

Chapter 19.32

Mobile Home Park Conversions

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19.32.010 Purpose and Intent.

The stated purpose and intent of the Mobile Home Park Conversion Ordinance is to ensure that any proposed conversion of an existing mobile home park to any other use is preceded by adequate notice, that the social and fiscal impacts of the proposed conversion are adequately defined prior to consideration of a proposed conversion and that relocation and other assistance is provided park residents, consistent with the provisions of this Ordinance and Sections 65863.7 and 66427.4 of the California Government Code.

19.32.020 Definitions.

For purposes of this Chapter, the following terms shall have the meanings indicated:

- A. "Commercial coach" shall mean a structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional or commercial uses and shall include a trailer coach as defined in Section 635 of the Vehicle Code.
- B. "Comparable housing" shall mean housing that is comparable in floor area and number of bedrooms to the mobile home to which comparison is being made, which housing meets the minimum standards of the State Uniform Housing Code.
- C. "Comparable mobile home park" means any other mobile home park substantially equivalent in terms of park conditions, amenities and other relevant factors.
- D. "Conversion" means changing the use of a mobile home park for a purpose other than the rental, or the holding out for rent, of two or more mobile home sites to accommodate mobile homes used for human habitation. Such a conversion may affect an entire mobile home park or any portion thereof. A conversion shall include, but is not limited to, a change of any existing mobile home park or any portion thereof to condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the mobile home park are to be sold, and the cessation of use of all or a portion of the park as a mobile home park, whether immediately or on a gradual basis, or the closure of the park. "Conversion" shall not include the purchase of the park by its existing residents,
- E. "Date of application for change of use" means the date of filing of an application for a Rezoning, General Plan Amendment, Use Permit, Subdivision, Planned Unit

Development Plan, Design Permit, or any other discretionary land use application approval under Title 18, the Subdivision Code, and/or Title 19, the Zoning Code, of the City of American Canyon Municipal Code, which application seeks approval of a change of use of or at a mobile home park.

- F. "Eligible mobile home owner" means a mobile home owner whose mobile home was located in a mobile home park on the date of application for a change of use.
- G. "Home owner" means the registered owner or owners of a mobile home, who has a tenancy in a mobile home park under a rental or lease agreement.
- H. "Mobile home" is a structure designed for human habitation and for being transportable on a street or highway under permit pursuant to California Vehicle Code Section 35790, and as defined in Section 18008 of the Health & Safety Code. "Mobile home" does not include a recreational vehicle as defined in Civil Code Section 709.24, or a commercial coach, as defined herein and in Section 18001.8 of the Health & Safety Code,
- I. "Mobile home park" is an area of land where two or more mobile home sites are rented, or held out for rent, to accommodate mobile homes used for habitation. For purposes of this Chapter, "mobile home park" shall not include a mobile home subdivision, stock cooperative, or any park where there is any combination of common ownership of the entire park or individual mobile home sites.
- J. "Mobile home space" is any area, tract of land, site, lot, pad, or portion of a mobile home park designated or used for the occupancy of one mobile home.
- K. "Mobile home tenant" is a person who occupies a mobile home within a mobile home park pursuant to a bona fide lease or rental agreement with the mobile home owner and who, during his or her tenancy, was not the owner or member of the immediate household of the mobile home owner.
- L. "Resident" means a person lawfully residing in a mobile home park, and includes a mobile home owner, mobile home tenant or member of the immediate household of the mobile home owner or mobile home tenant.

19.32.030 Vacancy Rate in Excess of 20% - Notice Required.

The following shall apply when any mobile home park in the City has a vacancy rate of 20% or greater of the total number of spaces in existence in the mobile home park.

