

AMENDED IN ASSEMBLY AUGUST 19, 2013

AMENDED IN SENATE APRIL 30, 2013

SENATE BILL

No. 510

Introduced by Senator Jackson

(Coauthors: Assembly Members Alejo and Williams)

February 21, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

SB 510, as amended, 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. In this regard, existing law requires that the subdivider obtain a survey of support of residents of the mobilehome park for the proposed conversion, that the results of the survey be submitted to the local agency for consideration, as specified, and that the subdivider be subject to a hearing by ~~the~~ a 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 specify that the results of the survey are to be considered by the local agency~~ in making its decision to approve, conditionally approve, or disapprove the map, ~~and that the agency is authorized. The bill would authorize the local agency 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~~*The* bill would ~~provide that~~
~~authorize~~ local legislative bodies ~~may to~~, by ordinance or resolution,
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.

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 the support of at least a majority of the park's
7 homeowners.

8 (6) Local legislative bodies may, by ordinance or resolution,
9 implement the requirements of this subdivision.

10 (e) The subdivider shall be subject to a hearing by a legislative
11 body or advisory agency, which is authorized by local ordinance
12 to approve, conditionally approve, or disapprove the map. The
13 scope of the hearing shall be limited to the issue of compliance
14 with this section.

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

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

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

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

1 (b) ~~It is the intent of the Legislature to clarify that the legislative~~
2 ~~intent underpinning paragraphs (1) and (5) of subdivision (d) of~~
3 ~~Section 66427.5 of the Government Code has been, and continues~~
4 ~~to be, to require a local agency to consider, in making the decision~~
5 ~~to approve, conditionally approve, or disapprove the tentative or~~
6 ~~parcel map, the level of resident support for the proposed~~
7 ~~conversion, and that those provisions authorize the agency, at its~~
8 ~~discretion, to disapprove the map if it finds that the results of the~~
9 ~~survey have not demonstrated the support of at least a majority of~~
10 ~~a park's homeowners.~~