

STAFF REPORT
City of Lancaster, California

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Date: August 14, 2007

To: Mayor Hearn and City Council Members

From: David R. McEwen, City Attorney

Subject: Adopt Interim Urgency Ordinance Regarding Moratorium on Conversions of Senior Only Mobile Home Parks

Recommendation:

Adopt Interim **Urgency Ordinance No. 886** placing a moratorium on the conversion of any mobile home park currently existing in the City from a park occupied primarily or exclusively by residents over the age of 55 years to a mobile home park allowing residents of all ages.

Fiscal Impact:

There will be no direct fiscal impact; however, there will be staff costs associated with completing the necessary work to develop a “senior-only” mobile home park zoning ordinance.

Background:

It has been brought to the City’s attention that the owner’s of Sherwood Mobile Estates are in the process of converting the park from a park restricted to occupants 55 years of age or older to a park without age restrictions. There are currently 27 mobile home parks in the community of which three are designated as “seniors only” parks. The conversion of one-third of the senior parks could have a significant impact on housing available for seniors within the City.

The City does not currently have a “senior only” mobile home park zoning ordinance and needs time to determine whether such an ordinance is needed to preserve this affordable housing option for senior residents. In order to determine what impact the conversion of a senior only park to an all-age park would have on affordable senior housing stock, staff must conduct a study. The proposed interim urgency ordinance will provide staff with time to address the issues described above.

Government Code section 65858 authorizes cities to adopt interim urgency ordinances to protect the public health, safety and welfare and to prohibit any use that may be in conflict with a contemplated zoning proposal that the legislative body, planning commission or planning department is considering or studying or intends to study within a reasonable time. The urgency ordinance requires a four-fifth’s vote for adoption.

The interim urgency ordinance continues in force and effect for forty-five days after its adoption and may be extended for ten months and fifteen days and may subsequently be extended for an additional one year period, after public notice and a public hearing is provided. Such extensions would also require a four-fifths vote of the City Council.

The Interim urgency ordinance is needed to address the current and immediate threat to public health, safety and welfare arising from the lack of affordable housing for senior citizens aged 55 and older in and around the City. Mobile home parks that have been primarily or exclusively occupied by seniors, and a source of affordable housing within the City, are threatening to convert to family-oriented parks. An interim urgency ordinance is further needed to consider and study the possible adoption of a zoning ordinance amendment regulating mobile home parks, including establishing senior mobile home parks and/or development standards in connection with family-oriented mobile home parks in accordance with the recently published Attorney General Opinion authorizing municipalities to impose such restrictions. (87 Ops.Atty.Gen. 148 (2004).)

The lawyer for the Park Owners, David Spangenberg, Esq., has submitted a letter (copy attached hereto) in which he raises issues concerning the City's ability to adopt and enforce any ordinance regulating senior only parks and the conversion of Sherwood Mobile Estates in particular. while the issue is not free of some doubt after completing substantial research on the issue raised (see memo attached), I believe the City does have the authority to adopt a moratorium ordinance to regulate senior only mobile home parks.