- A. Whenever twenty (20%) percent or more of the total number of mobile home sites or mobile homes at a mobile home park are vacant or otherwise uninhabited and such situation was not caused by physical disaster, including but not limited to fire, flood, storm, earthquake, landslide, or by another natural condition beyond the control of the owner or operator of the mobile home park, the owner or operator of the park shall file with the Planning Director a written notice informing the City of the current vacancy rate at the park. For purposes of this Chapter, a mobile home site is "uninhabited" or "vacant" when it is either:
 1. Unoccupied by a mobile home, or
 2. Occupied by a mobile home in which no persons reside.
 3. A mobile home shall not be considered vacant for purposes of this Chapter if rent is being paid pursuant to a bona fide rental or lease agreement and the mobile home is merely unoccupied.

- B. The written notice to the Planning Director from the owner or operator of the mobile home park shall clearly state any known reasons for the vacancy rate to be in excess of 20% and whether or not the property owner intends in the immediate future to convert the mobile home park to another use.
- C. If it is determined that the owner of the mobile home park intends to apply for a conversion of the mobile home park to another use, the Planning Director shall immediately inform the property owner of the requirements of this Chapter.

19.32.040 Use Permit Required.

In addition to any other necessary discretionary land use permit applications such as a subdivision or a Design Permit, the conversion of any existing mobile home park to any other use shall require the review of a Use Permit application by the Planning Commission, which shall forward a recommendation on the discretionary permits and Use Permit to the City Council for final action. At a minimum, each application for a Use Permit to convert a mobile home park to any other use shall include the following and any additional information as may be required by this Chapter and the Planning Director:

- A. A detailed narrative description of the proposed use to which the mobile home park is to be converted.
- B. The proposed timetable for implementation of the conversion and development of the site.
- C. Evidence that any tenant's rent had not been increased within the two months prior to the filing of an application for conversion of a mobile home park, and a statement from the applicant that the rent at the mobile home park shall not be increased for two years from the date of filing of the conversion application or until the date of the commencement of relocation activities.
- D. A report on the impact of the conversion of the mobile home park on its residents and a disposition/relocation plan addressing the availability of replacement housing for existing tenants of the mobile home park consistent with Section 65863.7 of the California Government Code.
- E. Upon filing an application for a Use Permit for conversion, the Planning Director shall inform the applicant of the requirements of Civil Code Section 798.56 and Government Code 65863.8 regarding notification of the mobile home park residents concerning the proposed conversion. The Planning Director shall specify in writing to the applicant the information that must be submitted in order to adequately notify all existing tenants as required by the California Government Code, the California Civil Code, and this Chapter.
- F. No Use Permit application for the conversion of a mobile home park to another use shall be deemed complete and processing for consideration will not commence until the Conversion Impact Report and Relocation Plan as required by this Chapter have been reviewed by the Planning Director for substantial conformance with the requirements of this Chapter.

19.32.050 Conversion Impact Report Required.

Any person filing an application for a Use Permit to convert a mobile home park to another use shall file a Conversion Impact Report on the impact of the change of use upon the residents of the mobile home park. At a minimum the Conversion Impact Report shall include the following, as well as any other Information deemed necessary and appropriate by the Planning Director:

- A. A detailed description of the mobile home spaces within the mobile home park, including but not limited to:
 - 1. The total number of mobile home spaces in the park and the number of spaces occupied;
 - 2. The length of time each space has been occupied by the present resident(s) thereof;
 - 3. The age, size, and type of mobile home occupying each space;
 - 4. The monthly rent currently charged for each space, including any utilities or other costs paid by the present resident(s) thereof;
 - 5. Name and mailing address of the primary resident(s) of each mobile home within the mobile home park on three sets of gummed labels for the mailing of notice of public hearings.
- B. A list of all comparable mobile home parks within the City of American Canyon and Napa County. This list shall include the age of the mobile home park and the mobile homes therein, a schedule of rents for each park listed and the criteria of the management of each park for acceptance of new tenants and used mobile homes. Information pertaining to the availability of medical and dental services, shopping facilities, and all nearby social and religious services and facilities shall also be included.
- C. A detailed analysis of the economic impact of the relocation, on the tenants including comparisons of current rents paid and rents to be paid at comparable mobile home parks within the City of American Canyon or Napa County, the estimated costs of moving a mobile home and personal property, and any direct or indirect costs associated with a relocation to another mobile home park.
- D. A list of the names, addresses and telephone numbers of one or more housing specialists, with an explanation of the services the specialists will perform at the applicant's expense for the residents to be displaced. These services shall include but not be limited to assistance in locating a suitable replacement mobile home park, coordination of moving the mobile home and personal property, and any other tasks necessary to facilitate the relocation to another comparable mobile home park.

