

ORDINANCE NO. 2007-01

CONTINUATION OF MORATORIUM ON THE CONVERSION OF ANY MOBILEHOME PARK CURRENTLY EXISTING IN THE CITY FROM A PARK OCCUPIED PRIMARILY OR EXCLUSIVELY BY RESIDENTS OVER THE AGE OF 55 YEARS (SENIOR RESIDENTS) TO A MOBILEHOME PARK ALLOWING RESIDENTS OF ALL AGES

WHEREAS, the lack of affordable housing options in the City of American Canyon and the County of Napa continues to create a serious problem for senior citizens living in the City of American Canyon; and,

WHEREAS, one of the few affordable housing options left to senior citizens exist in mobilehome parks that permit exclusive residence by those individuals over the age of 55 years; and,

WHEREAS, at least one mobilehome park within the City of American Canyon has recently announced an intention to convert from a "seniors only" mobilehome park to a park allowing residents of all ages, thereby reducing the number of affordable housing units available to those over the age of 55; and,

WHEREAS, such a conversion may unduly burden and irreparably harm senior citizens within the community and reduce the number of existing affordable units; and,

WHEREAS, the City Council adopted Ordinance No. 2006-11 on October 19, 2006, as an interim urgency ordinance placing a moratorium on the conversion of any mobilehome park currently existing in the City from a park occupied primarily or exclusively by senior residents to a mobilehome park allowing residents of all ages (the "mobilehome conversion of use Ordinance") to assure the continued availability of affordable housing to residents of existing mobilehome parks and to individuals over the age of 55 years and should there be a conversion of a mobilehome park to a different use that monetary and non-monetary assistance would be provided to qualified tenants of mobilehome parks; and

WHEREAS, at a special meeting of the City Council of American Canyon on November 28, 2006, an extension of the moratorium was adopted by Ordinance No. 2006-13, which continued the moratorium for forty-five (45) days in accordance with the provisions of Government Code section 65858; and

WHEREAS, the City Council of the City of American Canyon has determined that continuance of the urgency ordinance is necessary to allow time to study additional methods to protect the public health, safety and welfare of the citizens of American Canyon, particularly those tenants or residents who are over 55 years of age in mobilehome parks within the City and the City's consideration of this issue is an ongoing matter that requires continuation of the moratorium.

NOW, THEREFORE, the City Council of the City of American Canyon does ordain as follows:

SECTION 1: Moratorium. In order to protect the public health, safety and welfare and pursuant to the provisions of Government Code section 65858, the existing moratorium on the conversion of any mobilehome park currently in existence in the City of American Canyon from a park where at least sixty percent (60%) of the full-time residents are individuals aged fifty-five years (55) and older (a "seniors only" mobilehome park) to a mobilehome park accepting all ages of residents is extended for ten (10) months and fifteen (15) days pursuant to Government Code section 65858.

SECTION 2. Declaration of Urgency. This urgency is based on the following facts:

- a. There is a current, continuing and immediate threat to the public health, safety and welfare arising from the lack of affordable housing options for senior citizens age 55 and older in and around the City.
- b. Article XI, Section 7 of the California Constitution authorizes cities to adopt local police, sanitary, and other ordinances not in conflict with general laws.
- c. The California Legislature has authorized cities to provide zoning for "senior only" mobile home parks pursuant to Health and Safety Code section 18300 and applicable law.
- d. The California Attorney General has opined that such senior only zoning does not conflict with the general prohibition against discrimination based upon age contained in California Government Code section 65008. 87 Cal. Ops. Atty. Gen. 148 (Oct. 20, 2004).

- e. The City of American Canyon currently does not have a “senior only” mobilehome park zoning ordinances in place, but such a zoning ordinance may be needed in the immediate future to preserve the few affordable housing options left to our senior citizens.
- f. The City of American Canyon requires additional time to study and decide:
 - 1. If such an ordinance is necessary to protect the public, health, safety and welfare and provide adequate affordable local housing for senior citizens.
 - 2. If such an ordinance would have any adverse effects upon the general housing market and particularly the general affordable housing market in the City of American Canyon.

SECTION 3. Exceptions. This Ordinance shall not apply to any undeveloped parcels of land or to any mobilehome park as may be exempted by a majority vote of the City Council during the term of this Ordinance.

SECTION 4. Planning Department. The Interim Planning Director is directed to provide a written report to the City Council at least ten days prior to the expiration of this Ordinance, describing the study conducted of the local housing conditions that led to the adoption of this Ordinance.

SECTION 5. Effective Date. This Ordinance shall become effective immediately upon the date of its adoption pursuant to Government Code section 65858.

SECTION 6. Expiration. This moratorium shall be of no further force or effect upon the expiration of ten (10) months and fifteen (15) days from the date of adoption.

SECTION 7. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of 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 adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that one or

more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

The foregoing Ordinance was introduced and read, at a special meeting of the City Council of the City of American Canyon, State of California, held on the 12th day of January, 2007, and was passed and adopted at a special meeting of the City Council of the City of American Canyon, State of California, held on the 12th day of January, 2007 by the following vote:

AYES:	Garcia, Bennett, Callison, Coffey, West
NOES:	None
ABSTAIN:	None
ABSENT:	None



Leon Garcia, Mayor

ATTEST:

APPROVED AS TO FORM:



Marilynn Linn, Interim City Clerk



William D. Ross, City Attorney