

ORDINANCE NO. 23-2306

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AMENDING SECTION 9128.21 (“RELOCATION IMPACT REPORT (RIR)”) OF DIVISION 8 (“SPECIAL REQUIREMENTS FOR CERTAIN USES”) OF PART 2 (“RESIDENTIAL ZONES”) OF CHAPTER 1 (“ZONING”) OF ARTICLE IX (“PLANNING AND ZONING”) OF THE CARSON MUNICIPAL CODE TO MAKE VARIOUS MODIFICATIONS TO THE PROCESS AND REQUIREMENTS FOR RIR APPLICATIONS AND DECISIONS AS NEEDED OR AUTHORIZED PURSUANT TO STATE LAW AS AMENDED BY ASSEMBLY BILL NO. 2782

WHEREAS, Carson Municipal Code (CMC) Section 9128.21 sets forth the process whereby a mobile home park owner may apply to the City for approval of a relocation impact report (RIR) as is required prior to any closure or change of use of the mobile home park; and

WHEREAS, Government Code Section 65863.7, a provision of the State Planning and Zoning Law, establishes the requirement that a mobile home park may not be closed nor its use changed unless and until an RIR (with specified contents) has been filed with and considered by a local agency, with the requisite notice given to the residents, and the local agency has approved the RIR after determining what measures must be taken by the person or entity proposing the change in use in order to mitigate the adverse impacts of the closure or change in use on the ability of the residents who will be displaced to find and relocate to replacement housing; and

WHEREAS, Government Code Section 65863.7 applies to charter cities, including Carson; and

WHEREAS, effective January 1, 2021, Assembly Bill (AB) 2782 became law in the State of California. Among other things, AB 2782 amended Government Code Section 65863.7 to provide additional protections to mobilehome park residents in the face of the statewide housing crisis. Key changes included: (1) requiring that the RIR include a replacement and relocation plan that adequately mitigates the impact upon the ability of the displaced residents of the mobilehome park to be converted or closed to find adequate housing in a mobilehome park; (2) requiring that, if a displaced resident cannot obtain adequate housing in another mobilehome park, the person or entity proposing the change of use shall pay to the displaced resident the in-place market value of the displaced resident’s mobilehome; (3) increasing the required notice periods to residents; (4) requiring the local agency, before approving the RIR, to make a finding as to whether or not approval of the park closure and the park’s conversion into its intended new use, taking into consideration both the impact report as a whole and the overall housing availability within the local jurisdiction, will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households within the local jurisdiction; (5) removing the prior restriction that the relocation impact mitigation measures that a local agency may require/impose “shall not exceed the reasonable costs of relocation;” and (6) providing that Section 65863.7 establishes a minimum standard for local regulation of the conversion of a mobilehome park to another use, the closure of a mobilehome park, and the cessation of use of the land as a mobilehome park and shall not prevent a local agency from enacting more stringent measures; and

WHEREAS, Carson Municipal Code Section 9128.21 was enacted under Government Code Section 65863.7 as it existed prior to the passage of AB 2782, and as a result, certain provision of Carson Municipal Code Section 9128.21 conflict with current provisions of Government Code Section 65863.7 as amended by AB 2782; and

WHEREAS, although the City has at all times administered and implemented CMC Section 9128.21 in a manner that is fully consistent with Government Code Section 65863.7 as amended by AB 2782 notwithstanding any provisions which have conflicted since the time that AB 2782 took effect, the City Council now desires and intends to update CMC Section 9128.21 consistent with and as authorized by Government Code Section 65863.7 as amended by AB 2782, as such update will ensure greater clarity and serve to better protect the residents of the City's mobile home parks who may be faced with park closures sought by the private owners of the parks in the future; and

WHEREAS, although 6-month notice of termination of space tenancies is required following approval of an RIR before park closure pursuant to Civil Code Section 798.56 and CMC Section 9128.21, residents will often need more than six months to make adequate arrangements to relocate from a park following approval of an RIR. Accordingly, the City Council sees fit to add a provision to CMC 9128.21, pursuant to Government Code Section 65863.7(k), to provide that one available mitigation measure the City may impose in connection with approving an RIR is that the effective date of RIR approval shall commence not less than one year following the date of the City's approval action, or such longer period, not to exceed three (3) years, as the City finds is necessary to provide sufficient time for the relocation of the mobile homes and residents; and

WHEREAS, this Ordinance is adopted pursuant to the City's police power, will serve to protect residents against the current statewide housing crisis, is consistent with the City's General Plan, and furthers the City's General Plan Housing Element goals and policies of preserving mobile home parks as an important source of affordable housing in the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS. The foregoing recitals are true and correct and are incorporated herein as findings of fact.

SECTION 2. CEQA. The City Council finds and determines that this ordinance is exempt from environmental review under CEQA Guidelines Section 15061(b)(3)'s common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that the activity in question (the proposed zone text amendment) may have a significant effect on the environment.

SECTION 3. AMENDMENT. Section 9128.21 ("Relocation Impact Report (RIR)") of Division 8 ("Special Requirements for Certain Uses") of Part 2 ("Residential Zones") of Chapter 1 ("Zoning") of Article IX ("Planning and Zoning") of the Carson Municipal Code is hereby amended as follows (added text shown in ***bold italics***, deleted text shown in ~~strike through~~):

“9128.21 Relocation Impact Report (RIR).

For the purpose of this Section, any closure of a mobile home park or trailer park or any part thereof or any change of the park’s status to a vacant use shall be deemed to be conversion of the park.

Prior to the conversion of a mobile home park or trailer park or any part thereof to any other use or to a vacant use, the person or entity (hereinafter “the applicant”) proposing such conversion shall file an application with the City and obtain approval from the City of a relocation impact report (RIR) in accordance with the provisions contained in this Section.

For the purpose of this Section, the term “Mobile Home” shall mean a vehicle designed or used for human habitation and shall include camping trailers, motor homes, slide-in campers and travel trailers, when used as the occupant’s primary place of residence as established by nine (9) months’ continuous residency, and mobile homes as defined in the California Mobile Home Residency Law, Civil Code Section [798](#), et seq.

No sign stating that the mobile home park or trailer park is closing, may be closing or has been closed, and no sign concerning a proposed new use of the park, may be placed on or adjacent to a mobile home park or trailer park before the City has adopted a final resolution approving the RIR for the park and the applicant has executed and recorded a certificate of acceptance of the conditions of the resolution approving the RIR and given the required six (6) months’ notice of termination of tenancy.

A. Time for Filing RIR. An RIR shall be filed by the applicant and approved by the Commission prior to the giving of the written notice of change in use of a mobile home park or trailer park or any portion thereof required by Section [798.56](#) of the California Civil Code. The RIR shall constitute an application for a permit requesting a change of use within the meaning of Section [798.56](#) of the California Civil Code.

If the applicant files a tentative tract or parcel map to a subdivision to be created upon the conversion of a mobile home park or a trailer park to another use prior to giving the written notice under Section [798.56](#) of the California Civil Code, then the RIR shall be filed concurrently with the filing of the map.

B. Application and Resident Questionnaire. The City may require that the applicant file an application on a form, provided by the City, concurrently with the filing of an RIR.

The City may also require that the applicant give to each affected mobile home owner a questionnaire, provided by the City, which includes, but is not limited to:

1. The purchase price and date of purchase of the mobile home by the resident. (Information may be provided at the option of the resident.)
2. The amount and terms of any remaining amount due on a mortgage on the mobile home.

3. The cost incurred by the resident in making any improvements, such as additions to or enlargement of the mobile home, patios, porches, carports, landscaping, and related amenities.

4. Any circumstances, including but not limited to job location, which would restrict the area in which the resident is able to relocate.

5. The annual income of the resident's household. (Information may be provided at the option of the resident).

All questionnaires shall be given to each resident by the applicant at least forty (40) days prior to filing the proposed RIR with the City and shall be returned by each resident to the applicant within thirty (30) days. All completed questionnaires shall be submitted to the City by the applicant concurrently with the filing of an RIR.

Said questionnaires shall be kept separate from the RIR and will not be included in the RIR sent to each resident. The identity of a resident and his or her individual responses shall be confidential and shall not be divulged except as necessary to determine the relocation assistance to be received by that particular resident or to settle disputes concerning the relocation assistance approved by the City. The City may also require information, such as that in the questionnaire, directly from the resident.

C. Content of RIR. The RIR shall contain the following:

1. A description of the proposed new use, ***including whether it will include or contribute to housing opportunities or choices for low- and moderate-income households within the City.***

2. A timetable for conversion of the park.

3. A legal description of the park.

4. The number of spaces in the park, length of occupancy by the current occupant of each space, and current rental rate for each space.

