

ORDINANCE NO. 1094-C-S

AN EXTENSION OF THE INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH PLACING A 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 and around the City of Antioch creates a serious problem for senior citizens living in the City of Antioch that will only increase with the aging of the community's population;

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

WHEREAS, the City's Housing Element calls out the important role that senior mobile home parks fulfill in providing housing to meet the needs of the Antioch community, and in particular states: "Existing Mobile Home and Manufactured Housing Communities currently provide an important housing opportunity particularly for the growing senior population in the City at the senior-restricted Vista Diablo Mobile Home Park and Delta Villa Estates" and makes the recommendation to explore alternatives "to address the issue of preserving the age restricted nature and affordability of existing senior mobile home and modular communities, given the importance of these communities to the diversity of the City's housing stock" (Section 9.2.2.4);

WHEREAS, there are three mobile home parks in the City of Antioch of which two are designated as senior mobile home parks for persons 55 years of age and older, including Vista Diablo Mobile Home Park with 150 spaces;

WHEREAS, the two senior mobile home parks represent approximately 257 spaces out of 379 spaces or 69 percent of all of the mobile home spaces in Antioch;

WHEREAS, the management and ownership of Vista Diablo Mobile Home Park has indicated plans 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;

WHEREAS, such a conversion may unduly burden and irreparably harm senior citizens within the community; and

WHEREAS, on May 22, 2007, the City Council of the City of Antioch determined that an urgency ordinance was necessary to protect the public health, safety and welfare of the citizens of Antioch and adopted an urgency interim ordinance to place a moratorium on the conversion of any senior mobile home park to an all-age mobile home park; and

WHEREAS, following a public hearing on June 26, 2007, the City Council considered the report from staff regarding the extension of the interim ordinance for another 10 months and 15 days and all written and oral testimony;

NOW, THEREFORE, the City Council of the City of Antioch 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, a moratorium is hereby placed on the following:

The conversion of any mobilehome park currently in existence in the city from a park where at least eight percent (80%) 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.

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

a. There is a current and immediate threat to the public health, safety and welfare arising from the lack of affordable housing options for senior citizens aged 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" mobilehome parks pursuant to Health and Safety Code section 18300.

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 Antioch currently does not have a "senior only" mobilehome park zoning ordinance 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 Antioch requires time to study and decide:

i. If such an ordinance is necessary to protect the public, health, safety and welfare and provide adequate affordable local housing for senior citizens.

ii. If such an ordinance would have any adverse effects upon the general housing market and particularly the general low-income housing market in the City of Antioch.

iii. Other issues outlined in the staff report presented to the City Council at its meeting on June 26, 2007 and memorandum to that report attached as Exhibit B.

SECTION 3: Exceptions. This ordinance shall not apply to any undeveloped parcels of land or to any mobilehome parks currently operating within the city where the number of full-time residents younger than 55 years of age comprise twenty-one percent (21%) or more of the total number of residents in the mobilehome park.

SECTION 4: Report. Staff 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. The Council finds that the public health, safety and welfare require that this ordinance become effective immediately upon its adoption and passage, pursuant to Government Code section 65858. Accordingly, the interim urgency ordinance is extended for 10 months and 15 days.

SECTION 6: 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 any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 7: Publication. This ordinance shall be published once in the East County Times, within fifteen (15) days of its adoption, and shall become effective immediately upon its passage and adoption.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced and adopted as an urgency interim ordinance by a four-fifths (4/5) vote of the City Council of the City of Antioch at a regular meeting thereof, held on the 26th day of June 2007, by the following vote:

AYES: Councilmembers Kalinowski, Davis, Moore, Simonsen and Mayor Freitas

NOES: None

ABSENT: None

MAYOR OF THE CITY OF ANTIOCH

ATTEST:

CITY CLERK OF THE CITY OF ANTIOCH

ORDINANCE NO. 1092-C-S

**AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ANTIOCH PLACING A 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 and around the City of Antioch creates a serious problem for senior citizens living in the City of Antioch that will only increase with the aging of the community's population;

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

WHEREAS, the City's Housing Element calls out the important role that senior mobile home parks fulfill in providing housing to meet the needs of the Antioch community, and in particular states: "Existing Mobile Home and Manufactured Housing Communities currently provide an important housing opportunity particularly for the growing senior population in the City at the senior-restricted Vista Diablo Mobile Home Park and Delta Villa Estates" and makes the recommendation to explore alternatives "to address the issue of preserving the age restricted nature and affordability of existing senior mobile home and modular communities, given the importance of these communities to the diversity of the City's housing stock" (Section 9.2.2.4);

WHEREAS, there are three mobile home parks in the City of Antioch of which two are designated as senior mobile home parks for persons 55 years of age and older, including Vista Diablo Mobile Home Park with 150 spaces;

WHEREAS, the two senior mobile home parks represent approximately 257 spaces out of 379 spaces or 69 percent of all of the mobile home spaces in Antioch;

WHEREAS, the management and ownership of Vista Diablo Mobile Home Park has indicated plans 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;

WHEREAS, such a conversion may unduly burden and irreparably harm senior citizens within the community; and

WHEREAS, the City Council of the City of Antioch has determined that an urgency ordinance is necessary to protect the public health, safety and welfare of the citizens of Antioch:

NOW, THEREFORE, the City Council of the City of Antioch 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, a moratorium is hereby placed on the following:

The conversion of any mobilehome park currently in existence in the city from a park where at least eight percent (80%) 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.

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

- a. There is a current and immediate threat to the public health, safety and welfare arising from the lack of affordable housing options for senior citizens aged 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” mobilehome parks pursuant to Health and Safety Code section 18300.
- 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 Antioch currently does not have a “senior only” mobilehome park zoning ordinance 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 Antioch requires 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 low-income housing market in the City of Antioch.

SECTION 3: Exceptions. This ordinance shall not apply to any undeveloped parcels of land or to any mobilehome parks currently operating within the city where the number of full-time residents younger than 55 years of age comprise twenty-one percent (21%) or more of the total number of residents in the mobilehome park.

SECTION 4: Report. Staff 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. The Council finds that the public health, safety and welfare require that this ordinance become effective immediately upon its adoption and passage, pursuant to Government Code section 65858.

SECTION 6: 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 any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 7: Publication. This ordinance shall be published once in the East County Times, within fifteen (15) days of its adoption, and shall become effective immediately upon its passage and adoption.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced and adopted as an urgency ordinance by a four-fifths (4/5) vote of the City Council of the City of Antioch at a regular meeting thereof, held on the 22nd day of May 2007, by the following vote:

AYES: Councilmembers Kalinowski, Davis, Moore, Simonsen and Mayor Freitas

NOES: None

ABSENT: None

MAYOR OF THE CITY OF ANTIOCH

ATTEST:

CITY CLERK OF THE CITY OF ANTIOCH