

## URGENCY ORDINANCE NO. 1228

### **AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE §§ 36934, 36937, AND 65858, ADOPTING A MORATORIUM ON RENT INCREASES FOR MOBILEHOME PARK SPACES AND DECLARING THE URGENCY THEREOF**

**WHEREAS**, mobilehome parks provide a significant pool of affordable housing for very low, low, and moderate income families, senior citizens, and the disabled residents in the City; and

**WHEREAS**, a majority of the residents of mobilehome parks in the City are on fixed incomes; and

**WHEREAS**, 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; and

**WHEREAS**, the purchase of a mobilehome involves a substantial investment, and their relocation is expensive and difficult; and

**WHEREAS**, at the October 30, 2007, City Council Worksession on mobilehome rent stabilization, residents of the City's mobilehome parks, including seniors, those on fixed incomes, those with very low, low, and moderate income levels, and those with other special needs, stated that their rents have increased dramatically in the last two years, with some increases over \$100; and

**WHEREAS**, a number of mobilehome park residents stated that their rent has increased more than once in the past year; and

**WHEREAS**, such potentially excessive and abusive rent increases over the past year threaten the public peace, health, or safety by jeopardizing 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; and

**WHEREAS**, such potentially excessive and abusive rent increases could deplete the stock of affordable housing in the City; and

**WHEREAS**, it is in the interest of the City, of owners and residents of mobilehome parks, and of the community as a whole that the City staff undertake a comprehensive study to consider regulations to protect affordable and senior housing within mobilehome parks, including, but not limited to, mobilehome park rent stabilization regulations; and

**WHEREAS**, it is in the interest of the City, of owners and residents of mobilehome parks, and of the community as a whole that the City staff undertake a comprehensive study to explore potentially revising the City's zoning and municipal code to create a mobilehome park zone or overlay zone; and

**WHEREAS**, in light of the numerous concerns noted herein, including but not limited to, the jeopardization of the health, safety, and financial well-being of the City’s fixed-income residents and the adverse impacts that would result from a substantial decrease of affordable and senior housing within the City, the City Council determines it is in the interest of immediately preserving the public peace, health, or safety, and the general welfare to adopt this urgency ordinance in order to allow staff to, among other related tasks, proceed with the following studies:

- (1) a comprehensive study to consider regulations to protect affordable and senior housing within mobilehome parks, including, but not limited to, studying a mobilehome park rent control stabilization scheme; and
- (2) a comprehensive study of the City’s planning and zoning laws to explore the feasibility or desirability of a “mobilehome park zone;” and

**WHEREAS**, if a temporary moratorium on mobilehome park space rent increases is not imposed, the public health and safety will 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 control regulations. Such increases would defeat the intent and purpose of any potential future rent control stabilization regulation and substantially impair its effective implementation; and

**WHEREAS**, 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 is not imposed, the public health and safety will 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 a mobilehome park rent stabilization regulation. The execution of such exempt leases would defeat the intent and purpose of any potential future rent stabilization regulation and substantially impair its effective implementation; 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 the contemplated general plan, specific plan, or zoning proposal which the legislative body of the City or the planning commission or the planning department is considering or studying or intends to study within a reasonable time; and

**WHEREAS**, on November 13, 2007, the City Council conducted a duly noticed public hearing at which it considered all written and oral testimony presented during such hearing.

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

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

SECTION 2.

(a) From the effective date of this urgency ordinance and continuing for a period of forty-five (45) days, unless extended, or until such time as the City establishes a procedure for the regulation of mobilehome park space rents, whichever occurs first, mobilehome park space rents in the City shall not be increased.

(b) During the moratorium period, the maximum rent for a mobilehome park space in the City 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 not rented as of the effective date of this ordinance, but which was rented on or after that date:

The rent shall not exceed that received for said mobilehome park space when last occupied. The level of housing services provided to the space on the rental date shall not be reduced during the moratorium period.

(3) For a mobilehome park space vacated on or after the effective date of this ordinance, and prior to the end of the moratorium period:

The rent shall not exceed that received for said mobilehome park space when last occupied. The level of housing services provided to the space when last occupied shall not be reduced during the moratorium period.

SECTION 3. From the effective date of this interim urgency ordinance and continuing for a period of forty-five (45) days, unless extended, or until such time as the City establishes a procedure for the stabilization of mobilehome park space rents, whichever occurs first, no mobilehome park owner shall require a tenant or a prospective tenant to enter into any mobilehome park space rental agreement that is exempt from municipal mobilehome park rent control or stabilization pursuant to Civil Code § 798.17.

SECTION 4. A mobilehome park resident may refuse to pay any rent in excess of the maximum rent permitted by this ordinance. The fact that such unpaid rent is in excess of the permitted maximum rent shall be a defense in any action brought to recover possession of a mobile home space or to collect the illegal rent.

SECTION 5.

(a) Any person who demands, accepts, or retains any payment of rent in violation of this ordinance shall be liable in a civil action to the person from whom such payment is demanded, accepted, or retained for damages in the sum of three times the amount by which the payment or payments demanded, accepted, or retained exceed the maximum rent which could be

lawfully demanded, accepted, or retained, together with reasonable attorneys' fees and costs as determined by the court.

(b) Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this ordinance shall be punishable by a fine of not more than \$1,000 per space violation. Each violation of any provision of this ordinance, and each day during which any such violation is committed or continued shall constitute a separate offense.

SECTION 6. This interim 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 7. 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 8. 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 13<sup>th</sup> day of November, 2007.

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Mayor, Daryl R. Busch

ATTEST:

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City Clerk, Judy L. 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 Ordinance No. 1228 was duly AND REGULARLY ADOPTED BY THE City Council of the City of Perris at a regular meeting held the 13th day of November, 2007, by the following called vote:

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

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City Clerk, Judy L. Haughney