19.32.060 Relocation Plan Required.

A Relocation Plan for tenants of a mobile home park shall be submitted to the Planning Commission and City Council for approval as a part of the application for a Use Permit to convert a mobile home park to another use. The Relocation Plan shall provide, at a minimum, for the following:

- A. The names, addresses, telephone numbers, and fee schedules of persons in the area who are qualified MAI appraisers of mobile homes.
- B. The names, addresses, telephone numbers, and fee schedules of persons in the area qualified as mobile home movers.
- C. The Relocation Plan shall provide specifically for relocation assistance to full-time, very-low, low, and moderate-income residents and senior citizens over the age of 52 residing in the park for a minimum period of 12 months following closure of the mobile home park.
- D. The Relocation Plan shall specifically provide guarantees that all tenants 62 years of age or older and all tenants who are medically proven to be permanently disabled shall not

have to pay an increase in rent over the amount currently paid for a period of two years following relocation.

- E. The Relocation Plan shall provide for the applicant to pay all reasonable moving expenses to a comparable mobile home park within the City of American Canyon or Napa County to any tenant who relocates from the park after City approval of the Use Permit authorizing conversion of the park. The reasonable cost of relocation and moving expenses shall include the cost of relocating a displaced homeowners mobile home, accessories, and possessions, including the costs for disassembly, removal, transportation, and reinstallation of the mobile home and accessories at the new site, and replacement or reconstruction of the blocks, skirting, siding, porches, decks, awnings, storage sheds, cabanas, or earthquake bracing if necessitated by the relocation; indemnification for any damage to personal property of the resident caused by the relocation, reasonable living expenses of displaced park residents from the date of actual displacement to the date of occupancy at the new site; payment of any security deposit required at the new site; and the difference between the rent paid in the existing park and any higher rent at the new site for the first twelve (12) months of the relocated tenancy. When any tenant has given notice of his intent to move prior to City approval of the Use Permit, eligibility to receive moving expenses shall be forfeited.
- F. If the City Council determines that a particular mobile home cannot be relocated to a comparable mobile home park within the City of American Canyon or Napa County, and the mobile home owner has elected to sell his or her mobile home, the relocation plan shall identify those mobile homes, the reasons why the mobile homes cannot be relocated as provided for in Subsection E of Section 19.32.060, then the City Council may, as a part of the reasonable cost of relocation as provided for in Government Code Section 65863.7(e) require the applicant to provide for purchasing the mobile home of a displaced home owner at its in-place market value. Such value shall be determined after consideration of relevant factors, including the value of the mobile home in its current location including the blocks and any skirting, siding, porches, decks, storage sheds, cabanas, and awnings, and assuming the continuation of the mobile home park in a safe, sanitary, and well maintained condition, and not considering the affect of the change of use on the value of the mobile home. If a dispute arises as to the in-place value of a mobile home, the applicant and the homeowner shall have appraisals prepared by separate qualified MAI appraisers with experience in establishing the value of mobile homes. The City Council shall determine the in-place value based upon the average of the appraisals submitted by the applicant and mobile home owner.

19.32.070 Required Findings for Conversion.

In approving a Use Permit for a mobile home park conversion, the City Council shall find that the proposed conversion meets the following requirements in addition to the other requirements of this Chapter:

- A. That the proposed use of the property is consistent with the General Plan and any and all of its Elements, any applicable Specific Plan or Planned Unit Development Plan or similar mechanism provided for in State law or City Ordinances and this Chapter.
- B. That the residents of the mobile home park have been adequately notified of the proposed conversion, including information pertaining to the anticipated timing of the proposed conversion.

- C. That there exists land zoned for new or replacement comparable mobile home parks or adequate space is available in other comparable mobile home parks within the City of American Canyon or Napa County for the residents who will be displaced.
- D. That the conversion will not result in the displacement of very low, low, or moderate income mobile home residents or senior citizens over the age of 62 who cannot afford rents charged in other mobile home parks within the City of American Canyon or Napa County unless otherwise approved by the City Council.
- E. That the age type, size, and style of mobile homes to be displaced as a result of the conversion will be able to be relocated into other comparable mobile home parks within the City of American Canyon or Napa County, or that the applicant has agreed to purchase any mobile home that cannot be relocated at its in-place value as provided for in this Chapter.
- F. That any mobile home residents displaced as a result of the conversion shall be compensated by the applicant for all reasonable costs incurred as a result of their relocation.
- G. That the Relocation Plan mitigates the impacts of the displacement of individuals or households for a reasonable transition period and mitigates the impacts of any long-term displacement.

19.32.080 Conditions of Approval.

The City Council shall impose any necessary and appropriate conditions of approval to satisfy and implement the intent, purpose, and content of this Chapter. In addition, any other necessary and appropriate conditions of approval to protect the health and safety of the residents of the City of American Canyon may be imposed.

19.32.090 Effective Date of Conversion.

The City Council shall establish the date on which the Use Permit for conversion will become effective. Such date shall not be less than two years from the decision of the City Council, provided that conversion at an earlier date may be approved if the City Council receives a written petition requesting an earlier date signed by a majority of those persons residing in the subject mobile home park at the time of the City Council public hearing to consider the conversion application. The effective date of the approval in such a case shall be the date set forth in the petition. Conversion at the earlier date may be approved only if the City Council makes specific Findings that the applicant has complied with all the provisions of an approved Relocation Plan and submitted evidence of such compliance to the Planning Director as provided for in Section 19.32.060.

19.32.100 Issuance of Grading and/or Building Permits.

No building permit shall be issued for the development of or on any real property which is being converted from a mobile home park pursuant to this Chapter unless and until the applicant has filed with the Planning Director a verified statement made under penalty of perjury that all conditions of approval have been met or otherwise incorporated into the final project plans including the payment of all required relocation assistance required pursuant to this Chapter. Such statement shall identify in itemized form each payee, the amount paid, the date of payment, and the type of relocation or other assistance for which each such payment was made.

19.32.110 Violations.

In addition to any remedies or penalties for noncompliance with any City Ordinance as provided elsewhere in the Municipal Code, any park owner or applicant who violates any rights of any mobile home owner or mobile home tenant established under this Chapter shall be liable to said person for actual damages caused by such violation, plus costs and reasonable attorney's fees. In addition, no park owner shall take any willful action to threaten, retaliate against, or harass any park resident with the intent to prevent such residents from exercising his or her rights under this Chapter.

19.32.120. Relocation Assistance

19.32.120.1 Statement of Purposes. The provisions of this section provide for relocation assistance to tenants of mobilehome parks facing eviction due to the owner's intent to convert the mobilehome park to another use.

19.32.120.2 Definitions. For the purposes of this section, the definitions in Section 19.32.20 of the Code, and in Article 1 of the California Mobilehome Residency Law (California Civil Code, Section 798, et seq.), and the following definitions shall apply:

- A. **"Notice to Quit"** means in the case of a tenant the Notice required by Section 798355(b) of the California Civil Code. In the case of non-tenant resident, the notice required by an applicable provision of the law.
- B. **"Qualified Resident"** means any resident, as that term is used in California Civil Code section 798.11, who satisfies any of the following criteria on the date said resident receives a Notice to Quit as defined above: has attained age 62; is handicapped as defined in Section 50072 of the California Health and Safety Code; is disabled as defined in Title 42 United States Code 423; or is a person residing with and on whom is legally dependent (as determined for federal income tax purposes) one or more minor children; or is a person whose income is within the low-income category as defined by the US Department of Housing and urban Development for its Section 8 program as confirmed by the State Department of Housing and Community Development in amendment to Section 6932 of Title 25 of the California Code of regulations.
- C. **"Tenant"** means a homeowner, as defined in California Civil Code Section 798.9.
- D. **"Qualified Tenant"** means any tenant who satisfies any of the following criteria on the date said tenant receives a Notice to Quit as defined above: has attained age 62; is handicapped as defined in Section 50072 of the California Health and Safety Code; is disabled as defined in Title 42 United States Code 423; or is a person residing with and on whom is legally dependent (as determined for federal income tax purposes) one or more minor children; or is a person whose income is within the low-income category as defined by the US Department of Housing and urban Development for its Section 8 program as confirmed by the State Department of Housing and Community Development in amendment to Section 6932 of Title 25 of the California Code of regulations.

19.32.120.3 Relocation Assistance Required.

- A. **General Rule.** The management of a mobilehome park shall provide relocation assistance in connection with the change of use, as defined in Civil Code Section 798.10 of the mobilehome park, or any portion thereof.

- B. **Exception.** This section shall not apply where (1) the change of use results from the City's refusal to extend a conditional use permit, or similar permit, upon good faith request of the management for such an extension; (2) where the California Department of housing and Community Development suspends or revokes a permit pursuant to Health and Safety Code Section 185010; or (3) where the tenant or resident received actual written notice from management prior to entering into oral or written agreement to become a resident or tenant that an application to convert the mobilehome park to another use was on file with the City or had already been approved.

19.32.120.4 Manner of Providing Relocation Assistance.

Relocation assistance, where required by the preceding subsection, shall be provided in accordance with the following provisions.

1. Management's Responsibility.

A. Management shall:

- (1) Make available to each resident, at no cost, a reasonably complete and current list of vacant and available mobilehome park spaces or mobilehomes within the City and Napa County; and,
- (2) Make a reasonable and good faith effort to assure that residents without cars are driven, at no cost, and residents with cars are assisted, in order to inspect replacement spaces or homes; and,
- (3) Hire an ambulance or similar vehicle, at no cost to the resident, and otherwise take reasonable steps to assist any disabled or handicapped tenants with relocation-related activities; and,
- (4) Pay a relocation fee in order to assist the recipient in meeting costs of relocation, higher rents for replacement mobilehome park spaces or mobilehomes, and related expenses. For the fiscal year beginning July 1, 2006 and all subsequent fiscal years, the fee amounts shall be automatically increased by the cost of living increase as determined by the United States Labor Department for the San Francisco/Oakland/Bay Area on an annual basis. The adjusted amount shall be rounded to the nearest fifty dollar increment.

This payment shall be made as follows:

- (a) In the case of a tenant residing in the mobilehome subject to the tenancy agreement who has not located a comparable replacement mobilehome park space by the time the fee is due under this section, a fee of \$8,000 to qualified tenants and \$3,200 to all other tenants;
- (b) In the case of a tenant residing in the mobilehome subject to the tenancy agreement who has located a comparable replacement mobilehome park space by the time the fee is due under this section, a fee of \$3,200;
- (c) In the case of a tenant who does not reside in the mobilehome subject to the tenancy agreement, and who has not located a comparable replacement mobilehome park space by the time the fee is due under

this section, a fee of \$4,800 to qualified tenants and \$3,200 to all other tenants;

- (d) In the case of a tenant who does not reside in the mobilehome subject to the tenancy agreement, and who has located a comparable replacement mobilehome park space by the time the fee is due under this section, a fee of \$3,200;
 - (e) In the case of a resident who is not also a tenant, a fee of \$3,200;
 - (f) The entire fee shall be paid to a person who is the only tenant or resident in a mobilehome. If a mobilehome is occupied by two or more persons, any one of whom is "qualified", then each person shall be paid a pro-rata share of the fee due. If a mobilehome is occupied by two or more persons, none of whom is "qualified," then each person shall be paid a pro-rata share of the fee due.
- B. In lieu of the assistance provided for in Paragraph "A" above, management may elect to relocate any tenant or resident into a comparable replacement mobilehome park space or mobilehome, satisfactory to the tenant or resident and pay all the actual costs of relocation. A tenant or resident may not unreasonably withhold approval of a replacement mobilehome park space or mobilehome.

2. When Assistance is Needed

- A. **General Rule.** Where the Notice to Quit is served after the effective date of this ordinance, the relocation assistance specified above shall be provided at the following times:
- (1) The assistance specified in Subparagraphs (1) and (4) of Paragraph A of Subdivision 1 above shall be made available on or before service of the Notice to Quit.
 - (2) The assistance specified in Subparagraphs (2) and (3) of Paragraph A of Subdivision 1 above shall be made for at least a 60-day period prior to the period specified in the Notice to Quit.
 - (3) The assistance specified in Paragraph B of Subdivision 1 shall be made available on or before service of the Notice to Quit.
- B. **Special Transition Rule.** Where the Notice to Quit was served on or before the effective date of this ordinance, the relocation assistance specified above shall be provided at the following times:
- (1) The assistance specified in Subparagraphs (1) and (4) of Paragraph A of Subdivision 1 above shall be made available either before the effective date of this ordinance or within 30 days thereafter.
 - (2) The assistance specified in Subparagraphs (2) and (3) of Paragraph A of Subdivision 1 above shall be made for at least a 30 day period commencing on or before the effective date of this ordinance.
 - (3) The assistance specified in Paragraph B of Subdivision 1 shall be made available at any time prior to the first day of trial of any action by the management to recover possession of the mobilehome space or mobilehome.

19.32.120.5 Affirmative Defense.

In an action by management to recover possession of a space occupied by a mobilehome or to recover possession of a mobilehome, the defendant may raise as an affirmative defense the failure of management to provide relocation assistance as required by this section.

19.32.120.6 Applicability.

This section shall apply to judicial proceedings to recover possession of a space occupied by a mobilehome or to recover possession of a mobilehome, commenced on or after the effective date of this ordinance.

19.32.120.7 Notification to City.

1. The management shall serve, by personal service or by United States mail, written notice on the City Planning Director of the proposed termination or mobilehome park use, accompanied by such information and in a form designated for such purpose by the City Planning Director. Upon publication of this subsection in the newspaper, the City Planning Director shall forthwith notify the management of all mobilehome parks within the City limits of the requirements if this subsection.
 - (a) Where the Notice to Quit is served on or after the effective date of this subsection, the notice to the City Planning Director shall be served on or before the 30th day prior to the expiration of one period state in the Notice to Quit.
 - (b) Where the Notice to Quit is served prior to the effective date of this subsection, the notice to the City Planning Director shall be served on or before the 10th day prior to the expiration of the period stated in the Notice to Quit.
2. The notice referred to in Subdivision 1 above shall be accompanied by a statement that the management has provided all relocation assistance required by law, accompanied with proof of such assistance in the form of notarized signed acknowledgements from the recipients thereof or a notarized signed waiver of assistance.
3. If management fails to substantially comply with this Subsection 19.32.120.7, as determined by the City Planning Director, the City Planning Director shall forthwith notify all other appropriate City departments and officials of such noncompliance. These departments and officials shall not issue, grant or approve any application or request for any permit, license or other entitlement of use (including but not limited to a building permit, conditional use permit, zone change, variance, certificate of occupancy, tract or parcel map) for any change of use.