

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of August 16, 2016

**ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
ADDING SECTIONS 313-106.9 OF TITLE III, DIVISION 1, CHAPTER 3 (COASTAL ZONING
REGULATIONS) AND 314-106.9 OF TITLE III, DIVISION 1, CHAPTER 4 (INLAND ZONING
REGULATIONS), TO THE HUMBOLDT COUNTY CODE**

ORDINANCE NO. 2557

The Board of Supervisors of the County of Humboldt do ordain as follows:

SECTION 1. CODE ADDITIONS. Sections 313-106.9 of Title III, Division 1, Chapter 3 (Coastal Zoning Regulations) and 314-106.9 of Title III, Division 1, Chapter 4 (Inland Zoning Regulations), to the Humboldt County Code, as described in Exhibit A of this ordinance, which is incorporated into this ordinance as set forth in its entirety herein, to implement the 2014 Housing Element Implementation Measure (H-IM29).

SECTION 2. EFFECTIVE DATE. The inland (non-coastal) portion of the County, this ordinance shall take effect and be in full force thirty (30) days from the date of its passage. For properties in the coastal zone, the ordinance shall take effect immediately upon certification of the proposed amendments to the local coastal program. A summary shall be published at least ten days before the date for adoption and again fifteen days after passage of this ordinance. It shall be published at least once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

PASSED, APPROVED AND ADOPTED this 16th day of August, 2016 on the following vote, to wit:

AYES: Supervisors Sundberg, Fennell, Lovelace, Bohn, Bass
NOES: Supervisors --
ABSENT: Supervisors --



MARK LOVELACE, Chair
Board of Supervisors of the County of Humboldt,
State of California

(SEAL)

ATTEST:
Kathy Hayes, Clerk of the Board of Supervisors
of the County of Humboldt, State of California

By: 
Ana Hartwell, Deputy

EXHIBIT A

ADDITIONS TO SECTION 313-106.9 OF THE HUMBOLDT COUNTY ZONING ORDINANCE (COASTAL)

ADDITIONS TO SECTION 314-106.9 OF THE HUMBOLDT COUNTY ZONING ORDINANCE (INLAND)

313-106.9 MANUFACTURED HOME PARK CONVERSION (Coastal)

- 106.9.1 **Purpose.** The purpose of the Manufactured Home Park Conversion procedure is to ensure that any conversion of manufactured home parks, which includes mobile home parks, to other uses is preceded by adequate notice, that the social and fiscal impacts of the proposed conversion are adequately defined prior to consideration of the proposed conversion, and that relocation and other assistance is provided to park residents when warranted, consistent with California Government Code, Section 65863.7 and 66427.4.
- 106.9.2 **Applicability.** This Chapter applies to applications for closure of manufactured home parks. Reasons for closure may include conversion to another land use and/or financial considerations of the park owner.
- 106.9.3 **Definitions.** The below definitions pertain to Section 106.9.1.

106.9.3.1 "Applicant" means a person or entity who has filed an application for change of use of a manufactured home park.

106.9.3.2 "Change of use", is defined in Section 798.10, and Government Code §65863.7, and includes closure, cessation or change of use of the manufactured home park. It includes the use of the park for a purpose other than the rental, or the holding out for rent, of two or more mobile home sites to accommodate mobile homes 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 sold.

106.9.3.3 "Manufactured home park closure" includes any closure, cessation or change of use of the park. A closure includes ceasing to rent manufactured home lots for human habitation and displacement of manufactured home park residents, or when 25 percent or more of the manufactured home units or lots within a park become vacant.

106.9.3.5 "Eligible manufactured home resident" or "permanent resident" means a manufactured home resident whose manufactured home was located in a manufactured home park or resident of a recreational vehicle renting space in a manufactured home park on the date of an application for change of use. Eligible manufactured home resident includes the spouse, parents, children and grandchildren of the permanent resident when those persons resided in the manufactured home on the date of the application.

106.9.3.6 "Legal owner" means any person or entity having an ownership interest in a manufactured home other than the registered owner, such as a lender or mortgagor.

106.9.3.7 "Manufactured home" has the meaning set forth in Section 798.3 of the California Civil Code. Mobile homes are included in this definition.

106.9.3.8 "Manufactured home owner" means the registered owner or registered owners of a manufactured home, regardless of the number of such owners or the form of such ownership.

