EXHIBIT LRP 2006-00005:A

ORDINANCE NO. 3164

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE, THE LAND USE ORDINANCE, CHAPTER 22.30 BY AMENDING SECTION 22.30.440 RELATING TO CLOSURE OR CONVERSION OF A MOBILEHOME PARK TO ANOTHER USE

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 22.30.440F of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

F. **Closure or conversion of a mobile home park to another use.** Any closure, subdivision or conversion to another use of a mobilehome park, or any portion thereof, is subject to the following requirements, in addition to all other applicable provisions of this Title.

Any conversion of an existing rental mobilehome park to a mobilehome park subdivision with ownership of individual lots, or to a condominium conversion, is not subject to this Section but shall instead be subject to Title 21 Sections 21.02.050 and 21.06.040 – Condominium conversion.

1. **Purpose and intent.** The purpose of this Section is to:

   a. Establish standards for the closure or conversion of a mobilehome park that conform to the General Plan and Housing Element.

   b. Inform the Review Authority of the impact of such closure or conversion upon the displaced residents.

   c. Provide financial compensation and relocation assistance to displaced residents.

   d. Provide mobilehome park owners with relief from unreasonable relocation costs.

   e. Reduce the incremental loss of mobilehome parks, preserve existing mobilehome parks, and reduce the loss of affordable housing stock.

2. **Permit requirement.** Conditional Use Permit approval in compliance with Section 22.62.060.

3. **Application content.** The Conditional Use Permit application shall include the following items, in addition to all information required by Section 22.62.060.

   a. **Conversion Impact Report** - A report shall be prepared and submitted with the application pursuant to Government Code 65863.7 or 66427.4. The Conversion Impact Report shall be prepared by an independent agent acceptable to the County and at a minimum, shall include the following information:

      (1) The number of mobilehomes that will remain and/or be displaced by the proposed development. For displaced units describe the age, size and condition of the mobilehomes.

(2) The number of available vacant mobilehome spaces in existing comparable mobilehome parks within a twenty (20) mile radius, the space rental rates and evidence of the willingness of other mobilehome park owners to receive some or all of the displaced mobilehomes.

(3) An estimate of the relocation cost considering all of the costs related to installing the displaced mobilehomes on an available receiving site, as described in subsection F.6.

(4) For displaced residents, the household sizes, income levels, age of the residents, whether they own or rent the mobilehome, and the monthly rental rates (space rent and/or unit rental rate).

(5) A list with the names, addresses and phone numbers of the conversion impact report consultants, mobilehome appraisers, mobilehome movers, and relocation counselors who the applicant may use. The professional credentials of these specialists shall be described, and all such specialists used during the project shall be acceptable to the County.

(6) A list of all known alternative housing and/or replacement housing that is currently available to displaced mobilehome park residents. The list shall include mobilehomes and housing units that are available for rent or for sale, both affordable and market-rate units.

4. **Special notice requirement**. The applicant shall verify, to the Planning Director's satisfaction, that each park resident and mobilehome owner has received or will receive each of the following notices and documents. No hearing on a proposed mobile home park conversion shall be scheduled until the applicant has verified the notification to the satisfaction of the Director.

a. **Notice of Intent.** A "notice of intent" by applicant to convert or close the mobilehome park shall be sent by certified mail at least 60 days prior to submittal of the application to the County. After the "notice of intent" has been issued, the applicant shall inform all new or prospective residents and/or mobilehome owners that the applicant has requested County approval of a change of use or that a change of use request has been granted, pursuant to Civil Code 798.56(g).

b. **Conversion Impact Report.** A copy of the Conversion Impact Report as set forth in subsection F.3.a. at least 15 days before the County holds the Conditional Use Permit hearing, pursuant to Civil Code 798.56(h).

c. **Public hearing notice.** A public hearing notice, in addition to the public hearing notice provided by the County, at least 15 days before the County holds the Conditional Use Permit hearing, pursuant to Civil Code 798.56(g).

d. **Notice of termination of tenancy.** All displaced residents and mobilehome owners shall be given a written "notice of termination of tenancy" that provides for a minimum of 180 days after County approval of the Conditional Use Permit to vacate their spaces, pursuant to Civil Code 798.56(g). The said notice shall be delivered by certified mail to each resident and mobilehome owner within 10 days of permit approval by the County.

5. **Informational meeting**. No less than ten (10) days prior to the first public hearing regarding the proposed mobilehome park conversion, the applicant shall conduct an informational meeting for the residents of the mobilehome park. The meeting shall be

conducted on the premises of the mobilehome park, or other location acceptable to the County, and the Relocation Counselor and a County representative shall be present. The meeting shall address the proposed mobilehome park conversion, the conversion application process, the contents of the conversion impact report, and proposed relocation assistance for displaced mobilehome owners and residents. Prior to the date of the first public hearing the applicant shall verify, to the Planning Director's satisfaction, that the informational meeting has occurred in conformance with this Section.

6. **Conditions of approval.** Approval of a Conditional Use Permit shall include the following conditions of approval at a minimum.

a. **Relocation or sale.** Pursuant to Government Code Section 65863.7 and 66427.4, the County shall apply mitigation measures to fully cover the reasonable costs of relocation for displaced mobilehome park residents who must find another mobilehome park. If no comparable mobilehome park space or mobilehome owner-approved receiving site exists, then the applicant shall buy the mobilehome at its "in-place" value as described below. Mobilehome owners who do not use the mobilehome as their primary residence shall receive assistance in relocation of their mobilehomes, but shall not be eligible for the "in-place" value option. Mobilehome owners who experienced a personal, disabling condition that required a temporary residential stay elsewhere within the 12 months prior to the submittal date of the Conditional Use Permit application (pursuant to Civil Code 798.23.5) are eligible for all options described below. The Conditional Use Permit shall identify the option assigned to each displaced mobilehome in a Relocation Plan, as follows:

(1) **Relocation of mobilehome.** Applicant shall pay all costs related to moving the mobilehome plus fixtures, accessories, and the mobilehome owner's possessions to a comparable mobilehome park within 20 miles of the existing location or to a receiving site within the County as requested by the mobilehome owner. Fixtures and accessories include, but are not limited to: decks, porches, stairs, access ramps, skirting, awnings, carports and storage sheds. Relocation shall include all disassembly and moving costs, mobilehome set-up costs, utility hook-up fees, moving of mobilehome owner's possessions, any move-in deposit, any permitting fees (i.e., mobilehome permit, land use permit) and the reasonable living expenses of displaced mobilehome residents for a period not exceeding 45 days (from the date of actual displacement until the date of occupancy at the new site) except where the County determines that extenuating circumstances prolong the moving period. The comparable mobilehome park, or mobilehome owner-approved receiving site, and the relocated mobilehome shall conform to all applicable county codes. The mobilehome park or receiving site shall be available and willing to receive the mobilehome. A comparable mobilehome park is one that is safe, sanitary, well-maintained, and is in conformance with state and local codes.

(2) **Rent subsidy for another mobilehome park.** Applicant shall provide displaced mobilehome owners with payment of the difference of rent between the old and new mobilehome park spaces for up to twenty-four months for relocated mobilehomes.

(3) **Sale at "in-place" value.** This option shall be available only to permanent resident mobilehome owner(s). If the mobilehome cannot be relocated to a comparable mobilehome park or mobilehome owner-approved receiving site the applicant shall buy the mobilehome and pay the "in-place" sale value, which shall be the appraised fair market value as determined by a

certified real estate appraiser who is acceptable to the County, utilizing principles applicable in mobilehome relocation matters. The appraised value shall be determined after consideration of relevant factors, including the value of the mobilehome in its current location, assuming continuation of the mobilehome park in a safe, sanitary and well maintained condition.

