

ORDINANCE NO.

AN URGENCY ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF THOUSAND OAKS AMENDING
SECTIONS 9-4.202, 9-4.309 AND 9-4.2003 AS WELL
AS ADDING SECTIONS 9-4.2005, 9-4.2006, 9-
4.2007, AND 9-4.2008 OF THE MUNICIPAL CODE OF
THE CITY OF THOUSAND OAKS REGARDING THE
ESTABLISHMENT OF A SENIOR MOBILE HOME
PARK OVERLAY ZONE AND RELATED
REGULATIONS

The City Council of the City of Thousand Oaks does hereby ordain as follows:

Part 1

The City Council finds that:

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution and sections 37100 *et seq.* of the California Government Code, the City Council may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws;

WHEREAS, pursuant to California Government Code Section 36937, the City Council may, by a four-fifths vote, adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety, containing a declaration of the facts constituting the urgency, to be effective immediately upon passing;

WHEREAS, the City Council of the City of Thousand Oaks deems it necessary to adopt an urgency ordinance to provide protections for senior housing within the City's jurisdiction given recent and significant actions to modify mobile home park occupancy types within the City;

WHEREAS, there are eight (8) mobile home parks in the City, five (5) of which have long operated as senior mobile home parks, providing an important source of unsubsidized senior housing;

WHEREAS, the five senior mobile home parks represent approximately 865 spaces out of 1,008 total spaces of all mobile home spaces in the City;

WHEREAS, the conversion of senior mobile home parks to mobile home parks allowing occupancy by persons of all ages will result in the loss of existing unsubsidized senior housing that is affordable within the City. Such a loss

presents a threat to, and a specific adverse impact upon, public health, safety, and welfare and the City's ability to provide safe and decent housing opportunities to seniors;

WHEREAS, mobile home parks represent one of a few unsubsidized affordable housing options left to senior citizens that permit exclusive residence in a detached dwelling by those individuals over the age of 55 years;

WHEREAS, the goals of the 2021-2029 Housing Element of the City's General Plan mobile home parks as a source of unsubsidized senior housing that is vital to preserve. Furthermore, future change to the land use designation and zoning requires approval by a vote of the people, unless park tenants receive certain payments as prescribed by the measure passed by the citizens;

WHEREAS, the City's Housing Element recognizes that seniors over the age of 65 represent 19 percent of the City's population as of 2019;

WHEREAS, in contrast to other senior housing in the City, mobile home parks afford seniors the ability to live in their own homes rather than in apartments and provide a senior living community in a low-rise setting that provides a clubhouse for community events and socializing as well as recreational facilities inside the park so that the residents can easily walk to these facilities and events;

WHEREAS, the City Council received written requests and numerous public comments from individuals concerned about the loss of senior housing in mobile home parks, including concerns one of the five parks would convert from a senior-only park to an all-age mobile home park;

WHEREAS, the City is aware of one mobile home park owner who intends to convert its mobile home park from a senior-only park to an all-age/family park and that this owner has already provided notice to the State Department of Housing and Community Development of this intent under the State Mobile Home Park Residency laws;

WHEREAS, currently, the City does not impose any regulations on the conversion of mobile home parks from senior-only to all-age / family parks;

WHEREAS, this ordinance is necessary to develop new zoning regulations to implement a Senior Mobile Home Park Overlay Zone to promote and preserve senior mobile home parks subject to the City's Rent Stabilization Ordinance;

WHEREAS, this ordinance is also necessary to mitigate the unregulated effects of conversion of senior housing to housing allowing occupancy by persons of all ages, including the potential shrinking inventory of existing quality unsubsidized affordable housing for seniors, and restricted housing options for

seniors hoping to remain in their mobile home community or transition into such a community from other housing. No feasible alternative is available to satisfactorily mitigate or avoid these specific adverse impacts as well as or better than, or with a less burdensome effect than, the adoption of the proposed ordinance;

