

## GUEST COMMENTARY



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## PCA does not jeopardize Sun City age overlay

Arizona District 21 Rep. Kevin Payne (“PCA bill designed to protect Sun City,” Sun City Independent, Feb. 27, 2019) wrote that Recreation Centers of Sun City’s compliance with the Arizona Planned Communities Act would put Sun City’s 55-plus age restriction in jeopardy.

This is simply not true.

Nothing in the Planned Communities Act jeopardizes Sun City’s age restrictions.

Every retirement community in Arizona is subject to and complies with the Planned Communities Act. They do so without jeopardizing their age-restricted status. The Planned Communities Act makes sure all Sun City owners “members” of the Recreation Centers of Sun City have the right to attend and speak at all RCSC board and committee meetings, including closed-door workshop sessions. It also gives every homeowner the right to vote, recall board members and inspect RCSC’s records. In 2018, the Maricopa County Superior Court determined that RCSC must do these things.

The fact that the Planned Communities Act’s protections apply to Sun City owners would in no way jeopardize Sun City’s age restrictions and it is disingenuous for your elected representative to even suggest such a thing. Other communities that have restrictions in recorded documents, such as Sun City West, are

free to enforce age restrictions provided they are in recorded documents. To be clear, Sun City’s age restrictions are set forth in RCSC’s facilities agreements and the various sets of covenants, conditions and restrictions recorded against Sun City properties.

No one is attempting to take away Sun City’s age restrictions. Nor could they do so under the Planned Communities Act. If someone

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tells you that the Planned Communities Act will strip away Sun City’s age-restricted status, they are not being honest with you.

In fact, the Planned Communities Act contains several provisions that help retirement communities enforce their age-restrictions.

Because the age restriction requirements are recorded against all Sun City homes, there is no risk of Sun City being “the next Youngtown.”

Youngtown’s age restrictions were not set forth in recorded declarations or agreements; Sun City’s are. These are nothing but untrue scare tactics to avoid RCSC having to act with transparency. While it is unfortunate RCSC is engaging in such a disinformation campaign, it is disheartening that your elected representative would also stoop to this level.

Mr. Payne also falsely stated that the Planned Communities Act would require RCSC to open its doors to everyone. However, RCSC's facilities agreements makes clear that it gets to decide which of its members can use its facilities and the Planned Communities Act does not interfere with this right. All the Planned Communities Act states is that everyone, whether you are allowed to use the facilities or not, can attend and participate in meetings, look at documents and vote to challenge RCSC decisions with which they don't agree. What is wrong with that?

Finally, Mr. Payne is apparently uneducated when he stated that RCSC does not foreclose. It has filed many foreclosure actions over the years and its facilities agreements give it the right to foreclose after just 90 days. One of the many homeowner protections in the Planned Communities Act is that RCSC would have to wait at least one year before it is able to foreclose and not just 90 days. We ask again: What is wrong with that?

We do not understand where Mr. Payne received his misinformation or why he feels the need to drum up fear by spreading this misinformation. Rather than supporting a bill that will remove RCSC from the Planned Communities Act based on the deceptions that you have heard, you should encourage RCSC to honor the protections the law affords you. We urge you to contact your representatives and set the record straight!

**Editor's Note: Mr. Dessaules and Ms. Hill are the attorneys for the plaintiffs in the lawsuit against RCSC to make the agency comply with the Planned Communities Act.**