

Town of Yountville
Ordinance No. 383-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YOUNTVILLE AMENDING ARTICLE 4, SECTION 4.7 MHP - MOBILE HOME PARK RESIDENTIAL, OF THE YOUNTVILLE ZONING ORDINANCE, TO CREATE A SENIOR MOBILE HOME OVERLAY COTERMINOUS WITH THE EXISTING MHP ZONE TO LIMIT THE CONVERSION OF ANY MOBILE HOME PARK CURRENTLY EXISTING IN THE MHP ZONE FROM A PARK OCCUPIED PRIMARILY BY RESIDENTS AGE FIFTY-FIVE (55) OR OLDER (SENIOR RESIDENTS) TO A MOBILE HOME PARK ALLOWING RESIDENTS OF ALL AGES

Recitals

- A. The Town of Yountville has a significant population of senior residents age 55 and older.
- B. The Town of Yountville General Plan Housing Element Objective 9.2 identifies senior housing as a special housing need to be met by implementing certain programs.
- C. The Town's Housing Element Program 27 is intended to preserve mobile home units in the two existing mobile home parks as housing that is generally affordable. The Town's Housing Element Program 31 is intended to preserve affordable housing opportunities for seniors by implementing zoning that protects senior affordable housing.
- D. The two existing mobile home parks that currently occupy the parcels zoned as mobile home parks under Town of Yountville Zoning Ordinance Article 4, section 4.7, Mobile Home Park Residential (MHP), are already senior housing, or "housing for older persons" because they require by their leases the occupancy of each unit by at least one resident who is age 55 or older.
- E. Conversion of the existing mobile home parks within the Town from housing for older persons to family housing may unduly burden and irreparably harm senior residents within the community by reducing the number of mobile homes available to seniors, which homes are generally more affordable than traditional housing. Such conversion would also be inconsistent with the Town's General Plan and its implementing policies meant to preserve affordable housing, including senior housing.
- F. Staff has verified that within the two existing mobile home parks that are zoned MHP, and which will become subject to a Senior Mobile Home Park overlay zoning, the leases require that every unit in each park be occupied by at least one person who is age 55 or older, and therefore, both have operated and continue to operate as "housing for older person."
- G. The Federal Fair Housing Act, California Fair Employment and Housing Act, and California Mobilehome Park Residency law permit local regulation of mobile home 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. Further, the California Unruh Civil Rights Act (California Civil Code

§51 *et seq.*) allows establishment of mobile home housing that is age-restricted where such restrictions are consistent with the Federal Fair Housing Act and its subsequent amendments and existing implementing regulations.

- H. This Ordinance codifies the Town's intent to provide "housing for older persons," consistent with the Housing for Older Persons Act amendments to the federal Fair Housing Act 42 U.S.C. §3607(b) and the provisions for implementation as set forth in the Code of Federal Regulations (24 CFR §100.304(b)(4) and the Appendix thereto (64 Fed.Reg.16331), which provide that a permissible senior housing facility or community includes a municipally zoned area, and which zone, when established, satisfies the "intent" requirement of the "housing for older persons" exemption from the provisions of the Fair Housing Act prohibiting discrimination based on familial status.
- I. By this Ordinance the Town establishes a policy and procedure consistent with the Town's intent to provide "housing for older persons" by:
 - 1. creating a Senior Mobile Home Park Overlay Zone, in which at least 80 percent of units must be occupied by at least one person who is age 55 or older;
 - 2. by requiring biennial verification of occupancy within the Senior Mobile Home Park Overlay Zone that is consistent with "housing for older persons" as described in the Ordinance's definition of Senior Mobile Home Park; and
 - 3. by providing for enforcement procedures to ensure compliance with the Ordinance.
- J. A notice of intention to consider this proposed Ordinance has been given in accordance with the Town of Yountville Municipal Code and Section 65854 of the California Government Code.
- K. The proposed ordinance would not alter existing general plan land use designations or development standards. Therefore, any potential effects from the proposed ordinance are adequately addressed within the final environmental impact report prepared for the General Plan. Also, the project does not have the potential for causing a significant effect on the environment and is a continuing administrative activity. Pursuant to Sections 15162, 15061(b)(3), and 15378(b)(2) of the State CEQA Guidelines, no further environmental review is required for this project.

