Report to Mayor and City Council

Tuesday, June 09, 2020

Discussion

SUBJECT:

REPORT ON STATUS OF ASSEMBLY BILL NO. 2782 RELATING TO PROTECTIONS FOR RESIDENTS DISPLACED BY MOBILE HOME PARK CLOSURES (CITY COUNCIL)

I. SUMMARY

The City Council wishes to ensure the maximum possible protection under the law for its residents living in mobilehome parks, including with respect to the rights and benefits afforded to residents displaced by mobilehome park closures. On that topic, Assembly Bill ("AB") No. 705 was introduced in the State Assembly in 2019. The bill would have greatly strengthened protections for mobilehome park residents faced with potential park closures, but the bill as drafted was lengthy and confusing, and it stalled in the Assembly in 2019 and became a two-year bill.

In early 2020, the City Council directed the City Attorney's office to become actively involved in drafting a modified and streamlined version of AB 705 that would facilitate the passage of its essential protections into law by the end of the 2019-2020 legislative session. Pursuant to that direction, the City Attorney's office participated in drafting AB 2782, which was introduced in the Assembly in February of 2020.

The City Attorney's office remains actively involved in helping ensure passage of the bill, which recently passed the Assembly's Housing and Community Development Committee, a major hurdle. The bill has now been referred to the Assembly Appropriations Committee, where it will be heard on June 2 or June 3, 2020. If AB 2782 passes the Appropriations Committee, it will be brought to the full Assembly for consideration on the Assembly floor on or about the week of June 15, 2020. If it passes the Assembly vote, it would then need to be approved by the State Senate and signed by the Governor to be passed into law.

II. RECOMMENDATION

TAKE the following action:

1. RECEIVE and FILE the Report.

III. ALTERNATIVES

1. TAKE another action the City Council deems appropriate, subject to the requirements of applicable law.

IV. BACKGROUND

There are more than 20 mobilehome parks in the City of Carson, including multiple parks that are subject to threatened closures by the park owners. Existing state law is unclear as to the protections that can be afforded to mobile home park residents displaced by park closures, such as the relocation benefits that a local agency can require a park owner to provide to residents. Any legislation strengthening and clarifying those protections would be in the best interest of all mobilehome park residents, including those residing in Carson.

Assembly Bill No. 705, introduced in the State Assembly by Assemblyman Mark Stone in early 2019, would have strengthened state law relocation benefit protections for mobilehome park residents affected by park closures. However, the bill as drafted was lengthy and confusing, and included unnecessarily extensive changes to numerous statutory provisions. The bill stalled in the Assembly in 2019 and became a two-year bill that would die unless passed out of the Assembly in early 2020. Rather than attempting to revive AB 705, the bill's proponents sought to introduce a new bill that would preserve AB 705's key protections while correcting its infirmities, but had no clear vision of how this could be achieved.

On January 14, 2020, the City Council adopted Resolution No. 20-018 (Exhibit 1) expressing its support for the modified legislation and directing the City Attorney's office to be actively involved with it as necessary to ensure its passage into law by the end of the 2019-2020 legislative session in a form that provides that maximum possible protections to mobilehome park residents who may be displaced by park closures.

Pursuant to that direction, the City Attorney's office worked with Assemblyman Stone's office and other proponents to prepare a new bill streamlining and clarifying the provisions of AB 705. The new bill was introduced in the Assembly as AB 2782 on February 20, 2020 (Exhibit 2).

An overview of the key provisions of AB 2782 is as follows:

- It provides that the relocation impact report required to be filed with a local agency by a person proposing a park closure shall include a replacement and relocation plan that adequately mitigates the impact of the closure on the ability of the displaced residents to find adequate housing in a mobileome park.

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- It preserves a local agency's existing authority and discretion to require the person proposing the change of use to take steps to mitigate any adverse impact of the closure on the ability of displaced mobilehome park residents to find adequate housing in a mobilehome park, and removes the vague and conflicting restriction that "the steps required to be taken to mitigate shall not exceed the reasonable costs of relocation."

- It provides that if a displaced resident cannot obtain adequate housing in another mobilehome park, the person proposing the closure shall pay to the displaced resident the in-place market value of his or her mobilehome.

- It requires the local agency, before approving any change of use, to make a finding that the approval of the closure of the park and of its conversion into its intended new use will not result in or materially contribute to a shortage of housing opportunities and choices for low and moderate income households within the local jurisdiction.

- It expressly establishes a minimum standard for local regulation of park closures and does not preclude a local agency from enacting more stringent measures.

The City Attorney's office remains actively involved in helping AB 2782 progress through the Assembly. The bill passed its first major hurdle on May 21, 2020, when it passed the Assembly Housing & Community Development Committee on a 6-2 vote. By comparison, AB 705 did not pass this Committee; instead, the scheduled hearing was cancelled and never occurred.

AB 2782 has been referred to the Assembly Appropriations Committee, where it is expected to be heard on June 2 or June 3. If it passes the Appropriations Committee, it would be put to a vote on the Assembly floor on or about the week of June 15, 2020. If it passes the Assembly, it would then need to be approved by the State Senate and signed by the Governor to be passed into law.

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Resolution No. 20-018
2. Assembly Bill No. 2782

1.

Prepared by: City Attorney's Office

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