WHEREAS, California's Unruh Civil Rights Act (Civil Code, § 51 et seq.) authorizes private parties to establish housing for senior citizens and the Federal Fair Housing Act (42 U.S.C. § 3601 et seq.) expressly allows for "housing for older persons";

WHEREAS, the Federal Housing Act, California Fair Employment and Housing Act, and California Mobile Home Park Residency law permit local regulation of mobile park housing to provide "housing for older persons" to include housing that is restricted to occupancy of at least 80 percent of units by at least one person who is age 55 or older;

WHEREAS, the California Legislature has authorized cities to provide zoning for senior-only mobile home parks under Health and Safety Code section 18300;

WHEREAS, the ordinance would not alter existing General Plan land use designations or development standards;

WHEREAS, the City Council finds that, pursuant to CEQA Guidelines § 15061(b)(3), there is no possibility that this project will have a significant impact on the physical environment and, therefore, is exempt from CEQA. This Ordinance merely amends the Thousand Oaks Municipal Code to maintain a senior-only status for mobile home parks within the City that have demonstrated over a long period of time that the park owner required at least one member of the mobile home park coach located within the park be a person of 55 years of age or older. This Ordinance does not directly or indirectly authorize or approve any actual changes in the physical environment. Applications for any new mobile home parks would be subject to additional environmental review on a case-by-case basis. Accordingly, the City Council finds that this Ordinance would be exempt from CEQA under the common sense exemption;

WHEREAS, the City Council determined that an urgency ordinance is necessary to preserve the public peace, health, or safety of the citizens of the City, and further determined upon that basis that an urgency ordinance is necessary to prevent unregulated conversions of senior-only mobile home park conversions to "all ages/family" parks within the City; and

WHEREAS, the adoption of the text amendments herein and the zoning of the listed existing mobile home park properties to the Senior Mobile Home Park Overlay Zone is consistent with the City of Thousand Oaks General Plan and good

zoning practice and is in the interest of the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Thousand Oaks as follows:

SECTION 1: Based on the evidence presented, and the findings set forth, the above-titled Urgency Ordinance No. [] is hereby found to be consistent with the City's General Plan and the land uses permitted within said zone classification.

SECTION 2: The City Council does hereby approve changes to the Existing Trailer Park Development Zone Map in Exhibit A by adding the Senior Mobile Home Park Overlay Zone to properties as identified in Exhibit B of this Ordinance.

Part 2

Article 2: Definitions

Article 2, Section 9-4.202 Definitions, of Chapter 4 of Title 9 of the Thousand Oaks Municipal Code, is hereby amended by the addition of the following definition in appropriate alphabetical order:

"Mobile home park" means an area or land where two or more spaces are rented or leased for mobile homes or manufactured homes to be used as dwellings. The dwellings may be either owned or rented by the occupants. A mobile home park is defined in State Law, Civil Code, § 798.4, and does not include residences provided by employers for farmworkers or other employees, nor does it include campgrounds or other sites for temporary lodging.

"Senior mobile home park" means a mobile home park as defined in Section 798.4 of the California Civil Code where the occupancy of a mobile home space is restricted such that at least one person occupying the mobile home as a permanent resident must be age 55 or older and that person must own or be a part-owner of that mobile home or the direct beneficiary of a trust or estate that owns that mobile home. To comply with federal law, a senior park may permit up to 20 percent of the coach owners under the age of 55.

Part 3

Article 3: Establishment and Designation of Zones

Article 3, Section 9-4.309 – Establishment and Designation of Zones, Chapter 4 of Title 9 of the City of Thousand Oaks Code is hereby added to read as follows:

There is hereby established the Senior Mobile Home Park Overlay Zone (SMHP) that provides an overlay zone within any use zone wherein properties so zoned are identified as parcels containing mobile home parks. The development of land within the SMHP Zone shall conform to the regulations set forth in Article 20 of this chapter.

