

PCA bill now in hands of Arizona Senate

Measure would exempt Sun City rec centers

By Rusty Bradshaw
INDEPENDENT NEWSMEDIA

The Arizona Senate will decide whether Recreation Centers of Sun City falls under the state's Planned Communities Act. The Arizona House passed the bill, sponsored by District 21 Rep. Kevin Payne (R-Peoria), at the behest of RCSC officials. They claim if the recreation centers must follow the regulations in the PCA, Sun City may be in danger of losing its age restriction.

Sun City is restricted to residents 55 and older. The community, in an unincorporated area of Maricopa County, was established in 1960 as an active adult community.

Following its approval by the House, the bill had a first read in the Senate Feb. 28 and a second read March 4. It will now face Government and Rules committee hearings before going to the Senate floor for debate, if it passes through both committees. No dates for the committee hearings were listed on the Arizona Legislature website as late as 5 p.m. March 5.

Some residents dispute RCSC officials' claims the PCA would endanger the age overlay.

"We will not lose our age restricted status because of falling under it," stated Bill Pearson, a Sun City resident and former RCSC board member, in a guest commentary submitted to Independent Newsmedia. "The Sun City Home Owners Association is responsible for the yearly accounting and monitoring of those living here. People already can buy at any age, we purchased our home when we were 51. We couldn't live here until we turned 55. That stays the same under Title 33."

Carole Martinez, who also served on the RCSC board, stated in a letter submitted to Independent there are 94 age restricted communities in Arizona and all but two of

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Bill Pearson

PCA

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them operate under Title 33.

"None have gone out of business because of that," she said. One of those Title 33 age restricted communities is Sun City West, just a few miles from and patterned after Sun City by the same developer. However, RCSC officials believe the two communities have significant differences.

"There is no way of knowing what affect the act has had on Sun City West, but we do know that Sun City West is in many ways different than Sun City," Joelyn Higgins, RCSC communications and marketing coordinator, stated in an email.

RCSC officials further claim operating under the Planned Communities Act would force RCSC officials to grant recreational facilities access to owners younger than 55 and living outside the community. But Sun City resident Ben Roloff said RCSC can set policies that determine who can use the facilities. The Planned Communities Act includes wording that confirms that in a section covering rentals.

"If the planned community is an age restricted community, the member, the member's agent or the tenant shall show a government issued identification that bears a photograph and that confirms that the tenant meets the community's age restrictions or requirements," as stated in the act.

According to RCSC officials, this provision is actually less restrictive than what RCSC currently requires — not only proof of age but proof of residency in the form of a lease or owner affidavit documents.

RCSC documents do require its members to meet the 55-plus age restrictions. However, not all Sun City property owners are members. According to corporate documents, "A Member must be an Owner 55 years of age or older and occupy the Sun City AZ property as his/her primary Arizona residence unless his/ her other Arizona residence is farther than seventy-five (75) miles from Sun City AZ in which case the Owner(s) must provide proof that he/ she occupies the Sun City AZ residence as well."

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The bill was prompted by a September 2018 court ruling that RCSC does fall under the PCA.

Under the Planned Communities Act, all board and committee meetings must be open to residents and anyone designated, in writing, to be a resident's representative. Under the act, RCSC can conduct closed door meetings under five specific discussion items — legal advice; pending or contemplated litigation; personal, health or financial information; job performance, health records or compensation of employees; and a member's appeal of violation. Prior to going into a closed session, the board must identify the general nature of the discussion as defined by the five exceptions for closed meetings.

The act also has provisions designed to make association records open to members or their designated representatives.

Regarding foreclosures, the statute prohibits the association from foreclosing on a property until a year of delinquency has passed or the amount owed reaches or exceeds \$1,200, whichever comes first.

The statute also limits fees the association can charge for services relating to a sale of property to \$400, which can be increased up to 20 percent per year but only if the fee was less than \$400 prior to Jan. 1, 2010. The association can also charge a rush fee of \$100 and an update fee of \$50, if either is requested or needed.

The Planned Communities Act does not have a provision for a fee equivalent to RCSC's preservation and improvement fee.

Rusty Bradshaw can be reached at 623-445-2725 or rbradshaw@newszap.com.



Anne Randall Stewart

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Carole Martinez



Joelyn Higgins



Ben Roloff