5. The date of manufacture and size of each mobile home.

6. The appraised ***in-place market*** ~~on-site value and off-site value~~ of each of the mobile homes in the park. The appraiser is to be selected by the City and the cost is to be borne by the applicant. ***The appraiser shall be state-certified and have experience establishing the value of mobilehomes. The appraisal of in-place market value shall be based on the current in-place location of the mobilehome and shall assume continuation of the mobilehome park.***

7. The total number of mobile home residents, broken down space by space, to identify owner or renter occupancy, principal or second home occupancy, resident under sixteen (16)

years of age, residents sixty-two (62) years of age or over, ~~and~~ the number of residents who are handicapped and/or disabled, *and, to the extent the information is available to the applicant, the number of resident households whose incomes are: (i) below 30% of the applicable area median income (“AMI”); (ii) 30-50% of AMI; (iii) 50-80% of AMI; and (iv) 80-120% of AMI.*

8. The name and mailing address of each mobile home resident and each nonresident mobile home owner.

9. A list of known available spaces in the South Bay-Long Beach area of Los Angeles County, the Orange County area and other areas of Los Angeles County within a fifty (50) mile radius from the park, including any written commitments from mobile home parks and trailer park owners willing to accept displaced residents, the comparability of such parks and the rental rates for such spaces.

a. If comparable spaces are not available for the mobile homes of the residents within the above described areas, the RIR shall contain information on the location and rental rates of available spaces in other areas, if any, within a reasonable distance from the mobile home park, the purchase price of comparable mobile homes in place in a comparable park within a reasonable distance, the purchase and installation cost of a new mobile home if spaces are available for new mobile homes in a comparable park within a reasonable distance, the rental rates in such parks.

b. If comparable spaces are not available within a reasonable distance, the purchase price of condominiums similar in size to the mobile homes within a reasonable distance, and the rental rates and moving costs involved in moving to an apartment or other rental unit within a reasonable distance.

10. A replacement and relocation plan that adequately mitigates the impact upon the ability of the park residents who will be displaced to find adequate housing in a mobilehome park within a reasonable distance.

~~11.~~ 10. Estimates from two (2) moving companies as to the minimum and per mile cost of moving mobile homes of various sizes, including tear-down and setup of mobile homes and moving of improvements such as porches, carports, patios, and other moveable amenities installed by the residents. Said moving companies shall be approved by the Director of Community Development (hereinafter “Director”) prior to inclusion with the RIR.

~~12.~~ 11. Proposed measures to mitigate the adverse impacts of the conversion upon the park residents.

~~13.~~ 12. The City may require that the applicant hire a Relocation Specialist to find alternate housing. The specialist shall be selected by the applicant, subject to the City’s approval, and shall be paid for by the applicant.

~~14. 13.~~ Information whether residents have been offered the option of a long-term lease of the land and purchase of the improvements if the park is to be sold.

D. Hearing and Notice. Upon filing of an RIR, the Director shall examine the same and advise the applicant within thirty (30) days after receipt thereof whether it is complete (***which determination shall be preliminary and subject to subsection (E) of this section as it relates to completeness and/or sufficiency of the RIR replacement and relocation plan***). When a complete RIR has been filed it shall be accepted by the Director, and the Director shall set a time, date and place for review of the RIR by the Commission not later than ***ninety (90)*** ~~forty five (45)~~ days after the date of acceptance. The Director shall mail a copy of the RIR to all residents of the mobile home park or trailer park and any nonresident owners of mobile homes in the park and shall give notice by certified mail or personal delivery to the applicant, the residents, and any nonresident owners of mobile homes in the park of the date, time and place of the hearing at least ***sixty (60)*** ~~thirty (30)~~ days prior thereto. The RIR sent to each resident and nonresident mobile home owner shall not include the resident questionnaire, however it shall include the individual appraisal of that resident's mobile home. The notice shall also contain a general explanation of the matters to be considered by the Commission. The Director may give such additional notice as the Commission deems necessary or desirable. The hearing shall be conducted and the decision made in accordance with CMC [9173.23](#), [9173.31](#), [9173.32](#) and [9173.33](#).

E. Commission Findings and Decision. Upon review of the RIR and consideration of the written and oral evidence received at the hearing, the Commission shall ***make a finding as to whether or not approval of the park's conversion into the proposed new use, taking into consideration both the RIR as a whole and the overall housing availability within the City, will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households within the City and,*** by resolution, ***shall*** render its decision ***on the RIR application*** within forty-five (45) days of the date first set for hearing. The Commission shall approve the RIR if it is able to make ~~an~~ affirmative findings that: ***any displaced resident who cannot obtain adequate housing in another mobilehome park within a reasonable distance will be paid the in-place market value of the displaced resident's mobilehome, as appraised in accordance with this Section 9128.21, by the applicant; and*** ~~reasonable~~ measures have been provided ~~that in an effort to~~ ***adequately*** mitigate the adverse impact of the conversion on the ability of the park residents to be displaced to find ***adequate alternative housing in a mobilehome park within a reasonable distance.***

If the Commission does not make ***any one of these*** ~~this~~ findings and is unable to impose reasonable measures to mitigate the adverse impact, the Commission may disapprove the RIR. No other permit or approval shall be granted in furtherance of the proposed conversion and no change of use shall occur until and unless an RIR has been approved.

