

## **INTERIM ORDINANCE NO. 1517**

### **AN URGENCY MEASURE OF THE CITY COUNCIL OF THE CITY OF ARCATA ADOPTED AS AN INTERIM ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE CLOSURE OR CONVERSION OF ALL MOBILEHOME PARKS WITHIN THE CITY OF ARCATA**

The City Council of the City of Arcata does hereby ordain as follows:

#### **Section 1. Findings.**

The City Council hereby makes the following findings:

- A. The City recognizes that mobilehome parks provide a market source of affordable housing that, relative to other housing types, disproportionally houses persons earning lower incomes who may not have the resources to readily relocate;
- B. The City has six (6) mobile home parks with a total of approximately five hundred eighty-seven (587) spaces located within the City limits. These spaces represent a significant portion of low-cost, market rate, affordable housing supply within the City.
- C. The City of Arcata General Plan, Chapter 3 Housing Element provides for the following implementation measure: Mobile Home Park Preservation, “Develop programs to preserve mobile home parks with rents that are typically lower than other housing units.” [City of Arcata 2014 Housing Element Chapter 3, Table 4 (IM-14)].
- D. The City Council of the City of Arcata adopted its Mobilehome Affordability Strategies Study (the “Mobilehome Study”) on May 3, 2017, which identified that 48% of respondents pay more than 30% of their income towards housing costs, with 14% paying more than 50%; that rent control is a strategy for maintaining affordable mobilehome housing; and that an ordinance can balance residents’ need for long-term rent predictability with owners’ right to a fair return on investment.
- E. As a practical matter, the mobilehomes in the City’s mobilehome parks are not in fact mobile. The cost of moving and setting up a mobilehome in a park is substantial. About half of the mobile homes are “doublewide” structures that consist of two ten- or twelve-foot-wide sections joined together when installed on top of a simple foundation, which are impractical to move without significant cost and risk of costly damage. Furthermore, many parks will not accept a used mobilehome, so even if a mobilehome can be moved cost effectively, there is nowhere to move it. Mobilehomes are rarely moved after

they are placed in mobile home parks. When mobilehome park residents move they sell their mobile homes “in place” on the rented space;

- F. It is generally infeasible or impractical to relocate mobilehomes, yet the owners of the homes have significant investment in these assets;
- G. A mobilehome park closure or conversion to another use could significantly impact its current residents, whether they are mobilehome owners or mobilehome renters;
- H. The California Supreme Court has concluded that, “unlike the usual tenant, the mobilehome owner generally makes a substantial investment in the home and its appurtenances—typically a greater investment in his or her space than the mobilehome park owner...” [*Galland v. County of Clovis*, (2001) 24 Cal.4th 1003, 1009];
- I. Federal courts in California have reached the same conclusion: “The park owners are business people who understand that the operation of a mobilehome park involves an economic relationship in which both park owner and the home owner must make a substantial investment. Indeed, they have encouraged the tenants to make the investment and to expect a return on it.” [*Adamson Companies v. County of Malibu*, (1994) 854 F.Supp. 1476, 1489];
- J. Given the courts’ acknowledgement of the co-investor status of mobilehome owners, their typically greater aggregate investments in their parks than their park owners’ investments; the fact that their park owners have encouraged the mobilehome owners to make their investments and to expect a return on them; and, the fact that despite their co-investor status, mobilehome owners do not have a say in their park owner’s decision to close and convert their park or a share in the substantial profit that their park owner may realize by doing so, mobilehome owners are entitled to the protections of the controlling statutes and provisions of this ordinance, which entitle homeowners displaced by a park closure to receive sufficient relocation benefits that will enable them to obtain adequate housing in other mobilehome parks and equitably compensate them for the involuntary loss of their substantial investments;
- K. The City Council indicated its intent to adopt an ordinance to establish a process to regulate the closure and conversion of mobilehome parks at its March 20, 2019, regular meeting. At that time, the Council also directed staff to initiate a zone amendment to establish mobilehome exclusive zoning to prevent mobilehome parks from converting to another use without a formal zone amendment;
- L. The City adopted a Mobilehome Rent Stabilization ordinance on November 1, 2017;

