ITEM NO. 25

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE ADDING SECTION 16B.16(e) TO THE OCEANSIDE CITY CODE FOR THE PURPOSE OF IMPLEMENTING VACANCY DECONTROL ALLOWING SPACE RENTS TO INCREASE TO MARKET VALUE FOLLOWING THE SALE OR CONVEYANCE OF A MANUFACTURED HOME

WHEREAS, on May 4, 2011, the City Council of the City of Oceanside conducted a duly noticed council meeting to discuss potential revisions to Chapter 16B of the Oceanside City Code for the purpose of implementing vacancy decontrol; and

WHEREAS, following extensive public testimony, the City Council directed the City Attorney to draft a vacancy decontrol ordinance and return to the City Council on May 18,2011 to introduce said amendment;

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Chapter 16B.16(e) is hereby added to the Oceanside City Code as follows:

(e) Vacancy Decontrol. Notwithstanding the limitations on rent increases otherwise set forth in this chapter, upon a change in the ownership of a manufactured home that is on a space, the rent for the space may be increased without limit and the space shall thereafter not be subject to this chapter. This section shall not be applicable to a change in ownership of a manufactured home caused by any of the following: (1) a sale or conveyance following a divorce where the purchasing spouse was a lawful tenant at the time of the sale or conveyance; (2) a sale or conveyance to a spouse or child following the death of the owner of the manufactured home if the spouse or child was a lawful tenant at the time of the death of the owner; (3) a conveyance of an interest in the manufactured home to provide security for a loan provided there is no change in tenancy in the manufactured home; (4) a sale or conveyance associated with the replacement of a manufactured home provided there is no change in tenancy in the manufactured home.

SECTION 2. The City Clerk of the City of Oceanside is hereby directed to publish this ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15) days after its passage in the North County Times, a newspaper of general circulation published

in the City of Oceanside.

SECTION 3. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California, held on the 18th day of May, 2011, and, thereafter,

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside, California, held on the ____ day of _____, 2011, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

John P. Mullen
_____
CITY ATTORNEY