

Attachment B- State Regulatory Detail

Health and Safety Code Section 18300- Mobile Home Parks Act

The Mobilehome Parks Act is codified in the Health and Safety Code and establishes development standards for both mobilehome parks and the mobilehomes installed within the parks. These code requirements spell out the minimum standards for park common area facilities, such as roads and utility systems, as well as for mobilehome and accessory installations. These regulations are enforced by the State Department of Housing and Community Development (SHCD) or delegated local government agencies through inspections. Local jurisdictions may elect to become the responsible agency for the enforcement of regulations that would otherwise be the responsibility of SHCD. The County took the required action to become the responsible agency with the adoption of County Code Chapter 11 (Mobilehomes). These provisions are primarily enforced by the County's Building and Safety division which is responsible for the issuance of all appropriate building permits, including the permits necessary to physically install a mobilehome within a park, and the completion of all associated inspections.

Civil Code Section 798- Mobile Home Residency Law

The Mobilehome Residency Law (MRL) is contained within the California Civil Code and the enforcement of the law is not the responsibility of the County's planning agencies. The MRL spells out the rights and obligations of the park owner/management and mobilehome owners or residents relating to such issues as notices of rent increases, rental agreements, resale of a home in the park, or termination of tenancy. The MRL does not directly require State or local government agencies to enforce these Civil Code provisions. If a dispute arises, the park management or the homeowner must seek enforcement or damages through the courts. However, the County has addressed some of the same rent control issues contained within MRL as part of County Code Chapter 11A (Mobilehome Rent Control).

The MRL (Civil Code Section 798.56, *Authorized Reasons for Termination*) specifies when and how park management must notify residents of a planned park closure or conversion:

- The management gives the homeowners at least 15 days' written notice that the management will be appearing before a local governmental board, commission, or body to request permits for a change of use of the mobilehome park.
- After all required permits requesting a change of use have been approved by the local governmental board, commission, or body, the management shall give the homeowners six months' or more written notice of termination of tenancy.
 - If the change of use requires no local governmental permits, then notice shall be given 12 months or more prior to the management's determination that a change of use will occur. The management in the notice shall disclose and describe in detail the nature of the change of use.
- The management gives each proposed homeowner written notice thereof prior to the inception of his or her tenancy that the management is requesting a change of use before local governmental bodies or that a change of use request has been granted.

Government Code section 65863.7- Mobilehome Park Closure, Conversion, or Cessation of Use, Not Subject to the Approval of a Subdivision Map

Section 65863.7 of the Government Code addresses legal requirements which must be fulfilled prior to the conversion of a mobilehome park to another land use, the closure of a mobilehome park, or the cessation of use of the land as a mobilehome park. These regulations address multiple noticing requirements and allow the responsible agency to require reasonable relocation benefits for the displaced tenants of a mobilehome park.

The significant provisions of this Government Code Section include:

- The person or entity proposing the change in use shall file a report on the impact of the conversion, closure, or cessation of use upon the displaced residents of the mobilehome park to be converted or closed. In determining the impact of the conversion, closure, or cessation of use on displaced mobilehome park residents, the report shall address the availability of adequate replacement housing in mobilehome parks and relocation costs.
- The person proposing the change in use shall provide a copy of the report to a resident of each mobilehome in the mobilehome park at least 15 days prior to the hearing, if any, on the impact report by the advisory agency, or if there is no advisory agency, by the legislative body.
- The legislative body, or its delegated advisory agency, shall review the report, prior to any change of use, and may require, as a condition of the change, the person or entity to take steps to mitigate any adverse impact of the conversion, closure, or cessation of use on the ability of displaced mobilehome park residents to find adequate housing in a mobilehome park. The steps required to be taken to mitigate shall not exceed the reasonable costs of relocation.

Government Code section 66427.4- Conversion of a Mobilehome Park to Another Land Use, Subject to the Approval of a Subdivision Map

Section 66427.4 of the Government Code addresses legal requirements which must be fulfilled, “at the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a mobilehome park to another use.”

The provisions of this Government Code Section include:

- The subdivider shall also file a report on the impact of the conversion upon the displaced residents of the mobilehome park to be converted. In determining the impact of the conversion on displaced mobilehome park residents, the report shall address the availability of adequate replacement space in mobilehome parks.
- The subdivider shall make a copy of the report available to each resident of the mobilehome park at least 15 days prior to the hearing on the map by the advisory agency or, if there is no advisory agency, by the legislative body.
- The legislative body, or an advisory agency which is authorized by local ordinance to approve, conditionally approve, or disapprove the map, may require the subdivider to take steps to mitigate any adverse impact of the conversion on the ability of displaced mobilehome park residents to find adequate space in a mobilehome park.
- This section establishes a minimum standard for local regulation of conversions of mobilehome parks into other uses and shall not prevent a local agency from enacting more stringent measures.

- This section shall not be applicable to a subdivision which is created from the conversion of a rental mobilehome park to resident ownership.

Government Code section 66427.5- Conversion of a Rental Mobilehome Park to a Mobilehome Park Subdivision

Section 66427.5 of the Government Code addresses legal requirements which must be fulfilled, “at the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a rental mobilehome park to resident ownership.” The law requires that, “the subdivider shall avoid the economic displacement of all nonpurchasing residents” by satisfying the following requirements:

- The subdivider shall offer each existing tenant an option to either purchase his or her condominium or subdivided unit, which is to be created by the conversion of the park to resident ownership, or to continue residency as a tenant.
- The subdivider shall file a report on the impact of the conversion upon residents of the mobilehome park to be converted to resident owned subdivided interest.
- The subdivider shall make a copy of the report available to each resident of the mobilehome park at least 15 days prior to the hearing on the map by the advisory agency or, if there is no advisory agency, by the legislative body.
- The subdivider shall obtain a survey of support of residents of the mobilehome park for the proposed conversion.
- The results of the survey shall be submitted to the local agency upon the filing of the tentative or parcel map, to be considered as part of the subdivision map hearing.
- The subdivider shall be subject to a hearing by a legislative body or advisory agency, which is authorized by local ordinance to approve, conditionally approve, or disapprove the map. The scope of the hearing shall be limited to the issue of compliance with this section.
- The subdivider shall be required to avoid the economic displacement of all nonpurchasing residents in accordance with the following:
 - As to nonpurchasing residents who are not lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent to market levels, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards, in equal annual increases over a four-year period.
 - As to nonpurchasing residents who are lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent by an amount equal to the average monthly increase in rent in the four years immediately preceding the conversion, except that in no event shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period.