

ORDINANCE NO. 22 - 2205

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADDING CHAPTER 2 (HOUSING CRISIS ACT OF 2019 AND MOBILEHOMES) TO ARTICLE X OF THE CARSON MUNICIPAL CODE AS A DECLARATION OF STATE LAW AND TO AFFIRM CERTAIN MOBILEHOMES TO BE “PROTECTED UNITS” UNDER SB 330, THE HOUSING CRISIS ACT OF 2019

WHEREAS, on October 9, 2019, Governor Gavin Newsom signed the Housing Crisis Act of 2019 into law, commonly known as Senate Bill 330 (“SB 330) to respond to the California housing crisis. SB 330 aims to increase residential unit development, protect existing housing inventory, and expedite permit processing, including by setting a temporary 5-year prohibition of residential density reduction associated with a “housing development project,” from January 1, 2020, to January 1, 2025; and

WHEREAS, on September 16, 2021, Governor Newsom signed Senate Bill 8, which extended SB 330 to January 1, 2030; and

WHEREAS, under SB 330, specifically pursuant to Section 66300 of the Government Code, an affected city or county shall not approve a housing development project that will require the demolition of occupied or vacant “protected units” unless the project will replace all existing or demolished protected units. SB 330 also requires developers to provide relocation benefits to existing tenants when a housing development project will require the demolition of occupied or vacant “protected units” and a right of first refusal of a comparable unit in the new housing development at an affordable rent or sale price; and

WHEREAS, a “protected unit” under SB 330 includes residential dwelling units that are or were subject to any form of rent or price control through a public entity’s valid exercise of its police power within the past five years, and residential dwelling units occupied or have been occupied by lower or very low income households within the past five years; and

WHEREAS, the term “mobilehome” is a misnomer because the unit is very difficult to move once it is installed, set up and placed within a park, due to the high cost and other state regulations involved; and

WHEREAS, the vast majority of the City of Carson (“City”) mobilehomes are subject to City’s rent control ordinance under Chapter 7 (Mobilehome Space Rent Control) of Article IV (Public Peace) of the City’s Municipal Code (“City’s Rent Control Ordinance”), and many mobilehomes are occupied by lower or very low income households. Accordingly, these units are “protected units” under SB 330; and

WHEREAS, the City’s recently adopted updated Housing Element, adopted by the City Council on February 1, 2022, recognizes City’s mobilehome parks as a source of the City’s affordable housing stock, and for this reason, along with the Statewide housing crisis, mobilehomes should be preserved;

EXHIBIT NO. 1

and

WHEREAS, based on the foregoing, the City Council now sees fit to issue a declaration of existing state law, and affirm that all mobilehomes that are subject to City’s Rent Control Ordinance and those that are occupied by lower or very low income households, are “protected units” under SB 330.

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 has determined that adoption of this Ordinance does not constitute a “project” within the meaning of the California Environmental Quality Act (CEQA), because it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. 14 CCR §§15378, 15060(c)(2)-(3). Without limitation, CEQA Guidelines Section 15378(b)(5) excludes “[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” from CEQA’s definition of “project.” Furthermore, even if the proposed zone text amendment were a “project,” it would be exempt from environmental review under CEQA Guidelines Section 15061(b)(3)’s “general rule” that CEQA applies only to projects that 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 proposed adoption of this Ordinance, in and of itself, will have a significant effect on the environment.

SECTION 3. AMENDMENT. Chapter 2 (Housing Crisis Act of 2019 and Mobilehomes) is hereby added to Article X of the Carson Municipal Code as follows:

**“CHAPTER 2
HOUSING CRISIS ACT OF 2019 AND MOBILEHOMES**

§ 10100 Mobilehomes.

To the extent that any mobilehomes within the City of Carson (“City”) are subject to City’s rent control ordinance under Chapter 7 (Mobilehome Space Rent Control) of Article IV (Public Peace) of the City’s Municipal Code, and to the extent that mobilehomes are occupied by lower or very low income households, the City Council hereby issues a declaration of existing state law and affirms that all such mobilehomes within the City are “protected units” as defined in the Housing Crisis Act of 2019 (“SB 330”), Section 66300 of the Government Code. This ordinance and declaration will be in effect for as long as SB 330 shall remain in effect, at which time this ordinance shall be automatically repealed without the City Council needing to take any action.”

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.

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PASSED, APPROVED and ADOPTED at a regular meeting of the City Council on this ____ day of _____, 2022.

Lula Davis-Holmes, Mayor

ATTEST:

Dr. Khaleah R. Bradshaw, City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney