

**CITY OF MOORPARK
IMPARTIAL ANALYSIS BY CITY ATTORNEY*
MEASURE "O"**

Article 34 of the California Constitution requires approval of the voters before any "low rent housing project" can be "developed, constructed, or acquired" by any "state public body." Article 34 applies not only to publicly-owned low-income rental projects, but also to low-income rental projects developed by private persons and non-profit entities using certain types of public financial assistance. The California Supreme Court has held that the voter approval required by Article 34 can be satisfied by a vote granting authority for a designated maximum number of housing units, without having voters approve each specific project.

If approved by a majority of the voters in the City of Moorpark, Measure O would authorize the City to develop, construct, or acquire up to a maximum of two hundred (200) low rent housing units that are affordable to persons of low income in the City within a ten (10)-year period consistent with the City's General Plan Housing Element objectives. The ten (10)-year period would commence upon the effective date of the ordinance.

On December 29, 2011, the California Supreme Court upheld Assembly Bill 26 (ABx1 26), which dissolved all redevelopment agencies in California effective February 1, 2012, including the Redevelopment Agency of the City of Moorpark. Subsequently, the City elected to become the Successor Housing Agency under ABx1 26, assuming the housing functions and taking over the housing assets of the former Redevelopment Agency. No Article 34 approval currently exists for the City to develop, construct, or acquire low rent housing units.

Article 34 approval does currently exist for the Area Housing Authority of the County of Ventura to develop, contract or acquire, utilizing any federal or state or local financial assistance, housing units for low income persons, including the elderly, handicapped or disabled, within the City of Moorpark, not to exceed in number 2% of the dwelling units within the City. Measure O would allow development of low-income housing subject to Article 34 in addition to the approval currently in place for the Area Housing Authority. The approval or defeat of Measure O will have no effect on the Area Housing Authority's ability to develop housing units pursuant to the previous grant of Article 34 approval. Nor does the Measure limit the City's ability to develop or assist in the development of housing that is not subject to Article 34.

Approval of Measure O will have no fiscal impact and will not authorize the construction of any specific low-income rental housing project. Projects will remain subject to the City's usual planning, environmental review, zoning, and building requirements.

*Section 9280 of the California Elections Code requires the city attorney to prepare an impartial analysis for each city measure appearing on the ballot.

ARGUMENT IN FAVOR OF MEASURE "O"

Please join us in voting YES for Measure O, which allows the City of Moorpark the opportunity to develop, construct, or acquire up to a maximum of 200 low rent housing units, affordable to persons of low income, over a 10-year period. Passage will allow the City to use any future available Federal, State public body, or City affordable housing program funds. Measure O does not grant approval for any specific project, as each would be subject to the environmental clearance, public review, and approval process established by State law and the City's Municipal Code.

The City of Moorpark has a shortage of affordable rental housing units. For example, the City's May 2012 General Plan Housing Element identifies the estimated vacancy rate for rental housing units in Moorpark at 1.2%, with an average monthly rent for a one-bedroom, one-bathroom apartment in Moorpark exceeding \$1,300, and exceeding \$1,600 for a two-bedroom, two-bathroom apartment. For a retired senior citizen receiving an average social security income of approximately \$1,200 per month, even the average priced one-bedroom apartment in Moorpark would exceed the total monthly income. Typically, the recommended maximum percent of income to be spent on housing is 30%. To maintain this percentage for a two-bedroom apartment in Moorpark, the household annual income would need to exceed \$64,000, which would be more than the entry-level salary earned by many professionals, including teachers and firefighters.

A YES vote on Measure O will help to provide the opportunity for the City to pursue the development of affordable rental housing for our senior citizens, single-parent households, young professionals, and other lower-income families, creating a balanced community with a variety of housing opportunities.

Please join concerned City and community leaders and VOTE YES on Measure O.

s/Janice S. Parvin
Mayor

s/David Pollock
Mayor Pro Tem

s/Jorgen L. Nielsen
Chair, Area Housing Authority of the County of Ventura

s/W. Scott Mosher
Chief Professional Officer Boys & Girls Club of Moorpark

s/David A. Wilkinson
Pastor Moorpark Presbyterian Church

NO ARGUMENT AGAINST THIS MEASURE WAS SUBMITTED

FULL TEXT OF MEASURE "O"

AN ORDINANCE OF THE PEOPLE OF THE CITY OF MOORPARK, CALIFORNIA, AUTHORIZING THE CITY OF MOORPARK TO DEVELOP, CONSTRUCT, OR ACQUIRE UP TO A MAXIMUM OF TWO HUNDRED (200) LOW RENT HOUSING UNITS, AFFORDABLE TO PERSONS OF LOW INCOME, IN THE CITY OF MOORPARK OVER A TEN (10)- YEAR PERIOD COMMENCING UPON THE EFFECTIVE DATE OF THE AUTHORIZATION ORDINANCE

WHEREAS, Article 34 of the California Constitution requires approval of a majority of the qualified electors before any low rent housing project can be developed, constructed, or acquired by any state public body; and

WHEREAS, on June 8, 1982, prior to incorporation of the City of Moorpark ("City"), an election was held in the County of Ventura in which the voters within the unincorporated area of the County voted in favor of an Article 34 referendum measure to authorize the Area Housing Authority of the County of Ventura to be permitted to develop, construct or acquire, utilizing any federal or state or local financial assistance, housing units for low income persons, including the elderly, handicapped or disabled, within the unincorporated area, not to exceed in number 3% of the dwelling units within the unincorporated area; and

WHEREAS, the Moorpark City Council approved Ordinance No. 17 on April 4, 1984, finding that a majority of the qualified electors of the City, voting on the Article 34 referendum in the 1982 election, authorized the Area Housing Authority of the County of Ventura to develop, contract or acquire, utilizing any federal or state or local financial assistance, housing units for low income persons, including the elderly, handicapped or disabled, within the City of Moorpark, not to exceed in number 2% of the dwelling units within the City; and

WHEREAS, on December 29, 2011, the California Supreme Court announced its decision in *California Redevelopment Association v. Matosantos* upholding Assembly Bill (AB) X1 26, which was intended to dissolve all redevelopment agencies in California effective February 1, 2012, including the Redevelopment Agency of the City of Moorpark; and

WHEREAS, the City on January 4, 2012, elected to assume the housing functions and take over the housing assets of the Redevelopment Agency of the City of Moorpark, along with related rights, powers, liabilities, duties and obligations, thereby becoming the Successor Housing Agency for the Redevelopment Agency of the City of Moorpark; and

WHEREAS, on May 16, 2012, the City Council approved the City's General Plan Housing Element update, which is required to identify adequate sites for housing for the existing and projected needs of all economic segments of the community as determined by a Regional Housing Needs Assessment (RHNA); and

WHEREAS, the City's adopted Housing Element incorporates the RHNA for 2006 through 2014, which identifies a housing need of one thousand six hundred and seventeen (1,617) housing units in the City, of which six hundred and fifty-five (655) units should be for very low and low income ranges; and

WHEREAS, voter approval of the authority for the City to develop, construct, or acquire up to a maximum of two hundred (200) low rent housing units that are affordable to persons of low income in the City within a ten (10)-year period is consistent with the City's General Plan Housing Element objectives; and

WHEREAS, voter approval of the ballot measure does not increase taxes, has no fiscal impact, and does not grant approval for any specific project, as each would go through the public review process; and

WHEREAS, the City's Community Development Director has determined that the proposed ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) by the general rule that CEQA only applies to projects that may have a significant effect on the environment.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF MOORPARK DO ORDAIN AS FOLLOWS:

SECTION 1. Title. This voter approved ballot measure shall be known as the City of Moorpark Article 34 authorization ordinance.

SECTION 2. Definition of terms.

(a) The term "City of Moorpark" or "City" shall mean the City of Moorpark of the State of California and shall include the City and any other City agency for which the City Council serves as the governing body.

(b) The term "housing unit," shall mean a residential dwelling designed for human occupation, and shall include but not be limited to apartments, condominiums, townhouses, single family homes, duplexes, and mobile homes.

(c) The term "low rent housing unit" shall mean a housing unit that is located within a low rent housing project.

(d) The terms "develop," "construct," "acquire," "low rent housing project," and "persons of low income" shall be interpreted in accordance with Article 34 of the California Constitution, Health and Safety Code Sections 36000 et seq. and 37000 et seq., and any successor legislation thereto.

SECTION 3. Article 34 Authorization. Consistent with Article 34 of the California Constitution, the City of Moorpark is authorized to develop, construct, or acquire up to two hundred (200) low rent housing units, affordable to persons of low income, in the City of Moorpark over a ten (10)-year period commencing upon the effective date of the ordinance approved by majority vote of the qualified electors of the City.

SECTION 4. Scope of Authorization.

(a) The low rent housing authorized by this ordinance shall be in addition to any other Article 34 authorization granted by the qualified electors of the City of Moorpark or County of Ventura within the City's jurisdictional boundaries before or after the adoption of this ordinance.

(b) Any low rent housing project authorized by this ordinance may be funded in any manner permitted by law.

(c) This ordinance does not restrict or limit the City's authority to develop or assist in the development of housing that is not subject to Article 34.

SECTION 5. Effective Date. This ordinance shall be adopted if approved by the majority of the qualified electors at the City's General Municipal Election to be held on November 6, 2012; and shall be effective ten (10) days following the date upon which the City Council declares by resolution the election results for the General Municipal Election held on November 6, 2012.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, phrases, parts or portions of this ordinance. The voters hereby declare that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions of this ordinance be declared invalid or unconstitutional.