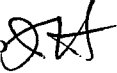




**COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT
LONG RANGE PLANNING
MEMORANDUM**

Date: January 24, 2012

To: County Planning Commission

From: Jeff Hunt, AICP 
Director, Long Range Planning Division

Paul Clementi
Planner, Long Range Planning Division

Subject: Additional Information for Review of the Draft Mobilehome Park Closure Ordinance on February 1, 2012

On December 14, 2011, the Planning Commission conducted a hearing on the Draft Mobilehome Park Closure Ordinance (Case Numbers 11ORD-00000-00017 and 11ORD-00000-00018). The December 6, 2011 staff report included a copy of the draft ordinance. In part, the Planning Commission received comments from interested persons, requested additional information from staff, and then continued the hearing to February 1, 2012. This memorandum provides additional information requested by the Planning Commission.

Staff's recommendation remains unchanged from the December 6 staff report. Please refer to Section 2.0 of the December 6, 2011 staff report.

Housing Element Consistency

The Planning Commission asked whether mobilehomes are addressed in the 2009-2014 Housing Element and whether the draft ordinance is consistent with the goals, policies, and programs in the Housing Element. Staff has found that no provisions in the Housing Element pertain specifically to mobilehomes. However, the Housing Element recognizes mobilehome parks as a valuable source of affordable housing. Approximately 6.7 percent of housing units in the unincorporated County are mobilehomes.

The Housing Element contains some general provisions that apply to housing supply and affordable housing, which could include mobilehomes. For example, Goal 1 is to enhance the diversity, quantity, and quality of the housing supply. Program 1.4 describes land use tools used by the County to provide housing opportunities for all economic segments of the population. These tools include policies to encourage the development of unit types that are affordable by design, and permit streamlining efforts. Program 1.4 also describes ongoing efforts by the County to facilitate production of affordable housing.

Policy 4.1 of the Housing Element is to preserve the affordable housing stock, maintain its affordability, improve its condition, and prevent future deterioration and resident displacement. It goes on to state that the County should participate in available Federal and State housing subsidy and assistance programs and use the County's own resources in order to leverage maximum funding for the provision of affordable housing. The five implementing programs of Policy 4.1 are all centered on seeking and using funding to create or maintain affordable housing projects. For example, Program 4.3 requires County HCD to continue tracking expiration dates for deed restricted housing and explore opportunities for maintaining the affordability of those covenants that are soon to expire. Program 4.4 requires the County to continue working with non-profits to implement housing rehabilitation programs for low-income households. It is conceivable that County decision-makers could consider using funds to help keep a park in operation, if a closure were proposed, and nothing in the draft ordinance conflicts with this possibility. However, the existence of these policies and programs in the Housing Element does not give the County authority to prevent a closure from occurring if that is what the park owner wishes to do.

There is nothing contained in the draft ordinance that conflicts with these or other provisions in the Housing Element.

Incorporate an Arbitration Process

The Planning Commission suggested that staff consider incorporating an arbitration process into the ordinance to handle each household's particular relocation case. As currently written, the draft ordinance contains language that accomplishes this goal. Subsection 35.89.070.B (35-144K.7.2 in Article II) of the draft ordinance describes the Relocation Plan that must be provided by the applicant, verifying the cost of relocation for each household, identifying the location of the new mobilehome space or replacement housing unit, and describing the timeframe and steps that will be taken to complete the relocation. The draft ordinance goes on to specify:

Any disagreement between a mobilehome park resident and the applicant regarding relocation assistance or sales value shall be referred to a professional arbitrator acceptable to the County and paid for by the applicant. Such disagreements must be submitted in writing to the applicant by the mobilehome park resident within 45 days after the mobilehome park resident has obtained a written notice describing what he/she will receive.

The same subsection also describes the services of a Relocation Counselor that the applicant must provide to all residents. The Relocation Counselor shall make personal contact with each displaced household and inform each eligible person of his or her relocation assistance options. The Relocation Counselor must be familiar with the local housing market and "qualified to assist residents to evaluate, select, and secure placement in the replacement housing."

Staff recommends leaving the draft ordinance as written as the services of the professional arbitrator combined with those of the Relocation Counselor will help reduce and resolve disagreements between the applicant and park residents.

Delete the 25 Percent Vacancy Clause

The Planning Commission asked for further explanation of the 25 percent vacancy clause contained within the draft ordinance.

Subsection 35.89.080 (35-144K.8 in Article II) of the draft ordinance describes the steps that would be taken if a park resident or other interested person files a written statement with the Director claiming that 25 percent or more of the sites in a park are uninhabited. The Director shall investigate the accuracy of the statement and “shall make a determination as to whether an unauthorized mobilehome park closure is underway.” This language allows the Director to consider factors that may have affected the park owner’s ability to lease spaces, such as a depressed economy, and possibly make the determination that an unauthorized closure is *not* underway. Furthermore, the draft ordinance specifies that the vacant sites must be uninhabited for more than 90 consecutive days to set in motion the requirements of this clause, which should be adequate time for a site to be leased given the high demand for mobilehome spaces. In addition to these two safeguards, the determination of the Director may be appealed following the appeal procedures in the LUDC and Article II.

Staff recommends retaining this 25 percent vacancy clause because safeguards exist to help ensure that a park owner will only be compelled to file an application for closure if an unauthorized closure is occurring.

Require In-Place Value when Park Closure is due to a Change in Use that will Increase the Value of the Property

The Planning Commission suggested that purchase of displaced mobilehomes at in-place value may be an acceptable requirement if the park closure is being proposed as part of a change in use that will increase the value of the property. In the event the Planning Commission recommends this revision to the Board of Supervisors, staff has prepared language that could be inserted into Subsection 35.89.070.A.2 (35-144K.7.1.b in Article II) of the draft ordinance (Attachment A).

Comment Letter from Northern Santa Barbara Manufactured Homeowners Team (NSBMHT) and South County Alliance of Manufactured Park Residents (SCAMPR)

In a letter dated December 11, 2011, NSBMHT and SCAMPR requested numerous revisions to the draft ordinance. Some of the principal recommendations include:

- Requiring mobilehome purchase at in-place value;
- Adding language to the purpose and intent section; and
- Adding a new finding which declares that closure of a park will not result in a significant decrease in the affordable housing stock in the community.

The requested revisions to purpose and intent and addition of a new finding assert that the purpose of the ordinance is to preserve existing parks and reduce the loss of affordable housing stock. However, as discussed on page eight of the December 6, 2011 staff report, the purpose of the ordinance is to regulate the processing of park closures, not prevent closures from occurring, and the requested revisions would not be in line with that purpose.

The requested revisions pertaining to in-place value have been discussed in detail in the staff report, earlier in this memo, and at the December 14th hearing. For reasons outlined by staff in numerous instances, these requested revisions have not been made. However, in accordance with communications from the Planning Commission, staff has drafted a version of the ordinance which includes the requested revisions pertaining to in-place value, as well as other minor revisions requested by NSBMHT/SCAMPR. This version is included as Attachment B (Attachment C for Article II) to this memorandum, and has been prepared in a strikeout/underline format in order to make clear the changes from staff's recommended language.

Attachments

- A. Provisional In-Place Value Clause
- B. Alternative LUDC Resolution and Draft Ordinance with In-Place Value
- C. Alternative Article II Resolution and Draft Ordinance with In-Place Value

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ATTACHMENT A

The following language could be added to Subsection 35.89.070.A.2 of the Land Use and Development Code, and Subsection 35-144K.7.1.b of Article II, if approved by the Planning Commission.

If the proposed closure of a mobilehome park is due to conversion of the property to another use, an estimate of the value of the mobilehome park shall be required, based on the value of the park property if it were approved to be developed for the proposed change of use; and an estimate of the value of the park property shall be required based on its continued use as a mobilehome park. These estimates shall be prepared by a certified real estate appraiser who is acceptable to the County. Based on consideration of any estimated increase to the value of the property resulting from approval of the proposed development, the decision-maker may require the applicant, as a condition of approval, to purchase those mobilehomes that cannot be relocated for their “in-place” appraised fair market value as determined by a certified real estate appraiser who is acceptable to the County.

ATTACHMENT B

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING ARTICLE 35.8, PLANNING PERMIT PROCEDURES, ARTICLE 35.10, LAND USE AND DEVELOPMENT CODE ADMINISTRATION, AND ARTICLE 35.11, GLOSSARY, TO IMPLEMENT NEW REGULATIONS AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS REGARDING MOBILEHOME PARK CLOSURES.

Case No. 11ORD-00000-00017

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

ARTICLE 35.8, Planning Permit Procedures, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Chapter 35.89 titled “Mobilehome Park Closure” to read as follows:

CHAPTER 35.89 - MOBILEHOME PARK CLOSURE

35.89.010 - Purpose and Intent.

This Chapter establishes standards for the closure of a mobilehome park and addresses the impact of such closures upon the ability of displaced residents to find adequate housing in another mobilehome park. Mobilehome parks are an important source of affordable housing within Santa Barbara County. The purpose of this Chapter is to provide financial compensation and relocation assistance to displaced residents and provide mobilehome park owners with protection from unreasonable relocation costs, in compliance with Government Code Sections 65863.7 and 66427.4.

35.89.020 – Applicability.

This Chapter applies to applications for the closure of conforming and nonconforming mobilehome parks. Reasons for closure may include conversion to another land use and/or financial considerations on the part of the park owner.

35.89.030 – Conditional Use Permit Requirement.

- A.** A Conditional Use Permit approved in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) shall be required in order for a mobilehome park closure to occur.
- B.** The Commission shall be the review authority for the application for the Conditional Use Permit.

35.89.040 – Application Contents.

An application for a Conditional Use Permit required in compliance with Section 35.89.030 (Conditional Use Permit Requirements), above, shall be submitted in compliance with Chapter 35.80 (Permit Application Filing and Processing) and shall include all of the following, in addition to all

information required in Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits).

A. Closure Impact Report. A Closure Impact Report shall be prepared and submitted in compliance with Government Code Sections 65863.7 and 66427.4. The Closure Impact Report shall be prepared by an independent agent acceptable to the County and, at a minimum, shall include the following information:

1. The number of mobilehomes that will be displaced by the proposed development and the number that will not be affected, and the age, size and condition of all mobilehomes in the park.
2. The number of available vacant mobilehome spaces in existing mobilehome parks within a 25 mile radius of the mobilehome park for which closure is sought, the space rental rates and evidence of the willingness of those mobilehome park owners to receive some or all of the displaced mobilehomes.
3. An estimate of the relocation cost considering all of the costs related to moving and installing the displaced mobilehomes on an available receiving site, providing rental subsidies, or purchasing the mobilehome unit as described in Section 35.89.070 (Conditions of Approval) below.
4. For displaced residents, the household sizes, whether they own or rent the mobilehome, and the monthly rental rates (space rent and/or unit rental rate).
5. The names, addresses and phone numbers of the Closure Impact Report consultants, mobilehome appraisers, mobilehome movers, and relocation counselors who the applicant might use. The professional credentials of these specialists shall be described, and all such specialists used during the project shall be acceptable to the County.
6. A list of alternative housing and/or replacement housing within a 25 mile radius that is currently available to displaced mobilehome park residents. The list shall include mobilehomes and housing units that are available for rent or for sale, both affordable and market-rate units.

35.89.050 – Special Notice Requirements.

The following special notice requirements are in addition to any notice that may be required in compliance with Chapter 35.106 (Noticing and Public Hearings). The applicant shall verify, to the satisfaction of the Director, that a good faith effort has been made to ensure that each park resident and mobilehome owner has received or will receive each of the following notices and documents. No hearing on a proposed mobilehome park closure shall be scheduled until the applicant has provided verification of the notification to the satisfaction of the Director.

A. Notice of Intent. A “Notice of Intent” by applicant to convert or close the mobilehome park shall be sent by the applicant by certified mail at least 60 days prior to submittal of the Conditional Use Permit application to the County. After the “Notice of Intent” has been issued, the applicant shall inform all new or prospective residents and/or mobilehome 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).

B. Closure Impact Report. A copy of the Closure Impact Report in compliance with Section

35.89.040 (Application Content) at least 15 days before the scheduled hearing on the application for the Conditional Use Permit, in compliance with Government Code Sections 65863.7 and 66427.5.

- C. Written notice.** A written notice, in addition to the public hearing notice required in compliance with Chapter 35.106 (Noticing and Public Hearings), at least 15 days before the scheduled hearing on the application for the Conditional Use Permit, informing residents that the applicant will be appearing before a local government board, commission, or body to request permits for a change of use of the mobilehome park, in compliance with Civil Code Section 798.56(g).
- D. Notice of termination of tenancy.** In compliance with Civil Code Section 798(g), the applicant shall provide all residents proposed to be displaced and the owners of all mobilehomes 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 Conditional Use Permit, as “Effective Date of Permits” is defined in Section 35.82.020 (Effective Date of Permits). The said notice shall be sent by certified mail to each resident and mobilehome owner within the 10 calendar days following the effective date of the Conditional Use Permit as specified in Section 35.82.020 (Effective Date of Permits).

35.89.060 – Informational Meeting.

- A.** The applicant shall conduct an informational meeting for the residents of the mobilehome park at least 10 days before the initial scheduled hearing on the application for the Conditional Use Permit regarding the proposed mobilehome park closure.
- B.** The meeting shall be conducted on the premises of the mobilehome park, or other location acceptable to the County, and a County representative and the Relocation Counselor, as described in Subsection 35.89.070.B.1, shall be present.
- C.** The meeting shall address the proposed mobilehome park closure, the closure application process, the contents of the Closure Impact Report, and proposed relocation assistance for displaced mobilehome owners and residents.
- D.** All mobilehome park residents shall receive a written notice at least 10 days prior to the meeting. The notice shall specify the time, date, and location of the informational meeting and summarize the subject matter of the meeting which at a minimum shall address the requirements listed in Subsection C, above.

35.89.070 – Conditions of Approval.

Approval of a Conditional Use Permit shall include conditions of approval which, at a minimum, shall satisfy the following requirements.

- A. Relocation or sale.** In compliance with Government Code Sections 65863.7 and 66427.4, the County may apply measures to cover, but not exceed, the reasonable costs of relocation for displaced mobilehome park residents. Mobilehome owners who are not permanent residents are not eligible for relocation benefits. The Conditional Use Permit shall identify the options assigned to each displaced mobilehome occupant in a Relocation Plan, as follows:
 - 1. Relocation assistance for mobilehome owners whose homes can be relocated.** The applicant shall comply with all of the following requirements as applicable for each mobilehome owner who is also a permanent resident.

