

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** March 28, 2017

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**SUBJECT: GPT15-006 AND PP17-023. GENERAL PLAN TEXT AMENDMENTS FOR EXISTING MOBILEHOME PARKS, AMENDMENTS AND ADDITIONS TO TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE (THE ZONING CODE OR ZONING ORDINANCE), AND REVISIONS TO CITY COUNCIL POLICY 6-33**

## **RECOMMENDATION**

On January 13, 2016, the Planning Commission voted 6-0-0-1 (Chair Yob abstained) to recommend that the City Council approve the proposed Envision San José 2040 General Plan (General Plan) Text Amendments as recommended by the Director of Planning, Building and Code Enforcement (see previous transmittal memo from Planning Commission to Council, dated January 25, 2016, and supplemental posted on the February 23, 2016, Council Agenda under item 4.2 at [http://sanjose.granicus.com/GeneratedAgendaViewer.php?view\\_id=52&clip\\_id=8773](http://sanjose.granicus.com/GeneratedAgendaViewer.php?view_id=52&clip_id=8773) ).

On March 22, 2017, the Planning Commission considered a motion to recommend approval of the ordinances amending Title 20 of the San José Municipal Code (the “Zoning Code or Zoning Ordinance”) and the resolution revising Council Policy 6-33 entitled “Conversion of Mobilehome Parks to Other Uses” (“the Policy”). The motion to recommend approval failed by a vote of 2-4-1 (Abelite, Allen, Ballard, and Bit-Badal opposed; Vora absent).

## **OUTCOME**

- If the City Council approves the proposed General Plan Text Amendments, the amended text would: 1) strengthen goals and policies to protect existing mobilehome parks in the City of San José as a component of housing choice, and a source of existing affordably-priced housing in established neighborhoods, and to improve protection from conversion to another use; and 2) add General Plan goals, policies, and actions to preserve mobilehome parks and other housing in each Urban Village until the preservation of affordable housing can be comprehensively addressed by adoption of an Urban Village Plan specific to that Urban Village.
- If the City Council approves the proposed ordinance adding Part 5 to Chapter 20.180 of Title 20, this ordinance would establish a new process for considering requests from mobilehome park (park) owners that want to close their parks without seeking any land use approvals.

- If the City Council approves the proposed ordinance amending Chapter 20.120 of Title 20 entitled “Zoning Changes and Amendments;” and amending Section 20.80.460 relating to the evaluation of permit applications for the demolition, removal, or relocation of a building in order to provide a more comprehensive review of zoning and land use permit applications for the conversion of use of sites with mobilehome parks and existing multi-family housing, the ordinance would exempt parcels with mobilehome parks from being eligible for the conforming rezoning process, and add to consideration of applications for demolition permits for mobilehome and multifamily projects whether those projects met their relocation obligations.
- If the City Council approves the proposed Policy revisions, these changes would make minor clarifications to the Policy consistent with Council direction to staff on February 23, 2016.

### **EXECUTIVE SUMMARY**

At the Planning Commission hearing on January 13, 2016, the Planning Commission recommended that the City Council adopt the proposed General Plan Text Amendments.

At the Planning Commission hearing on March 22, 2017, the Planning Commission considered a motion to recommend approval of the ordinances amending the Zoning Code and the resolution revising the Policy. The motion to recommend approval failed and no other motion was voted on by the Commission at this hearing.

### **BACKGROUND**

On January 13, 2016, the Planning Commission conducted a public hearing on the proposed General Plan Text Amendments. On March 22, 2017, the Planning Commission conducted a public hearing on the proposed changes to the Zoning Code and the Policy.

The full analysis, description of public outreach, and coordination conducted on the proposed items are included in the attached Staff Report to the Planning Commission.

### **ANALYSIS**

At the March 22, 2017, Planning Commission meeting, Planning staff summarized the background of the recommended ordinance and Policy changes and noted the following:

- Prior to the start of the Planning Commission meeting, staff distributed a revised draft ordinance adding Part 5 to Chapter 20.180 (the “Closure Ordinance”) to the Planning Commission that incorporated suggestions from the Law Foundation in a letter dated March 21, 2017 (see attached revised draft Closure Ordinance).

- Staff also distributed to the Commission public correspondence that was received after the staff report had been distributed to the Commissioners.

### **Public Testimony**

Eight mobilehome park residents and one attorney from the Silicon Valley Law Foundation representing mobilehome park residents spoke on the items. Several speakers commented that, as proposed, under the draft mobile home park Closure Ordinance, it is easier to close a mobilehome park, sell the property, and then convert it, thereby circumventing the existing conversion ordinance. They stated that prohibitions needed to be added to prevent the landowner from doing such circumvention, such as a 10-year ban on property being sold. They noted that none of the ordinances actually preserve a mobile home community, but might make the sale of a mobilehome park difficult.

Many residents commented that reasonable costs of relocation were not being met with the proposed provisions for relocation reimbursement, based on average rents and in-place market value of their mobilehomes prior to closure. Additionally, some of the speakers were opposed to the waiver provisions in the revised draft Closure Ordinance, Section 20.80.760.D, that could allow the City Council to reduce the amount of the relocation assistance upon request of the park owner. Speakers who were residents of senior mobilehome parks said that because of the present housing situation in San José, mobilehome communities should be protected and preserved as affordable housing.

One speaker who identified himself as a realtor as well as a resident said that if no signs or future use of the park may be posted prior to the date on which the City approves a closure, many residents are not going to know the closure is happening. He said realtors are required to investigate and be knowledgeable, can be sued on not disclosing that a park is applying to close, and that the lack of disclosures probably violates the law.

Some speakers noted that the Closure Ordinance was a “solution looking for a problem” because the City already has a mobilehome park conversion ordinance, and the Closure Ordinance provides no new protections. They commented further that the premise of a park owner only wanting to close the park is unbelievable when land is worth millions of dollars an acre.

A representative from the Law Foundation stated that having a closure ordinance will mean that San José will be stripped of its ability to review displacing applications that really seek to convert parks and avoid replacing affordable housing units. She claimed that the inferior relocation assessment and relocation benefits that the Closure Ordinance would afford to displaced residents would mean that park owners would circumvent the more robust conversion ordinance and related Policy. She said the changes to the Policy do not provide further clarification as Council directed. For example, the definition of “sufficient information” must be clarified to include more than only an appraisal. It must provide clear guidance regarding how disputes concerning selection of appraisers and relocation specialists are resolved, and it must require that the City, not the park owner, provide an appeal process where there is a dispute regarding relocation purchase assistance.

## **Planning Commission Discussion**

Chair Abelite asked staff to respond to the issues raised by the public. Staff explained that Council had directed staff to draft this ordinance within the framework of State law. The noticing requirements respond to comments received from the public who were concerned that park owners would advertise that they were closing their park before they got clearance to do so. Staff added that when a park owner applies to close, that application is public record, just like any other application that comes into the Planning Department. The park residents would receive prior notice of the proposed closure pursuant to State law. Moreover, nothing in the draft ordinance would supersede real estate disclosures required by State law.

Commissioners Allen, Ballard, Bit-Badal, Pham, and Yesney asked clarifying questions as to:

- What scenario for closure would be eligible for processing under the Closure Ordinance,
- Why the Closure Ordinance could not have the same regulations and protections that were in the existing Conversion Ordinance in the Zoning Code,
- Why a Council hearing could not be a mandatory requirement, and
- Whether staff considered provisions to address the potential ability for park owners to close and then immediately after they have completed the closure, the park owners decide to convert or redevelop the site of a closed mobilehome park.

Staff provided a scenario where potentially someone would want to use a closure ordinance where a property owner owns the land itself and has a lease agreement with a mobilehome park operator, the lease expires and the mobilehome park operator and the owner of the land decide not to have a new lease. The mobilehome park land owner is not sure what to do next and decides to close. If the park closes, the land owner would be very limited as to what he or she could do under the existing zoning and land use designations. For example, if a mobilehome park was proposing to close and also needed a permit from the city to demolish existing structures, or to rezone, the proposed closure would need to go through the Conversion Ordinance process.

Staff explained that if a request is just to close a park, then initially, the decision has to be administrative according to State law. In response to comments from the Law Foundation, staff has revised a provision in the draft Closure ordinance changing the period from 30 days to 60 days to request a Council hearing after the Planning Director notifies residents about the closure.

Additionally, staff shared that even under the provisions of the proposed Closure Ordinance, although the mitigation measures are not potentially as generous as they could be under the Conversion Ordinance, the draft Closure Ordinance more clearly details the requirements than the State law. State law provisions do not specify information required in the relocation impact report that has to be submitted, and the “reasonable cost for relocation” is not delineated. The proposed Closure Ordinance would define the detail relocation costs to mitigate impacts from displacement. State law allows for public hearing on the sufficiency of the relocation impact report but does not spell out any standards for determining the sufficiency of the mitigation proposed by the report. The Closure Ordinance would provide standards for sufficiency. Staff added that because mobilehome parks are a hybrid type of relationship where manufactured homes (that are not truly mobile) are located on leased land, State law has evolved differently than it has for apartment renters. In addition, the City’s rent control for mobilehome parks also

includes vacancy control so that rent does not increase to market-rate when a new resident moves in.

Commissioner Yesney stated that she was prepared to vote against the proposed Closure Ordinance until she realized fully what a bind the City was in, and that the fault is in State law.

Commissioner Ballard suggested that the City should consider a long-term strategy to facilitate the purchase of these mobilehome parks either by the people who live there or by the City.

Commissioner Bit-Badal stated that although, due to powerful attorneys and State law, the City's hands are tied, Measure A, which was passed by County voters for affordable housing, provides significant funding that perhaps could be used to purchase and preserve these kinds of housing communities.

Commissioner Pham stated he was a proponent for affordable housing, and that where there are 59 mobilehome parks, many park owners will close their parks and sell the land or redevelop it. He asked how we could protect the residents that are going to be displaced by the closure, and commented that there were no guidelines for designating a portion of a former mobilehome park site for affordable housing development.

Commissioner Ballard expressed sympathy to residents and owners of mobilehome parks. She said we all have a responsibility when making an investment to understand the pitfalls.

The Senior Deputy City Attorney explained that concerns about the balance of the various interests at manufactured-home parks are an issue that the State legislature has dealt with in the Mobile Home Residency Law. When someone is going to enter into a space lease or a month-to-month rental agreement, there are a number of disclosures that have to be made pursuant to State law. The state law has provisions for closure, and it allows cities to adopt rules for closure.

Commissioner Allen said that under the proposed Closure Ordinance residents can be forced out of their home, and the park can be closed; sometime later when the property owner decides to redevelop, then the owner would come to Council for land use approvals, but by that point, the residents have already moved on and had to deal with whatever ramifications came out of the closure. To avoid this scenario, the proposed Closure Ordinance should be as stringent as the Conversion Ordinance.

Commissioner Yesney made a motion to move the staff recommendation, including the CEQA exemption, to recommend approval of the ordinances and resolution to the Council including the revisions dated March 21, 2017. The motion was seconded by Commissioner Pham.

Commissioner Bit-Badal observed that mobilehome park residents are saying, "What is the problem, what are we trying to fix?" and that she wouldn't feel comfortable recommending approval as proposed.

Commissioner Allen noted that the significance of mobilehome park closures are a unique issue to San José in that the City contains 59 mobile home parks, with more than 10,000 mobile homes

that house approximately 35,000 residents, making San Jose the city with the largest number of mobilehomes in California, and, therefore, a testing ground. He said he couldn't recommend the Closure Ordinance to the Council because it unintentionally creates a loop-hole, without requiring a Council hearing.

The motion to support staff's recommendation failed 2-4-1 (Abelite, Allen, Ballard and Bit-Badal opposed; Vora absent), and there was no other motion considered by the Planning Commission.

### **EVALUATION AND FOLLOW UP**

If the proposed General Plan Text Amendments, Closure Ordinance, other Zoning Ordinance amendments, and revisions to the Policy are approved by Council, the City would analyze future applications for mobilehome park closures and conversions for consistency with the adopted policy language and compliance with the new Zoning Ordinance provisions prior to making decisions on such applications. The General Plan Text Amendments, revisions to the Policy, the Closure Ordinance, and the other Zoning Ordinance amendments are all independent actions. The Council may adopt one or more of them without adopting all of them.

### **POLICY ALTERNATIVES**

*Alternative 1: Adopt the items as recommended by staff except the proposed changes to the Zoning Code for Part 5, Chapter 20.180 pertaining to closure.*

**Pros:** After expiration of the moratorium, mobilehome park owners could file applications for mobilehome park closures or conversions, and have such applications processed under the existing Conversion Ordinance.

**Cons:** The City Council's direction to create a Closure Ordinance for mobilehome park owners that request to close without converting their site to another use would not be met, and the Council's objectives related to options for considering closure requests might not be met fully.

**Reason for not recommending:** Council direction to create a Closure Ordinance for mobilehome park owners that wish to close without seeking land use approvals would not be met.

### **PUBLIC OUTREACH**

Since Council direction on February 23, 2016, City staff has presented the above-described policy and ordinance proposals for additional protection of existing mobilehome park residents, and has received public input on these items, at several public hearings and stakeholder forums including: four community meetings held on January 12, 18, 19, and 30, 2017; the Housing and Community Development Commission (February 9, 2017); and the Senior Commission (January 26, 2017 and March 27, 2017).

## **COORDINATION**

Preparation of this memorandum, the proposed General Plan Text Amendments, Zoning Code changes, and revisions to the Policy on mobilehome parks were coordinated with the Housing Department and the City Attorney's Office.

## **CEQA**

Pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines (including without limitation Section 15378 thereof) and Title 21 of the San José Municipal Code (collectively, "CEQA"), the provisions of the proposed General Plan Text Amendments, Ordinances and City Council Policy revisions do not constitute a Project subject to the California Environmental Quality Act because they are General Procedure and Policy-making consisting of a Code or Policy change that involves no changes in the physical environment (File No. PP10-068); and in any event, the proposed General Plan Text Amendments, Ordinances, and City Council Policy revisions would also be exempt from CEQA pursuant to Section 15061(b)(3) because these changes provide additional policies and regulation for processes already authorized by State law and thus have no potential for causing a significant effect on the environment.

To be a project under CEQA, the actions need to involve at least reasonably foreseeable indirect physical change in the environment. Repair, upgrade of services, etc., for existing mobilehome parks may be needed regardless of the pending ordinance and policy proposals and are standard issues with mobilehome park operations. For example, older mobilehome parks with limited amenities and lower voltage electricity, to the extent they exist, are existing conditions. It is possible that a mix of mobilehome and recreational-vehicle-type units already exist in these parks as well. Mobilehome park owners can upgrade the infrastructure in their parks, although only a few have chosen to do so. Mobilehome park rules can prohibit exterior additions. The City's actions will not prevent the State Department of Housing and Community Development from completing its code enforcement duties or mobilehome park owners from enforcing mobilehome park rules that pertain to exterior additions or other blighting conditions.

/s/

HARRY FREITAS, SECRETARY  
Planning Commission

For questions please contact Jenny Nusbaum, Supervising Planner, Ordinance and Policy Team, Planning Division at (408) 535-7872.

Attachments: Planning Commission Staff Report with Public Correspondence  
Corrected List of Mobilehome Parks



# Memorandum

**TO:** PLANNING COMMISSION

**FROM:** Harry Freitas

**SUBJECT:** SEE BELOW

**DATE:** March 13, 2017

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**SUBJECT:** PP17-023

**Consider adoption of ordinances adding and amending various provisions in the San José Municipal Code Title 20 (the Zoning Code) and adoption of a Resolution amending Council Policy 6-33 entitled “Conversion of Mobilehome Parks to Other Uses,” in order to provide for a more comprehensive review of zoning and land use permit applications for the conversion of use of sites with existing mobilehome parks or multi-family housing.**

## **RECOMMENDATION**

Staff recommends that the Planning Commission recommend to the City Council the following actions:

1. Consider the Exemption in accordance with CEQA.
2. Adopt an ordinance adding a new Part 5 to Chapter 20.180 regarding Mobilehome Park Closure Projects to Title 20 of the San José Municipal Code (the Zoning Code).
3. Adopt an ordinance amending Chapter 20.120 entitled “Zoning Changes and Amendments;” and amending Section 20.80.460 relating to the evaluation of permit applications for the demolition, removal, or relocation of a building within those sections of the Zoning Code in order to provide a more comprehensive review of zoning and land use permit applications for the conversion of use of sites with mobilehome parks and existing multi-family housing and to make technical, formatting and other non-substantive changes to those sections of the Zoning Code.
4. Adopt a resolution amending Council Resolution No. 77673 for revisions to City Council Policy 6-33 “Conversion of Mobilehome Parks to Other Uses” (“the Policy”), to change and add provisions for consideration of mobilehome park conversions to other uses to facilitate implementation of the requirements in the Zoning Ordinance regarding mobilehome park conversions to another use including:
  - a. Defining the term “sufficient information” in Section 1.d. of the Policy to ensure that Designated Resident Organizations (DRO) can make a well-informed assessment of the mobilehome park’s value and/or what procedures can be established for a DRO to get access to that information;
  - b. Providing clarifying language in Section 1.e. of the Policy; and
  - c. Provide additional scenarios for selecting appraisers and consultants under Sections 2.a. and 2.c. of the Policy.

## **OUTCOME**

The proposed changes are intended to implement City Council direction provided to staff on February 23, 2016, to propose: 1) an ordinance establishing a process for considering requests from mobilehome park (park) owners that want to close their parks without converting their park sites to another use; and 2) minor clarifying revisions to City Council Policy 6-33.

## **BACKGROUND**

The conversion of mobilehome parks to other uses is a land use issue regulated both by State Planning Law and Mobilehome Residency Law and by the City under the San José Municipal Code and the Envision San José 2040 General Plan (General Plan). The City is allowed, but not required, by State law to have a mobilehome park conversion ordinance. In 1986, the City adopted an ordinance now found in Chapter 20.180 of the Zoning Code to regulate, among other items, the conversion of mobilehome parks consisting of four or more mobilehomes to other uses (the mobilehome park conversion ordinance). Such conversions require approval of a Conditional Use Permit (CUP) or a Planned Development (PD) Permit. To date, no mobilehome park conversions have been processed under this ordinance.

### ***Attributes of Existing Mobilehome Parks in San José***

Staff research shows that the City of San José has 59 mobilehome parks with more than 10,000 mobilehomes that house approximately 35,000 residents, which is the largest number of mobilehomes and households in any city in California. A mobilehome is typically owned by its occupant and located on rented space in a mobilehome park. Mobilehome parks' space-rents are regulated by the City's Mobilehome Rent Control Ordinance in the San José Municipal Code, Chapter 17.22, and its Regulations, and many spaces in these mobilehome parks have rents that are affordable to lower-income households.

Mobilehome parks in San José vary in size, age, location, type of mobilehomes, and in composition of residents. Approximately half of the City's 59 mobilehome parks were built between 1961 and 1974. Some mobilehome parks consist exclusively of mobilehomes, and others contain a mix of recreational travel-trailers and mobilehomes; some are well-maintained, and others are in need of maintenance; some are in central urban areas served by public transit, and others are in more outlying areas of San José. The mobilehome parks in San José also vary in terms of their zoning districts and General Plan land use designations. Some mobilehome parks are located in Industrial Zoning Districts or in areas that are designated in the General Plan for industrial or other nonresidential uses and are predominantly surrounded by industrial uses, and others are located in areas with residential land use designations and residential zoning districts.

### ***City Council Actions***

In 2014, the City was informed that owners of a specific mobilehome park intended to convert that mobilehome park to a new use. The City Council took up this issue as a top priority and included a work-plan item in the Housing Element to explore the efficacy of the existing provisions in the Zoning Code regulating conversion of mobilehome parks to other uses. In 2015, the City Council reaffirmed this priority and directed staff to develop a work plan and public process for updating or creating new ordinances and policies to protect current mobilehome park residents and preserve existing mobilehome parks.

Since that direction was provided by City Council, the following actions have been taken:

- **Zoning Code Changes adopted by Council.** Under Title 20 of the San José Municipal Code (the Zoning Code), to convert a mobilehome park, a CUP or a PD permit is required. On February 23, 2016 the Council adopted amendments to the Zoning Code to further the protection of residents in existing mobilehome parks in the City of San José, that:
  1. Amended the Zoning Code to make the City Council the initial decision-making body for consideration of all proposed mobilehome park conversions to another use after the Planning Commission considers these proposals for recommendations to Council (previously, the initial decision-making body was the Planning Commission for a CUP or the Planning Director for a PD permit);
  2. Added provisions for making findings of consistency with the General Plan for CUPs; and
  3. Added a new section to the Zoning Code that references a new Council Policy that provides guidance on interpreting the provisions of the Zoning Code that pertain to conversion of mobilehome parks to other uses (the conversion ordinance).
- **City Council Policy adopted by Council.** On February 23, 2016, the Council adopted a new City Council Policy 6-33 “Conversion of Mobilehome Parks to Other Uses” to help guide the Council in implementation of the conversion ordinance. The Policy provides guidelines for:
  1. Good faith negotiations between mobilehome park residents (including mobilehome owners and mobilehome tenants) and mobilehome park owners; and
  2. A satisfactory program of relocation and purchase assistance, including but not limited to compensation to residents, purchase price for the existing mobilehomes, relocation impact reports, and relocation benefits.
- **General Plan text amendments (File No. GPT15-006) were recommended by Planning Commission to Council for adoption and are now pending Council consideration.** On January 13, 2016 the Planning Commission held a public hearing and recommended Council adoption of General Plan text amendments to:
  1. Further enhance goals and policies to protect existing mobilehome parks in the City of San José as a component of housing choice, and a source of existing affordably-priced housing in established neighborhoods, and to improve protection from conversion to another use; and
  2. Add General Plan goals, policies, and actions to preserve mobilehome parks and other housing in each Urban Village until the preservation of affordable housing can be comprehensively addressed by adoption of an Urban Village Plan specific to that Urban Village.

These recommendations were previously considered by the City Council. On February 23, 2016, the City Council deferred further consideration of these General Plan text amendments until a date uncertain. As a separate item, they are now scheduled to be considered at the same Council meeting as the proposed ordinances and Council Policy amendment. The adoption of the proposed ordinances and Council Policy amendment are *not* dependent upon the approval of the General Plan text amendments.

***Council Direction in 2016***

At the February 23, 2016 City Council hearing, the Council directed staff to propose a mobilehome park closure ordinance as an amendment to the Zoning Code. The Council also directed staff to propose clarifying changes to City Council Policy 6-33 “Conversion of Mobilehome Parks to Other Uses.” As a separate concurrent process, the Council directed staff to continue exploring “Opt in, Stay in Business” to incentivize park owners to continue park operations for a set period of time.

- **Moratorium on Conversions and Closures.** On March 1, 2016 the City Council approved a temporary moratorium to prevent submittal of applications for the conversion or closure of mobilehome parks. This was done to allow time for staff to work on a closure ordinance. The moratorium can be extended through August 24, 2017. City Council can end the moratorium sooner if a closure ordinance is adopted before that date.
- **Proposed Closure Ordinance.** On January 5, 2017, the Administration released a “Discussion Draft” of the Mobilehome Closure Ordinance. The City Council had directed staff to prepare an ordinance that applies to mobilehome parks that wish to close but do not intend to seek any entitlements or permits. One hypothetical example is when a lease-hold expires and the land owner decides not to enter into a new lease with another mobilehome park operator. There are provisions under State Law that pertain to mobilehome park closures. However, the City can adopt its own closure ordinance to further delineate the process for mobilehome park closure and define relocation benefits as allowed by State Law. The Draft Mobilehome Park Closure Ordinance is attached to this staff report.
- **Opt in Stay in Business.** In response to Council direction from 2016, the Housing Department is meeting with an Advisory Committee in March and April 2017, and will hold community meetings this spring to discuss this concept further.

**ANALYSIS**

Staff is proposing Zoning Code changes and revisions to City Council Policy 6-33 consistent with Council direction given to staff on February 23, 2016.

***Zoning Code Changes***

- **State Law and City Code.** The City’s Draft Mobilehome Park Closure Ordinance (Draft Closure Ordinance) is consistent with State Law provisions but adds greater details in the preparation and processing of the Relocation Impact Report (RIR) and in provisions for a public hearing. The table below summarizes the main differences between the State’s regulations for the RIR and the City’s Draft Mobilehome Park Closure Ordinance:

<b>RIR under State Law</b>	<b>San José’s Draft Mobilehome Park Closure Ordinance</b>
Does not specify the information required in the RIR in detail or the relocation-related services to be provided as part of the reasonable cost of relocation.	Would allow the City to require park owners to pay reasonable costs of relocation unless bankruptcy has been approved by a court or a request for a waiver is approved by the City. Specifies the information required in the RIR, the relocation-related services to be provided, and the standards for sufficiency of the report.

