

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAVIS ADDING
ARTICLE 18.12 TO THE DAVIS MUNICIPAL CODE TO ESTABLISH PROCEDURES
AND REQUIREMENTS ON THE CLOSURE, CESSATION, OR CONVERSION OF
MOBILE HOME PARKS TO ANOTHER LAND USE**

WHEREAS, on April 13, 2017, the City Council questioned whether the recent slew of development projects near mobile home parks could serve as a catalyst for potential land use conversion; and

WHEREAS, the City Council acknowledged the inherent vulnerability of most mobile home residents, who despite owning their mobile home, reside on leased plots of land; and

WHEREAS, in an effort to address such concerns, the City Council directed staff to research options for regulating mobile home park closures, cessations, or conversions; and

WHEREAS, on July 18, 2017, staff presented its preliminary findings and the City Council directed staff to proceed with drafting an ordinance; and

WHEREAS, the City's General Plan Policy HOUSING 1.1 declares that the City shall strive to encourage a variety of housing types that meet the housing needs of an economically and socially diverse Davis; and

WHEREAS, an action listed under the City's General Plan Policy HOUSING 1.1 declares that the City shall analyze the mechanism whereby existing and future mobile home sites can be made permanently affordable; and

WHEREAS, mobile home parks are affordable by design and therefore play a vital role in the community's housing stock; and

WHEREAS, on May 21, 2018, at a public meeting of the Social Services Commission, the Commission provided comments and recommendations regarding the proposed ordinance, **[INSERT MORE AS APPROPRIATE]**;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby adopts the recitals of this Ordinance as true and correct and such recitals are hereby incorporated by reference as though fully set forth in the text of this Ordinance.

SECTION 2. Amendment. Article 18.12 shall be added to Chapter 18 of the City of Davis Municipal Code to read as set forth in Exhibit A, attached hereto and incorporated herein.

SECTION 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

SECTION 4. Publishing. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same or a summary thereof to be published as required by law.

SECTION 5. Effective Date. This Ordinance shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage and adoption.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the Davis City Council on the [REDACTED] day of [REDACTED] 2018, and was passed and adopted at a regular meeting of the Davis City Council on the [REDACTED] day of [REDACTED] 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robb Davis
Mayor of the City of Davis

ATTEST:

Zoe Mirabile, CMC
City Clerk of the City of Davis

EXHIBIT A

ARTICLE 18.12 MOBILE HOME PARK CLOSURE OR CONVERSION

18.12.010 Purpose.

The purpose of this article is to:

- (a) Establish procedures and standards to govern the closure, cessation, or conversion of an existing mobile home park to another land use;
- (b) Mitigate the impact of such closures, cessations, or conversions on displaced residents who may be required to relocate; and
- (c) Encourage the preservation of affordable housing.

18.12.020 Authority.

This article is adopted pursuant to the City's police power and California Government Code Sections 65863.7 and 66427.4, which authorize the City to establish procedures and standards for assessing the adverse impacts of a mobile home park closure, cessation, or conversion on displaced residents. Nothing in this article shall preclude any other notice or requirements imposed by state law, nor shall this article operate to limit in any way the rights and available remedies of mobile home park residents otherwise provided by law.

18.12.030 Definitions.

For the purposes of this article, the following words and phrases shall have the following meanings:

- (a) "Applicant" means a mobile home park owner or authorized representative who proposes closure, cessation, or conversion of an existing mobile home park.
- (b) "Comparable" shall mean reasonably equivalent or better in terms of quality, cost, and convenience, unless otherwise specified.
- (c) "Mobile home" means a "mobile home" as such term is defined in Mobile Home Residency Law.
- (d) "Mobile home park cessation" means the cessation of use of land as a mobile home park.
- (e) "Mobile home park closure" means the closure of a mobile home park or any part thereof.
- (f) "Mobile home park conversion" means the conversion of a mobile home park or any part thereof to another land use.
- (g) "Mobile Home Residency Law" means California Civil Code Section 798 et seq. as such statute exists at the time of enactment of this chapter or is subsequently amended.
- (h) "Park residents" means both resident owners and resident tenants:

- (1) “Resident owner” means a person who owns a mobile home in a mobile home park and resides at such mobile home as a principal residence or maintains such mobile home as the primary residence for an immediate family member who occupied the mobile home as a primary residence prior to receiving any notification of the filing of a development application or request for approval of a closure or conversion. This definition also shall include persons subletting their mobile homes pursuant to California Civil Code Section 798.23.5.
- (2) “Resident tenant” means a person who rents or leases a mobile home in a mobile home park and resides at such mobile home as the person’s primary residence.
- (i) “Relocation assistance” means the measures that will be taken to mitigate adverse impacts of cessation, closure or conversion of a mobile home park on affected park residents.
- (j) “Relocation impact report” means a report, meeting the requirements of this article, describing the impacts of a mobile home park cessation, closure or conversion of a mobile home park on affected park residents.
- (k) “Residents’ Advisory Committee” means a group of at least three (3), but no more than five (5) park residents who will serve as representatives of the park residents and participate in meetings and discussions with an applicant and/or the city pursuant to this article.

