

AMENDED IN SENATE APRIL 26, 2011

SENATE BILL

No. 444

Introduced by Senator Evans

(Principal coauthor: Assembly Member Williams)

(Coauthors: Assembly Members Allen and Furutani, *Furutani, Huffman, and Monning*)

February 16, 2011

An act to amend Section 66427.5 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 444, as amended, Evans. Land use: subdivisions: rental mobilehome park conversion.

The Subdivision Map Act requires a subdivider, at the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a rental mobilehome park to resident ownership, to avoid the economic displacement of all nonpurchasing residents by following specified requirements relating to the conversion, including the requirement that the subdivider obtain a survey of support of residents of the mobilehome park for the proposed conversion, the requirement that the results of the survey be submitted to the local agency for consideration, as specified, and the requirement that the subdivider be subject to a hearing by the legislative body or advisory agency that is authorized to approve, conditionally approve, or disapprove the map.

This bill would clarify that the local agency is required to consider the results of the survey in making its decision to approve, conditionally approve, or disapprove the map; that the agency is authorized to disapprove the map if it finds that the results of the survey have not demonstrated adequate resident support; and that, with respect to

mitigation of economic displacement of all nonpurchasing residents, the scope of the hearing is limited to compliance with these provisions of the act.

This bill would ~~find and declare~~ *set forth the findings and declarations of the Legislature* that the changes made by this act do not constitute a change in, and are declaratory of, existing law, and would state the intent of the Legislature to clarify the intent of certain provisions of the ~~subdivision map~~ *act*.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 66427.5 of the Government Code is
- 2 amended to read:
- 3 66427.5. At the time of filing a tentative or parcel map for a
- 4 subdivision to be created from the conversion of a rental
- 5 mobilehome park to resident ownership, the subdivider shall avoid
- 6 the economic displacement of all nonpurchasing residents in the
- 7 following manner:
- 8 (a) The subdivider shall offer each existing tenant an option to
- 9 either purchase his or her condominium or subdivided unit, which
- 10 is to be created by the conversion of the park to resident ownership,
- 11 or to continue residency as a tenant.
- 12 (b) The subdivider shall file a report on the impact of the
- 13 conversion upon residents of the mobilehome park to be converted
- 14 to resident owned subdivided interest.
- 15 (c) The subdivider shall make a copy of the report available to
- 16 each resident of the mobilehome park at least 15 days prior to the
- 17 hearing on the map by the advisory agency or, if there is no
- 18 advisory agency, by the legislative body.
- 19 (d) (1) The subdivider shall obtain a survey of support of
- 20 residents of the mobilehome park for the proposed conversion.
- 21 (2) The survey of support shall be conducted in accordance with
- 22 an agreement between the subdivider and a resident homeowners'
- 23 association, if any, that is independent of the subdivider or
- 24 mobilehome park owner.
- 25 (3) The survey shall be obtained pursuant to a written ballot.
- 26 (4) The survey shall be conducted so that each occupied
- 27 mobilehome space has one vote.

1 (5) The results of the survey shall be submitted to the local
2 agency upon the filing of the tentative or parcel map, to be
3 considered in the agency's decision as to whether to approve,
4 conditionally approve, or disapprove the map, and the agency may
5 disapprove the map if it finds that the results of the survey have
6 not demonstrated adequate resident support.

7 (e) The subdivider shall be subject to a hearing by a legislative
8 body or advisory agency that is authorized by local ordinance to
9 approve, conditionally approve, or disapprove the map. With
10 respect to mitigation of economic displacement of all
11 nonpurchasing residents, the scope of the hearing shall be limited
12 to the issue of compliance with this section. Nothing in this section
13 shall be construed to relieve the subdivider or the local agency
14 from complying with other applicable state or local laws, including,
15 but not limited to, Chapter 4 (commencing with Section 66473)
16 of this division. laws.

17 (f) The subdivider shall be required to avoid the economic
18 displacement of all nonpurchasing residents in accordance with
19 the following:

20 (1) As to nonpurchasing residents who are not lower income
21 households, as defined in Section 50079.5 of the Health and Safety
22 Code, the monthly rent, including any applicable fees or charges
23 for use of any preconversion amenities, may increase from the
24 preconversion rent to market levels, as defined in an appraisal
25 conducted in accordance with nationally recognized professional
26 appraisal standards, in equal annual increases over a four-year
27 period.

28 (2) As to nonpurchasing residents who are lower income
29 households, as defined in Section 50079.5 of the Health and Safety
30 Code, the monthly rent, including any applicable fees or charges
31 for use of any preconversion amenities, may increase from the
32 preconversion rent by an amount equal to the average monthly
33 increase in rent in the four years immediately preceding the
34 conversion, except that in no event shall the monthly rent be
35 increased by an amount greater than the average monthly
36 percentage increase in the Consumer Price Index for the most
37 recently reported period.

38 SEC. 2. (a) The Legislature finds and declares that the
39 amendments to Section 66427.5 of the Government Code made

1 by this act do not constitute a change in, but rather are declaratory
2 of, existing law.

3 (b) It is the intent of the Legislature to do both of the following:

4 (1) Clarify that the legislative intent underpinning paragraphs
5 (1) and (5) of subdivision (d) of Section 66427.5 of the Government
6 Code has been, and continues to be, to require a local agency to
7 consider, in making the decision to approve, conditionally approve,
8 or disapprove the tentative or parcel map, the level of resident
9 support for the proposed conversion, and that those provisions
10 authorize the agency, at its discretion, to disapprove the map, if it
11 finds that the results of the survey have not demonstrated adequate
12 resident support.

13 (2) Clarify that subdivision (e) of Section 66427.5 of the
14 Government Code is not, *and never has been*, intended to relieve
15 the subdivider or the local agency from the requirement of
16 complying with other applicable state or local laws, including, but
17 not limited to, ~~Chapter 4 (commencing with Section 66473) of~~
18 ~~Division 2 of Title 7 of the Government Code.~~ *applicable state*
19 *laws.*