

Chapter 20 CONVERSION OF MOBILE HOME PARKS TO OTHER USES

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Section 1 Findings

XI-20-1.01 Findings

The City Council hereby does find and declare that the following conditions and circumstances exist within the City of Milpitas and that they make necessary the regulations contained in this Chapter.

1.01-1 Available space in mobile home parks in Milpitas and in Santa Clara County is in very short supply.

1.01-2 Mobile home owners cannot move without great expense and the possible risk of damage to their home.

1.01-3 The majority of mobile home park residents are of low and moderate income.

1.01-4 Sudden or substantial changes in tenancy can be emotionally trying and create a financial hardship for the affected household.

1.01-5 Due to the stated circumstances, spaces in mobile home parks in the City represent an important component of the housing stock, especially for senior citizens and persons of moderate income.

1.01-6 State law (Government Code Sections 65863.7 and 66427.4) requires that prior to a mobile home park conversion to other uses, or prior to closure of such park or cessation of use of the land as a mobile home park, or at the filing of a subdivision map for a subdivision to be created from

any such conversion, the proponent of change of use must file a report on the impact of such change with the public agency having jurisdiction over the mobile home park and that such agency has the power to require measures to be undertaken to mitigate the adverse effect of the change upon the residents of such park who would be displaced by such change.

1.01-7 The City Council's purpose in enacting the ordinance codified in this Chapter is to provide uniform procedure and standards for relocation benefits so that park owners and coach owners understand their rights and responsibilities and there is a minimum of disruption to all the parties concerned. (Ord. 230 (part), 6/21/88)

Section 2 Definitions

XI-20-2.00 Generally

As used in this Chapter, the following words and phrases shall have the meanings set out in this Section. (Ord. 230 (part), 6/21/88)

XI-20-2.01 Adjusted for Inflation

“Adjusted for inflation” shall mean adjusted by the percentage in the Consumer Price Index for the San Francisco Bay Area published by the United States Department of Labor, as such index existed on the effective date of this Chapter, and said index as it may exist at the time (which should be as close to the move date as possible). The index is established at the time the report is adopted and adjusted quarterly thereafter. (Ord. 230 (part), 6/21/88)

XI-20-2.02 Applicant

“Applicant” shall mean any person who files an application for rezoning of land use type or density, or for approval of a tentative map or for a special development permit, or for a use permit for the purpose of a change of use of a mobile home park or trailer park or any part thereof, or any change of the parks status to a vacant use. (Ord. 230 (part), 6/21/88)

XI-20-2.03 Change of Use

“Change of use” shall mean a use of a mobile home park for a purpose other than the rental, or the holding out for rent, of two or more mobile home sites to accommodate mobile homes for human habitation. “Change of use” includes, but is not limited to, a change of the park or any portion thereof to a condominium, stock cooperative, or any form of ownership wherein spaces within the park are to be sold, and the cessation of use of all or a portion of the park, whether immediately or on a gradual basis, or the closure of the park. (Ord. 230 (part), 6/21/88)

XI-20-2.04 Commercial Coach

“Commercial coach” shall mean a structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional or commercial uses, which is required to be moved under permit, and shall include a trailer coach as defined in Section 635 of the Vehicle Code. (Ord. 230 (part), 6/21/88)

XI-20-2.05 Comparable Housing

“Comparable housing” shall mean housing which is comparable in floor area and number of bedrooms to the mobile home to which comparison is being made, which housing meets the minimum standards of the Uniform Housing Code. (Ord. 230 (part), 6/21/88)

XI-20-2.06 Comparable Mobile Home Park

“Comparable mobile home park” shall mean any other mobile home park substantially equal in terms of park amenities, rent, and other relevant factors, such as proximity to public transportation and shopping, the job market where a displaced resident is gainfully employed, and proximity to schools if the resident has school-age children. (Ord. 230 (part), 6/21/88)

XI-20-2.07 Date of Application for Change of Use

“Date of application for change of use” shall mean the date of one of the following actions authorizing a change of use, whichever first occurs: initiation by the City Council of consideration of a general plan amendment; or filing of an application for rezoning, special development permit, or use permit. (Ord. 230 (part), 6/21/88)

XI-20-2.08 Eligible Mobile Home Owner

“Eligible mobile home owner” shall mean a mobile home owner whose mobile home was located in a mobile home park or trailer park on the earlier of the following:

2.08-1 The date of application for a change of use;

2.08-2 The date of filing of a notice of determination that the park is undergoing a change of use pursuant to Section XI-20-6, if such notice was filed. (Ord. 230 (part), 6/21/88)

XI-20-2.09 In Place Value

“In place value” shall mean the market rate monetary value of the mobile home in its current location at the time an applicant files an application for rezoning of land use type or density, or for approval of a tentative map, or for a special development permit, or for a use permit for the purpose of a change of use of mobile home park or trailer park or any part thereof, or any change in the parks status to a vacant use as determined pursuant to this Chapter. (Ord. 230 (part), 6/21/88)

XI-20-2.10 Mobile Home

2.10-1 “Mobile home” shall mean:

(a) A structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35970 of the Vehicle Code;

(b) A mobile home, as defined in Section 18008 of the Health and Safety Code; or

(c) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

2.10-2 “Mobile home” does not include:

(a) A recreational vehicle, as defined in Section 799.24 of the Civil Code and Section 18010 of the Health and Safety Code;

(b) A commercial coach; or

(c) Factory-built housing, as defined in Section 19971 of the Health and Safety Code. (Ord. 230 (part), 6/21/88)

XI-20-2.11 Mobilehome Owner

“Mobilehome owner” shall mean the registered owner or registered owners of a mobile home, regardless of the number of such owners or the form of such ownership. Any relocation assistance payable to an owner of a mobile home shall be deemed paid to all owners of that mobile home when paid to any one of them. (Ord. 230 (part), 6/21/88)

XI-20-2.12 Mobilehome Park

“Mobilehome park” shall mean any area or tract of land where mobile home lots are rented or leased to accommodate mobile homes used for human habitation. (Ord. 230 (part), 6/21/88)

XI-20-2.13 Mobilehome Site

“Mobilehome site” shall mean an area within a mobilehome park shown as being occupied by or designated for occupancy by an individual mobile home. (Ord. 230 (part), 6/21/88)

XI-20-2.14 Mobilehome Tenant

“Mobilehome tenant” shall mean a person who occupies a mobile home within a mobilehome park pursuant to a bona fide lease or rental agreement and who, during his or her tenancy, was not the owner or member of the immediate household of the mobile home. (Ord. 230 (part), 6/21/88)

Section 3 Responsibility for Financial Costs

XI-20-3.01 Applicant Responsible

An applicant shall be entirely financially responsible for including, but not limited to, the housing specialists, the conversion impact report and all relocation costs. Such financial responsibility shall not include the cost of an appraisal by the mobilehome owner of their individual mobile home. (Ord. 230 (part), 6/21/88)

Section 4 Maintenance of Housing Specialist List

XI-20-4.01 Duty of Community Development Manager to Maintain List of Housing Specialists--Required Qualifications

The Community Development Manager shall compile and maintain a list of persons, firms and organizations with proven expertise in the fields of housing and relocation of persons displaced from housing. Those listed shall be qualified in assisting residents in locating replacement housing, rendering financial advice on qualifying for various housing types, explanation of the range of housing alternatives available, the ability to gather and present to persons needing housing

relocation assistance, adequate information as to available housing, and the ability to transport persons unable to drive to housing alternatives. (Ord. 230 (part), 6/21/88)

Section 5 Conversion Impact Report

XI-20-5.01 Conversion Impact Report--Data on Mobilehome Owners and Tenants--Duty to File

An applicant shall file a conversion impact report complying with the requirements of this Section not later than the date of filing of the first such application necessary to authorize any change of use; provided, however, that if prior to the approval of any such application it is necessary to amend the General Plan, the conversion impact report shall be filed not later than thirty (30) days prior to the initial Planning Commission public hearing on the amendment to the General Plan. No such application shall be considered or deemed completed or processed for consideration or approval unless and until such conversion impact report shall have been filed as required by this Subsection. (Ord. 230 (part), 6/21/88)

XI-20-5.02 Required Information

The conversion impact report shall contain the following information:

5.02-1 The names and mailing addresses of all persons owning mobile homes within the mobilehome park, or renting mobilehome sites within such park, as shown on the rental agreement applicable thereto, and the names of all mobilehome tenants within a period commencing on the earlier of the following dates:

(a) The date of application for change of use;

(b) The date of filing of a notice of determination that the park is undergoing a change of use pursuant to Section 6, if such notice was filed prior to the application.

5.02-2 The age, including date of manufacture, of each mobile home within such park, including the type of mobile home, width characteristics, size, and number identifying the mobilehome site being occupied.

5.02-3 A list of all mobilehome parks within a two hundred (200) mile radius of such park. The list shall contain a schedule of site rental rates for each park listed, and criteria of the management of each park for acceptance of new tenants. The number of vacant spaces available in each park should be included, as well as the type of mobile home which can be accommodated (single or double wide).

5.02-4 A designation of the names, addresses and telephone numbers of one or more housing specialists from the list compiled by the Community Development Manager pursuant to Section 4, and the names, addresses and telephone numbers and fee schedules of persons qualified as mobilehome movers and of persons who are qualified appraisers of mobile homes. There shall be included an explanation of the services which the housing specialists will provide. The applicant may designate other housing specialists, mobilehome movers, and appraisers; provided, however, that use of any such persons pursuant to this Chapter shall be subject to approval by the Community Development Manager after an investigation into the qualifications of any such persons.

5.02-7 A relocation plan, which will include a timetable for implementing the physical relocation of mobile homes, implementation of relocation assistance, and conversion of the park to one or more other uses. Provision shall be made for those mobilehome owners who have a demonstrated urgent need to relocate prior to the date set forth in the impact report. Such provision shall be limited to payments of a reasonable approximation of the in-place value as determined by the Council.

5.02-6 A specification of relocation assistance, which shall comply with the requirements of Section 9.

5.02-7 A list of the names, addresses and mobilehome site identification numbers of all persons whose names are required pursuant to this Subsection 5.02 shall be filed separate and apart from the conversion impact report. When an amendment to the General Plan has been requested for a change of use or where an application for a change of use has been filed, the applicant shall file such list with the Community Development Manager not later than the date of application for change of use, or not later than thirty (30) days after the City Council has initiated any amendment to the General Plan necessary for such change of use, whichever first occurs. Where the obligation to file a conversion impact report arises from the filing of a notice of determination that the park is undergoing a change, pursuant to Section 6, the owner shall file such list not later than thirty (30) days after the date of filing of such notice of determination. If such names include those of persons who owned or occupied mobile homes within the park within the required period but had subsequently relocated, the list shall include, where the information is available to the applicant, the addresses or locations to which any such persons relocated during such period. The list shall indicate whether each person included owns the mobile home or is a tenant, and shall clearly indicate the persons who are not residing in the park. Because the use of such a list has a significant effect on the privacy of the persons who may be identified therein, the Community Development Manager shall maintain each such list as a confidential public record which shall not be disclosed to the public except pursuant to the judgment, order or decree of a court of competent jurisdiction issued pursuant to the California Public Records Act, Sections 6250 et seq. of the Government Code.

5.02-8 A description of the proposed new use.

5.02-9 A timetable for conversion of the park.

5.02-10 A legal description of the park.

5.02-11 The number of residents per space in the parks, the number under sixteen (16) years of age and the number sixty (60) years of age or over, and the number who are handicapped. (Ord. 230 (part), 6/21/88)

Section 6 Determination of Reduced Occupancy

XI-20-6.01 Occupancy of Park Below 85%--Filing of Notice

6.01-1 Whenever fifteen percent (15%) or more of the total number of mobilehome sites of a mobilehome park are uninhabited the owner of such park shall file with the Community Development Manager a written notice to such effect. For purposes of this Chapter, a mobilehome site is "uninhabited" when it is either:

- (a) Unoccupied by a mobile home, or
- (b) Occupied by a mobile home in which no persons reside.

The existence of the condition described by this Subsection shall be deemed a "change of use" for purposes of this Chapter.

6.01-2 If a resident believes that less than eighty-five percent (85%) of the mobile homes are inhabited, then the resident may file a written statement to that effect with the Community Development Manager. Such statement shall indicate the particular sites which the resident believes to be uninhabited. Upon receipt of such statement the Community Development Manager shall cause an investigation and inspection to be conducted as to the correctness of such statement. Upon completion of the investigation and inspection, the Planning Commission shall conduct a public hearing as to the correctness of the statement upon not less than thirty (30) days written notice to the owner and the residents of the mobilehome park, and any resident thereof may present evidence as to the correctness of the statement. At the conclusion of the hearing the Community Development Manager shall make a determination as to whether the statement is or is not correct.

6.01-3 Upon the filing of a notice pursuant to Subsection 6.01-1 or the making of a determination that the statement is correct or incorrect pursuant to Subsection 6.01-2, the Community Development Manager shall transmit to the owner of the mobilehome park a written notice by certified mail, return receipt requested, or by personal service, which notice shall state, if a notice

was filed pursuant to Subsection 6.01-1, that such park is determined to be undergoing or not to be undergoing a change of use, as the case may be. If the determination was made pursuant to Subsection 6.01-2, written notice thereof shall be given to the owner of the mobilehome park and the resident who filed the statement. The Community Development Manager shall file a copy of such notice with the City Clerk. A notice of determination of change of use shall also direct the owner to prepare a conversion impact report pursuant to Section 5, and the Community Development Manager shall establish a reasonable period of time for the preparation of such report. The Community Development Manager shall also schedule public hearings before the Planning Commission and City Council regarding the adequacy of the conversion impact report if the report is required. Such hearing shall be scheduled so as to allow adequate time for notice and distribution of the report to mobilehome owners and tenants and the scheduling of informational meetings pursuant to Section 7. (Ord. 230 (part), 6/21/88)

XI-20-6.02 Appeal of Planning Commission Determination

The determination of the Planning Commission pursuant to Subsection 6.01-2 may be appealed by the resident who filed the statement, by the owner of the mobilehome park, or by any other resident thereof by filing a written notice of appeal with the City Clerk not more than fifteen (15) calendar days after the date of the notice of determination. The City Council shall conduct a public hearing on the appeal, and not less than thirty (30) days notice thereof shall be given by the Community Development Manager to the owner of the mobilehome park and the residents thereof. At the public hearing the City Council shall consider the investigation and inspection report of the Community Development Manager, the evidence presented by the owner of the mobilehome park and any resident thereof as to the correctness of the statement, and at the conclusion thereof the City Council shall render a decision on the correctness of the statement. (Ord. 230 (part), 6/21/88)

XI-20-6.03 Failure to File Conversion Impact Report--Nuisance--Abatement

The failure of the owner of a mobilehome park to prepare a conversion impact report within the time required by the Community Development Manager pursuant to Subsection 6.01-3 is hereby determined to have a severely adverse economic effect upon mobilehome tenants and eligible mobilehome owners due to the delay in providing necessary relocation assistance which would result from such failure. Such failure is hereby determined to be a public nuisance. If the owner of the mobilehome park fails to prepare or cause to be prepared a conversion impact report within such required time, the Community Development Manager shall cause such report to be prepared. Upon completion of such report the Community Development Manager shall cause a statement of the cost of preparation of such report to be sent to the owner of the mobilehome park. If the owner of the mobilehome park fails to reimburse the City for such cost within thirty (30) calendar days after presentation of such statement, the Community Development Manager shall prepare an expense statement and file it with the City Clerk. The City Clerk shall thereupon submit written notice to the mobilehome park owner of the time and place when the City Council shall receive and consider such expense statement and give the mobilehome park owner not less than thirty (30) days written notice thereof by certified mail.

6.03-1 Abatement -- Expense Statement -- Hearing and Confirmation.

(a) At the time and place fixed for receiving and considering such expense statement, the City Council shall hear the same together with any objections which may be raised by any of the property owners liable to be assessed for the costs of preparing the same, and the Community Development Manager shall attend such meeting with his report and expense statement; and upon such hearing, the Council may make such modifications in the proposed report and costs of preparing said report and assessment thereof as it may deem necessary, after which said report and statement shall be confirmed by resolution.

(b) The amount of the cost of preparing said report shall constitute special assessments against the respective lots or parcels of land which are the subject of the report and, after thus made and confirmed, shall constitute a lien on such property for the amount of such assessment until paid. 6.03-2 Assessment -- Collection. The Director of Finance shall cause the amount of the assessment to be entered on the City assessment roll opposite the description of the particular property, and the amount shall be collected together with all other taxes thereon upon the property. Thereafter, such amounts shall be collected at the same time, and in the same manner, as general City taxes are collected and shall be subjected to the same penalties and interest, and the same procedure and sale in case of delinquency as provided for City taxes. All laws and ordinances applicable to the levy, collection and enforcement of City taxes are hereby made applicable to such special assessment. (Ord. 230 (part), 6/21/88)

XI-20-6.04 Applicability

The provisions of this Section shall not be applicable if an application for conversion of a mobilehome park shall have been filed pursuant to this Chapter prior to the filing of a notice pursuant to Section 6.01-1, or of a written statement pursuant to Section 6.01-2, where such application is pending. (Ord. 230 (part), 6/21/88)

XI-20-6.05 “Applicant” Defined

For purposes of the ensuing Sections of this Chapter, the owner of a mobilehome park whose mobilehome park shall have been determined by the Community Development Manager to be undergoing a change of use shall be deemed to be an “applicant.” (Ord. 230 (part), 6/21/88)

Section 7 Conversion Impact Report--Informational Meeting(s)

XI-20-7.01 Notice and Distribution to Mobilehome Owners and Residents

7.01-1 Not less than thirty (30) days prior to the scheduled public hearing before the Planning Commission on the conversion impact report, the applicant shall transmit to the owner or the occupant of each mobile home occupying a mobilehome site within the park, and to all other persons described in Section 5.02, a copy of the conversion impact report, a notice of the public hearing on the conversion impact report, and notice of the information meeting(s) required to be held pursuant to Subsection 7.01-4.

7.01-2 The copies of the conversion impact report and this Chapter, and notices of the public hearing and the information meetings, shall be transmitted either by certified mail, return receipt requested, or by personal service. When personal service is made, a written certificate of proof of service shall be filed with the Community Development Manager. Where more than one (1) person occupies a mobile home, notice need only be sent to the person or persons whose name or names appear(s) on the rental agreement pertaining to that mobilehome site.

7.01-3 Not less than fifteen (15) days prior to the date of the public hearing, the applicant shall cause to be filed with the Community Development Manager a verification that he has complied with the requirements of this Section pertaining to transmittal of copies of the conversion impact report and of this Chapter and of the notices of the public hearing on the conversion impact report and on the informational meeting or meetings. Where such transmittal has been by certified mail, copies of return receipts shall be filed. When such transmittal has been by personal service, a list shall be filed with the name of each person served and the date of service.

7.01-4 Not later than fourteen (14) days prior to the scheduled public hearing before the Planning Commission on the conversion impact report, the applicant shall conduct not less than one (1) informational meeting for the residents of the mobilehome park regarding the status of the

application for conversion or the impending change of use, the timing of proposed relocation of residents, relocation benefits available, and the contents of the conversion impact report. The meeting shall be conducted on the premises of the mobilehome park. The applicant may conduct a series of meetings of groups of residents if a sufficient number are scheduled to accommodate all of the residents. The housing specialist or specialists designated in the conversion impact report shall be present at such meeting or meetings.

7.01-5 Not less than five (5) days prior to the public hearing on the conversion impact report, the applicant shall file with the Community Development Manager a statement made under penalty of perjury that he has complied with the requirements of Subsection 7.01-4. Such statement shall state the date, time and place where such meeting(s) was or were conducted. (Ord. 230 (part), 6/21/88)

Section 8 Notice to New Occupants Regarding Pending Change in Status of Park

XI-20-8.01 New Occupant Not Entitled to Relocation Assistance

When an application for a change of use of a mobilehome park has been filed with the Community Development Manager, or when the Community Development Manager transmitted a notice pursuant to Section XI-20-6.03 that a mobilehome park is undergoing a change of use, the owner of such park shall advise each person who commences occupancy of a mobile home of such notice in writing, prior to commencement of such occupancy, that such application has been filed, or that such determination has been made, and that the occupant may not be entitled to any relocation assistance pursuant to Section 9. The owner of such park shall obtain a signed acknowledgment of each such occupant indicating receipt of such information. (Ord. 230 (part), 6/21/88)

Section 9 Relocation Assistance

XI-20-9.01 Applicant to Provide--Exceptions

The applicant shall include within the conversion impact report relocation assistance which complies with the requirements of this Section, and shall be responsible for providing such relocation assistance when the City Council shall have determined that the conversion impact report complies with the requirements of this Chapter, except where and to the extent that any such applicant shall have been exempted from any such requirement pursuant to Section 10. As stated in Section 3, the developer/applicant will be responsible for all relocation costs as well as administrative costs associated with the preparation of the conversion impact report by the housing specialists. (Ord. 230 (part), 6/21/88)

XI-20-9.02 Required Benefits--Generally--Owners Electing to Relocate

Relocation assistance shall consist of the following benefits for the persons designated to be eligible for them:

9.02-1 Mobilehome Owners Who Have Relocated or Have Elected To Relocate Their Mobile Homes: Relocation Costs. An eligible mobilehome owner who has relocated or elected in writing to relocate his or her mobile home shall be entitled to a housing allowance of One Thousand Five Hundred Dollars (\$1,500.00), adjusted for inflation, plus the actual cost of relocation of the mobile home to another mobilehome park which is within twenty (20) miles of the converting park, including the cost of disassembly of the mobile home, its transportation to the new site, its

reinstallation at the new site, and replacement or reconstruction of blocks, shiplap siding, porches, decks and awnings. (Ord. 230 (part), 6/21/88)

XI-20-9.03 Owners Electing to Sell--Payment of "In-place" Value or Cost of Local Relocation

An eligible mobilehome owner who has not relocated his or her mobile home and has elected in writing to sell such mobile home shall be entitled to the relocation benefit set forth in Subsection 9.03-2.

9.03-1 The applicant shall have the right to limit his or her responsibility to the owner of the mobile home to the cost of relocation to a vacant mobilehome site in a comparable mobilehome park not greater than twenty (20) miles from the mobilehome park which is the subject of the proposed change of use, which park will accept the mobile home to be relocated. If the applicant is able to secure such site, his or her responsibility under this Section 9.03 shall be limited to the maximum amounts required under Subsection 9.02-1. No applicant shall exercise any rights pursuant to this subparagraph unless and until he or she shall have filed with the Community Development Manager a written declaration to such effect, and until the Community Development Manager shall have conducted a random selection from among the names of all persons otherwise entitled to receive a benefit under Subsection 9.02-1 to determine a priority list as to mobilehome owners who may be subject to relocation of their mobile homes pursuant to this subparagraph. No mobilehome owner who has elected to sell his or her mobile home shall be subject to relocation of such mobile home other than by reference to such priority list.

9.03-2 If the applicant has not filed a declaration or is unable to procure such a site, then the applicant shall be required to purchase the mobile home from the mobilehome owner at ninety-five percent (95%) of the "in-place" value of the mobile home, which is hereby defined as the value of such mobile home if it were located in a comparable mobilehome park. The applicant and the mobilehome owner shall each select one appraiser who is qualified to appraise the value of mobile homes, who shall prepare and submit an appraisal of the value of the mobile home. Each party shall bear the cost and expense of the appraiser he or she selects. The parties shall exchange appraisals. If the higher appraisal is less than ten percent (10%) higher than the lower appraisal, the purchase price shall be the average of the two appraisals. If the higher appraisal exceeds the lower appraisal by ten percent (10%) or more, the parties or their appraisers shall select a third appraiser upon whom they shall mutually agree, who shall make another appraisal of the mobile home. If the parties or their appraisers are unable to agree upon a third appraiser, such appraiser shall be selected by the Presiding Judge of the Superior Court of the County of Santa Clara. If a third appraiser is selected by the parties, their appraisers, or the court, the purchase price of the mobile home shall be the amount stated in one of the two initial appraisals which is closest to the amount stated in the third appraisal. The costs and expense of the third appraiser shall be borne equally by both parties. Nothing herein shall preclude the parties from entering into a good-faith settlement on the purchase price of the mobile home at any time. (Ord. 230 (part), 6/21/88)

XI-20-9.04 Services of Housing Experts

All eligible mobilehome owners, except for those not occupying mobile homes within the mobilehome park, and all mobile homes within the mobilehome park, and all mobilehome tenants of eligible mobilehome owners, shall be provided with the services of one or more housing experts to assist them in relocating to available and appropriate housing upon their request. Any such experts shall be familiar with the housing market, individual needs for housing types, and income and loan requirements of various types of housing. Such assistance shall include financial advice, the explanation of the various housing alternatives available, and transportation of residents who are unable to operate motor vehicles to the various housing alternatives. Any housing experts selected by the applicant shall be subject to the approval of the Community Development Manager. (Ord. 230 (part), 6/21/88)

XI-20-9.05 Right of First Refusal--Housing on Site

All eligible mobilehome owners and all mobilehome tenants of eligible mobilehome owners shall be provided with a right of first refusal to purchase housing to be constructed for sale on the site of the mobilehome park, or to lease or rent rental housing to be constructed for lease or rental on such site.

9.05-1 No benefits shall be provided to any person who is renting a mobile home.

9.05-2 No waiver by an eligible mobilehome owner of any of his or her rights pursuant to this Section shall be valid or effective for any purpose. (Ord. 230 (part), 6/21/88)

XI-20-9.06 Urgent Need to Relocate

Provisions shall be made for those mobilehome owners who have a demonstrated urgent need to relocate, as determined by the Council, prior to the date set forth in the impact report. Such provisions shall be limited to payments of a reasonable approximation of the in-place value as approved by the Council. (Ord. 230 (part), 6/21/88)

Section 10 Application for Exemption from Relocation Assistance Obligations

XI-20-10.01 Filing--Notice

10.01-1 Any person who files an application for change of use of a mobilehome park may, simultaneous with such application, file an application for total or partial exemption from the obligation to provide relocation assistance pursuant to Section 9. The owner of a mobilehome park as to whom the Community Development Manager has made a determination pursuant to Section 6.01-2 may also file such an application for exemption not later than thirty (30) days from the date of transmittal of the notice of determination by the Community Development Manager pursuant to Section 6.01-3.

10.01-2 If such application is filed, notice of such application, with the information contained therein, and distribution thereof to the owners and occupants of the mobilehome park shall be accomplished pursuant to Sections 7.01-1 and 7.01-2. (Ord. 230 (part), 6/21/88)

XI-20-10.02 Basis for Application

Any such application shall state that it is made on either or both of the following bases:

10.02-1 That imposition of the full relocation obligations would eliminate substantially all reasonable use or economic value of the property. Such basis may only be established if it is demonstrated that the imposition of such obligations would eliminate the reasonable use or economic value of the property for alternate uses, and that continued use of the property as a mobilehome park would eliminate substantially all reasonable use or economic value of the property.

10.02-2 That a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure or cessation of use of said property as a mobilehome park is necessary, and that such court has taken further action which would prohibit or preclude payment of relocation assistance benefits, in whole or in part. (Ord. 230 (part), 6/21/88)

XI-20-10.03 Application--Contents

Any such application made pursuant to Subsection 10.02-1 shall contain, at a minimum, the following information:

10.03-1 Statements of profit and loss from the operations of the mobilehome park for the most recent five (5) year period of the date of the application or request, certified by a certified public accountant.

10.03-2 If the applicant contends that continued use of the property as a mobilehome park necessitates repairs or improvements or both, and that the cost thereof makes continuation of the park economically infeasible, a statement made under penalty of perjury by a general contractor licensed as such pursuant to the laws of the State of California, certifying that such contractor has thoroughly inspected the entire mobilehome park; that such contractor has determined that certain repairs and improvements must be made to the park to maintain the park in a decent, safe and sanitary condition; the minimum period of time in which such improvements or repairs must be made; an itemized statement of such improvements and repairs; and the estimated cost thereof. The applicant shall also submit a statement verified by a certified public accountant as to the necessary increase in rental rates of mobilehome sites within the park within the next five (5) years necessary to pay for such repairs or improvements.

10.03-3 The estimated total cost of relocation assistance which would otherwise be required to be provided pursuant to this Chapter, which shall be based upon documented surveys included with the application of the available mobilehome sites within two hundred (200) miles of the mobilehome park, residents of the park who would elect to relocate and those who would elect to sell their mobile homes, and the value of the mobile homes in the park based upon recent sales of representative mobile homes in the park.

10.03-4 An estimate of the value of the mobilehome park by a qualified real estate appraiser if the park were permitted to be developed for the use proposed in the application for redevelopment of the park, and an estimate of the value of such park by such appraiser if use of the property as a mobilehome park is continued.

10.03-5 Such other information which the applicant believes to be pertinent, or which may be required by the Community Development Manager. (Ord. 230 (part), 6/21/88)

XI-20-10.04 Required Documentation

Any such application filed pursuant to Subsection 10.02-2 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. (Ord. 230 (part), 6/21/88)

Section 11 Application for Conversion--Public Hearings--Findings

XI-20-11.01 Public Hearings--City Council Findings

A public hearing shall be held on the conversion impact report and on any application for exemption from relocation assistance obligations. Said hearings can be held in conjunction with the public hearing held by the Planning Commission and City Council on any General Plan amendment, rezoning, map or permit for the proposed change of use of a mobilehome park.

11.01-1 The Planning Commission shall recommend that the City Council make findings as set forth in this Section on the conversion impact report and on any application for exemption from relocation assistance obligations.

11.01-2 The City Council shall make one of the following findings on the conversion impact report:

(a) That the conversion impact report complies with the requirements of this Chapter;

(b) That the conversion impact report does not comply with one or more requirements of this Chapter. In such instance, the City Council shall indicate in which respects the report does not

comply with such requirement. If the project is approved, the City Council may condition such approval upon amendments to the relocation plan.

11.01-3 Where an exemption from relocation assistance has been applied for based upon the impact of such assistance upon the reasonable use of the property pursuant to Section 10.02-1, the City Council shall make one of the following findings:

(a) That the applicant shall not be exempt from relocation assistance obligations because sufficient evidence has not been shown that both of the following are true: that the continued use of the property as a mobilehome park would eliminate substantially all reasonable use of such property, and that the cost of relocation assistance benefits which would otherwise be required by this Chapter for alternative uses would eliminate substantially all reasonable use or economic value of the property for such uses;

(b) That the applicant or owner shall be exempt from relocation assistance obligations, in whole or in part, because he or she has shown sufficient evidence that continued use of the property as a mobilehome park would eliminate substantially all reasonable use or economic value of such property, and that imposition of such obligations, in whole or in part, would eliminate substantially all reasonable alternate use or economic value of the property. In making such determination the City Council 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 cost of relocation assistance benefits, 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 pertinent evidence presented. In rendering its decision, the City Council shall have the power to eliminate or waive all or portions of any type of benefit which would otherwise be applicable and shall expressly indicate in its decision any such waiver or elimination and the degree thereof.

11.01-4 Where an exemption from relocation assistance has been applied for based upon bankruptcy proceedings pursuant to Section 10.02-2, the City Council shall make one of the following findings:

(a) That the application or project shall be exempt from relocation assistance obligations, in whole or in part, because a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure or cessation of use of said property as a mobilehome park is necessary, and because such court has taken further action which would prohibit or preclude payment of such benefits, whether in whole or in part. In rendering its decision, the City Council shall have the power to eliminate or waive all or portions of any type of benefit to the extent necessary to comply with the judgment, order or decree of the court;

(b) That the applicant shall not be exempt from any relocation assistance obligations based upon any actions of a court of bankruptcy, because sufficient evidence has not been shown that any such court has ordered the closure or cessation of use of said property as a mobilehome park, or that such court has prohibited or precluded the payment of any such benefits, or both.

11.01-5 No request or application for an amendment to the General Plan or Zoning Ordinance, or approval of a tentative map, special development or use permit for change of use of a mobilehome park shall be approved unless and until the City Council shall have determined that the conversion impact report complies with the requirements of this Chapter. The approval of an exemption from relocation assistance obligations shall have the effect of elimination of the requirement of such portion of the conversion impact report. If such conversion impact report is determined not to comply with the requirements of this Chapter, the aforementioned request or amendment shall not be considered further unless and until the report is revised, a public hearing upon appropriate notice is conducted thereon, and the report is determined to be in compliance with the requirements of this Chapter. (Ord. 230 (part), 6/21/88)

Section 12 Obligations of Applicant or Mobile Home Park Owner After Approval of Conversion Impact Report

XI-20-12.01 Applicant Obligations--Time Limits

After the date of determination that the conversion impact report complies with the requirements of this Chapter, the applicant shall undertake or be responsible for performance of the following obligations, except to the extent that the City Council may have exempted the application therefrom pursuant to Section XI-20-11:

12.01-1 Not later than thirty (30) days from the date of such determination, the housing specialist or specialists shall make personal contact with each resident of the mobilehome park and commence consultations to determine the proper relocation assistance to be provided. The housing specialist or specialists shall give each resident and former resident eligible to receive relocation assistance written notice of his or her relocation assistance and benefit options, the time limits within which he or she must select the desired option, one (1) or more copies of a standard form to be used for the resident to make his or her selection, and a designation of the person and place to whom and to which completed forms must be submitted.

12.01-2 Not later than four (4) months from the date of such determination, residents who are entitled to make elections between alternate benefits shall make such selection in writing. Such selection shall be submitted to the park owner or applicant, as the case may be, on a form provided by the housing specialist.

12.01-3 Not less than thirty-five (35) days prior to the date any resident is required to vacate the mobilehome park, any cash or monetary relocation assistance shall be paid to such resident, to any former resident eligible for such assistance, or to any person, firm or corporation performing relocation-related services for the resident, as the resident may direct.

12.01-4 Not more than six (6) months from the date of such determination, any required appraisals of mobile homes shall be completed. If any such appraisal is incomplete due to any act or omission of the mobilehome park owner or applicant, the otherwise required time for vacation of the mobilehome park by the residents affected by such delay shall be extended by ninety (90) days. If any such appraisal is incomplete due to any act or omission of a mobilehome owner, the owner of the mobilehome park or the applicant, as the case may be, shall give the owner of the mobile home a written notice of such deficiency, which shall state that if the appraisal is not completed within thirty (30) days of the notice, the appraisal of the mobilehome park owner or applicant, as the case may be, shall govern. If the owner of such mobile home does not complete such appraisal within such period, the required valuation of the mobile home shall be based upon the appraisal of the mobilehome park owner or applicant, as the case may be. In addition, not more than six (6) months from the date of such determination, the applicant or owner of the mobilehome park, as the case may be, shall enter into contracts with moving contractors necessary for the relocation of mobile homes or personal property, or both.

12.01-5 The date upon which any resident of the mobilehome park is required to vacate such park, or upon which the owner of any mobile home is required to be removed from the mobilehome park, shall be not less than six (6) months from the date of notice of termination of tenancy and not less than thirty-five (35) days from the date of payment of any required relocation benefits.

12.01-6 If the owner of the mobilehome park or the applicant, on such application, specifically requests that any of the time limitations required by this Section be modified, the City Council shall consider any such modification and evidence relating to the need therefor at the public hearing on the conversion impact report. The City Council shall have the power to make modifications in such time limits, both in response to a request and on its own motion, in conjunction with any approval of a conversion impact report, as the City Council may deem just and reasonable. (Ord. 230 (part), 6/21/88)

Section 13 Payment of Relocation Assistance Benefits--Prerequisite to Issuance of Building Permit to Redevelop Park

XI-20-13.01 Verified and Itemized Payment Statement Required

No building permit shall be issued for the development of any real property which has been, or is being, converted from a mobilehome park pursuant to this Chapter unless and until the applicant or the owner of the property, as the case may be, who is responsible for payment of any required

monetary relocation assistance, shall have filed with the Community Development Manager a verified statement made under penalty of perjury that relocation assistance payments required pursuant to this Chapter have been paid. Such statement shall specify in itemized form each payee, the amount paid, the date of payment, and the type of relocation or other assistance for which each such payment was made. (Ord. 230 (part), 6/21/88)

Section 14 Severability

XI-20-14.01 Severability

In the event any section or portion of this Chapter hereby shall be determined invalid, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect. (Ord. 230 (part), 6/21/88)

Section 15 Effective Date

XI-20-15.01 Effective Date

The ordinance codified in this Chapter shall become effective thirty (30) days from and after the date of its adoption. (Ord. 230 (part), 6/21/88)

Section 16 Exemption from CEQA

XI-20-16.01 Exemption Findings

The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15061, that this Chapter is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project as provided for under Title 14, California Administrative Code, Section 15061(b)(1), in that it does not have a potential for resulting in a physical change in the environment, directly or ultimately, as provided in Title 14, California Administrative Code, Section 15378(a), and that it is further exempt under the definition of Project in Section 15378(b), in that it concerns general policy and procedure making; and the Council directs that Notice of Exemption be filed with the County Clerk and with the Secretary for Resources. (Ord. 230 (part), 6/21/88)

Section 17 Posting and Publication

XI-20-17.01 Posting and Publication--Time Limit

The City Clerk is directed to cause copies of the ordinance codified in this Chapter to be posted and to cause publication once in the Milpitas Post, the official newspaper of Milpitas, of a notice setting forth the date of the adoption and the title of the ordinance codified in this Chapter, within fifteen (15) days after adoption of the ordinance codified in this Chapter. (Ord. 230 (part), 6/21/88)