

**AN ORDER OF THE CARSON DISASTER COUNCIL, CITY OF CARSON, CALIFORNIA, IMPOSING A MORATORIUM ON ALL RENT INCREASES AND SUSPENDING PROCESSING OF AND ACTION UPON MOBILEHOME PARK SPACE RENT ADJUSTMENT APPLICATIONS DURING THE DECLARED LOCAL STATE OF EMERGENCY RELATED TO COVID-19**

**WHEREAS**, in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) was first identified in Wuhan City, Hubei Province, China; and,

**WHEREAS**, COVID-19 is a respiratory disease that may result in serious illness or death and is easily transmissible from person to person, and according to the federal Centers for Disease Control and Prevention ("CDC") as of April 8, 2020, there were over 374,000 confirmed cases of COVID-19 in the United States and over 12,000 deaths due to COVID-19 in the United States; and

**WHEREAS**, on March 4, 2020, the Governor declared the existence of a state of emergency in the State of California due to the threat posed by COVID-19; and

**WHEREAS**, on March 11, 2020, the Director-General for the World Health Organization declared that COVID-19 can be characterized as a "pandemic"; and

**WHEREAS**, on March 13, 2020, the President of the United States declared that the outbreak of COVID-19 in the United States constitutes a national emergency; and

**WHEREAS**, on March 17, 2020, the Carson City Council through Resolution No. 20-053 proclaimed the existence of a local emergency in response to COVID-19, which declaration remains in effect until lifted by the City Council (a period which is presently indefinite); and

**WHEREAS**, the Governor, the State Public Health Officer, the Los Angeles County Emergency Services Director, the Los Angeles County Board of Supervisors, and the Los Angeles County Health Officer have promulgated and issued, and will reasonably continue to promulgate and issue, various orders, rules and regulations concerning the COVID-19 state of emergency that are applicable within the jurisdiction of the City of Carson ("Orders"), pursuant to State and County law, including but not limited to the California Emergency Services Act (Gov. Code §§ 8550 *et seq.*) and the California Public Health & Safety Code §§ 101029, 120155, 120275, 120295; and

**WHEREAS**, in a short period of time, COVID-19 has rapidly spread throughout California, the County of Los Angeles, and the City of Carson, necessitating stringent public health emergency orders as well as guidance from federal, state and local authorities; and

**WHEREAS**, the COVID-19 pandemic continues to spread rapidly within California, the County of Los Angeles, and the City of Carson, continues to present an immediate and significant risk to public health and safety, and can result in serious illness or death, especially to vulnerable populations, including the elderly and those with underlying health conditions; and

**WHEREAS**, heightened levels of public health and safety planning and preparedness have been necessitated in preparation for and response to confirmed cases of COVID-19 in the County of Los Angeles, and rapid response not lending itself to otherwise applicable notice and

approval timelines has been and will be necessary to respond to the rapidly evolving pandemic and to mitigate against the spread of COVID-19 and its resulting public health and safety impacts; and

**WHEREAS**, the health, safety and welfare of City of Carson ("City") residents, businesses, visitors and staff are of utmost importance to the City; and

**WHEREAS**, Government Code § 8634 provides in part: "During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property . . . Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice. . . ."; and

**WHEREAS**, Carson Municipal Code ("CMC") Section 3705(A)(6) provides, in relevant part: "the Director, or in the Director's absence, the Assistant Director or other person so designated . . . is hereby empowered: (i) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;" and

**WHEREAS**, Chapter 7 of Article IV of the CMC, known as the City's Mobilehome Space Rent Control Ordinance (the "Ordinance"), as supplemented by the implementing guidelines adopted and amended by Resolutions No. 98-010 and 06-149 of the City Council, establishes a system of rent control which regulates the rents that can legally be charged for regulated spaces in mobilehome parks located in the City, to protect park residents from excessive rent increases while also safeguarding the constitutional right of park owners to receive a fair return on their investment; and

**WHEREAS**, under the Ordinance, mobilehome park owners are limited to applying for the following types of mobilehome space rent increases: (1) rent increases based on 75% of Consumer Price Index ("CPI"), pursuant to CMC Section 4704.010; (2) rent increases to assure the park owner is receiving a constitutional "fair return," pursuant to CMC Section 4704.020; and (3) rent increases based on "capital improvement" expenditures of the park owner/management, pursuant to CMC Section 4704.020; and