Part 4

Article 4: Purposes of Zones

Article 20, Section 9-4.2003 – Overlay Zones, of Chapter 4 of Title 9 of the Thousand Oaks Municipal Code is hereby amended by the addition of the following:

Sec. 9-4.2003 – Senior Mobile Home Park Overlay Zone (SMHP)

The purposes of this zone are:

- a. To recognize senior mobile home parks as walkable communities where seniors may live actively and independently among peers, the preservation of those qualities being central to residents' continued health, welfare, and financial stability.
- b. To recognize that senior mobile home parks provide one of the few housing options within Thousand Oaks available to seniors that are unsubsidized and allow for independent living in a detached dwelling.
- c. To preserve a significant source of unsubsidized, senior housing by ensuring that senior mobile home parks within the City's jurisdiction remain predominantly available to seniors and are not converted to allow occupancy by persons of all ages.
- d. To recognize mobile home parks as communities in which residents are substantially invested and to provide for the security of tenancy comparable to that of other residential communities less vulnerable to redevelopment.
- e. To meet the purpose of the federal Housing for Older Persons Act of 1995 (42 U.S.C. § 3607).
- f. To prevent senior mobile home parks from converting or becoming all-ages mobile home parks.
- g. To ensure a sufficient supply of land for this type of use remains in the City for seniors.

Part 5

Article 3: Establishment and Designation of Zones

Article 3 under Chapter 4 of Title 9 of the City of Thousand Oaks Municipal Code is hereby amended by the addition of the following:

Section 9-4.309 – Senior Mobile Home Park Overlay Zone

There is hereby established the Senior Mobile Home Park Overlay Zone (SMHP) to provide an overlay zone within any use of the Trailer Park Development Zones as identified in Article 20 of this chapter.

Part 6

Article 20, Mobile Home Park Development Zones

Sec. 9-4.2005 – Occupancy Limitations & Rentals

Section 9-4.2005 of Article 20, Chapter 4, of Title 9 is reinstated and amended to read as follows:

At least 80 percent of the occupied units in a Senior Mobile Home Park must be occupied by at least one person 55 years of age or older.

Senior Mobile Home Park occupancy satisfies the requirements of this section even if:

- a. There are unoccupied mobile homes, provided that at least 80 percent of the occupied mobile homes are occupied by at least one person 55 years of age or older.
- b. To the extent permitted by applicable law, for a period of no more than two consecutive years fewer than 80 percent of the occupied units are occupied by at least one person 55 years of age or older, provided the Senior Mobile Home Park has reserved all unoccupied mobile homes for occupancy by at least one person 55 years of age or older.

Section 9-4.2006 of Article 20, Chapter 4 of Title 9 is added to read as follows:

Sec. 9-4.2006 – Age Verification & Compliance Procedures

- a. The City shall determine, and maintain summary documentation establishing, that at least 80 percent of the mobile homes in a Senior Mobile Home Park are occupied by at least one resident who is 55

years of age or older. The occupancy verification documentation shall be made available by park owners for inspection by the City upon reasonable notice and request.