18.12.040 Conversion procedures and standards.

No person or entity shall close or convert a mobile home park in the City without first complying with this article. Upon receiving a development or permit application that would result in a mobile home park closure, cessation, or conversion to another land use, the City shall notify the applicant of the requirements of this article. The following procedures shall apply to any mobile home park closure, cessation, or conversion:

- (a) Within ninety (90) days of receiving the applicant’s application, the City shall select a third-party consultant to prepare a relocation impact report. The purpose of the relocation impact report is to examine the impacts of the closure, cessation, or conversion of land use on displaced residents and recommend relocation assistance to adequately mitigate adverse impacts.
- (b) Prior to executing a contract with the selected consultant, the City shall notify the applicant in writing of the estimated cost of the relocation impact report. Within thirty (30) days of receiving the cost estimate, the applicant shall pay the cost as a deposit to the City for the full amount estimated. Should the estimate be higher than actual costs, the City shall reimburse the applicant for any unspent funds. Should the estimate be lower than actual costs, the applicant shall reimburse the City for any additional costs. Alternatively, the City Council may establish by resolution reasonable fees to cover the estimated costs of preparing a relocation impact report to serve as the deposit amount until actual costs are determined.

- (c) After receiving a deposit from the applicant within thirty (30) days, the City shall execute a contract with the consultant to complete the relocation impact report. The relocation impact report shall comply with Section 18.12.050.
- (d) Once the contract is executed, within thirty (30) days, the applicant shall notify the park residents in writing of his or her intent to close or convert the park and of the ensuing relocation impact report.
- (e) Also within the same thirty (30) day period, the applicant shall organize and convene at least two in-person meetings with park residents to explain the process for closure or conversion and the consultant's role in preparing the relocation impact report. The applicant shall conduct the meetings on park premises, unless otherwise mutually agreed to by the applicant and park residents, at a mutually agreed upon date and time. Once scheduled, the applicant must inform the City of the meeting times.
- (f) Also within the same thirty (30) day period, the City shall convene a Residents' Advisory Committee comprised of at least three (3), but no more than five (5) park residents, which will work closely with the City, applicant, and consultant during the closure and/or conversion process to ensure park residents are adequately represented, involved and informed. The City shall make reasonable good faith efforts to consult the Residents' Advisory Committee members when applicable, including non-public meetings and discussions.
- (g) Upon completion of the relocation impact report, which shall be no more than one hundred and twenty (120) days from execution of the contract to prepare the report, the consultant shall submit a draft to the City. The City shall have thirty (30) days to review the draft and verify completeness per the required elements specified in Section 18.12.050.
- (h) Once the City determines the report is complete, the City shall present the relocation impact report to pertinent Commissions for their review and recommendations for City Council consideration. While up to the discretion of City staff, pertinent Commissions may include the Social Services Commission and the Senior Citizen Commission.
- (i) Upon receiving pertinent Commission feedback, the City shall schedule a public hearing before the Planning Commission and release the report to the applicant. The applicant shall inform park residents in writing about the public hearing date and disseminate hard copies of the report to each park resident at least fifteen (15) days prior to the scheduled hearing.
- (j) As an advisory body to the City Council, the Planning Commission shall serve as the delegated advisory agency to review the relocation impact report prior to any closure or change of use, pursuant to Government Code Section 65863.7. The Planning Commission shall consider and provide recommendation to the City Council regarding the sufficiency of the report, and may recommend approval, conditional approval, or denial of the relocation impact report as adequate consideration of reasonable mitigation of the adverse

impacts of the applicant's request for closure, cessation, or conversion of the mobile home park. When deliberating, the Planning Commission shall consider the following factors:

- (1) Whether there will exist, at the time of closure, cessation, or conversion, available mobile home lots within a fifty (50) mile radius from the City to accommodate the displaced residents.
 - (2) Whether the age, type, condition, and style of mobile homes within the park proposed for closure, cessation, or conversion are such that the mobile homes are able to be moved and accepted into other parks within a fifty (50) mile radius from the City.
 - (3) Whether the park residents can feasibly relocate to a comparable mobile home park or other comparable housing within a fifty (50) mile radius from the City and justification for that conclusion.
 - (4) Whether there is evidence that the applicant has attempted to evict or otherwise cause the removal of residents for the purpose of avoiding or reducing payment of relocation assistance.
 - (5) Whether the applicant properly prepared and served notices required by this article and other laws.
 - (6) Whether the proposed closure, cessation, or conversion imposes a disparate impact on vulnerable populations such as older adults and seniors.
 - (7) If the proposed conversion is to another residential use, whether the residents of the mobile home park will have an opportunity to purchase, if for sale, or rent the new units, and whether the construction schedule will result in unreasonable long-term displacements.
 - (8) Whether reasonable relocation assistance can be provided to adequately mitigate adverse impacts to the residents.
 - (9) Based upon the mitigation measures imposed, if any, whether the proposed conversion is consistent with the goals, policies, and objectives of the City's General Plan, any applicable Specific Plans, and/or zoning ordinances.
 - (10) Based upon the mitigation measures imposed, if any, whether the proposed conversion will be detrimental to public health, safety, and general welfare.
- (k) Following the public hearing before the Planning Commission, the City shall schedule a public hearing before the City Council. As with the Planning Commission public hearing, the applicant shall notify the park residents in writing about the public hearing date at least fifteen (15) days in advance. The City Council shall consider the recommendations issued

