

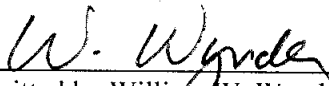


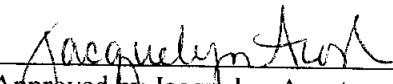
City of Carson

Report to Mayor and City Council

February 4, 2014
New Business Consent

SUBJECT: CONSIDER ADOPTION OF RESOLUTION NO. 14-012 IMPLEMENTING STATE SENATE BILL 510 RELATING TO THE SURVEY OF RESIDENT SUPPORT REQUIREMENTS FOR THE CONVERSION OF A RENTAL MOBILEHOME PARK TO RESIDENT OWNERSHIP


Submitted by William W. Wynder
City Attorney


Approved by Jacquelyn Acosta
Acting City Manager

I. SUMMARY

Senate Bill 510 (SB 510) was signed by Governor Brown on September 26, 2013 and took effect on January 1, 2014. SB 510 authorizes a local legislative body to disapprove an application to convert a mobilehome park to resident ownership if the results of the resident survey do not demonstrate the support of at least a majority of the park residents (Exhibit No. 1).

SB 510 also authorizes a local legislative body, in this case the Carson City Council, to implement this survey requirement by ordinance or resolution. The proposed resolution is intended to fully implement SB 510 and to ensure its careful application in the City of Carson. Tonight the City Council is asked to support Resolution No 14-012 (Exhibit No. 2).

II. RECOMMENDATION

WAIVE further reading and ADOPT Resolution No. 14-012, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, IMPLEMENTING SENATE BILL 510, WHICH AMENDED SECTION 66427.5 OF THE GOVERNMENT CODE RELATING TO REQUIREMENTS FOR A TENTATIVE OR PARCEL MAP FOR A SUBDIVISION TO BE CREATED FROM THE CONVERSION OF A RENTAL MOBILEHOME PARK TO RESIDENT OWNERSHIP".

III. ALTERNATIVES

1. TAKE any other action the City Council deems appropriate consistent with the requirements of law.
2. RECEIVE and FILE this report and take no action on the same.

IV. BACKGROUND

The California Subdivision Map Act, in Government Code Section 66427.5, requires that at the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a rental mobilehome park to resident ownership,

the subdivider shall avoid the economic displacement of all nonpurchasing residents by following certain specified requirements related to the conversion.

Prior to the effective date of SB 510, Section 66427.5 required, at the very least, that the subdivider obtain a survey of support for the proposed conversion from the residents of the mobilehome park, that the survey results be submitted to the local agency for consideration, and that the subdivider be subject to a hearing before the local agency that is authorized to approve, conditionally approve or disapprove the map.

Senate Bill 510 (which took effect on January 1, 2014) amended Section 66427.5 to specifically authorize the local agency to disapprove the map if it finds that the results of the survey do not demonstrate the support of at least a majority of the park residents. It also authorized the local legislative body to implement Section 66427.5's survey requirements by ordinance or resolution.

Although the Office of the City Attorney is of the legal opinion that the City is not ***required*** to implement SB 510's survey requirements by ordinance or resolution in order for these requirements to apply to mobilehome park conversions within the City, this office recommends doing so in an abundance of caution to ensure SB 510 is fully and indisputably applicable in the City of Carson.

Adoption of the proposed resolution will ensure that in the event a subdivider seeks to convert a rental mobilehome park to resident ownership, the subdivider must submit a survey of support for the conversion to be considered in the decision to approve, conditionally approve, or disapprove the map, and that the map may be disapproved in the event that the survey does not demonstrate support for the conversion by a majority of the park residents.

V. FISCAL IMPACT

There is no fiscal impact associated with the adoption of this resolution or the implementation of Senate Bill 510.

VI. EXHIBITS

1. Senate Bill 510, as adopted. (pgs. 4-7)
2. Proposed Resolution No. 14-012. (pgs. 8-9)

Prepared by: William W. Wynder, City Attorney

TO: Rev06-19-2013

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Public Works

Action taken by City Council	
Date _____	Action _____

AMENDED IN SENATE APRIL 30, 2013

SENATE BILL

No. 510

Introduced by Senator Jackson

(Coauthors: Assembly Members Alejo and Williams)

February 21, 2013

An act to amend Section 66427.5 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 510, as amended, Jackson. Land use: subdivisions: rental mobilehome park conversion.

The Subdivision Map Act requires a subdivider, at the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a rental mobilehome park to resident ownership, to avoid the economic displacement of all nonpurchasing residents by following specified requirements relating to the conversion, ~~including the requirement that~~ *In this regard, existing law requires that* the subdivider obtain a survey of support of residents of the mobilehome park for the proposed conversion, ~~the requirement that~~ the results of the survey be submitted to the local agency for consideration, as specified, and ~~the requirement that~~ the subdivider be subject to a hearing by the legislative body or advisory agency that is authorized to approve, conditionally approve, or disapprove the map.

This bill would provide that the local agency is required to consider the results of the survey in making its decision to approve, conditionally approve, or disapprove the map, and that the agency is authorized to disapprove the map if it finds that the results of the survey have not demonstrated the support of at least a majority of the park's homeowners. This bill would provide that local legislative bodies may



~~enact local regulations to, by ordinance or resolution, implement the~~
survey requirements.

This bill would set forth the findings and declarations of the Legislature that the changes made by this act do not constitute a change in, and are declaratory of, existing law, and would state the intent of the Legislature to clarify the intent of certain provisions of the act.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66427.5 of the Government Code is
2 amended to read:

3 66427.5. At the time of filing a tentative or parcel map for a
4 subdivision to be created from the conversion of a rental
5 mobilehome park to resident ownership, the subdivider shall avoid
6 the economic displacement of all nonpurchasing residents in the
7 following manner:

8 (a) The subdivider shall offer each existing tenant an option to
9 either purchase his or her condominium or subdivided unit, which
10 is to be created by the conversion of the park to resident ownership,
11 or to continue residency as a tenant.

12 (b) The subdivider shall file a report on the impact of the
13 conversion upon residents of the mobilehome park to be converted
14 to resident owned subdivided interest.

15 (c) The subdivider shall make a copy of the report available to
16 each resident of the mobilehome park at least 15 days prior to the
17 hearing on the map by the advisory agency or, if there is no
18 advisory agency, by the legislative body.

19 (d) (1) The subdivider shall obtain a survey of support of
20 residents of the mobilehome park for the proposed conversion.

21 (2) The survey of support shall be conducted in accordance with
22 an agreement between the subdivider and a resident homeowners'
23 association, if any, that is independent of the subdivider or
24 mobilehome park owner.

25 (3) The survey shall be obtained pursuant to a written ballot.

26 (4) The survey shall be conducted so that each occupied
27 mobilehome space has one vote.

28 (5) The results of the survey shall be submitted to the local
29 agency upon the filing of the tentative or parcel map, to be

1 considered in the agency's decision as to whether to approve,
2 conditionally approve, or disapprove the map, and the agency may
3 disapprove the map if it finds that the results of the survey have
4 not demonstrated the support of at least a majority of the park's
5 homeowners.

6 (6) Local legislative bodies may ~~enact local regulations to~~, by
7 *ordinance or resolution*, implement the requirements of this
8 subdivision.

9 (e) The subdivider shall be subject to a hearing by a legislative
10 body or advisory agency, which is authorized by local ordinance
11 to approve, conditionally approve, or disapprove the map. The
12 scope of the hearing shall be limited to the issue of compliance
13 with this section.

14 (f) The subdivider shall be required to avoid the economic
15 displacement of all nonpurchasing residents in accordance with
16 the following:

17 (1) As to nonpurchasing residents who are not lower income
18 households, as defined in Section 50079.5 of the Health and Safety
19 Code, the monthly rent, including any applicable fees or charges
20 for use of any preconversion amenities, may increase from the
21 preconversion rent to market levels, as defined in an appraisal
22 conducted in accordance with nationally recognized professional
23 appraisal standards, in equal annual increases over a four-year
24 period.

25 (2) As to nonpurchasing residents who are lower income
26 households, as defined in Section 50079.5 of the Health and Safety
27 Code, the monthly rent, including any applicable fees or charges
28 for use of any preconversion amenities, may increase from the
29 preconversion rent by an amount equal to the average monthly
30 increase in rent in the four years immediately preceding the
31 conversion, except that in no event shall the monthly rent be
32 increased by an amount greater than the average monthly
33 percentage increase in the Consumer Price Index for the most
34 recently reported period.

35 SEC. 2. (a) The Legislature finds and declares that the
36 amendments to Section 66427.5 of the Government Code made
37 by this act do not constitute a change in, but rather are declaratory
38 of, existing law.

39 (b) It is the intent of the Legislature to clarify that the legislative
40 intent underpinning paragraphs (1) and (5) of subdivision (d) of

1 Section 66427.5 of the Government Code has been, and continues
2 to be, to require a local agency to consider, in making the decision
3 to approve, conditionally approve, or disapprove the tentative or
4 parcel map, the level of resident support for the proposed
5 conversion, and that those provisions authorize the agency, at its
6 discretion, to disapprove the map if it finds that the results of the
7 survey have not demonstrated the support of at least a majority of
8 a park's homeowners.

O



RESOLUTION NO. 14-012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, IMPLEMENTING SENATE BILL 510, WHICH AMENDED SECTION 66427.5 OF THE GOVERNMENT CODE RELATING TO REQUIREMENTS FOR A TENTATIVE OR PARCEL MAP FOR A SUBDIVISION TO BE CREATED FROM THE CONVERSION OF A RENTAL MOBILEHOME PARK TO RESIDENT OWNERSHIP

WHEREAS, California Government Code Section 66427.5 requires that, at the time of filing a tentative or parcel map for the conversion of a rental mobilehome park to resident ownership, the subdivider must avoid the economic displacement of nonpurchasing residents by following certain specified procedures related to the displacement; and

WHEREAS, prior to the effective date of Senate Bill 510, Section 66427.5(d) required, at the very least, that the subdivider obtain a survey of support of residents of the mobilehome park for the conversion, that the results be submitted to the local agency for consideration and that the subdivider be subject to a hearing by the legislative body or advisory agency that is authorized to approve, conditionally approve, or disapprove the map; and

WHEREAS, Senate Bill 510, which took effect January 1, 2014, amended Section 66427.5(d) so as to specifically provide that the results of the survey are to be considered by the legislative body or local agency in making its decision to approve, conditionally approve, or disapprove the map and that the legislative body or local agency may disapprove the map if it finds that the results of the survey have not demonstrated the support of at least a majority of the mobilehome park residents; and

WHEREAS, Senate Bill 510 amended Section 66427.5(d) so as to specifically provide that local legislative bodies may implement the provisions of Section 66427.5(d) by resolution or ordinance; and

WHEREAS, although implementation by resolution or ordinance is not necessary for the legislative body or local agency to apply the provisions of Section 66427.5(d), the City Council desires to implement those provisions by resolution in an abundance of caution.

NOW, THEREFORE, the City Council of the City of Carson does hereby RESOLVE as follows:

Section 1: Pursuant to Government Code Section 66427.5(d)(6), the City Council hereby adopts and implements the provisions of Government Code Section 66427.5(d) to be applied whenever a tentative or parcel map is filed with the City for a subdivision to be created from the conversion of a rental mobilehome park to resident ownership, which requirements are as follows:

(1) The subdivider shall obtain a survey of support of residents of the mobilehome park for the proposed conversion.

EXHIBIT NO. 0 ?
[MORE]



(2) The survey of support shall be conducted in accordance with an agreement between the subdivider and a resident homeowners' association, if any, that is independent of the subdivider or mobilehome park owner.

(3) The survey shall be obtained pursuant to a written ballot.

(4) The survey shall be conducted so that each occupied mobilehome space has one vote.

(5) The results of the survey shall be submitted to the local agency upon the filing of the tentative or parcel map, to be considered in the agency's decision as to whether to approve, conditionally approve, or disapprove the map, and the agency may disapprove the map if it finds that the results of the survey have not demonstrated the support of at least a majority of the park's homeowners.

Section 2: In addition to complying with the provisions of Government Code Section 66427.5, the subdivider must comply with all other applicable provisions of California law.

Section 3: This resolution shall take effect immediately.

PASSED, APPROVED and ADOPTED this ____ day of January, 2014.

Mayor Jim Dear

ATTESTED:

City Clerk Donesia L. Gause, CMC

APPROVED AS TO FORM:

City Attorney