In approving an RIR, the Commission may impose reasonable measures ~~not exceeding the reasonable costs of relocation~~ to mitigate adverse impacts created by the conversion ***on the ability of the park residents to be displaced to find adequate housing in a mobilehome park within a reasonable distance,*** which may include, but not be limited to, any of the following:

1. Provision for payment of the cost of physically moving the mobile home to a new site, including tear-down and setup of mobile homes, including, but not limited to, movable improvements such as patios, carports and porches.
2. Payment of a lump sum to compensate for payment of the first and last month's rent and any security deposit at the new mobile home park.
3. Payment of a lump sum to compensate for any differential between rental rates at the closing mobile home park and the new mobile home park during the first year of the new tenancy.
4. For those mobile home residents who move to apartments or other rental housing alternatives, provision for the first and last month's rent, plus security deposit, cleaning fees, not to exceed the Fair Market Rents for new construction and substantial rehabilitation for the Los Angeles area as established by the U.S. Department of Housing and Urban Development. Mobile home households may be compensated based on the number of bedrooms in the mobile home so that a one (1) bedroom mobile home may be compensated based on a one (1) bedroom apartment, a two (2) bedroom mobile home based on a two (2) room apartment, etc.
5. For those mobile home residents who move to apartments or other rental housing alternatives, a lump sum payment to compensate for any differential between rental rates at the closing mobile home park and the rental housing alternative during the first year of tenancy. Mobile home households may be compensated based on the Fair Market Rents for new construction and substantial rehabilitation for the Los Angeles area as established by the U.S. Department of Housing and Urban Development. Mobile home households may be compensated based on the number of bedrooms in the mobile home so that a one (1) bedroom mobile home may be compensated based on a one (1) bedroom apartment, a two (2) bedroom mobile home based on a two (2) bedroom apartment, etc.
6. Provision of a replacement space within a reasonable distance of the mobile home park or trailer park.
7. **Mandatory:** A requirement that a resident whose *cannot obtain* ~~mobile home cannot be relocated~~ *adequate housing in another mobilehome park* within a reasonable distance to a ~~comparable park~~ be compensated by a lump sum payment *equal to the in-place* ~~based upon consideration of the fair market value of the~~ *displaced resident's* mobile home ~~on site,~~ including resident improvements (i.e., landscaping, porches, carports, etc.) *as appraised in accordance with this Section 9128.21,* ~~any mortgage obligations of the resident on the mobile home, and the costs of purchasing a mobile home on site in a comparable park or acquiring other comparable replacement housing.~~
8. A provision for setting aside a certain number of units for the residents of the park if the park is to be converted to another residential use, *including with respect to affordable housing units if affordable housing units will be included in the subsequent residential use.*

9. An effective date of RIR approval that commences not less than one (1) year following the date of the approval action, or such longer period, not to exceed three (3) years, as the Planning Commission finds is necessary to provide sufficient time for the relocation of the displaced park residents and mobilehomes.

~~The total of the mitigation measures required shall be subject to and shall not exceed the limitation in Government Code Section [65863.7](#) which provides: the steps required to be taken to mitigate shall not exceed the reasonable costs of relocation, *as the same may be amended from time to time.*~~

F. Effective Date of Commission – Decision and Appeal. The decision of the Planning Commission shall become effective and final fifteen (15) days after the date of its decision unless an appeal is filed in accordance with CMC [9173.4](#). An appeal shall be considered by the Council as provided in CMC [9173.4](#) except that the Director shall advise the appellant within fifteen (15) days after receipt thereof whether it is complete, shall set a date for the appeal hearing not later than thirty (30) days after it is accepted as complete, shall give fifteen (15) days' notice of the hearing to all affected parties in the manner required by subsection D of this Section and the Council shall, by resolution, render its findings and decision thereon within forty-five (45) days after the date first set for hearing on the appeal.