106.9.3.9 "Manufactured home park" or "park" has the same meaning set forth in Section 798.4 and 798.6 of the California Civil Code.

106.9.3.10 "Manufactured home park owner" or "park owner" means the person, persons or entity that owns a manufactured home park and includes any person authorized by the park owner to

seek approval of an application for change of use or respond to a rent review petition filed pursuant to this chapter.

106.9.3.13 "Manufactured home renter" or "renter" is a person who occupies a manufactured home within a manufactured home park pursuant to a bona fide lease or rental agreement and who, during his or her tenancy, was not the owner of that manufactured home.

- 106.9.4 **Permit Requirements for a Change of Use.** The conversion of an existing manufactured home park to another use shall require a special permit to be reviewed and approved by the Planning Commission. It is the park owner's responsibility to comply with the notice requirements of subsections g (1) and (2) of Civil Code Section 798.56. Because the Civil Code Section 798.56(g)(2) notice cannot be given until after the approval of both the project and the sufficiency of the relocation impact report (RIR), the park owner is encouraged to consult with staff early in the process about the contents of the RIR.
- 106.9.5 **Relocation Impact Report.** An application for a special permit for a conversion of an existing manufactured home park to another use shall include a relocation impact report (RIR) with all the following information.
- 106.9.5.1 A general description of any proposed change of use, or change without new use;
 - 106.9.5.2 A timetable for conversion of the park;
 - 106.9.5.3 A legal description of the park;
 - 106.9.5.4 The number of spaces in the park, length of occupancy by the current occupant of each space and current rental rate for each space;
 - 106.9.5.5 The date of manufacture and size of each manufactured home, description of outbuildings and accessory structures construction on the lots and the cost to move them;
 - 106.9.5.6 The name and mailing address of each eligible manufactured home tenant, manufactured home resident, resident manufactured home owner and legal owner of a manufactured home in the park;
 - 106.9.5.7 A list of comparable manufactured home parks within a thirty mile radius of the applicant's manufactured home park. For each comparable park, the list should, if possible, state the criteria of that park for accepting relocated manufactured homes, rental rates and the name, number and size of spaces, address and telephone number of the park representative having authority to accept relocated homes, including any written commitments from manufactured home park owners willing to accept displaced manufactured homes;
 - 106.9.5.8 The purchase price of other housing of similar in size to the manufactured homes within a reasonable distance, and the rental rates and moving costs involved in moving to an apartment or other rental unit within a reasonable distance including, but not limited to, fees charged by moving companies and any requirement for payment of the first and last month's rent and security deposits;
 - 106.9.5.9 Estimates as to the minimum cost of moving each manufactured home, including tear-down and set-up of manufactured homes and moving of improvements such as porches, carports, patios and other moveable amenities installed by the residents;
 - 106.9.5.10 An in-place appraisal conducted by a qualified appraiser. The appraisals shall identify those manufactured homes which cannot be moved due to type, age or other

considerations. Appraisal information shall be provided on the effect upon the homeowner's investment in the manufactured home, such as the change in value of effected manufactured homes that would result from the proposed change in use.

106.9.5.11 Identification of a qualified relocation specialist to assist residents in finding relocation spaces and alternate housing;

106.9.5.12 A Relocation Plan as specified in Section 106.9.7 below.

106.9.6 **Notice Requirements.** The following notice requirements are in addition to any notice regularly required for special permits. The applicant shall verify that a good faith effort has been made to ensure that each manufactured home owner and tenant has received or will receive each of the following notices and documents. No hearing on a proposed manufactured home park closure shall be scheduled until the applicant has provided verification of notification.

106.9.6.1 Notice of Intent. A Notice of Intent by the applicant to convert or close the manufactured home park shall be sent by the applicant by certified mail at least nine months prior to submittal of the special permit application to the County. After the Notice of Intent has been issued, the applicant shall inform all new or prospective residents and/or manufactured home owners that the applicant has requested County approval, or intends to request County approval, of a change of use or that a change of use request has been granted, in compliance with Civil Code Section 798.56(g).

106.9.6.2 Written Notice & Relocation Impact Report. A written notice, in addition to the regular public hearing notice shall be delivered at least 15 days before the application submittal for a special permit, informing residents that the applicant will be appearing before the Planning Commission to request permits for a change of use of the manufactured home park. A copy of the Relocation Impact Report shall be included with this notice.

106.9.6.3 Notice of termination of tenancy. The applicant shall provide all residents proposed to be displaced and the owners of manufactured homes proposed to be displaced a written "notice of termination of tenancy" that provides the affected residents or owners a minimum of six months' notice to vacate following the effective date of the approved special permit. The notice shall be sent by certified mail to each manufactured home owner and tenant within 10 calendar days following the effective date of the approved special permit.

106.9.7 **Conditions of Approval.** Approval of a special permit shall include reasonable conditions of approval which shall not exceed the reasonable costs as set forth in this ordinance. Manufactured homeowners who are not permanent residents are not eligible for relocation benefits. The special permit shall identify relocation options for each displaced manufactured home occupant in a Relocation Plan, as follows:

106.9.7.1 Relocation assistance for manufactured home owners whose homes can be relocated. The applicant shall pay all costs related to moving the manufactured home, fixtures, and accessories to comparable manufactured home park within a reasonable distance. Relocation shall include disassembly and moving costs, manufactured home set-up costs, utility hook-up fees, moving of the manufactured home owner's possessions, any move-in deposit and the reasonable housing expenses for displaced manufactured home residents for a period not exceeding 30 days from the date of actual displacement until the date of occupancy at the new site. The comparable manufactured home park, or manufactured home owner-approved receiving site, and the relocated manufactured home shall conform to all applicable Federal, State, and County regulations. In addition, the applicant shall provide displaced manufactured home owners with the payment of a lump sum equal to the difference of rent between the old and new manufactured home park spaces for a period of 12 months, if the new rent exceeds the old rent.

106.9.7.2 Relocation assistance for manufactured home owners whose homes cannot be relocated. In cases in which it is not feasible to relocate the manufactured home to a comparable manufactured home park, including those in which the condition of the manufactured home is such that it cannot be safely relocated, or in cases where the manufactured home does not meet minimum requirements to be accepted into another manufactured home park, the applicant shall provide the following relocation assistance to each manufactured home owner who is also a permanent resident:

106.9.7.2.1 The applicant shall be required to pay for the in-place value of the manufactured home and cost of disposal of the manufactured home in an approved facility; and

106.9.7.2.2 Each displaced manufactured home household will received a lump sum difference between current space rent and rent for a housing unit of a size appropriate, according to California Health and Safety code Section 50052.5 (h), to accommodate the displaced household for a period of 12 months. Lump sum funds due the resident may be paid directly to the new park owner as pre-paid rent upon request by the displaced household.

106.9.7.3 Relocation Assistance for non-manufactured home residents. For permanent residents whose residential units do not meet the definition of a manufactured home, such as a recreational vehicle, the applicant shall pay the same benefits as a manufactured home resident.

106.9.7.4 Relocation assistance for manufactured home renters. The applicant shall pay a sum equal to three months of fair market rent for the area as determined by HUD pursuant to Section 1437(c)(1) of Title 42 of the Unites States Code or four thousand dollars, whichever is greater, to each displaced household.

106.9.7.5 Relocation Counselor. The applicant shall offer to provide to all displaced manufactured home owners and residents the services of a Relocation Counselor to provide information about the available housing resources and to assist with the selection of suitable relocation alternatives.

106.9.7.5.1 The Relocation Counselor shall be familiar with the region's housing market and qualified to assist residents to evaluate, select, and secure placement in the replacement housing, to arrange the moving of all of the household's personal property, and to render financial advice on qualifying for various housing types.

106.9.7.5.2 No later than 30 calendar days after the issuance of the special permit for the manufactured home park closure, the Relocation Counselor shall make personal contract

with each displaced resident of the manufactured home park and commence to determine the applicable relocation costs and assistance to be provided. The relocation Counselor shall give to each person eligible to receive relocation assistance a written notice of his or her options for relocation assistance as determined by the special permit.

106.9.8 Vacancy of Manufactured home Park of 25 Percent or More.

106.9.8.1 Whenever 25 percent or more of the total number of manufactured home sites within a manufactured home park are uninhabited for more than 90 consecutive days, and such condition was not caused by a natural or physical disaster beyond the control of the manufactured home park owner, then such condition shall be deemed a "manufactured home park closure" for the purposes of this ordinance. The manufactured home park owner shall file an application for the manufactured home park closure, in compliance with this Section. A manufactured home 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 manufactured home or (ii) occupied by a manufactured home in which no person resides.

106.9.8.2 A manufactured home resident or other interested party who has reason to believe that 25% or more of the total number of manufactured home sites within a manufactured home park are uninhabited may file a written statement to that effect with the Director of Planning and Building. The Director or his designee shall investigate and make a determination as to whether an unauthorized manufactured home park closure is underway. Once the Director determines whether an unauthorized manufactured home park closure is underway, a written notice that describes such determination shall be sent by the County to the manufactured home park owner, manufactured home park manager, and the person who filed the written complaint.

106.9.9 Request for Exemption from Relocation Assistance Requirements.

106.9.9.1 Any person who files an application for a special permit for the closure of a manufactured home park 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 above in Section 106.9.7 (Conditions of Approval). The request shall be processed in conjunction with the application for the special permit, and shall be distributed to each resident household and manufactured home owner at the time of application submittal, as specified in Section 106.9.6.2.

106.9.9.2 The applicant may request an exemption if the relocation assistance required exceeds the reasonable costs of relocation for displaced manufactured home park residents, as prescribed by Government Code Section 65863.7 (e), or as part of bankruptcy the court has taken action that would prohibit or preclude the payment of relocation assistance benefits, in whole or in part, or if the relocation assistance required would cause an undue burden or hardship.

106.9.9.3 Any request for exemptions submitted in compliance with this section shall contain at a minimum, the following information:

106.9.9.3.1 Statements of profit and loss from operations of the manufactured home park for the five-year period immediately preceding the date of the application of 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.

106.9.9.3.2 An estimate of the total cost of relocation assistance which would be required in compliance with Section 106.9.7 (Conditions of Approval). 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 manufactured homes and those who would sell their manufactured homes, and the costs related to providing the relocation assistance.

106.9.9.3.3 If the applicant contends that continued use of the property as a manufactured home park necessitates repairs and/or improvements that are not the result of the park owner or applicant's negligence or failure to properly maintain the said property, and that the costs thereof makes continuation of the manufactured home park economically feasible, then the report shall include a report by a civil engineer or licenses general contractor outlining the costs.

106.9.9.3.4 If the proposed closure is due to conversion of the land to another use an estimate of the value of the manufactured home park, an estimate of the value as is, and estimate of value after the change will be required. These estimates shall be prepared by a certified real estate appraiser.

106.9.9.3.5 Any request for exemption filed pursuant to Subsection 106.9.9.1, above, shall be accompanied by adequate documentation regarding the title, case number, and court in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders and decrees of the said court.

106.9.9.4 When making its determination as to whether to waive or modify a portion or all of any type of benefit that would otherwise be applicable, the Commission may take into account the financial history of the manufactured home 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 manufactured home park, and any other pertinent evidence requested or presented. The Commission shall expressly indicate in its decision any waiver and the extent thereof.

106.9.9.5 Where a court has determined in connection with a proceeding in bankruptcy that the closure or cessation of the use of said property as a manufactured home park is necessary, and such court has taken action which would prohibit or preclude payment of relocation benefits, whether in whole or in part, the Commission shall have the authority to waive all or a portion of any type of benefit to the extent necessary to comply with the judgment, order, or decree of the court.

314-106.9 MANUFACTURED HOME PARK CONVERSION (Inland)

