


# REPORT OF THE CHIEF LEGISLATIVE ANALYST

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Assignment No. 13-05-0389  
Council File No. 13-0002-S74

DATE: May 16, 2013

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations Committee

FROM: Gerry F. Miller   
Chief Legislative Analyst

SUBJECT: Resolution (Rosendahl-Zine) to SUPPORT SB 510 (Jackson) relative to the Subdivision Map Act and rental mobilehome park conversion.

CLA RECOMMENDATION: Adopt the attached Resolution to include in the City's 2013-14 State Legislative Program SUPPORT for SB 510 (Jackson), which would require that a local agency consider survey results in making decisions to approve, conditionally approve, or disapprove a mobilehome park subdivision map.

## SUMMARY

Resolution (Rosendahl-Zine) indicates that SB 510 (Jackson) would authorize local government agencies to disapprove a subdivision map for the conversion of a mobilehome park if the results of a survey indicate that at least a majority of the mobile park's homeowners are opposed.

The Subdivision Map Act governs the division of land, including mobilehome parks. A subdivision is any division of land for the purpose of sale, lease, or financing and is governed by the California Subdivision Map Act (California Government Code § 66410). The Resolution indicates that SB 510 would enable local governments to deny a mobilehome park conversion application wherein the survey results indicate that a majority of park residents are opposed to a proposed subdivision.

Mobile home parks are typically owned on land that is not subdivided, and its owners pay rent for the space they occupy to an individual, partnership, or corporation. An alternative form of ownership involves a mobilehome located on a subdivided park where each mobilehome is installed in a privately-owned parcel where the owner owns the land.

The Subdivision Map Act requires that a park owner obtain a survey of support of at least two-thirds of the owners who are tenants in the mobile home park indicating their intent to purchase the park for a conversion to resident ownership. However, the Subdivision Map Act currently does not require local jurisdictions to use survey results in its consideration of the proposed division of land.

## City Attorney comments:

The City Attorney has reviewed the proposed legislation, and opines that there are no legal issues of concern.

## Planning Department comments:


The Planning Department reviewed the proposed legislation, and indicate that they have no issues.

DEPARTMENTS NOTIFIED

Planning Department  
City Attorney

BILL STATUS

2/21/13 Introduced  
4/30/13 Amended  
5/2/13 Passed Senate and referred to Assembly  
5/2/13 In Assembly. Read first time. Held at Desk.

  
Roberto R. Mejia  
Analyst

Attachments:

1. Resolution (Rosendahl-Zine).
2. SB 510 (Jackson) and bill history.
3. City Attorney and Planning Department response.
4. April 12, 2013 League of California Cities letter.

13-0002-574

MAY 03 2013

CLERK OF THE CITY OF LOS ANGELES

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state, or federal governmental body or agency must first have been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the Subdivision Map Act governs the division of land, including mobilehome parks; and

WHEREAS, a mobile home park is typically owned by an individual, partnership, or corporation where the land is not subdivided, and mobilehome owners pay rent for the space they occupy; and

WHEREAS, an alternate form of ownership involves a subdivided park, where each mobile home is installed in a privately-owned parcel where the purchase price includes the land the home is located on; and


WHEREAS, the current Subdivision Map Act currently requires that a park owner obtain a survey of support of residents in order to subdivide an existing mobilehome park and the park owner is required to count how many residents support or oppose the land division; and

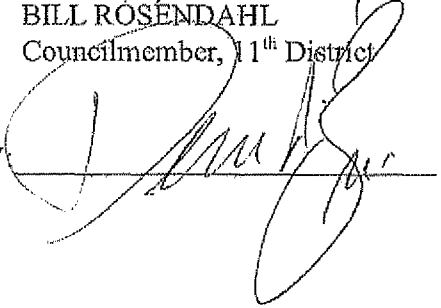
WHEREAS, existing law does not allow local jurisdictions to use the actual count in considering the proposed land division; and

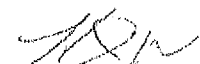
WHEREAS, SB 510 (Jackson) would provide local governments with the option to deny a mobilehome park conversion application where there is evidence that park residents are opposed; and

WHEREAS, local jurisdictions should be able to consider and act upon all relevant information available when considering approval of such matters;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-2014 State Legislative Program SUPPORT for SB 510 which would require that a local agency consider survey results in making decisions to approve, conditionally approve, or disapprove a mobilehome park subdivision map.