- b. At least once every two years owners and operators of Senior Mobile Home Parks shall submit documentation confirming that at least 80 percent of all occupied mobile homes are occupied by at least one resident 55 years of age or older to the Planning Division of the City.
- c. Upon the operative date of this Section 9-4.2006, and no later than 30 days after the request for age verification by a mobile home park owner, operator, or employee of the owner or operator, all owners and residents of all mobile homes units located, or proposed to be located, within the Senior Mobile Home Park Overlay Zone shall provide to the park owner or operator, and the Planning Division of the City's Community Development Department the requested age verification documents or information.
- d. The City shall consider government-issued identification to be reliable documentation of the age of the residents of the mobile home park, provided that it contains specific information about current age or date of birth (e.g., driver's license).
- e. Reliable documentation shall also include a certification in a lease, application, affidavit, or other document signed by any member of the household age 18 or older asserting that at least one person in the unit is 55 years of age or older.
- f. If the occupant(s) of a particular mobile home refuses or is unable to comply with these age verification procedures, the City may, if it has sufficient evidence, consider the unit to be occupied by at least one person 55 years of age or older. Such evidence may include:
 - (1) Government records or documents;
 - (2) Prior forms or applications; or
 - (3) A statement from an individual who has personal knowledge of the age of the occupants. The individual's statement must set forth the basis for such knowledge and be signed under penalty of perjury.
- g. Failure to submit the verification required by this chapter or failure of the verification to confirm a mobile home park with the Senior Mobile Home Park Overlay Zone (SMHP) meets the definition in Section 9-4.202 shall constitute a violation of the zoning ordinance, subject to

enforcement in the manner provided in Municipal Code Section 1-2.01.

Section 9-4.2007 of Article 20, Chapter 4 of Title 9 is added to read as follows:

Sec. 9-4.2007 – Duty of Mobile Home Park Residents to Comply with Age Verification Request

Upon the operative date of this Section 9-4.2007, and no later than 30 days after the request for age verification by a mobile home park owner or operator or an employee or agent of the City, all owners and residents of all mobile homes located, or proposed to be located, within the Senior Mobile Home Park Overlay Zone shall provide to the mobile home park operator and the Planning Division of the City the requested age verification documents.

Section 9-4.2008 of Article 20, Chapter 4 of Title 9 is added to read as follows:

Sec. 9-4.2008 – Duty of Mobile Home Park Owners/Operators to Comply with Age Reporting Requirement and Certification

- a. Within 90 days of the passage of this Section 9-4.2008, and then every two years thereafter, the owner or operator of each Senior Mobile Home Park shall report to the Planning Director of the City confirmation that at least 80 percent of all occupied mobile homes are occupied by at least one resident 55 years of age or older. The owners or operators of each senior mobile home park shall maintain procedures for verifying the age of park residents.
- b. The senior mobile home park owner or operator shall provide to the City a certification substantially in the following form:

“I [name] hereby certify that there is a least one occupant 55 years of age or older living in ___ [number of such mobile homes] mobile homes out of a total number of ___[total number] mobile homes located in this mobile home park. This certification is based on my personal knowledge of the residents, evidence provided to me in the form of official government documents containing specific information about the current age of the residents, resident affidavits, or age certifications made by residents.”

Part 7
(Uncodified)
Conflicts with Prior Ordinances

If the provisions in this Ordinance conflict in whole or in part with any other City regulation or ordinance adopted prior to the effective date of this section, the provisions in this Ordinance will control.

Part 8
(Uncodified)
Severability

If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this title; it is hereby expressly declared that this title, and each section, subsection, sentence, clause, and phrase hereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that anyone or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Part 9
(Uncodified)
Effective Date

This Ordinance shall take effect immediately upon passage and adoption.

PASSED AND ADOPTED this 12th day of September 2023, by the following vote:

Ayes:
Noes:
Absent:

Kevin McNamee, Mayor
City of Thousand Oaks, California

ATTEST/CERTIFY:

Laura B. Maguire, City Clerk

Date Attested: _____

APPROVED AS TO FORM:
Office of the City Attorney

Tracy M. Noonan, City Attorney

APPROVED AS TO ADMINISTRATION:

Andrew P. Powers, City Manager

The presence of electronic signature certifies that the foregoing is a true and correct copy as approved by the City of Thousand Oaks City Council on the date cited above.

EXHIBIT A

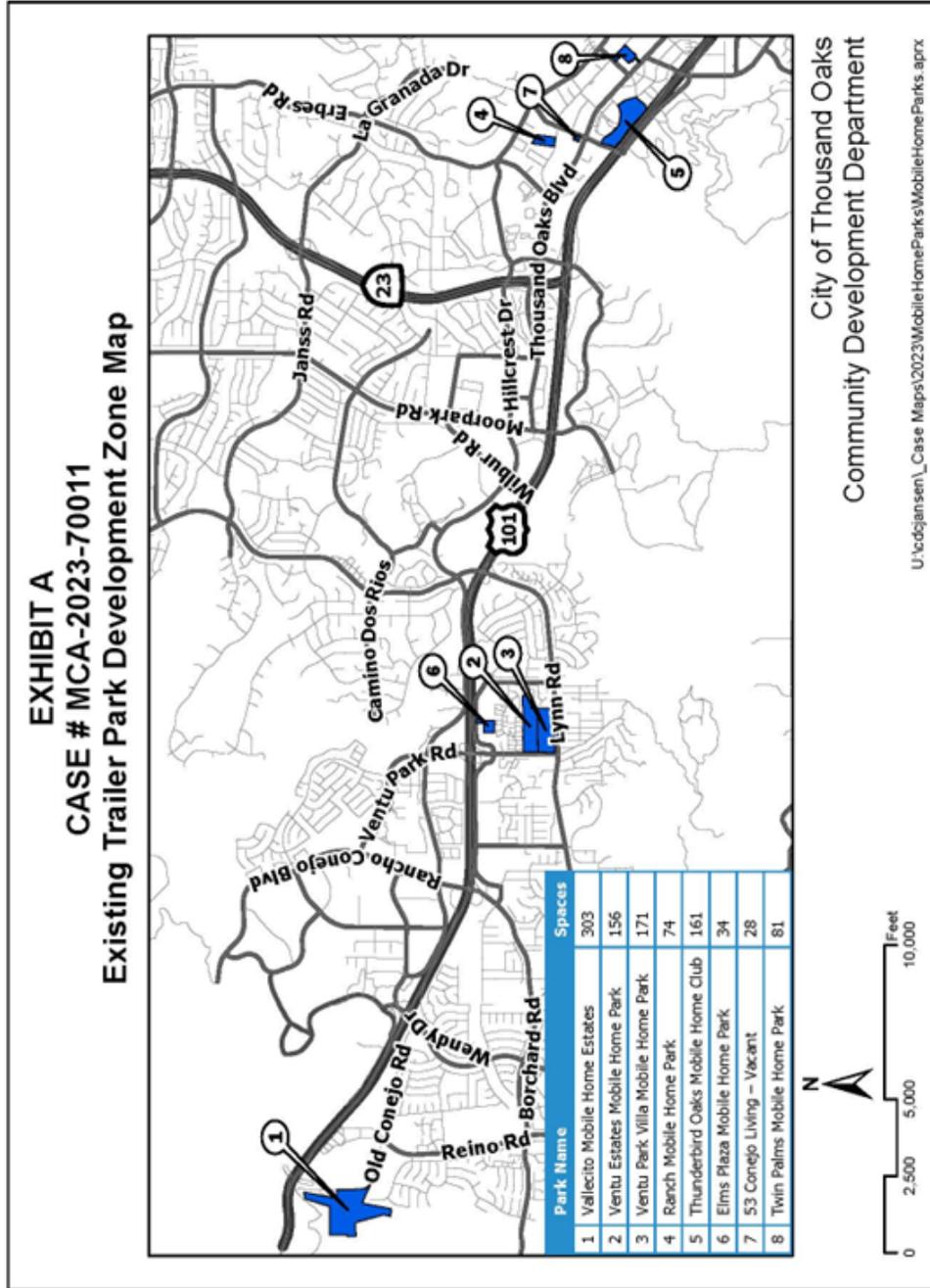


