

URGENCY ORDINANCE NO. 1233

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, EXTENDING URGENCY ORDINANCE NO. 1228 THAT DECLARED A MORATORIUM ON RENT INCREASES FOR MOBILEHOME PARK SPACES, AND DECLARING THE URGENCY THEREOF

WHEREAS, the City Council of the City of Perris (“City Council”) adopted Urgency Ordinance No. 1228 at its regular meeting on November 13, 2007, imposing a moratorium on rent increases for mobilehome park spaces and prohibiting park owners from requiring residents to enter into leases exempt from rent stabilization, as is set forth in more detail therein, and incorporated herein by this reference as if set forth in full; and

WHEREAS, all of the findings cited in Urgency Ordinance No. 1228 concerning the existence of an immediate and current threat to the public peace, health, safety, and welfare, due to the fact that in or around the last two years there has been a growing and alarming trend of excessive rent increases for mobilehome park spaces in the City, which threaten the health, safety, and financial well-being of the City’s senior and fixed-income residents and cause adverse impacts that result from a substantial decrease in affordable housing within the City, continue to be valid; and

WHEREAS, the City Council, in enacting this urgency ordinance, hereby also issues the following written report, pursuant to Government Code § 65858(d), describing the measures taken to alleviate the conditions which led to the adoption of Urgency Ordinance No. 1228:

Report of Measures Taken During Initial 45-Day Moratorium

During the initial 45-day moratorium period, the following actions have occurred:

Councilmembers and staff have held meetings with interested parties, including mobilehome park resident associations, mobilehome park owners, and their representatives for the purposes of discussing potential regulatory, zoning, or other methods to protect affordable and senior housing within mobilehome parks. Specifically, these parties include, but are not limited to:

B. John Fatone, Chairman, Park Place – Lake Perris Community’s Committee
Ray K. Farris, II, CEO, Westwind Enterprises, Ltd., and his representative
Peter Herzog, Manufactured Housing Educational Trust

Staff has begun to undertake a comprehensive study to consider the desirability or feasibility of regulatory or zoning mechanisms to protect affordable and senior housing within mobilehome parks, including, but not limited to, mobilehome park rent stabilization regulations or the creation of a mobilehome park zone or overlay zone.

Staff has conducted legal research to determine the various legal options for enacting a mobilehome park rent stabilization ordinance, the various types of such ordinances, and various legal issues regarding leases exempt from rent stabilization under Civil Code § 798.17.

In spite of the progress made by staff to date, additional time is needed for staff to continue the comprehensive studies mentioned above, to work with the interested parties, and to research and potentially prepare appropriate regulations for public hearing and adoption; and

WHEREAS, pending completion of the studies, research, and other tasks set forth in the written report, the City Council finds and determines that there is a need to extend Urgency Ordinance No. 1228 until September 30, 2008 as authorized by Government Code §§ 65858(a), 36934, and 36937; and

WHEREAS, as a result of the foregoing meetings with the interested parties, the City and interested parties have agreed to certain modifications of Urgency Ordinance No. 1228 regarding its applicability to mobilehome park spaces that are vacant or become vacant after the effective date of Urgency Ordinance No. 1228, which modifications are described in Section 3 below; and

WHEREAS, Government Code §§ 36934, 36937, and 65858 expressly authorize the City Council to adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety, or to prohibit any uses which may be in conflict with a contemplated general plan, specific plan, or zoning ordinance which the City Council or city staff is considering, studying, or intends to study within a reasonable period of time; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals Incorporated. The City Council hereby finds that the above recitals are true and correct and are incorporated herein by reference as if set forth in full.

SECTION 2. Extension of Moratorium. Urgency Ordinance No. 1228, duly adopted on November 13, 2007, and set to expire on December 28, 2007, is hereby readopted and extended in full force and effect until September 30, 2008, or until such time as the City establishes a procedure for the regulation of mobilehome park space rents, whichever occurs first, unless extended by the City Council.

