ORDINANCE NO. 2025-401

AN URGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR MAKING FINDINGS AND EXTENDING THE TEMPORARY MORATORIUM ON THE CLOSURE OR CONVERSION OF MOBILE HOME PARKS WITHIN THE TOWN OF WINDSOR FOR A PERIOD OF TEN (10) MONTHS AND FIFTEEN (15) DAYS, TO BECOME EFFECTIVE IMMEDIATELY

WHEREAS, the State of California recognizes, by the adoption of special legislation regulating tenancies of mobile homeowners in mobile home parks, that there is a significant difference between homeowners in mobile home parks and other dwelling units; and

WHEREAS, owners of mobile homes in mobile home parks, unlike apartment tenants or residents of other rental housing stock, are in the unique position of having made a substantial investment in a residence that is located on property that is either rented or leased and not owned; and

WHEREAS, it is often difficult to move mobile homes from one park to another due to the age and condition of some mobile homes and the limited availability of vacant spaces in mobile home parks; and

WHEREAS, it is often cost-prohibitive to move a mobile home and in many instances, relocation requires separation of the mobile home from its appurtenances, which may create severe damage and depreciation in value to the mobile home; and

WHEREAS, when the relocation of a mobile home is feasible, there may not be sufficient mobile home parks willing to accept these residential units. The Town needs time to obtain input from stakeholders, to research and analyze potential alternatives, and to identify an accurate catalogue of options available for relocation throughout the Town and nearby jurisdictions in order to update Town Zoning and Municipal Codes to address the negative impacts caused by closures and conversions; and

WHEREAS, the Town of Windsor ("Town") has four (4) mobile home parks with a total of approximately five hundred sixty-nine (569) spaces located within the Town limits. These spaces represent a significant portion of the affordable housing supply within the Town; and

WHEREAS, the Town recognizes that mobile home parks provide a market source of affordable housing that, relative to other housing types, disproportionally houses persons earning lower incomes who may not have the resources to readily relocate; and

WHEREAS, many residents of mobile home parks in Town are seniors on a fixed income and qualify as extremely-low, very-low, or low income based on criteria established by the California Department of Housing and Community Development; and

WHEREAS, mobile home park closure or conversion to another use could significantly

impact its current residents, whether they are mobile homeowners or mobile home renters; and

WHEREAS, the California Supreme Court has concluded that, "unlike the usual tenant, the mobile homeowner generally makes a substantial investment in the home and its appurtenances—typically a greater investment in his or her space than the mobile home park owner..." [*Galland v. County of Clovis*, (2001) 24 Cal.4th 1003, 1009]; and

WHEREAS, the Town amended the Mobile Home Rent Stabilization ordinance on February 1, 2023, to stabilize the rate of mobile home park space rents in order to prevent excessive and unreasonable mobile home park space rent increases; and

WHEREAS, the Town's Mobile Home Rent Stabilization Ordinance guarantees mobile home park owners a constitutionally required fair return, and includes procedures for park owners to obtain authorization to increases rents by an amount greater than otherwise allowed in order to obtain a fair return; and

WHEREAS, the limitations imposed by the rent stabilization ordinance, may create market conditions that precipitate closure or conversion prior to the Town updating the regulatory framework to address the loss of the mobile home affordable housing stock; and

WHEREAS, the Town adopted a Conversion of Mobile Home Parks to Other Uses by Ordinance 95-58 on February 15, 1995, and has not modified the ordinance in the ensuing 30 years; and

WHEREAS, the Town's regulations for mobile home park closures and conversions predate modern standards established under State law, may fail to recognize the housing constraints presently in the County, and, therefore, cannot ensure that the impacts of proposed closures are fully represented and adequately mitigated in the relocation plans; and

WHEREAS, closure of a mobile home park without adequate notice and lead time for the Town to prepare threatens the public health, safety, and welfare as increasing the risk of homelessness within the community, placing greater demand on local services and resources, destabilizing neighborhoods, and contributing to economic strain and social disruption across the population; and

WHEREAS, Town staff, Town Council and the Planning Commission require adequate time to evaluate the policy and fiscal implications of the land use limitations. This review should be free from the threat, real or implied, of mobile home park closure or conversion; and

WHEREAS, the approval of permits, entitlements, or relocation impact reports to facilitate conversion or closure of mobile home parks during this period of review and study of potential new land use regulations poses an immediate threat to the public health, safety, and welfare because of the potential displacement of low-income families and seniors and impacts to the Town; and

