

ORDINANCE NO. 882

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROSEMEAD, CALIFORNIA RELATING ADDING CHAPTER 17.98 "MOBILEHOME PARK CONVERSION" TO THE ROSEMEAD MUNICIPAL CODE PERTAINING TO THE CONVERSION, CLOSURE, AND CESSATION OF USE OF MOBILEHOME PARKS

The City Council of the City of Rosemead, State of California, does ordain as follows:

SECTION 1. Intent. The City's General Plan identifies mobilehomes as an important segment of the city's affordable housing inventory. The mobilehomes in the parks are predominately owner-occupied units which cannot be readily relocated due to the age of the units and the cost of moving and relocation. When a mobilehome in an existing park is sold, it is sold in place; rarely is a mobilehome in an existing park moved from its location once it has been placed in a park. There are virtually no vacant spaces in the mobilehome parks in the City, and the number of vacant spaces in the county is very small. Under the General Plan and State law the City has an affirmative duty to protect and preserve affordable housing.

The intent of this Ordinance is to ensure that any proposed conversion of an existing mobilehome park to any other use is preceded by adequate notice, that impacts of the proposed conversion are adequately defined prior to consideration of a proposed conversion and that relocation costs are provided park residents, consistent with the provisions of this Ordinance, Sections 65863.7 and 65863.8 of the California Government Code, and Section 798.56 of the California Civil Code.

This Ordinance does not apply to mobilehome owner/residents who move into a mobilehome park where the park owner has provided said mobilehome owner/resident with written notification at the time they move in of intention to discontinue the Mobilehome Park on a specific date within three (3) years of that written notification.

SECTION 2. Chapter 17.98 is hereby added to the Rosemead Municipal Code to read as follows:

"Chapter 17.98 Mobilehome Park Conversions

- 17.98.010 Definitions
- 17.98.020 Conversion Impact Report Required
- 17.98.030 Contents of Required Conversion Impact Report
- 17.98.040 Public Hearing
- 17.98.050 Decision Regarding Conversion Impact Report
- 17.98.060 Notice and Distribution of Conversion Impact Report Prior to Public Hearing
- 17.98.070 Required Findings at Public Hearing
- 17.98.080 Modification of Approved Conversion Impact Report
- 17.98.090 Expiration of Conversion Impact Report
- 17.98.100 Nullification of Impact Report
- 17.98.110 Appeal

- 17.98.120 Processing Fees
- 17.98.130 Issuance of Grading and/or Building Permits
- 17.98.140 Exceptions to Required Relocation Assistance
- 17.98.150 Notification to City of Termination of Tenancy
- 17.98.160 Rental Increase Limits During Conversion Process
- 17.98.170 Conflicts with other Laws
- 17.98.180 Violations

17.98.010. Definitions. For purposes of this Chapter, the following terms shall have the meanings indicated:

“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 Mobile Home Park” means a decision by the owner(s) of a mobile home park to discontinue the use of the property as a mobile home park which was not the result of an adjudication of bankruptcy.

“City Council” means the City Council of the City of Rosemead or its designated advisory body.

“Commercial Modular”, as defined in the Health and Safety Code Section 18001.8, means a structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional, or commercial purposes, which is required to be moved under permit, and shall include a trailer coach as defined in Section 635 of the Vehicle Code. "Commercial coach" has the same meaning as "commercial modular" as that term is defined in this section.

“Comparable housing” means housing that is equivalent in terms of amenities, condition, location, price and size (floor area and number of bedrooms) to the mobilehome to which comparison is being made.

“Comparable Mobilehome Park” means a mobilehome park that is equivalent in terms of amenities, condition, location and rental price to the Mobilehome Park to which comparison is being made.

“Conversion impact report” means a report, meeting the requirements of this Chapter, describing (i) the impacts of a mobilehome park conversion on affected mobilehome owners and residents; and (ii) the measures that will be taken to mitigate adverse impacts of such conversion on affected mobilehome owners and residents.

