



REGULAR MEETING AGENDA OF THE SONOMA CITY COUNCIL

City Council Chambers, 177 First Street West

Wednesday, November 5, 2025

<https://us06web.zoom.us/j/84876986131>

City Council:

Patricia Farrar-Rivas, Mayor

Ron Wellander, Vice Mayor

Jack Ding

Sandra Lowe

John Gurney

6:00 PM Regular Meeting

ACCESSING PUBLIC MEETINGS

As a public service to the community, City Council meetings are held in-person, and viewable through a live webcast on the City's CivicWeb Portal at <https://sonomacity.civicweb.net/Portal/Video.aspx>, City of Sonoma YouTube channel at <https://www.youtube.com/channel/UChZjUrg2rNLyXtgQHhFy-Tg>, and televised on Comcast Cable Channel 27. Members of the public can also view the meeting via ZOOM, at <https://us06web.zoom.us/j/84876986131>.

If a technical issue arises with Zoom video or the listening phone dial-in option, the City Council meeting will continue unless a Council Member is participating remotely pursuant to the provisions of Assembly Bill 2449.

Members of the public who wish to address the Council by providing public comments during the meeting may do so in-person in the Council Chambers at 177 First Street West, where the meeting is being publicly held. As an alternative, members of the public may also provide written public comment submitted via the City's online Public Comment form at <https://sonomacity.civicweb.net/Portal/CitizenEngagement.aspx> or by email to: publiccomment@sonomacity.org

PROCESS FOR COMMENTS FROM THE PUBLIC: *There will be two opportunities for members of the public to address items not appearing on the agenda. The early public comment period, Agenda Item 1, will be limited to ten speakers. Each speaker will be allowed up to two minutes. Speakers who do not have an opportunity to speak during the first public comment section will be allowed to make their comments during the later public comment period, Agenda Item 10, provided there were more than 10 people in the first public comment section. When the Mayor announces these agenda items, please form a line to speak.*

In the event a Council Member participates remotely for just cause or an emergency circumstance under Assembly Bill 2449, the City will allow for public comment through the Zoom link.

In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk (707) 933-2216. Notification 48 hours before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Be Courteous - **TURN OFF** your cell phones and watches while the meeting is in session.

The City Council may discuss and/or take action on any or all of the items listed on the agenda irrespective of how the items are described.

No new items will begin after 9:00pm unless a majority of the members present vote to allow the items to be heard.

REGULAR MEETING

CONVENE, CALL TO ORDER & PLEDGE OF ALLEGIANCE

ROLL CALL (Ding, Lowe, Gurney, Wellander, Farrar-Rivas)

REPORT ON CLOSED SESSION

APPROVAL OF THE AGENDA

1. COMMENTS FROM THE PUBLIC

At this time members of the public may address the Council on matters not listed on this agenda, but which are within the subject matter jurisdiction of the Council. This public comment period will be limited to ten speakers. Each speaker will be allowed up to two minutes. Speakers who do not have an opportunity to speak during the first public comment section will be allowed to make their comments during the later public comment period, Agenda Item 10, provided there were more than 10 people in the first public comment section. When the Mayor announces these agenda items, please form a line to speak.

Under State Law, unless otherwise permitted under the Ralph M. Brown Act, the merits of the matters presented under this item cannot be discussed or acted upon by the City Council at this time. For items appearing on the agenda, the public will be invited to make comments at the time the item comes up for Council consideration. Please begin by stating your name.

2. MEETING DEDICATIONS

3. COUNCILMEMBERS' REPORTS AND COMMENTS

Committee Reports - Council Members are appointed to various boards and committees - local, county-wide and regional. Any updates from a council member will be shared at this time. A list of all appointments is available on our [CivicWeb Portal](#) for easy reference.

Council Members may also make appointments to city commissions at this time.

4. CITY MANAGER COMMENTS AND ANNOUNCEMENTS

5. CITY ATTORNEY COMMENTS

6. PRESENTATIONS

- 6.1:** Proclamation Designating November 2025 as Native American Heritage Month in the City of Sonoma

7. CONSENT CALENDAR – CITY COUNCIL

All items listed on the Consent Calendar are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council or staff request specific items to be removed for separate action.

- 7.1: Waive further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.** (Standard procedural action - no backup information provided)

- 7.2:** Receive Minutes from the Regular Meeting of October 15, 2025 (Rebekah Barr, MMC, City Clerk) 5 - 6
RECOMMENDATION: Receive the Minutes.
[10.15.2025 Regular Meeting Minutes](#)

- 7.3:** Adopt a Resolution Amending the City of Sonoma Conflict-of-Interest Code 7 - 12
(Rebekah Barr, MMC, City Clerk)
RECOMMENDATION: Adopt the resolution.
[Agenda Report - Conflict of Interest Code - Pdf](#)

- 7.4:** Adopt An Ordinance Amending Sonoma Municipal Code Sections 19.54.080(D) Development Exempt from Design Review and 19.40.110(D) Projections into the Public Right-Of-Way, and Finding the Ordinance Exempt from the California Environmental Act (CEQA) (Jennifer Gates, Community Development Director) 13 - 20
RECOMMENDATION: Adopt the ordinance.
[Agenda Report - Amendments to Design Review - Pdf](#)
- 7.5:** Adopt a Resolution Authorizing the City Manager to Execute Professional Services Agreements with GHD, Inc. not to Exceed \$600,000.00, and Moe Engineering Not to Exceed \$750,000.00 for On-Call Engineering Services (Ashley Cotter, PW Admin & Project Manager) 21 - 93
RECOMMENDATION: Adopt the resolution.
[Agenda Report - Engineering Contract Award - Pdf](#)
- 7.6:** Adopt a Resolution Authorizing the City Manager to Execute a Construction Contract with Granite Construction Inc. for \$45,450, Approve \$4,500 (10%) in Contingency, and Approve a Project Budget of \$63,950 for Repairs to the Lovall Valley Bridge Waterline (Mike Berger, Public Works Director) 94 - 161
RECOMMENDATION: Adopt the resolution.
[Agenda Report - Lovall Valley Bridge Waterline Repair - Pdf](#)

8. PUBLIC HEARING

9. REGULAR CALENDAR – CITY COUNCIL

(Matters requiring discussion and/or action by the City Council)

- 9.1:** Study Session to Discuss Legal and Procedural Requirements for Mobilehome Park Closures and Conversions Under the City of Sonoma Existing Municipal Code and Recent Legislative Changes Under AB 2782 and SB 610 (Jennifer Gates, Community Development Director) 162 - 229
RECOMMENDATION: Discuss, ask questions, and request additional information for future meeting on December 5, 2025.
[Agenda Report - Mobilehome AB 2782 Study Session - Pdf](#)

10. SECOND PUBLIC COMMENT (ONLY REQUIRED IF EARLIER PUBLIC SPEAKERS REMAIN)

At this time members of the public who did not have the opportunity to speak during the early comment period may address the Council on matters not listed on this agenda, but which are within the subject matter jurisdiction of the Council. Each speaker will be allowed up to two minutes. Please form a line to speak.

Under State Law, unless otherwise permitted under the Ralph M. Brown Act, the merits of the matters presented under this item cannot be discussed or acted upon by the City Council at this time. For items appearing on the agenda, the public will be invited to make comments at the time the item comes up for Council consideration. Please begin by stating your name.

11. ADJOURNMENT

I do hereby certify that a copy of the foregoing agenda was posted as legally required. Rebekah Barr, MMC, City Clerk.

Copies of all staff reports and documents subject to disclosure that relate to any item of business referred to on the agenda are usually available for public inspection the Wednesday before each regularly scheduled meeting at City Hall, located at No. 1 The Plaza, Sonoma CA. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the City Council regarding any item on this agenda after the agenda has been distributed will be made available for inspection at the City Clerk's office, No. 1 The Plaza, Sonoma CA during regular



City of Sonoma

Agenda Item Summary

Meeting: City Council - 05 Nov 2025

Department	Staff Contact
Community Development Department	Jennifer Gates, AICP Community Development Director

Agenda Item Title

Study Session to Discuss Legal and Procedural Requirements for Mobilehome Park Closures and Conversions Under the City of Sonoma Existing Municipal Code and Recent Legislative Changes Under AB 2782 and SB 610

Summary

Background

This summer, mobile home residents reached out to City staff and City Council to discuss an update to the City's Municipal Code regarding mobilehome park closures and conversions as allowed under AB 2782 (2020). The City of Sonoma has three mobile home parks with over 450 total units: Moon Valley, Pueblo Serena, and Sonoma Oaks. These units are recognized for providing an important source of affordable housing in the community.

Before discussing changes to the existing City mobilehome park closure and conversion ordinance, this study session is designed to provide an overview of the City's current mobile home park ordinances, the existing closure/conversion process, and the updates needed to comply with state law. Staff will then return in early December to discuss and receive direction on optional elements that state law allows for potential inclusion in an updated ordinance to be adopted in early 2026.

The City has 3 ordinances and code sections that regulate mobilehome parks:

1. Chapter 9.80 Mobilehome park space rent protection, most recently updated in 2016. This ordinance provides protection to mobilehome park tenants from substantial rent increases, while at the same time recognizing the need of mobilehome park management to receive a fair return and a process for addressing capital improvement needs.
2. Chapter 9.82 Mobilehome park conversions, adopted in 2004. This ordinance provides regulations to mitigate impacts of relocation upon mobilehome park residents when a park closes or is converted to a different use. This chapter is the focus of this study session.
3. Chapter 9.84 conversion of mobilehome parks to resident ownership, adopted in 2008.

Chapter 9.82 - Mobilehome Park Conversions Under the Current Municipal Code

Chapter 9.82 of the Municipal Code, titled "Mobilehome Park Conversions," establishes the rules and processes required when a property owner proposes to close or convert an existing mobilehome park to a different use.

The City Council adopted this chapter because the conversion or closure of mobilehome parks can have a substantial adverse effect on residents due to the high cost of relocation, the difficulty of finding similar, affordable replacement housing, and the scarcity of comparable mobilehome spaces in the area. The chapter is intended to mitigate these adverse effects in accordance with state law.

Summary of Chapter 9.82 Key Requirements

1. Mandatory Relocation Impact Report (RIR)

Any person applying to change the use, close, or cease operations of a mobilehome park must file a comprehensive Mobilehome Relocation Impact Report (RIR). Applications will not be considered complete until this report is filed and approved.

- RIR Preparation: The City selects an independent consultant to prepare the RIR, and the applicant must deposit funds to cover the consultant's cost.
- RIR Content: The report must provide detailed information on the park, its residents (including occupancy length and whether residents are disabled), the proposed new use, and a list of comparable mobilehome parks within Sonoma County.
- Cost Estimates: The RIR must estimate the full cost of relocating mobilehomes (including dismantling, packing, moving, and setup). It must also estimate the fair market value of any mobilehomes that cannot be reasonably relocated to another comparable park.
- Notice: The park owner must provide a free copy of the RIR and copies of Chapter 9.82 to all residents at least 15 days before the public hearing. Furthermore, applicants must be informed of local and state notification rules prior to any hearing, and new prospective residents must be notified if a conversion application has been filed.

2. City Council Hearing and Required Findings

The City Council must hold a public hearing on the RIR and the conversion application. To approve the conversion, closure, or cessation of use, the Council must make specific written findings based on the evidence presented:

- Feasibility: The Council must find that available mobilehome lots exist within Sonoma County to accommodate the displaced mobilehomes at the time of conversion.
- Mitigation: The Council must find that the relocation plan provides for reasonable costs of relocation.
- Public Welfare: The Council must find that the proposed conversion will not harm public health, safety, and general welfare
- Denial: If the City Council cannot make the required findings or impose sufficient mitigation measures, it must deny the application.

3. Relocation Assistance (Mitigation Measures)

If the application is approved, the City Council may impose reasonable conditions on the applicant to mitigate the impacts of relocation, not exceeding the reasonable cost of relocation documented in the RIR. These conditions may include:

- Moving Expenses: Payment of the cost of physically moving the mobilehome to a new site, including teardown, setup of associated improvements (like patios/carports), and packing/moving personal property.
- Financial Assistance: Payment of a lump sum to cover the first/last month's rent and security deposit at the new park.
- Rent Differential: Payment of a lump sum to compensate for the difference between the old park's rent and the new park's rent during the first year of the new tenancy.
- Home Purchase: For homeowners whose mobilehome cannot be reasonably relocated, the park owner must pay the fair market value of the mobilehome.
- Affordable Housing: If the park is converted to another residential use, setting aside affordable units for displaced residents is required.

The chapter also includes provisions for an exemption if a park closure results from an adjudication of bankruptcy (requiring substantial evidence that the court deemed the closure necessary) and allows for the establishment of an administrative fee to cover the City's costs.

AB 2782 - Mobilehome Park Conversions Under the Current State Law

In 2020, the State Legislature adopted AB 2782 to revise the minimum standard for mobilehome conversions codified in Government Code section 65863.7. AB 2782 attempts to do so in three ways:

- Requiring the applicant to compensate a mobilehome occupant for the full in-place value of the mobilehome based on an appraisal, if the displaced occupant cannot be relocated to another park. Before AB 2782 and under the SMC the relocation assistance could not exceed the cost of relocation.
- Requiring the City to make a finding that the proposed conversion will or will not reduce affordable housing in the jurisdiction before approval of the application. This requirement is intended to encourage transparency, not to limit the discretion of the City to approve the application.
- Requiring the applicant to provide a copy of the impact report to mobilehome owners or occupants at least 60 days before the hearing rather than the current 15 days as stated in the City's current ordinance.

To comply with AB 2782, the City will need to make the following changes to Chapters 9.82:

- Amend SMC section 9.82.030(C) to require the RIR to contain the "in-place" value that each mobilehome would have if the park were not being closed. The value shall be determined by appraisals by a state-certified appraiser chosen by the City. The applicant shall pay for the cost of the appraisals. This amendment implements the requirement in Government Code section 65863.7, subdivision (a);

- Update the notice requirement in SMC section 9.82.035 to reflect the current 60 days in Government Code section 65863.7, subdivision (b). Similarly, SMC section 9.82.025's disclosure provision and section 9.82.045's notice provision should be similarly extended;
- Amend SMC section 9.82.050 to require the City Council to make a finding as to whether a conversion will result in a shortage of affordable housing, as required by Government Code section 65863.7, subdivision (e)(1)(B);
- Remove the language in SMC section 9.82.055 stating relocation assistance "shall not exceed the reasonable costs of relocation" to comply with Government Code section 65863.7, subdivision (a)(2); and
- Amend SMC section 9.82.055 to require the applicant to pay the in-place market value of any displaced resident's mobilehome, if the resident cannot be relocated to another mobilehome park.

AB 2782 provides that cities and counties may adopt stricter local ordinances governing park closures, conversions, or rent protections. AB 2782 thus sets a minimum standard, not a ceiling. Discussion of potential additional measures not required by this state law and in addition to the City's existing ordinance will take place in early December.

SB 610 - Mobilehome Parks and Disasters

This month, the State adopted SB 610. This bill requires certain provisions that the mobilehome park owner is responsible for in the event of a disaster including but not limited to:

- The RIR, described above, shall also include a technical service inspection report from the Department of Housing and Community Development that identifies the observed conditions within the park; and
- The mobilehome park owner is not required to pay to the displaced resident the in-place market value of the displaced resident's mobilehome.

"Disaster" means a natural or manmade emergency resulting from an earthquake, flood, fire, riot, storm, drought, plant or animal infestation or disease, pandemic or epidemic disease outbreak, or other natural or manmade disaster for which a state of emergency has been declared by the President of the United States or the Governor.

The City will need to incorporate these provisions into SMC Chapter 9.82 to comply with this new state law.

Next Steps

This Study Session is intended to begin the discussion on mobilehome park closure and conversions per our existing ordinance, state law, and recently approved legislation. Staff is not requesting any direction but rather wants to hear any questions and requests for additional information.

Staff will schedule another study session on December 5th to request policy direction for a future ordinance including review of what is optionally permitted under the state law AB 2782, including requests and concerns provided by the mobile home residents and mobile home park

owners. Based on City Council direction, staff will develop a proposed ordinance to bring back at a future meeting in early 2026. City Staff will continue to work with residents and park owners through the process to ensure everyone has the time and forum to provide input prior to a public hearing.

Recommended Council Action

Discuss, ask questions, and request additional information for future meeting on December 5, 2025.

Alternative Actions

At Council discretion.

Financial Impact

Not applicable.

Environmental Review

Status

- | | |
|--|---|
| <input type="checkbox"/> Environmental Impact Report | <input type="checkbox"/> Approved/Certified |
| <input type="checkbox"/> Negative Declaration | <input type="checkbox"/> No Action Required |
| <input type="checkbox"/> Exempt | <input type="checkbox"/> Action Requested |
| <input checked="" type="checkbox"/> Not Applicable | |

Attachments

[Chapter 9.82 SMC](#)
[AB 2782](#)
[SB 610](#)
[Public Comment](#)

Chapter 9.82

MOBILEHOME PARK CONVERSIONS

Sections:

- 9.82.010 Purpose and intent.**
- 9.82.015 Definitions.**
- 9.82.020 Applicability.**
- 9.82.025 Disclosure of notification requirements.**
- 9.82.030 Relocation impact report required.**
- 9.82.035 Notice and distribution of relocation impact report.**
- 9.82.040 Notice to new residents.**
- 9.82.045 Hearing on relocation impact report.**
- 9.82.050 Findings.**
- 9.82.055 Relocation assistance.**
- 9.82.060 Bankruptcy exemption.**
- 9.82.065 Administration fee.**

9.82.010 Purpose and intent.

A. Where a person proposes to convert an existing mobilehome park to another use or to close a mobilehome park or to cease using land as a mobilehome park, current provisions of state law, as set forth in Government Code Section [65863.7](#) and Civil Code Section [798.56](#), authorize the city to require the person proposing the change of use to file and distribute a report on the impact of such change and further authorize the city to require measures to be undertaken to mitigate the adverse effects of the change of use upon the tenants of the mobilehome park who would be displaced by such change.

B. The city council finds and determines that unless mitigation measures are undertaken, the conversion, closure or cessation of use of mobilehome parks could have a substantial adverse effect upon park residents in terms of cost of relocation, scarcity of similar comparable housing within a reasonable proximity to the city, and the significantly higher costs of other types of housing in the immediate area if park residents cannot relocate to other mobilehome parks.

C. It is the intent and purpose of the city council in adopting this chapter to establish reasonable rules and regulations in accordance with the authority granted by state law to mitigate the adverse effects of relocation upon mobilehome park residents who are confronted with a proposed change of use for their mobilehome park or portions of the park and so that the owners and occupants of mobilehomes and the owners of mobilehome parks understand their rights and responsibilities in such situations. (Ord. 05-2004 § 1, 2004).

9.82.015 Definitions.

“Applicant” means the person(s), firm(s), entity(ies) or corporation(s) applying for any application for the purpose of converting, changing to another use, closing, or ceasing to use land as a mobilehome park. If the owner of the controlling interest in a mobilehome park is not the applicant, then the applicant must provide evidence of the controlling owner’s consent to the filing of the application.

“Cessation of use of land as a mobilehome park” means a decision by the owner(s) of a mobilehome park to discontinue the use of property as a mobilehome park which is not an adjudication of bankruptcy.

“Closure of a mobilehome park” means one of the following:

A. A closure of a mobilehome park occurs when less than 75 percent of the occupiable spaces are leased by qualified homeowners as defined in the Mobile-Home Residency Law (Civil Code Section [798](#) et seq.). However, upon application of a mobilehome park owner, the city council may, in its absolute discretion and upon a finding of good cause, determine that a closure of a mobilehome park is not occurring, notwithstanding that less than 75 percent of the occupiable spaces are leased. Any such application by the mobilehome park owner shall be accompanied by an estimate of a qualified appraiser as to the fair market value of the mobilehome(s) and all associated fixed property for which the foregoing exemption is requested. The appraiser’s estimate shall conform to the requirements of SMC [9.82.030\(C\)\(12\)](#).

B. Notwithstanding the provisions set forth in subsection A of this definition, a closure of a mobilehome park occurs when the city council, in its absolute discretion and upon a finding of good cause, determines that the mobilehome park owner has acted and/or has failed to act in a manner which would cause a reasonable person to conclude that the mobilehome park owner intends to eliminate or reduce mobilehome spaces available for rent to the general public. Such acts or omissions include, but are not limited to, the withholding of available mobilehome spaces under the control of the mobilehome park owner, and statements by authorized agents and representatives of the mobilehome park owner to prospective buyers of the mobilehome park that the mobilehome park is being closed by the mobilehome park owner.

“Comparable housing” means housing which is comparable in floor area and number of bedrooms, bathrooms, and other rooms to the mobilehome to which comparison is being made, which housing meets the minimum standards of the Uniform Housing Code.

“Comparable mobilehome park” means any other mobilehome park within Sonoma County, substantially equal in terms of park amenities, rent and proximity to services.

“Conversion of a mobilehome park” means changing the use of a mobilehome park for a purpose other than the rental, or the holding out for rent, of two or more mobilehome sites to accommodate mobilehomes used for human habitation. A conversion shall include, but not be limited to, a change of any existing mobilehome park or any portion thereof to condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the mobilehome park are to be sold, or the cessation of use of all or a portion of the park as a mobilehome park, whether immediately or on a gradual basis, or the closure of a park.

“Conversion of a mobilehome park” shall not include a conversion of a mobilehome park to resident ownership.

“Conversion of a mobilehome park to resident ownership” means a sale, transfer or assignment of a mobilehome park either directly or indirectly in whole or in part to mobilehome park’s homeowners and prospective homeowners for the benefit of the mobilehome park’s homeowners and prospective homeowners. A conversion of a mobilehome park to resident ownership may include but not be limited to, conversion of the community to a subdivision, condominiums, planned development, community apartments, stock cooperative, other form of corporate ownership, or by a nonprofit organization qualified pursuant to Internal Revenue Code Section [501\(c\)\(3\)](#) for the homeowners’ or prospective homeowners’ benefit. Notwithstanding any provision in this chapter to the contrary, in the event the conversion of a mobilehome park to resident ownership is by a nonprofit corporation qualified under Internal Revenue Code Section [501\(c\)\(3\)](#), homeowners may or may not have the right to participate through direct ownership of the mobilehome park and the nonprofit shall not be required to make an offer of participation to the homeowners.

“Homeowner” means the owner(s) of a mobilehome.

“Impact report” means a report required by California Government Code Sections [65863.7](#) and [66427.4](#), as applicable, and containing the information set forth in SMC [9.82.030\(C\)](#). “Impact report” does not include the impact required by Government Code Section [66427.5\(b\)](#) for conversion to resident ownership.

“Long-term lot” means any mobilehome lot that has been occupied by the same mobilehome for at least nine of the 12 months prior to the adoption of this chapter.

“Mobilehome” means a vehicle designed or used for human habitation and shall include camping trailers, motorhomes, slide-in campers and trailers, when used as the occupant’s principal place of residence, and mobilehomes as defined in Health and Safety Code Section [18211](#).

“Mobilehome lot” means any area or tract of land, or portion thereof, occupied or held out for occupancy by one mobilehome that is not owned by the park owner.

“Mobilehome park” means any area or tract of land where 10 or more mobilehome lots are rented or leased or held out for rent or lease to accommodate mobilehomes used for human habitation.

“Resident” means a homeowner or tenant.

“Tenant” means a person who occupies a mobilehome within a mobilehome park pursuant to a bona fide lease or rental agreement and who, during his or her tenancy, is not the owner or member of the immediate household of the owner of the mobilehome. (Ord. 05-2004 § 1, 2004).

9.82.020 Applicability.

For applications involving the redevelopment, closure, or conversion of a mobilehome park that include a subdivision map, the provisions of Chapter [9.84](#) SMC shall apply. The provisions of this chapter shall not apply to such applications, except as specifically referenced in Chapter [9.84](#) SMC. (Ord. 05-2004 § 1, 2004).

9.82.025 Disclosure of notification requirements.

When an application has been made to the city for the redevelopment, closure or conversion of a mobilehome park, the city shall inform the applicant, in writing, of local regulations regarding notifications to residents and mobilehome owners within the affected park, as well as the notification requirements set forth in Section [798.56](#) of the Civil Code. This disclosure shall be made at least 30 days prior to any hearing on the application or the relocation impact report. No hearing on the application shall be held or any other action on the application taken until the applicant has satisfactorily verified that required notices have been provided. (Ord. 05-2004 § 1, 2004).

9.82.030 Relocation impact report required.

A. Any person who files an application with the city for a general plan amendment or for a rezoning of land use type or density, or for approval of a conditional use permit or any other application for the purpose of converting a mobilehome park to another use, close a mobilehome park or cease to use land as a mobilehome park, shall concurrently file with the city a mobilehome relocation impact report that complies with this section. No such applications shall be considered or deemed complete or processed for consideration or approved unless and until such relocation impact report is filed and approved in accordance with this chapter.

B. At any time at which the occupancy of a mobilehome park is such that it meets the definition of “closure” as set forth in this chapter, the owner shall immediately provide written notification to the city of the event and shall either file a request for the preparation of a relocation impact report or shall petition the city council to make a finding that a closure is not occurring as set forth in SMC [9.82.015\(A\)](#).

C. The city shall select a consultant to perform the relocation impact report within 90 days of a written request from the applicant. The applicant shall be noticed in writing of the estimated cost of the relocation impact report and shall deposit that sum with the city prior to commencement of any work on the relocation impact report. The city will then contract with a consultant for the preparation of the relocation impact report. Once an application is filed, the residents of the mobilehome park shall be notified by the city that an application has been filed and that the preparation of a relocation impact report will be required. The relocation impact report shall contain, but need not be limited to, the following information:

1. A legal description of the property.
2. A map and a detailed description of the condition of the mobilehome park, including the nature and location of structures, landscaping, easements, utilities and other on-site features and amenities.
3. The names and addresses of all mobilehome owners within the park (including absentee mobilehome owners), as shown on the rental agreement for the mobilehome park spaces, and the names and addresses of all mobilehome tenants within the park as of the date of the application.
4. The characteristics of each mobilehome within the park, listed by space number and address, including the date of manufacture, type, width, living area, and number of bedrooms.

5. The number of spaces within the park, length of occupancy by the current occupant of each space and the current lease rate for each space.
6. The total number of mobilehome residents, listed by space identifying owner or renter occupancy, principal or second home occupancy, and the number of residents who are physically disabled, including the chronically ill.
7. A description of the proposed new use and all discretionary approvals necessary therefor, if any.
8. The proposed timetable for conversion, closure or cessation of use of the land as a mobilehome park and for obtaining other discretionary approvals for the proposed use, if any.
9. The location of all comparable mobilehome parks within Sonoma County, including the park name, number of lots, number of vacancies, lease rates and terms, policies and restrictions on the type of mobilehomes and residents accepted, amenities offered and proximity to services (bus stops, grocery stores, hospitals, etc.).
10. A determination based on the information provided in subsections [\(C\)\(4\)](#), [\(5\)](#) and [\(9\)](#) of this section of the total number of mobilehome units that are eligible to be relocated to a comparable mobilehome park.
11. The estimated cost of relocating the mobilehomes identified in subsection [\(C\)\(10\)](#) of this section to available lots in mobilehome parks within the study area. The cost of relocating shall include the costs of dismantling, packing, moving, reassembling, rebuilding and unpacking, as necessary, the mobilehome, all personal property, skirting, tie-downs and all other associated structures and property.
12. An estimate of the fair market value of each mobilehome and all associated fixed property that cannot be relocated to a comparable mobilehome park. In determining fair market value, the consultant shall consider the mobilehomes in their current locations assuming the continuation of the mobilehome park in a safe, sanitary and well maintained condition with competitive lease rates. The consultant shall specify the basis for a conclusion that any mobilehome cannot be relocated to a mobilehome park and the basis for determining the value of the mobilehome.
13. The availability and cost of rental housing of comparable size and quality in the city of Sonoma for each mobilehome park tenant.
14. A relocation plan that will include a timetable for physically relocating the mobilehomes, or payment of relocation assistance.
15. Proposed measures to mitigate the adverse impacts of the conversion upon each park resident based on SMC [9.82.055](#).
16. A list of persons, firms and organizations with proven expertise in the fields of housing and relocation of persons displaced from housing. This list shall include the names, addresses, telephone numbers, and fee schedules of persons who are qualified as mobilehome movers and appraisers of mobilehomes. The information shall include an explanation of the services that the housing specialists can provide.

17. Any information which the city manager determines is necessary to address the specific issues raised by the application or the impact study and any information that may be necessary to implement provisions of this chapter. (Ord. 05-2004 § 1, 2004).

9.82.035 Notice and distribution of relocation impact report.

Not less than 15 days prior to a scheduled hearing before the city council, the park owner shall transmit to the owner or occupant of each mobilehome occupying a site within the mobilehome park and to all other persons described in SMC [9.82.030\(C\)\(3\)](#), a copy of the relocation impact report, a copy of this chapter, and notices of the dates, times and places of the public hearings or any informational meetings. The copies provided shall be free of charge. Proof of service of distribution of the impact report to each resident must be filed by the applicant with the city manager seven days prior to the hearing and shall be signed under penalty of perjury. (Ord. 05-2004 § 1, 2004).

9.82.040 Notice to new residents.

When an application for a change of use and/or closure of a mobilehome park has been filed with the city, the park owner shall advise each prospective new resident who proposes to occupy a mobilehome within such park after the filing of such application, in writing, prior to the execution of a rental agreement or commencement of such occupancy whichever occurs first, that such application has been filed. (Ord. 05-2004 § 1, 2004).

9.82.045 Hearing on relocation impact report.

A. When an application has been filed for a general plan amendment, rezoning, or conditional use permit for the proposed change of use and/or closure of a mobilehome park, the city manager shall schedule a public hearing on the relocation impact report before the city council within 30 days of receiving the relocation impact report. The city council, in considering the relocation impact report, shall make written findings based on evidence regarding the factors outlined in SMC [9.82.050](#).

B. At the public hearing, all interested parties will be allowed to present evidence to the city council on any aspect of the application. The evidence may include, but is not limited to, justification for the payment of relocation costs, including the fair market value of any mobilehome, evidence why a mobilehome cannot be relocated to a comparable mobilehome park, and similar information.

C. If the city council is unable to make findings consistent with SMC [9.82.050](#) and is unable to impose reasonable measures as provided in SMC [9.82.055](#) to mitigate the adverse impact(s) of relocation, the city council shall deny the application for the proposed conversion, closure or cessation of use. No other permit or approval shall be granted in furtherance of the proposed conversion, and no change of use, including cessation or closure, shall occur unless a relocation impact report has been approved. (Ord. 05-2004 § 1, 2004).

9.82.050 Findings.

The city council, in considering the relocation impact report, shall accept and hear evidence, shall consider such evidence, and shall make written findings based on such evidence regarding each of the following factors and any other factors as it deems appropriate:

- A. That the relocation impact report provides the information required by state law and this chapter and that it provides the city council with adequate information on the impacts of the park conversion in terms of disruption to affected residents and the methods available for addressing relocation needs.
- B. That there will exist, at the time of conversion, closure or cessation of use available mobilehome lots within Sonoma County to accommodate the mobilehomes to be displaced.
- C. That adequate options are available for residents who would be disrupted by the conversion.
- D. That the relocation plan provides for reasonable costs of relocation based on the findings of the relocation impact report.
- E. If the proposed conversion is to another residential use, whether the residents of the mobilehome park will have an opportunity to purchase, if for sale, or rent the new units, and whether the construction schedule will result in unreasonably long-term displacements.
- F. That the proposed conversion will not be detrimental to the public health, safety and general welfare.
- G. That all reports and notices required by law have been properly prepared and properly served. (Ord. 05-2004 § 1, 2004).

9.82.055 Relocation assistance.

In approving a relocation impact report the city council may attach reasonable conditions in order to mitigate the impacts associated with the conversion, closure or cessation of use. The specific conditions of approval of a particular application shall be determined on an application-by-application basis with regard to the acts and circumstances of the application, but shall not exceed the reasonable cost of relocation, as documented in the relocation impact report. The city council shall require the applicant to enter into a written agreement with the city to ensure compliance with and fulfillment of the conditions of approval, which may include but are not limited to the following matters:

- A. Payment of relocation assistance to each resident who resided in the mobilehome park as of and after the date the application is filed or the date a closure, conversion or cessation of use is deemed by the city council to have commenced.
- B. Payment of the cost of physically moving the mobilehome to a new site, including teardown and setup of movable improvements such as patios, carports and porches; packing, moving and unpacking all personal property; and in-transit costs for meals, lodging and gas.

- C. Payment of a lump sum to compensate for payment of the first and last month rent and any security deposit at the new mobilehome park.
- D. Payment of a lump sum to compensate for any differential between rental rates at the closing mobilehome park and the new mobilehome park during the first year of the new tenancy.
- E. For tenants the costs may include all reasonable expenses incurred in moving to a new location, up to a maximum distance of 50 miles.
- F. For homeowners who are unable to reasonably relocate their mobilehome, payment of fair market value for their mobilehome, based on information contained in the approved relocation impact report.
- G. Setting aside a certain number of affordable units for the residents of the park, if the park is to be converted to another residential use; or providing a certain number of affordable units on-site or off-site, if the park is to be converted to a use other than residential.
- H. In order to facilitate a proposed conversion, closure, or cessation of use of a mobilehome park the residents and applicant may agree to mutually satisfactory conditions. To be valid, such an agreement shall be in writing, shall include a provision stating that the resident is aware of the provisions of this chapter, shall include a copy of this chapter as an attachment, shall include a provision in at least ten-point type which clearly informs the resident of the right to seek advice of an attorney prior to signing the agreement with regard to the resident's rights under such agreement, and shall be drafted in the form and content otherwise required by applicable state law. (Ord. 05-2004 § 1, 2004).

9.82.060 Bankruptcy exemption.

The provisions of this chapter shall not apply if it is determined that the closure of a mobilehome park or cessation of use of the land as a mobilehome park results from an adjudication of bankruptcy. The applicant shall have the burden to produce substantial evidence that a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure or cessation of use of the affected park as a mobilehome park is necessary. The documentation shall include the title, case number and court in which the bankruptcy proceedings were held and certified copies of all pertinent judgments, orders and decrees of the court. (Ord. 05-2004 § 1, 2004).

9.82.065 Administration fee.

The city council may establish by resolution reasonable fees to cover any costs incurred by the city in implementing this chapter. Such fees shall be paid by the park owner or applicant subject to the provisions of this chapter, in accordance with the limitations of Section [65863.7\(g\)](#) of the Government Code. (Ord. 05-2004 § 1, 2004).

The Sonoma Municipal Code is current through Ordinance 11-2025, passed August 6, 2025.

Disclaimer: The city clerk's office has the official version of the Sonoma Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: www.sonomacity.org

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AB-2782 Mobilehome parks: change of use: rent control. (2019-2020)

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Assembly Bill No. 2782

CHAPTER 35

An act to amend Section 798.56 of, and to amend and repeal Section 798.17 of, the Civil Code, and to amend Sections 65863.7 and 66427.4 of the Government Code, relating to mobilehomes.

[Approved by Governor August 31, 2020. Filed with Secretary of State August 31, 2020.
]

LEGISLATIVE COUNSEL'S DIGEST

AB 2782, Mark Stone. Mobilehome parks: change of use: rent control.

Existing law, the Mobilehome Residency Law, requires the management of a mobilehome park to comply with notice and specified other requirements in order to terminate a tenancy in a mobilehome park due to a change of use of the mobilehome park, including giving homeowners at least 15 days' written notice that the management will be appearing before a local governmental board, commission, or body to request permits for the change of use.

This bill would instead require the management to give homeowners at least 60 days' written notice that the management will be appearing before a local governmental board, commission, or body to obtain local approval for the intended change of use of the mobilehome park.

Existing law, the Planning and Zoning Law, requires a person or entity proposing a change in use of a mobilehome park to file a report on the impact of the conversion, closure, or cessation of use upon the displaced residents of the mobilehome park that includes, among other things, the availability of adequate replacement housing in mobilehome parks and relocation costs. Existing law requires the person proposing the change in use to provide the report to a resident of each mobilehome park at least 15 days before the hearing on the impact report by the advisory agency or legislative body. Existing law requires the legislative body or advisory agency to review the report before any change of use, and authorizes the legislative body or advisory agency, as a condition of the change of use, to require the person or entity to take steps to mitigate any adverse impact on the ability of displaced residents to find adequate housing in a mobilehome park.

This bill would, instead, require that report to include a replacement and relocation plan that adequately mitigates the impact on the ability of displaced residents of the mobilehome park to be converted or closed to find adequate housing in a mobilehome park. The bill would also require the person or entity proposing the change in use to pay for, and include in that report, an appraisal that determines, as specified, the in-place market value of a mobilehome of a displaced resident who cannot obtain adequate housing in another mobilehome park. The bill would require the person proposing the change in use to provide the report to a resident of each mobilehome in the mobilehome park at least 60 days before the hearing. The bill would require the legislative body or advisory agency, before approving the change of use, to review the report and any

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additional relevant documentation and to make a finding as to whether or not approval of the park closure and the park's conversion into its intended new use, taking into consideration both the impact report as a whole and the overall housing availability within the local jurisdiction, will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households within the local jurisdiction. By placing new requirements on local legislative bodies when approving permits for a change of use for mobilehome parks, this bill would impose a state-mandated local program. The bill would require the person or entity proposing the change in use to pay to a displaced resident unable to obtain adequate housing in another mobilehome park the in-place market value of the displaced resident's mobilehome.

Existing law, the Subdivision Map Act, requires an impact report to be filed at the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a mobilehome park or floating home marina to another use that, among other things, addresses the availability of adequate replacement space in mobilehome parks or floating home marinas, and requires the subdivider to make the report available to each resident of the mobilehome park or floating home marina at least 15 days before the hearing on the map filing by the advisory agency or legislative body. Existing law authorizes a legislative body or advisory agency to require the subdivider to take steps to mitigate any adverse impact on the ability of displaced residents to find adequate space in a mobilehome park or floating home marina. Under existing law, any violation of the Subdivision Map Act is a misdemeanor.

This bill would, instead, require the report to meet requirements of the Planning and Zoning Law relating to the conversion of a mobilehome park to another use, as described above. The bill would also apply those requirements to conversion of a floating marina. The bill would require the legislative body or advisory agency to require the subdivider to take steps to mitigate any adverse impact on the ability of displaced residents to obtain a comparable mobilehome or floating home, or a comparable available space, in a mobilehome park or floating home marina. The bill would also make conforming changes. By placing new requirements on local legislative bodies when approving the conversion of a mobilehome park or floating home marina, and by expanding the scope of a crime, this bill would impose a state-mandated local program.

