

**ORDINANCE NO. 4784**  
**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,**  
**STATE OF CALIFORNIA**

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**AN ORDINANCE ADDING CHAPTER 5.156 (MOBILEHOME PARK CHANGE OF USE) TO TITLE 5 (BUSINESS REGULATIONS) OF THE SAN MATEO COUNTY ORDINANCE CODE REGARDING CHANGES OF USE OF MOBILEHOME PARKS.**

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows:

**SECTION 1.** The Board of Supervisors of the County of San Mateo hereby finds and declares as follows:

**WHEREAS**, there are seven mobilehome parks located in the unincorporated County, which currently provide more than 750 spaces for mobile housing units; and

**WHEREAS**, many of the spaces in these mobilehome parks are occupied by low income families and seniors who own their mobilehomes; and

**WHEREAS**, many such units in these mobilehome parks cannot readily be moved to a new mobilehome park due to their physical condition, and, in any event, there are few local relocation options because most parks in the area will only accept new mobilehomes; and

**WHEREAS**, State law requires park owners to submit relocation impact reports to local governing bodies prior to conversion or closure of mobilehome parks, and authorizes governing bodies to impose conditions on the conversion or closure to mitigate adverse impacts of the conversion or closure, including the potential inability of displaced residents to find adequate replacement housing; and

**WHEREAS**, State law allows local governing bodies to adopt local procedures to implement these relocation impact requirements; and

**WHEREAS**, the County is currently experiencing an affordable housing crisis, with demand for such housing far outweighing the available supply, and with the Department of Housing and Urban Development (“HUD”) “Fair Market Rent” rate for a two-bedroom apartment in the County increasing from \$2,289 per month in 2016 to \$3,018 per month in 2017; and

**WHEREAS**, there have been a number of recent mobilehome park conversions or closures in cities within or near San Mateo County, and the market conditions that led to those conversions and closures create a high risk of similar

conversion or closure of mobilehome parks located within the unincorporated County;  
and

**WHEREAS**, such conversion or closure of mobilehome parks in the unincorporated area of the County would displace vulnerable residents of the County, including low-income families and seniors, and the risk of such displacement poses a current and immediate threat to the public health, safety or welfare; and

**WHEREAS**, the Board of Supervisors wishes to adopt local procedures for review of applications for conversion and closure of mobilehome parks and to attempt to mitigate any impact to the public health, safety, and welfare of such conversions and closures, to the extent permitted by State law; and

**WHEREAS**, this ordinance does not require review under the California Environmental Quality Act (Pub. Resources Code §§ 21000 *et seq.*, “CEQA”) pursuant to CEQA Guidelines section 15061(b)(3) and section 15378 because the ordinance requires notice and mitigation of social and financial impacts to residents of mobilehome parks prior to conversion to a different use, and there is no evidence that the ordinance could have any adverse effect on the environment.

**NOW, THEREFORE**, the Board of Supervisors of the County of San Mateo, State of California, ordains as follows:

**SECTION 2.** Chapter 5.156, consisting of Sections 5.156.010 through 5.156.140, is hereby added to Title 5 of the San Mateo County Ordinance Code, to read in its entirety as follows:

### **CHAPTER 5.156. MOBILEHOME PARK CHANGE OF USE**

#### **SECTION 5.156.010. Purpose.**

Mobilehome parks provide an important source of affordable housing in San Mateo County. The purpose of the Mobilehome Park Change of Use Ordinance is to provide residents with adequate notice and relocation assistance prior to conversion of a mobilehome park, pursuant to Government Code Sections 65863.7 and 66427.4.

#### **SECTION 5.156.020. Applicability.**

This Chapter applies to all applications for changes of use of mobilehome parks, as defined herein, including closure to end the business and closure to convert to another land use. This Chapter does not apply to the change in ownership structure of a mobilehome park from a rental park to resident ownership, pursuant to Government Code Sections 66427.5 and 66428.1.

#### **SECTION 5.156.030. Definitions.**

- (a) "Change of use" of a mobilehome park as used in this Chapter has the meaning set forth in Section 798.10 of the California Civil Code, and means the use of the 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, and does not mean the adoption, amendment, or repeal of a park rule or regulation. A "change of use" may affect an entire park or any portion thereof. "Change of use" includes, but is not limited to, a change of the park or any portion thereof to a condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the park are to be sold.
- (b) "Change of Use Permit" is the permit required to allow a change of use, as defined in this Chapter.
- (c) "Community Development Director" or "Director" means the director of the San Mateo County Planning and Building Department.
- (d) "Comparable housing" means housing that meets the minimum standards of the California Building Code, and that is similar to the subject mobilehome in terms of size, number of bedrooms and bathrooms, and other relevant factors such as location and proximity to the resident's place of employment, amenities, schools, and public transportation.
- (e) "Comparable mobilehome park" or "comparable park" means any other park similar to the subject park in terms of amenities, rent, and other relevant factors such as proximity to the resident's place of employment, amenities, schools, and public transportation.
- (f) "Department" means the San Mateo County Planning and Building Department.
- (g) "Eligible resident" means a mobilehome resident legally residing in a mobilehome park whose mobilehome was located in a mobilehome park on the date of issuance of a Notice of Intent to apply for a Change of Use Permit. Eligible resident includes the spouse, parents, children, and grandchildren of the legal resident when those persons legally resided in the unit on the date of the application.
- (h) "Mobilehome," as used in this Chapter, means those structures defined in Civil Code Section 798 *et seq.*, and other forms of vehicles designed or used for human habitation, including camping trailers, recreational vehicles, motorhomes, slide-in campers, or travel trailers, that may occupy a site in a mobilehome park.
- (i) "Mobilehome park" or "park" means an area of land where two or more mobilehome sites are held for rent.
- (j) "Mobilehome park closure" includes any closure, cessation, or change of use at of the park. A closure includes ceasing to rent mobilehome sites for human

habitation and displacement of mobilehome park residents, or when 25 percent or more of the mobilehome sites within a park become vacant.

- (k) "Mobilehome site" or "site" is an area within a park designated for occupancy by one mobilehome.
- (l) "Relocation Counselor" means the Department-approved individual or firm retained by the park owner, as required by this Chapter, to assist in the preparation of the Relocation Impact Report and to provide the support described herein to eligible residents. The relocation counselor shall be familiar with the region's housing market and qualified to assist residents to evaluate, select, and secure placement in replacement housing, to arrange the moving of all the household's personal property, and to render financial advice on qualifying for various housing types.
- (m) A "reasonable distance," unless otherwise defined more specifically herein, means that area within a thirty (30)-mile radius from the subject mobilehome park. At the discretion of the Community Development Director, "reasonable distance" may be increased to that area within a one hundred (100)-mile radius, as necessary under the circumstances.
- (n) "Relocation impact report" means a written report meeting the requirements of Ordinance Code Section 5.156.060 and that describes (1) the impacts of the change of use of the a mobilehome park on affected mobilehome owners and residents, and (2) the measures that will be taken to mitigate adverse impacts of such change of use on affected mobilehome owners and residents.

#### **SECTION 5.156.040. Pre-Application Process.**

Prior to submission of an application, as required by Section 5.156.050, an applicant for a Change of Use Permit shall engage in the pre-application process in order to identify issues specific to the application and the potentially affected community and to receive guidance regarding the park conversion requirements prior to beginning the application review process with the Department and the Planning Commission. The applicant must complete the following pre-application process tasks before an application for a Change of Use Permit will be deemed complete:

- (a) **Early Assistance Meeting.** Prior to submitting a change of use application, the applicant shall request an early assistance meeting with Department staff to allow staff to explain the change of use policies and process, as well as any relevant planning issues. Prior to this meeting, the applicant shall provide a preliminary plan and descriptive materials sufficient to convey to the Department a general understanding of the tentative proposal and a list of the names and mailing addresses of all mobilehome owners and residents occupying a site within the park.

Department staff shall (a) acquaint the applicant with the significant land use planning issues, key general plan policies, and zoning and other development regulations that may apply to the change of use proposal and any related development proposal, (b) suggest changes to the proposal that would ensure compliance with County requirements, (c) describe any additional County expectations related to the proposal, (d) explain the permit review and decision process, and (e) describe applicable fees.

Within ten (10) days of the early assistance meeting, Department staff shall provide the applicant with a brief written summary of the key points discussed at the meeting.

- (b) Approval of Relocation Counselor. The applicant shall identify the relocation counselor that shall be approved in writing by the Community Development Director. The applicant will enter into a written agreement with the relocation counselor requiring the relocation counselor to make personal contact with each eligible resident of the mobilehome park in order to gather the data needed to complete the relocation impact report and relocation plan, as required by Section 5.156.060. The written agreement will also require the relocation counselor to meet with eligible residents to help them evaluate, select, and secure comparable housing. Such services include technical assistance related to leasing or purchasing comparable replacement housing, explanation of the relocation assistance alternatives available, referral to any available housing resources or programs, and facilitation of moving eligible residents' residential units and personal property, as appropriate. The Community Development Director's approval of the relocation counselor shall be based on consideration of all relevant factors deemed appropriate by the Director, including unique language needs of the mobilehome park residents, if any; competency in assisting eligible residents in evaluating, selecting, and securing replacement housing; ability to facilitate moving of eligible residents' residential units, personal property, and/or accessories, as appropriate; knowledge of qualifications for and availability of various forms of housing and housing assistance programs; and ability to assist with applications, if any, for replacement housing or housing programs.

#### **SECTION 5.156.050. Change of Use Permit Required; Application.**

The change of use of an existing mobilehome park requires a Change of Use Permit granted by the Planning Commission. The park owner, or authorized representative, requesting the change of use shall submit a Change of Use Application to the Planning and Building Department in the form determined by the Community Development Director, which application shall include, but not be limited to, the following information:

- (a) A completed change of use application form and fee in the amount set forth in the Department fee schedule;

- (b) A relocation impact report prepared in accordance with Section 5.156.060;
- (c) A site map indicating the park boundary, the boundaries of mobilehome sites, and all mobilehome park improvements;
- (d) A list of the names and mailing addresses of all mobilehome owners and residents occupying a site within the park as of the date of application;
- (e) Acknowledgment of the park owner's obligations to provide notice pursuant to California Civil Code Section 798.56;
- (f) Any other information that the Community Development Director determines is necessary to ensure compliance with this Chapter and State law.

Upon receipt of a complete Change of Use Application pursuant to this Chapter, the Community Development Director shall provide or cause to be provided written notice to eligible residents of the pending application.

#### **SECTION 5.156.060. Relocation Impact Report.**

An application for a Change of Use Permit shall include a written relocation impact report containing the following information:

- a) A general description of the proposed change of use;
- b) A proposed schedule for change of use of the park;
- c) A proposed schedule for outreach to park residents regarding the change of use and a description of the outreach to be provided;
- d) The legal description for the park;
- e) An inventory of spaces in the park, including:
  - i) the total number of spaces in the park;
  - ii) the length of occupancy by the current occupant of each space and the current rental rate for each space; and
  - iii) for each vacant space, the date that the space was vacated by the last resident of the space.
- f) The name and mailing address of each eligible mobilehome owner and resident;
- g) A list of comparable mobilehome parks within a thirty (30)-mile radius of the applicant's mobilehome park. For each comparable park, the report shall identify:
  - i) Criteria for acceptance of relocated mobilehomes;

- ii) Residency requirements, if any (e.g., minimum age);
  - iii) Rental rates and any other applicable charges;
  - iv) Number of spaces in the park and number of vacant spaces;
  - v) Contact information, including address and telephone number, of the park representative with authority to accept relocated homes;
  - vi) Written commitment, if any, of mobilehome park owner willing to accept displaced mobilehomes; and
  - vii) Identification of the public school districts serving the area in which the comparable park is located.
- h) The median rental price, including any requirement for payment of first and last month's rent and security deposits, of other housing of similar size (number of bedrooms and square footage) that is comparable to the displaced mobilehomes within San Mateo County or a thirty (30)-mile radius;
- i) The estimated cost of moving each mobilehome from the mobilehome park that is proposed for closure or conversion, including tear-down and set-up of mobilehomes and moving of improvements such as porches, carports, patios, and other moveable amenities installed by residents;
- j) The estimated moving cost for each eligible resident or household, including fees charged by moving companies, child care, temporary housing, and other similar expenses, of moving to other housing within San Mateo County or a thirty (30)-mile radius;
- k) A description of proposed measures to minimize any impacts related to missed school days for school-age children of residents;
- l) An in-place appraisal of each mobilehome in the mobilehome park, conducted by a Department-approved licensed appraiser. The appraisals shall identify those mobilehomes which cannot be moved due to type, age, or other considerations;
- m) Identification of and contact information for the contracted and Department-approved relocation counselor retained by the mobilehome park owner to assist residents in finding relocation spaces and alternate housing;
- n) A proposed relocation plan including the information specified in Section 5.156.090, below;
- o) A copy of any agreement reached with any eligible resident relating to the relocation of the resident or the provision of relocation assistance. The Director may waive the requirement to include any or all of the information required by this Section where an eligible resident and the applicant have reached a final, mutually acceptable agreement as to the relocation assistance to be provided. To be valid, however, such an agreement shall be in writing, shall include a provision stating that the eligible 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 font which clearly informs the eligible resident of their right to seek the advice of an attorney prior to signing the agreement.

- p) Any other information the Department determines is necessary to address the specific issues raised by the application in order to implement this Chapter.

#### **SECTION 5.156.070. Notice Requirements.**

The following notice requirements are in addition to any other applicable notice requirements for hearings on matters before the Planning Commission. The Community Development Director, or designee, may require the applicant to translate required notices to an additional language. All required notices shall be posted at common areas within the park. Pursuant to Government Code Section 65863.8, the Planning Commission shall not hold any hearing on the application or render a decision thereon before the applicant has satisfactorily verified that the residents and owners have been notified as required by State and local law.

- a) Notice of Intent. A Notice of Intent to apply for a Change of Use Permit shall be sent by the applicant to each resident and owner proposed to be displaced at least nine (9) months before filing an application for a Change of Use Permit. The notice shall include all information reasonably required by the Community Development Director, including, but not limited to, a summary of the change of use process and estimated schedule for permit application and eventual park conversion or closure.

After the Notice of Intent has been issued, the applicant shall inform all new or prospective residents and mobilehome owners that the applicant has requested County approval, or intends to request County approval, of a Change of Use Permit, in compliance with Civil Code Section 798.56(g).

- b) Notice of Hearing and Relocation Impact Report. A written notice, in addition to the regular public hearing notice, shall be delivered by the applicant to each resident and owner proposed to be displaced at least fifteen (15) days before the hearing on a requested Change of Use Permit, informing residents that the applicant will appear at the Planning Commission to request permits for a change of use of the mobilehome park. A copy of the relocation impact report referenced in Section 5.156.060 shall be included with this notice.
- c) Informational Meetings. The applicant shall conduct at least two (2) informational meetings for mobilehome park residents and owners and their representatives. The informational meetings shall be scheduled to maximize resident and owner participation, and the scheduling shall be subject to the approval of the Community Development Director or his or her designee. The informational meetings shall occur after the Notice of Intent has been issued and before any hearing on the Change of Use Permit shall be held.



- d) Notice of Termination of Tenancy. The applicant shall provide all residents and owners proposed to be displaced a written “notice of termination of tenancy” that provides the affected residents or owners a minimum of six (6) months’ notice to vacate following the effective date of the approved Change of Use Permit. The notice shall be sent by the applicant by certified mail to each mobilehome owner and resident within ten (10) calendar days following the effective date of the permit.

#### **SECTION 5.156.080. Hearing Procedure.**

The Planning Commission shall hold a public hearing on the application for a Change of Use Permit pursuant to the procedure and notice requirements set forth in Section 6503 of the San Mateo County Zoning Regulations.

#### **SECTION 5.156.090. Required Findings; Conditions of Approval.**

Required Findings. Approval of a Change of Use Permit by the Planning Commission shall include conditions of approval to mitigate, to the full extent legally feasible, the adverse impact of the proposed change of use on the ability of displaced mobilehome park residents to find adequate housing in a comparable mobilehome park or, in the alternative, adequate replacement housing. The conditions of approval shall not exceed the reasonable costs of relocation of all eligible residents. Prior to approving a Change of Use Permit, the Planning Commission shall make the following findings:

- a) The applicant has complied with the provisions of this Chapter and State law regarding change of use of mobilehome parks;
- b) Measures to address, to the full extent legally permissible, the adverse impacts of the change of use on the ability of displaced eligible residents to find adequate housing in a mobilehome park or, in the alternative, adequate replacement housing have been taken; and
- c) For Change of Use Permit applications accompanied by any additional request for discretionary approval, including, but not limited to a request for subdivision, General Plan amendment, zoning amendment, or use permit, all required findings for the additional approval have been made.