- 106.9.1 **Purpose.** The purpose of the Manufactured home Park Conversion procedure is to ensure that any conversion of manufactured home parks to other uses is preceded by adequate notice, that the social and fiscal impacts of the proposed conversion are adequately defined prior to consideration of the proposed conversion, and that relocation and other assistance is provided to park residents when warranted, consistent with California Government Code, Section 65863.7 and 66427.4.
- 106.9.2 **Applicability.** This Chapter applies to applications for closure of manufactured home parks. Reasons for closure may include conversion to another land use and/or financial considerations of the park owner.
- 106.9.3 **Definitions.** The below definitions pertain to Section 106.9.1.
- 106.9.3.1 "Applicant" means a person or entity who has filed an application for change of use of a manufactured home park.
- 106.9.3.2 "Change of use", is defined in Civil Code 798.10, and Government Code §65863.7, and includes closure, cessation or change of use of the manufactured home park. It includes the use of the park for a purpose other than the rental, or the holding out for rent, of two or more mobile home sites to accommodate mobile homes 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 sold.
- 106.9.3.3 "Manufactured home park closure" includes any closure, cessation or change of use of the park. A closure includes ceasing to rent manufactured home lots for human habitation and displacement of manufactured home park residents or when 25 percent or more of the manufactured home units or lots within a park become vacant.
- 106.9.3.5 "Eligible manufactured home resident" or "permanent resident" means a manufactured home resident whose manufactured home was located in a manufactured home park or resident of a recreational vehicle renting space in a manufactured home park on the date of an application for change of use. Eligible manufactured home resident includes the spouse, parents, children and grandchildren of the permanent resident when those persons resided in the manufactured home on the date of the application.
- 106.9.3.6 "Legal owner" means any person or entity having an ownership interest in a manufactured home other than the registered owner, such as a lender or mortgagor.
- 106.9.3.7 "Manufactured home" has the meaning set forth in Section 798.3 of the California Civil Code. Mobile homes are included in this definition.
- 106.9.3.8 "Manufactured home owner" means the registered owner or registered owners of a manufactured home, regardless of the number of such owners or the form of such ownership.
- 106.9.3.9 "Manufactured home park" or "park" has the same meaning set forth in Section 798.4 and 798.6 of the California Civil Code.
- 106.9.3.10 "Manufactured home park owner" or "park owner" means the person, persons or entity that owns a manufactured home park and includes any person authorized by the park owner to

seek approval of an application for change of use or respond to a rent review petition filed pursuant to this chapter.

106.9.3.13 "Manufactured home renter" or "renter" is a person who occupies a manufactured home within a manufactured home park pursuant to a bona fide lease or rental agreement and who, during his or her tenancy, was not the owner of that manufactured home.

- 106.9.4 **Permit Requirements for a Change of Use.** The conversion of an existing manufactured home park to another use shall require a special permit to be reviewed and approved by the Planning Commission. It is the park owner's responsibility to comply with the notice requirements of subsections g (1) and (2) of Civil Code Section 798.56. Because the Civil Code Section 798.56(g)(2) notice cannot be given until after the approval of both the project and the sufficiency of the relocation impact report (RIR), the park owner is encouraged to consult with staff early in the process about the contents of the RIR.
- 106.9.5 **Relocation Impact Report.** An application for a special permit for a conversion of an existing manufactured home park to another use shall include a relocation impact report (RIR) with all the following information.
- 106.9.5.1 A general description of any proposed change of use, or change without new use;
 - 106.9.5.2 A timetable for conversion of the park;
 - 106.9.5.3 A legal description of the park;
 - 106.9.5.4 The number of spaces in the park, length of occupancy by the current occupant of each space and current rental rate for each space;
 - 106.9.5.5 The date of manufacture and size of each manufactured home, description of outbuildings and accessory structures construction on the lots and the cost to move them;
 - 106.9.5.6 The name and mailing address of each eligible manufactured home tenant, manufactured home resident, resident manufactured home owner and legal owner of a manufactured home in the park;
 - 106.9.5.7 A list of comparable manufactured home parks within a thirty mile radius of the applicant's manufactured home park. For each comparable park, the list should, if possible, state the criteria of that park for accepting relocated manufactured homes, rental rates and the name, number and size of spaces, address and telephone number of the park representative having authority to accept relocated homes, including any written commitments from manufactured home park owners willing to accept displaced manufactured homes;
 - 106.9.5.8 The purchase price of other housing of similar in size to the manufactured homes within a reasonable distance, and the rental rates and moving costs involved in moving to an apartment or other rental unit within a reasonable distance including, but not limited to, fees charged by moving companies and any requirement for payment of the first and last month's rent and security deposits;
 - 106.9.5.9 Estimates as to the minimum cost of moving each manufactured home, including tear-down and set-up of manufactured homes and moving of improvements such as porches, carports, patios and other moveable amenities installed by the residents;
 - 106.9.5.10 An in-place appraisal conducted by a qualified appraiser. The appraisals shall identify those manufactured homes which cannot be moved due to type, age or other

considerations. Appraisal information shall be provided on the effect upon the homeowner's investment in the manufactured home, such as the change in value of effected manufactured homes that would result from the proposed change in use.

106.9.5.11 Identification of a qualified relocation specialist to assist residents in finding relocation spaces and alternate housing;

106.9.5.12 A Relocation Plan as specified in Section 106.9.7 below.

106.9.6 **Notice Requirements.** The following notice requirements are in addition to any notice regularly required for special permits. The applicant shall verify that a good faith effort has been made to ensure that each manufactured home owner and tenant has received or will receive each of the following notices and documents. No hearing on a proposed manufactured home park closure shall be scheduled until the applicant has provided verification of notification.

106.9.6.1 Notice of Intent. A Notice of Intent by the applicant to convert or close the manufactured home park shall be sent by the applicant by certified mail at least nine months prior to submittal of the special permit application to the County. After the Notice of Intent has been issued, the applicant shall inform all new or prospective residents and/or manufactured home owners that the applicant has requested County approval, or intends to request County approval, of a change of use or that a change of use request has been granted, in compliance with Civil Code Section 798.56(g).

106.9.6.2 Written Notice & Relocation Impact Report. A written notice, in addition to the regular public hearing notice shall be delivered at least 15 days before the application submittal for a special permit, informing residents that the applicant will be appearing before the Planning Commission to request permits for a change of use of the manufactured home park. A copy of the Relocation Impact Report shall be included with this notice.

106.9.6.3 Notice of termination of tenancy. The applicant shall provide all residents proposed to be displaced and the owners of manufactured home proposed to be displaced a written "notice of termination of tenancy" that provides the affected residents or owners a minimum of six months' notice to vacate following the effective date of the approved special permit. The notice shall be sent by certified mail to each manufactured home owner and tenant within 10 calendar days following the effective date of the approved special permit.

106.9.7 **Conditions of Approval.** Approval of a special permit shall include reasonable conditions of approval which shall not exceed the reasonable costs as set forth in this ordinance. Manufactured home park owners who are not permanent residents are not eligible for relocation benefits. The special permit shall identify relocation options for each displaced manufactured home occupant in a Relocation Plan, as follows:

106.9.7.1 Relocation assistance for manufactured home owners whose homes can be relocated. The applicant shall pay all costs related to moving the manufactured home, fixtures, and accessories to comparable manufactured home park within a reasonable distance. Relocation shall include disassembly and moving costs, manufactured home set-up costs, utility hook-up fees, moving of the manufactured home owner's possessions, any move-in deposit and the reasonable housing expenses for displaced manufactured home residents for a period not exceeding 30 days from the date of actual displacement until the date of occupancy at the new site. The comparable manufactured home park, or manufactured home owner-approved receiving site, and the relocated manufactured home shall conform to all applicable Federal, State, and County regulations. In addition, the applicant shall provide displaced manufactured home owners with the payment of a lump sum equal to the difference of rent between the old and new manufactured home park spaces for a period of 12 months, if the new rent exceeds the old rent.

106.9.7.2 Relocation assistance for manufactured home owners whose homes cannot be relocated. In cases in which it is not feasible to relocate the manufactured home to a comparable manufactured home park, including those in which the condition of the manufactured home is such that it cannot be safely relocated, or in cases where the manufactured home does not meet minimum requirements to be accepted into another manufactured home park, the applicant shall provide the following relocation assistance to each manufactured home owner who is a permanent resident:

106.9.7.2.1 The applicant shall be required to pay for the in-place value of the manufactured home and cost of disposal of the manufactured home in an approved facility; and

106.9.7.2.2 Each displaced manufactured home household will received a lump sum difference between current space rent and rent for a housing unit of a size appropriate, according to California Health and Safety code Section 50052.5 (h), to accommodate the displaced household for a period of 12 months. Lump sum funds due the resident may be paid directly to the new park owner as pre-paid rent upon request by the displaced household.

106.9.7.3 Relocation Assistance for non-manufactured home residents. For permanent residents whose residential units do not meet the definition of a manufactured home, such as a recreational vehicle, the applicant shall pay the same benefits as a manufactured home resident.

106.9.7.4 Relocation assistance for manufactured home renters. The applicant shall pay a sum equal to three months of fair market rent for the area as determined by HUD pursuant to Section 1437(c)(1) of Title 42 of the Unites States Code or four thousand dollars, whichever is greater, to each displaced household.

106.9.7.5 Relocation Counselor. The applicant shall offer to provide to all displaced manufactured home owners and residents the services of a Relocation Counselor to provide information about the available housing resources and to assist with the selection of suitable relocation alternatives.

106.9.7.5.1 The Relocation Counselor shall be familiar with the region's housing market and qualified to assist residents to evaluate, select, and secure placement in the replacement housing, to arrange the moving of all of the household's personal property, and to render financial advice on qualifying for various housing types.

106.9.7.5.2 No later than 30 calendar days after the issuance of the special permit for the manufactured home park closure, the Relocation Counselor shall make personal contract

with each displaced resident of the manufactured home park and commence to determine the applicable relocation costs and assistance to be provided. The relocation Counselor shall give to each person eligible to receive relocation assistance a written notice of his or her options for relocation assistance as determined by the special permit.

106.9.8 Vacancy of Manufactured home Park of 25 Percent or More.

106.9.8.1 Whenever 25 percent or more of the total number of manufactured home sites within a manufactured home park are uninhabited for more than 90 consecutive days, and such condition was not caused by a natural or physical disaster beyond the control of the manufactured home park owner, then such condition shall be deemed a "manufactured home park closure" for the purposes of this ordinance. The manufactured home park owner shall file an application for the manufactured home park closure, in compliance with this Section. A manufactured home 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 manufactured home or (ii) occupied by a manufactured home in which no person resides.

106.9.8.2 A manufactured home resident or other interested party who has reason to believe that 25% or more of the total number of manufactured home sites within a manufactured home park are uninhabited may file a written statement to that effect with the Director of Planning and Building. The Director or his designee shall investigate and make a determination as to whether an unauthorized manufactured home park closure is underway. Once the Director determines whether an unauthorized manufactured home park closure is underway, a written notice that describes such determination shall be sent by the County to the manufactured home park owner, manufactured home park manager, and the person who filed the written complaint.

106.9.9 Request for Exemption from Relocation Assistance Requirements.

106.9.9.1 Any person who files an application for a special permit for the closure of a manufactured home park 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 above in Section 106.9.7 (Conditions of Approval). The request shall be processed in conjunction with the application for the special permit, and shall be distributed to each resident household and manufactured home owner at the time of application submittal, as specified in Section 106.9.6.2.

106.9.9.2 The applicant may request an exemption if the relocation assistance required exceeds the reasonable costs of relocation for displaced manufactured home park residents, as prescribed by Government Code Section 65863.7 (e), or as part of bankruptcy the court has taken action that would prohibit or preclude the payment of relocation assistance benefits, in whole or in part, or if the relocation assistance required would cause an undue burden or hardship.

106.9.9.3 Any request for exemptions submitted in compliance with this section shall contain at a minimum, the following information:

106.9.9.3.1 Statements of profit and loss from operations of the manufactured home park for the five-year period immediately preceding the date of the application of 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.

106.9.9.3.2 An estimate of the total cost of relocation assistance which would be required in compliance with Section 106.9.7 (Conditions of Approval). 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 manufactured homes and those who would sell their manufactured homes, and the costs related to providing the relocation assistance.

106.9.9.3.3 If the applicant contends that continued use of the property as a manufactured home park necessitates repairs and/or improvements that are not the result of the park owner or applicant's negligence or failure to properly maintain the said property, and that the costs thereof makes continuation of the manufactured home park economically feasible, then the report shall include a report by a civil engineer or licenses general contractor outlining the costs.

106.9.9.3.4 If the proposed closure is due to conversion of the land to another use an estimate of the value of the manufactured home park, an estimate of the value as is, and estimate of value after the change will be required. These estimates shall be prepared by a certified real estate appraiser.

106.9.9.3.5 Any request for exemption filed pursuant to Subsection 106.9.9.1, above, shall be accompanied by adequate documentation regarding the title, case number, and court in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders and decrees of the said court.

106.9.9.4 When making its determination as to whether to waive or modify a portion or all of any type of benefit that would otherwise be applicable, the Commission may take into account the financial history of the manufactured home 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 manufactured home park, and any other pertinent evidence requested or presented. The Commission shall expressly indicate in its decision any waiver and the extent thereof.

106.9.9.5 Where a court has determined in connection with a proceeding in bankruptcy that the closure or cessation of the use of said property as a manufactured home park is necessary, and such court has taken action which would prohibit or preclude payment of relocation benefits, whether in whole or in part, the Commission shall have the authority to waive all or a portion of any type of benefit to the extent necessary to comply with the judgment, order, or decree of the court.