G. Subsequent Modification of Mitigation Measures.

1. After an RIR has been approved and after the applicant has executed and recorded a certificate of acceptance of the conditions of the RIR, modification of the mitigation measures imposed, including additions and deletions, may be considered upon the filing of a written application by the applicant, or the applicant's authorized representative. Modification may be granted on the grounds that there has been a change in circumstances or new information, which could not reasonably have been known or considered at the time of the hearings on the RIR, has become available. Examples of such new information or changed circumstances include, but are not limited to, revised plans by the applicant and a change in the availability of relocation spaces. Modification shall not be granted when it would unreasonably prejudice the ability of the residents to relocate to comparable housing.

2. Any application for modification shall be subject to the notice and hearing procedures set forth in subsection D of this Section. The decision and any appeal in connection with a modification request shall take place as with the initial approval.

H. Performance of Mitigation Measures. The applicant shall execute and record a certificate accepting the mitigation measures imposed on the approval of an RIR within **ninety (90)** ~~thirty (30)~~ days of the final resolution approving the RIR and imposing the mitigation measures and shall give the six (6) month notice of the termination of tenancy and closure of the park within **one hundred twenty (120)** ~~forty five (45)~~ days of the adoption of that resolution, **unless otherwise provided in the resolution.** A resolution approving an RIR shall automatically become null and void if the certificate accepting the conditions is not filed and executed ~~and the notice of termination not given~~ within **ninety (90)** ~~forty five (45)~~ days of the date of the final resolution approving the RIR, **or if the notice of termination is not given within one hundred twenty (120) days of the adoption of that resolution or such other date as is provided in the resolution.** All

mitigation measures imposed in the approval of an RIR shall be fully performed as to each resident prior to that resident's required vacation of the mobile home park or trailer park, unless otherwise provided in the mitigation measure. No resident shall be required to vacate a mobile home/trailer space unless the applicant is in full compliance with all mitigation measures imposed pertaining to such resident, and has otherwise fulfilled the notice requirements of the California Mobile Home Residency Law relating to "Termination of Tenancy" and the notice required in CMC 4700 through 4709.

I. Expiration, Extension and Revocation of RIR.

1. Expiration. An RIR shall become automatically null and void if the conversion of the mobile home park has not occurred within twelve (12) months of its effective date unless extended as provided in subsection (I)(2) of this Section or unless otherwise provided in the RIR or the resolution of approval of the RIR.

2. Extension. Upon application by the applicant filed with the Director on or before the date of expiration of the RIR, an RIR may be extended by the Commission, or the Council on appeal, if the Commission finds that the termination of the RIR would constitute an undue hardship to the applicant and that the continuation of the RIR would not be detrimental or have any further adverse impact on the residents in the park. An application for an extension shall be subject to the hearing and notice procedures set forth in subsection D of this Section. In approving an extension, the Commission may subject the RIR to any additional mitigation measures deemed necessary to mitigate any adverse impacts resulting from the extension. Multiple extensions may be granted, but no one (1) extension shall be issued for more than twelve (12) months.

3. Revocation. Proceedings for the revocation of an RIR may be initiated by the Council, the Commission or the Director. Upon initiation of a revocation, the Commission shall conduct a hearing with notice given in the same manner set forth in subsection D of this Section, except that notice to the applicant shall be by certified mail or personal service. After the hearing, the Commission may, by resolution, revoke the RIR if any of the following findings are made:

a. Approval was obtained by fraud, deceit or misrepresentation.

b. The applicant is not or has not been in compliance with the mitigation measures contained in the RIR or with the provisions of this Section.

c. A revocation shall be effective fifteen (15) days after the date of the action by the Commission unless an appeal is filed in accordance with CMC [9173.4](#). An appeal shall be considered by the Council as provided in CMC [9173.4](#).

d. Upon revocation, the applicant shall not be entitled to convert or change the use of the park until such time as a new RIR is filed and accepted as complete by the Director, a new written notice of change of use is given to park residents and a new RIR is approved by the Commission.

J. Time Limits. The time limits set forth in subsections A through I of this Section may be extended with the applicant’s consent and waiver of the applicable time limits in writing or orally on the record during a public hearing.

K. Severability. If any section, subsection, sentence, clause, phrase or portion of subsections A through I of this Section is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. The City Council hereby declares that it would have adopted said sections and each subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one (1) or more of said sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Effect on Pending Applications. Any completed RIR application pending upon the effective date of this Section shall continue to be processed and the applicant shall have thirty (30) days in which to provide any further information required by this Section.”

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 6. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this ____ day of _____, 2023.

Lula Davis-Holmes, Mayor

ATTEST:

Dr. Khaleah K. Bradshaw, City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney