

RESOLUTION NO. _____ - 24 (PC)

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WATSONVILLE, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADD CHAPTER 4 OF TITLE 11 OF THE WATSONVILLE MUNICIPAL CODE RELATING TO MOBILE HOME PARK CONVERSIONS AND CLOSURES; REPEAL CHAPTER 14-42 OF TITLE 14 OF THE WATSONVILLE MUNICIPAL CODE; AND AMEND SECTION 14-16.705 WITHIN PART 7 (R-MH-RESIDENTIAL MANUFACTURED HOME PARK DISTRICT) OF CHAPTER 16 (DISTRICT REGULATIONS) WITHIN TITLE 14 (ZONING)

WHEREAS, mobilehome parks in the City of Watsonville are a more affordable housing choice for many older residents of the City; and

WHEREAS, the Planning Commission of the City of Watsonville has determined that the possible conversion or closure of existing mobile home parks in the City of Watsonville is a matter of concern and could result in detrimental impacts to the health, safety and welfare of the affected residents; and,

WHEREAS, the State of California, through Government Code Section 65863.7 and Civil Code Section 798.56, has established a procedure through which mobilehome parks may be closed or converted to another use; and

WHEREAS, the Planning Commission has determined that it is necessary to specify the process by which mobilehome parks may be closed or converted to another use, consistent with State of California law; and

WHEREAS, notice of time and place of the hearing to consider the approval of the proposed Zoning Code text amendments was given at the time and in the manner prescribed by the Zoning Ordinance of the City of Watsonville, pursuant to Part 9 of WMC Chapter 14-10; and

WHEREAS, the Planning Commission has conducted a public hearing in accordance with Part 10 of WMC Chapter 14-10, considered all written and verbal

evidence regarding the proposed Zoning Code text amendments, and made the following findings to recommend approval of the Ordinance text to the City Council per WMC Section 14-12.807:

- (a) **That the proposed Zoning Code text amendment is consistent with the policies embodied in the General Plan**, in that the Ordinance allows the City to promote the peace, health, safety, and welfare within the community by preventing the conversion and closure of mobilehome parks that provide necessary affordable housing to residents of the community; and
- (b) **That the proposed Zoning Code text amendment is compatible to the extent possible with the actual and general planned use of the adjacent properties**, in that the Ordinance is necessary to ensure the protection of the City's mobilehome parks from conversion to another use or closure.

WHEREAS, the Planning Commission has found that the adoption of a Resolution recommending that the City Council: (1) add Chapter 4 to Title 11 of the Watsonville Municipal Code Relating to Mobilehome Park Conversions and Closures; (2) repeal Chapter 14-42 of the Watsonville Municipal Code; and (3) amend Section 14-16.705 within Part 7 (R-MH—RESIDENTIAL MANUFACTURED HOME PARK DISTRICT) of Chapter 16 (DISTRICT REGULATIONS) within Title 14 (Zoning) of the Watsonville Municipal Code, is not subject to review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et. seq.), including without limitation, Public Resources Code section 21065 and California Code of Regulations 15378(a), as this is not a “project” that may cause a direct, or reasonably foreseeable indirect, physical change in the environment. In addition, if adoption of the Resolution were considered to

be a “project”, it would be exempt under the “common sense” exception (14 Cal. Code Regs. § 15061(b)(3)), because it can be seen with certainty that there is no possibility that this action may have a significant effect on the environment. The Resolution does not propose or permit any new development, nor does it increase (or change in any way) the land use, density, or development regulations applicable to any property.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Watsonville, California, as follows:

Good cause appearing, therefore, the Planning Commission of the City of Watsonville does hereby recommend the City Council adopt the proposed ordinance adding Chapter 4 of Title 11 of the Watsonville Municipal Code relating to mobile home park conversions and closures; repealing Chapter 14-42 of Title 14 of the Watsonville Municipal Code; and amending Section 14-16.705 within Part 7 (R-MH-Residential Manufactured Home park district) of Chapter 16 (District Regulations) within Title 14 (Zoning). The proposed Zoning Code text amendments are attached as Exhibits “A,” “B,” and “C.”

I HEREBY CERTIFY that the foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Watsonville, California, held on the 3rd day of September, 2024, by Commissioner_____, who moved its adoption, which motion being duly seconded by Commissioner_____, was upon roll call, carried and the resolution adopted by the following vote:

Ayes: Commissioners:
Noes: Commissioners:
Absent: Commissioners:

Suzi Merriam, Secretary
Planning Commission

Ed Acosta, Chairperson
Planning Commission

Exhibit A

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Chapter 4 of Title 11 of the Watsonville Municipal Code is hereby added to read as follows:

11.4-110 Findings and Purpose.

A. Findings

- (1) Mobilehome parks are highly profitable businesses. In 2020, the *Wall Street Journal* article "Investors Discover There's Gold in the Mobile Home Park" recounted the extraordinary returns obtained from manufactured mobile home park investments:

"One of the best-performing investments since last decade's housing crash: trailer parks . . . It is as if apartment owners didn't have to maintain or pay taxes on their buildings but still collected rent from those who lived inside . . . Even if residents can afford to move their homes, there aren't many places to plop an old double-wide. Plans for new parks usually meet local resistance. The right zoning is hard to find. Meanwhile, demand for manufactured homes has been stoked by retiring baby boomers, millennials with a taste for minimal living and prices for site-built single-family houses that have risen beyond the reach of many Americans . . . A who's who of big investors has joined the trailer-park hunt, boosting competition for facilities. Buyers have included pensions, sovereign-wealth funds and private equity firms..." (See Ryan Dezember, *Investors Discover There's Gold in the Mobile-Home Park*, WALL ST. J., Feb. 26, 2020, at B1–B2, <https://perma.cc/KZ34-L6XV> cited in Baar, *Protections of (Im)mobile Home Owners from the Consequences of (Im)mobile Home Park Closures* 128 Penn State Law Rev. 779 (2024)

- (2) Despite their high profitability and the extraordinary returns that they provide to their owners, other market factors have resulted in mobilehome park closures and conversions into other uses. When closures occur, the impacts are devastating for mobilehome owners:

investments in mobile home parks are highly profitable, in recent decades, as urban areas densify and alternate land uses, such as condominium projects,

commercial centers, or high-end subdivisions, become more profitable, mobile home park closures have become widespread and are now becoming a national concern. When a mobile home park closes, it usually wipes out the mobile home owner's entire investment in their mobile home and displaces the mobile home owner. Park closures are a large problem, as appellate courts have noted for decades, because of the "captive" nature of mobile home park tenancies and the role of public regulations in severely limiting the possible locations of mobile homes. As a practical matter, after they are moved from the factory and installed on a plot of land, "mobile" homes cannot be relocated. Generally, they are only sold in place, an unavailable option when a park closes.

(See Baar, Protections of (Im)mobile Home Owners from the Consequences of (Im)mobile Home Park Closures 128 Penn State Law Rev. 779 (2024))

- (3) The protection of the City's mobilehome owners, and their substantial investments in their mobilehomes and their spaces, which usually exceed the investments of their park owners in their spaces and, in the aggregate, also exceed their park owners' investments in their parks, further warrants additional special regulatory safeguards to protect these homeowners, their homes and their substantial and captive investments in their homes, which they would lose in the event the park that they are located in closes or converts to another use.
- (4) Prior to approving a mobilehome park conversion or closure, Government Code Section 65863.7 (e)(1)(B) requires that the City make a finding as to whether the park closure and its conversion to its intended new use will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households within the City of Watsonville.
- (5) Government Code Section 65863.7 (k) states that Section 65863.7 establishes a minimum standard for the local regulation of the conversion or closure of mobilehome parks, and authorizes local governments to adopt additional rules and regulations. The legislative history of Section 65863.7 explicitly recognizes that Government Code Section 65863.7 (k) authorizes local jurisdictions to adopt additional local measures regulating conversions and closures of mobilehome parks; Government Code Section 65863.7 (e)(1)(B) provides that a local agency's legislative body must "Make a finding as to whether or not approval of the park closure and the park's conversion into its intended new use, taking into consideration both the impact report as a whole and the overall housing availability within the local jurisdiction, will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households within the local jurisdiction."
- (6) Government Code Section 65583(b)(1), a provision of California's Housing Element Law, requires the City's Housing Element to contain goals, policies, and objectives to preserve the City's current low-income and moderate-income affordable housing stock.
- (7) To fulfill the above requirements of California's Housing Element Law, the City's Housing Element contains:
 - 1: Goal 1 to "Improve, conserve and preserve affordable housing stock and neighborhoods,
 - 2: Policy 1.5 to "Preserve the existing stock of affordable housing, including mobile homes, through City regulations and land use and development controls, including mobile home park exclusive-use zoning, as well as financial and other forms of assistance," and

3: Five Year Objective to “Preserve the continued availability and affordability of the current affordable housing stock located in the City’s mobile home parks.”

