

DISCUSSION DRAFT SUBJECT TO CHANGE
ORDINANCE NO. TBD

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO ADD
A NEW PART 5 TO CHAPTER 20.180 REGARDING
MOBILEHOME PARK CLOSURE PROJECTS**

20.180.500 Purpose

The purpose of this Part is to enhance the public welfare by to providing procedures and standards for assessing the adverse impacts of a mobilehome Park Closure on the displaced Mobilehome Owners and other Mobilehome Park Residents and to determine appropriate relocation assistance for those Residents consistent with the findings in state and local law regarding the unique circumstances of Mobilehome Owners.

20.180.505 Definitions

Certain words and phrases are defined in this Part and shall be construed as herein set forth unless it shall be apparent from their context that a different meaning is intended. Words and phrases not defined in this Part shall be defined as provided in Chapter 20.200, or if not defined in that Chapter, defined to facilitate this Part's most reasonable application.

- A. "Change of Use" means the use of a Mobilehome Park for a purpose other than the rental, or the holding out for rent, of four (4) or more Mobilehome sites or Spaces to accommodate Mobilehomes used for human habitation and includes cessation of use. A Change of Use may affect an entire Park or any portion thereof.
- B. "Closure" means a Mobilehome Park Conversion of Use or Change of Use that is not part of a project which seeks or requires a rezoning, General Plan amendment, Demolition Permit or Development Permit.
- C. "Comparable Mobilehome" means a Mobilehome that is similar in size, age, condition, number of bedrooms and amenities to a Mobilehome that is being displaced by conversion of a Mobilehome Park.
- D. "Comparable Mobilehome Park" means a Mobilehome Park that is similar in condition, age, size and amenities to the Mobilehome Park that is being closed and is located within a community similar to that in which the Mobilehome Park that is being closed is located and has similar access to community amenities such as shopping, medical services, schools, recreational facilities and transportation.

- E. “Comparable Housing” means housing in an apartment complex or condominium that is similar in size, number of bedrooms and amenities to the Mobilehome that is being displaced and is located in a community that has similar access to shopping, medical services, schools, recreational facilities and transportation or a comparable Mobilehome in a comparable Mobilehome Park.
- F. “Conversion of Use” means the Change of Use of an existing Mobilehome Park containing four (4) or more Mobilehome Spaces to any other use, excluding Mobilehome Park conversion to ownership pursuant to Government Code Sections 66427.5 and 66428.1.
- G. “Demolition Permit” means any permit issued pursuant to Part 5 of Chapter 20.80 of this title.
- H. “Development Permit” means any permit issued pursuant to Chapter 20.100 of this title, with the exception of a sidewalk café permit issued pursuant to Part 12 of Chapter 20.100.
- I. “Director” means the City’s Director of Planning, Building and Code Enforcement.
- J. “Disabled Household” means a household in which a Resident has a medical condition or physical or mental impairment that substantially limits at least one of the person’s major life activities, as defined in the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act, or successor statutes.
- K. “Eligible Residents” means Mobilehome Residents who have not given notice to terminate their lease as of the date of the filing of the Relocation Impact Report.
- L. “Legal Owner” means any person or entity having a legal interest in a Mobilehome, such as a lender or mortgagor.
- M. “Low Income Household” means a household with annual income less than or equal to eighty percent of the current area median income in Santa Clara County, as determined by the California Housing and Community Development Department, adjusted for household size.
- N. “Mobilehome” means “mobile home” as defined in the Mobilehome Residency Law, Civil Code Section 798 *et seq.* as now in effect or subsequently amended. It shall also mean vehicles designed or used for human habitation, including camping trailers, motorhomes, slide-in campers, recreational vehicles, and travel trailers if they have been in the Park being closed and used as the occupant’s primary residence, as established by nine (9) months’ continuous residency prior to the filing of a Relocation Impact Report.