SECTION 3. Modifications to Moratorium. Section 2(b) of Urgency Ordinance No. 1228 is hereby amended to read in its entirety as follows:

“(b) During the moratorium period, the maximum rent for a mobilehome park space in the City that is not exempt under Civil Code § 798.17 shall be the following:

(1) For a mobilehome park space which was rented as of the effective date of this ordinance, and continued to be rented thereafter to one or more of the same persons, the rent shall not exceed that in effect on the effective date of this ordinance. The level of housing services provided to the space on that date shall not be reduced during the moratorium period.

(2) For a mobilehome park space which was vacant as of the effective date of this ordinance, or becomes vacant, the rent shall not exceed \$470.00 per month.”

SECTION 4. No Other Modifications to Moratorium. Except as expressly modified herein, Urgency Ordinance No. 1228 shall continue in full force and effect.

SECTION 5. Alleviation Measures Report. In accordance with Government Code § 65858(d), the City Council hereby issues the written report set out above describing the measures taken to alleviate the conditions that led to the adoption of Urgency Ordinance No. 1228, and incorporates that report by reference as if set forth in full herein.

SECTION 6. Urgency Findings. In adopting this urgency ordinance extending Urgency Ordinance No. 1228, the City Council finds and determines that the adoption of this urgency ordinance is necessary for the immediate preservation of the public peace, health, or safety and to protect the public health, safety, and welfare, as those terms are defined in Government Code §§ 36937(b) and 65858(a), in at least the following respects:

- (a) If the temporary moratorium on mobilehome park space rent increases were not extended, the public peace, health, safety or welfare would be immediately threatened because mobilehome park owners will have an incentive to increase rents to even higher levels before the City can implement mobilehome park rent stabilization or zoning regulations. Such increases would jeopardize the health, safety, and financial well-being of mobilehome park residents, including seniors, those on fixed incomes, those with very low, low, and moderate income levels, and those with other special needs to the extent that such persons may be forced to choose between paying rent and providing food, clothing, and medical care for themselves and their families. Such increases would also deplete the stock of affordable housing in the City. In addition, such increases would defeat the intent and purpose of any potential future rent control stabilization or zoning regulations and substantially impair their effective implementation; and
- (b) If a temporary moratorium on the requirement of execution of mobilehome park space rental agreements exempt from municipal rent control pursuant to Civil Code § 798.17 were not extended, the public peace, health, safety, or welfare would be immediately threatened because mobilehome park owners are likely to require many residents and/or new residents to sign such exempt leases before the City can consider and/or implement mobilehome park rent stabilization or zoning regulations. The execution of such exempt leases would defeat the intent and purpose of any potential future rent stabilization or zoning regulations or other and substantially impair their effective implementation.

SECTION 7. Vote Required for Adoption of Ordinance. This Urgency Ordinance is enacted pursuant to the authority conferred upon the City Council of the City of Perris by Government Code §§ 36934, 36937, and 65858, and shall be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council as if and to the same extent that

such ordinance had been adopted pursuant to each of the individual sections set forth hereinabove.

SECTION 8. Effectiveness of Ordinance. This Urgency Ordinance shall be of no further force or effect after September 30, 2008, unless the same is extended pursuant to the authority conferred upon the City Council by Government Code §§ 36934, 36937, and 65858(a).

SECTION 9. Severability. 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.

SECTION 10. Certification and Posting. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

PASSED, APPROVED, AND ADOPTED as an URGENCY ORDINANCE this 11th day of December, 2007.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Judy Haughney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF PERRIS)

I, Judy Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Urgency Ordinance No. 1233 was duly AND REGULARLY ADOPTED BY THE City Council of the City of Perris at a regular meeting held the 11th day of December, 2007, by the following called vote:

AYES: ROGERS, YARBROUGH, LANDERS, MOTTE, BUSCH
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

City Clerk, Judy Haughney