PRESENTED BY   
BILL ROSENDAHL  
Councilmember, 11<sup>th</sup> District

SECONDED BY 

  
MAY 3 2013

\*\*\*\*\*  
Office of the City Clerk, City of Los Angeles

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**Council File Number**  
13-0002-S74

**Title**  
SB 510 (Jackson) / Mobilehome Park Subdivision Map

<b>Last Change Date</b>	<b>Expiration Date</b>
05/03/2013	05/03/2015

**Pending in committee**  
Rules, Elections and Intergovernmental Relations Committee

<b>Mover</b>	<b>Second</b>
BILL ROSENDAHL	DENNIS ZINE

**Action History for Council File 13-0002-S74**

<b>Date</b>	<b>Activity</b>
05/03/2013	Resolution referred to Rules, Elections and Intergovernmental Relations Committee.

AMENDED IN SENATE APRIL 30, 2013

SENATE BILL

No. 510

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**Introduced by Senator Jackson**

*(Coauthors: Assembly Members Alejo and Williams)*

February 21, 2013

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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, ~~including the requirement that~~ *In this regard, existing law requires 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, 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.

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

1 considered in the agency's decision as to whether to approve,  
2 conditionally approve, or disapprove the map, and the agency may  
3 disapprove the map if it finds that the results of the survey have  
4 not demonstrated the support of at least a majority of the park's  
5 homeowners.

6 (6) Local legislative bodies ~~may enact local regulations to, by~~  
7 *ordinance or resolution*, implement the requirements of this  
8 subdivision.

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

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

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

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

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

39 (b) It is the intent of the Legislature to clarify that the legislative  
40 intent underpinning paragraphs (1) and (5) of subdivision (d) of

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

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## COMPLETE BILL HISTORY

BILL NUMBER : S.B. No. 510

AUTHOR : Jackson

TOPIC : Land use: subdivisions: rental mobilehome park conversion.

## TYPE OF BILL :

- Active
- Non-Urgency
- Non-Appropriations
- Majority Vote Required
- Non-State-Mandated Local Program
- Non-Fiscal
- Non-Tax Levy

## BILL HISTORY

2013

May 2 In Assembly. Read first time. Held at Desk.

May 2 Read third time. Passed. (Ayes 21. Noes 16. Page 776.) Ordered to the Assembly.

Apr. 30 Read second time and amended. Ordered to third reading.

Apr. 29 From committee: Do pass as amended. (Ayes 7. Noes 3. Page 668.) (April 23).

Mar. 19 Set for hearing April 23.

Mar. 18 Set, second hearing. Hearing canceled at the request of author.

Mar. 13 Set for hearing April 16.

Mar. 12 Set for hearing April 2. Set, first hearing. Hearing canceled at the request of author.

Mar. 11 Referred to Com. on T. &amp; H.

Feb. 22 From printer. May be acted upon on or after March 24.

Feb. 21 Introduced. Read first time. To Com. on RLS. for assignment. To print.

## CURRENT BILL STATUS

MEASURE : S.B. No. 510  
AUTHOR(S) : Jackson (Coauthors: Assembly Members Alejo and Williams).  
TOPIC : Land use: subdivisions: rental mobilehome park  
conversion.  
HOUSE LOCATION: ASM  
+LAST AMENDED DATE : 04/30/2013

## TYPE OF BILL :

Active  
Non-Urgency  
Non-Appropriations  
Majority Vote Required  
Non-State-Mandated Local Program  
Non-Fiscal  
Non-Tax Levy

LAST HIST. ACT. DATE: 05/02/2013  
LAST HIST. ACTION : In Assembly. Read first time. Held at Desk.  
COMM. LOCATION: SEN TRANSPORTATION AND HOUSING  
COMM. ACTION DATE : 04/23/2013  
COMM. ACTION : Do pass as amended.  
COMM. VOTE SUMMARY : Ayes: 07 Noes: 03 PASS

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



Roberto Mejia <roberto.mejia@lacity.org>

**Re: SB 510 (mobilehome park and Subdivision Map Act)**

1 message

**Tom Rothmann** <tom.rothmann@lacity.org>  
To: Roberto Mejia <roberto.mejia@lacity.org>

Thu, May 16, 2013 at 10:30 AM

Hey Roberto, Sorry I didn't get back to you sooner. We have no issues. Tom

On Thu, May 16, 2013 at 9:40 AM, Roberto Mejia <roberto.mejia@lacity.org> wrote:  
Hi Tom:

Any comments on SB 510. City Attorney doesn't see any issues.

