

**Attachment C- City of Santa Maria  
Mobilehome Conversion to Other Uses**

## **CHAPTER 12-9A MOBILEHOME PARKS**

### **Section 12-9A.100. Article 1. Conversion of Mobilehome Parks to Other Uses**

(Ord. 93-3, eff. 05/20/93)

#### **Section 12-9A.101. Definitions.**

The terms listed in California Civil Code Section 798.2 and following shall have the meanings set out there for purposes of this chapter. As used in this chapter, the following words and phrases shall have the following meanings:

- (a) "Change of use" means a use of the park for a purpose other than the rental, or the holding out for rent, of two or more mobilehome sites to accommodate mobilehomes used for human habitation, and does not mean the adoption, amendment, or repeal of a park rule or regulation. A change of use may affect an entire park or any portion thereof. "Change of use" includes, but is not limited to, a change of the park or any portion thereof to a condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the park are to be sold. (Reference Code of Civil Procedure §798.10)
- (b) "Comparable housing" means housing which is comparable in floor area and number of bedrooms to the mobilehome to which comparison is being made, which housing meets the minimum standards of the State Uniform Housing Code.
- (c) "Comparable mobilehome park" means any other mobilehome park substantially equivalent in terms of park condition, amenities and other relevant factors.
- (d) "Eligible mobilehome owner" means a mobilehome owner whose mobilehome was located in a mobilehome park on the earlier of the following:
  - (1) the date of application for a change of use;
  - (2) the date of filing of a notice of determination that the park is undergoing a change of use pursuant to Section 12-9A.104 if such notice was filed.
- (e) "Homeowner" means the registered owner or owners of a mobilehome, who has a tenancy in a mobilehome park under a rental agreement.
- (f) "Mobilehome site" means an area within a mobilehome park shown as being occupied by or designated for occupancy by an individual mobilehome.
- (g) "Mobilehome tenant" means a person who occupies a mobilehome within a mobilehome park pursuant to a bona fide lease or rental agreement with the mobilehome owner and who, during his or her tenancy, was not the owner or member of the immediate household of the mobilehome owner. (Ord. 93-3, eff. 05/20/93)

#### **Section 12-9A.102. Duty of Director of Community Development to maintain a list of housing specialists.**

Upon receiving a completed application for a purpose described in Section 12-9A.103, the Director of Community Development shall compile a list of persons, firms and organizations with expertise in the fields of housing and relocation of persons displaced from housing. Those listed shall be familiar with the region's housing market and qualified to assist residents in locating replacement housing, to render financial advice on qualifying for various housing types, to explain the range of housing alternatives available, to gather and present to persons needing housing relocation assistance adequate information as to available housing, and shall be able to transport persons unable to drive to housing alternatives. (Ord. 93-3, eff. 05/20/93)

**Section 12-9A.103. Conversion impact report; data on homeowners and mobilehome tenants - duty to file.**

(a) Any person who files an application for a rezoning, General Plan amendment, subdivision map, use permit, site development permit or any other discretionary development approval under Titles 11 or 12 of this Code, for the purpose of a change of use of a mobilehome park, shall file a report on the impact of the change of use upon the residents of the mobilehome park in compliance with the requirements of this section not later than the date of filing of the first such application necessary to authorize such change of use. No such application shall be deemed completed until such conversion impact report shall have been filed as required by this subsection.

(b) The conversion impact report shall address the availability of adequate replacement housing in mobilehome parks and the costs of relocating displaced residents. In order to adequately evaluate and address those issues, the conversion impact report shall contain the following information:

(1) The names, addresses and mobilehome site identification numbers of all persons owning mobilehomes within the mobilehome park and of all mobilehome tenants as of the earlier of the following dates:

(A) the date of application for change of use;

(B) the date of filing of a notice of determination that the park is undergoing a change of use pursuant to Section 12-9A.104 if such notice was filed prior to the application.

(2) The age, including date of manufacture, of each mobilehome within such park, including the type of mobilehome, width characteristics, size, and number identifying the mobilehome site being occupied.

(3) A list of vacant mobilehome sites in comparable mobilehome parks within a ten (10) mile radius of the park which is subject of the application or request. The list shall contain a schedule of site rental rates for each park listed and the criteria of the management of each park for acceptance of new tenants and used mobilehomes.

(4) A designation of the names, addresses and telephone numbers of one or more housing specialists from the list compiled by the Director of Community Development pursuant to Section 12-9A.102, and the names, addresses and telephone numbers and fee schedules of persons qualified as mobilehome movers and of persons who are qualified appraisers of mobilehomes. There shall be included an explanation of the services which the housing specialists will provide. The applicant may also designate other housing specialists, mobilehome movers and appraisers.

(5) A relocation plan, which will include a timetable for implementing the physical relocation of mobilehome, implementation of relocation assistance, payment of relocation costs and conversion of the park to one or more other uses.

(6) A specification of the measures proposed to mitigate adverse impacts and of the costs of relocation of displaced residents which shall comply with the requirements of Section 12-9A.105. (Ord. 93-3, eff. 05/20/93)

**Section 12-9A.104. Conversion impact report; information meeting(s); notice and distribution to homeowners and tenants.**

(a) Not less than fifteen (15) days prior to the scheduled public hearing before the Planning Commission on the conversion impact report, the applicant shall transmit to the homeowner and to any tenant of each mobilehome occupying a mobilehome site within the park and to all other persons described in Section 12-9A.103(b) a copy of the conversion impact report, a copy of this chapter, and of the dates, times and places of the public hearing on the application for discretionary approval for the purpose of a change of use, including the conversion impact report and the informational meeting required to be held pursuant to subsection (c) of this Section.

(b) Not less than ten (10) days prior to the date of the public hearing, the applicant shall cause to be filed with the Director of Community Development a statement under penalty of perjury that he or she has complied with the requirements of subsection (a) of this section.

(c) Not less than ten (10) days prior to the scheduled public hearing before the Planning Commission, the applicant shall conduct an informational meeting for the residents of the mobilehome park regarding the status of the application for relocation of residents, proposed relocation costs and assistance, and the contents of the conversion impact report. The meeting shall be conducted on the premises of the mobilehome park. The housing specialist or specialists designated in the conversion impact report shall be present at such meeting.

(d) Not less than five (5) days prior to the public hearing, the applicant shall file with the Director of Community Development a statement made under penalty of perjury that he or she has complied with the requirements of subsection (c) of this section. Such statement shall state the date, time, and place where such meeting was conducted.

(e) For projects involving a land division, the applicant shall comply with all noticing requirements of the

Subdivision Map Act (Government Code Sections 66410 et seq.). (Ord. 93-3, eff. 05/20/93)

**Section 12-9A.105. Mitigation of Adverse Impacts and Reasonable Costs of Relocation.**

(a) The applicant shall include within the conversion impact report the steps the owner proposes to mitigate any adverse impact on the ability of displaced park residents to find adequate housing in a mobilehome park, including the reasonable costs of relocation. The City Council, upon reviewing the report and recommendation of the Planning Commission (or the Planning Commission, for projects which do not require City Council approval), shall require the applicant to take steps to mitigate such adverse impact which shall not exceed the reasonable costs of relocation, except where and to the extent that any such applicant shall have been exempted from any such requirement pursuant to Section 12-9A.106.

(1) As used in this section, the reasonable costs of relocation shall include: the cost of relocating a displaced homeowners' mobilehome, accessories and possessions to a comparable mobilehome park within ten (10) miles of its existing location, including costs of disassembly, removal, transportation, and reinstallation of the mobilehome and accessories at the new site, and replacement or reconstruction of blocks, skirting, siding, porches, decks, awnings 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 until the date of occupancy at the new site; payment of any security deposit required at the new site; and the difference between the rent at old and new sites for the first twelve (12) months of the relocated tenancy.

(2) If the City Council or Planning Commission, determines that a particular mobilehome cannot be relocated to a comparable mobilehome park within ten (10) miles of its existing location, and the homeowner has elected to sell his or her mobilehome, the reasonable costs of relocation shall include the cost of purchasing the mobilehome of a displaced homeowner at its in-place market value. Such value shall be determined after consideration of relevant factors, including the value of the mobilehome in its current location, assuming the continuation of the mobilehome park in a safe, sanitary and well-maintained condition, and not considering the effect of the change of use on the value of the mobilehome. Any interested person may present evidence and any relevant factors in determining in-place value.

(3) All eligible homeowners and all mobilehome tenants of eligible homeowners shall be provided with the services of one or more housing experts to assist them in relocating to available and adequate housing upon their request. Any such experts shall be those approved pursuant to Section 12-9A.103(b)

(4) herein.

(b) No benefits shall be provided to any person who is renting a mobilehome from the owner of the mobilehome park where such person shall have executed a written agreement with such mobilehome park owner waiving his or her rights to any such benefits. No such waiver shall be valid unless it contains the text of this section, and unless such person shall have executed a written acknowledgement that he or she has read and understands his or her rights pursuant to this chapter and knowingly agrees to waive them.

(c) In order to facilitate the intentions of the homeowners or tenants and an applicant for a change of use with regard to a change of use, the parties may agree to mutually satisfactory relocation assistance. To be valid, such an agreement shall be in writing, shall include a provision stating that the homeowner or tenant is aware of the provisions of this chapter, shall include a copy of this chapter as an attachment, shall include a provision in at least ten-point type which clearly states the right to seek and the importance of obtaining an attorney's advice prior to signing the agreement, and shall be drafted in form and content otherwise required by applicable State law. No person signing a relocation assistance agreement provided for in this subsection may contest the adequacy of the conversion impact report at the hearing on such report. Any person signing such an agreement may rescind it in writing within ten (10) days of signing it. Any such agreement which is procured by fraud, misrepresentation, coercion or duress of any kind shall be void and unenforceable.

(d) No waiver by an eligible mobilehome owner or mobilehome tenant of any of his or her rights pursuant to this section shall be valid or effective for any purpose except with regard to a relocation assistance agreement as provided in subsection (c) herein.

(e) Any relocation costs payable to an owner of a mobilehome shall be deemed paid to all owners of that mobilehome when paid to any one of them. (Ord. 93-3, eff. 05/20/93)

**Section 12-9A.106. Application for exemption from relocation obligations.**

(a) Any person who files an application for change of use of a mobilehome park may, simultaneously with such application, file an application for total or partial exemption from the obligation to provide relocation costs and assistance pursuant to Section 12-9A.105.

(b) If such application is filed, notice of such application, with the information contained therein, distribution thereof to the residents of the mobilehome park, and discussion of the application at the informational meeting shall be accomplished pursuant to Section 12-9A.104.

(c) Any such application shall state that it is made on either or both of the following bases:

(1) That imposition of the full relocation obligations would eliminate substantially all reasonable use or economic value of the current use or alternative use of the property.

(2) That a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure or cessation of use of said property as a mobilehome park is necessary, and that such court has taken further action which would prohibit or preclude payment of relocation assistance benefits, in whole or in part.

(d) Any such application made pursuant to subsection (c) (1) shall contain adequate documentation that the conditions set forth in subsection (c) exist. The Director of Community Development may request such additional documentation, reports and information as he or she deems necessary to evaluate the application. Such information may include:

(1) Statements of profit and loss from the operations of the mobilehome park for the last five year period of the date of the application or request, certified by a certified public accountant.

(2) The estimated total relocation costs which would otherwise be required to be provided pursuant to this chapter, which shall be based upon documented surveys of available mobilehome sites within ten (10) miles of the mobilehome park, residents of the park who would elect to relocate and those who would elect to sell their mobilehomes, and the value of the mobilehomes in the park based upon the recent sales of representative mobilehomes in the park.

(3) An estimate of the value of the mobilehome park by a qualified real estate appraiser if the park were permitted to be developed for the use proposed in the application for the change of use of the park, and an estimate of the value of such park by such appraiser if use of the property as a mobilehome park is continued.

(4) Such other information which the applicant believes to be pertinent or which may be required by the Director of Community Development.

(e) Any such application filed pursuant to subsection (c) (2) shall be accompanied by adequate documentation as to the title, case number, and court in which the bankruptcy proceeding was held, and copies of all pertinent judgements, orders, and decrees of such court. (Ord. 93-3, eff. 05/20/93)

**Section 12-9A.107. Application for conversion; public hearings; findings.**

(a) At the time of each public hearing regarding the applicant's proposed change of use, the recommending or approving body shall also consider the adequacy of the conversion impact report and shall make the following determinations or recommended determinations:

(1) That the conversion impact report does or does not comply with the requirements of this chapter. If it is determined that the conversion impact report does not comply with one or more requirements of this chapter, the respects in which the report does not comply with any such requirement shall be stated. If land use permits for the change of use are approved, the approving body shall condition such approvals upon specified amendments to the conversion impact report.

(2) That specified conditions shall be imposed upon the change of use to mitigate adverse impacts upon the ability of displaced homeowners and tenants to find adequate replacement housing in a mobilehome park and to require that reasonable costs of relocation be paid as set forth in this chapter.

(3) Where an exemption from relocation assistance has been applied for based upon the impact of such assistance upon the reasonable use of the property pursuant to Section 12-9A.106, the approving body shall make one of the following findings:

(A) That the applicant shall not be exempt from relocation assistance obligations because sufficient evidence has not been shown that the costs of relocation which would otherwise be required by this chapter would eliminate substantially all reasonable use or economic value of the property for alternative uses.

(B) That the applicant or owner shall be exempt from relocation assistance obligations in whole or in part, because he or she has shown sufficient evidence that imposition of such obligations, in whole or in part, would eliminate substantially all reasonable alternate use or economic value of the property. In making such determination, the approving body may take into account the financial history of the mobilehome park, its condition and the condition of amenities and improvements thereon, the cost of any necessary repairs, improvements or rehabilitation of such park, the estimated costs of relocation, the fair market value of the property for the proposed alternative use, the fair market value of the property for continued use as a mobilehome park, and any other pertinent evidence requested or presented. In rendering its decision, the approving body shall have the power to waive all or portions of any type of benefit which would otherwise be applicable and shall expressly indicate in its decision any such waiver and the extent thereof.

(4) Where an exemption from relocation assistance has been applied for based upon bankruptcy proceedings pursuant to Section 12-9A.106 (c) (2) the City Council or Planning Commission shall make one of the following findings:

(A) That the application or project shall be exempt from relocation assistance obligations, in whole or in part, because a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure or cessation of use of said property as a mobilehome park is necessary, and because such court has taken further action which would prohibit or preclude payment of such benefits, whether in whole or in part. In rendering its decision the City Council shall have the power to waive all

or portions of any type of benefit to the extent necessary to comply with the judgement, order, or decree of the court.

(B) That the applicant shall not be exempt from any relocation assistance obligations based upon any actions of a court of bankruptcy, because sufficient evidence has not been shown that any such court has ordered the closure or cessation of use of said property as a mobilehome park, or that such court has prohibited or precluded the payment of any such benefits, or both.

(5) No request or application for an amendment to the General Plan or zoning ordinance, approval of a tentative map, use permit, planned development permit or other discretionary development permit for change of use of a mobilehome park shall be approved unless and until the City Council or Planning Commission shall have first determined that the conversion impact report complies with the requirements of this chapter. The approval of a total exemption from relocation assistance obligations shall have the effect of eliminating the requirement of such portion of the conversion impact report. If such conversion impact report is determined not to comply with the requirements of this chapter, the aforementioned requests or amendments shall not be considered further unless and until the report is revised, a public hearing upon appropriate notice is conducted thereon, and the report is determined to be in compliance with the requirements of this chapter.

(b) Public hearings shall be held in accordance with the provisions of the Santa Maria Municipal Code.

(1) For projects involving a land division, the City Council or Planning Commission shall make all findings required by the Subdivision Map Act (Government Code Sections 66410 et seq.). (Ord. 93-3, eff., 05/20/93)

**Section 12-9A.108. Obligations of applicant or mobilehome park owner after approval of the change of use and conversion impact report.**

After approval of the change in use and the determination that the conversion impact report complies with the requirements of this chapter, the applicant shall be responsible for performance of the following obligations, except to the extent that the City Council, or Planning Commission may have exempted the application therefrom pursuant to Section 12-9A.107:

(a) Not later than thirty (30) days from the date of such determination, the housing specialist or specialists shall make personal contact with each resident of the mobilehome park and commence consultations to determine the applicable relocation costs and assistance to be provided. The housing specialist or specialists shall give each person eligible to receive relocation assistance written notice of his or her rights to relocation assistance as determined by the City Council or Planning Commission under this chapter.

(b) Not less than one-hundred-twenty (120) days prior to the date any resident is required to vacate the mobilehome park, any cash or monetary relocation costs required by this chapter shall be paid to such resident, or to any person, as the resident may direct. If the applicant purchases the mobilehome pursuant to Section 12-9A.105, the owner of the mobilehome shall be required to promptly submit to the applicant all documents necessary to transfer complete title and ownership of such mobilehome to the applicant, free and clear of all security interests, liens, or other encumbrances.

(c) If the owner of the mobilehome park, the applicant, homeowner or tenant specifically requests that any of the time limitations required by this section be modified, the City Council or Planning Commission shall consider any such modification and evidence relating to the need therefore at the public hearing on the conversion impact report. The City Council or Planning Commission shall have the power to make modifications in such time limits, both in response to a request and on its own motion, in conjunction with any approval of a conversion impact report, as the City Council or Planning Commission may deem just and reasonable. (Ord. 93-3, eff. 05/20/93)

**Section 12-9A.109. Payment of relocation assistance benefits-prerequisite to issuance of building permit or final map.**

No building permit shall be issued for development of, and no final or parcel map shall be approved for any mobilehome park pursuant to this chapter unless and until the person responsible for payment of any required monetary relocation assistance shall have filed with the Director of Community Development statements made under penalty of perjury that relocation assistance payments required pursuant to this chapter have been paid. Such statement and the type of relocation or other assistance for which each such payment was made. (Ord. 93-3, eff. 05/20/93)

**Section 12-9A.200. Article 2. Change of Ownership of Mobilehome Parks.**

(Ord. 93-3, eff., 05/20/93)

**Section 12-9A.201. Resident organization conversion of a mobilehome park.**

Provided that there are no displaced persons and reasonable guarantees of tenancy at reasonable rental rates are assured to those resident homeowners who choose to remain as tenants, as deemed fair and reasonable by the City

Council, resident ownership of a mobilehome park through conversion by resident organizations shall be encouraged. (Ord. 93-3, eff. 05/20/93)

**Section 12-9A.202. Duty of Director of Community Development to provide support services to a park resident organization.**

Upon receiving a completed application for a purpose described in Section 12-9A.203, the Director of Community Development shall compile a list of persons, firms and organizations with proven expertise in coapplication for Mobilehome Park Resident Ownership Program (MPROP) from the State Department of Housing and Community Development. Support services for application to the U.S. Department of Housing and Urban Development (HUD) assistance programs and Community Development Block Grant funds, and issuance of Tax Exempt Municipal Bonds shall be provided. (Ord. 93-3, eff. 05/20/93)

**Section 12-9A.203. Conversion impact report; data on homeowners and mobilehome tenants - duty to file.**

(a) Any resident organization that files an application for any discretionary approval for the purpose of conversion to resident ownership of a mobilehome park shall comply with Section 12-9A.103(a) and this Article, and shall have no further requirement for compliance with Article 1 of this chapter.

(b) The conversion impact report shall address the adequacy of protection and rights of both those who choose to purchase and those who choose to remain as home owner tenants. There shall be reasonable guarantees of tenancy at reasonable rental rates, as deemed fair and reasonable by the City Council. In order to adequately evaluate and address these issues, the conversion impact report shall contain the following information:

(1) The names, addresses and mobilehome site identification number of all persons owning mobilehomes within the mobilehome park and of all mobilehome tenants at the time of filing the conversion impact report.

(2) A statement under penalty of perjury that there will be no displaced persons as a result of this conversion to resident ownership.

(3) Documentation showing the resident organization is a nonprofit corporation or other entity for purposes of converting the mobilehome park to resident ownership and for purchasing the mobilehome park from the management of the mobilehome park.



- (4) A copy of the most recent written notification to the park owner or manager that the park residents are interested in purchasing the park.
- (5) A copy of the written notice of intent to sell provided by the park or manager to the resident organization.
- (6) The residents' current position and rights.
- (7) Purchase Programs.
- (8) Lease Program and guarantees for those residents who choose to remain as tenants. (Ord. 93-3, eff. 05/20/93)

**Section 12-9A.204. Director of Community Development Department - duty to notify.**

Upon filing of the conversion impact report pursuant to subsection 12-9A.203, the Director of the Community Development Department shall transmit to the resident organization a written notice by certified mail, return receipt requested, or by personal service. If directed by the City Council, the notice shall state that the Department is prepared to provide support services in the co-application for Mobilehome Park Resident Ownership Program funds; requests for issuance of Tax Exempt Municipal Bonds, and assistance in obtaining U.S. Department of Housing and Urban Development assistance programs and Community Development Block Grant funds, conditioned upon approval of the conversion impact report. The Director shall also advise the resident organization that one or more informational meetings are required with the resident homeowners and shall also schedule a public hearing before the Planning Commission and the City Council regarding the conversion and the adequacy of such conversion impact report pursuant to this chapter. Such hearings shall be scheduled so as to allow adequate time for notice and distribution of the report to homeowners and mobilehome tenants and the scheduling of informational meetings pursuant to Section 12-9A.205. (Ord. 93-3, eff. 05/20/93)

**Section 12-9A.205. Conversion impact report; informational meetings; notice and distribution to homeowners and tenants.**

The resident organization shall comply with Section 12-9A.104; provided, however, that at the meeting with residents the status of the application and contents of the conversion impact report shall be addressed. (Ord. 93-3, eff. 05/20/93)

**Section 12-9A.300. Article 3. Processing Fee.**

(Ord. No. 93-3, Enacted, 05/20/93)

**Section 12-9A.301. Processing Fee.**

The City Council may adopt a resolution, amended from time to time, imposing a processing fee to defray the costs of providing the services described in Articles 1 and 2 of this chapter. Resolutions shall be adopted according to the procedures specified in Chapter 24 of Title 2 of this Code and fees adopted shall not exceed the reasonable cost of providing the services described. (Ord. 93-3, eff. 05/20/93)