- M. The combination of the limitations imposed by the rent stabilization ordinance, the closure and conversion ordinance, and the exclusive zoning ordinance may create market conditions that precipitate closure or conversion prior to establishing the regulatory framework to address the loss of the mobilehome affordable housing stock;
- N. The Council and the Planning Commission require adequate time to evaluate the policy and fiscal implications of the land use limitations. This review should be free from the threat, real or implied, of mobilehome park closure or conversion;
- O. The approval of permits, entitlements, or relocation impact reports to facilitate conversion or closure of mobilehome parks during this period of review and study of potential new land use regulations poses an immediate threat to the public health, safety, or welfare because of the potential displacement of low-income families and seniors;
- P. Government Code section 65858 allows a City, without following the procedures otherwise required prior to the adoption of a zoning ordinance, to protect the public safety, health and welfare through adoption as an urgency measure of an interim ordinance prohibiting any uses that may be in conflict with a contemplated zoning proposal that the City Council, Planning Commission or Planning Department is considering or studying or intends to study within a reasonable time.
- Q. The hearing for the consideration of this moratorium was duly noticed at least 10 days preceding the hearing pursuant to Government Code Section 65858.

## **Section 2. Moratorium Established.**

A moratorium is hereby imposed on the closure, conversion, or other action that effectively changes the use of a mobilehome park from its current use anywhere within the City of Arcata, regardless of current zoning or land use designation. Notwithstanding the City of Arcata Land Use Code (LUC) *Allowed Land Uses and Permit Requirements Table 2-4* or any other provisions of the Land Use Code, Local Coastal Program, Arcata Municipal Code or any other regulations of the City of Arcata, no application for a mobilehome park closure, conversion to another use, or mass eviction for any reason other than imminent or emergency health and safety reasons shall be processed, permitted, or otherwise approved by the City for a period of forty-five (45) days immediately succeeding the effective date of this ordinance, unless extended by a later enacted ordinance.

This ordinance and the moratorium established herein applies to any site, facility, or location listed in the 2015 Mobilehome Affordability Strategies Study adopted May 3, 2017.

**Section 3. Urgency.**

This ordinance is declared to be an interim ordinance of the City of Arcata for preserving the public safety, health, and welfare. The reasons for the interim ordinance in connection with this ordinance are herein set forth and incorporated by reference in the findings contained and set forth in Section 1 above.

**Section 4. Extension.**

This interim urgency ordinance shall by operation of law be of no further force and effect forty-five (45) days from and after the date of this adoption on May 1, 2019; provided, however, that after notice of public hearing the City Council may by a four-fifths (4/5) affirmative vote of its Members extend this interim ordinance for an additional twenty-two (22) months and fifteen (15) days.

**Section 5. Severability.**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**Section 6. Penalties.**

Violation of any provision of this ordinance shall constitute an infraction. In addition, any violation of this ordinance shall constitute a public nuisance and shall be subject to abatement as provided by all applicable provisions of law.

**Section 7. Effective Date.**

This ordinance is hereby declared to be an urgency measure and shall be enforced and be in effect immediately upon its adoption.

**Section 8. Publication.**

Within fifteen (15) days after adoption, this ordinance shall be circulated with the names of the members voting for and against the same at least once in a newspaper of general circulation in the City of Arcata, and posted in public places within the City.

**DATED:** May 1, 2019

**ATTEST:**

**APPROVED:**

/s/ Bridget Dory  
City Clerk, City of Arcata

/s/ Brett Watson  
Mayor, City of Arcata

**CLERK'S CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of Interim Ordinance No. 1517, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California on the 1<sup>st</sup> day of May, 2019, by the following vote:

**AYES: WATSON, WINKLER, ORNELAS, PEREIRA, PITINO**

**NOES: NONE**

**ABSENT: NONE**

**ABSTENTIONS: NONE**

/s/ Bridget Dory  
City Clerk, City of Arcata