

HERITAGE COMMUNITY OCCUPANCY, AGE, GUEST, AND RENTAL REQUIREMENTS FOR ALL HERITAGE COVE COMMUNITY ASSOCIATIONS

OCCUPANCY, AGE, GUEST, AND RENTAL REQUIREMENT SUMMARIES: The following requirements are summarized from the provisions of the Declaration of Covenants, Conditions and Restrictions for Heritage Cove (“Declaration”) which all members, tenants, guests, occupants, licensees, and invitees must abide by. This notice is for your reference only and does not amend any language of the Declaration. The express language of the Declaration should be consulted if you have further questions or need further clarification.

Occupancy vs. Non-Occupancy:

- Pursuant to Section 5.30.12 of the Declaration, a Lot, Unit, or Parcel is considered unoccupied if it is vacant for over 6 months. Owners and tenants are required to notify the Association of “non-occupancy” status for compliance with 55 and over housing requirements.

Permanent Occupancy and Age Restrictions:

- Section 5.30.4 provides in relevant part as follows:
 - o At least eighty percent (80%) of the occupied Lots or Units shall be occupied by at least one permanent occupant who is 55 years of age or older, and all permanent occupants must be at least eighteen (18) years of age or older. A “permanent occupant” shall be defined in these restrictions as a person who occupies a residential structure on a Lot or Parcel for more than eight (8) weeks in any calendar year.
- A calendar year for the purposes of the Declaration runs from January to December. So, if a unit, lot, or parcel is occupied by any occupant for more than 8 weeks between January and December, then that person is considered a “permanent occupant”.
- At least 80% of the occupied units or lots must have one permanent occupant aged 55 or over. All other permanent occupants must be aged 18 or over. The 80% requirement comes from federal law and is intended to provide a safety net for the Association in cases of surviving spouses or cohabitants, divorce, and the like where the remaining occupant is not 55 years of age but is over 18 and protected by a homestead exemption.
- However, 100% of all newly occupied units must have at least one occupant over 55 years of age, and all other permanent occupants must be over 18 years of age. This includes leases/rentals and other “new occupancies”.

Guest Occupancy when the Owner is Present:

- **Guests of all ages are permitted to visit when the Owner is present, providing the following:**
 - At least one of the owners (55 years of age or older) is present in the unit for the duration of the guest visitation. There is no time frame on the length of stay for a family member or friend that is 18 years or older providing that at least one of the owners (55 years of age or older) is present in the unit for the duration of the visit.
- **Persons under the age of 18 years**
 - No person under the age of 18 years is permitted to permanently reside in a unit
 - Persons under the age of 18 years may visit and temporarily reside in a unit for a period of time not to exceed fifteen (15) consecutive days and cannot use or occupy a unit more than thirty (30) days in the aggregate in any calendar year.
 - The computation of time for under-aged persons – if underaged person visits overnight this is computed as 2 days against the 30-day aggregate and so on
- **Guests in violation of the foregoing provision are deemed improper and may be barred access to the unit and recreational facilities.**

Guest Occupancy when the Owner is not Present:

- **Guests of all ages are permitted to visit when the Owner is not present, providing the following:**
 - Guests of all ages are permitted to visit when the Owner is not present for a period of time not to exceed fifteen (15) consecutive days and cannot use or occupy a unit more than thirty (30) days in the aggregate in any calendar year.
 - The computation of time for under-aged persons – if underaged person visits overnight this is computed as 2 days against the 30-day aggregate and so on
- **Guests must register at the Heritage Cove onsite office prior to or upon arrival at Heritage Cove. The Board is empowered to adopt a form for use in connection with the registration of such guests, for which the guests must sign. The form includes an acknowledgement of the following:**
 - (i) relationship to the designated occupant.
 - (ii) the intended length of stay.
 - (iii) that the guest has received a copy of the constituent documents and Rules and Regulations of the Association, or summation thereof, and agrees to abide by them.
 - (iv) and such other reasonable information determined by the Board of Administration from time to time. The Association may charge a fee for guest usage of amenities when the Owner is not present pursuant to Section 4.3 of the Declaration and 2.6 of the Bylaws. Such guest shall not be entitled to visit unless he or she registers with the Association and provides the necessary information and payment.
- **Guests in violation of the foregoing provision are deemed improper and may be barred access to the unit and recreational facilities, guests exceeding the 15-day limitation per visit shall be subject to further requirements.**

Guest Occupancy when the Owner is not Present and Visitation Exceeds the 15 Consecutive Day Visitation Requirement:

- A guest transforms into a “New Occupant” of a unit when they are residing for a period that exceeds 15 consecutive days
- In this instance at least one of the occupants must be 55 years of age or older

Persons under the age of 18 years

- o No person under the age of 18 years is permitted to permanently reside in a unit
- o Persons under the age of 18 years may visit and temporarily reside in a unit for a period of time not to exceed fifteen (15) consecutive days and cannot use or occupy a unit more than thirty (30) days in the aggregate in any calendar year.
- o The computation of time for under-aged persons – if underaged person visits overnight this is computed as 2 days against the 30-day aggregate and so on
- **Guests must register at the Heritage Cove onsite office to complete Transfer of Membership form and remit \$100 Transfer fee**
- **Guests in violation of the foregoing provision are deemed improper and may be barred access to the unit and recreational facilities.**

Rental of Units:

- **Rental of units must be for at least thirty (30) consecutive days. (Inspect Community Documents where rental is located, rental periods may be more restrictive than the thirty (30) day requirement.)**
- **At least one of the permanent occupants must be 55 years of age and all permanent occupants must be over 18 years of age.**

Persons under the age of 18 years

- o No person under the age of 18 years is permitted to permanently reside in a unit
- o Persons under the age of 18 years may visit and temporarily reside in a unit for a period of time not to exceed fifteen (15) consecutive days and cannot use or occupy a unit more than thirty (30) days in the aggregate in any calendar year.
- o The computation of time for under-aged persons – if underaged person visits overnight this is computed as 2 days against the 30-day aggregate and so on
- **All rental occupants must register at the Heritage Cove onsite office**
- **A Heritage Cove Community Lease application must be completed and submitted prior to the lessee’s taking occupancy**
- **Lessee’s must complete Transfer of Members form and remit \$100 Transfer fee**
- **Individual Associations require a copy of the lease at least 3 days prior to occupancy**