"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 mobile homes used for human habitation. Such a conversion may affect an entire mobilehome park or any portion thereof. A conversion shall include, but is not 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, and 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 the park. "Conversion" shall not include the purchase of the park by its existing residents. The provisions of Government Code Section 66427.5 shall apply in that circumstance.

"Mobilehome", is as defined in Civil Code Section 798.3.

"Mobilehome Park" as used in this Chapter shall have the same meaning as defined in the Health and Safety Code Section 18214.

"Mobilehome resident" or "resident" includes the following: the registered owner or owners of a mobilehome, who has a tenancy in a mobilehome park under a rental or lease agreement (whether or not the owner(s) occupy such mobilehome) or a member of the immediate household of the mobilehome owner (provided such member resides within the mobilehome), a person who occupies a mobilehome within a mobilehome park pursuant to a bona fide lease or rental agreement with the mobilehome owner and who, during his or her tenancy, was not the owner or member of the immediate household of the mobilehome owner.

"Mobilehome owner" means the registered owner or owners of a mobilehome, who has a tenancy in a mobilehome park under a rental or lease agreement.

"Mobilehome park owner" or "park owner" means the owner, lessor, operator or manager of a mobilehome park in the City of Rosemead.

"Mobilehome space" means any area, tract of land, site, lot, pad, or portion of a mobilehome park designated or used for the occupancy of one mobilehome.

"Trailer park" means an area of land where two or more trailer spaces are rented, or held out for rent, to accommodate trailers used for human habitation, and where the predominant number of spaces is occupied for nine or more consecutive months.

17.98.020. Conversion Impact Report Required.

- A. Any Applicant for a conversion of a mobilehome park to any other use as defined by the Chapter shall be required to submit a Conversion Impact Report to the Community Development Director or his designee at the same time notice of the

change of use is given to Mobilehome Resident(s) per Civil Code Section 798.56 which is not less than 12-months prior to the Park Owners planned change of use.

- B. Upon providing a Conversion Impact Report, the Community Development Director or his designee(s) shall inform the Applicant of the requirements of Civil Code Section 798.56 and Government Code 65863.8 regarding notification of the mobilehome park residents concerning the proposed conversion. The Community Development Director or his designee(s) shall specify in writing to the Applicant the information that must be submitted in order to adequately notify all existing residents as required by the California Government Code, the California Civil Code, and this Chapter. Notification, including a copy of the Conversion Impact Report, to residents and mobilehome owners shall be made at least fifteen (15) days prior to any hearing on the application. No hearing on the application shall be held or any other action on the application taken until the Applicant has provided to the City satisfactory verification that the required notice has been provided.
- C. No Public Hearing on the Conversion Impact Report will occur until the Conversion Impact Report has been reviewed by the Community Development Director or his or her designee(s) for substantial conformance with the requirements of this Chapter.

17.98.030. Contents of Required Conversion Impact Report. At a minimum the Conversion Impact Report required by Section 17.98.020 shall include the following, as well as any other information deemed necessary and appropriate by the Community Development Director or his or her designee(s):

- A. A detailed narrative description of the proposed use to which the Mobilehome Park is to be converted.
- B. The proposed timetable for implementation of the conversion and development of the site.
- C. A detailed description of the mobilehome spaces within the Mobilehome Park, including but not limited to:
 - 1. The total number of mobilehome spaces in the park and the number of spaces occupied;
 - 2. The length of time each space has been occupied by the present resident(s) thereof;
 - 3. The age, size, and type of mobilehome occupying each space;
 - 4. The monthly rent currently charged for each space, including any utilities or other costs paid by the present resident(s) thereof;
 - 5. Name and mailing address of the resident(s) of each mobilehome within the Mobilehome Park as well as the Mobilehome Owner (for each mobilehome that is not owner occupied) on three sets of gummed labels for the mailing of notice of public hearings.

- D. A list of all comparable mobilehome parks within the City of Rosemead and within 50 miles of the City. This list shall include the age of the Mobilehome Park and the mobilehomes therein, range of rental rates for each park listed and the criteria of the management of each park for acceptance of new residents and used mobilehomes. Information pertaining to the availability of medical and dental services, shopping facilities, and all nearby social and religious services and facilities shall also be included.
- E. A detailed analysis of the impact of the relocation on the residents including comparisons of current rents paid and rents to be paid at comparable mobilehome parks within the 50-mile relocation zone, the estimated costs of moving a mobilehome and/or personal property, and any direct or indirect costs associated with a relocation to another mobilehome park or any other type of housing unit.
- F. A list of the names, addresses and telephone numbers of one or more housing specialists, with an explanation of the services the specialists will perform at the Applicant's expense for the residents to be displaced. These services shall include but not be limited to assistance in locating a suitable replacement Mobilehome Park, assuring that residents without cars are driven, by means of suitable transportation at no cost to the resident, to inspect replacement spaces or homes and otherwise take reasonable steps to assist any disabled or handicapped residents with relocation-related activities, coordination of moving the mobilehome and personal property, and any other tasks necessary to facilitate the relocation to another comparable Mobilehome Park.
- G. A Relocation Plan for residents of the mobilehome park and provide, at a minimum, for the following:
 - 1. The names, addresses, telephone numbers, and fee schedules of at least three (3) independent third parties in the area who are qualified as an appraiser of mobilehomes for the purpose of financing or sale.
 - 2. The names, addresses, telephone numbers, and fee schedules of persons in the area qualified as mobilehome movers.
 - 3. Provisions for the Applicant to pay all reasonable costs of relocation as would be charged by a professional mover to a comparable mobilehome park within the City of Rosemead or within 50 miles of the City to any mobilehome owner at the time a Conversion Impact Report is submitted. The reasonable cost of relocation shall include the cost of relocating a displaced homeowner's mobilehome, accessories, and possessions, including the costs for disassembly, removal, transportation, and reinstallation of the mobilehome and accessories at the new site, and replacement or reconstruction of the blocks, skirting, siding, porches, decks, awnings, storage sheds, cabanas, or earthquake bracing if necessitated by the relocation; indemnification for any damage to personal property of the

resident caused by the relocation, reasonable living expenses of displaced park residents from the date of actual displacement to the date of occupancy at the new site; and payment of any security deposit required at the new site. When any resident has given notice of his or her intent to move prior to an approved Conversion Impact Report, eligibility to receive moving expenses shall be forfeited.

4. Identify those mobilehomes that cannot be relocated to a comparable mobilehome park within the City of Rosemead or within 50 miles of the City and the mobilehome owner has elected to sell his or her mobilehome. The relocation plan shall identify the reasons why the mobilehomes cannot be relocated. In those circumstances the Applicant shall be required to purchase the mobilehome of a displaced home owner at the Appraised Fair Market Value of the mobilehome itself, as well as appliances, accessories, and appurtenant structures, as a part of the reasonable cost of relocation as provided for in Government Code Section 65863.7(e). The Fair Market Value shall be determined by an independent third party who is qualified as an appraiser of mobilehomes for the purpose of financing or sale. "Fair Market Value" means the probable price which a mobilehome would bring in a competitive and open market under all conditions requisite to a sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by any undue stimulus. "Fair Market Value" does not include any "in-place" value, or value attributable to its continued sitting on the rented space at the Mobilehome Park. If a dispute arises as to the appraised value of a mobilehome, the Applicant and the homeowner shall have appraisals prepared by separate qualified appraisers of mobilehomes with experience in establishing the value of mobilehomes for the purpose of financing or sale. The cost for both appraisals shall be paid for by the mobilehome park owner. The Fair Market Value shall be based upon the average of the appraisals submitted by the Applicant and mobilehome owner.
5. Notwithstanding any other provision of this Chapter, as an alternative to the requirements of this section the mobilehome owner and mobilehome park owner may agree to mutually satisfactory conditions. Compliance with said agreement by the mobilehome park owner shall constitute compliance with his section. To be valid, however, 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 twelve-point type which clearly informs the resident that they have the right to seek the advice of an attorney of their choice prior to signing the agreement with regard to their rights under such agreement and shall be drafted in the form and content otherwise required by applicable state law.