<p>State Law allows for a public hearing on the sufficiency of the RIR if requested, but provides no standards for determining sufficiency of mitigation proposed by the report.</p>	<p>The proposed closure ordinance also allows for a public hearing with Council on the sufficiency of the RIR if requested.</p>
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- Conversion and Closure.** The table below summarizes the main differences between the City’s existing Conversion Ordinance and the Draft Mobilehome Park Closure Ordinance:

<p><b>San José’s current Mobilehome Park Conversion Ordinance</b></p>	<p><b>San José’s Draft Mobilehome Park Closure Ordinance</b></p>
<ol style="list-style-type: none"> <li>1. Used by mobilehome park owners who wish to close a mobilehome park and wish to change the use of their mobilehome park site to a new land use.</li> <li>2. Requires a CUP or PD permit.</li> <li>3. Requires mobilehome park owners to negotiate with the mobilehome park residents’ association for purchase of the mobilehome park site.</li> <li>4. Requires a RIR.</li> <li>5. Requires a Council hearing to approve or deny the proposed conversion.</li> <li>6. Mobilehome park owners may request a reduction in the relocation benefits called for in the RIR, and the City may request documentation to justify a reduction.</li> </ol>	<ol style="list-style-type: none"> <li>1. Used by mobilehome park owners who wish to close a mobilehome park and do not wish to change the use of their mobilehome park site to another land use.</li> <li>2. Does not require a CUP or PD permit.</li> <li>3. Does not require that the mobilehome park owner negotiate with the mobilehome park residents’ association for purchase of the mobilehome park site.</li> <li>4. Requires a RIR prepared by a Relocation Specialist selected by the City and paid for by the park owner.</li> <li>5. Provides for a Council hearing on the sufficiency of the RIR only if requested. Otherwise, determination of sufficiency of the RIR and approval or conditional approval of closure is made by Director.</li> <li>6. Mobilehome park owners may request that the Council provide a waiver of the relocation benefits called for in the RIR, but the mobilehome park owners must provide to the City financial statements for the most recent five (5) years verified by a certified public accountant and other information.</li> <li>7. Requires Maintenance and Security Plan to ensure the property does not become blighted and a threat to public health and safety after closure.</li> </ol>

So that the Closure Ordinance isn't used by applicants to convert a mobilehome park to another land use after completing an expedited conforming rezoning, staff is also proposing amendments and additions to Chapter 20.120 and Section 20.80.460 of the Zoning Code to provide for a more comprehensive review of zoning applications and permit applications for property that contains existing multi-family housing or mobilehome parks. Proposals for mobilehome park closures or redevelopment of multi-family housing could result in the demolition and loss of existing affordable housing stock, and there may be City and State-required relocation obligations that an applicant must meet prior to the City approving demolition associated with these types of projects. Staff's proposed changes to provisions of the Zoning Code pertaining to the conforming rezoning and the demolition permit processes are intended to confirm that relocation obligations in State and local law are complied with by the proponents of such proposals.

***Revisions to City Council Policy 6-33 "Conversion of Mobilehome Parks to Other Uses"***

As adopted, City Council Policy 6-33 is intended to clarify Zoning Code Chapter 20.180 and provide guidelines to facilitate implementation of the requirements in the Zoning Code regarding mobilehome park conversions to other uses. The Policy:

- Clarifies that the intent of Council direction is to encourage the preservation of mobilehomes;
- Provides guidelines for good-faith negotiations between mobilehome park residents (including mobilehome owners and mobilehome tenants) and mobilehome park owners;
- Provides guidelines regarding RIRs and appraisals; and
- Provides guidelines regarding a satisfactory program of relocation and purchase assistance, including but not limited to compensation to residents, purchase price for the existing mobilehomes, and relocation benefits when a mobilehome park conversion is approved by the City Council.

At the February 23, 2016 City Council meeting, Council directed staff to return with proposed revisions that address the following:

1. Define what "sufficient information" means in Section 1.d. to ensure that Designated Resident Organizations (DRO) can make a well-informed assessment of the mobilehome park's value and/or what procedures can be established for a DRO to get access to that information;
2. Provide clarifying language on Section 1.e.; and
3. Provide other scenarios for selecting appraisers and consultants under Section 2a and 2c.

Staff has proposed Policy text amendments to respond to this Council direction as shown in the draft revised City Council Policy 6-33 that is attached to this staff report. For "sufficient information," the text, "including but not limited to a current appraisal," is proposed to be added before "should be provided to each Designated Resident Organization so that the value of the mobilehome park as a mobilehome park can be established." Section 1.e. is modified to allow mobilehome park closure projects to use the proposed Mobilehome Park Closure Ordinance instead of the Mobilehome Park Conversion Ordinance.

The current Mobilehome Park Conversion Ordinance, Parts 1-4 of Chapter 20.180, in the Zoning Code, Section 20.180.600.A.5, provides that, “[t]he appraiser shall be selected by the developer and/or association; and shall be paid by the developer and/or association to make the appraisal.” There is no option to have the City select the appraiser. If the association (DRO) selects an appraiser and funds their work, that appraisal and report should be considered under Section 2.g. of the Policy. Section 2.a. of the Policy regarding appraiser selection has been adjusted to encourage the mobilehome park owner to select an appraiser acceptable to the (DRO) from a prequalified list.

The proposed changes to the Policy Section 2.c. provide guidance for selection by the mobilehome park owner of a relocation specialist from a pre-qualified list, and an opportunity for the DRO to reject the relocation specialist if the DRO provides a list of at least two qualified relocation specialists that the DRO would accept. Many other cities’ conversion ordinances contain provisions for selection of the relocation specialist by the mobilehome park owner from a pre-qualified list. In the proposed Mobilehome Park Closure Ordinance, the City selects the relocation specialist, and the mobilehome park owner pays the cost of the services.

### **GENERAL PLAN CONSISTENCY**

As proposed by Planning staff, the Zoning Code changes and the revisions to City Council Policy 6-33 are consistent with the Housing Element, as well as the General Plan’s Housing Goals, Policies, and Actions that contribute to the protection of the City’s existing range of housing options and residential communities. Staff’s proposed changes to the Zoning Code and the City Council Policy are intended to help implement these General Plan Goals, Policies, and Actions in a manner that is consistent with the General Plan. Additionally, the adoption of the proposed ordinances and Council Policy amendment are *not* dependent upon the approval of the General Plan text amendments that have also been scheduled for Council to consider on the same public hearing date.

### **Conclusion**

The proposed changes to the Zoning Code and to City Council Policy 6-33 may improve protection of existing mobilehome park residents by providing:

1. Detailed regulations in the Zoning Code consistent with State law for the City’s consideration of requests for mobilehome park closures where no other use is proposed on the sites of such closures and for measures to mitigate displacement of residents resulting from closures; and
2. Additional clarifying guidance in City Council Policy 6-33 for the City’s review of applications for Planning permits for conversions of mobilehome parks to other uses.

### **PUBLIC OUTREACH/INTEREST**

Staff posted information about the proposed Zoning Code changes and revisions to City Council Policy 6-33 on the Planning Division’s and the Housing Department’s websites in compliance with applicable requirements of the San José Municipal Code and State law. Staff has been available to discuss this item with interested members of the public. Staff will also send e-mail notification of this agenda item to its list of self-subscribed e-mail addresses that have requested notification. The City has a webpage dedicated to information regarding the Mobilehome Park

Preservation Policies/Conversion Ordinance Update, and staff regularly updates this webpage as the status of the work plan progresses.

Staff conducted numerous community, stakeholder, and public hearings on the Code and policy changes that address mobilehome park closure and conversion. For the Draft Closure Ordinance, four community meetings were held on January 12, 18, 19, and 30th 2017. Two meetings were held during the day and two at night. The meetings took place in Council Districts 4, 2, 3 and 7.

City staff delivered flyers in English, Spanish and Vietnamese to more than 50 mobilehome park offices and requested they be posted in common areas. In addition, the City emailed more than 400 recipients as well as Council Offices. Flyers were posted at four community centers/libraries as well.

This item was also presented to the Senior Commission on January 26, 2017.

A summary of the public comments from the community and from commissions' meetings is provided below.

### **1. Community Input**

- Concern that isn't there a minimum wait period for a land owner who goes through the "closure" process then decides to redevelop shortly thereafter. There was concern that land owners would do an "end run" to avoid being subject to the Conversion Ordinance.
- Concern that the proposed closure ordinance has too many "mays" versus "shalls," and it may be hard to enforce requirements.
- Comment that two (2) years of rental assistance is not a substitute for homeownership.
- Mobilehome park owners stated the proposed Closure Ordinance is inconsistent with State law because it:
  - Does not provide a reasonable cost of relocation.
  - Violates U.S. Constitution - makes it very expensive, exorbitant, a burden. Cumulative impacts make mobilehome park owners provide a public service without compensation.
- Representatives of mobilehome park residents stated that there is no need for a Closure Ordinance because the Conversion Ordinance addresses closures.
- Suggestion to require that 20% of proceeds from redevelopment of a mobilehome park go toward funding new affordable housing.
- Concern that potential homebuyers be made aware if a mobilehome park is in the process of closing.
- Questions on relocation costs:
  - Who is responsible for playing relocation costs: the park operator or the land owner?
  - What happens if these parties have no money to pay for relocation costs?
  - What qualifications do a Relocation Specialist and an appraiser need to have to be acceptable?

- Could residents challenge a waiver of relocation benefits? Who decides on the waiver?
- There should be right of first refusal for mobilehome park residents to purchase a mobilehome park if the operator or land owner files for bankruptcy.
- Appraisal Questions:
  - What is a “qualified appraiser”?
  - What is the appraisal process?
  - How should value be considered?
  - How are amenities considered?
  - Can the City select the appraiser or compel the mobilehome park owner to pay for appraiser selected by resident?
  - Need consistency of how mobilehomes are appraised and assistance provided in Conversion Ordinance and Closure Ordinance.
  - Arbitration? Include some opportunity for appraisal challenge in Closure Ordinance as in Conversion Ordinance.
  - Concern that poor residents cannot afford their own appraisals.
- The City should remind residents to create associations (they have rights under Conversion Ordinance).
- Amortization should match the life of the improvement. Why isn’t amortization language the same for the rent control ordinance, Conversion Ordinance, and Closure Ordinance?
- All people who are listed as “the applicant” should sign an affidavit in the application form saying they do not intend to convert the mobilehome park to another use.
- Notification:
  - Clarify how City would notify and how residents would request a public hearing. When does the six-month clock begin?
  - A Council Hearing should be required without a request.
  - What constitutes a timely valid request for a City Council hearing?
  - Clarify who, how and when City notifies residents of right to request Council hearing, and when six-month notice to move starts and ends.
  - Notices should be in multiple languages, written at a reasonable reading level using large print.
  - If a mobilehome park closes, people will scatter. How do they come to Council for a public hearing if they no longer live in the area?
- What is the process for the confidential questionnaire? How does City ensure confidentiality?

## **2. Senior Commission Meeting held on January 26, 2017**

Members of the Senior Commission were concerned about the vulnerability of mobilehome park residents because they have a perception that about a 1/3 of the approximately 35,000 residents are at least 55 years in age. At their meeting that is scheduled for March 23, 2017, the Senior Commission plans to make a recommendation to Council.

## **3. Housing and Community Development Advisory Commission**

Staff presented the draft Mobilehome Park Closure ordinance on February 9, 2017, to the Housing and Community Development Commission (HCDC). The following motions were passed by the HCDC:

- Recommend to the City Council to adopt a closure ordinance with further changes required to offer the same, if not more protections to the residents as the mobilehome conversion ordinance.
- Any closure ordinance should include a provision that requires the mobilehome park owner to meet and confer with appropriate city officials to discuss preservation and alternatives to closure.

Any closure ordinance should include a provision that the appraised value of mobilehomes be six months before the date of application to close the mobilehome park.

- There should be language within the ordinance stating that there shall be a recording against the property that any future development triggers the mobilehome park conversion policy.
- Additional notes summarizing the HCDC discussion and public comments are attached to this staff report.

Where feasible, staff has attempted to address many of the issues raised by stakeholders through the proposed revisions to City Council Policy 6-33, and changes to the Zoning Code, as discussed in this staff report and in the attached documents.

## **EVALUATION AND FOLLOW-UP**

Staff is scheduled to present the proposed ordinances and revisions to City Council Policy 6-33 for consideration by the City Council at a public hearing on April 11, 2017. The City Council may decide to consider the previously-deferred General Plan text amendments on April 11, 2017 as well.

## **COORDINATION**

The preparation of this memorandum was coordinated with the City Attorney's Office and the Housing Department.

PLANNING COMMISSION

March 13, 2017

*Subject: Zoning Code Regulations on Mobilehome Park Closure Requests and Revised Council Policy 6-33*

Page 11 of 11

**CEQA**

Pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines (including without limitation Section 15378 thereof) and Title 21 of the San José Municipal Code (collectively, "CEQA"), the provisions of the proposed Ordinances and City Council Policy amendments do not constitute a Project subject to the California Environmental Quality Act because they are General Procedure and Policy-making consisting of a Code or Policy change that involves no changes in the physical environment (File No. PP10-068); and in any event, the proposed Ordinances and City Council Policy amendments would also be exempt from CEQA pursuant to Section 15061(b)(3) because these changes provide additional policies and regulation for processes already authorized by State law and thus have no potential for causing a significant effect on the environment.



HARRY FREITAS, DIRECTOR  
Planning, Building and Code Enforcement

For questions, please contact Jenny Nusbaum, Supervising Planner, Ordinance and Policy Team at 408-535-7872.

Attachments: List of Mobilehome Parks  
Draft Ordinances  
Draft Revised City Council Policy 6-33  
HCDC February 9, 2017 Meeting Summary  
Public Correspondence

SAN JOSE MOBILEHOME PARKS

#	PARK NAME	PARK ADDRESS	LOTS	APN	COUNCIL DISTRICT	YEAR BUILT	ACRES	SNI	OCCUPY TYPE	IN URBAN VILLAGE	ADJACENT TO/HALF MILE FROM UV	NEAR HIGH QUALITY TRANSIT	ZONING	GP 2040	UNIT TYPE
1	Ace Trailer Inn Village	2800 Monterey Rd.	55	497-32-009	7	1953	2.76	No	Family				R-MH	CIC	RV
2	Arbor Point (SJ) MH Park	540 Bonita Ave.	120	472-06-068	3	1961	3.81	Yes	Family		Yes		R-MH	RN	D
2.1				472-07-073			0.45								
3	Bella Rosa Mobile Lodge	1500 Virginia Pl.	64	481-45-038	5	1964	2.91	Yes	Family		Yes		R-MH	RN	S
4	Cal-Hawaiian Mobile Est	3637 Snell Ave.	420	462-19-005	10	1969	49.23	No	Family				R-MH	RN	S, D
5	Caribees MH Park	2855 Senter Rd.	442	497-28-005	7	1961	12.24	No	Family				R-MH	RN	S, D
6	Casa Alondra	5450 Monterey Rd.	203	684-40-012	2	1974	5.2	No	Family		Yes		R-MH	RN	S, D
6.1				684-40-015			7.37								
6.2				684-41-007			1.48								
6.3				684-42-002			2.52								
6.4				684-42-004			8.49								
7	Casa Del Lago	2151 Old Oakland Rd.	619	237-01-028	4	1971	21.71	No	Family				A(PD)	CIC	S, D
8	Chateau la Salle	2681 Monterey Rd.	433	455-08-031	7	1980	3.72	No	Family				A(PD)	RN	D
8.1				455-30-030											
8.2				455-08-029			3.72								
8.3				455-08-037			54.56								
9	Colonial Mobile Manor	3300 Narvaez Ave.	207	462-15-006	9	1968	21	No	SENIOR		Yes	Yes	R-MH,A	RN	S, D
10	Cottage Trailer Park	111 Bernard Ave.	34	455-02-034	7	1955	1.51	No	Family				R-MH	HI	RV
11	County Fair MH Park	270 Umbarger Rd - Office	133	497-34-003	7	1964	9.65	No	Family				R-MH	LI	S, D
12	Coyote Creek MH Community	2580 Senter Rd.	183	497-42-011	7	1973	16.98	No	Family				R-MH	RN	
13	Hometown Eastridge Mobile Estates	1955 Quimby Rd.	187	491-36-003	8	1980	23.15	No	Family		Yes		A(PD)	RN	S, D
14	Hometown Monterey Oaks	6130 Monterey Rd.	344	678-03-035	2	1971	40.42	No	Family		Yes		R-MH	RN	S, D
14.1				678-03-017											
14.2				678-03-675											
15	Foothills Mobilelodge	655 S. 34th St.	101	481-45-046	5	1959	6.35	Yes	Family		Yes		R-MH	RN	
16	Garden City Trailer Park	1309 Oakland Rd Sp.#24	43	237-06-023	3	1960	2	No	Family		Yes		HI	HI	
17	Golden Wheel Park	900 Golden Wheel Park Dr	221	241-15-012	3	1968	19.94	No	Family		Yes		HI,LI	RN	S, D
18	Hillview Mobile Home Park	241 S. Jackson St.	26	481-23-070	5	1958	1.57	Yes	Family		Yes	Yes	R-MH	RN	S
19	Hilton Mobile Park	661 Bonita Ave. #67	62	472-07-058	3	1961	2.55	Yes	Family		Yes		R-MH	RN	RV, S
19.1				472-07-071			1.86								
20	Imperial San Jose Mobile Est	5770 Winfield Blvd.	174	694-06-013	10	1969	21.55	No	Family	Yes		Yes	R-MH	NCC	D
21	La Buona Vita Mobile Park	445 N Capitol Ave	108	unavailable	5	1978	14.1		Family	Yes		Yes	A(PD)	NCC	D
22	Lamplighter San Jose	4201 N. First St	265	097-02-036	4	1972	35.64	No	Family				A(PD)	RN	D, T
23	Magic Sands	165 Blossom Hill Rd	541	690-02-001	2	1967	2.93	No	Family		Yes		A(PD)	RN	D
23.1				690-02-007			6.55								
23.2				690-04-004			9.96								
23.3				690-04-007			1.7								
23.4				690-34-002			20.04								
24	Mayfair Trailer Park	1840 S. Seventh St	54	477-26-001	7	1954	2.41	No	Family				R-MH	HI	RV
25	Mill Pond I	2320 Canoas Garden Ave	309	455-28-014	6	1977		No	SENIOR		Yes	Yes	A(PD)	RN	D,T
26	Mill Pond II	2320 Canoas Garden Ave	52	455-32-007	6	1977	6.63	No	SENIOR		Yes	Yes	A(PD)	RN	D, T
27	Mobile Home Manor	1300 E. San Antonio St.	81	472-05-030	3	1955	3.17	Yes	Family	Yes		Yes	R-MH	RN	RV
28	Moss Creek MH Community	2929 Aborn Square Rd	107	670-30-021	8	1977	13.9	Yes	SENIOR		Yes		R-1-8(PD)	RN	D, T
29	Mountain Shadows	633 Shadow Creek Dr	108	462-15-014	9	1974	10.6	No	Family		Yes	Yes	R-MH	RN	S, D

SAN JOSE MOBILEHOME PARKS

#	PARK NAME	PARK ADDRESS	LOTS	APN	COUNCIL DISTRICT	YEAR BUILT	ACRES	SNI	OCCUPY TYPE	IN URBAN VILLAGE	ADJACENT TO/HALF MILE FROM UV	NEAR HIGH QUALITY TRANSIT	ZONING	GP 2040	UNIT TYPE
30	Mountain Springs	625 Hillsdale Ave	144	455-10-048	7	1976	10.78	No	SENIOR		Yes	Yes	A(PD)	UR	D, T
31	Oakcrest Estates	4271 N. First St.	158	unavailable	4	1980	25.7	No	Family				A(PD)	RN	S, D
31.1				097-01-027			2.61								
31.2				097-01-028			2.27								
31.3				097-50-001			6.68								
32	Old Orchard MHP	2135 Little Orchard	102	455-06-081	7	1963	8.81	No	Family		Yes		R-MH	RN	S, D
33	PepperTree MH Estates	2150 S. First St	273	237-17-136	7	1959	0.58	No	Family				A(PD)	TEC	S, D
33.1				237-17-157			4.09								
34	Quail Hollow MH Park	1445 S. Bascom Ave	186	282-49-012	6	1974	1.34	No	SENIOR		Yes	Yes	R-1-5(PD)	RN	D
34.1				282-49-013			3.34								
34.2				282-49-017			18.12								
35	Rancho Santa Teresa	510 Saddle Brook Dr	315	685-03-613	6	1967	30.3	No	Family		Yes		R-MH	RN	S, D
35.1				685-03-003			16.84								
35.2				685-03-009			16.99								
36	River Glen MH Park	2150 Almaden Rd	163	455-18-089	6	1963	0.76	No	SENIOR		Yes	Yes	R-MH	RN	U
37	Riverbend Mobilehome Park	1358 Old Oakland Rd	124	241-13-007	3	1968	12.52	No	Family		Yes		R-MH	RN, CIC	S, D
38	San Jose Trailer Park	527 McLaughlin Ave. #6	99	472-01-012	3	1957	4.5	Yes	Family		Yes		R-MH	RN	T, S
39	San Jose Verde MH Park	555 Umbarger Rd #150	149	497-38-004	7	1971	12.79	No	Family				R-MH	RN	RV, S
40	Silver Creek Mobile Est.	1520 E Capitol Expwy	240	676-03-001	7	1969	25.12	No	Family		Yes		R-MH	RN	S, D
41	Sleepy Hollow Trailer Ct.	4210 Monterey Rd	72	684-01-009	2	1959	4.41	No	Family				LI	RN	RV, S
42	South Bay Mobile Home Park	1350 Old Oakland Rd	214	241-13-004	3	1965	13.98	No	Family		Yes	CIC	R-MH	RN/CIC	S,D
42.1				241-13-002			5.62								
43	Spanish Cove MH Park	2600 Senter Rd	305	497-42-009	7	1971	25.78	No	Family				R-MH	RN	U
44	Summerset Mobile Estates	PO Box 878 Alviso	112	015-04-013	4	1980	14.5	No	Family				R-MH	RN	S,D
	(physical address)	2052 Gold St.													S,D
45	Sunset Mobile Manor	555 McLaughlin Ave. #A	58	472-01-015	3	1957	0	Yes	Family		Yes		R-MH	RN	RV, S
45.1				472-01-016			3.35								
46	Sunshadow MH Community	1350 Panoche Ave	121	477-16-033	7	1977	3.75	Yes	Family				R-2(PD)	RN	D, T
46.1				477-16-067			9.8		Family						
47	Town & Country Mobile Village	195 Blossom Hill Rd	191	690-04-003	2	1967	20.7	No	SENIOR		Yes		R-MH	RN	D
48	Trailer-Tel Mobile Manor	1212 Oakland Rd	170	241-11-023	4	1957	11.62	No	Family		Yes		R-MH	HI	RV,S
49	Trailer Terrace Park	3010 Monterey Rd	57	unavailable	7	unavailable	3.3	No	Family		Yes		R-M	CIC	RV,S
50	Triangle Trailer Park	1410 N Tenth St	24	23706011	3	1958	0.9	No	Family				LI	HI	RV,S
51	Villa Teresa	5680 Santa Teresa Blvd	147	unavailable	10	1979	19.1	No	SENIOR		Yes		A(PD)	RN	S,D
52	Village of the Four Seasons	200 Ford Rd	271	678-06-005	2	1971	30	No	Family		Yes		R-MH	RN	S, D
53	Walnut Park	4320S Monterey Rd. #19	40	684-02-001	2	1962	190	No	Family				R-MH	CIC	U
54	Western Trailer Park	2784 Monterey Hwy-Office	94	497-32-010	7	1959	4.1	No	Family				R-MH	CIC	RV, S, W
55	WestWinds Manufactured Home Community	500 Nicholson Lane	723	097-81-004	4	1975	19.17	No	Family			Yes	A(PD)	UR	D, T
56	Whispering Hills MH Park	2780 E Capitol Expy.	211	673-16-016	8	1978	21.86	No	Family		Yes		A(PD)A	RN/OS	D
57	Willow Glen Mobile Hom Est	1850 Evans Lane	90	455-20-006	6	1960	5.05	No	Family	Yes		Yes	R-MH	NCC	S
58	Winchester Ranch	500 Charles Cali Dr	111	unavailable	1	1977	15.7	No	SENIOR	Yes		Yes	A(PD)	RN	D, T
59	Woodbridge MH Community	3051 Towers Lane	176	unavailable	7	1978	22	Yes	SENIOR		Yes		R-1-8(PD)	RN	D
	HIGH QUALITY TRANSIT = Light Rail and Bus Rapid Transit														
	SNI = Strong Neighborhoods Initiative														



**DRAFT**

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING  
TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO ADD  
A NEW PART 5 TO CHAPTER 20.180 REGARDING  
MOBILEHOME PARK CLOSURE PROJECTS**

**WHEREAS**, in 1986 the City Council of the City of San José adopted Ordinance No. 22329, adding Chapter 20.64 to the San José Municipal Code, which was amended in 1987 by Ordinance No. 22437 and is now codified in Title 20, Chapter 20.180, (“Existing Ordinance”) to establish requirements and procedures for the control and approval of the conversion of mobilehome parks to community mobilehome parks, mobilehome park condominiums, and non-mobilehome park uses; and

**WHEREAS**, there has been uncertainty over the years as to whether the Existing Ordinance was meant to apply to a mobilehome park closure project – a project where a mobilehome park only sought to cease operation and did not seek or require a Development Permit, rezoning or General Plan amendment; and

**WHEREAS**, given that the existing Parts 1-4 of Chapter 20.180 require a planned development permit or conditional use permit that would not otherwise be required for a mobilehome park closure project, a separate ordinance to expressly establish requirements and procedures mobilehome park closure projects is desirable; and

**WHEREAS**, the City has 59 mobilehome parks with over 10,000 spaces, more than any other city in California, and the City Council has determined that an ordinance to establish requirements and procedures for mobilehome park closure projects is needed; and

**WHEREAS**, the City now wishes to adopt an ordinance to establish requirements and procedures for mobilehome park closure projects, consistent with Government Code Section 65873.7 and State Mobilehome Residency Law, Civil Code Section 798, *et seq.*; and

**WHEREAS**, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines (including without limitation Section 15378 thereof) and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a Project, subject to the California Environmental Quality Act because it is General Procedure and Policy-making consisting of a Code or Policy change that involves no changes in the physical environment (File No. PP10-068); and

**WHEREAS**, in any event, the Ordinance would also be exempt from CEQA pursuant to Section 15061(b)(3) because it provides additional regulation for a process already allowed under State law and thus has no potential for causing a significant effect on the environment; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for this Ordinance; and

**WHEREAS**, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

**WHEREAS**, the City Council of the City of San José is the decision-making body for this Ordinance; and

**NOW, THEREFORE,** BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Chapter 20.180 of Title 20 of the San José Municipal Code is hereby amended by adding a Part 5 to be entitled and to read as follows:

**CHAPTER 20.180**  
**Part 5**  
**MOBILEHOME PARK CLOSURE PROJECTS**

**20.180.7500 Purpose**

The purpose of this Part is to enhance the public welfare by providing procedures and standards for assessing the adverse impacts of a mobilehome Park Closure on the displaced Mobilehome Owners and other Mobilehome Park Residents and to determine appropriate relocation assistance for those Residents consistent with the findings in state and local law regarding the unique circumstances of Mobilehome Owners. This Part is also intended to prevent blight and protect public health and safety by requiring Mobilehome Parks that are closing or closed to obtain approval of a Maintenance and Security Plan.

**20.180.7505 Definitions**

Certain words and phrases are defined in this Part and shall be construed as herein set forth unless it shall be apparent from their context that a different meaning is intended. Words and phrases not defined in this Part shall be defined as provided in Chapter 20.200, or if not defined in that Chapter, defined to facilitate this Part's most reasonable application.

- A. "Change of Use" means the use of a Mobilehome Park for a purpose other than the rental, or the holding out for rent, of four (4) or more Mobilehome sites or Spaces to accommodate Mobilehomes used for human habitation and includes cessation of use. A Change of Use may affect an entire Park or any portion thereof.
- B. "Closure" means a Mobilehome Park Conversion of Use or Change of Use that is not part of a project which seeks or requires a rezoning, General Plan amendment, Demolition Permit or Development Permit.

- C. “Comparable Mobilehome” means a Mobilehome that is similar in size, age, condition, number of bedrooms and amenities to a Mobilehome that is being displaced by a Mobilehome Park Conversion of Use or Change of Use.
- D. “Comparable Mobilehome Park” means a Mobilehome Park that is similar in condition, age, size and amenities to the Mobilehome Park that is being closed and is located within a community similar to that in which the Mobilehome Park that is being closed is located and has similar access to community amenities such as shopping, medical services, schools, recreational facilities and transportation.
- E. “Comparable Housing” means housing in an apartment complex or condominium that is similar in size, number of bedrooms and amenities to the Mobilehome that is being displaced and is located in a community that has similar access to shopping, medical services, schools, recreational facilities and transportation or a comparable Mobilehome in a comparable Mobilehome Park.
- F. “Conversion of Use” means the Change of Use of an existing Mobilehome Park containing four (4) or more Mobilehome Spaces to any other use, excluding Mobilehome Park conversion to ownership pursuant to Government Code Sections 66427.5 and 66428.1.
- G. “Demolition Permit” means any permit issued pursuant to Part 5 of Chapter 20.80 of this Title.
- H. “Development Permit” means Development Permit as defined in Chapter 20.200 of Title 20.
- I. “Director” means the City’s Director of Planning, Building and Code Enforcement.
- J. “Disabled Household” means a household in which a Resident has ~~a medical condition or physical or mental impairment that substantially limits at least one of the person’s major life activities, a disability~~ as defined in the federal ~~Fair Housing Amendments Act of 1988~~Americans with Disabilities Act and ~~or a Resident is has a mental or physical disability as defined in~~ the California Fair Employment and Housing Act, or successor statutes.
- K. “Eligible Residents” means Mobilehome Residents who have not given notice to terminate their lease as of the date of ~~the filing of the Relocation Impact Report~~submittal of the executed application form required by Section 20.180.715.

- L. “Legal Owner” means any person or entity having a legal interest in a Mobilehome, such as a lender or mortgagor.
- M. “Low Income Household” means a household with annual income less than or equal to eighty percent (80%) of the current area median income in Santa Clara County, as determined by the California Housing and Community Development Department, adjusted for household size.
- N. Maintenance and Security Plan means the plan prepared by the Park Owner to address the maintenance and security of the Park after Closure.
- O. “Mobilehome” means “mobile home” as defined in the Mobilehome Residency Law, Civil Code Section 798 *et seq.* as now in effect or subsequently amended. It shall also mean vehicles designed or used for human habitation, including camping trailers, motorhomes, slide-in campers, recreational vehicles, and travel trailers if they have been in the Park being closed and used as the occupant's primary residence, as established by nine (9) months' continuous residency prior to the filing of a Relocation Impact Report.
- P. “Mobilehome Park” or “Park” means Mobilehome Park as defined in Chapter 20.200 of Title 20.
- Q. “Mobilehome Resident” or “Resident” means a person, including a Mobilehome Owner or Mobilehome Tenant, who occupies a Mobilehome.
- R. “Mobilehome Owner” means the Registered Owner of a Mobilehome, but should not be interpreted to exclude a person with proof of ownership who has made application to the state Housing and Community Development Department for duplicate, substitute, or new certificate of title, registration card, or copy of a registration card for their Mobilehome.
- S. “Mobilehome Space” means Mobilehome Lot as defined in Chapter 20.200 of Title 20.
- T. “Mobilehome Tenant” or “Tenant” means a person who occupies a Mobilehome and rents or leases the Mobilehome from a Mobilehome Owner or a sublessee.
- U. “Park Owner” means the person or entity that owns the site of a Mobilehome Park or a person or entity authorized to act on behalf of the owner of the site of a Mobilehome Park with respect to seeking a Change of Use of the Mobilehome Park.

- V. "Registered Owner" means the person(s) registered by the state Department of Housing and Community Development as the owner of a Mobilehome.
- W. "Relocation Impact Report" means the report prepared by the relocation specialist that contains all the information required in this Part.
- X. "Relocation Specialist" means a consultant who is familiar with provisions of State law regarding relocation assistance for Residents of Mobilehome Parks and has at least three (3) years of experience with preparing Relocation Impact Reports, assisting with relocation of displaced households and providing the type of the relocation services described in this Part.
- Y. "Senior Household" means a household in which a Resident is at least sixty-two (62) years old at the time that the City's decision approving a Closure is final.

**20.180.5710 Bankruptcy**

If the Closure of a Mobilehome Park results from an adjudication of bankruptcy, the provisions of this Part shall not be applicable to a Park Owner when a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the Closure of the Mobilehome Park is necessary and that such court has taken further action, which would preclude the payment of relocation assistance benefits.

**20.180.5715 Application; Relocation Specialist; Preparation of the Relocation Impact Report.**

The Director shall maintain a list of qualified Relocation Specialists who are familiar with the housing market in Santa Clara County. The City shall hire a Relocation Specialist from the Director's list at the Park Owner's expense to prepare the Relocation Impact Report and provide the services of the Relocation Specialist described in this Part. Prior to taking any actions under this Part, the Park Owner shall deposit these funds with the City, execute an application on a form approved by the City Manager and pay the City's administrative fee.

**20.180.7520 Relocation Impact Report Filing; Fee Payment Posting**

The Park Owner must file the Relocation Impact Report and a Maintenance and Security Plan for review and approval by the City before any Closure can be approved. The Relocation Impact Report shall contain the information required in Section 20.180.7540, and shall adequately define and address the impacts of the proposed Closure on Mobilehome Residents, as required by the City. The Maintenance and Security Plan shall address all of the requirements in Section

~~20.180.7525. The City's administrative fee shall be paid prior to the time the Relocation Impact Report is submitted.~~ No notice that the Park is being closed or converted or of any proposed new use of the Park shall be given, except as required by this Part, and no signs indicating that the Park is being converted or closed or indicating the future use of the Park shall be posted prior to the date on which the City has approved the Closure.

**20.180.7525 Maintenance and Security Plan**

The Maintenance and Security Plan prepared by the Park Owner shall list all of the measures that will be undertaken to secure and maintain the remaining improvements in the Mobilehome Park after Closure, and provide contact information for the parties in charge of completing and maintaining those measures. City approval of the Maintenance and Security Plan is a necessary condition to Closure, to ensure that a vacant Park does not become a risk to public health and safety after the Park is no longer under the jurisdiction of the State Department of Housing and Community Development. For the purpose of the Maintenance and Security Plan, the term "remaining improvements" shall include, but not be limited to utilities, structures, swimming pools, roads and landscaping. The Park Owner shall agree to take or cause to be taken all such lawful actions that are needed to prevent trespass and vandalism of the Park after Closure until such time as the remaining improvements are removed or the Park is reopened or redeveloped. The Park Owner shall record the Maintenance and Security Plan against the Mobilehome Park for the benefit of the City and it shall be specifically enforceable by the City against the Park Owner and any successors.

**20.180.5730 Reasonable Cost of Relocation**

Eligible Residents shall be provided the reasonable cost of relocation ("Relocation Cost"), as defined in this Part, which includes a moving allowance and other applicable types of relocation assistance listed in this Section. This Section is not intended to prevent the Park Owner and a Park Resident from voluntarily agreeing to other mutually satisfactory relocation assistance, provided that the Resident understands the assistance available under this Part.

A. Moving Allowance for Eligible Residents. For all Eligible Residents, relocation assistance shall include services of a Relocation Specialist and a moving allowance to move to another Park or other replacement housing up to a distance of one hundred (100) miles. The Resident is responsible for additional costs to move to a location farther than one (100) hundred miles. Moving allowance and Relocation Specialist services include:

1. The cost to move furniture and personal belongings;

2. Rent for first and last month at the new location;
3. Required security deposit at the new location;
4. Temporary lodging, if applicable; and
5. The appraised value of personal property that cannot reasonably be relocated.
6. Services of a Relocation Specialist. These services include the relocation specialist meeting with the Resident, preparing an individualized assessment, and helping them evaluate, select and secure housing in a comparable Park or other comparable housing. These services also include (a) technical assistance related to the leasing or purchasing of replacement housing, (b) translation and interpretation, (c) referral to affordable housing resources, (d) assistance with rental application completion, (e) assistance in making arrangements to move personal property and belongings and (f) transportation of Residents who are unable to drive to prospective replacement housing.

B. Other Relocation Assistance. For Eligible Residents, relocation assistance may also include one or more of the following:

1. Accessibility Improvements for Mobilehome Owners. For eligible Mobilehome Owners, relocation assistance may include payment of the cost to reinstall or replace any accessibility improvements made to the Mobilehome such as wheelchair ramps, lifts, and grab bars.
2. Assistance for Disabled Households. For eligible Disabled Households, relocation assistance may include an additional sum toward the cost of obtaining any assistance needed to enable the Resident to move.
3. Rent Subsidy for Senior, Disabled or Low Income Households. For eligible Senior, Disabled or Low Income Households, relocation assistance may include payment of a rent subsidy of up to thirty-six (36) months if needed to offset increased housing costs and secure Comparable Housing. The rent subsidy is the difference of rent paid by the Resident in the Park and any higher rent for either a Space at another Park if the Mobilehome is relocated, or rent for Comparable Housing if the Resident moves to other rental housing. Mobilehome

Owners who are eligible to sell their Mobilehome to the Park Owner at its in-place value may only receive the rent subsidy if the selling price is inadequate to secure Comparable Housing for at least thirty-six (36) months.

4. Mobilehome Relocation Costs for Mobilehome Owners. For any eligible Mobilehome Owner whose Mobilehome can be relocated, relocation assistance may include the lowest of two (2) estimates obtained by the Relocation Specialist from licensed Mobilehome movers to physically relocate the Mobilehome to up to a maximum distance of one hundred (100) miles. The Mobilehome Owner is responsible for additional costs to move the Mobilehome to a location farther than one hundred (100) miles. The estimates shall include the cost of disassembly of the Mobilehome, transportation to the new site, reinstallation, replacement or reconstruction of blocks, skirting, shiplap siding, porches, decks and awnings, earthquake bracing if necessary, insurance coverage during transport, and utility hook-ups.
5. Sale at In-Place Value for Mobilehome Owners. For any eligible Mobilehome Owner whose home cannot be relocated to a Space in a comparable Park within one hundred (100) miles or another Park chosen by the Mobilehome Owner, the City may require the Park Owner to purchase the Mobilehome at one hundred percent (100%) of its in-place value. If the Mobilehome Owner disputes the appraised value of his or her Mobilehome provided by the Park Owner's appraiser, the Mobilehome Owner may hire an appraiser. To be considered, the Mobilehome Owner shall obtain the appraisal within one hundred eighty (180) days of filing date of the Relocation Impact Report. If a second appraisal is timely obtained, the City may require that the Mobilehome Owner be compensated based on the average of the appraisals obtained by the Park Owner and the Mobilehome Owner.

#### **20.180.5740 Relocation Impact Report**

A Relocation Impact Report, as referred to in this Part, is a report prepared by the Relocation Specialist. The Relocation Impact Report must be filed with the Director on the impacts of a Mobilehome Park Closure on the displaced Mobilehome Residents in a Park along with two (2) sets of mailing labels for the Residents, Registered Owners, Mobilehome Owners who are not Registered Owners, and Legal Owners of each Mobilehome. The Relocation Impact Report must, at a minimum, in determining such impacts, address the current availability to the Resident of adequate replacement

housing in Mobilehome Parks and the [current](#) relocation cost consistent with this Part, and be subject to review of the Relocation Impact Report by the Director and the Director of Housing and, if requested by a Resident or the Park Owner, a public hearing on its sufficiency. Information required for the Relocation Impact Report shall include:

- A. A proposed timetable for the Closure of the Park;
- B. A legal description of the Parcel(s) where the Park is located;
- C. The total number of Spaces in the Park and the number of Spaces that are vacant or occupied by Park-owned Mobilehomes;
- D. For each Space in the Park:
  1. The size, number of bedrooms, manufacturer and date of manufacture of the Mobilehome on the Space.
  2. The number of occupants of the Mobilehome, their length of residency in the Park and whether they are Eligible Residents under the Part.
  3. The total monthly Space rent currently charged for each Space with detail showing the Space rent, including any utility charges, fees and any other costs paid by the Resident to the Park Owner or operator.
  4. The value the Mobilehome would have if the Park were not being closed, the replacement value of the mobilehome, and its value if it is to be removed from the Park and cannot be relocated to a Space in a comparable Mobilehome Park. These values shall be determined by appraisals by a qualified appraiser, [who is a tested, certified, and designated member of a nationally recognized appraisal association](#) with at least five (5) years of experience. The appraiser shall be instructed to conduct valuations consistent with this Part. The appraiser may be chosen by the Park Owner. The cost of the appraisals shall be paid by the Park Owner.
  5. Any improvements to the Mobilehome, including but not limited to, patios, porches, pop-out rooms and any recent major improvements to the home, including but not limited to, a new roof or new siding.
  6. Whether the Mobilehome can be relocated to a Comparable Park, and identification of any Parks that have vacant Spaces that would accept the Mobilehome.

- E. Disclosure of the nature of the use of the Parcel(s) where the Park is located after Closure or a statement under penalty of perjury that no new use is contemplated.
- F. Whether the Park Owner has offered to sell the Mobilehome Park to the Residents and terms of that offer, if any.
- G. The purchase price of Comparable Mobilehomes in Comparable Mobilehome Parks within Santa Clara, Alameda, Santa Cruz, and San Mateo Counties, as determined by the appraiser.
- H. The cost of adequate housing, including the purchase price of Comparable Mobilehomes in Comparable Mobilehome Parks and including such items as first and last months' rent, security deposits and higher rent or mortgage payments.
- I. A list of Comparable Mobilehome Parks within Santa Clara, Alameda, Santa Cruz and San Mateo Counties and any California Park requested by a Resident whose Mobilehome cannot be relocated to a Comparable Mobilehome Park and for each such Park, the Space rents and the qualifications for residency in each Park (e.g., age restrictions, no pets), whether the Park has any vacant Spaces and will accept homes being relocated and if so, any restrictions, such as size and age, on the relocated homes that would be accepted.
- J. Estimates from two (2) moving companies qualified to move Mobilehomes on public streets and highways, of the cost of moving each Mobilehome in the Park, including the cost of permits and tearing down and setting up the home at the new location, including the cost of any upgrades to comply with applicable building, plumbing, electrical and health and safety codes and the cost of moving any improvements, including, but not limited to, patios, porches and pop-out rooms.
- K. A summary of the availability and cost of purchasing or leasing Comparable Housing in condominiums, homes or apartments within Santa Clara, Alameda, Santa Cruz and San Mateo Counties and any other specific location requested by a Resident whose Mobilehome cannot be relocated to a Comparable Mobilehome Park.
- L. Proposed measures to mitigate the adverse impacts of the Park Closure on the Residents in the Park consistent with this Part, including a relocation plan that specifies the minimum amount of relocation assistance that the Park Owner agrees to pay to each eligible Resident and Mobilehome

Owner, the type of replacement housing proposed for each Resident, and the proposed timetable for the implementation of relocation assistance, the physical relocation of Mobilehomes, and the Park Closure.

M. Contact information for the appraiser(s), moving companies and Relocation Specialist.

N. Identification of Residents eligible for Relocation Assistance.

O. Confidential Information. The following documents will not be disclosed to the public except pursuant to a judgment, order, or decree by a court of competent jurisdiction.

1. The completed confidential questionnaires described in Section 20.180.7550.
2. New addresses for Residents who have already relocated, if available.

P. Statement by Appraiser. Signed statement of the appraiser(s) affirming under penalty of perjury that all valuations were conducted consistent with requirements of this Part.

### **20.180.7550 Confidential Questionnaire**

As a part of the Relocation Impact Report information, a confidential Resident questionnaire shall be sent by the ~~Park Owner~~Relocation Specialist to each Mobilehome Owner and Resident of the Park on a form provided by the City. The questionnaires shall be kept separate from the rest of the Relocation Impact Report materials and shall not be included in the overall Relocation Impact Report sent to each Mobilehome Owner and Resident after completion. The responses of each Mobilehome Owner and Resident shall be kept as a confidential record by the Director and Relocation Specialist and used only to determine the relocation assistance to be provided to a particular Mobilehome Owner or Resident. If a questionnaire contains insufficient information, the Director may but is not required to seek the information directly from the Mobilehome Owner and/or Resident. The City shall be entitled to reimbursement for any such costs if the Park Owner failed or refused to obtain such information- within a reasonable time after a request from the Director. The questionnaire shall require the following information for each Mobilehome Space in the Park:

- A. The name and contact information for the Registered Owner and Legal Owner of the Mobilehome, and the Mobilehome Owner if different from the Registered Owner and each Resident;
- B. The number of the Residents occupying the Mobilehome, their ages and names, and whether any Residents have a mental or physical disability or other special needs;
- C. The date of manufacture of the Mobilehome, the name of the manufacturer, the size of the Mobilehome, the number of bedrooms in the Mobilehome, any special amenities in the Mobilehome, including but not limited to equipment needed because of the medical condition, age, or disability of any Resident or Tenant in the Mobilehome;
- D. Any improvements or renovations to the Mobilehome or improvements to the Mobilehome Space made by the current Resident, including, but not limited to, a new roof, porches, patios, awnings, pop-out rooms, recreational equipment, barbecue equipment, landscaping, etc., whether such improvements are movable and the cost of such improvements;
- E. The purchase price paid by the current Owner of the Mobilehome and the amount and terms of any remaining mortgage or loan on the home;
- F. Any special circumstance that would limit the area to which the Resident is able to relocate or the amount of time it would take for a Resident to relocate;
- G. Any specific Mobilehome Park in California and outside of Alameda, Santa Clara, Santa Cruz, and San Mateo counties where the Resident would like to relocate;
- H. Whether the Residents receive Supplemental Social Security Income or qualify as a Low Income household; and
- I. Whether the Residents have limited English proficiency, and in that event, what language is spoken by the Residents.

**20.180.7560 Hearing on Relocation Impact Report; Findings**

- A. The Director and the Director of Housing staff shall examine the Relocation Impact Report and the Maintenance and Security Plan determine whether they comply with the requirements of this Part and determine whether the action requested is a Closure. The Director may request amendments to the Relocation

Impact Report or Maintenance and Security Plan and inclusion of any missing items, updates or corrections. If there no response complying with ~~to~~ the Director's request for amendment to the Relocation Impact Report or provision of missing items, within 60 days, the Director shall mail with postage prepaid a Notice to the Park Owner of an Incomplete Report informing the Park Owner that the Relocation Impact Report and Maintenance and Security Plan is incomplete, and that no further processing can occur until the outstanding items are addressed.

- B. When the Relocation Impact Report for a Closure is complete, the Director shall mail with postage prepaid a notice to the Park Owner and Residents, notifying them of how to obtain a copy of the completed report and how to request a public hearing on the sufficiency of the Relocation Impact Report along with information on accommodations and how to obtain interpretation and translated information or other accommodations from the Relocation Specialist. If any Resident or the Park Owner requests a public hearing on the completed Relocation Impact Report within ~~sixty~~<sup>thirty</sup> (630) days of the date of the mailing of the Director's notice, a City Council hearing shall be scheduled to review the sufficiency of the Relocation Impact Report and the Maintenance and Security Plan. Prior to the public hearing, a report and recommendation shall be provided by staff to the City Council together with all relevant papers, documents and exhibits which were submitted by the Park Owner.
- C. After at least one (1) public hearing, the City Council may approve or conditionally approve the Relocation Impact Report for a Closure based on the required findings. ~~The City Council shall approve or conditionally approve the Closure and the Maintenance and Security Plan after the hearing.~~ The City Council shall approve the Relocation Impact Report if it finds that the Relocation Impact Report satisfactorily addresses the following:
1. The Relocation Impact Report contains the required information and complies with the requirements of this Part.
  2. The Park Owner has complied with all notice requirements as provided for in Government Code Section 65863.7, and Civil Code Section 798.56.
  3. The Relocation Impact Report accurately represents the total costs associated with the relocation of each Mobilehome Resident.
  4. Each Mobilehome Resident will receive the reasonable costs of relocation from the Park Owner pursuant to Government Code Section 65863.7(e) and this Part.

If the City Council requires amendments or additions to the Relocation Impact Report, copies of those submittals shall be provided to the Mobilehome Owners and Residents by the Relocation Specialist. In approving the Relocation Impact Report, the City Council may include such conditions as it finds necessary to mitigate the adverse impacts on the Residents; however, any steps required to be taken by the Park Owner pursuant to this Section shall not exceed the reasonable costs of relocation. In considering the Maintenance and Security Plan, the City Council may impose such conditions as are needed for the purposes described in Section 20.180.725. The City Council's approval of the Closure shall include the conditions imposed on the Relocation Impact Report and Maintenance and Security Plan and the regulatory conditions of this Part.

~~If no City Council hearing is requested, the Director shall make a determination on the Relocation Impact Report pursuant to this Section 20.180.560.C and the Director's determination shall be mailed to the Park Owner and to each Mobilehome Owner and Resident of the Park.~~

D. The City Council shall consider any request for a total or partial waiver from relocation assistance under Section 20.180.7580 at the requested hearing. The City Council may deny the waiver, or upon written findings or, if the Park Owner's documentation is complete and demonstrates that providing the required relocation assistance would impose an unreasonable financial hardship on the Park Owner, to grant or partially grant the waiver. Additionally, the City Council may waive, adjust, or reduce standards regarding relocation assistance if a Park Owner shows, based on substantial evidence, that applying the standards in this Part would take property in violation of the United States or California Constitutions. The waiver, adjustment or reduction based on a constitutional taking claim may be approved only to the extent necessary to avoid an unconstitutional result, after adoption of written findings, based on substantial evidence, supporting the determinations required by this Section. The City Council's decision shall be final. Notice of the decision of the City Council shall be mailed to the Park Owner and to each Mobilehome Owner and Resident of the Park.

E. If no City Council hearing is requested, the Director shall make a determination on the Relocation Impact Report pursuant to Section 20.180.760.C. The Director's determination shall be mailed to the Park Owner and to each Mobilehome Owner and Resident of the Park. The Director's determination shall include the conditions imposed on the Relocation Impact Report and Maintenance and Security Plan and the regulatory conditions of this Part.

