

November 2, 2004

**Honorable Mayor and Members of the
Hermosa Beach City Council**

**Regular Meeting of
November 9, 2004**

SUBJECT: CITY ASSUMPTION OF RESPONSIBILITY FOR ENFORCEMENT OF THE STATE MOBILEHOME PARKS ACT RELATING TO MOBILEHOME AND RV PARKS IN THE CITY.

Recommendation:

Introduce the attached ordinance to initiate City assumption of responsibility for enforcement over the construction, use, maintenance and occupancy of the Marineland Mobilehome Park located at 531 Pier Avenue and the recreation vehicle park located at 725 10th Street.

Background:

In previous goals sessions and discussions, the City Council directed staff to investigate assumption of responsibility over the inspection, use and maintenance of the City's Mobilehome and the RV parks. This direction was codified in the Housing Element of the City's General Plan, which establishes policies and programs for preservation of the parks as part of the City's low and moderate income housing. Program 4.3.3 of the Housing Element specifies an implementation schedule for assumption of mobile home park inspections by the end of 2004. This report details procedures and staffing for assuming responsibility under applicable state law.

The statute governing mobile home parks is Title 25, "Mobilehome Parks Act" (Health and Safety Code, Division 13, Part 2.1), which establishes building, utility and other standards and vests enforcement of those standards with the state Department of Housing and Community Development. The law and its implementing regulations provide for a City to assume enforcement authority by passing an ordinance containing certain specified provisions. The same laws then apply to the City as the enforcement agency. This allows the City to perform inspections within both the Marineland Mobilehome Park, and the RV Park, to ensure preservation of units within these parks.

Progress has already been made consistent with the objectives of this program as the Community Development Department has coordinated efforts with the Fire Department and former and current management of the Marineland Mobilehome Park to improve emergency access and parking. This process involved widening and properly marking access roads for fire lanes, clearing obstructions, and replacing lost parking spaces that were blocking the access lanes.

Related to these improvements, the Marineland Mobilehome Park was recently sold to Millennium Housing, a non-profit company, specializes in owning, maintaining and improving, mobile home parks. When purchasing this park with tax-exempt financing, the owner created a working capital reserve as part of the transaction for maintenance and improvement of the park with a high level of input from the residents. Millennium has also made an offer to the residents to buy the park at a set price in 10 years.

Analysis:

City assumption of enforcement authority is regulated by the implementing regulation for the above statute (Chapter 2 of Title 25, California Code of Regulations). The Regulations (Sec. 1004) stipulate that to acquire enforcement authority, the City must adopt an ordinance containing the following:

- Indication of assumption of responsibility for enforcement and adoption of the state program and objectives in the Health Safety Code statute.
- A statement that the designated local enforcement agency will provide qualified personnel necessary to enforce the provisions of this chapter consistent with the state enforcement program. The statement shall include total number of personnel assigned to enforcement program.
- Adoption of the applicable schedule of fees contained in the statute.
- A description of existing mobile home parks in the jurisdiction, including conditions and occupancy status.
- Specific local objectives, program plan and time table designed to achieve enforcement compliance.
- Effective date of assumption of enforcement.

A draft ordinance containing the above provisions is attached for Council consideration. If the ordinance is approved, the City will take the remaining steps as set forth in the attached timeline to assume enforcement responsibility effective in January 2005.

It should be noted that the law requires that the City assume responsibility for all mobile home and “special occupancy” parks at the same time. A trailer or R.V. park is a special occupancy park. If the ordinance is adopted, the City will also have to assume responsibility for the special occupancy Hermosa RV Court at 710 10th Street. A trailer or R.V. park is a limited occupancy facility generally intended to be used on a non-permanent basis. A local jurisdiction may impose a time limitation for occupancy of spaces in a special occupancy park. These limitation may also be waived pursuant to Section 18300.5 (a) of the Health and Safety Code. If such a limitation were imposed it could require that the R.V. park was occupied on a non-permanent basis.

The following is a brief description of the two parks:

- Marineland Mobilehome Park – The Park, at 531 Pier Avenue, was built in 1950 and contains 62 spaces. The Park typically has full or nearly-full occupancy, with the majority of spaces occupied by double-wide mobile homes. There are two access points, one from Valley Drive and one from Pier Avenue. Narrow access ways within the park, typically 15-feet wide, make fire equipment access somewhat difficult. Over the past several months, staff has worked with park management and tenants to make modifications to improve emergency access and ensure adequate parking within the park. City assumption of enforcement authority could facilitate that process although it would impact staff resources, especially with regard to building inspection and code enforcement personnel.

- Hermosa RV Court Recreation Vehicle Park – This special occupancy park is located at 731 10th Street. It contains 19 pads on 19,440 square feet of land. An “L” shaped asphalt drive extends through the Park from the alley parallel to Pacific Coast Highway to 10th Street. The age of the Park is uncertain. From site visits, it appears that most of the RV’s have been in place for some time and are semi-permanent “dwelling units”.

Staffing and Training:

In addition to adoption of the ordinance, the requirements for assumption of authority include staff training to conduct inspections. Mobilehome park inspections generally involve foundation, plumbing, electrical and mechanical work related to installation of coaches and maintenance or addition permits relating to larger decks, stairs, patio covers and roofing. Additional training is necessary because the City’s building inspectors are trained under the Building Code. Many of the inspections pertaining to mobile homes are not governed by building codes, but by the Health and Safety Code. In order to try to meet workload demands in the Community Development Department, the City’s Code Enforcement Officer will be trained to assume the additional responsibilities for inspection and code enforcement for the mobilehome and R.V park.

Plan Review, Inspections and Code Enforcement:

The Mobilehome Park Act (Sections 18200-18700) regulates construction, use and occupancy of mobilehome parks. The provisions of the law apply both to mobilehome parks and trailer parks. Mobilehome owners are required to obtain a building permit for mobile home park installations and once installed they are deemed to be a fixture or improvement to real property and subject to enforcement under the Health and Safety Code (Section 18551) Plans for installation must be reviewed relative to zoning and building code compliance and inspections are conducted for foundations and electrical, mechanical and plumbing service. Where not specifically exempt under the Health and Safety Code, plans for installation of certain structures such as decks and patio covers are reviewed for conformance to requirements of the building code. As the enforcing agency, the City is authorized to enter private property to inspect mobile homes during permit inspections or to conduct code enforcement with approval of the owner or with a warrant (Section 18400). Specific code provisions are made for owner notification of violations and public nuisances (Sections 18401-18404) and violations are established as misdemeanors offenses.

Administrative Costs:

The City will charge administrative fees to offset some of the new permit and inspection responsibilities, however, the fees will not likely cover the increased administrative costs which are set by State statute, and cannot be adjusted to reimburse the actual cost to the City in terms of training and use of staff resources (such as plan review by the Plans Examiner). Currently, any inspections or responses to complaints, pertaining to construction, installation, use and/or maintenance rarely involve City staff. City authority is limited to major reconfigurations that occur at Marineland Mobilehome Park, which is located in the MHP Zone. Pursuant to Chapter 17.18 of the Zoning Ordinance, the City’s authority is limited to the addition, deletion or relocation of rental spaces, or relocation or the establishment of new driveways and related permit and inspection costs are established under the City’s fee resolution

If the City Council is concerned about additional administrative costs, or desires to provide housing assistance, rehabilitation funds may be made available to qualifying low and moderate income

residents for code compliance. Staff can investigate the use of Community Development Block Grant (CDBG) funds after current commitments for use of the funds are expired, or the use of an unused reserve condominium conversion fund, set aside for housing purposes.

Sol Blumenfeld, Director
Community Development Department

Concur:

Stephen R. Burrell,
City Manager

Attachments:

1. Ordinance to Assume Enforcement Responsibility
2. Timeline
3. Administrative Fee Schedule
4. Inspection Procedures

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF HERMOSA BEACH ASSUMING RESPONSIBILITY FOR THE ENFORCEMENT OF THE STATE MOBILEHOME PARKS ACT RELATING TO THE CONSTRUCTION, USE, MAINTENANCE AND OCCUPANCY OF MOBILEHOME AND R.V. PARKS IN THE CITY IN ACCORDANCE WITH THE PROVISIONS OF SAID ACT

The City Council of the City of Hermosa Beach does ordain as follows:

SECTION 1. Recitals:

- A. The *Mobilehome Parks Act* (Division 13, Part 2.1 of the California Health and Safety Code) and Regulations adopted to implement that Act (Division 1, Chapter 2 of Title 25 of the California Code of Regulations) provide for local assumption of enforcement of the Act by a city upon adoption of an ordinance plus certain other actions.
- B. The City desires to assume responsibility for enforcement of the Mobilehome Parks Act and to establish City control over the construction, use, maintenance and occupancy of mobilehome parks and of special occupancy parks in the City.
- C. Assuming responsibility for inspection is consistent with objectives of the City's General Plan Housing Element. Specifically, The Housing Element of the General Plan contains a Mobile Home Conservation Program to conserve and preserve the last remaining mobile home park and RV Park in the City. This program underscores the City's commitment in maintaining the existing configuration of these parks, recognizing their value in providing affordable housing. As set forth in Section 4.3.3 of the Element as part of implementation of this program, obtaining enforcement authority from the State will allow the City to perform inspections within both the Marineland Mobilehome Park, and the RV Park, to ensure preservation of units within these parks, and to monitor any changes and/or reconfiguration of the parks and units within the parks.
- D. The City's objective in assuming enforcement responsibility is to cooperate with park owners and tenants to satisfy the requirements of the Mobilehome Parks Act and the standards of Division 1, Chapter 2 of Title 25 of the California Code of Regulations, especially with regard to parking and emergency access. The City intends to achieve this objective by February 1, 2005.

SECTION 2. The City of Hermosa Beach will assume responsibility for enforcement of the Mobilehome Parks Act (Health and Safety Code, Division 13, Part 2.1) and the related administrative regulations effective February 1, 2005.

SECTION 3. The City will provide one qualified person to enforce the provisions of Division 1, Chapter 2 of Title 25 of the California Code of Regulations, consistent with the state enforcement program.

SECTION 4. The City hereby adopts the applicable schedule of fees contained in the provisions of the Mobilehome Parks Act and related administrative regulations.

SECTION 5. The City hereby adopts the state program and objectives as contained in the provisions of the Mobilehome Parks Act and related administrative regulations.

SECTION 6. The following is a description of the Mobilehome Park and special occupancy park that will be subject to City enforcement under the terms of this ordinance:

- Marineland Mobilehome Park – The Park, at 531 Pier Avenue, was built in 1950 and contains 62 spaces. The Park typically has full or nearly-full occupancy, with the majority of spaces occupied by double-wide mobile homes. There are two access points, one from Valley Drive and one from Pier Avenue. Narrow access ways within the park, typically 15-feet wide, make fire equipment access somewhat difficult. Over the past several months, staff has worked with park management and tenants to make modifications to improve emergency access and ensure adequate parking within the park. City assumption of enforcement authority could facilitate that process although it would impact staff resources, especially with regard to building inspection and code enforcement personnel.

- Hermosa RV Court Recreation Vehicle Park – This special occupancy park is located at 731 10th Street. It contains 19 pads on 19,440 square feet of land. An “L” shaped asphalt drive extends through the Park from the alley parallel to Pacific Coast Highway to 10th Street. The age of the Park is uncertain. From site visits, it appears that most of the RV’s have been in place for some time and are semi-permanent “dwelling units”.

PASSED, APPROVED and ADOPTED this day of , 2000, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

PRESIDENT of the City Council and MAYOR of the City of Hermosa Beach, California

ATTEST: _____ **APPROVED AS TO FORM:** _____
City Clerk City Attorney

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