17.98.040. Public Hearing. A hearing shall be held before the City Council or its designated advisory body on the Conversion Impact Report prior to the eviction of any Mobilehome Resident pursuant to this Chapter. (If the Council designates an advisory body, all

responsibilities of the Council with respect to the public hearing shall be the responsibility of the advisory body.) At this hearing, the City Council shall review the application documentation as required by Section 4. At the conclusion of the hearing, the City Council shall either accept the Conversion Impact Report as complete or add additional mitigation measures pursuant to California Government Code Section 65863.7(e) provided those measures do not exceed the reasonable cost of relocation. The public hearing shall be held not later than 90 days prior to the date provided in the notice of closure to the residents of the Mobilehome Park.

17.98.050. Decision Regarding Conversion Impact Report.

- A. At the public hearing, the City Council shall approve, conditionally approve or reject a proposed Conversion Impact Report. The City Council shall approve or conditionally approve a Conversion Impact Report if it finds that the Conversion Impact Report contains, or has been conditioned to contain, reasonable measures to mitigate the adverse impacts of the mobilehome park conversion on affected mobilehome owners and residents. The City Council in making its decision on the Conversion Impact Report shall consider all relevant factors, including but not limited to, the prior history of rent adjustments for the affected mobilehome owners and residents.

- B. Subject to paragraph C below, the City Council may impose conditions in connection with its approval of a Conversion Impact Report. Such conditions may include, but are not limited to, payments to affected mobilehome owners and residents to mitigate the following expenses as applicable to each particular mobilehome owner having a mobilehome in the Mobilehome Park:
 - 1. The expense of relocating the mobilehome to a comparable mobilehome park. The amount of such payment shall be based upon consideration of moving, tear-down and set-up costs. Moving costs include the cost of moving the mobilehome and the cost of moving associated relocatable mobilehome improvements. Set-up costs include the cost of connecting utilities at the replacement Mobilehome Park and the cost of any upgrades required to comply with applicable laws.

 - 2. The expense of forfeiting the mobilehome. The amount of such payment shall be based upon consideration of the fair market value as described in this Chapter.

 - 3. The expense of assuming tenancy in a comparable mobilehome park. The amount of such payment shall be based upon consideration of:
 - (i) moving costs;

 - (ii) first month's rent, last month's rent and security deposit at the replacement Mobilehome Park; and

- (iii) differential as of the date of relocation between rental rates at the Mobilehome Park being converted and the replacement Mobilehome Park during the first year of relocation (12-months), or the differential as of the date of relocation between the space rental rate identified in the Fair Market Rents for Manufactured Home Spaces for Los Angeles-Long Beach in the Section 8 Housing Choice Voucher Program published by HUD (or such successor index published by HUD) and the replacement Mobilehome Park during the first year of relocation. The calculation yielding the greater rental subsidy shall be used.
- 4. The expense of assuming tenancy in comparable housing. The amount of such payment shall be based upon consideration of:
 - (i) moving costs;
 - (ii) first month's rent, last month's rent, and security deposit at the replacement housing; and
 - (iii) differential as of the date of relocation between the rental rate at the Mobilehome Park being converted and the comparable housing during the first year of relocation (12-months), or the differential as of the date of relocation between the space rental rate identified in the Fair Market Rents for Manufactured Home Spaces for Los Angeles-Long Beach in the Section 8 Housing Choice Voucher Program published by HUD (or such successor index published by HUD) and the replacement comparable housing during the first year of relocation. The calculation yielding the greater rental subsidy shall be used.
- C. The conditions imposed in connection with approval of a Conversion Impact Report shall not exceed the reasonable costs of relocation. Conditions shall only be imposed in order to ensure that the Applicant Mobilehome Park Owner adequately mitigates adverse impacts of the mobilehome park conversion on affected mobilehome owners and residents. In imposing conditions, the City Council shall interpret and apply this Chapter in a manner consistent with applicable law.