Conditions of Approval; Relocation Plan. The Change of Use Permit shall include as conditions of approval relocation options for each displaced eligible resident in a relocation plan, as follows:

- a) Moving allowance for eligible residents: For all eligible residents, relocation assistance shall include a moving allowance sufficient to pay for a move to another mobilehome park or other replacement housing, within a 100-mile radius of the mobilehome park to be vacated. The resident is responsible for any additional costs to move to a location outside the 100-mile radius. Moving allowance includes:

- i) The cost to move furniture and personal belongings.
  - ii) Rent for first and last month at the new location.
  - iii) Required security deposit at the new location.
  - iv) Reasonable temporary housing expenses, if applicable, not to exceed 30 days.
- b) Relocation assistance for mobilehome owners whose homes can be relocated:
- i) In addition to the moving allowance described above, the applicant shall pay all costs related to moving the mobilehome, fixtures, and accessories to a comparable mobilehome park within a reasonable distance of the park from which the mobilehome owner is relocating. Costs shall include disassembly and moving costs, mobilehome set-up costs, utility hook-up fees, and the reasonable temporary housing expenses for displaced mobilehome residents for a period not exceeding thirty (30) days from the date of actual displacement until the date of occupancy at the new site.
  - ii) The comparable mobilehome park and the relocated mobilehome shall conform to all applicable federal, State, and local regulations.
  - iii) In addition, the applicant shall provide displaced mobilehome owners with the payment of a lump sum equal to the difference in monthly rental rates for a period of twelve (12) months, if the space rent rate in the new mobilehome park exceeds the rent rate in the mobilehome park from which the resident is relocating.
- c) Relocation assistance for mobilehome owners whose homes cannot be relocated:
- i) In addition to the moving allowance described above, the applicant shall pay for the in-place value of the mobilehome and the cost of disposal of the mobilehome in an approved facility. The in-place value shall be based on the appraisal included in the relocation impact report, unless such appraisal is disputed by the mobilehome owner. In that case, the mobilehome owner may obtain an independent appraisal by a licensed appraiser at his or her own expense, and the in-place value shall be the average of the two appraisals, provided, however, that the applicant shall always pay at least the amount set forth in the relocation impact report.
- d) Relocation Counselor. The applicant shall provide the Community Development Director with reasonably satisfactory evidence of a contract between the applicant and the relocation counselor providing that no later than thirty (30) days after approval of the Change of Use Permit, the relocation counselor shall make personal contact with each displaced resident of the mobilehome park and initiate the relocation assistance process. The contract shall require the relocation counselor to give each eligible resident a written notice of his or her options for relocation assistance.

- e) Right of first refusal for residents. For all eligible residents, relocation assistance shall include the right of first refusal to purchase or rent new homes or apartments to be constructed on the park site, if applicable. Income-eligible residents may have first priority to purchase or rent any below market rate units which may be constructed on the park site, if they meet all eligibility requirements for the program. In order to receive priority for below market rate units, interested residents shall file a request with the San Mateo County Department of Housing before vacating the park.

#### **SECTION 5.156.100. Term of Permit Approval.**

The Change of Use Permit shall expire one (1) year from the date of its approval, unless the applicant requests an extension setting forth satisfactory reasons for not proceeding within the one-year period. The Community Development Director may grant no more than two (2) such extensions of one year each, based upon a showing that good faith progress has been made toward fulfilling the conditions of approval, or some intervening event not the fault of the park owner has prevented timely compliance with the conditions of approval. An application must be filed with the Department no less than sixty (60) days prior to the expiration of the Change of Use Permit or any extension. If relocation assistance has not been provided to all eligible residents in accordance with this Chapter within three (3) years of the original date of permit approval, a new relocation impact report and application shall be required in accordance with this Chapter. Each year on the anniversary date of the permit approval, the relocation assistance shall be increased by an amount equivalent to the increase in the cost-of-living index for the Oakland/San Francisco area published by the U.S. Department of Labor. The index shall be for the quarterly period closest to the anniversary date of the permit.

#### **SECTION 5.156.110. Appeal to the Board of Supervisors.**

The applicant or any mobilehome park resident may appeal, in writing, the determination of the Planning Commission to the Board of Supervisors within fourteen (14) calendar days from the date of such determination. The appealing party shall file a notice of appeal with the Planning Commission on a form provided by the Commission. Upon the filing of the notice of appeal, the Planning Commission shall immediately transmit the appeal, together with its minutes and all other records in the matter, to the Board of Supervisors. The Board of Supervisors shall set the matter for hearing and shall hear and decide the matter de novo. The Board of Supervisors may consider all relevant evidence presented at the hearing and shall render its findings and decision within sixty (60) days of the hearing. The decision of the Board of Supervisors upon an appeal is final and conclusive in the matter.

#### **SECTION 5.156.120. Conversion Through Vacancy.**

Whenever twenty five percent (25%) or more of the total number of mobilehome sites within a mobilehome park are uninhabited for more than ninety (90) consecutive days, and such condition was not caused by a natural or physical disaster beyond the control of the mobilehome park owner, then such condition shall be deemed a "mobilehome park closure" for the purposes of this ordinance. The mobilehome park owner shall file an application for change of use within a reasonable amount of time as determined by the Director, in compliance with this Chapter. A mobilehome site is considered to be "uninhabited" when no rent is being paid for use of the site and it is either (i) unoccupied by a mobilehome or (ii) occupied by a mobilehome in which no person resides.

A mobilehome resident or other interested party who believes that 25% or more of the total number of mobilehome sites within a mobilehome park are uninhabited may file a written statement to that effect with the Community Development Director. The Director or his or her designee shall investigate and determine whether an unpermitted change of use of a mobilehome park has occurred. Once the Director makes such determination, a written notice that describes such determination shall be sent by the County to the mobilehome park owner, mobilehome park manager, and the person who filed the written statement.

#### **SECTION 5.156.130. Exemption from Relocation Assistance Requirements.**

Any person who files an application for a Change of Use Permit may, simultaneous with and as part of the filing of such application, request an exemption from some or all of the relocation assistance requirements described in this Chapter 5.156. The request shall be processed in conjunction with the application for the permit, and shall be distributed to each eligible resident household and mobilehome owner at the time of application submittal.

The applicant may request, in writing, an exemption if (1) the relocation assistance required exceeds the reasonable costs of relocation for displaced mobilehome park residents, as prescribed by Government Code Section 65863.7(e); or (2) if, as part of bankruptcy proceeding, the bankruptcy court has taken action that would prohibit or preclude the payment of relocation assistance benefits, in whole or in part; or (3) if the relocation assistance required would eliminate all or substantially all reasonable economic value of the property for alternate uses.

Any request for exemption shall contain at a minimum, the following information:

- a) Statements of profit and loss from operations of the mobilehome park for the five-year period immediately preceding the date of the application for exemption, certified by a certified public accountant. All such statements shall be maintained in confidence to the extent permitted by the California Public Records Act.
- b) An estimate of the total cost of relocation assistance which would be required in compliance with Section 5.156.090. This estimate shall be based on surveys, appraisals, and reports that document the number of residents of the park who are able to relocate their mobilehomes and those who would sell their

mobilehomes, and the costs related to providing the relocation assistance, as otherwise required under Section 5.156.090.

- c) If the applicant contends that continued use of the property as a mobilehome park necessitates repairs and/or improvements that are not the result of the park owner or applicant's negligence or failure to properly maintain such property, and that the costs thereof make continuation of the mobilehome park economically infeasible, then the report shall include a report by a civil engineer or licensed general contractor outlining such costs.
- d) If the proposed closure is due to conversion of the land to another use, an estimate of the value of the mobilehome park, an estimate of the value as is, and estimate of value after the change shall be provided. These estimates shall be prepared by a certified real estate appraiser.
- e) Any request for exemption filed pursuant to a bankruptcy proceeding shall be accompanied by adequate documentation regarding the case name, case number, and court in which the bankruptcy proceeding is pending, and copies of all pertinent judgments, orders and decrees of the said court.

In determining whether to waive or modify a portion or all of any type of benefit that would otherwise be due under this ordinance, the Planning Commission may take into account the financial history of the mobilehome park, its condition and the condition of the amenities and improvements thereon, the cost of any necessary repairs, improvements, or rehabilitation of said park, the estimated costs of relocation, the fair market value of the property for any proposed alternative use, the fair market value of the property for continued use as a mobilehome park, and any other pertinent evidence requested or presented. The Planning Commission shall expressly indicate in its decision any waiver and the extent thereof and the reason therefore. The Planning Commission determination is subject to appeal by the parties and process indicated in Section 5.156.110.

**SECTION 5.156.140. Severability.**

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Chapter.

**SECTION 3.** This Ordinance shall take effect thirty (30) days after adoption by the Board of Supervisors.

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