by the Planning Commission; however, the City Council shall retain the final decision-making authority to determine the sufficiency of the relocation impact report and to deem the relocation assistance as adequate.

18.12.050 Relocation impact report required elements.

The relocation impact report shall contain, but need not be limited to, the following elements:

- a) Description of applicant's proposed new use, if applicable;
- b) Information about each owner/tenant, to the extent provided to the consultant, including:
 - i. Name
 - ii. Address
 - iii. Number of household members
 - iv. Age
 - v. Income
 - vi. Disability status
 - vii. The above information may be provided through a park resident survey or questionnaire, and shall remain confidential. To the extent this information is included in the relocation impact report released for public review, it may be aggregated or redacted to ensure the confidentiality of personally identifiable and sensitive information.
- c) Information about each park resident's home
 - i. Estimated fair market value
 - ii. Date of manufacture
 - iii. Determination of homes eligible for relocation
- d) Summary of comparable mobile home parks within a 50-mile radius, including:
 - i. Current lot leasing rate
 - ii. Current tenant rental rate
 - iii. Current vacancy rate
 - iv. Unique living and social amenities
 - v. Availability and proximity to services, including but not limited to, bus stops, paratransit, libraries, senior centers, grocery stores, pharmacy services, hospitals, and other health care centers
- e) Summary of comparable housing options within a 50-mile radius, including:
 - i. Current home prices
 - ii. Current rental rates
 - iii. Current vacancy rates

- iv. Unique living and social amenities
- v. Availability and proximity to services, including but not limited to, bus stops, paratransit, libraries, senior centers, grocery stores, pharmacy services, hospitals, and other health care centers
- f) Summary of estimated relocation costs, including:
 - i. Moving costs including changes in insurance
 - ii. Storage costs
 - iii. Temporary lodging costs
- g) Identification of various relocation specialists and/or resources within the area.
- h) An individualized fair and reasonable relocation assistance plan for each park resident based on the following criteria:
 - i. For residents who can relocate:
 - 1. The cost of physically relocating
 - 2. The cost of moving personal property
 - 3. The cost of temporary lodging if necessary
 - 4. The cost of temporary storage if necessary
 - 5. The costs of signing a new lease such as first and last month's rent and security deposits
 - 6. The costs of losing unique living and social amenities
 - 7. The costs of losing access and proximity to services
 - i) For residents who are 60 or older; qualify as low-income; or who are disabled, a lump sum based on the consideration of the difference between higher rent at the new park for 12 months and the park that is closing and a lump sum based on the consideration of the cost of obtaining any assistance necessary to move such as help unpacking.
 - j) For residents who cannot relocate:
 - i. A lump sum based on consideration of the cost of moving to and purchasing or renting comparable housing.
 - ii. For owners, fair market value of home if sold on-site since market value is often associated with location.
 - iii. For residents who are 60 or older; qualify as low-income; or who are disabled, a lump sum based on the consideration of the difference between higher rent/mortgage for comparable housing for 12 months and the park that is closing and a lump sum based on the consideration of the cost of obtaining any assistance necessary to move such as help unpacking.
 - k) If the proposed conversion is to another residential use, whether the residents of the mobile home park can purchase, if for sale, or rent the new units, and whether the construction schedule will result in unreasonable long-term displacements.

- l) A detailed plan describing the plan to relocate residents including a timeline for when the applicant must disburse relocation assistance and when residents must vacate.
- m) Any other information which the City determines is necessary to address the specific issues raised by the application or the relocation impact report and any other information that may be necessary to implement provisions of this section.

18.12.060 Bankruptcy exemption.

The provisions of this article shall not apply if it is determined that the closure of a mobile home park or conversion of use of the land as a mobile home park results from an adjudication of bankruptcy. The applicant shall have the burden to produce substantial evidence that a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure, cessation, or conversion of use of the affected park as a mobile home park is necessary. The documentation shall include the title, case number, and court in which the bankruptcy proceedings were held, and certified copies of all pertinent judgments, orders, and decrees of the court.

18.12.070 Administration fees.

The City Council may establish by resolution reasonable fees to cover any costs incurred by the City in implementing this article. Such fees shall be paid by the applicant subject to the provisions of this section, in accordance with the limitations of Section 65863.7(g) of the Government Code.

18.12.080 Process flowchart.

