

**URGENCY ORDINANCE NO. 1251**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, EXTENDING URGENCY ORDINANCE NOS. 1228 AND 1233 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**, Urgency Ordinance No. 1228 contained a statement of facts and findings that it is in the interest of immediately preserving the public peace, health, or safety, and the general welfare to adopt a moratorium on rent increases for mobilehome park spaces and directed City staff to undertake a comprehensive study to consider regulations to protect affordable and senior housing within mobilehome parks and to explore potentially revising the City’s zoning and municipal code to create a mobilehome park zone or overlay zone; and

**WHEREAS**, pursuant to California Government Code Section 65858, Ordinance No. 1228 expired 45 days after November 13, 2007; and

**WHEREAS**, on November 3, 2007, a report was issued pursuant to Government Code Section 65858 describing the measures taken to address pertinent issues prior to the expiration of the moratorium; and

**WHEREAS**, forty-five days from the date of adoption of Ordinance No. 1228 was not sufficient to adequately complete a comprehensive study to consider regulations to protect affordable and senior housing within mobilehome parks and to explore potentially revising the City’s zoning and municipal code to create a mobilehome park zone or overlay zone;

**WHEREAS**, the City Council at a meeting on December 11, 2007 adopted Ordinance No. 1233 to allow the moratorium ordinance to be extended until September 30, 2008 pursuant to California Government Code Section 65858.

**WHEREAS**, on December 11, 2007, a report was issued pursuant to Government Code Section 65858 describing the measures taken to address pertinent issues prior to the expiration of the moratorium; and

**WHEREAS**, all of the findings cited in Urgency Ordinance Nos. 1228 and 1233 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, issued the following written report, pursuant to Government Code Section 65858(d), describing the measures taken to alleviate the conditions which led to the adoption of Urgency Ordinance Nos. 1228 and 1233:

**10-Day Report of Measures Taken During Moratorium**

During the initial moratorium and ten (10) month and fifteen (15) day extension 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 (owner of both Lake Perris Village and Park Place Mobilehome Parks)  
Peter Herzog, Manufactured Housing Educational Trust

In a meeting with Staff, the owner of the two major mobilehome parks within the City (Ray K. Farris (“Mr. Farris”), owner of both Lake Perris Village and Park Place Mobilehome Parks) and a representative of the Manufactured Housing Educational Trust, Mr. Peter Herzog, discussed an extension of the Moratorium. The park owner indicated he would not object to the extension if the ordinance was modified with respect to vacant spaces. The extension of the Moratorium would cap rents on vacant spaces at no more than \$470.00 per month, which was approved by the City and included as a provision in the Moratorium’s extension. The extension also specifies an end date of September 30, 2008. During that time the park owner has pledged to work with the City and the park residents to address their concerns.

However, the park owner did not contact the City again until on or about July 2008. On August 18, 2008, Mr. Farris met with the Mayor, City Manager, City Attorney and the two parks’ management, and Mr. Herzog. As a result of this meeting with the City, the park owner agreed to provide the City with documents relevant to the maintenance, conditions, improvements, the cost of maintenance, and rents at his parks. These documents are necessary to the City’s preparation of a comprehensive report regarding the outstanding allegations and issues and will facilitate in its forming a recommendation regarding the adoption of rent control. To date, the City has not received these materials. Nevertheless, the park owner has taken a cooperative stance and the City would like to provide the park owner additional time to provide the requested documents and information.

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, the creation of a mobilehome park zone or overlay zone.

Staff has also retained the services of two experts. Mr. Ken Freschauf has been retained to conduct a study of the mobilehome parks in the City. Mr. Freschauf will also analyze mobilehome residents' allegations of excessive rent increases, claimed to be as often as twice a year, in the City's mobilehome parks. A second expert has assisted in drafting a potential mobilehome park rent stabilization ordinance, which is only a draft and needs further revisions before it can be considered by the City Council.

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, 2009 as authorized by Government Code §§ 65858(a), 36934, and 36937; 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, 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, and extended by Urgency Ordinance No. 1233, is hereby extended for an additional one year, such that Urgency Ordinance No. 1228 will now expire on September 30, 2009.

**SECTION 3. Alleviation Measures Report.** In accordance with Government Code § 65858(d), the City Council issue the written report set out above on September 17, 2008 describing the measures taken to alleviate the conditions that led to the adoption of Urgency Ordinance Nos. 1228 and 1233, and incorporates that report by reference as if set forth in full herein.

**SECTION 4. Urgency Findings.** In adopting this urgency ordinance extending Urgency Ordinance Nos. 1228 and 1233, 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 5. 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 6. 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 7. 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 30th day of September, 2008.

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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 L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Urgency Ordinance No. 1251 was duly AND REGULARLY ADOPTED BY THE City Council of the City of Perris at a regular meeting held the 30<sup>th</sup> day of September, 2008, by the following called vote:

AYES: Rogers, Yarbrough, Landers, Busch  
NOES: Motte  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
City Clerk, Judy L. Haughney