17.98.060. Notice and Distribution of Conversion Impact Report Prior to Public Hearing. Not less than fifteen (15) days prior to a scheduled hearing before the City Council, the owner of the mobilehome park shall transmit to the Mobilehome owner and resident of each mobilehome occupying a space within the mobilehome park a copy of the Conversion Impact Report, a copy of this Chapter, and notices of the dates, times and places of the public hearings or any informational meetings and shall inform each manufactured home owner that he or she has the right to appear to object to the failure to meet the requirements of this chapter with respect to his or her home's relocation. 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 or his or her designee(s) seven (7) days prior to the hearing and shall be signed under penalty of perjury. A hearing shall not be held until the Applicant has satisfactorily verified to the City that all persons have received proper notifications.

17.98.070. Required Findings at Public Hearing. In approving a Conversion Impact Report for a mobilehome park conversion, the City Council shall find that the proposed conversion meets the following requirements in addition to the other requirements of this Chapter:

- A. That the proposed use of the property is consistent with the General Plan and any and all of its Elements, any applicable Specific Plan or Planned Development Plan or similar mechanism provided for in State law or City Ordinances and this Chapter.
- B. That the residents of the Mobilehome Park have been adequately notified of the proposed conversion, including information pertaining to the anticipated timing of the proposed conversion.
- C. That the Applicant has substantially complied with Section 17.98.030 in the contents of its Conversion Impact Report including that any mobilehome resident displaced as a result of the conversion shall be compensated by the Applicant for all reasonable costs incurred as a result of their relocation.

17.98.080. Modification of Approved Conversion Impact Report.

- A. The City Council may, upon request of Applicant and after holding a public hearing, modify the provisions of an approved Conversion Impact Report. A modification may be approved where the City Council finds that there has been a change in circumstances, or there is new information that could not have reasonably been known or considered at the time of the original hearing on approval of the Conversion Impact Report.
- B. The City Council may impose additional conditions as deemed necessary to mitigate any adverse impacts resulting from a modification of an approved Conversion Impact Report.

17.98.090. Expiration of Conversion Impact Report.

- A. An approved Conversion Impact Report shall expire according to the expiration date listed in the Conversion Impact Report, unless an extension is granted prior to such date pursuant to this Section.
- B. The City Council may, upon request of the Applicant and after holding a public hearing, extend the term of an approved Conversion Impact Report. An extension may be granted where the City Council finds that expiration of the Conversion Impact Report would constitute an undue economic hardship to the Applicant.

- C. The City Council may impose additional conditions as deemed necessary to mitigate any adverse impacts resulting from an extension. The City may grant multiple extensions of an approved Conversion Impact Report but no single extension shall have a duration in excess of one year.

17.98.100. Nullification of Impact Report. The City Council may, upon request of the Community Development Director or his designee and after holding a public hearing, order an approved Conversion Impact Report null and void. No nullification shall be ordered unless the City Council makes either of the following findings:

- A. Approval of the Conversion Impact Report was obtained fraudulently.
- B. The Applicant has failed to comply with the mitigation measures set forth in, or the conditions imposed in connection with, the approved Conversion Impact Report.

17.98.110. Appeal. Any City Council decision pursuant to this Chapter is final. In the event the City Council designates authority to implement this Chapter to an advisory body, all decisions of the advisory body shall be subject to appeal to the City Council as provided for in Section 17.124 covering appeals to the Council from the Planning Commission.

17.98.120. Processing Fees. Each Applicant seeking City approval, modification or extension of a Conversion Impact Report shall pay a nonrefundable application deposit in an amount established by City Council resolution. In addition, the Applicant shall reimburse the City for all costs, including staff time and attorney's fees, incurred in processing and reviewing the Applicant's Conversion Impact Report.

17.98.130. Issuance of Grading and/or Building Permits. No building permit shall be issued for the development of or on any real property which is being converted from a mobilehome park pursuant to this Chapter unless and until the Applicant has filed with the Community Development Director or his designee(s) a verified statement made under penalty of perjury that the terms set forth by the City Council at the Public Hearing have been met or otherwise incorporated into the final project plans including the payment of all required relocation assistance required pursuant to this Chapter. Such statement shall identify in itemized form each payee, the amount paid, the date of payment, and the type of relocation or other assistance for which each such payment was made.

17.98.140. Exceptions to Required Relocation Assistance. This Chapter shall not apply where: (1) the California Department of Housing and Community Development suspends or revokes a permit pursuant to Health and Safety Code Section 185010; or (2) the resident received actual written notice from the owner of the mobilehome park prior to entering into oral or written agreement to become a resident that an application to convert the mobilehome park to another use was on file with the City or had already been approved.

17.98.150. Notification to City of Termination of Tenancy.

- A. After the receipt of a City Council approved Conversion Impact Report, the mobilehome park owner shall serve, by personal service or by United States mail, written notice to the City's Community Development Director or his designee(s) the notice of termination of tenancy as required by California Civil Code section 798.56.
- B. The Notice referred to in Subdivision A above shall be accompanied by a statement that the Applicant/Mobilehome Park Owner has provided all relocation assistance required by the Conversion Impact Report, City Council, and State law, accompanied with proof of such assistance in the form of notarized signed acknowledgements from the recipients thereof or a notarized signed waiver of assistance. The Community Development Director or his designee shall verify the validity of such statement.
- C. If Applicant/mobilehome park owner fails to substantially comply with this Subsection, as determined by the City Community Development Director or his designee(s), the City Community Development Director or his designee(s) shall forthwith notify all other appropriate City departments and officials of such noncompliance. These departments and officials shall not issue, grant or approve any application or request for any permit, license or other entitlement of use (including but not limited to a building permit, conditional use permit, zone change, variance, certificate of occupancy, tract or parcel map) for any change of use.

17.98.160 Rental Increase Limits During Conversion Process. From the date of delivery of the 12 month notice required by California Civil Code section 798.56 through the date of relocation for a particular space, rental increases for such space shall be limited by the change in Consumer Price Index for All Urban Consumers in the Los Angeles/Anaheim/Riverside area for the 12 month period immediately preceding the date of the notice, unless and until the Mobile Home Park Owner withdraws a submitted Conversion Impact Report.

17.98.170. Conflicts with Other Laws. In the event the provisions of this Chapter conflict with any code, ordinance or regulation of the City, the provisions of this Chapter shall govern. 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.

17.98.180. Violations. In addition to any remedies or penalties for noncompliance with any City Ordinance as provided elsewhere in the Municipal Code, any mobilehome park owner or Applicant who violates any rights of any mobilehome owner or mobilehome resident established under this Chapter shall be liable to said person for actual damages caused by such violation, plus costs and reasonable attorney's fees. In addition, no mobilehome park owner shall take any willful action to threaten, retaliate against, or harass any park resident with the intent to prevent such residents from exercising his or her rights under this Chapter."

SECTION 3. Severability. If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Effective Date and Notice. This Ordinance shall take effect thirty (30) days after its adoption. Within fifteen (15) days of its adoption, this Ordinance shall be published at least once in a newspaper of general circulation published and circulated in the City of Rosemead. Upon publication of this Ordinance in the newspaper, the City's Community Development Director or his designee(s) shall forthwith provide a copy of this Chapter to all owners of mobilehome parks within the City.

PASSED, APPROVED, AND ADOPTED this 8th day of December 2009.