Existing law, the Mobilehome Residency Law, prescribes various terms and conditions of tenancies in mobilehome parks. Existing law exempts a rental agreement in a mobilehome park that is in excess of 12 months' duration, and that meets other specified requirements, from local ordinances and initiative measures that establish a maximum amount that a landlord may charge a tenant for rent, commonly referred to as rent control.

This bill would prohibit the above-described exemption from rent control in mobilehome parks for rental agreements from applying to a rental agreement entered into on or after February 13, 2020. The bill would repeal these provisions on January 1, 2025. The bill would declare that these provisions are severable. This bill would make related findings and declarations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Based on data released by the Department of Finance in May of 2019, there are approximately 560,000 mobile and manufactured homes in the State of California.

(b) The economic hardships brought on by the COVID-19 pandemic will likely cause many households difficulty in remaining current on their rental or mortgage housing payments through no fault of their own.

(c) A study released in June of 2017 by the Rosen Consulting Group and the University of California, Berkeley suggests that the economic and health impacts of a widespread economic crisis, such as the one currently being experienced due to the COVID-19 pandemic, is likely to disproportionately impact mobilehome residents, who are typically older than the general population.

(d) Without emergency action to prevent the displacement of mobilehome residents who have fallen behind on space rental payments, there will likely be a significant increase in homelessness, exacerbating the ongoing homelessness crisis in the state.

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(e) Those experiencing homelessness will not be able to comply with public health orders related to social distancing and self-quarantining, nor will they have access to facilities for maintaining good hygiene.

(f) According to the Mobile Home Park Home Owners Allegiance, as of March 3, 2020, there were nine counties and 83 cities throughout California that enacted mobilehome rent stabilization ordinances that provide residents with tenant protections against unexpected and substantial rent increases.

(g) There is a current and immediate threat to the public health, safety, and welfare of California residents and a need for the immediate preservation of the public peace, health, and safety that warrants the amendments to Section 798.17 of the Civil Code, as set forth in this bill, based upon the facts set forth in this section.

SEC. 2. Section 798.17 of the Civil Code is amended to read:

798.17. (a) (1) Except as provided in subdivisions (i), (j), and (k), rental agreements meeting the criteria of subdivision (b) shall be exempt from any ordinance, rule, regulation, or initiative measure adopted by any local governmental entity which establishes a maximum amount that a landlord may charge a tenant for rent. The terms of a rental agreement meeting the criteria of subdivision (b) shall prevail over conflicting provisions of an ordinance, rule, regulation, or initiative measure limiting or restricting rents in mobilehome parks, only during the term of the rental agreement or one or more uninterrupted, continuous extensions thereof. If the rental agreement is not extended and no new rental agreement in excess of 12 months' duration is entered into, then the last rental rate charged for the space under the previous rental agreement shall be the base rent for purposes of applicable provisions of law concerning rent regulation, if any.

(2) In the first sentence of the first paragraph of a rental agreement entered into on or after January 1, 1993, pursuant to this section, there shall be set forth a provision in at least 12-point boldface type if the rental agreement is printed, or in capital letters if the rental agreement is typed, giving notice to the homeowner that the rental agreement will be exempt from any ordinance, rule, regulation, or initiative measure adopted by any local governmental entity which establishes a maximum amount that a landlord may charge a tenant for rent.

(b) Rental agreements subject to this section shall meet all of the following criteria:

(1) The rental agreement shall be in excess of 12 months' duration.

(2) The rental agreement shall be entered into between the management and a homeowner for the personal and actual residence of the homeowner.

(3) The homeowner shall have at least 30 days from the date the rental agreement is first offered to the homeowner to accept or reject the rental agreement.

(4) The homeowner who signs a rental agreement pursuant to this section may void the rental agreement by notifying management in writing within 72 hours of returning the signed rental agreement to management. This paragraph shall only apply if management provides the homeowner a copy of the signed rental agreement at the time the homeowner returns the signed rental agreement.

(5) The homeowner who signs a rental agreement pursuant to this section may void the agreement within 72 hours of receiving an executed copy of the rental agreement pursuant to Section 798.16. This paragraph shall only apply if management does not provide the homeowner with a copy of the signed rental agreement at the time the homeowner returns the signed rental agreement.

(c) If, pursuant to paragraph (3) or (4) of subdivision (b), the homeowner rejects the offered rental agreement or rescinds a signed rental agreement, the homeowner shall be entitled to instead accept, pursuant to Section 798.18, a rental agreement for a term of 12 months or less from the date the offered rental agreement was to have begun. In the event the homeowner elects to have a rental agreement for a term of 12 months or less, including a month-to-month rental agreement, the rental agreement shall contain the same rental charges, terms, and conditions as the rental agreement offered pursuant to subdivision (b), during the first 12 months, except for options, if any, contained in the offered rental agreement to extend or renew the rental agreement.

(d) Nothing in subdivision (c) shall be construed to prohibit the management from offering gifts of value, other than rental rate reductions, to homeowners who execute a rental agreement pursuant to this section.

(e) With respect to any space in a mobilehome park that is exempt under subdivision (a) from any ordinance, rule, regulation, or initiative measure adopted by any local governmental entity that establishes a maximum amount that a landlord may charge a homeowner for rent, and notwithstanding any ordinance, rule, regulation, or initiative measure, a mobilehome park shall not be assessed any fee or other exaction for a park space that is

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exempt under subdivision (a) imposed pursuant to any ordinance, rule, regulation, or initiative measure. No other fee or other exaction shall be imposed for a park space that is exempt under subdivision (a) for the purpose of defraying the cost of administration thereof.

(f) At the time the rental agreement is first offered to the homeowner, the management shall provide written notice to the homeowner of the homeowner's right (1) to have at least 30 days to inspect the rental agreement, and (2) to void the rental agreement by notifying management in writing within 72 hours of receipt of an executed copy of the rental agreement. The failure of the management to provide the written notice shall make the rental agreement voidable at the homeowner's option upon the homeowner's discovery of the failure. The receipt of any written notice provided pursuant to this subdivision shall be acknowledged in writing by the homeowner.

(g) No rental agreement subject to subdivision (a) that is first entered into on or after January 1, 1993, shall have a provision which authorizes automatic extension or renewal of, or automatically extends or renews, the rental agreement for a period beyond the initial stated term at the sole option of either the management or the homeowner.

(h) This section does not apply to or supersede other provisions of this part or other state law.

(i) This section shall not apply to any rental agreement entered into on or after January 1, 2021.

(j) This section shall not apply to any rental agreement entered into from February 13, 2020, to December 31, 2020, inclusive.

(k) This section shall remain in effect until January 1, 2025, and as of that date is repealed. As of January 1, 2025, any exemption pursuant to this section shall expire.

(l) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 3. Section 798.56 of the Civil Code is amended to read:

798.56. A tenancy shall be terminated by the management only for one or more of the following reasons:

(a) Failure of the homeowner or resident to comply with a local ordinance or state law or regulation relating to mobilehomes within a reasonable time after the homeowner receives a notice of noncompliance from the appropriate governmental agency.

(b) Conduct by the homeowner or resident, upon the park premises, that constitutes a substantial annoyance to other homeowners or residents.

(c) (1) Conviction of the homeowner or resident for prostitution, for a violation of subdivision (d) of Section 243, paragraph (2) of subdivision (a), or subdivision (b), of Section 245, Section 288, or Section 451, of the Penal Code, or a felony controlled substance offense, if the act resulting in the conviction was committed anywhere on the premises of the mobilehome park, including, but not limited to, within the homeowner's mobilehome.

(2) However the tenancy may not be terminated for the reason specified in this subdivision if the person convicted of the offense has permanently vacated, and does not subsequently reoccupy, the mobilehome.

(d) Failure of the homeowner or resident to comply with a reasonable rule or regulation of the park that is part of the rental agreement or any amendment thereto.

No act or omission of the homeowner or resident shall constitute a failure to comply with a reasonable rule or regulation unless and until the management has given the homeowner written notice of the alleged rule or regulation violation and the homeowner or resident has failed to adhere to the rule or regulation within seven days. However, if a homeowner has been given a written notice of an alleged violation of the same rule or regulation on three or more occasions within a 12-month period after the homeowner or resident has violated that rule or regulation, no written notice shall be required for a subsequent violation of the same rule or regulation.

Nothing in this subdivision shall relieve the management from its obligation to demonstrate that a rule or regulation has in fact been violated.

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(e) (1) Nonpayment of rent, utility charges, or reasonable incidental service charges; provided that the amount due has been unpaid for a period of at least five days from its due date, and provided that the homeowner shall be given a three-day written notice subsequent to that five-day period to pay the amount due or to vacate the tenancy. For purposes of this subdivision, the five-day period does not include the date the payment is due. The three-day written notice shall be given to the homeowner in the manner prescribed by Section 1162 of the Code of Civil Procedure. A copy of this notice shall be sent to the persons or entities specified in subdivision (b) of Section 798.55 within 10 days after notice is delivered to the homeowner. If the homeowner cures the default, the notice need not be sent. The notice may be given at the same time as the 60 days' notice required for termination of the tenancy. A three-day notice given pursuant to this subdivision shall contain the following provisions printed in at least 12-point boldface type at the top of the notice, with the appropriate number written in the blank:

"Warning: This notice is the (insert number) three-day notice for nonpayment of rent, utility charges, or other reasonable incidental services that has been served upon you in the last 12 months. Pursuant to Civil Code Section 798.56 (e) (5), if you have been given a three-day notice to either pay rent, utility charges, or other reasonable incidental services or to vacate your tenancy on three or more occasions within a 12-month period, management is not required to give you a further three-day period to pay rent or vacate the tenancy before your tenancy can be terminated."

(2) Payment by the homeowner prior to the expiration of the three-day notice period shall cure a default under this subdivision. If the homeowner does not pay prior to the expiration of the three-day notice period, the homeowner shall remain liable for all payments due up until the time the tenancy is vacated.

(3) Payment by the legal owner, as defined in Section 18005.8 of the Health and Safety Code, any junior lienholder, as defined in Section 18005.3 of the Health and Safety Code, or the registered owner, as defined in Section 18009.5 of the Health and Safety Code, if other than the homeowner, on behalf of the homeowner prior to the expiration of 30 calendar days following the mailing of the notice to the legal owner, each junior lienholder, and the registered owner provided in subdivision (b) of Section 798.55, shall cure a default under this subdivision with respect to that payment.

(4) Cure of a default of rent, utility charges, or reasonable incidental service charges by the legal owner, any junior lienholder, or the registered owner, if other than the homeowner, as provided by this subdivision, may not be exercised more than twice during a 12-month period.

(5) If a homeowner has been given a three-day notice to pay the amount due or to vacate the tenancy on three or more occasions within the preceding 12-month period and each notice includes the provisions specified in paragraph (1), no written three-day notice shall be required in the case of a subsequent nonpayment of rent, utility charges, or reasonable incidental service charges.

In that event, the management shall give written notice to the homeowner in the manner prescribed by Section 1162 of the Code of Civil Procedure to remove the mobilehome from the park within a period of not less than 60 days, which period shall be specified in the notice. A copy of this notice shall be sent to the legal owner, each junior lienholder, and the registered owner of the mobilehome, if other than the homeowner, as specified in paragraph (b) of Section 798.55, by certified or registered mail, return receipt requested, within 10 days after notice is sent to the homeowner.

(6) When a copy of the 60 days' notice described in paragraph (5) is sent to the legal owner, each junior lienholder, and the registered owner of the mobilehome, if other than the homeowner, the default may be cured by any of them on behalf of the homeowner prior to the expiration of 30 calendar days following the mailing of the notice, if all of the following conditions exist:

(A) A copy of a three-day notice sent pursuant to subdivision (b) of Section 798.55 to a homeowner for the nonpayment of rent, utility charges, or reasonable incidental service charges was not sent to the legal owner, junior lienholder, or registered owner, of the mobilehome, if other than the homeowner, during the preceding 12-month period.

(B) The legal owner, junior lienholder, or registered owner of the mobilehome, if other than the homeowner, has not previously cured a default of the homeowner during the preceding 12-month period.

(C) The legal owner, junior lienholder, or registered owner, if other than the homeowner, is not a financial institution or mobilehome dealer.

If the default is cured by the legal owner, junior lienholder, or registered owner within the 30-day period, the notice to remove the mobilehome from the park described in paragraph (5) shall be rescinded.

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(f) Condemnation of the park.

(g) Change of use of the park or any portion thereof, provided:

(1) The management gives the homeowners at least 60 days' written notice that the management will be appearing before a local governmental board, commission, or body to request permits for a change of use of the mobilehome park.

(2) (A) After all required permits requesting a change of use have been approved by the local governmental board, commission, or body, the management shall give the homeowners six months' or more written notice of termination of tenancy.

(B) If the change of use requires no local governmental permits, then notice shall be given 12 months or more prior to the management's determination that a change of use will occur. The management in the notice shall disclose and describe in detail the nature of the change of use.

(3) The management gives each proposed homeowner written notice thereof prior to the inception of the proposed homeowner's tenancy that the management is requesting a change of use before local governmental bodies or that a change of use request has been granted.

(4) The notice requirements for termination of tenancy set forth in this section and Section 798.57 shall be followed if the proposed change actually occurs.

(5) A notice of a proposed change of use given prior to January 1, 1980, that conforms to the requirements in effect at that time shall be valid. The requirements for a notice of a proposed change of use imposed by this subdivision shall be governed by the law in effect at the time the notice was given.

(h) The report required pursuant to subdivisions (b) and (i) of Section 65863.7 of the Government Code shall be given to the homeowners or residents at the same time that notice is required pursuant to subdivision (g) of this section.

(i) For purposes of this section, "financial institution" means a state or national bank, state or federal savings and loan association or credit union, or similar organization, and mobilehome dealer as defined in Section 18002.6 of the Health and Safety Code or any other organization that, as part of its usual course of business, originates, owns, or provides loan servicing for loans secured by a mobilehome.

SEC. 4. Section 65863.7 of the Government Code is amended to read:

65863.7. (a) (1) Prior to the conversion of a mobilehome park to another use, except pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410)), or prior to closure of a mobilehome park or cessation of use of the land as a mobilehome park, the person or entity proposing the change in use shall file a report on the impact of the conversion, closure, or cessation of use of the mobilehome park. The report shall include a replacement and relocation plan that adequately mitigates the impact upon the ability of the displaced residents of the mobilehome park to be converted or closed to find adequate housing in a mobilehome park.

(2) (A) If a displaced resident cannot obtain adequate housing in another mobilehome park, the person or entity proposing the change of use shall pay to the displaced resident the in-place market value of the displaced resident's mobilehome.

(B) For the purposes of this paragraph, except as specified in subparagraph (B) of paragraph (1) of subdivision (e), in-place market value shall be determined by a state-certified appraiser with experience establishing the value of mobilehomes. The appraisal shall be based upon the current in-place location of the mobilehome and shall assume the continuation of the mobilehome park.

(C) The person or entity proposing the change of use shall pay for an appraisal specified in subparagraph (B) and shall include the appraisal in the report specified in paragraph (1).

(b) The person proposing the change in use shall provide a copy of the report to a resident of each mobilehome in the mobilehome park at least 60 days prior to the hearing, if any, on the impact report by the advisory agency, or if there is no advisory agency, by the legislative body.

(c) When the impact report is filed prior to the closure or cessation of use, the person or entity proposing the change shall provide a copy of the report to a resident of each mobilehome in the mobilehome park at the same time as the notice of the change is provided to the residents pursuant to paragraph (2) of subdivision (g) of Section 798.56 of the Civil Code.

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(d) When the impact report is filed prior to the closure or cessation of use, the person or entity filing the report or park resident may request, and shall have a right to, a hearing before the legislative body on the sufficiency of the report.

(e) (1) Before the approval of any change of use, the legislative body, or its delegated advisory agency, shall do all of the following:

(A) Review the report and any additional relevant documentation.

(B) Make a finding as to whether or not approval of the park closure and the park's conversion into its intended new use, taking into consideration both the impact report as a whole and the overall housing availability within the local jurisdiction, will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households within the local jurisdiction.

(2) The legislative body, or its delegated advisory agency, may require, as a condition of the change, the person or entity proposing the change in use to take steps to mitigate any adverse impact of the conversion, closure, or cessation of use on the ability of displaced mobilehome park residents to find adequate housing in a mobilehome park.

(f) If the closure or cessation of use of a mobilehome park results from the entry of an order for relief in bankruptcy, the provisions of this section shall not be applicable.

(g) The legislative body may establish reasonable fees pursuant to Section 66016 to cover any costs incurred by the local agency in implementing this section and Section 65863.8. Those fees shall be paid by the person or entity proposing the change in use.

(h) This section is applicable to charter cities.

(i) This section is applicable when the closure, cessation, or change of use is the result of a decision by a local governmental entity or planning agency not to renew a conditional use permit or zoning variance under which the mobilehome park has operated, or as a result of any other zoning or planning decision, action, or inaction. In this case, the local governmental agency is the person proposing the change in use for the purposes of preparing the impact report required by this section and is required to take steps to mitigate the adverse impact of the change as may be required in subdivision (e).

(j) This section is applicable when the closure, cessation, or change of use is the result of a decision by an enforcement agency, as defined in Section 18207 of the Health and Safety Code, to suspend the permit to operate the mobilehome park. In this case, the mobilehome park owner is the person proposing the change in use for purposes of preparing the impact report required by this section and is required to take steps to mitigate the adverse impact of the change as may be required in subdivision (e).

(k) This section establishes a minimum standard for local regulation of the conversion of a mobilehome park to another use, the closure of a mobilehome park, and the cessation of use of the land as a mobilehome park and shall not prevent a local agency from enacting more stringent measures.

SEC. 5. Section 66427.4 of the Government Code is amended to read:

66427.4. (a) At the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a mobilehome park or floating home marina to another use, the subdivider shall adhere to the requirements of Section 65863.7 relating to the impact of the conversion upon the displaced residents of the mobilehome park or floating home marina to be converted.

(b) The legislative body, or an advisory agency that is authorized by local ordinance to approve, conditionally approve, or disapprove the map, in addition to complying with other applicable law, shall be subject to Section 65863.7 relating to requiring mitigation of any adverse impact of the conversion on the ability of displaced mobilehome park or floating home marina residents to find adequate housing in a mobilehome park or floating home marina, respectively.

(c) This section establishes a minimum standard for local regulation of conversions of mobilehome parks and floating home marinas into other uses and shall not prevent a local agency from enacting more stringent measures.

(d) This section shall not be applicable to a subdivision that is created from the conversion of a rental mobilehome park or rental floating home marina to resident ownership.

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Bill Text - AB-2782 Mobilehome parks: change of use: rent control.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

10/30/25, 3:04 PM

Bill Text - SB-610 Disaster assistance: tenants, mobilehome parks, and mortgages.



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SB-610 Disaster assistance: tenants, mobilehome parks, and mortgages. (2025-2026)

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Date Published: 10/13/2025 02:00 PM

Senate Bill No. 610

CHAPTER 547

An act to add Sections 798.64, 1941.8, and 1941.9 to the Civil Code, to add Section 338 to the Financial Code, and to amend Section 65863.7 of the Government Code, relating to housing.

[Approved by Governor October 10, 2025. Filed with Secretary of State
October 10, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

SB 610, Pérez. Disaster assistance: tenants, mobilehome parks, and mortgages.

(1) Existing law, the Mobilehome Residency Law, prescribes various terms and conditions of tenancies in mobilehome parks.

Existing law, the Planning and Zoning Law, requires a person or entity proposing a change in use of a mobilehome park to file a report on the impact of the conversion, closure, or cessation of use of the mobilehome park that includes a replacement and relocation plan, as specified. Existing law requires the legislative body or advisory agency to review the report before any change of use, as provided. Existing law establishes the Department of Housing and Community Development and requires it to administer various programs intended to promote the development of housing.

This bill would require, if a closure, cessation, or change of use is the result of damage or destruction of the mobilehome park by a disaster, as defined, the person or entity proposing that closure, cessation, or change of use to file an impact report, as described in the paragraph above, which also includes a technical service inspection report from the Department of Housing and Community Development that identifies the observed conditions within the park. By placing new requirements on local legislative bodies when approving permits for a change of use for mobilehome parks, this bill would impose a state-mandated local program.

Existing law requires the person or entity proposing the change of use of a mobilehome park to pay to the displaced resident the in-place market value of the displaced resident's mobilehome, as provided.

This bill would provide that if the proposed closure, cessation, or change of use is related to damage or destruction by a disaster, the person or entity proposing the change of use of a mobilehome park is not required to pay to the displaced resident the in-place market value of the displaced resident's mobilehome.

(2) Existing law regulates the terms and conditions of residential tenancies. Existing law requires the lessor of a building intended for human occupation to repair dilapidations, as specified, rendering it untenable. Existing law requires a dwelling to be deemed untenable if it substantially lacks certain affirmative standard characteristics.

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Bill Text - SB-610 Disaster assistance: tenants, mobilehome parks, and mortgages.

This bill would impose a duty upon the landlord to undertake certain actions, within a reasonable time and according to specified cleaning protocols, as may be necessary to remediate any dilapidations that arise as a result of a disaster. The bill would establish a presumption that the presence at the rental unit of debris from the disaster renders the unit untenable, until a determination has been made by a local public health agency or official that the debris does not contain toxic substances.

This bill would require the landlord to notify the tenant in writing that the landlord has fulfilled its duty to remediate dilapidations and that the tenant may view various reports, if requested. The bill would specify that these provisions do not require a landlord to rebuild a residential real property or any portion thereof that has sustained damage as a result of a disaster, and that, unless lawfully terminated by either party, the tenancy remains in effect and the tenant has the right to return to the rental unit, at the same rental rate in effect immediately prior to the disaster, as soon as it is safe and practicable.

(3) Existing law terminates the hiring of a thing by the destruction of the thing hired, or when the greater part of the thing hired perishes from any other cause than the want of ordinary care of the hirer.

This bill would require the landlord to return to the tenant any advance rental payments made by the tenant when the hiring of residential real property is terminated due to damage or destruction of the property. The bill would also require management of a mobilehome park to return to the homeowner any advance rental payments made by the homeowner when the mobilehome tenancy is terminated due to damage or the destruction of the mobilehome park or any space as a result of a disaster. The bill would discharge the tenant's or homeowner's obligation to pay rent during any period during which a tenant or homeowner is unable to occupy their rental unit due to a mandatory evacuation order pursuant to a disaster, as provided.

(4) Existing law makes the Commissioner of Financial Protection and Innovation the head of the Department of Financial Protection and Innovation, which executes the laws of this state relating to, among other things, residential mortgage lenders and servicers and mortgage loan originators employed or supervised by finance lenders or residential mortgage lenders.

This bill would require the commissioner to, upon the declaration of a state of emergency due to wildfire, as specified, coordinate with mortgage lenders and servicers subject to the commissioner's jurisdiction operating in this state to facilitate and monitor the implementation and promotion of mortgage forbearance, foreclosure prevention, and loss mitigation programs available to borrowers who experience a material decrease in household income or a material increase in household expenses due, directly or indirectly, to the wildfire emergency.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 798.64 is added to the Civil Code, immediately following Section 798.62, to read:

798.64. (a) (1) When a mobilehome tenancy is terminated due to damage or the destruction of the mobilehome park or any space as a result of a disaster, management shall return to the homeowner any advance rental payments received from the homeowner that cover any period of time after the date of the termination.

(2) Any payment required pursuant to paragraph (1) shall be made within 21 days of the date of the termination and shall be sent to the address provided by the homeowner. If the homeowner does not provide an address, mailings pursuant to this subdivision shall be sent to the address where the mobilehome was located.

(3) For purposes of this subdivision, the date of the termination shall be the date upon which the mobilehome park or the mobilehome space was damaged or destroyed.

(b) During any period that a homeowner is unable to occupy their mobilehome or mobilehome space due to a mandatory evacuation order pursuant to a disaster, the homeowner's obligation to pay rent shall be discharged

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Bill Text - SB-610 Disaster assistance: tenants, mobilehome parks, and mortgages.

for the period during which the homeowner is required to be evacuated. If the homeowner has paid rent in advance for any portion of the evacuation period, management shall return that portion of prepaid rent to the homeowner within 10 calendar days after the evacuation order is lifted, or the homeowner may deduct that amount from the next month's rent which becomes due and payable after the evacuation order is lifted.

(c) For purposes of this section, "disaster" means a natural or manmade emergency resulting from an earthquake, flood, fire, riot, storm, drought, plant or animal infestation or disease, pandemic or epidemic disease outbreak, or other natural or manmade disaster for which a state of emergency has been declared by the President of the United States or the Governor.

SEC. 2. Section 1941.8 is added to the Civil Code, to read:

1941.8. (a) Subject to subdivision (e), for any structure intended for human habitation, it shall be the duty of a landlord to undertake one or both of the following actions as may be necessary to remediate any dilapidations that arise as a result of a disaster:

(1) Removal of debris caused by the disaster.

(2) Mitigation of hazards arising from the disaster, including, but not limited to, the presence of mold, smoke, smoke residue, smoke odor, ash, asbestos, or water damage.

(b) Until a determination has been made by a local public health agency or official that the debris from the disaster, including, but not limited to, ash, sludge, or runoff, does not contain toxic substances, the presence of the debris at a rental unit shall be presumed to render the rental unit untenable pursuant to Section 1941.1.

(c) The landlord shall comply with subdivision (a) within a reasonable time after the property sustains damage, and shall follow any and all cleaning protocols issued by government officials, including contracting with licensed remediation companies where required. If the tenant has provided the landlord with a postal or email address, the landlord shall notify the tenant in writing that the landlord has complied with subdivision (a) and that the tenant may view and, if requested, obtain copies of any environmental studies, testing, or reports conducted.

(d) Unless lawfully terminated by either party, the tenancy shall remain in effect and the tenant shall have the right to return to the rental unit at the same rental rate in effect immediately prior to the disaster as soon as it is safe and practicable.

(e) Nothing in this section shall require a landlord to rebuild a residential rental property or any portion thereof that has sustained damage as a result of a disaster.

(f) The rights, obligations, and remedies under this section are cumulative and in addition to any other rights, obligations, or remedies available under federal, state, or local law.

(g) Nothing in this section preempts any local ordinance from providing for additional protections for tenants or imposing additional obligations on the landlord.

(h) For purposes of this section, "disaster" means a natural or manmade emergency resulting from an earthquake, flood, fire, riot, storm, drought, plant or animal infestation or disease, pandemic or epidemic disease outbreak, or other natural or manmade disaster for which a state of emergency has been declared by the President of the United States or the Governor.

SEC. 3. Section 1941.9 is added to the Civil Code, to read:

1941.9. (a) (1) When the hiring of residential real property is terminated pursuant to paragraph (2) of Section 1932 or paragraph (4) of Section 1933, the landlord shall return to the tenant any advance rental payments made by the tenant that cover any period after the date of the termination.

(2) Any payment from the landlord to the tenant required pursuant to paragraph (1) shall be made within 21 days of the date of the termination and shall be sent to the address provided by the tenant. If the hirer does not provide an address, mailings pursuant to this subdivision shall be sent to the address of the unit that was the subject of the terminated hiring.

(3) For purposes of this subdivision, the date of the termination shall be either of the following, as applicable:

(A) The date that the tenant informs the landlord or the landlord's agent of the tenant's intent to terminate the hiring pursuant to paragraph (2) of Section 1932.

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(B) The date that the residential real property was destroyed, if the termination happened pursuant to paragraph (4) of Section 1933.

(b) During any period during which a tenant in residential real property is unable to occupy their rental unit due to a mandatory evacuation order pursuant to a disaster, as defined in Section 1941.8, the tenant's obligation to pay rent shall be discharged for the period during which the tenant must be evacuated. If the tenant already paid rent for the period of an evacuation, the landlord shall return the rent within 10 calendar days after the evacuation order is lifted or the tenant may deduct the amount from the next month's rent.

SEC. 4. Section 338 is added to the Financial Code, to read:

338. Upon declaration of a state of emergency, pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) due to a wildfire, including, but not limited to, any unplanned, unwanted wildland fire, including unauthorized human-caused fires, escaped wildland fire use events, escaped prescribed fire projects, and all other wildland fires where the objective is to extinguish the fire, the commissioner shall coordinate with mortgage lenders and servicers subject to the commissioner's jurisdiction, including those who lend money in connection with the purchase or financing of a mobilehome as that term is defined in Section 798.3 of the Civil Code, operating in this state to facilitate and monitor the implementation and promotion of mortgage forbearance, foreclosure prevention, and loss mitigation programs available to borrowers who experience a material decrease in household income or a material increase in household expenses due, directly or indirectly, to the wildfire emergency.

SEC. 5. Section 65863.7 of the Government Code is amended to read:

65863.7. (a) (1) (A) Prior to the conversion of a mobilehome park to another use, except pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410)), or prior to closure of a mobilehome park or cessation of use of the land as a mobilehome park, the person or entity proposing the change in use shall file a report on the impact of the conversion, closure, or cessation of use of the mobilehome park. The report shall include a replacement and relocation plan that adequately mitigates the impact upon the ability of the displaced residents of the mobilehome park to be converted or closed to find adequate housing in a mobilehome park.

(B) (i) If the proposed closure, cessation, or change of use is related to damage or destruction by a disaster, as described in subdivision (k), the impact report described in subparagraph (A) shall also include a technical service inspection report from the Department of Housing and Community Development that identifies the observed conditions within the park. Technical service has the same meaning as in Section 1002 of Title 25 of the California Code of Regulations.

(ii) For purposes of this subparagraph, management, as defined in Section 798.2 of the Civil Code, is the person or entity proposing the change in use for purposes of preparing the impact report required by this section and is required to take steps to mitigate the adverse impact of the change as may be required in subdivision (e).

(2) (A) If a displaced resident cannot obtain adequate housing in another mobilehome park, the person or entity proposing the change of use shall pay to the displaced resident the in-place market value of the displaced resident's mobilehome.

(B) For the purposes of this paragraph, except as specified in subparagraph (B) of paragraph (1) of subdivision (e), in-place market value shall be determined by a state-certified appraiser with experience establishing the value of mobilehomes. The appraisal shall be based upon the current in-place location of the mobilehome and shall assume the continuation of the mobilehome park.

(C) The person or entity proposing the change of use shall pay for an appraisal specified in subparagraph (B) and shall include the appraisal in the report specified in paragraph (1).

(D) This paragraph shall not apply when the proposed closure, cessation, or change of use is related to damage or destruction by a disaster, as defined in Section 798.64 of the Civil Code.

(b) The person proposing the change in use shall provide a copy of the report to a resident of each mobilehome in the mobilehome park at least 60 days prior to the hearing, if any, on the impact report by the advisory agency, or if there is no advisory agency, by the legislative body.

(c) When the impact report is filed prior to the closure or cessation of use, the person or entity proposing the change shall provide a copy of the report to a resident of each mobilehome in the mobilehome park at the same

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time as the notice of the change is provided to the residents pursuant to paragraph (2) of subdivision (g) of Section 798.56 of the Civil Code.

(d) When the impact report is filed prior to the closure or cessation of use, the person or entity filing the report or park resident may request, and shall have a right to, a hearing before the legislative body on the sufficiency of the report.

(e) (1) Before the approval of any change of use, the legislative body, or its delegated advisory agency, shall do all of the following:

(A) Review the report and any additional relevant documentation.

(B) Make a finding as to whether or not approval of the park closure and the park's conversion into its intended new use, taking into consideration both the impact report as a whole and the overall housing availability within the local jurisdiction, will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households within the local jurisdiction.

(2) The legislative body, or its delegated advisory agency, may require, as a condition of the change, the person or entity proposing the change in use to take steps to mitigate any adverse impact of the conversion, closure, or cessation of use on the ability of displaced mobilehome park residents to find adequate housing in a mobilehome park.

(f) If the closure or cessation of use of a mobilehome park results from the entry of an order for relief in bankruptcy, the provisions of this section shall not be applicable.

(g) The legislative body may establish reasonable fees pursuant to Section 66016 to cover any costs incurred by the local agency in implementing this section and Section 65863.8. Those fees shall be paid by the person or entity proposing the change in use.

(h) This section is applicable to charter cities.

(i) This section is applicable when the closure, cessation, or change of use is the result of a decision by a local governmental entity or planning agency not to renew a conditional use permit or zoning variance under which the mobilehome park has operated, or as a result of any other zoning or planning decision, action, or inaction. In this case, the local governmental agency is the person proposing the change in use for the purposes of preparing the impact report required by this section and is required to take steps to mitigate the adverse impact of the change as may be required in subdivision (e).

(j) This section is applicable when the closure, cessation, or change of use is the result of a decision by an enforcement agency, as defined in Section 18207 of the Health and Safety Code, to suspend the permit to operate the mobilehome park. In this case, the mobilehome park owner is the person proposing the change in use for purposes of preparing the impact report required by this section and is required to take steps to mitigate the adverse impact of the change as may be required in subdivision (e).

(k) This section, except paragraph (2) of subdivision (a), is applicable when the closure, cessation, or change of use is the result of damage or destruction of the mobilehome park by a disaster as defined in Section 798.64 of the Civil Code.

(l) This section establishes a minimum standard for local regulation of the conversion of a mobilehome park to another use, the closure of a mobilehome park, and the cessation of use of the land as a mobilehome park and shall not prevent a local agency from enacting more stringent measures.

SEC. 6. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

**MEMO ON THE PROPOSED MOBILEHOME PARK CONVERSION AND CLOSURE
ORDINANCE FOR THE CITY OF SONOMA**

Date: August 11, 2025

From: William J. Constantine

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To: Jennifer Gates, Director City of Sonoma Community Development Department

Topic: My clients, the AB 2782 Revision Committee and the Sonoma Tri Park Coalition, asked me to draft the accompanying proposed Draft Mobile Home Park Conversion and Closure Ordinance and this memo, which introduces and summarizes it, and then highlights and explains in more detail the most important provisions contained within it. Please feel free to contact me if you have any questions.

I INTRODUCTION AND EXECUTIVE SUMMARY

A. WHY THE PROPOSED ORDINANCE IS NOW NEEDED.

Sonoma's 488 mobilehomes provide 8.5% of the City's housing and a significantly larger percentage of the affordable home ownership opportunities for the City's low-income households, who make up 46.9% of Sonoma's renter households. The City's mobilehome park rent stabilization ordinance helps keep those mobilehomes affordable, but there is a growing threat of park conversions and closures, requiring a robust and effective mobilehome park conversion and closure ordinance, which, for the first time, new state law now allows and encourages.

In that regard, the proposed mobilehome conversion and closure ordinance is now needed because in 2020, AB 2782

significantly amended Government Code Section 65863.7, governing both what is required and what is optionally permitted in local ordinances regulating the conversion or closure of mobilehome parks. It expands the power of local jurisdictions to adopt more stringent local regulations, and it requires or allows protections beyond what is provided for in Sonoma's current ordinance. However, it requires more detailed and expanded local implementing regulations to enforce the new powers it grants to the City of Sonoma. Without those new local

implementing regulations, the most important provisions of AB 2782 cannot be effectively implemented.

B. SUMMARY OF HOW THE PROPOSED ORDINANCE PROTECTS AFFORDABLE HOUSING AND ADEQUATELY COMPENSATES DISPLACED HOMEOWNERS.

A summary of the reasons why neither Sonoma's current ordinance nor the new provisions of Government Code Section 65863.7 are sufficient by themselves, and how the proposed ordinance addresses their intentions and deficiencies is as follows:

1. Provides the City with the authority to prevent mobilehome park conversions or closures that would cause a loss of affordable housing. Government Code Section 65863.7(e)(2)(B) requires a finding on whether the approval of a mobilehome park to its intended new use will result in or materially contribute to a shortage of housing that is affordable to low- and moderate-income households within the City of Sonoma. However, it requires the City to adopt a more stringent local regulation to reject a proposed conversion or closure if it is determined that approval will result in the loss of low-income affordable housing if the City wishes to do enforce Section 65863.7(e)(2)(B). Sonoma's current ordinance does not contain such a provision. The proposed ordinance solves this deficiency by providing the City with the power to reject conversion or closure if it is determined that it will cause or materially contribute to a shortage of affordable housing to such an extent that it violates the low-income housing preservation provisions of the City's Housing Element.

2. Provides the City with the analysis and required findings to ensure that, if a mobilehome park is approved to be converted or closed, its displaced mobilehome owners will be able to obtain adequate housing in other mobilehome parks. Government Code Section 65863.7 requires a report on the impact of a mobilehome park conversion or closure and a "replacement and relocation plan" that shows how displaced mobilehomeowners will obtain adequate housing in other mobilehome parks. Sonoma's current ordinance does not provide the complete analysis or required findings for accomplishing this. The proposed ordinance rectifies this through the following groups of required findings and supporting analyses:

1. A finding that there are sufficient available spaces in other mobilehome parks to receive the displaced mobilehomes, that the mobilehomes are physically able to be moved to those spaces and that they meet the requirements of the mobilehome parks for accepting mobilehomes into them.
2. A finding that, when their mobilehomes cannot be relocated into available spaces, there are a sufficient number of mobilehomes for sale to accommodate the displaced homeowners,
3. A finding that, based on the displaced homeowners' financial circumstances and the amount of their proposed mitigation payments, the mobilehome parks proposed for the homeowners to be relocated to will be affordable to them.

4. A finding that the displaced homeowners will be able to meet the residency requirements of the mobilehome parks in which available spaces or mobilehomes for sale are stated to be available.

5. A finding that the mitigation benefits will be sufficient to fully accomplish the proposed relocations.

3. Provides for displaced mobilehome owners to be able to purchase the actually available replacement mobilehomes. Government Code Section 65863.7 and Sonoma's current ordinance require the payment of the in-place market value of the displaced mobilehomes when it is determined that they can be relocated. However, most of the time, the parks that park owners choose to convert or close are parks with older and smaller mobilehomes in them. This results in their in-place values being insufficient for purchasing the actually available mobilehomes in their communities. Copying from California's Uniform Relocation Act, the proposed ordinance solves this deficiency by, when the in-place value of a displaced mobilehome is insufficient, providing for a supplemental payment needed to enable the displaced mobilehome owner to purchase the actually available mobilehomes.

4. Provides the required exemption from complying with its requirements when doing so would eliminate substantially all reasonable use and economic value of the park property. Constitutional considerations require the ordinance to include an exemption clause excusing a park owner from meeting the requirements of the ordinance if they can show both that it is economically infeasible to either continue to operate their park as a rental park or to meet the ordinance's requirements to be able to convert or close it. (*See Nash v. City of Santa Monica* 37 Cal. 3d 97 (1984)). The proposed ordinance provides this exemption clause.

5. Documents that mobilehome owners typically have greater aggregate investments in their mobilehomes and spaces than their park owners have in their parks, and protects the investments of both groups. Studies and court decisions comparing the size of the investments of park owners in their mobilehome parks to their mobilehome owners' aggregate investments in their mobilehomes and spaces, including the California and US Supreme Courts, recognize that mobilehome owners are co-investors with their park owners and typically invest two dollars in their mobilehomes and spaces for every dollar that their park owner has invested in their spaces and in constructing or purchasing and maintaining their park. This recognition is crucial in supporting the requirements of Government Code Section 65863.7, the City's Housing Element, and the proposed ordinance. Accordingly, the proposed ordinance requires that the aggregate amount of the mobilehome owners' collective investments in their homes and spaces, compared with their park owners' investments in their parks, must be reported and included in a proposed conversion or closure's Conversion Impact Report.

This information is needed to help justify the rejection of a conversion or closure, when it is determined that it will result in a significant loss of low-income affordable housing or, when a conversion or closure is, instead, approved, to support the requirement that a park must pay the

substantial relocation benefits needed to ensure that the displaced mobilehome owners will not lose their investments in their mobilehomes and also be able to afford the costs of comparable mobilehomes in or within a reasonable distance of the City of Sonoma.

II DETAILED DISCUSSIONS ON SELECTED CRITICAL ISSUES COVERED IN THE PROPOSED ORDINANCE AND ITS PROVISIONS FOR ADDRESSING THEM.

A. SECTION 9.82.010 OF THE PROPOSED ORDINANCE: FINDINGS AND PURPOSE.

Section 9.82.010 of the proposed Ordinance contains robust findings and purpose sections that show that mobilehome owners have invested more in their mobilehomes and spaces than their park owners have, which is needed to support the proposed ordinance's displaced homeowner protections. It also demonstrates why the loss of the low- and moderate-income affordable housing located in mobilehome parks in the City of Sonoma would materially contribute to a serious shortage of low-and moderate-income affordable housing in the City.

These findings are essential to support the two main sets of protections that Government Code Section 65863.7 requires in the ordinance: **1.** Preservation of the current low- and moderate-income housing supply in Sonoma's mobilehome parks. **2.** The provision of adequate mitigation benefits to displaced mobilehome owners when a park conversion or closure is approved.

Specifically in making the required determination on whether or not a proposed conversion or closure will result in or maturely contribute to a shortage of low-income affordable housing, Government Code § 65863.7(e)(1)(B) requires the City to take into account both the impact report as a whole **and the overall housing availability within the local jurisdiction.** The findings contained in the proposed ordinance provide that essential information for making this determination, without which, the City could not enforce Government Code § 65863.7(e)(1)(B).

Just as necessary, if the City decides to grant a proposed park conversion or closure, the robust findings also provide the needed factual support that will enable the City to require a park owner to provide the substantial mitigation benefits needed to enable displaced mobilehome owners to obtain adequate, comparable replacement housing and other mobilehome parks.

Section 9.82.010's robust findings are also needed because courts have ruled that the provisions in ordinances that regulate mobilehome parks must contain sufficient findings to support them. (*See El Rovia Mobile Home Park, LLC v. City of El Monte* (2019) Case No. B288134, Second District Court of Appeal Unpublished Decision, Filed March 21, 2019 and *Birkenfeld v. City of Berkeley* 17 Cal.3d 129, 160 – 163 (1976))

These findings are also risk-free to the City, because a park owner cannot challenge them (*they only can challenge the lack of sufficient findings but not that they disagree with them*) if they file a lawsuit challenging the provisions of the ordinance, but they will be essential in convincing a court to uphold the substantive provisions of the ordinance.

B. SUBSTANTIVE PROVISIONS IN THE ORDINANCE RELATED TO THE PRESERVATION OF LOW- AND MODERATE-INCOME AFFORDABLE HOUSING.

Subsection (a)(5) of Section 9.82.040 “Required Findings of Approval” of the proposed ordinance requires a finding that a proposed conversion or closure:

“That the proposed conversion or closure for all or part of the mobilehome park will not result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households to such an extent that it will cause it to be inconsistent with the City’s Housing Element.”

This finding is required by the provisions of Government Code Section 65863.7, the applicable provisions of California’s Housing Elements Law, and the low-income affordable housing preservation goals, policies, and objectives of Sonoma’s 2023-2031 Housing Element.

Specifically, this finding is required because, prior to approving a mobilehome park conversion or closure, Government Code Section 65863.7(e)(1)(B) similarly requires that the City make a finding as to whether a park closure and its conversion to its intended new use will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households within the City of Sonoma.

Supporting and encouraging this requirement, Government Code Section 65863.7 (k) then states that Section 65863.7 establishes a **minimum standard** for the local regulation of the conversion or closure of mobilehome parks and shall not prevent a local jurisdiction from enacting more stringent measures. The legislative history of Section 65863.7 explicitly recognizes that Government Code Section 65863.7(k) authorizes local jurisdictions to adopt more stringent local measures when the finding required by subsection Government Code Section 65863.7(e)(1)(B) demonstrates that it will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households, including that the conversion or closure must then be rejected. (*See* p.4 Senate Rules Committee Floor Report, 8/21/2020, Third Reading AB 2782 as Amended on 8/14/2020.)

Also requiring this provision, Government Code Section 65583(b)(1), a provision of California’s Housing Elements Law, requires the City’s Housing Element to contain goals, policies, and objectives to preserve the City’s current low-income and moderate-income affordable housing stock. Government Code Section 65583(b)(2) specifies that the goals and policies within the Housing Element must include the preservation of the City’s housing stock that is affordable to all income categories of a community’s households, including extremely low-income households. Government Code Section 65583(c)(4) further requires the City to establish programs to conserve the existing affordable housing stock, which has been interpreted by the courts to require programs that will preserve the continued availability and affordability of the current affordable housing stock located in the City’s mobilehome parks. (*See Buena Vista Gardens Apartments Assn. v. City of San Diego Planning Dept.* (1985) 175 Cal. App.3d 289, 303.)

To fulfill the above requirements of California’s Housing Element Law, the City’s 2023-2031 Housing Element contains the following goals, policies, and objectives:

- (i) Goal H-1: “Provide a range of housing types affordable to all income levels, allowing those who work in Sonoma to also live in the community.
- (ii) Goal H-2: Improve housing affordability for both renters and homeowners in Sonoma.
- (iii) Goal H-3: Maintain and enhance the existing housing stock, preserve the affordable housing stock.
- (iv) Policy H-3.6: Support the preservation of mobilehome parks as an important source of affordable housing.
- (v) A 2023-2031 Objective (*to the Housing Element’s Program 11: Tenant and Resident Protections*) of:
 - “Continue to enforce the mobilehome park rent stabilization and conversion ordinances to preserve the affordability and long-term use of mobilehome parks in Sonoma.
 - “Update Chapter 9.92 of the Municipal Code by December 20234 to reflect the requirements of State law, including AB 2782 changes to Civil Code Section 798.17 (rental agreement requirements) Civil Code Section 798.56 (tenancy termination standards), and Government Code Sections 65863.7 and 66427.4 provisions regarding conversion or closure of a mobilehome park.
Adoption of additional tenant protection requirements to reduce displacement.”
- (vi) Program 22 Fair Housing Program Action Item “11. Tenant and Resident Protections” of: Reduce displacement of lower-income households and mobilehome park residents through prohibiting unjust evictions and excessive rent increases and requiring projects that would convert mobilehome parks to provide protections for residents, including adequate notice and relocation assistance, in order to promote the preservation of affordable units throughout the City.
- (vi) 2023- 2031 Quantified Objective of conserving the availability and continued affordability of 339 low and moderate-income affordable housing units located in the City’s mobilehome parks, including 171 units that are affordable to low and below-income households.

Accordingly, the above-cited language of Subsection (a)(5) of Section 9.82.040 of the proposed ordinance fulfills the combined above requirements of Government Code Sections Government Code Sections 65583(b)(1) and (c)(2) and Section 65863.7(e)(1)(B).

In making the above determinations, Subsection (a)(5) of Section 9.82.040 of the proposed ordinance further provides that:

In making this determination, the City shall take into consideration both the impact report as a whole and the overall housing availability within the City. The City may also consider whether or not, as part of the development plan approved of, an adequate number of replacement affordable housing units are being provided, either on or off-site of the mobilehome park proposed for conversion or closure, to prevent it from causing or materially contributing to a shortage of low- and moderate- income affordable housing. In such instances, the evaluation and findings shall compare the affordability of proposed replacement housing with that of the housing that will be lost using the affordability categories defined in Health and Safety Code Sections 500795, 50105, 50106, and 50093(b) for low-income, very low-income, extremely low-income, and moderate-income households.

This fulfills the above Government Code Requirements, particularly, that under California's Housing Elements Law, the City is required to report on and demonstrate the actions they are taking to preserve housing that is affordable to the above three subgroups of, low- income, very low -income and extremely low - income households.

C. THE PROVISIONS OF THE PROPOSED ORDINANCE NEEDED TO ENSURE THAT THE DISPLACED HOMEOWNERS WILL BE ABLE TO OBTAIN ADEQUATE HOUSING IN OTHER MOBILEHOME PARKS.

1. The Requirements of Government Code Sections 65863.7 and 66427.4.

Government Code Section 65863.7(a)(1), which applies to all mobilehome park conversions not requiring subdivision approval for the development replacing them and also to all park closures, requires park owners to provide displaced mobilehome owners with sufficient mitigation benefits to enable them to relocate their displaced mobilehomes to available spaces in other mobilehome parks or, when that is not possible, to pay them the in-place market value of displaced mobilehomes. (*See* Government Code Section 65863.7(a)(1) and (a)(1)(A)). Government Code 66427.4, which applies to all mobilehome park conversions requiring subdivision approval for the development replacing them, states that the displaced homeowner mitigation requirements of Section 65863.7 also apply to conversions under its provisions.

The legislative history of AB 2782 states that the purpose of providing the displaced homeowners with the in-place value of their mobilehomes is to allow them to purchase mobilehomes in other mobilehome parks when spaces in those parks are not available to relocate their displaced mobilehomes to:

“AB 2782 also requires the CIR to ensure that the person or entity seeking a change of use includes in the report a “replacement and relocation plan that adequately mitigates the impact upon the ability of the displaced residents... to find adequate housing in a mobilehome park.” Currently park owners who seek a

change of use for their mobilehome park only have to include information on the availability of adequate housing for displaced residents and relocation costs. This bill also requires that, in cases where adequate housing in a mobilehome park is not available, the person or entity proposing the change of use must pay the displaced resident the in-place market value of their mobilehome.

To find adequate space in a mobilehome park would require the relocation of an existing mobilehome. However, in cases where relocation is not possible, finding adequate housing requires a resident to purchase another home that is similar to the one the owner is losing as a result of the park closure or conversion. In order to allow mobilehome park residents to purchase a similar home to the one they are being displaced from; this bill would provide homeowner owners with the in-place value of their current mobilehome.” (See ¶¶ 3 and 4 p. 6, Assembly Committee on Housing and Community Development, Analysis of AB 2782 (Mark Stone) Date of Hearing May 20, 2020.

Additionally, subsection (k) of Government Code Section 65863.7 and subsection (c) of Government Code Section 66427.4 both allow the City to impose more stringent local regulations or measures regarding mitigation benefits that can be required to be paid to displace mobilehome owners.

2 The Displaced Homeowner Manufactured Housing Replacement and Relocation Plan Set Forth in Section 9.82.030 of the Ordinance Ensures That Displaced Mobilehome Owners Will Be Able to Obtain Adequate Housing in Other Comparable Mobilehome Parks.

Subsection (A)(1) of proposed Section 9.8.030 ensures that mobilehome park conversions and closures will comply with the displaced homeowner requirements of Government Code Section 65863.7 by requiring a finding that the Replacement Relocation Plan, required by Government Code Section 65863.7(a)(1), meets the requirements for such plans in Section 9.82.030 of the Ordinance and enables the displaced homeowners to obtain and relocate into adequate housing in other Mobilehome Parks or into other housing to the extent that the Displaced Homeowner and the Park Owner voluntarily agree upon the other housing.

The Conversion Impact Report requirements of Section 9.82.025, the Replacement and Relocation Plan requirements of Section 9.82.030, and the Required Findings of Approval requirements of Section 9.82.040 of the Ordinance ensure that the displaced homeowners will be adequately compensated and relocated as follows:

Proposed Section 9.82.025(a)(2)(xv) requires the Conversion Impact Report to provide for the following relocation benefits:

- (aa) Payment of the cost of physically moving a displaced mobilehome to a new site, including the teardown and setup of the home and any

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

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

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

(ad) Payment of a lump sum to compensate for payment of the first and last month's rent and any security deposit at the new mobilehome home park.

(ae) Reasonable living expenses of the displaced homeowner and the members of their household from the date of actual displacement to the date of occupancy of the new mobilehome space or home.

(af) For any of the homeowners' mobilehomes that cannot be relocated, the proposed mitigation benefits may include, but are not limited to: (1) payment of the appraised in-place market value of the displaced homeowner's mobilehome pursuant to Government Code Section 65863.7(a)(2)(A); (2) the option of lump sum payments to those homeowners in an amount that will enable them to purchase and relocate into adequate mobilehomes that are located in comparable mobilehome parks.

(af1) If the appraised value is insufficient to allow a displaced homeowner to purchase an adequate mobilehome in a comparable mobilehome park, then the proposed mitigation benefits may include a supplemental payment to enable them to cover the reasonable cost of purchasing an actually available adequate mobilehome located in a comparable mobilehome park.

(af2) If there is a legal owner of any displaced homeowner's current mobilehome, then the lump sum payment shall be sufficient to satisfy the remaining obligation owed by the homeowner to the legal owner under the homeowner's mobilehome purchase loan and to reimburse the homeowner for their remaining invested equity in their mobilehome as demonstrated in the appraisal required by this section. If the homeowner is required to be paid the reasonable cost of purchasing an available adequate mobilehome that exceeds the appraised value of their current mobilehome, then the benefits, required to be listed

under this subsection for them, shall be the aggregate of their remaining invested equity, after the payoff of their loan to their home's legal owner, and the difference between the appraised value of their current home and the actual purchase price of an available adequate mobile home.

Him Proposed Section 9.82.030(a)(2) and (3) require the Replacement and Relocation Plan to demonstrate that:

(2) In cases in which the report proposes relocating mobilehomes into available spaces in other comparable mobilehome parks, the plan shall demonstrate that:

- (i) The mobilehomes are physically capable of being relocated.
- (ii) There are a sufficient number of available spaces in comparable mobilehome parks, which are willing to accept displaced mobilehomes and their owners, to accommodate all of the homeowners whom the relocation plan proposes to relocate in this manner.
- (iii) The homeowners will be able to meet the income and other residency requirements of the parks where the spaces are located.
- (iv) The displaced mobilehomes meet the age and other requirements for displaced mobilehomes that the mobilehome parks will allow to be relocated into their parks.
- (v) The mitigation benefits, which the replacement and relocation plan proposes to be paid to the homeowners, will be sufficient to accomplish their proposed relocations.

(3) For the homeowners whom the replacement and relocation plan proposes to relocate by providing benefits to enable them to purchase and relocate into adequate mobilehomes, which are located in comparable mobilehome parks, the plan shall demonstrate that:

- (i) There are a sufficient number of adequate mobilehomes for sale in comparable mobilehome parks to accommodate all of the homeowners whom the plan proposes to relocate in this manner.
- (ii) The homeowners will be able to meet the income and other residency requirements of the parks in which the adequate mobile homes are located.
- (iii) The mitigation benefits, which the replacement and relocation plan proposes to be paid to the homeowners, will be sufficient to purchase the available mobilehomes and accomplish their proposed relocations.

Proposed Section 9.82.040(a)(1) and (2) requires findings of approval that:

- (1) That the displaced homeowner housing replacement and relocation plan meets all of the requirements of Section 9.82.030, including that it will provide all of the park's displaced homeowners with sufficient mitigation benefits to enable them to obtain and relocate into adequate housing in other mobilehome parks or into other housing to the extent that the other housing is agreed upon by the displaced homeowner and the park owner.
- (2) That the mitigation benefits, which are listed in the replacement and relocation plan to be provided to all of the displaced homeowners, have been listed as a condition of approval in the project's special use permit for conversion or closure, the relocation impact report, any required tentative map and in any of the project's other development approvals required for the development intended to replace the mobilehome park proposed to be converted or closed.

3. The Provision of Supplementals Payment to Help Cover the Cost of the Actually Available Mobilehomes When the In-place Value of a Displaced Mobilehome is Insufficient.

A prevalent circumstance in many, if not most, mobilehome park conversions and closures is that the in-place value of the displaced mobilehomes will be insufficient to purchase the available mobilehomes for sale within a reasonable distance of the park proposed for conversion or closure.¹

When this occurs, Subsection 9.82.025(a)(2)(xv)(af)(af1) of the proposed ordinance requires a park owner to pay the displaced homeowner a supplemental payment, in addition to

¹ A 2019 - California Rural Legal Assistance Foundation Study on mobilehome park conversions and closures found that, out of 493 mobilehomes that were displaced in a sample of eleven mobilehome park conversions and closures that it studied, 454 of them were single-wide single mobilehomes or permanently located recreational vehicles. It also found that, of those conversions that provided income information on the displaced homeowners, 37% of the displaced homeowners were extremely low-income households, 16% were very low-income households, 25% were low-income households and 22% were moderate and above moderate-income households. Thus, 78% of the displaced households were low-income or below low-income households. The CRLA Foundation Study also found that there existed serious shortages of low-income affordable housing within all of the local jurisdictions in which the mobilehome parks, which were being closed, were located. It concluded that the in-place fair market values of these displaced mobilehomes were insufficient to enable their displaced homeowners to purchase the available mobilehomes in their areas. It concluded that the reason this occurred was that the prices of the actually available mobilehomes will be much higher since there was a severe shortage of the supply of equally low-income affordable mobilehomes in the vicinity of the park being closed, which was only being made much worse by the closure the parks. It concluded that the mobilehomes owned by the displaced homeowners, which were being displaced, were the only mobilehomes that had been available in their areas that would be have been for sale at the in-place market values of their displaced mobilehomes.

the payment for that in-place value of their mobilehome reasonable, to enable them to afford the higher cost of purchasing the actually available adequate mobilehomes in comparable mobilehome parks.

Government Code Section 65863.7(k) allows for this higher payment since it allows more stringent local regulations than those contained in Section 65863.7.

The cities of Capitola, Lancaster, Palo Alto and Watsonville all have mobilehome park conversion ordinances that require the displaced mobilehome owners to be paid the prices of the actually available mobilehomes when the in-place values of their displaced mobilehomes are insufficient to purchase those homes (*See* subdivision (a)(2)(xv) of Section 11-4.140 of Chapter 11-4 of the Watsonville Municipal Code, subdivision (D)(6) of Section 17.90.070 of Chapter 17.90 of the Capitola Municipal Code, subdivision (E)(5) of Section 17.90.070 of Chapter 11.22 of the Lancaster Municipal Code, and subdivision (a)(2)(a) of Section 9.76.040 of Chapter 9.76 of the Palo Alto Municipal Code)

Similarly, California's Uniform Relocation Act requires local governments, who obtain homes through their power of eminent domain, to add a supplemental payment, which, when added to the acquisition cost of the dwelling acquired by the public entity, equals the reasonable costs of a comparable replacement dwelling. " (*See* subdivision (b)(1) of Government Code Section 7263)

4. Use of California Environmental Protection Agency's "CalEnviroScreening" program to ensure that displaced mobilehome owners are relocated into "adequate housing" in mobilehome parks that will not expose them to significant health and safety risks.

Government Code Section 65863.7 (a)(1) requires a park owner proposing a mobilehome park conversion or closure to produce a replacement and relocation plan that adequately mitigates the impact of the park closure on the ability of the displaced mobilehome owners to find **adequate housing in a mobilehome park**. However, although it does not define what it means by "adequate housing," similar statutes do. For example, California's Uniform Relocation Act (the URA) requires adequate housing to be in a location that is not subject to adverse environmental or health conditions. (*See* Government Code Section 7260)

Although the URA does not apply to privately owned mobilehome park conversions and closures, its definition is a reasonable standard to apply to Government Code Section 65863.7(a)(1)'s requirement that the displaced homeowners must be relocated into adequate housing in another mobilehome park. The California Environmental Protection Agency (Cal EPA) has an Environmental Justice Program that makes it very easy to determine if this standard is being met using its "CalEnviroScreen" scoring system. (*See* Government Code Sections 65031.5 thru 65302 and Health & Safety Code Sections 39710 thru 39715)

The CalEnviroScreen scoring quantifies environmental health factors and poverty indicators for the populations in all 8,000 census tracts in California, resulting in a "CalEnviroScreen Score" from 0 to 100 for each tract. The census tracts are then ordered from highest to lowest based on their overall score. A high score indicates that the census tract is an

area of high poverty and environmental conditions, such as air and pollution, ground contamination etc, that severely impact the health of the population in the census tract. A census tract that is in the 75th percentile or higher, is then designated by Cal EPA as a “disadvantaged community” meaning that it has high rates of poverty and poor environmental conditions that subject its population to very high health risks.

Cal EPA's website contains a census tract map that can be easily used to locate the CalEnviroScreen scores of all 8,000 census districts in California. The address of the mobilehome parks, which a replacement and relocation plan lists as mobilehome parks the displaced homeowners can be relocated to, can be entered into a search box on this map. It will bring up the overall CalEnviroScreen score and the factors used in determining it for that census district. Cal EPA's CalEnviroScreen tract.

This information is a godsend for evaluating a proposed mobilehome park conversion's required Replacement and Relocation Plan because park owners typically close mobilehome parks in areas with low CalEnviroScreen scores and attempt to relocate them to parks in tracts of with high scores. The low scores mean that closed parks are situated in communities with minimal or no environmental health risks, primarily in higher-end areas. This occurs because these areas are in which it is most profitable to close low-income affordable mobilehome parks and replace them with upscale townhouses.

However, conversion impact reports for the conversion of mobilehome parks located in the San Francisco Bay Area, in other parts of coastal central California, and in the higher socio-economic areas in southern California rely on, for relocating displaced mobilehome owners, almost entirely on mobilehome parks located in areas with extremely high CalEnviroScreen scores, usually in census tracts designated a “disadvantaged communities” by Cal EPA.

To take advantage of this invaluable program, for determining whether or not replacement housing in other mobilehome parks is “adequate housing” under Government Code Section 65863.7, the proposed ordinance requires Cal EPA’s CalEnviroScreen, score to be taken into account. Mobilehome parks that have been designated by Cal EPA as “Disadvantaged Communities” are then also required to be excluded from consideration, as set forth in definition for a “Comparable mobilehome park” contained in subsection (k)(2) of Section of the proposed ordinance:

(k) Comparable mobilehome park is one that meets all of the following requirements:

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(2) Its California Environmental Protection Agency’s “CalEnviroScreen” score must not be higher than the score of the census tract in which the mobilehome park proposed for conversion or closure is located.

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(4) A mobilehome park that is located in a census tract that has been designated by the California Department of Environmental Protection as a “disadvantaged community” based on its CalEnviroScreen cannot be listed or considered under this Chapter as a comparable mobilehome park unless it is demonstrated, through clear and convincing

evidence, that the conditions in the census tract, upon which the designation is based, do not occur in the section of the census tract in which the mobilehome park is located.

Subsection (a)(3) of Section 9.82.040 “Required Findings of Approval” then enforces this requirement by requiring a finding that there are sufficient available spaces or mobilehomes for sale in comparable mobilehome parks that meet that definition, ensuring that the mobilehome owners will not be relocated into mobilehome parks that have been designated “disadvantaged communities” by Cal EPA:

“(2) That the Conversion Impact Report and the Relocation and Replacement Plan have demonstrated that a sufficient number of spaces, or adequate mobilehomes for sale, are available for the displaced homeowners to relocate into that are located in comparable mobilehome parks. In making that determination, the adequate mobilehomes and comparable mobilehome parks relied on must strictly meet the definitions in Section 9.82.015 of this Chapter.

It also should be noted that proposed subsection (k)(3) of Section 9.82.15 requires the available mobilehome spaces or mobilehomes for sale to be in parks that are within a reasonable distance from the park proposed for conversion or closure:

“It must be located in Sonoma County, Napa County, or within twenty (20) miles of the mobilehome park proposed to be converted or closed.”

5. Same as Sonoma’s Current ordinance, Section 9.82.025 of the Proposed Ordinance requires the Conversion Impact Report to be Prepared by a Consultant Selected by the City and Paid for by the Park Owner

Some mobilehome park conversion and closure ordinances require the park owner to select and direct the consultant to prepare the required Conversion Impact Report. However, this usually results in a biased report favoring the park owner’s financial interests since the consultants will want to get retained by other park owners to prepare their future park conversion or closure. Conversion Impact Reports:

“Some ordinances provide that the park owner shall prepare the impact analysis and relocation plan. A conflict of interest is inherent in this approach, which leaves the home owners with the legal, political, and financial burden of rebutting a plan that likely will be most favorable to the park owner. Other ordinances provide that the city shall select the consultant and/or the appraiser to prepare the relocation impact report and appraisals of the in-place value of the mobile homes.” [*See* Baar, Protections of (Im)mobile Home Owners from the Consequences of (Im)mobile Home Park Closures 128 Penn State Law Rev. 779 at p 808 (2024)]

To avoid this potential bias and the extensive time and cost needed to analyze and respond to it, subsection (A) of Section 9.82.025 of the proposed ordinance retains Sonoma's current ordinance's procedure of the City selecting the consultant to prepare the conversion impact report.

D. The proposed ordinance prevents park owners from undertaking early “sham closures,” to close the parks without submitting an application for the development intended to replace their parks.

Some park owners have sought early closure approval for the park, rather than submitting an application for conversion approval currently with one for development approval for the park's intended new use. There are various reasons for doing this. For example, sometimes, it is done to coerce the homeowners into accepting a rent increase, which the park owner would be unable to obtain under the local mobilehome park rent control ordinance or state law.

Under applicable case law, a park owner can be prohibited from simply closing their park, unless they can demonstrate that they cannot continue to make a fair return operating it as a rental mobilehome park (*See Nash v. City of Santa Monica* 37 Cal.3d 97 (1984)). To prevent park owners from closing their parks prior to filing a concurrent applications for their intended new uses subsection (b) of section 9.82.040 of the proposed ordinance, requires them to meet the criteria articulated in Nash for going out of business on a rental property which will cause a loss of affordable housing:

(b) Additional Finding Required for the Closure of a Mobilehome Park When Approval of the Park's Conversion to Another Use Is Not Concurrently Being Requested. That the Park Owner has filed a certificate, signed under penalty of perjury, attesting that the Park Owner is not seeking an early closure of the Park in order to avoid any of the requirements of this Chapter or of controlling State or Federal law that regulate the conversion of Mobilehome Parks to other uses and that they cannot continue to operate park as a rental mobilehome park until a new use is decided upon for the property. The certificate must state specifically articulable facts, which are supported by appropriate documentary or other evidence, that must meet the Park Owner's burden of demonstrating that the circumstances described in it do in fact exist and require the closure of the Park prior to the submission of an application for approval of a Tentative or Parcel Map, conditional use permit, zoning change, development agreement, other development permit or any other required permit for the change of use of a Mobilehome Park within the meaning of Civil Code Section 798.56(g)(2). To meet this burden, it must demonstrate that, for reasons not caused by or contributed to by the Park Owner, the property cannot continue to be operated as a rental Mobilehome Park until the time that the Park Owner is ready to either file a permit for change of use or to sell the Park, while also making the Park Owner a fair return on their investment in the Mobilehome Park during that time period.

D. SECTION 9.82.050 OF THE PROPOSED ORDINANCE: THE REQUIRED EXEMPTION SECTION.

A mobilehome park conversion or closure ordinance cannot allow for the disapproval of an application to convert or close a mobilehome park unless it permits the park owner to close their park, without meeting the mitigation requirements of the ordinance, if the park owner is able to demonstrate both that being required to continue to operate their park as rental mobilehome park or to meet its mitigation requirements would eliminate substantially all reasonable use and economic value of the property. (*See Nash v. City of Santa Monica* 37 Cal.3d 97 (1984))

In *Nash*, the California Supreme Court upheld the City of Santa Monica's apartment rent control ordinance, which did not allow rental apartments containing low-income affordable rentals to go out of business unless they were able to demonstrate that they could not make a fair return by continuing their rentals. The State Legislature responded to the *Nash* decision by passing the Ellis Act, which now prohibits local jurisdictions from preventing landlords from going out of business. However, it does not apply to the rental of mobilehome spaces in mobilehome parks because it only applies to residential rentals that are in detached physical structures and mobilehome spaces are not detached physical structures. (*See* subsection (a) and (b)(1) of Government Code Section 7060).

Accordingly, Section 9.82.050 of the proposed ordinance allows a park owner to obtain an exemption from meeting all or part of the proposed ordinance's displaced mobilehome owner replacement and relocation assistance if complying with them would eliminate substantially all reasonable use and economic value of the park property and the continued use of the property as a rental mobilehome park would also eliminate substantially all reasonable use in economic value of the property.

The proposed ordinance is exemption provision, also allows a park to be closed without meeting the ordinance's provisions, if required to do so by a bankruptcy court.

These exemption requirements are also contained in the mobilehome park conversion and closure ordinances of Culver City, Fremont, Hayward, Huntington Beach, Milpitas, Palo Alto, San Leandro, Santa Barbara County and Watsonville.

**AUGUST 5, 2025 -DRAFT PROPOSED CITY OF SONOMA MOBILEHOME PARK
CONVERSION AND CLOSURE ORDINANCE**

Sections:

9.82.010 Findings and Purpose.

9.82.015 Definitions.

9.82.020 Application for a conditional special use permit for conversion or closure.

9.82.025 Conversion impact report.

9.82.030 Displaced homeowner housing replacement and relocation plan and counselor.

9.82.035 Procedures for review of the application for conversion or closure and the relocation impact report.

9.82.040 Required Findings of Approval

9.82.045 Conditional approval of a special use permit for conversion or closure.

9.82.050 Exemption from any of the mitigation benefits required to be in the displaced homeowner housing replacement by Section 9.82.030 or from any findings of approval required by Section 9.82.040.

9.82.055 Acceptance and performance of mitigation measures.

9.82.060 -Subsequent modification of the mitigation measures.

9.82.065 Expiration extension and revocation of special use permit.

9.82.070 Measures to prevent interference with mobile home owners' access to their rights.

9.82.075 Preemption

9.82.010 Findings and Purpose

(a) Findings.

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

"One of the best-performing investments since last decade's housing crash: trailer parks... It is as if apartment owners didn't have to maintain or pay taxes on their buildings but still collected rent from those who lived inside... Even if residents can afford to move their homes, there aren't many places to plop an old double-wide. Plans for new parks usually meet local resistance. The right zoning is hard to find. Meanwhile, demand for

manufactured homes has been stoked by retiring baby boomers, millennials with a taste for minimal living and prices for site-built single-family houses that have risen beyond the reach of many Americans... A who's who of big investors has joined the trailer-park hunt, boosting competition for facilities. Buyers have included pensions, sovereign-wealth funds and private equity firms." (See Ryan Dezember, Investors Discover There's Gold in the Mobile-Home Park, WALL ST. J., Feb. 26, 2020, at B1–B2, <https://perma.cc/KZ34-L6XV> cited in Baar, Protections of (Im)mobilehome Owners from the Consequences of (Im)mobilehome Park Closures 128 Penn State Law Rev. 779 (2024))

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

Although investments in mobilehome parks are highly profitable, in recent decades, as urban areas densify and alternate land uses, such as condominium projects, commercial centers, or high-end subdivisions, become more profitable, mobilehome park closures have become widespread and are now becoming a national concern. When a mobilehome park closes, it usually wipes out the mobilehome owner's entire investment in their mobilehome and displaces the mobilehome owner. Park closures are a large problem, as appellate courts have noted for decades, because of the "captive" nature of mobilehome park tenancies and the role of public regulations in severely limiting the possible locations of mobilehome. As a practical matter, after they are moved from the factory and installed on a plot of land, "mobile" homes cannot be relocated. Generally, they are only sold in place, an unavailable option when a park closes. (See Baar, Protections of (Im)mobilehome Owners from the Consequences of (Im)mobilehome Park Closures 128 Penn State Law Rev. 779 (2024))

- (3) The protection of the City's mobilehome owners, and their substantial investments in their mobilehomes and their spaces, which, in the aggregate, usually exceed the investments of their park owners in their mobilehome parks and warrants special regulatory safeguards to protect these homeowners, their affordable housing and their substantial and captive investments in their homes, which they would lose in the event the park that they are located in closes or converts to another use.

- (4) Prior to approving a mobilehome park conversion or closure, Government Code Section 65863.7(e)(1)(B) requires that the City make a finding as to whether the mobilehome park closure and its conversion to its intended new use will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households within the City but it does not state what the City should do if that finding determines that it will create or materially contribute to such a shortage. However, Government Code Section 65863.7(k) states that its provisions are minimum required standards but that it allows the City to adopt more stringent requirements in this Chapter. AB 2782's legislative history specifically states that these

allowable more stringent local requirements include a more stringent standard on its requirement that the City must make a finding on whether or not a park closure or conversion will result in a loss of affordable housing:

“AB 2782 requires local agencies to adopt this bill’s requirements as a minimum standard for regulating mobilehome park changes of use, including a requirement that local agencies make a finding that a proposed change of use does or does not lead to a loss of low- or moderate-income housing, but allows them to adopt more stringent requirements if they so desire.” (See ¶ 1 p.5 Analysis of the Senate Rules Committee, Office of Senate Floor Analysis, Third Reading, AB 2782, Amended: 8/25/20 in the Senate)

(5) The California Legislature and State Supreme Court have declared that the availability of housing is a vital priority of statewide importance of the highest order and that it requires the involvement of local government to ensure that the continued availability of housing affordable to low- and moderate-income households is provided:

The Legislature, as part of the housing elements law (Gov. Code, " 65580-65589.8), has declared that the "availability of housing is of vital statewide importance," and "decent housing and a suitable living environment for every Californian . . . is a priority of the highest order." (Id., ' 65580, subd. (a).) Further, "[t]he provision of housing affordable to low- and moderate-income households requires the cooperation of all levels of government." (Id., subd. (c).) Each local government therefore is required to adopt a "housing element" as a component of its general plan. (Id., ' 65581, subd. (b))." (Id., ' 65583.) See *Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles* (2012) 55 Cal.4th 783, 798.

(6) To facilitate the achievement of this statewide priority, Government Code Section 65583, which is a provision of California’s Housing Elements Law, requires the City’s Housing Element to contain goals, policies and objectives of preserving the City’s current low- income affordable housing stock. Subsection (c)(4) of Government Code Section 65583 further requires the City to establish programs to conserve the existing affordable housing stock, which has been interpreted by the courts to require programs that will preserve the continued availability and affordability of the current low- and moderate- income affordable housing stock located in a community’s manufactured home parks. *See Buena Vista Gardens Apartments Assn. v. City of San Diego Planning Dept.* (1985) 175 Cal.App.3d 289, 303.(7)

(7) To fulfill the above mandates of California’s Housing Element Law, the City’s Housing Element contains the following:

- (i) Goal H-1: “Provide a range of housing types affordable to all income levels, allowing those who work in Sonoma to also live in the community.
- (ii) Goal H-2: Improve housing affordability for both renters and homeowners in Sonoma.

(iii) Goal H-3: Maintain and enhance the existing housing stock, preserve the affordable housing stock.

(iv) Policy H-3.6: Support the preservation of mobilehome parks as an important source of affordable housing.

(v) A 2023-2031 Objective (*to the Housing Element's Program 11: Tenant and Resident Protections*) of:

“Continue to enforce the mobilehome park rent stabilization and conversion ordinances to preserve the affordability and long-term use of mobilehome parks in Sonoma.

“Update Chapter 9.92 of the Municipal Code by December 20234 to reflect the requirements of State law, including AB 2782 changes to Civil Code Section 798.17 (rental agreement requirements) Civil Code Section 798.56 (tenancy termination standards), and Government Code Sections 65863.7 and 66427.4 provisions regarding conversion or closure of a mobilehome park.

Adoption of additional tenant protection requirements to reduce displacement.”

(vi) Program 22 Fair Housing Program Action Item “11. Tenant and Resident Protections” of: Reduce displacement of lower-income households and mobilehome park residents through prohibiting unjust evictions and excessive rent increases and requiring projects that would convert mobilehome parks to provide protections for residents, including adequate notice and relocation assistance, in order to promote the preservation of affordable units throughout the City.

(vi) Him 2023- 2031 Quantified Objective of conserving the availability and continued affordability of 339 low and moderate-income affordable housing units located in the City’s mobilehome parks, including 171 units that are affordable to low and below-income households.

(8) Sonoma’s 2023 – 2031 Housing Element states that the City is currently suffering a severe shortage of low- and moderate-income affordable housing. It shows that in 2017, 46.9% of the City’s renter - households (*910 of 1,940 renter -households*) were low- income (*less than 80% of the median income*) and stated that “the high incidence of lower income renter households is of particular significance as market rents in the City exceed the level of affordability for lower income households.” (See City of Sonoma 2023 -2031 Housing Element p. HBR-8). It states that 56.7% of the City’s renter-households (*1,100 of 1,940 renter households*) were considered to be “overpaying” for their housing, with a majority of that group “severely overpaying for housing. Id. It also states that 23.9% of the City’s owner - households were lower income and that 905 of those households were “overpaying” for their housing (HBR 9 -10).

(9) Sonoma's 2023 – 2031 Housing Element states that the median price for a home in the City of Sonoma in 2021 was \$850,000.00, but the affordable purchase price for a home for low-income households in the City was \$243,425 for a one - person household and \$367,612 for a five - person household; that very low-income households could only afford to purchase a home costing \$152,069 for a one person household and \$212,881 for a five - person household, and that extremely low-income households could only afford to purchase a home for \$90,276 for a one - person household and \$126,798.00 for a five (5) person household.

(10) The City of Sonoma has 488 mobilehomes and their spaces, constituting 8.5% percent of the City's total 5,725 housing units and a considerably higher portion of the housing units that are affordable to low- and moderate-income households. The Housing Element states that the median value of a mobilehome in Sonoma County in 2019 was \$152,200. It states that there are three rent-controlled mobilehome parks in the City, with Moon Valley Mobilehome Park's 247 spaces having a rent range from \$698 to \$1,436 and Pueblo Serena Mobilehome Park's spaces having a median rent of \$700.60. "The Housing Element then concludes that "mobilehomes offer a more affordable option for those interested in homeownership."

(11) The mobilehomes in the City's mobilehome parks are predominantly owner-occupied. Mobilehome owners make substantial investments in purchasing their mobilehomes and improving their homes' spaces, but they rent those spaces from their park owners. Their mobilehomes are difficult to relocate to spaces in other mobilehome parks because of the costs of moving to spaces in other mobilehome parks. Additionally, most mobilehome parks will not accept displaced mobilehomes since a park owner can, instead, install a new mobilehome on any space that becomes empty, sell it onsite for a profit, and then continue to collect space rent from the new mobilehome owner. Almost all of the remaining mobilehome parks that are willing to accept displaced mobilehomes will not accept mobilehomes that are more than five (5) or ten (10) years old.

(12) Mobilehome owners have made substantial investments in their mobilehomes and spaces that will be lost if they cannot continue their tenancies in the mobilehome park where their mobilehomes are located. Courts have recognized that this unique economic relationship creates a heightened need to provide special protection for the investments of mobilehome owners.

(13) Courts have acknowledged the above-described exceptional circumstances of mobilehome owners, noting that mobilehome owners make significant investments in their homes and spaces.

The U.S. Supreme Court stated:

"The term 'mobilehome' is somewhat misleading. Mobilehome s are largely immobile as a practical matter, because the cost of moving one is often a significant fraction of the value of the mobilehome itself. They are generally placed permanently in parks; once in place, only about 1 in every 100 mobilehomes is ever moved. [Citation.] A mobilehome owner typically rents a plot of land, called a 'pad,' from the owner of a mobilehome park. The park owner provides private roads within the park, common facilities such as washing machines or a swimming pool, and often utilities. The mobilehome owner often

invests in site-specific improvements such as a driveway, steps, walkways, porches, or landscaping. When the mobilehome owner wishes to move, the mobilehome is usually sold in place, and the purchaser continues to rent the pad on which the mobilehome is located.” (Yee v. Escondido (1992) 503 U.S. 519, 523.)

Subsequently, the California Supreme Court stated:

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

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

(b) Purposes.

(1) To carry out and supplement the provisions of State law, which require the City to ensure that a proposed mobilehome park conversion or closure is consistent with the City’s General Plan, particularly with its Housing Element, and that the closure or conversion of a mobilehome park will not result in or materially contribute to a shortage of housing opportunities and choices for the City’s low- and moderate-income households. It is also the intent of this chapter to ensure compliance with the provisions of Government Code Section 65863.7, which address the need for park owners to provide their displaced mobilehome owners with adequate mitigation benefits to enable them to obtain adequate housing in other mobilehome parks in the event a park owner seeks to convert, close, or cease to use it as a mobilehome park.

(2) To ensure that the closure of a mobilehome park and its conversion to another use is consistent with the City’s Housing Element.

(6) To provide clear and nonarbitrary directions and the requirements that park owners who desire to close or convert their mobilehome parks can follow.

(4) To ensure compliance with Government Code Section 65863.7(e)(1)(B)’s requirement that the City must determine whether or not the approval of a conversion or closure of a mobilehome park will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households. To effectuate Government Code Section 65683.7(k)’s

authorization for the City to enact more stringent regulations, by providing the City with the authority to reject the closure or conversion of a mobilehome park if it is determined that the approval will result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households to such an extent that its approval would be inconsistent with the City's Housing Element's Goals, Policies and Objectives of preserving the low- and moderate – income affordable housing located in the City's mobilehome parks.

(5) To provide procedures and standards for assessing the adverse impacts of a mobilehome park conversion or closure on the displaced mobilehome owners and to determine appropriate mitigation assistance to enable them to find and obtain adequate replacement housing in other mobilehome parks pursuant to Government Code Section 65863.7, the City's police powers, and the provisions of this chapter.

(6) To ensure that the mobilehome owners who will be displaced by a conversion or closure of their mobilehome park will receive adequate mitigation benefits to offset the impacts of their park owner's decision to close or convert a mobilehome park.

9.82.015 Definitions.

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

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

(c) **"Very low-income households"** means persons and households who meet the definition for "very low-income households" in Health and Safety Code Section 50105.

(d) **"Extremely low-income households"** means persons and households who meet the definition for "very low-income households" in Health and Safety Code Section 50106.

(e) **"Moderate-income households"** means persons and households who meet the definition of "persons and families of moderate income" as defined in Health and Safety Code Section 50093(b).

(f) **"Conversion project"** (also referred to as the "project") means the entire administrative review and approval process of a proposed mobilehome park conversion or closure, including the administrative review and approval of closing the park and its redevelopment into its intended new use, inclusive of the entire administrative process of obtaining all of the required permits and other local approvals necessary to close the park and convert it to its intended new use, beginning with any preliminary reviews, which may be required to identify the scope of the

project and inform the park owner of all of the required permits necessary to complete the project through the approval of its intended new use. Included within a conversion project is the City's review, evaluation and approval of the project's special use permit for conversion or closure, relocation impact report, tentative map, development project permit and all other development approvals necessary to complete the project of closing and converting the park to its intended new use, regardless of the time at which any of the required approval applications are filed and inclusive of any required planning approvals that have not been filed at any point in time after the initiation project that must be filed and approved of to complete the project.

(g) "Homeowner" means the owner(s) of a mobilehome who is renting a space in a park from the park owner, and a "displaced homeowner" is a homeowner whose mobilehome has been or will be displaced by the conversion or closure of the park in which their home is located.

(h) "Mobilehome" means a structure that is designed for human habitation and is transportable in one (1) or more sections on a street or highway, whether commonly referred to as a manufactured home or a mobile home, including both a manufactured home as defined in the California Health and Safety Code Section 18007 and a mobilehome as defined in California Health and Safety Code Section 18008. "Mobilehome" also includes a residence commonly known as a "travel trailer," "recreational vehicle," "camping trailer," "motor home," "sliding camper," "park trailer" or a "park model recreational vehicle" which occupies a space in a park.

(i) "Adequate mobilehome" means an available mobilehome which meets all of the following criteria:

(aa) Decent, safe, and sanitary and located in a mobilehome park that is decent, safe, and sanitary.

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

(j) "Mobilehome park" (also referred to as a "park") means an area of land where four (4) or more mobilehome spaces are rented out, or held out for rent, to accommodate a mobile home, as defined in subsection (h) of this section.

(k) "Comparable mobilehome park" is one that meets all of the following requirements:

(1) It must be substantially similar to the mobilehome park proposed to be converted or closed in terms of its rent, amenities, proximity to services, proximity to the homeowner's place of employment, its overall condition, and quality, including the condition and quality of its infrastructure.

(2) Its California Environmental Protection Agency's "CalEnviroScreen" score must not be higher than the score of the census tract in which the mobilehome park proposed for conversion or closure is located.

(3) It must be in Sonoma County, Napa County, or within twenty (20) miles of the mobilehome park proposed to be converted or closed.

(4) A mobilehome park that is located in a census tract that has been designated by the California Department of Environmental Protection as a “disadvantaged community” based on its CalEnviroScreen cannot be listed or considered under this Chapter as a comparable mobilehome park unless it is demonstrated, through clear and convincing evidence, that the conditions in the census tract, upon which the designation is based, do not occur in the section of the census tract in which the mobilehome park is located.

(l) “Mobilehome space” (or “space”) means an area bounded, numbered, and designated as required by 25 California Code of Regulations Section 1104 and occupied by one (1), and only one (1), mobilehome, as defined in subsection (h) of this section, or any other area commonly known to be used as a space for a mobile home in a mobilehome park.

(m) “Park owner” means the owner or lessor of a park, the designated agent of the park owner or a developer who is in the process of obtaining a park from the park owner in order to close and convert it to a different use, who has filed and is seeking approval of the special use permit for conversion or closure.

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

(o) “Displaced homeowner housing replacement and relocation plan” (also referred to as the “replacement and relocation plan”) means the plan that is required to be filed by the park owner and approved by the City, under Section 11-4.150(a) and by Government Code Section 65863.7(a)(1).

(p) “Community Development Department Director” (also referred to as “Director”) means the Director of the City of Sonoma Department of Community Development or their designee.

9.82.020 Application for a conditional special use permit for conversion or closure.

(a) Until a special use permit for conversion or closure has been approved by the City Council pursuant to this chapter, a park owner shall not convert a mobilehome park to any other use, close a mobilehome park, or cease to use the land as a mobilehome park, and no building permit shall be issued and no application for approval of a development agreement, a tentative or parcel subdivision map, conditional special use permit or other development permit shall be approved on a property occupied by a mobilehome park for uses other than those associated with the mobile home park use unless a special use permit for conversion or closure has, pursuant to this chapter, been approved by the City Council.

(b) A special use permit for conversion or closure is a required local government permit for a change of use under Civil Code Section 798.56(g)(2).

(c) An application for a special use permit for conversion or closure shall be submitted to the Community Development Department Director, with the filing fee prescribed by resolution of the City Council. The Director shall determine what information must be included in the application and prepare an application form.

(d) Upon receipt of an application for special use permit for conversion or closure, the filing fee required by subsection (c) of this section, and all other supporting documents, reports, and applications required by this chapter to be filed concurrently therewith, the Community Development Department Director shall determine whether the filing is deemed complete.

(e) The application for a special use permit for conversion or closure is to be considered concurrently with the required development permit(s) or approval(s) for the new intended use of the mobile home park proposed for conversion or closure.

(1) If the eventual new use of the conversion or closure of the mobilehome park is a development that requires a tentative tract or parcel map approval, under Government Code Section 66427.4, the application for a special use permit for conversion or closure must be decided upon as part of the development's tentative map application. This requirement must be complied with even if the park owner is not ready to file an application for tentative map approval under Government Code Section 66427.4. In such instances, the park owner must wait to file the project's application for a special use permit for conversion or closure until they file their application for tentative map approval for the development that will be replacing the mobilehome park. The City Council shall be the final decision-maker on the special use permit for conversion or closure.

(2) If the park owner will not be required to obtain a tentative tract or parcel map approval for the development that will be replacing the mobile home park, under Government Code Section 66427.4 but will require approval of a development agreement, a development permit, zoning change, or any other planning department application, then the application for a special use permit for conversion or closure, required by this chapter, shall be filed and considered, concurrently with, and decided upon as part of the development's planning department application approval. The City Council shall be the final decision maker on the special use permit for conversion or closure.

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

(1) At least thirty (30) days prior to the date of filing an application for a special use permit for conversion or closure under this section, the park owner shall give written notice of its intention to convert or close the mobilehome park to all homeowners in their

park with proof of service. At the same time, a copy of the notice and proof of service must be provided to the City. The notice shall also be posted on all entrances of the park and on the doors, and bulletin boards in the park's clubhouse. The same written notice shall be provided to all prospective new homeowners who intend to purchase a mobilehome in the park as soon as they contact the park owner about purchasing a mobilehome in the park or apply for approval to reside in the park for the rental of a space in the park and at least five (5) days prior to their payment of any space rent or deposit.

(2) Upon receiving, under Section 9.82.025(c), a deemed complete copy of the conversion impact report required by that section from the Director, the park owner shall reproduce and provide free copies of it to each mobilehome owner in the affected park at least forty-five (45) days prior to the hearing on the application for special use permit for conversion or closure, the relocation impact report and any associated applications and reports required under this chapter. A certified list of the names and addresses of the homeowners who received the relocation impact report must be filed with the Director two (2) days prior to the hearing and signed under penalty of perjury.

(3) At least thirty (30) days before the hearing on the application for a special use permit for conversion or closure, the park owner shall conduct an informational meeting with the homeowners regarding the proposed park conversion or closure. The meeting shall be conducted on the premises of the park or other location acceptable to the City. At least seven (7) days before the meeting, written notice of the meeting shall be provided to all homeowners in the park with proof of service. A copy of the notice shall be provided to the City. The notice shall also be posted on all entrances of the park and on the doors, and bulletin boards in the park's clubhouse. A City representative and the relocation counselor, as described in Section 9.82.030 shall attend the meeting.

9.82.025 Conversion Impact Report.

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

(1) The relocation impact report shall: (i) describe the impacts of the proposed conversion on the displaced homeowners' abilities to find and obtain adequate housing in comparable mobilehome parks; (ii) analyze any other significant economic and social

impacts on the displaced homeowners; (iii) indicate if the park contains any of the City's low- or moderate-income affordable housing stock; (iv) analyze the proposed closure's consistency with the City's Housing Element; (v) determine whether the proposed conversion will result in or materially contribute to a shortage of low- and moderate-income affordable housing within the City.

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

- (i) A description of the proposed new use of the park property. If the proposed new use includes a housing component, then the description shall disclose the number and types of the housing units being proposed by size and the estimated offering sales prices or monthly rents and other charges for each proposed housing unit.
- (ii) A proposed timetable for the closure of the park.
- (iii) A legal description of the park.
- (iv) The number of spaces in the park.
- (v) Information about the mobilehome owners and the mobilehomes in the park. The consultant shall mail a questionnaire to each mobilehome owner in the park seeking the following information and then include the responses in the relocation impact report:
 - (aa) The size, number of bedrooms and bathrooms, manufacturer and date of manufacture of the mobile home on the space.
 - (ab) The number of occupants of the mobilehome and their length of residency in the park, their ages, and if any are attending school.
 - (ac) The total monthly space rent currently charged for each space with details showing the space rent, utility charges, and any other costs paid by the homeowner.
 - (ad) The annual income of each of the households.
 - (ae) The current homeowner's mobilehome's purchase price and date of purchase.
 - (af) The estimated costs of any improvements that the current homeowner has made to the mobilehome, including, but not limited to, patios, porches, pop-out rooms, and any recent major improvements to the home, including, but not limited to, a new roof or new siding.
 - (ag) A description of any handicap, disability, or special need of any of the homeowners or members of their households.
 - (ah) Other information that the Director deems relevant.

- (vi) The “in-place” value that each of the mobilehomes in the park would have if the park were not being closed, assuming the park’s continued safe, sanitary, and well-maintained condition. The value shall be determined by appraisals by a qualified appraiser chosen by the Director. The park owner shall pay for the cost of the appraisals.
- (vii) The date of purchase and price paid for the park by the current park owner, the date and price of any subsequent capital improvements to the park and the price paid by the prior owner of the park and date of purchase.
- (viii) An appraisal of the park, including its (aa) value if it is continued in its use as a rental mobile home park, (ab) value if it is used for the highest and best special use permitted by the current zoning for the site, and (ac) value if the new zoning requested by the park owner is approved. The City shall select the appraiser. The fee for the appraisal shall be paid by the park owner.
- (ix) A summary statement containing information on the park owner’s total investment in the park with the homeowners’ total investments in their mobilehome and their spaces in the park, presented in real dollars and current dollars adjusted for inflation.
- (x) The estimated cost of relocating into an adequate mobilehome located in comparable mobile home parks, including the purchase prices of those homes and the costs of moving into them, such as the required first and last month’s rent and security deposits.
- (xi) A list of comparable mobilehome parks, including their space rents, their residency requirements (e.g., income-to-monthly housing costs residency approval ratio, age restrictions, pet policy), whether the listed parks have any vacant spaces, and any restrictions on the age, size, type and condition of the mobilehomes that the parks will accept.
- (xii) Estimates from two (2) moving companies selected by the City and qualified to move mobile homes of the cost of moving each mobilehome in the park, including the costs of permits and of tearing down and setting up the home at the new location including the cost of any upgrades to comply with applicable building, plumbing, electrical and health and safety codes and the cost of moving any improvements, including, but not limited to, patios, porches and pop-out rooms.
- (xiii) The rental rates in the park being proposed for conversion or closure for each of the three (3) years prior to filing the application for a special use permit for conversion.
- (xiv) The number, if any, of the mobilehomes located in the park that are occupied by, or affordable to, households in each of the housing affordability

categories of low-, very low-, extremely low- or moderate-income, as defined in Health and Safety Code Sections 50079.5, 50105, 50106 and 50093(b), that will be eliminated by the park's conversion or closure. If there are any such households, then the relocation impact report shall analyze whether or not the development replacing the park will contain housing that is affordable to those households in the above income categories.

(xv) Proposed displaced homeowner mitigation benefits, which shall be determined on an application-by-application basis with regard to the facts and circumstances of the application. Mitigation benefits may include, but are not limited to, all of the following benefits that are reasonably necessary to fully mitigate the adverse impacts of the park's conversion or closure on the ability of the displaced homeowners to obtain and relocate into adequate housing in other mobilehome parks; provided, that mitigation benefits shall not exceed the reasonable cost of relocation, as documented in the relocation impact report:

(aa) Payment of the cost of physically moving a displaced mobilehome to a new site, including the teardown and setup of the home and any movable improvements such as patios, carports, and porches, and packing, moving and unpacking all personal property.

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

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

(ad) Payment of a lump sum to compensate for payment of the first and last month's rent and any security deposit at the new mobilehome home park.

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

(af) For any of the homeowners' mobilehomes that cannot be relocated, the proposed mitigation benefits may include, but are not limited to: (1) payment of the appraised in-place market value of the displaced homeowner's mobilehome pursuant to Government Code Section 65863.7(a)(2)(A); (2) the option of lump sum payments to those homeowners in an amount that will enable them to purchase and relocate into adequate mobilehomes that are located in comparable mobilehome parks.

(af1) If the appraised value is insufficient to allow a displaced homeowner to purchase an adequate mobilehome in a comparable mobilehome park, then the proposed mitigation benefits may include a supplemental payment to enable them to cover the reasonable cost of purchasing an actually available adequate mobilehome located in a comparable mobilehome park.

(af2) If there is a legal owner of any displaced homeowner's current mobilehome, then the lump sum payment shall be sufficient to satisfy the remaining obligation owed by the homeowner to the legal owner under the homeowner's mobilehome purchase loan and to reimburse the homeowner for their remaining invested equity in their mobilehome as demonstrated in the appraisal required by this section. If the homeowner is required to be paid the reasonable cost of purchasing an available adequate mobilehome that exceeds the appraised value of their current mobilehome, then the benefits, required to be listed under this subsection for them, shall be the aggregate of their remaining invested equity, after the payoff of their loan to their home's legal owner, and the difference between the appraised value of their current home and the actual purchase price of an available adequate mobile home.

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

(b) The displaced homeowner housing replacement and relocation plan required by Government Code Section 65863.7(a)(1) that complies with the requirements of Section 11-4.150 shall be prepared by the consultant as part of the relocation impact report, and it must be evaluated and approved, conditionally approved or disapproved concurrently with the relocation impact report and the application for a special use permit for conversion or closure.

(c) The Director shall review the relocation impact report and determine if it is complete in accordance with this section. Upon determining that the relocation impact report is complete, the Director shall issue a notification of the date of the public hearing on the application for special use permit for conversion or closure will be held. The Director shall also cause notice of the hearing to be sent to each mobilehome owner in the affected park at least forty-five (45) days prior to the hearing. At that time, the Director shall also provide a copy of the relocation impact report to the park owner and shall set the hearing date in conjunction with the timing of the park owner's reproduction and distribution of these documents required by Section 11-4.130(f)(2).

9.82.030 Displaced homeowner housing replacement and relocation plan and counselor.

(a) Pursuant to Government Code Section 65863.7(a)(1), the park owner shall file a replacement and relocation plan, which shall be prepared by the consultant, and is required to contain all of the following:

- (1) The amount and type of the mitigation benefits, which pursuant to Section 9.82.025 are required to be listed in the relocation impact report, that it proposes to be provided by the park owner to all of the homeowners, including whether those benefits are proposed to enable them to relocate into an available space in a comparable mobilehome park or to purchase and relocate into an available adequate mobilehome that is located in a comparable mobilehome park.
- (2) In cases in which the report proposes relocating mobilehomes into available spaces in other comparable mobilehome parks, the plan shall demonstrate that:
 - (i) The mobilehomes are physically capable of being relocated.
 - (ii) There are a sufficient number of available spaces in comparable mobilehome parks, which are willing to accept displaced mobilehomes and their owners, to accommodate all of the homeowners whom the relocation plan proposes to relocate in this manner.
 - (iii) The homeowners will be able to meet the income and other residency requirements of the parks where the spaces are located.
 - (iv) The displaced mobilehomes meet the age and other requirements for displaced mobilehomes that the mobilehome parks will allow to be relocated into their parks.
 - (v) The mitigation benefits, which the replacement and relocation plan proposes to be paid to the homeowners, will be sufficient to accomplish their proposed relocations.
- (3) For the homeowners whom the replacement and relocation plan proposes to relocate by providing benefits to enable them to purchase and relocate into adequate mobilehomes, which are located in comparable mobilehome parks, the plan shall demonstrate that:
 - (i) There are a sufficient number of adequate mobilehomes for sale in comparable mobilehome parks to accommodate all of the homeowners whom the plan proposes to relocate in this manner.
 - (ii) The homeowners will be able to meet the income and other residency requirements of the parks in which the adequate mobile homes are located.
 - (iii) The mitigation benefits, which the replacement and relocation plan proposes to be paid to the homeowners, will be sufficient to purchase the available mobilehomes and accomplish their proposed relocations.

(4) If there is a legal owner of a homeowner's current mobilehome and the relocation plan requires the homeowner to surrender it to the park owner in exchange for their proposed mitigation benefit payments, then the replacement and relocation plan shall provide for the appropriate amounts of their mitigation benefit payments to be divided and paid to both the homeowner and to the legal owner, as provided for in Section 9.82.025(a)(2)(xv)(af)(af2).

(b) Relocation Counselor. A relocation counselor, selected by the City and paid for by the park owner, shall provide information about the available housing resources and assist with the selection of suitable relocation alternatives. Acceptable alternatives include available adequate mobilehomes and comparable mobilehome spaces and, to the extent that they are acceptable to both the homeowner and the park owner, rental apartments and ownership housing units, both affordable and market-rate units. The relocation counselor shall be familiar with the region's housing market and qualified to assist the homeowners in evaluating, selecting, and securing placement in the replacement housing, and may assist with: arranging for the moving of all of the homeowner household's personal property and belongings to the replacement housing, providing financial advice on qualifying for various types of housing, explaining the range of housing alternatives available, and gathering and presenting information regarding available housing. The relocation counselor shall assist in preparing and implementing the replacement and relocation plan.

(c) Payment of Mitigation Benefits to the Homeowners. The mitigation benefits listed in an approved replacement and relocation plan shall be required as a condition of approval of a special use permit for conversion or closure, and shall be paid to the displaced homeowners in the following manner:

(1) As soon as the application of the special use permit for conversion or closure, relocation impact report, replacement and relocation plan, and related approvals required by this chapter have been approved by the City Council, the park owner shall promptly pay those benefits to the homeowner, to any former homeowner eligible for such benefits, or to any person, firm or corporation performing relocation-related services for the homeowner, as the homeowner may direct, but not less than ninety (90) days prior to the date that the homeowner is required to vacate the mobile home park.

(2) If the homeowner is required to surrender their mobilehome to the park owner in exchange for the lump sum relocation benefit provided in Section 9.82.025(a)(2)(xv)(af), then, in conjunction with receiving payment of their benefits, the homeowner and any legal owner of the mobile home shall be required to submit to the park owner all documents necessary to transfer complete title and ownership of the mobile home to the park owner, free and clear of all security interests, liens, or other encumbrances.

(3) The park owner may not, as a condition of being paid their benefits required by this chapter, require a homeowner to waive rights to appeal or otherwise challenge the adequacy of the relocation impact report, the displaced homeowner replacement housing

and relocation plan, the benefits approved of, the approval of the development replacing the park, or any related approvals or aspects of the conversion project.

9.82.035 Procedures for review of the application for conversion or closure and the relocation impact report.

- (a) When the application for a special use permit for conversion or closure and the relocation impact report have both been received from the park owner and the consultant and deemed complete by the Director, the Director shall set a time, date, and place for the hearing of the relocation impact report and related reports or applications required under this chapter by the City Council.
- (b) If the mobilehome owners in the park proposed to be converted or closed, provide written notification to the Director that they will be jointly represented at the hearing on the application for special use permit for conversion or closure and provide the name, telephone number and address of that representative, then, through that representative, the homeowners will be given equal time with the park owner in presentations in the hearing. If either side relies on the testimony of any expert witness(es), or if the City retains and relies on the testimony of an independent expert witness(es), then each side and the City have the right to cross-examine such witnesses. Each side has the right to be provided with any written materials relied upon by the expert witness(es) in their testimony or conclusions. Written submissions shall be provided to the opposing side and to the City at least fifteen (15) days prior to the scheduled date of the hearing.
- (c) The City Council shall, within sixty (60) days after the close of the public hearing, issue a decision on whether the special use permit for conversion or closure should be approved based upon the findings set forth in Section 9.82.040.
- (d) The decision of the City Council is final.

9.82.040 Required findings for approval.

(a) Findings Required for Approval of a Special Use Permit for the Conversion or Closure of a Mobile Home Park and of Its Relocation Impact Report. An application for the special use permit for conversion or closure required by this chapter and for the conversion impact report required by Government Code Section 65863.7 and by Section 9.82.025 may be approved only if the following findings are made:

- (1) That the displaced homeowner housing replacement and relocation plan meets all of the requirements of Section 9.82.030, including that it will provide all of the park's displaced homeowners with sufficient mitigation benefits to enable them to obtain and relocate into adequate housing in comparable mobilehome parks or into other housing to the extent that the other housing is agreed upon by the displaced homeowner and the park owner.
- (2) That the Conversion Impact Report and the Relocation and Replacement Plan have demonstrated that a sufficient number of spaces, or adequate mobilehomes for sale, are

available for the displaced homeowners to relocate into that are located in comparable mobilehome parks. In making that determination, the adequate mobilehomes and comparable mobilehome parks relied on must strictly meet the definitions in Section 9.82.015 of this Chapter.

(3) That the mitigation benefits, which are listed in the replacement and relocation plan to be provided to all of the displaced homeowners, have been listed as a condition of approval in the project's special use permit for conversion or closure, the relocation impact report, any required tentative map and in any of the project's other development approvals required for the development intended to replace the mobilehome park proposed to be converted or closed.

(4) That an adequate conversion impact report has been submitted to and approved by the City that complies with the provisions of Government Code Section 65863.7 and with the requirements of Section 9.82.025.

(5) That the proposed conversion or closure of all or part of the mobilehome park will not result in or materially contribute to a shortage of housing opportunities and choices for low- and moderate-income households to such an extent that it will cause it to be inconsistent with the City's Housing Element. In making this determination, the City shall take into consideration both the impact report as a whole and the overall housing availability within the City. The City may also consider whether or not, as part of the development plan approved of, an adequate number of replacement affordable housing units are being provided, either on or off-site of the mobilehome park proposed for conversion or closure, to, thereby, prevent it from causing or materially contributing to a shortage of low- and moderate- income affordable housing in the City. In such instances, the evaluation and findings shall consider the extent to which the affordability of the proposed replacement housing matches the affordability of housing that will be lost using the affordability categories defined in Health and Safety Code Sections 500795, 50105, 50106, and 50093(b) for low-income, very low-income, extremely low-income, and moderate-income households.

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

(b) Additional Finding Required for the Closure of a Mobilehome Park When Approval of the Park's Conversion to Another Use Is Not Concurrently Being Requested. That the Park Owner has filed a certificate, signed under penalty of perjury, attesting that the Park Owner is not seeking an early closure of the Park in order to avoid any of the requirements of this Chapter or of controlling State or Federal law that regulate the conversion of Manufactured Home Parks to other uses and that they cannot continue to operate park as a rental manufactured home park until a new use is decided upon for the property. The certificate must state specifically articulable facts, which are supported by appropriate documentary or other evidence, that must meet the Park Owner=s burden of demonstrating that the circumstances described in it do in fact exist and require the closure of the Park prior to the submission of an application for

approval of a Tentative or Parcel Map, conditional use permit, zoning change, development agreement, other development permit or any other required permit for the change of use of a Manufactured Home Park within the meaning of Civil Code Section 798.56(g)(2). To meet this burden, it must demonstrate that, for reasons not caused by or contributed to by the Park Owner, the property cannot continue to be operated as a rental Manufactured Home Park until the time that the Park Owner is ready to either file a permit for change of use or to sell the Park, while also making the Park Owner a fair return on their investment in the Manufactured Home Park during that time period.

(c) The findings required by any subsections of this section may be excused only if the park owner, pursuant to Section 9.82.050, files an application for exemption from the requirements of this subsection and if that exemption is granted pursuant to the provisions of Section 9.82.050

9.82.045 Conditional approval of a special use permit for conversion or closure.

The City may grant a conditional approval by attaching conditions of approval. The conditions must be sufficient to enable the displaced homeowners to obtain adequate mobilehomes or mobilehome spaces in other comparable mobilehome parks. Alternatively, the conditions may provide for other adequate replacement housing that both the homeowners and the park owner have agreed to. The conditions must also be sufficient to prevent the park conversion or closure from causing or materially contributing to a shortage of low- and moderate-income housing in the City, to such an extent that it would violate the City's Housing Element low-income housing preservation requirements. Such conditions may include, but are not limited to, the following:

(a) The mitigation benefits listed in the conversion impact report and the displaced homeowner housing replacement and relocation plan will be paid to every homeowner in the displaced homeowner replacement housing and relocation plan.

(b) Any other payment, provision, or measure that the City finds will mitigate the adverse impacts of a park's conversion or closure on the ability of the displaced homeowners to obtain adequate housing in another mobile home park.

982.050 Exemption from any of the mitigation benefits required to be in the displaced homeowner housing replacement by Section 9.82.030 or from any findings of approval required by Section 9.82.040.

(a) After receiving a relocation impact report, which has been deemed complete, a park owner may file an application for a partial or total exemption from the obligations to provide the displaced homeowner mitigation benefits required under Section 9.82.030 or from the obtaining the findings required by Section 9.82.040. Notice of such application, and proof of service thereon, with the information contained therein, shall be made on the mobile home owners of the park proposed to be converted or closed.

(b) Upon receiving an exemption application under this section, the Director shall determine if it is complete. The hearing date shall be held in conjunction with the hearing on the application for a special use permit for conversion or closure under this chapter. The Director shall determine if the employment of experts will be necessary or appropriate for a proper analysis of the

exemption application. If the Director so determines, they shall also determine the anticipated cost of employing any such experts. The resulting figure shall be communicated to the park owner. The exemption application and the application for a special use permit for conversion or closure shall not be further processed until the park owner has paid to the City the estimated cost of expert analysis. Any unused portion for payments so collected shall be refunded to the park owner.

(c) An exemption application shall be based on either of the following bases:

- (1) The current use of the park is not economically feasible, or that a requirement to provide displaced homeowner mitigation benefits or obtain the required findings would eliminate substantially all reasonable use or economic value of the property for alternate uses, or would otherwise result in a taking.
- (2) A court of competent jurisdiction has determined in connection with a bankruptcy proceeding that the closure or cessation of use of said property as a mobile home park is necessary and that such court has taken further action that would prohibit or preclude payment of relocation assistance benefits, in whole or in part.

(d) Any exemption application made pursuant to subsection (c)(1) of this section shall contain the following information:

- (1) Statements of profit and loss from the operation of the mobile home park for the most recent five (5) year period prior to the date of the application or request, as certified by a certified public accountant;
- (2) Evidence supporting the park owner's assertion that the continuing use of the property as a mobile home park is economically infeasible;
- (3) The estimated total cost of the displaced homeowner mitigation assistance or of obtaining a required finding;
- (4) Other information that the Director deems to be relevant in a review of the application.

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

(f) Where an exemption from having to provide displaced homeowner mitigation assistance or of obtaining a required finding has been applied for based upon the impact of providing such assistance, the City Council shall make one (1) of the following findings:

- (1) That the park owner shall not be exempt from the homeowner mitigation benefits obligations or of obtaining a required finding because substantial evidence has not shown that both of the following are true:

- (i) That the continued use of the property as a mobile home park would substantially eliminate all economically viable use of such property; and
 - (ii) That the cost of the displaced homeowner mitigation assistance benefits or of obtaining a required finding would eliminate substantially all economically viable use of the property, or would otherwise result in a taking.
- (2) That the park owner shall be exempt from the displaced homeowner mitigation benefits requirement or of obtaining a required finding, in whole or in part, because substantial evidence has shown that either or both of the following are true:
 - (i) That the continued use of the property as a mobile home park would substantially eliminate all reasonable use of such property; and
 - (ii) That the cost of the homeowner mitigation assistance benefits or of obtaining a required finding would eliminate substantially all reasonable use or economic value of the property, or would otherwise result in a taking.
- (3) In making findings on an exemption application under this section, the City Council may take into account the financial history of the mobilehome park; its condition and the condition of its amenities and improvements thereon; the cost of any necessary repairs, improvements or rehabilitation of such park; the estimated cost of the displaced homeowner mitigation assistance; or the cost of obtaining a required finding; the fair market value of the property for the proposed alternative use; the fair market value of the property for continued use as a mobile home park; and other relevant evidence.
- (g) Where an exemption from having to provide the displaced homeowner mitigation assistance benefits or from obtaining a required finding has been applied for based upon bankruptcy proceedings, pursuant to subsection (a) of this section, the Planning Commission shall make one (1) of the following findings:
 - (1) That the park owner shall be exempt from the displaced homeowner mitigation benefits requirement or from obtaining a required finding in whole or in part, if a court in connection with a proceeding in bankruptcy has determined that both that the closure or cessation of use of said property as a mobilehome park is necessary and has taken further action which would prohibit or preclude payment of such benefits, whether in whole or in part. In rendering its decision, the Planning Commission shall have the power to eliminate or waive all or portions of the requirements of this section to the extent necessary to comply with the court's judgment, order or decree.
 - (2) That the park owner shall not be exempt from the displaced homeowner mitigation assistance benefits requirement or from obtaining a required finding based upon any actions of a court of bankruptcy, because substantial evidence has not shown that any such court has ordered the closure or cessation of use of said property as a mobile home park, or that such court has prohibited or precluded the imposition of such obligations, or both.

(h) The approval of an exemption from the displaced homeowner mitigation assistance benefits requirement or from obtaining a required finding shall not have the effect of eliminating the requirements of the applicable portions of the special use permit for conversion or closure, the relocation impact report, the displaced homeowner mitigation requirements required by this chapter, which were not explicitly exempted under this section.

9.82.055 Acceptance and performance of mitigation measures.

(a) The park owner shall execute and record a certificate and file proof thereof with the Director, accepting the mitigation benefits imposed on the approval of a change of use or closure within ninety (90) days of the final action approving the change of use and shall give the homeowners the six (6) or twelve (12) month notice of the termination of tenancy and closure of the park required by Civil Code Section 798.56(g) within one hundred twenty (120) days of that action. An approval of a change of use shall automatically become null and void if the certificate accepting the conditions is not executed and filed within ninety (90) days of the date of the approval of the change of use or the notice of termination of tenancy has not been given within one hundred twenty (120) days of that resolution. All mitigation benefits imposed on the approval of conversion or closure shall be fully performed as to each homeowner prior to that homeowner's required vacation of the mobile home park unless otherwise provided in the mitigation measure. No eligible homeowner shall be required to vacate a space unless the park owner is in full compliance with all mitigation measures imposed pertaining to such homeowner and has otherwise fulfilled the notice requirements of this chapter and of the California Mobile Home Residency Law relating to termination of tenancy.

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

9.82.060 Subsequent modification of the mitigation measures.

After a special use permit for conversion or closure has been approved and after the park owner has executed and recorded a certificate of acceptance of its conditions, modification of the mitigation conditions imposed, including any additions and deletions, may be considered by the City upon the filing of a written application by the park owner, or the park owner's authorized representative. Modification may be granted if there has been a change in circumstances or new information has become available that could not reasonably have been known or considered at the time of the hearings on the special use permit for conversion or closure. Examples of such new information or changed circumstances include, but are not limited to, revised plans by the park owner or a change in the availability of relocation spaces or mobilehomes. Modification shall not be granted when it would unreasonably prejudice the ability of the homeowners to relocate to adequate mobile homes. All relevant substantive requirements, notice requirements to the homeowners, and the procedural and appeal conditions specified in this chapter shall be

followed to obtain Planning Commission approval of such an application to modify mitigation conditions under this section

9.82.065 Expiration, extension, and revocation of special use permit.

(a) Expiration. An approved special use permit shall become automatically null and void if the park's conversion has not occurred within twenty-four (24) months of its effective date unless that date has been extended as provided in this section.

(b) Extension. Upon application by the park owner filed with the Director on or before the date of expiration of the special use permit, or other required approval relating to the conversion or closure of the mobilehome park or the development replacing it, the approvals may be extended by the City Council, if the City Council finds that their termination would constitute an undue hardship to the park owner and that the continuation of their approval(s) would not be detrimental to or have any further adverse impact on the homeowners in the park. In approving an extension, the City Council may subject the applicable permit approval to any conditions of approval deemed necessary to mitigate any adverse impacts resulting from the extension. Multiple extensions may be granted, but no one (1) extension shall be issued for more than twelve (12) months.

(c) Revocation. The Council or the Planning Director may initiate proceedings to revoke the special use permit. The Planning Director shall give written notice of the hearing to the park owner and the homeowners at least thirty (30) days prior to the hearing. The City Council may, by resolution, revoke the applicable approvals if any of the following findings are made:

- (1) Approval was obtained by fraud, deceit or misrepresentation.
- (2) The park owner is either not currently or has not been in compliance with its conditions of approval contained or with the provisions of this chapter.
- (3) A revocation shall be effective fifteen (15) days after the date of the action by the City Council.

9.82.070 Measures to prevent interference with mobile and home owners' access to their rights.

(a) A park owner shall not require a homeowner to sign a waiver, lease or rental agreement if it includes a waiver of the homeowner's rights under this chapter, including but not limited to the right to receive the mitigation benefits approved of under this chapter or the right to oppose the special use permit application or to contest the adequacy of the related approvals for the project, including those necessary for the approval of the development that is intended to replace the park under this chapter. Any such waiver of rights shall be deemed to be invalid and void.

(b) If any application for a special use permit for conversion or closure is withdrawn or denied, the park owner shall immediately inform in writing all homeowners who were previously given notices or announcements regarding the proposed conversion or closure.

9.82.075 Preemption.

In the event any provisions of this chapter conflict with a provision of State law, this chapter shall be interpreted and applied in conformity with State law.