



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 06/19/07
AGENDA ITEM 4
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adoption of an Ordinance to Extend Interim Emergency Ordinance No. 07-04 of the City of Hayward Adopted Pursuant to Government Code Section 65858, Imposing a Temporary Moratorium on the Issuance of the Permits, Variances, Building Permits and Other Land Use Approvals of Mobile Home Park Conversions

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance.

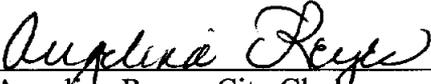
BACKGROUND:

The ordinance was introduced at the June 12, 2007, meeting of the City Council with the following vote:

AYES:	Council Members:	Rodriquez, Quirk, Halliday, Ward, Dowling, Henson
	Mayor:	Sweeney
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The ordinance was published in the Hayward Daily Review on June 16, 2007. Adoption at this time is therefore appropriate.

Prepared by:



Angelina Reyes, City Clerk

Approved by:



Jesús Armas, City Manager

Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE TO EXTEND INTERIM EMERGENCY ORDINANCE NO. 07-04 OF THE CITY OF HAYWARD ADOPTED PURSUANT TO GOVERNMENT CODE SECTION 65858, IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF USE PERMITS, VARIANCES, BUILDING PERMITS AND OTHER LAND USE APPROVALS OF MOBILE HOME PARK CONVERSIONS

WHEREAS, on May 8, 2007, staff presented a report to the City Council on possible revisions to the Subdivision Ordinance relating to conversions of mobile home parks from rental to residential ownership, briefly addressing the history of mobile home park conversion regulations within Hayward, including original provisions governing such conversions adopted in 1984; and

WHEREAS, on May 8, 2007, the City Council adopted Ordinance No.07-04, pursuant to Section 65858 of the California Government Code, imposing a 45-day emergency moratorium on the issuance of use permits, variances, building permits and other land use approvals of condominium conversions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. This ordinance is to extend the interim ordinance adopted on May 8, 2007, as an emergency measure pursuant to Government Code Section 65858 and is necessary for the immediate preservation of the public health, safety and welfare. The facts constituting the urgency are these: There is a current and immediate threat to the welfare of mobile home park residents faced with the possibility of a park conversion especially those residents on low of fixed incomes. Mobile home communities are a significant portion of the City's affordable housing component. The potential loss of affordable rental housing units will increase the demand on the remaining units and may cause significant hardships for those who are unable to purchase the subdivided lot. In addition, the moratorium is necessary for the following reasons: 1) The City's Mobile Home condominium conversion provisions (Hayward Municipal Code sections 10-3.850 et seq.) were adopted in 1984 and have not been amended since their adoption a review of those provisions is both warranted and necessary. 2) During the past several years the City has encountered significant issues concerning the aging infrastructure of several mobile home parks. The impact of the transfer of the obligation for maintenance, repair, and replacement of the infra-structure to homeowner associations needs to be thoroughly studied. 3) Senate Bill 900 and Assembly Bill 1542 are currently pending before the respective legislative bodies. These bills could impact the City's authority to regulate in the area of mobile home park condominium conversions.

Because these issues are essential to assuring the health and safety of the residents of the units to be converted, staff recommended on May 8, 2007, that a more comprehensive analysis be undertaken prior to revising the mobile home park conversion provisions of the Subdivision Ordinance.

Section 2. Notwithstanding any provision of the Hayward Municipal Code to the contrary, this ordinance extends the 45-day moratorium on the issuance of use permits, variances and other land use approvals of condominium conversions for ten months and fifteen days from June 22, 2007, except as may be extended as provided by Government Code Section 65858.

Section 3. The Planning Director is hereby authorized to administer and interpret the provisions of this ordinance, including but not limited to, review of specific use permits applications, variance requests, building permit applications, and other land use approvals, to determine whether the requested use permit, variance, building permit or other land use approval is subject to the terms of this ordinance.

Section 4. The ordinance shall take effect immediately upon passage by at least six affirmative votes of the City Council and in accordance with Government Code Section 65858.

Introduced at a meeting of the Hayward City Council held June 12, 2007, the above-entitled ordinance was introduced by Council Member Ward.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on June 19, 2007, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: June 16, 2007

Angelina Reyes, City Clerk
City of Hayward