- O. "Mobilehome Park" or "Park" means Mobilehome Park as defined in Chapter 20.200 of Title 20.
- P. "Mobilehome Resident" or "Resident" means a person, including a Mobilehome Owner or Mobilehome Tenant, who occupies a Mobilehome.
- Q. "Mobilehome Owner" means the Registered Owner of a Mobilehome.
- R. "Mobilehome Space" means Mobilehome Lot as defined in Chapter 20.200 of Title 20.
- S. "Mobilehome Tenant" means a person who occupies a Mobilehome and rents or leases the Mobilehome from a Mobilehome Owner or a sublessee.
- T. "Park Owner" means a person or entity that owns a Mobilehome Park or a person or entity authorized to act on behalf of the Owner of a Mobilehome Park.
- U. "Registered Owner" means the person(s) registered by the state Department of Housing and Community Development as the owner of a Mobilehome.
- V. "Relocation Impact Report" means the report prepared by the relocation specialist that contains all the information required in this Part.
- W. "Relocation Specialist" means a consultant who is familiar with provisions of State law regarding relocation assistance for Residents of Mobilehome Parks and is experienced with preparing Relocation Impact Reports and providing the relocation services described in this Part.
- X. "Senior Household" means a household in which a Resident is at least sixty-two years old.

20.180.510 Bankruptcy

If the Closure of a Mobilehome Park results from an adjudication of bankruptcy, the provisions of this Part shall not be applicable to a Park Owner when a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the Closure of the Mobilehome Park is necessary and that such court has taken further action, which would preclude the payment of relocation assistance benefits.

20.180.520 Relocation Impact Report Filing

The Park Owner must file a Relocation Impact Report for review and approval by the City before any Closure can be approved. The Relocation Impact Report shall contain the information required in Section 20.180.540, and shall adequately define and address the social and economic impacts of the proposed Closure on Mobilehome

Residents, as required by the City. The City's filing fee shall be paid at the time the report is submitted. No notice that the Park is being closed or converted or of any proposed new use of the Park shall be given and no signs indicating that the Park is being converted or closed or indicating the future use of the Park shall be posted prior to the date on which the City has approved the Closure.

20.180.530 Reasonable Cost of Relocation

Eligible Residents shall be provided the reasonable cost of relocation ("Relocation Cost"), as defined in this Part, which includes a moving allowance and other applicable types of relocation assistance listed in this section. This Section is not intended to prevent the Park Owner and a Park Resident from agreeing to other mutually satisfactory relocation assistance, provided that the Resident understands the assistance available under this Part.

- A. Moving Allowance for Eligible Residents. For all Eligible Residents, relocation assistance shall include services of a relocation specialist and a moving allowance to move to another Park or other replacement housing up to a distance of one hundred miles. The Resident is responsible for additional costs to move to a location farther than one hundred miles. Moving allowance and relocation specialist services include:
1. The cost to move furniture and personal belongings;
 2. Rent for first and last month at the new location;
 3. Required security deposit at the new location;
 4. Temporary lodging, if applicable; and
 5. The appraised value of personal property that cannot reasonably be relocated.
 6. Services of a Relocation Specialist. These services include the relocation specialist meeting with the Residents and helping them evaluate, select and secure housing in a comparable Park or other comparable housing. They also include technical assistance related to the leasing or purchasing of replacement housing, translation, referral to affordable housing resources, assistance in making arrangements to move personal property and belongings and transportation of Residents who are unable to drive to prospective replacement housing. The relocation specialist shall be selected by the City and shall be paid by the Park Owner.

B. Other Relocation Assistance. For Eligible Residents, relocation assistance may also include one or more of the following:

1. Accessibility Improvements for Mobilehome Owners. For eligible Mobilehome Owners, relocation assistance may include payment of the cost to reinstall or replace any accessibility improvements made to the mobilehome such as wheelchair ramps, lifts, and grab bars.
2. Assistance for Disabled Households. For eligible Disabled Households, relocation assistance may include an additional sum toward the cost of obtaining any assistance needed to enable the Resident to move.
3. Rent Subsidy for Senior, Disabled or Low Income Households. For eligible Senior, Disabled or Low Income Households, relocation assistance may include payment of a rent subsidy of up to thirty-six months if needed to offset increased housing costs and secure Comparable Housing. The rent subsidy is the difference of rent paid by the Resident in the Park and any higher rent for either a Space at another Park if the Mobilehome is relocated, or rent for Comparable Housing if the Resident moves to other rental housing. Mobilehome Owners who are eligible to sell their Mobilehome to the Park Owner at its in-place value may only receive the rent subsidy if the selling price is inadequate to secure Comparable Housing for at least thirty-six (36) months.
4. Mobilehome Relocation Costs for Mobilehome Owners. For any eligible Mobilehome Owner whose Mobilehome can be relocated, relocation assistance may include the lowest of two estimates obtained by the relocation specialist from licensed Mobilehome movers to physically relocate the Mobilehome to up to a maximum distance of one hundred (100) miles. The Mobilehome Owner is responsible for additional costs to move the Mobilehome to a location farther than one hundred miles. The estimates shall include the cost of disassembly of the Mobilehome, transportation to the new site, reinstallation, replacement or reconstruction of blocks, skirting, shiplap siding, porches, decks and awnings, earthquake bracing if necessary, insurance coverage during transport, and utility hook-ups.
5. Sale at In-Place Value for Mobilehome Owners. For any eligible Mobilehome Owner whose home cannot be relocated to a Space in a comparable Park within one hundred miles or another Park chosen by the Mobilehome Owner, the City may require the Park Owner to purchase the Mobilehome at one hundred percent of its in-

place value. If the Mobilehome Owner disputes the appraised value of his or her Mobilehome provided by the Park Owner's appraiser, the Mobilehome Owner may hire an appraiser. To be considered, the Mobilehome Owner shall obtain the appraisal within one hundred eighty days of filing date of the Relocation Impact Report. If a second appraisal is timely obtained, the City may require that the Mobilehome Owner be compensated based on the average of the appraisals obtained by the Park Owner and the Mobilehome Owner.

20.180.540 Relocation Impact Report

A Relocation Impact Report, as referred to in this Part, is a report prepared by a relocation specialist that must be filed with the Director on the impact of a Mobilehome Park Closure on the displaced Mobilehome Residents in a Park along with (1) Two sets of mailing labels for the Residents, Registered Owners, and Legal Owners of each Mobilehome. The Relocation Impact Report must, at a minimum, in determining such impact address the availability to the Resident of adequate replacement housing in Mobilehome Parks and the relocation cost consistent with this Part, and be subject to review of the report by the Director and the Director of Housing and, if requested by a Resident or the Park Owner, a public hearing on its sufficiency. Information required for the Relocation Impact Report shall include:

- A. A proposed timetable for the Closure of the Park;
- B. A legal description of the Parcel(s) where the Park is located;
- C. The total number of Spaces in the Park and the number of Spaces that are vacant or occupied by Park owned Mobilehomes;
- D. For each Space in the Park:
 1. The size, number of bedrooms, manufacturer and date of manufacture of the Mobilehome on the Space.
 2. The number occupants of the Mobilehome, their length of residency in the Park and whether they are Eligible Residents under the Part.
 3. The total monthly Space rent currently charged for each Space with detail showing the Space rent, including any utility charges, fees and any other costs paid by the Resident to the Park Owner or operator.
 4. The value the Mobilehome would have if the Park were not being closed, the replacement value of the mobilehome, and its value if it is to be removed from the Park and cannot be relocated to a Space

in a comparable Mobilehome Park. These values shall be determined by appraisals by a qualified appraiser to be chosen by the Park Owner. The cost of the appraisals shall be paid by the Park Owner.

5. Any improvements to the Mobilehome, including but not limited to, patios, porches, pop-out rooms and any recent major improvements to the home, including but not limited to, a new roof or new siding.
 6. Whether the Mobilehome can be relocated to a Comparable Park, and identification of any Parks that have vacant Spaces would accept the Mobilehome.
- E. Disclosure of the nature of the use of the Parcel(s) where the Park is located after Closure or a statement that no new use is contemplated.
- F. Whether the Park Owner has offered to sell the Mobilehome Park to the Residents and terms of that offer, if any.
- G. The purchase price of Comparable Mobilehomes in Comparable Mobilehome Parks within Santa Clara, Alameda, and San Mateo Counties, as determined by the appraiser.
- H. The cost of adequate housing, including the purchase price of Comparable Mobilehomes in a Comparable Mobilehome Parks and including such items as first and last months' rent, security deposits and higher rent or mortgage payments.
- I. A list of Comparable Mobilehome Parks within Santa Clara, Alameda, and San Mateo Counties and any California Park requested by a Resident whose Mobilehome cannot be relocated to a Comparable Mobilehome Park and for each such Park, the Space rents and the qualifications for residency in each Park (e.g., age restrictions, no pets), whether the Park has any vacant Spaces and will accept homes being relocated and if so, any restrictions, such as size and age, on the relocated homes that would be accepted.
- J. Estimates from two moving companies qualified to move Mobilehomes on public streets and highways, of the cost of moving each Mobilehome in the Park, including the cost of permits and tearing down and setting up the home at the new location, including the cost of any upgrades to comply with applicable building, plumbing, electrical and health and safety codes and the cost of moving any improvements, including, but not limited to, patios, porches and pop-out rooms.
- K. A summary of the availability and cost of purchasing or leasing Comparable

Housing in condominiums, homes or apartments within Santa Clara, Alameda, and San Mateo Counties and any other specific location requested by a Resident whose Mobilehome cannot be relocated to a Comparable Mobilehome Park.

- L. Proposed measures to mitigate the adverse impacts of the Park Closure on the Residents in the Park consistent with this Part, including a relocation plan that specifies the minimum amount of relocation assistance that the Park Owner agrees to pay to each eligible Resident and Mobilehome Owner, the type of replacement housing proposed for each Resident, and the proposed timetable for the implementation of relocation assistance, the physical relocation of Mobilehomes, and the Park Closure.
- M. Contact information for the appraiser(s), moving companies and relocation specialist.
- N. Confidential Information. These documents will not be disclosed to the public except pursuant to a judgment, order, or decree by a court of competent jurisdiction.
 - 1. The completed confidential questionnaires described in Section 20.180.550.
 - 2. New addresses for Residents who have already relocated, if available.
 - 3. Any information available to the Park Owner concerning whether a Resident may have a disability or other special needs.

20.180.550 Confidential Questionnaire

As a part of the Relocation Impact Report information, a confidential Resident questionnaire shall be sent by the Park Owner to each Mobilehome Owner and Resident of the Park on a form provided by the City. The questionnaires shall be kept separate from the rest of the Relocation Impact Report materials and shall not be included in the overall Relocation Impact Report sent to each Mobilehome Owner and Resident. The identity of each Mobilehome Owner and Resident and his or her responses shall be kept confidential and used only to determine the relocation assistance to be provided to a particular Mobilehome Owner or Resident. If a questionnaire contains insufficient information, the City may seek the information directly from the Mobilehome Owner and Resident. The City shall be entitled to reimbursement for any such costs if the Park Owner failed or refused to obtain such information prior to the City Council hearing. The questionnaire shall require the following information for each Mobilehome Space in the Park:

- A. The name and contact information for the Registered Owner and Legal Owner of the Mobilehome;
- B. The number of the Residents occupying the Mobilehome, their ages and names, and whether any Residents have mental or physical disability or other special needs;
- C. The date of manufacture of the Mobilehome, the name of the manufacturer, the size of the Mobilehome, the number of bedrooms in the Mobilehome, any special amenities in the Mobilehome, including but not limited to equipment needed because of the medical condition, age, or disability of any Resident or Tenant in the Mobilehome;
- D. Any improvements or renovations to the Mobilehome or improvements to the Mobilehome Space made by the current Resident, including, but not limited to, a new roof, porches, patios, awnings, pop-out rooms, recreational equipment, barbecue equipment, landscaping, etc., whether such improvements are movable and the cost of such improvements;
- E. The purchase price paid by the current Owner of the Mobilehome and the amount and terms of any remaining mortgage or loan on the home;
- F. Any special circumstance that would limit the area to which the Resident is able to relocate;
- G. Any specific Mobilehome Park in California and outside of Alameda, Santa Clara and San Mateo counties where the Resident would like to relocate;
- H. Whether the Residents receive Supplemental Social Security Income or qualify as a Low Income household; and
- I. Whether the Residents are of limited English proficiency, and in that event, what language is spoken by the Residents.

20.180.560 Hearing on Relocation Impact Report; Findings

The Director and the Director of Housing staff shall examine the Relocation Impact Report and request any missing items from the Park Owner and whether the action requested is a Closure. When the Relocation Impact Report for a Closure is complete, the Director shall send a notice to the Park Owner and Residents, notifying them of how to obtain a copy of the completed report and how to request a public hearing on the sufficiency of the Relocation Impact Report. If any Resident or the Park Owner requests a public hearing, a City Council hearing shall be scheduled to review the sufficiency of the Relocation Impact Report. Prior to the public hearing, a report and recommendation shall be provided by staff to the City Council together with all relevant papers,

documents and exhibits which were submitted by the Park Owner. After at least one public hearing, the City Council may approve or conditionally approve the Relocation Impact Report for a Closure based on the required findings. The City Council shall approve the Relocation Impact Report if it finds that the Relocation Impact Report satisfactorily addresses the following:

- A. The Relocation Impact Report contains the required information and complies with the requirements of this Part.
- B. The Park Owner has complied with all notice requirements as provided for in Government Code Section 65863.7, and Civil Code Section 798.56.
- C. The Relocation Impact Report accurately represents the total costs associated with the relocation of each Mobilehome Resident.
- D. Each Mobilehome Resident will receive the reasonable costs of relocation from the Mobilehome Park Owner pursuant to Government Code Section 65863.7(e) and this Part.

In recommending approval of the Relocation Impact Report, the City Council may include such conditions as it finds necessary to mitigate the adverse impacts on the Residents; however, any steps required to be taken by the Park Owner pursuant to this Section shall not exceed the reasonable costs of relocation.

The City Council shall consider any request for a total or partial waiver from relocation assistance under Section 20.180.580 at this hearing. The City Council may deny the waiver, or upon written findings or, if the Park Owner's documentation is complete and demonstrates that providing the required relocation assistance would impose an unreasonable financial hardship on the Park Owner, to grant or partially grant the waiver. Additionally, the City Council may waive, adjust, or reduce standards regarding relocation assistance if a Park Owner shows, based on substantial evidence, that applying the standards in this Part would take property in violation of the United States or California Constitutions. The waiver, adjustment or reduction based on a constitutional taking claim may be approved only to the extent necessary to avoid an unconstitutional result, after adoption of written findings, based on substantial evidence, supporting the determinations required by this Section. The City Council's decision shall be final. Notice of the decision of the City Council shall be mailed to the Park Owner and to each Mobilehome Owner and Resident of the Park.

20.180.570 Closure Requirements

- A. Notwithstanding the provisions of Parts 1-4 of this Chapter, a Park Owner seeking a Closure approval shall not be required to obtain an conditional use permit or planned Development Permit, provided that the Park Owner complies with the following: (a) applicable requirements of the Mobilehome Residency

Law, including but not limited to Civil Code Section 798.56 (g) and (h); (b) submits a signed statement that the Mobilehome Park proposal is a Closure only and not seeking Development Permit, Demolition Permit, General Plan amendment or rezoning and disclosing the nature of the use of the Parcels where the Park is located after such Closure as part of the filing of the Relocation Impact Report; and (c) complies with applicable requirements in the California Government Code including but not limited to Government Code Section 65863.7.

- B. This Part is not intended to facilitate piecemeal consideration of Conversion of Use projects for the purposes of environmental or other review.
- C. The steps the City requires the Park Owner to take to mitigate any adverse impact of such Closure on the ability of Park Residents to find adequate housing in a Mobilehome Park, as a condition of approval of the Closure, shall not exceed the reasonable costs of relocation.
- D. An approval of Closure shall expire in 12 months. The Director may upon request grant extensions of time based upon a showing that good faith progress has been made toward fulfilling the conditions of approval or some intervening event not the fault of the Park Owner has prevented timely compliance with the conditions of approval.

20.180.580 Exemption from Relocation Assistance Obligations

If the Park Owner believes that providing the required relocation assistance would impose an unreasonable financial hardship the Park Owner may request a total or partial waiver of relocation assistance obligations in accordance with this Section. The request shall be filed with the Relocation Impact Report and the Park Owner shall comply with the following requirements:

- A. Disclosure to Residents. The Park Owner shall notify Residents of the request for exemption from relocation assistance obligations.
- B. Required Information. To justify the basis for the request of waiver from relocation assistance obligations, the Park Owner shall provide the following information with the Relocation Impact Report:
 - 1. Financial Statements. Statements of profit and loss from the operations of the Park for the most recent five-year period of the date of the application or request, verified by a certified public accountant;
 - 2. Statement of Repairs and Improvements. A statement made under penalty of perjury by a state-licensed general contractor that repairs

and improvements are necessary to maintain the Park in a decent, safe and sanitary condition and to continue the use of the Site as a Mobilehome Park. The statement shall include an itemized list of the necessary repairs and improvements, their costs, and the minimum period of time they shall be made. Park Owner shall also submit a statement verified by a certified public accountant on the necessary increase in rental rates of Mobilehome Spaces within the Park within the next five years necessary to pay for such repairs or improvements. At the Director's discretion, the Park Owner may be required to hire another licensed general contractor selected by the Director to analyze the submitted information regarding necessity and cost of repairs and improvements;

3. Estimated Relocation Costs. The estimated total cost of relocation assistance based on the requirements of this Part and as determined by the relocation specialist;
4. Appraised Value Estimate. An estimate by an appraiser of the value of the Site if it were to continue as a Mobilehome Park; and
5. The terms of any proposed sale of the Parcel(s) where the Park is located;
6. Additional Information. Other information the Park Owner believes to be pertinent, or which may be required by the Director.

20.180.585 Protections and Verification.

- A. The Park Owner shall submit a Relocation Impact Report for a Park Change of Use or Conversion of Use. Failure to submit such Relocation Impact Report is declared a public nuisance due to the potential for severe and adverse social and economic impacts on the Residents and Mobilehome Owners, by delaying the necessary analysis and provision of the necessary relocation assistance.
- B. No Park Owner shall require any Resident to waive his/her rights to relocation assistance as a condition of renting a Space or Mobilehome in the Park, except when the Resident moves into the Park after the date the Relocation Impact Report is filed and notice has been given that the Relocation Impact Report has been filed. Any such waiver will only be valid if the Park Owner completes the Closure hearing process within one year.
- C. Residents who are eligible for relocation assistance shall be entitled to the assistance required by the City as a condition of Closure even if they move out of the Park before the City's final determination concerning required relocation assistance.

D. No Resident shall be required to remove his or her Mobilehome and no Resident shall be required to vacate a Mobilehome until all of the following conditions have been satisfied:

1. The Park Owner has given the six months' notice of Closure required by the Civil Code Section 798.56 and that six-month period has elapsed, and
2. The City's decision approving the Closure is final, and
3. The Park Owner has provided the relocation assistance required by the City as a condition of Closure.

E. Where a Closure consistent with a Relocation Impact Report has been approved, the Park Owner shall submit to City a verification statement made under penalty of perjury at least thirty (30) days prior to the termination of tenancy of each Mobilehome Resident. The verification statement shall indicate that the relocation services have been provided, identify the relocation option selected by the Resident, and list the date and the amount of relocation assistance payments made.

20.180.590 Administrative Fee

The City Council shall by resolution establish the reasonable fee to cover the cost of administering this Part and shall assess such fees to the Park Owner pursuant to Government Code Section 65863.7(g) and subject to the limitations set forth in Government Code Section 66014(a).

20.180.595 Severability

If any section, subsection, sentence or clause of this Part is for any reason held invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Part. This Part is intended to be interpreted and implemented separately from Parts 1-4 of Chapter 20.180.