EXHIBIT B

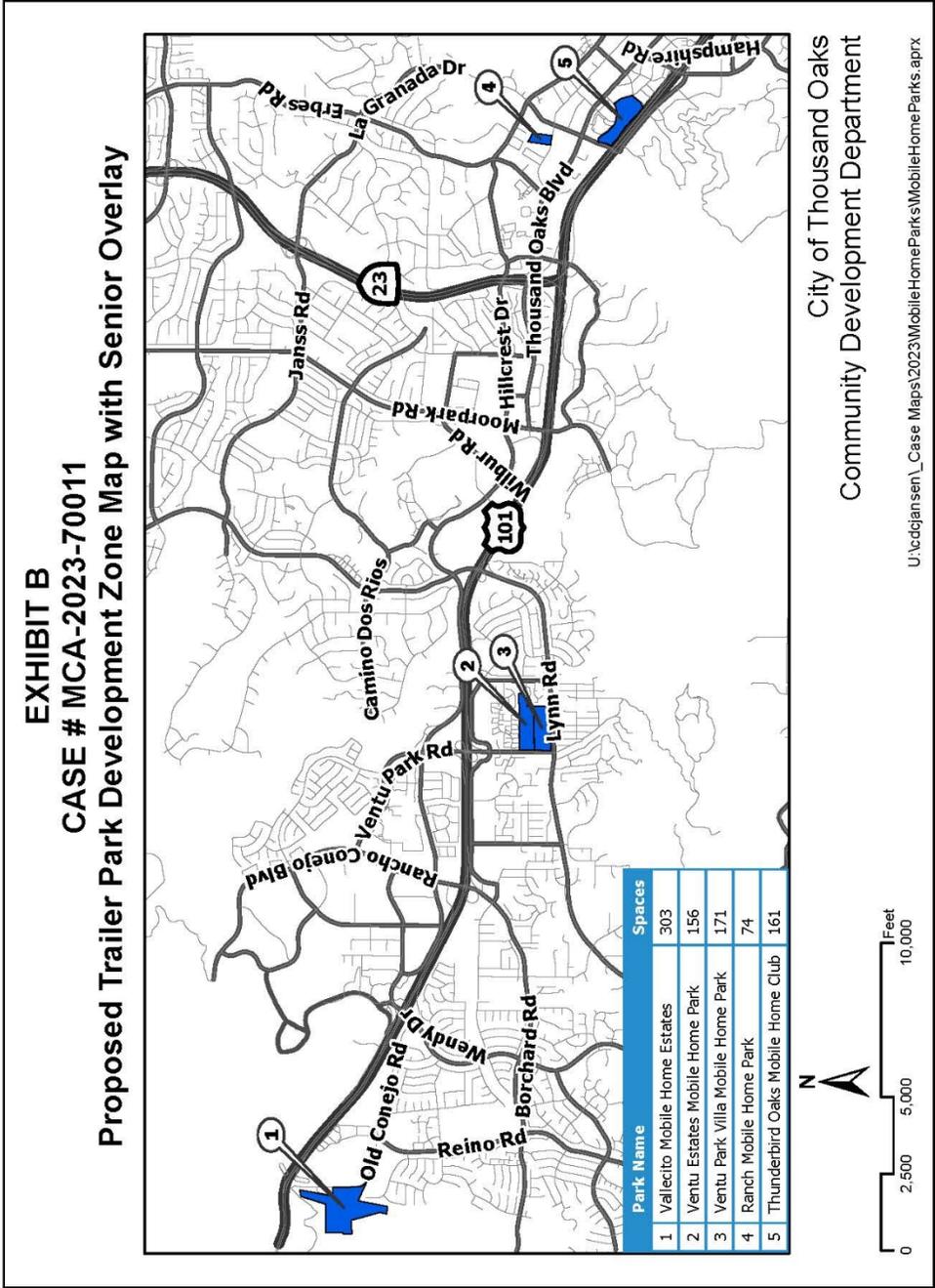