----- Forwarded message -----

From: **Amy Brothers** <amy.brothers@lacity.org>  
Date: Mon, May 6, 2013 at 6:00 PM  
Subject: Fwd: SB 510 (mobilehome park and Subdivision Map Act)  
To: Roberto Mejia <roberto.mejia@lacity.org>, Terry Kaufmann-Macias <terry.kaufmann-macias@lacity.org>, Kenneth Fong <kenneth.fong@lacity.org>

Hi Roberto, Terry has asked me if I have any comments on SB 510. I am very familiar with the mobilehome park conversion statutes in the Subdivision Map Act. I see no legal concern with SB 510.

Do not hesitate to contact me if you want more information.

--  
Amy Brothers  
Deputy City Attorney  
Land Use Division  
ph: (213) 978-8069  
fax: (213) 978-8214

----- Forwarded message -----

From: **Roberto Mejia** <roberto.mejia@lacity.org>  
Date: Mon, May 6, 2013 at 3:18 PM  
Subject: SB 510 (mobilehome park and Subdivision Map Act)  
To: Tom Rothmann <tom.rothmann@lacity.org>, Terry Kaufmann-Macias <terry.kaufmann-macias@lacity.org>, Kenneth Fong <kenneth.fong@lacity.org>  
Cc: Iris Fagar-Awakuni <iris.fagar-awakuni@lacity.org>, John Wickham <john.wickham@lacity.org>

Hi!

CM Rosendahl has introduced a Resolution to support SB 510 (Jackson), which would require a local agency to consider survey results from residents of a mobilehome park for the proposed conversion of a rental mobilehome park to resident homeownership, in making its decision to approve/conditionally approve/or disapprove a tentative or parcel map.

The intent of the bill is to allow local jurisdictions the ability to deny a subdivision map, if the survey results show that the majority of the mobilepark's homeowners.

Please let me know if you have any concerns so I can denote them in the CLA report to the Rules Committee.

<http://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=13-0002-S74>

Thank you for your help.

--  
Roberto R. Mejia  
Legislative Analyst  
Office of the Chief Legislative Analyst



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April 12, 2013

The Honorable Hannah-Beth Jackson  
California State Senate  
State Capitol, Room 5080  
Sacramento, CA 95814

**RE: SB 510 (Jackson). Land use: subdivisions: rental mobilehome park conversion. (As Introduced)**  
**NOTICE OF SUPPORT IN CONCEPT**

Dear Senator Jackson:

The League of California Cities (League) is pleased to support in concept SB 510 (Jackson) which would authorize local agencies to disapprove a map for conversion of a mobilehome park if the results of a survey have not demonstrated the support of at least a majority of the homeowners.

The League has a history of supporting legislation regarding the issue of surveys for mobilehome park conversions. However, recently there have been a series of mobilehome park cases litigated with differing outcomes (*Goldstone v. County of Santa Cruz*, *Chino v. City of Chino*, and *Monarch Country v. Goleta*, which was not published). As a result of these cases, the League created a working group of city attorneys with a background on mobilehome park conversion to further review the issue to see if additional guidance in the form of legislation is necessary, and if so, if the legislative fix should look like SB 510. The League's City Attorney Annual Conference is in early May. We hope to be able to provide the expert feedback after that conference to either support SB 510, as is, or provide amendments that we believe would improve the bill by providing local control and clarifying an issue that places cities squarely in the middle of a legal tug-of-war.

For these reasons, the League supports in concept SB 510. If you have any questions about our position, you can reach me at (916) 658-8250.

Sincerely,

A handwritten signature in black ink that reads "Kirstin E. Kolpitcke".

Kirstin Kolpitcke  
Legislative Representative

cc: Chair and Members, Senate Transportation and Housing Committee  
Carrie Cornwell, Chief Consultant, Senate Transportation and Housing Committee  
Ryan Eisberg, Consultant, Senate Republican Caucus