

AGENDA ITEM SUMMARY

August 20, 2019

City Council

STAFF

Tom Leeson, Director, Comm Dev & Neighborhood Svcs
Brad Yatabe, Legal

SUBJECT

Second Reading of Ordinance No. 099, 2019 Imposing a Moratorium Until August 30, 2020, Upon Certain Development of Existing Mobile Home Parks.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on July 16, 2019, imposes a moratorium upon the City's acceptance of any application for development of any kind that, if granted, could result in the partial or total closing or reduction in capacity of any mobile home park in existence on the effective date of this Ordinance, and would remain in effect through the earlier of August 30, 2020, or until City Council adopts an ordinance containing regulations that address the identified issues and concerns.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. First Reading Agenda Item Summary, July 16, 2019 (w/o attachments) (PDF)
2. Ordinance No. 099, 2019 (PDF)

AGENDA ITEM SUMMARY

City Council

July 16, 2019

STAFF

Tom Leeson, Director, Comm Dev & Neighborhood Svrs

SUBJECT

First Reading of Ordinance No. 099, 2019 Imposing a Moratorium Until August 30, 2020, Upon Certain Development of Existing Mobile Home Parks.

EXECUTIVE SUMMARY

The purpose of this item is to impose a moratorium upon the City's acceptance of any application for development of any kind that, if granted, could result in the partial or total closing or reduction in capacity of any mobile home park in existence on the effective date of this Ordinance, and would remain in effect through the earlier of August 30, 2020, or until City Council adopts an ordinance containing regulations that address the identified issues and concerns.

STAFF RECOMMENDATION

No staff recommendation.

BACKGROUND / DISCUSSION

The Fort Collins City Council recently adopted City Plan (April 2019), the comprehensive plan for the City of Fort Collins, with specific policies related to improving access to housing that meets the needs of residents, regardless of their race, ethnicity, income, age, ability or background. Policies LIV 6.4, *Permanent Supply of Affordable Housing*, LIV 6.9, *Prevent Displacement*, and LIV 6.10, *Mitigate Displacement Impacts* are specifically relevant to mobile home parks.

Mobile home parks are an important source of affordable housing for lower income working families, seniors, and people with disabilities living in Fort Collins, and the redevelopment of mobile home parks can create unusual hardships if residents cannot afford to pay to move their mobile homes or belongings or cannot find affordable replacement housing. Upon redevelopment of a mobile home park, a mobile home owner must not only move their personal belongings but must also move the house itself which is complicated by issues including: lower value homes not being cost-effective to move, older homes not being able to withstand relocation, and some parks prohibiting the relocation of mobile homes constructed before 1976 because such homes predate safety standards.

In the recent legislative session, the Colorado General Assembly passed HB 19-1309 concerning the regulation of mobile home parks ("HB1309"), which acknowledges that mobile home park tenants and landlords have rights and responsibilities under the state's Mobile Home Park Act (the "Act") and encourages local governments to play an active role in ensuring the Act is upheld, by giving counties and municipalities the power to adopt and enforce ordinances and resolutions to provide for the safe and equitable operation of mobile home parks in their jurisdictions.

In consideration of the need to maintain and expand affordable housing in the City, the relevant policies set forth in City Plan, and the regulatory opportunities provided by HB1309, the City Council wishes to impose a moratorium on the development of existing mobile home parks where such development could result in the partial or total closing or reduction in capacity of any existing mobile home park. The moratorium period is

necessary to provide City staff and the City Council the time to research, formulate, and discuss what local ordinances it may want to enact, either alone or in coordination with Larimer County, to further City Plan principles and policies, uphold the principles of the Act, and protect the citizens of Fort Collins.

The moratorium would be imposed upon the City's acceptance of any application for development of any kind that, if granted, could result in the partial or total closing or reduction in capacity of any mobile home park in existence on the effective date of this ordinance, and would remain in effect through August 30, 2020, or until City Council adopts an ordinance containing regulations that address the identified issues and concerns described above.

A Mobile Home is defined in the Land Use Code as "a transportable, single-family dwelling unit built on a permanent chassis with attached undercarriage consisting of springs, axles, wheels and hubs, and which is suitable for year-round occupancy and contains the same water supply, waste disposal and electrical conveniences as immobile housing. A mobile home is designed to be transported on streets to the place where it is to be occupied as a dwelling unit and may or may not be attached to a permanent foundation."

A Mobile Home Park is defined in the Land Use Code as "a parcel of land which has been planned, improved or is currently used for the placement of mobile homes and contains more than one (1) mobile home lot."

ATTACHMENTS

1. PowerPoint Presentation (PDF)

ORDINANCE NO. 099, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
IMPOSING A MORATORIUM UNTIL AUGUST 30, 2020, UPON CERTAIN
DEVELOPMENT AFFECTING EXISTING MOBILE HOME PARKS

WHEREAS, City Plan Neighborhood Livability and Social Health Principle LIV 6 is to “[i]mprove access to housing that meets the needs of residents regardless of their race, ethnicity, income, age, ability or background”; and

WHEREAS, Principle LIV 6 is supported and advanced by the following policies related to affordable housing relevant to mobile homes: LIV 6.4, *Permanent Supply of Affordable Housing*, LIV 6.9, *Prevent Displacement*, and LIV 6.10, *Mitigate Displacement Impacts*; and

WHEREAS, mobile home parks are important sources of affordable housing for lower income working families, seniors, and people with disabilities living in Fort Collins; and

WHEREAS, the redevelopment of mobile home parks can create unusual hardships if residents cannot afford to pay to move their mobile homes or belongings or cannot find affordable replacement housing; and

WHEREAS, mobile homeowners are in a unique situation because they are both homeowners of their individual home and tenants of the mobile home park because they do not own the land on which their home is located; and

WHEREAS, upon redevelopment of a mobile home park, a mobile home owner must not only move their personal belongings but must also move the house itself which is complicated by issues including: lower value homes not being cost-effective to move, older homes not being able to withstand relocation, and some parks prohibiting the relocation of mobile homes constructed before 1976 because such homes predate safety standards; and

WHEREAS, in the recent legislative session, the Colorado General Assembly passed HB 19-1309 concerning the regulation of mobile home parks (“HB1309”); and

WHEREAS, HB1309 acknowledges that mobile home park tenants and landlords have rights and responsibilities under the state’s Mobile Home Park Act (the “Act”) and encourages local governments to play an active role in ensuring the Act is upheld, by giving counties and municipalities the power to adopt and enforce ordinances and resolutions to provide for the safe and equitable operation of mobile home parks in their jurisdictions; and

WHEREAS, HB1309 states that such ordinances can be enacted within the scope of the Act “and further” as the county or municipality deems necessary “to protect homeowners’ equity in and safe use and enjoyment of the mobile homes and mobile home lots;” and

WHEREAS, HB1309 also allows cities and counties to enter into intergovernmental agreements to extend the applicability of an ordinance enacted by one throughout the participating entities’ jurisdictions; and

WHEREAS, the Fort Collins Land Use Code and the City Code contain regulations regarding mobile homes and mobile home parks as such terms are defined therein; and

WHEREAS, in consideration of the need to maintain and expand affordable housing in the City, the relevant policies set forth in City Plan, and the regulatory opportunities provided by HB1309, the City Council wishes to impose a moratorium on development affecting existing mobile home parks where such development could result in the partial or total closing or reduction in capacity of any existing mobile home park (the “Moratorium”); and

WHEREAS, the Moratorium is necessary to provide City staff and the City Council the time to research, formulate, and discuss what local ordinances it may want to enact, either alone or in coordination with Larimer County, to further City Plan principles and policies, uphold the principles of the Act, and protect the citizens of Fort Collins; and

WHEREAS, the City’s power to impose this limited Moratorium is among its home rule powers granted to in Article XX of the Colorado Constitution; and

WHEREAS, the City Council has determined that said Moratorium shall continue in effect through August 30, 2020, or until the City Council adopts an ordinance containing regulations that address the issues and concerns described above; and

WHEREAS, the City Council has determined that the Moratorium is in the best interests of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That a moratorium is hereby imposed upon the City’s acceptance of any application for development of any kind that if granted could result in the partial or total closing or reduction in capacity of any mobile home park in existence on the effective date of this Ordinance.

Section 3. That the Moratorium shall be effective as of the effective date of this Ordinance and remain in effect through August 30, 2020, or until City Council adopts an ordinance containing regulations that address the issues and concerns described in the recitals.

Section 4. That this Ordinance is necessary to protect the public health, safety, and welfare of the residents of the City and addresses matters of local and municipal concern.

Introduced, considered favorably on first reading, and ordered published this 16th day of July, A.D. 2019, and to be presented for final passage on the 20th day of August, A.D. 2019.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 20th day of August, A.D. 2019.

Mayor

ATTEST:

City Clerk