

Introduced by Senator JacksonFebruary 21, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

SB 510, as introduced, Jackson. 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 provide 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, and that the agency is authorized to disapprove the map if it finds that the results of the survey have not demonstrated the support of at least a majority of the park's homeowners. This bill would provide that local legislative bodies may enact local regulations to implement the survey requirements.

This bill would 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 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.
 28 (5) The results of the survey shall be submitted to the local
 29 agency upon the filing of the tentative or parcel map, to be
 30 considered *in the agency's decision as part to whether to approve,*
 31 *conditionally approve, or disapprove the map, and the agency may*
 32 *disapprove the map if it finds that the results of the subdivision*
 33 *map hearing prescribed by subdivision (e). survey have not*

1 *demonstrated the support of at least a majority of the park's*
2 *homeowners.*

3 *(6) Local legislative bodies may enact local regulations to*
4 *implement the requirements of this subdivision.*

5 (e) The subdivider shall be subject to a hearing by a legislative
6 body or advisory agency, which is authorized by local ordinance
7 to approve, conditionally approve, or disapprove the map. The
8 scope of the hearing shall be limited to the issue of compliance
9 with this section.

10 (f) The subdivider shall be required to avoid the economic
11 displacement of all nonpurchasing residents in accordance with
12 the following:

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

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

31 SEC. 2. (a) The Legislature finds and declares that the
32 amendments to Section 66427.5 of the Government Code made
33 by this act do not constitute a change in, but rather are declaratory
34 of, existing law.

35 (b) It is the intent of the Legislature to clarify that the legislative
36 intent underpinning paragraphs (1) and (5) of subdivision (d) of
37 Section 66427.5 of the Government Code has been, and continues
38 to be, to require a local agency to consider, in making the decision
39 to approve, conditionally approve, or disapprove the tentative or
40 parcel map, the level of resident support for the proposed

1 conversion, and that those provisions authorize the agency, at its
2 discretion, to disapprove the map if it finds that the results of the
3 survey have not demonstrated the support of at least a majority of
4 a park's homeowners.

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