

ORDINANCE NO. .
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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**AN INTERIM URGENCY ORDINANCE MAKING FINDINGS AND EXTENDING A
MORATORIUM ON THE CONVERSION OR CLOSURE OF MOBILEHOME PARKS
PENDING THE REVIEW AND POSSIBLE ADOPTION OF LAND USE
REGULATIONS APPLICABLE TO SUCH CONVERSIONS AND CLOSURES**

SECTION 1. FINDINGS. The Board of Supervisors of the County of San Mateo (“County”) hereby finds and declares as follows:

WHEREAS, there are eight mobilehome parks located in the unincorporated area of San Mateo County, which currently accommodate more than 350 mobilehomes; and

WHEREAS, many of these mobilehome spaces are occupied by low income families and seniors who own their mobilehomes; and

WHEREAS, such mobilehomes cannot readily be moved to a new mobilehome park due to their physical condition, and, in any event, there are few local relocation options because most parks in the area will only accept new mobilehomes; and

WHEREAS, a large portion of the remaining spaces at the mobilehome parks are occupied by recreational vehicles and other forms of shelter, many of which are not readily moveable and which provide housing for low-income families and seniors; and

WHEREAS, local relocation options for these recreational vehicles and other forms of shelter are limited because most facilities that accept these types of shelter have long waiting lists for long term residents; and

WHEREAS, State law requires park owners to submit relocation impact reports to local governing bodies prior to conversion or closure of mobilehome parks, and authorizes these governing bodies to impose conditions to mitigate adverse impacts of the conversion or closure, including the potential inability of displaced residents to find adequate replacement housing; and

WHEREAS, State law allows local governing bodies to adopt supplemental local procedures to implement these relocation impact requirements, and many jurisdictions have done so; and

WHEREAS, the County is currently experiencing an affordable housing crisis,

with demand for such housing far outweighing the available supply, and with the average rent for a two-bedroom apartment increasing more than fifty percent over the past four years; and

WHEREAS, there have been a number of recent mobilehome park conversions or closures in cities within or near San Mateo County, and the market conditions that led to those conversions and closures create a high risk of similar conversion or closure of mobilehome parks located within the unincorporated County; and

WHEREAS, such conversion or closure of mobilehome parks in the unincorporated area of the County would displace vulnerable residents of the County, including low-income families and seniors, and the risk of such displacement poses a current and immediate threat to the public health, safety or welfare; and

WHEREAS, the Board of Supervisors wishes to review, examine, and study potential land use regulations applicable to conversion and closure of mobilehome parks that may mitigate the impact to the public health, safety, and welfare of such conversions and closures; and

WHEREAS, 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 through, for example, the potential displacement of low-income families and seniors; and

WHEREAS, Government Code section 65858 allows the County to immediately protect and preserve the public safety, health, and welfare by prohibiting any use that may be in conflict with a contemplated general plan or zoning proposal that the legislative body is studying or intends to study; and

WHEREAS, at its November 17, 2015 meeting, pursuant to Government Code section 65858, the Board of Supervisors lawfully adopted Ordinance No. 04749, imposing a moratorium on the conversion and closure of mobilehome parks in the unincorporated County pending study of appropriate land use regulations; and

WHEREAS, in the time since the moratorium was adopted, County staff has taken measures to address the situation giving rise to the adoption of Ordinance No. 04749, as outlined in the memorandum to the Board of Supervisors dated December 5, 2015; however additional outreach, study, and review is required before potential legislative changes can be developed and appropriately and comprehensively considered; and

WHEREAS, on December 15, 2015, the Board of Supervisors held a properly noticed public hearing to consider extending the moratorium for a period of 22 months

and 15 days from January 1, 2016, the date that Ordinance No. 04749 would have otherwise expired; and

WHEREAS, this Board finds and declares that this ordinance does not require review under the California Environmental Quality Act (Pub. Resources Code §§ 21000 *et seq.*, “CEQA”) based on the following:

- (1) This ordinance is not a “project” within the meaning of section 15378 of the State CEQA Guidelines, because adoption of a temporary moratorium has no potential for resulting in either a direct or indirect physical change in the environment.
- (2) Even assuming the adoption of the ordinance was a project, it is categorically exempt from CEQA pursuant to section 15308 of the CEQA Guidelines as a regulatory action taken by the County pursuant to its police power and in accordance with Government Code section 65858 to assure maintenance and protection of the environment pending the evaluation and adoption of contemplated local legislation, regulation, and policies.

NOW, THEREFORE, the Board of Supervisors of the County of San Mateo, State of California, ordains as follows:

SECTION 2. MORATORIUM EXTENDED. The temporary moratorium established and imposed as of November 17, 2015 by Ordinance No. 04749 on the issuance or approval of any permit or relocation impact report for the conversion or closure of a mobilehome park is hereby extended for a period of 22 months and 15 days from January 1, 2016, the date on which Ordinance No. 04749 would have otherwise expired. The temporary moratorium is hereby extended until November 16, 2017, unless the Board of Supervisors takes earlier action to repeal the moratorium.

SECTION 3. DEFINITIONS. For the purposes of this ordinance and consistent with California Civil Code sections 798, *et seq.*:

- (1) “Mobilehome” shall have the meaning set forth in the Mobilehome Residency Law, Civil Code sections 798, *et seq.*, as now in effect or subsequently amended and shall also mean vehicles designed or used for human habitation, including camping trailers, motorhomes, slide-in campers, and travel trailers if they have been in the park being closed or converted and used as the occupant’s primary residence, as established by nine months’ continuous residency prior to the filing of a relocation impact report.
- (2) “Mobilehome park” means an area of land where two or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation.

- (3) "Conversion" means (a) the closure of a mobilehome park and the cessation of holding out of two or more spaces in the park for rental even if no new use is planned, or (b) the conversion of two or more spaces of a mobilehome park to another use.

SECTION 4. EXCEPTIONS. This temporary moratorium shall not prohibit a mobilehome park owner already operating in compliance with all applicable laws from applying for development or other permits or approvals necessary to (1) address an immediate threat to public health or safety, (b) comply with an order of a court or other tribunal of competent jurisdiction, or (c) modify its business or the site on which the business operates, in a manner that would not result in the partial or complete conversion or closure of the mobilehome park. Any applications submitted pursuant to this provision shall be subject to all laws applicable to the proposed development or other activity.

SECTION 5. AUTHORITY; URGENCY STATEMENT. The Board of Supervisors of the County of San Mateo hereby finds that there is a current and immediate threat to the public health, safety, and welfare that warrants the establishment of a temporary moratorium on the conversion and closure of mobilehome parks. This finding is based upon all of the facts recited in this ordinance and Ordinance No. 04749, in the memoranda to the Board of Supervisors dated November 9, 2015 and December 5, 2015, and all additional matters and information presented to this Board at or prior to its meetings on November 17, 2015 and December 15, 2015.

SECTION 6. SEVERABILITY. If any provision of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, it is the intent of the Board of Supervisors that such invalid provision(s) be severed from the remaining provisions of this ordinance.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective immediately upon adoption, and shall extend the effective period of Ordinance No. 04749 for a period of 22 months and 15 days and shall remain in effect until November 16, 2017, unless the Board of Supervisors takes earlier action to end the moratorium.