WHEREAS, on October 1, 2025, pursuant to Government Code section 65858, the Town Council adopted Urgency Ordinance No. 2025-399 establishing a forty-five (45) day moratorium on the closure or conversion of mobile home parks; and

WHEREAS, Urgency Ordinance No. 2025-399 will expire, unless extended, by its own terms on November 14, 2025; and

WHEREAS, following the Town Council's adoption of the forty-five (45) day moratorium, Town staff conducted further analysis regarding potential amendments to the Town's Municipal Code and Zoning Code; and

WHEREAS, Government Code section 65858, subdivision (a) authorizes the extension of an urgency ordinance, for up to ten (10) months and fifteen (15) days after a noticed public hearing, to prohibit uses of land which may conflict with a contemplated general plan, specific plan, or zoning proposal which the legislative body, Planning Commission, or the Planning Division is considering, studying, or intends to study within a reasonable period of time; and

WHEREAS, the initial forty-five (45) day moratorium period established by Urgency Ordinance No. 2025-399 was insufficient to complete a study and adoption of amendments to the Town's Municipal Code and Zoning Code. Town staff requires additional time to complete its analysis and prepare municipal code and zoning text amendments; and

WHEREAS, adopting an extension of the ordinance implements Windsor's Goal in the Housing Element to maintain and improve housing stock and specifically implements policies that support maintenance and retention of mobile home parks (H-15 and H-19); and

WHEREAS, the extension of the moratorium on mobile home park closures or conversions in no way limits the ability of a mobile home park owner to apply for a rent increase in order to ensure a fair return; and

WHEREAS, extension of the moratorium will not impose any undue burden on the owners of mobile homes because it does not limit their ability to obtain a fair return during the period of the moratorium; and

WHEREAS, on November 5, 2025, the Town Council held a duly noticed public hearing to consider extension of the moratorium for a period up to ten (10) months and fifteen (15) days to allow additional time for Town staff to prepare an amendment to the Town's Municipal Code and Zoning Code in regard to the closure and conversion of mobile home parks for Planning Commission's and Council's consideration; and

WHEREAS, with this Urgency Ordinance and related Agenda Report, the Town has complied with Government Code section 65858(d), which requires the Town's legislative body to issue a written report describing the measures taken to alleviate the conditions which led to the adoption of Urgency Ordinance No. 2025-399, ten (10) days prior to the expiration or extension of the interim ordinance. The Agenda Report was posted on the Town's website on October 27, 2025; and

WHEREAS, the California Constitution, Article XI, section 7, provides cities with the authority to adopt and enforce ordinances to regulate the use of land within its jurisdictional boundaries, to the extent such regulations are not in conflict with the general laws of the State of California; and

WHEREAS, Government Code section 65858 allows the Town to immediately protect and preserve the public health, safety, and welfare by prohibiting any uses that may be in conflict with a contemplated evaluation and adoption of local legislation, regulation, and policies; and

WHEREAS, an urgency ordinance that is effective immediately is necessary to avoid the immediate threat to public health, safety, and welfare as failure to adopt this Urgency Ordinance could result in the displacement and the related negative economic and welfare impacts on the Town's residents and community members; and

WHEREAS, adoption of this Interim Ordinance does not require review under the California Environmental Quality Act (Pub. Resources, Code, §§ 21000, *et seq.*, "CEQA") based on the following:

a. This Ordinance is not a "project" within the meaning of Section 15378 of the State CEQA Guidelines, because adoption of a temporary moratorium has no potential for resulting in either a direct or indirect physical change in the environment.

b. This Ordinance is categorically exempt from CEQA pursuant to Section 15308 of the CEQA Guidelines as a regulatory action taken by the Town pursuant to its police power and in accordance with Government Code Section 65858 to assure maintenance and protection of the environment pending the evaluation and adoption of contemplated local legislation, regulation, and policies.

NOW, THEREFORE, THE TOWN COUNCIL FOR THE TOWN OF WINDSOR ADOPTS AS AN ORDINANCE UNDER THE PROVISIONS OF GOVERNMENT CODE SECTION 65858 AND ORDAINS AS FOLLOWS:

1. **Incorporation of Recitals.** The Town Council finds that the aforementioned recitals are all true and correct and are incorporated herein by reference.

