

ORDINANCES – SECOND READING/RECOMMENDATION

ITEM NO.	ORD. NO.	TITLE
30	11-1468	<p>AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, REPEALING ORDINANCE NO. 08-1401, SECTION 2, CONCERNING MOBILEHOME PARK CONVERSIONS</p> <p align="center">INTRODUCED 3/17/11; ITEM NO. 25</p> <p>ES/RR 5/0</p> <p>ACTION:</p> <p>DESCRIPTION OF VOTE: Maker/Second Ayes/Noes/Abstain/Absent</p> <p>LEGEND: JD:Dear ES:Santarina MG:Gipson DH:Davis-Holmes RR:Ruiz-Raber</p>

ORDINANCE NO. 11-1468

AN ORDINANCE OF THE CITY OF CARSON,
CALIFORNIA, REPEALING ORDINANCE NO. 08-1401,
SECTION 2, CONCERNING MOBILEHOME PARK
CONVERSIONS

WHEREAS, the City Council of the City of Carson considered and adopted Ordinance No. 08-1401 adding certain sections to the Carson Municipal Code; and

WHEREAS, Section 2 of that ordinance added requirements to the Carson Municipal Code relating to the conduct of a survey of residential support; and

WHEREAS, in May, 2008, the owner of Colony Cove Properties, LLC filed a lawsuit challenging the survey of residential support provisions of the Carson Municipal Code; and

WHEREAS, on February 9, 2011, following protracted litigation in the Los Angeles County Superior Court and the California Court of Appeals, First Appellate District, a judgment was issued finding Ordinance No. 08-1401 invalid; and

WHEREAS, on February 28, 2011, the Los Angeles County Superior Court issued a writ of administrative mandate ordering the City of Carson, California, to "vacate Ordinance No. 08-1401."

THE CITY COUNCIL of the CITY OF CARSON, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Pursuant to the order of the Los Angeles County Superior Court, Carson Municipal Code § 9209.3(B)(2), is hereby repealed, in its entirety, and declared to be vacated in the manner required by law. The language of this sub-section of the Municipal Code being repealed and vacated by this ordinance reads as follows:

"2. Survey of Residential Support. A survey of residential support conducted in compliance with subdivision (d) of Government Code § 66427.5. The subdivider shall demonstrate that the survey was conducted in accordance with an agreement between the subdivider and an independent resident homeowners association, if any, was obtained pursuant to a written ballot, and was conducted so that each occupied mobilehome space had one vote. The completed survey of resident support ballots shall be submitted with the application. In the event that more than one resident homeowners association purports to represent residents in the park, the agreement shall be with the resident homeowners association which represents the greatest number of resident homeowners in the park. For purposes of determining whether a proposed conversion is a *bona-fide* resident conversion, the following criteria shall be used:

(a) Where the survey of resident support conducted in accordance with Government Code Section 66427.5 shows that more than 50% of resident households supports the conversion to resident ownership, the conversion shall be presumed to be a bona-fide resident conversion

(b) Where the survey of resident support conducted in accordance with Government Code Section 66427.5 shows that at least 35% but not more than 50% of residents support the conversion to resident ownership, the subdivider shall have the

burden of demonstrating that the proposed conversion is a bona-fide resident conversion. In such cases, the subdivider shall demonstrate, at a minimum, that a viable plan, with a reasonable likelihood of success as determined by the decision-maker, is in place to convey the majority of the lots to current residents of the park within a reasonable period of time.

(c) Where the survey of resident support conducted in accordance with Government Code Section 66427.5 shows that less than 35% of residents support the conversion ownership, the conversion shall be presumed not to be a bona-fide resident conversion.”

SECTION 2. Carson Municipal Code § 9209.3, is hereby amended, to re-number existing sub-sections 3, 4, and 5, following repeal of sub-section 2, and to be re-numbers as sub-sections 2, 3, and 4, respectively.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any 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 passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

PASSED. APPROVED, and ADOPTED this _____ day of March, 2011.

Mayor Jim Dear

ATTEST:

City Clerk Helen S. Kawagoe

APPROVED AS TO FORM:

City Attorney

