ~~in a senior citizen housing development.~~

29 ~~(2) "Qualified permanent resident" means a person~~
30 ~~who meets all of the following requirements:~~

31 ~~(A) Was residing with the qualifying resident or senior~~
32 ~~citizen prior to the death, hospitalization, or other~~
33 ~~prolonged absence of, or the dissolution of marriage with,~~
34 ~~the qualifying resident or senior citizen.~~

35 ~~(B) Was 45 years of age or older, or was a spouse,~~
36 ~~cohabitant, or person providing primary physical or~~
37 ~~economic support to the qualifying resident or senior~~
38 ~~citizen.~~

39 ~~(C) Has an ownership interest in, or is in expectation~~
40 ~~of an ownership interest in, the dwelling unit within the~~



1 ~~housing development that limits occupancy, residency,~~
2 ~~or use on the basis of age.~~

3 (3) ~~“Qualified permanent resident” also means any of~~
4 ~~the following:~~

5 (A) ~~An employee of the development who resides in~~
6 ~~a unit within the development and performs substantial~~
7 ~~duties directly related to the management or~~
8 ~~maintenance of the development, and any family~~
9 ~~members of such an employee.~~

10 (B) ~~Any other persons the owner or manager may~~
11 ~~permit in cases of hardship, for a period not to exceed six~~
12 ~~months.~~

13 (4) ~~“Senior citizen housing development” means a~~
14 ~~residential development developed as a senior~~
15 ~~community by its developer, zoned as a senior~~
16 ~~development by local regulatory entities, characterized~~
17 ~~as a senior community in its covenants, conditions, and~~
18 ~~restrictions or other documents or written policy, or~~
19 ~~qualified as a senior community under the federal Fair~~
20 ~~Housing Amendments Act of 1988 (Public Law 100-430),~~
21 ~~as amended from time to time. Developments~~
22 ~~commenced after July 1, 1986, shall be required to have~~
23 ~~been issued a public report as a senior citizen housing~~
24 ~~development under Section 11010.05 of the Business and~~
25 ~~Professions Code.~~

26 (5) ~~“Dwelling unit” or “housing” means any~~
27 ~~residential accommodation other than a mobilehome.~~

28 (6) ~~“Cohabitant” refers to persons who live together~~
29 ~~as husband and wife.~~

30 (7) ~~“Permitted health care resident” means a person~~
31 ~~hired to provide live-in, long-term, or terminal health~~
32 ~~care to a qualifying resident.~~

33 (c) ~~The covenants, conditions, and restrictions or~~
34 ~~other documents or written policy shall not limit~~
35 ~~occupancy, residency, or use on the basis of age more~~
36 ~~restrictively than to require that one person in residence~~
37 ~~in each dwelling unit may be required to be a senior~~
38 ~~citizen and that each other resident in the same dwelling~~
39 ~~unit may be required to be a qualified permanent~~
40 ~~resident.~~



1 ~~(d) The covenants, conditions, and restrictions or~~
2 ~~other documents or written policy shall permit~~
3 ~~temporary residency, as a guest of a senior citizen or~~
4 ~~qualified permanent resident, by a person of less than 55~~
5 ~~years of age for periods of time, not more than 60 days in~~
6 ~~any year, that are specified in the covenants, conditions,~~
7 ~~and restrictions or other documents or written policy.~~

8 ~~(e) Upon the death or dissolution of marriage, or upon~~
9 ~~hospitalization, or other prolonged absence of the~~
10 ~~qualifying resident, any qualified permanent resident~~
11 ~~shall be entitled to continue his or her occupancy,~~
12 ~~residency, or use of the dwelling unit as a permitted~~
13 ~~resident.~~

14 ~~(f) The covenants, conditions, and restrictions or other~~
15 ~~documents or written policies applicable to any~~
16 ~~condominium, stock cooperative, limited-equity housing~~
17 ~~cooperative, planned development, or multiple-family~~
18 ~~residential property that contained age restrictions on~~
19 ~~January 1, 1984, shall be enforceable only to the extent~~
20 ~~permitted by this section, notwithstanding lower age~~
21 ~~restrictions contained in those documents or policies.~~

22 ~~(g) Any person who has the right to reside in, occupy,~~
23 ~~or use the housing or an unimproved lot subject to this~~
24 ~~section on January 1, 1985, shall not be deprived of the~~
25 ~~right to continue that residency, occupancy, or use as the~~
26 ~~result of the enactment of this section.~~

27 ~~(h) The covenants, conditions, and restrictions or~~
28 ~~other documents or written policy of the senior citizen~~
29 ~~housing development shall permit the occupancy of a~~
30 ~~dwelling unit by a permitted health care resident during~~
31 ~~any period that the person is actually providing live-in,~~
32 ~~long-term, or hospice health care to a qualifying resident~~
33 ~~for compensation.~~

34 ~~(i) Local zoning ordinances establishing or approving~~
35 ~~the existence of senior citizens housing are not prohibited~~
36 ~~by this act. This provision is declaratory of existing law.~~

37 ~~(j) A housing development shall be in compliance with~~
38 ~~this section even though as of January 1, 1997, (1) less than~~
39 ~~100 percent of the occupied units in the housing~~
40 ~~development are occupied by a qualifying resident,~~



1 ~~qualified permanent resident, or permitted health care~~
2 ~~resident, provided that the residency, occupancy, and use~~
3 ~~of 100 percent of the units that are occupied by new~~
4 ~~occupants after January 1, 1997, is in compliance with this~~
5 ~~section, or (2) there are unoccupied units, provided that~~
6 ~~the units are reserved for residency, occupancy, and use~~
7 ~~as provided in this section.~~

8 ~~(k) Notwithstanding anything to the contrary herein,~~
9 ~~if any residency otherwise permitted by this section~~
10 ~~would result in less than 80 percent of the occupied units~~
11 ~~in the senior citizen housing development being~~
12 ~~occupied by at least one person 55 years of age or older,~~
13 ~~that residency shall not be permitted.~~

14 ~~SEC. 3. Section 51.4 of the Civil Code is amended to~~
15 ~~read:~~

16 ~~51.4. The Legislature finds and declares that the~~
17 ~~requirements for senior housing under Sections 51.2 and~~
18 ~~51.3 are more stringent than the requirements for that~~
19 ~~housing under the federal Fair Housing Amendments Act~~
20 ~~of 1988 (Public Law 100-430). Any person who, prior to~~
21 ~~January 1, 1990, resided in, occupied, or used the housing~~
22 ~~subject to this section as this section provided in~~
23 ~~December 31, 1996, shall not be deprived of the right to~~
24 ~~continue that residency, occupancy, or use as the result~~
25 ~~of the application of Sections 51 to 51.3, inclusive.~~