- a. The applicant shall pay all costs related to moving the mobilehome, fixtures, and accessories to a comparable mobilehome park within 25 miles of the existing location. If no spaces within 25 miles are available, the mobilehome may also be moved to a mobilehome owner-approved receiving site as requested by the mobilehome owner at a cost to the applicant that does not exceed the costs of moving the mobilehome to a site within 25 miles. Fixtures and accessories include: decks, porches, stairs, access ramps, skirting, awnings, carports, garages and storage sheds. Relocation shall include all disassembly and moving costs, mobilehome set-up costs, utility hook-up fees, moving of mobilehome owner's possessions, any move-in deposit, any permitting fees (e.g., mobilehome permit, land use permit, coastal development permit) and the reasonable living expenses of displaced mobilehome residents for a period not exceeding 30 days (from the date of actual displacement until the date of occupancy at the new site) except where the County determines that extenuating circumstances prolong the moving period. The comparable mobilehome park, or mobilehome owner-approved receiving site, and the relocated mobilehome shall conform to all applicable federal, State, and County regulations. The mobilehome park or receiving site shall be available and willing to receive the mobilehome. The mobilehome park shall be a facility that is licensed and inspected by the California Department of Housing and Community Development.
- b. The applicant shall provide displaced mobilehome owners that qualify as permanent residents with the payment of a lump sum equal to the difference of rent between the old and new mobilehome park spaces for a period of 12 months, if the new rent exceeds the old rent.

2. **Relocation assistance for mobilehome owners whose homes cannot be relocated.** In cases in which it is not feasible to relocate the mobilehome, including cases in which the condition of the mobilehome is such that it cannot be safely relocated, cases in which the mobilehome does not meet minimum requirements to be accepted into another mobilehome park, or cases in which there are no available spaces at a mobilehome park within 25 miles, the applicant shall provide the following relocation assistance to each mobilehome owner who is also a permanent resident.

- a. Each displaced mobilehome household will receive 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 and that meets Department of Housing and Urban Development (HUD) Housing Quality Standards for a period of 12 months. For purposes of calculating a relocation payment, the rent differential shall not exceed the difference between the current space rent and the Fair Market Rent of a unit of a size appropriate to accommodate the displaced household as published annually by HUD. If the mobilehome owner sells their unit to a third party the mobilehome owner shall receive the proceeds from said sale and is also eligible for the aforementioned rent subsidy; ~~and, The total subsidy shall not exceed the total amount of relocation assistance described in Subsection 35.89.070.A. 1. that would be payable if relocation at a distance of 25 miles were feasible, using the estimates provided in the Closure Impact Report; and,~~
- b. The applicant shall buy the mobilehome and pay the “in-place” sale value, which shall be the appraised fair market value as determined by a certified real estate appraiser who is acceptable to the County, utilizing principles applicable in mobilehome relocation matters. The appraised value shall be determined after consideration of

~~relevant factors, including the value of the mobilehome in its current location, assuming continuation of the mobilehome park in a safe, sanitary, and well maintained condition. The mobilehome owner may require the applicant to purchase the mobilehome for the appraised value of the unit, which is the value assigned by a certified real estate appraiser including fixtures and accessories but not including the value of the land space, not to exceed the total amount of relocation assistance described in Subsection 35.89.070.A. 1. that would be payable if relocation at a distance of 25 miles were feasible, using the estimates provided in the Closure Impact Report.~~

3. **Relocation assistance for non-mobilehome residents.** For permanent residents whose residential units do not meet the definition of a mobilehome, the applicant shall pay all costs related to moving the unit, fixtures, and accessories to a resident-approved receiving site within 25 miles of the existing location, as requested by the resident. The applicant shall provide payment of a lump sum equal to the difference of rent between the old and new mobilehome park spaces for a period of 12 months, if the new rent exceeds the old rent. The applicant shall also pay the reasonable living expenses of displaced residents for a period not exceeding 30 days (from the date of actual displacement until the date of occupancy at the new site) except in cases in which the County determines that extenuating circumstances prolong the moving period. If the unit cannot be relocated, the applicant shall pay a sum equal to three months of the fair market rent for the area as determined by HUD pursuant to Section 1437f(c)(1) of Title 42 of the United States Code or seven thousand dollars, whichever is greater, to each such displaced household.
4. **Relocation assistance for mobilehome renters.** The applicant shall pay a sum equal to three months of the fair market rent for the area as determined by HUD pursuant to Section 1437f(c)(1) of Title 42 of the United States Code or seven thousand dollars, whichever is greater, to each displaced renter household.
5. Nothing contained herein precludes any mobilehome owner who is also a permanent resident of the park from selling his or her mobilehome to the applicant for an agreed upon price to be no less than the amount of relocation assistance described in Subsection 35.89.070.A. 1 in exchange for waiver of payment of those benefits described in Subsection 35.89.070.A. Nothing contained herein shall require any mobilehome owner to agree to sell his or her mobilehome to the applicant or to waive receipt of relocation benefits.
6. Nothing contained herein precludes the applicant and displaced mobilehome park residents who are also permanent residents of the park from agreeing on other mutually satisfactory relocation assistance in lieu of the assistance required in Subsection 35.89.070.A of this ordinance.

B. Relocation plan. The Relocation Plan required in compliance with Subsection A, above, shall describe the relocation assistance to be provided for all permanent mobilehome park residents who will be displaced, whether they rent or own the occupied mobilehome unit. The plan shall describe the cost of relocation for each displaced mobilehome and/or household, identify the location of the new mobilehome space or replacement housing unit, the amount of financial assistance to be provided, and shall describe the time frame and steps that will be taken to complete the relocation. All real estate and financial transactions and all relocation activities shall be completed prior to termination of mobilehome park tenancy for each displaced household.

The plan shall identify all displaced mobilehomes to be sold to the applicant or a third party, or to be relocated for the mobilehome owner(s). The plan shall provide the purchase value of all

mobilehomes to be sold including fixtures and accessories, ~~but not including the value of the land space.~~ The plan shall describe all relocation costs for displaced mobilehome park residents. Any disagreement between a mobilehome park resident and the applicant regarding relocation assistance or sales value shall be referred to a professional arbitrator acceptable to the County and paid for by the applicant. Such disagreements must be submitted in writing to the applicant by the mobilehome park resident within 45 days after the mobilehome park resident has obtained a written notice describing what he/she will receive.

- 1. Relocation Counselor.** Applicant shall offer to provide to all displaced mobilehome owners and residents the services of a Relocation Counselor, acceptable to the County, to provide information about the available housing resources and to assist with the selection of suitable relocation alternatives. Acceptable relocation alternatives include vacant mobilehome units and spaces, rental and ownership housing units, affordable and market-rate units. 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 belongings to the replacement housing, to render financial advice on qualifying for various housing types, to explain the range of housing alternatives available, and to gather and present adequate information as to available housing. The Relocation Counselor shall assist in the preparation and implementation of the Relocation Plan.

No later than 30 calendar days following the effective date of the Conditional Use Permit for the mobilehome park closure, the Relocation Counselor(s) shall make personal contact with each displaced resident of the mobilehome park and, unless waived by the resident, 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 Conditional Use Permit. The Relocation Counselor shall provide proof of contact and written notice with the mobilehome park residents by filing an affidavit attesting that fact with the Department.

35.89.080 – Vacancy of a Mobilehome Park of 25 Percent or More.

- A.** Whenever 25 percent or more of the total number of mobilehome sites within a mobilehome park that are occupied as of [effective date of this Ordinance] 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 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 the mobilehome park closure, in compliance with the requirements of this Section. A mobilehome site is considered to be "uninhabited" when it is either (i) unoccupied by a mobilehome, or (ii) occupied by a mobilehome in which no person resides for a period of 90 days or more.
- B.** Whenever a mobilehome park resident or other interested person has reason to believe that 25 percent or more of the total number of mobilehome sites within a mobilehome park are uninhabited, as described in Subsection A, above, such resident or person may file a written statement to that effect with the Director. Upon receipt of such statement, the Director shall cause an investigation and inspection to be conducted to verify the accuracy of such statement. Upon completion of the investigation and inspection, the Director shall make a determination as to whether an unauthorized mobilehome park closure is underway.

- C.** If the Director determines that an unauthorized mobilehome park closure is underway, he or she shall send a written notice by certified mail to the mobilehome park owner which describes the Director's determination and establishes a reasonable period of time by which the mobilehome park owner shall submit an application in compliance with this Section for the closure of a mobilehome park.
- D.** Once the Director has determined whether an unauthorized mobilehome park closure is underway, a written notice that describes such determination shall be sent by the County to the mobilehome park owner, mobilehome park manager, the person(s) who filed the written statement in compliance with Subsection B, above, and to all the residents in the mobilehome park.
- E.** The determination of the Director, in compliance with Subsection B, above, may be appealed by the person who filed the statement, by the mobilehome park owner, the mobilehome park manager, or by any other interested person within the 10 calendar days following the date of the notice of determination. All such appeals shall be submitted and processed in compliance with Chapter 35.102 (Appeals).

35.89.090 – Request for Exemption from Relocation Assistance Requirements.

A. Any person who files an application for a Conditional Use Permit for the closure of a mobilehome 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 35.89.070 (Conditions of Approval). The request for the exemption, as described in Subsection 35.89.090.B, shall be processed in conjunction with the application for the Conditional Use Permit, and shall be distributed to each resident household and mobilehome owner at the time of application submittal.

- 1. The applicant may request an exemption for one of the following reasons:
 - a. That the requirement(s) for relocation assistance would eliminate substantially all reasonable economic use of the property.
 - b. That a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that mobilehome park closure or cessation of use of the property as a mobilehome park is necessary, and that such court has taken further action that would prohibit or preclude the payment of relocation assistance benefits, in whole or in part.

B. Any request for exemption submitted in compliance with Subsection 35.89.090.A.1 shall contain, at a minimum, the following information:

- 1. Statements of profit and loss from the operations of the mobilehome 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.

2. Report Required.

- a. 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 the said property, and that the costs thereof makes continuation of the mobilehome park economically infeasible,

then a report shall be made and submitted, under penalty of perjury, by a civil engineer or general contractor licensed as such in compliance with the laws of the State of California.

- 1) The report shall verify that such civil engineer or contractor has thoroughly inspected the entire mobilehome park and has determined that certain repairs and improvements must be made to the mobilehome park to maintain the mobilehome park in decent, safe and sanitary condition, and that those certain repairs are not the result of the mobilehome park owner or applicant's negligent failure to properly maintain the said property.
- 2) The report shall describe the minimum period of time in which such improvements or repairs can be accomplished along with the estimated cost for the improvements and repairs. The anticipated costs or damages, if any, which may result if maintenance is deferred shall be identified separately. The report shall also describe any additional repairs or improvements that will be necessary for continuous upkeep and maintenance of the property.
- 3) The report shall be referred to the California Department of Housing and Community Development for review and comment.

b. If the Director requires an analysis of the information submitted by the civil engineer or general contractor, the Director may procure the services of another licensed civil engineer or general contractor to provide such written analysis, and all such costs shall be paid entirely by the applicant.

3. An estimate of the total cost of relocation assistance which would be required in compliance with Section 35.89.070 (Conditions of Approval). This estimate shall be based on surveys, appraisals and reports, prepared to the County's satisfaction, 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 measures delineated in Section 35.89.070 (Conditions of Approval).
4. If the proposed closure is due to conversion of the land to another use, an estimate of the value of the mobilehome park, if the park were permitted to be developed for the change of use proposed in the application for closure of the park, and an estimate of the value of said park, if use of the property as a mobilehome park is continued, are required. These estimates shall be prepared by a certified real estate appraiser who is acceptable to the County.
5. Any other information which the applicant believes to be pertinent, or that may be required by the Director.
6. Any request for exemption filed pursuant to Subsection 35.89.090.A.1.b., 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.

C. 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 mobilehome park, its condition and the condition of 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 Commission shall expressly indicate in its decision any waiver and the extent thereof.

- D.** Where a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure or cessation of the use of said property as a mobilehome 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.
- E.** The action of the Commission to approve, conditionally approve, or deny the request for exemption is final, subject to appeal in compliance with Section 35.102 (Appeals).

35.89.100 – Additional Findings Required for Closure of a Mobilehome Park.

A Conditional Use Permit for a mobilehome park closure may be approved or conditionally approved only if the Commission first finds, in addition to the findings required in compliance with Section 35.82.060 (Conditional Use Permits and Minor Conditional Use Permits) that adequate measures to address the adverse impacts on the ability of displaced residents to find adequate housing in a mobilehome park, as described in Section 35.89.070, above, have to the maximum extent feasible, but not exceeding the reasonable costs of relocation, been taken without substantially eliminating reasonable economic use of the property.

SECTION 2:

ARTICLE 35.10, Land Use and Development Code Administration, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection A.3, Director decisions, of Subsection A, Decisions appealed to the Commission, of Section 35.102.040, of Chapter 35.10, Land Use and Development Code Administration, to read as follows:

- 3. Director decisions.** The following decisions of the Director may be appealed to the Commission:
 - a. Any determination on the meaning or applicability of the provisions of this Development Code.
 - b. Any determination that a discretionary permit application or information submitted with the application is incomplete as provided by Government Code Section 65943.
 - c. Any decision of the Director to revoke an approved or issued Coastal Development Permit or Land Use Permit.
 - d. Any decision of the Director to approve or deny an application for a Coastal Development Permit or Land Use Permit except as follows:
 - (1) Land Use Permits approved in compliance with Section 35.42.260 (Temporary Uses and Trailers) not including Subsection 35.42.260.G (Trailer Use).
 - e. Any decision of the Director to revoke an issued Zoning Clearance.
 - f. Any decision of the Director to approve, conditionally approved, or deny an application for a Development Plan.

- g. Any decision of the Director to approve, conditionally approved, or deny any other discretionary application where the Director is the designated review authority.
- h. Any decision of the Director as to whether an unauthorized mobilehome park closure is underway.
- hi. Any other action, decision, or determination made by the Director as authorized by this Development Code where the Director is the review authority, except when specifically provided that the action, decision, or determination is final and not subject to appeal.

SECTION 3:

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to add new definitions of “Mobilehome Park Closure, ” and “Mobilehome Owner,” “Mobilehome Owner-approved Receiving Site,” “Mobilehome Park Renters,” “Non-mobilehome Residents,” “Permanent Resident,” “Relocation Counselor,” “Relocation Plan” and “Resident-approved Receiving Site” to read as follows:

Mobilehome Park Closure. When a mobilehome park owner or operator chooses to cease renting or leasing mobilehome lots for human habitation and this cessation of use would result in the displacement of mobilehome park residents or, when 25 percent or more of the mobilehome units or lots within a park become vacant and the Director determines that an unauthorized closure is underway pursuant to Section 35.89.080 (Vacancy of a Mobilehome Park of 25 Percent or More).

Mobilehome Owner. The record owner or any person having possession and control of the mobilehome.

Mobilehome Owner-approved Receiving Site. A site which has been agreed upon by both the applicant and the mobilehome owner as a mutually acceptable location to receive a relocated mobilehome.

Mobilehome Park Renters. Residents who rent mobilehomes as their primary residences, but who do not own the mobilehomes.

Non-mobilehome Residents. Residents who meet the definition of Permanent Resident and own residential units which do not meet the definition of Mobilehome.

Permanent Resident. Any person who lives in a mobilehome park for 270 days or more in any 12-month period, and whose residential address in the mobilehome park can be verified as one that meets at least three of the following criteria:

1. Address where registered to vote
2. Home address on file at place of employment or business.
3. Home address on file at dependents’ primary or secondary school.
4. Not receiving a homeowner’s exemption for another property or mobilehome in this state nor having a principal residence in another state.
5. California Department of Motor Vehicles identification address.
6. Mailing address.
7. Vehicle insurance address.

8. Home address on file with Bank account.
9. Home address on file with the Internal Revenue Service.
10. Home address on file with local club/association membership.
11. Any other criteria determined to be acceptable by the Director.

Relocation Counselor. A counselor providing the services described in Section 35.89.070.B.1.

Relocation Plan. A document which describes the relocation assistance to be provided for all permanent mobilehome park residents who will be displaced, whether they rent or own their mobilehome unit.

Resident-approved Receiving Site. A site which has been agreed upon by both the applicant and the non-mobilehome resident as a mutually acceptable location to receive a relocated residential unit which does not meet the definition of mobilehome.

SECTION 4:

All existing indices, section references, and figure and table numbers contained in Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 5:

Except as amended by this Ordinance, Article 35.8, Article 35.10, and Article 35.11 of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 6:

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 7:

This ordinance shall take effect and be in force 30 days from the date of its passage and before the expiration of 15 days after its passage a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2012, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

DOREEN FARR
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel

ATTACHMENT C

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE II, THE SANTA BARBARA COUNTY COASTAL ZONING ORDINANCE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE BY AMENDING DIVISION 2, DEFINITIONS, DIVISION 7, GENERAL REGULATIONS, AND DIVISION 12, ADMINISTRATION, TO IMPLEMENT NEW REGULATIONS AND MAKE OTHER MINOR CLARIFICATIONS, CORRECTIONS AND REVISIONS REGARDING MOBILEHOME PARK CLOSURES.

Case No. 11ORD-00000-00018

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

DIVISION 2, Definitions, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend, Section 35-58 to add new definitions of “Effective Date of Permits,” “Mobilehome Park Closure,” and “Mobilehome Owner,” “Mobilehome Owner-approved Receiving Site,” “Mobilehome Park Renters,” “Non-mobilehome Residents,” “Permanent Resident,” “Relocation Counselor,” “Relocation Plan” and “Resident-approved Receiving Site” to read as follows:

EFFECTIVE DATE OF PERMITS:

(1) Development not appealable to the Coastal Commission. The approval of a planning permit for a project that is not appealable to the Coastal Commission shall be deemed effective on the eleventh day following the date of application approval by the appropriate decision maker where an appeal of the decision maker’s action has not been filed in compliance with Section 35-182 (Appeals) unless otherwise indicated in the planning permit. If appealed, the planning permit shall not be deemed effective until final action by the final decision maker on the appeal.

(2) Development appealable to the Coastal Commission. The approval of a planning permit for a project that is appealable to the Coastal Commission shall become effective upon:

- a. The expiration of the Coastal Commission’s 10-day appeal period which begins the next working day following the receipt by the Coastal Commission of adequate notice of the County’s final action unless otherwise indicated in the planning permit; and
- b. Where an appeal of the decision maker’s action has not been filed with or by the Coastal Commissioners, the applicant, or any aggrieved person in Compliance with the Coastal Act, and where a local appeal has not been filed within 10 days of the date of the decision by the applicable decision maker in compliance with Section 35-182 (Appeals) unless otherwise indicated in the planning permit.
- c. If appealed, the planning permit shall not be deemed effective until final action by the final decision maker on the appeal.

MOBILEHOME PARK CLOSURE: When a mobilehome park owner or operator chooses to cease

renting or leasing mobilehome lots for human habitation and this cessation of use would result in the displacement of mobilehome park residents or, when 25 percent or more of the mobilehome units or lots within a park become vacant and the Director determines that an unauthorized closure is underway pursuant to Section 35-144I.8 (Vacancy of a Mobilehome Park of 25 Percent or More).

MOBILEHOME OWNER: The record owner or any person having possession and control of the mobilehome.

MOBILEHOME OWNER-APPROVED RECEIVING SITE: A site which has been agreed upon by both the applicant and the mobilehome owner as a mutually acceptable location to receive a relocated mobilehome.

MOBILEHOME PARK RENTERS: Are residents who rent mobilehomes as their primary residences, but who do not own the mobilehomes.

NON-MOBILEHOME RESIDENTS: Residents who meet the definition of Permanent Resident and own residential units which do not meet the definition of Mobilehome.

PERMANENT RESIDENT: Any person who lives in a mobilehome park for 270 days or more in any 12-month period, and whose residential address in the mobilehome park can be verified as one that meets at least three of the following criteria:

1. Address where registered to vote
2. Home address on file at place of employment or business.
3. Home address on file at dependents' primary or secondary school.
4. Not receiving a homeowner's exemption for another property or mobilehome in this state nor having a principal residence in another state.
5. California Department of Motor Vehicles identification address.
6. Mailing address.
7. Vehicle insurance address.
8. Home address on file with Bank account.
9. Home address on file with the Internal Revenue Service.
10. Home address on file with local club/association membership.
11. Any other criteria determined to be acceptable by the Director.

RELOCATION COUNSELOR: A counselor providing the services described in Section 35-144K.7.2.a.

RELOCATION PLAN: A document which describes the relocation assistance to be provided for all permanent mobilehome park residents who will be displaced, whether they rent or own their mobilehome unit.

RESIDENT-APPROVED RECEIVING SITE: A site which has been agreed upon by both the applicant and the non-mobilehome resident as a mutually acceptable location to receive a relocated residential unit which does not meet the definition of mobilehome.

SECTION 2:

DIVISION 7, General Regulations, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Section 35-144K, titled "Mobilehome Park Closure" and to read as follows:

Sec. 35-144K. Mobilehome Park Closure

Sec. 35-144K.1 Purpose and Intent.

This Section establishes standards for the closure of a mobilehome park and addresses the impact of such closures upon the ability of displaced residents to find adequate housing in another mobilehome park. Mobilehome parks are an important source of affordable housing within Santa Barbara County. The purpose of this Section is to provide relocation assistance to displaced residents and provide mobilehome park owners with protection from unreasonable relocation costs, in compliance with Government Code Sections 65863.7 and 66427.4.

Sec. 35-144K.2 Applicability.

This Chapter applies to applications for the closure of conforming and nonconforming mobilehome parks. Reasons for closure may include conversion to another land use and/or financial considerations on the part of the park owner.

Sec. 35.144K.3 Conditional Use Permit Requirements.

- 1.** A Conditional Use Permit approved in compliance with Section 35-172 (Conditional Use Permits) shall be required in order for a mobilehome park closure to occur.
- 2.** The Planning Commission shall be the review authority for the application for the Conditional Use Permit.

Sec. 35-144K.4 Application Contents.

An application for a Conditional Use Permit required in compliance with Section 35-144K.3 (Conditional Use Permit Requirements), above, shall be submitted in compliance with Section 35-172 (Conditional Use Permits) and shall include all of the following, in addition to all information required in compliance with Section 35-172 (Conditional Use Permits).

- 1.** **Closure Impact Report.** A Closure Impact Report shall be prepared and submitted in compliance with the Government Code Sections 65863.7 and 66427.4. The Closure Impact Report shall be prepared by an independent agent acceptable to the County and, at a minimum, shall include the following information:
 - a.** The number of mobilehomes that will be displaced by the proposed development and the number that will not be affected, and the age, size and condition of all mobilehomes in the park.
 - b.** The number of available vacant mobilehome spaces in existing mobilehome parks within a 25 mile radius of the mobilehome park for which closure is sought, the space rental rates and evidence of the willingness of those mobilehome park owners to receive some or all of the displaced mobilehomes.
 - c.** An estimate of the relocation cost considering all of the costs related to moving and installing the displaced mobilehomes on an available receiving site, providing rental subsidies, or purchasing the mobilehome unit as described in 35-144K.7 (Conditions of Approval) below.
 - d.** For displaced residents, the household sizes, whether they own or rent the mobilehome, and the monthly rental rates (space rent and/or unit rental rate).

- e. The names, addresses and phone numbers of the Closure Impact Report consultants, mobilehome appraisers, mobilehome movers, and relocation counselors who the applicant might use. The professional credentials of these specialists shall be described, and all such specialists used during the project shall be acceptable to the County.
- f. A list of alternative housing and/or replacement housing within a 25 mile radius that is currently available to displaced mobilehome park residents. The list shall include mobilehomes and housing units that are available for rent or for sale, both affordable and market-rate units.

Sec. 35-144K.5 *Special Notice Requirements.*

The following special notice requirements are in addition to any notice that may be required in compliance with Section 35-181 (Noticing). The applicant shall verify, to the satisfaction of the Director that a good faith effort has been made to ensure that each park resident and mobilehome owner has received or will receive each of the following notices and documents. No hearing on a proposed mobilehome park closure shall be scheduled until the applicant has provided verification of the notification to the satisfaction of the Director.

- 1. Notice of Intent.** A “Notice of Intent” by applicant to convert or close the mobilehome park shall be sent by the applicant by certified mail at least 60 days prior to submittal of the Conditional Use Permit application to the County. After the “Notice of Intent” has been issued, the applicant shall inform all new or prospective residents and/or mobilehome 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).
- 2. Closure Impact Report.** A copy of the Closure Impact Report in compliance with 35-144K.4 (Application Content) at least 15 days before the scheduled hearing on the application for the Conditional Use Permit, in compliance with Government Code Sections 65863.7 and 66427.5.
- 3. Written notice.** A written notice, in addition to the public hearing notice required in compliance with Section 35-181 (Noticing), at least 15 days before the scheduled hearing on the application for the Conditional Use Permit, informing residents that the applicant will be appearing before a local government board, commission, or body to request permits for a change of use of the mobilehome park, in compliance with Civil Code Section 798.56(g).
- 4. Notice of termination of tenancy.** In compliance with Civil Code Section 798(g), the applicant shall provide all residents proposed to be displaced and the owners of all mobilehomes 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 Conditional Use Permit. The said notice shall be sent by certified mail to each resident and mobilehome owner within the 10 calendar days following the effective date of the Conditional Use Permit.

Sec. 35-144I.6 *Informational Meeting.*

- 1.** The applicant shall conduct an informational meeting for the residents of the mobilehome park at least 10 calendar days before the initial scheduled hearing on the application for the Conditional Use Permit regarding the proposed mobilehome park closure.
- 2.** The meeting shall be conducted on the premises of the mobilehome park, or other location acceptable to the County, and a County representative and the Relocation Counselor, as described in Subsection 35-144K.7.2.a, shall be present.

- 3.** The meeting shall address the proposed mobilehome park closure, the closure application process, the contents of the Closure Impact Report, and proposed relocation assistance for displaced mobilehome owners and residents.
- 4.** All mobilehome park residents shall receive a written notice at least 10 days prior to the meeting. The notice shall specify the time, date, and location of the informational meeting and summarize the subject matter of the meeting which at a minimum shall address the requirements listed in Subsection C, above.

Sec. 35-144K.7 **Conditions of Approval.**

Approval of a Conditional Use Permit shall include conditions of approval which, at a minimum, shall satisfy the following requirements.

- 1. Relocation or sale.** In compliance with Government Code Sections 65863.7 and 66427.4, the County may apply measures to cover, but not exceed, the reasonable costs of relocation for displaced mobilehome park residents. Mobilehome owners who are not permanent residents are not eligible for relocation benefits. The Conditional Use Permit shall identify the options assigned to each displaced mobilehome occupant in a Relocation Plan, as follows:

- a. Relocation assistance for mobilehome owners whose homes can be relocated.** The applicant shall comply with all of the following requirements as applicable for each mobilehome owner who is also a permanent resident.

- 1)** The applicant shall pay all costs related to moving the mobilehome, fixtures, and accessories to a comparable mobilehome park within 25 miles of the existing location. If no spaces within 25 miles are available, the mobilehome may also be moved to a mobilehome owner-approved receiving site as requested by the mobilehome owner at a cost to the applicant that does not exceed the costs of moving the mobilehome to a site within 25 miles. Fixtures and accessories include: decks, porches, stairs, access ramps, skirting, awnings, carports, garages and storage sheds. Relocation shall include all disassembly and moving costs, mobilehome set-up costs, utility hook-up fees, moving of mobilehome owner's possessions, any move-in deposit, any permitting fees (e.g., mobilehome permit, land use permit, coastal development permit) and the reasonable living expenses of displaced mobilehome residents for a period not exceeding 30 days (from the date of actual displacement until the date of occupancy at the new site) except where the County determines that extenuating circumstances prolong the moving period. The comparable mobilehome park, or mobilehome owner-approved receiving site, and the relocated mobilehome shall conform to all applicable federal, State, and County regulations. The mobilehome park or receiving site shall be available and willing to receive the mobilehome. The mobilehome park shall be a facility that is licensed and inspected by the California Department of Housing and Community Development.
- 2)** The applicant shall provide displaced mobilehome owners, which qualify as permanent residents, with payment of a lump sum equal to the difference of rent between the old and new mobilehome park spaces for a period of 12 months, if the new rent exceeds the old rent.

- b. Relocation assistance for mobilehomes owners whose homes cannot not be relocated.** In cases in which it is not feasible to relocate the mobilehome, including cases in which the condition of the mobilehome is such that it cannot be safely relocated, cases in which the

mobilehome does not meet minimum requirements to be accepted into another mobilehome park, or cases in which there are no available spaces at a mobilehome park within 25 miles, the applicant shall provide the following relocation assistance to each mobilehome owner who is also a permanent resident.

- 1) Each displaced mobilehome household will receive 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 and that meets Department of Housing and Urban Development (HUD) Housing Quality Standards for a period of 12 months. For purposes of calculating a relocation payment, the rent differential shall not exceed the difference between the current space rent and the Fair Market Rent of a unit of a size appropriate to accommodate the displaced household as published annually by HUD. If the mobilehome owner sells their unit to a third party the mobilehome owner shall receive the proceeds from said sale and is also eligible for the aforementioned rent subsidy; ~~and. The total subsidy shall not exceed the total amount of relocation assistance described in Subsection 35-144K.7.1.a that would be payable if relocation at a distance of 25 miles were feasible, using the estimates provided in the Closure Impact Report; and,~~
- 2) ~~The applicant shall buy the mobilehome and pay the “in-place” sale value, which shall be the appraised fair market value as determined by a certified real estate appraiser who is acceptable to the County, utilizing principles applicable in mobilehome relocation matters. The appraised value shall be determined after consideration of relevant factors, including the value of the mobilehome in its current location, assuming continuation of the mobilehome park in a safe, sanitary, and well maintained condition. The mobilehome owner may require the applicant to purchase the mobilehome for the appraised value of the unit, not to exceed the total amount of relocation assistance described in Subsection 35-144K.7.1.a that would be payable if relocation at a distance of 25 miles were feasible, using the estimates provided in the Closure Impact Report.~~

c. **Relocation assistance for non-mobilehome residents.** For permanent residents whose residential units do not meet the definition of a mobilehome, the applicant shall pay all costs related to moving the unit, fixtures, and accessories to a resident-approved receiving site within 25 miles of the existing location, as requested by the resident. The applicant shall provide payment of a lump sum equal to the difference of rent between the old and new mobilehome park spaces for a period of 12 months, if the new rent exceeds the old rent. The applicant shall also pay the reasonable living expenses of displaced residents for a period not exceeding 30 days (from the date of actual displacement until the date of occupancy at the new site) except in cases in which the County determines that extenuating circumstances prolong the moving period. If the unit cannot be relocated, the applicant shall pay a sum equal to three months of the fair market rent for the area as determined by the HUD pursuant to Section 1437f(c)(1) of Title 42 of the United States Code or seven thousand dollars, whichever is greater, to each such displaced household.

d. **Relocation assistance for mobilehome renters.** The applicant shall pay a sum equal to three months of the fair market rent for the area as determined by the HUD pursuant to Section 1437f(c)(1) of Title 42 of the United States Code or seven thousand dollars, whichever is greater, to each displaced renter household.

- e. Nothing contained herein precludes any mobilehome owner who is also a permanent resident of the park from selling his or her mobilehome to the applicant for an agreed upon price to be no less than the amount of relocation assistance described in Subsection 35-144K.7.1.a in exchange for waiver of payment of those benefits described in Subsection 35-144K.7.1. Nothing contained herein shall require any mobilehome owner to agree to sell his or her mobilehome to the applicant or to waive receipt of relocation benefits.
- f. Nothing contained herein precludes the applicant and displaced mobilehome park residents who are also permanent residents of the park from agreeing on other mutually satisfactory relocation assistance in lieu of the assistance required in Subsection 35.89.070.A of this ordinance.

2. Relocation plan. The Relocation Plan required in compliance with Subsection A, above, shall describe the relocation assistance to be provided for all permanent mobilehome park residents who will be displaced, whether they rent or own the occupied mobilehome unit. The plan shall describe the cost of relocation for each displaced mobilehome and/or household, identify the location of the new mobilehome space or replacement housing unit, the amount of financial assistance to be provided, and shall describe the time frame and steps that will be taken to complete the relocation. All real estate and financial transactions and all relocation activities shall be completed prior to termination of mobilehome park tenancy for each displaced household.

The plan shall identify all displaced mobilehomes to be sold to the applicant or a third party, or to be relocated for the mobilehome owner(s). The plan shall provide the purchase value of all mobilehomes to be sold including fixtures and accessories, ~~but not including the value of the land space.~~ The plan shall describe all relocation costs for displaced mobilehome park residents. Any disagreement between a mobilehome park resident and the applicant regarding relocation assistance or sales value shall be referred to a professional arbitrator acceptable to the County and paid for by the applicant. Such disagreements must be submitted in writing to the applicant by the mobilehome park resident within 45 days after the mobilehome park resident has obtained a written notice describing what he/she will receive.

a. Relocation Counselor. Applicant shall offer to provide for all displaced mobilehome owners and residents the services of a Relocation Counselor, acceptable to the County, to provide information about the available housing resources and to assist with the selection of suitable relocation alternatives. Acceptable relocation alternatives include vacant mobilehome units and spaces, rental and ownership housing units, affordable and market-rate units. 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 belongings to the replacement housing, to render financial advice on qualifying for various housing types, to explain the range of housing alternatives available, and to gather and present adequate information as to available housing. The Relocation Counselor shall assist in the preparation and implementation of the Relocation Plan.

No later than 30 calendar days following the effective date of the Conditional Use Permit for the mobilehome park closure, the Relocation Counselor(s) shall make personal contact with each displaced resident of the mobilehome park and, unless waived by the resident, 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 Conditional Use Permit. The Relocation Counselor shall provide proof of contact and written notice with the mobilehome park residents by filing an affidavit attesting that fact

with the Department.

Sec. 35-144K.8 *Vacancy of a Mobilehome Park of 25 Percent or More.*

- 1.** Whenever 25 percent or more of the total number of mobilehome sites within a mobilehome park that are occupied as of [effective date of this Ordinance] 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 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 the mobilehome park closure, in compliance with the requirements of this Section. A mobilehome site is considered to be “uninhabited” when it is either (i) unoccupied by a mobilehome, or (ii) occupied by a mobilehome in which no person resides for a period of 90 days or more.
- 2.** Whenever a mobilehome park resident or other interested person has reason to believe that 25 percent or more of the total number of mobilehome sites within a mobilehome park are uninhabited, as described in Subsection 1, above, such resident or person may file a written statement to that effect with the Director. Upon receipt of such statement, the Director shall cause an investigation and inspection to be conducted to verify the accuracy of such statement. Upon completion of the investigation and inspection, the Director shall make a determination as to whether an unauthorized mobilehome park closure is underway.
- 3.** If the Director determines that an unauthorized mobilehome park closure is underway, he or she shall send a written notice by certified mail to the mobilehome park owner which describes the Director’s determination and establishes a reasonable period of time by which the mobilehome park owner shall submit an application in compliance with this Section for the closure of a mobilehome park.
- 4.** Once the Director has determined whether an unauthorized mobilehome park closure is underway, a written notice that describes such determination shall be sent by the County to the mobilehome park owner, mobilehome park manager, the person(s) who filed the written statement in compliance with Subsection 2, above, and to all the residents in the mobilehome park.
- 5.** The determination of the Director, in compliance with Subsection 2, above, may be appealed by the person who filed the statement, by the mobilehome park owner, the mobilehome park manager, or by any other interested person within the 10 calendar days following the date of the notice of determination. All such appeals shall be submitted and processed in compliance with Section 35-182 (Appeals).

Sec. 35-144K.9 *Request for Exemption from Relocation Assistance Requirements.*

- 1.** Any person who files an application for a Conditional Use Permit for the closure of a mobilehome 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 35-144K.7 (Conditions of Approval). The request for the exemption, as described in Subsection 35-144K.9.2, shall be processed in conjunction with the application for the Conditional Use Permit, and shall be distributed to each resident household and mobilehome owner at the time of application submittal.
 - a. The applicant may request an exemption for one of the following reasons:

- 1) That the requirement(s) for relocation assistance would eliminate substantially all reasonable economic use of the property.
- 2) That a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that mobilehome park closure or cessation of use of the property as a mobilehome park is necessary, and that such court has taken further action that would prohibit or preclude the payment of relocation assistance benefits, in whole or in part.

2. Any request for exemption submitted in compliance with Subsection 35-144K.9.1.a shall contain, at a minimum, the following information:

a. Statements of profit and loss from the operations of the mobilehome 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.

b. **Report required.**

1) 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 the said property, and that the costs thereof makes continuation of the mobilehome park economically infeasible, then a report shall be made and submitted, under penalty of perjury, by a civil engineer or general contractor licensed as such in compliance with the laws of the State of California.

a) The report shall verify that such civil engineer or contractor has thoroughly inspected the entire mobilehome park and has determined that certain repairs and improvements must be made to the mobilehome park to maintain the mobilehome park in decent, safe and sanitary condition, and that those certain repairs are not the result of the mobilehome park owner or applicant's negligent failure to properly maintain the said property.

b) The report shall describe the minimum period of time in which such improvements or repairs can be accomplished along with the estimated cost for the improvements and repairs. The anticipated costs or damages, if any, which may result if maintenance is deferred shall be identified separately. The report shall also describe any additional repairs or improvements that will be necessary for continuous upkeep and maintenance of the property.

c) The report shall be referred to the California Department of Housing and Community Development for review and comment.

2) If the Director requires an analysis of the information submitted by the civil engineer or general contractor, the Director may procure the services of another licensed civil engineer or general contractor to provide such written analysis, and all such costs shall be paid entirely by the applicant.

c. An estimate of the total cost of relocation assistance which would be required in compliance with Section 35-144K.7 (Conditions of Approval). This estimate shall be based on surveys, appraisals and reports, prepared to the County's satisfaction, 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 measures delineated in Section 35-144K.7 (Conditions of Approval).

- d. If the proposed closure is due to conversion of the land to another use, an estimate of the value of the mobilehome park, if the park were permitted to be developed for the change of use proposed in the application for closure of the park, and an estimate of the value of said park, if use of the property as a mobilehome park is continued, are required. These estimates shall be prepared by a certified real estate appraiser who is acceptable to the County.
 - e. Any other information which the applicant believes to be pertinent, or that may be required by the Director.
 - f. Any request for exemption filed pursuant to Section 35-144K.9.1.a.1) 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.
- 3.** 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 mobilehome park, its condition and the condition of 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 Commission shall expressly indicate in its decision any waiver and the extent thereof.
- 4.** Where a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure or cessation of the use of said property as a mobilehome 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.
- 5.** The action of the Commission to approve, conditionally approve, or deny the request for exemption is final, subject to appeal in compliance with Section 35-182 (Appeals).

Sec. 35-144K.10 Additional Findings Required for Closure of a Mobilehome Park.

A Conditional Use Permit for a mobilehome park closure may be approved or conditionally approved only if the Commission first finds, in addition to the findings required in compliance with Section 35-172 (Conditional Use Permits), that adequate measures to address adverse impacts on the ability of displaced residents to find adequate housing in a mobilehome park, as described in Section 35-144K.7 of the County's Coastal Zoning Ordinance, have to the maximum extent feasible, but not exceeding the reasonable costs of relocation, been taken without substantially eliminating reasonable economic use of the property.

SECTION 3:

DIVISION 12, Administration, of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend Subsection A, Decisions appealed to the Planning Commission, of Section 35-182.4, Appeals to the Planning Commission, of

Section 35-182, Appeals, to read as follows:

- A. Decisions appealed to the Planning Commission.** The following decisions may be appealed to the Planning Commission provided the appeal complies with the requirements of Section 35-182.2.C and D.
- 1. Board of Architectural Review decisions.** The following decisions of the Board of Architectural Review may be appealed to the Planning Commission:
 - a. Any decision of the Board of Architectural Review to grant or deny preliminary approval.
 - b. Any decision of the Board of Architectural Review to grant or deny final approval in compliance with Section 35-182.2.C.2.b.
 - 2. Director decisions.** The following decisions of the Director may be appealed to the Planning Commission:
 - a. Any determination on the meaning or applicability of the provisions of this Article.
 - b. Any determination that a discretionary permit application or information submitted with the application is incomplete as provided by Government Code Section 65943.
 - c. Any decision of the Director to revoke an approved or issued Coastal Development Permit or Land Use Permit.
 - d. Any decision of the Director to approve, conditionally approve, or deny an application for a Coastal Development Permit except for Coastal Development Permit approved in compliance with Section 35-137 (Temporary Uses).
 - e. Any decision of the Director to approve, conditionally approve, or deny an application for a Land Use Permit.
 - f. Any decision of the Director to approve, conditionally approved, or deny an application for a Development Plan.
 - g. Any decision of the Director to approve, conditionally approved, or deny any other discretionary application where the Director is the designated decision-maker.
 - h. Any decision of the Director as to whether or not an unauthorized mobilehome park closure is underway.
 - hi. Any other action, decision, or determination made by the Director as authorized by this Article where the Director is the decision-maker except when specifically provided that such action, decision or determination is final and not subject to appeal.

SECTION 4:

All existing indices, section references, and figure and table numbers contained in Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 5:

Except as amended by this Ordinance, Division 2, Division 7, and Division 12 of Article II, the Santa Barbara County Coastal Zoning Ordinance, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 6:

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 7:

This ordinance and any portion of it approved by the Coastal Commission shall take effect and be in force 30 days from the date of its passage or upon the date that it is certified by the Coastal Commission pursuant to Public Resources Code 30514, whichever occurs later; and before the expiration of 15 days after its passage, it, or a summary of it, shall be published once, together with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News-Press, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2012, by the following vote:

- AYES:
- NOES:
- ABSTAINED:
- ABSENT:

DOREEN FARR
Chair, Board of Supervisors
County of Santa Barbara

ATTEST:

CHANDRA L. WALLAR
Clerk of the Board of Supervisors

By _____
Deputy Clerk

APPROVED AS TO FORM:

DENNIS A. MARSHALL
County Counsel

By _____
Deputy County Counsel