EXHIBIT C

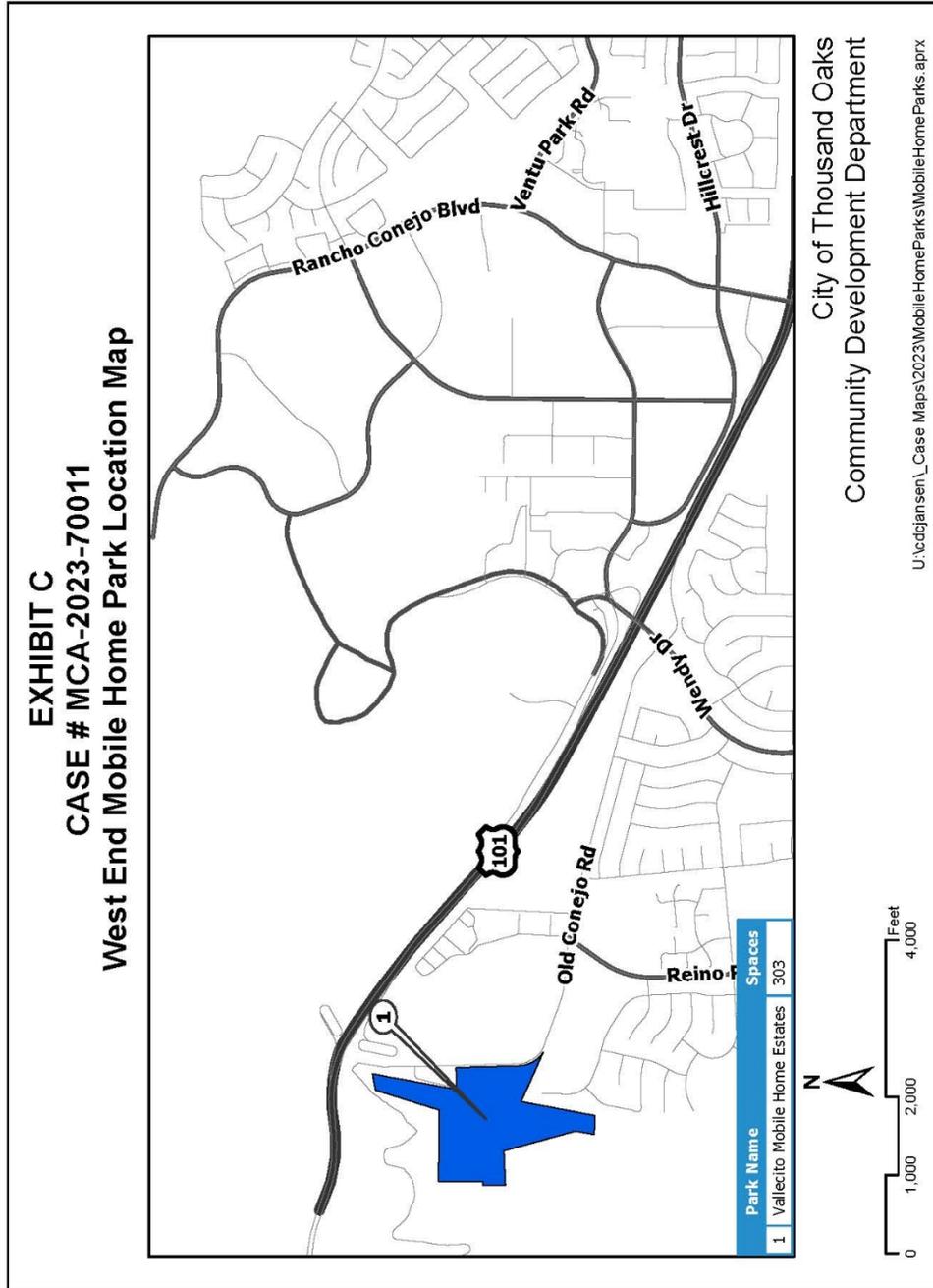


EXHIBIT D

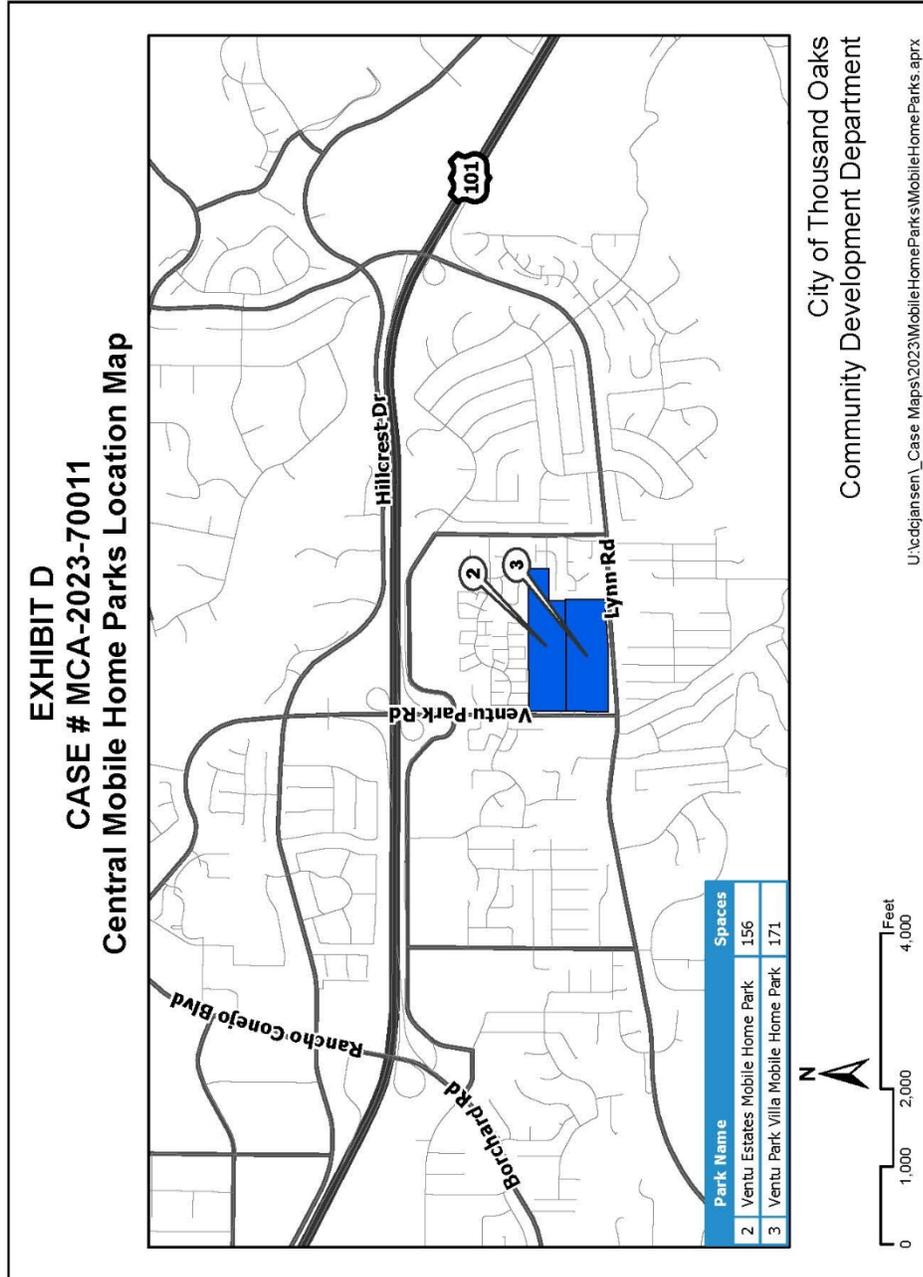


EXHIBIT E

