

Senior Mobilehome Overlay Neighborhood Meeting Discussion Summary

September 7, 2023

The neighborhood meeting to discuss the September 12, 2023, Planning Commission item regarding the potential adoption of an Ordinance Amending Chapter 5 of the Petaluma Implementing Zoning Ordinance to Add Section 5.060 Establishing a Senior Mobilehome Overlay District and Authorizing a Zoning Map Amendment to Zone Five Existing Self-Designated Senior Mobilehome Parks to Create a Senior Mobilehome Park Overlay District had around 100 attendees. It is believed that most of the attendees were mobilehome tenants who supported the potential amendment. Most of the discussion focused on other mobilehome issues like the pending arbitration for rent increases at one of the mobilehome parks.

One of the attendees asked, why limit the restriction to require at least 80% of the units be occupied by a tenant aged 55 years or older? The answer to that question is to not be preempted by federal law. While it is illegal under the federal Fair Housing and Accountability Act to discriminate in the rental or sale of a unit based on familial status, there is an exemption for “housing for older persons”, if at least 80% of the occupied units are occupied by at least one person who is 55 years of age or older. (42 U.S.C Section 3607(b)(2)(C)) Additionally, the 80% age restriction preserves the status quo of the five parks proposed in the senior mobilehome overlay district that already qualify as senior parks through their own similar rule.

Another attendee asked what would happen if a potential occupant leased a unit in a mobilehome park not in compliance with the senior age restrictions? This hypothetical is unlikely as Subsection 5.060(F) requires signage, advertising, and leases all to state that the park is a senior park, and the City does not know of any prior instance where this has occurred at the five existing senior parks. However, that occupant would be susceptible to eviction for violating the park and City rules and would have a cause of action against the lessor for any damages. The City would also have the ability to enforce the violations through its own administrative, civil, and/or criminal remedies as provided in Subsection 5.060(H).