2. **Definitions.** For the purpose of this Ordinance, the following terms shall be defined as follows:

A. A "mobile home park" is any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

3. **Moratorium Imposed on the Closure or Conversion of Mobile Home Parks**

A. Scope. In accordance with the authority granted the Town of Windsor under Article XI, Section 7 of the California Constitution and California Government Code section 65858, from and after the date of this interim ordinance, a moratorium is hereby imposed on the closure, conversion, or other action that effectively changes the use of a mobile home park from its current use anywhere within the Town of Windsor, regardless of current zoning or land use designation. Notwithstanding the Town of Windsor Land Use Code *Land Use Regulations Table 17.10-01* or any other provisions of the Zoning Code, Windsor Municipal Code or any other regulations of the Town of Windsor, no application for a mobile home park closure, conversion to another use, or mass eviction for any reason other than imminent or emergency health and safety reasons shall be processed, permitted, or otherwise approved by the Town for a period up to ten (10) months and fifteen (15) days immediately succeeding the effective date of this ordinance extension, unless extended by a later enacted ordinance.

4. **Authority; Urgency Statement**. This Ordinance is an interim ordinance, adopted as an urgency measure pursuant to Government Code section 65858 and is necessary for the immediate and long-term preservation of the public health, safety, and welfare of the Town. The facts described in the recitals of this Ordinance, and the following facts constitute an urgency measure: The Town has recently begun the process of developing amendments to the zoning provisions contained in the Windsor Zoning Code to address and mitigate the impacts of mobile home park closures and conversions within residential districts. These amendments are intended to protect public health, safety, and welfare. Accordingly, there is a current and immediate threat to the public health, safety, or welfare related to the closure or conversion of mobile home parks. In order to maintain comprehensive and sound land use planning, the Town seeks to study and consider possible amendments to its municipal code, zoning code, use permit requirements, and other land use entitlement requirements for mobile home parks. Allowing the closure or conversion of a mobile home park before the Town has had an opportunity to update its regulations could lead to significant disruption to vulnerable residents, loss of affordable housing stock, homelessness, strain on Town resources to address the impacts and land use conflicts that undermine the Town's long-term planning goals and policies.

5. **Closure or Conversion of a Mobile Home Park During the Effective Period of this Interim Ordinance is Declared Public Nuisance.** The closure or conversion of any mobile home park within the Town of Windsor during the effective period of this interim ordinance, or any extension thereof, shall be declared to be a threat to public health, safety, and welfare. Any violation of this interim ordinance shall constitute a violation of the Windsor Municipal Code and may be enforced through any lawful remedies, including but not limited to administrative citations, civil fines, injunctive relief, or other legal actions authorized under applicable State and local law.

6. **Term of Urgency Ordinance – Moratorium**. This Urgency Ordinance is an extension of the moratorium established by Urgency Ordinance No. 2025-399 pursuant to Government Code section 65858. It shall be in effect from the date of adoption of this Urgency Ordinance for a period up to ten (10) months and fifteen (15) days unless it is extended pursuant to California Government Code section 65858 or other applicable law, as approved by the Town Council.

7. **Compliance with California Environmental Quality Act (CEQA).** This Ordinance is not a "project" within the meaning of section 15378 of the State CEQA Guidelines, because it has no potential to result in a direct or reasonably foreseeable indirect physical change in the environment. It temporarily prevents certain physical changes in the environment pending the Town's study and potential adoption of zoning amendments or policies regulating mobile home parks. Furthermore, this interim ordinance is categorically exempt from CEQA under CEQA Guidelines section 15308 because it is a regulatory action taken by the Town, in accordance with Government Code section 65858, to assure maintenance and protection of the environment pending consideration of amendments to the Town's municipal code, including its Zoning Code.

8. **Severability.** If any provision of this interim ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this interim ordinance are severable. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

9. **Effective Date.** This Ordinance is an urgency ordinance enacted under California Government Code section 65858(b) and is effective upon adoption by at least four-fifths vote of the Town Council, unless terminated sooner. It shall be in effect for a period up to ten (10) months and fifteen (15) days from and after the date of adoption, at which time it will automatically expire.

PASSED, APPROVED AND ADOPTED this 5th day of November 2025, by the following vote:

AYES: **COUNCILMEMBERS LEEP, SALMON, WALL, VICE MAYOR POTTER AND MAYOR REYNOZA**
NOES: **NONE**
ABSTAIN: **NONE**
ABSENT: **NONE**

ROSA REYNOZA, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK