

# Mobilehome Park Conversions - Requirements Overview

Presentation to HCDC

October 10, 2013

# Laws Impacting Mobilehome Conversions

Conversion and Change in Use are subject to both state and local requirements. This presentation will provide an overview of:

- State Laws controlling Mobilehome Park Change in Use (Non-Ownership) or Closure
- City Mobilehome Conversion Ordinance, San Jose Municipal Code (“SJMC”) Chapter 20.180

# California Laws Overview – MRL 1

## Mobilehome Residency Law (“MRL”) definition

“Change of use” means a use of the park for a purpose other than the rental ... of mobilehome sites...

# California Laws Overview - MRL 2

## MRL limits on termination of tenancy

Only allowed for one or more of the following reasons...resident violation of law, substantial annoyance of other tenants, various felonies, violation of park rules after notice, nonpayment of rent or charges after notice, condemnation, or change in use – subject to certain conditions

# California Laws Overview - MRL 3

MRL requirements for termination of tenancy due to change in use:

(A) the owner obtains the local change in use permits having given the residents at least 15 days notice of the permit hearings & copies of the report required under Government Code 65863.7, (B) provides 6 months notice of termination, (C) gives notice to all new tenants and (D) all notice requirements in Civil Code Sections 798.56 and 798.57 are complied with.

# California Laws Overview - MRL 4

MRL requirements for termination of tenancy due to change in use require compliance with:

Government Code 65863.7

City Mobilehome Conversion Ordinance

# California Laws Overview - Government Code 65863.7 - 1

The owner must (1) file a report on the impact of the closure on the park residents addressing the availability of adequate replacement housing in mobilehome parks and relocation costs (“Impact Report”); (2) provide a copy of the Impact Report to the Planning Commission (“Commission”) and each resident at least 15 days prior to the hearing on the closure/change in use.

# California Laws Overview - GC

## 65863.7 - 2

The Commission must review the Impact Report and any resident may request a hearing on its sufficiency. The Commission may require, as a condition of the change of use, steps to mitigate any impact on the ability of the displaced park residents to find adequate housing in a mobilehome park. However, the required mitigation shall not exceed the reasonable costs of relocation.



# More General Overview of State Laws

See HCDC Packet – Item d –  
Frequently Asked Questions # 24, 49,  
50 for discussion of applicable State  
Requirements (and Ellis Act  
Exception.)

# City Mobilehome Conversion Ordinance

## Overview -1

**Changes in Use (other than Ownership Conversions) require:**

- 60 days prior to applying for a permit, the owner must send the mobilehome owners, tenants and designated resident organizations (“MHOA”) a notice stating that the owner will apply for a conditional use permit (“CUP”) or planned development permit (“PDP”) and listing the rights of mobilehome owners, tenants and MHOA under SJMC Sections 20.180.370, .380, and .390.

# City Mobilehome Conversion Ordinance

## Overview -2

### Changes in Use (other than Ownership Conversions) require:

- If the MHOA responds within 60 days exercising its right to negotiate for park purchase, the owner must meet with the MHOA with 15 days of receipt. Any action on a permit application will be delayed for 180 days to facilitate the negotiations.

# City Mobilehome Conversion Ordinance

## Overview -3

Along with the PDP or CUP application the owner must submit:

- Evidence that the notice and posting requirements were met and a statement of current ownership; the name and address of each resident and listing of all residents under 16, all residents over 62, all residents with minor children, and all handicapped residents; size of each mobilehome lot; the rental rate for each lot and the monthly vacancy rate for the preceding two years

# City Mobilehome Conversion Ordinance

## Overview -4

Along with the PDP or CUP application the owner must submit:

- A timetable for conversion of park use.
- The appraised market value of each mobilehome lot and the in-place value of each mobilehome in the park.
- A description of how the financial aspects of transfers of mobilehomes and lots have been handled for the preceding two years

# City Mobilehome Conversion Ordinance

## Overview -5

The owner must make copies of the supplemental application available upon demand at the park office during regular business hours to mobilehome owners and mobilehome tenants

# City Mobilehome Conversion Ordinance

## Overview -6

- In order to approve a permit, the Planning Commission must, in addition to the normal findings, find that the applicant has provided a satisfactory program or plan of relocation, purchase assistance or other assistance as described in Section 20.180.630 of Mobilehome Conversion Ordinance to mitigate the impact on displaced mobilehome owners and tenants

# City Mobilehome Conversion Ordinance

## Overview -7

- Section 20.180.630 requires that any permit contain a condition requiring a plan of relocation and purchase assistance for mobilehome owners and mobilehome tenants (the “Plan”).
- The Plan may include a list of mobilehome vacancies and cost estimates for moving



# City Mobilehome Conversion Ordinance

## Overview -8

The Plan may include:

- a list of mobilehome vacancies and per mile cost estimates for all costs of moving mobilehomes
- Mitigation measures include items such as: payment of moving costs; short term rent subsidies; purchase of mobilehome at in-place value; lease extensions

# Questions & Comments