**WHEREAS**, the afore-mentioned CPI-based rent increases are processed and acted upon by the City's Community Development Director and supporting staff, whereas the latter two types of increases require approval by the City's Mobilehome Rental Review Board to take effect; and

**WHEREAS**, in connection with its declaration of local emergency, by adoption of Resolution No. 20-053, the City Council ordered that all "non-essential" employees shall not report to work and shall not engage in any work for the City, whether in person or remotely, until further notified by the City. As implemented, this order has resulted in the temporary elimination of the majority of the City's workforce for the duration of the declared local emergency period, severely limiting the City's ability to perform administrative functions such as processing rent increase applications submitted pursuant to the Ordinance; and

**WHEREAS**, the remaining "essential" staff available to the City during the declared emergency period is fully consumed by and dedicated to implementing and coordinating the City's response to the COVID-19 emergency to protect the health and safety of the City's

residents to the maximum extent possible; and

**WHEREAS**, many City residents are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with rents and bills; and

**WHEREAS**, City residents who are most vulnerable to COVID-19, those age 65 and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

**WHEREAS**, City residents who reside in mobilehome parks are frequently among those who are most vulnerable to COVID-19, and frequently have low incomes making them unable to pay increased rents, and this economic hardship is exacerbated by the loss of jobs and other adverse economic effects being experienced by residents during the COVID-19 state of emergency; and

**WHEREAS**, inability to pay increased rents can result in eviction and homelessness, which can increase the spread of COVID-19; and

**WHEREAS**, based on the foregoing, the City must take measures to prioritize the deployment of City resources and to preserve and increase housing security for City residents of mobilehome parks to protect public health, safety and welfare of these and all other City residents during the declared emergency period; and

**WHEREAS**, after consideration of all facts reasonably available, the Carson Disaster Council determines to issue this order ("Order") suspending all processing of and action upon any and all applications for mobilehome space rent increases pursuant to the Ordinance during the period of the declared local emergency related to COVID-19, provided that the City shall thereafter consider appropriate adjustments and/or allowances as necessary to ensure that no park owner is deprived of the constitutional right to a fair return.

**NOW, THEREFORE**, the Carson Disaster Council in and for the City of Carson, California, in accordance with Government Code §8634 and Carson Municipal Code §3705, does hereby promulgate and issue the following order to become effective immediately, subject to ratification as soon as practicable by the Carson City Council.

**IT IS HEREBY ORDERED AS FOLLOWS:**

**SECTION 1.** The above recitals are true and correct and incorporated herein by this reference. The recitals referenced herein are adopted as though set forth fully herein as findings of fact in support of this Order.

**SECTION 2. SUSPENSION OF RENT INCREASE APPLICATION PROCESSING**

**A.** All processing of, and all action upon, any and all new or pending mobilehome space rent adjustment applications pursuant to the Ordinance is hereby suspended for the duration of the City's declared local emergency.

**B.** Upon the conclusion of the declared local emergency period, or any earlier termination of this Order pursuant to Section 6: (1) the suspension pursuant to subsection A of this Section will automatically expire, unless otherwise provided by subsequent order of the

Disaster Council or resolution or other action of the City Council; and (2) the City Council or other applicable City board or body will consider any adjustments or allowances as it may deem necessary to ensure that no mobilehome park owner is deprived of its constitutional right to a fair return as a result of the suspension pursuant to subsection A of this Section.


**SECTION 3.** If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, entity, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

**SECTION 5.** Notwithstanding pending review of this order by the City Council for confirmation at the earliest practicable time, this Order shall take effect immediately as of the date set forth below.

**SECTION 6.** This Order shall remain in effect until terminated by subsequent order of the Carson Disaster Council or by resolution or other action of the City Council.

**SECTION 7.** This Order and its contents shall be published and promulgated in as widespread a manner as is reasonably feasible under the conditions prevailing during this local emergency.

Dated: April 6, 2020



Albert Robles, Carson Disaster Council  
Chair