- (8) Watsonville’s 2023 – 2031- Housing Element shows that the City is currently suffering a severe shortage of low- and moderate-income affordable housing. It indicates that in 2020, 10,200, 71.3%, of the City’s 14,315 households were low-income, 6,840, of which were very low- and extremely low-income households (47.85% of Watsonville’s total households). Other findings in the Housing Element were: The median price for a home in Watsonville in 2023 was \$820,090, but the affordable purchase price for a home for low-income households in Watsonville was \$303,300 for a one-person household and \$551,100 for a five-person household; that very low-income households could only afford to purchase a home costing \$173,000 for a one-person household and \$250,200 for a five-person household, and that extremely low-income households could only afford to purchase a home for \$87,000 for a one-person household and \$117,500 for a five-person household.
- (9) Watsonville’s 2023 – 2031 Housing Element also indicates that 9,440 of Watsonville’s households were experiencing housing “cost burdens,” with 6,165 households having to pay more than 30% of their income for housing and 3,275 households having to pay more than 50% of their income for housing. It also shows that 4,119 of Watsonville’s households were living in overcrowded conditions.
- (10) The City has 919 mobilehomes and their spaces, constituting 6% of its total of 14,882 housing units and a considerably higher portion of the housing units that are affordable to low- and moderate-income households.
- (11) The mobilehomes in the City’s mobile home parks are predominantly owner-occupied. Mobilehome owners make substantial investments in purchasing their homes and improving their homes’ spaces, but they rent those spaces from their park owners. Their mobilehomes are difficult to relocate to spaces in other mobile home parks because of the costs of moving to spaces in other mobilehome parks. For example, some parks are not willing to accept displaced mobilehomes that are more than five or ten years old.
- (12) Mobilehome owners have substantial investments that will be lost if they cannot continue their tenancies in the mobilehome park where their home is located. Courts have recognized that this unique economic relationship creates a heightened need to provide special protections for the investments mobilehome owners.
- (13) Courts have acknowledged the special circumstances of mobilehome owners, noting that mobilehome owners make significant investments in their homes and spaces.

The U.S. Supreme Court stated:

The term 'mobile home' is somewhat misleading. Mobile homes are largely immobile as a practical matter, because the cost of moving one is often a significant fraction of the value of the mobile home itself. They are generally placed permanently in parks; once in place, only about 1 in every 100 mobile homes is ever moved. [Citation.] A mobile home owner typically rents a plot of land, called a 'pad,' from the owner of a mobile home park. The park owner provides private roads within the park, common facilities such as washing machines or a swimming pool, and often utilities. The mobile home owner often invests in site-specific improvements such as a driveway, steps, walkways, porches, or landscaping.

When the mobile home owner wishes to move, the mobile home is usually sold in place, and the purchaser continues to rent the pad on which the mobile home is located." (*Yee v. Escondido* (1992) 503 U.S. 519, 523.)

Subsequently, the California Supreme Court stated:

Thus, unlike the usual tenant, the mobile home owner generally makes a substantial investment in the home and its appurtenances--typically a greater investment in his or her space than the mobile home park owner. The immobility of the mobile home, the investment of the mobile home owner, and restriction on mobile home spaces, has sometimes led to what has been perceived as an economic imbalance of power in favor of mobile home park owners (*id.* at pp. 170-182) that has in turn led many California cities to adopt mobile home rent control ordinances (see *id.* at p. 182 [some 70 cities in California had adopted rent control as of 1992]). (*Galland v. City of Clovis* (2001) 24 Cal.4th 1003, 1009 [emphasis added].)

- (14) Government Code Section 65863.7 recognizes that the unique circumstances of mobilehome park tenants necessitate the mitigation of adverse effects of relocation upon mobilehome park residents who are confronted with a proposed change of use for their mobilehome park or portions of the park and so that the owners and occupants of mobilehomes and the owners of mobilehome parks understand their rights and responsibilities in such situations.

B. Purposes

- (1) To carry out and supplement the provisions of State law, which require the City to ensure that a proposed mobile home park conversion or closure is consistent with the City's General Plan, particularly with its Housing Element. It is also the intent of this Chapter to ensure compliance with the provisions of Government Code Section 65863.7, which addresses the need for park owners to provide its displaced mobile home owners with adequate mitigation benefits to enable them to obtain adequate housing in other manufactured home parks in the event a park owner seeks to convert, close, or cease use of a mobile home park.
- (2) To ensure that the closure of a manufactured home park and its conversion to another use is consistent with the City's Housing Element.
- (3) To ensure compliance with Government Code Section 65863.7(e)(1)(B)'s requirement that the City must determine whether or not the approval of a conversion or closure of a mobilehome park closure will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households, taking into account both the impact report as a whole and the overall housing availability within the local jurisdiction.
- (4) To effectuate Government Code Section 65863.7(k)'s authorization for the City to enact additional regulations.
- (5) To provide procedures and standards for assessing the adverse impacts of a mobilehome park conversion or closure on the displaced mobilehome owners and to determine appropriate mitigation assistance to enable them to find and obtain adequate replacement housing in other mobilehome parks pursuant to Government Code Section 65863.7, the City's police powers, and the provisions of this Ordinance.
- (6) To ensure that the mobilehome owners who will be displaced by a conversion or closure

of their mobilehome park will receive adequate mitigation benefits to offset the impacts of the park owner's decision to close or convert a mobilehome park.

11.4-120 Definitions.

(A) "Affordable Housing" and "Affordable Housing Stock" refer to housing, housing stock and mobile homes that are affordable to households in the categories of low, very low, extremely low or moderate income, as defined in Health and Safety Code Sections 50079.5, 50105, 50106 and 50093(b) as measured by the housing affordability limits for those income categories that are published by the California Department of Housing and Community Development in its most recent update required by Health & Safety Code Section 50093(c).

(B) "Low-Income Households" means persons and households who meet the definition of "lower income households in Health and Safety Code Section 50079.5.

(C) "Very Low-Income Households" means persons and households families who meet the definition for very low-income households in Health & Safety Code Section 50105.

(D) "Extremely Low-Income Households" means persons and households who meet the definition for "very low-income households" in Health & Safety Code Section 50106.

(E) "Moderate-Income Households" means persons and households who meet the definition of "persons and families of moderate income" as defined in Health & Safety Code Section 50093(b)

(F) "Conversion Project" or (also referred to as the "**Project**") means the entire administrative review and approval process of a proposed Mobilehome Park conversion or closure, including the administrative review and approval of closing the Park and its redevelopment into its intended new use, inclusive of the entire administrative process of obtaining all of the required permits and other local approvals necessary to close and Park and convert it to its intended new use, beginning with any preliminary reviews, which may be required to identify the scope of the Project and inform the Park Owner of all of the required permits necessary to complete the Project through the approval of its intended new use. Included within a Conversion Project is the City's review, evaluation and approval of the Project's Special Use Permit for Conversion or Closure, Relocation Impact Report, Tentative Map, Development Project Permit and all other development approvals necessary to complete the Project of closing and converting the Park to its intended new use, regardless of the time at which any of the required approval applications are filed and inclusive of any required planning approvals that have not been filed at any point in time after the initiation Project that must be filed and approved of to complete the Project.

(G) "Homeowner" means the owner(s) of a Mobilehome who is renting a Space in a Park from the Park Owner, and a "**Displaced Homeowner**" is a Homeowner who has been or will be displaced by the closure or conversion of the Park in which their home is located.

(H) "Mobilehome" means a structure that is designed for human habitation and is transportable in one or more sections on a street or highway, whether commonly referred to as a manufactured home or a mobile home, including both a manufactured home as defined in the California Health and Safety Code Section 18007 and a mobile home as defined in California Health and Safety Code Section 18008. "Mobilehome" also includes a residence commonly known as a "travel trailer," "recreational vehicle," "camping trailer," "motor home," "sliding camper," "park trailer" or a "park model recreational vehicle," which occupies a Space in a Park.

(I) “Adequate Mobilehome” means an available Mobilehome, which meets all of the following criteria:

(1) Decent, safe, and sanitary and located in a Mobilehome Park that is decent, safe, and sanitary.

(2) Is comparable in floor area and number of bedrooms, bathrooms, and other rooms to the mobile home to which comparison is being made, which housing meets the minimum standards of the Uniform Housing Code.

(J) “Mobilehome Park” (also referred to as a “**Park**”) means an area of land where four or more mobile home spaces are rented out, or held out for rent, to accommodate a mobilehome, as defined in subsection (H) of this section.

(K) “Comparable Mobilehome Park” means a Mobilehome Park that is substantially similar to the Mobilehome Park proposed to be converted or closed in terms of its rent, amenities, proximity to services, proximity to the homeowner’s place of employment, its overall condition, and quality, including the condition and quality of its infrastructure, and its CalEnviroScreen score, and is located: (1) in Santa Cruz County; (2) in Santa County, or (3) within 20 miles of the Mobilehome Park proposed to be converted or closed.

(L) “Mobilehome Space” (or “**Space**”) means an area bounded, numbered, and designated as required by 25 California Code of Regulations Section 1104 and occupied by one, and only one, mobilehome, as defined in subsection (H) of this section, or any other area commonly known to be used as a Space for a Mobilehome in a Mobilehome Park.

(M) “Park Owner” means the owner or lessor of a Park, the designated agent of the Park Owner or a Developer who is in the process of obtaining a Park from the Park Owner in order to close and convert it to a different use, who has filed and is seeking approval of the Special Use Permit for Conversion or Closure.

(N) “Proof of Service” means written evidence that a required recipient has received a notice or other document. Proof of Service includes any United States Postal Service delivery confirmations such as certified mail or signature confirmation. If delivered personally, proof of service includes a statement signed by the recipient or attested to, under penalty of perjury, by the person effectuating the personal service.

(O) Displaced Homeowner Housing Replacement and Relocation Plan (also referred to as the “**Replacement and Relocation Plan**”) means the plan that is required to be filed by the Park Owner and approved by the City, under subsection (A) of Section 11.4-150 of this Chapter and by Government Code Section 65863.7(a)(1).

(P) “Community Development Department Director” (also referred to as “**Director**”) The director of the Watsonville Department of Community Development or their designate.

11.4-130. Application for a Conditional Special Use Permit for Conversion or Closure.

(A) Until a Special Use Permit for Conversion or Closure has been approved by the City Council, pursuant to this Chapter, a Park Owner shall not convert a Mobilehome Park to any other use, close a Mobilehome Park, or cease to use the land as a Mobilehome Park, and no building permit

shall be issued and no application for approval of a development agreement, a tentative or parcel subdivision map, conditional Special Use Permit or other development permit shall be approved on a property occupied by a Mobilehome Park for uses other than those associated with the Mobilehome Park use unless a Special Use Permit for Conversion or Closure has, pursuant to this Chapter, been approved by the City Council.

(B) A Special Use Permit for Conversion or Closure is a required local government permit for a change of use under Civil Code Section 798.56 (g)(2).

(C) An Application for a Special Use Permit for Conversion or Closure shall be submitted the Community Development Department Director with the filing fee prescribed by resolution of the City Council. The Director shall determine what information must be included in the Application and prepare an application form.

(D) Upon receipt of an Application for Special Use Permit for Conversion or Closure, the filing fee required by subsection (C) of this Section, and all other supporting documents, reports, and applications required by this Chapter to be filed concurrently therewith, the Director of the Community Development Department shall determine whether the filing is deemed complete.

(E) The Application for a Special Use Permit for Conversion or Closure is to be considered concurrently with the required development permit(s) or approval(s) for the new intended use of the Mobilehome Park proposed for conversion or closure.

(1) If the eventual new use of the conversion or closure of the Mobilehome Park is a development that requires a tentative tract or parcel map approval, under Government Code Section 66427.5, the Application for a Special Use Permit for Conversion or Closure must be decided upon as part of the development's Tentative Map Application. This requirement must be complied with even if the Park Owner is not ready to file an Application for Tentative Map Approval under Government Code Section 66427.5. In such instances, the Park Owner must wait to file the Project's Application for a Special Use Permit for Conversion or Closure until they file their Application for Tentative Map Approval for the development that will be replacing the Mobile home Park. The City Council shall be the final decisionmaker on the Special Use Permit for Conversion or Closure.

(2) If the Park Owner will not be required to obtain a tentative tract or parcel map approval for the development that will be replacing the Mobile home Park, under Government Code Section 66427.5, but will require approval of a development agreement, a development permit, zoning change, or any other planning department application, then the Application for a Special Use Permit for Conversion or Closure, required by this Chapter, shall be filed and considered, concurrently with, and decided upon as part of the development's planning department application approval. The City Council shall be the final decisionmaker on the Special Use Permit for Conversion or Closure.

(F) Required Notices and Documents to Be Served on Homeowners by the Park Owner and Required Informational Meetings in Conjunction with an Application for Conversion or Closure.

(1) At least 30 days prior to the date of filing an Application for a Special Use Permit for Conversion or Closure under this Section, the Park Owner shall give written notice of its intention to convert or close the Mobilehome Park to all Homeowners in their Park with Proof of Service. At the same time, a copy of the notice and Proof of Service must be

provided to the City. The notice shall also be posted on all entrances of the Park and on the doors, and bulletin boards in the Park's clubhouse. The same written notice shall be provided to all prospective new Homeowners who intend to purchase a Mobilehome in the Park as soon as they contact the Park Owner about purchasing a Mobilehome in the Park or apply for approval to reside in the Park for the rental of a Space in the Park and at least 5 days prior to their payment of any space rent or deposit.

(2) Upon receiving, under subsection (C) of Section 11.4-140 of this Chapter, a deemed complete copy of the Relocation Impact Report required by that Section from the Director, the Park Owner shall reproduce and provide free copies of it to each Mobilehome Owner in the affected Park at least 45 days prior to the hearing on the Application for Special Use Permit for Conversion or Closure, the Relocation Impact Report and any associated applications and reports required under this Chapter. A certified list of the names and addresses of the residents who received the Relocation Impact Report must be filed with the Director two days prior to the hearing and signed under penalty of perjury.

(3) At least 30 days before the hearing on the Application for a Special Use Permit for Conversion or Closure, the Park Owner shall conduct an informational meeting with the Homeowners regarding the proposed Park conversion or closure. The meeting shall be conducted on the premises of the Park or other location acceptable to the City. At least seven days before the meeting, written notice of the meeting shall be provided to all Homeowners in the Park with Proof of Service. A copy of the notice shall be provided to the City. The notice shall also be posted on all entrances of the Park and on the doors, and bulletin boards in the Park's clubhouse. A City representative and the Relocation Counselor, as described in Section 11.4-150 of this Chapter, shall attend the meeting.

11.4-140 Relocation Impact Report.

(A) The Director shall select a consultant to prepare the Relocation Impact Report required by Government Code Section 65863.7 after the submission of a conversion or closure application has been deemed complete. The applicant shall be notified, in writing, of the estimated cost of the report and shall be required to deposit that sum with the Department prior to the commencement of any work on the report. The City will then contract with a consultant for the preparation of the impact report. If, at any time during the contract period, additional monies are needed to complete the impact report, the applicant will be advised, in writing of the amount that is required. Before any additional work is performed on the report, the applicant shall provide the additional sum to the Department. Any excess funds remaining upon completion of the Relocation Impact Report shall be returned to the Park Owner.

(1) The Relocation Impact Report shall: (a) describe the impacts of the proposed conversion on the Displaced Homeowners' abilities to find and obtain adequate housing in Comparable Mobilehome Parks; (b) analyze any other significant economic and social impacts on the Displaced Homeowners; (c) indicate if the Park contains any of the City's low- or moderate-income affordable housing stock; (d) analyze the proposed closure's consistency with the City's Housing Element; (e) whether the proposed conversion will result in or materially contribute to a shortage of low- and moderate-income affordable housing within the City.

(2) Each report shall additionally contain the following information:

(a) A description of the proposed new use of the Park property. If the proposed new use includes a housing component, then the description shall disclose the number

and types of the housing units being proposed by size and the estimated offering sales prices or monthly rents and other charges for each proposed housing unit.

(b) A proposed timetable for the closure of the Park.

(c) A legal description of the Park.

(d) The number of spaces in the Park.

(e) Information about the Mobilehome Owners and the Mobilehomes in the Park. The Consultant shall mail a questionnaire to each Mobilehome Owner in the Park seeking the following information and then include the responses in the Relocation Impact Report :

(i) The size, number of bedrooms and bathrooms, manufacturer and date of manufacture of the Mobilehome on the space.

(ii) The number of occupants of the Mobilehome and their length of residency in the Park, their ages, and if any or attending school.

(iii) The total monthly space rent currently charged for each space with details showing the Space rent, utility charges, and any other costs paid by the Homeowner.

(iv) The annual income of each of the household.

(v) The current Homeowner's Mobilehome's purchase price and date of purchase.

(vi) The estimated costs of any improvements that the current Homeowner has made 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.

(vii) A description of any handicap, disability, or special need of any of the Homeowners or members of their households.

(viii) Other information that the Director deems relevant.

(f) The "in-place" value that each of the Mobile homes in the Park would have if the Park were not being closed, assuming the Park's continued safe, sanitary, and well-maintained condition. The value shall be determined by appraisals by a qualified appraiser chosen by the Director. The Park Owner shall pay for the cost of the appraisals.

(g) The date of purchase and price paid for the Park by the current Park Owner, the date and price of any subsequent capital improvements to the Park and the price paid by the prior owner of the Park and date of purchase.

(h) An appraisal of the Park, including its 1) value if it is continued in its use as a rental Mobil home Park, 2) value if it is used for the highest and best Special Use

Permitted by the current zoning for the site, and 3) value if the new zoning requested by the Park Owner is approved. The City shall select the appraiser. The fee for the appraisal shall be paid by the Park Owner.

(i) A summary statement containing information on the Park Owner's total investment in the Park with the Homeowners' total investments in their Mobile home and their Spaces in the Park, presented in real dollars and current dollars adjusted for inflation.

(j) The estimated cost of relocating into an Adequate Mobilehome located in Comparable Mobilehome Parks, including the purchase prices of those homes and the costs of moving into them, such as the required first and last month's rent and security deposits.

(k) A list of Comparable Mobilehome Parks, including their Space rents, their residency requirements (e.g., income-to-monthly housing costs residency approval ratio, age restrictions, pet policy), whether the listed Parks have any vacant Spaces and, any restrictions on the age, size, type and condition of the Mobilehomes that the parks will to accept.

(l) Estimates from two moving companies selected by the City and qualified to move Mobilehomes of the cost of moving each Mobilehome in the Park, including the costs of permits and of 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.

(m) The rental rates in the Park being proposed for conversion or closure for each of the three years prior to filing the application for a Special Use Permit for conversion.

(n) The number, if any, of the Mobilehomes located in the Park that are occupied by, or affordable to, households in each of the housing affordability categories of low-, very low-, extremely low- or moderate-income, as defined in of the Health and Safety Code Sections 50079.5, 50105, 50106 and 50093(b), that will be eliminated by the Park's conversion or closure. If there are any such households, then the Relocation Impact Report shall analyze whether or not the development replacing the Park will contain housing that is affordable to those households in the above income categories.

(o) Proposed displaced Homeowner mitigation benefits, which shall be determined on an application-by-application basis with regard to the facts and circumstances of the application. Mitigation benefits may include, but are not limited to, all of the following benefits that are reasonably necessary to fully mitigate the adverse impacts of the Park's conversion or closure on the ability of the displaced Homeowners to obtain and relocate into adequate housing in other Mobilehome Parks, provided that mitigation benefits shall not exceed the reasonable cost of relocation, as documented in the Relocation Impact Report:

(i) Payment of the cost of physically moving a displaced Mobilehome to a new site, including the teardown and setup of the home and any movable

improvements such as patios, carports, and porches; packing and unpacking; moving and unpacking all personal property.

(ii) Replacement or reconstruction of blocks, skirting, siding, porches, decks, awnings, storage sheds, cabanas, and earthquake bracing as necessitated by the relocation.

(iii) Indemnification for any damage to personal property of the displaced Homeowner caused by the relocation.

(iv) Payment of a lump sum to compensate for payment of the first and last month's rent and any security deposit at the new Manufactured Home Park.

(v) Reasonable living expenses of the displaced Homeowner and the members of their household from the date of actual displacement to the date of occupancy of the new site or home.

(vi) For any of the Homeowners' Mobilehomes that cannot be relocated, the proposed mitigation benefits may include, but is not limited to: (1) payment of the appraised in-place market value of the Displaced Homeowner's Mobilehome pursuant to Government Code Section 65863.7(a)(2)(A); (2) the option of lump sum payments to those Homeowners in an amount that will enable them to purchase and relocate into Adequate Mobilehomes that are located in Comparable Mobilehome Parks.

(aa) If the appraised value is insufficient to allow a Displaced Homeowner to purchase an Adequate Manufactured Home in a Comparable Manufactured Home Parks, then the proposed mitigation benefits may include payment of the reasonable cost of purchasing an available Adequate Mobile homes located in a Comparable Manufactured Home Park

(bb) If there is a legal owner of any displaced Homeowner's current Mobilehome, then the lump sum payment shall be sufficient to satisfy the remaining obligation owed by the Homeowner to the legal owner under the Homeowner's Mobilehome purchase loan and to reimburse the Homeowner for their remaining invested equity in their Mobilehome as demonstrated in the appraisal required by this Section. If the Homeowner is required to be paid the reasonable cost of purchasing an available Adequate Mobilehome that exceeds the appraised value of their current Mobilehome, then the benefits, required to be listed under this subsection for them, shall be the aggregate of their remaining invested equity, after the payoff of their loan to their home's legal owner, and the difference between the appraised value of their current Home and the actual purchase price of an available Adequate Mobilehome.

(p) Any other information that the Director determines is relevant to address the specific issues raised by the application, the impact study, and the requirements of State law and Watsonville's laws.

(B) The Displaced Homeowner Housing Replacement and Relocation Plan required by Government Code Section 65863.7(a)(1) that complies with the requirements of Section 11.4-150 of this Chapter shall be prepared by the consultant as part of the Relocation Impact Report, and it must be evaluated and approved, conditionally approved or disapproved concurrently with the Relocation Impact Report and the Application for a Special Use Permit for Conversion or Closure.

(C) The Director shall review the Relocation Impact Report and determine if it is complete in accordance with this Section. Upon determining that the Relocation Impact report is complete, the Director shall issue a notification of the date of the public hearing on the Application for Special Use Permit for Conversion or Closure will be held. The Director shall also cause notice of the hearing to be sent to each Mobilehome Owner in the affected Park at least 45 days prior to the hearing. At that time, the Director shall also provide a copy of the Relocation Impact Report to the Park Owner and shall set the hearing date in conjunction with the timing of the Park Owner's reproduction and distribution of these documents required by subsection (F)(2) of Section 11.4-130 of this Chapter.

11.4-150 Displaced Homeowner Housing Replacement and Relocation Plan and Counselor.

(A) Pursuant to Government Code Section 65863.7(a)(1), the Park Owner shall file a Replacement and Relocation Plan, which shall be prepared by the consultant, and is required to contain all of the following:

(1) The amount and type of the mitigation benefits, which pursuant to Section 11.4-140 of this Chapter, are required to be listed in the Relocation Impact Report, that it proposes to be provided by the Park Owner to all of the Homeowners, including whether those benefits are proposed to enable them to relocate into an available Space in a Comparable Mobilehome Park or to purchase and relocate into an available Adequate Mobile home that is located in a Comparable Mobile Home Park.

(2) In cases in which the report proposes relocating Mobilehomes into available Spaces in other Comparable Mobile Home Parks, the Plan shall demonstrate that:

(a) The Mobilehomes are physically capable of being relocated.

(b) There are a sufficient number of available Spaces in Comparable Mobilehome Parks to accommodate all of the Homeowners whom the Relocation Plan proposes to relocate in this manner.

(c) The Homeowners will be able to meet the income and other residency requirements of the Parks where the Spaces are located.

(d) The mitigation benefits, which the Replacement and Relocation Plan proposes to be paid to the Homeowners, will be sufficient to accomplish their proposed relocations.

(3) For the Homeowners whom the Replacement and Relocation Plan proposes to relocate by providing benefits to enable them to purchase and relocate into Adequate Mobilehomes, which are located in Comparable Mobilehome Parks, the Plan shall demonstrate that:

(a) There are a sufficient number of Adequate Mobilehomes for sale in Comparable Mobilehome Parks to accommodate all of the Homeowners whom the Plan proposes to relocate in this manner.

(b) The Homeowners will be able to meet the income and other residency requirements of the Parks in which the Adequate Mobile homes are located.

(d) The mitigation benefits, which the Replacement and Relocation Plan proposes to be paid to the Homeowners, will be sufficient to accomplish their proposed relocations.

(4) If there is a legal owner of a Homeowner's current Mobile home and the Relocation Plan requires the Homeowner to surrender it to the Park Owner in exchange for their proposed mitigation benefit payments, then the Replacement and Relocation Plan shall provide for the appropriate amounts of their mitigation benefit payments to be divided and paid to both the Homeowner and to the legal owner, as provided for in subsection (A)(2)(o)(vi)(bb) of section 11.4-140 of this Chapter.

(B) Relocation Counselor. A Relocation Counselor, selected by the City and paid for by the Park Owner, shall provide information about the available housing resources and assist with the selection of suitable relocation alternatives. Acceptable alternatives include available Adequate Mobilehomes and Comparable Mobilehome Spaces and, to the extent that they are acceptable to both the Homeowner and the Park Owner, rental apartments and ownership housing units, both affordable and market-rate units. The Relocation Counselor shall be familiar with the region's housing market and qualified to assist the Homeowners in evaluating, selecting, and securing placement in the replacement housing, and may assist with: arranging for the moving of all of the Homeowner household's personal property and belongings to the replacement housing, providing financial advice on qualifying for various housing types of housing, explaining the range of housing alternatives available, and gathering and presenting information regarding available housing. The Relocation Counselor shall assist in preparing and implementing the Replacement and Relocation Plan.

(C) Payment of Mitigation Benefits to the Homeowners. The mitigation benefits listed in an approved Replacement and Relocation Plan shall be required as a condition of approval of a Special Use Permit for Conversion or Closure, and shall be paid to the displaced Homeowners in the following manner:

(1) As soon as the application of the Special Use Permit for Conversion or Closure, Relocation Impact Report, Replacement and Relocation Plan, and related approvals required by this Chapter have been approved by the City Council, the Park Owner shall promptly pay those benefits to the Homeowner, to any former Homeowner eligible for such benefits, or to any person, firm or corporation performing relocation-related services for the Homeowner, as the Homeowner may direct, but not less than sixty (90) days prior to the date that the Homeowner is required to vacate the Mobilehome Park.

(2) If the Homeowner is required to surrender their Mobilehome to the Park Owner in exchange for the lump sum relocation benefit provided in subsection (A)(2)(o)(vi) of Section 11.4-140 of this Chapter, then, in conjunction with receiving payment of their benefits, the Homeowner, and any legal owner of the Mobilehome shall be required to submit to the Park Owner all documents necessary to transfer complete title and ownership of the Mobilehome to the Park Owner, free and clear of all security interests, liens, or other encumbrances.

(3) The Park Owner may not, as a condition of being paid their benefits required by this Chapter, require a Homeowner to waive of rights to appeal or otherwise challenge the adequacy of: the Relocation Impact Report, the Displaced Homeowner Replacement Housing and Relocation Plan, the benefits approved of, the approval of the development replacing the Park, or any related approvals or aspects of the Conversion Project.

11.4-160. Procedures for Review of the Application for Conversion or Closure and the Relocation Impact Report.

(A) When the Application for a Special Use Permit for Conversion or Closure and the Relocation Impact Report have both been received from the Park Owner and the consultant and deemed complete by the Director, the Director shall set a time, date, and place for the hearing of the Relocation Impact Report and related reports or applications required under this Chapter by the City Council.

(B) If the Mobilehome Owners in the Park proposed to be converted or closed, provide written notification to the Director that they will be jointly represented at the hearing on the Application for Special Use Permit for Conversion or Closure and provide the name, telephone number and address of that representative, then, through that representative, the Homeowners will be given equal time with the Park Owner in presentations in the hearing. If either side relies on the testimony of any expert witness(s), or if the City retains and relies on the testimony of an independent expert witness(s), then each side and the City have the right to cross-examine such witnesses. Each side has the right to be provided with any written materials relied upon by the expert witness(es) in their testimony or conclusions. Written submissions shall be provided to the opposing side and to the City at least 15 days prior to the scheduled date of the hearing.

(C) The City Council shall, within 60 days after the close of the public hearing, issue a decision on whether the Special Use Permit for Conversion or Closure should be approved based upon the findings set forth in Section 11.4-170.

(D) The decision of the City Council is final.

11.4-170 Required Findings for Approval.

(A) **Findings Required for Approval of a Special Use Permit for the Conversion or Closure of a Mobile home Park and of its Relocation Impact Report.** An application for the Special Use Permit for Conversion or Closure required by this Chapter and for the Relocation Impact Report required by Government Code Section 65863.7 and by Section 11.4-140 of this Chapter may be approved only if the following findings are made:

(1) That the Displaced Homeowner Housing Replacement and Relocation Plan meets all of the requirements of Section 11.4-150 of this Chapter, including that it will provide all of the Park's Displaced Homeowners with sufficient mitigation benefits to enable them to obtain and relocate into adequate housing in other Mobilehome Parks or into other

housing to the extent that the other housing is agreed upon by the Displaced Homeowner and the Park Owner.

(2) That the mitigation benefits, which are listed in the Replacement and Relocation Plan to be provided to all of the Displaced Homeowners, have been listed as a condition of approval in the Project's Special Use Permit for Conversion or Closure, the Relocation Impact Report, any required Tentative Map and in any of the Project's other development approvals required for the development intended to replace the Mobile Home Park proposed to be converted or closed.

(3) That an adequate Relocation Impact Report has been submitted to the City and approved that complies with the provisions of Government Code Section 65863.7 and with the requirements of Section 11.4-140 of this Chapter.

(4) That the proposed conversion or closure of all or part of the Mobilehome Park is not inconsistent with the City's Housing Element.

(5) That the proposed conversion will not be detrimental to the public health, safety and general welfare.

(B) Additional Finding Required for the Closure of a Mobile Home Park When Approval of the Park's Conversion to Another Use is Not Concurrently Being Requested. When an application for the closure of a Mobilehome Park is not also seeking approval of its conversion to another use, additional findings must be made that: The Park Owner has filed a certificate, signed under penalty of perjury, attesting that the Park Owner is not seeking an early closure of the Park in order to avoid any requirements of this Chapter or of controlling State or federal law that regulate the conversion of Mobilehome Parks to other uses.

(C) The findings required by any subsections of this Section may be excused only if the Park Owner, pursuant to Section 11.4-190 of this Chapter, files an Application for Exemption from the requirements of this subsection and if that exemption is granted pursuant to the provisions of Section 11.4-190 of this Chapter.

11.4-180. Conditional Approval of a Special Use Permit for Conversion or Closure.

The City may grant a conditional approval by attaching conditions of approval. The conditions must be sufficient to enable the displaced Homeowners to obtain Adequate Mobile homes or Mobilehome Spaces in other Comparable Mobile home Parks. Alternatively, the conditions may provide other adequate replacement housing that both the Homeowners and the Park Owner have agreed to, which are sufficient to preserve the low- and moderate-income housing stock. Such conditions may include, but are not limited to, the following:

(A) The mitigation benefits listed in the Relocation Impact Report and Displaced Homeowner Housing Replacement and Relocation Plan will be paid to every Homeowner in the Displaced Homeowner Replacement Housing and Relocation Plan.

(B) Any other payment, provision or measure that the City finds will mitigate the adverse impacts of a Park's conversion or closure on the ability of the Displaced Homeowners to obtain adequate housing in other Manufactured Home Parks.

(C) Any mitigation benefits do not exceed the reasonable cost of relocation.

11.4-190. Exemption from the Displaced Homeowner Housing Replacement and Relocation Plan.

(A) After receiving a Relocation Impact Report, which has been deemed complete, a Park Owner may file an application for a partial or total exemption from the obligations to provide the Displaced Homeowner mitigation benefits. Notice of such application, and Proof of Service thereon, with the information contained therein, shall be made on the Mobile home Owners of the Park proposed to be Converted or Closed.

(B) Upon receiving an exemption application under this Section, the Director shall determine if it is complete. The hearing date shall be held in conjunction with the hearing on the Application for a Special Use Permit for Conversion or Closure under this Chapter. The Director shall determine if the employment of experts will be necessary or appropriate for a proper analysis of the exemption application. If the Director so determines, they shall also determine the anticipated cost of employing any such experts. The resulting figure shall be communicated to the Park Owner. The Exemption Application and the Application for a Special Use Permit for Conversion or Closure shall not be further processed until the Park Owner has paid to the City the estimated cost of expert analysis. Any unused portion for payments so collected shall be refunded to the Park Owner.

(C) An Exemption Application shall be based on either of the following bases:

(1) The current use of the Park is not economically feasible, or that a requirement to provide displaced Homeowner mitigation benefits would eliminate substantially all reasonable use or economic value of the property for alternate uses, or would otherwise result in a taking.

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

(D) Any Exemption Application made pursuant to subsection (C)(1) of this Section shall contain, the following information:

(1) Statements of profit and loss from the operation of the Mobilehome Park for the most recent five-year period prior to the date of the application or request, as certified by a certified public accountant;

(2) Evidence supporting the Park Owner's assertion that the continuing to use of the property as a Mobilehome Park is economically infeasible;

(3) The estimated total cost of the displaced Homeowner mitigation assistance;

(4) Other information that the Director deems to be relevant in a review of the application.

(E) Any Exemption Application filed pursuant to subsection (C)(2) of this Section 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 judgments, orders, and decrees of such court.

(F) Where an exemption from having to provide Displaced Homeowner mitigation assistance has been applied for based upon the impact of providing such assistance, the City Council shall make one of the following findings:

(1) That the Park Owner shall not be exempt from the Homeowner mitigation benefits obligations because substantial evidence has not shown that both of the following are true:

(a) That the continued use of the property as a Mobilehome Park would substantially eliminate all economically viable use of such property, and

(b) That the cost of the displaced Homeowner mitigation assistance benefits would eliminate substantially all economically viable use of the property, or would otherwise result in a taking.

(2) That the Park Owner shall be exempt from the displaced Homeowner mitigation benefits requirement, in whole or in part, because substantial evidence has shown that either or both of the following are true:

(a) That the continued use of the property as a Mobilehome Park would substantially eliminate all reasonable use of such property, and

(b) That the cost of the Homeowner mitigation assistance benefits would eliminate substantially all reasonable use or economic value of the property, or would otherwise result in a taking.

(3) In making findings on an Exemption Application under this Section, the City Council may take into account the financial history of the Mobilehome Park; its condition and the condition of its amenities and improvements thereon; the cost of any necessary repairs, improvements or rehabilitation of such Park; the estimated cost of the Displaced Homeowner mitigation assistance; 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 other relevant evidence.

(G) Where an exemption from having to provide the displaced Homeowner mitigation assistance benefits has been applied for based upon bankruptcy proceedings, pursuant to subsection (a) of this section, the planning commission shall make one of the following findings:

(1) That the Park Owner shall be exempt from the displaced homeowner mitigation benefits requirement in whole or in part, if a court in connection with a proceeding in bankruptcy has determined that both that the closure or cessation of use of said property as a manufactured home park is necessary and has taken further action which would prohibit or preclude payment of such benefits, whether in whole or in part. In rendering its decision, the Planning Commission shall have the power to eliminate or waive all or portions of the requirements of this section to the extent necessary to comply with the court's judgment, order or decree.

(2) That the Park Owner shall not be exempt from the displaced Homeowner mitigation assistance benefits requirement based upon any actions of a Court of Bankruptcy, because substantial evidence has not shown that any such court has ordered the closure or cessation of use of said property as a manufactured home park, or that such court has prohibited or precluded the imposition of such obligations, or both.

(H) The approval of an exemption from the Displaced Homeowner mitigation assistance benefits requirement shall not have the effect of eliminating the requirements of the applicable portions of the Special Use Permit for Conversion or Closure, the Relocation Impact Report, the Displaced

Homeowner mitigation requirements required by this Chapter, which were not explicitly exempted under this Section.

11.4-200. Acceptance and Performance of Mitigation Measures.

(A) The Park Owner shall execute and record a certificate and file proof thereof with the Director, accepting the mitigation benefits imposed on the approval of a change of use or closure within ninety days of the final action approving the change of use and shall give the Homeowners the six- or twelve-month notice of the termination of tenancy and closure of the park required by Civil Code Section 798.56(g) within one hundred twenty days of that action. An approval of a change of use shall automatically become null and void if the certificate accepting the conditions is not executed and filed within ninety days of the date of the approval of the change of use or the notice of termination of tenancy has not been given within one hundred twenty days of that resolution. All mitigation benefits imposed on the approval of conversion or closure shall be fully performed as to each Homeowner prior to that Homeowner's required vacation of the Mobilehome Park unless otherwise provided in the mitigation measure. No eligible Homeowner shall be required to vacate a Space unless the Park Owner is in full compliance with all mitigation measures imposed pertaining to such Homeowner and has otherwise fulfilled the notice requirements of this Chapter and of the California Mobile Home Residency Law relating to termination of tenancy.

(B) No building permit shall be issued for the development of any real property which has been, or is being, converted from a mobile home park or closed pursuant to this chapter unless and until the City has approved the change of use or closure and the park owner has fully complied with the mitigation requirements required.

11.4-210. Subsequent Modification of the Mitigation Measures.

After a Special Use Permit for Conversion or Closure has been approved and after the Park Owner has executed and recorded a certificate of acceptance of its conditions, modification of the mitigation conditions imposed, including any additions and deletions, may be considered by the City upon the filing of a written application by the Park Owner, or the Park Owner's authorized representative. Modification may be granted if there has been a change in circumstances or new information has become available that could not reasonably have been known or considered at the time of the hearings on the Special Use Permit for Conversion or Closure. Examples of such new information or changed circumstances include, but are not limited to, revised plans by the Park Owner or a change in the availability of relocation Spaces or Mobilehomes. Modification shall not be granted when it would unreasonably prejudice the ability of the Homeowners to relocate to Adequate Mobilehomes. All relevant substantive requirements, notice requirements to the Homeowners, and the procedural and appeal conditions specified in this Chapter shall be followed to obtain Planning Commission approval of such an application to modify mitigation conditions under this section.

11.4-220. Expiration, Extension, and Revocation of Special Use Permit.

(A) Expiration. An approved Special Use Permit shall become automatically null and void if the Park's conversion has not occurred within twelve (24) months of its effective date unless that date has been extended as provided in this Section.

(B) Extension. Upon application by the Park Owner filed with the Director on or before the date of expiration of the Special Use Permit , or other required approval relating to the

conversion or closure of the Mobile home Park or the development replacing it, the approvals may be extended by the City Council, if the City Council finds that their termination would constitute an undue hardship to the Park Owner and that the continuation of their approval(s) would not be detrimental to or have any further adverse impact on the Homeowners in the Park. In approving an extension, the City Council may subject the applicable permit approval to any conditions of approval deemed necessary to mitigate any adverse impacts resulting from the extension. Multiple extensions may be granted, but no one (1) extension shall be issued for more than twelve (12) months.

(C) Revocation. The Council or the Planning Director may initiate proceedings to revoke the Special Use Permit. The Planning Director shall give written notice of the hearing to the Park Owner and the Homeowners at least 30 days prior to the hearing. The City Council may, by resolution, revoke the applicable approvals if any of the following findings are made:

(1) Approval was obtained by fraud, deceit or misrepresentation.

(2) The Park Owner is either not currently or has not been in compliance with its conditions of approval contained or with the provisions of this chapter.

(3) A revocation shall be effective fifteen (15) days after the date of the action by the City Council.

11.4-230 Measures to Prevent Interference with Mobilehome Owners' Access to Their Rights.

(A) A Park Owner shall not require a Homeowner to sign a waiver, lease or rental agreement if it includes a waiver of the Homeowner's rights under this Chapter, including but not limited to the right to receive the mitigation benefits approved of under this Chapter or the right to oppose the Special Use Permit Application or to contest the adequacy of the related approvals for the Project, including those necessary for the approval of the development that is intended to replace the Park under this Chapter. Any such waiver of rights shall be deemed to be invalid and void.

(B) If any Application for a Special Use Permit for Conversion or Closure is withdrawn or denied, the Park Owner shall immediately inform in writing all Homeowners who were previously given notices or announcements regarding the proposed conversion or closure.

11.4-240 Preemption. In the event any provisions of this Chapter conflict with a provision of State law, this Chapter shall be interpreted and applied in conformity with State law.

Exhibit B

Note: Additions in **bold underline**

14-16.705 Property development standards.

Mobile homes and mobile home parks shall conform to the property development standards set forth in Chapter 1 (Local Standards and Regulations for Mobile Homes and Parks) of Title [11](#) (Mobile Homes and Parks). Mobile homes on single-family residential lots shall conform to the property development standards set forth in Chapter 2 (Mobile Homes on Single-Family Residential Lots) of Title [11](#) (Mobile Homes and Parks). A design review permit shall be required for any new development in the R-MH Overlay District. A minor design review permit shall be required for any remodels or additions to existing facilities so long as the existing density is not increased or the number of mobile home spaces reduced. **Mobile homes proposed for conversion or closure shall be subject to the standards set forth in Chapter 4 of Title 11 (Mobile Home Park Conversions and Closures).**

Exhibit C

Note: Deletions in strikethrough

~~Chapter~~ _____ ~~14-42~~
MOBILE HOME PARK CONVERSIONS TO RESIDENT OWNERSHIP OR TO ANY OTHER USE

Sections:

Part 1: Purpose

~~14-42.100 — Purpose of chapter.~~

Part 2: Definitions

~~14-42.200 — General.~~

~~14-42.201 — Association.~~

~~14-42.202 — Common area.~~

~~14-42.203 — Common interest development.~~

~~14-42.204 — Community mobile home park.~~

~~14-42.205 — Condominium.~~

~~14-42.206 — Condominium mobile home park.~~

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~~14-42.213 — Mobile home accessory building or structure.~~

~~14-42.214 — Mobile home lot.~~

~~14-42.215 — Mobile home owner.~~

~~14-42.216 — Mobile home park.~~

~~14-42.217 — Mobile home park conversion to ownership.~~

~~14-42.218 — Mobile home park conversion of use.~~

~~14-42.219 — Mobile home resident.~~

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~~14-42.221 — Organizational documents.~~

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Part 3: General Requirements

~~14-42.300 — Applicability of chapter.~~

~~14-42.301 — Permit required.~~

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~~14-42.304 — Notice of public report.~~

~~14-42.305 — Rights of mobile home owners and tenants.~~

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~~14-42.308 — Negotiation for purchase.~~

~~14-42.309 — Planning Commission public hearings.~~

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Part 4: Mobile Home Park Conversions to Ownership

~~14-42.400 — Supplemental applications.~~

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~~14-42.402 — Relocation and purchase assistance.~~

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~~14-42.404 — Findings for noncompliance with development standards.~~

~~14-42.405 — Code compliance.~~

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~~14-42.407 — Effectiveness of permit.~~

~~14-42.408 — Recreational open space.~~

~~14-42.409 — Documents furnished to prospective purchasers.~~

~~14-42.410 — Capital contributions and warranties.~~

Part 5: Mobile Home Park Conversions of Use

~~14-42.500 — Supplemental application.~~

~~14-42.501 — Supplemental findings for conditional use permit.~~

~~14-42.502 — Relocation and purchase assistance.~~

Part 1: Purpose

14-42.100 Purpose of chapter.

~~This chapter is enacted to establish requirements and procedures for the control and approval of the conversion of mobile home parks to community mobile home park, mobile home park condominium, and nonmobile home park uses. By their nature, mobile home 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. Such projects may conflict with the policies of the City to provide a variety of individual choices of tenure, type, price, and location of housing and to maintain the supply of mobile home 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 City Council to treat mobile home park conversion projects differently from other projects, and to establish rules and standards regulating such projects in the City. This chapter is enacted to ensure that approval of proposed conversions is consistent with policies and objectives of the City, particularly the following:~~

- ~~(a) — To make adequate provision for the housing needs of all economic segments of the community;~~
- ~~(b) — To facilitate resident ownership of mobile home parks, while recognizing the need for maintaining an adequate inventory of rental space within mobile home parks;~~
- ~~(c) — To provide a reasonable balance between mobile homes and other types of housing;~~
- ~~(d) — To inform prospective conversion purchasers regarding the physical conditions of the structure and land offered for purchase;~~
- ~~(e) — 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 mobile home housing.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

Part 2: Definitions

14-42.200 General.

~~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 content that a different meaning is intended.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

14-42.201 Association.

~~“Association” means the organization of persons who own a condominium space or have right of exclusive occupancy in a mobile home park condominium or community mobile home park.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

14-42.202 Common area.

~~“Common area” means the entire area within a condominium mobile home park or community mobile home park, except the separate interests therein.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

14-42.203 Common interest development.

~~“Common interest development” means a real property development as defined in Civil Code Section [1351\(c\)](#).~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.204 Community mobile home park.**~~

~~“Community mobile home park” means a common interest development in which an undivided interest in the mobile home park is coupled with the right of exclusive occupancy of any mobile home lot located therein.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.205 Condominium.**~~

~~“Condominium” means an estate in real property as defined in Civil Code Section [1351\(t\)](#).~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.206 Condominium mobile home park.**~~

~~“Condominium mobile home park” means a mobile home park common interest development consisting of condominiums.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.207 Conversion project.**~~

~~“Conversion project” means the term used to include mobile home park conversion to ownership and mobile home park conversion of use, as defined in this part.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.208 Developer.**~~

~~“Developer” means the owner or subdivider with a controlling proprietary interest in the proposed mobile home park conversion project.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.209 Designated resident organization.**~~

~~“Designated resident organization” means any association of mobile home owners and/or mobile home tenants within a mobile home park which has, not later than fifteen (15) days after issuance of a notice of intent to convert under Section 1442.303, provided the owner or manager of the mobile home park written notice of the following:~~

~~(a) The name and address of the organization;~~

~~(b) The name and address of the representative of the organization to whom all notices under this chapter shall be given;~~

~~(c) A statement that the organization is interested in purchasing the mobile home park.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.210 Handicapped mobile home owners.**~~

~~“Handicapped mobile home owner” means a mobile home owner who is the primary wage earner of a household, or a single person, with any medically determined 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 mobile home.~~

~~“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.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.211 Low income.**~~

~~“Low income” means eighty (80%) percent or less of the current median income as established annually by the U.S. Department of Housing and Urban Development (HUD) for the Santa Cruz County Standard Metropolitan Statistical Area as adjusted for household size.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.212 Mobile home.**~~

~~“Mobile home” 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. Mobile home does not include a recreational vehicle, commercial coach, or factory built housing as defined in California Health and Safety Code Section [19971](#).~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.213 Mobile home accessory building or structure.**~~

~~“Mobile home accessory building or structure” means any building or structure, defined as a manufactured home or mobile home accessory building or structure in Section [18008.5](#) of the California Health and Safety Code.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.214 Mobile home lot.**~~

~~“Mobile home lot” means a portion of a mobile home park designated or used for the occupancy of one mobile home.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.215 Mobile home owner.**~~

~~“Mobile home owner” means a person who has the right to the use of a mobile home lot within a mobile home park on which to locate, maintain, and occupy a mobile home, lot improvements and accessory structures for human habitation, including the use of the services and facilities of the park.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.216 Mobile home park.**~~

~~“Mobile home park” means an area of land where two (2) or more mobile home lots are rented or leased, to accommodate mobile homes used for human habitation.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.217 Mobile home park conversion to ownership.**~~

~~“Mobile home park conversion to ownership” means the conversion of an existing mobile home park containing four (4) or more mobile home lots to a condominium mobile home park or to a community mobile home park.~~

~~(§ 1, Ord. 835-90 C M, eff. June 21, 1990)~~

~~**14-42.218 Mobile home park conversion of use.**~~

~~“Mobile home park conversion of use” means the conversion of an existing mobile home park containing four (4) or more mobile home lots to any other use, excluding mobile home park conversion to ownership. The elimination of individual mobile home leasehold or rental agreement interests in a mobile home park shall not constitute conversion.~~

~~(§ 1, Ord. 835-90 C M, eff. June 21, 1990)~~

~~**14-42.219 Mobile home resident.**~~

~~“Mobile home resident” means a person, including a mobile home owner or mobile home tenant, who occupies a mobile home.~~

~~(§ 1, Ord. 835-90 C M, eff. June 21, 1990)~~

~~**14-42.220 Mobile home tenant.**~~

~~“Mobile home tenant” means a person who rents or leases a mobile home from a mobile home owner.~~

~~(§ 1, Ord. 835-90 C M, eff. June 21, 1990)~~

~~**14-42.221 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 mobile home park conversion to ownership project.~~

~~(§ 1, Ord. 835-90 C M, eff. June 21, 1990)~~

~~**14-42.222 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 mobile home park or community mobile home park and to which such occupants and their guests shall have the right of use and enjoyment. Accessory structures such as swimming pools, recreational buildings, and landscaped areas may be included as open space.~~

~~(§ 1, Ord. 835-90 C M, eff. June 21, 1990)~~

~~**14-42.223 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.~~

~~(§ 1, Ord. 835-90 C M, eff. June 21, 1990)~~

~~**14-42.224 Unjust eviction.**~~

~~“Unjust eviction” means the termination of tenancy by a mobile home park landlord for reasons other than those stated in California Civil Code Section [798.56](#), or its successors.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

Part 3: General Requirements

~~14-42.300 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.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~14-42.301 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 issued through the public hearing process by the Planning Commission and City Council in accordance with the procedure set forth in this Chapter [14-42](#).~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~14-42.302 Special noticing and report requirements.~~

~~(a) In addition to the requirements of Section [14-10.302](#) of this title, notice of time, place, purpose of any public hearing on an application for a conditional use permit for a conversion project shall be given to each mobile home owner and mobile home tenant of the proposed project hereinafter identified pursuant to the provisions of this part, and shall be given in the manner prescribed in Sections [14-10.303](#) and [14.10.304](#) of this title. 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 [14-10.302](#) of this title, the Director of Planning or City Clerk shall mail, with postage prepaid, a copy of the staff report on an application for a conditional use permit for a conversion project to each mobile home owner and mobile home tenant at least ten (10) days before the date set for hearing thereon.~~

~~(c) Notwithstanding the preceding provisions of this section, the failure of the Director of Planning 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 the proceedings taken under this chapter, nor of any such proceedings, nor prevent the Planning Commission or City Council from proceeding with any hearing at the time and place set therefor.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~14-42.303 Notice of intention to convert.~~

~~At least sixty (60) days prior to the date of filing an application for a conditional use permit for a conversion project, the developer shall notify, in writing, each mobile home owner, mobile home tenant and designated resident organization of the proposed project of this intention to convert, and thereafter, the developer shall notify each person applying for a rental of a mobile home lot in the proposed project, prior to payment of any rent or deposit, of his intention to convert.~~

~~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 with the City, 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 mobile home owners, mobile home tenants and residents set forth in Sections [14-42.305](#) and [14-42.306](#), and the rights of designated resident organizations set forth in Section [14-42.307](#).~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.304 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 mobile home 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.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.305 Rights of mobile home owners and tenants.**~~

~~Each mobile home owner and mobile home 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 [14-42.304](#), until the date indicated, if applicable, with respect to his or her tenancy:~~

~~(a) The right to terminate a lease or rental agreement, without penalty, upon sixty (60) days notice to the landlord;~~

~~(b) Notwithstanding the provisions of Chapter 11-3 of Title [11](#) of this Code, no increase in rent until termination of a lease or rental agreement pursuant to subsection (c) of this section or until twelve (12) months after the date issuance of said notice of intention to convert, whichever comes first;~~

~~(c) The right of continued tenancy until 180 days after issuance of the final public report, if applicable, or expiration of the mobile home owner's or mobile home tenant's lease or rental agreement, whichever is longer;~~

~~(d) No unjust eviction during tenancy;~~

~~(e) No coercion or retaliatory action against any such mobile home owner or mobile home tenant, including pressure to support, or refrain from opposing, a conversion project.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.306 Rights of mobile home residents.**~~

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

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.307 Right of negotiated purchase.**~~

~~A designated resident organization shall have the right to negotiate for purchase of a mobile home park for which a conversion project is proposed, if written notice of the exercise of this right is provided to the developer within sixty (60) days of the date of issuance of the notice of intention to convert.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~14-42.308 Negotiation for purchase.~~

~~If a written notice has been provided to the developer pursuant to Section 1442.307 and within the time limit specified therein, the following procedure shall be followed:~~

~~(a) Action on any conditional use permit for the conversion project shall be suspended for 180 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 mobile home park and the housing opportunities therein.~~

~~(b) Within fifteen (15) 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.~~

~~(c) Upon the request to the Planning 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 (15) days of such request.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~14-42.309 Planning Commission public hearings.~~

~~(a) General. Upon the filing of the application pursuant to Sections 1442.400 or 1442.500, and any maps with respect thereto, with the Planning Department, the Commission shall hold at least one public hearing on the matter not less than twenty (20), nor more than sixty (60) days after such application is complete.~~

~~(b) Findings required. In making a recommendation for approval, conditional approval, or disapproval, the Planning Commission shall consider the findings specified in Sections 1442.402 and 14-42.502.~~

~~(c) Reports to the Council. The Planning Commission shall review the application and the agenda report and by resolution recommend to the Council the approval, conditional approval, or disapproval of the application for conversion.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~14-42.310 Council action.~~

~~(a) General. Upon the receipt of the Planning Commission's report on the application or conversion, the City Clerk shall set the matter for a public hearing before the Council. Such hearing shall be set not less than ten (10), nor more than thirty (30) days following the filing of the Planning Commission's report with the Council. The Council shall approve, conditionally approve, or disapprove the application not later than thirty (30) days after the completion of the public hearing and the Council shall render its decision.~~

~~(b) Notification of Council action. The City Clerk shall notify the applicant or applicant's designated agent in writing of the action taken by the Council within ten (10) working days after such action, attaching one copy of the Council resolution, and shall forward one copy of the resolution to the Planning Director for their permanent files.~~

~~(c) Extensions of time for action by the City. The time limits set forth in this chapter for action on an application for conversion may be extended by the mutual consent of the applicant and the Council.~~

(§ 1, Ord. 835-90 C.M., eff. June 21, 1990)

Part 4: Mobile Home Park Conversions to Ownership

14-42.400 Supplemental applications.

In addition to application requirements specified in Section ~~14-10.605~~ of this title for conditional use permit applications, a supplemental application must be submitted for every mobile home park conversion to ownership and shall include the following:

(a) ~~Satisfactory evidence that, at least sixty (60) days prior to the date of filing such application, each of the mobile home owners and mobile home tenants within the proposed project received, pursuant to Section 14-42.303, written notice of intention to convert; and that thereafter, each person applying for rental of a mobile home lot or mobile home in the proposed project, prior to payment addition, satisfactory evidence of the posting of said notice at all entrances of the mobile home park shall be submitted;~~

(b) ~~A declaration that, after the date of filing such application, each person applying for rental of a mobile home or mobile home lot in the proposed project, prior to payment of any rent or deposit, shall receive, pursuant to Section 14-42.303, written notification of intention to convert;~~

(c) ~~A boundary map showing the location of all existing easements, structures, mature and/or scenic trees, and other improvements upon the property;~~

(d) ~~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;~~

(e) ~~The material indicated in subsection (d) of this section shall be submitted subject to the following provisions:~~

(1) ~~The developer shall file with the Director of Planning 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 for a conversion project;~~

(2) ~~The developer shall file with the City a true copy of the final public report within ten (10) days of issuance by the Department of Real Estate;~~

(f) ~~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 mobile homes: 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 (5) years, a replacement cost estimate shall be provided. Such report shall be prepared by an appropriately licensed contractor or registered civil or structural engineer;~~

(g) ~~A statement detailing the current ownership of all improvements and underlying land; the name and address of each present mobile home park resident within the project and identification of all residents under sixteen (16) years, all residents sixty-two (62) years and over, all residents with minor children, and all handicapped residents; square footage of each mobile home lot; the current or last rental rate for each mobile home lot or rented mobile home and the monthly rental rate for the preceding two (2) years; and the monthly space vacancy over the preceding two (2) years of each mobile home lot proposed to be converted;~~

~~(h) A timetable for conversion to a condominium mobile home park or community mobile home park;~~

~~(i) Such other documents or information as the Director may require to further the purposes of this chapter;~~

~~(j) A description of how the financial aspects of transfers of mobile homes and mobile home lots have been handled for the preceding two years.~~

~~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 mobile home owners and mobile tenants.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~14-42.401 Supplemental findings for conditional use permit.~~

~~In addition to the findings required pursuant to Section 14-10.607 of this title, a conditional use permit may be issued for a mobile home 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 1442.402 to mitigate the impact of the conversion on displaced mobile home owners and mobile home tenants, and that mobile home residents shall have the right of first refusal specified in Section 1442.306.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~14-42.402 Relocation and purchase assistance.~~

~~Without limiting the generality of the provisions of Section 14-10.602 of this title relating to conditions which may be imposed upon an application for a conditional use under Chapter 14-10 of this title, the Planning Commission or City Council shall make any conditional use permit which may be granted under Chapter 14-10 of this title for a mobile home park conversion to ownership subject to a condition requiring a plan of relocation and purchase assistance for displaced mobile home owners and mobile home tenants within the proposed project. Such a plan may include the following:~~

~~(a) Information to be provided to each mobile home owner within the proposed project:~~

~~(1) A list of known available mobile home lots in Santa Cruz, Santa Clara, Monterey, and San Benito Counties, including any written commitments from mobile home park owners willing to accept displaced mobile home owners,~~

~~(2) Estimates from two (2) moving companies as to the per mile costs of moving mobile homes of various sizes including, but not limited to, tear down and set up to coaches;~~

~~(b) Measures to mitigate the adverse impacts of conversion upon mobile home owners and mobile home tenants. Such mitigation measures shall benefit mobile home owners and mobile home tenants of the mobile home park from the date the application for the conditional use permit for the proposed conversion project is filed with the City, or from the date on which notices to vacate are mailed to mobile home owners and tenants, whichever is earlier. Mitigation measures may include but are not limited to:~~

~~(1) Moving expenses for furniture and personal belongings to a new residence in Santa Cruz, Santa Clara, Monterey, or San Benito County,~~

~~(2) Provision for payment of any or all portions of the cost of physically moving a mobile home and any other mobile home accessory building or structure to a new site in Santa Cruz, Santa~~

Clara, Monterey, or San Benito County, including, but not limited to, tear down and set up of coaches, as well as the full replacement cost of all items damaged by the move, and the full cost of disconnecting and reconnecting all utilities,

~~(3) — Payment of insurance covering insurable risks inherent in relocation,~~

~~(4) — 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 Cruz 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 mobile home space or mobile home on the date of the notice of intention to convert,~~

~~(5) — Payment of the difference of rent between the old and new mobile home park spaces for up to twenty four (24) months,~~

~~(6) — Purchase of the mobile home at its in place value, as determined by a tested, certified, and designated member of a nationally recognized appraisal association whenever a mobile home owner chooses not to relocate as provided in subsection (b)(2) of this section. “In place value” includes the value of any accessory structures whose installation has been approved by mobile home park management, such as a porch or a carport. The appraisal is to be made no more than sixty (60) days prior to its submittal,~~

~~(7) — Extended leases and rental agreements (commencing at the conclusion of the right of continued tenancy period under subsection (c) of Section 14-42.305) for mobile home tenants who are handicapped, or aged sixty two (62) or over, and/or of low income, and/or for mobile home owners and mobile home tenants with minor children. No mobile home owner or mobile home 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 (90) days,~~

~~(8) — A provision for setting aside a certain number of rental spaces for mobile home owners and mobile home tenants who are handicapped, and/or aged sixty two (62) or over, and/or low income, and/or for mobile home owners and mobile home tenants with minor children.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~14-42.403 Development standards.~~

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

~~(a) — Off-street Parking. The off-street parking requirements shall be one and one-half parking spaces for each mobile home lot. One such space per mobile home lot shall be assigned.~~

~~(b) — Meters and control valves. The consumption of gas and electricity within each mobile home 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 mobile home lot or for each plumbing fixture.~~

~~(c) — Overcurrent protection. Each mobile home lot shall have its own panel board for all electrical circuits which serve the mobile home.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~14-42.404 Findings for noncompliance with development standards.~~

~~An application for a conditional use permit for a mobile home conversion project under this part which does not comply with all of the applicable development standards stated in Section [14-42.403](#) may but shall not under any circumstances be required to be approved, and a conditional use permit may be issued therefor if the Planning Commission, or City Council finds that:~~

~~(a) — Strict application of the development standards set forth in said Section [14-42.403](#) 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~~

~~(b) — A conditional use permit for the conversion project which is not in conformance with such development standards, subject to such permit conditions as may be imposed thereon:~~

~~(1) — Will provide for substantial compliance with such development standards, and~~

~~(2) — Will incorporate mitigating features which tend to further the purposes of this chapter.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.405 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 for the project, a code compliance bond shall be submitted as required in Section 1442.406.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.406 Code compliance bond.**~~

~~If a proposed mobile home conversion project does not comply with provisions of Section [14-42.405](#) and/or the Building Official identifies items to be corrected pursuant to said section, any conditional use 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.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.407 Effectiveness of permit.**~~

~~A conditional use permit issued under this chapter for a mobile home 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 [14-42.405](#), but such permit shall not become effective unless and until compliance has been made as provided in each permit.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~**14-42.408 Recreational open space.**~~

~~Without limiting the generality of the provisions of Section [14-10.602](#) of this title relating to conditions which may be imposed upon an application for a conditional use permit under Chapter [14-10](#) of this title, the Planning Commission or City Council may make any conditional use permit for conversion to a mobile home 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.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~14-42.409 Documents furnished to prospective purchasers.~~

~~The developer shall furnish each prospective purchaser of an interest in a condominium mobile home park or community mobile home park pursuant to a conversion project, a true copy of the conditional use 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.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~14-42.410 Capital contributions and warranties.~~

~~Without limiting the generality of the provisions of Section [14-10.602](#) of this title relating to conditions which may be imposed upon a conditional use permit under Chapter [14-10](#) of this title, the Planning Commission or City Council may make any conditional use permit which may be granted under this part subject to conditions requiring the following:~~

~~(a) — 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 (t) of Section [14-42.400](#). Information available pursuant to subsection (f) of Section 1442.400 and 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;~~

~~(b) — 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.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

Part 5: Mobile Home Park Conversions of Use

~~14-42.500 Supplemental application.~~

~~In addition to submittal requirements specified in Section [14-10.605](#) of this title for conditional use permit applications, a supplemental application must be submitted for a mobile home park conversion of use, and shall include the following:~~

~~(a) — Satisfactory evidence that, at least sixty (60) days prior to the date of filing such application, each mobile home owner and mobile home tenant within the proposed project received, pursuant to Section 1442.303, written notice of intention to convert; and that thereafter, each person applying for rental of a mobile home or mobile home 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 mobile home park shall be submitted;~~

~~(b) — A declaration that, after the date of filing such application, each person applying for rental of a mobile home or mobile home lot in the proposed project, prior to payment of any rent or deposit, shall receive, pursuant to Section 1442.303, written notification of intention to convert;~~

~~(c) — A statement detailing the current ownership of all improvements and underlying land; the name and address of each present mobile home park resident within the project and identification of all residents under sixteen (16) years, all residents sixty two (62) years and over, and all residents with minor children, and all handicapped residents; square footage of each mobile home lot; the current or last rental rate for each mobile home lot and rental mobile home and the monthly~~

rental rate for the preceding two (2) years; and the monthly space vacancy over the preceding two (2) years of each mobile home lot proposed to be converted;

(d) ~~A timetable for conversion of the mobile home park use;~~

(e) ~~The appraised market value of each mobile home lot and the in-place value of each mobile home in the park. The appraisal is to be made no more than ninety (90) 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;~~

(f) ~~A description of how the financial aspects of transfers of mobile homes and mobile home lots have been handled of the preceding two (2) years.~~

~~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 mobile home owners and mobile home tenants.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~14-42.501 Supplemental findings for conditional use permit.~~

~~In addition to the findings required pursuant to Section 14-10.607 of this title, a conditional use permit may be issued for a mobile home 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 1442.502 to mitigate the conversion on displaced mobile home owners and mobile home tenants.~~

~~(§ 1, Ord. 835-90 C-M, eff. June 21, 1990)~~

~~14-42.502 Relocation and purchase assistance.~~

~~Without limiting the generality of the provisions of Section 14-10.602 of this title relating to conditions which may be imposed upon an application for a conditional use permit under Chapter 14-10 of this title, the Planning Commission or the City Council shall make any conditional use permit which may be granted under this chapter for mobile home park conversion of use subject to a condition requiring a plan of relocation and purchase assistance for mobile home owners and mobile home tenants within the proposed project. Such a plan may include the following:~~

~~(a) Information to be provided to each mobile home owner within the proposed project:~~

~~(1) A list of known available mobile home lots in Santa Cruz, Santa Clara, Monterey and San Benito Counties, including any written commitments from mobile home park owners willing to accept displaced mobile home owners;~~

~~(2) Estimates from two (2) moving companies as to the per mile costs of moving mobile homes of various sizes including, but not limited to, tear down and set up of coaches;~~

~~(b) Measures to mitigate the adverse impacts of conversion upon mobile home owners and mobile home tenants. Such mitigation measures shall benefit mobile home owners and mobile home tenants of the mobile home park from the date the application for the conditional use permit for the proposed conversion project is filed with the City, or from the date on which notices to vacate are mailed to mobile home owners and mobile home tenants, whichever is earlier. Mitigation measures may include but are not limited to:~~

- ~~(1) — Moving expenses for furniture and personal belongings to a new residence in Santa Cruz, Santa Clara, Monterey or San Benito County,~~
- ~~(2) — Provision for payment of any or all portions of the cost of physically moving a mobile home and any other mobile home accessory building or structure to a new site in Santa Cruz, Santa Clara, Monterey, or San Benito County, including, but not limited to, tear down and set up of coaches, as well as the full replacement cost of all items damaged by the move, and the full cost of disconnecting and reconnecting utilities,~~
- ~~(3) — Payment of insurance covering insurable risk inherent in relocation,~~
- ~~(4) — For those who move to a multiple or a 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 Cruz 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 mobile home space or mobile home on the date of the notice to convert,~~
- ~~(5) — Payment of the difference of rent between the old and new mobile home park spaces for up to twenty-four (24) months,~~
- ~~(6) — Purchase of the mobile home at its in-place value, as determined by a tested, certified, and designated member of a nationally recognized appraisal association whenever a mobile home owner chooses not to relocate as provided in subsection (b)(2) of this section. “In-place value” includes the value of any accessory structures whose installation has been approved by mobile home park management, such as a porch or a carport. The appraisal is to be made no more than sixty (60) days prior to its submittal,~~
- ~~(7) — Extended leases or rental agreements (commencing at the conclusion of the right of continued tenancy period under subsection (c) of Section [14-42.305](#)), for mobile home owners and mobile home tenants who are handicapped, and/or aged sixty-two (62) or over, and/or of low income, and/or for mobile home owners and mobile home tenants with minor children. No mobile home owner or mobile home 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 (90) days.~~