(4) **Relocation plan.** The relocation plan shall describe the relocation assistance to be provided for all permanent mobilehome park residents who will be displaced, whether they rent or own their mobilehome unit. The plan shall describe the cost of relocation for each displaced mobilehome and/or household, identify the location of the new mobilehome space or replacement housing unit, the amount of financial assistance to be provided, and shall describe the time frame and steps that will be taken to complete the relocation. All real estate and financial transactions and all relocation activities shall be completed prior to termination of mobilehome park tenancy for each displaced household.

The plan shall identify all displaced mobilehomes to be sold to the applicant or to be relocated for the mobilehome owner(s). The plan shall provide the appraised "in-place" sales price of all mobilehomes to be sold. The plan shall describe all relocation costs for displaced mobilehome park residents. Any disagreement between a mobilehome park resident and the applicant regarding relocation assistance or "in-place" sales value shall be referred to a professional arbitrator acceptable to the County and paid for by the applicant. Such disagreements must be submitted in writing to the applicant by the mobilehome park resident within 45 days after the mobilehome park resident has obtained a written notice describing what he/she will receive.

The applicant and displaced mobilehome park residents may agree on other mutually satisfactory relocation assistance. Such assistance may include, but is not limited to, mortgage assistance with the purchase of another mobilehome or replacement housing unit on-site or off-site.

(5) **Relocation Counselor.** Applicant shall provide for all displaced mobilehome owners and residents the services of a Relocation Counselor, acceptable to the County, to provide information about the available housing resources and to assist with the selection of suitable relocation alternatives. Acceptable relocation alternatives include, but are not limited to, vacant mobilehome units and spaces, rental and ownership housing units, affordable and market-rate units. The Relocation Counselor shall be familiar with the region's housing market and qualified to assist residents to evaluate, select, and secure placement in the replacement housing, to arrange the moving of all of the household's personal property and belongings to the replacement housing, to render financial advice on qualifying for various housing types, to explain the range of housing alternatives available, and to gather and present adequate information as to available housing. The Relocation Counselor shall assist in the preparation and implementation of the Relocation Plan.

No later than thirty (30) days after the County approval date of the Conditional Use Permit for the mobilehome park conversion the Relocation Counselor(s) shall make personal contact with each displaced resident of the mobilehome park and commence consultations to determine the applicable relocation costs and assistance to be provided. The Relocation Counselor shall give to each person eligible to receive relocation assistance a written

notice of his or her options for relocation assistance as determined by the Conditional Use Permit.

(6) **Relocation assistance for mobilehome park renters.** Mobilehome park renters are permanent residents who rent mobilehomes as their primary residences, but who do not own the mobilehomes. The applicant shall pay all costs for providing the following services for displaced mobilehome park renters: assistance of the Relocation Counselor to locate and secure placement in comparable replacement housing, the moving of all of the household's personal property and belongings to the replacement housing, and the security deposit. Displaced low income renters are also eligible for one year of rent subsidy. When the low-income renter household moves into a comparable unit where the rent is higher than the rent of the mobilehome that the household occupied then the applicant shall pay the difference for a period of one year from the date of relocation.

A comparable unit has facilities that are equivalent to the household's existing rental mobilehome with regards to the following features: a) unit size including the number of rooms; b) rent range; c) major kitchen and bathroom facilities; d) special facilities for the handicapped or senior citizens; and e) willingness to accept families with children. A comparable unit is located in an area no less desirable than the household's existing unit with regards to accessibility to the following features: a) the household's place(s) of employment; b) community and commercial facilities; c) schools; and d) public transportation. A unit is not comparable if it is located in a building for which a notice of intent to convert or demolish has been given.

(7) **Permanent resident.** Permanent resident status is established at the time that the mobilehome park conversion application is submitted. A "permanent resident" is any person who lives in the mobilehome park for 270 days or more in any 12-month period, and whose residential address in the mobilehome park can be verified as one that meets at least half of the following criteria:

(a) Address where registered to vote.
(b) Home address on file at place of employment or business.
(c) Home address on file at dependents' primary or secondary school.
(d) Not receiving a homeowner's exemption for another property or mobilehome in this state nor having a principal residence in another state.
(e) DMV license address.
(f) Mailing address.
(g) Vehicle insurance address.
(h) Home address on file with Bank account.
(i) Home address on file with IRS.
(j) Home address on file with local club/association membership.

7. **Vacancy of a mobilehome park exceeding twenty-five (25%) percent.**

a. Whenever twenty-five (25%) percent or more of the total number of mobilehome sites within a mobilehome park are uninhabited and such condition was not caused by a natural or physical disaster beyond the control of the mobilehome park owner, then such condition shall be deemed a "mobilehome park conversion" for the purposes of this ordinance. The mobilehome park owner shall file an application for the closure or conversion of a mobile home park to another use, pursuant to the

requirements of this Section. A mobilehome site is considered to be "uninhabited" when it is either (i) unoccupied by a mobilehome, or (ii) occupied by a mobilehome in which no person resides.

b. Whenever a mobilehome park resident or other interested person has reason to believe that 25 percent or more of the total number of mobilehome sites within a mobilehome park are uninhabited, as described in subsection F.7.a, such resident or person may file a written statement to that effect with the Director of the Department of Planning and Building. Upon receipt of such statement, the Director shall cause an investigation and inspection to be conducted to verify the accuracy of such statement. Upon completion of the investigation and inspection, the Director shall make a determination as to whether an unauthorized mobilehome park conversion is underway.

c. If the Director of the Department of Planning and Building determines that an unauthorized mobilehome park conversion is underway he or she shall send to the mobilehome park owner a written notice by certified mail which describes the Director's determination and establishes a reasonable period of time by which the mobilehome park owner shall submit an application pursuant to this Section for the closure or conversion of a mobile home park to another use.

d. Once the Director of Planning and Building has determined whether or not an unauthorized mobilehome park conversion is underway, a written notice that describes such determination shall be sent by the County to the mobilehome park owner, the mobilehome park resident or person who filed the written statement pursuant to subsection F.7.b, and to all the residents in the mobilehome park.

e. The determination of the Director of the Department of Planning and Building pursuant to subsection F.7.b. may be appealed by the person who filed the statement, by the mobilehome park owner or by any other interested person but not more than fifteen (15) calendar days after the date of the notice of determination. All such appeals shall be submitted and processed in conformance with Section 22.70.050.

8. **Application for exemption from relocation assistance requirements.**

a. Any person who files an application for closure or conversion of a mobilehome park to another use may, simultaneous with such application, file an application for exemption from some or all of the relocation assistance requirements described above in subsection F.6 - Conditions of Approval.

b. If such an exemption application is filed, the applicant shall verify, to the Planning Director's satisfaction, that each mobilehome park resident and mobilehome owner has received or will receive a copy of the complete application for exemption.

c. The County may consider an application for exemption only for one or both of the following reasons:

(1) That the requirement(s) for relocation assistance would eliminate substantially all reasonable use or economic value of the property.

(2) That a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that mobilehome park closure or cessation of use of the property as a mobilehome park is necessary, and that such court has taken further action that would prohibit or preclude the payment of

relocation assistance benefits, in whole or in part.

d. Any application for exemption made pursuant to subsection F.8.c(1) shall contain, at a minimum, the following information:

(1) Statements of profit and loss from the operations of the mobilehome park for the five-year period immediately preceding the date of the application of exemption, certified by a certified public accountant. All such statements shall be maintained in confidence to the extent permitted by the California Public Records Act.

(2) If the applicant contends that continued use of the property as a mobilehome park necessitates repairs and/or improvements that are not the result of the park owner or applicant's negligence or failure to properly maintain the said property, and that the costs thereof makes continuation of the mobilehome park economically infeasible, then a report shall be made and submitted, under penalty of perjury, by a civil engineer or general contractor licensed as such pursuant to the laws of the State of California. The said report shall verify that such civil engineer or contractor has thoroughly inspected the entire mobilehome park and has determined that certain repairs and improvements must be made to the mobilehome park to maintain the mobilehome park in decent, safe and sanitary condition, and that those certain repairs are not the result of the mobilehome park owner or applicant's negligent failure to properly maintain the said property. The report shall describe the minimum period of time in which such improvements or repairs must be made, and provide an itemized statement of the improvements and repairs along with the estimated cost for the improvements and repairs. The anticipated costs or damages, if any, which may result if maintenance is deferred shall be identified separately. The report shall also describe any additional repairs or improvements that will be necessary for continuous upkeep and maintenance of the property. The report shall be referred to the California Department of Housing and Community Development for review and comment. If the Planning Director requires an analysis of the information submitted by the civil engineer or general contractor, the Planning Director may procure services of another licensed civil engineer or general contractor to provide such written analysis, and all such costs shall be paid entirely by the applicant.

(3) An estimate of the total cost of relocation assistance which would be required pursuant to subsection F.6 - Conditions of Approval. This estimate shall be based on surveys, appraisals and reports, prepared to the County's satisfaction, that document the number of residents of the park who are willing to relocate their mobilehomes and those who would elect to sell their mobilehomes, and the costs related to providing the relocation assistance measures delineated in subsection F.6. - Conditions of Approval.

(4) An estimate of the value of the mobilehome park if the park were permitted to be developed for the change of use proposed in the application for conversion of the park, and an estimate of the value of such park if use of the property as a mobilehome park is continued. These estimates shall be prepared by a certified real estate appraiser who is acceptable to the County.

(5) Any other information which the applicant believes to be pertinent, or that may be required by the Planning Director.

e. Any application for exemption filed pursuant to subsection F.8.c(2) shall be accompanied by adequate documentation regarding the title, case number, and court in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders, and decrees of the said court.

f. When making its determination as to whether to waive or modify a portion or all of any type of benefit that would otherwise be applicable, the County may take into account the financial history of the mobilehome park, its condition and the condition of amenities and improvements thereon, the cost of any necessary repairs, improvements or rehabilitation of such park, the estimated costs of relocation, the fair market value of the property for any proposed alternative use, the fair market value of the property for continued use as a mobilehome park, and any other pertinent evidence requested or presented. The County shall expressly indicate in its decision any waiver and the extent thereof.

Where a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure or cessation of the use of said property as a mobilehome park is necessary, and such court has taken action which would prohibit or preclude payment of relocation benefits, whether in whole or in part, the County shall have the power to waive all or a portion of any type of benefit to the extent necessary to comply with the judgement, order, or decree of the court.

9. **Special Findings for closure or conversion of a mobile home park to another use.** A Conditional Use Permit may be approved only after the Review Authority first determines that the request satisfies the following findings, in addition to the findings required by Section 22.62.060.C.4:

a. Adequate measures to address the financial and other adverse impacts to the residents and/or owners of the displaced mobilehomes have been taken.

b. The conversion or closure of all or part of the mobilehome park will not result in a significant decrease in the affordable housing stock in the community where the conversion or closure is proposed, and adequate mitigation measures will be taken by the park owner for all displaced residents.

SECTION 2. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the

remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the 9th day of September, 2008, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 4th day of November, 2008, by the following roll call vote, to wit:

AYES: Supervisors Bruce S. Gibson, Chairperson James R. Patterson, Harry L. Ovitt, Jerry Lenthall, and K.H.'Katcho' Achadjian

NOES: None

ABSENT: None

ABSTAINING: None

JAMES R. PATTERSON

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

By: Sandy Currens
Deputy Clerk

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

WARREN R. JENSEN
County Counsel

By:
Deputy County Counsel

Dated: