



Legislation Details (With Text)

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Title:	CONSIDERATION OF ORDINANCE NO. 22-2205 ADDING CHAPTER 2 (HOUSING CRISIS ACT OF 2019 AND MOBILEHOMES) TO ARTICLE X OF THE CARSON MUNICIPAL CODE, DECLARING THAT CERTAIN MOBILEHOMES ARE "PROTECTED UNITS" UNDER SB 330 (CITY COUNCIL)				
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Attachments:	1. EXHIBIT NO.1- Replacement Housing Ordinance Mobilehomes				

Date	Ver.	Action By	Action	Result
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Report to Mayor and City Council

Tuesday, March 15, 2022

Discussion

SUBJECT:

CONSIDERATION OF ORDINANCE NO. 22-2205 ADDING CHAPTER 2 (HOUSING CRISIS ACT OF 2019 AND MOBILEHOMES) TO ARTICLE X OF THE CARSON MUNICIPAL CODE, DECLARING THAT CERTAIN MOBILEHOMES ARE "PROTECTED UNITS" UNDER SB 330 (CITY COUNCIL)

I. SUMMARY

In 2018 in connection with the adoption of the City's Charter, the City Council commenced a process of considering a mobilehome park zone (see section 207(B)(10) of the Charter). With the backdrop of numerous anticipated possible closures of mobilehome parks within the City of Carson and the affordable housing crisis faced in the state, in or about early 2019, the City Council considered ways to preserve mobilehome parks within the City of Carson and directed staff to pursue avenues to adopt zone changes that will allow for effective preservation of the City's parks.

The City Council directed staff to work on this issue as part of the General Plan update. The General Plan update is at its final stages of its review by staff with a target date of presentation to the Planning Commission in late spring. Separately, staff has commenced

working on the necessary zone changes and expects to bring a proposed ordinance to the Planning Commission's initial consideration very soon.

In conjunction with City's plans for zone changes, as an additional measure to further help ensure preservation of mobilehomes within the City, the proposed Ordinance No. 22 - 2205 would serve as a declaration of existing state law and to affirm that to the extent certain mobilehomes within the City of Carson are subject to rent control and to the extent they are occupied by low- or very low-income households, those mobilehomes are "protected units" under the [Housing Crisis Act of 2019](#)

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB330, commonly known as Senate Bill 330 ("SB 330).

Under SB 330, a 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. 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 those residential dwelling units that are or were within the past five years occupied by low- or very low-income households. Most of the City's mobilehomes are subject to rent control and many are occupied by low- or very low-income households. These units are therefore, considered "protected units."

II. RECOMMENDATION

TAKE the following actions:

1. INTRODUCE, for first reading by title only with further reading waived, Ordinance No. 22-2205, entitled "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"

III. ALTERNATIVES

1. TAKE another action that Council deems appropriate.

IV. BACKGROUND

On October 9, 2019, Governor Gavin Newsom signed the Housing Crisis Act of 2019 http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB330 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. On September 16, 2021, Governor Newsom signed Senate Bill 8, which extended SB 330 to January 1, 2030.

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. A “protected unit” under SB 330 includes residential dwelling units that are or were (i) subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the past five years; (ii) 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 (iii) occupied by lower or very low-income households within the past five years. However, because mobilehome units are not expressly called out as qualifying under SB 330, out of an abundance of caution, the ordinance is being proposed whereby the City Council will declare unequivocally that mobilehomes, under certain circumstances discussed immediately below, are in fact covered, protected, and intended to be preserved, under SB 330.

It should be noted here that in the City of Carson (as well as other cities) 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.

In the City of Carson, the vast majority of the 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 are occupied by lower or very low-income households. Accordingly, these units are “protected units” under SB 330. Based on the foregoing, by adoption of the proposed ordinance the City Council would issue a declaration of existing state law, affirming that all mobilehomes subject to City’s Rent Control Ordinance and those occupied by lower or very low-income households are “protected units” under SB 330 until such time that SB 330 sunsets.

Additionally, 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. For this reason, along with the Statewide housing crisis, the City needs to take all available actions to ensure that mobilehomes are preserved.

V. FISCAL IMPACT

None, because Ordinance No. 22-2205 is simply a declaration and affirmation of existing State law.

VI. EXHIBITS

1. Ordinance No. 22-2205 (pgs.4-7)

Prepared by: City Attorney's Office