**20.180.7570 Closure Requirements**

- A. Notwithstanding the provisions of Parts 1-4 of this Chapter, a Park Owner seeking a Closure approval shall not be required to obtain a conditional use permit or planned Development Permit, provided that the Park Owner complies with the following: a) applicable requirements of the Mobilehome Residency Law, including but not limited to Civil Code Section 798.56 (g) and (h); b) submits a signed statement that the Mobilehome Park proposal is a Closure only and not seeking Development Permit, Demolition Permit, General Plan amendment or rezoning and disclosing the nature of the use of the Parcels where the Park is located after such Closure as part of the filing of the Relocation Impact Report; and c) complies with applicable requirements in the California Government Code including but not limited to Government Code Section 65863.7.
- B. This Part is not intended to facilitate piecemeal consideration of Conversion of Use projects for the purposes of environmental or other review.
- C. The steps the City requires the Park Owner to take to mitigate any adverse impact of such Closure on the ability of Park Residents to find adequate housing in a Mobilehome Park, as a condition of approval of the Closure, shall not exceed the reasonable costs of relocation.
- D. An approval of Closure shall expire twelve (12) months from the date of the approval. The Director may upon request grant extensions of time based upon a showing that good faith progress has been made toward fulfilling the conditions of approval or some intervening event that is not the fault of the Park Owner has prevented timely compliance with the conditions of approval.

**20.180.5780 Exemption from Waiver of Relocation Assistance Obligations**

If the Park Owner believes that providing the required relocation assistance would impose an unreasonable financial hardship the Park Owner may request [that the City Council consider](#) a total or partial waiver of relocation assistance obligations in accordance with this Section. The request shall be filed with the Relocation Impact Report and the Park Owner shall comply with the following requirements:

- A. Disclosure to Residents. The Park Owner shall notify Residents of the request for exemption from relocation assistance obligations.
- B. Required Information. To justify the basis for the request of waiver from relocation assistance obligations, the Park Owner shall provide the following information with the Relocation Impact Report:

1. Financial Statements. Statements of profit and loss from the operations of the Park for the most recent five (5) year period of the date of the application or request, verified by a certified public accountant;
2. Statement of Repairs and Improvements. A statement made under penalty of perjury by a state-licensed general contractor that repairs and improvements are necessary to maintain the Park in a decent, safe and sanitary condition and to continue the use of the Site as a Mobilehome Park. The statement shall include an itemized list of the necessary repairs and improvements, their costs, and the minimum period of time they shall be made. The Park Owner shall also submit a statement verified by a certified public accountant on the necessary increase in rental rates of Mobilehome Spaces within the Park within the next five (5) years necessary to pay for such repairs or improvements. At the Director's discretion, the Park Owner may be required to hire another licensed general contractor selected by the Director to analyze the submitted information regarding necessity and cost of repairs and improvements;
3. Estimated Relocation Costs. The estimated total cost of relocation assistance based on the requirements of this Part and as determined by the relocation specialist;
4. Appraised Value Estimate. An estimate by an appraiser of the value of the Site if it were to continue as a Mobilehome Park; and
5. The terms of any proposed sale of the Parcel(s) where the Park is located;
6. Additional Information. Other information the Park Owner believes to be pertinent, or which may be required by the Director.

**20.180.7585 Protections and Verification.**

- A. The Park Owner shall submit a Relocation Impact Report for a Park Change of Use or Conversion of Use. Failure to submit such Relocation Impact Report is declared a public nuisance due to the potential for severe and adverse social and economic impacts on the Residents and Mobilehome Owners, by delaying the necessary analysis and provision of the necessary relocation assistance.
- B. No Park Owner shall require any Resident to waive his/her rights to relocation assistance as a condition of renting a Space or Mobilehome in the Park, except

when the Resident moves into the Park after the date the Relocation Impact Report is filed with the City pursuant to Section 20.180.7520 and notice has been given that the Relocation Impact Report has been filed pursuant to Section 20.180.7560.B. Any such waiver will only be valid if the Park Owner completes the Closure hearing process within one (1) year of such filing.

- C. Residents who are eligible for relocation assistance shall be entitled to the assistance required by the City as a condition of Closure even if they move out of the Park before the City's final determination concerning required relocation assistance.
- D. No Resident shall be required to remove his or her Mobilehome and no Resident shall be required to vacate a Mobilehome until all of the following conditions have been satisfied:
1. The Park Owner has given the six (6) months' notice of Closure required by the Civil Code Section 798.56, or such longer reasonable notice as may be required pursuant to Section 20.180.760 and that ~~six (6) month~~ period has elapsed, and
  2. The City's decision approving the Closure is final and the Park Owner has agreed in writing to the conditions imposed by the City under this Part; and
  3. The Park Owner has provided the relocation assistance required by the City as a condition of Closure.
- E. Where a Closure consistent with the City's determination on a Relocation Impact Report has been approved, the Park Owner shall submit to the City a verification statement made under penalty of perjury at least thirty (30) days prior to the termination of tenancy of each Mobilehome Resident. The verification statement shall document that the relocation services have been provided, identify the relocation option selected by the Resident, and list the date and the amount of relocation assistance payments made.

### **20.180.7590 Administrative Fee**

The City Council shall by resolution establish the reasonable fee to cover the cost of administering this Part and shall assess such fees to the Park Owner pursuant to Government Code Section 65863.7(g), subject to the limitations set forth in Government Code Section 66014(a).

**20.180.7595 Severability**

If any section, subsection, sentence or clause of this Part is for any reason held invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Part. This Part is intended to be interpreted and implemented separately from Parts 1-4 of Chapter 20.180.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
SAM LICCARDO  
Mayor

ATTEST:

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING PART 2 OF CHAPTER 20.120 AND SECTION 20.80.460 OF PART 5 OF TITLE 20 TO PROVIDE FOR A MORE COMPREHENSIVE REVIEW OF DEVELOPMENT PROPOSALS FOR PROPERTY WITH EXISTING MULTI-FAMILY HOUSING AND MOBILEHOME PARKS**

**WHEREAS**, the City recognizes the need to carefully review development proposals that may result in the demolition of existing affordable housing stock; and

**WHEREAS**, the City is in the process of updating various provisions of its municipal code to ensure that appropriate relocation obligations are complied with when development proposals are made that would result in the loss of existing multi-family residential buildings and mobilehome parks; and

**WHEREAS**, the City wishes to revise certain provisions of its conforming rezoning process and demolition permit process to encourage a more comprehensive review of such development proposals, and provide a process for confirming that relocation obligations in State and local law are complied with by the proponents of such proposals; and

**WHEREAS**, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines (including without limitation Section 15378 thereof) and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a

Project, subject to the California Environmental Quality Act because it is General Procedure and Policy-making consisting of a Code or Policy change that involves no changes in the physical environment (File No. PP10-068); and

**WHEREAS**, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for this Ordinance;

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

1. Part 2 of Chapter 20.120 of Title 20 shall be amended to read as follows:

Part 2 - ORDINANCES CONFORMING TO THE GENERAL PLAN

**20.120.100 - Ordinances conforming to the General Plan.**

A. If the Council determines, at the time it initiates the zoning or rezoning of property pursuant to Section 20.120.010, that the proposed zoning or rezoning conforms to the land use/transportation diagram of the General Plan, the Council may, in lieu of the Planning Commission hearing, refer the ordinance to the Director for a report or recommendation. No public hearing will be required. The report or recommendation shall be submitted to the Council no later than thirty (30) days from the date the ordinance was referred by the Council.

B. If the Director determines that a petition for zoning or rezoning, filed pursuant to Section 20.120.020, conforms to the land use/transportation diagram of the General Plan, the Director may, in lieu of the Planning Commission hearing,

prepare a report or recommendation for the City Council. No public hearing will be required. Nothing shall prevent the Council from referring such petition to the Planning Commission for its report and recommendation when it receives the report or recommendation from the Director.

- C. If the Director determines, at the time the Director initiates the zoning or rezoning of property pursuant to Section 20.120.030, that the proposed zoning or rezoning conforms to the land use/transportation diagram of the General Plan, the Director may, in lieu of the Planning Commission hearing, prepare a report or recommendation for the City Council. No public hearing will be required. Nothing shall prevent the Council from referring such petition to the Planning Commission for its report and recommendation when it receives the report or recommendation from the Director.

D. Notwithstanding Subsections 20.120.100 A, B, and C above, this Section is not applicable to Parcels that are developed with Mobilehome Parks.

**20.120.110 - Conformance with the General Plan.**

- A. For the purposes of Section 20.120.100 only, the determination of conformance of zoning or rezonings to the General Plan, shall be made in the manner set forth in Table 20-270:

**Table 20-270**

General Plan Designation	Conforming District
All designations	OS, A
Open hillside	OS
Lower hillside (1 du/5 ac)	R-1-RR

Rural residential (2 du/ac)	R-1-1, R-1-2
Residential neighborhood	R-1-8, R-1-5
Urban residential, transit residential	R-M
Neighborhood/community commercial, urban village	CP, CN, CG
Regional commercial	CG
Public/Quasi-Public	PQP
Industrial park	IP
Transit employment center	IP, TEC
Light industrial	LI
Heavy industrial	HI
Combined industrial/commercial	CIC

B. A Planned Development (PD) Combining District conforms to the General Plan designation where the uses permitted by the general development plan for such proposed district conform to General Plan designation and where the base zone thereof conforms to said designation in accordance with the foregoing table.

C. Each portion of the property to be zoned or rezoned must conform to the General Plan designation for each such portion.

D. Notwithstanding Subsections 20.120.110 A, B, and C above, this Section is not applicable to Parcels that are developed with Mobilehome Parks.

2. Sections 20.80. 460 of Part 5 of Chapter 20.80 of Title 20 shall be amended to read as follows:

**20.80.460 - Evaluation criteria for issuance of permit.**

Prior to the issuance of any Development Permit which allows for the demolition, removal or relocation of a Building, the Director, or on appeal the Planning Commission or City Council, shall determine whether the benefits of permitting the demolition, removal or relocation outweigh the impacts of the demolition, removal or relocation. In making such a determination, the following shall be considered:

1. The failure to approve the permit would result in the creation or continued existence of a nuisance, blight or dangerous condition;
2. The failure to approve the permit would jeopardize public health, safety or welfare;
3. The approval of the permit should facilitate a project which is compatible with the surrounding neighborhood;
4. The approval of the permit should maintain the supply of existing housing stock in the City of San José;
5. Both inventoried and non-inventoried Buildings, Sites and districts of historical significance should be preserved to the maximum extent feasible;
6. Rehabilitation or reuse of the existing Building would not be feasible; and
7. The demolition, removal or relocation of the Building without an approved replacement Building should not have an adverse impact on the surrounding neighborhood.

8. The permit applicant has provided evidence that either the existing Building or Structure is not a Multiple Dwelling or Mobilehome Park or that the permit applicant has complied with all relocation obligations under state and local law, including but not limited to the obligations in Chapters 17.20, 17.23 and 20.200 of the Municipal Code.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
SAM LICCARDO  
Mayor

ATTEST:

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN JOSE APPROVING REVISIONS TO CITY COUNCIL  
LAND USE POLICY 6-33 REGARDING MOBILEHOME  
PARK CONVERSION**

**WHEREAS**, since 1986, the City has had a Mobilehome Park Conversion Ordinance in Chapter 20.180 of Title 20 of the San José Municipal Code; and

**WHEREAS**, in 2014 many mobilehome park residents expressed concerns about potential displacement from their homes, and asked the City Council to strengthen regulations for the preservation of existing mobilehome parks and the protection of mobilehomes as affordably-priced housing; and

**WHEREAS**, conversions of existing mobilehome parks in the City of San José to other uses could result in the permanent displacement of a substantial number of mobilehome residents, as well as the risk of homelessness for lower-income mobilehome residents due to the inability to afford and qualify for available mobilehomes in San José, the loss of a large amount of relatively affordably-priced housing, the reduction of housing-type choice, and the destruction of established residential communities; and

**WHEREAS**, the City is concerned that there is a lack of clarity regarding a sufficient program of relocation and purchase assistance and other provisions of the Mobilehome Park Conversion Ordinance that pertain to mobilehome park conversions to another use; and

**WHEREAS**, at least one mobilehome park owner has indicated to the residents of that mobilehome park an interest in converting to another use; and

**WHEREAS**, the Envision San José 2040 General Plan contains goals, policies, and actions for the protection of mobilehome residents in existing mobilehome parks in the City; and

**WHEREAS**, in response to the emergent interest for clarification and guidance in the interpretation of the provisions in Title 20 of the San José Municipal Code that pertain the conversion of mobilehome parks to other uses, on August 11, 2015 the City Council directed staff to prepare a Council Policy to further clarify the provisions in Chapter 20.180 of Title 20 of the San José Municipal Code and provide additional guidance for the review of applications of mobilehome park conversion to other uses including clarifying that the intent of Council direction is to encourage the preservation of mobilehomes; developing guidelines for good faith negotiations between residents and owners; and considering specific provisions for compensation to residents for displacement when conversions are proposed, including but not limited to considerations for an affordable housing replacement policy, purchase price for the existing mobilehome coach, relocation benefits, and community benefits/amenities within the proposed development; and

**WHEREAS**, as stated in Chapter 20.180 of Title 20 of the San José Municipal Code, proposed conversions of mobilehome parks to other uses (conversions), should only be approved when findings can be made that the following guiding principles are furthered by such approval:

1. Make adequate provision for the housing needs of all economic segments of the community;
2. Facilitate resident ownership of mobilehome parks, while recognizing the need for maintaining an adequate inventory of rental space within mobilehome parks;
3. Provide a reasonable balance between mobilehomes and other types of housing;

4. Inform prospective conversion purchasers regarding the physical conditions of the structures and land offered for purchase; and
5. Reduce and avoid the displacement of long-term residents, particularly senior citizens, people with disabilities, those who are of low-income, and families with school-age children, who may be required to move from the community due to a shortage of replacement mobilehome housing;

**WHEREAS**, the City Council of the City of San José (“City”) initially adopted City Council Policy 6-33, “Conversion of Mobilehome Parks to Other Uses” by City Council Resolution 77673 on February 23, 2016, to provide clarification regarding how the above principles should be implemented on a project-specific basis so that the City’s decisions on proposed conversions are consistent with these guiding principles; and

**WHEREAS**, at the time of the City Council directed staff to return with amendments to Council Policy 6-33 to change and add provisions of that policy including: ( a) provide a definition for the term “sufficient information” in Section 1.d to ensure that Designated Resident Organizations (DRO) can make a well-informed assessment of the mobilehome park’s value; (b) provide clarifying language in Section 1.e.; and (c) provide information to the Council on additional scenarios for selecting appraisers and consultants under Section 2.a. and 2.c.; and

**WHEREAS**, the City Council desires to approve proposed changes to City Council Policy 6-33 to address issues raised during the original approval process; and

**WHEREAS**, the City Council’s action is not a Project that is subject to the California Environmental Quality Act (“CEQA”) in that the action is General Procedure and Policy-making consisting of a policy change that involves no changes in the physical

environment, and said determination is on file with the Department of Planning, Building and Code Enforcement; and

**WHEREAS**, this Policy supersedes the policy approved on February 23, 2016, under Resolution No. 77673 of the Council of the City of San José;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The revised City Council Policy 6-33, entitled “Conversion of Mobilehome Parks to Other Uses,” which is attached hereto as Exhibit A and incorporated herein by this reference as though fully set forth herein, is hereby approved and shall, as of the date and time of adoption of this Resolution, replace City Council Policy 6-33, initially approved by the City Council by Resolution 77673 on February 23, 2016.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO, MAYOR

ATTEST:

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TONI J. TABER, CMC  
City Clerk

**Exhibit A**

*City of San José, California*

**COUNCIL POLICY**

<b>TITLE</b> CONVERSION OF MOBILEHOME PARKS TO OTHER USES	<b>PAGE</b>	<b>POLICY NUMBER</b> 6-33
<b>EFFECTIVE DATE</b>	<b>REVISED DATE</b>	
<b>APPROVED BY COUNCIL ACTION</b> No. 77673; Amended _____, 2017	February 23, 2016, Item 4.2(b), Res.	

**BACKGROUND**

*“Immobile” Homes on Rented Land*

Mobilehomes may look like single-family detached houses, but in most cases they are manufactured (factory-built) homes installed in mobilehome parks that may or may not be affixed to a foundation. Unlike other homes where the home-owner owns the land or at least the airspace, the land beneath the mobilehome is, typically, not owned by the purchaser of the mobilehome. The mobilehome owner pays space-rent to the mobilehome park owner for the privilege of use of the space. Mobilehomes have purchase prices that are substantially less than single-family detached houses due to mobilehomes’ factory construction and non-ownership of the land. The result is a hybrid type of housing arrangement, where the resident owns the housing unit, but leases or rents the land on which the housing unit is placed. This arrangement might not be so challenging to set up or maintain if the mobilehome owner could easily move to another mobilehome park, but once a mobilehome is installed in one mobilehome park it is extremely difficult to move the mobilehome to another mobilehome park. In particular, older mobilehomes that are not constructed up to current codes cannot be moved into another mobilehome park. Lack of available spaces in mobilehome parks throughout the region could severely limit the ability to relocate mobilehomes. For practical purposes, the immobility of mobilehomes means if a mobilehome park converts to another use, the mobilehome will very likely be destroyed, the mobilehome owner will lose that significant asset, and any compensation that the mobilehome owner recovers will be that provided in accordance with State and local law.

### *Parks in San José and the Surrounding Area*

San José has had mobilehome rent control since 1979. Approximately 10,800 mobilehome park spaces received plumbing, electrical, and sewer permits on or before September 7, 1979 and are thus subject to rent control under San José Municipal Code Chapter 17.22. This rent control ordinance allows automatic annual rent increases of 75% of the Consumer Price Index (CPI), but not less than 3% or more than 7%. San José's rent control ordinance also imposes vacancy control that limits rent increases when a mobilehome is sold, which allows residents to protect their investments. Although according to staff's research in Fall 2015 there were approximately 21,750 mobilehome spaces in the Santa Clara, Alameda, San Mateo and Santa Cruz counties (the four-county area) surrounding (but not including) San José, only approximately 9,700 of them were rent-controlled spaces.

### *Park Residents in San José*

San José's mobilehome parks are occupied by a variety of individuals and families, including low-income or fixed-income seniors and families. Most residents are owners of their mobilehomes. Additionally, since the ordinance regarding mobilehome park conversions (the Ordinance), now in Chapter 20.180, was adopted in 1986 as an ordinance amending Title 20 (the Zoning Code) of the San José Municipal Code, many more mobilehome park residents have limited English proficiency.

### *Decreasing Number of Spaces for Relocation*

No new mobilehome parks have been built in the City of San José in the last 30 years, and few new mobilehome parks have been built in the State during this time. According to data from the State Department of Housing and Community Development in the last 15 years, approximately 900 mobilehome spaces have been lost in the four-county area due to park closure. As housing and land prices increase, it is reasonable to assume these losses may escalate making it more difficult over time to relocate residents to mobilehome parks in San José and even within the four-county area addressed in Chapter 20.180.

### *Inability to Afford Available Mobilehomes*

As housing costs and land values escalate, interest in mobilehome park conversion to other uses increases, as does demand for rent-controlled mobilehome park spaces. Mobilehomes available for sale and vacant spaces in the City of San José rent-controlled mobilehome parks are unlikely to be sufficient to address the demand created by closure of a relatively large mobilehome park, and unless new parks are

constructed this imbalance will increase as mobilehome parks close in the four-county area.

Based on the data submitted to the Housing Department over the last several years, space-rents in the City of San José's mobilehome parks are typically between \$550 and \$1550 per month. Mobilehome owners who have occupied their mobilehome parks for a long period of time are more likely to have lower rent. Thus, even if the lower-income or fixed-income mobilehome park residents are able to find a mobilehome to purchase in another San José mobilehome park, their incomes may not allow them to meet the other mobilehome park's income requirements because space-rent and the mortgage for the purchased mobilehome will be more than their monthly costs were in their previous mobilehome park location. Consequently, it may be challenging to mitigate the economic impact of conversion and relocation on lower-income and fixed-income mobilehome owners.

### *Existing Conversion Ordinance*

Under Section 20.180.630 of Chapter 20.180 of the Zoning Code, when a mobilehome park owner files an application for mobilehome park conversion, the mobilehome park residents become eligible for benefits under the required program of relocation and purchase assistance. Since this Ordinance was adopted in 1986, there has not been a conversion of a mobilehome park to another use in the City that has been subject to the conversion provisions in the Zoning Code. Over the last several years, several questions have arisen regarding mobilehome park conversion requirements and procedures under Chapter 20.180. Staff has concluded that several of the procedures and definitions would benefit by additional clarification.

### *Council Direction*

The City is concerned that conversions of existing mobilehome parks in the City of San José to other uses may result in (a) the permanent displacement of a substantial number of mobilehome residents, (b) the risk of homelessness for lower-income mobilehome residents due to the inability to afford and qualify for available mobilehomes in San José, (c) the loss of a large amount of relatively affordably-priced housing, (d) the reduction of housing-type choice, and (e) the destruction of established residential communities. The City is also concerned that there is a lack of clarity regarding a sufficient program of relocation and purchase assistance.

As land and housing prices have escalated, there have been more questions to staff regarding mobilehome park conversion requirements and procedures. At least one mobilehome park owner has indicated to the residents of that mobilehome park an

interest in converting to another use. As a result of this interest, in 2014 many mobilehome park residents expressed concerns about potential displacement from their homes, and asked the City Council to strengthen regulations for the preservation of existing mobilehome parks and the protection of mobilehomes as affordably-priced housing. In response, the City Council directed staff to prepare a Council Policy to further clarify the provisions in Chapter 20.180 and provide additional guidance for the review of applications of mobilehome park conversion to other uses as described herein.

## **GUIDING PRINCIPLES**

As stated in Chapter 20.180, proposed conversions of mobilehome parks to other uses (conversions), should only be approved when findings can be made that the following guiding principles are furthered by such approval:

1. Make adequate provision for the housing needs of all economic segments of the community;
2. Facilitate resident ownership of mobilehome parks, while recognizing the need for maintaining an adequate inventory of rental space within mobilehome parks;
3. Provide a reasonable balance between mobilehomes and other types of housing;
4. Inform prospective conversion purchasers regarding the physical conditions of the structures and land offered for purchase; and
5. Reduce and avoid the displacement of long-term residents, particularly senior citizens, people with disabilities, those who are of low-income, and families with school-age children, who may be required to move from the community due to a shortage of replacement mobilehome housing.

## **PURPOSE**

The purpose of this City Council Policy (Policy) is to provide clarification regarding how the above principles should be implemented on a project-specific basis so that the City's decisions on proposed conversions are consistent with these guiding principles.

## **POLICY**

### **1. Clarification of Certain Definitions in Parts 1-4 of Chapter 20.180**

T-27614.003/1394062

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Council Agenda:

Item No.:

**DRAFT – Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for final document.**

- a. "Designated Resident Organization" as described in Section 20.180.110 should be interpreted to include any association formed by the residents that has provided the owner or manager of the mobilehome park written notice of the name and address of the organization and the name and address of the representative of the organization to whom all notices under Chapter 20.180 shall be given. An association may be formed at any time, but for the purpose of negotiating to purchase the park, written notice of the exercise of this right shall be provided to the park owner within sixty (60) days of the date of issuance of the notice of intention to convert. There may be more than one such association. If there is at least one Designated Resident Organization representing at least 10% of the spaces, then any association representing less than 10% of the spaces shall not be considered Designated Resident Organizations. "Spaces" for the purposes of this paragraph should only include spaces that are not owned by the mobilehome park owner or a proposed developer.
- b. "Mobilehome" should be interpreted to include all structures meeting the criteria in California Civil Code Section 798.3 including trailers, motorhomes, recreational vehicles or similar units, as may be amended from time to time.
- c. "Handicapped Mobilehome Owner" should be interpreted to include all persons who are disabled under State disability law and the Americans with Disabilities Act.
- d. "Good Faith Negotiations" should be interpreted to include the following characteristics:
  - i. Sufficient information, including but not limited to a current appraisal should be provided to each Designated Resident Organization so that the value of the mobilehome park as a mobilehome park can be established. The mobilehome park owner may require such information to be held in confidence by a third party.
  - ii. A detailed response by the applicant based on the price and terms in the offer should be provided within the 180-day period to any written offer by any Designated Resident Organization provided within 15 business days.
- e. The definition of "Mobilehome park conversion of use" should not be interpreted to exclude projects described as "park closure" from the requirements of Chapter 20.180. At such time as the Mobilehome Park Closure Ordinance proposed to be added to Part 5 of Chapter 20.180 is effective, "park closure" projects may be permitted under the Mobilehome Park Closure Ordinance pursuant to its terms or under Parts 1-4 of Chapter 20.180.

- f. The statement of the rights of mobilehome owners, mobilehome tenants and residents required to be included in the notice of intention to convert (notice of intention) in Section 20.180.340.B should be interpreted to mean those rights set forth in Sections 20.180.360 and 20.180.370, and the rights of Designated Resident Organization(s) should be interpreted to mean those rights set forth in Section 20.180.380.
- g. "Relocation Impact Report" should be interpreted to mean the report required pursuant to Government Code Section 65863.7 as may be amended from time to time and as may be supplemented pursuant to Chapter 20.180 or this Council Policy.

## 2. **Clarification of Standards for Program of Relocation and Purchase Assistance**

In evaluating whether a satisfactory program of relocation and purchase assistance has been provided the following considerations should be taken into account:

- a. The appraiser should be selected from a pre-qualified list of appraisers with at least five (5) years of experience provided by the City. When the mobilehome park owner hires an appraiser, the mobilehome park owner should select an appraiser who is acceptable to the Designated Resident Organization(s). The mobilehome park owner should notify the Designated Resident Organization(s) of the mobilehome park owner's proposed appraiser before conducting appraisals and provide an opportunity for the Designated Resident Organization(s) to object to the proposed selection of appraiser. If a Designated Resident Organization(s) rejects the mobilehome park owner's proposed appraiser, the Designated Resident Organization(s) should provide a list of at least three appraisers that are acceptable to the Designated Resident Organization(s) to the mobilehome park owner. In the event more than one such Designated Resident Organization objects, the Designated Resident Organizations must jointly provide a single list of at least three appraisers to the mobilehome park owner.
- b. Appraisals should list in-place value of mobilehomes, both current and prior to any public discussion or communication regarding sale or conversion of the mobilehome park and should contain the elements described in item 3 below.
- c. The mobilehome park owner should hire a relocation specialist selected by the mobilehome park owner from a pre-qualified list provided by the City to prepare the Relocation Impact Report (RIR) who is acceptable to the Designated Resident Organization(s). The mobilehome park owner should notify the Designated Resident Organization(s) of the mobilehome park owner's proposed

relocation specialist before the relocation specialist commences work and provide an opportunity for the Designated Resident Organization(s) to object to the proposed selection of the relocation specialist(s). If a Designated Resident Organization(s) rejects the mobilehome park owner's proposed relocation specialist the Designated Resident Organization(s) should provide a list of at least two relocation specialists that are acceptable to the Designated Resident Organization(s) to the mobilehome park owner. In the event more than one such Designated Resident Organization objects, the Designated Resident Organizations must jointly provide a single list of at least two qualified relocation specialists to the mobilehome park owner.

- d. No unjust or unreasonable evictions should have occurred and no residents should have been coerced to sell without relocation benefits.
- e. All sales occurring after the delivery of notice of intention pursuant to Section 20.180.340 but before the application is filed should include a signed statement acknowledging that by selling the unit prior to the filing of the application, the mobilehome owner is waiving the benefits under the program of purchase and relocation assistance. The mobilehome owner may not waive benefits for renters occupying the units.
- f. For any eligible mobilehome owner whose home cannot be relocated to a comparable mobilehome park in the City of San José or relocated to another mobilehome park chosen by the mobilehome owner, the program of relocation and purchase assistance should provide for the purchase of the mobilehome at 100% of its in-place value consistent with Section 20.180.630.2.e as determined by the selected appraiser.
- g. A program of relocation and purchase assistance should provide payments for the costs of relocation and purchase assistance listed in the contents of the RIR as described in item 3 below, as that are applicable in each resident's circumstances. The mobilehome park owner (also referred to as applicant herein) should include a fair and transparent process for appeal of the determination of applicable assistance in the RIR, including but not limited to consideration of appraisals and reports by appraisers who may be hired by the Designated Resident Association and provide advance notice to the residents of such process.
- h. A program of relocation and purchase assistance should provide sufficient subsidies and other measures to allow residents to find other adequate, safe housing priced at a level that does not create a housing burden. This City Council Policy incorporates the definition of housing costs resulting in undue burden in the City of San José's Housing Element for 2014-2023; housing costs

that do not create a housing burden are housing costs that do not exceed 30% of gross income.

- i. A program of relocation and purchase assistance should provide for payment of the costs to reinstall or replace any accessibility improvements made to a resident's mobilehome and surrounding area such as wheelchair ramps, lifts, and grab-bars. Such payments should be provided to displaced residents who made such accessibility improvements.
- j. A program of relocation and purchase assistance should include relocation specialist services including on-site meetings with the residents to assist them in evaluating, selecting and securing housing in a comparable park or other comparable housing. It should also include technical assistance related to the leasing or purchasing of replacement housing, referral to affordable housing resources, assistance in making arrangements to move personal property and belongings and transportation of residents who are unable to drive to prospective replacement housing.
- k. It is desirable that conversion projects with proposed residential uses contain housing that is affordable to all income levels of existing residents and provide a first priority opportunity to purchase or rent such units to existing residents. Units with rents and purchase prices restricted by recorded covenants will be considered desirable for mitigation of relocation impacts to lower-income residents.
- l. The above standards may be waived, adjusted, or reduced if an applicant shows, based on substantial evidence, that applying the standards in this Policy would take property in violation of the United States or California Constitutions.

3. **Clarification of Standards regarding Contents of RIR to supplement requirements in Section 20.180.630 of the Zoning Code.** In evaluating whether the RIR provided is consistent with a satisfactory program of relocation and purchase assistance, the following considerations should be taken into account:

- a. The RIR should identify space vacancies and units for sale, including price and space rent, and required purchaser income (if available) in the Santa Clara, Alameda, San Mateo, and Santa Cruz counties (the four counties) and should indicate which, if any, may be subject to rent stabilization ordinances. The list should also include any mobilehome park specifically requested by a resident mobilehome owner within a 100-mile radius of the subject mobilehome park and for each such mobilehome park, the space-rents, whether the park is rent-stabilized and the qualifications for residency in each mobilehome park (e.g., age restrictions, no pets, minimum income), whether the mobilehome park has any

available space and will accept mobilehomes being relocated and, if so, any restrictions such as size and age, on the relocated mobilehomes that would be accepted.

- b. The RIR should indicate number of residents in the following categories: earning less than 30% Area Median Income (AMI), 50% AMI and 80% AMI, disabled under State or Federal definitions or by declaration of the resident; senior citizens; and families with minor children. This information should be obtained via a confidential questionnaire sent by the park owner to each mobilehome owner and resident of the park on a form provided by the City. The questionnaires shall be kept separate from the rest of the RIR materials and shall not be included in the overall RIR sent to each mobilehome owner and resident. The identity of each mobilehome owner and resident and his or her responses shall be kept confidential and used only to determine the relocation assistance to be provided to a particular mobilehome owner or resident. If a questionnaire contains insufficient information, the City may seek the information directly from the mobilehome owner and resident. The City shall be entitled to reimbursement for any such costs if the park owner failed or refused to obtain such information.
- c. The RIR should discuss space-rent affordable for residents in the above 80% AMI and the various lower-income categories, assuming that space-rent plus typical mobilehome mortgage does not exceed 30% of income.
- d. The RIR should indicate the difference between the actual cost of housing available to the residents in the four counties (actual market rent) and the Federal Department of Housing and Urban Development's (HUD) fair market rent, and if this difference is more than 5%, the RIR should adjust the subsidies to reflect actual market rent. The rent subsidy should be the difference of rent paid by the resident in the mobilehome park and any higher rent for either a space at another mobilehome park if the mobilehome is relocated, or rent for comparable housing if the resident moves to other rental housing.
- e. The RIR should include a discussion of measures available to ensure residents have options to relocate to housing that will be affordable once the rent subsidy is no longer available. Such measures might include provision of affordable housing (rental or for-sale) in the proposed conversion project, provision of additional mileage and other benefits needed for a move outside of the four counties, and phasing of resident relocation to allow residents to find new housing within their means.
- f. The RIR should list the other mobilehome parks that are in the closure/conversion process in the four counties and their size. The RIR should also list the mobilehome parks that have closed in the period commencing six

months prior to the notice of intention in the four counties, and the outcomes (e.g., new city of residence, rent and space rent) for the former residents of those closed mobilehome parks.

- g. At a minimum, the RIR should include the following information with monetary values determined by the selected appraiser:
- i. A description of proposed new use(s) for the subject site including, but not limited to appraisals of the mobilehome park site with the proposed uses on-site, and appraisal of the highest and best use of the mobilehome park site;
  - ii. A proposed timetable with phases of relocation of existing residents and development of the new project delineated for conversion of the subject mobilehome park to another use;
  - iii. A legal description of the mobilehome park; and
  - iv. The number of spaces in the mobilehome park.
  - v. For each space in the mobilehome park:
    1. The size in square feet, type (e.g., single-wide, recreational vehicle, stick-built), number of bedrooms, manufacturer, and date of manufacture of the mobilehome on the space, or if space is unoccupied indicate date of last occupation;
    2. The number of occupants of the mobilehome and their length of residency in the mobilehome park;
    3. The total monthly space rent currently charged for each space with detail showing the space rent, utility charges, and any other charges paid by the resident to the park owner;
    4. The in-place value the mobilehome would have if the mobilehome park were not being closed; and
    5. Any improvements to the mobilehome, including but not limited to patios, porches, pop-out rooms and any recent major improvements to the home, including but not limited to a new roof or new siding.
    6. Any information available to the mobilehome park owner concerning any disability or special need of the occupants, which may be kept confidential by the City.
    7. An appraisal of the mobilehome park site if continued in use as a mobilehome park; and
    8. An appraisal of the mobilehome park site if used for the highest and best use allowable under the existing General Plan land use designation for the subject site; and
    9. If the appraiser identifies lack of maintenance, or deterioration of the subject mobilehome park that negatively affects the value of a mobilehome, the appraiser should determine the value of the home with an upward adjustment in value as needed to eliminate the

negative effect in value caused by the lack of maintenance or deterioration.

10. The purchase price of mobilehomes with similar size, age and number of bedrooms in comparable mobilehome parks including rent-controlled mobilehome parks. For this purpose, “comparable mobilehome park” means a mobilehome park that is similar in size, age, condition, and amenities to the mobilehome park that is proposed for closure, is located within a community similar to that in which the subject mobilehome park is located, and has similar access to community amenities such as the job market where a displaced resident is employed, schools, shopping, medical services, recreational facilities, and transportation.

- h. The RIR should also enumerate the costs of obtaining other comparable housing for rent and for sale, including but not limited to the purchase price of comparable condominiums and the costs of moving into a comparable house or comparable apartment, including such items as first months’ rent, security deposits and higher mortgage and Homeowner Association fee payments or rent of the comparable housing. The moving costs should include the cost to move furniture and personal belongings, temporary lodging, moving insurance, and the appraised value of personal property that cannot be reasonably relocated. For this purpose, “comparable housing” is defined as housing that meets or exceeds the minimum standards of the Housing Code, and is similar to the subject home in terms of rent, size, number of bedrooms and bathrooms, proximity to the resident’s place of employment, amenities, schools, and public transportation.
- i. The RIR should also include estimates from two moving companies acceptable to the Designated Resident Association that are licensed and bonded to move mobilehomes on public streets and highways, of the cost of moving each mobilehome in the mobilehome park up to a maximum distance of 100 miles, including transportation to the new site identified by the resident, the cost of permits, and tearing down and setting up the mobilehome at the new location, including the cost of any upgrades to comply with applicable Federal, State, and local building, plumbing, electrical, housing, mobilehome park, accessibility, and health and safety regulations, and the cost of moving any improvements, including but not limited to patios, porches and pop-out rooms, reinstallation, replacement or reconstruction of blocks, skirting, shiplap siding, porches, decks and awnings, earthquake bracing if necessary, insurance coverage during transport, and utility hook-ups, and any upgrades required by the mobilehome park or State or local law.

#### 4. **Procedural Guidance.**

- a. ***Pre-application Voluntary Agreement regarding Purchase.*** Prior to submitting an application for conversion of a mobilehome park, mobilehome park owners may enter into a voluntary agreement with the mobilehome owners for relocation-impact and purchase-assistance that best addresses their particular situation. Mobilehome owners should have legal representation in the negotiation of such agreements.
- b. ***Translation of Documents related to Notice and Relocation Benefits.*** Consistent with the City Housing Department and State policy, translated notices of intention, notices of rights, mobilehome purchase offers, and descriptions of relocation and purchase assistance benefits should be made available by the mobilehome park owners on request for limited English proficiency mobilehome residents and owners or their representatives. Such translations should be available in Spanish, Vietnamese, Chinese, Korean, and Tagalog. All documents provided in English should provide clear information in those languages on how to obtain translated copies.
- c. ***Voluntary Agreement regarding satisfaction of Negotiation Requirements Allowed.*** If the Designated Resident Organization(s) and the mobilehome park owner agree in writing that negotiations required under Section 20.180.390 have occurred, the City may determine that the requirement for negotiations has been met prior to the initiation or completion of the 180-day negotiations period required by Section 20.180.390. Any “Voluntary Agreement regarding satisfaction of Negotiation Requirements” entered into by a Designated Resident Organization and the mobilehome park owner should contain, in 16-point font, an admonishment that the Designated Resident Organization should have legal representation before entering into and in negotiating such an agreement, that by entering into this agreement the Designated Resident Organization is giving up important rights, and that the 60-day period identified in Section 20.180.380 may still be available to another Designated Resident Organization at the mobilehome park.

## HOUSING AND COMMUNITY DEVELOPMENT COMMISSION RESPONSE TO THE PROPOSED MOBILEHOME PARK CLOSURE ORDINANCE

On January 5, 2017, the Administration released a “Discussion Draft” of the Mobilehome Closure Ordinance. The City Council asked staff to prepare an ordinance that applies to mobilehome parks that wish to close but do not intend to seek any entitlements or permits. One hypothetical example is when a leasehold expires and the land owner decides not to enter into a new lease with another mobilehome park operator. There are provisions under State Law that pertain to mobilehome park closures. However, the City can adopt its own closure ordinance to further delineate the process for mobilehome park closure and define relocation benefits as allowed by State Law.

Staff from the Department of Planning, Building and Code Enforcement and the Department of Housing presented the draft Mobilehome Park Closure ordinance on February 9, 2017, at the Housing and Community Development Commission (HCDC) under agenda item VI.A. Below is a summary of the discussion.

### Public comments:

- The City should take more time to get this ordinance right, this does not provide enough protection for residents.
- There should be a clawback to prevent park owners from using this to bypass the conversion process.
- The proposed rent subsidy is not comparable. Some residents have a mortgage.
- Residents do not want to be relocated so far away because they have jobs and other connections here.
- Some residents felt this ordinance is not about preservation, it is a way to help residents move.

### Commissioner Comments:

- How does the proposed law exceed state law with regard to resident relocation assistance?
- Who is responsible for paying for resident relocation benefits? What would happen to residents if the responsible party was bankrupt and could not pay for relocation assistance?
- What if a park owner quickly applies for development permits after using the Closure Ordinance?
- Can a park closure be denied?
- Why are there “mays” instead of “shalls” in this ordinance?
- Can the City help find another park operator to buy these parks?
- Can the City require future developments on the site of a mobilehome park to pay for relocation benefits?

### Motions passed by the HCDC:

Commissioner Shoor made the motion to recommend to the City Council to adopt a closure ordinance with further changes required to offer the same, if not more protections to the residents as the mobilehome conversion ordinance with a second by Commissioner Jones. The motion passed 8-2 by roll call vote with Commissioners Graves and Fitzgerald voting “no”, and a recusal by Commissioner O’Connell.

March 1, 2017

**Subject: Mobilehome Closure Ordinance**

Page 2 of 2

Commissioner Wheeler made the motion to recommend to the City Council that any closure ordinance should include a provision that requires the mobilehome park owner to meet and confer with appropriate city officials to discuss preservation and alternatives to closure with a second by Commissioner Jones. The motion passed 8-2 by roll call vote with Commissioners Graves and Fitzgerald voting “no”, and a recusal by Commissioner O’Connor.

Commissioner Thompson made the motion to recommend to the City Council that any closure ordinance include a provision that the appraised value be six (6) months before the date of application to close with a second by Commissioner Shoor. The motion passed 8-2 by roll call vote with Commissioners Graves and Fitzgerald voting “no”, and a recusal by Commissioner O’Connor.

Commissioner Thompson made the motion to recommend to the City Council that there should be trigger language within the ordinance stating that there shall be a recording against the property where that any future development triggers the mobilehome conversion policy with a second by Commissioner Shoor. The motion passed 8-2 by roll call vote with Commissioners Graves and Fitzgerald voting “no”, and a recusal by Commissioner O’Connor.



# LAW FOUNDATION of Silicon Valley

*Fair Housing Law Project*

152 North Third Street, 3<sup>rd</sup> Floor

San Jose, California 95112

Fax (408) 293-0106 • Telephone (408) 280-2435 • TDD (408) 294-5667

By Electronic Mail

February 9, 2017

Housing and Community Development Commission  
San José City Hall  
200 East Santa Clara Street  
San José, CA 95113

**Re: Housing and Community Development Commission  
Commission Meeting February 9, 2017 Agenda Item VI-A  
Draft Mobilehome Park Closure Ordinance (“Closure Ordinance”)**

Dear Chair, Vice Chair, and Members of the HCDC:

The Law Foundation appreciates this opportunity to provide input on the draft Mobilehome Park Closure Ordinance. While we are appreciative of staff’s work on this draft, we cannot state strongly enough that this proposed ordinance falls far short of the protections that California law allows cities to provide to mobilehome residents who face the loss of their homes when a mobilehome park closes.

The proposed Closure Ordinance completely fails to ensure that park owners who plan to redevelop their mobilehome parks are required to proceed via the Conversion Ordinance. This a major failing that essentially makes the Conversion Ordinance moot.

In 2014, the City Council tasked the Planning and Housing Departments with evaluating and proposing changes to San José’s land use regulations, including to the Mobilehome Park Conversion Ordinance (“Conversion Ordinance”), to further the City’s goal of preserving its 59 mobilehome parks. In 2016, after months of staff work, public input, and public deliberation, the City Council adopted the Mobilehome Park Conversion Ordinance “Council Policy.” Among other things, this Council Policy provides guidelines for assessing and mitigating adverse impacts as well as proposing relocation benefits that will enable residents to find comparable replacement housing when their mobilehome community is closed or converted and they are faced with the loss of their homes.

The Council Policy’s mitigation and relocation provisions are thoughtful, thorough, and fair. The Council Policy represented a promise to the City’s 35,000 mobilehome park residents, a promise that will be broken should the City adopt the draft Closure Ordinance because the draft is deficient in numerous ways, including the following:

- **Negotiation for Park Preservation.** The draft Closure Ordinance does not enable park residents to negotiate with the park owner to preserve their park. An association of residents, if it elects to, should be allowed to try and negotiate with the park owner to preserve the park. The City's draft Closure Ordinance does not allow for this.
- **Resident First Right of Refusal.** The draft Closure Ordinance does not provide residents with a first right of refusal to rent or purchase housing in a future residential development (if the resident qualifies). The City's draft Closure Ordinance does not allow for this either.
- **Rent Subsidy.** The draft Closure Ordinance provides a rent subsidy only if a resident household qualifies as senior (62 and older), disabled, or low-income. *All* displaced residents should qualify for a rent differential. San José is home to mobilehome parks that contain upwards of 400 spaces. If 400 households were displaced, a majority would be unable to find other rent stabilized housing, whether in or out of a mobilehome park. If households were mere dollars above some low-income threshold, they would be denied the ability to have the soft landing that a rent subsidy is designed to provide.
- **Public Hearing to Review Sufficiency of Relocation.** The draft Closure ordinance suggests that a public hearing to review the sufficiency of the Relocation Impact Report would only be scheduled if a Resident or Park Owner requests a public hearing. Given the displacement of hundreds of vulnerable households in any potential closure, a City Council hearing assessing the sufficiency of the Relocation Impact Report should be required as a matter of course. This requirement would not contravene state law on the subject, which states that Residents or Park Owners have a right to such a hearing.
- **Options for Mitigating Adverse Impacts of Closure.** The draft Closure Ordinance does not provide for strong options for a mobilehome park owner to mitigate the adverse impact of closure on residents. For example, the combination of the options constituting the reasonable cost of relocation should include, but not be limited to:
  - Moving expenses for furniture and personal belongings to a new residence in Santa Clara, Alameda, Santa Cruz, or San Mateo County.
  - Provision for payment of any or all portions of the cost of physically moving a mobilehome to a new site in Santa Clara, Alameda, Santa Cruz, or San Mateo County, including, but not limited to, tear down and set up.
  - Payment of the difference of rent between the old and new mobilehome park spaces for up to twenty-four months.
  - Purchase of the mobilehome at its in-place value, as determined by a tested, certified, and designated member of a nationally recognized appraisal association. "In-place value" should include the value of any accessory structures whose installation has been approved by mobilehome park management, such as a porch or a carport.
- **Individualized Assessment of Relocation and Purchase Assistance.** The draft Closure Ordinance does not call for individualized assessment of relocation and purchase assistance for residents. While the draft Closure Ordinance does require information pertaining to each space in the park, the relocation specialist must be given direction to conduct a much more robust evaluation of the adverse impacts on individual park residents. This evaluation should include longer-term housing solutions so that each displaced resident is not displaced again once a housing subsidy terminates. The

proposed Closure Ordinance does not require any evaluation of long-term housing solutions for individual households.

- **Lack of Housing Burden Assessment.** The draft Closure Ordinance fails to require that relocation and purchase assistance provide sufficient subsidies and other measures to allow residents to find other adequate, safe housing priced at a level that does not create a greater housing burden on a resident.
- **Insufficient Requirements for Selection of Appraisers.** The draft Closure Ordinance fails to provide sufficient specificity for selection of appraisers. The Closure Ordinance must require that an appraiser be a tested, certified, and designated member of a nationally recognized appraisal association, especially an appraiser determining in-place value of a mobilehome that will not be relocated.
- **Insufficient Guidance for Appraisers.** The draft Closure Ordinance fails to provide sufficient direction to appraisers in determining value. Appraisals should list in-place value of mobilehomes prior to any public discussion or communication regarding closure of the mobilehome park because of the downward impact that public knowledge of closure has on value. Moreover, if the appraiser identifies lack of maintenance, or deterioration of the subject mobilehome park that negatively affects the value of a mobilehome, the appraiser should determine the value of the home with an upward adjustment in value as needed to eliminate the negative effect in value caused by the lack of maintenance or deterioration.
- **Insufficient Subsidy for Large Households.** The draft Closure Ordinance does not call for more than one housing subsidy if a large household is forced to split into smaller households. If any mobilehome park closes, it is likely that most residents will need to move to apartments. Because apartment complexes typically limit the size of tenants who can live in each apartment, larger families will need to split up. The draft Closure Ordinance does not require a rent subsidy for multiple households if they must split up, which will severely disadvantage larger households and substantially limit their ability to find replacement housing.

The City has the authority under State law to provide these protections. State law gives local governments authority to set forth procedures and *mitigation requirements* for conversions and closures. (Gov't Code Section 65863.7 (a) (emphasis added).) The City *may require park owner to mitigate the impact of the closure on the ability of displaced residents to find adequate housing.* (Section 65863.7 (e) (emphasis added).)<sup>1</sup>

Moreover, the Council Policy does more than establish guidelines for mitigation of adverse impacts of a park closure on residents. The Council Policy also sets forth principles for approval of a proposed park conversion that take into account important City priorities like the need for adequate housing for all City residents regardless of income, facilitating resident ownership of mobilehome parks when feasible, and reducing and avoiding displacement of particularly vulnerable, long-term residents, from our community. When park owners are allowed to bypass the Conversion Ordinance, neither the Planning Council or City Council will

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<sup>1</sup> These important protections are inherently constrained by the state law's limitation that mitigation measures and relocation assistance may not exceed the reasonable costs of relocation. Id.

be required to consider any of these important land use and equity principles in assessing a closure or conversion of a park.

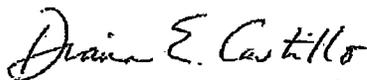
We continue to fail to understand the necessity of a Closure Ordinance. As we have argued in other fora, a mobilehome park closure ordinance is unnecessary in light of the City's existing Mobilehome Park Conversion Ordinance, which governs conversion of a mobilehome park to other uses. The case law supports the idea that a closure is a "change of use." Additionally, throughout the four public meetings on the draft Mobilehome Park Closure Ordinance, no examples have been provided where park owners in nearby cities have closed down mobilehome parks and allowed their properties to remain fallow. When parks have closed in nearby cities, park owners and developers have sought to redevelop them.

We understand that some mobilehome park owners have threatened litigation against the City, and that this threat has driven staff to propose this draft Closure Ordinance. We ask that the City not allow itself to be held hostage by threats when thousands of our city's most vulnerable residents continued stability and well-being are threatened.

While we disagree that a closure ordinance is necessary, we strongly believe that the City's Mobilehome Park Closure Ordinance should contain the same standards for assessing the adverse impact of the loss of housing for residents as those provided in the City's existing Conversion Ordinance and related Council Policy. The reason for this is simple: mobilehome park residents—the people negatively impacted by mobilehome park closure and/or conversion—should not be deprived of the protection of the maximum protections of state law simply because of a park owner's administrative course of action.

Thank you for considering the Law Foundation's comments. We welcome the opportunity to discuss our letter with members of the HCD Commission. I can be reached at [dianac@lawfoundation.org](mailto:dianac@lawfoundation.org) and 408-280-2448.

Sincerely,



Diana Castillo  
Senior Attorney

# hopkins carley

San Jose  
70 South First Street  
San Jose, CA 95113  
T. 408.286.9800  
F. 408.998.4790

Palo Alto  
200 Page Mill Road, Suite 200  
Palo Alto, CA 94306  
T. 650.804.7600  
F. 650.804.7630

February 8, 2017

Margaret E. Nanda  
mnanda@hopkinscarley.com  
T. 408.299.1327  
F. 408.998.4790

*Via Electronic Mail Only*

San Jose Housing and Community Development Commission  
Michael Graves, Chair  
Melissa Medina, Vice Chair  
Martha O'Connell  
Alex Shoor  
Robert Gill  
Andrea Wheeler  
Lee Thompson  
Gary Prideaux  
Michael Fitzgerald  
Nhi Nguyen

C/o Jacky Morales-Ferrand  
Director  
Housing Department  
City of San Jose  
200 E. Santa Clara Street, 12<sup>th</sup> Floor  
San Jose, CA 95113

**Re: *Agenda Item VI. A Mobilehome Park Closure Ordinance***  
***Meeting Date: February 9, 2017***

Dear Chairman and Members of the San Jose' Housing and Community Development Commission:

On behalf of the Manufactured Housing Educational Trust (MHET) and the owners of mobile home parks in San Jose, we submit the following comments on the draft Mobilehome Park Closure ordinance:

The draft ordinance is inconsistent with and preempted by state law:

- State law specifies that the steps required to be taken to mitigate the adverse impacts of a park closure "shall not exceed the reasonable costs of relocation." (Government Code section 65863.7); and
- Requiring a private landowner to subsidize other private citizens in their housing needs for years after they no longer are tenants is simply not reasonable costs of relocation as intended by the state Legislature; and

- The draft ordinance ignores the limits specified in state law and allows the city discretion to decide what park owners must pay based on what the city deems reasonable and ignores the express legislative intent of the statute; and
- The draft ordinance will require a park owner to spend far more than the "reasonable costs of relocation." For example, a Rent Subsidy plus Sale at In-Place Value plus a Moving Allowance plus Accessibility Improvements would be far more than the "reasonable costs of relocation"; and
- State law does not allow the city to require the park owner to pay the tenant the value of the mobile home if it is in excess of the "reasonable costs of relocation." This was prohibited by the state legislature in limiting the scope of permissible mitigation.

Limits on city authority to required mitigation payments from mobilehome park owners were placed into state law in 1985 though Senate Bill 316 which amended Government Code section 65863.7 to cover mobilehome park closures as well as conversions.

First, the legislature added the following language:

"The steps required to be taken to mitigate shall not exceed the reasonable costs of relocation." Government Code section 65863.7 (e)

Then, the legislature deleted a section that had allowed local agencies to enact more stringent measures.

The changes are shown in Senate Bill No. 316 as Amended in Assembly July 15, 1985 (additions are in italics, deletions are underlined):

- 1 conversion, closure, or cessation of use on the ability of
- 2 displaced mobilehome park residents to find adequate
- 3 space housing in a mobilehome park. *The steps required*
- 4 *to be taken to mitigate shall not exceed the reasonable*
- 5 *costs of relocation.*
- 6 *If the closure or cessation of use of a mobilehome park*
- 7 *results from an adjudication of bankruptcy, the provisions*
- 8 *of this section shall not be applicable.*
- 9 *This section establishes a minimum standard for local*
- 10 *regulation of closures of or conversions of mobilehome*
- 11 *parks into other uses and shall not prevent a local agency*
- 12 *from enacting more stringent measures.*

State law is clear. Whatever mitigation measures might be required by the city for a mobilehome park closure, they are limited to the "reasonable costs of relocation." The draft ordinance must be changed to comply with state law.

The draft ordinance violates the United States Constitution

- Park owners have a right to go out of business; and

San Jose Housing Commission  
February 8, 2017  
Page 3

- The draft closure ordinance makes it extraordinarily expensive to go out of business. The extreme expense of complying with the ordinance deprives park owners of a constitutionally protected property right to go out of business; and
- Forcing park owners to subsidize residents for three years as a condition of going out of business is an exorbitant and unconstitutional burden on the park owners' constitutional rights; and
- Park owners have a constitutional right to receive just compensation when their property is taken for public use; and
- The cumulative impacts of the mobile home park rent control ordinance, the conversion ordinance, Council Policy on Conversion and the draft closure ordinance effectively make park owners provide a public service, subsidized housing, without just compensation; and
- The draft ordinance creates monetary exactions for the exercise of a right to close a park that lack the essential nexus and rough proportionality to the effects of the closure that are required by the U. S. Constitution.

Under the doctrine of unconditional conditions, the City may not extract money from a mobilehome park owner to pay for a broad public problem in exchange for a permit to go out of business.

The City's proposed exactions to be levied on mobilehome park owners go far beyond the impacts of a mobilehome park closure. The City seeks to remedy the impacts of market forces caused by a chronic shortfall of housing production, which are caused by government decisions, not by a mobilehome park owner or a decision to close a mobilehome park.

The City seeks to extract money from a mobilehome park owner to close the gap between market rents and the rents in a mobilehome park being closed. Mobilehome park owners did not cause that gap. It was caused by the City's rent control ordinance.

The proposed exactions in the draft ordinance that lack essential nexus and rough proportionality to the impacts of a mobilehome park closure are unconstitutional and must be removed from the draft ordinance. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987), *Dolan v. City of Tigard*, 512 U.S. 374 (1994), *Koontz v. St. Johns River Water Management District*, 133 S.Ct. 2586 (2013)

Sincerely,

HOPKINS & CARLEY  
A Law Corporation

  
Margaret E. Nanda

MEN

cc: Geri Nave', Executive Director, Manufactured Housing Educational Trust  
(via electronic mail only)

Adam,

It would seem that if a park owner has his park up for sale and chooses to close it they must fall under the Conversion Ordinance unless it is specifically advertised as a Mobilehome Park and is being sold as such. If that is not the case and they just want to close the park then they will abide by the Closure Ordinance.

I think that this should be part of the Ordinance and it would help clarify under what conditions the two Ordinances would be applied.

If you would like to discuss it further give me a call.

All the Best,  
Dave Johnsen  
Winchester Ranch Mobilehome Community  
Cell:

From: John Dowling []

Sent: Friday, February 03, 2017 3:54 PM

To: Nusbaum, Jenny <[Jenny.Nusbaum@sanjoseca.gov](mailto:Jenny.Nusbaum@sanjoseca.gov)>; Marcus, Adam <[adam.marcus@sanjoseca.gov](mailto:adam.marcus@sanjoseca.gov)>

Subject: Draft Closure Ordinance

Hi Jenny and Adam,

Writing as a member of the Mobile home community, I have some questions and comments on the draft ordinance.

1) On the issue of notification of public meetings. You might try posting the notices at the local grocery stores near the mobile home parks. Look for Mexican markets and Chinese Markets such as the 99 Market as well as the local Safeway, Lucky's etc.

2) Minor issue. 20.180.500 through 20.180.600 are already in use in the Conversion Ordinance. the next number series available is 20.180.700. It disturbed me seeing a paragraph number currently in use being re-used. It is as if the newer version text would replace the current text. I do not think that is the intent.

3) In the Draft Closure Ordinance, under 20.180.540 Relocation Impact Report, in the middle of the paragraph it states: "The Relocation Impact Report must, at a minimum, ... address the availability to the Resident of adequate replacement housing in Mobile home Parks and the relocation cost consistent with this Part, ...". Then the last sentence says: "Information required for the Relocation Impact Report shall include:..." It is unclear which is correct. the minimum or the full report as stated in the last sentence of the paragraph.

4) If the Relocation specialist manages to find sufficient Mobile home parks that can (1) accept Mobile homes from other parks and or (2) have vacant homes available for sale to take in all the

residents that need relocation, is the RIR complete?

5) When putting together the RIR, is there an order to the tasks? First find Mobile home Parks that accept Mobile homes, then Mobile home Parks that can take new residents, then Comparable Condominiums and apartments etc.?

6) How much of the completed RIR will a resident get when they ask for a copy? Will the residents get to see the values of all homes in the park?

Regarding the Confidential Questionnaire

7) Who gets to see the Confidential Questionnaire, once completed?

8) Who receives the filled out Questionnaires?

9) What is the purpose of Question G (20.180.550.G.) in the Questionnaire?

10) Is the Questionnaire used by the Relocation Specialist? If so for what purpose?

11) If approved, is the Resident bound by the contents of the RIR?

12) Can the Resident look elsewhere outside of the area covered by the RIR

--  
John R. Dowling

**From:** Dave Johnsen [REDACTED]  
**Sent:** Tuesday, January 31, 2017 4:51 PM  
**To:** Marcus, Adam <[adam.marcus@sanjoseca.gov](mailto:adam.marcus@sanjoseca.gov)>; Nusbaum, Jenny  
<[Jenny.Nusbaum@sanjoseca.gov](mailto:Jenny.Nusbaum@sanjoseca.gov)>  
**Cc:** Diana Castillo [REDACTED]; 'Kyra Kazantzis' [REDACTED]  
'VicePresident Board' [REDACTED]; [REDACTED] John 577  
[REDACTED] WRSHOA MaryK <[REDACTED]>; 'AtLarge03 Board'  
[REDACTED]; 'Mari Jo Pokriots' [REDACTED]; Warren Gannon  
<[REDACTED]>  
**Subject:** Closure Ordinance

Adam,

It would seem that if a park owner has his park up for sale and choses to close It they must fall under the Conversion Ordinance unless it is specifically advertised as a Mobilehome Park and is being sold as such. If that is not the case and they just want to close the park then they will abide by the Closure Ordinance.

I think that this should be part of the Ordinance and it would help clarify under what conditions the two Ordinances would be applied.

If you would like to discuss It further give me a call.

All the Best,  
Dave Johnsen  
Winchester Ranch Mobilehome Community

MANUFACTURED HOUSING EDUCATIONAL TRUST  
SAN JOSÉ MOBILE HOME PARK OWNERS

January 30, 2017

City of San Jose  
Department of Planning, Building & Code Enforcement  
Housing Department  
200 E. Santa Clara Street  
San Jose, CA 95113

HAND DELIVERED

RE: Proposed Draft San Jose MHP Closure Ordinance

On behalf of the Manufactured Housing Educational Trust ("MHET") and the owners of mobile home parks in San Jose, we verbally share the following comments for the record and request that this letter be entered in the record regarding the proposed draft San Jose Mobile Home Park Closure Ordinance.

A. The draft ordinance is inconsistent with and preempted by state law

- State law specifies that the steps required to be taken to mitigate the adverse impacts of a park closure "shall not exceed the reasonable costs of relocation." (Government Code section 65863.7); and
- Requiring a private landowner to subsidize other private citizens in their housing needs for years after they no longer are tenants is simply not reasonable costs of relocation as intended by the state Legislature; and
- The draft ordinance ignores the limits specified in state law and allows the city discretion to decide what park owners must pay based on what the city deems reasonable and ignores the express legislative intent of the statute; and
- The draft ordinance will require a park owner to spend far more than the "reasonable costs of relocation." For example, a Rent Subsidy plus Sale at In-Place Value plus a Moving Allowance plus Accessibility Improvements would be far more than the "reasonable costs of relocation"; and
- State law does not allow the city to require the park owner to pay the tenant the value of the mobile home if it is in excess of the "reasonable costs of relocation." This was prohibited by the state legislature in limiting the scope of permissible mitigation.

B. The draft ordinance violates the United States Constitution

- Park owners have a right to go out of business; and
- The draft closure ordinance makes it extraordinarily expensive to go out of business. The extreme expense of complying with the ordinance deprives park owners of a constitutionally protected property right to go out of business; and
- Forcing park owners to subsidize residents for three years as a condition of going out of business is an exorbitant and unconstitutional burden on the park owners' constitutional rights; and
- Park owners have a constitutional right to receive just compensation when their property is taken for public use; and
- The cumulative impacts of the mobile home park rent control ordinance, the conversion ordinance, Council Policy on Conversion and the draft closure ordinance effectively make park owners provide a public service, subsidized housing, without just compensation; and
- The draft ordinance creates monetary exactions for the exercise of a right to close a park that lack the essential nexus and rough proportionality to the effects of the closure that are required by the U. S. Constitution.

Thank you for allowing me to speak. Here is a written copy of our comments for the record.



William B. Baron  
Authorized Representative of MHET  
& Several SJ MHP Owners/Operators

**From:** Warren Gannon  
**To:** Nusbaum, Jenny  
**Cc:** Warren Gannon; Marcus, Adam  
**Subject:** Closure Ordinance Discussion Draft  
**Date:** Saturday, January 21, 2017 12:39:12 PM

---

Hello Jenny, I have some comments in re the above subject as you suggested in your meetings last week.

1. I'm not sure I understand the difference between the 180.530 (Reasonable Cost of Relocation) and 180.540 (Relocation Impact Report).

When considering the issue of closure is it intended that 530 will be in addition to 540? 540 seems to be much more complete and provides more protection for the resident.

I had thought paragraph 530 B and 540 D.4 could be combined. However, after reviewing the subject for longer than I would like to admit I don't see how I can rewrite what's proposed and be more effective. The two paragraphs are certainly related but one is considered under the "Reasonable" section while the other is found in the RIR.

2. I'm concerned about the use of "may" in several of the paragraphs in 180.530. This is not the case in the RIR which appears to provide more protection for the resident who is faced with being displaced. I understand the issue of "taking" but wonder if the language can be more forceful (will instead of may). I assume this has to do with the City Attorney's point of view and that's understandable.

3. The use of "In Place Value" in .530 makes me nervous. The "In Place Value" of most mobile homes in the City of San Jose is probably in the neighborhood of \$25K and \$50K since almost all are 40 plus years old. The RIR takes this into consideration since it requires a series of steps that will compare the "living experience" of the resident in his or her current mobilehome with what could be available elsewhere. Comparable mobile homes in San Jose are now being marketed at \$200K to \$250K in relatively nice mobile home parks. The ability to replace the "living experience" for these residents in or around Santa Clara County will have to be at the higher level at current market prices.

If a park owner attempts to provide "In Place Value" when he closes his park will the Closure Ordinance proposed provide protection for those residents displaced by refusing to accept the "Reasonable Cost of Relocation" and impose what I see in the RIR (.540)

4. I was surprised to see in .540I a reference to "any California Park" when considering comparable mobilehome parks. Does this mean I could go to San Diego County and attempt to find a comparable location? Does that make sense? I think it does provide the resident with more flexibility in relocating and that's good so perhaps we should leave that sentence alone and see what happens.

5. In re the Confidential Questionnaire, I think this is an important request and should be included in the final recommendations to the City Council. My only question is how this information is going to be controlled. That is, will the questionnaires be held in the Directors office for review only when absolutely necessary? And by whom? I think it would be helpful to have this spelled out in the final document.

I'm sure you will hear from other mobilehome park residents who may be faced with park closure or conversion. I want to thank you for your open acceptance of these observations and hope they are helpful in preparing the final document.

Best regards, Warren.



## Attachment E

**From:** Warren Gannon  
**To:** Nusbaum, Jenny  
**Cc:** Warren Gannon; Marcus, Adam  
**Subject:** Closure Ordinance  
**Date:** Friday, January 20, 2017 11:51:22 AM

---

Thank you both for the meetings you've conducted on the above subject. Your remarks have been particularly helpful for everyone who has not been involved in the process.

I have two points to make but will, perhaps, have other written comments that I hope will be helpful.

1. I have been to two of the last three meetings. I have been disappointed that more mobilehome park RESIDENTS have not appeared at these meetings. I sense that few of the 35,000 residents of mobilehome parks in the city realize that their homes, lifestyles, etc are (or will be) under pressure to change. The dramatic increase in the value of the land underlying mobilehome parks throughout the city will make those land owners consider changing the use from mobile homes to commercial/residential development.

We are first seeing this at Winchester Ranch. What happens at Winchester may be the precedent for future conversions or closures.

Somehow we must alert the rest of the mobilehome park residents of these issues. Here at Winchester Ranch we have a list of some, not all, residents of mobilehome parks in the city. The woman guiding this effort calls it an Alliance...and I'm sure she is going to try and get the word out.

At the same time we may have independent letters to the editor of the Mercury that could be helpful. These letters can be positive in the sense that the city staff is trying to hear from all the voices surrounding mobilehome parks. I don't know what the Housing Department can do beyond what you have done to publicize the steps the City Council has asked of the Housing Department. However, if you have any ideas please let me hear from you.

2. In respect to the Closure Ordinance Draft: I'm concerned that the "appraiser" question is not completely clear. If the Park Owner can use his own appraiser and the Resident uses his appraiser there is bound to be a difference and rancor. What I would hope the City and/or the Housing Department would have a list of approved appraisers who can be used by the parties involved. Then the Resident or the Owner would feel he/she would have at least the fairest appraisal possible.

I will probably have other comments in the next few days. Thanks to both of you for the time (and patience) you have exhibited in these meetings. It's much appreciated.

Warren  


From: Warren Gannon  
To: Marcus, Adam  
Cc: Warren Gannon  
Subject: The Closure Ordinance  
Date: Sunday, November 13, 2016 5:40:48 PM

---

Hi Adam. I am not going to be able to attend the first outreach meeting you are having on the above subject. However, I do plan to be at the second meeting at 7 Trees Community Center and those following the 7 Trees event.

My principal concern about mobilehome park closure is the following scenario:

The owner announces on a specific day he is "Closing this Mobile Home Park. I own the land and have decided not to use the land for mobile home purposes in the future and

have no plans to use the land for any purpose. The land will remain vacant. In 90 days I will be turning off the water and therefore, will expect the residents of this mobile home

park to vacate the land by that time. In order to make the transition easier for all of you I will arrange to pay you the IN PLACE VALUE of your mobile home. My appraisers tell

me this should be approximately \$17,000 per home but I will be planning to provide \$25,000 to each of you. If you have any questions please contact my attorney at 408-xxx-xxx"

Needless to say this would be catastrophic for the mobilehome park residents, particularly the senior members of the community. I would hope the Housing Department will take steps to preclude this scenario from ever taking place in the city of San Jose. While I recognize there are property rights in play here there are also human rights to be considered. I'm sure you and your associates at the Housing Department have studied this issue and have steps that could be taken that would prevent this dooms-day scenario.

I'm counting on you to take those steps and will look forward to the public discussion at the outreach meetings planned in the future.

Best regards, Warren.

The following  
items were  
received after  
packets were  
distributed.

**From:** gail osmer [<mailto:gaosmer1@hotmail.com>]

**Sent:** Monday, March 20, 2017 8:43 PM

**To:** City Clerk <[city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov)>

**Subject:** planning commission meeting

Hi Elaine,

thank you so much for forwarding my email to the planning commissioner's meeting on Wed. night.

Dear Planning Commissioner's,

I am emailing you requesting that you move item 4, "Conversion of Mobile Home Parks to other uses" to the beginning of the meeting. Like Council meetings they have our mobile home items at the end of the meetings and it is very late for seniors to stay up, sitting in the chambers for hours and really not fair to them. This is a very important item and many mobile home residents will be affected. Thanking you in advance for your consideration.

Regards,

Gail Anne Osmer

Resident/Colonial Manor

**From:** Diana Castillo [<mailto:DianaC@lawfoundation.org>]

**Sent:** Tuesday, March 21, 2017 5:39 PM

**To:** Planning Commission 1 <[PlanningCom1@sanjoseca.gov](mailto:PlanningCom1@sanjoseca.gov)>; Planning Commission 2 <[PlanningCom2@sanjoseca.gov](mailto:PlanningCom2@sanjoseca.gov)>; Planning Commission 4 <[PlanningCom4@sanjoseca.gov](mailto:PlanningCom4@sanjoseca.gov)>; Planning Commission 5 <[PlanningCom5@sanjoseca.gov](mailto:PlanningCom5@sanjoseca.gov)>; Planning Commission 7 <[PlanningCom7@sanjoseca.gov](mailto:PlanningCom7@sanjoseca.gov)>; Planning Commission 3 <[PlanningCom3@sanjoseca.gov](mailto:PlanningCom3@sanjoseca.gov)>; [Planningcom6@sanjoseca.gov](mailto:Planningcom6@sanjoseca.gov)

**Cc:** Kyra Kazantzis <[KyraK@lawfoundation.org](mailto:KyraK@lawfoundation.org)>; Matthew Warren <[matthew.warren@lawfoundation.org](mailto:matthew.warren@lawfoundation.org)>; Nusbaum, Jenny <[Jenny.Nusbaum@sanjoseca.gov](mailto:Jenny.Nusbaum@sanjoseca.gov)>; Freitas, Harry <[Harry.Freitas@sanjoseca.gov](mailto:Harry.Freitas@sanjoseca.gov)>; Morales-Ferrand, Jacky <[Jacky.Morales-Ferrand@sanjoseca.gov](mailto:Jacky.Morales-Ferrand@sanjoseca.gov)>; Marcus, Adam <[adam.marcus@sanjoseca.gov](mailto:adam.marcus@sanjoseca.gov)>; City Clerk <[city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov)>

**Subject:** Planning Commission Meeting March 22, 2017 Agenda Item PP17-023 (Mobilehome Preservation)

Dear Chair, Vice Chair, and Members of the Planning Commission:

Attached please find the Law Foundation's comment letter regarding Agenda Item PP17-023 (Mobilehome Preservation), which will be heard tomorrow evening. Please contact me at 408-280-2448 or [dianac@lawfoundation.org](mailto:dianac@lawfoundation.org) if I may answer any questions regarding our comments.

Sincerely,

**Diana Castillo | Senior Attorney**

**Fair Housing Law Project | Public Interest Law Firm**

dianac@lawfoundation.org | p 408.280.2448 | f 408.293.0106

  
**Law Foundation** OF SILICON VALLEY  
**Advancing Justice in Silicon Valley**

152 North Third Street, 3<sup>rd</sup> Floor  
San Jose, California 95112  
[www.lawfoundation.org](http://www.lawfoundation.org)



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# LAW FOUNDATION of Silicon Valley

*Fair Housing Law Project*  
152 North Third Street, 3<sup>rd</sup> Floor  
San José, California 95112

Fax (408) 293-0106 • Telephone (408) 280-2435 • TDD (408) 294-5667

By Electronic Mail

March 21, 2017

Chair, Vice Chair, and Members of the Planning Commission  
Planning Commission  
San José City Hall  
200 East Santa Clara Street  
San José, CA 95113

**Re: Planning Commission  
Commission Meeting March 22, 2017 Agenda Item PP17-023  
Mobilehome Preservation**

Dear Chair, Vice Chair, and Members of the Planning Commission:

The Law Foundation appreciates this opportunity to comment on the proposed Mobilehome Park Closure Projects Ordinance and amendments to Part 2 of Chapter 20.120 of Title 20 (Ordinances Conforming to the General Plan) (dated March 7, 2017) and Council Policy 6-33 regarding Mobilehome Park Conversion. The City Council directed staff to develop strategies to protect current mobilehome park residents and preserve the City's 59 mobilehome parks. Although we appreciate staff's work, the draft Mobilehome Park Closure Projects Ordinance will undermine Council's preservation and protection directive, and it will make the City's longstanding Mobilehome Conversion Ordinance and the 2016 Council Policy 6-33, which interprets this ordinance, moot.

We urge the Planning Commission to further strategies to protect our approximately 35,000 mobilehome park residents and preserve the City's nearly 11,000 mobilehome housing units by recommending to the City Council that it:

- **Reject the proposed Mobilehome Closure Ordinance unless significant changes are made; and**
- **Direct Staff to Amend the Council Policy as addressed below.**

**I. Planning Commission should recommend that City Council reject the proposed Closure Ordinance because it is unnecessary.**

First, we continue to fail to understand the necessity of the Mobilehome Park Closure Projects Ordinance (hereafter "Closure Ordinance"). As we have argued in other fora, a mobilehome park closure ordinance is unnecessary in light of the City's existing Mobilehome

Park Conversion Ordinance (hereafter “Conversion Ordinance”), which governs conversion of a mobilehome park to other uses. San José’s Conversion Ordinance and case law support the idea that a closure is a change of use. (San Jose Zoning Ord., Section 20.180.190; Keh v. Walters, 55 Cal. App. 4th 1533 (1977).) Additionally, throughout the four public meetings on the draft Closure Ordinance, no examples have been provided where park owners in nearby cities have closed down mobilehome parks and allowed their properties to remain fallow. When parks have closed in nearby cities, park owners and developers have sought to redevelop them. Mobilehome park closures can and should proceed through the process already provided for by the Conversion Ordinance.

**II. Drastic Improvements are necessary should the Closure Ordinance move forward.**

**A. Planning Commission should recommend that the Closure Ordinance provide the same protections for residents as provided in the Conversion Ordinance.**

While we disagree that a closure ordinance is necessary, we strongly believe that the Closure Ordinance should contain the same standards for assessing the adverse impact of the loss of housing for residents as those provided in the City’s existing Conversion Ordinance and related Council Policy. The reason for this is simple: mobilehome park residents—the people negatively impacted by mobilehome park closure and/or conversion—should not be deprived of the protection of the maximum protections of state law simply because of a park owner’s administrative course of action.

We urge the Planning Commission to recommend rejection of the Closure Ordinance unless significant changes are made because, among other things, the Closure Ordinance fails to preserve San José’s 59 mobilehome parks and requires less rigorous relocation impact analyses and fewer relocation benefits for displaced residents than required by the City’s longstanding Conversion Ordinance.

**B. Planning Commission should recommend that the proposed Closure Ordinance provide for greater review and oversight.**

The proposed Closure Ordinance completely fails to ensure that park owners who plan to redevelop their mobilehome parks are required to proceed via the Conversion Ordinance. This a major failing that essentially makes the Conversion Ordinance moot because there is no procedural oversight requiring a park owner to proceed through conversion rather than closure. Since it requires fewer relocation benefits and far less review than the Conversion Ordinance requires, the Closure Ordinance incentivizes park owners to pursue temporary closure and subsequent redevelopment of their parks instead of contemporaneous review and approval of these actions under the Conversion Ordinance. These and other deficits mean that the Closure Ordinance does not comply with State law—which requires the park owner to mitigate any

adverse impacts that a park closure will have on residents' ability to find adequate replacement housing in a mobilehome park.

Further, when park owners are allowed to bypass the Conversion Ordinance, neither the Planning Commission nor City Council will be required or even allowed to consider land use and equity principles in assessing a closure or conversion of a park. These include, but are not limited to considerations regarding the City's affordable housing stock, consistency with the city's housing element, and consistency with general plan.

Unlike the Conversion Ordinance, the draft Closure Ordinance does not allow the Planning Commission or the City Council to review applications to close mobilehome parks. Instead, it authorizes the Director of Planning to make this decision, which would result in the displacement of potentially thousands of residents and the permanent loss of affordable housing units in our community. The City's Zoning Ordinance was specifically amended to ensure that the City Council, and not the Planning Director, would be the decision-maker that considered applications to convert mobilehome parks, and such a significant procedural distinction should exist based on a park owner's decision to simply close rather than convert. Such important land use and displacement issues must be reviewed with greater public scrutiny by appropriate public entities than the draft Closure Ordinance currently provides.

**C. Planning Commission should recommend that the proposed Closure Ordinance follow existing Council Policy regarding Park Conversion.**

After months of staff work, public input, and public deliberation, the City Council adopted certain changes to its zoning code and the Mobilehome Park Conversion Ordinance "Council Policy." Among other things, this Council Policy provides guidelines for assessing and mitigating adverse impacts as well as proposing relocation benefits that will enable residents to find comparable replacement housing when their mobilehome community is closed or converted and they are faced with the loss of their homes. The Council Policy's mitigation and relocation provisions are thoughtful, thorough, and fair. The Council Policy represented a promise to the City's 35,000 mobilehome park residents, a promise that will be broken should the City adopt the Closure Ordinance because it is deficient in numerous ways. Some of these deficits are included in the attachment to this letter entitled, "Closure Ordinance Deficiencies."

The City has the authority under State law to provide these protections. State law gives local governments authority to set forth procedures and *mitigation requirements* for conversions and closures. (Gov't Code Section 65863.7 (a) (emphasis added).) The City *may require park owner to mitigate any impact of the closure on the ability of displaced residents to find adequate housing.* (Section 65863.7 (e) (emphasis added).)<sup>1</sup>

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<sup>1</sup> These important protections are inherently constrained by the state law's limitation that mitigation measures and relocation assistance may not exceed the reasonable costs of relocation. Id.

Moreover, the Council Policy does more than establish guidelines for mitigation of adverse impacts of a park closure on residents. The Council Policy also sets forth principles for approval of a proposed park conversion that take into account important City priorities like the need for adequate housing for all City residents regardless of income, facilitating resident ownership of mobilehome parks when feasible, and reducing and avoiding displacement of particularly vulnerable, long-term residents, from our community.

We understand that some mobilehome park owners have threatened litigation against the City, and that this threat has driven staff to propose this draft Closure Ordinance. We ask that the City not allow itself to be held hostage by threats when the continued stability and well-being of thousands of our city's most vulnerable residents are threatened.

**III. Staff's Proposed amendments to Council Policy must be changed to ensure greater protections for mobilehome park residents.**

**A. Definition of the term "sufficient information" must be clarified to include more than only an appraisal.**

One of the goals of the Conversion Ordinance is to help preserve San José's mobilehome parks by encouraging park owners and residents' associations (called Designated Residents' Organizations (DROs) in the Conversion Ordinance) to negotiate for the sale of the park to DROs so that the affordable homeownership housing in these parks is preserved. To submit a viable offer to purchase the park, the DRO needs records relating to the operation and condition of the park. Although the appraisal of the mobilehome park is an important tool in preparing a purchase offer, it is not the only record that the DRO needs to prepare a viable offer. The DRO needs other records that specify the costs to operate the park, its outstanding financial obligations, its future maintenance obligations, and other relevant records. Staff has proposed to amend subsection d(i) of section 1 by providing more detail about what "sufficient information" the DRO will need to prepare its offer. Although staff's suggested edit to include a reference to an appraisal is helpful, other examples of what constitutes sufficient information must be specified.

**B. Council Policy must provide clear guidance regarding how disputes concerning selection of appraisers and RIR Specialists are resolved.**

Staff's proposed changes at Sections 2.a. and 2.c. of the Council Policy, which relate to appraiser and RIR Specialist selection, are incomplete and require revision. Section 2.a. discusses the selection of the appraiser that will prepare valuations of mobilehome owners' homes. Section 2.c. discusses selection of the RIR Specialist. Although these two sections allow for parties to select their respective appraisers and RIR Specialists, staff did not provide guidance about how the parties should resolve any disputes regarding the ultimate selection of these professionals, like through mediation that is free of charge to park residents. Therefore, the Planning Commission should recommend that these sections be clarified prior to adoption.

**C. Council Policy must require that the City, not a park owner, provide an appeals process where there is a dispute regarding relocation and purchase assistance.**

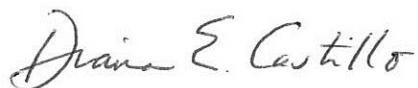
Finally, the Planning Commission should recommend to the Council that section 2.g. of the Council Policy be amended. Section 2.g. discusses a dispute resolution process the parties may have about the relocation and purchase assistance that the RIR specialist recommends for residents who will be displaced. Section 2.g. suggests that the park owner, not the City, provide an appeals process. This recommendation is unacceptable, since any party hearing an appeal will be directly hired by and be an agent of the park owner. Instead, the City should have and govern an appeals process before a neutral fact finder.

**IV. The Planning Commission should recommend additional changes to Council Policy.**

In addition to feedback regarding staff's proposed amendments to Council Policy, we ask the Planning Commission to make recommendations regarding our previous concerns about the Council Policy. Specifically, in line with comments we submitted over a year ago, the suggestion in subsection d(i) suggesting that the park owner may require that the information it provides to the DRO be held in confidence by a third party is unworkable. (A copy of our coalition letter dated February 22, 2016, is included as Attachment 2.) It is inconsistent for the Council Policy to suggest that the park owner provide the DRO with sufficient information to enable it to make a viable offer and then, in the same section, state that the owner may require that a third party hold this information in confidence so that the DRO cannot access it. This information is absolutely necessary to evaluate whether a resident purchase is viable, for identifying financing, and for composing a credible offer to purchase the park. While we understand park owners' desire for their financial information not to become public, release of that information to the DRO—or to an agent of the DRO—is an essential prerequisite to the good faith negotiations required by the Ordinance and Council Policy. Instead of the present language, the Council Policy could either require or allow the parties to enter into a confidentiality agreement at the outset of negotiations.

Thank you for considering the Law Foundation's comments. We welcome the opportunity to discuss our letter, including the attachment, with members of the Planning Commission. I can be reached at [dianac@lawfoundation.org](mailto:dianac@lawfoundation.org) and 408-280-2448.

Sincerely,



Diana Castillo  
Senior Attorney

## **Closure Ordinance Deficiencies Attachment 1**

The Mobilehome Park Closure Projects Ordinance (hereafter “Closure Ordinance”) fails to fulfill the City Council’s directive to preserve mobilehome parks and protect mobilehome park residents. The Closure Ordinance also fails to comply with State law because it prevents the decision maker from requiring the park owner who seeks to close their park from mitigating any adverse impact on the displaced mobilehome park resident to find adequate replacement housing. In 2016, the City adopted Council Policy 6-33, which are thorough and thoughtful guidelines for interpreting requirements under the City’s Mobilehome Conversion Ordinance (hereafter “Conversion Ordinance”). Adoption of an inferior Closure Ordinance, which requires less rigorous Relocation Impact Report (hereafter “RIR”) analysis and relocation benefits, will make the City’s Conversion Ordinance moot and make it impossible for residents to find adequate replacement housing. We note several of the Closure Ordinance’s deficiencies below and urge the Planning Commission to recommend rejection of the Closure Ordinance unless significant changes are made.

- **Does Not Protect Residents Against Park Owners’ Misuse of the Closure Ordinance to Avoid the Conversion Ordinance’s Procedural and Relocation Assistance Provisions.** As drafted, the Closure Ordinance provides fewer relocation benefits to residents than the Conversion Ordinance. There is no part of the Closure Ordinance that requires or penalizes a park owner who truly seeks to redevelop, versus simply closing the park and immediately applying to redevelop it, to actually proceed through the City’s Conversion Ordinance. The only, and narrow, way this issue is addressed in the Closure Ordinance states that the park owner shall disclose “the nature of the use of the Parcel(s) where the Park is located after Closure is approved *or* [provide] a statement under penalty of perjury that no new use is contemplated” in the RIR. Greater procedural protections must be included in the Closure Ordinance to safeguard against abuse. At the very minimum, the Closure Ordinance should require that either of these statements be made under penalty of perjury, otherwise the park owner will avoid the higher threshold of disclosure under penalty of perjury by disclosing some uncertain and unclear plan about the nature of the use of the parcel after closure is approved.
- **Does Not Provide Residents with an Opportunity to Negotiate for Park Preservation.** The Closure Ordinance does not enable park residents to negotiate with the park owner to preserve their park. An association of residents, if it elects to, should be allowed to try and negotiate with the park owner to preserve the park. The City’s Closure Ordinance does not allow for this.
- **Does No Provide Residents with a First Right of Refusal.** The Closure Ordinance does not provide residents with a first right of refusal to rent or purchase housing in a future residential development (if the resident qualifies).
- **Definition of “Disabled Household” Does Not Comply with State Law and is Different than one in the Conversion Ordinance/Council Policy 6-33.** The Closure

Ordinance incorrectly provides the federal definition of “disabled” instead of using the broader definition found in State law. At a minimum, the Closure Ordinance should parallel the definition for “handicapped” (disabled) in Council Policy 6-33, which clarifies that it should be defined to include all persons who are disabled under State disability law and the Americans with Disabilities Act.

- **Unreasonably Disqualifies Residents from Relocation Assistance Benefits.** The Closure Ordinance, particularly its definitions section, does not reflect residents’ real-world homeownership and space rental realities, including the hardship they will face during a closure application. We are informed and believe that, under the Closure Ordinance, only mobilehome owners who are registered with the Department of Housing and Community Development (“HCD”) will be compensated for mobilehomes that cannot be moved. Hundreds, if not thousands, of the mobilehomes currently rented or leased in San José’s 59 parks are not registered with HCD. Stumbling blocks to registering with HCD were identified as such a problem that, in 2016, the California legislature adopted Assembly Bill 587 (Chau), which creates an abatement program for mobilehome residents who cannot register with HCD. Since most mobilehomes in San José’s parks cannot be moved, many residents will be disqualified from receiving compensation for the loss of their homes under the Closure Ordinance. Another oversight is that mobilehome owners who are 55 or older qualify to rent spaces in San José’s parks, but, under the Closure Ordinance, seniors need to be 62 years or older to qualify for certain relocation benefits. These overly restrictive definitions unreasonably deny residents vital benefits and are contrary to the requirements of State law.

The Closure Ordinance also fails to prevent unreasonable denial of benefits for park residents who live in the park during some phase of the park owner’s closure application but who, due to a change in life circumstance, or stress related to the closure application, move. In a glaring oversight, the Closure Ordinance does not make residents eligible for relocation benefits when an *application* is filed, but, instead, limits their eligibility to when the *RIR* is filed, which can be years after the date of application. Requiring that the park owner provide relocation benefits to residents only at the time the RIR is filed incentivizes the park owner to delay so that fewer residents are eligible to receive relocation benefits.

- **Limits Who is Eligible to Receive Certain Benefits, Like a Rent Differential Subsidy.** The Closure Ordinance provides a rent subsidy only if a resident household qualifies as senior (62 and older), disabled, or low-income. *All* displaced residents should qualify for a rent differential. San José is home to mobilehome parks that contain upwards of 700 mobilehomes. If 700 households were displaced, a majority would be unable to find other rent stabilized housing, whether in or out of a mobilehome park. If households were mere dollars above some low-income threshold, they would be denied the ability to have the soft landing that a rent subsidy is designed to provide. Further, the City’s Conversion Ordinance allows a rent subsidy for *all* displaced residents for up to 24 months. A park owner should not be able to avoid paying for displacement mitigation protections based solely on the type of application they submit.

- **Does Not Require Individualized Assessment of Relocation and Purchase Assistance.** The Closure Ordinance does not call for individualized assessment of relocation and purchase assistance for residents. While the Closure Ordinance does require information pertaining to each space in the park, the relocation specialist must be given direction to conduct a much more robust evaluation of the adverse impacts on individual park residents. This evaluation should include longer-term housing solutions so that each displaced resident is not displaced, again, once a housing subsidy terminates. The Closure Ordinance does not require any evaluation of long-term housing solutions for individual households.
- **Lack of Housing Burden Assessment.** The Closure Ordinance fails to require that relocation and purchase assistance provide sufficient subsidies and other measures to allow residents to find other adequate, safe housing priced at a level that does not create a greater housing burden on a resident.
- **Provides Insufficient Subsidy for Large Households.** The Closure Ordinance does not call for more than one housing subsidy if a large household is forced to split into smaller households. If any mobilehome park closes, it is likely that most residents will need to move to apartments. Because other housing opportunities may limit the number of residents who can live in a housing unit, larger families will need to split up. The Closure Ordinance does not require a rent subsidy for multiple households if they must split up, which will severely disadvantage larger households and substantially limit their ability to find replacement housing.
- **Insufficient Requirements for Selection of Appraisers.** The Closure Ordinance fails to provide sufficient specificity for selection of appraisers. The Closure Ordinance must require that an appraiser be a tested, certified, and designated member of a nationally recognized appraisal association, especially an appraiser determining in-place value of a mobilehome that will not be relocated.
- **Insufficient Guidance for Appraisers.** The Closure Ordinance fails to provide sufficient direction to appraisers in determining value. Appraisals should list in-place value of mobilehomes prior to any public discussion or communication regarding closure of the mobilehome park because of the downward impact that public knowledge of closure has on value. Moreover, if the appraiser identifies lack of maintenance or deterioration of the subject mobilehome park that negatively affects the value of a mobilehome, the appraiser should determine the value of the home with an upward adjustment in value as needed to eliminate the negative effect in value caused by the lack of maintenance or deterioration.
- **Does Not Require that the Confidential Resident Questionnaire is Distributed, Obtained, and Kept Only by the RIR Specialist.** The Closure Ordinance mandates that the RIR specialist will analyze residents' confidential responses to a questionnaire in evaluating the relocation assistance they require. However, and confusingly, the Closure Ordinance requires the park owner to distribute these questionnaires, it doesn't define to whom these will be submitted (to the park owner or RIR specialist), and it states that the City will obtain this confidential information if the park owner fails to obtain it. Already stinging from a park owner's broken promise that their park will remain open, park residents will be reticent to entrust confidential information about themselves to a park

owner to whom they are adverse in a park closure application. As such, only the RIR Specialist should distribute, obtain, and keep these confidential questionnaires. Although these questionnaires should be kept confidential, residents who request copies of their own questionnaires should receive free and timely copies of these upon request.

- **Contains a Wholly Inadequate Appraisal Dispute Resolution Process.** The Closure Ordinance resolves a dispute about the valuation of a residents' home by requiring the resident to obtain a costly appraisal report, and then, at most, enables them to receive the difference between the valuation amounts prepared by the parties' appraisers. This dispute process is wholly inadequate and will lead park owners, who select their own appraiser, to generate low appraisal amounts. It is unlikely that low-income residents will hire their own appraisers, which means that park owners' appraisers will propose artificially low valuations of residents' homes. Even if a resident hires their own appraiser, they will always receive less than what their expert appraiser determines is the value of their home. Instead, the City should have and govern an appeals process before a neutral fact finder.
- **Does Not Enable Decision-Makers to Comply with State Law and Require Park Owner to Mitigate Any Adverse Impact on Residents' Ability to Find Adequate Replacement Housing.** The Closure Ordinance fails to make clear that, under State law, the Planning Director and City Council may require relocation assistance that mitigates any adverse impact on a resident's ability to find adequate replacement housing in a mobilehome park. To mitigate any adverse impact, the Planning Director has the ability to require relocation assistance amounts that are more than even the 100% appraised value of a residents' home if it takes more assistance to secure adequate replacement housing in another park. The limit, that mitigation shall not exceed the "reasonable cost of relocation," may include more assistance than the limited categories that the Closure Ordinance specifies. The Closure Ordinance must provide the Director of Planning and the Council with a clear statement that they have the ability to require additional mitigation measures if they are necessary to enable the resident to relocate to adequate replacement housing. Failure to include this provision means that the Closure Ordinance fails to comply with State law.
- **No Required Public Hearing to Review the Sufficiency of the RIR.** The Closure Ordinance suggests that a public hearing to review the sufficiency of the RIR would only be scheduled if a resident or park owner requests it. Given the displacement of thousands of vulnerable residents in any potential closure, a City Council hearing assessing the sufficiency of the Relocation Impact Report should be required as a matter of course. This requirement would not contravene State law on the subject, which allows the legislative body, the City Council, to review and evaluate the application.
- **Does Not Require that Notices to Park Residents about the Proposed Closure of a Mobilehome Park be Accessible.** The Closure Ordinance identifies notices that residents will receive related to the park closure application. However, it fails to specify that these notices, which will describe important rights, will be accessible for people who are not English-language proficient or who are disabled. This oversight means that many park residents will be unable to understand and assert their rights.

- **Does Not Require that the RIR Report, and Subsequent Amendments, Be Provided to Residents as Required Under State Law.** Contrary to the requirements under State law, which requires that the park owner provide a copy of the RIR to a resident of each mobilehome at the park, the Closure Ordinance state that each resident will be invited to obtain a copy. Further, the Closure Ordinance does not specify that this notice will be accessible for residents who are disabled or who are not fluent in English. To comply with State law, the Closure Ordinance must require that the RIR and subsequent amendments be provided to a resident from each mobilehome. If the RIR is subsequently amended or clarified, the State law requirement to provide a copy to all households continues, since this amendment or clarification becomes part of the RIR. As such, a resident from each mobilehome should receive these subsequent amendments or clarifying letters and at least 30 days prior to any hearing on or consideration of the RIR by the Planning Director and City Council and these should be accessible.
- **Provides Inadequate Period for Residents to Request a Hearing on the Sufficiency of the RIR.** As presently drafted, the Closure Ordinance restricts a residents' ability to request a hearing within 30 days of receiving a notice about the availability of the RIR. It will take at least five days for the City's notice of RIR availability to reach residents' homes, and it may take weeks for residents to actually receive a copy of the RIR after they have requested it. By this time, if they are lucky, residents will have mere days to request a hearing on the RIR. This timeline is patently unfair to park residents who aren't experts in RIR-related matters. As such, residents should have at least ninety (90) days from the date they receive the RIR to request a hearing so that they may evaluate their options, including consulting with experts.
- **Does Not Specify that Residents Will Not be Charged for Requesting a Hearing.** The Closure Ordinance does not make clear that if a resident requests a hearing that they will not be charged fees related to this request. Failure to clarify this will be a bar to residents who seek to assert their rights.
- **Prevents the Decision-Maker from Denying an RIR While Making Full Compensation for Residents' Relocation Expenses Optional.** The Closure Ordinance only allows the Planning Director or City Council to approve or conditionally approve an RIR. It does not specify that these decision-makers have the ability to deny it. This means that residents would be left in limbo for potentially significant periods of time during the application process, especially if the park owner causes unreasonable delay.

Further, the Closure Ordinance is patently unfair and unbalanced in how it treats park residents. For example, even though the decision-maker will be unable to deny the RIR, it does not require the decision-maker to fully compensate a homeowner for the in-place value of their home, provide a rent differential, or cover costs to re-install disability-related improvements the park resident will need at their replacement housing. Instead, the decision-maker may require a park owner to compensate residents for something far less than what residents need to obtain adequate replacement housing.

- **Does Not Specify that Public Hearings on Conditionally Approved RIRs will be Required.** The Closure Ordinance is silent about whether subsequent hearings will be required if an RIR is conditionally approved. The findings relating to the adequacy and

approval of the RIR should be evaluated at a public hearing. A closure should not be permitted unless and until an RIR is actually approved at a public hearing.

- **An RIR Appeals Process is Necessary.** The Closure Ordinance permits the Director of Planning to authorize displacement of potentially thousands of residents, the permanent loss of hundreds of affordable and rent stabilized housing units, and closure of a mobilehome park. The Closure Ordinance provides for no appeals process in the event that park residents dispute the accuracy of or sufficiency of their relocation benefits. Neighboring cities provide appeals processes before a neutral fact finder. Although we disagree that the Planning Director should have the ability to unilaterally make a decision on a closure application, at a minimum, the City's Closure Ordinance should contain an appeals process for residents to dispute the Planning Director's decision about the adequacy of the benefits approved under the RIR.
- **Unreasonably Limits the Termination of Tenancy Notice Period.** The Closure Ordinance specifies that, after closure of a park is authorized, the park owner will issue a six-month notice to terminate residents' tenancies. State law, however, makes clear that the *minimum* termination notice that the park owner should issue is six months. In our City, when we have parks that contain thousands of residents who will be competing to find replacement housing in an expensive housing market, it will take much longer than six months for residents to transition to replacement housing. As such, a termination of tenancy notice that the Planning Director or City Council specifies should exceed six months as is authorized under State law.
- **Intrudes on Existing Portions of the City's Conversion Ordinance (at Part 4).** The Closure Ordinance states that it seeks to amend San José's Municipal Code by adding a new Part 5 to Chapter 20.180, but, strangely, it adds section numbers that presently exist under the Conversion Ordinance at Part 4 of Chapter 20.180. For example, if adopted, the Closure Ordinance would add section 20.180.530, "Reasonable Cost of Relocation," to the Municipal Code when Part 4 already contains a section 20.180.530 called, "Exemption from permit requirement - Approval." These changes would cause confusion and intrude on the City's existing Conversion Ordinance.

## Attachment 2

### FAIR HOUSING LAW PROJECT

*Law Foundation of Silicon Valley*

152 North Third Street, 3<sup>rd</sup> Floor

San Jose, California 95112

Fax (408) 293-0106 • Telephone (408) 280-2435 • TDD (408) 294-5667

February 22, 2016

*Via Electronic Mail*

Honorable Mayor, Vice Mayor and Councilmembers

San José City Hall

200 East Santa Clara Street

San José, CA 95113

**Re: San José City Council Meeting, February 23, 2016  
Agenda Items 4.2 (Zoning Code/Council Policy), 4.3 (Opt-In Proposal), and 10.2  
(General Plan Text Amendments)**

Dear Mayor, Vice Mayor, and Councilmembers:

We are non-profit organizations and advocates who represent, serve, and work on behalf of San José's low- and moderate-income residents who live in or need affordable housing. San José's 59 mobilehome parks are essential to the fabric of this community, and its 11,000 mobile home park spaces provide an important source of affordable homeownership housing to 35,000 San José residents. We support strong policies to protect mobilehome parks as an affordable housing resource and to prevent the displacement of mobilehome park residents from our community. We write to ask that the Council:

- 1) Adopt staff's draft Zoning and General Plan Text Amendments;**
- 2) Adopt staff's draft City Council Policy, with the amendments outlined below; and**
- 3) Direct staff to cease working on the "Opt-In/Stay-In-Business" proposal.**

San José must act now to preserve its mobilehome parks and protect the residents who live in them. The California Department of Housing and Community Development estimates that the Bay Area has lost 900 park spaces over the last 15 years. The Bay Area is also under threat of losing additional parks and spaces, including two parks in Sunnyvale. The escalation in both land prices and housing costs creates an incentive for park owners to convert to other uses, while simultaneously limiting alternative housing resources for displaced residents.

**We ask that Council adopt the Zoning amendment and General Plan Text Amendments proposed by staff. We also generally support staff's proposed City Council Policy, but we recommend the following amendments:**

- 1) The language at Section 1(a) of the draft Council Policy should be corrected.** The current language regarding "spaces" owned by the park owner appears to be a drafting error, but, as written, it makes the Policy extremely confusing and could potentially be

## Attachment 2

Items 4.2, 4.3, and 10.2

used to restrict the ability of residents to effectively form Designated Resident Organizations. In mobilehome parks, residents own their homes but not the spaces. This Section should be changed to say: “If there is at least one Designated Resident Organization representing at least 10% of the occupied *homes*, then any association representing fewer than 10% of the occupied homes shall not be considered Designated Resident Organizations. ‘Occupied home’ for the purposes of this paragraph should only include mobilehomes that are not owned by the mobilehome park owner or a proposed developer.”

- 2) **At Section 1(d)(i), the proposal that a third party selected by the park owner hold the valuation information in confidence is unworkable.** In order to bargain effectively for a resident purchase of the park, the Designated Resident Association must be able to review financial information about the park. This information is absolutely necessary for evaluating whether a resident purchase is viable, for identifying financing, and for composing a credible offer to purchase the park. While we understand park owners’ desire for their financial information not to become public, release of that information to the DRO—or to an agent of the DRO—is an essential prerequisite to the good faith negotiations required by the Ordinance and Council Policy. Instead of the draft language, the Policy could either require or allow the parties to enter into a confidentiality agreement at the outset of negotiations.
- 3) **The language of Sections 2(a) and 2(c), regarding the selection of appraisers and Relocation Impact Report consultants, should be amended to ensure that selection is both workable and fair.** Under the draft Policy, if the parties cannot agree on an appraiser, then the owner’s appraiser and the residents’ appraiser will between the two of them select a third appraiser. This process seems entirely impracticable, and it places a large burden on residents to identify, select, and retain their own appraiser. We suggest that the Policy language be modified to say that 1) the City provides a list of appraisers, 2) from which the park owner will choose an appraiser, and, 3) if the residents’ organization objects to the appraiser, 4) selects its own appraiser, and 5) the City Planning Director chooses between the two appraisers. Regardless, any resident’s own appraisal shall be considered in evaluating the adequacy of relocation and purchase assistance. The language regarding the RIR consultant should be likewise amended for the same reasons

**These combined policy changes represent a thoughtful compromise between the needs of mobilehome park residents on one hand and the interests of mobilehome park owners on the other.** Mobilehome park residents and affordable housing advocates have advocated for substantive amendments to the City’s Mobilehome Park Conversion Ordinance, exclusive zoning for mobilehome parks, and a no-net-loss policy for mobilehome park lands. Park owners have opposed meaningful mitigation requirements; some have argued that they should be able to “close” mobilehome parks without following the Ordinance or informing the City of the intended future use of the site; and at least one has gone so far as to argue that mobilehome park owners should not have to pay any type of relocation assistance to displaced mobilehome residents. Staff’s recommendations seek to strike a balance between these opposing positions. While these policy changes fall short of what we had hoped would be possible, we believe that they will create a clearer, fairer process than exists currently. And, if properly implemented, these

## Attachment 2

Items 4.2, 4.3, and 10.2

changes will help to mitigate the impacts of mobilehome park closures on residents and the community.

**Finally, we urge the Council to reject the “Opt-In/Stay in Business” concept** and to direct staff to cease work on it. The Opt-In/Stay in Business proposal would severely weaken San José’s Mobile Home Rent Control Ordinance without conferring any meaningful benefit to residents or the larger community. By imposing a version of vacancy decontrol, it would strip current mobilehome residents of the equity in their homes; at the same time it would make mobilehome rents much less affordable. The City Council should not eliminate the very protections that make these communities affordable and protect the investments that low-income, senior, and disabled residents have made in their homes.

Thank you very much for your serious consideration of this important matter.

Sincerely,

*Diana E. Castillo*  
Senior Attorney  
Law Foundation of Silicon Valley

*Poncho Guevara*  
Executive Director  
Sacred Heart Community Service

*Kevin Zwick*  
Chief Executive Officer  
Housing Trust Silicon Valley

*Bob Brownstein*  
Director of Policy and Research  
Working Partnerships USA

*Sandy Perry*  
Affordable Housing Network

*Liz González*  
Silicon Valley De-Bug

**From:** gail osmer [<mailto:gaosmer1@hotmail.com>]

**Sent:** Monday, March 20, 2017 8:43 PM

**To:** City Clerk <[city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov)>

**Subject:** planning commission meeting

Hi Elaine,

thank you so much for forwarding my email to the planning commissioner's meeting on Wed. night.

Dear Planning Commissioner's,

I am emailing you requesting that you move item 4, "Conversion of Mobile Home Parks to other uses" to the beginning of the meeting. Like Council meetings they have our mobile home items at the end of the meetings and it is very late for seniors to stay up, sitting in the chambers for hours and really not fair to them. This is a very important item and many mobile home residents will be affected. Thanking you in advance for your consideration.

Regards,

Gail Anne Osmer

Resident/Colonial Manor

# RE: Mobile home park closures

Marcus, Adam

Mon 3/20/2017 9:27 AM

To: Dina Marseline <dinakaedoll@yahoo.com>;

Cc: Ramos, Theresa <theresa.ramos@sanjoseca.gov>; Nusbaum, Jenny <Jenny.Nusbaum@sanjoseca.gov>;

Ms. Marseline,

I think your question relates to the City's Draft Mobilehome Closure Ordinance which goes to the Planning Commission this Wednesday. The proposed Closure Ordinance clarifies the process a park owner must take if he/she chooses to close but not redevelop. The ordinance just proposes a process, it is still the Park Owner's decision to apply or not to apply for closure. Other than reading about Winchester, I have not heard any news about other park owners intending to close.

I don't know what it means to be "under trust" so I am including my colleagues Theresa Ramos and Jenny Nusbaum on this message. Please call me if you have any additional questions.

Adam Marcus  
Housing Policy and Planning Manager  
City of San José Department of Housing  
adam.marcus@sanjoseca.gov  
(408) 975 - 4451  
[www.sjhousing.org](http://www.sjhousing.org) | Find us on Twitter!

-----Original Message-----

From: Dina Marseline [<mailto:dinakaedoll@yahoo.com>]  
Sent: Friday, March 17, 2017 7:18 PM  
To: Marcus, Adam <adam.marcus@sanjoseca.gov>  
Subject: Mobile home park closures

I'm at Westwinds 500 Nicholson lane San Jose near first and Tasman would like to know what could happen here. I understand it's under trust but city could take over if trust is at its end .

Sent from my iPhone

# Fw: Mobilehome Park Closure Ordinance Questions

Morales-Ferrand, Jacky

Fri 3/17/2017 2:51 PM

To: Nusbaum, Jenny <Jenny.Nusbaum@sanjoseca.gov>;

Cc: Marcus, Adam <adam.marcus@sanjoseca.gov>; Greene, Shasta <shasta.greene@sanjoseca.gov>; Haase, Maria <maria.haase@sanjoseca.gov>;

Please see email regarding mobile home closure ordinance.

**From:** Sherman Adams [mailto:shermanadams@ymail.com]

**Sent:** Friday, March 17, 2017 1:21 PM

**To:** Haase, Maria <maria.haase@sanjoseca.gov>

**Subject:** Mobilehome Park Closure Ordinance Questions

Good afternoon Jacky. I have a couple of questions about this proposed draft receive on March 15th 2017 from Jenny. (1).in reviewing the proposal the current conversion ordinance, **item 5, states the city council must approve or deny the conversion.** In the closure draft, **item 5, says that a council hearing is only available if requested and pertains only to the RIR report.**

It also states that the **approval either final or conditional approval for closure** rest with Director of Planning.

I'm understanding this correctly?

If there is no CUP or PD permit required why would this fall on the Planning director instead of the city council?

(2) I don't quite grasp item **20180.520** in the discussion draft. The part which states, **no notice will be given or posted that the park is being converted, closed, or a proposed new use prior to the date of which the city has approved the closure,** seems to conceal a material fact about the status of the mobile home park. As a real estate agent I see many pitfalls that would present itself, particularly one if a resident has a mobile home for sell and the new potential buyer seeks park approval to become a resident of the park. Is my interpretation of this correct?

In closing I would like to request if at all possible that issues related to mobile home parks be moved to earlier in the agenda because it is very difficult for many of the senior resident owners to set and wait for long periods due health and other conditions to hear the issues affecting them to be discussed.

Sincerely Sherman Adams Cell 408.483.3566 e-mail [shermanadams@ymail.com](mailto:shermanadams@ymail.com)

3/17/2017

FW: Draft Mobilehome Park Closure Ordinance and Public Mee... - Nusbaum, Jenny

## FW: Draft Mobilehome Park Closure Ordinance and Public Meetings

Haase, Maria

Fri 3/17/2017 8:05 AM

Inbox

To: Marcus, Adam <adam.marcus@sanjoseca.gov>; Nusbaum, Jenny <Jenny.Nusbaum@sanjoseca.gov>;

Cc: Morales-Ferrand, Jacky <Jacky.Morales-Ferrand@sanjoseca.gov>;

Fyi...

**Maria Haase**

Assistant to the Director / Analyst II

City of San José Department of Housing

maria.haase@sanjoseca.gov | [www.sjhousing.org](http://www.sjhousing.org)

408.975.4413

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**From:** Lavonne [mailto:[lavonnecarrick@yahoo.com](mailto:lavonnecarrick@yahoo.com)]

**Sent:** Thursday, March 16, 2017 9:47 PM

**To:** Haase, Maria <[maria.haase@sanjoseca.gov](mailto:maria.haase@sanjoseca.gov)>

**Subject:** Re: Draft Mobilehome Park Closure Ordinance and Public Meetings

My first response to this new ordinance is it is just awful for me the park Resident. Everything is in the favor of the park owner!

Yours truly ,

LaVonne

On Mar 16, 2017, at 4:58 PM, Jacky Morales-Ferrand, Director of Housing <[maria.haase@sanjoseca.gov](mailto:maria.haase@sanjoseca.gov)> wrote:



March 16, 2017



Dear Mobilehome Park Stakeholders,

In 2016, the City Council asked staff to define the process mobilehome park owners may follow if they decide to close a mobilehome park without changing the land use. State Law includes provisions for mobilehome park closures, but the City can adopt an ordinance to further define the process and the appropriate level of relocation. If the City has no ordinance that applies to mobilehome park closures with no conversion of land use, then such closures may still occur under State Law with potentially less relocation assistance for residents.

San Jose's current Mobilehome Park Conversion Ordinance	San José's Draft Mobilehome Park Closure Ordinance
<ul style="list-style-type: none"> <li>• Used by mobilehome park owners who wish to close a mobilehome park and wish to change the use of their mobilehome park site to new land use.</li> <li>• Requires a Conditional Use Permit (CUP) or Planned Development (PD) permit.</li> <li>• Requires mobilehome park owners to negotiate with the mobilehome park residents' association for purchase of the mobilehome park site.</li> <li>• Requires a Relocation Impact Report (RIR).</li> <li>• Requires a Council hearing to approve or deny the proposed conversion.</li> <li>• Mobilehome park owners may request a reduction in the relocation benefits called for in the RIR, and the City may request documentation to justify a reduction.</li> </ul>	<ul style="list-style-type: none"> <li>• Used by mobilehome park owners who wish to close a mobilehome park and do not wish to change the used of their mobilehome park site to another land use.</li> <li>• Does not require a CUP or PD permit.</li> <li>• Does not require that the mobilehome park owner negotiate with the mobilehome park residents' association for purchase of the mobilehome park site.</li> <li>• Requires a RIR prepared by a Relocation Specialist selected by the City and paid for by the park owner.</li> <li>• Provides for a Council hearing on the sufficiency of the RIR only if requested. Otherwise, determination of sufficiency of the RIR and approval or conditional approval of closure is made by the Director.</li> <li>• Mobilehome park owners may request that the Council provide a waiver of the relocation benefits called for in the RIR, but the mobilehome park owners must provide to the City financial statements for the most recent five</li> </ul>

# Planning Commission - March 22, 2017, Agenda Item PP17-023 - Request that Red-Line (Track Changes) versions of staff's attachments be posted

Diana Castillo <DianaC@lawfoundation.org>

Fri 3/17/2017 12:28 PM

To: Nusbaum, Jenny <Jenny.Nusbaum@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>;

Cc: Marcus, Adam <adam.marcus@sanjoseca.gov>; Morales-Ferrand, Jacky <Jacky.Morales-Ferrand@sanjoseca.gov>; Kyra Kazantzis <KyraK@lawfoundation.org>; Matthew Warren <matthew.warren@lawfoundation.org>;

Dear Jenny and City Clerk staff:

I am writing to request that red-line versions of staff's attachments to Agenda Item PP17-023, which will be heard by the Planning Commission on March 22, 2017, be posted so that members of the public can better comprehend the updates that were made to these lengthy documents. These documents, particularly the updated draft of the Mobilehome Closure Ordinance and Council Policy for the existing Mobilehome Conversion Ordinance (Council Policy No. 6-33) are dense. Providing red-line versions of the attachments will help the public understand the changes that staff made and participate at future hearings on these subjects.

In the event that these documents are updated again, I ask that the City of San Jose continue to post a red-line (track changes) version on its website (under Commission and Council Agenda items and at the City's dedicated page for mobilehome and park owners). This is important, since the footnotes in the draft ordinance and resolution attachments for Agenda Item PP17-023 direct the public to contact the City Clerk for "final documents" and lead me to assume that additional revisions to these attachments could be made and posted by staff prior to the March 22, 2017, Planning Commission meeting.

Thank you for considering the Law Foundation's comments.

Sincerely,

**Diana Castillo | Senior Attorney**

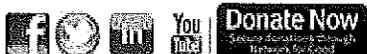
**Fair Housing Law Project | Public Interest Law Firm**

[dianac@lawfoundation.org](mailto:dianac@lawfoundation.org) | p 408.280.2448 | f 408.293.0106

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3/21/2017

Planning Commission - March 22, 2017, Agenda Item PP17-023... - Nusbaum, Jenny

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SAN JOSE MOBILEHOME PARKS  
Corrected 03-22-17

#	PARK NAME	PARK ADDRESS	LOTS	APN	COUNCIL DISTRICT	YEAR BUILT	ACRES	SNI	OCCUPY TYPE	IN URBAN VILLAGE	ADJACENT TO/HALF MILE FROM UV	NEAR HIGH QUALITY TRANSIT	ZONING	GP 2040	UNIT TYPE
1	Ace Trailer Inn Village	2800 Monterey Rd.	55	497-32-009	7	1953	2.76	No	Family				R-MH	CIC	RV
2	Arbor Point (SJ) MH Park	540 Bonita Ave.	120	472-06-068	3	1961	3.81	Yes	Family		Yes		R-MH	RN	D
2.1				472-07-073			0.45								
3	Bella Rosa Mobile Lodge	1500 Virginia Pl.	64	481-45-038	5	1964	2.91	Yes	Family		Yes		R-MH	RN	S
4	Cal-Hawaiian Mobile Est	3637 Snell Ave.	420	462-19-005	10	1969	49.23	No	Family				R-MH	RN	S, D
5	Caribees MH Park	2855 Senter Rd.	442	497-28-005	7	1961	12.24	No	Family				R-MH	RN	S, D
6	Casa Alondra	5450 Monterey Rd.	203	684-40-012	2	1974	5.2	No	Family		Yes		R-MH	RN	S, D
6.1				684-40-015			7.37								
6.2				684-41-007			1.48								
6.3				684-42-002			2.52								
6.4				684-42-004			8.49								
7	Casa Del Lago	2151 Old Oakland Rd.	619	237-01-028	4	1971	21.71	No	Family				A(PD)	CIC	S, D
8	Chateau la Salle	2681 Monterey Rd.	433	455-08-031	7	1980	3.72	No	Family				A(PD)	RN	D
8.1				455-30-030											
8.2				455-08-029			3.72								
8.3				455-08-037			54.56								
9	Colonial Mobile Manor	3300 Narvaez Ave.	207	462-15-006	9	1968	21	No	SENIOR		Yes	Yes	R-MH,A	RN	S, D
10	Cottage Trailer Park	111 Bernard Ave.	34	455-02-034	7	1955	1.51	No	Family				R-MH	HI	RV
11	County Fair MH Park	270 Umbarger Rd - Office	133	497-34-003	7	1964	9.65	No	Family				R-MH	LI	S, D
12	Coyote Creek MH Community	2580 Senter Rd.	183	497-42-011	7	1973	16.98	No	Family				R-MH	RN	
13	Hometown Eastridge Mobile Estates	1955 Quimby Rd.	187	491-36-003	8	1980	23.15	No	Family		Yes		A(PD)	RN	S, D
14	Hometown Monterey Oaks	6130 Monterey Rd.	344	678-03-035	2	1971	40.42	No	Family		Yes		R-MH	RN	S, D
14.1				678-03-017											
14.2				678-03-675											
15	Foothills Mobilelodge	655 S. 34th St.	101	481-45-046	5	1959	6.35	Yes	Family		Yes		R-MH	RN	
16	Garden City Trailer Park	1309 Oakland Rd Sp.#24	43	237-06-023	3	1960	2	No	Family		Yes		HI	HI	
17	Golden Wheel Park	900 Golden Wheel Park Dr	221	241-15-012	3	1968	19.94	No	Family		Yes		HI,LI	RN	S, D
18	Hillview Mobile Home Park	241 S. Jackson St.	26	481-23-070	5	1958	1.57	Yes	Family		Yes	Yes	R-MH	RN	S
19	Hilton Mobile Park	661 Bonita Ave. #67	62	472-07-058	3	1961	2.55	Yes	Family		Yes		R-MH	RN	RV, S
19.1				472-07-071			1.86								
20	Imperial San Jose Mobile Est	5770 Winfield Blvd.	174	694-06-013	10	1969	21.55	No	Family	Yes		Yes	R-MH	NCC	D
21	<b>La Buona Vita Mobile Park</b>	445 N Capitol Ave	108	unavailable	5	1978	14.1		<b>SENIOR</b>	Yes		Yes	A(PD)	NCC	D
22	Lamplighter San Jose 23	4201 N. First St	265	097-02-036	4	1972	35.64	No	Family				A(PD)	RN	D, T
	Magc Sands	165 Blossom Hill Rd	541	690-02-001	2	1967	2.93	No	Family		Yes		A(PD)	RN	D
23.1				690-02-007			6.55								
23.2				690-04-004			9.96								
23.3				690-04-007			1.7								
23.4				690-34-002			20.04								
24	Mayfair Trailer Park	1840 S. Seventh St	54	477-26-001	7	1954	2.41	No	Family				R-MH	HI	RV
25	Mill Pond I	2320 Canoas Garden Ave	309	455-28-014	6	1977		No	SENIOR		Yes	Yes	A(PD)	RN	D,T
26	Mill Pond II	2320 Canoas Garden Ave	52	455-32-007	6	1977	6.63	No	SENIOR		Yes	Yes	A(PD)	RN	D, T
27	Mobile Home Manor	1300 E. San Antonio St.	81	472-05-030	3	1955	3.17	Yes	Family	Yes		Yes	R-MH	RN	RV
28	Moss Creek MH Community	2929 Aborn Square Rd	107	670-30-021	8	1977	13.9	Yes	SENIOR		Yes		R-1-8(PD)	RN	D, T
29	Mountain Shadows	633 Shadow Creek Dr	108	462-15-014	9	1974	10.6	No	Family		Yes	Yes	R-MH	RN	S, D

SAN JOSE MOBILEHOME PARKS

#	PARK NAME	PARK ADDRESS	LOTS	APN	COUNCIL DISTRICT	YEAR BUILT	ACRES	SNI	OCCUPY TYPE	IN URBAN VILLAGE	ADJACENT TO/HALF MILE FROM UV	NEAR HIGH QUALITY TRANSIT	ZONING	GP 2040	UNIT TYPE
30	Mountain Springs	625 Hillsdale Ave	144	455-10-048	7	1976	10.78	No	SENIOR		Yes	Yes	A(PD)	UR	D, T
31	Oakcrest Estates	4271 N. First St.	158	unavailable	4	1980	25.7	No	Family				A(PD)	RN	S, D
31.1				097-01-027			2.61								
31.2				097-01-028			2.27								
31.3				097-50-001			6.68								
32	Old Orchard MHP	2135 Little Orchard	102	455-06-081	7	1963	8.81	No	Family		Yes		R-MH	RN	S, D
33	PepperTree MH Estates	2150 S. First St	273	237-17-136	7	1959	0.58	No	Family				A(PD)	TEC	S, D
33.1				237-17-157			4.09								
34	Quail Hollow MH Park	1445 S. Bascom Ave	186	282-49-012	6	1974	1.34	No	SENIOR		Yes	Yes	R-1-5(PD)	RN	D
34.1				282-49-013			3.34								
34.2				282-49-017			18.12								
35	Rancho Santa Teresa	510 Saddle Brook Dr	315	685-03-613	6	1967	30.3	No	Family		Yes		R-MH	RN	S, D
35.1				685-03-003			16.84								
35.2				685-03-009			16.99								
36	River Glen MH Park	2150 Almaden Rd	163	455-18-089	6	1963	0.76	No	SENIOR		Yes	Yes	R-MH	RN	U
37	Riverbend Mobilehome Park	1358 Old Oakland Rd	124	241-13-007	3	1968	12.52	No	Family		Yes		R-MH	RN, CIC	S, D
38	San Jose Trailer Park	527 McLaughlin Ave. #6	99	472-01-012	3	1957	4.5	Yes	Family		Yes		R-MH	RN	T, S
39	San Jose Verde MH Park	555 Umbarger Rd #150	149	497-38-004	7	1971	12.79	No	Family				R-MH	RN	RV, S
40	Silver Creek Mobile Est.	1520 E Capitol Expwy	240	676-03-001	7	1969	25.12	No	Family		Yes		R-MH	RN	S, D
41	Sleepy Hollow Trailer Ct.	4210 Monterey Rd	72	684-01-009	2	1959	4.41	No	Family				LI	RN	RV, S
42	South Bay Mobile Home Park	1350 Old Oakland Rd	214	241-13-004	3	1965	13.98	No	Family		Yes	CIC	R-MH	RN/CIC	S,D
42.1				241-13-002			5.62								
43	Spanish Cove MH Park	2600 Senter Rd	305	497-42-009	7	1971	25.78	No	Family				R-MH	RN	U
44	Summerset Mobile Estates	PO Box 878 Alviso	112	015-04-013	4	1980	14.5	No	Family				R-MH	RN	S,D
	(physical address)	2052 Gold St.													S,D
45	Sunset Mobile Manor	555 McLaughlin Ave. #A	58	472-01-015	3	1957	0	Yes	Family		Yes		R-MH	RN	RV, S
45.1				472-01-016			3.35								
46	Sunshadow MH Community	1350 Panoche Ave	121	477-16-033	7	1977	3.75	Yes	Family				R-2(PD)	RN	D, T
46.1				477-16-067			9.8		Family						
47	Town & Country Mobile Village	195 Blossom Hill Rd	191	690-04-003	2	1967	20.7	No	SENIOR		Yes		R-MH	RN	D
48	Trailer-Tel Mobile Manor	1212 Oakland Rd	170	241-11-023	4	1957	11.62	No	Family		Yes		R-MH	HI	RV,S
49	Trailer Terrace Park	3010 Monterey Rd	57	unavailable	7	unavailable	3.3	No	Family		Yes		R-M	CIC	RV,S
50	Triangle Trailer Park	1410 N Tenth St	24	23706011	3	1958	0.9	No	Family				LI	HI	RV,S
51	Villa Teresa	5680 Santa Teresa Blvd	147	unavailable	10	1979	19.1	No	SENIOR		Yes		A(PD)	RN	S,D
52	Village of the Four Seasons	200 Ford Rd	271	678-06-005	2	1971	30	No	Family		Yes		R-MH	RN	S, D
53	Walnut Park	4320S Monterey Rd. #19	40	684-02-001	2	1962	190	No	Family				R-MH	CIC	U
54	Western Trailer Park	2784 Monterey Hwy-Office	94	497-32-010	7	1959	4.1	No	Family				R-MH	CIC	RV, S, W
55	WestWinds Manufactured Home Community	500 Nicholson Lane	723	097-81-004	4	1975	19.17	No	Family			Yes	A(PD)	UR	D, T
56	Whispering Hills MH Park	2780 E Capitol Expy.	211	673-16-016	8	1978	21.86	No	Family		Yes		A(PD)A	RN/OS	D
57	Willow Glen Mobile Hom Est	1850 Evans Lane	90	455-20-006	6	1960	5.05	No	Family	Yes		Yes	R-MH	NCC	S
58	Winchester Ranch	500 Charles Cali Dr	111	unavailable	1	1977	15.7	No	SENIOR	Yes		Yes	A(PD)	RN	D, T
59	Woodbridge MH Community	3051 Towers Lane	176	unavailable	7	1978	22	Yes	SENIOR		Yes		R-1-8(PD)	RN	D
	HIGH QUALITY TRANSIT = Light Rail and Bus Rapid Transit														
	SNI = Strong Neighborhoods Initiative														

