

Chapter 20.180 - MOBILEHOME PARK CONVERSIONS TO RESIDENT OWNERSHIP OR TO ANY OTHER USE

Part 1 - GENERAL

20.180.010 - Purpose of chapter.

- A. This chapter is enacted to establish requirements and procedures for the control and approval of the conversion of mobilehome parks to community mobilehome park, mobilehome park condominium, and non-mobilehome park uses. By their nature, mobilehome park conversion projects differ specifically from other types of projects. The unique status of such projects tends to magnify the effects associated with higher urban densities to the point where they may lead to conditions of mismanagement, neglect, and blight that impact upon the public health, safety, welfare, and economic prosperity of the City of San José. Such projects may conflict with the policies of the City of San José to provide a variety of individual choices of tenure, type, price, and location of housing and to maintain the supply of mobilehome housing for low and moderate income persons and families. To ensure that such problems are avoided in both short- and long-term, it is the express intent of the council of the City of San José to treat mobilehome park conversion projects differently from other projects, and to establish rules and standards regulating such projects in the City of San José.
- B. This chapter is enacted to ensure that approval of proposed conversions is consistent with policies and objectives of the City of San José, particularly the following:
1. To make adequate provision for the housing needs of all economic segments of the community;
 2. To facilitate resident ownership of mobilehome parks, while recognizing the need for maintaining an adequate inventory of rental space within mobilehome parks;
 3. To provide a reasonable balance between mobilehomes and other types of housing;
 4. To inform prospective conversion purchasers regarding the physical conditions of the structures and land offered for purchase;
 5. To reduce and avoid the displacement of long-term residents, particularly senior citizens, the handicapped, those who are of low income, and families with school-age children, who may be required to move from the community due to a shortage of replacement mobilehome housing.

(Ord. 26248.)

20.180.020 - Definitions.

For the purpose of this chapter, 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.

(Ord. 26248.)

20.180.030 - Association.

"Association" means the organization of persons who own a condominium space or have right of exclusive occupancy in a mobilehome park condominium or community mobilehome park.

(Ord. 26248.)

20.180.040 - Common area.

"Common area" means the entire area within a condominium mobilehome park or community mobilehome park, except the separate interests therein.

(Ord. 26248.)

20.180.050 - Common interest development.

"Common interest development" means a real property development as defined in Civil Code Section 1351(c).

(Ord. 26248.)

20.180.060 - Community mobilehome park.

"Community mobilehome park" means a common interest development in which an undivided interest in the mobilehome park is coupled with the right of exclusive occupancy of any mobilehome lot located therein.

(Ord. 26248.)

20.180.070 - Condominium.

"Condominium" means an estate in real property as defined in Civil Code Section 1351(f).

(Ord. 26248.)

20.180.080 - Condominium mobilehome park.

"Condominium mobilehome park" means a mobilehome park common interest development consisting of condominiums.

(Ord. 26248.)

20.180.090 - Conversion project.

"Conversion project" means the term used to include mobilehome park conversion to ownership and mobilehome park conversion of use, as defined in this part.

(Ord. 26248.)

20.180.100 - Developer.

"Developer" means the owner or subdivider with a controlling proprietary interest in the proposed mobilehome park conversion project.

(Ord. 26248.)

20.180.110 - Designated resident organization.

"Designated resident organization" means any association of mobilehome owners and/or mobilehome tenants within a mobilehome park which has, not later than fifteen days after issuance of a notice of intent to convert under Section 20.180.340, provided the owner or manager of the mobilehome park written notice of the following:

1. The name and address of the organization.
2. The name and address of the representative of the organization to whom all notices under this chapter shall be given.
3. A statement that the organization is interested in purchasing the mobilehome park.

(Ord. 26248.)

20.180.120 - Handicapped mobilehome owner.

"Handicapped mobilehome owner" means a mobilehome owner who is the primary wage earner of a household, or a single person, with any medically determinable physical or mental impairment limiting his or her mobility, substantially affecting his or her ability to obtain employment, or requiring special care facilities in the mobilehome. "Physical or mental impairment" is an impairment that results from anatomical, physiological or psychological abnormalities which are demonstrable by medically acceptable clinical or laboratory diagnostic techniques.

(Ord. 26248.)

20.180.130 - Low income.

"Low income" means eighty per cent or less of the current median income as established annually by the U.S. Department of Housing and Urban Development (HUD) for the San José Standard Metropolitan Statistical Area (SMSA) as adjusted for household size.

(Ord. 26248.)

20.180.140 - Mobilehome.

"Mobilehome" means a structure transportable in one or more sections, designed and equipped to contain not more than one dwelling unit, to be used with or without a foundation system.

(Ord. 26248.)

20.180.150 - Mobilehome lot.

"Mobilehome lot" means a portion of a mobilehome park designated or used for the occupancy of one mobilehome.

(Ord. 26248.)

20.180.160 - Mobilehome owner.

"Mobilehome owner" means a person who has the right to the use of a mobilehome lot within a mobilehome park on which to locate, maintain, and occupy a mobilehome, lot improvements and accessory structures for human habitation, including the use of the services and facilities of the park.

(Ord. 26248.)

20.180.170 - Mobilehome park.

"Mobilehome park" means an area of land where two or more mobilehome lots are rented or leased, or held out for rent or lease, to accommodate mobilehomes used for human habitation.

(Ord. 26248.)

20.180.180 - Mobilehome park conversion to ownership.

"Mobilehome park conversion to ownership" means the conversion of an existing mobilehome park containing four or more mobilehome lots to a condominium mobilehome park or to a community mobilehome park.

(Ord. 26248.)

20.180.190 - Mobilehome park conversion of use.

"Mobilehome park conversion of use" means the conversion of an existing mobilehome park containing four or more mobilehome lots to any other use, excluding mobilehome park conversion to ownership. The elimination of individual mobilehome leasehold or rental agreement interests in a mobilehome park shall not constitute conversion.

(Ord. 26248.)

20.180.200 - Mobilehome resident.

"Mobilehome resident" means a person, including a mobilehome owner or mobilehome tenant, who occupies a mobilehome.

(Ord. 26248.)

20.180.210 - Mobilehome tenant.

"Mobilehome tenant" means a person who rents or leases a mobilehome from a mobilehome owner.

(Ord. 26248.)

20.180.220 - Organizational documents.

"Organizational documents" include the declaration of covenants, conditions and restrictions, articles of incorporation, bylaws, and any contracts for the maintenance, management or operation of all or any part of a mobilehome park conversion to ownership project.

(Ord. 26248.)

20.180.230 - Recreational open space.

"Recreational open space" means open space (exclusive of the required front setback area) which shall be used exclusively for leisure and recreational purposes, for the use and enjoyment of occupants (and their guests) within the condominium mobilehome park or community mobilehome park, and to which such occupants (and their guests) shall have the right of use and enjoyment. Accessory structures such as swimming pools, recreational building, and landscaped areas may be included as open space.

(Ord. 26248.)

20.180.240 - Right of first refusal.

"Right of first refusal" means an irrevocable, nontransferable, and preemptive right to purchase an interest in a common interest development at a price no greater than the price offered to the general public for such interest.

(Ord. 26248.)

20.180.250 - Unjust eviction.

"Unjust eviction" means the termination of tenancy by a mobilehome park landlord for reasons other than those stated in California Civil Code Section 798.56, or its successor.

(Ord. 26248.)

Part 2 - GENERAL REQUIREMENTS

20.180.300 - Applicability of chapter.

To achieve the purpose of this chapter, all conversion projects shall conform to the requirements of this chapter and all other parts of this title applicable thereto provided that, if there is any conflict between the provisions of this chapter and such other parts of this title, the provisions of this chapter shall control.

(Ord. 26248.)

20.180.310 - Permit required.

Conversion projects shall not be permitted in any district under this title unless the use is permitted in such district, and then only with a conditional use permit or planned development permit pursuant to this title.

(Ord. 26248.)

20.180.320 - Special exemption for certain ownership conversions.

Notwithstanding the provisions of Section 20.180.310, no conditional use permit shall be required for a conversion to ownership if an exemption from the permit requirement has been approved by the director pursuant to the provisions of Sections 20.180.520 and 20.180.530.

(Ord. 26248.)

20.180.330 - Special noticing and report requirements.

- A. In addition to the requirements of Section 20.100.190, notice of time, place, and purpose of any public hearing on an application for a conditional use permit or planned development permit for a conversion project shall be given to each mobilehome owner and mobilehome tenant of the proposed project hereinafter identified pursuant to the provisions of this part. In addition, a notice shall be posted at all entrances of the proposed project. Each such notice shall be printed in English and Spanish.
- B. Notwithstanding the provisions of Section 20.100.190, the director shall mail, with postage prepaid, a copy of the staff report on an application for a conditional use permit or planned development permit for a conversion project to each mobilehome owner and mobilehome tenant at least fifteen (15) days before the date set for hearing thereon.
- C. Notwithstanding the preceding provisions of this section, the failure of the director or city clerk to mail any notice or report, or the failure of any resident to receive the same, shall not affect in any way whatsoever the validity of any proceedings taken under this chapter, nor of any such proceedings, nor prevent the director, planning commission or city council from proceeding with any hearing at the time and place set therefor.

(Ord. 26248.)

20.180.340 - Notice of intention to convert.

- A. At least sixty (60) days prior to the date of filing an application for a conditional use permit or planned development permit for a conversion project, the developer shall notify, in writing, each mobilehome owner, mobilehome tenant and designated resident organization of the proposed project of his intention to convert, and thereafter, the developer shall notify each person applying for rental of a mobilehome lot in the proposed project, prior to payment of any rent or deposit, of his intention to convert.
- B. Said notice of intention to convert shall contain a statement that the developer proposes a conversion project, and for that purpose that (1) the developer shall file an application for a conditional use permit or planned development permit with the City of San José, and, if applicable, that (2) the developer shall file an application for a final public report with the California Department of Real Estate. Said notice shall also contain a statement of the rights of mobilehome owners, mobilehome tenants and residents set forth in Sections 20.180.370 and 20.180.380, and the rights of designated resident organizations set forth in Section 20.180.390.

(Ord. 26248.)

20.180.350 - Notice of public report.

Within five (5) days of receipt of the final public report on the proposed project from the California Department of Real Estate (hereinafter "final public report"), if applicable, the developer shall notify each of the mobilehome owners and tenants in the proposed conversion project of the issuance of said report. The notice shall indicate that copies of said report are available on request.

(Ord. 26248.)

20.180.360 - Rights of mobilehome owners and tenants.

Each mobilehome owner and mobilehome tenant of a proposed conversion project shall have the following rights from the date of issuance of a notice of intention to convert, pursuant to Section 20.180.340, until the date indicated, if applicable, with respect to his or her tenancy:

1. The right to terminate a lease or rental agreement, without penalty, upon sixty days notice to the landlord.
2. Notwithstanding the provisions of Chapter 17.22 of Title 17 of this Code, no increase in rent until termination of a lease or rental agreement pursuant to Subsection A of this section or until twelve months after the date of issuance of the final public report, if applicable, or expiration of the mobilehome owner's or mobilehome tenant's lease or rental agreement, whichever is longer.
3. No unjust eviction during tenancy.
4. No coercion or retaliatory action against any such mobilehome owner or mobilehome tenant, including pressure to support, or refrain from opposing, a conversion project.

(Ord. 26248.)

20.180.370 - Rights of mobilehome residents.

In the case of a mobilehome park conversion to ownership, a mobilehome resident shall have a right of first refusal to purchase a condominium interest or an undivided interest in a community mobilehome park, whichever is applicable. The purchase price shall be no greater than the price offered to the general public for such interest.

(Ord. 26248.)

20.180.380 - Right of negotiated purchase.

A designated resident organization shall have the right to negotiate for purchase of a mobilehome park for which a conversion project is proposed, if written notice of the exercise of this right is provided to the developer within sixty days of the date of issuance of the notice of intention to convert.

(Ord. 26248.)

20.180.390 - Negotiation for purchase.

If a written notice has been provided to the developer pursuant to Section 20.180.380 and within the time limit specified therein, the following procedure shall be followed:

1. Action on any conditional use permit or planned development permit for the conversion project shall be suspended for one hundred eighty days in order that good faith negotiations can be encouraged and such steps may be taken as are reasonably likely to result in preservation of the mobilehome park and the housing opportunities therein.
2. Within fifteen days of receipt of notice, the developer shall meet with each designated resident organization which has provided such notice in order to explore the possibility of acquisition of the park by such organization.
3. Upon the request to the director by either the developer or the designated resident organization, a mediation session shall be conducted by a mediator assigned by the city. The mediation shall be conducted within fifteen days of such request.

(Ord. 26248.)

Part 3 - MOBILEHOME PARK CONVERSIONS TO OWNERSHIP

20.180.400 - Supplemental applications.

- A. In addition to submittal requirements specified in this title for conditional use permit application and planned development permit applications, a supplemental application must be submitted for every mobilehome park conversion to ownership and shall include the following:
1. Satisfactory evidence that, at least sixty days prior to the date of filing such application, each of the mobilehome owners and mobilehome tenants within the proposed project received, pursuant to Section 20.180.340 of this chapter, written notice of intention to convert; and that thereafter, each person applying for rental of a mobilehome in the proposed project, prior to payment of any rent or deposit, received notice of intention to convert. In addition, satisfactory evidence of the posting of said notice at all entrances of the mobilehome park shall be submitted.
 2. A declaration that, after the date of filing such application, each person applying for rental of a mobilehome or mobilehome lot in the proposed project prior to payment of any rent or deposit, shall receive, pursuant to Section 20.180.340 of this chapter, written notification of intention to convert.
 3. A boundary map showing the location of all existing easements, structures, mature and/or scenic trees, and other improvements upon the property.
 4. The proposed organizational documents and true copies of any and all documents submitted to the California Department of Real Estate for the proposed conversion project.
 5. The material indicated in Subsection 4 shall be submitted subject to the following provisions:
 - a. The developer shall file with the director a true copy of any amended, revised or additional documents submitted to the department of real estate prior to the public hearing before the planning commission or city council on a conditional use permit or planned development permit for a conversion project.
 - b. The developer shall file with the city a true copy of the final public report within ten days of issuance by the department of real estate.
 6. A property report describing the condition and estimating the remaining useful life of each of the following elements of each applicable structure and system situate within the project proposed for conversion, excluding mobilehomes: roofs, foundations, exterior paint, paved surfaces, mechanical systems, electrical systems, plumbing systems, sewage systems, swimming pools, sprinkler systems for landscaping, utility delivery systems, central or community heating and air conditioning systems, fire protection systems including any automatic sprinkler systems, alarm systems or standpipe systems, and structural elements. For any element whose useful life is less than five years, a replacement cost estimate shall be provided. Such report shall be prepared by an appropriately licensed contractor or registered civil or structural engineer.
 7. A statement detailing the current ownership of all improvements and underlying land; the name and address of each present mobilehome park resident within the project and identification of all residents under sixteen years, all residents sixty-two years and over, all residents with minor children, and all handicapped residents; square footage of each mobilehome lot; the current or last rental rate for each mobilehome lot or rented mobilehome and the monthly rental rate for the preceding two years; and the monthly space vacancy over the preceding two years of each mobilehome lot proposed to be converted.
 8. A timetable for conversion to a condominium mobilehome park or community mobilehome park.
 9. Such other documents or information as the director may require to further the purposes of this chapter.
 10. A description of how the financial aspects of transfers of mobilehomes and mobilehome lots have been handled for the preceding two years.

- B. Copies of the supplemental application shall be made available upon demand at the on-site office in the proposed project, during regular business hours, to mobilehome owners and mobilehome tenants.

(Ord. 26248.)

20.180.410 - Supplemental findings for conditional use permit.

In addition to the findings required pursuant to Section 20.100.720, a conditional use permit may be issued for a mobilehome park conversion to ownership only if the planning commission or city council finds that the applicant has provided a program of relocation, rental assistance, purchase assistance or other assistance pursuant to Section 20.180.430 of this chapter to mitigate the impact of the conversion on displaced mobilehome owners and mobilehome tenants, and that mobilehome residents shall have the right of first refusal specified in Section 20.180.370.

(Ord. 26248.)

20.180.420 - Supplemental findings for planned development permit.

In addition to the findings required pursuant to Section 20.100.940, a planned development permit may be issued for a mobilehome park conversion to ownership only if the director or planning commission finds that the applicant has provided a program of relocation, rental assistance, purchase assistance or other assistance pursuant to Section 20.180.430 of this chapter to mitigate the impact of the conversion on displaced mobilehome owners and mobilehome tenants, and that mobilehome residents shall have the right of first refusal specified in Section 20.180.370.

(Ord. 26248.)

20.180.430 - Relocation and purchase assistance.

Without limiting the generality of the provisions relating to conditions which may be imposed upon a development permit under Chapter 20.100 of this Title, the director, planning commission or city council shall make any conditional use permit or planned development permit which may be granted under Chapter 20.100 for a mobilehome park conversion to ownership subject to a condition requiring a plan of relocation and purchase assistance for displaced mobilehome owners and mobilehome tenants within the proposed project. Such a plan may include the following:

1. Information to be provided to each mobilehome owner within the proposed project:
 - a. A list of known available mobilehome lots in Santa Clara, Alameda, Santa Cruz and San Mateo counties, including any written commitments from mobilehome park owners willing to accept displaced mobilehome owners.
 - b. Estimates from two moving companies as to the per mile costs of moving mobilehomes of various sizes including, but not limited to, tear down and set up of coaches.
2. Measures to mitigate the adverse impacts of conversion upon mobilehome owners and mobilehome tenants. Such mitigation measures shall benefit mobilehome owners and mobilehome tenants of the mobilehome park from the date the application for the conditional use permit or planned development permit for the proposed conversion project is filed with the city, or from the date on which notices to vacate are mailed to mobilehome owners and tenants, whichever is earlier. Mitigation measures may include but are not limited to:
 - a. Moving expenses for furniture and personal belongings to a new residence in Santa Clara, Alameda, Santa Cruz or San Mateo County.

- b. Provision for payment of any or all portions of the cost of physically moving a mobilehome to a new site in Santa Clara, Alameda, Santa Cruz or San Mateo county, including, but not limited to, tear down and set up.
- c. For those who move to a multiple or two-family dwelling, provision of a rent subsidy for up to twenty-four months. Rent shall not exceed the fair market rent for new construction and substantial rehabilitation for the Santa Clara County area as established by the U. S. Department of Housing and Urban Development. "Rent subsidy" is the difference between the rent of the multiple or two-family dwelling and the rent of the mobilehome space or mobilehome on the date of the notice of intention to convert.
- d. Payment of the difference of rent between the old and new mobilehome park spaces for up to twenty-four months.
- e. Purchase of the mobilehome at its in-place value, as determined by a tested, certified, and designated member of a nationally recognized appraisal association. "In-place value" includes the value of any accessory structures whose installation has been approved by mobilehome park management, such as a porch or a carport. The appraisal is to be made no more than sixty days prior to its submittal.
- f. Extended leases and rental agreements (commencing at the conclusion of the right of continued tenancy period under Section 20.180.360) for mobilehome owners and mobilehome tenants who are handicapped, or aged sixty-two or over, and/or of low income, and/or for mobilehome owners and mobilehome tenants with minor children. No mobilehome owner or mobilehome tenant covered by any such extended lease or rental agreement shall be unjustly evicted. "Extended lease or rental agreement" is a lease or rental agreement whose expiration date is extended at least ninety days.
- g. A provision for setting aside a certain number of rental spaces for mobilehome owners and mobilehome tenants who are handicapped, and/or aged sixty-two or over, and/or low income, and/or for mobilehome owners and mobilehome tenants with minor children.

(Ord. 26248.)

20.180.440 - Development standards.

To achieve the purposes of this chapter, mobilehome park conversion to ownership projects shall conform to the following development standards:

1. The off-street parking requirements shall be one and one-half parking spaces for each mobilehome lot. One such space per mobilehome lot shall be assigned.
2. The consumption of gas and electricity within each mobilehome lot shall be separately metered so that the owner can be billed separately for each utility. A water shut-off valve shall be provided for each mobilehome lot or for each plumbing fixture.
3. Each mobilehome lot shall have its own panel board for all electrical circuits which serve the mobilehome.

(Ord. 26248.)

20.180.450 - Findings for noncompliance with development standards.

An application for a conditional use permit or planned development permit for a mobilehome conversion project under this part which does not comply with all of the applicable development standards stated in Section 20.180.440 may, but shall not under any circumstances be required to be approved, and a conditional use permit may be issued therefor if the director, planning commission or city council finds that:

1. Strict application of the development standards set forth in said Section 20.180.440 would create an unreasonable economic hardship due to (but not limited to) the size, shape, location or surroundings of the subject property or the buildings situated thereon, but expressly excluding consideration of personal circumstances of the developer; and
2. A conditional use permit or planned development permit for the conversion project which is not in conformance with such development standards, subject to such permit conditions as may be imposed thereon:
 - a. Will provide for substantial compliance with such development standards; and
 - b. Will incorporate mitigating features which tend to further the purposes of this chapter.

(Ord. 26248.)

20.180.460 - Code compliance.

The proposed conversion project shall comply with all applicable city, county, and state codes and regulations regarding health and safety. If said project does not comply with said codes and said regulations at the time of approval of a conditional use permit or planned development permit for the project, a code compliance bond shall be submitted as required in Section 20.180.470.

(Ord. 26248.)

20.180.470 - Code compliance bond.

If a proposed mobilehome conversion project does not comply with provisions of Section 20.180.460 and/or the building official identifies items to be corrected pursuant to said section, any conditional use permit or planned development permit issued pursuant to this chapter shall require the developer to furnish a bond in an amount equal to the reasonable estimated cost of code compliance. Said bond shall run in favor of individual purchasers and the association. Said bond shall provide for reasonable attorney's fees in the event of default by the principal.

(Ord. 26248.)

20.180.480 - Effectiveness of permit.

A conditional use permit or planned development permit issued under this chapter for a mobilehome conversion project may be issued prior to the time compliance has been made with the said codes and said regulations as hereinabove provided in Section 20.180.460, but such permit shall not become effective unless and until compliance has been made as provided in each permit.

(Ord. 26248.)

20.180.490 - Recreational open space.

Without limiting the generality of the provisions relating to conditions which may be imposed upon a development permit issued under Chapter 20.100 of this title, the director, planning commission or city council may make any conditional use permit or planned development permit for conversion to a mobilehome conversion project subject to a condition requiring recreational open space in a manner and to the extent it deems reasonably necessary to achieve the purposes of this title.

(Ord. 26248.)

20.180.500 - Documents furnished to prospective purchasers.

The developer shall furnish each prospective purchaser of an interest in a condominium mobilehome park or community mobilehome park pursuant to a conversion project a true copy of the conditional use permit or planned development permit issued under this chapter and of each document required, by state law and the regulations of the California Department of Real Estate, to be provided to such prospective purchaser.

(Ord. 26248.)

20.180.510 - Capital contributions and warranties.

Without limiting the generality of the provisions relating to conditions which may be imposed upon a conditional use permit or planned development permit under Chapter 20.100 of this title, the director, planning commission or city council may make any conditional use permit or planned development permit which may be granted under this part subject to conditions requiring the following:

1. A capital contribution provided by the developer to the association for the deferred maintenance of the common area, and the deferred maintenance or replacement of any of the elements described in the property report which are owned or maintained by the association, pursuant to Subsection A.6 of Section 20.180.400. Information available pursuant to Subsection A.6 of said section regarding the estimated replacement cost of those elements whose useful life is less than five (5) years may be used in determining the amount of such contribution.
2. A one-year warranty provided free of charge by the developer to the association for those systems described in the property report, as hereinabove specified, which are owned or maintained by the association. Such warranty need not cover those systems which may be covered by a substantial capital contribution by the developer for deferred maintenance.

(Ord. 26248.)

20.180.520 - Exemption from permit requirement - Petition.

A developer or designated resident organization may petition the director for exemption from the requirement for a conditional use permit under Section 20.180.300 if a proposed mobilehome park conversion to ownership would result in at least sixty-seven percent (67%) of the mobilehome lots being acquired by residents of the park. Such a petition shall be filed on a form prescribed by the director, shall be accompanied by the fee established by council resolution, and shall include the following:

1. Evidence satisfactory to the director that:
 - a. At least sixty (60) days prior to the date of filing such application, each of the mobilehome owners and mobilehome tenants within the proposed project received, pursuant to Section 20.180.340 of this chapter, written notice of intention to convert.
 - b. Thereafter, each person applying for rental of a mobilehome lot or mobilehome in the proposed project, prior to payment of any rent or deposit, received notice of intention to convert.
 - c. Said notice was posted at all entrances of the mobilehome park as required under this chapter.
2. A declaration that, after the date of filing such application, each person applying for rental of a mobilehome or mobilehome lot in the proposed project, prior to payment of any rent or deposit, shall receive, pursuant to Section 20.180.340 of this chapter, written notice of intention to convert.

3. A statement detailing the current ownership of all improvements and underlying land; the name and address of each present mobilehome park resident of the project, and identification of all residents sixty-two years and over, all residents with minor children, and all handicapped residents; square footage of each mobilehome lot; the current or last rental rate for each mobilehome lot or rented mobilehome and the monthly rental rate for the preceding two years; and the monthly space vacancy over the preceding two years of each mobilehome lot proposed to be converted.
4. A timetable for conversion to a condominium mobilehome park or community mobilehome park.
5. Evidence satisfactory to the director that the residents of at least sixty-seven percent (67%) of the mobilehome lots in the park intend to purchase an ownership interest in the mobilehome park and have waived any rights to relocation assistance which would otherwise exist under this chapter.
6. A plan of relocation and purchase assistance for displaced mobilehome owners and mobilehome tenants within the park excluding those who have waived their rights to assistance under Subsection 5 of this section.
7. Such other documents or information as the director may require to further the purposes of this chapter.

(Ord. 26248.)

20.180.530 - Exemption from permit requirement - Approval.

A petition for exemption from the requirement to obtain a conditional use permit for a conversion to ownership shall be approved by the director if all of the information required under Section 20.180.520 has been submitted and the director makes all of the following findings:

1. At least sixty-seven percent (67%) of the present mobilehome park residents have filed written notice of intent to purchase an ownership interest in the mobilehome park when it is converted to a common interest development; and
2. Each resident intending to purchase an ownership interest in the mobilehome park has waived any rights to relocation and purchase assistance under this chapter; and
3. A satisfactory plan of relocation and purchase assistance has been developed for all residents otherwise entitled to assistance under this chapter. A plan is satisfactory if:
 - a. All residents have consented to the plan in writing, or
 - b. Any resident being involuntarily displaced by the conversion to ownership and who has not consented to the plan, will be provided, at a minimum, with:
 - i. Moving expenses for furniture and personal belongings to a new residence in Santa Clara, Alameda, Santa Cruz or San Mateo County; and
 - ii. For those who will move their mobilehome to another location:
 1. Payment of the cost of physically moving the mobilehome to a new site in Santa Clara, Alameda, Santa Cruz or San Mateo County, including but not limited to tear down and set up; and
 2. Payment of the difference of rent between the old and new mobilehome park spaces for twenty-four (24) months; and
 - iii. For those who move to a multiple or two-family dwelling, provision of a rent subsidy for up to twenty-four (24) months. Rent shall not exceed the fair market rent for new construction and substantial rehabilitation for the Santa Clara County area as established by the U.S. Department of Housing and Urban Development. "Rent subsidy" is the difference between the rent of the multiple or two-family dwelling and

the rent of the mobilehome space or mobilehome on the date of the notice of intention to convert; and

- iv. For mobilehome owners and mobilehome tenants who are handicapped, aged 62 or over, or of low income, and for mobilehome owners and mobilehome tenants with minor children, an offer of a lease or rental agreement for their current mobilehome lot. Such offer for lease or rental shall be for a period of at least one (1) year.

(Ord. 26248.)

Part 4 - MOBILEHOME PARK CONVERSIONS OF USE

20.180.600 - Supplemental application.

- A. In addition to submittal requirements specified in Chapter 20.100 of this title for conditional use permit and planned development permit applications, a supplemental application must be submitted for a mobilehome park conversion of use, and shall include the following:
 1. Satisfactory evidence that, at least sixty days prior to the date of filing such application, each mobilehome owner and mobilehome tenant within the proposed project received, pursuant to Section 20.180.340 of this chapter, written notice of intention to convert; and that thereafter, each person applying for rental of a mobilehome or mobilehome lot in the proposed project, prior to payment of any rent or deposit, received notice of intention to convert. In addition, satisfactory evidence of the posting of said notice at all entrances to the mobilehome park shall be submitted.
 2. A declaration that, after the date of filing such application, each person applying for rental of a mobilehome or mobilehome lot in the proposed project prior to payment of any rent or deposit, shall receive, pursuant to Section 20.180.340 of this chapter, written notification of intention to convert.
 3. A statement detailing the current ownership of all improvements and underlying land; the name and address of each present mobilehome park resident within the project and identification of all residents under sixteen years, all residents sixty-two years and over, all residents with minor children, and all handicapped residents; square footage of each mobilehome lot; the current or last rental rate for each mobilehome lot and rental rate for the preceding two years; and the monthly space vacancy over the preceding two years of each mobilehome lot proposed to be converted.
 4. A timetable for conversion of the mobilehome park use.
 5. The appraised market value of each mobilehome lot and the in-place value of each mobilehome in the park. The appraisal is to be made no more than ninety days prior to submittal of the supplemental application. The appraiser shall be a tested, certified, and designated member of a nationally recognized appraisal association; shall be selected by the developer and/or association; and shall be paid by the developer and/or association to make the appraisal.
 6. A description of how the financial aspects of transfers of mobilehomes and mobilehome lots have been handled for the preceding two years.
- B. Copies of the supplemental application shall be made available upon demand at the on-site office in the proposed project, during regular business hours, to mobilehome owners and mobilehome tenants.

(Ord. 26248.)

20.180.610 - Supplemental findings for conditional use permits.

In addition to the findings required pursuant to Section 20.100.720, a conditional use permit may be issued for a mobilehome park conversion of use only if the planning commission or city council finds that the applicant has provided a satisfactory program of relocation, rental assistance, purchase assistance or other assistance pursuant to Section 20.180.630 of this chapter to mitigate the conversion on displaced mobilehome owners and mobilehome tenants.

(Ord. 26248.)

20.180.620 - Supplemental findings for planned development permit.

In addition to the findings required pursuant to Section 20.100.940, a planned development permit may be issued for a mobilehome park conversion of use only if the director or planning commission finds that the applicant has provided a satisfactory program of relocation, rental assistance, purchase assistance or other assistance pursuant to Section 20.180.630 of this chapter to mitigate the conversion on displaced mobilehome owners and mobilehome tenants.

(Ord. 26248.)

20.180.630 - Relocation and purchase assistance.

Without limiting the generality of the provisions relating to conditions which may be imposed upon a development permit under Chapter 20.100 of this title, the director, planning commission or the city council shall make any conditional use permit or planned development permit which may be granted under this chapter for mobilehome park conversion of use subject to a condition requiring a plan of relocation and purchase assistance for mobilehome owners and mobilehome tenants within the proposed project. Such a plan may include the following:

1. Information to be provided to each mobilehome owner within the proposed project:
 - a. A list of known available mobilehome lots in Santa Clara, Alameda, Santa Cruz and San Mateo counties, including any written commitments from mobilehome park owners willing to accept displaced mobilehome owners.
 - b. Estimates from two moving companies as to the per mile costs of moving mobilehomes of various sizes including, but not limited to, tear down and set up of coaches.
2. Measures to mitigate the adverse impacts of conversion upon mobilehome owners and mobilehome tenants. Such mitigation measures shall benefit mobilehome owners and mobilehome tenants of the mobilehome park from the date the application for the conditional use permit or planned development permit for the proposed conversion project is filed with the city, or from the date on which notices to vacate are mailed to mobilehome owners and mobilehome tenants, whichever is earlier. Mitigation measures may include but are not limited to:
 - a. Moving expenses for furniture and personal belongings to a new residence in Santa Clara, Alameda, Santa Cruz or San Mateo County.
 - b. Provision for payment of any or all portions of the cost of physically moving a mobilehome to a new site in Santa Clara, Alameda, Santa Cruz or San Mateo County, including, but not limited to, tear down and set up.
 - c. For those who move to a multiple or a two-family dwelling, provision of a rent subsidy for up to twenty-four months. Rent shall not exceed the fair market rent for new construction and substantial rehabilitation for the Santa Clara County area as established by the U. S. Department of Housing and Urban Development. "Rent subsidy" is the difference between the rent of the multiple or two-family dwelling and the rent of the mobilehome space or mobilehome on the date of the notice to convert.

- d. Payment of the difference of rent between the old and new mobilehome park spaces for up to twenty-four months.
- e. Purchase of the mobilehome at its in-place value, as determined by a tested, certified, and designated member of a nationally recognized appraisal association. In-place value includes the value of any accessory structures whose installation has been approved by mobilehome park management, such as a porch or a carport. The appraisal is to be made no more than sixty days prior to its submittal.
- f. Extended leases or rental agreements (commencing at the conclusion of the right of continued tenancy period under Subsection 3. of Section 20.180.360) for mobilehome owners and mobilehome tenants who are handicapped, and/or aged sixty-two or over, and/or of low income, and/or for mobilehome owners and mobilehome tenants with minor children. No mobilehome owner or mobilehome tenant covered by any such extended lease or rental agreement shall be unjustly evicted. "Extended lease or rental agreement" is a lease or rental agreement whose expiration date is extended at least ninety days.

(Ord. 26248.)