BY: Margaret Clark
Margaret Clark
Mayor

Attest:
BY: Gloria Molleda
Gloria Molleda
City Clerk

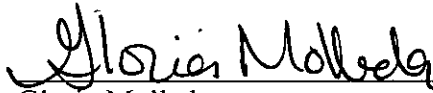
Approved as to Form:

By: Joseph M. Montes
Joseph M. Montes
Burke, Williams & Sorensen, LLP
City Attorney

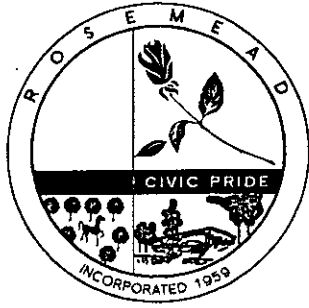
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF ROSEMEAD)

I, Gloria Molleda, City Clerk of the City of Rosemead, California, do hereby certify that the foregoing **Ordinance No. 882** was regularly introduced and placed upon its first reading at a regularly meeting of the City Council on the 27th of October, 2009. That after said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 8th of December, 2009 by the following vote to wit:

Yes: Armenta, Clark, Low, Ly, Taylor
No: None
Absent: None
Abstain: None



Gloria Molleda
City Clerk



ROSEMEAD CITY COUNCIL STAFF REPORT

TO: THE HONORABLE MAYOR AND CITY COUNCIL

FROM: JEFF ALLRED, CITY MANAGER

A handwritten signature in black ink, appearing to be "JA", is written over the name "JEFF ALLRED".

DATE: DECEMBER 8, 2009

**SUBJECT: ORDINANCE 882 – SECOND READING: ADDING CHAPTER 17.98
“MOBILEHOME PARK CONVERSION” TO THE ROSEMEAD MUNICIPAL
CODE PERTAINING TO THE CONVERSION, CLOSURE, AND
CESSATION OF USE OF MOBILEHOME PARKS**

SUMMARY

On October 27, 2009, the City Council introduced Ordinance No. 882 (Mobilehome Park Conversion) for first reading. At that meeting, the City Council made several revisions to the ordinance including clarifying how to calculate the replacement housing assistance payments and adding a section dealing with rental increase limits during the conversion process. On November 17, 2009, the revised ordinance was presented to the City Council for second reading. One additional change to the calculation method used for the replacement housing assistance payments was made at that meeting requiring the City Council to reintroduce the ordinance for first reading that night. All changes made by the City Council have been highlighted and underlined in the attached revised ordinance (Attachment A).

Staff Recommendation

It is recommended that the City Council approve Ordinance No. 882 on second reading.

ANALYSIS

On August 25, 2009, the City Council directed staff to finalize a Mobilehome Park Conversion Ordinance. The State Government Code Sections 66427.4 and 66427.5 establishes basic requirements for the conversion of mobilehome parks to resident ownership and Section 65863.7 covers the closure/conversion of a mobilehome park to another use.

The specific purpose of the City's Mobile Home Park Conversion Ordinance is to ensure that any conversion of parks to other uses is preceded by adequate notice, and that relocation and other assistance is provided to park residents, consistent with the provisions of the State Government Code. The ordinance supplements State law by addressing impacts on and requirements for compensating displaced park residents.

ITEM NO. 60C

The ordinance, among other things, allows the City Council to impose conditions in connection with the approval of a Conversion Impact Report such as first and last month's rent and security deposit at the replacement housing, and/or 12-month rent subsidy for a comparable housing unit. However, the conditions imposed in connection with the approval of a Conversion Impact Report cannot exceed reasonable costs of relocation, according to State law. The term "reasonable" has not yet been defined either by the State Legislature or the Courts.

The ordinance was first introduced to the City Council on October 27, 2009. During that meeting, the City Council added additional language to the ordinance related to replacement rental subsidy payments and allowable rental increases to an approved Conversion Impact Report. The ordinance was reintroduced on November 17, 2009 for a second reading which included the changes made by the City Council at their previous meeting. During the November 17, 2009 meeting, the City Council made one additional change to the language dealing with the calculation used for replacement rental subsidy payments. As a result of this change, a new first reading was conducted that night.

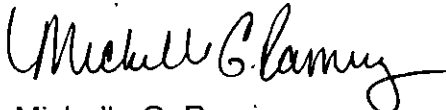
LEGAL REVIEW

The attached Ordinance has been reviewed and approved by the City Attorney.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process.

Prepared by:



Michelle G. Ramirez
Economic Development Administrator

Submitted by:



Brian Saeki
Community Development Director