Now therefore, the Town Council of the Town of Yountville does ordain as follows:

- A. The following definition is added to Article 4, section 4.7, Mobile Home Park Residential, at section 4.7 (b):

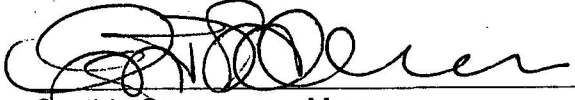
"Senior Mobile Home Park" is a mobile home park in the MHP Zone in which at least 80 percent of the spaces are occupied by or intended for occupancy by at least one person who is age 55 or older.

- B. The following section is added to Article 4:

Section 4.7 (g) Senior Mobile Home Park Overlay Zone

1. Coterminous with the existing zoning for Mobile Home Park Residential is the Senior Mobile Home Park Overlay Zone (MHP-S). Mobile home parks within the MHP shall be Senior Mobile Home Parks.
 2. Mobile home units in a mobile home park in the Senior Mobile Home Overlay Zone shall be occupied only consistent with the definition in section 4.7 (b) so that at least 80 percent of spaces and mobile home units are rented and occupied by at least one person who is age 55 or older. The age-restriction stated herein does not apply to or affect ownership of mobile home units, but is occupancy requirement.
 3. The signage, advertising, park rules and regulations, and leases for spaces or units in mobile home parks in the Senior Mobile Home Park Overlay Zone shall state the park is a senior park, or "housing for older persons," which at a minimum is consistent with the definition in section 4.7(b).
 4. Senior Mobile Home Park Owners and/or their management personnel shall submit biennial verification of occupancy to confirm their status as a Senior Mobile Home Park, through survey or affidavit, in a form to be determined by the Town Planning Director, which shall be consistent with the survey or affidavit that satisfies the federal Fair Housing Act regulations and which the Town Planning Director, or his/her designee, shall review and certify.
 5. Failure to submit the verification required by this section or failure of the verification to confirm a mobile home park within the Senior Mobile Home Park Overlay Zone meets the definition in section 4.7 (b) shall constitute a violation of the Town's zoning ordinance, subject to enforcement in the manner and form provided for in the Yountville Municipal Code.
- C. **Severability.** Should a court of competent jurisdiction find any provision of this Ordinance or its application to any person or property to be invalid or unenforceable, the remaining provisions hereof shall be enforceable according to their terms and to that end the provisions of this ordinance are severable.
- D. **Construction.** To the extent the provisions of the Town of Yountville Municipal Code as amended by this ordinance are substantially the same as previous provisions of that Code, those provisions shall be construed as continuations of those previous provisions and not as new enactments.
- E. **Publication.** The Town Clerk shall cause this Ordinance to be published or posted in accordance with California Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and her certification, together with proof of publication, to be entered in the Book of Ordinances of the Town Council.

F. **Effective Date.** This ordinance shall be effective 30 days after adoption.


Cynthia Saucerman, Mayor

ATTEST:

State of California
County of Napa }
Town of Yountville §

I, Michelle Dahme, Town Clerk of the Town of Yountville, do hereby certify that the foregoing Ordinance had its first reading on the 19th day of January 2010, and introduced by the following roll call vote:

AYES: Dunbar, Mohler, Chilton and Saucerman
NOES: None
ABSENT: None
ABSTAIN: None


Michelle Dahme, Town Clerk

ATTEST:

State of California
County of Napa }
Town of Yountville §

I, Michelle Dahme, Town Clerk of the Town of Yountville, do hereby certify that the foregoing Ordinance had its second reading on the 2nd day of February, 2010, and adopted by the following roll call vote:

AYES: Chilton, Mohler, Dunbar and Saucerman
NOES: None
ABSENT: None
ABSTAIN: Dutton


Michelle Dahme, Town Clerk

3 Hard Copies (Sandra in Planning with 2 Extras to be sent to Mobile Home
2-10-10 Park Owners)